



CITY COUNCIL AGENDA

Wednesday, January 09, 2019

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the 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

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. **Legislative Update - Tami Moody, Director of Administration and Communications**
Discussion Item

[SR_LegislativeUpdate.pdf](#)

3.2. **Gina Road Discussion - Blake Thomas, City Engineer**

[SR_GinaRoadDiscussion.pdf](#)

3.3. **Review of City Council Mayor Pro Tempore, Board and Committee Assignments for 2019 - Brett Wood, City Manager**

3.4. **Discussion of Rosecrest Business Park Pod 39 and 35 - Gordon Haight, Assistant City Manager**

[SR_RosecrestBusinessPark.pdf](#)

3.5. **Recommendations and Reappointment of City Board and Committee Volunteers - Wendy Thomas, Director of Parks, Recreation and Events**

[SR_CommitteeVolunteers.pdf](#)

5355 W. Herriman Main St. • Herriman, Utah 84096
(801) 446-5323 office • (801) 446-5324 fax • herriman.org



- 3.6. Discussion pertaining to Council District Boundaries due to an Annexation - Jackie Nostrom, City Recorder
[SR_VotingDistricts.pdf](#)

- 3.7. City Manager Updates - Brett Wood, City Manager

4. Adjournment

7:00 PM - GENERAL MEETING:

5. Call to Order

5.1 Invocation/Thought/Reading and Pledge of Allegiance

5.2 Council Disclosure for Conflict of Interest

5.3 Mayor/Council Comments and Recognitions

6. 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.

7. Mayor and Council Board and Committee Reports

8. Reports, Presentations and Appointments

- 8.1. Award Presentation for the Outstanding Achievement in Popular Annual Financial Report - Brett Wood, City Manager

- 8.2. Herriman Police Department Award Presentation - Troy Carr, Police Chief

- 8.3. Appointment of the 2019 Mayor Pro Tempore - Brett Wood, City Manager

- 8.4. Approval of City Council Board and Committee Assignments - Brett Wood, City Manager

9. Consent Agenda

- 9.1. Approval of the November 9, 2018 Special City Council Meeting Minutes
[2018_11_09 SCCM Minutes.pdf](#)

- 9.2. Approval of the November 9, 2018 Special City Council/Staff Work Meeting Minutes
[2018_11_9 CC-Staff WM Minutes.pdf](#)

- 9.3. Approval of the November 14, 2018 City Council Meeting Minutes
[2018_11_14 RCCM Minutes.pdf](#)

- 9.4. Approval of a Resolution to grant Local Consent of one Bar Establishment License (Redemption Bar & Grill) and one Off-Premises Beer Retailer License (Holiday Oil) to be issued and regulated by the Utah Department of Alcoholic Beverage Control.
[SR_LocalConsent.pdf](#)

- 9.5. **Approval of an Interlocal Cooperative Agreement between the Community Development and Renewal Agency of Herriman City and Herriman City with respect to Tax Increment**
[SR_InterlocalAgreementCDA.pdf](#)

10. Future Meetings

- 10.1. **January 17 - Planning Commission Meeting 7:00 p.m.**
- 10.2. **January 23 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.**

11. Events

- 11.1. **January 19 - Volunteer Appreciation Breakfast 9:00 a.m.; City Hall**
- 11.2. **January 28 - Youth Council Lights on Ice Food Drive 5:30 p.m.; Crane Park**

12. Closed Session

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.

13. Adjournment

14. Recommence to Work Meeting (If Needed)

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

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

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

I, Jackie Nostrom, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body, at the principal office of the public body, on the Utah State Public Notice website www.utah.gov/pmn/index.html and on Herriman City's website at www.herriman.org. Posted and dated this 3rd day of January, 2019. /s/ Jackie Nostrom, City Recorder

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Herriman City



STAFF REPORT

DATE: Jan. 9, 2019

TO: The Herriman City Council

FROM: Tami Moody, Director of Administration and Communications

SUBJECT: Legislative Update

RECOMMENDATION:

Update and discussion regarding items for the upcoming legislative session

DISCUSSION:

Monday, January 28, 2019 marks the first day of the upcoming annual General Session of the Utah State Legislature. During the fall, City Council held a special work session to discuss items of priority for this legislative session. The list of priorities is as follows:

1. Provide the legislative body with updated information regarding Herriman City.
This information includes our demographics, updates on our General Plan, annexation and City zoning.
2. Housing Discussion and Priorities.
This information includes a population map, statistics on our housing types, populated areas comparison, southwest housing stock, growth rates within the county, and our community facilitator program. Herriman City is requesting assistance in educating the legislative body on our current housing stock to include housing type percentages. We will also gather support to form the Southwest Caucus to meet each Monday during the legislative session.
3. Transit and Transportation
This information includes maps of Herriman roads making note that Herriman City has no State owned or funded roads. The initial map will provide information regarding current collector and arterial roads and then a view of these roads in the year 2050. Traffic statistics will be provided to demonstrate the increased traffic concerns due to rapid growth with limited accessibility. Another map will review proposed transit lines with Trax and Frontrunner as well as current bus routes. The intent here is to reveal the need for additional transit options on the southwest end of the valley. Herriman City is requesting \$4 million dollars in funding for roads as well as support for a transit line to run through our City.
4. Parks, Trails and ACUB
This information includes statistics on Herriman City parks and open space, including a park location map. A trail map is offered to show the proposed trail extension that

will provide connectivity to the Jordan River trail as well as around the mountain and into Utah County. A discussion on a NICA course for mountain biking will be involved. Herriman has great terrain for high school clubs to practice on year round. The only other nearby course is in Draper City, but due to the sandy course base, it cannot be used in wet weather. Herriman has a rocky base allowing for a fully compacted course during all seasons. ACUB areas will be shown on a map to demonstrate what property Herriman has been able to secure with ACUB funding and what property is left to secure. Herriman City is requesting \$1.5 million in State funding for trails and connectivity.

5. Educational Facilities

This information will include conceptual drawings of the Utah State University agricultural campus and the educational programs it will offer. It will also include information, maps and conceptual drawings of the Salt Lake Community College/University of Utah Campus that is looking to build in Herriman, just off of Mountain View Corridor. Herriman City is requesting \$4 million for road assistance with water infrastructure. We are also requesting support for SLCC in their request for \$30 million in funding for their campus.

6. Public Safety

This information includes discussion regarding retirement, focusing on the Tier II concerns and how they impact the future of law enforcement recruiting, turnover, etc.

LATEST UPDATE:

Herriman City has met with Senator Fillmore and Senator Anderegg thus far. Both appear supportive of our efforts to spread the word regarding the housing situation on the southwest end of the valley and the impacts to infrastructure and transportation. Both Senators were supportive of the \$1.5 million dollar request for trail funding and the \$4 million dollar request for road assistance. Appropriations requests will need to be made for both and we will have to select representation to sponsor us on the floor. Senator Anderegg was intrigued by the two college campus sites and appeared supportive of the combined campus concept of SLCC and the UofU, and their request for funding. Senator Anderegg offered to schedule assist with the Southwest Caucus meetings. Senator Fillmore was also willing to attend and participate.

We will be meeting with Rep. Knotwell next week as we continue our efforts to meet with each of our legislators and committee members prior to the start of the session.



STAFF REPORT

DATE: January 3, 2019
TO: The Honorable Mayor and City Council
FROM: Blake Thomas, City Engineer
SUBJECT: Gina Road Discussion

RECOMMENDATION: No Action Requested, Presentation for Information Purposes Only.

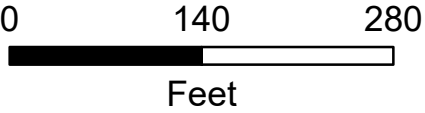
DISCUSSION: Gina Road (13720 South) is located in the Rose Basin area of Herriman. The roadway and surrounding area became part of Herriman when it was annexed in 2009. Approximately 1000 feet of this road, between 7000 West and 7220 West, is unpaved. Property ownership along this section is a mixture of private and public sections. This discussion will provide an detailed accounting of property ownership, how the public parcels were acquired by Herriman or Salt Lake County, existing easements, and a review of Utah State Code regarding public use of roadways constituting dedication.

ALTERNATIVES: N/A

FISCAL IMPACT: None



GINA ROAD OWNERSHIP MAP





STAFF REPORT

DATE: Jan. 9, 2019

TO: The Herriman City Council

FROM: Gordon Haight, Assistant City manager

SUBJECT: Discussion of Pod 34 and 39 Rosecrest Business Park

RECOMMENDATION:

Update and discussion regarding the sale of Pod 35 and 39 and the recommendation of the abandonment of slope right of way for a construction of a retaining wall built by the developer.

DISCUSSION:

Wasatch Development is under contract to purchase Pods 35 and 39 for office and commercial development. These two parcels contain about 5 acres of slope easement from the Mountain View Corridor and Real Vista Drive. Wasatch Development has requested that the City abandon the slope right of way. Wasatch would then construct a retaining wall and reclaim the property to increase the developable area of each pad.

The Council is requested to provide any concerns or question regarding the proposed abandonment and give staff direction in working with Wasatch development on this proposal.

A formal approval of the abandonment would take place in a regular City Council Meeting in the future.

POD 35 SUBDIVISION
AMENDING LOT C,
SOUTH HERRIMAN

LOCATED IN THE EAST HALF OF SECTION 7 AND
THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 4 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

In accordance with Section 10-9A-603 of the Utah Code, I, Nathan B. Weber, do hereby certify that I am a Professional Land Surveyor holding license number 5152762 in accordance with Title 58, Chapter 22 of the Professional Engineers and Professional Land Surveyors Licensing Act.

I further certify that on behalf of Diamond Land Surveying, LLC, I have completed a survey of the property described on the plat in accordance with Section 17-23-17 of Utah Code, and have verified all measurements, and have placed monuments as represented on the plat.

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest quarter of Section 8 and the East Half of Section 7, Township 4 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the northerly right-of-way line of Real Vista Drive, said point being South 0°28'03" West 446.19 feet along the section line and South 89°31'57" East 346.14 feet from West Quarter Corner of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian and running:

thence along said northerly right-of-way line the following seven(7) courses:

South 38°24'00" West 492.69 feet;
101.78 feet along the arc of a 1249.00 foot radius curve to the right through a central angle of 04°40'08" (Long Chord Bears South 40°44'04" West 101.75 feet);
South 43°04'08" West 131.83 feet;
North 51°59'37" West 8.55 feet; South 39°58'51" West 182.07 feet;
South 38°24'26" West 138.00 feet; South 75°51'28" West 59.20 feet to the existing northerly right-of-way line of Mountain View Corridor;
thence North 53°35'22" West 929.13 feet along said northerly right-of-way line of Mountain View Corridor;
thence North 38°28'30" East 69.66 feet;
thence North 38°24'00" East 642.62 feet;
thence South 51°36'00" East 10.00 feet;
thence North 38°24'00" East 392.76 feet to said southerly right-of-way line of Autumn Crest Boulevard a point of curvature;
thence along said southerly right-of-way the following two(2) courses: 31.42 feet along the arc of a 20.00 foot radius curve to the right through a central angle of 90°00'00" (Long Chord Bears North 83°24'00" East 28.28 feet);

South 51°36'00" East 962.94 feet to the point of beginning.

Parcel contains 1,083,622 sq. ft. 24.87 acres

OWNER'S DEDICATION

Know all men by these presents that the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat

POD 35 SUBDIVISION, AMENDING LOT C,
SOUTH HERRIMAN

and do hereby dedicate for perpetual use of the public all, street right-of-ways, lots and easements as shown on this plat as intended for Public use. Owners hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance and operation of the street.

RE Management LLC,
Managing Member of
Rosecrest Communities, LLC

Date

ACKNOWLEDGEMENT

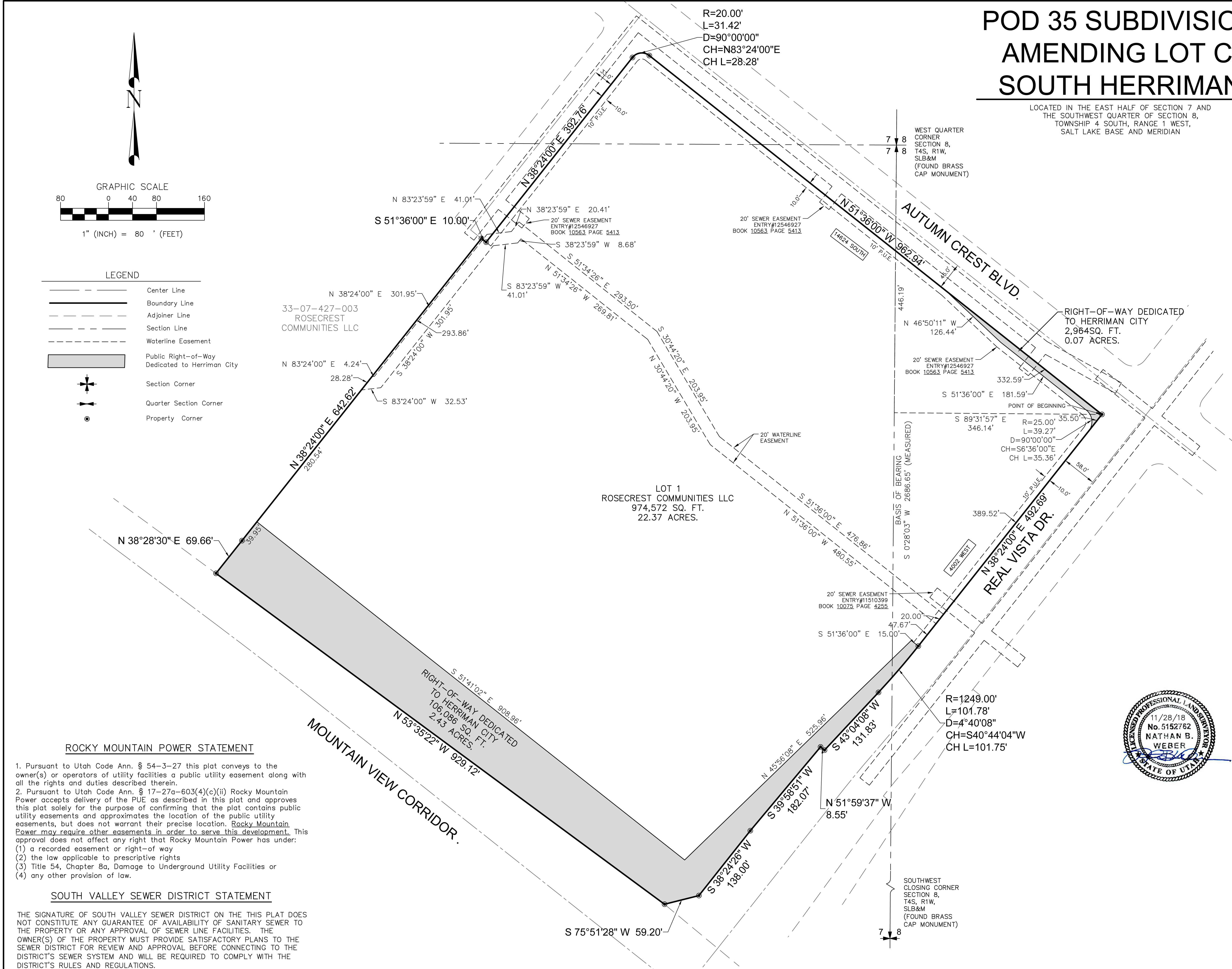
STATE OF UTAH)
COUNTY OF SALT LAKE) S.S.

On this the _____ day of _____, 2018, before me, _____, who duly acknowledged to me that (s)he is a _____ of RE Management LLC, Managing member of Rosecrest Communities LLC, a Utah limited liability company and is authorized to execute the foregoing Agreement in its behalf and that he or she executed it in such capacity.

NOTARY PUBLIC
RESIDING AT:

POD 35 SUBDIVISION, AMENDING
LOT C, SOUTH HERRIMAN

LOCATED IN THE EAST HALF OF SECTION 7 AND
SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN



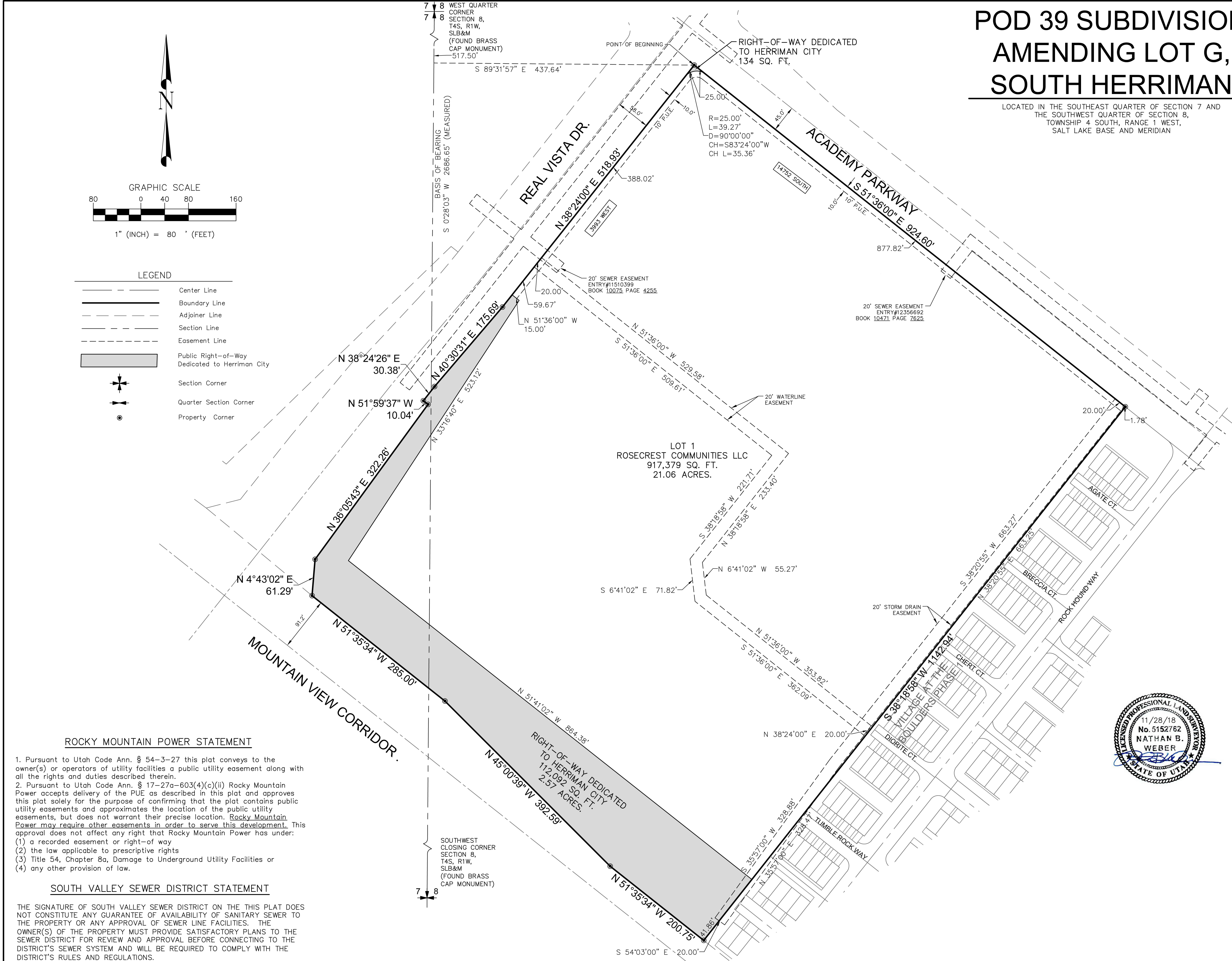
ROCKY MOUNTAIN POWER STATEMENT

- Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
- Pursuant to Utah Code Ann. § 17-27a-603(4)(c)(ii) Rocky Mountain Power accepts delivery of the PUE as described in this plat and approves this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
 - a recorded easement or right-of way
 - the law applicable to prescriptive rights
 - Title 54, Chapter 8a, Damage to Underground Utility Facilities or
 - any other provision of law.

SOUTH VALLEY SEWER DISTRICT STATEMENT

THE SIGNATURE OF SOUTH VALLEY SEWER DISTRICT ON THE THIS PLAT DOES NOT CONSTITUTE ANY GUARANTEE OF AVAILABILITY OF SANITARY SEWER TO THE PROPERTY OR ANY APPROVAL OF SEWER LINE FACILITIES. THE OWNER(S) OF THE PROPERTY MUST PROVIDE SATISFACTORY PLANS TO THE SEWER DISTRICT FOR REVIEW AND APPROVAL BEFORE CONNECTING TO THE DISTRICT'S SEWER SYSTEM AND WILL BE REQUIRED TO COMPLY WITH THE DISTRICT'S RULES AND REGULATIONS.

SALT LAKE VALLEY HEALTH DEPARTMENT	COMCAST	CENTURYLINK	ROCKY MOUNTAIN POWER	SOUTH VALLEY SEWER DISTRICT	DOMINION ENERGY	TABULATIONS	DIAMOND LAND SURVEYING, LLC 5243 South Green Pine Drive Murray, Utah 84123 diamond@hdsurvey.com Phone (801) 266-5099 Fax 266-5032
APPROVED THIS _____ DAY OF _____, 20____, BY HEALTH DEPARTMENT.	APPROVED THIS _____ DAY OF _____, 20____, BY COMCAST.	APPROVED THIS _____ DAY OF _____, 20____, BY CENTURYLINK.	APPROVED THIS _____ DAY OF _____, 20____, BY ROCKY MOUNTAIN POWER.	APPROVED THIS _____ DAY OF _____, 20____, BY SOUTH VALLEY SEWER DISTRICT.	APPROVED THIS _____ DAY OF _____, 20____, BY DOMINION ENERGY.	1. TOTAL PLAT ACREAGE 24.87 ACRES 2. TOTAL LOT ACREAGE 22.37 ACRES 3. TOTAL RIGHT-OF-WAY 2.50 ACRES 4. TOTAL OPEN SPACE 0.00 ACRES 5. AVERAGE LOT SIZE 974,572 SQ. FT. 6. NUMBER OF LOTS 1	
DIRECTOR, SALT LAKE VALLEY HEALTH DEPARTMENT	COMCAST	CENTURYLINK	ROCKY MOUNTAIN POWER	GENERAL MANAGER	DOMINION ENERGY	HERRIMAN CITY	SALT LAKE COUNTY RECORDER # STATE OF UTAH, COUNTY OF SALT LAKE RECORDED RECORDED AND FILED AT THE REQUEST OF: DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$ _____ SALT LAKE COUNTY RECORDER
CHECKED FOR ZONING	PLANNING COMMISSION	HERRIMAN CITY MUNICIPAL WATER	HERRIMAN CITY ENGINEER	APPROVAL AS TO FORM	HERRIMAN CITY	HERRIMAN CITY	
ZONE _____ AREA _____ WIDTH _____ NAME _____ DATE _____	APPROVED THIS _____ DAY OF _____, 20____, BY THE HERRIMAN PLANNING COMMISSION. CHAIRMAN, HERRIMAN PLANNING COMMISSION	APPROVED THIS _____ DAY OF _____, 20____, BY HERRIMAN CITY MUNICIPAL WATER. HERRIMAN CITY	I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ HERRIMAN CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 20____. HERRIMAN CITY ATTORNEY	APPROVED THIS _____ DAY OF _____, 20____, BY HERRIMAN CITY. ATTEST: _____ CITY RECORDER: _____ MAYOR: _____		



POD 39 SUBDIVISION AMENDING LOT G, SOUTH HERRIMAN

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7 AND
THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 4 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

In accordance with Section 10-9A-603 of the Utah Code, I, Nathan B. Weber, do hereby certify that I am a Professional Land Surveyor holding license number 5152762 in accordance with Title 58, Chapter 22 of the Professional Engineers and Professional Land Surveyors Licensing Act.

I further certify that on behalf of Diamond Land Surveying, LLC, I have completed a survey of the property described on the plat in accordance with Section 17-23-17 of Utah Code, and have verified all measurements, and have placed monuments as represented on the plat.

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest quarter of Section 8 and the East Half of Section 7, Township 4 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Academy Parkway, said point being South 0°28'03" West 517.50 feet along the section line and South 89°31'57" East 437.64 feet from West Quarter Corner of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian and running:

thence South 51°36'00" East 924.60 feet along said southerly right-of-way to the northerly line of Village at the Boulders Phase 1, Amending Part of Lot F, South Herriman as recorded in the Office of the Salt Lake County Recorder as Entry#12708747 in Book 2018 at Page 52;

thence South 38°18'58" West 1142.94 feet along said northerly line of Village at the Boulders Phase 1, Amending Part of Lot F, South Herriman to the existing North right-of-way line of Mountain View Corridor;

thence along said northerly right-of-way the following three (3) courses:

North 51°35'34" West 200.75 feet;

North 45°00'39" West 392.59 feet;

North 51°35'34" West 285.00 feet to the southerly right-of-way line of Real Vista Drive;

thence along said southerly right-of-way the following six(6) courses:

North 04°43'02" East 61.29 feet;

North 36°05'43" East 322.26 feet;

North 51°59'37" West 10.04 feet;

North 38°24'26" East 30.38 feet;

North 40°30'31" East 175.69 feet;

North 38°24'00" East 518.93 feet to the point of beginning.

Parcel contains 1,029,605 sq. ft. 23.63 acres.

OWNER'S DEDICATION

Know all men by these presents that the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat

POD 39 SUBDIVISION, AMENDING LOT G, SOUTH HERRIMAN

and do hereby dedicate for perpetual use of the public all, street right-of-ways, lots and easements as shown on this plat as intended for Public use. Owners hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance and operation of the street.

RE Management LLC.
Managing Member of
Rosecrest Communities, LLC

Date

ACKNOWLEDGEMENT


STATE OF UTAH)
COUNTY OF SALT LAKE) S.S.

On this the _____ day of _____, 2018, before me, _____, who duly acknowledged to me that (s)he is a _____ of RE Management LLC, Managing member of Rosecrest Communities LLC, a Utah limited liability company and is authorized to execute the foregoing Agreement in its behalf and that he or she executed it in such capacity.

NOTARY PUBLIC
RESIDING AT:

POD 39 SUBDIVISION, AMENDING LOT G, SOUTH HERRIMAN

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8 AND THE
SOUTHEAST QUARTER OF SECTION 7,
TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

SALT LAKE VALLEY HEALTH DEPARTMENT	COMCAST	CENTURYLINK	ROCKY MOUNTAIN POWER	SOUTH VALLEY SEWER DISTRICT	DOMINION ENERGY	TABULATIONS	DIAMOND LAND SURVEYING, LLC
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DIRECTOR, SALT LAKE VALLEY HEALTH DEPARTMENT	COMCAST	CENTURYLINK	ROCKY MOUNTAIN POWER	GENERAL MANAGER	DOMINION ENERGY		
CHECKED FOR ZONING	PLANNING COMMISSION	HERRIMAN CITY MUNICIPAL WATER	HERRIMAN CITY ENGINEER	APPROVAL AS TO FORM	HERRIMAN CITY		
ZONE _____ AREA _____ WIDTH _____ NAME _____ DATE _____	APPROVED THIS _____ DAY OF _____, 20____, BY THE HERRIMAN PLANNING COMMISSION. CHAIRMAN, HERRIMAN PLANNING COMMISSION	APPROVED THIS _____ DAY OF _____, 20____, BY HERRIMAN CITY MUNICIPAL WATER. HERRIMAN CITY	I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ HERRIMAN CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _____, 20____. HERRIMAN CITY ATTORNEY	APPROVED THIS _____ DAY OF _____, 20____, BY HERRIMAN CITY. ATTEST: _____ CITY RECORDER: _____ MAYOR: _____		
						SALT LAKE COUNTY RECORDER # STATE OF UTAH, COUNTY OF SALT LAKE RECORDED RECORDED AND FILED AT THE REQUEST OF: DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$ _____ SALT LAKE COUNTY RECORDER	



STAFF REPORT

DATE: January 2, 2019

TO: The Herriman City Council

FROM: Wendy Thomas, Director of Parks, Recreation and Events

SUBJECT: Recommendations and Reappointment of City Board and Committee Volunteers

BACKGROUND:

City Council updated the Boards and Commissions (Title 2) in May of 2018. Reappointments and recommendations for committee and board members are scheduled for the Herriman City Council Meeting on February 13, 2019. We will update Boards and Commissions on an annual basis.

DISCUSSION AND RECOMMENDATION:

Staff encourage City Council to look at residents in their districts that might want to volunteer their time to serve. We are currently looking for volunteers to fill roles on City Boards and Commissions and would like to have a balance in geographic, professional, neighborhood and community interests.

Formal recommendations for appointments for the following Boards and Committees will be brought before City Council on February 13, 2019:

- Community Arts Council
- Historical Society
- Herriman Trails Committee
- Veterans and Military Advisory Committee
- Community Garden Committee
- Healthy Herriman Committee

In the interim, staff request your recommendations for City Boards and Committees.

ATTACHMENTS:

Herriman City Code, Title 2

Title 2

BOARDS AND COMMISSIONS

Chapter 1

HISTORICAL SOCIETY

2-1-1: CREATED:

There is hereby created a commission known as the Herriman Historical Society. The Herriman Historical Society is created pursuant to the authority granted by Utah Code Annotated section 9-8-102 et seq. (Ord. 2018-21, 5-9-2018)

2-1-2: GENERAL PURPOSE:

The purposes of the Historical Society are to:

- A. Encourage the preservation of buildings and related structures of historical and architectural significance as part of the City's important cultural, educational and economic assets;
- B. Encourage proper development and utilization of land and areas adjacent to historical areas and buildings, and to encourage complementary, contemporary design and construction;
- C. Encourage the protection and enhance the attraction of the City's historic landmarks and buildings for visitors;
- D. Encourage and safeguard the heritage of the City by encouraging the protection of landmarks representing significant elements of its history;

- E. Promote the private and public use of landmarks in historical areas within the City;
- F. Increase public awareness of the value of historic, cultural and architectural preservation;
- G. Engage in the research and compilation of information necessary to safeguard and preserve a comprehensive history of the City for the ultimate goal of publication; and
- H. Recommend design standards pertaining to the protection of historic and architecturally significant buildings and structures. (Ord. 2018-21, 5-9-2018)

2-1-3: TERMS, COMPENSATION AND VACANCY:

The Historical Society shall consist of at least three (3) members, appointed by the City Council. Such members shall be appointed in a manner providing balance in geographic, professional, neighborhood and community interests representation. Members of the Historical Society may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Historical Society shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-1-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Historical Society present shall constitute a quorum for conducting business of the Historical Society and the action can be had upon the vote of the majority present.
- B. Organization: The Historical Society may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Historical Society shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-1-5: AUTHORITY AND RESPONSIBILITIES:

In addition to carrying out the general purposes set forth above, the Historical Society may:

- A. Conduct surveys of significant historical, architectural and cultural landmarks within the City;
- B. Develop and participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation;
- C. Make recommendations to the Planning Commission relating to historic, architectural and cultural preservation;
- D. Make recommendations to the City Council regarding historic, architectural and cultural preservation;
- E. Make recommendations to the City Council concerning utilization of State, Federal or private funds to promote the preservation of historic, architectural and cultural preservation; and
- F. Make recommendations to the City Council on policies and ordinances that may encourage preservation of buildings and related structures of historical and architectural significance. Notwithstanding anything to the contrary herein, the Historical Society shall not have authority to expend or commit to the expenditure of public funds without City Council approval. (Ord. 2018-21, 5-9-2018)

2-1-6: MEETINGS:

- A. Open Meetings: The Historical Society shall meet as it deems necessary, and such meetings shall be open to the public.

- B. Rules Of Procedure: The Historical Society shall adopt policies and procedures for the conduct of its meetings that it deems necessary for its proper functioning. (Ord. 2018-21, 5-9-2018)

2-1-7: STAFF SUPPORT:

The City shall provide the Historical Society with such administrative staff support and materials as it deems necessary to assist in carrying out its duties and functions. (Ord. 2018-21, 5-9-2018)

2-1-8: LIMITATIONS:

The Historical Society shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 2 COMMUNITY ARTS COUNCIL

2-2-1: PURPOSE:

The primary purpose for the Herriman Community Arts Council shall include, but not be limited to, the following:

- A. Promote and encourage public artistic programs;
- B. Further development of public awareness of and interest in fine and performing arts;
- C. Provide for the assurance of the artistic needs of the community;

- D. Provide for the means for the development of a Comprehensive Plan to encourage and strengthen artistic and cultural resources;
- E. Develop programs in the arts which shall seek to introduce the visual and performing arts to City residents who have previously not participated in such activities and encourage existing organizations to develop new ways to reach the community;
- F. Provide a forum of communication between representatives of the community and the City Council; and
- G. Act as an advisory body to the City in all matters pertaining to the arts and the cultural development of the City. (Ord. 2018-21, 5-9-2018)

2-2-2: CREATED:

There is hereby created a Council for the Arts known as the Herriman Community Arts Council. (Ord. 2018-21, 5-9-2018)

2-2-3: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Arts Council present shall constitute a quorum for conducting business of the Arts Council and the action can be had upon the vote of the majority present.
- B. Organization: The Arts Council may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Arts Council shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-2-4: TERMS, COMPENSATION AND VACANCY:

The Arts Council shall consist of at least three (3) members, appointed by the City Council. Members of the Arts Council may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Arts Council shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-2-5: CITY STAFF SUPPORT:

The City shall provide the Arts Council with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the Arts Council. (Ord. 2018-21, 5-9-2018)

2-2-6: MEETINGS:

The Arts Council meetings shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-2-7: LIMITATIONS:

The Arts Council shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

2-2-8: FUNDING:

Funding shall be determined by the City Council. (Ord. 2018-21, 5-9-2018)

Chapter 3

ECONOMIC DEVELOPMENT COMMITTEE

2-3-1: CREATION:

There is hereby created a committee known as the Economic Development Committee. (Ord. 2018-21, 5-9-2018)

2-3-2: DUTIES AND RESPONSIBILITIES:

The Economic Development Committee shall advise and recommend economic development strategies and policies to promote the development needs of the City in connection with its strategic economic development plan and as directed by the City and shall:

- A. Assist the City in the establishment, implementation, revision, and promotion of a strategic economic development plan for the City.
- B. Publicize and disseminate news and information regarding economic development activities within the City and conduct research with respect to these efforts.
- C. Hold publicized meetings in which economic development within the City is discussed.
- D. Assist with business attraction and development by identifying advantages of locating within the City, and by identifying those target businesses with the greatest potential for locating within the City.
- E. Conduct business retention activities to help expand and retain existing City businesses.
- F. Assist in making presentations to the Council and other agencies concerning economic development in the City.
- G. Represent Economic Development Committee to civic and governmental organizations whose purpose is to foster economic development.

- H. Recommend projects, legislation, policies, funding allocations, incentives and other measures, programs and activities for economic development in the City.
- I. Initiate, sponsor, and promote involvement, activities, and contributions by the private sector for the economic development in the City.
- J. Perform such other duties and functions as are consistent with this chapter and which are designed to promote economic development in the City. (Ord. 2018-21, 5-9-2018)

2-3-3: TERMS, COMPENSATION AND VACANCY:

The Economic Development Committee shall consist of at least three (3) members, appointed by the City Council. Such members shall be appointed in a manner providing balance in geographic, professional, neighborhood and community interests representation. Members of the Economic Development Committee may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Economic Development Committee shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-3-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Economic Development Committee shall constitute a quorum for conducting business for the Economic Development Committee and the action can be had upon the vote of the majority present.
- B. Organization: The Economic Development Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Economic Development Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-3-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-21, 5-9-2018)

2-3-6: MEETINGS:

The meetings of the Economic Development Committee shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-3-7: LIMITATIONS:

The Economic Development Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 4

BE READY HERRIMAN COMMITTEE

2-4-1: CREATION:

There is hereby created a committee known as the Be Ready Herriman Committee. (Ord. 2018-21, 5-9-2018)

2-4-2: DUTIES AND RESPONSIBILITIES:

The Be Ready Herriman Committee shall:

- A. Promote resident and volunteer emergency preparedness;
- B. Identify emergency preparedness training and organizational needs of emergency volunteers;
- C. Increase awareness of and facilitate enrollment in existing emergency preparedness training opportunities including those offered by local emergency service partners, citizen corps (e.g., Community Emergency Response Team (CERT)), or Federal Emergency Management Agency (FEMA);
- D. Recommend emergency response policy and procedure pertaining to City emergency volunteers;
- E. Maintain the organization and coordination necessary for emergency volunteer activation as directed by City or public safety officials;
- F. Provide volunteer support to integrate school, business or church emergency response plans with existing City, State and County emergency management objectives. (Ord. 2018-21, 5-9-2018)

2-4-3: TERMS, COMPENSATION AND VACANCY:

The Be Ready Herriman Committee shall consist of at least three (3) members, appointed by the City Council. The committee shall be limited to City residents or qualified individuals who have demonstrated an interest in emergency preparedness. Members of the Be Ready Herriman Committee may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Be Ready Herriman Committee shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-4-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Be Ready Herriman Committee shall constitute a quorum for conducting business of the Be Ready Herriman Committee and the action can be had upon the vote of the majority present.
- B. Organization: The Be Ready Herriman Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Be Ready Herriman Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-4-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-21, 5-9-2018)

2-4-6: MEETINGS:

The meetings of the Be Ready Herriman Committee shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-4-7: LIMITATIONS:

The Be Ready Herriman Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 5

HEALTHY HERRIMAN COMMITTEE

2-5-1: CREATION:

There is hereby created a committee known as the Healthy Herriman Committee. (Ord. 2018-21, 5-9-2018)

2-5-2: DUTIES AND RESPONSIBILITIES:

The Healthy Herriman Committee functions to enhance and foster the health and safety of Herriman City residents. The Healthy Herriman Committee shall:

- A. Increase public awareness of the value of healthy lifestyles;
- B. Encourage resident safety through safety related initiatives;
- C. Organize, promote and facilitate health and safety related events;
- D. Recommend strategies, policies, activities, and environmental supports to promote the health and safety of residents;
- E. Identify and promote health and safety resources available to residents;
- F. Engage in the research and evaluation of information necessary to enhance amenities and events to promote healthy lifestyles in Herriman. (Ord. 2018-21, 5-9-2018)

2-5-3: TERMS, COMPENSATION AND VACANCY:

The Healthy Herriman Committee shall consist of at least three (3) members, appointed by the City Council. Such members shall be appointed in a manner providing balance in geographic, professional, neighborhood and community interests representation. Members of the Healthy Herriman Committee may serve a maximum of three (3) consecutive terms of

three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Healthy Herriman Committee shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-5-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Healthy Herriman Committee shall constitute a quorum for conducting business of the Healthy Herriman Committee and the action can be had upon the vote of the majority present.
- B. Organization: The Healthy Herriman Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Healthy Herriman Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-5-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-21, 5-9-2018)

2-5-6: MEETINGS:

The meetings of the Healthy Herriman Committee shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-5-7: LIMITATIONS:

The Healthy Herriman Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 6

COMMUNITY GARDEN COMMITTEE

2-6-1: CREATION:

There is hereby created a committee known as the Herriman Community Garden Committee.
(Ord. 2018-21, 5-9-2018)

2-6-2: DUTIES AND RESPONSIBILITIES:

The Herriman Community Garden Committee shall:

- A. Encourage public awareness of community gardening and assist interested residents in the cultivation of a garden plot;
- B. Provide necessary organization to recruit members, establish garden plots, maintain member garden plot records, schedule watering rotations, ensure community garden plot maintenance and weeding, complete harvesting and other tasks as necessary;
- C. Increase public awareness of the value of developing gardening skills;
- D. Support community gardeners with information as necessary to maintain healthy and productive gardens;
- E. Recognize the gardening and farming heritage of the City. (Ord. 2018-21, 5-9-2018)

2-6-3: TERMS, COMPENSATION AND VACANCY:

The Herriman Community Garden Committee shall consist of at least three (3) members, appointed by the City Council. The committee shall be limited to City residents or qualified

individuals who have demonstrated an interest in community gardening. Members of the Herriman Community Garden Committee may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Herriman Community Garden Committee shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-6-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Herriman Community Garden Committee shall constitute a quorum for conducting business of the Herriman Community Garden Committee and the action can be had upon the vote of the majority present.
- B. Organization: The Herriman Community Garden Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Herriman Community Garden Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-6-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-21, 5-9-2018)

2-6-6: MEETINGS:

The meetings of the Community Garden Committee shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-6-7: LIMITATIONS:

The Community Garden Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 7

HERRIMAN TRAILS COMMITTEE

2-7-1: CREATION:

There is hereby created a Herriman Trails Committee. (Ord. 2018-21, 5-9-2018)

2-7-2: DUTIES AND RESPONSIBILITIES:

The Herriman Trails Committee shall act in an advisory and voluntary capacity in the development of trails and recreation opportunities for City residents, including but not limited to the following:

- A. Recommend to the City Council and the Planning Commission a Trails Master Plan;
- B. Review and recommend appropriate changes and updates to the Trails Master Plan to the City Council and Planning Commission;
- C. Recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of parks, trails and recreation opportunities within the City;
- D. Carry out projects, programs, or activities as directed by the City Council;
- E. Initiate, sponsor, and promote involvement, activities and contributions by the private sector for the development of parks, trails and recreation in the City; and

- F. Initiate, sponsor, and promote involvement and activities for the public for the development and use of parks, trails and recreation in the City. (Ord. 2018-21, 5-9-2018)

2-7-3: TERMS, COMPENSATION AND VACANCY:

The Herriman Trails Committee shall be comprised of at least three (3) members, appointed by the City Council. Such members shall be appointed in a manner providing balance in geographic, professional, neighborhood and community interests representation. Members of the Herriman Trails Committee may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Herriman Trails Committee shall serve without compensation. (Ord. 2018-21, 5-9-2018)

2-7-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Herriman Trails Committee present shall constitute a quorum for conducting business of the Herriman Trails Committee and the action can be had upon the vote of the majority present.
- B. Organization: The Herriman Trails Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Herriman Trails Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-21, 5-9-2018)

2-7-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-21, 5-9-2018)

2-7-6: MEETINGS:

The meetings of the Herriman Trails Committee shall be open to the public. (Ord. 2018-21, 5-9-2018)

2-7-7: LIMITATIONS:

The Herriman Trails Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-21, 5-9-2018)

Chapter 8

VETERANS AND MILITARY ADVISORY COMMITTEE

2-8-1: CREATION:

There is hereby created a committee known as the Herriman Veterans and Military Advisory Committee. (Ord. 2018-32, 10-10-2018)

2-8-2: DUTIES AND RESPONSIBILITIES:

The Herriman Veterans and Military Advisory Committee shall:

- A. Make recommendations to the City Council with respect to veterans and military service member related issues, ceremonies and other activities that occur within Herriman City;
- B. Provide a forum for discussion of issues relating to veterans and military families;
- C. Act as a conduit of communication and coordination between the local veteran and military community;
- D. Aid the City in the planning, development and implementation of veteran and military community related special activities and programs in the City. (Ord. 2018-32, 10-10-2018)

2-8-3: TERMS, COMPENSATION AND VACANCY:

The Veterans and Military Advisory Committee shall be comprised of at least three (3) members, appointed by the City Council. Such members shall be appointed in a manner providing balance in geographic, professional, neighborhood and community interests' representation. Members of the Veterans and Military Advisory Committee may serve a maximum of three (3) consecutive terms of three (3) years each. Notwithstanding, the terms of the first members shall be staggered so that all member's terms do not expire in the same year. Vacancies may be filled by the City Council, to any unexpired term or for the full term as the case may be. Members of the Veterans and Military Advisory Committee shall serve without compensation. (Ord. 2018-32, 10-10-2018)

2-8-4: ORGANIZATION, QUORUM AND COMMITTEES:

- A. Quorum: More than fifty percent (50%) of the Veterans and Military Advisory Committee present shall constitute a quorum for conducting business of the Veterans and Military Advisory Committee and the action can be had upon the vote of the majority present.

B. Organization: The Veterans and Military Advisory Committee may elect a Chair, organize committees, and adopt administrative rules, bylaws and procedures necessary to accomplish its purpose. The Veterans and Military Advisory Committee shall submit such rules, bylaws and procedures to the City Council for approval. (Ord. 2018-32, 10-10-2018)

2-8-5: CITY STAFF SUPPORT:

The City shall provide the committee with such administrative support staff and materials as it deems necessary to assist in carrying out the duties and responsibilities of the committee. (Ord. 2018-32, 10-10-2018)

2-8-6: MEETINGS:

The meetings of the Veterans and Military Advisory Committee shall be open to the public. (Ord. 2018-32, 10-10-2018)

2-8-7: LIMITATIONS:

The Veterans and Military Advisory Committee shall not have authority to bind the City or impose any condition on the City or its citizens and is not vested with authority to make decisions regarding the public's business. (Ord. 2018-32, 10-10-2018)



DATE: January 3, 2019

TO: The Honorable Mayor and City Council

FROM: Jackie Nostrom, City Recorder

SUBJECT: City Council Voting District Boundary Adjustment

RECOMMENDATION:

Direction to move forward to adjust City Council voting districts to include recently annexed property.

BACKGROUND:

The area known as the Kennecott Annexation has not been assigned to a Council district. Staff proposes to assign the area to Council District #1. This designation will have no impact to the District populations.

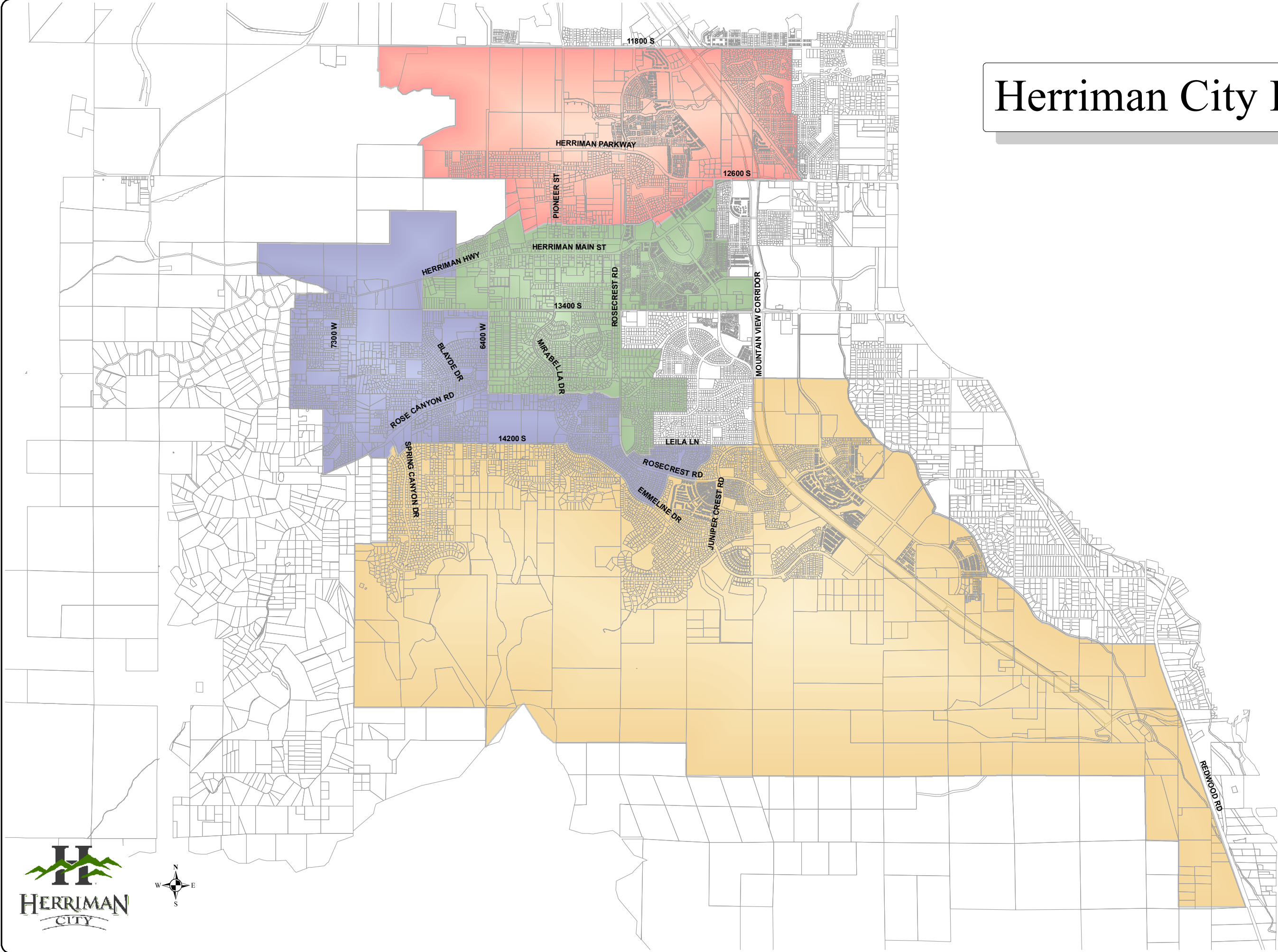
FISCAL IMPACT:

None.

Jackie Nostrom
City Recorder

City Council Meeting
January 9, 2019

Herriman City Districts





SPECIAL CITY COUNCIL MINUTES

Friday, November 9, 2018
Awaiting Formal Approval

The following are the minutes of the Special Herriman City Council/Staff Work Meeting. The meeting was held on **Friday, November 9, 2018 at 8:00 a.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: Jared Henderson, Nicole Martin, Sherrie Ohrn, Clint Smith

Staff Present: City Manager Brett Wood, Director of Administration and Communications Tami Moody, Police Chief Troy Carr, Communications Specialist Mitch Davis, Parks and Recreation Director Wendy Thomas, City Planner Michael Maloy, Finance Director Alan Rae, City Engineer Blake Thomas, Public Works Director Justun Edwards, Engineer Blake Thomas, City Recorder Jackie Nostrom, and City Attorney John Brems.

8:00 AM - SPECIAL MEETING:

1. Council Business

Mayor Watts called the meeting to order at 8:04 a.m.

- 1.1. The Herriman City Council may temporarily recess the Special 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 closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 at 8:31 p.m. 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.

2. Discussion and Action Items

2.1. Discussion and Council Direction to Staff to purchase 55.454 acres of real Property Located at or near 12120 South 5100 West, Herriman with the intent to Develop Commercial Property – Brett Wood, City Manager

City Manager Brett Wood informed the Council of a 55 acre project and turned the time over to City Attorney John Brems to review the specifics of the property purchase. Attorney Brems indicated the purchase would consist of purchasing approximately 55 acres for \$15 Million that would be acquired using part cash and a partial note. The note would be a \$4 million nonrecourse note. The closing of the property would be done with two separate closings. He asked if there were any questions.

City Manager Wood added this transaction would help grow retail businesses in the City and would provide for job creation and a sales tax base. The project would also eliminate 438 housing units. He further explained the property would be rezoned during the December Council meeting to be used commercially. Councilmember Henderson indicated the Council has the opportunity to preserve commercial land, which has been a priority for the Council. Mayor Watts mentioned the important factor to remove the high-density housing in the area, which would follow the desire of the community. The Council agreed. Councilmember Smith suggested this area would be a prime location for commercial development and thanked City Management for their dedication to allow the City to be in the position to take advantage of opportunities like the one presented. Councilmember Ohrn asked if the City received any resident feedback due to having a special meeting. City Recorder Jackie Nostrom responded in the negative.

Councilmember Henderson moved to approve Item 2.1 providing direction to staff to purchase 55.454 acres of real property located at or near 12120 South 5100 West, Herriman with the intent to develop commercial property. The purchase would be paid partially by cash and a nonrecourse note. Councilmember Smith seconded the motion.

The vote was recorded as follows:

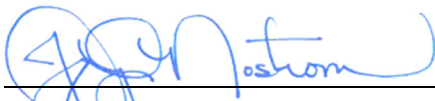
<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion passed unanimously.

3. Adjournment

Councilmember Smith moved to adjourn the Special City Council meeting at 8:53 a.m. Councilmember Henderson seconded the motion, and all voted aye.

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 9, 2018. This document constitutes the official minutes for the Special Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



Special City Council/Staff Work Session Meeting Minutes

Friday, November 9, 2018
Awaiting Formal Approval

The following are the minutes of the Special Herriman City Council/Staff Work Meeting. The meeting was held on **Friday, November 9, 2018 at 9:00 a.m.** in the Herriman City Hall Fort Herriman Conference Room, 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: Director of Administration and Communications Tami Moody and Police Chief Troy Carr

Councilmembers Present: Jared Henderson, Nicole Martin, Sherrie Ohrn, Clint Smith, David Watts

Staff Present: City Manager Brett Wood, Director of Administration and Communications Tami Moody, Police Chief Troy Carr, Communications Specialist Destiny Skinner, Parks and Recreation Director Wendy Thomas, City Planner Michael Maloy, Finance Director Alan Rae, City Engineer Blake Thomas, Operations Director Monte Johnson, Public Works Director Justun Edwards, Assistant Engineer Jonathan Bowers, City Recorder Jackie Nostrom

9:00 AM - SPECIAL WORK SESSION:

1. Administrative Reports

The meeting was called to order at 9:05 a.m.

Director of Administrations and Communications Tami Moody reviewed the various administrative reports. The prepared reports assist in planning for the future of Herriman City. She discussed the level of service delivered and the long-term financial stability needed to sustain City growth. More specifically, one key component of the City consisted of a sense of community and identity. The City valued understanding why citizens wanted to move to Herriman and utilize these as focal points. One important aspect included Crane Park. She emphasized the enjoyment of the park's usage, and offered an example a group of mothers that meet for yoga class. Police Chief Troy Carr mentioned the necessity of notes to track items in future meetings and to maintain ideas.

1.1. General Plan

City Planner Michael Maloy discussed various concerns, values and desires with the General Plan. The City is anxious to listen to any discourse. He asked the group specifics about their travel goals. He announced that the City selected CRSA to help with the General Plan who helped Eagle Mountain win an award for its outstanding General Plan. They are familiar with listening to a community dealing with rapid growth and wanting more commercial development. He distributed the community engagement schedule for the project. The bid for the company was within the budgeted amount and asked for additional community outreach, potentially increasing the amount. The final contract was still under negotiations. He asked if there were any specific concerns with the timeline or general structure of the project. He expressed his anxiousness about where future meetings would occur and who would be in attendance. He indicated the public would be welcomed; however, would want to hear from stakeholders in the community. Councilmember Martin mentioned that outside entities such as Utah Department of Transportation (UDOT), Wasatch Front and Utah Transit Authority (UTA) would provide expert infrastructure and keys for success. City Planner Michael Maloy asked about the local stakeholders. Councilmember Smith mentioned that the process needed to be engaging and transparent for the community. Facilitation could be difficult as the community may not always understand how to engage well in various City processes. It would be a priority to make it easy and accessible for the residents.

Councilmember Martin opined on maintaining a global outlook, especially with the chaos of the Olympia Hills development. She explained that the legislature already drafted a land-use bill and the county has been out of touch with residents, especially on the Olympia Hills project. As a result, focusing on the stakeholders will demonstrate that ultimately the cities are the correct entity to plan land-use. It seemed that everyone viewed the project skeptically. Currently, Herriman City has been considered the “poster child” for both good and bad growth. Utilizing media outreach would help others support the process. Information seemed to trickle upward but the General Plan should be previewed from a state level. The City would value feedback from the state. Councilmember Smith appreciated all of the comments offered. The opportunity to implement strategy from neighboring communities would be vital. Councilmember Martin agreed in maintaining open and transparent planning processes.

Director Moody offered thoughts on keeping the neighborhoods varied with town homes and single-family homes. Councilmember Martin mentioned forming a packet of the City’s thoughts and ideas to send to the legislature. City Planner Michael Maloy confirmed he would work on making the right connections to help. It was discussed having Community Facilitators host meetings in each of their respective areas in the City. At the meetings, the City could ensure that the citizens’ opinions with planned development are valued. The City can put together a thought-out plan worthy of defending; which would be a great tool for utilization. The plan could include ideas on bettering the City, discussing values, and other important aspects. Visual tools would help communicate important ideas to the community as well. Examples of successful City endeavors were discussed, such as building City Hall. The area surround City Hall has been considered an attractive gathering place for the community.

Due to the City’s location nestled among foothills, maintaining street trees would also be an important aspect to consider with developments. Councilmember Martin mentioned that there are areas lacking in trees along 13400 South and that the standard for foliage needed to increase. City Planner Michael Maloy agreed and opined that more

gathering places and parks would also be beneficial. He mentioned that the City would need to review development agreements in order to add these types of amendments. The City and developers would need to work together in good faith to help beautify the City. This would also encourage healthy partnerships. Councilmember Martin voiced her support, expressing that the quality of life changes when these types of standards are increased. City Planner Michael Maloy added that there are frustrations among citizens when the standards are lower than expected. With as much density as Olympia Hills specifically could accrue, the benefits needed to match equally. Councilmember Martin proposed that the City take a pause and look over the future plans again with a fresh outlook. Much could be accomplished with all of the hard work in the City.

The Council discussed the Bonneville Research Study that was scheduled to be presented the following week. The proposal had been held off until after the Horrock's proposal was given. Councilmember Ohrn indicated that this study had not been commissioned to be based off of the Horrock's proposal and requested the Bonneville Study stand on their own merit. City Engineer Blake Thomas expressed his desire to understand the traffic solution. With the Kennecott Annexation the City was asked to commit to a robust planning program and work with the area on a specific vision. This type of information would be included in the annexation declaration portion of the General Plan. Councilmember Henderson voiced his concern that the County was asserting too much control. Councilmember Martin responded that for this reason, the City needed to push the General Plan upward and outward for the County to understand. Another top priority would be to keep up with the public voice. Councilmember Ohrn agreed. City Planner Michael Maloy discussed key locations, expectations, and relationships between property owners. Maintaining proper boundaries would play a key role with the developments. Many agricultural areas included specific zoning laws. Councilmember Henderson added that when those areas are looking to develop, the property owners would come to the City to request a zoning change. Mayor David Watts asked for the density ranges to be reviewed.

Councilmember Henderson expressed his frustration with various “pocket zoned” areas in the interior of the City. The Planning Commission had expressed the need to tighten up these areas rather than holding to density bonuses. The Council agreed with the viewpoint. City Planner Michael Maloy mentioned that the areas are likely unencumbered and could be developed or subdivided. Councilmember Martin discussed catching a cross between urban and recreational. Rather than simply assuring that areas have a set zone, the City should assess various City needs and desires before placing the zone. Developers would need to embrace whichever standards are placed with each area. City Planner Michael Maloy voiced his desire to catch the Herriman vision and reassess areas not currently under Master Development Agreements.

1.2. Parks, Trails, and Open Space

The City recently conducted a visual preference survey for the Herriman parks, recreational trails and other open space areas included in the Master Plan. A steering committee meeting commissioned in September 2018 as one of the focus groups created in the City. Other groups included the Arts Council, Community Facilitators, several sports groups and an equestrian group. Parks, Recreation and Events Director Wendy Thomas reviewed comments offered from the community input meetings held throughout the City. Councilmember Henderson discussed using grants for installing some of the discussed amenities. Director Thomas touched on the recreational survey and how the responses fit with the Master Plan process and schedule. Councilmember Henderson discussed verifying that all the necessary areas are in place for the potential developments.

The group discussed a potential trails system consisting of both current and proposed trails. The plan would also show the dead end trails. A top priority in the plan would be to provide better signage on the trails to guide hikers. Including specific trail names would also inform people as to where they are located. The proposed trail for Wide Hollow would be reviewed next week. In the meantime, the department has been working on other trail funding from the County in order to finish the section for the Bonneville Trail. Director Thomas asked if there were any other questions before the discussion continued. There were none.

The discussion continued with park impact fees, specifically regarding Zion's Bank's study that had been conducted to determine if the current impact fee was accurate. The Council discussed a potential dog park by a detention basin near the Riverton Border. The area included ample parking adjacent to the park. Director Thomas confirmed that the City requested County funds for this type of project. She mentioned that the area would be far removed and Councilmember Smith agreed that the City has a need for a dog park. Many people are in the community with dogs. Herriman City should not wait for a neighboring community to provide this amenity for Herriman residents. These areas are typically heavily used in other cities. Councilmember Ohrn agreed. Director Thomas mentioned that there would be enough space to function as a social community activity for pet owners. Councilmember Martin added that the project could be completed with minimal expense and that it would add diversity to the City.

Director Thomas continued the conversation with the Midas Creek connection as the City has planned to move forward and look for County grant funding to help supplement the construction. The City would be required to match the grant funding. City Planner Maloy mentioned that a tunnel already existed at the location. Director Thomas discussed the construction of an equestrian pass. The City would like for citizens to come and use this trail with their horses. The Welby Jacobs canal trail could connect with the Midas Creek Trail. The Teton Ranch and Jackson Village Park community facilitator passionately spoke previously about this area. The impact fees would not fund the proposed park. The City would need to make the hard decision on what to fund in the area. There would be a chance to install an all-abilities park within this specific project. Councilmember Henderson added that the area could include a mixture of amenities if the space is large enough. It could help create an intergenerational focus. Councilmember Smith added that most parks are heavily used within the community.

With respect to the Suburban Land Reserve area, the City considered both a public and a private partnership. They still needed time to finalize the right approach as private stakeholders do hold powerful influence in the decision. The City would put this piece on hold until the Master Plan for the parks is completed. Another area in question would be a three-acre parcel south of Herriman Boulevard consisting of open green space. The Council discussed various uses. They further entertained creating an Ivory Farm's Park paid for by the developer. Any additional amenities would incur a cost to the City. The park would consist of five-acres with great accessibility. There would be about 50 parking spaces with access from a wide road.

The Juniper Canyon Recreation Area includes an agreement with J Brown Design for a preliminary site design. This would be a tremendous opportunity for a recreational amenity. The beautiful canyon area is 5.5 acres. The Council discussed meeting spaces, biking parks, zip lines, and other aspects to entice people to the City. The commercial aspect should not be the only draw for people to come to Herriman. These types of amenities and services would

also help attract an influx. Due to the amount of residential areas near the trail, it would be a non-motorized trail; however, near the Rosecrest detention basin, slides and staircases could be added by the dam.

Director Thomas mentioned that the County would play an integral role while the City looked at location options. The County and State may determine the location. UTV community activist Brett Stewart recently proposed a section of Butterfield Canyon as an ideal location. The east area is private property but as it is acquired the City could consider incorporating trails there. There could be conflicting opinions regarding dust, safety and noise. Councilmember Henderson posed that the area would not need to fit next to residential. The Council agreed. At this point, the area would not be easily accessible. Director Thomas added that there would be large impact in using the area and to keep that in mind for future discussions. Councilmember Ohrn mentioned the need to diversify the various uses and plan accordingly.

1.3. Capital Project Priorities

City Engineer Blake Thomas began the discussion with the various general fund projects underway. These projects include, but are not limited to: Porter Rockwell medians, Berwick Court landscape, a traffic signal on 13400 South and 5000 West, Patriot Ridge striping, Rocky Point and Rosecrest projects, Juniper Crest landscape, Main Street Corridor, school walk routes, minor park strips, Shoshone pond landscape, 7300 West pond landscape, Artistry Lane Park, and a pavement assessment study.

For the Rocky Point and Rosecrest intersections, a study was being conducted to see what options would be available. The department looked at the intersection to see if a signal was a viable option. Regarding the Juniper Crest landscape, the City planned to build in an extra right-of-way. The estimated square footage needed was accessible. Phasing options may be included as well to allow alternative transportation options to be incorporated.

For the Main Street Corridor, he discussed using a transit line to create a gap with areas of landscaping. This would be previewed on the Master Plan. It would include low-impact landscaping or sod. With regards to improving the school walk routes, the boundaries may be changed to create proper routes and signage. He didn't have all of the information on the extent of these changes. However, this specific project needed to be addressed fairly quickly and be included as a partial budget amendment. Chief Troy Carr mentioned that there would be quick turnaround for the City and Police. City Engineer Blake Thomas also added that current inventory would minimize the budget impact. As a new elementary school would be opened, there would also be an increased need for crossing guards on these routes.

The City needed several minor landscape strip improvements. The Council asked for a detailed account of each of the areas needing improvement. They discussed implementing a "Herriman Betterment Fund" in order to help complete these projects. Mayor David Watts requested more information about the fees. With respect to the Shoshone Pond located west of Butterfield Park, the area was not landscaped.

Councilmember Nicole Martin was excused at 1:40 p.m.

Director Moody provided a brief overview of the Projects Map on the Herriman City website. She stated that the map was not yet finished but was live on the website. Her team planed to add a business licensing layer and provide known information from Utah Department of Transportation (UDOT) on each project

1.4. Transportation

The Council reviewed the Herriman City Transportation System, including the major arterial, minor arterial, major collector, minor collector, realignment and future transit. The City would work on an active transportation study. Fourth quarter funding will partially go towards funding for Main Street and 7300 West. Additional funds would come from Wasatch Front. The northwest quadrant of the City was further discussed. Councilmember Henderson observed the issue of density and the need to look for solutions. The Council hoped to plan ahead far enough to preserve a full-width corridor. They discussed funding sources for other projects, including job centers, Herriman Boulevard, and Main Street.

1.5. Storm Water Fee

City Engineer Blake Thomas discussed user fee funding options. There was 110 miles of storm drain in the City, 2,633 catch basins and 421 storm drain man holes. In order to maintain proper sanitation, several of the areas need to be cleaned daily by public works. After a thorough review, the department determined that the equipment and manpower cost would need to be configured into the fee in order for the program to run properly. He offered a few comparisons of neighboring cities. Annually, South Jordan spends \$2.24 million, Draper \$3.1 million, Lehi \$1 million, and Eagle Mountain \$511k. This information was gathered right after the audit. Cottonwood Heights was also working on implementing a user fee. The fee will be higher in cities with a higher ERU, such as South Jordan. The range will be between \$5 and \$8 monthly per household. The department was still digging deeper to find alternative sources of funding as well. Certain buildings may be eligible to cut down on spending amount but aside from that, there will be no waive options for the fee. After reviewing other cities and calculating Herriman's potential costs, he found that Herriman will spend roughly \$400k annually for storm drain upkeep. It would be a priority for the City to have the program up and running quickly. A meeting would be set up soon and an advisory board will be set up for the program in order to make sure all needs are met and to help incorporate public input.

Councilmember Ohrn mentioned that 50-percent of water supply comes from wells or springs. With forward thinking, the City should look to harvest water. City Engineer Blake Thomas reviewed the requirements for water, with include low-impact development on the water site. Councilmember Ohrn added that there must be a way to capture the excess water that is harvestable. City Engineer Blake Thomas responded that roofs may include a French drain to help with that.

1.6. Public Safety Impact Fees

Chief Troy Carr discussed future configuration for the public safety impact fees. He mentioned that the added funding would allow for new growth. He briefly touched on a few trailers and storage areas with no evidentiary value. These can allow for the City to enter into a working agreement to help with funds as well.

1.7. Legislative

Mayor David Watts mentioned a presentation given to the Southwest Mayors group. As seen, there was an ample amount of available land. The group of mayors met to educate themselves on the issues surrounding growth in the form of density. Affordability, density and availability are not the same thing. He discussed a legislative breakfast he attended where a map was previewed showing comparisons of populated areas. The main current growth was

coming from the Southwest portion of the valley. As it stands, 42-percent of housing buildings is for multi-family needs. Director Moody mentioned that including topography would be helpful to gain better understanding of the different buildable areas.

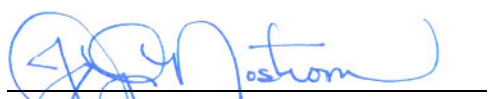
Councilmember Henderson discussed developer-driven legislature that contributed to the housing crises. The Utah League of Cities and Townes (ULCT) commissioned a study tailored to this issue and to help cities properly react. Councilmember Ohrn also discussed different issues from the convention. The City needed to help soften up the body of legislature to new ideas. It would be imperative to draw a line and make them aware. Mayor David Watts spoke to the executive director of the league about the arguments against the City. He highlighted what the legislature would be hit with. Councilmember Henderson mentioned that with the current density, the City still has catching up work to finish.

Subsequent discussion turned towards road infrastructure. The Council agreed that the transit map should include a purview of all stops. Director Moody discussed the helpful feedback from the meeting and Councilmember Smith voiced his support of the format followed. The Council discussed the important areas to focus on research. The City was required to make hard decisions in order to enhance the community. In order to work in the right direction, it was vital to set priorities. She recognized the need to highlight the more important future endeavors. She voiced her support of the current City schedule and the focus on community identity. As the City continued meeting with the public, this would also encourage a health community environment. She mentioned the benefits of working forward, ahead of the legislature. Councilmember Henderson reiterated his request to look for a specific direction. City Planner Maloy assured him that timely issues would be top priority.

2. Adjournment

Councilmember Ohrn moved to adjourn the meeting at 3:37p.m. Councilmember Smith seconded the motion, and all voted aye.

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on November 9, 2018. This document constitutes the official minutes for the Herriman City Council/Staff Work Meeting.



Jackie Nostrom, MMC
City Recorder



CITY COUNCIL MINUTES

Wednesday, November 14, 2018

Awaiting Formal Approval

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, November 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 Pro Tempore Nicole Martin

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

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, Parks and Recreation Director Wendy Thomas, Operations Director Monte Johnson, Police Chief Troy Carr, City Planner Michael Maloy, Chief Building Official Cathryn Nelson, Communications Specialist Destiny Skinner, City Attorney John Brems, Economic Development Manager Heather Upshaw, Assistant City Planner Bryn McCarty, Events and Recreation Manager Kevin Schmidt, Assistant City Engineer Jonathan Bowers, Public Works Director Justin Edwards

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 Pro Tempore Nicole Martin called the meeting to order at 5:15 p.m. and indicated Mayor Watts would not be in attendance. She asked whether the Council had any questions about the agenda.

2.1. Review of this Evening's Agenda

It was noted that Parks and Recreation Director Wendy Thomas's flight had been delayed. As a result, she would have to report later. Therefore, Item 3.5 be moved to a later part of the meeting.

2.2. Future Agenda Items

There was no discussion.

3. Administrative Reports

3.1. Follow-Up Discussion regarding the Fencing Ordinance Amendments – Michael Maloy, City Planner

City Planner Michael Maloy stated that the Fencing Ordinance Amendments were currently in the hands of the Planning Commission. He added that there had been some interest in the Council to discontinue the conversation. He explained the item had already been discussed once, and that the Council had provided directions to propose an amendment of City Code 10-29-4, entitled “Fencing Materials,” that would allow wood fencing in agricultural zones. City Planner Maloy added having done some research on the topic he explained that when introducing wood fencing in agricultural zones, fencing would only be allowed for corrals and properties having large animals, not any other type of residential use. City Planner Maloy added that when researching best practices for fencing, he had come across different fence providers and had noticed that there were materials recommended in lieu of wood fencing. He explained that when used at all, wood was often used in posts. City Planner Maloy pointed to pipes with posts, and wire fencing. He explained that in the best practices of agricultural fencing, there seemed to be a predominance of non-wood fencing. Councilmember Ohrn, he added, also had a personal experience on the matter. He continued by stating that other Councilmembers might have personal experiences they wished to discuss as well. He explained that the material used for fencing would create certain concerns in terms of maintenance as well as animal well-being: the fencing material should provide a safe and secure space for animals as well as minimize injury risks. He added that one of the recommendations he had heard was for industrial strength vinyl.

City Planner Maloy reviewed the current draft of the amended ordinance. He explained that the draft might require more specificity. He mentioned that the questions about best practices regarding fencing used for large animals in agricultural zones needed to be answered. Another option, he continued, would be to let property owners use their best judgement, or to give them a set of options from which to choose. City Planner Maloy mentioned the Council should decide what types of materials could be used for what purpose.

Councilmember Henderson stated he was in favor of specificity. He explained he believed the past discussion on the topic had been largely trying to address specificity. Mayor Pro Tempore Martin stated she disagreed with adding specificity to the amendment. She explained that many different types of fencing materials were used successfully. She added the concept of liberty was important, and that the Council ought to avoid restraining people too much. She added that anyone who had an animal had made a significant investment in said animal: cows and horses were not cheap animals to acquire. As a result, she continued, it was incumbent on the animals’ owner to make sure the animals were fenced in properly to avoid injuries. She added there was a huge variety of fencing material because Herriman did not presently allow for wood fencing.

City Manager Wood explained that the typical set up was a steel fence with steel posts. He added that the City had seen a decrease in the number of animals getting loose in the past 10 years. Councilmember Ohrn asked if this was due to the different fencing. City Manager Wood explained that some of this decrease might be due to the decrease in the number of animals residents owned. Councilmember Ohrn explained that Utah was a fence-out State. She added that if an animal got out, its owner would not be liable for the damage caused, unless the animal caused an accident. It was explained that if horses got out on a golf course, and, because of the fence-out State law, the owner would not be held liable for damages. Most people, would try to fence in their animals appropriately.

City Manager Wood explained that there had been situations where individuals did not have the proper fencing in place, animals would get out, and animal services had to be called. He added that in some instances, not only was the fencing poorly set up, but the animals were also not well cared for. The standard, he added, would allow the City to make sure animals were at least fenced in properly. Councilmember Henderson explained that he wished to see restrictions on agricultural zoning properties. He added that he wished to see wood fencing only used for large animal fencing.

City Planner Maloy explained that after looking at fencing best practices, he had listed on the Council's memo that wood required more maintenance. He added that other materials might be more practical. The Council, he stated, might also have a certain aesthetic in mind. He stated that there were two options: the Council could require residents to use wood as they pleased, or could require that some best practices be followed. He stated that Councilmembers needed to decide whether they wished to be more specific or more general.

Mayor Pro Tempore Martin explained that she believed the Council might not have the expertise about all the fencing materials available. She added that the standard for fencing needed to be elevated. She further argued that had the Council imposed more stringent standards over the last decade, the City might have fewer vinyl fences and better-looking precast walls along traffic corridors. She stated this would have made a difference in the look of the City. She explained wishing to see more setbacks and landscaping along corridors such as 13400 South. She concluded that measures such as these could elevate the look of the City and added she understood why some Councilmembers were advocating for more regulations. She concluded that while not having the knowledge base to make a recommendation on the type of fencing that ought to be used, she wished for the Council to make decisions that would beautify the City.

Councilmember Smith explained he had grown up around large animals. He added that he had used to a lot of wood fencing. He expressed that he wished to see a clearly articulated set of rules to elevate the standard and added that he liked that this amendment was only targeting agricultural zones that had large animals. Though some areas would be visible to general traffic, he continued, not that many properties would be visible from the street. As a result, he explained, the wood fencing used to contain large animals was more likely to be situated in the rear of owners' homes, largely out of view. As the conversation about the fencing materials and maintenance issues continued, he expressed that the decision might be left to the owners. He concluded by saying that he was comfortable with the language being the way it currently was. Councilmember Ohrn agreed, as did Councilmember Henderson.

Councilmember Ohrn explained that she had felt misrepresented in the first presentation. The images of fencing shown, she added, were that of skis, sticks, and other visually unappealing fences. She argued that Park City, for example, allowed wood fencing, and added that if Park City could allow this, the materials used in fencing must not affect property values all that much. Councilmember Ohrn continued by showing pictures of different yet beautiful variations to fencing utilizing wood products. She argued that allowing home owners to choose would create variety, if long as the fences were well cared for. Eliminating the options for variety, she continued, would just cause all homes to have white vinyl fences. She explained that allowing variety was worthwhile, and that the Council should not make Herriman the white vinyl fence capital of the world. While wood might require more maintenance, she explained, it could be used for beautiful fencing. She mentioned that the vinyl fencing around the subdivision near her house had had to be fixed six times in the space of two years. Councilmember Ohrn further added that when a

vinyl fence had to be fixed, an entire panel had to be removed. City Manager Wood explained that Teton Village also used more wood, but that the fences were all high quality. Councilmember Ohrn further added that in some areas, wood would better blend with the environment. Having stringent restrictions, she explained, would prevent residents who wished to build a beautiful wood fence from doing so. City Planner Maloy asked how wood could be allowed while prohibiting cheap wood fences. He added that the City supported 40-percent high density starter homes and expressed doubts about these home owners investing in high quality wood fencing.

It was noted that when the fencing amendment comes to the Council, it will address more than just the issue of wood. At the present, the proposal being studied is whether to allow wood for the specific agricultural/large animals use. If the Council wished to talk about a broader application, it was their prerogative. Councilmember Ohrn explained that her intent in discussing wood was to elevate the standard while avoiding the cookie cutter look; the City should have a variety of housing and allow a variety of fencing materials as well.

Mayor Pro Tempore Martin explained that she felt there was agreement in the Council for allowing wood in agricultural zones with large animals. The Council agreed. She recommended the Council move forward. It was then noted that some areas of the City had the type of housing that would lend itself to stronger architectural design, not wood fences. Councilmember Ohrn added these could be condensed when talking about the upper end of the City, but that larger homes on large lots should be allowed variety.

3.2. Discussion and Direction regarding Mayor and Council Benefits – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn stated he was going to discuss compensation strategies, with recommendations from the HR department. He explained that as a City, Herriman had to look at the market as well as the compensations in public and private sectors and aim at offering competitive compensation by staying in the 50th percentile. In terms of the City Council and the Mayor, there were no private sector equivalents, he added. He continued stating that when studying these figures, other cities were called and asked for their compensation packages. Human Resources Manager Dunn also explained that compensation surveys had been sent, which was a process that was inexpensive for the City: cities simply input their data. He stated there were many interesting happenings in the job market and explained that low unemployment rates were driving compensation up. Every year, he continued, HR looked at the surrounding cities' total compensation packages.

Human Resources Manager Dunn mentioned that the data had been broken down between cities in three separate categories. The first category, he explained, had cities with part-time mayors and packages offering salary and health insurance. In this category, he continued, there were 14 cities that were comparable to Herriman. He stated that the average salary for a mayor was about \$20,500. City councilmembers were compensated \$14,500 on average. He explained that most of these cities offered its councilmembers health benefits. The second category, which comprised about 20 cities, he continued, did not offer health insurance to their mayor or their city councilmembers. These mayors often had smaller starting salaries and were elected in cities smaller than Herriman. The average compensation in this category was \$16,500 for the Mayor and \$12,000 for councilmembers. The third category, with 13 cities, was composed of cities with full-time mayors, he continued. The salaries for these mayors, he added, could be either very high or very low. These discrepancies, he pointed, made him decide to not present this category of mayoral compensation to the Council. The councilmembers, on the other hand, had more stable salary ranges which averaged

\$10,000, with 85-percent of these cities offering health benefits. Human Resources Manager Dunn asked if the Council wished to look at any other data, and what it wished to do with the current figures.

Mayor Pro Tempore Martin asked whether the City Council salary had been lowered. She added she believed it had been a campaign promise to bring said salary down. She inquired about the compensation amount prior to it being lowered. Human Resources Manager Dunn stated he did not know. City Manager Wood explained that it had been \$12,000 in 2009 and had been lowered in 2010 to \$9,000. Mayor Pro Tempore Martin explained that compensation had been artificially decreased and had not been raised since. She explained that it was therefore important to look at the compensation in other cities, particularly sister cities. Human Resources Manager Dunn added it was important to review compensation in comparison to other cities. He explained that there was a cost to working as a city councilmember, and that that cost needed to be taken into consideration.

Councilmember Smith explained that in the case of a part-time mayor, he assumed the responsibilities would be similar. He added that it was difficult to quantify why mayors were paid at such a higher rate than councilmembers. He added that the Mayor was one vote out of five on the Council, and that everyone shared an equal load. He asked what accounted for the difference. Councilmember Ohrn explained that form of government had to come into play. It was also noted that residents might not know of the compensation difference between cities and between Mayor and Council. Some mayors worked full-time, and therefore handled the bulk of the responsibilities. Riverton had a part-time Mayor who was a non-voting member, with responsibilities structured very differently. In the past, certain councils had empowered their mayor with more responsibilities. Councilmember Ohrn added that, in the case of Herriman, the Mayor had had some responsibilities taken away and that the amount of responsibilities could ebb and flow with each community. Councilmember Smith stated there was nothing tangible to create a delineation between the numbers. Human Resources Manager Dunn added that there were five or six cities where the Mayor and Councilmembers had similar compensations. He added not having looked whether they had the same form of government.

Mayor Pro Tempore Martin asked if Human Resources Manager Dunn had a slide that would show the comparable cities. Human Resources Manager Dunn answered he had a paper showing this data but had been nervous about broadcasting this information in a slide. He clarified that in all the cities he looked at, there were 34 part-time Mayors. Park City was at \$39,000 for the part-time which was on the higher end of the scale. Councilmember Smith pointed that the cities in the middle of that scale, with part-time mayors, did not offer health insurance. He added that these tended to be smaller cities. Human Resources Manager Dunn explained that the larger and growing cities were increasing salaries and benefits for their City Council. Mayor Pro Tempore Martin stated that when looking at the data, she believed the one the Council should focus on should be cities with part-time Mayors, as cities with full-time Mayors tended to be much larger cities. The cities not offering health insurance, she added, were at the other end of the spectrum. She added that, regardless of the form of government, the Council should look at cities that are fast growing and on the west side. She added it was more important to look at the life cycle of cities than their form of government. She explained that more time was required from Councilmembers in fast growing Cities, as many meetings had to take place. When looking at these cities, she added, Herriman was substantially under the average compensation. Mayor Pro Tempore Martin explained she knew what the impetus had been for the reduction of salary. She added that even if the salary had been kept stagnant from 2009 on, compensation would still be low, but not by nearly as low as it was now. The dramatic gap between Herriman and other cities, she added, had been a

political move, which she believed was not a good enough of a reason to lower a salary. Since this was a political move, she added, steps had to be taken to remedy the situation. Councilmember Henderson agreed with this assessment. He explained what he understood of the history of the Herriman Council.

Mayor Pro Tempore Martin explained that the Council had great latitude with what they chose to do for benefits and salaries for elected officials. Councilmember Henderson tried to explain what series of events had created the predicament the City was in. He added this was a delicate balance: while the role of the Council was public service, there was a cost to members' service. He explained that in his case, as he was self-employed, every second he spent working as a councilmember was preventing him from working on his business, which cost him. He added knowing individuals who would be great additions to the Council but preferred not to join as serving would be too great a cost. While he believed it was better to not raise the compensation to the point where it attracted career politicians, he believed the compensations should be fair. He stated a balance needed to be found but mentioned that a fast-growing City required a lot of time from the Council. He continued stating that he was in favor of having Herriman compensate the Council in accordance to the average of other similar cities. He added that Council compensation should be reviewed as often as that of staff.

Councilmember Smith explained he agreed with his colleague and added the balance was indeed delicate: not incentivizing professional politicians while staying in the average compensation for the type of work required. The only way to ensure that the Council would have capable members was to make sure that individuals were not harmed by their civil service. Councilmember Ohrn agreed. City Manager Wood explained that he would flush out the review by the next Council Meeting taking place on December 12, 2018.

City Attorney John Brems stated that if the Council wished to increase salary, a public notice would need to be posted. He added that the Planning Commission's State Statute legislative body may allow one of its members to receive per diem for travel expenses. It was explained that this had been increased and decreased several times; additionally, per diem was based on attendance.

3.3. Continued Discussion from July 11, 2018, City Council Work Meeting regarding the Mayor's Travel Expenses for Mosquito Abatement and Washington DC – Brett Wood, City Manager

City Manager Brett Wood explained that many residents had been reaching out to the Council regarding the Mayor's trip with the Mosquito Abatement Team. Comments were made about how the City was to move forward. He explained having gone back to the minutes of the July 11, 2018, meeting and asked how the Council wished to move forward. Mayor Pro Tempore Martin stated that anyone could read the minutes on their own time. She added that providing an encapsulated version of the minutes would, however, be helpful. Finance Director Rae explained that the situation was first brought up on June 26, 2018. He added that he had emailed the Mayor to let him know he was missing several receipts for \$2,306 of a \$3,600 expense report. The Mayor had been sent a copy of the expensing policy. Mayor Pro Tempore Martin asked Finance Director Rae to explain where the expenditures came from. Finance Director Rae explained that the credit card in question had been used to finance three trips: Washington DC with some members of the Council, Washington DC with the Mosquito Abatement District, and the International Conference of Shopping Centers (ICSC) in Las Vegas. He explained there were no issues with the ICSC expenses, except that a top-floor room had been requested, resulting in an unnecessary \$25 added fee. The trip to Washington

with the Mosquito Abatement District had been taken on their behalf and was, therefore, not considered City business. While the Mosquito Abatement District had reimbursed the Mayor for the cost of the trip, Finance Director Rae explained that the City should never have had to pay for portions of the trip.

Finance Director Rae continued that there had been an irregularity on the expense report for the Washington trip taken with a group from the Council. He referenced that he had first emailed the Mayor on June 26, 2018, about the situation. He added that the email had been copied to City Manager Wood and Director of Administration and Communications Moody. Both individuals, he continued, were supposed to sign off on such expenses. Finance Director Rae explained that out of 21 transactions, 14 did not include adequate support. The Mayor had been asked to provide more information, which he had done for some expenditures, but not to the required extent. Nine receipts were still missing, Finance Director Rae explained, though he had seven receipts which, unfortunately, did not meet the policy requirements. The support for two larger items in dispute, he added, had been obtained by his staff: a receipt had been obtained from the Mosquito Abatement District, and another directly from the hotel. These two receipts, he continued, amounted to \$900, which was the largest share of the sum now being contended.

Finance Director Rae continued that the Mayor made a last-minute decision to travel home when he was traveling with the Mosquito Abatement District. The new flight was only a few hours prior to the original flight, and, Finance Director Rae explained, the change in schedule had been the Mayor's attempt to attend the City Council meeting for the Unified Police Department (UPD) vote. Mayor Pro Tempore Martin pointed that the Council had a quorum and was not anticipating the Mayor to attend the UPD vote; as the Mayor had been expected to participate electronically. Councilmember Ohrn pointed out that the Mayor had not had a critical family emergency or anything similar. Mayor Pro Tempore Martin added that the Mayor had not disputed the cost of changing the ticket and had offered to pay it back. She asked whether it had indeed been paid back. Finance Director Rae stated there had not been any reimbursement. He continued that in addition to the flight, the Mayor had used the City credit card to pay for an Uber to travel to and from the airport. On the previous trip to Washington DC, Finance Director Rae explained, the flight had been overbooked, which would have required the Mayor to travel the next day. The Mayor had opted travel with a different airline to arrange travel home. The Mayor had then flown to Denver and stayed in a hotel that exceeded per diem rates. Finance Director Rae explained that since the July 11th, 2018, meeting the Mayor had asked to have the Finance Department look at how much more his room in Denver had cost in comparison to the rest of the group. Finance Director Rae reported that the rest of the group had been able to stay within the policy. He continued that during the July 11, 2018, meeting, it had been explained that the trip put the City over budget for travel expenses.

At the time the Mayor caused the extra costs, the City was already \$250 over budget. The expenses the Mayor caused put the City almost \$1500 overbudget. These items, he explained, were violations of policy. He continued by stating that Director of Administration and Communications Moody was the individual overseeing the budget which is then approved by the City Manager. He concluded that this was the worst expense report he had seen, in terms of documentation for expenses.

Councilmember Henderson explained that the Mayor had stated that the purchasing policy for the private sector was different, which he believed the whole Council had refuted. He added that as a self-employed individual, he had to provide even more justification to the IRS, therefore he believed that this excuse was not valid. Councilmember Ohrn

explained that during the July 11, 2018, meeting the Mayor had asked to speak to the Council. The Mayor had then stated he had only learned about the issues 30 minutes prior to the meeting. Finance Director Rae explained that the Mayor had known since June 26, 2018 about the issues. Before the meeting, he explained, the Mayor had sat down with Finance Director Rae to go over all the details of the issue. Councilmember Henderson repeated that the Mayor had not been blindsided. The issue had been brought to the Council because staff was unsure how to handle the issue at hand. Councilmember Smith stated that the Mayor knew ahead of time, but that the 30-minute notification was only for the discussion to be had with the Council about these issues. He added that the Mayor knew of the issue two weeks prior to the meeting. In the two weeks, he continued, the Mayor had made no attempt to reconcile the discrepancies of which he had been made aware. Finance Director Rae explained the Mayor had prepared one missing receipt form as outlined in the policy for one specific receipt. The receipt in question was for a \$50 breakfast that the Mayor had had with Assistant City Manager Haight. Assistant City Manager Haight stated he did not remember having breakfast with the Mayor, and no documentation could be found to support this claim. The hotel had been contacted to possibly find an itemized receipt, but no such receipt could be produced.

Finance Director Rae continued that the Mayor had provided a few receipts. Councilmember Smith asked whether the receipts had been provided before or after the July 11, 2018, meeting. Finance Director Rae stated that they had been provided prior to the meeting, as nothing had been reconciled since. Councilmember Smith stated that it could be acknowledged that the Mayor had made some attempts to rectify the situation, though not to the degree that the issues required. Finance Director Rae added that the major expenses had not been addressed. City Manager Wood explained that he was under the impression that, during the meeting, the Mayor had agreed to reconcile the amounts and pay them back. Councilmember Ohrn, reading verbatim from the minutes, stated that the Mayor had agreed to pay back the money. Councilmember Henderson explained that he believed that the expenses were to be paid back, and he was surprised that months later, this had not been done. Councilmember Smith asked if there had been any discussion on how the Mayor was to repay the City. Finance Director Rae explained there had been no such discussions. He added having had only two communications with the Mayor since the July 11, 2018, meeting. The communications had been about the hotel rooms with the Mayor challenging the fact that he had been questioned about the cost of his room. Councilmember Ohrn explained that this was a moot point. Councilmember Smith agreed. He continued asking why so much time had been allowed to lapse. City Manager Wood explained that the staff had been contacted by the District Office which had been looking into the expenses. As a result, feeling that the Mayor had been given enough time to investigate the situation, the District Office asked for records and information.

Mayor Pro Tempore Martin asked when the staff had last reached out to the District Attorney to find out what the status was. City Manager Wood responded it had been two weeks. Mayor Pro Tempore Martin asked when the District Attorney would get back to the Council. Councilmember Henderson explained that he did not believe the District Attorney was looking into whether the charges were legitimate, but rather there was criminal intent. Finance Director Rae stated that the charges did not follow the policy. In terms of criminal intent, he believed the plane ticket might be considered so.

Councilmember Henderson explained that the public was asking why the Council had let so much time lapse without acting and was also wondering why the District Attorney had become involved. Councilmember Ohrn explained that most of the feedback she had received was to inquire into what the Council was doing. She added there also was a

citizen concerned that it was inappropriate to have that discussion publicly. She explained disagreeing with this citizen; the Council was a set of public officials and that the funds discussed were public funds. As a result, the issue needed to be stated in a public meeting. Each Councilmember had to be held accountable, and even the Mayor had stated that the funds were public money, and that the Council and himself had to be held to a higher standard. Part of this higher standard, she added, was that such discussions had to take place during public meetings, not back-door, quiet meetings. The Council and Mayor were accountable to the public, she continued. Councilmember Ohrn further stated that it was unfortunate the Mayor himself could not attend the meeting tonight, but that he understood this item was on the agenda of this meeting. Mayor Pro Tempore Martin mentioned that it would have been helpful to hear directly from the Mayor.

Councilmember Henderson explained that the Council should work on a timeline for repayment. The Council's role was to make sure the public funds were secure, and he emphasized there was no valid reason to delay repayment. He stated that the Council needed to make sure this did not occur again. He continued by stating that the Mayor had obtained legal counsel and had been directed not to attend or participate in the discussion. Councilmember Henderson then asked if the staff knew who the legal counsel was. Finance Director Rae stated that he did not know who the legal counsel was and had not been contacted by anyone. Councilmember Henderson added that the Council had recently attended a retreat during which he was given the impression that the Mayor would be attending the present meeting, until an email had arrived at 7:51 a.m. the morning of the meeting informing the Council that he, the Mayor, would not be attending. Councilmember Henderson explained that the Mayor's decision not to attend was contrary to prior statements he had made, which Councilmember Henderson found confusing. The Council, he continued, needed to know what to do next, keeping as a foremost priority to have the funds reimbursed within a specific time frame.

Mayor Pro Tempore Martin wanted to clearly explain that the City's policy was sound and stringent. She added that it had been made more stringent a few years prior to ensure that the Council was a good steward of public funds. The first point she chose to make was that the policies were sound and similar to private and public policies in other cities. She added the issues with the Mayor were clear violations of policy that was standard and adopted to protect tax payer's money. From the July 11, 2018, meeting minutes, she continued, it was clear that the Mayor had admitted that there had been failings on his part, and that he was going to remedy them in the form of receipts and payments. She added that this was a failure of the Mayor to follow policy; a fact he had fully admitted. She added that this brought her to the same point in reasoning as Councilmember Henderson: The Council now needed to put forward momentum to receive repayment. She explained she wholeheartedly agreed with Councilmember Henderson that the Mayor needed to be approached and asked to reimburse what he has already agreed to pay. A deadline should then be worked out, she added. Since the whole Council agreed, she explained that this could be one step to take. She further asked if the total to be repaid was \$936.31. Finance Director Rae stated that the amount was correct. Finance Director Rae explained that the Mayor had claimed this had been his first expense report. He stated this was incorrect, as it was his second expense report. The first expense report, he added, had been filed correctly. Mayor Pro Tempore Martin stated this showed the Mayor clearly understood the process required.

Finance Director Rae explained that the City was currently being audited. As the result, the auditors had been asked to look at one month of all credit card expenses to make sure everyone was compliant. This issue with the Mayor, he stated, had prompted this look at top to bottom compliance. Mayor Pro Tempore Martin stated that the City was

doing due diligence. She mentioned recalling there had been another instance prompting a reflection on policies. Finance Director Rae explained that the reflection had been caused by a Unified Fire Authority (UFA) audit as the City had been called out on several issues and had taken the steps to address what the audit had brought to light. The weaknesses in the policy, which could have been exploited, had been addressed.

Councilmember Henderson asked City Attorney John Brems whether there was any legal reason that could prevent requiring a repayment from the Mayor. City Attorney John Brems answered there was not. Councilmember Ohrn stated it was unfortunate that five months after initially discussing this issue, the Council was forced to ask for the funds. Councilmember Smith stated being at a loss as to whether there was a legitimate legal reason that an attorney had become involved.

Mayor Pro Tempore Martin stated that she would like for the City to reach out to the District Attorney and ask what the status was on the issue. Councilmember Smith reiterated that it would be irresponsible for the City to have the discussion in anything but a public forum, as the Council served at the public's pleasure and was a steward to the public's money. He added that it was unfortunate that the Council had been placed in such an uncomfortable situation, but that it was their duty to make the public aware of the issue. The whole Council, he added, has talked about its desire for openness and transparency. This, he stated, was exactly what transparency was. He explained that no one person was perfect and that even public officials could be expected to make mistakes; having these difficult conversations would allow for the necessary corrections and help garner public trust. He stated strongly feeling the need to acknowledge Councilmember Ohrn's comments and reiterate them. He continued by saying that it had been noted, as it had been during the previous discussion in July, that while the Mayor had claimed not being aware of the City's policies, each new member of the Council was given a copy of the policies upon starting their duties. Each member of the Council was asked to sign that they had received and reviewed said policies. The Mayor, like all members of the Council, had signed such a document. This, he continued, was one of the points he had felt great consternation over at the time. Councilmember Smith expressed that he had felt this to be an excuse to avoid responsibility: if one acknowledged reception and review of the policies, it was incumbent on that person, as a public servant, to be keenly aware of the content of the policies.

Councilmember Henderson explained there was a principle called wilful blindness where one chooses not to be aware. If one, he continued, acknowledged that he or she should have been aware, ignorance became the responsibility of the person. Mayor Pro Tempore Martin stated that the point was not to argue the merits of the policies: one had to bring a receipt and list the purpose of an expense. She added that her biggest issue was wanting for the funds to be repaid. Anyone should understand a purchase policy, she continued, and added feeling that the Mayor had made excuses. She then stated it was difficult for her to know what the next step should be: if the Mayor were to accept responsibility, she added, she would feel more apt to ask for less than more. However, rather than taking responsibility for his failures to follow policies, the Mayor sought out evidence for other things. This, she explained, did not speak of someone wanting to take responsibility.

Councilmember Smith added that he wished the public could understand that when employees of the City or elected officials have expenses while acting in their work capacity, using the credit card was not the only way to cover expenses. An alternative, he explained, was for the individual to pay for said expenses from their personal account and submit receipts to seek reimbursement. Since this and other discussions, he continued, and because of the

scrutiny placed on credit cards, he had turned in his own credit card. He explained that one of the necessary steps was to restrain access to the credit cards for the City's protection. This would allow for the Council and City employees to not be put in the position where they might pay for something that may or may not meet the policy threshold. Councilmember Smith added there was another avenue for reimbursement: by submitting receipts. Councilmember Henderson agreed. Councilmember Smith stated that, from a policy standpoint, taking away credit cards might be the best option. Most of the time, he added, when traveling for City business, another staff member would be present. Councilmember Ohrn stated that hotels could be booked by staff. Councilmember Smith stated there were other avenues and that taking away the credit cards would cut out potential for abuse and issues for the City.

Councilmember Henderson explained that the question was what would happen to employees who violate policy, which, he added, was the first quandary for management. He added there were rules for staff members, but the rules were not so clear when it came to elected officials. Councilmember Smith answered that the rules should clearly state what the internal process should be. Councilmember Henderson explained that the credit card had always been explained to him as a convenience. After his first year on the Council, he continued, he had destroyed his card, as he felt it to be a liability and did not want to be responsible for misusing it. He explained that for elected officials, no credit card should be allowed. Mayor Pro Tempore Martin stated that she saw agreement in the Council that the use of a City credit cards should be removed from elected officials. The Council agreed.

Finance Director Rae explained the policy stated that if an elected official did not have a credit card, an expense report was to be turned in to be reimbursed. Travel, he added, was arranged through the Finance Department. As a result, the travel was already dictated. The purchasing policy, he continued, allowed to submit reports for reimbursement. Councilmember Smith asked if the same would be true for per diem items, items to cover the incidental costs of traveling, as he believed these were only submitted after the travel had taken place. Councilmember Ohrn explained that all the places she had worked at had the employees front the per diem items. The employees then asked for reimbursement. She explained that this system allowed for less abuse to take place. Knowing one would be seeking reimbursement, he or she would be less likely to charge things that he or she might not be reimbursed for, unlike when the City is fronting the money. Councilmember Ohrn explained that she would not even be that concerned about the next conversation with the Mayor if she knew he had paid back the amount he owed. The debt, she added, should not have been allowed to go on that long.

Finance Director Rae explained that everyone who used a credit card had signed off their report stating it was correct and properly documented. He added that this signature acted as a form of certification that the person submitting the report was responsible for it. Mayor Pro Tempore Martin explained that, as Councilmember Henderson had pointed, the issue was not a trite one. She asked what the policy was for employees. Finance Director Rae explained that in such a situation the employee could be disciplined up to and including termination, and that every case he had been involved in had included a written reprimand kept in the employees' personal file. He clarified that this process was followed regardless of the intent. Mayor Pro Tempore Martin explained she felt it was appropriate, in this case, to create a written notification of dissatisfaction regarding the Mayor's infractions of the policy. She added that, like all employees, the Mayor had a file, and that it was important to have a written record in his file of what was currently being discussed. The Council agreed. Councilmember Henderson explained that this would come from the Council. Mayor Pro Tempore Martin explained she would draft an initial reprimand that would reflect what had been agreed

upon. She added this could be delivered during the next meeting. Councilmember Ohrn stated that the reprimand should be read as a public statement. Mayor Pro Tempore Martin agreed and continued that the statement would be read during the next meeting taking place on December 12, 2018. Councilmember Henderson stated that once Mayor Pro Tempore Martin had drafted the statement, the whole Council should add their name to it.

Councilmember Ohrn asked about the guidelines for the City to be paid back the \$956.31. Mayor Pro Tempore Martin asked whether the Council needed to be the entity providing reimbursement directions as opposed to having the staff doing so. She was told the Council was responsible. She continued that the reprimand would outline the infractions as well as the plan for reimbursement. Concerns were expressed about making the repayment part of the letter to be delivered during the next Council meeting, as there would not be another Council meeting until December 12, 2018. It was stated that the Council should decide what its expectations were and communicate them immediately to the Mayor.

Mayor Pro Tempore Martin stated the total was nearly \$1,000, and while the Mayor had had some time to prepare to repay this sum, she was inclined to wait as the ever-expensive Christmas season was upon them. Councilmember Smith and Henderson stated they were not so inclined. Councilmember Henderson stated that the money was public funds and the Mayor had known about this since July 2018. If the situation had been with a regular employee, he explained, the repayment would have been demanded immediately. Councilmember Smith added that some type of interest should be added. When it came to the timeline, Councilmember Henderson stated that the Mayor had agreed months ago to repay what he owed. Mayor Pro Tempore Martin stated that she did not believe interest could be added unless the Council had already given the Mayor a timeline. Councilmember Henderson stated that the sooner the Mayor could repay that amount, the better. Regardless of the reprimand being read on the December 12, 2018, the Mayor should start paying. He continued that the Mayor be given until December 12, 2018, to repay what he owed, so long as it were communicated to him ahead of time. He added that the Mayor could be given two options: repaying the funds that night by credit card or agreeing that the funds be withheld from his pay check.

Councilmember Ohrn asked whether the Mayor's paycheck would cover the whole amount. Councilmember Smith stated that it might take two pay checks. Mayor Pro Tempore Martin added that the Mayor was free to decide how to pay what he owed. She added that what needed to be done was to set the payment deadline to December 12, 2018, giving the Mayor advance notice. If it were to be unpaid by that date, the next step would be to take the funds directly from the Mayor's check.

Finance Director Rae asked about the credit card policy. Councilmember Ohrn asked whether the policy stated that the Mayor and Councilmembers were issued a credit card. She added that if it were the case, it should be taken out of the language. Mayor Pro Tempore Martin explained that, excluding the provision about credit cards, she felt comfortable with the current policy as it stood. Councilmember Smith stated that one of the issues is that rules stated "employees," not "elected officials." Councilmember Henderson explained that the policy was not the issue at hand. He added that the clearer and more transparent the policy, the better the expectations could be understood. He mentioned that with the current language, this was not entirely clear. As a result, he suggested that the language should either be added, or a specific section should be drafted for the elected officials. Mayor Pro Tempore Martin suggested that the elected officials should be treated in the same way the employees were. She did not think it was helpful to add a separate policy, but rather, the words "elected officials" should be added alongside that of

“employees.” City Manager Wood stated that it would be advisable to discuss the matter with HR as some things were done differently for elected officials. Councilmember Smith added that deciding on the language should be left up to the staff. He asked that either by December 12, 2018, or the following meeting, the staff have updated the language.

3.4. Discussion relating to the Approval Authority and Signatures on Subdivision Plats – Michael Maloy, City Planner

City Planner Michael Maloy indicated that the administration recently discovered a conflict in City Code regarding approval authority and required signatures on final subdivision plats and plat amendments. The following City Code states the Planning Commission has approval authority for *preliminary* subdivision plats within the City:

- **10-5-15: Preliminary Plats** Authority: The Planning Commission is authorized to review and approve preliminary plats as set forth in this section. Following preliminary approval, City Code states City staff has approval authority for *final* subdivision plats:
- **10-5-16: Final Plats** B. Authority: City staff are authorized to review and approve final plats as set forth in this section. Regarding subdivision plat *amendments*, City Code states the Planning Commission has approval authority for subdivision plat amendments without vacation of “some or all of a street, right-of-way, or easement,” and the City Council has approval authority when the plat amendment includes a vacation request:
- **10-5-17: Subdivision Plat Amendments** Authority: The Planning Commission is authorized to amend or vacate a plat except when such action is required to be taken by the City Council as set forth in this section. D. Procedure: A subdivision plat amendment or vacation application shall be reviewed and processed as provided in this subsection . . . of this chapter. b. (2) A public hearing is required before the City Council because the application includes a request to vacate some or all of a street, right-of-way, or easement. However, while City Code clearly identifies approval authority for preliminary, final, and amended subdivision plats, the following regulation implies the Mayor is required to sign all final plats on behalf of the City Council, which is inconsistent with sections of City Code cited above:
- **10-5-16 Final Plats** Procedure: 2. The application shall include at least the following information: c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat: (12) *Signature block for approval by the City Council, as evidenced by the signature of the Mayor* and attested by the City Recorder; and (13) A block for the Salt Lake County Recorder in the lower right-hand corner of the drawing. Regarding state regulations, Utah Code 10-9a-604 requires subdivision plats to be approved by “. . . the land use authority of the municipality in which the land described in the plat is located; and other officers that the municipality designates in its ordinance . . .” According to City Code 10-4-5.C.3, the Planning Commission is the “Land Use Authority” for the City:
- **10-4-5C. Powers and Duties** The Planning Commission shall have the following powers and duties which shall be exercised pursuant to the provisions of this title: 1. Prepare and recommend a General Plan and General Plan amendments to the City Council as provided in section 10-5-7 of this title; 2. Recommend land use regulations to the City Council as provided in section 10-5-8 of this title; 3. *Act as a Land Use Authority as provided in this title*; and 4. Advise the City Council on matters requested by the Council, including but not limited to, programs for public improvements and the financing thereof.

City Planner Maloy asked if the Council would like to provide any direction. He added that no final decision had to be made, as the item was merely brought up for discussion. He added that, when reading the memo, if the Council

had had ideas they would like to discuss, they could do so. He continued stating that to make any formal change, the Planning Commission would need to provide a recommendation to the Council, as dictated by Title IX.

Councilmember Smith stated that he had worked with the Planning Commission for several years. He explained that the delineation of the duties existed to protect the City Council and the process. He continued by stating that the City had a very capable Planning Commission as well as staff and an attorney to oversee the process, making sure it was properly followed. Moreover, he added, the Planning Commission and Attorney had the required authority to complete the process. He explained that while the language seemed to imply there had to be a process of approval from the Council, the power did not lie with the Council. Councilmember Smith stated that his vote would be to make the necessary changes to allow for the approval authority to stay with the Planning Commission, with the final approval being that of the Attorney. City Manager Wood added that he agreed that the final signatures should be that of the Planner, the Engineer, and the Attorney. Councilmember Smith stated that if the Council had any questions or concern, they could talk to the City Planner. City Manager Wood stated that the Attorney's signature was essential. Councilmember Henderson explained that often, with these matters, he knew he did not have proper expertise to judge. As a result, he felt that the City Planner, the Engineer, and the Attorney should make these decisions.

It was noted that the mention of “other Officers” could be anyone the staff wanted. Mayor Pro Tempore Martin explained that she liked the option of having the mention of City Planner added. When asked to clarify whether the Planning Department currently signed off on these items, Mayor Pro Tempore Martin explained that a lot of this was due to the kind of growth the City experiences. The Planning Commission, she added, were volunteers, and she felt not having the Planning Director listed here seemed to be an omission. It was stated that any change that might be brought forward would not remove the role of the Planning Director, and that vacation would still fall. The subdivision process was the role of the Planning Commission, while the role of the Planning Director was to deal with the public interest, the public right-of-way, and public property. This item would be brought back for approval on December 12, 2018.

3.5. Wide Hollow Trailhead and Bonneville Shoreline Trail Update – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas indicated the Herriman Hills Trails Committee, in coordination with Herriman City Parks, Recreation, and Events and Salt Lake County Parks, have proposed a new trail connection and future trailhead known as the Wide Hollow Trailhead along with a segment of what would become the Bonneville Shoreline Trail (BST). Notifications had been sent to property owners within 300-feet of the proposed trail and trailhead. One resident attended the public meeting. She added she had included one email from a concerned resident who was worried about individuals parking in front of his home. Since hearing that there would be a trailhead in a new location, the resident's fears had been appeased.

She pointed out that the trail highlighted in yellow on the map was funded by the Salt Lake County as part of the BST process, and would go to the Planning Commission the following day to get their recommendation and approval. She continued that the trailhead would come back to the Council for budget, planning, and construction approval. The next map, she added, showed the section she was currently working on, with the County, to receive a grant to complete the rest of the section of BST. She explained that she and the County had teamed up on the Transportation 4th

Quarter funds to finish this section. The parking lot, she added, would accommodate 40 to 50 cars. Councilmember Ohrn stated that motorized vehicles were not allowed on the trail.

Councilmember Smith moved to adjourn the City Council work meeting at 6:54 p.m.. Councilmember Henderson seconded the motion, and all present voted aye.

The Work Meeting reconvened at 8:06 p.m.

3.6. Discussion relating to the surplus of property located at 11962 South Anthem Park Boulevard – Gordon Haight, Assistant City Manager

This item was not discussed.

3.7. City Manager Updates – Brett Wood, City Manager

City Manager Wood stated that he recently attended a meeting wherein the bond rate and interest for future infrastructure was discussed. He noted that future growth in the State would require several billion dollars of new infrastructure. This was something that had never been played out in the State of Utah before, where communities expressed interest in contributing to the payment of the bond. A detailed plan—*Envision Utah*—showing specific infrastructure expansions would be presented and discussed at length at a later meeting. City Manager Wood then reviewed the layout of the Council retreat, and there was subsequent discussion on the matter.

4. Adjournment

Councilmember Henderson moved to adjourn the City Council Work Meeting at 8:17 p.m. Councilmember Ohrn seconded the motion and all present voted aye.

7:00 PM - GENERAL MEETING:

1. Call to Order

Mayor Pro Tempore Nicole Martin called the meeting to order at 7:02 p.m. and welcomed those in attendance. She also excused Mayor Watts from the meeting.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Adam Mauchley with Scout Troop #390 led the audience in the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest

There were no noted conflicts of interest.

1.3. Mayor/Council Comments and Recognitions

There were no comments from the Mayor Pro Tempore or the Councilmembers.

2. Public Comment

No comments were offered.

3. Mayor and Council Board and Committee Reports

Councilmember Ohrn indicated that there would be a public hearing for the Wasatch Front Waste and Recycle on Monday at 6:00 p.m. The purpose of the public hearing was to present the budget for the year.

Councilmember Smith reported that the public hearing for the Sewer Board budget was held on November 13, 2018. He added that the budget had been approved for the next fiscal year. He stated that the overall increase to the budget was 1.89-percent over last year. He was highly complimentary of how well run the organization is and of how it looks out for the best interests of its customers. The Sewer Board also passed a resolution for the early payoff of the 2009 B Series bond. The payoff is in the amount of \$30 million. He noted that the bond was being paid off 15 years early, thereby saving about \$16 million in interest.

Councilmember Henderson said that negotiations were ongoing for Herriman City's severance from the Unified Police Department.

Mayor Pro Tempore Martin said today had been the legislative interim on Capitol Hill. As expected, a housing bill had come out that was of interest to Herriman City because of the substantial growth that is taking place in Utah. The growth is creating a challenge in housing, particularly with density issues. The bill would allow the Utah Legislature to be more involved with space and land use planning. She observed that cities were leery of such a plan because they believe those decisions should be made at the local level. She said the bill made some substantial changes in the General Plan section of the Land Use, Development, and Management Act (LUDMA) by including more specific requirements as to what should be required for moderate income housing plan. Mayor Pro Tempore Martin said that all cities were required to submit a Moderate Income Housing Plan. She noted that Herriman City is currently in compliance with the state requirements. She said the if the bill passed, it would tie eligibility for future funding to the Moderate Income Housing Plan. She added that the City's eligibility for State Transportation Investment Funds or the Transit Transportation Investment Fund would also be tied to compliance with the Moderate Income Housing Plan submitted by the City. The Utah League of Cities and Towns (ULCT) is trying to work with the legislators to come up with a compromise on the bill so that the local residents are protected at the local level.

Councilmember Henderson said that he had received inquiries about the bill. He said that he perceived that the Legislature was trying to incentivize cities to add more density. In response to his question as to whether the City would receive new funding, Mayor Pro Tempore Martin replied in the affirmative. She added that the ULCT was trying to ensure that the bill would provide incentives as opposed to being punitive in nature.

4. Reports, Presentations and Appointments

4.1. Recognition of Cyndie Call, Garden Committee Volunteer – Kevin Schmidt, Events Manager

Events Manager Kevin Schmidt acknowledged that Cyndie Call had served on the Herriman City Community Garden Committee for six years. He noted that the Garden Committee had had another successful year. This past year was her seventh year as a gardener and sixth as the Community Outreach Coordinator for the Garden. This role included harvesting and taking donations to the Riverton Senior Center and St. Andrews food pantry. She would also reach out to gardeners and harvest from their plots if they had extra produce to donate. She would also add updates to the Facebook page to let everyone know how close the Committee was to its donation goal. In addition, Cyndie Call has

also been responsible for maintaining the garden blog. On behalf of Herriman City, Manager Schmidt expressed gratitude for her service.

4.2. 2018 Herriman Community Garden Reports – Shauna Heiner, Garden Committee Chair

Garden Committee Chair Shauna Heiner said that the Garden Committee had a great year. The Committee's goal was to donate about two thousand pounds of produce to the various places to which it donates, such as the Senior Center, St. Andrews Food Bank, and the King Family Farm. The actual weight of donated produce was 1,531 pounds, along with approximately 500 pounds of pumpkins. That donation went to St. Andrews Food Bank. In addition, 55 pounds of produce were donated to the King Family Farm. There were 48 plots this year, which included 18 double plots that were about ten-feet by 30-feet. There were 30 single plots, which were five-feet by 30-feet. There was a total of 34 gardeners this year, 20 of which were new gardeners. Seven of the plots were planted specifically for charity purposes.

In response to Councilmember Ohrn's question as to whether the garden was at capacity, Chair Heiner replied in the affirmative. She said that the plot sizes were dependent upon the number of gardeners. She indicated that the garden had been in operation for about 10-11 years. City Manager Brett Wood noted that the gardeners were good neighbours and did an excellent job of cleaning the garden area at the end of the season. The City Council thanked the Garden Committee members for their efforts.

4.3. Salt Lake County Animal Control Quarterly Report – Carrie Sibert, Community Liaison Coordinator

Salt Lake County Animal Control Services Community Liaison Coordinator Carrie Sibert presented the third-quarter report. She said that it was a very busy quarter because of the numerous events that took place during the summer. She noted that the marketing and outreach efforts were particularly laudable. She said that the Petapalooza adoption event was the largest ever, and it continues to grow each year. The County also had its annual Spayghetti event. In total, the County has held a little over 150 events this year so far. Coordinator Carrie Sibert expressed gratitude for the excellent outreach efforts that have taken place.

Coordinator Carrie Sibert next reviewed the slide with the Agency Statistics. She highlighted that the third quarter ended with just under a 95-percent spay rate for cats and dogs. The County had received just over 6,700 animals. Herriman City finished out the third quarter with 235 animals entering the County's animal shelters with a 95-percent save rate. Coordinator Carrie Sibert next reviewed the slide that provided the Jurisdiction Summary statistics, as provided in the meeting packet. She then reviewed the slide with the Third Quarter Field Statistics, highlighting the response times and numbers of calls that had been received.

Coordinator Carrie Sibert acknowledged the Employees of the Month: Megan Allred, Matt Assaf, and Kim Karren. She then highlighted the Volunteers of the Month: Tracie Harrison, Lindsey Wood, and Ellen Grove. Coordinator Carrie Sibert noted that these volunteers were absolutely amazing.

Coordinator Carrie Sibert next reviewed Third Quarter Highlights: Spayghetti and No Balls, Petapalooza, and Rescue.

Coordinator Carrie Sibert next reviewed the Third Quarter Events, including those that had taken place in Herriman. She also explained the process for remedying issues with stray cats in the area. Coordinator Carrie Sibert concluded by noting upcoming events. In November is a workshop for building better behaviour, which is a dog training class. There are different classes each month on this topic. There is a Giving Tuesday Fundraising Event, which has a theme of cats versus dogs. On November 16 and 17 is the Meowvember, which is a cat adoption event. The minimum bid for a cat is one dollar; otherwise, it's a "name your price" cost for a cat. There is also an event called Cats With Yoga, which is a yoga class that includes cats performing yoga.

5. Consent Agenda

- 5.1. **Approval of the October 10, 2018, and October 24, 2018, City Council Meeting Minutes**
- 5.2. **Approval of a Resolution approving an Interlocal Cooperative Agreement between the State of Utah and Herriman City for the Herriman City Police Department's Participation in the United States Department of Defense Law Enforcement Support Program – Troy Carr, Police Chief**
- 5.3. **Approval of an Ordinance Granting a Franchise to the Utah Telecommunication Open Infrastructure Agency Pursuant to a Franchise Agreement – John Brems, City Attorney**

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

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor Pro Tempore Nicole Martin</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Absent</i>

The motion passed unanimously with Mayor Watts being absent.

6. Discussion and Action Items

- 6.1. **Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise the Home Occupation Chapter (File No. Z2018-14) – Michael Maloy, City Planner**

City Planner Michael Maloy noted that the City Council has previously had two different briefings and follow-up discussions on this agenda item. He said that the focus was on some potential amendments to what the Planning Commission had recommended to the City Council dealing with group instruction. City Planner Maloy stated that he had re-listened to the City Council's October meeting and tried to capture and include in the staff report some clear ideas and options for the City Council to consider and give a thumbs up or thumbs down to the ideas enumerated in the report.

Councilmember Henderson said that he was not in favor of Option 1. He stated that having a shared driveway would create a serious issue for the other property owner. He also stated that he felt Option 2 was also problematic. He stated that he did like the recommendation made in Options 3 and 4, with regard to specifying a maximum number of students per session and per day.

Councilmember Smith and Councilmember Ohrn stated that they supported all of the recommendations made by Councilmember Henderson. Councilmember Henderson clarified that for Option 2, he believed that the maximum number of sessions per day should be kept at two with a maximum of eight students.

Councilmember Ohrn clarified that this was just for home occupations, so the reason for implementing limits is that the primary purpose of the home is to be a residence and not a business. Therefore, the limitations protect the neighbours from undue additions of traffic. Zoning exists in order to protect the rights of the property owners.

Councilmember Henderson moved to approve Ordinance 2018-36 Authorizing a Text Change to the Land Development Code to Consolidate or Modify Home Occupation Regulations with the inclusion of Option 3 – Add maximum number of students per session: No more than eight students may be allowed per session. Councilmember Smith seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor Pro Tempore Nicole Martin</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Absent</i>

The motion passed unanimously with Mayor Watts being absent.

6.2. Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise Alcohol Regulations (File No. Z2018-11)– Michael Maloy, City Planner

City Planner Michael Maloy explained that the State Department of Alcohol Beverage Control (DABC) had several different types of alcohol licenses. Most of these uses are not currently listed in the City's Land Use Table and are therefore not allowed. Because of the commercial growth that is taking place in Herriman, there would be more interest in restaurants, hotels, and other services that would want to apply for an alcohol license. The City Council thus directed staff to include all the different types of licenses that the State regulates. The City's provisions would be subject to State review and permitting. However, the text amendments would allow the businesses to request a letter from the City to facilitate an application with the State for the alcohol license. The applicants would still have to go through the local consent process.

Councilmember Smith moved to approve Ordinance 2018-37 Authorizing a Text Change to the Land Development Code, Chapter 16 Table of Uses to add several alcohol licenses. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson	<i>Aye</i>
Councilmember Sherrie Ohrn	<i>Aye</i>
Councilmember Clint Smith	<i>Aye</i>
Mayor Pro Tempore Nicole Martin	<i>Aye</i>
Mayor David Watts	<i>Absent</i>

The motion passed unanimously with Mayor Watts being absent.

6.3. Discussion and Consideration of an Ordinance Repealing Chapter 3 Article A of Title 3, “Alcohol and Beer,” and Replacing it with a new Article A, “Alcoholic Beverages Licenses” – Michael Maloy, City Planner

City Planner Michael Maloy stated that this was from Title 3 Business Licensing, and it did not require a recommendation from the Planning Commission. He said that this proposal was consistent with State Code; however, three statements were included in the meeting packet as a result of research that had been conducted with other cities, as follows:

- There shall be no limitation on the number of full-service or limited-service, or beer-only restaurant licenses granted by Herriman City.
- The total number of bar establishment licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.
- The total number of on-premises beer retailer licenses (which includes restaurants, cafes, and bowling centers or golf course food and beverage facilities) in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

Councilmember Henderson moved to approve Ordinance 2018-38 Repealing Chapter 3 Article A of Title 3, “Alcohol and Beer,” and Replacing it with a new Article A, “Alcoholic Beverages Licenses.” Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson	<i>Aye</i>
Councilmember Sherrie Ohrn	<i>Aye</i>
Councilmember Clint Smith	<i>Aye</i>
Mayor Pro Tempore Nicole Martin	<i>Aye</i>
Mayor David Watts	<i>Absent</i>

The motion passed unanimously with Mayor Watts being absent.

7. Calendar

7.1. Meetings

7.1.1. November 15 – Planning Commission Meeting 7:00 p.m.

7.1.2. December 6 - Planning Commission Meeting 7:00 p.m.

7.1.3. December 12 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. Events

7.2.1. November 22-23 – Thanksgiving Holiday; City Offices Closed

7.2.2. December 3 – Night of Lights; J. Lynn Crane Park 5:00 p.m.

7.2.3. December 5-20 – Herriman Yeti Hunt; City wide, dates and times vary

7.2.4. December 7 – Santa Visits; J. Lynn Crane Park 6:00 p.m.

7.2.5. December 15 – Pancakes and PJ's; Herriman City Hall 9:00 a.m.

7.3. Closed Session

7.3.1. *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 Henderson 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. Councilmember Smith seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Aye

Councilmember Sherrie Ohrn Aye

Councilmember Clint Smith Aye

Mayor Pro Tempore Nicole Martin Aye

The motion passed unanimously.

8. Adjournment

Councilmember Smith moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 8:16 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 November 14, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



STAFF REPORT

DATE: January 2, 2019

TO: The Honorable Mayor and City Council

FROM: Michael Maloy, AICP, Planning Director

MEETING: January 9, 2019, City Council Meeting

REQUEST: Approval of a Resolution to grant Local Consent of one Bar Establishment License (Redemption Bar & Grill) and one Off-Premises Beer Retailer License (Holiday Oil) to be issued and regulated by the Utah Department of Alcoholic Beverage Control.

Summary:

Utah Code requires local consent for all “on-premises” and “off-premises” alcohol licenses issued and regulated by the State Department of Alcoholic Beverage Control (DABC). Currently, there are ten businesses in Herriman licensed as an Off-Premises Beer Retailer, and one Bar Establishment.

Discussion:

On December 6, 2018, the Herriman City Planning Commission approved a site plan and conditional use permit for Redemption Bar & Grill, which will be located approximately at 3517 W Maradona Way. The new business requires “local consent”—from the Herriman City Council—of a Bar Establishment License, which is a type of “on-premises” license. To approve the request, Herriman requires compliance with the following City Code—in addition to applicable State regulations:

3-3A-5: On-Premises Licenses (excerpt):

- A. General Operational Restrictions: Each person granted an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, bar establishment, on-premises beer retailer, or single-event permit and their employees, management and personnel shall abide by the Act and the following conditions and requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against the business, individual employees, or management personnel.
 - 1. Restaurants: A beer-only restaurant, full-service restaurant, and limited-service restaurant license shall entitle the licensee to sell alcoholic beverages only with the purchase of food, on the premises described therein, in containers allowed under

- the Act. Only bona fide restaurants shall be entitled to a full-service restaurant, limited-service restaurant, or beer-only restaurant license.
2. Bar Establishment License, On-Premises Banquet License, or Single-Event Permit: A bar establishment license, on-premises banquet license, or single-event permit shall entitle the licensee to sell alcoholic beverages on the premises described therein, for consumption only on the licensed premises.
 3. Underage Service: No person under the age of twenty-one (21) years shall sell or serve alcoholic beverages.
 4. Removal from Premises: Alcoholic beverages shall not be removed from the licensee's premises except as allowed in accordance with the Act.
 5. Bring Onto Premises: Except as otherwise permitted herein, a person shall not bring onto the premises of an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, single-event or bar establishment any liquor or beer, for on-premises consumption. A person may bring bottled wine onto the premises of a full-service restaurant, limited-service restaurant or bar establishment, provided the wine is delivered to a server upon entering the premises. Officers, managers, employees, or agents shall not allow a person to bring onto the licensed premises liquor or beer for on-premises consumption or allow consumption of any such liquor or beverage on its premises. If any licensee or any of its officers, managers, employees, or agents violates this subsection, the City may immediately suspend or revoke the license.
 6. No Consumption While On Duty: An employee of a licensee, while on duty, shall not consume an alcoholic beverage or be under the influence of alcoholic beverages.
 7. License Displayed: Each licensee shall display in a prominent place on the premises:
 - a. The license issued by the City and the license issued by the commission; and
 - b. All applicable signs required by the Act.
 8. Transfer from Location: There shall be no transfer of a license from one location to another.
 9. Transfer from Entity: There shall be no transfer of a license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an on-premises banquet, beer-only restaurant, full-service restaurant, limited-service restaurant, or bar establishment license from a current licensee to a proposed licensee who will operate at the same location, so long as the following conditions are met:
 - a. The type of alcoholic beverage to be sold is not changed;
 - b. The on-site management staff has not changed;
 - c. There have been no citations for alcohol-related offenses issued to either the current licensee or the proposed licensee within the last two (2) years; and
 - d. The proposed licensee's application complies in all respects with all other provisions of this chapter.

B. Specific On-Premises License Restrictions:

2. Bar Establishment Licenses:
 - a. Licenses Obtained: Before any bar establishment including an equity license, a fraternal license, or a bar may sell alcoholic beverages for on-premises

consumption, it shall obtain:

- (1) A bar establishment license from the City; and
 - (2) A bar establishment license from the commission.
- b. Maintain Records: Licensees shall maintain records as per the Act.
 - c. Restriction On Licenses: The total number of bar establishment licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor's Office of Planning and Budget (GOPB).

According to the State of Utah, the population of Herriman City on July 1, 2017, was 39,224—which is significantly less than recent estimates derived from Herriman City building permit data. However, whereas Herriman only has one existing Bar Establishment, which is Bout Time Pub & Grill located at 5502 W 13400 South, the proposal meets the ratio “restriction on licenses” quoted above.

Regarding the proposed Off-Premises Beer Retailer License for a new Holiday Oil gas station and convenience store to be located at approximately 15000 Academy Park Lane, Herriman City requires compliance with the following City Code:

3-3A-6 Off-Premises Licenses:

- A. General Operational Restrictions: Licensees shall comply with the following operational restrictions:
 1. An off-premises beer retailer shall only purchase, acquire, possess for the purpose of resale, or sell beer that the off-premises beer retailer lawfully purchases from a beer wholesaler licensee or a small brewer that manufactures the beer.
 2. An off-premises beer retailer may not possess, sell, offer for sale, or furnish beer in a container larger than two liters (2 L).
 3. A minor may not sell beer on the licensed premises unless the sale is done under the supervision of a person twenty one (21) years of age or older who is on the licensed premises and the minor is at least sixteen (16) years of age.
 4. Adhere to all display and signage requirements established by the commission by rule.
 5. Staff who directly supervises the sale of beer or who sells beer to a patron for consumption off the premises of the off-premises beer retailer shall wear the required identification badges identified as per the Act.
 6. An off-premises licensee may sell beer beginning at the hour of seven o'clock (7:00) A.M. and ending at the hour of one o'clock (1:00) A.M.
 7. It shall be unlawful for any off-premises licensee to permit the consumption of beer on any licensed premises or to allow intoxicated persons to remain in or about any licensed premises.
 8. Beer may not be sold, delivered, or furnished to any:
 - a. Minor;
 - b. Person actually, apparently, or obviously intoxicated;
 - c. Known interdicted person; or
 - d. Known habitual drunkard.
 9. An off-premises licensee shall make every reasonable effort to limit the potential

for theft of beer from licensed premises. A clear, unobstructed view of all portions of the interior of storage and display areas shall be available at all times from a point within the licensed premises at or near the main public entrance. A beer inventory shrinkage record shall be kept by the licensee and made available at any time upon request to the Chief of Police or Community Development Director for inspection or audit. Failure of a licensee to properly maintain the alcoholic beverage inventory shrinkage or failure to submit such records for inspection and audit shall be a Class B misdemeanor and shall be cause for suspension or revocation of an off-premises license.

10. There shall be no transfer of an off-premises license from one location to another.
 11. There shall be no transfer of an off-premises license from one entity to another without approval by the City Council, except that the Community Development Director may grant a request to transfer an off-premises license from a current licensee to a proposed licensee who will operate at the same location provided:
 - a. The type of alcoholic beverage to be sold is not changed;
 - b. The on-site management staff has not changed;
 - c. There have been no citations for alcohol-related offenses issued to either the current licensee or the proposed licensee within the last two (2) years; and
 - d. The proposed licensee's application complies in all respects with all other provisions of this chapter.
 12. Each off-premises beer licensee shall comply with the provisions of employee training requirements and operational provisions established by the Act.
 13. Beginning July 1, 2018, obtain a State issued off-premises beer retailer license.
- B. Maintain Records: Licensees shall maintain records as per the Act.
- C. Enforcement: The City shall comply with the enforcement provisions of Utah Code Annotated 32B-7-303.

Whereas the applicant, Holiday Oil, is an experienced, reputable business, presently operating within the City in full compliance with all applicable regulations, staff recommends approval of the local consent request.

Recommendation:

Staff recommends approval of local consent requests for the following:

- Bar Establishment License for Redemption Bar & Grill located approximately at 3517 W Maradona Way, and an
- Off-Premises Beer Retailer License for Holiday Oil located approximately at 15000 Academy Park Lane.

Attachments:

- A. Local Consent Forms
- B. Resolution

Attachment A

Local Consent Requests

BAR / FRATERNAL / EQUITY LIQUOR LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant.

AUTHORITY: Utah Code 32B-1-202; 32B-5-201 through 203; 32B-5-205 and -206

Herriman City

Local business license authority

☒ City ☐ Town ☐ County

hereby grants its consent to the issuance of a ☒ Bar ☐ Fraternal ☐ Equity liquor license to:

Business Name (DBA): Redemption Bar and Grill

Entity Name (or owner's name if sole proprietor): _____

Location Address: 3517 W. Maradona Drive

Herriman, Utah 84096

[Signature]
Authorized Signature

Ass. City Manager
Name/Title

12/12/18
Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.
The local consent must be submitted to the DABC by the applicant as part of a complete application.

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OFF-PREMISE BEER RETAILER LICENSE

LOCAL CONSENT

Date: 12/12/18

Utah Department of Alcoholic Beverage Control
Licensing & Compliance Section
1625 S 900 W
PO Box 30408
Salt Lake City, Utah 84130-0408

Herriman City (City) (Town) (County) grants its consent to the
issuance of a state off-premise beer retailer license for Holiday Oil # 37,
(DBA)
owned by Holiday Oil and
located at 15000 Academy Park Lane Herriman, UT 84096 pursuant to the
provisions of 32 B-7, Utah Code, for the purpose of the storage and sale of beer off-premises.
Applicant has met all local ordinances relating to issuance of local business license(s).

Gordon M. Haight II
Authorized signature

Gordon M. Haight II
Name/title
Ass. City Manager

Attachment B

Resolution

HERRIMAN UTAH
RESOLUTION NO.

A RESOLUTION GRANTING LOCAL CONSENT FOR ONE ON-PREMISES BAR
ESTABLISHMENT LICENSE AND ONE OFF-PREMISES BEER RETAILER LICENSE
LOCATED IN THE CITY

WHEREAS, the Herriman City Council ("Council") met in regular session on January 9, 2019, to consider, among other things, approving a resolution granting local consent for one on-premises and one off-premises license located in the City; and

WHEREAS, Utah Code Ann. § 32B-7-402 provides among other things that to obtain an on-premises bar establishment license and an off-premise beer retailer state license, a person shall submit to the Department of Alcoholic Beverage Control written consent of the local authority; and

WHEREAS, Utah Code Ann. §32B-1 -102 defines Local Authority as the Council; and

WHEREAS, the following business have requested written consent of the local authority: Redemption Bar & Grill located approximately at 3517 W Maradona Way for an On-Premises Bar Establishment License, and Holiday Oil located approximately at 15000 Academy Park Lane for an Off-Premises Beer Retailer License (known collectively as "Licensee"); and

WHEREAS, the Council finds that it is in the best interest of Herriman residents to grant the Licensee one on-premises bar establishment license, and one off-premises beer retailer license.

NOW, THEREFORE, BE IT RESOLVED that the Council grants local consent to the Licensee to obtain one on-premises bar establishment license, and one off-premises beer retailer license from the State, and authorizes and directs the City Manager to execute and deliver to the Alcoholic Beverage Control Commission all forms and consents necessary to implement the intent of this resolution.

This Resolution, assigned No. R _____-2019 shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman. Utah, this 9th day of January 2019.

HERRIMAN

David Watts, Mayor

Jackie Nostrum, MMC, City Recorder



STAFF REPORT

DATE: January 3, 2019

TO: The Honorable Mayor and City Council

FROM: John Brems, City Attorney

SUBJECT: Resolution approving an Interlocal Agreement between Herriman

RECOMMENDATION:

Approval of an Interlocal Cooperative Agreement between Herriman City and the Community Development and Renewal Agency of Herriman with respect to tax increment.

DISCUSSION:

This is the City's agreement with its CDA to pay 100% of the tax increment generated from the Herriman Anthem Community Reinvestment Project Area. This same agreement will be approved by the CDA.

HERRIMAN, UTAH
RESOLUTION NO. -

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT
BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF
HERRIMAN AND HERRIMAN WITH RESPECT TAX INCREMENT**

WHEREAS, the Herriman City Council ("*Council*") met in regular session on January__, 2019, to consider, among other things, approving the an Interlocal Cooperative Agreement with the Community Development and Renewal Agency of Herriman with respect to tax increment; and

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

WHEREAS, the Herriman City ("Herriman") and the Community Development and Renewal Agency of Herriman ("Agency") are government entities as contemplated by the Act; and

WHEREAS, Herriman and the Agency are authorized to enter into agreements with each other for cooperative action; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of Herriman to enter into an Interlocal Cooperative Agreement with the Agency ("*Agreement*") with respect to tax increment; and

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

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

This Resolution, assigned No. 19-____, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Herriman, Utah, this ____ day of _____, 2019.

HERRIMAN

David Watts, Mayor

Jackie Nostrom, MMC
City Recorder

**COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN CITY
RESOLUTION NO. _____**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RENEWAL AGENCY OF HERRIMAN CITY APPROVING AN INTELICAL
COOPERATIVE AGREEMENT WITH HERRIMAN CITY**

WHEREAS, the Redevelopment Agency of Herriman City (the “Agency”) met in regular open and public meeting on January __, 2018, to consider, among other things, approving an interlocal cooperative agreement with Herriman City; and

WHEREAS the Agency was created to transact the business and exercise all the powers provided for in the former Utah Redevelopment Agencies Act and the current Limited Purpose Local Government Entities - Community Reinvestment Agency Act and any subsequent, replacement or amended law or act (the “Act”); and

WHEREAS, pursuant to Section 17C-4-101 et seq. of the Act the Agency is authorized to negotiate with a taxing entity for the Agency to receive all or a portion of the taxing entity tax increment for the purpose of providing funds to carry out an adopted community development project area plan; and

WHEREAS, Herriman City is a taxing entity under the Act and the Agency has negotiated with Herriman City to receive a portion of property tax increment the terms of which are set forth in the attached interlocal agreement (“Interlocal”).

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF HERRIMAN CITY that the Interlocal be approved, that the Chairperson and Secretary are hereby authorized and directed to execute and deliver the same, and that the Secretary is hereby authorized and directed provide notice as set forth in Section 17C-4-402 of the Act.

ADOPTED by the Board of Directors of the Redevelopment Agency of Herriman City, this__ day of January 2018.

HERRIMAN

ATTEST:

David Watts, **Chairperson**

Jackie Nostrom, Secretary

**INTERLOCAL AGREEMENT
BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF
HERRIMAN AND HERRIMAN CITY**

THIS INTERLOCAL AGREEMENT is entered into as of the ___ day of January 2019, by and between the **COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF HERRIMAN** (the “**Agency**”) and **HERRIMAN CITY** (the “**City**”) (collectively, the “**Parties**”).

RECITALS

A. The Agency was created pursuant to the provisions of the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act, Title 17C of the Utah Code (the “**Development Act**”), and is authorized thereunder to conduct urban renewal, economic development, and community development activities within Herriman, Utah, as contemplated by the Development Act; and

B. The Agency created the Herriman Anthem Community Reinvestment Project Area (the “**Project Area**”) and adopted a community reinvestment project area plan for the Project Area (“**Project Area Plan**”) pursuant to which the Agency desires to encourage, promote and provide for the development of a business center in the Project Area; and

C. The Agency has established the Project Area through adoption of the proposed Project Area Plan; and

D. The City has determined that it is in the best interests of the City to provide certain financial assistance using Tax Increment (as defined below) in connection with the development of the Project Area; and

F. The Agency anticipates providing tax increment (as defined in Utah Code Ann. § 17C-1-102(47) (hereinafter “**Tax Increment**”) from the Project Area, to assist in the development of the Project Area and for funding of the Project Area Plan; and

G. Utah Code Ann. § 17C-4-201(1) authorizes the City to consent to the payment by Salt Lake County (the “**County**”) to the Agency certain Tax Increment from the Project Area attributable to the City’s tax levy, for the purposes set forth herein; and

H. Utah Code Ann. § 11-13-215 further authorizes the City to share its tax and other revenues with the Agency; and

I. In order to facilitate development of and in the Project Area and to provide funds to carry out the Project Area Plan, the City desires to consent that the Agency receive certain Tax Increment from the Project Area attributable to the City’s tax levy, in accordance with the terms of this Agreement; and

J. This Agreement is entered into by the Parties pursuant to the authority of applicable State law, including the Development Act, and the Interlocal Cooperation Act, Utah Code Ann. § 11-13-101 *et seq.*, as amended (the “**Cooperation Act**”).

NOW THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **City’s Consent.**

a. The Parties agree that for purposes of calculation of the City’s share of Tax Increment from the Project Area to be paid by the County to the Agency pursuant to this Agreement, the base year shall be 2016, and the base taxable value shall be the 2016 assessed taxable value of all real and personal property within the Project Area. Based upon review of the Salt Lake County and Utah State Tax Commission records, the Parties believe that the 2016 base taxable value of the Project Area is approximately which base taxable value is subject to adjustment by law in accordance with the provisions of the Development Act. Pursuant to Section 17C-4-201 of the Development Act and Sections 11-13-202.5 and 11-13-215 of the Cooperation Act, the City hereby agrees and consents that for a period of twenty (20) years the Agency shall receive and be paid one hundred percent (100%) of the tax increment attributable to the City’s tax levy on both real and personal property within the Project Area (the “**City Share**”), for the purpose of providing funds to the Agency to carry out the Project Area Plan. Said twenty (20) year period shall commence with any tax year from 2016 through 2018 at the Agency’s election and determination as evidenced by a written notice to the City and to the Salt Lake County Auditor and Assessor; provided, however, that any portion of the City’s taxes resulting from an increase in the City’s tax rate pursuant to applicable hearing procedures (truth in taxation), that occurs after the Effective Date (defined below) of this Agreement, shall not be paid to the Agency unless the City specifically so consents in writing pursuant to an amendment to this Agreement or in a separate agreement. All tax increment from the Project Area attributable to the City’s tax levy for tax years beyond the twenty (20) year period described above shall be paid by Salt Lake County to the City. The calculation of the City’s portion of annual Tax Increment to be paid by the County to the Agency shall be made as required by Utah Code Ann. § 17C-1-102(47) (a), using the then current tax levy rate (subject to the limitation set forth above regarding increases in the City’s tax rate pursuant to applicable hearing procedures).

b. Salt Lake County shall pay directly to the Agency the City Share in accordance with Utah Code Ann. § 17C-4-203 for the twenty (20) year period described in Section 1.a. above.

c. Notwithstanding the foregoing, if the Agency receives in less than the specified twenty (20) years Tax Increment from the Project Area sufficient to retire, pay, or otherwise satisfy all of the payment obligations of the Agency with regard to the Project Area, including, but not limited to, debt service on any bonds issued to finance Project Area costs and the maximum amount the Agency has agreed to contribute to the cost of infrastructure, the Agency will either (i) cease collecting the City Share under this Agreement, or (ii) renegotiate this Agreement with the City to provide for the payment of the City Share for the remainder of all or a portion of the originally contemplated twenty (20) year term of this Agreement. It is the

intent of the Parties that the payment and use of Tax Increment from the Project Area for eligible Project Area costs will not extend over a period longer than twenty (20) years.

2. **Final Project Area Plan.** The Parties agree that in the event the Agency does not approve a final Project Area Plan pursuant to Utah Code Ann. § 17C-4-102(1)(f), this Agreement shall terminate, and neither party shall have any further obligation hereunder.

3. **Authorized Uses of Tax Increment.** Except as otherwise provided in this Agreement, the Parties agree that the Agency may apply the City Share to the payment of any improvements of the Project Area, as described herein and/or as contemplated in the Project Area Plan, as it may be amended from time to time including, but not limited to financing the cost of public infrastructure and other improvements located within or benefitting the Project Area, site preparation, and administrative costs, as authorized by the Development Act.

4. **No Third Party Beneficiary.** Nothing in this Agreement shall create or be read or interpreted to create any rights in or obligations in favor of any person or entity not a party to this Agreement. Except for the Parties to this Agreement, no person or entity is an intended third party beneficiary under this Agreement.

5. **Due Diligence.** Each of the Parties acknowledges for itself that it has performed its own review, investigation, and due diligence regarding the relevant facts concerning the Project Area and Project Area Plan and expected benefits to the community and to the Parties, and each of the parties relies on its own understanding of the relevant facts and information, after having completed its own due diligence and investigation.

6. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

a. This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Utah Code Ann. § 11-13-202.5;

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the Utah Code Ann. § 11-13-202.5(3);

c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Utah Code Ann. § 11-13-209;

d. The Chair of the Agency is hereby designated the administrator for all purposes of the Cooperation Act, pursuant to Utah Code Ann. § 11-13-207;

e. The term of this Agreement shall commence on the date of full execution of this Agreement by both Parties and shall continue through the date on which all of the City Share has for the 20-year period been paid to and disbursed by the Agency as provided for herein or the Agency ceases to receive such Tax Increment pursuant to Section 1.c. hereof but in any event unless amended this Area shall terminate no later than January 1, 2039;

f. Following the execution of this Agreement by both Parties, the Agency shall cause a notice regarding this Agreement to be published on behalf of both of the Parties in accordance with Utah Code Ann. § 11-13-219 and on behalf of the Agency in accordance with § 17C-4-202;

g. The Parties agree that they do not, by this Agreement, create an interlocal entity;

h. There is no financial or joint or cooperative undertaking and no budget shall be established or maintained;

i. No real or personal property will be acquired, held or disposed of or used in conjunction with a joint or cooperative undertaking.

7. **Modification and Amendment.** Any modification of or amendment to any provision contained herein shall be effective only if the modification or amendment is in writing and signed by both Parties. Any oral representation or modification concerning this Agreement shall be of no force or effect.

8. **Further Assurance.** Each of the Parties hereto agrees to cooperate in good faith with the other, to execute and deliver such further documents, to adopt any resolutions, to take any other official action, and to perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.

9. **Governing Law.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

10. **Interpretation.** The terms “include,” “includes,” “including” when used herein shall be deemed in each case to be followed by the words “without limitation.”

11. **Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction or as a result of future legislative action, and if the rights or obligations of any Party hereto under this Agreement will not be materially and adversely affected thereby,

a. such holding or action shall be strictly construed;

b. such provision shall be fully severable;

c. this Agreement shall be construed and enforced as if such provision had never comprised a part hereof;

d. the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the invalid or unenforceable provision or by its severance from this Agreement; and

e. in lieu of such illegal, invalid, or unenforceable provision, the Parties hereto shall use commercially reasonable efforts to negotiate in good faith a substitute, legal, valid and enforceable provision that most nearly effects the Parties' intent in entering into this Agreement.

12. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.

13. **Effective Date.** Payment of Tax Increment under this Agreement is conditioned upon adoption by the Agency of the Project Area Plan, and this Agreement shall become effective upon the publication of the summary of this Agreement as provided by law.

14. **Entire Agreement.** This Agreement and its exhibits constitute the entire agreement between the Parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the Parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

15. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

16. **Assignment.** No Party may assign its rights, duties or obligations under this Agreement without the prior written consent first being obtained from all Parties

ENTERED into as of the day and year first above written.

**COMMUNITY DEVELOPMENT AND
RENEWAL AGENCY OF HERRIMAN**

By: _____
Chair

Attest:

By: _____
Secretary

Attorney Review for the Agency:

The undersigned, as counsel for the Community Development and Renewal Agency of Herriman, has reviewed the foregoing Interlocal Agreement and finds it to be in proper form and in compliance with applicable state law.

Attorney for Community Development and
Renewal Agency of Herriman

ADDITIONAL SIGNATURES TO INTERLOCAL AGREEMENT

HERRIMA CITY

By: _____
Title: City Manager

ATTEST:

Recorder

Attorney Review for the City:

The undersigned, an attorney for the Herriman City, has reviewed the foregoing Interlocal Agreement and finds it to be in proper form and in compliance with applicable state law.

Attorney for Herriman City