



## COUNCIL AGENDA

Thursday, September 26, 2013

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the chambers of the Herriman Community Center, located at 13011 South Pioneer Street (6000 West), Herriman, Utah

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### 6:00 PM ~ WORK MEETING:

- Review of tonight's agenda - *Mayor Clint Smith*
- Additional:
  - 2014 Future Events - *Danie Bills, Event Coordinator*
  - Capital Project Updates - *Blake Thomas, City Engineer*
  - Water Update Zone 2 North Tank - *Justun Edwards, Water Director*
  - Justin Dansie Development Discussion - *Gordon Haight, Assist. City Manager*
  - City Updates - *Brett geo. Wood, City Manager*
  - Comments from Council Members
  - Other

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### 7:30 PM ~ GENERAL MEETING:

#### 1. Welcome-

- 1.1. Invocation:
- 1.2. Pledge of Allegiance:
- 1.3. Roll Call:
- 1.4. Citizen Comments: *(A time for citizens to address the council with issues that are NOT listed on tonight's agenda)*

#### 2. CONSENT AGENDA:

- 2.1. Electronic/Paper Minutes: Thursday, August 22, 2013 RCCM (continued)  
Thursday, September 12, 2013 RCCM

#### 3. CONTINUED BUSINESS: *Blake Thomas, City Engineer*

- 3.1 Discussions and consideration of **Ordinance No. 13-23** "File#16S13 - Herriman City - Text Change to chapter 11-7-17, Performance Bonds"

#### 4. PUBLIC HEARING: *Shauna DeKorver, Finance Director*

- 4.1. To consider the following amendments to this current year's budget for the period of July 1, 2013 through June 30, 2014. Which are:
  - a. Slurry seal - \$260,000
  - b. Update to Economic Strategic Plan - \$6,000
  - c. Engineering design for Gina Road and McCuiston Ave. - \$120,000
  - d. Traffic signal at Mirabella & Rosecrest Road - \$110,000
  - e. Shoshone Estates landscaping - \$110,000
  - f. Firebreak Trail - \$50,000
  - g. Entry Park - \$250,000
  - h. Additional baseball field at Butterfield Park - \$100,000
  - i. Corridor Preservation Revenue - \$625,000
  - j. Reimbursement from Corridor Preservation funds from Juniper Crest Road - \$625,000

**5. FINANCIAL MATTERS:** *Shauna DeKorver, Finance Director*

5.1. Discussions and consideration of **Resolution No. 13.39** “A resolution of the Herriman City Council approving an amendment to the 2013 – 2014 fiscal year budgets”

**6. DISCUSSION /ACTION MATTERS:** *John N. Brems, City Attorney*

6.1. Discussions and consideration of **Ordinance No. 13-32** “An ordinance amending title 8, chapter 5, sewage disposal, of the Herriman Code of Ordinances”

**7. UPCOMING EVENTS IN THE CITY:**

*October:*

**1<sup>st</sup> Meet the Candidates Night, Copper Mountain Middle School at 7:00pm**

**12<sup>th</sup> Pumpkin Festival W & M Butterfield Park at 5:00pm**

**8. FUTURE MEETINGS:**

Next Regular Planning Commission Meeting:

Thursday, October 3, 2013 @ 7:00pm

Next Regular City Council Meeting:

Thursday, October 10, 2013 @ 7:30pm

**9. ADJOURNMENT:**

**10. RECOMMENCE TO WORK MEETING:** *(If Needed)*

- Engineering Review Fee – *Gordon Haight, Assist. City Manager*
- Anthem Development Discussion – *Gordon Haight, Assist. City Manager*
- Park Funding Priority – *Gordon Haight, Assist. City Manager*
- Planning Updates – *Bryn McCarty, Planner*
- Trails Committee Discussions – *Gordon Haight, Asst. City Manager*

**11. SOCIAL GATHERING:** *(Social if time allows)*

Will take place at Copper Rim Café (formerly Frogurt) 5502 W. 13400 S. Herriman, Utah

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. Providing at least 48 hours advance notice of the meeting

CITIZEN COMMENT POLICY AND PROCEDURE

During each regular Council meeting there will be a citizen comment time. The purpose of this time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written comment form and present it to Kristi Peterson, 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, Kristi Peterson, the duly appointed and qualified City Recorder of Herriman City, Utah, certify the foregoing City Council agenda 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)

DATED AND POSTED THIS 19<sup>TH</sup> DAY OF SEPTEMBER 2013.

Kristi Peterson, MMC  
City Recorder







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## CITY COUNCIL AGENDA

Thursday, August 22, 2013

WAITING FORMAL APPROVAL

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### 6:00 PM ~ WORK MEETING: *(Items are for discussion only)*

**Attendance:** Mayor Pro Tempore, Matt Robinson

**Council Members Present:** Mike Day, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:** John Brems, City Attorney  
Kristi Peterson, City Recorder  
Brett Wood, City Manager  
Gordon M. Haight II, Asst. City Manager  
Shauna DeKorver, Finance Director  
Monte Johnson, Operation Director  
Justun Edwards, Water Director  
Heather Upshaw, Planner  
Wade Sharp, Park Manager

- Review of tonight's agenda – *Mayor Pro Tempore Matt Robinson*
- Additional:
  - Rosecrest Special Assessment Area #1 Update – *Justun Edwards, Water Director*
  - Capital Projects Update – *Gordon Haight, Asst. City Manager*
  - City Updates – *Brett geo. Wood, City Manager*
  - Comments from Council Members
  - Other

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### 6:30 PM ~ GENERAL MEETING:

**Attendance:** Mayor Pro Tempore, Matt Robinson

**Council Members Present:** Mike Day, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:** John Brems, City Attorney  
Kristi Peterson, City Recorder  
Brett Wood, City Manager  
Gordon M. Haight II, Asst. City Manager  
Shauna DeKorver, Finance Director  
Monte Johnson, Operation Director  
Justun Edwards, Water Director  
Heather Upshaw, Planner  
Wade Sharp, Parks Manager  
Tami Moody, PIO

1. Welcome-

Mayor Pro Tempore, Matt Robinson called the Herriman City Council meeting to order at [6:48:54 PM](#) and welcomed those in attendance.

[6:50:04 PM](#) .1

Invocation:  
David Figge offered the invocation.

[6:50:54 PM](#) .2

Pledge of Allegiance:  
Todd Griffithins led the pledge of allegiance.

[6:49:49 PM](#) .3

Roll Call:

[6:51:35 PM](#) .4

Citizen Comments: *(A time for citizens to address the council with issues that is NOT listed on tonight's agenda)*  
Mayor Pro Tempore, Matt Robinson opens the citizen comments portion of the agenda. He calls for any person(s) who wish to speak to the council to come to the podium, state their name and address and to speak about issues that are not listed on tonight's city agenda.

**Sky Travis**, address on file. Mirabella need some assistance to be safer. Pedestrian can stand at the crosswalk waiting for cars to stop, sometimes for several minutes. Cars do not seem to see the pedestrians. In addition to cars not noticing the pedestrians, when cars are speeding it poses real challenges for pedestrians to clear the crosswalk fast enough. Also, the channelling of school traffic onto one sidewalk (West side of Mirabella, but North of 13400 South) is crowding the bikers, strollers, walkers etc... The children who are biking will often leave the sidewalk and dart into the road to avoid the crowded sidewalk.

**Annie Clayton**, address on file. Ditto to what Sky said... The intersection of Mirabella and 13400 South needs more attention. Pedestrian could stand there for several minutes before a car will stop for them to cross on the crosswalk. There are also many cars speeding and that poses a real danger in that section where the crosswalk is.

**Michelle Baguley**, address on file. This is a duplicate of the letter Mrs. Baguley submitted.  
Honorable Herriman City Council,

My quest today is to assist the taxpayers of Herriman to find some palatable solutions to educating our children. Our city is blessed with an average youthful demographic. The development of parks, trails and family sized homes has not only welcomed but has also accommodated the need of growing families. In the past Herriman was active player at the table in securing school sites. The Planning department has been diligent in identifying locations and facilitating conversation between developers and the Jordan School District. Although this is commendable, it is not longer enough. Our District is in a housing crisis mode and the response is to float a \$500M bond. Taxpayers are outraged and the School District is left with few tools to accommodate our growing population.

Municipalities have been granted the right to leverage impact fees to build parks, roads and storm drains. Make no mistake that this is also a tax burden upon development however, it is a tax that responds to growth and is a one-time fee that does not continue in perpetuity.

One practice of Herriman City has been to exact impact fees for parks, trail and open space. There are formulas for calculating the impact, need and level of participation. Sometimes development has built the parks or given money in lieu to build a park at a different location. Development has also been granted density bonuses when they contribute a certain percentage of open space to the project. This is how Herriman has been successful in providing for recreational needs.

Using these tools, I am recommending three steps to reduce the tax burden for schools and patrons.

1. Herriman city should revise its ordinance to include school sites in the density bonus calculation, giving full credit to the calculation, with the caveat that the land must be DONATED to the school district.
2. That a condition be placed on the transaction requiring an inter-local agreement with the school district and Herriman city for JOINT usage of fields and facilities.
3. Herriman and the school district must recognize that this is NOT THE ONLY WAY to reduce the burden on taxpayers. We must stop doing things in the same fashion, expecting different results.

What are the benefits?

1. The donation of property will lessen the overall cost of building.
2. Partnering with the school district will avoid double taxation.
3. Development will be more responsive to the impact of density.
4. Herriman will be a leader in seeking solutions to educating our children.

This will require some planning, negotiating and scheduling changes but I believe that we should use our resources wisely.

I offer this in behalf of Herriman and her children.

Michelle Baguley  
Herriman Mayoral Candidate

There were no other citizen comments from the public tonight.

Mayor Pro Tempore, Matt Robinson declared the citizen comments closed.

## 2. CONSENT AGENDA:

- 7:08:09 PM .1 Electronic/Paper Minutes: Thursday, August 8, 2013  
Council Member Coralee Wessman-Moser **MOVED** to approve the electronic and draft written minutes of Thursday, August 8, 2013.  
Council Member Mike Day **SECONDED** the motion.  
Mayor Pro Tempore, Matt Robinson asked if there are any questions, comments or concerns regarding the motion.  
Being none, he calls for a vote.  
All present members voiced a unanimous yes to approve the written and electronic minutes as set forth.

## 3. PUBLIC HEARING: – Gordon Haight, Asst. City Manager

- 7:08:42 PM .1 Storm Drain Impact Fee Enactment  
Mayor Pro Tempore, Matt Robinson declares the public hearing portion of the agenda open and calls for any persons wishing to express their concerns on this item to come to the podium to address the City Council members.  
There were no public remarks on this item.  
Mayor Pro Tempore, Matt Robinson declared this public hearing closed.

## 4. PLANNING MATTERS: – Heather Upshaw, Planner

### Rezoning:

- 7:10:48 PM .1 Discussions and consideration of **Ordinance No. 13-27** “10Z13 – Barlow – 13867 S 7300 W – rezone from A-1 to A .25”  
Council Member Mike Day **MOVED** to adopt ordinance n. 13-27 file 10Z13 - Barlow - 13867 South 7300 West rezone from A-1 to A .25.  
Council Member Coralee Wessman-Moser **SECONDED** the motion.  
Mayor Pro Tempore, Matt Robinson asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes, the council is sharing the equal topic future work session  
Councilman Craig B. Tischner No  
Councilwoman Coralee Wessman-Moser Yes, this is something we didn't want to do but...  
This voting was unanimous; the motion carried.
- 7:34:00 PM .2 Discussions and consideration of **Ordinance No. 13-28** “02Z13 – Anthem Development – 12000 S 5600 W – Proposed Zone Change from C-2 to C-1 and R-2-10”  
Council Member Coralee Wessman-Moser **MOVED** to adopt ordinance no. 13-28 file 02Z13 Anthem Development 12000 South 5600 West proposed zone change from C-2 to C-1 and R-2-10  
Council Member Mike Day **SECONDED** the motion.  
Mayor Pro Tempore, Matt Robinson asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
This voting was unanimous; the motion carried.
- 7:39:12 PM .3 Discussions and consideration of **Ordinance No. 13-29** “03Z13– Anthem Development – Text change to add “Congregate Living Facility” as a conditional use in the C-2 zone and the term to the definition section of the land use regulations”  
Council Member Mike Day **MOVED** to adopt ordinance no. 13-29 03Z13, Anthem Development- text change to add Congregate Living facility as a conditional use in the C-2 zone  
Council Member Coralee Wessman-Moser **SECONDED** the motion.  
Mayor Pro Tempore, Matt Robinson asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes

Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
This voting was unanimous; the motion carried.

7:46:00 PM

Mayor Pro Tempore makes comment for the record, We're talking about planning in an area that is specifically for density park and major traffic corridors, eventually a light rail "TRAX" will go there or close by it, giving greater and greater options to people living in that area. This is a great place if we are going to have density; it's a great place to have it. As well as bringing an element to our community that today I think we lack, which is amazing experience that will be a tremendous value to us.

## 5. DISCUSSION /ACTION MATTERS:

7:46:56 PM

.1

Discussions and consideration of **Ordinance No. 13-26** "Ordinance reaffirming the adoption of the 2013 Storm Drain Impact Fee Facility Plan and the Herriman Storm Water Impact Fee Analysis (June 2013); Adopting an impact fee enactment that imposes a Storm Water, Drainage, and Flood Control Facilities Impact Fee; providing for the calculation and collection of such fee; and providing for appeal, accounting, severability of the same, and other related matters". – *Gordon Haight, Asst. City Manager*

Council Member Coralee Wessman-Moser **MOVED** to adopt ordinance no. 13-26 an ordinance reaffirming the adoption of the 2013 Storm Drain Impact Fee Facility Plan and the Herriman Storm Water Impact Fee Analysis (June 2013)' Adopting an impact fee enactment that imposes a storm water, drainage and flood control facilities impact fee, providing for calculation and collection of such fee; and providing for appeal, accounting, severability of the same and other related matters.

Mayor Pro Tempore, Matt Robinson states we have a motion do we have a second.

Council Member Mike Day **SECONDED** the motion.

Mayor Mills asks the Council Members if they have any questions.

Being none.

Mayor Pro Tempore, Matt Robinson asks for a roll call vote.

Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes

This motion carried.

7:48:15 PM

.2

To set a date for the public hearing for the discussion and consideration of **Resolution No. 13.36** "A resolution of the Herriman City Council approving an amendment to the 2013-2014 fiscal year budget". – *Shauna DeKorver, Finance*

*Shauna, Sept. 12,*

Council Member Craig B. Tischner **MOVED** to setting the date of September 12, 2013 for the public hearing.

Mayor Pro Tempore, Matt Robinson states we have a motion do we have a second.

Council Member Coralee Wessman-Moser **SECONDED** the motion.

Mayor Pro Tempore, Matt Robinson asks the Council Members if they have any questions.

Being none.

Mayor Mills asks for a roll call vote.

Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes

This motion carried.

## 6. UPCOMING EVENTS IN THE CITY:

SEPTEMBER:

24<sup>th</sup> Senior Social Fire Station 123 12:00pm

19<sup>th</sup>-21<sup>st</sup> & 23<sup>rd</sup> Children's Theatre Production "Forever Disney" W & M Butterfield Park 7:30pm

## 7. FUTURE MEETINGS:

Special Board of Canvassers Meeting:

Tuesday, August 27, 2013 @ 6:00pm

*This document along with the digital recording constitute the official minutes for the Herriman City Council Meeting held on Thursday, August 22, 2013*

Special City Council Meeting:  
General Plan Draft Open House:  
Next Regular Planning Commission Meeting:  
Next Regular City Council Meeting:

Tuesday, August 27, 2013 @ 6:30pm  
Wednesday, August 28, 2013 @ 6:00pm  
Thursday, September 5, 2013 @ 7:00pm  
Thursday, September 12, 2013 @ 7:30pm

Anthem Open House -August 29, 6 to 7pm plan for the open house.

**8. ADJOURNMENT:**

Mayor Pro Tempore, Matt Robinson states if there is no additional business to come before the Herriman City Council tonight, he asks for a motion to adjourn to recommence back into the work meeting  
Council Member Mike Day **MOVED** to adjourn this meeting at 7:54:56 PM  
Council Member Craig B. Tischner **SECONDED** the motion.  
All City Council Members voted in support of this motion.  
Motion carried.

**9. RECOMMENCE TO WORK MEETING:**

.1 City Council Discussions on City Priorities – *Brett Geo. Wood, City Manager*  
Meeting ended at 11:56:27 PM

**10. SOCIAL GATHERING:** *(Social)*

Will take place at Arctic Circle, 13162 South 5600 West, Herriman, UT

*I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on this date of Thursday, August 22, 2013.*



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Kristi Peterson, MMC  
Herriman City Recorder



## CITY COUNCIL AGENDA

Thursday, September 12, 2013

### WAITING FORMA APPROVAL

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**6:00 PM ~ WORK MEETING:** *(Items are for discussion only)*

5:58:12 PM

**Attendance:** Interim Mayor, Clint Smith

**Council Members Present:** Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:** John Brems, City Attorney  
Kristi Peterson, City Recorder  
Brett geo Wood, City Manager  
Gordon M. Haight II, Asst. City Manager  
Shauna DeKorver, Finance Director  
Cheeryl Jeppson, Human Resource Director  
Monte Johnson, Operation Director  
Bryn McCarty, Planner I  
Mark Jensen, City Engineer  
Justun Edwards, Water Director

- Review of tonight's agenda – *Interim Mayor, Clint Smith*
- Additional:
  - Budget Amendment – *Shauna DeKorver, Finance*
  - Capital Project Update – *Gordon Haight, Assist. City Manager / Blake Thomas, City Engineer*
  - Economic Development Incentive – *Heather Upshaw, Planner*
  - Planning Updates – *Bryn McCarty, Planner*
  - Deer Issue – *Brett geo. Wood, City Manager*
  - Entrance Sign Presentation – *Brett geo. Wood, City Manager*
  - City Updates – *Brett geo. Wood, City Manager*
  - Comments from Council Members
  - Other

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**7:30 PM ~ GENERAL MEETING:**

**Attendance:** Interim Mayor, Clint Smith

**Council Members Present:** Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:** John Brems, City Attorney  
Kristi Peterson, City Recorder  
Brett geo Wood, City Manager  
Gordon M. Haight II, Asst. City Manager  
Shauna DeKorver, Finance Director  
Cheeryl Jeppson, Human Resource Director  
Monte Johnson, Operation Director  
Bryn McCarty, Planner I

Mark Jensen, City Engineer  
Justun Edwards, Water Director  
Tami Moody, PIO

1. Welcome-

Interim Mayor, Clint Smith called the Herriman City Council meeting to order at [7:41:10 PM](#) and welcomed those in attendance.

- [7:41:55 PM](#) .1 Invocation:  
Trenton Bytheway offered the invocation.
- [7:42:46 PM](#) .2 Pledge of Allegiance:  
Tony DiConza led the pledge of allegiance.
- [7:42:55 PM](#) .3 Roll Call:  
Mayor Smith asked the minutes to reflect all members of the City Council are present at tonight's meeting.
- [7:43:03 PM](#) .4 Citizen Comments: *(Citizens time to address the council with issues that are NOT listed on tonight's agenda)*  
Mayor Smith opens the citizen comments portion of the agenda. He calls for any person(s) who wish to speak to the council to come to the podium, state their name and address and to speak about issues that are not listed on tonight's city agenda.  
Brent and Lisa McDonald, address on file. It has recently come to our attention that Herriman City has an ordinance in place that no longer allows us to build on our property at 7051 South Gina Road. This also makes our property hard to sell. Please consider making an exception for this property. The majority of the surrounding properties have home on them and developers will to have the same interest in developing Gina Rd as they do 7530 West.  
Steve Garret, address on file. Owner of a Disaster Cleanup Company. Part of my job is travelling all around the Salt Lake Valley, even into Davis and Utah Counties. Travelling into these areas reminds me how special Herriman is. What we have here is better than any areas in Salt Lake County, why? It's because of the people that live here, the people that live here have the same values and goals.  
When I look at the direction of this city has taken and going to be taking with the high density developments, in particular the Towne Center development. I'm really disappointed in our leaders with the decision to go in that way. I believe when we bring back the general plan, the cities master general plan. It takes away a lot of options, the city should have reserved in areas and I also believe what is tied with these developments. I think the city should attract more families. Initially they will for the most part...  
What are we going to be in twenty years from now? I don't know of any high density developments anywhere in the Salt Lake Valley that has any age on it, that has people in it that you and I would want to live around. When the newness wears off on these developments we will be left with people that we don't want to live around. It's very disappointing. No other city has chosen to make high density housing a focal point of their city, smack dap in the middle of the of their city centre.  
I just want to voice my disappointment for this. I don't know what all can be done, to mitigate it? But, I think that there should be a focus of our city leaders to find ways to mitigate the damage that the high density is going to do to our community. Somehow, figure out how the area is going to look in twenty – thirty years from now. Are we going to be run down? Are we going to be left with people we don't like in our community that causes crime and bring other issues to our city? Thank you for your service to our community. Have a good evening.  
Sherri Ohrn, address on file. Please see exhibit A.  
Yvette White, address on file. I would like to make the planning commission and city council aware off planning concerns around my property 6769 West 14600 South, so that future development as a subdivision including paved road access, all utilities, storm drainage accessibility and anything else pertinent to its to its development. Property was annexed into Herriman prior to any home even being built in the Cove. Wes have been blocked in our development previously by DAI.  
There were no other public comments.  
Mayor Smith declared this citizen comment time closed.

2. CONSENT AGENDA:

- [8:00:08 PM](#) .1 Electronic/Paper Minutes: Thursday, August 22, 2013 RCCM  
Council Member Coralee Wessman-Moser MOVED to continue these minutes.  
Council Member Mike Day **SECONDED** the motion.

*This document along with the digital recording constitute the official minutes for the  
Herriman City Council Meeting held on Thursday, September 12, 2013.*

Mayor Smith asked if there are any questions, comments or concerns regarding the motion. Being none, he calls for a vote. All present members voiced a unanimous yes to approve the written and electronic minutes as set forth.

### 3. PRESENTATIONS:

[8:01:09 PM](#) .1 Jordan School District Bond Review - *Superintendent Patrice Johnson*

[8:41:34 PM](#) .2 Economic Development Committee Incentive Recommendations - *Tony Diconza*

### 4. PUBLIC HEARING:

[8:51:12 PM](#) .1 Budget Amendments - *Shauna DeKorver, Finance Director*  
Mayor Smith declares the public hearing portion of the agenda open and calls for any persons wishing to express their concerns on this item to come to the podium to address the City Council members. Sherri Ohrn, address on file. . . with items like this and the general plan meeting not being on the website, it does make it difficult for the public to make comments on these things. There were no other public remarks on this item. Mayor Smith declared this public hearing closed.

### 5. FINANCIAL MATTERS:

[8:55:58PM](#) .1 Discussions and consideration of **Resolution No. 13.36** "A resolution of the Herriman City Council approving an amendment to the 2013-2014 fiscal year budget".  
- *Shauna DeKorver, Finance*  
Council Member Coralee Wessman-Moser **MOVED** to approve resolution no. 13.36 a resolution of the Herriman City Council approving an amendment to the 2013-2014 fiscal year budget approving from the General Fund; Capital Project Budget (General Fund) amendments as noted on our documents as...  
1. Bobcat Drive Tower Property of \$130,000  
2. Copper Mountain Sidewalk of \$140,000  
3. Additional Chip Seal of \$62,000  
4. Homeless Shelter Donation of \$1,248  
5. 13400 South Overlay of \$120000  
8. Aerial Photography - LIDAR of \$4,000  
As well as Capital Project (Impact Fees) budget amendments  
1. 13400 South Storm Drain Project - \$500,000  
Those are the ones that will benefit and necessary of the exception of the traffic bases, I think we will not hurt ourselves by delaying an additional two weeks. We will make the amendment to the budget in two weeks, delaying all others until we have the opportunity to for additional public comment.  
Interim Mayor Smith asks anything specific on nine?  
Councilwoman Wessman-Moser, I think we're not in a time sensitive crunch...  
Gordon Haight, I'm not on a time sensitive crunch but there are several developers and residents they are on a time crunch...  
Councilwoman Wessman-Moser adds number nine in as well. We will consider the others in two weeks.  
General Fund Items  
6. Slurry Seal - \$260,000  
7. Update to Economic Strategic Plan - \$6,000  
10. Engineering Design for Gina and McCuiston Ave. - \$120,000  
11. Traffic Sign at Mirabella & Rosecrest Road - \$150,000  
Impact Fee Items  
2. Shoshone Estates Landscaping - \$110,000  
3. Entry Park - \$300,000  
Council Member Craig B. Tischner **SECONDED** the motion.

Mayor Smith asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
Interim Mayor Clint Smith Yes  
This voting was unanimous; the motion carried.

**6. PLANNING MATTERS:**

*Text Change:*

9:06:14 PM .1 Discussions and consideration of **Ordinance No. 13-31** "17S12 – Herriman City – Text Change to Chapter 11-7-8, Curbs, Gutters, Sidewalks and Park Strips"  
*– Bryn McCarty, Planner*  
Council Member Matt Robinson **MOVED** to adopt ordinance no. 13-31 file 17S12, Herriman City text change to chapter 11-7-8 curbs, gutters, sidewalks and park strips. Approve it with the recommendation that we delete the entire section, which is section 11 -7-8 section F.  
Council Member Craig B. Tischner **SECONDED** the motion.  
Mayor Smith asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes, I want to revisit this when we get the plan in place.  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
Mayor Clint Smith Yes  
This voting was unanimous; the motion carried.

9:11:02 PM .2 Discussions and consideration of **Ordinance No. 13-23** File #: 16S13 – Herriman City – Text Change to chapter 11-7-17, Performance Bonds". *Bryn McCarty, Planner*  
Council Member Matt Robinson **MOVED** to continue this time.  
Council Member Mike Day **SECONDED** the motion.  
Mayor Smith asked if there were any questions on the motion.  
Being none, he calls for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
Mayor Clint Smith Yes  
This voting was unanimous; the motion carried.

**7. DISCUSSION /ACTION MATTERS:**

9:11:33 PM .1 Discussions and consideration of **Resolution No. 13.38** "A resolution appointing alternate members to the Planning Commission" *– Bryn McCarty, Planner*  
Mayor Smith asks the council if they have any questions for  
Mayor Smith solicits for a motion to approve this Ordinance or Resolution.  
Council Member Coralee Wessman-Moser **MOVED** to approve resolution no. 13.38 a resolution appointing Tony DiConza and Jeramy Burkinshaw as alternate's members to the Planning Commission.  
Mayor Smith states we have a motion do we have a second.  
Council Member Matt Robinson **SECONDED** the motion.  
Mayor Smith asks the Council Members if they have any questions.  
Being none.  
Mayor Smith asks for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes

Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
Chair / Mayor Clint Smith Yes  
This motion carried.

- [9:16:16 PM](#) .2 Discussions and consideration of **Resolution No. 13.37** "A resolution appointing Alice Winberg as Herriman City Treasurer." - *Shauna DeKorver, Finance* –  
Mayor Smith asks the council if they have any questions for  
Mayor Smith solicits for a motion to approve this Ordinance or Resolution.  
Council Member Matt Robinson **MOVED** to approve resolution no. 13.37 a resolution appointing Alice Winberg as the City Treasurer.  
Mayor Smith states we have a motion do we have a second.  
Council Member Coralee Wessman-Moser **SECONDED** the motion.  
Mayor Smith asks the Council Members if they have any questions.  
Being none.  
Mayor Smith asks for a roll call vote.  
Councilman Mike Day Yes  
Councilman Matt Robinson Yes  
Councilman Craig B. Tischner Yes  
Councilwoman Coralee Wessman-Moser Yes  
Chair / Mayor Clint Smith Yes  
This motion carried.

## 8. UPCOMING EVENTS IN THE CITY:

### September:

24<sup>th</sup> Senior Social Fire Station 123 at 12:00pm

19<sup>th</sup>-21<sup>st</sup> & 23<sup>rd</sup> Children's Theatre Production "Forever Disney" W & M Butterfield Park at 7:30pm

### October:

**1<sup>st</sup> Meet the Candidates Night, Copper Mountain Middle School at 7:00pm**

12<sup>th</sup> Pumpkin Festival W & M Butterfield Park at 5:00pm

## 9. FUTURE MEETINGS:

Next Regular Planning Commission Meeting:

Thursday, September 19<sup>th</sup> @ 7:00pm

Next Regular City Council Meeting:

Thursday, September 26<sup>th</sup> @ 7:30pm

## 10. ADJOURNMENT:

Mayor Smith remarks, "if there is no additional business to come before the Herriman City Council tonight", I ask for a motion to adjourn.

Council Member Mike Day **MOVED** to adjourn this meeting at [9:24:38 PM](#)

Council Member Coralee Wessman-Moser **SECONDED** the motion.

All City Council Members voted in support of this motion.

Motion carried.

## 11. RECOMMENCE TO WORK MEETING:

Economic Development Incentive - ~~Heather Lpshaw, Planner~~ Tony DiConza

Planning Updates - Bryn McCarty, Planner

Deer Issue - Stacey Lujan

Entrance Sign Presentation - Brett geo. Wood, City Manager

~~Trail Rules - Wade Sharp, Parks Manager~~

Anthem Development Agreements - Gordon Haight, Asst. City Manager

Human Resources Presentation, Employee Satisfaction Survey - Cheeryl Jeppson, Human Resources Director

Council's Top Five Update - Brett geo Wood, City Manager

Adjourned this meeting at [12:02:44 AM](#)

12. **SOCIAL GATHERING:** *(Social)*  
Will take place at Copper Rim Café (formerly Frogurt) 5502 W. 13400 S. Herriman, Utah

*I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on this date of Monday, September 16, 2013*

  
\_\_\_\_\_  
Kristi Peterson, MMC  
Herriman City Recorder

# Exhibit A

September 1, 2013

Dear Council,

We the undersigned are petitioning the Herriman city council to impose a six month moratorium on all development in the Rose Basin area in Herriman city to address and resolve issues in the Herriman City master plan. This six month moratorium would allow the city adequate time to perform necessary studies, and make needed adjustments to the master plan in this area. The incomplete nature of the master plan in the Rose Basin area significantly fails to address the long term development of and services for public safety, traffic circulation, pedestrian circulation, water usage, agriculture preservation, wild land interface, and overall community cohesiveness. The neglect in these specific areas could negatively affect the city's ISO rating. These shortcomings create a compelling public interest to withhold any further development until addressed (Utah state code 10-9a-504). This review would insure the Herriman city master plan is in compliance with the Utah state statute. It would enable the city to accurately assess impact fees allowed in section 11-36a of the Utah state code. Also allow the citizens to actively participate in the long term planning and development of their community. Most importantly this will assure the area is developed for the safety and well-being of the Herriman city residents and their children.

Upon review of the Utah State statute there are several master plan requirements (10-9a-401) that appear to be lacking in the master plan for Rose Basin. They include but are not limited to the following:

- Circulation plan
  - The apparent incomplete transportation study including:
    - Emergency response
    - Safe walking routes for school children
    - School bus stops
    - Traffic lights
    - Street crossing
    - Street lighting
    - Road quality
    - Long term placement of schools, firehouses and basic utility services
- Agricultural preservation
  - Water
    - As the second driest state in the union, water is always the largest factor affecting long term development. The master plan appears to fail to address the long term water usage and supply for the city residents. There is no apparent plan for adequate water for fire protection.
  - The current master plan proposal presented by Landmark Development has no remaining provision for agriculture which clearly affects the community cohesiveness and preservation of Herriman city traditional values.

- Economic Analysis
  - Impact fees
    - Proper assessment of impact fees related to new development
  - Long term tax base
    - Residential taxes
    - There appears to be inadequate planning for neighborhood commercial tax revenue
- Community Cohesiveness
  - The master plan does not appear to provide for the following
    - Trails
      - Connecting trails to the existing trail systems in eastern portion of the city
    - Parks
    - Open Space
    - Other general localized community recreation
    - Failure to integrate current residents land use including, horses, cattle, and other livestock.

The council's approval of the moratorium would ensure these issues; public safety, traffic circulation, pedestrian circulation, water usage, agriculture preservation, wild land interface, and overall community cohesiveness are addressed in a long term manner ensuring that Herriman city remains a wonderful place to live and raise your family.



**HERRIMAN, UTAH**  
**ORDINANCE NO. 13-23**

**16S13 – HERRIMAN CITY – TEXT CHANGE TO CHAPTER 11-7-17,  
PERFORMANCE BONDS**

**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 July 8, 2013, noticing of the July 18, 2013, public hearing at 7:00 p.m.; and

**WHEREAS**, the Planning Commission recommended approval of the land use ordinance text change in the meeting held on July 18, 2013, at 7:00 p.m. in the Community Center; and

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

**WHEREAS**, the City Council public meeting on September 12, 2013, was held at 7:30 p.m.; and

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

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

**11-7-17: PERFORMANCE BONDS:**

A. The city may allow a sub divider to proceed with subdivision plat recording or "development activities", as defined in this subsection, before completing improvements listed in this chapter, if the sub divider files with the city a cash bond, or an escrow bond, ~~or an irrevocable letter of credit bond~~ as an "improvement assurance warranty", as defined in this subsection, in a form approved by the city attorney and in an amount specified by the city engineer to assure actual construction of the improvements listed in this chapter within two (2) years after the date such bond is posted....

**PASSED AND APPROVED** this 26<sup>th</sup> day of September, 2013.

**HERRIMAN CITY COUNCIL**

By: \_\_\_\_\_  
**Clint Smith, Mayor**

**VOTING:**

Clint Smith	_____ Yes	_____ No
Mike Day	_____ Yes	_____ No
Matt Robinson	_____ Yes	_____ No
Craig B. Tischner	_____ Yes	_____ No
Coralee Wessman-Moser	_____ Yes	_____ No

**PRESENTED** to the Interim Mayor of Herriman City for approval this 26<sup>th</sup> day of September 2013

**APPROVED** this 26<sup>th</sup> day of September 2013.

By: \_\_\_\_\_  
Clint Smith, **Interim Mayor**

**ATTEST:**

\_\_\_\_\_  
Kristi Peterson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this 26<sup>th</sup> day of September 2013.

**RECORDED** this 26<sup>th</sup> day of September 2013.



## **Herriman City Public Hearing Notice**

**NOTICE IS HEREBY GIVEN** that the Herriman City Council will hold a Public Hearing on Thursday, September 26, 2013 at 7:30 pm at the Herriman Community Center, City Council Chambers located at 13011 South Pioneer Street (6000 West) Herriman, Utah. The purpose of the hearing is to consider amendments to the current year's budget for the period of July 1, 2013 through June 30, 2014. All interested persons shall be given the opportunity to be heard. In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodations to participate in this meeting. Requests for assistance can be made by calling (801) 446-5323, at least 48 hours in advance of the meeting to be attended.

Ordered for notice by the finance department on this 17<sup>th</sup> day of August 2013

/s/Kristi Peterson, MMC

Herriman City Recorder

**Herriman Baseball**  
**PW7 Field - Cost Estimate**

Cost Estimate

Item	Item	Description	Performed By	Supplied By	Paid For By	Qty	Units	Unit price	Total
1	FLAT CONCRETE	Form and install concrete on prepared subgrade - SPECTATOR AREA			City of Herriman	3600	SF	\$3.50	\$12,600
2	FLAT CONCRETE	Form and install concrete on prepared subgrade - BATTING CAGE AREA			Herriman Baseball	1200	SF	\$3.50	4,200
3	BACKSTOP	Provide and install vinyl coated backstop. Match existing coating type. 30" LEG X 15 ANGLE X 30 LEG X 15" TALL (INSTALLED)			City of Herriman	1	EA	\$9,500.00	\$9,500
4	OUTFIELD FENCE	6'-0" tall vinyl coated fencing. Match existing coating type. 40 wt post and top rail 8 ga wire (INSTALLED)			City of Herriman	340	LF	\$25.00	\$8,500
5	DUGOUT FENCING	8'-0" tall vinyl coated fencing with opening and metal cover. 40 wt post and top rail 8 ga wire (INSTALLED)			City of Herriman	120	LF	\$34.00	\$4,080
6	SIDELINE FENCING	6'-0" tall vinyl coated fencing. Match existing coating type. Include double swing gate for equipment. (INSTALLED)			City of Herriman	300	LF	\$25.00	\$7,500
7	FOUL POLE	Install foul pole to match existing			City of Herriman	2	EA	\$250.00	\$500
8	BLEACHERS	aluminum bleachers to match existing			City of Herriman	2	EA	\$1,000.00	\$2,000
9	DUGOUT BENCH	aluminum bench to match existing			City of Herriman	2	EA	\$300.00	\$600
10	BALL FIELD EXCAVATION	remove existing sod and 12" top soil. (265 CUBIC YARDS SOIL)			City of Herriman	265	CY	\$0.00	\$0
11	BALL FIELD SOIL	import ballfield soil to match existing (12" deep) (265 CUBIC YARDS)			Herriman Baseball	265	CY	\$20.00	\$5,300
12	BALLFIELD IRRIGATION	modify existing irrigation system to meet new requirements			City of Herriman	0	CY	\$0.00	\$0
13	FLAT CONCRETE EXCAVATION	excavate 8" existing top soil in areas of new concrete. Import 4" gravel base (44 YARDS GRAVEL)			City of Herriman	44	EA	\$10.00	\$440
14	POWER TO BALLFIELD	1" conduit to pitchers mound for pitching machine power. Extend 1" conduit to future scoreboard location.			Herriman Baseball	1	EA	\$300.00	\$300
15	BALLFIELD EQUIPMENT	install bases, pitchers mound, rubber backstop protector and miscellaneous signs. (distance, home/visit no softoss, etc.)			Herriman Baseball	1	EA	\$500.00	\$500
16									0
17									0
18									0
19									0
20									0
21									0
22									0

Subtotal Construction Cost:

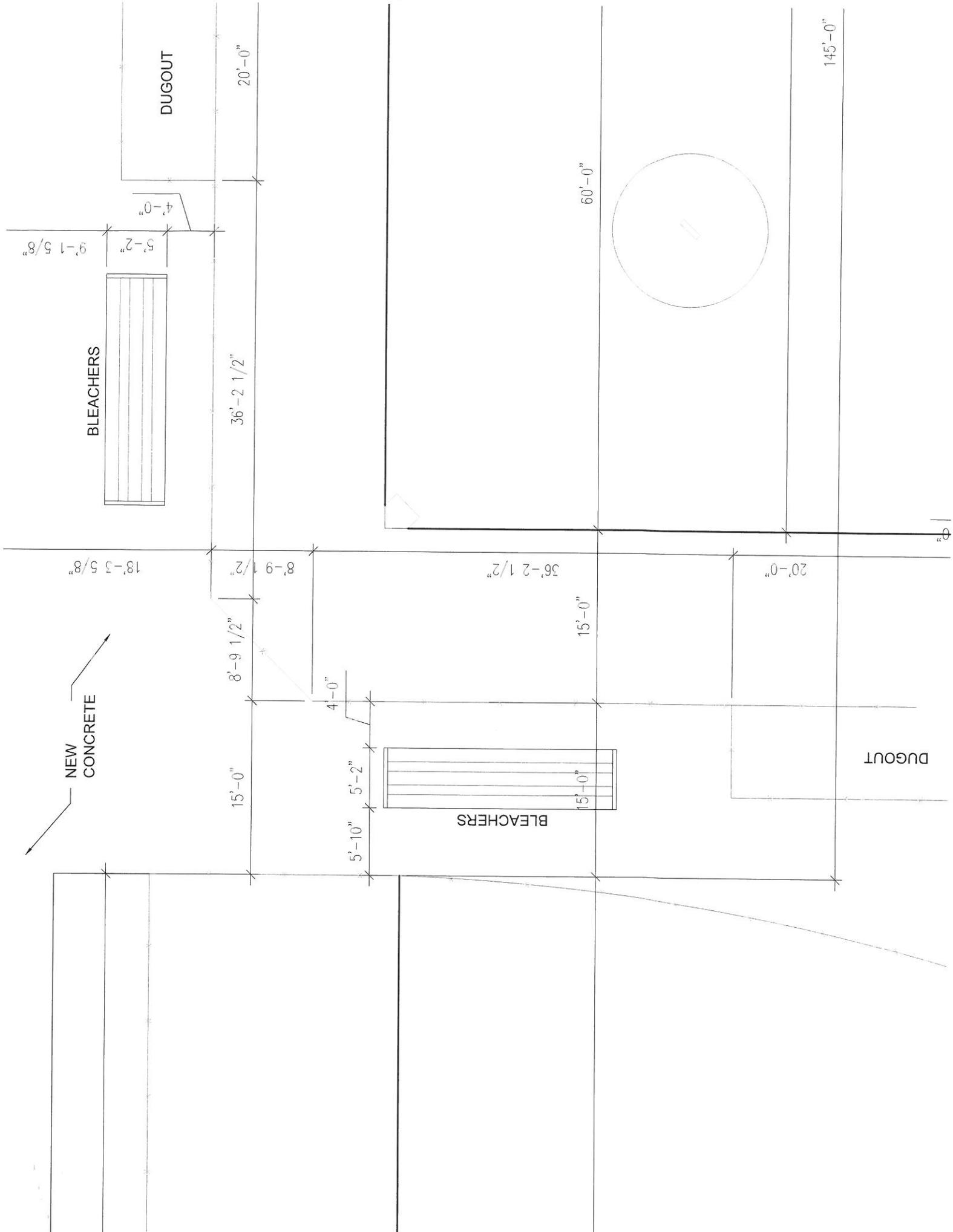
10% Contingency:

Total Construction Cost:

56,020

5,602

61,622





#2 Budget Amendments – Fiscal Year Ending June 30, 201

\*Added

**General Fund Amendments:**

1. \$260,000 Slurry seal of neighborhood roads – spring of 2014
2. \$ 6,000 Update to economic strategic plan
3. \$120,000 Engineering design for Gina Road and McCuiston Ave

**Impact Fee Amendments:**

1. \$110,000 Traffic signals at Mirabella & Rosecrest Road – Total cost of signal is \$150,000, \$40,000 for bases was approved 9/12/13. \$110,000 to be funded from Road Impact Fees still awaiting approval.
2. \$110,000 Shoshone Estates landscaping of detention pond from Park Impact Fees
3. \$ 50,000 Firebreak trail from Park Impact Fees
4. \$250,000 Entry park from Park Impact Fees
- \*5. \$100,000 Additional baseball field at Butterfield Park from Park Impact Fees

**Other Fund Amendments:**

1. \$625,000 Corridor Preservation revenue
2. \$625,000 Reimbursement from Corridor Preservation funds for Junipercrest Road

### Order Confirmation for Ad #0000907312-01

<b>Client</b>	HERRIMAN CITY	<b>Payor Customer</b>	HERRIMAN CITY
<b>Client Phone</b>	801-446-5323	<b>Payor Phone</b>	801-446-5323
<b>Account#</b>	9001353644	<b>Payor Account</b>	9001353644
<b>Address</b>	13011 S PIONEER ST HERRIMAN UT 84065 USA	<b>Payor Address</b>	13011 S PIONEER ST HERRIMAN UT 84065
<b>Fax</b>		<b>Ordered By</b>	<b>Acct. Exec</b>
<b>EMAIL</b>	sdekorver@herriman.org	Kristi	kstowe

<b>Total Amount</b>	<b>\$63.80</b>			
<b>Payment Amt</b>	<b>\$0.00</b>			
<b>Amount Due</b>	<b>\$63.80</b>	<b>Tear Sheets</b>	<b>Proofs</b>	<b>Affidavits</b>
		1	0	1

**Payment Method** **PO Number** City Council PH 9/26

**Confirmation Notes:**

**Text:** Kristi

<b>Ad Type</b>	<b>Ad Size</b>	<b>Color</b>
Legal Liner	1.0 X 35 Li	<NONE>

<u>Product</u>	<u>Placement</u>	<u>Position</u>
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
<b>Scheduled Date(s):</b>	9/17/2013	
<u>Product</u>	<u>Placement</u>	<u>Position</u>
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
<b>Scheduled Date(s):</b>	9/17/2013	
<u>Product</u>	<u>Placement</u>	<u>Position</u>
sltrib.com::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
<b>Scheduled Date(s):</b>	9/17/2013	
<u>Product</u>	<u>Placement</u>	<u>Position</u>
utahlegals.com::	utahlegals.com	utahlegals.com
<b>Scheduled Date(s):</b>	9/17/2013	

**Ad Content Proof Actual Size**

Herriman City  
Public Hearing Notice

NOTICE IS HEREBY GIVEN that the Herriman City Council will hold a Public Hearing on **Thursday, September 26, 2013 at 7:30 pm** at the Herriman Community Center, City Council Chambers located at 13011 South Pioneer Street (6000 West) Herriman, Utah. The purpose of the hearing is to consider amendments to the current year's budget for the period of July 1, 2013 through June 30, 2014. All interested persons shall be given the opportunity to be heard. In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodations to participate in this meeting. Requests for assistance can be made by calling (801) 446-5323, at least 48 hours in advance of the meeting to be attended. Ordered for notice by the finance department on this 17th day of August 2013  
/s/ Kristi Peterson, MMC  
Herriman City Recorder  
907312 UPAXLP



**HERRIMAN, UTAH**  
**RESOLUTION NO. 13.39**

**A RESOLUTION OF THE HERRIMAN CITY COUNCIL  
APPROVING AN AMENDMENT TO THE 2013-2014 FISCAL YEAR BUDGET**

**WHEREAS**, the Herriman City Council ("*Council*") met in regular meeting on September 26, 2013, to consider, among other things, approving an amendment to the 2013-2014 fiscal year budget; and

**WHEREAS**, the Council has determined it necessary to amend the budget to reflect various changes; and

**WHEREAS**, the Council determines that the amendment presented to the Council is necessary and appropriate.

**NOW, THEREFORE, BE IT RESOLVED** by the Council that the budget for the period of July 1, 2013, through June 30, 2014, is hereby amended as set forth on the attached amended budget.

This Resolution, assigned No. 13.39, shall take effect immediately upon passage and acceptance as provided herein.

**PASSED AND APPROVED** by the Council of Herriman, Utah, this 26<sup>th</sup> day of September 2013.

**HERRIMAN COUNCIL**

\_\_\_\_\_  
Clint Smith, **Interim Mayor**

**VOTING:**

Mike Day	Yea	___	Nay	___
Craig B. Tischner	Yea	___	Nay	___
Coralee Wessman-Moser	Yea	___	Nay	___
Matt Robinson	Yea	___	Nay	___
Clint Smith	Yea	___	Nay	___

**PRESENTED** to the Interim Mayor of Herriman City for approval this 26<sup>th</sup> day of September, 2013

**APPROVED** this 26<sup>th</sup> day of September, 2013.

---

**Clint Smith, Chairman**

**ATTEST:**

---

Kristi Peterson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this 26<sup>th</sup> day of September, 2013.

**RECORDED** this 26<sup>th</sup> day of September, 2013.



**HERRIMAN, UTAH**  
**ORDINANCE NO. 13-32**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SEWAGE DISPOSAL, OF THE  
HERRIMAN CODE OF ORDINANCES**

**WHEREAS**, the City Council (the “Council”) met in regular meeting on September 26, 2013, to consider, among other things, amending Title 8, Chapter 5, Sewage Disposal, of the Herriman Code of Ordinances; and

**WHEREAS**, after careful consideration, the Council finds that it is in the best interest of the health, safety, and welfare of the inhabitants of Herriman to amend the Herriman Code of Ordinances by amending Title 8, Chapter 5, Sewage Disposal.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the Herriman Code of Ordinances is amended by amending Title 8, Chapter 5, Sewage Disposal, and is designated by interlineating the words to be deleted and underlining the words to be added, as follows:

**8-5-1: PURPOSES:**

~~Sewer facilities and services to all of the residents of the city are provided by the South Valley sewer district. In order to preserve and promote the health, safety and welfare of its residents, and in cooperation with the district, the city has determined that regulation of sewage disposal within and by the city is necessary and desirable. It is also in the public interest that the city participate in achieving a degree of uniformity in the area served by the district and to enable the district to comply with applicable state and federal law.~~ Sanitary sewer facilities and services to residents of the city are provided through the District. The District provides sewage treatment through JBWRF and/or SVWRF. In order to preserve and promote the health, safety, and welfare of its residents, and in cooperation with the District, the city has determined that regulation of sewage disposal within and by the city is necessary and desirable. It is also in the public interest that the city participate in achieving a degree of uniformity in areas served by the JBWRF and the SVWRF and to enable those facilities to comply with applicable state and federal laws.

**8-5-2: DEFINITIONS:**

For purposes of this chapter and unless the context specifically requires otherwise, the following words shall have the following meanings:

APPENDIX A: The set of material appended, or intended to be appended, to this chapter, whether or not actually thus appended, and which lists substances, the discharge of which is prohibited hereinafter.

BUILDING PERMIT: Any permit issued by the city.

CESSPOOL: A pit or hole in the ground used for final sewage disposal.

CITY: Herriman City, a municipal corporation organized and existing under the laws of the state of Utah.

DISCHARGE: To cause a substance to enter the sewer system by any means, whether directly or indirectly.

DISTRICT: South Valley ~~s~~ewer ~~d~~istrict, a ~~county~~an improvement district organized and existing pursuant to Utah Code Annotated Title 17B, Chapter 2a, Part 4, as amended.

FINAL SEWAGE DISPOSAL: The depositing of sewage in the earth, in water, or elsewhere, under circumstances which, in time, cause oxidation, together with dissipation or absorption of the sewage.

JBWRF: Jordan Basin Water Reclamation Facility, a sewage treatment facility owned and operated by the District.

INDUSTRIAL USER: Any user of the Sewer System that discharges wastewater from commercial and/or industrial processes.

OCCUPANT: Any person in possession of the property mentioned, either by claim or right, or with the consent or acquiescence of the owner of such property.

ORDINARY DOMESTIC SEWAGE: Sewage of the type and contents commonly discharged from homes, as distinguished from businesses or industries.

OUTHOUSE: A building or other structure located over a cesspool.

OWNER: Any person holding or claiming title, legal or equitable, to the property mentioned, whether alone or in conjunction with others.

PERSON: Includes any natural person and any corporation or other separate legal entity, as well as the employer of any other person acting within the scope of his employment, the principal of any person who is an agent with respect to sewer matters, or the contractor of any person entering into a contract with respect to sewer matters.

PRIVY VAULT: A structure for containing sewage prior to final sewage disposal, unless such structure is located in a vehicle.

PROHIBITED SUBSTANCE: Any substance listed or described as prohibited in appendix A, attached to the ordinance codified herein, and on file in the city office.

SEPTIC TANK: Includes any means of final sewage disposal which is located principally underground, but does not include the public sewer system.

SEWAGE: Liquid or waterborne waste.

SEWER SYSTEM: The facilities owned or used by the ~~d~~District for collecting, transmitting, treating, and disposing of sewage, whether located in or out of the city.

SLUDGE:

- A. The accumulated solids slurry separated from liquids, such as water or wastewater during processing; or
- B. Deposits on bottoms of streams or other bodies of water; or
- C. The precipitate resulting from chemical treatment, coagulation, or sedimentation of water or wastewater.

SVWRF: South Valley Water Reclamation Facility, an interlocal entity created to treat sewage delivered to it by the District and the Facility's other member entities.

SUBSTANCE: Any physical matter, including any solid, liquid or gas whatsoever.

SURFACE WATER: Any water running, standing or found on or within five inches (5") of the surface of the ground.

TREATMENT: The processes employed by the ~~d~~District and/or the SVWRF whereby sewage is rendered less harmful or objectionable and/or less of a health hazard.

TREATMENT PLANT: ~~That portion of the sewer system~~The JBWRF and SVWRF treatment facilities used for treatment.

### **8-5-3: NONLIMITATION OF POWERS:**

Nothing in this chapter is intended to restrict or limit the extent or exercise of any power conferred on the district or the SVWRF by the laws of the state. In delegating certain regulatory authority to the ~~d~~District or the SVWRF, the city does not affect any authority the district or the SVWRF may have independent of the city to regulate the same or similar matters, except as may be agreed by the city and the district in a written interlocal cooperation agreement.

### **8-5-4: WASTEWATER FACILITIES REQUIRED:**

A. Mandatory Connection:

1. Mandatory: The owner or occupant of real property on which a building has been or is being constructed shall connect such building to the sewer system within sixty (60) days after receiving written notice from the

district that facilities of the sewer system are available for connection to the building, if any part of such facilities is situated within three hundred feet (300') of any property line of such real property.

2. Subsequent Use Of Private Systems: If connection to the sewer system is required pursuant to subsection A1 of this section, the owner or occupant thereby required to connect shall immediately plug any septic tank or privy vault, remove any outhouse, fill with earth any cesspool located on his property, and make no further use of those or any other privately owned facilities for final sewage disposal. Any cesspool, outhouse or unplugged septic tank or privy vault on property required to be connected to the sewer system is hereby declared to be a public nuisance.
  3. Construction Of Private System: No person shall construct or cause to be constructed a septic tank or other privately owned means of final sewage disposal on property required to be connected to the sewer system by subsection A1 of this section.
  4. Building Permit Approval: No newly constructed building required to be connected by subsection A1 of this section shall be issued a building permit approved for human occupancy if such building is not connected to the sewer system.
  5. Conditions: Nothing in this chapter as adopted shall be construed as creating any obligation on the part of the district to connect any property to the sewer system or retain any connection to the sewer system. The district may impose reasonable conditions and requirements for sewer connection without affecting the obligation of a private person to either connect to the sewer system, discontinue use of a private system, or otherwise comply with this section.
- B. Subdivisions Aand Other Developments: No subdivision plat, planned unit development, industrial park or commercial development shall be approved or recommended by the planning commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof or for the whole thereof, unless the city shall have first received a signed document from the district approving the sewer aspects of the proposed development.

#### **8-5-5: INTERFERENCE WITH PUBLIC SANITARY FACILITIES AND OPERATIONS:**

- A. Damage: No person shall intentionally or negligently cause any damage to the sewer system.
- B. Manholes: No person shall open a manhole of the sewer system without first receiving authorization to do so from the ~~d~~District.

- C. Runoff: No owner or occupant shall permit a condition to exist on the owner's or occupant's property whereby surface water, storm drainage, cooling water, or groundwater is discharged into the sewer system, nor shall any person install or create such a condition.
- D. Pretreatment and Discharge Permit Requirements. Those persons required to pretreat wastewater in order to comply with federal pretreatment standards, the district and/or SVWRF pretreatment rules and regulations and any permits issued thereunder shall provide, operate, and maintain the necessary pretreatment facilities in accordance with the ~~d~~District pretreatment rules and regulations. Industrial users required to apply for a discharge permit pursuant to the ~~d~~District's pretreatment rules and regulations shall obtain such permit prior to discharging into the Sewer System. Applications shall be in the form prescribed by the ~~d~~District.
- E. Discharge Limitations:
1. Generally: No person shall discharge into the Sewer System any substance or in a manner which, under ordinary circumstances, either: a) is harmful or detrimental to or interferes with either the sewer system, the functioning of the Sewer System, the environment, or the public health; or b) causes sewage to pass through the Sewer System without treatment and thereby creating a significant health hazard or diminishing the quality of the environment.
  2. Discharge ~~O~~f Prohibited Substances:
    - a. Prohibition: No person shall discharge into the Sewer System any substance listed as prohibited in appendix A, attached to the ordinance codified herein and on file in the city office.
    - b. Adoption ~~A~~and Amendment ~~O~~f Appendix A: Appendix A is adopted as of this date, and authority is hereby delegated to the district to amend or modify appendix A, such that appendix A controls discharges into the sewer system to the extent necessary to safeguard from substantial detriment the sewer system, the environment, and the health, safety and welfare of the residents of the city. This delegation is revocable and does not prevent further legislation in this respect by the city; however, such legislation by the city shall not be deemed a revocation of this delegation, unless the intent to revoke is clearly expressed in written form and approved by the city council. In the event of any inconsistency between enactments of the city and enactments of the ~~d~~District pursuant to the authority delegated in this section, the enactments of the city shall control. Should an amendment to appendix A by the district be held invalid for any reason, the text of appendix A as most recently adopted or amended by the city shall not be repealed or affected by the attempted amendment of the ~~d~~District.

- c. Separate Violations: Discharge of a substance prohibited by one section, subsection or other division of appendix A shall be a separate violation in addition to discharge of the same or similar substance prohibited by another section, subsection or division of appendix A.
  3. Immediate Reporting: Immediately upon discharging a prohibited substance or upon discovering that a prohibited substance has been discharged, the person performing or discovering such discharge shall immediately notify the staff of the the District of the discharge by the most rapid available means, if such person knows or reasonably should have known that: a) the substance was discharged; and b) the discharge of the substance was prohibited. Notification pursuant to this subsection does not relieve the person notifying of any liability, except liability for violation of this subsection.
  4. Preventing Accidental Discharge:
    - a. Generally: Every person conducting an activity which creates a substantial risk that a prohibited substance will be discharged into the sewer system shall provide adequate protection against accidental discharge of such a prohibited substance by either: 1) implementing procedures or practices which tend to reduce the likelihood of such a discharge; and/or 2) installing facilities designed to prevent such accidental discharge. The the District may identify persons required to provide such protection and direct them to comply with this subsection.
    - b. District May Require: The the District is hereby authorized to specify particular procedures, practices and/or facilities which shall be implemented by any person: 1) if the the District finds that there is substantial risk of a discharge prohibited by this section if preventative measures are not undertaken; and 2) if such procedures, practices and/or facilities substantially reduce the risk of discharge prohibited by this section; and 3) if the cost of implementing such procedures, practices and/or installing such facilities is found by the the District to be reasonable in light of both the potential damage to the sewer system and/or the environment if an accidental discharge occurs, and the effectiveness of the equipment in preventing such an accidental discharge.
    - c. Plans: In every case where facilities are required to be installed pursuant to this subsection, the the District is hereby authorized to require submission of detailed plans for the required facilities and their operation before construction of the facilities is begun.
  5. Preventing Future Discharges:

- a. Report: Within five (5) days after the discharge of a prohibited substance, the person who discharged such substance shall file with the €District or its designee a written report describing: 1) the nature and content of the discharge; 2) the cause of the discharge; and 3) remedial measures to be taken by the discharger to prevent similar discharges in the future. The €District or its designee may inspect the site of the accidental discharge and interview any person involved in the discharge in order to ascertain or confirm what happened and assure that remedial measures adequate to prevent future accidents are carried out as represented.
  - b. District May Require Changes: If: 1) a person has discharged a prohibited substance; and 2) it is highly likely that the same person will again discharge a similar prohibited substance in the future if preventative measures are not undertaken, then the district is hereby authorized to require the person who discharged the prohibited substance to make changes in equipment, facilities, procedures or practices, which changes: 1) have the effect of substantially reducing the risk of a similar discharge in the future; and 2) are found by the €District to be reasonable in cost in light of the potential damage to the system and environment arising out of a similar prohibited discharge in the future. Nothing in this subsection relieves any person of any liability, except liability for violation of this subsection.
6. Self-Monitoring Aand Reporting: The €District or its designee is hereby authorized to require that persons discharging into the sewer system, other than persons discharging only ordinary domestic sewage, monitor and report their sewage discharges in a manner and to the extent necessary to:
  - a) provide adequate compliance with and enforcement of this section;
  - b) assess the source of the components of the sewage transmitted, treated and disposed of by the €District;
  - c) charge reasonable fees to dischargers based on actual discharges or reasonable classifications of discharges. The district or its designee is further hereby authorized to require that such monitoring and reporting be performed at the expense of the person discharging. Every person required by the €District to monitor and report pursuant to this section shall monitor and report as required by the €District in conformity with this section.
7. Compliance Monitoring: The €District or its designee is hereby authorized to sample and analyze the sewage, and inspect the facilities, of persons discharging into the sewer system in order to determine or verify compliance with this section. The €District is further authorized to require the installation of reasonable facilities, such as manholes, to enable such sampling. However, nothing in this section limits any power that the €District may have to investigate or enforce compliance with other sections of this chapter or through means not specified in this subsection.

8. Strict Liability: Any person violating any provision of this section shall be guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.
9. Nuisance: Any condition or situation which causes a violation of this chapter is hereby declared to be a public nuisance and may be abated as provided by law.

**8-5-6: SEVERABILITY:**

If any part or provision of this chapter is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this chapter, and all provisions, clauses, and words of this chapter shall be severable. Specifically, the invalidity of any delegation of authority to the ~~e~~District shall not affect the validity of appendix A or any other provision adopted by the city council in this chapter or a later ordinance.

**8-5-7: PENALTY:**

The violation of any provision of this chapter shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code. In the case of a violation continuing for more than one day, each day in which the violation continues shall be a separate offense.

This Ordinance, assigned Ordinance No. 13-32, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 26<sup>th</sup> day of September, 2013.

**HERRIMAN**

By: \_\_\_\_\_  
**Clint Smith, Mayor**

**VOTING:**

Clint Smith	Yea	_____	Nay	_____
Mike Day	Yea	_____	Nay	_____
Matt Robinson	Yea	_____	Nay	_____
Craig B. Tischner	Yea	_____	Nay	_____
Coralee Wessman-Moser	Yea	_____	Nay	_____

**PRESENTED** to the Interim Mayor of Herriman City for approval this 26<sup>th</sup> day of September, 2013

**APPROVED** this 26<sup>th</sup> day of September 2013.

By: \_\_\_\_\_  
Clint Smith, **Chairman**

**ATTEST:**

\_\_\_\_\_  
Kristi Peterson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this 26<sup>th</sup> day of September 2013.

**RECORDED** this 26<sup>th</sup> day of September, 2013.





CITY COUNCIL

Thursday, September 26, 2013

# Item 10 & 11

**10. RECOMMENCE TO WORK MEETING:** *(If Needed)*

- Engineering Review Fee – *Gordon Haight, Assist. City Manager*
- Anthem Development Discussion – *Gordon Haight, Assist. City Manager*
- Park Funding Priority – *Gordon Haight, Assist. City Manager*
- Planning Updates – *Bryn McCarty, Planner*
- Trails Committee Discussions – *Gordon Haight, Asst. City Manager*

NOTES: \_\_\_\_\_

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**11. SOCIAL GATHERING:** *(Social if time allows)*  
Will take place at Copper Rim Café (formerly Frogurt) 5502 W. 13400 S. Herriman, Utah