

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

May 3, 2022

**Present:** Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, 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, Administrative Services Director Melinda Nagai-Seager, Police Chief Jeff Carr, City Recorder Anna Crookston, Director of Public Works Jason Rasmussen, City Engineer Brad Klavano, Planning Director Steven Schaefermeyer, Fire Chief Chris Dawson, Director of Recreation Janell Payne, IT Director Jon Day, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Associate Director of Parks Colby Hill, Project Accountant Abigail Patonai

**Others:** Gary Woodbury, Addi Bruening, Kevin Tominey, Tom Urey, Ashley Atkinson, Stan Hatt

6:53 P.M.  
REGULAR MEETING

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

Mayor Ramsey welcomed everyone and introduced the electronic meeting. She excused Council Member Zander who was absent from the meeting.

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

Council Member Shelton offered the invocation.

**C. Pledge of Allegiance – *By Council Member Jason McGuire***

Council Member McGuire led the audience in the Pledge of Allegiance.

**D. Minute Approval**

**D.1.** April 19, 2022 City Council Study Meeting

**D.2.** April 19, 2022 City Council Meeting

Council Member Shelton noted that in the minutes, during the RDA meeting, the council members and mayor should have been referred to as the chair and board members.

**Council Member McGuire motioned to approve the April 19, 2022 City Council Study Meeting minutes as printed and the April 19 , 2022 City Council Meeting minutes with amendments as stated. Council Member Harris seconded the motion; vote was unanimous in favor. Council Member Zander was absent from the vote.**

#### **E. Mayor and Council Reports**

Council Member Jason McGuire reported that the Arts Council is working with the Parks Department on murals for the baseball and softball buildings. The Arts Council was able to settle on some recommendations for the murals that staff were also comfortable with, and that will be revealed during Summerfest. Regarding the art show, during March (including the reception night) there were 394 patrons who attended the show at the Gale Center, and in April there were 946 people who attended. He appreciated that this brought in more people to the Gale Center and the positive impact it has on the Gale Center when we hold activities there. Coming up in July is the Arts Council production of The Music Man, he will work with the council to schedule a night for them to attend the production; the performance dates are July 7-9 and the 11-13 with 7:00 p.m. shows, he believes there is also a 2:00 p.m. matinee showing. Prior to our previous meeting he had been spending time meeting with residents.

Council Member Brad Marlor attended the Utah League of Cities and Towns conference last week in St. George, it was very informative with great workshops. He had the opportunity to be part of a panel that Friday at the request of Mayor Ramsey. The panel was designed to help new mayors and council members who had lots of great questions and concerns about their cities; one of the cities represented was only 500 people, and others were very, very large cities like South Jordan and they were very concerned about different issues. He appreciated staff who also attended and all the stuff they were able to get done. There was an Architectural Review Committee meeting last Wednesday, but he was absent from that meeting.

Council Member Patrick Harris also attended the Utah League of Cities and Towns conference, he felt it went really well. Our mayor leads that group and does a fabulous job, South Jordan City was well represented there. As they attended breakout sessions, they saw that many cities were facing the same issues we are such as growth, water, etc.; it was good to see what other cities were doing and come up with some ideas. He also attended the South Jordan Race Series, his family loves to run. Recreation Program Coordinator Brad Vaske and everyone who helps set those races up does a great job and he appreciated that they had multiple lengths of races for all levels who wanted to participate, and everyone got a medal, including his dog. He also had meetings with a number of constituents.

Council Member Don Shelton attended the Utah League of Cities and Towns conference, he was proud to see our mayor leading and she did a great job as has been mentioned. It was nice to have our city singled out and honored there. He attended a Senior Advisory Committee meeting, and our most recent appointee, Cheryl Staley, was there and he shared that she will definitely

bring some energy to that group if she is approved. He learned that the Spring Banquet, which is normally the highest attended banquet, had 118 in attendance in person with 19 people who got their meals to-go; that is almost back to pre-pandemic levels and that's good. There was also some discussion about setting up a Facebook Page exclusively for the seniors programs. He doesn't know where that will go, but he thinks Director of Recreation Janell Payne and Communications Manager Rachael Van Cleave might want to have a conversation about that. He attended the ribbon cutting for the Daybreak Library, what an amazing facility. He spoke with City Manager Gary Whatcott about the danger of wildfires in the Bingham Creek area, and he saw some of the firefighters looking at the area trying to find some ways to mitigate that risk.

Mayor Dawn Ramsey spoke last Thursday morning at the South Jordan Chamber Business Expo and Economic Summit, and they did a good job with that event. The event wasn't highly attended, but there was great information shared including Phil Dean from the Kem Gardner Policy Institute who came and gave an economic update. She shared a few remarks along with Amanda Covington from the Larry H. Miller group speaking. They also had some breakout sessions and she thanked our staff who participated in those sessions and panel presentations. As a reminder, the announcement that South Jordan City will be supporting the South Valley Chamber of Commerce came out yesterday; there has been a great deal of time spent on that. The Jordan Valley Water Conservancy District (JVWCD) had their annual member agency meeting, and there was a really great turnout from our staff; she was able to be there for about half the meeting. She is really proud of the team we have and our department that does such a good job, South Jordan leads the way in so many things, especially our conservation programs. She also thanked our residents for being really receptive and open to the programs, as well as for conserving more water than any other user organization in the entire water district. She met with the Miller Group several times, along with some of our staff, and they were able to have a good conversation with some members of the school board. She attended the Council of Mayors meeting this last week where they are digging into the criteria they will be putting together to determine the homeless resource centers for this next winter. Every community will be bringing a site to the table to be considered in the next few weeks. While she was there, she talked to Mayor Wilson and told her how sorry she was that she couldn't be at the Daybreak Library grand opening, as we have been looking forward to it for three years. Mayor Wilson said she couldn't be there either, and suggested hosting a reception there in a few months. She thanked everyone who attended the conference or was a part of it, our staff did quite a bit for that as well. It is the first time a city has ever been singled out in this way, no one else has ever had a booth to highlight their city and council, and what they are doing. There were a lot of compliments on the video, other cities expressed a desire to do a similar highlight video. She also did the President's walk that morning and that was something new for her as well, but she received a handwritten thank you in the mail today from a city council member in Northern Utah who thanked her for taking the time to speak with her personally during the walk, she felt like she learned a lot. The water bottle stickers were a hit, and everything went well.

City Manager Gary Whatcott said the Lamborghini Dealership is having a grand re-opening of their store on Thursday night at 6:30 p.m.

Mayor Ramsey will not be there, but she hopes other council members will attend.

## **F. Public Comment**

Mayor Ramsey opened the Public Comments portion of the meeting. There were no comments. The Public Comment portion of the meeting was closed.

## **G. Presentation Item**

**G.1.** Proclamation in recognition of Addi Bruening receiving the Cross Country Gatorade Player of the Year for Utah. (*By Mayor, Dawn R. Ramsey*)

Mayor Ramsey read the proclamation recognizing Addi Bruening. She thanked Addi Bruening for representing our city, her school and her family so well and being such a wonderful example of a student athlete.

## **H. Action Items**

**H.1. Resolution R2022-25,** Establishing a South Jordan Youth Council to provide leadership development, training, interaction with City Staff, exposure to local government operations, and provide avenues for civic engagement and community service. (*By Director of Recreation, Janell Payne*)

Director of Recreation Janell Payne addressed the resolution in tonight's packet, and presented another sheet of information (Attachment A) showing proposed youth council information at a glance and what is included in the program budget.

Council Member Shelton read through the bylaws and said they look great, but there might be a time when something bad happens and someone needs to be removed from the youth council. He asked if there were provisions for something like that in the bylaws.

Director Payne said currently no, mostly it deals with the participation requirements and outlines that; however, that is something they could add or look in to. They've luckily had a great group of kids every year, so that hasn't been a concern but it's something they can address if the council wishes. As the bylaws have been drafted, amendments can be made by the city manager or the assigned staff; it can be a living document that changes as our needs change.

Council Member Marlora mentioned that if members of the youth council are going to be joining the meetings, he would like to see them do things like the Pledge of Allegiance or invocation, something for them to look forward to.

Director Payne said that had been discussed and it was an opportunity they wanted to provide as well to the youth council members.

Council Member McGuire said there may be a wording change needed, under Section 3 “Officers,” at the end of Section 1 which talks about previous experience as youth council member, recorder, liaison or youth executive team member; then in the next area they are called youth executive council. He asked if those were the same thing, a team member versus the executive council.

Director Payne said that a team member would be a general South Jordan Youth Council member, and the executive team would be an officer, the liaison, a recorder, or the youth council mayor. She will look at that again to make sure it’s worded correctly.

Mayor Ramsey doesn’t see it as conflicting, as they are talking about the requirement that the youth mayor serve at least two terms on the youth council as either a regular team member or an officer. It could say executive council member versus executive team member, however, to make it more clear.

Council Member McGuire asked about the terms.

Director Payne said they run May to April, with the swearing in in May. Summer is a little difficult as they are out of school, so they will have some volunteer opportunities and invite them to council meetings, but the bulk of their meetings would start in September.

Council Member McGuire asked if it was too late for anyone to join for this year?

Director Payne believes the application is closed, but if someone is interested she could still try and get them signed up. The executive positions have already been decided.

Council Member McGuire will be speaking at South Jordan Middle School in a few weeks and he didn’t know if this was something he should mention to the students as something they could still apply for, or if he should tell them to put it on their radar for next year.

Director Payne said for that large of a group she would suggest mentioning it for next year, but if someone is really interested and excited about it they would love to have more participation.

Mayor Ramsey appreciates the staff and council’s hard work on this, along with their willingness to take this as an internal program. We no longer have volunteers to run it necessarily, but she anticipates bringing in parent volunteers to be a part of it. As a city run program, this really has the opportunity to flourish and provide great opportunities for these young people, as well as for the city.

**Council Member McGuire motioned to approve Resolution R2022-25, establishing a South Jordan Youth Council, with language amended as discussed. Council Member Shelton seconded the motion. Vote was unanimous in favor; Council Member Zander was absent from the vote.**

**H.2. Resolution R2022-18**, Adopting a tentative budget; making appropriations for the support of the City of South Jordan for the fiscal year commencing July 1, 2022 and ending June 30, 2023. *(By CFO, Sunil Naidu)*

CFO Sunil Naidu reviewed background information and images from tonight's meeting packet, and discussed the highlights from the presentation pages.

Mayor Ramsey noted that the grants and awards section he was highlighting doesn't include funding for projects where the money didn't come to the city. This would include the over \$100 million in funding they received for projects in our city like the Bangerter Interchanges and other transportation projects. She appreciates seeing these numbers directly to the city, in addition to the city project funding that went to UDOT or someone else.

CFO Naidu continued reviewing information from the meeting packet.

Mayor Ramsey asked if there is any way to move the budget's scheduled council meeting date of Tuesday, August 2; it is her son's last day home for two years and she would like to be with him that night.

CFO Naidu said he will propose that, he has to give two dates in August and he can propose the second council meeting in August. If he's early enough they might grant him that desired date.

City Attorney Ryan Loose asked if we can do it as a special meeting, on a non-council meeting day, or do they require it to be during a regular meeting.

CFO Naidu said we can, as long as we meet the advertising requirements and tax hearing requirements.

Mayor Ramsey asked the council if they would be okay with a special meeting as one of CFO Naidu's proposed dates.

Council Member Shelton said he was fine with either.

Mayor Ramsey, Council Member Marlor and Council Member McGuire would prefer a regular council date, possibly the 16<sup>th</sup>.

Council Member Harris asked if the budget has to be the only thing on the agenda.

Attorney Loose said that bill didn't pass, but we can choose to do it as the only item on the agenda if we'd like. He asked staff if we get to indicate which date is our priority or first choice date.

CFO Naidu said he has done that in the past, but he hasn't always gotten the first choice date.

Attorney Loose asked if the council would support either a Wednesday after a regular council

meeting, or an off Tuesday.

Mayor Ramsey asked if they could get back to him with their date preferences via email.

CFO Naidu can't send in the requested dates until early June, so that's fine.

Council Member Shelton sent a list of questions before this meeting to CFO Naidu that were answered, and he will forward those to City Recorder Anna Crookston for the record (Attachment C). He asked about the fire department showing 11 additional employees.

CFO Naidu said that on the budget it shows 11, but six of them are new employees to fully staff the fire station, and the other five were converted from part time paramedics to full time paramedics to provide the interfacility services.

Council Member Shelton said it caught his attention that we are adding 11 new employees, but there is only a 1% increase in budget.

CFO Naidu said that 1% increase is in operations citywide. That funding he is seeing is enough for new employee uniforms, trainings, etc. This is for the operations side, not the wages.

Council Member Harris said that when we meet to vote on the truth in taxation he would like to have, during that hearing, a presentation on the impact of all these rising costs with inflation. How that has impacted employee costs, building material costs, and a number of other things so residents can have an understanding of where the money is going and that we are just trying to keep up with inflation.

Mayor Ramsey said that the presentations we had at our budget meeting were seen by one member of the public who was in attendance. Afterwards, he sent her an email saying that the public needs to see this; a lot of people don't realize this and the increases to the city are staggering. She thinks having a very similar presentation to what we had in the budget meeting would be appropriate.

Council Member Marlors asked if we can estimate what the legislative unfunded mandates amount to on an annual basis, maybe for the past few years. He would like to know as it costs us more after every legislative session.

CFO Naidu said there are some numbers he could come up with, and certain numbers specifically dealing with public safety a couple years ago where they started. This legislative session, when they passed the mental health bill, there is no way for him to accommodate that. This year we budgeted \$50,000 towards that and he is hoping we come to that or below, as there is no way for him to really estimate that cost other than seeing what it had cost in previous years.

Council Member Marlors would be interested to know those numbers over the last few years. It costs us more and more to comply with the new legislation, and the residents need to know

that this is what we are facing as a city; we are required to absorb all of these costs, and it would be relevant to expose those amounts and let the public know.

Mayor Ramsey said it might be a good idea to also mention that legislation from a few years ago caused us to lose a significant amount in sales tax.

Council Member Marlor said that is definitely part of it, as it hurt us.

Council Member McGuire spoke with CFO Naidu earlier and was satisfied with the answers he received. He also appreciated CFO Naidu's willingness to always open up the books and be transparent with the council, to help them understand the finances of the city.

Mayor Ramsey noted that this is not a public hearing, nor is it listed as a roll call vote; however, because it is a tentative budget she would like to have it done as a roll call vote.

**Council Member Marlor motioned to approve Resolution 2022-18, adopting a tentative budget for the City of South Jordan, for the fiscal year July 1, 2022 to June 30, 2023. Council Member Shelton seconded the motion.**

Mayor Ramsey thanked CFO Naidu and all of his team for all the work that goes into this, as well as the council. She hopes the residents of South Jordan know their money is in good hands, and that we are very careful as an organization with that money.

Manager Whatcott hopes the council appreciates the easy format of this document done by staff, so everyone can understand and gather information from it regarding how taxes are being utilized. He noted that they have won several awards, year after year, for their presentation of the actual document by GFOA and others; it is one of the finer finance books that he has seen.

**Roll Call vote was 4-0, unanimous in favor; Council Member Zander was absent from the vote.**

**Council Member McGuire motioned to recess the City Council Meeting and move to a Redevelopment Agency Meeting. Council Member Marlor seconded the motion; vote was unanimous in favor. Council Member Zander was absent from the vote.**

***RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY (RDA) MEETING***

**H.3. Resolution RDA 2022-04, Adopting a RDA tentative budget for the fiscal year 2022-23. (By CFO, Sunil Naidu)**

CFO Naidu reviewed information and images from the meeting packet.

**Board Member McGuire motioned to approve Resolution RDA 2022-04, adopting a RDA tentative budget for the fiscal year 2022-23. Motion was seconded by Board Member Harris. Roll Call vote was 4-0, unanimous in favor. Council Member Zander was absent**



**from the vote.**

**Board Member Harris motioned to adjourn the Redevelopment Agency Meeting and return to the City Council Meeting. Board Member Marlor seconded the motion, vote was unanimous in favor; Board Member Zander was absent from the vote.**

***ADJOURN REDEVELOPMENT AGENCY (RDA) MEETING AND RETURN TO THE CITY COUNCIL MEETING***

**H.4. Resolution R2022-23,** Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property generally located at 10597 South 1055 West. *(By Director of Planning, Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed his prepared presentation (Attachment D), as well as background information from the meeting packet. Mayor Ramsey invited the applicants up to share any additional information.

**Gary Woodbury (Applicant)** has been here since he was eight years old, so when staff recommended certain measures to keep it as rural and in with the neighborhood as possible, he was the first one on board with that. He plans on living here for the rest of his life. He knows some people here, and they have been working on this for probably a year. They have tried to take every recommendation from Planning & Zoning to implement into this plan so it would be something beautiful and not detract, but hopefully improve the area; that was a big deal for the applicants, and they spent a lot of time doing that. They think they've come up with a plan that works for the city, and would work well for them as individuals. The goal wasn't to get something up with as much density as possible, they really wanted to create something that looked at as good, if not better, than what is currently there.

Mayor Ramsey invited another applicant who is on the Zoom call, Joann Scott, to add anything if she'd like; she did not respond to the mayor's invitation. Mayor Ramsey noted we will not be voting at this point, we will move on to the public hearing with Items I.1. and I.2. to allow the public to share their views before the council votes.

**I. Public Hearing Items**

**I.1. Resolution R2022-24,** Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan by reconfiguring Agricultural Preservation (AP) and changing from Mixed Use (MU) to Residential Development Opportunity (RDO) on property generally located at 10597 South 1055 West. Applicant Brandon Asay. *(By Director of Planning, Steven Schaefermeyer)*

Mayor Ramsey asked applicant Brandon Asay if he had anything to share, Mr. Asay declined. She then opened the comment portion of the public hearing; there were no comments and the public hearing was closed.

Council Member Marlor noted that they addressed the road on 1055 West, but asked

Director Schaefermeyer to discuss the width of the road where this development is going in on the northwest corner; will the road be wider with this development, and will the road be wider from that point further south.

Director Schaefermeyer said no, that is part of the designation. Generally, the roads are 20 feet wide with no curb and gutter, park strip or sidewalk. Along the cemetery it's a little bit different, so that's why this changes as you go further south.

Council Member Marlbor asked staff if that is a sufficient width for the inevitable development taking place south of this development.

Director of Engineering Brad Klavano said this street was adopted by resolution, by the city council, to be this rural standard of 20 feet of asphalt; this does meet the fire code access requirements. This is why we really have to look at development along there and not have a lot of density, because they want to keep traffic down. This could be revisited if the council wants to change things, but if they keep an eye on it, he feels the size will be sufficient to meet the vehicle capacity.

Director Schaefermeyer added that the transition happens where the cemetery ends on the south side. When he saw that this corner was already zoned R-3 and there was a desire to rezone more properties to R-3, that caused concern for him. As you go down the road, the city has been telling the property owners that R-1.8 is the zone they can get along 1055 West. The larger properties that go down the hill towards the River Park area have been told not to connect to 1055 West when they develop, instead connect to River Park or other options that are/will be available. The area further east and down the hill is where the more intense development could occur, and they are also asking those property owners and developers to not connect to 1055 West.

Council Member Marlbor asked if the largest piece to the south would not connect to 1055 West.

Director Schaefermeyer said that the west side borders 1055 West, but the land uses are different and they would ask for a transition of density as you approach 1055 West with no connection to 1055 West.

Council Member Marlbor asked where that road would then connect to 10400 South.

Director Schaefermeyer said the ultimate goal would be to make the light at Baxter and South Jordan Parkway a full intersection; this way they wouldn't be relying on 10550 South or 1055 West to serve that whole area. One of the challenges with 1055 West is that there is no longer an opportunity to connect at the south end. Even if that was developed as low density single family, that's still a lot of homes to be connected to 1055 West and all those homes would be going north towards South Jordan Parkway since there is no connection to the south.

Council Member Marlbor noted that those large parcels are essentially landlocked.

Director Schaefermeyer said they have access to River Park currently, but they would eventually hopefully have a connection to Baxter as well.

Council Member Marlor asked if there is ingress and egress through Baxter down to River Park for future lots.

Director Schaefermeyer said no, not currently; that would have to be done in the future.

Council Member Marlor said he thinks the road is River Park, the road that comes from the roundabout.

Director Schaefermeyer said the road is River Stone Way.

Manager Whatcott said it could possibly exit to the other roundabout at the south end, but he is not sure if there are other connections to it.

Director Schaefermeyer said there are no more connections. There was a rezoning for Park Place and that meant 1055 West could no longer go through; that's what would have connected to the second roundabout that Manager Whatcott was describing.

Council Member Marlor asked to clarify that the connection to the roundabout would be required to be opened for those parcels.

Director Klavano said yes, and if there is very significant development they will have to find a way to get those connected to Baxter and 10400 South. If the parcels there don't cooperate, this could be hard. UDOT is in favor of a four way intersection at Baxter and South Jordan Parkway.

Council Member Marlor is worried about the large parcels that will be developed in the not so distant future and what that will do to transportation in that area.

Director Klavano said there are more than transportation issues with those large parcels.

Council Member McGuire asked if Council Member Marlor had specific concerns about this specific project and impact on 1055 West.

Council Member Marlor has concerns if other parcels are connecting to 1055 West, but what one council does now versus what one does in the future concerns him more regarding where they will make those connections. Now is the only time to widen that sufficiently for more traffic because he is worried about transportation in that corridor.

Director Schaefermeyer said that if the council has changed their mind about 1055 West since 2015, staff will do what the council directs them to do. Based on directions given in the past, that's why they have tried to limit new connections to 1055 West.

Council Member Marlor said we're telling developers they have to have multiple accesses

points on projects of this size, but we don't have those options for them.

Council Member Patrick Harris asked what Council Member Marlor was proposing.

Council Member Marlor said that if we don't widen that road now, it's going to be a lot harder to do it in the future. He thinks 9800 South should have been a four lane road to begin with for example, and it would have allowed much better traffic flow throughout the city east to west.

Council Member Harris asked if there were any solutions for widening that road.

Director Schaefermeyer said he doesn't know the history and there are many bad stories of trying to plan things along this road. The resolution from 2015 designating it as a historic road would have to be reversed.

Mayor Ramsey said that the future development around it will not be feeding into it, we will have to create other accesses if this is a historical road.

Council Member Marlor asked for the width of roads in Daybreak.

Director Klavano responded they are 26 feet of asphalt, curb to curb they are 31 feet.

Council Member Marlor asked if this road will have sidewalks.

Director Klavano said this is 20 feet of asphalt with a ditch on each side for drainage, there are no sidewalks and no parking along the road. This was brought to the council in 2015, and they can readdress this if the council has changed their mind.

Mayor Ramsey would want additional discussion before even looking at something like that. As far as this specific resolution, she asked how much of an impact the 1055 West conversation affects how the council feels.

Council Member Marlor doesn't think this resolution and development has an impact on the road. He is concerned that at some point down the road we'll see people wanting to connect to that road. He knows it is designated, he probably voted for it, but he hates to leave roads narrow only to come back 5-10 years in the future and take another 5 feet from each side and pay for that.

Council Member Don Shelton said the residents on that street desired the historical designation, and he thinks they still feel that way. Staff has been thoughtful trying to think of ways to get traffic in and out, but property owners will have to work together to make the other accesses possible. He doesn't see this as an issue for this request.

Director Schaefermeyer said they are always willing to re-look at things. This was re-memorialized again in the last plan in 2020. This is a difficult area for development and residents have really strong feelings about this road and the effects it has on the cemetery.

Council Member Harris is okay to let this development go right now, but there will be a time in the future when this becomes an issue. We need to look at not just what the current residents want, but what future residents may want and what might be better.

Council Member Marlor said there will be a problem with this road in the future. Every lot going south will likely be developed. He discussed some lots off 11400 South by The District, where some residents got a development together and developed; no one thought they would sell since they were equestrian lots. He is concerned about the traffic and number of vehicles.

Director Schaefermeyer said there will probably be a rezone request soon from another property close.

**Council Member Shelton motioned to approved Resolution R2022-24, amending the future land use plan map of the general plan of the City of South Jordan. Council Member McGuire seconded the motion. Roll Call Vote was 4-0, unanimous in favor; Council Member Zander was absent from the vote.**

**I.2. Zoning Ordinance 2022-04-Z**, Rezoning property generally located at 10597 South 1055 West from the R-1.8 Zone to the R-3 Zone. Applicant Brandon Asay. *(By Director of Planning, Steven Schaefermeyer)*

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

**Council Member Shelton motioned to approve Resolution R2022-23, authorizing the city and the developer to enter into a development agreement. Council Member Harris seconded the motion.**

Council Member Marlor shared his concerns about the future of 1055 West in this area, that it is likely to be problematic from a transportation standpoint.

Council Member Harris would like to look at 1055 West, and the possible issues, further in the future.

**Roll Call Vote was 4-0, unanimous in favor. Council Member Zander was absent from the vote.**

**Council Member Marlor motioned to approve Zoning Ordinance 2022-04-Z, rezoning property as stated above. Council Member Shelton seconded the motion. Roll Call vote was 4-0, unanimous in favor. Council Member Zander was absent from the vote.**

**I.3. Zoning Ordinance 2022-05-Z**, Rezoning property generally located at 1060 West 10290 South from the A-5 Zone to the R-2.5 Zone. Applicant Stan Hatt. *(By Director of Planning, Steven Schaefermeyer)*

Director Schaefermeyer reviewed background information and images from the meeting packet.

Mayor Ramsey asked if the applicant, Stan Hatt, had anything to add to the staff report.

**Kevin Tominey (Applicant)** is here representing Mr. Hatt. This is a one acre parcel, A-5 is the current zone, it meets the master plan going to stable neighborhood as R-2.5. You can see from the presentation that what's north of it is R-2.5 currently, to the south and east is R-3, so it is less dense than that. He doesn't suspect the road will be as big of an issue as it could be, this is boundary by acquiescence at this point because that lane has been there. This property was originally created as two acres, and has since been split in half to two one-acre parcels. There are some ambiguities with the current survey that they are trying to resolve, it only show the size as 0.87; whether that's a problem with the survey, or there was an issue with the legal description, there is an 18 foot overlap that is still boundary by acquiescence for having been that way since it was created. Everyone understands it's the edge of the roadway, it's really not going to be that big of a deal to resolve. The lot is big enough that even with a large outbuilding in the middle he could go to either side of that or still meet the R-2.5 lot size.

Mayor Ramsey opened the comment portion of the public hearing.

**Tom Urey (Resident)** supports the Hatts doing the rezone.

Mayor Ramsey closed the public hearing.

Council Member Harris knows Stan Hatt and said his property is well maintained, it looks like a park; that is usually not the case on large pieces of land, so that is very much appreciated. He asked what the plans with the land are, is it something that will be built soon.

**Stan Hatt (Applicant)** said that right now the plan is to divide the top portion off and build a home for himself, his brother will purchase the existing house from him and his mother will live there for the time being.

Council Member Marlor noted that Mr. Tominey is a former planning commission member for the city, he did a great job there and it was good seeing him.

Council Member Harris said that it's his desire to make sure the gate at the end of the lane by the Hindu temple does not become an obstacle to this moving forward.

Director Schaefermeyer said he doesn't believe it is an obstacle for this, as it's all private through there. Eventually he thinks the hope would be that we could get access through 10290 South, but unless there are some major changes in the area, it will likely stay what it is. If the Hindu temple expands or intensifies uses there will have to be some discussion regarding other ways in and out of the property.

Council Member Harris just requested we do everything we can to help facilitate this along the way. He is not aware of any neighbors that are opposed to this, everyone he has interacted with has been supportive.

**Council Member Harris motioned to approved Ordinance 2022-05-Z, rezoning property as stated above. Council Member Marlor seconded the motion. Roll Call Vote was 4-0, unanimous in favor. Council Member Zander was absent from the vote.**

**I.4. Ordinance 2022-11**, Vacating a portion of the Waterline Easement generally located at 11210 South River Heights Drive. *(By Director of Planning, Steven Schaefermeyer)*

Director Schaefermeyer reviewed background information and images from the meeting packet.

Mayor Ramsey invited the applicant, who was online, if she had anything further to add.

**Ashley Atkinson (Applicant)** had nothing further to add, it should be pretty straightforward. They own the office building next door as well, so the easement that was going to the office building won't affect anyone but them; she thinks they have it all covered.

Mayor Ramsey opened the comment portion of the public hearing; there were no comments and the hearing was closed.

Council Member Tamara Zander joined the meeting via Zoom.

**Council Member McGuire motioned to approve Ordinance 2022-11, vacating a portion of a waterline easement as stated above. Council Member Harris seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

## **J. Staff Reports and Calendaring Items**

Mayor Dawn Ramsey explained to the council that our Planning Commission currently has six commissioners, with the mayor's appointee being the alternate. They are expected to attend every meeting, participate and be there, but the alternate only votes if someone is missing. In her experience, we have great people who want to serve on the planning commission as the mayor's appointee, but it is hard to get people to feel it is worth the time and effort when they realize they rarely get to weigh in on anything. After some time they start to feel like they aren't doing anything, like they aren't making a difference. She asked if the council would possibly consider making the mayor's appointee a full-fledged commission member. She has spoken to the staff about this possibility and was told that it was possible. The planning commission isn't a policy making body, but they do make decisions on development and send recommendations to the council. There are other cities with six commission members, others with seven; it was also proposed we could go to seven members to keep the numbers odd, but it's not terrible if it's a three to three tie with a

recommendation. What constitutes a quorum can be three or four and there is lots to consider. Her current appointee is ready to be done and she has someone who is willing to serve now, but she is worried that over time he will feel it's not worth his time if he's not voting. She asked if the council was open to making it a six or seven member commission.

Council Member Jason McGuire is not sure about the six member option, but it was discussed previously making the mayor's appointee the permanent chair. He asked if that was something they might be interested in.

Mayor Ramsey just wants to find a way to make it so the mayor's appointee to the commission actually has something to do.

Council Member Brad Marlor doesn't think there should be an alternate, they should just rotate as a five or six member commission. That way, the mayor's appointee will be a part of that rotation and get to participate with everyone else. He thinks five members of the planning commission are adequate, and that we should have an odd number.

Mayor Ramsey asked what he means by rotating the commission members.

Council Member Marlor explained basically rotating through with one out. Instead of having the commission members separated by districts, each council member and the mayor appoints someone, and those six members rotate who attends the meetings.

Council Member Shelton asked if that means that somewhere along the way one of the council members would not have a representative.

Council Member Marlor said he thinks seven is a bit much for a planning commission. He's fine with the mayor appointing someone just like the rest of them, but rotate things so there are only five voting commission members at each meeting.

Council Member Don Shelton is open to expanding the size of the commission, he knows we have a lot of really great people and he'd like to open opportunities for people to serve in the community. He doesn't know which number is right, six or seven, but he would need to know the ramifications of a tie vote, things like that.

Mayor Ramsey just wants to know if they are open to the idea, and if so she can have more information brought back with the pros and cons of six versus seven members, and other scenarios.

Council Member Harris asked if we can specify the number of votes required to pass.

City Attorney Ryan Loose said that if we did choose an even number, we would clearly spell out what constitutes a quorum, as well as what constitutes a passing vote. They can have a six member council and have the chair not vote, unless in the case of a tie, and rotate it every year as they do now. The year you are elected chair you don't vote unless there is a tie.



Director of Planning Steven Schaefermeyer said in the past we have had alternates attend regularly, and sometimes vote, but there have only been a few times in the past few years where we needed three people and could only find two. The legislature has required more training for the planning commission and one way to get rid of one of those hours of training is to attend regularly.

Attorney Loose said there was a time when they had five, but there were more troubles getting a quorum. Six attending and voting each time can be messy, but can be done. If six with one not voting interests them they can work around that, or even having seven members can be worked out. If they did the non-voting chair, whether fixed or rotating, a quorum would be three and a vote would be three. He suggests not going to five, since there were difficulties in the past with that number.

Council Member Patrick Harris said we should just have each person allowed to vote, and if there's an even number we just discuss what a passing vote looks like and go with it. He doesn't think we need to take away someone's vote each year.

Mayor Ramsey likes Council Member Harris' idea, she is concerned about leaving one district or area out as they will not always be the same ones sitting here.

Council Member Harris said that if they rotate it, the person who is the chair and not voting may not like that; he thinks we should continue to allow the planning commission to choose their chair.

Mayor Ramsey likes that idea, she just knows they won't be able to get people willing to serve as the mayor's appointee if they don't get a vote or voice. She wants to make it worth their time to serve.

Council Member Marlbor said that most of the Planning Commission votes are to recommend items to the council, but they do have some conditional use permits.

Attorney Loose said they have three jobs, one is to act quasi-legislatively by recommending legislative items to the council. The second is for the conditional use permits, which is a judicial role because they are weighing evidence and following rules when doing that.

Council Member Marlbor said that is the point that could be an issue with a tie and six members, a 3-3 vote would pass.

Attorney Loose said they could specify that they need a majority to pass, and it could be written to accommodate that. If we have a 2-2 tie with only four members, that motion fails because they need a vote of three to pass in a five member council. The third role for the planning commission is the quality control role, that's the subdivision site plans. They assure that the public hearings are done, make sure everything has been met, and if so they have to approve it.

Council Member Marlbor asked for any situations where there has been a failing vote for the

quality control items.

Director Schaefermeyer said they usually table it and want staff to bring back more information. He thinks they do a pretty good job helping the commission understand that if they meet all the requirements they must pass the items. There are sometimes protest votes, but they are almost never the majority since they know they will be overturned once they are appealed.

Attorney Loose said he wrote a protest vote memo when a former commissioner did this in the past.

Council Member Marlor noted that a tie of three to three sounds like it would be very unusual.

Attorney Loose said that would happen possibly with a conditional use that is highly contended.

Director Schaefermeyer said his main concern is the third scenario. What gives a city a bad reputation is if developments are coming up that meet our ordinances, but the planning commission is voting them down. We haven't seen that in a long time, and since 2014 we have had good Planning Commissions who understand their roles.

Attorney Loose said that protest votes don't tend to cause huge issues.

Director of Commerce Brian Preece noted that when he has dealt with seven member commissions they had a harder time getting a quorum and trying to get enough votes.

Council Member Marlor is comfortable with six members if a majority is required to pass.

Attorney Loose said they would say three people constitutes a quorum, but for anything to pass they need a majority; to pass it can't be less than three votes.

Council Member McGuire is comfortable with staff moving forward, writing up legislation for a six member Planning Commission.

Council Member Harris noted that many of the things they vote on are recommendations to the council, and that's fine if they're split on those issues.

Council Member Shelton is fine with everything that has been discussed.

Mayor Ramsey said we have had great people serve, but over the course of time people didn't end up doing what they thought they'd be doing and were frustrated; they will proceed with asking for a six member commission. She reminded everyone about the Unified Golf Event for Special Olympians in Utah, Monday at noon at Glenmoor. There are 200 students coming with golfers and golf pros. She attended a zoom meeting for this and the weather looked questionable but it will be a great event. There will be a groundbreaking

on Saturday May 14 at 10:00 a.m. for the Gold Star Families Memorial Monument. A updated calendar invite has been sent out for the celebration and ribbon cutting for the three Bangerter interchanges wrapping up, it was changed to May 19 at 9:30 a.m. It is the same time as the Regional Growth Committee, and half the guest list is the same. They asked Mayor Ramsey to contact Carlos and see about moving it, but they moved it originally to accommodate the governor's schedule and they won't be moving it again.

Council Member McGuire noted that during study session there was a discussion about choosing a date to go and present to the Salt Lake County Council about the pool, he asked if they wanted to schedule that now. Based on communication from Council Member Alvord this needs to be done sooner than later.

Mayor Ramsey said she needs a better understanding of what we are going to do. Are we just saying we support it and that we need one, and that we still stand by our original offer of the land and \$1 million.

Council Member Marlors said we are essentially asking the county for more financial support.

Council Member Shelton said we did a resolution, and we should present the resolution to them. Council Member Alvord is behind an idea to do a dome kind of project, like the one in Kearns. Council Member Alvord is talking like that's the only way to make anything happen soon.

Council Member Marlors said that Martin Jensen appeared to be against it, saying they didn't have money for it and that they have other priorities.

Mayor Ramsey is concerned about the reality of succeeding at this after four years of pushing for it, and now the cost is so much higher. Our offer is still the same, but the prices are just going up and up. She is just not sure what the county council's vision is.

Council Member Marlors suggested complimenting them on the funding they've committed to and saved, then ask them if there are other places to pull money from.

Council Member Shelton said someone talked about the fact that they decided they weren't going to add lanes. However, this is this isn't adding lanes, this is replacing lanes they took away. We need them to stand by their agreement, they agreed to this a long time ago.

Council Member Marlors said that even if we asked them to continue adding to the current funds as quickly as possible, the prices just keep rising.

City Manager Gary Whatcott mentioned that their commitment was what they got from the sale of Marv Jensen, which was estimated to be about \$3-\$4 million; however, they only got \$1.8 million. The rest was to be brought in by the school district.

Council Member Marlors said that at one time, the council spoke to John Larsen about

needing several million dollars, but that we also needed a commitment for the operational costs of the pool since they'll be using it a lot. He thought they said they could do that, even though they weren't happy about it.

Mayor Ramsey thinks it will be hard to get those continued operations costs at this point.

Council Member Shelton said that in Martin Jensen's email he was talking about the ongoing costs.

Mayor Ramsey is happy to go and have our council present our portion of the offer, while requesting more of the county, but the school district needs to work with the county as well and that has not been going very far.

Council Member Harris said the school district should take a stronger lead if they want their swimmers to have somewhere to swim.

Mayor Ramsey thinks they have given up on this too, as over the years the prices have just continued going up.

Council Member McGuire said the school district will probably need another bond in a few years for building more basic schools, they don't have the extra money for the swimming pool and he doesn't know where they would come up with it. If they added it to a bond he doesn't think it would pass.

Council Member Harris asked where Herriman High swims.

Mayor Ramsey said they swim at JL Sorenson.

Council Member Shelton noted that the county owns and operates that location.

Mayor Ramsey said that Herriman and Riverton swim there, Bingham chooses to swim at Kearns.

Council Member Tamara Zander said it's time we get the Bingham Swim team and Herriman South Jordan families involved in this. If we're showing up with the resolution, let's show up with a group of parents who will be affected by this if the county doesn't act on this. We aren't asking for additional lanes, we are asking them to keep their word since Marv Jensen was closed and they said they would replace them.

Mayor Ramsey is happy to reach out to the Bingham swim team, and let the school board know what we are doing.

Council Member Marlora would rather not do it on the same Tuesday as a council meeting, and next week or three weeks from now he'd be available.

Council Member Shelton said the 24<sup>th</sup> would be a good day and gives them time to gather

support from the schools.

The council and mayor agreed the 24<sup>th</sup> would be the best day.

Council Member Marlor suggested bringing in 50 swimmers in their gear, that will get their attention.

Council Member Zander can reach out to the Herriman High School swim community.

Council Member McGuire expressed that someone from the school district should be there as well.

Mayor Ramsey said she agrees, the district needs to own their part of this and she doesn't want to make assumptions on what their plans are.

Manager Whatcott said there has to be a point where we quit holding \$1 million dollars, we have other uses for it. Everyone agreed to do this, so they need to get it figured out.

Mayor Ramsey will contact the county about getting on the agenda for the 24<sup>th</sup>, and contact the school board to see where they're at and invite them to come.

Council Member Harris said we should only go if the schools are behind this. We need to know if the district is fully in, and if they are they need to push this. If they aren't willing to do that, we're wasting our time.

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

## **ADJOURNMENT**

The May 3, 2022 City Council meeting adjourned at 9:30 p.m.