



CITY COUNCIL MINUTES

Wednesday, November 14, 2018

Approved January 9, 2019

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, November 14, 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

Councilmembers Present: Sherrie Ohrn, Clint Smith, Jared Henderson, and Nicole Martin

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 and Recreation Director Wendy Thomas, Operations Director Monte Johnson, 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, Assistant City Planner Bryn McCarty, Events and Recreation Manager Kevin Schmidt, Assistant City Engineer Jonathan Bowers, Public Works Director Justin Edwards

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 Pro Tempore Nicole Martin called the meeting to order at 5:15 p.m. and indicated Mayor Watts would not be in attendance. She asked whether the Council had any questions about the agenda.

2.1. Review of this Evening's Agenda

It was noted that Parks and Recreation Director Wendy Thomas's flight had been delayed. As a result, she would have to report later. Therefore, Item 3.5 be moved to a later part of the meeting.

2.2. Future Agenda Items

There was no discussion.

3. Administrative Reports

3.1. Follow-Up Discussion regarding the Fencing Ordinance Amendments – Michael Maloy, City Planner

City Planner Michael Maloy stated that the Fencing Ordinance Amendments were currently in the hands of the Planning Commission. He added that there had been some interest in the Council to discontinue the conversation. He explained the item had already been discussed once, and that the Council had provided directions to propose an amendment of City Code 10-29-4, entitled “Fencing Materials,” that would allow wood fencing in agricultural zones. City Planner Maloy added having done some research on the topic he explained that when introducing wood fencing in agricultural zones, fencing would only be allowed for corrals and properties having large animals, not any other type of residential use. City Planner Maloy added that when researching best practices for fencing, he had come across different fence providers and had noticed that there were materials recommended in lieu of wood fencing. He explained that when used at all, wood was often used in posts. City Planner Maloy pointed to pipes with posts, and wire fencing. He explained that in the best practices of agricultural fencing, there seemed to be a predominance of non-wood fencing. Councilmember Ohrn, he added, also had a personal experience on the matter. He continued by stating that other Councilmembers might have personal experiences they wished to discuss as well. He explained that the material used for fencing would create certain concerns in terms of maintenance as well as animal well-being: the fencing material should provide a safe and secure space for animals as well as minimize injury risks. He added that one of the recommendations he had heard was for industrial strength vinyl.

City Planner Maloy reviewed the current draft of the amended ordinance. He explained that the draft might require more specificity. He mentioned that the questions about best practices regarding fencing used for large animals in agricultural zones needed to be answered. Another option, he continued, would be to let property owners use their best judgement, or to give them a set of options from which to choose. City Planner Maloy mentioned the Council should decide what types of materials could be used for what purpose.

Councilmember Henderson stated he was in favor of specificity. He explained he believed the past discussion on the topic had been largely trying to address specificity. Mayor Pro Tempore Martin stated she disagreed with adding specificity to the amendment. She explained that many different types of fencing materials were used successfully. She added the concept of liberty was important, and that the Council ought to avoid restraining people too much. She added that anyone who had an animal had made a significant investment in said animal: cows and horses were not cheap animals to acquire. As a result, she continued, it was incumbent on the animals’ owner to make sure the animals were fenced in properly to avoid injuries. She added there was a huge variety of fencing material because Herriman did not presently allow for wood fencing.

City Manager Wood explained that the typical set up was a steel fence with steel posts. He added that the City had seen a decrease in the number of animals getting loose in the past 10 years. Councilmember Ohrn asked if this was due to the different fencing. City Manager Wood explained that some of this decrease might be due to the decrease in the number of animals residents owned. Councilmember Ohrn explained that Utah was a fence-out State. She added that if an animal got out, its owner would not be liable for the damage caused, unless the animal caused an accident. It was explained that if horses got out on a golf course, and, because of the fence-out State law, the owner would not be held liable for damages. Most people, would try to fence in their animals appropriately.

City Manager Wood explained that there had been situations where individuals did not have the proper fencing in place, animals would get out, and animal services had to be called. He added that in some instances, not only was the fencing poorly set up, but the animals were also not well cared for. The standard, he added, would allow the City to make sure animals were at least fenced in properly. Councilmember Henderson explained that he wished to see restrictions on agricultural zoning properties. He added that he wished to see wood fencing only used for large animal fencing.

City Planner Maloy explained that after looking at fencing best practices, he had listed on the Council's memo that wood required more maintenance. He added that other materials might be more practical. The Council, he stated, might also have a certain aesthetic in mind. He stated that there were two options: the Council could require residents to use wood as they pleased, or could require that some best practices be followed. He stated that Councilmembers needed to decide whether they wished to be more specific or more general.

Mayor Pro Tempore Martin explained that she believed the Council might not have the expertise about all the fencing materials available. She added that the standard for fencing needed to be elevated. She further argued that had the Council imposed more stringent standards over the last decade, the City might have fewer vinyl fences and better-looking precast walls along traffic corridors. She stated this would have made a difference in the look of the City. She explained wishing to see more setbacks and landscaping along corridors such as 13400 South. She concluded that measures such as these could elevate the look of the City and added she understood why some Councilmembers were advocating for more regulations. She concluded that while not having the knowledge base to make a recommendation on the type of fencing that ought to be used, she wished for the Council to make decisions that would beautify the City.

Councilmember Smith explained he had grown up around large animals. He added that he had used to a lot of wood fencing. He expressed that he wished to see a clearly articulated set of rules to elevate the standard and added that he liked that this amendment was only targeting agricultural zones that had large animals. Though some areas would be visible to general traffic, he continued, not that many properties would be visible from the street. As a result, he explained, the wood fencing used to contain large animals was more likely to be situated in the rear of owners' homes, largely out of view. As the conversation about the fencing materials and maintenance issues continued, he expressed that the decision might be left to the owners. He concluded by saying that he was comfortable with the language being the way it currently was. Councilmember Ohrn agreed, as did Councilmember Henderson.

Councilmember Ohrn explained that she had felt misrepresented in the first presentation. The images of fencing shown, she added, were that of skis, sticks, and other visually unappealing fences. She argued that Park City, for example, allowed wood fencing, and added that if Park City could allow this, the materials used in fencing must not affect property values all that much. Councilmember Ohrn continued by showing pictures of different yet beautiful variations to fencing utilizing wood products. She argued that allowing home owners to choose would create variety, if long as the fences were well cared for. Eliminating the options for variety, she continued, would just cause all homes to have white vinyl fences. She explained that allowing variety was worthwhile, and that the Council should not make Herriman the white vinyl fence capital of the world. While wood might require more maintenance, she explained, it could be used for beautiful fencing. She mentioned that the vinyl fencing around the subdivision near her house had had to be fixed six times in the space of two years. Councilmember Ohrn further added that when a

vinyl fence had to be fixed, an entire panel had to be removed. City Manager Wood explained that Teton Village also used more wood, but that the fences were all high quality. Councilmember Ohrn further added that in some areas, wood would better blend with the environment. Having stringent restrictions, she explained, would prevent residents who wished to build a beautiful wood fence from doing so. City Planner Maloy asked how wood could be allowed while prohibiting cheap wood fences. He added that the City supported 40-percent high density starter homes and expressed doubts about these home owners investing in high quality wood fencing.

It was noted that when the fencing amendment comes to the Council, it will address more than just the issue of wood. At the present, the proposal being studied is whether to allow wood for the specific agricultural/large animals use. If the Council wished to talk about a broader application, it was their prerogative. Councilmember Ohrn explained that her intent in discussing wood was to elevate the standard while avoiding the cookie cutter look; the City should have a variety of housing and allow a variety of fencing materials as well.

Mayor Pro Tempore Martin explained that she felt there was agreement in the Council for allowing wood in agricultural zones with large animals. The Council agreed. She recommended the Council move forward. It was then noted that some areas of the City had the type of housing that would lend itself to stronger architectural design, not wood fences. Councilmember Ohrn added these could be condensed when talking about the upper end of the City, but that larger homes on large lots should be allowed variety.

3.2. Discussion and Direction regarding Mayor and Council Benefits – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn stated he was going to discuss compensation strategies, with recommendations from the HR department. He explained that as a City, Herriman had to look at the market as well as the compensations in public and private sectors and aim at offering competitive compensation by staying in the 50th percentile. In terms of the City Council and the Mayor, there were no private sector equivalents, he added. He continued stating that when studying these figures, other cities were called and asked for their compensation packages. Human Resources Manager Dunn also explained that compensation surveys had been sent, which was a process that was inexpensive for the City: cities simply input their data. He stated there were many interesting happenings in the job market and explained that low unemployment rates were driving compensation up. Every year, he continued, HR looked at the surrounding cities' total compensation packages.

Human Resources Manager Dunn mentioned that the data had been broken down between cities in three separate categories. The first category, he explained, had cities with part-time mayors and packages offering salary and health insurance. In this category, he continued, there were 14 cities that were comparable to Herriman. He stated that the average salary for a mayor was about \$20,500. City councilmembers were compensated \$14,500 on average. He explained that most of these cities offered its councilmembers health benefits. The second category, which comprised about 20 cities, he continued, did not offer health insurance to their mayor or their city councilmembers. These mayors often had smaller starting salaries and were elected in cities smaller than Herriman. The average compensation in this category was \$16,500 for the Mayor and \$12,000 for councilmembers. The third category, with 13 cities, was composed of cities with full-time mayors, he continued. The salaries for these mayors, he added, could be either very high or very low. These discrepancies, he pointed, made him decide to not present this category of mayoral compensation to the Council. The councilmembers, on the other hand, had more stable salary ranges which averaged

\$10,000, with 85-percent of these cities offering health benefits. Human Resources Manager Dunn asked if the Council wished to look at any other data, and what it wished to do with the current figures.

Mayor Pro Tempore Martin asked whether the City Council salary had been lowered. She added she believed it had been a campaign promise to bring said salary down. She inquired about the compensation amount prior to it being lowered. Human Resources Manager Dunn stated he did not know. City Manager Wood explained that it had been \$12,000 in 2009 and had been lowered in 2010 to \$9,000. Mayor Pro Tempore Martin explained that compensation had been artificially decreased and had not been raised since. She explained that it was therefore important to look at the compensation in other cities, particularly sister cities. Human Resources Manager Dunn added it was important to review compensation in comparison to other cities. He explained that there was a cost to working as a city councilmember, and that that cost needed to be taken into consideration.

Councilmember Smith explained that in the case of a part-time mayor, he assumed the responsibilities would be similar. He added that it was difficult to quantify why mayors were paid at such a higher rate than councilmembers. He added that the Mayor was one vote out of five on the Council, and that everyone shared an equal load. He asked what accounted for the difference. Councilmember Ohrn explained that form of government had to come into play. It was also noted that residents might not know of the compensation difference between cities and between Mayor and Council. Some mayors worked full-time, and therefore handled the bulk of the responsibilities. Riverton had a part-time Mayor who was a non-voting member, with responsibilities structured very differently. In the past, certain councils had empowered their mayor with more responsibilities. Councilmember Ohrn added that, in the case of Herriman, the Mayor had had some responsibilities taken away and that the amount of responsibilities could ebb and flow with each community. Councilmember Smith stated there was nothing tangible to create a delineation between the numbers. Human Resources Manager Dunn added that there were five or six cities where the Mayor and Councilmembers had similar compensations. He added not having looked whether they had the same form of government.

Mayor Pro Tempore Martin asked if Human Resources Manager Dunn had a slide that would show the comparable cities. Human Resources Manager Dunn answered he had a paper showing this data but had been nervous about broadcasting this information in a slide. He clarified that in all the cities he looked at, there were 34 part-time Mayors. Park City was at \$39,000 for the part-time which was on the higher end of the scale. Councilmember Smith pointed that the cities in the middle of that scale, with part-time mayors, did not offer health insurance. He added that these tended to be smaller cities. Human Resources Manager Dunn explained that the larger and growing cities were increasing salaries and benefits for their City Council. Mayor Pro Tempore Martin stated that when looking at the data, she believed the one the Council should focus on should be cities with part-time Mayors, as cities with full-time Mayors tended to be much larger cities. The cities not offering health insurance, she added, were at the other end of the spectrum. She added that, regardless of the form of government, the Council should look at cities that are fast growing and on the west side. She added it was more important to look at the life cycle of cities than their form of government. She explained that more time was required from Councilmembers in fast growing Cities, as many meetings had to take place. When looking at these cities, she added, Herriman was substantially under the average compensation. Mayor Pro Tempore Martin explained she knew what the impetus had been for the reduction of salary. She added that even if the salary had been kept stagnant from 2009 on, compensation would still be low, but not by nearly as low as it was now. The dramatic gap between Herriman and other cities, she added, had been a

political move, which she believed was not a good enough of a reason to lower a salary. Since this was a political move, she added, steps had to be taken to remedy the situation. Councilmember Henderson agreed with this assessment. He explained what he understood of the history of the Herriman Council.

Mayor Pro Tempore Martin explained that the Council had great latitude with what they chose to do for benefits and salaries for elected officials. Councilmember Henderson tried to explain what series of events had created the predicament the City was in. He added this was a delicate balance: while the role of the Council was public service, there was a cost to members' service. He explained that in his case, as he was self-employed, every second he spent working as a councilmember was preventing him from working on his business, which cost him. He added knowing individuals who would be great additions to the Council but preferred not to join as serving would be too great a cost. While he believed it was better to not raise the compensation to the point where it attracted career politicians, he believed the compensations should be fair. He stated a balance needed to be found but mentioned that a fast-growing City required a lot of time from the Council. He continued stating that he was in favor of having Herriman compensate the Council in accordance to the average of other similar cities. He added that Council compensation should be reviewed as often as that of staff.

Councilmember Smith explained he agreed with his colleague and added the balance was indeed delicate: not incentivizing professional politicians while staying in the average compensation for the type of work required. The only way to ensure that the Council would have capable members was to make sure that individuals were not harmed by their civil service. Councilmember Ohrn agreed. City Manager Wood explained that he would flush out the review by the next Council Meeting taking place on December 12, 2018.

City Attorney John Brems stated that if the Council wished to increase salary, a public notice would need to be posted. He added that the Planning Commission's State Statute legislative body may allow one of its members to receive per diem for travel expenses. It was explained that this had been increased and decreased several times; additionally, per diem was based on attendance.

3.3. Continued Discussion from July 11, 2018, City Council Work Meeting regarding the Mayor's Travel Expenses for Mosquito Abatement and Washington DC – Brett Wood, City Manager

City Manager Brett Wood explained that many residents had been reaching out to the Council regarding the Mayor's trip with the Mosquito Abatement Team. Comments were made about how the City was to move forward. He explained having gone back to the minutes of the July 11, 2018, meeting and asked how the Council wished to move forward. Mayor Pro Tempore Martin stated that anyone could read the minutes on their own time. She added that providing an encapsulated version of the minutes would, however, be helpful. Finance Director Rae explained that the situation was first brought up on June 26, 2018. He added that he had emailed the Mayor to let him know he was missing several receipts for \$2,306 of a \$3,600 expense report. The Mayor had been sent a copy of the expensing policy. Mayor Pro Tempore Martin asked Finance Director Rae to explain where the expenditures came from. Finance Director Rae explained that the credit card in question had been used to finance three trips: Washington DC with some members of the Council, Washington DC with the Mosquito Abatement District, and the International Conference of Shopping Centers (ICSC) in Las Vegas. He explained there were no issues with the ICSC expenses, except that a top-floor room had been requested, resulting in an unnecessary \$25 added fee. The trip to Washington

with the Mosquito Abatement District had been taken on their behalf and was, therefore, not considered City business. While the Mosquito Abatement District had reimbursed the Mayor for the cost of the trip, Finance Director Rae explained that the City should never have had to pay for portions of the trip.

Finance Director Rae continued that there had been an irregularity on the expense report for the Washington trip taken with a group from the Council. He referenced that he had first emailed the Mayor on June 26, 2018, about the situation. He added that the email had been copied to City Manager Wood and Director of Administration and Communications Moody. Both individuals, he continued, were supposed to sign off on such expenses. Finance Director Rae explained that out of 21 transactions, 14 did not include adequate support. The Mayor had been asked to provide more information, which he had done for some expenditures, but not to the required extent. Nine receipts were still missing, Finance Director Rae explained, though he had seven receipts which, unfortunately, did not meet the policy requirements. The support for two larger items in dispute, he added, had been obtained by his staff: a receipt had been obtained from the Mosquito Abatement District, and another directly from the hotel. These two receipts, he continued, amounted to \$900, which was the largest share of the sum now being contended.

Finance Director Rae continued that the Mayor made a last-minute decision to travel home when he was traveling with the Mosquito Abatement District. The new flight was only a few hours prior to the original flight, and, Finance Director Rae explained, the change in schedule had been the Mayor's attempt to attend the City Council meeting for the Unified Police Department (UPD) vote. Mayor Pro Tempore Martin pointed that the Council had a quorum and was not anticipating the Mayor to attend the UPD vote; as the Mayor had been expected to participate electronically. Councilmember Ohrn pointed out that the Mayor had not had a critical family emergency or anything similar. Mayor Pro Tempore Martin added that the Mayor had not disputed the cost of changing the ticket and had offered to pay it back. She asked whether it had indeed been paid back. Finance Director Rae stated there had not been any reimbursement. He continued that in addition to the flight, the Mayor had used the City credit card to pay for an Uber to travel to and from the airport. On the previous trip to Washington DC, Finance Director Rae explained, the flight had been overbooked, which would have required the Mayor to travel the next day. The Mayor had opted travel with a different airline to arrange travel home. The Mayor had then flown to Denver and stayed in a hotel that exceeded per diem rates. Finance Director Rae explained that since the July 11th, 2018, meeting the Mayor had asked to have the Finance Department look at how much more his room in Denver had cost in comparison to the rest of the group. Finance Director Rae reported that the rest of the group had been able to stay within the policy. He continued that during the July 11, 2018, meeting, it had been explained that the trip put the City over budget for travel expenses.

At the time the Mayor caused the extra costs, the City was already \$250 over budget. The expenses the Mayor caused put the City almost \$1500 overbudget. These items, he explained, were violations of policy. He continued by stating that Director of Administration and Communications Moody was the individual overseeing the budget which is then approved by the City Manager. He concluded that this was the worst expense report he had seen, in terms of documentation for expenses.

Councilmember Henderson explained that the Mayor had stated that the purchasing policy for the private sector was different, which he believed the whole Council had refuted. He added that as a self-employed individual, he had to provide even more justification to the IRS, therefore he believed that this excuse was not valid. Councilmember Ohrn

explained that during the July 11, 2018, meeting the Mayor had asked to speak to the Council. The Mayor had then stated he had only learned about the issues 30 minutes prior to the meeting. Finance Director Rae explained that the Mayor had known since June 26, 2018 about the issues. Before the meeting, he explained, the Mayor had sat down with Finance Director Rae to go over all the details of the issue. Councilmember Henderson repeated that the Mayor had not been blindsided. The issue had been brought to the Council because staff was unsure how to handle the issue at hand. Councilmember Smith stated that the Mayor knew ahead of time, but that the 30-minute notification was only for the discussion to be had with the Council about these issues. He added that the Mayor knew of the issue two weeks prior to the meeting. In the two weeks, he continued, the Mayor had made no attempt to reconcile the discrepancies of which he had been made aware. Finance Director Rae explained the Mayor had prepared one missing receipt form as outlined in the policy for one specific receipt. The receipt in question was for a \$50 breakfast that the Mayor had had with Assistant City Manager Haight. Assistant City Manager Haight stated he did not remember having breakfast with the Mayor, and no documentation could be found to support this claim. The hotel had been contacted to possibly find an itemized receipt, but no such receipt could be produced.

Finance Director Rae continued that the Mayor had provided a few receipts. Councilmember Smith asked whether the receipts had been provided before or after the July 11, 2018, meeting. Finance Director Rae stated that they had been provided prior to the meeting, as nothing had been reconciled since. Councilmember Smith stated that it could be acknowledged that the Mayor had made some attempts to rectify the situation, though not to the degree that the issues required. Finance Director Rae added that the major expenses had not been addressed. City Manager Wood explained that he was under the impression that, during the meeting, the Mayor had agreed to reconcile the amounts and pay them back. Councilmember Ohrn, reading verbatim from the minutes, stated that the Mayor had agreed to pay back the money. Councilmember Henderson explained that he believed that the expenses were to be paid back, and he was surprised that months later, this had not been done. Councilmember Smith asked if there had been any discussion on how the Mayor was to repay the City. Finance Director Rae explained there had been no such discussions. He added having had only two communications with the Mayor since the July 11, 2018, meeting. The communications had been about the hotel rooms with the Mayor challenging the fact that he had been questioned about the cost of his room. Councilmember Ohrn explained that this was a moot point. Councilmember Smith agreed. He continued asking why so much time had been allowed to lapse. City Manager Wood explained that the staff had been contacted by the District Office which had been looking into the expenses. As a result, feeling that the Mayor had been given enough time to investigate the situation, the District Office asked for records and information.

Mayor Pro Tempore Martin asked when the staff had last reached out to the District Attorney to find out what the status was. City Manager Wood responded it had been two weeks. Mayor Pro Tempore Martin asked when the District Attorney would get back to the Council. Councilmember Henderson explained that he did not believe the District Attorney was looking into whether the charges were legitimate, but rather there was criminal intent. Finance Director Rae stated that the charges did not follow the policy. In terms of criminal intent, he believed the plane ticket might be considered so.

Councilmember Henderson explained that the public was asking why the Council had let so much time lapse without acting and was also wondering why the District Attorney had become involved. Councilmember Ohrn explained that most of the feedback she had received was to inquire into what the Council was doing. She added there also was a

citizen concerned that it was inappropriate to have that discussion publicly. She explained disagreeing with this citizen; the Council was a set of public officials and that the funds discussed were public funds. As a result, the issue needed to be stated in a public meeting. Each Councilmember had to be held accountable, and even the Mayor had stated that the funds were public money, and that the Council and himself had to be held to a higher standard. Part of this higher standard, she added, was that such discussions had to take place during public meetings, not back-door, quiet meetings. The Council and Mayor were accountable to the public, she continued. Councilmember Ohrn further stated that it was unfortunate the Mayor himself could not attend the meeting tonight, but that he understood this item was on the agenda of this meeting. Mayor Pro Tempore Martin mentioned that it would have been helpful to hear directly from the Mayor.

Councilmember Henderson explained that the Council should work on a timeline for repayment. The Council's role was to make sure the public funds were secure, and he emphasized there was no valid reason to delay repayment. He stated that the Council needed to make sure this did not occur again. He continued by stating that the Mayor had obtained legal counsel and had been directed not to attend or participate in the discussion. Councilmember Henderson then asked if the staff knew who the legal counsel was. Finance Director Rae stated that he did not know who the legal counsel was and had not been contacted by anyone. Councilmember Henderson added that the Council had recently attended a retreat during which he was given the impression that the Mayor would be attending the present meeting, until an email had arrived at 7:51 a.m. the morning of the meeting informing the Council that he, the Mayor, would not be attending. Councilmember Henderson explained that the Mayor's decision not to attend was contrary to prior statements he had made, which Councilmember Henderson found confusing. The Council, he continued, needed to know what to do next, keeping as a foremost priority to have the funds reimbursed within a specific time frame.

Mayor Pro Tempore Martin wanted to clearly explain that the City's policy was sound and stringent. She added that it had been made more stringent a few years prior to ensure that the Council was a good steward of public funds. The first point she chose to make was that the policies were sound and similar to private and public policies in other cities. She added the issues with the Mayor were clear violations of policy that was standard and adopted to protect tax payer's money. From the July 11, 2018, meeting minutes, she continued, it was clear that the Mayor had admitted that there had been failings on his part, and that he was going to remedy them in the form of receipts and payments. She added that this was a failure of the Mayor to follow policy; a fact he had fully admitted. She added that this brought her to the same point in reasoning as Councilmember Henderson: The Council now needed to put forward momentum to receive repayment. She explained she wholeheartedly agreed with Councilmember Henderson that the Mayor needed to be approached and asked to reimburse what he has already agreed to pay. A deadline should then be worked out, she added. Since the whole Council agreed, she explained that this could be one step to take. She further asked if the total to be repaid was \$936.31. Finance Director Rae stated that the amount was correct. Finance Director Rae explained that the Mayor had claimed this had been his first expense report. He stated this was incorrect, as it was his second expense report. The first expense report, he added, had been filed correctly. Mayor Pro Tempore Martin stated this showed the Mayor clearly understood the process required.

Finance Director Rae explained that the City was currently being audited. As the result, the auditors had been asked to look at one month of all credit card expenses to make sure everyone was compliant. This issue with the Mayor, he stated, had prompted this look at top to bottom compliance. Mayor Pro Tempore Martin stated that the City was

doing due diligence. She mentioned recalling there had been another instance prompting a reflection on policies. Finance Director Rae explained that the reflection had been caused by a Unified Fire Authority (UFA) audit as the City had been called out on several issues and had taken the steps to address what the audit had brought to light. The weaknesses in the policy, which could have been exploited, had been addressed.

Councilmember Henderson asked City Attorney John Brems whether there was any legal reason that could prevent requiring a repayment from the Mayor. City Attorney John Brems answered there was not. Councilmember Ohrn stated it was unfortunate that five months after initially discussing this issue, the Council was forced to ask for the funds. Councilmember Smith stated being at a loss as to whether there was a legitimate legal reason that an attorney had become involved.

Mayor Pro Tempore Martin stated that she would like for the City to reach out to the District Attorney and ask what the status was on the issue. Councilmember Smith reiterated that it would be irresponsible for the City to have the discussion in anything but a public forum, as the Council served at the public's pleasure and was a steward to the public's money. He added that it was unfortunate that the Council had been placed in such an uncomfortable situation, but that it was their duty to make the public aware of the issue. The whole Council, he added, has talked about its desire for openness and transparency. This, he stated, was exactly what transparency was. He explained that no one person was perfect and that even public officials could be expected to make mistakes; having these difficult conversations would allow for the necessary corrections and help garner public trust. He stated strongly feeling the need to acknowledge Councilmember Ohrn's comments and reiterate them. He continued by saying that it had been noted, as it had been during the previous discussion in July, that while the Mayor had claimed not being aware of the City's policies, each new member of the Council was given a copy of the policies upon starting their duties. Each member of the Council was asked to sign that they had received and reviewed said policies. The Mayor, like all members of the Council, had signed such a document. This, he continued, was one of the points he had felt great consternation over at the time. Councilmember Smith expressed that he had felt this to be an excuse to avoid responsibility: if one acknowledged reception and review of the policies, it was incumbent on that person, as a public servant, to be keenly aware of the content of the policies.

Councilmember Henderson explained there was a principle called wilful blindness where one chooses not to be aware. If one, he continued, acknowledged that he or she should have been aware, ignorance became the responsibility of the person. Mayor Pro Tempore Martin stated that the point was not to argue the merits of the policies: one had to bring a receipt and list the purpose of an expense. She added that her biggest issue was wanting for the funds to be repaid. Anyone should understand a purchase policy, she continued, and added feeling that the Mayor had made excuses. She then stated it was difficult for her to know what the next step should be: if the Mayor were to accept responsibility, she added, she would feel more apt to ask for less than more. However, rather than taking responsibility for his failures to follow policies, the Mayor sought out evidence for other things. This, she explained, did not speak of someone wanting to take responsibility.

Councilmember Smith added that he wished the public could understand that when employees of the City or elected officials have expenses while acting in their work capacity, using the credit card was not the only way to cover expenses. An alternative, he explained, was for the individual to pay for said expenses from their personal account and submit receipts to seek reimbursement. Since this and other discussions, he continued, and because of the

scrutiny placed on credit cards, he had turned in his own credit card. He explained that one of the necessary steps was to restrain access to the credit cards for the City's protection. This would allow for the Council and City employees to not be put in the position where they might pay for something that may or may not meet the policy threshold. Councilmember Smith added there was another avenue for reimbursement: by submitting receipts. Councilmember Henderson agreed. Councilmember Smith stated that, from a policy standpoint, taking away credit cards might be the best option. Most of the time, he added, when traveling for City business, another staff member would be present. Councilmember Ohrn stated that hotels could be booked by staff. Councilmember Smith stated there were other avenues and that taking away the credit cards would cut out potential for abuse and issues for the City.

Councilmember Henderson explained that the question was what would happen to employees who violate policy, which, he added, was the first quandary for management. He added there were rules for staff members, but the rules were not so clear when it came to elected officials. Councilmember Smith answered that the rules should clearly state what the internal process should be. Councilmember Henderson explained that the credit card had always been explained to him as a convenience. After his first year on the Council, he continued, he had destroyed his card, as he felt it to be a liability and did not want to be responsible for misusing it. He explained that for elected officials, no credit card should be allowed. Mayor Pro Tempore Martin stated that she saw agreement in the Council that the use of a City credit cards should be removed from elected officials. The Council agreed.

Finance Director Rae explained the policy stated that if an elected official did not have a credit card, an expense report was to be turned in to be reimbursed. Travel, he added, was arranged through the Finance Department. As a result, the travel was already dictated. The purchasing policy, he continued, allowed to submit reports for reimbursement. Councilmember Smith asked if the same would be true for per diem items, items to cover the incidental costs of traveling, as he believed these were only submitted after the travel had taken place. Councilmember Ohrn explained that all the places she had worked at had the employees front the per diem items. The employees then asked for reimbursement. She explained that this system allowed for less abuse to take place. Knowing one would be seeking reimbursement, he or she would be less likely to charge things that he or she might not be reimbursed for, unlike when the City is fronting the money. Councilmember Ohrn explained that she would not even be that concerned about the next conversation with the Mayor if she knew he had paid back the amount he owed. The debt, she added, should not have been allowed to go on that long.

Finance Director Rae explained that everyone who used a credit card had signed off their report stating it was correct and properly documented. He added that this signature acted as a form of certification that the person submitting the report was responsible for it. Mayor Pro Tempore Martin explained that, as Councilmember Henderson had pointed, the issue was not a trite one. She asked what the policy was for employees. Finance Director Rae explained that in such a situation the employee could be disciplined up to and including termination, and that every case he had been involved in had included a written reprimand kept in the employees' personal file. He clarified that this process was followed regardless of the intent. Mayor Pro Tempore Martin explained she felt it was appropriate, in this case, to create a written notification of dissatisfaction regarding the Mayor's infractions of the policy. She added that, like all employees, the Mayor had a file, and that it was important to have a written record in his file of what was currently being discussed. The Council agreed. Councilmember Henderson explained that this would come from the Council. Mayor Pro Tempore Martin explained she would draft an initial reprimand that would reflect what had been agreed

upon. She added this could be delivered during the next meeting. Councilmember Ohrn stated that the reprimand should be read as a public statement. Mayor Pro Tempore Martin agreed and continued that the statement would be read during the next meeting taking place on December 12, 2018. Councilmember Henderson stated that once Mayor Pro Tempore Martin had drafted the statement, the whole Council should add their name to it.

Councilmember Ohrn asked about the guidelines for the City to be paid back the \$956.31. Mayor Pro Tempore Martin asked whether the Council needed to be the entity providing reimbursement directions as opposed to having the staff doing so. She was told the Council was responsible. She continued that the reprimand would outline the infractions as well as the plan for reimbursement. Concerns were expressed about making the repayment part of the letter to be delivered during the next Council meeting, as there would not be another Council meeting until December 12, 2018. It was stated that the Council should decide what its expectations were and communicate them immediately to the Mayor.

Mayor Pro Tempore Martin stated the total was nearly \$1,000, and while the Mayor had had some time to prepare to repay this sum, she was inclined to wait as the ever-expensive Christmas season was upon them. Councilmember Smith and Henderson stated they were not so inclined. Councilmember Henderson stated that the money was public funds and the Mayor had known about this since July 2018. If the situation had been with a regular employee, he explained, the repayment would have been demanded immediately. Councilmember Smith added that some type of interest should be added. When it came to the timeline, Councilmember Henderson stated that the Mayor had agreed months ago to repay what he owed. Mayor Pro Tempore Martin stated that she did not believe interest could be added unless the Council had already given the Mayor a timeline. Councilmember Henderson stated that the sooner the Mayor could repay that amount, the better. Regardless of the reprimand being read on the December 12, 2018, the Mayor should start paying. He continued that the Mayor be given until December 12, 2018, to repay what he owed, so long as it were communicated to him ahead of time. He added that the Mayor could be given two options: repaying the funds that night by credit card or agreeing that the funds be withheld from his pay check.

Councilmember Ohrn asked whether the Mayor's paycheck would cover the whole amount. Councilmember Smith stated that it might take two pay checks. Mayor Pro Tempore Martin added that the Mayor was free to decide how to pay what he owed. She added that what needed to be done was to set the payment deadline to December 12, 2018, giving the Mayor advance notice. If it were to be unpaid by that date, the next step would be to take the funds directly from the Mayor's check.

Finance Director Rae asked about the credit card policy. Councilmember Ohrn asked whether the policy stated that the Mayor and Councilmembers were issued a credit card. She added that if it were the case, it should be taken out of the language. Mayor Pro Tempore Martin explained that, excluding the provision about credit cards, she felt comfortable with the current policy as it stood. Councilmember Smith stated that one of the issues is that rules stated "employees," not "elected officials." Councilmember Henderson explained that the policy was not the issue at hand. He added that the clearer and more transparent the policy, the better the expectations could be understood. He mentioned that with the current language, this was not entirely clear. As a result, he suggested that the language should either be added, or a specific section should be drafted for the elected officials. Mayor Pro Tempore Martin suggested that the elected officials should be treated in the same way the employees were. She did not think it was helpful to add a separate policy, but rather, the words "elected officials" should be added alongside that of

“employees.” City Manager Wood stated that it would advisable to discuss the matter with HR as some things were done differently for elected officials. Councilmember Smith added that deciding on the language should be left up to the staff. He asked that either by December 12, 2018, or the following meeting, the staff have updated the language.

3.4. Discussion relating to the Approval Authority and Signatures on Subdivision Plats – Michael Maloy, City Planner

City Planner Michael Maloy indicated that the administration recently discovered a conflict in City Code regarding approval authority and required signatures on final subdivision plats and plat amendments. The following City Code states the Planning Commission has approval authority for *preliminary* subdivision plats within the City:

- **10-5-15: Preliminary Plats** Authority: The Planning Commission is authorized to review and approve preliminary plats as set forth in this section. Following preliminary approval, City Code states City staff has approval authority for *final* subdivision plats:
- **10-5-16: Final Plats** B. Authority: City staff are authorized to review and approve final plats as set forth in this section. Regarding subdivision plat *amendments*, City Code states the Planning Commission has approval authority for subdivision plat amendments without vacation of “some or all of a street, right-of-way, or easement,” and the City Council has approval authority when the plat amendment includes a vacation request:
- **10-5-17: Subdivision Plat Amendments** Authority: The Planning Commission is authorized to amend or vacate a plat except when such action is required to be taken by the City Council as set forth in this section. D. Procedure: A subdivision plat amendment or vacation application shall be reviewed and processed as provided in this subsection . . . of this chapter. b. (2) A public hearing is required before the City Council because the application includes a request to vacate some or all of a street, right-of-way, or easement. However, while City Code clearly identifies approval authority for preliminary, final, and amended subdivision plats, the following regulation implies the Mayor is required to sign all final plats on behalf of the City Council, which is inconsistent with sections of City Code cited above:
- **10-5-16 Final Plats** Procedure: 2. The application shall include at least the following information: c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat: (12) *Signature block for approval by the City Council, as evidenced by the signature of the Mayor* and attested by the City Recorder; and (13) A block for the Salt Lake County Recorder in the lower right-hand corner of the drawing. Regarding state regulations, Utah Code 10-9a-604 requires subdivision plats to be approved by “. . . the land use authority of the municipality in which the land described in the plat is located; and other officers that the municipality designates in its ordinance . . .” According to City Code 10-4-5.C.3, the Planning Commission is the “Land Use Authority” for the City:
- **10-4-5C. Powers and Duties** The Planning Commission shall have the following powers and duties which shall be exercised pursuant to the provisions of this title: 1. Prepare and recommend a General Plan and General Plan amendments to the City Council as provided in section 10-5-7 of this title; 2. Recommend land use regulations to the City Council as provided in section 10-5-8 of this title; 3. *Act as a Land Use Authority as provided in this title;* and 4. Advise the City Council on matters requested by the Council, including but not limited to, programs for public improvements and the financing thereof.

City Planner Maloy asked if the Council would like to provide any direction. He added that no final decision had to be made, as the item was merely brought up for discussion. He added that, when reading the memo, if the Council

had had ideas they would like to discuss, they could do so. He continued stating that to make any formal change, the Planning Commission would need to provide a recommendation to the Council, as dictated by Title IX.

Councilmember Smith stated that he had worked with the Planning Commission for several years. He explained that the delineation of the duties existed to protect the City Council and the process. He continued by stating that the City had a very capable Planning Commission as well as staff and an attorney to oversee the process, making sure it was properly followed. Moreover, he added, the Planning Commission and Attorney had the required authority to complete the process. He explained that while the language seemed to imply there had to be a process of approval from the Council, the power did not lie with the Council. Councilmember Smith stated that his vote would be to make the necessary changes to allow for the approval authority to stay with the Planning Commission, with the final approval being that of the Attorney. City Manager Wood added that he agreed that the final signatures should be that of the Planner, the Engineer, and the Attorney. Councilmember Smith stated that if the Council had any questions or concern, they could talk to the City Planner. City Manager Wood stated that the Attorney's signature was essential. Councilmember Henderson explained that often, with these matters, he knew he did not have proper expertise to judge. As a result, he felt that the City Planner, the Engineer, and the Attorney should make these decisions.

It was noted that the mention of “other Officers” could be anyone the staff wanted. Mayor Pro Tempore Martin explained that she liked the option of having the mention of City Planner added. When asked to clarify whether the Planning Department currently signed off on these items, Mayor Pro Tempore Martin explained that a lot of this was due to the kind of growth the City experiences. The Planning Commission, she added, were volunteers, and she felt not having the Planning Director listed here seemed to be an omission. It was stated that any change that might be brought forward would not remove the role of the Planning Director, and that vacation would still fall. The subdivision process was the role of the Planning Commission, while the role of the Planning Director was to deal with the public interest, the public right-of-way, and public property. This item would be brought back for approval on December 12, 2018.

3.5. Wide Hollow Trailhead and Bonneville Shoreline Trail Update – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas indicated the Herriman Hills Trails Committee, in coordination with Herriman City Parks, Recreation, and Events and Salt Lake County Parks, have proposed a new trail connection and future trailhead known as the Wide Hollow Trailhead along with a segment of what would become the Bonneville Shoreline Trail (BST). Notifications had been sent to property owners within 300-feet of the proposed trail and trailhead. One resident attended the public meeting. She added she had included one email from a concerned resident who was worried about individuals parking in front of his home. Since hearing that there would be a trailhead in a new location, the resident's fears had been appeased.

She pointed out that the trail highlighted in yellow on the map was funded by the Salt Lake County as part of the BST process, and would go to the Planning Commission the following day to get their recommendation and approval. She continued that the trailhead would come back to the Council for budget, planning, and construction approval. The next map, she added, showed the section she was currently working on, with the County, to receive a grant to complete the rest of the section of BST. She explained that she and the County had teamed up on the Transportation 4th

Quarter funds to finish this section. The parking lot, she added, would accommodate 40 to 50 cars. Councilmember Ohrn stated that motorized vehicles were not allowed on the trail.

Councilmember Smith moved to adjourn the City Council work meeting at 6:54 p.m.. Councilmember Henderson seconded the motion, and all present voted aye.

The Work Meeting reconvened at 8:06 p.m.

3.6. Discussion relating to the surplus of property located at 11962 South Anthem Park Boulevard – Gordon Haight, Assistant City Manager

This item was not discussed.

3.7. City Manager Updates – Brett Wood, City Manager

City Manager Wood stated that he recently attended a meeting wherein the bond rate and interest for future infrastructure was discussed. He noted that future growth in the State would require several billion dollars of new infrastructure. This was something that had never been played out in the State of Utah before, where communities expressed interest in contributing to the payment of the bond. A detailed plan—*Envision Utah*—showing specific infrastructure expansions would be presented and discussed at length at a later meeting. City Manager Wood then reviewed the layout of the Council retreat, and there was subsequent discussion on the matter.

4. Adjournment

Councilmember Henderson moved to adjourn the City Council Work Meeting at 8:17 p.m.. Councilmember Ohrn seconded the motion, and all present voted aye.

7:00 PM - GENERAL MEETING:

1. Call to Order

Mayor Pro Tempore Nicole Martin called the meeting to order at 7:02 p.m. and welcomed those in attendance. She also excused Mayor Watts from the meeting.

1.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Adam Mauchley with Scout Troop #390 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

There were no comments from the Mayor Pro Tempore or the Councilmembers.

2. Public Comment

No comments were offered.

3. Mayor and Council Board and Committee Reports

Councilmember Ohrn indicated that there would be a public hearing for the Wasatch Front Waste and Recycle on Monday at 6:00 p.m. The purpose of the public hearing was to present the budget for the year.

Councilmember Smith reported that the public hearing for the Sewer Board budget was held on November 13, 2018. He added that the budget had been approved for the next fiscal year. He stated that the overall increase to the budget was 1.89-percent over last year. He was highly complimentary of how well run the organization is and of how it looks out for the best interests of its customers. The Sewer Board also passed a resolution for the early payoff of the 2009 B Series bond. The payoff is in the amount of \$30 million. He noted that the bond was being paid off 15 years early, thereby saving about \$16 million in interest.

Councilmember Henderson said that negotiations were ongoing for Herriman City's severance from the Unified Police Department.

Mayor Pro Tempore Martin said today had been the legislative interim on Capitol Hill. As expected, a housing bill had come out that was of interest to Herriman City because of the substantial growth that is taking place in Utah. The growth is creating a challenge in housing, particularly with density issues. The bill would allow the Utah Legislature to be more involved with space and land use planning. She observed that cities were leery of such a plan because they believe those decisions should be made at the local level. She said the bill made some substantial changes in the General Plan section of the Land Use, Development, and Management Act (LUDMA) by including more specific requirements as to what should be required for moderate income housing plan. Mayor Pro Tempore Martin said that all cities were required to submit a Moderate Income Housing Plan. She noted that Herriman City is currently in compliance with the state requirements. She said if the bill passed, it would tie eligibility for future funding to the Moderate Income Housing Plan. She added that the City's eligibility for State Transportation Investment Funds or the Transit Transportation Investment Fund would also be tied to compliance with the Moderate Income Housing Plan submitted by the City. The Utah League of Cities and Towns (ULCT) is trying to work with the legislators to come up with a compromise on the bill so that the local residents are protected at the local level.

Councilmember Henderson said that he had received inquiries about the bill. He said that he perceived that the Legislature was trying to incentivize cities to add more density. In response to his question as to whether the City would receive new funding, Mayor Pro Tempore Martin replied in the affirmative. She added that the ULCT was trying to ensure that the bill would provide incentives as opposed to being punitive in nature.

4. Reports, Presentations and Appointments

4.1. Recognition of Cyndie Call, Garden Committee Volunteer – Kevin Schmidt, Events Manager

Events Manager Kevin Schmidt acknowledged that Cyndie Call had served on the Herriman City Community Garden Committee for six years. He noted that the Garden Committee had had another successful year. This past year was her seventh year as a gardener and sixth as the Community Outreach Coordinator for the Garden. This role included harvesting and taking donations to the Riverton Senior Center and St. Andrews food pantry. She would also reach out to gardeners and harvest from their plots if they had extra produce to donate. She would also add updates to the Facebook page to let everyone know how close the Committee was to its donation goal. In addition, Cyndie Call has

also been responsible for maintaining the garden blog. On behalf of Herriman City, Manager Schmidt expressed gratitude for her service.

4.2. 2018 Herriman Community Garden Reports – Shauna Heiner, Garden Committee Chair

Garden Committee Chair Shauna Heiner said that the Garden Committee had a great year. The Committee's goal was to donate about two thousand pounds of produce to the various places to which it donates, such as the Senior Center, St. Andrews Food Bank, and the King Family Farm. The actual weight of donated produce was 1,531 pounds, along with approximately 500 pounds of pumpkins. That donation went to St. Andrews Food Bank. In addition, 55 pounds of produce were donated to the King Family Farm. There were 48 plots this year, which included 18 double plots that were about ten-feet by 30-feet. There were 30 single plots, which were five-feet by 30-feet. There was a total of 34 gardeners this year, 20 of which were new gardeners. Seven of the plots were planted specifically for charity purposes.

In response to Councilmember Ohrn's question as to whether the garden was at capacity, Chair Heiner replied in the affirmative. She said that the plot sizes were dependent upon the number of gardeners. She indicated that the garden had been in operation for about 10-11 years. City Manager Brett Wood noted that the gardeners were good neighbours and did an excellent job of cleaning the garden area at the end of the season. The City Council thanked the Garden Committee members for their efforts.

4.3. Salt Lake County Animal Control Quarterly Report – Carrie Sibert, Community Liaison Coordinator

Salt Lake County Animal Control Services Community Liaison Coordinator Carrie Sibert presented the third-quarter report. She said that it was a very busy quarter because of the numerous events that took place during the summer. She noted that the marketing and outreach efforts were particularly laudable. She said that the Petapalooza adoption event was the largest ever, and it continues to grow each year. The County also had its annual Spayghetti event. In total, the County has held a little over 150 events this year so far. Coordinator Carrie Sibert expressed gratitude for the excellent outreach efforts that have taken place.

Coordinator Carrie Sibert next reviewed the slide with the Agency Statistics. She highlighted that the third quarter ended with just under a 95-percent spay rate for cats and dogs. The County had received just over 6,700 animals. Herriman City finished out the third quarter with 235 animals entering the County's animal shelters with a 95-percent save rate. Coordinator Carrie Sibert next reviewed the slide that provided the Jurisdiction Summary statistics, as provided in the meeting packet. She then reviewed the slide with the Third Quarter Field Statistics, highlighting the response times and numbers of calls that had been received.

Coordinator Carrie Sibert acknowledged the Employees of the Month: Megan Allred, Matt Assaf, and Kim Karren. She then highlighted the Volunteers of the Month: Tracie Harrison, Lindsey Wood, and Ellen Grove. Coordinator Carrie Sibert noted that these volunteers were absolutely amazing.

Coordinator Carrie Sibert next reviewed Third Quarter Highlights: Spayghetti and No Balls, Petapalooza, and Rescue.

Coordinator Carrie Sibert next reviewed the Third Quarter Events, including those that had taken place in Herriman. She also explained the process for remedying issues with stray cats in the area. Coordinator Carrie Sibert concluded by noting upcoming events. In November is a workshop for building better behaviour, which is a dog training class. There are different classes each month on this topic. There is a Giving Tuesday Fundraising Event, which has a theme of cats versus dogs. On November 16 and 17 is the Meowvember, which is a cat adoption event. The minimum bid for a cat is one dollar; otherwise, it's a "name your price" cost for a cat. There is also an event called Cats With Yoga, which is a yoga class that includes cats performing yoga.

5. Consent Agenda

- 5.1. **Approval of the October 10, 2018, and October 24, 2018, City Council Meeting Minutes**
- 5.2. **Approval of a Resolution approving an Interlocal Cooperative Agreement between the State of Utah and Herriman City for the Herriman City Police Department's Participation in the United States Department of Defense Law Enforcement Support Program** – Troy Carr, Police Chief
- 5.3. **Approval of an Ordinance Granting a Franchise to the Utah Telecommunication Open Infrastructure Agency Pursuant to a Franchise Agreement** – John Brems, City Attorney

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

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor Pro Tempore Nicole Martin</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Absent</i>

The motion passed unanimously with Mayor Watts being absent.

6. Discussion and Action Items

- 6.1. **Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise the Home Occupation Chapter (File No. Z2018-14)** – Michael Maloy, City Planner

City Planner Michael Maloy noted that the City Council has previously had two different briefings and follow-up discussions on this agenda item. He said that the focus was on some potential amendments to what the Planning Commission had recommended to the City Council dealing with group instruction. City Planner Maloy stated that he had re-listened to the City Council's October meeting and tried to capture and include in the staff report some clear ideas and options for the City Council to consider and give a thumbs up or thumbs down to the ideas enumerated in the report.

Councilmember Henderson said that he was not in favor of Option 1. He stated that having a shared driveway would create a serious issue for the other property owner. He also stated that he felt Option 2 was also problematic. He stated that he did like the recommendation made in Options 3 and 4, with regard to specifying a maximum number of students per session and per day.

Councilmember Smith and Councilmember Ohrn stated that they supported all of the recommendations made by Councilmember Henderson. Councilmember Henderson clarified that for Option 2, he believed that the maximum number of sessions per day should be kept at two with a maximum of eight students.

Councilmember Ohrn clarified that this was just for home occupations, so the reason for implementing limits is that the primary purpose of the home is to be a residence and not a business. Therefore, the limitations protect the neighbours from undue additions of traffic. Zoning exists in order to protect the rights of the property owners.

Councilmember Henderson moved to approve Ordinance 2018-36 Authorizing a Text Change to the Land Development Code to Consolidate or Modify Home Occupation Regulations with the inclusion of Option 3 – Add maximum number of students per session: No more than eight students may be allowed per session. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Mayor Watts being absent.

6.2. Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code to revise Alcohol Regulations (File No. Z2018-11)– Michael Maloy, City Planner

City Planner Michael Maloy explained that the State Department of Alcohol Beverage Control (DABC) had several different types of alcohol licenses. Most of these uses are not currently listed in the City's Land Use Table and are therefore not allowed. Because of the commercial growth that is taking place in Herriman, there would be more interest in restaurants, hotels, and other services that would want to apply for an alcohol license. The City Council thus directed staff to include all the different types of licenses that the State regulates. The City's provisions would be subject to State review and permitting. However, the text amendments would allow the businesses to request a letter from the City to facilitate an application with the State for the alcohol license. The applicants would still have to go through the local consent process.

Councilmember Smith moved to approve Ordinance 2018-37 Authorizing a Text Change to the Land Development Code, Chapter 16 Table of Uses to add several alcohol licenses. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Mayor Watts being absent.

6.3. Discussion and Consideration of an Ordinance Repealing Chapter 3 Article A of Title 3, “Alcohol and Beer,” and Replacing it with a new Article A, “Alcoholic Beverages Licenses” – Michael Maloy, City Planner

City Planner Michael Maloy stated that this was from Title 3 Business Licensing, and it did not require a recommendation from the Planning Commission. He said that this proposal was consistent with State Code; however, three statements were included in the meeting packet as a result of research that had been conducted with other cities, as follows:

- There shall be no limitation on the number of full-service or limited-service, or beer-only restaurant licenses granted by Herriman City.
- The total number of bar establishment licenses in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.
- The total number of on-premises beer retailer licenses (which includes restaurants, cafes, and bowling centers or golf course food and beverage facilities) in the City shall not exceed one per each four thousand (4,000) population of the City based on the latest population estimate provided by the Governor’s Office of Planning and Budget.

Councilmember Henderson moved to approve Ordinance 2018-38 Repealing Chapter 3 Article A of Title 3, “Alcohol and Beer,” and Replacing it with a new Article A, “Alcoholic Beverages Licenses.” Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Mayor Watts being absent.

7. Calendar

7.1. Meetings

- 7.1.1. November 15 – Planning Commission Meeting 7:00 p.m.

7.1.2. December 6 - Planning Commission Meeting 7:00 p.m.

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

7.2. Events

7.2.1. November 22-23 – Thanksgiving Holiday; City Offices Closed

7.2.2. December 3 – Night of Lights; J. Lynn Crane Park 5:00 p.m.

7.2.3. December 5-20 – Herriman Yeti Hunt; City wide, dates and times vary

7.2.4. December 7 – Santa Visits; J. Lynn Crane Park 6:00 p.m.

7.2.5. December 15 – Pancakes and PJ's; Herriman City Hall 9:00 a.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 Henderson moved to 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 seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Aye

Councilmember Sherrie Ohrn Aye

Councilmember Clint Smith Aye

Mayor Pro Tempore Nicole Martin Aye

The motion passed unanimously.

8. Adjournment

Councilmember Smith moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 8:16 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 November 14, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder