



**BLUFFDALE CITY COUNCIL
MEETING AGENDA
Wednesday, September 28, 2016**

Notice is hereby given that the Bluffdale City Council will hold a meeting Wednesday, September 28, 2016 at the Bluffdale City Fire Station, 14350 South 2200 West, Bluffdale, Utah scheduled to begin promptly at **6:30 p.m.** or as soon thereafter as possible. Notice is further given that access to this meeting by the Mayor and or City Council may be by electronic means via telephonic conference call.

BLUFFDALE CITY COUNCIL REGULAR BUSINESS MEETING 6:30 P.M.

1. Roll Call, Invocation, Pledge of Allegiance*
2. **PUBLIC FORUM** – (4 minute maximum per person to bring items not already on the agenda before the Council. Participants are encouraged to submit a written statement (1 copy) for items that are complex or that may require more than 4 minutes to present).
3. **CONSENT AGENDA** –
 - 3.1 Approve a resolution of the Bluffdale City Council authorizing the City Manager to enter into agreements awarding a contract for the Concrete for the Parry Farms Park.
 - 3.2 Approve a resolution appointing a Board of Adjustment Member.
4. **PUBLIC HEARING** – Consideration and vote on an Amendment to the Zoning Map from Heavy Commercial (HC) to General Commercial (GC-1) for 4.66 acres shown as Plat J, located at approximately 15200 South Pony Express Road, 4 Independence, LLC, applicant, staff presenter, Jennifer Robison.
5. Consideration and vote on a resolution approving Porter’s Point Townhomes Major Change to Development Agreement and Project Plan for 4.09 acres in the Mixed Use Zone as part of the Independence Project, Newman Construction, applicant, staff presenter, Jennifer Robison.
6. Consideration and vote on an ordinance amending Section 5-1-2 of the Bluffdale City Code Prohibiting the Discharge of Firearms within the City of Bluffdale, staff presenter, Vaughn Pickell.
7. Consideration and vote on an ordinance amending Section 1-10-3 of the Bluffdale City Code related to Source Selection of Purchase Contracts from Cooperative Purchasing Alliances, staff presenter, Vaughn Pickell.
8. Consideration and vote on an ordinance adopting Section 6-1-5 of the Bluffdale City Code Prohibiting Impacts to Bridge Structures, staff presenter, Vaughn Pickell.
9. Consideration and vote on a resolution authorizing execution of an Interlocal Cooperation Agreement with Salt Lake County providing for the Transfer of up to \$1,579,000 of County Transportation Funds to the City of Bluffdale, staff presenter, Vaughn Pickell.

10. Mayor's Report
11. City Manager's Report and Discussion

PLANNING SESSION

12. Please Note: The planning session is for identifying future items and other council discussion in accordance with Utah Code § 52-4-201(2)(a). While the meeting may be open to the public, there will not be any opportunity for public input during the planning session.
13. Assisted Living: Potential Zoning Text Amendment to Neighborhood Commercial (NC) Zone at approximately 13974 South 2700 West, Roy Bartee/Ridgemark, applicant.
14. Closed meeting pursuant to Utah Code § 52-4-205(1) to discuss the character, professional competence, or health of an individual, collective bargaining, pending or imminent litigation, strategies to discuss real property acquisition, including any form of a water right or water shares, security issues, or any alleged criminal misconduct (if needed).
15. Adjournment

Dated this 23rd day of September, 2016

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND AGENDA WAS FAXED TO THE SOUTH VALLEY JOURNAL, THE SALT LAKE TRIBUNE, AND THE DESERET MORNING NEWS; POSTED AT THE BLUFFDALE CITY HALL, BLUFFDALE CITY FIRE STATION, AND THE COMMUNITY BULLETIN BOARD AT THE BLUFFS APARTMENTS; EMAILED OR DELIVERED TO EACH MEMBER OF THE BLUFFDALE CITY COUNCIL; ON THE CITY'S WEBSITE AT WWW.BLUFFDALE.COM AND ON THE PUBLIC MEETING NOTICE WEBSITE, WWW.PMN.UTAH.GOV



Wendy L. Deppe, CMC
City Recorder

Note: The Bluffdale City Council will take a recess at approximately 9:30 p.m. and will evaluate the time needed to complete items not yet heard on the evening's agenda. Items the Council determines may take the meeting past 10:00 p.m. may be removed from the agenda and re-scheduled for the next regularly scheduled meeting. In compliance with the American with Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City Hall at least 24 hours in advance of this meeting at 801-254-2200. TTY 7-1-1. *Contact the City Recorder if you desire to give the Invocation.

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Present: Mayor Derk Timothy
Alan Jackson (arrived at 6:32 p.m.)
Ty Nielsen
Boyd Preece
Justin Westwood (arrived at 7:21 p.m.)
James Wingate

Staff: Mark Reid, City Manager
Vaughn Pickell, City Attorney
Grant Crowell, City Planner/Economic Development Director
Michael Fazio, City Engineer
Bruce Kartchner, Finance Director
Jennifer Robison, Senior City Planner
Blain Dietrich, Public Works Operations Manager (arrived at 6:38 p.m.)
Wendy Deppe, City Recorder

Others: Steve McCutchan
Mindy Dansie
Johnny Loumis, Jr.
Bryan Flamm

Mayor Derk Timothy called the meeting to order at 6:30 p.m.

1. Roll Call, Invocation, Pledge of Allegiance.

All Members of the City Council were present with the exception of Alan Jackson and Justin Westwood who arrived later.

City Engineer, Michael Fazio, offered the invocation.

Alan Jackson led the Pledge of Allegiance.

2. PUBLIC FORUM.

There were no members of the public wishing to address the Council.

3. CONSENT AGENDA.

3.1 Approve a Resolution of the Bluffdale City Council Authorizing the City Manager to Enter into Agreements Awarding a Contract for the Concrete for the Parry Farms Park.

Boyd Preece pulled Agenda Item 3.1 from the Consent Agenda. He commented that the figure was much higher than expected and he wished to discuss it. City Manager, Mark Reid, commented that post tension concrete is more expensive but prevents premature cracking. He

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reported that he polled the Parry Farms residents who were in favor of the courts. The neighbors were provided with a list of options that could be included in the park. Basketball was the first and the pavilion was second. Tennis was low on the list of priorities and pickleball was toward the top. The restroom was delayed in the hope of receiving a grant. The tot lot was high on the list of priorities but does not include cement. It was noted that the pickleball courts will be smaller than the basketball court. Grouping four courts together seemed to maximize the opportunities for the public to utilize them.

Mr. Reid described how post tension works. He stated that the budget was \$400,000. The restrooms were expected to be approximately \$80,000. Public Works Operations Manager, Blain Dietrich, clarified that the cement work also includes the sidewalk that goes all the way around the detention pond and back up to the parking lot. He thought it was a good deal with the sidewalk being provided at \$5 per square foot, which is \$3 per square foot less than the previous bid.

Mr. Dietrich commented that pickleball is a social and athletic sport and pods of four are the minimum that anyone is building. The County constructs 16 in a pod, Woods Cross just did 10, and Kaysville is doing eight. Nearly any sports court is now built with post tension because it increases the life of the court, the safety, and the maintenance to prevent cracking and vertical separation. Tennis courts have done post tension for many years and Mr. Dietrich knew of no city-owned or government-owned sport court facility that has been done without it. Mr. Dietrich stated that the basketball and pickleball courts are both post tension as are the footings and all of the concrete work on the pavilion and sidewalks. The only concrete work that is not in the bid is the concrete wall that will go around the playground area to hold in the bark chips.

With regard to size, Mr. Dietrich stated that the four pickleball courts are larger than the basketball court but four pickleball courts are just larger than one tennis court. Mr. Reid stated that in looking at amenities around the City, their desire is to construct tennis courts in the Vintage Park because currently there are none in the City. The facility in Parry Farms was not large enough depth wise for tennis courts. The intent was to light the pickleball and basketball areas.

Mr. Dietrich stated that conduit is being put in. The transformer and the meter have both already been put in. The sewer is also being run for the restroom and maintaining the footprint although the exact dimensions of the restroom are not known. The parking lot has been paved and a lot of positive feedback has been received from residents.

Mr. Dietrich commented on the popularity of pickleball. The bidding process was discussed. Mr. Dietrich expected the bid to be between \$110,000 and \$130,000. He stated that they are under that if the contingency is not counted. The square footage of the sidewalk that needs to be constructed was calculated and the bid came in at \$1.00 per square foot. The total cost was just over \$220,000 with the fencing and the contingency. Mr. Reid stated that the budget was \$400,000 and they will stay within that with the restroom.

Boyd Preece moved to approve agenda item 3.1. Alan Jackson seconded the motion. Vote on motion: Alan Jackson-Aye, Ty Nielsen-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously. Justin Westwood was not present for the vote.

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3.2 Approve a Resolution Appointing a Board of Adjustment Member.

James Wingate moved to approve consent agenda item 3.2. Ty Nielsen seconded the motion. Vote on motion: Alan Jackson-Aye, Ty Nielsen-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously. Justin Westwood was not present for the vote.

4. PUBLIC HEARING – Consideration and Vote on an Amendment to the Zoning Map from Heavy Commercial (HC) to General Commercial (GC) for 4.66 Acres Shown as Plat J, Located at Approximately 15200 South Pony Express Road, 4 Independence, LLC, Applicant, Staff Presenter, Jennifer Robison.

Senior City Planner, Jennifer Robison, identified the property on a map displayed and reported that Plat J has come before the Council a few times before with proposals for different types of uses. Originally the property was zoned Sand and Gravel and then came back for a rezone to Heavy Commercial when the property owners had a potential buyer who was interested in locating a corporate office on the property. That sale ultimately fell through. The property owners now have a potential buyer who would like to develop storage units. Mrs. Robison explained that the request will still be required to go through the subdivision process because it is still part of the larger parcel owned by DAI 4 Independence.

Mrs. Robison reported that new standards for storage units were approved. Currently they are not allowed in the Heavy Commercial zone although there are some. Storage units are only an allowed use in the General Commercial zone. Mayor Timothy explained that the approval authority for the conditional use is the Planning Commission. Areas zoned General Commercial were identified. The request was to change the zoning of the property in order for the applicant to work with the potential buyer to go through the conditional use and site plan processes.

Mrs. Robison reported that on the Master Transportation Plan there was discussion of making a connection up to Pony Express, which will require going through the subdivision process and will include the subject property. Connections will need to be made with Geneva for the small parcel next to Plat J. Mrs. Robison informed the Council that there is also a gas line easement running through the property. She stated that storage units might be one way to work around the easement.

Mr. Reid asked if any of the discussions from the last meeting with the applicant had come forward. Mrs. Robison explained that DAI recently amended their Master Transportation Plan and the discussion was that the proposed connection would not take place and dead end because they would not want people traveling through the neighborhood. The residents of Independence support the use since they do not have a lot of area for storage. With regard to the entryway, Mayor Timothy was not sure the connection would be of concern since it would not be used that often. His preference was to keep the road closed.

The applicant, Bryan Flamm, gave his address as 1099 West South Jordan Parkway and commented that with regard to pickleball courts, they are putting them in a lot of places and the use is 10 times greater than basketball courts. He expected the City to see them used a great deal. Mr. Flamm stated that they have gone under contract on a few occasions on the site and the gas line has ultimately been very problematic. In addition, there have not been any storage units built

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in the area since Independence was established. There are a massive number of homes being built that do not have a lot of room for storage. He clarified that the property is not being sold to a third party and they will be developing the storage units. Mr. Flamm commented that the site plan has been placed as close to the frontage road as possible in terms of access into the site. He explained that the gas line splits the property so there will be a drive aisle down the gas line where nothing will be constructed. There will be enclosed conditioned space on the small portion and unconditioned space on another.

Boyd Preece addressed the look and feel of the exterior of the storage units and would be very sensitive to outdoor storage. His preference was that the entry road not go through.

Mayor Timothy opened the public hearing.

Ulises Flynn gave his address as 15192 South Skyfall Drive and identified the location of his home on the map displayed. He asked if the applicant had considered public parking into the storage units to prevent people from parking on the road. He expressed appreciation to the City for installing the “dead end” sign. He identified where he felt the best access points would be located since there will be a large number of trucks and trailers utilizing the site.

Mr. Flamm stated that the site plan is not yet final but they have a gate proposed on the rear portion of the site. On the plan they are currently working on there is parking both in front of and behind the gate.

There were no further public comments. The public hearing was closed.

Ty Nielsen was disappointed to hear that storage units were being proposed and did not want Bluffdale to become the footlocker for the valley. Other storage units in the area were identified. Mayor Timothy commented that the vacancy of Mountain Storage is 15%. He felt that if storage units were in demand the percentage would be closer to zero. He stated that many storage businesses go by a 158 rule. The purpose of trying to maintain a closer diameter of people who are served is because the closer they are to the site the more likely they are to be repeat customers who are more reliable. The rate has a lot to do with how large the diameter is. If they have to compete with other storage facilities in the area, their diameter has to grow larger because their rates go down.

Mayor Timothy reported that Penco Storage has a zero percent vacancy due to very low rates. Red-E Storage has a 24% vacancy, which is close to Independence. Town Storage, which is newer and located in a different area, has a 40% vacancy. The Mayor commented that once Porter Rockwell Boulevard goes through access from Independence will be much easier. He agreed that the gas line is a problem.

Alan Jackson commented on uses that are currently permitted or conditional and preferred storage units over some of them. For example, open storage is allowed as a conditional use. He pointed that as a positive, the proposed use would eliminate 4.66 acres of weeds that have created a fire hazard. Mayor Timothy recalled that there was quite a bit of opposition to Town Storage. Now

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that they are open for business, no complaints have been received and they seem to be a good neighbor.

Boyd Preece pointed out that the residents realize there could be a less desirable use there than storage units. Once the property is developed he looked forward to the road connection out of Porter Rockwell. He stated that there is a lot of traffic because of the school traffic that comes through the neighborhood. He commented that once the road connection is completed the traffic will decrease.

Ty Nielsen moved to amend the zoning map from Heavy Commercial to General Commercial for the 4.66 acres shown as Plat J, located at approximately 15200 South Pony Express Road, 4 Independence, LLC. James Wingate seconded the motion. Vote on motion: Alan Jackson-Aye, Ty Nielsen-Aye, James Wingate-Aye, Boyd Preece-Aye. The motion passed unanimously. Justin Westwood was not present for the vote.

5. Consideration and Vote on a Resolution Approving Porter's Point Townhomes Major Change to Development Agreement and Project Plan for 4.09 Acres in the Mixed-Use Zone as Part of the Independence Project, Newman Construction, Applicant, Staff Presenter, Jennifer Robison.

Mrs. Robison presented the staff report and stated that the project came before the Planning Commission back in April. Negotiations then took place between Newman Construction and the City. A development agreement will be needed as part of the project plan. The location of the property was identified on the map displayed and is just north of the Westgate subdivision. The property was part of the overall Independence Project that was approved some time ago and is considered part of the Westgate portion of the development. The original Westgate plan comprised about 50 acres. The new Westgate portion that was recently approved is just over 32 acres in size. Newman owns 20 acres, which includes the portion under consideration. They are only proposing to develop a total of 5.83 acres including the portion that will be dedicated to the canal company.

Justin Westwood joined the meeting at 7:21 p.m.

For the entire area Newman was to provide 6.4 acres of open space. In the New Westgate area, 3.1 acres of open space were provided with 2.63 acres of private space. The total required in the Old Westgate development has mostly been met by the New Westgate. What is proposed on the Newman property is .53 acres of open space. The policy discussions tonight should involve whether it should be public or private and how it is owned and maintained. It was noted that 393 units were proposed for the entire area. In New Westgate, 266 were approved after additional property was obtained from the railroad company. Newman is proposing 32 units.

Mrs. Robison provided the Council with the new concept plan. She reported that the Planning Commission reviewed a project plan; however, it had a different layout. Since then the developer has worked with their engineers to prepare the construction drawings. She stated that some of the easements, especially the sewer easement, did not line up the way they needed it to. After the

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Planning Commission recommended approval to the Council, the concept plan was modified. The revised version was included to show the proposed changes, which were not significant. The density remained at 32 units. The open space changed slightly and the determination needed to be made as to whether public or private open space is desired. The road also remained the same. Some of the lots were moved around slightly. A new builder was interested in the footprints shown on the original concept.

Mrs. Robison identified some of the important policy issues such as the types of units. In the plan they are shown as front-loaded single-family or alley-loaded single-family units. The applicant is proposing townhome units that are front-loaded with two-car garages and a 20-foot driveway. A determination should be made tonight with regard to whether the unit types can change.

With respect to open space, the applicants are proposing that it be privately owned and maintained. There is a trail that comes through to the edge of the Westgate Development. The Planning Commission felt it was important for the Council to make sure it remains a public access. When they get to the platting it was recommended that there be a public easement there so that the trail can be installed and only maintained by the homeowners' association. In the development agreement, there would have to be a connection over the canal at some point. The development agreement specifies that the developer is responsible to do the construction. The Planning Commission, however, recommended that the Council determine the timing and the funding of how that will occur.

During the Planning Commission Meeting concern was also raised about safety along the canal and how the fencing might take place on the property. Mayor Timothy asked if there was a requirement type for fencing to the adjacent townhome subdivision. Mrs. Robison was not aware of the applicants articulating any fencing there. The Mayor remarked that a fence will need to be required along the canal.

With regard to fencing along the rear, Mrs. Robison stated that it was not required but the developer of Liberty Homes has committed to installing Trex fencing similar to what exists in the Marketplace project.

Mayor Timothy asked why a narrower standard is being allowed in this case. Mrs. Robison recalled that the discussion originally was because they are so constrained. She did not think that the width of the pavement would change but they would lose the park strip on one side. There will be a continuous sidewalk on both sides. The Mayor questioned the value of the standard if it is not followed.

Mrs. Robison explained that a railroad company owns a portion of the property. Quit claim deeds were received earlier in the day stating that the Newmans purchased the property in May. One of staff's concerns was to make sure that the property is included as part of their project plan. City Attorney, Vaughn Pickell, reported that the deed had not been received for 1000 West that they agreed to acquire. Because there is not a second access to the subdivision he recommended that approval be tabled until the deed has been received.

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Mayor Timothy commented that the new document states that there are eight townhomes on the private driveway and there are nine. He indicated that there is a 24-foot wide driveway and the setback is 20 feet, which leaves enough space to park two cars in the driveway and two in the garage. The Mayor thought that the bigger concern was the fact that the 1000 West agreement with the Newmans is not complete and the second access still needs to be finalized. He also questioned the narrower road and stated that it violates the standard.

Justin Westwood moved to table a resolution approving Porter's Point Townhomes major change to the development agreement and project plan for 4.09 acres in the Mixed-Use zone as part of the Independence project. Ty Nielsen seconded the motion.

One of Boyd Preece's major concerns was with the architectural guidelines. He wondered if the developer would consider putting a percentage on a certain amount of masonry or rock along the front facing portion.

Vote on motion: Justin Westwood-Aye, James Wingate-Aye, Boyd Preece-Aye, Alan Jackson-Aye, Ty Nielsen-Aye. The motion passed unanimously.

6. Consideration and Vote on an Ordinance Amending Section 5-1-2 of the Bluffdale City Code Prohibiting the Discharge of Firearms within the City of Bluffdale, Staff Presenter, Vaughn Pickell.

Mr. Pickell reported that he was asked to draft an ordinance for the Council's consideration to prohibit the discharge of firearms within the City subject to a few exceptions. The ordinance allows exceptions for law enforcement or military personnel or defense of yourself or another or property. Currently, the ordinance allows the discharge of handguns and shotguns in a few areas within the City so long as State law is complied with. Rifles are not allowed to be discharged anywhere in the City and no firearms can be discharged anywhere north and west of the line identified on a map displayed. The Council was provided with a draft ordinance that prohibits the discharge of firearms within the City and would render the shooting map obsolete.

Ty Nielsen believed the City has grown to the point that it is time to make the citizens feel safe and secure and prohibit shooting.

Justin Westwood asked if a shooting range would be compatible with the proposed ordinance. Mr. Pickell stated that it would not be compatible with the proposed version of the ordinance.

Johnny Loumis, Jr. gave his address as 14315 South Loumis Parkway and stated that in years past he would have been opposed, however, he now feels it is time to move forward. He noted that he is an avid gun owner and conservationist.

Dave Tranter gave his address as 15786 South Gunstock Drive and stated that he moved to Bluffdale about 1½ years ago. One of the draws was the opportunity to go shooting near his home. He wanted to preserve what makes Bluffdale unique and suggested designated shooting

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areas be more clearly defined rather than prohibiting shooting altogether. Mr. Tranter reported that he has never heard a gunshot from his home or heard the neighbors complain about it.

Mayor Timothy stated that the last time the issue was discussed, that same argument was used. The decision was made to publish a map and place signs up all the way around. The signs that the City paid to have posted have been taken down. It is difficult for people who want to hunt legally, even if they have a good map, to figure out where they can go because the area has gotten smaller and smaller. Complaints are received frequently about people shooting toward houses and sometimes actually hit them. When the issue was discussed four or five years ago there were 100 people at the public hearing. Last time there were around 40. Now there are only a few. The Mayor thought that people were aware that the area has gotten smaller and it is difficult to define exactly where shooting can take place. Even when it is defined, it is difficult for someone who is hunting to not be so focused on the sport that they forget where they are.

It is very difficult for the City's police officers to respond every time there is a call about shooting near a home. It is hard for police officers to enforce because they have to find who is doing the shooting. The Mayor stated that there are too many ramifications to having people shoot in the City when the area is so small.

Alan Jackson recalled that at the last meeting there were several volunteers who offered to maintain the signs if the City posted them and make sure that the designated shooting area was clearly marked. He had seen no evidence of the promised help. It was noted that complaints are received from all areas of the City and not just from Parry Farms. Mayor Timothy was in favor of erring on the side of protecting citizens who are in their homes.

Boyd Preece asked about the Staker property and if it was open to the public. Mr. Reid stated that it could be used by those with written permission. Council Member Preece doubted that most people who use the property have permission. Mr. Reid stated that most of shooting takes place by those hunting ducks along the river. He noted that hunters still use bows and arrows for shooting deer there and it is not illegal.

Alan Jackson commented that he fought against the prohibition the last two times it has come before the Council and he hoped that the most recent effort would solve the problems. He commented that unfortunately, it is impossible to control people. In addition, the City's police officers are already spread thin. He wanted to resolve this issue for them and make the City safer for homeowners. He commented that he would have a difficult time voting against it this time.

Ty Nielsen moved to amend Section 5-1-2 of the Bluffdale City Code prohibiting the discharge of firearms within the City of Bluffdale. Alan Jackson seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.

Justin Westwood requested that the change be published on the City's Facebook page and included in the newsletter so that all are aware that it was passed. Mayor Timothy recommended that signs be placed at the entrance to the City stating that the discharge of firearms is prohibited

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within City limits. Mr. Reid informed the Council that duck hunting commences this coming Saturday. Mr. Pickell stated that the ordinance will take effect as soon as it is signed, recorded, and posted. The Council can choose to make it effective immediately or postpone it. The Mayor was in favor of having it take effect before duck hunting begins. Mr. Reid questioned whether signs could be posted that quickly. Mr. Fazio expected it to take two weeks to get signs.

Mr. Dietrich suggested a press release be put out prior to Saturday. The Mayor suggested that Emergency Preparedness Manager, Natalie Hall, put the news out as a broadcast. Mr. Reid reported that Ms. Hall was out of town and out of touch through the weekend.

7. Consideration and Vote on an Ordinance Amending Section 1-10-3 of the Bluffdale City Code Related to Source Selection of Purchase Contracts from Cooperative Purchasing Alliances, Staff Presenter, Vaughn Pickell.

Mr. Pickell reported that the City's procurement ordinance allows for the acquisition of products, goods, and services without bids in certain circumstances. One of those is under the State Purchasing Division procurement contracts where the state, as a large entity, does its own bidding and gets competitive bids and already has an executed contract with that particular vendor. Because they have gone through the process, the City does not need to do the bidding again. The same holds true for other national purchasing alliances. One that the City looks at does competitive bidding and has a lead agency does the competitive bidding on behalf of the entire alliance and gets a contract price for the specific vendor. Currently, the ordinance does not allow the City to take advantage of national purchasing alliances. The proposed modification would allow that to occur so long as the purchasing alliance uses competitive bidding in its process.

Mayor Timothy wondered if a standard could be made to compare with a comparable on state contract first to get a reference point. Mr. Pickell stated that that could be added. The bidding process the City goes through was described. The procedure the City has followed to purchase furniture for the New City Hall was discussed. Finance Director, Bruce Kartchner, stated that one of the problems with furniture procurement is that an RFP cannot be created that is tight enough to identify that one thing is exactly comparable to another. Mr. Pickell informed the Council that he could draft an ordinance with the proposed inclusion. It was recommended that a comparison be made to a comparable item on the State contract when available. Bruce Kartchner commented that the key to many State contracts, especially such as furniture, is that the manufacturers are driving how deep the discount can be. They are also participating in getting onto the State contract.

James Wingate moved to amend Section 1-10-3 of the Bluffdale City Code, related to Source Selection of Purchase Contracts from Cooperative Purchasing Alliances with the latitude that the City Attorney shall adjust the proposed wording that was presented tonight to include comparing the State contract with applicable and comparable items. Justin Westwood seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.

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8. Consideration and Vote on an Ordinance Adopting Section 6-1-5 of the Bluffdale City Code Prohibiting Impacts to Bridge Structures, Staff Presenter, Vaughn Pickell.

Mr. Pickell reported that he was asked to draft an ordinance that would stiffen the penalties for making an impact to bridges, bridge structures, or traffic warning signs that regulate low height bridges. He recommended the Council strike the previous section of the Code under Traffic Public Safety Title where bridge structures, the maximum allowable height, what an over height vehicle is are defined, and prohibits any person from impacting the bridge structure in any way. It would also be unlawful for any person to drive an over height vehicle beyond the point of a warning device or signal that indicates a bridge structure's maximum level height.

It was noted that part of CDL training includes looking for low bridge signs. The Mayor did not want to have any more signs than necessary to keep drivers from hitting the bridge. He recommended that a sign be posted specifying the penalties for impacting the bridge. Warning signs would also be posted. Mr. Pickell stated that the ordinance sets the penalty as a Class B Misdemeanor with a minimum fine of \$750. Mr. Reid stated that there are concerns with the traffic signal since people do not actually have to come to a stop before they get to the bridge so they may impact it with higher momentum. Mr. Pickell pointed out that the proposed language would apply to any bridge in the City.

Ty Nielsen moved to adopt Ordinance Section 6-1-5 of the Bluffdale City Code prohibiting impacts to bridge structures. Alan Jackson seconded the motion.

Justin Westwood asked if there was any language addressing intentional vandalism. Mr. Pickell stated that that was probably already covered in the State Code.

Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.

9. Consideration and Vote on a Resolution Authorizing Execution of an Interlocal Cooperation Agreement with Salt Lake County Providing for the Transfer of up to \$1,579,000 of County Transportation Funds to the City of Bluffdale, Staff Presenter, Vaughn Pickell.

Mr. Pickell reported that Mayor Timothy and Mr. Fazio have been very successful in obtaining awards from the Corridor Preservation Grant Fund for Porter Rockwell Boulevard. The \$1,579,000 represents the last major section of the corridor and deals with Segment 4 through Geneva. The County requires an interlocal agreement in order to disburse the funds.

Justin Westwood moved to approve a resolution authorizing the execution of an Interlocal Cooperation Agreement with Salt Lake County providing for the transfer of up to \$1,579,000 of County Transportation Funds to the City of Bluffdale. Ty Nielsen seconded the motion. Vote on motion: James Wingate-Aye, Boyd Preece-Aye, Alan Jackson-Aye, Justin Westwood-Aye, Ty Nielsen-Aye. The motion passed unanimously.

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10. Mayor's Report.

Mayor Timothy reported that he attended an Economic Development Summit put on by the Jordan Foundation. There were several in attendance that made presentations about dealing with the State, the County, and other cities. He thought it was a good opportunity to inform the public of the situation in Bluffdale with regard to economic development. He explained that the City has good plans in place and open space. He enjoyed hearing what other cities are doing in terms of economic development but he still maintained that Bluffdale will eventually get its turn. Because they are the last to develop, he thought they may have an opportunity to have a selection that they prefer rather than one they are forced to take, particularly along Porter Rockwell Boulevard in the gravel pit area that was discussed in the Point of the Mountain Commission, which Bluffdale is not part of.

11. City Manager's Report and Discussion.

Mr. Reid updated the Council on City Hall and stated that the exterior is nearly complete. The exterior interior walls are in place and the offices have been framed in the basement. The duct work for the heating and air conditioning is being installed now. Site work was moving forward and the retention detention area was being installed. The asphalt was expected to be in place before the end of October. Mr. Reid invited any Council Members interested in a tour to contact him.

Mr. Reid reported that 1000 West is proceeding. A signed agreement is in place but the deeds and easements have not yet been received from one landowner. Asphalt was expected to go in by the end of October.

Mr. Reid indicated that the State Transportation Commission met and the City is now the owner of 14600 South from 800 West going west and will be known as State Route 131.

Mr. Reid stated that he met with representatives from the Utah Data Center (UDC) on the Maintenance Agreement. The meeting went fairly well other than the fact that they pushed back on paying for the infrastructure that was built in 2010, which was surprising. That will be the main topic of their next discussion. A bond was set for a certain level and as the UDC's water usage increases, the bond price increases as well. They wanted to make the bond conditional based on the size of the tank. They expect to need one-third of the tank, which is a small fraction of the entire project. Negotiations would be ongoing.

Mr. Reid indicated that the residents of the Bluffs and Vintage on the Bluffs are looking for access to Loumis Parkway. The City received an offer from an engineering group from BYU to come in and see if they would be able to design a different route or redesign the current route. That will be a project for this semester and is expected to be completed by the end of the semester in December.

Mr. Reid reported that there were a few fires in Bluffdale. As they went from fire to fire they witnessed an individual with soot on his clothes and his vehicle was observed at two of the fires

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before the City got there. The police detained and questioned the man and were able to identify him. Since then, the suspect has been caught on camera starting fires and has been arrested by another police agency. Bluffdale Police Officers detained and identified the individual as a suspect.

PLANNING SESSION

12. Planning Session.

Justin Westwood asked about the dirt being moved to Rock Hollow Road. Mr. Reid stated that he followed a couple of dump trucks the other day and noticed that they are using the Iron Horse route to come in and he believed that most of the dirt on site is gone. He was contacted by a neighbor who asked if some of the dirt could be dumped on his lot. Mayor Timothy had no objection and provided Council Member Westwood with the phone number of who to contact.

Mr. Reid reported that a citizen called who was very concerned with the school and traffic in and out. He reminded the Council that the school provided a study from an engineering firm. In preparing their calculations of how many cars would be required to be available to park on site, they did not use any capacity at the church or elsewhere to park cars. Even though it was discussed at the time, it did not mean that they expected all cars not to park elsewhere. Traffic enforcement has been active and they have made sure that traffic going in and out of the school obeys traffic laws and signs. The City, however, has no ability to tell someone they cannot park in front of Lions Club Park or a church. Mr. Reid spoke to Shane who will make sure that the police are doing the job they have been doing. It was noted that there have been no issues with traffic backing up onto 14400 South. It has been moving smoothly and they took down the candlesticks as they were no longer needed.

Mr. Reid stated that he put a call into the Stake President of the LDS Church there to see if they had any issues and to make them aware of the complaint. He had not yet received a call back. He noted that the procedure in place seemed to be working.

It was reported that Mr. Fazio received a call from a citizen indicating that there was traffic backed up to the freeway at 1000 West and the roundabout at the top near the trestle. Mr. Fazio was asked to look at the traffic plan and report back. He stated that going forward they will use handheld radios to communicate and to reduce traffic congestion.

13. Assisted Living Potential Zoning Text Amendment to Neighborhood Commercial (NC) Zone at Approximately 13974 South 2700 West, Roy Bartee/Ridgemark, Applicant.

Roy Bartee from Ridgemark Development was present representing Lone Peak Capital who is a developer that is in the process of purchasing a piece of property on the northwest corner of 2700 West and 14000 South. He introduced to the Council a concept to propose a text amendment to the Land Use Regulations in the Code and clarify assisted living uses. He explained that there are facilities in the market currently referred to as Continuing Care Retirement Communities. These

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can be small facilities that are under 100 units up to as many as 600 to 700 depending on the location. A Continuing Care Retirement Community (CCRC) provides a continuum of progressive care for a resident and housing options for that resident as their healthcare needs change. Once they move into the facility it is a permanent move and as their health progresses the care they need is available at the facility.

Mr. Bartee explained that these types of facilities typically include independent living, assisted living, and skilled nursing housing. It is a 24-hour staffed facility and gives residents access to all available services. Assisted living is licensed by the State Health Department and involves 24-hour monitoring by on-site staff. The residents receive up to full assistance with Activities of Daily Living (ADL). They also ensure that residents are taking their medications. Assisted living may also include memory care. In Utah, there are two levels of assisted living. These consist of AL1, which is a low level of assistance and involves partial assistance with one or two activities of daily living. AL2 requires full assistance with two or more ADLs.

Independent living was next discussed. In the context of a CCRC, Mr. Bartee explained that residents can live on their own and are totally ambulatory but they may want the security, safety, and convenience of a managed facility. They also have access to 24-hour monitoring. The difference is that independent living in this context provides supportive services such as meals, housekeeping, laundry, social activities, and transportation. Socialization is encouraged in independent living facilities and is often done during meals in the central dining hall and regularly scheduled social and entertainment programs. These facilities may or may not be age restricted and may or may not involve ownership.

Often the buildings are designed with accessibility features. Skilled nursing is also licensed by the State and involves 24-hour nursing care. This usually is for bedridden individuals. In the State of Utah, skilled nursing centers are considered skilled nursing facilities if at least eight hours of the day the facility is staffed by an RN. The residents need total assistance with all activities of daily living. Mr. Bartee explained that Utah currently has a moratorium on new skilled nursing facility licenses. There is an underutilization of nursing licenses currently and the Health Department is waiting for them to be absorbed. In the process, they can ensure that the licenses that are being used are being utilized well and proper care is being provided to patients in skilled nursing facilities.

Mr. Bartee displayed the site plan for Bluffdale Senior Living. They are contemplating a two-building two-story facility with a connecting breezeway. The first building would have 60 assisted living Level 2 units and 20 memory care units. The second building would have 60 independent living units. The drawing included 150 parking stalls.

Mr. Bartee explained that they would like to propose the addition of two definitions to the Land Use Regulations. The first was the definition of Continuing Care Retirement Community, which is a retirement community comprised of at least two of the following: housing for independent living, assisted living, and skilled nursing care all located on the same lot. The second definition was Independent Living Housing. This involves housing for seniors in a CCRC where supportive

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services are offered and provided but not required for daily living. Last, they would like to amend the table of permitted, conditional, and accessory uses located in Section 11-35-2.

Mr. Bartee stated that currently the NC zone allows Assisted Living facilities as a conditional use. About 10 years ago there was an assisted living center proposed and approved for this particular site but never moved forward. Approval of the request would allow them to have a more progressive continuum of care rather than just assisted living.

Mayor Timothy asked if someone could live in the community if they do not need care. Mr. Bartee stated that they could not because there would be rules and regulations in place qualifying someone to live here. At the point a person decides they no longer want to cook or clean for themselves would be an appropriate time to make the transition. He questioned whether there should be a restriction. Mayor Timothy commented that the price point will likely limit who can live in the facility. Mr. Bartee stated that the notion is that seniors over 55 will live in the facility. What was proposed was care up to but not including 24-hour nursing care.

Boyd Preece liked the idea that patients would not have to move as their needs change. Mayor Timothy felt there were many seniors in Bluffdale who would like to stay in the City. He thought what was proposed would be a good addition to the City and it would not be a large traffic generator. Traffic issues were discussed.

Mr. Bartee stated that they have engaged an architect and a Purchase Agreement is in place with Mr. Exeter. The desire tonight was to get feedback from the Council. He stated that it doesn't make sense to do both the IL and the AL. A total of 140 units were envisioned. The concept of a convenience store on the subject property had been considered but was not feasible because it is too far from Bangerter, there is not enough density south of Bangerter, and the park cannot be depended on to be a solid traffic generator to a convenience store. Mr. Bartee stated that they have had a difficult time finding people who are interested in developing a convenience store.

Mayor Timothy thought it was a need in the City and fits well in the community. It is, however, on the west side of Redwood Road, which can present difficulties. He questioned whether it was something the public will support. When this type of facility was proposed previously, Bruce Kartchner recalled that not as many units were proposed and the push back had to do with the potential for the facility to become apartments.

The consensus of the Council was to allow Mr. Bartee and his associates the opportunity to make a formal presentation on the proposed independent/assisted living center. Justin Westwood suggested they meet with the area residents first to see if there is support for the proposal.

Reece Jensen from Lone Peak Capital presented general statistics to the Council pertaining to these types of facilities across the country. For an Assisted Living Level 2 facility, the average resident spends 22 hours per day in their room. For staff, it becomes a challenge to get residents out of their room to come to the common area for meals and socialization. The data for independent living was presented. Mr. Jensen stated that people who gravitate most to this are

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those who are on the edge of needing assisted living care. For many people, however, there is a psychological barrier to labeling oneself as a resident of an assisted living facility.

Mayor Timothy commented that another group wants to do something similar but it includes a skilled nursing facility. He was not sure two were needed in Bluffdale. Mr. Reid recalled that the other proposed facility would offer ownership and skilled nursing. Mr. Reece stated that skilled nursing is structured very differently and is typically not at all competitive. Independent living and assisted living essentially is someone's primary residence. Additionally, a skilled nursing facility is one that someone must be admitted into by their physician, is a transitional step typically from a hospital stay, and tends to be of a shorter duration.

Bruce Kartchner reported that at the last City Council Meeting information was presented on adding police officers. The proposal was for one Investigator and two Patrol Officers. The Council asked staff to get information on the cost, how it will be funded, and report back. Information was compiled from Chief Burton and an independent review of salaries was performed. It was determined that each Patrol Officer would cost roughly \$84,000 initially. There is an upfront cost of about \$5,700 per officer to get them up to speed with respect to equipment, vests, and guns. No additional patrol cars would be needed. With regard to the Investigator position, the cost will be \$5,000 to \$10,000 more than a Patrol Officer.

With respect to funding, Mr. Kartchner thought there was enough money in the Unallocated Fund Balance to cover the cost for the first year. At that point they will need to look at more permanent financing. Mr. Reid stated that with the phasing they would not want to start paying the officer until they are hired. Often with a contract, various officers come and go and the City is left with periods of time when more officers are being paid than are actually working. He realized that officers spend about one month in training in Saratoga Springs but they would not want to pay for several months while they are looking for someone to hire. On several occasions officers have given notice and left and months pass before a replacement is hired.

Mr. Kartchner described the phasing and stated that the intent is to move forward with the Investigator and one Patrol Officer to start on January 1, 2017. Mr. Reid stated that the start date was based on the comment that they need at least one Officer and a Detective. The second Patrol Officer would be phased in later.

A question was raised about working in Bluffdale compared to working as a UPD officer. Mr. Reid stated that there is a big difference between an officer that works in certain precincts. An officer who likes an adrenaline rush does not work in Bluffdale. Typically, the City attracts officers that have worked in smaller and less exciting agencies. In terms of pay the two are comparable but Bluffdale does not have the level of mobility that another officer would have.

Mr. Kartchner stated that he has a son-in-law who is a police officer. He is interested in Bluffdale because he sees it as being a City that is growing that will open up positions that aren't currently available. Mr. Reid stated that one of the incentives City offers receive is take home cars within a certain area. There are not many officers who are post certified that live in Bluffdale so that limits

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availability. Chief Roberts looks for that when he hires firemen because if there is an event he would like the firemen to live close by and be able to come in off shift to cover an emergency.

The Council directed staff to start with two officers and up to three with the third officer to begin work by July. Boyd Preece asked about the timing of the City self-providing. Bruce Kartchner stated that it is at least 21 months out. A major issue with that is beginning to control personnel issues. It was his understanding that Chief Burton was saying that with the next round of hiring he would specifically inform applicants that it would be in anticipation of Bluffdale self-providing. Once they make the decision to self-provide they will begin looking for a chief and try to hire that position four to six months before the conversion takes place. That position would then do the work to start the precinct. The notice requirement to Saratoga Springs is six months. Mr. Pickell pointed out that the City has been open about their intent all along with Saratoga. Mr. Reid stated that the hope was that \$1.2 million would be about the amount necessary to begin to self-provide. This change will probably put them over that amount to approximately \$1,350,000.

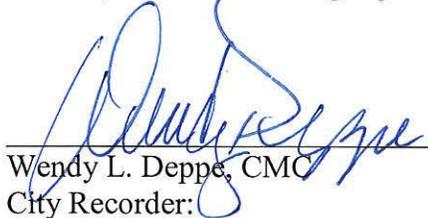
Mr. Reid stated that although the City has vehicles they will need to be outfitted with everything that goes in the back and equipment for the officers. Currently the City has a detective vehicle and two patrol vehicles ready to go. If they converted they would be within one vehicle of being where they want to be.

14. Closed Meeting Pursuant to Utah Code §52-4-205(1) to Discuss the Character, Professional Competence, or Health of an Individual, Collective Bargaining, Pending or Imminent Litigation, Strategies to Discuss Real Property Acquisition, Including Any Form of a Water Right or Water Shares, Security Issues, or any Alleged Criminal Misconduct.

There was no closed meeting.

15. Adjournment.

The City Council Meeting adjourned at 9:27 p.m.



Wendy L. Deppe, CMC
City Recorder:



Approved: November 16, 2016