

SOUTH JORDAN CITY
CITY COUNCIL MEETING

February 1, 2022

Present: Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, Council Member Tamara Zander, Council Member Patrick Harris, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, CFO Sunil Naidu, Director of Administrative Services Spencer Kyle, Police Chief Jeff Carr, City Recorder Anna Crookston, Director of Public Works Jason Rasmussen, Assistant City Engineer Jeremy Nielson, Director of Government Affairs Melinda Seager, IT Director Jon Day, GIS Coordinator Matt Jarman, Planning Director Steven Schaefermeyer, Fire Chief Chris Dawson, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Project Accountant Abigail Patonai, Planning Commission Chair Michele Hollist

Absent: Mayor Dawn Ramsey

Others: Mike Renlund, treasure 1977, Rachel's iPhone, 3852220639, Mindi's iPhone, Sean McCarty, Jeff Seaman, Jeff Mathers, CEO of South Jordan Chamber of Commerce Brian Synan, Brad Neeves, Jason Butterfield, Mark Nelson,

6:31 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction to Electronic Meeting - By Mayor Pro Tempore Brad Marlor

Mayor Pro Tempore Marlor welcomed everyone present and introduced the electronic meeting. He excused Mayor Ramsey who is out of town on city business. There has been a change in the stated agenda, he asked for a motion to amend the agenda.

Council Member Harris motioned to amend the agenda, removing Items G.2., H.1., and H.2. from the agenda. Council Member McGuire seconded the motion; vote was unanimous in favor.

Mayor Pro Tempore Marlor noted that those in person and online wishing to comment on the Peterson Development items are still welcome to do so during the public comment portion of the meeting.

B. Invocation – By CFO Sunil Naidu

CFO Sunil Naidu offered the invocation.

C. Pledge of Allegiance – By Chief of Police Jeff Carr

Police Chief Jeff Carr led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. January 18, 2022 City Council Study Meeting

D.2. January 18, 2022 City Council Meeting

City Recorder Anna Crookston noted that the attendee list for the City Council Meeting was amended to add Jon Day and Matt Jarman as present at the meeting.

Council Member Harris motioned to approve the January 18, 2022 City Council Study Meeting minutes as printed and the January 18, 2022 City Council Meeting minutes as amended above. Council Member Shelton seconded the motion; the vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Patrick Harris said he and his family ran in the “Break the Freeze” race, sponsored by the city. These races are always well attended and he thinks our city does a great job running them.

Council Member Don Shelton said that since the last meeting he has attended two Legislative Policy Committee (LPC) Meetings at the Capitol, and listened to updates from our Utah League of Cities and Towns (ULCT) leaders about various legislative items. He also attended two Western Growth Coalition (WGC) updates, from our various legislators. It looks like the legislature is definitely going to restrict retail incentives, and the governor is supportive of that; the best the League can do is attempt to negotiate a better deal.

Council Member Tamara Zander said they all attended the special budget meeting on January 26, she thanked the staff that presented that night. Every year it gets easier to understand for her, but they take it very seriously discussing taxpayer dollars. January 19 was the ULCT Legislative Day at the Capitol, several of the council members were able to attend that luncheon. She appreciated being able to sit with Senator Fillmore, Representative Teuscher and Representative Pulsipher. Mayor Ramsey was one of the keynote speakers, she always does a great job. She attended the same race as Council Member Harris and other city staff. She thanked Administrative Services Director Spencer Kyle and Associate Director of Parks Colby Hill for helping her get signed up when she decided to participate at the last minute. The races are getting better and better each year and they attract such a diverse crowd, from runners to “ruckers.” She also thanked Executive Assistant Melanie Edwards for sending emails to remind them to sign up.

Council Member Jason McGuire said he attended many of the same meetings as Council Member Shelton. The Arts Council is closer to announcing its next musical, they are just waiting on securing the rights.

Mayor Pro Tempore Brad Marlor attended the luncheon on January 19 for the ULCT as well. There were a few of our Youth City Council Members from Bingham and Herriman High School, it was fun to meet them and see their excitement. The Senate President actually showed everyone a picture

of when he was a youth at the same kind of meeting, and now he's the speaker of the house all these years later. He also attended the special budget meeting on January 26, and as mentioned it was well-prepared by our staff. That same day, he also attended an Architectural Review Committee (ARC) Meeting with one item on the agenda; they approved the architecture for an upscale day spa in the city.

F. Public Comment

Mayor Pro Tempore Marlor opened up the public comment portion of the meeting.

Jeff Mathers (Resident) is here tonight to oppose the Peterson Development project. The new intersection at Jordan Parkway and Bangerter is quickly turning out to be, in his opinion, a mixed blessing; with the new easy access to Bangerter and Jordan Parkway, more people are using the intersection than ever before. He encouraged the council to visit the intersection around 3:00 P.M. or later on a weekday and they'll get a feel for the congestion that has developed since that intersection has opened. This is causing difficulty for the residents on Sage Creek, as there isn't a traffic light at their intersection. It's becoming more and more difficult for him to leave or access his neighborhood because cars are lined up from 4000 West all the way to Harvest Pointe Drive, solid cars in both directions. In addition to that, there are a lot of cars parked on the parkway just west of Sage Creek, and for him to get into the flow of traffic he has to pull into the intersection almost 10 feet to be able to see around all those cars parked in the bicycle lane on Jordan Parkway. That is a dangerous situation there and he would encourage the city council to consider making that "No Parking." In addition, they have all the retail there with the ice cream parlor and playground that causes an enormous amount of traffic on all streets in that area. On top of the retail traffic, they have all the residents of the neighborhood just south of the proposed development property, and people coming in to the community who don't live there bringing their kids to the playground and parking their cars along Harvest Pointe. He thinks the parking along Harvest Pointe is dangerous because there is a possibility that kids could be running out from between those parked cars, and with all the congestion and hustle on that road, he thinks it's just a matter of time before some little kid gets hit by a car. He encouraged not allowing the Peterson Development project to proceed; not just for the traffic and safety issues, but from a personal point of view this project is going to kill about 20% of his mountain view. He paid a considerable premium for the privilege of that view, and there are 20 other neighbors in the same situation. He knows that's not a concern for the city, but he believes if you were in his shoes you would be concerned because it's about 20% of his view of the mountain range. He was here in October when the project was refused and he is going to keep fighting it, and his next door neighbor here tonight feels the same way.

Brad Neeves (Resident) is here primarily because of the Peterson Development proposal. He has participated in the last two Planning Commission meetings with some of his other neighbors; they have had a lot of turn out in opposition. One of the frustrations in the process today is the time and preparation that he and others are taking to address an item that has been removed from the agenda. He would like to understand whether this is a removal of an application from Peterson, or whether this is just a convenience for them or some kind of game to try and frustrate the residents. They have many members of their community and neighborhood who have put their homes up for sale, specifically for this reason. There is a lot of hearsay that this is just happening whether they like it or not. There are people that have moved that are listing now, and it is having an affect without an

approval already. The fact that they've seen this item on the agenda with a unanimous vote from the planning commission to deny the recommendation of this proposal is a frustration. They would like to know, is this coming back, is it going to rear its head again; are they going to have their kids, wives and their time spent worrying about this issue that is not compliant with current code. This is a developer that is trying to maximize profit in different ways, and it should not be the concern of this council or them as taxpayers to help this developer. On the note of traffic, he asked the council to come take a look and visit the road by Nielsen's Frozen Custard. Just last night, around almost 10:00 p.m., he had a car almost hit him leaving the parking lot near Mountain Mike's while he was on a crosswalk, not even crossing Harvest Pointe. The traffic situation over there is very bizarre at best, as it's a narrow road. Lastly, he brought up that it is hearsay, but he heard that in one of the Peterson neighborhood meetings there was a comment made by a member of their team that this was going to pass the council regardless of the planning commission because of their confidence and "winning and dining." He would like a bit of an investigation into this to figure out where their arrogance is coming from. He works in the financial industry, gift logs and entertainment logs are crucial in his business, and he'd like to figure out if there is something inappropriate from this developer's point of view.

Council Member McGuire asked Mr. Neeves to wait after the meeting ends and he will speak with him.

Jason Butterfield (Resident) agreed with Mr. Neeves in that a lot of time, effort and planning on their parts went into this. They both are working professionals, fathers and have other commitments in the community. The notice that this was being removed from the agenda came from a screenshot of a text message of a Facebook Page post, at the eleventh hour. This makes him wonder if this wasn't an effort to try and create a "boy who cried wolf" scenario, where those who do have an emotional investment in this prepare and prepare, to be put off; to the point where they stop being as "on it," so they will be caught flat-footed and this can be presented by Peterson coming from a position of greater preparation than the residents. Particularly when there are iterations upon iterations, and their preparations have to be amended, it takes the air out of their sails and it starts to make it really hard for them to put forward as articulate an argument as they would otherwise be able to make. He would appreciate a deeper understanding as to why that was pulled in the manner it was pulled, and whether it will come back on the agenda. He has other comments he was going to make, but he is going to reserve those for a future point where they would be more relevant to an agenda item proposal. This has been on their radars as residents since September of 2020. They have gone through planning commission meetings, notice and comment periods and it is a constant drain and source of uncertainty for them. As Mr. Neeves mentioned, they have many close friends and neighbors, cherished relationships, where people are citing this uncertainty and the seeming inevitability of it from the arrogant position the developer has put on. The stability of their homes and relationships, those sorts of decisions should be driven by factors other than a sense that they are being asked to mitigate market conditions for a long-term investor in the form of a developer; they shouldn't have to bear the externalities of some of those things for them. Although they claim to address the residents' concerns, it always seems secondary to this instance on their part that they somehow have an obligation to just accept this.

Mark Nelson (Resident) has been here since 1996. He grew up in Sandy and loves this community. He just wanted to reiterate what the neighbors have said tonight. They built in this community because of what South Jordan is, and to see his neighbors leaving and taking off because of a maybe

is hard. Obviously market conditions are good to leave, but where are you going; they hope the people moving in are good. This feels like a third strike in this community at the moment. The south end has such an issue with parking from the other high density housing that they have permit parking just to park in front of their own homes. Then they had to go through the 10400 South construction, which they love how that has turned out, but the fact that they lost 10-11 neighbors from that was strike two. Now this, with so many traffic issues and parking issues, they just don't want to add to the problem. He knows the council does their homework, but he asked them to look at the minutes from the planning commission, and look at the area as well. They have the walkway that right now is for them into the commercial project, but they feel that will be turned back on them for access of parking in front of their homes. This would bring them back to the same situation of possibly having to permit park the north end of the community, which would create an entire community in the city that requires permit parking to park in front of your own house.

Council Member McGuire noted that Peterson Development were the ones who asked to be removed from the agenda this afternoon. He asked those in attendance tonight to take offense on behalf of this council, that a developer would take such an arrogant stance to say the things that were said. This is not a council that goes out to be "wined and dined," and he wants to make that very clear to everyone.

All the council members agreed that they had not had any interactions like those suggested with this developer.

City Manager Gary Whatcott noted that this often happens with developers for many reasons. There were a lot of questions about their presentation, and after a few questions they decided to pull their agenda item tonight. They will be back, we follow all public notices so those impacted will always get a notice as we follow those same guidelines when it comes back again. He doesn't know when it will be back on the agenda, but he is sure it will be back as they are pretty insistent on trying to move this forward. He thinks there were some technical issues with their presentation that they couldn't get figured out today; it was pulled because the developer wasn't ready. Just because they pulled it, doesn't mean the city can't put it on another agenda as they still have that right to ask the council for a zoning change.

Mayor Pro Tempore Marlor closed public comment.

G. Action Items

G.1. Resolution R2022-08, Declaring the Corporate Purpose of disposing of a surplus trailer and authorizing the City Manager to sign an agreement with the Salt Lake County Auxiliary Communication Team. *(By Assistant City Manager, Dustin Lewis)*

Assistant City Manager Dustin Lewis reviewed background information from the Staff Report.

Council Member Zander asked for a brief overview of what this radio group does to serve the city.

ACM Lewis said the group is all volunteer HAM Radio operators. They provide communication support at many of our events. They have supported the marathon, Light the Night, Summerfest activities, etc. They work quietly in the background taking care of radio traffic for us, making sure

that requests for resources are put through. They are also an integral part of our emergency management operations plan; should we lose some of our primary means of communication, this group is actually waiting there to help to support us. If we lost our 800 megahertz radio system that our police and fire uses, this group has worked in the background to have a backup system that we could rely on. If we were to lose cell phone service and staff needed to get a hold of the council or mayor, the groups has plans in place to send a HAM Radio operator out to your house and establish that communication. There are some very dedicated individuals who have been a part of this since the beginning, and this is a great way to continue that partnership with them.

Council Member Harris asked how the trailer will be used by the group.

ACM Lewis said they would continue to use the trailer just how they've been using it for the last decade. The trailer has been equipped with the cabinetry, cable runs, etc., and this group has been the primary users of that equipment for a long time. Now, instead of us storing it on city property, they would be responsible to store and maintain it, as well as continue using it for events. This gives them some flexibility as they also support other events and this allows them to continue to use that trailer to support other events as well, which is great for us as it keeps the trailer in use, them in practice, and it serves a greater public good.

Council Member Harris said this seems to fill a need that most people aren't aware of, both current needs as well as future possible needs for communications.

ACM Lewis said we have managed to continue to grow our communications capabilities, and as we brought Station 64 online, we have actually done some things in that building to help support our communications. We have other pieces of equipment in the fleet now that also help us to support that, which is why this particular trailer isn't as critical for us as a city, but it's still very important for the radio club to support us.

Council Member Marlor asked if the individuals in this club/network do this at no charge to the city.

ACM Lewis said that's correct. They volunteer all of their time, talents, and even their own equipment to support this, which is amazing. Some of these members have donated hundreds of hours in supporting the community at past events.

Council Member Zander would love to meet some of these individuals, possibly invite them to a council meeting so we can acknowledge and thank them.

ACM Lewis said he would be happy to introduce them, many times they're at the events for the city and the next time they are there he will make sure to introduce them to the council members.

Council Member Marlor said he has been here for a long time and this is the first time the radio club and their service has ever come up in a council meeting that he can remember.

ACM Lewis said they work behind the scenes and you rarely see them, but they do a tremendous amount of good for us.

Council Member Zander motioned to approve Resolution R2022-08, disposing of a surplus trailer through agreement. Council Member Shelton seconded the motion; vote was unanimous in favor.

G.2. Resolution R2022-03, Authorizing the Mayor to sign a Development Agreement pertaining to the development of property located at 3773 W. South Jordan Parkway in the City of South Jordan. *(By Director of Planning, Steven Schaefermeyer)*

Agenda amended at the beginning of the meeting to remove item from the agenda.

H. Public Hearing Items

H.1. Resolution R2022-04, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from the Economic (EC) to Mixed Use (MU) designation on property located at 3773 W. South Jordan Parkway in the City of South Jordan. Applicant Peterson Development. RCV *(By Director of Planning, Steven Schaefermeyer)*

Agenda amended at the beginning of the meeting to remove item from the agenda.

H.2. Zoning Ordinance 2022-01-Z, Rezoning property located at 3773 W. South Jordan Parkway from Commercial Community (C-C) Zone to Multiple Family Residential Planned Development (R-M-PD) Zone. RCV *(By Director of Planning, Steven Schaefermeyer)*

Agenda amended at the beginning of the meeting to remove item from the agenda.

I. Staff Reports and Calendaring Items

ACM Lewis said they are making a change in the protocol for the Zoom portion of City Council meetings. Starting on February 15, they are going to switch to the Zoom webinar feature. It works similarly to how the council has logged on to the Utah League of Cities and Towns meetings, where you don't see all the participants. This will make it a little easier on staff, who no longer would have to monitor letting people in and out of the meetings as people can just log on and watch. This means we will no longer be able to take public comments over Zoom, so anyone wishing to make public comments will have to attend the meeting in person or submit their comments in writing prior to the meeting. This allows some additional security measures and prevents meetings from being interrupted; it also makes the meetings flow a little easier on the technology side of things. The format of the agenda being published will indicate there has been a change in public comment procedures for the meetings. In the future, if any staff or council member is going to miss an in-person meeting, and need to join electronically, they will just need to let him know ahead of time so he can add them as a panelist, which allows them to participate as if they were in the chambers.

Council Member Harris asked if this is a decision being made internally here in the city, or if it is something being mandated.

City Manager Whatcott said it is not a mandate, they have just had trouble trying to get people in and out of these meetings, and we have had sound issues and other interruptions.

AMC Lewis said this will also help us reduce the misuse of people posting or doing things that might disrupt the meeting.

Council Member Harris asked if someone reached out ahead of time, is there a way to allow public comment electronically.

ACM Lewis said technically it could be done, but it would be easier if they just submitted their comments in writing ahead of the meeting. To allow this it creates extra work for our team, as they have to be set up as a panelist in the meeting, and it changes some access to things in the meeting that they would rather not have to deal with.

Council Member Harris understands what's being said, and he's not opposed to it, however he feels the world is changing and being able to participate remotely should be available without restrictions.

Council Member Shelton agrees, he doesn't recall anyone intentionally disrupting any of our meetings while we've had a remote option.

ACM Lewis said we haven't had it during any of our meetings, but some of our peers have.

Council Member Shelton said it certainly is a risk, and we want to have as secure a meeting as possible. He really likes having electronic participants with the capability to speak to us here. This is where our society is going, so if there is an easier way for our staff to do it, and make it more secure for us, he is all for it. He isn't in favor of just cutting off all opportunity for public comment electronically.

ACM Lewis said if that's the council's desire, they will make it work.

Council Member McGuire concurs with the previous comments. He asked if it would make a difference if we switched software platforms, he believes the county uses something called Webex.

ACM Lewis said that would not be easy, they will make it work with Zoom.

City Manager Whatcott said we definitely want the public to have access, it's just trying to find that balance with security and accessibility.

Administrative Services Director Spencer Kyle said he has been working with ACM Lewis and IT Director Jon Day on this. He asked if it would be acceptable to figure out a way that the public can join, but they'd have to give notice prior to the meeting; or does it need to be that they can join at any point and desire to speak.

Council Member McGuire agrees with some sort of registration process being required beforehand.

Council Member Zander believes that if we notice it, and the public is aware ahead of time, then if they have the desire to speak they can register. If they don't want to speak, they wouldn't have to register beforehand, but they have the option. She also agrees that we are trending as a world to this opportunity to be remote, she is so grateful for the LPC and other Capitol meetings being offered remotely so she doesn't have to drive up there. Prior to the pandemic we didn't even have audio, and she remembers people asking why we didn't have that available; we have come such a long way, she would hate to see us go backwards. We definitely want our residents to join with us, we make our best decisions when the residents come and engage with us.

Council Member Harris asked if they have to notify us ahead of time, and what happens if someone wants to spontaneously make a comment during the public comment portion, would they be able to type a message.

ACM Lewis said yes, there is a way to enable a chat feature where only the "host" can see and read those.

City Attorney Ryan Loose said at LPC they let everyone see the chat. Mr. Lewis is proposing that staff would see the chat, and if it was appropriate to be read then that would happen.

Council Member Marlor said we don't often read a message sent to us beforehand during the meeting, but we might want to note that if a message is sent before the meeting it will be read as part of the public comment or hearing process as if they had spoken online or here in the chambers.

Council Member Harris said anyone who comments needs to make it clear who is speaking; they still should state their name and address, whether by voice or text.

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

ADJOURNMENT

The February 1, 2022 City Council meeting adjourned at 7:25 p.m.