The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, October 10, 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: Clint Smith and Nicole Martin (Via Phone)

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, Finance Director Alan Rae, City Recorder Jackie Nostrom, Parks, Recreation and Events 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, Economic Development Manager Heather Upshaw, and Assistant City Planner Bryn McCarty.

Excused: Councilmember Jared Henderson and Councilmember Sherrie Ohrn

5:00 PM - Work Meeting: (Fort Herriman Conference Room)

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

2. Council Business – 5:15 PM
Mayor David Watts called the meeting to order at 5:16 p.m. He excused Councilmembers Henderson and Ohrn. He notated Councilmember Martin would participate electronically.

   2.1. Review of this Evening’s Agenda
   2.2. Future Agenda Items

3. Administrative Reports
3.1. Discussion of a Text Change to the Land Development Code regarding Various Alcohol Licenses (File No. Z2018-11) – Michael Maloy, City Planner

City Planner Michael Maloy led the discussion regarding a text change to the alcohol licenses. He mentioned that the Planning Commission recommended that the approval be consistent with the State. The various adopted permits the state issues should match the same standards as the State. Title 10 and Title 3 need amending for business licensing. All of the information will come to the Council for further consideration.

City Planner Michael Maloy asked if the Council had any specific questions. Councilmember Smith asked if there were no changes in the chart for permitted and conditional use table. This was confirmed. He also asked what licenses are currently available based on population. City Planner Michael Maloy responded that he would provide a report at a future meeting.

3.2. Discussion relating to the Development within the Proposed Annexation Area – Michael Maloy, City Planner

City Planner Michael Maloy provided an update on the development proposed within the annexation area that would cover approximately 30 acres. He mentioned that he would add deadlines to mirror the development timeline and contracts. Various permits would need to be secured including a grading permit in which the application would be required to be submitted to Salt Lake County this month. He suggested everything is on track to submit the materials for the project. The Planning Commission planned to hold a series of reviews and adjacent municipalities would be notified. The annexation would be effective as of January 1st and the Planning Commission would be scheduled to meet on January 3rd to ratify the proposal. A concurrent building permit application would also be processed. The developer would assume all of the risk and, ideally, after the land use approval has been secured a building permit would be issued. Councilmember Smith asked if this would negate the need to have the building permit process go through the County. City Planner Michael Maloy confirmed this and mentioned that he has had regular meetings with the County for updates. City Planner Michael Maloy voiced his concerns with engineering, added that a review would need to be conducted quickly, and that he felt comfortable with meeting the County deadlines. Assistant City Manager Gordon Haight confirmed that there are still steps remaining in the process.

3.3. Discussion relating to Building Setbacks – Michael Maloy, City Planner

City Planner Michael Maloy discussed the feedback that the Council received about setbacks. He mentioned that he included a series of tables relating to various types of zones in the City Council Packet. One concern he would like to address is the development agreement which would allow setback modifications, which has caused a few issues. Certain modifications are appropriate, but only with careful planning. At this point, the development agreements have been made, but the developers are essentially vested in the projects. If need be, the City can ask for an appropriate amendment to the agreement; however, this has not been a standard. City Planner Michael Maloy asked the Council if the City should create certain requirements to avoid setback modification in the future. Mayor David Watts indicated that the City should take care to work with each developer to keep from modifying these setbacks in detrimental ways to the community. City Planner Michael Maloy recently approached a developer to discuss mending different issues from the setback modifications. The developers suggested planting trees to help mask some of the issues to
the neighboring residents. Councilmember Smith clarified that there are times when corrections make sense, and other times where they are not appropriate. City Planner Michael Maloy added that the discussed lot is actually one of the smallest lots with compounding issues. Councilmember Smith requested that this item come back to a work meeting when more councilmembers are present.

3.4. **Presentation of the proposed Annexation Agreement** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight reviewed key points of the proposed annexation agreement for the Proposed Technology Manufacturing Zone (TM Zone) due to its proximity to the designated zoning. It was requested the Daybreak Construction Site have a grandfathered use when incorporated into the City. He depicted where the water line would be installed and noted the developer would give easements for the said infrastructure.

3.5. **Joint Land Use Study (JLUS) Update Discussion** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight discussed the Utah County side of Camp Williams. He explained the issues associated with land use around the base. The Council discussed the roads surrounding the base and the needed alignments. The City would like to receive study funds to open up and look at issues such as transportation, fire mitigation, and perimeter security. The proposal MAG would be the sponsoring entity. MAG would hire a contractor and Herriman would be included as a stakeholder. The study would take around a year or so to complete with no material cost to the City. Federal funds would become available after the study. Staff relayed support of this course and looked for the Council direction. The Council offered positive feedback.

3.6. **Anthem Commercial Agreement Discussion** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight discussed his completion of the documentation for reimbursement agreements. The documents were reviewed by legal as well as other participation agreements relating to the concepts. This agreement would allow developers to build a store for further commercial development. The plan would be to have the store open in March of 2020. Councilmember Martin asked about the repercussions and Assistant City Manager Gordon Haight responded that the plan connects back to the TIF. The agreement indicated that the City must start with the offered timeline, which provided further incentive to meet the deadline.

3.7. **Discussion relating to Surplus Property** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight mentioned that the City owns 2.49 acres with a number of purchase inquiries. He would like to ascertain if the Council would entertain any of the offers for commercial development. Mayor David Watts supported the commercial use in the area and Councilmember Smith agreed.

The other appraised piece at about 15.5 acres came back around $4.5 million dollars. It has been zoned as commercial and would bring in money; however, there would need to be restrictions on the property for the nearby residents. Many residents knew that there would be commercial buildings built near their homes. The City outlined the buffer and how certain issues would be mitigated for less direct impact to them. They were
informed on what types of uses would be allowed. City Manager Brett Wood mentioned that residents asked if the area could develop into a park and he reminded the Council that the City needs to be smart with the type of development in the area. Councilmember Smith added that one main concern is containing any contamination and the cost of remediation. Overall, he expressed his support of moving forward with the project. Mayor David Watts, Assistant City Manager Gordon Haight and Councilmember Martin agreed with moving forward as well.

3.8. Discussion pertaining to the funding for Master Plans and Impact Fee Studies – Blake Thomas, City Engineer

City Engineer Blake Thomas discussed the number of annexations, growth, and other changes. He asked the Council for specific direction. The difficulty he found is that once the City has reached the point of approval, often the process starts over for various reasons. Part of the issue includes ensuring that fees are collected and spent according to law. The proposed update includes the Master Plan, IFFP and IFA, including certain partial budgets. He looked for direction to begin a future budget amendment, which would not affect the General Fund as it is paid for with impact fees collected from new construction.

City Engineer Blake Thomas then reviewed the transportation Master Plan, IFFP and IFA. As it stands, $90,000 would be needed but only $45,000 has been budgeted. He mentioned his hope that the completion occurs within the next 4 or 5 months. The storm drain budget comes to $73,000 where originally no amount had been budgeted. Completing this project has been considered a priority. The Water Master Plan requires $75,000. It had been completed last year but will require more work with the annexation.

City Engineer Blake Thomas cautioned updating the General Plan at this time. Once the adoption occurs, many aspects would need to be updated a second time. Councilmember Martin added that the impact fees are scrutinized on the plan. Councilmember Smith also added his support for the current budget direction.

3.9. City Manager Updates – Brett Wood, City Manager

City Manager Brett Wood discussed the passing of Founding Mayor Crane. The Library, Recreation Center and other parts of the City will show support during this time with flags flown at half-mast Friday through Monday. A set policy for these situations has not been set in the City, but there will be a funeral escort including HPD, UFA and military honors. The City would consider various policies going forward in order to honor elected officials. Mayor Crane represented the City as mayor for 10 years and stayed involved for many years after his term. City Manager Brett Wood relayed his appreciation for the dedication Mayor Crane brought to the community. Services include a viewing on Friday and funeral services on Saturday.

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 6:10 p.m. Councilmember Martin seconded the motion.

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

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

The Council reconvened the City Council Work Meeting at 6:49 p.m.

4. Adjournment

The Council adjourned the City Council work meeting by consensus at 6:50 p.m.

7:00 PM - GENERAL MEETING:

1. Call to Order

Mayor David Watts called the meeting to order at 7:09 p.m. and welcomed those in attendance. He excused Councilmembers Henderson and Ohrn and informed the audience that Councilmember Martin was participating electronically.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Scout Troop #1468 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

Councilmember Smith offered his condolences to the Founding Mayor J. Lynn Crane Family. The Incorporation of Herriman occurred 20 years ago under his stewardship.

Mayor David Watts thanked the late Mayor Crane for his efforts.

2. Public Comment

Lorie Belnau addressed the Council and mentioned his support of annexation. However, he expressed concerned about the Olympia development and the strain it would take on public resources. He mentioned that Herriman citizens are aware of the situation. Residents want to maintain home values, commercial areas, preserve traffic flow and provide an appropriate amount of employment. He requested moving forward with the annexation.

3. Mayor and Council Board and Committee Reports

Mayor David Watts made the Council aware that he was appointed to the Travel and Transportation Advisory Board. He will be able to add his voice to the County on how to spend taxes.
4. Reports, Presentations and Appointments

4.1. Housing Gap Affordability Presentation – Abby Osborne, Vice President of Public Policy and Government Relations, Salt Lake Chamber

Vice President of Public Policy and Government Relations Abby Osborne of the Salt Lake Chamber explained that history offered density in Herriman, overall more than what people realize. However, communities should not bear that entire burden. The great problem is housing affordability in the State.

She relayed an example of recruiting employees that could not find affordable housing in their price range about 1.5 years ago. This has become more of an issue since that time. In response, a Landmark Study was commissioned to study what rapidly rising prices mean for housing affordability. Low income housing is harder to come by at this time. There is a higher household formation that household units, causing a 53,000 unit gap creating a supply and demand issue raising prices. Currently, Utah is the 4th fastest growing state with 72-percent of that population growth spurriing from within. At this rate, by 2044 the housing prices will mirror that of San Francisco. Other factors are also included in driving prices up, including housing shortage, construction and labor costs, local zoning ordinances, land costs and topography of Wasatch Front counties, and demographic and economic growth.

Recently the State launched the Housing GAP coalition which offers a program, TLC, as a free service to go through the General Plan. Additionally, there would be a build-to-success program launched for construction and labor. Notifications would be sent to schools regarding upcoming available scholarships. It would be imperative to train the next level of students on interning, working, and maintaining scholarships. A possible solution is an awareness campaign. The campaign would aim to educate the general public and keep them aware of arising issues. It would include help on how to make the best decisions for the future. The Y2 analytics survey came out as well with quite a bit of feedback from the Herriman area. She encouraged the City Council to comb through the general plan again, moderate income housing plans, and review zoning and associated fees. The Salt Lake Chamber would send a resolution to the City to consider, promising to go through all of these aspects of the City. The goal would be to continue aligning the vision of housing.

The Council expressed desire to help further the cause. Mayor David Watts affirmed that the City is happy to be a part of the solution, but was concerned with the push for housing growth focused in this area. He expressed his desire to focus on various ways each community can participate rather than Herriman City bearing the full burden. Vice President of Public Policy and Government Relations Abby Osborne proposed building a business center.

Councilmember Smith discussed the large amount of land open for development and the potential benefits of keeping it residential, while looking at the potential transportation issues. He is concerned that the only focus will occur on the Salt Lake Valley or Wasatch Front despite the land available in other parts of Utah. Many people want to be far from the center core but the transportation issue impedes on this development. Many choose other areas to live and are not burdened with an extensive commute. This should not become a legislative issue that stifles the process. The transportation plan is a key component and should not be compounded.

Vice President of Public Policy and Government Relations Abby Osborne added that every City must do its part and the full report can be found at www.slchamber.com/housinggapcoalition.
4.2. Herriman Police Department Update – Troy Carr, Police Chief

Police Chief Troy Carr provided information on the last development update. He displayed the inauguration ceremony video. All other developments have been completed, including operations, investigations, administration, evidence, records, forensics, dispatch, technical services, fleet, and training and support services.

Currently under development is a citizens’ advisory board. This should be completed and running next week in order to advise on policies. The plan was to attend as many events as possible for interaction and arrange task force members for involvement in critical incidents and internet crimes against children. Other involved groups include a violent fugitive apprehension strike team, FBI violet crimes task force, child abduction response team and a crash analysis reconstruction team that is currently expired across the valley. Other developments include a For Herriman patrol district structure with Councilmember Henderson, a Rose Creek Patrol District with Councilmember Smith, a Hamilton Patrol District with Councilmember Ohrn and a Juniper Patrol District with Councilmember Martin.

Also in place was a transition and radio call program; VECC welcomed the Police Department over the radio. UPD finished taking calls at midnight and HPD took over. There were no issues with the dispatch switchover and all systems worked with officers responding to calls. The officers were weened into the shifts with four officers on-duty; the City has been well staffed under the new model. The first 24-hours were quite busy with domestic violence calls, a juvenile warrant arrest and a triple fatal vehicle accident. He announced the early statistics of 180 total cases and about 300 calls for service. The various types of calls included traffic enforcement, DUI arrest, juvenile warrant, forcible sexual assault, vehicle fatality, aggravated domestic violence and burglary.

The auto fatality mentioned was reported on September 30 at 5:00pm. A car was heading northbound on 7300 west at high speed with no braking or steering apparent. Three young adult males failed to stop and the car left the roadway. Intoxicants and narcotics had been discovered at the scene; however, there was no return of toxicology.

HPD is properly equipped and trained to investigate virtually unassisted. South Jordan and Cottonwood Heights, however, voluntarily responded to assist. Councilmember Smith added that he was proud that HPD could handle the significant calls as well as the high volume of calls. He asked if the expired MOU for reconstruction team affected this call and Chief Troy Carr affirmed. The Sergeant arrived on scene first and called for assistance. UPD was the lead on the Platoon but refused to arrive on scene due to inactive participation of the MOU. Councilmember Smith asked if other entities receive the same treatment, Chief Troy Carr responded in the negative. HPD was on top of the investigation despite UPD standing down the team. The Chief at Cottonwood Heights insisted that his officers help in the situation. Chief Troy Carr already reached out to South Jordan and Cottonwood Heights to offer appreciation. HPD is also willing to help any entity, regardless. Councilmember Smith expressed his positivity at the response to help any other entity. Chief Troy Carr expressed the department’s commitment to always help others. Mayor David Watts also expressed his appreciation for the efforts placed in creating the Herriman Police Department. Councilmember Smith concurred that it was the right decision for the community and that he is quite proud.
5. Consent Agenda

5.1. Approval of the September 12, 2018 City Council Meeting Minutes

5.2. Approval of an Ordinance adopting a Veterans Committee – Wendy Thomas, Director of Parks, Recreation and Events

5.3. Approval of an Ordinance Protecting certain Records of South Valley Sewer District – Justun Edwards, Public Works Director

5.4. Approval of a Resolution approving an Interlocal Cooperative Agreement between Herriman City and Salt Lake County regarding Corridor Preservation Funds for Autumn Crest Right-of-Way – Blake Thomas, City Engineer

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

The vote was recorded as follows:

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

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

6. Public Hearing

6.1. Public Hearing on the proposed Kennecott Utah Copper, LLC Annexation – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom introduced the petition for annexation filed for the Kennecott. Tonight was advertised as a public hearing for the annexation with the goal of voting on the annexation at the following City Council meeting. The applicant was present but did not offer any specific comments regarding the petition.

Mayor David Watts Opened the Public Hearing.

Councilmember Smith recalled the previous comment in favor.

Clint Underwood raised the point of keeping jobs in the area and developing industry. Many millennials stay for 2 years or less and the majority of people are coming from somewhere else. He does not agree that MVC should be completed and sees it as non-beneficial. Not everyone can or should own houses. Many people are coming from California who have more money and can help effectively counter issues. He is in favor of annexation and maintaining open space.

Councilmember Smith moved to close the public hearing; Councilmember Martin seconded and all voted aye.

Mr. Jeff Stevensen presented representing the Kennecott project. The City brought to them an opportunity for a specific industrial site. This opportunity has a great deal of favorability but there are some concerns with overall
zoning. He hoped to look for a more balanced approach. The goal is to maintain a balance of uses within the annexation, coordinating between residential, commercial and industrial. He spoke of several options.

Councilmember Smith added that the area covers 267 acres of property. The land abuts about 90,000 additional acres, with about 20,000 of that considered developable property. This encompasses most of the west part of the valley. Councilmember Smith agreed that the acreage is somewhat out of balance. He clarified that Jeff Stevensen was proposing balance in the 267 acres and asked how this would spread to the rest of the 20,000. Mr. Jeff Stevensen responded that he would like an overall balanced approach, revolving around mining. He suggested listening to what occurs in other municipalities and stated his hesitation to annex without known vested rights. He had heard stories of properties being unreasonably rezoned and this gives Kennecott pause. However, Kennecott can afford to be patient and is interested in being a good partner.

Mayor David Watts mentioned that generally, the property should be based on current zone in the county. Mr. Jeff Stevensen confirmed. Mayor David Watts opined that when annexation occurred, it should follow the same path of residential. This causes some pause as residents have made it clear that they expect an open and transparent process. It is of vital importance to follow this manner when considering the residential zoning. Mr. Jeff Stevensen indicated he was not opposed to a public process and would agree with a transparent process. Councilmember Smith added that by looking at the history of the City, there are many components dear to the City that help achieve balance. As challenges arise, there is an opportunity to truly achieve that balance in the City. Mr. Jeff Stevensen replied that this leaves a lot to chance and uncertainty; he would prefer a workable balance that benefits both entities.

Councilmember Smith confirmed that this was a valid concern but that he hoped to achieve a workable balance. He mentioned that other pieces of property, such as Olympia Hills, were not seen in totality and this isolated pieces of property. Quite a bit of the frustration regarding Olympia Hills arose from this mistake. He proposed analyzing the 267 acres with the additional acres in order to achieve proper balance. Mr. Jeff Stevensen mentioned that he did not disagree. However, he offered a hypothetical scenario that would cause rezoning in the Kennecott area. Councilmember Smith understood the concern and mentioned that each of these situations require a certain amount of blind trust. He recommended looking through the history of Herriman and what has been accomplished for preserving open space. Commercial areas are required, but the City would like to work diligently achieve a good balance beneficial to both Herriman and Kennecott. Mr. Jeff Stevensen responded positively and emphasized Herriman’s credibility and that Kennecott values this deal. If the two parties can make it work, he believed that a solution would be found. He would like to see it work but there are certain issues to consider.

Mr. Jeff Stevensen affirmed that Kennecott would not move forward with the current zoning. Councilmember Smith offered his respects for the statements offered and emphasized the great partnership that Herriman maintains with Kennecott. In order to consider a residential component, the consideration would undergo a public process. He mentioned his desire to work on options and find a way to work through the issues. Mr. Jeff Stevensen mentioned his appreciation for the Council and for Herriman.
7. Calendar

7.1. Meetings

7.1.1. October 18 – Planning Commission Meeting 7:00 p.m. Cancelled

7.1.2. October 24 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

7.2. Events

7.2.1. October 15 – Herriman Howl; J Lynn Crane Park 6-8 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 8:50 p.m. Councilmember Martin 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 October 10, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder