



CITY COUNCIL AGENDA

Wednesday, September 27, 2017
Approved December 13, 2017

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, September 27, 2017 at 5:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, 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 Council, media, and interested citizens.

Presiding: Mayor Carmen Freeman

Council Members Present: Jared Henderson, Craig B. Tischner, and Coralee Wessman-Moser

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, City Recorder Jackie Nostrom, Finance Director Alan Rae, City Attorney John Brems, Operations Director Monte Johnson, Water Director Justun Edwards, Deputy Chief of Police Services Troy Carr, Economic Development Manager Heather Upshaw, Chief Building Official Cathryn Nelson, City Planner Bryn McCarty, Communications Specialist Mitch Davis, and Communications Specialist Jon LaFollette.

Excused: Councilmember Nicole Martin, Director of Administration and Communications Tami Moody, Director of Parks, Recreation and Events Wendy Thomas, and Unified Fire Chief Riley Pilgrim.

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

1. Council Business

Mayor Freeman called the meeting to order at 5:09 p.m. and welcomed those in attendance. He excused Councilmember Nicole Martin and noted Councilmember Craig Tischner would be late.

1.1. Review of this Evening's Agenda

1.2. Future Agenda Items

2. Administrative Reports

2.1. Informational City Manager Updates – Brett Wood, City Manager

City Manager Brett Wood excused Director of Administration and Communications Tami Moody; Director of Parks, Recreation and Events Wendy Thomas; and Unified Fire Chief Riley Pilgrim from the meeting. He updated the Council on social media comments relating to the design of the City Hall and clarified that the balcony was incorporated into the original architectural design form and stated the outset and was not an afterthought. City Manager Wood noted that the individual who made the statement never worked on the

job site nor had any information regarding the project. The comments that had been made about the balcony were vicious and unmerited. The individual expressed remorse to the City for the inaccurate statement. City Manager Wood expressed his regrets to the City Council for this situation.

City Manager Wood informed the City Council that a public hearing for the proposed Herriman City Safety Enforcement Area would take place at the October 11, 2017, City Council meeting. He acknowledged that the Salt Lake Valley Law Enforcement Service Area had proposed a five-percent tax increase. Mayor Freeman indicated he would be required to vote on the item, as he still is a Board Member and asked the Council for direction on this proposal as the City looked forward to the possibility of forming its own district and how the tax increase would impact that action. Councilmember Coralee Wessman-Moser indicated she would like to have further understanding if the proposed tax increase is necessary, and if so, whether or not it would be necessary to look at the same increase for the Herriman District. Mayor Freeman indicated that Andrew Keddington was visiting the different municipalities to explain in more detail the proposal and the reasons it was being made. Mayor Freeman noted that he would be voting for it, but it would not affect Herriman residents. He added that there would be some lag time as to when Herriman City would collect the property tax for 2017.

City Manager Wood indicated his interest in this issue because he was interested in seeing how the tax would impact the City's fund balance. He noted that if there was more money coming in, it would make the bridge less painful to the general fund. Mayor Freeman indicated that the City would be getting over two million dollars back in fund balance. The City Council would have to determine whether that money would be devoted to a new building or for transportation. City Manager Wood said that some of the money would be needed for transportation and for daily operations. He noted that traffic counts were going up and the City's needs would require analysis, particularly with regard to law and traffic enforcement because traffic complaints were becoming a major concern. A form was being developed for the City's website in which citizens could submit traffic complaints. Additional efforts were also taking place with drug enforcement. City Manager Wood added that school sites were also being monitored to assess traffic. The Silvercrest crossing was being evaluated and cameras were being used to monitor and assess traffic. Additional sidewalks were also being considered to enhance safety. Manager Wood indicated that he would be working with the Finance Director to determine the needs for the next calendar year.

Councilmember Moser asked if there would be a five percent fund balance, to which City Manager Wood replied in the affirmative. Finance Director Alan Rae indicated that the City was currently at about \$3.5 million dollars, so five percent would be about \$250,000. City Manager Wood stated that it was ahead of projections and was increasing. City Manager Wood added that he and Finance Director Rae were passionate about their commitment to take care of the City. He added that the City had never raised property taxes accommodate the City's line items in the budget. He noted that though he was supportive of fire and police protection, he urged caution in the raising of property taxes. He added that he and the Finance Director were looking at the City's needs for the long-term, i.e. 20 and 50 years, not just the immediate needs. Finance Director Rae noted that the school, water district, sewer district, and the garbage district had all implemented increases this year. He added that as those costs continued to increase, they would take away the City's abilities to take care of its needs. The observation was then made that the City needed to be good stewards and determine the level of

service the residents of Herriman needed, and then budget for those needs. The challenge, however, was to provide the needs to keep the citizens happy without over-burdening them with property taxes.

City Manager Wood next addressed the five-story building that was being built by ZWICK Construction. He added that the public needed to be apprised of what was happening by posting information on the City's Facebook page. Assistant City Manager Gordon Haight explained that Bucannon Street Partners had bought the property from Key Bank a few weeks ago. The building permit was changed, which entailed additional permit fees. He said the anticipated timeline for completion of the project was about six months. The building would be an assisted living facility for people 55 and older. Mayor Freeman added that the Miller property, which was also built for people 55 and older, was already sold out. City Manager Wood observed that contrary to previous belief, there was indeed a market for this type of product. When City Manager Wood referenced the project, The Villas, Assistant City Manager Haight said that the project was underway. His recollection was that there would be about 200 units of senior housing. City Manager Wood added that the senior housing projects were a bonus for the City because they had less of an impact on some of the infrastructure. That segment of the population increases the need for medical emergencies, but it decreased the pressure on schools and parks. He added that they were a great age group that was very welcome in the community.

City Manager Wood next provided an update on code enforcement. He noted that Dave Winters had retired the previous week and he wished him well. City Manager Wood said that he was considering the options for implementing code enforcement. He noted that he had talked to the UPD Chief because code enforcement would be something new for that entity. He noted that he had not made a decision yet, but he would be making one soon when he completed his discussions with different stakeholders. He indicated that he would return to the City Council with a proposal. In the interim, he said that he was going to "borrow" a highly capable City employee to keep things moving forward.

Finance Director Rae next addressed the software package CityWorks, which the City uses to track work orders and workflow. He said that the program was designed for a much smaller city than Herriman, so he will update it. To do so, he would need some resources. He explained that the software tracked all of the City's work orders, along with processes for permits, planning, and zoning. In order to enhance the program to meet the City's needs, Finance Director Rae said that he would need about \$30,000 to the budget request he showed the City Council the previous week. He noted that the software was designed by a local company. He explained that it tied work orders and work flow to a GIS map, which needed a substantial upgrade.

In response to Mayor Freeman's question as to whether or not the software would have the flexibility to keep up with the growth of the City, Finance Director Rae replied in the affirmative. The problem was that the City had not kept up with the needed upgrades. It was noted that the software would track even the types of lights that are installed at different locations. The detail of information that could be tracked was highly beneficial to the City. In response to Councilmember Moser's comment that other software packages would do the same thing, Finance Director Rae stated that software he was using was as good as anything else. The benefit was that this product had local support. He added that this product was being used across the nation. Finance Director Rae noted that the consultant with whom he had met had just completed an upgrade of this

same software for Houston, Texas. City Manager Wood noted that he was very excited about the potential offered by this software. Councilmember Moser asked Finance Director Rae if he was requesting approval of the budget increase during the regular session of the City Council meeting, to which he replied in the affirmative.

Finance Director Rae noted that there were two other matters that would be coming before the City Council during the regular meeting. Communications Specialist Jonathan LaFollette stated that Providence Hall had a new issue with traffic surrounding the schools. Within the past two weeks, he had been working with UDOT to come up with a solution for the traffic concerns. In the end, it was determined that a traffic study might be needed. He added that the previous day, Deputy Chief of Police Services Troy Carr had visited with him about a related and urgent safety concern: the backing up of traffic onto Mountain View Corridor caused by people turning into the middle school. He then showed a video to demonstrate the concern he was addressing.

Deputy Chief Carr noted that the concern was that people were backing up on a high-speed corridor, thereby creating the potential for a catastrophic accident. He said the video was a shocking demonstration of the concern that was discussed. Assistant City Manager Haight observed that if the City waited for UDOT to pay for a traffic study, too much time would pass before the City could complete the study. Therefore, he was asking the City Council to front the cost of the study. The challenge was that the school could be located wherever it wanted to be, and the City had to pay the costs of the safety hazards posed by the school. Deputy Chief Carr said once the parents dropped off their children at the school, they felt free to drive however they wanted to. This concern has been discussed with the school administration, but to no avail. Deputy Chief Carr stated that it was imperative to get cars off of Mountain View Corridor, even if it pushed the traffic into the neighbourhoods. The crisis was the endangerment of the safety of the school children. He added that parents would actually drop off their children from Mountain View Corridor. The study, which would cost about \$10,000, was needed immediately so that potential solutions can be vetted for implementation. He said pleas had been posted on the City's Facebook page, but law enforcement was not seeing any voluntary compliance to refrain from queuing up on Mountain View Corridor.

Communications Specialist LaFollette stated that one option that had been considered was to require high school traffic to come off Rosecrest. It would be a right-in and right-out at both the high school and middle school and then get rid of the left-hand turn lane. It was noted that the changes that were made on City property would be the responsibility of the City; however, property that belonged to UDOT would entail UDOT funds to make the improvements.

In response to Mayor Freeman's question as to whether or not UDOT would reimburse the City for the traffic study, Assistant City Manager Haight said his office would try to get the reimbursement. City Manager Wood said that delaying the study to get UDOT money could be disastrous because this was such a serious safety issue for the City. Councilmember Henderson noted that the City already knew what the study would say, so he asked why the study was needed. Communications Specialist LaFollette indicated that various options were being considered to address this problem. In addition, the City's liability would increase without the study. City Manager Wood promised the City Council that he and his office would not propose budget

changes without knowing that the City could pay for them. He acknowledged the frustration all felt by the fact that the school was not going to bear the cost of resolving this issue.

Assistant City Manager Haight stated that he had met with SLR. He explained that they were working with the school district to secure access to the elementary school that would be adjacent to the Mountain View Corridor. The issue was that there was a gap of about 30 to 40 feet which was designated as the location for the future transit. He said that the school district was not interested in paying or trading for a piece of property. In a previous meeting he had been in with the people from SLR, he stated that SLR was looking at doing design. He said that SLR was not going forward with any more development, so they wanted the City to purchase the 40-foot gap for the transit line. The cost for the property would be about \$250,000. In response to Councilmember Moser's question regarding potential repercussions if the City did not buy the property, Assistant City Manager Haight explained that the school district would not want to close on the property unless they got letters of support from the City. He said that the school district would get those letters only if the school district would assure the City that the land would be reserved for transit. The school district indicated they did not want to buy that piece of property, and the City was subsequently approached about the purchasing the property. Mayor Freeman stated that he didn't want the City to pay for it.

City Manager Wood noted that the Salt Lake County City Managers met once per month, and at their next meeting they would be discussing the Herriman City Hall and the park behind it. He added that it was a good organization and was a good opportunity for the city managers to network with each other. He added that the city managers also wanted to talk about ACUB (Army Compatible Use Buffer). Lastly, there would be a discussion regarding the County taxes and those funds were allocated.

Finally, City Manager Wood thanked the City Council for their support the previous Friday at the open house for the new park. The park is heavily used. He added that he would be talking with the city managers about the City's plans for retail space to draw people to the community.

2.2. Discussion pertaining to the Balanced Economy Study – Heather Upshaw, Economic Development Manager

Economic Development Manager Heather Upshaw explained that there were four proposals for the Balanced Economy Study. She indicated that Better City had been selected. She explained that a former Ogden mayor had started the company several years ago. She and her associates felt that it would be good for the City to get a different perspective and Better City had a very good proposal. The kick-off meeting was slated for September 28, 2017. The process will run three to four months. The City budgeted \$36,000 for this study. She indicated that she would keep the City Council updated on the progress of the study. City Manager Wood acknowledged that he was pleased with the selection of Better City for the study because they would give the City a fresh look at everything that was happening in Herriman.

2.3. Discussion of a possible rezone from A-.25 (Residential) to C-2 (Commercial) to allow a Reception Center – Bryn McCarty, City Planner

City Planner Bryn McCarty said that the Planning Commission had recommended denial of the proposal for the proposed Reception Center. In order to build the facility, the property would have to be rezoned from

A-25 to C-2 to allow a reception center. To do so, the General Plan would have to be changed to designate the subject property as General Commercial, which would be an entirely different application process.

Mayor Freeman stated that he was not interested in pursuing deliberations on this project. Councilmember Tischner said that there was not enough information regarding the ROI (return on investment) for such a change. Councilmember Moser stated that the property tax would be minimal. Assistant City Manager Haight added that this type of facility was not a big money maker. Councilmember Tischner stated that his biggest concern was the potential impact on the roads with minimal ROI.

Councilmember Moser said it was not a great place for a commercial enterprise and that it would have a big impact on the residents already living there. She added that after reviewing the minutes from the Planning Commission meeting, she didn't think the traffic would have as big an impact as the nearby church building did; however, a reception center would result in more traffic in the canyon. Mayor Freeman added that if other property in the canyon becomes recreational property, there would be additional traffic going into that area. Councilmember Tischner said he thought it was a bizarre location for a reception center. Councilmember Moser stated that she thought there were better properties for this type of enterprise.

2.4. Discussion regarding the Utah Department of Transportation (UDOT) remnant parcel located at or near 11800 South Mountain View Corridor – Gordon Haight, Assistant City Manager

Assistant City Manager Haight explained that a meeting had taken place with UDOT in which concerns had been expressed over how the property had been zoned and then changed. UDOT was told that it was a City Council decision. Councilmember Moser stated that she supported the previous process. Councilmember Henderson concurred with Councilmember Moser.

2.5. Referendum Discussion – John Brems, City Attorney

City Attorney John Brems outlined the process and timeline for the referendum, which had been presented to the applicant on the previous Monday. City Attorney Brems confirmed that the applicant had presented the application in a timely manner and that it met the requirements of the statute. Therefore, it was a proper application for a referendum. Within three working days the City Recorder would submit the application to Finance Director Rae and City Attorney Brems, who would provide an unbiased, good-faith estimate of the financial and legal impact of the referendum. That report would be due within 25 days, which would be October 13, by which time it would be mailed to the applicant and the City Recorder. Within five days the City was required to meet with the applicant. That meeting took place on September 25. The applicant received five copies of the referendum and five signature pages. The applicant arranged to pay for the printing and an additional petition, which would have to be bound appropriately. The referendum packet was delivered to the applicant just prior to this meeting. City Recorder Jackie Nostrom next had to number each one of the referendum petitions and each page.

City Attorney Brems then indicated that registered voters would be eligible to sign the petition if they resided in Herriman. He noted that the petition had to be signed in the presence of a person who is at least 18 years old and a resident of Herriman. The person verifying the petition has the responsibility to verify that each

signature sheet is complete. He added that the person verifying the petition could not also sign the petition itself. The applicant then has 45 days to submit the petition to the Salt Lake County Recorder. That deadline has been set for November 9. The Salt Lake County Recorder will then verify that the petition has been properly executed within 15 days. If there are any inappropriate signatures on the petition, the Attorney General and the Salt Lake County Attorney will disqualify them. No later than 30 days after the day on which the County Clerk receives the referendum package, which would be December 9, the County Clerk shall determine whether each signature is a registered voter. The petition is then certified and submitted to the City Recorder. Within 15 days of receipt of the referendum packets by the City Recorder, the signatures are then counted. The total number of signatures has to equal or exceed the required number of signatures, and then the City Recorder will either mark it “Sufficient” or “Insufficient.” If the applicant does not agree with the count, a recount can be demanded and witnessed by the applicant. City Attorney Brems then explained that since this issue dealt with a land use law, and since Herriman is a Third Class City, the applicant is required to get 35% of all votes cast in the most recent presidential election. At the last presidential election, there were 12,362 ballots cast. Therefore, 35% would be 4,327, which is the number of signatures that would be required for the petition to be considered “Sufficient” for the ordinance to be submitted to a vote. The City Attorney would then have to determine a Proposition Number, along with a Ballot Title. The verbiage would then be negotiated and agreed upon by the applicant and City Council.

The election is after January 30, 2018, and is on the second municipal general election immediately following the passage of the Ordinance. The City Council also has the option of calling a special election.

Discussion ensued on the cost of a special election. The current election this year is \$62,000. City Attorney Brems reiterated that this would be a City-wide election. He explained that the next general election would be on November 5, 2019. The statute authorizes two special election dates: June 26, 2018, or November 6, 2018, which is when the next general congressional election will take place. The City Council can call for a special election by Ordinance or Resolution. The City would then prepare a Voter Information Pamphlet that complies with State statute. City Attorney Brems then read statutory language as follows: “Until the petition is declared sufficient, the ordinance approving the General Plan is in force.” Furthermore, the statutory read: “When the referendum petition has been declared sufficient, the ordinance adopting the General Plan does not take effect unless/until the local law is approved by a vote of the people.” He then indicated that his office was still trying to determine what that language meant. He noted that at any point along the process, if the sponsors were not satisfied, they could petition the Supreme Court for an extraordinary writ, which would mean fast tracking the process without having to go through the District Court to get to the Supreme Court.

In response to Mayor Freeman’s question regarding the impact to entities that have already filed an application for a development based on the current General Plan, City Attorney Brems said his office was still trying to figure out exactly what the impact would be if the referendum and election were successful. He anticipated that the new General Plan would have no effect on the current applications. Beyond that statement, he said that he and his associates were still trying to determine how that issue would be addressed. He noted that Centerville was dealing with the same problem, but theirs was a zoning ordinance. It was suggested that the people filing the referendum should be apprised of the projects that were currently underway. Assistant City Manager Haight indicated that he and other City staff were working to determine the exact impact so that

they could work with the property owners. He added that they would be conferring with the Ombudsman to work through these issues. He noted that they were still trying to determine what all of the questions were so that they could formulate their answers to those questions. They would be working with outside counsel to verify their questions and answers. They would then go to the Ombudsman to get a ruling that the City had made a reasonable assumption.

In response to a question regarding the ordinance that was being petitioned, Assistant City Manager Haight explained that the proposed ordinance would just negate the General Plan that was recently voted on by the City Council. In other words, the new General Plan is the City Ordinance that is being challenged. Presumably, the City would thus return to the old General Plan, but that wasn't clear. Outside counsel will be sought to determine the exact ramifications of a potentially successful petition and vote.

2.6. Discussion relating to proposed Development Agreements – Gordon Haight, Assistant City Manager

- 2.6.1. Dansie Development Agreement for approximately 400 acres located at or near 7300 West Main Street**
- 2.6.2. Adalynn Development Agreement for approximately 270 acres located at or near 6000 West Herriman Boulevard**
- 2.6.3. Last Holdout LLC Annexation Development Agreement for approximately 900 acres located at or near 6901 West 11800 South**
- 2.6.4. Herriman Crossroads Development Agreement for approximately 125 acres located at or near 16750 South Camp Williams Road (Redwood Road)**
- 2.6.5. Cunningham Development Agreement located at or near 5076 West Herriman Main Street**

Assistant City Manager Haight indicated that several Development Agreement applications had been received by the City with the current General Plan being in force. At this point, Assistant City Manager Haight indicated that he wanted to confer with the City Council with the process and timeline to follow. Once the City Council had given its input, Staff would then share the City Council's direction with the Planning Commission, which would then provide additional input.

Assistant City Manager Haight explained that when the Adalynn project was approved under the new General Plan, it came with conditions. One of the conditions was that by the end of the year the City either had to have a Development Agreement or it would revert to the old General Plan, which was what happened. As a result, it needed to be determined what that meant. In conjunction, there was the Dansie Development Agreement, and the Last Holdout 900-acre Annexation. He indicated that those three Development Agreements were the most publicized. He added that there was also the Herriman Crossroads Development Agreement on Redwood Road. The City was holding off on that Development Agreement, but the developer was anxious to move forward. Finally, there was the Cunningham Development Agreement, which was the Maverik Station. The intended process was for the Planning Commission to review the zone, the PUDs, traffic studies, and the design guidelines of the respective proposed Development Agreements. The City Council would then review the Development Agreements, which were fairly generic. The Development

Agreements would reference the attached overall elements for each development and would provide the needed information for the City Council to vote on the proposed Development Agreements.

To streamline the approval process, one Development Agreement has been prepared and given to all of the developers to ensure consistency throughout the approval process for all four Development Agreements. Assistant City Manager Haight next reviewed the timeline for the approval process through the remainder of 2017. He indicated that the Planning Commission would first review the documents, as previously explained. That review process would take time to work through. The City Council would begin reviewing the proposed Development Agreement and provide input to City Staff. There would be enough unique elements of each Development Agreement, even though they would be very similar. The Planning Commission will need time to review the documents and make recommendations to the City Council. The City Council will have one regularly scheduled meeting in November, and one in December. Therefore, Assistant City Manager Haight didn't believe there would be enough time for the City Council to make any decisions without additional work meetings to discuss and provide input regarding things such as the design guidelines, PUDs, etc., if the City Council is going to meet a December deadline. City Manager Wood clarified that discussions and tentative decisions could be made during work sessions, but the official votes would occur at regularly scheduled City Council meeting. Assistant City Manager Haight suggested that the extra special meetings would need to be scheduled in advance and noticed to ensure transparency in the process. If a special meeting was not necessary, it could be cancelled.

Assistant City Manager Haight noted that at the next Planning Commission meeting there would be discussion regarding the new chapters to City Code. He thus invited the City Council members to attend that meeting in order to streamline the approval process with the City Council. In response to Councilmember Moser's question about the agenda for the next Planning Commission meeting, Assistant City Manager Haight said that the two things on the agenda were (1) what to do with the General Plan, and (2) the new chapters of the City Code. Councilmember Henderson expressed his reluctance to plan and notice too many meetings in advance. Councilmember Moser added that she felt that the City Council would have a better sense of the direction to be taken by the end of November. Noticing could then take place for special meetings in December. She added that there was a special (United Fire Authority) UFA tax increase public hearing scheduled for December 12 that she would need to attend. Discussion ensued on when a special meeting could be scheduled in December. Wednesday was deemed the best day for a meeting. Assistant City Manager Haight said a joint meeting would be necessary every two weeks to review the new chapters to the City Code. Councilmember Moser suggested that it might be possible to cover a substantial portion of the new chapters at the next Planning Commission meeting, if everyone had read the chapters and was prepared for the discussion. Mayor Freeman suggested that the City Council could wait until November to see where the process was and determine the need for meetings.

Mayor Freeman briefly reviewed the agenda for the upcoming regular City Council meeting. Discussion then took place on possible future agenda items. There was also discussion on the noticing requirements and processes for the different types of meetings and issues that come before the City Council.

3. 6:48 p.m. Adjournment

Councilmember Moser moved to adjourn the City Council work meeting. Councilmember Henderson seconded the motion and all voted aye.

7:00 PM - GENERAL MEETING:**1. Call to Order**

Mayor Freeman called the meeting to order at 7:00 p.m. and excused Councilmember Nicole Martin from the meeting.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Resident David Watts led the audience with the Pledge of Allegiance. Mayor Freeman recognized those in attendance who were running for political office and invited them to introduce themselves. Candidates David Watts and Coralee Moser both indicated that they were running for the office of Mayor.

1.2. Council Comments/Recognitions

Councilmember Moser complimented City Staff and other participants for the successful City Hall Grand Opening on Friday, September 22.

1.3. Mayor's Comments/Recognitions

Mayor Freeman expressed condolences for the unexpected passing of Director of Administration and Communications Tami Moody's mother. He then acknowledged Political Candidate Cody Stromberg, who is running for City Council in District 3.

2. Public Comment

Misty Miller indicated that she lived about 200 yards from the proposed reception center. She has been the owner and operator of a reception center in Draper for about 16 years. She urged the City Council not to allow a reception center in a residential area because there are many car thefts and at least one car break-in per week. Another problem is the parking that takes place along the road. Noise is also a significant problem because it is uncontrollable. She said the biggest problem is the amount of alcohol consumption that takes place. Putting a reception center in a residential area would be tantamount to putting a bar in a residential area. As people leave receptions, they would drive through the residential area intoxicated. She concluded by urging the City Council not to allow a reception center in Rose Canyon and said such a business belongs in a commercial area, not a residential area.

Rob Thomas indicated that he lived on 6000 West. Mr. Thomas indicated that he has been waiting for over a year for something to be done on 6000 West. Mr. Thomas brought his sons to the meeting to emphasize the danger they face when they have to race across the road. In addition, he and his wife have almost been run over several times as they walked along the road. Mr. Thomas added that he had seen no presence by the Unified Police Department. Mr. Thomas urged the City Council to do something about 6000 West because the speed limit is too fast and there are no flashing lights to enhance pedestrian safety. Mr. Thomas urged the mayoral candidates in attendance to make this issue a priority.

David Murphy stated that he lived in Rose Canyon in the High Country Estates, Phase 2, which is .5 miles from where the proposed reception center would be. Mr. Murphy emphasized that the proposed reception center was not aligned with the General Plan. The noise would resonate as if it were in an amphitheatre which would affect not only residents, but also hikers, bikers, and horse riders. Reception centers have indoor and outdoor public address systems. Mr. Murphy also emphasized the issue of traffic, which would only get worse, and would further add to the noise pollution. Mr. Murphy closed by thanking the City Council for their time.

Cody Stromberg began by referencing the discussion at the work meeting, which had just taken place. Mr. Stromberg expressed his adamant disagreement with the timeline that had been suggested by Assistant City Manager Haight regarding the five Development Agreements that were discussed. He then noted the pending citizen referendum relative to the vote that the City Council had taken on the General Plan. He stated that there was great consternation among the residents relative to the General Plan that was voted on and passed, hence the referendum. Mr. Stromberg said that by moving forward with the Development Agreements during the time the referendum was taking place, the purpose of having citizen involvement in government had been negated. Mr. Stromberg stated that there were three properties that were specifically at the core of discussion relative to the General Plan debate, and they had submitted Development Agreements to the City. If the City decided to move forward before the referendum process was complete, the action would be disingenuous on the City Council's part. It would also negatively impact the transparency of the City's governance. He urged the City Council to hold off on the three Development Agreements to give the citizen referendum and the newly elected City Council time to weigh in on what the next steps should be.

Kevin Bogdanow indicated that he lived in Rose Canyon and was a neighbour to David Murphy. Mr. Bogdanow stated that he wanted to echo the sentiments that the canyon was a natural amphitheatre. He noted that the neighbourhood was a working class neighbourhood where many people have to get up early to go to work. A reception center, which would be open until 11:00 p.m., makes this the wrong location for such a facility. He added that it was not aligned with the Master Plan and urged the City Council to stick with the original Master Plan and keep the area zoned residential.

Cindy Murphy stated that she had lived in Rose Canyon for about 22 years. She stated her opposition to the proposed reception center.

Misty Miller addressed the issue of public noticing. She indicated that she lived about 400 yards from the site of the proposed reception center, and she received no notification. Instead, she had to learn of the hearing from watching the news. She also received nothing in the mail. Ms. Miller noted that she does not participate in social media, so she depended on the noticing process of the City.

3. Mayor and Council Comments

3.1. City Council Board and Committee Reports

Councilmember Moser stated that the Unified Fire Service Area (UFSA) had indicated its intent to raise property taxes. She noted that the issue would be discussed at the October 17 board meeting at 9:30 a.m. at the UFSA Station 126, located at 607 East 7200 South, Midvale. The public hearing is scheduled for December 12 at 6:00 p.m. at the same station. The public information will be sent out via postcard.

Mayor Freeman reported that he had gone to Blackridge Elementary School and had made a presentation to two groups of third graders. He taught them about the City's history and governance. Mayor Freeman added that the reception center had been discussed at the City Council Work Meeting. He reiterated that the Planning Commission had recommended that the application be denied by the City Council. The action would require a change in zoning, and the City Council agreed in that denial, so there would be no action taken on changing that zoning.

When Councilmember Tischner asked if the matter would still come to the City Council as an agenda item, to which Assistant City Manager Haight stated that he was going to talk to the developer to see if he would like to not waste any more time on it. Councilmember Tischner then asked about following due process on the matter. If the developer wanted to challenge their decision, that would be their prerogative. Thus, it would appear on the agenda. However, during the work session the City Council's consensus was that the proposed site was not an appropriate location for a reception center. City Staff has been directed to encourage the developer to find a more appropriate location, preferably somewhere closer to the Mountain View Corridor area. Councilmember Henderson added that unless there were some significant changes to the application, the City Council members had indicated that they were not interested in talking about it. Therefore, it was now up to the applicant to decide whether or not to pull the application. Mayor Freeman indicated that all of the Councilmembers present were not in favor of approving the re-zone to the subject property.

Mayor Freeman expressed his appreciation for the Community Coordinator Program, which kicked off the previous Monday and also met on Tuesday to discuss the Adalynn and Dansie properties. In addition, Mayor Freeman noted that Mr. Young, who is over the Adalynn Development, wanted to inform the public that beginning October 9 through December 1, he would meet every Monday from 6:00 p.m. to 7:00 p.m. at the old City Hall Building to answer any questions and seek input for both the Adalynn property and for the 900-acre development

City Manager Wood reminded the residents that Wednesday of the next week there would be a Meet the Candidates Community Forum in the Community Room. He added that the night following this meeting there would be a work meeting with the Planning Commission and City Council in the Community Room. Discussion ensued on the planned format for the meeting.

4. Public Hearings and Action Items

4.1. Public Hearing and consideration of a resolution proposing an amendment to the 2017-2018 Herriman City fiscal year budget – Alan Rae, Finance Director

Finance Director Rae presented the proposed budget amendments as follows:

- Increase postage from \$16,000 to \$50,000
- Increase printing from \$5,000 to \$15,000
- Increase legal services from \$68,000 to \$93,000

New expenses, as discussed during the work session, include the following:

- Information Technology contract services of \$30,000
- Traffic study of \$10,800

- City Planner salary of \$45,000
- City Planner Payroll Burden of \$33,750

These adjustments would translate into a Fund Balance Reduction of \$188,550.

Finance Director Rae next presented the new Impact Fee Studies for each of the Impact Fees. He noted that these changes were necessary because of some of the things that had happened in the City. These changes would result in reductions of the Fund Balance. He enumerated the Impact Fees as follows:

- Park Impact Fees: \$20,000
- Storm Drain Impact Fees: \$15,000
- Road Impact Fees: \$30,000
- Water Impact Fees: \$25,000

He stated that these Impact Fees would also reduce the Fund Balance.

Finance Director Rae next explained that the City was going to exercise the option of building the Arches Park, so the Impact Fees would be increased by \$500,000 and the park construction would also be increased by \$500,000. That would result in no change to the Fund Balance.

Finance Director Rae then addressed property acquisition. He indicated that the City had been awarded more ACUB money than what had been projected. Therefore, he recommended raising the budgeted revenue for ACUB from \$5 million to \$6 million.

He then indicated that there were some property transactions, which would bring in \$21.2 million in developer contributions. Therefore, he requested an increase to Property Acquisitions by \$22.2 million, thereby resulting in an increase of Property Acquisition from \$5.342 million to \$27.542 million. The purchases would be contingent upon receipt of the money and would have no effect on the Fund Balance.

Finance Director Rae stated that the Water Department was requesting three capital items to be changed or added to the budget, as follows:

- Rosecrest Road Secondary Extension of 2,200 linear feet of a 12-inch pipeline at a cost of \$250,000
- Jordan Valley Zone 2 Connections increase by \$200,000 (from \$450,000 to \$650,000)
- Butterfield Parkway Secondary Extension of 2,400 linear feet of a 20-inch pipeline at a cost of \$550,000.

Those changes would result in a reduction to the Water Impact Fee in the amount of \$1 million.

Mayor Freeman noted that a lengthy discussion had taken place regarding these items during the work session just prior to this meeting. In response to Councilmember Tischner's request for an explanation on the

proposed postage increase, Finance Director Rae explained that the increase was the result of the substantial demand and resulting cost for mailing additional public notices.

Mayor Freeman opened the public hearing. There were no public comments.

Councilmember Moser moved to close the public hearing. Councilmember Henderson seconded the motion and all voted aye.

Councilmember Moser moved to approve Resolution No. R33-2017 Approving an Amendment to the 2017-2018 Herriman City Fiscal Year Budget, including the Information Technology Contract Service for \$30,000 and Traffic Study for \$10,800. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

- Councilmember Jared Henderson Aye*
- Councilmember Nicole Martin Absent*
- Councilmember Craig B. Tischner Aye*
- Councilmember Coralee Wessman-Moser Aye*
- Mayor Carmen Freeman Aye*

The motion passed unanimously with Councilmember Martin being absent.

5. Consent Agenda

5.1. Approval of the Monthly Financial Summary – Alan Rae, Finance Director

5.2. Approval of a resolution to amend the Policy and Procedures Manual regarding Employee Probationary Period – Travis Dunn, Human Resources Manager

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

The vote was recorded as follows:

- Councilmember Jared Henderson Aye*
- Councilmember Nicole Martin Absent*
- Councilmember Craig B. Tischner Aye*
- Councilmember Coralee Wessman-Moser Aye*
- Mayor Carmen Freeman Aye*

The motion passed unanimously with Councilmember Martin being absent.

6. Discussion and Action Items

6.1. Discussion and consideration of a proposed text change for Herriman City amending the approved fencing materials in the Land Use Ordinance (File No. 16Z17) – Bryn McCarty, City Planner

City Planner Bryn McCarty stated that the first text change related to fencing materials that are permitted and prohibited. The proposed text amendments made this section consistent with the entire City Ordinance. She briefly reviewed the changes and clarifications that had been proposed, as provided in her PowerPoint presentation. In response to Mayor Freeman’s question regarding whether or not the reinforced post and rail fencing in agricultural zones would be vinyl, City Planner McCarty replied in the negative. Mayor Freeman

stated that he didn't want vinyl fences because cows and horses would not be able to contain them. Discussion ensued on the possible need to clarify the type of fencing material that would be allowable in agricultural zones. It was determined that "excluding vinyl" would be added to the language that referred to fences for animals.

Councilmember Tischner moved to approve Ordinance No. 2017-43 amending the approved fencing materials in the Land Use Ordinance, including the Mayor's recommendation regarding vinyl fencing for areas enclosing animals. Councilmember Moser seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Absent</i>
<i>Councilmember Craig B. Tischner</i>	<i>Aye</i>
<i>Councilmember Coralee Wessman-Moser</i>	<i>Aye</i>
<i>Mayor Carmen Freeman</i>	<i>Aye</i>

The motion passed unanimously with Councilmember Martin being absent.

6.2. Discussion and consideration of a proposed text change to the Land Use Ordinance pertaining to Flag Lots (File No. 23Z17) – Bryn McCarty, City Planner

City Planner McCarty explained this text change had been under review for some time. She noted that there would be additional restrictions. In particular, the object of the change was to define and identify the purpose of flag lots. Also, applicants would have to demonstrate that a flag lot was the most appropriate development option. The proposed change stipulates that a flag lot shall not front on a collector or arterial street, which translates into a road wider than 66 feet. The text change also addresses the driveway length and specifies that it must be a hard surface. The lot must also include curb and gutter to deal with storm water. In response to Mayor Freeman's question about the definition of arterial roads, City Planner McCarty explained that arterial and collector roads are specifically defined in the Master Plan. Thus, even though a road might be 66 feet wide or wider, it might not be designated as an arterial or collector road.

In response to Mayor Freeman's question about how Old Herriman would be impacted by the text change, City Planner McCarty stated that part of Herriman is a curb and gutter exception area, so the exception would be applied to those areas. Those exception areas are identified in the City Ordinance.

Councilmember Moser moved to approve Ordinance No. 2017-44 to approve text changes to the Land Use Ordinance to amend the requirements for flag lots. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Absent</i>
<i>Councilmember Craig B. Tischner</i>	<i>Aye</i>
<i>Councilmember Coralee Wessman-Moser</i>	<i>Aye</i>
<i>Mayor Carmen Freeman</i>	<i>Aye</i>

The motion passed unanimously with Councilmember Martin being absent.

Following the vote, Mayor Freeman acknowledged Political Candidate Clint Smith, who is running for City Council District 2.

7. Calendar

7.1. Meetings

- September 28 – Joint Planning Commission/City Council Meeting 6:00 p.m.
- October 5 – Planning Commission Meeting 7:00 p.m.
- October 11 – City Council Work Meeting 5:00 p.m.; General Meeting 7:00 p.m.

7.2. Events

- October 16 – Herriman Howl and Trick or Treat Street; Crane Park 5:30 p.m.
- October 21 – Miss Herriman Scholarship Pageant; Herriman High School 7:00 p.m.

8. Closed Session (If Needed)

8.1. *The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

There was no Closed Session.

9. Adjournment

Councilmember Moser moved to adjourn the City Council meeting at 7:46 p.m. Councilmember Tischner seconded the motion and all present voted aye.

10. 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 September 27, 2017. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder