



CITY COUNCIL MINUTES

Wednesday, July 10, 2024

Approved August 14, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, July 10, 2024, at 5:00 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 Cherpeski, Assistant City Manager Wendy Thomas, City Recorder Jackie Nostrom, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Unified Fire Authority Assistant Chief Anthony Widdison, Community Development Director Blake Thomas, Deputy Chief of Police Cody Stromberg, Investigations Commander Zach Adams, City Engineer Bryce Terry, Police Chief Troy Carr, Operations Director Monte Johnson, Public Utilities Manager Jonathan Bowers, Assistant City Attorney Matt Brooks, City Attorney Todd Sheeran, Building Official Cathryn Nelson, and Economic Development Coordinator Sandra Llewellyn.

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

1. Council Business

Mayor Palmer called the meeting to order at 5:30 p.m.

1.1. Review of this Evening's Agenda

Mayor and staff briefly reviewed the agenda.

1.2. Future Agenda Items

Assistant City Manager Wendy Thomas recalled an email received from Wasatch Front Regional Council requesting to discuss transit-related topics in August. The Council debated whether to include them on the Joint Meeting agenda scheduled for July 31, 2024.

Councilmember Sherrie Ohrn relayed her concern on the liabilities surrounding allowing public to set up parade chairs and noted she preferred to see the issue addressed rather than revisit for discussion. Councilmember Teddy Hodges relayed his concern of potential issues with high ropes. Assistant City Manager Thomas indicated an educational approach would be taken.

Assistant City Manager Thomas acknowledged a request from a Utah County nonprofit group looking to utilize the Community Room for a monthly dance for teenagers over the next four months. Councilmember Jared Henderson indicated the fees were nominal and necessary to cover cleaning costs. Councilmember Ohrn asked about the cost to reserve the bandstand, which was \$150 for half a day, but noted the space was public unless reserved. She suggested if the teenagers were interested, they could fundraise for the event or consider holding it outside. Mayor Palmer agreed.

1.3. Council discussion of future citizen recognitions

There were no recognitions discussed.

2. Administrative Reports

2.1. Presentation of the Herriman City Economic Development Strategic Plan completed by Zions Bank Public Finance – Blake Thomas, Community Development Director

Community Development Director Blake Thomas informed the Council the Economic Development Strategic Plan project kicked off the prior year and turned the time over to Zions Bank Public Finance Vice President Aaron Sanborn to summarize the report.

Vice President Aaron Sanborn expressed his enthusiasm for the project and outlined the key findings, which were based on extensive economic data including sales tax analysis and demographic trends. He highlighted that Herriman's rapid growth, despite a slowdown in recent building rates, continued to present significant opportunities. The city's population, expected to reach about 115,000, showed promising economic indicators such as a young, educated workforce and higher median incomes. However, he pointed out that 95% of the labor force commuted out of the City daily, which posed challenges for local businesses and transportation infrastructure.

The report also addressed the impact of remote work, noting that up to 8,000 individuals might be working remotely, which could potentially benefit local commercial development. Job growth in the city was projected to remain strong through 2050, with a need for around

300 acres of land for commercial development. Vice President Sanborn emphasized the importance of preserving commercial spaces to support future job growth and economic development.

A major issue identified was Herriman's low sales tax capture rate, with only 34% of taxable sales retained locally. This resulted in a significant leakage of \$790 million to other communities. He suggested the city could address this issue by attracting businesses that filled existing market gaps, such as motor vehicle dealers and accommodation providers.

Vice President Sanborn also reviewed current market trends, noting challenges in the retail and office sectors due to declining demand and high interest rates. However, the industrial sector was thriving, driven by e-commerce growth and low vacancy rates. He discussed the trade-offs of industrial development, including its limited tax revenue potential and visual appeal.

He identified four key areas for future development. The west side of Herriman was seen as a potential major commercial hub with opportunities for significant retail space and outdoor recreation. The City Center, particularly around City Hall, offered opportunities for mixed-use development that could benefit both economically and publicly. The north area could address sales tax leakage and attract businesses due to its visibility near the Mountain View corridor. Finally, the south area was considered a gateway with diverse development potential, benefiting from its proximity to transportation routes and higher education institutions.

Vice President Sanborn acknowledged that Herriman faced regional competition from established developments in neighboring cities but also saw this as an opportunity to attract unique businesses and experiences to differentiate itself. The vision of the strategic plan was to leverage Herriman's unique assets while enhancing its market position, with three main goals: to create destination retail that attracts high-quality and experiential businesses, to improve quality of life with recreational and vocational options, and to diversify local industries while preserving the city's heritage.

Assistant City Manager Wendy Thomas highlighted the implementation of new tools and systems, such as Alpha Maps, which would aid in evaluating future development proposals and tracking market trends. Community Development Director Blake Thomas offered an overview of how the product worked.

2.2. Quarterly Economic Development Update – Sandra Llewellyn, Economic Development Coordinator

Economic Development Coordinator Sandra Llewellyn provided updates including that Jamba Juice and Royal Pickleball had opened. Pizzeria 24 was nearing its grand opening, pending a few final corrections. The pizzeria was set to be located next to Crave Cookie.

Assistant City Manager Thomas informed the Council that EDC Utah merged with the Salt Lake Chamber of Commerce. Councilmember Shields requested that future reports include cross streets for better clarity on business locations. Mayor Palmer acknowledged the Apla Maps would include a GIS economic development map that would assist residents and businesses in finding and leasing properties.

2.3. Discussion Regarding Updates to the Herriman City Development Standards – Jonathan Bowers, Public Utilities Engineering Manager

Public Utilities Engineering Manager Jonathan Bowers provided an overview of the current Herriman City Development Standards, emphasizing the structure of the standards, which were documented separately and incorporated into city code through Title 9. He explained that the City Engineer was responsible for administering and interpreting these standards as development applications are processed. He highlighted various chapters of the standards, each detailing specific aspects such as submission requirements for engineering reviews, developer obligations, and construction criteria.

Manager Bowers pointed out that while many updates to the standards are driven by state statutes, some were specific to Herriman City to align with best practices observed. He explained the changes include updates to procedural aspects, such as requiring final engineering approval before Planning Commission review, and new regulations for water usage and construction. Developers would need to ensure their projects do not exceed a specified water usage limit and adhere to new guidelines for stormwater management and utility placement.

Councilmember Ohrn questioned how Herriman's standards compared to those of other cities, particularly in terms of their uniqueness and the potential for developer pushback. Manager Bowers acknowledged that while many updates reflect state-driven requirements, there are specific local adjustments to improve consistency and efficiency. He noted that some changes, like the pre-application review and updates to water conservation standards, were designed to address issues and streamline processes, though they might impact smaller developments by increasing upfront costs and procedural requirements.

He discussed the impact of new standards on the development process, such as a requirement for detailed dry utility plans to prevent conflicts between utility placements and other infrastructure. This change would avoid construction issues by ensuring that utility plans are coordinated and reviewed early in the development process.

Councilmember Shields indicated that, despite not receiving direct feedback from developers or builders, the updates seemed necessary for addressing regulatory requirements and improving development practices.

2.4. Discussion of a proposed City Council Citizen Recognition Policy – Jackie Nostrom, Deputy Director of Administrative Services

Deputy Director of Administrative Services Jackie Nostrom presented the draft City Council Citizen Recognition Policy which had been developed in response to Council requests to facilitate the process. The policy included guidelines on the criteria for recognition, the nomination process, and the selection of individuals to be honored. Staff recommended to limit recognitions to two per Council meeting.

Councilmember Ohrn moved to temporarily recess the City Council work meeting at 6:32 p.m. to convene in closed session to discuss the deployment of security personnel, devices, or systems as provided in Utah Code Annotated §52-4-205. 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.

The Council reconvened the work meeting at 7:00 p.m.

3. Adjournment

Councilmember Ohrn moved to adjourn the City Council work meeting at 7:01 p.m.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:07 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Miss Summer Anne Gunderson offered the invocation.

Mr. Gabriel Jimenez led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

The Council formally recognized local elementary school students who were the winners of the D.A.R.E essay contest. Student Resource Officers Jacob Burns and Marisha Manzano presented the students and described their accomplishments.

Councilmember Ohrn commended staff for a successful community celebration at the Fort Herriman Towne Days.

5. Public Comment

Lydia Faulkner spoke in favor of approving the proposed update to the Wasatch South Hills Master Development Agreement and expressed her frustration about an uncompleted apartment complex not being considered a priority for the developer.

6. City Council Reports

6.1. Councilmember Jared Henderson

Councilmember Henderson cautioned residents to be safe with fireworks.

6.2. Councilmember Teddy Hodges

Councilmember Hodges reported on the South Valley Sewer District Board noting that the District's name had officially changed to the Jordan Basin Improvement District.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn reported on the Wasatch Front Waste and Recycling District Board noting a recent budget discussion and observed the probability of a rate increase.

6.4. Councilmember Steven Shields

Councilmember Shields informed the residents that Social Media outlets were not the official channel of communication with the Elected Officials.

7. Mayor Report

Mayor Palmer reported on a recent meeting regarding Utah Transit Authority services, stating that UTA was planning for a bus route that will serve Herriman and connect to surrounding communities. He indicated details would be released as they become available. He highlighted the open public comment period about the UTA 5-year plan and encouraged resident participation.

8. Reports, Presentations and Appointments

8.1. Youth Council Legacy Reports and Oath of Office Ceremony – Destiny Skinner, Youth Council Liaison

Several members of the Herriman City Youth Council presented reports of their Legacy Projects, which is a requirement to fulfill their service. City Recorder Jackie Nostrom conducted the Oath of Office for the incoming 2024-2025 Youth Council members.

9. Public Hearing

9.1. Public Hearing and consideration of an ordinance to approve the Proposed Water Master Plan – Jonathan Bowers, Public Utilities Engineering Manager
Items 9.1 and 9.2 were presented together.

Public Utilities Engineering Manager Jonathan Bowers expressed appreciation for the opportunity to present the plan and acknowledged the significance of reaching this stage. Manager Bowers explained the Master Plan serves as the foundation for the City's water system and capital projects, ensuring that service levels are maintained as the City develops. He mentioned that the Master Plan, along with the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA), had been submitted to the Home Builders Association, but no comments had been received. He turned the time over to Bown Collins & Associates Engineer Andrew McKinnon to present.

Engineer Andrew McKinnon provided a detailed overview of the changes since the last watermaster plan. He highlighted key updates, including shifts in annexation areas, density increases, and adjustments in secondary water use. Notably, the annexation of an area previously planned for Herriman into South Jordan was a significant change. Engineer McKinnon pointed out that secondary water coverage had been reduced due to increased costs and decreased effectiveness of secondary water conservation. He illustrated the differences between the 2019 and 2024 master plans, noting that while some areas had seen significant reductions in secondary water facilities, costs for projects had increased, particularly for storage tanks and reservoirs.

Engineer McKinnon discussed the Impact Fee Facility Plan and Impact Fee Analysis. He explained that impact fees are one-time charges for new development to offset capital costs associated with system improvements. The Olympia service area was treated separately due to an approved Master Development Agreement, meaning it would not be subject to impact fees. The Impact Fee Analysis calculated costs for existing capacity, new development, and financing, showing a general increase in fees, particularly for storage and pumping facilities.

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 Shields moved to approve Ordinance No. 2024- 15 adopting and approving an updated Water Master Plan. 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.

9.2. Public Hearing and consideration of an ordinance approving the Water Impact Fee Analysis, Water Impact Fee Facilities Plan, and an Impact Fee Enactment that imposes a Water Impact Fee – Jonathan Bowers, Public Utilities Engineering Manager

This item was presented with item 9.1

Mayor Palmer opened the public hearing.

Leif Smith relayed his support of the Impact Fee Analysis and the corresponding increase.

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

Councilmember Ohrn moved to approve Ordinance No. 2024- 16 adopting an Impact Fee Facilities Plan, Impact Fee Analysis, and an Impact Fee Enactment that imposes a Water Impact Fee. 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.

10. Consent Agenda

- 10.1. Consideration of an Interlocal Agreement with Salt Lake County for Corridor Preservation Funds to Purchase Property at Approximately 13000 South and 7300 West for the Construction of 7300 West – Blake Thomas, Community Development Director**
- 10.2. Consideration of Interlocal Agreement with Salt Lake County to build Traffic Signal at Sentinel Ridge Blvd & 13800 South – Bryce Terry, City Engineer**

10.3. Review and Approval of the May 2024 Financial Summary – Amy Stanger, Senior Accountant

10.4. Approval of a Local Consent for a bar liquor License for The Station Bar, LLC. – Sandra Llewellyn, Economic Development Coordinator

10.5. Acknowledgment of the City Status Report – Trevor Ram, Management Analyst

10.6. Consideration to Award Construction Contract for Hidden Open Space Project – Bryce Terry, City Engineer

10.7. Consideration to Adopt Policy Regarding Guiding the Acceptance of Private Infrastructure as Public – Bryce Terry, City Engineer

10.8. Approval of the May 8, 2024, and May 22, 2024, City Council meeting minutes
Councilmember Hodges moved to approve the consent agenda as written. Councilmember Ohrn 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.

11. Discussion and Action Items

11.1. Discussion and Consideration of the Fifth Amendment to the South Hills Development Master Development Agreement – Blake Thomas, Community Development Director

Community Development Director Blake Thomas provided a detailed presentation, reflecting on recent modifications to the proposed fifth amendment to the South Hills Master Development Agreement. He noted the shape and use of Pod Five had changed, Pod Six was removed, and Pod 20 was introduced. Director Thomas reviewed a checklist from the last meeting, indicating that all items had been adequately addressed, with some specifics requiring further detail as development progressed.

Director Thomas explained that the new land use plan showed adjustments to Pod 20, including a reduction in proposed units to match current zoning. The proposed plan, though, was subject to further negotiation with the City Council and was only an interim step until the sixth amendment was finalized. He noted that any required amendments to comply with state code would be included in Amendment Six, to be completed within 365 days, with reversion to Amendment Four if not done in time.

The presentation also covered a new requirement for front yard landscaping, mandated by the state legislature but included in the Master Development Agreement (MDA). This addition

would ensure front yards are landscaped before occupancy or bonded for if done in winter. Concerns regarding the proximity of Pod 20 to Camp Williams were addressed, with Director Thomas explaining how the development would be positioned below a ridge to minimize visual and auditory impacts on Camp Williams. He observed exhibits included in the submission to show the development's alignment relative to Camp Williams and surrounding properties.

Director Thomas also discussed changes to road access from Pod 20, noting that the road would loop to better integrate with adjacent properties and avoid steep grades. This design looked to reduce the impact of the development on Camp Williams surroundings. He concluded by inviting questions and recommending approval of the amendment with the noted changes.

Councilmember Henderson relayed a concern to make necessary changes to the agreement to align with the provided map. He noted that the agreement had added an exhibit showing lot layouts with a disclaimer that while outlines and alignments might change, the land use types would remain consistent. He raised a concern about the need to balance and resolve sending and receiving zones, ensuring that unit densities were accurately reflected.

Mayor Palmer expressed concerns about Pods 20 and 21, pointing out that Pod 21 was encroaching into a newly zoned FR 2.5 area. He questioned whether the current Master Development Agreement would inadvertently grant additional units beyond the base zone, prompting a need for clarity on whether this would bypass the usual zoning processes. Mayor Palmer suggested that any approval should not grant more units than the base zone allows and emphasized that any changes should be reviewed through the standard zoning process.

City Manager Cherpeski clarified that Pod 20 was limited to 48 units based on zoning regulations and that the overall development could not proceed until additional infrastructure, like a water tank, was in place. The debate included concerns about discrepancies between the map and the allowable units.

Councilmember Shields strongly criticized the current proposal, arguing that it bypassed necessary legislative and zoning processes. He emphasized that the map showed more density than what was approved and expressed frustration over the continual amendments to the MDA. Councilmember Shields insisted that the Council should not approve something that lacked clear and agreeable terms.

City Attorney Todd Sheeran explained that Amendment 5 looked to address immediate concerns while deferring more comprehensive changes to Amendment 6. He assured that if Amendment 6 did not proceed, the agreement would revert to its previous state. Attorney Sheeran highlighted that the current map was not binding and could be adjusted before finalization.

Director Thomas interjected the map's inclusion as an exhibit and acknowledged that while it might have inaccuracies, adjustments could be made before recording it. He stressed that the proposal still required alignment with zoning laws and that any increase in units or changes to zoning would need separate approval.

Councilmember Shields discussed the upcoming vote on the Panorama project, noting that its completion depended on resolving several land swap issues involving several stakeholders. He expressed concern that unresolved issues could negatively impact the Panorama agreement, which would also affect additional MDAs involving 3,000 units, roads, and water tanks. Councilmember Shields worried about the potential legal complications if infrastructure, such as roads and water tanks, was already in place when agreements were not finalized.

Councilmember Shields felt that the situation presented layered risks and expressed dissatisfaction with the idea that the decision on the new pod might unravel the entire Panorama agreement. He questioned how rejecting the proposal could affect the Panorama project and infrastructure already in place. He indicated that if negotiations failed to resolve the pod issue, the entire agreement might be jeopardized, which he found troubling.

Councilmember Henderson responded by pointing out that the focus should be on the MDA, not the PID, and emphasized that if infrastructure was already built, the risk was on the developers, not the City. He argued that not agreeing to the changes could put the developers in a difficult position, but it was part of the negotiation process. Councilmember Henderson suggested that if the developers did not accept the terms with the recommended changes, they could still request more units later, but the agreement would stand as is.

Councilmember Shields reiterated his concerns about the decision potentially unwinding the entire Panorama agreement and expressed frustration with the contingencies involved. He mentioned that current zoning would entitle developers to build only 48 units without changes. He preferred a clean resolution rather than having the agreement contingent on future approvals.

Mayor Palmer clarified that the City was not granting additional density now and explained that the new agreement aimed to fix previous zoning issues. He acknowledged that while the agreement was complex, it was necessary to address the issues and move forward.

Director Thomas explained the complexities of balancing zoning and density requirements and mentioned that conditional approval was a middle step to address the current application without delaying the process. He addressed concerns about infrastructure and how not approving the agreement could impact ongoing and future developments.

Developer Leif Smith explained that the amendment was crucial for moving forward with water tank construction and addressing issues with Staker Parsons, who had mining rights on land needed for water tanks. Smith stressed that the amendment would help resolve some long-standing issues and enable the project to proceed more efficiently.

Councilmember Shields expressed frustration that the whole agreement was being held up by the contingent aspects related to Staker Parsons. He questioned why the additional units and compensatory agreements were necessary and preferred a resolution that separated the core agreement from these additional concerns.

Developer Smith discussed the operations and challenges faced by his development company, which is part of the Wasatch group but operates independently from other Wasatch entities. His company, consisting of five members, was specifically responsible for the South Hills development. He clarified that while Wasatch is associated with various projects, including the RSL training facility and Lee's Marketplace, South Hills was the sole project directly managed by his team. The apartment building next to Lee's Marketplace is handled by a separate Wasatch entity with no financial or operational ties to Smith's group.

Developer Smith explained that their development faced significant delays due to challenges such as the COVID-19 pandemic, supply chain issues, and rising interest rates. However, he assured that despite these setbacks, they were committed to resolving the issues and progressing with the project. According to recent information, another entity familiar with the area is expected to take over the apartment project in August to address the delays.

Developer Smith further elaborated on the development plans for pods 16 and 17, highlighting that these would be managed by Wasatch Construction Partners and built to high standards similar to previous projects like Solei Lofts. He expressed a willingness to adhere to any agreements to ensure quality and design standards are met.

Councilmember Henderson asked for clarification that there were no mechanisms to force completion of stalled projects, referring to past issues with unfinished buildings. He underscored the negative impact of the delays on local businesses and called for improved communication and action. This was confirmed.

Mayor Palmer reassured that progress is being made, noting upcoming developments such as Heartland Dental, Starbucks, and other projects in the area. He emphasized that the City was actively working on enhancing the development and addressing community needs.

Councilmember Henderson moved to approve Resolution No. R25-2024 approving the fifth amendment to the South Hills Master Development Agreement with the following conditions to include changes outlined in the staff report are to be implemented, including a revision to the map indicating that Pod 20 will not exceed 48 units, in accordance with the zoning

regulations. Additionally, the extra 120 acres of land will be restricted to the unit limits defined by the underlying zoning. Any further development in this area must undergo the appropriate zoning review process. 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>No</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed with a vote 4:1

11.2. Discuss and consider a Contract for a Federal Lobbyist – Nathan Cherpeski, City Manager

City Manager Nathan Cherpeski informed the Council that Mayor Palmer and Councilmember Hodges were selected to interview the three finalists for the federal lobbyist contract. He noted each lobbyist presented different strengths and approaches but deferred to the Council for their insights.

Mayor Palmer explained that, based on the interviews, it was evident that the City needed to clarify its objectives for engaging a federal lobbyist before committing to a \$60,000 annual expenditure. He suggested it was crucial to define what the City wanted from a lobbyist at the federal level prior to making that type of investment. Councilmember Teddy Hodges agreed all three lobbyists were capable; however, the City lacked clear guidance priorities. Mayor Palmer recommended postponing the decision to hire a federal lobbyist until the Council could better understand its needs and establish specific goals. He emphasized the importance of not spending money prematurely. He appreciated the different strategies each lobbyist presented and acknowledged staff efforts in narrowing down the candidates.

Councilmember Hodges supported the recommendation to delay and highlight the strong relationship with local federal representatives. He believed these connections could mitigate the need for immediate federal lobbying and the City could revisit the issues in a year after reassessing its priorities. The Council agreed.

Councilmember Ohrn moved to not retain a federal lobbyist this year to allow time for the City to determine its goals and direction related to federal lobbying. Councilmember Henderson 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.

11.3. Consideration for a Reimbursement Agreement for Hidden Oak Backbone Phase

1A – Bryce Terry, City Engineer

City Engineer Bryce Terry presented the reimbursement agreement related to the Hidden Oak backbone project. He provided a brief overview of the situation, noting that the Hidden Oaks Master Development Agreement (MDA) specified which infrastructure installations were eligible for reimbursement to the developer. Engineer Terry explained that typically a reimbursement agreement is signed before construction commenced, but in this case, the infrastructure had already been completed, and the developer was now seeking reimbursement.

Engineer Terry outlined three options for the Council's consideration. Option one, which was recommended, involved reimbursing the developer for the installation of roadways and utilities. This included upsizing the water lines and storm drainage systems, which were considered system improvements and thus eligible for reimbursement under the MDA. Option two proposed an additional reimbursement of \$53,000 for landscaping the detention pond. Engineer Terry pointed out that the MDA did not obligate the city to cover landscaping costs. Option three would involve not executing a reimbursement agreement at all, but this could potentially lead to issues with the MDA.

Mayor Palmer questioned why the area had been landscaped with sod and lacked fencing, noting it had turned into an underused space. Engineer Terry explained the development plans had been approved before new water efficiency standards were in place, and the delay in irrigation contributed to the current state of the area. Mayor Palmer also raised concerns about the additional maintenance costs for the landscaping and whether the City would need to oversee further expenses related to watering and mowing.

Councilmember Henderson moved to approve the reimbursement agreement with Perry Homes for the Hidden Oak Backbone Phase 1A project for all items except the landscaping improvements. 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.

11.4. Discussion and consideration of a Resolution declaring the City's intention to reimburse itself for expenditures incurred in connection with financing certain streets and parks improvement projects – Nathan Cherpeski, City Manager

City Manager Nathan Cherpeski provided an overview of the resolution declaring the City's intent to reimburse itself for expenditures for street and parks improvement projects. He explained that several projects, specifically 6400 West Phase One and 13800 South phases 1 and 2, were anticipated to be funded by a bond as per previous agreements made years prior. The resolution was designed to permit the City to spend money on these projects and later reimburse itself through the bond issuance. City Manager Cherpeski stated there was a potential reimbursement amount of \$40 million; however, noted this figure was higher than anticipated. The actual bond amount was expected to be closer to \$28 million. He asked if there were any questions. There were none.

Councilmember Henderson moved to approve Resolution No. R26-2024 declaring the City's intention to reimburse itself for expenditures incurred in connection with financing all or a portion of the costs of road projects, park projects, and utility projects, and related improvements with proceeds of bonds that it intends to issue. 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.

11.5. Amending code section 4-6 Noise Ordinance regarding construction related noise – Nathan Cherpeski, City Manager

City Manager Cherpeski noted that the current noise ordinance was adopted in 1999, which referenced county health department regulations, and had been updated multiple times since then. This reference made enforcement difficult for police and code enforcement staff, as the code was integrated within another set of regulations and not easily accessible in their systems. To resolve this issue, City Manager Cherpeski proposed a revision to City Code to make the noise ordinance more straightforward and directly applicable.

The amendment looked to allow the City to implement stricter regulations on construction noise than those specified by the county. A new chapter was introduced to clearly define

prohibited construction noise activities. The revised code stipulated that violations would be classified as infractions, escalating to misdemeanors only in cases of persistent non-compliance. This approach was intended to simplify enforcement without completely overhauling existing county regulations, which would still apply for more complex noise issues involving decibel meters.

Councilmember Henderson moved to approve Ordinance No. 2024- 17 amending Herriman City Code §4-6 relating to noise 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.

Councilmember Shields requested further modifications of the ordinance restricting excessive car noise. Councilmember Henderson indicated it could expand further beyond cars.

11.6. Discuss and consider a recommendation to amend Chapter 10-9 Agricultural Zones of Title 10 Land Development Code to remove density bonus options in the A-1-10 Agricultural Single-Family Zone (File No. Z2024-066) – Michael Maloy, City Planner

City Planner Michael Maloy presented the proposed amendment which would remove the density bonus options from the A-1 zone. He relayed the Planning Commission support for the amendment.

The specific amendment under consideration pertained to the R-1-10 zone. He recalled a previous discussion where the Council had deliberated on maintaining a minimum lot size of 10,000 square feet, which was slightly larger than a quarter acre. The primary goal of this amendment was to simplify subdivision regulations and enhance predictability in the development review process. City Planner Maloy noted that the existing density bonus structure allowed the Planning Commission to have the final say on subdivision layouts, but changes in state code necessitated a more predictable process.

He said this amendment was designed to comply with state requirements and was expected to benefit both private property interests and the city's resource management. The Planning Commission had unanimously recommended the amendment, approving it with a 6-0 vote. City Planner Maloy expressed his enthusiasm for the amendment, praising it as a long-

awaited change that would eliminate the confusing density bonus system and improve the overall clarity of subdivision regulations.

Councilmember Ohrn moved to approve Ordinance No. 2024-18 amending Title 10 of Herriman City Code to remove the bonus density regulation in a A-1-10 Agricultural Single-Family Zone. Councilmember Shields 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.

11.7. Discuss and consider a recommendation to amend sections of Title 10 Land Development Code to clarify street connectivity requirements for subdivision plat applications and reduce the terms of expiration for preliminary plat approval in Herriman City Code (File No. Z2024-069) – Michael Maloy, City Planner

City Planner Maloy indicated the proposed amendments was to clarify street connectivity requirements for subdivision plat applications and to reduce the term of expiration for preliminary plat approvals. He mentioned the City Attorney had drafted the amendment, following a recent update to the subdivision code and discussions with development partners.

He provided historical context, noting that while land parceling had been a practice since the western migration era, formal platting only began in the 1920s and 1930s with developments like South Hills. Given recent state legislative interest in planning processes, the City sought to address concerns raised by developers through the proposed changes.

He proposed that new streets must connect with existing public streets, but it introduced a phased approach. Initially, developers would need to demonstrate proposed street alignments during the preliminary review, with detailed civil plans and a dedication plat required at the final step. Additionally, the amendment aimed to reduce the preliminary plat approval period from two years, with an option for a two-year extension, to a more streamlined one year with a single one-year extension.

City Planner Maloy explained that these changes were driven by feedback from development partners who found the current approval timeline excessive. The goal was to simplify the planning process and make it more efficient for developers while maintaining essential connectivity requirements.

Councilmember Shields *moved to approve Ordinance No. 2024- 19 amending Title 10 of Herriman City Code to clarify street connectivity requirements for subdivision application and reduce expiration terms for subdivision approval. 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.

11.8. Consideration to Award Construction Contract for the Juniper Canyon Asphalt Trail Project – Bryce Terry, City Engineer

City Engineer Bryce Terry indicated presented a financial update regarding the Juniper Canyon asphalt trail project, discussing the need for a budget adjustment due to higher-than-expected bid prices. Engineer Terry explained that typically, if construction bids came in under budget and contingency funds were sufficient, the project would proceed to the consent agenda for approval. However, in this case, the bid amounts exceeded the approved budget of \$420,000, with the lowest bid from Newman Construction totaling \$488,000. Additional costs for design and seeding were also factored in, pushing the total cost beyond the budget by approximately \$155,000.

Engineer Terry outlined two primary options for addressing the shortfall. The first option involved transferring \$250,000 from the 7300 West project, which had a healthy contingency fund due to competitive bidding. This transfer would cover the deficit and provide a 20% contingency for the Juniper Canyon project. The second option was to proceed with only the base bid for the trail and omit the bid alternate area to avoid budget amendments. However, this option left minimal funds for unforeseen expenses or change orders, which could necessitate future budget adjustments.

Assistant City Manager Thomas offered an additional option to use \$2.3 million in park impact fees budgeted for the Juniper Canyon recreation area. This approach would allocate park funds to cover the additional cost of the trail project, which would preserve general fund resources for other uses. Engineer Terry supported this option, noting it would be prudent to use restricted park funds rather than shifting general funds, which might impact other projects. The Council discussed the merits of each option, with a preference leaning toward using the park impact fees to avoid disrupting the general fund.

Councilmember Henderson moved to award the Juniper Canyon Asphalt Trail Improvement construction contract to the low bidder, Newman Construction, and to initiate a budget amendment transferring the needed \$250,000 from Park Impact Fees. 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.

12. Future Meetings

- 12.1. Next Planning Meeting: July 17, 2024
- 12.2. Next City Council Meeting: August 14, 2024

13. Events

- 13.1. Yeti In the Park: July 15, 2024 Umbria Splash Pad 10:00 a.m.
- 13.2. Yeti in the Park Foam Party; July 17, 2024; Crane Park @ 5:00 p.m.
- 13.3. Senior Resident Pie-O-Neer and History Social; July 18, 2024; City Hall @ 11:00 a.m.
- 13.4. Yeti in the Park: July 22, 2024 Juniper Canyon Recreation Area Eastern Trailhead 10:00 a.m.
- 13.5. Hungry Herriman and Farmer's Market: July 15, 2024 and July 22, 2024; Crane Park 5:00 p.m.

14. 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


The closed session was conducted during the work session portion of the meeting.

15. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 10:05 p.m. Councilmember Hodges seconded the motion, and all voted aye.

16. Recommence 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 July 10, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder