THIS AGENDA IS SUBJECT TO CHANGE WITH MINIMUM 24-HOURS NOTICE

CITY COUNCIL AGENDA

Wednesday, August 12, 2015

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a Meeting in the City Council Chambers, located at 13011 South Pioneer Street (6000 West), Herriman, Utah.

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

COUNCIL BUSINESS

A. Review of this evening's agenda
B. Administrative Reports
   1. Park Strip Tree Trimming update – Gordon Haight, Assistant City Manager
   2. Discussion of the Herriman Main Street Gateway – Jonathan Bowers, Assistant City Engineer
   3. Southeast Herriman area rezone discussion – Heather Upshaw, Senior Planner
   4. Discussion of the Administrative Law Judge appointment – John Brems, City Attorney
   5. Proposed Procurement Code amendment discussion – John Brems, City Attorney
   6. Presentation of the draft deer mitigation program – Justun Edwards, Water Director
   7. Discussion regarding 5600 West Protection Strip – Gordon Haight, Assistant City Manager
   8. Neighborhood Meeting schedule – Tami Moody, Director of Administration
   9. 2015 Primary Election recap – Jackie Nostrom, City Recorder
   10. Other Updates
C. Adjournment

7:00 PM - GENERAL MEETING:

1. CALL TO ORDER
   A. Invocation and Pledge
   B. Approval of Minutes — June 24, 2015, July 8, 2015, and July 28, 2015
   C. Mayor's Comments
   D. Council Recognitions

2. PUBLIC COMMENT: *Audience members may bring any item to the Mayor and Council's attention. Comments will be limited to two or three minutes. State Law prohibits the Council from acting on items that do not appear on the agenda.*

3. REPORTS, PRESENTATIONS AND APPOINTMENTS
   A. Capitol Projects Report – Alan Rae, Finance Director

4. CONSENT AGENDA
   A. Discussion and consideration of a resolution appointing David Church as the Administrative Law Judge/Employee Appeal Board – John Brems, City Attorney

   B. Discussion and consideration of an ordinance amending Herriman City's financial and administrative ordinance regarding procurement of services and supplies for the City – John Brems, City Attorney

5. PUBLIC HEARING AGENDA

A. Public Hearing and consideration of an ordinance vacating a portion of 7530 West at the intersection with High Country Road – Jonathan Bowers, Assistant City Engineer

6. DISCUSSION AND ACTION ITEMS

A. Discussion and consideration of a resolution approving an amendment to the Policy and Procedure manual with respect to Record Keeping – Travis Dunn, Human Resource Manager

B. Discussion and consideration of an Ordinance authorizing a text change to add a curb and gutter exception in designated areas – Gordon Haight, Assistant City Manager

C. Discussion and consideration of an Ordinance authorizing a text change to Title 9, Section 4, Landscaping requirements – Heather Upshaw, Senior Planner

D. Discussion and consideration of an Ordinance amending Section 10-6-6 regarding General Plan Amendments – Heather Upshaw, Senior Planner

7. MAYOR AND COUNCIL COMMENTS

8. CALENDAR

A. Meetings

- August 20 – Planning Commission meeting 7:00 p.m.
- August 26 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- August 13 – Deer Mitigation Open House 6:00 p.m., Community Center Council Chambers
- August 19 – City Hall Open House 6:00 p.m., Community Center Council Chambers

9. ADJOURNMENT

10. RECOMMENCE TO WORK MEETING (IF NEEDED)

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*

12. SOCIAL GATHERING (No Action will be taken on any items)

A. Social gathering will be at McDonald's; 5108 West 13400 South, Herriman, UT

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. To request assistance, contact Herriman City at (801) 446-5323. Please Provide at least 48 hours advance notice of the meeting

ELECTRONIC PARTICIPATION

Members of the city council may participate electronically via telephone, skype, or other electronic means during this meeting.

CITIZEN COMMENT POLICY AND PROCEDURE

During each regular Council meeting there will be a citizen comment time. The purpose of this time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written comment form and present it to Jackie Nostrom, City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

Certificate of Posting

I, Cindy Quick, the duly appointed, qualified, and acting City Deputy Recorder of Herriman City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the agenda; it was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body. Also posted on the Utah State Public Notice Website http://www.utah.gov/pmn/index.html and on Herriman City's website at www.herriman.org

Posted and Dated this 10th day of August 2015

Jackie Nostrom, CMC
City Recorder

August 5, 2015

Sent via Certified Mail, Return Receipt Requested

Herriman City
Attn: Brett Wood, City Manager
13011 South Pioneer Street
Herriman, Utah 84096

Re: Protection Strip along 5600 West

Dear Mr. Wood:

Herriman Corner Properties, LLC, a Utah limited liability company ("**Corner Properties**"), is under contract to purchase the real property located along 5600 West that is burdened by a Notice Regarding Protection Strip dated April 20, 2000 ("**Protection Strip**") and recorded by Herriman City ("**City**") on April 25, 2000, a copy of which is attached hereto as Exhibit "A". The Protection Strip requires landowners to pay a proportionate share of the City's improvement costs to 5600 West before the landowner can have access to 5600 West.

Corner Properties has plans to develop its property along 5600 West with multiple pads and in-line shops, bringing additional tax revenue to the City and making use of what is now raw land. Corner Properties has already begun the process to bring in tenants for its development and will soon be ready to begin the construction process.

Corner Properties is asking that the City waive any costs associated to the Protection Strip and any other easement fees that would prevent Corner Properties from having access to 5600 West, therefore, allowing Corner Properties to move forward with its development. Please feel free to contact me with any questions or when the City has made a decision.

Sincerely,

HERRIMAN CORNER PROPERTIES, LLC
a Utah limited liability company

David J Murdock

By: David J Murdock
Its: Managing Member

7624792
04/25/2000 03:43 PM No fee
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
PARSON DAVIES KINGHORN
185 S STATE ST STE 700
SLC UT 84111
BY: VCV, DEPUTY - WI 4 P.

Recorded at the request of, and return to:
John N. Brems
PARSONS, DAVIES, KINGHORN & PETERS
185 South State, Suite 700
Salt Lake City, UT 84111-1550

7624792

Notice Regarding Protection Strip

NOTICE IS HEREBY GIVEN of the existence of a parcel of land owned by the Town of Herriman, which land is located on the east and west sides of 5600 West Street between 13100 South and 13400 South in Herriman, Salt Lake County, Utah. A protection strip has been established on the east and west sides of 5600 West between 13100 South and 13400 South (the "*Protection Strip*").

5600 West Street has recently been improved. The Protection Strip is held by the Town of Herriman to assure that landowners adjacent to 5600 West Street reimburse the Town of Herriman for the landowners' proportionate shares of the improvement costs before said landowners have access to 5600 West Street.

All parties dealing with the land adjoining 5600 West are advised to contact the Town of Herriman to ascertain the sum due to the Town of Herriman for the grant of access to 5600 West Street for any adjoining parcel of land.

5600 West and the Protection Strip are more particularly described on the attached exhibits.

DATED this 20 day of April, 2000.

TOWN OF HERRIMAN

By _____
J. Lynn Crane, Mayor

SUBSCRIBED AND SWORN to before me this 20 day of April, 2000.

_____
Notary Public
Residing at: SLC, UT

My Commission Expires:
NOTARY PUBLIC
JOHN N. BREMS
370 E. South Temple, Ste 400
Salt Lake City, UT 84111
My Commission Expires
September 15, 2000
State of Utah

BK8357PG3126

Part of 26-36-300-001

Beginning Southwest corner of Section 36, Township 3 South, Range 2 West, Salt Lake Meridian; thence N 00°10'12" E along section line 2331.96' to a point on the South right-of-way line of State Road 111; thence curving to the left along said right-of-way through a central angle of 01°17'25", an arc distance of 34.91', and a radius of 1550' (chord bearing N 70°20'11" E 35.08'); thence S 00°10'12" W 2343.86' parallel with and 33.00' east of section line to a point on the south line of said section 36; thence N 89°49'48" W along section line 33.00' to the Point of Beginning. Containing 76957.02 square feet or 1.77 acres more or less.

BK8357PG3127

Part of 26-35-451-002

Beginning Southwest corner of Section 36, Township 3 South, Range 2 West, Salt Lake Meridian; thence N 89°49'48" W along section line 33.00' to a point; thence N 00°10'12" E 1095.66' parallel with and 33.00' West of section line to a point on the South boundary of Herriman City Plat and the North line of the South 66.4 rods of the SE ¼ of said Section 35; thence S 89°43'13" E 33.00' to a point on section line; thence S 00°10'12" W along section line 1095.60' to the Point of Beginning. Containing 36155.84 square feet or 0.83 acres more or less.

BK8357PG3128

Description: Salt Lake,UT Document-DocID 7624792 Page: 3 of 4
Order: q9uasi Comment: asdlksd8

Part of 26-35-429-005

Beginning at a point on the South line of 13100 South street (Herriman Main Street) being 402.94' S 00°10'12" W from the East quarter corner of Section 35, Township 3 South, Range 2 West, Salt Lake Meridian; thence N 89°59'09" W along said South line 33.00' to a point; thence S 00°10'12" W 1152.03' parallel with and 33.00' West of section line to a point on the South boundary of Herriman City Plat and the North line of the South 66.4 rods of the SE ¼ of said Section 35; thence S 89°43'13" E 33.00' to a point on section line; thence N 00°20'13" E 1152.15' (1131.2' by record) to a point; thence N 89°13'17" W 3.36' to the Point of Beginning. Containing 39953.48 square feet or 0.92 acres more or less.

BK8357PG3129

Description: Salt Lake,UT Document-DocID 7624792 Page: 4 of 4
Order: q9uasi Comment: asdlksd8

CITY COUNCIL MINUTES

Wednesday, June 24, 2015
Amended June 22, 2015
Awaiting Formal Approval

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, June 24, 2015 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 Jackie Nostrom, City Recorder John Brems, City Attorney Tami Moody, Director of Administration and Communications Alan Rae, Finance Director Danie Bills, Events Manager Blake Thomas, City Engineer Dwayne Anjewierden, Unified Police Chief Clint Smith, Unified Fire Authority Chief Cathryn Nelson, Chief Building Official Justun Edwards, Water Director Wade Sharp, Parks Manager
Excused:	Gordon M. Haight II, Assistant City Manager

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

5:13:18 PM **COUNCIL BUSINESS**

Mayor Carmen Freeman called the meeting to order, and indicated that Councilmember Matt Robinson had a prior engagement and would be joining the meeting at 6:30.

A. **Review of this evening's agenda**
B. **Administrative Reports**
   1. 5:13:44 PM **Parks Department Report** – Wade Sharp, Parks Manager

Parks Manager Wade Sharp informed the Council that the Parks Department replaced a Parks Technician II position, and relayed the hardships that come with employment turnover. He explained that performance evaluations had been conducted, and that current employees are focused.

Manager Sharp indicated that the mowing and fertilizing contracts are about to expire, and that new contractors will be hired to continue the services. He observed proactive measures that the Parks Department has implemented to ensure the high quality parks are properly maintained. Manager Sharp continued with the open cemetery project and observed the release of plots in section E and I. He explained that Section I was specifically designed for infants.

Mayor Freeman commended the Parks Department for the recent graffiti incident and how quickly the issue was remedied. Manager Sharp responded that the Splash Pad has been targeted three times, and cameras will be installed to catch any perpetrators. He explained that doors will have to be repainted as the chemicals used to remove the tagging are harsh substances. Manager Sharp noted that an extreme amount of catfish died at the Cove, and informed the Council that it was determined that the catfish were not properly transported to destinations and have been removed.

Manager Sharp observed the weed control in open spaces. With the mild winter, crews have mowed noxious weeds in open spaces once this year, and are revisiting locations again. City Manager Brett Wood explained that residents expand their yard with rock paths and ledges which require crews to spend extra time hand weeding. Manager Sharp explained that the Herriman app has been a great tool for tracking completed and pending projects. Councilmember Coralee Wessman-Moser asked if there is a delay on closing the work orders out. Manager Sharp responded that closure of the work order is dependent on what is entailed. He offered a scenario of how the process is followed through. Some work orders have a quicker resolution than others.

2. **Administration Department Report** – Tami Moody, Director of Administration and Communications

This item was continued to a future City Council meeting.

3. 5:39:46 PM **Engineering Update** – Blake Thomas, City Engineer

City Engineer Blake Thomas offered a brief overview of Capital Projects. The 7530 West roadway project is negotiating additional improvements with the contractor with an estimated completion date of October/November 2015. The pump station and transmission line is 98% complete and is ahead of schedule with substantial completion in June 2015. Engineer Thomas indicated that the water tank installation is on schedule with site work underway. The estimated completion date is May 2016.

Engineer Thomas informed the Council of the crash data collected at intersections along Mountain View Corridor. The confusing intersections will have new lights that would only allow one set of signals to be viewed at a time. Once the driver has passed the first signal, the second signal will then become visible to reduce the number of collisions caused by vehicles running red lights.

City Engineer Thomas informed the Council that he reviewed the Plat for Triple Crown Lane, and noticed that there was a 42' right of way for the road where only a 28' road was built. He was happy to report that easement acquisitions would not have to be secured to install a sidewalk within the right of way. A conceptual plan is being drafted and will bring a

recommendation to the Council after a cost analysis has been conducted. Councilmember Moser asked if the easement would affect lot sizes. City Engineer Thomas responded "no".

4. 6:01:11 PM **Black Ridge Discussion** – Brett Wood, City Manager

City Manager Brett Wood offered some solutions to the Blackridge Reservoir parking concern. He relayed the cost that would be associated with permit parking, signage installation, and additional weekend enforcement. City Attorney John Brems informed the Council that governmental immunity for liability would most likely be diminished if the City were to start charging patrons.

Councilmember Mike Day noted that this discussion has been revisited annually, and expressed his concern that this would not be the best use of City funds and resources. Complaints are received right after the facility opens and diminish throughout the season. Councilmember Day expressed his concern of parking permits and the burden it would put on the residents. Councilmember Tischner indicated that there is not adequate parking and the street becomes a safety issue. He expressed his support for a permit parking program. Councilmember Moser asked about the police perspective of the parking permit program. Police Chief Dwayne Anjewierden responded that the parking permits, if utilized, haven't alleviated anything. Some residents move their vehicle out to the street and strategically park so patrons cannot park in front of their home which adds to the parking issues. Councilmember Moser asked what concerns the residents have. Councilmember Day stated that there is a feeling that the reservoir should be limited to Herriman and Riverton residents' usage.

City Manager Wood observed a parking permit program that was challenged, which the City that was named ultimately lost. Mayor Freeman indicated that his concern is safety. City Manager Wood observed the fatalities that happened at the reservoir occurred on busy days, and emergency responders were in the water within six minutes. Councilmember Moser suggested hosting a neighborhood meeting to discuss resolutions with residents. Director of Administration and Communications Tami Moody indicated that she would coordinate the meeting. Councilmember Moser explained that having an elitist entitlement restricting non resident usage is not appropriate.

5. 6:36:19 PM **Discussion pertaining to the RDM Development Agreement** – John Brems, City Attorney

City Attorney John Brems explained that there was a misunderstanding about the phasing and bonding for 6600 West Impact Fee reimbursement. The developer was under the impression that they would be full reimbursement for the cost of the road, not just full reimbursement of the impact fees paid. The Developer requested to pay a fee in lieu of installing the remaining portion of the road. Councilmember Day indicated that once vacant lots in the Cove are built upon they would impact the road, and suggested that those impact fee monies be designated. Attorney Brems informed the Council that the developer has agreed to contribute over $300,000 towards the development of 6600 West. Councilmember Moser expressed her concern of encumbering funds and setting precedence. City Attorney Brems reminded the Council that any changes would have to be noted in an amended Development Agreement.

City Attorney Brems indicated that unimproved lots could help with the cost of the road. Councilmember Moser suggested that the radius of the circle be enlarged to accommodate the installation of the street. She requested that the Cove and RDM should agree to the terms if money is reimbursed. Councilmember Moser expressed her concern that residents need assuredly that the improvements will be completed and that burden will fall upon the developer to have bonding in place.

6:54:39 PM *Councilmember Matt Robinson arrived*

Mayor Freeman added that a deficit cannot be estimated without a cost analysis. Councilmember Moser indicated that she would be in favor of charging a fee in lieu of the park space if we have the calculations outlined. The Council agreed.

6. Other Updates

C. 6:58:48 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. 7:08:20 PM **CALL TO ORDER**

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

A. 7:08:48 PM **Invocation and Pledge**

The Invocation was offered by Ms. Nicole McGee. The Pledge of Allegiance was led by Scout Troop #4798.

B. 7:11:38 PM **Approval of the Minutes May 27, 2015 & June 10, 2015**

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF MAY 27, 2015 AND JUNE 10, 2015 AS WRITTEN. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

C. 7:11:53 PM **Mayor's Comments**

Mayor Freeman recognized the Candidates for the 2015 Municipal Election in attendance: Kurt Hurdsman (District 4), Jared Henderson (District 1), Nicole Martin (District 4), Steve Garrett (District 1), and David Watts (District 4). He also welcomed Jordan School District Board Member Susan Pulsipher.

Mayor Freeman expressed his appreciation to the Youth Council, City Council, Volunteers and employees for their efforts in coordinating a successful Fort Herriman Days.

D. 7:13:21 PM **Council Recognitions**

There were no Council recognitions.

2. 7:13:29 PM **PUBLIC COMMENT**

Jordan School District Board Member Susan Pulsipher informed the Council that a draft copy of the five-year plan for Jordan School District is being modified, and will be continually updated on an annual basis. She expressed her excitement to provide schools in Herriman, and thanked the Council for continued support. Mayor Freeman thanked Ms. Pulsipher for the great asset that she is to the Board.

Steve Garrett, 5443 Genoa Court, told a short anecdote of his proudest moment in Herriman City during the Fort Herriman Days Parade. He indicated that Herriman is a special family oriented community. Mr. Garrett commended everyone involved for coordinating the parade in order to bring the community together.

John Schwisow, 14982 South Aurora Vista Drive, expressed his appreciation of the decision to host a neighbourhood meeting to come up with parking solutions at Blackridge Reservoir.

Michael Kidwell, 5427 Aurora Vista Drive, informed the Council that he was concerned about parking at Blackridge Reservoir, and recommended striping curbs adjacent to intersections for safety reasons.

3. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. 7:25:19 PM **Introduction of Sergeant James Morton and Sergeant Jeff Andreason** – Dwayne Anjewierden, Police Chief
This item was continued to a future City Council meeting.

B. 7:25:21 PM **Consideration of a resolution appointing members of the Planning Commission** – Bryn McCarty, City Planner
Mayor Freeman informed the Council that terms of some Planning Commission members are set to expire July 1, 2015. He recommended reappointment Jeramy Burkinshaw, Blayde Hamilton, Robyn Shakespear, and Clint Smith who have consented to the reappointment. Mayor Freeman informed the Council that Planning Commissioner Wayne Hill resigned from the Planning Commission and recommended to invite Planning Commission Alternate Adam Jacobson to serve as a full-time member of the Planning Commission.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R17-2015 APPOINTING MEMBERS OF THE PLANNING COMMISSION. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

C. 7:28:27 PM **Proclamation supporting the Local First Utah's Independents Week** – Gordon Haight, Assistant City Manager
City Manager Brett Wood informed the Council that Independents week provides a time to celebrate the independence of the members of the community and the entrepreneurial spirit represented by our core of local independent businesses. The decisions every community member makes today affect the future of the City. Herriman's local independent businesses help preserve the uniqueness of the community and give us a sense of place. The City's core of independently-owned businesses gives back to this community in goods, services, time and talent. The health of Herriman's economy is dependent on our support of local businesses owned by friends and neighbors. Herriman's independent business owners and employees enrich community members' shopping experiences with their knowledge and passion, and acknowledge that the ability to choose the direction of Herriman lies within each of us.

COUNCILMEMBER TISCHNER MOVED TO APPROVE THE PROCLAMATION SUPPORTING THE LOCAL FIRST UTAH'S INDEPENDENTS WEEK. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

4. CONSENT AGENDA

A. 7:29:52 PM **Approval of the Monthly Financial Report** – Alan Rae, Finance Director
COUNCILMEMBER ROBINSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

5. DISCUSSION AND ACTION ITEMS

A. 7:30:25 PM **Discussion and consideration of an ordinance authorizing a text change to add an exception to the Commercial Design Criteria** – Bryn McCarty, City Planner

City Planner Bryn McCarty indicated that the City Council adopted revised commercial design criteria on May 13, 2015. The new ordinance requires 60% brick or stone on commercial building elevations. Staff has recommended adding an exception to this requirement in order to allow the City Council to approve deviations from the standard. The exception would only be for buildings greater than 40,000 square feet that are part of a larger commercial project.

Councilmember Robinson asked if there is a particular reason that larger buildings would need to have an exception. City Planner McCarty responded that some businesses expressed their concern about the 60 percent brick requirement. Councilmember Moser offered an example of an exception that could be granted. She clarified that the exception would be granted to businesses that are part of a larger commercial development. Councilmember Tischner expressed his concern that every business would request an exception. City Planner McCarty responded that this ordinance has specific criteria that would have to be met prior to requesting any deviation.

City Manager Wood explained that the ordinance would allow for a contemporary office building to be constructed. Councilmember Robinson noted that the expectation is to have a more aesthetically pleasing look to viewable areas of the building from public streets in order to establish high quality businesses in Herriman. He expressed his concern of having plain stucco buildings constructed around the City. The exception would allow the City Council to render any alterations to the standard. Councilmember Tischner relayed his concern that the exceptions could be problematic. Mayor Freeman responded that it would provide a negotiation opportunity between the developer and the Council.

COUNCILMEMBER ROBINSON MOVED TO APPROVE **ORDINANCE NO. 2015-23** AUTHORIZING A TEXT CHANGE TO ADD AN EXCEPTION TO THE COMMERCIAL DESIGN CRITERIA. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

B. 7:48:46 PM **Discussion and consideration of a rezone property located at approximately 5101 West 11800 South from R-2-10 to A-1** – Bryn McCarty, City Planner

City Planner Bryn McCarty informed the Council that Herriman City has applied to rezone the property located at approximately 5101 West 11800 South to A-1 in order to comply with the amended General Plan. The property has several utility easements running through it and the City believes that the best use of property is a park or other recreational amenity. The property was zoned R-2-10 in 2007 for a proposed future development. The property was purchased by UDOT to construct the Mountain View Corridor. UDOT was left with an approximately 17 acre remnant once the frontage roads were completed. The City Council amended the General Plan in 2013 to change the parcel from the Mixed Use designation to Parks and Recreation. City Planner McCarty indicated that the property owner was notified,

but no response was offered. The Planning Commission offered a public hearing on the proposed rezone and one public comment was offered indicating that they were in favor of the rezone. City Manager Brett Wood added that the property was a small piece of unusable property and that UDOT is supportive of the rezone.

COUNCILMEMBER TISCHNER MOVED TO APPROVE **ORDINANCE NO. 2015-24** REZONING PROPERTY LOCATED AT APPROXIMATELY 5101 WEST 11800 SOUTH FROM R-2-10 TO A-1 (AGRICULTURAL). COUNCILMEMBER ROBINSON SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

C. 7:52:16 PM **Discussion and consideration of a resolution accepting a petition for annexation filed by the Jesse Dansie Trust** – John Brems, City Attorney
This item was continued to a future meeting.

D. 7:52:19 PM **Discussion and consideration of a resolution approving a Development Agreement for Miller Crossing** – John Brems, City Attorney
City Attorney John Brems indicated that the Planning Commission granted preliminary approval on March 5, 2015 to the Planned Unit Development of single family detached and attached units on property located at approximately 12200 South 5100 West. The approval was subject to conditions one of which required a development agreement to be reviewed and approved by the City Council. The development should include, but is not limited to, the period of time the commercial property shall be held, timing of construction of Main Street, and overall density of the project with or without the commercial development.

Attorney Brems suggested outlined changes and a provision added to the agreement including defining that senior living center is "Leisure Villas, 55+ community" He noted that the term expires December 31, 2025. Mayor Freeman asked at what point the five year time frame begins. City Attorney Brems responded that a notice provision should be included in the agreement to create an event to alleviate any misconceptions. Councilmember Mike Day indicated that he would like to see that there would be not subsidized housing in the agreement. Councilmember Moser agreed as Codes, Covenants, and Restricts are subject to change.

Councilmember Moser expressed her appreciation to City Attorney John Brems and the developer for their work on the agreement. Mayor Freeman suggested that the Economic Development Director should be allowed to sign the agreement. The Council agreed. Attorney Brems indicated that he would have it state City Manager or designee.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. R18-2015 APPROVING A MASTER DEVELOPMENT AGREEMENT FOR MILLER'S CROSSING MASTER PLANNED COMMUNITY WITH THE CHANGES IMPLEMENTED AND OUTLINED BY CITY ATTORNEY JOHN BREMS. COUNCILMEMBER ROBINSON SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

Mayor Freeman expressed his excitement for future developments to engage in similar discussions. Councilmember Robinson agreed, and added that this development would be a critical turning point in curbing high density.

6. 8:09:59 PM MAYOR AND COUNCIL COMMENTS

Mayor Freeman observed some administrative duties in the Herriman City Code regarding the Mayor's role and recommended removal from the ordinance. Councilmember Moser suggested further discussion in a work meeting. Councilmember Robinson agreed.

Mayor Freeman suggested incorporating an item on the City Council agenda that could recues the Council in case of a conflict of interest. Councilmember Moser indicated that the Council should consider the recommendation, and discuss it at a later date.

Mayor Freeman informed the Council that meetings have commenced for the City Hall and Towne Centre. He explained that a briefing would take place at the July 8th meeting and a schematic design discussion would be held with the Planning Commission at the joint meeting scheduled for July 30th. Councilmember Robinson thanked Mayor Freeman and Councilmember Moser for their time and dedication to the project. City Manager Brett Wood informed the Council that Councilmember Tischner toured the facilities and his comments were captured into meeting notes, and if any other Council Members would like to tour visited facilities to let him know.

Councilmember Robinson thanked all involved parties for their investment in getting the agreement completed.

7. 8:16:44 PM CALENDAR

A. Meetings

- ~~July 2 – Planning Commission 7:00 p.m.~~ Cancelled
- July 8 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- July 3 – Independence Day Observed (City Offices Closed)
- July 4 – Independence Day
- July 9-20 – Summer Theatre Production

8. 8:18:03 PM ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. 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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS PENDING OR REASONABLE IMMINENT LITIGATION, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

11. SOCIAL GATHERING (No Action will be taken on any items)

A. Social gathering will be at McDonald's; 5108 West 13400 South, Herriman, UT

This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, June 24, 2015

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, June 24, 2015.

Jackie Nostrom, City Recorder

CITY COUNCIL MINUTES

Wednesday, July 8, 2015
Amended July 7, 2015
Awaiting Formal Approval

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, July 8, 2015 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:	Gordon M. Haight II, Assistant City Manager Jackie Nostrom, City Recorder John Brems, City Attorney Alan Rae, Finance Director Danie Bills, Events Manager Blake Thomas, City Engineer Dwayne Anjewierden, Unified Police Chief Clint Smith, Unified Fire Authority Chief Cathryn Nelson, Chief Building Official Justun Edwards, Water Director Monte Johnson, Operations Director
Excused:	Brett geo. Wood, City Manager Tami Moody, Director of Administration and Communications

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

5:07:12 PM **COUNCIL BUSINESS**

A. 5:07:25 PM **Closed Session**

1. 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

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

The vote is recorded as follows:

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

The motion passed unanimously.

The Council reconvened the work meeting by consensus.

B. Review of this evening's agenda

C. 6:10:54 PM Administrative Reports

1. 6:10:56 PM **City Hall/Towne Center briefing** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced GSBS, the architectural firm that was selected to design the layout of the City Hall and Herriman Towne Center. GSBS Principal In Charge Scoot Henriksen introduced Project Manager Brian Jacobson and Economic Consultant Christine Richman. The firm offered an update of the project and the design phases associated with the Towne Center. Principal Henriksen informed the Council that the program confirmation square footage estimate had been conducted in order to progress into schematic design and to ensure the project cost is on target. The analysis also covered projected growth.

Consultant Richman offered an overview of the Visual Preferences Survey that has been available to residents. She observed the huge response the survey solicited and presented the results of the survey. Principal Henriksen continued with the project schedule and anticipated meeting and open house dates. Mayor Freeman noted that the City would conduct a groundbreaking ceremony November 12, 2015. He extended his gratitude to GSBS for their efforts on the project, and relayed his vision of the public amenities that the Towne Center would offer. Councilmember Craig B. Tischner offered a short anecdote of a city project that wasn't received well by some individuals until after completion.

2. 6:35:07 PM **Discussion pertaining to the RDM Development Agreement** – John Brems, City Attorney

City Attorney John Brems offered a brief update of the RDM Development Agreement. An Engineer's estimate was provided showing it would cost $358,000 to build 6600 West. Based on the estimate and considering the impact fee reimbursement and developer contribution there would be a $60,800 difference. RDM has proposed that the City contribute the discrepancy from collected impact fees within the City. City Attorney Brems suggested that reimbursements would be paid after the road is completed. He explained that there were two options to ensure that the road is installed. Option one would be to bond for

the cost of the whole road or secondly install improvements prior to the recordation of the plat. Councilmember Coralee Wessman-Moser expressed her concern that the City needs to assure the funds are available in the event that the developer abandons the project. Councilmember Mike Day clarified that the reimbursement would not occur until substantial completion. This was verified.

Councilmember Moser asked if the developer recognized that they would not have the ability to build out the subdivision without the road being installed. City Attorney Brems indicated that the project would be phased. The first phase would be to allow approximately 53 lots be improved. City Engineer Blake Thomas informed the Council that the proposal of $358,000 is still being reviewed, and may be a little low. City Attorney Brems asked if the Council was comfortable with moving the process forward. The Council consensus determined to continue the process contingent upon the agreement that the City contribution would not exceed $60,800.

3. **Other Updates**

D. Adjournment

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

E. 6:51:39 PM Closed Session

2. 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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER ROBINSON SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

7:00 PM - General Meeting:

1. **7:08:39 PM CALL TO ORDER**

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

A. 7:08:48 PM Invocation and Pledge

The Invocation was offered by Human Resource Manager Travis Dunn. The Pledge of Allegiance was led by Scout Troop #656.

B. 7:10:21 PM **Mayor's Comments**
Mayor Freeman congratulated City Planner Bryn McCarty on her new arrival. He recognized the candidates running for political office in the audience: Bethany Zeyer (District 1), Jared Henderson (District 1), Steve Garrett (District 1), and David Watts (District 4).

C. 7:11:24 PM **Council Recognitions**
There were no Council Recognitions.

2. 7:11:29 PM **PUBLIC COMMENT**
Jennie Stephens, 4439 West Clarks Hill Drive, South Jordan, informed the City Council that she has received requests to allow the food truck underground to host events in Herriman. A Herriman City Ordinance restricts food trucks which don't allow her to fill those requests. Ms. Stephens indicated that the food truck underground events bring communities together and promotes small businesses. She asked the Council to consider allowing their business to come to Herriman.

Elizabeth Jones, 12576 Sunlight Hill, asked about the Jordan School District property purchase and requested to know what the future plan entails and requested to know the financial supporter. Assistant City Manager Gordon Haight asked to discuss the item with her following the meeting.

Claudia Bogumil, 5480 West Rocky Point Drive, expressed her concern of parking regulations that seem to be erratically and inconsistently enforced at Fort Herriman Days. Ms. Bogumil asked for direction on how to proceed to ensure that equal enforcement is conducted and how future venues can accommodate parking. Councilmember Day directed Ms. Bogumil to speak with Police Chief Dwayne Anjewierden.

Dave Bogumil, 5480 West Rocky Point Drive, expressed his concern of the extreme congestion at Blackridge Reservoir. He indicated that neighboring residents cannot sell their homes or utilize the reservoir, and offered suggestions to resolve the problem. Councilmember Day informed Mr. Bogumil that homes in the local area are selling with the exception of one home with an astronomical asking price. He indicated that the City is continually searching for solutions, and that a neighborhood meeting will be held for that purpose. Councilmember Day stated that he utilizes the facility regularly, and explained that morning hours are the best time to visit the reservoir. He observed that the park was constructed properly due to the high volume of patrons which visit daily.

Jared Henderson, indicated that the sales agreement in the City Council packet indicates that the funds are coming from an unnamed developer.

3. **PUBLIC HEARING AGENDA**

A. 7:22:44 PM **Public Hearing and consideration of a resolution to amend the Herriman City 2015-2016 fiscal year budget** – Alan Rae, Finance Director
Finance Director Alan Rae reviewed the four budget amendments for consideration. Rosecrest Communities completed Storm Drain improvements and is seeking reimbursement

from the Storm Drain Fund. The reimbursement agreement is in the amount of $37,200. The second item for consideration is requested from the Building Department due to the high volume of building permit submittals. Staff currently is not able to process all of the applications coming into the department and has limited each builder to submit only ten building permit applications per week. The request is for $30,000 which will come from the General Fund and is expected to be offset by increased building permit fees.

The third item is the construction of 7530 West improvements that exceeded estimates detailed in the engineering report at the last City Council meeting. These improvements also include the gate into High Country I, and the total excess cost is for $85,000 that is budgeted in the Capital Projects Fund. The final item is for a 2015 Council approved developer loan in the amount of $4,200,000 and a corresponding land purchase from the Jordan School District. The process will not be completed until the budget reflecting the transaction to fiscal year 2016. Assistant City Manager Haight indicated that the land purchase would not be taxpayer funded.

Mayor Freeman opened the public hearing.

There was no public comment offered.
COUNCILMEMBER ROBINSON MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R19-2015** APPROVING AN AMENDMENT TO THE 2015-2016 FISCAL YEAR BUDGET. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

4. CONSENT AGENDA

A. 7:28:13 PM **Consideration of a resolution designating and appointing election judges to serve in the Municipal Primary Election** – Jackie Nostrom, City Recorder

COUNCILMEMBER ROBINSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

Mayor Freeman informed the audience that there will be an Election Day voting center at the Herriman Library.

5. DISCUSSION AND ACTION ITEMS

A. 7:29:14 PM **Discussion and consideration of a resolution approving an amendment to the Policy and Procedure manual with respect to general safety and vehicle policy** – Travis Dunn, Human Resource Manager

Human Resource Manager Travis Dunn informed the Council that on June 10, 2015 updates and changes were brought to the City Council requesting their recommendations and comments which have been implemented into the policy change for their consideration.

Mayor Freeman asked who the responsible party would be if a citation was received in a Herriman City vehicle. Manager Dunn explained that the driver would be responsible to pay for the citation and notify the City of the violation. Herriman City tracks driving records on a monthly basis through the Trust insurance plan. Councilmember Moser recommended removing "as described below" in section 4.1.a.iii due to no description. Manager Dunn confirmed. Mayor Freeman suggested including wearing safety belts while operating vehicles, tractors, and equipment. Manager Dunn agreed. Councilmember Moser recommended clarifying that driving privileges may be revoked and disciplinary action may accompany any employee who is unable to legally drive due to violation points or an invalid licence may include termination.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R21-2015** APPROVING AN AMENDMENT TO THE HERRIMAN CITY POLICY AND PROCEDURE MANUAL WITH RESPECT TO GENERAL SAFETY AND VEHICLE POLICY INCLUDING NOTATED CHANGES. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

B. 7:37:11 PM **Discussion and consideration of a text change to add a curb and gutter exception in designated areas** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight indicated that the subdivision ordinance requires curb, gutter, and sidewalk be installed with all new subdivisions. The area known as "Old Town" in Herriman currently has no curb, gutter, or sidewalks with no storm drain system with the exception of 6000 West and Main Street. Subdivisions in this area are typically two or three lots, or a flag lot. Curb and gutter installations would not connect to any other system which could prove to be a hindrance. Assistant City Manager Haight recommended having an exception to the improvements in the area designated on the presented map. The

map will be used to designate where engineering would require a modified road cross section, including swales to deal with storm water run-off.

Councilmember Day asked if properties that abut the boundary could request a variance. Assistant City Manager Haight responded that the exception would be for those properties that lie within the boundary line. Councilmember Robinson questioned why significantly large parcels were included as part of the exception. Assistant City Manager Haight observed the access road for potential developments do not currently have curb and gutter, and that the City does not have the funds to install the necessary improvements. He acknowledged that the map would have to be periodically modified. Councilmember Moser suggested that the large tracts of land that potentially could be developed should be subject to staff approval of the exception. Assistant City Manager Haight noted that developments in the area would be required to install an asphalt path with a berm separating the street and walking path. Developments within the exception area would not have a reduction of right of way property to the City. Councilmember Robinson expressed his support of the ordinance with that outlined stipulation.

Assistant City Manager Haight indicated that the map would essentially outline the rural standard. Mayor Freeman expressed his concern of not having a safety precaution element in the ordinance due to certain roads having a potential congestion. Assistant City Manager Haight explained that the Master Plan differentiates the old town designation from the other residential areas. He suggested incorporating recommendations and revisiting the ordinance at a later City Council meeting. Councilmember Moser suggested that the ordinance should indicate that any development over certain acreage would be required to install improvements. Assistant City Manager Haight confirmed, and added that the infrastructure would be installed where appropriate. Councilmember Moser expressed her support to characterize the map as the rural standard and not the historical district. Councilmember Robinson noted the additional considerations that need to be factored prior to requiring installation of the sidewalk, curb, and gutter. He recommended that approval for exceptions should be subject to evaluation and approval. Planning Commission Chair Clint Smith stated that the Planning Commission would review the requests to determine if the infrastructure should be installed, and allow exceptions where they would be justified.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ORDINANCE TO AUTHORIZE A TEXT CHANGE TO ADD A CURB AND GUTTER EXCEPTION IN THE DESIGNATED AREA. COUNCILMEMBER TISCHNER SECONDED THE MOTION. COUNCILMEMBERS MATT ROBINSON, CRAIG B. TISCHNER, CORALEE WESSMAN-MOSER, AND MAYOR FREEMAN VOTED AYE; COUNCILMEMBER MIKE DAY VOTED NAY. MOTION TO CONTINUE PASSES WITH A VOTE 4:1

C. 8:07:05 PM **Discussion and consideration of a resolution declaring intent to purchase property located at or near 6400 West Herriman Parkway (12400 South) from the Jordan School District that has been declared surplus** – John Brems, City Attorney
City Attorney John Brems indicated that Jordan School District declared real property located at or near 6400 West Herriman Parkway as surplus. State Code requires entities to

formally adopt an intent resolution prior to purchasing the property. Send them a resolution indicating intent.

COUNCILMEMBER DAY MOVED TO APPROVE **RESOLUTION NO. R22-2015** DECLARING INTENT TO PURCHASE CERTAIN PROPERTY LOCATED AT OR NEAR 6400 WEST HERRIMAN PARKWAY (12400 SOUTH) FROM THE JORDAN SCHOOL DISTRICT THAT HAS BEEN DECLARED SURPLUS BY THE DISTRICT. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

D. 8:08:43 PM **Discussion and consideration of a resolution approving a purchase and sale agreement with Jordan School District** – John Brems, City Attorney
City Attorney Brems indicated that this resolution is to enter into a nonbinding purchase agreement. Councilmember Matt Robinson asked about the third party funding. City Attorney Brems responded that he was not at liberty to disclose the third party information.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R23-2015** APPROVING A PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTION BETWEEN BOARD OF EDUCATION OF JORDAN SCHOOL DISTRICT AND HERRIMAN CITY. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

E. 8:10:05 PM **Discussion and consideration of a resolution accepting a petition for annexation filed by the Jesse Dansie Trust** – John Brems, City Attorney
City Attorney John Brems indicated that the Dansie annexation is presented to the Council to accept the petition for further consideration. Salt Lake County distributed the required notices. Attorney Brems recommended approval of the resolution to ensure the petition meets statutory requirements.

COUNCILMEMBER ROBINSON MOVED TO APPROVE **RESOLUTION NO. R24-2015** ACCEPTING A PETITION FOR ANNEXATION FILED BY THE JESSE DANSIE TRUST FOR

FURTHER CONSIDERATION AND RELATED MATTERS. COUNCILMEMBER TICHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

6. 8:11:56 PM **MAYOR AND COUNCIL COMMENTS**

Councilmember Day offered comments regarding the Blackridge Reservoir and indicated that he personally received criticism from residents questioning the City's ability to initially construct the facility correctly. It is important to note that the City has approached the amenity in phases, and paid for it as funds were available. He explained that initially there was not a parking lot, restrooms, grass, playground or a concession stand installed. Criticism was received about all aspects of the reservoir. Councilmember Day told a short anecdote of a facility in a neighboring community that has not installed a parking lot for a football field, and noted that he has never criticized that community for not having asphalt parking installed. Media has heightened the sensitivity that there is inadequate parking at Blackridge Reservoir. It is important for the residents to know that the City is doing its best to address the parking issue with limited funding. Herriman City is continually striving for customer satisfaction. Councilmember Day addressed the negative comments that have been received indicating that the City has "dropped the ball" or that the reservoir is a "flop", and noted that clearly the amenity was done right. He commended City personnel for their efforts in planning such a successful facility, and acknowledged the former City Engineer Gordon Haight for winning the Engineering of Excellence award for Blackridge Reservoir.

Councilmember Robinson emphasized the need to be careful classifying whether individuals are Herriman residents at public spaces, and recommended not making statements or suggestions that non-residents be charged a fee to utilize the facility. The parks are installed to be an amenity to the community that people are welcome to utilize. He acknowledged that the reservoir has challenges, but not due to the fact that it was done wrong. The high volume of visitors is indicative that the amenity was done so well. Installing additional parking stalls is not a viable solution. Mayor Freeman informed the audience that a neighborhood meeting would be held to discuss possible solutions. Councilmember Moser added that this discussion occurs annually, and noted that the City is continually searching for solutions.

Councilmember Robinson expressed his concern of the sign ordinance specifically addressing political signage and the amount of time that they are allowed to be viewed. He recommended that the ordinance be aligned to accommodate the mailing period. City Recorder Jackie Nostrom responded that leniency was offered to allow political signs to be displayed beginning the day that ballots are mailed to registered voters for the Primary Election, and hopefully the Council could address the ordinance prior to the General

Election. Councilmember Robinson indicated that the dynamics of the election changed substantially which would warrant a change to the ordinance. Councilmember Day observed the past elections where the sign ordinances were not followed. Recorder Nostrom responded that the candidates were asked to comply with the ordinances set forth, and noted that the ordinance would be addressed.

Mayor Freeman asked if the Council would like to allocate funds to participate in racoon mitigation program in conjunction with Salt Lake County. Some Cities have entered into an Interlocal Agreement for that purpose. Councilmember Tischner indicated that he would not be interested in participating in the program. Councilmember Moser recommended reviewing statistics in order to make an informed decision whether the City should engage in an agreement. Councilmember Robinson agreed.

7. CALENDAR

A. Meetings

- July 16 – Planning Commission meeting 7:00 p.m.
- ~~July 22 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.~~ Cancelled
- July 30 – Joint Planning Commission/City Council meeting 6:00 p.m.

B. Events

- July 9-20 – Summer Theatre Production
- July 24 – Pioneer Day

8. 8:31:34 PM ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. 8:31:36 PM 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*

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

The vote is recorded as follows:

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

The motion passed unanimously.

11. SOCIAL GATHERING (No Action will be taken on any items)

A. Social gathering will be at McDonald's; 5108 West 13400 South, Herriman, UT

This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, July 8, 2015

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, July 8, 2015.

Jackie Nostrom, City Recorder

SPECIAL CITY COUNCIL MINUTES

Tuesday, July 28, 2015
Awaiting Formal Approval

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Tuesday, July 28, 2015 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, and Craig B. Tischner
Staff Present:	Brett Wood, City Manager Gordon M. Haight II, Assistant City Manager Jackie Nostrom, City Recorder Tami Moody, Director of Administration and Communications John Brems, City Attorney Alan Rae, Finance Director Danie Bills, Events Manager Blake Thomas, City Engineer Clint Smith, Unified Fire Authority Chief
Excused:	Coralee Wessman-Moser

5:30 PM - GENERAL MEETING:

534 COUNCIL BUSINESS

A. **Review of this evening's agenda**
B. **Administrative Reports**
   1. **Approval of an ordinance pursuant to Section 10-2-407(3)(b) of the Utah Code, Approving an annexation petition relating to approximately 485 acres of land; annexing such land into the City; assigning Land Use Zones to such land; amending the zoning map of the City accordingly; and related matters** - Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom offered a brief synopsis of the Jessie Dansie Annexation Petition. Pursuant to the requirements of Utah Code Ann. § 10-2-405-(2)(b) the petition meets the requirements of subsections 10-2-403(3), (4) and (5) of the Utah Code. The petition was filed by the Jessie Dansie Trust. The total acreage of the private land area identified in the petition is approximately 495 acres. The Jessie Dansie Trust owns approximately 449 acres of the private land area identified in the petition for the annexation. Pursuant to the

law in effect on the date that Mr. Dansie filed the notice of intent the requirements of Utah Code Annotated §10-2-403(3)(b)(ii)(B) does not apply. No portion of the private land area proposed for annexation is with an agricultural protection area or migratory bird production area.

The Salt Lake County Assessor building and land value of all private real property within the proposed area for annexation is approximately $9,059,310. The land and building value of the private real property owned by the Jessie Dansie Trust within the proposed area for annexation is approximately $4,603.770. Accordingly, the value of the property owned by the petitioner exceeds 1/3 of total value of all private real property identified in the petition for annexation.

COUNCILMEMBER ROBINSON MOVED TO APPROVE **ORDINANCE NO. 2015-25** CERTIFYING AN ANNEXATION PETITION RELATING TO APPROXIMATELY 495 ACRES OF LAND. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously with Councilmember Moser being absent.

2. **Approval of a resolution approving a Development Agreement for the Ridge at Herriman** – John Brems, City Attorney

City Attorney John Brems offered a brief overview of the identified concerns that had been posed by Mayor Freeman and Councilmember Moser, and asked if there were any questions. Mayor Freeman asked about the responsibility of the property owners with respect to the sidewalk, curb and gutter. Attorney Brems responded that the concern was that adjacent property owners would be responsible for the infrastructure. He noted that discussions suggested that the fee in lieu of provision be permissible. Attorney Brems informed the Council that Mayor Freeman noticed an error in the agreement notating that the road was identified as "14600 West" where it should state "6600 West". The agreement also indicated that the City would contribute a maximum of $60,800 for the road after the infrastructure is considered substantially complete.

COUNCILMEMBER DAY MOVED TO APPROVE **RESOLUTION NO. R25-2015** APPROVING A DEVELOPMENT AGREEMENT FOR THE RIDGE AT HERRIMAN WITH THE AMENDMENTS THAT HAVE BEEN OUTLINED. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously with Councilmember Moser being absent.

3. **Other Updates**

C. Adjournment

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

This document constitutes the official minutes for the
Herriman City Council Meeting held on Tuesday, July 28, 2015

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 Tuesday, July 28, 2015.

Jackie Nostrom, City Recorder

S T A F F R E P O R T

DATE: **August 6, 2015**

TO: The Honorable Mayor and City Council

FROM: Jackie Nostrom, City Recorder

SUBJECT: **Appointment of the Administrative Law Judge/Employee Appeal Board**

RECOMMENDATION:

Approval of a resolution appointing David Church as the Administrative Law Judge/Employee Appeal Board.

BACKGROUND:

Herriman City Code includes an administrative code enforcement chapter to provide a means for timely abatement of code enforcement violations in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors.

The employee appeal process ordinance created an employee appeal board to satisfy the requirements of Utah Code Annotated §10-3-1105 and §10-3-1106. The Employee appeal board serves as an appeal board to hear employee complaints as described in the "grievance process" of the Human Resources Policy and Procedure Manual.

DISCUSSION:

David Church has extensive experience in being an administrative law judge and employee appeal board, and recommend the approval.

ALTERNATIVES:

Appoint an alternative Administrative Law Judge/Employee Appeal Board.

FISCAL IMPACT:

N/A

Jackie Nostrom
City Recorder

City Council Meeting
August 12, 2015

HERRIMAN, UTAH
RESOLUTION NO. 15-___

A RESOLUTION APPOINTING DAVID CHURCH AS ADMINISTRATIVE LAW JUDGE/EMPLOYEE APPEAL BOARD

WHEREAS, the Herriman City Council ("Council") met in a regular session on August 12, 2015, to consider, among other things, appointing David Church as administrative law judge/employee appeal board; and

WHEREAS, the City has an administrative code enforcement ordinance and procurement ordinance that contemplates the services of an administrative law judge and an employee appeal process employee appeal board that contemplates an employee board of one person; and

WHEREAS, David Church has experience in being an administrative law judge and an employee appeal board; and

WHEREAS, the Mayor hereby nominates David Church to serve as administrative law judge and employee appeal board; and

WHEREAS, the Council has given advice for the appointment; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Herriman to consent to the appointment of David Church as administrative law judge and employee appeal board.

NOW, THEREFORE, BE IT RESOLVED that the Council consents to the appointment of David Church as administrative law judge for purposes of the City's administrative code enforcement ordinances and procurement ordinance and as the employee appeal board,

This Resolution, assigned No. 15-___, shall take effect immediately on passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah this 12th day of August, 2015.

HERRIMAN

_____
Mayor Carmen Freeman

ATTEST:

_____
Jackie Nostrom, City Recorder

S T A F F R E P O R T

DATE: **August 6, 2015**

TO: The Honorable Mayor and City Council

FROM: Jackie Nostrom, City Recorder

SUBJECT: **Amending Herriman City's Financial and Administrative Ordinance regarding Procurement of Services and Supplies for the City**

RECOMMENDATION:

Approval of a resolution amending and restating in its entirety Herriman City's Financial and Administrative Ordinance regarding Procurement of Services and Supplies for the City.

BACKGROUND:

Herriman City Code Financial Administration Chapter governs the acquisition and disposal of City owned property, along with the purchase of services and supplies. The Mayor, City Manager, and Assistant City Manager have the responsibility for budget compliance, and can acquire or negotiate professional services.

DISCUSSION:

The Procurement Code has been in place when the Mayor was also the City Manager. It has been discussed to update the code and remove the Mayor from the Procurement Code and to properly align with City Policy.

ALTERNATIVES:

Make any adjustments as deemed necessary by the City Council.

FISCAL IMPACT:

N/A

Jackie Nostrom
City Recorder

City Council Meeting
August 12, 2015

HERRIMAN, UTAH
ORDINANCE NO. 15-___

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY HERRIMAN CITY'S FINANCIAL AND ADMINISTRATIVE ORDINANCE REGARDING PROCUREMENT OF SERVICES AND SUPPLIES FOR THE CITY

WHEREAS, on August __, 2015, the City Council (the "*Council*") of the city of Herriman (the "*City*") met in regular session to consider, among other things, an ordinance amending and restating in its entirety Herriman City's financial and administrative ordinance regarding procurement of services and supplies for the City; and

WHEREAS, the Council desires to amend and restate its financial and administrative ordinance regarding procurement of services and supplies for the City; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to amend and restate its financial and administrative ordinance regarding procurement of services and supplies.

NOW, THEREFORE, BE IT ORDAINED by the Council that the amendments made to the City's Financial Administrative ordinance regarding procurement of services and supplies for the City are hereby adopted and are designated by interlineating the words to be deleted and underlining the words to be added and is restated in its entirety as follows:

FINANCIAL ADMINISTRATION

Sections:

2.32.010 Scope.
2.32.020 Definitions.
2.32.030 Responsibility for budgetary compliance.
2.32.040 Acquisition of nonprofessional services, equipment, and supplies or building improvements, in the amount of less than $40,000 (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii) *et seq.*), or acquisition of public works improvements in an amount less than $125,000 (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii) *et seq.)*.2.32.050.
2.32.050 Acquisition of nonprofessional services, equipment, and supplies or building improvements in an amount of $40,000 or more (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii)), or acquisition of public works improvements in an amount of $125,000 or more (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii).

2.32.060 Acquisition of professional services.
2.32.070 Emergency acquisitions.

2.32.080 Conditions of acceptance.
2.32.085 Protests.
2.32.090 Petty cash accounts.
2.32.100 Payment of routine expenditures.
2.32.110 Payment of payroll obligations.
2.32.120 Payments to be made from bond proceeds.
2.32.130 Disposal of surplus property.
2.32.135 Disposal of parcels of real property.
2.32.140 Administrative regulations and policies.
2.32.150 Claims.
2.32.160 Sanctions.
2.32.170 Grants.

2.32.010 Scope.

A. This chapter shall, except where otherwise noted, govern the acquisition and disposal of property, whether real or personal, owned by the City.

B. No purchases shall be made and no encumbrances shall be incurred for the benefit of the City except as provided in this chapter.

C. No purchase shall be made and no encumbrance shall be incurred unless funds sufficient to cover the purchase or encumbrance have been budgeted, and are available within the department's approved budget.

D. Notwithstanding the provisions above, whenever any purchase or encumbrance is made with state or federal funds and the applicable state or federal laws or regulations are in conflict with this chapter to the extent that following the provisions of this chapter would jeopardize the use of those state or federal funds, such conflicting provisions of this chapter shall not apply and the City officials making such purchases shall follow the procedure required by the state or federal laws or regulations.

2.32.020 Definitions.

Unless the context requires otherwise, the following terms shall have the following meanings:

A. "Assistant City Manager" means the individual appointed by the City Manager with the advice and consent of the City Council.

B. "Budget officer" means the individual appointed by the mayor with the approval of the Council who is responsible for preparing and tracking the yearly budget and shall perform the duties of the budget officer as set forth in Utah Code Ann. § 10-6-101 *et seq.*, as amended.

C. "Department" means the organizational structure of an administrative branch of City government which groups a broad classification of similar functions, services, and duties, as graphically displayed in Chart 1-6-15.

D. "Director" means the person appointed by the City Manager to administer, direct, control, organize, and manage a department.

E. "Director of Finance" means the individual responsible for general accounting for the City and shall perform the duties of the director of finance as set forth in Utah Code Ann. § 10-6-101 *et seq.*, as amended. The Director of Finance may not assume the duties of the City

treasurer.

F. "Encumbrance" means an obligation of the City.

G. "Invitation for bids" means solicitation (including soliciting documents) of competitive sealed bids for procurement of nonprofessional services, equipment, and supplies. An invitation for bids should be used as determined by the City when the City is capable of specifically defining the scope of work for which the services, supplies, and equipment are required or when the City is capable of establishing precise specifications defining the actual commodity or group of commodities required.

H. "City Manager" means the individual appointed by the Mayor and the City Council.

I. "Nonprofessional services" means services other than professional services.

J. "Professional services" means professional and other skilled services such as auditing, architecture, engineering, surveying, appraisals, legal service, or counseling, sought or obtained from sources other than regular City employees.

K. "Request for Proposals" means solicitation (including soliciting documents) of competitive sealed proposals for procurement of nonprofessional services and supplies. The request for proposals should be used as determined by the ~~mayor,~~ City Manager, and assistant City Manager when there may be a need for price and service negotiations, there may be a need for negotiations during the performance of a contract, whether the relative skill and expertise of the offeror needs to be evaluated, whether costs are secondary to the characteristics of the product or nonprofessional service sought (for example, in a work of art), and whether the conditions of the service, product or delivery conditions are unable to be sufficiently described in the invitation for bids.

L. "Supplies" means any and all tangible articles or things, materials, or equipment which shall be furnished to or used by any City department or employee within the scope of his employment with the City.

2.32.030 Responsibility for budgetary compliance.

A. The ~~mayor,~~ City Manager, and Assistant City Manager are not authorized to acquire nonprofessional services and supplies or building improvements or professional services unless such expenditures conforms with the approved budget and other requirements of the Uniform Fiscal Procedures Act for Utah Cities.

B. The ~~mayor,~~ City Manager, and Assistant City Manager shall give a detailed department and fund financial report to the City Council on a quarterly basis.

C. The City shall indemnify the ~~mayor,~~ City Manager, and Assistant City Manager against all claims brought against him by reason of a Director incurring expenditures in excess of the approved budget.

D. Approval of a budget by the City Council that includes an amount for acquisition of nonprofessional services and supplies or building improvements or professional services constitutes authorization to acquire and to make payments for such, provided the nonprofessional services, equipment, and supplies, building improvements, or professional services are acquired as set forth in this chapter.

2.32.040 Acquisition of nonprofessional services, equipment, and supplies or building improvements, in the amount of less than $40,000 (adjusted from time to

time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii) *et seq.*), or acquisition of public works improvements in an amount less than $125,000 (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii) *et seq.)*.

A. The City may obtain nonprofessional services, equipment, and supplies or building improvements in the amount of less than $40,000, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), as amended, or obtain public works improvements in an amount of less than $125,000, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), as follows:

1. Where the amount to be paid by the City is $1,000 or less, a purchase order, check request, or service request may be approved by an employee or supervisor authorized to make purchases by the ~~mayor,~~ City Manager, Assistant City Manager, a Director or any department manager.

2. Where the amount to be paid by the City is greater than $1,000, but is less than $5,000, a purchase order, check request, or service request must be approved by the ~~mayor,~~ City Manager, Assistant City Manager, a Director or any department manager.

3. Where the amount to be paid by the City is $5,000 or more but less than $40,000, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), as amended or less than $125,000 with respect to public works improvements, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), a purchase order, check request, or service request must be approved by the ~~mayor,~~ City Manager, Assistant City Manager, or ~~department~~ Director.

4. For purposes of determining the amount to be paid for the purchase order, check request, or service request, a single purchase, or what would commonly be considered a single purchase, shall not be subdivided into component parts to avoid the authorization limits.

B. Approval of a budget by the City Council that includes amounts for the acquisition of nonprofessional services and supplies, and public works improvements includes authorization by the persons indicated to approve a contract, purchaser order, or service request for such supplies and services and authorization to make payment to the contractor or vendor in the amount budgeted, provided the services and supplies are acquired as set forth in this section.

C. Change orders may be approved by the person in the amounts indicated above, provided the total contract price, including the change order, is within the original budget amount; provided, however, the City shall provide a full and complete accounting and description to the City Council for any change order or series of change orders with respect to a project that is $40,000 or less, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), or acquisition of public works improvements in an amount less than $125,000 adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii).

D. Acquisition of nonprofessional services, equipment, and supplies as provided above shall satisfy the following procedure:

1. No formal quotes are required for amounts $1,000 or less.

2. Two verbal quotes are required for amounts greater than $1,000 but not greater than $5,000. The authorized individual approving the acquisition must document the verbal quote and include the documentation with the purchase order, check request, or service request.

3. Three independent written price quotes are required for amounts greater than $5,000 but less than $40,000, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii) or three independent written price quotes are required for amounts less than $125,000 with respect to public works improvements, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii). The authorized individual approving the acquisition shall attach the written quotes to the purchase order, check request, or service request.

2.32.050 Acquisition of nonprofessional services, equipment, and supplies or building improvements in an amount of $40,000 or more (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii)), or acquisition of public works improvements in an amount of $125,000 or more (adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(a)(ii).

Whenever the total price of a contract for nonprofessional services, equipment, or supplies or building improvements is estimated to be $40,000 or more, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), or the total price of a contract for public works improvements is estimated to be $125,000 or more, which shall be adjusted from time to time at the same rate as set forth in Utah Code Ann. § 10-39-101(1)(a)(ii), as amended, the acquisition must be approved by the ~~mayor,~~ City Manager, or Assistant City Manager, an invitation for bids or a request for proposals shall be issued prior to acquisition, and the following procedures shall apply:

A. The City shall develop the appropriate plans and/or specifications for each such acquisition or project.

B. The City shall cause notice of invitation of bids or responses to requests for proposals (including a general description of the items to be procured, the work to be done and the time and place for the opening of bids or proposals), to be published at least twice in a newspaper of general circulation within the City and posted on the City website.

C. The City may determine a nonrefundable fee to be charged to each prospective bidder who desires a set of plans and/or specifications.

D. Bids or proposals shall be invited from vendors deemed to be appropriate and responsible.

E. Bids or proposals shall be sealed and delivered to the location or person designated by the bid notice before the time and date specified. At the appointed time, the designated person will open and read aloud all the bids.

F. For purposes of determining the estimated total price of a contract for nonprofessional services, equipment, or supplies, what would commonly be considered a single purchase shall not be subdivided into component parts to avoid authorization limits.

H. Approval of a budget by the City Council that includes amounts for the acquisition of nonprofessional services, equipment, and supplies includes authorization to the ~~mayor,~~ City Manager, or Assistant City Manager to approve a contract for such service, equipment, and supplies and authorization to make payment to the contractor or vendor in the amount budgeted, provided the services and supplies are acquired as set forth in this section.

I. Change orders may be approved by the ~~mayor,~~ City Manager, or Assistant City Manager, provided the total contract price, including change orders, is within the budget

approved for the project; provided, however, the ~~mayor,~~ City Manager, or Assistant City Manager shall at the next regular City Council meeting provide a full and complete accounting and description to the City Council of any change orders or services, series of change orders that exceed $20,000.

J. Notwithstanding the above, if the ~~mayor,~~ City Manager, or Assistant City Manager determines in writing, a copy of which shall be given to the City Council at the next regular City Council meeting, that the method described above is either not practical or not advantageous to the City, a contract may be entered into as provided in UTAH CODE ANN. § 63-56-21, or other methods provided for in UTAH CODE ANN. § 63-56-1, et seq.

K. Notwithstanding the above, the City may (i) purchase nonprofessional services, equipment, or supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, or (ii) purchase nonprofessional services, equipment, or supplies from the vendor who has submitted the lowest bid price for such items to a government entity at the quoted price, provided that the government entity used a solicitation process that is the same or similar to the solicitation process described herein, without any solicitation, price quotation, request for proposals, or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and need not follow the solicitation procedures otherwise required by these rules.

L. Notwithstanding the above, the City may (i) purchase nonprofessional services, equipment, or supplies from vendors to assure standardization of supplies, equipment, or services, provided that such standardization is in the public interest, (ii) purchase nonprofessional services, equipment, or supplies which can be procured from only one source, manufacturer, or distributor, (iii) purchase nonprofessional services, equipment, or supplies from vendors based on a continuation of nonprofessional services or supplies, provided that such combination is in the public interest; or (iv) purchase nonprofessional services, equipment, or supplies from other government entities pursuant to UTAH CODE ANN. § 11-13-101, *et seq*., (Interlocal Cooperative Act).

M. Notwithstanding the above, the City hereby adopts by this reference to UTAH CODE ANN § 63G-6a-1205(4)(i) and authorizes the City Manager, or Assistant City Manager to utilize the construction delivery methods known as construction manager/general contractor.

N Notwithstanding the above, the City may procure public infrastructure in a method described in a development agreement provided the development agreement has been approved by the City Council.

2.32.060 Acquisition of professional services.

Professional services may be procured as negotiated based on demonstrated qualifications and at a fair and reasonable price. Procurement of professional services must be approved by the ~~mayor,~~ City Manager, or Assistant City Manager.

2.32.070 Emergency acquisitions.

In case of an actual emergency (such as floods, fires or earthquakes), the ~~mayor,~~ City Manager, Assistant City Manager, a Director, or any department manager may purchase directly any supplies, equipment, or nonprofessional services whose immediate procurement is essential to prevent any delays in the work of the using agency that may vitally affect life, health, safety, or welfare of the public. The Director or department manager shall promptly send the Director of finance ~~and the mayor~~, City Manager, and Assistant City Manager requisitions and a copy of the over-the-counter delivery order, and a summary to the City Council of the circumstances of the emergency. Emergencies do not include failure to plan or failure to meet deadlines.

2.32.080 Conditions of acceptance.

A. The City reserves the right to reject any and all bids or responses. No bidder or responder shall have any right, legal or equitable, or claim against the City for any expense or cost incurred by him in the preparation or submission of his bid or proposal, which is rejected, regardless of the reasons for the rejection.

B. The City expressly reserves the right to waive minor or slight irregularities in a bid or response which in the judgment of the ~~mayor,~~ City Manager, or Assistant City Manager are in the best interest of the City. The decision of the ~~mayor,~~ City Manager, or Assistant City Manager on irregularities on a bid shall be final and conclusive and shall not create any right to bidders or responders. Further, the City reserves the right to amend, modify or waive any provision in a request for proposal or invitation for bids.

C. Except as otherwise provided herein, supplies, equipment, and nonprofessional services shall be obtained from the lowest responsible bidder. In determining the lowest responsible bidder, the City may consider, in addition to price:

1. The ability, capacity, and skill of the bidder to perform the nonprofessional service required;
2. Whether the bidder can perform the contract or provide his nonprofessional services promptly, or within the time specified without delay or interference;
3. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
4. The quality and performance of previous nonprofessional services by the bidder;
5. Previous and existing compliance by the bidder with the laws and ordinances relating to contractor services;
6. Sufficiency of the financial resources of the bidder to perform the contract or provide the nonprofessional services;
7. Quality, availability and adaptability of the supplies, equipment, or nonprofessional services to the particular use required;
8. The ability of the bidder to provide future maintenance and service;
9. The number and scope of conditions attached to the bid or price quotation;
10. Such other factors as the ~~mayor,~~ City Manager, or Assistant City Manager shall determine, including inventory, mechanic's expertise, and ease of maintenance; and
11. The value provided to the City.
12. Other factors set forth in the request for proposal or invitation for bids.

2.32.085 Protest.

A. Persons who are aggrieved over an invitation for bids or a request for proposals, may file a protest with the City. ~~mayor.~~

B. A protest in regard to specifications of an invitation for bids or request for proposals shall be submitted, in writing, prior to opening of bids or proposals. All other protests shall be submitted, in writing, within five business days after the aggrieved person knows or should have known that it was the City's intent to award the bid or contract.

C. If a protest is received before the award, the City shall not proceed further in its attempt to acquire the nonprofessional services or supplies until the protest is resolved by the mayor. The mayor may, however, make a written determination that the award of contract, without delay, is necessary to protect the interest of the City.

D. Protests must specifically state the facts which constitute error in the award and the desired remedy.

E. In the event the award is not given to the bidder submitting the lowest price, any bidder may submit a written protest to the City within five business days after the bidder knows or should have known that it was the City's intent to award the bid or contract. In response, the person responsible for the award at issue shall prepare a complete statement and reason for placing the order elsewhere and shall file the statement with the other papers relating to the bid solicitation.

F. An administrative law judge appointed by the Mayor with the advice and consent of the Council ~~mayor, together with the attorney,~~ shall investigate the protest. After investigation of the protest, the administrative law judge shall make a determination and report the results of such investigation and his decision to the City Council.

2.32.090 Petty cash accounts.

A. Petty cash accounts may be established in such amounts as are determined by the ~~mayor,~~ City Manager, or Assistant City Manager. The City's petty cash accounts shall be administered by the Director of Finance. The ~~mayor,~~ City Manager, or Assistant City Manager may authorize using such petty cash funds to purchase supplies, materials, and equipment or pay reimbursements when the cost thereof does not exceed $50 and when documentation of the purchase is maintained. Supplies, materials, and equipment regularly purchased and available through the City's regular purchasing channels shall not be purchased using said petty cash funds.

B. The Director of Finance or designee shall reconcile the petty cash funds at least monthly.

C. The Director of Finance may authorize a variance to exceed the $50 limitation outlined above. However, such variance shall not exceed $100.

2.32.100 Payment of routine expenditures.

Notwithstanding the above, the Director of Finance is authorized to approve payments for routine expenditures such as utility bills, leases, and payroll related expenses. The Director of Finance is authorized to approve payments for supplies, equipment, nonprofessional and professional services, and payments on City-approved contracts.

2.32.110 Payment of payroll obligations.

Notwithstanding the above, the Director of Finance is authorized to approve payroll checks, if the checks are prepared in accordance with a salary schedule established by the approved budget.

2.32.120 Payments to be made from bond proceeds.

Payments made from proceeds of any bond for any expenditures shall only be paid for expenditures contemplated by the bond.

2.32.130 Disposal of surplus property.

A. No City-owned property, except property that is consumed in normal operations, shall be disposed of or released to ownership by anyone other than the City, except as provided in this section.

B. Whenever property is surplus, unused, obsolete, unsuitable, or otherwise no longer needed and the estimated reasonable value of the property is $10,000 or less, the ~~mayor,~~ City Manager, or Assistant City Manager may declare the property surplus and shall either establish a minimum bid for the sale of such property or declare that the property is of nominal value. If the ~~mayor,~~ City Manager, or Assistant City Manager has declared the property to be surplus and established a minimum bid, then such property may only be sold for an amount equal to or more than the minimum bid based on the highest and best economic return to the City. If the ~~mayor,~~ City Manager, or Assistant City Manager has declared the property to be surplus and declared that the property is of nominal value, then such property may be disposed of as determined by the ~~mayor,~~ City Manager, or Assistant City Manager.

C. Whenever City property is surplus, unused, obsolete, unsuitable or otherwise no longer needed and the estimated reasonable value is more than $10,000, the Director or department manager having control of such property shall promptly so notify the ~~mayor, or~~ City Manager, or Assistant City Manager. The ~~mayor,~~ City Manager, or Assistant City Manager then shall notify other City departments of the availability of such property. The ~~mayor,~~ City Manager, or Assistant City Manager shall supervise the transfer of such property to the department requesting the property. If no use can be made or can be expected to be made within the reasonably foreseeable future, the property shall be disposed of in accordance with subsection D, E, F, and G.

D. The ~~mayor,~~ City Manager, or Assistant City Manager shall prepare and present a listing to the City Council of all City-owned property which he feels is no longer needed by the City and which can be declared surplus. The City Council may declare the property surplus and shall either establish a minimum bid for the sale of such property. If the City Council has declared the items to be surplus and established a minimum bid, then the ~~mayor,~~ City Manager, or Assistant City Manager shall proceed to sell such surplus property for an amount equal to or more than the minimum bid based on the highest and best economic return to the City.

E. The highest and best economic return to the City, as referred to herein, shall be determined by one or more of the following methods: (1) competitive bid; (2) evaluation by a qualified and disinterested appraiser; (3) other professional publication and valuation service; or (4) an informal market survey by the ~~mayor,~~ City Manager, or Assistant City Manager in the case of items of personal property possessing readily discernable market value.

F. The method to determine the highest and best economic return to the City shall be approved by the City Council at the time the minimum bid is established.

G. Monetary proceeds from the sale or other disposition of such property pursuant to this section shall be credited to the appropriate fund.

H. Notwithstanding anything to the contrary herein, surplus property disposed of pursuant to this section shall first be offered to City employees and City contract providers, and if not disposed of (subject to the conditions of disposal pursuant to the provision of this section), then the surplus property shall be offered to the public (subject to the same such conditions).

2.32.135 Disposal of parcels of real property.

A. If the property that is declared surplus pursuant to section 2.52.130, is a significant parcel of real property as defined in this section, then the ~~mayor,~~ City Manager, or Assistant City Manager shall provide reasonable notice, as defined below, of the proposed disposition, at least 14 days before the proposed disposition, to provide the public an opportunity for comment on the proposed disposition.

B. If the ~~mayor,~~ City Manager, or Assistant City Manager receives public comment on the proposed disposition, the ~~mayor or~~ City Manager or Assistant City Manager shall forward copies of such public comment to the City Council. Thereafter, the City Council may rescind its declaration of surplus property, direct the ~~mayor, City~~ Manager, or Assistant City Manager to proceed with the sale, or impose such additional terms and conditions as the City Council may adopt.

C. If the ~~mayor,~~ City Manager, or Assistant City Manager does not receive public comment on the proposed disposition, the ~~mayor,~~ City Manager, or Assistant City Manager may proceed with the sale after satisfying all of the other terms and conditions applicable to the disposition.

D. For purposes of this section, “disposition” means to transfer control of City-owned property to another by any means including, but not limited to, sale, lease, or other type of conveyance of such property.

E. For purposes of this section, “reasonable notice” means posting notice of the proposed disposition in at least three public places within the City and publishing notice of the proposed disposition in a newspaper of general circulation in the City.

F. For purposes of this section, “significant parcel of real property” shall mean a parcel of real property owned by the City with a reasonable value equal to or greater than $250,000 or reasonable yearly rental value equal to or greater than $50,000.

2.32.140 Administrative regulations and policies.

The ~~mayor,~~City Manager, or Assistant City Manager may prescribe administrative regulations and procedures, including property acquisition and disposal, which are consistent with the provisions of this chapter and other written financial procedures.

2.32.150 Claims.

A. Whenever payment is requested from the City that is not provided for by contract, purchase order, service request, check requisition or other requisition process described in these rules, the payment shall be processed as a claim under this provision.

B. The ~~mayor,~~ City Manager, or Assistant City Manager shall review all claims for services, supplies, and equipment.

C. The ~~mayor,~~ City Manager, or Assistant City Manager shall report the results of his review and determination to the City Council.

D. All claims for services, supplies, and equipment must describe in detail the basis for the claim including the following: names, dates, services, supplies, and equipment rendered, and to whom the services, supplies, and equipment were furnished.

E. All claims must be presented to the City within one year of the last date that the services, supplies, and equipment subject to claim were rendered or provided. If the ~~mayor,~~ City Manager, or Assistant City Manager rejects a claim because it is not properly made out, the City shall give written notice to the claimant or agent and allow a reasonable time for clarification or further itemization or substantiation. Further time allowed hereunder shall toll the one year limitations but not to exceed thirty (30) days from the date of the City's written notice.

2.32.160 Sanctions.

A. It is unlawful:

1. For any bidder or prospective bidder, or any City employee or City officer thereof, in restraint of freedom of competition or otherwise, by agreement with any other person, bidder, or prospective bidder, to bid a fixed price, or to "rotate" bidding practices among competitors;

2. For any person to offer or to give to any employee of the City or any member of his immediate family, any gain, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence him or could reasonably be expected to influence him in his duties concerning the award of any contract or order of purchase, or for any City employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose;

3. For any City employee or City officer to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure;

4. For any City employee or City officer to actively participate in the awarding of a contract from which he will directly benefit; and

5. For any City employee or City officer or other person to appropriate for personal or private use any item of public property.

B. Any City employee or City officer committing any of the foregoing acts may be discharged or suspended from employment, and the City may seek additional appropriate legal redress.

C. At the discretion of the City Council, the following contracts are voidable:

1. Contracts which result from a conflict of interest under this chapter or other applicable law;

2. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any City officer or City employee; and

3. Contracts awarded by a City officer or City employee circumventing the requirement of this chapter or other applicable statute.

The City Council hereby declares its intent that such contracts would not have been entered into on behalf of the City if such misconduct had been discovered prior to the execution of the contract. In this regard, the council further states that no City officer or City employee has authority, either actual, apparent or implied, to negotiate or execute any such contract and that such contract shall, at the discretion of the City Council, be voidable, unless the action of the City officers or City employees in executing the contract is ratified by affirmative action of the City Council after the misconduct was discovered and made known to the City Council.

D. All persons or firms responsible for any misconduct prohibited by this section shall be liable to the City for any losses incurred by the City resulting from any contract awarded due to such misconduct.

2.32.170 Grants.

Any grant application that anticipates or proposes to bind the City to a particular project or contract or commit the City financially, directly or indirectly, either by liability for cash payment or matching funds, or for in-kind or noncash credit, shall be submitted as part of the annual budget or approved in advance by resolution of the City Council. All such requests shall include full disclosure of the terms and conditions of the grant and the purpose and use of the grant. Any grant that attempts to bind the City that is filed without an annual budget appropriation or a resolution from the City Council shall be void and without authority.

PASSED AND APPROVED this _____ day of _____, 2015.

HERRIMAN

_____

Mayor Carmen Freeman

ATTEST:

_____

Jackie Nostrom, City Recorder

S T A F F R E P O R T

DATE: **July 6, 2015**

TO: The Honorable Mayor and City Council

FROM: Jory Howell (Engineering)

SUBJECT: **Abandonment or Vacation of an edge portion of 7530 W street**

RECOMMENDATION:

Allow the Vacation of the roadway as part of 7530 W improvements and Right-of-Way exchange.

BACKGROUND:

The current configuration of the intersection of 7530 W and Hi Country Rd is peculiar because of the location of the Hi Country access gate. As part of the 7530 W improvements the Gate will be relocated to the west of the intersection and the intersection will be squared up (7530 W swung to the West), resulting in property on the Southeast corner not being required for roadway.

DISCUSSION:

This property is not available for other uses unless it is vacated as roadway.

ALTERNATIVES:

To not abandon the street designation of the property will frustrate Right-of-Way exchange and improvements to 7530 W.

FISCAL IMPACT:

Right-of-way costs may be incurred without the vacation.

13011 S. Pioneer Street • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • Herriman.org

Herriman, Utah
Ordinance No.

AN ORDINANCE OF HERRIMAN VACATING A PORTION OF 7530 WEST AT THE INTERSECTION WITH HIGH COUNTRY ROAD

WHEREAS, the Herriman City Council ("Council") met in regular meeting on August 6, 2015, to consider, among other things, vacating a portion of 7530 West at the intersection with High Country Road; and

WHEREAS, Herriman Ordinances provide in part that the Planning Commission shall hold a public hearing and provide reasonable notice at least 14 days prior to a public hearing regarding a street vacation and make a recommendation to the Council regarding the proposed vacation; and

WHEREAS, UTAH CODE ANN. § 10-9a-208 provides in part that for any proposal to vacate a public street that the land use authority (in this case, the Planning Commission) shall hold a public hearing and shall give notice of the date, place, and time of the hearing by mailing notices pursuant to UTAH CODE ANN. § 10-9a-207, to each affected entity, and publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation within Herriman; and

WHEREAS, as required by Herriman Ordinances, notice of the vacation was given on July 15, 2015, for a hearing to be held August 6, 2015, at 7 p.m.; and

WHEREAS, as required by state statute, notice regarding such hearing was given to all affected entities on July 15, 2015; and

WHEREAS, as required by state statute, on July 15, 2015, notice was mailed to owners of real property within 300 feet of the proposed vacation; and

WHEREAS, as required by state statute, notice of the proposed vacation was published in the *Deseret News* and *The Salt Lake Tribune* on July 9, July 16, July 23, and July 31, 2015; and

WHEREAS, on August 6, 2015, the Planning Commission held the required public hearing and recommended that 7530 West at the intersection with High Country Road, a legal description of which is attached hereto, be vacated; and

WHEREAS, on August 12, 2015, the Council held a public meeting in which public comment was received regarding the proposed vacation; and

WHEREAS, the Council finds that it is in the best interest of the citizens of Herriman to vacate a portion of 7530 West at the intersection with High Country Road.

NOW, THEREFORE, be it ordained by the Council that 7530 West at the intersection with High Country Road is hereby vacated, the legal description of the vacation is attached hereto, and the same is declared to be no longer necessary as a public street, alley, or public way and the Mayor

and Recorder are hereby directed to record a copy of this ordinance in the office of the Salt Lake County Recorder.

PASSED AND APPROVED this 12th day of August, 2015.

HERRIMAN

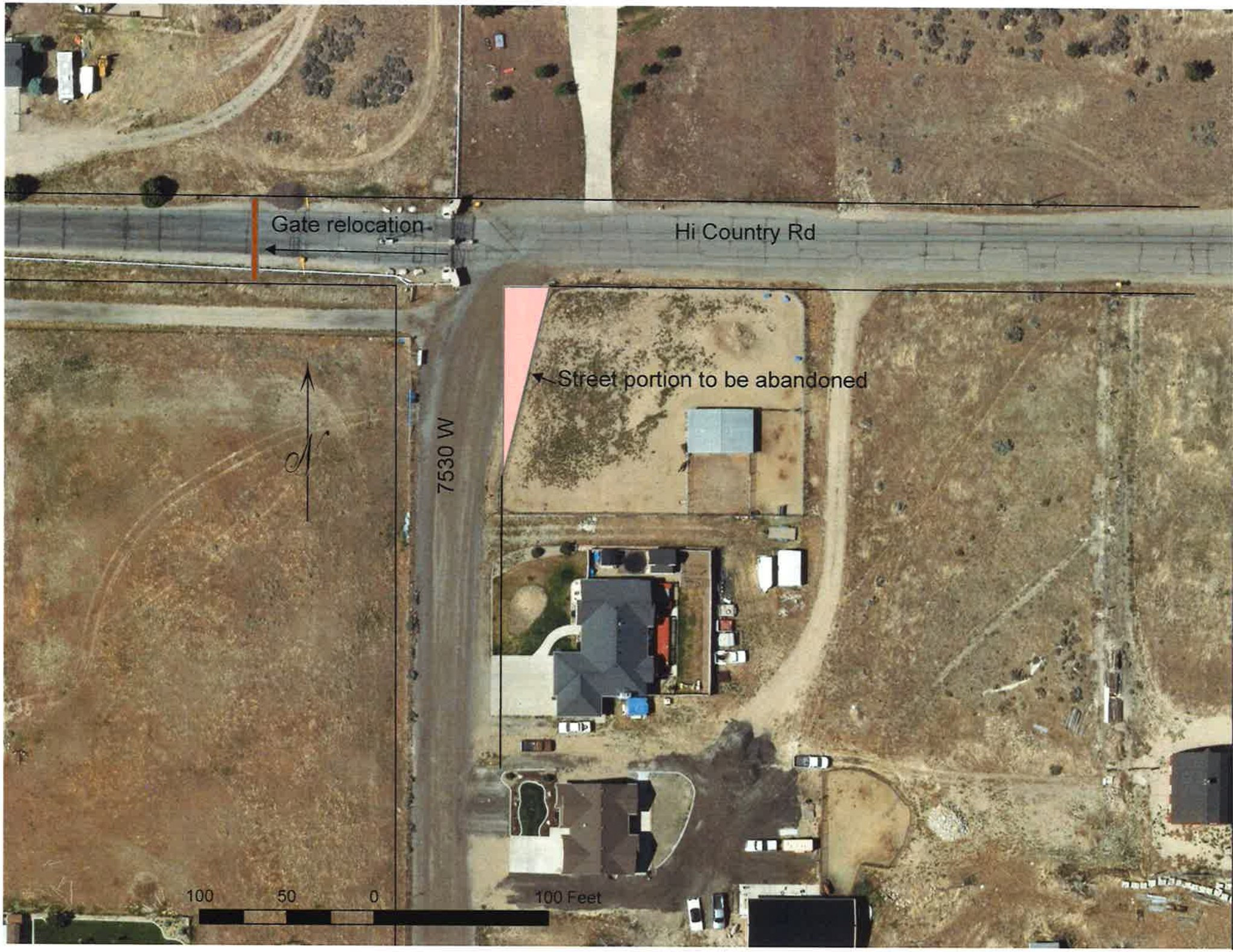
_____

Carmen Freeman., Mayor

ATTEST:

_____

Jackie Nostrom, CMC
City Recorder


Gate relocation
Hi Country Rd
Street portion to be abandoned
7530 W
N
100
50
0
100 Feet

Portion of 7530 West Street to be abandoned

Legal Description

Beginning at the Northwest corner of Lot 1, Walk Subdivision, according to the official plat thereof, said point lies North 300.24 feet and East 683.45 feet and North 141.74 feet and North 13°36'00" East 139.05 feet from the South Quarter Corner of Section 33, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of bearings is South 89°51'05" East between the South 1/4 corner and the Southeast corner of said Section 33) and running thence South 13°36'00" West 107.18 feet along the West line of said Lot 1 to the proposed East right-of-way line of 7530 West Street; thence North 104.24 feet along said proposed East line to the South line of High Country Road; thence South 89°51'27" East 25.20 feet along said South line to the point of beginning. Property contains 1314 square feet.

S T A F F R E P O R T

DATE: 08/03/2015

TO: The Honorable Mayor and City Council

FROM: Travis Dunn

SUBJECT: Request approvals of policy update XI-Record Keeping

---

RECOMMENDATION:

We are requesting the approval of policy updates for XI-Record Keeping.

BACKGROUND:

Section XI- Record Keeping was reviewed during the work meeting on June 10, 2015. Minimal changes were requested from the City Council and all suggested changes are added. We are looking to gain approve the attached changes to Herriman City policy on Section XI-Record Keeping.

DISCUSSION:

A final review and discuss is welcome; however, initial discuss was used in the June 10 work meeting.

13011 S. Pioneer Street • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • Herriman.org

HERRIMAN, UTAH
RESOLUTION NO.

A RESOLUTION APPROVING AN AMENDMENT TO THE HERRIMAN CITY POLICY AND PROCEDURE MANUAL WITH RESPECT TO RECORD KEEPING

WHEREAS, the Herriman City Council ("*Council*") met in regular session on August 12, 2015, to consider, among other things, approving an amendment to the Herriman City Policy and Procedure Manual with respect to Record Keeping; and

WHEREAS, various amendments to the Herriman City Policy and Procedures Manual have been presented to and reviewed by the Council, copies of the amendments are attached hereto; and

WHEREAS, the Council desires to adopt the attached amendments.

NOW, THEREFORE, BE IT RESOLVED that the attached amendments be approved and inserted in the appropriate places in the Herriman City Policy and procedures Manual and the same be communicated to all Herriman employees.

THIS RESOLUTION, assigned No. , shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED this 12th day of August 2015.

HERRIMAN

By:_____

ATTEST: **Carmen Freeman**, Mayor

_____

Jackie Nostrom, City Recorder

SECTION XI: RECORD KEEPING

1.GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.

2.CONFIDENTIALITY. Employee records are maintained in compliance with the law.

A. Confidentiality must be maintained at all times with access limited to employees, Human Resources, and their supervisory chain.

B.Protected health information will be safeguarded to ensure confidentiality of such information as required by the Health Insurance Portability and Accountability Act of 1996.

C.~~Herriman's~~ The City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

D. Employees, or their designated representative, may review their own personnel file under observation of the Human Resources department during normal working hours at Herriman City Hall. ~~Employees have the opportunity to review their own files in the presence of Human Resources on Herriman premises during regular business hours.~~ Human Resources may provide copies of documents in an employee's file for the employee; if multiple document copies are requested, the City may request the employee pay for the cost of the copies.

E. When an employee's supervisor requires access to the personnel file of an employee ~~under their supervision~~ for the handling of personnel matters, the employee's supervisor must obtain authorization from Human Resources.

3.PERSONNEL FILES REQUIREMENTS.

A.General.

(1) Personnel files are maintained on each employee and kept by Human Resources. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.

(2)No information from any record placed in an employee's personnel file will be communicated to any person or organization except by Human Resources.

(3)~~Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at Herriman. When an employee's supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the employee's supervisor must obtain authorization from Human Resources.~~

B.Contents.

(1)An employment record; including the employee's job application, resume, ~~interview forms~~, ~~Employment Eligibility Verification (Form I-9)~~, Employee's Withholding Allowance Certificate (Form W-4), etc.
(2)A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
(3)Election form to disclose or keep confidential, the employee's home address and home telephone number.
(4)All personnel action forms, including:
(a)Performance evaluations.
(b)Promotions, transfers, or assignments.
(c)Salary rate changes.
(d)Disciplinary action taken. ~~The employee will be asked to sign the disciplinary action form. If the employee refuses to sign this form, the City Manager will so state.~~
(e) Benefits forms
(5)Any information the employee wants included in response to any of the above actions.
(6)Records of citations for excellence or awards for good performance.
(7)~~Annual records of any leave accrued and taken.~~ Certain leaves of absences. Official records of vacation and PTO accrual and of such leave usage are maintained by the payroll department and finance~~Herriman~~. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the payroll~~finance~~ department to obtain information regarding their current leave usage.
(8)Record of any other pertinent information having a bearing on the employee's status.
(9)Continuing education and certifications.
(10) Employment Eligibility Forms (I-9) will be kept in separate files outside of the employee's file.

C.Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to Human Resources to file in their personnel file.

D.Giving References. All reference calls should be directed back to Human Resources. ~~Herriman~~ The City limits information given in a reference to the following.

(1)Verification that the employee worked, full-time or part-time, for ~~Herriman~~ the City during a stated period.

(2)A description of the position held.

(3)Verification that the employee achieved a given salary range.

4.OTHER FILES REQUIREMENTS. Records related to the items listed below should be kept for a period of at least one (1) year or as required by law. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

A. Job applications.

B. Test papers completed by job applicants or candidates for any position.

C.Results of any preemployment physical exam and mobility exams should be kept for a period of at least four (4) years.

D.Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.

E.Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee. ~~These should also be signed by the employee.~~

5.SALARY/WAGE REQUIREMENTS. The Federal Labor Standards Act (FLSA) requires Herriman to keep all of the following data on all employees for a period of at least three (3) years.

A.Employee's sex.

B.Time and day work week begins.

C.Hours worked each day and total hours worked each week.

D.Total daily or weekly straight-time earnings.

E.Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.

F.Date of payment and pay period covered.

G.Total overtime above regular compensation for work week.

6.OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

A.Occupational Safety and Health Act (OSHA) record of injuries.

B.Employee Retirement Income Security Act (ERISA) record of pensions.

C.The Immigration Reform and Control Act (IRCA) of 1986 verifications

SECTION XI: RECORD KEEPING

1. GENERAL POLICY. Federal law requires employers to keep detailed data about their employees.

2. CONFIDENTIALITY. Employee records are maintained in compliance with the law.

   A. Confidentiality must be maintained at all times with access limited to employees, Human Resources, and their supervisory chain.

   B. Protected health information will be safeguarded to ensure confidentiality of such information as required by the Health Insurance Portability and Accountability Act of 1996.

   C. The City's policy is that only relevant, job-related information is maintained on its employees, that such information is held in strict confidence, and that access is limited only to those who require it for legitimate business reasons.

   D. Employees, or their designated representative, may review their own personnel file under observation of the Human Resources department during normal working hours at Herriman City Hall. Human Resources may provide copies of documents in an employee's file for the employee; if multiple document copies are requested, the City may request the employee pay for the cost of the copies.

   E. When an employee's supervisor requires access to the personnel file of an employee for the handling of personnel matters, the employee's supervisor must obtain authorization from Human Resources.

3. PERSONNEL FILES REQUIREMENTS.

   A.General.

   (1) Personnel files are maintained on each employee and kept by Human Resources. The record copy (original) of all appropriate personnel information, as set forth hereafter, related to an employee shall be filed in the employee's personnel file.

   (2)No information from any record placed in an employee's personnel file will be communicated to any person or organization except by Human Resources.

   B.Contents.

   (1)An employment record; including the employee's job application, resume, Employee's Withholding Allowance Certificate (Form W-4), etc.

(2)A signed copy of the employee's acknowledgment of receiving a copy of the personnel policies and procedures manual; and the performance standard for the position the employee currently occupies.
(3)Election form to disclose or keep confidential, the employee's home address and home telephone number.
(4)All personnel action forms, including:
(a)Performance evaluations.
(b)Promotions, transfers, or assignments.
(c)Salary rate changes.
(d)Disciplinary action taken.
(e) Benefits forms
(5)Any information the employee wants included in response to any of the above actions.
(6)Records of citations for excellence or awards for good performance.
(7) Certain leaves of absences. Official records of vacation and PTO accrual and of such leave usage are maintained by the payroll department and finance. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the payroll department to obtain information regarding their current leave usage.
(8)Record of any other pertinent information having a bearing on the employee's status.
(9)Continuing education and certifications.
(10) Employment Eligibility Forms (I-9) will be kept in separate files outside of the employee's file.

C.Employee Information/Change of Employee Status. Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form and giving it to Human Resources to file in their personnel file.

D.Giving References. All reference calls should be directed back to Human Resources. The City limits information given in a reference to the following.
(1)Verification that the employee worked, full-time or part-time, for the City during a stated period.
(2)A description of the position held.

(3)Verification that the employee achieved a given salary range.

4.OTHER FILES REQUIREMENTS. Records related to the items listed below should be kept for a period of at least one (1) year or as required by law. In addition, records should be examined annually to keep the files current and to save those records that management feels should be kept longer.

A.Job applications.

B.Test papers completed by job applicants or candidates for any position.

C.Results of any preemployment physical exam and mobility exams should be kept for a period of at least four (4) years.

D.Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.

E.Records of promotion, demotion, transfer, selection for training, layoff, rehire, or termination of any employee.

5.SALARY/WAGE REQUIREMENTS. The Federal Labor Standards Act (FLSA) requires Herriman to keep all of the following data on all employees for a period of at least three (3) years.

A.Employee's sex.

B.Time and day work week begins.

C.Hours worked each day and total hours worked each week.

D.Total daily or weekly straight-time earnings.

E.Total additions to, or deductions from, wages paid each pay period, including an explanation of items that make up additions and deductions.

F.Date of payment and pay period covered.

G.Total overtime above regular compensation for work week.

6.OTHER REQUIREMENTS. There are record keeping requirements under other federal and state laws over which the personnel record keeping function has jurisdiction:

A.Occupational Safety and Health Act (OSHA) record of injuries.

B.Employee Retirement Income Security Act (ERISA) record of pensions.

C.The Immigration Reform and Control Act (IRCA) of 1986 verifications

S T A F F R E P O R T

DATE: **June 22, 2015**

TO: The Honorable Mayor and City Council

FROM: Planning Commission

SUBJECT: **15S15 – Text change to add a curb and gutter exception in designated areas.**

RECOMMENDATION:

The Planning Commission recommends approving the text change to add a curb and gutter exception in designated areas.

BACKGROUND:

The subdivision ordinance requires curb, gutter, and sidewalk be installed with all new subdivisions. At one point there was an exception in the ordinance that didn't require these improvements in smaller subdivisions. However, small subdivisions were being approved in areas that should have had the improvements completed. The exception was removed and currently all subdivisions must meet this requirement.

DISCUSSION:

The area known as "Old Town" in Herriman currently has no curb, gutter, or sidewalks and no storm drain system. Subdivisions in this area are typically two or three lots, or a flag lot. Curb and gutter improvements don't make sense to install when there is nothing to connect it to, and no storm drain to funnel the water to. Engineering staff would like to see an exception to these improvements in the area designated on the attached map.

This map will also be used to designate where engineering will require a modified road cross section, including swales to deal with storm water run-off.

City Council Meeting
August 12, 2015

HERRIMAN, UTAH
ORDINANCE NO.

15S15– HERRIMAN CITY – TEXT CHANGE TO ADD A CURB AND GUTTER EXCEPTION IN THE DESIGNATED AREA

WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land use ordinance amendment; and

WHEREAS, pursuant to City of Herriman Land Use Ordinance, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to said public hearing to prepare and recommend to the City Council the proposed land use ordinance text changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance text change was published on June 8, 2015, noticing of the June 18, 2015, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance text change in the meeting held on June 18, 2015, at 7:00 p.m. in the Community Center; and

WHEREAS, pursuant to City of Herriman Ordinance, the City Council must hold a public meeting allowing public input at said public meeting; and

WHEREAS, the City Council public meeting on July 8, 2015, was held at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Herriman to adopt the land use ordinance text change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Herriman City Council that the following text change be adopted as a change to the land use ordinance of the City: (*the underlined text is the new wording and the strikethrough text is to be deleted*)

11-7-8: CURBS, GUTTERS, SIDEWALKS AND PARK STRIPS:

A. Type; Thickness: Curbs and gutters on all streets shall be concrete of the standard high back type unit, not less than two feet six inches (2'6") in overall width, and not less than seven inches (7") thick where the curb abuts the street pavement.

B. Curb Corners: All curb corners shall have a radius of not less than twenty five feet (25').

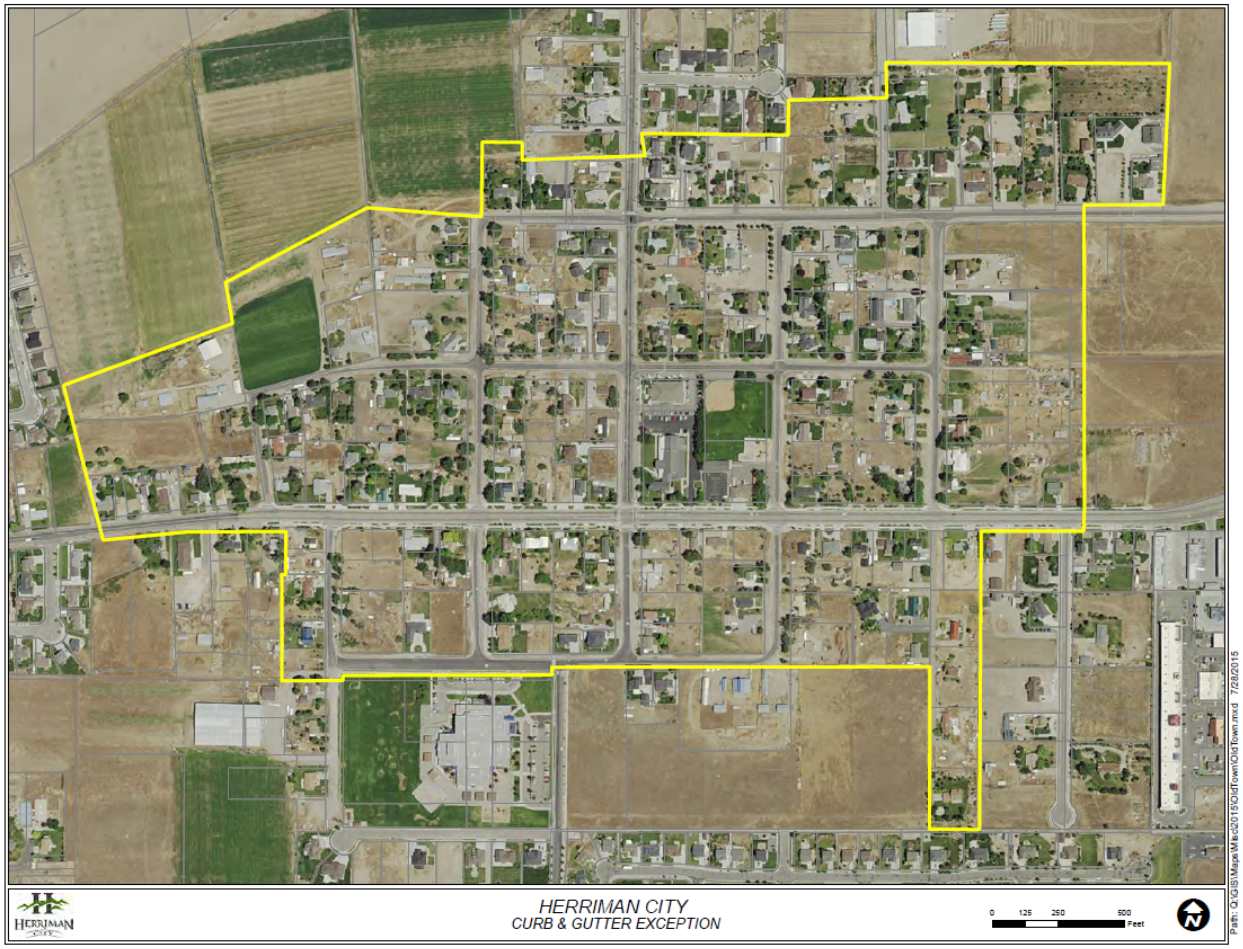
C. Installation Required: The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

1. Exception: The improvements required by this section shall not apply to those properties within the area on the curb and gutter exception map approved by the City. This exception applies to those properties which front along existing, paved, public roads. The exception does not apply to property that fronts 6000 West, Main Street, or 6400 West.

D. Landscaping Required: The subdivider shall install landscaping in the area between the curb and sidewalks. The type and amount of landscaping required shall be ~~at the discretion of the community development director and shall vary within the development.~~ as required in Title 9, Chapter 4, Landscaping.

E. Materials Used For Landscaping: The plants and other landscaping material that best serve the intended functions shall be used. Landscaping material shall be appropriate for local environment, soil conditions and availability of water.

F~~. Exceptions:~~



PASSED AND APPROVED this 8th day of July, 2015.

HERRIMAN

ATTEST:

Mayor Carmen Freeman

Jackie Nostrom, City Recorder

S T A F F R E P O R T

DATE: July 22, 2015

TO: The Honorable Mayor and City Council

FROM: Heather Upshaw

SUBJECT: Text Change to Title 9 Section 4 / Landscaping

RECOMMENDATION:

Planning Commission recommended approval on July 16th, 2015.

BACKGROUND:

The City adopted a landscape ordinance in 2012. It requires front and side yard landscaping to be installed prior to occupancy.

Since the landscaping ordinance was adopted, staff has found several areas that need to be modified. Some of the changes include:

1. Landscaping on corner lots when visible from the street.
2. Irrigation required.
3. Park strip landscaping and what is permitted.
4. Bonding for improvements during the winter months.

DISCUSSION:

Staff has worked with the Planning Commission at length on the text change. Several changes were made after input was given to Staff.

13011 S. Pioneer Street • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • Herriman.org

HERRIMAN, UTAH
ORDINANCE NO. 15-xx

13Z15– HERRIMAN CITY – TEXT CHANGE TO TITLE 9 SECTION 4 LANDSCAPING

WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land use ordinance amendment; and

WHEREAS, pursuant to City of Herriman Land Use Ordinance, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to said public hearing to prepare and recommend to the City Council the proposed land use ordinance text changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance text change was published on May 25, 2015, noticing of the June 4, 2015, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance text change in the meeting held on July 16, 2015, at 7:00 p.m. in the Community Center; and

WHEREAS, pursuant to City of Herriman Ordinance, the City Council must hold a public meeting allowing public input at said public meeting; and

WHEREAS, the City Council public meeting on August 12, 2015, was held at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Herriman to adopt the land use ordinance text change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Herriman City Council that the following text change be adopted as a change to the land use ordinance of the City: (*the underlined text is the new wording and the strikethrough text is to be deleted*)

Title 9 Chapter 4
LANDSCAPING

9-4-1: LANDSCAPING REQUIRED ~~AND CONNECTION TO SECONDARY WATER SYSTEM:~~
9-4-2: LANDSCAPING DEFINED
9-4-3: CONNECTION TO SECONDARY WATER SYSTEM:
9-4-4: PARK STRIP LANDSCAPING

9-4-2: GRADING AND DRAINAGE:
9-4-3: INSTALLATION TIME FRAME REQUIREMENTS:
9-4-4: MAINTENANCE:
9-4-8: ENFORCEMENT
9-4-5: HAZARDOUS CONDITIONS PROHIBITED:

9-4-1: LANDSCAPING REQUIRED FOR SINGLE FAMILY DWELLINGS ~~AND CONNECTION TO SECONDARY WATER SYSTEM:~~
Front yards, including any area in front of the dwelling, and side yards to the back line of the dwelling, ~~including parkstrips,~~ but not including areas that are utilized as approved parking or access for vehicles, trailers, etc., shall be landscaped. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right of way. Dwellings that have rear yards visible from the public right of way shall be required to landscape the rear yard. A yard shall not be considered visible if a privacy fence is installed prior to occupancy. All park strips adjacent to the dwelling shall be completed~~. Landscaping shall include the treatment of the ground surface with live materials, such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape plantings and designs that may include other decorative surfacing, such as bark chips, crushed stone, mulch materials or pavers, in order to conserve water, shall also meet landscaping requirements. Structural features, such as fountains, pools, statues and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping. In areas of the city where a secondary water service has been stubbed to the lots, the secondary water services system shall be connected and inspected in accordance with title 8, chapter 7 of this code.~~

9-4-2: LANDSCAPING DEFINED:

Defined: The term "landscaping" shall mean and include the installation of any combination of turf (including either sod or seeded area), planter beds, gardens, trees and shrubs, statuary, boulders, rock areas or other customary landscape features that occupy the entire unpaved portion of the front yard area.

1. Irrigation System: Where the landscaping includes turf and other plant materials that require the application of irrigation water in order to be sustained, an irrigation system shall be installed and designed to provide adequate quantities of water to those areas requiring irrigation.

2. Xeriscape Permitted: Nothing in this section shall be construed to prohibit the use of drought tolerant vegetation (xeriscape), and nonvegetative materials. Provided, however, failure of an owner to install and maintain landscaping within the front yard area under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming with the provisions of this section.

9-4-3: CONNECTION TO SECONDARY WATER SYSTEM:

In areas of the city where a secondary water service has been stubbed to the lots, the secondary

water services system shall be connected and inspected in accordance with title 8, chapter 7 of this code.

9-4-4: PARK STRIP LANDSCAPING

A. Property owners shall be required to landscape and maintain any park strips adjacent to their private property.

B. Solid concrete pavement shall only be placed in the park strip after review and approval by the City Engineer to determine if it would interfere with the public use of the right of way or utilities. If allowed, concrete shall be decorative stamped concrete based on City approval and shall not be within 24 inches of the outer edge of any tree trunk at expected maturity.

C. Concrete, gravel, or other hardscape shall not make up more than fifty (50) percent of the park strip.

D. Asphalt and mulch/bark are prohibited in park strips.

E. Each lot shall have one (1) tree planted in the park strip per every thirty (30) feet of frontage. Trees planted in the park strip must be selected from the approved tree list.

9-4-2: GRADING AND DRAINAGE:

All landscaping shall maintain the grading and drainage on the lot as approved by engineering and the recorded subdivision plat. Landscaping shall also maintain building code requirements concerning drainage and grading as outlined in the subdivision ordinance. Additional landscaping may be required by the city to control erosion or drainage issues. Compaction of the excavation on new construction must be properly done to prevent unreasonable settling of soil next to the foundation and failure of the required grade, per code requirements.

9-4-3: INSTALLATION TIME FRAME REQUIREMENTS:

A. Prior To Occupancy; Exceptions; Bond Required: Landscape materials must be installed prior to occupancy. This shall apply to all new construction. If weather or other circumstances, based on the discretion of the city, does not permit for landscaping to be installed prior to occupancy, a cash bond will be posted in an amount determined by the city building official for landscape installation, along with a nonrefundable filing fee as provided in the current fee schedule. Landscaping shall then be installed ~~within six (6) months or~~ ~~May 30~~, by June 30 ~~whichever comes first.~~ An inspection shall be performed by the city building inspector to verify work complies with all city code and ordinance requirements before the bond is released.

B. Existing Property: Existing developed residential ~~or nonresidential~~ properties shall comply with the requirements of this chapter.

9-4-4: MAINTENANCE:

Individuals, whether as owner, lessee, tenant, occupant or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, including all adjacent parkstrips.

Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to waterwise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept virtually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within six (6) months, or the next planting period (spring or fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months.

9-4-8: ENFORCEMENT

The zoning administrator is hereby charged with the responsibility for enforcement of this section. The owner of any dwelling that does not conform with the provisions of this section shall be in violation of this section, and as such, be subjected to an immediate administrative citation and a landscape installation fine as shown on the city fee schedule.

9-4-5: HAZARDOUS CONDITIONS PROHIBITED:

Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low hanging branches and those obstructing street lighting, sidewalks and traffic sight distance requirements. In the event a tree, shrub or other plant causes damage to streets, sidewalks, trails or other public improvements, the community development director and/or public works director may order the removal of the offending vegetation and/or other landscape features.

PASSED AND APPROVED this 12th day of August, 2015.

HERRIMAN

ATTEST:

_____

Mayor Carmen Freeman

_____

Jackie Nostrom, City Recorder

Jackie Nostrom

Subject: FW: parking strip

From: Hannah <nearlyready@gmail.com>
Date: July 29, 2015 at 7:41:11 PM MDT
To: Planning@herriman.org, mayorfreeman@herriman.org, mrobinson@herriman.org, Coralee Moser <cmoser@herriman.org>, ctischner@herriman.org, mday@herriman.org
Subject: parking strip

I've just heard that the Herriman city planning commission is considering an ordinance that would require all parking strips to be 50% turf grass. I am opposed to this heavy handed approach to governing our lives. While my parking strip happens to be grass, requiring this at the city level is an over step to those who might decide (responsibly) to xeriscape their own parking strip. We live in a desert. Please let people choose for themselves how to live- they will choose to live in a community with an HOA if they want that kind of control. Otherwise, please consider that while the government of Herriman and most other towns in Utah have taken upon themselves the authority to make these sorts of decisions it is NOT the proper role of government.

Please read Ezra Taft Benson's speech "The Proper Role of Government" (I've included an excerpt of it at the bottom of this email) and decide for yourselves if you can justify this new ordinance- or many that are already in place. His reasoning is impeccable. I completely agree with it. I bet most people in this city would also agree if they had a chance to learn about it. I'd love to hear a reply after you've read this speech.

Thank you for your time,
Hannah DeForest
14367 Palo Alto Dr, Herriman

An excerpt from an address given by the Honorable Ezra Taft Benson, Former Secretary of Agriculture inThe Eisenhower Administration, published in 1968.

"Government is nothing more or less than a relatively small group of citizens who have been hired, in a sense, by the rest of us to perform certain functions and discharge certain responsibilities which have been authorized. It stands to reason that the government itself has no innate power or privilege to do anything. Its only source of authority and power is from the people who have created it. This is made clear in the Preamble to the Constitution of the United States, which reads: "WE THE PEOPLE… do ordain and establish this Constitution for the United States of America."

The important thing to keep in mind is that the people who have created their government can give to that government only such powers as they, themselves, have in the first place. Obviously, they cannot give that which they do not possess.

So far so good. But now we come to the moment of truth. Suppose pioneer "A" wants another horse for his wagon, He doesn't have the money to buy one, but since pioneer "B" has an extra

horse, he decides that he is entitled to share in his neighbor's good fortune, Is he entitled to take his neighbor's horse? Obviously not! If his neighbor wishes to give it or lend it, that is another question. But so long as pioneer "B" wishes to keep his property, pioneer "A" has no just claim to it.

If "A" has no proper power to take "B's" property, can he delegate any such power to the sheriff? No. Even if everyone in the community desires that "B" give his extra horse to "A", they have no right individually or collectively to force him to do it. They cannot delegate a power they themselves do not have. This important principle was clearly understood and explained by John Locke nearly 300 years ago:

"For nobody can transfer to another more power than he has in himself, and nobody has an absolute arbitrary power over himself, or over any other, to destroy his own life, or take away the life or property of another." (Two Treatises of Civil Government, II, 135; P.P.N.S. p. 93)

THE PROPER FUNCTION OF GOVERNMENT

This means, then, that the proper function of government is limited only to those spheres of activity within which the individual citizen has the right to act. By deriving its just powers from the governed, government becomes primarily a mechanism for defense against bodily harm, theft and involuntary servitude. It cannot claim the power to redistribute the wealth or force reluctant citizens to perform acts of charity against their will. Government is created by man. No man possesses such power to delegate. The creature cannot exceed the creator."

full text here: http://www.latterdayconservative.com/ezra-taft-benson/the-proper-role-of-government/
full video here: https://www.youtube.com/watch?v=SyDrC5q6S9o

S T A F F R E P O R T

DATE: July 22, 2015

TO: The Honorable Mayor and City Council

FROM: Heather Upshaw

SUBJECT: Text Change to Section 10-6-6 / General Plan Amendments

---

RECOMMENDATION:

Planning Commission recommended approval on July 16th, 2015.

BACKGROUND:

This text change is a clean-up item. The item being added is a State Code requirement.

13011 S. Pioneer Street • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • Herriman.org

HERRIMAN, UTAH
ORDINANCE NO. 15-xx

17Z15– HERRIMAN CITY – TEXT CHANGE TO SECTION 10-6-6, GENERAL PLAN AMENDMENTS

WHEREAS, the City of Herriman, pursuant to state law, may enact a land use ordinance establishing regulations for land use and development; and

WHEREAS, pursuant to state law, the Planning Commission shall prepare and recommend to the City Council the proposed land use ordinance amendment; and

WHEREAS, pursuant to City of Herriman Land Use Ordinance, the Planning Commission shall hold a public hearing and provide reasonable notice at least 10 days prior to said public hearing to prepare and recommend to the City Council the proposed land use ordinance text changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance text change was published on June 30, 2015, noticing of the July 16, 2015, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance text change in the meeting held on July 16, 2015, at 7:00 p.m. in the Community Center; and

WHEREAS, pursuant to City of Herriman Ordinance, the City Council must hold a public meeting allowing public input at said public meeting; and

WHEREAS, the City Council public meeting on August 12, 2015, was held at 7:00 p.m.; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Herriman to adopt the land use ordinance text change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Herriman City Council that the following text change be adopted as a change to the land use ordinance of the City: (*the underlined text is the new wording and the strikethrough text is to be deleted*)

10-6-6: GENERAL PLAN AMENDMENTS:

A. Procedure: Subject to the restrictions in subsections ~~D~~ E and ~~E~~ F of this section, any property owner or authorized agent thereof may file an application requesting that the planning commission hear an amendment to the city general plan. Such application shall include the reasons or basis upon which the property owner believes the city general plan should be amended. The planning commission shall consider an application to amend the city general plan

only if it first determines that there has been a change of circumstances or other sufficient reasons to justify consideration of an amendment to the city general plan. A decision by the planning commission not to consider an amendment to the city general plan may be appealed to the city council. An application shall be submitted along with the fee as stated in the "master fee schedule".

B. Notice of Intent to Prepare a General Plan or Comprehensive Plan Amendments: Before preparing a proposed general plan or a comprehensive plan amendment the City shall provide 10 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment pursuant to the requirements in Utah Code Annotated section 10-9a-203

~~B~~C. Hearing; Notice: The planning commission shall hold a public hearing on the proposed amendment to the general plan and shall cause notice of such public hearing and public meeting at which the general plan modifications are considered pursuant to the requirements in Utah Code Annotated section 10-9a-204.

~~C~~D. Determination Of City Council: After the planning commission review and public hearing the planning commission shall forward the proposed general plan amendment to the city council. The city council may make any revisions to the proposed general plan amendment that it considers appropriate. The city council may adopt or reject the proposed general plan amendment either as proposed by the planning commission or after making any revision that the city council considers appropriate. (Ord. 12-02, 3-8-2012)

~~D~~E. Restriction On Applications After Adoption Of General Plan: No application may be filed by any property owner or authorized agent thereof to amend any part of the city general plan for a period of one year after adoption of such part of the city general plan by the city council.

~~E~~F. Disapproval Of Proposed Amendment To General Plan: Disapproval of a proposed amendment to the general plan shall preclude the filing of another proposed amendment to the general plan in the same or similar manner, or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within two (2) years of the date of the final disapproval of the proposed amendment by the city council, unless the planning commission finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the two (2) year time period. No appeal to the city council may be taken from a planning commission decision rendered pursuant to this subsection. (Ord. 99-20, 11-18-1999)

PASSED AND APPROVED this 12th day of August, 2015.

HERRIMAN

ATTEST: **Mayor Carmen Freeman**

_____

Jackie Nostrom, City Recorder