



## SPECIAL CITY COUNCIL WORK MEETING MINUTES

**Wednesday, April 9, 2014**

**Approved May 22, 2014**

Attendance: Mayor, Carmen Freeman

Council Members Present: Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

Staff Present: John Brems, City Attorney  
Cindy Quick, Deputy City Recorder  
Gordon M. Haight II, Asst. City Manager  
Bryn McCarty, Planning Supervisor  
Justun Edwards, Water Director

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### 5:00 PM ~ Welcome

1. [5:11:45pm](#) Closed Session (*Private*)
  - 1.1. **UTAH CODE §52-4-205** (1) (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares.

Mayor Carmen Freeman asks for a motion to adjourn to a closed meeting.

Council Member Coralee Wessman-Moser **MOVED** the Council adjourn into a closed session pursuant to the provisions of section 52-4-205 (1) for the purpose of (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares.

Council Member Mike Day **SECONDED** the motion.

The vote was as follows:

Councilman Mike Day	Yes
Councilman Craig B. Tischner	Yes
Councilwoman Coralee Wessman-Moser	Yes
Mayor Carmen Freeman	Yes

Vote passed.

Motion carried.

### 2. Adjourn to Work Meeting

Council Member Mike Day **MOVED** to adjourn to the Work Meeting at [6:14:10pm](#)

Council Member Coralee Wessman-Moser **SECONDED** the motion.

The motion passed unanimously

### 3. [6:23:34pm](#) Items for Discussion

#### a) SLR Development Agreement Discussion ~ *Bryn McCarty, Planning Supervisor and Gordon Haight, Assistant City Manager*

Bryn McCarty begins by turning the time over to John Brems, City Attorney to begin the SLR Development Agreement Discussion.

John Brems, City Attorney gives a brief background about the annexation from SLR. To date there have been no protests so we are now going forward. This item is on the agenda for April 24<sup>th</sup>. In conjunction with the annexation petition, we have agreed to zone the property to R-2-10, to annex it and to a development agreement. The developer would like to have the development agreement approved before the annexation takes place in July. The agreement is complex because of the gap period. Annexation doesn't occur until July 1 but we are affecting the property as if it's in the city right now. Parts of the agreement will be seen twice, once before the annexation and once after the annexation. He explains that we will review by concepts rather than page by page and turns the time over to Bryn McCarty for land use.

Bryn McCarty, Planning Supervisor explains that she will talk them through the plan and that will take them through the agreement. They will see the zoning in a couple weeks. Planning Commission recommended it last week with a zoning condition in three different areas. A density is allowed for each area. That density does not move between areas. The developer is required to have an overall open space of 20%. A brief discussion about the calculation of open space took place. The city is allowing this development to count schools as open space. The open space will be dedicated to the city and the city will be maintaining it. Bryn noted that when 60% of building permits have been issued, the whole park (45 acre park) needs to be completed.

John Brems orients the council regarding being vested. This agreement will apply for essentially 30 years. There is a provision that allows the developer to go to future rules. He explains that he is still working this part of the agreement through. He doesn't want the developer to be able to pick and choose which rule to use. The developer wants to be able to use new ordinances that are approved. Bryn McCarty explains that she would like the whole subdivision to agree one way or the other. John would like to see a development application for the whole phase. A brief discussion between the developer and staff regarding this topic took place. The hope is to balance it between the city and the developer.

A brief discussion regarding exceptions to development standards developed. Coralee asks what ordinances need to change. The response from John was that we've only agreed to one and the rest are still being worked through.

Gordon Haight begins a discussion on infrastructure. He describes improvements on 11800 South, 6400 West and Herriman Parkway. He describes access for parks and residents. The developer wanted construction to begin this summer however it will more likely be next summer. A budget amendment will be needed to complete the design of this area so that phase one (widening 11800 South) can begin next spring. A sewer line/water line was also discussed.

A brief discussion about a Salt Lake County facility in this development took place. The 45 acre park was a huge commitment for the developer and there have been discussions with the county to place a facility here. This is being negotiated in the agreement. Council Member Coralee Wessman-Moser raises a concern with the length of time for the process with the county. She would like an adjustment made to show the true time line. Bryan Bayles, Manager at Suburban Land Reserve explains that he didn't want the park sitting there vacant for too long, he explains that two years should be sufficient to just have a decision. They were both fine with adding a realistic time frame here. Council Member Mike Day wonders how realistic it is that Salt Lake County will place a facility here. Gordon says, very likely. We want this park here. Gordon notes that 70% of impact fees collected on this project will be used with this park. The other 30% will go in other parks in this development. A discussion about how remaining funds from park impact fees would be used. Gordon explains that the standard is to try to use all impact fees in the area from the homes that paid for it.

Mayor Freeman asks a question regarding park impact fees on page 39 he says it reads 'not withstanding the above, impact fees will not be allocated to local parks.' John Brems explains that changed to read 'not withstanding the above, impact fees will not be allocated to local parks that are not system improvements.' He explains further that it has to be listed in the IFFP (Impact Fee Facility Plan).

Brief conversations regarding future land acquired, yard space, parking and open space were discussed and explained. A lengthy discussion about parking spaces at the apartments ensued. A decision could be made to have the city complete a study, as well as the developer and a third party could decide which study to use.

Gordon begins discussion about fees. He explains single-family and multi-family impact fees, as well as storm drain impact fees. It was noted that the fees have an eight year duration.

Fees can increase 3% per year and it's not compounded. Bryan Bayles explains that this is an average increase. It's based on a typical increase of costs over a hundred years or so. Council Member Coralee Wessman-Moser asks for some sort of clause to be included in the document that covers the idea of an inflation index. The idea of using a construction index was discussed. Bryan Bayles says he'd be glad to look at it and consider anything the city might find. He has seen that impact fees typically go down over time. John Brems added that philosophically impact fees, if you take time value to money, should be the same for everybody if they're done right. He believes that impact fees go down because of pressure from builders. Bryan Bayles adds that this is very important for them.

Gordon Haight reminds the council that these impact fees need to be adopted by Jordan Valley Water Conservancy District. Justun Edwards, Water Director explains that as soon as the property is annexed into the city Jordan Valley Water will bring them online with no problems.

**8:01:01pm** The next topic discussed is timing of construction. Gordon Haight begins the conversation with 11800 South. The city is to build half the width of 11800 South. This exhibit defines the right-of-way and that the developer will deed it to the city. The city needs to stub a sewer line in this road that is not for this project but will be stubbed now so we don't have to cut into the road later. No signal is needed initially on this road but we anticipate it will one day be needed so conduit lines will be installed for future use.

Council Member Matt Robinson requests that this exhibit be updated to include the same wording for each cell on the sheet when it says "same" he would like the description included. Council Member Coralee Wessman-Moser and Mayor Freeman agree. The developer agreed to this request.

The next topic discussion is design completion. Gordon noted that in the agreement it says the city will complete the design in four months from the effective date (July 1, 2014). Six months after the effective date the developer wants the city to go out to bid, which means this winter. However, no work will be done until May. There was concern with the completion date being a year from the effective date. Extensions may need to be made. Council Member Coralee Wessman-Moser would like to see a clause inserted for extensions. A lengthy discussion ensued. Bryan Bayles and John Brems said they will address it.

Gordon Haight explained that a detention is required on 6400 West and the developer has agreed to give us property to create that detention. He continues line by line briefly discussing culinary water, sewer line, traffic control and conduits for utilities. He then reviews sidewalks, curb and gutter. He notes that the developer has agreed to install new LED street lights even though it's not been officially adopted. Bryan Bayles explains that the rest of this document is the same just for different phases. Gordon noted that designs will need to be done for each of these phases. He explains about a right-of-way issue for a portion of 6400 West and a lengthy discussion developed. Gordon feels confident that the city will obtain the right-of-way from the Last Holdout.

As soon as Suburban Land Reserve obtains 450 building permits that triggers the beginning of Phase Two. At that point, fees will have been collected which will allow the city to build roads and we will go out to bid for two portions of the road. Phase Three does not have specific trigger point; however, the city may feel some pressure to build the road when the school is built.

The next discussion will be about financing. Gordon briefly reminds the council about requested capital projects that the staff brought to them for completion. He presents two options for completing a road in this development. One option could be to utilize money originally tagged for those capital projects for this development instead. He presents another option where the city will likely need to bond to build a road in this development; however, they can keep the money originally tagged for those requested capital projects. He notes that staff and the developer are fine with either option. A discussion about these two options developed. It was noted that SAA funding is no longer an option as it has been vetoed by the Governor. The council consensus was that capital projects were important and they would be willing to discuss other funding options. Gordon explains that the awarded 2 million dollars for 2019 can be switched to 2014 through a federal program. That money can be used for the road in this development and possibly capital projects as well.

A discussion about what the next steps are ensued. It was noted that emails will be sent to the council with the corrections or additions discussed and all exhibits will be attached. Gordon asks council to address any questions they may have between now and April 24. Council Member Coralee Wessman-Moser asks for a brief discussion to review this agreement one more time be allowed at the beginning of the budget work meeting on April 23<sup>rd</sup>.

Council discusses parking spots in the apartments. Council Member Mike Day is concerned having less than two parking spots in the apartments. Bryn and Coralee noted that the agreement doesn't say apartments it says in multi-family which to them brings more concern. The consensus was that council wants two parking spaces in the apartments.

Mayor Freeman asks council members to bring up any issues they are concerned with.

Council Member Craig B. Tischner is concerned with bonding for the road in this development. Craig would like the roads improved in Copper Creek but he doesn't want to bond for the road in this development. A discussion about bonding versus moving money around developed. Council Member Coralee Wessman-Moser is concerned if the city must eventually condemn property for a road which may result in a need to bond. Council Member Mike Day says he's okay to bond but he'd like the council united. Council Member Matt Robinson asks for staff to bring the council ideas of completing these projects without bonding. John Brems comments that there is a mechanism in the agreement that if we don't build, the developer builds and then the city pays.

Mayor Freeman comments that he was sold on this project when the developer worked so well with the residents to make them happy. Council Member Matt Robinson is still concerned with bringing apartments into the city but he realizes that this developer has adjusted the high density in this development and he appreciates it very much.

Gordon commends the council, explaining that he understands how big of a commitment it's been to go through this development agreement. He knew that the agreement wouldn't please everyone but he feels like the discussions have created a middle ground. We're not happy with everything but neither is the developer.

Council Member Coralee Wessman-Moser prefers not to bond but understands that might not be possible. She feels like the small detailed things she's requested have been fixed and worked through.

Mayor Freeman expresses thanks to Bryan Bayles and Loyal Hulme with Suburban Land Reserve for how accommodating they've been. Bryan Bayles commends the council and staff for the process they've gone through in regards to the development agreement.

#### 4. Other

#### 5. [9:24:18pm](#) Adjournment

*I, Cindy M. Quick, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true, accurate and complete record of this meeting held on April 9, 2014.*



Cindy Quick, Deputy Recorder