SPECIAL CITY COUNCIL MINUTES

Wednesday, May 16, 2018
Approved June 20, 2018

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, May 16, 2018 at 5:00 p.m. in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City’s website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Pro Tempore Nicole Martin

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

Council Members Present via Phone: Mayor David Watts

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight and Director of Administration and Communications Tami Moody, Finance Director Alan Rae, Water Director Justun Edwards, Parks and Recreation Director Wendy Thomas, Operations Director Monte Johnson, City Engineer Blake Thomas, Deputy Chief of Police Services Troy Carr, City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Unified Fire Chief Riley Pilgrim, Chief Building Official Cathryn Nelson, Communications Specialist Destiny Skinner, Communications Specialist Mitch Davis and City Recorder Jackie Nostrom.

5:00 PM – SPECIAL WORK MEETING: (Fort Herriman Conference Room)

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

2. Council Business – 5:15 PM
Mayor Pro Tempore Nicole Martin called the meeting to order at 5:26 pm. She noted Mayor Watts was in Washington D.C. and would try to attend electronically.

2.1. Review of this Evening’s Agenda
Staff and elected officials briefly reviewed the agenda. Councilmember Smith stated item 6.2 on the agenda would have a lot of public interest, and he suggested they hold any public comment on 6.2 to coincide with that item. Mayor Pro Tempore Martin agreed.
2.2. Future Agenda Items
There were no future agenda items requiring discussion.

3. Administrative Reports
3.1. Discussion of the fiscal year 2017-2018 and proposed 2018-2019 Unified Police Department Budget and Level of Service - Brett Wood, City Manager

City Manager Brett Wood commented there were concerns about receiving the best service for the amount the City was paying. He asked Financial Director Alan Rae to discuss the benefit of paying for the Unified Police Department’s services. Director Rae stated they paid for 18.5 officers and only 13 serviced within the community. He said this wasted a large amount of money. City Manager Wood expressed his concern about the amount of service they were receiving for how much money spent. He said there was not good accountability to know if officers’ shifts were covered. He stated the sergeant alone covered many of the shifts; one officer was not good enough. He said they were offering other Unified Police Department (UPD) officers to fill the shifts in Herriman. Director Rae explained the new budget proposed 1.5 additional officers and they would pay for these officers whether or not the positions become filled. City Manager Wood stated they were putting together a model to staff those positions. He explained the current equations used to determine an officer’s allocation did not ensure the City would get an officer.

Councilmember Smith asked what factors were used in the equation. City Manager Wood said there were several factors including the precinct level and call volume, to name a couple. He said they did not want to pay for an officer and have the position vacant in the City. He noted the City had a low call volume and therefore they lacked officers regularly.

Councilmember Martin clarified they were paying for the officers they did not have. Councilmember Ohrn stated they were also paying for the equipment without it being utilized. Councilmember Smith asked if equipment was factored into first year costs of hiring new officers, to which City Manager Wood responded in the affirmative. He explained the cost included equipment, the full vehicle, and a surcharge. Councilmember Smith asked if they would pay for the equipment replacements the following year, to which City Manager Wood answered yes. Councilmember Smith stated that the City was paying for an officer and their equipment that they never received and then for the equipment replacements they never used. City Manager Wood said this statement was accurate. Councilmember Smith asked about the replacement schedule for vehicles and equipment. City Manager Wood explained that the departments based their replacements off a point system.

Councilmember Henderson stated that they had discussed the numbers for the new officers and the costs of the maintenance and replacement of vehicles they did not receive. He explained they were told they would be compensated with officers that were given overtime hours. The Sheriff stated they would fill neglected areas at 70-percent. He said they were only filling their hours at a rate of 30-percent to 50-percent.

Mayor Pro Tempore Martin asked City Manager Wood to give a brief history of their relationship with the UPD and SLVLESA. Councilmember Smith stated this conversation was not reflecting on the officers serving Herriman. He said this was a financial administrative matter to ensure responsible use of the taxpayer funds. Mayor Pro Tempore Martin suggested they begin discussing item 6.2 with a brief overview of the situation. Councilmember Henderson
agreed to give the overview. Councilmember Ohrn stated this was more than a financial issue because the positions filled in the City were officers on overtime. She said this was a high stress job and overtime only made that worse. She said this was concerning to the safety of the residents.

Councilmember Henderson said they were concerned about deciding on this matter soon due to the budget deadline. He noted there were opinions that it was too late to make changes for this year.

3.2. Discussion of the concept to prohibit subdivision amendments to preserve existing large lots – Michael Maloy, City Planner

During the April 19, 2018, Planning Commission meeting, members of the Commission expressed interest in prohibiting subdivision amendments within previously recorded subdivision plats. Based on brief informal discussion between the Commission and staff, it is the understanding of staff that this concept is being proposed for the following purposes: Preservation of existing agricultural and residential parcels within the City, and to increase predictability of future development and land uses within existing neighborhoods. Whereas the Planning Commission’s objective is the preservation of existing agrarian, equestrian, and low-density land uses, staff recommended this issue be studied during the forthcoming General Plan amendment process rather than amending or removing existing subdivision amendment standards.

City Planner Michael Maloy stated there was concern expressed by the Planning Commission to find ways to preserve large lots in the City. He said it was suggested they suspend subdivision amendment regulations. He noted this was an unusual proposal. He explained this could be accomplished through the General Plan amendment. He said there could be great potential for unintended consequences.

It was stated there was need to encourage certain types of development. The Council discussed the concerns of the method by which they enforced this type of City planning. Councilmember Ohrn explained they could not change the land use intent so they would not end up with much change. Councilmember Smith explained their goal was to prevent single lot subdivisions. Councilmember Henderson said there was language that could be incorporated in the amendment for the preservation of large lots.

3.3. Discussion of Potential General Plan and Zoning Map Amendment for Commercial Office Development at approximately 5101 West 11800 South – Michael Maloy, City Planner

The Utah Department of Transportation (UDOT) recently sold 27.97± acres of public property located approximately at 5101 West 11800 South to DAI for private development. The property has been designated as “Parks and Recreation” in the General Plan, and A-1 Agricultural on the Zoning Map. To allow commercial development of the subject property, the General Plan and Zoning Map must be amended.

According to information from the property owner, approximately 11.53 of the 27.97 acres is suitable for “vertical” development, such as office buildings. The remaining 16.44 acres would be reserved for horizontal development, such as vehicular circulation, parking lots, landscape buffers, pedestrian sidewalks, and public trails. Regarding access, the property owner intended to access the northern portion of the property from 11800 South, and the southern portion from Mountain View Corridor with a “right-in right-out” restriction. Access from or to the abutting residential neighborhood would likely be limited or prohibited altogether.
Without the benefit of a property report or any level of detailed analysis, the location of the subject property appeared to be suitable for development. Staff sought direction from the City Council on whether to initiate a study to amend the General Plan and Zoning Map to facilitate future commercial development. Planning Department recommended the City Council discuss the opportunity for commercial development on approximately 27.97 acres of private property located roughly at 5101 W 11800 South.

City Planner Maloy presented the staff report and explained this property was owned by UDOT, and later sold to a private developer. The developer wanted to know what they could do with the land. He noted the City would not encouraging re-zoning for multi-family development. He asked the Council if there was interest in re-zoning the property to commercial. He noted there was public interest in the property for trails to which the developer would be willing to work with the City to accommodate trails. He stated the developer committed to not create an access through the residential areas. The applicant would file the amendments for the zoning and general plan.

Mayor Pro Tempore Martin asked if there would be any revenue generated from a storage facility. City Planner Maloy responded that there would be very few retail benefits. Councilmember Henderson said the residents in the area were against a storage facility. He noted this was a difficult area to develop and they were in favor of office buildings. City Planner Maloy said he thought the larger concern was an access through the neighbourhood. The developer was not proposing this access. He explained they were also proposing to buffer their property from the residential area. After subsequent discussion, Council consensus was that they were willing to discuss the developer’s options. Councilmember Henderson stated storage facilities should only be built where no other commercial facilities could be built.

3.4. Update on proposed Herriman Crossroads Development Agreement for approximately 113 acres located at or near 16750 South Camp Williams Road (Redwood Road) – Michael Maloy, City Planner

The applicants, Ken Olson and Gary McDougal, proposed a development agreement for approximately 113 acres of property located on Camp Williams Road (Redwood Road). They previously submitted a land use application for 266 units of apartments and town homes but would like to propose a different plan—a development agreement—that would outline the type of units to be developed and a timeline for each phase. Whereas the proposed development agreement does not require a general plan amendment, zoning amendment, or planned development approval, the development agreement does not require a recommendation from the Planning Commission. However, because the development agreement contains design guidelines, the City Council requested the Commission review the proposal and make a recommendation for Council consideration. During a Planning Commission work meeting held on April 19, 2018, the applicants presented their proposal to the Commission for review and further.

As previously stated, approximately 36 acres of property is zoned R-M Multi-Family Residential. This would allow up to 20 units per acre on the entire property, or approximately 700 units of apartments. The developer currently has a pending application for 266 units of apartments and townhomes on 13 acres of property in the R-M zone. The MU-2 portion of the property could be developed at 10 units per acre, for an additional 600 residential units. This would be approximately 1,300 dwelling units over the entire project. The developer has suggested that they would be willing to put that application on hold and enter into a development agreement to outline development type and
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Phasing on the property. The development agreement would include a site plan that requests 1,002 units. The Council previously discussed the agreement and asked to see more details on the amenities that would be included in the project. The developer has amended the development agreement to include information regarding the various amenities and lifestyle that would be provided. The draft development agreement stated the project would be developed in five phases, as outlined below:

- Phase 1 - comprised of 156 townhome units on approximately 13 acres. Density equals 12 units per acre.
- Phase 2 - 20 acres of commercial development.
- Phase 3 - comprised of 396 stacked dwelling units located on approximately 22 acres. Density equals 18 units per acre.
- Phase 4 - 25 acres of commercial development.
- Phase 5-A & 5-B - For purposes of density allocations under the proposed development agreement, phases 5-A and 5-B will be treated as one phase. Phase 5-A will be comprised of 120 townhome units located on approximately 12 acres within the property. Density would equal 10 units per acre. Phase 5-B will be comprised of 330 stacked units located on approximately 33 acres within the property. Density would equal 10 units per acre. When combined the two phases will have a maximum of 450 units on 45 acres.

Although the Planning Commission has not offered a recommendation on the proposal, staff wished to update the City Council on the status of the project. City Planner Maloy presented the staff report and stated during the most recent Planning Commission meeting they discussed the latest rendition of the Development Agreement. He said there was no formal or legal requirement to make a recommendation to the City Council. The City Council had requested the Planning Commission give their advice on the design elements of the development agreement. The Planning Commission said they did not want to go into the agreement without additional information. The applicant stated they wanted to move forward with a separate pending application and walk away from the development agreement. City Planner Maloy said staff needed direction from the Council to determine options. They were willing to negotiate not changing the master plan of the properties zoning; in return, the City would agree to a density limit or a certain land use.

Councilmember Smith asked if the Planning Commission was returning to the original application. City Planner Maloy answered in the negative and subsequently reviewed the terms of the proposed development agreement. He noted the agreement proposed the architecture design the City desired.

Councilmember Ohrn asked if the City has asked more from this developer than other developers. City Planner Maloy explained the other projects he had worked on were more mature. He said whatever the City agreed to, they needed to be able to administrate. Councilmember Ohrn said she wanted to move forward if they agreed on the lower density. City Planner Maloy said this was possible but they would not necessarily have the Planning Commission offer a recommendation. He noted the developer wanted to enter discussions with the Council and the Planning Commission. It was discussed they should get involved to meet the City’s vision for the area.

3.5. Discussion to answer questions pertaining to the 2018-2019 Herriman City Tentative Budget – Alan Rae, Finance Director

Finance Director Alan Rae said this was the last meeting before the public hearing on the budget. Assistant City Manager Haight said he speak on two budgetary items. He explained the State legislatures provided a way for the
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City to obtain an extra $300,000 per year for roads with the new tax. He stated the budget did not currently reflect this revenue, and they would need to meet with the Wasatch Front Regional Council to inquire upon why there were no new transit projects in Herriman. He noted the money was dependent on the County approving the funds. He recommended the City vote against the tax if there were no new roads proposed for Herriman.

Assistant City Manager Haight said the second item with which he was concerned pertained to the storm drain ordinance. He explained the ordinance stipulated action on things the City had not funded. He said after they vote on the ordinance they would have to change the budget. It was noted that staff budgeted the for the storm drain fee study.

Councilmember Smith asked how long it would take to conduct the study. Assistant City Manager Haight said it would last about six months and would be less than currently budgeted. Staff would bring forward a budget amendment for the storm drain ordinance requirements in the future. Director Rae said they did not know the amount yet; however, their goal was to make the Council aware of the future costs.

It was stated that the ordinance was mandatory. Councilmember Ohrn asked about the timeline for the ordinance adoption, and Assistant City Manager Haight explained they would have a timeline available the next time this item was discussed.

3.6. City Manager Updates – Brett Wood, City Manager

3.6.1. Washington DC Trip Update

Assistant City Manager Haight stated Camp Williams would get about $10 million. He said $3 million would go to the Utah County side and $7 million to the Salt Lake County side.

Councilmember Ohrn clarified due to Assistant City Manager Haight’s actions they were able to increase funding to an additional $5 million. Mayor Pro Tempore Martin noted they also moved forward with the EPA. Assistant City Manager Haight explained they worked with the EPA to receive the City’s clean-up funds.

3.6.3. HCSEA Impact Fee Study

Director Rae stated that he spoke with Zions Bank about conducting an impact fee study for public safety. He said this would be for a public safety building, the goal was to give the police their own space.

3.6.4. City has selected Kedington and Christensen to conduct the annual audit

Director Rae explained that staff conducted a review of the audit proposals. He said they were not required to replace their auditors every three years. He said they chose Kedington and Christensen as their auditors.

3.6.5. ICSC Update

Assistant City Manager Haight presented the timeline and provided conference updates. It was stated that the City closed and recorded the Butterfield Property. They had received $5.5 million this year with a total of $12.9 million.

City Manager Wood explained the Salt Lake County Council Planning Commission met to discuss the Doug Young project. He noted this project would border Herriman City and the requests were recommended for approval.
The plan was consistent with the previous proposed plan, which he then briefly reviewed. He said there was no date set for this proposal. Mayor Pro Tempore Martin asked him to notify the Council with any additional information.

4. Adjournment

Councilmember Smith moved to adjourn the City Council work meeting at 6:45 p.m. Councilmember Ohrn seconded the motion and all voted aye.

7:00 PM - SPECIAL MEETING:

1. Call to Order

Mayor Pro Tempore Martin called the meeting to order at 7:04 p.m. and welcomed those in attendance. She excused Mayor Watts from the meeting and indicated he may be participating electronically when he becomes available. She welcomed Sheriff Rivera, Sheriff Carver, and Mayor Silvestrini. She said they would discuss their relationship with the UPD, and she thanked them for their attendance.

Mayor Pro Tempore Martin noted that the Council normally met on the second and fourth Wednesday of each month. She explained they would not have a quorum next week and this was why they have the special meeting scheduled for this evening.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Ms. Abby Edwards led the audience in the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest

No noted conflict of interest.

1.3. Mayor/Council Comments and Recognitions

There were no Council recognitions.

2. Public Comment

There were no comments offered.

3. Mayor and Council Board and Committee Reports

Councilmember Ohrn reported she met with the Youth Council. She said they met with Quit Trippin’ to focus on suicide prevention and legislation to get social health programs at schools.

Mayor Pro Tempore Martin said she met with the staff and the Mayor in Washington D.C. She explained they received $12.9 million in funds to preserve the mountain for their efforts. She said they learned there was legislation that could preclude the City from receiving more funds. They met with the federal agencies to remain eligible for the funds to preserve the mountain.

Mayor Pro Tempore Martin stated they had been dealing with EPA clean-up issues for many years. City officials met with legislatures to fix this problem with the EPA, and those efforts had been very successful.
4. Reports, Presentations and Appointments

4.1. Youth Council Utah State University Leadership Conference Report – Destiny Skinner, Communications Specialist

Communications Specialist Destiny Skinner introduced Abby Edwards and Morgan Christensen. Ms. Edwards reported she attended Utah State University’s Leadership Conference. She said the conference benefited the Youth Council and provided unique service opportunities. Morgan Christensen reported she was able to listen to several speakers at the conference and she learned a lot from their experience.

Mayor Pro Tempore Martin thanked the Youth Council for their service to the community.

4.2. Report regarding the Proposed Property Tax Increase by Jordan Valley Water Conservancy District for Water Service Purposes – Wm. Brent Johnson, Jordan Valley Water Board of Trustees

Jordan Valley Water Board of Trustee Member Brent Johnson said he would report on the recent legislation. He explained there would be a rate increase that Mr. Dave Martin would discuss. Matt Olsen from the communications department would discuss how they could save money with conservation. He asked for any questions on the topics they would discuss.

Matt Olsen stated the Jordan Valley Water Conservancy District was a wholesale water provider primarily. He subsequently presented the water supply and demand plan and explained that they would not be able to manage the future demand if there was no conservation. He noted much of the easy water conservation had been accomplished, and they hoped to reduce the City’s water use by 2025. He said the best place to target water conservation was the outdoor use because the City used 60-percent of its water outside. He noted that grants were offered to incentivize conservation. He discussed the initiative Utah Water Savers and explained that it was a website that allowed users to apply for rebates and programs. A summary of the several available rebates was then presented.

Mr. Olsen said the rollout plan was available now and explained that it was separate from the Member Agency Grant program. He noted there was no cost sharing commitments and the City could opt out of any the available programs. He explained they offered a Landscape Leadership Grant which showcased water efficient landscaping plans. He said they had a best practice model for the City and a model-landscaping ordinance. He discussed landscape design and planting plans.

Mr. Olsen encouraged the City to promote the Utah Water Savers program.

Dave Martin introduced himself as the CFO and Treasurer of the Jordan Valley Water Conservancy District. He explained the State Legislature had given Water Districts the ability to levy a property tax. The Jordan Valley Water Conservancy had collected a tax since the 1950s. He noted property taxes accounted for 25-percent of their overall revenue. He said the property tax increase would change from .00379 to .0004. They anticipated an impact of $800,000 to $950,000. He stated this would cost a $350,000 home $4 more a year.

Mr. Martin explained the sales tax revenue had helped Jordan Valley Water Conservancy keep a stable source of
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revenue. He stated they also maintained an AA+ bond rating, which saved a significant amount of money in interest. They also supported capital project plans. He said they would hold a truth and taxation hearing to propose the tax increase.

Mayor Pro Tempore Martin stated she would encourage the water conservation options.

4.2.1.  City Council and Public Comment on the Jordan Valley Water Conservancy District Report

There were no comments offered.

5.  Consent Agenda

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

5.2.  Approval of the April 18, 2018 City Council Meeting Minutes

5.3.  Approval of a Resolution authorizing Local Consent for Bout Time Pub and Grub – Michael Maloy, City Planner

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

The vote was recorded as follows:

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

The motion passed unanimously with Mayor Watts being absent.

6.  Discussion and Action Items

6.1.  Discussion and Consideration of a proposed rezone for 1.125 acres for Jared Kelsch located at approximately 13705 South 7300 West from A-1 (Agricultural 1-acre minimum) to A-.50 (Agricultural - .50 acre minimum) (File No. Z2018-006) – Michael Maloy, City Planner

The applicant, Jared Kelsch, on behalf of Gordon Kelsch, property owner, requested a rezone of a corner parcel located at 13705 South 7300 West from A-1 Agricultural Zone, which has a minimum lot area of one acre, to A-.5 Agricultural Zone, which has a minimum lot area of one-half acre. If approved, the subject property, which has an existing home, could be subdivided into two lots. The subdivision would then facilitate construction of a new single family home on the new lot. Whereas the subject property is a corner parcel, each dwelling will have street frontage and no “flag lots” were proposed. The Herriman City 2025 General Plan designated this property as Agricultural Residential with a density range of 1.8 to 3 units per acre. The proposed rezone to A-.5 is compliant with the General Plan. Following the public hearing, the Planning Commission voted 4-2 to recommend denial of the proposed zoning amendment. Based on comments made by members of the Commission, the rationale for the recommendation is the maintenance of existing agricultural and residential development patterns within the neighborhood.
City Planner Maloy presented the staff report and explained that the Planning Commission had reviewed this item and made a recommendation to the City Council. The Planning Commission held a public hearing and there were no comments offered. He presented an aerial map depicting the proposed rezone. He explained that the applicant planned to subdivide the property for an additional single-family home. He said if the Council denied the rezone, the subdivision would not be possible. He stated the zoning amendment request was consistent with the City’s general plan. The Planning Commission expressed concern that this part of the City had larger lots for agrarian uses, and for that reason they forwarded a recommendation of denial.

Councilmember Smith clarified this application was consistent with other developments in the area. Mayor Pro Tempore Martin said she was hesitant to deny this request because it met all the requirements. City Planner Maloy explained that the Planning Commission discussed ways to preserve the existing larger lot patterns in the City, and staff was creating a future general plan to preserve these types of lots. Councilmember Smith agreed that they needed to study their development plans before they implemented changes. Councilmember Martin stated that the re-zone would not prevent agrarian uses. There was subsequent discussion about the potential traffic issues.

Councilmember Ohrn moved to approve Ordinance No. 2018-22 approving a zoning map amendment from A-1 to A-.5 for certain property located at approximately 13703 South 7300 West. Councilmember Smith seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson  Aye
Councilmember Nicole Martin  Aye
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts  Absent

The motion passed unanimously with Mayor Watts being absent.

6.2. Discussion and possible consideration of a Resolution directing staff to provide a notice of withdrawal to the Unified Police Department – Brett Wood, City Manager

Mayor Pro Tempore Martin thanked the audience for their participation. She asked everyone participating to remain civil because they all wanted the same outcome. She said this discussion did not reflect any dissatisfaction with the Herriman’s police officers, and she thanked them for their service. She stated they would begin with a presentation by Financial Director Alan Rae, followed by comments from Councilmember Henderson and Sheriff Rivera.

Director Rae explained he was tasked to provide the taxpayers information relating to the services for which they were paying. He said he was concerned with UPD’s transparency. He said it took a lot of work to have a partial understanding of the finances, and he was interested in making Herriman safer by providing it with police officers.

Mayor Watts joined the meeting electronically at 7:46 p.m.

Director Rae explained they were supposed to have 18.5 officers, but they only had received 13.5 officers. Therefore, this meant they were paying $490,000 for officers that did not patrol the City. He explained this was due to “constant manning”. This was a program that staffed overtime officers in open positions, and this made it difficult to obtain
numbers on the costs. Staff estimated that the City was over paying by $400,000 just for the officers. He noted they also pay for equipment that was not being used. They had disagreements with UPD on payments for certain items the City provided.

Director Rae said he was concerned with the interrelationship with the Sherriff’s office and the UPD. He said they received a $20,000 increase of pooled services in March due to a decision to change charges from the Sherriff’s office to the UPD, to be divided amongst the members. He said these routine accounting issues cost the City $20,000 a month. He noted in the budget there was an additional 2.5 officers added to Herriman. He explained this would mean the City was paying for 7.5 officers they did not receive. He noted the pooled services included civilian positions such as forensics, human resources, IT, and others. He said the pooled services paid for a part of the Sherriff and the Under Sherriff salaries, K-9, SWAT, investigations and others.

Director Rae presented a plan to create their own police department. He noted they would lose the pooled services and would still have the need for civilian employees. He explained they would lose UPD’s dispatch; however received a bid for dispatched services totaling $60,000. He said they would have similar operating costs and presented a graphic that showed the City would pay less for their own department. They would also have more officers committed to Herriman. He said the officers would have to fill the K-9, SWAT, and Drug roles.

Director Rae reiterated they were not getting what they paid for with the UPD. He said that “constant manning” was not working efficiently and this had been an ongoing issue for many years. Councilmember Smith asked Director Rae to speak about the Herriman City Safety Enforcement Area (HCSEA). Director Rae explained the City was a member of the SLVLESA which was the funding mechanism for the UPD. The SLVLESA set a tax rate for officers they provided; he again stressed that the City was not getting the patrol levels for which they were paying. He said this was why they left SLVLESA and set up the (HCSEA). Councilmember Henderson noted this was done to preserve funds specifically for law enforcement. Director Rae said the Council acted as the board and when they set up HCSEA they contracted with UPD. He explained the same problems with SLVLESA occurred with the UPD.

Director Rae explained that the most important issue with creating their own precinct was not paying for officers they did not have. He noted if the City did not staff officers, the Council could use the money elsewhere. Councilmember Smith commented the residents could look at the tentative budget and see how much money was dedicated to law enforcement. He noted this was 13.71-percent of the total property taxes. He said the HCSEA was created to keep Herriman’s funds in Herriman, and Director Rae concurred. He explained the current situation was frustrating because there was no accounting of what services the City received. He said there were no constraints on what they paid for services rendered outside of Herriman.

Mayor Watts said he was concerned with how the UPD assigned officers to Herriman, and he asked Director Rae to speak to the number of officers Herriman would hire if it formed its own department. Director Rae explained the most important element to a Herriman precinct would be that it would only hire the number of officers needed. Mayor Watts said they would be able to incentivize officers into Herriman because they would have more control.

Councilmember Martin asked Director Rae how much the City was currently paying for the officer positions they were not receiving. Director Rae explained they were paying $490,000 a year minus equipment and vehicles. He
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explained they paid for three officers in 2016, five in 2017, and they were planning to pay for 7.5 in 2019. Mayor Pro Tempore Martin asked how much they would overpay in total. Director Rae said staff estimated they overpaid $1.4 million. Mayor Pro Tempore Martin noted this did not include the constant manning. Director Rae said because of constant manning they could deduct $450,000 from the total and figure they had overpaid $950,000. He explained the money Herriman spent on the UPD did not necessarily pay for Herriman’s portion.

Councilmember Ohrn clarified this amount accounted for the officers only and did not account for equipment. Councilmember Smith asked Director Rae to discuss the equipment portion, and Director Rae presented the financials on equipment. Councilmember Henderson asked if they had ever been fully staffed, to which Director Rae answered in the negative. There was subsequent discussion on the costs and the replacement time for vehicles and other equipment.

The floor was opened for public comments.

**Sheriff Rivera** introduced herself as the new sheriff. She said she inherited problems they were trying to fix. She explained they were working on changing the cost models. The previous board including former Mayor Crane created the old model. She said they have had a very short amount of time to make significant changes, and that this issue was brought to their attention a week ago. She said they needed to have better communication. Sheriff Rivera explained that they gave each precinct a chief to give cities more local control. She said she was aware of the issues Herriman had with SLVLESA, and when she learned there were issues with UPD she met with the City. She said when they learned the City would transition away from the UPD they put together a committee to assist the City. She said public safety was their main concern, and they were in favor of keeping a working relationship with Herriman.

**Mayor Silvestrini** introduced himself as the Mayor of Millcreek and the chair of the UPD board. He said he had served with Councilmember Henderson on the board. He said they wanted to continue a relationship with Herriman. He explained that the UPD board respected the City’s decision to leave the agency and would assist in the transition. He asked the City to reconsider leaving and thought they were making a mistake. He said he thought there were misconceptions about the UPD and that the organization helped residents save a lot of money. Millcreek was a bigger City and they were filling their vacancies with constant manning. He noted that the UPD board did not learn about Herriman’s desire to leave until last week. He believed this was an abrupt decision and would affect other cities in the UPD. He asked the City to provide a logical way to plan a better transition and requested that they wait until the end of the next fiscal year to withdraw from UPD.

**Randy Ricks** agreed with the Mayor Silvestrini’s comments. He thought hiring new officers in a short amount of time would be extremely difficult, and he asked what the backup plan for serious situations would be.

**Dustin Dern** said he was in support of public safety and of regional service models like the UPD. He said they reduced duplication of effort, which reduced wasteful spending. He noted that UPD provided capable individuals, continuity of operations and communications, best practices, and had the advantage of economy of scale. He stated there were administrative issues that needed to be addressed. He asked the Council to recognize this and continue to work with the UPD.
Kathryn Veate said she understood the issues but wanted the City to do more research. She asked the Council to consider how this would affect the other cities. She noted there was no accounting to what this would cost the City over time. Furthermore, the City did not consider the infrastructure that would have to be replaced.

Jeremy Anderson said he believed in the UPD’s ability to service the community. He said there was value from a regional police department. He said he was concerned with the speed at which the Council decided to move in this direction. Mr. Anderson said he would consider running for a Council seat in response to the decisions of the current sitting Council Members. He noted he was in an accident and the UPD and UFA saved his life.

Mark Argue said he understood both sides of the issue. He said not having the officers in the City was a problem but they were available in case of emergency. He said the financial issue was important but it was more important to keep Herriman safe. He noted there would be specialty costs, equipment, and administrative costs. He suggested the Council consider these costs and the security of the City.

Julie McKutchen said she liked the Council informing the residents about the costs. She said she wanted more information on the equipment costs because some of the information provided did not make sense. She said she appreciated the UPD being willing to change their budget and allocate money differently. She said this was not the time for the City to break ties with the UPD.

Tyler Pew said he agreed with the previous statements. He said they needed to consider everything, not just the budget. He noted the UPD responded quickly when he called them. He said it was odd the City did not give the residents a lot time to respond to this issue.

Heather Richey said she appreciated the UPD’s efforts in keeping Herriman safe. She said it was important to be a part of a bigger entity like the UPD. She expressed that this made her feel much safer.

Eric Diets said he was concerned about leaving the UPD. He noted they would lose a big pool of resources. He asked if their decision was based off one budget report. He explained that if Herriman created its own police department the budget would double in one year. He suggested they discuss this with other cities that created their own police departments. He was in favor of the City continuing its relationship with UPD.

Blake Neilson said he was pleased with the UPD. He discussed the costs of purchasing new officers and vehicles. He noted Riverton was close and used UPD and they could move officers quickly if necessary. He stated the residents should have a voice in this debate. He said there was no issue with response and he had always had police when he needed them. He was of the opinion that this issue was being rushed.

Brady Clark said he wanted more transparency from the UPD. He said this decision was too hasty because they only had one meeting. He suggested they communicate better with the UPD. He noted when Cottonwood Heights left UPD they had to make officer cuts, and this would be a likely scenario for Herriman as well. He reiterated that one meeting was not enough to make this type of decision.
Officer Duane Jensen said he had worked with Herriman City since 2012. He said this had happened in the past and it doesn’t turned out well. He explained how cities could not afford the equipment over time. He explained how Herriman benefited from bordering other UPD entities, and he asked City officials to reconsider their decision.

Officer Justin Hoyle said he had been with UPD stationed in Herriman for 21 years. He said he wanted to continue to have a relationship with the City.

Brian Sloan said he was an officer with the Salt Lake City police department. He noted the UPD was facing the same staffing problems as SLC. He said they would have to be willing to pay a lot of money to hire experienced officers.

UPD Deputy Chief Jason Mazuran said he understood the City’s concerns. He said his objective was to rebuild the problems the UPD faced. He committed to solving many of the concerns expressed by the Council. He said he respected the Council’s decision and would help the City transition away from the UPD.

The floor was closed for public comments.

Mayor Pro Tempore Martin said this was not a cavalier decision; rather, they had worked on this for many years. She noted UPD would agree they put in a lot of time to understand the finances. She explained the amount they were wasting would not be acceptable for any other department, and the City’s elected officials were trying to be responsible with the taxpayer funds. She said there was failure in transparency and responsiveness on the part of the UPD. She noted public safety was their top concern. She thanked everyone for his or her comments.

Councilmember Henderson said they had worked on this issue for many years. He explained that tonight they were voting on a notice of withdrawal; however, this did not mean there was a set date. There was misunderstanding on how they could work together for an amicable transition. The Council was satisfied with the officers and their service; however, the problem was with the amount of service they received for how much the City paid. He then explained that the City had held more than one meeting on this issue. Staff had reached out to the UPD for financial information and it took them more than a month to respond. Councilmember Henderson discussed the various issues that led them to the decision to leave UPD and addressed the accusations and misconceptions made tonight. He said they had been told things would improve but they were not able to work with the UPD board. He noted the UPD continued to ignore their concerns and would not work with the City to improve the budgetary issues. He said the City felt like it was receiving threats for this decision.

Mayor Watts stated this was an administrative decision. He commented they supported Utah’s police officers and were pleased with their service. City officials met with Sheriff Rivera recently and she said they would continue to serve Herriman regardless. He ensured there would not be a gap in service because these were honorable people. He noted the missing five officers made a difference in the City’s safety and he provided some examples of why this was important. He said the City was willing to bring in more officers and still save money. He explained the equipment would remain with the City because the City purchased the equipment. Presently, the City paid for equipment that never was ordered. Tonight’s meeting was the first step for the residents to participate in this process.
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Councilmember Henderson explained that leaving soon would help UPD more than if they waited much longer. Mayor Watts commented their decision could still change, and the City was still working with the UPD to find a timeframe that worked.

Councilmember Ohrn said she appreciated the UPD for their service. She said her concern was giving the taxpayers the service for which they were paying. She discussed meetings she had attended concerning this issue and said the Council had done their due diligence on the matter. She noted if that if Herriman withdrew its funds from the UPD it should not affect the budget. She said this would only be an issue if Herriman were being subsidized by the UPD. She explained there was not enough policing and the term “constant manning” meant the City was staffed with overtime officers.

Councilmember Ohrn explained that they had a discussion with the Arts Council about an $8,000 increase. She said they had to justify this and account for the increase, and the same principle applied for the UPD.

Councilmember Smith expressed appreciation for the decorum of tonight’s discussion, and thanked Sheriff Rivera and Mayor Silvestrini for their attendance as well. He explained how the UPD board and its members affected Herriman. He said they were bound by the decisions of the board and Herriman had little control. He explained that vote was not enough control over the budget. The City was growing quickly, and they needed to ensure Herriman’s tax dollars stayed in Herriman. He explained Herriman’s growth made it difficult for the UPD to meet Herriman’s policing demands.

Councilmember Smith stated there was an expectation for transparency. He said his expectation for transparency applied to all the City’s partners, and the UPD agreed there were transparency issues. He said their goal was not to hurt the other members of the UPD. He stated if Herriman’s withdrawal affected the other cities in the UPD, then this meant that the model had substantial problems. He said there needed to be more transparency to understand if they would be hurting the other members. He stated that constant manning was not a sustainable model; rather, it was a short-term fix.

Councilmember Smith moved to approve Resolution No. R28-2018 directing staff to provide a notice of withdrawal to the Unified Police Department. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

7. Calendar

7.1. Meetings

7.1.1. May 17 – Planning Commission Meeting 7:00 p.m.
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7.1.2. May 23 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m. Cancelled

7.1.3. June 6 – Special City Council Work Meeting 5:00 p.m.; Special City Council Meeting 7:00 p.m.

7.2. Events

7.2.1. May 17 – Herriman Community Suicide Prevention Meeting; Copper Mountain Middle School 6:00 p.m.

7.2.2. May 19 – Pedal Palooza – Butterfield Park 9:00 a.m.

7.2.3. May 28 – Memorial Day Breakfast; Main Street Park 7:00 a.m.

7.2.4. May 28 – Memorial Day Ceremony; Herriman City Cemetery 9:00 a.m.

7.2.5. June 1 & 2 – Fort Herriman Days PRCA Rodeo; Butterfield Park 7:30 p.m.

7.3. Closed Session

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

Councilmember Clint moved to temporarily recess the City Council meeting at 9:51 pm to convene in closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

The Council reconvened in the City Council meeting at 10:23 p.m.

The Council held a discussion regarding the UPD transition plan.

8. Adjournment

Councilmember Clint moved to adjourn the City Council meeting at 10:36 p.m. Councilmember Henderson seconded the motion and all voted aye.

9. Recomence to Work Meeting (If Needed)
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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 May 16, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder