The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, April 11, 2018 at 5:00 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City’s website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Mayor David Watts

**Council Members Present:** Sherrie Ohrn and Clint Smith

**Staff Present:** City Manager Brett Wood, Assistant City Manager Gordon Haight, City Recorder Jackie Nostrom, Finance Director Alan Rae, Water Director Justun Edwards, Parks and Recreation Director Wendy Thomas, City Engineer Blake Thomas, Deputy Chief of Police Services Troy Carr, City Planner Michael Maloy, Unified Fire Chief Riley Pilgrim, City Attorney John Brems, Chief Building Official Cathryn Nelson, Events Manager Kevin Schmidt, Communications Specialist Destiny Skinner, Communications Specialist Mitch Davis, Streets Manager Ed Blackett, and Assistant City Planner Bryn McCarty.

**Excused:** Councilmember Jared Henderson, Councilmember Nicole Martin, and Director of Administration and Communications Tami Moody.

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

1. **Mayor and Council Social**
   1.1. *The Mayor and Council will meet for informal discussion and dinner. No action will be taken on any items.*

2. **Council Business – 5:15 PM**

Mayor David Watts called the meeting to order at 5:16 p.m. and welcomed those in attendance. He excused Councilmember Jared Henderson and notated Councilmember Nicole Martin would arrive late.

2.1. **Review of this Evening’s Agenda**

Staff and elected officials briefly reviewed the agenda. Mayor Watts requested Police Chief Carr comment on the specific incident that had occurred earlier in the week. The Council agreed.
2.2. Future Agenda Items

Councilmember Clint Smith asked when the Council would continue the discussion regarding the community session. City Manager Brett Wood confirmed the discussion would be scheduled for a future work session item for the Council to review in conjunction with the information presented by the Promise Foundation.

3. Administrative Reports

3.1. Wasatch Front Regional Council (WFRC) Report – LaNiece Davenport, WFRC Government Relations Manager

Wasatch Front Regional Council (WFRC) Government Relations Manager LaNiece Davenport reported on the function of their organization. She explained she would like to review Senate Bill 136 as regarding the transportation governance bill. The Bill is a significant forward thinking legislation needed for the future of Utah as it has been growing and changing. The bill would authorize funding for transit and local needs and would enhance the coordination of transportation, land use and economic development. Manager Davenport informed the Council the Utah Transit Authority (UTA) had been renamed to the Transit District of Utah and would change the board from 16 part-time members to three full-time members, which would be nominated by counties, appointed by the Governor and confirmed by the Senate to create a nine-member local advisory board. The bill would create a new Transit Transportation Investment Fund (TTIF) for transit capital projects which would be subject to legislative appropriations and require a 40-percent local match requirement. The state will transfer funding into the TTIF beginning July 1, 2019.

Manager Davenport reported three revenue options. Increased vehicle registration fees would be phased until 2021 for alternative-fuel vehicles, plug-in hybrids, electric vehicles, and hybrid electric vehicles. The registration fees for those said vehicles would be split between the District and to the city and county B&C roads. The additional funding going to the District would be used to partner with other entities to expand the availability of infrastructure for emerging vehicle technology. Once the road usage charge program has been implemented, the owners of the alternative fuel vehicles would be offered the option to participate in the program rather than having to pay the increased registration fees. The second revenue option would be for local option sales tax to be used for transportation which would make the referendum requirement for county imposition optional. If the County chose to impose the fourth quarter after May 8, 2018, the County would keep 100-percent of the revenues collected through June 30, 2019 to pay debt service or fund significant transportation or transit projects. After that date, the regular fourth quarter distribution would apply which includes: .10-percent to cities, .10-percent to the Transit District and .05-percent to the County. If the County does not impose the fourth quarter sales tax by July 1, 2020, Herriman City would have the option to impose the full quarter, with .125-percent going to the City and .125-percent going to the Transit District for transit within the County. Finally, the bill would also allow the authorization of a Transportation Reinvestment Zone (TRZ) to create an area with two or more public agencies by an Interlocal Agreement to capture increased property or sales tax revenue generated by the transportation infrastructure project.

Manager Davenport acknowledged the request of Salt Lake County to have a resolution approved by local municipalities expressing support for the imposition of the sales tax. Mayor Watts relayed his concern with increasing taxes. Councilmember Sherrie Ohrn referenced the referendum that failed due to the issues of public perception with UTA.

3.2. Wounded Warrior Update – Kevin Schmidt, Events and Recreation Manager
Events and Recreation Manager Kevin Schmidt explained the Wounded Warrior Project has been invited to have a booth at this year’s Fort Herriman PRCA Rodeo on June 2, 2018 during our Military Appreciation Night. They would have a space provided to them to inform the public about their work and services. The City invited the Wounded Warrior Project to provide tickets to veterans in the area that they work with. He explained if the Wounded Warrior Project and the Council felt it appropriate, they would be included in the Grand Entry of the rodeo. Manager Schmidt expressed his excitement to have them at the event. He also informed the Council of an upcoming service project “Herriman Proud” community service day to emphasized getting residents to have community pride. Councilmember Ohrn relayed her support and admiration of the Wounded Warrior Project. Mayor Watts liked their efforts to help with the facilitation to get veterans needed help.

3.3. Discussion relating to the Fireworks Restrictions – Riley Pilgrim, Unified Fire Authority Chief

Unified Fire Authority Chief Riley Pilgrim reviewed changes within the restrictions including the dates fireworks are allowed to be discharged, civil liabilities and the addition of a fine for negligent or reckless use of fireworks. He presented the map of recommended restrictions throughout the City which pose an imminent fire threat to the community. He explained he physically drove through the areas and recommended approval of the restrictions at the next City Council meeting. Councilmember Ohrn asked if residents who live in a restricted area could utilize a City park to light fireworks. City Manager Wood responded in the negative. Councilmember Smith asked if the REAL Salt Lake Academy would have to go through a permitting process to be able to incorporate a firework display. This was confirmed. The Council relayed their support of the recommendation.

3.4. Deer Mitigation Update – Justun Edwards, Water Director

Water Director Justun Edwards explained that the City Council voted to approve the Urban Deer Control Plan in conjunction with a Certification of Registration (COR) issued by the Division of Wildlife Resources (DWR) in 2015. The Urban Deer Control Plan and the COR would allow the City to use two methods to control the deer population within Herriman City limits. The City has maintained the contract with the DWR and the Mule Deer Foundation (MDF) to reduce the number of resident deer in Herriman.

Over the past three years, City staff has been working closely with the DWR and MDF to control the high number of resident deer within City limits. The two basic methods utilized are the lethal removal of deer with the use of archery equipment and non-lethal removal of deer, which would require the use of traps and relocate the animals. Director Edwards acknowledged the effectiveness of both methods being utilized and reviewed the annual cost and statistics of the program. Director Edwards asked the Council if they would support the continuation of the program and relayed the importance to continuing both methods for the program to be successful. He also thanked the DWR, MDF and Humphries Archery for their partnership, and relayed his appreciation to Water Supervisor Luke Sieverts and Water Operator III Austin Crane for the dedication in making the program successful. Councilmember Smith asked about the statistics of relocated animals. Director Edwards explained the survival rate of the relocated animals depends on the health of the herd, time of year and the amount of snow in the relocated area as water may be more difficult to find. The Council relayed their support of continuing the program.

3.5. Water Department Report – Justun Edwards, Water Director

Director Edwards explained of the previous Councils desire to expand the secondary water service area, particularly to areas of the City where dry water lines have been installed during development. The City developed a secondary
phasing plan to provide direction service to the most economically and feasibly lines first. A number of projects had been identified and approved during the 2017-2018 budget process. Those projects are in some stage of the construction process which consist of the construction and equipping of the Tuscany Well House and the installation of over 10,000 linear feet of water piping. The project would provide secondary water to an additional 410 lots and four parks and provide water to future development along the pipeline alignments.

3.6. **Follow-Up Discussion regarding McCuiston Avenue Neighborhood Meeting** – Blake Thomas, City Engineer

City Engineer Blake Thomas oriented the Council of the location of the unpaved McCuiston Avenue in west Herriman which had been annexed into Herriman in 2009. There has been a large amount of residential development in the Rose Basin area which, as a result, caused detrimental impacts to the existing section of the road. Engineer Thomas indicated there has been times the neighborhood has been interested to construct the full roadway improvements since incorporation. He referenced a neighborhood meeting that had been held on April 3, 2018 to discuss the roadway project with property owners who abut McCuiston Avenue. There were five property owners in attendance with the remaining four not available. The discussion introduced several requests to modify the roadway sections, adjust the preliminary design and to limit the impacts to private property. He further reviewed the misconceptions of the project. Councilmember Ohrn suggested the installation of curb and gutter would help alleviate some of the problems. City Manager Wood highlighted an interesting discovery that the right-of-way had been deeded over to the City to be used as a road according to the plat.

Engineer Thomas offered a brief synopsis of the meeting noting the majority of property owners in attendance were supportive of the project and one property owner was against dedicating the property without receiving compensation. Assistant City Manager Gordon Haight looked for direction from the Council. Mayor Watts relayed his belief the road would be installed if the right-of-way had been donated to the City. Councilmember Smith agreed and expressed appreciation to the residents for their desire to keep moving the project forward.

3.7. **Storm Water Management Program Audit Response Plan** – Blake Thomas, City Engineer

City Engineer Thomas indicated the Utah Department of Environmental Quality (UDEQ) provided the results of their audit of the City’s storm water management program and reviewed the control measures including:

1. Public education and outreach on storm water impacts
2. Public involvement and participation
3. Illicit discharge detection and eliminations
4. Construction site storm water runoff

He explained their audit response deadline has been scheduled for April 25, 2018 and reviewed the performance measures in each of areas. The key deficiencies found were written Standard Operating Procedures (SOP), documentation for training and public outreach, adopted storm water ordinance, spill response and follow-up tracking, information available to the public, consistent educational outreach, and in-house training did not meet their required standards. Engineer Thomas offered a brief overview of the response plan to address the deficiencies and what measures would be implemented to maintain compliance.
Engineer Thomas informed the Council he has requested a budget amendment for the allocation to conduct a rate fee study to help with this endeavor. Mayor Watts thanked staff for their best efforts to be in compliance.

3.8. City Manager Updates – Brett Wood, City Manager
City Manager Wood reported on the standoff between the Unified Police Department SWAT team and a man who had barricaded himself in a house adjacent to 7300 West. He noted the Risk Management Department would work with the family as the home had been significantly altered in the incident.

City Manager Wood extended condolences to the Skankey Family who lost their infant child in a tragic accident. Councilmember Ohrn reported an account had been set up for the family for individuals interested in donating to the family.

Director of Parks, Recreation and Events Wendy Thomas announced the rough cutting on the Sidewinder Trail had been completed, and volunteers will finish the handwork necessary. She thanked Trails Committee Chair Jo Darton for her diligent work.

City Manager Wood informed the Council of the necessity to nominate a temporary Mayor Pro Tempore when Mayor Watts and Councilmember Martin will be unavailable during the May 9, 2018 City Council meeting. Council consensus recommended Councilmember Henderson.

City Manager Wood informed the Council of the Unified Police Department (UPD) Finance Committee that had been formed to help get questions answered regarding their budget. He relayed the confusion when reviewing the budget documents. Councilmember Smith expressed the importance for staff to continue working with UPD to get answers relating to getting the level of service the City is entitled. He indicated if there is a deficit, how are the unexpended funds being allocated. Mayor Watts relayed his full confidence in the service being provided by our precinct officers, and the questions being raised are solely with the UPD. City Manager Wood indicated Herriman City has a solid team and are vetting out the concerns with the discrepancies. UPD Police Chief informed the Council he would try to provide the numbers being requested, and the department is here for the community. Councilmember Ohrn complimented the Herriman Police Precinct for their dedicated service.

4. Adjournment
Councilmember Ohrn moved to adjourn the City Council work meeting at 7:02 pm. Councilmember Smith seconded the motion and all voted aye.

7:00 PM - GENERAL MEETING:

1. Call to Order
Mayor Watts called the meeting to order at 7:08 p.m. and welcomed those in attendance. He excused Councilmembers Jared Henderson and Nicole Martin from the meeting.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
The Pledge of Allegiance was led by Scout Troop #4446.
1.2. Council Disclosure for Conflict of Interest

There were no conflicts of interest disclosed.

1.3. Mayor/Council Comments and Recognitions

Mayor Watts expressed condolences to the family relating to the tragic incident that occurred on Mountain View Corridor. He invited Police Chief Troy Carr to address the attendees prior to public comment for everyone to gain a better understanding of the situation.

Councilmember Smith reported he attended the Basket Bash over the previous weekend and commended staff for their hours of dedication planning events to benefit the community.

Councilmember Smith moved to reorder the agenda to allow for a presentation by Unified Police Department Chief Troy Carr followed by Agenda Item 4.2 Presentation of the 2018 Utah Recreation and Parks Association (URPA) Awards prior to the public comment portion of the meeting. Councilmember Ohrn seconded the motion and all voted aye.

2. Public Comment

Britney Mendel understood the accident on Mountain View Corridor had been caused by reckless driving and encouraged the Council, staff and residents to work together to alleviate dangerous intersections. She indicated many people walk across the road at this intersection and vehicles travel with excessive speed in the area. Ms. Mendel recommended the installation of an advanced warning sign to allow motorists time to prepare for the stop and to increase the transition time delay. She also recommended a merging lane onto Mountain View Corridor would help traffic ease into the flow. She thanked the Unified Police Department for increased traffic enforcement as Autumn Crest is the only ingress/egress out of the subdivision. She noted a sky bridge or underground tunnel would help pedestrians cross the road safely.

Katrina Jolley acknowledged the high number of accidents at the intersection and relayed her concern of the lack of additional entrances in and out of the neighborhood.

Tarlton Blair indicated he was at the scene and witnessed the collision. He agreed with Ms. Mendel’s recommendation to have an advanced warning signal be installed and requested the Council allocate budget funds for that purpose as it could be beneficial.

Alexander Blanchard requested additional speed limit signage be placed along Fort Herriman Parkway. He noted there are no signs going northbound.

Michael Strong explained the community has been grieving about the loss of one life. He noted he had been with the Los Angeles Police Department for a number of years, and affirmed that people sometimes don’t take others safety into consideration when making decisions. He asked the Council to continue to seek a remedy for potential similar issues and expressed his appreciation to law enforcement personnel.

Brad Palmer indicated he was a Utah Department of Transportation (UDOT) representative and acknowledged concerns in the area. He noted that UDOT was committed to safety and commenced an investigation of the area to
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resolve the issues. He relayed his desire to have community involvement and looked forward to scheduling a meeting to discuss solutions.

Raymond Wrigley thanked the Police Department and Fire Department who provided assistance in the area. He relayed his hope to solve the problem and address situations, and suggested the warning light may have made a difference.

Councilmember Ohrn thanked everyone for their comments and recommended solutions and relayed her desire to find a way to fix the problem as everyone in the community had been affected by the situation. Councilmember Smith relayed his condolences to the family and the personal loss felt throughout the community. Mayor Watts expressed his frustration with the situation and hoped the issue could be addressed.

Councilmember Smith moved to temporarily recess the City Council meeting. Councilmember Ohrn seconded the motion and all voted aye.

The Council reconvened the City Council meeting by consensus.

Police Chief Carr introduced an individual who played an important role in the situation and wanted to offer him the opportunity to speak to the Council. Mr. Scott Gurney recounted the tragic incident and noted that additional signage would not have mattered in this situation as there was no way the driver would have stopped. He suggested the Justice System failed the community as the driver shouldn’t have been allowed on the roads. He pleaded with the community to attend court hearings and thanked the Police Chief for spending time with him to be able to overcome what had happened. Mr. Gurney stated he would pray there would be justice.

3. Mayor and Council Board and Committee Reports

There were no reports.

4. Reports, Presentations and Appointments

   4.1. Unified Police Department Quarterly Report – Unified Police Department Chief Troy Carr

Unified Police Department Chief Troy Carr presented Mr. Dell Mickelson with the Citizens Action Award for his quick response and bravery in assisting the Unified Police Department (UPD) in making a difference in the community. The audience offered applause.

UPD Lieutenant Chad Reyes presented the Citizen’s Advisory Board (CAB) to the City Council to help the precinct engage with the community. The CAB consists of citizens selected throughout Salt Lake County to review problems, policies and issues to make a recommendation to the Sheriff. The Board functions as a communications bridge between the Sheriff and the communities. Lieutenant Reyes introduced the five board members present: Bethany Zeyer, Paul Fulks, Bill Sattree, Christopher Jolles, Justin Anderson. Mayor Watts thanked the citizens for their commitment to represent the community.

Chief Carr indicated the City had suffered a great loss with the accident that had occurred along Mountain View Corridor and extended condolences to the family. He notated the enforcement component of the situation was only a small portion of the incident and added the UPD has been taken a proactive approach in distracted driving. There
are engineering and educational factors that need to be taken into consideration. Mountain View Corridor is under the authority of the Utah Department of Transportation which does not allow a lot of local control. He presented a synopsis of the citations offered along the roadway depicting the performance standard had increased dramatically. He observed the concern with the specific intersection and acknowledged the enforcement efforts had been concentrated to the south of this location. Chief Carr reviewed the reportable accidents that had significant damage, criminal acts, or had injuries sustained. He observed a “Heat Map” outlining the high-risk areas for traffic accidents and noted that the accidents that have occurred at the intersection are dramatic due to the speed of vehicles.

He touched on the amounts of traffic accidents along Rosecrest Road and noted high traffic intersections would cause more accidents. City Engineer Blake Thomas concurred. Chief Carr stated the UPD would continue enforcement actions in the area. He explained to the audience this situation is in the preliminary stages of the investigation; however, this incident was caused by an individual who did not attempt to stop for the red light causing the horrific multi-vehicle accident. He observed the combative nature of the individual who had been apprehended. Chief Carr recalled the family in the vehicle who had been severely injured and the infant who did not survive. He acknowledged charges would be filed against the individual responsible soon. Councilmember Smith commended Chief Carr along with the Unified Police Department and Unified Fire Authority for their professionalism shown in difficult situations. He thanked them for their ability to listen to residents and put a plan into action to address concerns. Councilmember Smith said these situations are concerning to the Council as they try to do everything in their power to help keep residents safe. Chief Carr thanked the Council and pledged to continue making the community a safe place to live. Councilmember Ohrn expressed her appreciation for the UPD and UFA for their willingness to help in these situations and acknowledged the decision made by a person who chose not to pay attention and disregarded the safety of other individuals. Mayor Watts looked forward to working with the community and the Utah Department of Transportation to address concerns and come to acceptable solutions.

Chief Carr talked about the monthly trending data and contributed the significant increase of calls to the growth. Councilmember Ohrn asked if those figures were comparable with other communities similar in size. Chief Carr responded in the affirmative and anticipated to see continual increase with the trend as the City gets larger. He continued with a breakdown of personal crimes for the first quarter of 2018 and noted the high level of those types of crimes throughout the area.

Chief Carr reviewed the staffing situation for the Herriman Precinct. The Investigations unit has been very active and started with four vacancies throughout UPD, three of which, are in Herriman City and the other vacancy in the Southwest Area. He informed the Council of Officer Ken Cannon’s retirement, Officer Robert Osmond’s resignation, and Officer Scott Lauritzen’s reassignment. Councilmember Smith asked how long it has been since Herriman Precinct was fully staffed. Chief Carr indicated that during his tenure as the Herriman Chief, the Precinct has never been fully staffed. Mayor Watts asked if the City has been paying for those positions. Chief Carr responded affirmatively and informed the Council he was unaware when the positions would be filled. He acknowledged the Herriman Precinct had the most vacancies within the UPD force; however, it would not guarantee officers would be assigned to Herriman after training has been completed. Mayor Watts relayed his concern of the vacancies. Chief Carr indicated he has been working to influence UPD to not have Herriman be in such a deficit. Councilmember Smith asked if the unspent funds come back to the Herriman Precinct. Chief Carr responded in the negative. Councilmember Ohrn expressed her concern of overtime staffing of officers as they already have a stressful situation. Chief Carr expressed appreciation of her concern. Councilmember Smith felt it was disproportionate for Herriman City to be
Chief Carr congratulated Madi Montgomery for her contest-winning design for the new D.A.R.E (Drug Abuse Resistance Education) vehicle. He indicated Interstate Image donated the wrap for the vehicle. Chief Carr presented the goals for the Herriman Precinct to meet the demands of public safety especially for patrol officer allocations in order to meet the shift minimums. He offered an overview of the department accomplishments to be a more proactive police force. He also informed the audience the department would allow for the residents to use the decommissioned laser guns, if requested.

4.2. Presentation of the 2018 Utah Recreation and Parks Association (URPA) Awards – LeeAnn Powell, URPA Executive Director

Utah Recreation and Parks Association (URPA) Executive Director LeeAnn Powell thanked the Council for the opportunity to present the 2018 URPA Award. She relayed her admiration for Herriman City staff for their work. She presented Herriman City Arts Council Vice Chair with the 2018 Utah Recreation and Parks Association Award for volunteerism and thanked her for her service. The audience offered applause.

Director Powell informed the Council of the Utah Recreation and Parks Association Innovation of the Year Award and presented it to the special guest of honor, Yeti. The audience offered applause.

4.3. Presentation of the Arbor Day Proclamation – Anthony Teuscher, Parks Manager

Parks Manager Anthony Teuscher introduced himself to the Council and highlighted the accomplishments of the department that allowed the City to receive the title of Tree City USA. He outlined benefits trees provide to the community. Manager Teuscher recited the 2018 Arbor Day Proclamation.

Councilmember Ohrn moved to approve the 2018 Arbor Day Proclamation. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Henderson and Martin being absent.

4.4. Presentation of the Child Abuse Prevention Proclamation – Brett Wood, City Manager

City Manager Brett Wood introduced Family Support Center Executive Director Jeff Bird who received the Child Abuse Prevention Proclamation.

Councilmember Smith moved to approve the 2018 Child Abuse Proclamation. Councilmember Ohrn seconded the motion.
The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Henderson and Martin being absent.

4.5. **Presentation of the Fair Housing Month Proclamation** – Michael Maloy, City Planner

City Planner Michael Maloy explained that today is the 50th anniversary of the Fair Housing Act. The month of April is nationally recognized as Fair Housing Month, and is a time to reflect on the national commitment to the idea that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability. The proclamation denoted a collaborative effort with HUD and its housing partners in realizing increased housing opportunities for every individual.

Councilmember Ohrn moved to approve the 2018 Fair Housing Month Proclamation. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Henderson and Martin being absent.

4.6. **Presentation of the 2018-2019 Herriman City Tentative Budget** – Alan Rae, Finance Director

Finance Director Alan Rae presented the tentative budget for year 2018-2019 and revised budget for year 2017-2018. He commended the communications staff for their efforts in helping with the budget document. He indicated the tentative budget is a working document for the Council to offer input prior to the budget document being released to the public. The overall budget had decreased. Director Rae referenced the budget schedule. Mayor Watts thanked the staff for their efforts regarding the budget. City Manager Brett Wood thanked all of the Directors and Managers involved in creating the budget document.

5. **Consent Agenda**

5.1. **Approval of the March 14, 2018 City Council Meeting Minutes**

5.2. **Consideration of a Resolution Adopting a Revised Organization Chart** – Brett Wood, City Manager

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

The vote was recorded as follows:

Councilmember Jared Henderson   Absent
6. **Discussion and Action Items**

6.1. **Discussion and consideration of an ordinance amending the Herriman City 2025 General Plan** – Michael Maloy, City Planner

On January 10, 2018, the Herriman City Council directed staff to initiate an amendment of the Herriman City 2025 General Plan Amendment to facilitate planning for commercial growth within the City. More specifically, the City Council requested the Planning Commission, City staff, and the public, consider the following amendments to the Future Land Use Map for approximately 1,350 acres of property.

1. 45 acres along 11800 South & 6000 West Single Family, & Medium Density to commercial
2. 10 acres at Anthem Park Blvd & Freedom Park Drive from high density to commercial
3. 15.5 acres at Herriman Blvd & 5600 West Public Commercial
4. 25 acres at Herriman Boulevard & Main Street Single Family Commercial
5. 60 acres along Mountain View Corridor (PRI) Single Family Commercial
6. 100 acres at Juniper Crest & Mountain View Corridor Mixed Use, and Public Commercial
7. 40 acres at Mountain View Corridor & Academy Pkwy Medium Density Commercial
8. 35 acres near Porter Rockwell Blvd Single Family Light Industrial/Business Park
9. 20 acres adjacent to Porter Rockwell Blvd Mixed Use Commercial
10. 1,000 acres of Kennecott Property (potential annexation) Residential (various) Light Industrial/Business Park

The Planning Commission met on March 15, 2018, and voted 4-0 to recommend approval of application G2018-001 to amend the Future Land Use Map of the Herriman City 2025 General Plan with the following exceptions:

- Number 3 should not be amended as proposed at this time. The proposed amendment should be reconsidered during a future comprehensive review of the General Plan;
- Number 4 should not be amended as proposed at this time. The proposed amendment should be reduced and reconsidered during a future comprehensive review of the General Plan; and
- Number 5 should not be amended as proposed at this time. The proposed amendment should be removed and reconsidered during a future comprehensive review of the General Plan.

Mayor Watts asked if area three was already zoned commercial. Planner Maloy confirmed and noted that zoning conditions could be placed on the property to help mitigate concerns. He added that the community responded well to the recommendation. Councilmember Ohrn agreed. Councilmember Smith asked about the concerns regarding areas four and five. Planner Maloy indicated neighboring property owners around area four wanted more a mixed use component on the property. The Planning Commission suggested it should be studied further as they felt there was too much potential commercial property within the City.

Councilmember Smith expressed appreciation to staff for their efforts on this proposed amendment. He understood the views of the Planning Commission regarding their concern of having too much commercial zoning and referenced the recent study that had been conducting confirming the statement. He explained he would not want to miss out
on an opportunity to have commercial development in specific areas of the City. Mayor Watts agreed and added the City would have the option to move forward and study viable locations. He relayed his support to correct the General Plan to match current zoning designations and would be willing to work with residents to study the viability of having a mixed use component in some areas. Councilmember Smith indicated that commercial development would be best suited along major transportation corridors and within a certain proximity to City Hall. He relayed his willingness to look at multiple uses. Councilmember Ohrn agreed and relayed her support to review all of the areas during the future rendition of the General Plan, but did not want to lose out on critical opportunities. She indicated it was appropriate to amend the General Plan to have the current zoning designation match. Mayor Watts indicated this amendment was the first step needed prior to the review of the entire General Plan. He recommended the City needs to create a vision and maintain that stance.

Councilmember Smith moved to approve Ordinance No. 2018-16 amending the future land use map of the 2025 General Plan to include all ten parcels as outlined. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Henderson and Martin being absent.

6.2. Discussion and Consideration of an Ordinance Declaring Approximately .62 Acres of Real Property Located at or near 7068 West Rose Canyon Road Herriman, as Surplus, and Determining that a Trade for 1.36 Acres of Real Property Located at or near 7068 West Rose Canyon Road is in the best interest of the City and the Consideration is Adequate Based on Public Policy Factors – Blake Thomas, City Engineer

City Engineer Blake Thomas informed the Council that staff has been coordinating with a representative from the Unified Fire Authority (UFA) to swap property located at approximately 7100 West Rose Canyon Road. This swap would provide Herriman with the needed right-of-way and area for storm water storage for the future construction of 7300 West. Staff presented this proposal to the City Council in work meetings on January 10, 2018 and March 14, 2018 and was provided direction in those meetings to continue working with UFA to exchange the property. In order for the exchange of property to occur, the City Council would be required to declare the property as surplus. Engineer Thomas indicated the parcel that is asking to be declared as surplus property is 0.62 acres and would be traded for 1.53 acres, not 1.36 as previously discussed.

The exchange would provide the City with the ability to provide a detention pond for the new 7300 West roadway, when it is constructed, and the right-of-way needed to construct the roadway. In return, UFA will be left with an adequately sized parcel to construct a fire station at some time in the future. There will be a separate inter-local agreement to outline the specifics about the property exchange.

Councilmember Ohrn moved to approve Ordinance No. 2018-17 declaring approximately .62 acres of real property located at or near 7068 West Rose Canyon Road, as surplus, and determining that a trade for 1.53 acres of real property located at or near 7068 West
Rose Canyon Road is in the best interest of the City and the consideration is adequate based on public policy factors. Councilmember Smith seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson   Absent
Councilmember Nicole Martin   Absent
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts    Aye
The motion passed unanimously with Councilmember Henderson and Martin being absent.

6.3. Discussion and Consideration of a Resolution Approving and Interlocal Cooperative Agreement between the Local Building Authority of the Salt Lake Valley Fire Service Area and Herriman City for the Exchange of Real Property – John Brems, City Attorney

City Attorney John Brems informed the Council the Interlocal agreement provides the mechanism to trade approximately 1.53 acres of Unified Fire Authority (UFA) property for 0.62 acres of Herriman City property. To account for the discrepancy in acreage being traded between the parties, UFA is requesting that Herriman City agree to the following conditions:

- Install or reimburse UFA for sidewalk, park strip landscaping/irrigation, street lighting along the frontage of the UFA property.
- Provide two culinary water stubs to the UFA property.
- Provide one sanitary sewer lateral to the UFA property.

Herriman City would be responsible to fund the improvements when the fire station has been constructed. The agreement does not allow these conditions to pass on to a new owner if UFA decides to sell the property. Attorney Brems relayed his opinion this transaction would be an equitable trade. He also reviewed the technical amendments of the Interlocal Cooperative Agreement and indicated deeds would need to be inserted into the document. He confirmed there were no substantive changes to the agreement.

Councilmember Smith asked if the UFA decided to sell the parcel the additional improvements would not be carried on to the new buyer. This was verified. Councilmember Ohrn asked if the provisions should be transferrable. Councilmember Smith indicated he was looking for clarification. Attorney Brems indicated the provision could be modified under Council direction.

Councilmember Smith moved to approve Resolution No. R21-2018 approving an Interlocal Cooperative Agreement between the Local Building Authority of the Salt Lake Valley Fire Service Area and Herriman City for the Exchange of Real Property and allowing for the City Attorney to make technical changes to the Agreement and insert the legal maps. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson   Absent
Councilmember Nicole Martin   Absent
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts    Aye
6.4. Discussion and Consideration of a Resolution Authorizing Eminent Domain Proceedings with Respect to Herriman Main Street – John Brems, City Attorney

City Attorney Brems reviewed the state statute relating to Eminent Domain proceedings to offer an opportunity for the property owners to speak on the matter.

Mr. Ron Hepner indicated he was representing individuals that had been affected by the action. He reviewed the history of the proceedings and noted that intend to follow through with the negotiation. He explained property owners received an offer from the City based on an appraisal that had been conducted, and added the landowners have not agreed with the valued price. Mr. Hepner indicated the property owners have been working to get an independent appraisal conducted by an independent appraiser to be able to negotiate with the City. He indicated the letters noting the City has looked to eminent domain had caught them off guard. He indicated the parcels should be looked at with real values instead of assumptions that could be agreed upon.

Mr. Andrew Peterson representing Mr. Joel Peterson indicated he had been in constant contact with the City and several staff members and was not opposed to the road being installed as it would be in the best interest of the City. He indicated they would like fair market value and is willing to negotiate the price. He reiterated that a third party appraiser is reviewing the property as they would like to have compensation for the true value of the property.

Mr. Josh Winn spoke on behalf of Ms. Diane Thomas asking the Council not to take such an aggressive approach as the property owners have been working through a process and added the independent appraisal would be completed next Monday. He noted he hoped to see something in the appraisal that would be palatable for the City as well as the property owners as he felt they weren’t asking for an exorbitant amount. Mr. Winn indicated they have maintained good will and are not being uncooperative and would prefer to work with the City. He acknowledged he had been in contact with the State Ombudsman office to ensure they have the ability to conduct their due diligence. He requested the Council consider holding off on the eminent domain and allow discussions with staff to continue.

City Attorney John Brems informed the Council he has drafted five separate purchase agreements on the property and Staff Engineer Jory Howell had been involved with the negotiations. He explained this process was not an absolute step, but one step to follow in order to find a resolution. Councilmember Smith asked Attorney Brems if he had been aware of the independent appraisal. Attorney Brems responded in the negative, and noted the City had paid for an appraisal that had been conducted by an appraiser selected by the property owners. He explained this property situation has been difficult for negotiations. Mayor Watts asked if the property owners had counter-offered. Engineering Coordinator responded in the affirmative and added a second appraisal had been conducted and a new offer had been extended. He indicated the property owners refused the second offer of roughly $830,000. Councilmember Smith asked for a timeline of the last offer. Engineering Coordinator responded the last offer was extended March 15, 2018 and a collective response was not given to the City. He indicated the property owners wanted the appraisal to be conducted with a residential designation as it is currently zoned A-1.

In response to Councilmember Ohrn’s request, Attorney Brems reviewed the statutory requirements of the process. Councilmember Ohrn indicated as the 30-day requirement hasn’t lapsed there would still be time for negotiations and relayed her desire to continue negotiations. Mayor Watts questioned the date of the most recent appraisal. Attorney
Brems responded February 21, 2018 and reiterated the property owners had selected the appraiser. Councilmember Ohrn indicated the property owners stated there was a communication disconnect and they had been surprised with the eminent domain proceedings and asked about the discussions with the property owners. Staff Engineer Howell indicated he had not spoken to the group collectively; however, he has not been told of their willingness to sell the property. There has been a push for representation for all property owners for discussions to be conducted with Mr. Josh Winn. The owners present agreed. Mr. Winn acknowledged to working with all of the land owners and explained he was a professional developer. Councilmember Smith asked if he had any relationships with these individuals outside of this transaction. Mr. Winn responded in the negative, and added he has been working with the group for about four months. Councilmember Smith asked if the recommendation for the appraisal was initiated by the group or him. Mr. Winn responded both parties requested to have another appraisal conducted as he felt the appraisal process had not been followed. He suggested no property owner had been consulted after the property had been re-evaluated and added there could have been a potential conflict of interest of the selected appraiser. Councilmember Smith disagreed and affirmed the City would not pay nothing more or less than the appraised fair market value of the property. Mr. Winn expressed his belief that the appraisal did not represent the current fair market value. Attorney Brems interjected the appraiser selected had never had a working relationship with the City and had been approved by the group of property owners. Councilmember Smith asked Mr. Winn to clarify his concern of the appraisal not being valid. Mr. Winn indicated that raw property has doubled in value.

In response to a question posed by Mayor Watts, Assistant City Manager Haight informed the Council this offer was the highest of all property purchase transactions in the area. He noted the City has other properties in the area under contract for purchase for a lesser amount. Those transactions had been conducted within the last two months. Mr. Winn insisted the City would have the ability to pay what the property is worth to the property owners. Mayor Watts reiterated the City could not pay above or below the appraised market value. Councilmember Smith reviewed the his understanding of the recent comparable property purchased. Mr. Winn suggested the data would only be available if the transactions had been publically disclosed.

Councilmember Smith asked if passing a resolution regarding eminent domain would take away the ability to negotiate with the property owners. Attorney Brems responded in the negative and encouraged the continuation of negotiations to be able to pay fair market value. Councilmember Smith asked if those negotiations could include their updated independent appraisal. This was confirmed. Councilmember Ohrn asked what the benefit would be to move forward with the approval of this resolution. Attorney Brems responded the resolutions would allow the process to continue if the negotiation process breaks down. He recommended the Council add language into their motion to request negotiations to continue.

Mayor Watts expressed his concern of taking an individual’s property and balancing the rights of the property owner compared to the needs of the City. Assistant City Manager Haight indicated the property owners have been great and the City has been looking at commercial projects in this area where the City has to commit the infrastructure. He emphasized the timing of this project was of the imperative. Councilmember Smith clarified that there would be significant long-term implications.

Councilmember Smith agreed with the comments offered by Mayor Watts regarding property rights. He noted the City Council had been elected to make difficult decisions and to be able to do what is in the best interest of the community. Ultimately, the Council would be held accountable to the residents and explained the community has
been concerned with creating a tax base to be sustainable. He empathized with the property owners and thanked them for sharing their views on the issue with the Council and expressed his desire to continue good faith discussions. He indicated the goal would be to maintain being fiscally responsible while paying fair market value for the property.

Attorney Brems indicated the City would have to wait 30 days after the offer had been extended to file for eminent domain action. He explained if the new appraisal is received, the process timeline would reset. Mayor Watts expressed his hesitation to consider eminent domain proceedings; however, it was the responsibility of the Council to make a decision and the land had been designated as a road. He relayed his desire to continue conversations with the property owners to ensure they would receive the appropriate compensation.

Councilmember Ohrn asked if the property owners rejected the offer that had been extended. Staff Engineer Howell indicated he had received mixed messages from the property owners. Mayor Watts asked the property owners and their representatives if they were rejecting the second offer. The affected individuals responded in the affirmative. Councilmember Ohrn confirmed all property owners had rejected the offer as they were waiting for their independent appraisal which is due to be delivered the following Monday. The property owners agreed with the clarification.

Mayor Watts asked for a recommendation from legal counsel when the action would be filed and if it would allow for enough time to review their independent appraisal. Attorney Brems recommended the filing date to be set at April 30, 2018. Councilmember Ohrn clarified the extension of the filing would allow for the ability to continue negotiations.

_Councilmember Smith moved to approve Resolution No. R22-2018 authorizing Eminent Domain Proceedings with respect to Herriman Main Street with the following conditions. 1. City continue to negotiate in good faith with the property owners and to consider the independent appraisal which is due next Monday, and 2. No formal legal action would take place prior to April 30, 2018 to allow the City the protection needed with other timeline commitments while allowing time for good faith negotiations to take place. Councilmember Ohrn seconded the motion._

The vote was recorded as follows:

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

The motion passed unanimously with Councilmembers Henderson and Martin being absent.

Councilmember Ohrn indicated her reasoning to move forward with the proceedings is due to the time sensitive issues to be able to get the economic development necessary in the area. She relayed her concern of the City’s dependence on one-time monies and the City needed to do something to help with commercial development in the community. She sympathized with the position of the property owners and shared her intent to operate in good faith and make sure they are compensated equitably.
7. **Calendar**

7.1. **Meetings**

7.1.1. April 18 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.
7.1.2. April 19 – Planning Commission Meeting 7:00 p.m.

7.2. **Events**

7.2.1. April 15 – Thomas Butterfield Scholarship Application Deadline
7.2.2. April 28 – Community Service Day

8. **Closed Session**

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

Councilmember Smith moved to temporarily recess the City Council meeting to convene in a closed session to discuss the pending or reasonable imminent litigation, and the purchase, exchange or lease of real property as provided by Utah Code Annotated §52-4-205 at 11:44 p.m. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Councilmembers Henderson and Martin being absent.

The Council reconvened by consensus at 12:04 a.m.

9. **Adjournment**

Councilmember Smith moved to adjourn the City Council meeting at 12:04 a.m. Councilmember Ohrn seconded the motion and all 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 April 11, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder