

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 19, 2023

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Recreation Janell Payne, Fire Chief Chris Dawson, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Director of Public Works Raymond Garrison, City Recorder Anna Crookston, Deputy Police Chief Rob Hansen, Director of Administrative Services Melinda Seager, Director of Commerce Brian Preece, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Communications Manager Rachael Van Cleave, GIS Coordinator Matt Jarman, IT Director Jon Day, Meeting Transcriptionist Diana Baun, Planning Commissioner Laurel Bevans, Strategy & Budget Analyst Abigail Patonai

Absent:

Others: Maxine's iPad, Eldon, David Reece, iPhone, Brandi's iPhone, Angie Gallegos, Kristy, Tamaree Howland, Mike Argyle, Samsung SM-N976V, Deven Serr, Ryan Alexander, BWM, DB iPhone, Brendan's iPhone, Myndi Para, Samsung SM-S916U, Mary Ann Obremski, Leslie Schow, Brooke Moon, Brandon Bednar, Heidi Bednar, Bevan Weed, Lori Larsen, Michelle Snow, Rachel Shelton, JaLaine Lowe, Shannon Groves, Claudia Granados, KayDee Carter, Megan Howard, Parker Lewis, Miguel Bitencourt, Chandra Cox, Sydney Didericksen, Miriam Cunningham, Kathi Greenberg, Chad Nielsen, George Frioux, Jessica Copier, Samantha Black, Eddie Black, Judy Wheadon Cox, Jan Criner, Paige Norton, Todd Norton, Leland Palmer, Mary Heine, Dee Ann Brown, Ron Johnson, Marianne C., Jake & McKenzie Mitchell, Shelby Anderson, Jennifer Terzo, Lorenzo Terzo, David Wheadon, Devin Hall, Debbie Maher, Michelle Hall, Suzanne McInnes, Al McInnes, Chris Cavin, Krissy Cavin, Janet Jones, Chris Norton, Jeff Criner, Gretchen & Dave Williams, Jill Davis, Troy Davis, Beth Pasker, Kira Withers, Zach Withers, CJ Stringham, Erika Wheadon, Kade Didericksen, Ken & Paula Urry, Ryan Bagshaw, Joe Milillo, Lana Looser, Jared Looser, Kylee Schmidt, Brannon Golightly, Mykel Severson, Brian & Susan Oakden, Rebecca Kirkman, Julie Rushton, Sam Bishop, Shannon Ballard, Jeff Ballard, Tami Pyfer, Ryan Schipaanboard, Tim Strebel, Levi Hancock, Megan Fenchel, CJ Barrow, Cheryl Izatt, Joel C. Izatt, Natalie Argyle, Marilyn Balfour, Gene McIntyre, Scott Pruyt, Dave Vigil, John South, John Kimble, Merrill Warner, Angela Warner, Rachel Monson, David Monson, Bruce Sperril, Brian Crainguil, Karen Marril, Janet Jones, Brad Wheadon, Joan Wheadon-Ward, Michael Argyle, Dean Larsen, Casey Copier, Angie Gallegos, Marcus Whiner

6:30 P.M.

REGULAR MEETING

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

Mayor Ramsey welcomed everyone and introduced the meeting.

B. Flag Ceremony

C. National Anthem – *By Olivia Shelton*

D. Pledge of Allegiance – *By Assistant City Manager Jason Rasmussen*

E. Thought and Invocation– *By Council Member Don Shelton*

Council Member Don Shelton thanked Ms. Shelton for singing the National Anthem. In preparation for his thoughts, over the past few weeks he has read from legal scholars, the Constitution itself, and poetry about the Constitution; in the end he wanted to share what was in his heart. One of the important points about the Constitution was mentioned by George Washington, who presided over the convention, and he said there was a spirit of amity among the delegates at the Convention, and that led to a spirit of unity. Because of that amity, there were compromises made that would not have otherwise been made. There were strongly held feelings about positions on the Constitution that were compromised in order to create unity. Many of the scholars he read said the Constitution was designed to govern a moral people. He read one legal scholar who had a visiting scholar from China, who was surprised at the willingness of Americans to generally obey the law without being forced to obey it. In conclusion, that scholar said that if we weren't generally willing to obey the law, we certainly could not hire enough police officers to enforce the law. The preamble to the Constitution gives a vision for what it is trying to accomplish, and we know that the Constitution is not a perfect document; it has been amended 27 times since first ratified. However, Council Member Shelton believes the vision for what it is trying to accomplish is powerful. He also thinks it is important to note that, as hard as the Constitution is to amend, we are also governed by state constitutions, depending on what state we live in or are visiting at any given time; those constitutions are much easier to amend than the Federal Constitution. He then read the preamble:

“We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.”

The Constitution of the United States of America is the longest standing constitution in existence, and is the model for many constitutions around the world; certainly the aspiration for many people around the world.

Council Member Shelton offered the invocation.

F. Presentation Items –

F.1. Proclamation in recognition of the 236th Anniversary of the Constitutional Convention & Constitution Week 2023. (By Mayor, Dawn R. Ramsey)

Mayor Ramsey read the proclamation in recognition of the 236th Anniversary of the Constitutional Convention & Constitution Week 2023.

F.2. Citizenship. (By Administrative Services Assistant, Ana Johnson)

Mayor Ramsey introduced Ana Johnson, a brand new official citizen of the United States of America and long-time member of the South Jordan City Staff, and invited her to share some thoughts about her experience becoming a resident of the United States.

Ms. Johnson – “I am flattered to be standing here today to briefly talk about my immigrant story and what it means to me to be an American. In September of 1995, 20 years ago, I emigrated from Mexico to the United States with my two children and three backpacks. At the time, an epidemic of violence engulfed my hometown of Chihuahua, Mexico. I made a fast decision and ran away to the border to seek refuge. Coming into a completely new culture, language and way of living was very stressful. For many years we felt like outsiders, which was terrifying. The inability to pursue my original career, due to the language barrier and credentialing requirements, required unskilled and low paying jobs to quickly bring income home. This resulted in loss of value and self-worth, without counting the microaggressions we had to face. My kids and I had a kind of identity crisis; figuring out our identity was a major challenge that took us a long time to overcome. Having lived in a developing country opened my eyes to see how fortunate I am, and the opposition pushed me to work hard. I had to rebuild my life from the ground up. Here in America we received the opportunity to experience a higher quality of life, a sense of security, and safety. With the support of my daughter and my grandson, I applied to take the Naturalization Test on July 30, a big day, and at the end I got the test results. I studied very hard for a couple of months, maintaining positive thinking to avoid test anxiety, and on July 30 I arrived early to the Department of Homeland Security for my appointment. A few minutes later an officer called my name and directed me to a little office, where a different officer was waiting for me to start the test one-on-one. The waiting time for receiving my test always increased my heart rate. A different officer came into the office and told me ‘Congratulations, you passed. You will receive a letter with a date and time for the ceremony.’ A special milestone in my life came on August 17 at 2:00 p.m., the Oath of Allegiance; I became a U.S. Citizen. The feeling was inexplicable. I made myself, my daughter and my grandson proud. The Bill of Rights, the first 10 amendments to the Constitution, are very important to me. It reminds me I have the power to be who I am, to have a choice in life, even if the only thing I can do is take that choice and turn it into something really good. God Bless America.”

G. God Bless America – By Resident Krispin Banks

Mayor Ramsey brief background information on Olivia Shelton, Krispin Banks and Ana Johnson.

H. Minute Approval

H.1. August 15, 2023 Combined City Council & Redevelopment Agency Study Meeting

H.2. August 15, 2023 City Council Meeting

Council Member Marlor motioned to approve the August 15, 2023 Combined City Council & Redevelopment Agency Study Meeting Minutes as published, and the August 15, 2023 City Council Meeting Minutes as published. Council Member Harris seconded the motion; vote was unanimous in favor.

I. Mayor and Council Reports

Council Member Tamara Zander:

- September 15 attended the Mosquito Abatement Meeting with the South Valley Mosquito Abatement District, who maintains abatement through the county. An interesting fact she learned is that Utah is a bit higher in Malaria cases, but those are typically people who have been in other states or countries and returned home, catching it in other places and then bringing it back.
- September 12 attended the South Jordan City Employee BBQ Luncheon, which has been an annual tradition for several years. The council gets to serve a catered lunch to all the city employees and she shared how much she loves serving lunch to the staff and then seeing them later throughout the city.

Council Member Jason McGuire:

- Attended the Employee BBQ and echoed what a pleasure it is to serve the city's wonderful employees. He thanked Director Don Tingey and his team for recently presenting at the Utah League of Cities and Towns about our city's priority based budgeting. It was interesting to see colleagues from other cities learn about what was a new concept for them, while our city has been leading the way in making sure we are using taxpayer dollars wisely.
- Thanked our Department Directors here tonight and shared how much he appreciates everything they do for the city.
- There is a lot going on with the Art's Council, and later tonight they will be reviewing the draft Master Arts Plan. There was a Plein Air competition recently as well.
- Attended a Church of Jesus Christ of Latter Day Saints fireside about the Constitution and political civility with a professor from BYU and our Lieutenant Governor. It was nice to see a more personal side of her, and the love she has for our state, country, and the Constitution.

Council Member Brad Marlor: Echoed the comments from the previous council members' reports and shared an experience from when he was on the City Council in 2005. We had a sister city from Iraq and they wanted to understand what really happens here in America, so they flew out their representatives to South Jordan where the city took them around, showing them important locations in the city and ending in the council chambers. They asked who sat in front of the chambers, and when told it was the council and select staff, they asked why there were so many chairs in the audience area. The council responded that those were for the residents to attend meetings and share their opinions with those they had elected. The sister city representatives said they would never be able to get anything done if they listened to all their people. He is so grateful for the opportunities we have in this city and country to voice our opinions, and to live in a country where we can represent each other and do good things.

Council Member Patrick Harris:

- Rio Tinto annexed land was finalized for their sewer approval.
- Spent several days with the Utah League of Cities and Towns and attended a number of conferences, which included training meetings and learning to serve residents better.
- Met with a number of seniors at the Community Center to unveil the new Senior Center, which was a privilege to be involved in.

Council Member Don Shelton:

- Talked about the National Day of Service and thanked city staff for working so hard, allowing hundreds of volunteers to have lots of meaningful things to do in the city.
- Shared a picture of Bingham Creek Park at sunset.
- Attended the same various conferences and lunches discussed by previous council members.

Mayor Dawn Ramsey:

- Attended the League of Cities and Towns Conference.
- Wrapped up her time as the President of the Jordan Education Foundation this past week and just started her eleventh year on the board of the foundation. It has been a unique experience serving on the foundation's board which aims to help, through philanthropic efforts, to raise money from outside donors and companies with money to help fuel success in the Jordan School District by providing teacher grants, some scholarship opportunities, Principal's Pantries in every school, and just help kids succeed.
- Represented South Jordan City at the Prep 60 Water School a few days ago where she and some other colleagues hosted a panel on municipal water conservation, where she was asked to come and speak to elected officials at the local and legislative level, as well as management professional for different communities, about how South Jordan has been able to lead in water conservation efforts in the state. She shared with them that the residents participated voluntarily, and saved more water than any other city in the 17 other agencies in the Jordan Valley Water Conservancy District, which is the largest water district in the state.

- Yesterday she and the council attended a lunch at the senior center to make an exciting announcement that was also released in a press conference this morning from Ivory Homes and the Governor. After many years of trying to find and save up funds for a senior center, the city is finally able to announce their intention to build a brand new dedicated South Jordan Senior Center. This is the only city that provides its own senior services, the county provides services everywhere else and has expressed clearly that they have no plans to build a senior center in South Jordan. When asked why, their response is that our seniors can go to West Jordan or Riverton. We have a very full and robust senior program in the city, and there isn't room for them to go anywhere else; they deserve this in their city. The community center was never built or designed to be a senior center, and it is not set up to be a great senior center, but our residents are patient and make it work while adapting. Input was received from those who use it the most to understand the real needs, and build a senior center appropriate for our needs, without using South Jordan City taxpayer dollars to do it. Our Redevelopment Agency (RDA) has saved money for many years, to the point where the city became a target and was told by the state to either use the money or have it taken by the state to send somewhere else. The city will be partnering with Ivory Innovations, who will also be putting some senior housing on the same parcel of land that was dedicated to the city for the public good. There will be an open house on September 27, at Station 62 on 4000 West to learn more, and all that information will be posted soon for those interested.

Council Member Zander motioned to amend tonight's agenda, swapping Public Hearing Items L.1. and L.2., in order of presentation. Council Member Marlor seconded the motion; vote was unanimous in favor.

J. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Leland Palmer (Resident) – My great-great grandfather settled South Jordan, so I am a longtime resident and have lived here my entire life. On the afternoon of April 6, I had three police officers accompanying an unknown male enter my home without a warrant and stay there for a while, locking my dog up, and because of Ring I knew what was happening. My son called me up and said you have three police officers in your house, so I called South Jordan Police and said I want to know where the warrant is. My office is right by Kneaders off of Baxter. With no response, I get in my car and drive from there over to South Jordan City, where they direct me to another building for the Police Department. I walked over there and still no reply from South Jordan Police, they don't care, just put me on hold. When I get there I ask to see a warrant for the house because I had three police officers there. The officer who first started basically tried to tell me "where's your driver's license" and was basically attacking me, like "you tell me why the police officers are there." Finally, I had someone come in that was in control and that police officer that was first there basically stood down, but their thing was "oh it was our mistake, sorry." That's it. I'm glad nothing happened. After a non-apology of saying "yeah it was our mistake" I called the city manager, and at the time Dustin Lewis was the deputy city manager. I

explained the situation and explained the bad things that have happened to my house. I've had police officers walk through my yard for no reason, I've had SWAT Teams wave guns in my face. When I explained that to him he said I should be thankful that officers waved the guns in my face, SWAT Teams are awesome and I shouldn't worry about that. As a matter of fact, he went and said that he had an opportunity to have guns waved in his face, and it was okay and nobody should have an apology for that. I think that we live more in a police state than a community policing place, and I think that we need to change that, we really do. I am also here for the 2950 item, the Wheadon and Larsen thing, and to me it's almost like a continuation of a police state. I think we need to sit back, obey the laws.

Jeff Ballard (Resident) – I am in the Royal Meadow Subdivision on the corner of 10200 South and 3050 West, which is currently a dead end street. I am highly opposed to this proposed extension. How many people, by a show of hands, are here against the road going through? I think it's hilarious every time a city tries to enforce eminent domain, they come out and say, as this does in paragraph 3, that it is to better serve the public; this is the public that you are serving, this is who the road going through will benefit. As part of the benefits that you state in this resolution, you state that it is going to increase traffic connectivity; what benefit could ever come from increasing traffic through multiple residential subdivisions. This road has been designed as a runway from 2700 West to 3200 West with no stop signs heading east or west. We all know that our police officers don't have time to patrol subdivisions as much as they would like to, most of their time is diverted to main arteries like South Jordan Parkway or 9800 South, and that's where the traffic should stay is on those arteries. You state that it's going to improve emergency response time for residents, but you can't tell me that South Jordan Police Department, ambulances and fire trucks can get to the residences on that proposed street faster than from their current access from South Jordan Parkway which is a 40 mph, four lane wide road; especially when most of the stations in South Jordan and the police department are either on 10400 South or south of 10400 South. They are going to use 10400 South, they are not going to come down a 25 mph road with their lights blazing when they can come down a 40 mph road. Another reason you state is that it is going to be a safe walking route for our children to get to school. Again, this street will become a hidden runway for speeding in its flawed design with little enforcement. You state the storm drain has to be connected to abandon some temporary water ponds, but there are numerous water ponds throughout the city that have no connection to storm drains. Ours had two, one was abandoned and one is eight feet deep and has never approached more than one to two feet during our most wet seasons and large snowpack this last season. Again, you say that we need to cover the canal, there is no need for that, we have one at 9800 South, 10000 South, and 10400 South. Eminent domain doesn't do anything but appease the city and not the public, we are the public.

Mayor Ramsey noted that she understands this topic has elicited a response, but there won't be enough time for the audience to clap all night because there is so much on the agenda. The city wants to hear what everyone has to say, but she reminded everyone that they will be here until midnight if the clapping continues after every comment.

A member of the audience spoke out and asked if anyone speaks about the road during this comment portion, will those comments be recognized when that item comes up on the agenda, or does it not count.

Mayor Ramsey responded that anything shared now is part of the public record, but it does need to be at the microphone so it can be picked up and recorded. There are dedicated times for the specific public hearings, but speaking during this time doesn't negate any comments shared.

Bruce Sperril (Resident) – I am a little bit frustrated thinking that we put triple lanes all the way up to Redwood Road, and then went back to double lanes; you could still place a lane on either side of that and you wouldn't have to put another road up 10200 South. Where you stopped is a bottleneck and I don't know why you didn't take those lanes all the way at that time. My question is why we can't do it now. We still have open roads or land on either side of 10400 South, why don't we keep the traffic in the same area and let that traffic be allowed to go up there to Costco, Wal-Mart or anything else in the commercial area instead of trying to add on to more roads. It might cost a little bit more, but in retrospect it should have already been done and I am slightly frustrated thinking why did we not do it then when we had that possibility of opening it up. We can still do it, it is going to cost a little more, but we are keeping all the traffic in the same area. Several years ago as a city council you wanted to add a fire station on, and I think it was around \$12 million. When that \$12 million was proposed I wasn't told, and I was at the meeting, what else that money was going to be used for. It was used for, I believe, a small little jail, a police office, and the fire station. I question in my mind why we were not told everything at that time, but when we had the whole council up front and didn't know what was happening right there, the very last council member said yes and we built a fire station at a certain amount of dollars per square foot, which was a lot less than what we have. Do we have to go through that again, do we know what the cost is going to be; I would like to know everything up front in this time right here and why we can't add a lane on to the double lanes going west from Redwood Road on 10400 South.

Mayor Ramsey noted that staff will respond to the question about 10400 South after the comment period is closed, and noted that the city does not own 10400 South, that is a state road.

Chris Cavin (Resident) – My backyard neighbor is the water building back there. My concern is now that the construction is ending, the raceway is going to come back into place. It has been a raceway as long as we have lived there, and nothing gets done about it. Can we get speed bumps, stop signs, or something in place to slow that road down at night before someone gets hurt.

Mayor Ramsey closed the public comment portion of the meeting.

K. Action Items

K.1. Resolution R2023-37, Authorizing the Mayor to sign an Amendment to the Development Agreement dated August 20, 2019 pertaining to property located at 9800 South and Redwood Road, Merit Medical (applicant). RCV (*By Director of Planning, Steven Schaefermeyer*)

Director Schaefermeyer reviewed background information from the Staff Report and Attachment A, a presentation created by the architect.

George Frioux (Representing Fred Lampropoulos) – Discussed the initial reasoning for the planned warehouse, production area and small daycare facility on the lot when originally considering the purpose of the property; that was in 2019. Businesses change, and they have outgrown their current distribution center that is located on the campus. That facility will be converted into a molding operation, bringing on molding engineers and additional personnel there while moving the distribution center across the street. They currently have a distribution center in Richmond, VA, so they have divided the country in half and need to enlarge this particular area to accommodate their customers west of the Mississippi River. While looking at this, they wanted to gain the most utility out of the land. They have set the building back quite a distance, being about 200+ feet from neighbors to the south. They have completely enclosed the dock doors so the sound will not translate to the neighbors, and they have put up a large concrete precast fence to circumnavigate the property and help with the sound. They were going to put in the daycare facility, but they are fortunate enough to now have a daycare recently approved by the city just behind the new Kum & Go, and they are already working out an agreement with them in regards to having entry level employees with children utilize their services. They have met with, and are still meeting with, their neighbors to discuss what can be done to mitigate concerns.

Joe Milillo (MHTN Architects) – reviewed their prepared presentation (Attachment A) with the original proposal and the new proposals. The distribution center will have about 50 people working the day shift with about 15 people at night. The number of trucks coming into the site would be approximately 6 to 10 trucks during the day. There are some trucks that come in at night, but the last one leaves at about midnight.

Mr. Frioux explained they mostly have UPS and FedEx going to the hubs, and that is on the south side of the building; they depart around 5:30 p.m. with one additional trailer departing at midnight. There is not a lot of activity during the evening. The distribution center is mostly sterilized products that come in and they manufacture on the east side of the street, going to a sterilizer down by the airport and coming back on Merit Trucks to be stored for distribution. When an order comes in they are palletized and put on another trailer and sent off to their destination. The trailers are actually sitting there during the day for them to fill up, and then taken off by the delivery services that evening.

Mr. Milillo added there is a receiving yard on the north side, with a loading zone on the south side. They have spoken with the residences, and they were concerned about noise in the south yard, but they were planning to put a six foot tall precast fence between the residential properties and this commercial property. In this case, because they heard from some of the neighbors that there were concerns about the sound, they are going to increase the height of that fence to eight feet, and the actual perimeter of the loading dock would have a 10 foot fence. There is a gate there that opens and is perforated, but they can also do some sound mitigation there; they have a sound engineer working on a study of how to mitigate sounds from that area like the beeping sounds of trucks backing up. He continued reviewing Attachment A, showing the old versus new

proposals in regards to lighting. A lighting study was sent to the city for the lumen level, as well as looking at light trespass onto adjacent properties and making sure there is full cutoff fixtures to avoid light going into the residential areas. Regarding signage, the original plan had two signs on Redwood Road and one on 9800 South, the new plan is to have a sign on 9800 South and Redwood, but on the corner of the building there will probably be a low sign along a retaining wall that also says Merit Medical. That retaining wall will be about five feet high, with the signage underneath it. He reviewed the old and new open space and landscaping plans from Attachment A. They are still maintaining the landscape around the property line and Redwood Road, with also a setback of about 60 feet on the north side from 9800 South. There are two entrances, one on 9800 South and one on Redwood Road; trucks will only come in the 9800 South entry with cars coming in both entries.

Mr. Frioux discussed a recently built building called the Tech Center, and that they planted some very mature trees along the perimeter of their property line and they plan to do the same thing here with fast growing landscape that also offers a green buffer, which will also help with the sound. He understands the concerns with the sound, but when you stand there, the sound of Redwood Road is very prevalent, particularly for the neighbors to the south. He has stood on their back porches and it's difficult to speak to someone else because of the sound from Redwood Road. Putting in the precast concrete walls will definitely mitigate some of that sound and actually enhance their backyards in regards to sound.

Mr. Milillo added that some of the mature trees on the site were being identified by their landscape architect as trees that they can keep because the canopies are quite tall, especially the ones on the corner of Redwood Road, at probably 40-50 feet; they were planning to keep those to create a more mature canopy. He continued reviewing Attachment A.

Mr. Frioux noted that it's odd you can stand there on the corner of 9800 South and Redwood Road, basically looking southwest, and there is a thirteen foot elevation difference between the corner of 9800 South and Redwood Road and the southwest corner of the property. That elevation drops towards 9800 South and Redwood Road, and they have split the difference on the height of the building, placing the build down about seven feet off the corner of the property. The homes along the west side have a substantial elevation difference as well, so the distance between the building and their backyards, as well as the elevation of their homes, makes the building much less intrusive than previous proposals in his opinion.

Mr. Milillo continued reviewing Attachment A and renderings. There is an elevation at the bottom showing the adjacent property and the sight line and building envelope. This respects all of the development agreement criteria, and actually exceeds some of those criteria in some cases.

Mr. Frioux said that they have been working through the plans themselves, and the size of the building has decreased to 212,000 square feet; it is still a large building, but they are cognizant of what their neighbors will be able to see and still have a functional building for Merit.

Council Member Shelton asked about possible restriping due to trucks entering off 9800 South.

Mr. Frioux responded that they have commissioned a traffic study to identify those issues and make recommendations, but that is still in the works.

Director Klavano added that it is wide enough through there and it would need some restriping to get a turn lane pocket in. Also, at certain times of day they may not want delivery trucks coming in since a left turn would be very difficult.

Mr. Frioux noted that the coming and going trucks are scheduled, and most will be Merit vehicles. The company will modify their schedule to accommodate the traffic schedule. They come in off 9800 South on the east side for access into the campus from the north side currently, and that works really well at this time.

Council Member Shelton agrees that 9800 South is the right answer for trucks, but he wonders if maybe a turn lane would be appropriate and isn't sure if that would work with it's proximity to the traffic light.

Director Schaefermeyer noted they will have to go through the site plan process, and at that point they are required to submit things like an operations plan, traffic plan; a lot of that is also spelled out in the development agreement to address some of those issues until final plans are received.

Council Member Shelton motioned to approve Resolution R2023-37, Authorizing the Mayor to sign an amendment to the development agreement described above. Council Member Zander seconded the motion.

Roll Call Vote

**Yes - Council Member Shelton
Yes - Council Member Zander
Yes – Council Member McGuire
Yes – Council Member Harris
Yes – Council Member Marlor**

Motion Passes 5-0, vote in favor.

Council Member Marlor motioned to further amend the agenda, moving Action Items K.2. and K.3. to just before Public Hearing Item L.3., allowing the public hearing items L.2 and L.1. to be heard first. Council Member Shelton seconded the motion; vote was unanimous in favor.

As previously amended, the meeting continued to Public Hearing Item L.2., followed by Item L.1.

L. Public Hearing Items

L.2. Resolution R2023-45, Authorizing the filing of an eminent domain action if necessary to clear title on the property involved in the construction of a pedestrian

corridor on the west side of 2700 W. RCV (*By Director of Strategy & Budget, Don Tingey & City Attorney, Ryan Loose*)

Director Tingey reviewed background information prepared presentation (Attachment B).

Mayor Ramsey opened the public hearing for comments.

Ryan Bagshaw (Resident) – I plead with you to stop the eminent domain to this property. I know South Jordan is a very wealthy city, but we are slowly losing our wealth, with an exclamation point on the property that Merit Medical is going to develop; the wealth that I speak of is our open lands. This property has deep roots in our city, and you can see that with all the people behind me tonight. The other thing that's important to the city is that we can't make more land. We can make more buildings and taller buildings, lots of other things, but the beginning of this eminent domain is the beginning of killing a family piece of property that has been in their family for a long time and something they won't get back. You are taking something from this family, hardening their hearts, and I plead with you please don't do it. Give them their property back, let them be good stewards of their own property like they have done for many, many years.

Samantha Black (Resident) – We are talking about putting a sidewalk on 2700 West, against the Wheadon's farm all the way down and I have a few concerns. The properties that Don showed, the schools were all on the east side and there is sidewalk all against the east side. Are we encouraging junior high school and elementary school kids to cross 2700 West to access this new sidewalk you are proposing to put in. If that's the case, I don't think that's the right answer. I think keeping children on the east side sidewalk is the right answer, letting them use the intersections that have crossing guards all day. I believe that if you build this sidewalk you are encouraging children to jaywalk, and that is incredibly dangerous. I don't think we should do that, and I think keeping this section the way it is will discourage that, there is no reason to jaywalk at that point. Go all the way down, use the crossing guards and come across; that would be great, let's do that. The other issue I have is this is a farm, there is hot wire. Are we encouraging children to walk against hot wire; have you guys considered that as an issue, I would like to know how that is being addressed. There is live hot wire against a sidewalk that you are encouraging children to walk down, and who is liable if a child grabs that, is it South Jordan City; I don't think so, it's the property owners.

Natalie Argyle (Resident) – I have been involved a little bit in land development in cities and things, and I believe that if the family decides to develop their property, the future developer should be putting in the sidewalk, not the city, for many reasons. I would ask that the City Council make a motion to deny this resolution on things that were stated today, safety for the kids. Eminent domain is not a proper use for this sidewalk at this time for this property, and I would just ask that you make a motion to deny this resolution.

Mayor Ramsey closed the public hearing.

Council Member Shelton motioned to approve Resolution R2023-45, Authorizing the filing of an eminent domain action if necessary to clear title on the property involved in the construction of a pedestrian corridor on the west side of 2700 West. Council Member McGuire seconded the motion.

Council Member Shelton said that as he has pondered this situation he has studied all the staff materials received and traveled around the area, driving it just today. He can say that across the entire city, this is the only section of 2700 West that doesn't have a sidewalk on it. He believes it is a safety issue for pedestrians in the city and if someone was injured on that side of the road it could become a liability issue for the city, having not put in the sidewalk. He thinks it should happen, it's not taking away the open land as the land remains and can be farmed as it has in the past. In addition, if they put up their Christmas display, there will be an actual sidewalk for people to stand on.

Council Member McGuire said this comes down to safety concerns for him as well. His daughter attended school at South Jordan Middle and he would see kids walking on that side of the road and the east side of the road.

Mayor Ramsey asked the audience to maintain order after numerous outbursts from the crowd, reminding them that there are still plenty of opportunities to speak coming up in this meeting and asking them to let Council Member McGuire finish.

Council Member McGuire continued, stating that after multiple years of driving that road and dropping her off every morning, he has seen that there is a hazard there as well.

Council Member Marlor believes the city has been aggressively trying to provide safety throughout the city, and that has been going on for a couple of decades. Little pieces here and there, trying to find some funding. In front of his home off of 2200 West, they just finished the entire distance of 2200 West from north to south, which was completely redone in front of many peoples' homes. Some of those residents didn't want a sidewalk either, and he thinks it has been the right thing to do there because there are a lot of kids, walkers and joggers, etc., who want to be safe and use those roads. He is very sensitive to this, and would rather not see there be an eminent domain action. In his many years of being on the city council, they have done very, very few eminent domain actions, and he would rather not see that happen here; he hopes it doesn't happen. One of his good friends and a previous councilmember was Skip Criner, who he dearly appreciated and loved. This is near his property and he understands that, so he certainly hopes something can be worked out to avoid the eminent domain. However, for the sake of safety, not just here but throughout the entire city, he has supported this and will continue to support it to ensure they do the right thing.

Roll Call Vote

Yes – Council Member Shelton
Yes – Council Member McGuire
Yes – Council Member Harris
Yes – Council Member Marlor
Yes – Council Member Zander

Motion Passes 5-0, vote in favor.

Mayor Ramsey stated that she doesn't get to vote on these types of things, but she echoed that she hopes as well this doesn't have to become an eminent domain situation.

As previously amended, the meeting then moved to Public Hearing Item L.1.

L.1. Resolution R2023-44, Authorizing the filing of the eminent domain action against the Troy and Jill Davis property, the C Dean and Maxine C. Larsen property, and the Dell Wheadon Limited Partnership property (*By Director of Strategy & Budget, Don Tingey and City Attorney, Ryan Loose*).

Director Tingey reviewed background information from the prepared presentation (Attachment C).

Mayor Ramsey opened the public hearing for comments.

Judy Wheadon-Cox (Resident) – You don't know us personally, so I'd like to introduce our family. Our parents, Dell and Norma Wheadon had five children. My mom taught us how to love and serve, my dad taught us how to work. In 1980 we buried my brother Doug's wife at age 24 of a blood clot, who left an eight day old baby and a two year old. In July of that same year we buried my brother Dave, when he was 25, of a failed heart valve; also leaving an 18 month old and a five year old. In 2003 my sister Joan buried her daughter Shannon at age 24 of a brain AVM, two months later we buried my dad with respiratory failure. Jan and I buried our husbands 12 years ago, one month apart, and in 2015 my sister Jan buried her daughter of cancer at age 29 leaving a two and five year old. Later that same year we buried my mom. Last year we said goodbye to my brother Doug, who died suddenly of a blood clot. He was the farmer, and we three sisters were his helpers. He had prepared the hay fields right before he died, and they will last for many years. We don't have the knowledge to redo them, so we are grateful for that. We have an extremely close family, and I attribute that to my dad's famous saying, "A family that works together, stays together" which is on his headstone in our South Jordan City Cemetery. Friends and Family are everything to us. When South Jordan first started to develop with more and more farms becoming subdivisions, my dad, who had a lot of wisdom, would say to me if all the farms become houses, who is going to grow the food. From then on, I have always believed that when times get tough, we would turn our entire 40 acre farm into food to feed the people of South Jordan; and we will do that when it comes to that. We all love South Jordan, and the people that live here. My sisters and I would like to live out our days right here where we started them, on our family farm. I am begging you to please not put this road through on 10200 South to 2700 West and ruin our piece of heaven that our neighborhood enjoys. I just wanted to ask any of the council members what the main compelling reason is for the road.

Brannon Golightly (Resident) – My family and I moved to South Jordan a year ago. We lived between 3200 West and 2700 South in Taylorsville on Ryan Drive, a through street that brought 3200 West to 2700 South. The community to the west used our neighborhood as the main corridor to get to the junior high. My family and I moved off of Ryan Drive for the very reason you guys are approving this road, to make it a corridor through our neighborhood. We moved here because it was quiet and safe, there we could entrust having our children on the road. I ask that you guys knock this motion down.

Paige Norton (Herriman Resident) – For the first 20 years of my life I lived on my dad, Skip Criner's, him and my mom's log cabin on Wheadon Family Farm. I want to say first that I know what it is to stick my neck out in a role of public service, and be criticized and ridiculed for what

I do or don't do; I appreciate your willingness to serve and I hope you will have empathy for my passion regarding something that is so deeply personal to me. In the early 1900s, Alma Wheadon bought the 40 acres that we all know as Wheadon Farm; it is that 40 acres that brings us here tonight. That 40 acres of farmland was already well established by 1921 when his youngest child, my grandpa Dell, was born. My grandpa was a gifted and fierce athlete. He told us "you show me someone who doesn't care about winning, and I will show you a loser." In 1947 he didn't just have a place on the University of Utah's basketball team, he was a scholarship athlete. When his dad needed help working that 40 acres, my grandpa gave up his scholarship, his place on the team, and his college education to work that 40 acres. The coach called my great grandpa, begging him not to allow my grandpa to give up his place on the team and warned him that he wasn't just giving up a scholarship, he was giving up a career; but, his help was needed on that 40 acres. My grandpa walked away from a life of ease, playing a game he loved, and worked two full-time jobs the rest of his life, one at Kennecott and one on the farm, to preserve that 40 acres. Beginning in the 1960s, the generations above me built their lives on that 40 acres. People will say, and perhaps some of you are thinking, why don't you just sell the farm and use the money to buy hundreds of acres somewhere else. It's because our great grandpa didn't buy hundreds of acres somewhere else, he bought that 40 acres. It's because our grandpa didn't work his guts out his entire life for hundreds of acres somewhere else; he worked his guts out for that 40 acres. It is because we haven't watched our mothers work themselves half to death for hundreds of acres somewhere else, we have watched our mothers work themselves half to death for that 40 acres. Our mothers are old and tired, their bodies far more beat up than they should be because of a life of hard labor on the farm. Perhaps you're thinking you'll just wait them out. I want to emphasize the reason the family submitted that proposal by Ivory Homes was because someone else suggested to us that if we had a plan to develop it, it would keep the city at bay; it certainly wasn't because we want to develop it. If we wanted to sell and develop that farm, we would have done it a long time ago. Perhaps you are thinking you will wait my mother's generation out, but my generation has no more desire to sell that farm than our mothers; after all, we have watched our grandparents, four of our five fathers, and two of our siblings live, work and die on that 40 acres. Do you think that when we see our grandpa again, that we want to have to tell him that we just rolled over and played dead while city officials chipped away at the farm he gave his life for. From the time he was old enough to walk and pick up rocks until he died, our grandpa was working that 40 acres to help produce it to the best of his ability. None of us want to be the ones to fail to carry on the legacy that was set before us. Please don't tell us that it's too late, that plans have already been drawn or that funding has already been allocated. Plans can change and funds can be used where it actually makes sense to use them. We are not the troublemakers that people are implying we are, we want to be peacemakers and assets to the city, but we will not be doormats. Our mothers especially are now, and have always been, a huge part of this city and the heartbeat of this city. They don't want to put up a cinderblock wall blocking out friends and neighbors and hoarding the farm for themselves. We want people to enjoy the farm in a myriad of ways. What our mothers don't want is to have to spend the rest of their lifetime fighting off the city our family has been an integral part of since before Day 1; they want to spend the rest of their lives as they have lived every day so far, in the service of those immediately around them. Why can't the city get on board with that plan, it's a great plan, 10/0, I recommend. Please just stop, cease and desist conversations about planned projects; don't even entertain talks about future projects. We don't want to sell the farm, we don't want to develop the farm. If we did we

would have already done it. Please just allow us the freedom to farm and be good friends and neighbors to all around us without the constant gnawing, nagging threat of having our beloved family farm taken from us one piece at a time.

John South (Resident) – The two main points I would like to bring up are, one, I am a big advocate for people’s rights and I feel that the property owners should have a say and have the right to determine what happens on their property. I didn’t go to law school, I don’t know the law real well and I haven’t studied eminent domain or condemnation. However, I feel like this is a bit of a sham to invoke those things here. The common sense element in my mind says that those things should be used in rare and extreme occasions; it doesn’t feel like this is one where that would be necessary to be invoked. My property backs to 10200 South and my family uses 10200 South for many things like walking to church every Sunday, our children play with neighbors who live behind 10200 South and we have enjoyed the quiet nature of 10200 South and the fact that it’s a dead end road. The only people driving that road are those who live there and have need to be there. Personally I am very against it and I beg you to vote against this resolution.

Kylee Schmidt (Resident) – I am here in opposition to this road, for reasons that the land owners have stated. I am close friends with one of them, but I believe they can speak for themselves. I am here to speak about, as has been mentioned before, the traffic that will be coming along that road. My younger siblings, both six and nine, both play with children that live in the neighborhood, and they frequently use that road. We already have issues with people who don’t realize that road doesn’t go through speeding through, in fact there are already problems with speeding along 3200 West. Officers frequently wait in that church parking lot to catch speeders, I have seen them many times, even at night, and I always say hi of course. I believe that this road is not necessary and you are creating children as targets, giving them to people who are not responsible enough to be driving through a neighborhood from a major road. I very much fear for my siblings’ safety and their friends’ safety, many of those families I personally know and are very dear to me who walk that road to church, neighborhood parties. I, myself, have driven that road many times with my friends. I just barely turned 18 and am now old enough to understand our city’s politics and how this road will truly impact our neighborhood and the neighborhoods around it. I believe that all of the families that I have heard rumors of in favor of this road are not affected, I believe they do not have small children and their property will not be affected; I believe that should be taken into consideration. I also believe that public safety should be taken into consideration over a three minute time convenience for commuters. I am a commuter and I have found no problem coming down past 2700 West, trying to get to my own home. I believe, as a commuter that lives in the neighborhood, this road is completely, utterly unnecessary and children’s safety and neighborhoods of families who are in great opposition to this should be taken into consideration.

Jill Davis (Resident) – I find no compelling interest in opening two dead end roads, one being my road 2950 West and 2840 West, taking them to 10200 South and connecting them. My family and I have lived on this road, my mom and dad’s house was the first house on 2950 West. I have lived there, grew up there, and came back to buy my dad’s house when he passed away. I have been there for 55 years, my kids and grandkids love this road, our neighbors love this road. Opening this road will bring serious danger to many children, families that live on this road. I

can look out my window any day and see kids outside, I don't see kids inside, I see them outside playing, riding bikes, interacting, being children like I got to be to some degree. My concerns with opening the road is bringing unnecessary and unwanted traffic through our road that we do not want or do not need. The other benefit I do not see is opening up 2950 West to a road that you are going to have to turn left or right, you are never going to go straight on that road, that road is never going to lead into somewhere, even if they wanted to sell; it can never go into another subdivision because there is a water tank there. My concern is, why do I want my road open, why does 2849 West need to be open to just go down a road, turn left, right, go down to another busy road to determine whether you are going to turn left or right. I would just rather keep my road closed, go up to the top as I do every day, and turn down 10400 South to get to my destinations. The businesses I go to and most of the people in my neighborhood go to are up above 10400 South or down to Redwood Road area. I don't know why, and I need to understand why these roads need to be opened. How it is designed, there is no access to get anywhere other than making a left or right turn. Another problem I have is my concerns with 10200 South opening up. I am the back of the road that ends now, the road that ends now is 31.65 feet wide. You are taking some of my property, cutting my property in about 21 feet and curving the road down to 24.95 feet; that is a pretty narrow road that is going to become a throughway. Coming through that road at nighttime, daytime, we have distracted driving, slick roads in the winter, and if someone doesn't make that curve coming in that way I fear my backyard will be nailed with a car. Also, coming on the north side of that road, being so close to the properties on the north is a close road to those fences. Some fences on that road are chain link and I fear for those children and families. As you go down the road, it doesn't look like it widens much. Most roads have the 12 foot lines for cars to travel up and down, so you are coming up the sidewalk that is going to be built only on the south side of this road. You are walking up the south side of this road with a bicyclist coming the other way and you have cars; where are you going to go. There is not enough room to step off the curb, you are going to have to possibly lean up against a neighbor's fence or be real cautious of how you get around each other. That brings concern to me for families, for kids that maybe take that road. I don't see any reason for that road to be put in because it doesn't allow enough access for a through road. That's what this is, it's not a residential road as there are no houses at the bottom, and then at the top there are two turn ins that you would like to make, which I hope you will determine to stay closed, at 2840 West and 2950 West. There is no median to turn left or right, those roads are narrow. If you are going to pull in that traffic that is going to come off, 2700 West is a busy road, we heard that from the gentleman before who was talking about why this is being done. If 2700 West is that busy and it's going to pull cars up our road, that road definitely needs to be reconsidered, and I don't see any reason to open that road; there have been no changes in that area in several years. I have been there for five years and my dad was there before, I have seen the water tank go in, I don't see any new homes going in; the homes behind my dad have been there for several years and I see no reason for this road to go through. The other concern is my own property, I am losing value on my property. I live on a dead end road, I have people comment and ask me all the time if I want to sell my house; I am going to lose value and be on a corner lot. It is known corner lot homes sell for less value. If I have to, I will hope to get some diminished value out of the settlement if there is eminent domain. I hope that you will take into consideration the concerns, and also the scare of putting a road over a canal that is this narrow with a sidewalk. I see this as

only turning into a racetrack, because we do not want that traffic in our roads when we have kids that are allowed to play today.

McKenzie Mitchell (Resident) – The farm is literally our backyard and we moved here from 10550 South to be closer to my family so we could teach our children about bales, milk cows, and ride horses like I did. When we first moved in and people found out that I was a Wheadon I knew I would get mixed responses, because I know exactly how my family gets perceived. Those cranky Wheadons, always yelling at kids for walking through the hay field. I have had the pleasure of trying to back my uncle Doug onto a trailer, and been on the receiving end of his many compliments; I truly get it, I really do. But, here's the thing, what my family lacks in diplomacy they make up for in about a billion other ways. I think you should know a bit about the people that are being villainized for not giddily handing over more property than has already been taken from them in the name of city improvements. My mom Jan and my Aunt Judy are both widows, and my Aunt Joan's husband has Parkinson's and completely bedridden. These three women, all over the age of 60, are running this farm on sleep deprivation and work ethic alone. Every year on Light the Night the city asks our family to bring the horse and wagon down as their token farm to take people for hayrides. They also put up the live nativity that has now become tradition for countless families. Before my uncle died last year he would spend almost \$3000 every Valentine's Day to buy over 100 bouquets and we would all deliver them to every widow in South Jordan. Every Memorial Day, they go down to the cemetery and put flags on the graves of every veteran, and then go pick them up the day after. Several schools have brought classes over to learn about life on the farm. Even if hearing about these women and all that they contribute to the city doesn't affect you in the slightest, I think it deserves to be said out loud to combat what is being said about them by the employees hired to do what these women have already been doing for decades, which is bettering South Jordan. They have never gone to the city asking for exceptions to be made on behalf of their farm. However, the city has made several exceptions for these projects. Has the city even done a traffic study to support the need for a road connection on 10200 South, such a study is required by law and yet we are already here discussing eminent domain for something that hasn't even been deemed a necessity. No signs were posted on the property that will be affected by this project, which is required before the open forum taking place right now. There has to be compelling interest to put a road in, and there is none; the attendance alone tonight shows the complete opposite. We came here from 10550 South and 1300 West so I know what it means to be a thoroughfare for 10600 South. When we lived there we had no sidewalks on either side, so I couldn't even take my kids for walks or bike rides, because of the Nascar qualifiers trying to avoid congestion on 10600 South; that is exactly what will come of making 10200 South a through street. It will benefit a few commuters and absolutely ruin it for all those who call it home. Please listen to the majority here tonight and vote no, and insist that those in charge of these projects stop treating hold out farmers like criminals and start treating them like what they are, invested citizens who have lived here for over 100 years and have done more to help their neighbors than a road or sidewalk ever could.

Bryan Crainguil (Resident) – We have heard a lot of passionate arguments tonight, I am a man of reason myself. I could understand why the sidewalk, there is certainly a reasonable argument to be made there, and the main argument I think everyone would agree on is that it's safety. Safety is the main reason to put that sidewalk in; that is the same reason we should not put a road

through is safety. I am a realtor and familiar with eminent domain, so when I first heard about this I thought I was going to come here tonight and hear a very compelling argument as to why this needed to happen, but especially as to why it needs to happen now. I don't hear a good argument as to why it needs to happen now, and if anybody has that argument I'd like to hear it, because the best thing that can be said is that it has been in the city plan for 20 years. In looking up eminent domain, that is an abuse of eminent domain, the argument itself lays it out and I would hope you would take that into consideration with your decision. Even if there comes a point in time where eminent domain is something that could be used to take this property and it does serve the greater good, this isn't it, and this isn't the time.

Karen Merrill (Resident) – There is a word that I think some people in this audience need to look up and see what it means, and that is respect. We need to have respect for those people that own that property. They have been there for many, many years and they are wonderful people who give to the city. Why are they being pushed and pushed, told that they have to give up their property; it is called respect. Another thing is the safety issue, Brian lives across the street from me and I see his kids up and down that street all day long playing. I lived on a similar street when I was growing up, we didn't have to worry about getting hit by cars, and I don't think Brian wants to have to worry about his children either; it is a safety issue. Another reason is why, why is this coming about, who brought this up. It's been in the plan, but it can be in the plan for 50 more years, but it doesn't have to be developed. Why on earth is this happening now.

Zach Withers (Resident) – I have kids that play with Brian's kids, safety is definitely a big thing. Another thing is, I wouldn't have known about this unless my neighbor came to me last week. There was no talk about this, none of the neighbors were notified about any of this. Another thing is 2950 West, 2840 West, there is little to no crime on that street. If there is a car that comes down, I am the third house from the end and we look to see who it is, we know everyone on the road. We don't need random cars up and down the road all night long. I go to work at four in the morning, I am in bed early and I don't need cars up and down the road all night. We bought the dead end road, all old farm community, and we want it stay that way. Our kids all day long are out on bikes and scooters, you can't drive down our road without seeing five kids; I don't want to have to worry about my kids getting hit by someone because the city deemed it necessary to put a road through on 2950 West that absolutely goes nowhere.

Kathi Greenberg (Resident) – I have known the Wheadon gals my entire life, since I was five years old when we moved onto the street in 1968. From what I can see, and hearing all of you speak, I think realistically your mind is already made up, but my concern is that 2950 eWest has no curb, no gutter, no sidewalk. If the road is going to go through, because I am just assuming it will, that's just the way that I feel from what I've seen tonight and how this actually works, it is narrow already so there wouldn't be any way for us to walk without getting hit by something. We have cars on the road that their butts kind of come out anyway on to the road, there is a lot of cars parked on the road as it is. That is my concern that it wouldn't be safe for the kids in the road, they don't have anywhere to go and there is nowhere to walk. I want to know what will be done about that because I don't feel that's on us, I believe that would have to come back on the city.

Samantha Black (Resident) – My property backs up to 10200 South and 2950 West, I overlook that intersection and I am constantly looking at the water tower and watching all the South Jordan folks that come in and service, and it's great; everybody has taken great care of the property back there. I know that probably some of the reasons for wanting to push 10200 South through is that sidewalk. Since you already voted on the sidewalk for 2700 West, it sounds to me that might be part of why you are doing this. I am a nosy neighbor, I watch everything, and I see at most five children that walk home back there; that's on a busy day during the summer. During the winter, nobody walks back there. At most, maybe one or two, none most days; there are no children that are taking shortcuts to come through currently. The other concern I have is my property has a chain link fence that backs up to my garden, my children go back there and pick tomatoes; I have a six year old and an eight year old. Picture this, vehicle, commuting hours, coming through 10200 South, hits my fence, takes out one of my kids. I hope that strikes you, and hurts, because it certainly does me, I am concerned. There is maybe a foot, two feet, between what you are proposing as 25 feet of road clearance, there is not going to be much room between that chain link fence and my unprotected child. You are asking for it, this is a narrow road. I appreciate not taking my property, but you are taking other properties. You have 2950 West practically turning left into my backyard, you have sidewalk coming there, I am concerned about children walking across 2950 West to school with commuters that are trying to cut two minutes off, trying to skip out on South Jordan Parkway and save themselves two minutes flying down 2950 West, where you have children playing outside all day. This is a bad idea, you are encouraging children to be hurt.

Troy Davis (Resident) – I would be remiss if I didn't come up here and tell you a little bit about these Wheadon gals. They took care of my father-in-law, checked on him, all the time running their farm. A year ago I had a high pressure trailer's brakes catch on fire, and I dove in to put it out with a tire exploding in my face; they figure about 350 pounds of pressure per square inch. In the process of trying to figure out what was going on in my head, they discovered brain cancer. I was doing chemo, radiation, trying to work, let alone my yard. I come home from one of the days I could go to work and I find the Wheadons at my house with a trailer full of mulch that they paid for, putting in my flower beds, weeding and mowing my front lawn. They bought solar lights and put them up. If you think these gals are mean people, it's because you haven't taken the time to get to know them. They will do anything they can do for anybody, no questions asked, so you are just wrong and it saddens me to see what is being done to them; it breaks my heart. I live on a dead end road, it has been a dead end for as long as I know. My wife and I dated in high school, she lived in that house so it holds a lot of memories for all of us. I'd like to know why that chart showed a perfectly straight line as the road, because it's not going to be. I have two of your power poles on my property, I got a manhole in my chicken coop. When that road comes down out of the neighborhood it's going to make a sharp curve right at my backyard and I'm going to end up with cars in my garden, which is going to be half gone because you're going to take it. It's going to happen and there's no way you are going to stop it. I don't need the stress and hassle of this on top of everything else. I hope you will consider just shutting this thing down and leaving the Wheadons alone; they are great people.

Julie Rushton (Resident) – Obviously you know we don't want the road, we have heard from almost everyone on our road. I have lived in South Jordan for over 40 years with my family and

we love that street because everyone said “live on a dead end street, they’re not going to take it through,” and knowing the Wheadons live there is so nice. My kids grew up playing on the street and now I see all my neighbors with their little kids, and they will not be safe if that street goes through. They are out there having fun and I don’t want them to lose what my kids had. I love the Wheadons, I would back them with anything. I have lost my parents in the last five years and they were there for me. They are God fearing people and I love them, and I think it’s so wrong to take things from people. It’s not yours, you didn’t earn it, they worked hard their whole lives. I’ve never known people that work as hard as they do. I love South Jordan, and I love my street, and I don’t ever want to see it go through; I won’t ever use 10200 South, I love 2950 West.

Ryan Bagshaw (Resident) – South Jordan is a great place to live, but it won’t be much longer for the people that live behind me. I live in that neighborhood, and I know it’s not going to be as enjoyable as it is currently. That’s why we live there currently, dead end roads that are hard to get to, quiet roads, slow drivers; this family has had enough fiery darts from South Jordan City, they’ve had enough fiery darts from life. It’s not right for city staff to be wanting to do what they’re doing and no one in this immediate neighborhood will benefit from it. Nobody wants it in the neighborhood, the only people that want it are city staff and people that live outside the neighborhood, people that just want to go to where they want to go.

Shannon Ballard (Resident) – I have called the Royal Meadow Subdivision home, along with my husband and our four sons, for 15 years. It is wonderful and we love it just the way it is. I have also been a mom, taking four children to school for that entire time; never once have we begged for that road to go through. It is not necessary, I am not in favor of it, I see no reason why we need that road. It’s plenty convenient to drive up to 3200 West and either take 9800 South to the middle school, or 10400 South to the middle or high school. I think if it’s of a convenience nature for emergency workers and things like that, they can also do the same thing. I am most concerned about the safety. We have so many children that play on those roads and cars don’t watch. I live right on that corner, the city does not do speed bumps. Why not, because you don’t want people to use them as an obstacle to try and cross. We have had cops come and sit there, because it’s already a speed trap at the current length. If it’s extended as a runway, what’s to stop people. Then we have 3200 West that goes all the way up to Bangerter Highway and I see that wide area of property where the fences end and the city property is, this big swath of grass; what’s next, are our homes going to be at risk because we are going to make a broader and wider road. We already have those roads and I don’t think this is necessary, and I hope that you will hear that plea. I represent our neighborhood, they do not want it, we don’t want it, and I would say that for convenience that would benefit us, but we don’t want it.

Shelby Anderson (Resident) – I am a family friend, I live in the neighborhood and am a teacher in the school district. I can’t sit here and say nothing. In fourth grade we teach Utah History and I’m looking at the state standards where it says that we need to teach about the civic responsibilities that we as citizens have, and the power of coming together as a group. I just keep thinking to myself, you have the group here, these are the people that will be affected by this, you have them here and they are trying to tell you what they think. I don’t know how, in good conscience, I can sit and teach my students to use their voices when their voices aren’t being listened to. These are the people whose kids will be affected, nobody cares about these kids more

than these people, more than people in the district, more than the people that are around these kids. If you put this street through you can't claim safety for the sidewalk and then sit and claim this road is a good idea when safety is your reason for what you're doing. There is nothing moral or ethical about it, it seems like an agenda that is trying to be fulfilled and as somebody that is in the community it just doesn't feel like this is something that should be happening, but it's also frustrating because it doesn't feel like we're being validated. I think when you think about this family, they do far more for the community than anybody or any road or anything that could come from it would possibly do. I would urge you to seriously consider the voices of the people who are here, who have been talking to you and telling you how they feel about it; they are the ones who are affected by it, nobody else in South Jordan is going to be affected the way that these people are. Please consider what they are saying to you.

Bevan Weed (Resident) – I am a short time resident, so I don't know the Wheadons or any of the back history there. I have lived in South Jordan for about a year, previously I lived in Riverton where this exact same scenario happened. I lived on a dead end street that ended up connecting Redwood Road to 2200 West. They gave all the reasons, safety, etc., but what really happened is through GPS apps and people trying to save time, I couldn't even pull out of my driveway without waiting for 10 minutes because my street was so backed up of cars finding their way through little roads to get from 2200 West to Redwood Road. The reason they gave are that they need to put another road over the canal, etc., but it made my neighborhood in Riverton very unsafe, which is one of the reasons we looked at a dead end, quiet neighborhood in South Jordan; that was one of the main reasons we moved to South Jordan was to find someplace quiet that my kids could play and not have to worry about being hit by a car. The other thing, in going through the presentation and looking at the different things, the number one thing I got from that was South Jordan City gave their word, when you bought the water tower, you weren't going to put that road through. If your word is not good, and you can use eminent domain to do whatever you want, what good is your word; that was the biggest argument I thought of. You can't promise something to somebody, for no good reason, and then decide later you are going to put that road through, You have a budget, you have other places to improve in South Jordan City, please consider doing that and voting against this resolution.

Natalie Argyle (Resident) – I have actually been in your shoes before to a neighboring city. It was mentioned earlier you don't want to have to do eminent domain, and I understand staff's job is to develop and build the city, your job is to give them direction and tools to do that. So, part of your job is to look at where you can improve places. The previous resolution most of you said you hope you don't have to do eminent domain; you just gave them the tool to do eminent domain. If you do not want to do eminent domain then you need to vote no and let staff find other ways to do projects in the city. Eminent domain for this road should not be done. One, there is no safety benefit to put this road through, I can't think of a safety benefit. There is no fiscal benefit to putting this road through. I know you talked about storm drains, and there are temporary storm drains in some people's yards and I'm sure they've complained because they want to do things with them and build on them, but they can't. But then you are going to give them their property and take somebody else's property to do a storm drain; that doesn't make sense to me. I know you have sat in closed door meetings to discuss eminent domain, because that's how it works, so you've already gotten a lot of information from the staff about eminent

domain, why you need to do this. But I think eminent domain for this road is not appropriate. It's not the city's job to build roads and do storm drains, that's a developer's job, you collect impact fees to do that. These people do not want to develop their property right now, you have heard that, so don't develop their property. Don't do eminent domain, vote no, do not give the staff the tool to do eminent domain for this road. I am okay to go to 3200 West and go out on 3200 West to go east, I don't need to go through that road. Also, there is a canal there, that road will be going over a canal. I'm sure they'll culvert it where the road is, but they are not going to culvert the whole canal from 9800 South to 10400 South. I grew up by a canal, and it was very enticing. My mom told us there were crocodiles in there so we wouldn't go in the canal. You put a road through there, kids are curious and they are going to want to walk through the fields and go check out the canal, and that's going to be a safety issue. Also, they are going to keep farming that land, driving tractors and farm equipment possibly on that road. It's not a good use right now to put a road right there, so please, vote no on this resolution for the safety reasons, is doesn't need to be developed and go through. I know you talked about storm drains and there are probably some needs to do storm drains and put things in that area. Eventually they probably could have storm drains in that area, but right now there has been no flooding that we know of, unless staff knows something we don't, but we don't need storm drains right now, You don't need to put storm drains or the road in right now, let it be, vote no. You don't want to do eminent domain, do not give staff the eminent domain tool to do that right now.

Becca Kirkman (Resident) – I really enjoyed the patriotic constitution day activity. I am a social studies teacher, I taught 7th grade for 16 years so I know middle school kids very well. Reflecting on the constitution and civic virtue, and how we can't ask for better model citizens of civic virtue than the Wheadons. Being neighbors with them for so long, and the impact they have had on our community is pretty amazing. I just think of what they have done for the people of South Jordan in terms of our neighborhood, and it's pretty remarkable; we could not ask for better citizens. I would love if my students could model what they do for their neighbors. I don't know anybody that's more giving or caring than those ladies, the whole family. In regards to the road going through, I think my questions go to money. Usually everything is tied to money somehow, and you have that marked money that's supposed to go towards this, and as a teacher I understand budgets and things being allotted to certain budgets, but with that money who else is benefitting. Who is benefitting from this road, obviously it's not us the citizens that are living in that neighborhood that don't want the road to go through. Is there a deal with the construction companies, are they going to benefit from this; who is going to benefit from this road because it's not us. The city is getting money from the state, but I know how state money works sometimes, and we could use it for other things and I have a couple of ideas. Is the money only allocated for this section of the road, because there are some roads that need to be repaved that could use some work, and I think about our other developing areas in South Jordan and how we could use more thoroughfares; especially in our Daybreak areas and the Mountain View Corridor area, the congestion there. Those are my questions, who is benefitting from this, because I don't see us as residents benefitting from it. Also, do we have to use the money for this, or can we use it for other projects and road construction that I see as much more high priority than 10200 South.

Ryan Schipenboard (Resident) – I live in the Royal Meadows Subdivision, and there is nothing more that I really can add to this. I think they have perfectly proved that this isn't necessary. My concern is that you guys have already made up your mind, just like the last resolution with 2700 West; you guys have made up your minds prior to this meeting. You represent us, you guys are residents of the city and you represent us. We are asking you to do your job and represent us with this decision. I am begging you to represent us, the people that are making these plans likely don't live in South Jordan, but you do; you are like us, represent us. If you vote for this road, you don't deserve, you should not be sitting in those chairs, because you would not be representing us.

Lana Looser (resident) – I also live in the Royal Meadows neighborhood and I am just going to reiterate what others have said, I don't see a compelling reason for eminent domain to take this property and put this road through. I see a lot of compelling reasons not to, and the biggest one is safety to our kids. My kids use 10200 South all the time, Sam put a gate in her backyard and they go back and forth between houses; that wouldn't be safe for them to do anymore. It wouldn't be safe for them to play on the street anymore if you guys put this through. It's a safety issue, and if you care about our kids then vote no on this.

CJ Barlow (Resident) – I ask the council that you vote against this road. I see a lot of kids playing on this road. It's nice living on a dead end area, not having a lot of through traffic. It would save less than a minute for someone to go down 9800 South which runs along the entirety of South Jordan, and the same thing with 10400 South. Building this road would save not time, and because of that I ask that the council votes against this and allows us to maintain our quiet, private neighborhoods that we have enjoyed for all these years.

Janet Jones (Resident) – I am here to support the Wheadons. I am above 2700 West but north of the Wheadons. This doesn't really affect me, except for the fact that I don't think anyone has thought of the safety issue with 10200 South coming down to 2700 West, just before the junior high. The kids are crossing the road, the parents trying to hurry and get their kids to school, so they might not be perfectly attentive at turning there. What about the traffic, if it goes down turning left it's going to back up all those people anyways and they'll have to go around to 10200 South. I guarantee, if any of you have ever been in front of that junior high when school is getting out, there are kids everywhere darting between cars, trying to cross that road anyway to walk through Wheadon's field to get up to their home; heaven only knows how they get across the canal. But, I think you need to reconsider, there is no reason for that road to go through, especially if Royal Meadows doesn't want it to go through; there is just no reason.

Rachel Monson (Resident) – I would ask that you not put this road through. I have to say, I am super frustrated with this meeting. It's interesting, when I heard the comment from the lawyer talking about the agreement he made with the Wheadons that you wouldn't take the land. But now you want to do that, and you are saying you're going to do that, and you shouldn't. Your word should mean more than your need to use funds. I haven't heard a compelling reason why. I live in that neighborhood, I have kids in that neighborhood. I don't want the theft that road will bring into my neighborhood. I probably won't even be able to pull out of my street, especially during rush hour; I don't want that in my neighborhood, that's a safety hazard. I don't feel like

you are listening to what the people are saying, you are not representing us based off of the decision you made to put that sidewalk on 2700 West, and it sure seems to me that I thought this meeting was supposed to happen before any of those things happened, and that's really frustrating. You as city council people, you represent us and those things shouldn't happen. I thought you were required by law to do those things, to have a meeting so people could voice their opinions instead of giving up our rights and taking our rights from us. That's one of the reasons for living in this community, I thought your word meant something, but it's really frustrating to stand here and be in this meeting and for you to say that it's the safety of the kids and that's why you want to put in the sidewalk and you want to put in this road. You are jeopardizing those children, children that live in my neighborhood, my children. I take them to school every morning and rarely have I seen kids on the far side, but you are encouraging them to cross that road and endanger themselves by putting that sidewalk in, by putting 10200 South in. My son doesn't do that, and part of the reason he doesn't is because there isn't a crosswalk; I am sure you are not planning on putting in a crosswalk to encourage more traffic, but you are sure encouraging more traffic in my neighborhood when you put 10200 South all the way through from 3200 West to 2700 West. I sure hope that your word means something, to me, to the Wheadons, that you won't take their land after you made a promise that you wouldn't do that; whether by force or agreeing to do it.

Krissy Cavin (Resident) – I do not live in the neighborhood, I do not know the Wheadons; they sound lovely. What I do know is I live on the other end of 10200 South, at the dead end next to Bangerter, and it is a drag street. I hope that road you are proposing to put in doesn't turn into the street that we have. The issue that I have is your staff member talked about the agreement that was made, which has been referenced a few times. He used the word that the agreement didn't include being condemned. In looking up the definition of condemned, it says "Officially declared unfit for use." Now, I'm not sure, based on everything that was presented by the staff, you could not with clear conscience say that it is officially declared unfit for use; the family and residents in that neighborhood would argue otherwise.

Jessica Copier (Resident) – I grew up on Wheadon Farm. I was going to wait and see what was said, but there are a couple of things I feel like weren't addressed. I loved the introduction and the songs and the patriotism. We just barely handed out little booklets for constitution month to our primary at church, talking about why I love America. I really love this country, and my grandpa fought for it; he was a World War II veteran, my grandpa Dell Wheadon. He wouldn't talk about it, the things that he saw and experienced at war, how ugly it was and how it affected him. I am so grateful for him that he fought for our freedom, and part of that freedom includes the right to own property. I know there is a right to eminent domain as well, but eminent domain law states that there must be a compelling need to serve the public good. I keep waiting to hear someone that was in favor. I thought eventually somebody here would be in favor other than obviously you guys. I even asked Scott Osborne, who gave me some reasons that kind of made sense like building a city and making improvements and things, but I started thinking, isn't improvement a matter of opinion. Is it really improved just because there is a sidewalk, because there are a lot of damaged roads. I drove here from State Street, straight up 10000 South, felt like I was getting whiplash from all the potholes, I am not sure if that is Sandy or South Jordan, but it was pretty bad. One thing that comes along with freedom though is that we are not truly free

unless we can sustain ourselves. If you think about it, everything is shipped in nowadays. You get groceries delivered, Amazon delivered, everything we have is shipped in and we have no self-reliance and are completely non-reliant on ourselves for life sustaining needs. Like my grandpa said, once they build houses and businesses everywhere, who is going to grow the food. I love history and there was a communist dictator, Mao Zedong, who was known as one of the worst greatest casualties in history if you look up the worst mass murderers in history. One of his biggest mistakes he made was he tried to shift agriculture with industry, and pushed them to the outskirts of the city; tens of millions of people starved to death because he did this thinking he had some great idea. He had these great ideas and was very educated, he thought any idiot could farm, that it should be pretty simple and that anyone can go do that. He took people that were in industry and moved them out to farmland. When I first got married my husband had all these ideas of what we should do for landscaping, and my response was that none of this is edible; we need something edible. I have been raised to be not only self-reliant but prepared for emergencies. I feel like a lot of us feel like we are slowly chipping away all the farmland that is left in South Jordan, and as someone mentioned the 40 acres could feed a lot of people if it had to. When Covid happened, they were talking about shutting down travel from county to county and we can see how quickly the food went off the shelves, including toilet paper, and there were things you just couldn't buy; there was almost nothing left. That was pretty mild to have a disease that people were afraid of. I wore my mask, I tried to be a good citizen. Wheadon Farm couldn't sustain all of Salt Lake County, and even South Jordan City, but it would be far more sustaining than asphalt and concrete, or a park, or anything like that. I think we need to be careful when we're planning for all different scenarios of what could go wrong, trucker strikes, etc. My husband served a mission in England and there was a trucker strike, within a few hours the food and gas was all gone from the shelves with nowhere to buy or grow food, people didn't know how. When we planted our plants, we put in a garden and I was used to irrigation and didn't realize they did sprinklers in the suburbs. We put in sprinklers, but I was terrible at growing the food, I grew up on a farm, how could I now grow food, but I hadn't prepared the soil as well. My dad spent the last two years of his life driving up to Idaho to get fertilizer to come dump on those fields for alfalfa; that's the problem they were having with those trying to take away the farms in Idaho, you can't just create good soil, it has to be worked for years with fertilizer. I am grateful for your time and your service, I just want to reiterate that eminent domain states that it has to be a compelling reason to serve the public good, and I don't think anyone has come up with a good reason.

Brad Wheadon (Resident) – I am a son of Doug Wheadon. I am a road construction superintendent for one of the biggest construction companies in the state, Asphalt Aggregate Construction, Etc. I have been in charge of many road expansions, new roads, overlays, design builds projects over my career. A lot of projects I start, I ask myself “why is the city doing this when so many roads need attention due to lack of maintenance.” In South Jordan alone there are many miles of roads that keep getting band aids on them when they need to be milled and filled, or otherwise reconstructed; portions of 1300 West, 2700 West, 3200 West, 9800 South and many subdivisions that were established in the 1990s and early 2000s. If you take a square mile radius from the Wheadon Farm you have five schools, maybe six. I believe that with thousands of kids going to and from, about 90% of the ADA pedestrian ramps do not meet UDOT specs or EPWA specs, which means South Jordan City may be subjected to a lawsuit at any point if an

injury occurred; not to mention hundreds of pedestrian ramps in the neighborhoods. Last year, I was in charge of a multimillion dollar roundabout project in front of Brighton High School which turned out to be a great project. I am here to say what will happen if the city goes through with a road from 2700 West to 3200 West, a road then a sidewalk. The city will try stop signs, which won't work. We will be forced to put a stoplight on 2700 West, 3200 West, and where the road conjoins through Wheadon Farm. You will eventually put in a roundabout to slow traffic down to watch for kids. If kids are leaving the middle school going west, there is bound to be an accident or fatality. The least amount of access points from the middle school will prevent injury. I am here to say, instead of impeding on the Wheadon Farm, use the grant money which I know each municipality gets awarded every year, put back into the infrastructure so many roads and neighborhoods that need attention, like mine, can use it. Ask yourselves, how are the roads and sidewalks in our community that I drive on every day, what do my constituents want or need; a road impeding on a simple farmland that my family has put blood, sweat and tears into, or maintenance on a current road and sidewalks that are dilapidated and need serious attention.

KayDee Carter (Kearns Resident) – My mom currently lives here, as did my grandpa, so I have been a part of that property my entire life. My kids now get to enjoy that dead end road. They have more friends there than they do at my own residence because of the way that road is. I can't even count how many kids and bikes I see enjoying and wrapping around to the Meadows neighborhood. Then there is the lady that specifically put a gate in so her kids could come and play. My question is, we go to your parade every year, we enjoy it. This year you guys had all ranges of tractors from very old to new, saying "no farm, no food" but here we are trying to take another farm for a road that makes absolutely no sense. I am with that lady that talks about the middle school. If you could go down there, in that turn lane when middle school is out, that is chaos. There is no reason for this road, everybody enjoys the farm roads; you don't know how many people seek those out now, and how many compliments are given out to these roads over here. If you have never enjoyed one, you don't know what you're missing out on because regular residential roads aren't like these roads, not one bit. You have got people that use irrigation instead of running their sprinklers saving water. There are people that have animals, what are you going to do with people that have these animals; are you going to put quick fences in so they don't get out if this happens. My other question is, did you just expect all of us to sit back on these three properties and not go to our neighbors, because nobody knew. Me, my sister, my mom and her friend made flyers, broke the ground, delivered flyers; that's why you see all these people here. All the word spread in churches and the community itself. How is that fair that you didn't tell everybody on these streets, just three or four of them; think about that, how does that sit with you.

Joan Wheadon-Ward (Resident) – I have lots of concerns, one concern is safety. I don't know how many of you are aware, but we had a little boy on our canal bank not too long ago who was sitting there looking at the animals and somebody checked to see if he was okay, thought maybe his wheelchair battery had gone dead, but he went over and backed off of the bridge and drowned right on our farm. Safety really is a big concern for us and we try to watch out for the little kids who aren't where they should be, or aren't with their parents to make sure they are okay, but it is a huge concern. I do know that if people come down 10200 South to 2700 West, it is going to be a huge bottleneck. I don't know where you think they are going to go when they

get to 2700 West, but there is no place to go. When they had a town meeting, I went over to stand by the field because we have made a little place for cars to turn around since there isn't a place to turn around, 23 cars had pulled up into the hayfield to park thinking it was a parking lot before I could even get over there to stop them from coming in. It's going to be a huge bottleneck when they come down 2700 West or down 10200 South to 2700 West, and there is going to be no place for them to go; where is everybody going to go with houses there. We are not against having this sidewalk, we are against it bringing kids closer to the farm, closer to the animals. If you go out of the subdivision, to the south of us, there is a crosswalk with a flashing light and they can go down the east side of 2700 West where the sidewalk already is. If you bring them down the west side of 2700 West where our farm is, there is no place for them to cross the road at all, they are just going to be darting between the cars. Even if you make a flashing thing they are going to do whatever they want to do there. I realize it's you guys that have to deal with the safety thing, but it is a safety issue being over by the hot wire, being over by open ditches with three out of seven days a week having flowing water; bringing them over to our side of the field for no reason because from our farm to 10600 South there is only one kid that goes to the junior high. As I drove my grandkids to junior high every day I had to stop and wait for his mother to help him cross the road because cars will not even stop for him to cross the lane of traffic. Other than that, it affects no one on 2700 West, so adding that piece of sidewalk, as one of the city people said, makes our city look better, but they are creating more problems bringing it on the west side of the street, making a bottleneck for cars, and having the kids dart across the street. That's your choice, it's already done and we act like we're choosing tonight, but they've already dug it all up and that ship has already sailed. I have a question about the storm drain, and I realize that this man wants the storm drain out of his backyard; I get it, empty promises and he has been waiting 10 years. There is lots of ways to get that storm drain out of his backyard without doing this road. One of the ways is, they could do 20 feet underground to connect that storm drain right to the irrigation ditch which would go right into the canal. The ditch is already there, clear down 10200 South from Jill Osborne's house to the canal. Another option would be since the city did promise him that and give him empty promises, they could purchase his house at fair market value and sell it for what they could get out of it with leaving the storm drain there. The other thing would be forget it, because there hasn't been any water in it, so I don't get what the big dilemma on that is. There is just no reason for it. When we moved up on the flats, we used to live on the lower road 1300 West, in 1963 so we could actually be on the farm we worked on, 2950 West was the first street put in South Jordan. They have had it there forever and I look around and think how can you have all these gated communities, cul-de-sacs, all those kinds of things and they have all their privacy and control of the traffic and crime, but you are willing to open up those streets who are the long time citizens of South Jordan to all of those things and they don't want it; why should they have to have their roads opened up to 10200 South, or even back 10200 South. We were joking today that we should call it the dead end road, where is it going. It can't go up over Bangerter Highway, and it's certainly not going past 2700 West, are you going to cut through the junior high and high school and all of that to get it down there. It's just the dead end road, there is no rhyme or reason for that road to go through except I feel like the Wheadons are picked on, especially from some of the comments we have heard from some City Council people, like "we're gonna put the hammer down on the Wheadons this time." Another concern of mine, which I realize is my problem and not yours, is I have a handicapped child that is 36, he is very limited and his only fun is getting on the golf cart and

riding down the canal road to his friend's house. There will be none of that because the road is going to come right in the middle. He can't go past 10200 South, he can't tell traffic signs and he can't read, that is it for that; and for what. We are causing all this grief, taking freedoms away from other people to let their kids live the lives they are already living, and 2950 West has always been an open street for people to come and go and have fun. In fact, people that live in these new neighborhoods with the sidewalks, curb and gutter, you drive down their streets and there is nobody outside, you can't find anybody outside. You drive down 2950 West and you will pass probably 30 kids out having fun, playing soccer and doing stuff like that, because that's the kind of people they are; they are the old hometown type of people. One of the biggest reasons we haven't wanted to let them put the road on 10200 South, which there really is no need for, is because of our love for the people who live on those streets. There is absolutely no reason, they have lived there their whole lives, they are enjoying it and they want to be there; I just don't understand why you'd want to completely turn their lives upside down when we have all these other places. You go anywhere else in South Jordan and you are going to find tons of people with gated communities, dead end streets, cul-de-sacs and they are enjoying what they chose too, but they chose to live on a dead end street. I'm sure this is just the beginning, then it will be 2950 West and the next one up, you'll hook them all together eventually, but why; if the people in those cul-de-sacs are happy, if the people in the dead end streets and the subdivisions are happy, why can't we all just be happy and live. I don't understand, it doesn't do any good to change it if people aren't happy with the change.

Chawndra Bitencourt (Resident) – Sitting here tonight is just painful and unbearable. The way the Wheadons have been treated by the city are disgusting. The mayor mentioned that questions will be answered at the end, will you guys answer the questions, or the people with the idea.

Mayor Ramsey responded that whoever has the best information will answer the questions.

Ms. Bitencourt – As you saw from this man's presentation over here, for literally years the city has slowly tried, and unfortunately succeeded, in taking away the Wheadon's land; I'd just like to know why. Why can't you let them enjoy their farm. Put yourself in their shoes, would you like if someone came into your own home and took it without your permission and against your will. They cannot even enjoy their farm because they are constantly in some sort of battle with the city trying to take it. If you take something that is not yours without consent, it is called stealing. Please, I am begging you to leave them alone and let them live in peace on the land they have worked so hard for. It's the right thing to do.

Michael Argyle (Resident) – I looked at your GIS maps last night, I realize there are only five agriculture parcels within the city boundaries; one of those resides west of Redwood Road, the Wheadon property. That property is divided by a canal, and the only way to get across that property is across that canal or through that farm where they have a bridge. It's unfortunate that the members of this council who direct the staff to come up with projects within the city find it necessary to pre-develop this ground. Each one of you in your campaign disclosure that is public record, showed which developers put you in these seats, paid for your campaigns. Why are you providing them an avenue or road through this field so they can access the rest of this field, there is no reason for it. Your fiscal responsibility to the citizens of this city is to make sure that our

tax dollars are spent in a well-defined and purposeful manner, but building a road that is not necessary doesn't add to public safety and only adds to your budget that you have to maintain. It doesn't increase the response time for your public safety officials, for your police or fire. You are going to have to clear this road in the wintertime that nobody really wants there, that you don't need to drive on. There is absolutely no purpose for this other than for your own benefit from those who contributed to you campaigns.

Mykel Severson (Resident) – I don't really have a dog in this fight with the Wheadons, except to say that the street I live on, 3245 West, when the Wal-Mart and Costco went in and they started doing the construction on 10400 South, our street became a secondary road to 3200 West. Now we have approximately 800 cars that go up and down our neighborhood street, and the children on my street can't play outside. This is exactly what I see happening to these folks that live on 2950 West. You are going to put this road through, their street is going to become, as Krissy Cavin pointed out, a roadway that people will use to avoid the commute on 10400 South or 9800 South to save them one or two minutes. It will become a racetrack for the teenagers to scream down. My house is three doors up from 10200 South where it ends at the water tank, and everybody thinks the traffic they hear in my neighborhood is Bangerter Highway. It's not, it's teenagers who use 10200 South as a racetrack with their motorcycles, 4x4s, we even see golf carts racing down that road along with the really loud cars. My plea to you is to respect the rights, not just of the Wheadon's Farm, but of all these people who love this ideal lifestyle here in South Jordan; the one I moved to 17 years ago to get away from 6200 South and Redwood. Have you ever been there, seen what happened there; I moved here to get away from that and a couple years later there was a Wal-Mart two blocks away from my house, then five years later a Costco. I don't want to see that happen to these folks, I don't want to see their children put at risk, I don't want them to have to put signs out on their yard that says slow down there are kids playing; I want them to enjoy their lifestyle.

Gretchen Williams (Resident) – My property backs up right to 10200 South. I have only been here twice, tonight and the last time was when you were putting in their subdivision, which I love. At that time, there was no plan to put the road all the way through, and that was 15 years ago. If he is saying that it has been in the works for over 20 years that was not told to us at the time they put in the road. I moved here 25 years ago, you could come up 10400 South to 3200 West and it was a dead end where you had to turn. I have watched all the farmland disappear, and it's absolutely one of the reasons we moved here, and why my kids loved living here. My kids have walked down the Wheadon Lane to get home from school, they never had a problem that there was no sidewalk, and I raised four boys here. I think it's absolutely ridiculous that you did not let anyone know about this meeting. All you had to do was put it out, mail a letter to everyone that it was going to affect, but you chose not to and that to me is very suspicious, it's very sneaky. I really hope that you vote not to do this, especially Mr. Marlor because you're my council person and it's ridiculous. Like they said, it's a dead end, there's nowhere to go. You're not going to go through South Jordan Middle School, you're not going to go through Bangerter, why put the road through. There is no reason, so I'd like to know what the bigger agenda is, what your plan is, because once you do that we are going to have cars coming all the time which means we will have to make more calls to 911, which means you are going to have to hire more policemen to come and traffic that.

Megan Howard (Grantsville Resident) I am the daughter of Jill and Troy Davis. I currently live in Grantsville, moved out there for the quiet. My grandparents, all growing up we basically lived at their house on the dead end. Watching everything evolve they sold their property, built houses behind, and now that's a half acre but it used to be an acre. My grandpa lived there with my grandma, my grandma passed on. When my grandpa passed away we wanted to keep the home in the family because we loved that street. One of us was going to buy that house, and five years ago my mom decided to buy the house. She went down to South Jordan because there was a sign at the dead end that said something like the road will continue in the future. She didn't want that house if the road was going to continue, so she went down in the goodness of her heart and talked to people in South Jordan and they said that if you don't want to sell your land, that road will not go through. So why is it all the sudden. She went in and put in landscaping, fence, she has free roaming animals back there, and you are going to cut her land up. It's not affecting anybody, and no one is going to bring that up, but it's affecting her and I'm watching it. It's affecting us, my niece and nephew. I just had a little daughter and I'd love for her to enjoy that house but if you put that road through they aren't going to stay there, no one wants to live on a road like that; there is no reason. I plead, please think about these families, it is affecting them so much and there is just no reason for this road, and to let these families just live in peace. She went to South Jordan and she wouldn't have spent the money, she would have stayed in Magna since no one was trying to push her out of there or take her land. She came here because she loved it, and we love it and we want to stay here.

Jeff Ballard (Resident) – There are two things I learned about tonight. As they were going through the city slideshow, I think the quickest slide that popped up was that development that Ivory was talking about. I think we can all agree that Ivory is a huge developer in the state of Utah and they waste nothing when it comes to their development. If you look at that slide, 10200 South was not on that slide, they did not need it, it was not needed for a future development. They knew the better use of that ground, this road is not that. The second thing I learned about was the trickery that the city was engaged in. They pretty much said whatever they needed to say to get that water tank in to take the Wheadon's property, then to come in the back door and say that didn't qualify for this or that reason, that's just slimy and not the city I live in. I have lived in South Jordan for 23 years now, 15 years at my current location, and you hear in the background how slimy government is. I'd like to think that our city is not, and voting no tonight will definitely demonstrate to this group of individuals that we stand behind our word, that we are a city of integrity, and that's what I call for tonight.

Kylee Schmidt (Resident) – I spoke once before, but as I was sitting at the front I was able to get a very good view of our Fire Chief Chris Dawson and our Deputy Police Chief Rob Hansen, and as you can see by my shirt my own father is a first responder. I would like both of you to take into consideration today that you are putting your first responders' lives at risk because of the bottleneck that this road will cause and a problem will inevitably arise which will need responding to, we already have officers there. However, because of how small that road goes, officers will be put at risk as typical first responders to scenes, then fire will come directly after. My dad has been in Unified for 19 years now, and as a daughter of a first responder I recognize the risks and I always worry when my father goes that he will be hit by a car. I can't imagine

how the first responders who work for you, and their children, will feel when they now have to respond to a city appointed road built that was unwanted in a subdivision. Usually when I think of my father being hit by cars I think about it on a major road. Now your officers and firefighters and paramedics will have to worry about not being able to go home to their children with the possibility of being hit on this road trying to respond to someone else being hit. I hope both of you are very strongly opposed to this, in concern for your officers and fire employee safety.

Bruce Merrill (Resident) – I would like to address a couple things and then have the council members answer us back. First of all, is there safety built into this road because where I live on 2950 West we have people coming with their horses, goats and everything else walking up and down our street. Yes, there are children all the time actively going up and down that street. Is there safety built into this road. What is the need for this road, nobody here behind me sees a need or a demand for this road, it's going through a field, and I don't see a need for added traffic or anything else. Next, have you done an independent private study for the demand and need for added traffic. You have a large group of people back here, and how many people are opposed to this. We are the constituency, we are the people, and we are the citizens of South Jordan. Now we are going to ask you to be honest and fair with us, especially if a study hasn't been done. Once again, when I lived in Arizona, within 600 feet of my assisted living I was going to build I had to get it allowed by the neighbors and they had to say yes to this. Are you going to override what the neighbors have said. I just got through seeing the Wheadons harvest the last crop of hay, and it's fun to watch that hay grow in the middle of Salt Lake Valley, it's fun to get it cut, it's fun to get it built, and it's fun to watch it get harvested. You are not going to see very many people like the Wheadons and you are not going to see many more fields where we are getting rid of weeds and hayfields and not enjoying that little piece of country that we have. Please, leave the Wheadons alone, take them off your map, off your chart. They are wonderful, outstanding, fantastic people that I am also asking you, just like the people behind me, to vote no on this.

Dean Larsen (Resident) – I'm the last of the three properties where they want to take the property on 2950 West. This has been kind of a clandestine type deal because about six weeks ago I get a call from a realtor that says we are going to take your property. I talked to one other neighbor and they had no idea this was even happening, and I was told it doesn't matter, we are going to take your property whether you want to sell it or not, and obviously I don't want to sell my property and obviously I am totally opposed to this road that goes nowhere. It appears that the situation before this where you approved the sidewalk kind of shows that you had your mind all made up that this road was going to go through, and that sidewalk to connect into this proposed road. I think this is something that I hope the mayor and council listens to everybody that has had a comment made today that this road it not wanted, it's not needed, and I hope that you consider everyone that has come in here and I hope they don't take my property, the neighbor's property, or the Wheadon's and a road doesn't go through.

Casey Copier (Resident) – My wife, Jessica, spoke earlier and our kids play on Wheadon farm, they work there, and they get to enjoy the land there. I want to echo a couple statements that have been made, and I am nervous how the previous item had one council member second it because he thought it would make it safer. I understand, maybe he has his own point of view, but

there are so many other items related to that that were brought up and safety for the opposite reasons that he was saying. Just like the last person said, it seems like your minds are already made up, despite what the people are saying and after the motions and everybody else voting yes, there are some safety concerns. There were many safety concerns brought up against that item and as far as the road, the comments on eminent domain and how it is used, giving power to your staff to use eminent domain. I work at an architecture firm, and if I had the ability to just choose what project I wanted to do, designing it and doing it, would be wonderful, that would make my life so much more fun to do; but, that's not a power I have, it's not a power your staff should have unless it is done in the right way. The property is being used as a farm, functioning as a farm. It has been kept up, there is nothing that anyone could complain about against the farm to the city where the city would be able to come to the farm and say they aren't keeping up their property. They are taking care of it, teaching many generations how to work hard and be upstanding, good citizens in the community. I don't want to see council members that are supposed to represent us making our city a place that becomes worse for those generations.

Angie Gallegos (Resident) My husband and I have been watching from home and we just wanted to go on the record that we oppose this. The increased traffic through the neighborhood would be dangerous for the children and just doesn't seem like it has been clearly set out by the city on a traffic survey that has been done or the due diligence. My hope is that the council will listen to its constituents and not agree to put the road through.

Marcus Whiner (Resident) – I have been friend and family to the Wheadons for almost over two decades, grateful for who they are and part of this community. One of the things that I think about when considering reasonable cause to make a change for public good, as I have worked with Dan Ramsey for over a decade coaching baseball over at Bingham, it is for the public good, to make it reasonably better. I think the goal of any group or government would be for it to be reasonable for that group and that public good. I do not see how it is reasonable in any way to make those kinds of changes, and I think that is the greatest statute that we need to be looking at it what is reasonably good for this public.

Megan Fenchel (Resident) – I built this house out here 13 years ago, with the purpose of living on a dead end road to raise my family, have farm animals, be in a place where we didn't have all the worries of traffic and everything else. I raised my son here, he dug the first hole for this house, and he went to this elementary and junior high; he now at Bingham High. He has walked all these areas. He could have cut through the farm, but he was just fine walking down the road on 10400 South, or I would take him and he has done amazing. This is not a safety issue for our children. Our safety issue is if you open these roads where our kids have gotten so used to running across them and all of our animals and everything else, it is going to be a matter of six months before somebody is hurt. My other thing is, we built these houses and we bought these houses with living in a house that was peaceful without all the traffic. If you are going to open these roads up to where we can't live the life that we wanted to live in these neighborhoods then you are diminishing the value of all of our properties. You should pay all of us out because now you have ruined our peace. I hope that you vote not to do this, and I'm also not very happy that I am only two houses from the dead end road and was not informed by anyone that this was going to happen. One other thing that needs to be pointed out is when they come down this dark road, it

is going to be dark, and they aren't going to realize that it just ends at the end. They are going to think it goes through and you are going to end up with a car in the canal. This is a safety issue, so I hope you will all vote for this not to go through.

Mayor Ramsey closed the public hearing.

Mayor Ramsey stated there would be a short recess and the meeting would continue after that.

Mayor Ramsey continued the meeting, noting that by her count there were 42 people who spoke to this, with everyone saying the same thing; that doesn't happen very often. She said the council has heard from people who have asked us and pled with them to put that road in, neighbors who have come to City Council meetings and asked for it. The crowd began interrupting the mayor from outbursts from the audience. She continued by saying that it's unusual for them to have an entire room that share the same message; that doesn't happen very often.

Council Member Marlor motioned to deny Resolution R2023-44, Authorizing the filing of the eminent domain action against the properties indicated above. Council Member Harris seconded the motion.

Council Member Marlor said generally speaking, there is a compelling reason to move forward on these very tough decisions. He has had the good fortune of being on the City Council for many years, probably longer than anyone in the history of the city. One of the first things he did when he got on the City Council was to make a motion to have a fully engineered transportation plan, because the city didn't have one. They had a road, 9800 South, that did not connect from Redwood to 2200 West, the road 10600 South that did not connect to Bangerter from 3200 West, and he really felt compelled that they needed to make sure they were organized, flowing traffic and making it move. He stills feels that way, generally speaking. He is concerned about this particular piece, he is hopeful that they might be able to find some additional options for the storm water and everything that needs to be addressed, and it does need to be addressed. If their good friends the Wheadons, who he has high respect for, and Skip Criner, who was his mentor here on the council, ever do choose to develop that property and someone asks about putting in a road, he is sure the city would require a road on that south end. That would not be developed without that road going through, it would have to go through. He doesn't feel like there is as compelling of a need today, and he thinks maybe some things have been said in the past that are restraining him from voting in favor of connecting the road.

Council Member Shelton mentioned the staff presentation (Attachment B) and the discussion about the agreement for the water tank, that the city agreed not to put a road in there on 10200 South, and asked Director Tingey if he was correct in his understanding.

Director Tingey responded that he was correct.

Council Member Shelton said that was new information to him. He also asked about something said by Joan Ward, that she would be okay to have a storm drain across her property, and he asked her if that was correct.

Joan Ward responded that the house needing the storm drain removed backs up Jill Davis. There is an irrigation ditch right there that goes all the way down to the canal, and it is maintained by the farmers there on that side. It is already there, the ditch runs right through Ms. Davis's yard. In 10 years there has never been any water in the storm drain, but they could still put in the piping in case there was. Certainly, if there was any big flood or lots of rain, and the canal got too full, they are right there to open up the weirs and usurp that water and put it out on the fields so there would never be a problem. She can't even imagine that would happen, as there would be a lot more flooding than just that little storm drain.

Jill Davis discussed the plan she got in the mail from the city. They have piped the ditch and it comes down through her property, she also has an open ditch in the middle of her property that does not completely close and goes all the way to the canal. It runs water and they irrigate their yard out of that ditch.

Council Member Shelton asked staff if connecting into that ditch with a storm drain would resolve the problem with the temporary storm drain property.

Director of Engineering Brad Klavano responded there is more than just that basin, there are some basins on 3200 West that would be vacated as well; the owners of those call the city quite often. The storm drain master plan had a line running down to 2700 West to be done a few years ago. Regarding using the irrigation canal it won't work with the elevation; they would have to put in a small pump station to lift the storm water up into that canal, and the city doesn't do that for a variety of reasons. He would love to be able to get permission from the property owner to run it down to 2700 West. They were also looking into the outflow with an easement from the tank to the canal and then dumping that into the storm drain too, combining that with this project. The city already has two to three water lines through the Wheadon property with easements that continue to be farmed over.

A member of the audience asked why a pump would be required.

Director Klavano responded the pump would be required due to the elevation of the storm drain pipe being much deeper than the irrigation canal.

Council Member Shelton asked to confirm that the City Engineer would prefer to see a storm drain pipe running along the south edge of the Wheadon's farm, from about the end of the road to 2700 West; with no reason the farm couldn't farm over the top of that pipe, meaning it shouldn't be much of an imposition on their farm.

Director Klavano confirmed that was correct, and it could still be farmed over. They are restricted in terms of the timeframe for this work, it has to be done during the winter when there is no water in the canal.

Audience began yelling out and having discussions amongst themselves trying to answer each other's questions.

Director Klavano repeated that the storm drain is deeper than the secondary water canal/channel that runs through the Davis's property. If the city could even use it, which would require permission from the ditch master and others, they would have to lift it and put it in there. He noted he was unsure they would even want to combine and use a different facility, as it creates more liabilities and maintenance issues for the city. In addition, if a storm event happened during irrigation, where would the water go. As far as dumping into the canal versus 2700 Weste, which is Utah Lake Distributing Canal, they would have to get additional permission along with the fact that the elevations still don't line up. There is capacity at 2700 West that goes down to another pond already in the system.

Council Member Shelton asked the city attorney if they could do eminent domain for just the storm drain, with an agreement back to the Wheadons allowing continued farming over the top of it.

Attorney Loose responded a substitute motion would be required to condemn for a storm drain easement, as there is a current motion on the table. That would mean eminent domain would be used for a storm drain easement only, not the road. However, since these were already noticed for the same properties in the same way, and the storm drain was already on the notice sent out, they could make a motion taking less land than the original proposal. After consultation with outside legal counsel, his understanding is the city could legally defend that if that is the council's motion and vote.

Council Member Marlor asked, if the Wheadon's are willing to do that without eminent domain, could they then work together to figure that out without the use of eminent domain.

Attorney Loose responded that was one of the original proposals that Director Tingey went through as part of the history of the months and months of negotiations and tens of thousands of dollars, because the city agreed at the time to pay the property owner's legal fees; they could never get to "yes" on that. If that is the direction of the council, he suggested making that motion and then the city would move forward with the ability to keep moving forward if that broke down.

Council Member Marlor noted that it's a new day and if it's amenable he would like to add that to his motion.

A member of the audience spoke out saying "we didn't negate that deal, you did."

Council Member Marlor responded he was unsure of all the politics around that, but he asked if they added that to the motion, would the property owners be willing to cooperate. He would really like to see the storm drain put through and resolve some of the issues.

Attorney Loose added that, respectfully, he doesn't believe that will happen because the city can't litigate it. If the opposing attorney would open up the settlement emails he could show the property owners the last one, but Attorney Loose can't do that unless their attorney agrees. If the council would like that, then he again suggested the council make that other motion. Otherwise, they should abandon condemnation and eminent domain, and if the property owners desire development one day it can be put through. He noted that they do not need a substitute motion with more details since the original motion was to deny and all the council wants the city to do is ask the property owners to engage further; if they say no, then the city walks away.

Council Member Marlor said his motion stands, and he asked staff to work with the Wheadon's regarding taking the storm drain through their property, and allowing them to continue farming over the top of it.

Council Member Harris said he still seconds the amended motion.

Mayor Ramsey clarified the current motion is to deny the resolution, with direction to staff to please continue to work with the Wheadon family on putting in the storm drain pipe, that will go out to 2700 West, under their ground to resolve some of the issues the city has been continuously asked about and need to be taken care of, while having the ability to continue farming over the space.

Joan Ward noted that her sister mentioned buying the house of the person complaining for the current value and then selling it for less to someone who knows it's for a flood drain and would be happy to live there. That would be cheaper than any of these other ideas of running the lines in her opinion.

Director Klavano responded that doesn't solve the issue here, as there are other basins on 3200 West that would be vacated as well once this storm drain is built; it's not just the single parcel, there are others.

Council Member Harris wanted to make sure that as the council is agreeing to these things, they are able to agree to these things without expensive litigation moving forward. He knows the property owners have an attorney, and all this costs money. The city would really like to get this settled, and he thinks the council is really trying to work with them here.

Council Member Marlor would love to see their property remain the way it is.

Council Member Zander acknowledged that they have heard dozens of people speak on the Wheadon's behalf. She doesn't know the family personally, but echoed what Council Member Harris said. They have sat through hours of people telling them why the road is a bad idea, and that was done with open minds. She appreciated those who came to the microphone respectfully, because some did not. She appreciated those who spoke respectfully, because that is what got her attention. She addressed Joan Ward, noting that she was very respectful, coming up and saying "hey, here's an alternative," and the council listened. When the family decides to develop the property at some point in the future, there will have to be a road. Right now, Ms. Ward is being

super reasonable and fair minded, and the city is trying to be the same. What has been discussed here is that in the past, the city has had problems with the family's attorney, and possibly other things. The council as a whole is asking her and her family to have reasonable discussion and work through this, avoid dragging it on. Speaking only for herself, and not the council as a whole, she said the city has to provide certain services. They do not have to put the road in, but they need to have some drainage. She really appreciated that Ms. Ward came to the microphone with a resolution or suggestion, that's really what everyone wants to come up with is a way to work through what needs to happen. She asked Ms. Ward to stand by that after this meeting is over, because her vote will depend on that word; just like the family is asking the city to keep their word.

Council Member McGuire asked for clarification regarding the public notice issue brought up tonight and the state's definition of eminent domain.

Attorney Loose explained that condemnation is a legal term that means to take property, or eminent domain; it is not the colloquial definition of something that is not of use. The required public notice on an eminent domain or condemnation action is to the property owners having their property taken, it is not for the neighborhood. If this was a development and they were putting the road through and it was a rezone, then yes, it is required to notice everyone within 300 feet. However, where this is eminent domain action, it is only legally required to the property owners, and that's what was done here. As far as the code, there was a lot of discussion about compelling reasons, and the pertinent code is 78b-6-501 which gives a list of public uses for which you can use eminent domain, including both streets and sidewalks. It also states that the only duty the court has is if the right is granted, meaning if the statute says you can use eminent domain for this use, then the court has but one duty to perform and that is to enforce it and make it effective. In other words, you don't need a compelling interest if it is on that list, which again includes roads and sidewalks. He personally worked with the landowner on making sure that no one could ever take that property for parks, as well as the Century Farms Bill, and it was a lot of time spent as well as a wonderful experience. This is one of those uses that was purposefully left out of that bill and discussions because roads and sidewalks are clearly what was intended when the state constitution and state legislature talked about eminent domain.

Council Member McGuire thanked Attorney Loose for clarifying what the law states so everyone has the same understanding. Tonight at times it felt like the Wheadon's were on trial tonight, and he noted that he has only met them once or twice but doesn't really know them. He knows their family has done wonderful things for the city and he feels pretty safe speaking on behalf of the council and mayor when he says this project was not meant to be any kind of attack on the Wheadon Family. The city was trying to resolve one issue that has been brought forward by other citizens, and you guys showed up tonight to voice your concerns as well. He hopes that moving forward everything can be done in good faith.

Council Member Shelton appreciated the goodwill coming from his fellow council members and the mayor. That being said, he knows the history of the negotiations that were shared by Director Tingey, this very idea of running a storm drain never worked out, it didn't happen. Therefore, he doesn't think they are being realistic about the potential for it to happen in the future. He thinks

they need to give the staff the tools that will enable them to bring this to a conclusion. It is not fair to force others to house storm systems on their property that are temporary easements for decades, and a simple pipe under the south end of the property that farming can continue over is fair.

Council Member Shelton made a substitute motion, to reject Resolution R2023-44, and authorizing the filing of the eminent domain action against the Wheadon property for the purpose of a storm drain easement only, with the hopes that it can be negotiated instead of being taken to court.

Attorney Loose clarified that this would only be on the Wheadon property, as it much narrower, and no other properties would be involved.

Council Member Zander seconded the substitute motion.

Council Member Zander noted she is seconding the substitute motion because it goes along with the most recent discussion here tonight. Joan Ward proposed the city doing the storm drain, and she wants the city to have the ability to get that across the finish line. She doesn't want to put a road through, very clearly hearing the opposition to that. There are other times she has had to vote yes on a road that connects and it is really hard. However, in her opinion this one doesn't require that, but she does think they need to get the water drainage in as discussed, and that has been long overdue.

Joan Ward said they will talk to their attorney first, but they already had this all situated three or four years ago. He had everything written up to go under the property, so it shouldn't take long to go through it because they already have it written up. The city can blame the family's attorney, they can blame whoever, but he was referred to as mentally ill so he probably wasn't very happy about that. It has all been written up how he can go underground and whatever else is required, it's a thick packet. They'll talk to him first, but as far as the family is concerned it sounds like it will work.

Council Member Marlor is alright with the substitute motion, but he has heard from the Wheadon's and they have given him their word; that means something to him. Just like everyone else here said the city and council's word counts, he has heard it from the family and the city doesn't want any more trouble. They have got to get this fixed without a bunch of attorney fees and drama; otherwise, he couldn't vote for it because he didn't think they needed eminent domain since he already had their word.

Council Member Harris noted he will be very disappointed if the city gets more legal bills at the end of this.

Council Member McGuire noted the reason he supports this is because one of the biggest things heard tonight was that people didn't want the road going through; this option eliminates the road, so he feels like he can support it.

Mayor Ramsey reiterated the motion before the roll call vote. The substitute motion was to enable staff to have the tool of eminent domain for the purpose of a storm drain across the south end of the Wheadon's property, to take a storm drain out to 2700 West if a deal cannot be made between the city and the Wheadons.

The Council agreed on the wording of the substitute motion as read by the Mayor.

Attorney Loose qualified that when it states "if a deal cannot be made," there is an understanding that the city would offer what was offered previously. If that is not accepted then they move forward, because many of the things in the deal referred to by the family had nothing to do with the storm drain and had to do with the tank, 2700 West and other items that were in the agreement sent to the city. His understanding is that the only thing staff is authorized to negotiate is the market value of the property underneath. If there is a disagreement on market value or the family adds in anything related to the tank, 2700 West, or anything else, the city will proceed. The family indicated they already had the paperwork for the deal ready, but Attorney Loose has read that many times and sent it back, as it includes a number of items that have nothing to do with the storm drain at all. He is clarifying for everyone that if the city is told no on the storm drain directly, the city will keep proceeding as he does not have a license to negotiate outside of that from the council. If the city is told no, then they will file for immediate occupancy. The negotiation is over the value of the property, as the city already knows what they are acquiring the property for, which is only the storm drain; therefore, the only negotiation is the fair market value of the property, which is what an appraisal does.

Roll Call Vote – Substitute Motion

Yes – Council Member Shelton

Yes – Council Member Zander

Yes – Council Member McGuire

Yes – Council Member Harris

Yes – Council Member Marlor

Vote was 5-0, vote in favor of substitute Motion.

Mayor Ramsey commented that she does know the Wheadon's, and she loves them and has always been an advocate for their farm, and will continue to be an advocate for their farm. Second of all, there are a lot of people who said the council had clearly already made up their minds up and didn't care what the public was here to say. They have sat here for the past few hours, listening because they do want to hear what the public wants to say, and they did not come in with their minds already made up. This council does want to listen, and she hopes that the public remembers that. There were some personal attacks, accusing the council and mayor of lining their pockets from some developers; that is absurd, and honestly offensive, because it couldn't be further from the truth. That is not how this elected body works. She thanked everyone for spending their night here, and for their input and comments. She asked the public, if they remember nothing else tonight, to please remember that they did listen and they do want to represent the citizens. They do have an obligation to provide appropriate services to the city, and

they heard some compelling things not heard before. This council made a fair decision and she hopes the public will be mindful of that the next time they might think to throw this elected body under the bus stating they just sat and didn't listen, that they don't care and have already made up their mind, because that's not true. She is thankful for everyone's passion for where they live, both the residents and the council, and that they were able to come to a conclusion tonight that seems to work for everyone.

Council Member McGuire motioned for a short recess. Motion was seconded by Council Member Shelton; vote was unanimous in favor.

Council Member Marlor motioned to extend tonight's meeting until midnight if needed. Council Member McGuire seconded the motion; vote was unanimous in favor.

Per the amended agenda, meeting then moved to Item K.2.

K. Action Items (continued)

K.2. Resolution R2023-41, Requesting admission to the Firefighters retirement system. RCV (*By Fire Chief, Chris Dawson*)

Chief Dawson reviewed background information from the Staff Report.

Council Member McGuire motioned to approve Resolution R2023-41, Requesting admission to the Firefighters retirement system. Council Member Zander seconded the motion.

Roll Call Vote

Yes – Council Member McGuire
Yes – Council Member Zander
Yes – Council Member Harris
Yes – Council Member Marlor
Yes – Council Member Shelton

Motion passes 5-0, vote in favor

K.3. Resolution R2023-42, Authorizing the Mayor to sign an Interlocal Cooperation Agreement for the Home Investment Partnership Program for Federal Fiscal Years 2024-2026. RCV (*By Long Range Planning Analyst, David Mann*)

CFO Naidu reviewed background information from the Staff Report.

Council Member Harris motioned to approve Resolution R2023-42, Authorizing the Mayor to sign an Interlocal Cooperation Agreement for the Home Investment Partnership Program. Council Member McGuire seconded the motion.

Roll Call Vote

Yes – Council Member Harris
Yes – Council Member McGuire
Yes – Council Member Marlor
Yes – Council Member Shelton
Yes – Council Member Zander

Motion passes 5-0, vote in favor.

Per amended agenda, meeting then moved to Item L.3.

Council Member Harris motioned to recess the City Council Meeting and move to Redevelopment Agency Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.

L. Public Hearing Items (continued)

RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING

L.3. Resolution RDA 2023-06, Approving and adopting the Amended Community Reinvestment Project Area Plan for the Southwest Quadrant Urban Center Community Reinvestment Project Area. RCV (*By Director of City Commerce, Brian Preece*)

Director Preece reviewed background information from the Staff Report.

Chair Ramsey opened the public hearing for comments. There were no comments and the hearing was closed.

Board Member McGuire motioned to approve Resolution RDA 2023-06, Approving and adopting the Amended Community Reinvestment Project Area Plan for the Southwest Quadrant Urban Center Community Reinvestment Project Area. Board Member Harris seconded the motion.

Roll Call Vote

Yes – Board Member McGuire
Yes – Board Member Harris
Yes – Board Member Marlor
Yes – Board Member Shelton
Yes – Board Member Zander

Motion passes 5-0, vote in favor.

L.4. Resolution RDA 2023-07, Approving and adopting the Amended Community Reinvestment Project Area Budget for the Amended Southwest Quadrant Urban Center Community Reinvestment Project Area. RCV (*By Director of City Commerce, Brian Preece*)

Chair Ramsey opened the public hearing for comments. There were no comments and the hearing was closed.

Board Member Zander motioned to approve Resolution RDA 2023-07, Approving and adopting the Amended Community Reinvestment Project Area Budget for the Amended Southwest Quadrant Urban Center Community Reinvestment Project Area. Board Member Shelton seconded the motion.

Roll Call Vote

Yes – Board Member Zander
Yes – Board Member Shelton
Yes – Board Member McGuire
Yes – Board Member Harris
Yes – Board Member Marlor

Motion passes 5-0, vote in favor.

L.5. Resolution RDA 2023-08, Approving an Interlocal Agreement with the City of South Jordan for the Southwest Quadrant Urban Center Community Reinvestment Project Area. RCV (*By Director of City Commerce, Brian Preece*)

Chair Ramsey opened the public hearing for comments. There were no comments and the hearing was closed.

Board Member Shelton motioned to approve Resolution RDA 2023-08, Approving an Interlocal Agreement with the City of South Jordan for the Southwest Quadrant Urban Center Community Reinvestment Project Area, Board Member Marlor seconded the motion.

Roll Call Vote

Yes – Board Member Shelton
Yes – Board Member Marlor
Yes – Board Member Harris
Yes – Board Member Zander
Yes – Board Member McGuire

Motion passes 5-0, vote in favor.

Director Preece added that there is still one more thing that needs to be done at a future meeting, and they are still negotiating the participation agreement between the RDA and The Miller

Group. They are close to having that done, but not close enough to bring that before the board tonight.

Board Member Shelton motioned to adjourn the Redevelopment Agency Meeting and return to the City Council Meeting. Board Member Harris seconded the motion; vote was 5-0 unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING AND RETURN TO CITY COUNCIL MEETING

L.6. Resolution R2023-35, Approving an Interlocal Agreement for the sharing of Tax Increment generated in the Southwest Quadrant Urban Center Community Reinvestment Project Area. RCV (*By Director of City Commerce, Brian Preece*)

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

Council Member Marlor motioned to approve Resolution R2023-35, Approving an Interlocal Agreement for the sharing of Tax Increment generated in the Southwest Quadrant Urban Center Community Reinvestment Project Area. Council Member Zander seconded the motion.

Roll Call Vote

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

Motion passes 5-0, vote in favor

L.7. Ordinance 2023-10, Adopting the Amended Project Plan for the Southwest Quadrant Urban Center Community Reinvestment Project Area. RCV (*By Director of City Commerce, Brian Preece*)

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

Council Member Harris motioned to approve Ordinance 2023-10, Adopting the Amended Project Plan for the Southwest Quadrant Urban Center Community Reinvestment Project Area. Council Member McGuire seconded the motion.

Roll Call Vote

**Yes – Council Member Harris
Yes – Council Member McGuire
Yes – Council Member Marlor**

Yes – Council Member Shelton

Yes – Council Member Zander

Motion passes 5-0, vote in favor.

M. Staff Reports and Calendaring Items

City Manager Dustin Lewis noted that due to the late hour, he will send anything important to the council and staff via his quick notes at the end of the week.

Council Member Zander motioned to adjourn the City Council Meeting and return to the City Council Study Meeting. Council Member Shelton seconded the motion; vote was 5-0 unanimous in favor.

ADJOURNMENT

The September 19, 2023 City Council Meeting adjourned at 11:39 p.m.

UNAPPROVED