

SOUTH JORDAN CITY
CITY COUNCIL MEETING

December 7, 2021

Present: Mayor Dawn Ramsey, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, Council Member Tamara Zander, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, CFO Sunil Naidu, Director of Commerce Brian Preece, Director of Administrative Services Spencer Kyle, Police Chief Jeff Carr, City Recorder Anna Crookston, Director of Public Works Jason Rasmussen, Director of Government Affairs Melinda Seager, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Meeting Transcriptionist Diana Baun

Others: Jess Wenner, Kent England, Carol, Jessica Knight, Dustin H., Stephen James, Jason Burton, Amanda Covington, Fred Ash, Debbie Kroll, Gary Kroll, Chuck Newton, Eric Carlson, Chris Nelson, Chau Winters, Heather Godfrey, Jay Irwin, Stacey Rasmussen, Shelby Richardson, Shannon Ellsworth, Wade Budge, Fred and Lou Ash, CEO South Jordan Chamber of Commerce Brian Synan

6:42 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction to Electronic Meeting - *By Mayor Dawn Ramsey*

Mayor Ramsey welcomed everyone present and introduced the electronic meeting.

B. Invocation – *By Resident Shannon Golladay*

Ms. Golladay offered the invocation.

C. Pledge of Allegiance – *By Mayor Dawn Ramsey*

Mayor Ramsey led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. November 16, 2021 City Council Special Board of Canvass Meeting

D.2. November 16, 2021 City Council Study Meeting

D.3. November 16, 2021 City Council Meeting

Council Member Tamara Zander asked to have a quote from page 13 removed from the Study Session Minutes.

Council Member Zander motioned to approve the November 16, 2021 City Council Special Board of Canvass Meeting as printed, the November 16, 2021 City Council Study Meeting with amendment and the November 16, 2021 City Council Meeting as printed. Council Member McGuire seconded the motion; the vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Tamara Zander was able to be a judge at the city gingerbread house contest. She mentioned the candy display in the City Hall entryway and said there were some amazing gingerbread houses. One contestant started working on her gingerbread house in September, it had a Pirates of the Caribbean theme. Being a judge for these types of events is one of the fun things they get to do as elected council members. On Friday, she joined with most of our council to be at the Light the Night ceremony where they turned on the lights at City Hall and she stayed and walked through everything there. She congratulated the staff on putting together a great night. There was a darling man riding around with a buggy and horse drawn carriage, who was also singing Christmas carols out loud to the passengers in his carriage; that is an example of giving and going above and beyond, sharing his love of Christmas as he caroled out loud.

Council Member Brad Marlor talked about the UDOT road dedication and ribbon cutting on November 19, it was nice to have one lane each way being opened. The mayor gave a wonderful ribbon cutting speech, and he has heard from many residents thanking them for allowing them to travel through that area again. On November 30 they had their first budget session, there are some tough things coming up that were talked about. On December 1 they had their legislative breakfast with two of our legislators, Senator Lincoln Fillmore and Representative Jordan Teuscher. He felt it went really well and thanked staff for putting that together. It is great to touch base and understand what legislation is approaching us with in this next session. The next day, December 2, he and his wife attended a play at South Jordan Middle School, Elf Jr., and that was delightful. The next day, December 3 was our South Jordan Light the Night. It was very well orchestrated by our staff, and he thanked them for their hard work. He thinks the residents enjoyed it tremendously, he doesn't think he's ever seen that many people attend a Light the Night before and he had a great time with his family there. He also spoke generally with some residents and a developer regarding a proposed development on 3200 West and 10600 South, some with concerns. There were no Architectural Review Committee Meetings in the past few weeks.

Council Member Patrick Harris said they attended many of the same events together as a council, including the legislative breakfast. It is good they are able to meet with our legislators, our Senators and Representatives, and be able to voice on our residents' behalf what the needs are of the city. He feels they have a good seat at the table and good relationships with those legislators. They have another one coming up soon and they look forward to that as well. He invited any residents who have anything they'd like the council to address to send an email to them and they'd be happy to bring it up. They had their budget meeting as mentioned previously. Things are getting more expensive and this is probably one of the toughest budget sessions they've ever

had to sit through to figure out how we can pay for everything; they are doing their best to watch the dollars of the city and they look forward to reporting to everyone. He thought Light the Night was wonderfully done by the city staff and volunteers who put it on. We had people of all different ages there who had a great time, and it was neat to see Bingham there with their drumline which got the atmosphere going from the beginning. After that they had the Bingham singers, followed by so many other things that were done well. It's so nice to see so many people having fun in our city. He was a judge for the gingerbread houses as well and we have so many wonderful, talented artists; he does consider gingerbread house building an art. The amount of effort that goes in to building those gingerbread houses is very elaborate and being able to go and look at those was amazing. He even enjoyed the basic ones, because that's all he could do, and it's fun to see the results of anyone putting any amount of effort into making a gingerbread house. He had opportunities to meet with some residents, which is one of his favorite things to do when there are needs in the city.

Council Member Don Shelton said that as mentioned previously, many of them attended the same meetings and events recently. Regarding Light the Night, which he thought was terrific, he got to judge the beard decorating contest. That was really interesting for him and it was a fun time. Also, the Bingham High Madrigals were there later in the evening and they were terrific. We got a few new pieces of apparatus out at Station 64 and several of them were there for the wetting down and push-in ceremony. That was a lot of fun, and another important step for us in protecting our residents. Our Director of Government Affairs Melinda Seager is doing a terrific job with the Western Growth Coalition Executive Officers. She is scheduling out all of their meetings, the Saturday morning reports from our legislators are starting in mid-January after the first session; those will be held as Zoom meetings because hospitals are not allowing meetings at their facilities yet. He appreciates Ms. Seager's help with all of that. He sent a text to one of our staff members here, asking that our dog pots were serviced on a trail, and it was taken care of right away. He also had a resident complaining about a streetlight shining into their backyard too brightly, so he spoke with another staff member and they put in shielding to protect that resident's backyard from the light. He appreciates what the staff does to help out.

Council Member Jason McGuire attended many of the same events that the rest of the council participated in. He thought the fire apparatus wetting down was a great event that brought the community together and his children thoroughly enjoyed it. Light the Night was great, he liked the addition of the vendor market and having the sleigh ride. In the past we've had a large sleigh ride, but having the smaller sleigh was more intimate and the driver not only sang to them, but he took requests. He had a meeting with the Arts Council, they are going to try and squeeze in another play this year, hopefully getting it done in June and getting them back on more of a summer schedule for the community theater.

Mayor Dawn Ramsey knows this portion takes up a chunk of the meeting, but she really feels like it's important that everyone knows what their elected city council members are doing; that they are doing more than just attending city council meetings and making decisions there. In addition to everything already mentioned, she has a few more things to add. She is proud of what they were able to do at the fire station. She thanked Chief Dawson and his entire team, along with City Manager Gary Whatcott and everyone who had a hand in making sure we were able to

acquire the new ladder truck and fire engine. Having Station 64 open and staffed, and now having that machinery there, ensures every resident is safer. We have the longest linear city boundary in the State of Utah, and the west side needed more coverage. Without it, we had responders coming from across the city, which became time consuming for an emergency; it has been a process and years in the making. The station opened earlier this year and being able to get those large pieces of equipment in there and to have it staffed is a big deal; everyone, regardless of where they live in the city, is safer as a result of Station 64 and what we have there. She had the chance yesterday to go with the South Jordan Chamber of Commerce and Live Daybreak to present scholarships to students at four of our High Schools here in South Jordan. It was such a treat to be a part of that, and to be a part of helping their future while representing the city. She thanked the Chamber and Live Daybreak for that money. There is continued information coming from the Economic Opportunities Commission, and she asked everyone to stand by for that information from the League. There is a lot going on and she thinks this week they will have more information. She and Mr. Whatcott had the chance to meet with the Miller Group again and things went well, they are working closely with them. For those who may not be aware, the Larry H. Miller Group purchased the rest of the land left in Daybreak and they are now the owners of that land; they have been fantastic partners to work with. The city is working with them to make sure that the land left to develop is well thought out. They are a great community partner and we want to make sure we are able to bring great things to the community. She volunteered for a few hours up at This Is The Place Heritage Park, on behalf of Show Up Utah, which is the First Lady of Utah, Abby Cox's, initiative. She also volunteered for a few hours at the Christkindlmarkt event, taking donations for Utah Foster Families and refugee families here in the State of Utah. She attended the Christmas Party at the People's House at the Governor's Mansion last week, and got to visit with some legislators and others who serve in the state, it was a great opportunity. There is a lot more work happening with The Point, there was an update on that a few weeks ago but there is a lot more happening. She was the only one who was not at Light the Night, and she loves the event, she never misses any city events. Her youngest son is a team captain for the Herriman High Cross Country Team, and for those who may not know, Herriman High is a South Jordan Feeder school with three-quarters of the student body there being South Jordan residents. Her son is a senior there and he qualified to run at the East Bay Western Regionals Cross Country Race in California; she has never gone because she always goes to Light the Night. This is his last year and she didn't want to miss it, so she went to Southern California for his race. Everything went great here, Light the Night sounds like it was a hit and a great success; things went really well at the race too and she was glad she was able to be there and cheer for our cross country runners and share that with her son. As a reminder, the Jordan Education Foundation Christmas for Kids event, where they help provide Christmas for secondary students, is still accepting chaperones if anyone wants to come and help. You can go to jefchristmasforkids.org to sign up as a chaperone, it's one of the best events of the year and she loves it. You can sign up for an hour to chaperone, take a student and help them shop with their allocated amount of money they have. It takes place at the Walmart here in South Jordan on Bangerter and 10400 South first thing in the morning. They need more chaperones as this year they are at the largest number of students, 500 district wide, that they have ever been able to serve. When she was invited to go to Washington, DC a few years ago to meet with the White House and people from across the country to work on some local government issues they decided to take one of those ornaments to each of our congressional delegation, from South

Jordan City, with a Christmas card. She went to each of their offices and dropped them off while she was there. She got a text from Senator Romney's Chief of Staff today and the city ornament is front and center on their Christmas tree and they wanted her to know they were proudly displaying our city logo. She has heard from both of our US Senators and from the governor, and from KSL, they have all sent their concern and their best and asked how our officer is doing that was shot in the line of duty. She asked Police Chief Jeff Carr if he would give us a quick update on the officer's status and how he is doing.

Police Chief Jeff Carr said our officer was in the hospital and released, he believes, the following Wednesday morning. The entire department was able to be at the hospital when he came out, and they were able to wish him well. It was an emotional time for everyone. The officer is home and recovering, it is going to be a long recovery. He normally wouldn't report on his condition, but it has been publicly put out there. He had a shattered femur and a severed artery. The officer was able to start a tourniquet and had some assistance with that; they believe that may have saved his life. He is doing well and has a great attitude. Chief Carr has visited with him a few times, in fact the officer texted him last night and wanted to know how he was doing; Chief Carr said they are more concerned about how he, the officer, is doing. The officer is anxious to get back and assist in any way he can in the interim while he is recovering, and Chief Carr is sure he will be able to do that. He thanked the mayor for asking.

Mayor Ramsey said they sent flowers and a card from everyone, but they have also been very mindful to give him his space and the opportunity to recover as he has been through a lot.

F. Public Comment

Mayor Ramsey opened up the public comment portion of the meeting.

Fred Ash (Sandy City Resident) is here to talk about something that took place, he believes, when the area in question was part of Jordan High School. He is the one who opened up Elk Ridge Middle School many years ago. He thanked the council for letting him speak about the bus-train accident that occurred on the now most eastern boundary of the City of South Jordan. He looked at a map the other day and it's still in South Jordan boundaries, at 10200 South 300 West. The bus-train accident on the morning of December 1, 1938 killed 23 Jordan High School Students and a bus driver. He was a teacher, assistant principal and principal at the old Jordan High School from 1969-1994 and hanging on the wall of the main entrance to the school was a plaque explaining the tragedy, which he would see nearly every day that he worked there. For those who may not have seen the accident site, the 300 West road still runs along the railroad tracks, and for some reason the road where it used to cross the railroad still bends right there. On both sides of the railroad tracks there are cement barriers that prevent any crossing at that location, he believes there is a business on the west side. The street 300 West now runs straight south and is the entrance to the South Jordan Auto Center. South Jordan City has done a really good job in memorializing the accident and honoring those who passed away. There is a wonderful monument that was originally located at the South Jordan Community Center, but is now located near the entrance to the South Jordan Cemetery where more people will see it. Until recently, there was a nice display about the accident at the Gale Center Museum just down the

road, but there is nothing at the actual site of the accident. There is a little grove of trees just west of State Street, between 10600 South and 10000 South, where Dry Creek kind of ends. There are two nice, informative plaques that explain how pioneers used to stay in that grove of trees; the plaques are labeled Neff's Grove Natural Historic Area. The plaques were apparently put there by the Sandy City Parks and Recreation a few years back. He is here tonight because a couple weeks ago he was at the accident site, because he visits that site once and a while, and it says on the paper he brought (Attachment A) that he was told to do what he can to have at least one little plaque placed where that 1938 bus-train accident actually occurred. Kind of like in today's world where there is a big accident and there are crosses or other kinds of memorable things that are left at the site to say what happened. It was like someone was asking him that it be done for them, and he hopes that he has come to the right place to see if that can actually happen. He thanked the council for letting him present this to them, and he hopes they can find a way to put some kind of simple recognition, not expensive, of these students who were killed and their bus driver. The paper he gave the council doesn't have his name on it, and normally when he would write something he would have his name on it somewhere, but it's not on this piece of paper because he thinks someone else is saying it.

Debbie Kroll (Resident) lives across the street from Prospector Park and is taking an environmental stewardship class right now. As a result, twice a week she goes over there and picks up garbage for her class. She brought two large trash bags with her to show what two days' worth of garbage looks like. This morning there were beer case wrappers placed strategically in the trees that looked kind of cute, but she will work on taking those down tomorrow. We need bigger garbage cans there, currently there are small cement ones and they are just not enough. The city has a gentleman who comes there to empty the garbage and she has seen him walk around and pick up garbage when she is there picking up garbage as well; he is doing a great job. She doesn't know if he just isn't coming enough days, but he maybe comes on Friday and then doesn't come again until Monday, and over the weekend the garbage is overflowing. She is just here to tell the council about that. The other day a police officer was there and she asked him about it, he said they are trying to drive through more often to discourage loitering at the park. Her husband had taken their grandkids over there the other day and two girls were having an all out brawl that he kind of had to separate. She is not complaining about high schoolers because they are just high schoolers, and we need to somehow redirect them or something, but she believes having more garbage cans and bigger garbage cans might help a little bit. There is some destruction happening, so maybe they can drive through more often. She doesn't know what the answer is. She is willing, as a resident of the city, to help keep it clean; she doesn't mind doing that, but she needs a place to put the garbage once she picks it up.

Chuck Newton (Resident) came this evening to speak on a few other items, but he wanted to mention Mr. Ash's concern because he was on the city council when they approved the \$83,000-\$86,000 to build that memorial. The Historical Committee decided where to locate that statue, and then decided to relocate it. As the city council knows, we have historical signs pointing to historical areas throughout the city that he had asked our head of Public Works to handle. The head of Public Works got the sign shop on that so it would be very easy, in a few weeks, to have a sign up mentioning "site of bus crash memorial 1938" and referring them to the memorial at the cemetery for more information. He just wanted to mention that for the mayor to consider. He

did want to mention the consent agenda item about the moderate housing report that the council has. He would ask the council to take that off the common consent agenda, simply for the fact that, as you know, the moderate housing report is not done every year. There has been so much controversy in past years about what some people inaccurately refer to as “high density” housing, when it is actually moderate density housing; like this council approving the subdivision on the southeast corner of 11400 South and Redwood Road. That is a great subdivision done about a year and a half ago that is now being built out, and is a great addition to the city. This report, since it comes out not so often, two or three sentences in the minutes goes a long way to helping people understand what’s going on and why the council needs to take some of the decisions that it needs to take. The other reason he came tonight was that he has had many residents in his neighborhood comment and talk about the police department, as he is sure everyone here has had as well. They talk about how grateful they are for our police department, given the high profile incident that recently happened. He wanted to come and tell our police chief, and the officers who are outside in the hallway, thank you very much for all their efforts. He knows they hear it from the council, and they represent the residents of this great city, but he wanted them to hear it directly from a resident of this great city. Also, he wanted to thank our staff who does so much and works long hours, and the council has commented about that before. He also wanted to mention the council, and mention to the residents here who heard about some of the contests they judged and maybe a couple of meetings. He has to say, they downplayed it because normally the council slows down in December, but in January it picks up a lot. The mayor is also serving as the President of the Utah League of Cities and Towns, and he thanked her for that. It is very time intensive with the legislature coming up in session and a lot of important and critical items that could affect the future taxing policies of this city, and every city in the state of Utah. What you heard doesn’t reflect the hours they put in, so thank you to all of them.

Mayor Ramsey closed the public comment portion of the meeting.

G. Presentation Item

G.1. Utah Independent Redistricting Commission Recognition of Matt Jarman’s Service. *(By Executive Director UIRC, Gordon Haight)*

Gordon Haight thanked the mayor and council for letting them come and talk for a few minutes. He worked with the Independent Redistricting Commission and wants everyone to be aware of the hundreds of hours they put in to do the mapping. There is no way it could have been done without a number of volunteers. He introduced Jeff Baker, who is one of the commissioners who did the maps, and he will talk about the recognition award.

Jeff Baker recognized one of our outstanding employees, Matt Jarman, and invited him up to the front. Mr. Jarman volunteered as a GIS volunteer with the independent commission; they had probably 8-10 volunteers. Mr. Jarman put in a lot of hours helping them out. The work of redistricting is very detailed, intricate and precise. Mr. Jarman would sit with the other commissioners and drive the computer. While doing so, he would also make comments and suggestions that proved to be very valuable in making their work move forward in a more precise

and efficient manner. For that, they want to present Mr. Jarman with a recognition for his service and dedication to the people of Utah and the 2021 Utah Independent Redistricting Commission. His effort and sacrifice helped to create opportunities for all Utahns to have a voice in the redistricting process.

G.2. Officer Cross Awards. *By Chief of Police, Jeff Carr)*

Chief Carr said they typically have a banquet where they honor their officers for the good work that they do, but the last two years they have been unable to do that. He is preparing to visit with some of the officers and give some additional awards out, but they felt these were something that should be recognized in a council meeting. Awards were presented as follows:

- Officer Kyle Elliott – The Lifesaving Medal
- Master Officer Uati Afele - Officer's Cross
- Master Officer Wayne Henderson – Officer's Cross (awarded twice)
- Officer Jeff Petersen – Officer's Cross
- Master Officer Andrew Thompson – Officer's Cross
- Officer TJ Wenner – Officer's Cross
- Sergeant Eric Anderson – Officer's Cross
- Sergeant Zach Gee – Officer's Cross (awarded twice)
- Lieutenant Matt Pennington – Officer's Cross
- Lieutenant Rob Hansen – Officer's Cross
- Deputy Chief Jason Knight – Officer's Cross
- Master Officer Johnny Serrano – Officer's Cross
- Master Officer Brett Talbot – Officer's Cross
- Sergeant Matt Adams – Officer's Cross
- Sergeant Eric Hill – Officer's Cross
- Sergeant Adrian Montelongo – Officer's Cross
- Sergeant Nate Thompson – Officer's Cross

Chief Carr appreciates our officers in this city, they do a fine job for the citizens of this community.

Mayor Ramsey said we could not be more grateful for these fine officers and their colleagues that work with them. We have had some really strange things happen the past few years, these officers have been heroic and professional, saving many lives; we owe them a huge debt of gratitude.

H. Consent Action Items

H.1. Resolution R2021-37, Authorizing the Mayor and City Manager to sign the South Jordan City Annual Moderate Income Housing Report. *(By Planning Long Range Intern, Meadow Wedekind)*

H.2. Resolution R2021-38, Approving the issuance by the Public Finance Authority of bondson behalf of Roseman University of Health Sciences. *(By CFO, Sunil Naidu)*

H.3. Resolution R2021-39, Authorizing the Mayor to sign an amendment to the Interlocal Agreement delaying the transfer of the Recreation Center until substantial completion ofthe Bingham Creek Regional Park. *(By Director of Strategic Services, Don Tingey)*

Council Member Shelton mentioned that the Annual Moderate Income Housing Report is now done annually. Per city staff, the calculator provided by the State of Utah is inaccurate; the state is aware of this, and has not fixed it. We are providing a report that is not accurate and the state knows it, as is every other community in the state. It is also important to note that the public finance bonds are not obligations of the city, they are obligations of Roseman University; the bonds have nothing to do with city finance. Also, delaying the transfer of the Recreation Center until the Bingham Creek Park is substantially completed is wise, he appreciates the staff working that out.

Council Member Zander said she chatted with Mr. Whatcott before the meetings this afternoon. They spoke about R2021-39 and the Recreation Center, she asked if we could have the county leadership come and report to the council on how the management of the facility is going. Director of Strategic Services Don Tingey said he has already reached out to them, they will be coming in January to give that report.

Council Member Marlor motioned to approve the consent action items H.1., H.2. and H.3. Council Member Shelton seconded the motion; the vote was unanimous in favor.

I. Action Item

I.1. Resolution R2021-34, Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property generally locatedat 1500 West 11400 South. Applicant Jake Ackerman. *(By Director of Planning, Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed background information from the Staff Report. He also mentioned the Redevelopment Agency (RDA) piece of this, they've been discussing whether they go through the trouble of coming to an RDA agreement for something that hasn't actually been approved yet. His thought is no, we have the intent and agreement that they will seek it, and it will be up to the RDA board later to actually approve the use of that money. This is why the RDA discussion is not on the agenda tonight.

Jake Ackerman (Applicant) thanked the council for the opportunity to address the project. Having worked with the city for several months this year, it has been a good and enlightening experience. By way of clarification he wanted to read something from the development agreement, Section E - Developer Obligations – C, Setbacks, it states:

“All setbacks will meet RM-6 zoning requirements with these exceptions: One, for single family lots, lots 1-6, the lot width will be 45 feet, setbacks will be 5 feet sideways, rear and front yards will be 12 feet, and minimum driveway length will be 18 feet. Two, single family lots 3 and 4 will have a north side setback of at least 12 feet from property boundaries, and all buildings with multiple units will have a 10 foot setback from all property boundaries.”

Lots 3 and 4 are going to 12 feet. One of the challenges they face on this specific property is that the city has a minimum square footage requirement of a minimum of 2400 square feet for a dwelling unit; fitting a two car garage in a 2400 square foot dwelling unit on a lot that is a certain size and single story is something they have been working hard to figure out.

Regarding the landscaping, in the development agreement, Section F – Developer Obligations, it states: “The landscaping will comply with the landscaping requirements of the city code” which is from Section F1.

Section F2 states “The developer shall work with the adjacent property owners in the Jordan Meadows Subdivision for thoughtful placement of landscaping materials and locations between the two subdivisions. The purpose of this subsection is to create additional privacy between the two subdivisions. Ultimate approval of the landscaping materials and placement shall rest with the planning director and shall be installed before the city will issue certificates of occupancy on single family lots 3 and 4, and the common area west of the canal.”

Section G states: “The developer will build an 8 foot masonry wall, east of the canal, along the entire north boundary of the project, single family lots 3 and 4, and the common area east of the canal that matches the existing masonry wall on the east boundary of the project.”

This is the development agreement that was executed and provided to the city. He is a 44 year old Bingham High School Graduate that has lived in South Jordan his entire life, raised his six children here and is proud to be from South Jordan wherever he goes. He truly believes this development is good for the city; it creates a flow that makes sense. He has stated in previous sessions that had the Bingham Court development been office buildings, this project probably would have been office buildings. Had Bingham Court been a Tunex and H&R Block strip mall, that’s probably the way this would have gone. He thinks this project is great for the community. He wants to acknowledge he doesn’t have a professional development staff, he doesn’t have 100 employees that are constantly interfacing. He has forwarded videos including Zoom meetings with his interactions with the adjacent property owners. He is sure he started late, or maybe those communications have been insufficient; he is not a money grubbing scoundrel who just wants to cram a low budget project through. He has pointed out to the city council in previous sessions, and in this session, that this project is different than the Ivory subdivision. This has twice as much parking, it has almost one acre, about 40,000 square feet of green space that goes on either side of the canal; it includes a culvert over the canal and the fourth leg of a traffic signal that is going in whether or not this project happens. He thinks there has been some confusion about those aforementioned points. He is excited about the project, he thinks it’s a good project for South Jordan City and is excited to make sure those

specific requests made by the adjacent residents are met. He is not in the business of providing legal counsel or interpreting development agreements. He has his own counsel to make sure the agreements are as stated, those are the agreements that are signed and in the possession of the city. His hope is that, while the communication with the residents may have come late, the project and layout speaks for itself; the requirements of the Architectural Review Committee and the presentation of the way the facades will be and the finished quality will speak for themselves. They are excited, if they get the opportunity, to do a great project and make sure it is well representative of the city of South Jordan.

Mayor Ramsey opened the public comment portion of the hearing for Items I.1., J.1. and J.2.

Chris Nelson (Resident) presented a slideshow presentation (Attachment B). There are three of the neighbors here together, they are all located directly north of the proposed development. In short, what do they want? They want a neighborhood that's consistent with the Ivory Developed Bingham Court that is to the east. He personally wants this proposal to happen, and thinks it's a good one; he agrees with Mr. Ackerman on that point, this is a development that will benefit South Jordan. However, there are some concerns that they as neighbors want to bring to the city council's attention. Their general concerns are the quality of communication that Mr. Ackerman has had with them, and the applicant has pointed to a few of those items which will be revisited. Mr. Nelson also wants this project aligned with Bingham Court standards. There are traffic and safety concerns, along with a rezone approval contingency that happened in Sandy recently that they believe is germane to this topic and they want that brought up as well. First they want to talk about their experiences with Mr. Ackerman, and they can be summed up by it has been rushed and incomplete. The entire process has felt very rushed. Since this short introduction of the hypothetical idea of this development happening in June, with no follow-up, he and his wife thought this was a dead deal. Only the letter to the November 9 planning commission told them otherwise, it came as a surprise. After that November 9 meeting, they discovered there had been study sessions that happened in council meetings prior in August and October; they were not invited to those meetings and had no idea any of this was going on. Furthermore, according to the minutes in August, they found that Mr. Ackerman misrepresented both his and Ms. Winters' support for this, they were not aware of any of that support. Mr. Ackerman held Zoom calls, but only after the planning commission made it a contingency of their approval; these meetings were also done prior to them seeing an updated development agreement. They were in a position where they could not prepare. They were promised an updated development agreement on Friday, November 12 after the planning commission meeting, that didn't happen until the November 24, after the Zoom meetings. Furthermore, after reviewing that development agreement over the Thanksgiving weekend they sent an email with additional questions, asking for help and clarification. Mr. Ackerman's response amounted to "read the agreement," and didn't take time to help them find answers to their questions. He had a follow-up email sent to the applicant and it has remained unanswered. The neighbors wished they had more time to get their concerns addressed. Ivory gave neighbors four months before any study session with the city was conducted, and this was a big difference. Next, he will discuss some details not covered in the revised development agreement they received from Mr. Ackerman on November 24. What is the reasoning behind this high density? Bingham Court is 7.96 units per acre, which is the highest

density in South Jordan until this new proposal. We know there has been nine RDA housing units, and they played a part in that density agreement. This development has no RDA approval that he was able to find, and now they've heard there is going to be some discussion of that but they didn't have any of that data. His main question is why this allowance is above eight units per acre; they looked it up and this council had debated this quite a bit. It was very clear in the meeting back in 2019 that the council was very uncomfortable with approving this, so he wonders what has changed, where does this end. They understand that something will be developed on this piece of land, they are not fools, and that the establishment of Bingham Court points to a need for more housing in this area. They believe it is reasonable to hold Mr. Ackerman to the same density, RDA and mix standards. Bingham court is 50/50 single family homes and townhomes, but the proposal is 80/20, it stands to reason that he be held to the same standards that Ivory was held to. Regarding setbacks, he showed a picture from his presentation (Attachment B) of the 16 foot setback within Bingham Court. They had very long sessions with their neighbors before agreeing on 16 foot setbacks. Their questions were why this development can't follow that same code. The standard has been set at 12 feet and that's fine, but Ivory had the very same requirements and they made this happen with 16 foot setbacks. Is it possible to shift the townhomes further south, is it possible to lower this to four homes? They never got an answer to those questions. Regarding the ramblers, they had talked about single story ramblers and it has been mentioned that it would be difficult to have two car garages and low ramblers that fit the 2400 square foot requirement. He showed a picture of one from the Ivory Homes development (Attachment B); they were able to do it, why can't they. Mr. Ackerman agreed to ramblers along the northern property line and it's included in the development agreement, which they appreciate. On their Zoom meeting Thursday he was careful to stipulate that many ramblers require this bonus room; if Ivory can do it without one, why can't he. Regarding a dividing wall and further grading, Mr. Ackerman has agreed to put an eight foot wall in-between his property and this development, Mr. Nelson appreciates that and thinks this will be good. As mentioned, there is a grading issue that came to light and was only discovered just last week when they toured the Bingham Court. It's a little hard to see in the pictures (Attachment B) but they are both pictures of the same wall. While people are driving through Bingham Court, their headlights shine directly into the people behind the development, which makes this wall, in effect, only a three foot wall from that direction and this isn't ideal. He wants to be very clear that if they are aligned to the Bingham Court standards, not all of them have grading, it doesn't say anything about grading in the development agreement that they can find and they would like to have that included.

Chau Winters (Resident) just got her home in May, she hasn't moved in yet. In June, when she got the home, Mr. Ackerman showed up and said he was thinking about doing this and gave her the plans to look at it, but she didn't hear anything until the planning commission meeting. She wanted to continue on what Mr. Nelson has already said. She showed a picture of her home (Attachment B), as you can see behind her home she has a home from Bingham Court; she is affected by both Bingham Court and this new development. Behind her home there are three homes, the Bingham Court home is already blocking her view, she doesn't want it to get worse. Now, if they have another high profile Rambler on the other side they have no view and are boxed in completely. This is why they are asking for low profile ramblers to be built in the adjacent lot. As you can also see, her elevation is high, so even a tall home seems

short. For this reason they are asking for the eight foot wall. You can also see that even though Ivory's homes have a larger setback than what is proposed here, they tower over their properties. She can't imagine what the 12 feet will look like, and they definitely would be boxed in completely with no view. Regarding privacy, they are asking to have mature trees with the ability to sign off on the trees, not a scrawny and tiny one. Mr. Ackerman is planning to put one at the end of the street as the road that goes directly into her yard. Ivory Homes has a tree parked at the end of a similar street, and she is worried about the light shining directly into her bedroom. She would like to see a large tree to successfully block the light going into the window of her house at nighttime when they sleep. Also, she was interviewed when Bingham Court was being built as they were in the process of building three homes behind her house. The house was covered with dirt all day long, but thank goodness they put the wall up first to help with the noise pollution and debris; they would like the same thing here since they are going through construction again.

Heather Godfrey (Resident) continued to reference the slide presentation (Attachment B). She mentioned how gorgeous the entryway to City Hall is right now and she loves it. The three neighbors here tonight are here because they are the most affected by what's going in. They have no issue with the traffic light because it's going in whether or not this development goes in. She referenced pictures from Attachment B, showing the view she currently has on the west side of her backyard fence. When they purchased their home almost 20 years ago, she knew at some point the city would expand and her view of the sheep behind them would be gone. In the proposal before city council, this will be the side that the majority of townhouses will be built on, as well as a tot lot and a pickle ball court. She showed a picture from Attachment B, showing how the canal looks if you walk along it today. She had to look up what a vinyl split fence looked like, because that is what is in the concept plan that has been admitted to the planning commission. She brought up her initial fencing concerns with Mr. Ackerman when they had their first Zoom meeting about the proposed development, there were two meetings, November 18 and 19. She asked him about the fencing on the west side of the property, where the chain link and barbed wire fences are. She also asked about the split rail fence on the canal. She was told the existing fence on the west side of the canal would remain as it is. She showed the Creekside Commons plan from (Attachment B), it is the most updated one that Mr. Ackerman submitted to the planning commission. It is honestly the type of development she was hoping would go in. She grew up in a city of over 350,000 people, she has lived in all different densities and this is good for South Jordan to have more homes. What she is concerned about is the lack of consistent fencing that is going to go around this entire development; it is very unusual and spans both sides of the canal. The east side of the Creekside Commons will be using an existing six foot masonry wall that Ivory installed. The north side of the development, as has been discussed, will have an eight foot masonry wall; they are hoping this will be similar to the wall that Ivory has already installed. This eight foot wall will be the division between the Nelson and Winter homes, and they are homes three and four in the diagram (Attachment B), as well as the detention pond. They also know the city has to have access to the power pole. The next fence is the proposed split rail fence that goes along the west side of Mr. Ackerman's property currently and the canal. The last fence is the fence that's being capped, which is the chain link and barbed wire fence, which is 100% suitable for sheep and the animals that have lived there. This type of fencing is not appropriate for a

development with homes, children, a pick ball court and a tot lot. This is a total of four completely different fences, they would like to see a variation of the same fence. She has driven around a number of subdivisions in South Jordan, they have fences from three feet, to six and eight feet. Those fences are all similar and this development could do a nice design like that. This not only would make one cohesive area, but it would be good looking, safe and a place that people who live there will be proud to call their home. We all know that Utah and South Jordan is exploding with people wanting to move here. People are worried that a two story home will block their view and potentially create a privacy concern, as well as affect school enrollment, water pressure and increased traffic. A similar rezoning issue came up in Sandy, this is what was written about the zoning issue:

“A common concern for any rezoning decision is that the land use authority will approve and rezone based on site plans and renderings that show a very attractive project, but that the development that ultimately gets built ends up being not quite as nice. To get around this concern, the city council passed an ordinance approving the rezone in such a way that it will not go into effect until the developer has submitted and approved final plans that have been submitted to the city.”

Ms. Godfrey said all they want is an attractive development from both sides of their fence.

Council Member Marlbor noted that the last three public comments added up to a total of 18 minutes, however the presentation was intended to be only nine minutes per the standard three minutes per person rule.

Jason Burton (Resident) was very much involved in the Ivory development. He and his neighbors worked very closely with Ivory and found that, while they were not 100% satisfied, they were able to come to a compromise which was good. He wanted to address some things and possibly repeat some of the things that some his neighbors have addressed. While he is not affected by this directly, it does affect him in that it is adjacent to this Ivory development. There were several compromises made by the council and planning commission, most importantly in regards to density. He sat in on the study session and he knows the council was very concerned with coming close to that eight units per acre. The reason they all got there, including ultimately the council's decision, was due to the nine RDA housing units that Ivory had obtained. In addition, the city required them to go to a 50/50 mix; they came in with a much higher townhome to single family unit ratio. As they worked through that, they went back to a 50/50 mix where they all settled. Most importantly, Ivory agreed to work with the neighbors. All of those things led to a 7.96 units per acre density, this current development is above that. While it's not a lot above that amount, 8.4 is still above that 7.96 which was the largest in the city. His concern is, where does it end, where is the next one. He doesn't understand why we would go above that, why we would not require the same things that Ivory required with the 50/50 townhomes and single family homes. In addition, he doesn't understand and hopes the council will review this to why they wouldn't require the same 16 foot setback, which Ivory asked them to compromise on as they were going to put 20 feet behind them and asked them to come down to the 16 feet. He would hope that the same things done in Bingham Court would be done for this development. As mentioned, this would have

been better being done together because it would have made it so much better, and it is unfortunate Mr. Ackerman didn't choose to sell to Ivory at the time. He knows Mr. Ackerman says he never got a written offer, but he knows for a fact there were verbal offers made and discussions had; that is neither here nor there at this point, he just hopes the council will hold this development to the same standards that they've already set.

Jay Irwin (Resident) has been a resident of South Jordan for over 20 years, raised five kids here, none of which can afford to live in South Jordan. His son-in-law is Josh Baker, who is a police officer for South Jordan and currently lives with him right now because he is having to build a home 20 miles outside of the city. The Bakers looked at the Ivory subdivision, they have two little kids so it didn't work for them. There have been some good points made, he is a builder/developer, was the president of the Salt Lake HBA and has a pretty extensive background in development and building. He knows a little bit about the background here, and he wanted to address the questions being asked about the reasons for the density. There is a canal in the middle of this project that is going to add about \$400,000 worth of expense, and that's something that needs to be considered; he appreciates that it appears to have been considered. Just in looking at the project, he would speak in favor of it. He lives just a few blocks away from this, he drives by this project on a daily basis. It would be a huge improvement to that corridor and for South Jordan. He is just another resident in the city in favor of this project.

Stacey Rasmussen (Resident) is the one trying to sell the land, the brown house next to the canal area. She has been wanting this for a very long, long time. She wants to be able to have her kids get into a nice neighborhood where she doesn't have to worry about a four lane highway in front of them. She wants to be able to get her dream home, and this is her chance to get her kids in a safer area. Her son has autism, she is afraid that if they are not watching him he could go out in the street and get hit, or something else could happen to him because it's such a busy area. She wants this really bad and this would mean the world to her, giving her a chance to have a good, safe place for her son, daughter and dog.

Mayor Ramsey closed the public comment portion of the hearing.

Council Member Shelton asked about the wall and the timing of it being installed, if that was addressed in the development agreement.

Director Schaefermeyer said it was not specifically addressed. They usually bond for walls, but they could certainly add that as a provision; the bond for the wall would just make sure that there was money for it to happen. They can ask the applicant if that is something they are willing to agree to. One of the sensitivities with development is that you need to start making money at some point to be able to afford to develop, but he will leave that question to the applicant.

Mr. Ackerman said he doesn't want to contradict anything that's been stated. He was looking through the development agreement, he believes there was something in there about the walls. There are thousands of pages of documents to read. As he recalls, there was a timing for when

they would go in there.

Director Schaefermeyer said the development agreement does talk about the timing of the amenities. What they don't want, and they had it with Ivory, is that at some point they can start building these lots but they didn't have the amenities in there before they completed. This gives the city an ability to, at some point, press pause if the amenities are not complete. He would not consider the wall an amenity; the amenities would be the tot lot, open space, landscaping, etc. The city can stop occupancy midway through the project if requirements aren't met, this is in Section D and it states:

"Developer will complete the common area and following amenities before the city will grant building permits for residential units 21-30: The pickle ball court, tot lot, canal walking trail, split rail fence with child safety along the canal as shown in the concept plan.

Mr. Ackerman said related to the question about his willingness to install the wall, installation and timing of fencing as a good neighbor is absolutely part of the consideration. The problem is, they can't say they're going to install the pickle ball court, tot lot and lawns before they talk about fencing. He thinks they need to talk about the fencing before they talk about the different types.

Council Member Shelton asked if they were leaving the chain link fencing currently there, does the ordinance require a masonry wall between different zones.

Director Schaefermeyer said that as part of the development agreement a masonry wall was required, what was changed was the height from six feet to eight feet.

Council Member Shelton asked specifically about across the canal. The zone to the north is stable neighborhood, but we are doing something else here so would that also require masonry.

Director Schaefermeyer said there are a few different ways the ordinance addresses incompatible zones. He pointed out that the concept plan in the Staff Report is the one updated after the planning commission meeting.

Mr. Ackerman referenced some pictures from the Staff Report and said they can't block the canal company from accessing the canal. He thinks beauty is in the eye of the beholder here; taking a fence from the north corner of the west side of the canal and bringing it all the way down the canal, to him, is not an improvement. He apologized because this was never intended to be a split rail vinyl fence. During the study session, they discussed this being a split rail wood fence, similar to the split rail wood fence along the canal by Nielsen's Frozen Custard and another one along a running trail off 1300 West and across from the Jordan River Temple. There was a discussion about the split rail wood fence with a safety installation, and that was the original intent of that specific section, to keep that part open and give it more of a "green space" feel. This fencing was intended for the west side of the green space that is currently titled "detention pond."

Council Member Shelton asked Mr. Ackerman to clarify what types of fencing they were

proposing for all the specific sections.

Mr. Ackerman said they are proposing masonry on the north side, east of the canal, and split rail along the canal to separate the east side of the lot where the detention pond is. For the west side of the canal, to keep the open look they are proposing that fencing stay the way it is as chain link with barbed wire at the top; that fencing is currently the property of the canal company and they assume all responsibility for it.

Council Member Shelton said he doesn't like the idea of keeping the chain link fence with the barbed wire.

Council Member McGuire asked if they had approached the canal company about doing something with that section of fence.

Mr. Ackerman said that hasn't been a discussion, and he said the canal has spoken to him about wanting a six foot safety fence to provide safety to the canal. They are planning to put a split rail fence on the east side of the canal road, it is not immediately adjacent to the water. The agreement currently says "proposed split rail vinyl fence," but what that should have read was "split rail wood fence with the safety wire."

Council Member McGuire said he is confused as to why they could have the split rail fence on one side, but not the other.

Mr. Ackerman said it's because of how far away that fence is from the canal road and the actual water.

Council Member Shelton asked if he is willing to do something different with the fencing on the west side of the canal, where the chain link is currently.

Mr. Ackerman said it needs to be a safety fence, but he is not of the opinion that taking a masonry fence along the entire west side of the canal is a good look. He is of the opinion that you would want it to remain looking open.

Council Member Shelton asked about the north property line on the west side of the canal.

Mr. Ackerman said he believes there is currently fencing there, along the other side of the church he believes it would be a split rail fence as well.

Council Member Shelton asked if there is currently a fence between this property and the church property.

Shelby Richardson (Applicant) said that is currently chain link with barbed wire.

Council Member Shelton said he just doesn't like the chain link fencing, and asked if that is even still allowed in the city.

Attorney Loose said that generally, no, chain link fencing is not allowed in the city with the exception of the canals and UDOT fencing.

Mayor Ramsey asked if we allow wood split rail fencing, she didn't think we allowed wood fencing any longer.

Director Schaefermeyer said they were concerned about the vinyl split rail as well, that is where the conversation in regards to safety came from. The development agreement indicates a split rail fence with child safety along the canal, so the conversation was to match what is near Nielsen's. Wood fencing is allowed in the city, and he reminded the council that this is the opportunity to let them know if they want something different. They would default on any changes to the zoning to the underlying zone and the fencing requirements on the west side in-between the church and this project. The church is an agricultural zone, so it would have animal rights but obviously is a church. At the development phase is when some of those things trigger. If they want to specify now in the development agreement what that fence will look like, they can. He hasn't been involved in the canal fencing question on the west side of the canal, but certainly on the east side where the split rail is being proposed was a conversation.

Council Member Zander said she thinks it's unanimous between council members that they would like a more conducive fence type. She asked if it would be wise for them tonight to defer and ask everyone to go back and fix the fence concerns, then bring it back, or would it be wise to determine what kind of fencing should be installed. She feels it would be hard to make decisions right now on fencing when they don't have pictures of everything that's out there.

Director Schaefermeyer said that unless they have clear direction for him, he feels uncomfortable saying he is going to solve it to their satisfaction.

Council Member Marlors said that his impression was that, since there is open space on both sides of the canal, they were trying to promote open space; this would have been why they discussed a split rail fence. He is opposed to a six foot wall because that is in opposition to the whole point of providing open space. He asked how far back the canal is going to be covered.

Mr. Ackerman said back to where the sidewalk is, then there would be a fence provided across the canal where that sidewalk is. Basically, there is a dark black line showing where the culvert would be installed and the idea was that it would be a wide open field to do the running trail and continue that as a walking point, rather than it looking like an alleyway. The culvert is only about 200 feet, the road is 38 feet wide.

Mayor Ramsey mentioned there would be a safety fence of some kind at the back of the culvert, she asked if that would be split rail.

Mr. Ackerman said it would be whatever the canal company has there now, it is a pedestrian safety rail that goes across the bridge. It would be concrete up to a certain height with a fence

on top of it.

Mayor Ramsey asked if along the east side of the canal, where there is green space and a proposed split rail fence, is a split rail fence an option to replace the chain link that runs along the west side of the canal. She knows the canal company wants a safety fence, but if it's safe enough to put the split rail on the other side, is it an option on this side as well.

Mr. Ackerman said it doesn't seem believable, but he believes putting a low child safety split rail fence five to seven feet to the west side of the current chain link fence would look the best. They would leave the chain link fence to provide the safety, and then just have a split rail fence going along it. He agrees with Council Member Marlors, creating the open feel of this was the idea that had been discussed. Ideally, they would keep the chain link fence currently there and add a split rail fence for aesthetics, there would be a gap between the two fences. He thinks that would be a good solution to the canal's requirement for a safety fence, but to also have it look nice. He spoke with the canal company about the requirement of a safety fence directly. When he spoke with Gary Cannon, he was told that if they have a certain amount of distance from the water to another thing then the requirement for fencing is different. Where there is a canal road, and they keep that bank clear, they don't have to have a fence right on the canal road because they have to be able to access it; on the other side though they do have to have a safety fence.

Council Member Shelton asked if on the west side they could put up a fence a certain amount of distance from the water, then take out the chain link.

Mr. Ackerman said he thinks that would be an impediment to the development, as that effectively forms a secondary easement that the canal company now has to maintain because it's on the other side of that fence. Keeping the canal with that existing fence is what he would favor. In speaking with the canal company, they said they've done bridges from one property to another, this is the first one where the canal is basically incorporated into the project.

Ms. Richardson said something that's being missed is that to the west side of the green space, on the east side of the property, that's where the split rail fence will go. The chain link is directly along the water of the canal, which means there is a canal access road and the walking trail in-between the chain link and split rail. She referred to a plan from the Staff Report to show where all the fencing is and where the accesses are.

Mr. Ackerman said the chain link fence is currently on the west side of the canal. His hope is to create a green lawn that's maintained on both sides, and where the detention pond is with trees, to create a park feeling. Then, if you pulled in on the west side, the canal would just be meandering through lawns on either side. The idea is that you could look down the canal, see the pickle ball court and the green lawns on either side of the canal.

Council Member Marlors asked if there is a six foot fence on either side of the canal currently.

Mr. Ackerman said there is currently a six foot fence on the west side of the canal, there is a

broken down vinyl fence on the east side. That fence would be replaced with a split rail lower fence, adjacent to what's labeled as the detention pond. Then on the other side there would be no change as it goes further. He clarified that the canal company wants a six foot fence on either side of both the water and their easement. He believes they are all in agreement that if the canal company would allow a four foot split rail fence, with the safety wire mesh on one side to meet their safety requirements and get rid of the chain link fence that would be preferable. He is happy to remove the chain link fence all the way down, as long as the canal company says they can. He is happy to install the split rail fence, but he can't do something the canal company prohibits.

Director Tingey said that all of the park fences we have with the canals back the maintenance road, not the canal water. He doesn't believe the city has ever had to address these kinds of questions with a canal company.

Mr. Ackerman said that based on his conversations with the canal company, if it is directly adjacent to the water the canal wants a six foot safety fence. Where there is a park, like at Rushton Meadows, they are saying that if you have the 25 foot canal road, and then the water, they will allow a four foot split rail fence with child safety on the other side of the maintenance road.

Mayor Ramsey said we have other concerns that need to be addressed. She asked if everyone wanted to continue deeper in to this, or table it and bring it back after additional discussion.

The council agreed they should bring up all the issues they have now, with the understanding that they may not get a resolution on some of them tonight.

Council Member Shelton said he has observed a few Ivory Developments, every time they develop they bring in a lot of earth and raise the elevation of the existing land. He asked if the applicant expected to raise the elevation.

Mr. Ackerman said he wasn't sure, but he would expect they would have to raise things to at least the same level as Ivory next door. It's also worth noting that the current neighbors behind them are actually six feet higher and Ivory did raise it up.

Council Member Shelton asked if they will be able to get the 2400 square foot home on those lots with the garage and 12 foot easements.

Mr. Ackerman said he had a specific conference call to look at feasibility and everything else, it will be very tight but they essentially have to do it or they don't get the permit.

Council Member Marlors said if Mr. Ackerman is willing to have the 12 foot setbacks on the north lots, he is comfortable with the rest of the setbacks throughout the development.

Council Member Zander understands the 12 foot easement and that he needs to make this work. One of the requests from Ms. Winters was for mature trees, she asked Mr. Ackerman if

he is willing to put trees along that masonry wall.

Mr. Ackerman said yes, also that on the plat there are currently trees there. "Mature tree" is a loaded term, but he understands the point is that they don't want a little sapling put there. When he was looking at the Ivory end of the road, the three trees they planted there looked like they had been purchased from Home Depot and stuck in the ground.

Council Member Zander said that where the setbacks are 12 feet instead of 16 feet, she would like some kind of qualifying point to identify what a mature tree would be.

Director Schaefermeyer said the base requirement for a mature tree is usually a 2" caliper tree.

Council Member Marlor mentioned that the larger the tree, the more prone it is to die if you try to transplant it.

Council Member Zander noted that on the rendering, there are tree lines along lot 4 on the north end. She would like to see trees along lot 3 as well. They are asking for taller fences, better easements, and she feels like possibly getting some more trees in there might help.

Director Schaefermeyer said there are currently trees shown on the concept plan for lot 3, the plan the council is looking at it is what was previously shown to the planning commission and is not updated.

Mr. Ackerman said they added trees, and in a conference call they discussed having a tree at the end of the road; this was communicated to the engineering firm, but they didn't place one on the draft. This is why he read the requirements from the development agreement regarding the placement of landscaping materials earlier. He is happy to put another tree directly at the end of the road, that was communicated but it didn't make it on the final draft by mistake.

Council Member Zander said she would like to see mature trees, and she likes the plan with the one extra tree to help keep headlights from the bedroom window that's apparently straight down from the road. She would also like to see consistent fencing with better information and some final answers from the canal company.

Council Member Shelton proposed to table this.

Council Member Marlor asked if they get the requirements from the canal company, can they legislate this tonight.

Attorney Loose said given what has been said, he doesn't believe he can articulate a clear motion regarding split rail versus some of the distances, and there was still discussion about the consistency of fencing with the walls. If anyone can clearly articulate a motion better than what he is understanding, a motion can be made based on that.

Council Member Shelton asked if they can legislate on the land use and zoning, then finish the

development agreement.

Attorney Loose said they could, but even if the land use and zoning were passed tonight they are contingent on the development agreement being signed. If the development agreement is tabled to come back, Mr. Ackerman wouldn't have the land use or zoning until that time. Given that the public hearing has been done tonight, whether all three items are tabled or just the development agreement is tabled and the rest of the items are passed, they are in the same position. He would recommend tabling all three and doing them all at the same time. The public hearing has been done, so the requirements for that have been met. If this is tabled, when it comes back there is no requirement to have another public hearing. They could have a public hearing if they wanted to, but there is no legal requirement.

Council Member Marlor said it seems like there are a few issues that still need to be resolved in the development agreement. Can they legislate that if they pass the other resolutions, and indicate they have a few more items to finish on the development agreement, they can move forward on the project and then come back and fix the fencing or anything else.

Mayor Ramsey said that could be done, but if the other two items are passed tonight they don't go into effect until the development agreement is finished anyway.

Attorney Loose said that Mr. Ackerman could go forward with some confidence that the agreement is going to get done and start his engineering, based on the discussion here. He could probably do that anyway, even without the zone, because we are talking about little things on the edges; we are not talking about the zone itself.

Director Schaefermeyer said generally the focus with fencing is the immediate adjacent property owners, so that's what they focused on. He apologized for not having that conversation with staff about the other fencing. Not having had direct conversations with the canal company, he can't really speak to what fencing would be allowed. He would be concerned about having a six foot chain link and then stepping it back with a split rail that creates a maintenance nightmare. Knowing that this is such a large concern, they can go back and have those conversations with the canal company.

Council Member Harris asked about the church side border, will that stay chain link or become a masonry fence.

Director Schaefermeyer said the fencing ordinance comes into effect when someone develops, he has not reviewed it in order to say definitively what this will be at that point. Usually, with developments there is changing in fencing depending on the difference in the zone. Since it is agricultural it would likely change, but he needs time to look at that and see. This wasn't addressed because they were relying on the ordinance to tell them what it will be when it comes through. They didn't consider this an issue to be brought forward in the development agreement, and relied on the existing ordinance. If there are worries that the existing ordinance isn't going to give us what we want, that is something that can be looked at. An eight foot masonry wall is a large expense, so to require that tonight without further conversations would

be a challenge.

Council Member Harris questioned the density here versus the Ivory development.

Director Schaefermeyer said the first study session where this development was presented he talked about density and setting precedent. The maximum density for Ivory was eight units per acre, they came in a little under that. This is certainly not the most dense project in South Jordan. The discussion was what this council has approved under this PD floating zone ordinance, and 8.4 certainly would be the most dense; to say that it is the most dense throughout the city is not accurate. He believes the discussion among council members on this development and the density went to the cost of the culvert, the amount of open space, and the potential for a few RDA units as justification for going above that eight.

Council Member Harris said his preference is to be under eight, like Ivory is here.

Council Member Shelton said if they counted the acreage of the canal, that definitely brings it to under eight units per acre.

Council Member Marlor asked if they make this subject to resolution of the fencing issue, can they move forward.

Attorney Loose said yes, however staff has to be confident they can resolve the issues. From the standpoint of previous development agreements, they pass the development agreement subject to final signature upon approval of the city manager, city attorney or planning director when they clearly know the specific things the council wants that aren't in the agreement. In those cases, they can just add those things into the agreement, the developer represents that they agree to them in a meeting, and they sign it off. If they are not clear on those items, he believes staff would prefer to get things figured out as best they can, based on what they have heard, and bring the agreement back to the council.

Mayor Ramsey said if they can't get clarity they will have to table this, but she also doesn't want to drag Mr. Ackerman out forever either.

Attorney Loose said his recommendation would be to table it to a certain date, based on the future agendas and how much time Mr. Ackerman and staff think they will need to resolve the issues. The future land use and zoning, if approved tonight, would not go into effect until the development agreement is signed.

Mayor Ramsey suggested a motion to table Item I.1. until January 4, 2021.

Director Schaefermeyer believes they can resolve the fence issue, or at least bring options about the fence, by that time.

Council Member Shelton said the council has identified fencing, trees, and ramblers with bonus rooms as issues to be resolved.

Mr. Ackerman said the development agreement doesn't say there is no bonus room, but because of the size of the lot and the 2400 square foot requirement, there is really only room for a two car garage and a 1200-1500 square foot living space. Based on his discussions with the architect, the garages can be held to the south sides of the property and if there is a bonus room it could be on the south side of the property as well.

Director Schaefermeyer discussed ramblers with bonus rooms and the square footage requirements. They have seen ramblers with basements able to meet the code requirements and there are examples throughout the city like the Peterson Development, Harvest Pointe West, which has ramblers with bonus rooms. If bonus rooms are a concern, they can look at that.

Council Member Marlor motioned to table Resolution R2021-34 until the January 4, 2022 City Council Meeting. Council Member Zander seconded the motion; vote was unanimous in favor.

J. Public Hearing Items

J.1. Resolution R2021-33, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from Economic Center (EC) and Stable Neighborhood (SN) to Residential Development Opportunity (RDO) on property generally located at 1500 West 11400 South. Applicant Jake Ackerman. *(By Director of Planning, Steven Schaefermeyer)* **RCV**

Attorney Loose noted that the public hearing for Resolution R2021-33 was held tonight as part of Item I.1.

Mayor Ramsey noted that if this were approved, it would not go into effect until a development agreement is reached.

Council Member Shelton motioned to approve Resolution R2021-33 as stated on the agenda. Council Member McGuire seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

J.2. Zoning Ordinance 2021-10-Z, Rezoning property generally located at 1500 West 11400 South from the A-5 Zone, R1.8 Zone, and R-2.5 Zone to the R-M-PD Zone. Applicant Jake Ackerman. *(By Director of Planning, Steven Schaefermeyer)* **RCV**

Mayor Ramsey noted that if this were approved, it would not go into effect until a development agreement is reached.

Council Member Zander motioned to approve Zoning Ordinance 2021-10-Z as stated. Council Member Marlor seconded the motion. Roll Call vote was 5-0, unanimous in favor.

J.3. Zoning Ordinance 2021-11-Z, Rezoning property located at 10620 S. River Front Parkway from P-O Zone to the C-C Zone. Applicant, Gina Jensen. *(By Director of Planning, Steven Schaefermeyer) RCV*

Director Schaefermeyer reviewed background information from the Staff Report and Attachment C.

Gina Jensen (Applicant) said this is the very last parcel in River Park that they need to develop. It has taken them some time to figure out what can go there, but the city has been very helpful in getting them to this point and helping them along the way. They have some tenants that are interested in this space, and they are committed to not having tenants that will have a long queue line given their preliminary designs. For now, they definitely want a drive thru as that has become something that is very essential for restaurants during the pandemic and continuing on; this is why they need to rezone now to C-C.

Council Member Marlor asked if the potential restaurant clients would be sit down as well as drive thru.

Ms. Jensen said the potential tenant with serious interest would have sit down as well as drive thru.

Council Member McGuire asked if this drive thru design has been done anywhere else before.

Ms. Jensen said they have taken quite a bit of time to look through any double drive thrus, in Utah specifically, as well as many other areas and found what makes it successful. She noted they are not positive they are doing that yet, right now they just know they need a drive thru.

Mayor Ramsey opened the public comment portion of the hearing. There were no comments, the public hearing was closed.

Council Member Zander motioned to approve Zoning Ordinance 2021-11-Z as stated. Council Member McGuire seconded the motion. Roll Call vote was 5-0, unanimous in favor.

J.4. Ordinance 2021-21, Vacating a portion of Right-of-Way along the south side of Dockside Drive, immediately east of Watercourse Road, located at 11420 South 6680West. *(By Director of Planning, Steven Schaefermeyer) RCV*

Director Schaefermeyer reviewed background information from the Staff Report.

John Warnick (Applicant) is the Director of Land Development for Larry H. Miller. This is his first time here, so he wanted to make sure he was here in person to introduce himself. This is fairly straightforward, as they start fine tuning these plats they will probably have a few

more of these. This is going to be a great addition to Daybreak and they are excited to get it done.

Mayor Ramsey opened the public comment portion of the hearing. There were no comments, the public hearing was closed.

Council Member McGuire motioned to approve Ordinance 2021-21 as stated. Council Member Harris seconded the motion. Roll Call vote was 5-0, unanimous in favor.

Council Member Harris motioned to recess the City Council meeting and move to the Redevelopment Agency meeting. Council Member Shelton seconded the motion; vote was unanimous in favor.

RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING

J.5. Resolution RDA 2021-06, Authorizing the preparation of a draft project area plan & budget, and directing necessary action by the agency. (By *Director of City Commerce, Brian Preece*) **RCV**

Director of City Commerce Brian Preece reviewed background information from the Staff Report.

Council Member Shelton noticed there is land included that he doesn't believe Larry H. Miller owns.

Director Preece said that is correct, part of the public hearing process will include notifying those property owners. Even if this is approved, it will not change their property taxes.

Council Member McGuire asked if there was an estimate on how long it will take to complete this report.

Director Preece said they are working as quickly as they can. Once it is completed, there will be the required 30 day waiting period for public notice. He knows the applicant is anxious, and that there are some time constraints and deadlines they are attempting to meet. We can work with some of the taxing entities now, but we can't officially approach their boards until the plan and draft budget is adopted.

Council Member Zander asked for an estimate on how many acres this project area encompasses.

Director Preece said it was originally started with about 300 acres, but across the street has been added since then. Currently, just looking at it, the area appears to be about double the original acreage at around 500 to 600 acres.

Council Member Marlor motioned to approve Resolution RDA 2021-06 as stated. Council Member McGuire seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

Council Member McGuire motioned to adjourn the Redevelopment Agency meeting and return to the City Council meeting. Council Member Zander seconded the motion; vote was unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING AND RETURN TO CITY COUNCIL MEETING

K. Staff Reports and Calendaring Items

City Manager Whatcott said two budget meetings were added to staff's calendars, he asked if anyone had a conflict.

Mayor Ramsey asked for the specific dates of those meetings.

CFO Sunil Naidu said the dates would be January 26 & February 9, 2022.

City Manager Whatcott said the times planned were 5:00 – 7:00 pm, unless there are issues.

Mayor Ramsey said she will plan on leaving her Water District Board Meeting early.

Attorney Loose discussed the opioid litigation settlements. Nationally, there has been a fight over the opioid litigation involving states, counties, and some of the major cities that provide health services. Most cities in Utah aren't terribly affected by it, but in settling the litigation the defendants want to encapsulate everybody so they can't have a potential city, county or state come back. They are asking all cities over 10,000 people to sign and enter into this settlement. We looked at this with Chief Carr's and Chief Dawson's groups, and we may have some costs, but it would be very minimal. The bigger thing is the state; if all the cities join in, the state goes from a \$151 million settlement to a \$270 million settlement. As was seen in the Friday Facts and the memo, it looks like several of the counties that provide a lot of the health services are still fighting over this. From his standpoint, and the reason he isn't bringing this to the council in a closed meeting for litigation, is because we really aren't part of the litigation. They have just asked if we could enter into this agreement, to increase the state's chance of getting to the \$270 million amount. He sees no reason not to join, he believes Mr. Whatcott is on the same page. They won't be giving us a good settlement agreement draft until at least Thursday, and we need to have it signed by the end of December; we are waiting for the final draft to come out. We generally don't pass settlement agreements through resolution, so given the time frame and the fact that generally the council just authorizes his department to do that, the city attorney usually signs those agreements on behalf of the city. If the council is willing to enter into this settlement agreement then staff can take care of it.

Council Member Harris asked to clarify, regarding the disbursement, that it's unclear how our city will benefit from it; the state benefits greatly however, so we are taking care of the bigger piece.

Attorney Loose said the biggest reason is that if they can get everybody to sign off, the state receives \$119 million more.

Council Member Harris asked if there would be any disbursement of that additional \$119 million to us.

Attorney Loose said no, not directly. The reason for that is that we cannot show any direct costs, or if there were any they were minimal. However, to our residents there would be a higher amount of services provided through the county as the state would spend more money in Salt Lake County. Ironically, some of the more rural areas in Utah were hit harder than many of the urban areas by the opioid epidemic.

The council unanimously agreed to allow the City Attorney's office to enter into this settlement agreement.

Director of Government Affairs Melinda Seager said she sent an updated agenda, as well as a zoom link for anyone who wishes to join the breakfast with the legislators meeting remotely. The only change is that this particular group wanted to meet at 8:00 a.m. instead of 8:30 a.m.

Council Member Marlbor mentioned he thought the police officers who were not able to be here tonight to accept their awards should be brought back to another meeting in the future for recognition.

Council Member Harris motioned to adjourn the City Council meeting. Council Member Zander seconded the motion; vote was unanimous in favor.

ADJOURNMENT

The December 7, 2021 City Council meeting adjourned at 10:08 p.m.