



CITY COUNCIL MINUTES

Wednesday, April 12, 2023
Approved September 27, 2023

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, April 12, 2023, at 5:30 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Lorin Palmer

Councilmembers Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn, Steven Shields

Staff Present: City Manager Nathan Cherpesci, Assistant City Manager Wendy Thomas, City Recorder Jackie Nostrom, Finance Director Kyle Maurer, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Police Chief Troy Carr, Community Development Director Blake Thomas, Unified Fire Authority Assistant Chief Anthony Widdison, City Attorney Todd Sheeran, Assistant City Engineer Bryce Terry, and Building Official Cathryn Nelson.

5:30 PM – WORK MEETING: (Fort Herriman Conference Room)

1. Council Business

Mayor Palmer called the meeting to order at 5:30 p.m. and announced Councilmember Sherrie Ohrn would be late and Councilmember Jared Henderson was participating electronically.

1.1. Review of this Evening's Agenda

Mayor Palmer requested to change the order of the agenda.

1.2. Future Agenda Items

Councilmember Shields mentioned his desire to discuss the possibility of having a gun range within Herriman Boundaries.

Mayor Palmer relayed a request posed by Councilmember Ohrn to address potential changes to the public comment policy to incorporate more interaction between the speaker and Council. Councilmember Sheilds agreed a change was warranted and suggested speakers felt disenfranchised under current regulations. City Recorder Jackie Nostrom suggested the Council also look at the policy surrounding abstentions. The Council agreed.

Councilmember Sherrie Ohrn arrived at 5:38 p.m.

Councilmember Ohrn proposed to form a committee which would maintain communication with the school district, charter school and higher education institutions. The Council discussed the importance of collaboration and partnership with educational organizations to address concerns such as school shootings and emergency preparedness.

1.3. Council discussion of future citizen recognitions

There were no future citizen recognitions outlined.

2. Administrative Reports

2.1. Open and Public Meetings Act, Municipal Officers' and Employees' Ethics Act Training – Todd Sheeran, City Attorney

City Attorney Todd Sheeran conducted the Open and Public Meetings Act Training for the City Council to emphasize the importance of transparency and open discussions in governmental entities.

2.2. Discussion on Public Infrastructure Financing Options – Kyle Maurer, Finance Director

Finance Director Kyle Maurer introduced Zions Public Finance Senior Vice President Jonathan Ward to discuss methods of financing public infrastructure. Senior Vice President Ward observed different methods generally used for financing infrastructure including pay-as-you go, grants, and debt financing. He outlined the positive and negatives for each method and emphasized the challenges of inflation costs and the need to evaluate circumstances carefully.

Senior Vice President Ward identified various revenue sources which could be utilized for public infrastructure including impact fees, utility revenues, taxes, earmarked fees, and grants. He introduced potential financing tools such as special service districts, interlocal cooperative agreements, and public-private partnerships. The concept of using income from income-producing assets was discussed. Historically, existing infrastructure

replacement was financed by the public sector, while new infrastructure was funded by private sector participants.

The Council explored the concept of growth paying for itself. The discussion highlighted limitations on utilizing impact fees and bonds for infrastructure costs due to inflation. Impact fee monies need to be distributed within six years. Isolating growth is the goal to accomplish which would include special service districts, special assessment areas, tax increment areas and public infrastructure districts. With these solutions there are concerns with multiple layers of governance, multiple layers of tax, continuation of tax and taxing entity participation.

Senior Vice President Ward outlined other communities are requiring developments to pay for itself- through impact fee reimbursements, Homeowner's Association backed bonds, special assessment areas, public infrastructure districts, tax increment areas, and limited/dedicated infrastructure districts.

2.3. Discussion regarding the right-of-way in the curb and gutter exception area – Blake Thomas, Community Development Director

Community Development Director Blake Thomas recalled a conversation with the Council in 2016 outlining a desire to maintain the look and feel of “old town” where properties located within certain areas were not required to install curb and gutter. Director Thomas offered an overview of the future road improvements and relayed a resident request to vacate the unnecessary area and have the excess right-of-way being deeded back to them. City Manager Cherpesci suggested the feeling of the neighborhood had changed since the adoption of the ordinance.

Councilmember Shields indicated if there ever was a desire to require curb, gutter and sidewalk the City should maintain the 60-foot right-of-way and asked if a temporary access agreement be acquired. Community Development Director Thomas acknowledged an easement would be maintained, but the road may have to be shifted if the right-of-way was narrowed to 60-feet. Mayor Palmer expressed support of the request option one requiring that right-of-way be vacated for the entire block length in the area. The Council agreed.

2.4. Creation of City Council Education Subcommittee – Nathan Cherpesci, City Manager

Councilmember Ohrn indicated she would like to have better communication with the school district and suggested it would help the entities to become united by forming an education subcommittee. The subcommittee would have coordinated meetings between the district and council. Councilmember Ohrn indicated it would be like the finance and community development committee. The purpose of the subcommittee would allow the council to have an understanding on how to help the community and be better prepared for and understand emergency situations.

Councilmember Shields recommended the education subcommittee should include all educational leaders in the charter schools and community college.

City Manager Cherpesci suggested creating one by policy to which the Council agreed. Councilmember Ohrn and Councilmember Hodges volunteered to serve.

3. Adjournment

Councilmember Hodges moved to adjourn the City Council work meeting at 6:56 p.m. Councilmember Shields seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:00 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Jacob Russell led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Mayor Palmer recognized the Mountain Ridge Hockey Club for their recent win for the state championship.

Councilmember Hodges recognized Cardston Richey who received an Outstanding Youth Award in Las Vegas from PlatinumGoal. Mr. Cardston excelled in mathematics, is an avid reader, serves as a Candy Bomber Youth, and volunteers in the Arbor Day Foundation. Recently in St. George, he worked on a project to give blankets, bedding materials, and clothing to those in need.

5. Public Comment

There were no public comments offered.

6. City Council Reports

6.1. Councilmember Jared Henderson

There was no report.

6.2. Councilmember Teddy Hodges

Councilmember Hodges reported on the South Valley Sewer District meeting and highlighted the hiring of a new General Manager.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn reported on the Jordan Valley Water Board and acknowledged the great water year and encouraged continued water conservation. She explained there was a drought committee which had been established and reported on their findings anticipated

the conservation level would remain at a level one. She noted there would be a 6.4-percent increase on wholesale water purchases for Herriman.

6.4. Councilmember Steven Shields

Councilmember Shields updated on the Mosquito Abatement District and noted as there had been an incredible amount of water, it had been forecasted there would be increased mosquito activity this year. He encouraged people to clear out standing pools of water as often as possible.

Councilmember Shields indicated the Association of Municipal Councils anticipated similar legislation that did not pass being considered during the interim session.

7. Mayor Report

Mayor Palmer expressed appreciation for the recent Basket Dash event held on April 1, 2023.

Mayor Palmer reported on the recent TransCOM approval for Herriman to help fund a street widening project on 13400 South between 6000-6400 West. Funding was also awarded to Herriman for a dedicated bike lane along Rosecrest Road.

8. Consent Agenda

8.1. Approval of the monthly financial summary for February 2023

8.2. Consideration to abandon and vacate a temporary detention basin easement on lot 218 of Creek Ridge Estates Subdivision Phase 2A – Blake Thomas, Community Development Director

8.3. Consideration to Vacate and Abandon a Slope Easement Located at Approximately 5077 West 12560 South – Blake Thomas, Community Development Director

8.4. Consideration to Award Construction Contract for the Rose Creek Trail Connector Project – Bryce Terry, Assistant City Engineer

8.5. Review and Consider an Interlocal Agreement with Salt Lake County regarding the reimbursement of up to \$800,000 to Herriman City from Fourth quarter Regional Transportation Choice Funds for the Midas Creek Trail Extension Project

8.6. Review and Consider an Interlocal Agreement with Salt Lake County regarding the reimbursement of up to \$420,000 to Herriman City from Fourth Quarter Regional Transportation Choice Funds for the Juniper Canyon Trailhead Project

8.7. Approval of the 2023 Arbor Day Proclamation**8.8. Approval of the January 25, 2023 and March 8, 2023 City Council meeting minutes****8.9. Approval of an Opioid Participation and Settlement Agreement**

Councilmember Ohrn moved to approve the consent agenda as written. Councilmember Hodges seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

9. Discussion and Action Items**9.1. Discussion and consideration of an Ordinance updating Cemetery rules and regulations – Anthony Teuscher, Deputy Director of Parks, Recreation and Events**

Deputy Director of Parks, Recreation and Events Anthony Teuscher offered a proposed amendment to the cemetery rules and regulations. Verbiage for urn was added alongside casket or coffin and other various locations. Juneteenth was included on the observed holiday list, prohibition of confetti in the cemetery, visitation hours to start at 7:00 AM instead of 7:30 PM to coincide with other open space hours. Monument companies would be required to pay a fee for setting a headstone. The cemetery expansion area would only be approved for flat headstones.

Councilmember Hodges moved to approve Ordinance 2023-05 approving an amendment to the Herriman City Cemetery Rules and Regulations. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

9.2. Discussion and Consideration of a proposed amended and restated Master Development Agreement for Mountainview Plaza on ±6.0 acres located approximately at 12252 S Herriman Main Street in the C-2 Commercial Zone – Michael Maloy, City Planner

City Planner Michael Maloy offered a background of the negotiations of a new plan for rebranding the game pointe development to the Mountainview Plaza. He relayed the Planning Commission's recommendation to approve the proposed Master Development Agreement amendment with additional recommendations.

1. Include a statement in the MDA that clearly states that any provision not specifically addressed in the MDA or Design Guidelines is subject to current City ordinance for the underlying zone.
2. Identify if “Restaurant, Fast Food” is desired in the development. If not, specify the use of the drive-thru lane shown on the concept plan. One on-site outdoor gathering place shall be provided for each building with a drive-thru service or lane.
3. Specify that bonding for landscaping shall only be allowed in November through March. Otherwise, landscaping will be required to be installed before occupancy.
4. Unless modified by a parking impact study approved by the City, all off-street parking shall meet minimum City standards and not exceed 110% of the minimum parking requirement.
5. Submit a subdivision plat amendment that facilitates the proposed development plan (pending approval of the MDA amendment).
6. Provide updated Design Guidelines and a conceptual site plan that shows the following general requirements.
 - a. Massing buildings on street corners or providing landscaped entrance(s) into the development.
 - b. Provide at least one outdoor gathering or “common” area and one outdoor dining area within the development.
 - c. Move dumpster locations away from street frontages.
 - d. Provide an internal pedestrian/sidewalk plan that interconnects all buildings within the site and adjacent public right-of-way.
 - e. Include minimum materials and building features for the site.
 - f. Provide additional regulations for drive-through services in the development (if applicable).
 - g. Enhance existing landscaping regulations to increase parking lot landscaping and buffering from the public street.

City Planner Maloy depicted the proposed site plan and elevations for the project and highlighted the creativity of the developer. Applicant Aaron Osmond thanked staff for the phenomenal experience they have had from a developer's perspective. He relayed his excitement regarding the proposed development and highlighted entertainment tenants being attracted. Architect Chris Layton addressed the Council to offer additional insight to the project. Councilmember Ohrn expressed concern the drive through would bring similar

fast food chains that already reside within the community. Applicant Osmond assured the Council they were soliciting creative brands to make the development unique.

City Attorney Todd Sheeran was concerned with the agreement term and recommended it being valid for ten years to offer some surety for the developer. The Council agreed.

Councilmember Shields moved to approve resolution number R17-2023 approving an amended and restated Master Development Agreement for Mountainview Plaza, formerly known as Game Pointe, located at approximately 12252 South Herriman Main Street with two caveats: the term of the Master Development Agreement be extended to 10 years and the design standards presented in the presentation guide would be included as part of the Master Development Agreement as well as the conditions outlined by the Planning Commission. Councilmember Hodges seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Yes

Councilmember Teddy Hodges Yes

Councilmember Sherrie Ohrn Yes

Councilmember Steven Shields Yes

Mayor Lorin Palmer Yes

The motion passed unanimously.

9.3. Discussion and Consideration of an amendment to the City Council's Policy Regarding Public Infrastructure Districts – Blake Thomas, Community Development Director

Community Development Director Blake Thomas highlighted the various changes to the existing public infrastructure district (PID) policy. He oriented the Council to the two locations where PIDs would be allowed. He explained the Council provided direction to staff on suggested changes to the policy including:

- Application Process - Additional text stating that interests for which the city council may consider a PID include:
 - large infrastructure projects that benefit the city
 - Letter of Intent (LOI) Requirements
 - Require a map to be submitted with the PID Letter of Intent (LOI)
 - Require more detail on cost estimates and a project map
 - Specify that a detailed cost breakdown be provided for any soft costs and/or management fees included in the PID costs
- Fees would require an application for a PID LOI submittal
- Council's Criteria for Evaluating Proposed PIDs
 - Require that any obligations the city has made to reimburse a developer for infrastructure that the PID is dependent on must be satisfied by the PID

- Other Evaluation Criteria and Consideration
- Only allow PIDs in the Auto Mall and Olympia developments was removed in its entirety
- Governing Document Requirements
 - Require a map of the PID area
 - Require a project map for the PID improvements
 - Require a line-item cost estimate that includes quantities and unit costs.
 - Require a line-item breakdown for all soft costs and management fees
 - Specify that the project map must include all projects in the cost estimate
 - Require city council approval of an amendment to the governing document when projects that were not originally in the project cost estimate are added to the PID
- Submittal and Reporting Instructions
 - Update to the city attorney's contact information

The Council discussed the effects of altering the policy and expanding the requirements and acknowledged a combination of tools were the best way to move forward with future developments. Community Development Director Thomas informed the Council of another community's requirement to have a noticing section in the governing documents of their PID requiring the board to send out a notice to each resident within the PID boundary notifying them each July that they are located within a PID and who the contact information.

Councilmember Ohrn moved to approve Resolution No R18-2023 amending the Public Infrastructure District Policy with the additional noticing requirement as depicted by Director Thomas. Councilmember Hodges seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

9.4. Discussion and Consideration of an amendment to the Olympia Master Development Agreement – Blake Thomas, Community Development Director

Community Development Director Thomas oriented the Council to the location of the project and highlighted the four proposed amendments to the Master Development Agreement.

1. Master Developer requested to amend the MDA by adding section 7.2 to the MDA, which was a provision to not require future MDA amendments to obtain approval from the Special Owner (Jordan School District) if the amendment did not impact them. This would allow future amendments unrelated to Jordan School District sites to move forward without full board approval.
2. Section 2.10.1 of the MDA addressed the amount of commercial development required in the Olympia development based on the configuration of the intersection of Herriman Boulevard and the future alignment of U-111. The MDA required that 300,000 gross leasable square feet of Commercial uses shall be developed if at least half of the intersection was aligned in the Olympia Development (reduced to 200,000 square feet after 15 years). The alignment of U-111 may be configured such that less than half of the intersection at Herriman Boulevard would be within the Olympia development. The amendment request would reduce the intersection to one-quarter.
3. The Master developer was exploring different financing options for the PID in addition to the one-time contract fee, such as a mill levy. The proposed amended text would allow other security as may be provided by the governing documents.
4. Remove the requirement for providing dry secondary water lines in Olympia. The developer requested for it to be deleted in its entirety.

Councilmember Ohrn indicated she had concern with removing the requirement of placing secondary water lines within the development and would like to keep the opportunity to further discuss. The Council discussed the Zone 3 open space the secondary water line would service. Councilmember Ohrn expressed concern of making the decision which would go against the master plan. Councilmember Shields explained the amount of open space it would cover would not be worth the cost of incorporation.

The Council continued a discussion of the secondary water master plan and the associated inflation costs. Councilmember Shields indicated the cost of putting in the infrastructure would have a 140-year return on investment. The conversation turned to the price difference between culinary and secondary water. The Council recommended having a broader discussion about secondary water in the future.

Councilmember Ohrn indicated she did not have the opportunity fully look at the report provided by the developer and felt the financials outlined were incomplete. She relayed her desire to want to understand the ramifications prior to deciding and felt like this request seemed premature. Councilmember Shields disagreed.

Mayor Palmer found it unfortunate a more robust discussion did not happen. He acknowledged the antiquated secondary water plan needed to be revisited and expressed appreciation to staff for all of their diligent work on the project. Mayor Palmer thanked the Council for the open dialogue.

Councilmember Shields moved to approve Resolution No. R19-2023 approving an amendment to the Olympia Hills Master Development Agreement. Councilmember Hodges seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>No</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed with a vote 4:1.

Councilmember Henderson expressed appreciation for the in depth conversation and would have liked to discuss the overall master plan first to determine if secondary water would be feasible.

10. Public Hearing

10.1. Public hearing and consideration of a Resolution approving amendments to the Herriman City Master Fee Schedule – Kyle Maurer, Finance Director

Finance Director Kyle Maurer presented the amendments to the Herriman City Master Fee Schedule. The proposed cemetery fees included:

- Plot Purchase – resident \$1,000
- Plot Purchase – nonresident \$3,000
- Opening/closing fees – regular \$800.00
- Opening/closing – double stack (first burial) \$1,200.00
- Opening/closing fees – Double Stack (weekends/holidays) (first burial) \$2,250.00
- Monument Headstone set \$100.00

Finance Director Maurer also noted a proposed micro trenching fee would be set at \$100.00 base rate plus .45 cents a linear foot.

Mayor Palmer opened the public hearing.

There were no comments offered.

Councilmember Ohrn moved to close the public hearing. Councilmember Shields seconded the motion, and all voted aye.

Councilmember Hodges moved to approve Resolution No. R20-2023 approving an amendment to the Herriman City Master Fee schedule. Councilmember Shields seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	Yes
<i>Councilmember Teddy Hodges</i>	Yes
<i>Councilmember Sherrie Ohrn</i>	Yes
<i>Councilmember Steven Shields</i>	Yes
<i>Mayor Lorin Palmer</i>	Yes

The motion passed unanimously.

11. Future Meetings

- 11.1. Next Planning Meeting: April 19, 2023**
- 11.2. Next City Council Meeting: April 26, 2023**

12. Events

- 12.1. Herriman City Spring Cleanup: April 17 – 22**
- 12.2. Hungry Herriman: April 17, 2023 and April 24, 2023, Crane Park @ 5:00 p.m.**

13. Closed Session

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 Shields moved to temporarily recess the City Council meeting to convene in closed session for the purpose to discuss pending or reasonable imminent litigation and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	Yes
<i>Councilmember Teddy Hodges</i>	Yes
<i>Councilmember Sherrie Ohrn</i>	Yes
<i>Councilmember Steven Shields</i>	Yes
<i>Mayor Lorin Palmer</i>	Yes

The motion passed unanimously.

14. Adjournment

Councilmember Shields moved to adjourn the City Council meeting. Councilmember Hodges seconded the motion, and all voted aye.

15. Recomence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 12, 2023. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder