

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 3, 2024

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, CFO Sunil Naidu, Director of Commerce Brian Preece, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Director of Public Works Raymond Garrison, City Engineer Brad Klavano, Director of Planning Steven Schaefermeyer, Fire Chief Chris Dawson, Director of Recreation Janell Payne, IS Systems Administrator Ken Roberts, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, Communication Manager/PIO Rachel Van Cleave, City Recorder Anna Crookston, Associate Director of Strategy & Budget Katie Olson, Senior Accountant Reid Sanderson, Planning Commissioner Steve Catmull

Absent:

Others: iPhone, KSL Assignment Desk, Cami Kapp, Mike Koch, Mike & Carly, Bella Johnson, Carol Brown, Bennion Gardner, Kian, Lacey Smith, Jen, Parker Johnson, Sharon Juneau, Jerry Juneau, Camille Grimshaw, Erin Grimshaw, Karina Searle, Rena Vanzo, Guylyn Johnson, Jeff Johnson, Midge Treglovon, Avi Robleto, Odemary Rosado-Ortiz, Felicia & Bobby Street, Toni Allman, Robin Pierce, Pat Larson, Carly Buckner

6:43 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.

B. Invocation – *By Council Member, Don Shelton*

Council Member Shelton offered the invocation.

C. Pledge of Allegiance – *By Director of Public Works, Raymond Garrison*

Director Garrison led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. August 20, 2024 City Council Study Meeting

D.2. August 20, 2024 City Council Meeting

Council Member Shelton motioned to approve the August 20, 2024 City Council Study Meeting and August 20, 2024 City Council Meeting minutes as published. Council Member McGuire seconded the motion; vote was 5-0, unanimous in favor.

E. Mayor and Council Reports

Council Member Don Shelton

- Attended the art show at the Senior Center during the Generation Day activities.
- Attended Jordan River Commission kick-off for their Get to the River Festival. They also announced the America the Beautiful Grant received in conjunction with multiple other partners which will be used for improvements along the Jordan River.
- Phone conversation with Director Garrison today who enlisted other staff members to help restore water to a resident who was without it over the weekend.

Council Member Tamara Zander

- Thanked Manager Rasmussen for his suggestion regarding a parking issue near a hydrant in her neighborhood. He suggested getting a youth group to paint the curb and she was able to find a willing group who, with city provided supplies, painted that curb to ensure future safety in the area.

Council Member Patrick Harris

- Attended a Jordan Basin Improvement District meeting.
- Spoke with Doug Young who is trying to get ahead of installing underground infrastructure in his project before the roads go in to keep costs down.
- Met with Nate Shipp from DAI to discuss open space.

Council Member Kathie Johnson - *None*

Council Member Jason McGuire

- Met with a resident and Director Schaefermeyer concerning affordable housing and suggestions.
- Started meetings for the Utah League of Cities and Towns Nomination Committee and their new board; that will be finishing this week.
- Spoke about the Live Daybreak Dragonboat festival, kinds from the local Chinese immersion school programs participated in the event.
- Attended the Old Glory Dance, with around 75-100 people in attendance he was pleased to see the turnout.

- The next theater production, Blithe Spirit, has been cast and tickets will go on sale later this month for shows in October and November.
- Updated on Sunrise Park: residents expressed concerns on activities happening at the park, so he worked with staff who chose to close the park to vehicle traffic. He has received many positive emails from residents noting they feel much safer at the park after those changes.

Mayor Dawn Ramsey

- Met with a few different developers about varying projects they are considering.
- Met with Wasatch Front Regional Council, preparing for their third Fresh Look at Transit workshop.
- Attended a professional pickleball tournament downtown by invitation.
- Thanked Council Member McGuire for accepting the opportunity to be on the nominating committee of the League Board.
- Several meeting with the Utah League of Cities and Towns as they prepare for their conference this weekend. The Unified Economic Opportunities Commission will meet after that conference.
- Worked with several mayors on coordination.
- Visited with several residents over the last few weeks.
- Was unable to visit the Dragonboat Festival this year but did receive pictures from other groups in attendance.
- Spent a week completely unplugged with her husband in the Grand Canyon, it was wonderful.

F. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Robin Pierce (Resident) – I see a lot of people running red lights, and I don't see people getting pulled over and ticketed. I would like to know what the town can do to ticket red light runners. I am at the intersection of Jordan Parkway and 4000 W a lot, because I live on Cawdor, and it is way red and they are still running it. You can't just move forward without counting to probably three or five and looking both ways, I see so many red light runners. I think it's dangerous, there is a lot of fender benders here, and I think it would be nice if they got ticketed. It's not just this intersection, I see it at Daybreak Parkway, and frankly all over town; not just this town, but since we're here talking about this town that would be nice.

Mayor Ramsey closed the Public Comment portion of the meeting.

G. Public Hearing Items

G.1. Resolution R2024-41, Approving the 2023 Consolidated Annual Performance and Evaluation Report and authorizing submittal to the U.S. Department of Housing and Urban Development. *(By Associate Director of Strategy & Budget, Katie Olson)*

Director Olson reviewed background information from the Council Report and her prepared presentation (Attachment A). She also introduced the new CDBG Coordinator, Reid Sanderson, who has been promoted to a Senior Accountant position and will be taking on the CDBG responsibilities.

Accountant Sanderson introduced himself to the Council. He has been working for the city for seven years, and for the state for 25 years.

Director Olson continued reviewing her prepared presentation (Attachment A) and noted there was one email received from the public prior to the meeting (Attachment B).

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

Council Member Zander asked to clarify if the reason we received so much less funding than other cities was because of our city's socioeconomic status.

Director Olson responded that is one of the big reasons, but they also look at our neighborhoods and the low to moderate income percentages. Normally for a project you need to have 51% low to moderate income in the neighborhood, but we have no tracts that qualify for that so the city has been given an exception since we are still entitled to some funding.

Council Member Zander asked how the households are chosen to receive help.

Director Olson responded they use the outside providers for that, but the city received copies of all the paperwork and the city's committee scores the applications and shares who is chosen. The city advertises to the residents which groups are offering funds and services, but many hear about the services through word of mouth like The Road Home.

Council Member Zander motioned to approve Resolution R2024-41, Approving the 2023 Consolidated Annual Performance and Evaluation Report and authorizing submittal to the U.S. Department of Housing and Urban Development. Council Member Johnson seconded the motion.

Roll Call Vote

**Yes – Council Member Zander
Yes – Council Member Johnson
Yes – Council Member Harris
Yes – Council Member Shelton
Yes – Council Member McGuire**

Motion passes 5-0, vote in favor.

G.2. Ordinance 2024-17, Amending portions of section 17.130.020 (Residential Chickens Floating Zone) of the South Jordan City Municipal Code. (By Director of Planning, Steven Schaefermeyer)

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

Mayor Ramsey opened the Public Hearing for comments.

Robin Pierce (Resident) – My neighbor recently got some chickens, are they allowed to have a rooster, or just the chickens?

Mayor Ramsey closed the hearing.

Director Schaefermeyer responded that even before this change, roosters were not allowed. There has been some confusion, as the city also has the Farm Animal Floating Zone for larger lots, and those can have a variety of animals. They have been asked if that zone also allowed roosters, even though they are not allowed in the other zones, and this ordinance now clarifies that roosters are not allowed in the Farm Animal Floating Zone either.

Council Member Harris asked about how HOAs can regulate this.

Director Schaefermeyer responded that HOAs can always, with a few exceptions to include ADUs, have more restrictive rules than the city. He clarified that in Agricultural Zones roosters are still allowed, but they are not allowed in any residential zones.

Council Member McGuire motioned to approve Ordinance 2024-17, Amending portions of section 17.130.020 (Residential Chickens Floating Zone) of the South Jordan City Municipal Code. Council Member Harris seconded the motion.

Roll Call Vote

Yes – Council Member McGuire

Yes – Council Member Harris

Yes – Council Member Johnson

Yes – Council Member Shelton

Yes – Council Member Zander

Motion passes 5-0, vote in favor.

G.3. Ordinance 2024-19, Amending sections 10.24.010 (Truck Parking) and 17.18.030.010 (General Use Regulations) of the South Jordan City Municipal Code, to modify Commercial Vehicle Parking Standards in Residential Zones and on Residential Properties. Rena Vanzo (Applicant). *(By Director of Planning, Steven Schaefermeyer)*

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

Rena Vanzo (Applicant) reviewed her prepared presentation (Attachment E).

There were multiple comments received from the public before tonight's meeting, they are included in the minutes as Attachments F through M.

Mayor Ramsey opened the Public Hearing for comments.

Mike Cooke (Resident) – I have partnered with Rena in bringing this business to the community and we are really proud of what we have been able to do. I will say, just as context, that we have learned a lot because even though we have become experts and, even being a male in mammography and legislation, regulation in such a highly regulated business, I have never been to a City Council Meeting, much less a Planning Commission Meeting; we have learned a lot and have really appreciated this whole process. This is a really personal business, we both have family who have had cancer, my mother is expected to pass away from cancer in the next month or so and that's why we have started what we feel is a very critical business for the community and the State of Utah. I wanted to also comment that because we are a business of only five people, most of which are part time, we don't have the resources to be able to find a place to park the bus in an appropriate place. It really becomes very fine line of a want and a need in order for us to operate this thing successfully. I appreciated Director Schaefermeyer's explanation, and I wanted to comment that if we were to go back and time and resubmit the application, I think we would have submitted it with some different language and we learned that in our conversation with the planning commission. I really appreciated those folks and they did a really excellent job helping us, coaching us, and helping us to learn and understand. I wanted to comment that Rena and myself are totally willing to amend and rewrite the existing application and talk about this conditional use angle, what it would mean for us to come before a committee, and to have to justify that it's working and on some regular basis come to the council and be accountable for the impact we are having on the city and the residents, both good and bad.

Toni Allman (Springville Resident) – I became very passionate about breast cancer after I was diagnosed in 2021, fortunately with a very early stage; it was caught when it was considered stage zero, before it became invasive. The benefit of that is it eliminates the more rigorous treatment like chemotherapy, radiation. It does still involve surgery, but that's our goal with women is to catch it as early as possible. As Rena said, one in eight women will be diagnosed at some point in their lifetime with this, and the earlier we can catch it the better. Luckily I had someone watching out for me, my husband, who encouraged me to get in when I turned 40 to have that first mammogram. One thing I have learned since that diagnosis is any efforts I have made to spread awareness and try and get more women tested is tricky. Rena's Boob Bus is the third mobile unit we have in Utah, but the other two are owned by Huntsman and Intermountain Healthcare, and they are limited on what insurance types they accept; where Rena's is commercial, it accepts all of them. The other limitation with those other units is that you have to book it out a year in advance, and if it's October, two years in advance, just because they are limited where they can go, funding, etc. Rena has been able to accommodate all the requests that have come through, even if that means reaching that group a week later or in a shorter time frame, she gets to them, which has been really nice. As a breast cancer survivor I am really grateful that we have this Boob Bus, and it does offer something that no other mobile unit in the United States offers, which is testing for that dense breast tissue, which is like trying to find where's Waldo in a mammogram screening. It makes it really tricky, but her unit has that ultrasound that can detect through the dense breast tissue. Any of us who have ever had that

mammogram and the letter comes back from the state saying we have the dense breast tissue, it usually means go back because it was hard to take a look at that so you have to go back for either an MRI or the dense breast ultrasound, which her unit does carry. That is a huge benefit knowing that we don't have another unit like that in the United States.

Pat Larson (Resident) – I live one door down. I wasn't planning on getting up, but her having the bus park in the circle, it's behind a gate, on the back of her yard, so it doesn't bother me at all. She doesn't have a lot of people coming and going, if they have an appointment they come and they leave; there is not a lot of people waiting to get in. I think the good she can do, going down to rural towns and helping people that might not have a way of getting to a doctor, or the means, she is giving a lot back to her community and I just think that because the bus is parked on her property is not as serious as keeping that bus safe and the equipment she has got in that bus that's very expensive. I think it's worth it for what she is giving back to the community.

Odemary Rosado (West Jordan Resident) – I am actually here in support of Rena and her Boob bus. I am a cancer survivor, the equipment that Rena currently has in her Boob Bus would have probably, potentially saved me from a lot of the things I went through in the last four years. At the time I got diagnosed the technology they had, they couldn't determine the type of cancer that I had. In regards to the dense tissues and that I had been going through issues prior with my cancer. I just want to let Rena know that what she's doing in saving people like myself, and it's extremely important for the community to be able to have access to these type of things, because without people like her it wouldn't allow for people like myself to be here. I am support for her and everything that she does, the Boob Bus. The technology is amazing, I've actually had the opportunity to meet with her a few weeks ago and see the technology and things like that, and I was amazed at the advancements, but for her to be able to have this kind of technology on her bus speaks a lot. I wish that I personally would have had that when I was diagnosed. I got diagnosed July 16, 2020, during the heart of Covid of all things, and it has been a lengthy process in the last four years. I just wanted to say that and share with you guys how important this is, not only for her but for the community and her to be able to do this for everybody.

Felicia Street (West Valley Resident) – I am a patron of Rena's Boob Bus and had the opportunity to have my mammogram done there a few months ago. As a patron of her business, I feel better that my personal information, my medical information is being stored in the secureness of her yard with here there, rather than at a warehouse or wherever that might be that anybody can have access to that. I think that is also important, because it is people's medical and healthcare information, and also to reiterate what the other people have said, she and her partner have invested a lot of money into the bus itself, and also their instrumentation and to secure it safe under her watchful eye I think is important.

Bobby Street (West Valley Resident) – I have listened to a whole bunch of commentary on what this Boob Bus does and stuff like that. What we are not looking at is the safety of the equipment. There is crime everywhere, if she has it parked in a dirt parking lot, somewhere like that where she is paying someone to do it, people can break into that, ruin the equipment, then it takes the service away from a bunch of people. Not only that, but that equipment is super sensitive. I was diagnosed with a brain tumor back in 2011 and if it wasn't for the technology they have that has to be solid, it can't be bouncing around, driving down a dirt path, stuff like

that. The stuff gets jarred loose and then all of a sudden their equipment doesn't work when you have that dire need to work. Safety is a big one, with crime people find any excuse to be in there. People find out what that equipment is worth and they don't care where it's at, they're going to break into it and try and steal whatever precious parts are there they can take out and sell on the street. The security of that is what I don't think a lot of people are looking at. Like I say, she needs to be able to have that secured at her house.

Jeff Johnson (Resident) – I live next door to Rena. My comments are more for you, as a city council, planning commission, and I want to commend you on your thought process and how you are working towards the right thing without opening the doors for floods of other things that can happen, changing an ordinance is a big deal and needs to be taken seriously; I appreciate the effort you are putting into this. I have been in South Jordan now for over 25 years and I am proud to live here. I have dealt with other city planning commissions and everyone seems to be on the same page in this process, you guys are looking out for the benefit of the citizens and what takes place in your city. I commend you for that and I am glad to be here.

Steve Catmull (Resident) – My interest is here as a citizen, mostly around Title 10 that is being discussed today and I have some questions about that I think might be worth investigating or entertaining. My first question is, according to Title 10, are Class A motorhomes allowed to be parked in residential zones. These are the ones that typically have a length greater than 24 feet, and weigh more than 18,000 pounds. That's a question that I don't know is clear in my mind; I'm not biased either way, I just have questions. That ordinance in Title 10.420, caps motorized vehicles weighing in at 18,000 pounds; is there a cap on unmotorized vehicles weight, say a fifth wheel trailer that weighs 23,000 pounds loaded, is there anything that covers that. That same part of the code does use the term "licensed" for a certain weight, that 18,000 pounds; does that mean title and registration from the State of Utah, like the DMV. Are there length limits on unmotorized vehicles would be another question. Question about parking in residential zones, is there any difference if the vehicle is parked in a covered structure, versus uncovered but still in an allowed area. Is advertising on vehicles parked in residential zones prohibited, and in this particular case would that vehicle have been cited if it had been painted white with no markings. As we get into electric vehicles, this is more of a fact than a questions, a Tesla truck is almost 8000 pounds in weight, but you might see those in residential areas. Lastly, the Title 17 talking about commercial vehicles, equipment handling or earthmoving vehicles and the list in the paperwork and what we tend to get complaints about, it doesn't by example include RVs or other types of vehicles. We may want to clear that code up if that's how the council feels so it is clear and less ambiguous.

Kian Torrini (Resident) – I am passionate about what Ms. Vanzo does because half the people I know are women and breast cancer directly affects me as a man. I don't know if there is a single soul that thinks that what she does is short of incredible, but I also understand the restrictions that city has to protect their resources. As Director Schaefermeyer beautifully explained, it seems me at least from what he explained that it's unclear what the reason for the restriction being put in place was, and the history. One issue that was brought up is the weight, he explained there are many heavy vehicles that go into the neighborhoods, and also to keep the purpose of the zone as residential; this business does not happen at the residence, it's just parking the vehicle at the residence. I also understand there is hesitancy in changing a code because it's unknown how it

can affect the city. I hope the city council and planning commission can find a compromise to allow this incredible business to not only continue, but to also further grow including maybe temporarily allowing the business to park in the residence maybe for a year and monitor how it can potentially affect the city in any way. This could also allow the business to grow and become more resourceful to be able to find another long term sustainable solution. Obviously if they grow and they have four busses, they can't park four busses on the residence. Hopefully, by then they would have the resources to be able to find a better solution long term.

Lacey Smith (Eagle Mountain Resident) – I am a cancer survivor. I represent all women that have gone through breast cancer, as well as those who are going through it. I was diagnosed under the age of 40, and as they have said before it's one in eight, but the age is getting younger and younger for these women who are being diagnosed. I represent as an advocate for an organization and the fact the resource is so welcoming and needed, that's why I wanted to support. I have gone to other conferences around the country where I have never really heard of anything like this, so the fact I am able to share that with other young women under the age of 40 and get them to where they need to get tests done. Single women, especially who don't have great insurance, this is a very vital tool for that and I am in support of the Boob Bus.

Cami Kapp (Lehi Resident) – I am a breast cancer survivor, dense breast tissue, triple negative. I was diagnosed in 2022, the mammogram and ultrasound didn't catch my tumor the first time around, and it didn't catch my breast tumor the second time around; this was at a hospital. It wasn't until we insisted on a biopsy that I was able to receive the diagnosis of breast cancer. Rena's Boob Bus could have saved me some of the tough treatment that I went through, because it is the only Boob Bus in the nation with that machinery that can detect breast tumors through dense breast tissue, and we are so grateful for that. I started a non-profit that advocates for breast cancer and women, Pink Sink is the name of the non-profit, and I would like to advocate for all the breast cancer patients out there fighting right now and just speak in favor of South Jordan working with the Boob Bus to hopefully make accommodations for her to be able to run her business that can save the lives of so many women, like has been said before one in eight women, and there are many of those women that are not able to make it to the hospital during the typical hours of mammograms. These women like we know are working long hours, sometimes single women that are not able to take advantage of the resources that are already out there, and we need the Boob Bus in our community, in our state, especially since we rank so low for screening. As an advocate for breast cancer patients and women, please consider working with the Boob Bus to make it possible for her to continue to do the amazing, lifesaving work she is doing.

Carly Buckner (Lehi Resident) – I actually had the Boob Bus come to a fundraiser that I did. I am a breast cancer survivor and then my neighbor just got diagnosed and I threw a fundraiser for her. I am a personal trainer at a gym and I have talked to several women who are over 40, need to get a mammogram but just haven't had the time and for that reason I had Rena come with her Boob Bus and I can honestly say that 80% of the women screened that day would not have done it unless it was that easy; they could just come and easily get it done, not have to schedule an appointment and have it be months out, and everything like that. I wanted to say how grateful I am that she has made this so easy for women to get mammograms because as everyone knows,

we are the busiest people on this earth with kids and all the things we have to do. I wanted to say how much I support her and the Boob Bus and the cause behind this.

Bella Johnson (Resident) – I cannot speak more than what has already been said about Rena and how great this company is. I would actually like to speak a bit more as a business owner. I met Rena at a Masters Program up at the University of Utah, both of us trying to learn how to run our businesses better, and I have a clinical trials business I own in West Valley. We spent a decent amount on rent, security, and all these different pieces, and I just wanted to speak a bit more to the struggles of a business owner, and how tricky it is especially when you are working to reach the underrepresented populations that haven't been able to have access, it really is tricky. We ourselves went bankrupt in March for full disclosure and it has been a tricky road trying to pull out of those things. Speaking from a business owner's perspective as obviously her business model itself is so noble, but being able to have the flexibility to have security, close access to that health care information, all of those things are so vital I think for how she needs to begin this, and obviously with the ordinances and that she can have those exceptions made so she can maintain this at least in the beginning of this business journey. I think that speaks volumes to the support that she needs to be able to keep this company going, obviously in addition to all the other reasons already said.

Carol Brown (Resident) – I am really excited about this business, I think it's wonderful and well needed. I have a business myself, and two of my children have big businesses that they started from scratch. I applaud the owner for wanting to help people. A couple of concerns I have are that first of all it sounds like this vehicle is very, very sensitive and needs top security. My concern would be is a backyard really the best place for that, where there is a fence easily accessible by 1300 W, a person could easily jump over that fence. I would recommend to the business owner to find a place, whether it's a larger piece of property where she could get a barn or something to park that vehicle and have it secured because if people's medical records are in the vehicle, I don't think you want it in a backyard that isn't secured without full time 24 hour security or in a locked building. Also, as an MBA and again I have two or three kids with MBAs, I wish that she had done due diligence before she started her business and put it in her house. I feel like that is a concern for opening the door to other business owners saying go ahead and start a business here and then we will accommodate you. I feel that the responsibility is on the business owner to do their due diligence, make sure they are obeying the law, before parking a vehicle in their backyard. I am excited about her business, I wish her absolutely the best, and I think it's wonderful, but I'd also like to see it follow city code.

Mayor Ramsey closed the Public Hearing.

Council Member Johnson asked for the largest size vehicle, commercial or not, currently allowed in the residential zone.

Director Schaefermeyer responded if this was in RV it would be allowed.

Council Member Johnson asked if RVs are this heavy.

Director Schaefermeyer responded they certainly could be, his understanding is that the equipment inside this bus is what makes it so heavy. Motorhomes can vary greatly in weight based on what is put inside of them, and electric vehicles can obviously be heavier because of how they're made. If this vehicle was clearly a motorhome, clearly for personal use, it would be allowed on the property based on the current code.

Council Member Johnson asked for the largest commercial vehicle currently allowed in a residential zone.

Director Schaefermeyer responded that in Title 10 those types of vehicles are defined as trucks and trailers exceeding 8000 pounds, are commercial, and are listed out specifically in the code with items over 18,000 pounds being specifically mentioned as an issue. He noted those numbers can be revisited, as there are a number of vehicles that could easily exceed that that look like a Ford F350, but with additional equipment could be over that 8000 pound limit. The weight is a concern overall for our residential roads, but the use is also a concern when it is a commercial versus personal use, and that is the distinction being drawn in Title 17, which is the zoning code for residential zones, versus Title 10. Initially, he believes she was submitted under Title 17 but once she submitted her application and it was reviewed, Title 10 was better modified to be clearer so she didn't go through this entire process for Title 17 only to be cited under Title 10.

Council Member McGuire noted that he believes everyone here is in agreement about the comments shared tonight, this is a valuable service and we are not here tonight to debate the value of the Boob Bus and its service being provided; this comes down to the ordinance and the commercial vehicle use. He asked how many daily trips the bus takes.

Ms. Vanzo responded she currently takes the bus out maybe three to four times a week, going out and back in the same day, not multiple trips in a day; sometimes they even go out and stay somewhere further away for a day or two before coming back while making multiple stops.

Council Member Johnson asked Ms. Vanzo if she provided any other services.

Ms. Vanzo responded yes, they do the 3D screening mammographies dense breast ultrasounds, which are their primary services. Her background is in genetics so she also offers genetic testing kits for breast and ovarian cancer genes, along with other forms of cancer that run in families, and they also offer some elective cosmetic services as part of the appeal to really draw in women who are already getting one service to increase the mammography rates; the breast imaging is 97% of the business.

Council Member Zander asked how Ms. Vanzo parks the bus when she stays somewhere rural for a day or more.

Ms. Vanzo responded it has a generator that is used to maintain the temperature. When she is home and stored she is plugged into her power or shore power. She is typically invited by a health department or other resource bearer in another city with whom she will arrange parking in advance. She has also stayed near gyms at corporate places for their wellness events and they talk with that group in advance to get a parking permit for the day/night they are staying.

Council Member Zander noted there is one Boob Bus today, and growth was discussed earlier. They are looking at a code change or accommodating her current bus tonight, but what are their plans as they grow if they have more in the future.

Ms. Vanzo responded storage would be strategic based on the use and they would work with partners to coordinate that. She is having discussions now with different hospital systems reaching out wanting their own mammogram units on wheels, so they are exploring partnerships there as well. They are probably about 18 months out from any of those serious considerations, but it would probably be having the storage based on the cities and different areas, not in one major hub and certainly not in her yard.

Council Member Shelton noted they have five employees total with this business, and asked where those people park.

Ms. Vanzo responded they have two mammography technicians, one of which is typically with her on the bus, and if there is enough volume both will come with her; however, they usually meet at the location. If they are going somewhere far away like Delta, one of them will park at her home and ride down with her in the bus.

Council Member Shelton asked if the business requires supplies, possible perishable supplies.

Ms. Vanzo responded yes, the cleaning supplies, the gloves. For the ultrasounds there are consumables like membranes and gels/lotions, so a minimal amount of supplies needed; most things are electronic however. She noted there were comments that perhaps her yard wasn't the most secure spot, but everything inside the bus in terms of data is encrypted and on computers and behind firewalls.

Council Member Shelton asked if the supplies are delivered to her home, and how often.

Ms. Vanzo responded maybe once a week she has a normal household delivery, nothing large or more than a regular home.

Council Member Shelton asked if customers come to her home.

Ms. Vanzo responded she has counted and there have been 15 days since getting the bus where she has had a client come to her home. It is not the main venue for the services, but they have a lot more flexibility with the mobile schedule and there have been cases where clients come to her home but that's not the purpose of the business. They park in her circle or driveway, most of her neighbors have commented that it doesn't bring more traffic than normal.

Council Member Shelton asked if she has a business license for her home.

Ms. Vanzo replied that she does not. She reached out to the Business License Department in October of 2022, and was told by Ambra Holland that her business didn't qualify for a home occupation because, again, the goal was to store it and not really be operating off of her property.

That is something that is really important, even if it's just a small portion of the business, and that is something she would like to approach again if she is allowed to keep the bus on her property.

Council Member Shelton asked if she has looked at finding an appropriate storage facility.

Ms. Vanzo responded that she has, it is fairly cost prohibitive for them at this point to find something with the size to accommodate her unit and with the power. Since this topic has come up she has had some corporations locally reach out and say they would be willing to talk about a partnership where she can park there, so she is hopeful if they can't reach a solution together, she will find somewhere else to park it, but it certainly wouldn't be ideal. She also noted they aren't tied to the specific language that was submitted in their application, she is not an expert on ordinances and their goal is to work with the council on what the appropriate language should be.

Council Member Zander noted there was discussion at one point regarding a possible conditional use permit for only a year, and asked staff if that was something they could entertain tonight. This is a new business, and she knows how expensive owning a business can be, so she asked if they could either go back to the table and figure out something that works for both sides, or possible as a council offer a conditional use permit for a year where the applicant has to come back afterwards and look at things again to decide if things are working or not and what might need to change. Changing a city ordinance is a big deal, but she would really like to work with any small business in the city to help them thrive and grow, especially a business offering services to our businesses and citizens.

Director Schaefermeyer responded regarding the potential for a temporary conditional use permit, noting that the same night this came to Planning Commission there was a similar time restrained conditional use permit reviewed for Zipline. There is language in Title 17.18.030.080, temporary uses are uses that do not exceed 60 days in duration and do not require permitted structures or improvements not already established with an approved permitted use and site plan. Usually that is exercised in commercial zones, like Merit Medical's temporary parking lot. Temporary uses exceeding 60 days in duration, or not similar to allowed primary uses in the zone, can only be authorized with a conditional use permit. It does note that a temporary use shall not cause or create a nuisance or hazard, and shall conform to all requirements of this title. The property owner ensures all trash is removed, and this how things like Christmas tree lots, firework stands, etc., fall under that use since they are usually less than 60 days. There doesn't appear to be any zoning restrictions in this case, but storage of a commercial vehicle in a residential zone is not allowed. This is not his preferred avenue as that exception is clear, but if they want to provide a venue to keep looking at this a temporary CUP would certainly be an option. It would require them to submit another application to the city and go back to the planning commission, neighbors noticed with a hearing held, etc.

Council Member Zander asked Director Schaefermeyer if he would rather the council look over the alternative provided in the packet, rather than a conditional use permit.

Director Schaefermeyer responded that the alternative was the language provided by the applicant for a narrow exception to the city code. It is listed as an alternative in the report

because staff's preference is to deny the change to the code. He discussed legal nonconforming uses and the impacts of specific situations when there are uses that don't follow the current code.

Council Member Harris noted that the ordinance to him is focusing on vehicle size and the impacts of those vehicles. He didn't see anything giving discretion to the type of company based on public value or a specific service and asked Director Schaefermeyer if he is seeing it the same way.

Director Schaefermeyer responded the code is treating all commercial vehicles the same. He discussed a previous situation where there was a company in the city doing IT work, that used smaller vehicles; those vehicles fell underneath the weight and size limit, had advertising on them, but would be allowed to park in residential areas because they fall under the size limit. There are provisions in the code allowing the parking of work vehicles, driven to and from work, so long as they are not violating other aspects of the code.

Council Member Harris asked if they knew the history or reasoning behind the ordinance being created in a way that doesn't talk about the use of the vehicles, just that all commercial vehicles are treated the same. Today they are opening a discussion to assign values to different businesses to decide who could possibly get an exemption from the current code, and that detracts from the ordinance in his opinion.

Director Schaefermeyer noted this section was moved from one chapter to another, which makes it hard to track with different labeling, and he wasn't able to get back to the very beginning of it. When looking at neighboring areas, the code is unique in the specific labeling of 8000 pounds, but the city is not unique in regulating commercial vehicles in residential zones, based on size and vehicle type instead of use.

Council Member Harris asked how they are going to go about discussing similar issues in the future as a council if they are now going to be looking at use, how does staff recommend the council begin assessing use and determining whether or not they want to accept vehicles over a certain size.

Director Schaefermeyer noted there are value judgments made in the zoning of commercial zones. The professional office zone is different from the commercial community zone, which is different from manufacturing zones. Staff decides all the time where it is appropriate in the city to have specific uses, and as a result, specific businesses. If the council wanted to adopt this ordinance, he would want the reasons why in the minutes. The way they track changes to ordinances has gotten so much better, online there is a history and the city recorder has done a great job finding historic ordinances to link them and see that chain of changes. With that chain, they can get back to the ordinance, when the meeting date was, and find the minutes to try to understand some of the rationale. He suggests putting that associated rationale on the record so when the next exception is requested they know why this was a unique case.

Council Member Harris noted that economic feasibility of parking something in another place has been mentioned as a reason, and asked if that should be a factor in other applications

received in the future when making decisions on whether or not to allow a vehicle over a certain size to park on a residential lot.

Director Schaefermeyer cautioned against getting into the business plans and finances of a particular business. They have discussed incubator spaces in the city, during the flex office discussions, but not in terms of particular businesses and their ability to do something else.

Council Member Harris brought up the issue with needing power and temperature control, there are other commercial vehicles that also require things like that. When they receive application in the future, should those be factors considered by the council when evaluating whether or not to allow that vehicles with those needs. If they determine that is a valid reason for this company to get an exception, he wants to make sure those reasons are also considered for applications in the future to ensure fairness.

Director Schaefermeyer responded that is the reason staff is recommending denial of the application as presented. From a staff perspective they look at the overall effect on the city; if they created a permitting process, raised the vehicle weight, allowed more commercial vehicles, what would that mean for the city. Making a policy choice based on one example is very difficult, and that's why their recommendation is what it is.

Attorney Loose added that one of the legal concerns is that right now there is a very objective ordinance, nothing else matters other than being commercial or noncommercial and whether it's over a certain weight. What's painted on the vehicle doesn't matter if you are over the 8000 pound weight limit, this application is asking the council to choose, by content, certain businesses to allow an exception to that rule. Commercial versus noncommercial can be decided fairly quickly, however under case law, once you start allowing any commercial speech and choosing which ones you allow, you are on more tenuous ground and no longer purely objective.

Council Member Harris asked if there were any cities that went from an objective approach to a subjective approach regarding this issue, evaluating whether or not there is enough value in the business to allow a larger weight vehicle to park.

Attorney Loose noted that Director Schaefermeyer mentioned there was one city that does have a CUP process, but he doesn't know whether or not that is based on the type of commercial or whether it will have a detrimental effect. To his knowledge, there isn't one that bases decisions solely on the business' use within the commercial realm. The other thing discussed was getting into the current use. The applicant discussed having visitors at her home, which would make it a home occupation. However, a home occupation, by the city's own code, has to be entirely within the habitable space of the dwelling with a few exceptions. From that standpoint, there couldn't be any employees, no employee parking at your home, etc. If this was granted and the applicant wanted the home occupation business license as well, and clients continued visiting the home, that behavior would be another text amendment to adjust the code to allow that based on the information provided tonight. Currently the applicant is not conforming with the city's home occupation rules. They are not measuring the need or value of this business within the community, they are strictly looking at the behavior happening and what the city code says about that behavior.

Council Member Johnson asked if the idea of a temporary permit was defensible in terms of legality.

Attorney Loose responded it could be defensible after analysis since it wouldn't be changing the use of the zone, and would allow for the next commercial vehicle to apply for the same review. His concern with the temporary use is if the city allows one vehicle to get a temporary use, why can't other vehicles on the list get a temporary use as well; does that temporary use cancel out the rule set out in the first place.

Council Member Harris noted that if they don't have a clear process and set of guidelines for a temporary permit, every application in the future would have to be turned over to the city council for evaluation. Instead of having an objective law, they would be turning this over to a subjective law where the council could set a precedent with lasting effects.

Director Schaefermeyer noted that if this exception was approved and another came in, staff would do its best to compare the two and give the applicant some idea of what the council would say. Some applicants don't care and will go through the process to get to the council, with staff doing their best to advise the council on whether they should consider it or not. There will always be future changes in council, and a future council could look at past decisions and say they would have never approved that, and use that to make decisions. It is hard to predict, and that's what everyone appears to be struggling with.

Attorney Loose addressed the council, saying if they were thinking about looking at types of commercial uses, he thinks articulating commercial uses based on industries is safer than identifying specific businesses. The language presented tonight does do that, identifying an industry.

Council Member Harris wanted to make it clear that the council is not approving this business tonight, they are instead looking at an ordinance and discussing potentially making changes to the ordinance which impacts anyone falling within those parameters and possibly setting precedence for future applications. He doesn't feel like the parameters for that law change are clearly set tonight, and that they should be better outlined before potentially making a change like this.

Council Member Johnson also noted that the language being presented doesn't put a weight limit on the potential vehicles approved in the future.

Director Schaefermeyer noted there could be an upper weight limit added to the language if the council wanted to explore that.

Mayor Ramsey agreed that this is a critical service, and noted that everybody agrees with that. They are however talking about changing an ordinance in the city, and she has had some business owners/residents in the city with a home restoration business reach out to her saying they do not believe the code should be changed. They pay to park their equipment off site, and that's part of why they chose to live here is because they like the clean, lack of commercial

vehicles look throughout the city. If this was opened up broadly they could then park their vehicles at their home, but they still would not since they don't want that changing the look of their neighborhoods; she agrees with that, and she believes the majority of the residents they represent don't want that change either. With that said, she likes the narrow language being presented here. She also worries about picking winners and losers, for this council and other councils; they should not be in that business. They also need this to be clear for staff, not ambiguous, as this is not fair to the applicants or the staff. The CUP process opens the door to mess for everyone at every level, which doesn't meet anyone's objectives. She believes there has been a great discussion tonight, and it's clear everyone supports this business; this has nothing to do with the service provided. The question was raised as to whether or not this would even be an issue if the bus had simply been painted white, and she discussed a story published about this issue that painted South Jordan as not supportive of this type of business, women's health, etc., and that was grossly inaccurate. She talked about another media story she saw that was much more measured and fair, noting that this has nothing to do with whether the vehicle was painted, or had text on the side. As the city attorney noted, if the vehicle is under 8000 pounds it can say whatever it wants on the side. She has no vote on this here, but she asked the council to keep this narrow and clean if they approve the language being proposed to keep things fair for future applicants and clean for staff in the future.

Council Member Harris asked if they could deny this tonight, but give the applicant an appropriate timeframe to move the vehicle.

Attorney Loose added that it would be okay, as long as there was a time limit given for Code Enforcement to stay enforcement.

Director Schaefermeyer noted that it can be harder to deal with stays of enforcement when the issue is complaint driven; however, the only complaint received for this was sent after the planning commission meeting and was more focused on the verbiage displayed on the bus, not the location.

Council Member Shelton motioned to deny Ordinance 2024-19, Text Amendment. Council Member Johnson seconded the motion with the condition that the applicant has six months to find a new location.

Council Member Shelton amended his motion to additionally allow at least six months to find alternative storage and work with staff before Code Enforcement enforces the current code, which does not allow commercial vehicles of this size in a residential neighborhood, as conditioned by Council Member Johnson.

Council Member Zander offered a substitute motion, approving Ordinance 2024-19, changing the language in Exhibit A from "solely used for healthcare purposes" to "used as a mobile medical/dental office or clinic" as defined in Section 17.18.060.D. Council Member McGuire seconded the substitute motion.

Council Member Harris noted, in regards to the substitute motion, that they are discussing changing an ordinance tonight and he doesn't feel they have met staff's request to provide more clarity on why they are approving this, or the parameters for future applications.

Council Member Zander would be okay tabling this ordinance and allowing staff to look at a better way to state her substitute ordinance to allow for clarity. She is looking for an option to say they do need other options for medical uses, and she believes this would be reason to make an adjustment to the city ordinance. She understands the comments made tonight, and she noted she would also be in favor of this change if this was a mobile dental clinic serving the community. She knows there are times they are asked to allow variations, and she believes this is one of those times it is appropriate as she would regret not allowing for this to happen in her city. She is open to having the language adjusted to allow more council members to feel more comfortable with the change, but her substitute motion is essentially to find a way to make this happen.

Council Member McGuire shared that he feels providing additional medical/dental care, and making that available to the community is a worthy reason to look at expansion of the city code. He feels the substitute motion would meet the request of city staff to put constraints on what they are opening up for commercial vehicles. He can think of many commercial vehicles within his district that are parked illegally overnight, many on public streets that shouldn't be there. Those people are choosing to blatantly violate the law, versus here we have a business trying to work with the city to make themselves legal. Yes, they are choosing a commercial industry, and that has been weighed into his choice when saying he feels the medical industry gives a viable reason to re-examine the city ordinance.

Council Member Johnson shared she had the same comment on her page prior to this meeting as Carol Brown shared, saying they had their own business started 27 years ago and they had to do their due diligence. She feels that part of having a business is doing your due diligence and finding out what is allowed by code. She went door to door throughout her district last year and heard parking is a huge issue, with plenty of people commenting about specific homes with violations and other parking issues. Even though they are trying to limit it to one industry, she feels that is just going to open the door to more and more of this coming before them. If the applicant wasn't doing such a great service to the community, the council probably wouldn't be spending this much time discussing the proposal. It's a wonderful service, she just thinks it didn't meet the parameters and it is unfortunate that the applicant didn't realize that and find an alternative from the beginning. She believes the business will be hugely successful, but she also thinks in a year's time the applicant won't even want to have her business there since they will have expanded beyond that.

Mayor Ramsey clarified that the current substitute motion allows only for this specific business to park on their property, based on the narrow parameters given. However, she admitted that in the future they could have another business that fits that description come up and want to do something similar. She admitted she is not open to changing anything beyond that, and she doesn't believe most of the residents would be either; if she had a vote, she would support the substitute motion.

Roll Call Vote (Substitute Motion)

Yes – Council Member Zander

Yes – Council Member McGuire

No – Council Member Harris

No – Council Member Johnson

No – Council Member Shelton

Motion fails 2-3 with “No” votes from Council Members Harris, Johnson and Shelton.

Council Member Harris shared he is very compassionate to what is going on here, and he thinks the whole council is as well. He wants this business to succeed, but he is also very aware of changing the laws.

Council Member Harris gave a substitute motion to deny Ordinance 2024-19, Text Amendment, but to allow at least one year to find alternative storage and work with staff before Code Enforcement enforces the current code, which does not allow commercial vehicles of this size in a residential neighborhood. Council Member Shelton seconded the motion.

Council Member Zander thanked Council Member McGuire for seconding her motion, and she understands and respected her fellow council members and their thoughts. She wishes there could have been a yes vote for the prior motion, but she will vote yes to Council Member Harris' substitute motion because she thinks one year is better than nothing. She wished the applicant well in her business and stated that her voting yes to this is because she believes it is the best second option.

Attorney Loose asked for discretion for staff with the understanding that they allow the applicant at least a year to find alternate parking. Both Council Members Harris and Shelton were in agreement with his understanding of the current motion.

Roll Call Vote (Substitute Motion)

Yes – Council Member Harris

Yes – Council Member Shelton

Yes – Council Member Johnson

Yes – Council Member Zander

Yes – Council Member McGuire

Motion Passes 5-0, vote in favor.

H. Staff Reports and Calendaring Items

Manager Lewis shared upcoming events for the council and staff:

- ULCT Conference begins tomorrow, all council members are registered with the exception of Council Member Zander.
- Saturday is the Day of Service in the community with multiple service projects available on the Jest Serve Website to participate.

- Saturday is the Plein Art Competition for those interested.
- Monday is the Grand Reopening of the Gale Museum.
- Tuesday is the rescheduled tour of the ballpark.
- Wednesday is the employee BBQ, hosted by the council members.
- Get in to the River Festival continues throughout the month of September.
- Farmers Market every Saturday this month.

Council Member Shelton shared that Thursday, September 5, the Jordan River Commission is visiting Pure SoJo. He will be missing part of the League Conference to join that visit.

Mayor Ramsey noted that Wednesday morning at 8:00 am in Logan is the event Cache Valley Remembers, the Major Brent Taylor 9/11 event we are hoping to host next year. She is going to that event and will race to get back to the BBQ.

Council Member McGuire motioned to adjourn the September 3, 2024 City Council Meeting. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.

ADJOURNMENT

The September 3, 2024 City Council Meeting adjourned at 9:50 p.m.