

CITY OF SOUTH JORDAN
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
TUESDAY, MARCH 21, 2023 at 6:30 PM



Notice is hereby given that the South Jordan City Council will hold a City Council Meeting at 6:30 p.m. on Tuesday, March 21, 2023, in person in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah, and virtually via Zoom phone and video conferencing. Persons with disabilities requesting assistance should contact the City Recorder at least 24 hours prior to the Meeting. The Agenda may be amended and an Executive Session may be held at the end of the Meeting. Times listed are approximate and may be accelerated or delayed.

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

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

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

Join South Jordan City Council Meeting Virtually:

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

Regular Meeting Agenda: 6:30 p.m.

- A. Welcome, Roll Call, and Introduction:** By Mayor, Dawn R. Ramsey
- B. Invocation:** Director of City Commerce, Brian Preece
- C. Pledge of Allegiance:** Director of Strategy & Budget, Don Tingey
- D. Minute Approval:**
 - [D.1.](#) March 7, 2023 City Council Study Meeting Minutes
 - [D.2.](#) March 7, 2023 City Council Meeting Minutes
- E. Mayor and Council Reports: 6:35 p.m.**

F. Public Comment: 6:50 p.m

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

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

G.1. Proclamation Vietnam War Veterans Recognition Act of 2017. *(By Mayor, Dawn R. Ramsey)*

G.2. 2022 State of the Chamber. *(South Valley Chamber of Commerce President/CEO, Jay Francis)*

H. Annexation Land Use Items: 7:30 p.m.

H.1. Presentation on Ordinance 2023-05, Petition of Annexation filed by Kennecott Utah Copper, LLC and Jordan Valley Water Conservancy District. *(By City Attorney, Ryan Loose)*

H.2. Public Hearing on Ordinance 2023-05.

H.3. **Ordinance 2023-05**, Annexing the area and extending the corporate limits of South Jordan City, Utah, to include the area described in Exhibit A and amending the South City Zoning Map to designate and zone the annexed area as Agricultural A-5 upon its annexation into the City of South Jordan. RCV

H.4. **Resolution R2023-18**, Authorizing the Mayor to sign the Memorandum of Understanding between the City of South Jordan and Kennecott Utah Copper LLC for the development of a Master Planned Community in the City of South Jordan. RCV *(By City Attorney, Ryan Loose)*

I. Staff Reports and Calendaring Items: 8:50 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 March 17, 2023.

SOUTH JORDAN CITY
COMBINED CITY COUNCIL & PLANNING COMMISSION STUDY MEETING

March 7, 2023

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Don Shelton, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Jason McGuire, Deputy City Manager Dustin Lewis, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Associate Director of Parks Colby Hill, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, City Recorder Anna Crookston, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, IT Director Jon Day, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Police Chief Jeff Carr, Director of Recreation Janell Payne, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Planning Commission Chair Michele Hollist, Planning Commissioner Nathan Gedge, Planning Commissioner Steven Catmull, Planning Commissioner Laurel Bevans, Planner Damir Drozdek, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler

Absent: Planning Commissioner Trevor Darby

Others: Carol's iPhone, Bryan Farnsworth, Sam Bishop

4:48 PM
STUDY MEETING

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

Mayor Ramsey welcomed everyone present and introduced the meeting. She excused the City Manager Gary Whatcott who was away on city business.

B. Invocation: *By Mayor Dawn Ramsey*

Mayor Ramsey offered the invocation.

C. Mayor and Council Coordination

Council Member Zander shared that a resident approached her this morning about the Chalk Art at Summerfest and the advertised early judging time that discourages artists from participating.

Director of Recreation Janell Payne indicated that feedback was in her notes from the previous year, and she will discuss it with the Arts Coordinator to get it adjusted online.

Mayor Ramsey thanked all who were involved during this legislative session, and the council and staff briefly discussed how that session ended.

**D. Discussion/Review of Regular Council Meeting
Presentation Item**

- County Councilmember Sheldon Stewart.

Public Hearing Items

- Resolution R2023-12, Interlocal Cooperation Agreement with SLCO Elections Division.
- Ordinance 2023-01, Right-of-Way vacation along Grandville Avenue and Lake Avenue.
- Ordinance 2023-04, Re-adopt the City Standard Plans and Specifications.

Discussion & Potential Action Item

- Discussion of reconsideration of Rise Development Agreement.

E. Discussion Item

E.1. City Council and Planning Commission discussion.

Planning Commission Chair Michele Hollist brought up infill projects in Daybreak and the new master planned community coming in the future. She asked what lessons the council has learned from Daybreak and that process that could potentially be applied to this new development. She also asked about residents being verbally promised things by certain parties and being led to believe that conceptual materials are going to be the reality.

Mayor Ramsey noted that she and the council hear the same concerns from residents, and ultimately the city can't ensure every piece of marketing material is accurate, nor can the city make sure everyone reads their sales contracts and understands where these types of things are mentioned. If the development going into Daybreak is following the allowances set forth in the Master Development Agreement (MDA), she asked if having a public hearing is just making the process more frustrating.

Council Member Marlbor believes that the developers from early on had conceptual ideas that were shared, and the residents took those ideas as reality. He suggested discussing this with future developers and making sure they understand that whatever they mention to residents is going to be taken as fact. He also discussed hearsay and word of mouth comments brought up by residents in regards to new development.

Council Member McGuire noted that living in Daybreak for 15 years he has seen what is being described, and it's one of things that got him involved. Going forward, he would like to be able to hold developers to their usage commitments and find ways to help residents understand how the process works and what developers and property owners are entitled to do.

Council Member Zander brought up the concept of infill projects in Daybreak. In the rest of the city there are infill projects, but in Daybreak it is all part of the master plan. The developer of Daybreak will not necessarily be the developer for the annexed property, so there needs to be a message shared that these two projects are completely separate.

Council Member Shelton acknowledged that Daybreak did finally start putting up signs indicating where future development would be, but asked if there is any way something can be written into the development agreement that covers this issue more thoroughly and holds the developer accountable. With these long-term developments, it's not realistic to expect them to give a final plan at the beginning, but is there anything that can be done to keep the developer accountable.

Attorney Loose discussed the annexation and the next steps in that process, which includes a public hearing in an upcoming meeting, along with a brief history of Daybreak's development and how that development has shifted over the years based on market changes. The city can add requirements in the agreement, however the other party still has to agree to them; it also depends on how much control the city wants over the development.

Council Member Harris acknowledged that many times residents are promised things, but he questioned the city's role in this and how open or detailed they might want the agreement. The developer will respond that it's a long-term project and that they have no idea what the future demands will be for things like office space, so there needs to be some flexibility. Due to this, anything released as conceptual could change based on how demand changes over time. He also wants to make sure the city doesn't overstep and hold the developer to something that might not make sense in the future, with no options for adjustment. We should not be requiring things of this developer that we wouldn't require from another developer. Unfortunately, most of these issues are civil issues and need to be handled as such.

Commissioner Catmull questioned how anything more restrictive would be received by the legislature. To him, it feels like many of these people just want to be heard and have enough time to work through the issues; ten days doesn't always seem like a lot depending on how big of an impact, whether real or perceived, these situations can have. He suggested possibly brokering a listening session between Daybreak and this new master planned community for key influencers to listen and try to address some of these issues before a 10 day notice gets delivered.

Mayor Ramsey agreed that many of these people just want the opportunity to be heard. She wonders if the practice of having these public hearings for Daybreak where the planning commission's hands are tied is just setting up residents for disappointment since things have already been decided as part of the MDA.

Attorney Loose responded that the legislature made it very clear in SB174, which standardizes the process of taking the preliminary, and sometimes the final, plat process out of the legislative bodies' hands. He discussed the public hearing aspect of these decisions, asking the planning commission how valuable they feel the hearings are on a preliminary plat.

Chair Hollist said it's uncommon to have people comment during those hearings, and when they do it's almost always irrigation related. In terms of Daybreak, she believes there was only one time they were caught unaware by a water issue.

Commissioner Catmull gave a few examples, and noted that in one specific instance the public came informed. They understood the commission couldn't do anything, but they still wanted to vent and really wanted to fight for what they wanted. They thanked the commission for striving to listen to them and seek all the angles. Many times it does just feel like people want to be heard, even when they know the commission can't do anything.

Attorney Loose referred back to the original question, what can be done differently in the future master planned community that is coming, that isn't being done in Daybreak. What makes the Daybreak agreement unique is that it doesn't require them to bring their subdivision plats to the commission like the rest of the city. They have willingly followed the process the rest of the city has, but it actually exempts them from it. If the commission doesn't see huge value in that process, it might be worth requiring the developers to hold some kind of community meeting or open house with residents prior to submitting their final subdivision plats to the city. The city could also possibly send a planner or other staff to those meetings just to stay informed and find out what's going on. He then asked if that would be as good as having the public hearing in front of the commission.

Commissioner Gedge noted that they have had some applicants come forward, saying they had a community meeting, but none of the residents in attendance were aware of it. Would there be a way to enforce that and make sure those meetings are being advertised and held appropriately.

Attorney Loose said there are ways to ensure that, one being requiring all the community meetings be held at Station 64 or somewhere else that staff could verify they happened. He noted that this would only be for the new development, and that agreement is still being worked out. He asked if everyone felt that would help the residents more than the current process, because in the end this is about the residents and what gives them the most access to those who can change things. The developers don't let staff change their plats often, but if they get enough feedback they might change them themselves.

Mayor Ramsey added that there would be a better chance of change during direct discussions with the developer, versus in the public hearing setting since once it gets to that point, as long as it meets the MDA requirements the city has to approve the plans. She mentioned comments she has heard recently after the announcement of the ballpark from Daybreak residents, saying "they are ruining Daybreak because it's becoming so dense" and "why are they ruining Daybreak." She added that many of the replies on social media were from other Daybreak residents noting that this was all in the paperwork, and that those complaining should have paid more attention because things like density were addressed there. There is only so much that can be done about residents not doing their research and educating themselves, but she still wonders if the current public hearing process for Daybreak development is just giving grief to everyone in the process since things are already technically approved.

Attorney Loose added that with this new development, with the suggested requirements, they can give the residents what they think they are trying to get from the city.

Commissioner Bevans said there is value in both sides, the residents want to tell their city representatives what they think, but she does think there is bigger value in requiring the developers to hold those meetings and hear the community members out. Many times, when a controversial issue comes in, if the community members have already communicated with the developer, many of those issues can be resolved before they even reach the planning commission. There will always be people that want to come to their city representatives and be heard, but whether or not anything can be done is separate from their desire to be heard.

Council Member Zander asked if there is any precedence for any other cities doing it this way, as this would be a complete shift from our current process.

Attorney Loose said that no one else has a master planned community like ours, but many cities are taking the public hearing out of the administrative process.

Director Schaefermeyer said he knows of cities doing open house requirements before a public hearing, or just the open house requirement with no public hearing. He wished to address this directly because the prior developer of Daybreak had started to hold a limited number of open houses, and he thinks those helped because many times the city is just the middle man. The developer that owns the property is heavily involved in the HOA, and remains heavily involved in the residents' lives, so it is an awkward position for the city to be in. The city is asking the same questions the residents are in terms of what buildings will look like, but it's just a subdivision at a certain point and they don't always share that information. Larry H. Miller is very close to the residents in many ways, and when you have a master developer it gives you someone to hold responsible that the city has a relationship with and will be here for years versus a smaller subdivision where a developer comes in, builds, and leaves.

Attorney Loose doesn't believe we will see the same ownership pattern with this new development since this is so close to the mine and there are many more interests to protect. It appears that they are very invested in what is going on and they might not just be letting a development company take things over completely. The city council will always have public comment available during their meetings, where the public can come in and discuss anything not on the agenda; it is not hard for a resident to get a hold of people at the city to share their thoughts.

Mayor Ramsey added that the goal is not to cut off residents from sharing their thoughts. Her concern is with the way that process is currently set up, that it is so late in the game it doesn't matter what the public comes and says.

Attorney Loose noted the subdivision site plan will always be administrative, meaning it's subject to the rules on the books and the planning commission is essentially quality control. He asked everyone if the model being discussed would fit with the new community being discussed and the concerns raised during this discussion.

Chair Hollist likes the idea of requiring those public meetings. She feels that an important part of the planning commission meetings is those public hearings, and she doesn't know if they are

appropriate to keep in this case. The commission has discussed educating the public on what type of evidence needs to be brought, and what type of information can actually be considered.

Council Member Marlors still supports a meeting where the public has an opportunity to state an opinion or problem. He realizes most of what the commission does is administrative, but it gives the public an opportunity to speak. He also supports the open house idea as well. Having the opportunity to stand before public officials and state a problem, even if the commission only has administrative powers, has value. The commission can still respond that something does sound like a real problem and suggest the residents go before the city council during their public comment period to share those concerns with them. The commission can also remind the residents that in the minutes, the city council and staff are being made aware of what's going on when they review them.

Commissioner Catmull asked to go back to the original discussion and suggested that if there is a conceptual map change, that could be a trigger for something like an open house. That could become a way to educate and inform people on a longer term perspective.

Director Schaefermeyer referred back to a previous comment about Daybreak and tightening up what a land use is. It can be very broad, and that has allowed Daybreak to succeed in many ways; however, on the other hand it is hard when it's so broad that you can change from a church to townhomes. It's more about how staff defines the land uses, than necessarily having a situation trigger a response. Changing the land use would trigger a public meeting of some sort, but if they tightened up those definitions that would help in the long run.

Attorney Loose moved the discussion on to the Conditional Use Permit (CUP) process.

Attorney Simonsen gave a brief overview of the CUP process, including what is considered evidence of a detrimental effect. He posed the question of whether someone with a real estate license stating that something is going to affect property values in an area is sufficient to open the door for the planning commission to impose conditions, or even deny the conditional use permit. In specific cases, the supreme court of Utah has ruled that is not substantial evidence. That being said, if they had a certified appraiser come in and submit an appraisal that might be a different story. A past CUP in the city that he felt the planning commission handled especially well was the Kum & Go currently being built on Redwood Road. All the neighbors came in and read benzene articles, talked about the dangers with gas stations, and presented evidence about the noise. That sounds like substantial evidence that benzene can cause all these harms, but is that evidence enough to allow the commission to deny a CUP or impose conditions. With a CUP it still indicates a use, and the legislative body has said gas stations are a conditional use, so it has already been ruled that a gas station can go there. They are asking the planning commission to deny the CUP because no gas station can go there, but it has already been ruled by the legislative body that one can go there. The commission wisely did not impose conditions and approved the CUP. In regards to the noise, some substantial evidence might have been presented, and there was a condition imposed for a higher fence to help mitigate some of the harms. In the city code, in regards to conditional uses, it says "in addition to the application for a conditional use permit, the planning department may require other information or studies to address potential

detrimental effects of the proposed conditional use that have been reasonably anticipated by the city and its review of the application.” Staff is the first body to look at those detrimental effects and have the power to require studies and other things to bring more substantial evidence, which he thinks is one of the frustrations. Many of the citizens don’t understand what a conditional use permit is, so they don’t really come prepared with the kind of evidence they would need to prove a detrimental effect.

Attorney Loose noted that is the same with the subdivisions, they don’t come with the evidence as they don’t know what’s required. He then asked the commission and the council if they would be amenable to start looking at the conditional uses in the city, and instead of leaving them as a conditional use, making them a permitted use. Before doing that they would go in and put in the regulations for that permitted use. Then, the planning commission could give a recommendation on the change in the ordinance to take something from a conditional use to a permitted use with the specific restrictions before sending it to the council for an ordinance change. He suggested starting with conditional uses such as accessory buildings, drive-thrus, and ADUs.

Planner Schindler noted that the code is currently written with several regulations, and if they can’t meet those regulations they can go to the planning commission for a CUP. The simpler way to do it would be to say either you meet the regulations or you don’t.

Attorney Loose said the planning commission lives in the community and sees a lot. They are not dealing with some of the legislative items and they can move that effort on the land use front to go over those regulations.

Chair Hollist asked how they would then start to get feedback on the new things that need to be considered in the future if they work themselves out of that process.

Attorney Loose noted that he sees this more as expanding the commission’s job. As there are legislative and code changes there will be many things that need to be looked at. He would like to see the commission involved more on the land use side and maybe with some of the quality control functions.

Director Schaefermeyer noted that if the council decides this is a priority and it should be looked at, he is more than comfortable going to the commission and going through the current regulations. In the past, in regards to conditional uses, there were some changes to the structure of the code and the Uses chapter was created. At that time they had conversations regarding setting up a structure to get rid of conditional uses and one way they did that was through impact control measures. Certain things in certain zones would be required to provide more information without having to work through a conditional use permit.

Attorney Loose said one vision of the planning commission is that it is not as reactive of a body, it is much more involved in planning, reviewing our ordinances, reacting to the legislation on the application and keeping the city at the forefront.

Director Schaefermeyer noted that bringing difficult to deal with issues to the planning commission would be much more effective.

Mayor Ramsey suggested putting together a list of things the staff and the commission would like to see changed in the code and then bringing that list to the council.

Council Member Marlbor is in favor of moving towards the kind of change described above and he is interested in seeing what that means.

Council Member Zander loves hearing the feedback from the commission, it is valued and their perspective is important to the council.

Manager Lewis brought up short-term rentals and the planning commission's questions on that subject.

Attorney Loose shared a handout (Attachment A) with information compiled on short-term rentals. The number one thing about short-term rentals is that they are not allowed in owner-occupied situations in the city currently. The city however does not regulate short-term rentals in just a house for rent. This has not been regulated because 5-6 years ago when they became more popular they would pull a report called Air D&A, it only ever showed a few in the city and they were 60% occupied hardly ever. The only issue was that in one specific neighborhood someone rented a big house with many guests, and all the other big houses on the street had many guests at the same time, which led to a fight about who should get to park closer. At that time, that issue was fairly infrequent. In more recent times, we are seeing a bus pull up to a house and 30-40 young athletes go in who are involved in some sort of tournament in the area. We are also starting to see some public safety issues with the short-term rentals along with louder parties.

Chief Carr confirmed that they have had some assaults and a couple shootings at these short-term rentals.

Attorney Loose added that in the 11th Circuit they have banned the short-term rentals entirely, however we live in the 10th Circuit so that doesn't apply to us. There is nothing from the supreme court, on it and when you get into housing there are some mine paths to walk. One option, regulation wise, is what North Salt Lake is doing by only allowing short-term rentals where the owner lives on the property. That may reduce some of the public safety issues with the owner being on the property. There are also regulations involving listings, but the hardest part is enforcement. About 5-6 years ago a state law was passed that said cities could pass any regulation they wanted, but in enforcement the city couldn't use the listing as proof. Some cities were actually going online, booking the rental, and once the confirmation came back there was a transaction to use as evidence. However, it turned out that wasn't allowed. It is also very hard to get someone who has rented the property once to come back in the future to be evidence in court, and it's hard to get the neighbors in to testify as that's usually considered hearsay. Staff will do their best to figure out ways to enforce the code but he noted that many resort communities like St. George, Moab and Springdale have been facing this for a while and it's starting to hit us more and change some of the dynamics of our neighborhoods. He asked for the council and

commission members to look over Attachment A and send him any suggestions they might have in terms of what might work regulation wise, keeping in mind that the hardest part is going to be the enforcement.

Attorney Simonsen noted that Salt Lake City bans those rentals, and they were enforcing that by going after the people listing their homes on those sites within the city. He personally thinks the ban from using that evidence is probably unconstitutional by limiting cities from getting to the truth. This has never been challenged or appealed, and anyone attempting to use that as evidence has had it thrown out by the judge.

Council Member Harris left the meeting.

Attorney Loose said that Salt Lake does allow those rentals in districts where other lodging uses are permitted, they just aren't allowed in primarily residential areas.

Mayor Ramsey said that in talking with other communities, they are all handling it differently. She referenced a specific street in the city where busses pull up and drop off entire teams, and it seriously frustrates the residents because it can't be enforced.

Council Member Zander would like to discuss ADUs at a future date. When the ordinance was passed last year, the PC zone was exempted from those rules. This means that there are people that meet all the other requirements the rest of the city has, but they aren't allowed to have an ADU and she would like to bridge that gap. In Daybreak, if you have a 6000 square foot lot, a four car garage and a fully permitted basement apartment you are not allowed to use that as an ADU and that doesn't match what's allowed in the rest of the city. She thinks this is a problem and she has spoken with staff about it.

Attorney Loose noted that Daybreak has been treated uniquely, in that the state statute says "primarily residential zones," and we are trying to be protective. He agrees that the issue in Daybreak needs to be addressed, but he doesn't want to cross the line and say the state statute should apply because he doesn't believe Daybreak is primarily residential. Daybreak has equal amounts of office and industrial, and as they continue to develop we need to change our ordinance; however, he doesn't want to ever give the impression that the state statute starts to apply.

Council Member Zander would like request that topic be in an upcoming work session as soon as possible, as it's a huge disparity that a family in Daybreak can't have an ADU when everyone else in the city can.

Director Schaefermeyer clarified that this would specifically be for internal ADUs, as the above garage types of ADUs are already currently allowed in Daybreak and have been since the beginning.

Attorney Loose added that the city doesn't regulate those external ADUs, that is controlled by the HOA.

F. Training Item

F.1. Land Use *(By City Attorney Ryan Loose)*

Training was covered during previous discussions in the meeting.

ADJOURNMENT

Council Member Shelton motioned to adjourn the March 7, 2023 City Council Study Meeting. Council Member Zander seconded the motion; vote was unanimous in favor. Council Member Harris was absent from the vote.

The March 7, 2023 City Council Study meeting adjourned at 6:23 p.m.

UNAPPROVED

SOUTH JORDAN CITY
CITY COUNCIL MEETING

March 7, 2023

Present: Mayor Dawn Ramsey, Council Member Patrick Harris, Council Member Don Shelton, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Jason McGuire, Deputy City Manager Dustin Lewis, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Associate Director of Parks Colby Hill, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, City Recorder Anna Crookston, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, IT Director Jon Day, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Police Chief Jeff Carr, Director of Recreation Janell Payne, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Planning Commissioner Laurel Bevans, Planning Commission Chair Michele Hollist, Strategy & Budget Analyst Abigail Patonai

Absent:

Others: Bill Gerrard, Patrick's iPhone, Salt Lake County Councilmember Dave Alvord, Salt Lake County Councilmember Sheldon Stewart, Kim Coleman, Sam Bishop, Utah State Representative Susan Pulsipher

6:40 P.M.
REGULAR MEETING

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

Mayor Ramsey welcomed everyone and introduced the meeting. She excused City Manager Gary Whatcott who was away on city business and welcomed County Councilmembers Dave Alvord and Sheldon Stewart.

B. Invocation – *By Director of Strategy & Budget Don Tingey*

Director Tingey offered the invocation.

C. Pledge of Allegiance – *By CFO Sunil Naidu*

Director Naidu led the audience in the Pledge of Allegiance.

D. Presentation Item

D.1. County Councilmember Sheldon Stewart

County Councilmember Sheldon Stewart – One of my commitments as I ran was to make sure that I would routinely be inside your city, so this is the first installment of many that you will see over the next four years. My goal was to give you an update, introduce myself to you and say “here are the things we are trying to work on.” Also, Councilmember Alvord is here and he will correct me if I mis-state anything. This is the first time that I think the Republican Caucus in Salt Lake County has published a list of goals, and I believe those have been sent to you. We sat down and looked at what our strategic priorities are, and labeled some of those. Today we had a meeting on it and some of those are probably going to be changing, for example with the passage of HB 374, the need for UPD audit is questionable because that organization will have to dissolve as of July 2025. We are focused on that, some strategic priorities and ensuring communication. One important thing we have been working on is options with your South Jordan Rec Center, related to some swim lanes. I am sure we will be talking a little more on that, Councilmember Alvord and I have been negotiating, trying to make sure that happens to get you at least seven competitive swim lanes added to that facility, as well as some improvements to that facility. There is some ask and some take that we need to work on for that, but it is moving in the right direction. I wanted to open things up and see what some of your concerns are, what are things you guys are looking for and Kim will help me keep notes and we will go back and see what those are.

Mayor Ramsey said there have been a lot of conversations about the pool, this has been years in the making with so much work, and she appreciates County Council stepping in and up to work on that. She doesn't know if the county council has had the chance to meet with Jordan School District yet to discuss where things are at.

Mr. Stewart responded that no, they have not met officially, but there have been some initial conversations with them and it's on their agenda to get with them.

Mayor Ramsey said the city is still in the same place, the commitment remains the same as it has for a long time. Her suggestion would be to get with the school district and get their official feedback on whether they are still planning on being a part of this where needed. At that point, the city can come to the table too and continue to work on the future discussions.

Council Member Zander texted both Councilmembers Alvord and Stewart this week, and she appreciated that they both replied. She contacted them to let them know that the Salt Lake County pool that used to be the South Jordan City pool is somewhere she goes frequently, and the condition, the cleanliness isn't great. There have been several different managers since the county took it over and it was mentioned to her that there was recently a new one put in. It is not at all like it used to be, it could use some attention and care. She knows the custodial work was being done previously by someone else and it has been switched, but she asked the councilmembers to check in on that; it would be greatly appreciated. A lot of patrons are frustrated with chemicals, pool shut downs, and the inconsistencies have been hard. She does think that if they could keep a manager there long-term it would help.

Mr. Stewart said they have validated some of those concerns with the pool and chlorine and other things, and they are working through those issues. Council Member Zander was probably the third or fourth person, in a matter of two weeks that approached him about the same problem.

Council Member Zander noted that it's just not as clean as it used to be, including the locker rooms. The standards are just a little too low.

Council Member Shelton would love to see some pickle ball courts added to the Bingham Creek Regional Park. He knows they are not in Phase 1 and maybe that's not possible in the short term, but given the popularity of the sport and the demand for it, with a contractor on site, if there is any way to make that happen maybe that can be discussed.

Mayor Ramsey explained that it is a combined county and South Jordan City owned park that will be managed and overseen by a park authority, made up of 50% county and 50% city.

Council Member Zander discussed her meeting with Mr. Jensen, and that Director Tingey mentioned the pickle ball court during that discussion. His point was that while they have people there on site, there was a potential for getting pickle ball courts in sooner.

Council Member McGuire added that the council should be aware that there have been issues with the seed taking, and he believes some of the extra money that could have been used towards the pickle ball courts ended up having to go towards the sod. However, he does think it is worth following up and seeing exactly where those courts stand.

Mayor Ramsey asked if there is anything the city could do for Mr. Stewart.

Mr. Stewart responded that there are some pushes they might need some help with and they will reach out as they see those. He is not big on adding tax, so he is not in favor of that proposed bill, but if the council ends up voting in that direction he hopes that they will be considerate of the results.

County Councilmember Dave Alvord said they will follow up on the pickle ball courts. He knows they are in the plans, but doesn't remember what phase. He noted there are some trails coming to Butterfield Canyon and there was a resident really pushing for some trails up there. The county has actually taken, and expanded upon the current state. We will be seeing some hiking trails, observation points, and it will be a nice community asset. His hope is that it kicks off the sharing of Butterfield Canyon as a recreation site. They have tried to make it the Millcreek Canyon of the west side. He discussed what it looks like and encouraged everyone to come to the ribbon cutting on that, possibly in the summertime. Regarding the pool, the city should expect some negotiations from Mayor Wilson as they need to raise about \$1 million. That could come from an additional pledge from the school district or the city council in cooperation with the school district. They really appreciate the \$1 million that the city has already pledged, the school district has shared in writing that they are still good for their \$1 million. Originally, it was going to be a \$15 million facility and he asked Parks and Rec to meet with some architects and see if it could be done at a lower cost. That was done and they asked what we could get for \$8 million dollars. It turns out they can do brick and mortar with seven lanes. He swam for Skyline High School and that had six lanes. However, due to additional costs with inflation, they are still short \$1 million. He suggested asking for sponsorships of the lanes and working with the district. The county has pledged \$5.5 million to the project with the city portion getting them to

\$6.5 million, the school district would get them to \$7.5 million. He noted there could be a grant deal made as well since the school district would like some of the land by Bingham High School.

Council Member Harris asked about removing an item from the agenda.

Mayor Ramsey responded that it could be done now, or when the item comes up on the agenda. Her preference was to wait until the item comes up on the agenda.

Council Member Harris was agreeable to waiting until that time to amend the agenda.

E. Minute Approval

E.1. February 21, 2023 City Council Study Meeting Minutes

E.2. February 21, 2023 City Council Meeting Minutes

Council Member McGuire motioned to approve the February 21, 2023 City Council Study Meeting Minutes and the February 21, 2023 City Council Meeting Minutes as published. Council Member Marlor seconded the motion; vote was unanimous in favor.

F. Mayor and Council Reports

Council Member McGuire noted the biggest things over the past two weeks were the legislative outreach and meetings to make sure they knew what was going on in the legislature and be able to step in and voice the city's opinion and concerns on bills.

Council Member Zander attended the SoJo Race Series, the Rec Department does such a great job. The SoJo Race Series is a popular thing and she knows people from other cities actually come and join our many regulars at the events. She thanked those that run the race events, specifically Brad Vaske and the Recreation Department.

Council Member Marlor attended the Senior Program volunteer dinner on March 1st, which was a lot of fun. He met on March 2nd with staff members regarding Rise Development and the development agreement. That meeting included many senior staff members and they will be talking more about that later. On March 3rd he was invited to dinner with the Zanders, many of those in attendance had moved to South Jordan, specifically the Daybreak area, and some have sold from that area as well. There were no Architectural Review Committee Meetings over the last few weeks.

Council Member Shelton attended the legislative roundup breakfast and LPC. He also attended the Senior Program volunteer appreciation dinner which was fun, as well as a Senior Advisory Committee meeting. He mentioned that one of their members passed away unexpectedly, Wally Busch, and he suggested the council send something to the family. He attended the Zander's dinner as well and was very entertained by the mentalist.

Council Member Harris also attended the legislative roundup breakfast, as well as the volunteer appreciation dinner. He attended the Zander's event, which was a good opportunity to get people

in the city together and her family did a wonderful job putting that together. SoJo Race Series always does a great job, and it's a lot of fun. He attended a Rotary Club meeting where he spoke and they honored some high school students. He attended a Sewer Board meeting and there was one item he needed to bring to Manager Whatcott's attention in terms of the annexation; he thinks that has all been taken care of.

Mayor Ramsey noted that most of her time was spent with the legislative session. She also had the chance to attend a Unified Basketball Tournament between all of the high schools in Jordan and Canyons School Districts, where she helped give out awards with Abby Cox. The Unified Athletes with Special Olympics were there as well with their tutors from the traditional classrooms who work together on the team, all competing with each other and it was fun to see. There was a young man from Alta High School who had shot so many times and was unable to make a basket, but kept trying. Alta was down by a lot and the game was coming to a close when that young man shot and made his first basket. Their entire team and all their student body officers ran to the court to cheer for that young man, even though they weren't going to win the game; that's what it's all about. Both Bingham and Herriman High Schools were there competing, and she was grateful to be a part of the event. She did three school assemblies including the DARE graduation at Daybreak where she barely made it for pictures and to congratulate the kids, then Mountain Creek Middle School where she saw the coolest assembly she has ever seen. They had the kids from Ms. Kay's Special Education Class put on, as part of Special Olympics Inclusion Week, an assembly with their peer tutors. It was done for the whole school, including their parents, and they did vignettes where they lined up chairs like they were on a school bus and someone would be looking for a seat. They would pass around a microphone and even had the lines up on a big screen for everyone to see, saying things like "I don't want her to sit by me," and then someone asked how they would feel with the kids responding and finally allowing the other students to sit with them, or participate on the team, etc. Their teacher is an amazing champion for those students, and she was one of the Outstanding Educators of the Year last year for the Jordan School District. This was the first of its kind and the Associate Superintendent was there while the Superintendent was out of town and even he had never seen anything like it. The First Lady came and spoke to the kids as well, and she had never seen anything like it either. Mayor Ramsey believes the kids in the audience were changed after being there, the parents' hearts were full, and the kids loved it. We need more of that, more understanding and inclusion. She also had the chance to go to Anthem, Formerly American Heritage of South Jordan on Redwood Road, where she spoke with their 6th through 12th graders and spent an hour with them speaking and answering their questions. That school is growing and expanding to include more future buildings as part of their campus just south of their current location. Due to the snowstorm her time at Paradigm High School had to be rescheduled when school was shut down, unfortunately it was rescheduled to the last Monday of the legislative session and she was unable to be there, but sent her congratulations on such an outstanding Penny Wars fundraiser. She visited with a handful of residents, and today she met with David Henderson who is the pastor of The Neighborhood Church here in South Jordan. They had a great visit and Mr. Henderson offered volunteer services of his congregation as they would love to help. He said nothing is beneath them and they just want to serve and be a part of the

community. It was great getting to know him and learning more about his congregation and their programs. She enjoyed her time at the Senior Programs volunteer appreciation event, and she thought it was a wonderful program. She had Jordan Valley Water meetings all yesterday afternoon and there are more tomorrow, things are going well there. She noted that the mayor usually attends the Friday night event for the Youth Council Leadership Training, which she is a big fan of and was the keynote speaker last year, but she can't make it this year. She asked if there is anyone else that can go as most of the youth councils have their mayor or someone else come and be there with them for the dinner that night.

G. Public Comment

Mayor Ramsey opened the public comment portion of the meeting.

Boyd Peterson (President of South Jordan Chamber of Commerce) – There is a concern that's going on and I thought it would be something you might want to know about. We have had a 20% increase in our membership over the last six months. We have had a lot of really good things going on with us, a lot of our bigger businesses that left us originally back in June have returned, and we are getting a lot of people saying "we love that you are doing things for the small business;" now this is where the concern comes in. I am not here to ask you to do anything with the chamber, other than I would like to have you come to some of our ribbon cuttings and other events where the small businesses are, because they are now starting to feel like South Jordan doesn't care about small business, and I know that's not true because I've spoken with Don Shelton several times and he has expressed that he didn't know that. We would like to have you come to ribbon cuttings, we have two ribbon cuttings this month, three scheduled for next month already, and we will invite you as soon as we hear about them; I will be sending out an invitation for the two we have this month. We have two networking events in our city, one is every week, and the other is every other week. One is during lunch, one is during the breakfast time, and this week we have the Women in Business from our chamber, the Mountain West Chamber and the West Jordan Chamber here in South Jordan. We would love to have you come from time to time, not every week but we would love to have you anytime you can come. I am not here to ask you to join our chamber, I am asking you to just support our small businesses that are really feeling like they are being pushed away.

Council Member Marlbor asked if any of the ribbon cuttings mentioned were in coordination with the South Valley Chamber.

Mr. Peterson replied that none of them are, they are all just with the South Jordan Chamber. There have been 21 ribbon cuttings since July, only one was with the South Valley Chamber and that was the UFirst Credit Union.

Mayor Ramsey said there has never been a boycott by this council to not come to those events, and it's definitely not the case that they are being ignored. The council comes to everything they actually can, and Stefani always puts those kinds of events on their schedules. It's not a matter of choosing not to be there, and it has nothing to do with which chamber is sponsoring them; a business in South Jordan is a business in South Jordan, and if we can be there we will be there.

Mr. Peterson said that out of 21, they have had one that was attended, and it was with the other chamber. That is the big thing, they don't want people saying "they must not care about us," because he knows the council does care and thinks all businesses are important, especially to the chamber and the city. There hasn't been a ribbon cutting since November 20th, and that's why the council hasn't seen any recent invitations. There is an open house for a business that's 15 years old coming up in a week and a half, along with a ribbon cutting a little later than that for a brand new business.

Mayor Ramsey wants to make sure that the chamber is expressing to people the council and mayor's support, especially if there hasn't been one in four months. It is not anything personal against any business if they can't be there, they come to everything they can.

Mr. Peterson said that this is coming from people asking why the city isn't there, if the city feels like they can't be there. They want to help support the small businesses here in South Jordan, and they would love to have the council and mayor's help with that; that's all he's asking for.

Mayor Ramsey repeated that her ask would be that he shares her previous message about the city's support.

Representative Susan Pulsipher – I didn't come to necessarily say anything, just came to listen and connect. Thank you for everything you do and for being such a great city.

Mayor Ramsey thanked her for her collaboration, for reaching out and her interest and concern with how things impact the city and the residents of the city, as well as the municipal impact that certain legislation may or may not have.

Representative Pulsipher replied that it is so important to get that perspective of how what they are doing statewide impacts local cities, counties, school districts, etc.

Lyle Affleck (Resident) – My family just moved here to South Jordan about a year ago, I live over by Bingham High School. Back in 2010 I was invited to join the South Jordan Chamber of Commerce Board of Directors, and I helped serve as a member on the Membership Committee on the board. Brad and Boyd were there, and there were many fabulous people. At the time I was living in Herriman and we spent 17 years out there, but our dream even back then was to eventually end up here in South Jordan. I am grateful to be here, for the beautiful community and what you guys have done with the land and programs. One of the first things I did when I became a resident of South Jordan was look up the chamber, and it was a little disheartening to find out that there had been some sort of rift, or separation. I am a small business owner and I wanted to be a part of something great. The South Jordan Chamber of Commerce really had a good voice for small business, something that I honestly don't feel the other chambers have for small business. I wanted to voice my support for the South Jordan Chamber, as I am back on the Board of Directors again because I want to be a part of it and a part of something great; this is a way for me to contribute to the community. I, like Boyd, have been out to visit businesses and they kind of feel that there has been some sort of separation and that South Jordan's small business voice has been diminished; I wanted to let you know that. I hope that can change. I

haven't had my ribbon cutting yet, you will be invited when that happens, but please come to our events. It's not the other chamber, but we do matter and I want the businesses to feel like we do.

H. Action Item

H.1. Resolution R2023-12, Authorizing the Mayor to enter into an Interlocal Cooperation Agreement with Salt Lake County to receive services of the Salt Lake County Election Division During the 2023 Primary and General Municipal Elections as an entirely absentee (vote by mail) ballot election (By City Recorder Anna Crookston).

City Recorder Anna Crookston explained that this is simply using the assistance of the county to help us in our 2023 Primary and General Municipal Elections.

Council Member McGuire motioned to approve Resolution R2023-12, Authorizing the Mayor to enter into an Interlocal Cooperation Agreement with Salt Lake County. Council Member Shelton seconded the motion; vote was unanimous in favor.

I. Public Hearing Items

I.1. Ordinance 2023-01, Vacating a portion of Right-of-Way along the south side of Lake Avenue between Vadiana Drive and Lake Run Road and a portion of Right-of-Way along the west side of Grandville Avenue between South Jordan Parkway and Lake Avenue RCV (By Director of Planning Steven Schaefermeyer).

Planning Director Steven Schaefermeyer reviewed background information from the Council Report in the meeting packet.

Mayor Ramsey asked if this portion is part of what they have been working with Rocky Mountain Power and UTA.

Director Tingey responded no, they are in the last steps of that process and this piece is not related to that issue.

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

Council Member Zander noted that she previously spoke with Director Schaefermeyer, who assured her that the road and sidewalks were going to stay the same width.

Council Member Shelton asked who owns and will maintain the sidewalk in the future.

Engineering Director Brad Klavano said they are vacating a right of way which will have the sidewalk in it when built, but they are recording a public access easement over it so the sidewalk will be the city's when it's built, just like normal.

Council Member Marlor motioned to approve Ordinance R2023-01, Vacating a portion of Right-of-Way. Council Member Zander seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

I.2. Ordinance 2023-04, Re-adopting the City's Construction Standards and Specifications RCV (By Director of Engineering/City Engineer Brad Klavano).

Director of Engineering Brad Klavano reviewed background information from the Council Report in the meeting packet.

Manager Lewis noted that the city had a section of copper line stolen which was replaced with the aluminum. They attempted to steal it again, made one cut and realized it wasn't copper and therefore not worth their effort, and left it alone. That decision resulted in a much less significant loss to the city.

Council Member Shelton asked if the aluminum is cheaper than the copper.

Council Member McGuire said the aluminum is cheaper than the copper, based on his experience.

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

Council Member Shelton motioned to approve Ordinance 2023-04, Re-Adopting the city's construction standards and specifications. Council Member McGuire seconded the motion; Roll Call Vote was 5-0, unanimous in favor.

Council Member Harris asked if any other cities have been switching over to aluminum, and if there is a difference in quality.

Director Klavano said his understanding is that it's fairly equal. He assumes other cities are switching over but he hasn't heard as of yet.

Director Preece noted that he has been a licensed building inspector and everyone has aluminum in their homes, the connectors from the street to your main power box are aluminum. You need a larger gauge and they have to put NOALOX on the ends to keep it from corroding, but they have been doing this for 30 years with no problems. It works great in the large diameters and it's all over the place.

Council Member Harris motioned to remove Item J.1., a discussion and reconsideration of the Rise Development Agreement. Council Member McGuire seconded the motion.

Council Member Marlor noted that he voted in favor of the Rise Development, so he doesn't have any issue with the development itself. He has some concerns about the development agreement, and that's why he and Council Member Zander asked have a discussion. He has an issue with a one way street on the west side of the development, coming off of 1055 West. His feeling is that they really need to be connecting and using the arterials to move traffic; that is something that has been of interest to him from the very beginning and why he ran for City

Council in the past. He spoke individually with some of the senior staff, whom he has a great deal of respect for, who are very involved in the Rise Development by virtue of their positions. He gathered from Director Klavano and Director Schaefermeyer that they were supportive of having open traffic movement on the east and west sides of the Rise Development. This raised a concern for him as to why they were moving in a direction that seemed opposed to senior staff members, and that's why he got involved, set up a meeting on March 2nd and meeting with Director Klavano, Director Schaefermeyer and Manager Whatcott, Manager Lewis, Deputy City Engineer Jeremy Nielson and Council Member Zander. He doesn't believe any of his perspective changed as a result of that meeting, and in fact they really need to make sure they are moving traffic, which is the right thing to do. It was interesting that there was an additional thought/suggestion from Council Member Zander and he will let her share that. Our staff will do whatever they are told to do, and they do a great job. Manager Whatcott is always a champion of trying to find a way to make something work that one, or all of us, wants to see happen. The council needs to be careful of what they are asking for without taking into consideration the advice or counsel of senior staff members. This is why he was concerned with the direction the development agreement has done, and why he wanted to see it on the agenda.

Council Member Zander referenced an aerial map of the area (Attachment A) and noted that when she met with Council Member Marlors and staff on March 2nd, there were multiple option maps presented to her. At that point, Council Member Harris had done a lot of work on this and she was very appreciative of that. She thinks this development has received a lot of attention and therefore should be vetted thoroughly. She referenced Option 3 from Attachment A, which was the option being forwarded by Council Member Harris and staff. She wanted the other council members to hear their thoughts, as the best decisions are made when they are all at the same table. This process began when the council asked staff to look into this and make decisions. Council Member Harris became involved and, to his credit, advocated for the residents and a decision was made. Then some re-looked at it, which was unusual, and at that meeting Director Klavano brought up an idea that hadn't been looked at or considered to her knowledge by the council as a whole. For that reason, she asked to add it to the agenda because she felt it was worth having everyone look at it. She felt it was a better outcome, safer with more connection, and still arriving at where they wanted it to for the residents. She asked Director Klavano to share his comments with the council.

Director Klavano referred to Attachment A, the map indicating a one way from 1055 W into the subdivision. Where the red blobs are on the map they would install some temporary islands that could be popped off at a later date. The idea was to build the road to a regular residential street and start with a one-way, then at some point down the road they would probably take those out and make it two way; they don't know what the timeframe would be for that removal at this time, but it would be done when deemed appropriate. This was the option chosen after meeting with Manager Whatcott and Council Member Harris, and the language that was drafted into the development agreement that the developer signed. During both the meeting with Council Member Harris and the recent meeting with Council Members Zander and Marlors, he proposed something similar to what was done at the Santorini Development at 9800 S and Redwood, as

well as with the McKee Farms Subdivision off 2700 W, where they built the full connection and then barricaded it so no construction traffic would go through there, since they didn't open it up until the development was 70% occupied. That did two things, it kept construction traffic off the surrounding road, as well as training people that it was not really a thoroughfare. If there is concern regarding cut through traffic, which he doesn't believe will happen due to the way it's laid out from Riverfront Parkway, this would train people that there is no access through there for a prolonged period of time. He believes that it what Council Member Zander was referring to.

Council Member Zander said she had no intention of rocking the boat or making things harder for Council Member Harris, who has worked so hard on this, or the residents and staff, but she felt this was something that should be considered as a council. Having a one-way road in our city is something unprecedented, having a one-way road through a little community like this goes against the harmony that they've tried to create throughout the city with connection and connectivity. If they put a one-way road in here, people that would potentially want to leave this community, or residents living on the east side that want to go visit their neighbor a half block away on the west side are actually breaking the law to drive across and up the hill. She also asked Council Member Harris if the residents understood that his option would be temporary, and he said they knew it was only going to be temporary. She sees this as a way to help the residents feel like they have been heard, a way to help the residents have a little protection on 1055 W; she loves the idea of trying to protect 1055 W and she thinks this option does it better with barricades. Those barricades would additionally stop all construction movement on to 1055 W and effectively train anyone in this community to drive east to get out. It will train, develop habits, and construction can't exit on the west side. Then at some point there could be an effective removal of that barricade without creating a dysfunctional one-way road. If this body disagrees, that's just fine, but she didn't feel comfortable not having everyone look at it together as a body. She also wanted to note that when the idea of this one-way road was created, it was voiced as a temporary fix but no one has any definitive date or time when that would end. In her mind, temporary meant maybe 18 months to a couple of years before pulling out the ineffective one-way road that lacks connectivity east to west. However, to her knowledge there is no definitive date set for this to happen and staff confirmed that; she is not comfortable with the end date being unknown. The other thing she likes about the plan she described is that as they sat with staff, there was agreement that in the past in Santorini and McKee Farms, when this was installed with a roadblock, there was a data point that when reached, the roadblock would come out. The idea from the meeting on March 2nd was that at 75% buildout, a definitive data point, not an emotional trigger, they could pull the roadblock after creating the habits and then have the connectivity. This would help the residents be protected from traffic, keep construction off 1055 W, builds the habit to go east rather than west in the community, and there is a definitive data point of when the roadblock comes out. For those reasons she felt this was a good idea and supported Council Member Marlor in putting this on the agenda for tonight.

Council Member Marlor understands Council Member Harris' direction in getting with the residents and trying to find some kind of solution. However, his feeling is that there are 10-12 residences south of that entrance currently opposing this with possibly a few more, and with this

type of issue they are not only representing the people currently here, but it is the council's responsibility to represent the future of South Jordan as well. There are going to be 154 residences in the Rise Development, and they need to be thinking about them, as well as the other developments that are going to happen even below the Rise Development. If you factor in all of those future residents, you come up with a different solution. He agrees that this discussion needed to be public, and he appreciates Council Member Zander's points, as well as the staff and their time.

Council Member Shelton apologized for making a motion on this project that opened the door for some confusion in the council. He did not envision a one-way street when the motion was made. This is really the only rural area left in South Jordan and we are bringing high density right up to their doorstep. There was a good explanation from senior staff about why that made sense to bring that density, and he is not questioning that decision. However, those current residents were here in our council chambers three or four times petitioning us to not approve this on many levels, they petitioned not changing the road, and they lost every time they came before the council. He is still not questioning the council's decision, and he appreciates Council Member Harris' efforts to work with the residents. Now they have a development agreement that is signed with the one-way street in it. We also have residents now whose expectations are all that it will be a one-way street. It feels to him like there has to be a point where they give them a little bit of something. He understands everyone's arguments, they are good arguments, and he doesn't disagree with them, but he is not going to discount the efforts that a council member has made to work out a resolution with the neighbors that they think is in place and then pull the rug out from under that. He does think there will come a day when those residents hate that one-way street, and that will have to be dealt with at a point in the future.

Council Member McGuire supports removing this item from the agenda based on the direction given from the council to have staff use their expert knowledge to bring back a proposal that would work, and that has been done. The motion asked for was followed, the developing party has signed that as well. He can't pull the rug out from under this at the last minute when they have already had approval from staff and the developer, and the initial motion was followed.

Council Member Harris thanked everyone for their discussion, and the desires of Council Members Zander and Marlor to make sure the city is built out the best way possible. Like Council Member Shelton, Council Member Harris doesn't necessarily disagree with the comments that have been shared. This is a unique development, a historic road and next to River Park which is much more dense. When they first started talking about this he never imagined they would have potential traffic flowing out and he agrees that this is one compromise the residents are asking the council to make, which is justifiable. He knows the timing can't be tied down regarding when it will be removed, but there likely will be a day with future development and another access to South Jordan Parkway that will deem this one-way road unnecessary and they will have to cross that bridge when they get there.

Mayor Ramsey noted that she does not have a vote in this, but she does agree with what has been said as both plans would work and are functional. Something that hasn't been brought up yet is

that City Manager Whatcott told her one of the reasons staff went with Option 1 was because it gives our public safety an additional way to get in should that be necessary. Having that additional access for public safety is a high priority for her, but either option would work. From a process perspective, she agrees that it's a little too far down the road to revisit this. A lesson learned is that they may need to be more careful in future motions with intentions, being clearer in the directions given. However, since the direction given in this case was open ended enough that what was asked for did happen, was agreed on by staff and the developer, and was included in the agreement that was signed, it is too far down the road to re-address it.

The vote was taken to remove the item from the agenda. Council Member Harris, Council Member McGuire and Council Member Shelton voted in the affirmative; Council Member Zander and Council Member Marlors voted in opposition. By a vote of 3-2, Item J.1. was removed from the agenda.

Council Member Zander added that she hopes everyone understands all five council members care about the impact of this development. Even though they came at it from different angles, that is the value of government and having multiple people sitting together with their own perspectives and opinions. At the end of the day, each of them was motivated to try and come up with the best plan for this group of residents, and she applauds that.

Manager Lewis clarified that after this discussion, the direction to staff is to continue on the current path and complete the development agreement with the verbiage to have this as a one-way road as constituted and currently signed by the developer.

Mayor Ramsey asked about the possibility of discussing other options for the road at this time.

Attorney Loose responded that there would need to be an item on the agenda to revisit the current agreement. Without that item on the agenda, that could not be discussed at this time. Staff has been directed to move forward, as the original motion was to work on road dieting, signage and find something that would work for the area.

Manager Lewis stated, from the original motion, the directions to staff were to "work on signage and other road dieting options, to try and minimize traffic flow from the office complex through and up to 1055 West."

Attorney Loose noted that, as was brought up by some of the council members, at some point if the residents or council feel the one-way street has reached the end of its usefulness, that can be revisited and removed at that time. The residents were the ones that petitioned for the one-way street without a threshold to remove it, which is why that option did not include that removal option at a later date.

Council Member Marlors said that some staff opposed the one-way with no end date, but staff also opposed the one-way from the beginning and it was eventually approved by Manager Whatcott as the City Manager. He wants to make sure that it was understood that senior staff approved of the option due to the direction by the City Manager to make it work, and that is what they have done.

Attorney Loose wanted it noted that generally, when an issue like this arises, staff generally follows the direction from the council member whose district the issue is in. The City Manager made a decision and senior staff follows the City Manager's direction.

Council Member Harris noted that in his conversations, the residents aren't necessarily worried about the construction traffic at this time, they are more concerned about River Park traffic flowing in. The residents were not looking at the road being opened up at a certain point down the road.

Attorney Loose noted that the development agreement will state that the road is to have one-way traffic, with the road width being the same as a standard street, and something included that the one-way direction could be removed at a later date.

J. Discussion & Potential Action Item

J.1. Discussion of reconsideration of Rise Development Agreement (*By Council Member Brad Marlor & Council Member Tamara Zander*).

K. Staff Reports and Calendaring Items

Manager Lewis noted there will possibly three or more council members at the next SoJo Race Series event, and he will have that noticed as potential quorum.

Attorney Loose discussed with the council the updated National League of Cities and Towns Conference that is coming up.

Mayor Ramsey discussed SB260, regarding transportation funding, which our city supported but the two year county council members did not support. The version that passed the last hour of the session included the notion that the expiration date for counties to implement the tax coming in June was gone, and that option has been extended for at least three years. This is a tax that counties can choose to implement, our county has not done that as of yet. She then moved to HB499, regarding homeless services, and gave a brief overview of that bill. This bill has been the subject of discussion for a long time and there was a lot of push back, which was a little frustrating. The bill passed, obligating communities in Davis and Utah Counties to come up with an emergency shelter option in their counties in the next year. We will be paying a little bit more, and will be back at the table discussing future locations soon since Millcreek is the emergency shelter host this year. Whichever city in Salt Lake County hosts it next year will actually have it for three years in a row. Additional funds collected go to pay down some of the additional costs that the shelter cities are incurring. There is still a \$21 million deficit that cities are paying from their own budgets to help take care of the extra costs incurred, mostly related to public safety.

Attorney Loose added that he believes if a city hosts the temporary shelter, they are eligible for part of those mitigation funds. What is being realized is that the offset isn't working, and the funds don't cover close to what is spent on police officers for the shelters, along with the related public safety impacts to the surrounding areas including additional police and

medical calls.

Mayor Ramsey said that everyone will be paying more to help with that, and all cities will be back at the table soon to figure out which city in the county will be hosting the next emergency shelter for the next three years. She then moved on to the bill related to gravel pits that passed, and for the first time in 40 years it has changed the sales tax distribution formula in the state. It will take about \$160,000 of our sales tax revenue, which we have worked as a city to acquire and help keep property taxes low, and give that money to cities with gravel pits to deal with those impacts.

Attorney Loose said that, to him, this bill now induces cities to have and keep gravel pits because many of the gravel pits are trying to find new locations and the sand and gravel needed for our roads has to come from somewhere. Another bill regarding expansion of the permit failed, which was targeted towards the gravel pit up Parley's. Even if vetoed, the idea of the bill will not die, there will be more and more gravel pit legislation due to the cost of hauling it from further away places.

Mayor Ramsey continued, noting that ultimately that gravel pit related bill passed both bodies and will go to the governor. The League is working on language for a veto request, they will be asking for that veto by way of process. Mayor Ramsey would like to include South Jordan on that request if all the council members are in agreement with that. The bill passed very fast, and she doesn't know that changing the sales tax distribution formula actually answers the concern of what has been brewing over gravel pits for many years. She was asked to come and be in-person for that meeting to ask the governor for the veto. He is being asked to not sign this bill and use his convening powers to bring all parties to the table to work on a better solution that does not take sales tax revenue from other cities. For smaller cities, any amount of revenue like that being taken will hit them much harder than the larger cities. This bill essentially creates winners and losers, and not all the cities will support this veto effort because they have something to gain from it. She also noted that once the door is opened to change that formula, what's to stop it from occurring with other industries like refineries, mining, etc.

Attorney Loose responded that, after some discussion about who introduced this bill, the industry is trying to find any incentive to want these gravel pits and pushing this very hard.

Mayor Ramsey added that the bill regarding developer infrastructure districts did not go anywhere.

Attorney Loose noted that the bill regarding LIDs and DIDs did not pass either, but it will not be going away while supporters work to create a bill that makes the legalities and financing work at the same time. Local cities are having issues with bonds not being bought, due to not being backed by the taxing authority or sovereign powers.

Council Member Shelton noted that regardless of state law, the municipal bond market is not governed by state law and they don't have to take those bonds. Even if they did, that municipal bond market could certainly choose to have that impact our bonding capability.

Mayor Ramsey continued, noting that the roving city manager position to run out of the AOG office was approved. This means that each association of governments will have the chance and funding to host a roving city manager to help all the smaller municipalities that lack the staff needed to keep up with current regulations and other issues. She also discussed her seat on The Point State Land Authority, which is actually the seat appointed to the Salt Lake County Mayor. When Ben McAdams was the mayor, he appointed her to represent the county on that seat and she has been there for almost five years. Mayor Wilson is planning to take that seat now and be part of the decisions happening at The Point, and that is her seat to take. She decided to wait until after the session to take that seat and she is grateful for the work Mayor Ramsey has done there. The makeup of the board was amended during the last day of the session, when The Point Bill was also passed, and part of that bill gave the governor one more appointment to make to The Point Board. That appointment will be a mayor of a local municipality within local regional proximity to the project. She may or may not get that appointment, as the mayor of Bluffdale is interested in that appointment as well, and there were some efforts to make a floor amendment to give Bluffdale a seat. However, there was an argument made that this is not a city specific project, no one is there advocating specifically for their community as this is a statewide project and they can't have just one city with a seat that's only about their city. The governor will be appointing that seat and she will update everyone when that is done.

Council Member Zander asked if the plan is to dissolve the board once The Point is developed, or if there is a different exit plan.

Mayor Ramsey responded that the board will stay in place for a while, as the state wants to retain ownership of the land because the intention is for it to be a financial benefit to the residents of Utah for many, many years. The area is owned by the state, but will be incorporated into the City of Draper.

Attorney Loose said they will get the council a report of the financial impacts of this legislative session. He also shared that they were able to get some funding for the connection of Grandville all the way through, going north.

Mayor Ramsey noted that the city's HTRZ application is having its hearing scheduled, with a date not yet finalized.

Attorney Loose said those scheduling the hearing are open to holding that hearing at Station 64, where it is all going to happen, so everyone involved in the hearing can actually see the area impacted.

Mayor Ramsey shared that Utah's new flag was adopted. The original flag will stay as the formal flag for events and the official ceremonial flag. The city is planning on ordering one of the new flags for use.

Director Klavano shared that Dominion Energy is coming down 1300 West with a new, large gas line and there have already been some lanes closed for multiple days in

conjunction with that. This will be an ongoing project all summer for them. He also shared that South Jordan Parkway, west of Mountain View, opened the other day after an issue with the timing of the stoplight was resolved.

Members of the council and the mayor requested that they are emailed or otherwise alerted before major roadways open up in the future, like the one just discussed, so they can know before it is announced on social media and residents start asking questions.

Mayor Ramsey briefly discussed the Regional Transportation Plan and that this plan includes Phase 3 of the Little Cottonwood Canyon Project that includes a gondola. People are upset about this, but it has the potential to hold up the entire transportation plan's approval. Without that approval, every transportation project in the city comes to an immediate halt. She may have to reach out for back up and support as this gets closer to help encourage other entities to vote yes on the plan.

Council Member Zander asked if the plan passes, is the gondola is a sure thing.

Mayor Ramsey responded that no, it is a Phase 3 option that is still being discussed. If this plan passes, there is already money to implement Phases 1 and 2 which are additional bussing and related services up and down the canyon, along with tolling. If those measures work, it may never have to reach the gondola phase, but many in opposition do not understand the process and the options.

Council Member Zander motioned to adjourn the City Council meeting. Council Member Marlor seconded the motion; vote was unanimous in favor.

ADJOURNMENT

The March 7, 2023 City Council Meeting adjourned at 8:51 p.m.

Proclamation of the City of South Jordan

In Recognition of Vietnam War Veterans and Their Families

WHEREAS, The United States of America Vietnam War Commemoration gives us the opportunity for all Americans to recognize, honor and thank our Vietnam Veterans and their families for their service and sacrifices during the Vietnam War from November 1, 1955 to May 15, 1975; and

WHEREAS, more than 11,000 organizations across America have joined with the Department of Defense as Commemorative Partners to honor our Nation's Vietnam Veterans, including all nine Chapters of the Utah State Organization, National Society Daughters of the American Revolution; and

WHEREAS, this commemoration includes the nine million Americans, approximately 6.4 million living today, who served in the U.S. Armed Forces during this period, and makes no distinction between those who served in-country, in-theater, or were stationed elsewhere during those 20 years - all answered the call of duty; and

WHEREAS, March 29th having been designated as National Vietnam War Veterans Day in accordance with the Vietnam War Veterans Recognition Act of 2017; the last day that U.S. troops were on the ground in Vietnam and now recognized as a special day to honor those who had served and to extend gratitude and appreciation to both them and their families

BE IT PROCLAIMED to all that reside within the bounds of the City of South Jordan, Salt Lake County, State of Utah; that for evermore, March 29, 2023 is:

WELCOME HOME – VIETNAM VETERANS DAY

Signed this 21st Day of March, 2023

Dawn R. Ramsey, Mayor

ATTEST:

Anna Crookston, City Recorder

ORDINANCE NO. 2023 - 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ANNEXING THE AREA AND EXTENDING THE CORPORATE LIMITS OF SOUTH JORDAN CITY, UTAH, TO INCLUDE THE AREA DESCRIBED IN EXHIBIT “A” AND AMENDING THE SOUTH CITY ZONING MAP TO DESIGNATE AND ZONE THE ANNEXED AREA AS AGRICULTURAL A- 5 UPON ITS ANNEXATION INTO THE CITY OF SOUTH JORDAN.

WHEREAS, Utah Code 10-2-403 Authorizes the City to annex contiguous unincorporated property upon receiving a petition from the property owners; and

WHEREAS, on November 22, 2022 the City of South Jordan (the “City”) received Notice of Intent to File Annexation Petition (the “Petition”) from Kennecott Utah Copper LLC and Jordan Valley Water Conservancy District (the “Petitioners”); and

WHEREAS, on December 22, 2022 the City received the Petition for annexation from Petitioners to annex approximately 2,280 acres, as more particularly shown on Exhibit A (the “Annexed Property”); and

WHEREAS, on January 3, 2023 the South Jordan City recorder certified the Petition and the South Jordan City Council accepted the Petition as the property subject to the petition was included in the City’s future annexation policy declaration; and

WHEREAS, proper notices were sent and no protests were filed concerning the Petition; and

WHEREAS, the South Jordan City Council held a public hearing concerning the Petition on March 21, 2023; and

WHEREAS, the South Jordan City Council finds that the Petition satisfies all the requirements of Utah Law.

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

SECTION 1. Findings. The South Jordan City Council hereby finds and determines that the annexation of the Annexed Property as proposed in the Petition is in the best interests of the City and its residents.

SECTION 2. Approval of Annexation. The South Jordan City Council approves the annexation of the Annexed Property as proposed and described in the Petition attached as Exhibit A and does hereby annex the Annexed Property into the City of South Jordan

SECTION 3. Final Local Entity Plat. The South Jordan City Council approves the Final Local Entity Plat as attached in Exhibit A and directs that it be filed as required by law.

SECTION 4. Zoning. The Annexed Property is zoned A-5 (Agricultural), and the

zoning map of the City is hereby amended to reflect such zoning and annexation as of the Annexation Date.

SECTION 5. Annexation Date. The City confirms that, pursuant to §10-2-425(4) U.C.A., this Annexation is completed and takes effect upon the date of the Lieutenant Governor's issuance of a Certification of Annexation.

SECTION 6. Authorized Actions. The South Jordan Mayor, City Recorder, City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved.

SECTION 7. 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 8. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

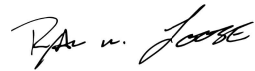
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 21st DAY OF MARCH, 2023 BY THE FOLLOWING VOTE:

	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



Carl W. Barton
Partner
Phone 801.799.5831
 cbarton@hollandhart.com

December 22, 2022

VIA HAND DELIVERED

Ms. Anna Crookston
 City Recorder
 City of South Jordan
 1600 West Towne Center Drive
 South Jordan, Utah 84095

RECEIVED

DEC 22 2022

South Jordan City
 City Records Office

Re: Notice of Intent to File Annexation Petition to Annex Property into City of South Jordan

Dear Ms. Crookston:

As required by Utah Code Annotated Section 10-2-403(3), attached is the Petition for Annexation, executed in counterparts by both Kennecott Utah Copper LLC and Jordan Valley Water Conservancy District, as landowners for the annexation of certain land into the City of Herriman. We look forward to working with the City to complete the annexation process.

Please contact me with any questions.

Sincerely,

Carl W. Barton, Partner
 of Holland & Hart LLP

cc: Mayor Dawn Ramsey via email
 Gary Whatcott via email
 Ryan Loose via email
 Dustin Lewis via email
 Josh Brown via email
 Nicole Squires via email
 Wayne Bradshaw via email
 Shannon Ellsworth via email

20554518_v1

Location
 222 South Main Street, Suite 2200
 Salt Lake City, UT 84101-2194

Contact
 p: 801.799.5800 | f: 801.799.5700
 www.hollandhart.com

Holland & Hart LLP Anchorage Aspen Billings Boise Boulder Cheyenne Denver Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

Petition for Annexation

TO THE CITY OF SOUTH JORDAN:


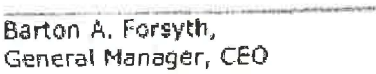
We, the undersigned owners of private real property, hereby petition that the area (the "Area") shown on the accurate and recordable map (prepared by a licensed surveyor) that is attached to this petition (this "Petition") be annexed to the City of South Jordan. Each of the undersigned affirms that: (a) each has personally signed this petition, (b) each of the undersigned is an owner of real property that is located within the Area, and (c) the current address of each is correctly written after the signer's name. Further, each of the undersigned designates the individuals identified below as sponsors and contact sponsor of this petition:

NOTICE

• There will be no public election on the annexation proposed by this Petition because Utah law does not provide for an annexation to be approved by voters at a public election.

• If you sign this Petition and later decide that you do not support the Petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of South Jordan City. If you choose to withdraw your signature, you shall do so no later than 30 days after South Jordan City receives notice that the Petition has been certified.

<u>Name of Sponsor/Contact</u>	<u>Mailing Address</u>	<u>Status</u>
Kennecott Utah Copper LLC	4700 Daybreak Parkway, South Jordan, Utah 84009 Attn: Nicole Squires Email: nicole.squires@riotinto.com	Sole sponsor/contact

<u>Property Owner Name/Contact</u>	<u>Property Owner Address</u>	<u>Signature</u>
1. Kennecott Utah Copper LLC Approved as to form: Nicole Carlisle Squires Digitally signed by Nicole Carlisle Squires Date: 2022.12.20 15:17:03 -07'00'	4700 Daybreak Parkway, South Jordan, Utah 84009 Attn: Nicole Squires Email: nicole.squires@riotinto.com	 Mark Goodwin, General Manager, Finance
2. Jordan Valley Water Conservancy District	8215 So. 1300 W., West Jordan, Utah 84088 Attn: Barton A. Forsyth Email: bartf@jvwc.org	 Barton A. Forsyth, General Manager, CEO

Petition for Annexation

TO THE CITY OF SOUTH JORDAN:


We, the undersigned owners of private real property, hereby petition that the area (the "Area") shown on the accurate and recordable map (prepared by a licensed surveyor) that is attached to this petition (this "Petition") be annexed to the City of South Jordan. Each of the undersigned affirms that: (a) each has personally signed this petition, (b) each of the undersigned is an owner of real property that is located within the Area, and (c) the current address of each is correctly written after the signer's name. Further, each of the undersigned designates the individuals identified below as sponsors and contact sponsor of this petition:

NOTICE

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<u>Name of Sponsor/Contact</u>	<u>Mailing Address</u>	<u>Status</u>
Kennecott Utah Copper LLC	4700 Daybreak Parkway, South Jordan, Utah 84009 Attn: Nicole Squires Email: nicole.squires@kennecott.com	Sole sponsor/contact

<u>Property Owner Name/Contact</u>	<u>Property Owner Address</u>	<u>Signature</u>
1. Kennecott Utah Copper LLC Approved as to form Nicole Carlisle Squires Digitally signed by Nicole Carlisle Squires Date: 2022.12.20 15:17:03 -07'00'	4700 Daybreak Parkway, South Jordan, Utah 84009 Attn: Nicole Squires Email: nicole.squires@kennecott.com	Mark Goodwin, General Manager, Finance
2. Jordan Valley Water Conservancy District	8215 So. 1300 W., West Jordan, Utah 84088 Attn: Barton A. Forsyth Email: bforis@jvwd.org	 Barton A. Forsyth, General Manager, CEO



3. A copy of the recordable map required by Utah Code Annotated Section 10-2-403(3)(c)(i) is attached hereto as Exhibit "A."

4. As required by Utah Code Annotated, Section 10-2-403(3)(c)(ii), a copy of the Notice of Intent to Annex required by Utah Code Annotated Section 10-2-403(2)(a)(i)(B) and the list of affected entities to which such Notice of Intent was sent are attached hereto as Exhibit "B."

Exhibit "A"
Recordable Map of Area

LOCATED WITHIN SECTIONS 15, 16, 17, 20, 21, 27, 28, AND 28
TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH

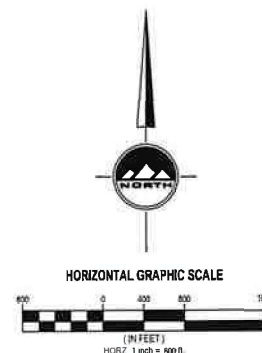
LEGEND

 ANNEXATION BOUNDARY LINE
 SECTION LINE
 ADJACENT PROPERTY LINE
 EXISTING CITY OF SOUTH JORDAN BOUNDARY LINE
 EXISTING HERRIMAN CITY BOUNDARY LINE

[illegible]

LINE TABLE		
LINE	BEARING	LENGT
P1	S31°42'29"W	79.78
P2	S30°41'17"W	116.23
P3	S50°41'17"W	62.14
P4	S47°25'00"W	76.11
P5	N77°59'00"E	37.07
P6	N79°32'00"E	37.07
P7	N79°32'00"E	69.00
P8	S71°58'00"E	59.00
P9	N77°23'00"E	37.00
P10	S62°00'13"E	66.99
P11	S67°41'00"E	25.00
P12	N84°25'00"E	34.00
P13	N47°42'2"E	39.00
P14	N62°57'00"E	71.00
P15	N87°00'00"E	35.00
P16	S85°41'00"E	91.00
P17	S72°41'00"E	74.00
P18	N17°19'32"E	90.28
P19	S45°00'00"E	251.25
P20	EAST	122.00
P21	N60°00'00"E	367.50
P22	EAST	34.99
P23	S50°00'00"E	46.58
P24	N60°00'00"E	267.64
P25	EAST	324.25
P26	S60°01'11"E	246.83
P27	S60°00'00"E	130.84
P28	EAST	611.60
P29	SOUTH	184.78
P30	EAST	254.11

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
PC1	15.00'	14.65'	S3°39'32"	S27°31'03"W	13.54'
PC2	66.00'	200.04'	173°39'32"	S32°28'57"E	131.80'



DEVELOPER
RIO TINTO GROUP
4700 DAYBREAK PARKWAY
SOUTH JORDAN, UTAH 84009
385.253.2558

SHEET 1 OF 4



ENSIGN

SALT LAKE CITY
45 West 10000 South St.
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449
www.enbco.com

LAYTON
Phone: 801-547-1100

TOOELE
Phone: 435-843-3500

CEDAR CITY
Phone: 435-885-1450

SHEET 1 OF 1

PROJECT NUMBER 11130
MANAGER PHM
DRAWN BY KFW
CHECKED BY PHM
DATE 15/03/00

FINAL LOCAL ENTITY PLAT
ANNEXATION OF KENNECOTT AND JWCD PROPERTY
INTO CITY OF SOUTH JORDAN

LOCATED WITHIN SECTIONS 15, 16, 17, 20, 21, 27, 28, AND 29
TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH

SALT LAKE COUNTY RECORDER

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

DATE: TIME: BOOK: PAGE:

FEES	DEPUTY SALT LAKE COUNTY RECORDER
------	----------------------------------

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS DAY OF

CITY OF SOUTH JORDAN ATTORNEY

CITY OF SOUTH JORDAN

APPROVED THIS DAY OF , 20

WAXCO ATTEST: CITY RECORDER

SALT LAKE COUNTY SURVEYOR

APPROVED THIS _____ DAY OF _____, 20____
BY THE SALT LAKE COUNTY SURVEYOR AS A FINAL LOCAL E

SALT LAKE COUNTY SURVEYOR

Exhibit "B"
Copy of Notice of Intent to Annex and List of Affected Entities Identified Thereon

20507194_v2

NOTICE OF INTENT TO FILE ANNEXATION PETITION

Pursuant to Section 10-2-403(2) of the Utah Code Annotated, as amended and now in effect, the undersigned property owners hereby provide notice of their intent to file an annexation petition with the City of South Jordan, Salt Lake County, Utah.

The proposed area for annexation is located in unincorporated Salt Lake County at approximately Bacchus Highway and 11800 South and is more particularly described and depicted on the map attached hereto as Exhibit "A".

Dated: November 18, 2022

KENNECOTT UTAH COPPER LLC

By: 

Name: Mark Gudwin

Title: General Manager, Finance

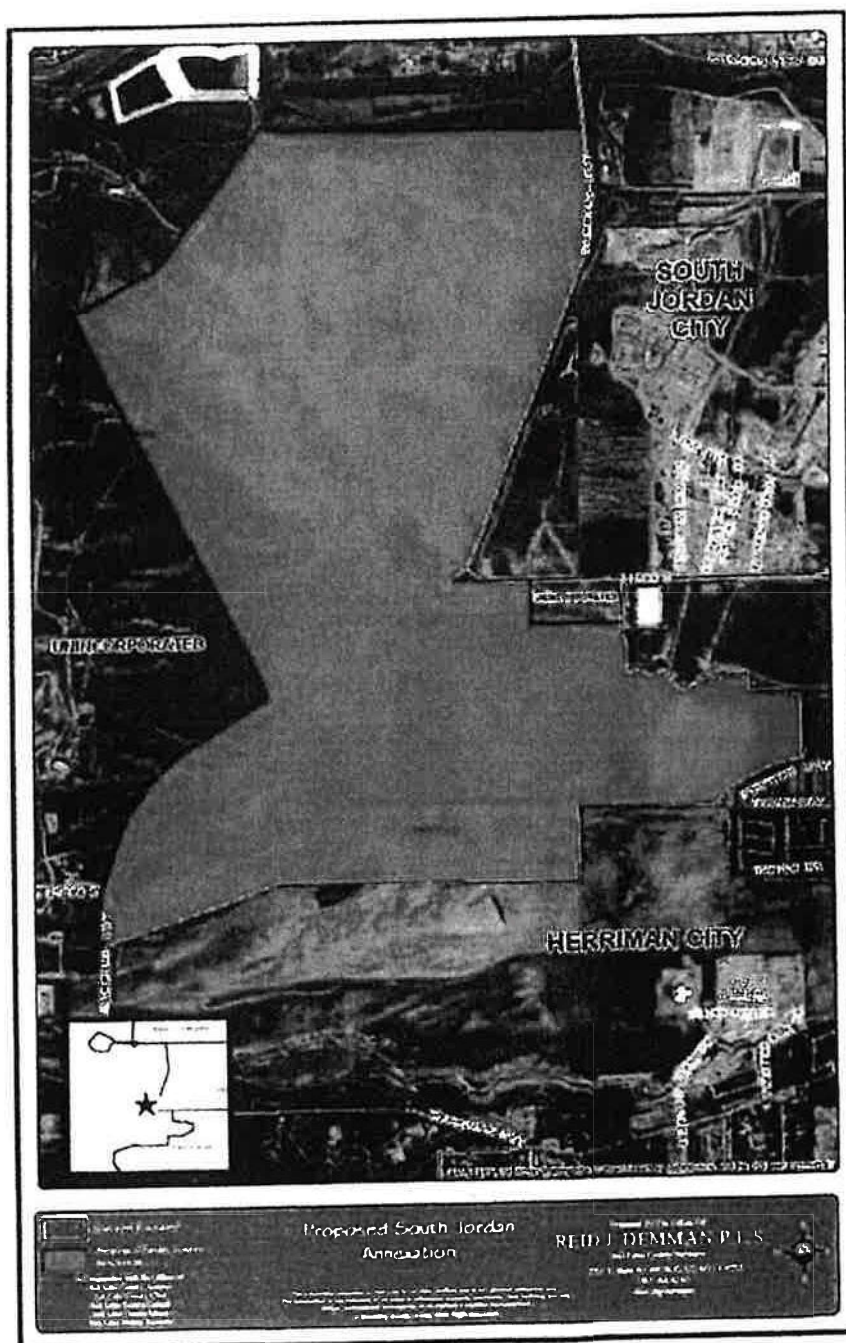
JORDAN VALLEY WATER
CONSERVANCY DISTRICT

By: 

Name: Barton A. Forsyth

 Title: Authorized Representative

EXHIBIT "A"
Proposed Annexation Area Map



LIST OF AFFECTED ENTITIES AND ADDRESSES

SALT LAKE COUNTY, 2001 S STATE ST, SALT LAKE CITY, UTAH 84114

SOUTH JORDAN CITY, 1600 W TOWNE CENTER DR, SOUTH JORDAN, UTAH 84095

HERRIMAN CITY, 5355 W HERRIMAN MAIN ST, HERRIMAN, UTAH 84096

SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT, 7308 AIRPORT RD, WEST JORDAN, UTAH 84084

JORDAN VALLEY WATER CONSERVANCY DISTRICT, 8215 S 1300 W, WEST JORDAN, UTAH 84088

SOUTH VALLEY SEWER DISTRICT, 1253 W JORDAN BASIN LN, BLUFFDALE, UTAH 84065

CENTRAL UTAH WATER CONSERVANCY DISTRICT, 1426 E 750 N ST #400, OREM, UTAH 84097

HERRIMAN CITY SAFETY ENFORCEMENT AREA, 5355 W HERRIMAN MAIN ST, HERRIMAN, UTAH 84096

WASATCH FRONT WASTE AND RECYCLING DISTRICT, 604 W 6960 S, MIDVALE, UTAH 84047

SALT LAKE COUNTY MUNICIPAL-TYPE SERVICES DISTRICT, 2001 S STATE ST #N3600, SALT LAKE CITY, UTAH 84114

UNIFIED FIRE SERVICE AREA, 3380 S 900 W SALT LAKE CITY, UTAH 84119

SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA, 3365 S 900 W, SALT LAKE CITY, UTAH 84119

HERRIMAN INNOVATION CDA IN HERRIMAN CITY, 5355 W HERRIMAN MAIN ST, HERRIMAN, UTAH 84096

GREATER SALT LAKE MUNICIPAL SERVICE DISTRICT, 2001 S STATE ST #N3600, SALT LAKE CITY, UTAH 84190

JORDAN SCHOOL DISTRICT, 7387 S CAMPUS VIEW DR, WEST JORDAN, UTAH 84084

DAYBREAK COMMERCE PARK RDA IN SOUTH JORDAN CITY, 1600 W TOWNE CENTER DR, SOUTH JORDAN, UTAH 84095

OLYMPIA LAND, LLC, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT NO. 1, C/O OLYMPIA LAND, LLC, ATTN RYAN BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT NO. 2, C/O OLYMPIA LAND, LLC, ATTN RYAN BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT NO. 3, C/O OLYMPIA LAND, LLC, ATTN RYAN BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT NO. 4, C/O OLYMPIA LAND, LLC, ATTN RYAN BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT. NO. 5, C/O OLYMPIA LAND, LLC, ATTN RYAN
BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT. NO. 6, C/O OLYMPIA LAND, LLC, ATTN RYAN
BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

OLYMPIA PUBLIC INFRASTRUCTURE DISTRICT. NO. 7, C/O OLYMPIA LAND, LLC, ATTN RYAN
BUTTON, 527 E PIONEER ROAD, DRAPER, UTAH 84020

RESOLUTION R2023 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SOUTH JORDAN AND KENNECOTT UTAH COPPER LLC FOR THE DEVELOPMENT OF A MASTER PLANNED COMMUNITY IN THE CITY OF SOUTH JORDAN.

WHEREAS, The City of South Jordan City (the “City”), a Utah municipal corporation and Kennecott Utah Copper LLC (“Kennecott”), a limited liability company desire to create a master planned community in the City of South Jordan; and

WHEREAS, pursuant to Utah Code Ann. § 10-1-202 the City has authority to enter into contracts; and

WHEREAS, the City and Kennecott have drafted a memorandum of understanding regarding the development of that master planned community; and

WHEREAS, the South Jordan City Council finds it in the best interest of the public health, safety, and welfare to authorize the Mayor to sign the attached memorandum of understanding.

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

SECTION 1. Authority to Execute. The Mayor of the City of South Jordan is authorized to execute a memorandum of understanding between the City of South Jordan and Kennecott Utah Copper LLC for the development of a master planned community, in substantially the form attached hereto as Exhibit A.

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 _____, 2023 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

FOR CITY COUNCIL CONSIDERATION ON MARCH 21, 2023

[KENNECOTT UTAH COPPER LETTERHEAD]

[March ____, 2023]

South Jordan City
1600 West Towne Center Drive
South Jordan, Utah 84095

Re: Kennecott Utah Copper LLC's ("**Kennecott**") Development of New Master-Planned Community in South Jordan City, Utah (the "**City**")

To Whom It May Concern:

This memorandum of understanding (the "**MOU**") contains the terms on which Kennecott and the City agree to the development of approximately 2,285 acres of land owned by Kennecott.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Kennecott and the City hereby agree as follows:

1. Background.

(a) Annexation of Land into the City. Kennecott recently commenced annexation of approximately 2,285 acres of land it owns (the "**Kennecott Land**") into the City pursuant to that certain Notice of Intent to File Annexation Petition, dated November 18, 2022, and filed with the City recorder on November 22, 2022, as contemplated by Utah Code Annotated Section 10-2-403(2) (the "**Annexation**"). Also included in the Annexation is a parcel approximately ten (10) acres in size (the "**Jordan Valley Parcel**"), owned by Jordan Valley Water Conservancy District ("**Jordan Valley**"), along with certain roads or portions of roads presently owned by Salt Lake County that are located inside the boundaries of the Kennecott Land (the "**County Roads**"). The Kennecott Land, the Jordan Valley Parcel, and the County Roads included in the Annexation are sometimes referred to herein as the "**Annexation Area**", and the Annexation Area is sometimes referred to herein as the "**Property**." The rights and obligations contained in this MOU are subject to and conditioned on completion of the Annexation.

(b) Development of the Property as Master-Planned Community/Master Developer. Kennecott desires to develop a large-scale master-planned community on the Kennecott Land in accordance with the City Municipal Code (the "**Code**"), the terms of this MOU, until it is superseded by a future Master Development Agreement (the "**MDA**"), and the terms of the MDA once effective, as defined herein (collectively, the "**Legal Requirements**"), in a manner that mutually benefits Kennecott and the City (the "**Project**"). Jordan Valley, however, shall use the

Jordan Valley Parcel in the ordinary course of its business operations, which may not be directly connected with or involved in Kennecott's development of the Project. Kennecott may develop the Project through a special purpose entity it forms and in which it owns an interest with another party or parties selected by Kennecott (the "**Joint Venture**"), which party or parties may include a third-party master-planned community developer selected by Kennecott, either as an owner of the Joint Venture and/or pursuant to a written development agreement, or the successor or assignee of any of the foregoing (the "**Master Developer**"). The City and Kennecott desire and agree that Kennecott shall remain the primary contact with the City in connection with the strategic development of the Project in accordance with this MOU and under the MDA, for a period of time that is mutually acceptable to Kennecott and the City, which period shall be negotiated and included in the MDA.

(c) Project Objective as to Sustainability. As a central goal for the Project, Kennecott seeks to create a sustainable master-planned community. The community seeks to have an authentic sense of place that provides high quality of life to both residents and visitors. Project housing will seek to serve a wide and equitable cross-section of residents and will include an integrated trails network and appropriate opportunities for recreation.

(d) Configuration of the Property/Ongoing Kennecott Mining Operations. The development of the Project will be a long-term process. The first portion of the development of the Project is anticipated to occur prior to Kennecott's closure of its mining operations, during which time the second portion of the Project shall remain as a buffer to, and may be part of, Kennecott's ongoing mining operations. The remaining or second portion of the Project shall be developed after Kennecott ceases its mining operations at some point in the future. It is critical to Kennecott that the development of the Project not interrupt or restrict its mining operations. If future and periodic Kennecott studies indicate that portions of the Annexation Area are necessary for pre- or post-closure mining or maintenance activity, Kennecott may elect not to develop those parts of the Annexation Area as part of the Project and will notify the City of such changes.

2. Master Development Agreement/Effect of this MOU. In connection with the Annexation, Kennecott and the City shall agree upon the terms of the MDA, which shall contain the terms set forth in this MOU and such additional and more specific terms on which Kennecott and the City shall mutually agree. This MOU is intended to provide a general framework for the Project and to set forth the general terms of the MDA, pending completion of Kennecott's planning process, which will provide more detail and guidance as a basis for the additional, more specific, mutually agreed on terms of the MDA. The MDA will replace and supersede this MOU in its entirety.

3. Entitlement/Definition of Dwelling Units. The City hereby agrees to an overall entitlement for the Project of up to 11,450 Dwelling Units, as defined herein. Kennecott and the City shall mutually agree on and include the definition of a "**Dwelling Unit**" in the MDA, which definition shall, at a minimum, include:

(a) any single-family detached residence on a platted lot (each, a "**Single Family Lot**");

- (b) any single-family attached residence located on a platted lot in the Project and sharing a common wall with another single-family structure located on an adjacent platted lot, such as a townhome;
- (c) any residential condominium unit forming a part of a multi-family residential structure and created in accordance with Legal Requirements for residential use; or
- (d) any apartment unit forming a part of a multi-family structure for residential use.

For purposes of calculating or counting the number of Dwelling Units in the Project, the term Dwelling Unit shall not include the following uses or improvements, which shall nonetheless be permitted in and as part of the Project: (i) any internal or detached accessory dwelling unit with or without a separate exterior entrance on a Single Family Lot (subject to the reasonable restrictions to be addressed in the MDA); and (ii) commercial and industrial improvements, buildings, units, and space. Each of such internal and detached accessory dwelling units or structures on Single Family Lots are collectively referred to herein as “**ADUs**.” As part of the MDA: (A) the definition of Dwelling Units in the Project shall not include ADUs that are permitted under applicable state law (as such statutes may change from time to time during the term of the MDA); and (B) Kennecott and the City shall mutually agree on the number of square feet for both commercial and industrial use in and as part of the Project.

4. Allowed Uses/Planned Community Zone. All permitted uses and any conditional uses permitted in the City’s Planned Community (P-C) Zone (the “**PC Zone**”) as of the effective date of this MOU shall be allowed as permitted or conditional uses in the Project and, regardless of future changes to the City Code, mining and mining-related uses will be permitted and protected.

5. Open Space. Kennecott and the City shall agree in the MDA on: (a) a ratio or percentage of open space for each phase of the Project as the Project is developed with an overall percentage of open space (public and private) to be 25% of the Project (including parks); and (b) a definition of “open space” for purposes of calculating such percentage of open space from time to time in the Project (including parks). The Master Developer or owners’ associations created in connection with the development of the Project shall own and maintain all open spaces, except for active parks dedicated to the City, which shall include one (1) active park of at approximately thirty (30) acres and two (2) additional active parks of approximately ten (10) acres each for youth and other sports and similar uses, which the City shall own and maintain. The Master Developer agrees to complete the larger active park of approximately thirty (30) acres referred to above within ten (10) years after the Master Developer commences construction of the Project under the MDA. With respect to the size, location, and timing of the installation of such open space (including parks), the MDA shall contain a mechanism for adjusting the final size and location of such open space required thereunder, and such adjustment mechanism shall include various factors that are mutually acceptable to Kennecott and the City.

6. Development of Project/Platting Process.

(a) Master Covenants, Conditions, and Restrictions/Other Development Restrictions/Phases. The Master Developer shall record a set of master and other covenants, conditions, and restrictions that provide for the development of the Project in accordance with Kennecott's goals and community vision and to ensure that each phase or portion of the Project shall be developed in a manner that is consistent with such goals and community vision. The Master Developer shall, from time to time, also record such additional covenants, conditions, and restrictions as it deems necessary and appropriate for each subdivision or housing type in the Project. In addition, the MDA shall contain language under which the Master Developer and the City shall mutually agree, from time to time, on the allocation of Dwelling Units to the various phases of the Project.

(b) Platting Process. Under the MDA, the platting of each subdivision of the Project shall occur as follows:

(i) The Master Developer shall use commercially reasonable efforts to provide the City with plans of portions of the Project that show the location of main roads, open space (including parks), and public safety venues (each, a "**Concept Plan**"). Concept Plans shall not create legal parcels, but are instead intended to provide notice to the City of the Master Developer's plans, including high-level road plans or locations, and sequencing of the development of the Project;

(ii) The Master Developer shall then file a subdivision plat for each residential, commercial, and/or industrial subdivision to be developed within the area identified on any Concept Plan (each, a "**Subdivision Plat**"). Each Subdivision Plat shall designate not only the location, but the ownership of all open space (including parks) covered by such Subdivision Plat;

(iii) The MDA shall contain a mechanism to adjust the final size and location of some or all of the main roads, open space (including parks), and public safety venues depicted on a Concept Plan without City approval, but such adjustments occurring to Subdivision Plat shall occur through a vacation and rededication in connection with the submission of any Subdivision Plat that includes any such adjustment of a main road, open space (including parks), and/or public safety venue;

(iv) The Master Developer shall submit all Subdivision Plats as a courtesy to the City's planning commission and for review and approval to the City planning staff. The City planning staff shall review and provide final approval of all Subdivision Plats (without any other City approvals) in accordance with Legal Requirements; and

(v) Kennecott intends and shall have the right to develop the Project through the submission of new Plats for each subdivision of the Project, rather than creating a single master plat for the entire Project. This MOU, however, identifies the boundaries of the Project. Kennecott and the City may make minor adjustments to the boundaries of the Project in the MDA, if any.

7. Direct Access to Highway 111/Project Entrance. The Project's direct access to and from Highway 111 and to Old Bacchus Highway is essential to Kennecott's successful development of the Project. At present, the Utah Department of Transportation ("**UDOT**") plans to construct Highway 111 at the location depicted on Exhibit "A" hereto, which location would allow Kennecott to have direct access points to and from Highway 111 as primary or main entrances to both sides of the Project (as approximately located, the "**Project Entrances**"). With respect to the location and number of Project Entrances, Kennecott/the Master Developer shall have the right to determine the number and location of such direct access points to and from Highway 111 as part of its planning process, including and subject to UDOT process and approval:

(a) at least two (2) signalized full-movement intersections, at the Master Developer's cost or at the cost of another entity other than the City;

(b) the installation of trails through an underpass below Highway 111 at the Midas Creek drainage area, at the Master Developer's cost or at the cost of another entity other than the City; and

(c) such other vehicular and pedestrian access over or under Highway 111 at locations reasonably identified and deemed appropriate by Kennecott/the Master Developer as a result of Kennecott's/the Master Developer's planning process. If portions of the Project are, in fact, eventually located on both sides of Highway 111, as shown in a fashion similar to that set forth on Exhibit "A" hereto, the City shall, if desired by Kennecott/the Master Developer, allow the Master Developer to design, construct, use, maintain, and operate the Project and the Project Entrances in a manner that creates a unified and coordinated single community design, appearance, use, and operation for any or all portions of the Project located on either or both sides of Highway 111. Kennecott/the Master Developer and the City shall communicate and cooperate in the location of such access points to and from Highway 111 and shall confirm the same in the MDA or, if the MDA is not yet executed at that time, then in a written amendment thereto. Further, the City shall cooperate upon the request of and with Kennecott/the Master Developer in communications and efforts with the UDOT and other agencies to obtain the number and location of the Project Entrances desired by Kennecott/the Master Developer in accordance herewith.

8. Utilities and Infrastructure. The MDA shall provide for the construction and financing of Project infrastructure as follows:

(a) Water and Storm Drain. Kennecott and the City shall agree on the requirements for providing the transmission and use of culinary and secondary water at the Project in accordance with Legal Requirements. The Master Developer and the City shall cooperate and shall make commercially reasonable efforts to achieve sustainability and reusability of such water in connection with the use of water at the Project. It is anticipated that the Project shall receive some or all of the water needed for the Project from Jordan Valley pursuant to a water supply agreement containing terms that are mutually acceptable to Kennecott and Jordan Valley, and such water supply agreement is expected to provide for the transmission, treatment, and delivery systems for Project water. The water systems that are located within the Project

boundaries shall be subject to the City's approval to ensure the efficient use, treatment, and transmission within the Project boundaries. The City, either directly or through a special service district, provide culinary water to the Project, including all open spaces, and rates charged for such water shall be reasonable and consistent with rates charged to other areas of the City in accordance with the City's tiered rate structure for new services.

(b) Water Tanks. Those costs associated with constructing the water tanks that are necessary for the Project shall be allocated as follows:

(i) the Master Developer will pay for any water tanks that serve only the Project; and

(ii) the Master Developer and the City shall each pay their proportionate shares of the cost to construct any water tanks that serve the Project and other areas located outside of the Project boundaries. The City and the Master Developer shall have the right, from time to time as determined in their reasonable mutual discretion, to upsize or enlarge the size of any such water tanks, and the costs therefor shall be shared as set forth above in this Section 8(b).

(c) Offsite Improvements. The Master Developer shall install and bear the cost of all off-site improvements that only serve the Project, and the Master Developer and the City shall pay their respective proportionate shares of such costs for off-site improvements that benefit the Project and other areas.

(d) Storm Drain. As the Project is developed, the Master Developer and the City shall study the best options for efficient and cost-effective storm drain infrastructure at the Project and shall mutually agree on the type of and the requirements for such storm drain infrastructure in accordance with Legal Requirements.

(e) Landscaping. The Master Developer shall comply with Legal Requirements in connection with the location, installation, and maintenance of all landscaped areas in the Project. The Project is intended to incorporate landscaping and current and future best practices for waterwise and native landscapes consistent with the regional climate and recommendations from Jordan Valley.

(f) Other Infrastructure. The Master Developer and the City shall install and pay for other infrastructure features and improvements, including the dedication of necessary property, at the Project as the Master Developer and the City may agree and desire and in accordance with Legal Requirements.

(g) Street Design Standards. The City agrees to consider approval of Master Developer's street standards that differ from the City's street standards from time to time, so long as the City's safety and related concerns are satisfied and are otherwise in accordance with Legal Requirements. The Master Developer agrees to design and construct consistent with the City's Transportation Master Plan which, as it applies to the Project, shall be mutually agreeable to the Master Developer and the City.

(h) Financing of Project Infrastructure. The development of the Project is intended to provide mutual benefit to the Master Developer and the City and needs to be financially viable and successful for the Master Developer. The City, therefore, agrees to cooperate with the Master Developer in Master Developer's connection with the financing of all Project Infrastructure, which financing shall likely include, among other things, institutional debt financing, bond offerings, public infrastructure district financing, and tax incentive financing.

9. Assignment of MDA. To permit the development, financing, and sale of some or all of the Project, the Master Developer may, without City consent, assign its rights or delegate its obligations under the MDA. Such assignments may include absolute and/or collateral assignments with respect to the development of some or all of the Project and/or sales of some or all of the Kennecott Land, from time to time, subject to Legal Requirements and to the development in affiliate entities of the Joint Venture and to public and private financing required or desired by the Master Developer in connection with the MDA. In addition, it is expected that Kennecott may initially own the Kennecott land at the time when the MDA is executed and may, therefore, be the initial Master Developer under the MDA, but may convey portions of the Kennecott Land and may assign the MDA to a special purpose entity in which Kennecott owns an interest and retains certain controls. Such assignment may also occur without the City's consent. In addition, the Joint Venture shall have the right, from time to time and without the City's consent, to sell portions of the Kennecott Land and/or to create wholly-owned subsidiaries and affiliate entities for the development of portions of the Project and portions of the Property. The Master Developer, however, shall notify the City in writing of any such assignment of the Master Developer's rights under the MDA no less than sixty (60) days prior to such assignment.

10. Effect of Agreement/Signatures. The purpose of this MOU is for Kennecott and the City to agree in principle to certain terms to be included in the MDA. Kennecott and the City hereby agree that Sections 2-12 of this MOU are binding on them and their respective successors and assigns. Further, the MDA shall supersede and replace this MOU in its entirety. In addition, this MOU may be executed in counterparts, and all signatures delivered hereon via electronic mail using programs such as DocuSign shall be deemed originals for all purposes.

11. Kennecott Internal Approval. Kennecott's obligations under this MOU are subject to Kennecott obtaining the internal approvals necessary to authorize this MOU and the transactions contemplated by it. Kennecott will notify the City once such internal Kennecott approvals have been obtained.

12. Notices. Any notices given in connection with or required hereunder shall be in writing and shall be given in accordance with this Section 11. All notices, elections, demands, requests, and other communications hereunder shall be addressed to:

If to Kennecott:

Kennecott Utah Copper LLC
4700 W. Daybreak Parkway
South Jordan, Utah 84009
Attn: Land Management

With a copy to:

Rio Tinto Legal

4700 W. Daybreak Parkway

South Jordan, Utah 84009

Attn: Legal Counsel

Email:

CompanySecretaryNotices@riotinto.com

(with “Kennecott Utah Copper” in the subject line)

If to the City:

City of South Jordan

Attn: City Recorder

1600 W. Towne Center Drive

South Jordan Utah, 84095

or at such other address as may hereafter be designated in writing by either party hereto. Any and all notices, elections, demands, requests, and other communications hereunder shall be in writing, signed by the Party making the same and shall be sent by certified or registered United States mail, postage prepaid; by national overnight courier service which provides tracking and acknowledgement of receipts; or by any other method if actually received (including electronic communication at the e-mail addresses noted above). Such notices shall be deemed received when: (a) received if delivered in person; (b) within three (3) days after sent if delivered via certified mail; (c) electronic mail communication directed to the email address for such person set forth above or as otherwise described below and any such notice shall be deemed delivered and received upon the sender’s receipt of an acknowledgement from the intended recipient (such as by the “return receipt requested function, as available, return email, or other written acknowledgement); or (d) on the next business day after being sent, if delivered via overnight mail. Notwithstanding the foregoing, receipt shall be deemed to occur upon actual receipt or refusal, regardless of method of delivery.

Sincerely,

[_____] ,

[_____] ,

Kennecott Utah Copper LLC

Agreed to and accepted
as of the ____ day of _____, 2023

SOUTH JORDAN CITY

By: _____
Name: Dawn R. Ramsey
Title: Mayor

ATTEST:

City Recorder

Approved as to Content:

By: _____
Name: Gary L. Whatcott
Title: City Manager

Approved as to Legal Form:


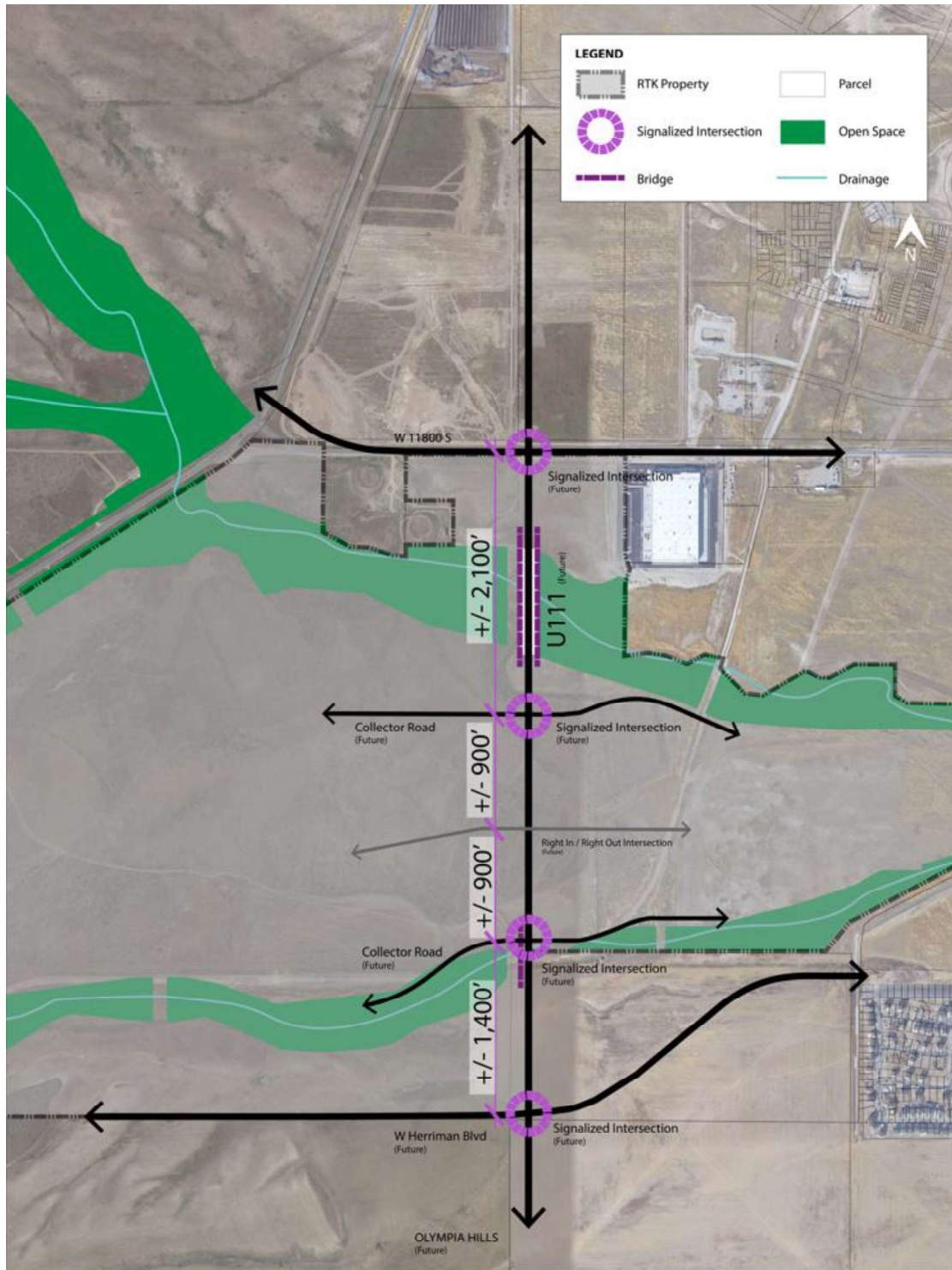
By: 
Name: Ryan Loose
Title: City Attorney

Exhibit "A" "Project Entrances" Subject to UDOT Process and Approval



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