

SOUTH JORDAN CITY
CITY COUNCIL MEETING

January 21, 2025

Present: Mayor Pro Tempore Kathie Johnson, Council Member Patrick Harris, Council Member Don Shelton, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Planning Steven Schaefermeyer, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Battalion Chief Michael Richards, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, CTO Matthew Davis, Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Associate Director of Public Works Joey Collins, Water Conservation Coordinator Connor Oswald, Water Manager Brandon Crookston

Absent: Mayor Dawn R. Ramsey, Council Member Tamara Zander

Others: Tim Hansen, Jim Kros, Michelle Leach, Justin Beary, Carl Wengel, Robin Pierce, Jack Fenn, Caden Fisher, Kyle Sipple, Keaton Harword, Suzanne Wood, Joseph Bowman, Kaeliegh Bowman, Bryan Gutierrez, Elise's iPhone, Francheska, sthig, Brea DeVitt, Sarai Negrete, Bobby Shawhan, Maya Gutierrez, Nick Gutierrez, Oran Amaud Marc Henri de Baritault, Schylia, Cesar, Breana Reichert, Veronica Gutierrez, 823410, Liliana's iPhone

6:40 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - *By Mayor Pro Tempore, Kathie Johnson*

Mayor Pro Tempore Johnson welcomed everyone present and introduced the meeting. She noted that Mayor Dawn Ramsey and Council Member Zander was unable to attend tonight's meeting.

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

Director Tingey offered the invocation.

C. Pledge of Allegiance – *By Director of Strategy & Budget, Don Tingey*

Director Tingey led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. January 7, 2025 City Council Study Meeting

D.2. January 7, 2025 City Council Meeting

City Recorder Anna Crookston noted two corrections to the minutes. One on page 14 of the study meeting minutes, she pointed out that Council Member Zander was absent from the adjournment motion vote and needed to be reflected in the minutes. She also mentioned a correction to the spelling of Grant Howarth's last name, which would be updated in the city council minutes.

Council Member McGuire motioned to approve the January 7, 2025 City Council Study Meeting and January 7, 2025 City Council Meeting minutes with the amendments. Council Member Harris seconded the motion; vote was 4-0, unanimous in favor. Council Member Zander absent from the vote.

E. Mayor and Council Reports

Council Member Jason McGuire

- Met with the Arts Council for the monthly meeting; things are progressing well.
- Attended the legislative town hall with Senator Lincoln Fillmore, Representative Tracy Miller, and Representative Jordan Teuscher.
- Legislative session started today, advised keeping an eye on it and contacting legislators if needed.
- Attended the State of the City address.
- Met with a Cub Scout Troop in Daybreak, which includes members from Riverton, West Valley, South Jordan, and Herriman. Discussed city government and presented them with scenarios involving legislative actions.

Council Member Patrick Harris

- Attended several events, including the State of the City, which was well-organized by the mayor, invited speakers, and city staff. Acknowledged the effort that went into preparing for the event and thanked city staff for their hard work.
- City staff met with state representatives and gave them a tour of South Jordan to help them better understand the city.
- Participated in the SoJo Race Series 5k on Saturday, despite cold weather and snow. Appreciated the efforts to clear and salt the Jordan River Trail to make it safe for runners.

Council Member Don Shelton

- Attended a Legislative Policy Committee (LPC) meeting as part of the Utah League of Cities and Towns, learning about pending and proposed legislation.
- Attended the State of the City address and appreciated the perspectives shared by panelists and the mayor.
- Met with Chief Financial Officer, Sunil Naidu, to discuss the budget, reviewing the current fiscal year's budget and the proposed budget for the upcoming year. Expressed appreciation for the CFO's help in understanding the budget and commended staff for their diligence in managing the city's resources.

Mayor Pro Tempore Kathie Johnson

- Attended the funeral of former council member Larry Short, noting that it was very well attended.

F. Public Comment

Mayor Pro Tempore Johnson opened the public comment portion of the meeting.

Suzanne Wood (Resident) - I just wanted to come tonight to introduce myself. I'm new on the Jordan School District Board, having filled Tracy Miller's seat. I look forward to working with all of you.

Bryan Gutierrez (Taylorsville Resident) – It has come to my attention that during my time coming here and exercising my constitutional rights, there's a story that is untold, it's a good story, and it's one I want to share with you. It starts with the question: Why am I here? Why do I keep coming back? The obvious answer, and the root of the problem, is sitting in the corner of this room. It's Jeff Carr. It's obvious that Jeff Carr is the root of this problem and the main reason why I'm here. For those who don't know, Jeff Carr's team put holes in my loved one, shot him to death in the South Jordan parks. Jason Rasmussen I don't know if you've heard of this. Don Tingey, I don't know if you've been to the site where he was murdered, but he was shot to death and bled in our parks. I watched the department wash his blood off the sidewalks. It was very traumatic and disturbing. That's the obvious answer. But before I forget, Jeff Carr, please resign from your post. Two Utahns are dead because of your team, and that's two too many. As often as someone should get their teeth cleaned, your department is killing Utahns. Resign from your post please, South Jordan deserves better, Utah deserves better, and the badge deserves better. On your website, there's a pledge for citizens. Will you pledge to follow laws and ordinances? Jeff, will you pledge to resign from your post and stop killing Utahns? I really hope you can do that. I don't think you can. The trend is there. The results are there. The metrics are there, two dead Utahns in six months. But I digress. Let's go back to why I'm here. The answer is because I wanted to have these conversations behind doors with this council and you all failed to do your job, especially you, Don Shelton, especially you. Not only did you deflect and run away during our phone call, but you insulted me. How dare you. You should resign as well. I don't know how you're holding this position. Seriously Don, resign from your post. You have some really good colleagues here, and there are other careers out there where you can excel. This one is not for you. Patrick Harris, you are to blame as well. I wanted to have these conversations behind closed doors, but both of you deflected, ran away from your duties, and failed. Simply put. Patrick Harris, do you remember our phone call? You may not, and that's okay. But I do. You ran, you deflected, and you failed to uphold your responsibilities. Find another career, Patrick. You are not capable of fulfilling this one. I was hurting, and you insulted me. You ran away and didn't talk to me. Thank you for my time.

Kyle Sipple (Resident) – I grew up in South Jordan, and I live in South Jordan now. I'm here to reaffirm my support for Bryan, a dear friend of mine, and his family, who deserve answers. It's been seven months, and they've been given no answers. I've been lucky enough to grow up in a stable situation, both mentally and emotionally. But I know plenty of people—some very close to me and others I don't know—who aren't as lucky as I am. Someone going through a moment of crisis in their life does not deserve to have that life taken from them. Every measure should be taken to protect that life. I hope that all of us, in our lowest moments, are not treated the way Bryan's brother was. Marcelo deserved more than that. I will continue to stand by and support Bryan and his family. Thank you.

Michelle Leach (Salt Lake City) - I'm going to be reading from a speech because my thoughts tend to get very frazzled. Good evening, council members. I'm here today to stand in solidarity with my friend Bryan Gutierrez and his family as they seek the answers they've been denied regarding the death of his younger brother, Marcelo. Seven months ago, a life was unfairly taken, a family was broken, and they've been left with questions that remain unanswered. I understand that investigations take time, but this prolonged silence—the refusal to release body cam footage and the lack of detailed explanations—has only deepened the pain for Bryan and his family. I want to take a moment to talk about Bryan, who I've had the privilege of being friends with for three years. One of the things I've always admired most about Bryan is how deeply he loves and cares for his family. He's also the kind of person who radiates positivity with his huge smile, warm personality, and incredible ability to make anyone feel welcome. It's a shame you haven't gotten to know that version of him. Since Marcelo's death, Bryan has been carrying a weight that no one should have to bear. He's tried to stay strong, but the unjust death of his brother has left a hole that can never be filled. Today, you see a man that you probably view as angry and demanding resignations. But can you blame him? I can't. Bryan wakes up every morning with the tragic reality that his brother is still gone. He's been left to grieve for over seven months without the answers his family deserves. As a teacher of 12 years, I understand what it means to have a responsibility to others. Every day, I strive to create an environment where my students feel safe, supported, and valued. Council members, I imagine you took on your roles with similar intentions—to protect, serve, and uplift this community. But how can you genuinely say that you're doing that when families like Bryan's are left feeling forgotten, with no answers and no accountability? How can you build a strong community when officers entrusted to protect us are not adequately trained to respond to the needs of people like Marcelo, who suffered from mental illness? Multiple bullets ended Marcelo's life. Was that truly the only option? Were the officers involved equipped with the tools, training, and understanding needed to de-escalate the situation without lethal force? The answer to that question is crucial—not just for Bryan's family, but for every family in this community who entrusts their safety to you. If Mayor Ramsey were here, or if she listens back to this, I'd say: as the leader of this city, this is the moment to stand for accountability. Advocate for the release of the footage. Demand a thorough and transparent investigation. Show Bryan, his family, and this community that their voices matter, that their pain has not gone unnoticed, and that justice is more than a promise—it's a practice. Marcelo was a real person. His life mattered. His story matters. Bryan's courage to come to these meetings month after month is a testament to the love he had for his brother and the hope he has for change. To Bryan and your family—you are not alone. We see you, and we stand with you. Thank you.

Keaton Howard (West Valley City) - About one week before Marcelo's death, I had the chance to meet him. He was not well. He wasn't in a good headspace—he was going through a crisis. He came to our house very upset and bothered. I want to paint a bit of a picture here, and I apologize to the family if this is uncomfortable or feels insulting, but we're talking about someone who was not just mentally unwell, but physically unwell. Marcelo was very overweight, had trouble walking, and couldn't run farther than anyone in this room. If your department cannot handle someone who can barely walk, you are not capable of protecting this community. This community deserves better from its officers. Nobody in this room should feel safe with these people being the ones watching out for us. There are better ways to handle problems than putting bullets in people—multiple times. Now, we're seeing that as the go-to

option. This is a trigger-happy department that needs to be put under control. Thanks for the time.

Mayor Pro Tempore Johnson closed the public comment portion of the meeting.

Attorney Loose noted that over the last several months, he's been asked to respond to this, and my response remains consistent. The investigation was conducted by an outside agency and concluded in August. After that, it was turned over to the District Attorney's office. I understand that the Gutierrez family has been in contact with the District Attorney, as they are the ones responsible for determining whether any criminal action took place. At this time, the case is still under their review. We have pushed for the release of information multiple times, and the family has as well. We absolutely agree that enough time has passed and that it should be released. However, out of respect for the District Attorney's process, we, like every other city in Salt Lake County—except for Salt Lake City—do not release body camera footage until the District Attorney has made their decision. There are several reasons for this, but primarily it's to avoid biasing any potential juries if charges are filed against the officers involved. From our standpoint, the matter is being fully investigated, but it is completely out of our hands at this point. It is with the District Attorney's office, and they are prepared to address it. The District Attorney's office also maintains a website where they track officer-involved shootings, including timelines under statute and explanations if the review process extends beyond those timelines. We've been in communication with the Gutierrez family's attorney on multiple occasions. He has expressed that, based on his experience in multiple states, the time this investigation has taken is not unusual, although we all feel that this should have been resolved and a decision made much sooner.

Mayor Pro Tempore Johnson asked Attorney Loose if this is how all situations like this are handled.

Attorney Loose responded that yes, there is a process in place in Salt Lake County and across Utah, when there's an officer-involved critical incident. An outside agency is responsible for conducting the investigation. In Salt Lake County, there are four protocol teams, and cases are assigned to these teams on a rotating basis. Once the assigned team completes its investigation, the case is then turned over to the District Attorney's Office for further review. The District Attorney's Office has its own investigative team that thoroughly examines the case. From an investigative standpoint, the process is handled entirely outside of the city and does not involve city personnel. The legal review is conducted independently by the District Attorney and their office, ensuring an impartial assessment of the incident.

Mayor Pro Tempore Johnson asked Attorney Loose what is the purpose of this?

Attorney Loose said there was a critical incident where, unfortunately, someone lost their life. As a result, the District Attorney's Office is reviewing the case to determine whether or not to file criminal charges. They are carefully examining the actions of the officers involved to assess whether those actions were within the bounds of the law. If it's determined that the officers' actions were not lawful, the District Attorney would proceed with filing charges against them.

Mayor Pro Tempore Johnson asked Attorney Loose is that not so it's independent, and not influenced by the city?

Attorney Loose responded yes, we have no role in that at all. We don't investigate it and we don't review it for whether or not should be criminally charged.

G. Presentation Item

G.1. South Jordan Water Conservation Program Update. (*By Water Conservation Coordinator, Connor Oswald*)

Water Conservation Coordinator Oswald introduced himself and expressed appreciation for the opportunity to present the annual conservation report. He shared that he enjoys his role with the city, highlighting that the most rewarding aspect of his job is making a meaningful impact on daily operations and the lives of residents throughout the city. He reviewed prepared presentation Attachment A.

Council Member McGuire asked whether an issue from the past year regarding residents being penalized for participating in the "Flip the Strip" and turf removal programs had been resolved. They mentioned that residents seemed unable to capture as much reimbursement per square foot compared to those who applied directly through Jordan Valley Water Conservancy District (JVWCD) and sought clarification on the matter.

Director of Public Works Raymond Garrison confirmed that the previous direction was to continue receiving \$68,000 annually, which other residents are receiving \$3 per square foot for turf removal. He noted that he, along with Assistant City Manager Jason Rasmussen and Coordinator Oswald, recently met with representatives from JVWCD and planned to consult the state's water conservation department to explore potential administrative changes that could secure additional funding. He emphasized that while they were actively pursuing these options, they were currently maintaining the existing arrangement of \$68,000.

Council Member McGuire agreed with maintaining the current approach and expressed hope that the issue could be resolved in the future.

Director Garrison added that the city had benefited from significant funding over the past year. Projects such as the dugout and pickleball courts were fully funded by JVWCD at \$3 per square foot, with no city funds required. Additionally, the city received a \$1.5 million non-matching grant from the state to convert park strips. Emphasizing that multiple avenues were being pursued to secure grants and funding for these projects.

H. Action Item

H.1. Resolution R2025-04, Authorizing the Mayor of the City of South Jordan to sign a Franchise Agreement with Cablevision Lightpath, LLC. RCV (*By Director of Strategy & Budget, Don Tingey*)

Director Tingey reported that Cablevision had contacted the city with plans to install fiber optics in the community, requiring a franchise agreement to proceed. The city provided Cablevision with its standard franchise agreement template, which the company reviewed and approved. The necessary information was submitted for the council's consideration. He noted that the city currently has about a dozen similar franchise agreements for broadband installation. He acknowledged concerns from staff, particularly regarding repeated digging for installations, but recognized the growing demand for internet access and the importance of allowing residents to choose their providers.

Council Member Shelton requested clarification on the franchise agreement, asking if it authorizes the company to install fiber optics and the specific locations where installations would be permitted.

Director Tingey explained that installations are typically done behind the curb within the city's right-of-way. The company must follow the encroachment permit process and coordinate with the engineering department. They are required to pay applicable fees, ensure state registration, and provide franchise fees to the city. Installations usually occur in park strips or are tunneled under roads, based on approvals from the engineering department.

Director Klavano said that the majority of the infrastructure for the project is installed underground, with bore pits and receiving pits located along the way. Due to the federal Telecommunications Act, the city cannot prevent the work, though efforts are made to coordinate with the project. It was noted that, with the exception of Google Fiber, no other installations involve cutting through the roads. Most of the work is conducted in the right-of-way behind the curb, except where installations cross the road perpendicularly.

Director Tingey noted that the project is crossing Bangerter and that the team has notified the relevant parties about the situation at 9800 South. The project team is aware of the circumstances and is currently processing encroachment permits with UDOT. He added that it would be beneficial for the work to be completed before the specified timeline and has communicated that to Cablevision.

Council Member Shelton motioned to approve Resolution R2025-04, Authorizing the Mayor of the City of South Jordan to sign a Franchise Agreement with Cablevision Lightpath, LLC. Council Member McGuire seconded the motion.

Roll Call Vote

Council Member Shelton - Yes

Council Member McGuire- Yes

Council Member Harris - Yes

Council Member Johnson - Yes

Council Member Zander - Absent

The motion passed with a vote of 4-0. Council Member Zander was absent from the vote.

I. Staff Reports and Calendaring Items

Attorney Loose informed the council that the details for the Youth Council visit were sent via email and text. Youth Council members will begin with breakfast at 8:00 a.m., followed by activities at the Capitol until 10:00 a.m., after which they will head to the Salt Palace Convention Center. There will be legislative floor debates and panels at the Salt Palace, with a legislative preview at 11:00 a.m. and lunch from 12:00 p.m. to 2:00 p.m. He added that he will be reaching out to legislators to invite them to sit with the group during lunch. Nine youth and three adults will be attending, and efforts will be made to coordinate seating with legislators, with council members encouraged to assist in guiding them to their seats. He also provided an update on the Salt Lake County Justice Court. Senate Joint Resolution (S.J. Res.) was presented to dissolve the court at the request of Salt Lake County. If approved, cases from the Salt Lake County Justice Court will be transferred to state district courts by June 30, 2026. The City Council had previously made a motion to close the South Jordan Justice Court, with all cases being moved to the Salt Lake County Court. He confirmed that the city has made a petition to the Judicial Council requesting that South Jordan's cases also be transferred on the same timeline, should the resolution pass. The situation will be monitored, and further coordination with the courts will follow.

City Manager Lewis provided an update on the annual report, stating that it has been finalized and sent to the printer. The reports are expected to be mailed by the end of this week and should reach residents' homes by early next week. Council members were advised to watch for the report in their mailboxes.

Council Member Shelton motioned to adjourn the January 21, 2025 City Council Meeting. Council Member Harris seconded the motion; vote was 4-0, unanimous in favor. Council Member Zander was absent from the vote.

ADJOURNMENT

The January 21, 2025 City Council Meeting adjourned at 7:40 p.m.