

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

January 4, 2022

Present: Mayor Dawn R. Ramsey, Council Member Tamara Zander, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Planning Director Steven Schaefermeyer, Director of Administrative Services Spencer Kyle, Director of Public Works Jason Rasmussen, City Engineer Brad Klavano, CFO Sunil Naidu, Strategic Services Director Don Tingey, City Commerce Director Brian Preece, Director of Government Affairs Melinda Seager, Police Chief Jeff Carr, Fire Chief Chris Dawson, IT Director Jon Day, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Commissioner Trevor Darby, Communications Manager Rachael Van Cleave

Others: Collin, Arts Council Member Laurel Bevans, Arts Council Member Heather Smith, Clarissa West, Arts Council Member Kelly Holtman

4:51 PM
STUDY MEETING

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

Mayor Dawn Ramsey welcomed everyone present and introduced the meeting.

B. Invocation: *By Council Member Tamara Zander*

Council Member Tamara Zander offered the invocation.

C. Mayor and Council Coordination

Council Member Patrick Harris asked about seeing a net down at Mulligans, whether it was intentional or damaged.

Assistant City Manager (ACM) Dustin Lewis said it was taken down on purpose to avoid damage from the snow.

Council Member Harris asked if staff feels that the new manager at Mulligans understands all the winterization processes.

ACM Lewis said Mulligans has staff that has been through a few winters and knows what to do.

Council Member Jason McGuire asked about the upcoming budget meetings and the schedule.

Mayor Dawn Ramsey mentioned she may need to ask for one of those budget meetings to be rescheduled as she is attending National Conferences in Washington, DC in early February. The two budget meetings are scheduled for January 26 and February 9, so she will get back to staff with any changes she may need.

Council Member Tamara Zander mentioned she spoke earlier with City Attorney Ryan Loose about three residents on the north side of 11400 South asking to do a three minute presentation in relation to an item on tonight's agenda. She asked Mayor Ramsey when she would like that done during the regular council meeting.

Mayor Ramsey said she will give them public comment time for their presentation when we get to that item on the agenda. She has had some updates on the retail incentives piece; they are not quite there yet, but she asked for an additional League board meeting tomorrow. There is a lot of work happening and the League has their own draft legislation, including one from the subcommittee; they are a little bit different, but she thinks the one from the League is much cleaner, more targeted and just better policy. A third proposal came up yesterday on possibly just limiting no retail tax incentives on anything over 20,000 square feet. There are a lot of decisions to be made in the next few days and she will keep everyone updated as things come about.

City Attorney Ryan Loose mentioned Local Officials Day and Youth Day on January 19. Regarding the amount of time they should plan to be there, it depends on how involved they plan on being. If they want to do anything up at the Capitol they will need to block out more time, but if they will just be at the Salt Palace for the lunch with the Youth Council and our legislators he recommended setting aside 11:30 a.m.– 1:30 p.m. The main program is 12:00 p.m. – 1:00 p.m., but they want to be there a little early and there is always chatting afterwards.

Mayor Ramsey said they have the students going to the Capitol that morning; the Governor is giving his State of the State Address that night. The governor is actually coming to speak to the kids at the Capitol that day, but they haven't invited him to come speak at the Salt Palace. They did ask the speaker and the senate president to come, and she believes they will be having a dialogue where she will be facilitating a conversation and questions with both of them. She also thinks they are going to invite a Youth Council member or two, potentially from our city to ask some Youth Council perspective questions. Earlier today they discussed getting excused absences for any Youth Council members who attend, so she is going to see what she can do to make that happen.

Attorney Loose mentioned that day is always a great time to touch base with our legislators during their first week and see the youth; the League always does a good job with presenters and keynotes.

D. Discussion/Review of Regular Council Meeting

Oath of Office Ceremony & Reception Presentation Item:

- Proclamation January 23-29, 2022 School Choice Week.

Consent Action Items:

(All three items below are individual Action Items on the City Council agenda)

- Resolution R2022-01, January 16, 2022 Religious Freedom Day
- Resolution R2022-05, Appointing Mayor to South Valley Sewer District.
- Resolution R2022-06, Development Agreement, 1500 West 11400 South.

Mayor Ramsey said this is Item K.3. on the meeting agenda. This is where the three residents will be given their three minutes for their presentation. They met previously with Council Member Zander and showed her their presentation.

Council Member Brad Marlor asked if the applicant, Jake Ackerman, has seen the presentation.

Council Member Zander said no, he hasn't reached out to her. These residents have reached out to her multiple times, they even came to her office and sat down with her. She asked them to consolidate their requests and give the council something concise. These aren't surprising points they are bringing, they have summarized their wishes and are asking the council to not pass this without addressing them in the development agreement.

Council Member Marlor said that if we give the residents three minutes we should certainly give Mr. Ackerman some time to respond.

Attorney Loose said since the meeting includes a public comment portion, the neighbors are allowed to make their comments; we are just moving them to later in the meeting so they can be addressed at the same time as the item on the agenda. Mr. Ackerman would be able to address any comments regardless, since this is his application.

Council Member Zander said she spoke to City Planner Greg Schindler at length. Some of the things they are bringing up are not clarified in the development agreement, so she asked if we would have to change the motion and include those items if they are agreed upon by the council.

Attorney Loose said yes, they would need to be added to the motion.

Mayor Ramsey will make it clear that this is not a public hearing because that has already been done.

Public Hearing Items:

- Ordinance 2022-01, ROW Ultradent Drive.

Attorney Loose reminded the council that there is a long history between Ultradent and the neighbors. This particular item is only regarding the vacation; he encouraged the council to accept public comment as to the vacation only. There have been some water issues and the neighbors have recently referred this to the ombudsman. If any of that comes up, it is not relevant at all as to whether or not this road should be vacated as shown. If we can make that clear it will make things less frustrating for the neighbors when a final decision is made regarding the vacation, and it will be more time efficient. These are legitimate issues, they are just not pertinent to the vacation.

- Ordinance 2022-02, ROW 10755 South.

Mayor Ramsey said her understanding is that this is recommended for approval because it is simply making the records match what actually exists.

- Ordinance 2022-03, Amending Municipal Code 2.36.010, City Treasurer appointment.

Attorney Loose explained that a few years ago, the legislature changed the law that certain positions don't have to be re-appointed every year. We changed our code, and review of it this year found we had missed one of the references to the treasurer. In one reference it says the treasurer is appointed, then re-appointed when the council deems fit. In another section, it said the treasurer would be re-appointed in the first meeting of the year in January. We are just resolving that, as the council has indicated in the past, to be an appointment until the appointment is changed.

Mayor Ramsey discussed the procedure planned for the Oath of Office at the beginning of the council meeting. Once they are done with the oaths and pictures, she would like to have everyone take their seats again so she can say a few words and explain that they will plan to have Council Member Don Shelton take his Oath of Office at the next council meeting. She will also make it clear that the state statute allows Council Member Shelton to vote and fully participate in today's meeting, despite not having taken his Oath of Office. After she and the re-elected council members have a chance to speak, she is going to ask everyone to meet upstairs for a small open house until around 7:30pm.

Council Member Patrick Harris mentioned the first time he was sworn in, it was done individually; the second time he was sworn in, everyone was sworn in at the same time. He thinks it is much more meaningful when the oaths are done individually.

Mayor Ramsey said the intention is to do everyone individually tonight, and she completely agrees with Council Member Harris.

Council Member Marlbor said he would like to see some kind of "thanks" in the future for the service of those who were in appointed positions, but are not going to be continuing.

Mayor Ramsey said she would look at the agenda and let him know what she decides to do.

E. Discussion/Presentation Item

E.1. Bangerter project update. (*By Bangerter Highway Environmental Studies Project Manager, Brian Allen*)

Brian Allen reviewed his prepared presentation (Attachment A) regarding the preferred alternative for 9800 South and Bangerter Interchange.

Council Member Patrick Harris asked if UDOT had done a study on the impact of a 9-12 month closure of 9800 South on businesses and schools.

Mr. Allen said they plan to do a traffic analysis for impact, but they like to get messaging out ahead of that so people can start planning alternate routes.

Council Member Tamara Zander asked how many months we would be without the pedestrian bridge during construction.

Mr. Allen said they have been working with Jordan School District, but typically when that safe route to school is blocked they do bussing which will be worked out with the school district.

Council Member Zander asked if those bussing costs go to UDOT or the school district.

Mr. Allen responded that UDOT would take on those costs as a part of the project.

Mayor Dawn Ramsey mentioned that we are working really hard for this to go under, and to keep the pedestrian bridge in the same place. She asked how long it will be before the final decision is made by UDOT as to whether this interchange goes over or under.

Mr. Allen said the two alternatives have some differing right of way impacts, and those acquisitions take a lot of time. UDOT is planning on that decision being made right after the legislative session. They won't know who is constructing this until Winter of 2022.

Council Member Marlora asked if Mr. Allen had a slide that shows which areas are being taken out, whether they go over or under. He is interested in seeing the impacts on neighbors and businesses for each option.

Mr. Allen said they have detailed scroll plots, however he did not bring those tonight. On January 10 and January 12 they are having the public open houses where they go through and put dots on each house to show which ones are full relocations, etc. There will be some minor right of way acquisitions from the businesses on the east and temporary construction easements to reconstruct driveways. The Dollar Tree will be a full acquisition, however other businesses close by may be able to be saved. They may have to demo the Dollar Tree to provide access for other businesses. On the map you can also see that there are a lot of homes that will be purchased and residents relocated. As they get further north, it gets more subjective and they look more at purchasing backyards and other pieces of land. They also do hardship appraisals to help property owners determine if they want to stay or be relocated.

Mayor Ramsey said there has been a lot of conversation with Elk Ridge Middle School and Jordan School District, they are fully on board with the plan to go under. If this preferred alternative is what we are able to make happen, the cell tower will have to be relocated but that can be done on their property without cutting into the school.

Council Member McGuire asked if construction starts in Spring of 2023, when does UDOT anticipate completion.

Mr. Allen said typically these interchanges take one and a half to two years, depending on the challenges that arise during construction. He pointed out where the school would like to relocate the cell tower, to a park strip on the west side of the school; this placement aligns with city code.

Council Member Zander mentioned that with the school and pedestrian bridge situation, this interchange is unique and unlike other interchanges. The city's deficit is \$24 million and obviously, everyone here is working on lobbying for more money from the state. She asked if UDOT has any responsibility financially in this situation, or do they just come in and give the cost without any discussion. Are there any allowances or variations where UDOT comes up with some of the deficit when there is a school involved, as well as a pedestrian bridge which is a safety issue.

Mr. Allen said the deficit is \$24 million, but UDOT is planning to participate with \$12 million of that deficit. UDOT will be purchasing significant right of way from the school, and Elk Ridge is also willing to donate some of the property to help with some of the cost, but only if the interchange goes under.

Mayor Ramsey said it is exciting to be at this point, having this conversation about 9800 South. One big reason for the excitement is that this has received priority funding, and been moved up from the funding model and the timing that were originally planned for years down the road. This will be a lot of work, a lot of money, and a lot of closures and inconvenience but 10400 South will be fully done and functional by the time everything starts.

Mr. Allen noted that there is contact info (hotline number, email and website) on the last page of the presentation (Attachment A) for anyone who has questions or concerns on this proposed interchange.

F. Discussion Items

F.1. Council member assignments and appointments to boards and committees. (By Assistant City Manager, Dustin Lewis)

Assistant City Manager (ACM) Dustin Lewis asked the council members if they wanted to change any of their current assignments to boards or committees they serve on.

Mayor Dawn Ramsey said she can hardly ever get to the Jordan River Commission meetings, and Strategic Services Director Don Tingey has been doing a wonderful job attending in her place. She proposed having Council Member Don Shelton represent South Jordan on the Jordan River Commission; he is willing and says he has the time to do it with the meetings being a few hours during the day on a Thursday.

The council was in agreement with having Council Member Shelton replace Mayor Ramsey on the Jordan River Commission.

ACM Lewis said he will check on the protocol for that committee and make that change. There is a resolution on the agenda tonight, re-appointing the mayor to the Sewer Board; he assumed

the council would be willing to re-appoint her and he didn't want to have a gap in our coverage before the next meeting.

The rest of the council members are happy with their assignments and are not requesting additional changes.

F.2. Council Appointments to the Planning Commission. (*By Assistant City Manager, Dustin Lewis*)

ACM Lewis introduced Council Member Shelton's Planning Commission appointee, Commissioner Trevor Darby, who is willing to be re-appointed. Council Member McGuire currently has a vacancy, as Commissioner Sean Morrissey is stepping down after serving on the Planning Commission for several years. Council Member McGuire is suggesting and nominating Laurel Bevans to the Planning Commission from her spot on the Arts Council.

Commissioner Trevor Darby introduced himself and said he has served on the Planning Commission for a little bit over a year, he took Earl Jolley's spot when he moved out of the area.

City Attorney Ryan Loose advised the Planning Commission a few times while the city was changing attorneys and he believes Commissioner Darby does a great job.

Council Member Patrick Harris asked what Commissioner Darby does for a living.

Commissioner Darby said he owns a knife shop where he sells knives online and to walk-in customers, he has been doing that for about 13 years. His business is located in West Jordan.

Council Member Tamara Zander asked how he feels things are going on the Planning Commission.

Commissioner Darby said he feels things are going well. They have an active group of people who come and talk to the commission; it seems like the majority of concerns center around density issues, which is understandable. Everyone has concerns about density, especially when it's close to their home, and he thinks they do a good job listening carefully to what the concerns are and responding to the residents in attendance appropriately.

Mayor Dawn Ramsey agrees that we have a great Planning Commission, and appreciates all of Commissioner Darby's service and effort over the last year.

Council Member Don Shelton said Commissioner Darby is very intelligent. Council Member Shelton has known Commissioner Darby for many years while living in South Jordan, he runs a successful business and Council Member Shelton thinks he represents our city well.

Laurel Bevans said she currently serves on the Arts Council and is sad to be leaving that position, she has been there for under a year. She was on the Planning Commission in Woods Cross about 10-12 years ago. They moved out of state, and then back here to South Jordan about 4 years ago. She contacted Council Member McGuire and told him she wanted to be on the Planning Commission. She landed on the Arts Council at that time, but now this position has opened. She is excited to serve and looks forward to participating.

Mayor Ramsey said Ms. Bevans has made some great contributions while on the Arts Council this past year. She is not surprised to see this recommendation for an appointment and she is thrilled about it.

Council Member McGuire asked what drew her to serving on the Planning Commission.

Ms. Bevans said when she landed on Planning Commission in Woods Cross, she had originally applied to work with the Youth Council. She was a single parent and didn't have the time they were looking for, so they suggested Planning Commission. She started with the Planning Commission and loved it. She has always been politically involved; she has worked on campaigns and done lots of work in DC. Planning Commission is another way she can serve and use all the random knowledge that lives in her head, that isn't quite as involved as City Council. She currently does business consulting and works closely with a construction company that does residential, so she is familiar with planning, zoning and all the things that go along with it. It is somewhere she can serve, she enjoys working with people and the public and all of the things that come with making sure our city is the greatest place to live.

Council Member Zander asked if the builder she works with builds in our city.

Ms. Bevans said yes, she works with Gordon Milar Construction.

Council Member Zander asked if Ms. Bevans felt like she would have any conflict of interest.

Ms. Bevans responded that no, she doesn't think there would be any issues with conflict of interest.

Mayor Ramsey asked if she is employed by Gordon Milar Construction.

Ms. Bevans replied no, she is not, she is an independent contractor.

F.3. Council Appointments to the Arts Council. *(By Assistant City Manager, Dustin Lewis)*

ACM Lewis introduced Council Member McGuire's suggestions for the Arts Council. They are Heather Smith who has been serving for a number of years on our Arts Council, and Clarissa West who has recently volunteered to help us out on the Arts Council.

Heather Smith said she has lived in South Jordan for almost 16 years, and she honestly doesn't know how long she has been on the Arts Council. She currently works for Bingham High School, she works with the homeless and at-risk youth there. She loves being on Arts Council, they are doing some fun things, moving forward with new things and making old things happen.

Council Member Zander said that when she served with her for a short period of time, it was when we were starting the utility wraps and she has loved watching those roll out.

Council Member McGuire said she is one of the major reasons we have been able to get theater productions going in the city again.

Clarissa West said she is an attorney, she has never served on any kind of council before so this is entirely new. She has lived in South Jordan for a little more than a year.

Mayor Ramsey asked where she came from before moving here.

Ms. West said she is originally from California, but has been living in Utah for a little more than eight years. She came up here for law school in 2013.

Mayor Ramsey asked why she was interested in the arts.

Ms. West said she has always loved the arts. She was a film studies major in undergrad, realized being homeless didn't really suit her so she pursued law as a career. She still does art, but more as a hobby on her own time. The wall of her office in her law firm is covered with robot doodles on sticky notes. She doesn't just do drawing, she also does some computer modeling, painting, clay sculpture, really any kind of art that piques her interest. She loves art and wants to get back into it. She isn't entirely sure what this entails, but she is looking forward to it.

Council Member Harris asked what law firm she works for, and what area of law she specializes in.

Ms. West said she works with Smart Schofield Shorter right now, has been there for almost three years. She does mostly family law, but her firm is also a provider firm for LegalShield, which is like legal insurance. If you are a member you can call in for consultations, doc reviews, etc. Fifty percent of her practice is doing the family law stuff, and the other half is LegalShield stuff. She handles consultations, document review, contract review, etc. She also does a handful of other random simple cases she picks up, like a landlord/tenant case she is doing right now that is a real property case; mostly she works in family law.

ACM Lewis said Council Member Shelton only has one person for consideration tonight for an appointment, and that is Kelly Holtman.

Kelly Holtman said she has a resident in South Jordan for over 16 years, she has been on the council for around 3 years. She is an independent financial advisor by day, and she works mostly out of her home but she does have an office in Sugarhouse. She is also an artist, and has been an artist for 25 years. She has exhibited in probably 100 different galleries across the country. She has won art shows and art is just in her blood. If she could make enough money off art, she would do that all the time. It can be done, but it is a lot of work behind the scenes; the art is probably 10% of it, then to make a business of it that other 90% was not her favorite part. She loves being on the Arts Council because although she does painting, she gets to be exposed to musicals and even quilt shows, murals and music. For her, it's to be able to experience all those different realms of art and bring that together for the residents. To her, they have the easy part of coming up with the ideas and passing them on so Associate Director of Recreation Janell Payne and city staff can work their magic.

Council Member McGuire thanked Ms. Holtman for her service.

ACM Lewis said Mayor Ramsey's appointee would be brought forward in another meeting in the future. If anyone has any vacancies, and has someone they'd like to nominate for consideration, please let him know and he'll schedule them for an upcoming work session. He believes Council Member Zander has a vacancy, Mayor Ramsey has a new vacancy as well.

Council Member McGuire asked if they move forward with Ms. Bevans going to the Planning Commission, which council member would have a vacancy on the Arts Council.

ACM Lewis said it would be Council Member Shelton with the Arts Council vacancy. The great thing with the Arts Council is they don't have to live in the council member's district, they don't even have to live in the city. The intent is to have people on the Arts Council with diverse backgrounds, expertise and experience that can help us bring arts to South Jordan; it can be anybody that is a subject matter expert in any type of art.

Council Member Zander mentioned the Arts Council in Daybreak that is under the direction of the HOA/LiveDAYBREAK arm. She asked if our council ever coordinates or communicates with them.

One of the current Arts Council members in the audience responded that yes, they do work with them.

Council Member Zander asked if there is anyone on the South Jordan Arts Council that is a Daybreak resident.

Council Member McGuire said Laura Gaillard is on both Arts Councils.

Council Member Zander asked if, for her vacancy, they wanted to try and get another Daybreak resident that has that coordination potential, or does everyone feel that need has been filled.

The appointees and Arts Council members in the audience said it is really up to Council Member Zander, it just needs to be someone who really has a passion. There are currently a lot of amazing physical artists on the council, and it would be great to have some more people who are on the theater, music and nonphysical arts side to contribute.

Council Member Marlor asked if ACM Lewis could update the council after these appointments are made, and let them know if and where they still have any vacancies.

ACM Lewis didn't bring the Senior Committee names forward, they have a very functioning group right now with no vacancies. He is planning on the re-appointments for Council Members Shelton and McGuire in an upcoming meeting, there just wasn't enough time to fit them all in one night.

Council Member McGuire motioned to recess the Study Meeting and move into an Executive Closed Session. Council Member Zander seconded the motion; vote was unanimous in favor.

RECESS CITY COUNCIL STUDY MEETING AND MOVE TO EXECUTIVE CLOSED SESSION

G. Executive Closed Session

- G.1.** Discussion of the character, professional competence, or physical or mental health of an individual.

ADJOURN EXECUTIVE CLOSED SESSION AND RETURN TO CITY COUNCIL STUDY MEETING

Council Member Zander motioned to adjourn the Executive Closed Session and return to the Study Meeting. Council Member Marlor seconded the motion; vote was unanimous in favor.

ADJOURNMENT

Council Member Marlor motioned to adjourn the Study Meeting. Council Member Zander seconded the motion; vote was unanimous in favor.

The January 4, 2022 City Council electronic study meeting adjourned at 6:20 p.m.

UNAPPROVED