



## COUNCIL AGENDA

Thursday, October 24, 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:
  - Building Permit Fee Study Update - *Jesse Bullock, Building Official*
  - Planning Updates - *Bryn McCarty, Planner*
  - Operations Update - *Monte Johnson, Operations Director*
  - Engineering Update - *Blake Thomas, City Engineer*
  - Water Project Update - *Justin Edwards, Water Director*
  - City Updates - *Brett Geo. Wood, City Manager*
  - Comments from Council Members
    - Iron Will at Camp Williams
    - Sanitation Board
    - Association of Municipal Government
    - Legislative Policy Meeting
    - Valley Emergency Communications Center (VECC)
  - 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, September 12, 2013 RCCM  
Thursday, October 10, 2013 RCCM

#### 3. PRESENTATIONS:

- 3.1. International Days Committee - *Ms. Shawnda Bishop*

#### 4. REPORTS:

- 4.1. Quarterly Financial, - *Shauna DeKorver, Director of Finance*

#### 5. PLANNING MATTERS: *Bryn McCarty, Planner*

##### Rezoning:

- 5.1. Discussions and consideration of **Ordinance No. 13-34** "File #: 12Z13 - Johnson - 13792 S 7300 W - Rezone from A-1 to A-50"

Text Change:

- 5.2. Discussions and consideration of **Ordinance No. 13-35** “File #: 07Z13 – Herriman City text change to the land use ordinance regarding section 10-20-9 preservation of open space”
- 5.3. Discussion and consideration of **Ordinance No. 13-19** “File #:05Z13 – Herriman City text change to the use ordinance regarding construction signs and temporary signs”

**6. DISCUSSION /ACTION MATTERS:** *Ty Nielsen, Arborist*

- 6.1 Discussion and consideration of **Ordinance No. 13-24** “An ordinance amending the street trees and park strip planting ordinance”

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

DECEMBER

2nd Holiday Sing A Long Herriman City Hall 6:30pm  
9th Holiday Concert TBA 7:00pm

**8. FUTURE MEETINGS:**

Next Regular Planning Commission Meeting:	Thursday, November 7, @ 7:00pm
City Council Work Meeting	Thursday, November 7, @ 7:00pm
Next Regular City Council Meeting:	Thursday, November 14, @ 7:30pm
City Council Work Meeting	Thursday, December 5, @ 7:30pm

**9. ADJOURNMENT:**

**10. RECOMMENCE TO WORK MEETING:**

- 10.1. Suburban Land Reserve (SLR) Development Agreement – *Gordon Haight, Assist. City Manager*
- 10.2. Update of Healthy Herriman Committee – *Gordon Haight, Asst. City Manger*

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

Will take place at Cafe Río – 5506 West 13400 South, 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 17<sup>TH</sup> DAY OF OCTOBER 2013.

Kristi Peterson, MMC  
City Recorder





## COUNCIL MINUTES

### Thursday, October 10, 2013

Waiting formal Approval

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#### 6:00 PM ~ WORK MEETING:

**Attendance:**

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  
Monte Johnson, Operation Director  
Bryn McCarty, Planner I  
Blake Thomas, City Engineer  
Justun Edwards, Water Director

Review of tonight's agenda – *Mayor, Clint Smith*

Additional:

- Future Work Meetings & City Council Meetings – *Mayor, Clint Smith*
- Future Events – *Danie Bills, Event Coordinator*
- Capital Projects – *Blake Thomas, City Engineer*
- Water Updates – *Justun Edwards, Water Director*
- Planning Updates – *Bryn McCarty, Planner*
- City Updates – *Brett geo. Wood, City Manager*
- Comments from Council Members
- Other

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#### 7:30 PM ~ GENERAL MEETING:

**Attendance:**

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  
Monte Johnson, Operation Director  
Bryn McCarty, Planner I  
Blake Thomas, City Engineer  
Justun Edwards, Water Director

## 1. Welcome-

Mayor, Clint Smith called the Herriman City Council meeting to order at [7:44:30 PM](#) and welcomed those in attendance.

- 1.1. [7:45:35 PM](#) Invocation:  
Steve Garrett offered the invocation.
- 1.2. [7:47:01 PM](#) Pledge of Allegiance:  
Gavin Loveridge led the pledge of allegiance.
- 1.3. [7:47:39 PM](#) Roll Call:  
Mayor, Clint Smith asks for the minutes to reflect all members of the City Council are present at tonight's meeting.
- 1.4. [7:47:46 PM](#) Citizen Comments: *(A time for citizens to address the council with issues that are NOT listed on tonight's agenda)*  
Mayor, Clint 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.  
[7:51:48 PM](#) Steve Garrett address on file comments on funding schools in Herriman. Mr. Garrett proposes the city council to create a resolution to assess an impact fee to help fund our schools. He urges the city to send this resolution to our state representatives and our legislators, Rep. Knotwell and Sen. Osmond. We need to do something.  
There were no other citizen comments from the public tonight.  
Mayor, Clint Smith declared the citizen comments closed.

## 2. PRESENTATION:

- 2.1. [7:52:11 PM](#) Jordan School District, Superintendent Patrice Johnson and Scott Thomas, Administrator of Auxiliary Services.  
Ms. Johnson expresses her gratitude for the great partnership between the city and Jordan School District. She also expressed her appreciation for all the volunteers and staff for helping with the recent flood at Herriman High School.  
Mr. Thomas utters his appreciation for everyone in the city that continues to help us not only with the flood, but also with just the working relationship that we have with all of you.  
All the volunteers and city council members helping whenever whatever is needed.

## 3. CONSENT AGENDA:

- 3.1. [7:56:29 PM](#) Electronic/Paper Minutes: September 12, and 26, 2013 RCCM's Council Member Day **MOVED** to approve the consent agenda as presented for September 26, 2013.  
Council Member Wessman-Moser **SECONDED** the motion.  
All present voted yes.  
Motion carried.  
Council Member Day **MOVED** to continue the September 12, 2013 minutes.  
Council Member Wessman-Moser **SECONDED** the motion.  
All present voted yes.  
Motion carried.

## 4. FINANCIAL MATTERS: *Shauna DeKorver, Finance Director*

- 4.1. [7:57:15 PM](#) Discussions and consideration of **Resolution No. 13.42** "A resolution of the Herriman City Council approving an amendment to the 2013 – 2014 fiscal year budgets"
  - 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. Engineering review and inspection review - \$10,000

Council Member Wessman-Moser **MOVED** to approve items

- a. Slurry seal
- b. Update to Economic Strategic Plan
- d. Traffic signal at Mirabella and Rosecrest Road
- f. Firebreak Trail

and add to that an additional \$300,000 for additional trail improvements, which will be specifically for Rosecreek Trail connectivity for \$200,000 and finish additional trails for \$100,000

Adjust the amount of g. Entry Park to \$180,000 and adjust the amount of the baseball field to \$62,000 and these are maximum amounts. Then the engineering and inspection fee approval for \$10,000 and then, add the control communication system for \$50,000 and we will make that subject to the general plan or the parks impact fee according to the determination of our staff and council.

Oh and one more addition to capital project fund, \$400,000 with a subsequent debit for possible property purchase \$500,000. General fund money...

Mayor, Clint Smith states we have a motion do we have a second.

Council Member Day **SECONDED** the motion.

Mayor, Clint Smith asks the Council Members if they have any questions before the vote.

Being none.

Mayor, Clint 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.

## 5. PLANNING MATTERS: *Bryn McCarty, Planner*

5.1. *Rezoning:*

8:00:48 PM

Discussions and consideration of **Ordinance No. 13-33** "File #: 11Z13 – Rosecrest – 14232 S Autumn Crest Blvd. – Rezone from R-2-10 and MU-2 to C-2 – Acres: 2.71"

Council Member Wessman-Moser **MOVED** to adopt an ordinance no. 13-33, file #: 11Z13, Rosecrest 14232 South Autumn Crest Blvd. – Rezone from R-2-10 and MU-2 to C-2.

Mayor, Clint Smith states we have a motion do we have a second.

Council Member Day **SECONDED** the motion.

Mayor, Clint Smith asks the Council Members if they have any questions before the vote.

Being none.

Mayor, Clint 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.

## 6. DISCUSSION /ACTION MATTERS: *Mayor Clint Smith*

6.1. 8:04:07 PM

Discussions and consideration of **Resolution No. 13.41** "A resolution of the legislative body of Herriman City authorizing the adoption of an amended and restated interlocal agreement adding new member agencies to the Salt Lake Valley Emergency Communications Center (VECC)"

Council Member Day **MOVED** to approve resolution no. 13.41 a resolution of the legislative body of Herriman City authorizing the adopting of an amended and restated interlocal agreement adding new member agencies to the Salt Lake Valley Emergency Communication Center (VECC)

Mayor, Clint Smith states we have a motion do we have a second

Council Member Robinson **SECONDED** the motion.

Mayor, Clint Smith asks the Council Members if they have any questions before the vote.  
Being none.  
Mayor, Clint 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.

7. 8:16:56 PM **UPCOMING EVENTS IN THE CITY:**

OCTOBER

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

14<sup>th</sup> Halloween Concert TBA 7:00pm

8. 8:17:22 PM **FUTURE MEETINGS:**

Next Regular Planning Commission Meeting:

Thursday, October 17, 2013 @ 7:00pm

Next Regular City Council Meeting:

Thursday, October 24, 2013 @ 7:30pm

Work Meeting

Thursday, October 22, 2013 @ 8:00

9. **ADJOURNMENT:**

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

Council Member Robinson **MOVED** to adjourn this meeting at 8:18:45 PM and recommence into our closed meeting.

Council Member Day **SECONDED** the motion.

All City Council Members voted in support of this motion.

Motion carried

10. **CLOSED SESSION:** *(Private)*

- 10.1. **UTAH CODE §52-4-205 (1) (d)** strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares.

9:31:47 PM At this time, the Councilmen gave consideration of adjourning into Closed Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares, pursuant to the provisions of Section 52-4-205 (d).

Attorney John N. Brems Indicated this was an appropriate purpose to hold a Closed Session.

Council Member Robinson **MOVED** the Council adjourn into a closed session pursuant to the provisions of section 52-4-205 (1) for the purpose of **(d)** strategy session to discuss the purchase, exchange, or lease or real property, including any form of water right or water shares.

Motion was **SECONDED** by Council Member Wessman-Moser, with the following roll call:

The vote was as follows:

Councilman Mike Day Yes

Councilman Matt Robinson Yes

Councilman Craig B. Tischner Yes

Councilwoman Coralee Wessman-Moser Yes

Mayor, Clint Smith Yes

All City Council Members vote in support of this motion.

This motion passes unanimously

11. **8:24:39 PM RECOMMENCE TO WORK MEETING:** *(If Needed)*
- 11.1. Deer Discussion – *Tami Moody, PIO*
  - 11.2. Discussion of surplus property - *Gordon Haight, Asst. City Manager*
  - 11.3. Anthem Development Agreement – *Gordon Haight, Asst. City Manager*

12. **SOCIAL GATHERING:** *(If time allows - Social)*  
Will take place at Wendy's 5592 West 13400 South, Herriman, Utah

*This document along with the digital recording constitute the official minutes for the Herriman City Council Meeting held on Thursday, October 10, 2013*

*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, October 10, 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 wanted 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 \$120,000
  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 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 Upshaw, 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 Thursday, October 17, 2013*

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



**Herriman, Utah**  
**Ordinance No. 13-34**

**12Z13 – Johnson – 13792 S 7300 W – Rezone from A-1 to A-.50**

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

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

**WHEREAS**, notice of the Planning Commission public hearing on the land use ordinance map change was sent on September 23, 2013, noticing of the October 3, 2013, public hearing at 7:00 p.m.; and

**WHEREAS**, the Planning Commission recommended approval of the land use ordinance map change in the meeting held on October 3, 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

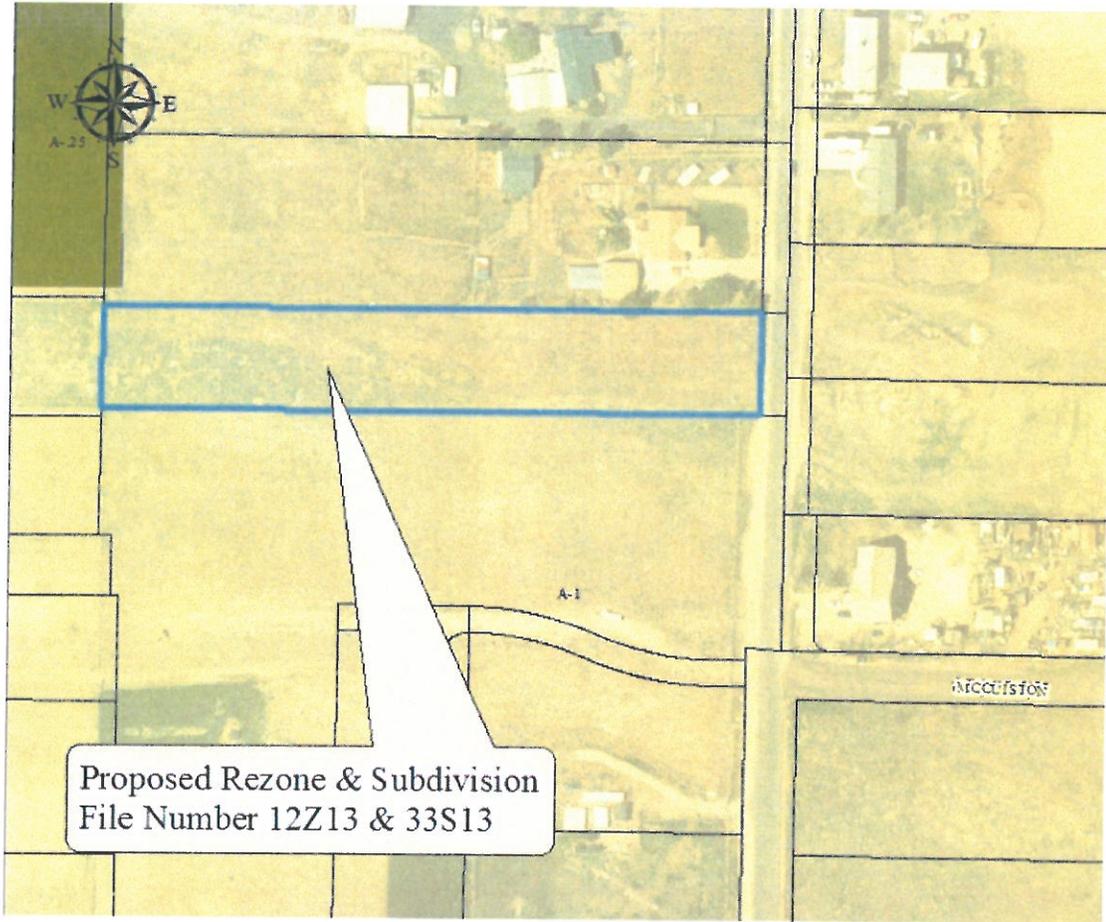
**WHEREAS**, the City Council public meeting on October 24, 2013, was held at 7:30 p.m. in the Community Center; and

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

**NOW THEREFORE**, be it ordained by the Herriman City Council that the following legally described area be adopted as a map change from A-1 to A-.50 on the zoning map of the City (12Z13):

**Parcel32-04-276-009**

<b>Legal Description</b>
BEG S 2402.13 FT & S 89 <sup>41</sup> W 660 FT FR NE COR SEC 4, T 4S,
R 2W, SLM; S 100 FT; S 89 <sup>41</sup> W 660 FT; N 100 FT; N 89 <sup>41</sup> E
660 FT TO BEG. 1.52 AC. 8619-0568



**PASSED AND APPROVED** this 24<sup>th</sup> day of October, 2013.

**HERRIMAN CITY COUNCIL**

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

**ATTEST:**

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

**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 24<sup>th</sup> day of October 2013.

**APPROVED** this 24<sup>th</sup> day of October 2013.

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

**ATTEST:**

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

**DEPOSITED** in the office of the City Recorder this 24<sup>th</sup> day of October 2013.

**RECORDED** this 24<sup>th</sup> day of October 2013.

CERTIFICATE OF POSTING

STATE OF UTAH                    )  
  )    SS:  
COUNTY OF SALT LAKE        )

I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified and acting City Recorder for Herriman, State of Utah, and do further certify that the foregoing is a true and correct copy of

**Ordinance No. 13-34**

**12Z13 – Johnson – 13792 S 7300 W – Rezone from A-1 to A-.50**

Herriman City Council duly adopted this Ordinance at a meeting duly called and held in Herriman, Utah on the October 24, 2013 at the hour of 7:30 o'clock P.M. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following location:

1. Herriman Community Center bulletin board, main floor - 13011 S Pioneer Street (6000 West)
2. Public Notice Website at <http://www.utah.gov/pmn/index.html>
3. Herriman City Website: [www.Herriman.org](http://www.Herriman.org)

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



**HERRIMAN, UTAH**  
**ORDINANCE NO. 13-35**

**07Z13 – HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING SECTION 10-20-9 PRESERVATION OF OPEN SPACE**

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

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

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

**WHEREAS**, notice of the Planning Commission public hearing on the land use ordinance text change was published on June 7, 2013, noticing of the June 20, 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 October 3, 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 October 24, 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)*

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

At least twenty percent (20%) of the planned unit development must be preserved as permanent open space or provided for ~~otherwise~~ as required in 10-20-9 (A) and (B). One-half (<sup>1</sup>/<sub>2</sub>) of the permanent open space required must be maintained in one contiguous parcel. Open space that is unbuildable because of, among other things, slope, wetlands, flood drainage or contamination,

may only be counted at fifty percent (50%) of the actual acreage to satisfy applicable open space requirements. Detention basins and park strips 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.

- A. 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 be counted at fifty percent (50%) of the actual acreage to satisfy applicable open space requirements. Detention basins and park strips may only count as open space if they provide recreational amenities.
  - c. The location 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.
- B. 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 24<sup>th</sup> day of October, 2013

**HERRIMAN CITY COUNCIL**

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

**ATTEST:**

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

**VOTING:**

Clint Smith	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Mike Day	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Matt Robinson	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Craig B. Tischner	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Coralee Wessman-Moser	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**PRESENTED** to the Interim Mayor of Herriman City for approval this 24<sup>th</sup> day of October 2013.

**APPROVED** this 24<sup>th</sup> day of October 2013.

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

**ATTEST:**

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

**DEPOSITED** in the office of the City Recorder this 24<sup>th</sup> day of October 2013.

**RECORDED** this 24<sup>th</sup> day of October 2013.

CERTIFICATE OF POSTING

STATE OF UTAH                    )  
  )    SS:  
COUNTY OF SALT LAKE        )

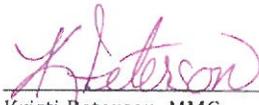
I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified and acting City Recorder for Herriman, State of Utah, and do further certify that the foregoing is a true and correct copy of

ORDINANCE NO. 13-35

**07Z13 – HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING SECTION 10-20-9 PRESERVATION OF OPEN SPACE**

Herriman City Council duly adopted this Ordinance at a meeting duly called and held in Herriman, Utah on the October 24, 2013 at the hour of 7:30 o'clock P.M. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following location:

1. Herriman Community Center bulletin board, main floor - 13011 S Pioneer Street  
(6000 West)
2. Public Notice Website at <http://www.utah.gov/pmn/index.html>
3. Herriman City Website: [www.Herriman.org](http://www.Herriman.org)

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



**HERRIMAN, UTAH**  
**ORDINANCE NO. 13-19**

**05Z13 – HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE  
REGARDING CONSTRUCTION SIGNS AND TEMPORARY SIGNS**

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

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

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

**WHEREAS**, notice of the Planning Commission public hearing on the land use ordinance text change was published on May 6, 2013, noticing of the May 16, 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 June 20, 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 July 11, 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)*

**PASSED AND APPROVED** this 24<sup>th</sup> day of October 2013.

**HERRIMAN CITY COUNCIL**

By: \_\_\_\_\_  
**Cline 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

Zone	Sign	Size	Height	Location	Other
All zones	Construction, off site	32 square feet <u>24 square feet, unless approved by the zoning administrator when three or more builders are combining into one sign; but in no case shall one sign be more than 128 square feet.</u>	<u>6- 12 feet maximum, unless approved by the zoning administrator when three or more builders are combining into one sign; but in no case more than 16 feet.</u>	On private property. Must maintain the clear view of intersecting streets and shall not interfere with views from driveways. Must be <u>80 300 feet from existing any other construction signs, in any direction or across the street.</u>	Sign must be removed 1 month from final building permit or conditional use inspection that allows occupancy or when 100 percent of the facilities are occupied, whichever occurs first
	Construction, on site	Construction signs located on the development for subdivisions of 5 lots or more may be <u>32 square feet, plus 2 square feet for each additional lot over 5, to a maximum of 128 square feet total per subdivision 32 square feet, unless approved by the zoning administrator when three or more builders are combining into one sign; but in no case shall one sign be more than 128 square feet.</u>	<u>12 feet, maximum unless approved by the zoning administrator when three or more builders are combining into one sign; but in no case more than 16 feet.</u>	On private property. Must maintain the clear view of intersecting streets and shall not interfere with views from driveways.	<p><u>One sign shall be allowed for each frontage of the development on an exterior public street. Individual phases of a subdivision shall not be considered separate subdivisions for the purpose of allowing additional signage. Up to three additional signs may be approved by the zoning administrator when multiple builders are combining into one sign;</u></p> <p>Signs must be removed within 30 days after the last lot is sold</p>

Temporary, on premises (C-2)

See section 10-23-17 of this chapter. Allowed a maximum of 1 week in any 3-month period. Allowed a maximum of twenty-one (21) days at any one time, with a minimum thirty day separation between displays, and not more than four times during a calendar year.

TEMPORARY SIGN: As regulated by this title, shall include any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a maximum of ~~thirty~~ twenty-one days ~~during a year~~ at any one time, and not more than four times during a calendar year.

**PRESENTED** to the Mayor Clint Smith of Herriman City for approval this 24<sup>th</sup> day of October 2013

**APPROVED** this 24<sup>th</sup> day of October 2013.

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

**ATTEST:**

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

**DEPOSITED** in the office of the City Recorder this 24<sup>th</sup> day of October 2013.

**RECORDED** this 24<sup>th</sup> day of October 2013.

CERTIFICATE OF POSTING

STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )

I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified and acting City Recorder for Herriman, State of Utah, and do further certify that the foregoing is a true and correct copy of

ORDINANCE NO. 13-19

**05Z13 – HERRIMAN CITY – TEXT CHANGE TO THE LAND USE ORDINANCE REGARDING CONSTRUCTION SIGNS AND TEMPORARY SIGNS**

Herriman City Council duly adopted this Ordinance at a meeting duly called and held in Herriman, Utah on the October 24, 2013 at the hour of 7:30 o'clock P.M. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following location:

1. Herriman Community Center bulletin board, main floor - 13011 S Pioneer Street (6000 West)
2. Public Notice Website at <http://www.utah.gov/pmn/index.html>
3. Herriman City Website: [www.Herriman.org](http://www.Herriman.org)

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



**HERRIMAN, UTAH**  
**ORDINANCE NO. 13-24**

**AN ORDINANCE AMENDING  
THE STREET TREES AND PARK STRIP PLANTING ORDINANCE**

**WHEREAS**, the Herriman City Council (the “*Council*”) met in regular session on October 24, 2013, to consider, among other things amending the street trees and park strip planting ordinance; and

**WHEREAS**, the Ordinance Review Committee has reviewed and proposed to amend a much needed street trees and park strip planting ordinance; and

**WHEREAS**, after careful review, the Council finds that it is in the best interest of the health, safety, and welfare of the inhabitants of Herriman and to amend the street trees and park strip-planting ordinance, which is set forth on attached exhibit “A.”

**NOW, THEREFORE, BE IT ORDAINED** by the Council as set forth on attached exhibit “A.”

**PASSED AND APPROVED** by the Council of Herriman, Utah, this 24<sup>th</sup> day of October 2013.

**HERRIMAN COUNCIL**

\_\_\_\_\_  
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

# Exhibit A

## Street Tree and Tree Planting

### STREET TREES AND TREE PLANTING

X-XX-XX0:	Purpose and Intent
X-XX-XX1:	Definitions
X-XX-XX2:	Administration
X-XX-XX3:	Street Tree Maintenance and Care
X-XX-XX4:	Tree Removal
X-XX-XX5:	Permits
X-XX-XX6:	Other Plantings
X-XX-XX7:	Street Trees in New Development
X-XX-XX8:	Street Trees in Previously Developed Areas
X-XX-XX9:	Heritage Trees
X-XX-XX10:	Appeals

#### **X-XX-XX0: Purpose and Intent**

(1) The City recognizes substantial economic, environmental, and aesthetic importance of the trees and other plantings within the community. The City Council has determined that it is in the best interests of the public that a plan be developed to regulate the planting and maintenance of trees and other plantings in or adjacent to streets and within easements, rights-of-way, and other public places within the City, to provide for orderly development and protection of public facilities, and to regulate the removal of trees that contribute significantly to the value of land preservation of resources, and quality of life in the City.

- (2) It is the intent of the City Council that the terms of this ordinance shall be construed as to promote:
- (a) The planting, maintenance, restoration, and survival of desirable trees within the City, and;
  - (b) The protection of the public from personal injury and property damage, and the protection of the City from property damage, caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.

#### **X-XX-XX1: Definitions**

(1) Heritage Tree shall mean any tree which is determined to have special significance to the community as of historic value, unique quality, significant girth or height, or protected species identified in the development process as a City resource and is formally accepted as a Heritage Tree by the City Council.

(2) Other Plantings shall mean any shrubs, grass or ground cover planted within street Rights-of-way or easements or in proximity thereto.

(3) Parks and Recreation Director shall mean the person or designee responsible for maintenance of Street Trees.

(4) Responsible Developer shall mean a Developer who has chosen to install street trees in a commercial, industrial or multifamily development.

(5) Street Tree shall mean any tree hereafter planted within any street right-of-way easements or City-owned places.

(6) Street Tree Program shall mean a manual approved by the City containing standards for the planting, maintenance, and removal of trees in and upon public areas and rights-of-way within the City.

(7) Top or Topping shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

(8) Tree Trimming shall mean the removal of plant parts to control growth and enhance performance or function in the landscape by developing and preserving tree structure and health. The removal of water sprouts, sucker growth, and hanging limbs constituting less than ten percent (10%) of the tree canopy is not considered tree trimming according to the provisions of this Chapter.

#### **X-XX-XX2: Ordinance Administration**

(1) **Authority.** The Parks and Recreation Director shall:

- (a) Supervise all trees and shrubs planted or growing in street right-of-way or City-owned places within the City.
- (b) Supervise and inspect the planting, trimming, spraying, preservation, and removal of trees and other plants in street right-of-way or City-owned places to promote safety and preserve the beauty of such public places.
- (c) Care for all trees in the City which have been designated as Heritage Trees.
- (d) Review all applications for permits and act on the same.
- (e) Supervise the maintenance of trees in the street right-of-way or City-owned places, including removal of such trees as he determines such action to be in the best interest of the City.

(2) **Governing Standards.** The Parks and Recreation Director shall develop and periodically review and revise, as necessary, the Street Tree Program. This program shall contain standards for the planting, maintenance, and removal of trees, shrubs, and other plants on street right-of-way or property.

(3) **Approved Street Tree List.** The Parks and Recreation Director shall prepare an "Approved Street Tree List" containing the botanical and common names of all trees hereafter authorized to be planted in street right-of-way or City-owned places. This list may be revised from time to time by the Parks and Recreation Director to include other suitable trees, trees to be planted for evaluation purposes only, or to exclude trees deemed to be unsuitable.

(4) **Public Awareness.** The Parks and Recreation Director shall make available to any interested persons copies of the Street Tree Ordinance, the Street Tree Program, and Approved Street Tree List.

#### **X-XX-XX3: Street Tree Maintenance and Care**

(1) **Care and Maintenance.** The Parks and Recreation Director shall initiate and administer a program to provide for the planting, maintenance, care, removal and replacement of Street Trees, consistent with resources available. At a minimum, adjacent property owners will be required to maintain their park strips by watering Street Trees.

(2) **Standards.** All trees located within street rights-of-way, easements, or City-owned places shall be maintained according to applicable standards. Such standards include standards set by the National Arborist Association, International Society of Arboriculture, Utah Community Forest Council, and the Street Tree Program.

(3) **City Tree Maintenance.** The City shall have the right to plant, prune, maintain, and remove Street Trees. The City may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to public utilities or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of Street Trees by adjacent property owners, providing that the selection and location of said tree is in accordance with the Street Tree Program and a permit is issued.

(4) **Tree Replacement.** The City may replace Street Trees or Other Plantings which have died or been removed for any reason, or plant additional Street Trees deemed appropriate consistent with available resources.

(5) **Adjacent Property Owners to Maintain Trees on Their Property.** Adjacent property owner trees and other plantings shall not overhang or encroach upon sidewalks, streets, public rights-of-way, or

other designated pedestrian ways, or obstructs the view of traffic signs or any street intersection. Trees must be thirty feet (30') from any traffic sign. Trees and other plantings shall be pruned clear of all branches between the ground and a height of seven feet (7') for that portion over the sidewalk or pedestrian way. Trees and other plantings that project over any street or access road that may be used for emergency purposes shall be trimmed to a height of thirteen feet six inches (13'6") from the grade of the street or access road. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety at the owner's expense.

(6) **Abuse or Mutilation.** It shall be unlawful to injure Street Trees.

(7) **Tree Topping.** It shall be unlawful to Top any Street Trees. Street Trees damaged by storms or other causes, or Street Trees under utility wires or other obstructions where other pruning practices are impractical, are exempted from this subsection.

(8) **Debris Removal.** The person working on Street Trees shall be required to remove all debris from the rights-of-way by sunset of the same day. The acceptable standard shall be a broom clean finish or better.

(9) **Planting Season.** Planting season for Street Trees is September 1 thru May 31 of the next year. This will ensure a higher survival rate of new trees.

#### **X-XX-XX4: Removal of Trees**

(1) **Permit Required.** It shall be unlawful for any person to prune, trim, or remove any Street Tree without first having obtained a permit from the City.

(2) **Removing Stumps.** Any tree, tree stump, or shrub that shall be removed from any of the public street or places within the City shall be removed below the surface of the ground so that the top of the stump shall not project above the level of the ground, unless permission to leave a projecting stump is granted by the City.

(3) **City Authority.** The City may condemn and remove, or order the removal of any tree, tree stump, shrub, or plant upon any of the public streets or on City-owned property within this City where the same is dead, diseased or for any reason whatsoever is deemed undesirable or unsafe by the City. The City shall have the authority to condemn and remove, or order to be removed, any tree, tree stump, shrub, or plant upon private property when the City shall find such action necessary for public safety or to prevent the spread of disease or insects to public trees and places. Where no apparent emergency exists, the City shall give at least fifteen (15) days notice of intent to remove any Street Tree to adjacent property owners of the decision to remove the Street Tree.

#### **X-XX-XX5: Permits**

(1) **Planting.** It shall be unlawful for any person to plant or cause to be planted any Street Tree without first obtaining a permit from the City. Said permit shall specify the location, planting season, and variety of trees to be planted.

(2) **Trimming.** It shall be unlawful for any person, other than City personnel, to engage in tree trimming of a Street Tree without first obtaining a permit from the City. The permit shall be issued when the City finds that the trimming is necessary and that the proposed method is satisfactory. Said permit shall specify the work to be done under such permit, and shall expire thirty (30) days after the date of its issue.

(3) **Removal.** Any person desiring to remove a Street Tree shall make application to the City. The City shall determine whether or not such tree is required to be retained in order to preserve the intent and purpose of the Street Trees Program. If the City finds that removal is warranted, then either the City may cause such tree to be removed or issue a permit to the person authorizing removal. If a permit is granted for removal of a Street Tree, all removal work shall be completed within thirty (30) days from the date of issuance of the permit and shall be under the general supervision of, and in accordance with the Street Tree Program. All removal permits shall be null and void after the expiration of thirty (30) days from the date of issuance, unless extended by the City.

(4) **Replacement.** Any replacement of a Street Tree shall be made based on evaluation by the City of

the condition of the site to determine whether replacement is warranted.

(5) **Considerations.** In determining whether a tree may be removed and replaced, the Parks and Recreation Director shall consider, among other things, the following:

- (a) Whether the tree or trees pose a potential for safety problems despite a sound maintenance program;
- (b) Whether the roots from adjacent park strip trees are interfering with sewer lines servicing the abutting property to the extent that the property owner requires frequent repair of said sewer lines;
- (c) Whether the tree is dead, dying or incurably diseased;
- (d) Whether the tree is diseased and weakened by age, storm, fire or other injuries so as to pose a danger to persons, property, improvements or other trees;
- (e) Whether the tree(s) is of an undesirable species;
- (f) Whether the tree poses a hardship to the applicable property owner such as, but not limited to, the cracking or raising of a garage floor or, in the case of a handicapped person, special circumstances exist which cause the location of the tree to become a hindrance for vehicle, and handicapped access; and
- (g) Whether removal is necessary for construction of a street widening or other public improvement project, or necessary street or public improvement repair work.

(6) **Exceptions.** Street Trees or Other Plantings planted by a Responsible Developer, City Crews, or City Contractor may be planted without a permit, provided however, that such trees and plantings shall conform to such plans and specifications and shall be planted under the supervision of the Parks and Recreation Director.

#### **X-XX-XX6: Other Plantings**

(1) **Responsibility for Other Plantings.** The person owning or occupying the adjacent property shall be responsible for planting and maintenance and care of any Other Plantings other than approved Street Trees in any area between the curb and the street (including, but not limited to weeding, trimming, spraying, and watering.)

(2) **Exception.** The City shall maintain those planting areas within the street (other than park strips) which are developed and landscaped as a public improvement.

(3) **Regulations for Other Plantings.** The person owning adjacent property may plant in planting strips and easements various plantings such as lawn, ivy, various perennials or annuals, or shrubs not to exceed two feet (2') in height and which will not interfere with the functioning of any curb, gutter, sidewalk, water meter, fire hydrant, or other public facility, and will not interfere with or impair the growth of any Street Tree, and will not constitute a public nuisance.

#### **X-XX-XX7: Street Trees in New Development**

(1) All Street Trees will be planted in accordance with the Street Tree Program. Plantings will be inspected by the Parks and Recreation Director.

(2) Responsible Developers choosing to install their own Street Trees will bond with the City for Street Tree improvements. The bond will be sufficient to cover installation, maintenance and warranty of the tree for one year after planting.

(3) It will be the responsibility of the Responsible Developer to water Street Trees for the first year after planting. After which time, the property owner adjacent to such Street Tree will be responsible.

#### **X-XX-XX8: Street Tree Planting in Previously Developed Areas**

(1) **Planting.** Planting of Street Trees in previously developed areas will be approved and supervised by the Parks and Recreation Director. Trees planted in these areas will be of approved species and a sense of uniformity will be maintained where possible. Citizens may only plant Street Trees with a permit in these areas with the approval of the Parks and Recreation Director. Unapproved plantings may be removed by the City.

(2) **Restrictions.** Planting of Street Trees in previously developed areas will generally only occur in

park strips that are sixty inches 60 inches wide or wider. Areas with narrow park strips may receive new Street Trees, even if existing trees are removed by city approval. Street Trees may be removed from areas with narrow planter strips in the interest of public safety.

**X-XX-XX9: Heritage Trees**

- (1) **Description.** The City Council with participation of landowner may designate trees of importance as Heritage Trees. Trees receiving this designation should have historical or peculiar significance to the community. Trees that are designated as Heritage Trees will become the responsibility of the City.
- (2) **Maintenance.** Heritage Trees may not be pruned, sprayed, altered in any way, or removed without written consent of the City. Heritage Trees shall be protected from construction, excavation, or any other kind of development that would negatively affect the tree, its trunk, its branches, or its root system at any time. It will be unlawful for anyone to disfigure, damage, compromise, or destroy a Heritage Tree.
- (3) **Classification as a Heritage Tree.** A tree can only be classified as a Heritage Tree if:
  - (a) The tree has proven historical significance.
  - (b) The tree has a peculiarity that makes it significant.
  - (c) The tree is free from infestation that may cause the demise of the tree.
  - (d) The landowner agrees to give responsibility of the tree to the City.
  - (e) The tree is free from past topping or other pruning that has compromised the structure of the tree in any manner.
  - (f) The tree is in apparent good health.
  - (g) The tree does not exist on property lines that in dispute.

**X-XX-X: Appeals.** Any person may appeal the decision rendered by the City pursuant to this Chapter to the City Council. The appeal must be in writing, signed by the appellant, with a statement of reasons supporting the appeal. The appeal shall be filed with the City Council within 10 days of the date of the decision being appealed.

## *List of Trees Suitable for Park strips*

### Acceptable Street Trees:

Common Name	Botanical Name
Hedge Maple	Acer campestre
Freeman Maple	Acer freemanii
Henry Maple	Acer henryii
Black Maple	Acer nigrum
Sycamore Maple	Acer pseudoplatanus
Sunset Maple	Acer truncatum x Acer platanoides
Red Hosechestnut	Aesculus x carnea
Sugarberry	Celtis laevigata
Hackberry	Celtis occidentalis
Katsura Tree	Cercidiphyllum japonicum
Yellow wood	Cladrastis lutea
Turkish Filbert	Corylus colurna
European Beech	Fagus sylvatica
Oregon Ash	Fraxinus latifolia
Raywood Ash	Fraxinus oxycarpa
Blue Ash	Fraxinus quadrangulata
Kentucky Coffee Tree	Gymnocladus dioicus
Sweetfum	Liquidambar styraciflua

Tulip Tree  
 Amur Maackia  
 Persian Parrotia  
 Amur Corktree  
 Bird Cherry  
 Swamp white Oak  
 Scarlet Oak  
 Bur Oak  
 Chinkapin Oak  
 Northern Red Oak  
 Shumard Oak  
 Black Locust  
 Japanese Pagoda Tree  
 American Linden  
 Silver Linden  
 Crimean Linden  
 American Elm  
 Lacebark Elm  
 Accolada Elm  
 Danada Charm Elm  
 Fortier Elm  
 Homestead Elm  
 Pioneer Elm  
 Prospector Elm  
 Triumph Elm  
 Japanese Zelkova  
 Mimosa  
 Western catalpa  
 Manchurian Ash  
 Maidenhair Tree, any hybrid variety

Liriodendron tulipifera  
 Maackia amurensis  
 Parrotia persica  
 Phellodendron amurensis  
 Prunus padus  
 Quercus bicolor  
 Quercus coccinea  
 Quercus macrocarpa  
 Quercus muhlenbergii  
 Quercus rubra or Quercus borealis  
 Quercus shumardii  
 Robinia pseudoacacia  
 Sophora japonica  
 Tilia Americana  
 Tilia tomentosa  
 Tilia x euchlora  
 Ulmus Americana  
 Ulmus parvifolia  
 Ulmus x 'Accolade'  
 Ulmus x 'Danada Charm'  
 Ulmus x 'Frontier'  
 Ulmus x 'Homestead'  
 Ulmus x 'Pioneer'  
 Ulmus x 'Prospector'  
 Ulmus x 'Triumph'  
 Zelkova serrata  
 Albizia julibrissin  
 Catalpa speciosa  
 Fraxinus mandschurica  
 Ginkgo biloba

## Power Line Clearance Acceptable Trees

Common Name	Botanical Name
Trident Maple	Acer buergerianum
Amur Maple	Acer ginnala
Paperbark Maple	Acer griseum
Tatarian Maple	Acer tataricum
Autumn Brilliance Serviceberry	Amelanchier x grandiflora
American Hornbeam	Carpinus caroliniana
Japanese Hornbeam	Carpinus japonicum
Eastern Redbud	Cercis Canadensis
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorn	Crataegus viridis
Levelle Hawthorn	Crataegus x lavellei
Crabapple Species (20 ft minimum mature height)	Malus spp.
Amur Chokecherry	Prunus virginiana 'Schubert'
Japanese Snowball	Styrax japonicas
Japanese Tree Lilac	Syringa reticulata
Wireless Zelkova	Zelkova serrata 'Schmidtlow'

# Herriman City Prohibited Trees

Common Name	Botanical Name
Box Elder tree	Acer negundo
Silver Maple	Acer saccharinum
Russian Olive	Eleagnus angustifolia
Fruitless Mulberry	Morus alba
Populus species {including all cottonwoods and aspen}	
Flowering Plums	Prunus cerasifera
Robinia {all species of Robinia}	
Salix species {including all trees with the willow family}	
Japanese pagoda	Sophora japonica
All species of Birch	
All species of Poplar	
All variety of bearing fruit or nut trees	
Balm of Gilead	
Chinese Date	
Gambel Oak	
Kentucky Coffee tree	
May Day tree	
Saskatoon Service berry	
Siberian Elm	
Black Locust	
Purple Robe	Robinia Pseudoacacia
All Evergreen Trees	

## General Guidelines

- All trees planted in the public right of way must be 1¼ to 2¼ inches caliper ball and burlap stock
- All trees planted for screening or landscape barrier purposes must be ball and burlap stock
- All landscape plans submitted for development review must be approved by the Manager of the Parks.
- All trees planted in the public right of way must be planted after September 1 to May 31.
- Street trees may only be planted in planter strips that are at least five feet wide.
- Trees in planter strips must be of approved species.
- Trees in planter strips must maintain clearance of 7 feet on the sidewalk side and 13 feet on the street side
- City staff has the right to prune and remove any tree in the public right of way as they deem necessary for the benefit of the public concern and safety.
- No citizen or corporation may, at anytime, prune, alter, damage, plant, or remove any tree in the public right of way without written consent from the Director over Parks or his agents. Any damage may become the liability of the property of the property owner.

## Tree Details

1. Deciduous trees must be 1¼ to 2¼ inches, ball and burlap stock
2. Evergreen trees must be 5 to 7 inches ball and burlap stock

3. Tree hole shall be dug 2 to 3 times the diameter of the root ball and only as deep as the root ball
4. Tree root ball shall be at least 12 inches in diameter per each 1 inch of tree caliper and at least 18 inches deep. Ball shall be wrapped tightly with no loose parts.
5. Tree should be set in the center of the hole and stood upright. The root flare should be visible and located at, or slightly above, existing ground level. The root flare should never be below ground level.
6. Tree shall only be lifted by the wire basket. Never lift a tree by grasping trunk or limbs or by attaching any type of sling or choker.
7. Remove at least the top half of the wire basket. Push remaining basket into the bottom of the hole.
8. Fold down burlap into bottom of hole.
9. Remove all strings, rope, stakes, taping, tagging, flagging, and any other such items.
10. Backfill hole with parent material, compact only enough to hold tree in place. Never use mechanical compaction. Top soil or soil pep may be added to parent material but may not replace material. Backfill material should cover root flare slightly but should never be piled against trunk.
11. Water generously to soak entire root ball and backfill material. A soil water ring may be formed at the edge of the root ball. Backfill material may need to be added as soil settles below root flare.
12. Form a mulch ring around the base of the tree. Mulch ring shall be at least 5 feet in diameter and 3 to 4 inches deep. Do not pile mulch against trunk. Fabric under mulch is not necessary for single trees.
13. Properly planted trees generally **Do Not Require Staking**.
14. If staking is necessary, Stakes should be driven into the ground outside of the root ball. Guying material must be wide and flexible, **hose and wire should never be used**. Trees shall be staked so that the trunk may move naturally in the wind. Any and all staking materials will be removed after one year's time.
15. Tree planting season is from Labor Day through Memorial Day. No trees may be planted in public right of ways outside of that season. Trees planted while the tree is not dormant will require a two year replacement guarantee.

## **Evergreen Trees Are NOT To Be Planted As Street Trees**

**PRESENTED** to the Mayor Clint Smith of Herriman City for approval this 24<sup>th</sup> day of October 2013

**APPROVED** this 24<sup>th</sup> day of October 2013.

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

**ATTEST:**

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

**DEPOSITED** in the office of the City Recorder this 24<sup>th</sup> day of October 2013.

**RECORDED** this 24<sup>th</sup> day of October 2013.

CERTIFICATE OF POSTING

STATE OF UTAH)  
COUNTY OF SALT LAKE                    )   SS:  
  )

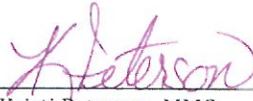
I, Kristi Peterson, do hereby certify that I am the duly appointed, qualified and acting City Recorder for Herriman, State of Utah, and do further certify that the foregoing is a true and correct copy of

**ORDINANCE NO. 13-24**

**AN ORDINANCE AMENDING  
THE STREET TREES AND PARK STRIP PLANTING ORDINANCE**

Herriman City Council duly adopted this Ordinance at a meeting duly called and held in Herriman, Utah on the October 24, 2013 at the hour of 7:30 o'clock P.M. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following location:

1. Herriman Community Center bulletin board, main floor - 13011 S Pioneer Street (6000 West)
2. Public Notice Website at <http://www.utah.gov/pmn/index.html>
3. Herriman City Website: [www.Herriman.org](http://www.Herriman.org)

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