



CITY COUNCIL AGENDA

Wednesday, September 23, 2020

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

5:30 PM - WORK MEETING:

This meeting will also be conducted electronically at
www.herriman.org/agendas-and-minutes

- 1. Council Business – 5:30 PM**
 - 1.1 Review of this Evening's Agenda
 - 1.2 Future Agenda Items
 - 1.3 Council Leadership Task List Review
- 2. Administrative Reports**
 - 2.1. Discussion regarding The Christmas Box Angel Monument for Herriman Cemetery - Anthony Teuscher, Deputy Director of Parks, Recreation and Events**
[SR_ChristmasBoxAngelMonument.pdf](#)
 - 2.2. South Hills Master Development Agreement Discussion - Blake Thomas, Community Development Director**
[SR_South Hills MDA Amendment.pdf](#)
 - 2.3. Discussion of a text change to the M-1 (Manufacturing) Zone to add Personal Instruction Services as a permitted use (File No. Z2020-048) - Michael Maloy, City Planner**
[SR_InstructionServices.pdf](#)
 - 2.4. Discussion pertaining to bonding options for Water infrastructure - Alan Rae, Finance Director**
[SR_WaterRevenueBond.pdf](#)

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



Herriman City

2.5. Discussion pertaining to processes for the Standard Operating Procedures, Request for Proposals, and the issuance of checks - Tami Moody, Assistant City Manager and Alan Rae, Finance Director
[SR_SOP,RFP,Payables Process.pdf](#)

2.6. City Manager Updates - Brett Wood, City Manager

3. Adjournment

7:00 PM - GENERAL MEETING:

4. Call to Order

4.1 Pledge of Allegiance

4.2 City Council Comments and Recognitions

5. Public Comment

Audience members may bring any item to the City 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. Public comments for this meeting will also be conducted electronically.

Any person interested in addressing the City Council may submit a comment by emailing recorder@herriman.org or by visiting herriman.org/agendas-and-minutes where there will be a link to join the electronic meeting to submit a comment. Your statement will be read into the public record.

6. City Council Board and Committee Reports

7. Public Hearing

7.1. Public Hearing and consideration of an ordinance adopting an Impact Fee Facilities Plan and Impact Fee Analysis and imposing Park, Recreation and Trails Impact Fees; and providing for the calculation and collection of such fees - Chase Andrizzi, City Attorney
[SR_Parks_Impact_Fee_Enactment.pdf](#)

7.2. Public Hearing of a Fire/EMS Impact Fee Facilities Plan and Fire/EMS Impact Fee Analysis - Chase Andrizzi, City Attorney
[SR_FIRE_ImpactFee.pdf](#)

7.3. Public Hearing relating to the Fire/EMS Impact Fee Enactment - Chase Andrizzi, City Attorney

8. Consent Agenda

8.1. Approval of the August 19, 2020 City Council meeting minutes
[2020_08_19 CCW Minutes.pdf](#)

8.2. Approval of the August 26, 2020 City Council minutes

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



Herriman City

8.3. Approval of the Monthly Financial Summary
[SR_MonthlyFinancialSummary.pdf](#)

8.4. Resolution Approving an Interlocal Agreement between Herriman City and the Board of Education of Providence Hall regarding school resource officers to be provided by the Herriman Police Department
[SR_SchoolResourceOfficerInterlocalAgreement.pdf](#)

9. Future Meetings

9.1. September 30 - Joint Planning Commission/City Council meeting 6:00 p.m.

9.2. October 1 - Planning Commission Meeting 7:00 p.m.

9.3. October 14 - City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

10. Events

10.1. October 1 - Volunteer Opportunity - Painting at Blackridge; 9:00 a.m.

10.2. October 5 - Magic Brooklyn Live; Main Street Park 5:30 p.m.

11. Closed Session

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

12. Adjournment

13. 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 17th day of September 2020. /s/ Jackie Nostrom, City Recorder

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



Herriman City



STAFF REPORT

DATE: 9/16/2020

TO: The Honorable Mayor and City Council

FROM: Anthony Teuscher, Deputy Director of Parks, Recreation and Events

SUBJECT: Christmas Box Angel Monument

BACKGROUND:

A Herriman resident, Ms. Christa Benward, approached the City back in February with the idea of installing this Angel Monument in our cemetery. This monument is meant to be a place where parents who have lost a child can come to grieve and mourn their loss. The monument is loosely based on a statue mentioned in the Richard Paul Evan novel, *The Christmas Box*. There is a nationwide candle light vigil, observed on December 6th of each year, where the public may gather for a brief program and healing ceremony.

DISCUSSION:

Is this something that The Council would be interested in pursuing?

ALTERNATIVES:

- Do not install the monument.
- Install the monument at a later date.
- Fund the entirety of the project with donations.
- Have the City cover the cost of the statue, base and landscaping.

FISCAL IMPACT:

\$10,000 - \$30,000

The Christmas Box Angel Monument



What is the Monument?

- The Christmas Box Angel monument and associated ceremony has roots in the Richard Paul Evans novel, *The Christmas Box*.
- There are over 120 angel monuments nation wide.
- It provides parents who have lost children a place to mourn their loss.
- An annual candlelight ceremony is held on December 6th, at 7:00 p.m. The vigil is a public gathering for anyone who has lost a loved one.



Cost

- The price of the Angel statue is \$15,500 and is to be acquired through donations and fundraising by the community.
- The base and related landscaping is estimated to cost \$10,000 - \$15,000, and will be provided by The City.



Proposed Location





STAFF REPORT

DATE: September 23, 2020

TO: The Honorable Mayor and City Council

FROM: Blake Thomas, Community Development Director

SUBJECT: Wasatch South Hills Development – Master Development Agreement Amendment Discussion

RECOMMENDATION:

Provide discussion and guidance to staff and the applicant on the proposed amendment to the Wasatch-South Hills (WSH) master development agreement.

DISCUSSION:

In the previous City Council work meeting it was requested that staff look into several items regarding the MDA amendment, as follows:

1. Can the developer use the 4.5 units/acre provision to include units in the development for land that was donated to them from the City?
2. Can the developer transfer units from one area to another if the underlying zone does not allow for the density being requested without a zoning change?

Since the previous meeting, the applicant has decided to no longer pursue additional units for the acreage donated to them by Herriman.

Section 17.2 of the MDA requires that any property added to the MDA is allowed up to 4.5 units per acre but also must be developed pursuant to the General Plan. There will be discussion regarding the land use plan and verification that it complies with the 2008 General Plan.

A summary of the land use plan modifications is attached.

- Include property acquired from Rosecrest Communities known as pods 35 (24.8 acres) and 39 (23.63 acres) into the WSH MDA boundary.
 - These pods are zoned as Commercial (C2) and Mixed Use (MU-2), which allows for commercial and residential uses.
 - Developer is proposing to add 218 attached residential units which equates to 4.5 units/acre.
 - The removal of these pods from the Rosecrest MDA will be completed with an amendment to the Rosecrest MDA either before or at the same time an approval is given to WSH amendment.

- The planning commission has reviewed and recommended approval
- Include property acquired from a private land owner on the south end of the project, west of Mountain View Corridor into the MDA boundary.
 - Add residential units at a density of 4.5 units per for the new acreage.
 - The proposed development need to be pursuant to the 2008 General Plan.

FISCAL IMPACT:

A full economic analysis of this project has not been completed. A review of the impact fees anticipated to be collected and expended is underway. It is currently unknown what portion of the future roads and other key infrastructure will be owned and maintained publicly or privately.



Wasatch-South Hills Development MDA Amendment Discussion

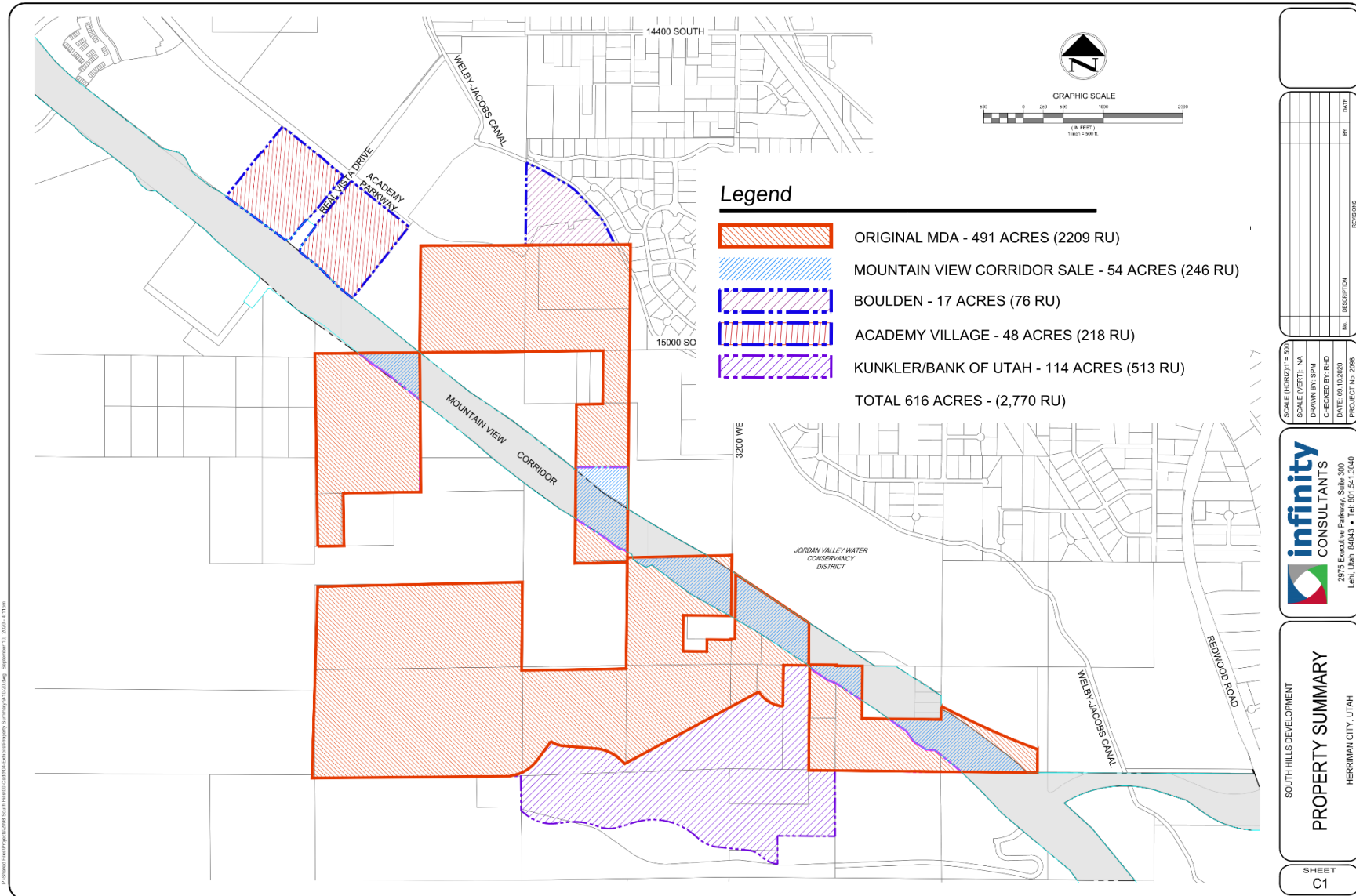
City Council Meeting
September 23, 2020



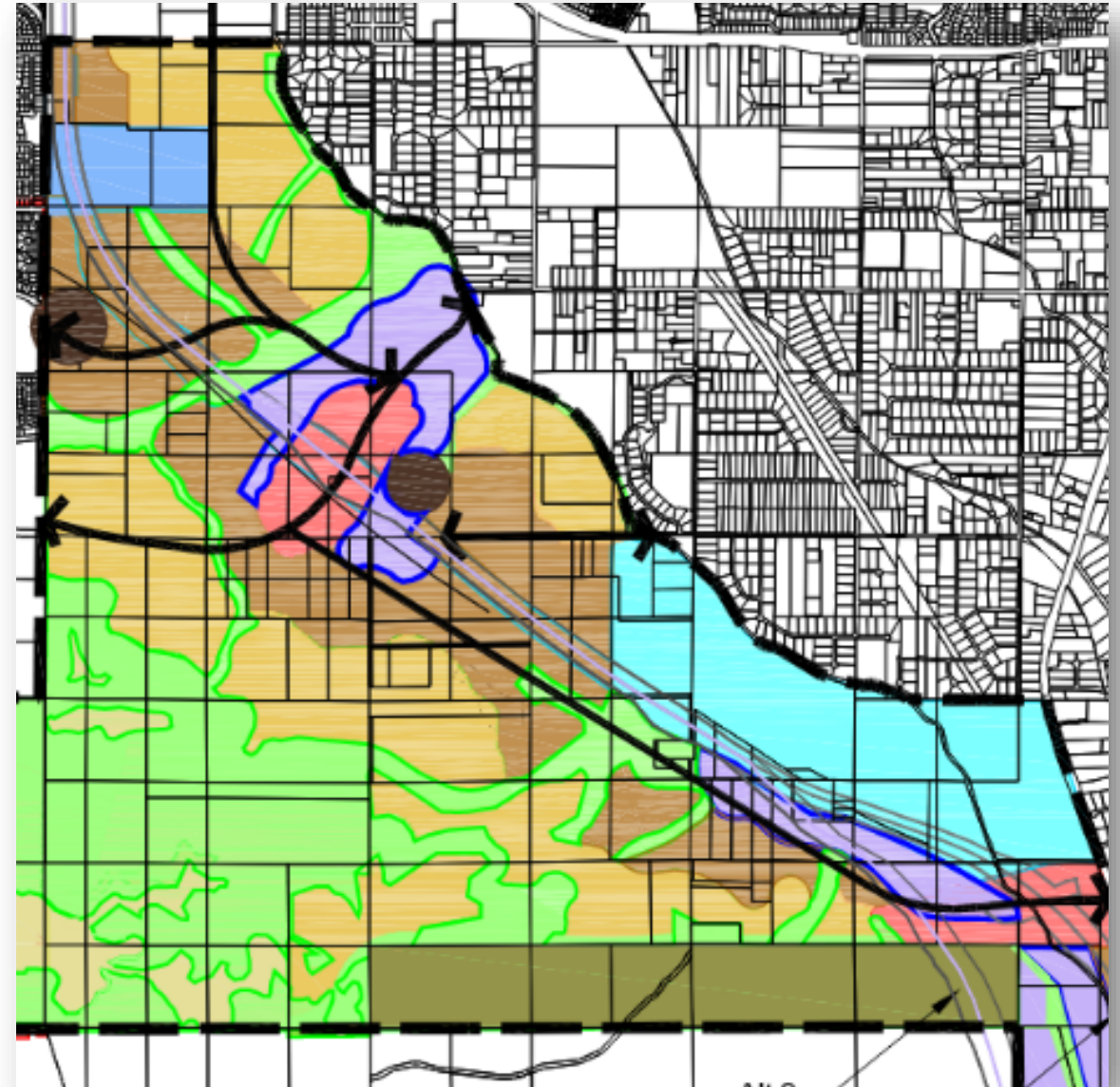
QUESTIONS FROM PREVIOUS MEETING

- Can units be added per the 4.5 units/acre provision in the MDA for donated property?
- Does the proposed land use comply with the 2008 General Plan and Zoning?

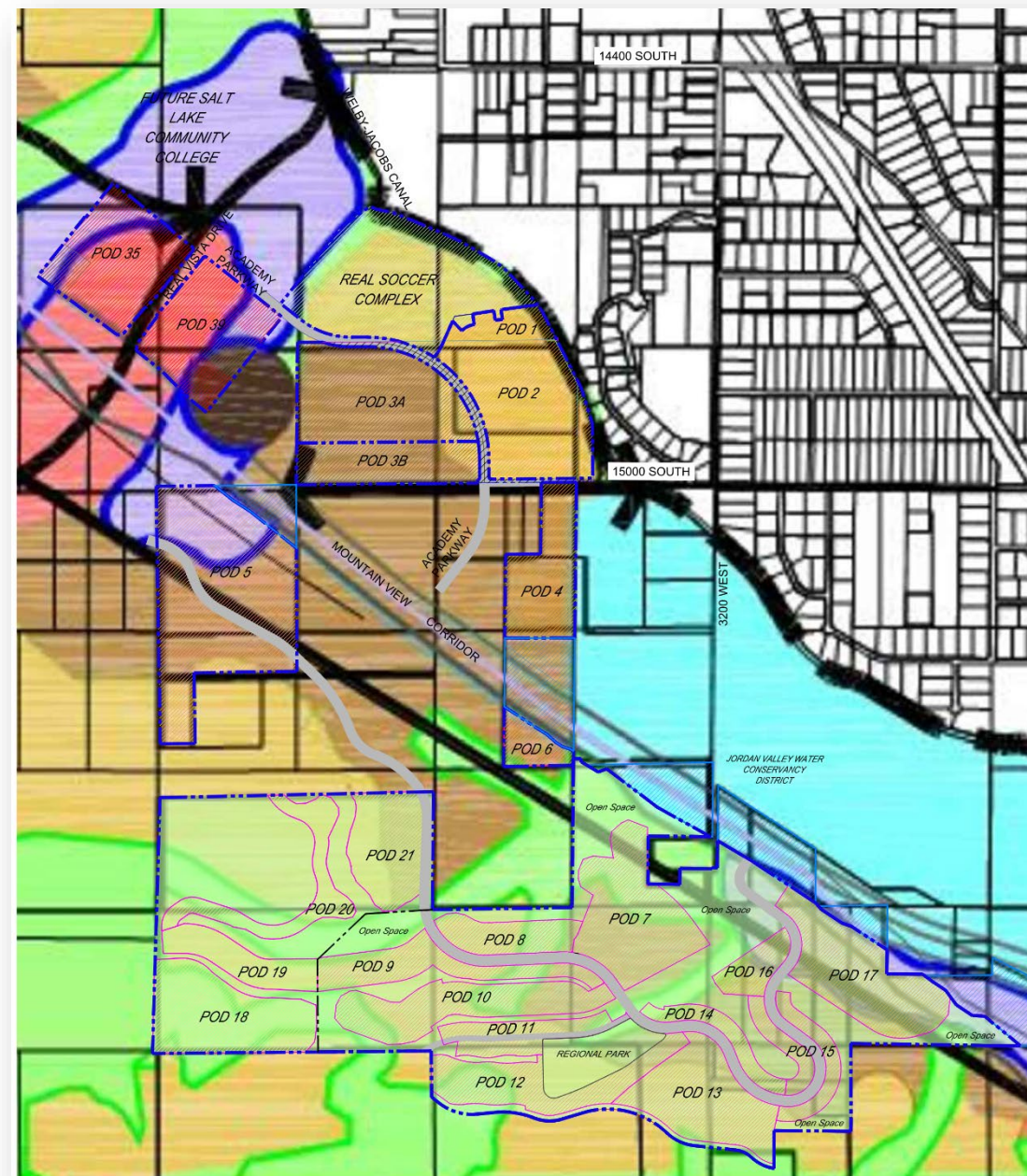
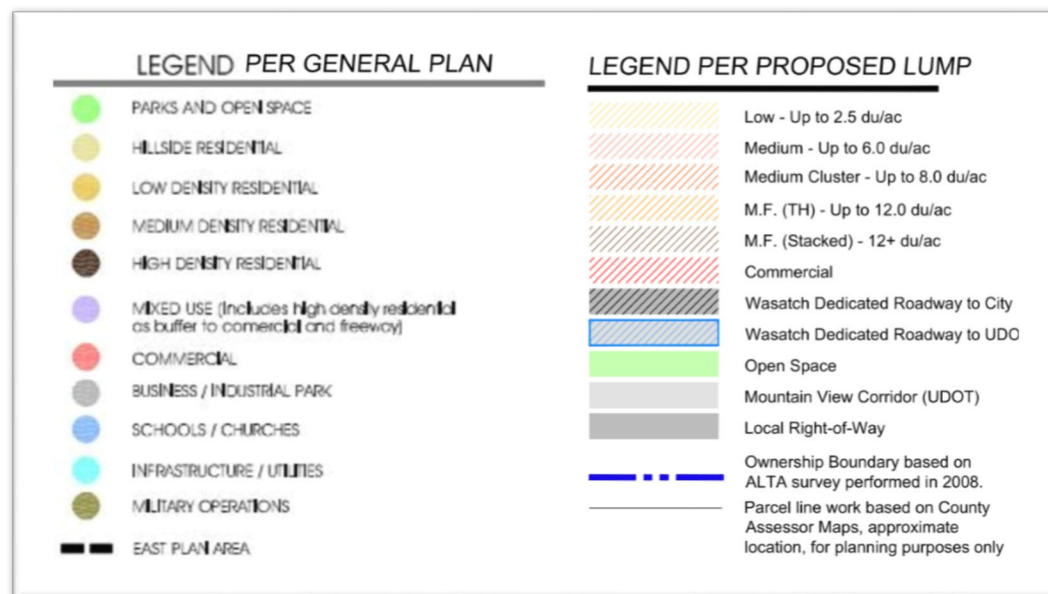
SUMMARY OF PROPERTY



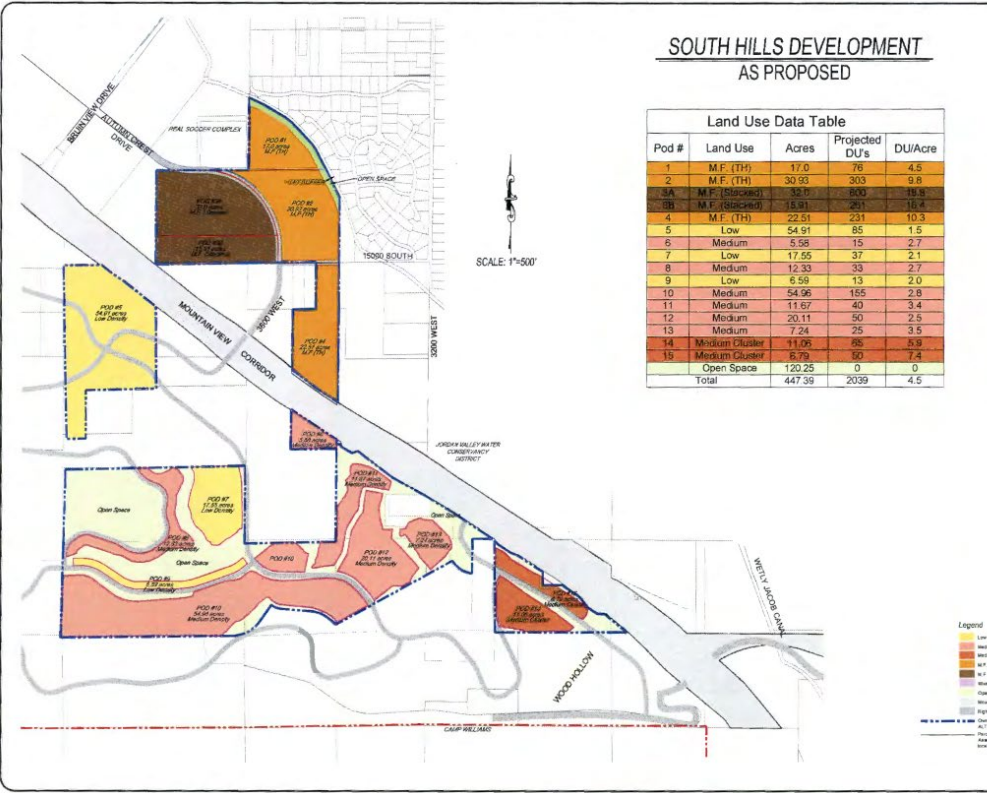
2008 GENERAL PLAN



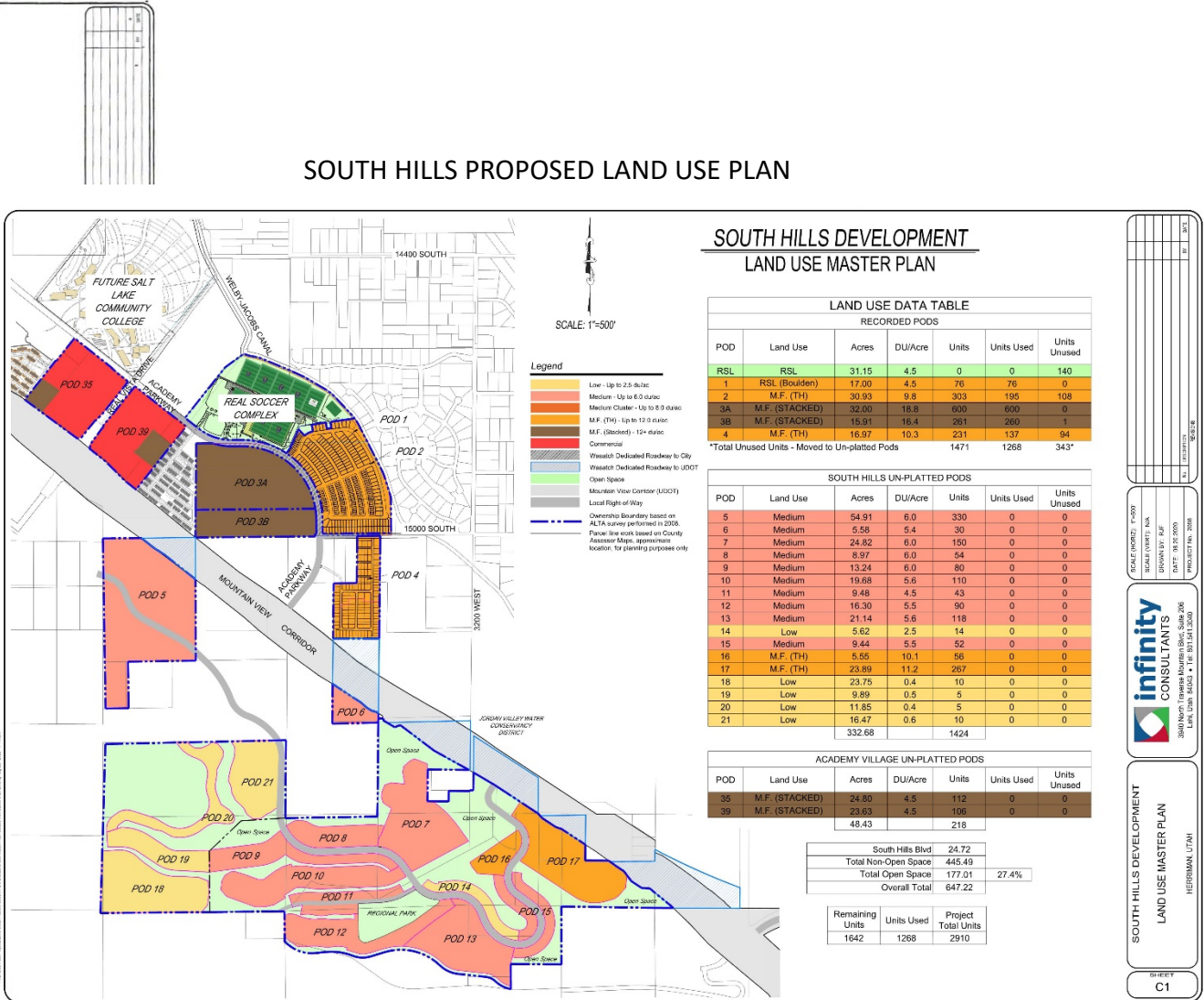
PROPOSED LAND USE PLAN COMPARISON WITH 2008 GENERAL PLAN



ORIGINAL AND PROPOSED PLAN COMPARISON



SOUTH HILLS APPROVED LAND USE PLAN (1/20/2018)





Staff Report

DATE: September 16, 2020
TO: Mayor Watts and Members of the City Council
FROM: Michael Maloy, AICP
MEETING: City Council Work Meeting September 23, 2020
REQUEST: Land Use Text Amendment Zone to permit Personal Instruction Service as a land use in the M-1 Manufacturing Zone
Applicant: Braiden Rindlisbacher, Scenic Development
File Number: Z2020-048

Request

Scenic Development submitted an application to amend the Land Development Code to add “Personal Instruction Services as a “Permitted” land use in the M-1 Manufacturing Zone.

Notice

Herriman City published a notice in the newspaper and on the City’s website on August 24, 2020, which advertised a public hearing on September 3, 2020. As of this report, staff has not received any public comments regarding the proposal (see Attachment A – Proposed Amendment).

Process

Amending the City Code requires legislative action by the City Council. As per City Code, the Planning Commission must first hold a public hearing and then vote to recommend approval, denial, or modification of the proposal to the City Council. The City Council then holds a public meeting to discuss the item and make the final decision.

Discussion

The applicant is requesting to add Personal Instruction Service as a permitted land use in the M-1 Manufacturing Zone. In the current City Code, Personal Instruction Services are not allowed in the M-1 Zone.

For reference, the Land Development Code defines Personal Instruction Service as follows:

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement, and similar services. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.

In support of the applicant’s proposal, the following land uses, which have similar activities, impacts, and clientele, are currently allowed in the M-1 Zone:

| Land Use | M-1 Zone |
|---|-------------|
| RECREATION AND ENTERTAINMENT, INDOOR: An establishment providing recreation and entertainment that is wholly enclosed in a building. Typical uses include amusement rides, athletic and fitness facilities, bowling alleys, dance halls, indoor theaters, pool halls, racquetball and handball courts, and swimming pools. | Conditional |
| RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment providing recreation and entertainment which takes place in the open. Typical uses include archery ranges, batting cages, campgrounds, golf courses, golf driving ranges, drive-in theaters, miniature golf courses, rodeo grounds, tennis courts, and amusement rides. | Conditional |
| SCHOOL, CHARTER: A school that is an operating charter school; a charter school applicant that has its application approved by a charter school authorizer in accordance with Title 53A, Chapter 1a, Part 5, the Utah Charter Schools Act; or an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. A charter school does not include a therapeutic school. | Permitted |

For a complete list of land uses that Herriman allows in the M-1 Zone, please see Attachment B – Land Use Table, which is an excerpt from City Code 10-16-1, which is entitled “Uses.”

Standards

As stated in City Code 10-5-8.E. Approval Standards, “A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of this chapter. In making an amendment, the following factors should be considered:”

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

Finding. The proposal is consistent with the following goal and action statements found on page 5-5 of the Herriman City 2025 General Plan Amendment:

GOAL: ENCOURAGE AND SUPPORT A DIVERSE ECONOMIC BASE

Action: Promote and support the City’s existing and potential small and local businesses. Local companies often provide significant financial reinvestment back into their communities. Local businesses could be encouraged to join in a common marketing campaign, such as “Local First Utah.”

Action: Identify and recruit businesses that will provide goods and services to increase convenience for City residents, increase the variety of places to shop, and assist the City in becoming a full-service community.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Finding. As stated previously, the proposed land use is similar to existing permitted and conditional land uses in the M-1 Zone. Furthermore, under the direction of the City Council and Planning Commission, city staff has initiated a separate Land Use Text Amendment application to (1) review existing commercial development standards and zones, and (2) prepare additional text amendments (as needed) to address current and projected market demands and trends.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

Finding. To ensure the proposed text amendment does not adversely affect an adjacent property, the Planning Commission recommended the proposed land use be classified as a conditional use within the M-1 Zone. The Commission also recommended adding a requirement to analyze the safety and adequacy of traffic patterns and off-street parking.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

Finding. Whereas the proposed land use is currently allowed within the C-2, MU, and MU-2 zones, staff finds the proposed text amendment is compliant with the intent of this standard. Furthermore, the site-specific conditions will be analyzed during site plan and conditional use review.

Recommendation

Following the conclusion of a public hearing held on September 3, 2020, the Herriman City Planning Commission voted 6-0 to modify the proposal and recommended the following (see Attachment C – Draft Minutes):

Recommend approval of adding Personal Instruction Service as a *conditional* use in the M-1 Manufacturing Zone, *subject to site plan review to ensure adequate traffic flow and sufficient off-street parking.*

Attachments

- A. Proposed Amendment
- B. Land Use Table
- C. Draft Minutes

Attachment A
Proposed Amendment

The following text is an excerpt from Herriman City Code, which the staff selected to provide context for the proposed amendment. Only the underlined and strikethrough portions of the text are amended by this ordinance. All other regulations contained within Chapter 16 of Title 10 Land Development Code shall remain in effect.

Chapter 16 Table of Uses

10-16-1: USES:

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

Legend

P = Permitted

C = Conditional

Blank = Not permitted

| Uses ¹ | Zones | | | | | | | | | | | | | | | | | | |
|--|-------|-----|-----|--------|--------|--------|--------|--------|--------|-----|-----------------|----|-----------------|------------------|-----|------------------|-----|-------------------|------------------|
| | A-25 | A-5 | A-1 | R-1-10 | R-1-15 | R-1-21 | R-1-43 | R-2-10 | R-2-15 | R-M | FR ² | RC | OP | C-1 | C-2 | M-1 | T-M | MU | MU-2 |
| Alcoholic beverage ⁴⁴⁵ : | | | | | | | | | | | | | | | | | | | |
| Model home sales office ³³ | P | P | P | P | P | P | P | P | P | P | P | | | | P | | | | P |
| Office, professional | | | | | | | | | | C | | C | P ³⁴ | | P | P | C | | C |
| Personal Instruction Service ³⁵ | | | | | | | | | | | | | | | P | <u>C</u> | | C | C |
| Recreation and entertainment, indoor | | | | | | | | | | | | | C | | P | C | C | | C ³⁵⁶ |
| Repair service | | | | | | | | | | | | | | P | P | | | P | C ³⁶⁷ |
| Retail, general | | | | | | | | | | | | | | P ³⁷⁸ | P | | | P | C |
| Temporary building ³⁸⁹ | C | C | C | C | C | C | C | C | C | C | C | C | | C | C | C | C | C | P |
| Transportation service | | | | | | | | | | | | | | C | C | P | | C ³⁹⁴⁰ | |
| Warehouse, self service ⁴⁰¹ | | | | | | | | | | | | | | C | | P | | | |
| Wireless telecommunication facility ⁴¹² | C | C | C | C | C | C | C | C | C | C | C | | C | C | C | P | C | C ⁴²³ | P |
| Recreational vehicle storage yard | | | | | | | | | | | | | | | | C ⁴³⁴ | | | |

Notes:

1. Accessory uses are allowed in all zones, but only if incidental to a permitted or conditional use and as provided in section 10-29-5 of this title.
33. See section 10-29-31 of this title for use limitations and regulations.
34. Office buildings with more than 5,000 square feet must obtain a conditional use permit.
35. Subject to site plan review to ensure adequate traffic flow and sufficient off-street parking.
- ~~356.~~ Excludes firearms and archery range.
- ~~367.~~ Excludes gunsmith.
- ~~378.~~ Excludes grocery stores up to 5,000 square feet which are allowed as a conditional use.
- ~~389.~~ Building must be removed upon completion or abandonment of construction work.
- ~~3940.~~ Limited to 16 trucks on the premises at one time.
- ~~401.~~ Must be located within a fully enclosed building.
- ~~412.~~ Must be located on public or quasi-public owned property or utility site, and not in public parks unless an exception is granted by the Planning Commission, subject to section 10-29-8 of this title.
- ~~423.~~ Maximum height of 50 feet and designed as a stealth facility.
- ~~434.~~ Includes a 6 foot high solid visual barrier fence or masonry wall around the entire storage area.
- ~~445.~~ All uses under alcoholic beverages shall comply with the applicable Utah State Statute and all the requirements of title 3, "Business And License Regulations", of this Code.

Attachment B
Land Use Table

Herriman City Code 10-16-1 Uses

| Land Use | M-1 Manufacturing Zone |
|---------------------------------------|------------------------|
| Agricultural business | Conditional |
| Agricultural processing | Conditional |
| Agriculture | Permitted |
| Cannabis production establishment | Conditional |
| Soil products | Conditional |
| Stable, public | Conditional |
| Government service | Conditional |
| Operations center | Conditional |
| School, charter | Permitted |
| Utility, major | Conditional |
| Utility substation | Conditional |
| Alcoholic beverage (13 license types) | Permitted |
| State liquor store | Conditional |
| Animal Care service | Permitted |
| Bank or financial institution | Conditional |
| Business equipment sales and service | Permitted |
| Car wash | Conditional |
| Construction sales and service | Permitted |
| Convenience store | Conditional |
| Fireworks stand | Conditional |
| Garage, public | Permitted |
| Gas and fuel, storage and sales | Conditional |
| Gasoline service station | Conditional |
| Kennel | Conditional |
| Media Service | Conditional |
| Medical or dental laboratory | Permitted |
| Office, professional | Permitted |
| Parking lot | Permitted |
| Personal instruction service | ? |
| Printing | Conditional |
| Recreation and entertainment, indoor | Conditional |
| Recreation and entertainment, outdoor | Conditional |
| Research service | Permitted |
| Restaurant, general | Permitted |
| Sexually oriented business | Conditional |
| Temporary building | Conditional |
| Wireless telecommunication facility | Conditional |
| Freight terminal | Conditional |
| Laundry services | Permitted |
| Manufacturing | Conditional |
| Manufacturing, light | Conditional |
| Recreational vehicle storage yard | Conditional |
| Wholesale and warehousing, general | Conditional |
| Wholesale and warehousing, limited | Conditional |

Attachment C

Draft Minutes



PLANNING COMMISSION MINUTES

DRAFT

Thursday, September 3, 2020

Awaiting Formal Approval

The following are the minutes of the Planning Commission Meeting held on **Thursday, September 3, 2020 at 6:00 p.m.** in the Herriman City Council Chambers, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in City Hall, on the City's website, and delivered to members of the Commission and media.

Presiding: Chair Chris Berbert

Commission Members Present Electronically: Andrea Bradford, Lorin Palmer, Adam Jacobson, Brody Rypien, Alternate Joy Kaseke, Alternate Heather Garcia.

Commission Members Absent: Andy Powell, Jackson Ferguson

Staff Present in Person: Communication Specialist Mitch Davis, Deputy Recorder Wendy Thorpe

Staff Present Electronically: City Planner Michael Maloy, Community Development Director Blake Thomas, City Attorney Chase Andrizzi, Engineer Josh Peterson, City Engineer Jonathan Bowers, Planner II Sheldon Howa

1. 4:00 PM General Plan Field Trip to Multiple City Locations via Personal Vehicles (Start at City Hall)

Commissioners and staff left from City Hall at 4:00 P.M. They visited multiple City locations.

2. 6:00 PM Work Meeting (Council Chambers)

Chair Chris Berbert called the work meeting to order at 6:11 pm.

Discussion Items

2.1 Review of City Council Decisions – Michael Maloy, City Planner

City Planner Maloy informed there were none.

2.2 Review of Agenda Items

Assistant City Planner MacDonald said they were straightforward and Commissioners had no questions.

2.3 Discussion of the Required Fencing in the Hidden Oaks Development

Assistant City Planner MacDonald presented a locations where precast or fencing could not be installed due to flood plain, on the north side of the lot. Residents requested one. The wall will be on the east side and most of the west side. Chair Berbert requested for staff to notify the residents and let them know a wall would not be installed there. Blake said they worked with County flood control to find an alternative but none were found. Wall may not be within 20 feet of the flood plain. Commissioner Heather Garcia asked if landscaping trees could be installed. Blake mentioned boulders. Flows cannot be restricted. He will check with the County flood control to see if trees or boulders will work. Ivory homes wants to find a solution.

2.4 Discussion and Review of the Draft General Plan

City Planner Maloy introduced Susie Petheram. The main exhibit is the online map.

Maloy introduced Susie Petheram. The main exhibit is the online map. 4 areas were visited on the field trip. Feedback on future land use categories was requested. Want content to represent all of the ideas presented.

Future Land Use Chapter

Adam expressed concern with gross density with some zones together. Chris worried about categorizing things leans itself to clusters that were not the zones intention. How best to keep from having massive clusters. Adam ordinances, subdivision buying up density. PUD density grab. .2 lot sizes could still have open space. Not a good blend of small lots with open space. Brody maximum size of lots. Chris 3 units per acre. Not much balance here. Average lot size requirement – has to average out to it. With some smaller and some larger. Adam thinks lot sizes average small. Chris more balanced developments. Increases density. Susie talked about target average lot sizes. Average net density. Adam identified yellow area on the map. Says .2-.5 but almost none of the lots are .5. confusing message. South of Butterfield park. Brighter yellow. Chris Copper mountain high school and apartments all in that area. Susie existing development patterns something. Brody asked about utility area. Susie said Utility and support services and structures were colored gray. Medium lot size. Puds. Lose open space because the areas aren't buildable. Adam identified the old look of Herriman. New stuff, areas have lost that feel. How to enhance. Brody talked about mixed use and mixed housing types. Huge wall of homes with nothing interesting. Adam we're not planning as well as we should. Enhance initial park and trail communities. Gathering place. Butterfield park, towne center, 40 acres near high school. RSL area lacks that. Brody talked. Amenities. Chris trail system up hills. Canal. Parks talked about and locations identified. Hdh areas don't have amenities that areas with larger lot areas have, but they should have more parks.

Backyards. How to enhance ordinances. Open space. Adam asked if Susie would give specific recommendations. She said they would have an action plan that was somewhat specific. Action items to identify areas that need to be looked at to meet objectives of the General Plan. Supported and provided amenities. Open space varied for different types of areas. Another rec center needed. Local gym, tot lot. More community feel open space. Blackridge not large enough to accommodate what it has become.

Michael announced the special meeting would probably not be taking place next week. He asked if Commission would be able to come in at 5pm on the next September 17, 2020 PC meeting.

2.5 Discussion of a proposed amendment to the south Hills Master Plan

Assistant City Planner Bryn area near RSL. POD 35 and 39 being added to the plan. Additional property on MVC. Proposed land use master plan displayed. Will be adding commercial design guidelines. Can add density. She requested for commissioners to review the information in the packet. Adam asked why they were not doing a new development agreement. Bryn talked about lists of changes and stuff. Chart. Updates requested by staff. Revise master plans. Chris said this is prime example of what they just talked about. One large regional park. Slope issues. Bryn areas all vested under old code. Will come back for recommendation in a couple weeks. Please forward information to Bryn. Chris 6 units per acre. Large regional park would make sense. Tuscany has centralized large park which is a nice amenity. Adam requested for density numbers in different subdivisions – average lot size.

Planning Commission work meeting adjourned by consensus at 7:00 p.m.

7:00 PM - Regular Planning Commission Meeting

3. Call to Order

Chair Chris Berbert called the meeting to order at 7:07 p.m. and welcomed those in attendance.

3.1 Pledge of Allegiance

Deputy Recorder Thorpe led the audience in the Pledge of Allegiance.

3.2 Roll call

Full Quorum Present.

3.3 Conflicts of Interest

No Comments were offered.

3.4 Approval of Minutes for the August 6, 2020 Planning Commission Meeting

Commissioner Heather Garcia moved to approve item 3.4 Approval of Minutes for the August 6, 2020 Planning Commission

meetings and all voted aye.

4. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the applications compliance with the ordinance.

- 4.1 Request: Request: Plat Amendment for Building 29 in Overlook at Rosecrest Phase 2 to Create Two Lots**
Applicant: David Allred / DLA Real Estate LLC
Address: 1444 South Daleside Court
Zone: MU-2 (Mixed Use)
Acres: .082
File Number: S2020-056

Assistant City Planner MacDonald explained stuff. Attached walls.

Applicant David Mortenson the surveyor had nothing to add.

Applicant Allred stated

Requirements

1. Receive and agree to the recommendations from other agencies.
2. Prepare a plat to be reviewed and approved by the engineering department.

Commissioner Adam Jacobson moved to approve item 4.1 file # S2020-056 Plat Amendment for Building 29 in Overlook at Rosecrest Phase 2 to create lots with Staff Recommendations. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye
Commissioner Heather Garcia Aye
Commissioner Adam Jacobson Aye
Commissioner Joy Kaseke Aye
Commissioner Brody Rypien Aye
Commissioner Lorin Palmer Aye

The motion passed unanimously.

4.2 Request: Preliminary Plat for a 4 Lot Commercial Subdivision (Public Hearing opened on June 4, 2020)

Applicant: Larry Myler
Address: 4950 West 12600 South

Zone: C-2 (Commercial)
Acres: 14.542
File Number: S2020-012

City Planner MacDonald reviewed the location and zone

Applicant Ted J. Didas, Larry Myler had no additional comments

Commissioner Jacobson asked if sidewalk would be around the entire property. Applicant said may not be on the side bordering the auto dealers, but will be on the other sides. Adam asked if street lights coordinated with UDOT? For distance between lights. Blake said Hales engineering requested UDOT coordination. Andrea asked if they already had tenants. He said yes. Garage grill.

Chair Berbert said the the public hearing was still open.

No comments were offered.

Chair Berbert closed the public hearing.

Recommendation

Staff recommends holding the public hearing and continuing this preliminary plat application to allow for further review by staff.

Commissioner Adam Jacobson moved to approve item 4.2 file number S2020-012 Preliminary Plat for a 4 Lot Subdivision (Public Hearing opened on June 4, 2020). Commissioner Heather Garcia seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Joy Kaseke Aye

Commissioner Adam Jacobson Aye

Commissioner Brody Rypien Aye

Commissioner Lorin Palmer Aye

Commissioner Heather Garcia Aye

The motion passed unanimously.

4.3 Request: Site Plan Review of a Restaurant Known as Garage Grill
Applicant: Herriman Garage Partners
Address: 4874 West 12600 South
Zone: C-2 (Commercial)
Acres: 1.417
File Number: P2020-013

Assistant City Planner MacDonald reviewed the request. Parking stalls. New parking study for 112 parking stalls. Materials displayed. 30% brick stone does not meet the 60% requirement. PC could approve the site plan and have the elevations come back. Adam asked about Parking modification. Ice cream place needed more. Access easements. Shared parking could be in the agreement. JCW had to buy the lot next door for more parking. Larry said the shared documents mentioned cross something parking. 3 properties governing documents. Heather talked about the landscaping plan. She requested more variety. JVWC landscape grants for water wise recommendations. Applicant said he would look into that. Bryn said she would get him the info. Heather would like the landscape plan to come back. Chris and adam would like signage on the building to come back with the elevations. Bryn said the signs would come back.

Applicant Steve Pruitt, Ted J. Didas, Larry Myler.

Requirements

1. Receive and agree to the recommendations from other agencies.
2. Submit final landscaping plans showing types, sizes and placement of plant material to the Staff for review and final approval as part of the engineering review.
3. All building elevations shall meet the Commercial Design criteria as found in the Land Development Code section 10-12-6. The building elevations shall come back for approval.
4. No signs are approved with this request, separate approval will be required. No signs are allowed on public property. All signs must be located on private property.
5. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped. Comply with the landscaping requirements of Herriman Land Development Code Chapter 23.
6. Provide storm drain detention to meet City standards. Detention ponds shall be landscaped per City standards. This may be in a detention facility off site.
7. Parking shall be approved at 112 parking spaces, based on the provided parking study.
8. Provide curb, gutter, sidewalk, park strip, street trees, and street lights on all public streets.
9. Provide ADA access from the entrance to a public way.
10. Screen all outside trash and dumpster areas. Dumpster enclosures shall have similar architectural features as the main building and be gated.
11. Retain 80th percentile storm on site using low impact development methods.
12. A landscaping waiver is approved allowing only 10 feet of landscaping along Mountain View Corridor.

Commissioner adam moved to approve item 4.3 file number P2020-013 Site Plan Review of a restaurant known as Garage Grill with 12 staff requirements with alteration to #3 for building plans to come back sign. Number 7 add statement they provide cross easement parking with other 3 lots and number 5 that landscaping plan come back to PC. Commissioner Lorin seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Joy Kaseke *Aye*

Commissioner Adam Jacobson *Aye*

Commissioner Heather Garcia *Aye*

Commissioner Lorin Palmer *Aye*

Commissioner Brody Rypien *Aye*

The motion passed unanimously.

5. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

5.1 Request: Text Change to the M-1 (Manufacturing) Zone to add Personal Instruction Services at Permitted Use (Public Hearing) Applicant: Braiden Rindlisbacher / Scenic Development File Number: Z2020-048

City Planner Maloy reviewed the request. Dance studio asking to come in. MM said they were talking about difference between indoor /outdoor and or maybe creating a new zone. He thought it was a reasonable solution for now. Adam said more availability needed for dropoff. Safety hazard. But this may not be the time to fix it. Chris said small wonders near pizza hut moved their dropoff to the back. In daybreak they drop off in back and pick up in the front. Chris said there may be a way to design the roads. Maybe planning staff can talk to builders as they come in. Adam said needed to be addressed in C- something and M- something. Flex space. They need parking accommodations for meets.

Chris asked how many parking stalls were required. MM said based on the use. If permitted they could affect traffic control with many near each other. 1 space for 250 sq feet plus one space per employee.

Applicant Braiden Rindlisbacher talked about stuff. Thinks it's a good fit. He talked about the instructor.

Brody asked about modification to parking. He said they have a parking all around the building so they could accommodate drop off around the building in front and back.

Chair Berbert opened the public hearing.

No comments were offered.

Chair Berbert closed the public hearing. .

Adam asked how dropoff can be addressed by staff for safety. Bryn said something. Chris said if conditional they could add conditions for pick up drop off, but then they would need a plan. Commissioners talked about whether it should be permitted or conditional use. Chris thought more parking needed. More parking and

better dropoff needed. Should be included in the motion

Commissioner Brody moved to refer to City Council Item 5.1 file number Z2020-048 Text Change to the M-1 (Manufacturing Zone to add Personal Instruction Services at a permitted use. He recommended to CC to make it conditional use and to have them look at traffic flow and number of stalls Commissioner Jacobson seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Joy Kaseke Aye

Commissioner Adam Jacobson Aye

Commissioner Heather Garcia Aye

Commissioner Lorin Palmer Aye

Commissioner Brody Rypien Aye

The motion

6. Chair and Commission Comments

Adam wants engineering to look at parking requirements for drop off and pickup. Chris recommended drop off behind.

7. Future Meetings

City Council Meeting – **Wednesday, September 9, 2020**

City Council Meeting – **Wednesday, August 19, 2020**

Planning Commission Meeting – **Thursday, August 20, 2020**

8. Adjournment

Commissioner Adam Jacobson Palmer moved to adjourn the meeting at 7:48p.m. and all voted aye.

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 6, 2020. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe

City Council Work Meeting

Z2020-048 Land Use Text Amendment

Allow Personal Instruction Services in M-1 Manufacturing Zone

Applicant: Braiden Rindlisbacher, Scenic Development

September 23, 2020



Text Amendment

July 20
2020

- Applicant submitted request

August 24
2020

- Newspaper notice of public hearing

Sept 3
2020

- Planning Commission public hearing
- Voted 6-0 to recommend approval of text amendment

Sept 23
2020

- City Council Work Meeting
- Discussion of proposal

October 14
2020

- City Council Regular Meeting
- Vote on proposal

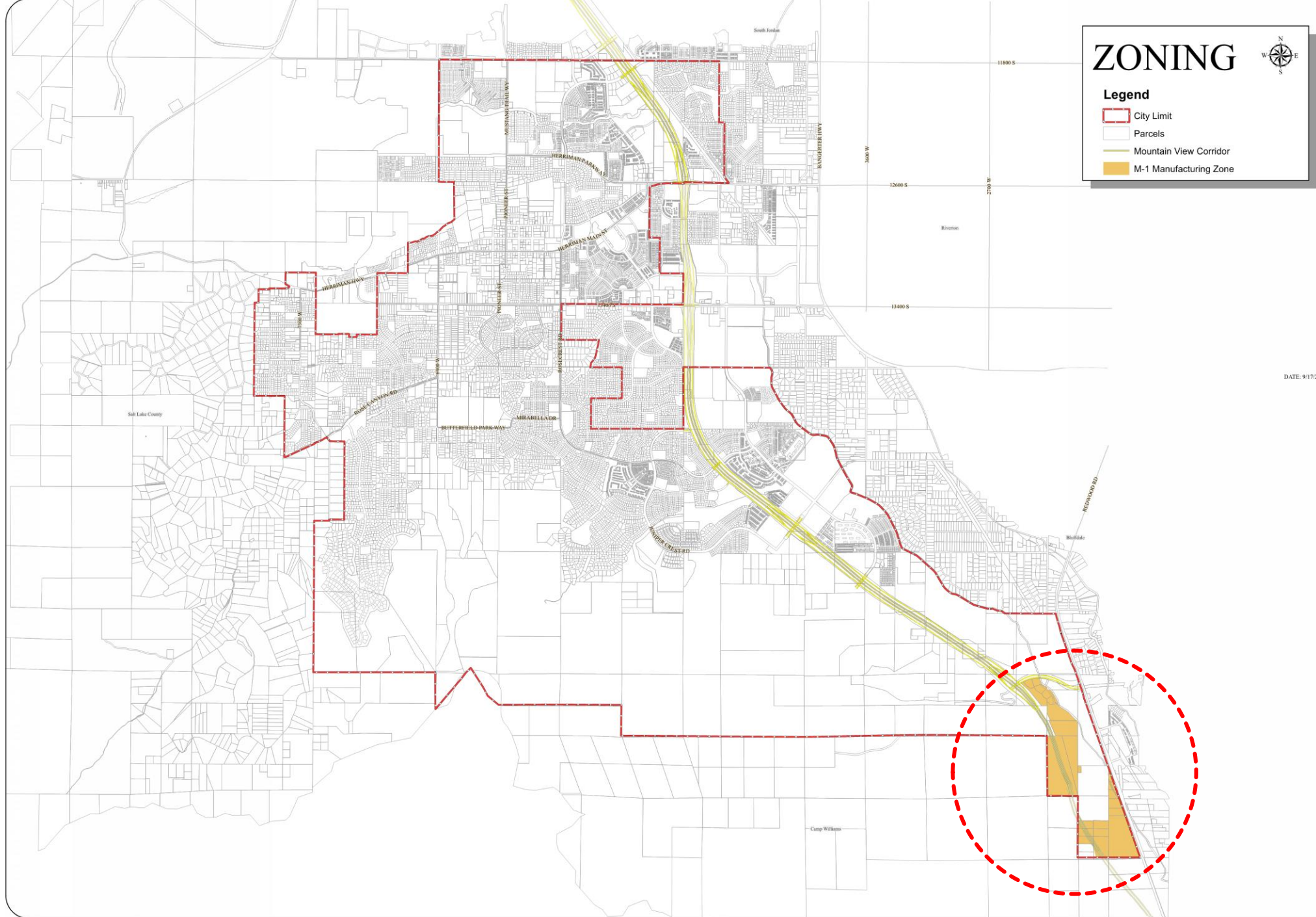
City Code

| Land Use Definitions | M-1 Manufacturing |
|---|-------------------|
| PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement, and similar services. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training. | <u>Permitted</u> |
| RECREATION AND ENTERTAINMENT, INDOOR: An establishment providing recreation and entertainment that is wholly enclosed in a building. Typical uses include amusement rides, athletic and fitness facilities, bowling alleys, dance halls, indoor theaters, pool halls, racquetball and handball courts, and swimming pools. | Conditional |
| RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment providing recreation and entertainment which takes place in the open. Typical uses include archery ranges, batting cages, campgrounds, golf courses, golf driving ranges, drive-in theaters, miniature golf courses, rodeo grounds, tennis courts, and amusement rides. | Conditional |
| SCHOOL, CHARTER: A school that is an operating charter school; a charter school applicant that has its application approved by a charter school authorizer in accordance with title 53A, chapter 1a, part 5, the Utah Charter Schools Act; or an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. A charter school does not include a therapeutic school. | Permitted |

Rockwell Landing Business Park

2286 W Porters Point Cove





Planning Commission Recommendation

Recommend approval of adding Personal Instruction Service as a conditional permitted use in the M-1 Manufacturing Zone, subject to site plan review to ensure adequate traffic flow and sufficient off-street parking

Herriman City Staff Report City Council Meeting 09-23-2020

Agenda Item: **Bonding Options for Water Infrastructure**

Staff Report submitted by: Alan Rae

Recommended City Council Action: No Action Discussion Only

BACKGROUND:

For some time the Water Department has been working steadily to improve the water infrastructure but there are areas of the City that have needs greater than the funds that can be generated in the short run.

The Water has identified the following immediate priority needs (Map is included at the end):

Priority 1: North Herriman Water Improvements-Connect JV zone D to Herriman zone 3 10,500' of 12" PVC waterline will improve current demand issues **\$1,575,000**

Priority 2: East Herriman Water Improvements-Construct (2) 2MG water tanks, dual zone pump station and transmission lines to serve East Herriman **\$12,000,000**

Priority 2.5: Additional East Herriman Water Improvements-These waterlines will need to be installed by City, if developers do not install before tanks are built. (~10,000 LF of 20" DIP) **\$2,500,000**

Priority 3: Juniper Canyon Water Improvements-Install infrastructure before recreation amenities, improve water looping between developments **\$2,400,000**

Priority 4: Zone 4 Pump Station Upgrades-Increase existing pump station capacity to meet current and future demands **\$550,000**

Priority 5: Zone 5 VFD Pump Station- Improve system functionality relieve Cove demands **\$1,100,000**

In working with our financial advisor at Zions bank I believe that the time is very good to do a water revenue bond to get in front of the growing needs.

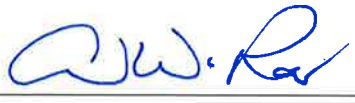
- Interest rates are very low and very favorable to bonding, current rates will be about 2% but the market has moved slightly higher in the last few day but has been fluctuating
- Two of our current bonds can be refunded saving significant costs. The estimated savings on the refunding is \$486,976.64 which is a Net Present Value savings of 6.761%. GFOA best practices suggests that refunding should be considered when NPV exceeds 3%.
- Due to expected premium on the sale of the bonds we would only be issuing bonds in the amount of \$22,430,000 to obtain \$20,000,000 in construction funds and to refund \$7,318,702 in existing bonds the premium is expected to be \$5,273,253.
- The only security the City will give for these bonds is the revenues from the water fund. No other City revenues or assets will be affected.
- The improvements proposed for this bond are already anticipated in the current impact fees and rate studies. The bond is not expected to increase either rates or impact fees

SUPPORT MATERIALS: Zions Bank Calculations of the proposed bonds.

FINANCIAL IMPACT:

The financial impact will be that \$20,000,000 will be available for construction immediately, the new bond will require a payment of between \$1.2M – 2.2M the payment begins at the high end and reduces each year thereafter. The bonds that will be refunded have annual payments of \$684,000 which will be eliminated.

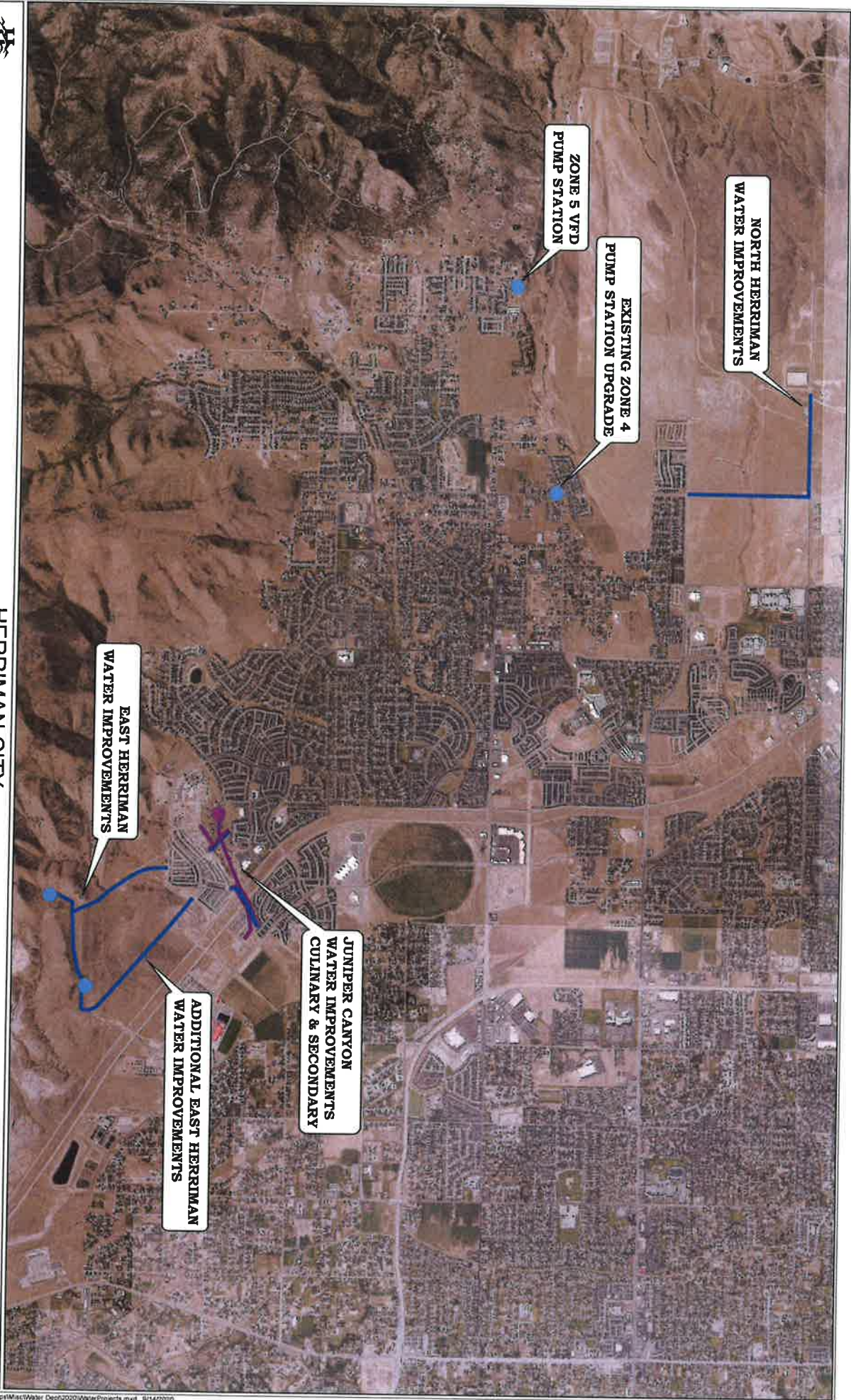
Respectfully Submitted:



Alan Rae

HERRIMAN CITY **WATER PROJECTS**

0 0.125 0.25 0.5
Miles



Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

Table of Contents

Report

ISSUE SUMMARY

| | |
|------------------------------|---|
| Debt Service Schedule | 1 |
| Pricing Summary | 2 |
| Total Issue Sources And Uses | 3 |

NEW MONEY

| | |
|-----------------------|---|
| Debt Service Schedule | 4 |
| Pricing Summary | 5 |
| Sources & Uses | 6 |

REFUND 2015 AND 2017

| | |
|--------------------------------------|----|
| Prior Original Debt Service | 7 |
| Debt Service To Maturity And To Call | 9 |
| Summary Of Bonds Refunded | 11 |
| Debt Service Schedule | 12 |
| Pricing Summary | 13 |
| Sources & Uses | 14 |
| Gross Debt Service Comparison | 15 |
| Current Refunding Escrow | 16 |

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

Debt Service Schedule

| Date | Principal | Coupon | Interest | Total P+I | Fiscal Total |
|--------------|------------------------|----------|------------------------|------------------------|--------------|
| 12/16/2020 | - | - | - | - | - |
| 01/01/2021 | 1,795,000.00 | 4.000% | 44,383.34 | 1,839,383.34 | 1,839,383.34 |
| 07/01/2021 | - | - | 496,700.00 | 496,700.00 | - |
| 01/01/2022 | 900,000.00 | 4.000% | 496,700.00 | 1,396,700.00 | 1,893,400.00 |
| 07/01/2022 | - | - | 478,700.00 | 478,700.00 | - |
| 01/01/2023 | 935,000.00 | 4.000% | 478,700.00 | 1,413,700.00 | 1,892,400.00 |
| 07/01/2023 | - | - | 460,000.00 | 460,000.00 | - |
| 01/01/2024 | 980,000.00 | 4.000% | 460,000.00 | 1,440,000.00 | 1,900,000.00 |
| 07/01/2024 | - | - | 440,400.00 | 440,400.00 | - |
| 01/01/2025 | 1,020,000.00 | 4.000% | 440,400.00 | 1,460,400.00 | 1,900,800.00 |
| 07/01/2025 | - | - | 420,000.00 | 420,000.00 | - |
| 01/01/2026 | 1,055,000.00 | 5.000% | 420,000.00 | 1,475,000.00 | 1,895,000.00 |
| 07/01/2026 | - | - | 393,625.00 | 393,625.00 | - |
| 01/01/2027 | 1,110,000.00 | 5.000% | 393,625.00 | 1,503,625.00 | 1,897,250.00 |
| 07/01/2027 | - | - | 365,875.00 | 365,875.00 | - |
| 01/01/2028 | 1,165,000.00 | 5.000% | 365,875.00 | 1,530,875.00 | 1,896,750.00 |
| 07/01/2028 | - | - | 336,750.00 | 336,750.00 | - |
| 01/01/2029 | 1,225,000.00 | 5.000% | 336,750.00 | 1,561,750.00 | 1,898,500.00 |
| 07/01/2029 | - | - | 306,125.00 | 306,125.00 | - |
| 01/01/2030 | 1,280,000.00 | 5.000% | 306,125.00 | 1,586,125.00 | 1,892,250.00 |
| 07/01/2030 | - | - | 274,125.00 | 274,125.00 | - |
| 01/01/2031 | 1,345,000.00 | 5.000% | 274,125.00 | 1,619,125.00 | 1,893,250.00 |
| 07/01/2031 | - | - | 240,500.00 | 240,500.00 | - |
| 01/01/2032 | 940,000.00 | 5.000% | 240,500.00 | 1,180,500.00 | 1,421,000.00 |
| 07/01/2032 | - | - | 217,000.00 | 217,000.00 | - |
| 01/01/2033 | 990,000.00 | 5.000% | 217,000.00 | 1,207,000.00 | 1,424,000.00 |
| 07/01/2033 | - | - | 192,250.00 | 192,250.00 | - |
| 01/01/2034 | 1,040,000.00 | 5.000% | 192,250.00 | 1,232,250.00 | 1,424,500.00 |
| 07/01/2034 | - | - | 166,250.00 | 166,250.00 | - |
| 01/01/2035 | 1,095,000.00 | 5.000% | 166,250.00 | 1,261,250.00 | 1,427,500.00 |
| 07/01/2035 | - | - | 138,875.00 | 138,875.00 | - |
| 01/01/2036 | 1,145,000.00 | 5.000% | 138,875.00 | 1,283,875.00 | 1,422,750.00 |
| 07/01/2036 | - | - | 110,250.00 | 110,250.00 | - |
| 01/01/2037 | 1,025,000.00 | 5.000% | 110,250.00 | 1,135,250.00 | 1,245,500.00 |
| 07/01/2037 | - | - | 84,625.00 | 84,625.00 | - |
| 01/01/2038 | 1,075,000.00 | 5.000% | 84,625.00 | 1,159,625.00 | 1,244,250.00 |
| 07/01/2038 | - | - | 57,750.00 | 57,750.00 | - |
| 01/01/2039 | 1,125,000.00 | 5.000% | 57,750.00 | 1,182,750.00 | 1,240,500.00 |
| 07/01/2039 | - | - | 29,625.00 | 29,625.00 | - |
| 01/01/2040 | 1,185,000.00 | 5.000% | 29,625.00 | 1,214,625.00 | 1,244,250.00 |
| Total | \$22,430,000.00 | - | \$10,463,233.34 | \$32,893,233.34 | - |

Yield Statistics

| | |
|-----------------------------------|--------------|
| Bond Year Dollars | \$211,269.58 |
| Average Life | 9.419 Years |
| Average Coupon | 4.9525508% |
| Net Interest Cost (NIC) | 2.4990347% |
| True Interest Cost (TIC) | 2.1287543% |
| Bond Yield for Arbitrage Purposes | 1.3887512% |
| All Inclusive Cost (AIC) | 2.2639642% |

IRS Form 8038

| | |
|---------------------------|-------------|
| Net Interest Cost | 1.9082917% |
| Weighted Average Maturity | 9.817 Years |

\$20M W Rev Ref 08/31/20 | Issue Summary | 9/ 3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

Pricing Summary

| Maturity | Type of Bond | Coupon | Yield | Par | Maturity Value | Price | YTM | Call Date | Call Price | Dollar Price |
|------------|---------------|--------|--------|----------|-----------------|----------|----------|------------|------------|-----------------|
| 01/01/2021 | Serial Coupon | 4.000% | 0.400% | 100.000% | 1,795,000.00 | 100.149% | - | - | - | 1,797,674.55 |
| 01/01/2022 | Serial Coupon | 4.000% | 0.450% | 100.000% | 900,000.00 | 103.684% | - | - | - | 933,156.00 |
| 01/01/2023 | Serial Coupon | 4.000% | 0.510% | 100.000% | 935,000.00 | 107.079% | - | - | - | 1,001,188.65 |
| 01/01/2024 | Serial Coupon | 4.000% | 0.530% | 100.000% | 980,000.00 | 110.456% | - | - | - | 1,082,468.80 |
| 01/01/2025 | Serial Coupon | 4.000% | 0.580% | 100.000% | 1,020,000.00 | 113.641% | - | - | - | 1,159,138.20 |
| 01/01/2026 | Serial Coupon | 5.000% | 0.700% | 100.000% | 1,055,000.00 | 121.264% | - | - | - | 1,279,335.20 |
| 01/01/2027 | Serial Coupon | 5.000% | 0.850% | 100.000% | 1,110,000.00 | 124.389% | - | - | - | 1,380,717.90 |
| 01/01/2028 | Serial Coupon | 5.000% | 0.990% | 100.000% | 1,165,000.00 | 127.209% | - | - | - | 1,481,984.85 |
| 01/01/2029 | Serial Coupon | 5.000% | 1.100% | 100.000% | 1,225,000.00 | 129.936% | - | - | - | 1,591,716.00 |
| 01/01/2030 | Serial Coupon | 5.000% | 1.190% | 100.000% | 1,280,000.00 | 132.567% | - | - | - | 1,696,857.60 |
| 01/01/2031 | Serial Coupon | 5.000% | 1.250% | 100.000% | 1,345,000.00 | 133.630% | c 1.399% | 07/01/2030 | 100.000% | 1,797,323.50 |
| 01/01/2032 | Serial Coupon | 5.000% | 1.330% | 100.000% | 940,000.00 | 132.784% | c 1.726% | 07/01/2030 | 100.000% | 1,248,169.60 |
| 01/01/2033 | Serial Coupon | 5.000% | 1.410% | 100.000% | 990,000.00 | 131.944% | c 2.001% | 07/01/2030 | 100.000% | 1,306,245.60 |
| 01/01/2034 | Serial Coupon | 5.000% | 1.500% | 100.000% | 1,040,000.00 | 131.007% | c 2.244% | 07/01/2030 | 100.000% | 1,362,472.80 |
| 01/01/2035 | Serial Coupon | 5.000% | 1.550% | 100.000% | 1,095,000.00 | 130.489% | c 2.425% | 07/01/2030 | 100.000% | 1,428,854.55 |
| 01/01/2037 | Term 1 Coupon | 5.000% | 1.640% | 100.000% | 2,170,000.00 | 129.564% | c 2.714% | 07/01/2030 | 100.000% | 2,811,538.80 |
| 01/01/2040 | Term 2 Coupon | 5.000% | 1.760% | 100.000% | 3,385,000.00 | 128.343% | c 3.030% | 07/01/2030 | 100.000% | 4,344,410.55 |
| Total | | | | | \$22,430,000.00 | - | - | - | - | \$27,703,253.15 |

Bid Information

| | |
|---------------------------------------|-----------------|
| Par Amount of Bonds | \$22,430,000.00 |
| Reoffering Premium or (Discount) | 5,273,253.15 |
| Gross Production | \$27,703,253.15 |
| Total Underwriter's Discount (0.400%) | \$(89,720.00) |
| Bid (123.109822%) | 27,613,533.15 |
| Total Purchase Price | \$27,613,533.15 |
| Bond Year Dollars | \$211,269.58 |
| Average Life | 9.419 Years |
| Average Coupon | 4.9525508% |
| Net Interest Cost (NIC) | 2.4990347% |
| True Interest Cost (TIC) | 2.1287543% |

\$20M W Rev Ref 08/31/20 | Issue Summary | 9/3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

Total Issue Sources And Uses

Dated 12/16/2020 | Delivered 12/16/2020

| | New Money | Refund 2015 and 2017 | Issue Summary |
|---------------------------------------|------------------------|-------------------------|------------------------|
| Sources Of Funds | | | |
| Par Amount of Bonds | \$16,290,000.00 | \$6,140,000.00 | \$22,430,000.00 |
| Reoffering Premium | 3,994,581.10 | 1,278,672.05 | 5,273,253.15 |
| Total Sources | \$20,284,581.10 | \$7,418,672.05 | \$27,703,253.15 |
| Uses Of Funds | | | |
| Deposit to Project Construction Fund | 20,000,000.00 | - | 20,000,000.00 |
| Deposit to Current Refunding Fund | - | 7,318,702.09 | 7,318,702.09 |
| Costs of Issuance | 163,408.38 | 61,591.62 | 225,000.00 |
| Total Underwriter's Discount (0.400%) | 65,160.00 | 24,560.00 | 89,720.00 |
| Gross Bond Insurance Premium | 49,744.36 | 16,042.11 | 65,786.47 |
| Rounding Amount | 6,268.36 | (2,223.77) | 4,044.59 |
| Total Uses | \$20,284,581.10 | \$7,418,672.05 | \$27,703,253.15 |

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$16,290,000 New Money Portion)

Debt Service Schedule

| Date | Principal | Coupon | Interest | Total P+I | Fiscal Total |
|--------------|------------------------|----------|-----------------------|------------------------|--------------|
| 12/16/2020 | - | - | - | - | - |
| 01/01/2021 | 1,210,000.00 | 4.000% | 32,529.17 | 1,242,529.17 | 1,242,529.17 |
| 07/01/2021 | - | - | 366,150.00 | 366,150.00 | - |
| 01/01/2022 | 510,000.00 | 4.000% | 366,150.00 | 876,150.00 | 1,242,300.00 |
| 07/01/2022 | - | - | 355,950.00 | 355,950.00 | - |
| 01/01/2023 | 530,000.00 | 4.000% | 355,950.00 | 885,950.00 | 1,241,900.00 |
| 07/01/2023 | - | - | 345,350.00 | 345,350.00 | - |
| 01/01/2024 | 555,000.00 | 4.000% | 345,350.00 | 900,350.00 | 1,245,700.00 |
| 07/01/2024 | - | - | 334,250.00 | 334,250.00 | - |
| 01/01/2025 | 575,000.00 | 4.000% | 334,250.00 | 909,250.00 | 1,243,500.00 |
| 07/01/2025 | - | - | 322,750.00 | 322,750.00 | - |
| 01/01/2026 | 600,000.00 | 5.000% | 322,750.00 | 922,750.00 | 1,245,500.00 |
| 07/01/2026 | - | - | 307,750.00 | 307,750.00 | - |
| 01/01/2027 | 630,000.00 | 5.000% | 307,750.00 | 937,750.00 | 1,245,500.00 |
| 07/01/2027 | - | - | 292,000.00 | 292,000.00 | - |
| 01/01/2028 | 660,000.00 | 5.000% | 292,000.00 | 952,000.00 | 1,244,000.00 |
| 07/01/2028 | - | - | 275,500.00 | 275,500.00 | - |
| 01/01/2029 | 690,000.00 | 5.000% | 275,500.00 | 965,500.00 | 1,241,000.00 |
| 07/01/2029 | - | - | 258,250.00 | 258,250.00 | - |
| 01/01/2030 | 725,000.00 | 5.000% | 258,250.00 | 983,250.00 | 1,241,500.00 |
| 07/01/2030 | - | - | 240,125.00 | 240,125.00 | - |
| 01/01/2031 | 765,000.00 | 5.000% | 240,125.00 | 1,005,125.00 | 1,245,250.00 |
| 07/01/2031 | - | - | 221,000.00 | 221,000.00 | - |
| 01/01/2032 | 800,000.00 | 5.000% | 221,000.00 | 1,021,000.00 | 1,242,000.00 |
| 07/01/2032 | - | - | 201,000.00 | 201,000.00 | - |
| 01/01/2033 | 840,000.00 | 5.000% | 201,000.00 | 1,041,000.00 | 1,242,000.00 |
| 07/01/2033 | - | - | 180,000.00 | 180,000.00 | - |
| 01/01/2034 | 885,000.00 | 5.000% | 180,000.00 | 1,065,000.00 | 1,245,000.00 |
| 07/01/2034 | - | - | 157,875.00 | 157,875.00 | - |
| 01/01/2035 | 930,000.00 | 5.000% | 157,875.00 | 1,087,875.00 | 1,245,750.00 |
| 07/01/2035 | - | - | 134,625.00 | 134,625.00 | - |
| 01/01/2036 | 975,000.00 | 5.000% | 134,625.00 | 1,109,625.00 | 1,244,250.00 |
| 07/01/2036 | - | - | 110,250.00 | 110,250.00 | - |
| 01/01/2037 | 1,025,000.00 | 5.000% | 110,250.00 | 1,135,250.00 | 1,245,500.00 |
| 07/01/2037 | - | - | 84,625.00 | 84,625.00 | - |
| 01/01/2038 | 1,075,000.00 | 5.000% | 84,625.00 | 1,159,625.00 | 1,244,250.00 |
| 07/01/2038 | - | - | 57,750.00 | 57,750.00 | - |
| 01/01/2039 | 1,125,000.00 | 5.000% | 57,750.00 | 1,182,750.00 | 1,240,500.00 |
| 07/01/2039 | - | - | 29,625.00 | 29,625.00 | - |
| 01/01/2040 | 1,185,000.00 | 5.000% | 29,625.00 | 1,214,625.00 | 1,244,250.00 |
| Total | \$16,290,000.00 | - | \$8,582,179.17 | \$24,872,179.17 | - |

Yield Statistics

| | |
|-----------------------------------|--------------|
| Bond Year Dollars | \$172,778.75 |
| Average Life | 10.606 Years |
| Average Coupon | 4.9671497% |
| Net Interest Cost (NIC) | 2.6928995% |
| True Interest Cost (TIC) | 2.2955886% |
| Bond Yield for Arbitrage Purposes | 1.3887512% |
| All Inclusive Cost (AIC) | 2.4192393% |

IRS Form 8038

| | |
|---------------------------|--------------|
| Net Interest Cost | 2.0589855% |
| Weighted Average Maturity | 10.984 Years |

\$20M W Rev Ref 08/31/20 | New Money | 9/ 3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$16,290,000 New Money Portion)

Pricing Summary

| Maturity | Type of Bond | Coupon | Yield | Par | Maturity Value | Price | YTM | Call Date | Call Price | Dollar Price |
|--------------|---------------|--------|--------|----------|------------------------|----------|----------|------------|------------|------------------------|
| 01/01/2021 | Serial Coupon | 4.000% | 0.400% | 100.000% | 1,210,000.00 | 100.149% | - | - | - | 1,211,802.90 |
| 01/01/2022 | Serial Coupon | 4.000% | 0.450% | 100.000% | 510,000.00 | 103.684% | - | - | - | 528,788.40 |
| 01/01/2023 | Serial Coupon | 4.000% | 0.510% | 100.000% | 530,000.00 | 107.079% | - | - | - | 567,518.70 |
| 01/01/2024 | Serial Coupon | 4.000% | 0.530% | 100.000% | 555,000.00 | 110.456% | - | - | - | 613,030.80 |
| 01/01/2025 | Serial Coupon | 4.000% | 0.580% | 100.000% | 575,000.00 | 113.641% | - | - | - | 653,435.75 |
| 01/01/2026 | Serial Coupon | 5.000% | 0.700% | 100.000% | 600,000.00 | 121.264% | - | - | - | 727,584.00 |
| 01/01/2027 | Serial Coupon | 5.000% | 0.850% | 100.000% | 630,000.00 | 124.389% | - | - | - | 783,650.70 |
| 01/01/2028 | Serial Coupon | 5.000% | 0.990% | 100.000% | 660,000.00 | 127.209% | - | - | - | 839,579.40 |
| 01/01/2029 | Serial Coupon | 5.000% | 1.100% | 100.000% | 690,000.00 | 129.936% | - | - | - | 896,558.40 |
| 01/01/2030 | Serial Coupon | 5.000% | 1.190% | 100.000% | 725,000.00 | 132.567% | - | - | - | 961,110.75 |
| 01/01/2031 | Serial Coupon | 5.000% | 1.250% | 100.000% | 765,000.00 | 133.630% | c 1.399% | 07/01/2030 | 100.000% | 1,022,269.50 |
| 01/01/2032 | Serial Coupon | 5.000% | 1.330% | 100.000% | 800,000.00 | 132.784% | c 1.726% | 07/01/2030 | 100.000% | 1,062,272.00 |
| 01/01/2033 | Serial Coupon | 5.000% | 1.410% | 100.000% | 840,000.00 | 131.944% | c 2.001% | 07/01/2030 | 100.000% | 1,108,329.60 |
| 01/01/2034 | Serial Coupon | 5.000% | 1.500% | 100.000% | 885,000.00 | 131.007% | c 2.244% | 07/01/2030 | 100.000% | 1,159,411.95 |
| 01/01/2035 | Serial Coupon | 5.000% | 1.550% | 100.000% | 930,000.00 | 130.489% | c 2.425% | 07/01/2030 | 100.000% | 1,213,547.70 |
| 01/01/2037 | Term 1 Coupon | 5.000% | 1.640% | 100.000% | 2,000,000.00 | 129.564% | c 2.714% | 07/01/2030 | 100.000% | 2,591,280.00 |
| 01/01/2040 | Term 2 Coupon | 5.000% | 1.760% | 100.000% | 3,385,000.00 | 128.343% | c 3.030% | 07/01/2030 | 100.000% | 4,344,410.55 |
| Total | - | - | - | - | \$16,290,000.00 | - | - | - | - | \$20,284,581.10 |

Bid Information

| | |
|---------------------------------------|-----------------|
| Par Amount of Bonds | \$16,290,000.00 |
| Reoffering Premium or (Discount) | 3,994,581.10 |
| Gross Production | \$20,284,581.10 |
| Total Underwriter's Discount (0.400%) | \$(65,160.00) |
| Bid (124.121676%) | 20,219,421.10 |
| Total Purchase Price | \$20,219,421.10 |
| Bond Year Dollars | \$172,778.75 |
| Average Life | 10.606 Years |
| Average Coupon | 4.9671497% |
| Net Interest Cost (NIC) | 2.6928995% |
| True Interest Cost (TIC) | 2.2955886% |

\$20M W Rev Ref 08/31/20 | New Money | 9/ 3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$16,290,000 New Money Portion)

Sources & Uses

Dated 12/16/2020 | Delivered 12/16/2020

Sources Of Funds

| | |
|---------------------|-----------------|
| Par Amount of Bonds | \$16,290,000.00 |
| Reoffering Premium | 3,994,581.10 |

| | |
|----------------------|------------------------|
| Total Sources | \$20,284,581.10 |
|----------------------|------------------------|

Uses Of Funds

| | |
|---|---------------|
| Deposit to Project Construction Fund | 20,000,000.00 |
| Costs of Issuance | 163,408.38 |
| Total Underwriter's Discount (0.400%) | 65,160.00 |
| Gross Bond Insurance Premium (20.0 bp) | 49,744.36 |
| Rounding Amount | 6,268.36 |

| | |
|-------------------|------------------------|
| Total Uses | \$20,284,581.10 |
|-------------------|------------------------|

Herriman City, Utah

\$3,428,000 Water Revenue Bonds

Series 2015

Prior Original Debt Service

| Date | Principal | Coupon | Interest | Total P+I | Fiscal Total |
|--------------|-----------------------|----------|---------------------|-----------------------|--------------|
| 05/27/2015 | - | - | - | - | - |
| 01/01/2016 | - | - | 45,849.50 | 45,849.50 | 45,849.50 |
| 01/01/2017 | 138,000.00 | 2.250% | 77,130.00 | 215,130.00 | 215,130.00 |
| 01/01/2018 | 141,000.00 | 2.250% | 74,025.00 | 215,025.00 | 215,025.00 |
| 01/01/2019 | 144,000.00 | 2.250% | 70,852.50 | 214,852.50 | 214,852.50 |
| 01/01/2020 | 147,000.00 | 2.250% | 67,612.50 | 214,612.50 | 214,612.50 |
| 01/01/2021 | 150,000.00 | 2.250% | 64,305.00 | 214,305.00 | 214,305.00 |
| 01/01/2022 | 154,000.00 | 2.250% | 60,930.00 | 214,930.00 | 214,930.00 |
| 01/01/2023 | 157,000.00 | 2.250% | 57,465.00 | 214,465.00 | 214,465.00 |
| 01/01/2024 | 161,000.00 | 2.250% | 53,932.50 | 214,932.50 | 214,932.50 |
| 01/01/2025 | 164,000.00 | 2.250% | 50,310.00 | 214,310.00 | 214,310.00 |
| 01/01/2026 | 168,000.00 | 2.250% | 46,620.00 | 214,620.00 | 214,620.00 |
| 01/01/2027 | 172,000.00 | 2.250% | 42,840.00 | 214,840.00 | 214,840.00 |
| 01/01/2028 | 176,000.00 | 2.250% | 38,970.00 | 214,970.00 | 214,970.00 |
| 01/01/2029 | 180,000.00 | 2.250% | 35,010.00 | 215,010.00 | 215,010.00 |
| 01/01/2030 | 184,000.00 | 2.250% | 30,960.00 | 214,960.00 | 214,960.00 |
| 01/01/2031 | 188,000.00 | 2.250% | 26,820.00 | 214,820.00 | 214,820.00 |
| 01/01/2032 | 192,000.00 | 2.250% | 22,590.00 | 214,590.00 | 214,590.00 |
| 01/01/2033 | 196,000.00 | 2.250% | 18,270.00 | 214,270.00 | 214,270.00 |
| 01/01/2034 | 201,000.00 | 2.250% | 13,860.00 | 214,860.00 | 214,860.00 |
| 01/01/2035 | 205,000.00 | 2.250% | 9,337.50 | 214,337.50 | 214,337.50 |
| 01/01/2036 | 210,000.00 | 2.250% | 4,725.00 | 214,725.00 | 214,725.00 |
| Total | \$3,428,000.00 | - | \$912,414.50 | \$4,340,414.50 | - |

Yield Statistics

| | |
|---|-------------|
| Base date for Avg. Life & Avg. Coupon Calculation | 12/16/2020 |
| Average Life | 8.014 Years |
| Average Coupon | 2.2500000% |
| Weighted Average Maturity (Par Basis) | 8.014 Years |
| Weighted Average Maturity (Original Price Basis) | 8.014 Years |

Refunding Bond Information

| | |
|-------------------------|------------|
| Refunding Dated Date | 12/16/2020 |
| Refunding Delivery Date | 12/16/2020 |

Herriman City, Utah

\$4,430,000 Water Revenue Refunding Bonds

Series 2017

Prior Original Debt Service

| Date | Principal | Coupon | Interest | Total P+I | Fiscal Total |
|--------------|-----------------------|--------|-----------------------|-----------------------|--------------|
| 12/28/2017 | - | - | - | - | - |
| 07/01/2018 | - | - | 60,550.13 | 60,550.13 | - |
| 01/01/2019 | 40,000.00 | 1.250% | 59,557.50 | 99,557.50 | 160,107.63 |
| 07/01/2019 | - | - | 59,307.50 | 59,307.50 | - |
| 01/01/2020 | 45,000.00 | 1.400% | 59,307.50 | 104,307.50 | 163,615.00 |
| 07/01/2020 | - | - | 58,992.50 | 58,992.50 | - |
| 01/01/2021 | 355,000.00 | 1.550% | 58,992.50 | 413,992.50 | 472,985.00 |
| 07/01/2021 | - | - | 56,241.25 | 56,241.25 | - |
| 01/01/2022 | 360,000.00 | 1.700% | 56,241.25 | 416,241.25 | 472,482.50 |
| 07/01/2022 | - | - | 53,181.25 | 53,181.25 | - |
| 01/01/2023 | 365,000.00 | 1.900% | 53,181.25 | 418,181.25 | 471,362.50 |
| 07/01/2023 | - | - | 49,713.75 | 49,713.75 | - |
| 01/01/2024 | 375,000.00 | 2.100% | 49,713.75 | 424,713.75 | 474,427.50 |
| 07/01/2024 | - | - | 45,776.25 | 45,776.25 | - |
| 01/01/2025 | 385,000.00 | 2.300% | 45,776.25 | 430,776.25 | 476,552.50 |
| 07/01/2025 | - | - | 41,348.75 | 41,348.75 | - |
| 01/01/2026 | 385,000.00 | 2.600% | 41,348.75 | 426,348.75 | 467,697.50 |
| 07/01/2026 | - | - | 36,343.75 | 36,343.75 | - |
| 01/01/2027 | 400,000.00 | 2.800% | 36,343.75 | 436,343.75 | 472,687.50 |
| 07/01/2027 | - | - | 30,743.75 | 30,743.75 | - |
| 01/01/2028 | 410,000.00 | 3.000% | 30,743.75 | 440,743.75 | 471,487.50 |
| 07/01/2028 | - | - | 24,593.75 | 24,593.75 | - |
| 01/01/2029 | 425,000.00 | 3.500% | 24,593.75 | 449,593.75 | 474,187.50 |
| 07/01/2029 | - | - | 17,156.25 | 17,156.25 | - |
| 01/01/2030 | 435,000.00 | 3.750% | 17,156.25 | 452,156.25 | 469,312.50 |
| 07/01/2030 | - | - | 9,000.00 | 9,000.00 | - |
| 01/01/2031 | 450,000.00 | 4.000% | 9,000.00 | 459,000.00 | 468,000.00 |
| Total | \$4,430,000.00 | - | \$1,084,905.13 | \$5,514,905.13 | - |

Yield Statistics

| | |
|---|-------------|
| Base date for Avg. Life & Avg. Coupon Calculation | 12/16/2020 |
| Average Life | 5.281 Years |
| Average Coupon | 3.1949456% |
| Weighted Average Maturity (Par Basis) | 5.281 Years |
| Weighted Average Maturity (Original Price Basis) | 5.281 Years |

Refunding Bond Information

| | |
|-------------------------|------------|
| Refunding Dated Date | 12/16/2020 |
| Refunding Delivery Date | 12/16/2020 |

Herriman City, Utah

\$3,428,000 Water Revenue Bonds

Series 2015

Debt Service To Maturity And To Call

| Date | Refunded Bonds | Refunded Interest | D/S To Call | Principal | Coupon | Interest | Refunded D/S | Fiscal Total |
|--------------|-----------------------|--------------------|-----------------------|-----------------------|----------|---------------------|-----------------------|--------------|
| 12/16/2020 | 2,858,000.00 | 61,625.63 | 2,919,625.63 | - | - | - | - | - |
| 01/01/2021 | - | - | - | 150,000.00 | 2.250% | 64,305.00 | 214,305.00 | 214,305.00 |
| 01/01/2022 | - | - | - | 154,000.00 | 2.250% | 60,930.00 | 214,930.00 | 214,930.00 |
| 01/01/2023 | - | - | - | 157,000.00 | 2.250% | 57,465.00 | 214,465.00 | 214,465.00 |
| 01/01/2024 | - | - | - | 161,000.00 | 2.250% | 53,932.50 | 214,932.50 | 214,932.50 |
| 01/01/2025 | - | - | - | 164,000.00 | 2.250% | 50,310.00 | 214,310.00 | 214,310.00 |
| 01/01/2026 | - | - | - | 168,000.00 | 2.250% | 46,620.00 | 214,620.00 | 214,620.00 |
| 01/01/2027 | - | - | - | 172,000.00 | 2.250% | 42,840.00 | 214,840.00 | 214,840.00 |
| 01/01/2028 | - | - | - | 176,000.00 | 2.250% | 38,970.00 | 214,970.00 | 214,970.00 |
| 01/01/2029 | - | - | - | 180,000.00 | 2.250% | 35,010.00 | 215,010.00 | 215,010.00 |
| 01/01/2030 | - | - | - | 184,000.00 | 2.250% | 30,960.00 | 214,960.00 | 214,960.00 |
| 01/01/2031 | - | - | - | 188,000.00 | 2.250% | 26,820.00 | 214,820.00 | 214,820.00 |
| 01/01/2032 | - | - | - | 192,000.00 | 2.250% | 22,590.00 | 214,590.00 | 214,590.00 |
| 01/01/2033 | - | - | - | 196,000.00 | 2.250% | 18,270.00 | 214,270.00 | 214,270.00 |
| 01/01/2034 | - | - | - | 201,000.00 | 2.250% | 13,860.00 | 214,860.00 | 214,860.00 |
| 01/01/2035 | - | - | - | 205,000.00 | 2.250% | 9,337.50 | 214,337.50 | 214,337.50 |
| 01/01/2036 | - | - | - | 210,000.00 | 2.250% | 4,725.00 | 214,725.00 | 214,725.00 |
| Total | \$2,858,000.00 | \$61,625.63 | \$2,919,625.63 | \$2,858,000.00 | - | \$576,945.00 | \$3,434,945.00 | - |

Yield Statistics

| | |
|---|-------------|
| Base date for Avg. Life & Avg. Coupon Calculation | 12/16/2020 |
| Average Life | 8.014 Years |
| Average Coupon | 2.2500000% |
| Weighted Average Maturity (Par Basis) | 8.014 Years |
| Weighted Average Maturity (Original Price Basis) | 8.014 Years |

Refunding Bond Information

| | |
|-------------------------|------------|
| Refunding Dated Date | 12/16/2020 |
| Refunding Delivery Date | 12/16/2020 |

Herriman City, Utah

\$4,430,000 Water Revenue Refunding Bonds

Series 2017

Debt Service To Maturity And To Call

| Date | Refunded Bonds | Refunded Interest | D/S To Call | Principal | Coupon | Interest | Refunded D/S | Fiscal Total |
|--------------|-----------------------|--------------------|-----------------------|-----------------------|----------|---------------------|-----------------------|--------------|
| 12/16/2020 | 4,345,000.00 | 54,076.46 | 4,399,076.46 | - | - | - | - | - |
| 01/01/2021 | - | - | - | 355,000.00 | 1.550% | 58,992.50 | 413,992.50 | 413,992.50 |
| 07/01/2021 | - | - | - | - | - | 56,241.25 | 56,241.25 | - |
| 01/01/2022 | - | - | - | 360,000.00 | 1.700% | 56,241.25 | 416,241.25 | 472,482.50 |
| 07/01/2022 | - | - | - | - | - | 53,181.25 | 53,181.25 | - |
| 01/01/2023 | - | - | - | 365,000.00 | 1.900% | 53,181.25 | 418,181.25 | 471,362.50 |
| 07/01/2023 | - | - | - | - | - | 49,713.75 | 49,713.75 | - |
| 01/01/2024 | - | - | - | 375,000.00 | 2.100% | 49,713.75 | 424,713.75 | 474,427.50 |
| 07/01/2024 | - | - | - | - | - | 45,776.25 | 45,776.25 | - |
| 01/01/2025 | - | - | - | 385,000.00 | 2.300% | 45,776.25 | 430,776.25 | 476,552.50 |
| 07/01/2025 | - | - | - | - | - | 41,348.75 | 41,348.75 | - |
| 01/01/2026 | - | - | - | 385,000.00 | 2.600% | 41,348.75 | 426,348.75 | 467,697.50 |
| 07/01/2026 | - | - | - | - | - | 36,343.75 | 36,343.75 | - |
| 01/01/2027 | - | - | - | 400,000.00 | 2.800% | 36,343.75 | 436,343.75 | 472,687.50 |
| 07/01/2027 | - | - | - | - | - | 30,743.75 | 30,743.75 | - |
| 01/01/2028 | - | - | - | 410,000.00 | 3.000% | 30,743.75 | 440,743.75 | 471,487.50 |
| 07/01/2028 | - | - | - | - | - | 24,593.75 | 24,593.75 | - |
| 01/01/2029 | - | - | - | 425,000.00 | 3.500% | 24,593.75 | 449,593.75 | 474,187.50 |
| 07/01/2029 | - | - | - | - | - | 17,156.25 | 17,156.25 | - |
| 01/01/2030 | - | - | - | 435,000.00 | 3.750% | 17,156.25 | 452,156.25 | 469,312.50 |
| 07/01/2030 | - | - | - | - | - | 9,000.00 | 9,000.00 | - |
| 01/01/2031 | - | - | - | 450,000.00 | 4.000% | 9,000.00 | 459,000.00 | 468,000.00 |
| Total | \$4,345,000.00 | \$54,076.46 | \$4,399,076.46 | \$4,345,000.00 | - | \$787,190.00 | \$5,132,190.00 | - |

Yield Statistics

| | |
|---|-------------|
| Base date for Avg. Life & Avg. Coupon Calculation | 12/16/2020 |
| Average Life | 5.281 Years |
| Average Coupon | 3.1949456% |
| Weighted Average Maturity (Par Basis) | 5.281 Years |
| Weighted Average Maturity (Original Price Basis) | 5.281 Years |

Refunding Bond Information

| | |
|-------------------------|------------|
| Refunding Dated Date | 12/16/2020 |
| Refunding Delivery Date | 12/16/2020 |

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Summary Of Bonds Refunded

| Issue | Maturity | Type | of Bond | Coupon | Maturity Value | Call Date | Call Price |
|--|------------|--------|---------|--------|--------------------|------------|------------|
| Dated 5/27/2015 Delivered 5/27/2015 | | | | | | | |
| 2015 W Rev | 01/01/2021 | Term 1 | Coupon | 2.250% | 150,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2022 | Term 1 | Coupon | 2.250% | 154,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2023 | Term 1 | Coupon | 2.250% | 157,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2024 | Term 1 | Coupon | 2.250% | 161,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2025 | Term 1 | Coupon | 2.250% | 164,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2026 | Term 1 | Coupon | 2.250% | 168,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2027 | Term 1 | Coupon | 2.250% | 172,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2028 | Term 1 | Coupon | 2.250% | 176,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2029 | Term 1 | Coupon | 2.250% | 180,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2030 | Term 1 | Coupon | 2.250% | 184,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2031 | Term 1 | Coupon | 2.250% | 188,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2032 | Term 1 | Coupon | 2.250% | 192,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2033 | Term 1 | Coupon | 2.250% | 196,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2034 | Term 1 | Coupon | 2.250% | 201,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2035 | Term 1 | Coupon | 2.250% | 205,000 | 12/16/2020 | 100.000% |
| 2015 W Rev | 01/01/2036 | Term 1 | Coupon | 2.250% | 210,000 | 12/16/2020 | 100.000% |
| Subtotal | - | - | - | - | \$2,858,000 | - | - |
| Dated 12/28/2017 Delivered 12/28/2017 | | | | | | | |
| 2017 W Rev | 01/01/2021 | Serial | Coupon | 1.550% | 355,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2022 | Serial | Coupon | 1.700% | 360,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2023 | Serial | Coupon | 1.900% | 365,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2024 | Serial | Coupon | 2.100% | 375,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2025 | Serial | Coupon | 2.300% | 385,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2026 | Serial | Coupon | 2.600% | 385,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2027 | Serial | Coupon | 2.800% | 400,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2028 | Serial | Coupon | 3.000% | 410,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2029 | Serial | Coupon | 3.500% | 425,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2030 | Serial | Coupon | 3.750% | 435,000 | 12/16/2020 | 100.000% |
| 2017 W Rev | 01/01/2031 | Serial | Coupon | 4.000% | 450,000 | 12/16/2020 | 100.000% |
| Subtotal | - | - | - | - | \$4,345,000 | - | - |
| Total | - | - | - | - | \$7,203,000 | - | - |

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Debt Service Schedule

| Date | Principal | Coupon | Interest | Total P+I | Fiscal Total |
|--------------|-----------------------|----------|-----------------------|-----------------------|--------------|
| 12/16/2020 | - | - | - | - | - |
| 01/01/2021 | 585,000.00 | 4.000% | 11,854.17 | 596,854.17 | 596,854.17 |
| 07/01/2021 | - | - | 130,550.00 | 130,550.00 | - |
| 01/01/2022 | 390,000.00 | 4.000% | 130,550.00 | 520,550.00 | 651,100.00 |
| 07/01/2022 | - | - | 122,750.00 | 122,750.00 | - |
| 01/01/2023 | 405,000.00 | 4.000% | 122,750.00 | 527,750.00 | 650,500.00 |
| 07/01/2023 | - | - | 114,650.00 | 114,650.00 | - |
| 01/01/2024 | 425,000.00 | 4.000% | 114,650.00 | 539,650.00 | 654,300.00 |
| 07/01/2024 | - | - | 106,150.00 | 106,150.00 | - |
| 01/01/2025 | 445,000.00 | 4.000% | 106,150.00 | 551,150.00 | 657,300.00 |
| 07/01/2025 | - | - | 97,250.00 | 97,250.00 | - |
| 01/01/2026 | 455,000.00 | 5.000% | 97,250.00 | 552,250.00 | 649,500.00 |
| 07/01/2026 | - | - | 85,875.00 | 85,875.00 | - |
| 01/01/2027 | 480,000.00 | 5.000% | 85,875.00 | 565,875.00 | 651,750.00 |
| 07/01/2027 | - | - | 73,875.00 | 73,875.00 | - |
| 01/01/2028 | 505,000.00 | 5.000% | 73,875.00 | 578,875.00 | 652,750.00 |
| 07/01/2028 | - | - | 61,250.00 | 61,250.00 | - |
| 01/01/2029 | 535,000.00 | 5.000% | 61,250.00 | 596,250.00 | 657,500.00 |
| 07/01/2029 | - | - | 47,875.00 | 47,875.00 | - |
| 01/01/2030 | 555,000.00 | 5.000% | 47,875.00 | 602,875.00 | 650,750.00 |
| 07/01/2030 | - | - | 34,000.00 | 34,000.00 | - |
| 01/01/2031 | 580,000.00 | 5.000% | 34,000.00 | 614,000.00 | 648,000.00 |
| 07/01/2031 | - | - | 19,500.00 | 19,500.00 | - |
| 01/01/2032 | 140,000.00 | 5.000% | 19,500.00 | 159,500.00 | 179,000.00 |
| 07/01/2032 | - | - | 16,000.00 | 16,000.00 | - |
| 01/01/2033 | 150,000.00 | 5.000% | 16,000.00 | 166,000.00 | 182,000.00 |
| 07/01/2033 | - | - | 12,250.00 | 12,250.00 | - |
| 01/01/2034 | 155,000.00 | 5.000% | 12,250.00 | 167,250.00 | 179,500.00 |
| 07/01/2034 | - | - | 8,375.00 | 8,375.00 | - |
| 01/01/2035 | 165,000.00 | 5.000% | 8,375.00 | 173,375.00 | 181,750.00 |
| 07/01/2035 | - | - | 4,250.00 | 4,250.00 | - |
| 01/01/2036 | 170,000.00 | 5.000% | 4,250.00 | 174,250.00 | 178,500.00 |
| Total | \$6,140,000.00 | - | \$1,881,054.17 | \$8,021,054.17 | - |

Yield Statistics

| | |
|-----------------------------------|-------------|
| Bond Year Dollars | \$38,490.83 |
| Average Life | 6.269 Years |
| Average Coupon | 4.8870186% |
| Net Interest Cost (NIC) | 1.6288089% |
| True Interest Cost (TIC) | 1.4063302% |
| Bond Yield for Arbitrage Purposes | 1.3887512% |
| All Inclusive Cost (AIC) | 1.5933301% |

IRS Form 8038

| | |
|---------------------------|-------------|
| Net Interest Cost | 1.2253178% |
| Weighted Average Maturity | 6.627 Years |

\$20M W Rev Ref 08/31/20 | Refund 2015 and 2017 | 9/ 3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Pricing Summary

| Maturity | Type of Bond | Coupon | Yield | Par | Maturity Value | Price | YTM | Call Date | Call Price | Dollar Price |
|--------------|---------------|--------|--------|----------|-----------------------|------------|--------|------------|------------|-----------------------|
| 01/01/2021 | Serial Coupon | 4.000% | 0.400% | 100.000% | 585,000.00 | 100.149% | - | - | - | 585,871.65 |
| 01/01/2022 | Serial Coupon | 4.000% | 0.450% | 100.000% | 390,000.00 | 103.684% | - | - | - | 404,367.60 |
| 01/01/2023 | Serial Coupon | 4.000% | 0.510% | 100.000% | 405,000.00 | 107.079% | - | - | - | 433,669.95 |
| 01/01/2024 | Serial Coupon | 4.000% | 0.530% | 100.000% | 425,000.00 | 110.456% | - | - | - | 469,438.00 |
| 01/01/2025 | Serial Coupon | 4.000% | 0.580% | 100.000% | 445,000.00 | 113.641% | - | - | - | 505,702.45 |
| 01/01/2026 | Serial Coupon | 5.000% | 0.700% | 100.000% | 455,000.00 | 121.264% | - | - | - | 551,751.20 |
| 01/01/2027 | Serial Coupon | 5.000% | 0.850% | 100.000% | 480,000.00 | 124.389% | - | - | - | 597,067.20 |
| 01/01/2028 | Serial Coupon | 5.000% | 0.990% | 100.000% | 505,000.00 | 127.209% | - | - | - | 642,405.45 |
| 01/01/2029 | Serial Coupon | 5.000% | 1.100% | 100.000% | 535,000.00 | 129.936% | - | - | - | 695,157.60 |
| 01/01/2030 | Serial Coupon | 5.000% | 1.190% | 100.000% | 555,000.00 | 132.567% | - | - | - | 735,746.85 |
| 01/01/2031 | Serial Coupon | 5.000% | 1.250% | 100.000% | 580,000.00 | 133.630% c | 1.399% | 07/01/2030 | 100.000% | 775,054.00 |
| 01/01/2032 | Serial Coupon | 5.000% | 1.330% | 100.000% | 140,000.00 | 132.784% c | 1.726% | 07/01/2030 | 100.000% | 185,897.60 |
| 01/01/2033 | Serial Coupon | 5.000% | 1.410% | 100.000% | 150,000.00 | 131.944% c | 2.001% | 07/01/2030 | 100.000% | 197,916.00 |
| 01/01/2034 | Serial Coupon | 5.000% | 1.500% | 100.000% | 155,000.00 | 131.007% c | 2.244% | 07/01/2030 | 100.000% | 203,060.85 |
| 01/01/2035 | Serial Coupon | 5.000% | 1.550% | 100.000% | 165,000.00 | 130.489% c | 2.425% | 07/01/2030 | 100.000% | 215,306.85 |
| 01/01/2037 | Term 1 Coupon | 5.000% | 1.640% | 100.000% | 170,000.00 | 129.564% c | 2.714% | 07/01/2030 | 100.000% | 220,258.80 |
| Total | - | - | - | - | \$6,140,000.00 | - | - | - | - | \$7,418,672.05 |

Bid Information

| | |
|---------------------------------------|----------------|
| Par Amount of Bonds | \$6,140,000.00 |
| Reoffering Premium or (Discount) | 1,278,672.05 |
| Gross Production | \$7,418,672.05 |
| Total Underwriter's Discount (0.400%) | \$(24,560.00) |
| Bid (120.425278%) | 7,394,112.05 |
| Total Purchase Price | \$7,394,112.05 |
| Bond Year Dollars | \$38,490.83 |
| Average Life | 6.269 Years |
| Average Coupon | 4.8870186% |
| Net Interest Cost (NIC) | 1.6288089% |
| True Interest Cost (TIC) | 1.4063302% |

\$20M W Rev Ref 08/31/20 | Refund 2015 and 2017 | 9/3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Sources & Uses

Dated 12/16/2020 | Delivered 12/16/2020

Sources Of Funds

| | |
|---------------------|----------------|
| Par Amount of Bonds | \$6,140,000.00 |
| Reoffering Premium | 1,278,672.05 |

| | |
|----------------------|-----------------------|
| Total Sources | \$7,418,672.05 |
|----------------------|-----------------------|

Uses Of Funds

| | |
|---|--------------|
| Deposit to Current Refunding Fund | 7,318,702.09 |
| Costs of Issuance | 61,591.62 |
| Total Underwriter's Discount (0.400%) | 24,560.00 |
| Gross Bond Insurance Premium (20.0 bp) | 16,042.11 |
| Rounding Amount | (2,223.77) |

| | |
|-------------------|-----------------------|
| Total Uses | \$7,418,672.05 |
|-------------------|-----------------------|

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Gross Debt Service Comparison

| Date | Principal | Coupon | Interest | New D/S | Old D/S | Savings | Fiscal Total |
|--------------|-----------------------|----------|-----------------------|-----------------------|-----------------------|---------------------|--------------|
| 12/16/2020 | - | - | - | - | - | - | - |
| 01/01/2021 | 585,000.00 | 4.000% | 11,854.17 | 596,854.17 | 628,297.50 | 31,443.33 | 31,443.33 |
| 07/01/2021 | - | - | 130,550.00 | 130,550.00 | 56,241.25 | (74,308.75) | - |
| 01/01/2022 | 390,000.00 | 4.000% | 130,550.00 | 520,550.00 | 631,171.25 | 110,621.25 | 36,312.50 |
| 07/01/2022 | - | - | 122,750.00 | 122,750.00 | 53,181.25 | (69,568.75) | - |
| 01/01/2023 | 405,000.00 | 4.000% | 122,750.00 | 527,750.00 | 632,646.25 | 104,896.25 | 35,327.50 |
| 07/01/2023 | - | - | 114,650.00 | 114,650.00 | 49,713.75 | (64,936.25) | - |
| 01/01/2024 | 425,000.00 | 4.000% | 114,650.00 | 539,650.00 | 639,646.25 | 99,996.25 | 35,060.00 |
| 07/01/2024 | - | - | 106,150.00 | 106,150.00 | 45,776.25 | (60,373.75) | - |
| 01/01/2025 | 445,000.00 | 4.000% | 106,150.00 | 551,150.00 | 645,086.25 | 93,936.25 | 33,562.50 |
| 07/01/2025 | - | - | 97,250.00 | 97,250.00 | 41,348.75 | (55,901.25) | - |
| 01/01/2026 | 455,000.00 | 5.000% | 97,250.00 | 552,250.00 | 640,968.75 | 88,718.75 | 32,817.50 |
| 07/01/2026 | - | - | 85,875.00 | 85,875.00 | 36,343.75 | (49,531.25) | - |
| 01/01/2027 | 480,000.00 | 5.000% | 85,875.00 | 565,875.00 | 651,183.75 | 85,308.75 | 35,777.50 |
| 07/01/2027 | - | - | 73,875.00 | 73,875.00 | 30,743.75 | (43,131.25) | - |
| 01/01/2028 | 505,000.00 | 5.000% | 73,875.00 | 578,875.00 | 655,713.75 | 76,838.75 | 33,707.50 |
| 07/01/2028 | - | - | 61,250.00 | 61,250.00 | 24,593.75 | (36,656.25) | - |
| 01/01/2029 | 535,000.00 | 5.000% | 61,250.00 | 596,250.00 | 664,603.75 | 68,353.75 | 31,697.50 |
| 07/01/2029 | - | - | 47,875.00 | 47,875.00 | 17,156.25 | (30,718.75) | - |
| 01/01/2030 | 555,000.00 | 5.000% | 47,875.00 | 602,875.00 | 667,116.25 | 64,241.25 | 33,522.50 |
| 07/01/2030 | - | - | 34,000.00 | 34,000.00 | 9,000.00 | (25,000.00) | - |
| 01/01/2031 | 580,000.00 | 5.000% | 34,000.00 | 614,000.00 | 673,820.00 | 59,820.00 | 34,820.00 |
| 07/01/2031 | - | - | 19,500.00 | 19,500.00 | - | (19,500.00) | - |
| 01/01/2032 | 140,000.00 | 5.000% | 19,500.00 | 159,500.00 | 214,590.00 | 55,090.00 | 35,590.00 |
| 07/01/2032 | - | - | 16,000.00 | 16,000.00 | - | (16,000.00) | - |
| 01/01/2033 | 150,000.00 | 5.000% | 16,000.00 | 166,000.00 | 214,270.00 | 48,270.00 | 32,270.00 |
| 07/01/2033 | - | - | 12,250.00 | 12,250.00 | - | (12,250.00) | - |
| 01/01/2034 | 155,000.00 | 5.000% | 12,250.00 | 167,250.00 | 214,860.00 | 47,610.00 | 35,360.00 |
| 07/01/2034 | - | - | 8,375.00 | 8,375.00 | - | (8,375.00) | - |
| 01/01/2035 | 165,000.00 | 5.000% | 8,375.00 | 173,375.00 | 214,337.50 | 40,962.50 | 32,587.50 |
| 07/01/2035 | - | - | 4,250.00 | 4,250.00 | - | (4,250.00) | - |
| 01/01/2036 | 170,000.00 | 5.000% | 4,250.00 | 174,250.00 | 214,725.00 | 40,475.00 | 36,225.00 |
| Total | \$6,140,000.00 | - | \$1,881,054.17 | \$8,021,054.17 | \$8,567,135.00 | \$546,080.83 | - |

PV Analysis Summary (Gross to Gross)

| | |
|---|--------------|
| Gross PV Debt Service Savings | 489,200.41 |
| Contingency or Rounding Amount | (2,223.77) |
| Net Present Value Benefit | \$486,976.64 |
| Net PV Benefit / \$7,203,000 Refunded Principal | 6.761% |
| Average Annual Cash Flow Savings | 34,130.05 |

Refunding Bond Information

| | |
|-------------------------|------------|
| Refunding Dated Date | 12/16/2020 |
| Refunding Delivery Date | 12/16/2020 |

\$20M W Rev Ref 08/31/20 | Refund 2015 and 2017 | 9/3/2020 | 2:43 PM

Herriman City, Utah

\$22,430,000 Water Revenue and Refunding Bonds

Series December 16, 2020

(\$6,140,000 Refund Series 2015 and Series 2017 Portion)

Current Refunding Escrow

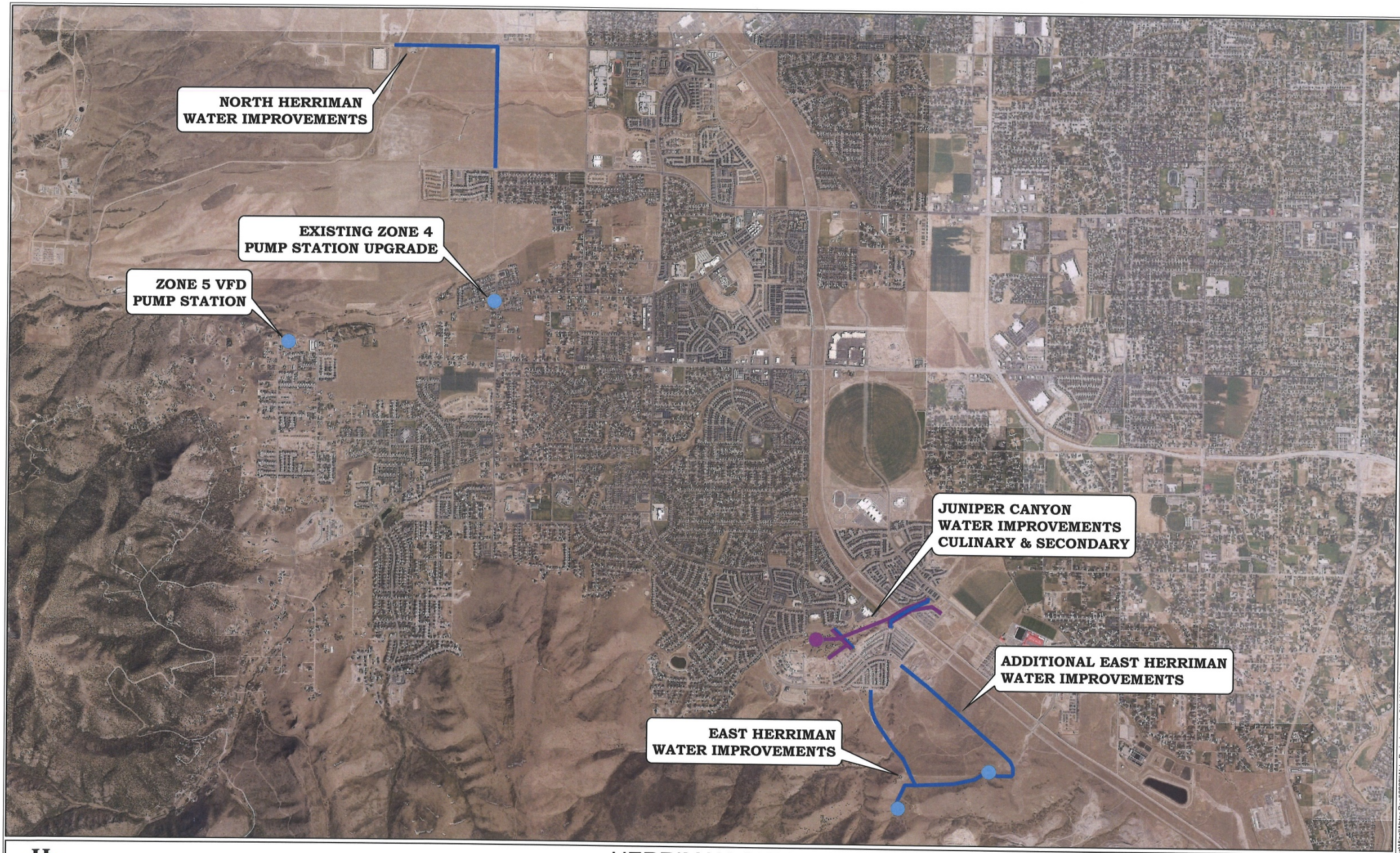
| Date | Rate | Receipts | Disbursements | Cash Balance | Fiscal Total |
|------------|------|----------------|----------------|--------------|--------------|
| 12/16/2020 | - | 7,318,702.09 | 7,318,702.09 | - | - |
| 01/01/2021 | - | - | - | - | 7,318,702.09 |
| Total | - | \$7,318,702.09 | \$7,318,702.09 | - | - |

Investment Parameters

| | |
|---|----------------|
| Investment Model [PV, GIC, or Securities] | Securities |
| Default investment yield target | Unrestricted |
| Cash Deposit | 7,318,702.09 |
| Total Cost of Investments | \$7,318,702.09 |
| Target Cost of Investments at bond yield | \$7,318,702.09 |
| Yield to Receipt | - |
| Yield for Arbitrage Purposes | 1.3887512% |



HERRIMAN WATER PRIORITIES AND FUNDING



HERRIMAN CITY
WATER PROJECTS



Path: Q:\GIS\MapaMisc\Water_Dept\2020\WaterProjects.mxd 9/14/2020

Water Project List

| Project Priority | Project Name | Estimated Cost |
|------------------|---|----------------------|
| 1 | North Herriman Water Improvements | \$ 1,575,000 |
| 2 | East Herriman Water Improvements | 12,000,000 |
| 2.5 | Additional East Herriman Water Improvements | 2,500,000 |
| 3 | Juniper Canyon Water Improvements | 2,400,000 |
| 4 | Zone 4 Pump Station Upgrades | 550,000 |
| 5 | Zone 5 VFD Pump Station | 1,100,000 |
| | Priority Project Total | \$ 20,125,000 |



PROPOSED FUNDING

| | |
|---|----------------------|
| Par Amount of New Bonds | \$ 22,430,000 |
| Reoffering Premium | <u>5,273,253</u> |
| Total Sources | 27,703,253 |
| Construction Fund | 20,000,000 |
| Refunding Water Revenue Bonds 2015 and 2017 | 7,318,702 |
| Cost of Issuance and Underwriting | <u>384,551</u> |
| Total Uses | \$ 27,703,253 |



Refunding Bonds

| | |
|-------------------------|--------------------|
| Water Revenue Bond 2015 | |
| Balance Jan 1, 2021 | \$2,858,000 |
| Accrued Interest | 61,626 |
| Water Revenue Bond 2017 | |
| Balance Jan 1, 2021 | \$4,345,000 |
| Accrued Interest | <u>54,076</u> |
| Total | \$7,318,702 |

| | |
|-------------------------|-------------------|
| Annual Payment | |
| Water Revenue Bond 2015 | \$ 210,000 |
| Water Revenue Bond 2017 | <u>\$ 474,000</u> |
| Total | \$ 684,000 |

Payment on New Bond Varies between \$1.2M-\$2.2M, the annual payment reduces annually.



STAFF REPORT

DATE: September 14, 2020

TO: The Honorable Mayor and City Council

FROM: Tami Moody/Alan Rae - Administration

SUBJECT: Information regarding our SOP, RFP, and Payables processes

DISCUSSION:

Herriman City has often been commended for our internal controls and our process documentation. In a recent City Council meeting, it was requested that we provide City Council with an update of said processes and the frequency that they are updated.

All Standard Operating Procedures (SOP's) are working documents. They are updated on a regular basis and reviewed often (Annually at a minimum, aligning with the audit). Each department has a book of SOP's for the various tasks and responsibilities they perform. These tasks and responsibilities include items such as mail processing, meter reading, utility shut off process, purchasing process, work order process, new water account process, and more. The City maintains a master copy of all processes for each department.

As you can see in the below table Herriman City ordinance uses an RFP in only two possible situations. Purchases of non-professional services, supplies, equipment or building improvements over \$50,000 and public works improvements over \$150,000.

For both of these types of purchases either an RFP or formal bid is required. It is standard practice in the City to use both.

An RFP document is prepared with requirements

- Project goals
- Deliverables and specifications
- Project requirements
- Proposal format
- Request for references
- Delivery Instructions
- Grading criteria

In the case of non-professional services, supplies, equipment and building improvements the RFP is provided to known suppliers.

In the case of public works improvements the RFP is uploaded to the Utah State database that most public entities in the state use. This gets the project to all users of the state database.

For public works projects a pre-bid meeting is held to answer questions regarding the bid and RFP. At the project closing date as specified by the RFP the proposals are evaluated based on the grading criteria specified in the RFP. This review is conducted by at least three people.

Final approval is by the City Manager per ordinance.

Our Purchasing and Payment approval process are outlined in the following:

| PURCHASING REQUIREMENTS | | |
|---|--|--|
| Non-professional services, Supplies, Equipment, or Building Improvements | Requirements | Approval |
| Purchase under \$1,000 | None | Employee w/supervisor approval |
| Purchase between \$1,000 but less than \$5,000 | Two Verbal Quotes (documentation must be attached to invoice) | Manager, Department Director, or City Manager |
| Purchase between \$5,000 but less than \$50,000 | Three written quotes (documentation must be attached to the invoice) | Manager, Department Director, or City Manager |
| Purchase is more than \$50,000 | Formal Bid or RFP | City Manager |
| Public Works Improvements | | |
| Project under \$150,000 | Three written quotes (documentation must be attached to invoice) | City Manager or Department Director and Finance Director |
| Project is more than \$150,000 | Formal bid or RFP | City Manager and Finance Director |
| Change order less than \$20,000 | Must be within project budget | City Manager and Finance Director |
| Change order more than \$20,000 | Must be within project budget, update the City Council at next council meeting | City Manager and Finance Director |
| Professional Services | | |
| May be procured on a negotiated based on demonstrated qualifications and fair price. | | City Manager |
| Emergency Acquisition | | |
| May purchase supplies, non-professional services if essential for life, health, safety, or welfare of public | Report to City Manager, Finance Director and City Council | City Manager or Department Director |
| *****Temporary Covid-19 Procedures***** To limit the amount of paper interchanged | | |
| INVOICE PROCESSING | | |
| 1. Mail received and sorted by Administrative Assistant in Administration | | 1. Mail received and sorted by Administrative Assistant in Administration |
| 2. Invoices are stamped by Administrative Assistant with received date | | 2. Invoices are stamped by Administrative Assistant with received date |
| 3. Invoices are given to the Accounts Payable Clerk | | 3. Invoices are given to the Accounts Payable Clerk |
| 4. Accounts Payable Clerk distributes the invoices to appropriate managers for approval | | 4. Accounts Payable Clerk scans and emails invoices to appropriate manager |
| 5. Managers date, sign and code purchases | | 5. Managers date, sign and code invoices and email back to Accounts Payable Clerk |
| 6. Accounts Payable Clerk ensures that appropriate signatures and general ledger coding | | 6. Accounts Payable Clerk ensures that appropriate signatures and general ledger coding |
| 7. Accounts Payable Clerk enters invoices into accounting | | 7. Accounts Payable Clerk enters scanned invoices in Smartsheets to be approved by City Manager, both Assistant City Managers, City Treasurer and Finance Director |
| 8. Accounts Payable Clerk prints the checks | | 8. Accounts Payable Clerk prints checks with signatures attached. |
| 9. Checks with attached documentation is provided to check signers and include a listing of all checks written. | | |
| 10. Check Signer | Finance Director | |
| Along with one of the following | Assistant City Manager-Administration | |
| | City Recorder | |
| | City Treasurer | |
| | Finance Manager | |
| 11. The two Signers also sign the distribution listing | | 11. Disbursement listing is signed by approvers assuring that payments match previous approved list |
| 12. The distribution listing is given to the City Manager for review and signature. | | 12. The distribution listing is given to the City Manager for review and signature. |
| 13. City Manager gives the distribution listing to the City Recorder as part of the permanent record. | | 13. City Manager gives the distribution listing to the City Recorder as part of the permanent record. |
| 14. Accounts Payable Clerk send the checks. | | 14. Accounts Payable Clerk send the checks. |
| PROCEDURE REVIEW | | |
| 1. Our Procedures are evaluated every year with our audit | | |
| Do they comply with best practice | | |
| Do they comply with the guidance of the State Auditor | | |
| Do they use adequate separation of duties | | |
| Are there any concerns of non-financial managers regarding financial transactions | | |
| There is a questionnaire of some Councilmembers each year regarding concerns. | | |
| 2. All audit findings are reviewed by our audit committee and a plan of correction is prepared | | |
| 3. Our Finance Manager is also tasked with reviewing internal controls on an on-going basis | | |
| 4. Procedures are specifically reviewed with any change in personnel. | | |

FISCAL IMPACT:

n/a



SOP'S, RFP'S, AND PAYMENT PROCESSING

THE INTERNAL CONTROLS PROCESSES
OF HERRIMAN CITY

STANDARD OPERATING PROCEDURES (SOP'S)

Each Department has a booklet that goes over procedures for all tasks conducted.

Account Set Up

Set Up New Water Account

| Officer | Version | Effective Date |
|----------------|---------|----------------|
| J.P. MOODY 001 | 001 | 03/07/2017 |

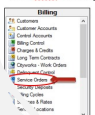
Approved By: Tami Moody, Director of Administration & Communications
Author: Kate Brennan

Purpose:
Test (if one applies)

Notes:
N/A

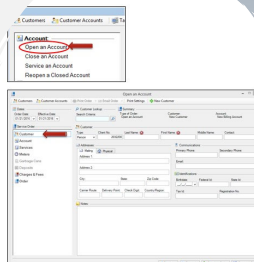
Procedure:
To set up a new water account for a resident that just purchased a home in Herriman.

Resources:
1.0 Utility Admin to check daily the Change of Ownership spreadsheet in **SmartSheet**, starting with the oldest row in the color blue.
1.1 If the utility account has been closed and the new owners have turned in the water application, you can now set up the new owners account.
1.2 Check the utility account in **Religio** and confirm account is closed.
1.3 If not already done, add forwarding address and phone number and click save.
1.4 In **Religio** under **Billing**, click on **Service Orders**.




Service Orders

... will bring up the Service Order page, click on **Open as Account**.



1.4 On the Customer tab under the Customer section add:
1.4.1 Type: **Private or Business**
1.4.2 Client No.
1.4.2.1 First available number automatically show for a new account.
1.4.2.2 Change for same account for existing home (Example: 13940.01 > 13940.01)
1.4.3 Add name
1.4.4 In the Address section add:

Credit Card Transactions



13.0 If you need to void a credit card transaction:
13.1 Click on the **"MORE"** button on the credit card machine.
13.2 Choose the **"Void"** option.
13.3 Enter **Pin Number** and press enter (green button). The **Pin Number** is located on the bottom of the credit card machine.
13.4 Follow directions on credit card machine to complete.

Parking Permit Program

Blackridge Parking Permit


| Officer | Version | Effective Date |
|----------------|---------|----------------|
| J.P. MOODY 001 | 001 | 03/08/2017 |

Approved By: Tami Moody, Director of Administration & Communications
Author: Shelly Peterson

Purpose:
Ordinance 2016-13 Parking Declaration of Designation

Notes:
N/A

Procedure:
Herriman City has adopted a parking permit program for the surrounding neighborhoods of Blackridge Reserve. This permit program is available ONLY TO RESIDENTS OF THE MARKED AREAS seen below.



Current dates of parking permit area is May 12 - September 7th.

Room Scheduling

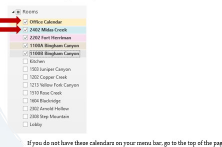
Conference Room Scheduling

| Officer | Version | Effective Date |
|----------------|---------|----------------|
| J.P. MOODY 001 | 001 | 1/31/2019 |

Approved By: Tami Moody
Author: Shelly Peterson

Purpose:
For Herriman Staff to make conference room reservations using their Outlook Calendar.

Procedure:
1.0 Open Outlook and Login
1.1 Click on **Calendar** at the bottom of your Outlook.
1.2 On the left hand side of the page on the menu bar, select the **Office Calendar** and the **Room Calendar** you would like to reserve. This way you can see if the room is available during the time you need it.



If you do not have these calendars on your menu bar, go to the top of the page > the **Home** tab menu bar and click on **"Office Calendar"** and select **"Room Add >**

Permitting/Door Hangers/Etc

Annual \$15 parking permit program includes: 2 resident parking permits.

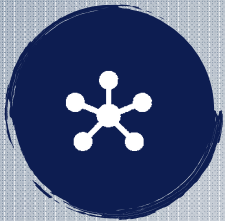


Resident Parking Permit
Payment for the parking permit program goes residents 2 of this pass type to hang from the rear-view mirror in their vehicles.
Permits are only required for cars parked on the street, NOT in driveways.

Annual \$15 parking permit program includes: 2 of this pass type to hang from the rear-view mirror in their vehicles.
Permits are only required for cars parked on the street, NOT in driveways.

RFP Process

An RFP is prepared with the following requirements...



Project Goals



Deliverables
And
Specifications



Project
Requirements



Project Format



Request For
References



Delivery
Instructions



Grading
Criteria

Cash Handling Procedures

Cash Receipting

All Cash Receipting is handled by the Customer Service Department

Customer Service is in a secured area that employees outside of that department are not allowed Access

All Receipts are entered into our Pelorus Accounting System

At the end of each day the cashiers balance receipts against actual cash

The Customer Service Area is covered by a camera inside and one on the outside.

There are also 6 lobby cameras that catch part of the Customer service exterior.

At the end of the day the cash, checks and credit card receipts are put in the safe in the Treasurer's Office

Treasury

Our Treasurer has primary responsibility for Cash

Our Treasurer Retrieves the money from the safe and prepares deposits

The deposits must match the reporting from Customer Service on the previous day

All deposits are made within 48 working hours.

The Treasurer is not allowed to be involved in cash receipting in any way

Customer Service personnel are not allowed to be involved in preparing deposits

Accounting personnel are not allowed to be involved in preparing deposits

By ordinance the Treasurer is the only person that can make an adjustment to an account

The Treasurer's office also has a camera

Cash Handling Procedures

Accounting

No one involved in general ledger accounting are allowed to handle cash in any way

Accounting personnel reconcile the bank statements against the deposits recorded by the Treasurer

No one involved in Cash Receipting can be involved in Treasury or Accounting

No one involved in Treasury can be involved in Cash Receipting or Accounting

No one involved in Accounting can be involved in Cash Receipting or Treasury

Our Accounts Payable, Check Processing, and Purchasing Requirements

| PURCHASING REQUIREMENTS | | |
|--|--|--|
| Non-professional services, Supplies, Equipment, or Building Improvements | Requirements | Approval |
| Purchase under \$1,000 | None | Employee w/supervisor approval |
| Purchase between \$1,000 but less than \$5,000 | Two Verbal Quotes (documentation must be attached to invoice) | Manager, Department Director, or City Manager |
| Purchase between \$5,000 but less than \$50,000 | Three written quotes (documentation must be attached to the invoice) | Manager, Department Director, or City Manager |
| Purchase is more than \$50,000 | Formal Bid or RFP | City Manager |
| Public Works Improvements | | |
| Project under \$150,000 | Three written quotes (documentation must be attached to invoice) | City Manager or Department Director and Finance Director |
| Project is more than \$150,000 | Formal bid or RFP | City Manager and Finance Director |
| Change order less than \$20,000 | Must be within project budget | City Manager and Finance Director |
| Change order more than \$20,000 | Must be within project budget, update the City Council at next council meeting | City Manager and Finance Director |
| Professional Services | | |
| May be procured on a negotiated based on demonstrated qualifications and fair price. | | City Manager |
| Emergency Acquisition | | |
| May purchase supplies, non-professional services if essential for life, health, safety, or welfare of public | Report to City Manager, Finance Director and City Council | City Manager or Department Director |

Our Accounts Payable, Check Processing, and Purchasing Requirements (Cont)

| INVOICE PROCESSING | | | | *****Temporary Covid-19 Procedures***** To limit the amount of paper interchanged | | | |
|---|--|---------------------------------------|--|--|--|--|--|
| 1. Mail received and sorted by Administrative Assistant in Administration | | | | 1. Mail received and sorted by Administrative Assistant in Administration | | | |
| 2. Invoices are stamped by Administrative Assistant with received date | | | | 2. Invoices are stamped by Administrative Assistant with received date | | | |
| 3. Invoices are given to the Accounts Payable Clerk | | | | 3. Invoices are given to the Accounts Payable Clerk | | | |
| 4. Accounts Payable Clerk distributes the invoices to appropriate managers for approval | | | | 4. Accounts Payable Clerk scans and emails invoices to appropriate manager | | | |
| 5. Managers date, sign and code purchases | | | | 5. Managers date, sign and code invoices and email back to Accounts Payable Clerk | | | |
| 6. Accounts Payable Clerk ensures that appropriate signatures and general ledger coding | | | | 6. Accounts Payable Clerk ensures that appropriate signatures and general ledger coding | | | |
| 7. Accounts Payable Clerk enters invoices into accounting | | | | 7. Accounts Payable Clerk enters scanned invoices in Smartsheets to be approved by City Manager, both Assistant City Managers, City Treasurer and Finance Director | | | |
| 8. Accounts Payable Clerk prints the checks | | | | 8. Accounts Payable Clerk prints checks with signatures attached. | | | |
| 9. Checks with attached documentation is provided to check signers and include a listing of all checks written. | | | | | | | |
| 10. Check Signer | | Finance Director | | | | | |
| Along with one of the following | | Assistant City Manager-Administration | | | | | |
| | | City Recorder | | | | | |
| | | City Treasurer | | | | | |
| | | Finance Manager | | | | | |
| 11. The two Signers also sign the distribution listing | | | | 11. Disbursement listing is signed by approvers assuring that payments match previous approved list | | | |
| 12. The distribution listing is given to the City Manager for review and signature. | | | | 12. The distribution listing is given to the City Manager for review and signature. | | | |
| 13. City Manager gives the distribution listing to the City Recorder as part of the permanent record. | | | | 13. City Manager gives the distribution listing to the City Recorder as part of the permanent record. | | | |
| 14. Accounts Payable Clerk send the checks. | | | | 14. Accounts Payable Clerk send the checks. | | | |
| | | | | | | | |
| PROCEDURE REVIEW | | | | | | | |
| 1. Our Procedures are evaluated every year with our audit | | | | | | | |
| Do they comply with best practice | | | | | | | |
| Do they comply with the guidance of the State Auditor | | | | | | | |
| Do they use adequate separation of duties | | | | | | | |
| Are there any concerns of non-financial managers regarding financial transactions | | | | | | | |
| There is a questionnaire of some Councilmembers each year regarding concerns. | | | | | | | |
| 2. All audit findings are reviewed by our audit committee and a plan of correction is prepared | | | | | | | |
| 3. Our Finance Manager is also tasked with reviewing internal controls on an on-going basis | | | | | | | |
| 4. Procedures are specifically reviewed with any change in personnel. | | | | | | | |
| | | | | | | | |

APPROVALS

| Invoice Date | Due Date | Amount | Notes | Justin | Leslie | Wendy Thomas | Tami |
|--------------|----------|-------------|-----------------------|---------|---------|--------------|----------|
| 07/14/20 | 08/10/20 | \$200.00 | CDL Trent Bristol | Approve | Approve | Approved | Approved |
| 07/16/20 | 08/10/20 | \$6,500.00 | BP 190020 | Approve | Approve | Approved | Approved |
| 07/21/20 | 08/15/20 | \$6,500.00 | BP 190075 | Approve | Approve | Approved | Approved |
| 06/29/20 | 07/25/20 | \$1,017.25 | Rifle-HPD | Approve | Approve | Approved | Approved |
| 07/16/20 | 08/10/20 | \$123.33 | Vinyl | Approve | Approve | Approved | Approved |
| 07/27/20 | 08/01/20 | \$240.00 | Hertman Bucks | Approve | Approve | Approved | Approved |
| 06/30/20 | 07/25/20 | \$256.05 | Shredding Services | Approve | Approve | Approved | Approved |
| 07/02/20 | 08/01/20 | \$1,045.00 | Plan Review | Approve | Approve | Approved | Approved |
| 06/29/20 | 07/20/20 | \$4,425.00 | Preventative Maint. | Approve | Approve | Approved | Approved |
| 06/30/20 | 07/25/20 | \$129.29 | Misc. Bills | Approve | Approve | Approved | Approved |
| 07/13/20 | 08/10/20 | \$3,878.57 | Traffic Signal Maint. | Approve | Approve | Approved | Approved |
| 07/01/20 | 07/25/20 | \$38,690.96 | Dispatch | Approve | Approve | Approved | Approved |
| 07/01/20 | 08/01/20 | \$46.30 | Parts | Approve | Approve | Approved | Approved |
| 07/01/20 | 07/30/20 | \$10.26 | Parts | Approve | Approve | Approved | Approved |
| 07/06/20 | 08/06/20 | \$364.50 | Parts | Approve | Approve | Approved | Approved |
| 08/01/20 | | \$110.00 | Hertman Bucks | Approve | Approve | Approved | Approved |

APPROVAL PROCESS INVOLVES:

- City Manager
- Asst. City Managers
- Directors
- Managers
- Ordinances (as applicable)

Questions?





STAFF REPORT

DATE: September 9, 2020

TO: The Honorable Mayor and City Council

FROM: Chase Andrizzi, City Attorney

SUBJECT: Parks, Recreation, and Trails Impact Fee Enactment

RECOMMENDATION

Approve the Enactment.

DISCUSSION

Herriman City has the authorization to enact impact fees for facilities as depicted in the Impact Fee Analysis and Impact Fee Facilities Plan for parks, recreation and trails. The Impact Fee Facilities Plan considers all revenue sources for new growth improvements and analyses criteria to determine the cost of the facility is reasonably related to new development.

To adopt an updated Impact Fee, the City needs to notice up a public hearing and provide the public an opportunity to review the Enactment. After the public hearing, the County may choose to adopt, reject, or adopt with modifications the maximum recommended impact fee. Once the impact fee has been enacted, there is a 90-day waiting period before the new impact fee could be collected.

The Public hearing is scheduled for September 9, 2020. If the Enactment is approved at the following meeting (September 23, 2020), the Enactment would take effect on December 22, 2020.

ALTERNATIVES

The Council can reject the Enactment in its entirety. If this were to happen, the existing impact fees for these items would remain in effect.

The Council could also decrease the recommended impact fees for these items. State statute allows the Council to enact an impact fee for less than the recommended amount, but not more than that amount.

FISCAL IMPACT

Significant. By approving the Enactment, the Council would be raising the maximum impact fee for Single-Family and Multi-Family Units by \$646.74 and \$415.95, respectively. These are fees that would be collected with new development and are earmarked, and may only be used, for Park, Recreation, and Trails within the City.

HERRIMAN, UTAH
ORDINANCE NO. 20

**AN ORDINANCE OF THE HERRIMAN CITY COUNCIL ADOPTING AN IMPACT
FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS AND IMPOSING PARK,
RECREATION AND TRAILS IMPACT FEES; AND PROVIDING FOR THE
CALCULATION AND COLLECTION OF SUCH FEES**

WHEREAS, the Herriman City Council (the “Council”) met in regular meeting on August 26, 2020, to consider, among other things, adopting an Impact Fee Enactment that imposes park, recreation, and trails impact fees; providing for the calculation of the same; and other related matters; and

WHEREAS, Herriman City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq.; and

WHEREAS, Zion’s Public Finance, Inc. has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for parks, recreation and trails that analyzes proposed public facilities and associated impact fees as provided in the Act; and

WHEREAS, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

WHEREAS, the Impact Fee Analysis Consultant, Zions Public Finance, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

WHEREAS, on August 12, 2020 and again on August 26, 2020 the Herriman City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

WHEREAS, as provided in the Act, it is proposed that the current impact fee for parks, trails and recreation facilities be modified and that impact fees be enacted, all as set forth below; and

WHEREAS, after considering the facts and comments presented to the Herriman City Council, the Council finds (i) growth and development within the City is creating continuing demand for public parks, trails and recreation facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety

and general welfare of current and future residents of Herriman City.

NOW, THEREFORE, BE IT ORDAINED by the Herriman City Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as requested by the Impact Fees Act with respect to the Parks, Recreation and Trails Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Ordinance (this “Ordinance”); and

1.2. Growth and development activities in Herriman City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Herriman City, the capital financial needs of Herriman City which are the result of Herriman City’s future facilities’ needs, the distribution of the burden of costs to different properties within Herriman City based on the use of park, trail and recreation facilities of Herriman City by such properties, the financial contribution of those properties and other properties similarly situated in Herriman at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Herriman City, and the impact on future facilities that will be required by growth and new development activities in Herriman City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Herriman City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

Section 3. Adoption.

3.1 The Council hereby approves and adopts the Parks, Recreation and Trails Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein. The attached Parks, Recreation, and Trails Impact Fee Facilities Plan and Impact Fee Analysis shall supersede any previous Parks, Recreation, and Trails Impact fees previously enacted and imposed by the City.

Section 4. Impact Fee Calculations.

4.1. *Impact Fees.* Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Herriman Master Fees Schedule and shall be as follows:

| | Fee per Household |
|--------------------------------|--------------------------|
| Single-Family Residential Unit | \$3,550.64 |
| Multi-Family Residential Unit | \$3,151.19 |

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Herriman City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. *Adjustment of Fees.* The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. *Impact Fee Accounting.* Herriman City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) *Reporting.* At the end of each fiscal year, Herriman City shall prepare a report generally showing the source and amount of all monies collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee funds

by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and

- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Herriman. Herriman may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that are not included as part of the Impact Fee.

4.7. Fees Effective at Time of Payment. Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

Section 5. Appeal.

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4. The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

Section 6. Effective Date. This Ordinance, and the Impact Fees enacted hereunder, shall take effect November 24, 2020.

PASSED AND APPROVED this ____ day of _____, 2020.

HERRIMAN

David Watts, Mayor

ATTEST:

Jackie Nostrom, MMC City Recorder



STAFF REPORT

DATE: September 23, 2020

TO: The Honorable Mayor and City Council

FROM: Chase Andrizzi, City Attorney

SUBJECT: Fire/EMS Public Safety Impact Fee; IFFP, IFA, and Enactment.

RECOMMENDATION

Approve the Enactment.

DISCUSSION

Herriman City has the authorization to enact impact fees for public facilities as depicted in the Impact Fee Analysis and Impact Fee Facilities Plan for Fire/EMS. The Impact Fee Facilities Plan considers all revenue sources for new growth improvements and analyzes criteria to determine the cost of the related public facilities is reasonably related to new development.

To adopt an updated Impact Fee, the City needs to notice up a public hearing and provide the public an opportunity to review the IFFP, IFA, and Enactment. After the public hearing, the City may choose to adopt, reject, or adopt with modifications the maximum recommended impact fee. Once the impact fee has been enacted, there is a 90-day waiting period before the new impact fee could be collected.

The Public hearing is scheduled for September 23, 2020. If the Enactment is approved at the following meeting (October 13, 2020), the Enactment would take effect on January 11, 2020.

ALTERNATIVES

The Council can reject the Enactment in its entirety. If this were to happen, there would be no Fire/EMS fees collected by the City. The City does not currently assess a Fire/EMS fee as this has historically been collected by UFSA.

The Council could also decrease the recommended impact fees for these items. State statute allows the Council to enact an impact fee for less than the recommended amount, but not more.

FISCAL IMPACT

Significant. By approving the Enactment, the Council would be collecting a new impact fee for Fire/EMS public facilities at a rate of \$444.08 per unit for Single-Family units and \$0.27 per square foot of Multi-Family units. These are fees that would be collected with new development and are earmarked, and may only be used, for Fire/EMS public facilities within the City.

Herriman City



DRAFT Fire Impact Fee Facilities Plan



Zions Public Finance, Inc.
September 2020

IMPACT FEE FACILITIES PLAN HERRIMAN CITY

Executive Summary

Background

This Impact Fee Facilities Plan (IFFP) was prepared to meet the requirements of Utah Code §11-36a. Impact fees are a one-time fee charged to new development to help offset the capital costs associated with new growth in a community. Herriman has determined that there is one city-wide service area for fire protection services.

New Development and Growth

Herriman is experiencing rapid growth. Residential and non-residential growth create the demand for new fire capital facilities. Projected growth is shown in the following table:

TABLE 1: GROWTH PROJECTIONS, 2020 -2030

| Year | Households | Non-Residential Square Feet |
|------|------------|--------------------------------|
| 2020 | 15,779 | 3,895,146 |
| 2021 | 16,718 | 4,126,933 |
| 2022 | 17,640 | 4,354,762 |
| 2023 | 18,540 | 4,576,875 |
| 2024 | 19,411 | 4,791,765 |
| 2025 | 20,246 | 4,998,049 |
| 2026 | 21,042 | 5,194,596 |
| 2027 | 21,796 | 5,380,653 |
| 2028 | 22,505 | 5,555,656 |
| 2029 | 23,167 | 5,719,100 |
| 2030 | 23,782 | 5,870,986 |

Source: Herriman City; Salt Lake County Assessor's Office

Identify the Existing and Proposed Levels of Service and Excess Capacity

Utah Code 11-36a-302(1)(a)(i)(ii)(iii)

The IFFP considers only *system* facilities in the calculation of impact fees. For the City, this has been determined to mean fire station buildings. Although fire vehicles that have been acquired previously or will be acquired within the next six years at a cost of \$500,000 or more may be included in the study, Herriman does not have any such vehicles and does not anticipate acquiring such vehicles by 2030. Therefore, no costs for fire vehicles are included in this analysis.

Existing service levels for fire are based on the current capital facilities (i.e., fire building square feet) as measured per demand unit. Demand units increase with development which generates more calls for service and, therefore, the need for more fire station space.

The City had a total of 1,115 calls for service in 2020; of these calls 1,086 originated from development in Herriman in 2020.¹ The remaining calls represent pass-through traffic. With the growth that the City is experiencing, these calls for service will only increase in the future. This growth in calls for service will require increased fire station space in order to meet the demands of new development.

The City averages 0.0598 fire calls per residential dwelling unit and 0.0000365 calls per square foot of nonresidential space. With 22,913 square feet of fire building space, this results in an existing service level of 20.54 square feet of fire facility space for every fire call. The proposed service level is for 24.62 square feet per call calculated by dividing the total fire building square feet in 2035 (50,822 sf) by the projected calls in 2035 (2,064) when these stations will be at capacity and more facilities will be needed.² Two new stations are anticipated to be built by 2030, with capacity to serve Herriman through 2035.

TABLE 2: EXISTING AND PROPOSED SERVICE LEVELS

| | TOTAL | Residential | Non-Residential |
|---|--------|-------------|-----------------|
| Existing: | | | |
| Fire Calls 2020* | 1,115 | 944 | 142 |
| Residential Dwelling Units or Non-Residential SF – 2020 | | 15,779 | 3,895,146 |
| Average Annual Calls per Residential Dwelling Unit or Nonresidential SF | | 0.0598 | 0.0000365 |
| Total Attributable Fire Building SF - 2020 | 22,913 | 19,392 | 2,921 |
| Existing LOS - SF per Call | | 20.54 | 20.54 |
| Proposed: | | | |
| Fire Calls 2035* | 2,064 | 1,747 | 263 |
| Residential Dwelling Units or Non-Residential SF – 2035 | | 29,198 | 7,207,832 |
| Total Attributable Fire Building SF - 2035 | 50,822 | 43,012 | 6,480 |
| Proposed LOS - SF per Call | | 24.62 | 24.62 |

*The total includes the pass-thru calls that do not originate in Herriman

The City intends to build 2 new fire stations within the 10-year timeframe of this analysis and to rebuild its existing Station 103. The rebuild portion of Station 103 cannot be counted in the calculation of impact fees; however, the 5,909 square feet of expansion space can be included. By 2030, the City will have a total of 50,822 square feet of station space.³

¹ Herriman had an average of 930 fire calls for service between 2016 and 2018. These calls have been reduced to account for the fact that 24 of these calls are attributed to pass-through traffic that does not originate in or have a destination in Herriman. Future call projections are based on maintaining the calls per unit residential and nonresidential unit ratios established by the 2016-2018 data.

² Includes residential, non-residential and pass-thru traffic calls

³ Calculated by adding the 22,913 existing square feet with the space of the new facilities: Station 128, 7300 W Main Street (10,000 sf); Station 133, Wood Hollow Station (12,000 sf); and the expansion space at Station 103, Herriman Parkway (5,909 sf).

TABLE 3: NEW FIRE STATION CONSTRUCTION

| Location | Station | Construction Year | Square Feet (sf) |
|--------------|--------------------------|-------------------|------------------|
| 103 | Herriman Pkwy – Rebuild* | 2021 | 10,000 |
| 128 | 7300 W Main Street | 2025 | 10,000 |
| 133 | Wood Hollow Station | 2028 | 12,000 |
| TOTAL | | | 32,000 |

*Plans are to rebuild the 4,091 sf of the existing station and construct an additional 5,909 sf at the station.

Identify Demands Placed Upon Existing Public Facilities by New Development Activity at the Proposed Level of Service

Utah Code 11-36a-302(1)(a)(iv)

If no new facilities are constructed, the fire department will have a deficiency of 11,623 square feet of station space by 2030. Service levels will decline from the current level of service (LOS) of 20.54 square feet per call to 13.6 square feet per call by 2030.

Identify How the Growth Demands Will Be Met

Utah Code 11-36a-302(1)(a)(v)

Growth demands will be met through the rebuild and expansion of Station 103, as well as the construction of Stations 128 and 133.

Consideration of Revenue Sources to Finance Impacts on System Improvements

Utah Code 11-36a-302(2)

This Impact Fee Facilities Plan includes a thorough discussion of all potential revenue sources for public safety improvements. These revenue sources include grants, bonds, interfund loans, transfers from the General Fund, impact fees and anticipated or accepted dedications of system improvements.

Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Facilities Plan before preparing an Impact Fee Analysis (IFA) and enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFFP. This IFFP follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPFI) to prepare this Impact Fee Facilities Plan in accordance with legal requirements.

Notice of Intent to Prepare Impact Fee Facilities Plan

A local political subdivision must provide written notice of its intent to prepare an IFFP before preparing the Plan (Utah Code §11-36a-501). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFFP.

Preparation of Impact Fee Facilities Plan

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee facilities plan. (Utah Code 11-36a-301).

Section 11-36a-302(a) of the Utah Code outlines the requirements of an IFFP which is required to identify the following:

- (i) identify the existing level of service
- (ii) establish a proposed level of service
- (iii) identify any excess capacity to accommodate future growth at the proposed level of service
- (iv) identify demands placed upon existing facilities by new development activity at the proposed level of service; and
- (v) identify the means by which the political subdivision or private entity will meet those growth demands.

Further, the proposed level of service may:

- (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
- (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

- (a) grants
- (b) bonds
- (c) interfund loans
- (d) transfers from the General Fund
- (e) impact fees; and
- (f) anticipated or accepted dedications of system improvements.

Certification of Impact Fee Facilities Plan

Utah Code states that an impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan. This certification is included at the conclusion of this analysis.

Existing Service Levels

Utah Code 11-36a-302(1)(a)(i)(ii)(iii)

Growth in Demand

Impacts on public safety facilities will come from both residential and non-residential growth. This growth is projected as follows:

TABLE 4: GROWTH PROJECTIONS, 2020-2030

| Year | Households | Non-Residential Square Feet |
|------|------------|-----------------------------|
| 2020 | 15,779 | 3,895,146 |
| 2021 | 16,718 | 4,126,933 |
| 2022 | 17,640 | 4,354,762 |
| 2023 | 18,540 | 4,576,875 |
| 2024 | 19,411 | 4,791,765 |
| 2025 | 20,246 | 4,998,049 |
| 2026 | 21,042 | 5,194,596 |
| 2027 | 21,796 | 5,380,653 |
| 2028 | 22,505 | 5,555,656 |
| 2029 | 23,167 | 5,719,100 |
| 2030 | 23,782 | 5,870,986 |

Source: Herriman City; Salt Lake County Assessor's Office

Residential and nonresidential growth will create increased demand for fire services as demonstrated by the increased calls for service that are projected to occur.

The increased fire calls for service, originating in Herriman, are projected as shown in the following table. Additional calls for pass-through traffic are also shown, but these calls are not included in the calculation of impact fees.

TABLE 5: FIRE – PROJECTED GROWTH IN FIRE CALLS FOR SERVICE

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| 2018 | 787 | 119 | 24 | 930 | 13,150 | 3,246,332 |
| 2019 | 887 | 134 | 27 | 1,048 | 14,831 | 3,661,287 |
| 2020 | 944 | 142 | 29 | 1,115 | 15,779 | 3,895,146 |
| 2021 | 1,000 | 151 | 31 | 1,182 | 16,718 | 4,126,933 |
| 2022 | 1,055 | 159 | 33 | 1,247 | 17,640 | 4,354,762 |
| 2023 | 1,109 | 167 | 34 | 1,311 | 18,540 | 4,576,875 |
| 2024 | 1,161 | 175 | 36 | 1,372 | 19,411 | 4,791,765 |
| 2025 | 1,211 | 182 | 37 | 1,431 | 20,246 | 4,998,049 |
| 2026 | 1,259 | 190 | 39 | 1,488 | 21,042 | 5,194,596 |

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| 2027 | 1,304 | 196 | 40 | 1,541 | 21,796 | 5,380,653 |
| 2028 | 1,347 | 203 | 42 | 1,591 | 22,505 | 5,555,656 |
| 2029 | 1,386 | 209 | 43 | 1,638 | 23,167 | 5,719,100 |
| 2030 | 1,423 | 214 | 44 | 1,681 | 23,782 | 5,870,986 |

Existing Service Levels

Herriman has two existing fire stations – Station 103 and Station 123 – with a total of 22,913 square feet.

TABLE 6: EXISTING FIRE STATIONS

| Location | Station | Total SF | Actual Cost |
|----------|--------------------|----------|-------------|
| 103 | Herriman | 4,091 | \$162,886 |
| 103 | Herriman Pkwy Land | | \$199,167 |
| 123 | Rosecrest | 18,822 | \$5,152,297 |
| 123 | Rosecrest Land | | \$851,141 |

Source: Unified Fire Authority

The existing service level is calculated by dividing the 22,913 square feet by the total number of calls (1,115) in 2020 to arrive at an existing service level of 20.54 fire station square feet per call.

Proposed Level of Service

Herriman plans to build two new fire stations by 2020, and to expand space in its existing Station 103.

TABLE 7: FUTURE FIRE STATIONS

| Location | Station | Construction Year | Square Feet* | Cost in \$2020 | Construction Year Expense |
|--------------|-------------------------|-------------------|---------------|----------------|---------------------------|
| 103 | Herriman Pkwy - Rebuild | 2021 | 5,909 | \$4,500,000 | \$2,738,822 |
| 128 | 7300 W Main Street | 2025 | 10,000 | \$4,500,000 | \$5,216,733 |
| 133 | Wood Hollow Station | 2028 | 12,000 | \$5,400,000 | \$6,840,558 |
| TOTAL | | | 27,909 | | \$14,796,113 |

*Expansion square feet only. Station 103 currently has 4,091 square feet resulting in a total of 10,000 square feet after the rebuild and expansion.

Excess Capacity

The existing fire stations are at capacity; therefore, the City plans to rebuild Station 103 in 2021 and to add 5,909 square feet to Station 103.

Identify Demands Placed upon Existing Facilities by New Development Activity at the Proposed Level of Service

The City's fire station space is currently at capacity. In order to just maintain existing service levels, the City will need to construct 11,623 additional square feet of space by 2030.

TABLE 8: FACILITIES NEEDED (FIRE BUILDING SQUARE FEET) TO MAINTAIN EXISTING FIRE SERVICE LEVELS

| Calls for Service - Demand Units | Total Calls for Service | Station SF Needed at Existing Service Level | Excess Capacity (Deficit) |
|----------------------------------|-------------------------|---|---------------------------|
| 2020 | 1,115 | 22,913 | - |
| 2021 | 1,182 | 24,276 | (1,363) |
| 2022 | 1,247 | 25,617 | (2,704) |
| 2023 | 1,311 | 26,923 | (4,010) |
| 2024 | 1,372 | 28,187 | (5,274) |
| 2025 | 1,431 | 29,401 | (6,488) |
| 2026 | 1,488 | 30,557 | (7,644) |
| 2027 | 1,541 | 31,651 | (8,738) |
| 2028 | 1,591 | 32,681 | (9,768) |
| 2029 | 1,638 | 33,642 | (10,729) |
| 2030 | 1,681 | 34,536 | (11,623) |

Identify the Means by Which the Political Subdivision or Private Entity Will Meet Those Growth Demands

The City will meet the proposed growth demands by constructing Stations 128 and 133, and by rebuilding and expanding Station 103.

Manner of Financing for Public Facilities

Utah Code 11-36a-304(2)(c)(d)(e)

Impact fees will be used to fund the established growth-driven fire station needs.

Credits Against Impact Fees

Utah Code 11-36a-304(2)(f)

The Impact Fees Act requires credits to be paid back to development for future fees that may be paid to fund system improvements found in the IFFP so that new development is not charged twice. Credits

may also be paid back to developers who have constructed or directly funded items that are included in the IFFP or donated to the City in lieu of impact fees, including the dedication of land for system improvements. This situation does not apply to developer exactions or improvements required to offset density or as a condition for development. Any item that a developer funds must be included in the IFFP if a credit is to be issued and must be agreed upon with the City before construction of the improvements.

In the situation that a developer chooses to construct facilities found in the IFFP in lieu of impact fees, the arrangement must be made through the developer and the City.

The standard impact fee can also be decreased to respond to unusual circumstances in specific cases in order to ensure that impact fees are imposed fairly. In certain cases, a developer may submit studies and data that clearly show a need for adjustment.

At the discretion of the City, impact fees may be modified for low-income housing, although alternate sources of funding must be identified.

Grants

The City is unaware of any potential grant sources for future public safety facilities. However, should it be the recipient of any such grants, it will then look at the potential to reduce impact fees.

Bonds

The City will assume bond payments from the Unified Fire Service Authority (UFSA). The bond payments are for Station 123 – the Rosecrest land and fire station.

Transfer from General Fund

To the extent that the City is able to generate net revenues in its General Fund, it may choose to transfer all or a portion of the net revenues to the City's capital fund. It is most likely that, if net revenues should be generated, they will be used to reach the proposed service levels described in this IFFP and not to offset the demands generated by new development, which is anticipated to be offset with impact fees.

Impact Fees

Because of the growth anticipated to occur in the City, impact fees are a viable means of allowing new development to pay for the impacts that it places on the existing system. This IFFP is developed in accordance with legal guidelines so that an Impact Fee Analysis may be prepared and the City may charge impact fees for public safety.

Anticipated or Accepted Dedications of System Improvements

Any item that a developer funds must be included in the IFFP if a credit against impact fees is to be issued and must be agreed upon with the City before construction of the improvements.

Certification

Zions Public Finance, Inc. certifies that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and

- b. actually incurred; or
- c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;

2. Does not include:

- a. costs of operation and maintenance of public facilities;
- b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
- c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

3. Complies in each and every relevant respect with the Impact Fees Act.

Herriman City



DRAFT Fire Impact Fee Analysis



Zions Public Finance, Inc.
September 2020

IMPACT FEE ANALYSIS HERRIMAN CITY

Executive Summary

Background

The Impact Fee Analysis (IFA) was prepared to meet the requirements of Utah Code §11-36a. Impact fees are a one-time fee charged to new development to help offset the capital costs associated with new growth in a community. Herriman has determined that there is one city-wide service area for fire protection services in the City. Therefore, all development in the City will be charged the same fire impact fee regardless of where the new development takes place.

Impacts from residential and non-residential growth are manifest in increased demand on fire services. The increased demand results in the need for more fire facilities.

New Development and Growth

Projected growth is shown in the following table:

TABLE 1: GROWTH PROJECTIONS, 2020-2030

| Year | Households | Non-Residential Square Feet |
|------|------------|-----------------------------|
| 2020 | 15,779 | 3,895,146 |
| 2021 | 16,718 | 4,126,933 |
| 2022 | 17,640 | 4,354,762 |
| 2023 | 18,540 | 4,576,875 |
| 2024 | 19,411 | 4,791,765 |
| 2025 | 20,246 | 4,998,049 |
| 2026 | 21,042 | 5,194,596 |
| 2027 | 21,796 | 5,380,653 |
| 2028 | 22,505 | 5,555,656 |
| 2029 | 23,167 | 5,719,100 |
| 2030 | 23,782 | 5,870,986 |

Source: Herriman City; Salt Lake County Assessor's Office

Residential and non-residential growth will result in the need for more fire facility space, as reflected by the growth in fire calls for service.

TABLE 2: PROJECTED GROWTH IN FIRE CALLS FOR SERVICE

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| | | | | | | |

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| 2018 | 787 | 119 | 24 | 930 | 13,150 | 3,246,332 |
| 2019 | 887 | 134 | 27 | 1,048 | 14,831 | 3,661,287 |
| 2020 | 944 | 142 | 29 | 1,115 | 15,779 | 3,895,146 |
| 2021 | 1,000 | 151 | 31 | 1,182 | 16,718 | 4,126,933 |
| 2022 | 1,055 | 159 | 33 | 1,247 | 17,640 | 4,354,762 |
| 2023 | 1,109 | 167 | 34 | 1,311 | 18,540 | 4,576,875 |
| 2024 | 1,161 | 175 | 36 | 1,372 | 19,411 | 4,791,765 |
| 2025 | 1,211 | 182 | 37 | 1,431 | 20,246 | 4,998,049 |
| 2026 | 1,259 | 190 | 39 | 1,488 | 21,042 | 5,194,596 |
| 2027 | 1,304 | 196 | 40 | 1,541 | 21,796 | 5,380,653 |
| 2028 | 1,347 | 203 | 42 | 1,591 | 22,505 | 5,555,656 |
| 2029 | 1,386 | 209 | 43 | 1,638 | 23,167 | 5,719,100 |
| 2030 | 1,423 | 214 | 44 | 1,681 | 23,782 | 5,870,986 |

Impact on Consumption of Existing Capacity - Utah Code 11-36a-304(1)(a)

The existing fire stations are at capacity and the City intends to rebuild and expand Station 103 in 2021. At existing service levels, the City will need an additional 11,623 square feet of space by 2030.

Impact on System Improvements by Anticipated Development Activity - Utah Code 11-36a-304(1)(b)

The City is planning to rebuild and expand Station 103, and construct stations 128 and 133 within the next 8 years. These facilities are needed in order to maintain existing service levels.

Proportionate Share Analysis - Utah Code 11-36a-304(1)(d)

The gross cost per call, before bond credits, is \$10,900.59.

TABLE 3: PROPORTIONATE SHARE ANALYSIS – GROSS COST PER CALL

| | |
|---|--------------------|
| Growth in Calls for Service, 2020-2030 | 566 |
| Existing LOS - SF per Call | 20.54 |
| SF Needed, 2020-2030 | 11,623 |
| Cost of New Facilities, 2020-2035 | \$14,796,113 |
| Total New SF of Facilities | 27,909 |
| Cost Allocation to New Development, 2020-2030 | \$6,161,881 |
| Construction Cost per Call | \$10,889.98 |
| Consultant Costs | \$6,000 |
| Growth in Calls, 2020-2030 | 566 |
| Consultant Cost per Call | \$10.60 |
| TOTAL GROSS COST PER CALL | \$10,900.59 |

However, credits must be made against this gross cost per call. Herriman is required to assume its fair share of payments on a Unified Fire Service Authority (UFGA) bond. Herriman's responsibility is for the payments allocated to Station 123 - the Rosecrest land and station.

TABLE 4: FIRE BOND CREDIT CALCULATIONS

| Year | Principal Total | Calls for Service | Cost per Call | NPV* - Credit per Call | Maximum Cost per Call |
|------|-----------------|-------------------|---------------|------------------------|-----------------------|
| 2021 | \$444,747 | 1,182 | \$376.31 | \$3,478.36 | \$7,422.23 |
| 2022 | \$444,920 | 1,247 | \$356.77 | \$3,189.00 | \$7,711.59 |
| 2023 | \$446,214 | 1,311 | \$340.44 | \$2,911.96 | \$7,988.63 |
| 2024 | \$446,991 | 1,372 | \$325.74 | \$2,644.32 | \$8,256.27 |
| 2025 | \$447,250 | 1,431 | \$312.48 | \$2,384.69 | \$8,515.90 |
| 2026 | \$446,991 | 1,488 | \$300.48 | \$2,131.83 | \$8,768.76 |
| 2027 | \$447,962 | 1,541 | \$290.72 | \$1,884.65 | \$9,015.94 |
| 2028 | \$445,977 | 1,591 | \$280.31 | \$1,641.05 | \$9,259.54 |
| 2029 | \$447,983 | 1,638 | \$273.53 | \$1,401.76 | \$9,498.83 |
| 2030 | \$445,351 | 1,681 | \$264.88 | \$1,163.28 | \$9,737.31 |

*NPV = net present value discounted at a rate of 2.5%.

The cost per call is then applied to the number of calls per unit.

TABLE 5: 2021 MAXIMUM FIRE FEES

| | Calls per Unit | Fee per Unit |
|----------------------------------|----------------|--------------|
| Residential – per unit | 0.059831317 | \$444.08 |
| Nonresidential – per building sf | 0.0000365 | \$0.27 |

The maximum fee that can be charged each year is shown in the table below.

TABLE 6: MAXIMUM FIRE FEES PER YEAR

| Maximum Fees per Year | Gross Fee | Credits | Maximum Cost per Call After Credits | Maximum Fee - Residential | Maximum Fee - Nonresidential |
|-----------------------|-------------|------------|-------------------------------------|---------------------------|------------------------------|
| 2021 | \$10,900.59 | \$3,478.36 | \$7,422.23 | \$444.08 | \$0.27 |
| 2022 | \$10,900.59 | \$3,189.00 | \$7,711.59 | \$461.39 | \$0.28 |
| 2023 | \$10,900.59 | \$2,911.96 | \$7,988.63 | \$477.97 | \$0.29 |
| 2024 | \$10,900.59 | \$2,644.32 | \$8,256.27 | \$493.98 | \$0.30 |
| 2025 | \$10,900.59 | \$2,384.69 | \$8,515.90 | \$509.52 | \$0.31 |
| 2026 | \$10,900.59 | \$2,131.83 | \$8,768.76 | \$524.65 | \$0.32 |
| 2027 | \$10,900.59 | \$1,884.65 | \$9,015.94 | \$539.44 | \$0.33 |
| 2028 | \$10,900.59 | \$1,641.05 | \$9,259.54 | \$554.01 | \$0.34 |
| 2029 | \$10,900.59 | \$1,401.76 | \$9,498.83 | \$568.33 | \$0.35 |
| 2030 | \$10,900.59 | \$1,163.28 | \$9,737.31 | \$582.60 | \$0.36 |

Utah Code Legal Requirements

Preparation of Impact Fee Analysis. Utah Code requires that “each local political subdivision... intending to impose an impact fee shall prepare a written analysis (Impact Fee Analysis or IFA) of each impact fee” (Utah Code 11-36a-303). This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance, Inc. (ZPFI) to prepare this Impact Fee Analysis in accordance with legal requirements.

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis which is required to identify the following:

- anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;

- anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;

- how anticipated impacts are reasonably related to the anticipated development activity

- the proportionate share of:

 - costs for existing capacity that will be recouped; and

 - costs of impacts on system improvement that are reasonably related to the new development activity; and

- how the impact fee was calculated.

Further, in analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:

- the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

- the cost of system improvements for each public facility;

- other than impact fees, the manner of financing for each public facility such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

- the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by means such as user charges, special assessments, or payment from the proceeds of general taxes;

- the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;

the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;

extraordinary costs, if any, in servicing the newly developed properties; and

the time-price differential inherent in fair comparisons of amounts paid at different times.

Calculating Impact Fees. Utah Code 11-36a-305 states that for purposes of calculating an impact fee, a local political subdivision or private entity may include the following:

construction contract price;

cost of acquiring land, improvements, materials, and fixtures;

cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and

for a political subdivision, debt service charges if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the costs of the system improvements.

Additionally, the Code states that each political subdivision or private entity shall base impact fee amounts on realistic estimates and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Certification of Impact Fee Analysis. Utah Code 11-36a-306 states that an impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis. This certification is included at the conclusion of this analysis.

Impact Fee Enactment. Utah Code 11-36a-202 states that a local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402. Additionally, an impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysts. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Notice of Intent to Prepare Impact Fee Analysis. A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Analysis (Utah Code 11-36a-503(1)). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice.

Impact Fee Analysis

This IFA is organized based on the legal requirements of Utah Code 11-36a-304.

Impact on Consumption of Existing Capacity – *Utah Code 11-36a-304((1)(a))*

Demand Placed on Facilities by New Development Activity

Impacts on public safety facilities will come from both residential and non-residential growth. This growth is projected as follows:

TABLE 7: GROWTH PROJECTIONS, 2020-2030

| Year | Households | Non-Residential Square Feet |
|------|------------|-----------------------------|
| 2020 | 15,779 | 3,895,146 |
| 2021 | 16,718 | 4,126,933 |
| 2022 | 17,640 | 4,354,762 |
| 2023 | 18,540 | 4,576,875 |
| 2024 | 19,411 | 4,791,765 |
| 2025 | 20,246 | 4,998,049 |
| 2026 | 21,042 | 5,194,596 |
| 2027 | 21,796 | 5,380,653 |
| 2028 | 22,505 | 5,555,656 |
| 2029 | 23,167 | 5,719,100 |
| 2030 | 23,782 | 5,870,986 |

Source: Herriman City; Salt Lake County Assessor's Office

Residential and nonresidential growth will create increased demand for fire services as demonstrated by the increased calls for service that are projected to occur.

The increased fire calls for service, originating in Herriman, are projected as shown in the following table. Additional calls for pass-through traffic are also shown, but these calls are not included in the calculation of impact fees.

TABLE 8: FIRE – PROJECTED GROWTH IN FIRE CALLS FOR SERVICE

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| 2018 | 787 | 119 | 24 | 930 | 13,150 | 3,246,332 |
| 2019 | 887 | 134 | 27 | 1,048 | 14,831 | 3,661,287 |
| 2020 | 944 | 142 | 29 | 1,115 | 15,779 | 3,895,146 |
| 2021 | 1,000 | 151 | 31 | 1,182 | 16,718 | 4,126,933 |

| Calls for Service - Demand Units | Residential Calls | Non-Residential Calls | Motor Vehicle Pass-Thru Calls | Total Calls for Service | Residential Units | Non-Residential SF |
|----------------------------------|-------------------|-----------------------|-------------------------------|-------------------------|-------------------|--------------------|
| 2022 | 1,055 | 159 | 33 | 1,247 | 17,640 | 4,354,762 |
| 2023 | 1,109 | 167 | 34 | 1,311 | 18,540 | 4,576,875 |
| 2024 | 1,161 | 175 | 36 | 1,372 | 19,411 | 4,791,765 |
| 2025 | 1,211 | 182 | 37 | 1,431 | 20,246 | 4,998,049 |
| 2026 | 1,259 | 190 | 39 | 1,488 | 21,042 | 5,194,596 |
| 2027 | 1,304 | 196 | 40 | 1,541 | 21,796 | 5,380,653 |
| 2028 | 1,347 | 203 | 42 | 1,591 | 22,505 | 5,555,656 |
| 2029 | 1,386 | 209 | 43 | 1,638 | 23,167 | 5,719,100 |
| 2030 | 1,423 | 214 | 44 | 1,681 | 23,782 | 5,870,986 |

Herriman has two existing fire stations – Station 103 and Station 123 – with a total of 22,913 square feet. These two stations are at capacity.

TABLE 9: EXISTING FIRE STATIONS

| Location | Station | Total SF | Actual Cost |
|----------|--------------------|----------|-------------|
| 103 | Herriman | 4,091 | \$162,886 |
| 103 | Herriman Pkwy Land | | \$199,167 |
| 123 | Rosecrest | 18,822 | \$5,152,297 |
| 123 | Rosecrest Land | | \$851,141 |

Identify the Means by Which the Political Subdivision or Private Entity Will Meet Those Growth Demands – *Utah Code 11-36a-304((1)(b))*

The City's fire station space is currently at capacity. In order to maintain existing service levels, the City will need to construct 11,623 additional square feet of space by 2030.

TABLE 10: FACILITIES NEEDED (FIRE BUILDING SQUARE FEET) TO MAINTAIN EXISTING FIRE SERVICE LEVELS

| Calls for Service - Demand Units | Total Calls for Service | Station SF Needed at Existing Service Level | Excess Capacity (Deficit) |
|----------------------------------|-------------------------|---|---------------------------|
| 2020 | 1,115 | 22,913 | - |
| 2021 | 1,182 | 24,276 | (1,363) |
| 2022 | 1,247 | 25,617 | (2,704) |
| 2023 | 1,311 | 26,923 | (4,010) |
| 2024 | 1,372 | 28,187 | (5,274) |
| 2025 | 1,431 | 29,401 | (6,488) |
| 2026 | 1,488 | 30,557 | (7,644) |
| 2027 | 1,541 | 31,651 | (8,738) |
| 2028 | 1,591 | 32,681 | (9,768) |
| 2029 | 1,638 | 33,642 | (10,729) |
| 2030 | 1,681 | 34,536 | (11,623) |

Relationship of Anticipated Impacts to Anticipated Development Activity – *Utah Code 11-36a-304((1)(c))*

Additional fire station facilities are needed due to new development and growth. One way of measuring the increased demand for services is through the number of calls for service. As calls for service increase, fire departments are forced to expand and need more space to house their activities.

Proportionate Share Analysis – *Utah Code 11-36a-304((1)(d))*

The proportionate share analysis includes the following steps:

- 1) Project increased population and nonresidential growth
- 2) Project increased calls for service, keeping the ratio of calls for service for residential units and nonresidential square feet constant with existing ratios
- 3) Project the need for increased building floor space or consumption of existing, excess capacity
- 4) Calculate the cost per call by dividing the cost of the public safety building square feet needed by the growth in calls
- 5) Allocate the cost per call to residential and nonresidential units based on the number of calls per residential unit and nonresidential square feet, respectively

The gross cost per call, before bond credits, is \$10,900.59.

TABLE 11: PROPORTIONATE SHARE ANALYSIS – GROSS COST PER CALL

| | |
|---|--------------------|
| Growth in Calls for Service, 2020-2030 | 566 |
| Existing LOS - SF per Call | 20.54 |
| SF Needed, 2020-2030 | 11,623 |
| Cost of New Facilities, 2020-2035 | \$14,796,113 |
| Total New SF of Facilities | 27,909 |
| Cost Allocation to New Development, 2020-2030 | \$6,161,881 |
| Construction Cost per Call | \$10,889.98 |
| Consultant Costs | \$6,000 |
| Growth in Calls, 2020-2030 | 566 |
| Consultant Cost per Call | \$10.60 |
| TOTAL GROSS COST PER CALL | \$10,900.59 |

However, credits must be made against this gross cost per call. Herriman is required to assume its fair share of payments on a Unified Fire Service Authority (UFSA) bond. Herriman's responsibility is for the payments allocated to Station 123 - the Rosecrest station and land.

TABLE 12: FIRE BOND CREDIT CALCULATIONS

| Year | Principal Total | Calls for Service | Cost per Call | NPV - Credit per Call | Maximum Cost per Call |
|------|-----------------|-------------------|---------------|-----------------------|-----------------------|
| 2021 | \$444,747 | 1,182 | \$376.31 | \$3,478.36 | \$7,422.23 |
| 2022 | \$444,920 | 1,247 | \$356.77 | \$3,189.00 | \$7,711.59 |
| 2023 | \$446,214 | 1,311 | \$340.44 | \$2,911.96 | \$7,988.63 |
| 2024 | \$446,991 | 1,372 | \$325.74 | \$2,644.32 | \$8,256.27 |
| 2025 | \$447,250 | 1,431 | \$312.48 | \$2,384.69 | \$8,515.90 |
| 2026 | \$446,991 | 1,488 | \$300.48 | \$2,131.83 | \$8,768.76 |
| 2027 | \$447,962 | 1,541 | \$290.72 | \$1,884.65 | \$9,015.94 |
| 2028 | \$445,977 | 1,591 | \$280.31 | \$1,641.05 | \$9,259.54 |
| 2029 | \$447,983 | 1,638 | \$273.53 | \$1,401.76 | \$9,498.83 |
| 2030 | \$445,351 | 1,681 | \$264.88 | \$1,163.28 | \$9,737.31 |

The cost per call is then applied to the number of calls per unit.

TABLE 13: 2021 MAXIMUM FIRE FEES

| | Calls per Unit | Fee per Unit |
|----------------------------------|----------------|--------------|
| Residential – per unit | 0.059831317 | \$444.08 |
| Nonresidential – per building sf | 0.0000365 | \$0.27 |

The maximum fee that can be charged each year is shown in the table below.

TABLE 14: MAXIMUM FIRE FEES PER YEAR

| Maximum Fees per Year | Gross Fee | Credits | Maximum Cost per Call After Credits | Maximum Fee - Residential | Maximum Fee - Nonresidential |
|-----------------------|-------------|------------|-------------------------------------|---------------------------|------------------------------|
| 2021 | \$10,900.59 | \$3,478.36 | \$7,422.23 | \$444.08 | \$0.27 |
| 2022 | \$10,900.59 | \$3,189.00 | \$7,711.59 | \$461.39 | \$0.28 |
| 2023 | \$10,900.59 | \$2,911.96 | \$7,988.63 | \$477.97 | \$0.29 |
| 2024 | \$10,900.59 | \$2,644.32 | \$8,256.27 | \$493.98 | \$0.30 |
| 2025 | \$10,900.59 | \$2,384.69 | \$8,515.90 | \$509.52 | \$0.31 |
| 2026 | \$10,900.59 | \$2,131.83 | \$8,768.76 | \$524.65 | \$0.32 |
| 2027 | \$10,900.59 | \$1,884.65 | \$9,015.94 | \$539.44 | \$0.33 |
| 2028 | \$10,900.59 | \$1,641.05 | \$9,259.54 | \$554.01 | \$0.34 |
| 2029 | \$10,900.59 | \$1,401.76 | \$9,498.83 | \$568.33 | \$0.35 |
| 2030 | \$10,900.59 | \$1,163.28 | \$9,737.31 | \$582.60 | \$0.36 |

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act.

HERRIMAN, UTAH
ORDINANCE NO. 20

AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS, AND AN IMPACT FEE ENACTMENT THAT IMPOSES A FIRE/EMS PUBLIC SAFETY IMPACT FEE; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEE; AND PROVIDING FOR APPEAL, ACCOUNTING, SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, the Herriman City Council (the “Council”) met in regular meeting on September 23, 2020, to consider, among other things, adopting an Impact Fee Enactment that imposes a Fire/EMS Public Safety Impact Fee; providing for the calculation of the same; and other related matters; and

WHEREAS, Herriman City (the “City”) is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the “Act”) as set forth in Utah Code Ann. § 11-36a-101 et seq.; and

WHEREAS, Zion’s Public Finance, Inc. has prepared an Impact Fee Analysis (“IFA”) and Impact Fee Facilities Plan (“IFFP”) for Fire/EMS that analyzes proposed public facilities and associated impact fees as provided in the Act; and

WHEREAS, the proposed Fire/EMS Public Safety Impact Fees set forth in the attached IFA are in addition to the Police Public Safety Impact Fees adopted by the Council on August 14, 2019; and

WHEREAS, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

WHEREAS, the Impact Fee Analysis Consultant, Zions Public Finance, Inc., certified its work under Utah Code Ann. § 11-36a-306(2); and

WHEREAS, following the appropriate public notices as required by the Act and after providing copies of the IFFP, IFA, and the Enactment to the public, the Herriman City Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

WHEREAS, as provided in the Act, it is proposed that the current impact fee for Fire/EMS public safety facilities be modified and that impact fees be enacted, all as set forth below; and

WHEREAS, after considering the facts and comments presented to the Herriman City Council, the Council finds (i) growth and development within the City is creating continuing demand for Fire/EMS public safety facilities to serve such development, (ii) impact fees are

necessary to fairly distribute the costs of public facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of public facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fee established by this ordinance was developed by conservative analysis and justified by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Herriman City.

NOW, THEREFORE, BE IT ORDAINED by the Herriman City Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the Fire/EMS Public Safety Impact Fee Facilities Plan, the Impact Fee Analysis, and this Impact Fee Enactment (“Ordinance”); and

1.2. Growth and development activities in Herriman City will create additional demands on its infrastructure. The facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity; and

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received; and

1.4. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and needs of Herriman City, the capital financial needs of Herriman City which are the result of Herriman City’s future facilities’ needs, the distribution of the burden of costs to different properties within Herriman City based on the demand for public safety facilities of Herriman City by such properties, the financial contribution of those properties and other properties similarly situated in Herriman at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Herriman City, and the impact on future facilities that will be required by growth and new development activities in Herriman City; and

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance; and

2.2. “Service Area” shall mean the boundaries of Herriman City; and

2.3. “Utah State Impact Fees Act” shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

Section 3. Adoption.

3.1 The Council hereby approves and adopts the Fire/EMS Public Safety Impact Fee Facilities Plan and Impact Fee Analysis attached and the analyses reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

3.2 The Fire/EMS Public Safety Impact Fees enacted by this Ordinance shall be enacted and collected as set forth herein and in addition to the Police Public Safety Impact Fees adopted by the Council on August 14, 2019.

Section 4. Impact Fee Calculations.

4.1. *Impact Fees.* Fire/EMS Public Safety Impact Fees are hereby imposed on the basis of the Impact Fee Analysis and shall be paid as a condition of issuing a building permit from the City or other developmental approval. The impact fees imposed by this Ordinance shall be added to the Herriman Master Fees Schedule and shall be as follows:

| | Calls per Unit | Fee per Unit |
|----------------------------------|-----------------------|---------------------|
| Residential – per unit | 0.059831317 | \$444.08 |
| Nonresidential – per building sf | 0.0000365 | \$0.27 |

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that Herriman City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement; and

4.3. *Adjustment of Fees.* The Council may adjust (but not above the maximum allowable fee) the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system; and

4.4. *Impact Fee Accounting.* Herriman City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

- (a) Reporting. At the end of each fiscal year, Herriman City shall prepare a report generally showing the source and amount of all monies collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website; and
- (b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law; and
- (c) Time of Expenditures. Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Herriman. Herriman may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six-year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.
- (d) Extension of Time. The City may hold unencumbered impact fees collected pursuant to this Enactment for longer than six (6) years if the Council identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

4.5. Refunds. The City shall refund any impact fee collected pursuant to this Enactment as set forth in Utah Code Ann § 11-36a-303, as amended or when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund; and
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

4.6. Additional Fees and Costs. The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that

are not included as part of the Impact Fee.

4.7 *Fees Effective at Time of Payment.* Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined in accordance with this Enactment.

Section 5. Appeal.

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the City; and

5.2. Within two weeks of the receipt of the request for information the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee; and

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the City within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action; and

5.4 The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- (a) The person's name, mailing address, and daytime telephone number; and
- (b) A copy of the written request for information and a brief summary of the grounds for appeal; and
- (c) The relief sought.

Section 6. Effective Date. This Ordinance, and the Impact Fees enacted hereunder, shall take effect _____, _____ 2020.

[signatures on following page]

PASSED AND APPROVED this ____ day of _____, 2020.

HERRIMAN

David Watts, Mayor

ATTEST:

Jackie Nostrom, MMC City Recorder



CITY COUNCIL MINUTES

Wednesday, August 19, 2020
Awaiting Formal Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Wednesday, August, 2020 at 5:30 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor David Watts

Councilmembers Present: Jared Henderson, Sherrie Ohrn, Steve Shields and Clint Smith

Staff Present: City Manager Brett Wood, Assistant City Manager Tami Moody, Assistant City Manager Wendy Thomas, Community Development Director Blake Thomas, Police Chief Troy Carr, City Recorder Jackie Nostrom, Finance Director Alan Rae, Director of Operations Monte Johnson, Public Works Director Justun Edwards, City Attorney Chase Andrizzi, Communications Tech Mitch Davis, City Planner Michael Maloy, Police Lieutenant Cody Stromberg, Deputy Director of Parks, Recreation and Events Anthony Teuscher, Officer Jason Myers, Unified Fire Authority Precinct Chief Anthony Widdison, Building Official Cathryn Nelson, City Engineer Jonathan Bowers, Unified Fire Authority Chief Financial Officer Tony Hill, Unified Fire Authority Assistant Chief Dominic Burchett.

5:30 PM - WORK MEETING:

This meeting will also be conducted electronically at www.herriman.org/agendas-and-minutes

1. Council Business – 5:30 PM

Mayor David Watts called the electronic work meeting to order at 5:30 p.m.

1.1 Review of this Evening's Agenda

The Council and staff briefly reviewed the agenda.

1.2 Future Agenda Items

There were no future agenda items requested.

1.3 Council Leadership Task List Review

Councilmember Sherrie Ohrn highlighted the benefits of having high speed internet and hoped it could be brought into the City. Councilmember Steven Shields addressed the City Council Strategy Work Meeting which had been scheduled for August 28, 2020. He suggested it would be inappropriate for the Council to conduct the meeting until restrictions relating to the pandemic had been lifted. The Council agreed.

2. Administrative Reports

2.1. Discussion pertaining to a Master License Agreement for Small Cell Towers within Herriman City - Chase Andrizzi, City Attorney

City Attorney Chase Andrizzi explained the Utah Legislature passed a bill to permit a wireless provider to install small wireless facilities within the right-of-way under specific conditions. The bill also contemplated to allow municipalities to establish a permitting process for providers to install the facilities within the jurisdictional boundaries. Attorney Andrizzi referenced City Code to allow the issuance of nonexclusive licenses governing the installation, construction, operation, use and maintenance of wireless facilities and structures in the right-of-way.

Attorney Andrizzi presented a Master License Agreement to allow city staff to execute the licensing agreements with multiple providers without the need to present each request to the Council for consideration as the City would look to issue the permits nonexclusively. He looked to the Council to approve the form of the agreement to be used as a baseline for each provider requesting to install small wireless facilities within the City.

Attorney Andrizzi offered alternatives to the Council including to amend the current ordinance to include specific fees, rates and require payment to be consistent. The ordinance could establish the permitting procedure and outline any other terms contemplated in the agreement. He also offered the alternative to disregard the Master License Agreement and review each licensing agreement from each interested provider within the City. State Code notated the rates would be similar to each applicant.

Councilmember Ohrn asked for staff recommendation. Attorney Andrizzi suggested the Council consider to approve the form of the agreement to enable staff to execute the nondiscriminatory contract would be the best practice. Councilmember Ohrn relayed concerns over health safety of the wireless towers. Attorney Andrizzi responded he had heard concerns relating to 5G; however, there was no scientific evidence to support the claims. The requirements imposed by the Utah State Legislature for municipalities to allow the small cell towers within jurisdictional boundaries was discussed. Mayor Watts asked if the City had the ability to control the aesthetics of the small cell towers. It was confirmed there were design standards outlined in the Master License Agreement and site license. Community Development Director Blake Thomas added the desire of staff would to have the provider install their own poles to reduce maintenance and liability from the City.

Councilmember Jared Henderson arrived at 6:19 p.m.

2.2. Unified Fire Service Area Update - Brett Wood, City Manager

City Manager Brett Wood highlighted the Unified Fire Service Area Board Meeting where several Herriman

Representatives were present. He explained the policy for a municipality to withdraw from the taxing district. He looked to the Council to offer direction whether they would like to pursue the direction to formal adopt a resolution to withdraw from the taxing entity while remaining with the services offered by the Unified Fire Authority to ensure benefits received are in the best interest of Herriman City's residents.

Finance Director Alan Rae indicated he had compared the operating budget expenses of the Unified Fire Authority and the City with the revenue generated by the taxes levied by the Unified Fire Service Area within Herriman City limits. He relayed his consternation concluding that tax revenues generated by the service area had been subsidizing the budget of Unified Fire Authority to provide first responder services outside of the territorial jurisdiction of the City. He presented a calendar outlining the withdrawal process timeline.

City Attorney Chase Andrizzi offered the statutory process once the resolution had been executed and concluding with the negotiation of the final terms for the separation. The Council relayed their support to have the resolution up for consideration at the next meeting.

2.3. Detention Ponds, Retention Ponds and Streetscape Projects - Jonathan Bowers, City Engineer

City Engineer Jonathan Bowers pointed out the unfinished detention ponds and outlined the improvement qualifiers which included the improvement which would otherwise be completed by a developer, improvement along an areas which has already been developer, the developer project has been completed, paid a fee-in-lieu, or a project where it's warranty has expired, or an improvement owned and maintained by the City. City Engineer Bowers highlighted the estimated project costs which totaled to approximately \$850,000.

City Engineer Bowers asked the Council what funding mechanisms should be considered as well as the type of landscaping should be installed to minimize the financial burden. Councilmember Sherrie Ohrn asked why impact fees could not be utilized for these projects. City Engineer Bowers responded the burden was typically placed on the developer to provide and convey the property, and suggested impact fees could be used for the conveyance aspect. He explained the rational of not placing detention ponds in the Impact Fee Facility Plan.

City Engineer Bowers explained the substantial cost increase if the City chose to xeriscape the park strips. He acknowledged the grants offered by Jordan Valley Water, which would have required standards. Councilmember Ohrn relayed her expectation to get the project prioritized and completed. City Engineer Bowers informed the Council they would set the priority. Councilmember Ohrn reported she would look to do each project with water efficiency in mind. City Engineer Bowers indicated they had not collected estimates for that specific type of landscaping. Councilmember Smith recognized these projects would be out of the General Fund, and ask for a list to be given to the Council to be able to prioritize projects.

Councilmember Steve Shields asked if projects which have a Master Development Agreement were given open space credit and did not finish the project. Community Development Director Blake Thomas indicated he would look at the Rosecrest Master Development Agreement to determine what had been included.

2.4. City Manager Update - Brett Wood, City Manager

City Manager Brett Wood reported the City was looking good financially and thanked the Council for their confidence in how it was being addressed.


Assistant City Manager Tami Moody welcomed new the new business La Garnacha and invited the Council to be in attendance of their VIP event scheduled for the following evening.

Assistant City Manager Moody reported on the Economic Development Program, Herriman Bucks, which had saved residents over \$41,000 in savings.

3. Adjournment

Councilmember Ohrn moved to adjourn the work meeting at 7:39 p.m. Councilmember Shields 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 August 19, 2020. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



CITY COUNCIL MINUTES

Wednesday, August 26, 2020

Awaiting Approval

The following are the minutes of the City Council Electronic Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 26, 2020 at 5:30 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor David Watts

Council Members Present: Jared Henderson, Sherrie Ohrn, Steve Shields, and Clint Smith.

Staff Present: City Manager Brett Wood, Assistant City Manager Tami Moody, Community Development Director Blake Thomas, Police Chief Troy Carr, City Recorder Jackie Nostrom, Finance Director Alan Rae, Director of Operations Monte Johnson, Public Works Director Justun Edwards, City Attorney Chase Andrizzi, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Unified Fire Authority Assistant Chief Dominic Burchett, Economic Development Manager Heather Upshaw, Assistant City Manager Wendy Thomas, City Engineer Jonathan Bowers, Landscape Architect Heidi Shegrud, and Building Official Cathryn Nelson.

5:30 PM - WORK MEETING:

This meeting was also conducted electronically at www.herriman.org/agendas-and-minutes

1. Council Business – 5:30 PM

Mayor David Watts called the meeting to order at 5:33 p.m.

1.1 Review of this Evening's Agenda

Council and staff briefly reviewed the agenda.

1.2 Future Agenda Items

Councilmember Ohrn said she had someone ask about the ordinance that restricts the roof pitch from being

less than 5:12. She contemplated whether or not it might be time to revisit the standards as many modern designs would not fit within our current parameters.

Councilmember Ohrn also wanted to know the status of the property next to City Hall. She asked if there were development plans or economic stimulus resulting from the property.

Councilmember Shields said he would like to know more about the City's request for proposal (RFP) process, specifically the minimum amount required to put something out for RFP as opposed to just paying for it. He also wanted to know what the City's threshold was for requiring more than one signature to issue a check. With this information, Councilmember Shields said that he would have some follow up questions, but he would like to discuss both issues in depth. City Manager Brett Wood responded it takes quite a bit to get a check cut in the City. In regard to Councilmember Shields question about the RFP process, he said it was outlined fairly extensively in the City's ordinance which had been sent out for review.

Councilmember Henderson said the Council had been talking over the past year and a half about changing the City's ordinances to promote single family housing or to increase the requirements for multi-family construction. A second item he would like considered regarded an email he received at the end of June about the elevation of the Midas Creek in comparison to the neighborhood next to it. He said he took a drive over to the area and found it to be pretty shocking, and noted the road next to this development was elevated way over the top of the fence line.

Councilmember Smith noted the Council had talked previously about funding priorities for transportation infrastructure if the state was going to bond for transportation infrastructure. He wanted to know if the City had formally put in a letter to the legislature to know the City's viewpoint to consider during special session. Councilmember Smith said he felt as though the Council all agreed that they would like to see the legislature put money towards transportation infrastructure in the City's area should they consider a bond. If he was correct in the Council's position, he wanted to request the Council's stance be put in a letter format to be distributed to representatives so they have the information to consider as they move forward. The Council concurred.

Councilmember Henderson said he had a question regarding the funding for transportation infrastructure. First, he wanted to know if there was anything official from the legislature about their plan. He said it seemed many people did not know about the initiative. Councilmember Henderson's second question was if the state did bond, would it increase taxes or would they stay at current levels. Third, Councilmember Henderson asked if there was a plan for what transportation infrastructure projects would be completed, along with the priority or order in which they would be done. Because of these unanswered questions, he was a little hesitate to send a blanket letter off saying that Herriman was in support of a transportation bond.

Councilmember Smith said it was his understanding the request from Herriman was if the legislature has the discussion about going to bond to fund transportation issues, the Council would like to express the City's priorities. He did not think the state had a list of projects, but rather wanted to be able to represent the requests and needs of constituents.

City Manager Brett Wood confirmed this was the direction staff had received. Herriman would essentially just be communicating they had an interest in getting funding to support projects in the south end of the valley.

Councilmember Henderson said if it were a very general letter saying that Herriman would like funding, he was in support. However, if the City was going to list specific projects, he felt that further discussion was warranted so that he knew what those specifics were.

1.3 Council Leadership Task List Review

City Manager Brett Wood quickly addressed various items on the Council Leadership Task List. These included: (1) The tour of Beef Hallow and the Staker Site. He said they were working on collaborating a day where the Council could visit in September. (2) The Bonneville Study. Staff has been gathering information. He said staff had seen a new map, but Doug Young would be approaching the Council directly to share time with him to see what he has been producing. (3) The strategy meeting discussed at the previous week's Council meeting which was rescheduled to October 2, 2020. (4) Water Conservation Guidelines. Public Works Director Justun Edwards would be updating the Council on that item later during the administrative reports portion of the meeting. (5) Internet Service. Staff had been working on this issue for the past six months. He said they were going to review proposals from Utopia and various vendors to see what the City can do to increase the internet capacity in Herriman. He said he would bring those proposals to the Council. It was explained a lot of cities were running their own fiber. There were possibilities for Herriman to do this, but all of the options had a pretty stiff price tag that needed a plan for how the City would get paid back for its initial investment.

2. Administrative Reports

2.1. Water Department Updates - Justun Edwards, Public Works Director

Public Works Director Justun Edwards offered an update of the summer water demands and usage compared to prior years, as well as commented on various water pressure issues which have developed as Herriman's water system grew. He started with the 2020 summer water consumption compared to previous years. He provided numbers both on the number of gallons of water used and on the number of meters. This summer, Herriman used over a billion gallons of water. The City saw a 27-percent increase in water usage since 2017. This matched the 27-percent increase in meter growth since 2017. This indicated that Herriman is in fact not using more water per household as Jordan Valley alluded to in a previous presentation. This indicates water conservation has actually been occurring. Director Edwards noted this summer has been a higher water demand, but water usage has not exceeded the growth in individuals being added to the system. Conservation has helped. However, the numbers indicate this summer Herriman has used drastically larger volumes of water than in previous years, something that causes the water system to struggle. The water tanks have not had the opportunity to recover because of the usage along with the lack of rain events this year.

Public Works Director Justun Edwards presented on the water pressure issues going on in The Cove. He highlighted the peak day demands were staying above the 40-psi threshold. During peak hour demands, typically at 6:00 a.m. when the majority of people have their sprinklers on, the state minimum is 30 psi. The City had not dropped below that level. Director Edwards explained the effects of increasing demands. The

master planned water infrastructure was designed for buildout conditions. During early development, system pressures were higher due to lower demands and as the water demand increase the overall system pressure would gradually decrease. Director Edwards reviewed noted during the winter, or low demand days, the system's pressure would typically be in the 50-psi range.

Public Works Director Edwards talked about source and storage sites within the system. He said storage and conveyance were installed in strategic places in the system where they would be most efficient and can ensure there will be good coverage in the system as a whole as the City grows. There are often gaps in the system which is why it is important to build new connections to ensure access and certain water routes are not overly congested.

Recognizing the need for system adjustments, staff had been looking at the City's hydraulic model and performing various scenarios to try and figure out what was causing the decrease in pressures the City had not seen in the past. In addition, staff implemented the installation of pressure monitoring devices to be able to combine actual field data with hydraulic model data to make more informed system adjustments. Currently, the City has some instruments attached to the outside of hydrants; however, they have to be removed in the winter. Staff had looked into more advanced instruments which can be installed within the hydrant to have more comprehensive data.

He transitioned to talking about the infrastructure improvements currently in design. These included the East Herriman Route and the Mountain View Corridor. He said staff looked to build a zone two and zone three tank, a pump station near the City's existing one-million-gallon tank and then making connections to existing developments. He noted these would not be installed for the high demands of the summer of 2021, but would be completed by the fall. However, staff had been working with developers to ensure they were installing the infrastructure to be able to make connections to the new tanks and pumps.

Another project discussed was the Jordan Valley Connection at the zone two-million-gallon tank to connect to the line installed for bullfrog and run it down to through the future 64000 West alignment and make a connection into the zone three water pressure zone. Zones three and four were the areas being hit the hardest and adding to their source would help elevate their pressures. Because of this, staff intend for this to be a priority project to occur prior to the City's peak watering season in 2021.

Public Works Director Justun Edwards asked if there were any questions regarding proposed improvements. The Council had no questions.

Public Works Director Justun Edwards then spoke about the Jordan Valley Contract and Efficiency Standards ordinance that needed to be put in place. The ordinance on water efficiency standards was formally adopted by the Jordan Valley Board on June 10, 2020. Since then, staff have been working internally to ensure that these water efficiency standards were put in the right place in Herriman City code so there would not be any conflicting ordinances as well as being integrated into the Herriman City development standards. He emphasized these water efficiency standards needed to be updated in ordinance and adopted by the City Council prior to staff going before the Jordan Valley board to increase the City's water contract. The ordinance

and purchase agreement must be approved before January 1, 2021.

Public Works Director Justun Edwards noted Herriman City would be the first municipality entering into a contract with the Jordan Valley board. Staff intend to present a draft ordinance and contract on October 14, 2020 with consideration to adopt on October 28, 2020. This timeline would allow staff to take the agreement to Jordan Valley for final board approval on November 12, 2020.

Councilmember Ohrn thanked Director Edwards for all of his work. She said because she sits on both boards she is especially apprised of the details. She expressed when she received reports on price estimates that were 172-percent of current rates she always felt that they needed to figure out how to get it fixed because the City did not want to pay tier two rates as it would be too expensive for residents. Director Edwards said it just happened the water efficacy standards were being implemented at the same time that the City experienced such growth.

Councilmember Ohrn shared some of the feedback she had received and noted it had been mutually beneficial to work through the details because it helped the City's team better identify what solutions they could implement.

Councilmember Shields asked if the contract was based on gross amount of water use or was it based on a per-capita water usage. He wanted to know if Herriman's contract was just outdated because the City had grown so fast or was it because the City's average water usage per capita had increased.

Director Edwards explained Herriman's per capita water usage was actually fairly low compared to the rest of Salt Lake County. However, the contract with Jordan Valley was based on a set amount of water usage in acre feet. The current contract allows for 2,667-acre feet per year. The City pays a flat rate for this allotment regardless of if Herriman uses the full volume. Also included in the contract was a 20-percent buffer to allow the City to go over the contracted amount. The City is well over 20-percent buffer now. He explained there was a balance to strike because the City did not want to enter into a contract for more water than they would use. However, on the other side, with the tier two water rates, Jordan Valley implemented a penalty for going over the 20-percent buffer.

To help identify Herriman's water usage Director Edwards had gone through historic data to try and determine what acre-foot contract the City needs to get from Jordan Valley to ensure that the City is staying with the 100 and 120-percent.

Councilmember Smith asked how often the contract was updated. Director Edwards said the contract was last updated three or four years ago. He said one of the other tricky elements of the contract was secondary water additions. Director Edwards foresaw the contract would need to be updated every year or two moving forward.

Councilmember Smith asked if any analysis had been completed to determine if it was cheaper to air on the side of caution and buy more water than the City would need or to pay the higher rate if they go over a little

bit. Director Edwards said he had looked this option, and noted it seemed it would be advantageous for the City to have a higher contract by a little bit rather than to pay the tier two rates because the rates nearly doubled. He intended to draft the contract on the high side causing the City to pay for water they did not use but would create more safety, so there would not be any penalties.

2.2. Discussion regarding the Dansie Historic Home Park - Heidi Shegrud, Landscape Architect

Landscape Architect Heidi Shegrud first displayed a concept schematic plan of the Historic Dansie Park. She explained what each of the numbers of the concept plan indicated as follows:

1. Staff intended to preserve the first home constructed outside of Fort Herriman by Robert Dansie in 1896. This home would serve as the centerpiece of the park.
2. Located to the east of Robert Dansie's house were the dugout he lived in during the construction of his home, as well as some cabins he built.
3. To the west of the house, staff would like to have a demonstration or some education gardens that would have plant material or a kitchen garden that would teach visitors about what the pioneers ate and managed their gardens.
4. East of the cabins staff envisioned a stone and grass amphitheater. The stones would be placed in the ground to mimic a gathering space that the pioneers might have had. The amphitheater would be able to serve as a small learning space for schools or families.
5. Branching off of the amphitheater would be themed nature trails that would tell both the story of the pioneers, but also the story of Herriman.
6. Located next to the demonstration area would be the stone monument that was currently located across the street from the proposed park. The monument had experienced some vandalism causing the plaque to be removed. Staff were working with the historic society to restore the monument and plaque and then would like to move the monument across the street and into the Historic Dansie Park.
7. The restrooms would be centrally located between the parking lot and the historical amenities.
8. Rockery retraining wall.
9. The parking lot would have 40 stalls based on the results of a traffic study conducted by Bryce Terry, Traffic Engineer, who determined were the appropriate number for the park's use.
10. A large pavilion area on the west side of the parking lot.
11. On the far east end of the park there would be an open grass area.
12. The three circles throughout the park marked with the number 12 would serve as a programed gathering space. Infrastructure might include a covered picnic table, a hammock grove, or informal seating.

Landscape Architect Shegrud noted she had presented the concept plan to both the History Committee and to the Dansie family last week, both of whom had some great ideas. One of the elements the Dansie's wanted incorporated in the park's plan were recordings of the histories of Herriman founders. She also explained there would be an asphalt path running the length of the park which would connect into other trail systems to make a $\frac{3}{4}$ mile loop.

Councilmember Ohrn shared the Youth Council was interested in interviewing the established community

members to get a better understanding of Herriman's history. She told Landscape Architect Shegrud not to be shy about reaching out and getting them involved. She also added she had received several calls from Dansie family members who live nearby who have stories they want to contribute.

Councilmember Smith stated finding ways to preserve Herriman's history is often discussed. He felt building a park around the Dansie home was a great way to keep some of the oldest relics of Herriman's history in good shape and that he thought it was a great project. Councilmember Shields said he loved the idea and suggested it would be a great amenity for the residents of Herriman for many years. He envisioned it would be a destination for school children to come to learn about local history. Because of this, he hoped the pavilion would be large enough to accommodate several elementary school classes to be able to eat lunch. Councilmember Henderson loved the historical element of the park because it not only included Dansie history, but also Herriman history through the interviews with other founding families. He asked if the trail would connect into the rest of the trail system. Landscape Architect Heidi Shegrud confirmed the trail system from Hidden Oaks would connect with the City's trail system.

2.3. Discussion of the Parks, Recreation and Open Space Impact Fee Enactment - Chase Andrizzi, City Attorney

City Attorney Chase Andrizzi talked about the process for imposing impact fees. He explained under state statute in order to charge impact fees, a City has to pass an impact fee enactment ordinance. State code requires the City hold a public hearing and provide the public ten-days to review the enactment ordinance before being approved by the Council. The enactment was really nothing more than an ordinance to adopt the impact fees and sets the rate. The impact fee analysis and the impact fee facilities plan were the documents which describe what the highest rate and the method for achieving the rate, but the enactment the Council used to impose the impact fee establishes the rate. State statute prohibits the enactment from establishing a rate any higher than what was outlined in the impact fee analysis; however, the Council could choose to impose a lower rate.

He noted although staff had already held a public hearing for the impact fee analysis and impact fee facilities plan, a separate public hearing needed to be held for the impact fee enactment. This was scheduled for September 9, 2020. After the Council had heard public feedback, they could either approve the impact fee enactment or make recommended changes which could then be approved at a later meeting. Unlike other ordinances that were effective the day of their approval, the impact fee enactment would not be effective for 90 days.

It was noted impact fees only apply to new developments and not to existing homes or residents. New construction would pay impact fees to help support new infrastructure and parks based on the impact they have on the system.

2.4. City Manager Updates - Brett Wood, City Manager

City Manager Brett Wood acknowledged the Herriman fire fighters who were helping with the fires in California.

UFA Assistant Chief Dominic Burchett explained Chief Anthony Widdison was in California as a test course

leader and was guiding the operation of the entire task force. He said he had received good reports back from him and their help was needed as California was short staffed for the number of fires they were having.

Mayor Watts thanked Assistant Chief Burchett for the update and stated supported those individuals and expressed his gratitude for the way they protect the community and their willingness to help other communities.

City Manager Brett Wood then spoke about their visit with General Smith from Camp Williams. City Manager Wood said General Smith was very encouraged about the Herriman team to push along even though the federal government had changed some of the rules for ACUB money. City Manager Wood said staff were able to close on the Mascaro property above the Cove in addition to a big chunk of the Bluffs. He said despite some curve balls they anticipate receiving another \$2 million this year. He thanked the team for working diligently on this project. Councilmember Smith said it was great news that the City would get a couple of million dollars from the ACUB program. Given the changes to the program mentioned, he wanted to know how the City's ability to qualify for grants might be affected in the future. City Manager Brett Wood said the paperwork and process had changed just enough that staff had to re-write their grant application. Assistant City Manager Wendy Thomas said it was simply that they often change forms or ask the City re-complete forms or change things like the signature or font. She said Economic Development Manager Heather Upshaw continues to do an excellent job of meeting these requests and pushing the paperwork back and forth to ensure compliance. Mayor Watts appreciated staff's efforts and the City still has an amazing view as a result of these efforts. He commended staff for their ability to adapt quickly to help preserve the mountain and use resources wisely. Councilmember Smith asked if changes in federal funding would cause there to be less funds available, he also wanted to know how much money the City had received in total from this source. Economic Development Manager Heather Upshaw said the City had already received \$16 million. With the \$2 million the City would receive this year their total funding would be close to \$18 million and they did not anticipate losing funds. However, the cooperative agreement would end this year requiring an amendment and more paperwork. She noted they would also receive funds through their West Travelers Partnership Program through the state. The City had received \$650,000 from the last funding cycle. Staff also looked into a \$10 million dollar grant through NCRS that would go to additional properties and administrative support.

3. Adjournment

Councilmember Smith moved to adjourn the work meeting at 6:43 p.m. Councilmember Obrn seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

4. Call to Order

Mayor Watts called the meeting to order at 7:02 p.m.

4.1 Pledge of Allegiance

Mayor Watts led the audience in the Pledge of Allegiance.

4.2 City Council Comments and Recognitions

Councilmember Smith commended City administration and staff for the way they have handled the

unprecedented times. He said despite actions like alternating schedules to keep a healthy work force, or all of the other changes in the day-to-day as a result of the pandemic, he had not received one issue or concern from residents regarding their needs were not being met by the City. He wanted to say thank you to staff and employees for the incredible work they were doing under challenging circumstances.

Councilmember Shields wanted to acknowledge earlier in the week he made a mistake in a procedure that every resident has to go through in getting their water hooked up and their accounts activated with the City of Herriman. Because of a delay between moving from his old home to his new home, he had neglected to complete an application with the City in order to get water at his new residence. As a result, his water was shut off. He said he was laughing about the situation, but also realized through his own experience there might be some holes in the current process and how the City communicates with customers such as the ability to take payment from residents at their homes if they wanted to make an immediate payment. Another issue came up was noticing and the process the City currently uses to notify residents of potential actions to shut off services. He also said he was surprised by a recent presentation that the Council agreed to support regarding a change in the enforcement of turning water off at residence during the COVID-19 pandemic. The City did not want for residents to lack access to hygienic services or to worry about water being shut off as a result of unemployment causing issues. Because of this, he was surprised to have had his water turned off. This surprise made him want to revisit the noticing procedures to residents to enhance efficiency and service levels. Mayor Watts thanked Councilmember Shields and congratulated the City on holding the Council to the same standards the City holds to all residents. He said it was always good to see leadership was treated in exactly the same way as residents which was a sign of a healthy city.

5. Public Comment

Natalie Platt expressed concern with the crosswalk just west of the LDS Church and South of Fort Herriman Middle School on Butterfield Parkway. Neighbors/fellow parents and Ms. Platt were concerned about the speed on the street, as well as the fact that (especially in the early, winter hours), it can be difficult to see the kids crossing the street going to/from the middle school. Ms. Platt had witnessed kids crossing with vehicles still going through, along with some near misses. Many parents were dropping kids off in the church parking lot and stopping in the middle of the crosswalk to turn into the church, as well as parking along Butterfield Parkway for after-school pickup directly in front of and behind the crosswalk making it difficult to see and be seen. Currently there are two horse crossing signs indicating the crosswalk. Even if some flashing lights were placed on the signs to help with visibility, Ms. Platt thought it would help with some of these safety issues. That and a speed trailer of some kind. Ms. Platt had previously reached out to Scott F. with the police department but wanted to present her concern to the Council as well.

Mayor Watts expressed appreciation for the public comment and stated the Council takes the safety of Herriman children very seriously. He said he was comfortable with giving staff direction to reach out to Ms. Platt to ensure the City was addressing her concerns as much as possible.

6. City Council Board and Committee Reports

Councilmember Smith reported on the Council of Governments (COG) meeting he attended last week. He said there were good presentations during the meeting. One of the valuable COG presentations was an update

on the 2020 census. He passed on a few statistics that were provided at the COG meeting. COVID had greatly impacted the ability for individuals to get out and collect the census data as planned. However, it was important that staff get to every member of the community to participate. Some statistics that stood out to him were:

- For every person not counted in Utah the state loses \$1,860 each year or \$18,600 per person over the next ten years. This points to the fact there is a financial impact to the state and City without accurate data numbers for tax distribution.
- The timeline for collecting data this year had changed several times as a result of COVID. Originally the collection of census data was going to be extended until October, but the revised schedule had the self-response phase ending on September 30th, a little over a month away. Because of this, the Council needed to do their part in getting the word out to get Herriman residents to participate in the census.
- As of last week, Herriman only had a 68.7-percent participation rate. Some of the highest participation was in South Jordan with a 78.5-percent, Sandy at 78.3-percent and Riverton at 77.2-percent with average across Salt Lake County of 71-percent participation and across Utah at 68.1-percent putting Herriman on par with the state.

Councilmember Smith asked City Recorder Jackie Nostrom if there were any updates to the numbers since the presentation was given last week. Recorder Nostrom said currently, Herriman's response rate was at 70.2-percent.

Councilmember Smith then reported on the TRANS COM meeting he attended. He said there was a discussion of the upcoming funding and grant programs for local governments and noted he would distribute a PowerPoint which was shared with him about different funding mechanisms to support the City's infrastructure. These included the Transportation Alternatives Program (TAP), The Congestion Mitigation Air Quality (C-MAQ) program, and the Service Transportation (ST) grant. He recognized staff does great job keeping up with funding opportunities but he wanted to make the Council aware that the funding opportunities had been announced last week and the notice for letters of intent should be sent to all cities by then end of August. Letters of intent for cities who wanted to participate would be due in September with the applications due in December with recommendations for projects to be completed in the spring of 2021.

Councilmember Smith reported on the UTA Advisory Board meeting. He noted he was put in as the second vice on the board. He said the primary role of the advisory board was to make recommendations on transit-oriented developments (TODs) which surround the Front Runner and the train tracks throughout the county and the Wasatch Front. He explained last year during the legislative session, there was a change where there was not a cap on the number of TODs. As a result, the advisory board was working hard to understand and educate cities on the TOD process to be able to use those areas to drive ridership and development along those corridors. He explained many cities are beginning to see increased congestion creating the need to encourage residents to utilize alternative transit systems. The TODs would be key in reaching that goal. One of the key TODs in Herriman's area was the redevelopment of the prison property at the Point of the Mountain to be developed out to enhance all of the surrounding areas. He explained when the areas are developed, and the subsequent jobs are created means more people living in the surrounding communities who will need

alternative transportation options to prevent further congestion of streets.

Councilmember Ohrn said the City had spent \$45,000 in salary related expenses to support garbage collection following reports of employees with COVID. The garbage district did not have a way to access the funds without going through the municipality. Staff was working on a per household calculation such that requests to municipalities for COVID funding was fairly distributed among municipalities to reimburse the district for those expenses. It would be a similar process to what occurred with the fire district.

7. Reports, Presentations and Appointments

7.1. Economic Development Strategic Plan Presentation - Bonneville Research

Bonneville Research representatives Bob Springmeyer and Tom Burdett provided an update on Herriman's economic development strategic plan. Mr. Springmeyer said Herriman was growing fast. The City's population had nearly doubled since the last census and would be likely to add an additional 7,200 households in the next seven years. He was impressed by the fact that Herriman was a city of young families. There was almost an equal number of school aged individuals as those who were in the prime earning age from 25-44. Mr. Springmeyer stated Herriman was the center of the rapidly growing southwest Salt Lake County region. Herriman could no longer be described as being out here, but rather was here: an integrated part of Salt Lake County. Herriman's household growth occurred 76-percent faster than the average household growth across the state and 400-percent faster than household growth in the United States. In addition, Herriman was the transportation hub for the Bangerter and Mountain View corridor. However, Herriman was unique in that the City still had 22-percent of developable land. The city could reach a build out population of 115,000 people.

Mr. Springmeyer continued to offer findings of the strategic plan. Herriman residents were well educated with 50-percent of residents 25 or older having a college degree. Residents are also well paid with the average household income about 50-percent higher than the Salt Lake County median. 79.2-percent of residents were homeowners with a high median home value just over \$382,000. These residents work as professionals in areas such as business, sales, and administrative functions, with a low number of residents in trade jobs such as construction. 93.4-percent of these residents work in Salt Lake County, 72-percent of whom work for a private employer. Only 4.1-percent of residents were self-employed, most of whom are female. 77-percent of professionals drive alone to work and average 24.7 minutes to commute to work. 24-percent of residents, however, drive 40+ minutes to work. Prior to COVID-19 only 10-percent of residents worked from home.

Based on business license reports, Bonneville Research found only 17.5-percent of Herriman businesses have employees. Half of all Herriman employees work for just seven businesses. Almost 83-percent of Herriman businesses are home occupations. The primary business with employees were all clustered in Herriman's high traffic area, but the home businesses were evenly scattered across the City. Despite some high traffic areas, Herriman lacked a strong city core.

When reporting on Herriman's retail, Mr. Springmeyer talked about the three general categories of shopping: convenient shopping within a five-minute drive, neighborhood shopping within a ten-minute drive, and stock-up shopping within a 20-minute drive. A chart of the drive time of residents shows that Herriman has a lot of competition for retail. Despite this, the Herriman City budget gets two-thirds of its tax revenues from sales

tax revenues. Property taxes account for nine-percent of the budget. Mr. Springmeyer asked what that meant for Herriman's financial sustainability.

Mr. Springmeyer reported on Herriman's 2019-2020 sales. He noted this data did not necessary reflect impacts from COVID-19. All of the non-store retailers were +177-percent, food was up +71-percent, food service was flat, retail general +30-percent, gasoline +22-percent, information +25-percent, manufacturing +55-percent, arts, and recreation -50-percent.

Mr. Springmeyer explained the definition of a non-store retailers which include internet sales, catalog sales, and mail order sales. It is any service which can be sold without a brick and mortar building. He transitioned to talking about commercial office buildings and said the important detail was absorbed space: areas had been rented, leased, purchased, and occupied. Within Herriman's area (the southwest end of the valley) the absorption was zero with vacancies at 13.4-percent and 154,000 square feet of commercial office space under construction. In the west valley in Lake Park, a large development, they had a negative absorption, meaning people vacated spaces and had a 7.6-percent vacancy rate with 34,000 square feet under construction. Draper absorbed 11,300 square feet had a 16-percent vacancy and had 500,000 square feet under construction. Lehi absorbed 26,000 square feet, had a 14.4-percent vacancy, and had 333,000 square feet under construction. The date about commercial office spaces was current and reflected the impacts of COVID-19. It suggested there would be a pause in commercial office development as a result of the pandemic.

Herriman, however, was the center of the rapidly growing southwest region of the valley. Statewide there was a 2.3-percent increase in sales. Salt Lake City, however, had a 12-percent decline. The southwest cities as a group accounted for about half the sales of Salt Lake City. Of the four southwest cities, South Jordan was the primary economic gorilla but had a decrease between their July and August sales. Herriman, however had a larger increase in sales than South Jordan in July and again increased their sales in August. Mr. Springmeyer emphasized that collectively, the four cities in the southwest of the valley were a major retail sector. As a general comment he said when Herriman deals with the rest of the state he feels that the City does not recognize how important it has become. He did not feel as though the capital investment from the state legislature for the light rail extension or for Salt Lake Community College campus in Herriman reflects what was going on in the southwest part of the valley.

To demonstrate this, Mr. Springmeyer pointed out the combined population of these four cities totaled 195,000 residents and would soon grow to 216,000. In comparison, Salt Lake's population was 213,000, West Valley's population was 135,000, Sandy's population was 70,000 and Draper was 50,000. He said he was surprised to hear discussion about the growth in Draper surrounding the prison site because there was as much happening in Herriman as was happening in places getting the attention.

After providing this initial data, Mr. Springmeyer presented the goals and strategies that were developed as a result of the economic development strategic plan.

1. Infrastructure Development: The Council was strongly encouraged to work with regional planning and development organizations to get Herriman's fair share of transportation investments to support light rail service and bus transit. Mr. Springmeyer said Herriman needed to have their transportation infrastructure

planned and have state of the art broadband connectivity.

2. Herriman Development: Mr. Springmeyer explained typically an economic development strategic plan becomes part of a city's general plan. He noted Herriman was currently undergoing an update to their general plan. He explained the work done by Bonneville Research indicated a need for flexible zoning in the town center. The Mountain View corridor needed more community shopping and that there needed to be convenient shopping at neighborhood centers.
3. Employment Opportunities: Mr. Springmeyer encouraged the Council and staff to target high wage businesses. He said Herriman should be trying to attract businesses that offered pay higher than the county wage. He said the City should not consider incentives for a business that brings wages lower than the City's current median which was 50-percent higher than the county median. There was a recommendation to target locations along the Mountain View corridor for office development, but Mr. Springmeyer noted there would likely be a pause in this type of construction. The City should also encourage retention of existing businesses. He said this was where the Salt Lake Community College was such a critical part of infrastructure development because of their entrepreneurial development programs. He said there were a lot of people in that program who were well trained and well educated.
4. Position Herriman as the new center of population and commerce in the southwest part of Salt Lake County.
5. Create a brand task force.
6. Recognize Herriman is a hub for recreation and its agricultural and historical heritage.
7. Sports and Recreation: Encourage support of connecting trail systems and multiuse facilities. Herriman had professional athletes as residents.
8. Post COVID-19: Encourage immediate development of the Salt Lake Community College campus. Expand state of the art broadband connectivity. Encourage and support networking and business services. Mr. Springmeyer talked about the need for employees to network despite working from home. He pointed to Herriman's regional library and recreation center as natural facilities to support networking and business support services.

Councilmember Henderson thanked Bob Springmeyer, Chairman of Bonneville Research, for taking on the Herriman economic development strategic plan and for working with the steering committee. He said he appreciated Mr. Springmeyer's willingness to answer phone calls and questions when he missed meetings. He said the center of the Council's discussion was how to implement the recommendations and an acknowledgement for each of those goals feed off of one another and were dependent on the economic environment. He said the Council felt they needed a comprehensive plan to implement those goals and was looking for a consultant to put that plan together.

Mr. Springmeyer agreed a comprehensive plan was necessary. He said the presentation was more of a global view and there were more specifics on procedures and steps outlined in the report. He said one of the challenges that Herriman faces is no one knows what Herriman is or what Herriman has grown to become. He said one of the first things he would like to see done was organizing some tours with leaders in the real estate industry so they know what Herriman has become because he opined most people still think of Herriman as a bunch of dry wheat farms.

Councilmember Smith thanked Bonneville Research for their effort. He noted they worked on a condensed timeline to pull together this information. He felt as though the City now had some great information and data would help shape Herriman's development. One of the things he was still trying to wrap his head around was even though as individual cities it sometimes felt there was competition about who would be the next big commercial center that collectively they were all experiencing the same growth. This created a lot of opportunity to unite forces and address concerns. Ultimately, Herriman wanted to see a greater tax base from commercial development. However, with increased development, Herriman, in collaboration with other communities, need to address new challenges like transportation infrastructure.

Bonneville Research Representative Bob Springmeyer said one thing he did not address was the impact of internet sales and how sales tax revenues were distributed. He explained when he was first in the business, the one percent sales tax used to be distributed entirely to the point of sale. However, when the southern part of the valley began to develop and Sandy rose up as the primary area of growth, Sandy was able to change the allocation of the tax through legislative action. For a period 75-percent of the tax goes to the point of sale and 25-percent is distributed based on population. This was changed again to what currently happens with sales tax distribution where 50-percent goes to the point of sale and 50-percent is distributed based on population. He explained two years ago with the explosion of internet sales, the question came up as to where the point of sale was. The legislative then pushed through a change in legislation which said that under internet sale, the point of sale was where the product was delivered as opposed to where the product was acquired. He thought this was the reason why Herriman was exploding in those sales tax distributions.

8. Public Hearing

8.1. Public Hearing and consideration of an ordinance approving the Transportation Master Plan - Jonathan Bowers, City Engineer

City Engineer Jonathan Bowers explained at the last Council meeting they held a public hearing for the Transportation Master Plan. The plan was presented and the public hearing remained open, and to date, no comments have been received. Engineer Bowers explained he wanted to provide the opportunity to answer any questions from the Council and public.

City Engineer Jonathan Bowers reminded the Council the master plans represented capital projects based on the anticipated land use and zoning as of the summer of 2019. The plan would serve as a baseline for any land use changes since that time.

There were no questions from the Council.

Mayor Watts opened the public hearing.

There were no comments offered.

Councilmember Ohrn moved to close the Public Hearing. Councilmember Shields seconded the motion, and all voted aye.

Councilmember Ohrn moved to approve Ordinance 2020-27 adopting the updated Transportation Master Plan. 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 Steven Shields</i> | <i>Aye</i> |
| <i>Councilmember Clint Smith</i> | <i>Aye</i> |
| <i>Mayor David Watts</i> | <i>Aye</i> |

The motion passed unanimously.

8.2. Public Hearing and consideration of an ordinance approving the Storm Water Master Plan - Jonathan Bowers, City Engineer

City Engineer Jonathan Bowers explained as with the previous item the Storm Water Master Plan was discussed at the previous Council meeting and the public hearing was left open. He asked if the Council had any remaining questions or comments.

Councilmember Ohrn clarified with City Engineer Jonathan Bowers that staff had not received any public comments regarding any of the master plans.

Mayor Watts opened the public hearing.

No comments were offered.

Councilmember Smith moved to close the Public Hearing. Councilmember Ohrn seconded the motion, and all voted aye.

Councilmember Smith moved to approve Ordinance 2020-28 adopting the updated Storm Water Master Plan. Councilmember Shields 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 Steven Shields</i> | <i>Aye</i> |
| <i>Councilmember Clint Smith</i> | <i>Aye</i> |
| <i>Mayor David Watts</i> | <i>Aye</i> |

The motion passed unanimously.

8.3. Public Hearing and consideration of an ordinance approving the Water Master Plan - Justin Edwards, Public Works Director

Public Works Director Justin Edwards explained the Water Master Plan was discussed at the previous Council

meeting and that the public hearing had remained open. Staff received no public statement regarding the item. He said he would take any remaining questions or concerns the Council might have.

Mayor Watts opened the public hearing.

There were no comments offered.

Councilmember Shields moved to close the Public Hearing. Councilmember Ohrn seconded the motion, and all voted aye.

Councilmember Shields moved to approve ordinance 2020-29 adopting the updated Water Master Plan. Councilmember Ohrn 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 Steven Shields</i> | <i>Aye</i> |
| <i>Councilmember Clint Smith</i> | <i>Aye</i> |
| <i>Mayor David Watts</i> | <i>Aye</i> |

The motion passed unanimously.

8.4. Public Hearing regarding the Parks, Trails and Open Space Impact Fee Facilities Plan and the Parks, Trails and Open Space Impact Fee Analysis - Heidi Shegrud, Landscape Architect

Landscape Architect Heidi Shegrud said the item had been presented to the Council at the previous meeting. The public hearing had remained open and no comments were received. She noted the Council had heard from City Attorney Chase Andrizzi about impact fee enactments. Staff would schedule the enactment to be brought back to the Council in September. Once the enactment was approved, there would be a 90-day waiting period.

Mayor Watts asked if on this item there was another public hearing for the enactment.

City Attorney Chase Andrizzi clarified the impact fee enactment was a separate hearing. Today there was a hearing open for the Impact Fee Facilities Plan and the Impact Fee Analysis. At a later date they would open a public hearing for the enactment.

Mayor Watts said has been the Council's general practice not to enact items that have only been on the agenda and had a public hearing for one week. He asked the Council if they had any concerns about enacting this item at the next meeting.

Councilmember Ohrn said she liked the consistency of their practice. Because of this she would prefer at the next meeting they open the public hearing but wait to pass the enactment until the next meeting. There was agreement that the consistency was important.

Mayor Watts stated again it was a practice not a policy. He wanted to make sure it was clear to staff the Council's intent. He asked if there were any concerns from staff if the Council took that approach. There were none.

Mayor Watts opened the public hearing.

There were no comments offered.

Councilmember Smith moved to close the Public Hearing. Councilmember Ohrn seconded the motion, and all vote aye.

9. Consent Agenda

9.1. Approval of the Monthly Financial Summary

Councilmember Shields 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 Steven Shields</i> | <i>Aye</i> |
| <i>Councilmember Clint Smith</i> | <i>Aye</i> |
| <i>Mayor David Watts</i> | <i>Aye</i> |

The motion passed unanimously.

10. Discussion and Action Items

10.1. Discussion and consideration of a Resolution to initiate the process by which Herriman City may consider withdrawal of the municipal territory of Herriman City from the Unified Fire Service Area - Brett Wood, City Manager

City Manager Brett Wood said there have been many conversations about the Unified Fire Service Area. He wanted to reiterate the motion to withdraw from the UFSA had nothing to do with service with Unified Fire Authority, but rather to take control of the financial aspect of the services. By withdrawing, if Herriman decided to increase the fire service the Mayor and Council would have total control of fees paid by residents. After numerous conversations with the board Unified Fire will honor Herriman's separation come January 1, 2021. He said staff had already contacted Zion's Bank to start the fire Impact Fee Study by the beginning of October and to get the new tax district formed and approved before next year. The resolution was just to solidify providing the Unified Fire Service Area Herriman's letter of intent to leave.

Councilmember Henderson said that the Council had talked about this extensively but wanted to reiterate for the public that the decision to withdraw from UFSA was not because of problems with services, but so that the Council and staff could better control funding. In fact, UFSA would still be the service provider, but Herriman would have better control over the tax funds for the service.

Councilmember Smith said the dialogue with the UFSA board had been going on for several months with Councilmember Henderson representing the city. He said Riverton was the first city to separate from the district and that he appreciated their support of Herriman doing the same. Councilmember Smith also commented on the openness and transparency of UFSA staff during the process. Despite some bumps in the road along the way he was grateful to arrive at a place where Herriman and UFSA were on amendable terms.

Councilmember Shields said that he had been a part of some recent conversations where people have compared the withdraw from UFSA to actions such as when the City previously divorced themselves with the Unified Police Department of Greater Salt Lake (UPD). He noted that leaving the UFSA was distinctly different because the City was not separating their service from the UFSA but had determined that it was in the City's best interest to contract directly for those services rather than using the UFSA as the middle man for those services. This meant that Herriman was only responsible for the City's services as opposed to when being a part of the UFSA Herriman might have been subsidizing other cities that were not growing as fast as Herriman. He said given the current climate individuals have claimed the Council was not trying to save taxpayers money, but to defund fire service providers. He wanted to unequivocally say that the Council would stand behind first responders 100-percent and would offer whatever support first responders needed despite some ridiculous statements from residents claiming otherwise. He said this measures to most effectively utilize taxpayer's money had nothing to do with the Council's support of fireman and police officers.

Councilmember Smith agreed and said the primary reason for the move was to make sure that tax funds were protected for residents.

Councilmember Ohrn stated often times when people make comments such as those addressed by Councilmember s Shields and Smith it is because they do not understand the situation. She was confident if residents took the time to educate themselves they would understand that Herriman appreciates its first responders and their relationship with UFSA.

Mayor Watts said the Council might not have been aware that there were several fire personnel in attendance at the meeting in support of the functions that they provide for the City. He also wanted to echo what was stated by the Council: his appreciation for the services fire personnel provide to keep the Herriman community safe.

Councilmember Ohrn moved to approve Resolution No. R31-2020 initiating the process by which Herriman City may consider withdrawal of the municipal territory of Herriman City from the Unified Fire Service Area. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Aye

Councilmember Sherrie Ohrn Aye

Councilmember Steven Shields Aye

Councilmember Clint Smith Aye

Mayor David Watts Aye

The motion passed unanimously.

11. Future Meetings

11.1. September 3 - Planning Commission meeting 7:00 p.m.

11.2. September 9 - City Council work meeting 5:30 p.m.; City Council meeting 7:00 p.m.

12. Events

12.1. August 31 - Hungry Herriman Food Truck Roundup - 5:00 pm.; Crane Park

12.2. August 31 - Herriman Live Talent Show; 7:00 pm. Crane Park

12.3. Through September 15th - Herriman City Shop Around; Various Herriman Businesses

13. Closed Session

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

At 8:20 p.m. Councilmember Shields moved temporarily recess the City Council work 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 Shields seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Aye

Councilmember Sherrie Ohrn Aye

Councilmember Steven Shields Aye

Councilmember Clint Smith Aye

Mayor David Watts Aye

The motion passed unanimously.

The Council reconvened the City Council meeting at 9:32 p.m.

14. Adjournment

Councilmember Ohrn moved to adjourn the meeting at 9:32 p.m. Councilmember Smith seconded the motion and all voted aye.

15. Recommence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 26, 2020. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder



Mayor and Council

Monthly Financial Summary

Attached is the August 2020 financial report, all of the figures are through August 31, 2020. I have presented the information in summary format, please contact me with any questions or concerns.

General Fund

The general fund has expenditures exceeding revenue through August 31, 2020 in the amount of \$298,746 this represents an increase in fund balance. We are currently 16.67% of the year as you will see we are little ahead our projection of revenue and expenditures.

Fund Balances

I have included the fund balance and changes to fund balance during the year for all funds except water. Due to the Water Fund and Storm Water being accounted for with full accrual accounting a fund balance is not calculated.

Fund balance for Capital Projects is currently negative due to the purchase of the auto mall property. The Council has approved a loan from Water Rights Impact Fee to correct this negative amount.

Budget

The budget numbers represent the adopted budget of June 10, 2020 as amended.

Alan W Rae
Director of Finance

| GENERAL FUND | | | |
|---|------------------|-------------------|---------------|
| | 8/31/2020 | Budget | % of Budget |
| REVENUE | | | |
| TAXES | | | |
| Property Tax | \$ 1,183 | \$ 888,100 | 0.13% |
| Sales & Use Tax | 1,304,832 | 7,179,120 | 18.18% |
| Franchise Tax | 508,227 | 2,709,855 | 18.75% |
| | 1,814,242 | 10,777,075 | 16.83% |
| LICENSES & PERMITS | | | |
| Business Licenses and Permit | 3,035 | 61,206 | 4.96% |
| Building & Development Revenue | 896,269 | 8,348,234 | 10.74% |
| | 899,304 | 8,409,440 | 10.69% |
| INTERGOVERNMENTAL REVENUE | | | |
| Class "C" Road Fund Allotm | - | 1,451,800 | 0.00% |
| Other Intergovernmental Revenue | 18,594 | - | #DIV/0! |
| | 18,594 | 1,451,800 | 1.28% |
| OTHER REVENUE | | | |
| Parks/Rec Special Service District Fees | 78,849 | 945,818 | 8.34% |
| Courts | 10,554 | 260,000 | 4.06% |
| Miscellaneous Revenue | 648,316 | 2,607,550 | 24.86% |
| Transfer from HCSEA | - | - | #DIV/0! |
| | 737,720 | 3,813,368 | 19.35% |
| TOTAL GENERAL FUND REVENUE | 3,469,860 | 24,451,683 | 14.19% |
| EXPENDITURES | | | |
| Governmental Activities | | | |
| Legislative | 155,795 | 415,572 | 37.49% |
| Planning Commission | 3,164 | 31,600 | 10.01% |
| Legal | 73,005 | 596,138 | 12.25% |
| Administration | | | |
| Administration | 64,438 | 478,607 | 13.46% |
| Communications | 52,889 | 385,431 | 13.72% |
| Courts | 34,615 | 295,151 | 11.73% |
| Human Resources | 61,941 | 552,520 | 11.21% |
| Recorder | 48,628 | 412,166 | 11.80% |
| Customer Service | 42,482 | 116,612 | 36.43% |
| Finance | | | |
| Finance | 64,926 | 537,802 | 12.07% |
| Information Technology | 131,646 | 720,451 | 18.27% |
| Operations | | | |
| Facilities | 141,852 | 896,017 | 15.83% |
| Enforcement/Emergency | 46 | - | #DIV/0! |
| Fleet Management | 48,263 | 398,744 | 12.10% |
| Streets | 413,693 | 2,740,668 | 15.09% |
| Snow Removal | 3,677 | 202,100 | 1.82% |
| Storm Drain | - | - | 0.00% |
| Street Signs | 13,452 | 171,145 | 7.86% |
| Street Lights | 71,672 | 1,055,267 | 6.79% |
| Parks, Recreation and Events | | | |

| | 8/31/2020 | Budget | % of Budget |
|--|---------------------|-------------------|---------------|
| Events | 137,616 | 1,132,950 | 12.15% |
| Arts & Cultural Development | (4,000) | 141,950 | -2.82% |
| Cemetery | 10,514 | 71,250 | 14.76% |
| Parks | 429,446 | 3,629,536 | 11.83% |
| Engineering | | | |
| Engineering | 238,568 | 1,069,884 | 22.30% |
| GIS | 59,452 | 493,563 | 12.05% |
| Planning & Development | | | |
| Building | 150,334 | 1,103,995 | 13.62% |
| Economic Development | 44,775 | 641,745 | 6.98% |
| Planning | 89,778 | 812,575 | 11.05% |
| Public Safety | | | |
| Enforcement/Emergency | 520 | 80,347 | 0.65% |
| Police | 1,143,099 | 7,657,044 | 14.93% |
| Animal Services | 42,318 | 382,523 | 11.06% |
| Transfers | - | 5,348,214 | 0.00% |
| TOTAL GENERAL FUND EXPENDITURES | 3,768,606 | 32,571,567 | 11.57% |
| CHANGE IN FUND BALANCE | (298,746) | | |
| Beginning Fund Balance | \$ 4,674,189 | | |
| Change in Fund Balance | (298,746) | | |
| Ending Fund Balance | \$ 4,375,443 | | |

| 8/31/2020 | | Budget | % of Budget | Fund Balance | | | | |
|------------------------|----|---------|-------------|--------------|-------|------------------------|----|-----------|
| PARK IMPACT FEE FUND | | | | | | | | |
| Revenue | \$ | 351,873 | \$ | 6,635,000 | 5.30% | Beginning Fund Balance | \$ | 3,879,208 |
| Expenditures | | 226,327 | | 6,635,000 | 3.41% | Change in Fund Balance | | 125,545 |
| Change in Fund Balance | \$ | 125,545 | | | | Ending Fund Balance | \$ | 4,004,753 |

| STORM DRAIN IMPACT FEE FUND | | | | | |
|-----------------------------|-----------|------------|--------|------------------------|--------------|
| Revenue | \$ 93,107 | \$ 820,370 | 11.35% | Beginning Fund Balance | \$ 2,552,773 |
| Expenditures | 19,878 | 2,680,000 | 0.74% | Change in Fund Balance | 73,229 |
| Change in Fund Balance | \$ 73,229 | | | Ending Fund Balance | \$ 2,626,002 |

| ROAD IMPACT FEE FUND | | | | | |
|------------------------|--------------|--------------|---------|------------------------|------------|
| Revenue | \$ 478,525 | \$ 2,916,800 | 16.41% | Beginning Fund Balance | \$ 703,989 |
| Expenditures | 729,716 | 292,174 | 249.75% | Change in Fund Balance | (251,191) |
| Change in Fund Balance | \$ (251,191) | | | Ending Fund Balance | \$ 452,799 |

| NEW DEVELOPMENT STREET LIGHTS | | | | | |
|-------------------------------|-----------|------------|--------|------------------------|------------|
| Revenue | \$ 91,978 | \$ 847,000 | 10.86% | Beginning Fund Balance | \$ 257,201 |
| Expenditures | 65,912 | 847,000 | 7.78% | Change in Fund Balance | 26,066 |
| Change in Fund Balance | \$ 26,066 | | | Ending Fund Balance | \$ 283,267 |

| HERRIMAN CITY SAFETY ENFORCEMENT AREA | | | | | |
|---------------------------------------|------------|--------------|-------|------------------------|------------|
| Revenue | \$ 129,077 | \$ 6,700,000 | 1.93% | Beginning Fund Balance | \$ 796,422 |
| Expenditures | - | 6,700,000 | 0.00% | Change in Fund Balance | 129,077 |
| Change in Fund Balance | \$ 129,077 | | | Ending Fund Balance | \$ 925,499 |

| NEW DEVELOPMENT STREET SIGNS | | | | | |
|------------------------------|----------|------------|-------|------------------------|------------|
| Revenue | \$ 9,975 | \$ 220,000 | 4.53% | Beginning Fund Balance | \$ 292,495 |
| Expenditures | 10,184 | 220,000 | 4.63% | Change in Fund Balance | (209) |
| Change in Fund Balance | \$ (209) | | | Ending Fund Balance | \$ 292,287 |

| HERRIMAN TOWNE CENTER CDA/SAA | | | | | |
|-------------------------------|--------------|--------------|--------|------------------------|--------------|
| Revenue | \$ 7,207 | \$ 3,265,000 | 0.22% | Beginning Fund Balance | \$ 3,048,048 |
| Expenditures | 942,551 | 1,875,064 | 50.27% | Change in Fund Balance | (935,344) |
| Change in Fund Balance | \$ (935,344) | \$ 1,389,936 | | Ending Fund Balance | \$ 2,112,703 |

| HERRIMAN BUSINESS CENTER CDA | | | | | |
|------------------------------|--------------|------------|---------|------------------------|--------------|
| Revenue | \$ - | \$ 950,000 | 0.00% | Beginning Fund Balance | \$ 1,420,319 |
| Expenditures | 285,965 | - | #DIV/0! | Change in Fund Balance | (285,965) |
| Change in Fund Balance | \$ (285,965) | \$ 950,000 | | Ending Fund Balance | \$ 1,134,355 |

| ANTHEM CDA | | | | | |
|------------------------|--------------|------------|--------|------------------------|------------|
| Revenue | \$ - | \$ 604,000 | 0.00% | Beginning Fund Balance | \$ 463,905 |
| Expenditures | 227,452 | 275,000 | 82.71% | Change in Fund Balance | (227,452) |
| Change in Fund Balance | \$ (227,452) | \$ 329,000 | | Ending Fund Balance | \$ 236,453 |

| HERRIMAN TOWNE CENTER-CITY HALL | | | | | |
|---------------------------------|------|------|---------|------------------------|------------|
| Revenue | \$ - | \$ - | #DIV/0! | Beginning Fund Balance | \$ 552,422 |
| Expenditures | - | - | #DIV/0! | Change in Fund Balance | - |
| Change in Fund Balance | \$ - | \$ - | | Ending Fund Balance | \$ 552,422 |

CAPITAL PROJECTS

| | | | | | | | | |
|------------------------|----|---------|----|-----------|--------|------------------------|----|--------------|
| Revenue | \$ | 903,831 | \$ | 8,230,988 | 10.98% | Beginning Fund Balance | \$ | (12,173,678) |
| Expenditures | | 117,297 | | 4,800,000 | 2.44% | Change in Fund Balance | | 786,534 |
| Change in Fund Balance | \$ | 786,534 | \$ | 3,430,988 | | Ending Fund Balance | \$ | (11,387,144) |

PUBLIC WORKS FACILITY

| | | | | | | | | |
|------------------------|----|----------|----|-----------|-------|------------------------|----|-----------|
| Revenue | \$ | - | \$ | 1,500,000 | 0.00% | Beginning Fund Balance | \$ | (66,752) |
| Expenditures | | 91,259 | | 1,438,371 | 6.34% | Change in Fund Balance | | (91,259) |
| Change in Fund Balance | \$ | (91,259) | \$ | 61,629 | | Ending Fund Balance | \$ | (158,011) |

| WATER FUND | | | | |
|------------------------------|--------------|---------------|-------------|-------------------|
| | 8/31/2020 | Budget | % of Budget | Fund Balance |
| REVENUE | | | | |
| Operating Income | | | | |
| Water Sales | \$ 3,290,960 | \$ 10,096,823 | 32.59% | |
| Secondary Water Sales | 434,815 | 777,940 | 55.89% | |
| Connection Fees | 44,200 | 666,285 | 6.63% | |
| Other Operating Income | 59,109 | 665,175 | 8.89% | |
| Total Operating Income | \$ 3,829,083 | \$ 12,206,223 | 31.37% | |
| Operating Expenses | | | | |
| Administration | \$ 69,015 | \$ 1,870,383 | 3.69% | |
| Maintenance | 2,333,269 | 6,406,073 | 36.42% | |
| Blue Stakes | 6,076 | 114,295 | 5.32% | |
| Secondary Water | 85,842 | 522,169 | 16.44% | |
| Total Operating Expenses | \$ 2,494,203 | \$ 8,912,920 | 27.98% | |
| Total Income from Operations | \$ 1,334,880 | \$ 3,293,303 | 40.53% | |
| Non-Operating Revenue | \$ 44 | \$ 165,000 | 0.03% | |
| Non-Operating Expenses | \$ 55,346 | \$ 2,069,026 | 2.67% | |
| Total Income or (Expense) | \$ 1,279,577 | \$ 1,389,277 | | Equity 75,159,378 |

| WATER RIGHTS IMPACT FEE FUND | | | | |
|------------------------------|------------|--------------|-------|--------------------------------------|
| Revenue | \$ 271,216 | \$ 3,397,360 | 7.98% | Beginning Fund Balance \$ 14,350,995 |
| Expenditures | 28,382 | 848,000 | 3.35% | Change in Fund Balance 242,834 |
| Change in Fund Balance | \$ 242,834 | \$ 2,549,360 | | Ending Fund Balance \$ 14,593,829 |

| WATER IMPACT FEE FUND | | | | |
|------------------------|-------------|--------------|-------|--------------------------------------|
| Revenue | \$ 347,199 | \$ 4,145,059 | 8.38% | Beginning Fund Balance \$ 18,094,143 |
| Expenditures | 369,378 | 4,454,824 | 8.29% | Change in Fund Balance (22,180) |
| Change in Fund Balance | \$ (22,180) | \$ (309,765) | | Ending Fund Balance \$ 18,071,963 |

| STORM WATER FUND | | | | | |
|------------------------------|-----------|---------|--------|-------------|--------|
| | 8/31/2020 | | Budget | % of Budget | |
| REVENUE | | | | | |
| Operating Income | | | | | |
| Storm Water Fee | \$ | 238,470 | \$ | 1,672,243 | 14.26% |
| Total Operating Income | \$ | 238,470 | \$ | 1,672,243 | 14.26% |
| Operating Expenses | | | | | |
| Administration | \$ | 4,284 | \$ | 312,250 | 1.37% |
| Maintenance | | 58,592 | | 631,918 | 9.27% |
| Engineering | | 39,649 | | 312,967 | 12.67% |
| Total Operating Expenses | \$ | 102,525 | \$ | 1,257,135 | 8.16% |
| Total Income from Operations | \$ | 135,945 | \$ | 415,108 | 32.75% |

| | |
|------------------------|------------|
| Beginning Fund Balance | \$ 270,061 |
| Change in Fund Balance | 135,945 |
| Ending Fund Balance | \$ 406,007 |



STAFF REPORT

DATE: September 23, 2020

TO: The Honorable Mayor and City Council

FROM: Chase Andrizzi, City Attorney

SUBJECT: Interlocal Agreement between Herriman City and Providence Hall Charter Schools regarding School Resource Officers.

RECOMMENDATION

Approve the attached Interlocal Cooperation Agreement to provide Providence Hall Charter Schools with School Resource Officers from Herriman Police Department.

DISCUSSION

Under the proposed Interlocal Agreement, Herriman would provide school resource officers (SRO's) to Providence Hall Charter School. Providence Hall will pay the City \$45,000 per full-time SRO. There is an initial 5-year term which may be renewed for successive 1-year periods.

Interlocal Agreements are contracts that are subject to certain statutory constraints (see UCA Title 11, Chapter 13). State code also governs contracts between schools and law enforcement agencies for SRO services (Title 53G, Chapter 8, Part 7). This Agreement complies, in all material aspects, with the requirements of State code for both interlocal agreements and SRO contracts.

ALTERNATIVES

The Council could refuse to approve the Agreement. It should be noted that HPD is already providing an SRO to Providence Hall. Providence Hall is also paying for this service under the same terms as set forth in the Agreement. The Agreement memorializes that understanding and also establishes additional protections for the City.

FISCAL IMPACT

If approved, the City will continue to receive \$45,000 per SRO provided to Providence Hall.

HERRIMAN, UTAH
RESOLUTION NO.

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT
WITH PROVIDENCE HALL CHARTER SCHOOL REGARDING SCHOOL
RESOURCE OFFICERS**

WHEREAS, the Herriman City Council (“Council”) met in regular session on September 23, 2020, to consider, among other things, a resolution approving an Interlocal Cooperative Agreement with Providence Hall Charter School regarding school resource officers; 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, Herriman City (“Herriman”) and Providence Hall Charter School (“School”) are government entities as contemplated by the Act and are therefore authorized to enter into agreements with each other for cooperative action; and

WHEREAS, an Interlocal cooperative agreement has been presented to the Council for review and approval, a copy of which is attached hereto (“Agreement”); and

WHEREAS, the Agreement sets forth the purpose thereof, the extent of participation of the parties, and the rights, duties, and responsibilities of the parties; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of Herriman to enter into the Agreement.

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 Agreement.

This Resolution, assigned No. _____ shall take effect immediately upon passage and acceptance as provided herein. The Herriman City Manager is authorized to execute the Agreement on behalf of the City.

PASSED AND APPROVED by the City Council of Herriman, Utah, this 23rd day of September, 2020.

HERRIMAN

David Watts, Mayor

Jackie Nostrom, MCM
City Recorder

SCHOOL RESOURCE OFFICER INTERLOCAL COOPERATION AGREEMENT

This School Resource Officer Interlocal Cooperation Agreement (the “Agreement”), is made and entered into this ____ day of September, 2020 (the “Effective Date”) by and between the Board Of Education Of Providence Hall, a political subdivision of the State of Utah located at 4557 Patriot Ridge Drive (the “School District”), and Herriman City, a Utah municipality, 5355 West Herriman Main Street, Herriman, Utah, 84096. The School District and the City may be referred to herein as a “Party” or collectively as the “Parties.”

RECITALS

A. Pursuant to the provisions of the Utah Interlocal Cooperation Act, Utah Code Ann. § 11-13-101, et seq., as amended, public agencies, including political subdivisions of the State of Utah as defined therein, are authorized to enter into mutually advantageous agreements for joint or cooperative action;

B. Pursuant to the provisions of the Utah Code Ann. § 53G-8-703, which provides that the School District may contract with a law enforcement agency to provide school resource officer services at the schools pursuant to the Board review and approval of this Agreement;

C. The School District and City, through their respective governing bodies, have voluntarily determined that the interests and welfare of the public within their respective jurisdictions will best be served by this Agreement to provide for joint and cooperative action in regards to having a School Resource Officer (“SRO”) to maintain safe schools, improve school climate, and support educational opportunities for students while serving at Providence Hall high school, junior high, and elementary and such other schools or locations as the City and the School District may determine from time to time;

D. The City’s School Resource Officer Program will provide the outreach to school administrators, parents, students, businesses and the community for stakeholder involvement in problem solving and solutions and enable the City’s Police Department and School District to form valuable partnerships and promote ongoing continued relationships that will benefit the community, which collective effort will help the City’s Police Department to provide the best public safety service to better protect citizens and support officers in their law enforcement work;

E. The governing bodies of the School District and the City have by resolution agreed to adopt the Agreement to provide for the joint and cooperative action contained herein; and

F. This Agreement shall replace and supersede any agreements or memoranda of understanding approved and executed previously by the School District and the City regarding school resource officers.

NOW, THEREFORE, be it mutually covenanted and agreed as follows, each of the parties accepting as consideration for this Agreement the mutual promises and agreements of the other:

AGREEMENT

1. **Effective Date And Duration.** This Interlocal Cooperation Agreement shall be effective as of the date of signing and shall continue for a period of up to five (5) years, unless sooner terminated as provided herein. However, should either party encounter budgetary constraints that make the continuation of this agreement impractical, then either party may cancel this agreement upon sixty (60) days’ notice to the other, subject to the termination provision set forth herein. Following the initial five-year term, this agreement shall be automatically renewed for successive one-year periods, with a total term not to exceed 50 years, unless either party requests termination or modification of this agreement.

2. **Administrative Entity.** The City and the School District do not contemplate nor intend to establish a separate legal entity under their terms of this Agreement.

3. **Purpose.** This Agreement is established for the purpose of jointly providing for a School Resource Officer to serve at Providence Hall schools or such other school or place as the City and the School District may determine from time to time.

4. **Manner Of Financing.** This Agreement and the matters contemplated herein shall not receive separate financing, nor shall a separate budget be required. Each party shall be responsible for its own obligation under this Agreement. The City shall budget and be responsible for all payments related to the employment of the School Resource Officer.

5. **Cost.** The City shall send an invoice to the School District on an annual basis following the completion of the school year for payment of the services of the School Resource Officer, which total cost to the School District is forty-five thousand dollars (\$45,000.00) per full-time School Resource Officer. The invoice shall be paid to the City within thirty (30) days of receipt by the School District. If this Agreement is terminated during the budget year, the City and the School District agree to divide the costs associated with the payment of the services of the School Resource Officers as on a pro-rata basis depending upon the length of the year remaining.

6. **Administrator.** Pursuant to Utah Code Ann. § 11-13-101, et seq., the parties agree that the City shall act as administrator responsible for this Agreement. This Agreement does not anticipate nor provide for any organizational changes in the City or the School District.

7. **Filing Of Agreement.** A copy of this Agreement shall be placed on file in the Office of the City Recorder of the City and with the Business Administrator of the School District and shall remain on file for public inspection during the term of this Agreement.

8. **Employment of School Resource Officer**

- 8.1. The School Resource Officer shall be an employee of the City's Police Department and shall be subject to the administration, supervision, and control of the Police Department.
- 8.2. City will furnish any training state law requires and as is needed for the operation of this Agreement.
- 8.3. City will provide the School Resource Officer with uniforms and equipment.
- 8.4. The School Resource Officer shall be subject to all personnel policies and practices of the City's Police Department except as such policies or practices may be modified by the terms and conditions of this Agreement.
- 8.5. The City's Police Department, in its sole discretion, shall have the power and authority to hire, discharge, and discipline the School Resource Officer; however, the School District and the City's Police Department will jointly discuss School Resource Officer applicants.
- 8.6. As an employee of the City's Police Department, the School Resource Officer will be subject to the chain of command of the Police Department.
- 8.7. If a principal is dissatisfied with a School Resource Officer who has been assigned to that principal's school, then that principal may request that the Chief of Police or his or her designee assign a different officer as the School Resource Officer for that school. Such a request to the Chief of Police will occur after the principal has met with the School Resource Officer's supervisor to discuss concerns and allow a reasonable amount of time to the School

Resource Officer's supervisor to remediate the issues unless the concerns are of such nature, in the opinion of the principal, to warrant bringing them immediately to the attention of the Chief of Police. The Chief of Police shall make every reasonable effort to expeditiously assign a new School Resource Officer for that school. The City's Police Department reserves the right to remove/re-assign any School Resource Officer along with notification given to the School District.

- 8.8. The School Resource Officer and the principal (or designee) at the school where a School Resource Officer will be working will jointly complete the School Resource Officer training described in Utah Code Ann. § 53G-8-702. If training is required during the school day, the City's Police Department will make a good faith effort to cover the School Resource Officer's classes and responsibilities in the school.

9. Duties of the School Resource Officer

- 9.1. The Mission of the School Resource Officer is to provide for and maintain a safe, healthy and productive learning environment, emphasizing the use of restorative approaches to address negative behavior while acting as a positive role model for students in the School District by working in a cooperative, proactive, problem-solving partnership between the Police Department and the School District.
- 9.2. One School Resource Officer will be assigned to the following schools to build partnership, enhanced community-policing activities, identify problems within the schools, develop problem solving strategies with school administrators and staff, and collaboratively develop a comprehensive school safety plan with school administrators, staff, and the District's Risk Management: Providence Hall High School, Junior High, and Elementary or such other school or place as the City and the School District may determine from time to time.
- 9.3. The high school's School Resource Officer will teach a minimum of one law enforcement course each semester at Providence Hall High School.
- 9.4. Additional School Resource Officer services may be assigned to instruct the D.A.R.E. curriculum at the district's elementary schools in the City including the following existing schools: Providence Hall elementary school or such other school or place as the City and the School District may determine from time to time.
- 9.5. The School Resource Officer may provide additional presentations to the schools in safety, crime prevention, and bullying. When lawful, permissible, and practical the School Resource Officer should respond to requests for assistance by schools to address problem or meet school needs and they may also provide additional appropriate police services to the School District's Herriman schools.
- 9.6. The School Resource Officer and the School Resource Officer's supervisor will meet regularly to identify problems and solve issues at the schools.
- 9.7. The City and the School Resource Officer will work closely with the School District to improve the social and behavioral skills of the students in order to maximize their ability to achieve academically and become successful, contributing citizens. Issues to be addressed include substance abuse, violence reduction, social skills, and other areas of district and community concern.
- 9.8. The City's Police Department and School District understand the School Resource Officer may use any measures to secure school property as followed through established protocols

of the City's Police Department in the event of an emergency situation that requires "lock-down".

- 9.9. The School Resource Officer will be a visible active law enforcement figure dealing with law enforcement matters. The School Resource Officer shall confer with the principal (or designee) to resolve an offense that is a minor violation of the law but would not violate the law if the offense was committed by an adult, which originates or continues on the assigned campus. As for school policy violations, the School Resource Officer will take the student to the principal's office for discipline to be taken by the school officials.
- 9.10. The School Resource Officer will differentiate between disciplinary issues and crime problems and respond appropriately, de-escalating school-based incidents whenever possible.
 - 9.10.1. The School Resource Officer is responsible for criminal law issues, not school discipline issues.
 - 9.10.2. Absent a real and immediate threat to student, teacher, School Resource Officer or public safety, student incidents involving public order offenses including disorderly conduct, disturbance/disruption of schools or public assembly, trespass loitering, profanity, and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention (e.g., issuance of a criminal citation, ticket, or summons, filing of a delinquency petition, referral to a probation officer, or actual arrest).
- 9.11. The School Resource Officer will be involved in school discipline when it pertains to preventing a disruption that would, if ignored, place students, faculty, visitors and staff at risk of harm, so the School Resource Officer will resolve the problem to preserve the safe school climate. In all other cases, disciplining students is a School District responsibility and the School Resource Office will take students who violate school policies or the code of conduct to the principal's office for discipline to be taken by school officials.
- 9.12. The School Resource Officer shall initiative positive interaction with students in the classroom and general areas of the school building to promote the profession of police officers and be a positive role model, while increasing the visibility and accessibility of police to the school community.
- 9.13. The School Resource Officer will share information with the school's administrator about persons and conditions pertaining to campus safety concerns.
- 9.14. As partners with the School District, when appropriate, the School Resource Officer may assist with resolving law enforcement issues that affect the School District and the broader community.
- 9.15. The School Resource Officer shall notify school administration upon removing a student from campus.
- 9.16. The School Resource Officer shall notify parents as soon as possible when students are ticketed or arrested.
- 9.17. If a student's arrest is warranted, the School Resource Officer shall use the least disruptive and the least obtrusive manner reasonably available to conduct the arrest of the student. The School Resource Officer will be accompanied by a school principal or vice principal when

arresting a student unless emergency circumstances require otherwise for the safety of the students, School Resource Officer, and/or others.

- 9.18. The School Resource Officer shall question students in a manner and a time when it has least impact on the student's schooling so long as the delay in questioning does not interfere with the effectiveness of an investigation.
 - 9.19. School administrators shall handle routine discipline (tardiness, loitering, use of profanity, dress code violations, disruptive or disrespectful behaviors, etc.) within the school and without involving the School Resource Officer in an enforcement capacity (issuing citations) unless it is absolutely necessary or required by law.
 - 9.20. The School Resource Officer shall become familiar with the School District's student discipline policies.
10. **Duties of the School District.** For purposes of this Agreement, the School District shall:
- 10.1. Provide the Police Department a School District "point of contact" to facilitate communication.
 - 10.2. Provide an office/storage or workspace for School Resource Officer's materials and personal effects.
 - 10.3. Provide students, classroom, equipment and supplies for classes taught by the School Resource Officer.
 - 10.4. Differentiate between disciplinary issues and crime problems and respond appropriately.
 - 10.5. Facilitate School Resource Officer-initiated investigations and actions.
 - 10.6. Provide ongoing feedback to the Police Department designee for evaluation purposes.
 - 10.7. Notify the School Resource Officer responding to a school-based infraction if any student involved possesses disabilities and/or an Individualized Education Plan ("IEP") and who therefore may require special treatment or accommodations. The School District acknowledges that the School Resource Officer is required by policy and procedures to attend mandatory trainings and/or meetings.
11. **Respect for Student's Rights.**
- 11.1. A School Resource Officer may conduct or participate in a search of a student's person, possessions, or locker only where there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.
 - 11.1.1. It is recommended that in addition to having probable cause, a School Resource Officer should follow Federal and Utah state law and City Police Department policy and procedures applicable to conducting searches of persons and property which may require a search warrant and to obtain a warrant before conducting the search of a student's property under her or his control.
 - 11.1.2. The School Resource Officer shall inform school administrators prior to conducting a probable cause search where practicable.

- 11.1.3. The School Resource Officer shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent his or her protections.
- 11.2. A school official may conduct a search of a student's person, possessions, or locker where there is a reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school, and the search is justified in scope given such suspicion.
 - 11.2.1. Absent a real and immediate threat to student, teacher, School Resource Officer or public safety, a school official shall not ask a School Resource Officer to be present or participate in such a search.
- 11.3. A School Resource Officer may question a student about criminal conduct that could expose the child to court-involvement or arrest.
 - 11.3.1. If the child is 14 years and older, the child may be informed of his or her Miranda rights before questioning if the circumstances meet the requirement that Miranda be given.
 - 11.3.2. If the child is under 14, the child may be informed of his or her Miranda rights only in the presence of the child's parents or guardian before questioning if the circumstances meet the requirement that Miranda be given.
 - 11.3.3. The School Resource Officer shall inform school administrators prior to questioning the student where practical.
 - 11.3.4. The School Resource Officer shall not ask a school official to question a student in an effort to circumvent these protections.
 - 11.3.5. Other conversations between the school Resource Officer and student will be on the premise of building relationships to help develop a healthy learning environment and promote pro-social behaviors.
- 11.4. If an exigent circumstance or immediate threat exists, a school official or School Resource Officer may question a student about criminal conduct or conduct a search of a student's person and possessions.
- 11.5. Strip searches of children by either school officials or the School Resource Officer shall be prohibited.
- 11.6. A School Resource Officer shall not use physical or restraints on a child, including handcuffs, Tasers, mace, or other physical or chemical restraints unless a student's actions pose a threat, or they are subject to arrest.

12. **Access to Education Records.**

- 12.1. School officials shall allow the School Resource Officer to inspect and copy any public records, including directory information, maintained by the school to the extent allowed by law.
- 12.2. If some information in a student's record is needed in an emergency to protect the health or safety of the student or other individuals, school officials shall disclose to the School Resource Officer that information that is needed to respond to the emergency situation based

on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation; and the extent to which time is of the essence.

- 12.3. If a School Resource Officer needs confidential student record information, but no emergency situation exists, the information may be released only as allowed by law.

13. **Law Enforcement Units.**

- 13.1. The School District will designate the District's Risk Management as the District's Law Enforcement Unit and the School Resource Officer as the School's Law Enforcement Unit as provided under FERPA (Family Education Rights Privacy Act), pursuant to 20 U.S.C. 1232g(a)(4)(ii) and 34 C.F.R. 99.8. Parents shall be notified annually of these designations. All school security equipment shall be the responsibility of the District's law enforcement unit. All school security records, including but not limited to, school security campus videotapes or school bus videotapes, are created and maintained by the District's law enforcement unit. These records are not deemed to be students records or educational records [20 U.S.C. 12329(a)(4)(ii)]. In addition, records created by the School's Law Enforcement Unit are not deemed to be students records or educational records [20 U.S.C. 1232g(a)(4)(i)]. If the District's law enforcement unit or School's law enforcement unit provides these records to the School's officials for student disciplinary purposes, the records maintained by the School officials may become student records or educational records.

14. **Notice Of Default And Corrective Action.** The failure of either party to comply with each and every term and condition of this Agreement shall constitute a breach of this Agreement. Either party shall have thirty (30) days after receipt of written notice from the other of any breach to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice.

15. **Rights And Remedies.** In the event of any breach hereunder and after the lapse of the cure period as per Section Eight above, the non-breaching party shall have all the rights and remedies available under the laws of the State of Utah in effect. The rights and remedies of the parties hereto shall not be mutually exclusive but shall be cumulative in all respects. The respective rights and obligations of the parties hereunder shall be enforceable in equity as well as at law or otherwise. In addition, in the event the School District breaches this Agreement and fails to make corrections as set forth in Section Eight above, the City may terminate this Agreement and cease providing a School Resource Officer.

16. **Governing Law, Jurisdiction, And Venue.** All questions with respect to the construction of this Agreement and all rights and liabilities of the parties hereto shall be governed by the laws of the State of Utah. Jurisdiction and venue for the enforcement of this Agreement shall be found in the courts of Salt Lake County State of Utah.

17. **Costs Of Enforcement.** In the event of a breach of this Agreement, the non-breaching party shall be entitled to recover from the breaching party all of the non-breaching party's costs (including, but not limited to, court fees and expert witness costs) and attorneys' fees associated with the enforcement of this Agreement.

18. **Notice.** Any written notice which must or may be given relating to this Agreement shall be sufficient if mailed postage prepaid, registered or certified mail, in the United States mail addressed to a party at the address given above. In the case of the School District, notice shall be mailed to the attention of the Business Administrator at the above address. In the case of the City, notice shall be mailed to the attention of the City Manager at the above address. Either party may notify the other to designate a different address for mailing.

19. **Termination.** Either party may terminate this Agreement for any or no reason and at any time by giving the other party at least sixty (60) days prior written notice of the same.

20. **Appropriation Of Funds**. The Parties' obligations under this Agreement are expressly subject to the appropriation of funds by the City Council and/or the School District's Board of Education. Further, in the event that funds are not appropriated in whole or in part sufficient for performance of the obligations under this Agreement, the Parties may terminate this Agreement.

21. **Indemnification**. Both parties are governmental entities under the Governmental Immunity Act of Utah (the "Immunity Act"), Utah Code Ann. §§ 63G-7-101 to -904 as amended. Consistent with the terms of the Immunity Act, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts, which it commits, or which are committed, by its agents, officials, or employees. Neither Party waives any defenses otherwise available under the Immunity Act nor does any party waive any limits of liability now or hereafter provide by law.

22. **Severability**. In the event that any condition, covenant, or other provision herein contained is held to be invalid or void by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

23. **Entire Agreement**. This Agreement contains the entire agreement between the parties. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied upon the parties, all prior understandings, negotiations, or agreements are merged herein and superseded hereby.

24. **Amendments**. This Agreement may be modified only by a writing signed by each of the parties hereto.

25. **Covenants and Conditions**. Each provision of this Agreement performable by the City and the School District shall be deemed to be both a covenant and a condition.

26. **Not Assignable**. This Agreement is specific to the parties hereto and is therefore not assignable.

27. **Binding Effect**. This Agreement shall bind the parties and their respective successors and assigns.

28. **Captions**. The Captions to the various sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part of this Agreement.

29. **Time**. Time is of the essence of each term, provision, and covenant of this Agreement.

30. **Counterparts**. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

31. **Gender and Number**. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders or other entities or any combination of persons and entities.

32. **Waiver or Forbearance**. No delay or omission in the exercise of any right or remedy by any party hereto shall impair such right or remedy or be construed as a waiver. Any waiver of any breach must be in writing and shall not be a waiver of any other breach concerning the same or any other provision of this Agreement.

33. **No partnership, Joint Venture, or Third-Party Rights**. Except as specifically set forth herein, nothing in this Agreement shall be construed as creating any partnership, joint venture, or business arrangement among the parties hereto, nor any rights or benefits to third parties.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be duly executed and delivered by their proper and duly authorized officers as of the Effective Date first above written.

HERRIMAN CITY

Brett geo Wood, City Manager

ATTEST

Jackie Nostrom, City Recorder

Chase A. Andrizzi, City Attorney
Approved as to form and legality

PROVIDENCE HALL

Nathan Marshall, Director