

CITY OF SOUTH JORDAN
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
TUESDAY, OCTOBER 04, 2022 at 6:30 PM



Notice is hereby given that the South Jordan City Council will hold a City Council Meeting at 6:30 p.m. on Tuesday, October 4, 2022, in person in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah virtually via Zoom phone and video conferencing. Persons with disabilities requesting assistance should contact the City Recorder at least 24 hours prior to the Meeting. The Agenda may be amended and an Executive Session may be held at the end of the Meeting. Times listed are approximate and may be accelerated or delayed.

In addition to in-person attendance, individuals may join via phone or video, using Zoom. Note, attendees joining virtually may comment during public comment, or a public hearing virtually. To comment during public comment, or public hearing virtually, the individual must have their video on and working during their comments. Attendees who wish to present photos or documents to the City Council must attend in person. Those who join via phone may listen, but not participate in public comment or public hearings.

In the event the Meeting is disrupted in any way that the City in its sole discretion deems inappropriate, the City reserves the right to immediately remove the individual(s) from the Meeting and, if needed, end virtual access to the Meeting. Reasons for removing an individual or ending virtual access to the Meeting include but are not limited to the posting of offensive pictures, remarks, or making offensive statements, disrespectful statements or actions, and other any action deemed inappropriate.

Ability to participate virtually is dependent on an individual's internet connection. To ensure comments are received regardless of technical issues, please have them submitted in writing to the City Recorder, Anna Crookston, at acrookston@sjc.utah.gov by 3:00 p.m. on the day of the meeting. Instructions on how to join virtually are below.

Join South Jordan City Council Meeting Virtually:

- Join on any device that has internet capability.
- Zoom link, Meeting ID and Password will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted <https://ut-southjordan.civicplus.com/241/City-Council>

Regular Meeting Agenda: 6:30 p.m.

- A. Welcome, Roll Call, and Introduction:** By Mayor, Dawn R. Ramsey
- B. Invocation:** By City Manager, Gary L. Whatcott
- C. Pledge of Allegiance:** Director of Public Works, Jason Rasmussen
- D. Minute Approval:**
 - [D.1.](#) September 20, 2022 City Council Study Meeting
 - [D.2.](#) September 20, 2022 City Council Meeting
- E. Mayor and Council Reports: 6:35 p.m.**

F. Public Comment: 6:50 p.m.

This is the time and place for any person who wishes to comment on items not scheduled on the agenda for public hearing. Any person or group wishing to comment on any item not otherwise scheduled for public hearing on the agenda may address the City Council at this point by stepping to the microphone, or if joining electronically, by raising their hand and giving his or her name for the record. Note, if joining electronically, photos or documents will not be accepted through Zoom and you must attend City Council Meeting in-person. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Chair. Groups wishing to comment will be asked to appoint a spokesperson. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council Meeting. Time taken on non-agenda items, interrupts the process of the noticed agenda. In rare cases where it is determined appropriate to address items raised from public comments, these items will be noted and may be brought back at the conclusion of the printed agenda.

G. Presentation Items: 7:00 p.m.

G.1. Proclamation in recognition of Kelly Causi for Outstanding Service to the Community.
(By Mayor, Dawn R. Ramsey)

G.2. Recognizing Mick Florin for his years of service as Chair of the Senior Advisory Committee. (By Director of Recreation, Janell Payne)

H. Action Item: 7:15 p.m.

H.1. Resolution R2022-42, Appointing members to the Senior Advisory Committee. (By Director of Recreation, Janell Payne)

I. Public Hearing Item: 7:30 p.m.

I.1. Ordinance 2022-15, Replacing Chapter 5.62 of the South Jordan Municipal Code with a new Title 14 regulating Residential Facilities for the Disabled. RCV (By City Attorney, Ryan Loose)

J. Staff Reports and Calendaring Items: 8:00 p.m.

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)

COUNTY OF SALT LAKE)

I, Anna Crookston, the duly appointed City Recorder of South Jordan City, Utah, certify that the foregoing City Council Agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body and also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on South Jordan City's website at www.sjc.utah.gov. Published and posted September 30, 2022.

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

September 20, 2022

Present: Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, City Manager Gary Whatcott, Deputy City Manager Dustin Lewis, Associate Director of Parks Colby Hill, CFO Sunil Naidu, Director of City Commerce Brian Preece, Director of Strategy & Budget Don Tingey, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, Director of Planning Steven Schaefermeyer, Deputy City Engineer Jeremy Nielson, Fire Chief Chris Dawson, Police Chief Jeff Carr, Director of Recreation Janell Payne, Director of Communications Rachael Van Cleave, Community Center Supervisor Jamie Culbertson, Meeting Transcriptionist Diana Baun, City Recorder Anna Crookston

Absent: Council Member Patrick Harris

Others: Wally Busch, Scott Verhaaren

4:58 PM
STUDY MEETING

A. Welcome

B. Roll Call and Introduction: *By Mayor Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting. She excused Council Member Harris, who was unable to attend.

C. Invocation: *By Council Member Don Shelton*

Council Member Shelton offered the invocation.

D. Discussion/Review of Regular Council Meeting

Land Use Items:

Resolution R2022-03, Harvest Pointe West Development Agreement.
Resolution R2022-04, Harvest Pointe West Land Use Agreement
Zoning Ordinance 2022-01-Z, Harvest Pointe West Rezone

Public Hearing Items:

Resolution R2022-34, Moderate Income Housing Report.
Resolution R2022-38, Moderate Income Housing Plan Amendment

Council Member Shelton asked if they were holding another public hearing for Harvest Pointe West.

Deputy City Manager Lewis noted that it was listed differently on the agenda to avoid confusion with staff.

Mayor Ramsey asked if the public hearings can be done as one, or if they need to be separate.

City Attorney Loose said they were noticed as separate, and the land use designation is different from the zone change. The council can structure things however they'd like in terms of presentation items, they just need to make sure they vote on the resolution before the zone. If they don't have the land use right, they can't do a zone in compliance with the land use. They can have public comment on both first before discussion, as long as the motions are kept in the order above.

Director Schaefermeyer noted that what was presented initially to the planning commission is actually closer to this current proposal, as they had originally proposed commercial with all the units behind. However, what was first presented to the council was different than what was shown to the planning commission.

City Attorney Loose said they actually compared the two proposals, the current one and the original from the planning commission, and they were more similar than they had thought. The applicant basically went back to what was originally presented to the planning commission, but with a few changes, which is normal going from the planning commission presentation to the council presentation. Legally, he felt it was defensible and appropriate to bring this to the council without going to the planning commission again since the public would be able to comment, and the current plans are so close to the original.

Director Schaefermeyer added that page 69 of the packet has that original version.

Mayor Ramsey said that the council and mayor coordination would be saved for the regular council meeting.

E. Discussion Items

E.1. Senior Advisory Committee member appointment (*By Community Center Supervisor Jamie Culbertson*).

Supervisor Culbertson introduced the committee appointee, Wally Busch.

Wally Busch arrived in Salt Lake City 2.5 years ago, and feels very fortunate to end up living in South Jordan. He complimented everyone present on what a wonderful little town we have here, as well as the facilities available to the citizens. He decided to move here because all his children live out west, and have been living here for about 30 years. He was raised in Chicago, then moved to South Carolina in 1978. He lived in South Carolina for 44 years, and 27 of those years

were lived on Hilton Head Island. He and his wife thought it was time to get closer to family, and they moved out here. His son lives in Park City and daughter lives in Telluride. He feels he is typical for his age of people moving here, starting all over and their primary interest is to establish new friends and participate in activities that would be of interest to them.

Unfortunately, they moved here in the height of Covid, so there was nothing to do for the first 1.5 years here; now there are a lot of opportunities for everyone here. He got involved and started going to the center here, met Supervisor Culbertson, and he has been very impressed with what they are trying to accomplish. He thought possibly he could make a contribution. His background is varied, he started off as an officer in the Marine Corp as a young man. After that, he joined Arthur Anderson and Company in Chicago, which at that time was the number one public accounting firm in the country. He spent seven years there, and he believes that something he gained from working there was that he is rather analytical. He left there and went into corporate management with a national company, Ben Franklin Stores, who has one of the largest franchise operations in the country and is one of the oldest retail companies in the world. His last seven years with them he was their senior vice president. In his early forties, he decided to do something different and moved to Hilton Head Island to become involved in real estate. During his 27-28 years there, he opened up four or five different companies, handled marketing for a major plantation, and got involved in home improvement and small business companies. Through that he gained experience in the world of small business, while also selling real estate. From there, he moved to Aiken, SC and stepped back but continued to sell real estate and retired 2.5 years ago. The day he retired, he and his wife left and moved to Salt Lake City. He thinks he can help Supervisor Culbertson, and hopefully the center. He and Supervisor Culbertson have talked, he is not sure what the objectives are for the center, but he thinks there is a great resource there with senior people. There is a tendency to think of seniors as being retired, and that they have lost their ability, and he thinks seniors are looking for opportunities to be involved and develop their self-worth; he thinks the center has an opportunity to do that.

Mayor Ramsey thanked Mr. Busch for his willingness to serve, and for saying such nice things about the city after coming from Hilton Head Island, which is such a beautiful place.

Mr. Busch added that the park near the senior center is outstanding. He drove by about a month ago and saw so many children there, it was wonderful to see.

Mayor Ramsey noted that she is looking forward to the Veterans Day event at the senior center.

E.2. Economic Development *(By Director of City Commerce Brian Preece).*

Director Preece introduced Scott Verhaaren, one of the partners with the Boyer Company. He has been working with Mr. Verhaaren since he started here almost 18 years ago, and he believes they were working with the city even before that on the District. Mr. Verhaaren is on the commercial/retail side, and has taken over for his former partner Wade Williams, who retired during Covid. Director Preece gave a brief overview which included, as of this month, 1,869 active businesses in city, 1,324 of which are commercial and 481 are home occupation businesses. There are 28,088 employees working in the city, and that has been steadily going up over the last few years. He thinks that employee number is probably low, as those numbers come

from reporting on business license applications. Many businesses have a habit of lowering that number since business license fees used to be calculated by the number of employees. The city has been working really hard on the Daybreak Town Center, and if this can be pulled off with the school district and county working with us, that will be over \$5 billion in capital investment from Larry H. Miller Group, in addition to what the city would put into it. Retail is what everyone loves to talk about, because that is where sales tax comes from. There has been some talk as a result of our tax increase regarding just building more retail centers and getting more sales tax. We are getting some small retail, including a few strip malls on 11400 South, the EOS Fitness by Costco, and staff has been working hard with Tom Buckley from the Bentley/Lamborghini Dealership to try and find some land. Mr. Buckley seems very committed to staying here, there are just not a lot of places available.

Mayor Ramsey asked Director Preece to thank Mr. Buckley for attending the Gold Star Families Monument dedication. He was a huge contributor and attended the dedication, but she was unable to speak with him and wanted to.

Director Preece continued discussing the trend across the nation of warehousing, specifically office warehousing and the flex spaces. Out in the Daybreak Commerce Park, Freeport West is just completing two buildings over 100,000 square feet each that can be broken up into 15,000 square foot increments for businesses. He has been working with Taylor Thomas, who just took over from the in-house broker he was working with, and there are five other buildings out there. He noted that everyone would be amazed at what is going on out by Daybreak Commerce Park near the data center; there are five buildings that total about 100,000 square feet on the other side of the street from the commerce center. The Colmena Group, has built three flex space units over 200,000 square feet north of Smith's. Council Member Marlbor has moved back into the city, in the area off 1055 West where there are 13 buildings that have been approved, of which eight are under construction. The Jordan Credit Union building has been recently completed. Merit Medical completed their first building of many with the extension of the Economic Development Area (EDA) that they committed to build on their other properties over the next 15 years. We have unfortunately also had some losses, including having the owners of the buildings by the frontrunner station back off of a plan to build a 10 story office building there due to Covid and everyone deciding to work from home. We had been working with them to try and get more parking there, and the owners have given up their options on those properties. We worked on the Smith's and WinCo, but ended up not getting that. Most recently, he has been working for the last two years with Target to place a store in the Daybreak area. The people he was working with to get the Target were expecting the school district to sell them the property, which they then would have sold to Target. They very much expected the mayor and council to tell the school district they were to sell that land to them, and had some unrealistic expectations of the interlocal agreement; there just wasn't a location for them and they ended up opting to locate in Riverton. From the day The District started, they have been discussing the next phase for The District. Retail has a lifespan of about 20 years, then things have to be reinvented; he gave the University Mall and Cottonwood Mall as examples. The Cottonwood Mall example is what is happening to a lot of retail projects across the country. He and City Manager Gary Whatcott have been meeting with Mr. Verhaaren on some different things, and they thought it might be a good idea to let Mr. Verhaaren come in and speak with the council. They have done some studies in the

past, and The District has provided over 25% of the city's sales tax, so it is a very important part of our city.

Mayor Ramsey noted that is why she and the council, as a group, want The District to continue to thrive and be successful as a gathering spot for our community.

Mr. Verhaaren said The District is a very important asset for the Boyer Company. They partnered with Gardner Company and Arbor Commercial as well, and it is one of their highest value assets. It is important to them that the project does well. Retail is constantly changing, they think they've figured things out, and then they learn there is still more; Covid really made that obvious for them. They are starting a new retail project every 12-18 months, the last one they did was Phase 3 of the Saratoga Springs Project, which is just north of the Smith's Marketplace there. At the time that was done, they were told by their construction lender, Wells Fargo, that was the only retail project in the country they had dealt a loan for in a two year timeframe. There are new retail projects coming online, but not a lot overall in the country. Retail has changed immensely, as it used to be they had three deep in every category, for instance an Office Max, Office Depot, and a Staples. They are now down to about one tenant per category, and that's a little bit of an exaggeration. There just aren't as many mid-sized box tenants as there once were. They are seeing a big demand now for food, and he thinks everyone has seen that. Any food location that has a drive through is key. The tenants are shrinking their dining rooms, and getting a drive through or parking spots for pick-up if they can; this creates new challenges for all retail owners. The other big change being seen, which has been seen a little bit in their market with University Mall and Cottonwood Mall, are the retail projects changing. They are seeing developers taking projects like The District and malls, and reimagining those; putting in housing, hospitality, healthcare, entertainment, etc. Office has really dwindled off, the biggest portion of their portfolio is office and as Director Preece mentioned, the demand for office for the first time in their history has tailed off dramatically. That may come back, but they don't know. Having said all that, they are still very happy with The District. They had a deal for the Gordmann's space with Bed, Bath and Beyond with a lease negotiated and plans ready to be submitted. However, just before they were about to sign that lease, everyone heard the news from Bed, Bath and Beyond about closing their stores and he hopes they survive as they are in many of their shopping centers. They had another tenant they thought they would be able to make a deal with, but they found out yesterday that their use conflicts with another tenant already there. The smaller tenants there are generally doing fine. They have too much small tenant space generally, and they are looking for a solution to that. As they have talked with the tenants out there, they are telling him that their sales continue to increase. The Target was remodeled not too long ago, which is a great sign. He generally has tenants renewing as quickly as they can to stay there. When tenants come to Utah, there are several areas they want to see when they come into the market. In Layton it's the Antelope Drive area, West Bountiful, Fashion Place, The District, American Fork, and University Park in Orem. The District is on that list, so from a retail development standpoint that is a key factor. The project in Saratoga was probably one of the most difficult they've done, just from the standpoint that the retailers were becoming more difficult to work with and their demands becoming harder to meet due to their stockholders. The retailers are also worried about another pandemic. He said the two years of the pandemic were probably the worst two years of his life in retail development because all they did was negotiate

rent reductions during that time. However, they are coming back and he sees the retail market as being in pretty good shape right now; better than they ever expected it would be at this point. Council Member Marlor said that some of the flex spaces being discussed at 10,000-15,000 square feet are nice for a good-sized company, but he asked if there is room for a more modest sized grouping of flex space; he thinks those could be filled all day, every day.

Director Preece said that some of the buildings he mentioned in Commerce Park are cut down into smaller spaces, around 2000-5000 square feet. He is meeting with a representative from Freeport West next week and he'll ask about that. They are one of the leaders right now and they have owned that property for a long time. They bought it from Daybreak and they have really been concentrating on their properties by the airport, only now starting to focus on these spaces. Freeport West is a company that buys, builds and holds things; they do not turn things over.

Council Member Marlor said there is a lot of demand for startups and modest size companies that need an office around 1000 square feet and a warehouse. He would love to see that out in Daybreak because those companies are typically generating sales tax, bringing in employees, and probably getting ready to grow. The business park where his office is located is building those size units, and they are selling them as fast as possible. He thinks that is something to be aware of, that small business owners are looking for the smaller units and would be a great use for the secondary piece of property. The previous proposal they had seen for a development on about 11500 South, on the east side, wasn't a great place for incubator or flex space. Council Member Marlor would like to see that in more of an industrial/commercial setting, rather than right off Redwood Road.

Council Member McGuire said that his concern with The District, and all retail, is making the space into more of a destination where people want to spend the day. He is grateful the new development in Riverton doesn't live up to the Farmington Station standards that were originally advertised, because people love going to Farmington Station. There is shopping, you can sit next to their pond/fountain area, etc. He and his wife found themselves there and decided to go see a movie. They were there early, so they sat around and relaxed in the area. That type of thing doesn't happen as much at The District. The only thing downtown has going for them right now is the City Creek area, and we know that took a very large investment to make happen. It is all about creating these destinations and having a place that people want to go. One of his big concerns is that things are going to continue to develop in other areas and The District will be seen as less relevant.

Director Preece said there have been discussions with The Miller Group. They had wanted to re-do the fountain area, but Covid hit and stopped that. When he is speaking with brokers that fill these spaces, he is hearing that places like Farmington Station and City Creek are gathering places, but people don't spend a lot of money there. Some of the mid-size box stores have not been very happy with those projects because they aren't seeing those sales. Here at The District there is a different tenant mix, and he personally likes what we have here more than those other locations. They might have some of the flashier stores, but they paid dearly to get those big name stores.

Council Member McGuire asked if they are paying because the developer is offsetting the rent?

Director Preece responded yes. He also noted that CenterCal is a great company, but they have a different financing model, more like City Creek's model, where they don't need to make a quick return on investment. There are many other developers who would like to have their money source, but they are able to do more than others because they can afford to be patient.

Mr. Verhaaren said that CenterCal is a fantastic company, and they have looked at partnering with them on some things recently; they have nothing negative to say about them. Boyer's emphasis, driven mostly by lenders, is the mid-size boxes that may not be flashy but they pay rent and they produce sales. They love gathering places as well, they did The Gateway and understand how that works and the challenges that come with it. They like the stability they get from the less flashy tenants, but they would like to add some flash as well. They think they have the ability to add some flash if the opportunity arises. He agrees that it would be nice to have better gathering spots. As mentioned, they had a good plan right before Covid hit, and now we are just trying to get the world back so they can try and figure it out again.

Council Member McGuire appreciated the fact that they were already headed in that direction before Covid.

Mayor Ramsey said people are seeking experiences. There doesn't have to be a driving range to try the golf clubs, but people are looking for an experience when they go retail shopping and they want an Instagrammable place.

Director Preece said the fountain is pretty, but a huge expense and it doesn't really add anything.

Mr. Verhaaren said they have engaged an architect to start with their retail portfolio, and they are working with developers around the country. They come in and look at projects while asking how they can make things work better. Typically that includes reducing retail square footage, but the gathering area has been really fascinating. They recently reviewed a plan for a project in Atlanta, as well as Durham, NC, and they don't spend a lot of money to create something that creates the "wow" reaction. It's more focused on the small areas where people can come and sit down, and feel like they are somewhere. That is really just nice landscaping, benches, and maybe some neat lighting in the pavement. It's an ambiance thing, they spent a lot of money at The Gateway for a huge fountain and people went there for about a year. He mentioned the Irvine Spectrum, off the 405 in Southern California, where they have areas with nice landscaping, benches, and lights in the pavement. He thinks that's a better trend, and they are trying to do something like that.

Council Member Marlors asked in regards to the movie theater in The District, what's going on there. Covid was a disaster, and he wonders if as they come back, that will be a stable anchor and event area in the future.

Mr. Verhaaren said he thinks so, but a year ago he would have answered and said he doesn't know. There are several theaters in their portfolio, and the question is better answered by the

people operating it; they stay in close touch. They have seen a pretty good turnout since the Covid threat abated. He noted that the problem isn't the theater at night, the issue is there just haven't been any new products being released, and they don't expect much until Christmas. During Covid they were unable to produce movies, so it is more a lack of product right now, rather than a lack of unwillingness to come back out. This past summer the theater at The District released Top Gun, and it was off the charts good. That theater is way too big, probably one of the biggest in the country at 140,000 square feet, but they hope it comes back.

Manager Whatcott said that he was told the new theater at Riverton's commercial area took only about 5% of their business here, that's all they've seen. In most cases about 8-10 theaters are the most you want to have anymore, so 20 theaters is really large and the building here is very inefficient and inexpensive to operate. He thinks they are trying to figure out what they can and can't do with it, but he doesn't think they are going to stop having movies there. We might see a different configuration of the building, but the Miller Group said they think there is a place at The District for movies for a long time.

Mayor Ramsey said that most of their food places inside have been closed or reduced as well.

Director Preece said they were in the process of converting over to the luxury box seats when Covid hit, that's why there was a discussion on needing less parking, because they would have less seats.

Manager Whatcott said that if you go back 15 years or so in retail, retailers were contacting cities all the time and it seems like there is a different trend on how they are being located. The city used to be more engaged in the location and helping people locate businesses here, however they seem to self-locate themselves here now. He asked Mr. Verhaaren for his opinion on those thoughts, as things seem to be more broker based than it used to be; the partnership as a city doesn't seem to be as engaging as it used to be.

Mr. Verhaaren noted that his company has always enjoyed their working relationship with the City of South Jordan. They can always come in and talk, get feedback, and even if they don't like the feedback the city has always been straightforward with them. However, Manager Whatcott is right, things have really shifted. It used to be that the retailers employed massive real estate departments to go out and work with cities and developers. However, their real estate departments are almost non-existent now or reduced in size. They now rely very heavily on the broker market all across the country, and those brokers have to be very sophisticated in what they do with demographics, understanding traffic patterns, etc. He has been noticing that there is a huge flight to quality, and retailers are very careful about where they are going to locate now. Part of that gets back into online sales, and he has spoken with staff about the new trend of buying online and picking up in store. These stores can calculate, to the dollar, how much more money they make. If someone buys online and returns the product to the store, they can usually generate sales from that. They also used to be very careful about how close they located to other specific retailers as well because they were always scared about cannibalizing the past. However, they are now converting their stores into fulfillment centers along with still being a store. Trying to convince retailers to go into the Greenfield area is almost impossible, as they want to locate in

areas that are established and that they understand. That is why, in Boyer's mind, The District will forevermore be a location that retailers want to be in because the access is great and the proximity to a very good demographic is fantastic. Retail will change, but the location itself is not going to diminish unless they do something horribly wrong.

Manager Whatcott doesn't know what Boyer's expectations of Director Preece are, what his role is now with developers. They used to have retailers coming to Director Preece and the city, constantly asking for information about the city's demographics, income levels, etc., as they were looking to the city to provide all that information. At the same time, that gave the city an opportunity to engage in a sales pitch for city, tell them why they should locate here, and discuss incentive packages which are no longer an option.

Director Preece said it has been probably 20 years since retailers sought out the city because of the internet. All of that research can be done any time at home, and they can find out more about the city than anyone else. The incentives used to be the last thing they talked about because at that point they had already decided to locate here, but with recent legislation that is no longer a tool. He noted that the CenterCal project was the last project to be done with those types of incentives on a large scale, and that went back to the LDS Church as CenterCal didn't really do that. The church owned that property and torqued Riverton down hard on their density before they would even discuss having commercial. They then sold the commercial and the entitlements they received from their negotiations to CenterCal, and they were the beneficiaries of a lot of that.

Manager Whatcott said a lot of it is relationship building with groups like the Boyer's, so they can constantly talk about how to keep The District fresh, keep it alive. Are there new gathering spaces that can be added, what they can do to ensure it feels vibrant and stays active, and that the tenants don't want to leave. Also, relationship building with brokers, understanding the broker market and how it works. Director Preece spends a lot of his time doing just that, interacting with those people just like political relationships the mayor works on. When you have a center like the one in Riverton, where they don't have a traditional loan model like the Boyer Company and they are cutting deals on loss leaders that include flashy stores while filling in with full cost rents on smaller stores, we can't compete with that.

Mr. Verhaaren said that the role of cities has become harder, like it has with developers, maintaining the relationships but also being creative and trying to do things like working on partnerships with city and retailers on how to create inviting areas. Regardless of any research they are doing online, they will always need to have someone to talk to face to face, someone that can explain the city's culture, traffic patterns, etc.

Council Member McGuire asked if there are conventions that the city should be attending to make those personal connections.

Director Preece said he goes to the big retail convention in May, where he last sat down with Target. About 80% of the deals done that year were done in Vegas that weekend. For years he has been a board member of state ICSC, in fact it was Wade Williams that gave him that

opportunity, and he has been the city representative for the state organization. That has dropped off with Covid, but recently he was speaking with Rich Robbins about getting that conference going again and some of the options.

Council Member Zander asked if the Boyer Company goes to those conventions as well.

Mr. Verhaaren said that usually they do, last year was the first time he hadn't gone in 28 years.

Council Member Zander asked if when he walks into those events, does he see the economic directors, mayors, or city managers there. What is the typical representation of a city at one of those events.

Mr. Verhaaren said that in his opinion, the most effective person to have there is someone like Director Preece or Manager Whatcott. They have seen cities go down with entire city councils, and he doesn't think that was that effective, and that was about 20 years ago. Now it's much faster, they meet for about 10-15 minutes with the retailers and then have to move on. South Jordan has done a great job being present for years at ICSC, most cities do not use those resources.

Council Member Zander said there used to be an outdoor retailer convention downtown, and she asked if Utah has something similar to that. The economy in Utah is better than most states, the desire to live in Utah is higher with families coming from all over the country because our government is run better, our economics and safety are better. She would think there are people looking and wanting to come to Utah, and she wonders if there is an event Utah is going to start doing. She asked if the Boyer's have thought about ways to attract people here and show what we have.

Mr. Verhaaren said they don't really have to try and attract people, they are getting looks from retailers they never thought would come here. The change is that there aren't many of the really flashy retailers doing business anymore. They are primarily getting food operators that historically had turned their noses up at Utah, who said they wouldn't come here. The Fox Group, based out of Phoenix, does a lot of high-end restaurants and has been looking desperately to find spots along the Wasatch Front for about two years and can't find them. The challenge is that there just aren't a lot of retailers to choose from anymore. When they did the Gateway, he was on a plane every week for about two years, trying to convince people to move out here, and it was a stretch. They would fly people out, take them skiing and drive them all over downtown Salt Lake, and that just isn't how things are done anymore. They can call anyone, tell them they are from Utah, and people know about the area.

Director Preece said that because he is on the boards mentioned, he has put some of these conventions together. As many of the real estate departments have gone away, it has been harder to get the actual retailers to come. The brokers who represent them are all over it, and he does a lot of networking with them, but to get the actual retailers to even come to the big show in Vegas is very tough.

Council Member Zander said that the desired venue is food with a drive through, as through Covid they've realized they need that to stay afloat. However, she thinks we are in desperate need of food places where you can sit down. The lines at those types of restaurants here are hours and hours to get in. She is hearing from many of the Daybreak residents, and she would think the whole city feels the same, that they are desperately wanting a place to sit down and not drive through. She asked if that is something Mr. Verhaaren could work on.

Director Preece said there was a long time where nobody wanted to go to the sit down restaurants, they wanted the fast and casual food. However, he thinks things are coming back to the sit down style restaurant, and they do need to be prepared for that.

Mr. Verhaaren said the task is to convince the sit down restaurants that they need to start expanding again. He discussed Chili's, and how they are trying to open more restaurants but the construction costs are too high and they can't get enough staff. It takes more staff to operate a sit down restaurant, but Council Member Zander is right, things are starting to swing back that way.

Council Member Zander asked what happened to Applebee's at The District.

Mr. Verhaaren said they left and that was backfilled with Wallaby's, which is up and running. The restaurants at The District, as a general rule, do very well. They would love to have more sit down, and they are actively working on that but there just isn't a lot to choose from right now.

Council Member Zander asked if there is another location for eateries in The District, as building-wise there isn't a vacant eatery right now.

Mr. Verhaaren said they are restricted by the current tenants as to where they can put food operators, other retailers are concerned about the restaurants taking up too much parking for too long. They are looking at some spaces there, especially along the main street area, to try and add food; that is the next push with their brokers.

Mayor Ramsey noted that it has been a few years, but he did mention Shake Shack in the past.

Mr. Verhaaren said that he did discuss that, and they were very close to getting a deal with them. It had nothing to do with The District, it had everything to do with construction costs. They wanted a drive through, there was a location all figured out, and a deal was done. They had started lease negotiations, but they went to price it out and the cost was too much. They were looking at five locations in Utah and he doesn't believe they went forward with any of them.

Council Member Shelton asked if, as they re-envision retail in these locations, they see retail being a part of the mix at The District.

Mr. Verhaaren responded yes, they do see residential being a very important part of projects, making them true mixed-use projects. They are following trends and they are seeing that a lot around the country. Situations where 30%-40% of a shopping center is knocked down and converted into residential with possibly a hotel or entertainment in an effort to create these true

live-work areas. He doesn't know how that would work here, the last master plan presented was in 2010 and he doesn't know if that works in today's market, but he does see things moving in that direction.

Director Preece said that 20 years ago, right when this was getting started, they discussed at what point they should raise main street and rebuild it with residential over retail.

Mayor Ramsey can live with residential over retail, but she doesn't like removing 30%-40% of what's already there to add more housing. Housing above the retail is something you now see all over the country.

Mr. Verhaaren said that if you look at retail under residential in most locations, even in downtown Salt Lake where they require it along fourth south, most of that retail is not occupied and they put stuff in the windows to make it look like it's activated. They have done that in a couple locations, and they haven't done it very well; if they were to do it again, they would completely re-think it. They are seeing more and more often where sections of a shopping center are being taken and converted into residential/hotel/entertainment projects, and then funneling everything back into the retail and keeping the parking segregated. They are watching that trend to see how it develops and if it ends up making any sense.

Director Preece mentioned University Mall, which added over 1000 units in the area. They repurposed some areas that were really underutilized, over parked, and things like that.

Council Member McGuire asked if the retail under residential might not be working due to the construction costs and the rents associated with that. He was thinking of 25th Street in Ogden, where it's all older, but their retail areas are full and they have the residential on top. It seems to work in certain areas, but he wonders if it is just the construction costs making it more difficult now.

Mr. Verhaaren said it's that, but the other challenges with food in there are things like where to put grease traps, how to vent the space, keep smells out, etc. They have done it, had residents above the retail and their bathrooms flood the retail space below; there are all kinds of issues to deal with in these situations. Now, they are seeing that developers are being required to put retail under residential and they are building it as throw away space, so it goes on to perform as no yield and they have to make up for that with increased density. That's not to say it can't be done, but it is hard.

Director Preece said that about two years ago lending on a mixed project was really hard as well. You would go to the bank and the residential and commercial lenders did not work together, so getting loan that would work was extremely difficult for developers.

Mr. Verhaaren said things are getting better, but many times lenders will look at the project and say they know the difficulty of leasing out that retail space.

Council Member Marlor asked about infill, and what they are going to do with those spaces that we always wanted to see commercial in, yet no one wants to build strip malls there anymore. Very few want to do small box stores, and they don't really fit there because most of them want to go to places like The District, places where a lot of people are coming. He asked what the city's options are when it comes to those infill projects from a commercial standpoint.

Director Preece said those are tough, and we struggled for a while where we required mixed use on every five acres, and it just isn't enough. He is convinced that to do a really good mixed use you need at least 100, maybe 500 acres. In his opinion, he thinks they need to look at Redwood Road as a mixed use development. Think about where they are going to allow housing, commercial, etc., and look at it as a mixed use. If they start like they were doing many years ago when they had the village mixed use, it just didn't work here or anywhere in the country. They need to look at what is around those infill spaces, and figure out how they can get the other types of development in there to balance things out.

Council Member Marlor noted that those smaller infill areas are tough, especially since many don't have commercial around them.

Mr. Verhaaren said they have been hearing those same things from conferences right now, they refer to it as horizontal mixed use. They have to look at the whole area, not just specific blocks, and the mix of uses. Many cities do say that they wish they had the huge commercial areas like The District, across the street from The District where Sprouts is, and even up into Daybreak where they have large areas where tenants will want to come. They are finding that more and more retailers want to be in areas like The District, American Fork or along Antelope Drive because they know that's where the traffic is coming. They know that the cities and UDOT are going to pay attention and make sure the traffic functions well there, has good access, and they want to be where other retailers are.

Director Preece added that some retailers have co-tenancy agreements in their leases, saying if certain retailers aren't present, they can leave and that was seen with DSW.

Council Member Marlor said they have been debating amongst themselves, saying they want commercial and a sales tax oriented business, but there really isn't any demand for it. What do you put in those areas where it is, or previously was, planned to be a commercial zone but they can't get a retailer there. He also doesn't know that they want the strip malls either, because the retailers come and go, and pretty soon it is a blight.

Mr. Verhaaren said the other thing they hear from retailers a lot is the more rooftops the better. They love to see that, and they know they can go to an area where there are other retailers present with good access and good visibility. He spoke with a broker today, who had a retailer in town yesterday who had been by The District and said they loved South Jordan. They loved the way it was set up, the way traffic works, the flow and feel, the variety of housing. They called him today from St. George asking if they could get a spot in The District and he had to tell them he didn't have a space for them there.

Director Preece said we just don't have another 100 acres somewhere to build another District, and even if we did, it would be too close to The District. That was the issue with the Southtowne Mall, it has gone bankrupt four or five times and has always been too close to the Fashion Place Mall. Right now, they are trying to do a tenant mix that can't compete with Fashion Place and they are still struggling. He thanked Mr. Verhaaren for his time and for being here, as he needed to leave for another meeting.

Mr. Verhaaren thanked everyone for having him, and for the discussion.

E.3. PD Floating Zone *(By City Manager Gary Whatcott & Director of Planning Steven Schaefermeyer)*

Mayor Ramsey said this item keeps getting moved, but we are out of time right now. This will be moved to another meeting for discussion. She asked if they still needed the closed session to discuss the senior advisory committee appointee.

Attorney Loose noted, regarding the closed session, that if no motion is made to move to a closed session then they can assume everyone is comfortable and knows what they want to happen without the closed session.

Deputy City Manager Lewis asked if they want the appointee for the senior advisor committee on the agenda for the next City Council Meeting.

Mayor Ramsey responded yes.

Deputy City Manager Lewis said some of the appointees have asked not to have to come back twice.

Mayor Ramsey said that's okay, they are always welcome.

Attorney Loose noted that if the closed meeting were for something unrelated to the agenda that night, staff would ask the council to make a motion. Otherwise, they can assume these are to discuss a nomination when that was discussed earlier in the study session. If no one makes a motion to go into the closed meeting that means everyone is okay with moving forward.

Mayor Ramsey asked for a motion. There was no motion so she will assume the council supports this nomination tonight.

Council Member Marlор wanted to bring up an event on Saturday. He went to his office on Saturday and couldn't get to his office because there was a huge event at the Hindu Temple. There was actually a South Jordan officer there directing traffic away from parking at the temple, instead telling them to park somewhere else. The only other parking is the commercial area to the south and east/west of the temple. Every parking spot in that entire commercial area was taken over by their activity. All of the retail space, the commercial space that the tenants pay for, was completely taken over by that activity. He had an issue with them stopping vehicles from

going into their parking area, possibly because it was already full, and those people were parking clear over on 1055 West along that street and into the residential area; that hurts all of the commercial and restaurant businesses, as well as people like him who are paying for the space. He wanted to bring that up, not just as an individual business owner, but for the entire area and all of those businesses there who had no ability to get any of their clients in their parking spaces. There were not just dozens, but hundreds of cars looking for places to park. This was a huge event and something has to change, that was not acceptable.

Director Schaefermeyer noted they had been in a few months ago with a plan to expand their parking on to that vacant parcel. He will follow through and see if they have submitted an application, and pass on the concerns.

Council Member Marlor said they have already started building on the east side of that and expanded there, so if they could tie into that road now that would be a great place to access.

Director Schaefermeyer doesn't know if that would solve the issues during a big event.

Council Member Marlor said that if they are going to do this, then they need to block off the entire commercial space for those who use it, and then where would the event attendees park.

Council Member McGuire asked if it would be up to the commercial space owners to enforce the no parking in their lot.

Manager Whatcott said they would need to add signs and add towing information.

Council Member Marlor said there was literally a sign saying you couldn't go there and they were directing people right into all the commercial spaces.

Manager Whatcott was not sure why there was an officer there, and said he would speak with Chief Carr about that.

Council Member Marlor noted they don't want to thwart commercial businesses in our city. If this had been done by another church group at a large event the backlash would have been much bigger, so this shouldn't be happening at all.

Mayor Ramsey noted that since there was no motion to go into a closed session, she would accept a motion to adjourn.

ADJOURN CITY COUNCIL STUDY MEETING AND MOVE TO EXECUTIVE CLOSED SESSION

F. Executive Closed Session

F.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

ADJOURNMENT

Council Member McGuire motioned to adjourn the September 20, 2022 City Council Study Meeting. Council Member Shelton seconded the motion; vote was unanimous in favor. Council Member Harris was absent from the vote.

The September 20, 2022 City Council Study meeting adjourned at 6:24 p.m.

UNAPPROVED

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 20, 2022

Present: Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Jason McGuire, Council Member Brad Marlor, Council Member Don Shelton, City Manager Gary Whatcott, Deputy City Manager Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, Director of Commerce Brian Preece, Director of Administrative Services Melinda Seager, Police Chief Jeff Carr, Director of Public Works Jason Rasmussen, Deputy City Engineer Jeremy Nielson, Director of Planning Steven Schaefermeyer, Fire Chief Chris Dawson, Mulligan's Business Manager Jacob Druce, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun, Strategy and Budget Analyst Abigail Patonai, City Recorder Anna Crookston

Absent: Council Member Patrick Harris

Others: Tina Falk, Tayler Cook, iPhone, Raina, Sean McCarty, Jill Lash, Robin Barnhill, Tami Pyfer, Monty Croft, Najili Ramirez Barrett, Barret Peterson, Scott Howell, Jeff Seaman, Mylee Wong

6:46 P.M.
REGULAR MEETING

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

Mayor Dawn Ramsey welcomed everyone and introduced the electronic meeting. She excused Council Member Harris, who was unable to attend.

B. Invocation – By Council Member Jason McGuire

Council Member McGuire offered the invocation.

C. Pledge of Allegiance – By Director of City Commerce Brian Preece

Director Preece led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. September 6, 2022 City Council Study Meeting Minutes

D.2. September 6, 2022 City Council Meeting Minutes

Council Member Marlor motioned to approve the September 6, 2022 City Council Study Meeting minutes and the September 6, 2022 City Council Meeting minutes as printed. Council Member Shelton seconded the motion; vote was unanimous in favor. Council Member Harris was absent from the vote.

E. Mayor and Council Reports

Council Member Jason McGuire had an Arts Council meeting where the community mural was approved, and that will be installed on the 24th at 10600 South and the Jordan River. The muralist will just be doing the outlines, and the community will be able to come and help complete the mural. He was able to have a youth group come and tour city hall. He attended an LPC meeting and he noted that we really need to pay attention to what's going on with the moderate income housing and the direction that might be headed.

Council Member Brad Marlor said there were no Architectural Review Committee meetings held in the past few weeks. On September 7 he attended the Gold Star Monument dedication, and it was unbelievable how many people attended. It was carried out wonderfully and everyone who participated were respectful to those families who have lost a loved one. It was a couple hours long, and he was glad he attended and enjoyed the entire event. On September 9 he went on a tour of some property with a developer on the west end of South Jordan. There may be some opportunities for development there and that was quite enlightening. He also shared that he was able to get his Covid booster shot here in the city yesterday and was grateful for that.

Council Member Don Shelton also attended the Gold Star Memorial dedication. He was really grateful for the great job the mayor did, as well as staff and all those who helped support the memorial. He attended LPC with Council Member McGuire and City Attorney Ryan Loose. He visited at Mulligan's with Deputy City Manager Dustin Lewis and Director of Recreation Janell Payne, as well as Mulligan's Business Manager Jacob Druce. There will be a council report in the winter regarding plans there. He had a chance to walk the Bingham Creek Trail with Deputy City Manager Dustin Lewis and Associate Director of Parks Colby Hill, looking for opportunities to try and reduce motorized traffic on the trail; this includes motorcycles, ATVs and four-wheelers. They are working on plans for additions to the trail and education in the area since it's the local residents using the trail inappropriately. He golfed for the city at the South Valley Chamber golf event. He was glad our Director of Commerce Brian Preece, CFO Sunil Naidu and Mulligan's Business Manager Jacob Druce could be there to help scores. He had fun with members of the council and senior staff at a barbeque hosted at his home. Yesterday he attended the Western Growth Coalition and got an update from the WFRC on the regional transportation plan that is coming out shortly. One take away from that meeting was that it's not too far down the road that we will be expanding lanes on 11400 South and South Jordan Parkway. He feels the city should be aware of that as they consider projects along those roads.

Council Member Tamara Zander also attended the Gold Star Monument dedication, it was wonderful. It is always nice to pause and recognize those who served in the military and all that has been done for all of us. She also appreciated the respectful and reverent atmosphere for those families who have lost a loved one. On September 12 she attended a meeting for the South

Valley Mosquito Abatement District, and it was reported there was a positive West Nile case here in our county; specifically that person is a resident of South Jordan City. She listened carefully and had follow-up conversations with the board and directors. They were unable to share much personal information, but it was a positive case and she doesn't have any details about the condition of that resident. She shared that our county test ponds for larvae. We had our first positive test in August, and another positive test a few weeks later. A mosquito doesn't have the West Nile virus, they get it from a bird when they bite them and then pass it to the human they bite. When you have a pool that is stagnant with larvae from mosquitos, and that pool has access to birds, that might be a good opportunity for West Nile virus. Typically we go months, even years, without any positive human cases but we did have one this year. When a positive test comes back, the South Valley Mosquito Abatement District goes out and does fogging in that area. On September 18 and August 21 they went and fogged in various areas of South Jordan; she can share the exact areas with anyone who would like that information after the meeting. When it is windy they stop the fogging, and sometimes South Jordan is hard because there are so many active people on trails that they have to stop fogging and wait when someone walks by. All the catch basins in South Jordan have been treated twice, and if they find any larvae it gets treated again. Things are under control and we wish well the person with the West Nile Virus. On September 13 she was invited to go speak with an entrepreneurial class at Alta High School. The teacher is a real estate client of hers, and knew she sat on the city council and ran her own business. Council Member Zander had a delightful time speaking with them, and she even put in a plug for city government. She has been invited to go back and speak to other groups at the school and she appreciates that opportunity. On September 14th she was invited by a developer of Olympia Hills and other properties on the west side to go on a drive and get the lay of the land out there; it was very informative and she appreciated that opportunity. September 17 was a wonderful barbeque at Council Member Shelton's home. He and his wife are wonderful hosts, and it was a privilege to be at their home.

Mayor Ramsey said that in addition to everything mentioned previously, she had the opportunity to go up to Davis County with some of our city staff and council members and view the 9/11 memorial that was presented by the Major Brent Taylor Foundation in Weber County last year for its first year. The event was so popular they replicated it and held it in Davis County this year. We look forward to hosting the same even in South Jordan next year and the initial meeting is being scheduled right now to work everything out. Once they get all those details worked out, the city will be reaching out to the school district, business and opportunities everywhere to make sure that everyone is aware of what is happening. They will also be reaching out to other communities in Salt Lake County to get everyone on board and supportive of this event. Our Gold Star Memorial event was a highlight for her and a privilege to be there with those gold star families. She also appreciated the veterans who came, and all others who came to support this monument. After that event she has had multiple other cities reach out to her with questions and interest in their own Gold Star Families Monument. She was also able to attend Sandy City's dedication as a guest on Saturday and she appreciated that opportunity, they did a great job. She discussed the Salt Lake Valley Hospitals Board for Intermountain Healthcare where she serves as a member of the board. As the only elected official on that board there is quite a bit that can be

related back to our city, as well as appreciated from the grant that Intermountain gave to the League of Cities and Towns, and Wasatch Front Regional Council this year in the amount of \$500,000 each. Zion's Bank is also pitching in to work on projects for planning wellness in communities, working on what communities can do as part of their planning for active transportation, trails, and other things being worked on. She was able to attend the South Valley Chamber golf tournament, and thanked our team who was there representing the city as well as Executive Assistant to the City Manager, Melanie Edwards and City of Commerce Executive Assistant Ambra Holland who represented our city so well at the event. These are a great opportunity to meet with many business leaders and people with businesses in our city, as well as to participate in the chamber. It is always a treat to host that in South Jordan. The chamber is now large enough they have to have their golf tournament as three separate tournaments with one in Sandy, one in Draper, and one in South Jordan. Draper City had their international arts and crafts festival that she was able to attend, which is the result of their putting together a committee on ethnic diversity. The event was fantastic and popular, and it's brand new because the committee just started it with a small budget from the city. There was a very full League of Cities and Towns Board Meeting yesterday, and she thanked those who were able to attend LPC since she couldn't be there and there is a lot going on. She had the chance to be part of a podcast up in Kaysville this morning talking about our city. She had a very quick but productive trip back to Washington, DC and appreciated the chance to meet with all of our congressional delegation with one exception due to time constraints. There were some great conversations and discussions with a great deal of support for the projects being done here in South Jordan. In fact, Congressman Burgess Owens is coming to see our water projects and as a result of that trip Senator Romney will be coming to take a look at our re-use pilot project. She received commitments from all of them to do what they can to try and be supportive of helping us receive funding to continue to grow that project and make it what they believe it can be. She spent the first two days there with nine chambers of commerce from around the state, including our own South Valley Chamber. They met with the commerce department and their undersecretary, and some different federal leaders, to get their perspective. It was a good opportunity to represent the city and to work on some of those interests, she thinks it went well.

F. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Robin Barnhill (Resident) – I appreciate your comments about loving this city, I do to, I love this city so much. My name is Robin Barnhill and I am running for Jordan School Board and I literally just came in tonight to introduce myself and tell you guys a little bit about me. I am a lot like you, I want to serve the city, and I want to make sure that it is a place where everybody feels welcome and where our kids can get the best education possible. A little while ago I started to see some things happening with the school that I thought were problematic, so I went to the board and voiced my concerns and I didn't feel like there was a really effective way for me to be heard. So, I got together with a group of moms, we specifically were having a problem with some of the library materials that we were finding in some of our schools and it is genuinely horrifying, if you're wondering. The board just didn't have a good way, even they kept saying

“there isn’t a good way for us to address your concerns” and we felt that was unacceptable. I went to my very, very intelligent and well-read friends and said “one of you has to run for school board,” and they said that’s the scariest thing a person could ever do, not me, not it. It ended up being me, and thanks to them I am also very well informed and very excited for this chance to run for school board. When I leave office I hope to have left a legacy of building bridges between teachers, administrators and parents as well.

Tami Pyfer (Resident) – I have been here to speak with you before, I am representing Jordan School District. I do some community engagement outreach for them and I just wanted to tell you thank you for what you’re doing. As evidenced tonight, even by the plans you are making to engage the school children a year ahead of time, I know that’s always at the front of your mind. We appreciate the relationship we have with you as council members, Mayor Ramsey, and even your staff who works closely with members of our staff, especially when we are looking at growth, building issues, etc. I just came to say thank you, and the added bonus is that I live in South Jordan. I have told you this before, I have served on a city council before, I know what goes into the work that you do and that your city staff does. We have been here six years now and couldn’t be happier with the services we get here in South Jordan. I think I mentioned this before, that we said we’d never live in Salt Lake, we’d never live outside of Logan as there’s too much traffic, it’s too big, and there is no responsiveness. However, we love our neighborhood, we love South Jordan. We love all the services we get. We live by Jordan River Trail and it is kept beautifully. I have a pretty high bar when it comes to city services, so I wanted to personally thank you, especially my representative Council Member Zander, for all that is being done and I appreciate it so much. If there is anything I can ever do for you in connecting with anything happening in the school district, I am at your beck and call.

Monty Croft (Resident) – I am here to address an issue that I have with my property. (He presented pictures to the council as Attachment A). I have been living in South Jordan for 12 years. Twelve years ago we bought this property and it had this retention pond in the back of the property. I was told they were going to fill this property and when I was told that I thought okay, we can proceed. I have talked to many individuals about filling in this retention pond, and you have been copied on a couple emails that I have sent out. City Engineer, Brad Klavano has talked with me, I have a person that is working with me that has talked with Engineer Klavano, and he has said that they are going to fill it in, they just don’t know when, You guys have money allocated to do so and we need to use that money before it goes away. I have been told many different stories and I just wanted to come to the council and let you know that there is a way that we can fill this in and I would be apt to work with anybody as I am retired. I would be glad to hear what the council has to say and how we can fill this retention pond in. I had somebody that called Engineer Klavano and he indicated the same thing. I have taken notes over the 12 years, I have all these emails and people I have talked to, but I am running into a brick wall. I want you to know that I enjoy living in South Jordan, my wife and I are very happy here, but I have some property that I can’t utilize, that I am paying taxes on, and I don’t think that’s fair.

Mayor Ramsey responded that they will have a conversation and will ask staff to give the council an update on where this is at, as well as some of the history. Somebody will be in touch with him regarding the options. This is not something that they, as the elected body, know all of the answers to and they need to defer to staff to get a little bit more information.

City Attorney Ryan Loose said this is a project we have been working on for a while, and frankly we thought we had a deal with the adjacent property owners to put the storm drain through, that would then negate the necessity for the current basin. However, that deal fell through after the property owners showed an unwillingness to deal in good faith. Therefore, we have to look at what options are available if we don't go through their property. Short of taking their property for this, there are few and limited options. Ultimately, if they do not want to sell their property, unless the council is willing to take their property, the temporary storm drain basin stays there. We spent a lot of time, effort and money last year trying to acquire that land, around \$60,000, and they would not make a deal; that is money the city will never get back, and they still refuse to make a deal. This is west of 2700 West, adjacent to the Wheadon property, by where the tank is that was acquired several years ago on their property. The storm drain easement we were seeking last year was from the Wheadons, and we spent \$60,000 or so attempting to negotiate with them, only to have those negotiations be a fruitless effort as they were done in bad faith.

Mr. Croft said Derek Anderson, the person that you are talking about, said that is was South Jordan that backed out. I don't know, and I'm not here to point fingers.

Attorney Loose said we have the records showing the whole story regarding those negotiations, and they can be requested via a simple GRAMA request. Those records show it's very clear what happened during that deal and who decided to back out and why.

Mr. Croft said he would like to get those records if I may to see.

Mayor Ramsey said he just needs to fill out a GRAMA request and that can be done through the City Recorder's office.

Sam Bishop (Resident) – one of the few positive side effects of the Covid pandemic was a huge spike in the number of people riding bicycles. In some places like the west end of South Jordan the number is still high, in other places it has tapered off but that is to be expected because the old problems of safety and access have not gone away. Either way, the idea that perhaps we shouldn't build our cities to be so auto-centric has been planted or now it seems that advocacy groups are sprouting up to try and make our built environment more conducive to cycling. That is indeed my story. I, along with a few other citizens of South Jordan, West Jordan and Herriman have recently banded together to start a group called Bike Walk Southwest Valley. Why are we so focused on biking and walking? Our interests are certainly much broader than that. I will partially answer that question with an observation regarding this group and the planning commission. It seems that a good number of challenges you deal with are rooted in automobiles, streets that are loud, unsafe and congested. Everyone knows there is a housing shortage, but no one wants it built near them. Everyone wants easy access to commercial centers, but doesn't want them nearby. There are also the knock on effects such as the budgetary challenges that all this creates. Automobiles provide a service to the city for sure, but if this were a contracted service and we had a service provider that so thoroughly dominated the city's time and money, both collectively and individually, I expect that we would be working hard to reduce our dependence on them. I have more that I could say, but I don't have much time left so let me just touch on two things before I close. First, when you build a city centered around the automobile,

then space is always at a premium. It encourages sprawl of course as I eluded to earlier, but it also requires far more surface area than any other mode of transportation. I want you to consider for a moment how many parking spots we have in South Jordan, both on street and off street, per automobile. A pedestrian on the other hand doesn't need a parking spot, but as our need for parking grows and our streets get wider and more congested, our city becomes less of a place to be and more of a place to get through, a non-place. Costs rise while our sense of community drops. I think we have all seen communities that have grown that way, many in fact. I would like a different outcome for South Jordan. The other thing I wanted to say is that yes, this can be done. It is true we have snow, hills, altitude and accumulated car centric infrastructure, but what I am talking about is our long-term trajectory and a change in percentages. I look forward to working with you all, and I think you are doing a fantastic job.

Mayor Ramsey noted that development patterns have to continue to evolve and change in order to have a live-work-play scenario, being able to walk and bike to work and the store. That is not the way things used to be developed, but it is the way that we are working, especially in the west side of the city because there is a lot of opportunity there still, and that is the pattern developing across the state. That is something we are very aware of here in South Jordan and trying to create these centers with multi-use development where people can live-work-play and use bikes and walking trails. She mentioned the WFRC's active transportation plan, and encouraged him to look it up as that is a plan developed by all the communities in the seven counties of the WFRC region, it has both short and long-term projects on there. We also have our own maps, plans and projects we are working on so she appreciates him being engaged in that. She thinks he is absolutely right, especially during Covid we saw such an uptick in people's desire for outdoor trails and paths, and it has not died down as much as people might have imagined it would have. People are using their cars more, but they still want that more than ever and we are definitely focusing on that.

Najili Ramirez Barrett (Resident) – I am here because I applied for a business license and it was denied. I own two houses in South Jordan, one is really close to the other, at the end of the street about five houses down. I recently moved to this new house and I have been renting my other house. I bought my first house in South Jordan about 10 years ago, I have enjoyed living here. We left but recently came back and really wanted to come back and live here in South Jordan. The reason this business license was denied by the city was because my business license is for my second property that I have been renting for the last month. It has been really hard to deal with renters for us, and as a stay at home mom I have always stayed with my kids but I would like to start a new business and seeing this new vacant property I would like to open a daycare business. The state has new regulations where they offer this daycare business license, but if the city denies because the resident doesn't live on the premise, the state wouldn't allow it. I just wanted to have a second chance. I talked to someone here and she didn't know about this new regulation, but she also found out that it is correct, that I could be licensed in the state but the city doesn't approve it and I just wanted to have another consideration. One house is really close to the other, so I don't see the big difference. My husband works from home, I have a big crazy dog, and my family needs their space in the home. Recently, I had a teacher reach out to me, saying she has asked 17 people to watch her newborn baby and it was really hard, the need is there. I am originally from Mexico, we have lived here for the last 17 years and I have always

tried to abide by the rules and that is why I am here, trying to find a way to utilize my second home as a home daycare business.

Mayor Ramsey responded that is something they will have to get more information about. Director Preece said the ordinance would have to be changed, as this would be a commercial business in a residential zone. We have been through those ordinances several times, but we have always required someone to live there in a residential zone to operate the business. If that is something the council would like to see changed, that can be discussed, but that is the current ordinance.

Mayor Ramsey would like to have a discussion to see if there is a way they can figure this out, as her request makes sense.

Director Preece added that those restrictions are in place to protect the neighbors and the neighborhood.

Mayor Ramsey understands that and said that staff will discuss this and take a look at what options exist. They will be in touch with her.

Mayor Ramsey closed the public comments portion of the meeting.

G. Harvest Pointe West Land Use Items

G.1. Presentation on Resolution R2022-03, Resolution R2022-04, and Zoning Ordinance 20221-01-Z, all related to Harvest Pointe West proposed development
(By Director of Planning Steven Schaefermeyer).

Director of Planning Steven Schaefermeyer reviewed background information from the Staff Report. The final posted agenda is the development agreement currently being proposed. He reviewed some specific portions of the development agreement, as they address some of the comments that have been heard from the council, staff and residents in the area. Under the Developer's Obligation section, the density is 20 units. Setbacks are shown on the concept plan as 25 feet from the existing residential. There are provisions for the flashing crosswalk, as well as no parking signs and/or painting on the curb in front of the townhomes along Harvest Pointe Drive. Some of that already exists and it will be maintained and enhanced if necessary to ensure no cars are parking in front of those additional units. The developer will also construct seven additional parking stalls near the crosswalk, behind the existing Mountain Mike's. There are cars parking there in spots that are not currently parking spots, so that area will be enhanced with those seven additional spaces. It also indicates that the developer will complete those things before we go beyond 75% of occupancy for the townhomes. There are many provisions about architecture as the city is no longer allowed to regulate many things for single-family development, but it is different for multi-family developments and those have been included here. Each unit will have a two-car garage, with a minimum size of 22 feet by 22 feet and driveways that are at least 20 feet long; the concept plan roughly shows the driveways exceeding that minimum length. There is a requirement for privacy windows or clear story windows on the

units abutting the existing residential on the south. Included in section E.6 under Landscaping, subsection B, there must be a landscape buffer with thoughtful placement of trees in between the townhomes and subdivision. They are also required to have parking enforcement, and there are provisions regarding the subdivision streets as well as a waterline main that goes through the property, making sure that is protected and that the developer has access to the waterline to develop. Regarding parking, the garages and driveways equal four parking stalls per unit. The base requirement in our code is that three bedroom units are required to have 2.5 parking spaces, which makes the base requirement a total of 50 parking spaces; they are providing 80 spaces. Our residential multifamily ordinance, that used to regulate a lot of this, required one guest parking stall for every four units. The developer, after meeting with the council earlier in the month, added 10 parallel parking stalls in the heart of the townhome area. The requirement under the residential multifamily ordinance was that those should be accessible and clearly marked, and these are as central as you can get in this project. Under the old requirements, they would have been required to provide five guest parking stalls, and with these parallel parking stalls they are providing 10 guest parking stalls, in addition to the seven mentioned behind Mountain Mike's Pizza. At some point there is only so much he can require from a developer, and that's based on many factors including what the market will support. If there is going to be residential located in this area, staff supports this design being presented tonight as finalized in the development agreement.

Council Member McGuire asked to clarify that the parking spots shown on the west side of Harvest Pointe Drive, where the park is, are not part of this plan.

Director Schaefermeyer thanked Council Member McGuire for bring that up. They are shown on the concept plan, but based on the development agreement he thinks it is clear that the developer is not required to put those in. However, if before finalizing this agreement there needs to be a revision to the concept plan to make that more clear, that can certainly be done.

Jeff Seaman (Applicant) thanked everyone on behalf of Peterson Development. They appreciate working together on this. He thinks they have come to a good compromise on this project and that it is a beneficial project that is needed in this area.

G.2. Resolution R2022-04 Public Hearing.

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

G.3. Zoning Ordinance 2022-01-Z Public Hearing.

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

Mayor Ramsey noted she wasn't comfortable with the order of the vote as listed on the agenda, and asked staff if it was possible to vote on Items G.5. and G.6. before going back to vote on Item G.4.

City Attorney Loose said they can vote on G.5. first, but they do not want to grant the zone prior to granting the agreement, which binds the zone. He just asked that the last item they vote on is G.6.

Mayor Ramsey said that makes sense to her.

City Attorney Loose said the council can now have deliberation on all of the items at this point, and then vote when a motion is made.

Director Schaefermeyer added that the recitals of the development agreement explain this process to a degree, making the approval of the zone contingent on the approval of the development agreement.

Mayor Ramsey said they will have their discussion as a council, and then she intends to ask if there is a motion on G.5., then G.4., and then G.6.

Council Member Marlors agrees with the voting order proposed by the mayor.

Council Member McGuire thanked Peterson Development, and he appreciates them coming back. The biggest concern he heard from residents after the last study meeting was the parking issue, and he is grateful the additional parallel parking was added as that helped solve some of those issues. As demonstrated by Director Schaefermeyer, Peterson Development has already gone beyond the requirements for the parking as well.

Council Member Zander referenced the development agreement, page 115 of the packet and Section 6B, speaking to Peterson Development and noting that it says they will do “thoughtful placement of the landscaping.” She noted that their thoughtful placement could be bare bones or robust, and she would ask again that they are generous with their trees and landscaping. She knows we are in a drought, but water wise is not attractive on the front of a house; especially when you are going along this parkway with the beautiful park, she would like to see green there. It doesn’t have to be on the driveways, but as she stated previously, she would ask them to please be thoughtful with trees, bushes and greenery. The city is not requiring a specific number, but they are trusting Peterson Development will be generous and thoughtful. She agrees with Council Member McGuire’s comments, this was a better outcome than she was hoping for and she is very appreciative. She also wanted to give huge accolades for the garages and driveways that are big enough. She will personally remember these dimensions and mention them to future developers, because we need to continue to improve the quality of our developments in our city, and she is very proud that during her time on the council they have done that. It hasn’t happened every time, and it hasn’t been perfect, but our city is making strides to ensure we don’t have these terrible developments where residents come back upset with the city, but it was the developer’s fault for not doing things right. She is personally going to hold future developments to this standard because they did such a great job of giving us what our residents need which is safety and parking.

Council Member Shelton thanked Peterson Development for staying engaged with the process, and when we tabled it in May he is grateful they didn’t give up. He is also grateful to Council

Member McGuire for being so engaged this whole time, and he noted what a great suggestion the parking in the middle of the development was.

G.4. Resolution R2022-03, Authorizing the Mayor to sign a Development Agreement pertaining to the development of property located at 3773 W. South Jordan Parkway in the City of South Jordan; applicant Peterson Development. RCV

Council Member McGuire asked to make a motion with an amendment to the development agreement, adding to Section 4 of the development agreement that pertains to Traffic and Parking Improvements. He asked to add an Item D that clarifies the 10 parallel parking spaces are to be included.

Council Member McGuire motioned to amend and approve Resolution R2022-04, Authorizing the Mayor to sign a Development Agreement, with the amendment that it include the 10 parallel parking spaces inside the development. Council Member Marlor seconded the motion.

The council discussed and clarified that the 10 parking spaces were the parallel ones shown on the concept map inside the development.

Director Schaefermeyer asked to make a clarification regarding the trees in the development agreement. Although the development agreement does not mention trees specifically, they are shown on the concept plan and the agreement does reference our residential landscape requirements, which are based on the square feet of landscape area for this type of development. That means there is a minimum requirement there and it is understood that the council would like the developer to go beyond that and to be careful with what they do.

Roll Call vote was 4-0, unanimous in favor. Council Member Harris was absent from the vote.

G.5. Resolution R2022-04, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from the Economic (EC) to the Mixed Use (MU) designation on property located at 3773 W. South Jordan Parkway in the City of South Jordan; applicant Peterson Development. RCV

Council Member McGuire motioned to approve Resolution R2022-04, Authorizing the Mayor to sign a Development Agreement. Council Member Zander seconded the motion. Roll Call vote was 4-0, unanimous in favor. Council Member Harris was absent from the vote.

G.6. Zoning Ordinance 2022-01-Z, Rezoning property located at 3773 W. South Jordan Parkway from Commercial Community (C-C) Zone to Multiple Family Residential Planned Development (R-M-PD) Zone; applicant Peterson Development. RCV

Council Member Zander motioned to approve Zoning Ordinance 2022-01-Z, Rezoning of property. Council Member Shelton seconded the motion. Roll Call vote was 4-0, unanimous in favor. Council Member Harris was absent from the vote.

Mayor Ramsey thanked Peterson Development and echoed what has been said, she is very pleased with how this turned out and the things they were willing to change. She thinks Peterson Development listened to the community, and took into account what is needed and fair.

H. Public Hearing Items

H.1. Resolution R2022-34, Approve the submittal of the South Jordan City Annual Moderate Income Housing Report (*By Long Range Planning Analyst, David Mann*). RCV

Long Range Planning Analyst David Mann reviewed background information from the Staff Report.

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

Council Member McGuire thanked Planner Mann for including the screenshots of the online form submission.

Director Schaefermeyer said this is becoming a yearly activity for the city. This year, trying to catch up with all the changes was much better than previous years due to conversations with his current state contact.

Council Member Shelton said that he seemed to remember last year's data being completely erroneous, and asked if that was correct.

Director Schaefermeyer responded yes, that is correct. Staff is working back towards that to be data driven, but they aren't quite there yet. In contrast, last year there was no recognition that the data was wrong, and the state just wanted cities to check a box. Staff will be watching the additional changes that are for sure coming this year, and if there are questions as to why staff can't get other long range planning done, this is something we can point to.

City Attorney Loose noted that this has been mentioned as being a big deal with the legislature. This is becoming the way for many cities to defend themselves when they are accused of not doing enough for affordable housing. Many of the legislators and those making these policies have never been through the different areas that are developing and growing, they don't see or understand what is going on. To that point, he and the mayor were in a meeting with an executive from a utility company out in Daybreak, and the rep was surprised that there were homes there, let alone thousands of homes; he also had no idea that Mountain View even connected. He was going to his home in Park City from that meeting and staff suggested he might want to take Mountain View as it would be much quicker than trying to go east/west. Many of those making these policy decisions don't see what's going on and their impression of

the population still in South Jordan and neighboring communities is horse properties and farmlands. These plans really are vital for us to be able to tell our story accurately because we will never get many of the legislators to drive 45-50 minutes to see what is really going on.

Council Member Shelton said that it seems like the amount of transportation funding we receive is tied to us doing a certain number of the options from their list. He wonders if we are implementing enough of those options that we are getting the maximum transportation funding, based on these rules.

City Attorney Loose said the report is due October 1, and there are other reports with varying timelines like the station area plans. All of these go into telling our story that answers the question. Right now, our noncompliance with this would render us ineligible for TIF monies. If we had a project we were seeking TIF monies for, and we didn't have this plan and other HB 462 requirements in place, they would just tell us no. The development communities and others are pushing to tie our compliance to this new law with these road funds and other eligibility for monies. They haven't said it directly, but this would include authorization for bonds and other eligibilities being tied to what the state perceives as more density. Just from what he remembers from his recent meetings, there are thousands, if not 10,000 entitled units between the southwest part of Salt Lake County and the northwest part of Utah County that aren't being built because they just can't be built fast enough. The story being told is that the holdup is the cities, who aren't building the units fast enough. However, the reality is that there is no way to keep up with the demand. We have 5000-10,000 entitled units in South Jordan waiting to be built, and part of the story includes how fast the builders can get those units built.

Council Member Shelton asked if we are complying with whatever the current target is so we get the maximum funding available.

City Attorney Loose responded that yes, in addition to the moderate income housing plan here, we only have to be compliant in three of the areas, and we are meeting five of the area.

Planner Mann confirmed yes, we are meeting those requirements. However, he believes that there is additional priority stated if you selected even more, but not he doesn't believe those options were realistic.

Mayor Ramsey noted as a league, they are pushing back hard against proposals to consider tying all of this to B&C road funding because that is city money, not state money to be withheld from cities. The goal is to be able to measure this across cities in the state. We are a large city with sophisticated staff, and a longevity of process that is successful. We collect data, and we are data driven. However, not all communities are as fortunate, to even have the ability to do that. So far the goal of HB 462 is to make these decisions data driven, and that's something that she helped push this year, because all the anecdotal evidence and stories that are turning into legislation really need the data to prove there are some false narratives driving those policy decisions.

Council Member McGuire motioned to approve Resolution R2022-34, Approving the submittal of the South Jordan City Annual Moderate Income Housing Report. Council Member Zander seconded the motion. Roll Call vote was 4-0, unanimous in favor. Council Member Harris was absent from the vote.

H.2. Resolution R2022-38, Amending the South Jordan Moderate Income Housing Plan as part of the South Jordan General Plan (*By Long Range Planning Analyst David Mann*).

Planner Mann reviewed background information from the staff report in regards to this amendment. They are basically changing the plan from a more future focused view to creating laws and ordinances to fulfill the goals and strategies. There is also the addition of the station area plan. We are not required yet to create that until 2025, and that can change by either a qualifying land use element that is nearby a station, or if there is a creation of a new station it moves that deadline up. As of right now we still have some time to meet that requirement.

Mayor Ramsey said HB 462 is the new bible of what the expectation is, and it will only be added to in the next legislative session. There is a lot riding on compliance, and her heart goes out to cities struggling with that compliance. The League is working on ways to help those communities, including working to proposed legislation that would appropriate funding to create some roving city manager positions, so people with that expertise in doing this can go and help. In the seven county area, there are 45 municipalities without a city administrator. Most have a town clerk as their only staff, with the council and mayor trying to fill the other roles while working with and depending on the county.

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

Council Member Shelton motioned to approve Resolution R2022-38, Amending the South Jordan Moderate Income Housing Plan as stated. Council Member Marlbor seconded the motion. Roll Call vote 4-0, unanimous in favor. Council Member Harris was absent from the vote

I. Staff Reports and Calendaring Items

Mayor Ramsey and City Manager Whatcott shared some comments about their recent trip to Washington, D.C. She asked everyone to mark Monday, November 7 on their calendar, as that is the Wasatch Choice Transportation workshop. It was hosted here in 2018, when WFRC and colleagues from surrounding municipalities came and laid out all the maps while everyone uses a Sharpie to mark specific priorities for their long range planning. This will be in West Jordan this year from 4:00 p.m. - 6:00 p.m. at the West Jordan Public Works Building. The Wasatch Choice Vision that's updated every 4 years is the opportunity for staff and elected officials to go and give direct input. She serves as Chair of the Regional Growth Committee at WFRC who oversees this project for the entire region, and she really hopes our team is there. She wants to make sure that as we are doing our long range planning, we ensure that our areas are adequately represented. We have grown faster than the original plans, which are updated every four years, and there are some projects that are listed 30 years out that simply cannot be. We know that better than anyone else in the region, so this is a chance for everyone in their different roles to weigh in. She noted that they also need to highlight the need for an extension to the Red Line, so that it doesn't end at its current location in Daybreak. We need to bring emphasis to the reality that we would like that to be revisited as development plans for the region have continued to grow, expand and change. That Red Line is going to need to connect to The Point, and this is good time to

bring that to their attention. The final version of the 2050 plan will be presented to the WFRC for final approval on May 25. She also mentioned the community partner luncheon that Herriman is hosting on September 28. She has a Unified Economic Opportunity commission downtown at the same time, and that is a big meeting. She just got another notification related to that, asking her to film a video. She asked if anyone is available from the city to speak at the U First Credit Union ribbon cutting on October 12. Council Member Zander had already expressed that she might be able to do it, and will wait until it gets closer to see if it works with her schedule.

Council Member McGuire reminded everyone that October 12 will also be the strategic planning meeting.

Mayor Ramsey said Burgess Owens will be here and she will be touring the water re-use plant with him and other staff.

Council Member Shelton offered to speak at the ribbon cutting if Council Member Zander is unable to.

Mayor Ramsey discussed the state's Ethical Leadership in Government Award that our city won a few years ago. She was asked to speak at the event this year, but she couldn't be there that day, and neither could the governor; she is hoping to speak next year. In 2018 she had a public community outreach representative from the Church of Jesus Christ of Latter Day Saints come to visit, she was meeting with all the mayors in the local area to find out what we thought the church could do to help the area. She proposed seeing an interfaith council being created, to bring together leaders of many faiths in our community to work together. She loved that idea, and she just heard back from her that they will be creating that interfaith council for the southwest part of Salt Lake Valley. This is the first time for something like this, and they asked Mayor Ramsey to come and speak because it was her idea. However, she and Manager Whatcott had the meeting with congress so she was unable to be there and speak. The Mayor of Herriman spoke with them in her absence.

Council Member Zander asked who is deciding who sits on that board.

Mayor Ramsey believes they reach out to the local congregations to see if there is anyone there interested.

Council Member Zander noted Robin Barnhill has served on an interfaith council in the past and is really effective, she would be a great option if we need a representative.

Council Member McGuire motioned to adjourn the City Council meeting. Council Member Zander seconded the motion; vote was unanimous in favor. Council Member Harris was absent from the vote.

ADJOURNMENT

The September 20, 2022 City Council meeting adjourned at 8:32 p.m.

Proclamation of the City of South Jordan

In Recognition of Kelly Causi for Outstanding Service to the Community

Whereas, Kelly Causi is dedicated to serving her community in multiple capacities as a mentor, mother, grandmother, and friend; and

Whereas, Kelly Causi volunteered her expertise and experience from working in School Administration and Business to share what she knew on fund raising and working with agencies to further support this community; and

Whereas, Kelly Causi excels in working with people in the military community and all levels of military service, including the support of their families and loved ones; and

Whereas, Kelly Causi shared her time and skills to help the City of South Jordan by organizing and coordinating the fundraising efforts to bring the first Gold Star Families Memorial Monument in Salt Lake County; and

Whereas, Kelly Causi has provided a great support to the City of South Jordan by volunteering in the capacity as a fund raising coordinator and through her efforts raised over \$30,000 in donations to make the Gold Star Families Memorial Monument a reality to support military families that have lost loved ones; and

Whereas, the service provided by Kelly Causi is immeasurable and she is an amazing example of community volunteerism.

BE IT PROCLAIMED to all that reside within the bounds of the City of South Jordan, Salt Lake County, State of Utah; that for evermore, Tuesday, October 4, 2022 shall be known as:

Kelly Causi Day

Signed this 4th Day of October

Dawn R. Ramsey, Mayor

ATTEST:

Anna Crookston, City Recorder

SOUTH JORDAN CITY CITY COUNCIL REPORT

Council Meeting Date: October 4, 2022

Issue: Resolution Appointing Member to the Senior Advisory Committee

Submitted By: Janell Payne

Department: Recreation

Staff Recommendation (Motion Ready):

Staff recommends approval of Resolution R2022-42, appointing a new member to the Senior Advisory Committee.

BACKGROUND: The City Council created the Senior Advisory Committee to promote the interests of senior citizens in the community. In particular, this committee plays an important role in supporting the senior programming at the Community Center.

Mr. Walter Busch has submitted an application to serve on the Committee and the City Council has had the opportunity to meet Mr. Busch at a previous City Council study meeting.

Staff recommends approval of Resolution R2022-42, appointing the above as a new member of the Senior Advisory Committee.

City Council Action Requested: Janell Payne
Director of Recreation

9/26/2022
Date

RESOLUTION R2022-42**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
APPOINTING MEMBERS TO THE SENIOR ADVISORY COMMITTEE.**

WHEREAS, South Jordan City Code Chapter 2.76 allows the City Council to create committees; and

WHEREAS, The City Council created the Senior Advisory Committee to promote the interests of senior citizens in the community; and

WHEREAS, the Senior Advisory Committee bylaws permit between 6 and 12 members requiring appointment by resolution of the City Council; and

WHEREAS, the City Council standardized the creation and appointment of all City Council-created boards and committees, and hereby appoints Senior Advisory Committee members to conform with the terms of the Policy & Procedures Guide; and

WHEREAS, the South Jordan City Council finds it in the best interest of the welfare of the residents of the City to confirm appointment of these members to the Senior Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Appointment. The Senior Advisory Committee members and their terms are as follows:

<i>Member name</i>	<i>District</i>	<i>Term expiration date</i>
Walter Busch	Mayor	January 2026
Vacant	Mayor	January 2026
Mick Florin	1	January 2024
Vacant	1	January 2024
Paula Brog	2	January 2024
LeeAnn Whitaker	2	January 2024
Vacant	3	January 2026
Cheryl Staley	3	January 2026
Loyd Hefflin	4	January 2024
Vacant	4	January 2024
Vacant	5	January 2026

Guenther Popp

5

January 2026

SECTION 2. Effective Date.

upon passage.

This Resolution shall become effective immediately

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON
THIS _____ DAY OF _____, 2022 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

Charity Brienz

Charity Brienz (Sep 29, 2022 15:07 MDT)

Office of the City Attorney

ORDINANCE NO. 2022 – 15**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REPLACING CHAPTER 5.62 OF THE SOUTH JORDAN MUNICIPAL CODE WITH A NEW TITLE 14 REGULATING RESIDENTIAL FACILITIES FOR THE DISABLED.**

WHEREAS, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

WHEREAS, the City Council desires to amend and reorganize the City Code regarding Residential Facilities for the Disabled by repealing previously enacted Chapter 5.62 and replacing it with a new Title 14 entitled Residential Facilities for the Disabled; and

WHEREAS, the City Council held a public hearing and reviewed the subject text amendments; and

WHEREAS, the City Council finds that the subject text amendment will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. City Code Chapter 5.62 is repealed. A new Title 14 regarding Residential Facilities for the Disabled as shown in Exhibit A to this Ordinance is enacted.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2022 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:



Gregory Simonsen (Sep 28, 2022 17:16 MDT)

Office of the City Attorney

EXHIBIT A

TITLE 14 RESIDENTIAL FACILITIES FOR THE DISABLED

14.01.010: PURPOSE:

A. The purpose of this Title is to:

1. Establish licensing requirements for Residential Facilities for the Disabled, in compliance with the Fair Housing Amendments Acts of 1988 (42 USC 3601 et seq.) and the Federal Rehabilitation Act of 1973; and
2. Establish a procedure whereby disabled persons seeking equal access to housing may make requests for reasonable accommodations in policies, regulations, and practices when these accommodations are necessary to afford the disabled an equal opportunity to use and enjoy a dwelling.

14.01.020: SCOPE:

If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for the disabled, set forth in this Title, this Title shall govern and shall supersede any other conflicting provision of the City Code. Except as provided herein, if other provisions of the City Code do not conflict, the regulations for similar structures and uses shall apply.

14.01.030: DEFINITIONS:

BUSINESS LICENSE OFFICIAL: As the term is defined in Section 5.04.010 of the City Code.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person not having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance.

REASONABLE ACCOMMODATION: A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

RESIDENTIAL FACILITY FOR THE DISABLED includes:

- A. "Recovery Residence," as that term is defined in Section 62A-2-101(37) of the Utah Code;
- B. "Residential Treatment Facility that provides Residential Treatment," as that term is defined in Section 62A-2-101 (40) of the Utah Code; or
- C. "Neighborhood Residential Facility," as that term is defined in Section 17.18.060 B. 2 of the City Code.

RESIDENTIAL FACILITY FOR THE DISABLED does not include:

- A. A facility that provides "Social Detoxification," as that term is defined in Section 62A-2-101 (43) of the Utah Code;
- B. A "Community Residential Facility," as that term is defined in Section 17.18.060 B.1 of the City Code; or
- C. A facility that admits any person that is currently intoxicated or withdrawing from alcohol or drugs or otherwise unable to understand terms and consent to reside in a Residential Facility for the disabled.

14.01.040: GENERAL REGULATIONS:

- A. Residential Facilities for the Disabled are permitted uses in all residential zones.

- B. Each Residential Facility for the Disabled shall conform to all state and local building safety, health, and zoning requirements, applicable to other similarly situated structures in the zone in which it is located.
- C. Each Residential Facility for the Disabled shall conform to all applicable Federal and State laws, standards, and requirements, including State licenses necessary to operate the facility.
- D. Each Residential Facility for the Disabled shall provide the same number of off street parking as required for similar structures and uses to serve the needs of residents, visitors, staff members, and others. Additional parking may be required based on the following:
 - 1. The number of residents occupying the facility;
 - 2. The number of residents who are reasonably expected to maintain a vehicle at the facility;
 - 3. The number of staff members who will be serving the residents;
 - 4. The reasonably anticipated number visitors;
 - 5. The number of vendors that will serve the facility; and
 - 6. Any other factors that may increase or impact parking demands for the facility.
- E. Each Residential Facility for the Disabled shall apply for and receive an appropriate business license from the Business License Official before it can operate the Facility.
- F. Each Residential Facility for the Disabled shall not house more than eight (8) individuals.
- G. Each Residential Facility for the Disabled shall only be occupied by individuals with a disability and paid professional staff members. Occupancy by any paid

professional staff member is only permitted if the occupancy is primarily for the purpose of serving persons with a disability, and not primarily a benefit of employment to the staff member.

- H. Each Residential Facility for the Disabled shall be capable of use as a facility without structural or landscaping alterations that would change the structure's residential character or appearance. Any new or remodeled structure shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity, and shall not create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
- I. Each Residential Facility for the Disabled housing more than four (4) persons shall not be located closer than two thousand, six hundred forty feet (2,640 ft.), or 1/2 mile, to any other Residential Facility for the Disabled housing more than four (4) persons, as measured in a straight line between the closest property lines of the lots on which they are located.
- J. Residency in a Residential Facility for the Disabled shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in either a correctional facility or a condition of probation or parole. A Facility for the Disabled shall not include any persons referred by the Utah State Department of Corrections or any adult or juvenile court.
- K. Each Residential Facility for the Disabled shall not be made available to, or occupied by, any person whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

14.01.050: BUSINESS LICENSE APPLICATION AND DECISION

- A. If an applicant for a Residential Facility for the Disabled submits an incomplete application for a Business License, the Business License Official shall not

approve the application and shall send notice to the applicant that the application was incomplete.

- B. Once an applicant for a Residential Facility for the Disabled submits a complete application and payment of its associated fee, the Business License Official shall provide written approval or denial of the business license within a reasonable amount of time, but not longer than 30 days. Applications shall be approved if it meets the requirements of this Code.
- C. A Business License issued pursuant to this Title shall be non-transferable and shall terminate if the structure is devoted to a use other than the Residential Facility for the Disabled.

14.01.060: REQUESTING A REASONABLE ACCOMMODATION

An applicant may request a reasonable accommodation pursuant to Federal and State law and this Title. A reasonable accommodation request may be made at any time, including at the time the application is submitted for a business license, at the time of denial of a business license, or anytime thereafter.

14.01.070: APPLICATION PROCESS AND HEARING FOR A REASONABLE ACCOMMODATION

- A. A person requesting a reasonable accommodation shall submit the following to the Business License Official through the City internet portal or by certified mail:
 - 1. Information regarding the property for which the reasonable accommodation is sought, including:
 - a. Address
 - b. Parcel Number

- c. Current Zoning
 - d. Name, address and telephone number of the property owner
- 2. Name, address and telephone number of the applicant.
 - 3. Supporting information.
 - a. Identify the specific regulation, policy, procedure, rule, or practice for which deviation or waiver is requested.
 - b. An explanation with supporting documents of why a reasonable accommodation is warranted, including a description of how the person(s) are disabled and that the accommodation is reasonable and necessary to afford the disabled person(s) with an equal opportunity to use and enjoy the residential dwelling. Any supporting information or arguments not included in the explanation may not be used at a hearing on the reasonable accommodation request.
 - c. The number of residents and employees that will have vehicles at the property and a site plan showing where the vehicles will be parked at the property.
 - d. Whether the owner of the facility has other similar facilities for the disabled and, if so, a description of any complaints from neighbors, incident reports from local law enforcement officials and licensure citations, or investigations from any state or federal authorities.
 - 4. Payment of applicable fees.
 - 5. The applicant's state license, city business license, or business license application.
 - 6. All additional evidence supporting the request for a reasonable accommodation, including:

- a. A full statement of all opinions of any witnesses supporting the request, including the applicant, expressing the basis and reasons supporting the opinions;
- b. The facts or data considered by the applicant or witness in forming its opinion;
- c. Any exhibits that will be used at a hearing on the request for accommodation;
- d. Witness qualifications including a list of all publications authored in the previous 10 years; and
- e. A list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition.

B. Hearing

1. Once a complete request for reasonable accommodation and, if applicable, an application for business license has been submitted to the Business License Official with payment of any applicable fee, the City shall either act favorably upon the request or schedule the request for hearing within 30 days.
2. At least five (5) days before the hearing, the City may file, at its discretion, a responsive brief, setting forth the City's position on whether the requested accommodation should be granted or denied, in whole or in part.
3. A hearing on a request for reasonable accommodation will not be open to the public, but the applicant and the City may bring its attorneys or witnesses, if so desired. A witness, including the applicant, may only speak at the hearing if a witness statement for that witness was submitted in the application (if by the applicant) or responsive brief (if by the City).

4. The Hearing Officer may ask additional questions related to the requested reasonable accommodation to the applicant, witnesses, or the City.

C. Review Authority

1. The City may contract with a Hearing Officer before or at the time a reasonable accommodation request is made.
2. A Hearing Officer shall:
 - a. have sufficient knowledge in housing discrimination laws;
 - b. act in an unbiased quasi-judicial manner;
 - c. consider the reasonable accommodation application and the City's responsive briefing;
 - d. conduct and oversee an informal hearing on the application; and
 - e. issue a written decision including detailed findings and conclusions, which affirms, affirms in part, denies, or denies in part the request for accommodation.

D. Burden, Findings, And Decision

1. Burden. The applicant bears the burden of proving that its residents are disabled and that the reasonable accommodation is necessary and reasonable for the disabled to enjoy an equal opportunity to use the dwelling.
2. Findings. The Hearing Officer's written decision shall be based on, at minimum, consideration of the following:
 - a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by one or more persons with a disability.

- b. Whether the requested accommodation is necessary to afford such persons an equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups without a disability.
 - c. Whether the requested accommodation is reasonable.
 - d. Whether the accommodation would impose an undue financial or administrative burden on the city.
 - e. Whether the requested accommodation would result in a fundamental alteration to the residential character of the neighborhood.
 - f. Whether tenancy of the property proposed to be occupied by such persons would constitute a direct threat to the health or safety of other persons or result in substantial physical damage to the property of others.
3. Decision. The written decision shall be made within 14 days of the hearing date. A decision of a Hearing Officer takes effect on the date when the Hearing Officers issues a written decision.
- E. Business License Appeal: A person may appeal a business license approval, approval with conditions, or denial in accordance with Title 5.
- F. Reasonable Accommodation Appeal: A person with standing who is aggrieved by the Hearing Officer's decision may file for relief in any court of competent jurisdiction within thirty (30) days of the Hearing Officer's decision.