

SOUTH JORDAN CITY
CITY COUNCIL MEETING

SEPTEMBER 2, 2025

Present: Mayor Pro Tempore Don Shelton, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, Assistant City Manager Don Tingey, City Attorney Ryan Loose, CFO Sunil Naidu, Fire Chief Chris Dawson, Director of Engineering & City Engineer Brad Klavano, Director of Recreation Janell Payne, Public Works Director Raymond Garrison, Director of Planning & Economic Development Brian Preece, Director of Administrative Services Melinda Seager, Associate Director of Human Resources Corinne Thacker, CTO Matthew Davis, Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Deputy City Recorder Ambra Holland, Associate Director of Finance Katie Olson, Senior Accountant Abigail Patonai, Planning Commissioner Nathan Gedge

Absent: Mayor Dawn R. Ramsey

Other (Electronic) Attendance: Norah L, Carol Brown, Deanna Hopkins, Sheri Mattle, Shari, Travis Christensen, Bob, Jason Brown, Joyce Fenton

Other (In-Person) Attendance: Marc Halliday, Vivian Wilson, Shae Bess, Stacey Hughes, Ashlyn Maples, Derek Maples, Alan Packard, Leonard Browning, Dylan Abeyta, Stacy Hughes, Rob Hughes, Robin Pierce, Samuel Longhurst, Robyn Shelton, Dan Keiser, Camber Keiser, Eric Hansen, John-Thomas Lloyd, Tim Hansen, Kaye Wadley

6:30 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - *By Mayor Pro Tempore, Don Shelton*

Mayor Pro Tempore Shelton welcomed everyone present and introduced the meeting.

B. Invocation – *By Council Member, Tamara Zander*

Council Member Zander offered the invocation.

C. Pledge of Allegiance – *By Assistant City Manager, Don Tingey*

Assistant City Manager Tingey led the audience in the Pledge of Allegiance.

D. Mayor and Council Reports:

Council Member McGuire reported attending a Legislative Policy Committee (LPC) meeting, where discussions included potential changes to regulations for detached auxiliary dwelling units (ADUs) and updates to the state housing plan. He also attended the Corporate Citizen Award event recognizing Salt Lake Motor Cars for their significant contributions to the city. Additionally, he participated in a meeting related to a new mural project at the baseball complex, noting collaborative progress with the artist and anticipated design adjustments.

Council Member Johnson reported looking forward to the upcoming Youth City Council meeting scheduled in a couple of weeks.

Council Member Harris reported attending the Corporate Citizen Award luncheon, noting the Lamborghini dealership's presence and contributions to the city. He also attended the Jordan Basin Sewer Board meeting, reporting that operations are going well. Additionally, he participated in various meetings with staff and met with residents on multiple issues over the past couple of weeks.

Council Member Zander reported attending several community and educational events since the last council meeting. On August 22nd, she taught an entrepreneurship class to local high school students, noting the engagement of youth and the value of hearing their perspectives on business and the economy. She also attended the opening football games for BYU and the Utes, highlighting community involvement. Additionally, on August 20th, she visited Sagewood, an assisted living facility in South Jordan, to learn about their services and the housing opportunities available for aging residents.

Mayor Pro Tempore Shelton reported on several activities and engagements since the last council meeting. He highlighted his involvement with the Jordan River Commission, noting its 15th anniversary and his role as chair. He spoke at the kickoff of the "Get to the River" Festival and emphasized the Commission's accomplishments, including the Jordan River Trail, achieved entirely through advocacy and vision despite having no statutory land use authority. He also met with the Senior Advisory Committee, celebrating their progress and assignments, and recognized Salt Lake Motor Cars for their contributions to the community. He participated in LPC committee meetings, including discussions on ADUs and detached ADUs through the Utah League of Cities and Towns (ULCT) housing advisory subgroup. He attended the Trans-Jordan Sandy Transfer Station ribbon-cutting, praising the facility's design and utility for residents. He shared a personal anecdote about city staff assisting him with a broken recycling bin, highlighting the quality and dedication of city employees.

E. Bess Dental Office Land Use Items:

Mayor Pro Tempore Shelton introduced the Bess Dental Office land use items. He reminded the council that a public hearing on related the resolutions and ordinance occurred on August 19, but the item was tabled due to technical adjustments in the development agreement with the Jordan Valley Water Conservancy District (JVWCD). With the development agreement now finalized and reviewed, he indicated the council would proceed with questions to the applicant and staff, noting that all prior emails and meeting notes had been reviewed in preparation.

Council Member Johnson stated that she had thoroughly reviewed all related emails, listened to the Planning Commission meeting, and revisited the prior council meeting. She noted that she had approximately 22 questions raised by the public that should be addressed to ensure transparency and clarity in the process. She highlighted the importance of reviewing the history of the subject property, specifically how it transitioned from being included in the park plan to its current status, and asked if any staff member was prepared to provide that background.

Assistant City Manager Don Tingey explained that when the city first acquired the property, there were discussions about developing it into open space, similar to the 9400 South and Redwood Road property. However, the situation was more complex due to multiple property owners, including the city, JVWCD, and Merit Medical. At the time of acquisition, funding was not available to improve the property, and coordinating partnership interests further complicated matters. The property was included in the Parks Master Plan as potential open space, contingent on future funding through park impact fees. It was never highly prioritized for development, similar to other larger city properties that remain unimproved. In later planning efforts, it was decided not to designate the property as a park due to limited park impact fees and competing priorities. This decision, which followed a public process, resulted in the property being removed from the current Parks Master Plan as a future park.

Council Member Johnson noted that many emails were received questioning why the property wasn't noticed. Based on Assistant City Manager Tingey's explanation, she understood that the appropriate time for public input would have been during the plan update process, at which point the property was properly noticed for comment. Assistant City Manager Tingey confirmed that any changes to the park master plan would have followed the standard process, including public engagement and hearings for adoption, ensuring opportunities for community input. Council Member Johnson confirmed that the public had an opportunity to provide input during the park master plan process.

Mayor Pro Tempore Shelton asked about the property ownership and park development. Assistant City Manager Tingey confirmed that the original corner had three owners; South Jordan City, JVWCD, and Merit Medical. He noted that Merit Medical has since sold their portion to Enbridge Gas. Mayor Pro Tempore Shelton clarified that, to develop the property into a park, the city would have ideally acquired all or most of the parcels. Assistant City Manager Tingey explained that at the time, discussions focused on the city acquiring its portion and exploring partnerships with JVWCD and Merit Medical, but JVWCD was maintaining their property as it was and Merit Medical eventually exited the conversation by selling to Enbridge Gas.

Council Member McGuire asked for clarification regarding small parks in the city's new master plan. He noted that the city seems to be moving away from creating new small "mini-parks" and asked if that was consistent with the plan. He referenced existing small parks, such as the one on 9400 South, noting those would continue to be maintained, but in general, the city is shifting away from adding new mini-parks. Assistant City Manager Tingey clarified that, according to the city's sustainability and operational guidelines, new city parks are typically planned with a minimum size of four acres. Smaller "remnant" parcels, like the one at 9400 South, were improved only when additional funds were available, as these parcels otherwise had no specific purpose. He

further explained that the city generally avoids creating new mini-parks unless improvements can be implemented concurrently with development.

Council Member Johnson asked for clarification regarding the land use designation, noting that changing the use of the property was not part of the current South Jordan General Plan. She acknowledged that, to her understanding, the General Plan serves as guidance rather than a fixed mandate, and that the city retains the authority to approve changes that differ from the current plan. She asked if that understanding was correct. Director Preece confirmed that was correct, the General Plan is a fluid document that can be amended over time as community needs and conditions change. He clarified that she was likely referring to the Future Land Use Map, which currently designates the area as residential or stable neighborhood. The proposed change would shift that designation to a commercial use, which is allowed through the city's established amendment process. Council Member Johnson compared the General Plan to a living document that can be adjusted as community needs evolve, confirming her understanding.

Council Member Johnson asked a frequently asked question from the public regarding the process of selling city-owned land, specifically why the property wasn't put up for bid. She asked what the protocol is for disposing of small parcels of city-owned property of this size and type. City Attorney Ryan Loose explained that under Utah State Code, cities must designate what qualifies as a significant parcel of land. If a parcel is deemed significant, it must go through a public process before it can be sold or otherwise disposed of. South Jordan City has long defined a significant parcel as one acre or more. Because the property in question is approximately 0.63 acres, it does not meet the threshold for a significant parcel. As such, no public hearing or public process was required, and the City Manager had the authority to dispose of or sell the parcel administratively. Council Member Johnson confirmed that no public notice was required for the sale of a non-significant parcel, noting that many concerns from residents centered around the property not being listed publicly or offered to the highest bidder. She pointed out that if the land had been sold to the highest bidder, it might have resulted in a development with a much greater impact on the neighborhood, suggesting that the current approach may have helped mitigate more disruptive outcomes. City Attorney Loose added that while a public bidding process isn't required for non-significant parcels, the city is still legally required to receive fair compensation or market value for the property. He clarified that there's no single "correct" price for every parcel, as land value can vary based on many factors. To ensure fairness and objectivity, the city typically obtains an independent appraisal, as was done in this case, and uses that appraised value as the basis for the sale price. Council Member Johnson noted that some residents expressed concerns or misconceptions that the appraiser may have been given a predetermined price and asked to match it. However, she clarified her understanding that the appraiser was instead tasked with independently determining the fair market value of the property, not being directed to reach a specific number. City Attorney Loose confirmed that it would not be in the city's interest to influence an appraiser by providing a target value ahead of time. He emphasized that the purpose of hiring an appraiser is to obtain an independent, professional assessment of fair market value. He further explained that if the city were ever sued over the sale, it would need to stand behind the appraisal in court, and that's exactly what he would rely on to defend the city's actions. He expressed confidence in the process, noting that the city has completed many such transactions and is familiar with obtaining and using appraisals in a defensible and transparent manner.

Council Member Johnson acknowledged that one of the most recurring concerns raised by residents was the fear that approving this commercial development would set a precedent, potentially triggering widespread commercial development in the surrounding area. She emphasized that, based on her interpretation of the public feedback, this concern seemed rooted in a fear of a “domino effect,” where allowing one property to be commercially developed would inevitably lead to the loss of other open or residential spaces nearby. She added that she does not believe this outcome is likely, but admitted it’s challenging to address or alleviate those community fears effectively. City Manager Dustin Lewis responded by acknowledging that any land use decision could potentially be seen as setting a precedent, but emphasized that each situation is case-by-case and that future land use is not guaranteed to follow the same pattern. He noted that property owners may request changes, but it’s ultimately the City Council’s decision whether or not to approve them. He reminded the Council that there have been examples in South Jordan where properties previously zoned for commercial use were reverted back to agricultural or other uses, illustrating that land use is not necessarily a one-way path toward commercial development. He concluded by stating that while residents’ fears are understandable, the Council retains full control over land use decisions and must weigh each request based on its individual merits.

Director Preece reinforced that land use decisions rest entirely with the City Council. He explained that while some areas may naturally lend themselves to continued development, others, like the area in question, are currently designated as “Stable Neighborhood” in the city’s Future Land Use Map. That designation would remain unchanged unless a property owner initiates a request to rezone. Even then, such requests would go through the public process, and it would ultimately be this Council, or future councils, that decides whether any changes are appropriate. He also noted that most of the surrounding area is already developed, so any potential changes in land use would likely involve redevelopment of existing properties, not new vacant land development.

Council Member Johnson acknowledged that farmland and other properties naturally transition over time as the city grows. She noted that even though a property might currently be agricultural, there’s nothing preventing it from being developed into residential or other uses in the future, and that this is simply part of the evolution of a growing city. Director Preece explained that future development decisions ultimately depend on the City Council’s judgment at the time. He emphasized that it is up to the Council to determine what is in the best interest of the city for any given property or area.

Council Member Johnson stated that she had reached out regarding concerns about traffic and safety, specifically the curve. She noted that the traffic engineer had addressed many of these questions and confirmed that, while the curve is an issue, the road and traffic conditions meet applicable standards, making the situation manageable. City Engineer Brad Klavano explained that a dental office generates relatively low traffic. He noted that 9800 South and 1300 West are collector roads designed to handle up to 13,000 cars per day, whereas current traffic on 9800 South is about 8,000 cars daily, indicating ample capacity. He added that site plan review will ensure adequate sight distance, potentially requiring low landscaping in the park strip, but no other major traffic modifications would be needed. Council Member Johnson noted that the dental office structure will be located mostly in the southeast corner of the site and emphasized the importance of ensuring adequate sight distance at the nearby turn as part of the site plan review. City Engineer Klavano confirmed that sight distance and traffic considerations will follow American Association

of State Highway and Transportation Officials (AASHTO) recommendations based on road type and speeds.

Council Member Zander asked for clarification regarding traffic counts, specifically whether the 8,000 cars cited by City Engineer Klavano on 9800 South refers to daily traffic. City Engineer Klavano confirmed that the approximately 8,000 cars on 9800 South refers to the average daily traffic count. Council Member Zander asked what the average daily traffic was on Temple Drive. City Engineer Klavano clarified that he did not pull the traffic data for Temple Drive, but he would estimate the average daily traffic is likely around 8,000 to 10,000 vehicles. He noted that both Temple Drive and 9800 South are collector roads.

Council Member Johnson addressed concerns about potential impacts on property values from the proposed dental office. She noted her background as a residential appraiser and explained that, based on her assessment, homes immediately adjacent to the roads might be more affected than those to the north, which have a substantial buffer. She stated that the dental office is unlikely to significantly impact property values for most nearby homes. She added that only if a large number of homeowners decided to sell quickly at lower prices would values be affected, but she hoped that would not occur. She then asked Council Member Zander, who is more active as a realtor, for her perspective on whether the dental office would be a concern when selling nearby homes.

Council Member Zander responded to the question about potential impacts on property values. She noted that because the site is on a collector road and not tucked into a neighborhood, the dental office is less likely to negatively affect nearby homes. She highlighted the existing fencing on the north side as a buffer and suggested that higher-density developments or a daycare could have a greater impact due to traffic. She concluded that the dental office, with its low-profile design, is unlikely to harm property values, and that improving the currently unused land with landscaping could be a positive change for the area. She acknowledged that residents are understandably sensitive about property values, but in her professional opinion, this development should not pose a risk.

Council Member Johnson raised a concern about potential parking overflow into nearby residential areas. She noted that the issue had been addressed by requiring additional parking for the dental office and asked for confirmation that the mitigation measures were sufficient to prevent spillover into neighboring properties. Director Preece confirmed that the dental office building is significantly over-parked for its intended use, and therefore parking overflow into nearby residential areas should not be an issue.

Council Member Johnson asked about signage for the proposed dental office, noting that she had only seen one sign on the building and inquiring whether additional signage would be placed along the streets. Director Preece responded that it is unclear whether additional signage will be requested. He noted that the zoning regulations impose limitations, but the property is permitted to have a monument sign and that it will not be lit or flashing.

Council Member Johnson asked about the hours of operations. Director Preece responded that the Planning Commission's recommended hours of operation for the dental office are from 6:00 a.m. to 9:00 p.m.

Council Member Johnson asked whether dental offices typically generate noise pollution. Dr. Shae Bess stated that the dental office is designed to minimize noise. Windows do not open, and the compressor and vacuum pump are located inside a soundproofed room to prevent noise from reaching outside. Equipment is only operated during business hours, and moderate-level music is played inside for patients. He noted that any noise outside would be minimal and likely only noticeable immediately next to the building.

Council Member Johnson asked about light pollution and confirmed that, as previously stated, all lighting will remain on the applicant's property. Dr. Shae Bess confirmed that all lighting will remain on the office property according to the required light plan. He stated he would like signage on the building and a monument-style sign similar to another local dental office but noted he is flexible and will comply with whatever the city allows.

Council Member Zander asked whether there is anything prohibiting illuminated signage, noting that Dr. Bess had shared his intentions regarding signage. Director Preece responded that the property would allow a monument sign for a single business, typically around six feet tall. He clarified that flashing lights are not permitted, and multi-business sites may have slightly taller signage allowances. Dr. Bess explained that his current office has a simple sign with green letters on the building. He described a prior experience with a tall, flashing medical center sign, which he participated in briefly but found expensive and ineffective for his practice. As a result, he opted out, noting that his established patient base keeps the practice busy without the need for flashy signage.

Council Member Johnson noted that she received additional concerns from residents regarding stormwater retention. She clarified that while the current plan does not include finalized stormwater details, the applicant will be required to submit a stormwater plan that meets all city requirements, and staff will oversee and approve it. City Engineer Klavano stated that the applicant's stormwater plan will be required to meet the city's standard plans, specifications, and code. He noted that the code requires retention of the 80th percentile storm on-site, with limited allowances for discharge if feasible. He added that the specifics have not yet been fully reviewed. He added that for facilities like this, stormwater detention can be accommodated underground in the parking lot or integrated into landscaped areas, depending on what works best for the site.

Council Member Johnson asked about the nearby gas line, noting that some residents had expressed concerns about occasional flaring or discharges, and inquired whether that posed a safety concern. City Manager Dustin Lewis responded that he was not aware of any flaring or discharge occurring in that area. He noted that any concerns regarding the gas line would need to be directed to Enbridge Gas, as they would be responsible for mitigating or addressing any potential issues. Council Member Johnson commented that she would expect such flaring or discharge not to occur, given that there are homes located directly adjacent to the gas line. City Manager Lewis stated that if any flaring or discharge were to occur, the city would likely be notified immediately. He added that, to his knowledge, neither the city engineers nor the fire chief have received reports of such incidents on any Enbridge service lines within the city. Fire Chief Chris Dawson confirmed that there have been no concerns or issues with Enbridge transmission lines in that area or elsewhere in the city.

Council Member McGuire asked what potential uses could occupy the building if Dr. Bess decided to close the practice, noting that the development agreement may limit some options. Director Preece explained that future uses for the building could include medical or dental offices, or other office/professional services. He clarified that “professional services” are limited; standalone businesses like a hair salon, barber, or massage studio would not be allowed unless they are part of an allowed primary use, for example, a chiropractor offering massage therapy as a secondary service. Council Member McGuire noted that the restrictions on allowable uses for the property appear more limiting than in past projects and questioned how significantly the property’s potential uses are being constrained. Director Preece confirmed that the limitations are due to special circumstances for this property and that the city is intentionally managing its allowable uses accordingly. Council Member McGuire noted that the intent is to balance flexibility for the property’s use while also preserving the character of the surrounding neighborhood.

Council Member Zander asked to view the map (Attachment A) showing the parcel and specifically the outlet from the proposed development. She referenced a cul-de-sac directly across the street from the parcel and inquired whether the parking lot outlet would align with it, seeking an explanation of the planning rationale behind that design. City Engineer Klavano explained that streets and driveways are typically aligned across from each other to minimize conflicts during left turns. He confirmed that the proposed driveway was designed to line up with the cul-de-sac across the street for that reason. Council Member Zander confirmed that the driveway alignment was intentional to improve traffic flow and reduce conflicts, and acknowledged that her question was answered.

Mayor Pro Tempore Shelton asked Dr. Bess about his prior communication with Enbridge Gas regarding landscaping near their gas line and whether any fencing would be required. Dr. Bess explained that he spoke informally with a project manager from Enbridge while visiting the site. The manager indicated that if Dr. Bess built his office there, Enbridge intended to landscape their adjacent property. Dr. Bess stated that he would prefer no fence if the landscaping occurred, as it would look more cohesive, but if the area remained unlandscaped, he would want a fence along his property line to prevent the unfinished appearance from affecting his site. He emphasized that this was based on a conversation with a project manager and not a formal guarantee.

Mayor Pro Tempore Shelton asked Dr. Bess about his willingness to alter the roofline from the previously submitted renderings. Dr. Bess stated he is open to any modifications the council recommends. He explained that the current flat roof design was chosen to keep the building height under 35 feet. Altering the roof to a pitched style, especially to match surrounding homes, would exceed the height limit. He noted he had given minimal direction to the architect, and the current design reflects the architect’s proposal.

Council Member Johnson stated that she took the neighborhood’s concerns seriously and conducted her own outreach. She visited three dentist offices, Copper View Medical Center, Almond Dental, and Little People Dental, and spoke with nine residents living behind those offices. She asked residents about their experiences with a dentist office nearby and whether they would have made any changes. All residents reported that it was acceptable to have a dental office behind their homes, with some expressing positive feedback. She noted that this outreach helped her confirm that there were no significant concerns she had not already considered.

Mayor Pro Tempore Shelton stated he is prepared to accept a motion on Resolution R-2025-41, which authorizes the Mayor Pro Tempore to enter into a development agreement with Spectrum LLC, Dr. Shae Bess, and the Jordan Valley Water Conservancy District (Ben Perdue) for the properties located at 9828 S. Temple Drive, 9822 S. Temple Drive and 9816 S. Temple Drive.

Council Member Zander asked for clarification regarding whether the current proposal includes the business hours recommended by the Planning Commission. Director Preece stated that the Planning Commission recommended three items be added to the development agreement. These items, included in the staff report but not yet in the agreement itself, are; restrict hours of operation to between 6:00 a.m. and 9:00 p.m., except in emergency situations; require that any future amendments to the agreement follow the same public notice requirements as a rezone; and review the architectural renderings to determine if changes are needed so the building design is consistent with the surrounding neighborhood. The Planning Commission recommended approval with these three additional items. Council Member Zander asked for the second recommendation to be read again. Director Preece clarified that the second recommendation is to require that any future amendments to the development agreement be noticed under the same requirements as a rezone. This includes notifying all property owners within 300 feet, posting a sign on the property, and providing notice through the city's regular meeting announcements. Council Member Zander noted that any changes to the development agreement would require proper notification under the outlined process. Director Preece confirmed that if that was to be added to the development agreement, if it were to ever be amended, notice would be provided to the residents. Council Member Zander asked if the city had ever required similar noticing for amendments to a development agreement in the past. City Attorney Loose stated that he could not recall any previous instance where the city had required this specific type of notice for amendments to a development agreement. He noted that each development agreement is unique, and while some include specific provisions, this particular requirement had not been used before to his knowledge.

Council Member Zander asked whether the council wished to consider any of the planning commission's recommendations. She noted that she was comfortable not including those provisions but wanted to ensure the council was aware that the recommendations had been forwarded for their consideration. Council Member Johnson added that the architectural component of the planning commission's recommendations should likely be discussed further by the council. Council Member Zander stated that she is comfortable with the current slope of the roof, noting that she believes it is preferable to a high-pitched design, but she is open to further discussion. Council Member Johnson stated that while she understands the applicant's desire for a more modern design, she would prefer if the building appeared slightly more residential. She suggested possibly breaking up the roof slopes to reduce the visual mass, noting that the current design appears larger than the surrounding neighborhood roofs. Council Member Zander stated that, compared to earlier renderings, the current design appeared sleek and unassuming without excessive detailing. She expressed personal comfort with this version but acknowledged the value of discussion and invited further input on alternative ideas. Council Member Johnson suggested that while the slope of the roof could remain, breaking it up more to resemble residential homes would help it better blend with the neighborhood. She emphasized the importance of maintaining the standard communicated to the public that the building would fit into the existing community.

Council Member McGuire requested that the presentation slide (Attachment A) be advanced to show a rendering so that the council could view the architecture while discussing it. He then asked Council Member Johnson, referencing the West Elevation, how she would like to see the design changed, noting that there was already some visual breakup in that view.

Council Member Johnson stated that she was generally fine with the design but noted that the two slopes on the southeast side of the building appeared to merge together, making the structure look massive. She suggested that breaking up those slopes slightly could help it feel less imposing, while acknowledging that this is largely a matter of taste. She also noted that the roof is a significant departure from the other roofs in the surrounding area.

Council Member Harris clarified that the planning commission was not making a recommendation on the design itself. Rather, they suggested that the project be reviewed by the architectural review committee (ARC), which consists of experts in that area who can study the design and provide recommendations on its appearance. Director Preece stated that the project had already gone through the ARC and that the council's role was simply to review the design and decide if they were comfortable with it or wanted changes. Council Member Harris clarified that the council would act as the decision-maker on the design rather than sending it back to another body.

Council Member Zander noted that she had communicated with one planning commissioner who personally preferred a more pitched roof, but this was not a majority position of the planning commission. Council Member Johnson acknowledged that it was still one of the planning commission's recommendations. Director Preece explained that the commission had debated the issue without reaching consensus and suggested the council make the final decision. Council Member McGuire expressed no major concern with the current design, noting it keeps the building below 35 feet. Mayor Pro Tempore Shelton agreed, emphasizing the height limitation. Council Member McGuire added that moving to a pitched roof could exceed the 35-foot limit, potentially affecting views.

Council Member McGuire asked for clarification regarding fencing, noting that it is usually required during construction and questioning whether coordination with Enbridge Gas would necessitate modifying the development agreement. Planner Miguel Aguilera explained that the fencing requirement is detailed in the development agreement under the office zone standards (Exhibit D, Part Seven: Fencing, Screening, and Clear Vision Areas). He stated that any office zone bordering residential or agricultural property must have a masonry fence, either a six-foot tall precast concrete panel or, under unusual circumstances, a six-foot solid vinyl fence. He noted that interpretation of "unusual circumstances" falls to the Planning Director and potentially the city attorney, but emphasized that the code does require a masonry fence as a baseline. Council Member McGuire asked whether an exception to the fencing requirement would need to be included in the development agreement if the developer and Enbridge Gas were able to come to an alternate arrangement regarding the fence. Director Preece responded that if an alternate fencing arrangement were to be approved, the development agreement would need to be modified to reflect that change.

Council Member McGuire stated that any exception to the fencing requirement should be clearly included in the development agreement to avoid future issues, such as the fence not being installed

or needing additional council approval. He noted that the neighborhood would likely prefer landscaping, and if the development is to move forward, the agreement should explicitly address how the fencing provision will be handled. Director Preece explained that the reason Dr. Bess raised the fencing issue was that any modification to the standard fencing requirement would necessitate an amendment to the development agreement.

Council Member Zander stated that, if agreeable with the council, she supports allowing for landscaping in lieu of a masonry wall if the adjacent property is landscaped. She noted that this approach would likely be more agreeable to the developer and neighborhood residents. She requested language be added to the development agreement to allow this flexibility. She then asked to review the slide (Attachment A) showing the topographical map to clarify where the masonry wall would be located, specifically pointing to the large square of land behind the dental office.

Director Preece noted that the 60-foot-wide area behind the dental office is part of a monitoring well owned by JWCDC, and suggested consulting with their representative regarding fencing or landscaping intentions.

Council Member Zander asked JWCDC Assistant General Manager Alan Packard about the current condition of the property, including fencing and landscaping. Alan Packard confirmed that the property is currently fenced with some landscaping and that no additional fencing is planned.

Council Member Zander asked for clarification, stating that if the development were approved, where Dr. Bess would be required to install the fence. Director Preece stated that a fence would not be required along the entire area, noting that it would only be along the north boundary between Dr. Bess's property and the gas company's land. He clarified that this fencing issue is part of the same development agreement, as the gas company is a party to that agreement.

City Attorney Loose summarized the proposed amendment for the council, stating that if a motion is made in favor, the development agreement would be modified to allow or require a six-foot masonry fence along the north property line of the applicant's property. He clarified that the fence would only be required if the adjacent northern property is not landscaped; if it is landscaped by the time of development, the existing masonry wall would suffice. He referenced the code, noting that it allows for a precast concrete or panel masonry fence as determined with the development approval, and this amendment would serve as that approval. He emphasized that whether the fence is existing or newly constructed depends on a third party not present at the meeting.

Council Member Johnson confirmed that the fence requirement would be contingent on receiving agreement from the adjacent property owner, Enbridge Gas to landscape. City Attorney Loose clarified that if Enbridge Gas, as the adjacent property owner, agrees with Dr. Bess or the city to landscape their property and provides confirmation that it will be completed prior to or at the same time as the development, then the existing fence would meet code requirements. Otherwise, a new fence would need to be installed to separate the non-landscaped portion. He asked for confirmation that this understanding reflects the council's intent.

Council Member Zander then indicated she was prepared to make a motion reflecting this amendment.

- E.1. Resolution R2025-41, Authorizing the Mayor Pro Tempore of the City of South Jordan to enter into a Development Agreement with Spectrum, LLC (Shea Bess) and Jordan Valley Water Conservancy District (Ben Purdue) pertaining to property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive. (By Director of Planning & Economic Development, Brian Preece)

Council Member Zander motioned to approve Resolution R2025-41, Authorizing the Mayor Pro Tempore of the City of South Jordan to enter into a Development Agreement with Spectrum, LLC (Shea Bess) and Jordan Valley Water Conservancy District (Ben Purdue) pertaining to property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive with the amendment to the development agreement that the fencing required by City Code is fulfilled by either landscaping the parcel between the Applicant's property and the current precast masonry fence at the time of or before development, or, if no landscaping is installed, constructing a precast masonry fence as part of the Development. Council Member McGuire seconded the motion.

Council Member McGuire stated that the development has incorporated measures to reduce neighborhood impact, including keeping the building single-story, limiting its use, and potentially adding landscaping depending on an agreement between Dr. Bess and Enbridge Gas. He emphasized that these steps support a small business while minimizing neighborhood disruption.

Council Member Johnson agreed with McGuire, noting that this development has been more limited in scope than most projects she has worked on. She acknowledged Dr. Bess's efforts to accommodate neighborhood concerns, emphasizing the importance of recognizing his willingness to work with the community.

Council Member Harris explained that the property under discussion was previously located within his district before redistricting occurred following the most recent census. He noted that cities are required to redraw district boundaries based on population to ensure even representation. While many of the residents present were formerly part of his district, and some may still be, he emphasized that the entire city is important to him and to all council members. He acknowledged the uniqueness of the parcel, describing it as an "awkward piece" of land. He shared that he had contacted Director Preece to ask whether the city had a precedent for rezoning similar irregularly shaped parcels to commercial use based solely on their configuration. Director Preece informed him that he was not aware of any such precedent. He continued by questioning whether the irregular shape of the parcel alone was a justifiable reason to rezone it. While he acknowledged and appreciated the effort the dentist had made in preparing a proposal for a dental office, he emphasized that the fundamental question for him was whether the land itself should be designated as commercial before considering any specific development. After driving through the area and observing the surrounding properties, he felt the neighborhood had a residential character. Although he recognized that commercial and medical uses exist nearby and that a dental office would likely be a low-impact commercial use, he ultimately viewed the area as residential. He noted the difficulty of the decision, stating that people he knows on both sides of the issue would likely be unhappy with his vote. However, he concluded that he had to set those concerns aside and base his decision on what the area felt like to him, which is residential.

Mayor Pro Tempore Shelton stated that he had thoroughly reviewed the application, related emails, and his notes from the public hearing. He expressed his belief that the proposed development was appropriate and would enhance the area rather than detract from it.

Roll Call Vote

Council Member Zander - Yes

Council Member McGuire- Yes

Council Member Harris - No

Council Member Johnson - Yes

Council Member Shelton - Yes

The motion passed with a vote of 4-1; Council Member Harris voted “No”.

- E.2. Resolution R2025-42, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from Stable Neighborhood (SN) to Economic Center (EC) on property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive; Shea Bess & Ben Purdue (Applicants). (By Director of Planning & Economic Development, Brian Preece)

Council Member Zander motioned to approve Resolution R2025-42, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from Stable Neighborhood (SN) to Economic Center (EC) on property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive; Shea Bess & Ben Purdue (Applicants). Council Member Johnson seconded the motion.

Roll Call Vote

Council Member Zander - Yes

Council Member Johnson - Yes

Council Member Harris - No

Council Member McGuire - Yes

Council Member Shelton - Yes

The motion passed with a vote of 4-1; Council Member Harris voted “No”.

- E.3. Zoning Ordinance 2025-06-Z, Rezoning property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive from R-2.5 (Single-Family Residential) & A-5 (Agricultural) Zones to P-O (Professional Office) Zone. Shea Bess & Ben Purdue (Applicants). (By Director of Planning & Economic Development, Brian Preece)

Council Member McGuire motioned to approve Zoning Ordinance 2025-06-Z, Rezoning property located at 9828 S. Temple Drive, 9822 S. Temple Drive, and 9816 S. Temple Drive from R-2.5 (Single-Family Residential) & A-5 (Agricultural) Zones to P-O (Professional Office) Zone. Shea Bess & Ben Purdue (Applicants). Council Member Zander seconded the motion.

Roll Call Vote

Council Member McGuire - Yes

Council Member Zander - Yes

Council Member Harris - No

Council Member Johnson - Yes

Council Member Shelton - Yes

The motion passed with a vote of 4-1; Council Member Harris voted “No”.

F. Action Item:

- F.1. Resolution R2025-38, Authorizing the City of South Jordan Mayor Pro Tempore to sign a Franchise Agreement with Enbridge Gas. (By Assistant City Manager, Don Tingey)

Assistant City Manager Don Tingey explained that Enbridge Gas's current franchise agreement is nearing expiration, and the company requested to renegotiate the terms. The agreement allows Enbridge to operate its public utility system within the city. City staff met with Enbridge representatives multiple times to develop new terms, following a process similar to the one previously used with Rocky Mountain Power. The franchise agreement permits Enbridge to work within the public right-of-way under established terms, streamlining their permitting process compared to obtaining individual permits. Given the utility's frequent right-of-way usage, the agreement provides operational efficiency. The proposed agreement has undergone legal review and establishes a new 20-year term. Staff recommends approval of the updated franchise agreement.

Mayor Pro Tempore Shelton inquired whether there were any significant changes in the new franchise agreement compared to the previous version. Assistant City Manager Tingey responded that the new franchise agreement does not include any substantial changes from the previous agreement. While there are several new sections reviewed by legal staff, the day-to-day processes for Enbridge's work in the city remain unchanged.

Mayor Pro Tempore Shelton asked how long the previous franchise agreement had been in effect and the duration of its term. Assistant City Manager Tingey stated that the previous franchise agreement was a 25-year term with some automatic renewal provisions. He noted that the agreement had been in place for a long time, predating his tenure, and that Enbridge reached out as the agreement was approaching its expiration.

Mayor Pro Tempore Shelton asked about the duration of the current proposed franchise agreement. Assistant City Manager Tingey clarified that the current proposed franchise agreement would have an initial 15-year term with a 10-year renewal option, effectively creating a potential 25-year total term.

Mayor Pro Tempore Shelton emphasized for residents present that while the franchise agreement allows Enbridge Gas to operate more efficiently, it also requires the company to indemnify the city for any damage to roadways or issues related to their gas lines.

Council Member Harris commented that he supports having franchise agreements in place, noting that they help ensure work is conducted properly in the city. He expressed appreciation for the city's evaluation of the updated agreement. Assistant City Manager Tingey noted that the city maintains ongoing discussions with Enbridge and coordinates capital improvement projects with the company, a process primarily managed by the engineering group.

Council Member McGuire noted that while not requesting a change to the current agreement, he observed that the \$50 fee seems low. He suggested that future agreements consider a higher fee to better cover city attorney and staff costs associated with processing applications.

Council Member Harris motioned to approve Resolution R2025-38, Authorizing the City of South Jordan Mayor Pro Tempore to sign a Franchise Agreement with Enbridge Gas. Council Member Johnson seconded the motion.

Roll Call Vote

Council Member Harris - Yes

Council Member Johnson - Yes

Council Member Zander - Yes

Council Member McGuire - Yes

Council Member Shelton - Yes

The motion passed with a vote of 5-0.

G. Public Hearing Item:

- G.1. Resolution R2025-46, Public Hearing to gather public input on past year performance and approving the 2024 Consolidated Annual Performance and Evaluation Report, and Authorizing submittal to the U.S. Department of Housing and Urban Development, and Public Hearing to gather public input on neighborhood and community needs that may be addressed with future CDBG funds. (By Associate Director of Finance, Katie Olson)

Associate Director of Finance Katie Olson introduced Senior Accountant Abigail Patonai, who will handle much of the day-to-day management of CDBG activities.

Senior Accountant Abigail Patonai thanked the council for their time and expressed her enthusiasm for learning from Associate Director Katie Olson and the CFO Sunil Naidu. She noted her commitment to providing consistent support for the CDBG program and expressed appreciation for the opportunity to serve in her new role.

Associate Director Olson provided an update on the city's Community Development Block Grant (CDBG) program. She reviewed prepared presentation (Attachment B), noting that the city receives approximately \$220,000 annually in CDBG funds, which are primarily intended to benefit low- and moderate-income residents. She reviewed the past year (2024–2025) of CDBG activities, noting that the focus was on correcting accessibility deficiencies and supporting services for vulnerable populations. Total expenditures for the year amounted to \$85,000. She highlighted the

completion of a 2022 activity in partnership with In Between, which provided intensive care to six homeless residents, marking the closure of all outstanding activities from prior years. A significant achievement was the allocation of approximately \$20,000 of administrative and planning funds to update the city's housing study with Zions Public Finance, providing valuable data to address the local affordable housing crisis. She also noted that one activity, ADA ramp construction, remained outstanding due to higher environmental review requirements. She explained that the city plans to combine this project with the 2025 ADA ramp activity, which will satisfy additional requirements while optimizing the use of funds. Overall, she indicated that future presentations will be more streamlined as most prior activities have been completed.

Council Member Zander asked how many ADA ramps can be completed with the \$159,000 expenditure. Director of Engineering/City Engineer Brad Klavano stated that the last time the ADA ramp projects were bid, the cost was approximately \$4,500–\$5,000. Associate Director Olson noted that the cost per ADA ramp has varied over time, increasing from approximately \$2,000 per ramp before 2020 to \$6,000 per ramp, and currently has decreased to about \$4,000 per ramp.

Associate Director Olson continued to review prepared presentation (Attachment B). She highlighted current partner organizations funded through CDBG, including South Valley Services, The Road Home, and the Legal Aid Society, which provide domestic violence prevention and related services. She noted additional projects from the 2025 Consolidated Plan are still in contract setup and not yet ready for public use. She explained that the purpose of the public hearing was twofold; to receive feedback from residents on how funds were used in the past year and to gather input on priorities for the upcoming year (2026–2027). She reminded residents that CDBG funds are limited in use but encouraged public comments, which remain open through September 17. The full plan is available online and at the city building, and any resident feedback will be considered before submission to HUD.

Mayor Pro Tempore opened the public hearing for Resolution R2025-46.

Planning Commissioner Nathan Gedge (Resident) - As someone who has served on a CDBG citizen committee for another municipality in the past, I want to thank the city staff for their hard work on this. I believe it is a positive report, and the staff continue to do excellent work. Hopefully, there will be more citizen involvement, and South Jordan will have opportunities to access federal funding available to some of our neighboring, larger municipalities. This will help us make better progress in the future. I also want to thank you for the previous item and the hard work you did with that, as well. I have some comments to take back to the Planning Commission at our next week's meeting based on your previous discussion. Thank you.

Mayor Pro Tempore closed the public hearing for Resolution R2025-46.

Council Member Zander asked for clarification regarding the city's funding, noting that while other cities receive millions of dollars, South Jordan receives approximately \$220,000. She requested that Associate Director Olson explain that this amount is based on the population of higher-need residents, rather than the city's total population, to help residents better understand the funding allocation. Associate Director Olson explained that HUD determines CDBG funding

allocations using a formula with several components, the largest of which is the number of low- to moderate-income residents in the city. She noted that typically, a project must be in a census tract with at least 51% low- to moderate-income residents, but South Jordan does not have any tracts meeting that threshold. As a result, HUD provides a special exception allowing the city to qualify projects in areas with approximately 24% low- to moderate-income residents. She added that this is one of the lowest allocations in the region, reflecting the city's relatively small population of qualifying residents rather than total population.

Council Member Zander asked how HUD determines which residents qualify as low- to moderate-income and where the data used to make that determination comes from. Associate Director Olson explained that HUD determines low- to moderate-income eligibility using a combination of census data and their own data collection. She noted that HUD recently updated the dataset from 2015 to 2020, which caused shifts in the areas eligible for CDBG projects. This update has resulted in higher percentages of qualifying residents compared to five years ago, providing the city with additional opportunities to use the funds.

Council Member Johnson asked whether the current CDBG funding amount adequately meets the needs of the community. Associate Director Olson acknowledged that the current CDBG funding has limitations. She noted that by statute, only 15% of funds can be used for public services, and there are often more applicants than available funding. She explained that some strong proposals had to be declined due to insufficient funds. She also highlighted that, given local housing needs and the city's market, the \$220,000 allocation does not go far in addressing housing challenges, making it a limited tool for meeting the city's broader needs.

Council Member Johnson asked whether the city monitors data provided by CDBG service providers to track trends and ensure that funds are being allocated effectively. She emphasized the importance of using the data to direct resources where they are most needed and to reduce the burden on partner organizations. Associate Director Olson confirmed that the city tracks data from CDBG service providers over time. She noted that domestic violence cases have increased over the past five years, while homelessness numbers reported by The Road Home have remained fairly stable, though funding to that organization has decreased. She explained that the city did not grant funds to In Between this year because their services are geographically distant from South Jordan, making it less likely residents would utilize them. She added that HUD encourages focusing funds on providers closer to the city, and the city has adjusted allocations accordingly to maximize effectiveness for residents.

Council Member Johnson motioned to approve Resolution R2025-46, Public Hearing to gather public input on past year performance and approving the 2024 Consolidated Annual Performance and Evaluation Report, and Authorizing submittal to the U.S. Department of Housing and Urban Development, and Public Hearing to gather public input on neighborhood and community needs that may be addressed with future CDBG funds. Council Member McGuire seconded the motion.

Roll Call Vote

Council Member Johnson - Yes

Council Member McGuire - Yes

Council Member Harris - Yes
Council Member Zander - Yes
Council Member Shelton - Yes

The motion passed with a vote of 5-0.

H. Special Public Hearing: Public Hearing on Bond:

- H.1. Public hearing with respect to (a) the issuance of not to exceed \$45,000,000 of water revenue bonds and (b) the potential economic impact that the improvements to be financed with the proceeds of said bonds will have on the private sector. *(By CFO, Sunil Naidu)*

CFO Sunil Naidu explained that the public hearing relates to the parameters resolution the council adopted on August 5, which authorized a bond of up to \$45 million for the construction of a water tank and a water-related public works building. He noted that the resolution required setting a public hearing, which was advertised on August 6, to allow residents and businesses the opportunity to provide feedback. He highlighted that this bond process includes a requirement to hear from the private sector regarding potential impacts, as mandated by the Utah legislature, ensuring the government does not compete with services the private sector could provide.

Mayor Pro Tempore Shelton opened the public hearing with respect to (a) the issuance of not to exceed \$45,000,000 of water revenue bonds and (b) the potential economic impact that the improvements to be financed with the proceeds of said bonds will have on the private sector. There were no comments. Mayor Pro Tempore Shelton closed the public hearing.

Mayor Pro Tempore Shelton noted that Fitch rating agency recently awarded South Jordan City a triple-A rating. He highlighted that the city is one of only three municipalities in Utah to ever receive this rating.

I. Public Comment:

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

Robin Pierce (Resident) - I noticed that some of the panels that the artists created at the America First Square TRAX station are broken. Are those in the process of being repaired?

City Manager Dustin Lewis responded that they are in the process of being repaired.

John-Thomas Lloyd (Resident) - Good evening, council members. My name is John-Thomas Lloyd, and I am a resident of South Jordan. Over the past two months, I have been trying to work with the city to secure legal access across city-owned land to the South Jordan Canal, which borders my property. I have purchased a water share in the South Jordan Canal Company and am fully committed to following all lawful processes. The city has fenced off the property, cutting off my only access point to the canal. I submitted a formal request for written easement documentation on July 10, and followed up on July 17, July 31, and August 14. Most recently, I delivered a formal

grievance letter in person to the city recorder on August 26 and also emailed it to the city attorney, city manager, Mayor, and Director of Public Works. As of tonight, I have received no acknowledgment, reply, or indication that the city is reviewing this matter. This lack of communication is deeply concerning, especially with summer nearly over. Because of the city's inaction, I have missed the opportunity to access canal water. I have made every effort to follow the proper procedures, but I am left without a response and without recourse. I am here tonight to respectfully ask the council to help ensure I receive a response and that lawful access, such as a gate in the fencing, is granted so I can prepare properly for next season. Thank you for your time. (Mr. Lloyd provided Handout C)

City Attorney Loose stated that the city received John-Thomas Lloyd's formal grievance last week and is preparing a response. He noted that the draft has been circulated, and Mr. Lloyd can expect a formal reply within the next day or so.

Council Member Harris read a comment from resident Bob Paxton (Attachment D).

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

J. Minute Approval:

J.1. August 19, 2025 City Council Study Meeting

J.2. August 19, 2025 City Council Meeting

Council Member McGuire motioned to approve the August 19, 2025 City Council Study Meeting as published; and the August 19, 2025 City Council Meeting Minutes with an amendment to page 6 pronoun correction. Council Member Johnson seconded the motion; vote was 5-0, unanimous in favor.

K. Staff Reports and Calendaring Items:

City Manager Dustin Lewis provided updates on the upcoming "Get Into the River" events in South Jordan. He noted that activities will take place at Mulligan's this year and will include free mini golf, a butterfly release, and, for the first time, fishing at Mulligan's due to construction at the ponds. He mentioned that the Arts Council will support a craft activity associated with the event. He added that several other event items have been sent to council members' calendars to allow them to hold those dates and plan to attend various activities happening throughout the month. He also welcomed Associate Director of Human Resources Corinne Thacker, who is covering her first council meeting.

Council Member Johnson motioned to adjourn the September 2, 2025 City Council Meeting. Council Member Zander seconded the motion; vote was 5-0 unanimous in favor.

ADJOURNMENT

The September 2, 2025 City Council Meeting adjourned at 8:32 p.m.