The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, February 27, 2019 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

**Councilmembers Present:** Sherrie Ohrn, Clint Smith, Jared Henderson, and Nicole Martin

**Staff Present:** Communications Specialist Jonathan Lafollette, Director of Administration and Communications Tami Moody, Assistant City Manager Gordon Haight, City Manager Brett Wood, Finance Director Alan Rae, City Planner Michael Maloy, Police Chief Troy Carr, Parks and Recreation Director Wendy Thomas, City Recorder Jackie Nostrom, Public Works Director Justun Edwards, City Engineer Blake Thomas, Lieutenant Cody Stromberg

**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 David Watts called the meeting to order at 5:16 p.m.

   2.1. **Review of this Evening’s Agenda**
   The City Council and staff reviewed the agenda.

   2.2. **Future Agenda Items**
   There were no Future Agenda Items discussed.

3. **Administrative Reports**
   3.1. Report on the Interlocal Cooperative Agreements between Herriman City and Salt Lake County for the installation of traffic signals at Juniper Crest Road and Rose Crest Road
City Engineer Blake Thomas indicated this item was on the consent agenda. The new high school in east Herriman would bring several traffic challenges. The increased volume at the intersection of Juniper Crest Road and Rosecrest Road would require a traffic signal to adequately manage the increased volumes and enhance the overall safety of the intersection. The funding for this signal was included in a grant from the State of Utah. The intersection would be open July 2019.

3.2. Update regarding the amendment to the fee schedule for the Herriman City Police to Provide Child Abuse Registration and other miscellaneous changes – Troy Carr, Police Chief

Police Chief Troy Carr reviewed fee schedules and explained that it was the desire of both City departments to adjust fees for similar services to create consistency for record requests. It was understood that there were services and records (such as body camera records) that were dissimilar among departments, and those fees would remain unchanged. As of January 2019, the State of Utah established a child abuse registry system, similar to the sex offender registration program already in place within the Herriman City Police Department. An unsupervised (off parole or probation) convicted offender was required to register twice yearly. One registration date was in the offender’s birth month and the second was six months from the first date. Both registries were required to be operated by the local police authority, and that authority was required to initiate, process and maintain the offender on the registries and to include home checks. While it was not mandated by State law to charge the offender the registration fee, it was allowable. The statute allowed the local agency to charge the offender $25.00 on their birth month registration yearly. It was the position of the Herriman City Police Department that the staff time required to train, process offenders and maintain the database should be offset through the registry fee paid by the offender.

3.3. Discussion of an Interlocal Cooperative Agreement between Herriman City and Salt Lake County Election’s Division to conduct the 2019 Municipal Election – Jackie Nostrom, City Recorder

City Recorder Nostrom explained that Herriman City contracted with Salt Lake County to administer municipal elections by Mail. Vote by mail elections continued to increase voter participation. She explained that election costs were variable and based upon the offices scheduled for election, the number of voters, if there was a primary election, the number of jurisdictions participating, and direct costs. The County would bill the City for its pro-rated share of the actual costs of the election which would not exceed the estimate of $36,837.86 (Council District 1 and 4 Election Only). This amount would be budgeted appropriately in the FY 2019-2020 budget.

The City would monitor the Ranked Choice voting cities throughout the State including: West Jordan, Cottonwood Heights, Salem, Lehi, Payson and Vineyard. Those cities had been working with Utah County to contract those elections as Salt Lake County does not currently offer the service.

3.4. Discussion of the Anthem Commercial Center Agreement – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight presented a brief overview of the Anthem Commercial Center Agreement. The staff report related to items in the City Council Meeting and the RDA Meeting. All the elements of these
agreements had been previously discussed with the City Council. The agreements memorialize the direction given by the City Council to the City staff. The following was a brief history of the Anthem Commercial Center Project, and the process that led to these agreements:

In June 2016, the Planning Commission approved the Conditional Use Permit for Walmart within the Anthem Commercial Center. Walmart submitted complete building permit plans; however, the approved building plans were not picked up by the applicant for construction. City Staff kept in constant contact with the developer of the Anthem Commercial Center and Walmart. It was determined that Walmart had abandoned the project, but they still owned 18 acres in the Anthem Commercial Center. In order to get the Anthem Commercial Center back on track, the City found a new tenant for the center, and secondly, the developer needed to purchase the property back from Walmart. The developer of the Anthem Commercial Center began working aggressively with City Staff to find a new anchor tenant for the 50-acre project. During this time, commercial centers in South Jordan and Riverton were being developed on the City borders. Due to the proximity of these new commercial centers, potential grocery stores were unviable. The developer of the Anthem Commercial Center had a buyback provision in the Walmart contract. This gave Walmart until the end of 2018 to build a store before the buyback proceedings could begin. WinCo was interested in expanding in the southwest area of Salt Lake County. The developer and the City had a meeting with WinCo to see if they would be interested in locating a store in the Anthem Commercial Center. WinCo expressed interest, but they were already under contract for property outside of the City. Through subsequent meetings, the developer and the City explored ways to solve the challenges to get a new anchor store and purchase the property owned by Walmart. The following agreements were a result of careful and thoughtful consideration by the City on how best to develop the Anthem Commercial Center. There were four items that would require City Council action, and five items that would require the Redevelopment Agency action.

1) AN ORDINANCE REPEALING ORDINANCE 2017-07- AN ORDINANCE AUTHORIZING THE EXEMPTION TO CERTAIN IMPACT FEES WITH RESPECT TO THE DEVELOPMENT KNOWN AS ANTHEM CENTER AND AUTHORIZING THE EXEMPTION OF ROADWAY FACILITIES IMPACT FEE WITH RESPECT TO THE WINCO TO BE DEVELOPED IN THE ANTHEM CENTER

To incentivize the developer to quickly build out the center, the City agreed to waive water and transportation impact fees. That ordinance was being repealed, and the new ordinance required a building permit that must be obtained by October 31, 2020. In discussions with the developer, they agreed that they would receive a 75% replacement fund. This was addressed in the Anthem Amended and Restated Participation Agreement. In addition, the ordinance waived the transportation impact fee for WinCo as part of an incentive package to locate a store in Herriman.

2) INTERLOCAL COOPERATION AGREEMENT BETWEEN HERRIMAN CITY AND COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY

This item was an Interlocal agreement between Herriman City and the Community Development and Renewal Agency (CDA). This would reimburse the City for the waived transportation impact fees. The source of the repayment was from the CDA property tax increment (Anthem Town Center CDA).
3) INTERLOCAL AGREEMENT BY AND BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY AND THE CITY OF HERRIMAN WITH RESPECT TO SALES TAX (WINCO)

This agreement allowed the City to provide a sales tax incentive to the CDA from WinCo. It would pay the point of sales sale tax generated by WinCo to the agency.

4) INTERLOCAL AGREEMENT BY AND BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY AND THE CITY OF HERRIMAN WITH RESPECT TO SALES TAX (NON WINCO)

This agreement allowed the City to give 50-percent of the point of sales sale tax from the project area, excluding the WinCo, up to the amount of 75-percent of the impact fees collected until 2023. The interlocal agreements described above would be presented to the CDA for approval by resolution.

5) AMENDED AND RESTATED PARTICIPATION AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY AND ANTHEM CENTER, LLC

This amended and restated agreement accomplished the following:
1. Allowed the CDA to pay Anthem Commercial sales tax up to 75-percent of the collected impact fee amount. The impact fees must be collected prior to July 2023.
2. The CDA receives $250,000 of property tax increment from the Anthem Town Center CDA project area.
3. The CDA and Anthem Commercial split the property tax increment 27.67-percent to the CDA, and 73.33-percent to Anthem Commercial, not to exceed $11,410,300 or reimbursable costs.

6) PARTICIPATION AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY AND WINCO FOODS, LLC

This item was the WinCo participation agreement. To accelerate the timeline for the WinCo purchase and building construction, the City agreed to give back a portion of the sales tax for a period of not greater than five years. The total amount would not exceed $200,000 for any given calendar year, and a cumulative total of $500,000.

City Manager Wood thanked the Councilmembers for their feedback on this item. WinCo was working with staff to obtain the building permits.

3.5. Exception to the Commercial Design Standards for the VASA Fitness Center Building Elevations – Michael Maloy, City Planner

City Planner Michael Maloy indicated where the VASA Fitness Center was located. City Code required buildings in the C-2 zone to have 60-percent brick or stone on the front elevation and any side visible from the street. The applicant was requesting an exception to this requirement, which the City allowed in Ordinance 10-12-6C, stated as follows: “The City Council may grant an exception to these criteria for a building that was part of a large commercial project that had approved design guidelines and was greater than forty thousand (40,000) square feet.”
As stated previously, the Planning Commission reviewed the proposed elevations and recommended approval with the following condition: “Building elevations are recommended to (the) City Council for approval with an exception to the commercial design criteria. The Planning Commission recommendation includes that (1) the pilasters on the east elevation are extended around the entire building, and (2) the bottom wainscoting of Boral-Alpine stone is to extend around the entire building. (3) Spandrel glazing to be used as necessary on the front and rear elevations so that it—combined with each side’s masonry—accounts for a combined 60-percent of the side of those two elevations. The decision regarding the elevations exception shall be made by City Council.”

In response to the Planning Commission, the applicant submitted revised plans. However, the revised building elevations did not include full masonry pilasters on the east elevation, and the Boral-Alpine stone wainscoting was not extended around the entire building. Percentages were outlined on the plans. The combined masonry and glazing did not have the wainscot on the rear of the building until this iteration. City Planner Maloy noted they were counting the glazing as masonry as the Planning Commission was in favor of more glass and recommended approval. Councilmember Martin stated she liked the front elevations. The Council expressed their support of the plans.

3.6. Declaration of approximately 88 acres of real property located west of Mountain View Corridor, North of 12600 South, East of the Future alignment of Herriman Main Street, and South of Midas Creek Drainage in Herriman, as Surplus; Establish that consideration for the surplus shall be based on public policy factors – Gordon Haight, Assistant city manager

Assistant City Manager Haight explained that the City was putting the surplused properties up for bid. The City’s General Plan showed this area as future commercial and rezoned a portion of the property for the new Auto Mall Zone. The City owned approximately 65 acres, with an additional 23 acres under contract. While most of the property was planned for auto dealerships, the City received several proposals for entertainment/recreation commercial developments. The City Council heard several of these entertainment/recreation proposals and directed staff to pursue these opportunities on a portion of the property. For the City to agree to sign a Letter of Intent (LOI), or put this property under contract, the City must complete the surplus property process. The approval of the ordinance was the first step of the surplus process. After 14 days, the City may then contract to sell the property.

3.7. Water Rate Presentation – Justun Edwards, Public Works Director

Public Works Director Justun Edwards explained Matt Millis with Zions Bank performed the Water Rate Study that set the City’s current water rates, which were adopted in 2014. They monitored the City’s revenues and expenses each year to ensure the rates were meeting the City’s operational needs along with meeting its bonding requirements. The City contracted with Zions Bank to perform the Water Rate Study for both culinary and secondary water rates. The study in general, consisted of reviewing historic operational revenues and expenses, along with historic water use data for each water user customer class. Once historic information was gathered, future projections were then established to determine future revenue requirements. The City maintained the basic rate structures with only a few minor adjustments. The current rate structure for most residential users included a flat monthly base rate along with a tiered usage rate to promote water conservation. The base rate for customers who had access to secondary water was divided into culinary and secondary base rates. The overall base rate for these users was slightly higher than those
users without secondary water, but the secondary water usage rate was less than the culinary usage rate. This resulted in a reduced annual water bill if they used secondary water. Commercial users had a flat monthly base rate based on their respective meter size, with a flat usage rate for both indoor use and outdoor irrigation. The minor adjustments that were made in the study were to the base rate for those customers with access to secondary, as well as the commercial irrigation meters. Director Edwards presented tiered rate tables for commercial irrigation or irrigation only connections to promote conservation and consistency with other rate tables. In short, the results of the study indicate that only minor increases were necessary to meet the City’s operational needs and met its bond obligations. They were proposing a phased implementation of a two-percent increase each year over the next four years.

Councilmember Martin noted they wanted to encourage secondary water use. Public Works Director Edwards explained the incentive came from the tiered rates. He noted the system was well managed in operations and finances. Water rates would increase each year to fund capital projects, match operation and maintenance costs inflation, and meet the bond rating requirements. Councilmember Martin noted they were not charging the actual cost of water. The water was subsidized to make the water affordable to the residents.

Mr. Millis was invited to discuss the water rate study. He explained they were in a good position with their cash flow. He provided handouts with the financial analysis and provided some explanations of the data presented.

Public Works Director Edwards explained the average monthly bill for culinary only users was estimated to increase by $1.08 following rate adjustments in 2019 and 2020. A reduction in the secondary base fee of $2.10 would result in a slightly lower monthly bill of approximately $1 for users with secondary access. Those with secondary access would continue to pay a base fee of $9.28 plus a culinary base fee of $18.55.

Public Works Director Edwards concluded that this item would be presented to the Council for adoption and approval. He said the rate increase was necessary to maintain revenues with cost inflation and capital needs.

3.8. Discussion pertaining to the proposed text change to the Land Use Ordinance to amend the approved fencing materials – Michael Maloy, City Planner

City Planner Michael Maloy indicated the new Land Development Code had been adopted on December 13, 2017. Prior to that revision, the fencing ordinance was changed to alter the types of fencing materials that were allowed and prohibited. When the new Land Development Code was adopted it inadvertently removed those changes that were previously approved. The purpose of this amendment was to return the fencing ordinance to its intended version. The proposed text also allowed wood fencing for agriculturally zoned lots that allowed large animals. After discussion with the Planning Commission and City Council, the text had been modified to specify that wood fences were allowed in agricultural zones for large animal corrals. Section 10-29-4 (B)(5) of the proposed ordinance allowed an exception for chain link fences for recreational uses and public utility sites. The proposed text was as follows:

5. Chain link fencing, except for recreational uses as provided in section 10-21-9 of this chapter black vinyl coated chain link fence, may be used as follows: a. For recreational uses as provided in section 10-21-10 of this chapter; or b. If it is determined to be necessary at public utility sites for security reasons. Section 10-21-10 allows the following exception for recreational use:
10-21-10: FENCES FOR RECREATIONAL USE:

On interior, side and rear lot lines, fences for uses such as tennis court enclosures, sport courts, covered Jacuzzis, and ball diamond backstops, may be erected to a height greater than eight feet (8’), but shall not exceed a height of eighteen feet (18’) and shall meet accessory building setback requirements for the zone in which the fence is located.

During the Planning Commission meeting, the Commission recommended removal of the exception for chain link fencing for public utility sites. As such, staff removed this exception from the proposed draft.

City Manager Wood explained that the Planning Commission was concerned about the use of chain link fences. They needed flexibility in the code to allow the use of chain link fences for the City. He asked the Council to make restrictions on the style of the chain link fences. Councilmember Martin noted there was a big cost difference between wrought iron fences and chain link fences. She said they needed to be responsible with the tax payer funds by creating the most cost-efficient standards.

3.9. Discussion pertaining to the request to remove certain uses from the definition of “Outdoor Recreation and Entertainment” – Michael Maloy, City Planner

Currently “Outdoor Recreation and Entertainment” was a permitted use in the C-2 (Commercial) zone, and shooting ranges fell under this category. However, no other sections of City Code regulated the location or buffered for shooting ranges. This issue was brought to the attention of the Planning Commission during the December 6, 2018, work meeting. At that meeting, the Commission directed staff to prepare changes to the ordinance to prevent shooting ranges from being permitted in the C-2 (Commercial) zone. This text change revised the definition of “Outdoor Recreation and Entertainment” to remove shooting ranges. This action would mean that outdoor shooting ranges would not be permitted in any zone in the City. Staff recommended approving this text change to remove outdoor shooting ranges and directing staff to draft a future text change that would allow outdoor shooting ranges in limited zones with appropriate requirements to preserve public safety. Councilmember Smith clarified this was only for outdoor shooting ranges.

3.10. Discussion of a text change to the Land Development Code to create an Accessory Buildings Chapter – Michael Maloy, City Planner

City Planner Michael Maloy stated this matter was initially brought to the Planning Commission for review on July 19, 2018. At that time, the Commission discussed many alternatives regarding accessory building lot coverage and possible exceptions for buildable lots of unusual shape or dimension. The primary goal of this new chapter was to create a central location for all accessory structure regulations, which would be helpful for the general public and City staff. Most of the new chapter centralizes existing ordinance, some noteworthy modifications were also being proposed:

- Section 10-31-5A.2 allowed for a limited type of exception for front property lines that bordered side yard of a neighbor’s property. The dwelling’s side yard setback would then be used to determine how far from the front property line the building must be built. The following graphic had also been proposed for this section: Maximum allowable lot coverage was changed to include side yards along with the rear yard—not to exceed 25-percent—and an accessory structure may not be larger than the footprint of the main building.
Councilmember Smith expressed concern about confining the accessory building. City Planner Maloy explained that they would discuss this with the Planning Commission to create a better solution in the code.

- Buildings larger than 200 square feet must use compatible exterior building materials and colors, but buildings smaller than 200 square feet only need compatible colors.
- Metal, vinyl, and aluminum siding would be prohibited building materials.

Councilmember Smith asked what their standard was if the structure was not visible from the street. City Planner Maloy stated that they would need to propose an additional amendment. Councilmember Smith said he was concerned with burdening the residents with costs if that money did not serve a purpose.

- Open-roof structures such as pergolas must have a minimum three (3) foot setback—even on the side of the primary dwelling.

The Planning Commission recommended approval of the text change, adding that the current ordinance required an accessory building located within the rear yard to have a minimum rear and side yard setback of three feet. The Commission also recommended reducing the minimum rear and side yard setback to one foot. Councilmember Smith said he preferred the one-foot setback. Councilmember Ohrn agreed.

3.11. Storm Water Rate Fee Discussion – Blake Thomas, City Engineer

City Engineer Blake Thomas offered a brief background of the storm water management program mandated by the Environmental Protection Agency (EPA). The Utah Department of Environmental Quality (UDEQ) conducted an audit of the City’s storm water management program in 2017. UDEQ provided the results of the audit to Herriman on March 28, 2018. An audit response plan was prepared and submitted to UDEQ. One of the deficiencies identified in the audit was the lack of an adopted storm water ordinance that met the requirements of the UDEQ storm water permit allowing Herriman City to manage storm water. Adoption of an ordinance would require that Herriman City undertake increased responsibilities to monitor, track, and enforce storm water violations and perform additional and more frequent maintenance duties in order to meet the minimum requirements of the program set forth by the State of Utah. This would require a program to be put in place with an increase in personnel and equipment. Nearly every other City in the metro areas of Utah had enacted a storm water user fee that was used to fund the storm water management program. Herriman City contracted with Bowen, Collins & Associates to research Herriman’s storm water program needs, estimate an annual program cost, and determine a fee that would provide full funding for a storm water program. A storm water steering committee was formed with several residents, City Staff, and Councilmember Ohrn to discuss the work done by Bowen, Collins & Associates and provide guidance to the consultant on the storm water management program. This presentation would review the findings of the study and steering committee and input would be incorporated into the final study report and formally presented to the City Council later for a decision to enact a fee to fund the Herriman City Storm Water Management Program.

City Engineer Thomas explained that the steering committee noted the tax-exempt facilities were subsidized by the residents. They discussed their options to equally distribute the taxes throughout the community. They also reviewed other City’s storm water utility fees.
There was a $1.6 million annual program cost. City Engineer Thomas presented a table to review the projected revenue and expenses with a recommended fee structure and explained that they planned on charging on a monthly basis. Councilmember Ohrn stated that she was concerned about the City imposing fees; however, agreed this one was an exception as she explained that many of the non-profit organizations would not be impacted and the residents would be encumbered with the cost. City Engineer Thomas explained that they offered fee modifications and enforcement credits to incentivize low impact developments.

Councilmember Smith moved to adjourn the work meeting at 6:56 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

The Council reconvened the work meeting at 8:05 p.m. Councilmember Henderson was excused.

3.12. Midas Creek and Rose Creek Trail Update – Wendy Thomas, Director of Parks, Recreation and Events

Herriman City received matched funding from the Salt Lake County Transportation Choice (4th quarter) Fund to design and construct the Midas Creek Urban Trail and the Rose Creek Urban Trail. Ensign Engineering was working on the design of both trails. A public comment meeting was held on Monday, February 11, from 5:00 – 6:00 PM. All residences within 300 feet of the trails had been notified of the meeting. Five residents came to the meeting to obtain more information and to ask questions. The trails proposal would go before Planning Commission on Thursday, March 7, 2019. Staff met with DAI, the area east of Mountain View Corridor where the storage units were proposed. There were minimal alignment concerns in Rose Creek area.

3.13. City Manager Updates – Brett Wood, City Manager

The following was reported:

- City Manager Wood updated the Council on a domestic incident where two residents were stabbed. The original call from dispatch indicated people had also been shot. The individuals were rescued and taken to the hospital. He noted the crime scene was taken care of flawlessly. City Manager Wood stated that the officers acted quickly and saved lives. They were able to react quickly because there were more resources in the City, due in part to the newly formed Herriman Police Department.

- Chip Seal operations throughout the City needed seemed to be in disrepair. He said their biggest concern was the gravel on the roads coming off and striping. Councilmember Martin said she was frustrated they had received subpar work in the past from the lowest bid contracts. She said the lowest bid was not always the best choice. She suggested they create policy to give the City some recourse against subpar work. City Manager Wood agreed. Public Works Director Edwards said he was working with legal counsel to fix the loopholes in their contracts. They were aware of this problem and were working on a solution.

- The Southwest Caucus focused on the current population growth, and they discussed infrastructure and transportation needs. The southwest cities were working together to form a combined voice on the matter.

- City Manager Wood asked for direction for the Off Highway Vehicle (OHV) Committee. Councilmember Martin suggested having those who were passionate serve on the OHV Committee. Councilmember Smith agreed. He asked if the OHV Committee was feasible because they needed to decide if they should invest in the committee. Director of Parks, Recreations and Events Wendy Thomas stated that staff was putting together a feasibility study. There were grants available they were trying to obtain for this purpose. Councilmember Martin suggested they determine the need for the extended trails network and what uses it
February 27, 2019 – City Council Minutes

Councilmember Smith noted that they would have. Councilmember Ohrn agreed. She said they needed to have a balance to accommodate all types of recreation. There was consensus that the City was not ready to have a separate committee for off-road vehicles.

- City Manager Wood asked for advice with regards to the process of appointing Planning Commissioners. Staff wanted to encourage citywide representation, as well as conduct interviews with the applicants.
- The Planned Community Zone was an aggressive zoning tool. It created a much more detailed proposed development. It had worked well in other cities and City Manager Wood suggested they consider its use in Herriman.
- There was currently a Jordan School District Survey to name the new elementary school in which City Manager Wood encouraged Councilmembers to participate.
- The City adopted regulations of tobacco products. It was suggested they include vaping shops as they were not strictly considered tobacco products. The Councilmembers agreed they needed to include smoke shops into these regulations.
- It was reported the sales tax revenues had been successful during the last quarter. Finance Director Alan Rae explained it was the largest revenue they had ever experienced.
- City Manager Wood reviewed the census committee and asked City Planner Maloy and City Recorder Nostrom to serve on the committee.
- It was noted there were bills during the legislative session they were following. They wanted to stay informed of the bills and their impacts to the City.

Councilmember Smith moved to temporarily recess the City Council work 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 at 9:03 p.m. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

The Council reconvened the Work Meeting at 9:53 p.m.

4. Adjournment

Councilmember Ohrn moved to adjourn the City Council Work Meeting at 9:53 p.m. Councilmember Martin seconded the motion and all present voted aye.
5. Call to Order
Mayor Watts called the meeting to order at 7:03 p.m. and welcomed those in attendance.

5.1. Invocation/Thought/Reading and Pledge of Allegiance
UFA Captain Rob Ayres led the audience in the Pledge of Allegiance.

5.2. Council Disclosure for Conflict of Interest
There were no noted conflicts of interest.

5.3. Mayor/Council Comments and Recognitions
Councilmember Smith stated that he attended the employee service award night. He said it was a successful event and he thanked everyone for their efforts. City Manager Wood thanked the Council for attending the event.

6. Public Comment
No comments were offered.

7. Mayor and Council Board and Committee Reports
No reports were offered.

8. Consent Agenda
8.1. Approval of the February 13, 2019, City Council Minutes
8.2. Approval of an Interlocal Cooperative Agreement between Herriman City and Salt Lake County for the installation of a traffic signal at Juniper Crest Road and Rose Crest Road – Blake Thomas, City Engineer
8.3. Approval of an Interlocal Cooperative Agreement between Herriman City and Salt Lake County for the installation of a traffic signal at Sentinel Ridge Boulevard (Autumn Crest) and Rose Crest Road – Blake Thomas, City Engineer
8.4. Approval of the Monthly Financial Summary – Alan Rae, Finance Director
8.5. Approval of an Ordinance amending the fee schedule for the Herriman City Police to Provide Child Abuse Registration and other miscellaneous changes – Troy Carr, Police Chief
8.6. Approval of an Interlocal Cooperative Agreement between Herriman City and Salt Lake County Election’s Division to conduct the Municipal Election – Jackie Nostrom, City Recorder

Councilmember Smith moved to approve the Consent Agenda as written. Councilmember Martin seconded the motion.

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

9. Discussion and Action Items

9.1. Discussion and consideration of an Ordinance repealing Ordinance No. 2017-07 authorizing the exemption to certain Impact Fees with respect to the development known as Anthem Center and authorizing the exemption of Roadway Facilities Impact Fee with respect to the WinCo to be Developed in the Anthem Center – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight said this presentation would address items 9.1-9.4. He explained that the City had sold 18 acres to Walmart, but the project was abandoned. The developer purchased the property back and sought another tenant. The City planned to give a fee waiver to WinCo for the impact fees. The City would also waive the transportation impact fee. 75-percent of the transportation impact fees collected in the area would be given to the developer as a reimbursement for the infrastructure.

Assistant City Manager Haight continued by explaining the WinCo agreement. They agreed to reimburse the sales tax generated over the first five years at a maximum of $500,000. Using the aid of a PowerPoint presentation, he described the details of the agreement. The agreement would replace an anthem waiver from the water infrastructure and roadway facilities impact fee for all commercial development. The agreement also included an Interlocal agreement between the CDA and Herriman City to replace the fees.

Councilmember Henderson clarified the reimbursements were for infrastructure installation. Assistant City Manager Haight continued by explaining the timeframe in which WinCo was required to complete the infrastructure installation. Councilmember Martin stated that this was a positive partnership because both parties benefited. They were not pulling funds from existing revenues.

Councilmember Henderson noted this was a CDA which was a part of the County. This agreement helped more money stay in the City. They were pledging the sales tax from the commercial properties to develop the area. Everything was contingent on the performance of the area. Mayor Watts noted they were encouraging the tax base with this agreement. Assistant City Manager Haight stated staff was recommending approval.

Councilmember Smith stated that a lot of time and effort had gone into this agreement. He thanked staff for their work.

Councilmember Martin moved to approve Ordinance 2019-02 repealing Ordinance No. 2017-07 authorizing the exemption to certain Impact Fees with respect to the development known as Anthem Center and authorizing the exemption of Roadway Facilities Impact Fee with respect to the WinCo to be developed in the Anthem Center. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson   Aye
Councilmember Nicole Martin   Aye
9.2. **Discussion and consideration of a Resolution to approve an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City in regard to the funding of waived impact fees** - Gordon Haight, Assistant City Manager

Councilmember Martin moved to approve Resolution No. R10-2019 approving an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City in regard to the funding of waived impact fees. 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.

9.3. **Discussion and Consideration of an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City with respect to sales tax (WinCo)** - Gordon Haight, Assistant City Manager

Councilmember Martin moved to approve Resolution No. R11-2019 approving an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City with respect to sales tax (WinCo). 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.
9.4. Discussion and Consideration of an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City with respect to sales tax (Non-WinCo) - Gordon Haight, Assistant City Manager

Councilmember Martin moved to approve Resolution No. R12-2019 approving an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman City with respect to sales tax (Non-WinCo). 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.

Developer John Gust thanked the Council for their patience. He noted they were lucky they were able to have a buyback clause in their contract. He said this would be a successful commercial area and several companies were interested in the area.

9.5. Discussion and Consideration of a Resolution authorizing an Exception to the Commercial Design Standards for the VASA Fitness Center Building Elevations - Michael Maloy, City Planner

City Planner Michael Maloy explained the VASA Fitness Center Building was interested in remodeling. The proposed designs required the City to give an exception to the design standards. He presented an aerial map of the subject property to identify where the parcel was located. He then reviewed the exemption requests. The City required 60-percent masonry on buildings, but the building had a lot of glazing. The Planning Commission did not want to remove the glazing because it was considered to be a part of the masonry. The applicant had also made a few other changes to the plans. The Planning Commission was forwarding a positive recommendation.

Architect Rick Sander for the developer was introduced. He explained that they wanted to achieve the goal of 60-percent masonry, including the glazing, as it would provide a much more appealing aesthetic. Councilmember Henderson asked if there were design guidelines, to which City Planner Maloy responded in the affirmative. Councilmember Smith expressed appreciation for the Planning Commission. He noted there were reasons to vary from the City standards and this was appropriate. Councilmember Henderson agreed.

Councilmember Smith moved to approve Resolution No. R13-2019 approving an exception to the Commercial Design Criteria for a VASA Fitness Center. Councilmember Henderson seconded the motion.

The vote was recorded as follows:
- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Aye
9.6. Discussion and Consideration of an Ordinance declaring approximately 88 acres of real property located west of Mountain View Corridor, North of 12600 South, East of the Future alignment of Herriman Main Street, and South of Midas Creek Drainage in Herriman, as Surplus; Establish that consideration for the surplus shall be based on public policy factors.

Assistant City Manager Gordon Haight explained that this item allowed the City to sell surplused property. They would then entertain offers at no less than the purchased price. He presented an aerial map of the subject property.

Councilmember Ohrn moved to approve Ordinance 2019-03 declaring approximately 88 acres of Mountain View Corridor, North 12600 South Street, East of the future alignment of Herriman Main Street, and South of Midas Creek Drainage in Herriman, Salt Lake County, as surplus; Establish that consideration for the surplus property shall be based on public policy factors identified. 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.

10. Calendar
10.1. Meetings
10.1.1. March 7 - Planning Commission Meeting 7:00 p.m.
10.1.2. March 13 - City Council Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

10.2. Events
10.2.1. February 28 - Cabaret; City Hall 7:30 p.m.
10.2.2. March 1-2 - Cabaret; City Hall 6:00 p.m. & 8:30 p.m.

11. Closed Session
11.1. The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss 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 work 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. 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.

The Council reconvened the Work Meeting at 9:22 p.m., the minutes of which are provided on pages 8-9 of this document.

12. Adjournment
Councilmember Martin moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 7:55 p.m. Councilmember Henderson seconded the motion, and all voted aye.

13. 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 27, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder