

SOUTH JORDAN CITY
CITY COUNCIL MEETING

February 4, 2025

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Planning Steven Schaefermeyer, Director of City Commerce Brian Preece, Director of Strategy & Budget Don Tingey, CFO Sunil Naidu, City Engineer Brad Klavano, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Deputy Police Chief Rob Hansen, Fire Chief Chris Dawson, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, CTO Matthew Davis, Senior Systems Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Police Sergeant Adrian Montelongo

Absent:

Others: Laurel Bevans, Brooke Bevans, Shari Harris, Maria Scott, Isaac Scott, Robin Pierce, Camille Grimshaw, Erin Grimshaw, Ben Sorenson, Noah Christensen, Sandy Christensen

6:40 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - *By Mayor, Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation – *By Council Member, Patrick Harris*

Council Member Harris offered the invocation.

C. Pledge of Allegiance – *By Director of Recreation, Janell Payne*

Director Payne led the audience in the Pledge of Allegiance.

D. Mayor and Council Reports

Due to meeting starting late council members were in agreement to skip reports for the sake of time. Mayor Ramsey noted that while council members typically provide reports on recent activities, the legislative session has been particularly busy, and there will be more to report in the coming weeks.

E. Public Comment

Mayor Ramsey opened the public comment portion of the meeting. There were no public comments. Mayor Ramsey closed the public comment portion of the meeting.

F. Public Hearing Item

F.1. Ordinance 2025-06, Amending Section 17.130.050 (Planned Development Floating Zone) of the South Jordan Municipal Code to include the area east of the FrontRunner rail line in eligible areas for density greater than eight dwelling units per acre. (*By Long Range Planner, Joe Moss*)

Planner Moss reviewed prepared presentation Attachment A, explaining that while the area north of South Jordan Parkway is included in the station area, the area to the south is not. This ordinance change would allow the council to consider planned developments with residential components exceeding eight units per acre. The modification aligns with the general plan by supporting residential uses that complement commercial development. Due to shifting market conditions, many commercial projects now require a residential component for feasibility.

Mayor Ramsey opened the public hearing. There were no public comments. Mayor Ramsey closed the public hearing.

Council Member Shelton asked for clarification on the area under consideration, asking whether it is located south of the FrontRunner station but north of South Jordan Parkway. Director Schaefermeyer clarified it is north of 11400 South.

Council Member Harris asked whether projects in the proposed area would primarily be commercial with a residential component or if fully residential developments could also be considered.

Planner Moss explained that the proposed modification would allow the council to consider PD requests, which could include residential-only or mixed-use developments. While the area is currently zoned for commercial use, any residential component would require a rezoning process, likely through a PD request. This change would enable the council to evaluate such requests on a case-by-case basis.

Mayor Ramsey noted that the area in question is a key commercial zone located near I-15. While it has primarily been designated for commercial use, the proposed modification would allow for flexibility in development. Similar to the existing station area plan near the FrontRunner zone, this change would enable consideration of projects that incorporate both commercial and residential components. The intent is to support commercial development while allowing residential elements that could help facilitate project completion.

City Manager Lewis noted that mixed-use developments incorporating residential and commercial elements are becoming more common. Similar approaches are being used in the urban center near the ballpark and in neighboring jurisdictions along the same corridor. Allowing

residential components can help make projects financially viable, and this modification would provide the council with flexibility to consider such proposals in the future.

Council Member Harris expressed support for mixed-use developments that incorporate both commercial and residential elements. However, he sought clarification on whether approving the proposed modification would allow a residential-only project to bypass the City Council and go directly to the Planning Commission or if all such proposals would still require council approval.

Director Schaefermeyer acknowledged the concern about residential-only projects and noted that staff closely considers council expectations when reviewing applications. He explained that while the general plan designates the area for commercial use, the expectation is that developments would include a commercial component. To reinforce this, the ordinance could be amended to specify that residential projects exceeding eight units per acre in this area must also include a commercial element.

Council Member Harris said that the land is prime for commercial use and should not be solely used for residential projects. However, he expressed support for commercial developments that incorporate residential components. He requested that any motion include language ensuring that residential projects in this area must be integrated with commercial development.

Mayor Ramsey noted that the intent behind previous discussions was to ensure that residential developments in the area include a commercial component. They expressed support for incorporating this requirement into the ordinance to align with the council's original expectations.

Council Member Johnson emphasized the importance of preserving the city's limited commercial space. She expressed support for the proposal only if it encourages additional commercial development but opposed any changes that would reduce existing commercial opportunities.

Council Member Harris is in agreement with Council Member Johnson for the majority of a project to be commercial rather than residential.

Council Member McGuire stated that any new development in the area should enhance the existing commercial zone. While some residential components could support commercial viability, the intent is not to allow standalone residential projects but rather to ensure a mixed-use approach that strengthens the commercial presence.

Council Member Johnson provided an example of an apartment complex in the community on 9800 South, which included only a small daycare as its commercial component. She expressed concern that such developments do not align with the intent of maintaining a strong commercial presence in designated areas.

Director Schaefermeyer explained the distinction between legislative and administrative processes regarding zoning. Any residential development in the area would require a zone change. Currently, residential-only projects with densities under eight units per acre could be proposed. The proposed ordinance would allow for higher densities but could include language

clarifying that the area is primarily commercial, with residential components intended to support commercial development. The council would retain the authority to determine whether a proposal aligns with this intent and to reject projects that do not meet the standard, such as those with minimal commercial elements.

Council Member Shelton expressed agreement with Director Schaefermeyer's suggestion to clarify in the ordinance that the area is primarily commercial and that residential components should support commercial development. Shelton also acknowledged Council Member Harris's concerns, stating that the proposed addition would help ensure projects align with the council's intent.

Council Member Zander agreed with the proposed clarification and emphasized that the council would still have the authority to review and approve developments on a case-by-case basis.

Director Schaefermeyer explained that the PD floating zone process follows the standard rezone procedure. Applicants first present their proposals in a study meeting with the council before proceeding to the Planning Commission and returning to the City Council for final approval.

Council Member Zander motioned to approve Ordinance 2025-06, Amending Section 17.130.050 (Planned Development Floating Zone) of the South Jordan Municipal Code to include the area east of the FrontRunner rail line in eligible areas for density greater than eight dwelling units per acre with an amendment to the proposed Ordinance to add "primarily commercial". Council Member Harris seconded the motion.

Roll Call Vote

Council Member Zander - Yes

Council Member Harris - Yes

Council Member Johnson - Yes

Council Member Shelton - Yes

Council Member McGuire – Yes

The motion passed with a vote of 5-0.

Mayor Ramsey expressed appreciation for those in attendance, including Planning Commissioners, Youth Council members, volunteers, and engaged residents. She acknowledged their time and participation, emphasizing the importance of community involvement in city decisions and thanking them for their support.

G. Staff Reports and Calendaring Items

City Engineer Brad Klavano provided an update on traffic changes at Bangerter and 9800 South, where UDOT has rerouted traffic onto future on- and off-ramps. Due to safety and congestion concerns, particularly during peak hours, he recommended removing the right-on movement and associated signal for the remainder of construction. He noted significant traffic backups, potential safety risks, and increased congestion on 4000 West as drivers seek alternate routes. He suggested discussing the change with Elkridge Middle School and confirmed that the full

interchange, including permanent signals, is expected to be completed by October. If there were no major objections, he planned to consult with UDOT about implementing this adjustment.

Mayor Ramsey expressed concern over the unexpected return of the traffic signal at Bangerter and 9800 South. She noted her initial confusion as a driver and emphasized that while congestion is frustrating for commuters, safety remains the top priority.

City Engineer Klavano acknowledged that while some congestion will remain due to lane reductions, removing the signal should help alleviate the severe traffic backup. He reiterated concerns about safety, emphasizing that in the event of an emergency, limited space could lead to full road closures, further complicating traffic flow.

Council Member Johnson expressed concern about the impact on nearby businesses, specifically how customers and employees will be able to exit the area if the right-turn movement is eliminated.

City Engineer Klavano said it sounds like the main impact will be on vehicles trying to leave the business and head northbound. A hard closure would likely extend just beyond their driveway, but a soft closure with detour signage placed further back could help manage traffic flow. It may also be helpful for UDOT's PIO to contact the business directly with alternative route instructions. Since other movements are already restricted, the number of affected drivers may be relatively small, but ensuring clear communication will be important.

Mayor Ramsey acknowledged the challenges posed by the temporary signal at 9800 South and Bangerter Highway. She emphasized that safety has been a longstanding concern as Bangerter transitions to a full freeway. A stoplight at this location is not viable long-term due to the high speeds of traffic. While removing the signal may be frustrating for drivers and businesses, it is a necessary step to improve safety until construction is complete. She noted that the alternative of allowing the signal to remain, would continue to cause severe traffic congestion, with backups extending to 7800 South.

Council members and staff discussed that drivers were previously able to turn right onto Bangerter without a signal, but with traffic now shifted onto the ramps, that option no longer exists. The area is now narrower, with only two lanes available, contributing to significant backups. There was general agreement that closing certain movements during the remainder of construction would be the safest approach.

Council Member Johnson emphasized the importance of reaching out to affected businesses, particularly the medical office on the northeast corner, to explore possible solutions for access.

City Engineer Klavano clarified that the main restriction would impact those needing to travel northbound from the medical office. Alternative routes and detour signage would be necessary, likely directing traffic to 3200 West. He acknowledged the challenges posed by multiple ongoing construction projects, including work at 13400 South, 2700 West, and sewer upgrades at 11800 South. UDOT representatives have expressed similar concerns about backups, and staff will

coordinate with them on potential adjustments. Council requested updates as discussions progress, recognizing that ultimate decisions rest with UDOT.

Director Payne extended an invitation to anyone interested in participating in the upcoming SoJo Race Series run on February 15.

City Manager Lewis reminded the council about the Chamber State of the Chamber Luncheon on February 12 from 11:30 a.m. to 1:00 p.m. All council members are currently registered, and those unable to attend were asked to notify him so their spot could be filled. Mayor Ramsey noted she would be meeting with the congressional delegation in Washington, D.C., on February 12 to discuss regional transportation. Due to travel, she will be unable to attend the Chamber State of the Chamber Lunch but expressed regret about missing it.

Attorney Loose provided an update on legislative matters, including LPC discussions, land use, canals, and elections. Noting SB 154, sponsored by Representative Brady Brammer, would allow the state auditor to bypass attorney-client privilege during audits, granting access to privileged emails, records, and conversations. The bill does not specify how the obtained information could be used or whether it would become public. The Utah Bar Association has opposed the bill, and the Utah League of Cities and Towns is also recommending opposition. The bill is scheduled for committee discussion tomorrow, with Senator Fillmore on the committee. Attorney Loose emphasized that attorney-client privilege is a fundamental legal protection and urged council members to consider the implications. He clarified that the state auditor's authority extends beyond financial audits and includes compliance audits, such as reviewing the legal disposal of real property or closed meetings. Given the broad scope of the auditor's powers, the proposed bill raises concerns about breaching attorney-client privilege. He reiterated that once the privilege is breached, it cannot be undone. His recommendation is that the council oppose SB 154 and communicate their concerns to Senator Fillmore. However, he added that the privilege belongs to the council, and if directed, he would disclose the information.

Council Member Johnson asked whether, under the current process, if the state auditor had a question, they would go through an attorney to obtain the necessary information.

Attorney Loose explained that under current law, if the state auditor conducted an audit requiring access to privileged conversations or attorney work products, they would not be able to obtain them unless a court reviewed the request and determined it met specific legal exceptions. These exceptions include instances where legal advice involves committing a crime or when the discussion pertains purely to policy without legal guidance. He added that legal advice given in confidence, including recent discussions such as conflict forms, remains privileged and confidential.

Council Member Harris asked whether the discoverable portion would include only written or recorded materials or if there was a possibility that someone could be subpoenaed and required to disclose the discussion.

Attorney Loose explained that under the proposed bill, if requested by the Legislative Auditor General, an attorney must provide information, materials, or resources related to the

representation of an entity. The bill cites the Code of Judicial Administration, which would make it a disciplinary offense for an attorney to refuse. This means privileged conversations could be disclosed without the usual requirement of judicial review. He clarified that under current law, an attorney could refuse to disclose privileged information unless ordered by a judge. However, under the proposed legislation, if the state auditor requested such information, the attorney would be required to comply. This could include discussions related to conflict-of-interest forms or other legal matters, making it difficult to maintain attorney-client privilege.

Council Member Harris expressed concern that discussions with the city attorney often involve seeking clarification on complex issues, weighing pros and cons, and understanding nuances. He noted that without proper context, such conversations could be misinterpreted if disclosed under the proposed legislation. He sees a risk of statements being taken out of context, which could lead to misunderstandings or misrepresentations of intent.

Attorney Loose clarified that the proposed legislation would directly impact city councils and other governmental entities by allowing the state auditor to access privileged attorney-client communications. Noting that both the Utah Bar Association and the League of Cities and Towns oppose the bill and plan to speak against it in committee. He suggested that council members consider reaching out to Senator Fillmore, who serves on the committee reviewing the bill, as well as Senator Cullimore, who represents nearby areas.

Council Member Harris asked which government bodies does this impacts.

Attorney Loose explained that the bill states a lawyer "shall provide information" related to the representation of an entity. He sought clarification on the definition of "entity," noting that it includes government organizations and "receiving organizations." Upon review, he determined that a receiving organization refers to an entity that receives public funds but is not a government organization. He acknowledged that this definition could extend to various publicly funded entities and said that while the bill directly affects attorneys, its greater impact would be on their clients. He explained that if passed, it would extend beyond just city attorneys, requiring any attorney providing legal counsel to a government entity to disclose privileged information if the subject were under audit.

Mayor Ramsey expressed concern about creating broad policies that apply statewide based on a single incident. She emphasized that there are more precise ways to address specific issues rather than implementing sweeping measures. She noted that this bill is not the only one of its kind and referenced other legislation that appears to stem from individual grievances rather than broad policy needs. She highlighted the importance of legal counsel, stating that the council relies on Attorney Loose for accurate information to ensure compliance with the law and fairness in decision-making. She warned that such legislation could set a precedent for further overreach in the future. As a result, her intention is to text Senator Fillmore and request that he vote against the bill in committee.

Attorney Loose stated that the proposed solution seems flawed. Currently, the process requires obtaining a court order, with a judge reviewing the matter before attorney-client privilege can be pierced, but the bill's sponsor is unwilling to accept that safeguard. Instead, the sponsor seeks to

expand the legislature's ability to audit not just the situation but also privileged communications, making it easier to bypass legal protections.

Mayor Ramsey expressed support for maintaining the existing legal structure, which has been in place for a long time and allows for checks and balances through judicial review. She emphasized that if a concern arises, it can be addressed by a judge, who can determine whether privileged information should be disclosed. She stated that the proposed bill goes too far and is in opposition of the bill. She requested that information be shared with those interested in contacting Senator Fillmore regarding the proposed bill. She emphasized the importance of presenting a unified message, noting that conflicting opinions from different cities have, in the past, led legislators to disregard input altogether. To ensure effectiveness, she advised coordinating outreach efforts to maintain consistency in messaging.

Attorney Loose emphasized that the privilege at stake belongs to elected officials, not the attorneys themselves. While attorneys support maintaining attorney-client privilege because it enhances their ability to provide candid legal advice, it is ultimately the clients—elected officials—who hold the right to waive or protect that privilege. He suggested that outreach to Senator Fillmore would be most effective if it came directly from elected officials rather than attorneys, as legal opposition might be perceived as self-serving, even though it is intended to protect the interests of their clients.

Mayor Ramsey expressed gratitude to Attorney Loose for his efforts in representing the city and spending significant time on legislative matters. She specifically noted his involvement in the transportation revisions bill, particularly with the canal connectivity proposal, where he was among the first to be added to the working group. She acknowledged the extra time and effort being put into these issues and thanked everyone for their contributions.

Council Member Zander took a moment to recognize and appreciate two mothers in attendance with their daughters. She highlighted Camille Grimshaw, a talented chalk artist who, alongside her daughter Erin, has contributed stunning artwork at SummerFest, often winning or creating standout pieces. She also acknowledged Laurel Bevans for her dedicated service on the Planning Commission and praised her daughter, Brooke, for her involvement. Council Member Zander expressed admiration for these women and their daughters, calling them future leaders and commending the mothers for raising strong, inspiring young women.

Council Member McGuire took a moment to recognize Erin Grimshaw for her outstanding achievement in the arts. He shared that she won first place for the Fourth Congressional District at the Springville Museum of Art's All-State High School Art Show—an impressive accomplishment. Her winning piece will be displayed in Washington, D.C., for a year before eventually making its way back home, where her mother might finally get to hang it up. He acknowledged that Erin might not want the spotlight, but her achievement was worth celebrating.

Mayor Ramsey encouraged the Grimshaw's to take the opportunity to visit Washington, D.C., and see her artwork displayed in the Capitol. She explained that since Erin will be representing District Four as the winner, she should reach out to Congressman Owens' office to arrange a visit. Given the security clearances required to access the exhibit, the congressman's office could

assist in making it happen. Mayor Ramsey noted that while visitors can't walk right up to the artwork due to protective barriers, they can still view it along the hallway and take photos. She acknowledged that trips to D.C. are often whirlwind visits but emphasized that it would be a meaningful experience if Erin and her family decided to go.

Council Member Zander shared that her daughter is currently an intern for Congressman Blake Moore and is giving tours at the U.S. Capitol in Washington, D.C. She encouraged anyone visiting the Capitol in the coming months to contact Congressman Moore's office and request a tour with Ms. Zander. She noted that while Utah residents don't have to be in Moore's district to arrange the tour through his office, her daughter is a trained Capitol guide who can take visitors to unique spots beyond the standard tour, including lesser-known areas like the chapel.

Council Member Johnson motioned to adjourn the February 4, 2025 City Council Meeting. Council Member Zander seconded the motion. Vote was 5-0, unanimous in favor.

ADJOURNMENT

The February 4, 2025 City Council Meeting adjourned at 7:32 p.m.