



## CITY COUNCIL AGENDA Wednesday, June 8, 2016

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the Herriman 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. Closed Session
  - 1. *The Herriman City Council may temporarily recess 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*
- C. Administrative Reports
  - 1. Towne Center Update and Discussion – Brett Wood, City Manager
  - 2. Planning Update – Bryn McCarty, City Planner
  - 3. Engineering Update – Blake Thomas, City Engineer
  - 4. Additional Items
- D. 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

March 9, 2016; March 16, 2016; March 23, 2016,  
April 28, 2016; May 11, 2016; & May 18, 2016

- 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. MAYOR AND COUNCIL COMMENTS

- A. City Council Board and Committee Reports

#### 4. REPORTS, PRESENTATIONS AND APPOINTMENTS

- A. Introduction of Herriman Amateur Radio Club (HARC) President – Gregg McArthur, Past President
- B. 2016 Local First Independents Week Proclamation – Gordon Haight, Assistant City Manager

#### 5. DISCUSSION AND ACTION ITEMS

- A. Discussion and consideration of an ordinance to adopt a final budget; make appropriations for the support of Herriman City for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and to amend the 2015-2016 fiscal year budget – Alan Rae, Finance Director

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

- B. Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement with Salt Lake County pertaining to Animal Control Services – Brett Wood, City Manager
- C. Discussion and consideration of a proposed text change regarding density in the A-.25 zone (06Z16) – Bryn McCarty, City Planner
- D. Discussion and consideration of a proposed text change to the land use ordinance pertaining to the future use of the A-.25 zone (08Z16) – Bryn McCarty, City Planner
- E. Discussion and consideration of a proposed text change to the land use ordinance regarding open space requirements in a Planned Unit Development (PUD) (07Z16) – Bryn McCarty, City Planner
- F. Discussion and consideration of an ordinance to authorize a text change to the land use ordinance regarding accessory buildings (04Z16) – Bryn McCarty, City Planner
- G. Discussion and consideration of a modification application to the Amended Master Development Agreement for Rosecrest regarding the width of Juniper Crest Road – John Brems, City Attorney
- H. Discussion and consideration of a resolution approving the first amendment to the Master Development Agreement for the Rosecrest Master Planned Community – John Brems, City Attorney

## 6. CALENDAR

### A. Meetings

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

### B. Events

- June 16–18 – Fort Herriman Days; W & M Butterfield Park

## 7. CLOSED SESSION (IF NEEDED)

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

## 8. ADJOURNMENT

## 9. RECOMMENCE TO WORK MEETING (IF NEEDED)

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 citizens 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](http://www.herriman.org)

Posted and Dated this 2<sup>nd</sup> day of June 2016

Jackie Nostrom, CMC  
City Recorder



## CITY COUNCIL MINUTES

**Wednesday, March 9, 2016**  
**Awaiting Formal Approval**

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, March 9, 2016 at 5:00 p.m.** in the Herriman City Community Center Front Conference Room, 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:**

Jared Henderson, Nicole Martin, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:**

Brett geo. Wood, City Manager  
Gordon Haight, Assistant City Manager  
Tami Moody, Director of Administration and Communications  
Jackie Nostrom, City Recorder  
John Brems, City Attorney  
Alan Rae, Finance Director  
Justun Edwards, Water Director  
Monte Johnson, Operations Director  
Travis Dunn, Human Resources Manager  
Dwayne Anjewierden, Chief of Police  
Bryn McCarty, City Planner  
Blake Thomas, City Engineer  
Heather Upshaw, Senior Planner/Economic Development  
Danie Bills, Events Manager

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

**COUNCIL BUSINESS**

Mayor Freeman called the meeting to order.

**A. Review of this evening's agenda**

**B. Administrative Reports**

- 1. Update of Blackridge Open House** – Tami Moody, Director of Administration and Communications  
Director of Administration and Communications Tami Moody indicated that petitions will continue to be submitted until March 15<sup>th</sup>, and reviewed the initial outcome of the

proposed parking permit area for the neighborhood surrounding Blackridge Reservoir. She recommended realigning the boundary to incorporate areas that overwhelmingly expressed support of the program. Director Moody observed some challenges associated with the program that would need to be addressed.

Director Moody reviewed signage options as well as the Open House results for each area. Assistant City Manager Gordon Haight added that parking enforcement would not be conducted at night. Councilmember Tischner expressed his concern that the City would be charging vehicles to go into the reservoir. Director Moody responded that the proposed fee would be for parking at the reservoir, not to utilize the amenity. Councilmember Tischner questioned the availability of the enforcement officers. Chief Dwayne Anjewierden indicated that weekday enforcement would be a burden; however, weekends would be easier. Councilmember Moser suggested that the City would not intend to collect 100-percent of the parking revenue, and explained that the concept was to place a value on the park. Councilmember Martin added that with the solutions that are being considered to appease residents that are being infringed upon, and the City is being responsive. She suggested that it was unknown if the solutions are viable until they have been implemented and tested. Assistant City Manager Haight responded that solutions would have to be tweaked as necessary based on resident input. Mayor Freeman agreed that solutions are a work in progress. Councilmember Tischner recommended not implementing a parking fee until the parking permit program has been tested. Councilmember Henderson expressed his concern about the cost associated with the programs, and suggested that residents be informed that the programs cost money. Public perception seems to indicate that the City will collect a substantial amount of revenue for the programs but don't account for the program cost.

Director Moody continued with the issue of pavilion rental parking. Councilmember Martin recommended reserving parking spots when the pavilion is first reserved. Councilmember Moser indicated that the reservations could be submitted online, and individuals could place a printed pass in the dashboard of their vehicle. Events Manager Danie Bills noted that the current system could accommodate that suggestion.

Assistant City Manager Haight referred back to the parking permit program and relayed a scenario of conducting a wedding reception in their backyard would require accommodations for parking. Councilmember Moser responded that a form submitted to the city, for example, through Google Docs, could suffice the issue, and recommended that staff research solutions. Director Moody observed the impact the parking permit program would have on the lower residential area. She reviewed the cost of the program for signage, stickers, and software.

Director Moody asked for direction regarding the enforcement hours of the program. Council consensus recommended following concession hours from 9:00 a.m. – 9:00 p.m. daily. Councilmember Henderson stated that the key to successful implementation of the program is consistency. Councilmember Moser recognized the

challenge associated with pavilion rentals, and would consider purchasing parking in time blocks. Assistant City Manager Haight thanked the Council for their input and noted that they would bring the items to the Council for consideration.

2. [6:36:14 PM](#) **Budget Planning** – Alan Rae, Finance Director

Finance Director Alan Rae reviewed the vehicle replacement policy. He explained that each vehicle has a cost analysis conducted to determine the cost of gas, insurance, and maintenance and when the vehicle reaches the “inverse curve” of cost effectiveness, the City will begin to look at replacements. There were ten replacement vehicles last fiscal budget year. Director Rae continued with the sales and franchise tax bond that was approved to fund the City Hall/Towne Center project. He explained the funding mechanism and cash allocations for the project. Director Rae observed the capital projects for the general fund, storm drain fund, park impact fee fund, transportation impact fee fund and the special revenue capital project for street signs and lighting.

Director Rae reviewed recent changes to the Arts Council regarding budgeting and accumulative staff time relating to their projects. The Council expressed support of the changes. Councilmember Moser added that the needs of the Arts Council should be accommodated within their existing budget, and the impact should not interfere with staff commitments. City Manager Brett Wood agreed. Councilmember Tischner suggested that the Arts Council should apply for a 501(c)(3). The Council agreed.

Director Rae discussed the long-range planning and capital facilities plan with the Council to determine needs moving forward. He displayed long term revenue projections for property tax, franchise tax, sales tax and building permits. Expenditure projections were also identified. Mayor Freeman thanked Director Rae for the report.

3. [5:01:54 PM](#) **Council Districting Options** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom presented some council district boundary realignments to determine if the Council would like to consider altering boundaries. Voting precinct boundaries take shape from the boundaries of all political district including U.S. Congress, State Senate, State House of Representatives, School Board Districts, and special districts; however, precincts must be drawn so that they contain less than the maximum number of voters as specified by state law.

Recorder Nostrom explained that the Council would have to place the recently annexed property into an existing Council District, but could look at redistricting the entire city to contain, as nearly as possible, equal population. The Council consensus determined to not realign the district boundaries, and to place the recently annexed property into Council District #3. Councilmember Henderson suggested revisiting the options next spring. The Council agreed.

4. [7:04:55 PM Planning Update](#) – Bryn McCarty, City Planner  
City Planner Bryn McCarty observed recent Planning Commission Approvals for the following projects: Jordan School District Elementary School located at Anthem Park Blvd and Herriman Parkway, 99 unit Townhome Subdivision for Clayton Homes located at 5500 West 12100 South, two single family lot subdivision pods located at 12200 South 5100 West for Miller Crossing, a three lot subdivision at 5734 West 12900 South, the City Hall Conditional Use permit, and the exception for a one lot subdivision located at 7083 West Gina Road. Assistant City Manager Haight interjected to explain that the City Council would need to articulate why the Gina Road applicant should be granted an exception, or to amend the ordinance.

City Planner McCarty reviewed the pending Planning Commission applications including: Rosecrest Communities proposed subdivision for public right of way dedication, Rosecrest Communities for a proposed subdivision of 66 single family lots, and the proposed condominium subdivision for Edge Homes. She continued with upcoming text changes, general plan amendments, land use fee study, and the park impact fees to incorporate recently annexed property.

5. [7:19:53 PM Engineering Update](#) – Blake Thomas, City Engineer  
City Engineer Blake Thomas reviewed capital projects that currently are in construction including: Herriman Parkway Phase 3, 5MG Zone 2 Tank, and the 6400 West Water Line. Projects in review include: 6600 West, Anthem Crest Boulevard, Juniper Crest, and Miller Crossing Drive. Projects in the design stage are the Main Street Connector, 5200 West 13400 South traffic signal, 6400 West 13400 South traffic signal, 7300 West storm drain outfall, Southeast Zone 1 2MG tank, and the Southeast Culinary Zone 1 Pump Station. Engineer Thomas continued with special projects for traffic and storm drain systems.

## 6. Additional Items

### C. [7:41:50 PM Closed Session](#)

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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, PENDING OR IMMINENT LITIGATION AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye





## SPECIAL CITY COUNCIL MINUTES

**Wednesday, March 16, 2016**  
**Amended March 15, 2016 @ 9:00 a.m.**  
**Awaiting Formal Approval**

The following are the minutes of the Special City Council Work Meeting of the Herriman City Council. The meeting was held on **Wednesday, March 16, 2016 at 5:00 p.m.** in the Herriman City Community Center Front Conference Room, 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:**

Jared Henderson, Nicole Martin, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:**

Brett geo. Wood, City Manager  
Gordon Haight, Assistant City Manager  
Tami Moody, Director of Administration and Communication  
Jackie Nostrom, City Recorder  
John Brems, City Attorney  
Alan Rae, Finance Director  
Dwayne Anjewierden, Chief of Police  
Clint Smith, EMS Bureau Chief

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

**5:02:52 PM** COUNCIL BUSINESS

Mayor freeman called the meeting to order.

**A. Visioning Session**

1. **5:03:01 PM** Soccer Training Facility and Academy Building Elevation Discussion – Craig Martin

Assistant City Manager Gordon Haight introduced REAL General Manager & VP of Stadium Operations Craig Martin and indicated that the purpose of the meeting would be to discuss the commercial elevation criteria that would require 60-percent of the facade in brick or stone. The Planning Commission approved a conditional use permit for the soccer academy on February 4, 2016. One of the conditions of approval was that the building

elevations would need to be reviewed and approved by the Planning Commission. The elevations will need to meet the Commercial Design Criteria. The applicant submitted elevations for review and to determine if the Council would consider granting an exception based on the iconic branding nature of the project.

VP Martin displayed the building elevations and explained that the design is based on the work of Artist Piet Mondrian, who believed that art reflected the underlying spirituality of nature. He simplified the subjects of his painting down to the basic elements to reveal the mystical energy in the balance of forces that governed nature and the universe. Mondrian used primary colors to create abstract paintings. VP Martin further discussed the offices and support buildings including the food services, cafeteria and the charter school building adjacent to the facility. He explained the stringent academic curriculum of science, engineering and math. VP Martin reiterated that this location would be the iconic training facility in all of North America, and would like to incorporate a unique look to have its own attractive identity.

VP Martin observed the generous parking, and the additional landscaping that was incorporated into the design. Councilmember Martin commended VP Martin on the extensive nature of the landscaping and that the parking does not detract from the building. The Council agreed. Councilmember Henderson asked about the building materials, and if it would deteriorate over time. VP Martin responded that the shell of the building would be a UV coated metal of exceptional quality. Assistant City Manager Haight informed the Council that this unique project may be something they would like to consider an exception. Councilmember Moser recommended that the project should adhere to some percentage to the ordinance rather than nothing. VP Martin suggested that the small buildings could have textured block and be harmonious to the project while still adhering to some level of the development standards. The Council agreed.

2. [5:32:44 PM](#) Discussion regarding Salt Lake Valley Law Enforcement Service Area (SLVLESA) – Dwayne Anjewierden, Unified Police Department Chief

Unified Police Department Finance Director Andrew Keddington offered an overview of the Salt Lake Valley Law Enforcement Service Area (SLVLESA) sources including revenue allocations, expenditure allocations, partner sources, and highlighted the property tax formula and values. The SLVLESA property tax value is reconciled with each partner's property tax values to the District as a whole. Real property taxable value is 100-percent of its fair market value, less any exemptions that may be permitted. Primary residential exemption is 45-percent of property tax valuation; however, rental properties are eligible for the exemption, where secondary homes and businesses are not eligible. Centrally assessed property includes airlines, railroads, utilities, natural resource properties, geothermal fluids and other geothermal resources.

Director Keddington reviewed direct revenue compared with indirect revenue. Direct revenue is comprised of the law enforcement fees and the fund balance contributions. Indirect revenue allocations are based on the partner's percentage share of taxable value from property tax, fee-in-lieu, and interest. He displayed the revenue allocations from incorporation of the District to present. Director Keddington continued with the expenditure

allocations. Direct expenditure allocations include the Unified Police Department (UPD) contract and the building bond payments. Indirect expenditure allocations are based on partner's percentage share of UPD contract including professional fees and interest. He displayed the expenditure allocations from incorporation to present.

Director Keddington further discussed the partner sources and uses, and based on growth the property tax values are increasing. He reassured the Council that Herriman is building a fund balance and not receiving tangible assets, but is not funding resources for Kearns. Councilmember Moser asked for clarification to Centrally Assessed directly relating to Herriman and expressed her frustration that the Council was told for several years that the City would benefit from being a partner in the District because of Centrally Assessed.. Mayor Freeman agreed, and added that Herriman is not receiving revenue from Centrally Assessed. Director Keddington confirmed, and added that new growth money would be used to fund new growth. Director Keddington also verified that property taxes get the same dollar value annually; however, the percentage rate would decrease as home values increased. Property taxes would be the direct benefit, but no member entity could pay the contract bill with property tax.

*Councilmember Coralee Wessman-Moser was excused.*

Mayor Freeman agreed that a tax increase would need to be implemented to be more proactive, and for the District to become more financially stable. Councilmember Henderson questioned the outcome if there is no new growth to the Centrally Assessed. Director Keddington acknowledged that may happen, but would have to review historical data to determine the outcome. Mayor Freeman suggested that a mechanism should be put in place to look at future needs that could automatically allocate resources as needed. Director Keddington agreed. Councilmember Henderson asked about the key objective of the SLVLESA meeting that is scheduled for March 17, 2016. Director Keddington responded that the District is looking for direction for a tax increase and future resource allocations outlined in the five-year plan.

Councilmember Tischner asked why other communities are part of the UPD organization but not SLVLESA. City Manager Wood explained that cities want to maintain control in the officer resources. Councilmember Henderson noted that the capital facility should be reviewed on a case by case basis, and not based off a "blanket policy". He expressed his support of the future resource allocation plan. Director Keddington reviewed the board approval process and that new growth would drive the conversation. Councilmember Henderson relayed his concern of approving the five-year plan. Approving the plan ultimately means that the Council would approve a tax increase. He indicated that an increase is inevitable, and would be in favor of supporting something small. Director Keddington offered the UPD recommendation of an 11-percent up front increase with smaller increments for maintenance. He offered scenarios of what smaller tax increases would mean for the District. Mayor Freeman indicated that the situation is catering to the County, and requested to look at our appropriated balance.

**B. 6:27:20 PM Closed Session**

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

COUNCILMEMBER MARTIN MOVED TO TEMPORARILY RECESS THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Absent
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

The Council reconvened to the City Council work meeting by consensus at 8:21 p.m.

**3. 8:22:44 PM Additional Items**

*Councilmember Coralee Wessman-Moser arrived*

Director of Administration and Communications Tami Moody offered a brief overview of the Blackridge Reservoir neighborhood public hearing that has been scheduled for March 30, 2016. Mayor Freeman relayed his concern that the City would be investing a substantial amount of money into a project that may not be the correct solution. Councilmember Moser suggested that the City should be proactive based on comments received. Councilmember Tischner expressed his position of not charging for parking at the reservoir, and the City should look at more of a phased approach. Councilmember Henderson agreed, and reiterated alternative solutions to the overcrowding. Councilmember Moser responded that the solution is to place a value on the amenity.

**C. Adjournment**

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING AT 8:28 P.M. COUNCILMEMBER MARTIN SECONDED THE MOTION, AND ALL VOTED AYE.

*This document constitutes the official minutes for the  
Special Herriman City Council Work Meeting held on Wednesday, March 16, 2016*

*I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, Salt Lake County, State of Utah, do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, March 16, 2016.*

  
Jackie Nostrom, City Recorder



**CITY COUNCIL MINUTES**  
**Wednesday, March 23, 2016**  
**Awaiting Formal Approval**

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, March 23, 2016 at 5:00 p.m.** in the Herriman City Community Center Front Conference Room, 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:** Jared Henderson, Nicole Martin and Coralee Wessman-Moser

**Staff Present:** Brett geo. Wood, City Manager  
Gordon Haight, Assistant City Manager  
Tami Moody, Director of Administration and Communications  
Jackie Nostrom, City Recorder  
John Brems, City Attorney  
Alan Rae, Finance Director  
Dwayne Anjewierden, Chief of Police  
Clint Smith, EMS Bureau Chief  
Bryn McCarty, City Planner  
Blake Thomas, City Engineer  
Cathryn Nelson, Chief Building Official  
Monte Johnson, Operations Director  
Ed Blackett, Streets Manager  
Heather Upshaw, Senior Planner/Economic Development

**Excused:** Councilmember Craig B. Tischner

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

**5:03:50 PM** COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order and excused Councilmember Craig B. Tischner.

**A. 5:27:10 PM Review of this evening's agenda**

Councilmember Coralee Wessman-Moser asked for clarification of the animal control services contract. City Manager Brett Wood informed the Council that Herriman City has a dedicated Animal Control Officer, and outlined revenue that offset the costs. He

added that the new contract included the additional cost burden and a five-percent merit increase for the employees. City Manager Wood indicated that the Council would have the option to decide if the City would like to maintain a proactive approach to animal services or if they would like to scale back to a reactive service, and recommended that the Animal Control Officer could address the Council at a future meeting to discuss the contract. Councilmember Moser responded that it would be helpful to breakdown the options. City Manager Wood confirmed. Events Manager Danie Bills interjected to note that a Dog Clinic has been scheduled for June 25 to offer pet licensing and neutering. Mayor Freeman recommended continuing the contract extension.

## **B. Administrative Reports**

1. [5:04:56 PM](#) **Snow Fighters Wrap-up** – Ed Blackett, Streets Manager  
Streets Manager Ed Blackett offered some snow and ice removal statistics for the 2015-2016 winter season. He explained that there were 21 events that included either snow and ice removal or drifting. In the event that wind blows snow in the roadways, it requires two snowplows to clear the obstruction. Manager Blackett reviewed crew labor hours, payroll burden, salt usage expenses, and fuel expenses.

2. [5:18:22 PM](#) **Report on Retreat Discussion Progress** – Tami Moody, Director of Administration and Communications  
Director of Administration and Communications Tami Moody offered a brief update of the discussion progress of the Council's visioning topics, and indicated that additional topics could be addressed if needed. Mayor Freeman outlined the appropriate time for the Council to address additional topics during the work meetings for items they wish to be placed on the agenda.

3. [5:50:29 PM](#) **Economic Development Update** – Gordon Haight, Assistant City Manager  
City Engineer Blake Thomas informed the Council that he recently attended the Wasatch Front Regional Council meeting and Herriman City was selected to receive two million dollars to fund the completion of 6400 West to the city limit. He also noted that TAP funding was secured for a bike lane up 13400 South.

Senior Planner/Economic Development Heather Upshaw reviewed recently completed projects including: REAL Soccer Training Facility & Academy, ACUB/REPI, Herriman Business Center CDA, Anthem Center Commercial CDA, North Commercial Properties, Utah State, Rosecrest Business Park, East Butterfield Commercial, SLCC, Rockwell Landing, and EDC Utah. Projects under construction are Knots on Main, Herriman Health Center, Anytime Fitness, and West End Storage Units. Potential businesses include Ross, Ulta, Beans & Brew, Hotel Chains, Tire Store, Sporting Goods Store, Maverik, KFC, Hardware Store, Fast Food, Restaurants, Emergency Response Facility and a Manufacturing Facility.

4. [6:13:05 PM](#) **Additional Items**  
City Manager Brett Wood updated the Council regarding the City Hall/Towne Center project, and noted that construction would commence within the next week. He continued with the

discussion regarding the dirt road located at 6600 West 13400 South, and explained that residents approached the City about paving the road. City Manager Wood relayed to them that the City would not move forward with paving the road without the proper right-of-way, and even then would be considered a “low priority”. Councilmember Moser expressed her support of the direction of the conversation, and noted that it was an unfortunate situation. Councilmember Henderson agreed that with the agreement there would be no conditions. Mayor Freeman recommended that the City maintain the road.

Mayor Freeman requested that the parking issue along 13400 South be a future agenda item for discussion. City Engineer Blake Thomas confirmed that he would provide an update at the April 13, 2016 meeting. Councilmember Henderson questioned the topics of the visioning sessions, and recommended they be specifically outlined for the Council. Councilmember Moser agreed, and reminded the Council to send information to Communications Director Tami Moody on what they would like to discuss in order for staff to prepare materials accordingly.

**C. [6:54:40 PM](#) Adjournment**

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

**7:00 PM - GENERAL MEETING:**

**1. [7:02:11 PM](#) CALL TO ORDER**

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

**A. [7:02:40 PM](#) Invocation and Pledge**

The Invocation was offered by Human Resource Manager Travis Dunn, and the Pledge of Allegiance was led by Mr. Conner Ellis.

**B. [7:03:53 PM](#) Approval of Minutes**

**January 29-30, 2016; February 10, 2016;  
February 24, 2016**

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF JANUARY 29-30, 2016; FEBRUARY 10, 2016; AND FEBRUARY 24, 2016 AS WRITTEN. COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL VOTED AYE.

**C. [7:04:15 PM](#) Mayor’s Comments**

Mayor Freeman recognized Herriman City for being awarded “Tree City USA” for 2015. He congratulated Herriman High School Hockey Team for their D-2 State Championship.

**D. [7:06:29 PM](#) Council Recognitions**

Councilmember Moser commended a teacher at Fort Herriman Middle School who is one of the two instructors in Utah to bring both a band and orchestra group to the state festival. She also thanked everyone who participated in the caucus, and noted that the event was well attended. She praised individuals for taking an active part in the public process.

Councilmember Moser informed the audience that Battalion Chief Mike Ulibarri recently accepted the position of the Deputy Director, Forestry, Fire & State Lands position, and commended him for the huge accomplishment. She also recognized the promotion of the UFA Battalion Chief Clint Smith who has been reassigned to EMS Bureau Chief. Chief Smith informed the Council of the new Battalion Chief Mike White for B Platoon, and Battalion Chief Matt Rhoades for C Platoon.

2. [7:11:31 PM](#) PUBLIC COMMENT

There were no comments.

3. MAYOR AND COUNCIL COMMENTS

A. [7:12:10 PM](#) City Council Board and Committee Reports

Councilmember Moser informed the audience that the Unified Fire Authority (UFA) presented information relating to an anticipated health insurance increase. The negotiated contract reduced the increase from a seven-percent down to a five-percent increase. She explained that other budget considerations would be discussed with the finance committee for funding step plans. Councilmember Moser indicated that the Governance Committee is working on a contract to share the Administrative and Management services for both the Unified Fire Authority and the Unified Fire Service Area.

Mayor Freeman informed the audience that the Zoo, Arts & Parks (ZAP) Board is in the process of reviewing applications, and noted that he has heard good things about Herriman City's application. Assistant City Manager Gordon Haight added that Herriman City is looking to implementing an ice skating arena and including park amenities surrounding the facility. City Manager Brett Wood commended Events Manager Danie Bills and Intern Scott Finlayson for their dedicated effort with the application.

Mayor Freeman updated the audience on the Mosquito Abatement District appointment and the concern of the Zika virus. He relayed the preliminary study results that indicate that the dryer climate in Utah is not as conducive to the spread of the virus; however precautionary measures are being taken to be prepared should the virus become active in our region.

4. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. [7:17:49 PM](#) Trust Accountability Program Award Presentation – Doug Folsom, Utah Local Governments Trust Loss Control Consultant

Utah Governments Trust Loss Control Consultant Doug Folsom presented an award for the Trust Accountability Programs which promotes best safety practices. He outlined the requirements for the award and noted that 75 jurisdictions received the award in 2015, and expressed his appreciation to Herriman City for their continued dedication, and the Council's support of safety activities.

B. [7:24:10 PM](#) Distinguished Budget Award Presentation – Brett Wood, City Manager

City Manager Brett Wood informed the Council that Finance Director Alan Rae was instrumental in Herriman City receiving two awards from the Government Finance Officers Association (GFOA). The first award is the Certificate of Achievement for Excellence in Financial Reporting Program. The program requires local governments to go beyond the

minimum requirements of generally accepted accounting principles to prepare a comprehensive annual financial report that evidently shows the spirit of transparency and full disclosure. The second award is the Distinguished Budget Presentation Award which requires budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on local budgeting and the GFOAs best practices on budgeting and then to recognize individual governments that succeed in achieving that goal. City Manager Wood commended Director Rae for the achievements. Applause was offered.

- C. [7:29:36 PM](#) **2016 Fair Housing Month Proclamation** – Bryn McCarty, City Planner  
City Planner Bryn McCarty explained that the month of April is nationally recognized as Fair Housing Month, and is a time to reflect on the national commitment to the idea that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability. This year's theme is "Shared Opportunity in Every Community" denotes a collaborative effort with HUD and its housing partners in realizing increased housing opportunities for every individual.

COUNCILMEMBER MOSER MOVED TO APPROVE THE 2016 FAIR HOUSING MONTH PROCLAMATION. COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

- D. [7:31:15 PM](#) **Herriman High Traffic Study Analysis** – Blake Thomas, City Engineer  
City Engineer Blake Thomas indicated that Avenue Consultants conducted a traffic study to evaluate access issues to Herriman High School as he turned the time over to Professional Engineer Ivan Hooper to explain their findings. Engineer Hooper explained that there were four school access points: North Parking Access, West Parking Access, South Access, and the Main Drop-Off Exit. During the collection of data, observed issues included queues, driver behaviour, and conflicts that decreased efficiencies were noted. Issues occurred during 15 minutes of peak traffic flow that quickly resumed to flowing conditions afterward. Engineer Hooper relayed his observations.

Engineer Hooper relayed recommendations to mitigate the issues. They were identified by observing the current traffic patterns and driver behaviours. At the North Parking Access it was suggested that the following would be alternative strategies: install a raised median on 11800 South from the signalized intersection at Mustang Trail Way to the west edge of the North Parking Access T-intersection, employ a channelized two lane entrance, and stripe and sign the two exit lanes to include a right out only as well as a shared left and right exit. Engineer Hooper relayed two options for the West Parking Access. First option recommended the closure of the Main Drop-Off Exit and the re-routing of that traffic back to the South Access, striping of a northbound right turn lane into the west parking access, and the potential channelization of the west parking access. Secondly, recommended the conversion of the West Parking Access intersection to a roundabout and to channelize and shift to the south of the Main Drop-Off Exit.

Councilmember Moser questioned if the seminary entrance was involved in the study. Engineer Hooper responded that the entrance was not taken into consideration, and noted that it would offer the same scenario. Mayor Freeman asked if discussions with South Jordan City and the Jordan School District have been conducted. City Engineer Thomas indicated that South Jordan City was excited to hear some of the recommended ideas; however, were sceptical of others. Discussions with Jordan School District have not commenced. Mayor Freeman expressed his concern of installing a roundabout on a major roadway in Herriman. Engineer Thomas agreed that the suggestion is not feasible, and added that other recommendations could be considered. Councilmember Moser suggested a temporary barricade be installed to see if it would solve the issue. Engineer Thomas responded that the suggestion could be considered; however, South Jordan City seemed convinced to install an island. He indicated that he would present the suggestion for their consideration. Mayor Freeman thanked Engineer Hooper for the presentation.

5. [8:12:12 PM](#) CONSENT AGENDA

A. **Approval of the Monthly Financial Report** – Alan Rae, Finance Director

B. **Approval to extend an Interlocal Cooperative Agreement with Salt Lake County for animal control services** – Brett Wood, City Manager

COUNCILMEMBER MOSER MOVED TO APPROVE THE CONSENT WITH THE CONTINUATION WITH ITEM 5B. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

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

6. PUBLIC HEARING AGENDA

A. [8:13:16 PM](#) **Public Hearing and consideration of an ordinance approving and appropriating a monetary contribution in the amount not to exceed \$238,000 for land acquisition for a soccer facility** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight informed the Council that the City has proposed to make a monetary appropriation in the amount of \$238,000 as a contribution for land purchase for a soccer facility to be located in Herriman. The purpose of the proposed appropriation is necessary and appropriate to accomplish the public purposes of Herriman in the areas of economic development, job creation and job preservation in order to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of Herriman. Councilmember Moser informed the audience that the reasons for the consideration are due to the economic stimulation, community building and job creation.

[8:14:48 PM](#) Mayor Freeman opened the public hearing.

There were no comments offered.

COUNCILMEMBER MOSER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2016-07 APPROVING AND APPROPRIATING A MONETARY CONTRIBUTION IN THE AMOUNT OF \$238,000 AS A CONTRIBUTION FOR LAND ACQUISITION FOR A SOCCER FACILITY TO BE LOCATED IN HERRIMAN. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

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

## 7. DISCUSSION AND ACTION ITEMS

### A. [8:15:37 PM](#) Discussion and consideration of an ordinance amending Herriman City Code Chapters 4-1 and 9-1 with respect to Fire and Building Codes – Cathryn Nelson, Chief Building Official

Chief Building Official Cathryn Nelson thanked the Council for the opportunity to speak on the recommendation to adopt an ordinance to amend the fire and building codes. Herriman City formally adopt the 2015 International Building Codes as have been adopted by the State of Utah, and adopt generic wording providing a means to update automatically as the State updates codes. The intent of building codes is to establish minimum requirements to safeguard public safety, health and general welfare. The model codes adopted by the State of Utah are published by the International Code Council (ICC). Codes address all building elements, as well as electrical, mechanical, plumbing and energy systems, existing buildings and fire regulations.

The State of Utah adopts building codes as a State in order to promote uniformity in design, construction and inspection. Doing so benefits architects, engineers and designers in that they only need to know one code when designing anywhere in the State. The same benefit is true for contractors. They will know that the same code is enforced uniformly. Inspectors benefit because designers and contractors become familiar with the same code and fewer corrections are required as design and construction occurs.

Building codes are adopted statewide by statute; therefore Herriman City is already required to adopt the same codes. It would seem to be redundant to take the added step of approving a City ordinance adopting the codes. However past litigation in other jurisdictions has shown that if any challenge comes to the City regarding code requirements we will have additional protection if we can reference a City ordinance along with the State statute.

The benefit of adopting more generic wording eliminates the need to amend the ordinance every three years to stay current with the State. It also reduces unintentional omissions or errors with each future adoption.

Unified Fire Authority Deputy Fire Marshal Brad Larsen offered a brief background of the adoption of the International Fire Code. He recommended approval of the ordinance to ensure building safety, preserve life safety, and to maintain a working relationship with the residential community. Councilmember Moser asked why it has been recommended not to adopt Appendix A. Marshal Larsen responded that the appendix vets the appeal process, and it allows appeals to come back to the Council.

COUNCILMEMBER MARTIN MOVED TO APPROVE ORDINANCE NO. 2016-08 APPROVING AN AMENDMENT TO HERRIMAN CITY CODE CHAPTERS 4-1 AND 9-1 WITH RESPECT TO FIRE AND BUILDING CODES. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

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

**B. [8:29:31 PM](#) Discussion and consideration of an ordinance amending the Wasatch Development Agreement – John Brems, City Attorney**

City Attorney John Brems indicated that Herriman City and Wasatch Hills Development Company LLC negotiated a development agreement for approximately 491 acres that were part of an annexation that became effective January 1, 2008. The Development Agreement was approved March 19, 2009. The First Amendment to the Master Development Agreement was approved December 9, 2015. Attorney Brems recommended approval of the amendment.

COUNCILMEMBER MARTIN MOVED TO APPROVE ORDINANCE NO. 2016-09 APPROVING THE SECOND AMENDMENT TO THE WASATCH SOUTH HILLS MASTER PLANNED COMMUNITY. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously with Councilmember Tischner being absent.

- C. [8:29:43 PM](#) Discussion and consideration of an ordinance rezoning property located at 15102 South 3200 West from A-1 to R-2-10 (File No. 01Z16) – Bryn McCarty, City Planner  
City Planner Bryn McCarty indicated that the Planning Commission recommended approval of the rezone from A-1 to R-2-10, subject to an amended development agreement being approved. This property is located adjacent to the Wasatch South Hills PUD. The applicant has also submitted an application to amend their approved PUD to add the new acreage. The Master Development Agreement (MDA) allows additional acreage to be added to the PUD with the same overall density. The applicant proposed zoning the property to R-2-10. The Wasatch South Hills PUD is approved at 4.5 units per acre overall.

The zoning and the amended MDA would have to be approved at the same meeting by the City Council. If the Council does not add the property to the MDA, then a zoning condition should be placed on the property for a density of 4.5 units per acre. City Attorney Brems informed the Council that the project already has an approved development agreement, and this would add additional property to that agreement subject to the issuance of a building permit for a soccer facility. Councilmember Henderson confirmed that the Council was contractually obligated to include additional property. Attorney Brems confirmed.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2016-10 REZONING PROPERTY LOCATED AT 15102 SOUTH 3200 WEST FROM A-1 TO R-2-10. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

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

## 8. CALENDAR

### A. Meetings

- March 29 – Special City Council Work Meeting 7:00 p.m.
- March 30 – Special City Council Meeting 6:00 p.m.
- March 31 – Joint Planning Commission/City Council Meeting 6:00 p.m.

### B. Events

- March 26 – Easter Egg Hunt 10:00 a.m.; W&M Butterfield Park
- March 27 - Easter

## 9. CLOSED SESSION (IF NEEDED)

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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, PENDING OR IMMINENT LITIGATION AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Absent
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

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

The Council reconvened in the City Council work meeting at 8:37

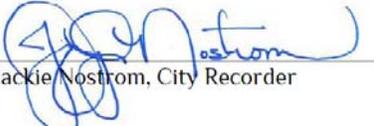
#### 10. ADJOURNMENT

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:38 P.M. COUNCILMEMBER MARTIN SECONDED THE MOTION, AND ALL VOTED AYE.

#### 11. RECOMMENCE TO WORK MEETING (IF NEEDED)

*This document constitutes the official minutes for the  
Herriman City Council Meeting held on Wednesday, March 23, 2016*

*I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, March 23, 2016.*

  
Jackie Nostrom, City Recorder



SPECIAL CITY COUNCIL  
WORK MEETING  
MINUTES  
Thursday, April 28, 2016  
Awaiting Formal Approval

The following are the minutes of the Special City Council Work Meeting of the Herriman City Council. The meeting was held on **Thursday, April 28, 2016 at 9:00 a.m.** in the Herriman City Community Center Front Conference Room, 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:**

Jared Henderson and Coralee Wessman-Moser

**Staff Present:**

Brett geo. Wood, City Manager  
Jackie Nostrom, City Recorder  
Alan Rae, Finance Director  
Dwayne Anjewierden, Chief of Police  
Scott Carver, Undersheriff  
Troy Carr, Lieutenant  
Scott Jurges, SLVLESA Treasurer  
Andrew Keddington, UPD Finance Director/SLVLESA  
Administrator

**Excused:**

Council Member Craig B. Tischner  
Council Member Nicole Martin

**9:00 AM - WORK MEETING:** *(Front Conference Room)*

**COUNCIL BUSINESS**

A. Visioning Session

1. **9:00:58 AM Discussion regarding Salt Lake Valley Law Enforcement Service Area (SLVLESA)** – Sheriff Jim Winder, Salt Lake County Sheriff

Undersheriff S.V. Carver excused Sheriff Winder from the meeting due to an incident that occurred the previous night. He explained that the purpose of the meeting is to answer questions regarding the operations of the District. The current and forecasted funding has been implemented into the plan to determine what would be the best structure for the

district, and present it to the partners. Mayor Freeman clarified that the Board Meeting would be held on May 19 to set direction of the UPD and SLVLESA budgets. This was confirmed. UPD Finance Director Andrew Keddington added that the Board would need to outline the terms of the proposed tax increase, and would hopefully have the taxable values for 2016.

SLVLESA Treasurer Scott Juges reviewed the proposed UPD budget and outlined the rough itemization of changes to the budget. He explained the current budget and added compensation changes, pooled cost increases, partner specific changes, and ended with a variety of pooled cost reallocations. The total projection would vary from actual calculated amount reflected in the document due to the complexity of the cost exhibit calculations. Treasurer Juges outlined the market adjustment study indicating the net increase would be three-percent to be considered next year. City Manager Wood expressed his concern about maintaining a step. Mayor Freeman asked if increases would be offered to the officers if there were excess funds. Treasurer Juges responded that the extra funding would go to Other Post-Employment Benefits (OPEB) that would be addressed within the budget finance and compensation committee. Treasurer Juges explained that the planned increase was 5.5-percent, but not guaranteed for the next year. He analyzed the changes and observed the inherent savings with retiring officers and recruitment of new hires dependent on the replacement. City Manager Wood noted that there are substantial replacement costs with the training of new hires.

Mayor Freeman pointed out the \$50K for video storage, and asked if it included equipment. Treasurer Juges explained that the cost is directly related to storage requirements based on legislation. Finance Director Alan Rae interjected that the City is experiencing substantial costs to retain video surveillance on the server. Treasurer Juges continued with the partner specific items and discussed the pooled services formula. The total projections were calculated, and he noted that the projections were not perfect. The proposed budget anticipated to under expend the difference of approximately three-percent. Herriman City's contract increased in the amount of \$536,556 due to the allocation of three additional officers.

Mayor Freeman questioned the centrally assessed funding. Treasurer Juges indicated that the centrally assessed is dependent on utilities and power lines. Kennecott is a major portion of that funding. Mayor Freeman asked if there would be a projected General Fund increase based on the proposed budget. Treasurer Juges indicated that there is not a projected change.

SLVLESA Administrator Andrew Keddington informed the Council that the SLVLESA model is still a work in progress, and are waiting for the 2016 values. The plan was developed based on the March 2016 Board Meeting. He outlined the silo modelling plan including the contract allocation and indirect revenue allocations. Councilmember Moser asked what the line item for professional fees would entail. Administrator Keddington noted that would pay for fees relating to legal, administrative, and bonding. He referred to the symposium demonstration to outline the market value and tax value of homes and how the tax rates adjust to keep the funding consistent. Increase of property tax funds comes from new growth. Councilmember

Moser confirmed that the new growth would be allocated separately. Administrator Keddington verified. Undersheriff Carver offered a scenario that could factor in that growth and resources could equal a net zero. Administrator Keddington agreed, and noted that it would be difficult to predict when that could happen. He noted that the indirect value would be based on the Unified Police Department (UPD) contract for the District. Mayor Freeman offered a theory that the partners were “walking out of their parameters” when the District was formed. Administrator Keddington indicated that Mayor Freeman’s statement was fair. Councilmember Moser expressed her support for the siloed approach to clarify misunderstandings. Finance Director Alan Rae explained that the Board would still make decisions for the entire District. The silo approach only shows the funding differently.

Mayor Freeman recommended allowing the model to accommodate the growth for one year and revisit the issue. Undersheriff Carver expressed his support of the recommendation. Finance Director Rae noted that SLVLESA would need to have a fund balance of \$35 million to be healthy. 30-percent would not be enough to make the District healthy based on timing. Councilmember Moser philosophically asked if the money needed to be in the bank. Administrator Keddington responded that interest rates are low and it is cheap to borrow money today. He suggested that the District should have enough fund balance to work through critical projections and trajectories. City Manager Brett Wood indicated that Herriman would still be behind on officers based on the model, and that residents would argue against a tax increase. Undersheriff Carver noted that the District won’t need to make changes based on the numbers presented today, and that the money will always be in the Herriman budget. He explained that they do not want to implement changes that could be drastically changed next year. The District needs to be healthy. Mayor Freeman declared that the Board would need to be in charge of allocating resources based on the model, and expressed his concern about Township representatives being placed on the Board and their impact in making and changing policy.

Administrator Keddington stated that the model is trying to align with the new formula to take any subjectivity and influence out of the decisions. Unified Police Department Chief Dwayne Anjewierden asked the Council if they believe that the formula would be accurate, or would the City like to get ahead of the formula. He explained that he would like to have a more proactive police force to cover the 24-hour clock. Councilmember Henderson asked if Herriman is a contract city, what that would do to our resources. UPD Chief Anjewierden responded that officers would remain in Herriman and not “help” with neighboring jurisdictions. Undersheriff Carver explained the independent and cooperative models.

Administrator Keddington reviewed the different tax increase scenarios. Mayor Freeman observed the immediate benefit that Herriman would receive with an eleven-percent increase. Director Keddington confirmed. Councilmember Moser asked if citizens would recognize the need where Herriman City is already in good standings. Councilmember Henderson expressed his support for a three-percent increase. Councilmember Moser asked what increase Herriman City would need to not burn-down fund balance. Administrator Keddington responded that it would be roughly nine-percent. Undersheriff Carver indicated that the recommendation will be 11-percent. Councilmember Moser thanked Administrator Keddington for the information, as it provided a compelling argument. She asked if a study

could be conducted to look at the possibility of implementing a Public Safety Impact Fee. Director Rae indicated that he would conduct a study.

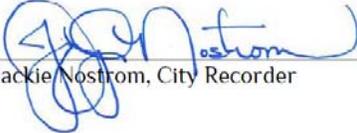
**2. Additional Items**

**B. 11:06:02 AM Adjournment**

The City Council work meeting adjourned by consensus.

*This document constitutes the official minutes for the  
Herriman City Council Meeting held on Thursday, April 28, 2016*

*I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Thursday, April 28, 2016.*

  
Jackie Nostrom, City Recorder



**CITY COUNCIL MINUTES**  
**Wednesday, May 11, 2016**  
**Amended May 10, 2016 @ 2:30 p.m.**  
**Awaiting Formal Approval**

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, May 11, 2016 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 Pro Tempore Coralee Wessman-Moser

**Council Members Present:**

Mayor Carmen Freeman (via phone), Jared Henderson, Nicole Martin, and Craig B. Tischner

**Staff Present:**

Gordon Haight, Assistant City Manager (via phone)  
Tami Moody, Director of Administration and Communications (via phone)  
Alan Rae, Finance Director  
Justun Edwards, Water Director  
Shelly Peterson, Administrative Assistant II  
Travis Dunn, Human Resources Manager  
Dwayne Anjewierden, Chief of Police  
Bryn McCarty, City Planner  
Blake Thomas, City Engineer  
Heather Upshaw, Senior Planner/Economic Development  
Danie Bills, Events Manager

**Excused:**

Brett geo. Wood, City Manager  
Jackie Nostrom, City Recorder  
John Brems, City Attorney

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

**5:10:20 PM COUNCIL BUSINESS**

Mayor Pro Tempore Coralee Wessman-Moser called the meeting to order, and excused Mayor Freeman from the work meeting.

**A. [5:10:46 PM](#) Review of this evening's agenda**

Mayor Pro Tempore Moser indicated that the resolution expressing support of the Unified Police Department (UPD) budget that was presented in the City Council packet needed to be updated, and Police Chief Dwayne Anjewierden will provide the revisions prior to the general meeting. She clarified that the resolution outlined support for a SLVLESA tax increase; however the resolution was to support the UPD budget, and SLVLESA will provide their budget and any tax increase proposal separately.

**B. Administrative Reports**

1. [5:11:30 PM](#) **Human Resources Budget Discussion** – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn requested direction from the Council on their initial thoughts of how much of the health insurance premium the City should cover. He recited the vision statement and offered a front line employee's perspective of how the cost of health insurance affects them. Mayor Pro Tempore Moser suggested that the City should maintain the 80/20 plan that represents what the City offers as a benefit. Manager Dunn informed the Council that policy was amended last year to indicate that the City would pay a portion of health insurance. Councilmember Martin asked how Herriman City would compare to other jurisdictions. Manager Dunn indicated that he contacted a few entities who relayed that they have committed to an 80/20 split for health insurance increase.

Councilmember Martin suggested that an equal share of the cost insurance increase would provide a realistic view of the cost of insurance to employees, and that the City cannot absorb an annual financial burden for health insurance. She suggested that increasing the vacation and PTO carryover amount to help improve employee morale. Councilmember Tischner expressed his opinion that there is not a huge difference between the City absorbing 80-percent of the financial burden and 100-percent. He explained that the decision to absorb percentages of the increase would be made on an annual basis. Councilmember Martin indicated that she would not be supportive of the City taking on the cost due to the misconception that the City will always absorb the additional insurance increases. Mayor Pro Tempore Moser added that it was important for the employee to have some financial responsibility to appreciate the true cost of the benefit. She recommended a realignment of the 80/20 balance of the insurance premium costs. Manager Dunn referred to the Hay Study that had been recently conducted and observed that a split of 80/20 is on par for the market.

Mayor Pro Tempore Moser noted that the time may come when the City Council may decide to select another provider to cut costs; however, the Council would provide an opportunity for employee input. She noted that other benefits could be discussed. Councilmember Tischner recommended that the employees' share of the increase could replace an increase to another benefit. Councilmember Martin reiterated that she was not in favor of the statement that coincides with taking the entire premium increase, and added that insurance is the least exciting benefit for employees. She expressed her belief that the amount of carry over hours has been received with a lot of chagrin, and that benefits could be reviewed to determine what the City can do to improve morale in an effort to retain good employees. Finance Director Alan Rae informed the Council that the management team are the ones who

consistently lose vacation and PTO hours, while the insurance cost increase hurt the front line staff the most.

2. [5:28:14 PM](#) **Planning Department Update** – Bryn McCarty, City Planner  
City Planner Bryn McCarty reviewed recent Planning Commission approvals including the conditional use permit for an LDS church located at 5520 West Mirasol Lane and a 210 condominium unit subdivision for Edge Homes at approximately 4300 West 14500 South.

Planner McCarty reviewed the pending planning commission application for Mittelstaedt has requested an exception for a one-lot subdivision. The Planning Commission recommended approval; however, the Council will make a final decision. The applicant has proposed a Right-of-Way dedication and fee in lieu for the road improvements along their frontage; however, would like the fee to be paid back if the road isn't built in an agreed upon timeframe.

[5:33:47 PM](#) *Councilmember Henderson arrived.*

Planner McCarty indicated that the final approval of the revised elevations for the Ivy House Reception Center would be considered at the next Planning Commission meeting. She continued with the Rosecrest Communities proposed subdivision for public right-of-way dedication for Juniper Crest Road. They submitted an administrative amendment application in an effort to reduce the width of the road. The application process indicates that the administrator would make the decision, but any member of the Council may notify the administrator that it should be processed as a modification application which would require the City Council to approve the request. Council consensus determined that they would like the application to be presented to the City Council for consideration. Planner McCarty confirmed, and reviewed upcoming items to the June 2, 2016, Planning Commission meeting and the June 8, 2016, City Council meeting.

3. [5:45:16 PM](#) **Engineering Department Update** – Blake Thomas, City Engineer  
City Engineer Blake Thomas observed capital projects that are underway including: City Hall, Herriman Parkway extension, Main Street Connector, Storm Drain Master Plan update, Transportation Master Plan update, CDBG pedestrian ramps project, and new traffic signals. He offered a comprehensive list of commercial, residential and infrastructural development projects in review or under construction. Engineer Thomas concluded with the additional projects including the update to engineering standards, land disturbance permits, update of the Storm Drain Ordinance, and the Blackridge Parking Permit Program.

4. [5:58:12 PM](#) **Building Department Report** – Cathryn Nelson, Chief Building Official  
City Planner Bryn McCarty reviewed the residential building permits that have been issued monthly by fiscal year since incorporation. She reviewed the current fiscal year valuation of projects, collected fees and the total number of permits issued. Planner McCarty offered a comparison of the last three years outlining the type of projects and the total number of permits issued. Councilmember Henderson asked if there were plans to add an ordinance requiring a minimum amount of brick or stone for multi-family dwellings similar to the requirements for single family and commercial. He expressed that the multi-family

requirements may be more important than single family and commercial requirements. Planner McCarty acknowledged that the majority of townhomes that are currently under construction have been approved under a development agreement. Any new townhome developments would be subject to the residential development guidelines.

5. [6:02:36 PM](#) **Additional Items**

Senior Planner Heather Upshaw reviewed the RSL Academy Development Agreement that would be presented to the Council for consideration. She also offered a correction of the Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City that the agreement should indicate that the reversion clause be amended to coincide with the Development Agreement.

Water Director Justun Edwards briefly outlined the Development Agreements for the Butterfield property, Lossee property, and Griffis property. He noted that there was a discrepancy in the Lossee and Griffis agreements that indicate that Herriman City would build 15000 South, and asked for an amended motion during the meeting. Mayor Pro Tempore Moser recommended that those Development Agreements be continued until the May 18, 2016, meeting when the agreements could be presented in their entirety. The Council agreed.

Mayor Pro Tempore Moser informed the Council of upcoming City events to be aware of, and recommended Council Member participation.

C. [6:26:57 PM](#) **Adjournment**

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

**7:00 PM - GENERAL MEETING:**

1. [7:01:37 PM](#) **CALL TO ORDER**

Mayor Pro Tempore Coralee Wessman-Moser called the meeting to order, and indicated that Mayor Freeman would be participating electronically while conducting City business out of state.

A. [7:01:50 PM](#) **Invocation and Pledge**

The Invocation was offered by Cade Miller, and the Pledge of Allegiance was led by Scout Troop #1760.

B. [7:07:20 PM](#) **Approval of Minutes**

**April 21, 2016; April 27, 2016**

COUNCILMEMBER MARTIN MOVED TO APPROVE THE MINUTES OF APRIL 21, 2016 AND APRIL 27, 2016 AS WRITTEN. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:04:37 PM](#) **Mayor's Comments**

Mayor Freeman expressed his appreciation to Mayor Pro Tempore Moser for conducting the meeting while he is away for City business. He reported that the City has been in successful

deliberations in Washington D.C., and would provide a more detailed report at a future meeting. Mayor Freeman extended his gratitude to Events Manager Danie Bills, staff, and the Unified Police Department for the educational Farm Field Day event for schools. He also mentioned that he attended the bike and walk activity at Herriman Elementary School, and thanked the kids for taking steps to be physically active as well as improving the air quality.

**D. [7:03:24 PM](#) Council Recognitions**

Councilmember Nicole Martin indicated that she was invited to participate in a local ward Relief Society meeting with Unified Fire Authority and Unified Police Department representatives to discuss the 2010 Machine Gun Fire. The discussions circled about emergency preparedness and lessons learned from the event. She commended the group for taking the initiative and proactive approach to become more prepared in case of an emergency.

Mayor Pro Tempore Moser congratulated Sergeant Cody Stromberg who was the recipient of the prestigious Officer of the Year award, and noted that he was Herriman's Community Oriented Policing Officer and did a fabulous job interacting with scout troops and attended many public events. She congratulated Officers Mike Marshall and Trevor Weeks who were awarded the Sheriff's Star for their life-saving response at Blackridge Reservoir last summer.

**2. [7:06:51 PM](#) PUBLIC COMMENT**

Steve Garrett, 5443 West Genoa Court, expressed the importance of the role of government and encouraged the Council to "guard their authority aggressively" and not defer their right to other agencies or commissions.

**3. MAYOR AND COUNCIL COMMENTS**

**A. [7:10:14 PM](#) City Council Board and Committee Reports**

Mayor Pro Tempore Moser indicated that the Unified Fire Authority Board did not hold an April meeting, but would convene in May to discuss their budget.

**4. REPORTS, PRESENTATIONS AND APPOINTMENTS**

**A. [7:10:53 PM](#) Unified Fire Authority "Push to Survive" Campaign Presentation – Clint Smith, EMS Bureau Chief**

Paramedic Joshua Ward and Fire fighter Rob Marriott from Station 121 introduced the "Push to Survive" campaign that is a large scale Public Service Announcement targeted at reducing the mortality rate of Out of Hospital Cardiac Arrest (OHCA) for the citizens of Salt Lake County. Each year, 480,000 people in the United States experience OHCA. Without bystander CPR being performed, 92-percent of these victims will not survive. With proper hand-only CPR, and modern standards of care being rendered, 50-percent of these victims can survive and return to a normal life. Unified Fire Authority will be providing free hands-only CPR training to the citizens of Riverton, Herriman and neighboring communities. During the month of June, Unified Fire Authority's Fire Station 121 will be welcoming patrons into our station to educate them in this easy to learn, and imperative to know skill with "Push to Survive". At the same time, look forward to the opportunity to meet the public we serve

and get to know our neighbors. “Push to Survive” will be delivered on an on-going rotation at the station during the open house hours.

- B. [7:26:36 PM](#) **Introduction of the Unified Fire Authority Battalion Chiefs** – Clint Smith, EMS Bureau Chief  
Assistant Chief Michael Kelsey introduced B Platoon Battalion Chief Michael White to the Council. Battalion Chief White offered a brief background of his personal life. Mayor Pro Tempore Moser thanked Chief White for his dedicated public service, and welcomed him to Herriman.

## 5. PUBLIC HEARING AGENDA

- A. [7:28:53 PM](#) **Public Hearing to discuss the tentative fiscal year 2016-2017 Herriman City Budget and to amend the 2015-2016 fiscal year budget** – Alan Rae, Finance Director  
Finance Director Alan Rae informed the Council that the tentative budget had been approved at the last City Council meeting, and is presented tonight for public input. He noted that the tentative budget had been uploaded to the City’s website for public inspection.

Mayor Pro Tempore Moser opened the public hearing.

No comments were offered.

COUNCILMEMBER TISCHNER MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER HENDERSON SECONDED THE MOTION, AND ALL VOTED AYE.

## 6. DISCUSSION AND ACTION ITEMS

- A. [7:30:35 PM](#) **Discussion and consideration of an ordinance adopting Title 6, Chapter 8 of the Herriman Code of Ordinances with respect to parking at Blackridge Reservoir** – Alan Rae, Finance Director  
Finance Director Alan Rae indicated that a public hearing was held on April 27, 2016, where several comments were received regarding the option to implement a recommended ten dollar parking fee at the Blackridge Reservoir Parking lot. The fee would be implemented daily from Memorial Weekend through Labor day beginning at 9:00 a.m. through 9:00 p.m. Director Rae reviewed the associated costs to execute the proposal.

Director Rae explained that there had been a few questions raised regarding the proposal, and wanted to clarify any misconceptions. He stated that the proposed parking fee has not been proposed in an effort to increase revenue. The proposal was a solution requested by residents that have been directly affected by the popularity of the facility. Director Rae observed the monthly park fee that residents pay on a monthly basis, and clarified that the fee only covers a small portion of the actual cost to maintain the amenity. He concluded that the City Council can accept, reject, or amend any part of the proposal.

Mayor Pro Tempore Moser informed the audience that the City Council has received public input and personal contacts from residents regarding the parking fee as she turned the time over to the Council for open discussion and consideration. Councilmember Henderson thanked the public for actively participating in the process. He indicated that there was an

extensive list of recommendations received, and this suggestion was one of the many proposals. Staff has worked hard to vet-out possibilities. Councilmember Henderson referred to the recently approved permit parking program that should help with parking. He acknowledged that the City Council does not agree on everything, and this item is one issue that we definitely have differences on; however, we are a well functioning body that disagree but work for solutions. He voiced his concern about the public misconception about the actual costs to allow the amenity, and the park fee does not cover the majority of the cost. The cost to implement the proposal would cost taxpayers approximately \$60,000 that could be utilized somewhere else in the City. Councilmember Henderson indicated that measures needed to be taken to eliminate the overcrowding at the reservoir, and recommended that the City let the Parking Permit Program run its course before taking any more drastic measures. He relayed his concern that the net effect of the parking lot fee would allow the reservoir to become a private reservoir that the rest of the City would subsidize. He expressed his general support to research the option to incorporate a nominal use fee rather than a parking fee, if deemed necessary. He indicated that he would favor a use fee as those that use the facility help pay the additional cost associated with it. State Reservoirs charge for day use fees, not parking fees. He explained that an actual use fee could help pay for the additional costs associated with the facility.

Councilmember Tischner agreed with the statements made by Councilmember Henderson. He relayed his concern about the cost of enforcement, and noted that it was an unnecessary burden. He recalled previous discussions about implementing a usage fee and welcomed further discussion, but questioned the legality of the suggestion.

Councilmember Martin echoed the statements made by the Council, and thanked the public for their input. She explained that this process has been a great example of government working by all off the stakeholders coming together and searching for solutions. She explained that the Council values the public process, and the hearings are to receive citizen comment to take into consideration. Councilmember Martin requested to clarify the misconception that the Council had already made a decision to implement the proposal because of the way the ordinance had been drafted. She stated that could not be further from the truth. Ordinances are drafted in such a way that the Council can vote for or against it, and it has absolutely no bearing on the way the Council will vote.

Councilmember Martin expressed her opinion that Blackridge Reservoir is an amenity that has been paid for by the residents, and they continue to pay for maintenance. She informed the audience that the Council has been trying to solve the overcrowding problem, but also try to keep in mind the property rights that have been infringed upon. The additional \$20,000 enforcement cost is not sustainable; however, there have been great strides taken to alleviate concerns with the educational outreach, heightened security and the recently approved parking permit program. Councilmember Martin expressed her support that the amenity should be enjoyed without the additional financial burden all while protecting property rights. She proposed that the Council consider continuing the ordinance until the end of October to evaluate the situation, and if the parking permit program does not effectively diminish the overcrowding, the Council could consider alternative solutions. The tabling of the ordinance to the end of the season would include the following caveats: 1. Any

future consideration of a parking fee would only apply to out of area residents, not Herriman residents. 2. The Council would task City Staff to conduct new attendance counts and any studies that may be deemed necessary, 3. Evaluate the season to determine if mitigation efforts have been successful and the parking permit program has become enough of an impediment to reduce the overcrowding. 4. Any future consideration of a parking fee consideration should also give Herriman City and perhaps Riverton City the opportunity to pursue a resident free sticker program. She suggested that the approach would speak loudly to residents that the Council has been listening, and create certainty for this season. It would also provide time for additional solutions to be considered if the other elements do not work.

Mayor Freeman expressed his opinion that value needs to be placed on the amenity either through a parking fee or usage fee, and should be addressed at some point. He extended his support to defer the decision until October to allow for an evaluation period of the parking permit program.

Mayor Pro Tempore Moser expressed her appreciation with the public process and the due diligence working with staff and residents to make a difference. She shared the concern expressed by some residents that all Herriman citizens are subsidizing the Blackridge Reservoir users. She suggested that the parking permit program would make a difference to see a reduction in the safety issues that the City has experienced. Mayor Pro Tempore Moser agreed to entertain other ideas after the conclusion of the season. She relayed the three different ways to approach a situation which are education, engineering and enforcement. Herriman City and UPD have worked hard on patron education to make people aware of behavioral standards, and recently installed signage will help with additional education. Engineering approach is to have appropriate parking, proper egress and ingress, and the recently approved parking permit program. Enforcement will rely heavily on UPD, but she expressed concern and acknowledged that the additional enforcement costs are not sustainable in the long-term.

COUNCILMEMBER MARTIN MOVED TO TABLE THE ORDINANCE UNTIL THE FOURTH WEEK OF OCTOBER WITH THE FOLLOWING ITEMS HIGHLIGHTED: #1 PARKING OR DAY USE FEE WOULD ONLY APPLY TO OUT OF AREA RESIDENTS, NOT HERRIMAN RESIDENTS. #2 TASK CITY STAFF TO CONDUCT NEW ATTENDANCE COUNTS AND ANY STUDIES THAT MAY BE DEEMED NECESSARY, #3 EVALUATION AT THE END OF THE SEASON TO DETERMINE IF MITIGATION EFFORTS HAVE BEEN SUCCESSFUL INCLUDING INCREASED EDUCATION, INCREASED ENFORCEMENT, AND THE NEWLY ESTABLISHED PARKING PERMIT PROGRAM. THE PARKING FEE CONSIDERATION SHOULD ALSO GIVE HERRIMAN CITY AND PERHAPS RIVERTON CITY THE OPPORTUNITY TO PURSUE A RESIDENT FREE STICKER PROGRAM THAT THEY CAN IMPLEMENT AT THE END OF THE SEASON, IF IN FACT THE CITY IS NOT SEEING AN APPROPRIATE DECREASE THAT THE RESIDENTS SURROUNDING THE RESERVOIR HAVE EXPERIENCED. MAYOR PRO TEMPORE MOSER AMENDED THE MOTION TO REVIEW THE LEGALITY OF CHARGING OTHER RESIDENTS OUTSIDE OF HERRIMAN AND RIVERTON THE PARKING OR DAY USE FEE.

Councilmember Tischner expressed his willingness for future discussion, and recommended to not vote on the issue tonight. Councilmember Henderson agreed. Councilmember Martin confirmed that the Council could proceed without a motion and a vote, but relayed the importance of letting impacted residents know that the Council is going to evaluate the situation after the end of the season. At the conclusion of the season, the City can decide if the three elements are working, and if not, the Council is prepared to charge out of area residents as a means of deterring people from utilizing the facility. Mayor Pro Tempore Moser identified past challenges that have been brought back to the Council near the end of the deadline. Councilmember Henderson expressed support of the deadline. Councilmember Tischner agreed. Councilmember Henderson indicated that the residents need to know that these are not the only solutions that the City Council are considering.

COUNCILMEMBER HENDERSON SECONDED THE MOTION.

Councilmember Tischner clarified that more options would be discussed at a future meeting after the monitoring period has ended, and that the Council is not looking to implement a fee for residents. Councilmember Martin responded that the motion on the table is that residents will not be charged. Councilmember Henderson asked if a measurable plan should be included. Councilmember Martin indicated that the outlined plan is to task staff to conduct new attendance counts and any studies that the Council deem necessary. Mayor Pro Tempore Moser called point of order and asked for a vote.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

**B. [7:58:25 PM](#) Discussion and consideration of a resolution expressing support of the Unified Police Department and Salt Lake Valley Law Enforcement Service Area Budgets – Dwayne Anjewierden, Chief of Police**

Unified Police Chief Dwayne Anjewierden presented the Unified Police Department (UPD) budget for the Council for consideration. The support of the budget would allow for Mayor Freeman, a UPD Board Member direction to move the organization forward. Mayor Pro Tempore noted that the agenda suggests that there would be two different resolutions to be considered. Chief Anjewierden clarified that the only resolution to be considered is for the UPD budget. Councilmember Henderson asked if the UPD budget approval is dependent on the SLVLESA proposed tax increase. Chief Anjewierden responded “no”. Councilmember Henderson asked if the presented budget incorporated the additional three new officer allocations. This was confirmed.

COUNCILMEMBER TISCHNER MOVED TO APPROVE **RESOLUTION NO. R14-2016** EXPRESSING SUPPORT OF THE UNIFIED POLICE DEPARTMENT BUDGET. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

C. **8:01:20 PM Discussion and consideration of an ordinance approving an appropriation of real property as a contribution for a soccer facility to be located in Herriman – Heather Upshaw, Senior Planner/Economic Development**

Senior Planner Heather Upshaw indicated that the Council held a public hearing at the April 27, 2016, to receive input regarding donating property to RSL for a soccer facility, and recommended approval of the ordinance.

COUNCILMEMBER HENDERSON MOVED TO APPROVE **ORDINANCE NO. 2016-17** APPROVING AN APPROPRIATION OF REAL PROPERTY AS A CONTRIBUTION FOR A SOCCER FACILITY TO BE LOCATED IN HERRIMAN. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

D. **8:02:43 PM Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City – Heather Upshaw, Senior Planner/Economic Development**

Senior Planner Heather Upshaw indicated that this resolution is the same approval as in the Community Development and Renewal Agency meeting.

COUNCILMEMBER TISCHNER MOVED TO APPROVE **RESOLUTION NO. R15-2016** APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN HERRIMAN CITY AND THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY INCLUDING THE AMENDMENT TO PARAGRAPH TWO TO MATCH THE DEVELOPMENT AGREEMENT. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye

Councilmember Nicole Martin Aye  
Mayor Carmen Freeman Aye  
The motion passed unanimously.

- E. [8:04:45 PM](#) Discussion and consideration of a resolution approving a development agreement between Herriman City and Shirley Butterfield, LTD – Justun Edwards, Water Director

Water Director Justun Edward displayed an exhibit outlining the 24 acre Butterfield parcel adjacent to Mountain View Corridor, and reviewed the Development Agreement.

COUNCILMEMBER MARTIN MOVED TO APPROVE RESOLUTION NO. R16-2016 APPROVING A DEVELOPMENT AGREEMENT BETWEEN HERRIMAN CITY AND SHIRLEY BUTTERFIELD. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson Aye  
Councilmember Coralee Wessman-Moser Aye  
Councilmember Craig B. Tischner Aye  
Councilmember Nicole Martin Aye  
Mayor Carmen Freeman Aye

The motion passed unanimously.

- F. [8:07:09 PM](#) Discussion and consideration of a resolution approving a development agreement between Herriman City and Chris Losee – Justun Edwards, Water Director

COUNCILMEMBER HENDERSON MOVED TO CONTINUE AGENDA ITEMS 6F AND 6G TO A FUTURE MEETING. COUNCILMEMBER MARTIN SECONDED THE MOTION, AND ALL VOTED AYE.

- G. Discussion and consideration of a resolution approving a development agreement between Herriman City and Marty T. Griffis and Tina A. Griffis – Justun Edwards, Water Director

- H. [8:07:33 PM](#) Discussion and consideration of a Development Agreement with REAL Training & Academy – Heather Upshaw, Senior Planner/Economic Development  
Senior Planner Heather Upshaw informed the audience that the RSL Development Agreement is for the construction of the soccer facility. The document outlines the qualifying change of use, and ties the development to the Planning Commission approval and designated zoning designation.

COUNCILMEMBER TISCHNER MOVED TO APPROVE RESOLUTION R17-2016 APPROVING A DEVELOPMENT AGREEMENT WITH REAL TRAINING AND ACADEMY. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson Aye

Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

7. [8:12:07 PM](#) CALENDAR

A. Meetings

- May 18 – Special City Council work meeting 5:00 p.m.; Special City Council meeting 7:00 p.m.
- May 19 – Planning Commission meeting 7:00 p.m.
- ~~May 25 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m. Cancelled~~

B. Events

- May 21 – Pedal Palooza
- May 30 – Memorial Day; City Offices Closed

8. CLOSED SESSION (IF NEEDED)

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

There was no closed session.

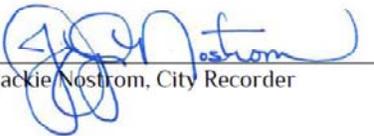
9. [8:13:03 PM](#) ADJOURNMENT

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

10. RECOMMENCE TO WORK MEETING (IF NEEDED)

*This document constitutes the official minutes for the  
Herriman City Council Meeting held on Wednesday, May 11, 2016*

*I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, May 11, 2016.*

  
Jackie Nostrom, City Recorder



SPECIAL CITY COUNCIL  
MINUTES  
Wednesday, May 18, 2016  
Awaiting Formal Approval

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, May 18, 2016 at 7:00 p.m.** in the Herriman City Community Center Conference Room, 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:**

Jared Henderson, Nicole Martin, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:**

Gordon Haight, Assistant City Manager  
Jackie Nostrom, City Recorder  
Tami Moody, Director of Administration and Communication  
Alan Rae, Finance Director  
John Brems, City Attorney  
Blake Thomas, City Engineer  
Dwayne Anjewierden, Unified Police Chief  
Clint Smith, EMS Bureau Chief  
Danie Bills, Events Manager  
Justun Edwards, Water Director  
Monte Johnson, Operations Director  
Ed Blackett, Streets Manager  
Shelly Peterson, Administrative Assistant II  
Travis Dunn, Human Resources Manager

**Excused:**

Brett geo. Wood, City Manager

**7:00 PM - SPECIAL MEETING:**

1. **7:04:26 PM** CALL TO ORDER

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

2. [7:04:56 PM](#) PUBLIC COMMENT

Chris Lambe, 5356 West Rochdale Lane, expressed his concern about pedestrian safety at the intersection of Herriman Rose Boulevard and Herriman Main Street. He suggested that something should be done immediately before someone is seriously injured. He presented a compiled list of incidents that have occurred at the location.

Jen Martin, 13039 South Padstow Lane, stated that she walks her children across the street, and people driving too fast down Main Street from either direction seldom slow down. She suggested that something should be implemented with the upcoming restaurant at the intersection.

Brittany Frohm, 13031 South Padstow Lane, relayed her concern for the safety of the crossing guards, and the lack of respect from drivers passing through the school zone.

Lynette Hamblin, 132818 Herriman Rose Blvd, indicated that several times pedestrians will get stranded in the Main Street median due to drivers failing to yield for pedestrians in the crosswalk.

3. MAYOR AND COUNCIL COMMENTS

A. [7:14:37 PM](#) City Council Board and Committee Reports

Mayor Freeman thanked Councilmember Moser for conducting the previous two meetings while he was away for City business. He noted that the final visioning meeting has been scheduled for June 14, 2016 and requested Council confirmation of the commencement time. Council consensus determined to begin the meeting at 5:00 p.m.

Mayor Freeman informed the Council that Planning Commissioner Blayde Hamilton tendered his resignation, and requested to recognize him for his many years of service to the community at the next City Council meeting. A brief discussion ensued about the process to appoint Planning Commissioners and alternates.

4. DISCUSSION AND ACTION ITEMS

A. [7:19:33 PM](#) Discussion and consideration of a resolution approving a development agreement between Herriman City and Chris Losee – Justun Edwards, Water Director

Water Director Justun Edwards informed the Council that the two development agreements that have been placed on the agenda are to establish the rights and obligations of the project. The agreement would grant to the City a 33-foot road right of way, and would grant temporary access through the property to allow City agents to begin the construction of the water pump station improvements.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R18-2016 APPROVING A DEVELOPMENT AGREEMENT FOR CHRIS LOSEE. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye

Councilmember Craig B. Tischner Aye  
Councilmember Nicole Martin Aye  
Mayor Carmen Freeman Aye  
The motion passed unanimously.

**B. Discussion and consideration of a resolution approving a development agreement between Herriman City and Marty T. Griffis and Tina A. Griffis – Justun Edwards, Water Director**

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R19-2016 APPROVING A DEVELOPMENT AGREEMENT FOR MARTY T. GRIFFIS AND TINA A. GRIFFIS. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson Aye  
Councilmember Coralee Wessman-Moser Aye  
Councilmember Craig B. Tischner Aye  
Councilmember Nicole Martin Aye  
Mayor Carmen Freeman Aye  
The motion passed unanimously.

**5. CALENDAR**

**A. Meetings**

- May 19 – Planning Commission meeting 7:00 p.m.
- ~~May 25 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m. Cancelled~~

**B. Events**

- May 21 – Pedal Palooza
- May 30 – Memorial Day; City Offices Closed

**6. CLOSED SESSION (IF NEEDED)**

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

There was no closed session.

**7. [7:24:34 PM](#) ADJOURNMENT**

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

**7:30 PM - WORK MEETING:** *(Front Conference Room)*

**7:24:51 PM COUNCIL BUSINESS**

**A. Administrative Reports**

1. [7:24:54 PM](#) **Follow-up to the Human Resources Budget Discussion** – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn indicated that health insurance costs are set to increase by nine-percent. He requested direction from the Council what percentage of the cost burden the City would cover leaving any excess to the employees. Councilmember Moser recommended that the City should cover 80-percent of the cost and maintain a true 80/20 split. Councilmember Martin and Mayor Freeman agreed. Councilmember Tischner expressed his support for the City absorbing the additional cost burden to support personnel. He relayed his concern of Herriman City becoming a “training ground” for employees to gain experience and move to different jurisdictions for higher compensation packages. Councilmember Henderson asked if there was a general guiding policy in place. Councilmember Moser responded that there isn’t a policy, and the current Council cannot bind a future Council. Councilmember Henderson indicated that the City covering 80-percent was generous.

2. [7:37:05 PM](#) **Herriman City 2016-2017 Budget Discussion** – Alan Rae, Finance Director

Finance Director Alan Rae stated that the City has done all of the required steps to approve the budget on June 8<sup>th</sup>. He explained that he received questions that he would like to offer a full explanation to the Council. The first question was asking clarification of the Towne Center Revenue that shows transfers from other funds decreased. The goal in the Town Center/City Hall project was to accumulate approximately three million for the audio and visual equipment, security door locks, cameras, data management and additional furniture. There has been occasions for bigger projects coming to the City that require transfers of the general fund portions to the account in order to reach the goal. Once reached, the City will look to transfer excess funds to other projects approved by the City Council.

Director Rae relayed the second question indicating that the amount of the telephone tax dropped. He indicated that there was an error, and the calculation for the coming year telephone tax was \$256,234.50. Next was the intergovernmental revenue outlining that the Salt Lake County grant amount declined. The estimation of grants is very difficult. Typically, Herriman City receives approximately between \$10,000 and \$20,000 on an average year. In fiscal year 2015 the City received a \$200,000 grant to begin the study of the road connecting to Tooele. There is a change for additional grant money to be received, and the budget would be amended to accommodate the difference.

Director Rae indicated that \$9,600 of the Blackridge parking lot fees were removed from the budget. The next question related to the forecasts of Blackridge Reservoir concessions. Director Rae indicated that the revenue showing year to date was for one month at the beginning of the 2015 fiscal year between July 1<sup>st</sup> and August 8<sup>th</sup>. He also noted that the Endurocrss revenue was removed from the budget due to the event being cancelled this budget year.

Director Rae relayed the next concern about the transfers from other funds and what is the appropriation and unappropriated balance. He indicated that Utah State law outlines that all funds except enterprise funds be balanced. Income and expenditures seldom will be exactly the same, so the budget anticipates either using fund balance or increasing fund balance. Director Rae continued with the next item regarding the decreased of outside legal budget, and noted that there had been an expectation that we would need outside counsel for some of the large project. He explained that the REAL soccer facility was an example of soliciting outside counsel. The Council requested to maintain the amount that was previously approved for that budget item.

Director Rae outlined the cost increase for the deer mitigation program due to the approved live capture method. If the Council determines to utilize live capture option more, the cost will continue to rise. He continued with the salaries and wages budget line item for the Arts Council. The City is beginning to track time spent by hourly employees for the Arts Council in an effort to understand the entire cost burden for the City. The Council discussed the option of the 501(c)(3) status for the Arts Council. Director of Administration and Communications confirmed that this discussion would be held at a future work meeting.

Director Rae further continued with the concern about funding engineering studies. He noted that engineering has planned to pay for an update of engineering standards this fiscal year; however, it will be next year before the study will be completed. The total cost of the study is approximately \$60,000 with the water fund contributing an additional \$20,000. The final question was requesting confirmation of the capital outlay amount increase. Director Rae explained that the change did not correctly carry over to the department statement, and the amount listed in the capital outlay is correct to pay for the lease of a new pickup.

Director Rae informed the Council that they were welcome to email, call or meet with him in person to discuss any additional questions. He explained that his answers will be compiled and distributed to all members of the Council for their reference. Assistant City Manager Gordon Haight added that he knew of three additional items that he would like the Council to consider adding to the budget. First item is for a primitive trail to tie into the Pulley Property. The trails committee will recommend the trail alignment after conducting their research. The second request was to potentially increase the Senior Citizen budget as Riverton City has expressed their concern that Herriman City is receiving a disproportional benefit. Assistant City Manager Haight added that he will meet with Riverton City staff to discuss their data verification, and bring it back to the Council for consideration. He explained that the last item was for the gate at High Country and 7530 West. Mayor Freeman asked what the projected fund balance was for fiscal year 2017. Director Rae responded that there would not be a projected change to the fund balance.

3. [8:02:29 PM](#) **Visioning discussion relating to Transportation** – Gordon Haight, Assistant City Manager

City Engineer Blake Thomas reviewed the annual road maintenance budget which included \$500,000 annually from the general fund to cover slurry and chip seals and \$800,000 for typical road maintenance items from the B&C road funds. He relayed the 2016 proposed cost estimation for slurry and chip seal. Councilmember Moser asked for an explanation for when the City would use chip seal versus slurry seal. Streets Manager Ed Blackett responded that major collector road maintenance would utilize chip sealing, and slurry sealing would be used for residential roads. He explained that chip seal is a pavement surface treatment that contains a base of hot asphalt onto the street and then embedding finely graded aggregate into the oil base. The chip seal surface is usually sealed with a top layer, which is referred to as a fog seal to provide a better wear surface that has a life cycle of 10-12 years. Operations Director Monte Johnson added that the life of the road is based on the condition of the material at the time the maintenance is conducted, and that it preserves the road in the current condition. Councilmember Moser questioned the annual lane mile maintenance increases, and suggested that the budget reflect the increase of road maintenance based on either lane miles or growth.

City Engineer Thomas displayed the chip seal and slurry seal schedule that covered from 2014-2019. Manager Blackett informed the Council that for the road to have an optimal life cycle of 20-years, maintenance should be conducted within the first five years of installation. Councilmember Martin suggested that the City should have standards and specifications of when asphalt can be installed to ensure high quality roads. Engineer Thomas responded that he is currently on a committee that is currently discussing that concern and offered options to alleviate concerns of a substandard product.

Engineer Thomas continued the discussion with the transportation maintenance funding. He explained that the annual allocation devoted to road maintenance does provide a shortfall in terms of revenue to projects all over the state, and the City would spend as much as the Council would allow for road maintenance. Councilmember Moser asked if the City is at a critical point for maintenance. Manager Blackett confirmed that there are roads in the City which concern him, but would take the funding away from the current maintenance schedule. Assistant City Manager Haight reminded the Council that some projects will be postponed based on the City Hall/Towne Center priority.

Engineer Thomas outlined the extraordinary road maintenance projects that include: 6000 West, 6400 West, 7300 West, and Gina/McCuiston roads. He provided a full depth reclamation cost. Councilmember Henderson relayed the safety concerns relating to the quality of 6000 West. Assistant City Manager Haight agreed, and explained that the Council would determine priorities after the completion of the City Hall/Towne Center project. He strongly advised against bonding for any road maintenance. Engineer Thomas presented a short video for the future trax line that would bring major infrastructure to connect business parks of south Salt Lake County and north Utah County. Mayor Freeman expressed his excitement about the dynamics of Herriman, and would like to begin preparing a schedule after the Towne

Center project is complete, forecasting asset replacement and road construction maintenance to ensure the financial stability of the City.

4. [8:54:33 PM](#) **Discussion regarding Salt Lake Valley Law Enforcement Service Area (SLVLESA)** – Dwayne Anjewierden, Chief of Police

Unified Police Department Chief Dwayne Anjewierden reviewed the SLVLESA agenda for the May 19, 2016 board meeting. He explained that the board would need to provide direction relating to the strategic plan as well as the tax increase for the District. The two separate strategic plans that are being considered include the SLVLESA Strategic five-year plan that was developed in partnership with the University of Utah Sorenson Impact Center. There are three objectives for this plan including: to achieve a recommended fund balance of 25-percent, dedicate new growth revenue to new resources in an effort to meet service demands, and increase base revenue to provide funding for the Unified Police Department (UPD) contract market and inflation. The five-year plan would establish new resource methodologies to address the need of additional allocations that are derived by using data to allocate the resources based on experience and need. The allocation formula consists of 60-percent calls for service, 30-percent population and ten-percent geography. The second plan option is a financial plan that would silo revenue and expenditures by each member entity. The option would allow new resources to entities that have the appropriate fund balance, and require governance policy on the overall fund balance of the District when allocations can be dispersed.

Chief Anjewierden offered tax increase scenarios that would include annual new growth revenue and increase expenses for additional resources that are approved to be added July 1, 2016. He explained that for Herriman City's fund balance to break even would require approximately an initial 8.25-percent tax increase, with subsequent three-percent annual inflationary increases to maintain a 25-percent fund balance over the next five-year period. Councilmember Henderson suggested that the inflationary increase should be four-percent annually based on the UPD contract and new growth allocation. Councilmember Moser expressed her appreciation for the silo model worksheet to determine actual costs, and indicated that it would be disingenuous to approve a tax increase that would not maintain the fund balance.

Chief Anjewierden informed the Council that the tax valuations have not been determined, and so the displayed amounts are projected revenues. He relayed his opinion that the proposed allocation formula is sound, and the governance policy should guide entities to ensure that money is not unjustly spent. Mayor Freeman asked the Council for direction on the five-year plan and tax increase. Council consensus expressed support of the silo plan, the allocation formula, a required minimum fund balance, a governance policy, and a tax increase that would support the needs of Herriman. The level of support of a tax increase fluctuated between six-percent and eight-percent dependant on the required minimum fund balance.

5. **Additional Items**

Councilmember Moser explained that the City switched carnival companies, and asked if the Council would support offering prepaid carnival tickets to employees. Council consensus determined that the City would be willing to split the cost of two tickets with employees if they had a desire to attend the carnival.

Councilmember Moser referred to a recent email that had been received about chickens being approved in residential areas. She asked if the Council would be willing to discuss the item further in a future meeting. The Council agreed.

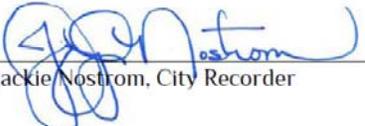
Councilmember Tischner requested the electronic message boards be placed in the Blackridge Reservoir community informing patrons that street parking is by permit only. Director of Administration and Communications Tami Moody confirmed that the signs are scheduled to be in the area next week.

**B. 10:17:42 PM Adjournment**

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

*This document constitutes the official minutes for the  
Herriman City Council Meeting held on Wednesday, May 18, 2016*

*I, Jackie Nostrom, the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, May 18, 2016.*

  
\_\_\_\_\_  
Jackie Nostrom, City Recorder

## In Support of Local First Utah's Independents Week

**Whereas**, Independents Week provides a time to celebrate the independence of the members of the community of Herriman and the entrepreneurial spirit represented by our core of local independent businesses; and

**Whereas**, the individual decisions every community member makes today affect the future of Herriman; and

**Whereas**, Herriman's local independent businesses help preserve the uniqueness of the community and give us a sense of place; and

**Whereas**, Herriman's core of independently-owned businesses give back to this community in goods, services, time and talent; and

**Whereas**, the health of Herriman's economy depends on our support of businesses owned by our friends and neighbors; and

**Whereas**, Herriman's independent business owners and employees enrich community members' shopping experiences with their knowledge & passion;

**Therefore**, as we celebrate Independents Week 2016, we acknowledge that the ability to choose the direction of Herriman lies within each of us.

NOW, THEREFORE, I, \_\_\_\_\_, Mayor of the city of Herriman, do hereby proclaim the week of July 1-7 2016, as: "Independents Week" and salute our community members and locally owned independent businesses who are integral to the unique flavor of Herriman and honor their efforts to make Herriman the place we want to live and work.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of Herriman to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Carmen Freeman, Mayor of Herriman

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## Herriman City Staff Report City Council Meeting 06-08-16

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Agenda Item: Adoption of Final Budget for Fiscal Year 2016-2017 and Revised Budget  
for Fiscal Year 2015-2016

Staff Report submitted by: Alan Rae

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The following schedule has been followed in relation to the proposed budget

April 13	Presentation of the Tentative Budget
April 27	Discussion of Tentative Budget
April 27	Approve Tentative Budget
April 28	Published budget to Public
May 10	Public Hearing
May 18	Additional Discussion of Tentative Budget

We have followed all of the required elements of the budget and it is now for the council to adopt. The adoption must take place no later than June 20<sup>th</sup>. In addition to the published budget the following changes need to be made to correct an error and reflect action taken by the council on the Blackridge Parking Lot program.

Account #	Description	Published Amount	Amended Amount	Difference
<b>Revenue</b>				
31311	Telephone Tax	26,523	265,235	238,712
	Blackridge Parking Lot Fees	45,000	-	(45,000)
<b>Expenditures</b>				
	Black Ridge Parking Lot Program	9,600	-	9,600
<b>Total Change in Fund Balance</b>				<b>203,312</b>

These proposed changes result in additional revenue of \$193,712 and reduced expenditures of \$9,600 resulting in an increase to the budgeted fund balance of \$203,312.

Additionally two additional budget items have been proposed since the publishing of the budget for the council consideration.

- A request from the Riverton Senior Center that we participate in the cost of maintenance on the facility on a ratio related to the number of our residents using the facility. We have currently budgeted \$5,000, the request by Riverton is that our share should be \$31,162 which is an increase of \$26,162.
- A proposed interlocal agreement with South Jordan to build a median in 11800 S by the high school. It is proposed that our share would be \$10,000. I have

attached a copy of the proposed interlocal agreement, however, we are only considering the budget effect at this time and the interlocal agreement will come to you at a later date.

**Recommended Action:** Adoption of Final Budget for Fiscal Year 2016-2017 and Revised Budget for Fiscal Year 2015-2016 with the above changes to revenue and expenditures approved by the council and additionally if the council is inclined to approve the expenditures for the Riverton Senior Citizen Center and the 118<sup>th</sup> South median.

Respectfully Submitted:

  
\_\_\_\_\_  
Alan Rae



**To:** Mayor and City Council, Brett Wood, Alan Rae  
**From:** Gordon M. Haight  
**Date:** June 2, 2016  
**Re:** Riverton Senior Center Cost Sharing Proposal

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This memo is a follow-up to my discussion with Riverton City staff on a cost sharing proposal for the Salt Lake County Senior Center in Riverton. Herriman City has participated in the past with the cost of the Senior Center van to pick up seniors in Riverton, Herriman and Bluffdale. The current Herriman budget includes \$5,000 for this purpose.

When Salt Lake County constructed the Senior Center in Riverton, Riverton was required provide maintenance of the Center. In addition, Riverton operates the pickup van with contributions from both Bluffdale and Herriman. The total yearly maintenance cost of the Center is \$125,000 per year and the cost to run the van is \$29,500 per year for a total cost of \$154,500 per year.

The Senior Center Director, Loriann Wagner, did a study to determine how much participation is coming from each City and the ridership from each city. The number of pickups from Herriman is 2,045 while average monthly seniors attendance from Herriman to the Center is 104. Attached is a spreadsheet with the breakdown of each City's proportional use of the Center.

Riverton City is proposing that each City pay a proportional share of the maintenance cost and the van sharing cost. Herriman's proportional share would be \$31,162 this year based on the historical use. Let Alan or myself know if you have any questions.

**Interlocal Cooperation Agreement Between  
the City of South Jordan and Herriman City**

**11800 SOUTH STREET MEDIAN CONSTRUCTION**

The CITY OF SOUTH JORDAN, a Utah municipal corporation (“South Jordan”), and HERRIMAN CITY (“Herriman”) enter into this agreement this \_\_\_\_\_ day of June, 2016 (“Effective Date”), and agree as set forth below.

**RECITALS**

South Jordan plans to cause an approximately 600 foot long concrete median on 11800 South Street (“11800 S.”), an east/west public right-of-way running between South Jordan and Herriman, east of where 6000 West Street intersects with 11800 S. (the “Project”). Because the north half of 11800 S. is located in South Jordan, and the south half is located in Herriman, the parties desire to act cooperatively to complete and pay for the Project.

As local governmental units, the parties are authorized under the Utah Interlocal Cooperation Act, Utah Code § 11-13-101, et seq. (the “Interlocal Act”), to make the most efficient use of their powers by acting cooperatively to provide needed services and facilities so that the parties benefit from economy of scale and shared resources. Therefore, the parties agree as follows:

**TERMS**

1. **CONSTRUCTION OF THE PROJECT.** South Jordan shall be responsible for all matters pertaining to the Project including hiring and paying a contractor to complete the Project. The Project will be completed according to South Jordan’s engineering standards for the design and construction of public streets.
2. **TERM.** The term of this agreement begins on the Effective Date and ends upon completion of the Project and payment by Herriman pursuant to Section 3 of this agreement. Although the parties anticipate that the Project will be completed before September 30, 2016, they acknowledge that many factors outside South Jordan’s control may affect its ability to complete the Project. Therefore, South Jordan will not be in breach of this agreement if the Project is not completed before September 30, 2016.
3. **PAYMENT.** Herriman shall reimburse South Jordan for half the cost to complete the Project, which payment shall not exceed \$10,000.00. After the Project is complete, South Jordan shall send Herriman an invoice for its portion of the Project costs, which Herriman agrees to pay within thirty days of receiving the invoice.
4. **TERMINATION OR AMENDMENT.** This agreement and all provisions contained herein shall only be amended or terminated by written agreement between the parties, their successors, or their assigns.

5. **BREACH WILL NOT TERMINATE.** No breach or violation of any provision of this agreement will entitle any person or entity to cancel, rescind, or otherwise terminate this agreement, but this limitation will not affect, in any manner, any other rights or remedies to which a party may be entitled at law or in equity by reason of a breach of this agreement.

6. **LIABILITY AND INDEMNIFICATION.** The parties are governmental entities under the Governmental Immunity Act of Utah, Utah Code § 63G-7-101, et seq. (the "Immunity Act"). Consistent with the terms of the Immunity Act, and as provided herein, the parties mutually agree that each party is responsible and liable for its own wrongful or negligent act committed by it or its agents, officers, or employees. Neither party waives any defenses otherwise available under the Immunity Act nor does any party waive any limits of liability currently provided by the Immunity Act. The parties agree to indemnify each other and hold each other harmless from any damages or claims from damages occurring to persons or property as a result of the negligence or fault of their own officers, employees, or agents involved in the Project.

7. **ADMINISTRATION.** This agreement does not create a separate entity; however, to the extent that any administration of this agreement becomes necessary, then the development services director of each party, or their designees, shall constitute a joint board for such purpose.

8. **INTERLOCAL COOPERATION ACT.** The parties acknowledge that this agreement is subject to the provisions and procedures of the Interlocal Act and they agree to process, approve, manage, and archive this agreement in compliance with the Interlocal Act.

9. **MISCELLANEOUS.**

a. **Entire Agreement.** This agreement constitutes the entire agreement between the parties, and no other promises or understandings, express and implied, shall be binding upon

b. **No Waiver.** Any party's failure to enforce any provision of this agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

c. **Headings.** The descriptive headings of the paragraphs of this agreement are inserted for convenience only and shall not control or affect the meaning or construction of any provision this agreement.

d. **Severability.** If any of the provisions of this agreement are declared void or unenforceable, such provision shall be severed from this agreement. This agreement shall otherwise remain in full force and effect provided the fundamental purpose of this agreement and the parties' ability to complete the Project as set forth herein is not defeated by such severance.

e. **Governing Law.** The laws of the State of Utah shall govern the interpretation and enforcement of this agreement.

f. **Attorney's Fees and Costs.** If any party brings legal action either because of a breach of this agreement or to enforce a provision of this agreement, the prevailing party or parties shall be entitled to reasonable attorney's fees and court costs.

g. **Binding Effect.** The benefits and burdens of this agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, legal representatives, successors in interest and assigns.

h. **No Third Party Rights.** The obligations of the parties set forth in this agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

[SIGNATURE PAGES FOLLOWS]

DRAFT

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

**CITY OF SOUTH JORDAN**, a Utah municipal corporation

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
(Print name and title above)

\_\_\_\_\_  
Attorney for City

**HERRIMAN CITY**, a Utah municipal corporation

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
(Print name and title above)

\_\_\_\_\_  
Attorney for City

DRAFT



## STAFF REPORT

**DATE:** June 2, 2016

**TO:** The Honorable Mayor and City Council

**FROM:** Jackie Nostrom, City Recorder

**SUBJECT:** Extension of the Animal Service Contract

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**RECOMMENDATION:**

Approval of an extension to the Salt Lake County Animal Service contract.

**BACKGROUND:**

Herriman City has contracted with Salt Lake County for Animal Control services. Each contract is renewed annually on July 1, and staff is requesting an extension of the Interlocal Cooperation Agreement.

**HERRIMAN, UTAH**  
**RESOLUTION NO. 16-**

**A RESOLUTION OF THE CITY COUNCIL OF HERRIMAN  
APPROVING A RENEWAL OF AN INTERLOCAL AGREEMENT WITH  
SALT LAKE COUNTY FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, the Herriman City Council (“*Council*”) met in regular meeting on June 8, 2016, to consider, among other things, approving a renewal of an Interlocal Agreement with Salt Lake County for animal control services; and

**WHEREAS**, the Interlocal Cooperative Act (UTAH CODE ANN. § 11-13-101, *et seq.*) (the “*Act*”) provides that two government entities are authorized to enter into agreements with each other to do what each agency is authorized by law to perform; and

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

**WHEREAS**, the County and the City are authorized to perform animal control services; and

**WHEREAS**, the City entered into an Interlocal Cooperative Agreement for Animal Control Services (the “*Agreement*”) with the County that provides, among other things, that upon consent of the County and the City, the Agreement may be extended for additional time periods; and

**WHEREAS**, the County and City desire to extend the Agreement for an additional one-year period; and

**WHEREAS**, the Council has determined that it is in the best interests of the inhabitants of the City to renew the Agreement for an additional time period of July 1, 2016, to June 30, 2017, by approving amendment no. 9 (“*Amended Agreement*”) to the Agreement, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Amended Agreement be approved, and the mayor and recorder are hereby authorized and directed to execute and deliver the renewal of Agreement.

This Resolution, assigned No. 16-\_\_\_, shall take effect immediately on passage and acceptance as provided herein.

**PASSED AND APPROVED** this 8th day of June, 2016.

**HERRIMAN COUNCIL**

By: \_\_\_\_\_  
**Carmen Freeman, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Jackie Nostrom, Recorder**

**HERRIMAN CITY  
AGREEMENT FOR ANIMAL SERVICES  
AMENDMENT #10**

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THIS AGREEMENT for Animal Control services ("Agreement") is entered into on this 1<sup>st</sup> day of July, 2016, by and between SALT LAKE COUNTY ("County"), a body corporate and politic of the State of Utah, for and in behalf of its Animal Services Division ("Animal Services"), and the CITY OF HERRIMAN, ("City"), a municipal corporation of the State of Utah, and it amends a prior agreement of the parties entered into on the 1<sup>st</sup> day of July, 2005.

**AGREEMENT**

1. The original agreement of the parties, regarding Term, Paragraph 14, is hereby amended to reflect that the term of the Agreement between the parties shall be from July 1<sup>st</sup>, 2016, and unless sooner renewed or terminated as provided in the original agreement of the parties, shall terminate at 11:59:59 p.m. on June 30<sup>th</sup>, 2017.

2. The original agreement of the parties, regarding contract price, Paragraph 17 (b), is hereby amended to reflect the following changes *"Throughout the term of this Agreement, Herriman City shall pay the total amount (the "Contract Price") of \$17,778 per month (i.e., \$213,336 annually) for the Animal Control Services. Animal Services shall not be entitled to any reimbursement of any expenses incurred in providing the Animal Control Services. If the Parties intend to renew this Agreement pursuant to Section 15 above, then in the Renewal Acceptance, Animal Services shall notify Herriman City of the revised Contract Price for the succeeding one-year period in*

*accordance with the uniform policies and procedures for the determination of such rate as adopted by Animal Services. This sum shall be due and payable for the period of July 1<sup>st</sup>, 2016 through June 30, 2017."*

3. All of the remaining terms and conditions of the original agreement of the parties, not hereby amended, shall remain in full legal force and effect.

4. The parties acknowledge that this Amendment is subject to the provisions and procedures contained in the Interlocal Cooperation Act and they agree to process, approve, manage, and archive this Agreement in accordance with the provisions of that Act.

*(The remainder of this page left blank.)*

IN WITNESS WHEREOF, Herriman City, by resolution duly adopted by its city Council, a certified copy of which is attached hereto, caused this Agreement to be signed by its Mayor and attested by its City Recorder; and Animal Services, caused this Agreement to be signed by its Mayor and attested by its City Recorder.

HERRIMAN CITY

By:

\_\_\_\_\_  
Mayor

Date signed:  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

Date signed:  
\_\_\_\_\_

APPROVED AS TO FORM:

HERRIMAN CITY ATTORNEY

By \_\_\_\_\_  
City Attorney

SALT LAKE COUNTY

By:

\_\_\_\_\_  
Mayor or Designee

Date signed:  
\_\_\_\_\_

APPROVED AS TO FORM:

ANIMAL SERVICES ATTORNEY

By: \_\_\_\_\_  
Deputy County Attorney



## STAFF REPORT

**DATE:** June 2, 2016  
**TO:** The Honorable Mayor and City Council  
**FROM:** Planning Commission  
**SUBJECT:** 06Z16 – Text Change to the A-.25 zone regarding density.

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**RECOMMENDATION:** The Planning Commission recommends approval of the text change to the A-.25 zone regarding density.

**BACKGROUND:** This ordinance was adopted several months ago and now needs some modifications to clarify the density criteria.

**DISCUSSION:** One of the criteria allows additional density for combining separate parcels into one larger development. This needs to be clarified that only so much density will be granted with this criteria. The PC also asked to add text that states the property needs to be combined from different owners.

It is also being recommended to lower the maximum density allowed in the zone. The current ordinance allows up to 2.5 units per acre in a subdivision and 3.0 units per acre in a PUD. The text change proposes to lower the maximum density in a PUD to 2.8 units per acre.

**HERRIMAN, UTAH**  
**ORDINANCE NO. 16-xx**

**06Z16– HERRIMAN CITY – TEXT CHANGE TO THE A-.25 ZONE REGARDING  
DENSITY**

**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 March 7, 2016, noticing of the March 17, 2016, 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 May 5, 2016, 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 June 8, 2016, was held at 7:00 p.m.;  
and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Herriman City 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)*

10-8A-9: DENSITY:

The baseline density in any residential development in the A-.25 zone shall be one and eight-tenths (1.8) lots per acre. A density bonus may be considered for projects which comply with the bonus density requirements of this section. The amount of density bonus shall be determined by the type of bonus density requirements and improvements incorporated in the development

proposal as set forth in the following chart. For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as set forth in the following chart and shall determine the resulting density. The additional units per acre allowed above the baseline density shall be determined by adding the density bonus points to the baseline density. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project. (Example: A subdivision develops a splash pad as part of their development. The resulting maximum density per acre is 2.1 lots per acre calculated by adding the 1.8 baseline density and the 0.3 density bonus points.) Provided, however, in no event shall the resulting density exceed two and one-half (2.5) lots per acre in a subdivision or ~~three (3.0)~~ two and eight-tenths (2.8) lots per acre in a planned unit development.

<b>Bonus Density Requirements</b>	<b>Density Bonus Points</b>
Dedicating and installing at least a 10 foot park strip behind the sidewalk adjacent to a collector or arterial road.	0.1 units per acre
Dedicating and installing a trail connection to an existing trail that provides an amenity for the residents of the proposed project.	0.1 units per acre
Dedicating and installing a trail that provides an amenity for the larger community and is designated in the parks master plan.	0.2 units per acre
Dedicating and installing infrastructure that is identified as a "system improvement" by the city.	0.2 units per acre
Combining 2 or more properties to create 1 larger project of at least 10 acres. The properties must be contiguous to each other <u>and must be consolidated from different property owners.</u>	0.05 units per acre for each 10 acres combined; <u>maximum of 0.2 units per acre for this category</u>
Providing 1/2 acre lots that buffer lots adjacent to existing larger lots or agricultural uses or zones.	0.1 units per acre
In addition to providing 1/2 acre lots adjacent to existing larger lots, developing at least 10 percent of the lots throughout the project as half acre lots.	0.1 units per acre
Developing a planned unit development of at least 15 acres and providing the required 20 percent open space and trail connections.	0.3 units per acre
Developing a planned unit development of at least 30 acres and providing the required 20 percent open space and trails designated	0.6 units per acre

in the parks master plan.	
In a subdivision providing a local park at least 1/2 acre in size or upon approval of the city paying to the city a fee in lieu. For purposes of this provision a park must include a playground or other amenities consistent with the size of the park and not just be a detention pond.	0.1 units per acre
In a subdivision providing a neighborhood park at least 1 acre in size or upon approval of the city paying to the city a fee in lieu. For purposes of this provision a park must include a playground or other amenities consistent with the size of the park and not just be a detention pond.	0.2 units per acre
In a subdivision, providing a community park of at least 3 acres that includes a splash pad, skatepark, or other necessary facility as outlined in the parks master plan or upon approval of the city paying to the city a fee in lieu.	0.3 units per acre
Donating to the city a site for a public school, public buildings, or other public community facilities.	0.3 units per acre

**PASSED AND APPROVED** this 8<sup>th</sup> day of June, 2016.

**HERRIMAN**

**ATTEST:**

\_\_\_\_\_  
**Mayor Carmen Freeman**

\_\_\_\_\_  
**Jackie Nostrom, City Recorder**



## STAFF REPORT

**DATE:** June 2, 2016

**TO:** The Honorable Mayor and City Council

**FROM:** Planning Commission

**SUBJECT:** 08Z16 – Text Change to the land use ordinance regarding the future use of the A-.25 zone.

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**RECOMMENDATION:** The Planning Commission recommends approval of the text change to the land use ordinance regarding the future use of the A-.25 zone.

**DISCUSSION:**

There is a significant amount of property in the City zoned A-.25. Recent changes have been made to the zone to add lot size and density criteria. The Planning Commission began having conversations about making additional changes to the A-.25 zone that would restrict the density even further. After reviewing the potential changes and how it could affect properties currently zoned and developed under the A-.25 ordinance, it was determined that a new Agricultural Low Density zone should be created.

The purpose of this text change is to declare that the intent of the City is to no longer consider zoning any additional property to the A-.25 zone. The proposed Agricultural Low Density zone will then be reviewed and approved by the Planning Commission and City Council in the coming weeks.

**HERRIMAN, UTAH**  
**ORDINANCE NO. 16-xx**

**08Z16– HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING THE FUTURE USE OF THE A-.25 ZONE**

**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 April 25, 2016, noticing of the May 5, 2016, 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 May 5, 2016, 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 June 8, 2016, was held at 7:00 p.m.;  
and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Herriman City 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)*

**10-8A-1: PURPOSE OF PROVISIONS**

The purpose of the A-.25 zone ~~is was~~ to provide areas in the city for low density residential development; however, the City Council has determined that this zone does not adequately provide for low density residential development. Therefore, the City Council hereby declares its intent that it will no longer consider rezoning any property to the A-.25 zone.

**PASSED AND APPROVED** this 8<sup>th</sup> day of June, 2016.

**HERRIMAN**

**ATTEST:**

\_\_\_\_\_  
**Mayor Carmen Freeman**

\_\_\_\_\_  
**Jackie Nostrom, City Recorder**



## STAFF REPORT

**DATE:** June 2, 2016

**TO:** The Honorable Mayor and City Council

**FROM:** Planning Commission

**SUBJECT:** 07Z16 – Text Change to the land use ordinance regarding open space in a Planned Unit Development

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### **RECOMMENDATION:**

The Planning Commission recommends approval of the text change to the land use ordinance regarding open space in a Planned Unit Development

### **BACKGROUND**

The Planned Unit Development (PUD) ordinance requires all PUDs to provide at least 20 percent open space. It specifies that any open space that is unbuildable only counts 50 percent of the actual acreage. It also states that half of the open space must be in one contiguous parcel.

### **DISCUSSION:**

There are several benefits to a developer choosing to do a PUD instead of a subdivision. The developer gets greater flexibility with lot sizes and setbacks, and the City gains several acres of open space. The requirement for half of the open space to be in one contiguous parcel was intended to help the City acquire large parks with usable space. However, there have been several recent developments that have used the creeks and drainage areas to meet the “contiguous parcel” requirement. While the City sees the benefits of maintaining the creeks as open space and providing trails, this does not provide the City with the park space that it needs to meet the Parks Master Plan.

The proposed text change states that the contiguous parcel of open space must be “configured in a usable size and shape.” The creeks and drainage areas will no longer be able to be used to meet this requirement. After discussions with the Planning Commission, staff has also added language about the Parks Master Plan.

The text change also states that open space that is unbuildable will only be counted at 25 percent of the actual acreage, instead of the current 50 percent. There was considerable discussion about this change with the Planning Commission and joint work meeting with the City Council. The Planning Commission has recommended the change to 25 percent.

**HERRIMAN, UTAH**  
**ORDINANCE NO. 16-xx**

**07Z16– HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING OPEN SPACE IN A PLANNED UNIT DEVELOPMENT**

**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 March 7, 2016, noticing of the March 17, 2016, 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 May 5, 2016, 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 June 8, 2016, was held at 7:00 p.m.;  
and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Herriman City 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)*

**10-20-9: PRESERVATION OF OPEN SPACE:**

A. At least twenty percent (20%) of the planned unit development must be preserved as permanent open space or provided for as required in subsections A1 and A2 of this section. One-half ( $\frac{1}{2}$ ) of the permanent open space required must be maintained in one contiguous parcel that is configured in a usable size and shape to provide amenities outlined in the Parks Master Plan and does not include any unbuildable property. Open space that is unbuildable because of, among other things, slope, wetlands, flood drainage or contamination, ~~may only~~ shall be counted

at ~~fifty percent (50%)~~ twenty-five percent (25%) of the actual acreage to satisfy applicable open space requirements. Detention basins may only count as open space if they provide recreational amenities, including, but not limited to, playgrounds, gazebos, exercise stations, or sports fields, i.e., football, soccer, lacrosse, with parking lots. The location and amenities of all the required open space shall be reviewed and approved by the planning commission as part of the PUD process. Park strips do not count as open space.

1. Open space may be provided in a location outside of the boundaries of the PUD, if the following requirements are met:

a. The off-site open space must be located within Herriman City limits.

b. Open space that is unbuildable because of, among other things, slope, wetlands, flood drainage or contamination, ~~may only~~ shall be counted at ~~fifty percent (50%)~~ twenty-five percent (25%) of the actual acreage to satisfy applicable open space requirements. Detention basins may only count as open space if they provide recreational amenities.

c. The location and amenities of all the required open space shall be reviewed and approved by the planning commission as part of the PUD process.

d. A portion of the open space may be required to remain within the boundaries of the PUD.

2. A fee in lieu of required open space may be provided if the following requirements are met:

a. The amount of acreage that is required as open space shall be reviewed and approved by the planning commission as part of the PUD process.

b. The fee in lieu of shall be determined by an appraised price per acre and the amount shall be approved by the city council.

c. The fee shall be designated as parks funds and shall be used to purchase or improve property for parks in other areas of the city.

d. A portion of the open space may be required to remain within the boundaries of the PUD.

**PASSED AND APPROVED** this 8<sup>th</sup> day of June, 2016.

**HERRIMAN**

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**ATTEST:**

**Mayor Carmen Freeman**

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**Jackie Nostrom, City Recorder**



## STAFF REPORT

**DATE:** June 2, 2016  
**TO:** The Honorable Mayor and City Council  
**FROM:** Planning Commission  
**SUBJECT:** 04Z16 - Text change to the land use ordinance regarding accessory buildings

---

### **RECOMMENDATION:**

The Planning Commission recommends approval of the text change to the ordinance regarding accessory buildings.

### **BACKGROUND:**

The Planning Commission has had several discussions regarding changing the ordinances regarding accessory buildings. The changes mainly have to do with size, coverage of the rear yard, and the look of the building. The proposed changes are meant to create greater consistency, and allow more flexibility on larger lots.

### **DISCUSSION:**

Some of the changes include the following:

- On lots one-half acre or larger, accessory buildings can cover 25% of the rear yard. There is no longer a maximum square footage.
- On lots one-half acre or larger, staff can now approve up to 25 feet high if the setbacks are increased to 10 feet.
- All accessory buildings must be similar in materials and color to the primary residence.

**HERRIMAN, UTAH**  
**ORDINANCE NO. 16-xx**

**04Z16- HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING ACCESSORY BUILDINGS**

**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 January 24, 2016, noticing of the February 4, 2016, 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 April 21, 2016, 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 June 8, 2016, was held at 7:00 p.m.; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of Herriman City 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)*

**10-8A-2: PERMITTED USES (A-.25)**

Accessory uses and buildings customarily incidental to permitted uses; provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet and cover more than twenty five percent (25%) of the rear yard on lots under one-half (1/2) acre. On lots 1/2 acre or larger no accessory building or group of accessory buildings shall cover more than ~~twenty five percent (25%) of the rear yard. one thousand two hundred (1,200) square feet~~

**10-8A-3: CONDITIONAL USES:**

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ( $\frac{1}{2}$ ) acre. ~~or one thousand two hundred (1,200) square feet on lots one-half ( $\frac{1}{2}$ ) acre or larger.~~ No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

**10-8A-7: BUILDING HEIGHT:**

C. Accessory buildings shall be a maximum of sixteen feet (16') in height, except on lots one-half ( $\frac{1}{2}$ ) acre or larger, the accessory building may be a maximum of twenty feet (20') in height. The ~~planning commission~~ staff may approve up to twenty five feet (25') high on lots one-half ( $\frac{1}{2}$ ) acre or larger if the side and rear yards are increased to ten feet (10') each.

**10-8A-8: COVERAGE OF REAR YARD:**

No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

**10-8A-10: ACCESSORY STRUCTURES:**

- A. Style, Color: All accessory structures must be similar in materials and color to the primary residence on the front exterior and any side or rear viewable from the street. The Planning Commission may grant an exception to buildings being used for agricultural purposes (i.e. barns or other such buildings to house animals)

**10-8B-2: PERMITTED USES: (A-.50)**

Accessory uses and buildings customarily incidental to permitted uses; provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet and cover more than twenty five percent (25%) of the rear yard on lots under one-half ( $\frac{1}{2}$ ) acre. On lots  $\frac{1}{2}$  acre or larger no accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

**10-8B-3: CONDITIONAL USES:**

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ( $\frac{1}{2}$ ) acre and no accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard on lots one-half ( $\frac{1}{2}$ ) acre or larger.

**10-8B-7: BUILDING HEIGHT:**

C. Accessory buildings shall be a maximum of sixteen feet (16') in height, except on lots one-half ( $\frac{1}{2}$ ) acre or larger, the accessory building may be a maximum of twenty feet (20') in height. The ~~planning commission~~ staff may approve up to twenty five feet (25') high on lots one-half ( $\frac{1}{2}$ ) acre or larger if the side and rear yards are increased to ten feet (10') each.

D. Agricultural buildings shall be a maximum of seventy five feet (75').

**10-8B-8: COVERAGE OF REAR YARD:**

No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard. (Ord. 08-41, 10-16-2008)

**10-8B-9: ACCESSORY STRUCTURES:**

- A. Style, Color: All accessory structures must be similar in materials and color to the primary residence on the front exterior and any side or rear viewable from the street. The Planning Commission may grant an exception to buildings being used for agricultural purposes (i.e. barns or other such buildings to house animals)

**10-8C-2: PERMITTED USES: (A-1)**

Accessory uses and buildings customarily incidental to permitted uses provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet and cover more than seventy percent (70%) of the rear yard on lots under one-half (1/2) acre. On lots 1/2 acre or larger no accessory building or group of accessory buildings shall cover more than seventy percent (70%) of the rear yard.

**10-8C-3: CONDITIONAL USES:**

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half (1/2) acre and no accessory building or group of accessory buildings shall cover more than seventy percent (70%) of the rear yard on lots one-half (1/2) acre or larger.

**10-8C-7: BUILDING HEIGHT:**

- C. Accessory buildings shall be a maximum of sixteen feet (16') in height, except on lots one-half (1/2) acre or larger, the accessory building may be a maximum of twenty feet (20') in height. The planning ~~commission~~ staff may approve up to twenty five feet (25') high on lots one-half (1/2) acre or larger if the side and rear yards are increased to ten feet (10') each.

D. Agricultural buildings shall be a maximum of seventy five feet (75'). (Ord. 06-52, 10-19-2006)

**10-8C-8: COVERAGE RESTRICTIONS:**

No building or structure, or group of buildings, with their accessory buildings, shall cover more than seventy percent (70%) of the lot area. (Ord. 00-06, 1-20-2000)

**10-8C-9: ACCESSORY STRUCTURES:**

- A. Style, Color: All accessory structures must be similar in materials and color to the primary residence on the front exterior and any side or rear viewable from the street. The

Planning Commission may grant an exception to buildings being used for agricultural purposes (i.e. barns or other such buildings to house animals)

**10-9A-2: PERMITTED USES: (R-1-10, R-1-15, R-1-21, R-1-43)**

Accessory uses and buildings customarily incidental to permitted uses; provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet and cover more than twenty five percent (25%) of the rear yard on lots under one-half ( $\frac{1}{2}$ ) acre. On lots  $\frac{1}{2}$  acre or larger no accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard. ~~one thousand two hundred (1,200) square feet~~

**10-9A-3: CONDITIONAL USES:**

Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ( $\frac{1}{2}$ ) acre ~~or one thousand two hundred (1,200) square feet on lots one-half ( $\frac{1}{2}$ ) acre or larger.~~ No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard

**10-9A-6: BUILDING HEIGHT:**

B. Accessory buildings: Sixteen feet (16'), and less than the top elevation of the main building. All accessory buildings shall not exceed one story.

**10-9A-7: COVERAGE OF REAR YARD:**

No accessory building or group of accessory buildings shall cover more than twenty ~~five~~ **five** percent (20%) **(25%)** of the rear yard. The footprint shall be less than the footprint of the main building. ~~by a minimum of twenty percent (20%).~~

**10-9A-8: Accessory Structures:**

A. Style, Color: All accessory structures must be similar in materials and color to the primary residence on the front exterior and any side or rear viewable from the street. The Planning Commission may grant an exception to buildings being used for agricultural purposes (i.e. barns or other such buildings to house animals)

**10-9B-3: PERMITTED USES: (R-2-10, R-2-15)**

A. All medium density residential zones:

Accessory uses and buildings customarily incidental to a permitted use, provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet on lots under one-half ( $\frac{1}{2}$ ) acre or ~~one thousand two hundred (1,200) square feet~~ no accessory

building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard on lots one-half (1/2) acre or larger. The footprint shall be less than the footprint of the main building.

**10-9B-4: CONDITIONAL USES:**

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half (1/2) acre, ~~or one thousand two hundred (1,200) square feet on lots one-half (1/2) acre or larger~~ No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard. The footprint shall be less than the footprint of the main building.

**10-9B-9: ACCESSORY STRUCTURES:**

A. ~~A. Style, Color: Detached garages or sheds must be similar in style and color to the primary residence.~~ Style, Color: All accessory structures must be similar in materials and color to the primary residence on the front exterior and any side or rear viewable from the street. The Planning Commission may grant an exception to buildings being used for agricultural purposes (i.e. barns or other such buildings to house animals)

B. Footprint: No accessory building or group of accessory buildings shall cover more than ~~twenty five percent (20%)~~ twenty five percent (25%) of the rear yard. ~~The footprint shall be less than the footprint of the main building by a minimum of twenty percent (20%).~~

**PASSED AND APPROVED** this 8<sup>th</sup> day of June, 2016.

**HERRIMAN**

**ATTEST:**

\_\_\_\_\_  
**Mayor Carmen Freeman**

\_\_\_\_\_  
**Jackie Nostrom, City Recorder**



# ROSECREST

10421 S Jordan Gateway Blvd. Suite 200  
South Jordan, UT 84095  
Phone: 801 316-3215

## Memo

Dear Administrator;

The Master Developer of the Rosecrest development is proposing an Administrative Amendment with regards to roadway backbone infrastructure outlined in the AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR THE ROSECREST MASTER PLANNED COMMUNITY, dated December 18, 2008. Roadway sizing and locations were conceptually outlined in Exhibit 1C entitled "Master Transportation Plan". According to this exhibit, the proposed width of the road known as Juniper Crest West was sized as a 116-foot right-of-way. Based on altered conditions and an updated traffic impact study (TIS), the Master Developer is now proposing a 90-foot right-of-way.

One of the major factors for this amendment request comes from the changes that were made to Mountain View Corridor after the execution of the Master Development Agreement. At the time of this agreement, Mountain View corridor was a traditional freeway as shown in the exhibit mentioned above. Based on a traditional freeway system with a single interchange for this area, the TIS at the time showed a volume of average daily trips (ADTs) indicating the need for a five to seven lane cross section which a 116-foot right-of-way would provide. With the change to a frontage road system, multiple connections were allowed to frontage roads, dispersing traffic rather than funneling it to a single point. The frontage road system also added an additional road with essentially a five lane cross section on top of the future freeway at build-out.

As noted on the exhibit mentioned, "This plan is general and schematic in nature and subject to modification and final design approval by the City at final subdivision plat design." Based on the changes to Mountain View Corridor an updated TIS was performed to determine ADT volumes at build-out along Juniper Crest Road. Based on this TIS (see attached study) the build-out volume of ADTs would only require a three lane cross section. A three lane cross section (two travel lanes and a center turn lane) could be achieved through construction of a 66-foot wide right-of-way. The Master Developer is proposing to build a 90-foot wide right-of-way which will not only accommodate the three lane cross-section, but will also allow for a 5-lane cross-section if for any reason the City sees a need for the additional traffic lanes.

If Juniper Crest Road is built to the conceptual width of 116 feet without the volume of traffic to require this width, there will be safety issues. Because this road is designed to be a collector there are minimal access points and no homes or other uses fronting (direct access from private property to this road) the roadway. The limited access along with the width of the road will create speeding issues. We currently have this problem on Juniper Crest Road because of the road width.

Based on the changing factors and supporting engineering mentioned above, we request the approval of an Administrative Amendment for the 90-foot width, for the remainder of Juniper Crest Road along the proposed residential subdivision areas.

Thank you,

*Michael Bradshaw*  
President  
Momentum Development



# Juniper Crest West Phase 1 (02.23.16)



courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation of transmission receipt of the Notice).

19.1.2.Electronic Delivery. Its actual receipt if delivered electronically be email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending party has an electronic receipt of the delivery of the Notice

19.1.3.Mail Delivery. On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this Amended MDA by giving written Notice to the other party in accordance with the provisions of this Section.

20. **Administrative Amendments.**

20.1. **Allowable Administrative Applications:** The following modifications to this Amended MDA may be considered and approved by the Administrator.

20.1.1.Infrastructure. Modification of the location and/or sizing of the infrastructure for the Project that does not materially change the functionality of the infrastructure.

20.1.2.Technical Guidelines. Modifications of the Technical Guidelines as permitted by the Approved PUD.

20.2. **Application to Administrator.** Applications for Administrative Amendments shall be filed with the Administrator

20.2.1.Referral by Administrator. If the Administrator determines for any reason that it would be inappropriate for the Administrator to determine any the Administrative Amendment the Administrator may require the Administrative Amendment to be processed as a Modification Application.

20.2.2.Administrator's Review of Administrative Amendment. The Administrator shall consider and decide upon the Administrative Amendment within a reasonable time.

20.2.3.Notification Regarding Administrator's Approval. If the Administrator approves any Administrative Amendment the Administrator shall notify the Council in writing of the proposed approval. Unless the Administrator receives a notice pursuant to Section 20.2.4 requiring that the proposed Administrative Amendment be considered by the City Council as a Modification Application then approval of the Administrative Amendment by the Administrator shall be conclusively deemed binding on the City.

20.2.4. City Council Requirement of Modification Application Processing. Any member of the Council may, within ten (10) business days after notification by the Administrator, notify the Administrator that the Administrative Amendment must be processed as a Modification Application.

20.2.5. Appeal of Administrator's Denial of Administrative Amendment. If the Administrator denies any proposed Administrative Amendment the Applicant may process the proposed Administrative Amendment as a Modification Application.

21. **Amendment.** Except for Administrative Amendments, any future amendments to this Amended MDA shall be considered as Modification Applications subject to the following processes.

21.1. **Who may Submit Modification Applications.** Only the City and Master Developer or an assignee that succeeds to all of the rights and obligations of Master Developer under this Amended MDA (and not including a Subdeveloper) may submit a Modification Application.

21.2. **Modification Application Contents.** Modification Applications shall:

21.2.1. Identification of Property. Identify the property or properties affected by the Modification Application.

21.2.2. Description of Effect. Describe the effect of the Modification Application on the affected portions of the Project.

21.2.3.Identification of Non-City Agencies. Identify any Non-City agencies potentially having jurisdiction over the Modification Application.

21.2.4.Map. Provide a map of any affected property and all property within three hundred feet (300') showing the present or Intended Use and Density of all such properties.

21.2.5.Fee. Modification Applications shall be accompanied by a fee in an amount reasonably estimated by the City to cover the costs of processing the Modification Application.

**21.3. City Cooperation in Processing Modification Applications.** The City shall cooperate reasonably in promptly and fairly processing Modification Applications.

**21.4. Planning Commission Review of Modification Applications.**

21.4.1.Review. All aspects of a Modification Application required by law to be reviewed by the Planning Commission shall be considered by the Planning Commission as soon as reasonably possible in light of the nature and/or complexity of the Modification Application.

21.4.2.Recommendation. The Planning Commission's vote on the Modification Application shall be only a recommendation and shall not have any binding or evidentiary effect on the consideration of the Modification Application by the Council.

21.5. **Council Review of Modification Application.** After the Planning Commission, if required by law, has made or been deemed to have made its recommendation of the Modification Application the Council shall consider the Modification Application.

21.6. **Council's Objections to Modification Applications.** If the Council objects to the Modification Application, the Council shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Modification Application is not consistent with the intent of this Amended MDA, the Approved PUD and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

21.7. **Meet and Confer regarding Modification Applications.** The Council and Master Developer shall meet within fourteen (14) calendar days of any objection to resolve the issues presented by the Modification Application and any of the Council's objections.

21.8. **Mediation of Council's Objections to Modification Applications.** If the Council and Master Developer are unable to resolve a dispute regarding a Modification Application, the parties shall attempt within seven (7) days to appoint a mutually acceptable expert in land planning or such other discipline as may be appropriate. If the parties are unable to agree on a single acceptable mediator they shall each, within seven (7) days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single

mediator. Master Developer shall pay the fees of the chosen mediator. The chosen mediator shall within fourteen (14) days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

22. **Estoppel Certificate.** Upon twenty (20) days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this Agreement.

23. **Attorneys Fees.** In addition to any other relief, the prevailing party in any action, whether at law, in equity or by arbitration, to enforce any provision of this Amended MDA shall be entitled to its costs of action including a reasonable attorneys' fee.

24. **Entire Agreement.** This Amended MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

25. **Headings.** The captions used in this Amended MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

26. **No Third Party Rights/No Joint Venture.** This Amended MDA does not create a joint venture relationship, partnership or agency relationship between the City and Master Developer. Further, the parties do not intend this Amended MDA to create any third-



## STAFF REPORT

**DATE:** June 2, 2016

**TO:** The Honorable Mayor and City Council

**FROM:** John Brems, City Attorney

**SUBJECT:** **First Amendment to the Master Development Agreement for the Rosecrest Master Planned Community**

---

**RECOMMENDATION:**

Approval of a resolution approving the first amendment to the amended and restated master development agreement for the Rosecrest Master Planned Community

**BACKGROUND:**

This is an amendment to the Rosecrest Development Agreement updating it to reflect current operating entities. Since original adoption, the parties have made some name changes. There is no change to the substance of the Development Agreement.

**HERRIMAN, UTAH**  
**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF HERRIMAN  
APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED  
MASTER DEVELOPMENT AGREEMENT FOR THE ROSECREST MASTER  
PLANNED COMMUNITY**

**WHEREAS**, the Herriman City Council (“*Council*”) met in regular meeting on June \_\_, 2016 to consider, among other things, approving an amendment to the Amended and Restated Master Development Agreement for the Rosecrest Master Planned Community; and

**WHEREAS**, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

**WHEREAS**, staff has presented to the Council an amendment to the Amended and Restated Master Development Agreement for the Rosecrest Master Planned Community (“Amendment”); and

**WHEREAS**, Council has reviewed the Amendment and hereby find that it is in the best interests of the both parties to enter into the Amendment.

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

This resolution, assigned no. \_\_ shall take effect immediately upon passage and acceptance as provided herein.

**PASSED AND APPROVED** by the Council of Herriman, Utah, this \_\_ day of June 2016.

**HERRIMAN**

\_\_\_\_\_  
**Mayor Carmen Freeman**

**ATTEST:**

\_\_\_\_\_  
**Jackie Nostrom** City Recorder

**WHEN RECORDED, RETURN TO:**

**JOHN BREMS  
HERRIMAN CITY  
13011 SOUTH PIONEER STREET  
HERRIMAN UT 840651**

**FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT  
FOR THE  
ROSECREST MASTER PLANNED COMMUNITY**

THIS FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT (“First Amendment”) is made and entered as of the 2<sup>nd</sup> day of June, 2016, by and between the Herriman City, a Utah municipal corporation (“City”), and South Farm, L.L.C. a Utah limited liability company (“South Farm”), and Rosecrest, Inc., a Utah corporation (“Rosecrest”). Both South Farm and Rosecrest may collectively hereafter be referred to as the (“Master Developer”). The City and Master Developer may hereafter be referred to herein as (“Parties”).

**RECITALS**

A. The Parties entered into a Master Development Agreement dated December 18, 2008 which was recorded on January 28, 2009, as Entry No. 10608304 in the official books and records of the Salt Lake County Recorder (“Original MDA”) governing the property shown on Exhibit “A” that is attached hereto and incorporated herein by reference (“Property”).

B. Since the date of the Original MDA there have been certain changes in ownership of the Property and other matters that have made it desirable to both Parties to amend the Original MDA.

C. South Farm desires to assign its rights and responsibilities under the Original MDA to a related entity known as Rosecrest Communities LLC. (“Rosecrest Communities”).

D. The Parties have cooperated in the preparation of this First Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, Master Developer and Rosecrest Communities do hereby agree to the following:

### **AMENDMENTS**

1. **Effect of this First Amendment.** Other than a specifically amended herein by this First Amendment, the Original MDA shall remain in full force and effect.

2. **Assignment.** Section 27 of the Original MDA provides in part that the Master Developer may assign its rights and responsibilities under the Original MDA with the consent of the City.

3. **Consent.** South Farm desires to assign its rights and responsibilities under the Original MDA to Rosecrest Communities. The City hereby consents to the assignment of any and all of Master Developer’s rights and responsibilities under the Original MDA to Rosecrest Communities LLC.

4. **Assumption.** Rosecrest Communities LLC hereby assumes and agrees to fully and completely perform, fulfill and comply with any and all covenants and obligations to be performed, fulfilled or complied with by Master Developer under the Original MDA.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

ORIGINAL MDA

CITY

South Farm, LLC

City of Herriman

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
By: Brett Wood  
Its: City Manager

Rosecrest, Inc.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Rosecrest Communities LLC

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Approved as to form and legality:

Attest:

\_\_\_\_\_  
John Brems  
City Attorney

\_\_\_\_\_  
Jackie Nostrom  
City Recorder

CITY ACKNOWLEDGMENT

STATE OF UTAH

)  
:ss.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of June, 2016, personally appeared before me Brett Wood who being by me duly sworn, did say that he is the City Manager of the City of Herriman, a Utah municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said City Manager acknowledged to me that the City executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Residing at:

\_\_\_\_\_

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH )

:ss.

COUNTY OF SALT LAKE )

On the \_\_\_\_ day of June, 2016, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the \_\_\_\_\_ of South Farm, LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Residing at:

\_\_\_\_\_

STATE OF UTAH )  
 :ss.  
COUNTY OF SALT LAKE )

On the \_\_\_\_ day of June, 2016, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the \_\_\_\_\_ of Rosecrest Inc., a Utah corporation, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_

STATE OF UTAH )  
 :ss.  
COUNTY OF SALT LAKE )

On the \_\_\_\_ day of June, 2016, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the \_\_\_\_\_ of Rosecrest Communities LLC , a Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Residing at:

\_\_\_\_\_

\_\_\_\_\_