



CITY COUNCIL MINUTES

Wednesday, October 09, 2024

Approved November 13, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, October 9, 2024, 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, and Steven Shields

Staff Present: City Manager Nathan Cherveski, Assistant City Manager Wendy Thomas, City Recorder Jackie Nostrom, Finance Director Kyle Maurer, Communications Manager Jonathan LaFollette, Public Works Director Justun Edwards, Community Development Director Blake Thomas, City Attorney Todd Sheeran, Management Analyst Trevor Ram, Planning Manager Clint Spencer, City Engineer Bryce Terry, HPD Police Chief Troy Carr, Operations Director Monte Johnson, Economic Development Coordinator Sandra Llewellyn, UFA Division Chief Anthony Widdison, Deputy Director of Parks, Recreation and Event Anthony Teuscher, Events Manager Lorren Mitchell, HPD Operations Commander Brent Adamson.

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

1. Council Business

Mayor Lorin Palmer called the meeting to order at 5:34 p.m.

1.1. Review of this Evening's Agenda

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Council and staff briefly reviewed the agenda.

1.2. Future Agenda Items

Councilmember Teddy Hodges inquired about the timeline for a presentation regarding the traffic study. City Engineer Bryce Terry reported the presentation would be conducted at the next City Council meeting.

Mayor Palmer asked if the discussion of a the new traffic light near the high school that has caught drivers off guard could be placed on a Traffic Committee meeting agenda. He suggested adding more advanced signage to warn drivers of the upcoming signal, especially as people are still adjusting to the new light. Engineer Terry explained that flashing message boards were used to alert drivers for a month after the light was installed, and noted further discussions have been taking place to enhance safety with additional signs, including options for flashing beacons or overhead arms.

City Attorney Todd Sheeran noted a potential franchise fee change with Google. He explained that Google has requested a reduction in their 5% franchise fee for broadband services, as they claim it is higher than the rates charged elsewhere and is a barrier to enter the market. The Council agreed to further the conversation. Councilmember Ohrn emphasized the need to maintain equity in how franchise fees are applied.

City Manager Nathan Cherpesci briefed the Council on the Mountain View Corridor and off-ramp placement issues. Previously the off-ramp was planned near the commercial center and has since been moved, and the state is now pushing traffic to a less ideal location. The City has planned to escalate the issue and may seek further support from elected officials to move the off-ramp to a more optimal location. Community Development Director Blake Thomas added that the location of the off-ramps was crucial to avoid traffic weaving and noise concerns, and noted this issue will be discussed in a future meeting.

1.3. Council discussion of future citizen recognitions

There were no future citizen recognitions.

2. Administrative Reports

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

Economic Development Coordinator Sandra Llewellyn provided an update on recent commercial developments, noting six new businesses have opened since the last update. She mentioned there were many projects upcoming and expected there would be a significant surge in business openings soon.

2.2. City Status Report – September 2024 – Trevor Ram, Management Analyst

City Manager Cherpesci mentioned tha the report now included a second page with more detailed information about the sales tax. The City receives half a percent of the sales tax collected from these transactions. City Manager Cherpesci noted staff has been considering providing a historical snapshot of sales tax data, which would help provide a clearer understanding of how tax revenue has grown over time.

Management Analyst Trevor Ram discussed a challenge related to the sales tax reporting process in the city. One of the difficulties is the inconsistent reporting periods from the state, which can cause fluctuations in the data. Sometimes, the reporting period is shortened, and other times it's extended. The state does not seem to close these periods on the same date each month, which leads to some unpredictability in when the city receives payments. As a result, the city might receive two payments from the same vendor in one month, which can skew the figures for that period. This inconsistency in reporting periods is one of the reasons why the sales tax numbers may appear to bounce up and down. City Manager Cherpesci encouraged everyone to consider this when looking at the sales tax charts, as the fluctuations can be due to these reporting inconsistencies.

2.3. 2024 Blackridge Reservoir Review – Wendy Thomas, Assistant City Manager

Assistant City Manager Wendy Thomas shared updates on the parking program that was implemented. For the first time, parking fees were introduced, and the program ran on weekends and holidays throughout the summer. Assistant City Manager Thomas highlighted the success of the program, revealing that nearly 5,000 visits were made to the reservoir, generating just under \$50,000 in revenue. There were also 767 parking citations issued, all handled by parking agents, not police officers. Despite some minor issues with bad weather and missing Juneteenth, the program was deemed a success by city staff.

Regarding the residential parking permits, the fees for residents were eliminated, resulting in a significant increase in the number of permits issued. The pavilion rental system was also revamped, increasing the rental fee to \$300 for residents and \$400 for non-residents. The change to full-day rentals helped reduce conflicts, streamlined scheduling, and increased staff efficiency, despite a decrease in the number of rentals.

HPD Chief of Police Cody Stromberg observed a noticeable improvement, with a decline in citations and overall calls for service. He noted that, unlike previous years, there were no long queues at the entrance, making the experience smoother for both staff and visitors. It was reported that the surrounding community had mixed feelings, with some concerns over customer service and confusion regarding parking space reservations, but overall, the change was positive. Events Manager Lauren Mitchell mentioned the reduced stress on staff and improved visitor experience, with fewer conflicts and smoother operations.

Council consensus was not to make any changes for the upcoming season and acknowledged the improvements made over previous years.

Councilmember Steven Shields 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, pending or reasonably imminent litigation, and discussion regarding deployment of security personnel, devices, or systems as provided by Utah Code Annotated §52-4-205 at 5:58 p.m. Councilmember Sherrie 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.

The Council reconvened the City Council work meeting at 7:09 p.m.

3. Adjournment

Councilmember Ohrn moved to adjourn the City Council work meeting at 7:09 p.m. Councilmember Hodges seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:16 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Scout Troop 820 led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Mayor Palmer expressed gratitude to staff, sponsors, and local businesses involved in the successful Herriman Howl event.

5. Public Comment

Spencer Harvey, representing Edge Homes, thanked the Council for the opportunity to speak and shared his positive experience constructing the stage for the Friends of Herriman. He thanked the City for fostering a strong community partnership.

Sam Winkler shared his thoughts on two key issues during the meeting. He proposed increasing side-yard setbacks for driveways to 10-feet to better accommodate trailer storage, noting that many residents struggle to find places to store their trailers and be in compliance with City ordinances. He argued the change would allow residents to keep trailers behind fences without relying on outside storage options. Mr. Winkler also touched on pedestrian safety at traffic signals, specifically busy intersections near Silvercrest Elementary School. He suggested working with county officials to increase pedestrian crossing times to prevent congestion and improve safety.

Matt Basham advocated for a policy that would allow sales tax from food truck events in Herriman to remain in the City instead of going to where the business was licensed. He suggested it could be achieved through special event forms, which would facilitate capturing local sales tax during events like the Herriman Howl. He highlighted a successful wheelchair basketball game held between Herriman and Bluffdale, organized to benefit an adaptive sports arena run by local resident, Ahsley Guymon. He praised the event and commended Mayor Palmer and Councilmember Hodges for their participation.

6. City Council Reports

6.1. Councilmember Jared Henderson

There was no report.

6.2. Councilmember Teddy Hodges

There was no report.

6.3. Councilmember Sherrie Ohrn

There was no report.

6.4. Councilmember Steven Shields

There was no report.

7. Mayor Report

There was no report.

8. Reports, Presentations and Appointments

8.1. Wasatch Front Waste and Recycling District Report – Pam Roberts, WFWRD Executive Director

Wasatch Front Waste and Recycling District Executive Director Pam Roberts provided an update on the District's activities and upcoming budget considerations. Executive Director Roberts expressed her appreciation for the community and shared insight into the District's sustainable practices and the importance of employee satisfaction. She continued with the need for a fee increase in 2025 due to rising operational costs, particularly related to personnel wages and maintenance of aging equipment. She highlighted the District's efforts to enhance recycling transparency and efficiency, including a new webpage feature for residents to track recycling statistics.

Executive Director Roberts outlined the successful seasonal container reservation program, noting the challenges of past years and improvements made to better serve residents. She emphasized the importance of community engagement and financial planning, detailing upcoming budget meetings and the need for potential policy changes regarding service fees.

Councilmember Henderson relayed his concern about the significant increase in costs associated with waste management, particularly in wages and overtime, noting troubling percentage increases over recent years. He pointed out while inflation affects the budget, the sharp rise in costs – from 17% between 2020-2022 to 29% from 2022-2024, would raise flags for taxpayers. Executive Director Roberts explained that part of the cost increase was due to hiring additional drivers and other positions as the District has grown. She emphasized the challenges in retaining drivers due to competition with other industries, especially for CDL drivers, which has necessitated higher wages.

Councilmember Ohn added that keeping drivers in their positions has been crucial for maintaining service levels and mentioned the District's efforts to develop an apprentice program to train new CDL drivers internally. This approach would hopefully reduce turnover and provide an opportunity for advancement.

8.2. Salt Lake County Public Safety Bond Presentation – Salt Lake County Council Chair Laurie Stringham & Salt Lake County Sheriff Chief Deputy Matthew Dumont

Salt Lake County Council Chair Laurie Stringham addressed the Council about the county's bond for the upcoming election. She highlighted the Salt Lake County Council's effort to meet with all 23 municipalities in Salt Lake County and expressed a desire to answer questions and clarify goals. Salt Lake County Sheriff Chief Deputy Matthew Dumont highlighted the countywide collaboration that involved bipartisan input from local officials and the county council. He emphasized that this initiative was crucial to the County's systemic reform plan. The collaboration would help balance public safety with human service needs, realign the county jail and human services for greater success, and enhance cooperation between these systems. He wanted to focus on creating a structured environment to reduce repeat offenses and support individuals in achieving self-reliance. He also hoped it would address critical gaps in services and replace outdated infrastructure and treatment programs in both systems.

Salt Lake County Deputy Mayor Katherine Fife discussed the larger plan initiated by Salt Lake County Mayor Jenny Wilson to address human services, homelessness, and criminal justice in the county. A significant part of the initiative is the bond that will be on the ballot in November, which would address identified gaps in the system, particularly the need for more supportive housing units. The goal would be to add 1,000 housing units over the next five years. The plan would also emphasize the need for improvements in criminal justice, behavioral healthcare, and better coordination among services, including data sharing. Deputy Mayor Fife highlighted the bond would contribute to building a justice and accountability center and enhance mental health access within the county jail.

Chief Deputy Dumont explained that the Salt Lake County Sheriff's Office operated two separate jail facilities: the Metro Jail and the Oxbow Jail. He estimated making about 20 trips between these facilities for various activities, including transporting meals and individuals. The Oxbow Jail was facing significant deferred maintenance issues, which are becoming costly. The plan would be to combine both facilities at the Metro Jail location which could increase the capacity to approximately 800. He indicated the expansion would enhance mental health services. The county only has 88 dedicated mental health housing units, while demand has increased among the jail population. The plan included creating a step-down unit to support individuals transitioning out of jail, providing resources for job placement, substance abuse treatment, and housing. This environment would help individuals reintegrate into the community effectively.

Chair Stringham provided an overview of the Justice and Accountability Center, emphasizing its role in addressing issues within Salt Lake County's criminal justice system. She noted that the Oxbow Jail had been closed for ten years and was reopened during COVID, revealing significant maintenance issues. She added that funds have been set aside for its refurbishment would be part of the \$100 million bond for the project. The concept of the center came from various stakeholders within the criminal justice system, including judges, the district attorney, and law enforcement. Chair Stringham hoped to fill gaps, given that no additional beds have been added to the jail since 2001, despite a significant rise in the inmate population and a high recidivism rate of over 46%.

The Justice and Accountability Center would provide wraparound stabilization services, including dedicated case workers, job training, and mental health and substance abuse treatment. It was designated as a lower-security facility, costing \$75 per day per inmate, reduced from \$136. She highlighted the juvenile justice system which used assessments and services to keep youth from entering detention unnecessarily. The new center would offer a similar approach for adults, providing judges with an alternative to incarceration and helping individuals receive the support needed to reduce recidivism and re integrate into society.

Deputy Mayor Fife reviewed key points regarding the bond for the center and outlined the breakdown of the capital costs, with the majority being allocated to the jail expansion and improvements. The total bond amount was projected at \$507 million, which translated to an estimated monthly increase of \$4.91 for the average home and \$8.93 for the average business. Chair Stringham explained that the bond would be issued in two phases to keep costs manageable for households. She observed the anticipated timeline for construction will begin on January 1, following the election results, and they would leverage existing county funds to support the project over time. She clarified the plan involved closing one facility and relocating its population to the center.

Councilmember Hodges pointed out that when Salt Lake County Mayor Ben McAdams reopened the Oxbow Jail in 2019, approximately \$9 million had already been invested in the facility, which was valued at around \$20 million. He expressed concern that the current plan involved spending about \$400 million on a new building, highlighting that this amount was significantly greater than the cost to revamp the Oxbow facility and add more beds. He emphasized the discrepancy between the potential investment in the existing structure versus the much larger expenditure for a new construction project. Chair Stringham clarified that Mayor McAdams initially indicated it would take \$9 million to get the facility operational again. Councilmember Hodges mentioned that the total estimated cost to bring the facility up to code could be around \$20 million, which

he considered a reasonable investment given its potential resale value. He highlighted that addressing the deferred maintenance could require an additional \$40 million. Councilmember Hodges emphasized the total represented a fraction of what was proposed for new construction, which confirmed his concern about the financial implications of the current plan.

Councilmember Henderson highlighted the financial implications of maintaining the Oxbow Jail. He pointed out that the deferred maintenance costs could exceed the building's current value. Councilmember Hogen added that a study conducted by a firm specializing in criminal justice assessments concluded that investing in the Oxbow Jail might not be worthwhile. Councilmember Henderson emphasized that investing the Oxbow building would be "throwing good money after bad," as maintaining the existing structure could ultimately be more expensive than constructing a new facility. Councilmember Ohrn clarified that the value of the land itself would be low after demolition costs. Chair Stringham responded that investing in the Oxbow Jail would only extend its viability for a maximum of ten years, after which the same issues would likely resurface.

Councilmember Hodges asked if there was a contingency plan. Chair Stringham explained that if the current proposal for the justice and accountability center did not pass, the county would likely have to seek a higher interest rate loan to expand the jail. She pointed out the advantages of a general obligation bond, like having a lower interest rate and allowing for public input through voting. Without the initiative, the county may have to return to voters with a larger request to address the capacity issues and the necessity to provide services to reduce recidivism.

The Council questioned whether the projected cost savings per day were based on total capacity or current usage rates. Chair Stringham confirmed the calculations were made with the assumption of maximum capacity but acknowledged that not all beds were currently in use due to staffing and facility issues at Oxbow. She clarified the new facility would allow them to utilize those additional beds effectively.

Councilmember Shields questioned the financial burden of raising property taxes on residents, emphasizing the need for alternative funding sources. The increase from \$3,800 to \$7,200 in property taxes over the years highlights concerns about affordability and the limits of taxpayers' willingness to fund new initiatives. He stressed while the necessity for improved services is acknowledged, there would be a critical need for efficiency and innovative funding strategies, especially as residents express concerns about their financial capacity. He said it was a balancing act, how to maintain and enhance public services without overburdening taxpayers who feel they have reached their limit. Councilmember Henderson felt the situation called for a comprehensive approach that would examine not only budget allocations, but also potential partnerships, grants,

or alternative revenue streams that could alleviate the pressure on taxpayers while still addressing community needs.

Chair Stringham highlighted the effort made to address the financial challenges within the County's criminal justice system. She commented that by changing laws to allow billing Medicare and Medicaid for services provided to inmates, the county could look to recoup some costs, which could lead to substantial savings. She felt that this was necessary given that 74% of Salt Lake County's budget was devoted to criminal justice, leaving limited resources for other community needs. Chair Stringham emphasized the importance of transparency and public involvement in funding decisions, like the bond that would give taxpayers a voice rather than an imposition. She acknowledged the strain raising property taxes place on households and reiterated the need for innovative funding solutions to mitigate the impact on residents.

Councilmember Shields relayed his concern about the taxpayer sentiment and accountability in funding decisions. He stated there was a need for transparency and clear communication regarding how existing resources are being utilized prior to seeking additional funding. He emphasized the importance of demonstrating fiscal responsibility and efficiency in current spending, as he felt public trust was vital for any future tax initiatives. Chair Stringham agreed.

Councilmember Shields continued with the importance of accountability and measurement in the context of funding and programs. He acknowledged the interconnectedness of public funding sources; however, it ultimately would come from the taxpayers. He wanted to focus on measurable outcomes, particularly regarding recidivism rates, reflecting a desire for tangible results from new initiatives like the justice and accountability center. He sought clarity on the effectiveness of the programs and questioned how success would be defined and measured. Chair Stringham acknowledged the importance of tracking metrics and accountability in the implementation of new programs. She reassured the Council that the County was committed to establishing measurable outcomes for their initiatives. She observed the County Council's focus in a "jail dashboard" that would provide daily updates which would offer a proactive approach to transparency. Councilmember Shields asked about the financial implications of the policy decisions and requested data to illustrate a desire for a more analytical approach to the decision-making process. He felt this would provide a data-driven insight and help justify investments in programs. Deputy Mayor Fife interjected this was a reform, not just a program to reduce recidivism.

Councilmember Shields articulated the need for detailed data to evaluate the financial implications of the proposed initiative, especially concerning the costs of operating additional

facilities. He wanted to be able to illustrate a desire for a clear, quantifiable outcome that could inform budgetary decisions. He indicated potential savings from reduced jail usage and contrasting them with the operational and maintenance costs of additional beds. He hoped to be able to capture that in a financial analysis. He stressed that without clear data on both the costs and benefits of the bond, it would become difficult to justify the expenditures to constituents. Councilmember Henderson pointed out that the lack of detailed information beyond the general advertisements made it difficult to go through the decision-making process. Councilmember Ohrn indicated the language and framing used in the discussions around homelessness and public services raised concerns. She highlighted the complexity of the issue “never repeating homelessness” was not reality and it was important to set realistic goals regarding public policy. She also relayed frustration with terminology that could mislead the public, such as describing county resources as “free.” The point would highlight the need for transparency about where taxpayer dollars are spent and the impact of funding decisions on residents.

Councilmember Henderson expressed gratitude for the information shared and acknowledged the complexity of the issue. He relayed the need for a thorough understanding of public safety initiatives and the implications of the proposed bond. Chair Stringham clarified the bond was primarily to fund infrastructure but emphasized the need to enhance the efficiency of existing services.

Deputy Mayor Fife shared insights into the ongoing discussions surrounding the bond and emphasized the commitment to fiscal responsibility and community engagement. She noted the County Council has set a cap on the construction cost at \$507 million and has been proactive in seeking ways to minimize that amount. Chair Stringham added the County was evaluating operations to identify potential cuts and improvements.

9. Public Hearings

9.1. Consideration of Approval of Mountain Ridge Park Design – Bryce Terry, City Engineer
City Engineer Bryce Terry presented the Mountain Ridge Park design and highlighted the almost ten-acre park would feature amenities like a large playground, a pavilion, restrooms, and landscaping with sod and an irrigation system. A key aspect of the project was a detention pond designed to manage stormwater effectively while allowing for recreational use during smaller storms. The park would also include an asphalt trail connecting to the broader trail system in the area.

Mayor Palmer opened the public hearing.

No comments were offered.

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

Councilmember Ohrn moved to approve the proposed Mountain Ridge Park design plan. Councilmember Shields seconded the motion, and all present voted aye.

10. Consent Agenda

10.1. Approval of the September 11, 2024, City Council meeting minutes

10.2. JVWCD Block 1 Water Purchase Agreement Amendment – Justun Edwards, Public Works Director

10.3. JVWCD Block 2 Water Purchase Agreement – Justun Edwards, Public Works Director

10.4. Accounting of Recently Approved Change Orders – Bryce Terry, City Engineer

Councilmember Henderson moved to approve the consent agenda as written. 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.

11. Discussion and Action Items

11.1. Consideration to Amend Chapter 10-15, Article E “Sports and Entertainment Mixed Use Overlay Zone” of the Herriman City Ordinance – Blake Thomas, Community Development Director

Community Development Director Blake Thomas presented a text amendment for the Sports and Entertainment Mixed-Use Overlay Zone. He noted the zone was initially created for the REAL Salt Lake Training Academy to allow for a 5,000-seat stadium along with specific requirements regarding acreage and signage.

He explained the proposed amendment would broaden permitted uses within the overlay zone, encouraging sports-focused developments to attract tourism and boost local businesses. He highlighted key changes including reducing the acreage requirement and allowing personal care services as an accessory use, such as hair salons within sports facility. The amendment would also establish architectural standards to prevent unappealing designs.

Director Thomas relayed the Planning Commission unanimous recommendation to approve the amendment and noted no public comment had been received during the public hearing. He emphasized the amendment would enhance economic development efforts and provide the City with more tools for encouraging desirable projects.

Councilmember Ohrn moved to approve Ordinance No. 2024-24 amending Title 10 Chapter 15, Article E of the Herriman City Code relating to the Sports and Entertainment mixed use overlay zone. Councilmember Henderson 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.

11.2. Consideration to amend the Herriman City Zoning map by applying the Sports and Entertainment Mixed-Use (SEMU) Overlay Zone to property generally located between Miller Crossing Drive and Midas Creek, and between Herriman Main Street and Mountain View Corridor – Blake Thomas, Community Development Director

Community Development Director Thomas discussed a proposal to amend the Herriman City Zoning Map to apply the recently approved Sports and Entertainment Mixed-Use Overlay Zone to property between Milling Crossing Drive and Midas Creek along Mountain View Corridor. He indicated the amendment was requested by a local business owner. He noted the area was currently zoned Auto Mall Special District which had limited uses. Adding the overlay zone would provide more opportunities for sports-focused development, which would enhance tourism and local businesses.

Director Thomas noted the Planning Commission held a public hearing on September 18, 2024, with no comments received, and subsequently recommended approval. He assured the Council that applying the overlay zone would not negatively impact existing contracts or investments, as the underlying zone remained intact.

Councilmember Hodges moved to approve ordinance No. 2024-25 amending the Herriman City Zoning Map by applying the Sports and Entertainment Mixed-Use Overlay Zone to 16.98 acres of property located at approximately 12225 South Herriman Main Street. Councilmember Henderson 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.

11.3. Discussion and Consideration of an Agreement to Defer Payment of Building Permit Fees for a Proposed Hotel in the Anthem Commercial Center –Blake Thomas, Community Development Director

Community Development Director Blake Thomas presented an agreement to defer payment of building permit fees, not impact fees, for a proposed hotel in the Anthem Commercial Center. The high building permit fees initially shocked the developer but have the ability to reduce their traffic impact fees if warranted through a traffic impact study. The City was nearing the end of a building fee study, which was expected to lower fees as well. Under the proposed agreement, the hotel developer would only need to pay a prepayment amount up front, deferring the remaining fees until they either pay within two years or obtain their Certificate of Occupancy. Councilmember Henderson emphasized the higher tax revenue generated compared to other sources.

Councilmember Henderson Jared moved to approve a Building permit fee agreement to defer impact fees for a proposed hotel in the Anthem Commercial Center. 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.

11.4. Discussion and consideration of the proposed amendments to Title 10 of the City Code to regulate the outdoor storage of recreational and accessory vehicles on private property. (City File No. Z2023-071) – Clint Spencer, Planning Manager

Planning Manager Clint Spencer presented a proposed amendment to Title 10 relating to recreational and accessory vehicles on private property. He explained that the ordinance has undergone extensive discussion and revisions since it was first introduced as part of the larger boxcar bill looking to improve zoning enforcement.

Manager Spencer highlighted the primary objectives of the ordinance: to simplify enforcement processes, protect neighborhood aesthetics from vehicle storage, and create a balanced approach to how RVs and other vehicles are stored within the City. He explained the current ordinance did not address several issues like access to storage areas, types of vehicles included, and the quantity permitted on residential lots. The proposed changes included clear definitions of recreational vehicles and accessory vehicles, with specifications about which vehicles fall under each category. He explained jet skis and four-wheelers are not classified as recreational vehicles, while utility trailers would fall under the definition. The ordinance would outline the maximum number of vehicles allowed based on lot size: up to four vehicles on lots less than a quarter acre, six on lots between a quarter and one acre, eight on one to five-acre lots, and ten on properties larger than five acres. Manager Spencer added that the ordinance would remove previous restrictions on the types of recreational vehicles and eliminate cosmetic maintenance requirements, stating that vehicles must only be in good working condition.

Manager Spencer continued with the significant provision requirements for access to storage areas, allowing for driveway expansion to facilitate vehicle parking without damaging public infrastructure. The proposed ordinance would also provide that RVs could connect to city services during home construction, provide the necessary permits were secured.

Residents who wish to exceed the set limits on vehicle numbers could apply for a home occupation license, which would require approval from the Planning Commission and compliance with specific regulations regarding maintenance and placement. Planning Manager Spencer explained that to ensure a smooth transition, the ordinance specified that enforcement would not begin until one year after adoption, allowing residents ample time to adjust their properties to meet the new standards. The Planning Commission unanimously recommended approval of the amendments.

Councilmember Ohrn expressed appreciation for the work done on the ordinance and acknowledged the complexities involved. She relayed concern about the use of the term “unsightly,” noting its subjective in nature. She shared a personal anecdote to illustrate perceptions of what was unsightly could vary widely among individuals. She suggested that the ordinance could focus on safety rather than aesthetics and proposed that it simply address unsafe storage. She also pointed out a potential issue in the ordinance regarding reference to section C.1 and requested clarification to ensure it was fully comprehensive. Planning Manager Spencer noted it was most likely an oversight.

Councilmember Ohrn raised concern about the current wording of the ordinance, particularly regarding the storage limits for recreational vehicles on properties that have been expanded by acquiring contiguous parcels. She suggested the ordinance should allow property owners to count their total land area when determining the maximum number of trailers they can store, rather than limiting them based on the size of the lot their home occupies. She expressed a desire for language to be added to clarify the point to ensure homeowners with larger contiguous properties weren’t unfairly restricted. She questioned the phrase “no storage of materials” and requested clarification to avoid confusion. Manager Spencer responded the phrase would refer specifically to items that could pose safety risks, such as construction materials or hazardous substances. He emphasized that the intent is to prevent the storage of dangerous or flammable items in recreational vehicles, like gasoline or other potentially harmful materials. Councilmember Ohrn felt the language was vague to state no storage of materials.

Councilmember Ohrn continued with the implications of the proposed amendments and noted she had observed trailers parked in driveways because there was no other choice to park due to space limitations. She felt this practice led to street congestion, complicating parking and safety and was apprehensive about the impact this decision would have on the community. She appreciated the City would start educating residents to the change prior to enforcing. Councilmember Hodges added enforcement would be complaint based. The Council discussed visibility concerns where large trailers parked new driveways could obstruct drivers’ views,

making it difficult to back out safely. The importance of monitoring the impact of the changes over the coming months was discussed and the Council advocated for adjustments prior to the commencement of enforcement, if necessary.

Councilmember Ohrn highlighted the section which would prohibit the construction of accessory vehicles in certain zones and expressed concern this could prevent residents from building or modifying their personal trailers. She suggested adding language to the ordinance to clarify that the construction, repair, and remodeling of personally owned accessory vehicles would be permitted, ensuring that hobbyists or do-it-yourselfers would not be restricted from working on their own vehicles in their backyards. Councilmember Henderson supported the suggestion; however, emphasized the importance of upholding zoning regulations to protect residential areas from commercial or manufacturing activities. He believed that if a property in a residential zone was being used for a commercial purpose, it should go through the property channels to ensure the property rights of neighbors are respected. Councilmember Henderson wanted to protect homeowners from disruptions, such as a manufacturing plant, that could negatively impact the environment they expected when purchasing their home. Councilmember Ohrn concurred. Planning Manager Spencer raised concern about the difficulty of enforcement of zoning and land use regulations. He pointed out that people could claim they were building or using their property for personal or family purposes, which would complicate enforcement.

Councilmember Hodges expressed concern about the practical challenges of enforcing zoning and land use regulations. He acknowledged that enforcement often relies on complaints from neighbors, and pointed out the distinction between personal use and commercial operations could be blurry. He highlighted the difficulty in identifying and addressing those who might be violating zoning laws in ways that weren't immediately obvious. He questioned whether the current tools, language, and enforcement mechanisms were sufficient to deal with these types of issues effectively. Councilmember Hodges emphasized that the enforcement process may require more clarity and better metrics to target problem areas.

Councilmember Henderson highlighted the complexity of regulating home-based activities that could feel more like a commercial business, even if they were technically hobby-based. He concurred it would be difficult to distinguish between a hobby and a business; however, there needed to be a way to address those types of situations and set clear boundaries.

City Attorney Sheeran explained once a right has been granted to someone on their property, removing that right later could be considered a “taking”, which may require compensation. He noted it would be true if the individual has already exercised that right and invested in it.

Councilmember Ohrn questioned whether changing rules such as allowing trailers and then prohibiting them, would qualify as a “taking”. Attorney Sheeran pointed out there was limited case law on accessory vehicles, any code change that removed previously granted rights could lead to legal complications. Councilmember Hodges voiced concern if the right was granted it might not be easy to remove, which would make the language in the ordinance very important.

Councilmember Henderson advocated for maintaining some level of regulation, even in cases of home repairs or vehicle work. He emphasized the importance of a complaint-driven approach, where neighbors who are disturbed by excessive or disruptive activities should have a way to address the issue. Planner Spencer clarified the regulation being discussed would apply to repairs and remodeling, not full-scale construction or manufacturing, which would help limit the scope of potential issues.

Councilmember Ohrn continued with the issue of using vague terms like “unsightly” in the ordinance. And recommended it be removed because it was subjective and difficult to enforce. Attorney Sheeran proposed revised language for outdoor accessory vehicle storage, clarifying that such storage would not be allowed on lots zoned agricultural, residential, or forest recreation, unless a permanent home was located on the lot, or the lot was contiguous with a permanent home under one common ownership. Council consensus was to remove unsightly from the definition.

Councilmember Ohrn also highlighted the definition of “storage of material” in residential zones and wanted clarity in the definition. Councilmember Hodges suggested refining the definition to specify what types of materials would not be permitted, such as hazardous items or materials unrelated to the actual use of a recreational vehicle. Planning Manager Spencer added that the focus should be on materials that were not pertinent to the use of the recreational vehicle, to avoid situations where people might store unrelated items, like a lawnmower, inside a camper or turn it into a storage unit for miscellaneous materials.

Councilmember Ohrn anticipated these proposed changes would have a significant impact on individuals and requested staff to track the effects of the regulations to ensure that they don’t inadvertently create hardships for residents who have limited parking options.

City Attorney Sheeran clarified that the current code prohibits the storage of recreational and utility vehicles in front yards, unless they are parked in an approved area on the side or rear year, a rule that has been in place since 2017. Councilmember Ohrn questioned whether utility vehicles would fall under the same rules as recreational vehicles, to which Councilmember Hodges

explained that it does limit the duration for recreational vehicles to be parked in the front yard to seven consecutive days.

Councilmember Ohrn highlighted the confusion around the definitions, particularly in enforcement, as the rules about storage and parking have been vague. The Council discussed the possible need to clarify these points in the new ordinance to ensure it does not conflict with other sections of the code. Councilmember Henderson pointed out that if a utility trailer moved daily, it would not violate the current code. Councilmember Ohrn expressed concern that the proposed changes may unintentionally conflict with the current rules. Manager Spencer suggested deferring to the City Attorney to resolve any conflicting language in the regulations.

Councilmember Henderson moved to approve Ordinance No. 2024-26 amending Title 10 of the Herriman City Code to regulate the outdoor storage of Recreational and Accessory Vehicles on private property with the following modifications.

- A. *Outdoor Accessory Vehicle storage shall not be allowed on any lot zoned at Agricultural (A), Residential (R), or Forest Recreation (FR) except when:*
 - a. *A permanent home is located on the lot, or a lot is contiguous with a permanent home under one common owner, or*
 - b. *Or other primary use is established on the property, or*
 - c. *As specified below in (B)(1).*
- C. *...Storage of materials includes hazardous materials, flammable materials, or a large number of items that interfere with the safe operations of the Recreational Vehicle.*

And the removal of section (G)(1). 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.

11.5. Consideration to Approve Reimbursement Agreement for the Mountain Ridge Park Project with Edge Homes – Bryce Terry, City Engineer

City Engineer Bryce Terry reviewed a proposed reimbursement agreement with Edge Homes for the Mountain Ridge Park. He explained that the agreement proposed a reimbursement of

\$705,000 for completing the site work, which included installing sod, irrigation, a parking lot, sidewalk, and landscaping. The City would separately handle the cost for a restroom, pavilion, and a playground and pay those costs directly to the manufacturers. The total budget for the project was \$1.5 million, with around \$1.2 million allocated to the site and amenities, leaving approximately \$300,000 for contingency.

Councilmember Henderson asked whether the funds for the project come from park impact fees collected from the area to which City Engineer Terry confirmed along with some grant funding.

Councilmember Shields moved to approve a reimbursement agreement with Edge Homes for the Mountain Park project. Councilmember Henderson 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.

12. Future Meetings

12.1. Next Planning Meeting: October 16, 2024

12.2. Next City Council Meeting: October 23, 2024

13. Events

13.1. Election Day: November 5, 2024

13.2. Senior Social: November 7, 2024; Herriman City Hall 11:00 a.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

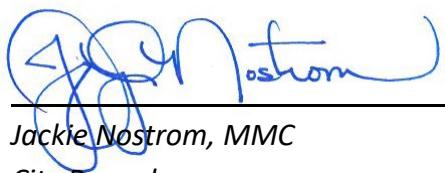
The closed session was conducted during the work session.

15. Adjournment

Councilmember Shields moved to adjourn the City Council meeting at 10:06 p.m. Councilmember Hodges seconded the motion, and all voted aye.

16. 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 October 9, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder