



CITY COUNCIL ELECTRONIC MEETING AGENDA
CITY OF SOUTH JORDAN
JULY 21, 2020
6:30 PM

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY COUNCIL WILL HOLD ITS MEETING **ELECTRONICALLY, VIA ZOOM PHONE AND VIDEO CONFERENCING WITH NO ANCHOR LOCATION**, ON TUESDAY, JULY 21, 2020. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE CITY MANAGER STAFF AT (801) 254-3742, AT LEAST 24 HOURS PRIOR TO THIS MEETING.

I, Dawn R. Ramsey, the Mayor of the City of South Jordan and Chair of the South Jordan City Council Meetings, hereby determine that conducting South Jordan City Council Meetings at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The President of the United States, The Governor of Utah, the County Health Department and Mayor, the Mayor of South Jordan City, and the World Health Organization have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2 and outbreaks of the coronavirus disease COVID-19 that has now spread globally including in Utah. Due to the State of emergency caused by the global pandemic, the current situation in Utah and specifically in Salt Lake County, and the manner in which the COVID-19 virus spreads in groups, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the anchor location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system. This determination not to meet in an anchor location shall be valid for thirty days.

In the event an electronic meeting is disrupted in any way that the City in its sole discretion deems in appropriate, including the posting of offensive pictures, remarks, or making offensive statements, the City reserves the right to immediately remove the individual(s) from the meeting and, if needed, end the electronic meeting with or without a motion and vote. If a meeting is ended prior to all items being addressed, any items not addressed shall be moved to the next regularly scheduled meeting or a special meeting whichever is first.

Attendees will be allowed to join via phone or video, using Zoom phone and video conferencing. Note, public comment will be accessed through video conferencing, and a participant must have their video on and working to speak. Those who join via phone may listen, but not comment. Ability to connect and comment is dependent on an individual's internet connection, not the City. To ensure your comments are taken regardless of technical issues, please have them submitted in writing to the City Recorder, Anna Crookston, at Acrookston@sjc.utah.gov by 5:00 p.m. on July 21, 2020.

Instructions on how to join the meeting electronically are below.

Join South Jordan City Council Electronic Meeting July 21, 2020 at 6:30 p.m.

Join on any device, with mobile and desktop availability

Visit: www.sjc.utah.gov/meeting-agenda-minutesarchive-center/

Zoom link, Meeting ID and Meeting Password will be provided 24 hours prior to meeting start time.

Zoom instructions are posted www.sjc.utah.gov/meeting-agenda-minutesarchive-center/

Regular Meeting

- 6:30 p.m. **A. Welcome, Roll Call and Introduction to Electronic Meeting** - *By Mayor Dawn R. Ramsey*
- 6:35 p.m. **B. Invocation** – *By Council Member, Tamara Zander*
- 6:40 p.m. **C. Pledge of Allegiance** – *By Strategic Services Director, Don Tingey*
- 6:45 p.m. **D. Minute Approval**
D.1. June 16, 2020 Council Study Meeting
D.2. June 16, 2020 City Council Meeting
- 6:50 p.m. **E. Mayor and Council Reports**
- 7:15 p.m. **F. Public Comment:** 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 and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Mayor. 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.
- 7:35 p.m. **G. Action Item: Resolution R2020-49**, the designation of the City of South Jordan as a Utah HERitage City for 2020. *(By Mayor Dawn R. Ramsey)*
- 7:45 p.m. **H. Public Hearing: Ordinance 2020-09**, Daybreak Commerce 5 Subdivision Amendment Easement Vacation – 6351 W. Crimson View Dr. *(By Planning Director, Steven Schaefermeyer)*
- 8:00 p.m. **I. Public Hearing: Resolution R2020-50**, amending General Plan and Future Land Use Map of 2019 General Plan. *(By Long Range Planning Intern, Meadow Wedekind)*
- 8:15 p.m. **J. Staff Reports and Calendaring Items**

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 July 17, 2020.



CITY COUNCIL ELECTRONIC MEETING AGENDA EXECUTIVE SUMMARY

July 21, 2020

This Executive Summary includes only certain issues on the City Council Electronic Meeting Agenda which require a vote, and for which the City Council is not familiar. The City Council Electronic Meeting Agenda includes all issues to be addressed by the City Council.

Agenda Item:

G. R2020-49, designation of the City of South Jordan as a Utah HERitage City for 2020, and recognizing the 100th Anniversary of the League of Women Voters. (Mayor Dawn Ramsey, Pg. 18)

In 1870, the Utah Territorial Legislature passed a law granting voting rights to women of the territory, making Salt Lake City, Utah the place where the first vote under a women's suffrage law was cast by Seraph Young on February 14, 1870. In 2020, Utah will celebrate the 150th Anniversary of that first historic vote cast, and as such, Utah has designated February 14th as Women's Voter Registration Day.

Mayor and City Council wish to designate the City of South Jordan as a Utah HERitage City for 2020, and to recognize the League of Women Voters, formed 100 years ago, as an important civic organization working for the welfare of all Utahns.

Recommendation: Approve Resolution R2020-49, designation of the City of South Jordan as a Utah HERitage City for 2020, for the 100th Anniversary of the League of Women Voters.

H. Ordinance 2020-09, vacating the existing public storm drainage utilities easement, located in the northwest corner of Lot C-121 of the Daybreak Commerce Park 5 Subdivision, granted to South Jordan City by VP Daybreak Investments 1. (Steven Schaefermeyer, Planning Director, Pg. 26).

Applicant seeks to subdivide the subject property into four lots. A new storm drain easement will be recorded with the subdivision plat, showing the location of the new storm drain line, which has already been moved by the City. The existing easement must be vacated and shifted to match the new location, before the amended plat is recorded.

July 21, 2020

City Council Electronic Meeting Agenda Executive Summary

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Subdivision amendment was preliminarily approved by the Planning Commission on 5/26/2020, subject to the City Council vacating the easement.

Recommendation: Approve Ordinance 2020-09, vacating the existing public storm drainage utilities easement.

I. R2020-50, amending the Future Land Use Map portion of the 2019 General Plan.
(Meadow Wedekind, Long Range Planning Intern, Pg. 44)

The General Plan includes a Future Land Use Map (FLUM) that depicts land use designations for land throughout the City, describes South Jordan's desired future, and is a tool to guide development decisions, infrastructure improvements, and public and private investment and reinvestment in South Jordan.

The proposed land use amendments are designed to bring the land use designations on the map into alignment with the desired land uses and existing property boundaries of the areas in question. (See Proposal Summary).

Recommendation: Approve R2020-50, amending the Future Land Use Map portion of the 2019 General Plan.

D.1 06/16/20 COUNCIL STUDY SESSION MINUTES

SOUTH JORDAN CITY
CITY COUNCIL ELECTRONIC STUDY MEETING

June 16, 2020

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, ACM Dustin Lewis, City Attorney Ryan Loose, Engineering Director Brad Klavano, City Recorder Anna Crookston, City Commerce Director Brian Preece, Deputy Police Chief Jason Knight, Fire Chief Chris Dawson, Strategic Services Director Don Tingey, Communications Manager Rachel VanCleave, Administrative Services Director Spencer Kyle, Planner Brad Sanderson, Planning Director Steven Schaefermeyer, Associate Director of Public Works Ray Garrison, CFO Sunil Naidu, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attendance electronically via Zoom

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

Mayor Ramsey called the meeting to order at 4:30 p.m.

Mayor Ramsey welcomed everyone present. All members of the City Council were present. She reviewed the protocol of the meeting.

B. Invocation: *By Council Member Harris*

Council Member Harris offered the invocation.

C. Mayor and Council Coordination

Council Member Zander asked when the City Council will be meeting together again in the Council Chambers, noting others are meeting in person. Mayor Ramsey said she is not in a hurry. She said there is a board member on another board that she serves on that met in person and then 2 days later tested positive. She said she has not had anyone tell her that they want the City Council meeting in person.

Council Member Shelton said the only comment he has heard is that a resident wants the zoom meetings to continue, even when they are meeting in person.

Council Member Zander said she feels no urgency to get back meeting in person. She has had no complaints. People like being able to join the meeting easily.

Mayor Ramsey said she would prefer to meet electronically in July. Council Member McGuire and Council Member Harris said they are okay continuing with zoom meetings in July. Council

Member Marlor concurred. City Attorney Loose said depending on what the bill says, they may be required to have one person at the anchor location.

Mayor Ramsey said there were 15 new bill files opened at the legislature regarding policing. She said Police Chief Carr has experience at the city and state level, at high level positions. He would be a valuable voice on the task force. She noted significant events that the police have been involved in South Jordan recently. She expressed appreciation to the police department. She said many people are coming together to make sure that people are treated fairly, but still giving public safety officers what they need.

D. Discussion/Review of Regular Council Meeting

Council Member McGuire asked that item H.2. be pulled and made its own stand alone item. Mayor Ramsey concurred. She said they have heard from the developers and have had a public hearing. She believes there are residents that want to speak on the issue. If anyone would like to speak on the issue, she would like to invite them to speak during public comment.

The City Council reviewed item H.4. on the agenda regarding the CARES Act Funding. Council Member Shelton asked if the funds have to be spent by this fall? City Attorney Loose said whatever the city has not expended by October 1st, the County can use the funds from October 1st to the end of the year.

Council Member Shelton asked how much they had spent on Covid expenses? CFO Naidu said approximately \$60,000-70,000. CM Whatcott said they have been conservative in their estimates. With some of the funds, they will be able to help employees better work from home.

Council Member Shelton asked how much is the bid in item H.5.? Planner Sanderson said \$33,400. He said staff feels it is a fair price. Hansen, Allen, and Luce are familiar with the city's system. That information helps their bid be more competitive. CM Whatcott said they keep the water system very secure. They don't want that information out to too many sources. They keep it to a few entities that work for them to maintain the security of the system.

ACM Lewis reviewed item H.3.

The City Council reviewed the budget. Council Member Shelton asked about the sales tax numbers. CFO Naidu said they only have the numbers through March. They discussed the adjusted revenue as a result of the loss of the Kennecott revenue. Mr. Naidu said he believes April will be the worst month regarding sales taxes. He believes they will be able to maneuver through this time.

They discussed licenses, permits, and charging credit card fees. CFO Naidu said to some degree that is addressed in the rate studies when establish they fees. They estimate revenue and how much will be collected through credit cards. The revenue for development fees were higher than budgeted, so they made the adjustment on the credit card side.

CFO Naidu reviewed what makes up the miscellaneous revenue.

They discussed the transfer of funds for insurance and benefits. CFO Naidu explained the funds are put in CM Whatcott's department, and then it is distributed in the benefit line item throughout the general fund. Council Member Shelton asked why the water bond payment went down? Mr. Naidu said because they paid the bond off.

Mayor Ramsey recognized Tracy Miller from the Jordan School District Board of Education.

E. Executive Closed Session: Discuss the Character and Competency of individual(s)

Council Member Zander made a motion to recess the City Council study meeting and move into an Executive Closed Session to discuss the character and competency of individual(s). Council Member Marlor seconded the motion. The vote was unanimous in favor.

D.2 06/16/20 COUNCIL MEETING MINUTES

SOUTH JORDAN CITY
CITY COUNCIL ELECTRONIC MEETING

June 16, 2020

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, ACM Dustin Lewis, City Attorney Ryan Loose, Public Works Director Jason Rasmussen, Engineering Director Brad Klavano, City Recorder Anna Crookston, City Commerce Director Brian Preece, Fire Chief Chris Dawson, Strategic Services Director Don Tingey, Deputy Police Chief Jason Knight, Communications Manager Rachel VanCleave, Administrative Services Director Spencer Kyle, Planning Director Steven Schaefermeyer, CFO Sunil Naidu, Planner Brad Sanderson, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attendance electronically via Zoom

REGULAR MEETING

A. Welcome, Roll Call and Introduction to Electronic Meeting – *Mayor Ramsey*

Mayor Ramsey called the meeting to order at 6:53 p.m. She welcomed everyone present. All members of the City Council were present as listed. She reviewed the protocol for the electronic meeting.

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

Council Member Marlor offered the invocation.

C. Pledge of Allegiance – *By Public Works Director, Jason Rasmussen*

Public Works Director Rasmussen led the audience in the Pledge of Allegiance.

Council Member Harris made a motion to add an executive closed session at the end of the agenda. Council Member Shelton seconded the motion. The vote was unanimous in favor.

D. Minute Approval

- D.1. June 2, 2020 Council Study Meeting
- D.2. June 2, 2020 City Council Meeting

Council Member Zander made a motion to approve the June 2, 2020 Council study meeting minutes, and the June 2, 2020 City Council meeting minutes, as printed. Council Member McGuire seconded the motion. The vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Zander said she met with the Salt Lake County mosquito abatement district board through Zoom. That is going well. She also noted that she was able to participate in the city's summerfest activities. She was able to participate by handing out root beer floats. She said they handed out 2500 root beer floats, and had probably 1000 that didn't get them. She was surprised by how many attended and trusted the city to have a worthwhile event. She said she hopes next time, if it is ever done again, that they have more floats for the residents to view. She said she was able to be a judge for the South Jordan pet contest. She was also able to judge the chalk art contest. She asked that next year, staff put up signs to not step on the chalk art.

Council Member McGuire concurred with Council Member Zander's comments regarding summerfest. This was his 3rd year judging the chalk art contest. He thanked staff for the activity boxes. He reported on an Arts Council meeting that he attended. He said they are doing a second round of entries for the light pole banner contest. He said he met with CFO Naidu regarding the budget. He also spoke with Police Chief Carr and is grateful for the work the police do to make South Jordan a safe place. He also met with a developer for a proposed development in his district. He also met with a candidate for the House of Representatives District 42.

Council Member Marlor said he attended the floats in floats event. He also participated in the chalk art. He said he would like to see those type of activities continue in the future. He said there was no architectural review committee meeting since the last City Council meeting. He attended a zoom call on June 11th regarding a real estate issue. He said he is appreciative of the letter sent by the Police Chief. He thanked the police and other emergency service employees for all that is being done to protect them.

Council Member Harris thanked the efforts of the police department. He said not all police departments are equal. They have a fabulous police chief that runs a tight ship. He has confidence that they have the right people protecting the city. He said he is glad that the city took a support role regarding Covid 19; the residents are better off because of that stance. He said the historical committee continues to hold off on those meetings at this time. He thanked staff for their efforts on the virtual summerfest.

Council Member Shelton noted that he participated in the virtual summerfest. He also went to the chalk art event. He said he talked to a resident regarding a march planned in Daybreak tomorrow. He appreciated staff's efforts to help him be informed on that issue.

Mayor Ramsey said the Governor's order to allow electronic meetings that they have been holding will end June 30th. It is on tap to be discussed in the special session. If it is determined that they can continue to hold anchorless electronic meetings and the cities can make that determination for themselves, they plan on holding the July City Council meetings electronically. City Attorney Loose asked if that is the same for the Planning Commission? Mayor Ramsey said yes.

Mayor Ramsey reported on the Point of the Mountain State Land Authority workshop. She also received some training with the IHC Board of Trustees. She said she loved the high school graduation festivities. She loved the summerfest activities. She was able to do the awards for the

city's virtual pet show; there were 125 participants. She loved the floats and floats event. She noted that she attended the Jordan Education Foundation Executive Board meeting. They were able to award 2 scholarships to 2 individuals. She reported on the Jordan Valley Water Conservancy District Conservation Committee meeting and the Jordan Valley Water Conservancy District Board of Trustees meeting. She said South Jordan was awarded a grant. She said she met with the police leadership and executive staff. She said there is a lot of legislation being considered. She said they want to ensure that the legislation is appropriate and they want to have the best policies during this transformational time in law enforcement. She indicated that she had a site tour of the thermal drying unit with the Sewer District. She attended the school board meeting. They determined to move the ALPS program in a couple of years. That change will allow South Jordan Elementary to be able to go on a traditional schedule in 2 years. They have not determined where they are moving the ALPS program at this time. The intent is to allow for stability in that area. She said she attended a meeting of the EDCUtah Board of Trustees. The number of new businesses in Utah has increased. She has met with ULCT several times. Tomorrow, she will be testifying to a legislative committee on the impacts of Covid 19. She thanked the police department. They have had some unique situations for South Jordan in the last several weeks. She said they have no plans to defund the South Jordan Police Department. She appreciates their efforts to keep us safe.

F. Public Comment:

Mayor Ramsey opened the public comment portion of the meeting. She said there is not a public hearing on item H.2.. If there are comments on this item, they should do that at this time.

Reed Stallings and Allen Stallings, members of 6S company, introduced themselves. They are part of the Resolution for H.2.

Reed Stallings said 6S stands for 6 Stallings, which is his father and 5 kids. They sold the land to Boyer, but Boyer did not want a commercial piece. Their family will own the commercial piece and their intent is to own it forever. He said they know 11400 South will be developed further in the future. They have been told that can happen with the present footprint, if not, UDOT will buy the land necessary for the road. He said on the road developed on the west side of the Starbucks building, the road at their driveway will be 5 ft. above the back of the parking for Starbucks. He said they will have to do some retaining walls. They will still be 1 ft. above the sidewalk with the drive through and a 4 ft. berm is required. He said that can't fit into the 20 ft. space. He said they want to make this development nice.

Allen Stallings, 4106 S. Cumberland Road, indicated that he is part owner of property. He said they want the most square footage of the building possible. The most viable square footage they have is the retail which requires more parking. Reed said they anticipate that they will be close to the 25,000 sq. ft.. Allen said they want the maximum square footage possible. He said tenants want drive through windows. He said the parking is substantial. Having less of a setback does not increase the parking, but makes it unmanageable in the back. He said they had no say in the original development agreement; it was mandated by the planning department. He said they are trying to make this make sense for the city and them.

Reed Stallings said on the plot map, the majority of the buildings will be within the 35 ft. The exception is the Starbucks building because they demand a narrow footprint. They are also trying to have a normal size patio.

G. Presentation: Auditors Risk Assessment and Report. *(By CFO, Sunil Naidu)*

CFO Naidu introduced Ron Stewart, who did the auditors risk assessment report.

Mr. Stewart said they did the fraud risk assessment for South Jordan City. He reviewed the audit report. He said the city received 300 out of 385, which is a moderate level of fraud risk. He reviewed the findings and recommendations of change. This is not an indication of a risk of fraud in the city, but it is always good to look how they can protect the city moving forward.

Council Member Harris asked if this will be an ongoing audit done annually? Mr. Stewart said the audit for the County was a one time audit. He said he could foresee this becoming an annual evaluation.

CFO Naidu said they received a letter from the state auditor that said this was an annual fraud risk assessment. This is the first one that was done.

Council Member Harris asked how the city scored compared to other cities? CFO Naidu said they do not have that information yet. He assumes that when all of the reports are done, the State Auditors will do a state audit report.

Council Member Harris asked if they are able to comply with the recommendations in the report? Mr. Naidu reviewed the 4 recommendations. He said 1- regarding a formal internal audit function, that would require them to hire a separate employee. Another option is to hire an external auditor to do the same function. He said they can engage the existing external auditors and give them specific areas that they could audit every year. He said 2- regarding a fraud hotline. He needs to discuss that with CM Whatcott. The auditor's office said if someone reports an issue from a certain department, that department cannot handle the issue. He said it is complex how it is laid out. He said 3- regarding the annual ethical behavior, they can come up with a form or letter to be routed to all employees and elected officials, just like the conflict of interest form. He said 4- regarding fraud risk policies, they need to put a policy in place. He said for the elected officials training, they can address that during the strategic planning meeting. The City Council would be required to watch some videos put out by the state.

Council Member Shelton asked how this will change the auditing process? CFO Naidu said it would be in addition to the current auditing process. Mr. Stewart said there will be a little overlap.

Council Member Shelton asked if this requirement was passed by the legislature or the state auditor's office? Mr. Stewart said he believes it was done by the state auditor's office.

Mayor Ramsey asked if other government bodies, such as special districts, need to do similar training? Mr. Stewart said they all have set training; it is geared differently to each group.

Council Member Zander asked what is the cost to run this audit? Mr. Naidu said Mr. Stewart is the city's auditor. He said the internal audit is also done during the year; they will re-direct the audit committee for this audit requirement. He does not anticipate a large expense.

Council Member Shelton asked if the state auditor has the authority to impose these rules without legislation? CFO Naidu said the state auditor can't enforce them to do this, but they have the authority to publish what we don't do. If it comes out that the city is a high risk, it could cause concern for residents and could affect the city's bond rating.

Council Member Shelton said he does not like this, and feels this is a political stunt. Council Member Zander asked if they should send a message to the state auditor? Council Member Marlboro said he sees this as another unfunded state mandate. He said this is being required by a state department, not even the legislature. He appreciates Mr. Naidu being willing to do this. City Attorney Loose said the local government likes more transparency, but they have to balance how much that costs the taxpayers.

Mr. Stewart said they can choose not to take the recommendations. He said there is a wide range of criteria. If they feel they are already doing what they need to be doing regarding fraud risk, that is up to the City Council.

Mayor Ramsey said if they make a statement to the state auditor's office, they should see if any other entity feels the same way and collaborate.

CM Whatcott said the city likes to be proactive in looking at fraud assessments and risk, but he concurred that this is politics. He said it might be easier for staff to address concerns on the back end.

Council Member Harris said they already went through the process. Being protected from fraud is a good thing. He concurred that they should be compliant and move on.

Council Member McGuire concurred that it is a political game, but feels it would be better to address it behind the scenes. Council Member Zander said she is comfortable with that.

H. Consent Action Items:

H.1. Resolution R2020-20, authorizing the City Manager to sign Utah Risk Management Mutual Association Amended Interlocal Agreement (URMMA). *(By ACM, Dustin Lewis)*

H.2. Resolution R2020-38, authorizing the Mayor to sign an Amendment to the Ridgepoint Development Agreement *(By Planning Director, Steven Schaefermeyer)*

H.3. Resolution R2020-46, approving Interim Emergency Successor List for 2020-21 *(By ACM, Dustin Lewis)*

H.4. Resolution R2020-47, authorizing the Mayor to sign CARES Act Funding Agreement for Governmental Entities with Salt Lake County. *(By City Attorney, Ryan Loose)*

H.5. Resolution R2020-48, approving Bid Exception for City Water System Risk and Resiliency Plan. *(By Public Works Director, Jason Rasmussen)*

Council Member McGuire made a motion to approve consent action items H.1., H.3., H.4., and H.5. Council Member Zander seconded the motion. The vote was unanimous in favor.

H.2. Resolution R2020-38, authorizing the Mayor to sign an Amendment to the Ridgepoint Development Agreement *(By Planning Director, Steven Schaefermeyer)*

Planning Director Schaefermeyer said he was involved in many discussions with the developers on this; there were months of negotiations. He said this was not a “take it or leave it” from staff. He said staff is okay with the setbacks, but has a harder time compromising on the square footage of the building.

Planner Brad Sanderson reviewed a prepared presentation (Attachment A).

Council Member Zander concurred that there were months of negotiations. She asked why they would be concerned about a wider setback, in case they widen 11400 South? Mr. Sanderson said they were willing to go with a 30 ft. setback. The concern is that increasing the setback limits the ability to maximize the square footage of the building.

Development Services Director Schaefermeyer said they want to create an attractive street front. They also want some uniformity in setbacks.

It was noted that a 20 ft. setback was agreed upon in the development agreement. The developer is currently asking for a 45 ft. setback. Council Member Zander asked if the 20 ft. setbacks will be enough when 11400 South is widened? She noted an area near The District development (Mo Bettas restaurant) where the buildings are too close to the street. Mr. Sanderson said the setback on that building is 5 ft.; that was part of that zone’s requirements. Mr. Schaefermeyer said that building was part of the VMU zone that has been repealed. No current zone has that setback requirement. Mr. Sanderson said most commercial buildings have a 20 ft. setback.

Allen Stallings said they want to maximize their development. Less setback would equate to less landscaping and more of a parking lot. Reed Stallings said the business has requested to be set further back. He said the proposed buildings are within a 35 ft. setback, except for Starbucks, which they have requested a 45 ft. setback.

Council Member McGuire said the Wasatch Choice 2050 plan does not show 11400 South being widened. Engineering Director Klavano said when staff did the traffic master plan update, it showed 11400 South being widened to 3 lanes in each direction. He said they are looking at other options, but they may have to widen 11400 South in the future.

Mayor Ramsey clarified that there is no plan at this point to widen 11400 South. If a plan happens decades down the road, it would be done by UDOT.

Council Member McGuire asked if they are only going to be able to fill the building with drive throughs? Allen Stallings said they could fill all of the drive through uses tomorrow. He said the spaces without a drive through are a tough lease at this time. The plans for this area are mostly fast food uses and a dry cleaner.

Council Member McGuire said when they put the buildings closer to the road, it frames the road and gives the center a sense of identity.

They discussed various buildings in the city with setbacks that were 20 ft. off the road.

City Attorney Loose noted that there was one previous amendment to this development agreement to allow dual frontage households. He said any agreement is a negotiation of the parties. This would be a new contractual deal based on the setback and allowed square footage of the commercial space. The applicants are asking that they move the setbacks from 20 ft. to 45 ft. and decrease the commercial square footage requirement from 25,000 to 20,000.

Council Member Harris said the Stallings understand the needs of the business tenants. He feels they should heed their request, as it is the request of the business owner. Council Member Zander concurred. She said they are trying to get more commercial development in the city. She asked how does the 20,000 sq. ft. minimum help them? Allen Stallings said for the square footage on the end buildings, it will be hard to get the full 25,000 sq. ft. Reed Stallings said they believe it will be close. He said they want to get as much square footage as they can.

Council Member Zander asked why does the 30 ft. setback not work? Reed Stallings said it would make the berm steeper and harder to manage.

Council Member Zander said she appreciates staff's efforts on this item. She said the business owner will do their best to make this successful. She would like to give the Stallings more latitude, but asked that they make it in line as much as possible with what the staff wants.

Council Member McGuire said he has concerns about planning several fast food places in a row, and is concerned about the long term success of that type of commercial plaza. Council Member Zander said they have commercial buildings sitting empty in the city. She doesn't feel it is the role of government who they choose as tenants. They should encourage the business owners to thrive.

Council Member Zander made a motion to allow the 20,000 sq. ft. minimum building, and allow the 35 ft. setback.

The Stallings indicated that the 35 ft. setback would work except for the Starbucks building that needs 45 ft.

Council Member Zander amended her motion to approve Resolution R2020-38, as written. Council Member Harris seconded the motion.

Council Member Marlor indicated that he would love to see the 35 ft. setback; 45 ft. is a lot more than staff is recommending and he highly regards the recommendations by staff. He said he is okay with a 45 ft. setback for the one business.

Council Member Zander amended her motion to include that there be a 35 ft. setback for all buildings, but to allow plat b, the furthest west building in the site plan, to go to a 45 ft. setback. Council Member Harris seconded the motion. The vote was 4-1 in favor, with Council Member McGuire opposed.

I. Public Hearing: Resolution R2020-43, amending FY2019-20 Final Budget (By CFO Sunil Naidu)

CFO Naidu reviewed the background information on this item.

Mayor Ramsey opened the public hearing. There were no comments. She closed the public hearing.

Council Member Shelton made a motion to approve Resolution R2020-43. Council Member McGuire seconded the motion.

CFO Naidu clarified that in the RDA budget, there is a percentage set aside for infrastructure maintenance within the CDA area.

Roll call vote. The vote was unanimous in favor.

RECESS CITY COUNCIL MEETING AND MOVE TO REDEVELOPMENT AGENCY MEETING (RDA)

Council Member McGuire made a motion to recess the City Council meeting and move to a Redevelopment Agency meeting. Council Member Shelton seconded the motion. The vote was unanimous in favor.

J. Public Hearing: Resolution RDA 2020-05, amending FY2019-20 Final Budget for the Redevelopment Agency. (By CFO, Sunil Naidu)

CFO Naidu reviewed the background information on this item.

Chairman Ramsey opened the public hearing. There were no comments. She closed the public hearing.

Board Member Marlor made a motion to approve Resolution RDA 2020-05. Board Member Shelton seconded the motion. Roll call vote. The vote was unanimous in favor.

ADJOURN REDEVELOPMENT AGENCY MEETING (RDA) AND RETURN TO CITY COUNCIL MEETING

Board Member Zander made a motion to adjourn the RDA meeting and return to the City Council meeting. Board Member Harris seconded the motion. The vote was unanimous in favor.

CM Whatcott was excused from the meeting at this time.

K. Staff Reports and Calendaring Items

City Attorney Loose said in the interim meetings, there is a lot of use of force discussions with law enforcement. He asked that if the City Council sees anything or has any concerns, let staff know.

Council Member McGuire made a motion to take a break, and then recess the City Council meeting to go into an executive closed session to discuss the purchase, exchange, or lease of real property. Council Member Marlor seconded the motion. The vote was unanimous in favor.

L. Executive Closed Session: Discussion of the purchase, exchange, or lease of real property

Council Member Zander made a motion to go back into an open meeting. Council Member McGuire seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

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

The June 16, 2020 City Council meeting adjourned at 11:09 p.m.

G. ACTION ITEM: RESOLUTION R2020-49, THE 100TH
ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS.

RESOLUTION R2020 – 49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, FOR THE DESIGNATION OF THE CITY OF SOUTH JORDAN AS A UTAH HERitage CITY FOR 2020.

WHEREAS, on February 12, 1870, the Utah Territorial Legislature passed, and Acting Governor Stephen Mann signed, a law granting voting rights to the women of the territory, making Salt Lake City, Utah the place where the first vote under a women's suffrage law was cast by Seraph Young on February 14, 1870; and

WHEREAS, Utah women voted for seventeen years before federal legislation revoked their suffrage, and then organized and worked together to regain voting right in Utah's State Constitution, paving the way for women's voting right to spread across the United States.

WHEREAS, Emmeline B. Wells, Sarah M. Kimball, Hannah Kaaepa, Emma McVicker, Emily S. Richards, and Dr. Martha Hughes Cannon, all exercised unwavering leadership in the women's rights movement; and

WHEREAS, Carrie Chapman Catt, a suffragist and founder of the League of Women Voters, a civic group formed 100 years ago, spoke at the Conference of Women Voters, held in the Salt Lake Tabernacle on November 17, 1919 and sponsored by the Utah State Suffrage Council; and

WHEREAS, the U.S. Congress passed the 19th Amendment to the Constitution of the United States on June 4, 1920, guaranteeing American women the right to vote, and Carrie Chapman Catt led the state-by-state strategy that resulted in its passage; and

WHEREAS, the League of Women Voters has grown to include all citizens, encouraging informed and active participation in government, working to increase understanding of major public policy issues, and influencing public policy through education and advocacy; and

WHEREAS, the League of Women Voters is proud to be nonpartisan, neither supporting nor opposing candidates or political parties at any level of government, but always working on vital issues of concern to members and the public; and

WHEREAS, the Mayor and City Council recognize the League of Women Voters as an important civic organization working for the welfare of all Utahns, and also recognizes its long history of civic engagement and its intent to pursue this work for the next 100 years.

WHEREAS, in 2020, Utah will celebrate the 150th anniversary of that first historic vote cast by Seraph Young, and as such, Utah has designated February 14th as Women's Voter Registration Day, recognizing the day as a celebration of democracy, right, and opportunities for all women in Utah; and

WHEREAS, the Mayor and City Council desire to designate the City of South Jordan as a Utah HERitage City for 2020, to celebrate Utah as the first place where women voted under a women's suffrage law, to honor the Utah suffragists who advanced the rights of women and

promoted the democratic values at the core of the United States, and to acknowledge the legacy of strong, influential female trailblazers who serve their families and communities, and continue to participate in civic life.

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

SECTION 1. Designation. The City of South Jordan will be designated a Utah HERitage City during the year 2020.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon passage.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS _____ DAY OF _____, 2020 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:



Office of the City Attorney

Proclamation

WHEREAS, the U.S. Congress passed the 19th Amendment to the Constitution of the United States on June 4, 1920, guaranteeing American women the right to vote; and

WHEREAS, Carrie Chapman Catt, a suffragist and founder of the League of Women Voters, led the state-by-state strategy that resulted in its passage; and

WHEREAS, Carrie Chapman Catt spoke at the Conference of Women Voters held in the Salt Lake Tabernacle on November 17, 1919; and

WHEREAS, the Conference was sponsored by the Utah State Suffrage Council, then presided over by Utah feminists Emmeline B. Wells, Emily S. Richards , and others; and

WHEREAS, the League of women Voters is a civic group, originally formed to help women take a larger role in public affairs after they won the right to vote; and

WHEREAS, the League of Women Voters has grown to include all citizens, encouraging informed and active participation in government, working to increase understanding of major public policy issues, and influencing public policy through education and advocacy; and

WHEREAS, the League of Women Voters is proud to be nonpartisan, neither supporting nor opposing candidates or political parties at any level of government, but always working on vital issues of concern to members and the public; and

WHEREAS, the League of Women Voters was formed 100 years ago on February 14, 1920.

NOW THEREFORE, the Mayor and City Council of South Jordan recognize the League of Women Voters as an important civic organization working for the welfare of all Utahns. Furthermore, South Jordan City recognize the long history of civic engagement by the organization and intent to pursue this work for the next 100 years.

ADOPTED on this the 5th day of May, 2020 in South Jordan City, Utah.


Dawn R. Ramsey, Mayor

ATTEST:


Anna Crookston, City Recorder



RESOLUTION NO. 20-05

Designating Draper City as a Utah HERitage City during the year 2020

Whereas, Salt Lake City, Utah was the place where the first vote under a women's suffrage law was cast and counted;

Whereas, the Utah Territorial Legislature passed, and Acting Governor Stephen Mann signed into law on February 12, 1870, a law granting voting rights to the women of the territory; and two days later an election was held where 25 women voted;

Whereas, Utah will celebrate in 2020 the 150th anniversary of that first historic vote cast by Seraph Young on February 14, 1870;

Whereas, Utah women voted for seventeen years before federal legislation revoked their suffrage, and then organized and worked together to regain voting rights in Utah's state constitution;

Whereas, Utah paved the way for women's voting rights to spread across the United States;

Whereas, Emmeline B. Wells exercised unwavering leadership in the women's rights movement, working with Susan B. Anthony and other national leaders to initiate women's voting rights;

Whereas, Sarah M. Kimball promoted advancement for women politically, economically, and spiritually;

Whereas, Hannah Kaaepa, a resident of Iosepa, Utah, spoke to a national women's convention to advocate for Hawaiian women's voting rights;

Whereas, Emma McVicker hosted national suffrage leaders and served as Utah's first woman appointed to an executive branch office;

Whereas, Emily S. Richards represented Utah women at national conventions and organized the Utah Woman Suffrage Association in 1889;

Whereas, Dr. Martha Hughes Cannon gained widespread acclaim for speaking in favor of women's suffrage at the Chicago World's Fair and before a congressional committee, and was elected in 1896 as the nation's first female state senator, and January 11 was recently designated as National Martha Hughes Cannon Day;

Whereas, equal suffrage and political rights were made possible because of the leadership of visionary women and men who understood that our nation prospers when each citizen has the opportunity to participate in the public sphere; and

Whereas, Utah has designated February 14, as Women's Voter Registration Day and recognizes that day as a celebration of democracy, rights, and opportunities for all women in Utah;

Now, therefore, be it resolved by the City of Draper, Utah that Draper will be designated a Utah HERitage City during the year 2020. Utah HERitage cities celebrate Utah as the first place where women voted under a women's suffrage law; honor the Utah suffragists who advanced the rights of women and promoted the democratic values at the core of the United States; acknowledge the legacy of strong, influential female trailblazers who serve in their families and communities; and encourage women to continue to participate in civic life.

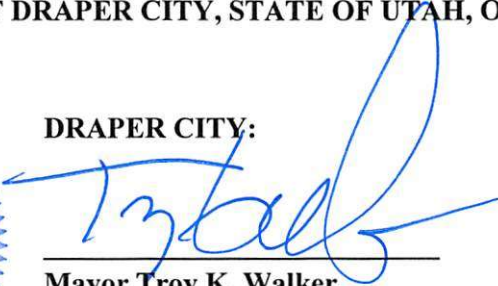
PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 21ST DAY OF JANUARY, 2020.

ATTEST:


Laura Oscarson, City Recorder



DRAPER CITY:


Mayor Troy K. Walker

VOTE TAKEN:

	<u>YES</u>	<u>NO</u>
Councilmember Green	☒	_____
Councilmember Lowery	☒	_____
Councilmember Lowry	☒	_____
Councilmember Roberts	☒	_____
Councilmember Vawdrey	☒	_____
Mayor Walker	_____	_____

H. PUBLIC HEARING: ORDINANCE 2020-09, DAYBREAK COMMERCE 5
SUBDIVISION AMENDMENT EASEMENT VACATION - 6351 W. CRIMSON VIEW DR.

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 7/21/2020

Issue: DAYBREAK COMMERCE PARK 5 SUBDIVISION AMENDMENT – VACATION OF EASEMENT

Address: 6351 W Crimson View Drive

File No.: PLPLA202000060

Applicant: Niklaus Bichsel

Submitted By: David Mann, Planner II

Presented By: David Mann, Planner II

Staff Recommendation (Motion Ready):

Approve **Ordinance 2020-09**, vacating the existing storm drain easement located in the northwest corner of Lot C-121 of the Daybreak Commerce Park 5 Subdivision.

ACREAGE: 16.84 acres

CURRENT ZONE: P-C

CURRENT USE: Vacant

FUTURE LAND USE PLAN: Industrial

NEIGHBORING

LU DESIGNATIONS,

(ZONING)/USES

North - Industrial, (P-C) / Vacant

South - Industrial, (P-C) / Vacant

East - Natural Area, (P-C) / Vacant

West - Industrial, (P-C) / Vacant

BACKGROUND & ANALYSIS:

The Applicant is seeking to subdivide the subject property into four lots. A new storm drain easement will be recorded with the subdivision plat, showing the location of the new storm drain line. The existing easement must be vacated by the City Council, as required by Utah Code § 10-9a-609.5, before the amended plat is recorded. The city has already moved the storm drain line that was located in the easement and, therefore, the easement must be shifted to match the new location. The subdivision amendment was preliminarily approved by the Planning Commission on May 26, 2020, subject to the City Council vacating the easement.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- Storm water infrastructure has been moved so that the existing easement is no longer necessary.
- To vacate an easement, the City Council must find that good cause exists and that neither the public interest nor any person will be materially injured by the vacation.
- Staff has determined that no material injury will result from the vacation of the subject easement.

Conclusion:

- Based on the Findings listed above, Staff has reviewed the proposed vacation and determined that there is good cause to vacate the subject easement because access is no longer needed at that location.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the City Council take comments at the public hearing and **approve** Ordinance 2020-09, vacating the existing storm drain easement located in the northwest corner of Lot C-121 of the Daybreak Commerce Park 5 Subdivision, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

ALTERNATIVES:

- Deny the application.
- Modify the provisions for approval.
- Schedule the decision for a later date.

SUPPORT MATERIALS:

- Aerial map
- Daybreak Commerce Park 5 - Amended subdivision plat
- Public Storm Drainage Utilities Easement Agreement
- Ordinance 2020-09

City Council Action Requested:

Brad Klavano

Brad Klavano (Jul 1, 2020 13:22 MDT)

City Engineer

July 1, 2020

Date

ORDINANCE NO. 2020 – 09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING A PUBLIC STORM DRAINAGE UTILITIES EASEMENT GRANTED TO SOUTH JORDAN CITY BY VP DAYBREAK INVESTMENTS 1.

WHEREAS, Sections 10-9a-608, 609 and 609.5 of the Utah Code require that any vacation of some or all of a public street, right of way, or easement, including those recorded by subdivision plat, within the City of South Jordan (the “City”) may only be approved by the City Council of the City of South Jordan; and

WHEREAS, on September 16, 2019, VP Daybreak Investments 1 (“Grantor”) entered into a Public Storm Drainage Utilities Easement Agreement granting the City an easement in accordance with the terms thereof (the “Easement”); and

WHEREAS, Nicklaus Bichsel (the “Applicant”) has petitioned the City to vacate the Easement; and

WHEREAS, on July 16, 2020, the City Council held a public hearing to consider Applicant’s petition to vacate the Easement; and

WHEREAS, the City Council finds that there is good cause to vacate the Easement and that neither the public interest nor any person will be materially injured by vacating the Easement.

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

SECTION 1. Grant of Petition to Vacate Easement. The City Council hereby grants the Applicant’s petition to vacate the existing storm drain easement, located in the northwest corner of Lot C-121 of the Daybreak Commerce Park 5 Subdivision, as more specifically described in the September 16, 2019 Public Storm Drainage Utilities Easement Agreement.

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}

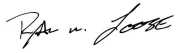
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS _____ DAY OF _____, 2020 BY THE FOLLOWING VOTE:

	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:



Office of the City Attorney

13095655
10/9/2019 1:16:00 PM \$40.00
Book - 10843 Pg - 5601-5610
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 10 P.

After recording, please send to:

South Jordan City
Attn: City Recorder
1600 West Towne Center Drive
South Jordan, Utah 84009

Tax Parcel Number(s): 26-14-152-001, 26-15-276-005 and 26-15-276-006

PUBLIC STORM DRAINAGE UTILITIES EASEMENT AGREEMENT

This Public Storm Drainage Utilities Easement Agreement (this "**Agreement**") is made this 16th day of September, 2019, by and between VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, SHORT DAYBREAK HOLDINGS 1, LLC, a Utah limited liability company (collectively, "**Grantor**"), and the City of South Jordan, a Utah municipal corporation ("**Grantee**").

RECITALS

A. Grantor is the owner of certain real property identified as Assessor's Parcel Number(s): 26-14-152-001, 26-15-276-005 and 26-15-276-006 (the "**Property**").

B. Grantor has agreed to grant Grantee a public storm drainage utilities easement on certain portions of the Property as more particularly set forth below.

AGREEMENT

The parties agree as follows:

1. **STORM DRAINAGE UTILITIES EASEMENT.** Grantor hereby grants to Grantee, its successors and assigns, and Grantee hereby accepts from Grantor, a storm drainage utilities easement (the "**Easement**") under, across, over and through those certain portions of the Property as more particularly depicted in Exhibit A, and more fully described in Exhibit B (the "**Easement Area**"), which are attached hereto and incorporated herein.

2. **STATEMENT OF PURPOSE.** The Easement shall be for storm drainage utilities and Grantee shall have reasonable rights of ingress and egress to the Easement Area for the purpose of installing, repairing, testing, maintaining, and replacing the utilities.

3. **TYPE OF EASEMENT.** The Easement shall be non-exclusive; provided, however that Grantee shall have the exclusive right to construct, install, maintain, operate and access the storm drain lines, drainage utilities, and all related facilities within the Easement Area. Grantor (or its invitees, guests or successors in interest) may use the surface of the Easement Area for any purpose, business or otherwise; provided that such use does not interfere with the rights granted to Grantee hereunder. The Easement Area shall remain unobstructed from buildings and other such structures; however, Grantor may place parking lots, sidewalks or other paved structures on the Easement Area. Grantor shall provide notice to Grantee prior to permitting any other utilities to be located within the Easement Area, which other utilities shall not interfere with Grantee's rights hereunder.

4. **MAINTENANCE.** Grantee shall be responsible for the maintenance of the storm drainage equipment and facilities located in the Easement Area and shall keep the same in a good, clean, safe and functional condition. Grantor shall be responsible for landscape and surface maintenance within the

functional condition. Grantor shall be responsible for landscape and surface maintenance within the Easement Area. Grantee's use of the Easement shall not unreasonably interfere with Grantor's use of its Property.

5. **TERM.** The Easement granted pursuant to this Agreement shall run with the land and shall be effective and binding on the parties hereto upon the execution of this Agreement and shall be perpetual in its term, and shall not be extinguished by transfer of any interest in the Property.

6. **NO REPRESENTATIONS AND WARRANTIES.** Grantor makes no warranties or representations concerning the Easement hereby granted, or its suitability for the intended use, the cost of maintenance or otherwise.

7. **INDEMNITY.**

a. Grantee shall defend, indemnify, and hold Grantor and its respective successors, assigns, corporate parents, affiliates and subsidiaries, and their respective officers, directors, shareholders, representatives, contractors, agents and employees harmless from and against any action, cause of action, suit, proceeding, claim or demand of any kind asserted by or against the Grantor (collectively, "**Claims**") and any and all liabilities, regardless of whether such liabilities are based upon contract, warranty, tort, (including negligence of any nature), violation of laws, damages, losses, obligations, costs and expenses of every kind, including, without limitation, reasonable attorneys' fees, expert witness fees, and other costs and expenses (collectively, "**Liabilities**"), for injuries to or the death of any person, loss of or damage to the property of any person or the assertion of any other Claims or Liabilities by any person caused by the acts or omissions of Grantee or its agents in exercising its right under this Agreement.

b. Grantor shall defend, indemnify, and hold Grantees and their respective successors, assigns, corporate parents, affiliates and subsidiaries, and their respective officers, directors, shareholders, representatives, contractors, agents and employees harmless from and against any action, cause of action, suit, proceeding, claim or demand of any kind asserted by or against the Grantees (collectively, "**Claims**") and any and all liabilities, regardless of whether such liabilities are based upon contract, warranty, tort, (including negligence of any nature), violation of laws, damages, losses, obligations, costs and expenses of every kind, including, without limitation, reasonable attorneys' fees, expert witness fees, and other costs and expenses (collectively, "**Liabilities**"), for injuries to or the death of any person, loss of or damage to the property of any person or the assertion of any other Claims or Liabilities by any person caused by the acts or omissions of Grantor or its agents in exercising its right under this Agreement.

8. **SEVERABILITY.** If any clause, sentence, or other portion of the terms, conditions, covenants, and restrictions of this Agreement becomes illegal, null, or void for any reason, or is held by any court of competent jurisdiction to be so, the remaining portions will remain in full force and effect.

9. **RECORDATION.** The Agreement shall be recorded in the real property records of Salt Lake County, State of Utah. By executing this Agreement, Grantor consents to Grantee's recordation of this Agreement.

10. **FURTHER DOCUMENTS.** Grantor will execute any and all further documents, which Grantee reasonably requests to assure Grantee the rights granted in this Agreement.

11. **AMENDMENTS.** This Agreement may only be amended by a written document signed

by each of the parties.

12. **APPLICABLE LAW.** The Agreement shall be construed and interpreted under, and governed and enforced according to, the laws of the State of Utah without regard for that state's principles of conflict of law.

13. **ATTORNEY FEE.** In case of suit or action is instituted in connection with this Agreement, the prevailing party shall be entitled to recover from the losing party for reasonable attorney fees and costs.

[Signatures on following pages]

This Agreement is effective on the date that the last party executes this Agreement as indicated by the date stated under that party's signature line.

GRANTOR:

VP DAYBREAK INVESTMENTS LLC,
a Delaware limited liability company

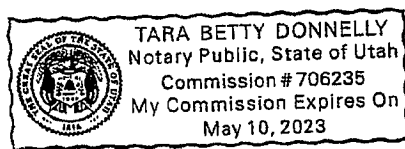
By: Daybreak Communities LLC,
a Delaware limited liability company
Its: Project Manager

By: 
Ty McCutcheon its President & CEO

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On September 17, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, the President and CEO of Daybreak Communities LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.



Tara Betty Donnelly
Notary Public in and for said State
My commission expires: 5-10-2023

[SEAL]

[Signatures continue on following pages]

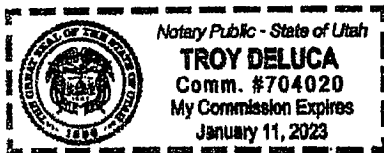
SHORT DAYBREAK HOLDINGS 1, LLC,
a Utah limited liability company

By: 
Name: Alex Short
Title: Member

ACKNOWLEDGMENT

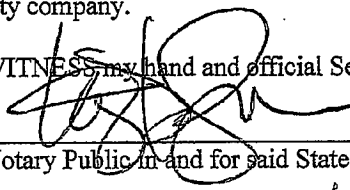
STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On 9/17/2019, 2019, personally appeared before me, a Notary Public, Alex Short, the Member of SHORT DAYBREAK HOLDINGS 1, LLC, a Utah limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of SHORT DAYBREAK HOLDINGS 1, LLC, a Utah limited liability company.



[SEAL]

WITNESS my hand and official Seal.


Notary Public in and for said State

My commission expires: 1/11/23

[Signatures continue on following page]

GRANTEE:

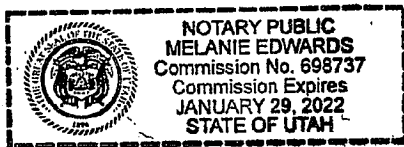
SOUTH JORDAN CITY,
a Utah municipality

By: [Signature]
Name: Gary L. Whatcott
Title: City Manager

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SALT LAKE)

On September 18, 2019, personally appeared before me, a Notary Public,
Gary L. Whatcott, the City Manager of SOUTH JORDAN CITY, a Utah
municipal corporation, personally known or proved to me to be the person whose name is subscribed to
the above instrument who acknowledged to me that he/she executed the above instrument on behalf of
SOUTH JORDAN CITY.



[SEAL]

WITNESS my hand and official Seal.

[Signature]
Notary Public in and for said State

My commission expires: January 29, 2022

Approved as to Form:

[Signature]
Attorney for South Jordan City

EXHIBIT A

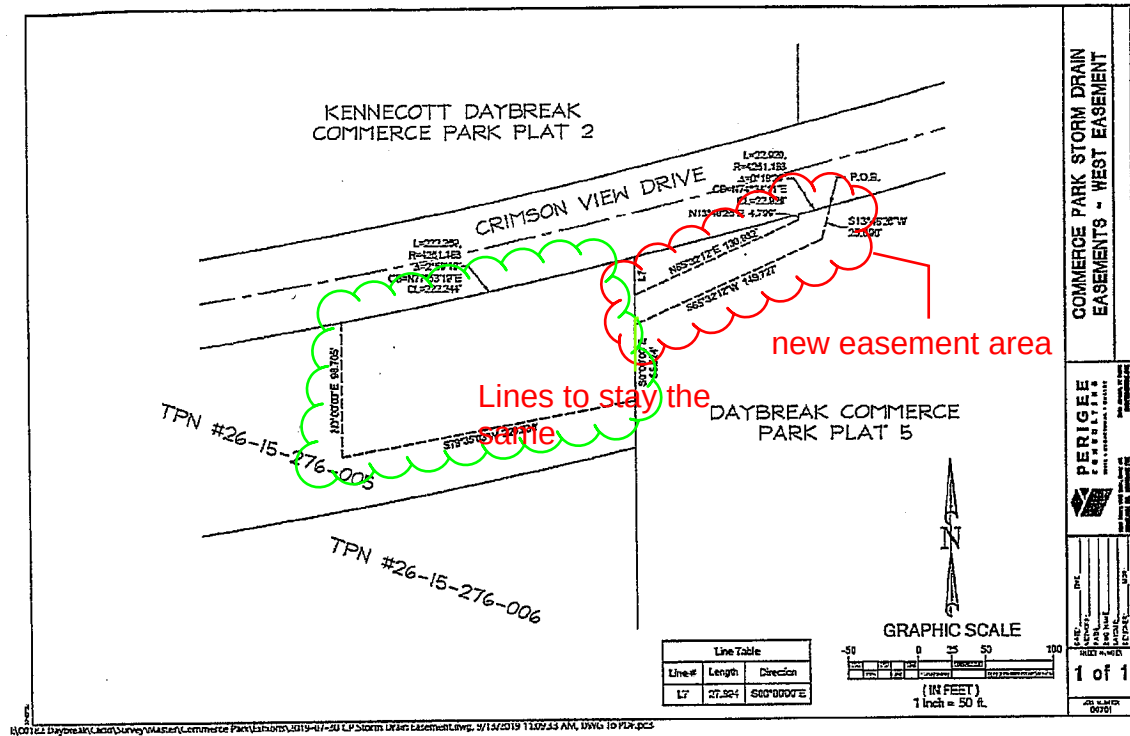


EXHIBIT B

Commerce Park Storm Drain Easements

West Easement

Beginning at a point on the Southerly right-of-way line of Crimson View Drive, said point also being on a Northerly Line of the Daybreak Commerce Park Plat 5 subdivision, said point lies North 89°55'07" West 327.273 feet along the Section Line and South 1452.789 feet from the Northeast Corner of Section 15, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 13°48'26" West 25.690 feet; thence South 65°32'12" West 149.727 feet to a point on the West Line of said Daybreak Commerce Park Plat 5; thence along said West Line South 55.524 feet; thence South 79°35'03" West 220.938 feet; thence North 98.705 feet to said Southerly right-of-way line and a point on a 4261.183 foot radius non tangent curve to the left, (radius bears North 10°37'01" West, Chord: North 77°53'19" East 222.244 feet); thence along said Southerly right-of-way line and the arc of said curve 222.269 feet through a central angle of 02°59'19" to a Northwesterly Corner of said Daybreak Commerce Park Plat 5; thence along said Daybreak Commerce Park Plat 5 South 27.894 feet; thence North 65°32'12" East 130.932 feet; thence North 13°48'26" East 4.799 feet to said Southerly right-of-way line and a point on a 4261.183 foot radius non tangent curve to the left, (radius bears North 15°16'35" West, Chord: North 74°34'11" East 22.920 feet); thence along said Southerly right-of-way line and the arc of said curve 22.920 feet through a central angle of 00°18'29" to the point of beginning.

Property contains 0.576 acres, 25071 square feet.

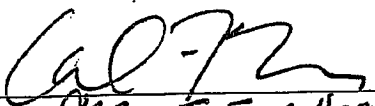
LENDER'S CONSENT AND SUBORDINATION

PUBLIC STORM DRAINAGE UTILITIES EASEMENT –
PARCEL I.D. # 26-15-276-005 AND 26-15-276-006
(TO CITY OF SOUTH JORDAN)

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THAT CERTAIN PUBLIC STORM DRAINAGE UTILITIES EASEMENT AGREEMENT, DATED AS OF SEPTEMBER 16, 2019, FROM VP DAYBREAK INVESTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO CITY OF SOUTH JORDAN, A UTAH MUNICIPAL CORPORATION (THE "EASEMENT"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENT AND MAKES THE LIEN OF THE DEED OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIEN OF THE DEED OF TRUST TO THE EASEMENT. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

U.S. BANK NATIONAL ASSOCIATION
d/b/a Housing Capital Company

By: 
Name: CARL F. SWANSON
Title: SVP

[SIGNATURE MUST BE NOTARIZED]
[Notary acknowledgement on following page]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Fresno

On September 17, 2019 before me, Karianne Kasparian, Notary Public,
(here insert name of the officer)

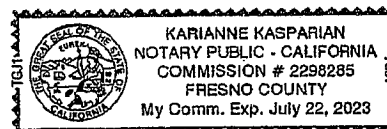
personally appeared Carl Swanson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

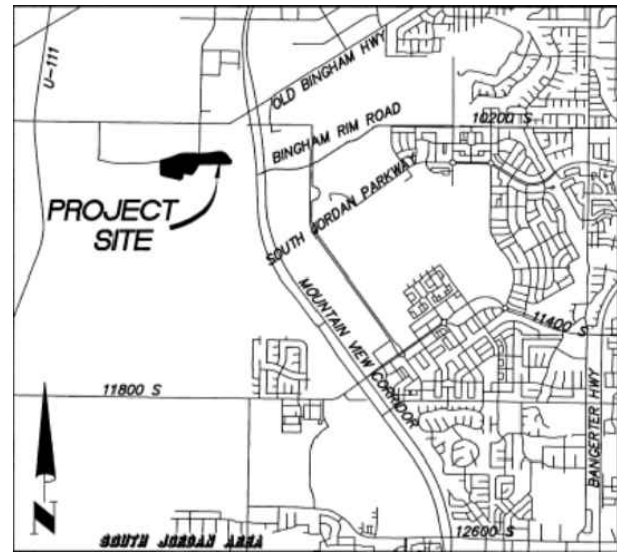
Signature

Karianne Kasparian (Seal)



DAYBREAK COMMERCE PARK PLAT 5A
AMENDING LOT C-121 OF DAYBREAK COMMERCE PARK PLAT 5
LOCATED IN THE NORTHEAST QUARTER OF SECTION 15,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH
MARCH 2020

VICINITY MAP
NOT TO SCALE



LEGEND

- SALT LAKE COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED CIR ENGINEERING
 - SUBDIVISION BOUNDARY
 - LOT LINE
 - ADJACENT PARCEL
 - SECTION LINE
 - EASEMENT
 - EXISTING EASEMENT TO BE VACATED
 - EXISTING FENCE LINE
 - EXISTING WATER LINE
 - EXISTING IRRIGATION LINE
 - EXISTING STORM DRAIN
 - EXISTING SANITARY SEWER
 - EXISTING OVERHEAD POWER
 - EXISTING GAS LINE
 - EXISTING WATER METER
 - EXISTING WATER MANHOLE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING STORM MANHOLE
 - EXISTING CATCH BASIN
 - EXISTING SEWER MANHOLE

BOUNDARY DESCRIPTION

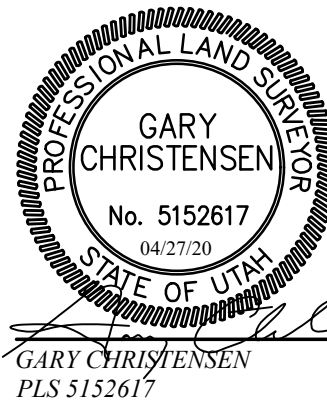
BEING ALL OF LOT C-121 OF DAYBREAK COMMERCE PARK PLAT 5 AMENDING LOTS B2, OSI AND THE DGRF PARCEL OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED RECORDED AS ENTRY #12887764 IN BOOK 2018P PAGE 395 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CRIMSON VIEW DRIVE, SAID POINT ALSO BEING A POINT ON A 4281.183 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (RADIUS BEARS NORTH 13°36'20" WEST), SAID POINT LIES NORTH 89°55'07" WEST 489.69 FEET ALONG THE SECTION LINE AND SOUTH 1490.075 FEET FROM THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG SAID CRIMSON VIEW DRIVE THE FOLLOWING THREE (3) COURSES: (1) ALONG THE ARC OF SAID CURVE 657.324 FEET THROUGH A CENTRAL ANGLE OF 08°50'18" TO A POINT OF REVERSE CURVATURE WITH A 435.000 FOOT RADIUS TANGENT CURVE TO THE RIGHT, (RADIUS BEARS SOUTH 22°26'38" EAST); (2) ALONG THE ARC OF SAID CURVE 170.399 FEET THROUGH A CENTRAL ANGLE OF 22°26'38"; (3) EAST 487.905 FEET TO A SOUTHWESTERLY CORNER OF THE KENNECOTT DAYBREAK COMMERCE PARK PLAT 1 AND A POINT ON A 50.000 FOOT RADIUS TANGENT CURVE TO THE RIGHT, (RADIUS BEARS SOUTH); THENCE ALONG SAID KENNECOTT DAYBREAK COMMERCE PARK PLAT 1 AND ALONG THE ARC OF SAID CURVE 83.597 FEET THROUGH A CENTRAL ANGLE OF 95°47'41" TO A POINT OF COMPOUND CURVATURE WITH A 782.500 FOOT RADIUS TANGENT CURVE TO THE RIGHT (RADIUS BEARS NORTH 84°12'19" WEST); THENCE ALONG THE ARC OF SAID CURVE 408.486 FEET THROUGH A CENTRAL ANGLE OF 29°54'36"; THENCE SOUTH 35°42'17" WEST 193.623 FEET TO A POINT ON A 855.000 FOOT RADIUS TANGENT CURVE TO THE LEFT, (RADIUS BEARS SOUTH 54°17'43" EAST); THENCE ALONG THE ARC OF SAID CURVE 37.554 FEET THROUGH A CENTRAL ANGLE OF 02°31'00" TO THE NORTHEASTLY CORNER OF THE PARCEL KNOWN AS THE TANK 5A PROPERTY AS DESCRIBED IN ENTRY NO. 9797197 AND RECORDED IN BOOK 9329 AT PAGE 2527 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE ALONG SAID TANK 5A PROPERTY THE FOLLOWING TWO (2) COURSES: (1) NORTH 76°09'49" 346.107 FEET; (2) SOUTH 13°50'11" WEST 279.721 FEET; THENCE NORTH 87°09'49" WEST 247.721 FEET; THENCE NORTH 414.026 FEET TO SAID NORTHERLY RIGHT-OF-WAY LINE AND TO THE POINT OF BEGINNING.

CONTAINS 16.841 ACRES.
CONTAINS 4 LOTS.

SURVEYOR'S CERTIFICATE

I, GARY G. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 5152617 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS _____ DAY OF _____, 2020.



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A FOUR LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY ALEX SHORT OF AK MASONRY. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING SALT LAKE COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 89°55'07" WEST SALT LAKE COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.

OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

DAYBREAK COMMERCE PARK PLAT 5A AMENDING LOT C-121 OF DAYBREAK COMMERCE PARK PLAT 5

AND HEREBY DEDICATE, GRANT AND CONVEY TO SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY SOUTH JORDAN CITY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 2020.

BY: _____

TITLE: _____

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SALT LAKE)

On this _____ day of _____, 2020, personally appeared before me _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ of SHORT DAYBREAK HOLDINGS 1, L.L.C., and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said _____ acknowledged to me that said "Corporation executed the same.

STAMP

NOTARY PUBLIC

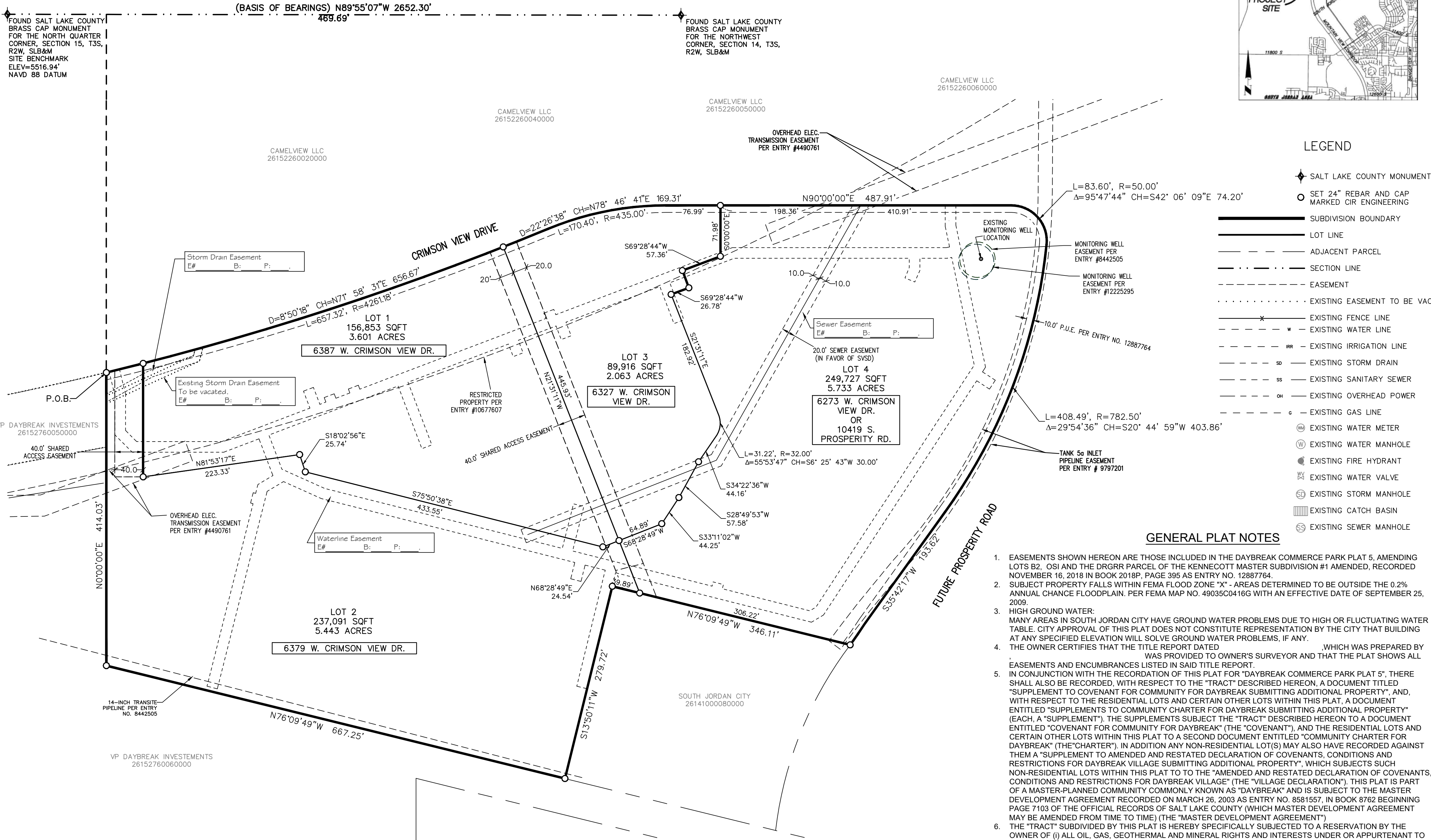
CIR
ENGINEERING, L.L.C.
3032 SOUTH 1030 WEST, SUITE 202
SLC, Utah 84119 - 801-949-6296

SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

\$ _____ FEES
SALT LAKE COUNTY RECORDER



GENERAL PLAT NOTES

- EASEMENTS SHOWN HEREON ARE THOSE INCLUDED IN THE DAYBREAK COMMERCE PARK PLAT 5, AMENDING LOTS B2, OSI AND THE DRGRF PARCEL OF THE KENNECOTT MASTER SUBDIVISION #1 AMENDED, RECORDED NOVEMBER 16, 2018 IN BOOK 2018P, PAGE 395 AS ENTRY NO. 12887764.
- SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA MAP NO. 49035C0416G WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- HIGH GROUND WATER: MANY AREAS IN SOUTH JORDAN CITY HAVE GROUND WATER PROBLEMS DUE TO HIGH OR FLUCTUATING WATER TABLE. CITY APPROVAL OF THIS PLAT DOES NOT CONSTITUTE REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION WILL SOLVE GROUND WATER PROBLEMS, IF ANY.
- THE OWNER CERTIFIES THAT THE TITLE REPORT DATED _____, WHICH WAS PREPARED BY _____, WAS PROVIDED TO OWNER'S SURVEYOR AND THAT THE PLAT SHOWS ALL EASEMENTS AND ENCUMBRANCES LISTED IN SAID TITLE REPORT.
- IN CONJUNCTION WITH THE RECORDED OF THIS PLAT FOR "DAYBREAK COMMERCE PARK PLAT 5", THERE SHALL ALSO BE RECORDED, WITH RESPECT TO THE "TRACT" DESCRIBED HEREON, A DOCUMENT TITLED "SUPPLEMENT TO COVENANT FOR COMMUNITY FOR DAYBREAK SUBMITTING ADDITIONAL PROPERTY", AND, WITH RESPECT TO THE RESIDENTIAL LOTS AND CERTAIN OTHER LOTS WITHIN THIS PLAT, A DOCUMENT ENTITLED "SUPPLEMENTS TO COMMUNITY CHARTER FOR DAYBREAK SUBMITTING ADDITIONAL PROPERTY" (EACH, A "SUPPLEMENT"). THE SUPPLEMENTS SUBJECT THE "TRACT" DESCRIBED HEREON TO A DOCUMENT ENTITLED "COVENANT FOR COMMUNITY FOR DAYBREAK" (THE "COVENANT"), AND THE RESIDENTIAL LOTS AND CERTAIN OTHER LOTS WITHIN THIS PLAT TO A SECOND DOCUMENT ENTITLED "COMMUNITY CHARTER FOR DAYBREAK" (THE "CHARTER"). IN ADDITION ANY NON-RESIDENTIAL LOT(S) MAY ALSO HAVE RECORDED AGAINST THEM A "SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE SUBMITTING ADDITIONAL PROPERTY", WHICH SUBJECTS SUCH NON-RESIDENTIAL LOTS WITHIN THIS PLAT TO THE "AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DAYBREAK VILLAGE" (THE "VILLAGE DECLARATION"). THIS PLAT IS PART OF A MASTER-PLANNED COMMUNITY COMMONLY KNOWN AS "DAYBREAK" AND IS SUBJECT TO THE MASTER DEVELOPMENT AGREEMENT RECORDED ON MARCH 26, 2003 AS ENTRY NO. 8581557, IN BOOK 8762 BEGINNING PAGE 7103 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY (WHICH MASTER DEVELOPMENT AGREEMENT MAY BE AMENDED FROM TIME TO TIME) (THE "MASTER DEVELOPMENT AGREEMENT").
- THE "TRACT" SUBDIVIDED BY THIS PLAT IS HEREBY SPECIFICALLY SUBJECTED TO A RESERVATION BY THE OWNER OF (i) ALL OIL, GAS, GEOTHERMAL AND MINERAL RIGHTS AND INTERESTS UNDER OR APPURTENANT TO THE "TRACT" SUBDIVIDED BY THIS PLAT, AND (ii) ALL WATER FLOWING OR LOCATED UNDER, WITHIN, OVER, OR THROUGH THE "TRACT" SUBDIVIDED BY THIS PLAT, INCLUDING, WITHOUT LIMITATION, ALL STORM WATER AND RECLAIMED WATER. THE "TRACT" SUBDIVIDED BY THIS PLAT IS FURTHER SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, SHORTAGES IN AREA, ENCROACHMENTS, OR OTHER ENCUMBRANCES, WHETHER SUCH MATTERS ARE OF RECORD OR OTHERWISE ENFORCEABLE AT LAW IN EQUITY. ALL AREAS IDENTIFIED ON THIS PLAT AS PUBLIC RIGHTS-OF-WAY ARE INTENDED FOR PUBLIC USE AND ARE HEREBY DEDICATED FOR THE PERPETUAL USE OF THE PUBLIC PURSUANT TO THE OWNER'S DEDICATION SHOWN HEREON. ALL OTHER AREAS ARE NOT DEDICATED FOR PUBLIC USE BY THIS PLAT. LOTS DESIGNATED AS "O" AND "P" ARE TO BE DEDICATED OR DONATED TO EITHER: (i) THE CITY OR OTHER GOVERNMENTAL ENTITY, OR (ii) AN OWNERS' ASSOCIATION FOR COMMON AREA USE, IN A SUBSEQUENTLY RECORDED INSTRUMENT OR AN AMENDMENT TO THIS PLAT. ANY EASEMENT SHOWN ON THIS PLAT THAT IS NOT SPECIFICALLY REFERRED TO AS "PUBLIC" IS RESERVED TO OWNER OR OWNER'S DESIGNEE.
- THE OWNER RESERVES, IN FAVOR OF DAYBREAK WATER COMPANY, A UTAH NON-PROFIT CORPORATION, EASEMENTS OVER, ACROSS AND UNDER ALL STREETS, PUBLIC RIGHTS-OF-WAY, ALLEYS, "P" LOTS AND "O" LOTS, AND OTHER PUBLIC USE AREAS, AND ALL PUBLIC UTILITY AND DRAINAGE EASEMENT AREAS TO INSTALL, MAINTAIN, REPAIR, AND OTHERWISE OPERATE AND ACCOMPLISH ALL THINGS ASSOCIATED WITH, A SECONDARY WATER SYSTEM PROVIDING SECONDARY WATER TO PORTIONS OF DAYBREAK.
- CERTAIN LOTS IN THIS PLAT MAY BE SERVED BY SEWER LATERAL THAT ARE LESS THAN 11 FEET BELOW GROUND LEVEL. IN SUCH EVENT THE RESIDENCES ON SUCH LOTS WITH BASEMENTS MAY NOT HAVE SEWER SERVICE AVAILABLE TO THE BASEMENTS. THE OWNER OF ANY LOT IN THIS PLAT SHALL BE RESPONSIBLE FOR VERIFYING THE SEWER LATERAL DEPTH SERVING SAID LOT AND SHALL BE RESPONSIBLE FOR SETTING THE FOUNDATION ELEVATION OF THE RESIDENCE CONSTRUCTED THEREON TO A DEPTH SUFFICIENT FOR ADEQUATE FALL INTO THE RESPECTIVE SEWER LATERAL.
- THE SIGNATURE OF SOUTH VALLEY SEWER DISTRICT ON THIS PLAT DOES NOT CONSTITUTE APPROVAL OF THE OWNER(S) SEWER LINES OR FACILITIES. THE OWNER(S) OF THE PROPERTY MUST PROVIDE SATISFACTORY PLANS TO THE SEWER DISTRICT FOR REVIEW AND APPROVAL BEFORE CONNECTING TO THE DISTRICT'S SEWER SYSTEM AND WILL BE REQUIRED TO COMPLY WITH THE DISTRICT'S RULES AND REGULATIONS.
- SHALLOW SEWER DEPTHS! CONTRACTOR SHALL VERIFY SEWER LATERAL DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL INTO SEWER LATERAL. BUILDINGS WITH A BASEMENT MAY NOT HAVE SEWER SERVICE AVAILABLE FOR BASEMENT."
- A CROSS DRAINAGE EASEMENT IS HEREBY DEDICATED ACROSS ALL LOTS FOR THE PURPOSE OF SURFACE DRAINAGE.

SALT LAKE VALLEY HEALTH
DEPARTMENT

APPROVED AS TO FORM THIS
____ DAY OF _____, 2020

SALT LAKE VALLEY HEALTH DEPARTMENT

OFFICE OF THE CITY
ATTORNEY

"APPROVED AS TO FORM"

SIGNED THIS _____ DAY OF _____, 2020.

CITY ATTORNEY

SOUTH VALLEY SEWER DISTRICT

APPROVED AS TO FORM THIS

____ DAY OF _____, 2020

GENERAL MANAGER

SOUTH JORDAN CITY
ENGINEER

I HEREBY CERTIFY THAT I HAVE EXAMINED
THIS PLAT AND FIND IT TO BE CORRECT
AND IN ACCORDANCE WITH THE
INFORMATION ON FILE IN THIS OFFICE.

SIGNED THIS _____ DAY OF _____, 2020.

CITY ENGINEER

SOUTH JORDAN CITY MAYOR

APPROVED AS TO FORM

THIS _____ DAY OF _____, 2020

MAYOR, SOUTH JORDAN CITY

CITY RECORDER

SOUTH JORDAN CITY
PLANNING DEPARTMENT

THIS IS TO CERTIFY THAT THIS
SUBDIVISION WAS DULY APPROVED BY THE
SOUTH JORDAN CITY PLANNING
DEPARTMENT.

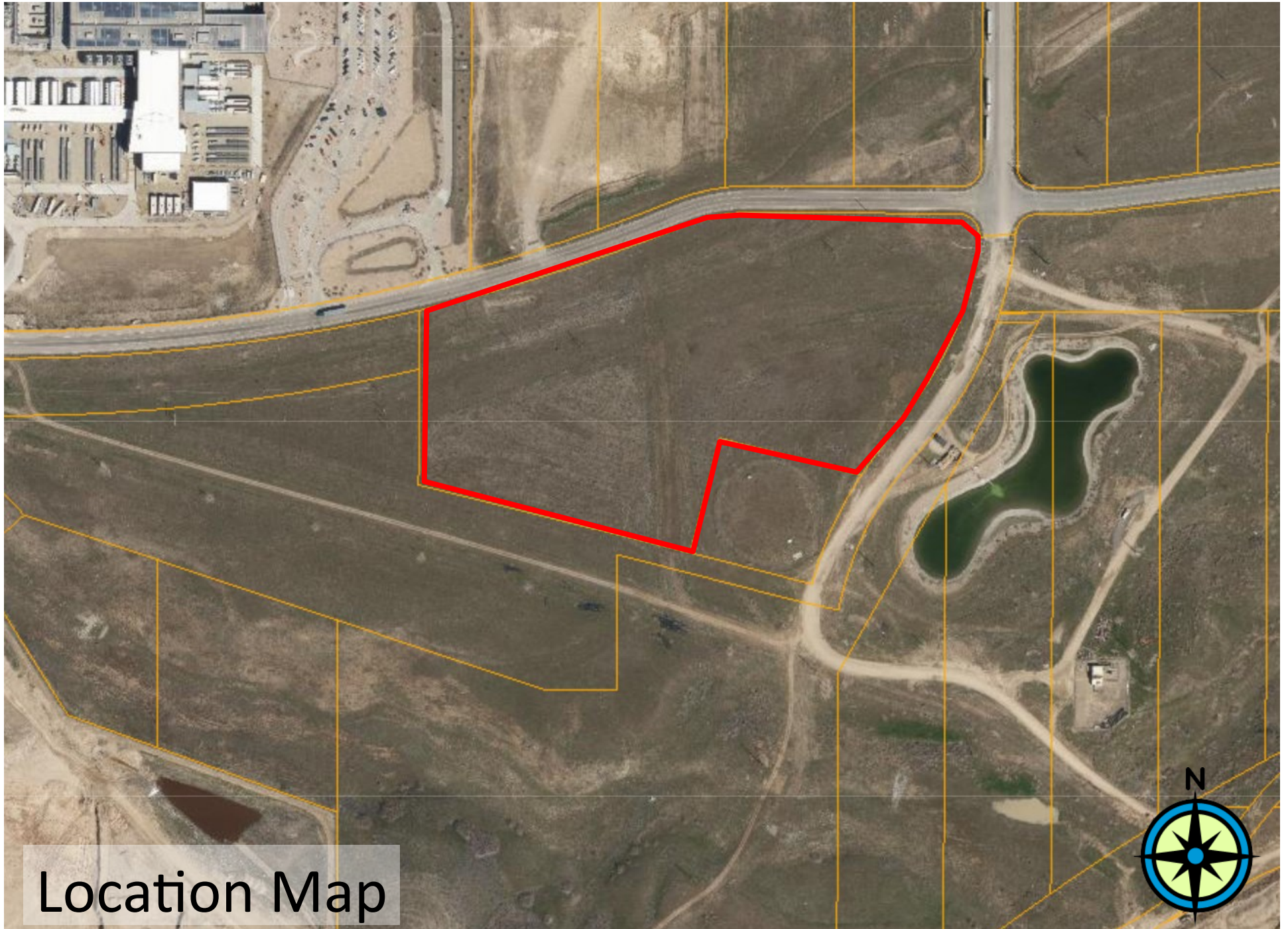
SIGNED THIS _____ DAY OF _____, 2020.

CITY PLANNER

DEVELOPER:
ALEX SHORT
9901 S. PROSPERITY DR.
WEST JORDAN, UTAH 84081



0' 40' 80' 160' 240'
Scale in Feet
1" = 80'



Location Map

I. PUBLIC HEARING: RESOLUTION R2020-50, AMENDING GENERAL
PLAN AND FUTURE LAND USE MAP 2019 GENERAL PLAN

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: July 21, 2020

Issue: GENERAL PLAN AMENDMENT – REVISING THE FUTURE LAND USE MAP
Resolution No: R2020-50
Applicant: City of South Jordan
Submitted By: Meadow Wedekind, Long Range Planning Intern

Staff Recommendation (Motion Ready):

I move that the City Council approve Resolution No. R2020-50, amending the Future Land Use Map of the 2020 General Plan.

BACKGROUND:

On January 21, 2020, the City Council adopted an updated General Plan. The General Plan includes a Future Land Use Map (FLUM) that depicts land use designations for land throughout the City. The Future Land Use Map describes South Jordan's desired future, and is a tool to guide development decisions, infrastructure improvements, and public and private investment and reinvestment in South Jordan. The Future Land Use Map identifies locations where different types of land uses are anticipated to occur during the next 10 to 20 years, and where the City would support the development of these uses. The meanings of the land use designations in the FLUM are explained in the Land Use Categories section of the General Plan.

In the FLUM that was compiled by the consultant and previously adopted by the City, a small number of subdivisions and other areas were given land use designations that were either inconsistent with the desired land use for the area or the boundaries of the land use designations did not align properly with existing property boundaries in the area. These inconsistencies were not obvious upon looking at the smaller printed version of the FLUM but were discovered upon the City's receipt of the files used to compile the map when the boundaries of the land use designations could be seen in more detail. The following land use amendments are designed to bring the land use designations on the map into alignment with the desired land uses and existing property boundaries of the areas in question.

Proposal Summary

- The land use will be changed from "Agricultural Preservation" to "Stable Neighborhood" in the following locations: Stone Haven Subdivision at intersection of Mabey Ln. and 1190 W., Katie Rae Kourt at the intersection of Mabey Ln. and Crown King Ct., River Run Estates Subdivisions 1 and 2 at intersection of River Pass Cv. and 1000 W., areas along Florence Way, 1000 W., and Charlotte Dr.
- The land use will be changed from "Economic Center" to "Stable Neighborhood" in the following locations: Maxfield and Palmer Subdivisions at intersection of Redwood Road and Shields Lane.
- The land use will be changed from "Economic Center" to "Mixed Use" in the following location: area northeast of the intersection of Bacchus Hwy and 11800 S.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- The future land use map should be amended in these areas to bring the land use designations on the map into alignment with the desired land uses and existing property boundaries of the areas in question.

Conclusion:

- This land use amendment will bring the land use designations in a small number of areas into alignment with the desired land uses and the existing property boundaries and should be recommended for approval.

Recommendation:

- The proposed resolution was presented at a public hearing and reviewed by the Planning Commission on 7/14/2020. There was no comment from the general public and the Planning Commission made a positive recommendation in favor the proposed resolution (4-0).
- Staff recommends that the City Council take comments at the public hearing and **approve** Resolution No. R2020-50, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

There is no fiscal impact.

ALTERNATIVES:

- Approve the proposal with changes.
- Deny the proposal.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Resolution No. R2020-50
 - Exhibit “A” – Proposed Land Use Changes (existing, areas of change identified)

City Council Action Requested:

Steven Schaefermeyer

Steven Schaefermeyer (Jul 15, 2020 13:21 MDT)

Director of Planning

Date

RESOLUTION R2020-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, TO AMEND THE FUTURE LAND USE MAP PORTION OF THE GENERAL PLAN.

WHEREAS, on January 21, 2020 the City Council adopted an updated General Plan that includes a Future Land Use Map; and

WHEREAS, it has been discovered that corrections in the Future Land Use Map are necessary to accurately set forth intended land use designations and boundaries; and

WHEREAS, The City Council has considered corrections recommended by City Staff and the Planning Commission and found them to be appropriate;

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

SECTION 1. Changes from “Agricultural Preservation.” The Future Land Use Map will be changed from “Agricultural Preservation” to “Stable Neighborhood” in the following locations: Stone Haven Subdivision at intersection of Mabey Ln. and 1190 W., Katie Rae Kourt at the intersection of Mabey Ln. and Crown King Ct., River Run Estates Subdivisions 1 and 2 at the intersection of River Pass Cv. and 1000 W., areas along Florence Way, 1000W., and Charlotte Dr.

SECTION 2. Changes from “Economic Center.” The Future Land Use Map will be changed from “Economic Center” to “Stable Neighborhood” in the following locations: Maxfield and Palmer Subdivisions at the intersection of Redwood Road and Shields Lane. The Future Land Use Map will be changed from “Economic Center” to “Mixed Use” in the area northeast of the intersection of Bacchus Hwy and 11800 South.

SECTION 3. No other changes. Other than the changes specifically set forth in this Resolution the Future Land Use Map and the General Plan adopted on January 21, 2020 remain unchanged.

SECTION 4. Effective Date. This Resolution shall become effective immediately upon passage.

{SIGNATURE PAGE FOLLOWS}

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS _____ DAY OF _____, 2020 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:



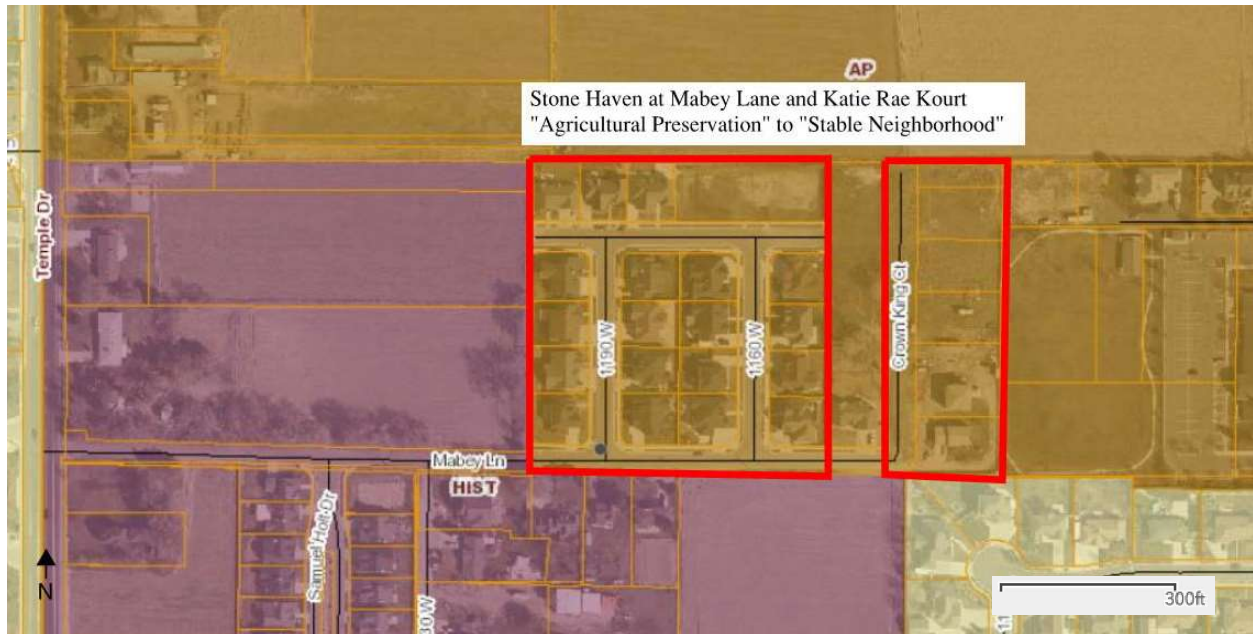
Office of the City Attorney

Exhibit "A"

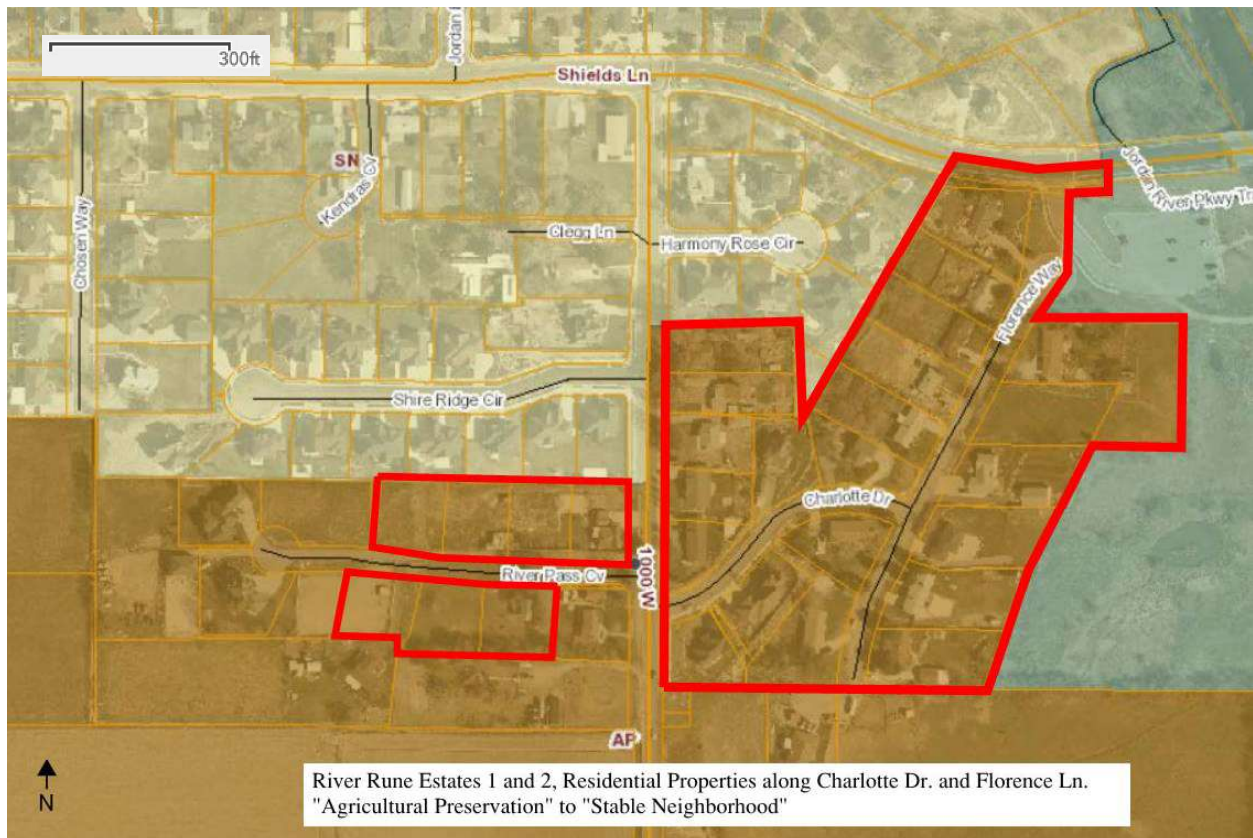
South Jordan Proposed Land Use Changes



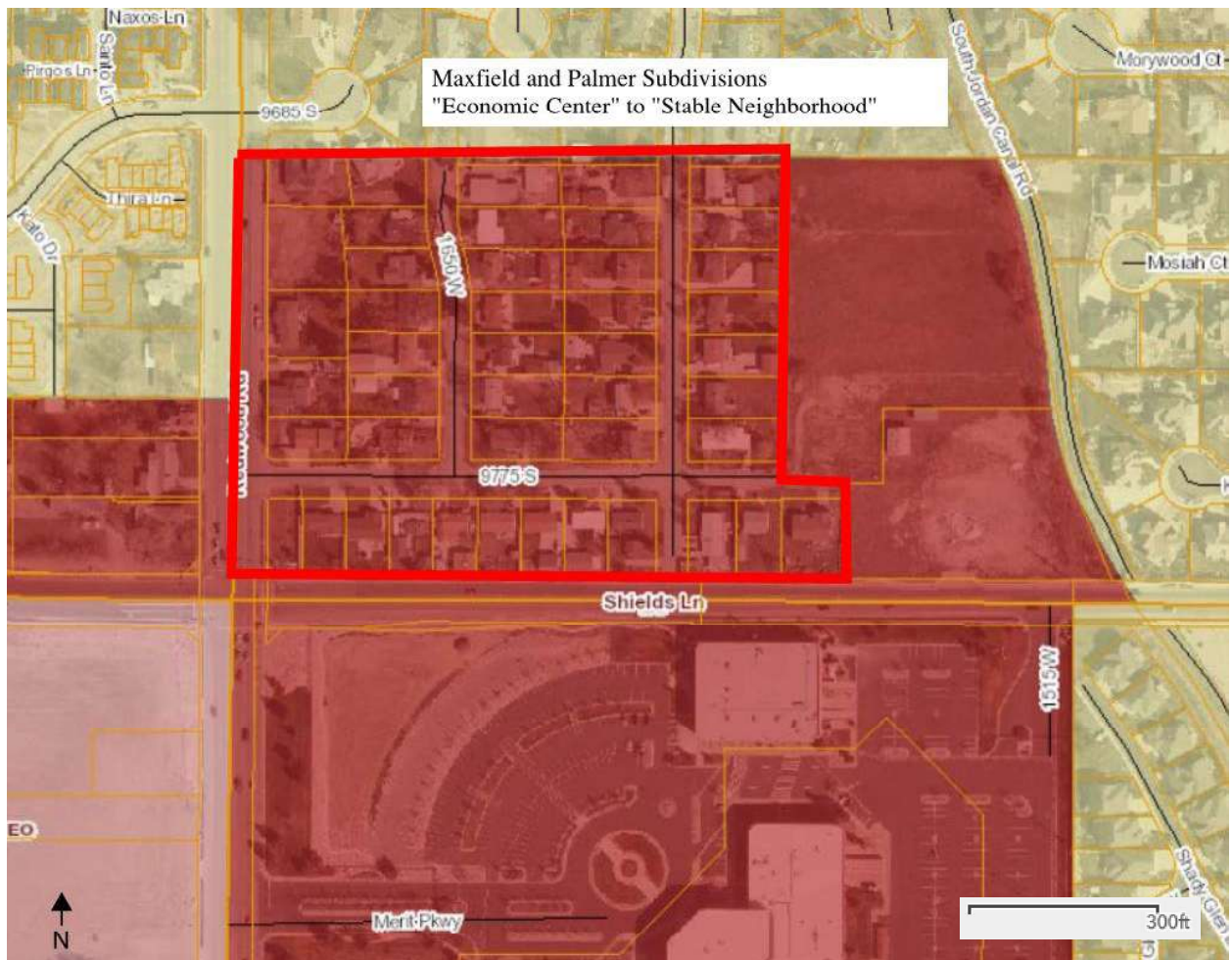
Area 1 Map



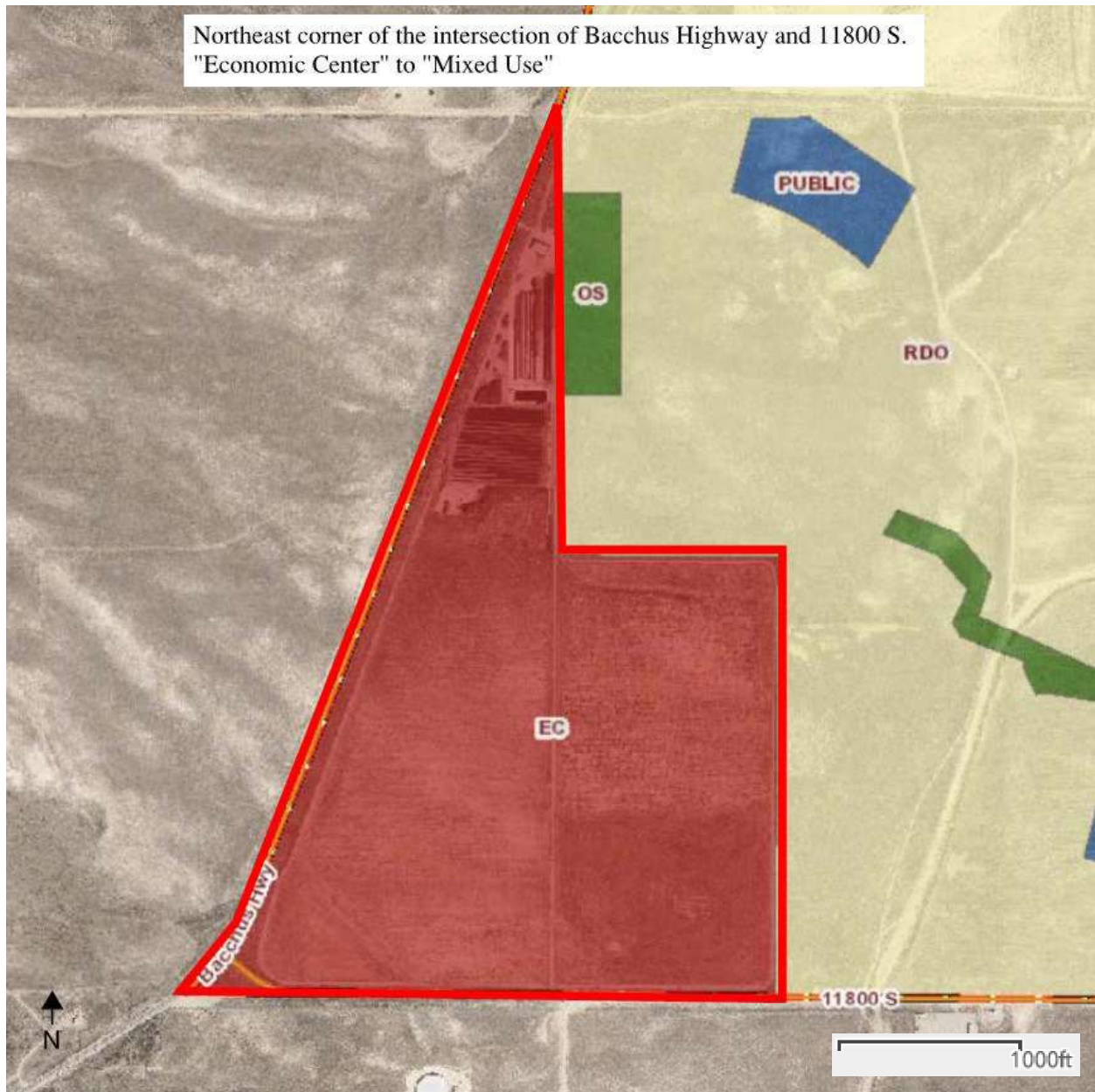
Area 2 Map



Area 3 Map



Area 4 Map



JULY 21, 2020 CITY COUNCIL STUDY SESSION MEETING AGENDA



CITY COUNCIL ELECTRONIC STUDY MEETING AGENDA
COUNCIL WORKROOM
TUESDAY, JULY 21, 2020
4:30 PM

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY COUNCIL WILL HOLD ITS MEETING **ELECTRONICALLY, VIA ZOOM PHONE AND VIDEO CONFERENCING WITH NO ANCHOR LOCATION**, ON TUESDAY, JULY 21, 2020. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE CITY MANAGER STAFF AT (801) 254-3742, AT LEAST 24 HOURS PRIOR TO THIS MEETING.

I, Dawn R. Ramsey, the Mayor of the City of South Jordan and Chair of the South Jordan City Council Meetings, hereby determine that conducting South Jordan City Council Meetings at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The President of the United States, The Governor of Utah, the County Health Department and Mayor, the Mayor of South Jordan City, and the World Health Organization have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2 and outbreaks of the coronavirus disease COVID-19 that has now spread globally including in Utah. Due to the State of emergency caused by the global pandemic, the current situation in Utah and specifically in Salt Lake County, and the manner in which the COVID-19 virus spreads in groups, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the anchor location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system. This determination not to meet in an anchor location shall be valid for thirty days.

Attendees will be allowed to join via phone or video, using Zoom phone and video conferencing.

Instructions on how to join the meeting electronically are below.

Join South Jordan City Council Study Electronic Meeting July 21, 2020 at 4:30 p.m.

- Join on any device, with mobile and desktop availability
- Visit: www.sjc.utah.gov/meeting-agenda-minutesarchive-center/
- Zoom link and Meeting ID will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted www.sjc.utah.gov/meeting-agenda-minutesarchive-center/

STUDY MEETING

- 4:30 p.m. **A. Welcome, Roll Call and Introduction:** *By Mayor Dawn R. Ramsey*
- 4:35 p.m. **B. Invocation:** *By Council Member Jason McGuire*
- 4:40 p.m. **C. Mayor and Council Coordination**
- 5:05 p.m. **D. Discussion/Review of Regular Council Meeting**

- 5:15 p.m. **E. Presentation Item:** Construction projects and updates. *(By City Engineer, Brad Klavano)*
- 5:30 p.m. **F. Presentation Item:** Recreation Programming *(By Associate Director of Recreation, Janell Payne)*
- 5:50 p.m. **G. Discussion Item:** Zone Text Amendment *(By City Commerce Director, Brian Preece and City Commerce Executive Assistant, Ambra Katwyk)*
- 6:15 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 July 17, 2020.

G. DISCUSSION ITEM: ZONE TEXT AMENDMENT

Date: 6-30-20

South Jordan City Council:

Thank you so much for your time in reviewing this information.

I am seeking to change code 5.38.040 to allow biofeedback therapy as a Home-based occupation to help Veterans with PTSD. Reference # PLZTA 202000164 Zone Text Amendment Change and Update Code 5.38.040

I am sending the following for you to become familiar with and review. This code change is scheduled to come up in your meeting on July 7th, 2020. I just want you to have the opportunity to preview this in preparation. A copy of the proposed code change is also enclosed for your convenience.

- Will utilize 3 front rooms less than 35% (and less than 1000 sq. ft.) to use for biofeedback for soldiers with PTSD
- There are no conflicting areas in the covenants preventing this service or function
- This therapy will only be a part-time endeavor
- NO drugs or invasive equipment involved or housed
- There will be NO appreciable impact to the neighborhood
- NO persons who are “aggressive or psychotic” will be allowed, and so no harm will come to the community. These persons are highly unlikely to become a part of this program, instead, they will be screened out previously and not be allowed to come into the home. Rather they will be referred elsewhere, such as to the VA psychiatric division
- There will not be a heavy impact of parking personal cars from Patrons. There will be adequate parking at the residency
- There will not be any procedure/activity that may cause increased utilization of emergency services
- This therapeutic procedure consists of brain mapping to evaluate the individual’s weak brain wave patterns contributing to the problem
- Subsequent sessions of biofeedback to “retrain” and normalize brain wave activity
- Currently, up to 95% improvement can be obtained
- This biofeedback is best served in a quiet home atmosphere, away from the normal hustle and bustle of the main clinic location in Taylorsville, Utah
- The home setting environment will provide a quiet peaceful healing environment that is much needed for successful outcomes for soldiers with PTSD
- This is good for SJC to help our Veterans who are in great need, to return to a more productive life and proper social interaction and help stabilize families
- Requires no more than a massage- type room with an easy chair to relax in
- This care may possibly, in time, be extended to others such as members of police/fire departments who may also suffer from PTSD

- This new technology to care for these individuals is not available through the VA system
- The principles are licensed individuals from the State of Utah and trained in this procedure
- The PTSD sufferer is not the only individual that is affected. Family and community as well as medical resources are also affected.
- This therapy is a well-researched, validated, and highly successful therapy for PTSD, brain trauma, and many other brain issues including memory.
- In short this is a non-invasive, safe procedure without side effects, and is all natural

Thank you very much for reviewing this code change request. If you have any questions or comments, please contact me.

Craig Blamires
Uintah15@outlook .com
801-455-9916

Dynamic Health and Wellness SJC Business License

Ambra Katwyk <AKatwyk@sjc.utah.gov>

Tue 5/19/2020 4:16 PM

To: uintah15@outlook.com <uintah15@outlook.com>

Dr. Blamires,

* After discussions with the City Attorney, Director of Planning, Director of City Commerce, and myself it was determined that the type of business you are requesting to do with Dynamic Health and Wellness cannot be licensed as a Residential Facility or as a Home Occupation, under the current City Code. However, section 5.38.040 of the Home Occupation ordinance, that currently prohibits a Home Occupation business that is a clinic, dental office, medical office, chiropractic office, or hospital, could be changed. Dynamic Health and Wellness was determined to fit under the clinic or medical office provisions, which uses are currently prohibited. However, a text amendment to this section of the City Code could permit your proposed business to be allowed as a Home Occupation. ←

* Moving forward, in order for a Home Occupation business license to be issued, the ordinance would need to be re-written. This is possibility if you apply for a text amendment through our Planning Department. The application can be found online at www.sjc.utah.gov/planning-zoning. City staff may support changes to the business license ordinance if the right kind of changes and wording were presented. ←

* Though not the answer you were looking for, the possibility remains for a South Jordan City business license to be issued for Dynamic Health and Wellness, if a text amendment were to be approved by the City Council. The timing of this process would take 60-90 days. Feel free to contact me or Brian with any questions or concerns.

Thank you,

Ambra Katwyk | Executive Assistant of City Commerce | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.254.3742 | F: 801.254.3393

