CITY COUNCIL MINUTES

Wednesday, August 22, 2018
Approved September 12, 2018

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, August 22, 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: Jared Henderson, Nicole Martin, Sherrie Ohrn and Clint Smith

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight and Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, Public Works Director Justun Edwards, Parks and Recreation Director Wendy Thomas, Operations Director Monte Johnson, City Engineer Blake Thomas, Deputy Police Chief Chad Reyes, Assistant City Planner Bryn McCarty, Chief Building Official Cathryn Nelson, Communications Specialist Mitch Davis, Assistant City Engineer Jonathan Bowers, City Attorney John Brems, UPD Acting Deputy Police Chief Brian Lohrke, and Economic Development Manager Heather Upshaw.

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 5:15 p.m.

   2.1. Review of this Evening’s Agenda
The Council and staff briefly reviewed the agenda.

   2.2. Future Agenda Items
There were none.
3. Administrative Reports
   3.1. City Manager Updates – Brett Wood, City Manager

   3.1.1. URS Concerns
City Manager Wood explained when the insurance companies dealt with URS they checked the wrong box and collected from the General Fund. He said they agreed to give back $9 million but they actually owed $12 million. The State was pushing back to have the cities make up this difference. He said this issue would be a part of the next legislative session and he would keep the Council updated on the situation.

   3.1.2. Arches Park
City Manager Wood explained there had been a growing concern of the cost and inflation of this project. He said they would not move forward with this project until they had a discussion and consensus on how to proceed. Assistant City Manager Haight explained they approved Arches Park two years ago. The goal was to create a park that drew public interest. He said Director Thomas was tasked with creating a theme for this park. The park would include a softball field, slack line area, hammocks, and a parking lot. The project would cost approximately $500,000, which was an increase from previous estimates.

City Manager Wood said there was some concern about ropes, noting they were used in playgrounds regularly. The ropes that would be used in this playground would have a ten-year warranty, which was a good value. The City's goal was to create a safe and creative area for children to play.

Assistant City Manager Haight asked the Mayor and Council if they wanted to follow through with their current bid on the park. He noted the Council was not bound to anything at this time.

City Manager Wood explained that restrooms needed to be included with the park. There was subsequent discussion on the price of trashcans. City Manager Wood stated they could use cheaper products throughout the project but they were also concerned with the City's branding. Director Thomas commented this was a themed park and was meant to have nicer amenities. Councilmember Ohrn asked if the contractor could take 10-percent off the bid and add a bathroom. Councilmember Henderson said he was concerned that the bid amount did not include the cost of labor. City Manager Wood explained they could go directly to the manufacturer to find out the prices on equipment. He said it was difficult to ask the contractor to lower their price because they would be forced to rebid the project. He explained the way they kept the prices down was to have a competitive bid. Councilmember Henderson stated that going forward he wanted to ensure fair costs for bids.

Councilmember Henderson expressed his concerned that this area had been neglected when it came to parks and open space. Assistant City Manager Haight reviewed the proposed area for the park to accommodate the residents.

City Manager Wood discussed the costs, size, access points, and the integration into the trail system. Councilmember Henderson noted this was the last available area to create open space. City Manager Wood discussed the potential properties the City could purchase for open space. He recommended the City Council have a joint meeting with the Planning Commission to discuss how they wanted to proceed with these types of projects.
Assistant City Manager Haight noted there was a lot of anxiety about the Arches Park. However, there was a need for open space in this area and therefore he supported it.

Councilmember Henderson stated that he wanted this park to have a restroom, and he agreed there was a need for open space in the area due to surrounding high density. He did not agree that schools should be considered open space.

Councilmember Smith said they needed a restroom. Councilmember Ohrn agreed. City Manager Wood commented for Councilmember Martin explaining she wanted a nicer park for this area. Mayor Watts commented that they should consider other parts of the City as they moved forward with building parks.

3.1.3. **“Bend, Not Break”**
Director Thomas explained the City was hosting Alex Boyé who would be shooting a video. They planned to close Black Ridge Reservoir for the video shoot. She explained the video was about mental health and suicide prevention.

3.1.4. **Herriman Hero Homecoming**
Director Thomas explained they were working on an ordinance for the veterans returning process. Staff planned to have a program in place by March 2019.

3.1.5. **ILA with Jordan School District regarding Resource Officers**
City Manager Wood explained there was some concern about middle school children. The school district did not agree with the City’s method concerning this program. He explained the costs for the officers that would be allocated to the middle schools. Finance Director Rae said it would cost the City $165,000, which was available in the City’s budget. City Manager Wood said this would be a valued asset to the middle school and thanked the Council. Chief Reyes agreed this was a good use of their resources.

3.1.6. **ACUB funding**
Councilmember Ohrn explained the City might not qualify for ACUB funding. She said this was because the installations were on State and BLM lands. They were working with federal legislatures and the Department of Defense and would be receiving $3.5 million by the end of the month. She said Mia Love and Chris Stewart fought for the funds for Camp Williams.

3.1.7. **Council District Boundaries**
It was stated that the City needed to wait until the census was released to further discuss the district boundaries. The question was raised as to whether or not the Council would consider redistricting. There was subsequent discussion regarding population disparity between the districts. The Council decided to discuss the district boundaries once the census was available.
3.1.8. **Cabin Trail Way Right-of-Way Vacation**

City Manager Wood explained the City did not want to own this piece of property. It had flooding issues and there were risks to maintain the property. He said there were two homes that fronted the property. The Council agreed to vacate the property.

City Manager Wood explained the SLCC Board of Regents was meeting to support the campus site. He encouraged the Council to attend the meeting.

3.2. **Presentation regarding the Herriman Hills Master Plan** – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas explained the Planning Commission made a recommendation to include the plan as an element of the General Plan. She said they would return with the plan at the next Council meeting.

3.3. **Disc Golf Discussion** – Wendy Thomas, Director of Parks, Recreation and Events

City Manager Wood said the residents in Rosecrest and Rosecreek had submitted complaints concerning the Disc Golf. There had been some abuse of private property rights. He turned the time over to Director Thomas to discuss some information on the number of people that were involved in Disc Golf.

Director Thomas explained they had received two complaints from residents that lived near Hole #2 of the Disc Golf course. She said the discs were spooking horses at the arena. The other resident was concerned with what the people were wearing on the course. She said they moved the baskets around to solve the issue with the discs spooking the horses. Mayor Watts asked if there were complaints about people entering residents’ yards. City Manager Wood stated this was prevalent. Councilmember Smith said this happened to him and he thought it was not being sufficiently communicated back to the City. Councilmember Henderson explained this issue was brought to the attention of the City several years ago, and he assumed people resigned to the fact the City would not do anything about this problem.

Mayor Watts asked if there were ever any citations made. Deputy Chief Reyes did not know of any actual citations made for trespassing. Mayor Watts said his biggest concern was children playing in these back yards surrounded by potential strangers. There were also safety concerns with people hopping fences.

Councilmember Smith explained a few people were ruining this activity for everyone. He noted that signs were not deterring people from entering yards. He said he wanted to be able to send his children in the back yard without fear of strangers intruding into their space. He said they needed to have a conversation if the course should remain in this area.

Councilmember Henderson noted these open spaces were not designed for this purpose. He explained when the first complaints were made they adjusted how the course was designed. The City has reached the point where they needed to reevaluate the course. Councilmember Smith said there were two property damage complaints for a disc golf player breaking a fence.
Mayor Watts asked if they needed 18 holes and suggested removing the most problematic ones. Director Thomas said she did not believe there was a perfect set up. Councilmember Ohrn said they should not have to spend more money to enhance the course. She noted there were more issues than they were hearing from the residents. Councilmember Henderson said there had been adjustments to the course and it was not worth it to continue making enhancements.

Councilmember Henderson said he was in favor of removing the course. Mayor Watts said he was not in favor of removing the entire course but removing the problematic areas. Councilmember Ohrn said it did not benefit the residents, so it needed to be removed. Councilmember Smith said they had experimented with disc golf and it was not working.

Councilmember Henderson said he was willing to see adjustments but it had to be perfect. There were already too many complaints. Assistant City Manager Haight recommended removing the entire course and suggested notifying residents that it would be relocated.

3.4. Discussion related to the Potential Regulations for the Sale of Animals – Bryn McCarty, Assistant City Planner
Assistant City Planner Bryn McCarty explained they had received a request from the Humane Society to adopt an ordinance to regulate the sale of animals. This ordinance was already adopted by several other cities. Councilmember Ohrn said the City did not have any business making these types of regulations. She noted there were already laws regulating puppy mills and abuse to animals. She said the regulation was an overreach that negatively affected pet stores. Councilmember Henderson agreed. Mayor Watts explained the Humane Society was asking the City to prevent the sale of animals from any other entity. He said this was unacceptable.

4. Adjournment
Councilmember Henderson moved to adjourn the Work Meeting and move into the General Meeting at 6:54 pm. Councilmember Smith seconded the motion and all voted aye.

7:00 PM - GENERAL MEETING:
1. Call to Order
Mayor David Watts called the meeting to order at 7:04 p.m. and welcomed those in attendance. He excused Councilmember Martin.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
Mr. Deven Heninger with Scout Troop #114 led the audience in reciting the Pledge of Allegiance.

1.2. Council Disclosure for Conflict of Interest
There were no noted conflicts of interest.

1.3. Mayor/Council Comments and Recognitions
Mayor Watts recognized the loss of Officer Matt Burchett and extended condolences to the family.
2. Public Comment
Glen Larson commented that he appreciated the Council discussing the City parks. He encouraged the Council to keep the Arches Park connected to the City’s trails.

3. Mayor and Council Board and Committee Reports
Mayor Watts reported that he served on the Mosquito Abatement Committee. He noted there was a death due to the West Nile virus, and he encouraged residents to take preventative measures against mosquitoes.

Councilmember Ohrn reported that the first Youth Council meeting was recently held. There were 26 youth participants, and she thanked everyone for participating.

Councilmember Smith reported he was unable to attend the most recent sewer board meeting. He said they were beginning their budget process, and he would have more details at the next Council Meeting.

4. Reports, Presentations and Appointments
  4.1. Unified Police Department Recognition of Officer Dustin Olzack – Brian Lohrke, Unified Police Department Acting Precinct Chief
Unified Police Department Acting Precinct Chief Brian Lohrke introduced Dustin Olzack. He recognized him for saving a choking infant. Officer Olzack also comforted the mother after paramedics arrived.

Councilmember Smith said this type of situation was extremely stressful and Officer Olzack did an outstanding job. Mayor Watts agreed he was an outstanding officer and asked to take a picture with him.

  4.2. Point of the Mountain Vision Phase 3 Update – Envision Utah VP of Planning Ryan Beck and Ari Bruening, President and COO of Envision Utah
Envision Utah President Ari Bruening thanked the Council for the opportunity to present. He reviewed the purposes relating to the effort of the Point of the Mountain Vision. He said they were now in Phase 3, which concerned the vision’s financing.

He explained the job and housing growth in this area was the fastest in the State. Their goal was to capitalize on this growth. They used economic data and public input to create a plan for the economic growth. He discussed traffic between Utah and Salt Lake Counties, creation of vibrant urban centers, location between jobs and housing, and connectivity.

Mayor Watts noted there was a middle school in a location that would be ideal for a high-speed connection. Councilmember Henderson commented there were areas that would be filled with homes if these roads were not built.

  4.3. Herriman Police Department Update – Chief Troy Carr
Deputy Police Chief Chad Reyes thanked the Council for the opportunity to present. He explained they had 38 days left to launch the department, and reported that they had made progress completing the transition process. Currently, they were working on transitioning vehicles from the UPD. They had also created a domain same
Councilmember Smith asked if South Jordan had entered into any agreements with other cities. Chief Reyes responded they trained with Sandy and Draper. He said these agreements were restrictive and they were working on creating agreements that did not bind Herriman to other cities’ tactics. Councilmember Smith said it would be valuable to have the SRO Officer in Herriman High School. He also remarked that partnerships with other cities were important.

Councilmember Henderson stated they were still contracted with the UPD until the end of September. He said it was exciting to see the completion of all their goals in creating the department, and commented that all the planning was coming together.

5. Consent Agenda
   5.1. Approval of an Ordinance adding Chapter 13 to Title 7 of the Herriman Code of Ordinances regarding Small Wireless Facilities Deployment – John Brems, City Attorney
   5.2. Approval of the Deer Mitigation Program – Justun Edwards, Public Works Director
   5.3. Approval of an Ordinance adopting a New Herriman Flag – John Brems, City Attorney
   5.4. Approval of the Monthly Financial Summary
   5.5. Approval of a Resolution Granting Local Consent for Ten (10) Off-Premises Beer Retailer State Licenses Located in Herriman City – Bryn McCarty, Assistant City Planner

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

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

The motion passed unanimously with Councilmember Martin being absent.

6. Discussion and Action Items
   6.1. Discussion and Consideration of a text change to the Land Development Code on behalf of Herriman City amending Chapter 16, Table of Uses (File No. Z2018-12) – Bryn McCarty, Assistant City Planner

Assistant City Planner Bryn McCarty indicated the City adopted a new Land Development Code. At that time, the Planning Commission (PC) directed staff to make several updates to the permitted and conditional uses listed in each zone. Staff conducted several work meetings with the Planning Commission to review Chapter 16, the Table
Mayor Watts requested the Council allow daycare and preschool in the RM zone. Councilmember Henderson explained this was to prevent apartments having daycares and preschools. He said parking and traffic were not adequate for residents in these areas to support daycares and preschools. Councilmember Ohrn suggested making this a conditional use to consider on a case-by-case basis whether these uses were appropriate. Councilmember Smith said this would be acceptable if they added specific conditions to allow these uses. Councilmember Henderson and Councilmember Ohrn agreed.

Planner McCarthy continued explaining the changes made to the ordinance. She noted heavy industry was no longer allowed anywhere in the City. She said the Planning Commission recommended approval.

_Councilmember Ohrn moved to approve Ordinance No. 2018-26 authorizing a text change to the Land Development Code to amend Chapter 16, the Table of Uses. Councilmember Henderson seconded the motion._

The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Martin being absent.

7. **Calendar**

   7.1. **Meetings**

   7.1.1. August 30 – Joint City Council/Planning Commission Meeting 6:00 p.m.

   7.1.2. September 6 – Planning Commission Meeting 7:00 p.m.

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

   7.2. **Events**

   7.2.1. September 12 – Dig Off; W&M Butterfield Park 10:00 a.m.

   7.2.2. September 19 – Community Partner Luncheon; Herriman City Hall 11:00 a.m.

   7.2.3. September 20-24 – Children’s Theatre; W&M 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 the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

_Councilmember Smith moved to temporarily recess the City Council meeting to convene in closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 at 8:00 p.m. Councilmember Ohrn seconded the motion._
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The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Martin being absent.

The City Council reconvened the City Council meeting at 9:12 p.m.

8.   Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 9:13 p.m. Councilmember Ohrn seconded the motion and all voted aye.

9.   Recomence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 22, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder