



CITY OF SOUTH JORDAN
CITY COUNCIL ELECTRONIC MEETING AGENDA
NOVEMBER 17, 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, NOVEMBER 17, 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 November 17, 2020.

Instructions on how to join the meeting electronically are below.

Join South Jordan City Council Electronic Meeting November 17, 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**

B. Invocation – By Administrative Services Director, Spencer Kyle

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

D. Minute Approval

D.1. October 20, 2020 Council Study Meeting

D.2. October 20, 2020 City Council Meeting

D.3. October 27, 2020 City Council Strategic Planning Meeting

6:35 p.m. **E. Mayor and Council Reports**

6:50 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.

7:05 p.m. **G. Proclamation:** 2020 Small Business Saturday (By Mayor Dawn R. Ramsey)

7:10 p.m. **H. Presentation Items:**

H.1. Presentation: Sego Excellence Award (By CM, Gary L. Whatcott)

H.2. Presentation: UDOT update Bangerter Highway project(s). (By City Engineer, Brad Klavano)

7:35 p.m. **I. Discussion Item:** ADU Ordinance. (By Planning Director, Steven Schaefermeyer)

8:35 p.m. **J. Action Item:** Resolution R2020-55, authorizing the South Jordan Mayor to sign Addendum # 2 to Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course). (By City Attorney, Ryan Loose)

8:45 p.m. **K. Public Hearing:** Ordinance 2020-14, amending two easements on Lot 3 of the Morley Subdivision. (By Planning Director, Steven Schaefermeyer)

9:00 p.m. **L. 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 November 14, 2020.



CITY COUNCIL ELECTRONIC MEETING AGENDA EXECUTIVE SUMMARY

November 17, 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:

J. R2020-55, authorizing the South Jordan Mayor to sign Addendum #2 to Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course). (Ryan Loose, City Attorney, Pg. 28)

Resolution R2019-7 authorized the Mayor to sign the Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course) (the "Agreement"), which transferred the right to purchase the golf course from the City to Glenmoor Holdings LLC. A provision in the Agreement provides for the City to repurchase the property at Glenmoor Holdings' discretion (the "Put-Option"), which could be exercised in 2019. The City and Glenmoor Holdings extended the Put-Option until Dec. 2020, authorized by Resolution R2019-64 (Addendum #1).

The City and Glenmoor Holdings desire to again extend the Put-Option, which may be exercised any time between Nov. 15, 2021 and Dec. 31, 2021. If the Put-Option is exercised during said period, the City must close its purchase of the Property no later than May 15, 2022.

Recommendation: Approve Resolution R2020-55, authorizing the Mayor to sign Addendum #2 to Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course).

K. Ordinance 2020-14, amending two easements on Lot 3 of Morley Subdivision. (Steven Schaefermeyer, Planning Director, Pg. 34)

Applicant seeks to vacate the existing storm drain easement, which is 30 ft. wide and approx. 2550 square ft., and contains a detention pond, and is located in the northwest corner of Lot 3 of the Morley Subdivision, and replace it with a new easement that is 12 ft. wide and approx. 2172 sq. ft. The City Engineering and Fire have also determined that the existing turnaround easement on the southwest corner of Lot 3 is not necessary and can be vacated.

Recommendation: Approve Ordinance 2020-14, amending two easements on Lot 3 of Morley Subdivision.

November 17, 2020

City Council Electronic Meeting Agenda Executive Summary

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D.1. CITY COUNCIL STUDY SESSION MEETING MINUTES

SOUTH JORDAN CITY
CITY COUNCIL ELECTRONIC STUDY MEETING

October 20, 2020

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, ACM Dustin Lewis, City Attorney Ryan Loose, Engineering Director Brad Klavano, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, Planner Director Steven Schaefermeyer, Public Works Director Jason Rasmussen, CFO Sunil Naidu, City Recorder Anna Crookston, Communications Manager Rachael VanCleave, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Fire Chief Chris Dawson, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attendance electronically via Zoom.

4:30 PM
STUDY MEETING

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

Mayor Ramsey welcomed everyone present. She excused CM Whatcott. She introduced the electronic meeting.

B. Invocation: *By Council Member Tamara Zander*

Council Member Zander offered the invocation.

C. Mayor and Council Coordination

Council Member McGuire noted the upcoming strategic planning meeting next week. ACM Lewis said they are not sure if they will be able to do that meeting in person and still broadcast it. They may have to move it to an online zoom meeting or a hybrid. Mayor Ramsey said she would like to do that meeting in person, with social distancing if possible.

Council Member Zander said she attended the VA hospital grand opening, not knowing that it was cancelled due to the increase in covid cases.

Mayor Ramsey noted the pumpkin promenade this weekend. She and Council Member Zander indicated that they were planning on judging the pumpkins.

Mayor Ramsey reported on the ULCT Board meeting. She said there is a lot coming up with the legislative session. They are unsure if the capitol will be open during the session this year. It could change how they work this session, but there will be important issues to focus on and be mindful of.

D. Discussion/Review of Regular Council Meeting

The City Council reviewed the agenda for the regular meeting.

Council Member Harris asked what initiated the text amendment for the model homes? Planning Director Schaefermeyer said they have one builder, possibly two, that decided to make the model home in a subdivision permanent or semi-permanent. This is an effort to get the developer to close a model home when they are no longer developing in that development. As they looked at the options, they felt it was best to change the code. The building department, planning department, and business licensing department worked together on this text amendment.

Council Member Zander asked how the issue came to the city? Planning Director Schaefermeyer said they received a neighbor complaint. City Commerce Director Preece said they found that the model home was also being used as a construction office. They were basically running the business out of the model home. There were issues with traffic. The model home is in McKee Farms. ACM Lewis said there was also a concern with signage at that location.

Council Member Zander asked if Daybreak has their own rules and regulations on model homes? Mr. Schaefermeyer said no, they are subject to this as well. He said the problems they are experiencing are the custom home builders, not large builders. Mr. Preece said they have not had any issues like this in Daybreak.

The City Council discussed the glass house in Daybreak. That used to be a model home. It is zoned PC and is a permitted use. This change will not prohibit Daybreak from doing their information center.

E. Discussion Item: Overview of PIDS (*By Craig Smith*)

Mayor Ramsey said the ULCT Board discussed this issue yesterday.

Craig Smith, attorney, reviewed a prepared presentation on Public Infrastructure Districts (PIDS). See Attachment A.

Laura Lewis, financial consultant (Lewis Young Robertson and Burningham), said she is concerned about doing a PID with property tax. It is doable, but they should be very cautious with that. Mr. Smith concurred.

Ms. Lewis said some places are pushing the idea of PID's. It is a low cost means for the developer to put in infrastructure. It adds a tax burden to the property within the PID. With a PID, they are agreeing to tax those citizens a property tax that does not go away until the bonds are paid off. It does not necessarily impact the sales price of the home. She referred to an article in the Denver post from 2019 where the PID increased people's tax bills substantially. There are reasons to do a PID, but it is not the answer for all infrastructure needs in the city.

Council Member Marlor said if the cost of the infrastructure is being paid over time, the cost for the resident to get into the home should be lower. Ms. Lewis said she does not think the developer will lower the price much. The city can't control the sales price.

Council Member Harris asked if the developers are doing it to lower their capital or increase their profit margin? Ms. Lewis said both.

City Attorney Loose said when asked about the price of the homes in the PID's, the developers say that they can't mess with the market or capitalism. They don't anticipate a change in sales price. Right now, the city is the gate keeper, but there are serious discussions about removing the city as the gatekeeper.

Mr. Smith said currently, the city has full discretion to not approve a PID. He said PID's can be a good tool, but they should be limited in how they use it.

Council Member Shelton asked if they see PID financing as a move to eliminate impact fees? Ms. Lewis said there could be an argument for that. Mr. Smith said it could be used as a way to fund the impact fees.

City Attorney Loose said there are discussions about changing impact fees. The hard part about using a PID for an impact fee is that for an impact fee, it is for the impact for the entire city. A PID is for infrastructure financing for that development. Ms. Lewis said there could be an argument to be given a credit for some impact fees with PID financing. She said there could be an argument for doing PID financing at times, but if they want low cost funding, there are other ways to do that. She noted that the tax for a PID is to pay for debt only, not operation and maintenance. The O and M is the burden of the public owner.

Mayor Ramsey said the PID is to be approved by 100 percent of property owners in the area, but if all of the property is owned by a developer, no one has to say yes but the developer. Mr. Smith said yes, that is why PID's are designed for new development.

Mayor Ramsey shared the language that the property right's coalition is currently proposing. They are proposing that PID's could be done without the consent of the local government. PID's may annex neighboring properties to the PID area without approval of the local government. There is no need for disclosure until property conveyance.

Ms. Lewis used the example of a \$400,000 home, it would increase the tax of that home \$880, per year.

Council Member Zander asked if there are groups lobbying against PID's? City Attorney Loose said there is attention on the issue, but he is not sure how much lobbying there will be until they see actual language. Mayor Ramsey said they need to see the bill language drafted. From a ULCT standpoint, it was not well received.

Ms. Lewis said she understands that interest in PIDS were started because a city in Utah county denied a developer an assessment area. Then, the city did not want to create the PID. She said the city should be cautious about doing PIDS and should be involved in legislative changes.

City Attorney Loose said there are administrative costs with an assessment area that a PID does not have. Ms. Lewis said they would also have a good interest rate with an assessment area. City Attorney Loose said he has been told that PIDS are helpful if a developer only has an option on the property.

Council Member McGuire asked how this is not considered taxation without representation? Mr. Smith said because the owner and taxpayers have to consent. He said an elected board comes on, but not until everything is done. Mayor Ramsey said they aren't represented until the taxes are in place. Ms. Lewis said they might not want cities to have oversight over PIDS because developers are not getting what they want.

City Attorney Loose said not everyone that serves on special district boards are elected. He said the development community will contend that they passed the law on PIDS, but no one will give it to them.

City Attorney Loose said Apple Valley is trying to enable a decent size development. If they put the majority of the city in a PID, it could be a useful tool for them. Provo did a PID for a hospital use.

It was noted that large developers in the state are pushing this. City Attorney Loose said the developer has to own the property on the front end to do the PID.

Council Member Marlors said there needs to be a balance between interests of developers and residents and there is not a balance. He is concerned about the PIDS. If they don't have to disclose the additional property tax until they go to closing, that is ridiculous.

Council Member Harris said he feels it will be legislated, regardless. He said they need to consider how to manage it so it meets the city's best interest. He feels PIDS will come one way or another.

Council Member Shelton said he feels like this is a tool to transfer wealth from people who don't have it to people who do. Philosophically, he is opposed to it. He concurred with Council Member Harris, and said they want a seat at the table. If they just turn away and not develop their own policy, that will not allow them a seat at the table to have a conversation. He said their lobbying efforts should fight against this.

Council Member McGuire concurred with the previous comments. He is opposed to the PIDS. He said they need to make sure that they have a seat at the table and are working for the city's best interest and the best interest of their future residents.

Council Member Zander concurred that they need to lobby on this issue. She said she does not like making decisions out of fear. She said if a PID is laid on a small portion of residents, that

does not feel right. She said a PID is a politically charged tool. Putting a PID in place could be easier, politically, than doing a tax assessment. She does not want to put a huge burden on a few when the project benefits masses. They need to proceed cautiously and not take the easy path to get something that they will regret later.

Mr. Preece noted that if a person sells an existing home within a PID, that may not even be disclosed at all.

F. Discussion Item: Direction on Diversity policies for elected body. *(By Consultant Mosaic Workplace, Dr. Melissa Jones CEO)*

Dr. Melissa Jones, Mosaic Workplace, reviewed a prepared presentation (Attachment B) along with Dr. McGriggs and Kaneisha Johnson. Dr. Jones introduced her team.

Mayor Ramsey said the city sought out the services of Mosaic workplace. Dr. Jones said the city asked for some guidance and understanding on how they might respond to issues in the community, and have a long term plan.

Dr. McGriggs said they can't have diversity without inclusion. Having an outside partner or collaborator is helpful. Being transparent is important.

Ms. Johnson explained how having a consultant can help them not be reactive to situations. Consultants can help bring in outside perspectives. They can also help interpret data that is received and pull out information to create actionable objectives.

Mayor Ramsey said the goal is to get a better understanding of some of what city leaders can do to help with diversity, equity, and inclusion. Dr. Jones said the first step is to collect data to discover what the issues are. From there, they can develop a diversity plan.

Ms. Johnson said engaging the community is impactful. Dr. Jones said also understanding the perspective of others.

Mayor Ramsey asked what elected officials can do to create inclusionary diversity relationships? Dr. Jones said the first thing is to invest in this as a lifestyle change as a city and individually. Training and educational initiatives to see things from different perspectives are needed. Learn the basics of micro aggressions. They need to learn intention versus impact. Ms. Johnson said asking questions and having a curiosity about who "this thing" benefits and does not benefit. Dr. McGriggs said they should re-center to marginalized groups and the entire community benefits. She said they should manage themselves first before they engage in a conversation and response.

ADJOURNMENT

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

The October 20, 2020 City Council study session adjourned at 6:35 p.m.

D.2. CITY COUNCIL MEETING MINUTES

SOUTH JORDAN CITY
CITY COUNCIL ELECTRONIC MEETING

October 20, 2020

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, ACM Dustin Lewis, City Attorney Ryan Loose, Engineering Director Brad Klavano, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, Planner Director Steven Schaefermeyer, Public Works Director Jason Rasmussen, CFO Sunil Naidu, City Recorder Anna Crookston, Communications Manager Rachael VanCleave, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Fire Chief Chris Dawson, IT Director Jon Day, City Council Secretary MaryAnn Dean

Others: Attendance electronically via Zoom.

6:30 PM
REGULAR MEETING

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

Mayor Ramsey called the meeting to order at 6:42 p.m. She welcomed everyone present. She excused CM Whatcott. She introduced the electronic meeting.

B. Invocation: *By Council Member Don Shelton*

Council Member Shelton offered the invocation.

C. Pledge of Allegiance – *By Engineering Director, Brad Klavano*

Engineering Director Klavano led the audience in the Pledge of Allegiance.

D. Minute Approval

- D.1. October 6, 2020 Council Study Meeting
- D.2. October 6, 2020 City Council Meeting

Council Member Zander noted some edits to the minutes.

Council Member Zander made a motion to approve the October 6, 2020 Council study meeting minutes, as amended, and the October 6, 2020 City Council meeting minutes, as printed. Council Member Marlor seconded the motion. The vote was unanimous in favor.

E. Mayor and Council Reports

Council Member McGuire said he was unable to attend the art show because it was during the day. He said he understands there was a good turnout.

Council Member Zander reported on the Mosquito Abatement District meeting. She said the VA hospital is great, but the official grant opening was cancelled. She said she has been attending the County rec center pool. It is running well.

Council Member Marlor reported on the Architectural Review Committee meeting. He said they looked at 3 new buildings. He also reported that he did a blood test for covid antibodies and is awaiting the results. He was tested once for covid and was negative.

Council Member Shelton reported on the LPC meeting. He said there is a lot in flux regarding legislation. He also attended the Western Growth Coalition meeting. He said he would like to follow up with the Mosaic consulting group that attended their study session. He said he would like to see what their services include and the cost for their services. Mayor Ramsey said they have that information and will discuss that at the Strategic Planning Meeting.

Mayor Ramsey said she attended the Utah Clean Air Compact kick off. She said it is a group making a commitment to work together to address air quality issues. She said the air is cleaner now than it ever has been, but it's not where it needs to be. She reported on the Regional Growth Committee meeting for the Wasatch Front Regional Council. There is a meeting to go through the plan and discuss its practical application. The meeting is scheduled for November 9th; it is the wasatch choice workshop for southwest Salt Lake County at 4 pm. She asked the Council to attend if possible. She said she met with a couple of candidates. She reported on the JVWCD meetings. She said they met as the Point of the Mountain Development Board. As a League, they had a discussion about the third round of Cares Act distribution. There will be an 11 percent cut and that will be divided among the communities with a unique and greater effect from covid. Salt Lake County has not yet committed to a third distribution. The County thus far has been generous, as there was no obligation for them to share any of the money received. Mayor Wilson's biggest concern is that the County has funds for the mass distribution of a vaccine. It is a work in progress. The legislature and ULCT want Salt Lake County to take care of the cities within the County. They want to make sure the cities in Salt Lake County are equitable with the rest of the state. She reported on LPC.

F. Public Comment:

Erin Preston, candidate for Salt Lake County recorder, said she is a resident of Herriman, and a former resident of South Jordan. She has been an attorney for 25 years, and spent 15 years involved in education. She said she does not like that in Salt Lake County you can't search your own property records. There are a lot of instances where the CC and R's and HOA's are not articulated. She said she would like to give more access to records and more transparency and accuracy.

Council Member Harris said he appreciates a willingness to be more transparent.

Ms. Preston noted that there are some counties that you are able to search your own property. She said there is the ability to access the records, if you pay a subscription. The average homeowner does not have access.

Council Member Zander asked how would Ms. Preston do that? What would the process be? Ms. Preston said the records are digitized, but not searchable. She said there was an RFP in place, and she would resume that process. She said they may not be able to allow access to any records at any time, but they need to be able to see their own records.

Lauri Gale, said she subscribes to have access to the records. The initial fee is \$150, and maintenance is \$25 a month. With lien laws the way they are, sometimes you get a surprise. She said how you deal with those surprises would be different if they had notice in the beginning.

G. Presentation: Annual Rocky Mountain Power update and introduction of the new Community Manager. *(By Lisa Romney)*

Lisa Romney, Rocky Mountain Power, reviewed a prepared presentation (Attachment A). She said they have substantially completed the transmission project. She said she is now serving in a different role at Rocky Mountain Power. She introduced Jeff Barrett as the new RMP representative. She said RMP will be sponsoring the pumpkin promenade and light the night. Both Mr. Barrett and Ms. Romney said they feel South Jordan is a good fit for the wattsmart community program.

Council Member Zander said a couple years ago, people were going door to door for RMP asking if they could put an energy saving device on the AC units. Mr. Barrett indicated that is the cool keeper program. The wattsmart program is separate. The wattsmart program is a partnership to put together a sustainability plan for the community; it is more broad.

Council Member Zander said if the city said yes to this opportunity, can the residents opt in or out? Mr. Barrett said it would be a decision for the city as a whole, but there are no mandates. The plan would set out goals and targets. There may be some education components.

Council Member Shelton said this would also be a good thing to discuss in the upcoming strategic planning meeting. Mayor Ramsey concurred to either discuss this in the strategic planning meeting or a study session.

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

H. Public Hearing: Ordinance 2020-13, Text Amendment – amending Chapter 17.18.030.030 and creating Chapter 5.39 of the South Jordan City Municipal Code regulating model homes. *(By Planning Director, Steven Schaefermeyer)*

Planning Director Schaefermeyer reviewed the background information on this item. He said they need to better regulate how long the model homes can be established. The changes add a requirement for builders to get a business license. The requirements for the model home would remain the same. Business licenses are renewed yearly. They can't renew the business license

once there are no homes to be sold in that development. There is a grace period to sell the model home. It also clarifies that model homes in one development can't be used to sell homes in another development.

Mayor Ramsey opened the public hearing.

Lauri Gale, 10883 S. Martin Gale Lane, asked why have this level of regulation for model homes? It seems like overkill. She noted that she is a realtor by profession. This could make things expensive for builders and could be hard to comply with.

Mayor Ramsey closed the public hearing.

Planning Director Schaefermeyer said this would require a business license, but it is a different category than a Home Occupation license. In some cases, the builder would also need a contractor license, but that is only required in the city where the contractor is based.

Planning Director Schaefermeyer said these regulations would not be unique to South Jordan. They are based, in part, on what other high growth communities are doing. Renewing a business license annually is not onerous. He said the reason for the change is because they have a builder trying to take advantage of the current regulations. There are no remaining lots in McKee Farms. He runs a model home, but also a contractor business out of the model home. It has created a traffic concern and some problems with signage in this residential area. There may be a second builder who thought they would also move their business to a model home.

Council Member Shelton asked how much would the annual business license cost? Mr. Preece said he believes the initial fee is a little over \$100, and then approximately \$49 for an annual license.

Council Member Harris asked if this would be required per model home? Mr. Preece said that is the way it was designed.

Council Member Zander said she is in support of this. She said there are many builders in Daybreak that have several model homes. She asked if it would be equitable to say one license per builder, or one license per development? Mr. Preece said that is at the prerogative of the City Council. The fees are based on the cost to administer the license. He said the current Ordinance doesn't require a business license, so this is a way for the city to recoup the cost of the service they are receiving. Council Member Zander said she is happy with the Ordinance, but she would like to be thoughtful of the builders with several model homes.

Mr. Schaefermeyer said they could have one license per builder that lists each model home. From an administrative standpoint, they would need to determine which models homes are active and which ones aren't. They do not generally have problems with model homes. This is a new trend that hopefully will end.

Council Member Harris recommended they pass the Ordinance without the requirement for the business license, and then only track it if it becomes a problem. Mr. Preece said that is where they are at with the current policy.

Council Member Marlor said he is okay with the concept of one license per development. They should prohibit doing home sales in South Jordan for homes outside of the city. Mr. Preece said the other point of the proposed code requirement is a separate license for each location. They looked at doing it through business licensing for tracking purposes. They could look at paying one fee, but having separate licenses.

Council Member Zander said she is okay with one fee per builder, she is not okay charging one fee per door. She wants the builders in Daybreak under one fee. She does not like to put a heavy handed blanket policy when there is one misbehaving model home.

Mr. Preece said there is concern that the issue was starting to be a trend.

Council Member Harris asked if this can be enforced without a business license? Mr. Schaefermeyer said if they take the licensing out, they need to figure out another mechanism. Mr. Preece said they are having to prove that there is a business that is not allowed in the zone. This simplifies that. Council Member Marlor said they need the Ordinance to let the builders know that they can't be selling houses all over the valley from one location.

Council Member Harris said he is opposed to it because he does not want to take action on all builders.

City Attorney Loose said if they do a fee or not, they can address it in the fee schedule. They need a process for enforcement. If they don't do a business license, they have to put it somewhere else that would be similar. With business licensing, there is an appeal process. The difficulty of the process is minimal. In the case of the McKee Farms model home, people have entered the neighbor's home thinking they were going into the model home. They can't find the model home because the area is built out and so people enter near the sign. If they give someone a permit, there has to be an appeals process.

Mayor Ramsey said she shares Council Member Harris's concerns. She wants to be a city that is easy to work with. City Attorney Loose said they could require one permit per builder. It would only be needed for the model home. Mr. Preece said they can call it a model home permit instead, but they still have to figure out the due process.

City Attorney Loose recommended they table the issue and let staff work on it more. Council Member Harris asked that staff make it as easy as possible for the builders, but still accomplish what the city needs.

Council Member Marlor made a motion to table Ordinance 2020-13, and let staff provide further clarification with the idea that they have one license per builder who has a model home in the city. Council Member Zander seconded the motion.

Council Member Harris said if staff thinks of any alternative that will allow them to enforce this, but is less burdensome on the builders, present those as well. Council Member Marlor said there needs to be enough teeth in the Ordinance to make it worth it.

Roll call vote. The vote was unanimous in favor.

I. Staff Reports and Calendaring Items

ACM Lewis said staff will be delivering the budget materials tomorrow for next Tuesday's strategic planning meeting. He said they will also include the 2 items discussed tonight.

City Attorney Loose said right after the election, bills and ideas for the legislative session will come out. If there is anything staff needs to be aware of, let them know.

Council Member Zander said she would like to meet in person for the strategic planning meeting if possible. Mayor Ramsey concurred.

Mayor Ramsey encouraged everyone to vote in this year's election.

ADJOURNMENT

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

The October 20, 2020 City Council meeting adjourned at 8:30 p.m.

D.3. CITY COUNCIL STRATEGIC PLANNING MEETING MINUTES

SOUTH JORDAN CITY
STRATEGIC PLANNING MEETING

October 27, 2020

Present: Mayor Dawn R. 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, Police Chief Jeff Carr, Strategic Services Director Don Tingey, CFO Sunil Naidu, Planning Director Steven Schaefermeyer, City Commerce Director Brian Preece, HR Director Teresa Cook, City Engineer Brad Klavano, Fire Chief Chris Dawson, Public Works Director Jason Rasmussen, Administrative Services Director Spencer Kyle, Executive Assistant Melanie Edwards, City Recorder Anna Crookston, IT Director Jon Day, City Council Secretary MaryAnn Dean

5:00 P.M.

A. Welcome and Introduction to Electronic Meeting – *By Mayor Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present. At this meeting, they are looking at high level strategic priorities for the next year.

Mayor Ramsey introduced the electronic meeting. She noted that all members of the public are invited.

B. Invocation – *By City Manager, Gary Whatcott*

CM Whatcott offered the invocation.

C. Discussion: Strategic Priorities, Revised Strategic Goals and Objectives, and future action items for FY 2021-22

CM Whatcott said this is the foundation for the budget. He said they want to make sure that their goals are correct. So far, the city is doing well financially. They want to make sure things keep going well. There will be challenging times in the future to keep service levels high and determine the appropriate levels of taxation.

Strategic Services Director Tingey reviewed a prepared presentation (Attachment A).

Council Member Shelton asked what is meant by inflation effect? CM Whatcott said the last time that the city added any new revenue from property taxes was 2007. It costs more to run the city now versus then, and they have not picked up any new tax dollars to pay for that. They are not capturing the inflationary factors of growth. It was noted that there was a tax increase, but it paid for debt service. It did not go to the general fund.

Council Member Shelton asked if the level of service is lower today than in 2007? CM Whatcott said yes. They have added many acres of new parks. They have added only a small number of staff members. They are being as efficient as they can, but they cannot meet the demand. He said anything funded out of the general fund, including police, fire, streets, and public works is short staffed.

Council Member Shelton asked if there has been an effect on response time? CM Whatcott said the case load continues to grow more than what they are adding on the service side. Police Chief Carr said the response times have gone up 1 minute 40 seconds since 2015. Part of that is a function of the city because they have to respond further away.

Council Member Shelton asked if they are adding more expenses or more revenue? CFO Naidu said a new home being built in the city costs the city \$750-\$800. The property tax it generates is \$380 on an average \$400,000 home. He said the revenue versus expenditures do not add up in that way.

CM Whatcott said they are not growing the pie like they were in earlier years. They are not adding new shopping centers and a lot of retail stores. They receive revenue from online sales now, but it is at a different rate than if they were shopping at the stores. They have a lot of leakage that is occurring in places like Herriman.

Council Member Marlor asked what is the cost versus revenue for a commercial property? CFO Naidu said commercial pays 100 percent of their value. The tax revenue they generate is higher compared to a residential property.

CM Whatcott said they need to keep that in mind when making land use changes. There are fiscal consequences, both positive and negative. He said retail has changed over what it was in 2007. He reiterated that they are in good standing financially, but they are not growing revenue fast enough to meet service needs.

Mr. Tingey reviewed the list of items under the situation section. That list was generated by staff. Mayor Ramsey said that was a comprehensive list.

Mr. Tingey reviewed the list of core competencies by staff. They discussed the high household income in South Jordan, which is good, but also comes with high expectations for service.

Mr. Tingey reviewed the list of obstacles. Council Member Marlor said one large obstacle is legislation and resulting state regulations. He said it is an obstacle from a day to day taxation standpoint and potentially in future density determinations. Council Member Harris concurred, but said they have made significant improvements on that obstacle by having a seat at several tables.

Mayor Ramsey said having a seat at the table with other agencies is a core competency. They have more of a seat at the table than any other city she is aware of. She agreed that there is not a lot that they can do with mandated legislation, but their lobbying has resulted in some better outcomes. She said South Jordan has the opportunity to be more influential. Council Member

Harris concurred. Council Member Zander said that can also be a prospect. There may be times that they need to use that opportunity with the legislature.

CM Whatcott said South Jordan has a lot of credibility and is looked to as a place that does it right.

Council Member McGuire said he feels daybreak fits under core competency and obstacles. He said they have made some progress but there will still be obstacles moving forward. One other thing they need to work toward is being a unified city.

Mr. Tingey reviewed the list under prospects. CM Whatcott said the Daybreak Town Center could be considered an obstacle, not a prospect. They were originally told that there would be a lot of commercial buildings. He is fearful that they will see Daybreak getting to their 20,000 units, and it will be filled with high density housing and they will only get service oriented businesses. That will not help them pay the freight. Mayor Ramsey concurred.

Council Member Marlor said they approved the bonds for infrastructure so Daybreak could be ready to provide commercial areas that are looking for space. He said he has not heard them talk about it once since the bonds were approved. CM Whatcott said the CDA is not producing any money. It is not providing the vision the city had for it. The default mode for Daybreak is housing. He is concerned that they are not bringing in commercial that will help the city with sustainability. Mr. Tingey concurred.

Council Member Shelton said the city has some bonds that are maturing in the next couple of years. That could provide a prospect of financing a project. CM Whatcott said it may help with revenue for the general fund. CFO Naidu said the only bond that is coming to mature in the next few years is the water bond, and that money will go to the enterprise fund.

Mr. Tingey reviewed the list of expectations.

Council Member Zander said one expectation is the new Bingham Creek park and how that will affect the city, and how that will be structured and managed.

CM Whatcott said he feels the residents will have a higher expectation for recreational opportunities, such as trails and team obstacle course races.

Mayor Ramsey said a lot of people continue to have the expectation that Mulligans will be preserved.

Council Member Harris said there is a huge expectation regarding growth and good traffic flow. Mayor Ramsey concurred. She recommended they add air quality under sustainability initiatives.

Council Member Harris said they need to balance the conflicting land use densities, as the residents have an expectation for less density, and the legislature has an expectation for more density.

CM Whatcott said there will also be future expectations to be more green including electronic cars, solar panels, etc.

Mr. Tingey reviewed the strategic priorities.

Council Member Shelton recommended they rename capital improvement to reliable public infrastructure. Mr. Tingey, CM Whatcott, and Mayor Ramsey said they like that title better.

Mayor Ramsey noted that Riverton City is now using South Jordan's strategic priorities as a template.

Mr. Tingey reviewed the objectives under safe community.

The City Council added listening under the responds line objective. They also determined to add that they enforce the law respectfully. Council Member Harris said having a healthy community (mental health and physical health) provides a safe community. The City Council added some language about health and well-being.

Mayor Ramsey encouraged them to keep the DARE program. CM Whatcott said that falls under the engaged part of the safe community. The City Council determined to add some language regarding providing education throughout the community. They added language about listening to concerns.

City Attorney Loose asked about including emergency preparedness in the city. ACM Lewis said that is a task under protects the public.

The City Council reviewed objectives under reliable public infrastructure. Council Member Shelton said a lot of the infrastructure that goes in the city is not built by the city. They added language about overseeing and regulating the work to build infrastructure.

They added language about ensuring funding by working with multiple stakeholders.

Mr. Tingey noted the list of projects. He said that will be prioritized as part of the budget process.

Council Member Zander said there is a need for cell phone towers on the west side of the city. That is not their responsibility, but how do they move that needle? Mr. Tingey said word is getting out. He understands Daybreak and AT&T are in discussions.

Council Member McGuire asked about the \$200,000 for Christmas lights. CM Whatcott said many of their lights are old and broken. He said this is to replace the lights and to try to get a reasonable amount of lights. The plan is to concentrate the lights around city hall. He said they want to celebrate the holiday, but they are also criticized because it is a religious holiday. They still feel it is appropriate to celebrate for their community. The Hanukkah display in city hall was noted. There may be need for more diversity in the future.

Council Member Shelton said on upcoming projects, they need to add paving of the Bingham creek trail from 4800 West to the trail. Also, the trail that crosses the creek and goes to Welby Elementary needs to be paved. He said he also did not see a lap pool facility and the city's contribution to that project. He also noted that he did not see the parks/ball diamonds in Daybreak on the list.

CM Whatcott said the parks in Daybreak are not on the list because it is over the 3-5 year period. Mr. Tingey said there is a design number in park impact fees for Daybreak parks. The lap pool is on the 5 year plan. He said the \$1 million city contribution is reserved. That project is 3-4 years out. Mayor Ramsey said the money that the County intended to contribute is not available right now, due to Covid. She said that project will still get done.

CM Whatcott noted a collector street wall issue brought up by a resident in Council Member Marlor's district. They can add that to the list and see how that is prioritized. Council Member Marlor concurred to add that to the list, and they can address that at the appropriate time.

The City Council reviewed the objectives under balanced regulatory environment.

The City Council reviewed the objectives under desirable amenities and open space. They added art to the line about partnering with community stakeholders. They discussed who the various community stakeholders are. Council Member Zander said they need to considering coupling arts with businesses, and getting some corporate sponsors for the arts. CM Whatcott said one holdback for the city is that they are lacking a venue. Mayor Ramsey concurred that there are things that will require a public/private partnership. They could consider that in other arenas like a lap pool.

The City Council reviewed objectives under the economic development section. Council Member Harris noted CM Whatcott's earlier comment that changing the land use on property from commercial to residential will affect their economic development.

The City Council determined to combine the language in items 1 and 2. They added coordination with stakeholders in item 4.

Council Member Harris asked how to make the commitments of the stakeholders stronger regarding economic development? CM Whatcott said there is a delicate balance of the property owners' rights and the city's needs for overall zoning. Council Member Harris said he does not want to see the prime commercial land going away when the housing market gets hot.

City Attorney Loose said the method to control that is through the city's zoning power. Planning Director Schaefermeyer said another question is how to structure conversations with developers so the City Council and staff feel empowered to say no, and indicate that they have to stick with the current zoning. He said there is a balance between benchmarks and giving enough flexibility for their developments.

CM Whatcott said if the city was given other mechanisms other than property tax, they could leave the land use element out of it. He noted that in other states, cities share income tax. He

said the city needs to have a diverse portfolio; that is done out of necessity and good planning efforts, not just because of tax revenue. Council Member Marlor said they need to hard coat some commercial on the next MBA. He said the residential component will always be there.

The City Council reviewed the objectives under sustainable growth. They determined to take item 3 and include that language, split between item 2 and 6. They also determined to add air quality to item 2.

The City Council reviewed the objectives under engaged community. They determined to add language to item 4, encouraging people to run for office and to vote. They also added language regarding service.

The City Council reviewed the objectives under fiscally responsible governance. There were no changes.

CM Whatcott said staff will build the budget on these priorities.

D. Summarize Next Steps: FY2021-22 Strategic Planning and Budget

CFO Naidu reviewed plans for the upcoming budget meetings. They will be held January 27th, February 10th, and February 24th (if needed). The tentative budget will be approved in March. The final budget will be approved in May. They determined to start the upcoming budget meetings at 5:30 p.m.

Council Member Shelton announced his retirement from his profession at the end of this year, and indicated that he may be traveling in early January.

CFO Naidu indicated that he is available to meet with the City Council to discuss any budgetary questions.

The City Council determined to cancel the December 15, 2020 City Council meeting, unless there is something critical that needs to be discussed. They also discussed having a social dinner, when conditions are appropriate to do so.

ADJOURNMENT

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

The October 27, 2020 City Council strategic planning meeting adjourned at 7:49 p.m.

G. PROCLAMATION: 2020 SMALL BUSINESS SATURDAY

SMALL BUSINESS SATURDAY 2020 PROCLAMATION

Whereas, the South Jordan City Council celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7% of all firms with paid employees in the United States, are responsible for 64.9% of net new jobs created from 2000 to 2018; and

Whereas, small businesses employ 47.3% of the employees in the private sector in the United States, 62% of U.S. small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, 65% of U.S. small business owners said it would be most helpful to their business to have their “regulars” return and start making purchases again, and three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

Whereas, 96% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

Whereas, 95% of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season; and

Whereas, South Jordan City, Utah supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, the South Jordan City Council does hereby proclaim, November 28, 2020, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed this 17th Day of November, 2020

Dawn R. Ramsey, Mayor

ATTEST:

Anna Crookston, City Recorder

H.1. PRESENTATION: SEGO EXCELLENCE AWARD



1028 East 140 North | Lindon | Utah | 84042
T: 801.850.2040 | F: 801.705.3502
segohomes.com

November 2, 2020

Mr. Ty Montalvo
Chief Building Official
City of South Jordan, Utah

Dear Ty:

It is our pleasure to announce that you, Ty Montalvo, and the Building Department of the City of South Jordan are the recipients of the **Sego Excellence Award**. This award is presented to exceptional trade partners, professional consultants or civic leaders who have consistently demonstrated pride and professionalism in their work and cooperation and respect for others.

We thank you and your team members for providing timely and constructive plan reviews and assisting us in a quick turnaround for new plans and new model homes. Our buildings are complex and difficult to construct and often have a combination of units subject to both the IBC and IRC codes of construction. You have helped us better understand how these codes apply to our homes and have assisted us in understanding how to effectively comply with each code. Although the plan reviews and building inspections performed by your team are rigorous, tough and thorough, we feel like they are generally fair and reasonable and are based on the written codes which is as it should be. Each of your team members in the Building Department have been willing to help us throughout the building process. From the permitting of new plans, to the city inspections, to the final inspection and C of O, your team of professionals in your Building Department have been courteous, professional and willing to assist us.

We greatly appreciate your leadership in making the City of South Jordan a well-run and efficient municipality with a fair and predictable process. We look forward to continued association with you and the Building Department of the City of South Jordan.

Sincerely,

SEGO HOMES

Wayne H. Corbridge
President/CEO

**J. ACTION ITEM: RESOLUTION R2020-55,
AUTHORIZING MAYOR TO SIGN ADDENDUM #2 AGREEMENT - GLENMORE GOLF COURSE**

RESOLUTION R2020 - 55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE SOUTH JORDAN MAYOR TO SIGN ADDENDUM # 2 TO ASSIGNMENT AND ASSUMPTION OF PURCHASE AND SALE AGREEMENT (GLENMOOR GOLF COURSE).

WHEREAS, the City of South Jordan is a municipal corporation and political subdivision of the State of Utah (the “City”) and is authorized to enter into agreements that it considers are necessary and appropriate; and

WHEREAS, the South Jordan City Council approved R2019-7 authorizing the Mayor to sign the Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course) (the “Agreement”), which transferred the right to purchase the Glenmoor Golf Course from the City to Glenmoor Holdings LLC; and

WHEREAS, the Agreement has a provision providing for the City to repurchase the property at Glenmoor Holdings’ discretion (the “Put-Option”), which may be exercised between November 15, 2019 and December 31, 2019; and

WHEREAS, the City and Glenmoor Holdings extended the Put-Option until December 2020 authorized by Resolution R2019-64 in Addendum # 1 to Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course); and

WHEREAS, the City and Glenmoor Holdings desire to again extend the Put-Option until 2021; and

WHEREAS, the City Council has determined that it is in the best interest of the public welfare of the City to amend the Agreement.

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

SECTION 1. Authorization. The City Council hereby authorizes the Mayor to sign the Addendum #2 to Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course), attached hereto as Exhibit 1.

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

<<Signatures on following page>>

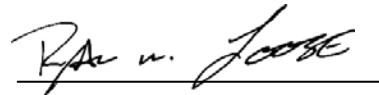
**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
ON THIS _____ DAY OF _____, 2020 BY THE FOLLOWING VOTE:**

	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

**ADDENDUM #2
TO
ASSIGNMENT AND ASSUMPTION
OF
PURCHASE AND SALE AGREEMENT
(Glenmoor Golf Course)**

THIS ADDENDUM #2 TO ASSIGNMENT AND ASSUMPTION OF PURCHASE AND SALE AGREEMENT (this “addendum”) is made and entered into this ____ day of November, 2020, by and between the City of South Jordan, a Utah municipal corporation (“Assignor”), Glenmoor Holdings, LLC, a Utah limited liability company (“Assignee”), and Assignee’s assigns (Glenmoor DH, LLC and Glenmoor FHC, LLC, which are collectively referred to as the “Owners”). Assignor, Assignee and the Owners are sometimes referred to individually as a “Party,” and collectively as the “Parties.”

RECITALS

- A. Pursuant to Resolution R2019-07, the South Jordan City Council and Mayor approved and authorized the Mayor to execute that certain Assignment and Assumption of Purchase and Sale Agreement (Glenmoor Golf Course) (the “Assignment”).
- B. The Parties entered into the Assignment effective February 15, 2019. Pursuant to the Assignment, the Owners closed on their purchase of the Glenmoor Golf Course, and become the owners thereof, on April 1, 2019.
- C. Section 10 of the Assignment is labeled “PUT-OPTION” and grants Assignee the right to exercise a “Put-Option” at any time between November 15, 2019, and December 31, 2019, which Put-Option, if exercised, would require Assignor to purchase the Property from Assignee by May 1, 2020.
- D. Pursuant to Resolution R2019-64, the South Jordan City Council and Mayor approved and authorized the Mayor to execute that certain Addendum #1 to Assignment and Assumption of Purchase and Sale Agreement (the “First Addendum”), which was signed by Assignor and Assignee, extending the dates for which the Put-Option may be exercised by one (1) year. Hence, under the First Addendum: (i) the Put-Option could be exercised at any time between November 15, 2020, and December 31, 2020; and (ii) if the Put-Option is exercised during said period, then Assignor (the City) must close its purchase of the Property no later than May 1, 2021.
- E. By separate instrument, all rights under the Assignment were transferred and assigned by Assignee to the Owners, and the Owners, as the parties who own and hold title to the Glenmoor Golf Course, hold the right to exercise the Put-Option.
- F. The Parties hereto now desire again to extend the dates relating to the Put-Option as described below.

AGREEMENT FOR EXTENSION OF DATES

Now therefore, in exchange for the Parties' mutual covenants and obligations, and other valid consideration, the Parties hereby stipulate and agree as follows:

1. **Recitals.** The above-stated Recitals are incorporated herein and made a part of this Agreement.
2. **Extension of Put-Option Dates.** The Owners may exercise the Put-Option at any time between November 15, 2021, and December 31, 2021; and (ii) if the Put-Option is exercised during said period, then Assignor (the City) must close its purchase of the Property no later than May 15, 2022.
3. **Effect of Addendum.** Except as set forth in this Second Addendum, the Assignment (as amended by the First Addendum) shall remain in full force and effect.

(Signature Page Follows)

IN WITNESS WHEREOF, intending to be legally bound, Assignor and Assignee have executed this Assignment on the day and year first above written.

ASSIGNOR:

CITY OF SOUTH JORDAN

ATTEST:

By: _____
Mayor Dawn R. Ramsey

City Recorder

Approved as to form:

City Attorney

ASSIGNEE:

Glenmoor Holdings, LLC, a Utah limited liability company

By: _____
J. Ryan Button, Manager

OWNERS:

Glenmoor DH, LLC, a Utah limited liability company

Glenmoor FHC, LLC, a Utah limited liability company

By: _____
J. Ryan Button, Manager

By: _____
J. Ryan Button, Manager

**K. PUBLIC HEARING: ORDINANCE 2020-14,
AMENDING TWO EASEMENTS ON LOT 3 OF THE MORLEY SUBDIVISION**

SOUTH JORDAN CITY

CITY COUNCIL REPORT

Meeting Date: 11/17/2020

Issue: MORELY SUBDIVISION AMENDMENT – VACATION OF EASEMENT

Address: 10287 S Krystal Hannah Way

File No.: PLPLA202000290

Applicant: LS Homes, LLC

Submitted By: David Mann, Planner II

Presented By: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready):

Approve **Ordinance 2020-14**, vacating the existing storm drain easement located in the northwest corner and the turnaround easement in the southwest corner of Lot 3 of the Morley Subdivision.

ACREAGE:	0.50 acres
CURRENT ZONE:	R-1.8
CURRENT USE:	Vacant
FUTURE LAND USE PLAN:	Stable Neighborhood

NEIGHBORING

LU DESIGNATIONS, (ZONING)/USES

North -	Stable Neighborhood, (R-1.8) / Single Family Residential
South -	Stable Neighborhood, (R-1.8) / Single Family Residential
East -	Stable Neighborhood, (R-1.8) / Single Family Residential
West -	Stable Neighborhood, (R-1.8) / Single Family Residential

BACKGROUND & ANALYSIS:

The Applicant is seeking to amend two easements on lot 3 of the original subdivision plat. The existing storm drain easement on the northwest corner of lot 3 is 30 feet wide and approximately 2550 square feet and contains a detention pond. The new easement will be 12 feet wide and approximately 2172 square feet and cover the location of a new storm drain pipe and infiltration ditch. The Engineering and Fire departments for the city have also determined that the existing turn around easement on the southwest corner of the property is not necessary and can be vacated. This amendment will allow more flexibility to design a house that will meet the required setbacks. The subdivision amendment was preliminarily approved by the Planning Commission on October 27, 2020, subject to the City Council vacating the easement.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- Storm water infrastructure will be redesigned so that the size of 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 and the turnaround easement in the southwest corner of Lot 3 of the Morley 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
- Morley Subdivision (original plat)
- Morley Subdivision - Amended subdivision plat
- Ordinance 2020-14

City Council Action Requested:

JA
Jeremy Nielson (Nov 13, 2020 14:42 MST)

Deputy City Engineer

11/13/20

Date

ORDINANCE NO. 2020 – 14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING TWO EASEMENTS ON LOT 3 OF THE MORLEY SUBDIVISION.

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, the Morley Subdivision is located in South Jordan City and the original Plat for the Subdivision was recorded on June 24, 2014; and

WHEREAS, the plat for Morley Subdivision depicts a storm drain easement and a turnaround easement on lot 3; and

WHEREAS, LS Homes, LLC (the “Applicant”) has petitioned the City to amend the storm drain easement and vacate the turnaround easement; and

WHEREAS, on November 17, 2020, the City Council held a public hearing to consider Applicant’s petition to amend the storm drain easement and vacate the turnaround easement; and

WHEREAS, the City Council finds that there is good cause to amend the storm drain easement and vacate the turnaround easement, and that neither the public interest nor any person will be materially injured by such action.

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

SECTION 1. Grant of Petition to Amend Storm Drain Easement. The City Council hereby grants the Applicant’s petition to amend the storm drain easement located on the north-west corner of lot 3 of the Morley Subdivision, reducing the easement to approximately 2172 square feet from its current 2550 square feet.

SECTION 2. Grant of Petition to Vacate Turnaround Easement. The City Council also hereby grants the Applicant’s petition to vacate the turnaround easement on the south west corner of lot 3 of the Morley Subdivision.

SECTION 3. 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 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

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

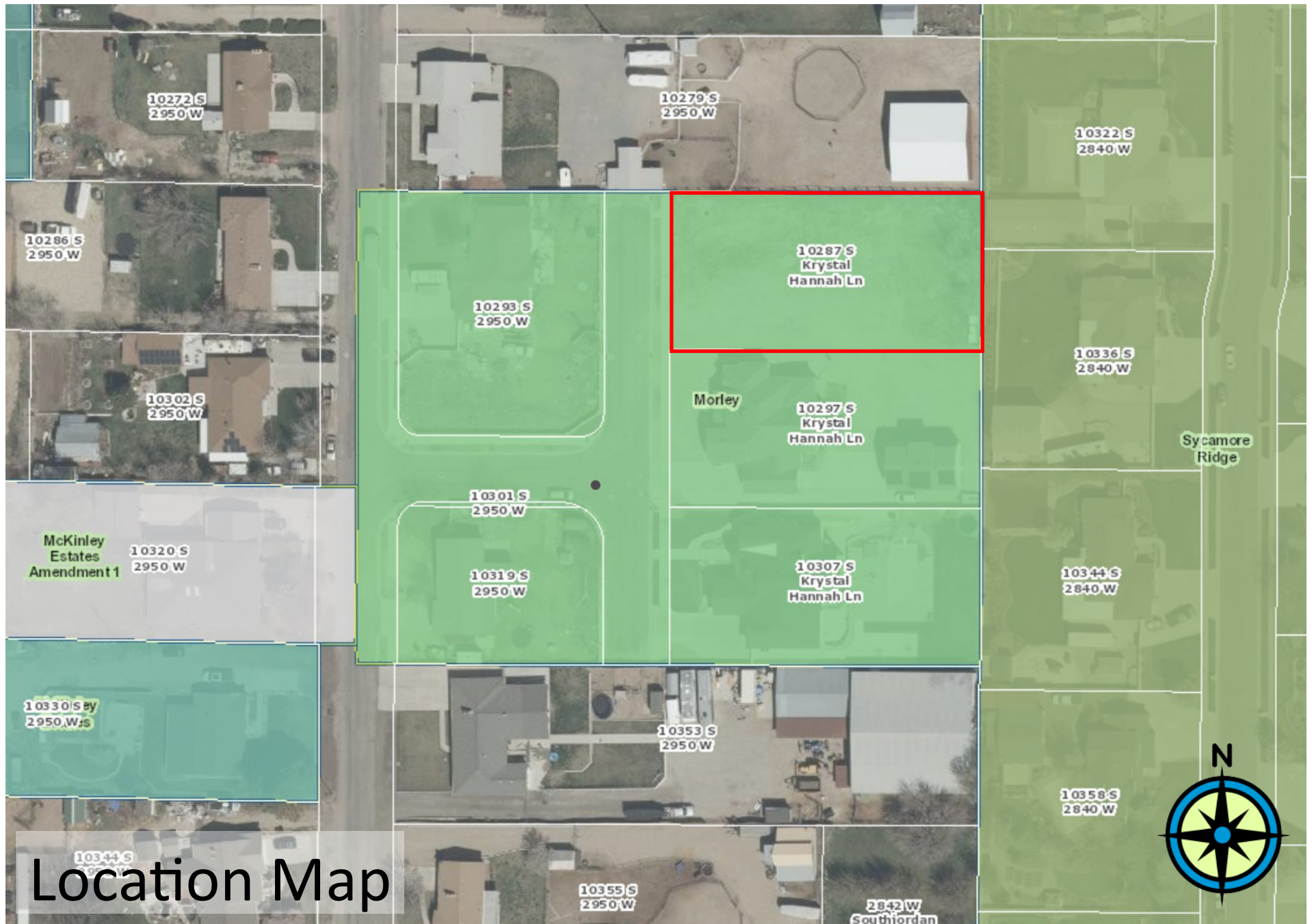
	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: _____
Dawn R. Ramsey

Attest: _____
City Recorder

Approved as to form:

Office of the City Attorney



Location Map



SHALLOW SEWER DEPTH: CONTRACTOR SHALL VERIFY SEWER LAUNCH DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL IN DOWNPipes. BUILDINGS WITH A SEWERAGE MAY NOT HAVE SEWER SERVICE AVAILABLE FOR BASEMENT.

SOUTH JORDAN CITY PLAT NOTES

- POTENTIAL PURCHASERS OF PROPERTY LEGALLY DESCRIBED BY THIS PLAT ARE ADVISED TO FURNISH TO THE CITY OF SOUTH JORDAN CITY, UTAH, ALL INFORMATION, COVENANTS AND RESTRICTIONS (CCAR DOCUMENTS) CONCERNING LAND LEGALLY DESCRIBED BY THIS PLAT. FAILURE TO ADHERE TO THESE NOTES, EASEMENTS, COVENANTS OR OTHER DOCUMENTS RECORDED AGAINST THE LAND COULD RESULT IN FINANCIAL LOSSES TO OR CHANGES IN EXPECTED PROPERTY USE OF THE PROPERTY. COVENANTS, COVENANTS AND PURCHASERS ARE RESPONSIBLE TO REVIEW AND TO BE IN COMPLIANCE WITH ALL OTHER EASEMENTS, COVENANTS, AND OTHER RECORDED DOCUMENTS RELATED TO THIS PLAT, AS CURRENTLY EXISTING OR AS MAY FROM TIME TO TIME BE CHANGED AND/OR AMENDED.
- MAINTENANCE IN SOUTH JORDAN CITY: ARE GROUND WATER PROBLEMS DUE TO HIGH OR FLUCTUATING WATER TABLE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION WILL SOLVE GROUNDWATER PROBLEMS. IN ANY.
- SURVEYOR AND ENGINEER CERTIFY THAT ALL UNKNOWN RECORDED EASEMENTS, CLAIMS OF EASEMENTS OR ENCUMBRANCES LISTED IN THE TITLE REPORT DATED 12/20/2014, PREPARED BY C. J. FARRINGTON, ARE SHOWN ON THIS PLAT. OWNER/OWNER CERTIFIES THAT THE LEGAL DESCRIPTION OF THE PROPERTY REFERENCED IN THE TITLE REPORT MATCHES THE DESCRIPTION SHOWN ON THIS PLAT.
- INDIVIDUAL PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PARK STRIP LANDSCAPING WHERE COLLECTION OF TRASH AND DEBRIS HAS NOT BEEN INSTALLED ALONG THE REAR OR SIDE OF LOTS IN SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS.
- FINISHED FLOOR ELEVATION CANNOT EXCEED 4 FEET FROM AVERAGE TOP OF CURB ALONG FRONTAGE OF LOTS.
- LOTS 1 AND 2 SHALL BE RESPONSIBLE FOR THE LANDSCAPING AND MAINTENANCE FOR THE STORM DRAIN DETENTION POND EASEMENT AREA ON EACH LOT.

NOTE: THE SIGNATURE OF SOUTH VALLEY EMBROIDERED ON THIS PLAT DOES NOT CONSTITUTE ANY GUARANTEE OF AVAILABILITY OF SANITARY SEWER SERVICE TO PROPERTY OR ANY APPROVAL OF SEWER LINES OR FACILITIES. THE OWNER/OWNER OF THE PROPERTY MUST PROVIDE SATISFACTORY PLANS TO THE CITY OF SOUTH JORDAN CITY, UTAH, FOR THE SEWER LINES AND FACILITIES TO BE INSTALLED AND WILL BE REQUIRED TO COMPLY WITH THE CITY'S RULES AND REGULATIONS.

QUESTIONS NOTE: QUESTIONS APPROVED THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTIONS MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF AVAILABILITY OF SANITARY SEWER SERVICE OR UTILITIES PROVIDED BY LAW OR EASEMENT. IT IS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT THE CITY OF SOUTH JORDAN CITY AT 801-986-6000.

ROCKY MOUNTAIN POWER NOTE: UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENT AREA SHOWN ON THIS PLAT. NO WORK SHALL BE NECESSARY OR DESIRABLE. APPROVED UTILITY SERVICES WITHIN AND WITHOUT THE LOT IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRAITS, TREES AND STRUCTURES THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNERS EXPENSE. OR THE UTILITY MAY REQUIRE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE. AT THE MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.



