The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, September 12, 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

Councilmembers Present: Jared Henderson, Sherrie Ohrn and Clint Smith

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, Finance Director Alan Rae, City Recorder Jackie Nostrom, Parks and Recreation Director Wendy Thomas, Operations Director Monte Johnson, City Engineer Blake Thomas, Police Chief Troy Carr, City Planner Michael Maloy, Chief Building Official Cathryn Nelson, Communications Specialist Destiny Skinner, City Attorney John Brems, and UPD Acting Deputy Police Chief Brian Lohrke.

Excused: Nicole Martin

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
Mayor Watts asked for clarification of Agenda Item 5.3 to add Sections regarding Interference with Control of Vehicles Prohibited, Reasonable and Proper Lookout Required, and Negligent Collision. Police Chief Troy Carr responded the ordinance had been drafted the previous year and these specific issues are not addressed in State Code. The adoption of the ordinance would allow officers to cite individuals specifically. City Attorney John Brems added the Justice Court and City Prosecutor requested the adoption. Mayor Watts asked if the punishment would be an infraction. City Attorney Brems responded it would be considered a misdemeanour with a fine and the possibility of
incarceration. Chief Carr further explained the ordinance is to help officers to do their job when the State Code is absent or silent.

2.2. Future Agenda Items
Councilmember Sherrie Ohrn asked when Wasatch Front Waste and Recycling District would have the ability to report to the City Council. City Recorder Jackie Nostrom reported they have been scheduled to report to the Council during the September 26, 2018 meeting. Councilmember Ohrn asked about the requested fencing ordinance update. City Planner Michael Maloy indicated staff is working diligently on the amendment.

3. Administrative Reports
3.1. New Employee Introductions – Travis Dunn, Human Resources Manager
Human Resources Manager Travis Dunn introduced the following new employees: Eric White, Gunner Kelsch, Virgil West, Charlotte Fenstermaker, Eric Bosch, Randy Loveridge, Josh Peterson, Shannon Atkinson, Heidi Shegrud, Bethany Zeyer, Karen Bleazard, Lance Bess, and Patsy Hall.

3.2. Update to City Boards and Commissions to add the Veterans and Military Advisory Committee – Wendy Thomas, Director of Parks, Recreation and Events
Director of Parks, Recreation and Events Wendy Thomas indicated she completed the draft ordinance for the Veterans and Military Advisory Committee and asked if the Council if they had any input. The City Council expressed support for the creation of the committee.

3.3. Discussion relating to a Text Change to the Land Development Code to revise the Home Occupations Chapter (File No. Z2018-14) – Michael Maloy, City Planner
City Planner Maloy explained the Daycare regulations were relocated in the City Code and observed a loophole in the standards. Preschool businesses had specific regulations; however dancing or tumbling home occupations had no regulations where they would have the same impact to the neighborhood and roads. He suggested it would be better to create a new classification and apply those standards unilaterally. He observed the goal to utilize a single table for all home occupations.

Mayor Watts reviewed the requirement for dance class only being allowed to conduct two sessions a day and recommended to increase the standard. Councilmember Smith stated the intent of the regulation would be to not frequently impact the surrounding homes. Councilmember Henderson suggested if the regulation becomes an issue, the Council could reconsider the regulation. Planner Maloy indicated staff would put a formal draft together for Council consideration.

3.4. Review of the Kennecott Utah Copper, LLC Annexation Timeline – Jackie Nostrom, City Recorder
City Recorder Nostrom reviewed the Kennecott Utah Copper, LLC annexation timeline for the Council to be incorporated on January 1, 2019.

3.5. Discussion relating to the Annexation Agreement with Kennecott Utah Copper, LLC – Gordon Haight, Assistant City Manager
3.6. **Discussion of an Interlocal Cooperative Agreement with Salt Lake County for Planning Services** – Gordon Haight, Assistant City Manager

Assistant City Manager Haight indicated staff met with Salt Lake County to discuss the possibility of integrating a timeline for construction to allow Herriman Staff help with the building permit process. City Planner Maloy indicated the County has relayed their willingness to help and the Council would be updated during the next Council meeting.

3.7. **Update regarding Project Engagement** – Tami Moody, Director of Administration and Communications and Blake Thomas, City Engineer

City Engineer Blake Thomas observed the online features to have a better means of sharing information for projects in the community. He indicated the automated process is in the works; however, is not ready to go live. The system would give information and project contact information. Engineer Thomas suggested the program would be available for the public in the next two months.

3.8. **City Manager Updates** – Brett Wood, City Manager

City Manager Brett Wood reported on the Rose Canyon Fire and notated animals have been relocated to Butterfield Park. The wind gusts have driven the fire southwest. A local contractor has made a dozer available to help obtain the appropriate fire break. He thanked the Events staff for keeping the responders with food and water. Manager Wood indicated the Council would be kept informed of the operation as he relayed his hope the fire would be contained shortly.

Manager Wood indicated there has been significant interest in the Herriman Hills Open Space Master Plan relating to the trails behind their homes. He indicated there were people concerned with the thought of losing the trails. Director of Parks, Recreation and Events Wendy Thomas explained that this plan is not a trails master plan as the City does not know the exact placement of the trails, and this would allow for the best suggested alignments. She explained the trails depicted in the plan are conceptual as this would serve as a guiding document. Director Thomas informed the Council that Eric’s Trail was altered from the plan due to the steep grade. She indicated the trail could be rerouted and staff would draft the plan if the Council deemed necessary. The cost of the alteration would be about $8,000 and extend the trail about 1/3 of a mile. Councilmember Henderson requested to see the existing trail and actual distances to property lines to see the actual concerns. He acknowledged there would be trails in the open space as the hillside is essentially a large park. Councilmember Ohrn asked what the actual complaint entailed. City Manager Wood responded two residents offered complaints about hearing people on the trail in their back yard. Councilmember Ohrn clarified the open space master plan is required to be in place to receive grant funding. Mayor Watts indicated he would like to see more information relating to the resident concerns. The Council agreed.
City Manager Wood informed the Council of the opportunity to present at the Utah League of Cities and Towns (ULCT) conference as other jurisdictions want to model what had been created in Herriman. He explained some cities wanted to come and take a tour of the facility to figure out how to build a gathering place for the community.

Councilmember Smith moved to temporarily recess the City Council work 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 6:16 p.m. Councilmember Ohrn 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.

The Council reconvened the City Council work meeting at 6:52 p.m.

4. Adjournment
The Council adjourned the City Council work meeting by consensus at 6:53 p.m.

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 Nicole Martin.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
Mr. Dustin Cutrer led the audience in 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 thanked the fire personnel working diligently to contain the Rose Crest Fire. He reported the fire was 70-percent contained due to the efforts of fire fighters from Draper, Sandy, West Jordan, Bluffdale and Unified Fire Authority. He also reported no homes have been lost.

2. Public Comment
Ron Duley thanked the Council for the opportunity to speak. He reported he has been a resident in Rosecrest for 4 years, and was looking to fence his property; however, the fence would encroach onto City property. The misalignment was due to a misunderstanding of .1 acres of property. Mayor Watts requested Mr. Duley meet with staff to discuss details.
3. **Mayor and Council Board and Committee Reports**

There were no reports.

4. **Reports, Presentations and Appointments**

4.1. **Olympia Hills Project Update** – Michael Maloy, City Planner

City Planner Michael Maloy introduced the Bonneville Research Team selected to work on the Olympia Hills project. He indicated they have been meeting regularly to ensure they have received all pertinent information and would come back at a future meeting to report the findings. Consultant Bob Springmeyer reported the objective for the study is to determine the gross maximum residential density that could be supported by the development without compromising the quality of life to adjacent residents. He indicated the firm wanted to provide Herriman City with a supportable and defendable analysis. Councilmember Henderson requested the firm consider outside developments that have not been constructed as well as existing ones in the analysis.

4.2. **Herriman Police Department Update** – Chief Troy Carr

Chief Troy Carr offered an update of the on-boarding efforts for sergeants and officers. He indicated the equipment has been received and programmed. The vehicles received from the Unified Police Department have been sent in for rebranding. He reported the Unified Police Department has been proactive with the schedule for the transition of vehicles. Councilmember Smith expressed his appreciation to the Unified Police Department for this effort.

Chief Carr continued with the drafting and finalization of the Policy and Procedures Manual which should be completed by the next Monday. He reviewed the K-9 unit including the reassignment of Hondo and the recruitment of the dog formerly known as Qwiet (Daavo). He reported both dogs would be in attendance at the inauguration ceremony. Chief Carr explained the kennel system amenities inside the Expedition that would set off alarms and open doors to avoid any horrific incidents.

5. **Consent Agenda**

5.1. **Approval of the June 6, 2018, June 13, 2018, August 8, 2018, August 22, 2018 City Council Meeting Minutes**

5.2. **Approval of a Resolution Requesting Admission to the Public Safety Retirement System**

– Travis Dunn, Human Resources Manager

5.3. **Approval of an Ordinance amending Title 6, Chapter 1, of the Herriman Code of Ordinances by adding Sections regarding Interference with Control of Vehicles Prohibited, Reasonable and Proper Lookout Required, and Negligent Collision** – Troy Carr, Police Chief

*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
6. Discussion and Action Items

6.1. Discussion and Consideration of an Ordinance Adopting the Herriman Hills Open Space Master Plan as an Element of the General Plan (File No. G2018-02) – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas outlined the public participation in creating the Herriman Hills Open Space Master Plan and relayed the recommendation of the Planning Commission to approve the ordinance. Councilmember Smith thanked Director Thomas for the diligent, thorough work.

Mayor Watts recalled questions regarding Eric’s Trail. Councilmember Henderson added the Herriman Hills Open Space Master Plan was an overall conceptual plan, and was not set in stone. Director Thomas confirmed and noted staff would continue to change the plan as it evolves. Mayor Watts suggested residents would hold to the plan as depicted and the City needed to resolve the conflicts.

Director Thomas indicated the Herriman Hills Trails Committee had been instrumental in the creation of the Master Plan, and will look to additional ways to communicate with the public. She reported six miles of trails have been installed this year, and noted there has been one area of concern due to slope and property ownership rights that will need to be reviewed. She estimated the cost to reroute the trail would cost approximately $8,000-$10,000.

Councilmember Henderson stated the Herriman Hills Open Space Master Plan needed to be in place to be eligible to receive grant funding. Councilmember Smith praised people for utilizing the trails and keeping the vision for the community. He shared his support of the trails system to preserve and protect the Herriman Hills and understood the variation of the trails as they come to fruition. Councilmember Henderson added the area was purchased through the Army Compatible Use Buffer (ACUB) funding, and was acquired with the understanding the area would be utilized for recreational purposes. He agreed residents should be informed when amenities are being installed. Councilmember Smith recalled the plethora of emailed received, and thanked individuals who have reached out. Director Thomas indicated the importance of the trails for the High School Mountain Biking Teams.

Mayor Watts opened the Public Comment for this item.

Dustin Cutrer, expressed his concern with the trail behind his neighborhood known as Eric’s Trail. He indicated there was a half-mile of trail behind his home, and reported the length was an issue as well as the vantage point that is above their property line. The area is a natural amphitheater that carries the sound into the backyard of adjacent homes. People utilize the trails as early as 5:00 a.m. and as late at 10:30 p.m. He suggested if this area was a park, there would be regulations on hours of use. He indicated he spoke with the Trails Committee Chair who reported they would be utilizing switchbacks; however, they weren’t depicted in the renderings. He requested the trail be rerouted to allow access to additional trails.

Amanda Jenkins, relayed her support of having the trails in the Herriman Hills. She indicated she is an avid trail user and informed the Council there is not time for trail users to focus on backyard accessories. The focus of the trail user
Brittney Fonsbeck, indicated she was there to represent the Herriman High School Mountain Bike Team and suggested if the homeowners have an issue with the trail, they should cover the cost to have it rerouted. She encouraged trail etiquette to be respectful of neighboring property owners in the area. She relayed her hope to keep the trail open.

Mayor Watts closed public comment.

Mayor Watts asked about unauthorized trail access going across private property. Director Thomas responded the previous trail had an access that went onto private property. The City has prohibited people from continuing the use of the trail. The current trail was installed on Herriman City property. She reviewed the process to install a trail beginning with the GIS Department and meeting Mountain Biking Standards. The trail location can vary than what is drawn on paper. Mayor Watts asked if there was a public notice for this specific trail. Director Thomas indicated the trail was drafted based on recommendations offered from the Trails Committee. Councilmember Henderson suggested this should be a similar process as development and land owners should be notified within 300 feet of the development. Director Thomas indicated she has a conversation with the Trails Committee Chair to implement a mechanism to notice property owners.

Councilmember Smith stated communication would help with every process and proposed alignments would be a key piece of the Open Space Master Plan that could benefit greatly from open communication. Councilmember Ohrn thanked the residents for their comments and heard their concerns. Mayor Watts relayed his concern of the legal rights available to enforce certain things as outlined in State Code. He understood the plan would not be the same on paper, and recommended additional communication with affected residents. Councilmember Henderson asked a formal process be adopted moving forward.

Councilmember Henderson moved to approve Ordinance No. 2018-30 adopting an Amendment to the Herriman City General Plan known as the Herriman Hills Open Space Master Plan. Councilmember Ohrn 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.

6.2. Discussion and Consideration of a Resolution Approving Herriman City’s Membership in the Salt Lake County Officer Involved Critical Incident Task Force with its
Police Chief Troy Carr indicated that Utah Code required every law enforcement agency to adopt protocols to ensure officer-involved critical incidents are investigated in an impartial manner. This Interlocal Agreement would be for Herriman Police Department to join the Salt Lake County Officer Involved Critical Incident Task Force with Alta, Bluffdale, Cottonwood Heights, Draper, Murray, Salt Lake City, Sandy Saratoga Springs, South Jordan, South Salt Lake, and other entities to allow another team to conduct an investigation as needed. Councilmember Smith asked if any agencies within the valley do not participate on this task force. Chief Carr responded in the negative.

Councilmember Smith moved to approve Resolution No. R45-2018 approving Herriman’s membership in the Salt Lake County Officer Involved Critical Incident Task Force with its associated Obligations and benefits and becoming a participant in the Salt Lake County Officer Involved Critical Incident Task Force Interlocal Cooperation Agreement. Councilmember Ohrn 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.

6.3. Discussion and Consideration of a Resolution Approving an Interlocal Cooperative Agreement Between Herriman City and Jordan School District Regarding School Resource Officers – Troy Carr, Police Chief

Police Chief Troy Carr informed the Council of the meeting with Jordan School District regarding Resource Officers. He explained they requested to have a Resource Officer and offered to split the cost. He reviewed the necessary equipment, salary and benefits and estimated the total cost of an officer would be about $120,000 annually and $50,000 would be covered by the School District. He shared his philosophy of having School Resource Officers and relayed the great partnership between the City and the District. Councilmember Smith agreed with the stated philosophy and the importance of establishing relationships. He expressed his appreciation for staff to be able to absorb the remaining expenditure within the existing budget. Councilmember Henderson informed the audience moving away from the taxing District of the Salt Lake Valley Law Enforcement Service Area (SLVLESA) allowed the Council to allocate funding for this position, while if the City remained part of SLVLESA, there would be a more cumbersome process.

Councilmember Henderson moved to approve Resolution No. R46-2018 approving an Interlocal Cooperative Agreement with the Jordan School District regarding School Resource Officers. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:
- Councilmember Jared Henderson: Aye
- Councilmember Nicole Martin: Absent
- Councilmember Sherrie Ohrn: Aye
6.4. Discussion and Consideration of a Resolution Accepting a Petition for Annexation Filed by Kennecott Utah Copper, LLC for Further Consideration and Related Matters – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom informed the Council of the annexation petition filed on September 4, 2018 by Kennecott Utah Copper LLC. She reviewed the proposed annexation timeline and recommended accepting the petition for further consideration.

Councilmember Ohrn moved to approve Resolution No. R47-2018 accepting a Petition for Annexation filed by Kennecott Utah Copper, LLC for further consideration and related matters. 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. September 20 – Planning Commission Meeting 7:00 p.m.
7.1.2. September 26 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. Events
7.2.1. September 15 – Miss Herriman Orientation; City Hall 11:00 a.m.
7.2.2. September 17 – Food Truck Round up; J Lynn Crane Park 5:00 p.m.
7.2.3. September 17 – Sounds Like Summer Concert; J. Lynn Crane Park 6:00 p.m.
7.2.4. September 19 – Community Partner Luncheon; Herriman City Hall 11:00 a.m.
7.2.5. 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

8. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 8:43 p.m. Councilmember Henderson seconded the motion and all voted aye.
9. **Recommence to Work Meeting (If Needed)**

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 12, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

[Signature]

Jackie Nostrom, MMC
City Recorder