

SOUTH JORDAN CITY
CITY COUNCIL MEETING

July 16, 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, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, 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, Deputy City Recorder Cindy Valdez, Meeting Transcriptionist Diana Baun, IS Senior System Administrator Phill Brown

Absent:

Others: Marilyn Thompson, Carol Ross, Larry Ross, Elizabeth and Laurie Howell, Terry Fowler, Mike K., Owner's iPad (2)

6:45 P.M.
REGULAR MEETING

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

Mayor Ramsey welcomed everyone and introduced the meeting, thanking everyone for their patience while the council concluded their previous meeting later than planned.

B. Invocation – By Director of Strategy & Budget, Don Tingey

Director Tingey offered the invocation.

C. Pledge of Allegiance – By CFO, Sunil Naidu

CFO Naidu led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. June 18, 2024 City Council Study Meeting

D.2. June 18, 2024 City Council Meeting

Council Member Harris motioned to approve the June 18, 2024 City Council Study Meeting and June 18, 2024 City Council Meeting minutes as published. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.

E. Mayor and Council Reports

Council Member Tamara Zander – Nothing to report

Council Member Harris

- Attended South Valley Sewer Board Meeting, everything going well there.
- Attended the SoJo Glow Race.

Council Member Kathie Johnson – Nothing to report

Council Member Jason McGuire

- Lots of recent interactions with residents, which he loves as his main reason for serving is to make South Jordan a better place to live. He also thanked city staff for their quick responses to resident concerns.
- Had his monthly meeting with the City Manager.
- Current Art's Council Events
 - Artventure, encouraging residents to get out and visit different art installations throughout the city and its parks.
 - August 16, recommended the Dueling Pianos event. Get tickets now because it sold out last year.

Mayor Dawn Ramsey

- Met as a Council of Mayors in Salt Lake County, and meeting again on Thursday. There will also be an additional Council of Governments meeting which includes representatives from Salt Lake County, to make some final decisions on this year's winter overflow shelter.
- Met as a Unified Economic Opportunities Commission, where she represents all the cities and towns in the State of Utah. At that meeting an update was given on the Olympic Subcommittee, which she also serves on. League leadership has already had some conversations, and there will be more in the future with the members of the League, about what they want Utah to look like in 10 years. In particular, they discussed what they think their communities will look like, and what they can do to bring the Olympic Spirit to the various communities around the state. Our city will not be a venue city, but there is a lot we could do to celebrate the Olympic Spirit here with the residents. They also discussed the most successful ideas in terms of community engagement and involvement from the last Olympic hosting.
- Met with Congressman Owens and fellow mayors during a meeting where he gave updates on what's going on in Washington.
- Had meetings with the Larry H. Miller Company, representatives from Rio Tinto, and different landowners as the city continues to work on big projects. Rio Tinto specifically

was invited recently to bring an update to the City Council and where they are in their current projects.

- Meeting with Jordan Valley Water.
- Attended the Jordan Education Foundation Golf Tournament.
- Completed 10 performances of Joseph and the Amazing Technicolor Dreamcoat, which was sponsored by the South Jordan Art's Council.

Council Member Don Shelton

- Shared that the Joseph show was remarkable, he very much enjoyed sharing it with his family.
- Attended an Executive Board Meeting for the Jordan River Commission, inviting them to tour the Pure SoJo project.
- Met with the Senior Advisory Committee, who is making their plans for the next several months; everything is doing great there.

F. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Marilyn Thompson (Resident) – I am here to present some information about a problem in our neighborhood. She read excerpts from a neighbor's letter who could not attend tonight (Attachment A) in reference to two homes, 10336 S. Temple View Circle which is the primary residence and an AirBnB, as well as 10328 S. Temple View Circle, referred to as "the party house" and also owned by Anne Simmons. The cars that come to these events add to the congestion. The letter references requests the city investigate the parties and consider them as an unlicensed business that needs to be shut down and removed from the residential area. The letter highlights the irony of the AirBnB claims about respecting the neighborhood by allowing disruptive events. The letter concludes with a strong appeal to the Council to take action, to restore peace and safety to our neighborhood.

Mayor Ramsey closed the public comment portion of the meeting, noting that this was the first time she was hearing of the issues.

City Manager Dustin Lewis was first made aware of this yesterday, and has since asked both Fire Chief Chris Dawson, Police Chief Jeff Carr, Public Works Director Raymond Garrison, and Engineering Director Brad Klavano to look into this; they have all started preliminary investigations into the allegations. He spoke with Chief Carr earlier today and he has pulled all responses received from that address over the last several years. The event on the 12th that was mentioned in the letter is the only incident found in 2024, but they will continue looking into it. City staff will work to correct any violations occurring and he encouraged the neighbors to please call the city if these events are occurring, so there is a record made of the complaint and appropriate actions can be taken.

Mayor Ramsey invited Ms. Thompson back up to speak after noting she had a few more things to add that she forgot during her comments.

Ms. Thompson added the other thing we want you to be aware of is that there is another event scheduled for July 25, according to partygoers as they left and gave the information to someone else. There is a cover fee being paid, which is interesting because some of the people are only there for maybe 10-15 minutes and leaving. I don't see too many teenagers that want to fork out money to go to something, and not get something from it. I have no idea what is happening there, I am just concerned that there could be drugs or maybe that's a handoff point and that's where this is coming from.

G. Presentation Item

G.1. Annual Risk Assessment Report. (By CFO, Sunil Naidu)

CFO Naidu reviewed background information from the Council Packet.

H. Public Hearing Items

H.1. Resolution R2024-38, Amending the South Jordan Moderate Income Housing Plan as part of the South Jordan General Plan. (By Director of Planning, Steven Schaefermeyer)

Planning Director Steven Schaefermeyer reviewed background information from the Council Staff Report.

Mayor Ramsey opened the Public Hearing for comments; there were no comments and the hearing was closed.

Council Member Harris spoke with Dr. Bob Paxton, who has some valid concerns. The home prices throughout the state are high and he shares the same concerns about that. Everyone here is aware of those concerns, and the council is doing their best to address that, and follow the laws. The council also recognizes that developers, builders and the free market are going to dictate those prices. Council Member Harris is very proud of the work the city is doing, especially with the senior center, to have impacts for residents. The council is always encouraging developers to look for ways to provide affordable housing when they are asking for special considerations.

Mayor Ramsey noted they are doing everything they can to try and help, it is a delicate balance. There are plenty of residents who don't want any zoning to change in the city, but that is part of growth. The city does agree with those at the state level that we need more housing and want to keep young people here.

Council Member Zander motioned to approve Resolution R2024-38, Amending the South Jordan Moderate Income Housing Plan as part of the South Jordan General Plan. Council Member McGuire seconded the motion.

Roll Call Vote

Yes - Council Member Zander

Yes – Council Member McGuire

Yes – Council Member Harris
Yes – Council Member Johnson
Yes – Council Member Shelton
Motion passes 5-0, vote in favor.

H.2. Ordinance 2024-11, Vacating several small portions of Right-of-Way within the Daybreak Town Center Area. *(By Director of Planning, Steven Schaefermeyer)*

Director Schaefermeyer reviewed background information from the Council Report and his prepared presentation (Attachment B).

John Warnick (Applicant) – He explained that doing things like this ahead of time is making it easier to stay ahead and make everything uniform in the Urban Center setting.

Mayor Ramsey opened the Public Hearing for comments; there were no comments and the hearing was closed.

Council Member Johnson asked if they are moving the utilities or vacating them completely.

Director Schaefermeyer replied that the utility companies will maintain any installed utilities, but they will not be at that location. Public utility easements will end up on a plat, available for all public utilities, allowing for more strategic planning with things like buried power lines when development begins.

Mayor Ramsey said she understands that the purpose of the easement vacation is to accommodate the urban design of the street and sidewalk sections and the urban core of the Daybreak Town Center; she has no concern over that. Her question is whether this where the sidewalks are meant to be, how does this vacation affect that and the future curb and gutter placement.

Director Schaefermeyer responded that they are all within the same area, this currently exists behind the curb. This is more a matter of conflict between future intended plans, and whether the city wants to be responsible for maintaining that infrastructure. This also gives the developer more flexibility to do things that we normally don't allow on a right of way that has been dedicated to the city, due to the associated challenges. There are different reasons in this area for things like this, but ultimately it comes down to whether or not we want these things on public or private property.

Council Member McGuire motioned to approve Ordinance 2024-11, Vacating several small portions of Right-of-Way within the Daybreak Town Center Area. Council Member Johnson seconded the motion.

Roll Call Vote
Yes - Council Member McGuire
Yes – Council Member Johnson
Yes – Council Member Harris

Yes – Council Member Zander
Yes – Council Member Shelton
Motion passes 5-0, vote in favor.

H.3. Ordinance 2024-18, Vacating two municipal easements located on a parcel of the Bison Ridge Subdivision. *(By Director of Planning, Steven Schaefermeyer)*

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

Mayor Ramsey opened the Public Hearing for comments; there were no comments and the hearing was closed.

Mayor Ramsey asked to clarify that the current zoning would not have to be changed if this landowner wanted to develop it.

Director Schaefermeyer responded that is correct. There have been several owners, and proposals, for this property over the years. In talking with Shane Greenwood in Engineering, who has been the main contact for the various owners over the years, this new proposal includes providing a new detention basin, rather than a retention basin. The intent of a detention basin is to detain the water, which could then move to the canal, which is an unusual plan. The proposal indicates the owners have spoken with the canal company and have approval; that approval has been requested in writing, by staff, as a correction on the subdivision application. It is not uncommon to have a detention basin behind a lot in a subdivision, but discharging that water into the canal is uncommon. What makes this so unusual is the fact that this has always received public water, as the streets are public. When water drains off lots, into the gutter and to this detention basin, it would be public water sitting in a private detention basin. He is sure there are other examples of that elsewhere, but it would be rare and something the city would try to avoid. If they are successful in developing this, it does solve the problem of the city having to properly maintain the storm drain system. When looking at the aerial views of the area, you can see it is quite wooded, which indicates it wasn't being maintained well previously, as many in the HOA didn't even know it was previously owned by the HOA. The new Parcel A would be the location of the detention basin. He discussed prior proposals and their problems. Of the proposals staff has seen, this is the one that makes the most sense in terms of storm water maintenance.

Council Member McGuire asked how this would be accessed in the future, once divided.

Director Schaefermeyer showed where there would be an easement, in favor of the city, to access and maintain the detention basin.

Attorney Loose clarified that all they are being asked to consider tonight is the turnaround, which was necessary on a dead end road, but is no longer necessary as the road will continue through. The next steps before development will not come before the council, as there is no zoning or legislative act involvement.

Director Schaefermeyer added there is a current application for a preliminary plat to subdivide the property. Part of that review, by Engineering specifically, is to make sure that the appropriate public infrastructure is in place for things like storm water and its connection to our system.

Attorney Loose noted that from a legal standpoint, they should be asking whether the turnaround is necessary anymore, either due to legal or engineering requirements, now that the street is not a dead end. If it is not necessary, that answers the question regarding whether or not there is good cause to vacate it.

Council Member Harris asked about potential engineering revisions that could be needed in the future.

Director Klavano responded that there would be additional engineering needs in the future, and the applicant has already done some of that research and had those discussions ahead of time.

Mayor Ramsey asked if there are any risks in the future to those nearby with this change in water storage.

Director Klavano responded that after looking at the low point, if it did go over the top it would just flow into the canal. Again, this is the 3rd or 4th proposal, so this area has been reviewed multiple times prior to this proposal.

Mayor Ramsey understands the discussion here tonight is whether the city will vacate this turnaround area or not. She agrees it appears the turnaround is no longer needed with the road changes, but she believes the basin changes would be a ripple effect of the decision to vacate, and as such should be discussed. If this turns into a home, how would the city physically access the area. There can be an invisible easement for access, but does that actually ensure physical access to the area.

Director Schaefermeyer responded a note would be placed on the plat, showing where the basin would be and requirements for access by the city. He believes it would be where the driveway is, with notes about keeping specific areas clear. A detention basin would not be maintained on a daily basis, but it would be similar to many others around the city with the same maintenance standards applied.

Council Member Harris noted that as land becomes scarcer, it becomes more valuable, and some of these retention areas can be quite sizable. They were engineered and designed a certain way, with homeowners being made aware of them when they bought their homes. Will this be the start of the city getting requests to convert retention areas to detention areas so people can build more homes. He also has concerns about potential hazards with detention areas like this being owned and maintained by the city.

Council Member Johnson shared her biggest concern, having private property with public water onsite; would that create additional liability the city would have to try and control.

Director Schaefermeyer noted the property will be dedicated to the city, the developer/property owner doesn't own the retention basin.

Council Member McGuire asked who the liability falls to if there is flooding.

Attorney Loose added it is not uncommon for the city to have easements through yards for access to city maintained lines or manholes; this would be a little different depending on how the driveways are done. Regarding discretion, he doesn't know how much discretion the council has legislatively if the developer has met the requirements of the vacation. If those requirements are not met, the planning commission and staff do have the discretion to tell the developer they don't meet the requirements to subdivide. He shared some of his own questions, including whether or not this impacts the overall zoning of the area, including setbacks. There is still a lot of work that has been done but is not being seen tonight as part of the vacation application, but if they meet the requirements and this proposal is the way the land is developed, he doesn't believe the city would hold any more liability than they do today. The city would have more control to maintain and clean the area.

Mayor Ramsey said with the clarification of the property being deeded to the city, she is much more agreeable to this vacation. Her biggest concern was it being on private property and the city having to maintain it.

Council Member Zander asked those involved in the approval of development in the future to be mindful of how things are placed for access in the future, to help avoid potential issues with access. She was also comfortable with the vacation as presented.

Council Member Shelton said the discussion has been helpful in making him feel comfortable with the idea and moving forward with the vacation, especially since the developer meets the requirements for the vacation.

Council Member McGuire motioned to approve Ordinance 2024-18, Vacating two municipal easements located on a parcel of the Bison Ridge Subdivision. Council Member Zander seconded the motion.

Attorney Loose noted that, in rereading the statute, it notes the legislative body may adopt an ordinance granting the petition to vacate; it is not a must.

Mayor Ramsey added that with the discussion tonight and the acknowledgment that there is a lot more work to do on this, she trusts staff to do the work and make sure it is right.

Roll Call Vote

Yes - Council Member McGuire

Yes – Council Member Zander

Yes – Council Member Harris

Yes – Council Member Johnson

Yes – Council Member Shelton

Motion passes 5-0, vote in favor.

I. Staff Reports and Calendaring Items

City Manager Lewis had nothing for this item.

Council Member Zander motioned to recess City Council Meeting and move to Executive Closed Session. Council Member Harris seconded the motion; vote was unanimous in favor.

RECESS CITY COUNCIL MEETING AND MOVE TO EXECUTIVE CLOSED SESSION

J. Executive Closed Session

J.1. Discuss the character, professional competence, or physical or mental health of an individual.

Council Member Shelton left the meeting during the Executive Closed Session.

Council Member Harris motioned to adjourn the Executive Closed Session and return to the City Council Meeting. Council Member Johnson seconded the motion; vote was 4-0, unanimous in favor. Council Member Shelton was absent from the vote.

ADJOURN EXECUTIVE CLOSED SESSION AND RETURN TO CITY COUNCIL MEETING

Council Member Harris motioned to adjourn the July 16, 2024 City Council Meeting. Council Member Zander seconded the motion; vote was 4-0, unanimous in favor. Council Member Shelton was absent from the vote.

ADJOURNMENT

The July 16, 2024 City Council Meeting adjourned at 9:47 p.m.