



## CITY COUNCIL AGENDA

### Wednesday, September 13, 2017

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the Herriman City Council Chambers, located at 5355 West Herriman Main Street, Herriman, Utah.

#### **5:00 PM - WORK MEETING:** *(Fort Herriman/City Council Conference Room)*

##### **1. Council Business**

- 1.1. Review of this Evening's Agenda
- 1.2. Future Agenda Items

##### **2. Administrative Reports**

- 2.1. Informational City Manager Updates – Brett Wood, City Manager
- 2.2. New Employee Introductions – Travis Dunn, Human Resources Manager
- 2.3. Discussion concerning an amendment to the Policy and Procedures Manual regarding Employee Probationary Period – Travis Dunn, Human Resources Manager
- 2.4. Ice Rink Operations Discussion– Kevin Schmidt, Events Manager
- 2.5. Discussion relating to the Unified Fire Service Area (UFSA) budget and possible tax increase for UFSA – Board Member Coralee Wessman-Moser
- 2.6. Discussion regarding the construction of home additions on non-conforming lots – Bryn McCarty, City Planner
- 2.7. Discussion of a proposed text change for Herriman City amending approved fencing materials in the Land Use Ordinance (File No. 16Z17) – Bryn McCarty, City Planner
- 2.8. Discussion of a proposed text change to the Land Use Ordinance pertaining to Flag Lots (File No. 23Z17) – Bryn McCarty, City Planner
- 2.9. Discussions regarding a proposed Budget Amendment – Alan Rae, Finance Director
- 2.10. Discussion of Arches Park – Wendy Thomas, Director of Parks, Recreation and Events

##### **3. Adjournment**

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

##### **1. Call to Order**

- 1.1. Invocation/Thought/Reading and Pledge of Allegiance
- 1.2. Council Comments/Recognitions
- 1.3. Mayor's Comments/Recognitions

##### **2. Public Comment**

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

##### **3. Mayor and Council Comments**

- 3.1. City Council Board and Committee Reports

**4. Reports, Presentations and Appointments**

- 4.1. Jordan School District Five Year Building Construction Plan – Darrel Robinson, Jordan School District Board Member and Janice Voorhies, Jordan School District Board President

**5. Public Hearings and Action Items**

- 5.1. *(Continued from August 9, 2017, August 18, 2017, and August 28, 2017 meetings)* Public Hearing and consideration of an ordinance approving an amendment to the 2025 General Plan (File No. 01G16) – Bryn McCarty, City Planner

**6. Consent Agenda**

- 6.1. Approval of the August 9, 2017 RCCM, August 29, 2017 SCCM, and August 29, 2017 Board of Canvasser's meeting minutes

**7. Discussion and Action Items**

- 7.1. Discussion and consideration of a proposed rezone to amend the Zoning Conditions to add more Commercial Uses to the C-2 (Commercial) zoning designation located at approximately 5076 West Ashfield Drive for applicant Cade Cunningham (File No. 12Z17) – Bryn McCarty, City Planner
- 7.2. Discussion and consideration of a resolution to adopt the Community Outreach Program – Sandra Llewellyn, Planner I

**8. Calendar**

**8.1. Meetings**

- September 21 – Planning Commission Meeting 7:00 p.m.
- September 27 – City Council Work Meeting 5:00 p.m.; General Meeting 7:00 p.m.
- September 28 – Joint Planning Commission/City Council Meeting 6:00 p.m.

**8.2. Events**

- September 13 – Dig Off; W & M Butterfield Park 10:00 a.m.
- September 22 – City Hall Grand Opening/Ribbon Cutting Ceremony 3:00 p.m.
- October 16 – Herriman Howl and Trick or Treat Street; Herriman City Hall 5:30 p.m.

**9. Closed Session (If Needed)**

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

**10. Adjournment**

**11. Recommence to Work Meeting (If Needed)**

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

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

I, Jackie Nostrom, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html) and on Herriman City's website at [www.herriman.org](http://www.herriman.org)

Posted and Dated this 7<sup>th</sup> day of September, 2017

Jackie Nostrom, MMC  
City Recorder



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Travis Dunn- HR Manager

**SUBJECT:** Herriman City Policy Updates and Discussion on Probationary Time Frame

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**RECOMMENDATION:**

Multiple City policies are needing updates to solidify regulations, City practices and our culture. We are hoping to have a discussion towards any of the proposed changes and receive direction from Council.

**BACKGROUND:**

We are seeing a trend of employees performing well during their 6 month probation and then work performance dropping off. We are confident that increasing the probationary period to 12 months will alleviate this issue.

Employees unable to use sick time for 3 months and vacation time for 6 months is creating unpaid time off requests. We tend to still allow the time off but we are not using sick and vacation time which is hurting the employees. As we pay out this time at termination, I do not see a great reason to keep these waiting periods. Employees could now use this time as it accrues.

**DISCUSSION:**

To receive Council direction and feedback on these policy changes and updates.

**ALTERNATIVES:**

To discuss alternatives if changes to these policies need to be made in accordance to Council direction.

**FISCAL IMPACT:**

None

## Section III: Employee Hiring

### G. Probationary Period.

- (1) All new employees shall be subject to a ~~six (6)~~ twelve (12) month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- (2) Probationary periods begin on the first day of employment and continue for ~~six (6)~~ twelve (12) months. Management will provide guidance to probationary employees so they understand work requirements.
- (3) An employee on probation shall have a performance evaluation at the end of the probationary period. This performance evaluation may be used to provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a particular course of action relative to the probationary employee nor shall it create any property/due process rights for the probationary employee relative to their job/position.

## Section XIX: Leave of Absence

~~D. Employees will not be allowed to use vacation time during their probationary period usually lasting 6 months.~~

### F. Use of Sick/Bereavement Time.

~~(1) Sick/Bereavement time will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances with manager approval.~~

## Section XIV: Salary Planning

### 3. NEW HIRES.

~~C. Upon successful completion of the probation period the new employee may be eligible for a pay increase.~~



## STAFF REPORT

**DATE:** 9/6/2017

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

**FROM:** Kevin Schmidt, Events and Recreation Manager

**SUBJECT:** Towne Center Ice Skating

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**RECOMMENDATION:**

Approve fees and hours for our new ice skating venue.

**DISCUSSION:**

Please see attached hours and price sheet along with a cost recovery analysis for ice skating.

**ALTERNATIVES:**

The City Council may alter the hours, pricing, etc. as they deem necessary.

**FISCAL IMPACT:**

Based on cost recovery analysis for ice skating, the operations will be a revenue generating operation for the city. The cost recovery analysis does not include park maintenance and Zamboni operations for ice maintenance.



## Herriman City

### Public Skating 2017-2018

Ice Skating will be a new attraction for Herriman City and surrounding communities at Crane park.

**Hours of Operation:**

Monday-Friday: 4-9pm

Saturday: 12-10pm

Sunday: 12-5pm

Holidays (includes school breaks): 12-9pm

Closed: 12/25, 1/1

Open the Monday after Thanksgiving, November 27<sup>th</sup>-February 28<sup>th</sup> (weather permitting).

Soft opening November 20-22 to prepare for the season.

Our grand opening will be the Monday after Thanksgiving on November 27<sup>th</sup> from 4-9pm as part of the Night of Light celebration. There will be free ice skating this night. We will still charge for rental equipment.

**Recommended fee structure:**

Adults (ages 12-60): \$3 for ice skating

Child (ages 3-11): \$2 for ice skating

Toddler (ages 0-2): FREE

Senior (ages 60+): \$2 for ice skating

Veteran (with ID): \$2 for ice skating

Ice skate rental: \$3 (all ages)

Helmet rental: \$1

Ice Walker rental: \$5

10 time punch pass: \$45 (includes skate rental)

Groups of 20+ will receive \$1 off per skater for ice skating

**Staffing:**

A minimum of 3 staff will be needed to operate the skate rentals and monitoring the safety on the ice (1 staff will be needed as an ice monitor). We will hire seasonal staff for the operations.

**Cost Recovery Template Ice Skating**  
**Updated 9/6/2017**

Revenue	Fee	# of Patrons	Days	Total
Ice Skating Adult 12+	3	65	91	17,745.00
Ice Skating Child/Senior/Veteran	2	125	91	22,750.00
Ice Skate Rental	3	150	91	40,950.00
Subtotal				81,445.00
Software Fees	1.0%			(814.45)
<b>Total Revenue</b>				<b>80,630.55</b>

<u>Direct Costs</u>	Hourly Rate	Hours/Day	# of Staff	Times/seas on	Seasons/yr	Total including benefits	Benefit Cost Only
<b>Personal Services</b>							
PT Wages Weekdays	11	6	4	68	1	20,106.24	2,154.24
PT Wages School breaks/Holidays	11	10	4	8	1	3,942.40	422.40
PT Wages Saturdays	11	11	4	16	1	8,673.28	929.28
PT Wages Sundays/ Christmas Eve	11	6	4	14	1	4,139.52	443.52
PT Wages Training	11	6	12	2	1	1,774.08	190.08
<b>Total Personal Services</b>						<b>38,635.52</b>	<b>4,139.52</b>

	Cost	# of Staff/Participant/ Miles	Amount	Weeks/yr	Total
<b>Materials/Services</b>					
Ice Skates	80		300	1	24,000.00
Helmets	70		50	1	3,500.00
Walkers	35		15	1	525.00
Ice Sharpener	4500		1	1	4,500.00
Disinfectant	60			100	6,000.00
POS System	3000			1	3,000.00
Wristbands	3000			1	3,000.00
Equipment logo/identifier	3.5			700	2,450.00
Misc	1000			1	1,000.00
Training	40	10			400.00
Training	100	2			200.00
Contractual Services					-
Uniforms	35	20			700.00
Uniforms	200	4			800.00
Marketing	500		1	1	500.00
Equipment Replacement					-
Other					
<b>Total Materials/Services</b>					<b>50,575.00</b>
<b>Total Cost</b>					<b>89,210.52</b>
<b>Cost Recovery</b>					<b>(8,579.97) 90%</b>



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Unified Fire Service Area

**SUBJECT:** Unified Fire Service Area (UFSA) budget and possible tax increase for UFSA

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**DISCUSSION:**

Unified Fire Service Area Representative Coralee Wessman-Moser will provide information relating to the Unified Fire Service Area (UFSA) budget and the possibility of the need to conduct a tax increase for UFSA.





## STAFF REPORT

**DATE:** September 7, 2017  
**TO:** The Honorable Mayor and City Council  
**FROM:** Bryn McCarty, City Planner  
**SUBJECT:** Discussion regarding expansion of nonconforming uses

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### **Request**

The Council asked for additional information regarding allowing the expansion of nonconforming uses.

### **Discussion**

The Herriman City ordinance requires that all homes and buildings be located on legal building lots. The City cannot issue a building permit on a lot unless it has been created legally with a subdivision plat.

There are several homes in the City that were built in the County, prior to incorporation, and are not located on legally platted lots. This does not necessarily create a nonconforming use. The issue is the City's ability to issue a building permit on the illegal lot.

### **Recommendation**

Homes on illegal lots will need to go through the subdivision process to create a legal lot in order to receive a building permit for any expansions or alterations to the home.

The Council could direct staff to revise the ordinance to allow additions on existing homes that are not located on legal lots.



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Planning Commission

**SUBJECT:** Discussion regarding a text change to amend the Fencing Ordinance (16Z17)

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### **Request**

Herriman City is proposing a text change to the land use ordinance to amend the Fencing Ordinance. Staff would like feedback from the Council on the proposal, and then it will be placed on a future agenda for decision.

### **Notice**

The public hearing notice was posted in the newspaper and on the City website on June 26, 2017. The proposed text was posted on the City website on June 26, 2017. As of the date of this report, we have received no comments regarding the text change.

### **Process**

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision. The Planning Commission held a public hearing on July 6, 2017. They received no public comments at the meeting.

### **Discussion**

This is a proposed text change to amend the approved fencing materials. The change would allow the color of vinyl fencing to include other “neutral” tones. The proposed ordinance also would allow the use of decorative wrought iron fencing.

The Planning Commission discussed this change and wanted to add a few fence types to the list of permitted fences. Staff made some revisions to the text. These changes are also consistent with revisions being proposed as part of the update to the entire Zoning Ordinance.

### **Recommendation**

The Planning Commission recommended approval of the proposed text change to the fencing ordinance. They made one revision to the chain link section to clarify that only black vinyl coated chain link would be allowed for recreational uses.

#### 10-29-4: FENCING MATERIALS:

A. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. The following fencing materials shall be allowed in all zones, except as otherwise provided by a more restrictive provision in this chapter:

1. ~~Concrete, Block, Brick or Stone Solid Wall/Panel:~~ Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry ~~fence and/or wall, with an approved cap materials.~~
2. ~~Post and Rail Fencing:~~ Reinforced post and rail style fencing is allowed on agriculturally zoned properties which allow for large animals.
3. ~~Vinyl:~~ Semi private, rail, or solid or private heavy gauge beige, white, or other neutral tone vinyl
4. Solid or private sunlight stabilized polyethylene materials or similar products
5. ~~Solid or hollow Composite Materials:~~ Solid or private composite materials or similar products hollow wall/panel.
6. Decorative Wrought Iron Fencing.

B. The following fencing materials shall be prohibited in all zones:

1. Plastic materials other than vinyl;
2. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood;
3. Scrap materials such as scrap lumber and scrap metal.
4. Wood fencing of any type.

~~C. Chainlink ———~~ 5. Chain link fencing ~~shall only be permitted where specifically approved by the planning commission as part of a site plan approval. If approved, only black coated vinyl chainlink shall be allowed. Chainlink fencing is prohibited in residential zones, except black vinyl coated chain link fence as specified for recreational uses as provided in section 10-29-9 of this chapter for recreational use.~~



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Planning Commission

**SUBJECT:** Discussion regarding a text change to the Flag Lot ordinance. (23Z17)

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### **Request**

Herriman City is proposing a text change to the land use ordinance regarding flag lots. Staff would like feedback from the Council on the proposal, and then it will be placed on a future agenda for decision.

### **Notice**

The public hearing notice was posted in the newspaper on July 24, 2017 and on the City website on July 21, 2017. The proposed text was posted on the City website on July 21, 2017. As of the date of this report, we have received no comments regarding the text change.

### **Process**

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision. The Planning Commission held a public hearing on August 3, 2017. They received no comments at the public hearing.

### **Discussion**

This text change is based on recent discussions with the Planning Commission and City Council regarding greater restrictions for flag lots in areas where they may not be suitable.

The proposed text change adds several requirements to the current flag lot ordinance. It states that flag lots shall not front on collector or arterial streets. It also clarifies that flag lots shall have a hard surface driveway with adequate provisions for drainage.

Another new restriction states that a flag lot cannot be created as part of a subdivision where there are more than two lots in the subdivision or from an illegally divided lot. This means that if a lot is part of a previously platted subdivision, they cannot further divide the lot.

### **RECOMMENDATION:**

The Planning Commission recommended approval of the text change. They recommended the ordinance as it was proposed, and did not make any revisions to the text.

## 10-19-10: FLAG LOTS: (UNDERLINED SECTIONS ARE PROPOSED NEW TEXT)

In order to encourage the more efficient use of land, flag, or L-shaped lots may be allowed as an exception subject to the following conditions:

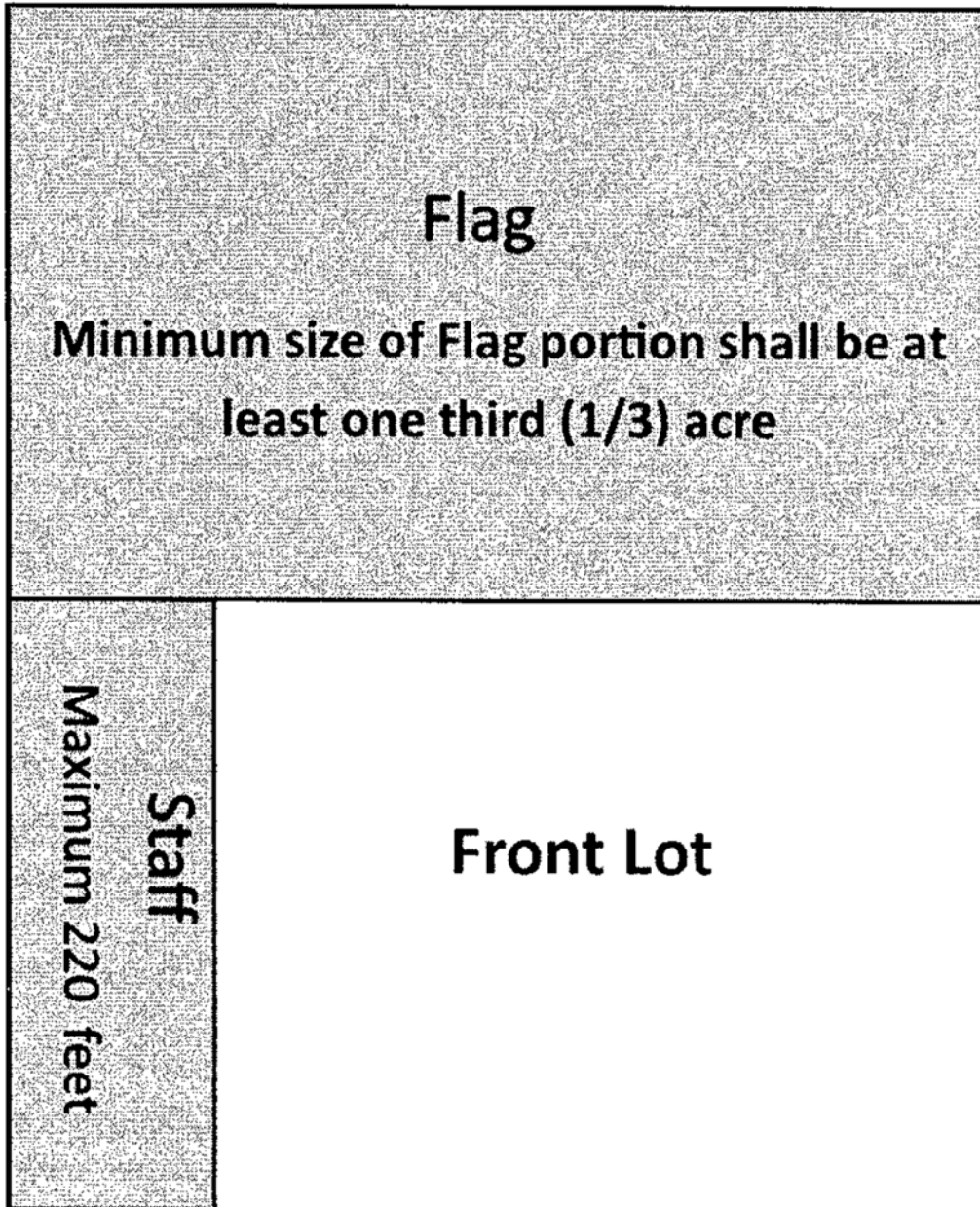
A. Definition: A flag lots is defined as a lot in a residential zoning district that does not meet the required frontage on a public street. A flag lots has two distinct parts: the flag, which contains the buildable area and is located behind another lot; and the staff, which connects the flag to the street, provides the only street frontage for the lot, and contains less than the minimum lot frontage for the zone.

B. Purpose: Flag lots are intended to apply only to exceptionally deep or odd shaped parcels that are isolated from public streets and would be difficult to develop or utilize in any other way. The applicant must demonstrate that a flag lot is the most appropriate development option and that it will not detract from the surrounding neighborhood.

C. Minimum Requirements: A flag lot shall meet the following minimum requirements:

1. The staff portion of the flag lot shall front on and be contiguous to a dedicated local public street. Flag lots shall not front on a collector or arterial street.
2. The minimum width of the staff portion of a flag lot shall be twenty feet (20'). On properties where the length of the staff is greater than 150 feet, the width of the staff shall be no less than 25 feet of drivable surface unless otherwise recommended by the City Engineer and Fire Marshall and approved by the Planning Commission.
3. The maximum length shall be two hundred twenty feet (220') unless otherwise approved by the Planning Commission upon recommendation of the Unified Fire Authority.
4. The flag lot shall have a hard surfaced driveway from the public street to the required parking area for the flag lot. Adequate provisions shall be made for drainage of the driveway such as curb and gutter, berming, or swales.
5. A flag lot cannot be created as part of a subdivision where there are more than two lots in the subdivision or from an illegally divided lot.
6. A flag lot shall not gain access via an easement on an adjacent property.
7. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and streetlights).
8. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts, unless otherwise determined by staff on a case by case basis.

9. The staff portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
10. The square footage of the flag lot shall be a minimum one-half ( $\frac{1}{2}$ ) acre. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall not be less than one-third ( $\frac{1}{3}$ ) acre.
11. The front, side, and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
12. Only one (1) single family dwelling shall be allowed on a flag lot. ~~No more than one flag lot can be served by the staff portion.~~
13. The approved building envelope shall be illustrated upon the final plat.
14. ~~A duplex, twin home, or any other multi-family dwelling shall not be located on a flag lot.~~
15. A six foot (6') solid vinyl fence shall be installed on all sides of the flag lot, including along both sides of the staff portion of the lot, subject only to the requirements of section 10-29-3 regarding front yard fencing. ~~unless an exception is granted by the planning commission.~~
16. All applicable street improvements including curb, gutter and sidewalk shall be installed along the front of both the flag lot and the lot or parcel from which it is being subdivided.



**20 Feet  
Minimum**

**Minimum total flag lot size of one-half (  $\frac{1}{2}$  ) acre**

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## Herriman City Staff Report

### City Council Meeting 09-13-2017

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Agenda Item: Discussion regarding a proposed budget amendment

Staff Report submitted by: Alan Rae

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Recommended City Council Action: **No Action, discussion only**

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#### **BACKGROUND:**

As we move into the new fiscal year we have found the need for several reasons to amend the budget. The following are proposed changes to the budget:

#### **General Fund**

Postage increase from	\$16,000	to	\$50,000
Printing increase from	5,000	to	15,000
Legal increase from	68,000	to	93,000
City Planner Salary	45,000		
City Planner Payroll Burden	33,750		

Total change in General Fund is \$147,750. This will result in a reduction in fund balance.

With the additional mailings that we have been sending to the public we have in the first 2 months of the year expended more than half of the budgeted postage. With the additional mailings that will be expected for the formation of the new law enforcement district we expect that we will need significant additional postage and printing.

John will be addressing the council in closed meeting regarding the additional legal and a pending legal action that will require additional legal fees for outside council.

The amount for the City Planner is using an estimated starting salary of around \$100,000. This person will not be starting until a portion of the year is expired so I have calculated a percentage of the salary at  $\frac{3}{4}$  of the year or \$75,000. We had also budgeted to add a lower level planner that we will not be adding so the additional salary request is reduced by the approved \$30,000 for that person leaving \$45,000 required for this fiscal year. We will also need to add burden for the \$75,000 of salary in the amount of \$33,750.



**Impact Fees**

Our impact fees studies do not currently include the Dansie’s property and must be updated for Parks, Streets, Storm Drain and Water. Several of these are in the process of being reviewed but will need to change the scope. These are eligible impact fee expenditures, we would therefore request increases in Master Plans for each as follows:

Park Impact Fees	\$20,000
Storm Drain Impact Fees	15,000
Road Impact Fees	30,000
Water Impact Fees	25,000

These will result in reductions in fund balance for each of these impact fees in the amounts listed above.

Road Impact Fees

The park strips on Herriman Boulevard and Juniper Crest are projected to be completed in approximately 4 phases. The first phase is designing the project and it is proposed to use \$25,000 for engineering and design.

**Park Impact Fees**

The park proposed to be built in Arches subdivision is a capital facilities plan item. The City has the option of having the contractor build the park and then reimburse them impact fees or the City can keep the impact fees and design and build the park the way we want it. The City would like to build the park so it is proposed that the impact fees be increased and the park construction be increased by \$500,000.

Park Impact Fees increase by	\$500,000
Arches Park increase by	500,000

This will result in no change in fund balance.

**Capital Projects**

Due to announced and expected increases in ACUB funding this year we propose increasing ACUB revenue by \$1,000,000 with an accompanying increase in Property Acquisition.

We are also working on two land acquisitions where we will receive developer money to purchase land. In one of the deals the amount is \$6,200,000 and the other is \$15,000,000. We propose increasing Developer Agreement Revenues by \$21,200,000 and Property Acquisition by \$21,200,000.

Revenue

ACUB Revenue increase from	\$5,000,000	to	\$ 6,000,000
Developer Agreement Revenues	0	to	21,200,000

Expenditures

Property Acquisition increases from	5,342,000	to	27,542,000
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This will result in no change in fund balance.

**Water Impact Fees**

The Water Department is requesting three capital items be changed or added to the budget.

Rosecrest Road Secondary Extension 2,200 linear feet 12"	\$250,000
Jordan Valley Zone 2 Connections increase from	\$450,000 to 650,000
Butterfield Parkway Secondary Extension 2,400 linear feet 20"	550,000

This will result in a reduction in fund balance for Water in the amount of \$1,000,000.

Respectfully Submitted:



Alan Rae



## STAFF REPORT

**DATE:** 09/06/2017

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

**FROM:** Wendy Thomas

**SUBJECT:** Arches Park

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### **BACKGROUND:**

Arches Park is a 2.5 acre planned park located in the Anthem Development on the corner of Balanced Rock Lane and Broken Arch Lane.

The original plan for the park was approved in 2014, but the park was shelved. Staff have made several revisions to the original plan to add unique amenities and alter the playground to allow for an improved park user experience.

### **DISCUSSION:**

The size of the planned park qualifies it as a “Community Park” in the 2015 Herriman City Parks, Recreation, Open Space and Trails Master Plan. The developer is eligible for reimbursement for the park and due to the size of park, park impact fees are an applicable funding source.

City Staff have met with the design firm, blū line design, and the playground consultant, Big T Recreation. Planned park amenities include a playground, slackline course, hammock area, green field space, a pavilion and connectivity to the Midas Creek Trail via a proposed pedestrian bridge. A bathroom will be stubbed for future installation.

### **ALTERNATIVES:**

- Don’t build the park now, continue to wait.
- Reduce or remove some of the planned amenities.

### **FISCAL IMPACT:**

Cost for final design and construction documentation for Arches Park totals \$15,720. The current budget for the park, including all planned amenities is \$500,000. All funding will come from Park Impact Fees obtained from the communities being constructed in the Anthem area.

# 5-Year Building Construction Plan

2017-2022

DRAFT

Construction/ Financing Timeline	Progress	School Opening	Type	Location	Funding	Construction Cost*	Furniture, Fixture & Equipment and Instructional Items Cost	
2016-2017	Nearly complete	2017-18	Elementary School	South Jordan	Capital Reserve	\$15.0 million	\$973,000	
			Elementary School	Herriman		\$15.5 million	\$973,000	
2017-2019	Under construction	2019-20	Middle School	South Jordan	Capital / Bond November 2016	\$32.5 million	\$2,061,000	
2017-2019			Middle School	West Jordan		\$40.0 million	\$2,061,000	
2017-2020			High School	Herriman		\$81.5 million	\$5,851,000	
2018-2019	Planning phase		Elementary School	Bluffdale		\$16.1 - 19.1 million	\$1,032,000	
2018-2019			Elementary School	Herriman		\$16.1 - 19.1 million	\$1,032,000	
2018-2020			2020-21**	Middle School		Bluffdale	\$36.0 - 42.0 million	\$2,187,000
		2021-22	Currently, there are no plans to open a school this academic year.					

## Implications

- Schools would be built in every area of the District.
- Construction is less expensive with more lead time.
- Funding would still be available for some capital projects.
- 7<sup>th</sup> periods and portables needed at middle and high schools.
- Domino boundary changes may be needed for middle and high schools.

## Considerations

- Plans beyond current construction are tentative and will be reviewed annually.
- Hot spots we are watching as growth continues:
  - Bluffdale – Independence
  - Herriman – Anthem, Sorensen
  - Riverton – The SLR Project
  - South Jordan – Daybreak
  - West Jordan – Jordan Valley TOD, Jensen, The View, etc.

Interlocal Agreement – Section 1. Rolling Five-year Plan:  
“The Board will provide the Cities with a five-year plan describing school buildings and administration facilities to be constructed or remodeled within the District.”

\* Cost estimates will be revised after designs and bids are received. Cost estimates are based on the District’s hopes to reduce costs from last constructed schools with annual cost construction inflation of 4.5%. Construction costs include site upgrades, architectural, engineering and impact fees.

\*\* Contingent on completion of city infrastructure



## STAFF REPORT

**DATE:** August 15, 2017

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

**FROM:** Bryn McCarty, City Planner

**SUBJECT:** Amendment to the 2025 General Plan (01G16)

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### **RECOMMENDATION:**

Adoption of the amendment to the General Plan.

### **BACKGROUND:**

The *Herriman City 2025 General Plan* was adopted in July, 2014. The *Herriman City 2025 General Plan* is the primary guide for physical development in the City for use by the City Council, Planning Commission, City Staff, and the public. It guides the general location of basic land uses and provides policies on how these land uses should function. The General Plan is a reflection of the community's vision for the future. It describes the location of desired land uses, representing how the community wants to be perceived.

After the Council adopts a new General Plan, then the other master plans will be amended to comply with the Land use in the new General Plan. This includes transportation, water, and storm drain plans.

### **DISCUSSION:**

This is an amendment to the 2025 General Plan. The amendment is necessary in order to add the Dansie Annexation area. Other changes made include the following:

- Changed the "Old Town" area from Low Density Residential to Agricultural Residential.
- Added another category, "Medium Density Townhome", in order to separate higher density apartment areas from medium density townhome areas.
- Add more commercial along Mountain View Corridor, Herriman Parkway, and Academy Parkway.
- Several minor technical edits to update population projections and more recent developments.

The Council and staff have had several discussions regarding the annexation area to the west of the City. This area has been changed to show several hundred acres of Light Industrial/Business Park.



Recent discussions have been held regarding property located at approximately 6000 West and 12300 South. The Council has asked for studies and additional information to help determine the best use of this property.

### **PROCESS:**

The City published a notice of intent to amend the General Plan in November 2015. This was due to the Dansie Annexation, which was approved by the Council in October 2015 and was set to become effective on January 1, 2016. The Planning Commission held a public hearing on June 16, 2017, on the amended General Plan. The PC received 3 public comments during that hearing.

Staff made changes to the map, as directed by the Planning Commission. The Planning Commission had a second discussion during their meeting on July 7, 2016. The recommended approval of the amendment to the General Plan.

The General Plan was then noticed for a public hearing with the City Council on August 10, 2016. The Council received 2 public comments during that meeting. The City Council talked about the pending ordinance to suspend A-.25 and adopt a new replacement zone. The General Plan was continued to allow for further work on the Low Density Agricultural zone, which would be needed for several areas under the new General Plan.

The Planning Commission began work on the new Low Density Agricultural Zone with a public hearing on June 2, 2016. The PC recommended approval of the zone, and it then went to the City Council for discussion. The CC had it on their agenda on August 10, 2016, and then spent some time working through different drafts of the ordinance. It came back to the Council on May 17, 2017. The new zone was ultimately denied by the City Council on June 7, 2017.

Concurrently with the General Plan and Low Density zone, the Planning Commission and City Council were also considering a text change to create a Technology Manufacturing zone. This was necessary for the new “Light Industrial/Business Park” designation in the General Plan. The Planning Commission had a public hearing on the new zone on August 4, 2017. The PC recommended approval of the zone on October 6, 2016. The City Council discussed the proposed ordinance during their meeting on October 12, 2016. They approved the new Technology Manufacturing zone on January 11, 2017.

During this same time period, developers and property owners began approaching the City about new developments on the north side of the City. This included the 270 acre Last Holdout property, west of Herriman High School. It also included the Dansie family and their 500 acres that was recently annexed into the City. The Council began to consider how these potential developments would align with the proposed General Plan.

The City Council held a retreat in January, 2017, and spent a significant amount of time discussing the General Plan. This included an exercise where the Council colored on a map how



they would like to see the General Plan drawn. Staff then took this drawing and created a draft General Plan map.

The City Council held a second public hearing on March 8, 2017. The Council received 4 public comments during the hearing. The Council discussed holding off on adopting the General Plan until the issues with the Low Density Agricultural zone had been resolved. The Council gave several other comments which were then incorporated into the text of the document.

The Council asked for information and studies to be provided regarding the viability of commercial along 11800 South. They also asked for financial information about the revenue versus expenditures of various types of residential density. Zions Bank provided information, as well as a spreadsheet created by the City Finance Director.

The City held public open houses on July 26 and August 1, 2017, to get additional input and comments on the general plan. Approximately 200 residents attended the open houses and were able to give feedback on the proposed drafts of the general plan.

The Council held another public hearing on August 9<sup>th</sup>. They received 2 public comments at that meeting.

**HERRIMAN, UTAH  
ORDINANCE NO. 17-\_\_**

**AN ORDINANCE OF THE HERRIMAN CITY COUNCIL AMENDING THE 2025  
GENERAL PLAN**

**WHEREAS**, the Herriman City Council (“Council”) met in regular meeting September 13, 2017, to consider, among other things, amending the 2025 General Plan; and

**WHEREAS**, UTAH CODE ANN. § 10-9a-401 provides that a city must enact a general plan establishing guidelines for the present and future needs of the municipality; and growth and development of all or any part of the land within the municipality; and

**WHEREAS**, UTAH CODE ANN. § 10-9a-403 provides that a proposed general plan shall include, at a minimum, with the accompanying maps, charts, and descriptive and explanatory matter, the Planning Commission's recommendations for a land use element, a transportation and traffic circulation element, and an estimate of the need for the development of additional moderate income housing within the City; and

**WHEREAS**, UTAH CODE ANN. § 10-9a-403 provides that a proposed general plan may include: an environmental element a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services; and

**WHEREAS**, UTAH CODE ANN. § 10-9a-403 provides that the Planning Commission prepare and recommend to the Council the proposed general plan along with elements for land use, transportation, water, storm drainage, parks and trails, and moderate income housing; and

**WHEREAS**, UTAH CODE ANN. § 10-9a-403 provides that the Planning Commission hold a public hearing and provide notice as required by UTAH CODE ANN. § 10-9a-204 at the public hearing; and

**WHEREAS**, on November 19, 2015, notice of the Planning Commission’s intent to prepare a proposed general plan or a comprehensive general plan amendment to each affected entity, to the Automated Geographic Reference Center created in Section 63F-1-506, to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member, and on the Utah Public Notice Website created under Section 63F-1-701.

**WHEREAS**, notice of the Planning Commission public hearing on the amendment to the 2025 General plan and map (“2025 General Plan”) was published in *The Salt Lake Tribune* and *Deseret News*, posted on the Utah Public Notice Website created in Section 63F-1-701, mailed to each affected entity, and posted on the City's official website.; and



**WHEREAS**, the Planning Commission held a public hearing on June 16, 2016, at approximately 7:00 p.m. regarding the amendment to the 2025 General Plan; and

**WHEREAS**, the Planning Commission recommended approval of the amendment to the 2025 General Plan in a meeting held on July 7, 2016; and

**WHEREAS**, notice of the Council public hearing on the amendment to the 2025 General Plan and map was placed in *The Salt Lake Tribune* and *Deseret News*, published on the Utah Public Notice Website created in Section 63F-1-701, and posted on City's official website; and

**WHEREAS**, on March 8, 2017, and on August 9, 2017, the Council held public hearings regarding the amendment to the 2025 General Plan; and

**WHEREAS**, the Council finds that it is in the best interest of the citizens of Herriman to adopt an amendment to the 2025 General Plan which was recommended by the Planning Commission for approval; and

**NOW, THEREFORE**, be it ordained by the Council that the amendment to the 2025 General Plan be adopted, a copy of which is set forth in exhibit "A" to this Ordinance.

The Plan is on record with the City Recorder.

**PASSED AND APPROVED** this 13<sup>th</sup> day of September, 2017.

**HERRIMAN CITY**

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**Carmen Freeman, Mayor**

**ATTEST:**

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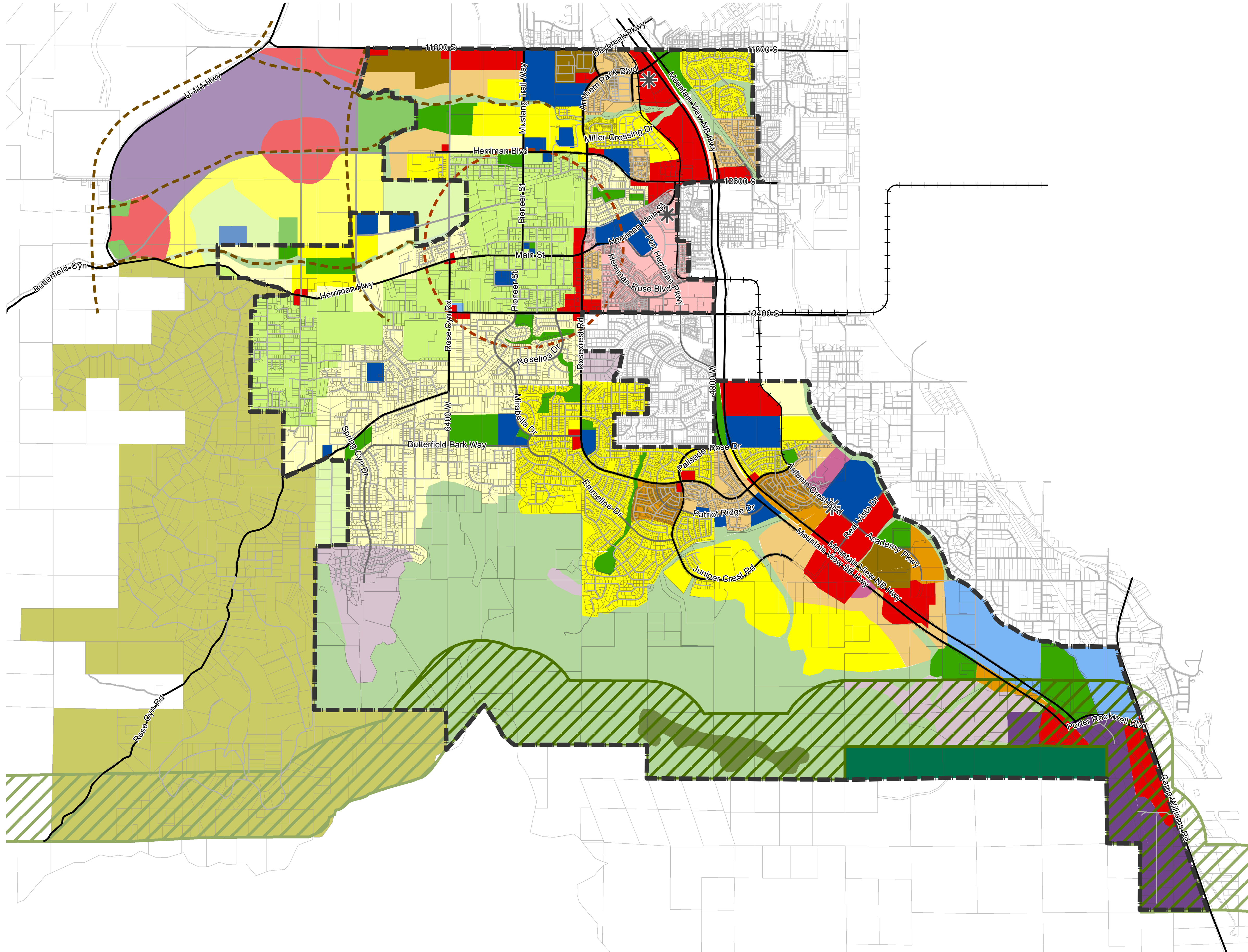
**Jackie Nostrom, MMC**  
City Recorder



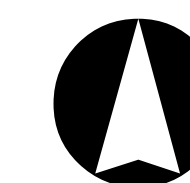
DRAFT

MAP 7

Future Land Use



- Rural Residential (1 unit per 5 acres)
- Hillside Residential (0.5 - 1.7 du/acre)
- Agricultural Residential (1.8 - 2.7 du/acre)
- Low Density Residential (1.8 - 2.5 du/acre)
- Single Family Residential (2.6 - 4.5 du/acre)
- Medium Density Cluster (4.6 - 8 du/acre)
- Medium Density Town Home (8.1 - 13.9 du/acre)
- High Density Residential (14 - 20 du/acre)
- Mixed Use
- Mixed Use - Towne Center
- Commercial
- Light Industrial / Business Park
- Public/ Institutional/ Cultural/ Schools
- Military Operational
- Resort/ Recreational
- Open Space
- Parks and Recreation
- Quasi-Public/ Utilities
- \* Transit Station
- Light Rail
- Historic District Conservation Zone
- Military Compatibility Overlay
- Herriman City Boundary
- Proposed Trails
- Proposed Roads



HERRIMAN  
GENERAL PLAN  
AMENDMENT

0 0.5 1 Mile

August 29, 2017

Q:\GIS\Map\Misc\2017\LandUse\2030\Drafts\Land\_Use\_2030\_Map7\_Draft3.mxd



All numbers include the proposed Annexation area; in order to keep the numbers comparable, the High Country (Rural Residential) units are not calculated, since they are not included in the current General Plan

Current General Plan	Acres	Total units	Proposed Draft	Acres	Total Units
Agricultural Residential (1.8 - 3.0 du/acre)	1010	3029	Agricultural Residential (1.8 - 2.7 du/acre)	1685	4549
Commercial	702		Commercial	1159	
High Density Residential (8 to 20 du/acre)	233	4661	High Density Residential (14 to 20 du/acre)	196	3924
Hillside/Rural Residential (0.5 to 1.7 du/acre)	325	552	Hillside Residential (0.5 to 1.7 du/acre)	566	962
Light Industrial/Business Park	334		Light Industrial/Business Park	1061	
Low Density Residential (1.8 to 2.5 du/acre)	2556	6389	Low Density Residential (1.8 to 2.5 du/acre)	1744	4360
Medium Density Townhome (8.1 to 13.9 du/acre)	0	0	Medium Density Cluster (4.6 - 8 du/acre)	788	6306
Medium Density Residential (4.6 to 8 du/acre)	1344	10749	Medium Density Town Home (8.1 - 13.9 du/acre)	244	3396
Military Operation (Camp Williams)	317		Military Operation (Camp Williams)	317	
Mixed Use (maximum 15 du/acre)	307	4602	Mixed Use (maximum 15 du/acre)	46	685
Mixed Use (Towne Center 5 du/acre)	317	1583	Mixed Use (Towne Center 5 du/acre)	317	1583
Open Space	3829		Open Space	3589	
Parks & Recreation	652		Parks & Recreation	671	
Public/Institutional/Schools	579		Public/Institutional/Schools	491	
Quasi-Public/Utilities	332		Quasi-Public/Utilities	331	
Resort/Recreational (maximum 0.4 du/acre)	154	62	Resort/Recreational (maximum 0.4 du/acre)	139	56
Single Family Residential (2.6 to 4.5 du/acre)	2630	11835	Rural Residential (1 unit per 5 acres)	4469	0
	15619	43462 Total Units	Single Family Residential (2.6 to 4.5 du/acre)	2388	10746
				20201	36565 Total Units



## CITY COUNCIL MINUTES

### Wednesday, August 9, 2017

### Awaiting Formal Approval

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 9, 2017 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Mayor Carmen Freeman

**Council Members Present:** Jared Henderson, Nicole Martin, Craig B. Tischner, and Coralee Wessman-Moser

**Staff Present:** City Manager Brett Wood, Assistant City Manager Gordon Haight, City Recorder Jackie Nostrom, Director of Administration and Communications Tami Moody, Finance Director Alan Rae, Water Director Justun Edwards, Parks and Recreation Director Wendy Thomas, City Engineer Blake Thomas, Unified Fire Chief Riley Pilgrim, Deputy Chief of Police Services Troy Carr, Economic Development Manager Heather Upshaw, Chief Building Official Cathryn Nelson, City Planner Bryn McCarty, Human Resources Manager Travis Dunn, Planner I Sandra Llewellyn, Streets Manager Ed Blackett, Communications Specialist Destiny Skinner and John Gust (representing Doug Young).

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

##### **1. 5:06:52 PM Council Business**

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

##### **1.1. 6:29:26 PM Review of this Evening's Agenda**

##### **1.2. 6:30:10 PM Future Agenda Items**

Councilmember Craig Tischner brought up the issue of room rentals for groups such as 4-H. City Manager Brett Wood stated that staff was currently researching the matter and would present their findings to the Council prior to the grand opening of the new building.

Councilmember Moser stated that a resident had expressed frustration during one of the General Plan open houses. She said they are an existing resident who would like to construct an addition on their home but is on a non-conforming property. She asked if the City could or could not adjust ordinance in order to accommodate this type of request. Assistant City Manager Gordon Haight stated that staff would assess the

specific concerns associated with the property in question. City Manager Wood confirmed that the only issues associated with said property was that the ordinance didn't allow what was being requested. He said staff was willing to make adjustments as necessary.

Mayor Freeman stated that some cemeteries have a building specifically for cremation, and a resident had inquired as to whether or not the City's cemetery was going to construct such a building. City Manager Wood stated that the matter was addressed in the cemetery's ordinance.

## **2. Administrative Reports**

### **2.1. [5:41:24 PM](#) Informational City Manager Updates – Brett Wood, City Manager**

City Manager Wood reported that staff has been tasked with assessing whether or not a good landlord ordinance would be beneficial in the City. He stated that cities that have implemented this type of ordinance include Ogden, South Salt Lake, Salt Lake City, Taylorsville and Midvale. There are several financial aspects to consider when implementing such an ordinance as it pertains to enforcement. He explained that cities with a significant rental population tend to experience a high crime rate within their city. Currently, Herriman is only experiencing this type of activity at one particular apartment complex within City limits. City Manager Wood opined that there is not enough income coming in to offset the costs of forming a district to address the matter. He said he would turn the time over to Chief of Police Services Troy Carr for more information.

Mayor Freeman asked how soon the City needs to make a declaration on whether or not a district will be formed. He was informed by Finance Director Alan Rae that they needed to make a decision before January 1, 2018.

Chief Carr said the City has been the most successful in operating its own landlord program through the Community Outreach Program (COP). The COP Officer maintains constant contact with the ownership of the apartment complexes within the City, specifically those located on the north end of the City. He briefly described one type of scenario in which an incident is reported and subsequently addressed by the COP Officer. Chief Carr said it is his belief that the current good landlord program is functioning properly. He did not feel that as a City they needed to fund additional police officers because that scale of an issue didn't exist.

Councilmember Moser asked Chief Carr if he felt they presently had all of the resources they needed in order to properly run the existing good landlord program. Chief Carr responded in the affirmative. After subsequent discussion, City Manager Wood recommended not implementing a new ordinance. Councilmember Martin said this issue can always be revisited, if needed. The rest of the Council concurred, and Councilmember Moser expressed appreciation for the proactive approach currently being taken on the matter.

City Manager Wood remarked that the New City Hall building looks great and it will be a facility of which the residents can be proud. He stated that tonight's meeting is the last to take place in the old facility. The first meeting to take place in the new building will be held on August 23<sup>rd</sup> and it will be a ceremonious event.

Lastly, City Manager Wood discussed the activities that took place at the most recent Movie in the Park event and said it was very successful, having drawn approximately 600 participants. He expressed appreciation for City staff who organized the event.

[5:59:46 PM](#) The City Council temporarily recessed the City Council work meeting.

## **2.2. [6:09:41 PM](#) General Plan Open House Hot Wash – Brett Wood, City Manager**

Assistant City Manager Haight explained that the General Plan covers the whole City, and the most significant changes are being proposed in the northwest quadrant which includes the Adalynn property. He discussed the potential number of units that would exist on this property based on previous discussions. In January, the range discussed was 400 to 648 units, which could still be adjusted. He said the General Plan does not specify a number, as that will be better defined within the zone.

In regards to agricultural density, Assistant City Manager Haight explained that currently plans show low density agricultural elements. He said staff would like the Council to adopt a zone. Councilmember Moser asked if they needed to adopt a zone prior to adopting the General Plan. Councilmember Martin said there wasn't a requirement mandating that the zone match the General Plan; rather, the General Plan served as more of a visionary guide. Assistant City Manager Haight said that if the Council gives staff clear direction in two weeks, it should only take staff four to six weeks to present a zoning proposal to the Council for approval. He said he would address any of the Council's questions or concerns, and explained the process by which the General Plan will be approved. He explained that the Council has discretion to make any changes to the General Plan which they see fit.

Councilmember Martin requested that in continued public discussions regarding the General Plan, if staff will provide an in-depth overview of the intent of the General Plan in order to clarify a number of misconceptions. She iterated the importance of understanding how this document fits in with the overall development of the City. Assistant City Manager Haight explained that the General Plan does not carry any sense of entitlement, rather it is visionary in nature; entitlement comes with the zoning of a property. Councilmember Martin stressed that there will be a significant amount of public involvement before development actually happens. Mayor Freeman added that the General Plan serves as a template for future growth and is subject to changes based on the City's involvement in working with developers.

Councilmember Moser stated that the General Plan does influence outcome. Mayor Freeman expressed confidence in the process and indicated that there is flexibility in the General Plan. City Planner Bryn McCarty agreed with his remarks.

## **2.3. [6:21:52 PM](#) Discussion regarding the 6400 West Road Improvement Project – Blake Thomas, City Engineer**

City Engineer Blake Thomas explained that there is a resident who lives across from the new Ivory Development who has voiced concerns regarding the Juniper Estates subdivision in terms of traffic safety and storm water. The resident has expressed similar concerns with City staff as recently as 2012 about storm water issues as a result of the construction of Rose Canyon Road, which was constructed in 2004. The resident has additional concerns regarding the approval process of Juniper Estates and its configuration. When asked if the resident understood that the item would not be up for discussion, City Engineer Thomas



answered in the affirmative. He stated that he and Assistant City Engineer Jonathan Bowers visited the site in question and ordered a survey of the property.

Councilmember Moser stated that it was her understanding that the Ivory Development will be located south of 13400 South. City Engineer Thomas confirmed this to be the case. It was further explained that the resident has concerns regarding the 100-year storm drain system. The Ivory Development is infield and the developer has met every minimum standard in providing studies for storm water and traffic.

**2.4. [6:24:58 PM](#) Discussion relating to the proposed text change to the Land Use Ordinance to create Multi-Family Design Standards (File No. 18Z17) – Bryn McCarty, City Planner**

City Planner Bryn McCarty explained that this item was reviewed by the Planning Commission and recommended for approval. The City Council directed staff to create design standards for multi-family residential developments. While the City currently has criteria for single family dwellings, there is no design for attached dwellings (townhomes) or apartments. This text change proposes to modify the single family design criteria to include attached dwellings, such as duplexes or townhomes. The same criteria would apply to single family or townhomes, including the requirements for 40% brick or stone, pitched roof, two car garage, and variation in building elevations. Additional design criteria for apartments and condos will be created and brought to the Planning Commission in the next several weeks. This criteria will apply to all future developments, but would not apply to previously approved projects or those that are subject to development agreements.

Councilmember Moser had a question regarding the removal of language pertaining to two car garages, as well as off-street parking requirements. Planner McCarty noted that these requirements were added to a separate parking ordinance, which is why it was removed in this section of the land use ordinance. Councilmember Moser commented that there isn't always room in a driveway to park a larger vehicle. She asked if there was a way to include a minimum size of driveway within the ordinance, such as 20 feet. Planning McCarty answered in the affirmative.

There was some discussion as to what type of housing to include in the ordinance amendments. Mayor Freeman suggested including apartments and/or duplexes. Planner McCarty explained that there would be separate standards for different housing types. Mayor Freeman asked if 22 feet was large enough of a garage requirement for trucks. City Manager Wood did not think that it was sufficient. Mayor Freeman recommended that the minimum requirement be changed to 24 feet, and the rest of the Council concurred. There was some additional discussion as to why the parking requirements were removed from this section of City Ordinance, and Planner McCarty again clarified that they were added to another chapter which pertains specifically to parking.

**2.5. [5:07:49 PM](#) Amendment to the Rosecrest East Herriman Master Development Agreement – John Brems, City Attorney**

City Attorney John Brems stated that this item was a request to amend the development agreement for the above stated project with a new PUD map. Mike Bradshaw stated that the PUD change was recommended for approval by the Planning Commission, and he asked the Council if they had any questions.

Councilmember Moser said the agreement indicated that Pod 34 had eight units per acre with mixed use; however, it did not specify the dwelling units per acre and what percentage of the development would be another use such as commercial. Mr. Bradshaw stated that this is just one pod within the entire PUD, and it is the residential portion of the overall mixed use area. Councilmember Moser mentioned that according to the staff packet the density of dwelling units per acre had been changed in Pod 52, and she asked staff to clarify the matter. Mr. Bradshaw explained that the densities of Pods 34 and 52 were swapped. The pods in question have a combined 478 units and the Planning Commission recommended that those two pods not exceed the same number of units. Councilmember Moser asked if this clarification was outlined in the development agreement, and she was informed that this was a new requirement set forth by the Planning Commission.

*Councilmember Nicole Martin arrived at 5:10 pm.*

Councilmember Moser stated that she wanted the aforementioned changes to be reflected in the development agreement. Attorney Brems indicated that he would make the change. Mr. Bradshaw stated that the density requirements were reviewed by the Planning Commission on July 6<sup>th</sup>. Attorney Brems noted that this item will be on a future Council agenda. Mr. Bradshaw commented that he had the opportunity to tour the new building last week and he commended staff for what they have accomplished. Councilmember Martin thanked Mr. Bradshaw for his contribution to the Town Centre.

**2.6. 5:32:47 PM REAL Sign Development Agreement for two signs located at approximately 14199 South 4800 West – John Brems, City Attorney**

Attorney Brems said in regards to the above stated development agreement concern was raised about advertising for affiliates which was an undefined term. The Development Agreement has been modified to change the term “affiliates” to “Approved Advertisers” which means any entity which is at least ten percent owned by Dell Loy Hansen or REAL Salt Lake (RSL). He then presented an exhibit showing the design of the proposed signage.

Councilmember Moser expressed concerns with the hours of operation during which the signs will be illuminated. The Planning Commission had expressed similar concerns about these signs being a potential nuisance for neighbouring residents. She asked if there was a way to extend the dark hours from 11:00 pm to 6:00 am. An exception to these hours would be that the signs could remain illuminated an hour after the conclusion of an event. Councilmember Moser said she had previously made this particular request and hadn’t received a response. Mr. John Lindsley made the counter-proposal of having dark hours from 12:00 am to 6:00 am, in addition to the extended hour of operation at the conclusion of events. In looking at the exhibit, he explained that the signs are V-shaped and will be pointed away from residential areas in order to mitigate concerns related to light pollution. Councilmember Moser expressed appreciation for the adjustment to the hours of operation.

Mayor Freeman expressed additional concerns regarding affiliates. He asked if there were any stipulations regarding whether or not the material embraced community values, and he listed Victoria’s Secret advertisements as one example. Councilmember Henderson stated that this type of concern is subjective, as to whether or not a type of advertisement is objectionable. Mr. Lindsley agreed and indicated that they would maintain tasteful advertising. Mr. Craig Martin said this was a matter of trust and respect for each



other's entity. Councilmember Nicole Martin added that as a partnership there will need to be ongoing communication between the two entities. There was continued deliberation as to how to best implement language within the development agreement that would ensure ongoing discussion on the matter, especially as there are changes in ownership and staff turnover.

## **2.7. Discussion relating to proposed Development Agreements – Gordon Haight, Assistant City Manager**

### **2.7.1. [5:14:13 PM](#) Dansie Property Area for approximately 500 acres located at or near 7300 West Main Street**

Assistant City Manager Haight stated that in two weeks staff will be presenting to the Council development agreements for three different properties, one of which is the Dansie property. He turned the time over to Developer Tim Soffe.

Mr. Soffe presented an aerial map of 7300 West and described the properties surrounding the subject property. Assistant City Manager Haight has suggested that this road run straight through the development and tie into the U-111 connection. Staff had made this recommendation so as to create a more circuitous development. 7300 West will not service any homes; furthermore, there is another road which comes off of Main Street that serves as more of a neighbourhood collector street.

Mr. Soffe explained that one revision to the site plan included the elimination of a road section, which he identified on the aerial map. This change opened up the bottom end of the development and provided easier access to a trailhead, thereby yielding more open space. In terms of density, they are currently at 2.92 units per acre without any of the school sites. Mr. Soffe said he would like to further discuss amenities with staff so that it can be an asset to the development. He explained that they hope to be able to tie in a road over to the schools.

Assistant City Manager Haight explained that the applicant will begin submitting information to the Planning Commission. The Planning Commission will review the zoning, PUD and design guidelines, all of which will be detailed within a development agreement which will be reviewed by the Council prior to making a decision.

Councilmember Moser asked staff to clarify a statement in the staff report regarding open space. She asked if the 21.6% open space excluded schools, and she was informed by Mr. Soffe that it does. Councilmember Moser asked about a density calculation for single-family residential units and stated that average lot sizes should also be specified. Mr. Soffe replied that they can provide separate calculations for density and lot size. He explained that the community will be a gated, retirement community, and lot sizes will average between 7,000 and 8,000 square feet. He identified where a townhome portion will be located, which will be invisible to anyone who doesn't live within the development. The remaining lots will vary in size to support single-family dwellings. Councilmember Moser stated that it appears the largest lot size is 10,000 square feet, which still does not meet the minimum requirement. She said they need to have larger lot sizes. Mr. Soffe said their anticipation is for 10,000 square feet to be the lowest lot size. He explained that property frontage affects the market because homebuyers want the space for three-car garages. Councilmember Moser asked if this development proposal included any agricultural lots, and Mr. Soffe responded in the negative; there aren't any half acre lots currently shown on the site plan. Councilmember

Moser said she believes there should be at least a small component of agricultural lots, and would not support townhomes in this area.

Councilmember Martin expressed appreciation for the applicant's intent to increase open space. Additionally, she thanked the developer for listening and responding to the City's request to remove the school site out of the open space calculations. She also liked the developer's attempt to provide a variety of housing types within the development. Overall, Councilmember Martin liked direction in which this project was moving. Mayor Freeman agreed with her remarks.

Councilmember Jared Henderson echoed previous remarks about the project moving in the right direction. He said he is concerned about what products are brought into the City, and the expenses tied to the type of residential units that are built. He explained that it is important for the City to benefit from development, and in this case the greatest value lies in the open space. Therefore, he posed the question of whether or not this is the type of open space is desired and if it will achieve the City's goals. One of the goals the Council has discussed in the past is financial stability, and this particular project does not bring in any type commercial. Councilmember Henderson said he would like to see a plan for the open space.

Mr. Soffe stated that Mr. Dansie would love to have commercially viable property; however, not all properties are created equally. For example, the property in question has a gorge which runs through its center; they have had to find ways to be accommodating of this type of landscape, and commercial development is not a viable option. Councilmember Henderson explained that as a City they need to examine the proposal from the standpoint of what benefits it would bring to the City, which is the purpose of the PUD. Mr. Soffe said another purpose of the PUD is to provide open space, and the proposal that has been presented corresponds with the parks master plan. Councilmember Henderson stated that he would like to see how the open space will benefit the City inasmuch as it will be a draw for new residents. Mayor Freeman stated that they also need to assess how the proposed development will tie into the 900 acres. Councilmember Moser agreed with Councilmember Henderson in that they need to be able to quantify whether or not the trail will be a draw for new residents, or if it will only accommodate a handful of residents.

*Councilmember Craig B. Tischner arrived at 5:31 pm.*

Councilmember Martin advised Mr. Soffe that when presenting this proposal to the Planning Commission, he should be prepared to show how the connectivity of the trailhead will provide better access to the trail system for the broader region. There was continued deliberation on the matter.

**2.7.2. Adalynn Development Agreement for approximately 270 acres located at or near 6000 West Herriman Boulevard**

**2.7.3. Adalynn Annexation Agreement for approximately 900 acres located at or near 13200 South 7000 West**

**2.7.4. Herriman Crossroads Development Agreement for approximately 125 acres located at or near 16200 South Redwood Road**

Assistant City Manager Haight provided a brief overview of the above stated development agreements and said they were pretty straight-forward. The attachments to each request include information regarding the

zoning, conditional use and design guidelines. Staff is currently working on the details of the Adalynn Annexation Agreement of 900 acres; while this document will in many ways resemble a development agreement, it will be a separate type of agreement.

Assistant City Manager Haight then stated that he has been working with Ken and Gary McDougal on their development agreement which will be presented to the Council and Planning Commission at a later date. He said this process shouldn't start until after the adoption of the General Plan.

*Councilmember Moser moved to temporarily recess the City Council work meeting to discuss pending or reasonably imminent litigation, and the purchase, exchange or lease of real property as provided by Utah Code Annotated §52-4-205. Councilmember Martin seconded the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously.*

[6:55:10 PM](#) The Council reconvened the work meeting by consensus.

**3. Written Reports** *(These items have been prepared for informational purposes. The items will not be discussed except when requested by the City Council)*

**3.1. Building Department Update** – Cathryn Nelson, Chief Building Official

**3.2. Community Outreach Program Update on the proposed Maverik Service Station located at 5076 West Herriman Main Street** – Sandra Llewellyn, Planner I

**4. [6:55:23 PM](#) Adjournment**

*Councilmember Martin moved to adjourn the City Council work meeting. Councilmember Moser seconded the motion and all voted aye.*

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

**1. [7:08:09 PM](#) Call to Order**

**1.1. [7:08:12 PM](#) Invocation/Thought/Reading and Pledge of Allegiance**

Scout Troop 1747 led the audience in reciting the Pledge of Allegiance.

**1.2. [7:10:18 PM](#) Council Comments/Recognitions**

Councilmember Moser thanked the events staff for hosting the Movie in the Park night and said it was great success.

**1.3. [7:09:16 PM](#) Mayor's Comments/Recognitions**

Mayor Freeman invited political candidates to introduce themselves. The following candidates briefly introduced themselves: David Howe, David Watts, Jared Richardson, Sherrie Ohrn, Clint Smith and Coralee

Wessman-Moser. Mayor Freeman thanked them for their willingness to serve and for getting involved with the political process.

Mayor Freeman reported that the City received \$1.2 million of Corridor Preservation Money. The City also received \$4.5 million in ACUB funding to continue the City's pursuit in buying property on the south mountain. He expressed appreciation for staff's efforts in the matter. Mayor Freeman reminded the audience that tonight marks the last night in which the Council will convene in the present building. He expressed appreciation to those who had the vision of constructing the building, as it has served a great purpose. Mayor Freeman thanked City Manager Wood, Monte Johnson and Alan Rae for their efforts in bringing forth the new building. He announced the open house and dedication of the building which will take place on September 22, 2017.

## **2. [7:12:50 PM](#) Public Comment**

There were no comments offered.

## **3. [7:13:46 PM](#) Mayor and Council Comments**

### **3.1. City Council Board and Committee Reports**

Councilmember Moser announced that the City Youth Council will be meeting tomorrow afternoon and will be serving at the Enduro Challenge event on Saturday. She thanked them for their service to the community.

## **4. Reports, Presentations and Appointments**

### **4.1. [7:14:09 PM](#) Appreciation presentation for the Healthy Herriman and Trails Committee**

#### **Chair Kami Greenhagen-Jones – Wendy Thomas, Director of Parks, Recreation and Events**

Director of Parks, Recreation and Events Wendy Thomas, stated that Kami Greenhagen-Jones will be stepping down from her role as the Healthy Herriman and Trails Committee Chair and will subsequently be assuming a public relations role within the City. Director Thomas recognized Ms. Greenhagen-Jones for her many years of service in her role as Chair and listed her many accomplishments. The time was turned over to Ms. Greenhagen-Jones.

Ms. Greenhagen-Jones thanked the City for their willingness to support public health. She expressed the impact of public health is reflected in one's quality of life and well-being. She said she was grateful for the City's leaders and volunteers, stating that she has always been met with welcome arms.

Councilmember Moser stated that she recruited Ms. Greenhagen-Jones in 2008, and expressed that Ms. Greenhagen-Jones has organized many phenomenal events over the years. Trail space will be preserved as a result of her efforts. Councilmember Moser thanked Ms. Greenhagen-Jones and the members of her family for all of their dedicated service.

Mayor Freeman echoed Councilmember Moser's remarks and encouraged everyone to take advantage of the City's trails. He presented Ms. Greenhagen-Jones an award recognizing her for her service.

### **4.2. [7:19:58 PM](#) Jordan School District Report – Darrell Robinson, Board Member**

Jordan School District Board Member Darrell Robinson thanked the Council for their service and for the opportunity to present updates on behalf of the Jordan School District. The last time he presented was in



May, at which time the Jordan School District was offering the highest salary increases to teachers in the State of Utah which other districts tried to match these increases. Board Member Robinson noted that the Jordan School District was able to raise salaries without implementing a tax increase. They streamlined processes and found savings within the existing budget. He explained that the system is set up so that employees can continue to grow without capping out at certain limit. They found a way so that no teacher is worse off than another based on the salary schedule that has been implemented.

Board Member Robinson stated that the Jordan School District has developed a five-year building project and he does not foresee any new schools being constructed past the 2022 school year; however, they will continue to work out the buildings planned as part of the bond. Within the past several months the Board made the decision to locate the new middle school in Bluffdale. Both of the middle schools in Herriman are overcrowded but the new South Jordan Middle School will take some pressure off of Copper Mountain Middle School. He reported that an architect for the new school was selected last night and that the new high school is currently under construction. He stated that there would be a public meeting tomorrow night at South Hills Middle School in order to address some concerns that have been raised by nearby residents.

Mayor Freeman stated that the new high school was projected to be complete by the fall of 2019. He asked Board Member Robinson if he anticipated any boundary adjustments to take place in the interim. Board Member Robinson said no, not at this time. However, in a few years after several schools have been completed they will take a look at redistricting the area.

Board Member Robinson announced that Bastian Elementary will be opening soon and the District has worked hard to create safe walking routes. He briefly mentioned that in addition to serving on the Jordan School District, he also serves on the REAL Salt Lake Academy Board. He recently toured the new facility which will be opening on September 22<sup>nd</sup>. Board Member Robinson stated that while some training for the REAL Team will take place at the facility, it will primarily serve as a community center where youth will be able to participate in various sports and activities. The facility will be open 18 hours a day and will be a great asset to the community.

Councilmember Martin noted that the REAL facility is a \$17.1 million dollar investment in the community. Board Member Robinson said the facility will provide many innovative educational opportunities to the Jordan School District by incentivizing teachers and students, and will also be a draw to more charter schools. Lastly, Board Member Robinson explained that the District will be distributing surveys in order to involve the public in scheduling the school calendar in order to better meet the community's needs.

Councilmember Henderson asked if any of the classified employees would be receiving pay raises as well, such as custodial employees. Board Member Robinson answered in the affirmative, and added that the administrators and superintendent also received raises. Councilmember Moser inquired as to what the new high school will be named. Board Member Robinson did not know the answer at this time; however, they hope to involve the community in reaching a decision on the matter. He concluded by stating that the District is actively working to find locations as the area continues to grow, because they want to make sure there are properties available so they can continue serving the community. Mayor Freeman expressed appreciation to Board Member Robinson and the Jordan School District. He stressed that the City and District need to continue fostering a good relationship with one another.

**4.3. Unified Fire Authority Report – Unified Fire Authority Chief Dan Peterson**

Chief Dan Peterson shared updates on the Unified Fire Authority's (UFA) strategic plan for the next three years. He asked the Mayor and Council if there was anything in particular that they would like him to address. Mayor Freeman requested that Chief Peterson address fireworks, to which Chief Peterson noted that the UFA Board would be discussing this matter at their next meeting. Mayor Freeman added that he requested to talk with the Governance of Mayors of Salt Lake County regarding the matter as well. He stated that there has been movement in other areas to reduce the number of days in which fireworks may be discharged. He said it was important to work together in moving the issue forward and Chief Peterson agreed. Chief Peterson mentioned that the UFA Board will be meeting with vendors later this month to discuss various ideas. He understands that many Utahans love fireworks whereas others do not, and it will be important to find a solution that can work for everyone. Personally, Chief Peterson was not a fan of implementing an ultimate ban on fireworks because it pushes the problem into other communities, thereby becoming impossible to enforce. Furthermore, it creates issues with UFA running out of resources. He stated that his staff collected statistics over the last few years and their research indicated that very few fires take place in the designated hazard zones.

Chief Peterson then presented an overview of UFA's three-year strategic plan and reported that they have seen an increase in morale and that overall the organization is much healthier. He stated that UFA personnel have remained strong in their resolve to protect citizens even in the face of administrative challenges. He stated that UFA will be working on the following areas over the next three years:

1. Identify best practices
2. Capital Plan
3. Pride of Service
4. Stakeholder Engagement
5. Professional Development
6. Employee Investment

Chief Peterson expressed his appreciation to Councilmember Moser for her efforts on the UFA Board. He discussed the importance of active discussion and participation. Councilmember Martin expressed that less successful boards have existed when its members were underprepared and/or not involved with the operations of the organization. She commended Chief Peterson for successfully building a strong board which provides checks and balances to UFA.

**5. [7:43:47 PM](#) Consent Agenda****5.1. Approval of the May 24, 2017; June 21, 2017; June 29, 2017; and July 12, 2017 City Council meeting minutes****5.2. Approval of an Interlocal Cooperative Agreement with Salt Lake County regarding Chip Seal – Monte Johnson, Operations Director**

*Councilmember Tischner moved to approve the consent agenda as written. Councilmember Martin seconded the motion.*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Aye*

*Councilmember Nicole Martin                              Aye*

*Councilmember Craig B. Tischner                      Aye*  
*Councilmember Coralee Wessman-Moser              Aye*  
*Mayor Carmen Freeman                                  Aye*  
*The motion passed unanimously.*

## **6. Public Hearing**

### **6.1. [7:44:16 PM](#) Public Hearing and consideration of a resolution declaring Herriman City's intent to withdraw from the Salt Lake Valley Law Enforcement Service Area – John Brems, City Attorney**

Attorney Brems explained that Utah Code 17B-1-505 provides that the process to initiate the withdrawal from the Salt Lake Valley Law Enforcement Service Area (SLVLESA) is by resolution. This above stated resolution initiates the process. The statute requires that notice and the resolution be sent to the Board of Trustees of SLVLESA within ten days after adoption. The resolution authorizes the City Manager to assist the City Council in satisfying this requirement. The effective date of the withdrawal is no earlier than December 21, 2017. Staff recommends that the City move forward in initiating this process by adopting the proposed resolution. Attorney Brems clarified that this will only be for the funding mechanism and not for the police force and services.

In response to Mayor Freeman regarding the process of this action, Attorney Brems reviewed the timeline of the Interlocal Cooperative Agreement of Withdrawal.

Mayor Freeman opened the public hearing.

No comments were offered.

*Councilmember Moser moved to close the public hearing. Councilmember Martin seconded the motion and all voted aye.*

Councilmember Moser suggested continuing this resolution to the next Council Meeting, in the event that there are citizens in the community who still wish to comment on this item. Councilmember Martin stated that this resolution will have no fiscal impact on the public, nor will it affect the level of service currently being provided. She said this was a public hearing that was well advertised and poorly attended. She did not see a need to continue the item any further and the public had ample opportunity to respond. Councilmember Tischner stated that the last time this item was on the agenda, the Council continued the item to allow for an open house and public comment period. He also did not see a need to continue this item any further based on the reasons described by Councilmember Martin.

*Councilmember Tischner moved to approve Resolution No. R28-2017 initiating the withdrawal process of the municipal territory of Herriman City from the Salt Lake Valley Law Enforcement Service Area. Councilmember Martin seconded the motion.*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Aye*  
*Councilmember Nicole Martin                              Aye*  
*Councilmember Craig B. Tischner                      Aye*

*Councilmember Coralee Wessman-Moser     Aye*

*Mayor Carmen Freeman                     Aye*

*The motion passed unanimously.*

**6.2. 7:49:37 PM Public Hearing and consideration of an ordinance approving an amendment to the 2025 General Plan (File No. 01G16) – Bryn McCarty, City Planner**

Planner McCarty presented the staff report and explained that the Herriman City 2025 General Plan was adopted in July, 2014. The Herriman City 2025 General Plan is the primary guide for physical development in the City for use by the City Council, Planning Commission, City Staff, and the public. It guides the general location of basic land uses and provides policies on how these land uses should function. The General Plan is a reflection of the community's vision for the future. It describes the location of desired land uses, representing how the community wants to be perceived. After the Council adopts a new General Plan, then the other master plans will be amended to comply with the Land use in the new General Plan. This includes transportation, water, and storm drain plans. The amendment is necessary in order to add the Dansie Annexation area. Other changes made include the following:

- Changed the “Old Town” area from Low Density Residential to Agricultural Residential.
- Added another category, “Medium Density Townhome”, in order to separate higher density apartment area from medium density townhome areas.
- Add more commercial along Mountain View Corridor, Herriman Parkway, and Academy Parkway.
- Several minor technical edits to update population projections and more recent developments.

The Council and staff have had several discussions regarding the annexation area to the west of the City. This area has been changed to show several hundred acres of Light Industrial/Business Park. Recent discussions have been held regarding property located at approximately 6000 West and 12300 South. The Council has asked for studies and additional information to help determine the best use of this property.

The City published a notice of intent to amend the General Plan in November 2015. This was due to the Dansie Annexation, which was approved by the Council in October 2015 and was set to become effective on January 1, 2016. The Planning Commission held a public hearing on June 16, 2017, on the amended General Plan. The Planning Commission received three public comments during that hearing. Staff made changes to the map, as directed by the Planning Commission. The Planning Commission had a second discussion during their meeting on July 7, 2016. They recommended approval of the amendment to the General Plan.

The General Plan was then noticed for a public hearing with the City Council on August 10, 2016. The Council received two public comments during that meeting. The City Council talked about the pending ordinance to suspend A-.25 and adopt a new replacement zone. The General Plan was continued to allow for further work on the Low Density Agricultural zone, which would be needed for several areas under the new General Plan.

The Planning Commission began work on the new Low Density Agricultural Zone with a public hearing on June 2, 2016. The Planning Commission recommended approval of the zone, and it then went to the City Council for discussion. The Council had it on their agenda on August 10, 2016, and then spent some time



working through different drafts of the ordinance. It came back to the Council on May 17, 2017. The new zone was ultimately denied by the City Council on June 7, 2017.

Concurrently with the General Plan and Low Density zone, the Planning Commission and City Council were also considering a text change to create a Technology Manufacturing zone. This was necessary for the new “Light Industrial/Business Park” designation in the General Plan. The Planning Commission had a public hearing on the new zone on August 4, 2016. The Planning Commission recommended approval of the zone on October 6, 2016. The City Council discussed the proposed ordinance during their meeting on October 12, 2016. They approved the new Technology Manufacturing zone on January 11, 2017.

During this same time period, developers and property owners began approaching the City about new developments on the north side of the City. This included the 270 acre Last Holdout property, west of Herriman High School. It also included the Dansie family and their 500 acres that was recently annexed into the City. The Council began to consider how these potential developments would align with the proposed General Plan.

The City Council held a retreat in January, 2017, and spent a significant amount of time discussing the General Plan. This included an exercise where the Council colored on a map how they would like to see the General Plan drawn. Staff then took this drawing and created a draft General Plan map. The City Council held a second public hearing on March 8, 2017. The Council received four public comments during the hearing. The Council discussed holding off on adopting the General Plan until the issues with the Low Density Agricultural zone had been resolved. The Council gave several other comments which were then incorporated into the text of the document. The Council asked for information and studies to be provided regarding the viability of commercial along 11800 South. They also asked for financial information about the revenue versus expenditures of various types of residential density. Zions Bank provided information, as well as a spreadsheet created by the City Finance Director. The City held public open houses on July 26 and August 1, 2017, to get additional input and comments on the general plan. Approximately 200 residents attended the open houses and were able to give feedback on the proposed drafts of the general plan.

Mayor Freeman stated that in talking with the developer, he had indicated that there would not be an open space area nor economic development with a plan that did not include density. Mayor Freeman asked if this has since changed, because Draft 1 of the plan shows a significant amount of open space. Planner McCarty stated that either way the developer will be doing a PUD which has open space requirements. She explained that zoning is a legislative decision. Councilmember Henderson stated that this item was for a General Plan amendment and not for a rezone, and Planner McCarty confirmed this to be the case. If a property owner requests more than the maximum number of units (in this case, 738 units) they will need to undergo a rezone request with the City Council.

Assistant City Manager Haight added that zoning needs to meet the vision outlined within the General Plan. Therefore, in addition to a rezone request a developer may also be required to submit a request amending the General Plan as well. Mayor Freeman asked if the property owner for the Adalynn property has already filed an application for acre lots, to which Planner McCarty answered affirmatively, noting that the application was filed under A1 zoning. Mayor Freeman asked if this request will remain in place if the Council approves the proposed amendments tonight. Planner McCarty answered affirmatively.

Planner McCarty continued explaining that Draft 1 of the Adalynn plan shows just fewer than 1600 units whereas Draft 2 of the plan shows 1000 to 1700 units. She provided a similar analysis for the Dansie property and explained that Draft 1 shows 800 to 1200 units, whereas Draft 2 shows 1110 to 1873 units. However, she noted that the Dansie property has been revised within the past week. It was noted that the Dansie property has a significant amount of Low Density Agricultural and the Council would need to approve a rezone before any development could occur.

Councilmember Tischner stated that neither draft shows any new apartments have been added and Planner McCarty confirmed that this was true. Councilmember Moser pointed out that a substantial number of townhomes have been incorporated and Planner McCarty agreed. She explained this amendment includes a distinguished separation between high density and medium density to eight units per acre.

Mayor Freeman opened the public hearing. He stated that previous comments have been archived in public record.

Lisa Brown requested that no decision be made tonight. She stated that staff's presentation was a lot more informative than the discussions that took place during the open houses. The impression she received from the open houses was that a person would not understand the full picture without asking the right questions. In speaking with her Council representative, she received the impression that the intention of the open house was not to necessarily pick an option but rather to provide input, and that was not the case. Ms. Brown said the issue pertaining to Low Density Agricultural should be resolved prior to adopting the General Plan. She read a statement from the original General Plan which stated that the purpose of [the General Plan] is to further establish and preserve community identity, manage densities and intensity, and help mitigate impacts of growth. She encouraged the Council to make sure that whichever draft they adopt reflect these intentions.

Glen Larson concurred with Ms. Brown's remarks. He explained that it is challenging for communities to take care of these high density communities and he was in favor of spreading out the population more evenly. He pointed out that tonight's proposal included a large block of townhomes that were not discussed at any of the open houses. High density is hard on the school district because they cannot accommodate the growth quickly enough. Mr. Larson discouraged more apartments and indicated that he would like more commercial development to occur along the south part of the Mountain View Corridor. He opined that if they were to allocate that land for commercial use it would eventually be developed as such.

*Councilmember Martin moved to close public hearing. Councilmember Henderson seconded the motion and all voted aye.*

Councilmember Henderson stated that he did not feel prepared to vote tonight, as there have been some discrepancies in the drafts of the General Plan. Furthermore, the Council has not had ample time to review all of the comments from the open houses. He suggested that the Council continue the item to the next Work Session.

Councilmember Tischner expressed frustration because he has repeatedly requested that as a City they invite developers to open house meetings in order to present their products to the public; however, he has been

turned down on this suggestion. He opined that having developers present their products would have added value to the process, because it would have provided the community with a better understanding of how the General Plan would coincide with these projects. Councilmember Tischner was in favor of reaching a decision by the end of tonight. Furthermore, he indicated that because this is a General plan, adjustments can be made as development occurs by way of a development agreement.

Councilmember Henderson again stated that he is not comfortable nailing anything down at this particular moment, because if something comes up which doesn't fit within the guidelines set forth in the General Plan, they will have to go through this process all over again. Councilmember Moser said the City just received a brand new proposal for one of these parcels as of tonight. Therefore, they have not had the chance to review and reconcile the proposal with the General Plan. She agreed with Councilmember Henderson that there has been a significant amount feedback that has been received by the public on this matter and as a Council they have not had ample time to review and discuss that information. Councilmember Henderson asked Councilmember Tischner if at this point he was able to pick one draft over another, and Councilmember Tischner responded in the affirmative. Councilmember Tischner reiterated that any changes that may come forward in the future could be negotiated on a case-by-case basis by way of a development agreement.

Mayor Freeman interjected that he has been pleased with the meetings that have taken place with developers, and he stated that they have made good progress. Even though the purpose of the General Plan is to serve as a template, he expressed confidence that as a City they will be able to negotiate specific terms with developers as proposals come forward. Mayor Freeman expressed that it was also important to consider private property rights. As a Council, they have been talking about this item since January and as they continue to draw the matter out, they are infringing upon constitutional rights for owners to develop their property. Councilmember Henderson explained that he didn't want to force this plan through without giving full consideration of the feedback provided by the public. However, if they were to take action tonight, he was more favorable towards Draft 1.

Councilmember Martin indicated that she took issue with Councilmember Henderson saying this item was being "forced through". She reiterated the timeline on this matter and wanted to make very clear of the due diligence that the City has put into the process of adopting a General Plan thus far. She said this has not been a rushed job; there have been two public hearings, two open houses, it was discussed at the retreat, and the City has continually received and accepted public comments on the matter. She said that regardless of how the vote goes tonight, she thinks it does damage to the deliberative process to make it seem as if this has been rushed. She said they have had discussion and educational outreach on this item, and they need to have respect for those efforts.

Councilmember Henderson clarified that his choice of words were reflective of his own personal opinion. While the public has been involved in the process, he does not feel the Council has had sufficient time to review some of the conversations that have taken place. Councilmember Martin indicated that she disagreed with Councilmember Henderson's assessment. Councilmember Moser said that while there have been several meetings on this item, the target has changed; they have not consistently been presented the same draft. Councilmember Martin stated that the City has asked the developer to reinvent their projects according to the Council's discussions. Therefore, anytime a new proposal has come forward it has been



based on previous requests that have been made by the Council. Councilmember Martin further argued that the characterization given on this matter is not appropriate. Mayor Freeman asked Planner McCarty if the Dansie plan will fit in either draft of the General Plan, to which Planner McCarty responded in the affirmative.

Councilmember Tischner reiterated that it would have been helpful to have had developers present their respective proposals to the public. He indicated a desire to reach out to the developers and said he was willing to continue this item to the next Council meeting on August 23<sup>rd</sup>. He believed that the matter could be resolved within that time frame. He said that they have been discussing this matter for a long time and that there are some projects that probably need to move forward. Councilmember Henderson agreed but said that it seems odd to solicit input from the public but to not review and discuss those comments more thoroughly. Councilmember Moser agreed with Councilmember Henderson and added that the residents have overwhelmingly expressed that they want less density.

Councilmember Martin said high density will always have a negative stereotype and that there is no set definition for the term. Therefore, they need to define what high density means. She said that according to the City, high density is 14 to 20 units per acre; however, this language has not been included in either Draft 1 or Draft 2. As a Council they cannot indicate a preference for one draft over the other because there is no agreed upon definition of the term high density. She reiterated that they needed to be careful of nomenclature, because what they say may potentially damage all of the collaborative efforts that have been made up to this point. Councilmember Martin said she was fine waiting another two weeks, but she did not want to denigrate the many hours that have already been spent trying to bring this matter together.

Councilmember Henderson said as far as the definition of high density, what he has referred to a couple of times is in reference to the survey and comment forms. Councilmember Martin asked how many comment forms were submitted and she was informed that there were 46. Councilmember Henderson stressed that they need to have a work meeting where they spend significant time discussing what is meant by the term high density. Councilmember Martin said she was supportive of having a work meeting and Councilmember Tischner concurred. Mayor Freeman noted that Draft 1 does not have commercial.

Councilmember Moser stated that to an earlier point that was made by Councilmember Martin about high density, it is correct to say that residents have a perception of what is meant by the term high density; therefore, her approach in meetings and in discussions with residents is to ask what they do support, so that she is not spoon feeding them a certain definition. She explained that the definitions the residents have consistently provided is anywhere from .15 of an acre up third acre lots. In general, citizens have never been supportive of town homes or apartments. She said that this is a matter of trying to bring resident input into the decision making process.

Councilmember Tischner said that in speaking with the developer, the developer has indicated a willingness to do a 55+ gated community in that area. Councilmember Moser said that in a later discussion it was pointed out that there isn't a market for 55+ housing. Councilmember Tischner speculated that the same opinion was offered for acre lots. Councilmember Moser said for this reason they needed to have more discussion on the matter. There was further deliberation regarding several points that were previously made

throughout the discussion. Councilmember Moser suggested they hold a Work Session on August 23<sup>rd</sup> to revisit the matter.

*Councilmember Moser moved to continue the consideration to amend the 2025 General Plan. Councilmember Henderson seconded the motion. The vote was recorded as follows:*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Aye*

*Councilmember Nicole Martin                              Nay*

*Councilmember Craig B. Tischner                              Nay*

*Councilmember Coralee Wessman-Moser                      Aye*

*Mayor Carmen Freeman                                      Nay*

*The motion failed with a vote 2:3.*

Other potential dates for a work meeting were discussed and the Council determined they would continue this discussion at the conclusion of tonight's General Meeting. Councilmember Tischner said they did a disservice to the residents by not having the developers present at the open houses. Councilmember Martin said she was fine with having further discussion as long as some action takes place. Mayor Freeman expressed disappointment in the Council for not coming prepared to tonight's meeting. He said that there has been a significant amount of feedback that has been received by the public, and the Council should have reviewed those comments prior to tonight.

*Councilmember Tischner moved to reorder the agenda to discuss item 6.2 at the end of the meeting. Councilmember Moser seconded the motion and all voted aye.*

## **7. Discussion and Action Items**

### **7.1. [8:46:19 PM](#) Discussion and consideration of an ordinance authorizing a text change to the Land Use Ordinance to restrict sign distance from residential dwellings in the Sports and Entertainment Mixed Use Overlay Zone (File No. 19Z17) – Bryn McCarty, City Planner**

Planner McCarty presented the proposed ordinance amendment as follows:

*10-16C-7*

*2. The sign shall not be located within fifty (50) feet of a planned residential dwelling and five hundred (500) feet from an existing residential dwelling.*

Planner McCarty explained that this is a proposed text change to the recently created SEMU overlay zone to restrict sign placement within 500 feet of an existing residence. Currently the zone restricts signs within 50 feet of a residence. This change would serve to mitigate the potential nuisance created by a new sign being erected too closely to already-existing homes. The Planning Commission recommended approval of the text change at their meeting held on July 6, 2017. They received no comments at the public hearing. However, they expressed concerns regarding the location to planned dwellings, as well as existing residential dwellings. They recommended approval with a modification to the text, which is outlined below:

2. The sign shall not be located within ~~fifty (50)~~ 500 feet of a planned or existing residential dwelling.

Councilmember Moser recalled that the Planning Commission was concerned with the potential nuisances that may be created for the nearby residents. She said that earlier in the meeting one of the potential applicants for this zone indicated that they are structuring their signs to point away from residences. However, since there aren't any existing residences located directly adjacent from the overlay zone, it was determined that this would not impact the residents in an unduly manner. Councilmember Moser agreed that they need to protect existing residential dwellings; however she was of the opinion that a smaller radius would be acceptable near planned dwellings. In response to an inquiry from Mayor Freeman, Planner McCarty clarified the ordinance amendments listed above.

John Lindsley, the applicant, said he is proposing 50 feet from planned residential dwellings, because due to the way the signs are positioned they would not be impacting neighbouring residences. Homes would come in after the signage has already been installed, and anyone who ends up purchasing a home adjacent to the signs are going to know exactly what they are up against. Furthermore, there will be signs placed directly adjacent to commercial zoning which will also have illuminated signage, so they feel their request is feasible for the area.

Councilmember Moser said the original proposed text stated that signs needed to be placed a minimum of 50 feet away from planned residential. She stated that the most important clarification is to ensure that signs are not place within 500 feet of existing residential, which will also protect other residential areas in the City as well. Mr. Lindsley agreed. Councilmember Henderson asked if there are any existing residential dwellings within 500 feet of these types of signs, and he was informed that there are not. After subsequent discussion, the Council indicated a preference for the original language proposed by staff.

*Councilmember Henderson moved to approve Ordinance No. 2017-36 authorizing a text change to the Sports and Entertainment Mixed Use Overlay Zone to restrict the sign distance from existing residential dwellings. Councilmember Moser seconded the motion. (Renumbered from Ordinance No. 2017-37 to maintain sequential numbering).*

*The vote was recorded as follows:*

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

*The motion passed with a vote 4:1*

**7.2. [8:55:52 PM](#) Discussion and consideration of an ordinance approving a proposed rezone located at 14199 South 4800 West for Applicant John Lindsley to add the Sports and Entertainment Mixed Use Overlay Zone (File No. 14Z17) – Bryn McCarty, City Planner**

Planner McCarty explained that this is a rezone application for approximately 143 acres to add the sports and entertainment mixed use overlay zone. She stated that this would be an overlay for a soccer facility, and she identified where it would be located on an aerial map of the subject property. The Planning

Commission recommended denial because they had concerns with the overlay zone being over residential property. Furthermore, they were concerned with how signage would affect future residential properties. In response to a request from Councilmember Henderson, Planner McCarty further clarified the aforementioned concerns that were raised by the Planning Commission.

Councilmember Moser added that during tonight's work meeting, the applicant responded to the concerns related to light pollution by modifying their hours of operation. She indicated that this item may just come down to a difference of opinion between the two bodies.

*Councilmember Moser moved to approve Ordinance No. 2017-37 approving a rezone to add the Sports and Entertainment Mixed Use Overlay Zone to 148.24 acres located at approximately 14199 South 4800 West. Councilmember Tischner seconded the motion. (Renumbered from Ordinance No. 2017-38 to maintain sequential numbering)*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Aye*

*Councilmember Nicole Martin                              Aye*

*Councilmember Craig B. Tischner                              Aye*

*Councilmember Coralee Wessman-Moser                              Aye*

*Mayor Carmen Freeman                                      Aye*

*The motion passed unanimously.*

### **7.3. [9:00:54 PM](#) Discussion and consideration of an ordinance approving a Sign Development Agreement for two signs located at 14199 South 4800 West with REAL Salt Lake Training Academy – John Brems, City Attorney**

Attorney Brems presented the development agreement above and proposed two amendments based on the discussions that took place during the work meeting: 1. Change paragraph three regarding the hours of operation to read as follows: "The signs shall not be illuminated between the hours of 12:00 midnight and 6:00 am, or one hour after an official ending of a sponsored event, whichever is later, without the prior consent of the City." 2. In regards to the content of the sign, paragraph 12 should be modified as follows: "The parties shall attempt in good faith to settle any negotiations, any controversy or claims arising out of or relating to this agreement, advertising content, or the breach thereof..."

Mr. Lindsley said he was comfortable with the modifications as read by Attorney Brems. He thanked City staff for all of their assistance on this item.

*Councilmember Tischner moved to approve Ordinance No. 2017-38 approving a Sign Development Agreement with RSL Training Academy with the incorporation of recommended changes by City Attorney John Brems. Councilmember Martin seconded the motion. (Renumbered from Ordinance No. 2017-39 to maintain sequential numbering)*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Aye*

*Councilmember Nicole Martin                              Aye*

*Councilmember Craig B. Tischner                              Aye*

*Councilmember Coralee Wessman-Moser                              Aye*



Mayor Carmen Freeman

Aye

*The motion passed unanimously.*

**7.4. 9:03:10 PM Discussion and consideration of an ordinance adopting the Community Reinvestment Project Area Plan for the Herriman Anthem Community Reinvestment Project Area – Heather Upshaw, Economic Development Manager**

Economic Development Manager Heather Upshaw presented the above stated area plan and asked if the Council had any questions. It was noted that statute requires the City to adopt this plan by Ordinance.

*Councilmember Martin moved to approve Ordinance No. 2017-39 adopting the Community Reinvestment Project Area Plan for the Herriman Anthem Town Center Community Reinvestment Project Area. Councilmember Henderson seconded the motion. (Renumbered from Ordinance No. 2017-40 to maintain sequential numbering)*

*The vote was recorded as follows:*

Councilmember Jared Henderson Aye

Councilmember Nicole Martin Aye

Councilmember Craig B. Tischner Aye

Councilmember Coralee Wessman-Moser Aye

Mayor Carmen Freeman Aye

*The motion passed unanimously.*

**8. 9:04:05 PM Calendar**

**8.1. Meetings**

- August 17 – Planning Commission meeting 7:00 p.m.
- August 23 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.
- August 28 – Special City Council Work Meeting 9:00 a.m.; JATC South Campus, Riverton
- August 31 - Joint City Council/Planning Commission Work Meeting 6:00 p.m.

**8.2. Events**

- August 11 – Herriman Enduro Challenge Practice; 4:00 p.m. W&M Butterfield Park
- August 12 – Herriman Enduro Challenge; 7:00 p.m. W&M Butterfield Park

9:05:07 PM The City Council temporarily recessed the City Council meeting.

9:29:13 PM In regards to the drafts of the General Plan, Councilmember Tischner said the differences between Drafts 1 and 2 are found within three developments: Dansie property, Doug Young's property and the 900 acres of land that are not currently annexed into the City, but are still a part of the General Plan. He indicated that everything else matches up. Councilmember Tischner asked what main concerns were expressed during the open houses. Councilmember Henderson indicated that one of his main concerns dealt with the process in involving the public. He said that they owed it to staff and members of the public to go through due process of holding public hearings and a proper work meeting to discuss the merits of all options prior to making decision. He opined that if the Council chooses one plan or the other they will be sending the message that they do not listen to the residents. Secondly, Councilmember Henderson explained that Draft 1 fits everything except for what has been proposed in terms of density on the Adalynn



property. Councilmember Tischner stated that earlier tonight Councilmember Henderson had remarked that he was more favorable towards Draft 1. He asked if further discussion would change Councilmember Henderson's mind. Councilmember Henderson said he would need to hear compelling reasons in order to change his mind. He added that according to the studies that have been conducted thus far, economic development can be achieved with Draft 1.

Mayor Freeman said there have been two meetings with Doug Young, and in both of those meetings there were discussions regarding open space. He said it was his understanding that Councilmember Henderson liked Mr. Young's project but was concerned with the open space. Councilmember Henderson clarified that while he was alright with the concept, he wanted to make sure the City was getting what they needed through the PUD process. He said that he had also indicated in previous meetings that there isn't a magic number when it comes to density. Mayor Freeman said he was confused because the City received the 50 acres of open space that they negotiated and there was never a discussion about density. Councilmember Henderson disagreed and stated that density had, in fact, been discussed during those meetings with Mr. Young. He reiterated that his main concerns pertained to this process. Draft 1 fits everything except for a few hundred units. He said that if the Council approves a draft tonight, he would support Draft 1; however, he would not want to cap the density because they needed to be flexible. He said Draft 2 is beyond what is being requested by any developer.

Councilmember Tischner said he wanted to make very clear to the public that Drafts 1 and 2 look very similar with the exception of three areas of the property throughout the entire City, which he previously identified. He said there is a misunderstanding with the residents that the City is increasing the density throughout the entire City which is untrue. Councilmember Henderson agreed and said that this fact was made clear at the open houses. Councilmember Moser said the residents have been clear in vocalizing that they are weary of developments that are town homes, apartments or tightly compacted single family residences because they have seen the affects of those communities from previous approvals. Councilmember Martin again stated that density terms have not been clearly defined. Councilmember Moser disagreed and said that residents have defined the term high density and what they believe will be problematic, by way of public meetings and surveys.

Councilmember Tischner asked the Council if they were all in agreement regarding the commercial piece of property on the north end of 11800 South, which borders South Jordan. Councilmembers Moser and Henderson both answered affirmatively. Councilmember Tischner continued to review each section of the aerial images of the City to identify the areas where Councilmembers were still in disagreement. There was additional review of Draft 2 as well as continued discussion regarding the process of adopting a General Plan. Councilmember Moser indicated that she is most comfortable with Draft 1, even though it has more units than what was previously proposed. However, Draft 1 is something with which they could probably work. She stated that the residents have overwhelmingly indicated that they do not support Draft 2.

Councilmember Martin suggested that the developer be invited to address the issue of density. She explained that they should be allowed time to discuss what they feel is necessary for their development. Councilmember Henderson stated that this is not a question of what is necessary; rather, it is a matter of what they would like, and for this reason he wants to reach a compromise on the matter.

Mr. John Gust came forward to speak on behalf of Mr. Doug Young, at the invitation of the Mayor and Council. Mr. Gust emphasized that they have worked diligently to develop a diversified plan. The development will be a viable community that will be successful for the long run. He explained that one of the reasons why Daybreak was so successful was because of the diversification of the housing. He stated that growth is important for developers, particularly in relation to commercial development. Ecommerce is also dramatically changing how all of commercial functions. Mr. Gust explained that Mr. Young's original proposal included 2,000 units and they have agreed to reduce that number to 1,591 units. He stated that this proposal is reasonable for a 300 acre project, at noted that 1,591 units break down to about six units per acre. He emphasized that this is well-designed project and that it reflects collaborative efforts with City staff as well as significant compromise. Mr. Gust stated that this item deserves a vote and that Mr. Young has been more than fair with the City.

Mayor Freeman asked Mr. Gust how Mr. Young's development will fit within Draft 1 of the General Plan. Councilmember Henderson opined that it doesn't fit; however, it does not work with Draft 2, either. Therefore, he proposed that they move forward with Draft 1, but that they amend Mr. Young's property. Mr. Gust said he has run the numbers and they need to be able to make money. There are certain expectations in terms of the quality of the development, and the Adalynn development has been designed as a first class project. He argued that there is nothing in Herriman that will even come close to being at the quality level as this development. Mr. Young has developed a lot of good projects throughout the valley and this would enhance the City of Herriman. Mr. Gust said he does not know if they can make any changes that would further improve the proposal, and again stated that he would appreciate a vote on this item. He said that they hired the best consultants on this project.

Councilmember Moser stated that residents have indicated that the Adalynn area is already so encumbered by high density, and would be further burdened from a socio-economical standpoint by additional high density development. Councilmember Tischner disagreed with this notion and stated that the town homes would cost around \$300,000.

Councilmember Henderson asked Mr. Gust if he believed Mr. Young would be supportive of a General Plan that provides guidance while still allowing the City to negotiate the terms of individual development agreements. Councilmember Henderson opined that the density outlined in Draft 1 is too low, but conversely the density outlined in Draft 2 is too high. However, all of the other proposals fit within Draft 1. Mr. Gust stated that he and Mr. Young both felt that reducing the number of units to 1,591 is a major compromise. There was further deliberation on previous points made throughout the discussion related to density. Councilmember Moser said Herriman has great communities that are at a lower density than what is being proposed by Mr. Young. Staff and elected officials continued their deliberations with Mr. Gust on matters previously outlined.

Councilmember Tischner noted that the next Council meeting will take place on August 23<sup>rd</sup>. The Council discussed holding a separate meeting for the sole purpose of making a decision on this item. Mayor Freeman indicated he would not meet again to discuss the item. He said they are all on different sides of the fence and that having another meeting will not be productive. Councilmember Moser said based on tonight's discussion it seems there may be a way to blend both Drafts 1 and 2; while she is personally not in favor of doing so, they may be able to come up with some sort of a compromise. She again stated that

Draft 1 reflects a density of nearly seven units per acre which is still very dense based on the citizens' expectations. Mr. Gust stressed that they have been more than reasonable and he again urged the Council to vote on this matter.

At the request of Councilmember Tischner, Mr. Tim Soffe returned to the podium to make additional remarks related to his development. Mr. Soffe stated that they have reached a point that is very time sensitive. It does not make any difference to him as to whether or not the Council approves Draft 1 or Draft 2. Councilmember Moser asked Mr. Soffe if he was comfortable with Draft 1 and he answered affirmatively. He also noted that two weeks would make a difference to their development timeline. Mr. Soffe informed the Council that they are up against a deadline in terms of him filing for a lawsuit against the City later in the month. Councilmember Moser asked Mr. Soffe if the deadline could be extended, to which Mr. Soffe responded that he would verify the timeline of the lawsuit with his legal counsel. Mr. Soffe asked if the Council could adopt a threshold for his development while they continue their negotiations with Mr. Young. He was informed that this would not be possible. There was further deliberation and the Council decided to hold a special session on this item on Friday, August 18, 2017, at 5:00 p.m.

*Councilmember Tischner moved to continue this item until the date and time listed above. Councilmember Moser seconded the motion. All voted aye except Mayor Freeman.*

Councilmember Tischner stated that he respects everyone on the Council and that it is their job to have these discussions. Councilmember Henderson agreed with his remarks. Mayor Freeman commented that elected officials are put into office to make difficult decisions. He relayed his frustration because it seems the City has already engaged the public in this process at great lengths. Councilmember Tischner thanked Mayor Freeman for his remarks.

## **9. Closed Session (If Needed)**


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

## **10. 10:50:46 PM Adjournment**

*Councilmember Henderson moved to adjourn the City Council meeting. Councilmember Martin seconded the motion and all voted aye.*

## **11. Recommence to Work Meeting (If Needed)**

*I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 9, 2017. This document constitutes the official minutes for the Herriman City Council Meeting.*

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



## SPECIAL CITY COUNCIL MINUTES

**Tuesday, August 29, 2017**  
**Awaiting Formal Approval**

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Tuesday, August 29, 2017 at 5:00 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Mayor Carmen Freeman

**Council Members Present:** Nicole Martin (via phone) and Coralee Wessman-Moser

**Staff Present:** Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, City Attorney John Brems, Communications Specialist Destiny Skinner, and ITS Services Tech Paul Hemara.

**Excused:** Councilmember Jared Henderson and Councilmember Craig B. Tischner

**5:00 PM - SPECIAL MEETING:** *(Or as soon thereafter as reasonably feasible)*

### **1. Call to Order**

Mayor Freeman called the meeting to order at 5:05 p.m. and welcomed those in attendance.

### **2. Council Business**

- 2.1. Review of this Evening's Agenda**
- 2.2. Future Agenda Items**

### **3. Discussion and Action Items**

- 3.1. Discussion and consideration of a resolution to initiate the process by which the Herriman City Council may consider the creation of the Herriman Public Safety Service Area to fund Law Enforcement Services within Herriman City – John Brems, City Attorney**

City Attorney John Brems informed the Council of the statutory requirement to initiate the process for the Council to consider the creation of the Herriman Public Safety Service Area to fund law enforcement services.



He explained the public hearing would be scheduled for October 11, 2017 and the final consideration would be conducted December 13, 2017.

*Councilmember Coralee Wessman-Moser moved to approve Resolution No. R31-2017 to initiate the process by which the Herriman City Council may consider the creation of the Herriman Public Safety Service Area to fund law enforcement services within Herriman City. Councilmember Nicole Martin seconded the motion.*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Absent*

*Councilmember Nicole Martin                              Aye*

*Councilmember Craig B. Tischner                      Absent*

*Councilmember Coralee Wessman-Moser              Aye*

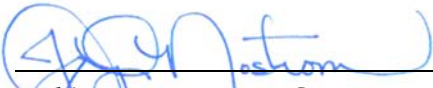
*Mayor Carmen Freeman                                      Aye*

*The motion passed unanimously with Councilmember Jared Henderson and Councilmember Craig B. Tischner being absent.*

#### **4. Adjournment**

*Councilmember Moser moved to adjourn the Special City Council Meeting at 5:09 p.m. Councilmember Martin seconded the motion, and all present voted aye.*

*I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 29, 2017. This document constitutes the official minutes for the Herriman City Council Meeting.*

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



## SPECIAL BOARD OF CANVASSERS MINUTES

**Tuesday, August 29, 2017**  
**Awaiting Formal Approval**

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Tuesday, August 29, 2017 at 5:00 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Mayor Carmen Freeman

**Council Members Present:** Nicole Martin (via phone) and Coralee Wessman-Moser

**Staff Present:** Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, City Attorney John Brems, Communications Specialist Destiny Skinner, and ITS Services Tech Paul Hemara.

**Excused:** Councilmember Jared Henderson and Councilmember Craig B. Tischner

### **5:00 PM - SPECIAL MEETING:**

#### **1. Call to Order**

Mayor Freeman called the meeting to order at 5:02 p.m. and welcomed those in attendance.

#### **2. Results of General Election**

##### **2.1. Discussion and consideration of a resolution finding and promulgating the results of the Municipal Primary Election – Jackie Nostrom, City Recorder**

City Recorder Jackie Nostrom offered a brief overview of the Primary Election held August 15, 2017 and identified the candidates. She informed the Council that the official results for the mayoral position of the primary election to be as follows: 1,404 votes were cast in favor of Coralee Wessman-Moser; 839 votes were cast in favor of David Watts; 564 votes were cast in favor of David Howe; and 397 votes were cast in favor of Joe Darger. In City Council District #2 the results are as follows: 387 votes were cast in favor of Clint Smith; 259 votes were cast in favor of Jared Richardson; 216 votes were cast in favor of Melissa John. . In City Council District #3 the results are as follows: 326 votes were cast in favor of Cody Stromberg; 325 votes

were cast in favor of Sherrie Ohrn; 147 votes were cast in favor of Siloni Pili. City Recorder Nostrom declared that the nominated candidates for Mayor would be Coralee Wessman-Moser and David Watts. District #2 City Council nominees would be Clint Smith and Jared Richardson. District #3 City Council nominees would be Cody Stromberg and Sherrie Ohrn. The names of the nominees would appear on the November 7, 2017 ballot for the Herriman City Municipal General Election.

*Councilmember Coralee Wessman-Moser moved to approve Resolution No. R30-2017 certifying the canvass of the 2017 Herriman City Municipal Primary Election. Councilmember Nicole Martin seconded the motion.*

*The vote was recorded as follows:*

*Councilmember Jared Henderson                      Absent*

*Councilmember Nicole Martin                          Aye*

*Councilmember Craig B. Tischner                   Absent*

*Councilmember Coralee Wessman-Moser           Aye*


*Mayor Carmen Freeman                              Aye*

*The motion passed unanimously with Councilmember Jared Henderson and Councilmember Craig B. Tischner being absent.*

### **3. Adjournment**

*Councilmember Moser moved to adjourn the Board of Canvasser's Meeting at 5:05 p.m. Councilmember Martin seconded the motion, and all present voted aye.*

*I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 29, 2017. This document constitutes the official minutes for the Herriman City Board of Canvasser's Meeting.*

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



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Planning Commission

**SUBJECT:** 12Z17 – Proposed rezone to amend the zoning conditions to add more commercial uses

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### **RECOMMENDATION:**

The Planning Commission recommended denial of the rezone to allow more uses, including a gas station/convenience store as a conditional use on the subject property.

### **PROCESS:**

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Staffed mailed notices to all property owners within 300 feet of the subject property. Notices were mailed on May 22, 2017 to 55 property owners. A notice sign was also posted on the property on May 22, 2017. The Planning Commission held a public hearing on June 1, 2017. There were several residents opposed to the change to allow a gas station on this property.

### **DISCUSSION:**

This property was previously rezoned to C-2, with a zoning condition that limited the uses that could be developed on the property. The Planning Commission and City Council had concerns about what uses may be located on this property, since it is a prominent entry point into the City. The zoning condition was a way to permit only more desirable uses on the property. The list of uses is below.

The applicant would like to amend the zoning condition to allow a more uses, including a convenience store/gas station, car wash, retail, and drive through uses.

The Planning Commission recommended denial of the rezone. They felt the list of uses that was previously approved should stay the same, and did not want to add a gas station in this location.

### **Community Outreach**

The Community Outreach Program held a neighborhood meeting on August 2, 2017. The applicant is proposing a Maverik gas station and a retail business strip for 3 businesses.





The applicant delivered approximately 120 notices on the doors of the Sky View Townhomes, Silver Crest East Townhomes, and Silver Crest Townhomes informing the residents of the scheduled community meeting. There were 22 residents that attended the meeting.

The applicant presented their proposed site plan and elevations for the gas station and retail buildings. The proposed site plan showed 3 accesses to the property, two on Herriman Parkway and one on Ashfield Drive. The residents had major concerns with the access on Ashfield Drive. They felt that this would impact the safety of the children who reside in the residential areas around Ashfield Drive. The residents presented options of barricades and speed bumps on Ashfield Drive. There was a request to have an access on Herriman Main Street. The applicant described the landscaping and lighting plan with the residents.

The concerns from the residents regarding the rezone were traffic, safety of the children in the surrounding residential area, lighting, and the harmful effects of the gas fumes from the pumps.

The applicant responded to each of the concerns and felt like he needed another meeting to make sure he fully addressed all concerns.

A second community meeting was held on August 16, 2017 at 6:30 p.m. The applicant sent notices informing the community of the date and time of the second meeting. There were 9 residents in attendance, 6 of which were the landowners. The minutes of this meeting have been attached.

### **Proposed Zoning Condition**

The site is zoned C-2 with a zoning condition that allows the following uses:

- Art shop and/or artist supply.
- Athletic goods store.
- Bakery.
- Barbershop.
- Beauty shop.
- Bicycle shop.
- Bookstore.
- Clothing store.
- Florist shop.
- Gift shop.
- Health food store.
- Ice cream shop.
- Office
- Photographer and/or sale of photographic supplies.
- Restaurant.



Reception center and/or wedding chapel.

Recreation, commercial.

Automatic Automobile Wash

Convenience Store

Automobile Service Center, which is limited to tune ups, lubrication and oil change, front end alignment, brake repair and muffler repair, providing there is not outside storage of parts or materials.

Office, business or professional

The applicant has provided a list of what they would be willing to restrict on the multi-tenant retail building:

Smoke shop

Vape shop

Hukkah Bar

Alcohol and/or liquor store

Archery shop and range

Awning sales and repair

Baby formula service; baby diaper service, baby sitter agency

Bowling alley, including billiard and/or pool tables

Bus terminal

Carbonated water sales

Clothes cleaning, dyeing and pressing

Coal and fuel sales office

Electrical and heating appliances and fixtures sales and repair

Film exchange

Fix it shop

Fountain equipment supply

Frozen food locker

Fur sales, storage and/or repair

Greenhouse and nursery; plant materials; soil and lawn service

Gunsmith

Gymnasium

House cleaning and repair; house equipment display

Ice vendor units and/or reach in ice merchandiser units; electrical ice maker units

Insulation sales

Janitorial service

Laundry, automatic self help type; laundry agency

Machine tools sales

Milk distributing station and sale of dairy products, including processing

Mobile lunch agency

Monument sales, retail

Motorboat sales



Newsstand  
Numismatic shop; gold, silver and platinum dealer  
Ornamental iron, sales only  
Painter and/or paint store  
Pest extermination and control office  
Popcorn and/or nut shop  
Radio and television sales and repair and/or station  
Residential facility for elderly persons  
Roofing sales  
Swimming pool  
Taxidermist  
Theater, indoor  
Tire shop, sales only  
Agency for the rental of motor vehicles, trailers or campers  
Agency for the sale of new or used motor vehicles, new trailers and new campers  
Ambulance service  
Arcade  
Athletic club and or health club  
Automobile repair  
Cemetery, mortuary, etc.  
Class C fireworks store  
Congregate living facility  
Day/preschool center  
Dining club  
Dog and cat groomer, excluding overnight boarding  
Golf course  
Hardware store; provided, that there is not outside storage display, except for summer  
Hotel/motel  
Indoor firearms and/or archery range  
Mini storage units, secondary to the main use  
Mobile store  
Monopole, on a public or quasi-publicly owned utility  
Package agency  
Parking lot  
Private nonprofit locker club  
Private school  
Public and quasi-public use  
Reception center and/or wedding chapel  
Recreation, commercial  
Rent all store; provided, that there is no outside storage  
Secondhand shop  
Seed and feed store  
Sign painting shop



Transfer company, provided trucks no larger than two (2) ton capacity

Unoccupied model building for display

Veterinary, providing operation is completely enclosed within an air conditioned building.

Warehouse space

**HERRIMAN, UTAH**  
**ORDINANCE NO. 17-xx**

**12Z17- CUNNINGHAM – PROPOSED REZONE TO AMEND THE ZONING  
CONDITIONS TO ADD MORE COMMERCIAL USES**

**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 map 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 map changes; and

**WHEREAS**, notice of the Planning Commission public hearing on the land use ordinance map change was published on May 22, 2017, noticing of the June 1, 2017, public hearing at 7:00 p.m.; 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 13, 2017, was held at 7:00 p.m.; and

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

**NOW THEREFORE**, be it ordained by the Herriman City Council that the zoning condition be amended for the property located at 5076 W Herriman Main Street to include the following additional uses:

The site is zoned C-2 with a zoning condition that allows the following uses:

Art shop and/or artist supply.

Athletic goods store.

Bakery.

Barbershop.

Beauty shop.

Bicycle shop.

Bookstore.

Clothing store.

Florist shop.

Gift shop.  
Health food store.  
Ice cream shop.  
Office  
Photographer and/or sale of photographic supplies.  
Restaurant.  
Reception center and/or wedding chapel.  
Recreation, commercial.  
Automatic Automobile Wash  
Convenience Store  
Automobile Service Center, which is limited to tune ups, lubrication and oil change, front end alignment, brake repair and muffler repair, providing there is not outside storage of parts or materials.  
Office, business or professional

**PASSED AND APPROVED** this 13<sup>th</sup> day of September, 2017.

**HERRIMAN**

**ATTEST:**

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

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



## **Community Outreach Neighborhood Meeting**

**Date:** August 16, 2017

**Developer/Applicant:** Cade Cunningham/Rick Magness (Maverick)

**Community #:** 1

**Community Facilitator:** Sandra Llewellyn

**The applicant mailed out notices to 166 residents. 9 residents attended (5 were the landowners)**

Maverik and the developer had their second community meeting with the residents near their proposed rezone property. They provided a new site plan with the changes that were requested or recommended from residents and staff. The developer mailed notices to 166 residents and 9 residents that were in attendance. The residents still voiced their concern of having a gas station allowed on this property. Some of the concerns were light pollution, access on Ashfield Drive, safety of the children that play in the adjacent open space, and the smell of the garbage from the dumpsters. The developer addressed each of the concerns

**Light Pollution** – One resident asked if the light lumens would be able to be dimmed in the later hours of the night and early hours of the morning to help with the glare. Maverik responded by saying that they would look into the possibility of that. They do have a store in Boise Idaho that does have the dimmers on their LED lights on the canopy for the gas tanks. They also told residents that they have to follow the City Code which will require them to reach 0 candle feet at the neighboring property line. The city will also require them to do a photometric plan.

**Access on Ashfield Drive** – The residents have concern of the amount of traffic the gas station will produce on Ashfield. They would like to know if the access is required. The developer said they would go back to the architect to see if it was needed. I checked with Blake Thomas and Dan DeVoogd to see if they required it. Both responded with No, the access was not required but both felt that it would be needed to help with the businesses success. The City will require a traffic study for this property.

**Safety of Children** – The concern the residents have is that their children play in this area. They are concerned with the traffic and safety hazards it may cause. The developer had suggested that they may be able to provide a fence around the open space of the adjacent property to help with this concern.

**Dumpster** – A resident had a concern about the smell and location of the Maverik dumpster. She requested that Maverik look in to moving it further away from the south property near the residents. Questions were asked as to what the pick up times of the garbage would be. Maverik said their pick up times would not be in the middle of the night or early hours in the mornings. They also indicated that they have pick ups more than one time a week.

A resident had a concern with the guarantee that the business will not fail. Rick responded by stating that Maverik is a solely owned business. They take pride in their name and stores. It takes approximately 5.5 million dollars to build a Maverik store. There is no debt owing on the building the day the store opens. By providing Herriman with an all brick building it will help with the up keep of the building and the years of service. Maverik has a landscape contract for their buildings that does the maintenance on the grounds regularly.



## STAFF REPORT

**DATE:** September 7, 2017

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

**FROM:** Sandra Llewellyn, Planner I

**SUBJECT:** Resolution to Adopt the Community Outreach Program

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**RECOMMENDATION:**

Staff recommends approval of the resolution adopting a Community Outreach Program.

**BACKGROUND:**

Per City Council direction, staff has been researching existing community outreach programs from other jurisdictions. Staff has presented a work flow procedure and outreach program to the City Council and Planning Commission in several work meetings. Staff is now requesting a resolution to adopt the plan.

**DISCUSSION:**

A notice was posted through social media, the City newsletter, and the website seeking volunteers throughout the community to participate in the program. Currently, we have received seven applications for the position of the Community Facilitator's. Staff will announce the volunteers and their communities at the City Council work meeting.

**HERRIMAN, UTAH**  
**RESOLUTION NO. 17-**

**A RESOLUTION TO ADOPT THE COMMUNITY OUTREACH PROGRAM**

**WHEREAS**, the Herriman City Council (“Council”) met in regular session on September 13, 2017, to consider, among other things, approving a resolution to adopt the community outreach program; and

**WHEREAS**, the Council directed staff to investigate a community outreach program; and

**WHEREAS**, staff has investigated and researched a community outreach program and has presented a plan (“Plan”) to the Council to implement a community outreach program a copy of which is attached hereto ; and

**WHEREAS**, among other things, the Plan provides a channel of communication to elected officials and City department staff that promotes effective, informed, and representative participation of citizens in government and self-help initiatives; and

**WHEREAS**, the Council has reviewed the Plan and finds that the Plan satisfies the purpose for which the Council directed staff to investigate a community outreach program; and

**WHEREAS**, the Council finds that it is in the best interest of Herriman residents to adopt the Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan is hereby adopted for use by Herriman as described the Plan.

This Resolution, assigned No. 17-\_\_\_\_, shall take effect immediately upon passage and acceptance as provided herein.

**PASSED AND APPROVED** by the Council of Herriman, Utah, this 13<sup>th</sup> day of September, 2017.

**HERRIMAN**

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**Carmen Freeman, Mayor**

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**Jackie Nostrom, MMC**  
City Recorder