

**CITY OF SOUTH JORDAN**  
**CITY COUNCIL MEETING AGENDA**  
**CITY COUNCIL CHAMBERS**  
**TUESDAY, OCTOBER 18, 2022 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, October 18, 2022, in person in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah 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](mailto: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 Strategy & Budget, Don Tingey

**C. Pledge of Allegiance:** Director of Recreation, Janell Payne

**D. Minute Approval**

[D.1.](#) October 4, 2022 City Council Study Meeting

[D.2.](#) October 4, 2022 City Council Meeting

**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 Items: 7:00 p.m.**

G.1. Proclamation in support of National Apprenticeship Week November 14-20, 2022.  
(By Mayor, Dawn R. Ramsey)

G.2. City Water Conservation Program update. (By Director of Public Works, Jason Rasmussen)

**H. Action Items: 8:00 p.m.**

H.1. Resolution R2022-43, Authorizing and approving the execution of a loan agreement with the Utah Department of Transportation to Finance Transportation Infrastructure projects within the City; providing for the publication of a notice of this Resolution and the running of contest period; and related matters. (By CFO, Sunil Naidu)

H.2. Resolution R2022-44, Authorizing the Mayor to sign a Master Landscape Maintenance Agreement with Utah Department of Transportation. (By City Engineer, Brad Klavano)

**I. Staff Reports and Calendaring Items: 8:40 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](http://www.sjc.utah.gov). Published and posted October 14, 2022.

SOUTH JORDAN CITY  
CITY COUNCIL STUDY MEETING

October 4, 2022

**Present:** Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Patrick Harris, Council Member Don Shelton, Council Member Jason McGuire, City Manager Gary Whatcott, Deputy City Manager Dustin Lewis, Associate Director of Public Works Joey Collins, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, City Recorder Anna Crookston, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Police Chief Jeff Carr, Director of Recreation Janell Payne, Director of Communications Rachael Van Cleave, Meeting Transcriptionist Diana Baun, Planner David Mann

**Absent:** Council Member Brad Marlor

**Others:** Sam Bishop, amcdonald.

5:04 PM

STUDY MEETING

**A. Welcome**

**B. Roll Call and Introduction:** *By Mayor Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and introduced the meeting. She excused Council Member Marlor, who was unable to attend.

**C. Invocation:** *By Council Member Tamara Zander*

Council Member Zander offered the invocation.

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

**Presentation Items:**

Proclamation in recognition of Kelly Causi for Outstanding Service to the Community.

Recognizing Mick Florin for his years of service as Chair of the Senior Advisory Committee.

**Action Item:**

Resolution R2022-42, Appointing members to the Senior Advisory Committee.

**Public Hearing Item:**

Ordinance 2022-15, Replacing Chapter 5.62 of the South Jordan Municipal Code with a new Title 14 regulating Residential Facilities for the Disabled.

Council Member Shelton asked for more details on the reasons for Ordinance 2022-15.

City Manager Whatcott responded that there were a few legal updates that needed to be done, so staff decided to update the code and move it to a more appropriate chapter. He also discussed Kelly Causi, and explained that she was the citizen who helped with the fundraising for the Gold Star Families Monument; they are recognizing her for that work.

Mayor Ramsey said Mick Florin has been serving as Chair of the Senior Advisory Committee for a while. He will continue to serve on the committee, but will no longer be the committee chair.

Manager Whatcott suggested thinking about additional ways to honor those who serve the city, other than just a proclamation.

Council Member Zander suggested something with the city's name on it, whether a hat or pin, that they could wear and could only be gained by service to the city.

Manager Whatcott said staff would work on a design and bring it back for the council to see and get their opinion. He also suggested possibly a challenge coin, and the council discussed other possible ideas.

## **E. Discussion Item**

### **E.1. Station Area Plan** *(By Director of Planning Steven Schaefermeyer).*

Director Schaefermeyer reviewed his prepared presentation (Attachment A).

Council Member Zander referenced the station on 10600 South, and noted that across the street is West Jordan City. She asked who would be in charge of compliance for that area.

Director Schaefermeyer said we can comply on our own, but they are encouraged to work together on compliance. The West Jordan stations have some other options available because of their unique characteristics, and those will be discussed later. Staff has been in communication with West Jordan since the bill passed, and South Jordan will also need to communicate with Sandy City to discuss compliance. He continued reviewing Attachment A.

Mayor Ramsey added that the plan will be submitted to Wasatch Regional and their professional planning staff will go through everything to make sure our plan is appropriate, then it will be presented before the Regional Growth Committee, which she chairs. They will have a chance to go through it and then, if it has met all the requirements, they will approve it.

Director Schaefermeyer noted that his goal is to communicate early and often with them to avoid a denial. He also mentioned that there will be ample opportunities for the public to view the plan. He continued his review of Attachment A.

Council Member Shelton asked if the station property in the plan would actually be rezoned before an application is made.

Director Schaefermeyer responded that the practice is generally not to rezone property before the owners come to the city, and he asked City Attorney Ryan Loose if simply putting the zone in place meets the requirement, or if the actual implementation plan says we will rezone those properties within the five year implementation timeline.

City Attorney Ryan Loose referenced the city's frontrunner station, which has a current zone of TOD and commercial freeway surrounding it. Prior to current rules, this was designated as Commercial Freeway and they allowed performance developments; this is why there are apartments in that area. The TOD zone also allows residential and has a lot of the same goals. In that case, he wouldn't anticipate a need for a rezone, because a majority, if not all of the things we need to do can be accomplished. Our other stations are in Daybreak, and we will not be rezoning the PC Zone. The uses allowed in Daybreak certainly facilitate every goal we are expected to achieve for a station area plan.

Council Member Shelton asked about the West Jordan station on 4800 South.

Director Schaefermeyer responded that a portion of the Glenmoor Golf Course is within that station's radius.

Attorney Loose said he will have to go look and make sure the bill will not require the city to change an existing golf course with an open space protection that the city went to great extents to preserve not too long ago.

Mayor Ramsey noted if that does happen, they will work to fix that legislation and protect the area.

Director Schaefermeyer discussed two options to take care of the golf course issue, one being that the city could adopt a resolution saying it has already taken actions to satisfy the requirements, which would be Daybreak, or the city could satisfy the requirement by preserving open space, which was also one of the objectives. The second option is it being impractical, and there are conditions listed for that determination. In the case of 4800 South, on the south west side there are single-family residential properties. The likelihood of every single property owner coming together and creating a five acre piece of property that makes sense for redevelopment is impractical, and he thinks that is an easy case to make.

Mayor Ramsey noted that was her number one concern while this bill was being discussed last year, and she received reassurance from Andrew Gruber that this won't change, they aren't going to move people's homes. The same thing applies to the city's Frontrunner and the commercial development there in the freeway zone. The second part that was discussed, regarding being impractical, can justify that things meet the requirements and the station area plan is satisfied because they can't change.

Director Schaefermeyer shared a map created by Planner David Mann, showing all the stations that affect our city in relation to House Bill 462 (Attachment B). The blue properties are available for development, these include properties owned by Ultradent and we already know they want to keep those for their own purposes; the likelihood of them coming in with a residential application is pretty slim. He has already spoken with the Jordan Station Apartments and they said they will try to cover the cement wall that you see as you drive up with ivy. That development has some history and challenges that he will discuss later. They own two parcels on either side of the station, and he has heard through third parties that they are nervous to approach the city based on their history, and they are looking for others to develop that. He discussed a piece with a hotel and very tall building, and they the same people trying to develop on the Sandy side of the freeway as well; there has been no groundbreaking for the property on the Sandy side. He discussed a small piece where a business was going to move their headquarters into a smaller building there. They went through the entire approval process for site plan and he is not sure why they haven't built yet. He also pointed out the Harrison property, which is the biggest question mark. Staff has spoken with developers over the years regarding that property who have come to the city either because of the family or have just seen a vacant piece of property; he doesn't know the status of that property currently. In staff's estimation, those are the properties that are most prime to be developed.

Council Member Zander asked who owns the natural open space.

Director Schaefermeyer responded that the Audubon Society owns some of it, as well as the Federal Government. He continued reviewing Attachment A.

Mayor Ramsey asked about the Frontrunner Station Area, and noted that it goes right over Mulligans.

Director Schaefermeyer said that because the Jordan River goes through it, it wouldn't be a surprise if the river was bridged with a pedestrian bridge. Getting people from the west side of the Jordan River to the east side on anything but a cart is sort of difficult; this might be an opportunity to bridge that river. It would be complicated, but he expects they would pursue it. The other challenge he discussed was related to the Harrison Property, and that's related to the slope of the property.

Manager Whatcott asked, if the housing and density requirements are met, would we still be short on the moderate income housing element to the plan.

Director Schaefermeyer said as far as he can tell, it is sort of a menu. As long as we're marking off objectives we are in compliance.

Attorney Loose said if you have things similar to those on the lists, they can be articulated and used to comply.

Director Schaefermeyer said this is what the public process is for with these plans, to dive in and come up with a recommendation that applies to you and also meets the requirements. The other

questions they need to discuss are how viable commercial property would be on the Harrison Property since it doesn't have frontage along Jordan Gateway.

Mayor Ramsey asked if staff really thinks this will take until the end of 2023, or early 2024 to get the plan done as that seems like a really far off timeline to her.

Director Schaefermeyer said consultants have reached out, which means there is already a cottage industry to help cities with these plans. Once he is able to determine whether or not this is something staff can handle, he will have a better idea of the timeline.

Mayor Ramsey noted there will likely be additional legislation during the next session, making changes to add additional requirements. If we can at least gather the information to start the plan that would make her more comfortable, rather than having such a far out timeline.

Director Schaefermeyer agreed and also mentioned that he feels the city is ready to apply for the technical assistance, and that will get things going as well. He continued reviewing Attachment A.

Council Member Shelton asked if the city submits the plans for all the stations at one time, or if they can submit them as they get them completed.

Director Schaefermeyer said the law has provisions for cities with multiple stations, allowing them to go through their stations systematically and create those plans. He continued his review of Attachment A.

Mayor Ramsey asked about the timeline and strategy that will be discussed with Daybreak.

Director Schaefermeyer said he doesn't know if Daybreak realizes that they will have to comply with these requirements for their property, so this will be a conversation the city has with them, whether through resolution or an actual station area plan.

Manager Whatcott said in some of the city's planning with Daybreak, there is a central station planned for another location in Daybreak.

Director Schaefermeyer said before that station begins operation, there has to be a plan in place. However, the alternative is a resolution that there already is a plan in place.

Council Member Harris asked if this will change or modify the Daybreak Master Development Agreement regarding the number of housing units.

Attorney Loose said Daybreak cannot change that number. The only way that can be adjusted is if the two parties choose to make a change. During the last session, he had cursory discussions with Amanda Covington from the Daybreak Group about station area plans, so they are aware of this. As far as starting the discussion regarding how Daybreak and the city will work together, that is a different discussion.

Manager Whatcott noted he doesn't believe anything that has been discussed with Daybreak is contrary to these plan goals. The only part that may need deeper discussion is the moderate income housing component, what that looks like.

Mayor Ramsey said in previous conversations that topic has been brought up, and everyone knows it will have to be discussed.

Attorney Loose said Larry H. Miller has listed that as one of the goals for their company, helping Utah to achieve those goals as part of their vision. He also noted that, regarding the city's station plans, a resolution might be appropriate, because from the client's standpoint Daybreak's plans are dynamic and a resolution indicating this is impractical would fulfill the requirements.

Council Member Zander asked to clarify if they can submit the plans for each statement as they complete them.

Director Schaefermeyer said they can submit each plan as they complete it. He suspects that if resolutions are being done for each of the stations, they may do that all in one night. However, that would leave only the Jordan Station and they can work as quickly as possible to resolve that as well.

Mayor Ramsey doesn't have any answers as to how long that will take, she just thinks that the end of 2023 or 2024 is really far out there, and it might be in the city's best interest to aim for sooner than that.

Manager Whatcott said they should be able complete the two West Jordan Stations rather quickly.

**Council Member Zander motioned to move from the Study Session to an Executive Closed Session. Council Member McGuire seconded the motion; vote was unanimous in favor. Council Member Marlor was absent from the vote.**

#### *RN CITY COUNCIL STUDY MEETING AND MOVE TO EXECUTIVE CLOSED SESSION*

##### **F. Executive Closed Session**

**F.1.** Discussion of the character, professional competence, or physical or mental health of an individual.

**Council Member Zander motioned to adjourn the Executive Closed Session and move back to the Study Session. Council Member Shelton seconded the motion; vote was unanimous in favor. Council Member Marlor was absent from the vote.**

#### *ADJOURN EXECUTIVE CLOSED SESSION AND RETURN TO CITY COUNCIL STUDY MEETING*



## **ADJOURNMENT**

**Council Member Zander motioned to adjourn the October 4, 2022 City Council Study Meeting. Council Member Shelton seconded the motion; vote was unanimous in favor. Council Member Marlor was absent from the vote.**

The October 4, 2022 City Council Study meeting adjourned at 6:19 p.m.

UNAPPROVED

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

October 4, 2022

**Present:** Mayor Dawn Ramsey, Council Member Tamara Zander, Council Member Patrick Harris, Council Member Don Shelton, Council Member Jason McGuire, City Manager Gary Whatcott, Deputy City Manager Dustin Lewis, Associate Director of Public Works Joey Collins, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Director of Administrative Services Melinda Seager, City Attorney Ryan Loose, City Recorder Anna Crookston, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Police Chief Jeff Carr, Director of Recreation Janell Payne, Director of Communications Rachael Van Cleave, Meeting Transcriptionist Diana Baun, Planner David Mann, Strategy & Budget Analyst Abigail Patonai

**Absent:** Council Member Brad Marlor

**Others:** iPhone, Tracy Miller, Anna Florin, Mick Florin, Karyl Baun, Tracy Miller, Brenna Miller, Luane Jensen, Rita Mellis Popp, Grenshen Popp

6:37 P.M.  
REGULAR MEETING

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

Mayor Dawn Ramsey welcomed everyone and introduced the electronic meeting. She excused Council Member Marlor, who was unable to attend.

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

Manager Whatcott offered the invocation.

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

Associate Director of Parks Joey Collins led the audience in the Pledge of Allegiance in Director Rasmussen's absence.

**D. Minute Approval**

**D.1.** September 20, 2022 City Council Study Meeting Minutes

**D.2.** September 20, 2022 City Council Meeting Minutes

Council Member Shelton referred to page 13 of the packet, in the study meeting minutes, noted that he had asked about using residential as part of redevelopment of the district; it is written as retail.

**Council Member Shelton motioned to approve the September 20, 2022 City Council Study Meeting minutes with the above correction, and the September 20, 2022 City Council Meeting minutes as printed. Council Member McGuire seconded the motion; vote was unanimous in favor. Council Member Marlor was absent from the vote.**

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

Council Member McGuire discussed the Arts Council's latest mural project and showed pictures of him and his son at the unveiling. He met with Representative Teuscher to discuss upcoming legislative issues. He met with a developer regarding some land on the west side of the city. He wishes that could be preserved as open space, but that's not an option. He noted that sometimes residents feel like their voices aren't heard in decisions that are made, but he had a resident reach out regarding tree pruning on their street and he was able to contact City Manager Whatcott and come up with a more efficient way to inform residents ahead of time. He thanked the resident for reaching out.

Council Member Zander visited with Laurie Stringham from the County Council at Large, and she is pleased with her service there. A resident submitted a permit for changes to her yard, and asked Council Member Zander to try and rush the process along. Staff was so fast and efficient, they showed up to help her before Council Member Zander was able to contact anyone. The building permit department did a wonderful job and it was very much appreciated by that resident.

Council Member Harris met with our seniors and had lunch with them for the patriot luncheon; he thanked everyone for their service with the seniors in our city. Along with others, he met with Senator Lincoln Fillmore and discussed his agenda. He also had dinner with our firefighters at the station where there was a dunk booth, and his wife and kids got dunked. It was a lot of fun with a BBQ contest, and he noted that we have a wonderful crew of firefighters. He got a view of the land out west and discussed some of the potential ideas. He met with the South Valley Sewer Board, he had a tour and a board meeting. There is a proposal to change boundaries for the sewer board service area. That's a big deal for us, so there will be a presentation on that in the near future to understand those changes.

Council Member Shelton also met with Representatives Teuscher and Fillmore, he appreciated those conversations. He is hopeful we can persuade them to vote our way when it comes down to decision time. He visited with the Senior Advisory Committee last week, they are making lots of plans. He went to Herriman's community partner's lunch and it was fun to visit with folks from around the southwest part of the valley. He attended the Jordan Education Foundation, where the mayor presided and represented the city well. There were some interesting presentations, and three of the five presenters were residents of South Jordan and experts in their fields. One gentleman from the Kelsey Gardner Institute shared that he thinks interest rates will continue to

go up and noted that he felt like a mortgage rate below 7% was stimulating for housing. He had a resident contact him to complain of some construction equipment right in front of her home. He contacted City Engineer Brad Klavano about it and the equipment was moved immediately. He appreciated that, as did the resident.

Mayor Ramsey thanked those who attended the lunches with our state representatives, and she is looking forward to those additional lunches coming up. The Utah League of Cities and Towns has a lot going on, and discussed who was going to the conference starting tomorrow. There is a great opportunity to highlight our city there and similar to the Gold Star Family Monument dedication, the Bingham High School drumline, South Jordan Middle School Choir, and some Aspen Elementary students will be performing or participating in the opening portion. Our fire department will also be coming to help lead the pledge of allegiance with a flag ceremony.

Mayor Ramsey noted there are also some important policy proposals and negotiations going on right now that affect our city. She had a Unified Economic Opportunity Meeting where our city wasn't directly named, but was clearly referred to as "well intended" but not understanding the consequences of our water reuse plan. It was said very respectfully, and they indicated that the city didn't understand that if we reuse water it will ruin the Great Salt Lake, making it worse. We know that's not quite right, and we have a lot of work that has been done to ensure the project will not be harmful to the Great Salt Lake. We are actually working proactively with legislative leadership to provide additional context and education, along with working with water professionals to round out the discussion and enlighten everyone about the uniqueness of this and why it will not be detrimental.

Attorney Loose added that the representative who made those comments is just repeating what has been told to them by others. They have invited them to come visit the project, and staff will continue to work with them and other leadership to help them understand more. One of their misconceptions was that we were West Jordan, and the other issue was that they needed more information on direct use. As more info gets out, that narrative will be corrected, but it will take a while.

Mayor Ramsey had a visioning exercise with the executive team of EDC Utah, and a good meeting here with UTA, about a project being worked on that we wanted to help them understand more of where we're coming from. She went to the Rio Tinto Kennecott Mine for an event announcing the expansion of their underground mining efforts, along with the clean vehicles being used to do that. While there, the mine discussed taking Herriman's City Council on a tour of the mine, and having our council take the same tour was discussed. They closed the tour season in October, so it probably won't be until the spring but she is looking forward to that. We need to understand their long range plans for the mine, and the underground mining expansion will allow many more years of mining success for them. There was a great economic summit this morning, the Southwest Economic Summit, which included many presenters from South Jordan as mentioned earlier. She thanked Congressman Burgess Owens for coming to visit with our youth council yesterday. Staff received a call from Senator Romney's office as a follow-up for the water reuse project we are doing. He was going to be in town and asked if staff

had 30 minutes to meet with him and walk him through it. It was a small group and quick tour, but it was a treat to show it to him as he understands infrastructure and was very supportive of it.

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

Mayor Ramsey opened the public comment portion of the meeting.

**Luane Jensen (Resident)** I am here to invite the council to our Veteran's Day breakfast, which will be November 5 from 9:00 a.m.-11:00 a.m. If any of you can make it, I would appreciate it. I just want to thank the city for supporting this, thanks City Manager Gary Whatcott. I do appreciate it, and anything we can do for the veteran's is little for what they've done for us. I would really like to thank the city, I would really like to thank Community Center Supervisor, Jamie Culbertson as she is always there for us, lets us use the community center, and she is there with us all the time and I do appreciate her. I appreciate Director of Administrative Services Melinda Seager, and her help. Finance Billing Manager, Lori Day and youth council, it takes quite a few, and our historical committee even though we're not meeting other than the memorial day program; they are all coming to help and they are all on board. I want to thank everybody for wanting to do that, and to help us. Council Member Harris will be there as the MC and the mayor has been gracious enough to speak. We have it all together and I wanted to thank all of you and appreciate you and what you do for the veterans for the city. I came to the Gold Star Families dedication and I didn't understand what it was all about. I had a little heartburn because I thought there is a lot of veterans that come back not good, but then I found out it was for the Gold Star Families and I thought "yay." Thank you mayor for doing that, it was a wonderful evening.

**Tracy Miller (Resident)** You all know me as a member of the Jordan Board of Education, representing about half of South Jordan; I am also a resident of South Jordan City and I hope you all know how lucky you are to have Luane Jensen living in your city. I love hearing about the involvement of students that live in Jordan School District, and here within South Jordan City, at the Utah League of Cities and Towns the next few days; that is fantastic. I was also at the Gold Star Memorial dedication and it was so great to see students from South Jordan Elementary and Bingham High School there also. I am here today as a candidate, running for re-election for the Jordan School Board because I believe in Public Education; it is so important to our future. Our kids are growing up in a challenging world, and we need to give them every opportunity to succeed. It is also important to our economy. I was at the economic summit this morning, very good job with that Mayor Ramsey. Again, we talked about the importance of having an educator workforce and we need to continue to provide a high quality education for our kids; we do that by having great teachers in the classroom and involving parents in their students' learning. I have a proven track record of supporting our teachers. We have worked hard to increase teacher compensation, to provide more prep time and more professional development for our teachers so we can attract and retain great teachers within our district. I also have a proven track record of working with parents, grandparents and community members to listen, collaborate, and work together to solve problems as we continue to improve as a district.

**Monty Croft (Resident)** I addressed the council two weeks ago, and presented some pictures of my property that I was concerned about, hence why I am here again tonight. The last words mayor that you said to me as I was walking away was "we'll get back with you," and I haven't

heard anything from you or anyone from South Jordan on this issue. On September 23 the irrigation water was shut down, and I know they shut it down early because we have a water shortage. This is one of the situations that I have been told is why this retention pond is in my backyard. I am really sorry there were some comments made two weeks ago about the farmers that are behind me, and the issue there with contention and discord, I don't want any part of that. Whatever has happened between South Jordan and them is not my beef, and I want you to know that. I just have more than a third of my property being taken up by this retention pond and I just would like to have it filled in. I bring up the waters because that is one of the reasons this was put into place was for an overflow. I have been here for 12 years, and I even brought it to the attention of many people through emails and phone calls, telling them to come look, there is no water. I would really like to see what we can do about addressing this issue.

Mayor Ramsey wasn't sure what kind of update there is, but she gave her word that Mr. Croft would hear from someone in the near future with an update.

Attorney Loose apologized for the confusion, staff was under the impression he was going to submit a GRAMA request for those details; that's what staff was waiting for.

Mr. Croft has spoken with Director Klavano in the past, but it has been pushed around and he has heard this for 12 years; he does love living here in the city.

#### **G. Presentation Items**

**G.1.** Proclamation in recognition of Kelly Causi for Outstanding Service to the Community (*By Mayor Dawn Ramsey*).

Mayor Ramsey read the proclamation above and thanked Kelly Causi for her service.

**G.2.** Recognizing Mick Florin for his years of service as Chair of the Senior Advisory Committee (*By Director of Recreation Janell Payne*).

Director Payne said Mr. Florin has been serving as the chair for a while, and she was impressed by his concern for the seniors, checking in and reached out to them during Covid. He will still be on the committee, but someone else will be serving as the chair.

Mr. Florin was presented with a gift to thank him for his service.

Mayor Ramsey recognized the two youth council members in attendance and thanked them for their time and service.

#### **H. Action Item**

**H.1.** Resolution R2022-42, Appointing members to the Senior Advisory Committee (*By Director of Recreation Janell Payne*).

Director Payne noted that Walter Busch was unable to attend tonight, but that the council was able to meet him at a previous meeting and talk with him. Staff recommends the appointment.

**Council Member Shelton motioned to approve Resolution R2022-42, Appointing members to the Senior Advisory Committee. Council Member McGuire seconded the motion. Vote was unanimous in favor. Council Member Marlor was absent from the vote.**

## **I. Public Hearing Items**

**I.1. Ordinance 2022-15, Replacing Chapter 5.62 of the South Jordan Municipal Code with a new Title 14 regulating Residential Facilities for the Disabled (*By City Attorney Ryan Loose*). RCV**

Attorney Loose explained where this was currently in the code, and why they would like to move it to a new title. This updates us with current law, and is not a huge change from what we already had.

**Council Member McGuire motioned to approve Ordinance 2022-15, Replacing Chapter 5.62 with a new Title 14. Council Member Shelton seconded the motion.**

Council Member Shelton asked to clarify that this is just cleaning up language and giving it a space of its own, instead of being lumped in with other sections.

Attorney Loose clarified that nothing significant changed, only a few tweaks. There is one current application for a place off 11400 South and they've had a few residents call about it. It will be processed under the old rules, and if they want it processed under the new rules they would just have to re-file it after the change.

**Roll Call Vote was 4-0, unanimous in favor. Council Member Marlor was absent from the vote.**

## **J. Staff Reports and Calendaring Items**

Deputy City Manager Dustin Lewis discussed the strategic planning meeting next week, and how staff has been meeting to work towards that. That will all be reviewed at the meeting to make sure things line up with the council's plans. As a staff, they have identified eight strategic areas they would like to have questions answered on, so they can better prepare their budgets. He noted there will be some emails sent out with topics that need to be discussed. The first section will be spent working through those priorities, then talk about a possible city tagline, some tax policy, the compensation policy, as well as service levels. In the November meeting they will discuss their IT strategic plan, potential annexations, parking policies and Summerfest.

Mayor Ramsey is looking forward to a potential tagline to being discussed.

Attorney Loose asked the council if they like the legislative luncheon format, and most of the council responded yes. Congressmen Owens' visit yesterday was solely for the youth council, but he really wants to see the council and mayor when he comes next week and is giving them 90 minutes. They will meet him at tank 5B, out by 11800 South and 5600

West. They will tour the tank, as we are asking him for help with a new tank project on the west side. After that, they will head to the re-use project as he wants to see that as well.

Mayor Ramsey brought up the concept of Sister Cities, and that we don't have one. She would like to discuss possibly looking for a sister city in the future.

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

#### **ADJOURNMENT**

The October 4, 2022 City Council meeting adjourned at 7:46 p.m.

UNAPPROVED



Proclamation  
of the  
City of South Jordan

**In Recognition of the 85<sup>th</sup> Anniversary of the National Apprenticeship Act  
&  
National Apprenticeship Week 2022**

**Whereas**, 2022 marks the 85<sup>th</sup> Anniversary of the National Apprenticeship Act; and

**Whereas**, National Apprenticeship Week is celebrating its 8<sup>th</sup> anniversary of raising awareness of the vital role Registered Apprenticeships provide in creating opportunities by allowing apprentices to earn while they learn and preparing a pathway to good, quality jobs and well-paying careers in South Jordan, Utah and across the nation; and

**Whereas**, Registered Apprenticeship programs enable employers to develop and train their future workforce while offering career seekers affordable paths to secure, high-paying jobs, and

**Whereas**, South Jordan, Utah recognizes the role of Registered Apprenticeship in expanding opportunities in our workforce that are inclusive of individuals who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality, thus providing a path for all qualified individuals, including women, youth, people of color, rural communities, justice-involved individuals, and individuals with disabilities, to become apprentices and contribute to America's industries; and

**Now, therefore**, I, Dawn R. Ramsey, Mayor of the City of South Jordan, Utah, do hereby declare November 14, 2022, through November 20, 2022, as:

**National Apprenticeship Week 2022**

Signed this 18<sup>th</sup> Day of October, 2022

---

Dawn R. Ramsey, Mayor

ATTEST:

---

Anna Crookston, City Recorder

South Jordan, Utah

October 18, 2022

The City Council (the “Council”) of the City of South Jordan, Utah (the “City”), met in regular public session at the regular meeting place of the Council in South Jordan, Utah, on Tuesday, October 18, 2022, at the hour of 6:30 p.m., with the following members of the Council being present:

Dawn R. Ramsey	Mayor
Patrick Harris	Councilmember
Brad Marlor	Councilmember
Jason T. McGuire	Councilmember
Donald Shelton	Councilmember
Tamara Zander	Councilmember

Also present:

Gary Whatcott	City Manager
Anna Crookston	City Recorder
Sunil Naidu	Chief Financial Officer
Ryan Loose	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the following Resolution was introduced in written form along with a Certificate of Compliance with Open Meeting Law with respect to this October 18, 2022, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ adopted by the following vote:

AYE:

NAY:

After the Mayor signed the resolution, it was recorded by the City Recorder in the official records of the City. The resolution is as follows:

## RESOLUTION NO. 2022-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH (THE “CITY”) AUTHORIZING AND APPROVING THE EXECUTION OF A LOAN AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION TO FINANCE TRANSPORTATION INFRASTRUCTURE PROJECTS WITHIN THE CITY; PROVIDING FOR THE PUBLICATION OF A NOTICE OF THIS RESOLUTION AND THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, the City desires to enter into a loan agreement (the “Loan Agreement”) with the Utah Department of Transportation (“UDOT”) to borrow funds appropriated to the State Infrastructure Bank Fund in order to finance certain transportation infrastructure projects within the City, such Loan Agreement to be in substantially the form attached hereto as Exhibit B; and

WHEREAS, the City intends to pledge its general fund revenues to repay amounts borrowed under the Loan Agreement; and

WHEREAS, Section 72-2-204 of the Utah Code Annotated 1953, as amended (the “Loan Act”), provides that before obtaining an infrastructure loan, a municipality must give notice of its intention to obtain such loan; and

WHEREAS, the City desires to provide such notice in compliance with the Loan Act;

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

Section 1. The Loan Agreement, in substantially the form presented to this meeting and attached hereto as Exhibit B, is hereby authorized, approved, and confirmed. The City Manager and Chief Financial Officer/ Budget Officer are hereby authorized to execute and deliver the Loan Agreement in substantially the form and with substantially the content as the form presented at this meeting for and on behalf of the City, and with any alterations, changes or additions which may be necessary to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instrument, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

Section 2. In compliance with the Loan Act, the City shall publish notice of this Resolution (i) once in The Salt Lake Tribune, a newspaper of general circulation in the City, (ii) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The City Recorder shall cause a copy of the Loan Agreement to be kept on file in her office in the City for public examination during the regular business hours of the

City until at least thirty (30) days from and after the date of publication. For a period of thirty (30) days from and after the date of the publication of such notice is provided by law during which any person in interest shall have the right to contest the legality of this Resolution or the Loan Agreement, or any provision made for the security and payment of the Loan Agreement, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

Section 3. This Resolution shall take effect immediately upon its approval and adoption.

PASSED, ADOPTED AND APPROVED this October 18, 2022.

CITY OF SOUTH JORDAN, UTAH

(SEAL)

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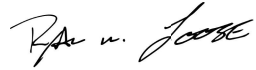
Mayor

ATTEST:

---

City Recorder

APPROVED AS TO FORM:



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Office of the City Attorney

(Here follows business not pertinent to the above.)

Pursuant to motion duly made and seconded, the City Council adjourned.

(SEAL)

---

Mayor

ATTEST:

---

City Recorder

STATE OF UTAH )  
 )ss.  
COUNTY OF SALT LAKE )

I, Anna Crookston, the undersigned duly appointed, qualified and acting City Recorder of the City of South Jordan, Utah (the “City”), do hereby certify:

1. The foregoing pages are a true, perfect and complete copy of a resolution duly adopted by the City Council of the City during proceedings of the City Council of the City, had and taken at a lawful regular meeting of said City Council held at the City offices in South Jordan, Utah, on October 18, 2022, commencing at the hour of 6:30 p.m., as recorded in the regular official book of the proceedings of the City kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

2. All members of said City Council of said City were duly notified of said meeting pursuant to law.

3. I further certify that the Resolution, with all exhibits attached, was deposited in my office on October 18, 2022, and that pursuant to the Resolution, notice of the Resolution will be published:

(i) in The Salt Lake Tribune, a newspaper having general circulation in the City, and with the affidavit of said publication, when available, attached hereto;

(ii) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended; and

(iii) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this October 18, 2022.

By: \_\_\_\_\_  
City Recorder

(SEAL)

## EXHIBIT A

### CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Anna Crookston, the undersigned City Recorder of the City of South Jordan, Utah (the “City”) do hereby certify, according to the records of the City Council of the City (the “Council”) in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the October 18, 2022, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Salt Lake Tribune, either directly or through the newspaper’s subscription to the Utah Public Notice Website (<http://pmn.utah.gov>), at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be (a) posted on \_\_\_\_\_, 2022 at the principal office of City, (b) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year and (c) provided to at least one newspaper of general circulation within the City either directly or pursuant to its subscription to the Utah Public Notice Website (<http://pmn.utah.gov>).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 18, 2022.

(SEAL)

By: \_\_\_\_\_  
City Recorder



SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2  
ANNUAL MEETING SCHEDULE

(attach Proof of Publication of Resolution)

EXHIBIT B  
FORM OF LOAN AGREEMENT



**State of Utah  
Department of Transportation**

**Loan Agreement  
State Infrastructure Bank Fund**

**THIS LOAN AGREEMENT** made and entered into on October 18, 2022, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "UDOT", and **South Jordan City**, a political subdivision of the State of Utah, hereinafter referred to as the "Public Entity."

**RECITALS**

**WHEREAS**, the Public Entity has applied for an infrastructure loan from the Utah State Infrastructure Bank Fund.

**WHEREAS**, the purpose of this infrastructure loan is to construct transportation infrastructure projects within the Public Entity jurisdiction.

**WHEREAS**, the Transportation Commission has approved the infrastructure loan application on September 16, 2022.

**THIS LOAN AGREEMENT** is made to set out the terms and conditions of UDOT loaning the money from the State Infrastructure Bank Fund to the Public Entity.

**AGREEMENT**

**NOW THEREFORE**, it is agreed by and between the parties hereto as follows:

1. UDOT will loan the Public Entity \$984,000.00 from the State Infrastructure Bank Fund to enable the Public Entity to construct the transportation infrastructure projects referenced above within the Public Entity jurisdiction.
2. The Public Entity shall only use funds for transportation projects as described in Utah Code Section 72-2-201.
3. At the end of the transportation project, all unused funds will be applied to the principal amount.
4. The interest rate will be 2.95% per annum interest with a loan duration of TEN years.
5. Public Entity will pay the principal and interest according to Exhibit A, which is incorporated by reference. The Public Entity intends to use general fund revenue to repay the loan. The first payment referenced in Exhibit A will be made on or before twelve months from the closing date. All subsequent payments will be made on or before December 31 of each subsequent year until the loan is paid in full.
6. In the event the Public Entity is 30 days delinquent with a payment on a due date as shown in Exhibit A, UDOT will comply with UC 72-2-204 until the payment or loan has been satisfied. UDOT will not issue any more loans to Public Entity while the loan is in default.
7. If Public Entity breaches any terms of this Agreement, UDOT may seek any legal or equitable remedy to obtain compliance or payment of damages. In the event an action is filed in district court, the venue shall be Salt Lake County, Third District Court.
8. Public Entity represents that notice was published of its intention to obtain an infrastructure loan at least once in accordance with the publication of notice requirements under Section

11-14-316; and adopted an ordinance or resolution authorizing the infrastructure loan in compliance with Utah Code Section 72-2-204(4).

9. Each party to this Agreement shall designate a representative as the contact to address questions and issues as they arise under this agreement.

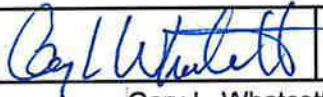

10. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

11. This Agreement may be executed in counter parts by the parties.

12. Each party represents that it has the authority to enter into this Agreement.

13. This Agreement shall constitute the entire agreement and understanding of the Parties with respect to the subject matter hereof, and shall supersede all offers, negotiations and other agreements with respect thereto. Any amendment to this Agreement must be in writing and executed by an authorized representatives of each party.

This Agreement will become effective when all parties have signed. The effective date of this agreement is the date this Agreement was signed by the last party.

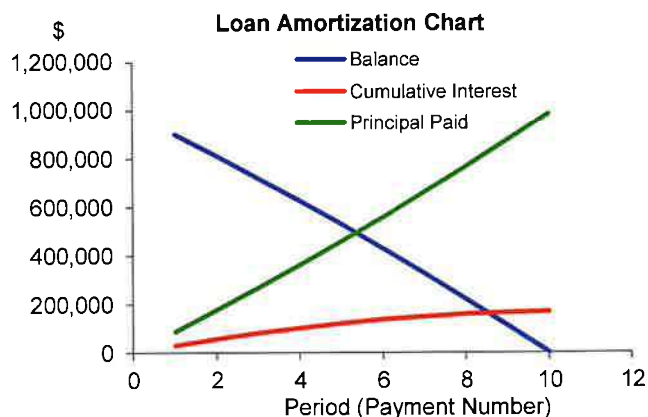
City of South Jordan, Utah				Utah Department of Transportation			
By		10/18/22		By		Date	
Gary L. Whatcott, City Manager				Shara Hillier, UDOT Finance Director			
By		10/18/22		By		Date	
Sunil K Naidu, Chief Financial Officer/Budget Officer				Recommended for approval Lyle McMillan, UDOT Director of Strategic Investments			
By		Date		By		Date	
Title/Signature of additional official if required				UDOT Comptroller Office			

# Amortization Chart

[HELP](#)


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Loan Amount ( <b>pv</b> )	984,000
Interest Rate ( <b>rate</b> )	2.95%
Total # of Periods ( <b>Nper</b> )	10
Payment per Period	\$ 115,060.66
Total Interest Paid	\$ 166,606.60



Payment Date	Period	Payment Amount	Interest	Cumulative Interest	Principal	Principal Paid	Balance
						\$	984,000.00
12/31/2023	1	115,060.66	29,028.00	29,028.00	86,032.66	86,032.66	897,967.34
12/31/2024	2	115,060.66	26,490.04	55,518.04	88,570.62	174,603.28	809,396.72
12/31/2025	3	115,060.66	23,877.20	79,395.24	91,183.46	265,786.74	718,213.26
12/31/2026	4	115,060.66	21,187.29	100,582.53	93,873.37	359,660.11	624,339.89
12/31/2027	5	115,060.66	18,418.03	119,000.56	96,642.63	456,302.74	527,697.26
12/31/2028	6	115,060.66	15,567.07	134,567.63	99,493.59	555,796.34	428,203.66
12/31/2029	7	115,060.66	12,632.01	147,199.63	102,428.65	658,224.99	325,775.01
12/31/2030	8	115,060.66	9,610.36	156,810.00	105,450.30	763,675.29	220,324.71
12/31/2031	9	115,060.66	6,499.58	163,309.58	108,561.08	872,236.37	111,763.63
12/31/2032	10	115,060.66	3,297.03	166,606.60	111,763.63	984,000.00	0.00
N/A		-	-	-	-	-	-
N/A		-	-	-	-	-	-
N/A		-	-	-	-	-	-
N/A		-	-	-	-	-	-
N/A		-	-	-	-	-	-

## SOUTH JORDAN CITY CITY COUNCIL REPORT

Council Meeting Date: October 18, 2022

**Issue:** Resolution 2022-44, authorizing the Mayor of South Jordan City to sign a Master Landscape Maintenance Agreement with the Utah Department of Transportation.

Submitted By: Brad Klavano

Department: Engineering

**Staff Recommendation (Motion Ready):** Approve Resolution 2022-44, authorizing the Mayor of South Jordan City to sign a Master Landscape Maintenance Agreement with the Utah Department of Transportation.

**BACKGROUND:** The Utah Department of Transportation (UDOT) is updating the Landscape Maintenance agreement process with Local Governments (LG) related to landscaping maintenance within the existing State Right of Way (ROW). As part of this revision, UDOT has created a Master Landscape Maintenance Agreement (MLMA) to improve, clarify and document landscape maintenance responsibility for any LG who maintains landscape treatments within State ROW. The MLMA will not reference any particular UDOT or LG project but will include reference to state code, general requirements and responsibilities when an LG assumes maintenance responsibility on a State Highway, whether through their own plans, a UDOT project or approved land development process by a 3<sup>rd</sup> party.

Once the MLMA has been executed between UDOT and LG, for all future UDOT projects that include landscape improvements within a State ROW, a separate Supplemental Landscape Maintenance Agreement (SLMA) between UDOT and LG will be executed. The SLMA will include project specific information only.

Any previous Landscape Maintenance Agreements executed between UDOT and LG(s) will not need to be changed.

As part of updating the Landscape Maintenance agreement process within the State ROW and to follow state code, UDOT is now requiring that each LG execute the MLMA on future UDOT projects.

### TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

**FINDINGS:** The City Council has recognized that authorizing the Mayor to sign the MLMA with UDOT in the best interest to the City.

**CONCLUSIONS:** The City Council concludes that by authorizing the Mayor to sign the MLMA with UDOT the will be in compliance with State Law for any future City maintained landscaping with the State ROW.



**RECOMMENDATIONS:** City staff is recommending that the City Council approve Resolution 2022-44; authorizing the Mayor to sign a Master Landscape Maintenance Agreement with the Utah Department of Transportation.

**FISCAL IMPACT:** None

**ALTERNATIVES:** Deny Resolution 2022-44.

**ATTACHMENT:** Master Landscape Maintenance Agreement.

City Council Action Requested:	<u><i>Brad Klavano</i></u>	<u>10/11/2022</u>
	<small>Brad Klavano (Oct 11, 2022 08:42 MDT)</small>	
	Department Head	Date

**RESOLUTION R2022 – 44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE MAYOR OF SOUTH JORDAN CITY TO SIGN A MASTER LANDSCAPE MAINTENANCE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION.**

**WHEREAS**, the Utah Department of Transportation (UDOT) is updating the Landscape Maintenance agreement process with Local Governments (LG) related to landscape maintenance within the existing State Right of Way (ROW); and

**WHEREAS**, UDOT has created a Master Landscape Maintenance Agreement (MLMA) to improve, clarify, and document landscape responsibility for any LG who maintains landscape treatments within State ROW; and

**WHEREAS**, the MLMA will not reference any particular UDOT or LG project but will include reference to state code, general requirements and responsibilities when an LG assumes maintenance responsibility along a State Highway.

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

**SECTION 1. Authorizing the Mayor of South Jordan City to sign the Master Landscape Maintenance Agreement.** The City Council authorizes the Mayor of South Jordan City to sign the Master Landscape Maintenance Agreement with the Utah Department of Transportation.

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

[SIGNATURE PAGE FOLLOWS]

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 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:

Gregory M. Simonsen  
Gregory M Simonsen (Oct 12, 2022 09:49 MDT)

Office of the City Attorney



**State of Utah  
Department of Transportation**

## **MASTER LANDSCAPE MAINTENANCE AGREEMENT**

**THIS AGREEMENT**, made and entered into on the executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and **SOUTH JORDAN CITY**, a political subdivision of the State of Utah, hereinafter referred to as the “**CITY**.”

### **RECITALS**

**WHEREAS**, **UDOT** has state highway right-of-ways that may be used for landscape improvements that **UDOT** or the **CITY** may install. The **CITY** will maintain any current and future landscape improvements along state highway right-of-ways in accordance with Utah Code 72-3-109 and Utah Admin. Code R-918-6; and

**WHEREAS**, the parties are agreeable to enter into a landscape maintenance agreement related to currently existing and future landscaped portions of the state highway right-of-ways; and

**WHEREAS**, **UDOT's** standard roadside vegetation is defined in the UDOT Aesthetic Guidelines as the establishment of a natural and self-sustaining mixture of grass, forb or shrub species, without the requirement of irrigation, to improve water quality by reducing soil erosion, increase visual quality and reduce invasive and noxious plant establishment. **UDOT** maintains areas of standard roadside vegetation within state highway right-of-ways through Integrated Roadside Vegetation Management (“IRVM”).

**WHEREAS**, landscape improvements (i.e., decorative landscaping as referenced in Utah Administrative Code R-918-6) are defined in the UDOT Aesthetic Guidelines as treatments that exceeds the **UDOT** standard roadside vegetation. **UDOT** does not maintain areas of landscape improvements within state highway right-of-ways.

**WHEREAS**, this Agreement is made to set forth the terms and conditions where landscape improvements shall be installed and maintained.

### **AGREEMENT**

**NOW THEREFORE**, it is agreed by and between the parties as follows:

- I. **UDOT** will allow the **CITY** to access state highway right-of-ways at the locations permitted by **UDOT** through Utah Admin. Code R-930-6 or described in Supplemental Landscape Maintenance Agreements to provide routine care and maintenance and to install approved landscape improvements. All work within the state highway right-of-ways requires approved DOT Personal Protective Equipment and Safety Clothing, as required by **UDOT** Policy 06E-02. Youth volunteer groups between the ages of 16 and 18 years are allowed to work within the right-of-way when adult supervision is provided. Youth under the age of 16 years are not permitted to work within the right-of-way.
- II. Region ROW Permits coordination:
  - a. Prior to working within the state right-of-way, the **CITY** must apply for and obtain an encroachment permit from the **UDOT** region permits office. The permit will be issued at no cost to the **CITY**.
  - b. The **CITY** is required to provide and implement traffic control according to MUTCD guidelines.

- c. For landscape improvements not included on **UDOT** projects, the **CITY** must submit plans to **UDOT** for review and approval.
- III. The **CITY**, through their own maintenance forces or code enforcement, will be responsible to maintain landscape improvements within **UDOT's** state highway right-of-ways during the term of this Agreement.
- IV. Requirements for replacement of landscape improvements:
  - a. When a **UDOT** project pays for landscape improvements, the **CITY** shall be required to replace in-kind landscape improvements such as trees or shrubs that have failed to survive.
  - b. When the **CITY** pays for landscape improvements, **UDOT** may require the **CITY** to replace in-kind landscape improvements such as trees or shrubs that have failed to survive.
  - c. The **CITY** will coordinate directly with **UDOT** in the event that the **CITY** desires to make changes to the landscape improvement.
- V. For future landscape improvements on **UDOT** projects within state highway right-of-ways, **UDOT** will coordinate with the **CITY** for final landscape improvement plans. A Supplemental Landscape Maintenance Agreement to this Master Landscape Maintenance Agreement will be required.
- VI. Failure on behalf of the **CITY** to abide by the terms established in this Agreement may jeopardize **UDOT** approval for future landscape improvement projects.
- VII. **UDOT** will remain the owner of the real properties on which the landscape improvements are installed. If **UDOT** decides to use its right-of-ways for a project, **UDOT** will not replace or reimburse the **CITY** for the landscape improvements.
- VIII. Initial term of this Agreement will be ten years; then at the end of the ten year period it will be automatically renewed by five year increments unless written notice of termination is given to **UDOT** by the **CITY** at least thirty days prior to expiration of the current term.
- IX. After thirty days of receipt of written notice to terminate the Agreement of one party to the other party, this Agreement will become null and void. If at such time and if required by **UDOT**, the **CITY** will restore the areas of landscape to **UDOT** standards or pay **UDOT** to perform this work.
- X. The **CITY** may assign this Agreement to another local government with **UDOT's** prior consent. The **CITY** may hire a contractor to perform the installation and maintenance of the landscape improvements.
- XI. The **CITY** and **UDOT** are both governmental entities as defined in the Utah Governmental Immunity Act (the "Act"). Nothing in this Master Landscape Maintenance Agreement shall be deemed as a waiver by either or both parties of any defenses or protections provided by the Act. Nor shall this Agreement be construed, with respect to third parties, as a waiver of any governmental immunity to which a party to this Agreement is otherwise entitled. The **CITY** agrees to indemnify, save harmless, and release **UDOT** from and against any and all loss, damages, injury, liability, suits, claims and proceedings arising out of the performance of this Agreement, or which damages, injuries, liability, suits, claims and proceedings, including but not limited to, vehicle damage and/or personal injury as a result of crashes caused in whole or in part by **CITY's** employees, officers, agents, and contractors, or by improper traffic control that are caused in whole or in part by the **CITY's** acts, omissions, failure to act, or negligence of the **CITY's** officers, agents, contractors, or employees, except where the claim arises out of **UDOT's** negligence. This provision shall survive the termination of this Agreement. **CITY** shall indemnify **UDOT** for any losses, damages, injury, liability, claims, suits and proceedings arising out of the landscape features installed by the **CITY** within **UDOT's** right-of-way.
- XII. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

- XIII. **CITY** certifies conformance and continued conformance with Public Law 115–232, Sec. 889 and 2 CFR § 200.216
- XIV. This Agreement may be executed in counterparts by the parties.
- XV. This Agreement in no way creates any type of agency relationship, joint venture, or partnership between the **CITY** and **UDOT**.
- XVI. This Agreement, together with all exhibits and attachments, constitutes the entire agreement between the parties and supersedes any prior understandings, agreements, or representations, verbal or written. No subsequent modification or amendments will be valid unless in writing and signed by both parties.
- XVII. Each party represents that it has the authority to enter into this Agreement.

**IN WITNESS WHEREOF**, each party hereto has caused this Agreement to be executed by its duly authorized officers as of the day and year first above written.

South Jordan City				Utah Department of Transportation			
By		Date		By		Date	
City Recorder				Landscape Architect			
By		Date		By		Date	
Mayor				Region Director			
By		Date		By		Date	
Title/Signature of additional official if required				Comptroller's Office			