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. Discussion pertaining to the 2018-2019 Herriman City Tentative Budget – Alan Rae, Finance Director
   3.2. International Conference of Shopping Centers (ICSC) Discussion – Heather Upshaw, Economic Development Manager
   3.3. Discussion regarding the Community Center – Monte Johnson, Operations Director
   3.4. 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. Public Hearing
   4.1. Public Hearing and Consideration of a resolution approving an amendment to the 2017-2018 Herriman City Budget – Alan Rae, Finance Director

5. Reports, Presentations and Appointments
   5.1. Presentation of the 2018 Building Safety Month Proclamation – Cathryn Nelson, Chief Building Official

6. Consent Agenda
   6.1. Approval of the February 14, 2018 City Council Meeting Minutes
   6.2. Approval of a Resolution Appointing a Temporary Mayor Pro Tempore – Brett Wood, City Manager

7. Discussion and Action Items
   7.1. Discussion and Consideration of an Ordinance Banning the use of Fireworks and any Open Flame Fires within Certain areas of Herriman City – Riley Pilgrim, Unified Fire Authority Chief

8. Calendar
   8.1. Meetings
      8.1.1. April 19 – Planning Commission Meeting 7:00 p.m.
      8.1.2. April 25 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m. Canceled
      8.1.3. May 9 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.
   8.2. Events
      8.2.1. April 28 – Community Service Day

9. Closed Session
   9.1. 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 the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

10. Adjournment

11. Recomence 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 and on Herriman City’s website at www.herriman.org.

Posted and Dated this 12th day of April, 2018

Jackie Nostrom, MMC
City Recorder
DATE: April 10, 2018

TO: The Honorable Mayor and City Council

FROM: Heather Upshaw, Economic Development Manager

SUBJECT: ICSC Discussion

BACKGROUND:
The Mayor, City Council and the Economic Development Staff will be attending the ICSC RECon in Las Vegas. The Global Retail Real Estate Convention will be held May 20th through May 23rd. Staff will be discussing the details of the upcoming event.
DATE: April 12, 2018

TO: The Honorable Mayor and City Council

FROM: Monte Johnson, Operations Director

SUBJECT: Herriman Community Center

RECOMMENDATION:
Provide Staff with direction on which option to pursue regarding the Community Center.

DISCUSSION:
The Herriman Promise Foundation, along with staff provided the City Council with utilization options for the Community Center. The City Council will review those options to determine which one would be in the best interest of the City. Options include: Maintaining Ownership, providing space for another agency that may benefit the community, lease options or to pursue the option for a possible sale.

FISCAL IMPACT:
No immediate impact to the fiscal budget. The City may receive revenue dependent on the option pursued.
Types of Commercial Real Estate Leases

Full Service Lease

The rent is all-inclusive. The landlord pays all or most expenses associated with the property, including taxes, insurance, and maintenance out of the rent received from the tenant. Utilities and janitorial services are also included in the lease. Depending on how the lease is written, excess utility consumption above building standards can be charged back to the tenant.

A benefit of this type of lease is that all expenses associated with the building are included. The business owner can easily forecast expenses.

Single Net Lease

The tenant pays a base rent plus a pro-rata share of the buildings property taxes. The landlord covers all other building expenses. The tenant usually pays for the utilities and janitorial services.

Double Net Lease

The tenant is responsible for the base rent plus a pro-rata share of the buildings property taxes and the property insurance. The landlord covers any structural repairs, equipment repairs, and common area maintenance. The tenant usually pays for the utilities and janitorial services.

Triple Net Lease

The triple net lease is the most popular of the net leases. The tenant is responsible for the base rent plus all or part of the three “nets” Property taxes, building insurance and CAMS. The tenant also pays the cost of their own occupancy, including utilities, and janitorial services.

Rates are calculated using many factors, two of the most important being the buildings location and square footage. These two factors affect lease rates significantly, especially when it comes to location.
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**Building Remodel/Improvements**

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**Property Management**

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**Herriman Community Center**

**Lease Option Single Net**
# LEASE OPTION TRIPLE NET

**HERRIMAN COMMUNITY CENTER**

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## Up-Front Costs

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**5 Year Total**  $1,272,846.00

- Broker Commission: -$57,339.00
- 5 Year Incentive: -$45,000.00
- Operating Costs: -$314,034.00
- Insurance: -$82,291.00
- Taxes: -$145,410.00
- **Total**: $628,772.00

## ADDITIONAL EXPENSES

- Property Management: $23,225.00
- Building Remodel/Improvements: 25.00 to 60.00 per sf
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Misc. Costs
Taxes
Insurance
Utilities
Operating Costs
Broker Commission
5 Year Total

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25'0.00 to 60'0.00 per sf
$23.25.00
$24.30.00
$25.35.00
$26.40.00
$27.45.00
$28.50.00
$29.55.00
$30.60.00
$31.65.00
$32.70.00
$33.75.00
$34.80.00
$35.85.00
$36.90.00
$37.95.00

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HERRIMAN COMMUNITY CENTER
A Promise Was Made
Completed Tasks

• Multiple Meetings
• Open House
• Contacted Organizations
• Social Media
• Petition
• Non Profit Research
• Grants/Incubator Exploration
• Invited Local Business Owners to participate
• Report to the Council
We Believe that Keeping this Building is in Best Interest of the public.

**ARTICLE 10**

**ADDITIONAL PROVISIONS**

The following provisions are also an integral part of this Agreement:

Section 10.1. **Use of Property.** If Buyer determines in its sole and absolute discretion that City offices at the Property are no longer in Buyer’s best interest, then Buyer shall use the Property for a public and/or community purpose that will promote recreational, charitable, or any other purpose that is in the interest of the public and Buyer will either (a) name the building after The Lions Club, or (b) erect a suitable monument, memorial or plaque to The Lions Club.
Creating a Place for Children to Soar
What do You Value?

• It’s important to remember that sacrifices and donations were made with the intent that promises would be honored.

• The return on your investment can’t be measured by dollars but you can see it in the faces of our people.
Admit it. You’re Smiling!!!
## Herriman Organizations that Add Value to Our Community

Herriman Arts Council  
Herriman Harmonyx  
Herriman Orchestra  
Miss Herriman Pageant  
Be Ready Herriman  
CERT  
Herriman Community Garden  
Herriman Historical Committee  
Herriman Rodeo  
Trails Committee  
Volunteer Committee  
Youth Council  
4H Clubs  
Herriman High  
Cheer, Debate, Lacrosse, Hockey

Herriman Little League Baseball  
Herriman Rugby  
Herriman Ute Conference Football  
Herriman Youth Lacrosse  
Oquirrh Mountain Girls Softball  
USA Soccer  
Daughters of the Utah Pioneers  
Government Entities

- Families  
- Parties and Receptions  
- Recitals  
- Pre Schools
Variety is the Spice of Herriman
A Place to Emote is Called Home
Creating Community

• The People who have created and supported these organizations have donated their time, resources and talents to create community.
  • Herriman Arts Council
  • Herriman History
  • Herriman Sports Teams
  • Herriman Rodeo
  • Miss Herriman Pageant
Team Work In Every Discipline
Organizations Bring Community Together

Riverton, Herriman residents hold luncheon to honor law enforcement officers

By Jennifer Gardiner | j.gardiner@mycityjournals.com

It's not everyday an entire city wants to thank police officers. But Riverton and Herriman residents wanted to do something in their honor for their hard work in capturing a dangerous felon.

City residents Nicki Pizzarelli Ballard and Angela Mazza decided to put together a community thank-you luncheon, held Jan. 30. It was organized by members of the community and Herriman City officials to thank the Unified Police Department and all related agencies that worked on an active shooter incident that gripped the city with concern in Herriman.

"It was just to say thank you for all officers did," Ballard said. "They protected us so much the week that Llewelyn was on the run. They do so much for us and don't get thanked enough. It was such an amazing feeling knowing he was out there as I dropped my kids off at school. Police presence was incredible and made me feel OK about me not being with them. We would love to make this a yearly thing."

Unified Police Herriman Precinct Police Chief Troy Carr said they always feel appreciated by the city and its residents.

"This luncheon was also a way for everyone to come together and help each other," Carr said. "The events that day unfolded very quickly and it was scary, so many of the residents felt it could have been them that was shot."

Carr added the community needed to heal and a chance to better empathize with each other.

The event was attended by Unified Police Department’s Herriman Precinct, Unified Police Department’s Riverton Precinct, Salt Lake County Sheriff’s Department (including Sheriff Rosie Rivera), Herriman City Officials, SWAT and Unified Fire Authority.

For nearly a week, officers and residents were on edge as the hunt for 33-year-old Justin Gary Llewelyn continued. Llewelyn had been on the run since Jan. 20 when he got into a shootout with Unified Police officer; shot a homeowner in the chest and then stole the man’s vehicle.

The incident started when Unified Police Department officers were working with the U.S. Marshals Service as part of the Violent Fugitive Apprehension Strike Team. The task force had been developing a plan to arrest Llewelyn when he fled from the area in a stolen truck.

Soon after, an officer encountered Llewelyn prowling cars, but Llewelyn fled on foot and ran into another officer at whom he fired his gun. The officer fired back, but Llewelyn got away. While in that foot pursuit, Llewelyn entered a home near 4950 West Duncan Meadow Lane in Herriman and shot the homeowner in the chest before stealing their car. The victim was transported to the hospital in critical condition but has since been released.

During the containment, K9 officers and Department of Public Safety helicopters were called to assist in tracking Llewelyn down. Reverse 911 calls were made to ask the residents who live in the area surrounding the shooting and pursuit to shelter in place. The search for the fugitive lasted for several hours, but unfortunately with the help of friends and relatives, two who live in Herriman, Llewelyn was able to flee the area.

A reward for information leading to Llewelyn’s arrest was announced, and shortly after, a Unified Police officer located him at park in Provo and started a surveillance. Before an arrest could be made, Llewelyn got into a pickup truck and took off. A chase of 70–75 mph ensued but ended when a Utah County deputy hit the back end of Llewelyn’s truck, crashing it into a parked truck. Llewelyn was finally apprehended without any further incident.

Three women were arrested for their involvement in helping Llewelyn avoid police and hiding his whereabouts. Two were family members and the third one was a woman police found in Ivins, Utah, who had been bragging about helping Llewelyn get away from police.

Hundreds of residents showed up to thank law enforcement for all their work in keeping them safe. Some never realized how much officer put their lives on the line to protect the residents of their communities, but all the dedication and hard work to capture Llewelyn proved just how much these officers care.

The event was attended by Unified Police
Public Relations at your Service

“I was initially impressed by the hospitality of the staff at Herriman Arts Council. Everyone was extremely helpful and offered smiles in abundance, from ticketing to concessions. It was a nice way to set the tone for a vibrant, upbeat production. The open air pavilion was pleasant, and Disney music was played as I filed into my seats. Overall, a great precursor to the actual musical. The addition of a live orchestra really made this production special. I’ve never been a fan of recording tracks, and Herriman’s orchestra (conducted by Meagan Thorup) seamlessly accompanied the performance.” ~ Kay Webb, Utah Theatre Bloggers Association

• Every award or newspaper article that advertises our events brings recognition Great PR to the City.

• You can’t pay for the return you get on this investment.
Our City is Well Known Because Our People Have a Place to Soar
Everyone Has a Beginning
She Calls Herriman Home

SAM GORDON HONORED BY THE NFL

Herriman resident and girls tackle football star Sam Gordon was awarded the inaugural Game Changer Award at the NFL Honors awards ceremony the night before Super Bowl LII.

“A girl playing football, why is this a monumental thing?” Gordon said in her acceptance video. “It seems like lots of girls want to play.”

The award is not limited to players and coaches; instead it is open to anyone that undertakes the tremendous task to affect positive change in the world of football. Gordon is the first recipient of the award and the first female to be honored by the NFL.

In 2015 Gordon and several others organized the Utah Girls Tackle Football League. In 2017, her Herriman Mustangs won the first girls state championship in the sport.

“Our league has grown so much, and we now see leagues popping up all over,” Gordon said. “Girls want to play. It has always been there; it just needed someone to start it. I want to let you in on a secret: Girls love football, millions will watch the Super Bowl.”

The UGFL began with 40 players and plays its games in the spring. This season, league president Crystal Sacco said she expects 300 participants across three divisions.

“Football is a fully engrained activity across our community,” Sam’s father, Brent said. “Girls have virtually no opportunities to participate. Sam has that courage to do something about that and wants to give girls that right. She is taking the steps to finish what Title IX started—finish equal opportunities for women in sports.”

The award was presented to her by actor Sterling K. Brown of the NBC show, “This is Us.”

“My dream is that high schools and colleges will offer girls football teams, and I am going to fight to see my dream come true,” Gordon said.

Gordon is part of a lawsuit filed against the Utah High School Activities Association, Jordan, Canyons and Granite school districts. The suit asks for equal opportunities for girls football teams at the high school level.

The lawsuit states “the districts fail to provide equal treatment and benefits to girls because the districts give boys the right to use fields, stadiums and facilities, but do not provide girls the same treatment.”

A spokesman for Granite School District, Ben Hurley said, “If there were sufficient interest in female-only football league and it were sanctioned, the district would have no issue providing such a program.”

Gordon has taken on the task of being the first. She has looked for ways to change things in her community affecting the world around her.

“I have seen girls’ confidence increase,” Gordon said. “It lets so many types of girls play. By playing the game, women will have the opportunity to learn the game just like men. They can become scouts, trainers, coaches and even the NFL commissioner. It would blow the door open on equality.”

“I think Sam is amazing,” UGFL president Crystal Sacco said. “I am so proud of her. She is truly a leader for girls tackle football.”

The UGFL sign-ups are now open. Practices begin March 19, and the first games are scheduled for April 7.
Champions
It’s About People Helping People
Wayne Made a Promise
It’s About the Future

- Wayne Butterfield donated the land for the W & M Butterfield Park so that children could play, learn and grow.
- Giving them the opportunity to do this in their own hometown was his dream.
- What will your dream be?
People From Far Away Places Visit Herriman

June 2nd & 3rd

Use Memorial Day Promo Code "FLAG" for $2 ticket discount
Something for Everyone

• Wayne saw the vision and was willing to make sacrifices to make it happen.

• People, Playgrounds, Parks, Recreational Organizations, The Arts, Service Organizations, Historical Societies, and the Facilities to house them are what makes community.

• Many of these organizations have used the community center for meetings, productions, sign ups, auditions, gathering history, etc.
History

• This is the place where it all began!
• The very footprint of this building is where the historical vote to incorporate was held.
• This space and the block upon which it stands is the place where everything related to community happened.
• This place was and always should be a place for community.
• It’s paid for!

The first council did that for the future.
“If You Build It”
$50K to Lease Until 2099

town council approved purchase of that building by the town building authority (essentially the town council wearing different hats).

Purchase price of the building is $98,000, according to Mayor J. Lynn Crane. Additionally the Lions Club has agreed to pay a one time payment of $50,000 to the town to lease the building for their meetings and events until the year 2099.

“This is a very generous gesture on the part of the Lions Club, a significant
“...always remain for the community’s use”
Two Fold Approach Can Offset O&M

- Community Organizations bring intrinsic value to our city.
- Do not charge them. Charging these organizations will hurt community.
- You cannot put a price tag on their worth.
- You will never be able to replace this space.
- Families and For Profit can still rent at current reasonable rates.

- Renting Office Space to offset O&M
  - $400.00-$800.00 per month per space?
  - There are at least 20 office spaces in the basement and 12 or more on the main floor.
    - 15 spaces X $400.00 X 12 months = $72,000.00
    - 15 X $800 X 12 = $144,000
  - Conference rooms and large gathering space. Hourly???
We Propose

• That the City, Keep the Promise!
• Use the Community Center for Community, Family, and Non Profit Purposes.
• Do not charge Non-profits under the city umbrella. Others at a reduced rate.
• Use some of the space for a Museum & Arts Storage/Display.
• Offset O&M cost by Renting Office Space.
• Set a fee, hire a receptionist/property manager/activity coordinator/leasing agent. Include wages in rental agreements...commission based?
Will Keeping Promises Be Your Legacy?

• In case you think that this was a hair brained scheme, hatched by a few cuckoo's,
• Please note the support as demonstrated by electronic and hard copy petitions. Over 300 signatures.
• Don’t step over community dollars to pick up political pennies.
• Please Keep the Promise!!!
WHEREAS, the Herriman City Council (“Council”) met in Special meeting on April 18, 2018, to consider, among other things, approving an amendment to the 2017-2018 fiscal year budget; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council that the budget for the period of July 1, 2017, through June 30, 2018, is hereby amended as set forth on the attached amended budget.

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

PASSED AND APPROVED by the Council of Herriman, Utah, this 18th day of April, 2018.

HERRIMAN

By: ________________________________

ATTEST: ________________________________

David Watts, Mayor

Jackie Nostrom, MMC
City Recorder
Proclamation

Building Safety Month — May, 2018

Whereas, Herriman City is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

Whereas, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play, and;

Whereas, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great, and;

Whereas, “Building Codes Save Lives” the theme for Building Safety Month 2018, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2018 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and;

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, David Watts, Mayor of Herriman City, do hereby proclaim the month of May 2018 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

David Watts, Mayor
The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, February 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, Finance Director Alan Rae, Water Director Justun Edwards, Parks and Recreation Director Wendy Thomas, City Engineer Blake Thomas, Deputy Chief of Police Services Troy Carr, City Planner Michael Maloy, Unified Fire Chief Riley Pilgrim, City Attorney John Brems, Chief Building Official Cathryn Nelson, Assistant City Engineer Jonathan Bowers, and Communications Specialist Destiny Skinner.

**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 5:16 p.m. and welcomed those in attendance. He noted Councilmembers Clint Smith and Jared Henderson would be late.

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

2.2. **Future Agenda Items**
   Mayor Watts informed the Council of a meeting he attended with the Wounded Warriors and noted there would be a follow-up discussion pertaining to their desire for community service. Councilmember Nicole Martin asked if there
would be a future discussion regarding the Zero Waste initiative for garbage collection. City Manager Brett Wood confirmed.

3. Administrative Reports

3.1. Outline of the 2018-2019 Herriman City Budget Schedule – Alan Rae, Finance Director

Finance Director Alan Rae presented the schedule for the presentation and approval of the 2018-2019 Herriman City Budget and noted the budget is required to be submitted to the State Auditor by July 31, 2018 and to the Government Financers Officers Association (GFOA) by August 31, 2018.

He also reviewed the calendar for the approval of the Herriman City Safety Enforcement Area (HCSEA) and noted the tax rate adoption would happen during the August 8, 2018 meeting and should be submitted to the State Auditor by August 31, 2018. He explained the truth in taxation calendar for the HCSEA. Director Rae continued that the future budget approval for the HCSEA would coincide with the Herriman City and Community Development and Renewal Agency budget timelines. City Manager Brett Wood thanked Director Rae for his diligent work.

Councilmember Clint Smith arrived at 5:24 p.m.

3.2. Update of the Herriman Crossroads development for approximately 125 acres located at or near 16750 South Camp Williams Road (Redwood Road) – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight apologized for his absence during the previous meeting and wanted to clarify direction regarding the proposed development adjacent to Redwood Road. He iterated the Developers request to reduce density in their proposed project to construct townhomes instead of apartments. The applicant would not be required to present their proposal to the Planning Commission for a development agreement unless they enter into design guidelines because zoning requests would need to be pursued. Councilmember Sherrie Ohrn indicated the project would be a great amenity; however, explained the difficult position of the developer relating to the commercial area and topography.

Councilmember Jared Henderson arrived at 5:27 p.m.

She relayed her support of the upscale facility and the design guidelines, as she did not feel the area was conducive to single-family housing. Councilmember Clint Smith indicated he met with the applicant and expressed his interest with continuing conversations with the developer to create a successful development that would meet the needs of both parties. Councilmember Ohrn agreed. Councilmember Jared Henderson explained the property would be conducive to any type of construction; however, would be willing to continue conversations. Councilmember Nicole Martin interjected that the areas with topography issues are where cities typically cluster higher density projects. Councilmember Ohrn agreed with Councilmember Henderson’s remarks indicating a big box retail store would not be beneficial in that area as there are topography factors that should be taken into consideration. Mayor Watts observed the desire of the residents to reduce the number of apartment approvals, and would be willing to partner with the developer to align goals. Councilmember Martin thanked the developer for their patience and willingness to work with the City. City Manager Wood thanked the Council for the dialogue. Assistant City Manager Haight indicated he would bring more information to the Council when it becomes available.
3.3. **General Plan Amendment Open House Recap** – Michael Maloy, City Planner

City Planner Michael Maloy expressed appreciation to those who attended the General Plan open house to review the proposed amendments. He explained the majority of attendees were opposed to the rezone of the 15.5 acres at Herriman Boulevard and 5600 West. The attendees who reside near the subject property, which is currently vacant and owned by Herriman City, relayed their concerns with potential impacts generated by commercial development. They relayed concerns of the lack of the buffer area between the commercial and residential development. The residents did endorse the development of a park or amenity at that specific location. Planner Maloy noted the property was previously rezoned by the City Council to C-2 (Commercial) to facilitate development of the property. The proposal intended to align the General Plan with the current zoning designation. Council consensus expressed support of the proposed amendment and utilization of the Community Facilitator Program would be beneficial for this scenario. Councilmember Ohrn asked how facilitators are letting residents know about upcoming projects in the event residents do not utilize social media. Assistant City Manager Haight explained the process had been outlined and approved by the City Council and would ensure the Council would have the process available.

3.4. **Discussion pertaining to Capital Projects** – Blake Thomas, City Engineer

City Engineer Blake Thomas offered a definition of a capital project to have an overall cost estimate of $40,000 with a funding source. He briefly described the background of funding for the projects, and what would the scope of the project would encompass.

Impact Fees are generated by new development and regulated by Utah State Statute. Existing deficiencies, established level of service, and maintenance costs cannot be paid for by Impact Fees. Councilmember Jared Henderson stated that statement was a good education concept. He elaborated on the misconception of charging developers more money to pay for deficiencies could not be done. Councilmember Ohrn agreed and added that cities have been legally challenged due to the collection of high impact fees. Engineer Thomas explained the monies would have to be refunded to the payee if they cannot be utilized and reviewed the Impact Fee Facilities Plan (IFFP) study and process used to determine the appropriate amount of fees that should be collected.

Development Agreements, funding sources, wants and needs of the city, and value vs. cost are the key considerations used to make determinations on what projects should move forward. Engineer Thomas reviewed road segments with highest accident rates and explained the key issues when prioritizing projects. Councilmember Martin clarified the City has tried to fund maintenance on a consistent basis. This was confirmed. Engineer Thomas noted the City has added more roads annually, and Operations Director Monte Johnson and Streets Manager Ed Blackett have done an excellent job with the chip and slurry seal maintenance.

Assistant City Manager Gordon Haight explained there are some projects that would have to be funded by the General Fund; however, may need to keep reserve funds to come up with additional funding for other projects. The General Fund recommended projects included: Herriman Boulevard park strip landscaping improvements, 6400 West and Main Street roadway intersection repairs, Butterfield Parkway road repairs, 13400 South and 5600 West bike lanes, Main street and 5600 West roadway repairs, 11800 South road repairs – Freedom Park to 6000 West, Cabin Trail Way drainage improvements, Herriman Main Street detention basin landscaping, Porter Rockwell Boulevard landscaping, Herriman Boulevard street lighting, Spring Canyon road repairs, 6400 West road repairs – 13400 South to Main Street,
Main Street park strip landscaping, Juniper Crest road landscaping, and Berwick View Court open space improvements. These projects are to be reviewed and prioritized by the Council as deemed necessary. Engineer Thomas informed the Council of a TIGER Grant received for the installation of bike lanes along 11800 South.

3.5. **City Manager Updates** – Brett Wood, City Manager
City Manager Brett Wood informed the Council of a tragic car accident and extended his condolences to the family involved. He expressed gratitude to the Unified Police Department for their efforts at the scene.

City Manager Wood continued with a request for direction from the City Council as recent meetings have been lengthy. Councilmember Martin agreed additional meetings would help. Councilmember Henderson recommended placing time-consuming items on a separate meeting agenda as deemed necessary. He requested additional meetings be held on Wednesdays. Mayor Watts indicated he would be willing to accommodate additional meetings. Councilmember Smith suggested action items or public hearings should not be placed on the special meetings, and as the budget season continues a lot of information needs to be disseminated which does tend to decrease efficiencies. He explained it would not be beneficial to continue having lengthy meetings. Councilmember Ohrn agreed and noted it would be good for the Council to be able to have the in-depth conversations needed.

City Manager Wood disseminated information regarding animal services and explained the City chose to expand the contract to include 24/7 callout animal serviced.

4. **Adjournment**
Councilmember Smith moved to adjourn the City Council work meeting at 6:59 pm. Councilmember Henderson seconded the motion and all voted aye.

**7:10 PM - GENERAL MEETING:**

1. **Call to Order**
Mayor Watts called the meeting to order at 7:14 p.m. and welcomed those in attendance.

1.1. **Invocation/Thought/Reading and Pledge of Allegiance**
The Pledge of Allegiance was led by Scout Troop #1530.

1.2. **Council Disclosure for Conflict of Interest**
Mayor Watts disclosed the Dansie Family contributed to his election campaign; however did not feel his involvement in the discussion would be a conflict of interest. The Council agreed.

1.3. **Mayor/Council Comments and Recognitions**
Mayor Watts expressed condolences to the family of the young man tragically killed in a car accident this afternoon.

2. **Public Comment**
Mayor Watts asked for the audience to bring any issue forward to the Council except comments related to the Teton or Hidden Oaks Projects, and noted public comment would be accepted later in the meeting on those specific developments.
3. Mayor and Council Board and Committee Reports
Councilmember Martin thanked staff for their efforts related to the Launch Meeting. She noted the speakers and staff did an excellent job.

4. Consent Agenda
4.1. Approval of the December 13, 2017, January 10, 2018 and January 24, 2018 City Council meeting minutes

4.2. Approval of a resolution affirming a Lease Purchase Agreement with Zions Bank – Alan Rae, Finance Director

4.3. Ratification of a resolution appointing the Herriman Hills Trails Committee and Chair – Wendy Thomas, Director of Parks, Recreation and Events

4.4. Ratification of a resolution approving an Interlocal Agreement between Herriman City and the Herriman City Safety Enforcement Area – John Brems, City Attorney

Councilmember Martin moved to approve the Consent Agenda as written. 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.

5. Discussion and Action Items
5.1. Discussion and consideration of an ordinance authorizing a text change to Chapter 16, Table of Uses in the Land Development Code to remove self-storage and Recreational Vehicle Storage as a conditional use in the C-2 Zone, and to add Recreational Vehicle Storage as a conditional Use in the M-1 Zone (File No. Z2017-33) – Michael Maloy, City Planner

City Planner Maloy indicated when the land use table had been updated the removal of self-storage and recreational vehicle storage as a conditional use in the C-2 zone and to add recreational vehicle storage as a conditional use in the M-1 zone had been inadvertently omitted. He relayed the recommendation of approval from the Planning Commission. Councilmember Smith noted this text change was a mere oversight from the complete rewrite of the land use ordinance.

Councilmember Smith moved to approve Ordinance No. 2018-04 authorizing a text change to Chapter 16, Table of Uses in the Land Development Code to remove self-storage and Recreational Vehicle Storage as a conditional use in the C-2 Zone, and to add Recreational Vehicle Storage as a conditional Use in the M-1 Zone. Councilmember Martin 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. Discussion and possible consideration of a proposed rezone of 275 acres for Anthem Utah, LLC (Adalynn/Teton Ranch) located at approximately 6200 West 12200 South from A-1 (Agricultural 1-acre minimum) to R-1-10, R-2-10, and C-2 (Commercial) (File No. Z2017-28) – Michael Maloy, City Planner

City Planner Maloy informed the audience he would briefly present the next three agenda items together. The applicant was in attendance to answer any questions for the Council and audience. The application included a rezone, request to apply the Planned Development Overlay Zone with conditions including design guidelines, and thirdly, a master development agreement. The Planning Commission held a public hearing on the rezone and planned development overlay zone on October 5, 2017. The Planning Commission recommended approval with conditions to the City Council. City Planner Maloy acknowledged the collaboration between the developer, community and the City Council to address any concerns. The proposed development changed based on public input since the public hearing.

City Planner Maloy presented the proposed Adalynn Plan as recommended by the Planning Commission. The project would now include half of the project being developed as a straight subdivision and the northern half of the project has been proposed to be a Planned Unit Development. The total number of units throughout the development has been set to 767 which would equate the overall density to be 3.15 units per acre. He presented the revised zoning plan.

Applicant Doug Young informed the Council the Community Facilitator Program has been beneficial to capture an incredible vision for the City. He expressed his excitement to present the proposed Teton Development which incorporated a combination of quarter, third, half and acre lots throughout the subdivision. The proposed park would be a major asset to the regional park connections. The commercial center included in the project would help the City progress to be sustainable.

Councilmember Henderson reviewed the how the property would be broken down reviewed the vicinity map. He pointed out the southern portion of the development would be a straight subdivision which would reduce the total number of units from the previous proposal. Councilmember Henderson reviewed the open space component of the development to include the Midas Creek Trail connection between both the north and south side of the creek. He outlined the unifying elements of the high quality development including the streetscape, lighting, monuments, and architectural styles. Councilmember Henderson reiterated the subdivision would have no attached units.

Mayor Watts opened the meeting for public comment on this item.
Emily Berbert indicated she had been able to work with the applicant on the project. She thanked the Council and developer for listening to the residents. She indicated the final product is refreshing and applauded the developer.

Robert Bradfield thanked the Council for being able to participate in the process and to be able to catch a specific vision for the City. He thanked Developer Young for their vision and legacy and expressed his excitement to see this project move forward. He thanked the applicant for listening to the residents and noted the commercial property would be beneficial for the City.

Mayor Watts closed the public comment portion of the meeting.

Councilmember Henderson iterated the project went from a daybreak style project and with compromises for both parties, has done a good job preserving the ‘Herriman Feel’. Councilmember Smith concurred with statements offered and stated that the best developments happen with great collaboration between the residents, developer, staff and Council. He extended his appreciation to everyone involved and highlighted Councilmember Henderson’s point of difficult conversations ensued to illustrate points and compromise. Councilmember Martin said economic development is extremely important to her, as sustainability is necessary for the community. The portion of this development dedicated to commercial development makes sense. Councilmember Ohrn agreed with Councilmember Martin’s comments regarding commercial development. She thanked the Council, developer and residents for their determined efforts for the process. Councilmember Ohrn noted the developer had provided all types of open space including programmable parks and larger backyards.

Mayor Watts asked about the financing for the barn and other amenities. City Planner Maloy responded that impact fees would be collected and put back into this project. Any financing shortfall for the development of open space would be the City’s responsibility. Mayor Watts relayed his support for the project. Developer Young explained the vision of this development has been centered around the barn. Councilmember Henderson asked if the developer would front the money for the amenity and would be reimbursed through impact fees. This was confirmed. Mayor Watts added this was a standard process. Councilmember Smith informed the audience that impact fees with development becomes an impact to the community; however, the City is limited by law on what amounts could be charged. Finishing out the amenities cannot always be the responsibility of the developer.

Councilmember Henderson moved to approve Ordinance No. 2018-05 rezoning 275 acres for Anthem Utah, LLC (Adalynn/Teton Ranch) located at approximately 6200 West 12200 South from A-1 (Agricultural 1-acre minimum) to R-1-10, R-2-10, and C-2 (Commercial) subject to the execution and adoption of the development agreement. Councilmember Martin 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.
5.3. Discussion and possible consideration of a proposed rezone for Anthem Utah, LLC (Adalynn/Teton Ranch) to apply the Planned Development Overlay Zone on 114.06 acres located at 6200 West 12200 South (File No. Z2017-29) – Michael Maloy, City Planner

Councilmember Henderson moved to approve Ordinance No. 2018-06 rezoning property for Anthem Utah, LLC (Adalynn/Teton Ranch) to apply the Planned Development Overlay Zone on 114.06 acres located at 6200 West 12200 South subject to the execution and adoption of the development agreement. Councilmember Martin 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.

5.4. Discussion and possible consideration of a Development Agreement for Teton Ranch (Adalynn at Anthem) located at approximately 6200 West 12200 South – John Brems, City Attorney

Councilmember Henderson moved to approve Ordinance No. 2018-07 approving a Development Agreement for Teton Ranch located at approximately 6200 West 12200 South with the amendment to remove the two (2) acre parks and to change the design guidelines to include a minimum 24-foot driveway. 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.

5.5. Discussion and possible consideration of a proposed rezone of 370.91 acres for Dansie Land, LLC located at approximately 7300 West Herriman Highway from A-1 (Agricultural 1-acre minimum) to R-1-15 (Residential) and R-1-21 (Residential – half acre minimum) (File No. 15Z17) – Michael Maloy, City Planner

City Planner Maloy reviewed the proposed Dansie development plan as recommended by the Planning Commission. He noted a number of revisions have been conducted. The latest iterations includes no townhomes and zoning includes the R-1-21 and R-1-10 zoning designations. City Planner Maloy presented the revised Dansie plan that would reduce the number of units to 799. He reiterated that all multifamily housing have been removed.

Mr. Loyal Hume and Mr. Tim Soffe represented the Dansie family for this project. Mr. Soffe expressed his excitement about the project and noted some changes had been made based of discussions with residents and City Council. He
noted all of the 4,000-5,000 square foot lots have been removed from the project. He reviewed the open space of the proposed Hidden Oaks Development. The R-1-15 zoning area density is three (3) units to the acre and the R-1-21 zoning designation area had been reduced to two (2) units per acre. Mr. Hume reviewed the changes since the recommended approval from the Planning Commission had been given. Initially, the proposed maximum density capped at 1,006. They expressed their appreciation to the staff for accommodating necessary changes for the project to beneficial to Herriman residents. The family responded to the concerns and offered concessions and added this negotiation process is normal for any development project. Mr. Hume explained the R-1-21 zone had been extended from the western side to include pod number 14. The development has committed to include at least 36 half-acre lots and include animal rights throughout the entire area.

Mr. Dave Wilson indicated he would review the Development Agreement and observed the diverse lots now surrounding the schools. He also explained there were three new buffer areas that had changed including concrete fence for buffering, committing to have three 10,000 square foot lots along the center, the 75-foot buffer area next to the adjacent subdivision, and pods 14, 16, and 18 would read that no units could be moved into these areas from density transfers. The Planned Development Overlay would ensure the setback issues would be addressed. Mr. Wilson reviewed the changed footnotes limiting density for the pods. Councilmember Henderson thanked Mr. Wilson for the accommodation. Mr. Hume continued with the increased size of the lots and referenced the applicable setbacks for the development as outlined in the design guidelines. The development would be consistent with the new ordinance for driveway accesses.

The guidelines also changed the height of buildings as noted in the diagram to be compliant with City Ordinance. He requested to look at mid-slope of the roof to stretch the average height, which would help with floor to ceiling heights in the homes. Mr. Wilson referenced page eight of the development agreement for the senior housing restriction for pod 15 and 17 would have the same definition. He also pointed out typographical errors had been changed and continued with page 11 which concentrates on areas surrounding the schools. The lots had been considered too uniform, and requests had been fulfilled to add variety of lot sizes in the area. Throughout pods 14, 16, and 18 there will not be less than 26 half-acre lots and all lots would be larger than 14,000 square feet.

Another concession offered was that density transfers would be removed from the developer if sells any of the pods. Mr. Wilson reviewed ordinance changes in the master development agreement to maintain compliance. Councilmember Smith asked about the brick or stone requirement. Mr. Hume responded the design guidelines would comply with the residential standards outlined in Herriman City Code. Mayor Watts questioned the expected cost of the open space. Mr. Soffe responded it would be approximately $5.5 Million with the expected project revenue being $2 Million. Mayor Watts confirmed the City would be responsible for the remaining $3 million for the proposed amenities, which may or may not happen. Councilmember Henderson agreed and added the reduction of density would also reduce the amount of impact fees that would be collected. Mr. Soffe suggested the proposed amenities would receive regional use. Mr. Hume noted the proposed amenities would not commit the City to finish the project. Councilmember Henderson indicated the City would install what is deemed appropriate.

Mayor Watts opened the public comment portion of the meeting.
Emily Berbert expressed her appreciation of the changes made within the development. She referenced the existing neighborhoods adjacent to the development and recommended requiring larger lots abut those properties. She indicated the portion of the development would be located within the 100-year flood plan, which could be problematic. She requested the infrastructure should not fall below a “C” level to protect the citizens.

Chad Dansie expressed concerns with the development relating to the announcement of the charter school. This insight would place four schools in a one-mile radius which could cause traffic issues.

Haley Hill, indicated that this development is not ready to be approved, and the City deserves better. She relayed her position this project has been “rushed” and the community deserves to review the details. Ms. Hill suggested the small lots abutting the larger lots is unreasonable and doesn’t comply with the “Herriman Feel”. She also recommended Mayor Watts recuse himself from taking action as he accepted campaign funds from the Dansie family.

Daniel Taylor thanked the Council for their service. He expressed excited for development, parks and trail connectivity. He indicated his desire to stay in Herriman and raise his family. Mr. Taylor indicated the amount of parks and open space is appropriate, and the City should make parks come to fruition as proposed. He also liked the flexibility the City would have to develop the parks and open space as desired.

Smokey Beck expressed his desire to ensure the 75-foot buffer abut the existing homes. He asked the Council consider keeping animal rights in the development.

Karen Bateman agreed with the statement Chad Dansie offered. She expressed concern about infrastructure and noted she did not see a traffic study for 13400 South which is a main arterial road for the charter school, as the majority of the attendees would not be local. Ms. Bateman also suggested the density would not match the surrounding areas, and observed that not one lot would be larger than one-half acre east of 7300 West.

Arron Atkinson referenced the proposed map and indicated he liked the open space and the opportunity to diversify the development. He expressed his thought of the townhomes being a nice concession for the developer.

Dutch Shivers expressed his support of the proposal.

Ally Barson indicated she is amazed with the progress of the development and noted there are additional issues that should be worked out including the infrastructure, water, and contaminated soils. She expressed her concern with the proposed density would bring in more children that would be a burden on the schools.

James Ollison relayed his concern about having roundabouts, as they make it hard to navigate trailers. He relayed his appreciation for the work that had been put into this proposal and the concessions offered by the developer.

Stacy Stevens informed the Council of her concern that the property would not be sold to the school which would greatly increase the traffic, and if the development progresses, the infrastructure would need to be improved.
Mayor Watts asked if the property would be sold to the school district. Mr. Hume responded that the properties are under contract; however, could not close until the rezone had been conducted. He relayed his desire to close on the property.

Robert Bradfield thanked the current and previous Council for continuing this process until the community had been heard. The residents, staff, developer and Council have been working collaboratively to better the proposed development; however, this development is still not quite perfect. He felt the willingness from the property owner to move forward and thanked the Dansie family for their considerations and concessions as it has bettered the project.

Harmony Maria Ogden stated that in comparison to the Teton development, this project still has a long way to go. She asked the Council to consider continuing this item to continue dialogue. She explained that traffic surrounding the school would be horrendous. She also requested the development should match the existing homes and acreage of the surrounding neighborhoods.

Rachael Moody suggested the proposed development would not compliment the look and feel of the surrounding areas. She expressed support of the open space proposal. She encouraged the Council to give more time to work on this development proposal.

Wilson Dansie indicated the lot sizes were unclear in pod one and pod four. He expressed concern of those pods as it should accommodate large animals. Having animals on smaller lots would ruin the feel of Herriman especially when homes are placed so close together. He suggested the Council and residents would need more time to digest the recent changes.

Cassandra Hudson expressed concern about the infrastructure and having funding taken from this project to be utilized somewhere else. She also indicated a 6,000 square foot lot would be too small as she does not support the high-density feeling. She also recommended the infrastructure be put in place prior to the commencement of the development.

Blake Barston was concerned with the charter school and the size of the lots not being conducive to large animals.

Eric Ogden informed the Council of his desire to have more open space. He indicated the congested traffic throughout the City made him wonder what the future plans were for ingress and egress of the City.

Christine Everall noted the smaller properties would abut her home and relayed her concern with the overall density. She asked for specifics to be placed within the plan. Ms. Everall also asked for issues to be addressed regarding the water flow and the unstable ground behind her home.

Mayor Watts closed public comment.

Councilmember Henderson acknowledged the difficult process developments go through and sometimes looks can be deceiving. He explained the minimum lot size has been increased and land had been set aside for commercial in the Teton Development and concessions have been made by both parties. Councilmember Henderson explained he
February 14, 2018 – City Council Minutes

is not against development; however, would like to have input as a resident. The process requires the Council to 
balance the rights of the property owner and residents. Legitimate concerns needed to be addressed. Councilmember 
Ohm asked if the impact fees collected would go towards the infrastructure in the Dansie development. City Attorney 
John Brems confirmed as it has been outlined in the agreement. Councilmember Henderson recognized the iteration 
depicted may not be the final projects and protections have been built into the development agreement because the 
fear of the known is relevant until the developer commences construction. The development agreement sets 
minimum standards for the project and traffic studies would be required for each pod. Engineer Thomas agreed 
notating supplemental traffic studies would be required for each pod. Councilmember Henderson mentioned that 
more water travels down the creek and the development may have to be altered to accommodate. Engineer Thomas 
added a hydrologic study would have to be conducted through FEMA. Councilmember Henderson addressed the 
school issues and notated he lives near a charter school and have witnessed the problems; however, state law 
supersedes any City Ordinance and schools can be placed anywhere deemed necessary. The City would have the 
opportunity to evaluate the hazardous traffic issues. He explained there has been some amount of contaminated soils 
identified which would have to be mitigated and tested prior to the commencement of construction as depicted in 
the development agreement. City Attorney Brems added the stipulation would also apply to the open space dedicated 
to the City.

Councilmember Smith indicated he anticipated development would happen in Herriman eventually, and added it 
would continue. There are good things that come from development such as grocery stores and gas stations as long 
as the process includes being responsible. The issues have been addressed in the details. He relayed his concern of 
the class size in public schools and understood the City would not have the ability to tell the School District where 
and when to build schools, and observed the good relationship Herriman City has with Jordan School District. He 
referenced multiple emails received asking the City Council not to combine the Dansie and Teton developments 
together, and he concurred as they are very different projects. He thanked the residents for their involvement and 
highlighted there is no multifamily housing, increased minimum lot sizes and more open space. There also has been 
a commitment from the developer to have a minimum of 36 one-half acre lots and anticipated more. He noted the 
developer addressed buffering concerns for the residents and altered their design guidelines to meet the current City 
Standards. The City does not want to lose sight that the property owners do have development rights, and difficult 
conversations had ensued. Councilmember Smith relayed his comfort level of the process conducted.

Councilmember Martin concurred. She acknowledged the responsiveness of the developers and the collaborative 
effort of the Council and community to improve the development through an open and transparent process. The 
Community Facilitator process allowed a transparent process to ensure resident feedback has been regularly injected 
into the development process. She relayed her position to have collaborative processes for every project moving 
forward which is important in a high growth community. She acknowledged the community is better if all affected 
parties are working toward the same goal.

Mayor Watts asked if a stop light would be installed if the charter school does come to fruition. Engineer Thomas 
responded the traffic light would have to be warranted as depicted in the traffic study for the pod and relayed his 
anticipation that intersection would be signalized. Mayor Watts informed the residents the charter school design has 
not designated to a specific area and would have to go through the Planning Commission process. Engineer Thomas 
confirmed.
Councilmember Ohrn expressed her discomfort with the process as changes were interjected today. She explained she would like to have the opportunity to fully understand the changes before she felt comfortable acting on the proposal. She acknowledged changes do happen during normal processes. Councilmember Ohrn expressed her appreciation for some concessions offered by the Dansie family. She referenced some emails from residents claiming they stopped receiving notices and explained the development property had been divided which took some individuals out of the notification distance requirements. She indicated the Community Facilitator program has the potential to be a great program; however, the requirements does not mean they won’t be impacted or don’t want to be involved. She relayed her frustration of the disconnection and noted government is known to move slower in an effort to avoid unintended consequences.

Councilmember Martin responded that she had been comfortable with the duration of the process and relayed her appreciation of the amount of resident feedback received. She expressed her appreciation to the developer because of their responsiveness to resident concerns, and the late changes were incorporated because the developer had been listening.

Councilmember Henderson referenced the Teton Development process and explained the difference was mainly because Developer Young didn’t own the property which makes it easier for him to cope with recommended changes. He thanked the residents for their involvement with the two development proposals who were originally on track to gain approvals in December 2017. He recognized the significant concessions offered by the Dansie development including the increased lot size, the agricultural uses, preservation, and the buffering around the existing developments. These concessions have been incorporated into the development agreement to be guaranteed for the community. The developer also altered their design guidelines to outline the look and feel of the proposed development at the request of the City Council. Councilmember Smith acknowledged the difficulty of the development process and thanked the community for continuing to stay involved.

Councilmember Henderson moved to approve Ordinance 2018-08 rezoning 370.91 acres for Dansie Land, LLC located at approximately 7300 West Herriman Highway from A-1 (Agricultural 1-acre minimum) to R-1-15 (Residential) and R-1-21 (Residential – half acre minimum) with the insertion of the map in place of the legal description and subject to the approval and execution of the development agreement. Councilmember Smith seconded the motion.

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

The motion passed with a vote 4:1.

5.6. Discussion and possible consideration of a proposed rezone for Dansie Land, LLC to apply the Planned Development Overlay Zone on 370.91 acres located at or near 7300 West Herriman Highway (File No. Z2017-30) – Michael Maloy, City Planner
Councilmember Henderson moved to approve Ordinance 2018-09 rezoning property for Dansie Land, LLC to apply the Planned Development Overlay Zone on 370.91 acres located at or near 7300 West Herriman Highway subject to the Planning Commission conditions as imposed and subject to the approval and execution of the development agreement. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion passed with a vote 4:1.

5.7. Discussion and possible consideration of a Development Agreement for the Hidden Oaks (Dansie) project located at approximately 7300 West Herriman Highway – John Brems, City Attorney

Councilmember Henderson moved to approve Ordinance 2018-10 approving a Development Agreement for the Hidden Oaks project located at approximately 7300 West Herriman Highway with changes identified in section 2.7 regarding the additional pod. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion passed with a vote 4:1.

Councilmember Ohrn explained her concern of approving the development without enough time to fully review the extensive changes. She respected the work that has been done by all of the involved parties and did not want to penalize developers. She relayed her desire to want to have the opportunity to help people understand the development and felt more time was needed to vet out the changes. Her vote was not a reflection of the due diligence, but just due to the fact she needed more time to digest the proposed changes.

6. Calendar
   6.1. Meetings
       6.1.1. February 15 – Planning Commission Meeting 6:00 p.m.
       6.1.2. February 28 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

   6.2. Events
       6.2.1. February 28 – REAL Salt Lake Grand Opening; 11:00 a.m.

7. Closed Session
7.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange or lease of real property as provided by Utah Code Annotated §52-4-205

Councilmember Smith moved to temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange or lease of real property as provided by Utah Code Annotated §52-4-205 at 10:40 p.m. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson  
Councilmember Nicole Martin  
Councilmember Sherrie Ohrn  
Councilmember Clint Smith  
Mayor David Watts  

Aye
Aye
Aye
Aye
Aye

The motion passed unanimously

The Council reconvened by consensus at 11:14 p.m.

8. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 11:15 p.m. Councilmember Ohrn seconded the motion and all voted aye.

9. Recommence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 14, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder
DATE: April 12, 2018

TO: The Honorable Mayor and City Council

FROM: Brett Wood, City Manager

SUBJECT: Resolution Electing a Temporary Mayor Pro Tempore

RECOMMENDATION:
Approval of a resolution electing Councilmember Jared Henderson as the temporary Mayor Pro Tempore for the May 9, 2018 City Council meeting.

DISCUSSION:
Utah law provides for the governing body to be able to elect a member of the governing body to preside over meetings if the Mayor is absent, unable, or refuses to act. During the May 9, 2018 City Council Meeting, Mayor David Watts and Mayor Pro Tempore Nicole Martin will be participating electronically and will not be able to conduct the meeting. Council consensus during the April 11, 2018 City Council work meeting nominated Jared Henderson to fill the temporary position as Mayor Pro Tempore during the May 9, 2018 City Council meeting.

ALTERNATIVES:
The Council may elect any member of the governing body to preside over the meeting.

FISCAL IMPACT:
None.
HERRIMAN, UTAH
RESOLUTION NO. R

A RESOLUTION OF THE CITY COUNCIL OF HERRIMAN
ELECTING A TEMPORARY MAYOR PRO TEMPORE

WHEREAS, the Herriman City Council (the “Council”) met in special meeting on April 18, 2018 to consider, among other things, the appointment of a temporary Mayor Pro Tempore; and

WHEREAS, Utah law provides, among other things, that the governing body may elect a member of the governing body to preside over the meeting as Mayor Pro Tempore; and

WHEREAS, the Council has determined that it is in the best interests of the health, safety, and welfare of the inhabitants of Herriman to elect a temporary Mayor Pro Tempore; and

NOW, THEREFORE, BE IT RESOLVED by the Council that Jared Henderson be elected as temporary mayor pro tempore for the May 9, 2018 City Council meeting, and that this action shall be entered in the minutes of this meeting.

This resolution, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah, this 18th day of April 2018.

HERRIMAN CITY COUNCIL

_________________________________________
David Watts, Mayor

ATTEST:

____________________________
Jackie Nostrom, MMC
City Recorder
STAFF REPORT

DATE: April 5, 2018

TO: The Honorable Mayor and City Council

FROM: Riley Pilgrim, Unified Fire Authority Chief

SUBJECT: Fireworks Restrictions

RECOMMENDATION:
Approval of an Ordinance Banning the use of Fireworks and any Open Flame Fires within certain areas of Herriman City.

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.

**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)

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.
HERRIMAN, UTAH
ORDINANCE NO. ___

AN ORDINANCE OF THE HERRIMAN CITY COUNCIL REGULATING,
PREVENTING, AND BANNING THE DISCHAGE OF FIREWORKS WITHIN
CERTAIN AREAS OF THE CITY

WHEREAS, the Herriman City Council (the “Council”) met in special session on April 18, 2018 to consider among other things, regulating, preventing, and banning the discharge of fireworks within certain areas of the city; and

WHEREAS, the fire code official has advised the Council and has determined that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source including fireworks, lighters, matches, sky lanterns, and smoking materials in bush-covered or dry grass-covered areas, within 200 feet of waterways, trails, canyons, washes, ravines, or similar area, or a limited area outside the hazardous areas described above to facilitate a readily identifiable closed area; and

WHEREAS, the fire code official has produced a map (“Map”) that identifies the existing or historical hazardous environmental conditions necessitate controlled use of any ignition source including fireworks, lighters, matches, sky lanterns, and smoking materials in bush-covered or dry grass-covered areas, within 200 feet of waterways, trails, canyons, washes, ravines, or similar area, or a limited area outside the hazardous areas described above to facilitate a readily identifiable closed area; and

WHEREAS, the Council finds that based on the Map that the areas designated for closure are closed areas along readily identifiable features like major roadways, waterways, or geographic features; and

WHEREAS, the Council finds that based on the Map the boundary of the designated closed areas are as close as is practical to the defined hazardous area, provided that the closed area may include areas outside of the hazardous area to facilitate a readily identifiable line; and

WHEREAS, the Council finds that the Map is readily available to the public because the Map will supplement the historical hazardous environmental conditions county-wide map as contemplated in Utah Code Ann. § 53-7-225 (6); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the inhabitants of Herriman to ban the use of fireworks within certain areas of the city.

NOW, THEREFORE, BE IT ORDAINED except for display operators properly licensed as required by Utah law it is unlawful for any person to discharge a class C common state approved explosive in the areas identified as Restricted Areas on the Map.

BE IT FURTHER ORDAINED that the definition of “a class C common state approved
“explosive” shall be as defined in Utah Code Ann. § 53-7-202(5). All other terms shall have the same meaning as set forth in the Utah Fireworks Act, Utah Code Ann § 53-7-220 et seq.

BE IT FURTHER ORDAINED that any person convicted of violating the provisions of this ordinance shall be guilty of an infraction.

PASSED AND APPROVED this 18th day of April 2018.

HERRIMAN CITY

By: ______________________________________
    David Watts, Mayor

ATTEST:

___________________________________
Jackie Nostrom, MMC
City Recorder
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.