



CITY COUNCIL MINUTES
Wednesday, July 13, 2016
Approved August 10, 2016

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, July 13, 2016 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding:

Mayor Carmen Freeman

Council Members Present:

Jared Henderson, Nicole Martin, Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Gordon Haight, Assistant City Manager
Tami Moody, Director of Administration and Communications
Jackie Nostrom, City Recorder
John Brems, City Attorney
Alan Rae, Finance Director
Justun Edwards, Water Director
Clint Smith, EMS Bureau Chief
Dwayne Anjewierden, Chief of Police
Cathryn Nelson, Chief Building Official
Jonathan Bowers, Assistant City Engineer
Monte Johnson, Operations Director
Heather Upshaw, Senior Planner/Economic Development
Wade Sharp, Parks Manager
Sandra Llewellyn, Planner I
Travis Dunn, Human Resources Manager
Ed Blackett, Streets Manager

5:00 PM - WORK MEETING: *(Front Conference Room)*

COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order. He welcomed Wasatch Front Waste and Recycling District Executive Director Pam Roberts as well as Herriman Historical Committee Members Karalynn Freeman, Stephanie Johnson, and J. Lynn Crane.

A. **5:52:56 PM** Review of this evening's agenda

B. Administrative Reports

1. [5:00:33 PM](#) **Wasatch Front Waste and Recycling District Report** – Pam Roberts, Executive Director

Wasatch Front Waste and Recycling District Executive Director Pam Roberts thanked the Council for the opportunity to discuss how things are going at Wasatch Front Waste and Recycling District (WFWRD). She noted that WFWRD Lead Equipment Operator Gary Reay had been awarded the 2016 Driver of the year award by the National Waste and Recycling Association. Director Roberts informed the Council that Cathy Jensen had been hired to replace the recently retired Controller Stuart Palmer. Director Roberts offered a background of Ms. Jensen's employment history. Councilmember Craig B. Tischner added that she had been selected from a large pool of applicants.

Director Roberts continued with recycling. The District pays to process recycled materials because of their commitment to increase recycling awareness and diverting materials from the landfill. There will not be anticipated rate increases for 2017. The curbside glass subscription program is expanding to include 30,000 new residents. The resident requested program will be expanded District-wide within the next few years. Momentum Recycling held an open house on May 23, 2016 to announce the expansion of the program, and it was featured on local and national news media. Director Roberts reported that the annual Area Cleanup Program for Herriman has been scheduled to begin September 5, 2016.

Director Roberts reported that the District has determined to defer replacement equipment. City Manager Wood expressed his concern with prolonging the replacement as the vehicles would become problematic with a higher maintenance cost. Director Roberts agreed that the passion for sustainability would be tested, and noted that the District does recognize the concerns associated with stretching replacements. Mayor Freeman asked if the District incorporates clean air equipment into their fleet. Director Roberts confirmed that the District began switching to CNG in 2013.

Director Roberts reviewed the waste tonnage and recycling diversion for the District. She noted that Herriman residents helped to off-set costs so far in 2016 with a total of \$31,064 in savings which would equate to 22-percent waste diversion. Herriman has represented the area within the District that shows the largest amount of growth. In 2015, 74-percent of new growth within the District came from Herriman. So far this calendar year, 68-percent of new growth has been within Herriman City.

2. [5:23:18 PM](#) **History Committee Report** – Lynn Crane, History Committee Chair
History Committee Chair Lynn Crane thanked the Council for the opportunity to present and introduced the History Committee in attendance: Karalynn Freeman and Stephanie Johnson. He offered a background of the Committee, and briefed the Council on the history book project. Chair Crane noted that the text of the book had been finalized, and the committee is currently conducting the process of identifying pictures. He suggested that the book would be ready for print September 2016.

Chair Crane reviewed the contents of the history, and added that 42 oral interviews had been conducted, taped and transcribed to be included into the novel. Councilmember Nicole Martin expressed her excitement about having the oral interviews being recorded. Chair

Crane disclosed that the interviews would be available to the public. Councilmember Martin recommended that the unveiling of the book should be conducted in conjunction with the Senior Appreciation Dinner. Chair Crane discussed the cost of printing and recommended the cost per edition should be priced at \$25 or \$30. Councilmember Coralee Wessman-Moser asked if the book would be available electronically. History Committee Member Stephanie Johnson responded that they would pursue the request.

Chair Crane concluded the discussion with a tribute to History Committee Members Karalynn Freeman and Stephanie Johnson for their dedicated service to the project. Mayor Freeman thanked them for their presentation.

3. [6:06:11 PM](#) **Discussion relating to the proposed Technology/Manufacturing (TM) Zone** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight explained that the purpose of the Technology/Manufacturing zone, and reviewed the schedule for the proposed text change as well as a potential property rezone. He noted that the applicant is planning to submit a rezone application in the near future, and then it would be reviewed by the Planning Commission. The application that they would submit would be to rezone the property to a Light Industrial Manufacturing zone, as the Technology/Manufacturing zone does not exist. Assistant City Manager Haight requested direction from the Council whether they would encourage the developer to move forward. Councilmember Jared Henderson suggested that the project was moving too fast, and recommended not having such an aggressive timeline to ensure that the proposed zone has been researched and implemented correctly. The Council agreed.

4. [6:40:18 PM](#) **Additional Items**

Councilmember Henderson publically apologized for voicing his frustration about the Heritage Place Neighborhood Meeting, and explained that it was not his intention to drive a wedge between the City Council and staff. City Manager Brett Wood thanked Councilmember Henderson.

5. [6:40:35 PM](#) **Agenda items for future consideration**

City Manager Wood informed the Council that the Arts Council would be presenting at the August 24, 2016 meeting. Mayor Freeman sought approval from the Council to discuss two items: a report on legislative session items that affect communities, and Planning Commission policies and procedures regarding appointment and terms of Planning Commission members. The Council agreed.

C. [6:45:57 PM](#) **Adjournment**

COUNCILMEMBER MARTIN MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING. COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

7:00 PM - GENERAL MEETING:

1. [6:57:25 PM](#) **CALL TO ORDER**

Mayor Freeman called the meeting to order, and welcomed those in attendance.

A. [6:58:03 PM](#) **Invocation and Pledge**

The Invocation was offered by Ms. Cristy Mangelson, and the Pledge of Allegiance was led by Mr. Spencer Smith.

B. [6:59:19 PM](#) **Council Recognitions**

Councilmember Moser congratulated the Arts Council for their fantastic production of *Mary Poppins* and encouraged attendance. She also welcomed the newly established restaurant, Knots on Main.

Councilmember Martin thanked the owners of Knots on Main, a brother and sister dynamic duo, for investing in Herriman City with a quaint French bistro. She encouraged residents' patronage.

C. [7:01:07 PM](#) **Mayor's Comments**

Mayor Freeman commended Herriman High Future Business Leaders of America for their accomplishment of winning 1st place at the National Leadership Conference for their American Enterprise Project of creating the Herriman Chamber of Commerce.

2. [7:02:03 PM](#) **PUBLIC COMMENT**

Joe Ricca, 11959 South Emma Mine Drive, expressed his interest in changes that need to be made in the neighborhood. He indicated that an increase of 600 vehicles in the neighborhood would be detrimental, and the condition of the street is terrible.

Elise Williams, 11848 Taylors Claim Ct, noted her concern of adding high density to the existing area would be problematic, and noted the safety issues that would arise with young children who like to play in the cul-de-sac. She suggested that the extra traffic would devalue their property.

Richard Oldham, 12327 Black Powder Drive, indicated that the current traffic which speeds through the area would just be convoluted with increased vehicles. He also expressed his concern of the narrow streets, and when cars are parked on the roadway, it cuts traffic down to one lane. Mr. Oldham suggested that the City should take ownership of the property and maintain it as open space.

Spencer Smith, 4795 Emma Mind Drive, relayed his concern about the excess traffic. He acknowledged that property owners do have rights, and suggested that if the zone would be approved to keep density in the lower range. Mr. Smith suggested that the developer could build an access road as well as a bridge to cross 11800 South to not overwhelm the existing community with additional traffic.

Elijah Jessop, 11971 Powder Circle, indicated that traffic is an issue, and placing high density in the area would increase an already dangerous situation.

Eric Wilkinson, 11945 South Powder Cove, agreed with previous comments. He suggested that the City Council does not fully understand the burden that would be placed on the community when high density developments are brought into an area.

Jessica Tucker, 11845 Logans Run Cove, expressed her concern with the noise coming from 11800 South, and noted that additional traffic would cause additional fears.

Jennifer Bangerter, 11991 South 4895 West, questioned whether affected utilities were equipped for the additional usage. She also relayed her apprehension of the development causing additional health worries.

Kelly Johnson, 11822 Carbide Court, extended his support to keep the area open space. Development in the area would cause undue stress as streets have not been built to handle that type of capacity.

Paxton Guymon, noted that he was attending the meeting for the one-lot subdivision on Gina Road, and indicated that owners' have been trying to obtain a building permit. He added that the proposed Development Agreement would need to be revised in two ways: reduce the fee-in-lieu to \$23,990 as the City Engineer revisited the issue, and to incorporate a caveat to allow the fee-in-lieu to be refunded once the improvements have been installed less the current impact fee for transportation.

Joseph Mittelstaedt, 1961 South West Temple, thanked the Council and City Attorney John Brems for their time and direction in working through the Development Agreement and subdivision exception process.

Glen Larson, 12157 Alabaster Circle, encouraged dialogue for a planned trail system adjacent to Mountain View Corridor.

Rebekah Wara, 12343 Flintlock Way, indicated that she was concerned about the high density request, and the inability it would cause for her to enjoy the quiet, peaceful neighborhood. She noted that the proposal was not in compliance with the Master Plan.

Stacy Hardee, 11856 South Coles Camp Circle, agreed with comments made.

Jennifer Price, 11911 Mother Lode Court, encouraged green space and large building lots.

Sharon Cardwell, 4756 West Black Powder Drive, noted that she emailed the Council of the issues related to the proposed development. She explained that she did not include the lack of parking for the development and will push the additional vehicles to park on the street, and there is not a direct traffic route for the development which would require the entire development to travel through a quiet residential area.

Art Polad, 11967 South Emma Mine Drive, noted that traffic speeds through the neighborhood currently, and with the addition of a high density development it would be a huge issue in the area.

COUNCILMEMBER MOSER MOVED TO REORDER THE AGENDA TO ALLOW DISCUSSION ITEMS 5B AND 5C TO BE CONSIDERED FIRST. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

5. DISCUSSION AND ACTION ITEMS

- B. 7:40:46 PM Discussion and consideration of a proposed rezone located at 5101 West 11800 South from A-1 to C-1 (File No. 12Z16) – Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight planning commission held a Public Hearing on June 16, 2016 and recommended denial to the City Council because the proposed rezone does not comply with the General Plan. He displayed a proposed concept plan outlining that some of the area would be utilized for outdoor storage.

Nate Shipp, applicant representing Development Associated Inc (DAI), informed the Council that he has maintained longstanding involvement in several developments throughout the City. He explained that when Utah Department of Transportation (UDOT) and DAI began pursuing land acquisitions the area was zoned for quarter-acre residential lots. Mr. Shipp noted that he was prepared to donate a portion of the development for a park, a dog park, and soccer field to help accommodate amenities within City limits. He continued that it was recently brought to their attention that the property had been rezoned to agricultural, and expressed his desire to begin a collaborative effort with City Council to continue the development process.

Right of Way Director for UDOT Lyle McMillan indicated that he entered into a trade and sell agreement with Mr. Shipp when the property was zoned residentially. He explained that with the zone change the property decreased in value in the approximate amount of one-million dollars. Director McMillan pleaded with the Council to help UDOT keep their commitment with DAI.

Councilmember Henderson observed the documentation that at the time the zone change occurred, the City notified UDOT and no objections were raised. Assistant City Manager Haight explained that the City had met with Utah Transit Authority (UTA) to consider a park and ride with trail elements at that specific location, not an active park. He confirmed that information regarding the rezone had been disseminated to UDOT, but suggested that the notice had not been directly given to Director McMillan. Assistant City Manager Haight verified that the City had never looked at a commercial zone in that location, and expressed his appreciation to UDOT. He would like to continue working with them in different ways to recoup lost revenue. Mayor Freeman expressed his concern of safety throughout the area, and that the proposal does not match the General Plan. He thanked the audience for their comments.

COUNCILMEMBER TISCHNER MOVED TO DENY THE PROPOSED REZONE LOCATED AT 5101 WEST 11800 SOUTH FROM A-1 TO C-1 DUE TO NONCOMPLIANCE WITH THE HERRIMAN CITY GENERAL PLAN. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- C. [7:55:17 PM](#) Discussion and consideration of a proposed rezone located at 4874 West 12600 South from A-1 to R-2-10 (File No. 13Z16) – Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight indicated that the Planning Commission held a Public Hearing on June 16, 2016 and recommended denial to the City Council because the proposed rezone does not comply with the General Plan. He displayed the proposed concept plan of the development.

Nate Shipp, applicant representing DAL, thanked the Council for their time.

COUNCILMEMBER MOSER MOVED TO DENY THE PROPOSED REZONE LOCATED AT 4874 WEST 12600 SOUTH FROM A-1 TO R-2-10 DUE TO NONCOMPLIANCE WITH THE HERRIMAN CITY GENERAL PLAN. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

3. MAYOR AND COUNCIL COMMENTS

A. [7:58:17 PM](#) City Council Board and Committee Reports

Councilmember Henderson reported that the Herriman History Book has been completed and will hopefully be available in September 2016.

Councilmember Moser informed the audience that the Youth Council recently appointed eight new members. The first Youth Council meeting is scheduled for July 14, 2016. She expressed her appreciation for outgoing Youth Council Mayor Abbie Chapman for her service. Councilmember Moser updated the Council that Unified Fire Authority Deputy Chief Gaylord Scott submitted his notice of retirement after 22 years of service.

Mayor Freeman reported that the proposed Oquirrh Connection Route to Tooele County had different potential sites for access. A Request for Proposal to conduct a study for the possible connections include Barney's Canyon, Butterfield Canyon, and the access going around the Cedar Point area.

Councilmember Martin reviewed a potential bill for the upcoming legislative session that could help the City preserve the ability to zone group homes appropriately to meet and protect the needs of the community. She noted that the Legislative Committee is adamantly working hard with the sponsor of the bill.

4. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. [8:05:08 PM](#) Presentation seeking support of a proposed ATV route and the future OHV trail system – Brett Stewart, Utah ATV Association

Utah ATV Association Member Brett Stewart thanked the Council for the opportunity to present his proposal to encourage cities in Salt Lake County to adopt an Off Highway Vehicle (OHV) Street Legal Law, as per all other counties have done in the State of Utah. Mr. Stewart explained that he has been working closely with the County to gain road access to one of the largest trail systems in Butterfield Canyon to Tooele County. He noted that street legal OHVs are inspected, have lights and horns are as legal as any other vehicle on the road. Mr. Stewart displayed pictures of bicyclists and motorcyclists on public roads and suggested that OHVs are just as safe on public roads.

Mr. Stewart informed the Council that Salt Lake County is researching the possibility of installing a parking lot that is similar to the one in Rose Canyon. He reviewed the positive aspects of allowing ATVs access on public roads. Mr. Stewart relayed support from Utah Department of Transportation and Salt Lake County. Councilmember Henderson asked about the timeframe for the parking lot that the County has been considering. Mr. Stewart responded that the proposal has been “in the works” for two years. Salt Lake County Councilmember Ryan Perry indicated that the County does not have the ability to access the parking lot without the support of Rio Tinto, and therefore, a timeframe does not exist. He noted that there is no ATV designated route in Salt Lake County.

City Manager Wood expressed his desire to work through a process to devise a plan of connectivity that could be supported. The Council agreed.

5. DISCUSSION AND ACTION ITEMS

A. [8:29:39 PM](#) Discussion and consideration of a proposed rezone located at 5430 West Herriman Parkway from R-1-21 to C-2 (File No. 11Z16) – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight informed the Council that the Planning Commission held a Public Hearing on June 16, 2016 and recommended approval of the rezone for the Herriman City Public Works facility. The property has been owned by the City for several years, and planned to be a future public works yard.

COUNCILMEMBER MARTIN MOVED TO APPROVE ORDINANCE NO. 2016-23 REZONING PROPERTY LOCATED AT APPROXIMATELY 5430 WEST HERRIMAN PARKWAY FROM R-1-21 TO C-2 (COMMERCIAL). COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- D. **8:31:59 PM Discussion and consideration of a resolution approving a development agreement for Mittelstaedt located at 7083 West Gina Road** – John Brems, City Attorney
City Attorney John Brems reviewed the Development Agreement for the property located on Gina Road. The lot was illegally subdivided prior to being incorporated into Herriman City. Attorney Brems explained that the property owner would need to dedicate their portion of Gina Road to the City, and pay a fee-in-lieu for their portion of the road. The applicant has asked for two concessions: to reduce the fee-in-lieu to the modified amount of \$23,990 that has been approved by the City Engineer, and secondly, asks that when the road is paved to have their fee reimbursed less the impact fee. Assistant City Manager Haight explained that the law dictates the refund be processed at the time of the improvement, and expressed his opinion that it was unnecessary to incorporate redundancy into the Development Agreement.

Councilmember Moser questioned the number of dirt roads that could potentially request an exception. Assistant City Manager Haight responded that the risk is nominal, and noted that the parcel had been created when it was located in unincorporated Salt Lake County. There was a brief discussion relating to the hardship of receiving right-of-way in order for Gina Road to be paved.

Mr. Tom Barnes, resident stated that the parcels along Gina Road are deeded to the center of the road, and noted that some property owners have strong feelings about not deeding the right-of-way to the City. He added that there currently is a fire hydrant across the property and suggested that the owners should not be required to install a fire sprinkling system in the home. Councilmember Moser noted that the fire sprinkler requirement is placed by the Unified Fire Authority due to an access issue.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R24-2016 APPROVING A DEVELOPMENT AGREEMENT FOR MITTELSTAEDT LOCATED AT 7083 WEST GINA ROAD BASE ON THE FOLLOWING EXCEPTIONS: THE PARCEL WAS ANNEXED INTO HERRIMAN CITY AS ALREADY SUBDIVIDED COUNTY LOT, THE PARCELS IN THE AREA INDICATE LITTLE OPPORTUNITY FOR FUTURE DEVELOPMENT, AND THERE WILL BE A DEVELOPMENT AGREEMENT IN PLACE TO ENSURE THAT THERE IS NO FUTURE SUBDIVISION. ALSO, TO AMEND THE FEE-IN-LIEU AMOUNT TO \$23,990. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- E. [8:51:32 PM](#) **Discussion and consideration of a proposed one lot subdivision for Mittelstaedt located at 7083 West Gina Road (08S16)** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight stated that this item is to approve the actual one-lot subdivision.

COUNCILMEMBER MARTIN MOVED TO APPROVE ORDINANCE NO. 2016-24 APPROVING A SPECIAL EXCEPTION TO THE SUBDIVISION ORDINANCE FOR THE GINA ROAD ONE-LOT SUBDIVISION LOCATED AT 7083 WEST GINA ROAD. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- F. [8:53:11 PM](#) **Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement between Herriman City and Salt Lake County regarding prisoner labor services** – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn requested that the Council renew the Interlocal Cooperative Agreement with Salt Lake County for prisoner labor services. Councilmember Martin questioned how long the City had been utilizing the services. City Manager Brett Wood responded that the City entered into an agreement beginning in 2003. Mayor Freeman voiced his concern about the City's liability in the event of an accident or criminal activity. Manager Dunn noted that the City does have trained staff to oversee their work release, and added that there have not been any issues to date. Should an issue arise, officers would be contacted immediately. Councilmember Moser added that if an issue did arise, the City could demonstrate that we weren't negligent. Unified Police Chief Dwayne Anjewierden interjected that the labor crews are lower risk inmates. City Manager Wood detailed the scrutinized process inmates go through to be considered on a labor crew. He acknowledged that there is a level of liability of having them in the City. Councilmember Tischner expressed his support of the program.

COUNCILMEMBER HENDERSON MOVED TO APPROVE RESOLUTION R25-2016 APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HERRIMAN CITY AND SALT LAKE COUNTY REGARDING PRISONER LABOR SERVICES. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- G. [9:04:22 PM](#) Discussion and consideration of a resolution pledging certain pledged revenues under a pledge and loan agreement toward the payment of the Redevelopment Agency of Herriman City, Utah's taxable/convertible to Tax-Exempt tax increment revenue bonds, series 2016 to be issued in the aggregate principal amount of not to exceed \$11,900,000; setting a public hearing date; and related matters – Alan Rae, Finance Director

Finance Director Alan Rae stated that the next three items are interrelated. He explained that the Agency set up the Herriman Towne Center to encourage development and offer an incentive to developers. The taxing entities agreed to concede a portion of their property tax revenue for 20 years to fund the development of the Towne Center. Projected revenues from the tax increment total over 68 million dollars over the 20 year period.

Director Rae explained that the first bond is a parameters resolution in the amount of \$11,900,000 to construct the road surrounding the City Hall project. He noted that road construction would cost a projected \$6.5 million, and the additional \$3.5 million would be utilized for the additional completion of the park. Director Rae observed that the City is currently collecting more revenue than the amount of the bond payment, and the only way it would deplete is if the property owners stopped paying their property taxes. He reviewed the parameters of the bond for the Council.

Director Rae reviewed the assessment bond. Attorney Brems interjected that the bond contemplates a waiver of notice; however, the developer has not had the opportunity to sign the document and requested that the ordinance be approved conditionally upon receiving the executed acknowledgement, waiver and consent agreement from Rosecrest Communities LLC. Director Rae continued with the provisions of the special assessment bond and explained that the refinancing would be conducted on the developer's behalf. If the Council determined to approve the proposed special assessment bond, the Council would need to approve a replacement assessment ordinance to comply with the new bond. The ordinance would release all properties that are no longer being used as part of the assessment area for the bond, and the assessments would remain with the property until paid in full. Councilmember Moser asked if there would be an associated risk to the property purchaser. Director Rae confirmed, and noted that the assessment would be disclosed in the title report at closing.

COUNCILMEMBER MARTIN MOVED TO APPROVE RESOLUTION NO. R26-2016 PLEDGING CERTAIN PLEDGED REVENUES UNDER A PLEDGE AND LOAN AGREEMENT TOWARD THE PAYMENT OF THE REDEVELOPMENT AGENCY OF HERRIMAN CITY, UTAH'S TAXABLE/CONVERTIBLE TO TAX-EXEMPT TAX INCREMENT REVENUE BONDS, SERIES 2016 TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,900,000 (THE "SERIES 2016 BONDS"); SETTING A PUBLIC HEARING DATE; AND RELATED MATTERS. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye

Councilmember Craig B. Tischner Aye
 Councilmember Nicole Martin Aye
 Mayor Carmen Freeman Aye
 The motion passed unanimously.

- H. **9:36:54 PM** Discussion and consideration of a resolution authorizing the issuance and sale of not more than \$15,000,000 aggregate principal amount of federally taxable/convertible to tax-exempt special assessment refunding bonds (Towne Center Assessment Area), series 2016 and related matters – Alan Rae, Finance Director

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R27-2016 PLEDGING AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF FEDERALLY TAXABLE/CONVERTIBLE TO TAX EXEMPT SPECIAL ASSESSMENT REFUNDING BONDS (TOWNE CENTER ASSESSMENT AREA), SERIES 2016; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; AUTHORIZING THE EXECUTION BY THE ISSUER OF AN INDENTURE OF TRUST AND PLEDGE, AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT; AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS CONDITIONALLY UPON RECEIVING EXECUTED ACKNOWLEDGEMENT, WAIVER, AND CONSENT AGREEMENT FROM ROSECREST COMMUNITIES LLC. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson Aye
 Councilmember Coralee Wessman-Moser Aye
 Councilmember Craig B. Tischner Aye
 Councilmember Nicole Martin Aye
 Mayor Carmen Freeman Aye

The motion passed unanimously.

- I. **9:38:20 PM** Discussion and consideration of an amended and restated assessment ordinance confirming the assessment list and levying an assessment against certain properties in Herriman City, Utah voluntary assessment area (Towne Center) to refinance the costs of acquiring, constructing and installing new roads, culinary and secondary water improvements, sewer and storm drain improvements, parks and train improvements, and acquiring and demolishing a microwave tower and other miscellaneous work which was necessary to complete said improvements and related matters – Alan Rae, Finance Director

COUNCILMEMBER HENDERSON MOVED TO APPROVE ORDINANCE NO. 2016-25 APPROVING AN AMENDED AND RESTATED ASSESSMENT ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN

THE HERRIMAN CITY, UTAH VOLUNTARY ASSESSMENT AREA (TOWNE CENTER) (THE “ASSESSMENT AREA”) TO REFINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING NEW ROADS, CULINARY AND SECONDARY WATER IMPROVEMENTS, SEWER AND STORM DRAINAGE IMPROVEMENTS, PARKS AND TRAIL IMPROVEMENTS, AND ACQUIRING AND DEMOLISHING A MICROWAVE TOWER AND OTHER MISCELLANEOUS WORK WHICH WAS NECESSARY TO COMPLETE SAID IMPROVEMENTS (COLLECTIVELY, THE “IMPROVEMENTS”); ESTABLISHING A RESERVE FUND; PROVIDING FOR CERTAIN REMEDIES UPON DEFAULT IN THE PAYMENT OF ASSESSMENTS; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS CONDITIONALLY UPON RECEIVING EXECUTED ACKNOWLEDGEMENT, WAIVER, AND CONSENT AGREEMENT FROM ROSECREST COMMUNITIES LLC. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

- J. [9:47:14 PM](#) Discussion and consideration of an ordinance declaring intent to adjust the common municipal boundaries between Herriman City and Riverton City at approximately 13400 South from Mountain View Corridor to 5600 West and 12600 South from approximately 4500 West to Western Hills Drive – Blake Thomas, City Engineer

Attorney Brems explained that this boundary adjustment process began four years ago. He noted that Riverton has approved their ordinance, and so Herriman City is completing the process to file the plat with the Lieutenant Governors’ Office.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2016-26 DECLARING INTENT TO ADJUST THE COMMON MUNICIPAL BOUNDARIES BETWEEN HERRIMAN CITY AND RIVERTON CITY AT APPROXIMATELY 13400 SOUTH FROM MOUNTAIN VIEW TO 5600 WEST AND 12600 SOUTH FROM APPROXIMATELY 4500 WEST TO WESTERN HILLS DRIVE. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

K. [9:49:39 PM](#) Discussion and consideration of a resolution approving a development agreement between Herriman City and Shirley Butterfield, Ltd. – Gordon Haight, Assistant City Manager

Attorney Brems reminded the Council of the previously approved Development Agreement with Shirley Butterfield. He explained that some changes had been requested, and felt that it would be appropriate to reapprove the agreement.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R28-2016 APPROVING A DEVELOPMENT AGREEMENT WITH SHIRLEY BUTTERFIELD LTD. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

L. [9:53:01 PM](#) Discussion and consideration of a modification application to the Amended Master Development Agreement for Rosecrest regarding the width of Juniper Crest Road – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight displayed the segment of Juniper Crest Road with changes as discussed. He explained that the developer agreed to provide additional right-of-way in the event the road would need to be expanded in the future. Councilmember Henderson expressed his preference to maintain the 116’ right-of-way; however, would allow the road to be built at the 90’ width.

COUNCILMEMBER MARTIN MOVED TO APPROVE THE MODIFICATION APPLICATION TO THE AMENDED MASTER DEVELOPMENT AGREEMENT FOR ROSECREST REGARDING THE WIDTH OF JUNIPER CREST ROAD WITH THE CAVEAT TO RETAIN THE 116’ WIDE RIGHT-OF-WAY AND INSTALL THE 90’ ROADWAY. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

6. [10:00:16 PM](#) CALENDAR

A. Meetings

- July 21 – Planning Commission meeting 7:00 p.m.
- ~~July 27 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.~~ Cancelled

B. Events

- July 8-19– Summer Theatre Production *Mary Poppins*, Butterfield Park 7:30 p.m.

8. ADJOURNMENT

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING AND RECONVENE IN A WORK MEETING. COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

4. Additional Items

City Manager Wood explained that it has been difficult to hire entry level personnel. He noted that the Streets Department had requested to hire two seasonal positions, and was soliciting approval from the Council to combine the positions to make one full-time arrangement. The Council agreed. Streets Manager Ed Blackett thanked the Council. City Manager Wood confirmed that a budget amendment would be presented to the Council to move forward.

Assistant City Manager Haight presented the safe walking route for Athos Academy that will open at the end of August. He referred to a 400' section of sidewalk that would not be completed by the Developer prior, and expressed his desire to get the sidewalk installed. He requested direction from the Council. Council consensus determined to install the sidewalk.

Assistant City Manager Haight informed the Council of the South Jordan City Open House at Herriman High School to discuss median recommendations along 11800 South adjacent to the High School.

Events Manager Danie Bills relayed her aspiration to change the date of the parade to avoid conflicts with surrounding jurisdiction parades. The thought behind the change is to allow partners not to have a competing interest in multiple cities. The Council extended their support of the change.

Mayor Freeman informed the Council that he had been working with Planning Commission Chair Clint Smith with respect to the recent Planning Commissioner appointments. He asked the Council their preference to appoint either one or two alternates. Council consensus determined to two alternates.

7. CLOSED SESSION (IF NEEDED)

A. *The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

COUNCILMEMBER MOSER MOVED TO TEMPORARILY RECESS THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

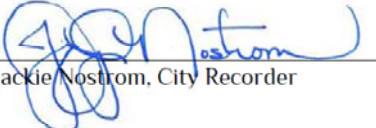
The City Council reconvened to the work meeting by consensus at 10:54 p.m.

10. ADJOURNMENT

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING AT 10:55 P.M. COUNCILMEMBER MARTIN SECONDED THE MOTION, AND ALL VOTED AYE.

*This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, July 13, 2016*

I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, July 13, 2016.



Jackie Nostrom, City Recorder