



CITY COUNCIL AGENDA

Wednesday, September 9, 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. Deer Mitigation Program Report – Justun Edwards, Water Director
 - 2. Public Communication relating to HB 362 – Tami Moody, Director of Administration and Communications
 - 3. Presentation of the proposed development plan related to the proposed Dansie Annexation – Bryn McCarty, City Planner
 - 4. Other Updates
- C. Adjournment

7:00 PM - GENERAL MEETING:

1. CALL TO ORDER

- A. Invocation and Pledge
- B. Approval of Minutes
- C. Mayor's Comments
- D. Council Recognitions

August 12, 2015; August 18, 2015; August 26, 2015

- 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. Mountain View Corridor Safety Update – Blake Thomas, City Engineer

4. DISCUSSION AND ACTION ITEMS

- A. Discussion and consideration of a rezone located at 7360 West 13300 South from A-1 to A-.25 – Bryn McCarty, City Planner
- B. Discussion and consideration of a rezone located at 7447 Hi Country Road from A-1 to A-5 Bryn McCarty, City Planner
- C. Consideration of an Interlocal Agreement with Salt Lake County to provide for \$200,000 to be transferred to Herriman City to use for highway purposes – Brett Wood, City Manager

5. MAYOR AND COUNCIL COMMENTS

6. CALENDAR

A. Meetings

- September 17 – Planning Commission meeting 7:00 p.m.
- September 23 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- September 11 – Patriot Day
- September 24-28 – Children’s Theatre Production 7:00 p.m.; Butterfield Park

7. ADJOURNMENT

8. RECOMMENCE TO WORK MEETING (IF NEEDED)

9. 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*

10. 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, Jackie Nostrom, the duly appointed, qualified, and acting City 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 4th day of September 2015

Jackie Nostrom, CMC
City Recorder



CITY COUNCIL MINUTES

Wednesday, August 12, 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, August 12, 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
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
Jonathan Bowers, Assistant 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
Heather Upshaw, Senior Planner

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

5:04:27 PM COUNCIL BUSINESS

Mayor Freeman called the meeting to order.

A. 6:34:16 PM Review of this evening's agenda

B. Administrative Reports

- 1. 5:04:48 PM Park Strip Tree Trimming update** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight offered a background of a slurry seal flier that had been distributed that proved to be problematic. He presented an image of a residents' tree after the City's contracted tree trimming service provider pruned their trees. Assistant City Manager Haight recommended changes to the ordinance to help keep the tree to maintain a

fuller look and be consistent with the MUTCD standard. Councilmember Moser suggested taking precautions for emergency vehicles as necessary. Mayor Freeman recommended a communication plan with the City's contracted service.

2. [5:22:25 PM](#) **Discussion of the Herriman Main Street Gateway** – Jonathan Bowers, Assistant City Engineer

Senior Planner Heather Upshaw noted that the Planning Commission had requested a meeting with the City Council to discuss the Main Street Gateway vision due to the pending annexation and proposed development in the area. KW Advisory Group would like to continue moving forward with the proposed rezone from A-1 to A-.25 and development plan. She presented the conceptual layout of the development. Assistant City Engineer Jonathan Bowers observed the site distance issue and mitigation proposal recommended by the University of Utah. Planner Upshaw asked the Council if their desire was to have traffic flow standard or more of a rural feel throughout that area. Councilmember Day expressed his concern with installing a roundabout. Assistant City Engineer Bowers responded that the City would engage in a traffic study, and that this option was most favourable due to the cost of alternatives. Councilmember Moser observed that the requested zoning complies with the Master Plan, and suggested that the developer be made aware that the Council will begin the density negotiation at the lower density range with exceptions that have been adopted by ordinance. The Council agreed, and authorized the applicant to progress with the development plan with the Planning Commission.

3. [5:43:56 PM](#) **Southeast Herriman area rezone discussion** – Heather Upshaw, Senior Planner

Senior Planner Heather Upshaw oriented the Council of the property that had been rezoned to be compatible with the 2014 amended General Plan. A portion of the property abuts Redwood Road had been changed from high density and mixed use to Commercial, Light Industrial and Business zoning designations. Councilmember Mike Day asked if the property retained their zoning designation during the annexation process. Planner Upshaw relayed the Property Owner's feelings. Assistant City Manager Haight explained that the rezone was to create the Military Compatibility Overlay Zone to create the needed buffer. That Overlay Zone was not in existence at the time the property had been annexed into Herriman.

Councilmember Day requested to see the entire plan for the area including the portions that are in neighboring jurisdictions. The Council agreed. Planner Upshaw informed the Council that the rezone did not "downzone" the property, and noted that the item would be addressed in a future City Council joint work meeting with the Planning Commission to present the entire development plan.

4. [5:54:27 PM](#) **Discussion of the Administrative Law Judge appointment** – John Brems, City Attorney

City Attorney John Brems indicated that this resolution is to appoint Mr. David Church as the Administrative Law Judge in the event that we need his services.

5. [5:55:07 PM](#) **Proposed Procurement Code amendment discussion** – John Brems, City Attorney

City Attorney John Brems informed the Council of amendments to procurement code that inserts development agreement exceptions to the process and remove the Mayor as a responsible party to sign and negotiate contracts. This duty falls under the responsibility of the City Manager and Assistant City Manager in an effort to separate Administrative and Legislative duties. Councilmember Moser recommended minor changes to the amendment regarding filing a protest and property surplus. City Attorney Brems confirmed the changes.

6. [5:59:44 PM](#) **Presentation of the draft deer mitigation program** – Justun Edwards, Water Director

Water Director Justun Edwards briefed the Council of the long process associated with the deer mitigation program. He explained that the forms had to be submitted to the COR and approved. The first meeting is scheduled for tomorrow, August 13, 2015 to request public comment and adjust the plan as necessary. Director Edwards reviewed the current plan that has been submitted to the Division of Wildlife.

Director Edwards informed the Council of an Algae Bloom concern that surfaced at Blackridge Reservoir, and noted that preliminary testing came back as clean; however, were still awaiting final reports.

7. [6:17:41 PM](#) **Discussion regarding 5600 West Protection Strip** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight indicated that there is a protection strip along Rosecrest Road (5600 West) that was put in place prior to having outlined impact fees. He noted that there is one project left along the road and requested to waive the protection fee that will be collected as an impact fee. Council consensus determined to accept staff recommendation.

8. [6:21:24 PM](#) **Neighborhood Meeting schedule** – Tami Moody, Director of Administration

Director of Administration and Communications Tami Moody reviewed the upcoming neighborhood meetings and asked if the Council would like to schedule any additional meetings. Councilmember Robinson requested that the Copper Creek Neighborhood Meeting should be scheduled. Director Moody confirmed.

9. [6:27:09 PM](#) **2015 Primary Election recap** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom offered a brief overview of the unofficial election results and informed the Council that the Board of Canvassers' meeting will be held August 18, 2015 at 10:00 a.m.

10. **Other Updates**

C. [6:50:19 PM](#) **Adjournment**

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

7:00 PM - GENERAL MEETING:

1. [7:07:25 PM](#) **CALL TO ORDER**

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

A. [7:07:38 PM](#) **Invocation and Pledge**

The Invocation was offered by Fire Authority Chief Clint Smith. The Pledge of Allegiance was led by Mr. Mike Bradshaw.

B. [7:10:07 PM](#) **Approval of Minutes** **June 24, 2015, July 8, 2015, and July 28, 2015**

COUNCILMEMBER DAY MOVED TO APPROVE THE MINUTES OF JUNE 24, 2015, JULY 8, 2015, AND JULY 28, 2015 AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:10:29 PM](#) **Mayor's Comments**

Mayor Freeman informed the audience that the Primary Election had been conducted yesterday, and expressed his appreciation to those individuals willing to participate in the

electoral process. He recognized City Council candidates Nicole Martin, David Watts, and Bethany Zeyer being in attendance. Mayor Freeman extended his gratitude to the participants that engaged in the community play *Beauty and the Beast*.

D. [7:12:15 PM Council Recognitions](#)

Councilmember Robinson thanked the City Council candidates for their willingness to put their name on the ballot, and noted that it is a hard endeavour.

2. [7:13:18 PM PUBLIC COMMENT](#)

Sarah Tibetter, 7300 West 13745 South, expressed her concern over the proposed amendment to the landscaping ordinance. She explained that one of the proposed changes would ban mulch, which needs to be installed to encourage beautification in the park strips and to install a low maintenance attractive landscaping.

3. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. [7:16:50 PM Capital Projects Report](#) – Alan Rae, Finance Director

Finance Director Alan Rae outlined the upcoming needs of the City, and requested how the Council would like to proceed. Three specific projects were discussed: Herriman Towne Center project, Herriman Parkway extension to 6400 West, and the Main Street Extension to 11800 South.

The location of City Hall was selected over nine years ago, and the community has been patiently waiting for the City to break ground in an effort to foster additional economic development in the Towne Center. Director Rae explained that with responsible financial planning for years the project had moved into the conceptual design portion of the project.

Mr. Mike Bradshaw, Momentum Development, thanked the Council for the opportunity to speak on behalf of the Herriman Towne Center. He explained that the commercial in the area has expanded significantly, and noted that the City Hall is a key component of the development. Mr. Bradshaw relayed the vision of the Towne Center and how the City Hall portion of the development drives economic development and observed commitments from retailers willing to locate to the area after the commencement of City Hall construction. Councilmember Day clarified that without the City Hall component of the development, the retail will not be constructed. Mr. Bradshaw confirmed.

Finance Director Rae offered a brief overview of the estimated financing and suggested that the sales tax would increase as more economic development is expected within Herriman City. Councilmember Day asked about the tax revenue compared to the bond payment. Director Rae responded that the current sales tax revenue would cover the annual cost of the bond payment.

Director Rae continued with the second project to expand Herriman Parkway to 6400 West. This item is a contractual obligation as part of the SLR annexation. This project is eligible for impact fee reimbursement. The project is a loan refinance of approximately \$7 million dollars to lower rates and provide a significant savings of at least \$50,000 annually.

The Main Street extension project request is to bond for \$5 million. Assistant City Manager Gordon Haight indicated that the City is working with the developer and acknowledged that the attraction challenge is due to the lack of the extension. He explained that a contract is in place with Walmart to construct contingent upon the road being installed. The retail would generate revenue to Herriman City in excess of \$1.6 million annually. Assistant City Manager Haight explained that it is critical to commit and begin the process as this is an exciting opportunity for the City.

Director Rae explained the bonding options and recommendations of the parameters. He reminded the Council that this bond would not increase property taxes, as that has proved not to be a viable option. He outlined the process to find financing and what the parameters resolution would look like, and at any time can remove portions of the bond if a project does not look favorable. Councilmember Moser added that this would set the stage for commercial development. Director Rae stated that the parameters resolution would direct staff to put things in place to if the developments are viable that the City would be ready to issue the bond. He recommended working with financial advisors and underwriters to find terms that are within the limits set by the City Council. Councilmember Robinson indicated that setting the parameters would send a message to retailers that the City is willing to move forward and encouraging economic development. This was confirmed. Council consensus determined to move forward and present a parameters resolution for consideration.

4. [8:07:40 PM](#) 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

COUNCILMEMBER MOSER MOVED TO APPROVE THE CONSENT AGENDA WITH RECOMMENDATIONS OUTLINED DURING THE WORK MEETING. 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.

5. PUBLIC HEARING AGENDA

A. [8:08:40 PM](#) **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

Assistant City Engineer Jonathan Bowers oriented the council of the location of the street vacation. Plan to deed the property and formally requested to vacate the property. Mayor Freeman asked if a commitment had been received to relocate the gate. Assistant City Engineer Bowers indicated that approval had been given for relocation. Councilmember Moser suggested retaining the vacation deed until the relocation occurs. City Attorney John Brems confirmed and noted that conducting the public hearing is a portion of the process.

Mayor Freeman opened the public hearing.

Thomas Walk expressed his frustration notating that the quit claim deed had already been filed. Assistant City Manager Haight explained that the County failed to record the deed until the process had been completed.

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

COUNCILMEMBER MOSER MOVED TO APPROVE **ORDINANCE NO. 2015-26** VACATING A PORTION OF 7530 WEST AT THE INTERSECTION WITH HIGH COUNTRY ROAD CONTINGENT UPON THE RELOCATION OF THE GATE. COUNCILMEMBER ROBINSON SECONDED THE MOTION.

COUNCILMEMBER DAY AMENDED THE MOTION TO GIVE THE PROPERTY BACK TO MR. WALK EVEN IF THE GATE IS NOT RELOCATED TO MAKE MR. WALK WHOLE. 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.

6. DISCUSSION AND ACTION ITEMS

- A. [8:19:17 PM](#) 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

Human Resource Manager Travis Dunn reviewed the proposed changes in the Policy and Procedure manual with respect to record keeping.

COUNCILMEMBER DAY MOVED TO APPROVE **RESOLUTION NO. R25-2015** APPROVING AN AMENDMENT TO THE HERRIMAN CITY POLICY AND PROCEDURE MANUAL WITH RESPECT TO RECORD KEEPING. 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.

- B. [8:22:50 PM](#) 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

Assistant City Manager Gordon Haight informed the Council that the map authorizing the curb and gutter exception had been modified. Mayor Freeman questioned larger parcels within the area being automatically granted the exception and suggested removal of the parcels. Councilmember Moser agreed, and recommended referring to the requirement of the rural route standard be incorporated into the ordinance.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ITEM. COUNCILMEMBER ROBINSON SECONDED, AND ALL VOTED AYE.

- C. [8:41:16 PM](#) Discussion and consideration of an Ordinance authorizing a text change to Title 9, Section 4, Landscaping requirements – Heather Upshaw, Senior Planner
Mayor freeman informed the audience that this item will be continued. Councilmember Moser outlined concerns that had been discussed with respect to the 50% requirement and the hindrance of allowing a water wise landscaping option which warrants additional discussion. Councilmember Tischner agreed. Councilmember Day expressed his concern with the secondary water service shall be connected, and recommended that the connection should be determined by each individual.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ITEM. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

- D. [8:46:48 PM](#) Discussion and consideration of an Ordinance amending Section 10-6-6 regarding General Plan Amendments – Heather Upshaw, Senior Planner
Senior Planner Heather Upshaw explained that the amendment to the General Plan Ordinance is to align with State Code.

COUNCILMEMBER DAY MOVED TO APPROVE ORDINANCE NO. 2015-29 AUTHORIZING A TEXT CHANGE TO SECTION 10-6-6, GENREAL PLAN AMENDMENTS. 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.

7. [8:47:43 PM](#) MAYOR AND COUNCIL COMMENTS

Mayor Freeman informed the audience that HB 362 would be on the ballot this November and encouraged voter participation.

8. [8:48:19 PM](#) CALENDAR

A. Meetings

- August 20 – Planning Commission meeting 7:00 p.m.
- August 25 – Board of Canvassers’ Meeting 5:00 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. [8:49:00 PM](#) ADJOURNMENT

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

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*

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 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

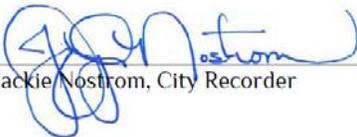
The motion passed unanimously.

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

This document constitutes the official minutes for the Herriman City Council Meeting held on Wednesday, August 12, 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, August 12, 2015.



Jackie Nostrom, City Recorder





SPECIAL CITY COUNCIL MINUTES

Tuesday, August 18, 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, August 18, 2015 at 10:00 a.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.

<u>Presiding:</u>	Mayor Carmen Freeman
<u>Council Members Present:</u>	Mike Day, Matt Robinson, and Coralee Wessman-Moser
<u>Staff Present:</u>	Brett geo. 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
<u>Excused:</u>	Councilmember Craig B. Tischner

10:00 AM - SPECIAL MEETING:

1. [10:00:31 AM](#) CALL TO ORDER
2. CONVENE AS THE BOARD OF CANVASSERS
 - A. **Consideration of a resolution finding and promulgating the results of the Municipal Primary Election held in the City to fill City Council positions in District #1 and District #4**

City Recorder Jackie Nostrom gave a brief overview of the Primary Election held August 11, 2015 and identified the candidates. She informed the Council that the official results of the primary election District #1 are as follows: 272 votes were cast in favor of Bethany Zeyer; 192 votes were cast in favor of Jared Henderson; 185 votes were cast in favor of Steve Garret; and 32 votes were cast in favor of Jared Conley. In City Council District #4 the results are as follows: 404 votes were cast in favor of Nicole Martin; 269 votes were cast in favor of David Watts; 120 votes were cast in favor of Kurt Hurdsman; and 89 votes were cast in favor of Valarie Kingsbury. City Recorder Nostrom declared that the nominated candidates for District #1 would be Bethany Zeyer and Jared Henderson and for District #4 would be Nicole

Martin and David Watts. The nominees would be on the ballot for the City Council positions in the General Municipal Election on November 3, 2015.
COUNCILMEMBER CORALEE WESSMAN-MOSER MOVED TO APPROVE RESOLUTION NO. R27-2015 CERTIFYING THE CANVASS OF THE 2015 HERRIMAN CITY MUNICIPAL PRIMARY ELECTION. COUNCILMEMBER MIKE DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

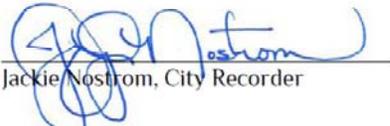
The motion passed unanimously with Councilmember Craig B. Tischner being absent.

3. 10:05:46 AM ADJOURNMENT

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

*This document constitutes the official minutes for the
Herriman City Council Meeting held on Tuesday, August 18, 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, August 18, 2015.


Jackie Nostrom, City Recorder



CITY COUNCIL MINUTES

Wednesday, August 26, 2015

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 26, 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.

<u>Presiding:</u>	Mayor Carmen Freeman
<u>Council Members Present:</u>	Mike Day, Matt Robinson, and Coralee Wessman-Moser
<u>Staff Present:</u>	Brett geo. 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 Jonathan Bowers, Assistant 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 Heather Upshaw, Senior Planner
<u>Excused:</u>	Councilmember Craig B. Tischner

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

5:06:39 PM COUNCIL BUSINESS

Mayor Freeman called the meeting to order.

A. Review of this evening's agenda

B. Administrative Reports

1. **6:07:32 PM Landscaping Ordinance Discussion** – Bryn McCarty, City Planner
City Planner Bryn McCarty asked the Council if they had any questions. Councilmember Coralee Wessman-Moser expressed her concern with overspray in the park strips. She noted that mulch should be allowed in the park strips to promote water wise plants, and

suggested something be incorporated into the ordinance to explain the problem associated with the mulch going into the storm drain.

2. [5:07:31 PM](#) **Building Department Report** – Cathryn Nelson, Building Official
Building Official Cathryn Nelson briefed the Council of the Utah Seismic Safety Committee Rapid Assessment Inspection program. The program allows inspectors to establish the necessary credentials for assessing building damage in the event of an emergency. She informed the Council that Herriman City inspectors have been certified and are able to mobilize to provide better service to Herriman City.

Building Official Nelson briefly reviewed the Building Occupancy Resumption Program (BORP) in the case of a significant earthquake. It would allow an inspection to be conducted to allow an owner to resume occupancy of a building as soon as possible following the event. Salt Lake City adopted the program by ordinance to present the opportunity to residential and commercial participants.

[5:24:07 PM](#) *Councilmember Matt Robinson arrived*

Mayor Freeman asked for reasoning why business owners would not participate. Building Official Nelson responded that the contributing factor is with the cost associated to participate in the program. She recommended Mr. Brent Maxfield to educate the Council with the program for consideration of the program being implemented into Herriman City. The Council agreed.

Building Official Nelson informed the Council that Inspector Doug Adams was the instructor for an inspection class to prepare potential inspectors that was held August 19, 2015. She noted that he was an excellent inspector held in high regard. She offered statistics for the Building Department permits that had been released July 2015, and the year to date. .

3. [5:32:00 PM](#) **Human Resource Department Update** – Travis Dunn, Human Resource Manager
Human Resource Manager Travis Dunn updated the Council of the strategic direction of the department. He indicated that building relationships of trust throughout the City is important to keep employees engaged. Councilmember Mike Day asked about the strengths and weaknesses of employee contentment. Manager Dunn responded that the engagement and management of department managers are impressive and their desire to move the department forward. The weakness is the growing pains relating to procedure consistency. Mayor Freeman thanked Manager Dunn for leading the department in a positive direction. City Manager Brett Wood emphasized the impact that Manager Dunn has been phenomenal, and thanked him for his dedication and hard work.

4. [5:50:56 PM](#) **Discussion regarding the Special Military Project Cooperative Agreement (ACUB)** – John Brems, City Attorney
City Attorney John Brems informed the Council of an Interlocal Agreement that would be presented to the Council for their consideration. He relayed the requirements for the ACUB funding and observed the 25% funding match. Attorney Brems educated the Council of the caveat that if the land purchased with ACUB funds would transfer ownership to Camp Williams if that property is not utilized as open space.

5. Other Updates

C. [6:17:10 PM](#) Adjournment

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

7:00 PM - GENERAL MEETING:

1. CALL TO ORDER

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

A. [7:01:00 PM](#) Invocation and Pledge

The Invocation was offered by Ms. Bethany Zeyer. The Pledge of Allegiance was led by Scout Troop #946.

B. [7:02:58 PM](#) Mayor's Comments

Mayor Freeman recognized City Council candidates from District 1: Bethany Zeyer and Jared Henderson; and from District #4: Nicole Martin, and David Watts. He welcomed new businesses to the City: Holiday Oil and America First. Mayor Freeman reviewed the statistics from the Board of Canvassers' meeting held on August 18, 2015.

C. [7:05:47 PM](#) Council Recognitions

Councilmember Robinson expressed his appreciation to staff in coordinating the Copper Creek neighborhood meeting.

Councilmember Moser expressed her gratitude to the vigilant safety procedures that the UPD officers show as the school year commenced.

2. [7:07:13 PM](#) PUBLIC COMMENT

J. Lynn Crane, representing Jordan School District Board of Education presented the Council with the projected five year construction plan. He explained that the plan is tentative and is reviewed annually to incorporate and necessary changes. Mr. Crane indicated that the Jordan School District has saved enough money to fund a third of a school every year. He noted that the rapid growth has dramatically increased the need for additional facilities which constitutes the necessity to place a bond issue on the 2016 ballot. Councilmember Moser noted that she was impressed with the conservation measures the school district has implemented.

Cynthia Bee, 8215 South 1300 West, represented Jordan Valley Water Conservancy District expressed her support of the proposed Landscaping Ordinance to allow water wise landscaping, and encouraged removal of grass in the park strips. Water over spray accelerates the decay of the roadway. She reviewed a survey that had been conducted to recognize the reduction of water use per capita. Ms. Bee explained that Utah has had exceptional planning to encourage water preservation, and noted that everyone is benefitting from those decisions. She extended an invitation to request funding for the City to promote water wise landscaping projects.

3. REPORTS, PRESENTATIONS AND APPOINTMENTS

[7:27:49 PM](#) Proposed Blackridge recommendations – Tami Moody, Director of Administration and Communications

Director of Administration and Communications Tami Moody turned time over to Water Director Justun Edwards for an update on the algae concern. Director Edwards informed the Council that staff has addressed the significant algae bloom with various mitigation efforts. The park and reservoir will remain closed until final test results have been received indicating that there are no health concerns.

Director of Administration and Communications indicated that a public meeting was conducted on July 28, 2015 requesting solutions to the popularity of the reservoir and the strain it has placed on the surrounding residents. She indicated that the suggestions received were researched to prove viability. Prior to implementation and study would have to be preformed, a public meeting would be conducted, and a budget amendment would have to be requested. Director Moody began with the list of viable solutions that could be used in tandem with other suggestions:

- Patron Education Program
 - Flyers at entrance during opening week that would include rules, restrictions and hours of operation
- Maximum Capacity
 - Add signage to Limit Capacity
 - Staff would maintain counts and enforce capacity limits
- Camera System
 - Installation of a camera system that would provide live feed on the City's website for patrons to view the attendance level at the park.
 - Not to be used as a security camera.
- Officer presence at the gate entrance
- Expansion of the onsite parking lot
- Red striping on curbs
 - Paint red curbs at intersections to mark "No Parking" zones.
 - Could be conducted as an Eagle Scout project.
- Directional Signs
 - Install Directional signs leading in and out of Blackridge Reservoir
- Implement a fee option
 - Drop Box
 - Metered Parking
 - Staffed Pay Booth
 - Staffed Gated Entry with Fence
 - Unmanned Gate Entry with Fence
 - Parking Permit Program

Director Moody indicated that a study would have to be conducted along with a public meeting to request feedback from residents. Councilmember Moser suggested that a study would be a challenge due to the reservoir being closed. Mayor Freeman expressed his concern of requiring residents to participate in a parking permit program. City Attorney John Brems indicated that the program would be area based, and not just a program for residents to opt in or out. Councilmember Robinson clarified that cars would be parked in the roadway by permit, and questioned if the City was prepared to provide this service to other neighborhoods in the community. Councilmember Moser recommended implementing the parking permit program in tandem with a parking fee to park at the reservoir.

Mayor Freeman expressed his concern about the cost to expand the parking area and to fence the facility. Those solutions would not solve the issue. The Council agreed. Councilmember Day suggested that when the parking lot is at capacity, so is the reservoir. Council consensus determined to expand research on the parking permit program, charge a parking fee at the facility, directional signage, and red curb striping. Councilmember Moser explained that if people pay to be at a facility, they would treat it accordingly. To charge for parking would help support the fee associated with the parking permit program. Councilmember Robinson noted that he appreciated not creating a resident/non-resident

parking fee, and suggested that the issue be revisited over a three to five year time period after implementation.

4. [8:37:49 PM](#) **CONSENT AGENDA**

- A. **Approval of the Monthly Financial Report** – Alan Rae, Finance Director
- B. **Consideration of an Interlocal Agreement with Salt Lake County regarding Local Transportation Corridor Preservation Funds** – Brett Wood, City Manager
- C. **Consideration of an Interlocal Agreement with Salt Lake County with respect to Public Works Services and the 2015 Chip Seal Program** – Monte Johnson, Operations Director

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	Absent
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Craig B. Tischner being absent.

5. **DISCUSSION AND ACTION ITEMS**

- A. [8:38:25 PM](#) **Discussion and consideration of a rezone located at 13457 South Rose Canyon Road from A-1 to A-.25** – Bryn McCarty, City Planner
City Planner Bryn McCarty offered a brief overview of the rezone request with from A-1 to A-.25 with the Zoning Condition of a minimum 20,000 SF acre let. The subdivision requestion would be a two lot split of an acre parcel leaving two half-acre parcels. Councilmember Moser asked if there were any neighbor concerns. City Planner McCarty responded that she had not been aware of any.

COUNCILMEMBER ROBINSON MOVED TO APPROVE ORDINANCE NO. 2015-28 AUTHORIZING A REZONE LOCATED AT 13457 SOUTH ROSE CANYON ROAD FROM A-1 TO A-.25 WITH THE ZONING CONDITION TO REQUIRE A MINIMUM LOT SIZE OF 20,000 SQUARE FEET. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously with Councilmember Craig B. Tischner being absent.

- B. [8:41:49 PM](#) **Discussion and consideration of a rezone located at 12457 South 5600 West from C-2 to R-2-10** - Bryn McCarty, City Planner
City Planner Bryn McCarty oriented the Council of the requested rezone at 12400 South and 5600 West. The corner parcel is to remain commercial, and the surrounding property would be rezoned to R-2-10. Assistant City Manager Gordon Haight interjected that the commercial property is logical behind the future Public Works facility, but residential would abut residential. This was approved as part of an overall Planned Unit Development.

COUNCILMEMBER ROBINSON MOVED TO APPROVE ORDINANCE NO. 2015-29 AUTHORIZING A REZONE LOCATED AT 12457 SOUTH 5600 WEST FROM C-2 TO R-2-10. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously with Councilmember Craig B. Tischner being absent.

- C. [8:45:16 PM](#) Discussion and consideration for adoption of a resolution of the City Council of Herriman City, Utah authorizing the issuance and sale of not more than \$23,000,000 aggregate principal amount of sales and franchise tax revenue bonds, series 2015A and \$7,000,000 aggregate principal amount of sales and franchise tax revenue refunding bonds, Series 2015B (together, the “Series 2015 Bonds”); and related matters – Alan Rae, Finance Director

Finance Director Alan Rae reminded the Council of the three upcoming projects that had been discussed in the previous meeting: Herriman Towne Center project, Herriman Parkway extension to 6400 West, and the main Street Extension to 11800 South. He outlined the projected bond amounts and the cost amount that the City would contribute in the beginning.

Director Rae continued with the second project to expand Herriman Parkway to 6400 West. This item is a contractual obligation as part of the SLR annexation. This project is eligible for impact fee reimbursement. He explained that the project would not commence until they begin their development. The project is a loan refinance of approximately \$7 million dollars to lower rates and provide a significant savings of at least \$50,000 annually.

The Main Street extension project request is to bond for \$5 million. Director Rae observed the contractor contributions. He explained that a contract is in place with Walmart to construct contingent upon the road being installed. The retail would generate revenue to Herriman City in excess of \$1.6 million annually.

Director Rae reviewed the bond parameters for the projects. The resolution does not commit to a bond, only to begin the process. The bond documents would have to be signed by the Mayor and appropriated by the City Council. Councilmember Moser confirmed the worst case scenario bond. City Attorney John Brems outlined the process to put bonding in place. Director Rae informed the Council that a public hearing would be conducted on September 23, 2015, and ensured the Council that the bonds could be rescinded at any time up until they are sold. He reiterated that the City would not have to proceed with the projects and could remove those bonding amounts should it be deemed necessary. Mayor Freeman suggested making minor change specifications to include what the bond terms are to be used for in an effort to be clear and transparent to the taxpayers.

COUNCILMEMBER ROBINSON MOVED APPROVE RESOLUTION NO. R27-2015 AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$23,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES AND FRANCHISE TAX REVENUE BONDS, SERIES 2015A AND \$7,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES AND FRANCHISE TAX REVENUE REFUNDING BONDS, SERIES 2015B (TOGETHER, THE “SERIES 2015 BONDS”);

FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR A PUBLIC HEARING AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPLEMENTAL INDENTURE, A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION. THE BOND WILL BE UTILIZED FOR THE DEVELOPMENT AND CONSTRUCTION OF A CITY HALL/TOWNE CENTER WILL IN THE AMOUNT NOT TO EXCEED \$15 MILLION AND THE CONSTRUCTION OF ROADS AND RELATED INFRASTRUCTURE AND IMPROVEMENTS IS TO PROMOTE ECONOMIC DEVELOPMENT IN AN AMOUNT OF BOND NOT TO EXCEED \$8 MILLION. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously with Councilmember Craig B. Tischner being absent.

Mayor Freeman reiterated that the additional language in the motion is to protect the interest of the residents. He also notated that he spoke with Councilmember Tischner about the bond parameters resolution, and wanted to publically relay his support. Councilmember Robinson added that he wanted the language outlining what the bond was to be used for in the resolution for public record so residents clearly understand that the Council is conservative, and the approval of this resolution is an intended investment for Herriman.

6. [9:11:29 PM](#) MAYOR AND COUNCIL COMMENTS

Councilmember Moser expressed her appreciation to the staff that had been involved in the bond parameters resolution. She expressed her excitement for the economic future of Herriman City.

Mayor Freeman announced that he would no longer perform civil measures due to time constraints. He also expressed his appreciation to the Council and their efforts to work well together.

7. [9:13:39 PM](#) CALENDAR

A. Meetings

- September 3 – Planning Commission meeting 7:00 p.m.
- September 9 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- September 7 – Labor Day; City Offices Closed
- September 11 – Patriot Day

8. [9:13:56 PM](#) ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. CLOSED SESSION (IF NEEDED)

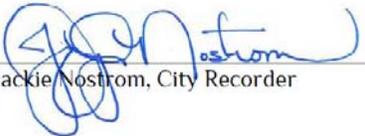
A. *The Herriman City Council may convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

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, August 26, 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, August 26, 2015.


Jackie Nostrom, City Recorder



STAFF REPORT

DATE: September 1, 2015
TO: The Honorable Mayor and City Council
FROM: Planning Staff
SUBJECT: File Number 10Z15

RECOMMENDATION:

The Planning Commission recommended rezoning the property located at approximately 7360 W 13300 S from A-1 to A-.25 contingent upon annexation.

BACKGROUND:

The property located in Salt Lake County is part of an annexation petition with a proposed annexation date of January 2016. The applicant would like to rezone the property and submit a subdivision for review and approval contingent upon the annexation.

A text change was recently approved in the A-.25 zone to include density criteria. The proposed zone would be subject to the density criteria which start at 1.8 units per acre.

Herriman, Utah

Ordinance No. 15-xx

**Rezone property located at approximately 7360 W 13300 S from A-1 to A-.25
(Agricultural) (File No. 10Z15)**

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 City of Herriman 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 map changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance map change was sent to property owners within 500 feet on April 27, 2015, noticing of the May 7, 2015, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance map change in the meeting held on August 20, 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 September 9, 2015, was held at 7:00 p.m. in the Community Center; and

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

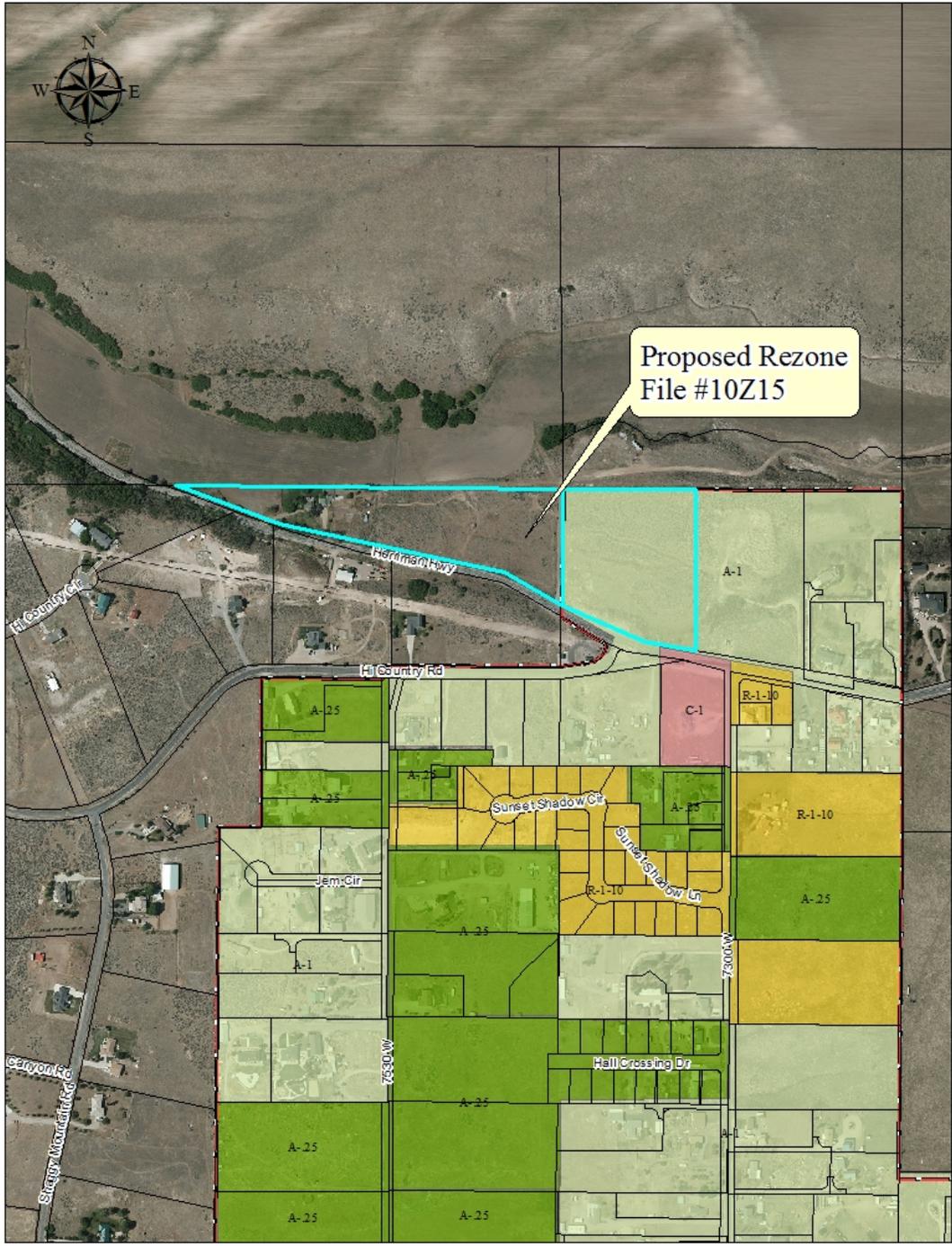
NOW THEREFORE, be it ordained by the Herriman City Council that the following area be adopted as a map change from A-1 to A-.25, contingent upon annexation.

Legal Description Parcel Number: 2633451001

COM AT CEN OF SE 1/4 SEC 33 T 3S R 2W SL MER S 498 FT N
60^01 W 262.2 FT N 78^10 W 555.45 FT N 78^35 W 338.7 FT N
69^30 W 530.4 FT E 1600 FT TO BEG 8.8 AC

Legal Description Parcel Number: 2633476001

BEG 517.5 FT N & N 80°03 W 817.92 FT FR SE COR SEC 33, T
3S, R 2W, SL MER, N 661.17 FT; W 514.39 FT; S 492.92 FT; S
66°45 E 344.39 FT; S 80°03 E 200.99 FT M OR L TO BEG. 7.21 AC.



PASSED AND APPROVED this 9th day of September, 2015.

HERRIMAN CITY COUNCIL

By: _____
Carmen Freeman, Mayor

ATTEST:

Jackie Nostrom, City Recorder

VOTING:

Carmen Freeman	Yea	___	Nay	___
Mike Day	Yea	___	Nay	___
Matt Robinson	Yea	___	Nay	___
Craig B. Tischner	Yea	___	Nay	___
Coralee Wessman-Moser	Yea	___	Nay	___



STAFF REPORT

DATE: September 1, 2015
TO: The Honorable Mayor and City Council
FROM: Planning Staff
SUBJECT: File Number 20Z15

RECOMMENDATION:

The Planning Commission recommended to rezone the property located at approximately 7447 Hi Country Road from A-1 to A-.50.

BACKGROUND:

The general plan shows that the site is in the Agricultural Residential designation requiring a density of 1.8-3.0 units per acre.

The property owner is requesting a rezone in order to develop a 2 lot subdivision.

Herriman, Utah Ordinance No. 15-xx

**Rezone property located at approximately 7447 W Hi Country Road from A-1 to A-.50
(Agricultural) (File No. 20Z15)**

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 City of Herriman 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 map changes; and

WHEREAS, notice of the Planning Commission public hearing on the land use ordinance map change was sent to property owners within 300 feet on August 10, 2015, noticing of the August 20, 2015, public hearing at 7:00 p.m.; and

WHEREAS, the Planning Commission recommended approval of the land use ordinance map change in the meeting held on August 20, 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

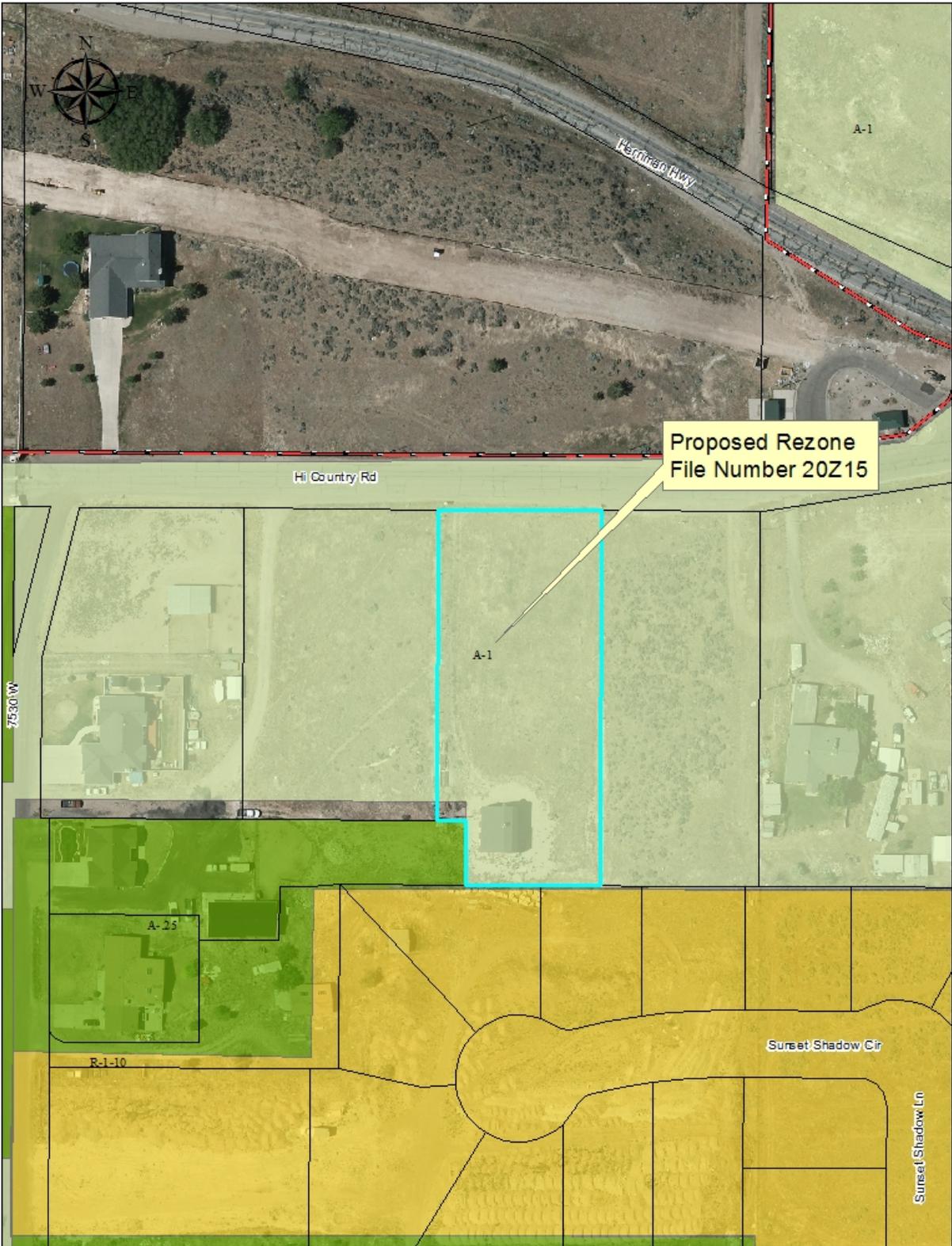
WHEREAS, the City Council public meeting on September 9, 2015, was held at 7:00 p.m. in the Community Center; and

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

NOW THEREFORE, be it ordained by the Herriman City Council that the following area be adopted as a map change from A-1 to A-.50.

Legal Description Parcel Number: 2633454020

LOT 2, SCHMIDT ACRES SUBDIVISION



PASSED AND APPROVED this 9th day of September, 2015.

HERRIMAN CITY COUNCIL

By: _____
Carmen Freeman, Mayor

ATTEST:

Jackie Nostrom, City Recorder



STAFF REPORT

DATE: September 3, 2015

TO: The Honorable Mayor and City Council

FROM: Jory Howell, Liaison to the Wasatch Front Regional Council / Salt Lake County

SUBJECT: Interlocal Cooperative Agreement with the County – First Class Highway Projects.

RECOMMENDATION:

Approval to enter agreement. Sign the County prepared agreement to allow the County to disperse to Herriman City \$200,000 from the First Class Highway projects Fund. Herriman to follow up with required reporting.

BACKGROUND:

During the 2015 General Session the State legislature amended Section 72-2-121, UTAH CODE ANN., to provide \$25,000,000 from the County of the First Class Highway Projects Fund be transferred to the legislative body of Salt Lake County to be used for certain purposes. The County desires \$200,000 to be transferred to Herriman City to meet those same purposes

DISCUSSION:

Sign the agreement receive \$200,000. Pay for purposes as required and provide necessary reporting or determine that the purposes and reporting can not be met and do not sign the agreement.

ALTERNATIVES:

Do not sign the agreement. Do not pass go. Do not receive \$200,000

FISCAL IMPACT:

GAIN \$200,000

HERRIMAN, UTAH
RESOLUTION NO. 15-

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT
BETWEEN SALT LAKE COUNTY AND HERRIMAN CITY TO PROVIDE FOR
\$200,000 TO BE TRANSFERRED TO HERRIMAN CITY TO USE FOR HIGHWAY
PURPOSES**

WHEREAS, the Herriman City Council (“*Council*”) met in regular session on September 9, 2015, to consider, among other things, approving the an Interlocal Cooperative Agreement with Salt Lake County with First Class Highway Projects Fund, and

WHEREAS, during the 2015 General Session, the State legislature amended Section 72-2-121, UTAH CODE ANN., to provide \$25,000,000 from the County of the First Class Highway Projects Fund to be transferred to the legislative body of Salt Lake County to be used for certain highway purposes; and

WHEREAS, the Herriman City (“Herriman”) and Salt Lake County (“County”) are government entities as contemplated by the Act; and

WHEREAS, Herriman and the County are authorized to enter into agreements with each other for cooperative action; and

WHEREAS, The County desires to use the revenue to further regional development in Salt Lake County for the purposes described in Section 72-2-121, UTAH CODE ANN., and in accordance with all other applicable law, and

WHEREAS, the County and Herriman City desire to enter into an Interlocal Cooperation Agreement to provide for \$200,000 of the revenue to be transferred to the Herriman to pay for the highway purposes described in Section 72-2-121, UTAH CODE ANN.; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of Herriman to enter into an Interlocal Cooperative Agreement with the County (“*Agreement*”); and

WHEREAS, the Agreement has been prepared for approval, which sets forth the purpose thereof, the extent of participation of the parties, and the rights and duties and responsibilities of the parties. A copy of the Agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Agreement is approved, and the City Manager and Recorder are hereby authorized and directed to execute and deliver the same.

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

PASSED AND APPROVED by the Council of Herriman, Utah, this 9th day of September, 2015.

HERRIMAN

Carmen Freeman, Mayor

Jackie Nostrom, City Recorder



Contract Number: 0000000815 Version: 1 Desc: MAY FirstClassHighwayProjects
Supplier Name: HERRIMAN CITY
Comments: MAY - Interlocal - County to transfer \$200,000.00 from the First Class Highway Projects Fund to Herriman City to be used for regional development in accordance with applicable federal, state and local laws, rules and regulations. Term to 7/1/2017.
Contract Amount: \$200,000.00
Agency Name: Mayor Administration
Period Performance from 8/7/2015 to 7/1/2017
Procurement Type: EXI Exempt Interlocal Reason Code:
Buyer: MMartinez

PLEASE RETURN TO
SALT LAKE COUNTY CONTRA
2001 S. STATE ST. #N4-600
SALT LAKE CITY, UT 84190

INTERLOCAL COOPERATION AGREEMENT

between

SALT LAKE COUNTY

and

HERRIMAN CITY

This Interlocal Cooperation Agreement (this "Agreement") is made and entered into this 11th day of August, 2015, by and between Salt Lake County, a body corporate and politic of the State of Utah (the "County"); and Herriman City, a municipal corporation of the State of Utah (the "City"). The County and the City are sometimes referred to collectively as the "Parties" and either may be referred to individually as a "Party," all as governed by the context in which such words are used.

WITNESSETH:

WHEREAS, the County and the City are public agencies as defined by Chapter 11-13, UTAH CODE ANN. (the "Interlocal Act"). Section 11-13-202 of the Interlocal Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action; and

WHEREAS, pursuant to Section 41-1a-1222, UTAH CODE ANN., the County has imposed a local option highway construction and transportation corridor preservation fee on each motor vehicle registration within the County; and

WHEREAS, fifty-percent of the revenue generated by said fee is deposited into the County of the First Class Highway Projects Fund pursuant to Section 72-2-121, UTAH CODE ANN., along with other moneys deposited therein, including certain sales and use taxes and voluntary contributions; and

WHEREAS, during the 2015 General Session, the State legislature amended Section 72-2-121, UTAH CODE ANN., to provide \$25,000,000 from the County of the First Class Highway Projects Fund be transferred to the legislative body of Salt Lake County to be used for certain purposes; and

WHEREAS, the County desires to use the revenue to further regional development in Salt Lake County for the purposes described in Section 72-2-121, UTAH CODE ANN., and in accordance with all other applicable law; and

WHEREAS, the County and the City desire to enter into this Agreement to provide for \$200,000 of the revenue to be transferred to the City to pay for the purposes described in Section 72-2-121, UTAH CODE ANN.;

A G R E E M E N T :

NOW, THEREFORE, in reliance on the stated recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived herefrom, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. Revenue – Use. The County and the City hereby agree as follows:

(a) The County shall transfer Two Hundred Thousand Dollars (\$200,000, hereinafter referred to as the “Revenue”) to the City. The Revenue shall be used by the City for any purpose described in Section 72-2-121, UTAH CODE ANN., and in accordance with all other applicable federal, state and local laws, rules and regulations.

(b) The City warrants that it shall use the Revenue transferred to the City by the County pursuant to subparagraph 1(a), above, only for purposes described in Section 72-2-121, UTAH CODE ANN., and in accordance with all other applicable federal, state and local laws, rules and regulations. The City shall make a good faith effort to expend the Revenue by July 1, 2017.

2. Cost Breakdown. Upon its expenditure of the Revenue, the City shall provide a cost breakdown report to the County accounting for such expenditures.

3. Unexpended Revenue. If the City determines it is unable to use any portion of the Revenue for the purposes described in Section 72-2-121, UTAH CODE ANN., then it shall return any such unexpended Revenue to the County.

4. Liability and Indemnification.

(a) The City and the County are governmental entities under the Utah Governmental Immunity Act, UTAH CODE ANN. § 63G-7-101. Consistent with the terms of the Act, and as provided herein, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officers or employees. Neither party waives any defenses otherwise available under the Act nor does any party waive any limits of liability currently provided by the Act.

(b) The City agrees to indemnify, hold harmless, and defend the County, its officers, agents, and employees from and against any and all actual or threatened claims, losses, damages, injuries, debts, and liabilities of, to, or by third Parties, including demands for repayment or penalties, however allegedly caused, resulting directly or indirectly from, or arising out of, the City’s breach of this Agreement or any acts or omissions of or by the City, its agents, representatives, officers, employees, or subcontractors in connection with the performance of this Agreement. The City agrees that its duty to defend and indemnify the County under this Agreement includes all attorney’s fees, litigation and court costs, expert witness fees, and any sums expended by or assessed against the County for the defense of any claim or to satisfy any settlement, arbitration award, debt, penalty, or verdict paid or incurred on behalf of the County.

5. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

(a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;

(c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and

(e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the mayors of the City and the County. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

6. Counterparts. This Agreement may be executed in counterparts by the City and the County.

7. Notices. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

If to Salt Lake County: County Mayor
2001 South State, N2-100
Salt Lake City, Utah 84190

With a copy to: Salt Lake County District Attorney
2001 South State, S3-600
Salt Lake City, Utah 84190

If to the City: Herriman City
13011 South Pioneer Street
Herriman, UT 84096

8. County Ethical Standards. The City represents that it has not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of

a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statutes or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of Ordinances, 2001; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statutes or Salt Lake County ordinances.

9. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

10. Resolution of Claims and Disputes. In any action brought to enforce the terms of this Agreement, the Parties agree that the appropriate venue shall be the Third Judicial District Court in and for Salt Lake County, Utah.

11. Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid; and this Agreement may not be enlarged, modified, or altered except in writing, and signed by the Parties.

12. Amendments. This Agreement may be amended, changed, modified or altered only by an instrument in writing which shall be (a) approved by the governing bodies of the County and the City, including the adoption of any necessary resolutions or ordinances by the County and the City authorizing the execution of any amendment, change, modification or alteration of this Agreement by the appropriate person or persons for the County and the City, respectively, (b) executed by a duly authorized official of each of the Parties, (c) submitted to an attorney for each Party that is authorized to represent said Party for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and the execution by each respective attorney, and (d) filed with the keeper of the records of each Party.

13. Term of Agreement. This Agreement shall take effect immediately upon the completion of the following: (a) the approval of the Agreement by the governing bodies of the County and the City, including the adoption of any necessary resolutions or ordinances by the County and the City authorizing the execution of this Agreement by the appropriate person or persons for the County and the City, respectively, (b) the execution of this Agreement by a duly authorized official of each of the Parties, (c) the submission of this Agreement to an attorney for each Party that is authorized to represent said Party for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and the approval of each respective attorney, and (d) the filing of a copy of this Agreement with the keeper of records of each Party. This Agreement shall terminate on the earlier of (i) the full expenditure, by the City, of the Revenue and the associated reporting described in Section 2, above; or (ii) July 1, 2017. If on July 1, 2017, the City has not expended all the Revenue in accordance with subparagraph 1(a), then all such unexpended Revenue shall be returned to the County.

14. Termination. Except as set forth in Section 13, above, this Agreement may only be terminated by written consent of the County and the City. Upon termination of this Agreement, if any of the \$200,000 transferred to the City is unexpended, then the City shall return all such unexpended Revenue to the County. The disposition of any other real or personal property shall be handled as set forth above in Section 5(e).

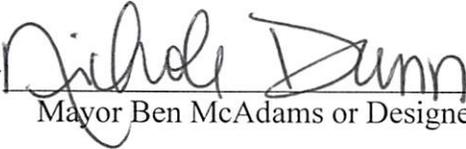
15. Severability. If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever.

The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.

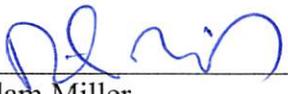
[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have subscribed their names and seals the day and year first above written.

SALT LAKE COUNTY

By 
Mayor Ben McAdams or Designee

Approved as to Form and Legality:
Salt Lake County District Attorney

By 
Adam Miller
Deputy District Attorney
Date 29 July 2015

HERRIMAN CITY

By _____
Mayor _____

ATTEST:

City Recorder

Approved as to Form and Legality:

By _____
Herriman City Attorney
Date _____

PLEASE RETURN TO
SALT LAKE COUNTY CONTRACTS
2001 S. STATE ST. #N4-600
SALT LAKE CITY, UT 84190

7.3

RESOLUTION NO. 4982

August 4, 2015

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH HERRIMAN CITY TO PROVIDE FOR \$200,000 TO BE TRANSFERRED TO HERRIMAN CITY TO USE FOR HIGHWAY PURPOSES

WITNESSETH

WHEREAS, pursuant to Section 41-1a-1222, UTAH CODE ANN., Salt Lake County has imposed a local option highway construction and transportation corridor preservation fee on each motor vehicle registration within the County; and

WHEREAS, fifty-percent of the revenue generated by said fee is deposited into the County of the First Class Highway Projects Fund pursuant to Section 72-2-121, UTAH CODE ANN., along with other moneys deposited therein, including certain sales and use taxes and voluntary contributions; and

WHEREAS, during the 2015 General Session, the State legislature amended Section 72-2-121, UTAH CODE ANN., to provide \$25,000,000 from the County of the First Class Highway Projects Fund be transferred to the legislative body of Salt Lake County to be used for certain highway purposes; and

WHEREAS, the County desires to use the revenue to further regional development in Salt Lake County for the purposes described in Section 72-2-121, UTAH CODE ANN., and in accordance with all other applicable law; and

WHEREAS, the County and Herriman City now desire to enter into an Interlocal Cooperation Agreement to provide for \$200,000 of the revenue to be transferred to the City to pay for the highway purposes described in Section 72-2-121, UTAH CODE ANN.;

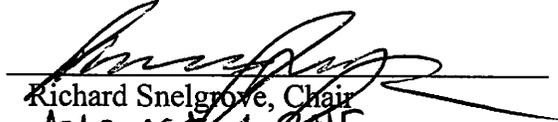
WHEREAS, it has been determined that the best interests of the County and the general public will be served by the execution of the attached Interlocal Cooperation Agreement and by participating as required therein.

RESOLUTION

NOW, THEREFORE, IT IS HEREBY RESOLVED by the County Council of Salt Lake County that the attached Interlocal Cooperation Agreement is approved; and the Mayor is authorized to execute said agreement, a copy of which is attached as Exhibit 1 and by this reference made a part of this Resolution.

APPROVED and ADOPTED this 4 day of August, 2015.

SALT LAKE COUNTY COUNCIL:

By: 
Richard Snelgrove, Chair
Date: August 4 2015

ATTEST:


Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:


Adam Miller
Deputy District Attorney
Date: 29 July 2015

Council Member Bradley voting	<u>"AYE"</u>
Council Member Bradshaw voting	<u>"AYE"</u>
Council Member Burdick voting	<u>"AYE"</u>
Council Member DeBry voting	<u>"AYE"</u>
Council Member Granato voting	<u>"AYE"</u>
Council Member Jensen voting	<u>"AYE"</u>
Council Member Newton voting	<u>"AYE"</u>
Council Member Snelgrove voting	<u>"AYE"</u>
Council Member Wilson voting	<u>"AYE"</u>