

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

September 21, 2021

**Present:** Mayor Dawn R. Ramsey, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, CM Gary Whatcott, ACM Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, Assistant Controller Nick Geer, City Commerce Director Brian Preece, Administrative Services Director Spencer Kyle, Police Chief Jeff Carr, Engineering Director Brad Klavano, Public Works Director Jason Rasmussen, Planning Director Steven Schaefermeyer, Deputy Fire Chief Ryan Lessner, Communications Manager Rachael VanCleave, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, Director of Government Affairs Melinda Seager, Interim Mulligan’s Business Manager Abigail Patonai,

**Absent:** Council Member Patrick Harris

**Others:** Ellen Brown Sue Seelye, Susan Ord, Robert Lusk, Reed Beatse, Paula Beatse, Mark Smith, Tim Stapleton, and Lance Everill, Brian Synan, Richard Bytendor

6:35 P.M.  
REGULAR MEETING

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

Mayor Ramsey welcomed everyone present and excused Council Member Harris who was absent from the meeting.

**B. Invocation – *By Council Member Brad Marlor***

Council Member Brad Marlor offered the invocation.

**C. Pledge of Allegiance – *By Council Member Tamara Zander***

Council Member Tamara Zander led the audience in the Pledge of Allegiance.

**D. Minute Approval**

D.1. September 7, 2021 City Council Study Meeting

D.2. September 7, 2021 City Council Meeting

**Council Member Shelton motioned to approve the September 7, 2021 City Council meeting minutes as printed. Council Member McGuire seconded the motion, the vote was unanimous in favor; Council Member Harris was absent from the vote.**

### **E. Mayor and Council Reports**

Council Member Jason McGuire met with the Arts Council, everything is well there. He had a Legislative Policy Committee (LPC) Meeting which the mayor and Council Member Shelton also attended. He also attended the Summerfest Parade.

Council Member Don Shelton said he attended the LPC Meeting as well and is looking forward to the legislative session. He attended an Association of Municipal Councils meeting which was a report from Economic Development Corporation (EDC) of Utah, our city participates fully with EDC Utah and has a lot of influence there. Spoke with a developer about a potential project in our city. He attended Summerfest, it was terrific and he thanked staff for their efforts to bring that together. Yesterday he had a Western Growth Coalition meeting, members from the Affordable Housing Commission spoke to them and it was quite well attended; there was good conversation there about the challenges of affordable housing.

Council Member Brad Marlor had an Architectural Review Committee Meeting and he is hoping that continues. He also had a Zoom call with a developer who is proposing a project in the city, he believes at this point it will be acceptable and he is glad to see that happening. He spent time down in San Diego at a family event and missed Summerfest, he looks forward to participating next year.

Council Member Tamara Zander was absent from the last meeting, but she wanted to thank everyone who supported her and her husband's ribbon cutting event for their business' new location. She especially thanked Brian Synan, the President and CEO of the South Jordan Chamber of Commerce for his help with that. She also thanked Council Members Marlor, Shelton and McGuire for coming to the ribbon cutting, as well as Director of City Commerce Brian Preece. At Summerfest she loved having South Jordan City Trucks in the parade and wants to keep that in future years, she also enjoyed the new route and felt like she could engage more with the crowd. She loved seeing the Bingham and Herriman High School bands as well as the student body officers. She enjoyed judging the chalk art contest during Summerfest as well with Mayor Ramsey and Council Member Shelton. She attended a few South Valley Mosquito Abatement Board meetings, everything is good there. Recently she has been engaging with residents in her district, she is always grateful for respectful residents and them bringing their concerns to the council as elected officials. She thanked them for sharing their concerns, even though many times she can't respond the way the residents want; she thinks it is a very great system of government, to be able to gather and have self-representation.

Council Member Marlor said he heard West Nile virus has been appearing in many locations, he asked if it was showing up here in South Jordan.

Council Member Zander said it has been about two years since we located a mosquito with West Nile in South Jordan, but none since then.

Mayor Ramsey said the Water District and South Valley Sewer District meetings have all gone well, they approved our long range plan and contingency plans should the drought continue; we have contingency plans in place for the next several years to ensure an adequate water supply. She thinks the state should have a collaborative statewide long range water plan, taking all the good work happening with the different water districts and bringing them together. They met as a Unified Economic Opportunities Commission, the good examples used at these meetings are always from South Jordan. She had a Growth Incentive Subcommittee meeting with lots going on, nothing specific going on to report that's different from the last report. They will continue to discuss those things at LPC meetings. There was also a board meeting for the League of Cities and Towns, their annual conference for League of Cities and Towns is next week in Salt Lake; this was moved to the Salt Palace this year. Friday is the Women in Local Government breakfast, at that time she will become the president of the league; our Lieutenant Governor will be speaking. There was an Envision Utah Board Meeting that she thinks went well, the state has chosen a few projects for the area due to the large growth. She participated in the South Jordan National Day of Service, she is grateful for all those who worked hard to put it all together. It was a multi-faith effort along with the Just Serve Organization, there were close to 1,000 volunteers who came that day cleaning storm drains, cleaning the Jordan River Trail, cleaning Bingham Creek where all the garbage blows from the landfill. It was pouring rain when it started and so many still showed up to work. She looks forward to doing it again next year with the same groups. She met with Glenmoor Golf Course and the First Lady's initiative Show Up Utah. She attended the Mascot Bowl at Herriman High School, this was the second year in a row. For \$5 each or \$25 per family professional mascots from all over the state come and participate and play a football game against the Herriman High 8<sup>th</sup> grade team. There was a concert and fireworks afterwards, everyone was invited to take pictures afterwards on the field with the mascots. All proceeds raised go to pay for Christmas needs of families in the community. She had the Governor's Kitchen Cabinet, The Point of the Mountain meetings. She was invited by UDOT to speak at the Western Association of State Transportation, a meeting with departments of transportation from 18 other states. UDOT asked her to speak and be part of a panel with the chairman of the board of UTA, they discussed collaborations that resulted in success. As part of that, she shared the example of 10400 South and the city pushing for it going under because of very valid reasons, being told no a few times, but they kept lobbying because they felt strong about it being the right thing. Her advice for them to be willing to think outside the box and open up to the fact that a different idea might be better. She filmed an award for EDC Utah, tomorrow is the annual meeting and as Public Sector Vice Chair she got to present the Thayne Robson Outstanding Leadership in Economic Development Award. Since we are still in a pandemic it was done outdoors and videos were used as presentations for awards. She spoke on a panel with five other mayors to the Salt Lake Board of Realtors, this included Draper, Riverton, West Jordan, Salt Lake City, Holliday and South Jordan. There were lots of questions and each city had different challenges. She attended the State Civics Education Advisory Committee meeting at the Capitol, she was asked to do a presentation at the next meeting. This committee came from a statute to review our civics education, they are concerned about people looking at other forms

of government that are different than what we employ here in our Republic. There is a rising support for Socialism and other forms of government and the legislature had concerns with whether our civics education and curriculum is adequate. South Jordan will be highlighted and she will get to share some of the things we've done over the last few years to engage with civic education, specifically with the bus tour for students around the city. Last year, when South Jordan received the Utah Ethical Leadership award, the first city in the state to receive that award, it was done over Zoom; she was invited to attend this year in person at the University of Utah and this year's winner was the Salt Lake County Covid Response Team. They met as an IHC Salt Lake Valley Hospitals Board and got in-depth updates as to what our hospital system is looking like here in the Valley, the constraints, and the small percentage of staff it would take losing to be unable to run our healthcare system. She was invited to American Preparatory Academy to read part of the constitution on Constitution Day, City Manager Whatcott was also invited. They had their annual Jordan Education Foundation meeting, she was just installed as President of the organization for the next two years. They have their Economic Summit coming up for the Foundation on October 5<sup>th</sup> and everyone is invited. Summerfest was wonderful and she appreciated all the hours put into making it work. Former City Mayor Kent Money was the Grand Marshall for the parade this year, he couldn't believe how much the city has changed in the past 10 years. The Root Beer Garden was a huge success and the whole thing went really well.

Council Member Shelton will be out of town all next week.

Council Member Zander said yesterday she took her family to Mulligans and she wanted to thank Interim Mulligan's Business Manager Abigail Patonai, for how helpful she was when they visited. She hadn't been there for a few years and she enjoyed seeing the results of the city's investment.

#### **F. Public Comment:**

Mayor Ramsey opened up the public comment portion of the meeting.

**Richard Bytendor (Resident)** said he knows this isn't an easy task for the council when certain issues come to light. He put up a six foot vinyl fence in front of his home on 2700 West, about a week later he got a notice saying it should only be four feet tall. He went around and asked his neighbors if they had a problem with him having a six foot fence, as that is usually what happens with a public hearing, you go to people within 300 feet. He has signatures from everyone around him, they all approved his six foot fence. The side fence on his home is currently six feet, not inhibiting any view; his home doesn't inhibit any views either. He showed the council a picture of his home on a map, along with which homes are around him and signed off on the current six foot fence. The neighbors also expressed discontentment over the fence ordinance to him. Down the block, about three to four blocks, there is another six foot fence along with a five foot fence that has been there for years. There is a new subdivision on Cousin's Lane, a side fence is six feet tall that goes all the way to the front sidewalk. He referenced the Jones' property on 10400 South 3200 West that has a six foot fence all the way around their house, he knows which way

their house faces and this is considered a front fence. A collector for a subdivision just to the south of him, not 20 feet off the sidewalk there is a six foot fence. What he is seeking is an opportunity to ask for a variance as this doesn't make sense in this situation since it's a collector street. He is trying to make it safe for those nearby, for dogs so they don't jump a four foot fence, and also to get rid of a little sound coming from the 2700 West collector street.

Mayor Ramsey said this is not an opportunity where the council gets to deliberate and make a decision on something like that, but she did say staff and the city attorney will get more information from him and be in contact.

Attorney Ryan Loose said the council can change the legislation, but they can't give variances. There is a way to request a variance through the planning commission but they can talk more after the meeting.

Mr. Bytendor said he has spoken to Code Enforcement and they said if he pays \$819.00 he can apply for a variance to do exactly what he has done tonight.

Mr. Loose explained that a variance has different legal standards.

Mr. Bytendor said when he spoke with someone from planning they said to go into a part of the website under "planning, building and zoning" for that and it was \$819.00 just for consideration. It seems like a no-brainer to him. He said he also does landscaping, has done it for 30 years, and 9800 South is a perfect example of the same situation. They built brick walls all the way along, then you have these open areas and all those open spots have seen people trying to put bricks on top of bricks, or fabric, or plants up for privacy; he thinks it might be time to change the ordinance on collector streets so they can have a six foot fence for safety. He understands it can inhibit traffic on corners, but also it makes it so they have reduced sound; no one wants to have their backyard facing a street with an open iron fence, which the code allows for, but not a solid fence.

Mayor Ramsey closed the public comment portion of the meeting.

## **G. Presentation Item:**

### **G.1. Community Advisory Board recognition. (By Police Chief Jeff Carr)**

Police Chief Carr said since 2016 South Jordan has had a Community Advisory Board. He gave some of the history behind why we have community advisory boards today for the police departments. Since 2016 our Community Advisory Board has served as liaisons with the community, they bring issues of concern from their neighborhoods or other areas of the city that they represent. The board consists of residents, a business owner, and a representative from the school district. These board members become educated, they ask questions, they talk about what's going on in the community, they have even been integral to active shooter training in our schools. They have become a sounding board for the police department in many ways. They

have looked at various issues, from grooming standards to uniforms to how they do outreach in the community; they have provided a pulse for him, as the chief, as to how the community thinks. They provide effective feedback to him and the department. They have reviewed uses of force with them, they learned what it's like to be a police officer by experiencing some of their training. They talked about the riots that occurred and the police reform efforts. They talked about Covid-19 and pending legislation. These board members gave of their time and talents to the city and it is a pleasure to recognize them.

Chief Carr presented the awards to the four members of the advisory board in attendance.

## **H. Action Item:**

### **H.1. Resolution R2021-32, Senior Advisory Committee member appointment. (By Director of Administrative Services Spencer Kyle)**

Director of Administrative Services Spencer Kyle discussed Guenther Popp and his application to the Senior Advisory Committee; he recommended him for approval at this time.

Mayor Ramsey said she met him again during the parade at Summerfest, he was excited to be there and she enjoyed seeing him and the rest of the Senior Advisory Committee there.

**Council Member McGuire motioned to approve Resolution R2021-32, appointing a new member to the Senior Advisory Committee. Council Member Shelton seconded the motion, vote was unanimous in favor; Council Member Harris was absent from the vote.**

## **I. Staff Reports and Calendaring Items:**

Mr. Whatcott reminded the mayor and council about their meeting on October 12.

Mr. Loose said the state opened their timeline for the American Rescue Plan Act (ARPA) Grants, Director of Government Affairs Melinda Seager coordinated that effort with help from our Engineering, Public Works and other departments.

Ms. Seager discussed the ARPA local match grant program or Covid-19 stimulus package, which released \$1.9 trillion in economic stimulus to states and local government. The state of Utah received \$1.4 billion, locals received a combined total of \$1.1 billion, she believes South Jordan was \$5.7 million. The Governor's Office of Planning and Budget (GOPB), during a special session, the legislature approved and allowed GOPB to have \$15 million for their ARPA local match grant program. September 15 was the deadline to apply for those grants, South Jordan City submitted five applications asking for a total of \$46.6 million of that GOPB. The state received 445 applications, totaling \$1.1 billion dollars requested by locals who were eligible for the grant. The projects submitted for South Jordan were:

- The Pure SoJo Water Purification Project – asked for \$2 million, total project cost \$4 million.

- Culinary water tank project (Daybreak) – asked for \$10.6 million, total project cost \$13.6 million.
- Asbestos cement pipe removal and replacement project – asked for \$6 million, total project cost \$7.3 million.
- Satellite reuse facility (sewer scalping plant) project with South Valley Sewer District – asked for \$13 million, total project cost \$26.2 million.
- South Jordan environmental remediation project (Lark Meadows Property) – asked for \$15 million, total project cost \$37 million (according to the expense necessary to remediate that blighted area with today's dollars).

Mr. Loose said, as he understands it, this is the list they are also going to use to appropriate money during the session.

Council Member Zander asked if this was available for every city in the state?

Ms. Seager said yes, GOPB program was available to all counties, cities, towns and special districts in the state.

Mr. Loose said cities that were entitled to money under the CDBG got a direct appropriation of ARPA money, we were one of those cities. The state also got additional funds to distribute to non-entitlement cities on top of what was already individually allocated. Even if they do it equitably there is still a huge amount of money left to then share with cities to finish projects. One thing they were looking for was city contributions, whether we are using our ARPA money or not; they wanted to see projects that meant something more than our individual city.

Council Member Zander asked about the asbestos pipe removal project and where it was.

Mr. Klavano said it is our transite water line pipe replacement that's been going on for years, they are scattered throughout the city. Theses pipes were installed in the 1970s to early 1980s, the pipe type is very brittle and they are trying to replace it and get rid of it. He believes this specific project will come close to finishing off the city.

Public Works Director Jason Rasmussen said we have about two to three years left of replacing these pipes. The asbestos pipes are not an issue while they're in the ground, it is an issue when the pipes break.

Council Member Zander clarified that if we get this money it will speed up the process of replacing the pipes.

Ms. Seager said they are hoping the review committee will be able to go through all the applications and do a distribution by mid-November.

Mayor Ramsey said a resident, who works in the government arena somewhere, contacted her asking if the city was going to have to be responsible for making everyone be vaccinated or

testing every week because we received some money through the fire department from the federal government.

Assistant City Manager Dustin Lewis said they still don't have a clear answer on that.

Mr. Whatcott said there is supposed to be an interpretation coming out with more information. He said in that particular rule ambulances were called out and they do bill Medicare on transports.

**Council Member Marlor motioned to recess the City Council Meeting and move to Executive Closed Session. Council Member Zander seconded the motion, vote was unanimous in favor; Council Member Harris was absent from the vote.**

*Recess City Council Meeting and move to Executive Closed Session*

**J. Executive Closed Session**

**J.1. Discussion of the purchase, exchange, or lease of real property.**

**Council Member McGuire motioned to adjourn Executive Closed Session and return to the City Council Meeting. Council Member Shelton seconded the motion, vote was unanimous in favor; Council Member Harris was absent from the vote.**

*Adjourn Executive Closed Session and return to City Council Meeting*

**ADJOURNMENT**

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

The September 21, 2021 City Council meeting adjourned at 8:32 p.m.

**This is a true and correct copy of the September 21, 2021 City Council Meeting Minutes, which were approved on October 5, 2021.**

*Anna Crookston*  
**South Jordan City Recorder**