

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

April 19, 2022

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Director of Planning Steven Schaefermeyer, Director of Engineering Brad Klavano, Associate Director of Public Works Ray Garrison, Police Chief Jeff Carr, Fire Chief Chris Dawson, Director of Recreation Janell Payne, Rachael Van Cleave, City Recorder Anna Crookston, Director of City Commerce Brian Preece, Director of Public Works Jason Rasmussen, CFO Sunil Naidu, Meeting Transcriptionist Diana Baun, Chief Technology Director Jon Day, IS Administrator Ken Roberts

Other: Sam Bishop, Travis Wright, Mike & Ike, Ryan Button

4:47 PM
STUDY MEETING

A. Welcome, Roll Call and Introduction: *By Mayor Dawn Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation: *By Council Member Brad Marlor*

Council Member Marlor offered the invocation.

C. Mayor and Council Coordination

Council Member Tamara Zander will not be able to make the ULCT conference tomorrow.

Mayor Ramsey noted that Council Member McGuire will not be there either. They are highlighting the City South Jordan and there will be a booth at the front of the conference representing the city, with a video highlighting the city. Council Member Marlor will be participating on a panel at the conference.

City Manager Gary Whatcott noted they have a life-size cardboard cutout of the mayor for the conference, as well as pictures of all the council members for the booth.

Mayor Ramsey said they had the chance to meet with Carlos Braceras, the Executive Director of the Utah Department of Transportation, and some of his administrative team last week to talk about 9800 South. From a city perspective, we needed to know what the obligations were for the city to allow for the underpass option. She told Mr. Braceras that she knows UDOT is very equitable, never favoring one city over another in terms of monetary distribution. They discussed

the difference in cost, and what we as a city could afford and if it would work to cover our costs. Mayor Ramsey said Mr. Bracer said it was enough, so we have some good plans. Director of Engineering Brad Klavano and his team gave some great ideas as to how to lower the costs, and those savings are so substantial they can be applied towards our difference as cash we don't have to come up with; those ideas will save us \$3 million on this project.

Director Klavano said UDOT was excited about many of the ideas and they discussed different ways to do the utilities that he thinks will save quite a few million dollars and two additional homes.

Mayor Ramsey added that this will also allow us to keep the pedestrian bridge, which is the most used bridge in the system, in place where it is right now.

Director Klavano was hoping they could re-use the ramps from the bridge, but apparently they don't meet the current guidelines so the bridge will need to be completely rebuilt.

Mayor Ramsey thought it was a very successful meeting, and the city is happy with the outcome. Our portion of the costs is \$4 million after accounting for the cost saving measures mentioned above.

City Attorney Ryan Loose said that our portion will be paid with cash, but we are doing many other things. UDOT's standard is half and half responsibility with cities, and this intersection is more costly than most. This one is more expensive because it is right next to the aqueduct, the school, the utilities are more difficult and the space is tighter. We were able to talk through all the issues with Mr. Bracer and his staff, there are significant contributions coming from the city that UDOT is taking into consideration. We are also working with the school and those efforts have also contributed to our half of the costs for the intersection; the school has been a great partner.

Council Member Zander asked if all of the school board members are being cooperative.

Attorney Loose said he doesn't know that they are all dealing with this intersection directly, but the school district as a body has been great to work with. UDOT is not giving anyone a break, we are all finding ways to economize and make the best situation out of something where the majority of the hardship lands on us due to the area and what's entailed, including losing more homes and a tighter area.

Mayor Ramsey appreciates the good relationship we have with UDOT, and they appreciate the good relationship they have with us. When you work well together and everyone wants to figure out the right thing to be done, we have great outcomes. The director said that in the past they would have outright said no to our suggestions, but we have proven to be such a good partner with UDOT that they were willing to listen and trust our staff.

D. Discussion/Review of Regular Council Meeting

Presentation Item:

- **Proclamation recognizing Addi Bruening Cross Country Gatorade Player of the Year Award**

Mayor Ramsey will be asking to amend the agenda to move this item to another time, her family is sick and can't be here. She is a cross country runner who lives here in South Jordan, attends Herriman High School and has won the state title for races run as a Sophomore, Junior and Senior. She has also signed on to run for BYU in college.

Public Hearing Items:

- **Zoning Ordinance 2022-03-Z, 1379 West Shields Lane**
- **Resolution R2022-15, Sagewood Ranch Barn Land Use Amendment**
- **Zoning Ordinance 2022-02-Z, Sagewood Ranch Barn Rezone, 10431 South 3200 West**

Mayor Ramsey noted that the regular meeting agenda shows public hearings listed as H.1., H.2., and H.3. We will do the public hearing for H.1., then vote on that item. Afterwards we will go through H.2., H.3. and I.1., after which we will have those public hearings since they are all on the same thing.

Attorney Loose explained that we don't want to vote on the agreement before holding the public hearings, but we don't want to vote and rezone something before having it under contract. It was lined up this way so everyone is logically led through the public hearings, and the council can take all of their comments into consideration. Then, the council will consider the agreement in I.1. and vote on it. Depending on the vote, then we will go back and deal with the other items in H.2. and H.3.

Council Member Brad Marlbor asked if the applicant has agreed to the development agreement.

Attorney Loose said yes, they have agreed.

Council Member Shelton suggested we complete the Shields Lane zoning ordinance before moving on to the Sagewood items.

Council Member Zander asked what happens if I.1. does not pass.

Attorney Loose said that if something on the agenda doesn't get a motion, then it dies for lack of motion. Typically this council has chosen to vote on every issue, up or down. The same thing would happen for H.2. and H.3., calling for a motion, and if there is no motion then nothing happens. If they do not want it to pass, in the past they have motioned to not pass the item and then vote on that.

Action Items:

- **Resolution R2022-14, Sagewood Ranch Barn Development Agreement**
- **Resolution R2022-12, Adopting Fireworks Regulation**
- **Resolution RDA 2022-02, Approving and Adopting CRA Area Plan for the SWQU Center**
- **Resolution RDA 2022-03, Approving and Adopting CRA Budget for the SWQU Center**
- **Ordinance 2022-10, Adopting the Project Area Plan for the SWQU Center**

Mayor Ramsey said we are voting tonight on the CRA plans, Items I.3., I.4. and I.5., related to the Southwest Quadrant Urban Center.

Manager Whatcott asked if the mayor will reopen the public comments.

Mayor Ramsey said that at the start of public comment she will ask if there was anyone who didn't get a chance to speak to this during previous public comment sections, and if so they will allow them to speak tonight before the vote.

E. Discussion Items

E.1. Youth Council Discussion. *(By Mayor Dawn Ramsey and Director of Recreation, Janell Payne)*

Director of Recreation Janell Payne gave a short history of our Youth City Council program. In the past this was a program run primarily by volunteers. The city helped facilitate the program through building use for their meetings, we also provided some staff to do some training and a small budget to help support them. The volunteers were no longer able to continue doing it around 2019. The youth volunteer at city events and programs, which gives the city a lot of volunteer hours. March of 2020 happened, and one of our recreation staff, Emily Stephens, took over the program to get it through virtual meetings and what it has turned into now. They have a program with a small budget, and we have continued to facilitate those meetings and provide some training opportunities for them. The city receives a lot of volunteer hours, but it hasn't really fallen clearly into a city sponsored program under recreation. Through feedback of current members and their parents, they are seeing some opportunities to grow the program and really embrace it as a city program in Recreation. They have talked about ideas for improving the program and its offerings, getting them more involved with this council and seeing how the city really runs; they just want the council and mayor's feedback before devoting more staff time and resources to the program.

Council Member Zander asked how other cities handle their Youth City Councils; are they embraced and ran by the city, or are they run by volunteers.

Director Payne doesn't know of any other cities that have it run through the school district or the schools, so it's either volunteers or fully embraced by the cities. She brought up the last Youth Council Leadership Conference where Mayor Ramsey was the keynote speaker this year.

Mayor Ramsey said she has attended that leadership conference in the past with our youth when the program was run by volunteers. Even when she became mayor, she didn't realize that this wasn't a city program. Covid changed everything, but it hasn't been quite the same as before and she said that her kids were on it this year and she was sad our kids didn't go to the leadership conference at Utah State; she was asked to speak there and our youth weren't even there. She spoke with several other cities who had strong programs to see how they did things, and got information from them on how they run their programs. She also asked the kids in the other cities about what makes things work for them and she got really good feedback. However, the feedback really came back strong that it's a city program and you can ask for parents to volunteer and structure it many different ways. The mayor of Taylorsville said that leadership conference is one of his favorite events every year with their Youth City Council. Mayor Ramsey has gone in the past with our youth council for a day, but the Taylorsville Mayor stays the whole three days with them. A young man on the Taylorsville Council gave the advice to really let the kids get engaged with the city council, so the city council really understands what the kids are doing. Along those lines, we need to make the expectations for the kids clear. If we are going to take this on as a city program, then we can create the program we want it to be. It is very beneficial to have the youth participate in our recreation or activity programs, and the volunteer hours are invaluable.

Director Payne said the volunteer hours they gave last year, at the going rate for staffing, worked out to a savings of around \$10,000 in staff hours to help support those events.

Mayor Ramsey said we have a real opportunity here to say this will be an official South Jordan City Program, the way most others are; they exist around the state, and there are a lot of them that attend the local official's day. We had a small turnout for that this year, and she thinks that's because things have changed. We want to organize and create a good program that we control and that staff has a clear understanding of to help control it and know what it is. She would love to see this become an official city program, with the chance to create a program we want, what we think the youth council can be; both for the young people who choose to be a part of it, and for the city. If it is going to be staff supported, then it should be a city program with guidelines.

Council Member Zander asked if we are proposing this be under Director Payne and Recreation.

Manager Whatcott noted that we will have to find the funding for it.

Council Member McGuire asked what kind of funding the program would need, and where we are thinking of pulling those funds from.

Director Payne said that based on the numbers from last year, which were some of the highest with about 50 participants, the program would probably need an additional \$15,000. That funding would be for participation in the local official's day, the youth council's leadership going to the leadership conference, shirts and jackets, socials and projects.

Council Member Zander asked if they get any kind of scholarship as a result of serving.

Director Payne said we don't have a scholarship program at this point, but it is something they can put on their applications and resumes.

Mayor Ramsey said the last few years the youth mayor has asked her for a letter of recommendation, which she has given them. While the program doesn't come with scholarship opportunities specifically, that's actually a conversation that's being had right now. As mentioned, it looks really good on applications. We had about 50 kids, they didn't all participate or engage, but it has been a unique year; it's not fair to the staff, kids, parents or the city's name to have a program that no one owns.

Council Member Zander asked if with that budget it be open to anyone, or would there be a cap; are we recruiting at Bingham and Herriman, do they have to be a resident with proof, etc.

Director Payne said they do have to be a resident of South Jordan, in 9-12 grade. They run it through the recreation software, so if their address is in the city we accept it; we haven't gotten to the point of making them prove residency. It hasn't been capped as of yet, but our coordinator was initially nervous with the 50 starting this year as that's a large group to facilitate anything like trainings or valuable education opportunities. They would probably keep it around there for now, but it is currently open for this year and they have a little bit less, around 25-30 that are interested so far.

Mayor Ramsey said that generally the kids signing up for this know they are offering to volunteer their time and get engaged in what's happening in the community, these are going to be good kids who want to make a difference. There can't be any decision made until the city decides if they want to own the program or not, otherwise why does it even exist. If we don't own it, but are trying to make staff facilitate it, it has reached a point where being run by volunteers isn't an option. This doesn't mean that if the city takes ownership of the program we can't put some expectation and skin in the game for the families and ask for volunteers, ask for the parents to engage, but that hasn't even been an opportunity over the last two years because we haven't owned it. She would love to see it become something that's city sponsored, make it what it can be so it's beneficial for the youth, the city, and a good program.

Director Payne said with volunteers you can have a very strong program, but when you lose that and don't have a sponsoring organization like the city to step in and have that continuity, you will have variations in the success from year to year. They really need the direction from the council on what they'd like to see happen.

Council Member Shelton liked Mayor Ramsey's comment about getting the youth council engaged with the city council, and he wonders what that would look like.

Manager Whatcott said in some cities they actually sit next to the council members during meetings.

Mayor Ramsey said in Clearfield they have one Youth Council Member sit up by the council and the planning commission, and they can participate. They don't get to vote obviously, but they do allow them to weigh in and give their input as a young person.

Council Member Zander asked if they are asking for approval, and then Director Payne comes back with the plan.

Mayor Ramsey said yes, they are looking for the council's approval and then Director Payne will just go ahead with the plan.

Director Payne said they have already been brainstorming and have a plan they think will work.

Manager Whatcott said that where this is a new program without a line item, he wanted to make sure the council was okay with moving forward before adding it. If the council approves, staff will put it all together and next year they'll bring it through the budget process and start working on it.

Mayor Ramsey said she believes there is already language drafted for a resolution to bring this back in two week to vote to make it a city program and to run with it.

Council Member Zander would love to see the plan and chime in if they have ideas to add. She would love to see what they come up with and have it come back to the council for feedback before institution.

Manager Whatcott asked if they want it before or after the resolution.

Council Member Zander trusts them either way, but would like to see it come back to the council to see what's planned before it's put into practice.

Director Payne said they can bring it back for the council.

Council Member Shelton added a presentation during a council meeting, then a vote.

The council agreed that they liked that idea, there will be a presentation with the resolution, and then they can all weigh in and make the decision.

Council Member McGuire suggested having current Youth Council members at the meeting to offer their feedback as well.

Mayor Ramsey said this has the potential to be such a good program, and we don't do anything half way here. Most people didn't know it's not a city program, and it needs a leader for organization.

Council Member Shelton said he would be delighted to be a part of trainings for them.

Mayor Ramsey said this is a great opportunity for education, and for these kids to really get to know how a city works.

Council Member Marlor suggested inviting them to attend a certain amount of meetings each year.

Mayor Ramsey said she would love to see them work as groups and give presentations to the council showing what they've been doing, rather than just sitting in the audience.

Council Member Marlor said that in years past, there have been some really strong Youth Council leaders, and he'd like to see some new leaders and recognize them.

Mayor Ramsey said many other cities have those leaders doing great things, and we have those kids here, we just need to give them a program to do that.

E.2. Food Truck Discussion. *(By Director of City Commerce Brian Preece and City Attorney Ryan Loose)*

City Attorney Ryan Loose said they need direction from the council as to whether or not they want to allow food trucks on city owned property; this could be public right-of-way, other city owned property like park parking lots or other areas in the parks we would allow vehicles on which includes the baseball fields and other areas. Our code already has some related language that states mobile vending is prohibited in all the described places, except as authorized in writing by the city. We are having requests from entities that used to be on private property, but that property is now being turned into a Harmon's and now they want to be next to Highland Park; they don't want to be on the private property because that would require people crossing the road. They want to be in the roadway or in the parking lot. They are asking who can authorize this according to the wording in the ordinance, but staff doesn't know who that authorization was intended to be assigned to. The best legal advice he can give at this point is that the same legal body that created that exception is the body that would approve any exceptions in writing. This would mean staff brings the council a resolution for those exceptions to approve, and if they are going to do that, they might as well revisit the issue.

Director of City Commerce Brian Preece said food trucks were previously not allowed in the city, then they had some requests from the previous mayor and council to allow them because they were becoming popular. There was a yearlong ordinance created to test things, and most of the things they feared weren't issues. They used to have to be licensed by the city, now we accept any licensing proof as long as they have everything they need. We have mostly said they aren't allowed on public property, unless it's a city sponsored event in a park where they are invited by the city. Someone pointed out that they should be allowed to if it gets authorized in writing, per the current ordinance, but we didn't know who was intended to give that approval so it would have to go to the city council. He discussed baseball tournaments and other events not sponsored by the city, and asked under what circumstances we would allow them in our parks. The application before them right now is for a city street, and they want to close the street. Do we want to allow these on our streets, in parks, and under what circumstances.

Attorney Loose asked the council to consider if there are any circumstances, other than city events, that the council is okay with allowing food trucks on city property. If they are okay with that, then they can get more specific regarding right of ways where they might park on the side of the road. Park parking lots or other city owned space that can be driven on is another discussion, and what fees do they want to impose as they are taking up parking spaces. We don't have total control of certain right of ways, like Redwood Road, which is a state road. We can

control minor collector streets and residential streets, and do they want them in neighborhoods or only on minor collector streets.

Manager Whatcott said we've seen private parties at a home with a food truck, and as long as they park in the driveway it's okay.

Council Zander said the reality is that it's happening.

Police Chief Jeff Carr said there was one in Daybreak that wanted to be on the road and they were concerned about people crossing the road.

Director Preece said the current application could be in the parking lot at the park, but would prefer to be on the street.

Attorney Loose added that the trucks also want to take advantage of crowds during our recreation programs.

Manager Whatcott said we really don't have a safe street to put them on. Other than a neighborhood road, there just really isn't anywhere to put them safely in the right of way.

Council Member Shelton mentioned the park near Station 62, on 4000 West, where the shoulder is wide enough for a food truck to pull up to and park, and be out of the flow of traffic entirely.

Manager Whatcott said if you look at the city as a whole there are very few places like that, where it would be safe enough on the street and not covering up a bike lane or sticking out into traffic.

Attorney Loose said if the council wants to be specific, they can work with the traffic committee to find those places and put them in the code.

Council Member Marlor said inviting them to compete with concessions in a park area that has been reserved and paid fees, kind of takes away from the profitability of whoever has leased the space. He might have a problem with that, and he thinks the baseball and other groups might have an issue with that too.

Mayor Ramsey noted that the baseball examples being brought up are private baseball tournaments, not Bingham Baseball.

Manager Whatcott said that Bingham Baseball doesn't have food handler permits, and aren't selling open food; they only sell packaged food. He doesn't know how much the food trucks would eat into their concession business since they only sell things like soda and candy.

Mayor Ramsey said it could open an opportunity for an organization to invite a food truck and make a cut of the sales.

Attorney Loose noted that if a league leasing area for something like a tournament wanted to

invite them in, right now they couldn't without our permission.

Manager Whatcott said that a lot of these food trucks will give a percentage of their sales to the organizer of the event. His son participated in a baseball tournament where three food trucks provided money to their charity event based on the amount of sales.

Council Member Marlor said they do have the opportunity to be on private property, but he thinks there are very few streets where a food truck could park and not be in the right of way and still be safe. He wouldn't want them there, authorized by the city, and then we bear some of that risk.

Attorney Loose said there is a difference between "authorized" or permitted, and a circumstance where we just don't stop them. In regards to liability, he doesn't see a huge liability issue if we don't regulate them. They still have to park and operate safely, abide by all traffic laws, but we wouldn't necessarily be taking on more liability. He compared it to an ice cream truck who drives down the street, selling to kids; we don't take on liability for them.

Council Member Marlor noted that he is concerned mostly about the residents or people participating.

Council Member Zander said she has had a few residents reach out to her in favor of changing this. Back when Harmon's didn't exist and that was an open dirt lot, there were a dozen food trucks that would show up there. Hundreds of people in and out of Daybreak would show up every Thursday for the food trucks. She went a few times and the turnout was amazing, along with the connectivity, the enjoyment and the fun.

Council Member Shelton noted he thought that was sponsored by LiveDAYBREAK.

Council Member Zander responded that it was sponsored by them. Dan Rodgerson contacted her a few weeks ago, and that's probably why this is on the agenda; he asked her why they weren't getting permission from the city for the food trucks. She responded that she wasn't sure what the city ordinance was, and suggested he contact City Hall. She has enjoyed the food trucks, they do it every Thursday night and many residents have asked her why the city isn't cooperating more, why aren't they letting them do it at a place like Highland Park. She is not saying that we need to, just that there are a lot of residents that would like this. When they run a food truck in a dirt field by the U of U Hospital, you go and get your food but there is nowhere to sit down and have fun; it doesn't build community. However, if we allowed them, once a week, they could actually create a connection and a fun venue there at Highland Park where people would know they could go every Thursday and there will be multiple food trucks there. In the past, they would have 15 or so at the back of North Shore. They can't go there anymore so now they divide up at about three to four different locations including Highland Park and North Shore since our city hasn't allowed them to be anywhere but on private property.

Director Preece acknowledged that this is the same group that has applied to do the Thursday nights. Interestingly, they formed their own location in the past and it didn't work.

Manager Whatcott said the reason for this at the very beginning was because the majority of the council in place at the time had concerns over protecting the brick and mortar stores. They are paying taxes, building stores here, locating and investing here, and now we are allowing food trucks everywhere who don't even pay a business license fee to us. That was part of the reason the ordinance was drafted the way it was, the reason we were being so restrictive. He doesn't know if that still holds the same weight as it did then, but he wanted everyone to understand the history and how we got here in the first place.

Council Member Zander noted that now, in 2022, most people would say there aren't enough places to eat; they would welcome, and hope that we would allow, the opportunities for them to have a food truck. She is not saying we have to be more flexible on this, but she knows there are a lot of residents that would be very happy if we came up with a way to allow the food trucks without letting them take over. This would give connection for our city, people would know they could come and talk to neighbors, meet new people and get some food.

Council Member Harris is opposed to them parked on the streets, it is hazardous. He would be for it if we did it in an organized fashion with a designated spot, day and time, and we got a cut for allowing them to use that public property. He does want the council to be in the loop of every event applying for the trucks so they aren't just coming in all over the place. It would bring revenue into the city, and if it's done the right way he could get behind it.

Council Member McGuire discussed requiring a sponsoring organization, like the Thursday night food truck roundup sponsored by LiveDAYBREAK, and allowing them to use a park. That would also allow for something like a softball tournament to bring a truck in if they wanted to. This way, anyone with a food truck can't just pull up anywhere in a city park.

Council Member Shelton likes the thoughts shared and asked if we get sales tax off these.

Director Preece said that theoretically, yes, we're supposed to, but it's such a small amount that it wasn't worth the time and staff to chase people down for it. If there was some kind of a cut that amounted to a higher percentage that might be worth it, but when you're talking about a half a percent it just isn't worth it.

Council Member Zander asked if it would be better to just have a fee.

Manager Whatcott noted that he liked Attorney Loose's idea earlier, if they are going to be in our parks they would need a permit, which would require a fee. We would collect some revenue from it, but it doesn't need to be an over burdensome fee; that fee would help offset what the brick and mortar stores are investing.

Attorney Loose said there have been things passed by the legislature about requiring licenses, charging fees, etc., but again we don't have to allow them. We do allow them to go anywhere that's not public property in the city, and we have held the line with only private property. Any fee we might be able to charge would have to be rationally related to the actual cost of providing the service. It wouldn't be a big fee, just the cost of those parking lots and maintenance, the unavailable parking spots for residents, etc.

Council Member Marlor noted that someone has to clean up as well.

Attorney Loose said there are ways to handle the cleaning up aspect, like requiring them to have garbage cans attached to the truck. Regarding requiring a sponsoring entity, we have allowed organizations to rent our pavilions and things like that for fundraisers and other events, so there would be a balance there on how that might work if they bring in a food truck for their event to attract more people and how we deal with that.

Manager Whatcott said they've had people out there having a fundraiser and they bring a big barbeque pit trailer, or they're at the park during football with trailers cooking rotisserie chickens. We have to find the right balance because we don't want to prevent them from coming, we just want to be safe.

Attorney Loose responded that he is hearing from the council that the right of way is still a no. Regarding parks or other city owned properties, staff should bring them back some proposals or ideas with an outline of a structure that covers all the items that have been discussed.

Council Member Harris thinks we should get more than a fee for a permit. If you rent a space for a restaurant you spend several thousand dollars a month to rent that space, and for us to say they just need a one-time permit seems unfair.

Attorney Loose said that's where we're tied to the rules that the fee has to be tied to the actual cost of the service being given, we can't make a profit on the fee. He can come back with a fee schedule, along with everything else. He still isn't clear on whether we will always want a sponsoring entity, or if we want the city to be the sponsoring entity while in the parks.

Manager Whatcott noted the city invites them for Summerfest.

Attorney Loose said we could also allow them to be somewhere outside of Daybreak for a weekly community event.

Director Preece said if there is a baseball tournament with concessions and they don't want them there, they should be allowed to not invite them.

Council Member Marlor said there should be a limitation on how many are allowed.

Attorney Loose said when they had the hub here, the food truck league would do a rotation. We could tell them how many are allowed and then let them decide who gets to be there, we would just provide a certain amount of spaces.

Council Member Zander said she doesn't want to see the city get into the food truck business. We have Summerfest and invite them there, but let's not start sponsoring a bunch of other stuff; let someone else sponsor them with the rules we set out.

Attorney Loose said that once you open up the park for rentals, we are already accommodating that; it's our Parks and Recreation staff who clean up after things like pavilion rentals.

Council Member Zander noted that explains why the fee has to be associated, and why we charge fees for the pavilion rentals; when you rent a pavilion your fee is also paying for city staff to clean up and maintain the area.

Attorney Loose noted that the current application is from the food truck league, asking to put a certain number of trucks at the park every Thursday night.

Council Member Harris doesn't necessarily like the idea of it on a regular basis, he would prefer allowing them for special occasions.

Council Member Shelton thinks it fits nicely in Daybreak with it being a walkable community, but he doesn't know about other city parks.

Director Preece said that is why they failed trying their own location, because it just wasn't a good place.

Council Member Zander noted that at the end of the day, we want someone accountable. We don't want to approve these and they leave a mess or we have other issues.

Attorney Loose said it would be the applicant who is responsible, which would be the food truck league for this specific application.

Director Preece said if we open it up to any city park without a prior application, then we'd have the situation where we don't have someone to hold accountable.

Attorney Loose said we'll get more and more requests, especially for parties at parks; we don't currently have a provision that allows that in a city park. When they rent a pavilion do we want them to be able to bring in a food truck or two, and if so, we have to write something in to accommodate for that.

Council Member Harris said that if we feel it's a good spot and makes sense, we should look at applications individually; he doesn't want to open it up to everyone and anywhere in the city.

Council Member Zander gave the example of her having a family reunion at a pavilion they're renting, and she wants to bring in two food trucks to feed her family; our code currently doesn't allow that and she thinks we should change that.

Attorney Loose asked if they want it open to any pavilion, or only certain pavilions.

Council Member Shelton said that some of the pavilions are big enough to accommodate a crowd and food trucks, but not all of them.

Council Member Marlors said there are food trucks, but there are also trailers that were discussed earlier.

Director Preece said our ordinance considers a food truck or trailer the same thing; if it's towed

behind, it's still a food truck.

Council Member Marlor said whenever his ward puts on a party at Garden Ridge Park, they bring in a very large trailer that cooks rotisserie chickens, hamburgers, etc.

Attorney Loose said it's a gray area, are they a mobile food vendor if they are not selling to anyone who comes up. Technically they are there catering the event, just like having Café Rio cater by driving up and dropping off food that's already been ordered and paid for.

Director Preece added we still don't allow food carts, like a taco cart.

Mayor Ramsey said it sounds like the consensus is they don't like the idea of the trucks on the roadway, and only at specific public parks after research.

E.3. Park Strip Discussion. *(By Director of Planning Steven Schaefermeyer)*

Director Schaefermeyer referenced a handout (Attachment A) and noted that last spring we amended our landscape ordinance for both residential and commercial. For residential it pertains to the front yard, as well as the park strips; park strips are only a small portion of our overall landscape requirements. He discussed Daybreak's landscape rules which include requirements for landscape design. Their requirements are unique, and he wanted to point that out because the issue is not really in Daybreak, it's in the rest of the city. Most new development is happening in Daybreak, but we have been able to successfully enforce our park strip ordinance in partnership with them. When we made the changes there was a grace period, and Daybreak edited their guidelines adding sticky notes where they reference our city code. Daybreak goes above and beyond our code in terms of designs, and there is an entire section on park strips, so we don't really need to talk about them tonight; he has looked over their requirements and they comply with our ordinance. When the ordinance was changed, the only thing that was really changed for park strips was no grass. New construction is our best way to enforce these changes, this new ordinance doesn't apply to existing homes unless you make changes to your park strip. The challenge last summer with the drought was a lot of push back. Residents were being reported for ripping out their park strips and replacing them with all rocks, which doesn't comply with the ordinance. With the drought, it became difficult to enforce this ordinance, and even with new construction it has become more difficult. Outside of Daybreak, the individual home buyer is responsible for their landscaping; sometimes they will contract with the builder to have someone else do it, but by and large they are required to put in their own landscaping. We are seeing more and more of these homeowners not wanting to put trees and plants on their property. Sometimes, by the time we go out to inspect, they haven't put in irrigation for those areas either; so, to ask them to go back and comply with the ordinance means they have to extend irrigation that was just installed on the rest of their property. He referenced Attachment A, a handout that shows what Jordan Valley has encouraged as being acceptable for park strips. All of the options shown have no grass, some have quite a bit of plants, and one of them has trees. This is also where we are getting grants through our Public Works Department to flip people's strips. They come to the city, sometimes they say they want the grant to put in a bunch of gravel, then there is an education process about also requiring trees and plants; we get the most push back with the trees. On the back of Attachment A are the enforcement scenarios. When a resident is noticed for

noncompliance, they will ask why they're being targeted when they can drive through the city and see strip after strip that also doesn't comply. We have a small code enforcement staff, so sometimes the response is that someone targeted you, not the city. We have also gone through and blanketed entire neighborhoods to let them know they are out of compliance. Tonight, he is asking if we need to revisit the park strip ordinance, and if so, what requests would the council have; or, does the council want staff to do their best as they've been doing to try and enforce our current ordinance.

Manager Whatcott said the reason this is here tonight is because he told them to stop enforcing it, we will be on the news tomorrow if we start enforcing it. There was a resident threatening to contact the news if the city pushed her to landscape with the plants and trees, rather than using all rocks. He wants to make sure that before they do anything, the council is well-informed and has given staff their input.

Council Member Shelton noted that Glenmoor is a wreck with park strips.

Manager Whatcott said we just had a large business owner up the street rip out all their grass and put rocks in. Even with the few plants and trees they've planted, it isn't anywhere close to meeting our code.

Director Schaefermeyer said there are a few options, one is to take an educational approach, letting them know we'd like them to comply with the ordinance but we wouldn't have the same types of inspections. We would still inspect for front yards in new construction, to make sure those comply, but we would not be inspecting the park strip. Another option is to amend our requirements to reflect the types of park strips we are comfortable having in the city. The last scenario is just eliminating all park strip requirements. In 2019 we did a park strip survey, one of the takeaways from that was the most important thing to the council, planning commission and staff was aesthetics; the majority however did not want to enforce trees in park strips. Do they bring back amendments to the code, do they try to enforce the current code understanding what Manager Whatcott just shared, or do we come up with another idea.

Council Member Shelton said we need accept the reality of our drought situation, and he thinks we really need to dial back on enforcement. On new construction, we can try and help them through that as best we can, but there are a lot of older areas in the city that have too many violations.

Manager Whatcott said it has gotten away from us. We have everything you can imagine in a park strip, including one on 11400 South with a giant 3x12 foot concrete wall with plastic plants growing out of the top. We have to ask why we're doing all of this, are we just going to accept rocks. We have two code enforcement officers and it is a fight with the residents. It's not a good public relations campaign, especially in this drought; we'll lose that battle in the media.

Mayor Ramsey said she thinks people have good intentions; they want to flip their strip so they aren't using water.

Council Member Zander asked about the lady they were discussing.

Manager Whatcott said it was new construction, she did it during the winter and they went out to do an inspection and it was all rocks.

Council Member Zander is not afraid of one resident and KSL, she wants to do what is right. She doesn't want to come back in four years and have to hear that the council was lazy and sloppy, and that our city streets are ruined. We may need to soften the rules, but she is not okay just throwing her hands in the air.

Council Member Shelton said it's already a mess.

Council Member Zander asked if we want to stay the course and let everyone do what they want. She knows they already are doing whatever they want, but she doesn't want to look back in four years and have a mess and wish they had done things differently.

Council Member Marlor said his subdivision's CC&Rs do not allow trees, and asked whose rules he follows. He is replacing all of his park strip, and has gotten together with everyone in his cul-de-sac to re-do the entire cul-de-sac and more this summer with stuff that follows the code. The problem is that his subdivision has said no trees.

Attorney Loose said if we need to adjust our ordinances, we can, but enforcement is a big part of this. If the council is saying we need more than just rocks, some sort of trees, shrubs or other drought resistant plants then they can go with that and adjust the code accordingly. They're asking for some direction, and if it doesn't work this year they can bring it back next year, and the years after. It's clear the drought is real and we want to save some of that water for drinking.

Director Schaefermeyer said we are not enforcing currently, and will stay that way until the council gives other direction. The challenge with choosing not to enforce is that the longer that goes on, the harder it is to bring things back under control.

Mayor Ramsey noted that she has a neighbor on the corner, they bought the house a few years ago and last year during the drought they took out the park strips in front of the house and all the way down the side street, replacing it with all white rocks. They've maintained it well, but that's what they did. Another neighbor, who had a lovely park strip, started out by removing the grass and changing it to more of the drought resistant plants. It took them one summer to tear it all out and install stamped concrete. Many people don't realize they need permission to do this, and they are just trying to do what's right. At the very least, we may need to amend the requirements for park strip landscaping to allow more flexibility, so we don't have half a city that's out of compliance and doesn't even know it because they are trying to do the right thing.

The council agreed to have Director Schaefermeyer bring something back to discuss and fine tune more.

Director Schaefermeyer noted that each department has their own motivations, his department says it will look nice in the long term, public works might come back and note that it increases replacing and repairing sidewalks. They will do their best to look at adding more flexibility, maybe this opportunity is more of an education one. Lastly, they are inventorying our city park

strips and they will have a more comprehensive plan in the future for those.

ADJOURNMENT

Council Member Marlbor motioned to adjourn the City Council Study Meeting. Council Member McGuire seconded the motion; vote was unanimous in favor.

The April 19, 2022 City Council Study meeting adjourned at 6:21 p.m.

UNAPPROVED