



SPECIAL CITY COUNCIL MINUTES

Wednesday, November 19, 2014

Amended November 18, 2014 @ 4:00 P.M.

Approved as Corrected December 10, 2014

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, November 19, 2014 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding:

Mayor Carmen Freeman

Council Members Present:

Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Gordon M. Haight II, Assistant City Manager
Tami Moody, Director of Administration & Communications
Jackie Nostrom, City Recorder
John Brems, City Attorney
Alan Rae, Finance Director
Danie Bills, Events Manager
Blake Thomas, City Engineer
Bryn McCarty, City Planner
Dwayne Anjewierden, Chief of Police
Clint Smith, Unified Fire Authority Chief
Justun Edwards, Water Director
Cathryn Nelson, Chief Building Official

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

5:11:06 PM COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order.

COUNCILMEMBER CORALEE WESSMAN-MOSER MOVED TO REORDER THE AGENDA.
COUNCILMEMBER MIKE DAY SECONDED THE MOTION, AND ALL VOTED AYE.

A. [5:11:50 PM](#) Discussion of a resolution adopting the Bylaws of the Herriman City Youth Council – Michelle Baguley, Youth Council Mentor

Youth Council Mentor Michele Baguley presented the proposed constitutional documents for the Youth City Council, and introduced each member of the Youth City Council. Youth Council City Recorder Sarah Hale informed the Council that the Constitution Committee had rewritten the bylaws to have a more specific structure, and asked for any comments or recommendations. Councilmember Moser commended the Youth Council on their phenomenal draft of the constitutional documents. She offered minor changes to the documents, and asked how it was determined to require each member to attend six City Council or Planning Commission meetings during the year. Recorder Hale explained that attending meetings is the best way to learn about actual city government, and attending six meetings a year would provide balance of only having to attend one meeting every other month. The Youth Council agreed.

Mayor Freeman recommended that advisors should ensure that the Youth Council comply with their respective duties and responsibilities. Recorder Hale asked for clarification. Mayor Freeman expressed his support for members of the Youth Council to be held accountable for duties associated with their appointment. Councilmember Moser suggested that the documents be presented to the City Council for review at the next meeting. Recorder Hale confirmed.

Councilmember Craig B. Tischner thanked the Youth Council for their presentation. He extended his appreciation to Youth Council Mentors Michelle Baguley and Raquel DeLuca for their contribution to the Youth Council. Councilmember Moser suggested that the Youth Council conduct a presentation to the City Council on an annual or semi-annual basis.

A. Review of this evening's agenda

B. Administrative Reports

6. [5:24:15 PM](#) Discussion regarding Open Space and Trails – Brett Wood, City Manager

City Manager Brett Wood reminded the Council of the proposal made to utilize a portion of open space, and requested their direction. He relayed concerns of overlooked maintenance and continual garbage that continues to be found on the property. The Council expressed their support to maintain the trails and open space for preservation, and suggested that maintenance should be enhanced. City Manager Wood concurred. Councilmember Day indicated that connectivity is essential in the community where residents value open space and trails. Councilmember Moser recommended cost estimates to be presented to the Council to install appropriate barricades to keep motorized vehicles off the property. City Manager Wood confirmed.

7. [5:32:42 PM](#) Other Updates

Water Director Justun Edwards suggested that the proposed Special Assessment Area should not continue to move forward, and recommend that the Council make a formal motion to abandon the intention to designate the Special Assessment Area. The Council agreed.

Chief of Policy Dwayne Anjewierden relayed a life-saving incident of an infant to the Council, and expressed his appreciation to the responders as well as everyone who assisted in the event. City Manager commended the Unified Police Department for the amazing service that was offered. Mayor Freeman thanked Chief Anjewierden for the report.

1. [5:38:55 PM](#) **City Council Retreat agenda discussion** – Brett Wood, City Manager
City Manager Brett Wood presented a tentative agenda for the retreat in January, and asked for any comments or recommendations. Councilmember Moser stated that she felt comfortable with the agenda as presented. Mayor Freeman questioned the Friday timeline, and suggested not having dinner with significant others to increase flexibility. Councilmember Tischner agreed.

2. [5:36:44 PM](#) **2015 Mayor Pro Tempore discussion** – Brett Wood, City Manager
City Manager Brett Wood informed the Council that the Mayor Pro Tempore timeline will expire the beginning of January, and asked for Council recommendations. Councilmember Tischner indicated that availability for the position is extremely important. Councilmember Moser recommended that the Mayor speak with each member of the Council individually to determine their desire.

3. [5:45:22 PM](#) **Planning Update** – Bryn McCarty, City Planner
City Planner Bryn McCarty offered a quick update of planning projects and recent Planning Commission approvals. She reviewed potential annexations, and noted that the applicant has been made aware that they would be required to pay for infrastructure. Planner McCarty offered a brief synopsis of the Anthem Development and the issue of rezoning the property to MU-2 designation. She offered an explanation of the mixed-use residential component, and explained that the original application requested the C-2 zone. She relayed the Planning Commission recommendation to keep the same overall density to seven units per acre, as well as the following zoning conditions:

1. Funding and construction of the Anthem Park Blvd off-ramp from Mountain View Corridor shall begin immediately, representing an infrastructure investment of approximately \$1.3 million dollars to greatly enhance the commercial and mixed use opportunities in the MU-2 area.
2. Provide agreements to Herriman City stating that the funding, construction and right-of way acquisition expenditures relative to Anthem Station Drive are to be borne by the developer(s) and not Herriman City, other than the standard transportation impact fees that would generally be applied toward a system-wide city road improvement project.
3. No residential units shall be approved and/or constructed on the MU-2 property, until commercial/office building permit(s) have been approved by the City and construction of such has commenced.
4. No residential units shall be constructed on the Anthem property, located in the southwest portion of the project (approximately 85 acres) until commercial construction has commenced.
5. The Anthem Park needs to be built next year. (the large rope park)

6. Maintain access to the school district property in the 85 acres.
7. If no commercial development has been started in the next 10 years, reduce the density on the 85 acres to 3 units per acre, a maximum of 255 single family units, and lose the remaining density on the project.
8. Modify condition #3 and #4 below to state that a large commercial user of greater than 50,000 square feet must be under construction prior to any of the residential in the commercial area or 85 acres. A building with a smaller square footage may be acceptable with approval from the City Council.

Planner McCarty informed the Council that the Planning Commission will approve the Site at the November 20, 2014 meeting. Councilmember Moser indicated that the important element in approving the MU-2 zoning is contingent upon agreements. Mayor Freeman suggested stating the contingencies in the motion, and that the concepts would have to be enforceable. Councilmember Moser expressed her concern that the commercial portion of the development needs to be quantified, and leaving a caveat available to the Council to modify the conditions to allow the commencement of residential construction. Planner McCarty recommended approving the zoning and drafting a development agreement that would outline the zoning conditions.

4. [6:18:41 PM Engineering Update](#) – Blake Thomas, City Engineer
City Engineer Blake Thomas offered capital project update of current projects that are in construction, in design, and observed ongoing items. Water Director Justun Edwards explained that the water tank project is moving forward, and that the plans are at the Division of Drinking Water for approval.

5. [6:11:35 PM Discussion pertaining to Gina Road](#) – Bryn McCarty, City Planner
City Planner Bryn McCarty oriented the Council to Gina Road and observed the section of unpaved road. She explained that the owner would like to subdivide the parcel into two lots and sell the property as buildable lots, but ordinances require the City to gain right-of-way acquisition and pavement. Assistant City Manager Gordon Haight explained that residents have expressed their desire to leave the dirt road intact. He recommended the property owner donate 33' of property for right of way improvements and to pay a fee in lieu of paving the road, so the funds would be available when the road would be improved. Councilmember Moser asked for a policy to be drafted and research be conducted to identify how many unique parcels could be in this type of situation. City Planner McCarty confirmed.

C. [6:28:57 PM Adjournment](#)

COUNCILMEMBER TISCHNER MOVED TO ADJOURN THE WORK MEETING.
COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

10. [6:54:34 PM Recommence to Work Meeting \(If Needed\)](#)

COUNCILMEMBER DAY MOVED TO RECOMMENCE THE WORK MEETING.
COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

3. [6:54:42 PM](#) **Planning Update** – Bryn McCarty, City Planner

Think Architecture Principal Tim Soffe relayed the frustration of Mr. Doug Young regarding the zoning conditions for the Anthem Development. He explained that an individual cannot control the type, size and timeframe that a commercial development be constructed in a development. Principal Soffe expressed his opinion that those items are strictly market dependent, and suggested the provisions of the size of the commercial establishment and the reduction in density be removed from the zoning conditions. Councilmember Moser responded that the caveat would allow negotiations to reduce the size of the establishment, and to guarantee that commercial development would be constructed. She expressed her concern of commercial development being interpreted as something as minimal as a snow shack.

[7:02:01 PM](#) *Councilmember Matt Robinson arrived.*

Councilmember Day agreed, and relayed examples of developments that never followed through with ensured commercial development. Councilmember Moser acknowledged that higher density would be needed to support commercial growth; however, if no commercial development is implemented then the higher density would not be essential. Principal Soffe reiterated that an individual cannot guarantee those conditions will be met. Mayor Freeman reminded the Council that commitments have already been rendered for the total amount of units. Councilmember Moser responded that the units weren't approved as apartments. She acknowledged that the commercial vision may not materialize; which consequently, the caveat would be there to allow further negotiations.

Principal Soffe relayed his concern that the reduction in units is unreasonable. Councilmember Moser suggested that the reduction in residential units would be Mr. Young's commitment to ensure that commercial development will occur. Principal Soffe responded that condition would reduce the previously vested amount of units. Councilmember Moser offered a brief background of how the timeframe was determined. Councilmember Day questioned whether the developer believed that commercial development would happen.

Councilmember Tischner expressed his concern of the City not being sustainable. Mayor Freeman explained the setbacks that the City would be faced with if the rezone is denied. Councilmember Matt Robinson observed the strategic commercial location, and noted that there is limited opportunity for a southwest commercial center. Principal Soffe reiterated the concerns of Mr. Young, and added that he would commit to all of the other outlined conditions.

Mayor Freeman relayed his position of being unfavorable to apartments, but recognized the importance of commercial development. Councilmember Day responded that in previous discussions it was determined that apartments are necessary to bring commercial development. Councilmember Tischner explained that the proposed development neighbors adjacent communities that are likely to be lined with high density, and Herriman City could benefit by capturing those tax dollars. Councilmember Moser asked if Mr. Young would be

willing to negotiate a reduction in the required size of the commercial establishment from a 50,000 square foot project to a smaller size. Principal Soffe declined. Councilmember Robinson indicated that the developer would be taking a significant risk in hoping that the units would bring the commercial center. He asked if Mr. Young was aware that his credibility would be on the line with Herriman City if this project did not occur. Mr. Soffe verified.

Councilmember Tischner reminded the Council that the proposed units are not subsidized; they are high end apartments. He expressed his belief in the vision of the developer, and would support the development. Councilmember Day thanked Councilmember Tischner for relaying his position on the issue. Councilmember Tischner added that no resident would be willing to increase taxes, and the City needs other sources of revenue in order to become sustainable.

D. [7:32:21 PM](#) Adjournment

COUNCILMEMBER DAY MOVED TO ADJOURN THE WORK MEETING. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

7:00 PM - GENERAL MEETING:

1. [7:37:58 PM](#) CALL TO ORDER

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

A. [7:38:27 PM](#) Invocation and Pledge

Scout Troop Master Brian Verwer offered the invocation. Scout Troop #4344 led the audience in the Pledge of Allegiance.

B. [7:41:48 PM](#) Approval of the Minutes

October 29, 2014

COUNCILMEMBER TISCHNER MOVED TO APPROVE THE MINUTES OF OCTOBER 29, 2014 AS WRITTEN. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

C. Mayor's Comments

There was no comment offered.

D. Council Recognitions

There were no Council recognitions.

2. [7:41:22 PM](#) PUBLIC COMMENT

There was no public comment offered.

3. [7:42:08 PM](#) CONSENT AGENDA

A. Consideration of a resolution to appoint a member of the governing board of trustees of the South Salt Lake Valley Mosquito Abatement District – John Brems, City Attorney

B. Consideration of a resolution approving an Equipment Lease Agreement with Zions First National Bank – Alan Rae, Finance Director

COUNCILMEMBER TISCHNER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Absent
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Robinson and Councilmember Moser being absent.

4. REPORTS, PRESENTATIONS AND APPOINTMENTS

- A. [7:43:10 PM](#) **Consideration of a resolution appointing a City Treasurer as provided by Herriman City Code §1-7-3(A) – Jackie Nostrom, City Recorder**
City Recorder Jackie Nostrom reported that after the City Treasurer interviews, it has been recommended that Ms. Leslie Anglin be appointed as the new City Treasurer.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. 14.32 APPOINTING LESLIE ANGLIN AS THE CITY TREASURER. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Absent
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Moser and Councilmember Robinson being absent.

Recorder Nostrom administered the Oath of Office for City Treasurer Leslie Anglin.

5. [7:46:30 PM](#) PUBLIC HEARING AGENDA

- A. [7:46:32 PM](#) **Public Hearing and consideration of a resolution approving an amendment to the Herriman City 2014-2015 fiscal year budget – Alan Rae, Finance Director**
Finance Director Alan Rae informed the Council that the budget amendment was for consideration of an additional \$45,000 for the purchase of two lighted informational signs. The original approved amendment was determined that the size of the screens were not adequate. He relayed staff recommendation to the Council. Councilmember Tischner expressed his desire to continue this item to offer additional time to reconsider the design of the sign for blending purposes. He expressed his desire to reinvest the money into City Hall.

Councilmember Moser indicated that she understood the position of Councilmember Tischner; however, recommended moving forward with the budget amendment. She added that the architectural style of the signs would blend in appropriately. Director Rae responded that the Council would have to approve the expenditure of funds prior to the purchase of the communication boards. Mayor Freeman added that the logistics of the sign could be altered.

Mayor Freeman declared the public hearing portion of the meeting opened.

Mr. David Watts, 14461 South Windom Road expressed his support for the communication signs, and encouraged that some considerations should be addressed.

COUNCILMEMBER DAY MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. 14.33 APPROVING AN AMENDMENT TO THE 2014-2015 FISCAL YEAR BUDGET. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Nay
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed with a vote of 4:1

6. DISCUSSION AND ACTION ITEMS

- A. [7:56:59 PM](#) Discussion and consideration of a resolution adopting the Bylaws of the Herriman City Youth Council – Jackie Nostrom, City Recorder
Mayor Freeman informed the audience that this item will be continued to a future City Council meeting.

COUNCILMEMBER TISCHNER MOVED TO CONTINUE THE RESOLUTION APPROVING THE HERRIMAN CITY YOUTH COUNCIL OFFICES AND RESPONSIBILITIES AND CHARTER. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Absent
Mayor Carmen Freeman	Aye

The motion passed unanimously.

B. [7:57:47 PM](#) Discussion and consideration of a resolution encouraging partnership with the State of Utah to address transportation funding – Blake Thomas, City Engineer

City Engineer Blake Thomas presented the roadway maintenance funding and relayed today's realities and tomorrow's options. He reviewed the fuel tax revenues, and noted that Utah has the 24th lowest motor fuel tax rate among the United States. The motor fuel tax is the primary transportation funding source for cities. Engineer Thomas explained that the 24.5 cent fuel tax authorized in 1997, when adjusted for inflation would need to be increased to 36 cents. 30% of the tax collected goes to local governments and the remaining 70% goes to the Utah Department of Transportation (UDOT). Mayor Freeman asked if the funds would be placed in the City's General Fund. Finance Director Alan Rae confirmed, and noted that the funds are required to be utilized for road maintenance.

Engineer Thomas explained the maintenance funding options and the tax adjustment, and noted that the numbers would be provided next week. Mayor Freeman stated that this increase is needed to help sustain cities road maintenance. Councilmember Day expressed his support of the increase. Councilmember Moser noted that she was in favor of the local option that gives the Council the ability to request opinion from residents. Engineer Thomas relayed that the study would verify if the funds will solely go to local municipalities, how the funds may be utilized, and how allocation to the municipalities would work. Mayor Freeman asked the Council if they would approve the resolution offering support and contribute \$1,000 for advertising and other amenities to the State of Utah.

City Manager Brett Wood thanked Engineer Thomas for the presentation, and expressed his appreciation for the contribution his employment has brought to Herriman City.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. 14.35 ENCOURAGING PARTNERSHIP WITH THE STATE OF UTAH TO ADDRESS TRANSPORTATION FUNDING SHOWING SUPPORT IN THIS RESOLUTION IN REGARDS TO THE .25 CENT SALES TAX INCREASE, AS WELL AS \$1,000 TO PARTICIPATE IN THE STUDY. COUNCILMEMBER MOSER SECONDED THE MOTION. (RENUMBERED TO RESOLUTION NO. 14.34 TO KEEP SEQUENTIAL ORDER)

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Absent
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Robinson and Councilmember Tischner being absent.

C. [8:21:23 PM](#) Consideration to approve an amendment to the Storm Drain Master Plan – Blake Thomas, City Engineer

City Engineer Blake Thomas stated that the Storm Drain Master Plan has been reviewed by the Council, and recommended approval of the Ordinance. He asked if there were any questions. There were none.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 14-40 ADOPTING AN AMENDMENT TO THE STORM DRAIN MASTER PLAN. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Absent
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

D. [8:22:26 PM](#) Consideration to approve an amendment to the Storm Drain Impact Fee Facilities Plan - Blake Thomas, City Engineer

City Engineer Blake Thomas reported that the Storm Drain Impact Fee Facilities Plan is a portion of the Storm Drain Master Plan that had been presented. He asked if there were any questions. There were none.

COUNCILMEMBER DAY MOVED TO APPROVE ORDINANCE NO. 14-41 ADOPTING THE 2014 STORM DRAIN IMPACT FEE FACILITY PLAN. COUNCILMEMBER MOSERSECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Absent
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Robinson and Councilmember Tischner absent.

E. [8:22:39 PM](#) Consideration to approve an amendment to the Storm Drain Impact Fee Analysis - Blake Thomas, City Engineer

City Engineer Blake Thomas reported that the Storm Drain Analysis is a portion of the Storm Drain Master Plan that had been presented. He asked if there were any questions. There were none.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 14-42 ADOPTING THE STORM DRAIN IMPACT FEE ANALYSIS. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Absent
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Robinson and Councilmember Tischner absent.

H. **8:23:47 PM Discussion regarding Resolution No. 14.19 pertaining to the designation of Special Assessment Area #1 – Justun Edwards, Water Director**

Water Director Justun Edwards informed the Council that the Special Assessment Area #1 was set to be approved or abandoned on December 10, 2014. He explained that with the number of protests received, he requested to stop the Assessment Ordinance. Mayor Freeman asked if the property owners were aware that the City intended to abandon the Special Assessment Area. Director Edwards confirmed a letter would be sent to each property owner. Councilmember Day expressed his appreciation to the individuals who attended the public hearing.

COUNCILMEMBER MOSER MOVED TO APPROVE THE ABANDONMENT OF INTENTION TO DESIGNATE SPECIAL ASSESSMENT AREA #1. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

COUNCILMEMBER MOSER MOVED TO TEMPORARILY RECESS THE CITY COUNCIL MEETING. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

THE CITY COUNCIL MEETING RECONVENED BY CONSENSUS AT 9:05 P.M.

F. **9:06:22 PM Discussion and consideration of an Ordinance to rezone 12200 South 5250 West from (R-2-10 Residential) to MU-2 (Mixed Use) (File No. 13Z14) – Bryn McCarty, City Planner**

City Planner Bryn McCarty informed the Council that the Planning Commission recommended approval of the rezone. Planning Commission Chair Clint Smith explained to the Council that the original application requested to be zoned to C-2, and has since been changed to the MU-2 zone, and elaborated that change was deemed to be more appropriate.

COUNCILMEMBER TISCHNER MOVED TO APPROVE ORDINANCE NO. 14-43, AND 14-44 TO REZONE 12200 SOUTH 5250 WEST FROM R-2-10 RESIDENTIAL TO MU-2 MIXED USE AND 5350 WEST ANTHEM PARK BLVD FROM R-2-10 MEDIUM DENSITY RESIDENTIAL TO R-M MULTI-FAMILY RESIDENTIAL WITH THE FOLLOWING ZONING CONDITIONS: (1) FUNDING AND CONSTRUCTION OF THE ANTHEM PARK BLVD. OFF-RAMP FROM THE MOUNTAIN VIEW CORRIDOR SHALL BEGIN IMMEDIATELY, REPRESENTING AN INFRASTRUCTURE INVESTMENT OF APPROXIMATELY \$1.3 - \$1.5 MILLION DOLLARS TO GREATLY ENHANCE THE COMMERCIAL AND MIXED USE OPPORTUNITIES IN THE MU-2 AREA. (2) PROVIDE

AGREEMENTS TO HERRIMAN CITY STATING THAT THE FUNDING, CONSTRUCTION AND RIGHT-OF-WAY ACQUISITIONS EXPENDITURES RELATIVE TO ANTHEM STATION DRIVE ARE TO BE BORNE BY THE DEVELOPER(S) AND NOT HERRIMAN CITY, OTHER THAN THE STANDARD TRANSPORTATION IMPACT FEES THAT WOULD GENERALLY BE APPLIED TOWARD A SYSTEM-WIDE CITY ROAD IMPROVEMENT PROJECT. (3) NO RESIDENTIAL UNITS SHALL BE APPROVED AND/OR CONSTRUCTED ON THE MU-2 PROPERTY, UNTIL OFFICE/RETAIL/COMMERCIAL BUILDING PERMIT(S) HAVE BEEN APPROVED BY THE CITY AND CONSTRUCTION OF SUCH HAS COMMENCED. (4) NO RESIDENTIAL UNITS SHALL BE CONSTRUCTED ON THE ANTHEM PROPERTY, LOCATED IN THE SOUTHWEST PORTION OF THE PROJECT (APPROXIMATELY 85 ACRES) UNTIL CONDITION #3 ABOVE HAS BEEN FULFILLED. (5) ANTHEM PARK TO BE STARTED IN THE SPRING OF 2015. (6) ACCOMMODATE THE SCHOOL DISTRICT FOR DEVELOPMENT. (7) REZONE THE NORTH C-2 PROPERTY TO ADJOIN THE MU-2. (8) PREPARE AND SUBMIT FOR REVIEW AND APPROVAL A REGIONAL COMMERCIAL MASTER PLAN AND TEXT AMENDMENT FOR THE MU-2 ZONE. (9) DEFINE COMMERCIAL COMMENCEMENT TO BE #1 COMPLETED AND #8 MASTER PLAN OF REGIONAL COMMERCIAL AREA. MAYOR FREEMAN SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Matt Robinson

Aye; Councilmember

Robinson thanked the audience for their patience regarding this matter and explained that this decision has been extremely difficult. He relayed his feelings of not being friendly to high density in the City; however, expressed his point of view that Herriman City has to stop being funded by growth via building permits. When development stops, the transition becomes extremely painful. Councilmember Robinson stated that the viability of Herriman City should be dependent on sales tax, and reiterated that his support of the project is for the commercial development that is needed in the community, not for the apartments. The apartments will help the City attract commercial development. He expressed that it is in the best interest of the City and its' residents to allow this building district to commence and become the best shopping complex in the southwest portion of the valley.

Councilmember Craig B. Tischner

Aye

Councilmember Coralee Wessman-Moser

Nay; Councilmember Moser

explained that Condition #3 indicated that no residential units should be approved on the MU-2 property until commercial or office building permits are approved. However, this isn't quantified in size or quality of development. It could be interpreted as a simple snow shack would then trigger additional residential construction in the MU-2 area. Herriman City residents continue to be concerned with density. The mutual intent is to ensure commercial development will be brought to Herriman, but in exchange for these apartments, which were made as a part of this motion, a portion of the density should be at risk if a true commercial development doesn't materialize within a decade. The developer has not agreed to that condition. Councilmember Moser extended her support of the commercial in the area; however, expressed her concern that the developer is not confident enough in the development to agree to a reduction in density if the commercial development does not materialize.

Councilmember Mike Day Nay; Councilmember Day agreed with the statement offered by Councilmember Moser. He expressed his support of the commercial development, but not the apartments.

Mayor Carmen Freeman Aye; Mayor Freeman indicated that in order to gain commercial the City would have to agree to some high density. He expressed that the apartments are not favorable, and recognized the importance of this project to entice light rail transit in Herriman.

The motion passed with a vote of 3:2.

City Attorney John Brems requested confirmation that the zoning conditions would be outlined in a development agreement. This was verified. Mayor Freeman thanked Councilmember Moser and Councilmember Day for their statements, and expressed his deep respect for the Council and noted that each member of the Council has Herriman City's best interest at heart.

Developer Doug Young expressed his appreciation to the Council for their support, and relayed his desire to make this project the best commercial development. Councilmember Robinson thanked Developer Young and Think Architecture Principal Tim Soffe. Principal Soffe reciprocated, and extended his appreciation to staff for their efforts.

- G. *(Continued from October 22, 2014)* Discussion and consideration of an Ordinance to rezone 5350 West Anthem Park Blvd from R-2-10 (Medium Density Residential) to R-M (Multi-Family Residential) (File No. 12Z14) – Bryn McCarty, City Planner

7. MAYOR AND COUNCIL COMMENTS

8. CALENDAR

A. Meetings

- November 20 - Planning Commission meeting; 7:00 p.m.
- December 4 - Planning Commission meeting; 7:00 p.m.
- December 10 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

B. Events

- November 27 – Thanksgiving Day; City Offices Closed
- November 28 – Thanksgiving Holiday; City Offices Closed
- December 8 – Holiday Sing A Long

9. [9:24:30 PM](#) ADJOURNMENT

COUNCILMEMBER ROBINSON MOVED TO ADJOURN THE CITY COUNCIL MEETING. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

11. CLOSED SESSION (IF NEEDED)

A. *The Herriman City Council may 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

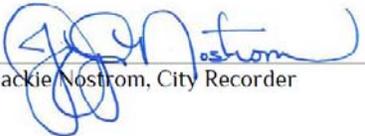
There was no closed session.

12. SOCIAL GATHERING

A. Social Gathering will take place at McDonald's 5108 West 13400 South, Herriman, UT

*This document constitutes the official minutes for the Special
Herriman City Council Meeting held on Wednesday, November 19, 2014*

I, Jackie Nostrom, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, November 19, 2014.


Jackie Nostrom, City Recorder



Community Development UPDATE

November 19, 2014





PLANNING DEPARTMENT UPDATE

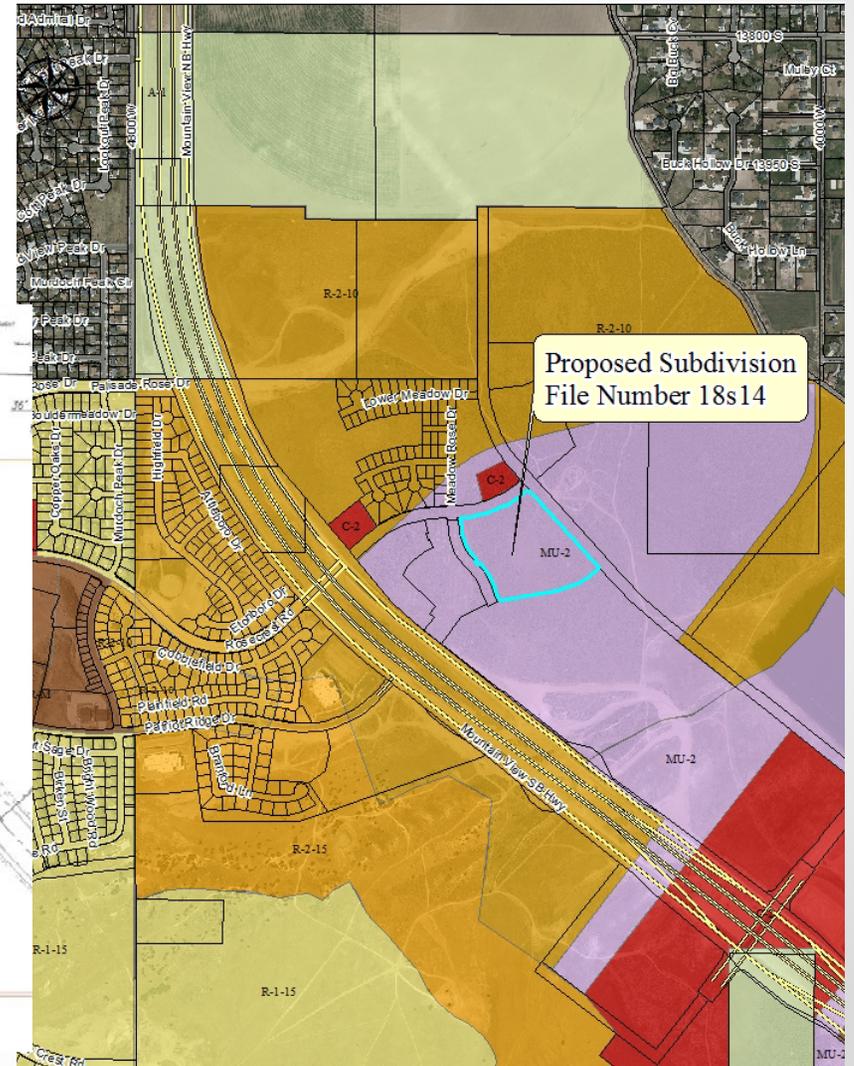
November 19, 2014

Recent Planning Commission Approvals

- **Roscrest Communities, LLC**
 - Approval of Planned Unit Development (PUD) for 196 Townhome units



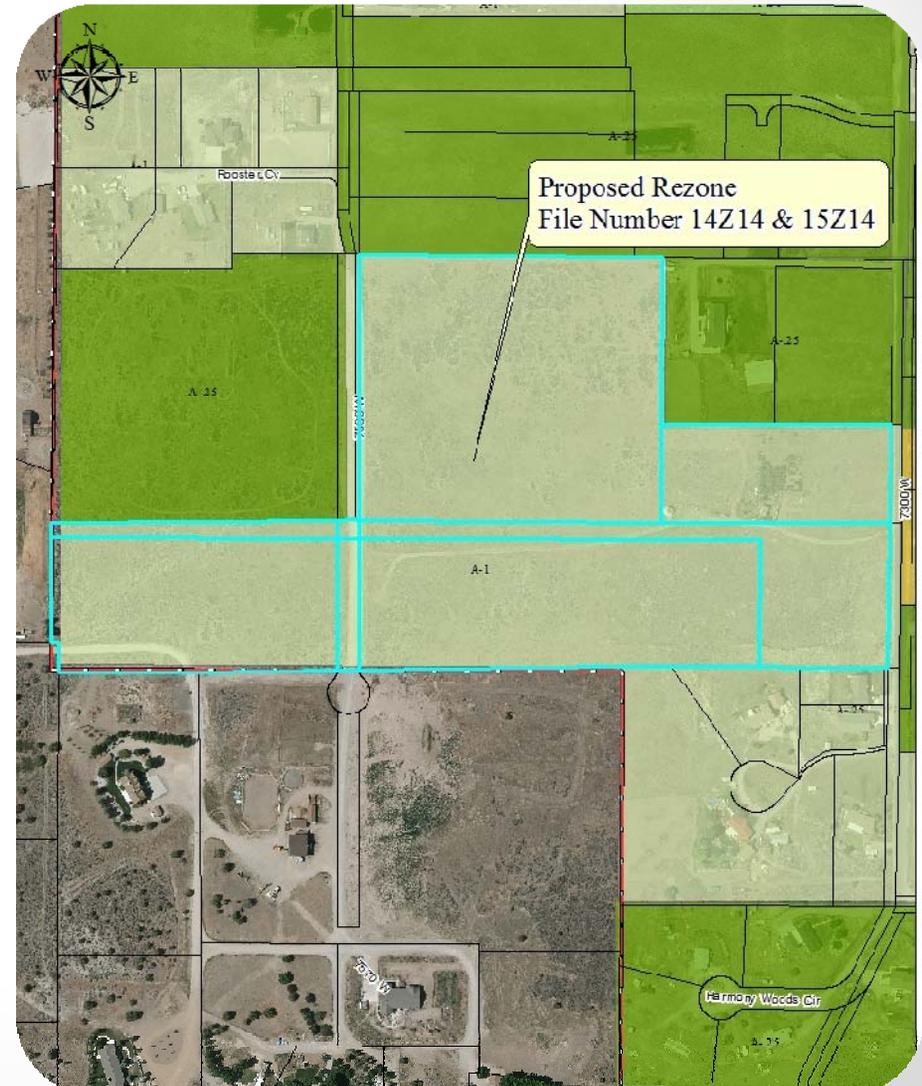
ROSCREST COMMUNITIES
The Overlook Concept (10.09.14)



Current Planning Commission Agenda Items

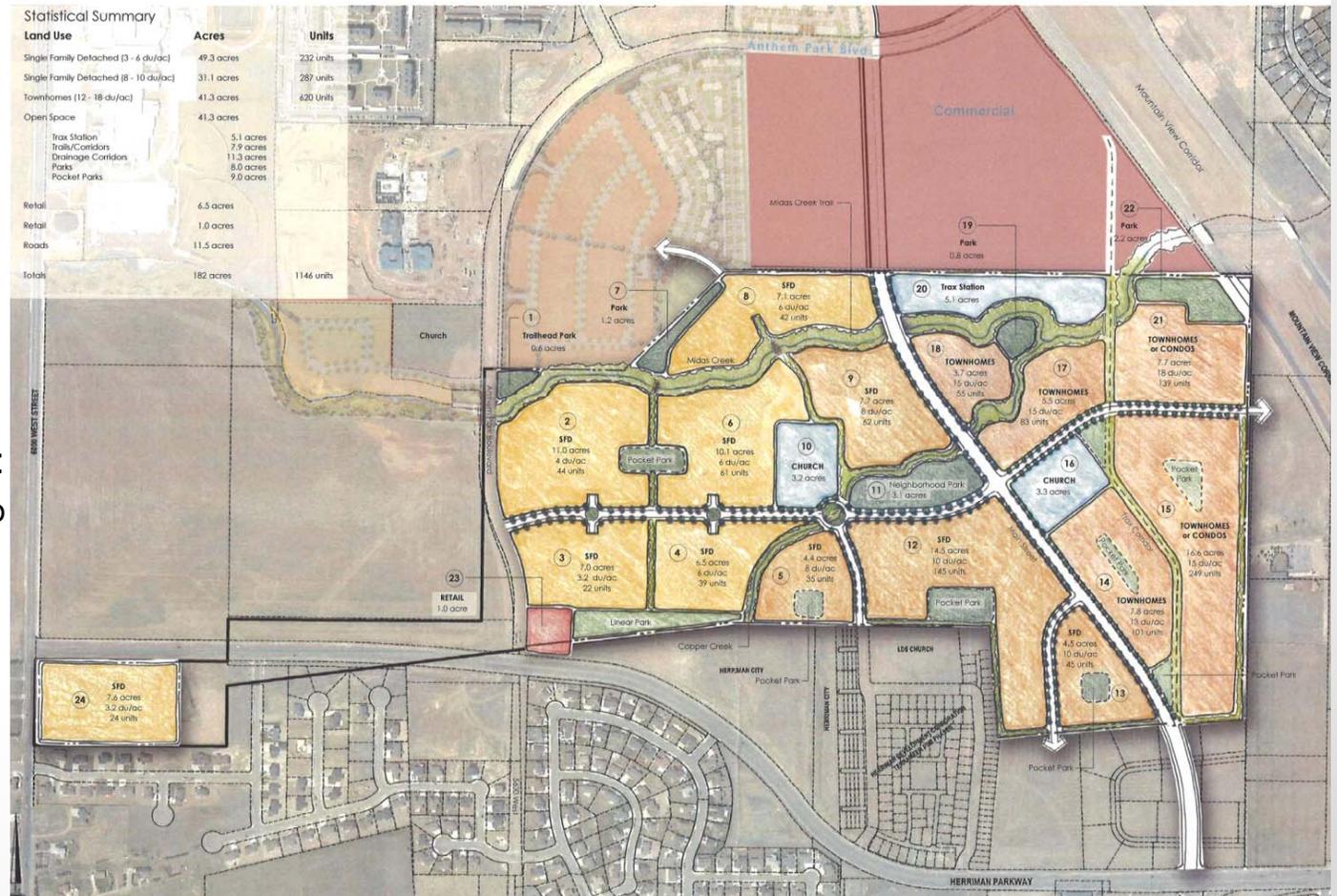
- **Hull**

- Rezone of 10 acres from A-1 to A-.25
- Rezone of 17.9 acres from A-1 to A-.25



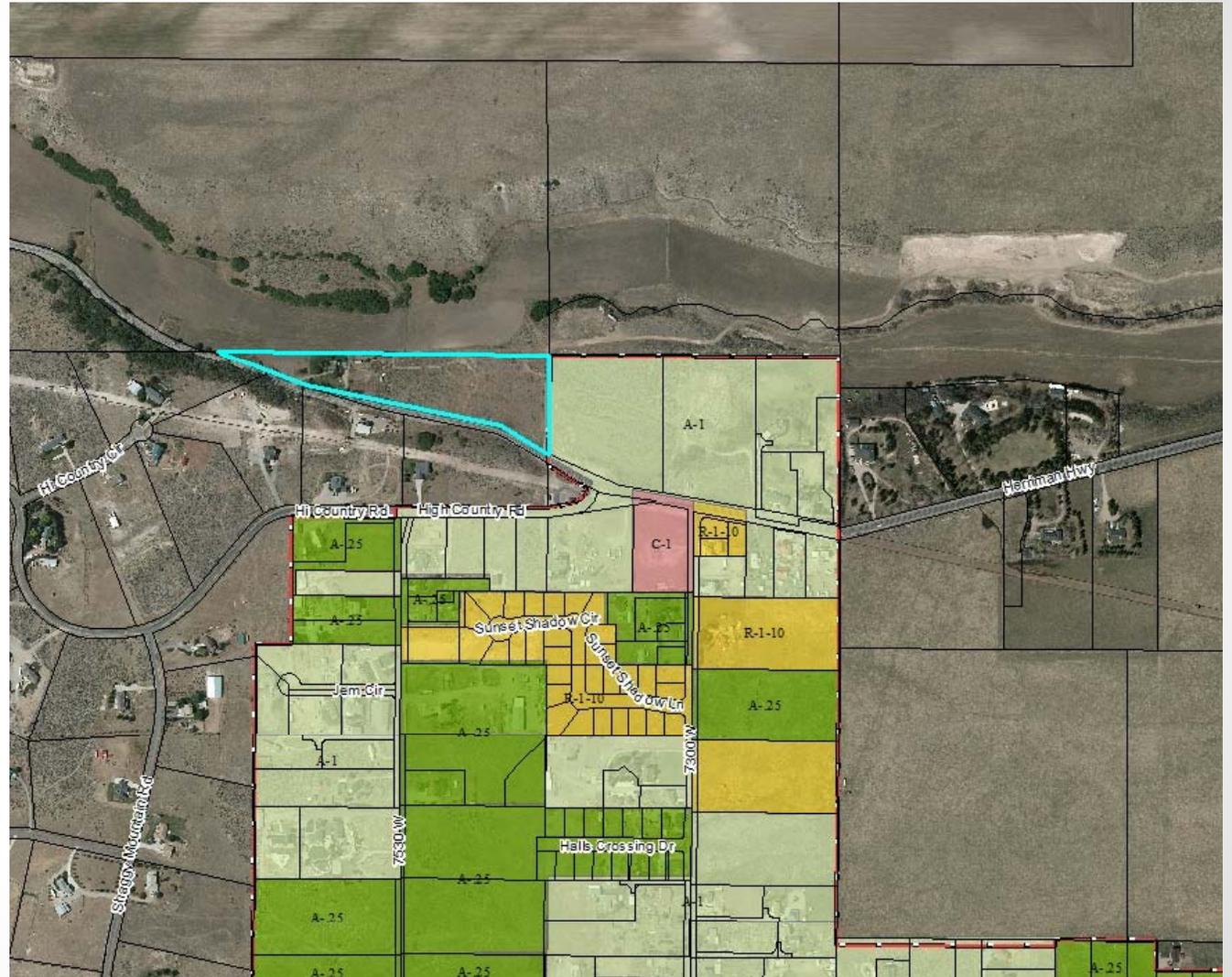
Current Planning Commission Agenda Items

- **Bowler Properties**
 - Preliminary Planned Unit Development (PUD) of Single Family Lots and Townhomes
- Acres: 152 Zone: R-2-10 Units: 1146



Potential Annexations

- 8.8 Acres
- Shown on the General Plan as Agricultural Residential





ENGINEERING DEPARTMENT UPDATE





CAPITAL PROJECTS

FY 2014/2015



NORTH ENTRY PARK

- STATUS
 - SPRINKLERS INSTALLED
 - FINAL GRADING UNDERWAY
 - ROCK TO BE INSTALLED THIS WEEK
 - SOD, TREES, & SHRUBS WILL BE PLANTED IN SPRING
- PROJECT BUDGET
 - \$75,000
 - PARK IMPACT FEES
- EST. COMPLETION
 - PH. 1 NOV. 26, 2014
 - PH. 2 APRIL 1, 2015



7530 WEST ROADWAY

- STATUS
 - ON HOLD UNTIL SPRING
- PROJECT BUDGET
 - \$300,000 CITY PORTION
 - \$195,000 DEVELOPER PORTION
 - GENERAL FUND
- EST. COMPLETION
 - MAY 1, 2015



ROSE CREEK ASPHALT TRAILS

- STATUS
 - 99% COMPLETE
 - FINAL PUNCHLIST ITEMS
- PROJECT BUDGET
 - \$300,000 FOR CONSTRUCTION
 - GENERAL FUND
- EST. COMPLETION
 - NOV. 21, 2014



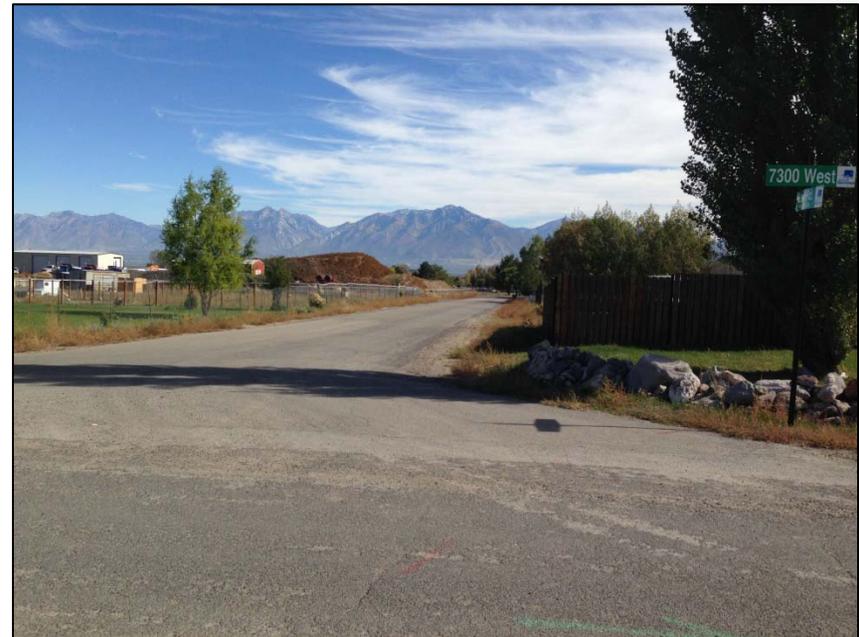
5 MG WATER TANK & TRANSMISSION LINE

- STATUS
 - SL COUNTY SUBDIVISION PROCESS
 - COORDINATION WITH KENNECOTT ON LAND
- PROJECT BUDGET
 - \$4.5M BAN
- EST. COMPLETION
 - NOV. 2, 2014 (DESIGN)
 - SEPT. 1, 2015 (CONSTRUCTION)



GINA ROAD STORM DRAIN

- STATUS
 - SURVEY COMPLETE
 - PRELIMINARY DESIGN IN PROGRESS
 - EASEMENTS/ROW NEEDS AND CONSTRAINTS
- PROJECT BUDGET
 - \$0 (DESIGN)
 - \$300,000 FOR CONSTRUCTION
- EST. COMPLETION
 - FEB. 1, 2015 (DESIGN)
 - SPRING 2015 (CONSTRUCTION)



11800 SOUTH ROAD WIDENING

- STATUS
 - SURVEY COMPLETE
 - PRELIMINARY DESIGN AT 50%
- PROJECT BUDGET
 - \$0 (DESIGN)
 - IN-HOUSE DESIGN WORK
- EST. COMPLETION
 - DEC. 31, 2015 (DESIGN)
 - SPRING/SUMMER 2015 (CONSTRUCTION)



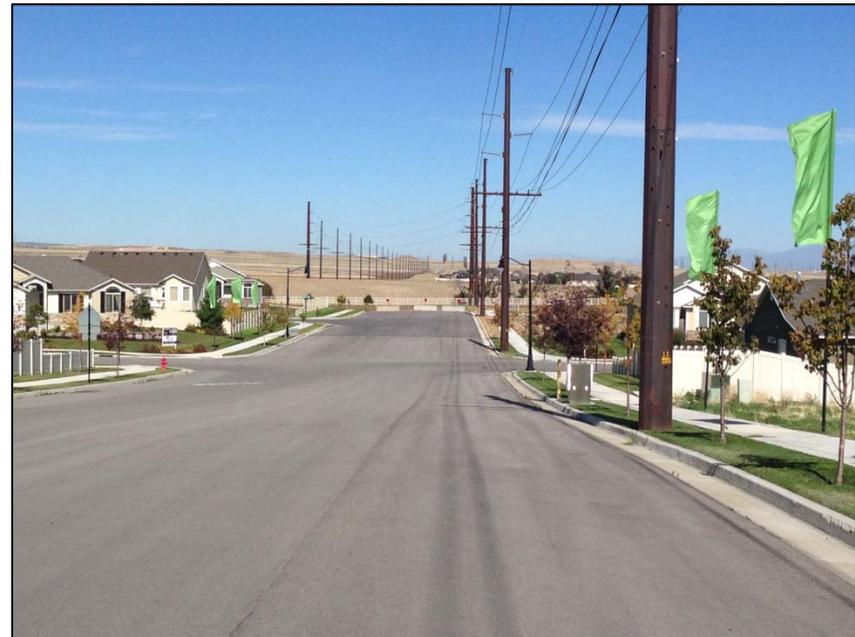
HERRIMAN PARKWAY EXTENSION TO 6400 WEST

- STATUS
 - SURVEY COMPLETE
 - PRELIMINARY DESIGN 75%
 - EASEMENTS NEEDED
- PROJECT BUDGET
 - \$0 (DESIGN)
 - IN-HOUSE DESIGN WORK
- EST. COMPLETION
 - JAN. 1, 2015 (DESIGN)
 - SUMMER 2015 (CONSTRUCTION)



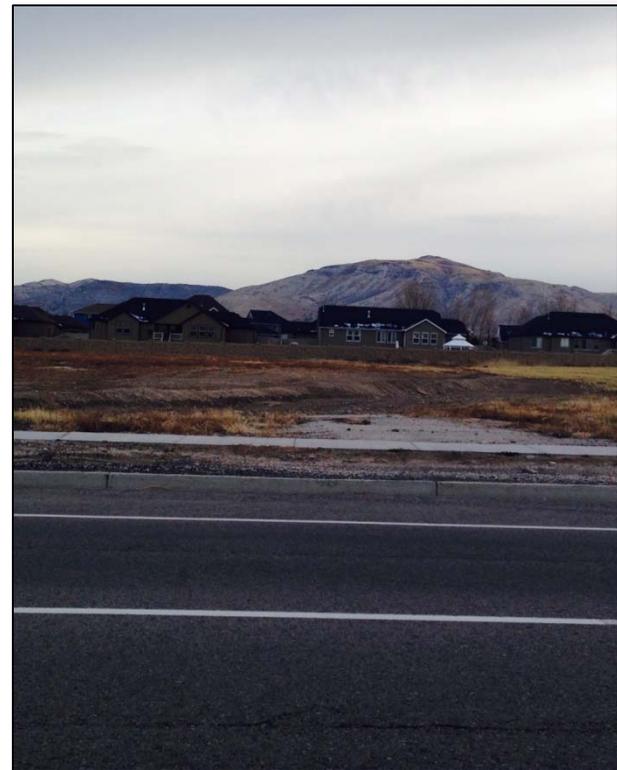
6400 WEST CULINARY WATER LINE

- STATUS
 - SURVEY COMPLETE
 - PRELIMINARY DESIGN AT 25%
 - EASEMENTS NEEDED
- PROJECT BUDGET
 - \$0 (DESIGN)
 - IN-HOUSE DESIGN WORK
- EST. COMPLETION
 - JAN. 1, 2015 (DESIGN)
 - SUMMER 2015
(CONSTRUCTION)



SPECIAL PROJECTS

- TRAFFIC
 - SIGNING & LIGHTING AT 5600 WEST AND SALERNO
 - PROVIDENCE HALL DROP
 - SIGNAL WARRANTS
- ROSECREST PLAT V ROCKERY EVALUATION
- FLOODING CONCERNS
- TRANSPORTATION MASTER PLAN AND IMPACT FEE STUDY
- 5600 WEST REPAIRS





BUILDING DEPARTMENT UPDATE

November 19, 2014

Comparison of Permits Issued

- **Single Family Dwellings**

October 2014 – 35

Fiscal Year July-Oct 2014 – 134

YTD Jan-Oct 2014 – 327

October 2013 – 46

Fiscal Year July-Oct 2013 – 173

YTD Jan-Oct 2013 – 388

- **Multi-Family Dwellings (by Units)**

October 2014 – 10

Fiscal Year July-Oct 2014 – 162

YTD Jan-Oct 2014 – 219

October 2013 – 31

Fiscal Year July-Oct 2013 – 95

YTD Jan-Oct 2013 – 176

- **Commercial Buildings**

October 2014 – 1

Fiscal Year July-Oct 2014 – 9

YTD Jan-Oct 2014 – 11

October 2013 – 0

Fiscal Year July-Oct 2013 – 1

YTD Jan-Oct 2013 – 7



7300 W

Gina Rd

McCouston Ave

Mccouston Ave

Dylan Loop Rd

Chey Ct

Ari Cir

Alexis Cir

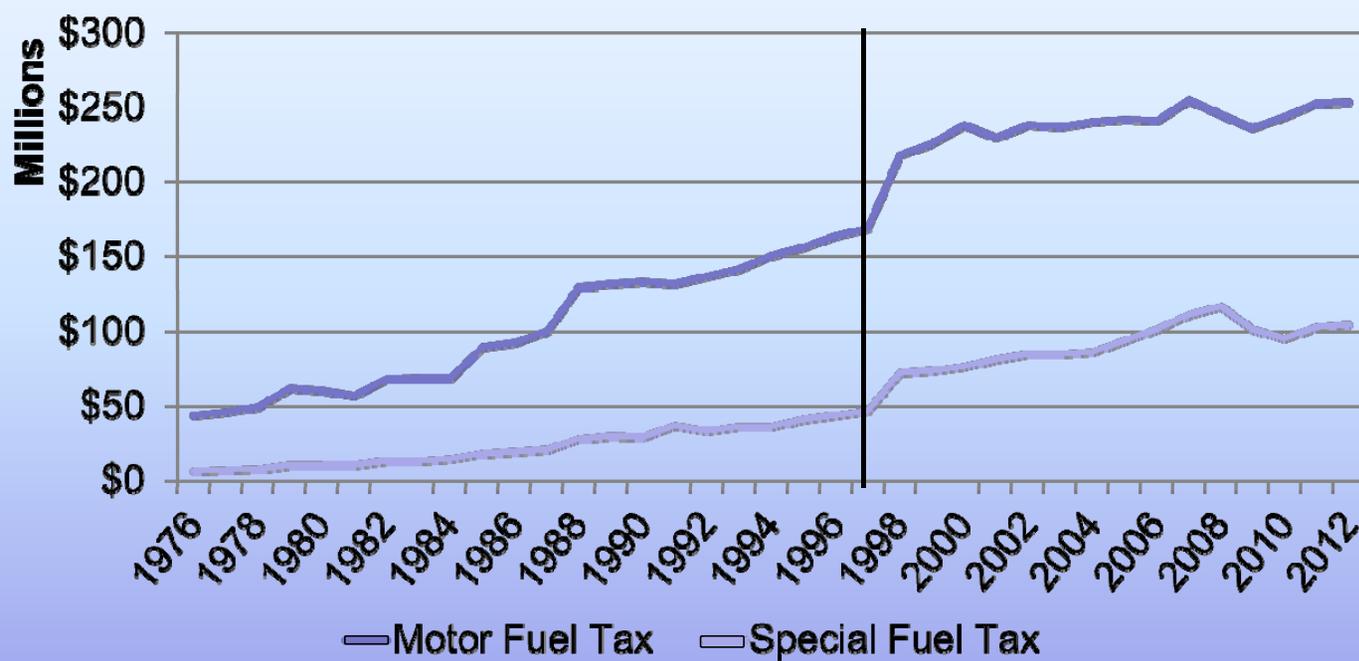
Roadway Maintenance Funding

Today's Realities
Tomorrow's Options

User Fees - Authority

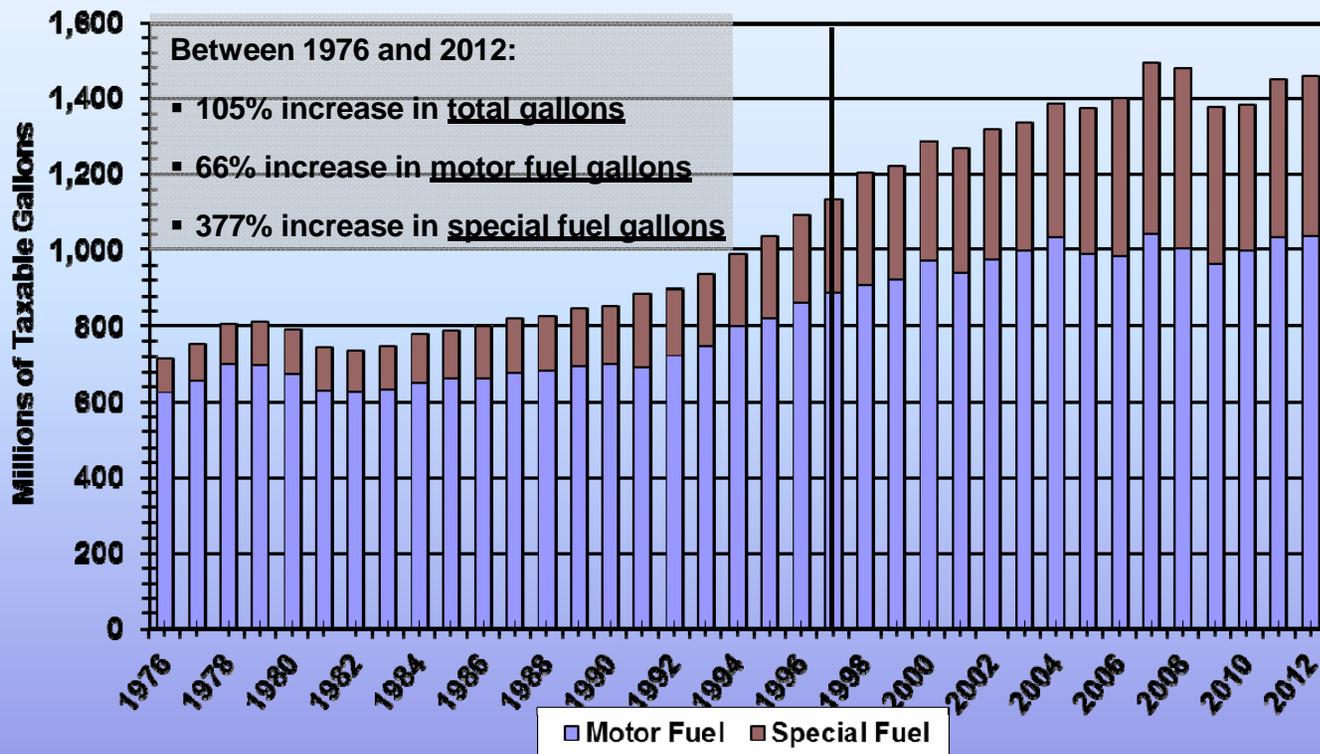
- Since 1961, the Utah Constitution has provided that the proceeds of any tax, fee, and other charges related to the operation of motor vehicles on public highways must be used for **highway purposes**
 - Motor Fuel Tax
 - Special Fuel Tax
 - Vehicle Registration Fees

Fuel Tax Revenues



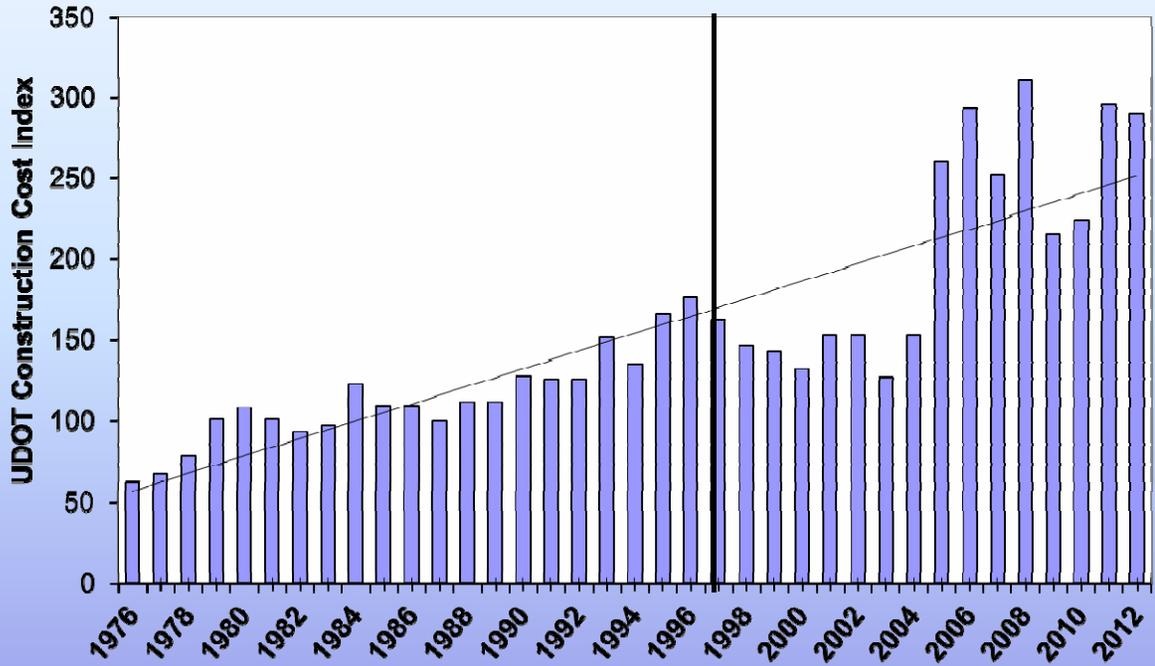
Source: Utah Department of Transportation, "Annual Statistical Summary" (1979-2012); State Tax Commission, "Annual Report"

Taxable Gallons of Fuel Purchased in Utah



Source: Utah Department of Transportation, "Annual Statistical Summary" (1979-2012); Utah State Tax Commission

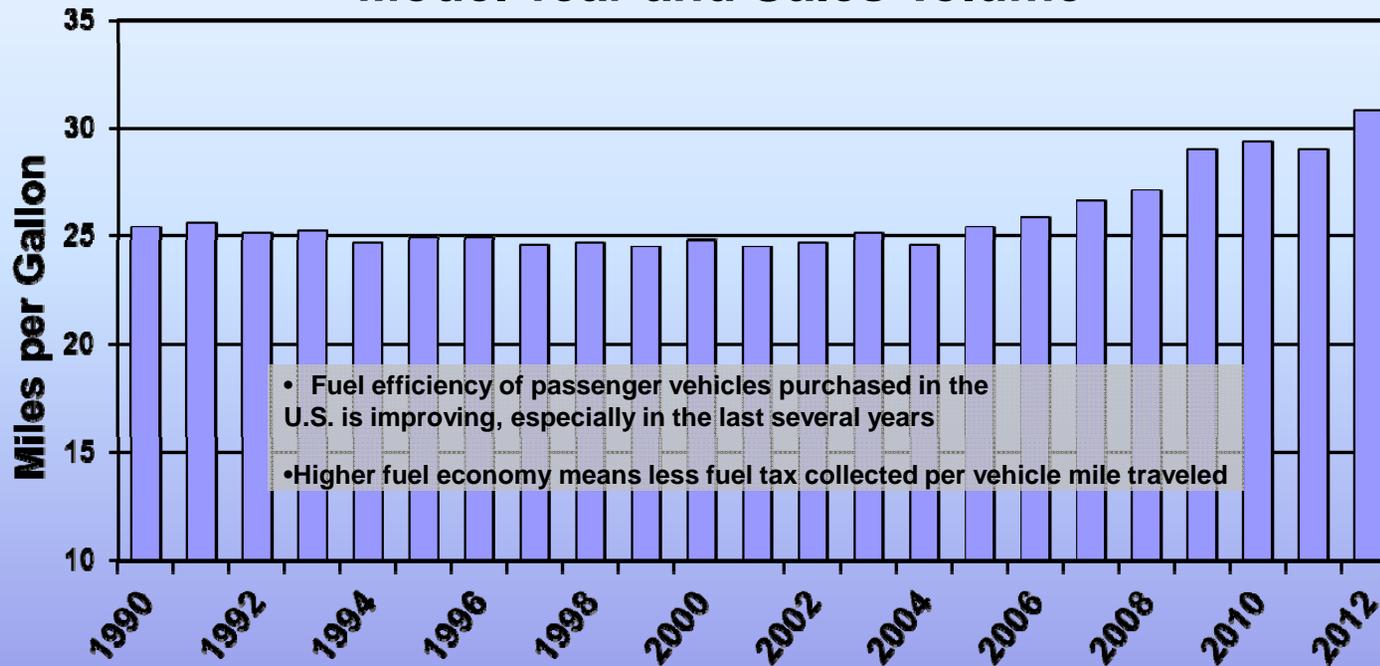
Construction Cost Increases



Source: Utah Department of Transportation, Construction Cost Index Report for 4th Quarter, 2012; Bureau of Labor Statistics

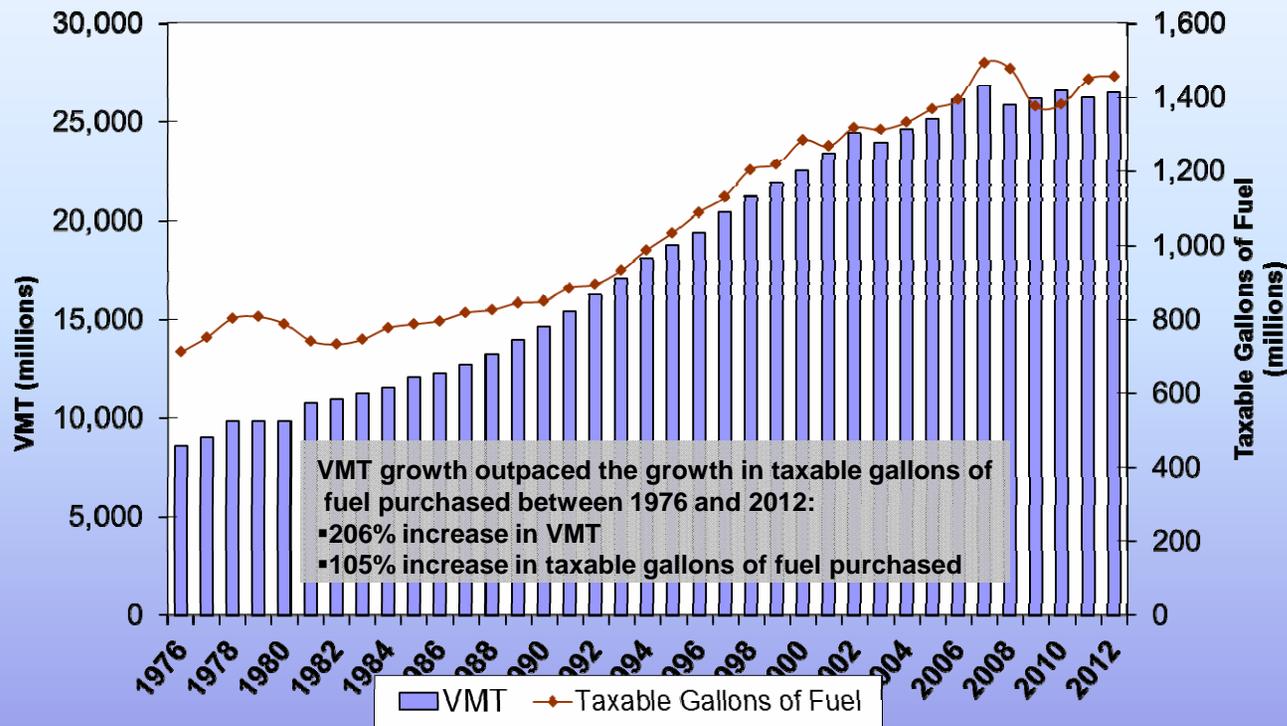
National Fuel Economy

Fuel Economy Performance Based on Model Year and Sales Volume



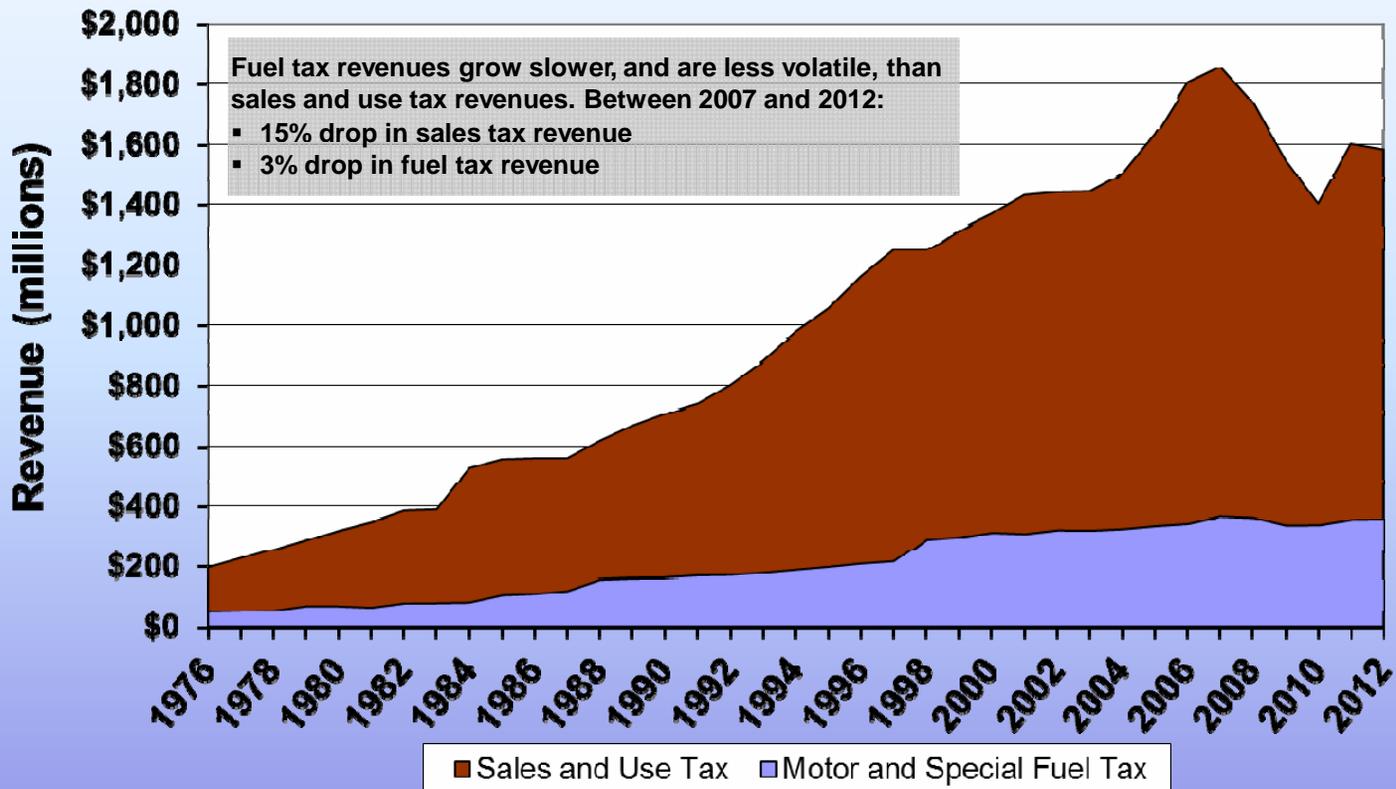
Source: "Summary of Fuel Economy Performance" April 2013; U.S. Department of Transportation

Vehicle Miles Traveled (VMT)



Source: Utah Department of Transportation, "Annual Statistical Summary" (1979-2012); Utah State Tax Commission

Growth of Fuel Taxes and State Sales and Use Tax



Source: Utah Department of Transportation, "Annual Statistical Summary" (1979-2012); Utah State Tax Commission

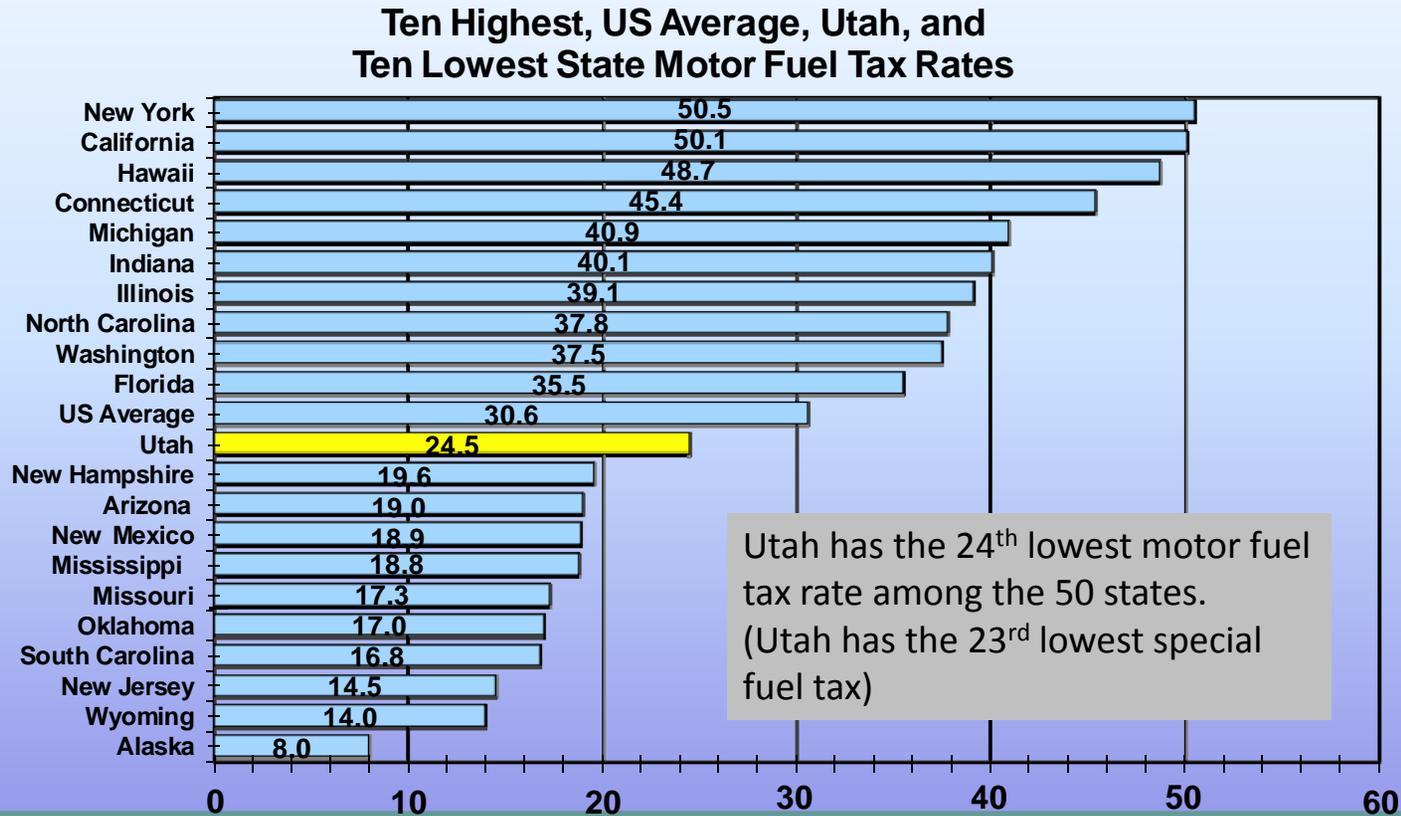
Motor Fuel & Special Fuel Tax

- Motor Fuel: gasoline and gasohol
- Special Fuel: diesel and any fuel not considered a motor fuel
- Rate: 24.5 cents per gallon (cpg)
- Last rate change was a 5.5 cpg increase in 1997

Fiscal Year	Revenue Motor Fuel	Revenue Special Fuel	Growth Motor Fuel	Growth Special Fuel
2012 (actual)	\$252.9 m	\$104.1 m	0.2%	0.2%
2013 (projected)	\$250.7 m	\$99.5 m	-0.9%	-0.5%

Source: Utah Tax Commission, TC-23 (2012-13 Revenue Summary); Utah Code, Section 59-13-201

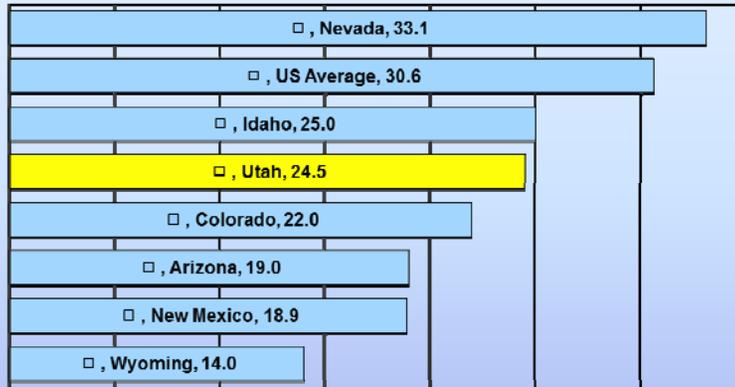
State Motor Fuel Tax Comparison



Source: American Petroleum Institute, as of April 1, 2013 (<http://www.api.org/statistics/fueltaxes/>)

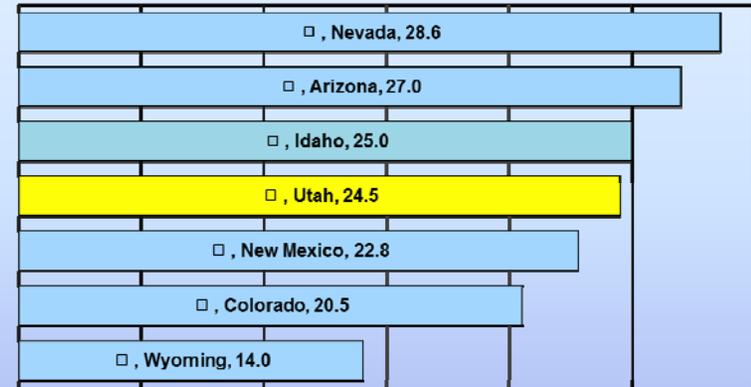
State Motor & Special Fuel Tax Comparison

MOTOR FUEL TAX COMPARISON Surrounding States, US Average, and Utah



State Tax Rate (cents)

SPECIAL FUEL TAX COMPARISON Surrounding States and Utah

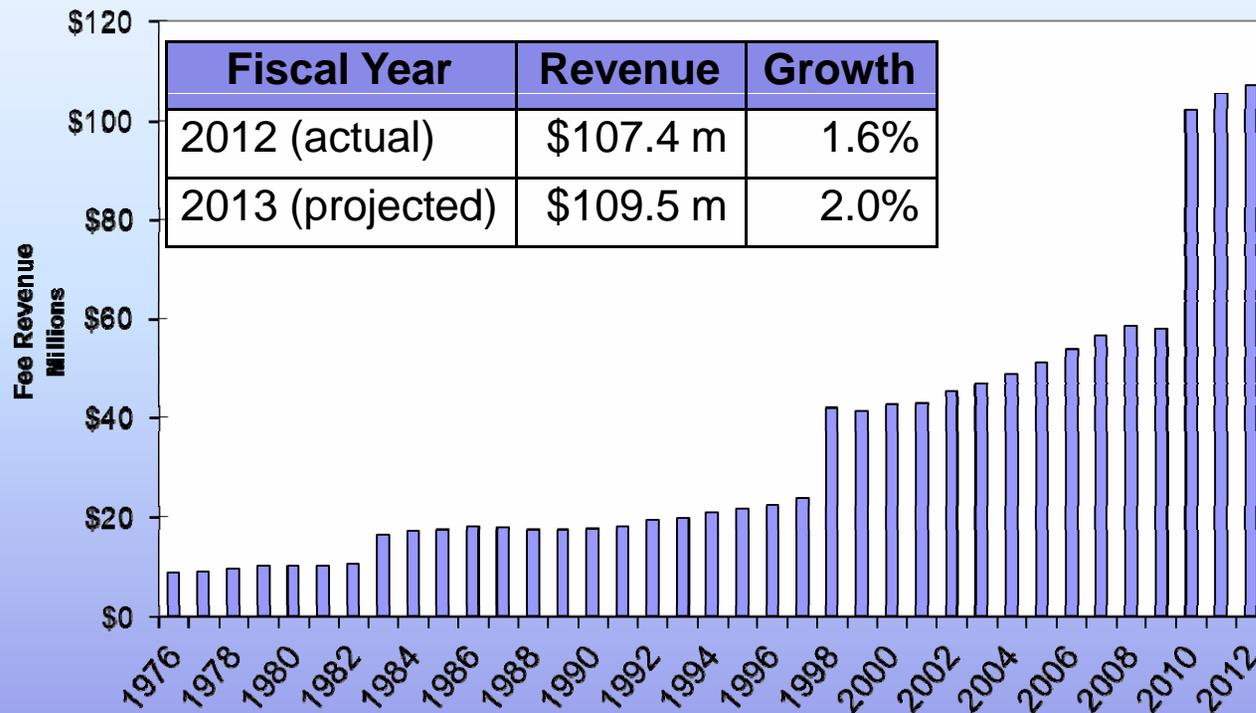


State Tax Rate (cents)

Utah Motor Fuel Tax

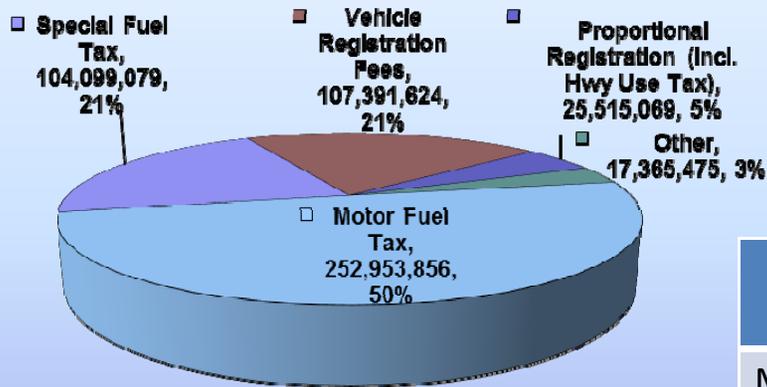
- The motor fuel tax is the primary transportation funding source for cities and towns
 - Utah cities and towns are responsible for 35,000 miles of roads
 - 30% of the tax collected goes to local governments, 70% goes to UDOT
 - When adjusted for inflation, the 24.5 cent tax authorized in 1997 would have to be increased to 36 cents

Vehicle Registration Fees - - Revenues, 1976 - 2012



Source: Utah Department of Transportation Annual Statistical Surveys, years 1979-2007; State Tax Commission, TC-23

FY 2012 User Fee Revenue (millions)



Tax	Local Portion 30%	UDOT Portion 70%
Motor Fuel	\$75,866,157	\$177,067,699
Special Fuel	\$31,229,724	\$72,869,355
Total	\$107,095,881	\$249,937,054

Total Revenue: \$507,325,103

Source: Utah State Tax Commission, TC-23; UDOT, 2012 Annual Statistical Summary

Transportation Funding Sources

- Transportation Fund
- **B and C Roads Account**
- Centennial Highway Fund
- Transportation Investment Fund of 2005
- Critical Highway Needs Fund
- Marda Dillree Corridor Preservation Fund
- Local Transportation Corridor Preservation Fund
- Tollway Special Revenue Fund
- County of the First Class State Highway Projects Fund
- County of the Second Class State Highway Projects Fund
- Highway Projects within Counties Fund
- Transportation Infrastructure Loan Fund
- Aeronautics Restricted Account

B&C Roads Funds

- 30% fuel tax portion that goes to cities and counties
 - 75/25 distribution before July 1, 2007
 - Funds are used under the direction of UDOT “as the Legislature shall provide”
 - Funds are distributed to cities and counties by formula based on length of road and pavement type

Herriman Road Maintenance Needs

- Current Budget is \$300,000 for Routine and Preventative Maintenance
- 2014 Road Condition Survey Completed by Utah LTAP

Step 1 Proposed Roadway Baseline Funding Distribution
(2014-2017)

Pavement Preservation Strategies	Percent of Street Network	Funding Distribution
Routine Maintenance	5.0%	\$34,100
Preventative Maintenance	11.0%	\$324,900
Rehabilitation	0.9%	\$138,000
Reconstruction	0.0%	\$0
Total	16.9%	\$497,000

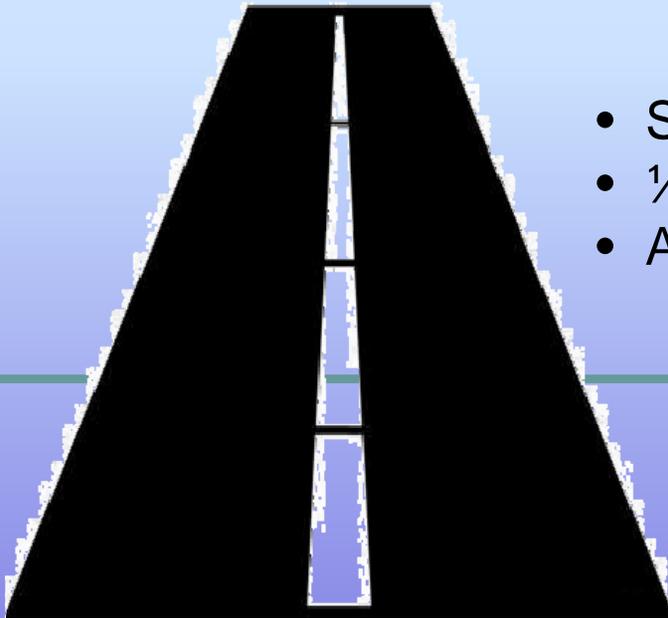
Step 2 Proposed Roadway Baseline Funding Distribution
(2018-2024)

Pavement Preservation Strategies	Percent of Street Network	Funding Distribution
Routine Maintenance	5.0%	\$34,100
Preventative Maintenance	7.0%	\$206,700
Rehabilitation	1.7%	\$260,600
Reconstruction	1.0%	\$298,000
Total	14.7%	\$799,400

- Does not account for future road construction additions

Source: Utah Code, Sections 72-2-107 and 72-2-103; Utah Department of Transportation 2012 Annual Statistical Survey

Maintenance Funding Options



- Study for Fuel Tax Changes
- ¼ Cent Local Option Sales Tax
- Alternative Transportation Options

Motor Fuel Tax Adjustment

- Complete a study to better align revenue with needs
 - Adjust for shortfalls since last increase was incorporated in 1997
 - Index the tax for inflation related adjustments
 - Account for new technologies
 - Hybrid and/or Electric vehicles
 - More fuel efficient vehicles



1/4 Cent Local Option Sales Tax Study

- 0.25 cents on all sales, statewide
- Study to verify
 - If funds will solely go to local municipalities
 - How the funds may be used
 - Maintenance, new construction, etc
 - How allocation to municipalities will work



Alternative Transportation Options

- Transit Investments
 - Relieve traffic congestion
 - Improve air quality
- Expanded Options
 - Trails
 - Bicycle lanes



Questions?

