CITY COUNCIL AGENDA

Wednesday, April 11, 2018

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 Conference Room)

1. Mayor and Council Social
   1.1. The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.

2. Council Business – 5:15 PM
   2.1. Review of this Evening’s Agenda
   2.2. Future Agenda Items

3. Administrative Reports
   3.1. Wasatch Front Regional Council (WFRC) Report – LaNiece Davenport, WFRC Government Relations Manager
   3.2. Wounded Warrior Update – Kevin Schmidt, Events and Recreation Manager
   3.3. Discussion relating to the Fireworks Restrictions – Riley Pilgrim, Unified Fire Authority Chief
   3.4. Deer Mitigation Update – Justun Edwards, Water Director
   3.5. Water Department Report – Justun Edwards, Water Director
   3.6. Follow-Up Discussion regarding McCuiston Avenue Neighborhood Meeting – Blake Thomas, City Engineer
   3.7. Storm Water Management Program Audit Response Plan – Blake Thomas, City Engineer
   3.8. City Manager Updates – Brett Wood, City Manager

4. Adjournment

7:00 PM - GENERAL MEETING:

1. Call to Order
   1.1. Invocation/Thought/Reading and Pledge of Allegiance
   1.2. Council Disclosure for Conflict of Interest
   1.3. Mayor/Council Comments and 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 Board and Committee Reports**

4. **Reports, Presentations and Appointments**  
   4.1. Unified Police Department Quarterly Report – Unified Police Department Chief Troy Carr  
   4.2. Presentation of the 2018 Utah Recreation and Parks Association (URPA) Awards – LeeAnn Powell, URPA Executive Director  
   4.3. Presentation of the Arbor Day Proclamation – Anthony Teuscher, Parks Manager  
   4.4. Presentation of the Child Abuse Prevention Proclamation – Brett Wood, City Manager  
   4.5. Presentation of the Fair Housing Month Proclamation – Michael Maloy, City Planner  
   4.6. Presentation of the 2018-2019 Herriman City Tentative Budget – Alan Rae, Finance Director

5. **Consent Agenda**  
   5.1. Approval of the March 14, 2018 City Council Meeting Minutes  
   5.2. Consideration of a Resolution Adopting a Revised Organization Chart – Brett Wood, City Manager

6. **Discussion and Action Items**  
   6.1. Discussion and consideration of an ordinance amending the Herriman City 2025 General Plan – Michael Maloy, City Planner  
   6.2. Discussion and Consideration of an Ordinance Declaring Approximately .62 Acres of Real Property Located at or near 7068 West Rose Canyon Rode Herriman, as Surplus, and Determining that a Trade for 1.36 Acres of Real Property Located at or near 7068 West Rose Canyon Road is in the best interest of the City and the Consideration is Adequate Based on Public Policy Factors – Blake Thomas, City Engineer  
   6.3. Discussion and Consideration of a Resolution Approving and Interlocal Cooperative Agreement between the Local Building Authority of the Salt Lake Valley Fire Service Area and Herriman City for the Exchange of Real Property – John Brems, City Attorney  
   6.4. Discussion and Consideration of a Resolution Authorizing Eminent Domain Proceedings with Respect to Herriman Main Street – John Brems, City Attorney

7. **Calendar**  
   7.1. **Meetings**  
      7.1.1. April 18 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.  
      7.1.2. April 19 – Planning Commission Meeting 7:00 p.m.  
   7.2. **Events**  
      7.2.1. April 15 – Thomas Butterfield Scholarship Application Deadline  
      7.2.2. April 28 – Community Service Day
8. **Closed Session**

8.1. *The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss pending or reasonably imminent litigation, and brethe purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

9. **Adjournment**

10. **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 5th day of April, 2018*

Jackie Nostrom, MMC
City Recorder
SUMMARY OF SENATE BILL 136SUB6: TRANSPORTATION GOVERNANCE AMENDMENTS (HARPER/SCHULTZ)

Senate Bill 136 is a significant, positive step forward for the future of our region and state. Utah is growing and changing, and with that comes the need to efficiently use resources to provide transportation choices for our communities. SB136 authorizes funding for transit and local needs, and enhances the coordination of transportation, land use, and economic development.

- UTA governance: renames UTA to “Transit District of Utah” and changes UTA Board from 16 part-time members to three full-time members (nominated by counties, appointed by Governor, confirmed by Senate), and creates a nine-member local advisory board.
- Creates a new state Transit Transportation Investment Fund (“TTIF”) for transit capital projects statewide, subject to legislative appropriation and a 40% local match requirement. Beginning July 1, 2019, the state will transfer funding into TTIF, approx. $5M in FY19, growing over time.
- Includes land use and economic development considerations in (i) the TIF/TTIF prioritization criteria, as determined by the State Transportation Commission, and (ii) UDOT’s statewide “strategic initiatives.” The Commission and UDOT will develop the criteria and strategic initiatives in consultation with MPOs, local governments, transit districts, and other transportation stakeholders.
- Local option sales taxes:
  - Local options can be imposed through referendum or by action of a county’s legislative body.
  - If a county imposes the 4th quarter between now and June 30, 2019, they keep all those funds for that period, but can only use them to pay off debt or for regionally significant transportation facilities. Beginning July 1, 2019, the regular distribution of 4th quarter revenue takes effect: 0.10% to cities, 0.10% to transit district, and 0.05% to the county.
  - If a county has not imposed the 4th quarter by June 30, 2020, then cities with transit service will have the option to impose it, with 0.125% going to the city, and 0.125% to the transit district.
  - Beginning July 1, 2019, counties may impose a new local option sales tax of 0.20% for transit capital expenses and service delivery. In the UTA district, counties can only impose the new 0.20% if they have already imposed the other four quarters.
  - Local option sales taxes not imposed by June 30, 2022 expire ("use it or lose it"). This applies only to the 3rd and 4th quarters in counties fully in the UTA district (i.e., Weber, Davis, Salt Lake, Utah Counties), and to the city imposition option for the 4th quarter. The new 0.20% county option for transit expires June 30, 2023.
  - Establishes an updated process for the County of the First Class Highway Projects Fund.
- Increases alternative fuel vehicle registration fees, phased in over a three-year period; e.g., electric vehicles fees are $60 in 2019, $90 in 2020, $120 in 2021; lower for hybrids.
- Provides that state and local corridor preservation funding can be used for transit corridors – in addition to roads.
- Authorizes the creation of “Transportation Reinvestment Zones” defined as “an area created by two or more public agencies [one of which must be a land use authority] by interlocal agreement to capture increased property tax revenue generated by a transportation infrastructure project.”
- Creates a Transportation and Tax Review Task Force to evaluate and make recommendations to the Legislature on transportation revenues and governance, and on simplifying and modernizing the state’s tax system. The Task Force will have thirteen members from the Senate, House, and Governor’s Office. Recommendations to the Legislature before December 1, 2018.
**UTA governance changes**

- Renames Utah Transit Authority as “Transit District of Utah” and provides that the Board will implement the name change “over time and as resources permit.” (576-583)
- Replaces the current 16-member UTA Board with a three-member Board: (861-920)
  - Counties shall make two or more nominations to the Governor before July 31, 2018:
    - Salt Lake County Mayor, with the approval of the County Council.
    - Utah County Commission, in consultation with Tooele County Commission.
    - Davis and Weber Counties, in consultation with Box Elder County Commission.
  - Governor appoints before August 31, 2018. Senate provides advice and consent. The new Board assumes control on or before November 1, 2018.
  - Board members shall be “a qualified executive with technical and administrative experience and training appropriate for the position.” Three-year terms, no limit on number of terms. Governor selects the chair. Board members serve “at the pleasure of the Governor.” Salary is initially set by the current UTA Board at not more than $150,000, and subsequently is set by the local advisory board.
- Powers and duties of new Board include: (1003-1148)
  - Approve a strategic plan every four years; adopt budget; approve contracts for TOD; set fares and rates. (The existing UTA Board will develop the tentative 2019 budget, subject to approval from the new Board.)
  - Appoint Executive Director for UTA, reporting to the Board (1333-1379). Hire, set salaries, and develop performance targets and evaluations for executive officers.
  - Additional auditing, reporting and coordination with the Legislature, COGs and MPOs. Report annually to the state Transportation Commission the UTA’s and MPO’s short and long-range plans, and capital projects proposed for state funding.
  - Review and approve any contract or expense over $200,000.
  - By Sept. 30, 2019 evaluate feasibility of joining Utah State Retirement System.
  - UTA required to consult with and receive approval from the State Bonding Commission before issuing any bonds.
  - UTA and UDOT required to study and evaluate the feasibility of merging UTA into UDOT.
  - Open and Public Meetings Act revised to provide that a “convening” of the three-member Board does not constitute a “meeting”, two or three members can have a “routine conversation” where no tentative or final votes are taken or the conversation pertains only to day-to-day management and operation of the UTA. (1886-1916)
  - Provides that the Utah Attorney General shall serve as legal counsel to the UTA, no later than July 1, 2019. The AG and UTA will work together and present a report and transition strategy to the Transportation Interim Committee before Nov. 30, 2019. (1244-1271)
- Creates a nine-member local advisory board, no later than Nov. 1, 2018: (1150-1192).
  - Appointments:
    - Salt Lake County COG: 3
    - Salt Lake City Mayor: 1
    - Utah County COG: 2
    - Weber COG: 1
• Davis COG: 1
• Box Elder & Tooele COG: 1
  o Powers and duties of advisory board include:
    • Set compensation of Board.
    • Review and approve service plans, capital development plans and projects, and TODs before final Board approval.
    • Consult with Board on budgets, bonding, strategic plans, funding opportunities, investments, auditing, adoption of policies/ordinances/bylaws, hold public hearings.
    • Represent and advocate the concerns of citizens to the Board and thereby assume the responsibilities of the previously required Citizens’ Advisory Board.

**Modified requirements for UDOT, strategic initiative developed with local stakeholders: (5026-5277)**

• Requires UDOT to have two (rather than one) Deputy Directors: a deputy director of engineering and operations, and a deputy director of planning and investment (whose responsibilities will include coordinating with MPOs and local governments, corridor and area planning, asset management, programming and prioritizing projects).
• Creates a Planning and Investment Division within UDOT with responsibility for:
  o Creating and managing an intermodal terminal facility.
  o Promoting development of an intermodal inland port.
  o Overseeing public-private partnerships.
• UDOT is responsible for oversight and supervision of any transportation project where state funds are used. UDOT may “assume responsibility for any public transit project that traverses any portions of the state highway systems.” That determination is made jointly by UDOT and the transit agency “proposing the development.”
• Modifies requirement for UDOT to develop strategic initiatives:
  o Statewide across all modes of transportation, updated at least every four years, with at least a twenty-year horizon. Requires consultation with MPOs, local governments, and transit districts, and consideration of regional and local transportation plans.
  o Requires consideration of “projected major centers of economic activity, population growth, and job centers”, mobility and access, congestion reduction, economic development and job creation, asset management, sustainability, return on investment, and air quality, in addition to existing required consideration of maintenance, operations, and safety.
  o Assess capacity needs and establish goals for corridors with the following characteristics: high volume of travel, connect major centers of economic activity or population growth, have major freight, and accommodate multiple modes of travel.
  o Report on strategic initiatives to the Transportation Interim Committee by Dec. 1 annually.
• Requires UDOT to implement a road usage charge mileage-based revenue system demonstration program, including full implementation of such a program for alternative fuel vehicles by Jan. 1, 2020. Owners of AV vehicles who participate in the program will be exempted from increased vehicle registration fees. (5212-5277)
• Expands authority of UDOT to handle NEPA reviews to include railroad, transit, or multimodal projects in addition to highways (4143-4174).
Requires modified road and transit project prioritization criteria to consider land use and economic development: (5331-5467)

- Requires Transportation Commission to determine priorities and funding levels of projects in the state transportation systems and capital development of new public transit facilities.
- Directs Transportation Commission to update prioritization criteria for state-funded road and transit projects--in consultation with MPOs and with public input--to consider:
  - regional and statewide economic development, including improved local access to employment, recreation, commerce, and residential areas;
  - “the extent to which local land use plans relevant to the project support and accomplish” UDOT’s strategic initiatives;
  - matching funds from the local government or transit agency in excess of the 40% requirement.
  - The rules adopting the updated prioritization criteria must be submitted to a committee or task force designated by the Legislative Management Committee.
- Local governments can nominate projects to the Transportation Commission for prioritization. The local government must demonstrate that the project will advance UDOT’s strategic initiatives and, for transit projects, that the local government has ongoing funding sources for operations and maintenance of the proposed development.

New “Transit Transportation Investment Fund” (TTIF) account created within the TIF: (5867-5888)

- Creates new fund with UDOT for statewide transit capital projects. The Legislature may appropriate revenue into the fund. Also, beginning July 1, 2019, state sales taxes will be transferred into the TTIF in an amount equal to 35% of the revenue generated from motor fuel taxes above 29.4 cents per gallon. This is estimated to generate approx. $5M in FY2019, and -- with the indexing of motor fuel taxes to CPI under current law -- grow over time. (4023-4029)
- “[T]he Legislature may appropriate money from the fund for public transit capital development of new capacity projects to be used as prioritized by the [state transportation] commission. The Legislature may only appropriate money from the fund for a public transit capital development project if the public transit district or political subdivision provides matching funds of equal to or greater than 40% of the funds needed for the project.” (Matching funds can come from the Transportation Infrastructure Loan Fund).

- Before any funds are programmed and allocated from the TTIF, requires that UDOT and UTA annually report to the Governor and Legislature by Oct. 1 on any transit projects that have been prioritized. (5453-5460)

State and local corridor preservation funding can be used for transit corridors – in addition to roads: (5469-5672)

Creates a Transportation and Tax Review Task Force: (1421 – 1495)

Membership:
- 4 members of the Senate, with 1 member from the minority party, appointed by Senate President
- 6 members of the House, with 1 member from the minority party, appointed by House Speaker
- 3 members of the executive branch appointed by the governor
Responsibilities include:

- Evaluate and prepare a report with recommendations on:
  - Transportation topics, including possible reforms to taxes and fees related to transportation funding, i.e. vehicle registration fees; a road user charge; local option sales and use taxes; statewide sales and use taxes; motor and special fuel taxes; fiscal impacts of existing tax credits and exemptions; and transportation/public transit governance structures.
  - Taxation-related topics, including: simplifying and modernizing the state’s tax system; strategies to broaden tax base and lower tax rates; minimize burdens of compliance and administration of tax system modernization of state and local revenue systems to ensure the state’s revenue structure is responsive to a changing economy, with a sustainable fiscal structure for taxpayers and for state and local governments.
- Solicit public feedback and involvement and coordinate with individuals and entities with relevant transportation and taxation expertise.
- Report findings and recommendations to the Legislature before December 1st of each year the task force in in effect. The Task Force shall remain in effect until March 31, 2020.

Revenues

Vehicle registration fees: (1828-1938)

- In addition to the regular registration fees, phases in additional fees for alternative-fuel vehicles: for electric vehicles, $60 in calendar 2019, $90 in 2020, $120 in 2021; for plug-in hybrids, $26, $39, $52; for hybrid electrics, $10, $15, $20.
- Vehicle registration fees are split 70% to UDOT and 30% to city and county B&C roads.
- The additional funding going to UDOT from the increased registration fees on alternative fuel vehicles – estimated at $200,000 in FY19 – will be used to partner with other entities to expand the availability of infrastructure for emerging vehicle technology.
- Once the Road Usage Charge program is implemented – no later than Jan. 1, 2020 – owners of alternative fuel vehicles shall be offered the option to participate in the program rather than paying the increased fees. (5271-5277)
- Beginning Jan. 1, 2020, increases the annual vehicle registration fees by the Consumer Price Index. The indexing of the additional fees on alternative fuel vehicles begins after they are fully phased-in.

Local option sales taxes for transportation: (4137-4863)

- Makes referendum requirement for county imposition optional (for 3rd and 4th quarters and the new 0.20%).
- Modifications to the “4th quarter” local option:
  - If a county imposes the 4th quarter after May 8, 2018 (the effective date of the bill), that county keeps 100% of the revenues collected through June 30, 2019, to pay debt service or fund regionally significant transportation or transit projects. After June 30, 2019, the regular 4th quarter distribution would apply (0.10% cities, 0.10% transit district, 0.05% county).
  - Beginning July 1, 2020, if a county has not imposed the fourth quarter, the cities within 1st, 2nd and 3rd class counties that are within a transit district or have or are intending to have transit service, or cities annexed into a large transit district, have the option to impose the full quarter, with 0.125% going to the city and 0.125% going to the transit district for transit within the county. (This effectively would apply to all cities in Utah and Salt Lake Counties, to
cities within the UTA district in Box Elder County, to cities in Washington County that either are within Sun Tran or intend to have transit service, or to cities in 3rd class counties with or intending to have transit service.)
  o If a city imposes the 4th quarter, and the county subsequently imposes the 4th quarter, the city-imposed distribution (0.125%/0.125%) still applies in the imposing city, and in the remainder of the county the regular distribution (0.10%/0.10%/0.05%) applies.
  • Newly authorized 0.20% local option for transit. (4812-4863)
    o Beginning July 1, 2019, counties may impose a local option sales tax of up to 0.20% for transit capital expenses and service delivery. This authorization applies to counties that have transit service or are intending to have transit service.
    o In the UTA district, counties can only impose the new 0.20% if they have already imposed the other four quarters. Note: current local option sales tax rates in UTA-district counties:
      - Box Elder: .55; Davis: .80; SL: .80; Tooele: .55; Utah: .80; Weber: 1.05.
    o The county can use those funds for the expenses of a public transit district or another entity providing transit service or facilities.
  • Local option sales taxes not imposed by June 30, 2022 expire ("use it or lose it"). This applies only to the 3rd and 4th quarters in counties fully in the UTA district (i.e., Weber, Davis, SL, Utah Counties), and to the city imposition option for the 4th quarter. The new 0.20% county option for transit expires June 30, 2023.
  • Establishes a new process for the Salt Lake County of the First Class Highway Projects Fund, which has funding from a portion of the Salt Lake County 2nd and 3rd “quarter” local options. The county will create a “county transportation advisory committee” of 13 members, nominated by the county mayor and confirmed by the county council, including but not limited to city mayors and managers. The county will establish by ordinance criteria for prioritization and ranking of projects, which may include consideration of regional and countywide economic development impacts, including improved local access to employment, recreation, commerce, and residential areas. (5764-5817)
  • Removes the requirement for counties that impose the “3rd quarter” local option sales tax under 59-12-2217 to use 25% of the funds for corridor preservation (corridor preservation is still an eligible use of the funds).

Authorization of Transportation Reinvestment Zones – “value capture”: (260-370)

  • Allows the creation of Transportation Reinvestment Zones (TRZ), defined as “an area created by two or more public agencies [at least one of which must be a land use authority] by interlocal agreement to capture increased property or sales tax revenue generated by a transportation infrastructure project…”
  • ILA creating the TRZ must: (i) define the transportation infrastructure need and proposed improvement; (ii) define the boundaries of the zone; (iii) establish a base year to calculate the increase of property tax revenue within the zone; and (iv) establish terms for sharing any increase in property tax or sales tax revenue within the zone.
  • Creation of the TRZ must be done with public hearings, and any surplus funds can be used for other purposes as agreed by the ILA parties.

Effective date: May 8, 2018 (except for certain provisions with delayed effective dates as noted).
## Local Option Transportation Sales Taxes and S.B. 136 (UTA District Counties)

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<th>Quarter 1</th>
<th>Quarter 2</th>
<th>Quarter 3</th>
<th>Quarter 4 &quot;Prop 1&quot;</th>
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**FOOTNOTES:**

1. 25% of the 3rd Quarter no longer is required to be spent on corridor preservation but it is still an eligible expense.
2. Counties in UTA district can only impose the New 0.20% if they have already imposed the other four quarters.
3. Can't be imposed until 7/1/19.
4. A portion of the Salt Lake County 2nd and 3rd Quarters go into the County of the First Class Highway Projects Fund.
5. Counties that impose 4th Quarter between 5/8/18 and 6/30/19 keep 100% of revenue to pay debt service or fund regionally significant transportation or transit projects. Beginning 7/1/19, the 0.10%, 0.10%, 0.05% distribution takes effect.
6. Beginning 7/1/20, if a county has not imposed the 4th Quarter, the cities within 1st, 2nd, and 3rd class counties that are within a transit district, or have or are intending to have transit service, have the option to impose the full Quarter, with 0.125% going to the city and 0.125% going to the transit district for transit within the county. If a city imposes the 4th Quarter, and the county subsequently imposes the 4th Quarter, the city-imposed distribution (0.125%/0.125%) still applies in the imposing city, and in the remainder of the county the regular distribution (0.10%/0.10%/0.05%) applies.
7. In Utah County, the 1st Quarter is 0.25% and 2nd Quarter is 0.30%.
8. Imposed in cities within the UTA district.

**NOTE:**

Referendum is required for 1st and 2nd Quarters and is optional for 3rd and 4th Quarters, and the New 0.20%.
DATE: April 3, 2018

TO: The Honorable Mayor and City Council

FROM: Kevin Schmidt

SUBJECT: Wounded Warrior Project at Fort Herriman PRCA Rodeo

DISCUSSION:
The Wounded Warrior Project has been invited to have a booth at this year’s Fort Herriman PRCA Rodeo on June 2, 2018 during our Military Appreciation Night. We will be providing them a space to table and inform the public about the wonderful work they do. We have also invited them to provide tickets to veterans in the area that they work with. If they feel it appropriate, we will include them in the Grand Entry. We look forward to having them at our event.

ALTERNATIVES:
N/A

FISCAL IMPACT:
Tickets for veterans (we already offer this service in appreciation of their service).
DATE: April 5, 2018
TO: The Honorable Mayor and City Council
FROM: Riley Pilgrim, Unified Fire Authority Chief
SUBJECT: Fireworks Restrictions

RECOMMENDATION:
Direction for approval of the Fireworks Restriction Map

DISCUSSION:
Below are information from UFA Fire Prevention. One is a letter from Chief Larsen explaining in detail the changes made in this year’s legislation. The biggest changes are the dates that fireworks are allowed, civil liabilities and the addition of a fine for negligent or reckless use of fireworks. We can discuss these changes in detail and the proposed areas below in the work session and finalize a map immediately thereafter.

I have driven the areas and agree with Director of Parks, Recreation and Events Wendy Thomas’ addition of the parks and trails (Rose Creek, Ranches, etc), reducing the restrictions on the new development near the RSL facility (with exceptions of the northeast corner, Madingly Circle).

With Copper Creek, the area is relatively safe other than the homes that parallel Midas Creek, and the areas west of Black Powder and Emma Mine due to the fields along Mountain View Corridor.

The new portions of the Anthem development are also relatively safe, but the Yukon Subdivision should still remain restricted.

The City will discuss if it is reasonable to restrict specific areas or continue to maintain a blanket restriction.

HB 38 Fireworks Restriction Notice for Distribution to UFA Service Areas:

HB 38 contains key changes and requirements regarding fireworks for the coming season. Key changes for fireworks this year are:

- Discharge dates for fireworks in July changed (New Year Eve and Chinese New Year unchanged):
  - July 2-5 and July 22-25 (14 day window for discharge reduced to 8).
Prior to May 1st, municipal legislative bodies may designate locations of existing or historical hazardous environmental conditions in which the use of fireworks is restricted and are to provide this information to the county for inclusion in a county-wide map showing restricted areas on county website and distributed to sellers for display. The County shall produce a map showing those restrictions received from the municipal legislative bodies prior to June 1st.

- Provides civil liability for negligent, reckless, or intentional conduct for fire damage caused by fireworks, including use in prohibited areas.
- Clarifies areas where cities can restrict fireworks discharge using readily identifiable features.
- Establishes an infraction (up to $1,000 fine) for:
  - Discharge of fireworks outside of legal dates.
  - Discharge of fireworks in an area where fireworks are prohibited.

Please review your municipality’s restricted areas for accuracy and proper alignment. If you wish to make changes to any boundary for restrictions, it is important to proceed as quickly as possible to make those changes via ordinance or resolution. Changes must be in accordance with the guidelines in HB 38. Historically restricted areas are allowed.

- The County is required to have a map in place before June 1st, available to the public and fireworks vendors.

- If UFA Fire Prevention Division does not receive notice of any changes prior to May 1st, the map we provide to the County will be the same historical map for your city as last year, 2017. (Red areas on UFA website at [http://www.unifiedfire.org/stations/fireworks_restrictions_map.asp](http://www.unifiedfire.org/stations/fireworks_restrictions_map.asp))

Here is the link to HB 38 Fireworks Restrictions.

**SIGNIFICANT CHANGES - FIREWORKS HOUSE BILL 38, 2018**

- Reduces number of days for legal discharge (reduced from 12 days to 8 days for legal discharge)
  - Dates: July 2nd – July 5th
    - July 22nd – July 25
  - Time: 11am – 11 pm
    - July 4th and 24th 11am – midnight

- Increases criminal fine for discharging fireworks outside of permitted dates and times.
  - Fine up to $1,000 (line 209)

- Increases the areas within which a municipality or state forester may prohibit the discharge of fireworks in certain situations. (starting on line 90)
  - Mountainous, brush-covered, forest-covered, or dry grass-covered areas; within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; the wildland urban interface area.
• Local governments to provide maps to the county indicating areas in which fireworks are prohibited due to hazardous environmental conditions by May 1st. (Generally means historical areas that have been restricted, line 90. Also can reference line 120)

• County to make county wide map available by June 1st.

• Imposes Civil Liability
  o Negligently, recklessly, or intentionally causes or spreads a fire through discharge of fireworks - liable for cost of suppression and damages.
IT IS UNLAWFUL FOR ANY PERSON TO DISCHARGE, IGNITE, EXPLODE, PROJECT, OR OTHERWISE FIRE OR PERMIT THE IGNITION, EXPULSION PROJECTION OF ANY FIREWORKS OR OPEN FLAME FIRES WITHIN TWO HUNDRED (200) FEET OF AN UNDEVELOPED PROPERTY OR AGRICULTURAL FIELD.
DATE: 04/04/18

TO: The Honorable Mayor and City Council

FROM: Justun Edwards, Water Department Director

SUBJECT: Deer Mitigation Update

BACKGROUND:
In 2015, the City Council, voted to approve the “Urban Deer Control Plan” in conjunction with a “Certification of Registration” or (COR) which is issued by the Division of Wildlife Resources (DWR). The Urban Deer Control Plan and the COR, allows the City to use two methods to control the deer population within City limits. Since that time, we have been working with the DWR and the Mule Deer Foundation (MDF) to reduce the number of resident deer within City limits.

DISCUSSION:
Over the past three years, City staff has been working closely with the DWR and MDF, to control the high number of resident deer within City limits. We have done so using two basic methods, “Lethal” removal of deer with the use of archery equipment and “Non-Lethal” removal of deer with the use of traps and relocation. Both methods have been very successful. During the update, we will present the details of the program to date, and discuss how the council would like to move forward. To continue the program, the COR will need to be reissued through the DWR, and the Urban Deer Control Plan will need to be updated.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A
BACKGROUND:
It has been the desire of past and current City Councils, to expand our secondary water service area, particularly to areas of the city where dry lines were installed during development. We developed a secondary phasing plan several years ago to provide direction to most economically and feasibly service those areas with dry lines. A number of these projects were identified during the 2017/2018 budget process and funded when the budget was approved.

DISCUSSION:
Over the past 7-8 months, we have performed engineering design for these projects. They are all currently in some stage of the construction process. These projects consist of, the construction and equipping of the Tuscany well house, and the installation of over 10,000 LF of waterline of varying sizes. These projects will provide secondary water to an additional 410 lots and four parks. They will also provide water to future developments along these pipeline alignments. We will also discuss the upcoming secondary watering season dates.

ALTERNATIVES:
N/A

FISCAL IMPACT:
N/A
DATE:       April 4, 2018
TO:         The Honorable Mayor and City Council
FROM:       Blake Thomas, City Engineer
SUBJECT:    McCuiston Avenue Neighborhood Meeting Update

RECOMMENDATION:
Provide guidance on how to respond to specific requests by property owners and discuss the scope and schedule of the project.

BACKGROUND:
McCuiston Avenue is an unpaved road in west Herriman. The area that is near this roadway is referred to as the Rose Basin area and was annexed into Herriman in 2009. There has been a large amount of residential development in the entire Rose Basin area which has resulted in detrimental impacts to the existing unpaved section of McCuiston Avenue. There has been a cycle of interest and non-interest to construct the full roadway improvements on this roadway over the years since it was annexed into Herriman. The City Council directed staff to hold a neighborhood meeting with property owners to discuss right-of-way needs to complete the roadway project.

DISCUSSION:
A neighborhood meeting was held on April 3, 2018 to discuss the roadway project with property owners along McCuiston Avenue. Five property owners attended the meeting, four owners were not in attendance. Discussions with the property owners introduced several requests to modify the roadway sections, adjust the preliminary design, and limit impacts to private property. Staff will present a summary of the meeting to the city council.

ALTERNATIVES:
N/A.

FISCAL IMPACT:
The improvements for the road project will require $380,000, which is contingent upon right-of-way acquisition from private property owners. Right-of-way costs are not included in the $380,000 cost estimate.
DATE: April 4, 2018

TO: The Honorable Mayor and City Council

FROM: Blake Thomas, City Engineer

SUBJECT: Storm Water Management Program Audit Update

RECOMMENDATION:
Provide guidance on schedule and scope for items that will require funding to accomplish.

BACKGROUND:
The Utah Department of Environmental Quality (UDEQ) provided the results of their audit of the city’s storm water management program. The report was receive on March 28th and the city has 30 days to provide a response that includes a formalized plan to address deficiencies to the UDEQ. Herriman City is allowed to discharge storm water to public waterways and underground via infiltration by the Utah Pollutant Discharge Elimination System (UPDES) permit, which is administered by the UDEQ Division of Water Quality.

DISCUSSION:
The audit identified several requirements in the permit where the city is deficient. Staff will present a plan to address each of the deficiencies listed in the audit. Some of these items will require additional funding to allow the city to meet the requirements of the storm water program, as outlined by the UPDES permit and the Herriman City Storm Water Management Plan.

ALTERNATIVES:
N/A.

FISCAL IMPACT:
There will be a fiscal impact but the actual amount is not yet determined.
Unified Police Department
Herriman Precinct

2018
First Quarter Review
Early on Sunday morning February 2, 2018, Joseph noticed a vehicle pull into his circle, drive around, turn its lights off and then park up the street. Joseph thought this was odd and watched the occupants. Joseph noticed a couple of males exit the vehicle and start looking into his neighbor’s vehicles.

The males then entered his property and attempted to break into his vehicles. Joseph stated he did not want them to get away so he grabbed his firearm to confront the suspects. As soon as Joseph got outside, he yelled at the suspects who then fled.

Joseph gave chase; both suspects jumped into a waiting vehicle. Before they could flee, Joseph was able to provide a description of the vehicle and a partial license plate number. Because of this information Officers and Detectives were able to identify and eventually arrest and charge the 3 suspects with a total of 33 charges.

Unbeknownst to Joseph he was in great danger. He did not know that these suspects had just burglarized several vehicles minutes before and had stolen a fully loaded .45 caliber handgun. Even so, because of Joseph’s actions, we were able to quickly identify the suspects, recover several items including the stolen handgun.

**Citizen Action Award**

**Presented to:**

**Dell Mickelsen**

*For quick action and bravery in the face of unknown danger*
CITIZEN’S ADVISORY BOARD

- FIVE MEMBER BOARD OF CITIZENS FROM THROUGOUHOUT THE HERRIMAN PRECINCT
  - BETHANY ZEYER (CHAIR)
  - CHAPLIN PAUL FULKS
  - BILL SATTREE
  - CHRISTOPHER JOLLES
  - JUSTIN ANDERSON

- REVIEW PROCESSES, ADVISE ON POLICIES, LIAISON WITH CITIZENS, ASSIST W/ ACTIVITIES & COLLABORATE W/ LAW ENFORCEMENT
## Herriman Crime Trend - Total Calls for Service 2018-2015

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<th>Year</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUN</th>
<th>JUL</th>
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<th>OCT</th>
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WORKLOAD BY SHIFT

First Quarter 2018
Dispatched Call Volume
By Shift

- 0000-559 (Grave)
- 0600-1359 (Day)
- 1400-1959 (Afternoon)
- 2000-2359 (Cover)
PERSONS CRIMES

Jan 2018 - March 2018

- Disorderly Conduct: 31 (19%)
- Assault: 30 (19%)
- Family offense: 61 (38%)
- Drugs: 23 (14%)
- Drunkenness: 2 (1%)
- Sex Offenses: 9 (6%)
- Trespassing: 4 (3%)
PERSONS
CRIMES
PROPERTY CRIMES

Jan 2018 - March 2018

- Theft: 64 (49%)
- Stolen Property: 4 (3%)
- Fraud: 17 (13%)
- Damaged Property: 25 (19%)
- Vehicle Theft: 12 (9%)
- Burglary: 7 (5%)
- Forgery: 2 (2%)

Theft is the most common property crime, accounting for 49% of all crimes in the given period.
PROPERTY CRIMES

Herriman Property Crimes
Jan-March 2018
TRAFFIC

Jan 2018 - March 2018

- Crashes: 82 (38%)
- Traffic Violations: 45 (21%)
- Impound/Abandoned: 17 (8%)
- DUI: 7 (3%)

Traffic: 66 (30%)
TRAFFIC

Herriman Traffic
Jan-March 2018
STAFFING

• 2018 Starts with 4 Vacancies
  • 3 in Herriman City
  • 1 in Southwest Area

• April Brings change:
  • Ken Cannon is retiring today
  • Robert Osmond has resigned and left for Jackson Hole to join JHPD
  • Scott Lauritzen is resigning to join Police Officers Standards & Training
D.A.R.E.

CONGRATULATIONS TO
MADI MONTGOMERY!
IN THE NEWS...
GOALS

• PERSONNEL TO MEET DEMANDS OF PUBLIC SAFETY
  • PATROL OFFICER ALLOCATIONS TO MEET SHIFT MINIMUMS
  • SCHOOL RESOURCE OFFICER 2019
• Youth Academy
• Peer Court
• Pedestrian Safety Programs
• Suicide Prevention & Awareness
ACCOMPLISHMENTS

• MINIMUM STAFFING – TWO OFFICERS PER SHIFT / UP FROM ONE
• CITIZENS ADVISORY BOARD
• INVESTIGATIONS UNIT REORGANIZATION
  • SERGEANT POSITION ADDITION
  • NEIGHBORHOOD NARCOTICS INTERDICTION
  • PROPERTY CRIMES INVESTIGATIONS
• MODELED ON OUR PROBLEM-ORIENTED POLICING PHILOSOPHY
  • Problem Solving – Identification, Analysis, Planning, Implementation & Evaluation
  • Providing Resources – Allied agencies, victim services, city partnerships & police support
  • Strategic Planning – Future issues, prevention, proactivity
  • Restoration – Make the victim and/or the community whole again
ACCOMPLISHMENTS

• TRAFFIC UNIT REORGANIZATION
  • TRAFFIC OFFICER ADDITION
  • STRATEGIC TRAFFIC ENFORCEMENT
    • SCHOOL ZONES
    • CROSS WALKS
    • RED LIGHT
    • SPEED ENFORCEMENT
    • DISTRACTED DRIVING ENFORCEMENT AND EDUCATION
    • TRAFFIC ACCIDENT AND HIT & RUN RELATED INVESTIGATIONS

• STRATEGIC MAPPING W/ HERRIMAN ENGINEERING
• TRAFFIC COUNTER PROJECT AND COLLABORATION

Have a request for traffic enforcement in Herriman? Use the button below to submit your request to UPD—Herriman Precinct online.
ACCOMPLISHMENTS

• COMMUNICATION WITH CITIZENS
  • PRECINCT FACEBOOK
  • CHAT WITH THE CHIEFS
  • EVENT OUTREACH

• HERRIMAN CITY COLLABORATION
  • EVENTS & PARKS – OUTREACH DURING CITY EVENTS
  • ADMINISTRATION
  • ENGINEERING
  • DESIGN REVIEW COMMITTEE
  • FACILITIES AND INFRASTRUCTURE
UPCOMING EVENTS

• Citizen’s Academy
  • Herriman High School on May 3, 2018
  • Avoid, Deny, Defend (ADD)
  • Stop the Bleed Program
  • Special Invite to Herriman City Council & Administration

• Motor School
  • May 14th through the 25th at Butterfield Park
2018 ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

WHEREAS, Arbor Day is now observed throughout the nation and the world, and;

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and;

WHEREAS, trees are renewable resource giving us paper, wood for construction of our homes, fuel for our fire, and beautify our community, and;

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and;

WHEREAS, trees, wherever they are planted, are a sources of joy and spiritual renewal.

NOW, THEREFORE, DO I, David Watts, Mayor of Herriman City, proclaim the last Friday of April as Arbor Day in the City of Herriman, and urge all citizens to plant trees to gladden the heart and promote a well-being of this and future generations.

PASSED AND APPROVED on this 11th day of April 2018.

HERRIMAN CITY COUNCIL

By: ________________________________
    David Watts, Mayor

ATTEST:

__________________________________________________________________________________
    Jackie Nostrom, City Recorder
HERRIMAN CITY

Proclamation

WHEREAS, the children of Herriman City are the future of our state’s success and investing in their general welfare, safety and livelihood are of utmost priority; and

WHEREAS, all children deserve to grow up in a safe and nurturing environment to assure they reach their full potential as they grow and develop; and

WHEREAS, the protection of children and strengthening of families is of concern and responsibility of all Herriman City citizens because the wellness of children affects our lives now and will continue to affect us in the future; and

WHEREAS, child abuse is a serious problem with 81 confirmed child victims in the city of Herriman last fiscal year with each of those cases impacting an entire family and affecting the community as a whole; and

WHEREAS, child abuse respects no racial, religious, socio-economic or geographic boundaries, and

WHEREAS, all citizens of Herriman City need to become more aware of child abuse and its prevention within their respective communities and actively encourage and support parents to raise their children in a safe and nurturing environment, and

WHEREAS, preventing child abuse requires each member of the community to be attentive to the problems of families around them and commit to do everything they can to help.

NOW THEREFORE, the Mayor and City Council of Herriman City on behalf of the 35,385 citizens, proclaim April 2018 as CHILD ABUSE PREVENTION MONTH and we call upon all our citizens to renew their commitment to be educated on the impact of child abuse and join in working for its prevention within our communities.

Dated this 11th day of April, 2018

________________________________________
Herriman City Mayor David Watts
HERRIMAN CITY

Proclamation

Whereas, Title VIII of the Civil Rights Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968; and

Whereas, in celebration of the 50th Anniversary of the Fair Housing Act, the Month of April is nationally recognized as Fair Housing Month. This is a time to reflect on and reaffirm our national commitment to the ideal that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability; and

Whereas, the State of Utah, which passed its own fair housing act in 1989, recognizing and affirming that all persons in the State of Utah are free to purchase, rent, finance and insure their homes without regard to their race, color, religion, sex, national origin, familial status, disability or source of income; and

Whereas, this year’s theme, “50 Years of Opening Doors”, with HUD and its housing partners in realizing our communities are open and welcoming, free from housing discrimination and hostility. That everyone has access to neighborhoods of opportunity, where our children can attend quality schools, our environment allows us to be healthy, and economic opportunities and self-sufficiency can grow.

Whereas, Herriman City welcomes this opportunity to reaffirm our commitment to the principal of fair housing for all and is committed to all efforts that address discrimination in our communities, supports all programs that will educate the public concerning their rights to equal housing opportunity and to assuring every person their right to live free of the fear of housing discrimination;

Now, therefore, I, David Watts, Mayor of Herriman City, do hereby proclaim the month of April 2018, as

FAIR HOUSING MONTH

In Herriman City, we urge all citizens to recognize this celebration for the purpose of improving the quality of life for all residents.

Dated this 11th day of April, 2018

________________________________________
Herriman City Mayor David Watts
DATE: April 4, 2018

TO: The Honorable Mayor and City Council

FROM: Alan Rae, Finance Director

SUBJECT: Presentation of the Tentative Budget

DISCUSSION:
The tentative budget for FY 2018-2019 and revised budget for FY 2017-2018 will be presented to the Council. The tentative budget is a working document for the Council, and gives the Council the opportunity to review the document prior to the budget being released to the general public.
The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, March 14, 2018 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 the City Hall, on the City’s website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor David Watts

Council Members Present: Jared Henderson, Nicole Martin, Sherrie Ohrn, and Clint Smith

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, City Recorder Jackie Nostrom, Director of Administration and Communications Tami Moody, Director of Finance Alan Rae, Assistant City Engineer Jonathan Bowers, Director of Operations Monte Johnson, Building Official Cathryn Nelson, Director of Municipal Water Justun Edwards, Unified Fire Chief Riley Pilgrim, City Planner Michael Maloy, Parks and Recreation Director Wendy Thomas, Deputy Chief of Police Services Troy Carr, and Communications Specialist Mitch Davis

5:00 PM - WORK MEETING: (Fort Herriman Conference Room)

1. Mayor and Council Social
   1.1. The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.

2. Council Business – 5:15 PM
   Mayor Watts called the meeting to order at 5:19 pm.

   2.1. Review of this Evening’s Agenda
   Staff and elected officials briefly reviewed the agenda.

   2.2. Future Agenda Items
   There were no future agenda items that needed to be discussed.

Councilmember Sherrie Ohrn said there were three things she wanted to discuss: (1) the City’s rights pertaining to the 900 acres from the County, (2) a follow-up on McCuiston Road, and (3) solid waste. Councilmember Clint
Smith said they could bring these issues forward next meeting. It was suggested the Council have an additional meeting on the 21st due to the workload, and the Council concurred.

Jeremy Roberts introduced himself and highlighted a German Company he thought would benefit Utah; he asked if the Council was interested in more information. Councilmember Nicole Martin said this was a sustainable option for any State and everyone should be looking for alternative waste management options. She said when she worked in Sandy there was a company that converted trash to energy. This technology was available around the world and they would like to be the first to bring it to Utah. Mayor Watts said the City was in a predicament because they did not have an alternative when the County closed the Trans-Jordan station. They were looking for an opportunity to lower fees. Councilmember Ohrn said in additional to solving an environmental problem they would create a revenue source.

Mr. Roberts explained the Herhof Company started in Germany in 1996 and had been a successful, large company. He explained how the Herhof Company conducted business and noted they did not create any material for landfills. They currently processed 70-percent of the trash in Germany. The City would recycle no matter how people dispose their trash if they used their facilities, and the residents would not have to separate their waste. The Herhof Company recovered most of the material and 50-percent would be converted into a secondary fuel. There would be no smell because their process is conducted indoors. Mr. Roberts explained they also contract to clean up landfills. For the facility to function efficiently they needed 90 thousand tons of trash. They were working with other cities to use a facility. He said this company would lock in tipping fees for 20 years, and Herhof Company was not looking for investment capital from the City. He said that the Company did a revenue split to bring money back to the community, and when the processes has been completed, there would be nothing to put into the landfill. What cannot be recycled was converted into what they called Stabilat; which is a material utilized similar to coal. The material had a BTU higher than coal; it was also cleaner and created less pollution. He stated that Germany was importing garbage because they were making a lot of money from this process.

Councilmember Ohrn said they needed to be clear that this process would not be incinerating the garbage. Mr. Roberts said they did not create any pollution from their facility. Mr. Roberts suggested they put this facility next to the Trans-Jordan landfill and recycle the trash there to eliminate the cost to run the landfill. Mayor Watts said they were eager to have a presentation on this as there was no risk, it would give the City cleaner air and provide a revenue stream. Mr. Roberts said the City would receive half of the revenue of the trash collected within the municipality. He explained they had created a process to make money from recycling.

City Manager Brett Wood said he did not want this facility in Tooele because of the distance. He said he was impressed with the Stabilat product. Mr. Roberts explained this company had proven their process by handling the majority of Germany’s garbage. They had reclaimed seven landfills; now parks and housing reside in those areas. Mr. Roberts said the Herhof Company did not want tax money and they would pay for the land without any incentives. Finance Director Alan Rae asked if the process of gathering trash would change. Mr. Roberts said there would not be any changes from standard practices.

Councilmember Smith asked how long it would take the Herhof Company to be operational. Mr. Roberts confirmed the 18-month process that would need six acres for the modular facility. Councilmember Martin said
they would need to overcome the misinformation they were a ‘burn plant’. They would need to go and tour the facility to reconcile the misinformation. Mayor Watts said he did not think there was any conflict of interest to tour these facilities. City Manager Wood said he would arrange a meeting with the affected parties for further discussion. Mr. Roberts explained this was good for Utah and this opportunity would allow the State to take the lead in environmental technology. Councilmember Martin said this was good for Utah as people have a hard time recycling, but this would be easy for everyone.

3. Administrative Reports

3.1. Discussion to Amend Ordinances regarding Committee Membership – Wendy Thomas, Director of Parks, Recreation and Events

Parks and Recreation Director Wendy Thomas stated they would recommend three members for three-year terms. She then asked for questions from the Council. In response to a question from Councilmember Smith, Director Thomas said the appointments would be staggered in order to maintain consistency on committees. She said she would put the appointments on a calendar as a reminder for reappointment. City Manager Wood said if they did not have a policy in place, eventually the staggering process would cease. Councilmember Smith suggested they include generic language to the ordinance to ensure staggering processes continue in the future.

3.2. Discussion pertaining to the Animal Control Fee Schedule – Justun Edwards, Water Director

Water Director Justun Edwards reported that the Interlocal agreement between Herriman City and Salt Lake County Animal Control was last updated April 26, 2017. This resolution would not only update the fees to match the County’s current fees, but it would also include them in the City’s Master Fee Schedule. City Manager Wood discussed the importance of presenting this information more frequently to the Council, to remain more transparent and fiscally responsible.

3.3. Rose Canyon Road Property Exchange with the Unified Fire Authority – Blake Thomas, City Engineer

Assistant City Engineer Jonathan Bowers said the Unified Fire Authority (UFA) currently owned a four-acre parcel located at 7124 West Rose Canyon Road. The alignment of the future 7300 West roadway bisected the UFA parcel leaving a 1.36 acre parcel on the west and a 2.53 acre parcel on the east side of 7300 West. The City would use the 0.78 acre parcel as a stormwater detention basin for runoff from 7300 West, Rose Canyon Road, and portions of several adjacent developments. Herriman City owned approximately two acres immediately east of the UFA parcel where there was an existing well and pump station.

Herriman City engineering staff had several discussions with a representative from UFA about the possibility of doing a property swap for 0.78-acre portion and the future 7300 West road right-of-way. UFA was interested in swapping property so that it could be combined with the remaining 2.53-acre parcel to construct a new fire station at some time in the future.

Councilmember Jared Henderson arrived at 6:10 p.m.
Instead of a paying for the additional property, UFA was requesting that Herriman enter into an agreement with the following conditions:

- Provide a wide access onto 7300 West
- Herriman to work with UFA for stormwater detention/retention for the future fire station (could be located on Herriman property east of the project site).
- Herriman to not require funds from UFSA for construction of road, park strip, curb, and gutter along Rose Canyon Road or 7300 West
- Herriman to prepare surveys, descriptions, and deeds for new parcels.

Since this was last discussed with the City Council, the Engineering department was given direction to work with UFA to determine an amenable means to offset the property deficit with the exchange. Herriman City staff met with UFA staff and came up with a list of proposed improvements that Herriman City would install.

Councilmember Ohrn said these items would equal the difference in cost. Assistant City Engineer Jonathan Bowers said that was correct and the City would do these items regardless. City Manager Wood gave a history of the location and notated this was a fair exchange. Assistant City Manager Haight said they did not need to do the improvements immediately. Mayor Watts agreed and indicated the costs would not be incurred for several years; it was estimated to be eight to ten years. Assistant City Engineer Bowers confirmed the UFA staff was amenable to the agreement. City Manager Wood said they should put this in a newsletter for communication to the public, and the Council agreed.

3.4. **Engineering Standards Update** – Blake Thomas, City Engineer

Assistant City Engineer Jonathan Bowers said they were in process of updating engineering standards. He gave a background on this item and explained that the ordinance and standards were the rules that governed development requirements. The current edition of the standards was dated February 2011. Various departments had gathered many updates for consideration over time. Standards required consideration to recent legislation and State rules, and needed to complement the recent changes in the Herriman City ordinance. The Engineering Department was working with consultants to update the standards manual, and they should have a completed draft for City Council review before June 30, 2018. The City Council would be required to approve the updates.

Assistant City Engineer Bowers highlighted part of the standards update including the hydraulic modelling rule, issuance of building permits and application timing. He said they adopted industry standards on procedure for the community coordinator process. Assistant City Engineer Bowers said they would have periodic reviews with the Council in the future, and were anticipating approval in the summer of 2018. He said they were looking for a procedure to incorporate future standard revision. They were also considering a recurring standards update in order to remain relevant and current. The Council agreed. Councilmember Martin said she was supportive of regular review.

3.5. **City Manager Updates** – Brett Wood, City Manager

City Manager Brett Wood said they were awarded the TAP award for creating a safe work environment. Mayor Watts commended staff for maintaining a safe working environment. City Manager Wood said he was asked to
March 14, 2018 – City Council Minutes

serve on the Rio Tinto Kennecott Investment Committee. He noted that the City received investment dollars from Rio Tinto.

City Manager Wood thanked the communication staff for their diligent work. He presented a video they created for community engagement. He stated the Parks and Recreation events conference was ongoing. Councilmember Martin commended staff for a job well done in this area.

Councilmember Martin moved to temporarily recess the City Council work meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation and the purchase, exchange or lease of real property as provided by Utah Code Annotated §52-4-205 at 6:31 p.m. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson   Aye
Councilmember Nicole Martin     Aye
Councilmember Sherrie Ohrn       Aye
Councilmember Clint Smith        Aye
Mayor David Watts                 Aye

The motion passed unanimously.

The Council reconvened in the City Council work meeting at 6:54 p.m.

4. Adjournment
Councilmember Smith moved to adjourn the City Council work meeting at 6:55 p.m. Councilmember Ohrn seconded the motion and all voted aye.

7:10 PM - GENERAL MEETING:
1. Call to Order
Mayor Watts called the meeting to order at 7:02 p.m. and welcomed those in attendance.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
Scout Troop #1760 led the audience in the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest
No conflict of interest was noted.

1.3. Mayor/Council Comments and Recognitions
Mayor Watts mentioned efforts by Unified Police Department increased patrols along Mountain View Corridor and school zones. He thanked the officers for these changes.
2. **Public Comment**

Steve Garrett thanked Council for their service. He said the City did a good job on the REAL Salt Lake Complex. He said he wanted more information on the UFA audit findings. He said the residents had a limited ability to hold elected officials accountable, and a report should have been given to the City regarding the misappropriated funds. Mr. Garrett said he contacted the Attorney General’s office and they reported to him that there was no referral from the County. He encouraged the Council to further the investigation. Councilmember Martin said she was on that board and would answer any questions.

3. **Mayor and Council Board and Committee Reports**

Mayor Watts said this year may be a high mosquito year and suggested the residents clear out stagnant water. The Mosquito Abatement board was very active testing water and addressing issues.

Councilmember Ohrn attended a convention with the Youth Council at Utah State last week. She noted it was a positive experience. She said the Youth Council ages were in high school, and they had four years in which they could participate, and noted the participants would be eligible for a scholarship.

Councilmember Henderson indicated the Unified Police Department (UPD) was currently working on their budget; they would have a preliminary budget by May with the final one in June. He noted Herriman City had representation with the UPD, as the City was now contracting their services.

4. **Reports, Presentations and Appointments**

4.1. **Balanced Economy Report** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced Kelby Vashard from Better Cities to present the study.

Mr. Vashard said he would pick up where they left off last, the summary from the Land Use Analysis. They were determining the demand for commercial retail. Due to regional factors and proximity to other major shopping destinations, demand for retail would be mostly driven by local purchasing power. The anticipated purchasing power was expected to support 415-508 acres of commercial land. The City currently had 702 acres zoned commercially. Non-traditional commercial development would be required to fill the gap. There were four key priorities. First, the City needed non-traditional commercial uses to drive land-use retail. Second, they would need to create destination attractions that draw activity to the City. Third, they would need housing stock that was designed to attract the targeted industry workforce. Fourth, the City had to establish Herriman as a viable location for office and business park users by enhancing lifestyle offerings. The key market observations and natural assets were high disposable incomes, outdoor enthusiasts, active lifestyle, developable land, and open space on the South Mountain.

Mr. Vashard said market testing had been done on concepts that could play to strengths and create a lifestyle brand for the community. This would help attract the type of workers and employers they were seeking. The first concept included a mega sports complex to bring in daytime population and revenue to the community. A similar complex was built in Minnesota and it brings in a significant amount of money to the area. He explained they were already starting something similar with the REAL Salt Lake Project. Councilmember Martin said she was concerned that the project would not be financially self-sustaining and the initial funding. Mr. Vashard said they would need to
make this large to create interest. They could seek help from the State and the counties because it would benefit everyone.

The next idea was a themed retail, like Trolley Square, Gardner village and Riverwoods. Mr. Vashard said they should focus on a theme like the Container Park in Las Vegas. He said retail would become secondary to the experience. Councilmember Martin said these types of unique retails would be a nice fit in Herriman. She asked how much revenue they would generate. Mr. Vashard said he could not give her an amount but they had identified a unique niche and they were active during the holidays. He said they would need to find the right development partners to execute the vision. He said the next idea would be indoor destination attractions like indoor skydiving, surfing, shooting range, climbing and escape rooms. The goal was to find unique compelling reasons to come to Herriman year round.

The next ideas would have more to do with life style. Mr. Vashard said there was an opportunity for a high-end health spa/resort and retreat. They would integrate the destination with the trail system, and there would be training and education for outdoor adventures. Councilmember Ohrn asked if he had examples of these types of attractions in their climate. Mr. Vashard said there were resorts in colder environments like hot springs. He said cities like Aspen, Park City, and Tahoe do not only attract people that ski; the attract people with a variety of interests. He said a Wilderness/Outdoor leadership and education camp would be another option. They would need to collaborate with institutions of higher education. He said an expensive option would be an adventure park or theme park. They had developable land and a good source of traffic for this type of investment. These types of parks would be a large source of sales tax to fill the gap.

Councilmember Martin asked if they could capture more than sustainable income. Mr. Vashard said this was their goal and explained when they bring in these attractions the demand for traditional retail and office use goes up. Mr. Vashard said Herriman was a unique location and should create an integrated trail system with unique events. Herriman was the closest community to the airport with direct access to the tri-county mountains. Their goal would be to make people tired and hungry with mountain marathons, ATV rendezvous, biking competitions and a mountain biking park. He suggested alternative mountain lodging with ‘glamping’, tiny homes, and others that had little or no infrastructure. Another option would be yurt-to-yurt adventures to experience the outdoors without packing heavy gear.

Mr. Vashard stated their recommendation for housing was to discuss potential projects in terms of outcomes, rather than density. He said they should build the type of housing that would attract the type of employers they wanted to recruit. This would encourage businesses to invest in the City. He said the availability of housing and the character of a community would influence office and employer recruiting. He said that higher price range homes would be necessary to grow their economy.

Mr. Vashard said they would have to make funding considerations to balance market risk, and position Herriman in a competitive position. Non-traditional projects may require non-traditional funding sources. Funding options may include specific State legislation appropriation, EB-5 investments, or PACE Financing. Mr. Vashard went over the details of these options. He summarized that they should encourage developers to build housing that was
consistent with their desired outcomes. He said a non-traditional commercial project would be the key to achieve a balanced economy.

5. Public Hearing

5.1. Public Hearing and consideration of an amendment to the Herriman City Budget FY 2017-2018 – Alan Rae, Finance Director

Finance Director Alan Rae explained this consideration was for adding another Full Time Equivalent that was not planned in the original budget. This comes from the Water Department and they were asked for an $11,900 adjustment to this year’s budget. It would also anticipate this person continued salary of $31,000 in the new budget year with 35-percent in burden for the upcoming year. He stated the Water Department was growing and anticipated more work in the spring.

Mayor Watts opened the public hearing. Seeing none, he closed the public hearing.

Councilmember Smith said this was necessary for the ongoing funding for this full time allocation. He said he was supportive of this amendment because the department was growing.

Councilmember Smith moved to approve resolution no. R18-2018 approving an amendment to the 2017-2018 fiscal year budget. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson   Aye
Councilmember Nicole Martin   Aye
Councilmember Sherrie Ohrn   Aye
Councilmember Clint Smith   Aye
Mayor David Watts   Aye
The motion passed unanimously.

5.2. Public Hearing and consideration of an access easement vacation of property located at approximately 5750 West Herriman Boulevard – Blake Thomas, City Engineer

Assistant City Engineer Bowers explained the district was adamant they had access to Bastian elementary school. There was not a road to access the construction site. He said they created the easement for this purpose, but it was no longer needed. He said this was a recorded easement; in order to vacate it they would need a City ordinance to be passed.

Mayor Watts opened the public hearing. Seeing none, he closed the public hearing.

Councilmember Martin moved to approve ordinance no. 2018-11 vacating a public easement located at or near 5730 west Herriman Boulevard. Councilmember Smith seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson   Aye
6. Consent Agenda

6.1. Consideration of the Herriman City Cemetery Rules and Regulations—Wendy Thomas, Director of Parks, Recreation and Events

Councilmember Ohrn moved to approve the Consent Agenda as written. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson  Aye
Councilmember Nicole Martin  Aye
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts  Aye

The motion passed unanimously.

7. Discussion and Action Items

7.1. Discussion and consideration of a text change to the Land Development Code regarding Open Space in the Planned Development Overlay Zone (File No. Z2018-002) – Michael Maloy, City Planner

City Planner Michael Maloy stated Herriman City had proposed a text change to the Land Development Code to allow a developer to dedicate open space outside of a planned development or pay a fee in lieu of the required open space. The previous City Council adopted this ordinance; however, with the adoption of the new Land Development Code was adopted on December 13, 2017, the requirement had been inadvertently omitted from the revision. These options allowed a developer to:

- Provide land outside a planned development to meet the open space requirement, or
- Pay a “fee in lieu” of required open space.

The original text also allowed the Planning Commission to approve the location and amenities of the required open space as part of the PD process. However, the new ordinance changed planned developments from a “conditional use” to a “zoning overlay.” As such, staff recommends modification of the proposed text to clarify that the City Council has final authority to approve all open space plans or fees as part of the PD Overlay Zone process.

The new Land Development Code was adopted on December 13, 2017. As part of the revision, alternatives to comply with the intent of the 20-percent open space requirement were inadvertently excluded from the revised ordinance. These options allowed a developer to:

- Provide land outside a planned development to meet the open space requirement, or
- Pay a “fee in lieu” of required open space.
March 14, 2018 – City Council Minutes

The original text also allowed the Planning Commission to approve the location and amenities of the required open space as part of the PD process. However, the new ordinance changed planned developments from a “conditional use” to a “zoning overlay.” As such, staff recommends modification of the proposed text to clarify that the City Council has final authority to approve all open space plans or fees as part of the PD Overlay Zone process. The final say for the open space would be at the discretion of the City Council. Councilmember Smith said the City wanted options when considering projects, in order to utilize the City’s open space the most efficiently. Councilmember Martin confirmed the donated land had to be within City limits.

Councilmember Smith moved to approve Ordinance No. 2018-12 authorizing a text change to the Land Development Code regarding Open Space in the Planned Development Overlay Zone. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Aye
- Councilmember Sherrie Ohrn: Aye
- Councilmember Clint Smith: Aye
- Mayor David Watts: Aye

The motion passed unanimously.

7.2. Discussion and consideration of a text change to the Land Development Code regarding Backyard Chickens in residential zones (File No. Z2018-003) – Michael Maloy, City Planner

City Planner Michael Maloy explained the new Land Development Code was adopted on December 13, 2017. As part of the revision, the code regulating backyard chickens in residential zones was inadvertently excluded from the newly revised ordinance. This proposed text change would add the requirements for backyard chickens. This text had not been modified from what was in the previous ordinance.

This ordinance defined and specified the number of chickens and the size of the properties they can be maintained. This was different from Family Food Production, which allowed larger amounts of chickens and other animals in agricultural zones. The Planning Commission recommended approval of the text change to the land use ordinance to place the backyard chicken ordinance into the Land Development Code.

Councilmember Smith indicated if this ordinance was not reinstated, it would bring about further discussions regarding chickens.

Councilmember Martin moved to approve Ordinance No. 2018-13 authorizing a text change to the Land Development Code regarding Backyard Chickens in residential zones. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Aye
- Councilmember Sherrie Ohrn: Aye
7.3. Discussion of the Herriman Towne Center/Rosecrest Business Plan – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced Mike Bradshaw with Momentum Development to report of the Herriman Towne Center and the Rosecrest Business Park. Mr. Bradshaw noted the 2007 original master plan had changed. He said they were looking to the east for a commercial location. They planned the commercial to expand through to the apartment area. He presented the elevation of the park side buildings. Councilmember Martin asked what the market was for residential above retail. Mr. Bradshaw responded it was a good option. Mayor Watts asked if the retail owners would live in the residential units on the top floor. Mr. Bradshaw said they could but that was not a requirement. Councilmember Smith asked about the number of floors of the residential units, and Mr. Bradshaw confirmed the units would primarily be two-story. They would have great patios outside the back of the units. He said they geared this area for entertainment; they planned to do the same on the west side but it would not extend as far. Councilmember Martin asked what their target was for the 60,000 square feet. Mr. Bradshaw said they were focusing on an entertainment space. He noted the retailers that were interested in moving into the area, and said they planned to start construction this spring.

Mr. Bradshaw said the Rosecrest Business Park would have restaurant uses, office space and hotel use. This area was all commercial space, and they anticipated commercial construction prior to fall 2018. He thanked the Council for their support. Councilmember Martin thanked Mr. Bradshaw for his partnership in the community. Councilmember Smith said this took 20 years and they were now getting the benefits. They had made small changes and they had expanded significantly. Mr. Bradshaw said this was a diverse community now because of the changes that were made, and he was happy to be a part of the work.

8. Calendar

8.1. Meetings

8.1.1. March 15 – Planning Commission Meeting 7:00 p.m.

8.1.2. March 28 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

8.2. Events

8.2.1. March 31 – Basket Bash; W&M Butterfield Park 10:00 a.m.

It was noted that Thomas Butterfield scholarships are due April 15th.

9. Closed Session

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

Councilmember Smith moved to temporarily recess the City Council meeting at 8:32 pm to convene in closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation and the purchase,
March 14, 2018 – City Council Minutes

The vote was recorded as follows:

Councilmember Jared Henderson    Aye
Councilmember Nicole Martin       Aye
Councilmember Sherrie Ohrn        Aye
Councilmember Clint Smith         Aye
Mayor David Watts                 Aye

The motion passed unanimously.

10. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 10:12 p.m. Councilmember Smith seconded the motion and all voted aye.

11. Recomence 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 March 14, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder
HERRIMAN, UTAH
RESOLUTION NO. 18-

A RESOLUTION ADOPTING A REVISED ORGANIZATION CHART

WHEREAS, the Herriman City Council (the “Council”) met in regular session on April 11, 2018, to consider, among other things, adopting a revised organization chart; and

WHEREAS, Herriman organizations are depicted in an organization chart; and

WHEREAS, Herriman Code of Ordinances § 1-6-13 provides in part that the organizational chart may be amended from time to time; and

WHEREAS, after careful consideration the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Herriman to amend the organization chart.

NOW, THEREFORE, BE IT RESOLVED by the Council that the amended organization chart as attached hereto be adopted as the amended organization chart as contemplated in Herriman Code of Ordinances § 1-6-13.

PASSED AND APPROVED this 11\textsuperscript{th} day of April, 2018.

HERRIMAN CITY COUNCIL

____________________________________
David Watts, Mayor

ATTEST:

_______________________________
Jackie Nostrom, MMC
City Recorder
Staff Report

DATE: April 4, 2018
TO: Herriman City Council
FROM: Michael Maloy, AICP, City Planner
MEETING: City Council Meeting April 11, 2018
REQUEST: Discussion of 2025 General Plan Amendment

Applicant: Herriman City
Address: Not applicable
Acres: Not applicable
File Number: G2018-001

Summary

On January 10, 2018, the Herriman City Council directed staff to initiate an amendment of the *Herriman City 2025 General Plan Amendment* to facilitate planning for commercial growth within the City. More specifically, the City Council requested the Planning Commission, City staff, and the general public, consider the following amendments to the Future Land Use Map for approximately 1,350 acres of property (see Attachment A – Current Land Use Map, and Attachment B – Proposed Land Use Map):

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<tr>
<th>No.</th>
<th>Description</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>1</td>
<td>45 acres along 11800 South &amp; 6000 West</td>
<td>Single Family, &amp; Medium Density</td>
<td>Commercial</td>
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<tr>
<td>2</td>
<td>10 acres at Anthem Park Blvd &amp; Freedom Park Drive</td>
<td>High Density</td>
<td>Commercial</td>
</tr>
<tr>
<td>3</td>
<td>15.5 acres at Herriman Blvd &amp; 5600 West</td>
<td>Public</td>
<td>Commercial</td>
</tr>
<tr>
<td>4</td>
<td>25 acres at Herriman Boulevard &amp; Main Street</td>
<td>Single Family</td>
<td>Commercial</td>
</tr>
<tr>
<td>5</td>
<td>60 acres along Mountain View Corridor (PRI)</td>
<td>Single Family</td>
<td>Commercial</td>
</tr>
<tr>
<td>6</td>
<td>100 acres at Juniper Crest &amp; Mountain View Corridor</td>
<td>Mixed Use, &amp; Public</td>
<td>Commercial</td>
</tr>
<tr>
<td>7</td>
<td>40 acres at Mountain View Corridor &amp; Academy Pkwy</td>
<td>Medium Density</td>
<td>Commercial</td>
</tr>
<tr>
<td>8</td>
<td>35 acres near Porter Rockwell Blvd</td>
<td>Single Family</td>
<td>Light Industrial/Business Park</td>
</tr>
<tr>
<td>9</td>
<td>20 acres adjacent to Porter Rockwell Blvd</td>
<td>Mixed Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>10</td>
<td>1,000 acres of Kennecott Property (potential annexation)</td>
<td>Residential (various)</td>
<td>Light Industrial/Business Park</td>
</tr>
</tbody>
</table>
Staff Report

Process

A General Plan amendment is a legislative process that requires the Planning Commission to conduct a public hearing and make a recommendation to the City Council. The Planning Commission may recommend approval, denial, or modification of the proposed amendment. The City Council may then approve, deny, or modify the recommendation made by the Planning Commission.

Before conducting a Planning Commission public hearing, Herriman City Code also requires an Open House meeting when amending the General Plan. The Open House meeting, which staff summarized below, occurred February 7, 2018.

Open House Meeting

Approximately 35 residents attended an Open House meeting held by Planning Division staff at Herriman City Hall on Wednesday, February 7, 2018, from 6:30 PM to 8:30 PM. While some residents opposed the amendment at Herriman Boulevard and Main street, which is number 4, most attendees expressed concerns with, or were opposed to, the following:

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<th>No.</th>
<th>Description</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>3</td>
<td>15.5 acres at Herriman Blvd &amp; 5600 West</td>
<td>Public</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

Attendees who reside near the 15.5-acre subject property, which is currently vacant and owned by the City, opposed the amendment and cited concerns with potential impacts generated by commercial development. Residents also expressed concerns regarding the lack of a transition area or buffer zone between commercial and residential development. In general, residents expressed support for developing a public park or some other form of open space on the subject property (see Attachment C – Open House Comments).

In response to these concerns, it should be noted that the subject property was previously rezoned by the City Council to C-2 Commercial to facilitate development of the subject property. The proposal intends to align the General Plan with the current Zoning Map. It should also be noted that the City Council, through the application of the Zoning Code, may require “zoning conditions” or improvements that could mitigate the expressed concerns.

Public Hearing

The Planning Commission conducted a public hearing on February 15, 2018. Before the meeting, the City received an email from Jeff Stephenson, Principal Advisor Land Transactions for Rio Tinto, which requested the City consider “multiple land uses” instead of “creating a 1,000-acre industrial park” on property located adjacent to the Utah 111 Highway. Although this property is currently outside City
During the meeting, staff noted the following public comments:

- One attendee recommended property adjacent to the intersection of Herriman Boulevard and Main Street be amended to “Mixed Use” instead of “Commercial.” (Number 4 on the previous table.)
- Four residents spoke against the amendment adjacent to the intersection of Herriman Boulevard and 5600 West. In general, participants opposed development that would increase vehicular traffic within the abutting residential neighborhood. Residents also expressed interest in developing the property into a park, a conservation garden, a BMX track, a solar field, or passive green space. (Number 3 on the previous table.)
- One individual requested the Planning Commission delay the amendment process and stated a preference for residential development over commercial development. (Number 4 on the previous table.)

Following the public comments, the Planning Commission closed the hearing and directed staff to review the boundaries of Number 6 and 7 within the proposal. Staff reviewed and refined the proposal to ensure consistency with the current Zoning Map. The Planning Commission also encouraged staff to meet with concerned residents and property owners to answer questions, resolve concerns, and solicit feedback.

**Community Meeting**

Following the Planning Commission public hearing, City staff members met with residents on March 7, 2018, to discuss the proposed General Plan amendment for property located adjacent to Herriman Boulevard and 5600 West. (Number 3 on the previous table.) Approximately 15 people attended the community meeting. Regarding the property, staff presented the following information for consideration:

- Number 3 is comprised of a 15.5-acre parcel (i.e. subject property)
- Subject property was used as a repository for sensitive soils and remediated with a “cap”
- Subject property was deeded to Herriman as part of the Tuscany Subdivision in 2003
- Miller Crossing Pod 4, an adjacent subdivision, was approved for development in September 2015
- Subject property was rezoned from R-1-21 Residential to C-2 Commercial in July 2016
- First building permit issued in Miller Crossing Pod 4 in September 2016

Again, most residents expressed concerns regarding future commercial development of the subject
Staff Report

property. However, several residents discussed potential “zoning conditions” that could mitigate concerns with traffic, noise, and privacy. Comments from this meeting and those received via Facebook have been summarized and attached to this report (see Attachment D – Community Meeting Notes).

Planning Commission Recommendation

The Planning Commission met on March 15, 2018, and voted 4-0 to recommend approval of application G2018-001 to amend the Future Land Use Map of the Herriman City 2025 General Plan with the following exceptions:

- **Number 3 should not be amended as proposed at this time.** The proposed amendment should be reconsidered during a future comprehensive review of the General Plan;
- **Number 4 should not be amended as proposed at this time.** The proposed amendment should be reduced and reconsidered during a future comprehensive review of the General Plan; and
- **Number 5 should not be amended as proposed at this time.** The proposed amendment should be removed and reconsidered during a future comprehensive review of the General Plan.

City Council Briefing

On March 28, 2018, during a regularly scheduled work session, which the public was invited to attend, staff briefed the City Council on the Planning Commission’s recommendation. The City Council discussed the proposed amendment and directed staff to schedule the proposal for consideration and possible action during the April 11, 2018, City Council public meeting. During the meeting, City Council member, Sherrie Ohm, also requested a copy of the land use table for the C-2 Zone, which has been attached (see Attachment E – Land Use Table).

City Ordinance

Staff prepared a draft ordinance for consideration of the City Council (see Attachment F – City Ordinance). Whereas the attached ordinance reflects the Planning Commission recommendation, it does *not* include the following properties, which were excluded by the Planning Commission:

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<tbody>
<tr>
<td>3</td>
<td>15.5 acres at Herriman Blvd &amp; 5600 West</td>
<td>Public</td>
<td>Commercial</td>
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<tr>
<td>4</td>
<td>25 acres at Herriman Boulevard &amp; Main Street</td>
<td>Single Family</td>
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<td>5</td>
<td>60 acres along Mountain View Corridor (PRI)</td>
<td>Single Family</td>
<td>Commercial</td>
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As stated in the following standards, the City Council may accept, alter, or deny the Planning Commission’s recommendation.
Standards

As per Herriman City Code, the approval standards for a General Plan amendment are as follows:

10-5-7.E Approval Standards. A decision to adopt or amend the general plan is a matter within the legislative discretion of the city council as described in subsection 10-5-6-A of this chapter. After the public meeting, the city council may adopt the application as proposed, adopt an amended proposal, or reject the application.

Attachments

A. Current Land Use Map  
B. Proposed Land Use Map  
C. Open House Comments – February 8, 2018  
D. Community Meeting Comments – March 7, 2018  
E. Land Use Table  
F. City Ordinance
Attachment A
Current Land Use Map
Attachment B
Proposed Land Use Map
Attachment C
Open House Comments
<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>1  Tito Arellano</td>
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<td>2  Kyle Anderson</td>
</tr>
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<td>3  Sarah Anderson</td>
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<td>4  Steve Savage</td>
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<td>5  Kris Braun</td>
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<td>6  James Bryant</td>
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<td>7  Andrew Warby</td>
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<td>8  Laci Warby</td>
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<td>9  Jenny Potter</td>
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<td>10 Jeremy Porter</td>
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<td>11 Carter Pham</td>
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<td>12 Jared Preusz</td>
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<td>13 Rachel Duffin</td>
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<td>14 Paul Burnett</td>
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<td>15 Alicia Harvey</td>
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<td>16 Claudia Dansie</td>
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<td>17 Boyd Dansie</td>
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<td>18 Linz Kempton</td>
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<td>19 Ben Kempton</td>
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<td>20 Nate Shvolz</td>
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<td>21 Lane Kemp</td>
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<td>22 Vincas Jonas</td>
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<td>23 Mackenzie Ayer</td>
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<td>24 Andrew Lawrence</td>
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<td>25 Emily Berber</td>
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General Plan Open House

**SIGN IN SHEET**

TIME: 6:30 p.m.  
Wednesday, February 7, 2018

<table>
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<th>Name</th>
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<tr>
<td>1. Alyssa Uffenorde</td>
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<td>2. Ryan McEniry</td>
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<td>3. Devon Brunson</td>
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<td>4. Chad, Danica</td>
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<td>5. Brandon &amp; Sheri Helm</td>
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<td>6. Haley Hill</td>
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<td>7. Amy &amp; Andrew Lawrenz</td>
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<td>8. Sonny &amp; Brenda Mortensen</td>
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<td>9. Garr &amp; Jennie Overd</td>
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<td>25.</td>
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</table>
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Jennie Ovard

DATE: 2-7-18

PHONE NUMBER(s):

EMAIL: jennie.oward@gmail.com

ADDRESS:

Summary of your comment: I have concerns about the safety of the kids walking home from the 4 schools in the area. I see kids walking home along Herriman Blvd on the side walk by Zone 3 every day. Having commercial there will increase traffic and be dangerous for those kids. I would like to see Zone 3 be a public area with little traffic.

Signed Jennie Ovard

(This form is not complete unless signed)
such as a park. Also, on the corner of Anthem Pk Blvd and Herriman Parkway we do not need the traffic from a gas station. A bank or credit union would be preferable. I think a gas station on the SW corner would also be a problem for children walking home from Athlos to the Lafayette Neighborhood.
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Brenda Mortensen

DATE: 2-7-18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: I see several safety concerns with having zone 3 become commercial property. The biggest concern being the safety of the school children that walk home along 1200W.

If the dirt needs to be removed, it would serve as a great park for that entire area, there really isn't any other legitimate green space.

Signed Brenda Mortensen

(This form is not complete unless signed)
It could also be used for storage of snowplows or salt, like all the wilders told us it was to be used or before we built. Then perhaps we could save 5 million for something else.

Put a solar farm on the hill. Put trees...

Just develop all the other proposed zones first. Pull this zone 3 from the proposed commercial plan. The city owns the land, worry about the other zones & hold off on zoning this!

Thanks!
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Amy Lawrence

DATE: Feb. 7, 2018

PHONE NUMBER(s): 

EMAIL: 

ADDRESS: 

Summary of your comment: I currently live in Miller Crossing. I have been in my house less than a year. Before I built my house I did my due diligence to find out what would be behind my house. It was owned by the city and stated for public works building. Now we are being told they want to build commercial. I purposely did not buy a home in the corner of Miller Crossing because I did not want to live by commercial. All the rest of the proposed commercial is not by current residents. Someone buying a home would know ahead of time that it would be commercial. My other worry is the school by #3. Kids will be walking to and from school in front of all that commercial which could lead to kids getting hit or parents driving their kids to...
School because they don't want their kids to walk by commercial. This will cause a ton of traffic. Could use instead turn it into a park or something like that. There are currently no parks that far north in Fairmount for the million of kids who live there.
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Rachel Duffin

DATE: 2-7-2018

PHONE NUMBER(s):

EMAIL:

ADDRESS:

Summary of your comment: We were told the corner of Herr. Centered parkway and 5600 W was zoned for a city works bldg. upon building our house I am against any high traffic commercial area. I have children who walk to and from Bastian Elem. and use that area nearly daily. I am super concerned about my childrens and others safety. Also, with 4 schools and a highly residential area, I see no need for commercial zoning in that area.

Signed: Rachel Duffin

(This form is not complete unless signed)
I would prefer the area zoned as Zone 3 to stay zoned for a public works. Strip malls aren't good for residential areas. I'm frustrated we were told that area would be a public works when we built our home and now that is changing. I also feel that a public works area may detract a builder like a gas station or a vape shop.
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Chad Dansie

DATE: 2/7/18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment:

I am concerned with the Hidden Oak development. I believe the lot sizes are not appropriate. They are too small compared to surrounding lots. In addition, I am concerned with how many schools that are proposed in such a little area. I am especially concerned with the

Signed Chad Dansie

(This form is not complete unless signed)
Advantage Charter school as it shares the entire west border with me. This will cause major traffic concerns since the surrounding roads are only 2 lane and 1 lane is proposed to be 3 lane. This will create safety concerns for kids at the school, my family and my neighbors. Please rethink this school location.

Sincerely,

[Signature]
NAME: KILE ANDERSON

DATE: 2/7/18

PHONE NUMBER(s): [redacted]

EMAIL: [redacted]

ADDRESS: [redacted]

Summary of your comment: WE CHOSE TO BUILD AND LIVE IN HERRIMAN, SPECIFICALLY MILLER CROSSING, BECAUSE IT WAS AWAY FROM COMMERCIAL ZONES AND WAS PRIMARILY RESIDENTIAL. TO HEAR THAT THE PROPERTY WEST OF 3 WAS ALREADY APPROVED FOR COMMERCIAL UPSETS ME. WE DO NOT NEED ANOTHER GAS STATION OR BUSINESS IN 3 AND 4. KEEP IT RESIDENTIAL OR REZONE FOR PARKS AND REC. DO NOT MAKE THE SAME MISTAKE THAT WAS MADE WITH MULTI FAMILY HOUSING. LISTEN TO YOUR RESIDENTS!
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Sara Anderson

DATE: 02/07/18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: As a resident near the purposed change #3 & #4 proposed changes, I would appreciate more recreation opportunities (i.e. parks, walking trails etc...) The number of children (families) in that area, it doesn't make sense to add in commercial land. Increased traffic, among other things is super unhelpful. We purchased this house to be further away from the commercial. Please reconsider the areas without parks & help.

Signed

| A N A | [Redacted] Anderson

(This form is not complete unless signed)

Keep your residents happy encouraged. Thank You!
General Plan
Open House
Comment Form

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NAME: Theodore E. Arellano.

DATE: 02/07/2018.

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment:

I am currently living just right by the area #3 and #4 having a business area it is a good idea specially having the school right next to I will be interesting in make a business just right next to my house.

(Signed)

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Emily Berbert

DATE: Feb. 1, 2018

PHONE NUMBER(s): 

EMAIL: 

ADDRESS: 

Summary of your comment:

Great commercial areas I like that they make sense in location. Keep that vision as we move forward. My suggestion is to get the right commercial to come in. Think about the family demographics and stores, venues that will not compete with neighboring cities. Great job guys! Thanks so much.

Signed

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Kris Brown

DATE: 7 Feb 2018

PHONE NUMBER(s):

EMAIL: 

ADDRESS:

Summary of your comment: I would like to see #3 and the care lot next to it a city Park. Since this location is near two schools.

Signed

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Paul Burnett

DATE: 2/7/2018

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: Zone 3 should be left as is and not be changed to commercial. Commercial would bring a lot of heavy traffic to an area with a lot of schools and kids walking to and from. There are multiple schools in the home area and we don't want to risk the safety of our kids. There has already been an auto-pedestrian accident with a child on that corner. If the city could guarantee medical offices, it would probably be ok. But we just don't want...
There is 3 schools within ¼ block of the nearest intersection. Charter, elementary, Jr High. Kids are walking to and from school all hours of the day. Why bring more traffic to an area like this. Anthem Shopping Center will already bring plenty of retail shoppers to the area creating more hazards for the children from the three schools. Keep plans to zone public works PLEASE!

Signed

(This form is not complete unless signed)
General Plan
Open House
Comment Form

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NAME: Carson Dearnt

DATE: 2/7/18

PHONE NUMBER(s):

EMAIL:

ADDRESS:

Summary of your comment: Don't wet you

your ass 10170 as
it is not in my name

Signed  
(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Alicia Harvey

DATE: 2-7-18

PHONE NUMBER(s): ____________________________

EMAIL: ____________________________

ADDRESS: ____________________________

Summary of your comment: when picking out our lot we were told it would be a city works building. It is not. I don't want commercial. The is too many schools right there. I have concern for kids safety. I don't feel it is the right spot for commercial area. Any pillar gas stations on your map Zone 3. I request no gas stations for all the kids walking to school.

Signed Alicia Harvey

(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Mackenzie Hyer

DATE: Feb 7, 2018

PHONE NUMBER(s):

EMAIL: 

ADDRESS: 

Summary of your comment: Please reconsider zoning 3 acres commercial & purchasing the lease lot on corner of 5600 w & 12600 So. Hiller's Crossing is a brand new development and we closely examined zones before choosing our lot. It would cost all to have the city change the plans now. Besides all of the emotion aspects, the home owners would lose money. Herriman is a family focused community - it's why we choose to live here. Please look at continuity that traditining with a park & connected trail system. We need to do what is best for the family that once to call Herriman home.

Signed: [Signature]

(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Andrew Lawrence

DATE: 2/7/18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: I have major concerns about location 3 directly behind our house on Iron King Drive. Obviously nobody wants commercial behind them, but we have a lot of concern about safety of the kids crossing that street to go to school. If there were gas stations or fast food places etc. It would increase traffic and be more dangerous to cross that intersection. Please consider these factors when deciding to rezone location 3.

Signed: [Signature]

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Ryan McDaniel

DATE: 2/7/19

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: I do not like the use of #5 for commercial. It's a high traffic area for 4 schools and could increase risk to children walking to and from school. I know Herriman has a lot of parks, but parks are severely lacking in the under wesly area. Any use of the land for parks would be appreciated.

(Signed)

(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: GARR OYARD

DATE: FEBRUARY 2018

PHONE NUMBER(s):

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: I'M INTERESTED IN PROPOSING NEW IDEAS FOR THE CITY-OWNED PROPERTY BEHIND MY HOME - PARCEL #3. IF WE FORESTED THE AREA WE COULD PUT UP A CELL-PHONE TOWER THAT LOOKS LIKE A TREE TO SUBSIDIZE THE COST OF REMOVING THE ARSENIC AND LEAD AND FORESTATION. A SMALL SOLAR FARM WOULD ALSO BE INTERESTING. THANKS FOR ANSWERING MY QUESTIONS TONIGHT!

Signed [Signature]

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: CARTER PHAM

DATE: FEBRUARY 7TH, 2018

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment:

TO WHOM IT MAY CONCERN,

WE'RE CONCERNED ABOUT THE POTENTIAL COMMERCIAL ZONING PLANNED NEAR THE SOUTH SIDE OF MILLER CROSSING. THE IMMEDIATE CONCERN IS POTENTIAL TRAFFIC HAZARDS FOR ALL THE KIDS WHO LIVE NEARBY. RETAIL STRIPS CAN ALSO BURN ISSUES WITH NOISE & PRIVACY. GIVEN THAT EASEMENT IS SO HIGH WE ARE CONCERNED ABOUT SAFETY. BEING A NEW HOMEOWNER WE BUILT IN HERRIMAN TO BE FARTHER AWAY FROM THE CHALLENGES OF CITY LIFE.

Signed [Signature]

(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Jared Preusz

DATE: February 7, 2017

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: I am moving into a house on Iron King Drive and the back of my home will face what is proposed to be Commercial Zone 3. I am concerned about commercial ruining property values in our area. There are also 3 schools nearby and we are concerned about crime, noise and lots of traffic. Honestly, this is not a good use of that space and this is a family community. If commercial is coming in there, I recommend putting up a large wall to separate our community from the commercial and trees to block it. Please also don't remove the hill in our backyard.

Signed

(This form is not complete unless signed)
General Plan
Open House
Comment Form

One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Sherri Ryder

DATE: 2-7-18

PHONE NUMBER(s): [redacted]

EMAIL: [redacted]

ADDRESS: [redacted]

Summary of your comment:

I am highly against the high density building that is going on. I think instead of issuing building permits to whatever the builders want more consideration should be given to existing homes. Roads should be better thought out so congestion can be addressed.

Signed Sherri Ryder

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Steve Savage

DATE: 02/07/18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: make #3 to corner lot a public park instead of retail/commercial because of the Bastein School and all of the kids walking (think about their safety)

Signed

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: VincE Stinson

DATE: 2/7/18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment:

Concerned about Zone 3 turning to commercial.

Is the lot on the corner being commercialized? Is there anything we can do to make both a city park?

We have a huge Walmart going in behind. Do we really need more commercial? My lot is behind the Christmas Center. How do I find out more who about it?

Signed: [Signature]

(This form is not complete unless signed)
One of the most important parts of our city meeting is the opportunity for citizens to speak. This comment form must be completed and submitted by anyone who desires to make any comment on any item. (Please Print Clearly)

NAME: Laci Warby

DATE: 7 FEB 18

PHONE NUMBER(s): [Redacted]

EMAIL: [Redacted]

ADDRESS: [Redacted]

Summary of your comment: Our family is concerned about the small amount of retail in the city. We appreciate the want to maintain a more "rural" feel, but the population growth demands a stronger economic base.

Signed [Redacted]

(This form is not complete unless signed)
Attachment D
Community Meeting Comments
Community Outreach
Neighborhood Meeting

Date: March 7, 2018
Developer/Applicant: Herriman City
Community No. 1
Community Facilitator: Michael O'Rourke

Mike Maloy, City Planner, gave his PowerPoint presentation about the area and the property in question, area 3.

Mike Maloy commented about the General Plan being a vision for the City and that the zoning was the rules. He wanted to make sure everyone understood the difference.

Mike Maloy told everyone the details about area 3 has contaminated soil on it, consisting of mainly lead and arsenic. There is a cap over the material, and the cost for removing the material is about $5 million. There was some further discussion on what that covered and where they could take the material.

Mike Maloy discussed a little bit about the new park that will be in the Anthem development.

Mike Maloy discussed that a majority of the general plan open house attendees stated that they do not want commercial development in area 3, but would rather have a park or some sort of natural buffer.

Mike Maloy commented that it is possible to put restrictions on the commercial land use and zoning restrictions.

David Howe asked about what other city-owned properties that have hazardous material and/or are capped. The answer was that this is the only one. David followed up asking what the approximate value of this land was once cleaned. Gordon Haight, City Manager, responded with what they thought the value was and David commented that this meant that the City is currently upside down on their investment.

Gordon commented that the City feels it would be irresponsible not to prioritize a cleanup of this land and that it is a liability.

There was some discussion for the residents that they thought the land was zoned for public use and were disappointed to find out it was commercial. Gordon explained that is was once listed that way in the old general plan, how the referendum threw it into a transition and the reasons for the difference in what the plan once showed and what the zoning map showed. The goal is to bring the plan in line with the zoning map.
There was a resident comment made that this was the first they were hearing that this property had hazardous waste and they were concerned.

There was a question regarding what sort of restrictions there could be and when the city wanted these from the residents. Mike Maloy asked that the residents submit their ideas now, on the Zone 1 Facebook page, and emails to the city ASAP.

There was a question of the land could be broken up into smaller sections at some point. The answer was yes, but the zoning would remain.

There was a question and concern about the control of the removal and disturbance of the hazardous material and how dust may affect those who live in the area. Gordon answered that there are EPA and DEQ restrictions and controls that would be required to be in place such as wetting the area for dust control, wind monitoring, and so on.

David Howe asked if there could be tight restrictions so the City could not simply vote their way out of the restrictions. Gordon commented that it would not be possible to do that and the City Council can vote to change any requirement so absolute restrictions would not be possible.

There was a question about the timeline for removal of contaminated material. Gordon answered that there is no timeline but that it remains a priority of the city to clean up this site.

David Howe asked if there was a plan to put money aside, such as in a CD or the like, to save up for the cost of removal. The answer was no.

There was a question about where would buildings most likely be located; along the north or south of the property. The answer was that the buildings would most likely be along the south with parking along the north.

There was some resident discussion about the desire for creating a walkway along the north for a “shortcut” for kids walking to school.

A summary of what restriction ideas were suggested during the meeting and thus far on the Zone 1 Facebook page:

- 25’ easement bordering the neighborhoods to the North and East. This easement is to be made up of an asphalt path and a 6’ cement wall opposite of the existing white vinyl fences. (Facebook)
- Resident wanted a buffer between neighborhoods and this property. A 25’ buffer was suggested. If there were to be office buildings that could look down into the windows of adjacent houses, they would like to see trees/vertical landscaping used as a screen.
- The land has sort of a hill on it. Resident would want this graded, so buildings are not sitting above the adjacent housing grades.
- Not to allow high traffic businesses such as fast food, in particular with a drive-thru, or gas stations.
- Restrict to a professional office designation.

Summary of suggested uses:
- Contact wildlife organizations such as a falcon hunting group to see if they had money to donate for cleanup and development of a falcon park.
- Contact non-for-profit organizations such as Arbor Day foundation, etc., to see if they had funds for cleanup and development.
- Contact National Endowment for the Arts to see if they had money for cleanup and development of a sculpture or “art park.”
- Other general ideas for philanthropic organizations such as Gordon and Betty Moore Foundation, Environmental Grantmakers, who may want to see this site cleaned up and have a unique development use such as a small forest, or some other theme centered green space.
- Dog park.
Attachment E
Land Use Table
### Table of Uses

Legend: "P" = permitted use, "C" = conditional use

Any use showing an empty box for a particular zone or any use not shown on this table is not permitted. See footnotes for qualifying requirements or use limitations.

Prohibited uses include, but are not limited to:

- Manufactured and mobile home park
- Bus terminal
- Correctional facility
- Sanitary landfill
- Garage, private
- Pawn shop
- Check cashing
- Impound lot
- Junkyard
- Mineral Extraction
- Organic Disposal Site
- Retail Tobacco Specialty business
<table>
<thead>
<tr>
<th>Uses</th>
<th>Zones</th>
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<tbody>
<tr>
<td></td>
<td>A-.25</td>
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<tr>
<td>Agricultural</td>
<td></td>
</tr>
<tr>
<td>Agricultural business</td>
<td>C</td>
</tr>
<tr>
<td>Agricultural processing</td>
<td>C</td>
</tr>
<tr>
<td>Agriculture</td>
<td>P</td>
</tr>
<tr>
<td>Animals and fowl⁴</td>
<td>P</td>
</tr>
<tr>
<td>Apiary</td>
<td>P</td>
</tr>
<tr>
<td>Soil products</td>
<td>P</td>
</tr>
<tr>
<td>Stable, private</td>
<td>C</td>
</tr>
<tr>
<td>Stable, public</td>
<td>C</td>
</tr>
</tbody>
</table>

1. Accessory uses are allowed in all zones, but only if incidental to a permitted or conditional use and as provided in section 10-29-5 of this title.
3. Apiary only, subject to section 10-9-11 of this title.
4. See section 10-29-7 for regulations allowing animals and fowl for family food production and for foster animal, fancier, hobby, and exotic animal permits. The keeping of more animals than listed in the chart shown in section 10-29-7 may be approved as a conditional use in the A-.25, A-.50, and A-1 zones.
5. Pigeons allowed subject to health department regulations.
6. Must have an area of at least 50 acres.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Residential</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted living facility</td>
<td>C⁷</td>
<td>C⁷</td>
</tr>
<tr>
<td>Congregate living facility</td>
<td>C⁷</td>
<td>C⁷</td>
</tr>
<tr>
<td>Dwelling, caretaker</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Dwelling, four-family</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Dwelling, group⁸</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Dwelling, multiple-family</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Dwelling, single-family</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, single-family with accessory apartment</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Dwelling, single-family with second kitchen¹¹</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, three-family</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Dwelling, two-family</td>
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</tbody>
</table>

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⁷ Facility shall have a residential appearance and character. Occupancy shall be limited to not more than five residents for facilities located on streets less than 80 feet wide and not more than 10 residents for facilities on streets 80 feet or wider, excluding the facility operator and the operators family and one nonresident part-time relief employee on the premises at any one time, unless additional staffing is required for a state license.
⁸ Subject to dwelling group design criteria in subsection 10-10-6-D.
⁹ Dwelling unit density shall be at least nine units per acre and not more than 20 units per acre.
¹⁰ Allowed only as part of a planned unit development.
¹¹ See section 10-29-40 for use regulations.
¹² See chapter 25 of this title.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Zones</th>
</tr>
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<tbody>
<tr>
<td><strong>Public and Civic</strong> A-.25 A-.5 A-1 R-1-10 R-1-15 R-1-21 R-1-43 R-2-10 R-2-15 R-M FR-1 RC OP C-1 C-2 M-1 T-M MU MU-2</td>
<td><strong>Auditorium or stadium</strong></td>
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<tr>
<td><strong>Cemetery</strong></td>
<td>C C P1 C C C C C C C C C C</td>
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<tr>
<td><strong>Church or place of worship</strong></td>
<td>C C C C C C C C C C C C C C</td>
</tr>
<tr>
<td><strong>Club or service organization</strong></td>
<td>P</td>
</tr>
<tr>
<td><strong>College or university</strong></td>
<td></td>
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<tr>
<td><strong>Conference and reception center</strong></td>
<td>C C C C C C C C C C C C C C</td>
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<tr>
<td><strong>Correctional facility</strong></td>
<td>P</td>
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<tr>
<td><strong>Cultural service</strong></td>
<td>C</td>
</tr>
<tr>
<td><strong>Golf course</strong></td>
<td>C C C C C C C C C C C C C C</td>
</tr>
<tr>
<td><strong>Government service</strong></td>
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<td><strong>Hospital</strong></td>
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<td><strong>Operations center</strong></td>
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<td><strong>Park, public</strong></td>
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<td><strong>Post office</strong></td>
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<td><strong>Protective service</strong></td>
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<td><strong>Resource recycling collection point 14</strong></td>
<td>P C C C C C C C C C C C C</td>
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<tr>
<td><strong>Public and Civic</strong> A-.25 A-.5 A-1 R-1-10 R-1-15 R-1-21 R-1-43 R-2-10 R-2-15 R-M FR-1 RC OP C-1 C-2 M-1 T-M MU MU-2</td>
<td><strong>School, boarding</strong></td>
</tr>
<tr>
<td><strong>School, charter 15</strong></td>
<td>P P P P P P P P P P P P P P</td>
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<tr>
<td><strong>School, elementary, middle, or high 16</strong></td>
<td>P P P P P P P P P P P P P P</td>
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<tr>
<td><strong>School, therapeutic</strong></td>
<td>P P P P P P P P P P P P P P</td>
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<tr>
<td><strong>School, vocational</strong></td>
<td>P C C C C C C C C C C C C</td>
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<tr>
<td><strong>Utility, major</strong></td>
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<tr>
<td><strong>Utility substation</strong></td>
<td>C C C C C C C C C C C C C C</td>
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<tr>
<td><strong>Wind energy facility</strong></td>
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<tr>
<td><strong>Wind energy facility, small</strong></td>
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</table>

13 No larger than two stories.

14 Allowed subject to the following conditions:
1. Must be located on improved property which includes main building with paved parking, landscaping, curb, gutter and sidewalk;
2. All materials must be within an enclosed container;
3. Cannot be located in a required yard unless allowed by the zone in which the recycling contained is located; and
4. Must be maintained in a clean, neat, and orderly manner.

15 As provided in Utah Code § 10-9a-304(3), a school district or charter school is not subject to requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, city building codes, building use for educational purposes, or placement or use of temporary classroom facilities on school property

16 As provided in Utah Code § 10-9a-304(3), a school district or charter school is not subject to requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, city building codes, building use for educational purposes, or placement or use of temporary classroom facilities on school property
<table>
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<tr>
<th>Uses</th>
<th>Commercial</th>
<th>Zones</th>
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<tbody>
<tr>
<td>Commercial</td>
<td>A-.25</td>
<td>A-.5</td>
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<tr>
<td>Agricultural sales and service</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Animal care service</td>
<td>C</td>
<td>C17</td>
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<tr>
<td>Bank or financial institution</td>
<td>C</td>
<td>C18</td>
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<tr>
<td>Bed and breakfast homestay</td>
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<td>C19</td>
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<tr>
<td>Bed and breakfast inn</td>
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<td>C20</td>
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<tr>
<td>Brewpub</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Business equipment rental and supplies</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Business services</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Car wash</td>
<td>P</td>
<td>C</td>
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<tr>
<td>Construction sales and service</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Convenience store</td>
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<td>C</td>
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<tr>
<td>Data center</td>
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<td>C</td>
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<tr>
<td>Daycare/preschool center</td>
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<td>C</td>
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<tr>
<td>Commercial</td>
<td>A-.25</td>
<td>A-.5</td>
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<tr>
<td>Daycare/preschool, home</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Fireworks stand</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Food cart</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Food truck</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Garage, public</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Garden center</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Gas and fuel, storage and sales</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Gasoline service station</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

17 Must be located within a completely enclosed air-conditioned and soundproof building which prohibits detection of animal noise at the property line. No overnight boarding or sale of merchandise from the premises.
18 Excludes overnight boarding.
19 Must be located within a completely enclosed building; no overnight boarding.
20 Limited to dog and cat grooming, excluding overnight boarding.
21 Site access on on-site parking shall be available for use and maintained, including snow removal, throughout entire year.
22 May include a restaurant and conference meeting rooms.
23 May include a restaurant and conference meeting rooms.
24 Maximum of four wash bays.
25 Maximum 3,000 sq. ft.
26 See section 10-29-16 for use limitations and regulations.
27 Subject to issuance of a temporary use permit as provided in section 10-5-15 of this title.
28 Only allowed at Butterfield Park as provided in the Mobile Food Truck Ordinance
29 May include automatic car wash not exceeding four wash bays.
30 May include automatic car wash not exceeding four wash bays.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Zones</th>
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<tbody>
<tr>
<td></td>
<td>A-.25</td>
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<tr>
<td>Home occupation</td>
<td>P</td>
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<tr>
<td>Hotel/motel</td>
<td>C</td>
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<tr>
<td>Kennel</td>
<td>C</td>
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<tr>
<td>Laundry or dry cleaning, limited</td>
<td>P</td>
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<tr>
<td>Liquor store</td>
<td>C</td>
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<tr>
<td>Media service</td>
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<tr>
<td>Medical or dental laboratory</td>
<td>C</td>
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<tr>
<td>Medical service</td>
<td>C</td>
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<tr>
<td>Mobile store</td>
<td>C</td>
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<tr>
<td>Model home sales office</td>
<td>P</td>
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<tr>
<td>Mortuary</td>
<td>C</td>
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<tr>
<td>Office, professional</td>
<td>C</td>
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<tr>
<td>Parking lot</td>
<td>C</td>
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<tr>
<td>Personal care service</td>
<td>C</td>
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<td>Personal instruction service</td>
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<tr>
<td>Printing</td>
<td>C</td>
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<tr>
<td>Produce stand</td>
<td>C</td>
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<tr>
<td>Recreation and entertainment, indoor</td>
<td>C</td>
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<tr>
<td>Recreation and entertainment, outdoor</td>
<td>C</td>
</tr>
</tbody>
</table>

31 See chapter 22 for use limitations and regulations.
32 Must obtain a temporary use permit. See section 10-5-15 of this title.
33 See section 10-29-31 for use limitations and regulations.
34 Office buildings with more than 5000 sq. ft. must obtain a conditional use permit.
35 Excludes firearms and archery range.
<table>
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<tr>
<th>Uses</th>
<th>Zones</th>
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<td></td>
<td>Commercial</td>
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<tr>
<td>Repair service</td>
<td>P</td>
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<td>Research service</td>
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<tr>
<td>Restaurant, fast-food</td>
<td>C</td>
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<td>Restaurant, general</td>
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<tr>
<td>Retail, general</td>
<td>P&lt;sup&gt;37&lt;/sup&gt;</td>
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<tr>
<td>Secondhand store</td>
<td>C</td>
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<tr>
<td>Sexually oriented business</td>
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<tr>
<td>Shopping center</td>
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<tr>
<td>Tavern</td>
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<tr>
<td>Temporary building&lt;sup&gt;38&lt;/sup&gt;</td>
<td>C</td>
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<tr>
<td>Transportation service</td>
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<tr>
<td>Vehicle and equipment rental or sale</td>
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<td>Vehicle and equipment repair, general</td>
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<td>Vehicle repair, limited</td>
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<tr>
<td>Warehouse, self service&lt;sup&gt;39&lt;/sup&gt;</td>
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<tr>
<td>Wireless telecommunication facility&lt;sup&gt;41&lt;/sup&gt;</td>
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<sup>36</sup> Excludes gunsmith.

<sup>37</sup> Excludes grocery stores up to 5000 sq. ft, which are allowed as a conditional use.

<sup>38</sup> Building must be removed upon completion or abandonment of construction work.

<sup>39</sup> Limited to 16 trucks on the premises at one time.

<sup>40</sup> Must be located within a fully enclosed building.

<sup>41</sup> Must be located on public or quasi-public owned property or utility site, and not in public parks unless an exception is granted by the Planning Commission, subject to section 10-29-8

<sup>42</sup> Maximum height of 50 feet and designed as a stealth facility.
<table>
<thead>
<tr>
<th>Industrial</th>
<th>A-.25</th>
<th>A-.5</th>
<th>A-1</th>
<th>R-1-10</th>
<th>R-1-15</th>
<th>R-1-21</th>
<th>R-1-43</th>
<th>R-2-10</th>
<th>R-2-15</th>
<th>R-M</th>
<th>FR-1</th>
<th>RC</th>
<th>OP</th>
<th>C-1</th>
<th>C-2</th>
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<td>Freight terminal</td>
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<td>Recreational vehicle storage yard</td>
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<td>Wholesale and warehousing, general</td>
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<td>Wholesale and warehousing, limited</td>
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43 Limited to slaughterhouses and stockyards only.
44 Limited to logging and lumber processing only.
45 Limited to cabinet shops only.
46 Includes a 6 feet high solid visual barrier fence or masonry wall around the entire storage area.
HERRIMAN, UTAH
ORDINANCE NO. 2018-___

AN ORDINANCE OF THE HERRIMAN CITY COUNCIL AMENDING THE FUTURE LAND USE MAP OF THE 2025 GENERAL PLAN

WHEREAS, the Herriman City Council ("Council") met in a regular meeting April 11, 2018, to consider, among other things, amending the Future Land Use Map and associated tables of 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-401 provides that a general plan shall identify, among other things, future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity, and an official map; and

WHEREAS, UTAH CODE ANN. § 10-9a-403 provides that the Planning Commission prepare and recommend to the Council any revisions to the general plan; 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 of the public hearing; and

WHEREAS, on December 18, 2017, a notice of the Planning Commission’s intent to prepare a proposed 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, was published on the Utah Public Notice Website created under Section 63F-1-701.

WHEREAS, on February 5, 2018, notice of a Planning Commission public hearing on an amendment to the 2025 General Plan originally adopted December 19, 2013, and last amended July 10, 2014, ("2025 General Plan") was published in The Salt Lake Tribune and Deseret News, and posted on the Utah Public Notice Website created in Section 63F-1-701, and posted on the City's official website; and

WHEREAS, the Planning Commission held a public hearing on February 15, 2018, at approximately 7:00 p.m. regarding the amendment to the 2025 General Plan; and

WHEREAS, the Planning Commission recommended approval of an amendment to the 2025 General Plan in a meeting held on March 15, 2018; 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 Future Land Use Map and associated tables of 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 11th day of April, 2018.

HERRIMAN CITY

______________________________
David Watts, Mayor

ATTEST:

______________________________
Jackie Nostrom, MMC
City Recorder
DATE: April 4, 2018

TO: The Honorable Mayor and City Council

FROM: Blake Thomas, City Engineer

SUBJECT: 7068 West Rose Canyon Road Property Surplus

RECOMMENDATION:
Approve property to be designated as surplus

BACKGROUND:
Herriman staff has been coordinating with a representative from Unified Fire Authority (UFA) to swap property located at approximately 7100 West Rose Canyon Road. This swap would provide Herriman with the needed right-of-way and area for storm water storage for the future construction of 7300 West. Staff has presented this proposal to the City Council in work meetings on January 10, 2018 and March 14, 2018 and was provided direction in those meetings to continue working with UFA to exchange property. In order for the exchange of property to occur the city needs to declare the city owned property as surplus, as required by ordinance. The size of the Herriman City parcel that is asking to be declared as surplus property is 0.62 acres.

DISCUSSION:
The surplus of this city parcel is the first step in exchanging property with UFA. This exchange will provide the city with the ability to provide a detention pond for the new 7300 West roadway, when it is constructed, and the right-of-way needed to construct the roadway. In return, UFA will be left with an adequately sized parcel to construct a fire station at some time in the future. There will be a separate inter-local agreement to outline the specifics about the property exchange.

ALTERNATIVES:
Do not declare property as surplus and purchase it later when 7300 West is constructed.

FISCAL IMPACT:
No impact to budget to surplus property.
HERRIMAN, UTAH
ORDINANCE NO. 18-__

AN ORDINANCE DECLARING APPROXIMATELY 0.62 ACRES OF REAL PROPERTY LOCATED AT OR NEAR 7068 WEST ROSE CANYON ROAD IN SALT LAKE COUNTY, UTAH, AS SURPLUS AND DETERMINING THAT A TRADE FOR 1.36 ACRES OF REAL PROPERTY LOCATED AT OR NEAR 7068 WEST ROSE CANYON ROAD IS IN THE BEST INTEREST OF THE CITY AND THE CONSIDERATION IS ADEQUATE BASED ON PUBLIC POLICY FACTORS

WHEREAS, the Herriman City Council ("Council") met in regular meeting on April 11, 2018, to consider, among other things, declaring approximately .062 acres of real property located at or near 7068 West Rose Canyon Road in Salt Lake County, Utah, as surplus and determining that a trade for 1.36 acres of real property located at or near 7068 West Rose Canyon Road is in the best interest of the City and the consideration is adequate based on public policy factors; and

WHEREAS, the staff has recommended to the Council, and the Council has determined that the property owned by the City located at 7068 West Rose Canyon Road ("Relinquished Property") is not needed for City purposes; and

WHEREAS, property owned by the Local Building Authority of the Salt Lake Valley Fire Service Area ("Area") located at or near 7068 West Rose Canyon Road ("Trade Property") is needed for the extension of 73000 West street; and

WHEREAS, staff has advised the Council that the reasonable value of the Relinquished Property is less than $250,000 and therefore is not “a significant parcel of real property” as that term is defined in Section 1-10-15 of the Herriman Code of Ordinances; and

WHEREAS, staff has advised the Council that a trade of the Relinquished Property for the Trade Property is in the best interest of the City and the consideration is adequate because, among other reasons, a voluntary trade is economically beneficial to the City compared to a condemnation, consumes less resources and personal time compared to a condemnation, and a trade is consummated sooner than a condemnation; and

WHEREAS, the Council finds that the cost savings, less resources consumed by the transaction, less time to complete the transaction constitutes public policy factors and that the exchange of Relinquished Property for the Trade Property is in the best interest of the City; and

WHEREAS, staff has informed the Council and the Council has determined that the value of the Trade Property exceed the value of the Relinquished Property and as a result the
City will provide additional consideration to the Area pursuant to an Interlocal cooperative agreement; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to approve the exchange of properties as set forth above.

NOW, THEREFORE, BE IT ORDAINED by the Council that the Relinquished Property is declared surplus, the Council finds that cost savings, less resources consumed by the transaction, less time to complete the transaction constitutes public policy factors that the exchange is in the best interest of the City, and therefore constitutes adequate consideration.

BE IT FURTHER ORDAINED that the Council finds that the reasonable value of the Relinquished Property is less than $250,000 and therefore is not a significant parcel of real property as that term is defined in Section 1-10-15 D of the Herriman Code of Ordinances and notice is not required as set forth in Section 1-10-15 D of the Herriman Code of Ordinances.

BE IT FURTHER ORDAINED subject to approval of an Interlocal between the City and the Area that provides additional consideration to the Area the City Manager and Recorder are hereby authorized and directed to exchange the properties as described herein.

PASSED AND APPROVED this 11th day of April, 2018.

HERRIMAN CITY

By: ____________________________
    David Watts, Mayor

ATTEST:

____________________________________
Jackie Nostrom, MMC
City Recorder
DATE: April 4, 2018

TO: The Honorable Mayor and City Council

FROM: Blake Thomas, City Engineer

SUBJECT: UFA Rose Canyon Road Property Exchange Inter-local Agreement

RECOMMENDATION:
Approve the agreement

BACKGROUND:
Unified Fire Authority (UFA) currently owns a 4.06 acre parcel located at 7124 West Rose Canyon Road. The alignment of the future 7300 West roadway bisects the UFA parcel leaving a 1.36 acre parcel on the west and a 2.53 acre parcel on the east side of 7300 West.

Herriman City owns 1.99 acres immediately east of the UFA parcel where there is an existing well and pump station. The city has not future plans for use of this property besides where the existing water system infrastructure is located.

Herriman City engineering staff has coordinated with a representative from UFA to prepare this inter local agreement outlining the details to exchange property to meet both Herriman City and UFA’s future needs.

DISCUSSION:
The Interlocal agreement provides the mechanism to trade approximately 1.36 acres of UFA property for 0.62 acres of Herriman City property. To account for the discrepancy in acreage being traded between the parties, UFA is requesting that Herriman City agree to the following conditions, as stated in Article 2 of the agreement:

- Install or reimburse UFA for sidewalk, park strip landscaping/irrigation, street lighting along the frontage of the UFA property.
- Provide two culinary water stubs to the UFA property.
- Provide one sanitary sewer lateral to the UFA property.

ALTERNATIVES:
Not approve the agreement or alter the conditions of the agreement
FISCAL IMPACT:
Herriman City will be responsible to fund the improvements, as required in Article 2, when UFA constructs a fire station on the parcel. The agreement does not allow this condition to pass on if UFA sells the property.
HERRIMAN, UTAH
RESOLUTION NO. 18-___

A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE LOCAL BUILDING AUTHORITY OF THE SALT LAKE VALLEY FIRE SERVICE AREA AND HERRIMAN CITY FOR THE EXCHANGE OF REAL PROPERTY

WHEREAS, the Herriman City Council (“Council”) met in regular session on April 11, 2018, to consider, among other things, approving the an Interlocal Cooperative Agreement between the Local Building Authority of the Salt Lake Valley Fire Service Area and Herriman City for the exchange of real property; and

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

WHEREAS, the Act provides that any public agency may convey property to or acquire property from any other public agencies for consideration as may be agreed upon; and

WHEREAS, Herriman and the Local Building Authority of the Salt Lake Valley Fire Service Area (“Area”) are government entities and may convey and acquire property as contemplated by the Act; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of Herriman to enter into an Interlocal Cooperative Agreement with the Area for the exchange of real property (“Agreement”) a copy of which is attached hereto; and

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

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

This Resolution, assigned No. 18-____, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council this 11th day of April, 2018.

HERRIMAN CITY

____________________________________
David Watts, Mayor

Jackie Nostrom, MMC
City Recorder
INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT (this “Agreement”) is made effective this 11th day of April, 2018, by and between the LOCAL BUILDING AUTHORITY OF THE SALT LAKE VALLEY FIRE SERVICE AREA, a Utah municipal building authority (“Fire Authority”) and HERRIMAN CITY, a municipal corporation of the state of Utah (the “City”). The Fire Authority and City are sometimes individually referred to as a “Party” and sometimes collectively referred to as the “Parties.”

RECITALS:

A. UTAH CODE ANN. § 11-13-202 provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions.

B. UTAH CODE ANN. § 11-13-214 provides that any public agency may convey property to or acquire property from any other public agencies for consideration as may be agreed upon.

C. The City and the Fire Authority are public agencies as contemplated in the above referenced sections of the Utah Code (UTAH CODE ANN. § 11-13-101, et seq., will be referred to herein as the “Interlocal Cooperative Act”).

D. Herriman owns approximately 0.62 acres of real property located at or near 7068 West Rose Canyon Road (“Relinquished Property”) as more particularly described in exhibit “A.”

E. The Fire Authority owns approximately 1.53 acres of real property also located at or near 7068 West Rose Canyon Road (“Trade Property”) as more particularly described in exhibit “B.”

F. Herriman needs the Trade Property for the extension of 7300 West Street and a new storm water detention facility.

G. The Fire Authority is willing to trade the Trade Property for the Relinquished Property plus additional consideration as identified in the Agreement.

H. The trade of real property provided herein is an interest in real property as contemplated in the Interlocal Cooperative Act.

I. The Parties desire to trade the properties and provide for the payment of additional consideration as provided herein.
AGREEMENT:

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1
CONVEYANCE

The City shall convey to the Fire Authority the Relinquished Property by Special Warranty Deed substantially in the form attached hereto as exhibit “C” and simultaneously the Fire Authority shall convey to the City the Trade Property by Special Warranty Deed substantially in the form attached as exhibit “D.”

ARTICLE 2
CONSIDERATION

The City and the Fire Authority agree that pursuant Utah Code Ann. § 11-13-214 that the agreed-upon consideration is the trade identified herein and additional consideration as follows:

The City will install or pay the Fire Authority for:

1) Sidewalk, park strip landscaping, park strip irrigation, and street lights along the frontage of the property.
2) Two (2) culinary water stubs to the Fire Authority property.
3) One (1) sanitary sewer lateral to the Fire Authority property.

ARTICLE 3
TITLE TO PROPERTY AND SPECIAL CONDITIONS

The City will obtain a preliminary title report covering the Relinquished Property and Trade Property (the “Commitment”) from Van Guard Title Company (the “Title Company”), whereby the Title Company commits to issue a standard coverage ALTA owner’s policy of title insurance (the “Title Insurance”) with respect to the Relinquished Property in the amount of $93,000 and with respect to the Trade Property in the amount of $183,600, insuring that upon recording the respective deeds, the respective Party shall be the owner of good and marketable fee simple title to the respective property, free and clear of all liens and encumbrances. The Parties shall have until Closing to notify the other Party of any reasonable objections to title. The Parties shall have 20 business days after such notice within which to cure any title exceptions which are not capable of being cured through escrow at Closing. If those exceptions have not been cured within that 20 business-day period, then this Agreement automatically terminate and the Parties shall be relieved of all their respective rights and obligations hereunder.
ARTICLE 4
CLOSING

Section 4.1. **Closing.** The closing (the “Closing”) of trade shall occur at the offices of Title Company on a date that is mutually agreeable by the parties (the “Closing Date”) but no later than _______. Closing shall be conditioned on the parties’ compliance with their respective obligations under this Agreement prior to, or on, the Closing Date.

Section 4.2. **Conveyance of Title; Insurance.** At the Closing, City shall (a) execute and deliver to Fire Authority the deed conveying title to the Relinquished Property and (b) cause to be provided to City the Title Insurance. At the Closing, Fire Authority shall (a) execute and deliver to City the deed conveying title to the Trade Property and (b) cause to be provided the Title Insurance.

Section 4.3. **Costs.** The City shall pay all cost of recording the deeds, the cost of the Title Insurance, and Closing. Each party shall pay its own attorneys’ fees and costs with respect to the preparation and negotiation of this Agreement.

ARTICLE 5
ADDITIONAL PROVISIONS

**General Provisions.** The following provisions are also integral parts of this Agreement:

(a) **Binding Agreement.** This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto.

(b) **Captions.** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

(c) **Counterparts.** This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) **Severability.** The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement.

(e) **Waiver of Breach.** Any waiver by either party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.
(f) **Cumulative Remedies.** The rights and remedies of the parties hereto shall be construed cumulatively, and none of such rights and remedies shall be exclusive of, or in lieu or limitation of, any other right, remedy or priority allowed by law.

(g) **Amendment.** This Agreement may not be modified except by an instrument in writing signed by the parties hereto.

(h) **Time of Essence.** Time is the essence of this Agreement.

(i) **Interpretation.** This Agreement shall be interpreted, construed and enforced according to the substantive laws of the state of Utah.

(j) **Notice.** Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within three (3) days after such notice is deposited in the United States mail, postage prepaid and certified and addressed to the parties at their respective addresses set forth above.

(k) **No Interlocal Entity.** The parties agree that they do not by this Agreement create an interlocal entity.

(l) **Joint Board.** As required by **Utah Code Ann.** § 11-13-207, the parties agree that the cooperative undertaking under this Agreement shall be administered by a joint board consisting of the City’s designee and the Fire Authority’s mayor or designee. Any real or personal property used in the parties’ cooperative undertaking herein shall be acquired, held, and disposed of as determined by such joint board.

(m) **Financing Joint Cooperative Undertaking and Establishing Budget.** There is no financing of joint or cooperative undertaking and no budget shall be established or maintained.

(n) **Manner of Acquiring, Holding or Disposing of Property.** No real or personal property will be acquired, held or disposed of or used in a joint or cooperative undertaking.

(o) **Termination.** There is no permissible method or methods to be employed to accomplish the partial or complete termination of this Agreement.

(p) **Exhibits and Recitals.** The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of this Agreement.

(q) This Agreement shall be submitted to the authorized attorneys for the City and Fire Authority for approval in accordance with **Utah Code Ann.** § 11-13-202.5.
IN WITNESS WHEREOF, the Fire Authority, by resolution duly adopted by its governing authority caused this Agreement to be signed and attested; and the City, by resolution of its council, a copy of which is attached hereto, caused this Agreement to be signed by the Mayor, or his designee, his or her signature being duly notarized.

HERRIMAN CITY

By _________________________________
Brett geo Wood, City Manager

LOCAL BUILDING AUTHORITY OF THE SALT LAKE VALLEY FIRE SERVICE AREA

By _________________________________
Printed Name: _______________________
Title: ______________________________

ATTEST:

_________________________________
Jackie Nostrom, MMC
City Recorder

APPROVED AS TO FORM:

_________________________________
John Brems, City Attorney
Exhibit “A”
[Legal Description of Relinquished Property]
Exhibit “B”
[Legal Description of Trade Property]
Exhibit C
[Relinquished Property Deed]
Exhibit D
[Trade Property Deed]
UFA Property to be
Swapped to with
Herriman City
(approx. 1.36 ac)

Future Layout of UFA
Property After Swap

Herriman City Property
to be Swapped with
UFA (approx. 0.62 ac)

UFA Property to be
Swapped to with
Herriman City
(approx. 1.36 ac)
DATE: April 5, 2018

TO: The Honorable Mayor and City Council

FROM: Gordon Haight, Assistant City Manager

SUBJECT: Resolution Authorizing Eminent Domain Proceedings with Respect to Herriman Main Street

RECOMMENDATION:
City Staff recommends that the City Council Approve a Resolution Authorizing Eminent Domain Proceedings with Respect to Herriman Main Street.

DISCUSSION:
The property is owned by several different individuals and entities. The City has been negotiating with such owners for several months. The owners selected an appraiser which the City paid for, and the City has offered the amount stated in the appraisals to the property owners. The Owners would not agree to sell their property for the appraised price. The right of way is needed to complete Herriman Main Street. Herriman Main Street is on the City’s Master Plan and City Capital Facility Plan. The City has completed the engineering plans and is planning to construct this road.

FISCAL IMPACT:
This resolution will allow the City to pursue eminent domain. The final price will be determined by agreement of the parties or the court.
HERRIMAN, UTAH
RESOLUTION NO. 18-

A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS WITH RESPECT TO HERRIMAN MAIN STREET

WHEREAS, the Herriman City Council ("Council") met in regular session on April 11, 2018, to consider, among other things, approving a resolution authorizing eminent domain proceedings; and

WHEREAS, the City constructs and improves roads to serve the transportation needs of the residents of the City; and

WHEREAS, the City has determined that it needs to construct certain improvements to Herriman Main Street (the “Project”); and

WHEREAS, the City has acquired additional parcels of real property needed to construct the Project from various property owners; and

WHEREAS, the City has been unable to acquire the necessary parcels of real property by negotiation from the following:

<table>
<thead>
<tr>
<th>Name</th>
<th>Tax ID</th>
<th>Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roger H. Furse</td>
<td>26-25-400-053</td>
<td></td>
</tr>
<tr>
<td>Chad B Buehler and Jillene Buehler</td>
<td>26-25-400-024, 26-25-400-026, and 26-25-400-028</td>
<td></td>
</tr>
<tr>
<td>Janna F. Anderson</td>
<td>26-25-400-053</td>
<td></td>
</tr>
<tr>
<td>Ronald J. Hepner, Trustee of the William Beckstead Trust</td>
<td>26-25-400-007 and 26-25-400-001</td>
<td></td>
</tr>
<tr>
<td>Dennis E. Furse</td>
<td>26-25-400-048, 26-25-400-053, and 26-25-400-027</td>
<td></td>
</tr>
<tr>
<td>Dian Thomas</td>
<td>26-25-400-008 and 26-25-400-010</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS, the portions of these parcels that the City needs to acquire are more particularly described and shown in exhibit “A” attached hereto and incorporated by reference (the “Property”); and

WHEREAS, on or about February 21, 2018, Paul W. Throndsen, an independent MAI certified appraiser, and Jacob P. Throndsen delivered an appraisal to the City for the Property, a summary of the appraisal is attached as exhibit “B”; and

WHEREAS, on or about __________, City staff mailed via first class a written offer to pay the owners of the Property the appraised value of the Property, which included payment for any required easements and fee title of the Property; and
WHEREAS, to date, a negotiated settlement for the Property has not been reached; and

WHEREAS, the Council finds and determines that the public interest and necessity require the City to acquire by eminent domain the Property for constructing improvement to Herriman Main Street.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. The Council finds and determines that the public interest and necessity require the acquisition and immediate occupancy of the Property, for construction of improvements to Herriman Main Street.

Section 2. The Project requires the City to acquire right of way that will affect portions of certain real and personal property owned by the following parties and identified by following Tax ID:

<table>
<thead>
<tr>
<th>Name</th>
<th>Tax ID Parcels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roger H. Furse</td>
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</tr>
<tr>
<td>Dian Thomas</td>
<td>26-25-400-008 and 26-25-400-010</td>
</tr>
</tbody>
</table>

Section 3. The proposed location of the public improvements is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 4. The City Attorney is directed, on behalf of the City:

1. To acquire fee title, in the name of the City, the Property and any necessary easements across the Property as more particularly described in exhibit “A”, by purchase if a reasonable purchase price can be negotiated, or by eminent domain proceedings in accordance with Utah law;

2. To prepare and prosecute such proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition;
3. To obtain from the court an order permitting the City to take immediate possession and use of the Property for the purposes herein described; and

4. To use the services of outside legal counsel as necessary to accomplish these directives.

This Resolution, assigned No. 18-____, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council this 11th day of April, 2018.

HERRIMAN CITY

____________________________________
David Watts, Mayor

____________________________________
Jackie Nostrom, MMC
City Recorder
April 5, 2018

Re: Extension of Herriman Main Street
Tax ID Parcel No. 26-25-400-053
Acquisition of Property by Eminent Domain
Notice of Public Meeting

Dear ________:

As you are aware from previous correspondence and other contacts, Herriman City (the “City”) seeks to acquire portions of the above referenced parcel of real property for the purpose of extending Herriman Main Street (“Project”). This letter is to notify you that the City Council expects to consider and vote on a Resolution approving the possible filing of eminent domain actions, as necessary, at a public meeting on April 11, 2018, in the City Council Chambers located at 5355 West Herriman Main Street, Herriman, Utah. I enclose a draft copy of the Resolution for your review.

Because you are owners of property subject to the Resolution, you have the right to attend the public meeting and to be heard on the proposed action if you so desire. The Council meetings normally begin at 7:00 p.m.

As the Resolution indicates, the City prefers to acquire the property necessary for the Project by negotiation and purchase, rather than by formal condemnation. The City acknowledges the good faith negotiations you have participated in to date and remains willing to continue to negotiate with you towards a negotiated resolution, including involving the Office of the Property Rights Ombudsman if that would be helpful.
We recommend that you consider contacting an attorney to assist you with this matter. If you have any questions please feel free to contact Jory Howell with whom you have been dealing with if you have any questions at this time.

Sincerely,

Brett geo Wood City Manager

Enclosure