

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

June 4, 2024

Present: Mayor Dawn R. Ramsey, Council Member Don Shelton, Council Member Jason McGuire, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Tamara Zander, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, IT Director Jon Day, Director of Public Works Raymond Garrison, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Director of Planning Steven Schaefermeyer, Police Chief Jeff Carr, Fire Chief Chris Dawson, Communications Manager Rachael Van Cleave, Recreation Director Janell Payne, IS Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Associate Director of Strategy and Budget Katie Olson

Absent:

Others: Nathan Shipp, Tanner Johnson, CB, iPhone2

4:41 P.M.
STUDY MEETING

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

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation: *By Council Member, Kathie Johnson*

Council Member Johnson offered the invocation.

C. Mayor and Council Coordination

Council discussed the send-off for the Martha Hughes Cannon Statue at the Capitol.

D. Discussion/Review of Regular Council Meeting

Consent Action Items:

- Resolution R2024-20, Authorizing Mayor to sign the Interlocal Cooperation Agreement between Salt Lake County and South Jordan City for the South Jordan Recreation Center Pool expansion.
- Resolution R2024-25, Appointing members to the Art's Council.
- Resolution R2024-33, Designating the Interim Emergency Successors for 2024-25 and identification of alerting authority and individuals authorized to send alerts.

- Resolution R2024-36, Appointing members to the Bingham Creek Park Authority Board.

Public Hearing Items

- Resolution R2024-35, Amending the FY2023-24 Budget for South Jordan City. The appropriation authority shall apply to the fiscal year ending June 30, 2024.
- Ordinance 2024-12, Amending portions of sections 7.03.060 (Insurance) and 7.05.030 (Charges for Special Community Services) of the South Jordan City Municipal City Code relating to insurance requirements for commercial haulers and waste programs offered to residents.

E. Discussion Items

E.1. Altitude Townhomes. *(By DAI, Nathan Shipp)*

Nathan Shipp (DAI) – reviewed his prepared presentation (Attachment A) and gave a brief review of the last discussion. He explained that his underwriting is asking for at least 100 units of for-rent units to make funding possible, and he explained his suggestion of a combined project, with some for-rent and some for-sale units. Ideally he needs 100 units of for-rent with the rest for-sale, however he has been trying to get closer to a 50/50 mix. He also discussed a proposal of deed restricting the owner-occupied units, not allowing the units to be rented out in the future. He feels this compromise would give the city the for-sale component they are looking for, and still allow them to work funding out with the rental component as well; all while avoiding the mess of the owner-occupied units being purchased and rented out individually, allowing them to control the makeup of the community. He also discussed the HOA's role in both sides of the proposed community and how they would use the HOA to inspect and maintain compliance with garage parking and other requirements for residents.

Council Member Shelton was pleased the developer and HOA would be enforcing the additional rules being put on these units, rather than the city.

Council Member Harris asked about the possibility in the future of the rental units being offered for sale.

Mr. Shipp responded that would not be an option, they would need to stay rentals for the long-term because of it being set up as a co-managed community.

Mayor Ramsey asked if DAI planned to keep ownership of the community, or if they planned to sell it in the future.

Mr. Shipp responded that their intent is to hold long-term, he is putting personal funds into this to create a long-term asset.

Council Member Zander asked for the estimated sales price of the owner-occupied units.

Mr. Shipp responded currently they are planning from \$525,000 to \$575,000 for three and four bedroom units.

Council Member Harris is okay with the 50/50 number, especially after the city's generous approval to allow them another completely rental community in the nearby area. He is hopeful that while they are working with staff, they will come up with some remarkable amenities and other offers to really make the 50/50 compromise worth it for everyone.

Council Member McGuire is still struggling with the 50/50 number, but he has the same thoughts as Council Member Harris.

Council Member Zander appreciated Council Member Harris's words, noting that the council did hand over an entire project to DAI, rentals only, and let them run with it. She would of course love more owner occupied, and would love to see him come back with a few more owner occupied units, but she agrees with the previous council member comments.

Both parties agreed that adding additional units to get to the desired number of rental units was not the answer.

Council Member Shelton is okay with the 50/50 number, along with the deed restriction requirement.

Council Member Johnson was agreeable to the 50/50 number as well, and asked for that to be noted specifically in the development agreement so it wouldn't be able to change.

E.2. Residential Chickens Floating Zone. *(By Director of Planning, Steven Schaefermeyer)*

Director Schaefermeyer reviewed the current Municipal Code regarding the Residential Chickens Floating Zone (Attachment B) and noted this is a discussion of potential alterations to the zone requirement in the current code. There have been some issues with chickens recently and he wanted to discuss whether the council would like to leave the requirements as is, or possibly adjust what zones chickens are available in, based on lot size.

Council Member McGuire noted the reason for requesting this discussion was to decide whether or not it should matter what zone you're in if your property meets the lot size and setback requirements.

Council Member Harris is fine with the proposed changes.

Council Member Zander asked about enforcement.

Director Schaefermeyer responded that the city would get a complaint, usually about a rooster, and Code Enforcement would visit the property to determine their violation if they have no permit. If their lot meets the requirements, they would instruct the homeowners to apply for a

permit. If their lot did not meet the requirements, they would issue a violation and go through that process. There are many people in the city who have chickens without permits, and whose lots do not qualify for a permit to have chickens.

Council Member Shelton agreed with using the 10,000 square foot lot as the determining factor, not worrying about the zone.

Council Member Johnson agrees as well.

Council Member Zander is agreeable as well.

E.3. Municipal Justice Court. *(By City Attorney, Ryan Loose)*

Attorney Loose reviewed Associate Director of Strategy and Budget's prepared presentation (Attachment C), which included statistics from the Justice Court over the years for comparison. They have been looking at how the city is putting its resources together, which is the whole point of priority based budgeting. In terms of strategic priorities, the court is not mandated and is optional; it doesn't really align with any of the strategic priorities of the city. It comes with decreasing revenues and increasing subsidies at around \$500,000 from the General Fund. The city has done a lot to cut the funds needed including being as efficient as possible with staffing like the Bailiff, Prosecutor, etc. They have also seen a declining caseload in easy cases, but the harder cases that take more time are still present and not declining at the same rate. The two things weighing the most to him were the fact that the city is roughly \$500,000 in the red, and only 3.5 out of every 10 cases are residents. How much are we inconveniencing our residents, the 3.5 out of 10, having them drive to what would be the County Justice Court or the West Jordan District Court. It would be a slight inconvenience for our prosecutors to have to make that drive, as well as our officers, but it's nothing that shifts the analysis regarding priority based budgeting and makes a strong case to keep the courts based on the factors presented. He reviewed the statistics from Attachment C, noting that many of the spikes in caseload shown in prior years can easily be attributed to things like large growth spikes in the city. Despite the large addition of road miles in the city over the years, there is still a steady and significant decline in traffic cases as well. The time spent doing calls other than traffic has been more significant, noting that a domestic call requires a minimum of two officers and takes at least an hour or two, and the focus of the police has shifted to the rising amounts of other criminal calls, like domestic issues so they aren't doing as much in the traffic area. He reviewed the slide in Attachment C showing the potential savings over the past few years if these changes had been made previously. He reviewed the statistics for cases filed on Attachment C, asking who our courts are actually serving in our justice court; the data shows that roughly two-thirds of cases in the court weren't even residents of South Jordan, and that number has stayed steady over time. This shows that the city's large subsidizing of the court is actually serving a large majority of non-residents. He discussed research and options on potentially just keeping a justice court for misdemeanors, but the only way to pay for that would be to get more money from the traffic cases and that wouldn't improve the financial situation. This is a policy decision, and he noted that he would be remiss in his duties if he didn't present this decision to the council now, because if the decision isn't made by July 1, the current contracts will run for another six years. The court can be closed during that

time, but the city would still have obligations to pay at least the judge's costs which would work out to about \$1.2 million. He doesn't have a big opinion one way or another, but he will say that it doesn't meet the city's regular way of budgeting. That being said, there are a lot of people who feel this is a good service for our residents. He knows the judge has spoken with several of the council members, making those arguments, and they are great arguments. However, he would be upset with a city attorney who let this opportunity pass without at least presenting the information and options for the council to discuss before they are committed again for another six years and there is potential for county closures within that time.

Council Member Shelton asked about the current caseload in terms of types of cases being seen.

Attorney Loose estimated it is about 50% traffic with the rest being the other types of non-traffic cases. For comparison, when he started with the city in 2006, that caseload was actually 80%-90% traffic. He also discussed the recent legislature changes in regards to domestic cases, noting that they can only be seen at one court so witnesses are only required to testify once. The biggest non-traffic cases being seen locally at this time are things like retail theft, DUI, assaults, some code violations, trespassing, and other little items. Regarding traffic cases, besides speeding there are reckless driving, running stop signs, DUI, etc. The ones that take the most of his prosecutor's time are domestics, DUIs, assaults. Code violation cases also take up a surprising amount of time he noted. If our court was closed, those cases would then go to the Salt Lake County Justice Court on 2100 South. The county has discussed taking the closure of their courts to the legislature as well, and if that court is approved by the legislature for closure, the cases then go to the District Court. The county didn't end up doing that this year, but there is still talk about it in the near future, and that's why he rushed to get this resolution in front of the council to share all of the information and options before that window closed. Based on the information he has researched, the county will be going to the legislature in 2025 to ask for closure. His office is also working on getting the city administrative code program to deal with code violation cases, which will require some small changes to the code. Most cities are going to the administrative program and not putting code violations through the criminal court now, since arresting those with what could be a small violation like a cluttered garage does not work in terms of enforcement. He also shared that the county shared their decision to request closure of their courts in their meeting minutes, so it is not just a rumor going around. He added that there are very few courts that would survive a priority based budgeting analysis or even a close look, with the exception of a small city with a through road that has constant speeding violations.

Police Chief Jeff Carr added that the statute changes to ticket quotas in the past had a huge effect on law enforcement throughout the state as well.

Attorney Loose also noted that not all cities in Salt Lake County have a justice court, and reminded everyone it is not a requirement for cities to maintain. The district court has a small claims jurisdiction as well for any residents needing those services.

City Manager Dustin Lewis added that in September at a meeting of the Utah League of Cities and Towns, there was a meeting with all the city managers where they were asked if any of their cities were considering doing away with their justice court. So many hands were raised that the

question was altered to ask which cities were not considering closing their courts, and only a few hands went up; many cities are having this same discussion and analysis based on those responses.

Council Member Zander asked about possibly overwhelming the district court in West Jordan, and whether they have the option to not accept our cases if we close.

Attorney Loose responded that because our court was not required, we can just close it without any approval required from higher courts or the legislature. Whereas, the county has to have legislature permission to make that closure, so there is a chance to investigate workloads and decide whether or not their closure would be an undue burden on the system. Once the county closes their courts, any cities with their own justice court who want to close up would have to go to the legislature for permission, for the same reason the county court is required to do so.

Council Member Zander asked Chief Carr if he saw any downside to this proposition from his point of view.

Chief Carr responded that it might include some more travel time, we are losing that bit of convenience with the court here, but he doesn't think that makes a strong enough case to reject the idea of closing. Another issue, the traffic cases are just dropping off with some cities even getting rid of their traffic units when presented with staffing issues.

Council Member Johnson noted that the convenience was one big reason shared by the judge while pleading his case to her.

Chief Carr responded saying sometimes the officers are inconvenienced here by sitting for hours in court when they are not needed, so the schedule hasn't always been a huge convenience factor for him.

Council Member Zander asked how many police officers that \$500,000 subsidy would fund.

Attorney Loose clarified that he doesn't know if the city will get the full \$500,000 in return, as there are a number of unfilled positions that are not police officers. There are also some great employees in the court and they want to make sure they can use them to fill positions if needed, so their salaries would be taken from that \$500,000 and sent to the correct department.

City Manager Lewis added that there are deficits in other areas of the organization where this money could be used as well, and be a great help to the city.

Attorney Loose responded that saving the \$200,000 a year on the judge's compensation alone would equal one and a half to two officers with all their equipment.

Council Member Zander loves that they are looking at the numbers and not just making an emotional decision, but she would want to know that they are being very intentional with that estimated amount from subsidizing the courts. She asked staff to be very mindful of not just

shifting employees into another position to keep them here, and using the city's resources to stretch those extra dollars.

City Manager Lewis noted the additional positions he could fill with court staff are ones he would be asking for in the next budget session anyways, so they aren't just creating positions to fill.

Attorney Loose discussed some of the positions they would be attempting to create in the next budget session, one of which would be to assist with GRAMA requests as the paralegal position in his office started out at about 10 hours a week and has grown to 20-30 hours a week to accommodate all the GRAMA requests, in addition to her other duties. That doesn't include the Deputy City Recorder's time on GRAMA requests that has grown to about 30 hours a week. In addition, Police Department uses the Legal Departments Paralegal to help with his GRAMA requests quite a bit. There is a lot of that type of situation going on that with additional staff could get rid of some of those inefficiencies. The reality is that good employees stay, and these are really good employees; if they can find a place to keep those court employees on staff it would benefit the city greatly.

Council Member McGuire asked about the chances of us closing our court and the higher courts coming back requiring cities pay additional money for the larger caseload burden.

Attorney Loose responded the chances would be very low since those costs are covered by the fines and forfeitures, which could be adjusted by the higher courts in the future to meet their needs.

Council Member Harris noted that he recognizes the savings being shared here, but he has some trouble with the math on all this due to the fact that they could look at any group of employees and decide to remove them so the annex team can move in to their space. He understands there is a benefit potential here, but he has trouble including that in the numbers being shown. He is not necessarily opposed to this decision, but he wanted to bring a few things up for discussion. He discussed when the council chambers were upstairs and one of the biggest reasons for moving those council chambers downstairs was being compliant with the court. After that, it was decided to move the court to the other building, and he is glad that was done; the public safety building was definitely needed. However, what originally started that whole process was the court from what he recalled.

City Manager Lewis added that in addition to the court issue, the city's police department had outgrown their space.

Council Member Harris understands that, but he can't ignore the fact that the court was what started the whole movement. The city also put a decent amount of money into that new building for a very nice court facility, which is how it should be. There are a lot of expenses that were undertaken, along with a large amount of effort, to make those changes with the court. It's hard for him to see the court we've built just be dismissed after all that work, and he feels that needs to be factored into the decision as well. He acknowledged that he does believe this was a

discussion that needed to take place, and he appreciates it being brought to the council at this time.

Attorney Loose agreed that the court did have a large influence on how things were changed over the years on the way the Public Safety Building was being built.

Council Member Harris also shared that he remembers proposals to remove the current fountain installed in front of the Public Safety Building and replace it with something like a splash pad, an area where residents could gather and spend time together. That ended up being moved across the street and being installed at City Park in the end. He is glad the Public Safety building was built when costs were much lower as well.

Attorney Loose noted that the Public Safety Building was on the project list to do, independent of anything with the court, but the second they started looking at what would have to happen to keep the court in City Hall it did influence those decisions.

Council Member Harris reiterated that he is not 100% for it, only because of all the things previously mentioned. However, at the same time he understands that the numbers are real and he understands the big picture.

Attorney Loose noted the courtroom would still be used for things like code violations cases through the administrative process, and they'd hold things like variance hearings in the space as well. It would not be used nearly as much as it is now, but it would still be used.

Council Member Harris was all behind the decisions in the past regarding staff recommendations for the court changes, and he realizes that in today's world the court is now costing the city money. Due to all those things, it just isn't as easy to make a decision like this.

Attorney Loose noted that is why they analyze these types of things with the priority based budgeting model, adding that things like Summerfest probably wouldn't pass that type of analysis but there are still great reasons to hold the event. Just like there are great reasons to have a court available in the city.

Council Member Johnson asked if the motivation for this change is higher because of the potential changes being made by the legislature.

Attorney Loose responded that was not a factor on his side, but it is a part of it, especially when talking with other city managers. Six years ago, when the judge sat for retention election, the numbers were different than they are now. Based on the trends they have been able to map and analyze, he is trying to think ahead and wonder what the council might want to do with those additional funds in the coming years and whether they would be useful. You have to make the decision now, because of the election cycle, and once that decision is made it's hard to change course.

Associate Director of Strategy and Budget, Katie Olson shared her prepared presentation (Attachment C) with all the statistics. Noting that she doesn't have an answer for the council, she has just run the numbers and can help explain those in more detail if needed. She noted that the Summerfest decision was based on the fact that we are the only ones who will get out there and celebrate South Jordan City. Whereas, with the courts, there are other entities that are obligated to step in and take care of those cases whether or not the city has had a court in the past or not.

The council and staff discussed the reasons for traffic cases dropping down so low, which included the need for officers on other calls, the removal of quota expectations for officers, and just the fact that it's harder to speed with traffic congestion in the city. In addition Chief Carr specifically noted that younger officers are less inclined to use their discretion to write a speeding ticket than older generations.

Mayor Ramsey added that in the past she has not been in favor of closing the court, even small towns seem to always have a courthouse. It took her about two years, knowing the data, to change her way of looking at this. She doesn't love it, but when she looked at the data, the money, and the numbers of residents being served and not served. Priority Based Budgeting has been the city's focus for over 20 years, it's the same system that convinced the council to do away with the marathon, as well as other programs that everyone has collectively decided were either a bad or good investment for the city. In her heart, she doesn't want to see this go away, but in a fiduciary obligation to the resident of the city in regards to their tax dollars she has a hard time defending it now that things have changed so drastically. This is a big decision to make, and that decision will create changes that we will continue to see over the coming years. She also noted that we don't know what will ultimately happen with the county courts, and if they do end up closing and we decide to close after that time, we are stuck with the additional step of going to the legislature to ask for permission; and we would have no control over their decision to allow the closure. Right now it is our decision, and in the future it might not be.

The council decided to think about this and have staff bring it back for a decision at the next meeting.

Council Member Harris asked about how things will look once the city is built out to capacity.

Attorney Loose noted that they can't project that, but they can look at how things have changed with growth in the past and discuss it from that point of view, but there is no way to estimate that into the future.

ADJOURNMENT

Council Member Johnson motioned to adjourn the June 4, 2024 City Council Study Meeting. Council Member McGuire seconded the motion; vote was 5-0 unanimous in favor.

The June 4, 2024 City Council Study meeting adjourned at 6:33 p.m.