

SOUTH JORDAN CITY  
CITY COUNCIL MEETING  
August 21, 2018

**Present:** Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andrew Butler, Director of Administrative Services Spencer Kyle, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, City Commerce Director Brian Preece, Finance Director Sunil Naidu, IT Director Jon Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

**Others:** See Attachment A

**REGULAR MEETING**

**A. Welcome and Roll Call – *Mayor Dawn Ramsey***

Mayor Ramsey welcomed everyone present. All members of the City Council were present, as listed.

**B. Invocation – *By Council Member Jason McGuire***

Council Member McGuire offered the invocation.

**C. Pledge of Allegiance**

Mayor Ramsey recognized the scouts that were present.

**Seth Shook**, Scout from Troop 1756, led the audience in the Pledge of Allegiance.

**D. Minute Approval**

- D.1. August 7, 2018 Council Study Meeting
- D.2. August 7, 2018 City Council Meeting

Council Member Zander noted some amendments that she sent via email.

**Council Member Zander made a motion to approve the August 7, 2018 Council study meeting minutes, as printed, and the August 7, 2018 City Council meeting minutes, as amended. Council Member McGuire seconded the motion. The vote was unanimous in favor.**

**Council Member Marlor made a motion to amend the agenda to add a closed executive session to be held between items H and I, to discuss the purchase, exchange, or lease of real property. Council Member Harris seconded the motion. The vote was unanimous in favor.**

**E. Public Comment:**

**Robert Paxton**, 1073 W. 10250 S. said he attended many City Council meetings to Save Mulligans. He said he is concerned about the construction project on 10600 South. They used to have a beautiful road with vegetation. He asked that they do something with UDOT to restore some vegetation and trees. He showed a 3 lane road in Tijuana, with vegetation. He said if they can afford it, so can we. He said if the Daybreak organization extended their road to I-15, the landscaping would be there. They set a high benchmark for aesthetics. The current plan will look like a clinical concrete disaster. At the last meeting, people spoke in favor of large lots and the golf course. He said through proper zoning, they may be able to keep the Glenmoor golf course as is.

**Blaine Maw**, 1593 Keepsake Ct., showed a picture of a property that adjoins his property. It is filled with debris, junk cars, and grass that is 3 ft. high. It is a fire hazard. He said he has worked for the forest service and has fire experience. The conditions on that property could destroy that property as well as adjoining properties. The address of the property in question is 10095 S. Redwood Road. Staff has told him that there is not much they can do.

**Kathy DeWitt**, 9450 S. Autumn Meadow Cir., said their group has been asked to find a private buyer for the golf course. They need to find out what the property would be worth with A-1 zoning. In the last meeting, the City Council said they would not change the zoning. How do they know that? They have been told that a developer won't buy this property without an R-3 or R-6 zoning. They are told that if a developer decides to buy it, they will get the zoning changed. They would like in writing that the city will not change the zoning to R-3 or R-6. If a private owner buys this property, they would like the zoning reduced to what it should be for a golf course so they don't have to have this fight again. The zoning should be downgraded so the property can remain green. In the last meeting, they learned that a past City Council promised the people in Glenmoor that the golf course would always remain and the walkways would be maintained. That is not being done. That concerns her. They have heard that the city wants to do a 9 hole golf course. She is told that a 9 hole golf course won't survive on the property. If it does not survive, who will maintain that land? She is concerned that when a golf course goes under, many times it turns into a weed patch. She appreciates the residents being listened to and the work being done to keep it as a golf course, an 18 hole golf course that makes money.

**J. Colby Clark**, represents the trust of his children at 4666 W. Birdie Way, reviewed an email submitted to City Attorney Loose, the Mayor, and City Council (Attachment B). He said he does not believe there has been negotiations on a final purchase price. He is against a ballot issue because it would lose. He is in favor of rezoning this as golf course.

**Mark Hardy**, 4253 W. 9580 S., said the survey done by the city was disregarded at the last meeting. He said the language of the Y2 survey was different than the city question. The

residents want the open space. The bond amount has come down from \$18 million to \$10 million in 2 weeks. He feels that the City Council was asleep on this issue for many months. Doing this through a bond is one of the least desirable ways. However, the bond has to be kept on the table as an option in case a private buyer does not come forward. He appreciates those that have been advocating consistently for the golf course. He said the city survey results encouraged keeping the golf course.

**Scott Wherli**, 9944 Birdie Way, thanked the City Council for the action taken 2 weeks ago. There is strong support for Glenmoor golf course. He asked if one of the options is that there be an initial down payment, and then the revenue from the golf course pay for itself? He noted that the wording for the bond was negative. He said people are not happy to have taxes raised, but he wondered if they can paint it in such a way that it can survive.

**Mark Peckernin**, 9706 Skye Dr., current president of the Glenmoor Skye HOA. Said he represents 39 families. He noted the last City Council meeting where property taxes were raised for a public safety building. He said the city should have the best public safety structures it can afford. If there is adequate money, the city should supply parks as well. He said South Jordan's median household income is almost double the state average, and the poverty rate is 10 times less than the statewide poverty rate. He said with the affluence of the city, they should have money to spend on something that will yield dividends.

**Ginger Thompson**, 4162 W. Firth Cir., said their plea is not to take the ballot off the table until they have to. She understands there are better options. They should keep them all open so they have the choice, just in case.

**Rich Cunningham**, 11582 S. Lizzy Cove, said whatever they do as a city, they need to do a better job at messaging. They need to make sure people understand what the tax and liability could be. They have a chance to get the gold at the end of the rainbow with the Glenmoor golf course. There are a lot of misnomers about what they can and cannot do. He said Stonebridge golf course holds the most corporate events because there are appropriate facilities for such events. They should do this golf course right so they can host corporate events. They need to find out the facts so the citizens and taxpayers can make an educated decision.

**Ben Blanchard**, 10924 June Grass Dr., introduced his kids that take lessons at the golf course. He said golf is one way to fix the issue with kids and video games and social media. He said Darcy is the best junior teacher in the state. It's a great avenue for the kids. He asked the City Council to do the right thing.

**Randy Booth**, 10035 S. Yorkshire Dr., said on the bond issue, he would like it to state the amount that can be paid by the revenue of the golf course itself, leaving a smaller portion for the total amount to be paid by taxes. He said the golf course revenues by itself cannot give a sufficient return for investors. It will take money other than that. He feels the city buying it is the only way to keep the golf course as it is.

**Judy Jensen**, 9887 Tee Box Dr., said in Daybreak, no one knew what was going on at Glenmoor. Everyone golfs out there because it is the only place to golf out there. Both of her daughters were married at Stone Ridge. They would have loved to do it at Glenmoor, but they didn't have a facility. Building a facility at Glenmoor would not take much. It would make money. She noted that the Chamber of Commerce's golf tournament is held at Stone Ridge golf course and should be held at Glenmoor.

**Amy Martz**, West Jordan resident, said there are zoning expectations. She lives in an area with .75 and 1 acre lots. Now there is a senior center on one side of her and a neighborhood on the other side. The City Council has an obligation to consider what the property has been before they change it.

**Doug Kofford**, 4426 Skye Dr., said he appreciates the hours being spent on this issue. He lives on the golf course and loves the openness of the area. He has a background in landscape architecture and planning. He looked at large cities in the country and the need for green spaces. Anything they can do to save the golf course would be greatly appreciated by many people.

**Will Blanchard**, 10924 Green Grass Dr., said he is at the golf course every day. He has many memories there. He does not want it taken away from him.

**Conner Mortensen**, 3464 W. 10025 S., said he is in the home building industry. He wants to keep the golf course. He asked how they can help the city.

**Kevin Smith**, 4029 Fairglen Cir., said no one has talked about the impact there would be if the property is developed. The state does not allow the school board to impose impact fees. If the property is developed, how many schools would have to be built and what would that do with the Jordan School District tax rate.

**Cheryl Hansen**, 9690 S. Skye Dr., showed a picture of the view from her home. She has seen that view for 25 years. She said to have homes in that greenspace would make her sick. She loves the green space. They have had their home and windows hit by golf balls. They love the green space. There is already a problem with traffic on Skye Drive. If they had more traffic on Skye Drive, she does not know what would happen.

**Julia Treweek**, 9870 S. Yorkshire Dr., said they bought their home to be close to Glenmoor. Now they are considering selling because of traffic issues. She said Glenmoor is a gem and a wonderful place to live. The golf course needs to be saved for the residents. She did not know what was happening until a couple of months ago.

**Don Martin**, 9814 S. Iverness Cir., said the City Council and residents should not have to be dealing with this. The City Council has the legal right and moral responsibility to set the zoning. They are here because the people who own the property want the maximum dollar. The City Council controls the zoning. They do not want high-density housing or a Walmart by the school. No lawsuit changes the City Council's legal right. The golf course value should be determined as a golf course. They should zone that property as a golf course and let the market take it over.

They have heard the zoning is A-1, and then they heard R-3, and then they heard it was a mix. What is the current zoning and is it in flux? He also asked if there are plans to widen Skye Drive?

**Jared Williams**, 4618 Birdie Way, said the golf course should be zoned as green space. The City Council should do their duty and zone it the way it should be zoned.

**Lori Blackner**, 4648 Birdie Way, reiterated that she has put up a lot of money for nets, new windows and garages, and repairing the damage for the privilege to have the golf course in their back yard. They have done their part, and asked the City Council to back them up. She said golf is an outdoor activity for their family. It is one of the only things that will get her kids outside. They should preserve these type of activities.

**Dale Smith**, 9651 Wood Vista Cir., said many people have not heard about the problems with the golf course. He suggested they contact the news media and have a tape with the city talking about the golf course. He said the city wrote a letter in the paper on the issue, but it was not complimentary towards keeping the golf course.

**F. Action Item:** Resolution R2018-42, appointing Jennifer Fisher and Kelly Holtman to the Arts Council. *(By Administrative Services Director, Spencer Kyle)*

Director of Administrative Services Kyle reviewed the background information on this item.

**Council Member Zander made a motion to approve Resolution R2018-42. Council Member Shelton seconded the motion. The vote was unanimous in favor.**

**G. Action Item:** Resolution R2018-43, providing for a Special Bond Election to be held on November 6, 2018, for the purpose of submitting to the Qualified Electors of the City of South Jordan, Utah, a Proposition regarding the issuance of not to exceed \$10,000,000 General Obligation Bonds to Finance all or a portion of the Costs to Purchase the Glenmoor Golf Course; Providing for the publication of a Notice of Public Hearing; Approving the form of and directing the Publication of a Notice of Election and the Ballot Propositions; and related matters. *(By CFO, Sunil Naidu)*

Finance Director Naidu reviewed the background information on this item. If they want to have this issue ready for the next election, they have to submit their intent by Thursday. He said regarding the tone of the language used for the bond question, they have to use very specific language set by state statute. If they decide not to go forward with this, the City Council can pass a Resolution retracting it by September 4<sup>th</sup>, without incurring any cost. He noted that the verbiage says up to \$10,000,000; it can be less.

Council Member Harris asked when is the deadline for the final number? What if they want to put a lower number? Mayor Ramsey said they could change that number at the next City Council meeting, but not after. CM Whatcott said they can pull it or change it until September 5<sup>th</sup>, based on the dates the County needs to print the ballot.

**Council Member Shelton made a motion to approve Resolution R2018-43. Council Member Harris seconded the motion.**

Council Member Shelton said he appreciates everyone's attendance and interest in preserving this recreation property. He appreciates staff's hard work. They have entered into negotiations and the process is ongoing. He said to answer the question why don't they just rezone the property? It is because there would be legal consequences to do so. That does not mean the city would lose that case. He would rather get a negotiated contract. He said he was discouraged with the results of the Y2 survey, but it had some telling information. He said some people don't know what Glenmoor is or where Glenmoor is. Some people believe the City or County owns it already. He said any efforts to get the bond to pass would require massive education efforts. That is not his preferred way to finance the purchase of the property. He said there are a lot of people that believe that the city should not own a golf course. He said he is okay with a private owner, with the right structure, including appropriate zoning and easements. Part of the reason that they are here today is because private ownership failed. They have not settled on an agreement. They do not have all of the ideas worked out to finance it. He likes the idea of buying some time to come to an agreement on a purchase price and to find reasonable ways to finance it. His hope is that they can enter into an agreement with the receiver that the court will approve, and they can find a way to finance this and not have to go to the ballot. If they can get that done before the next City Council meeting, they can remove this from the ballot so the residents don't have to pay for the cost of the election. Then those that love Glenmoor do not have to educate the rest. That is his hope. That is what he is working towards. Putting this on the ballot is a just in case situation.

Council Member Marlor said in speaking with the City Attorney, there were only a few zoning options that could have been considered for the golf course when it was approved. An open space zone was not even available. It was noted that the zoning on the golf course is A-1, and has been since day 1. The rest of Glenmoor is zoned R-3. He believes that the past City Council intended on doing the A-1 zone because some property taxes were paid by the owners of the golf course. He said he talked to the owner of Y2 and asked what it would take to get the bond to have a favorable vote. The Y2 consultant said they would have to get the tax increase to below \$10 a year, per resident. Even at the current figure in the Resolution at \$10,000,000, they are well above that amount. He said Y2 has shown to be accurate in their surveys. He would prefer not to have this issue on the ballot. He is concerned that it will fail, and it will cost the city \$40,000-\$50,000. He said he believes the other options are their best bet to preserve Glenmoor. Whether it lands in private or public hands. There is a lot of work being done to see what can be done to preserve it. They are not hiding money to buy the golf course. They have to come up with the money to buy it or come up with another solution. They are doing everything they can to find a solution. He feels sending it to the ballot is not a wise idea. He said he will vote in favor of the motion knowing that they have 2 weeks to resolve it and come up with a solution. He will not vote in favor of the issue going to the ballot in 2 weeks, if that is the only option.

Council Member Zander expressed appreciation for the thoughtful and respectful discussion. She said the members of the City Council are residents as well. She said Glenmoor golf course is a

gem and she does not want to see it developed. None of the City Council members want to see it full of housing if they can find a way for it to remain as a golf course. They do not have the money at their fingertips to purchase it. They are doing everything in their power to resolve this. There is a lot of solidarity and heartfelt effort on the part of the City Council. She thanked those who have offered to help. She agreed that the City can do better at messaging. They have spent hours on the residents' behalf. She said because the private ownership failed does not mean the city should bail them out. She is not a fan of government buying a golf course. She will vote to put it on the ballot, but she is hopeful for better options. She said the city buying the golf course is not the best option.

Council Member McGuire said his issue is with open space conservation. If they sold this to a developer, that developer would seek to put housing on it. He said he sees golf as an amenity similar to baseball. Both can provide a benefit to the city. He has been in favor of putting this on the ballot because it is an optional service. Last week, they had to decide on a tax increase for a public safety building. That is an automatic for the government. He said they do not have to provide a golf course, but it would be a benefit. He is in favor of Glenmoor remaining as a golf course.

Council Member Harris said the residents are also spending a lot of time on this issue. He said generally, he is opposed to raising taxes. He said he would like to get the bond amount lower as it is more likely to pass. He said he wants to invest in their youth. There are 4 high schools that use this golf course. They also run a large jr pga program. He said when you consider growth and future schools, even more youth will participate in the future. He said they are making significant progress and he believes that through those efforts, they can save Glenmoor golf course.

Mayor Ramsey said she does not want to see the golf course developed in any way. It is a gem. She said the future of the youth matters to her. She concurred that golf is a good alternative to social media and video games. They are working hard on this issue. The message was sent and received that an upzone to R-3 is not an option. That is the reason that the proposed bond amount is less than they saw previously. She feels they have to approve putting this on the ballot, knowing they have 2 more weeks to work around the clock to come up with more solid solutions. The City Council is hoping to pull it off the ballot for fear that it won't pass. She said she would love to not have it fall as a property tax burden on the residents. They are working hard to come up with ways to save it as a full 18 hole golf course. The timing is unfortunate. They are meeting and taking these votes because of the dates that are mandated. They are still mid negotiation. If they did not have legal time constraints, they would not be having these votes yet. She expressed appreciation for the receiver's willingness to work with the city. This issue has been worked on for quite some time. There have been many hours spent on the residents' behalf. She said if they take it off the ballot in 2 weeks, that is a good thing because they feel there is a better option. It does not mean they are taking away the voice of the residents.

**Roll call vote. The vote was unanimous in favor.**

**Council Member Marlor made a motion to recess the City Council meeting. Council Member Zander seconded the motion. The vote was unanimous in favor.**

**H. Discussion Item:** Extension of Merit Medical EDA Project Area. *(By City Commerce Director, Brian Preece)*

**Laura Lewis**, Lewis Young Robertson and Birmingham, reviewed the background information on this item. She said some of the property that exists in the RDA will be swapped out and the project area will be expanded. They will be meeting with the other taxing entities on September 10<sup>th</sup> to review the project.

**Greg Fredde**, Executive VP, Merit Medical, 1600 Merit Parkway. He reviewed a prepared presentation outlining their success as a company and plans for the future (Attachment C). He noted that they do Research and Development around the world, but most of it is done here.

Council Member Zander asked about the pros and cons of this proposal. Ms. Lewis said given Merit Medical's history, it is hard to think of any cons. The business will pay some property taxes. Tax revenue will come into the RDA. The impact to city services is minimal. She said typically, when there is a concern for EDA's, it is when it is used for a housing development. This proposal has no homes and is a net positive benefit. The County has taken issue recently with the creating of some EDAs and CDAs. The County's concerns are generally about wanting more control.

CM Whatcott said the past EDA on this project did a pass through to the school district. In the last EDA, the EDA over-performed. He said as a city, if they want long term fiscal sustainability, they have to have jobs. They can't rely solely on retail. Merit Medical has proven that they are worth the investment. He feels this proposal is a win for the city.

Mr. Fredde said the biggest arguments with EDAs is that the development would have been built anyway. That is probably right if talking about retail. This is different because they have options around the world to invest their dollars. He said their hope and expectation is that they will receive a unanimous vote from the Taxing Entity Committee (TEC).

Council Member Shelton said he would like a side by side comparison of the old EDA versus the new EDA. Ms. Lewis said she would prepare that.

**Council Member Marlor made a motion to go into a closed session to discuss the purchase, exchange, or lease of real property. Council Member McGuire seconded the motion. The vote was unanimous in favor.**

CLOSED MEETING

**Council Member McGuire made a motion to come out of closed meeting. Council Member Shelton seconded the motion. The vote was unanimous in favor.**

**I. Reports and Comments:** *(Mayor, City Council, City Manager, and City Attorney)*

The City Council determined not to give any reports and comments given the lateness of the hour.

ADJOURNMENT

**Council Member Harris made a motion to adjourn. Council Member Zander seconded the motion. The vote was unanimous in favor.**

The August 21, 2018 City Council meeting adjourned at 11:13 p.m.

**This is a true and correct copy of the August 21, 2018 City Council Meeting Minutes, which were approved on September 4, 2018.**

*Anna M. West*

**South Jordan City Recorder**

### CITY COUNCIL MEETING

August 21, 2018

6:30 P.M.

ALL THOSE ATTENDING, PLEASE  
PRINT NAME & ADDRESS

PRINT NAME	PRINT ADDRESS
John GREEN	Tayside Drive
Julie Hollarook	So Jo
Blain P. Maw	Keopsoke Ct. R.V.
Jay Allan	" "
Susan Coil	Birdie Way
T. BRAD COIL	9933 BIRDIE WAY
KLOYD DENITT	9450. AUTUMN MEADOW
HATHY DENITT	" "
Jason Hill	9917 Orchard View Dr.
Kyley Brooks	9813 Iverness Cir SoJo
McKay Anderson	" " "
Judy Jensen	2887 So Tee Box Dr. S. Jordan
Erik Jensen	9987 So. Tee Box Dr So Jo
Timothy W. Lewis	9669 Wood Vista Circle
Julie Curtis	9944 S. Birdie Way
Scott W. Donkey	9944 Birdie Way
KOD LOWRY	4456 W. GLENMOOR Hills. Dr.
MARC PEHRONEN	9706 SKYE RIVE, So Jo 84009
Betty Jean Fabrizio	2280 Amsterdam Dr S.P.
RICK FABRIZIO	" " "
Marc Haggly	4253 W 9590 S
Knecht Knedde	1600 Merit Parkway
JOHN KSHERCIE LEWIS	94348 NORMAN CT
Donna Sackett	9750 S. Tayside Dr
Larry & Cheryl Hansen	9690 So SKYE Dr

# CITY COUNCIL MEETING

August 21, 2018

6:30 P.M.

ALL THOSE ATTENDING, PLEASE  
PRINT NAME & ADDRESS

PRINT NAME

PRINT ADDRESS

Jill Blanchard	10924 Dona Grass Dr.
MAURINE PAULL	1478 OLD CYPRUS CT
DAVE PAULL	" "
Darci Olsen	3951 Graymalkin cir So. Jordan
Kristy Jack	4337 GOLF CIR
DAVID BOOTH	9800 S. 4800 W.
Alan Toman	10848 Indigo Sky Way
John ROBERTS	9908 S. GLASGOW DR
ANDY HAMSTEAD	4407 GLENMOOR HILLS DR
Donald Vetsand	4411 Lemoyne Dr
CHES CROSBY	4588 W. BIRDIE WAY
RANDY BOOTH	10035 S. YORKSHIRE DR.
Andre Barthome	9894 S Birdie Way
Alex Barthome	9894 S Birdie Way
John BRANDT	1802 W 10740 S.
TANJA KOFFORD	4926 SKYE DR
KAYE KOFFORD	4926 SKYE DR
ABAGAIL PATONAI	1852 W-HAVEN VIEW RD
Kathleen Freiss	4097 W. Deep Dell Drive
JOY MARTIN	9814 Iverness Circle
Lori Bladen	4648 Birdie way
Kevin Brown	4648 Birdie way
Kevin Smith	4029 FAIRGLEN Circle
hanna Smith	4029 FAIRGLEN Circle
hormaine Welsh	4159 W. Berridale Circle
Amy Martz	5438 W. Bridle Vista Cir WJ.
Julia Treweek	9870 S. Yorkshire Dr.

# CITY COUNCIL MEETING

August 21, 2018

6:30 P.M.

ALL THOSE ATTENDING, PLEASE  
PRINT NAME & ADDRESS

PRINT NAME

PRINT ADDRESS

Jodi Sadler	9671 Vance Ct
Matt Sadler	9671 Vance Ct
Steve Sadler	9671 Vance Ct
Kim Fish	11624 S Gold Stone Dr
CONNOR MORTENSEN	3464 W. 10025 S SOO 84095
Bob Brady	4470 W. Skye Dr
Paul Pugmire	4792 Firpoint Dr, Solo
<del>Jana Williams</del>	4618 Birdie
Jared Williams	4618 Birdie Way So. So. 84009
J. Colby Clark	4666 W Birdie Way So So 84009
Georgia Swais	4542 Knox Dr. So So 84009!
Dale & Judy Smith	9151 Wood Vista Cir
KRB KRBB	1241 TURKDOISE WY
Shannon Strong	8866 Lincoln Cove So Jordan
Ed Bingham	9813 S. Stoneham SJ
Shirley Bingham	
ALAN & SUSAN FERGUSON	4634 BIRDIE WAY
Rich Cunningham	11582 S. Lizzi CU
JEFF COY	9472 WOOD RANCH Ct
Robert Paxton	1073 W. 10250 S.
Jay Dreece	9203 Winterberry Dr.
Mary Taylor	4561 W. St. Andrews Dr.
Amanda Norman	4097 Fairburn Circle
Bryant Norman	4097 Fairburn Circle
Ben Blanchard	10924 Dune Grass Dr.

Attachment B  
8-21-18 C.C. Mtg.

J. Colby Clark, Esq. (USB #09237)  
ATTORNEY AT LAW  
2972 W Maple Loop Dr., Suite 301  
Lehi, UT 84043

Mr. Ryan Loose  
City Attorney  
City of South Jordan Utah  
1600 W. Towne Center Dr.  
South Jordan, UT 84095  
rloose@sjc.utah.gov

August 21st, 2018

Sent via Electronic Mail or Hand Delivery

**Re: Glenmoor Golf Course Zoning**

Dear Mr. Loose (*and I presume that you will pass this to all of the Mayor and Council Members*):

The undersigned represents the Amy Seare Family Trust CMO, owner of the real property at 4666 W Birdie Way, South Jordan Utah 84009 (this property shares a boundary with the Glenmoor Golf Course).<sup>1</sup> I have attended Council Meetings, read information that has been provided by the City Council, and have completed some initial research on this matter.

My understanding of the historical actions (actual, implied, or otherwise) that all (the City, the Owners of the Glenmoor Golf Course, and the Real Property Owners) have demonstrated a "actual belief" that the Real Property that is known as the Glenmoor Golf Course was "Open Space" and ALL parties have acted and relied on that belief and understanding for many years.

Notwithstanding any interpretation of mine, I am greatly concerned with the lack of information as well as the lack of transparency of what is taking place regarding the zoning (or failure to properly zone) the Glenmoor Golf Course. As such, I have the following questions:

1. Why is this a "ballot" issue, and not strictly a "zoning" issue?
2. Is it not true that the inaction of the City Council is nothing more than a complete abdication of its duties (zoning) and a mere "washing of the hands" -- or rather, an attempt to hide behind the cloak of a "vote"?

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<sup>1</sup> However, if this proceeds to litigation, I will not be counsel of record as I will most likely have to recuse myself because I anticipate being called as a witness.

3. How can an "item" be published on the ballot if citizens don't know the cost (purchase price) as negotiations are not, and can not be final, at this juncture?

4. If the City Council does publish an item on the ballot, what remedies or recourse would any real property owner have to stop the ballot initiative? Is it not true that such a hurdle would make it more difficult to seek alternative legal remedy (absent a soon to be filed Motion for Temporary Restraining Order)?

5. Why doesn't the City Council "do its job" and zone the Glenmoor Golf Course "Open Space" (OS) as it should have been zoned years ago?

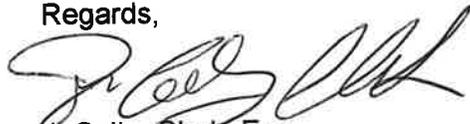
If the City Council zoned the Golf Course as it has been "relied upon" (OS), and if the Owners/Receiver want to sue the City, then the Owners/Receiver would have to prove "damages" which would have to be determined by a jury, and be capped by the "difference" of (a) Any sale of the Golf Course, and (b) the Estimated value of what "could have been" developed if zoned differently (if not entirely by the economic loss rule)? Their case seems thin. It will be hard to prove the City injured the potential Plaintiffs by NOT letting the Owners/Receiver completely "RE-PURPOSE" the land (in complete disregard of what has been historically acted and relied upon).

6. Why is it not readily apparent that to zone the Glenmoor Golf Course Open Space (as per #5 above) makes legal repercussion against the City limited as the Owners/Receiver Property and Business is COMPLETELY PRESERVED AS IT IS NOW AND HAS BEEN FOR YEARS?

In summary, this is a zoning issue and not a ballot issue. Further, and for whatever reason (and maybe only through discovery and depositions may it become apparent) that the City Council is failing to act in the fiduciary capacity and with powers rendered to it to zone land in its boundaries as it sees fit. ***Such a failure -- to PRESERVE the golf course as the golf course it has always been, surely has more gravitas than any "thin" lawsuit the Owner/Receiver may pursue.***

Hopefully my questions will be answered or rendered moot by the City Council.

Regards,



J. Colby Clark, Esq.

cc: to ~~Alan~~ <sup>Simon</sup> Loose as Attorney to distribute to South Jordan City Council Members & Mayor