The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, December 12, 2018 at 5:00 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Mayor David Watts

**Councilmembers Present:** 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 Mitch Davis, City Attorney John Brems, Economic Development Manager Heather Upshaw, Public Works Director Justun Edwards, UFA Fire Chief Riley Pilgrim

**5:00 PM - WORK MEETING:** (Fort Herriman Conference Room)

1. **Mayor and Council Social**
   - 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.

   2.1 **Review of this Evening's Agenda**
   - Assistant City Manager Gordon Haight noted that Item 3.5 would be moved up on the agenda so that the discussion would take place after Item 3.1.

   2.2 **Future Agenda Items**
   - There was no discussion.
3. Administrative Reports

3.1 Youth Council Charity Food Drive at the Skate Ribbon - Alexander Hill, Youth Council Member

Youth City Manager Alexander Hill explained the Youth Council often would do food drives during dances, but they wanted to branch out and include the community. They proposed to use City resources, including the Ice Ribbon, to host a community food drive. The proposed date was Monday, January 28, 2019, and participants would be able to pay for admission with canned goods. The Youth Council felt that five cans per admission was appropriate.

Operations Specialist Abby Edwards said that they wanted to make this a big event, and it would be under Herriman City’s name, but organized by the Youth Council. The tentative theme was “Lights On Ice”, and they would have decorations and refreshments to match the theme. They have lined up potential partnerships with local businesses for refreshments and a raffle.

Public Relations Specialist Grace Watson said that they were working with the City newspaper and other newspapers to publicize the event. They would also be making announcements in schools and putting up posters in City buildings and local businesses. Regarding cost to the City, the cost to staff the Ice Ribbon would be $175 for the night. They chose a Monday because they typically generate the least amount of money, which would be less loss of revenue and more exposure for the Ice Ribbon.

Youth Council City Manager Hill said that the Ice Ribbon would be open for regular business that day, and people would have the choice to pay in cash or make a food donation.

The Council expressed their support for the event and agreed with the suggestion of five cans of food for admission.

3.2 Continued Discussion from July 11, 2018, and November 14, 2018, regarding the Mayor’s Travel Expenses - City Council

Mayor Watts provided some information to the Council regarding a timeline of the issue and the transactions. He began with his receipt submittal on June 26, 2018. Later that day, he received an email from Finance Director Alan Rae stating that the receipts were insufficient or missing, and he was directed to work with City Accountant Shauna DeKorver to submit the additional information. He spoke with the City Accountant DeKorver that day to determine what was needed. On June 27th, all the additional receipts were provided to Financial Director Alan Rae to review. Mayor Watts had asked Director Rae to contact him if any additional information was needed. On July 10th, the City Manager had requested a meeting with him 30 minutes prior to the regular City Council meeting on July 11th. During that meeting, The City Manager and Finance Director stated verbally that there were a few concerns, and Mayor Watts immediately started providing the missing information. The Council was informed about the situation during the public meeting. Mayor Watts verbally requested copies of all documentation to be provided to the City Council to show good faith, and he agreed to reimburse appropriate charges. On July 12th, he sent a written request for details about the issue from
staff. Sometime in July, Herriman City staff referred the issue to the Salt Lake County District Attorney’s Office for review. On July 25th, he made another request for documentation and asked what transactions still had concerns. On July 31st, he made his third request for information, and was subsequently contacted by the District Attorney’s Office and was informed that he was be investigated for criminal intent due to the charges. That same day, he was provided a packet of information, as was the City Council. In August, he attained legal counsel and informed the City Manager that, per legal counsel, he would not be participating in any discussion until after the District Attorney’s Office had completed their investigation. On August 6th, he received an email from staff stating that every transaction was handled completely in accordance to City policy except for a $2 parking reimbursement. On November 14th, the City Council discussed their concerns during a meeting and Mayor Watts was not present. On November 15th, the City received communication from the District Attorney’s Office indicating that no charges would be filed. The City Council was provided a copy of that report. Mayor Watts received an email from Councilmember Henderson requesting that he provide repayment of $946.31 by December 12th; however, he had not received any itemized documentation showing that that amount was for. On November 30th, he provided a packet with receipts for all transactions from May 2018 to the City Manager. Attached to the packet was a letter indicating that refunds had been issued or requested for several of the charges in question. He notified the City that the airline had refunded the cost of the unused portion of the flight and those funds were sitting in an attorney’s escrow account and asked for written documentation for a request to have those funds paid to the City. This was the first scheduled City Council meeting since the District Attorney’s Office had completed their investigation.

Mayor Watts then presented various emails, the City credit card statement, and travel log that he had submitted to the City in June 2018. He noted that the items with red check marks next to them were those items that the City Accountant Shauna DeKorver told him were not necessary to provide. He then went through each transaction from May 2018.

Councilmember Smith was concerned that Mayor Watts was providing documentation so long after the transactions were made. This far exceeded the City’s policy. They don’t have six months to decide whether the charges are valid or not. This issue was about policy, transparency, and taxpayer dollars. Regarding the missing receipt form, Councilmember Smith thought that it was disingenuous for him to think that turning in several missing receipt forms somehow meets the intent of the policy. The purpose of the policy was to provide itemized receipts showing everything that was purchased. This was unacceptable. He was upset that Mayor Watts had used City supplies to create these bound packets for the Council. He said that the Mayor disregarded the City process, and the respect of staff, the Council, and Herriman City residents. Councilmember Smith said that the real issue was the reason these costs were incurred in the first place. With the hotel in Denver, Mayor Watts spent extra money to change a flight so that he could come home for an UFA training that was optional. In reality, he ended up coming home only 30 minutes ahead of everyone else. That was not fiscally responsible, and as a leader, he should not have left the rest of the group behind. Councilmember Smith then addressed the mosquito abatement trip to Washington DC. Mayor Watts had informed
the Council that he would be attending electronically, and he made arrangements to call into the City Council meeting. The trip was not City business, so it wasn’t appropriate to book a return ticket on the City’s card to fly back to Utah. This behavior is something the Council has continually had to deal with, and was frustrated. He was frustrated that Mayor Watts believed that putting together this presentation would absolve him in any way.

Councilmember Henderson thought it was insulting that Mayor Watts thought this presentation would make the issue go away. He agreed with Councilmember Smith’s comments and frustrations. He emphasized Mayor Watts had violated the City policy. If he were an employee, he would have been terminated. They had spent a lot of time discussing these issues already, so he suggested that they move through the rest of the work session and continue the discussion in the general session. Councilmember Martin agreed.

Councilmember Ohrn said that the Mayor had shown a complete lack of respect to the Council and the City.

Mayor Watts said that he appreciated the feedback. He did not think that this presentation would absolve him of the violations of policy. He admitted that he hadn’t filled out the paperwork correctly, and he had actively tried to work through the issues, except while he was under criminal investigation. Councilmember Henderson argued that Mayor Watts could have continued to provide information during that timeframe. Staff referred the case to the District Attorney’s Office to follow a process, but that should not have stopped Mayor Watts from working to resolve the issue. He wanted to see Mayor Watts take responsibility for his actions.

Finance Director Alan Rae commented that the information from Mayor Watts regarding a $2 parking fee was inaccurate. In that email, Mayor Watts was requesting proof a statement Director Rae had said during the meeting on July 11th. He reviewed the entire account for the year, and everything prior to Mayor Watts charges, except for $2, had proper receipt.

Mayor Watts wanted to know what the Council wanted him to pay back, because he hadn’t received the details of that request. This discussion was continued to be discussed during the general session.

3.3 Review of Proposed Budget Amendment - Alan Rae, Finance Director
Director Rae reported that the City had been given Corridor Preservation Money for two right-of-way parcels. The budget amendment during the meeting would be to approve the budget to receive that money and to pay for land that the funds were designated to purchase. There were no questions from the Council.
3.4 **Discussion Pertaining to the Elected Officials Compensation and Benefits** - Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn presented information regarding salary and benefits data from surrounding communities relating to City Council. He said that their goal was to fall somewhere in the middle. This would be discussed further during the regular meeting.

3.5 **Incentive Package Discussion for Ace Hardware** - Gordon Haight, Assistant City Manager

Assistant City Manager Haight explained that the City had been in discussions with ACE Hardware for two years about bringing them into the City. The proposed location was across the street from Smiths in an area called Herriman Corner. ACE Hardware indicated that they would run a negative of roughly $113,000 for the first five years of operation, and they had requested some assistance from the City. Mr. Haight recommended offering no more than $5,000 per year to help offset the shortfall over four years.

Ross (no last name given), with ACE Hardware, said that they anticipated opening June 2019. The building would be 12,000 square feet, with a garden center off to the side that would be close to 3,500 square feet. They had received assistance from cities in the past, but that wasn’t necessary for every situation, particularly when a store goes into an existing building. In this case, the building would be constructed from the ground up. He explained that the corporation doesn’t own the store or the building. The stores were run by private owners. He had been working to come into Herriman City for seven years, looking at several locations.

Assistant City Manager Haight said that staff could do a study prior to approval and bring a proposal back to the Council in January for review. The Council supported moving forward.

3.6 **Herriman Hills Trails Update** - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events, Wendy Thomas, provided an update on the trails system. There was a consent item on the agenda to enter into an interlocal agreement with Salt Lake County Parks and Recreation, in which the County has agreed to fund $50,000 for a portion of the Bonneville Shoreline Trail. There were no questions from the Council.

Director Thomas said that she had spoken to Salt Lake County about gaining access to some property in the southwest corner of the valley near Rose Canyon. According to the County, that was not feasible. There were many conservation easements on the property that require it to remain non-motorized.

Director Thomas reported that Herriman City had received a grant from the Transportation 4th Quarter Fund. They were awarded $415,000 in matching fund to finish sections of the Midas Creek and Rose Creek trails. Referencing the map, she indicated where those expansions would be. Lastly,
Director Thomas presented conceptual drawings for the Juniper Canyon area, and for the Downhill Hard Lick Bowl area.

3.7 **Park Ordinance Updates** - Wendy Thomas, Director of Parks, Recreation and Events

Director Thomas said that the Council should have received an email with several examples of other cities' ordinances for parks. Some cities are vague in their rules and regulations, but some are very detailed. She felt that Herriman City ordinances fell somewhere in the middle. Since she began working for the City, she found the Parks Ordinance to be confusing, and she wanted to update it. Specifically, she requested input from the Council about recognizing organizations as sponsored entities, park operations hours and dates, and beer gardens and rentals with alcohol. After some discussion, the Council determined that all these items were worth discussing and requested more information. Mayor Watts didn’t have any desire to see beer gardens or alcohol allowed in the ordinance.

3.8 **Discussion relating to Sports Organizations and Leagues** - Wendy Thomas, Director of Parks, Recreation and Events

Director Thomas presented information showing how various organizations had used the parks in the past. They hadn’t received any requests for next year, but they would begin to see those in January. Her primary concern was that there were not enough fields to accommodate the number of leagues and teams that needed field time. The new Mountain Ridge High School would be completed soon, and that would bring in more teams needing space. This essentially put the City in charge of choosing which teams get field time, which was a difficult place to be.

Councilmember Ohrn was concerned that reserving fields took away the basic function of a public park. City Manager Brett Wood said that residents often complained about non-residents using the parks when they participate in leagues and teams. He wondered if they should consider charging a resident and a non-resident fee. Herriman residents were already paying for the parks with their taxes, so they should be the ones using the parks first.

The Council discussed charging fees to help cover the cost of maintenance of the fields and providing discounts for teams that volunteered in the community. They also discussed various fields available in Herriman City, including Field Six at Real Salt Lake Training Facility. The Council was in favor of establishing a tiered fee schedule. Councilmember Henderson liked the idea of charging per team rather than per participant.

3.9 **Discussion of the Kelsch Subdivision Requirements** - Blake Thomas, City Engineer

3.10 **McCuiston Avenue Project Discussion** - Blake Thomas, City Engineer

3.11 **Incentive Package Discussion for Project Jetpack** - Gordon Haight, Assistant City Manager
3.12 Thomas Butterfield Scholarship Discussion - Tami Moody, Director of Administration and Communications

Director of Administration and Communications, Tami Moody, said that three high schools would soon be pulling in students from Herriman City and the surrounding area. The Thomas Butterfield Scholarship states that the individual must be a Herriman resident, and that community service must be done in Herriman City. She asked if the Council wanted to continue with those standards or open the scholarship up to non-residents. The Council was in favor of keeping the scholarship as it was. Director Moody then stated that staff had been approached by a few local businesses that wanted to contribute to the scholarship amount. The Council supported the change.

3.13 City Manager Updates - Brett Wood, City Manager

4. Adjournment

Councilmember Smith moved to adjourn the work session at 6:53 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING

5. Call to Order

Mayor David Watts called the meeting to order at 7:03 p.m. and welcomed those in attendance.

5.1 Invocation/Thought/Reading and Pledge of Allegiance

Youth Council Members Grace Watson and Abby Edwards led the audience in the Pledge of Allegiance.

5.2 Council Disclosure for Conflict of Interest

There were no noted conflicts of interest.

5.3 Mayor/Council Comments and Recognitions

Councilmember Smith thanked Parks and Recreation Director Wendy Thomas and her staff for the excellent Night of Lights event that took place the previous week. It was well attended and received by the public. The audience offered an applause.

6. Public Comment

Mayor Watts noted that there was a request from the member of the audience in regard to Item 8.3 and requested that public comment be continued for that item.

Councilmember Smith moved to continue public comment in conjunction with Agenda Item 8.3. Councilmember Henderson seconded the motion, and all voted aye.
Robert Newton indicated that the subject of his comment was the private road 13620 South between 7300 West and 7009 West, Rose Basin illegal subdivision. Mr. Newton said that Rose Basin was created by the authority of former Utah Governor Calvin Rampton. Mr. Newton stated that the road had been created subject to and together with the landowners granting 25 feet of frontage for a 50-foot private road. The road was not a thoroughfare until January 3, 2006, when Herriman City released the Fieldstone bond and Fieldstone adjoined the public Gina Road to 13620 South. Mr. Newton noted that prior to the bond release, in a public meeting, a Fieldstone representative verbally commented, “Do not tie into 13620 South.” Mr. Newton stated that each day 50 to 100 cars use the private dirt road as a public thoroughfare. Mr. Newton said that Herriman City had created a threat to life, liberty, and property. Mr. Newton stated that trespassing was a crime and damages had been sustained due to current and past trespassing of privacy. Mr. Newton indicated that he believed Herriman City had an obligation to solve these problems. Mr. Newton clarified that he did not want to focus on pointing fingers at Herriman City; instead, his goal was to find solutions to this situation. Accordingly, he suggested three options:

1. Buy out remaining road owners and set dates for improvements, fix what has been damaged, and improve the road.
2. Close down the road and return it to a dead end, and repair damages.
3. Make contracts so that everything is done lawfully by recognizing the right of ownership.

Mr. Newton stated that Herriman City wanted to have the road.

An unidentified public member stated that Gina Road was an embarrassment and a safety concern for children to walk to school. They stated that the City needed to come to a resolution with this issue. They had sent emails to the City and only received excuses in response. They expressed concern that this issue had turned into a political battle and was a threat to people’s safety.

7. Mayor and Council Board and Committee Reports
Councilmember Henderson provided an update on the Utah League of Cities and Towns (ULCT). He said that he and Councilmember Ohrn had met with Executive Director Cameron Diehl regarding the ULCT’s efforts with the upcoming legislative session regarding the push for high-density housing in the area. Councilmember Henderson was pleased to note that the ULCT was supportive of Herriman City’s position on the matter. He noted that there was a narrative being perpetuated by the developers that cities were trying to prevent housing. He had heard the rumor that Herriman City allowed only one-acre lots, which is not true. He added that the cities in the southwest section of the Salt Lake Valley were particularly being singled out by the legislators to strip them of their zoning powers. Councilmember Henderson urged everyone to stay informed and involved.

Councilmember Martin, who sits on the ULCT Board, said that there would be a campaign that will roll out as #citieswork. The idea is to address the disconnect that exists between what city legislators think needs to be done at the local level and what the state legislators think. The prevailing opinion is that the government that is closest to the people governs best. The #citieswork initiative will
address issues such as density and local zoning control, which are being targeted by the State Legislature.

Mayor Watts said that he had been appointed by Salt Lake County Mayor McAdams to the Wasatch Transportation Choice working group, which was tasked with making recommendations regarding funding for the fourth-quarter sales tax. The County Council secured the funding for two trails in Herriman. In addition, Mayor Watts said there had been a joint application between the County and several municipalities to get funding for the realignment of U-111. He noted that the County Council had approved that project and had granted four million dollars to help with the project. The realignment would help assist Herriman particularly with some of the economic development practices that are taking place.

8. Reports, Presentations and Appointments

8.1 Youth Council Report - Alexander Hill, Youth Council Member

Alexander Hill identified himself as the City Manager of the Herriman City Youth Council. Mr. Hill said there are currently 26 members, who range from grades 9 to 12 in high school. He said that the members volunteer at the City events. Most of the members agreed that their favorite event was the Fort Herriman Town Days during the past summer. He said the Youth Council has currently planned a City ice skating food drive, which would allow people to go ice skating with a donation of food. Mr. Hill noted that Herriman has one high school and some charter schools. He stated that the previous night the Jordan School District Board had approved the name of the new high school off of Mountain View Corridor as Mountain Ridge High School, home of the Sentinels. He said that many of the Herriman youth would be attending that new high school. In the future, Mr. Hill said that the Youth Council was committed to doing more to be connected with the public, the City Council, and the youth of Herriman. In an effort to serve more people, more positions have been added with the task of working with the other committees throughout the City. The Youth Council is looking at ways to help beautify Herriman. They are also looking forward to attending the Day at the Legislature in January and the Leadership Conference at Utah State University in March. Mr. Hill said that the Youth Council was committed to maintaining a strong relationship with the City Council.

Councilmember Ohrn thanked the Youth Council for their many efforts and service hours to serve the people of Herriman. She added that the Youth Council was a great asset to Herriman.

8.2 Olympia Hills Report Presentation by Bonneville Research - Michael Maloy, City Planner

Bob Springmeyer of Bonneville Research introduced himself and noted that he was accompanied by Tom Burdet and Jim Taylor. Mr. Springmeyer began with the findings of the study conducted by Bonneville Research. He noted that Herriman City had done an excellent job of planning for growth, both within current parts of Herriman and the additional 3,400 acres in the Annexation Declaration Area. He observed that the General Plan included transportation, water, and basic infrastructure. He complimented the various leadership groups of the City for the excellent work that had been done with the General Plan and its components.
Mr. Springmeyer said that there was consistency with the parameters that had been set for the General Plan and the Annexation Declaration Area. He noted that General Land Plan called for 2.67 or 3.43 Dwelling Units (DU) per acre. The Water Plan called for 1.71 to 3.25 DU. The Transportation Plan, which is the more critical plan, called for 2.95 DU. He noted that these were gross numbers. Thus, land that, for example, called for 2.95 DU per acre would include all of the acreage, including the acreage for the roads, schools, parks, community facilities, trails, and the acreage dedicated to each individual household.

Mr. Springmeyer noted that gross acreage is used when looking at large tracts of land and large developments. It doesn’t correspond as the number that might be included on a block. He reiterated that Herriman City was growing fast. In fact, for the first three quarters of 2018, Herriman City was number one in the issuance of building permits in the valley for multi-family housing and number two for the issuance of building permits for single-family housing. The current population is calculated at approximately 53,190 people. There was also another 22-percent of land that is available within the City’s Annexation Declaration Areas that are still available.

Mr. Springmeyer observed that Herriman was a commuter city, so there are minimal shopping opportunities within the City’s boundaries. Thus, traffic peaks in the mornings and evenings. Traffic is the most critical issue as part of the City’s planning future.

Mr. Springmeyer then reviewed the large-scale developments that are in and around the neighboring communities. He noted that the application from Olympia Hills to Salt Lake County had been approved by the County Council but then vetoed by the County Mayor. In terms of gross acreage, the original Olympia Hills application had 9.5 DU. South Jordan Daybreak had 20,000 units on 4,150 acres for a density of 1.56 DU. Mr. Springmeyer said that in the discussions with the County Planners and County Councilmembers, they had been told that Olympia Hills was going to be another South Jordan Daybreak just west of Herriman. Mr. Springmeyer noted other developments and their respective DUs. He then said that if Herriman City annexed Olympia Hills at the Traffic General Plan density of 2.95 DU, there would be 2,717 dwelling units, for approximately 1,700 new people, 22,000 to 23,000 additional roadway trips, and 4,600 new a.m. and p.m. commuter trips. That would account for why traffic is seen as the most significant issue. If Olympia Hills was annexed at the originally proposed 9.5 DU, the numbers would go up proportionately. Thus, the compelling question is whether Herriman City could to annex Olympia Hills at the General Plan density in a manner that would be consistent with all of the other planning of 2.95 DU. Mr. Springmeyer then answered the question as “yes.” He explained that the Revenue and Expense Model was built primarily on sales tax on the population side of the distribution, not the point-of-sale side. He stated that the charges for services were another major funding source for the budget.

Mr. Springmeyer said that Herriman was probably better positioned than cities such as Murray, Sandy, South Salt Lake because their business model was heavily dependent on point-of-sale sales taxes.
Herriman City already has impact fees that are well funded. At the current planning density, the City would probably have around 13 million dollars for just transportation and parks. Development Agreements would be another funding tool to enhance road development and infrastructure improvements. Mr. Springmeyer stated emphatically that 9.5 DU would be unfeasible because it would more than double the increase in population, traffic, parks, public works, and general government services. He said that the study did not address fire protection because Herriman City has a separate fire authority.

Councilmember Martin stated that unless there were plans for flying cars, the roadways would make 9.5 DU an unequivocal impossible objective. Mr. Springmeyer stated that the worst thing that could happen would be if the County development went in at 9.5 DU, there would be all of the traffic without any of the tax revenue. Councilmember Martin then asked if the roads could even handle such a density. Mr. Springmeyer said that nothing could handle it. The roads, the water, the infrastructure could handle the density. Thus, if the plan went through, Herriman might have to do what other cities have had to do: block the roads through Herriman City. Councilmember Martin suggested that a simple phone call would allow the case to be made that what the County Council had passed was simply not feasible. Mr. Springmeyer said that even if the density for Olympia Hills went down to something comparable to Daybreak, which is a separate “island,” it would have to be the same kind of thing so as not to have such a devastating impact on Herriman.

Mr. Springmeyer next reviewed the map that had been prepared by Herriman staff at the County density for Olympia Hills. He noted the roads that would be at failure, and the roads for which the funding responsibility would be unclear. It would be essential to protect the Herriman City and the residents of Herriman. Referencing the map, Councilmember Henderson expressed the major frustration of the lack of state or county roads within Herriman. Neither the State nor the County has proposed to provide any funds for any transportation within the area. He noted that in the southwest area of the Valley, there is no transportation infrastructure, including no transit or plans for east-west expressways. He observed that developers do not consider the compounding impact that development has downstream. He added that Herriman is a commuter town that has no jobs. People have to leave town every day to go to work. There are only two main arteries in and out of Herriman, and the compounding pressure that is put on those arteries is never addressed.

Mr. Springmeyer said that the funding for the extension of U-111 would be covered in part by the County, but it is not enough money to cover the other type of infrastructure that would be needed. City Engineer Blake Thomas confirmed that there was no money for the utilities or storm water detention. With regard to an east-west corridor, Councilmember Ohrn pointed out that U-111 runs north and south. Thus, it would make no sense for people to travel north or south on U-111 to connect to I-80 and then to I-15. Improvements to U-111 would do nothing to alleviate the congestion of traffic traveling east or west, and there are no plans in place to address that problem. Mr. Springmeyer said Daybreak has transportation amenities that are not part of any plans for Herriman and its surrounding area. Mr. Springmeyer said that Herriman City has done a great job of
trying to manage its growth. If Olympia Hills is annexed into Herriman City and if the density is consistent with what Herriman City has established, there would still be some tweaking, but it could be done with continued planning. He said that the last thing the City would want to do was take out houses to widen the road, which is expensive and unpopular. Some intersections would have to be signalized. Mr. Springmeyer acknowledged and thanked the many people that made the study possible.

Councilmember Smith asked if the 2.95 DU would be the maximum that Herriman City could support. Mr. Springmeyer said that the General Land Plan has a range; the Water Plan has a range; but the Transportation Plan does not have a range. The maximum was arrived at on the basis of the Transportation Plan’s DU threshold. He noted that in the future, there would be more detailed studies as part of the planning process, including impact studies.

8.3 City Council follow up Discussion from July 11, 2018 and November 14, 2018 regarding the Mayor's Travel Expenses - City Council

[VERBATIM]

Mayor Watts: Great. We will go ahead and move on to item 8.3, City Council follow-up discussion from July 11, 2008 and November 14, 2018 regarding Mayor's travel expenses. Council.

Councilmember Smith: I would just suggest to the Council that maybe we follow a similar process that we do on other discussion items that come before this body. See if, first off, Mayor, you would like to take an opportunity to be able to address your side of things. I believe staff has some documentation to be able to present for those in attendance as well. Maybe go through those, and then open up our public comment after those two sides have been presented. And then open it up after the public comment to the Council for discussion. Would that be reasonable?

Alan Rae: Good to me.

Mayor Watts: Okay. I am just going to simply read a statement at this point. I went through, in detail, all the transactions in our work meeting. And I have that information and all those receipts and documentation. It has been made available to the Council and to all staff, and it will be included in, I'm sure it will be included in the minutes for this meeting. So, I'm just going to read a quick letter here. I am grateful to finally be able to talk with you about the accusations made against me. While under criminal investigation, it was not prudent for me to comment on this issue, on the issues raised with regards to my use of the Herriman City issued credit card. I'm grateful for your patience, as I have waited for the legal process to be completed. While the legal process necessitated my silence since May, I have now been cleared of these accusations by the district attorney. Upon advice of my attorney, last week I provided a packet of receipts and documentation to the City regarding the questioned purchases made on the Herriman City issued credit card. It is my hope that this will clear up any remaining concerns the Council has. Let me emphasize, I believe that each questioned charge was directly related to my service as your Mayor. Itemized details regarding each of these questioned charges has been made available. I look forward to repairing my working relationship with the City Council and with our staff. As your Mayor, my commitment to you is complete honesty and transparency. It is my hope that you, the citizens of Herriman, will continue to reach out to me and be vocal when you see something that you question
Finance Director Alan Rae: I'd like to address some of the issues that have come up regarding the Mayor's purchasing card, the violations of our policy, the review that was done by the district attorney, and the limitations of that review. First of all, a few excerpts from our purchasing card policy. This is the beginning paragraph. Overview and statement of intent. Herriman City issues a purchasing card for department heads and certain authorized department employees and/or City representatives to use for legitimate business purpose in accordance with the City purchasing policy. Permissible uses for the City issued purchasing card include expenses related to local meetings, including meals and expenses, all fees defined by Section 16 of the Herriman City policies and procedures, travel, hotel, accommodations and business-related purchases, in accordance with the City's purchasing policy. Under no circumstances is the use of the City issued purchasing card intended to enable the card holder to circumvent any provisions of any existing or future City purchasing policy and/or travel and business reimbursement policy. The card will only be used for those activities that are direct consequence of the card holder's function within the City, and then under no circumstances will the card be used for personal reasons. Furthermore, the card holder agrees to be personally liable for any unauthorized transactions unless the card is lost or stolen or subject to fraud on some part of a third party. Each month, the card holder will be provided with a copy of the statement for purchases made on their business card. The card holder will complete a purchasing log, with substantiation for each item on the card statement. This substantiation will include a budget code to charge the transaction, purpose of the expenditure. In the case of meals, note who was in attendance at the meal. Detailed receipts must be attached to the purchase card log for each transaction. To ensure that the card is used for authorized purchases, adequate receipts and/or substantiation sufficient documentation to support purchases is provided by the card holder. And card use is not in violation of City policies, including the City's travel and purchasing policies. If a verification receipt is lost, the card holder will provide a written, detailed explanation of the purchase which must be verified by the card holder's supervisor. Purchasing card misuse, all rewards that are accrued by the use of the City purchasing card, will result in disciplinary action in accordance with Herriman City policy and procedures manual. Including up to termination of employment with Herriman City. Additionally, whenever a breach in this policy occurs, City management must assess the nature of the breach and reserve the right to report the misuse to law enforcement for criminal investigation. All approved expenses incurred must be in accordance with your individual department budget. If you are unclear as to your expense budget, please contact your department's head or finance director prior to incurring any expenses. The traveler is responsible for complying with travel policies. Employee traveling will be allowed to use the Herriman City purchasing card for all reasonable and necessary expenses while traveling on authorized City business. Employee shall reimburse City for expenses that are not in compliance with this policy. The City Manager or finance director must approve any deviation to the policy. Employees who do not comply with this policy may be subject to delay of reimbursement, denial of future travel, and/or loss of City purchasing card privileges in accordance with the City purchasing card policy, and may result in discipline with the City policy and procedures manual, including termination of employment with Herriman City. Cancellations. When a trip is canceled after the ticket has been issued, the traveler should inquire about using the same ticket for future travel. In the event that the change in travel plans are the employee's benefit, they will reimburse the City for the cost if the ticket results in an additional charge or non-refundable amounts. If the change in travel policy is due to extenuating circumstances, the City Manager will have the discretion to excuse the repayment. Lodging and hotels. Hotel reservations should be made in such a manner as to secure the best available rate and must be booked through the finance department. Employees are required, whenever possible, to use properties in the moderate category.
conferences that are pre-arranged special rates, the employee is permitted to stay at the location of the conference. As a guide, GSA rates are listed and we give the website.

Finance Director Alan Rae: On May 9th, 2018, which is one day before the most questionable transactions on the Mayor's credit card, the City Council approved Council rules and procedures. The final sentence of that document reads: The Council travel and business expense reimbursement policy shall follow the same guidelines set forth in the Herriman City travel and business reimbursement policy. Also, the Mayor signed on December 17th, or December 22nd of 2017, that he received the policies and procedures and that he understood them. In Herriman's form of government we have a five-member Council. We have five Councilmembers, where one is designated as the Mayor, and is a voting member of that Council. The Mayor, as a regular voting Council member is the chair of the Council, exercises ceremonial functions and may not veto any ordinance, tax levy, or appropriation passed by the Council and other duties defined by ordinance. Now, there's a lot more words to it there. I've boiled it down, but you can read that in the 10-3B-401 in the state code. And the Council exercises any executive and administrative powers that they don't give directly to the Mayor by ordinance. The Council has the power to give or take away any duty, function, or power of the Mayor. They have the ability to pass ordinances and appoint the City Manager by ordinance. In our form of government, and by ordinance, we have a City Manager. And among his duties, the City Manager has the responsibility for budgetary compliance and, by our travel policy, is responsible for approving all travel. Why do we have financial policies? Communication is an essential component of a comprehensive framework of internal controls. We have very comprehensive internal controls here. One method of communication is that, that is particularly effective for controls over accounting and financial reporting, is the formal documentation of accounting policies and procedures, which all of our procedures and policies are documented. A well-designed and properly maintained system of documenting accounting policies and procedures enhances both accountability and consistency. The resulting documentation can also serve as a useful training tool for staff. Specific violations that I see in Mayor Watts's purchasing card was lack of documentation. His original report had only two valid receipts for 21 items. Now, at this point, I will concede that we have somewhat of the documentation for all 21. Many of those, several of those, are done by the Mayor just creating a missing receipt-

Mayor Watts: Can you be more specific as to how many those are?

Finance Director Alan Rae: No, I can't right now. I can go look it up if you'd like. But you know.

Councilmember Henderson: I'm sorry. I'll ask a question there, too. You said now, as of when?

Finance Director Alan Rae: The last ones I received were on November 30th. Okay, his meals, originally none of them listed who was present at the meals or what was purchased, which is required by our policy. As I said, several items were documented with missing receipt forms on November 30th. One of the larger ones is purchased an airline ticket for a trip that was paid for by the Mosquito Abatement Board. And, by his admission, he has the money from cashing in their ticket. The new ticket was $690.80. Another issue with that airline ticket, and with another expense in this report, is that the Mayor used his personal sky miles number on the transactions. That is a specific violation of our policy, and it's a violation of the policy issued by the state auditor about six months ago. He used the Uber on the City purchasing card for travel already paid for by the Mosquito Abatement in the amount of $49.42. And then a room in Denver, he exceeded our approved room rate by $166.09. Now, the Mayor has brought up that that includes taxes, so we'll probably have to adjust that some. I want to just go through a timeline. The April report that the Mayor turned in was properly approved
and had proper receipts. May 9th, they approved the Council's rules and procedures. December 22, 2017, the Mayor signed the policies and procedures manual acknowledgement form. March 28th, in a Council meeting, the Mayor stated that he would not be able to attend the May 16th meeting, due to a Mosquito Abatement conference in Washington, D.C. Mayor Watts purchased the ticket for the Mosquito Abatement trip on April 9th. April 11th, in a Council meeting, the Mayor asked if he would be able to stay in Washington, D.C. between the time of the City's trip there and the Mosquito Abatement trip and was told it was not cost effective. So, going through the transactions on the Mayor's credit card, the first one is a Delta Airlines receipt for $25. There's no problem with that one. The next one is $25 for Delta Airlines. Again, the problem with this one is that the Mayor used his personal sky miles account on this purchase. Again, specifically violating our policy. He had a meal on November 8th. This, again, when you look at the substantiation, I've accepted this one. But it's pretty weak. He's written across the front of the receipt that he bought a sub, listed on a missing receipt that he bought food. That doesn't really meet our requirements. May 8th, he had breakfast at the Grand Hyatt for $50. Originally, this was one that I had concern with because it did not provide a receipt. He provided a missing receipt form, saying he had breakfast with Gordon. Gordon couldn't remember having breakfast. The Mayor also has contended that the fact that this was listed on his hotel bill was adequate receipt, which is not. It's no more valid than reading it on the credit card receipt. It lists the charge, doesn't say what it's for. However, I do believe that this is probably one that, at this point, that I would think is acceptable. May 10th, he had a receipt for a meal. We've subsequently received the receipt. Now, I have no problem with the United Airlines baggage of $25. However, this Westin Hotel in Denver, he left the group. There was a group traveling to Washington, D.C. for lobbying efforts, including the Mayor, Nicole Martin, Brett Wood, Gordon Haight and Tami Moody. When they went to the airport, they found out that their plane would not be going and that they would have to wait until the morning. The Mayor went to a different airline, got a ticket, which he told the group was straight through, which it didn't end up being. He stopped in Denver, spent $346 for a room. By our policy, $180 is the maximum. If you look that up right now, it shows 181, which it's gone up a dollar since this transaction. But his cost was $346.09. Okay, the next thing. On May 10th, the entire Council received the agenda for the May 16th meeting. Stating that the UPD vote would be on that agenda, the Mayor was informed that he could participate electronically just as he had done just the very previous meeting to that one. He also traveled home and had Burger King that night as he arrived in Denver. Then the next morning, and this extra flight and extra room cost had him coming in to Salt Lake approximately 30 minutes before the rest of the group who had remained to wait for the next morning flight. He took an Uber from the airport to Magna, to fire school, which I believe is appropriate.

Finance Director Alan Rae: On May 16th, the Mayor decided that, rather than calling in to the meeting as had previously been arranged, that he would go to the airport, get an earlier flight home, and according to his statement was not able to cash in his ticket that had been bought for the return trip from Mosquito Abatement. He got a credit for that flight. He not only paid an Uber $16.22 to go to the airport, he then bought a ticket for $690.80. And then he spent another $33.20 to come from the airport to here. Now, the Mosquito Abatement district had paid the Mayor $1,023 for a round trip to Washington, D.C. He, by his admission, has taken a personal credit for that flight that they bought, and had since cashed it into cash, and has charged the City for the flight. Mosquito Abatement also gave him per diem for in Washington, D.C. and a Metro card to travel to and from the airport, which he kept himself and then charged the City for the Uber to the airport and back to the City Hall. Now, under our policy, the Mayor doesn't have the authority to buy a travel ticket at all. He needs a signed approval by myself and by Brett Wood, according to our policy. That's not something that the Mayor has any authority to do. As we mentioned, in our form of government the Council sets the budget, but the City Manager and the assistant City Manager have the responsibility to maintain that budget. Now, as
I said, he changed it to come back earlier. He arrived approximately four hours earlier than he was planned to do, costing the City about $750. And he continues to hold either the credit or the cash for the ticket that was paid for by Mosquito Abatement. He's told us in a letter dated November 30th that he has had the cash for the return ticket since August 7th. One highlight to this, too, is that even though the expectation of everyone here was that he would just be calling in to that meeting, he called the City Recorder at 12:42 on the day of his return to arrange the connection for electronic connection to the meeting. He was already, by the flight times that the airline has given us, in Raleigh Durham Airport in North Carolina on his way home. He'd already committed to traveling home and had already made the first leg of the flight and made no mention during his call that he made to get the details for electronic connection.

Finance Director Alan Rae: The remainder of the receipts have finally, in one form or another, been received by the finance department. The only other item that really, other than the lateness of receiving the receipts, was on May 30th the Mayor purchased with his purchasing card a new mouse and surface pen for his computer that was provided new to him in January. He did turn in the damaged equipment to an IT tech. Their memory is that he had already purchased the new equipment prior to bringing in the damaged equipment. By policy, all new electronic equipment is purchased by IT with the approval of the IT Manager. And this policy was not followed. Now the Mayor mentioned earlier that he doesn't know what the true amount is of this entire thing. And that part of that, if you look back at what I've provided to the Council, there have always been question items of how I wanted you to direct me as far as how that balance should be created. We have a number of items that violate policy, and different ways that they're in policy. Now, I believe that we totally blew it on policy on the trip home. Particularly when the Mayor has held on to the cash. You know, that just strengthens the argument. You know, there was a question on the Grand Hyatt to begin with, of $50. As I look at it right now, the things that are in my mind no question one way or another, is the excess of the hotel in Denver. It is the Uber to the airport on May 16th, returning from the Mosquito Abatement trip which was not City business, the airplane from Washington, D.C. on May 16th of $690.80, and the Uber from the airport to the City Hall for that meeting. All of that, those three items, were paid to the Mayor by the Mosquito Abatement Board. So those things are for sure. Now the other thing is, do we charge him for the $25 that he got sky miles on for baggage? Do we charge him for the equipment he bought for his computer, that was unauthorized? I have a valid receipt on those two things, but I also have very strong opinion that they violated our policy blatantly. That's the decision for you, is which one of those things do you believe the Mayor needs to repay?

Councilmember Henderson: I think we've answered that question before, and that standard is what would any other employee be held to? What would we expect of anyone else? And that's the answer, if we would expect-
these discussions several times and, by the Mayor's statement tonight, I don't think he understands the difference. There's a clear violation of City policy. That's our jurisdiction. As a matter of policy and state law, the law enforcement in the room as well as legal, said we have a duty to report this to the next level up for them to determine whether there is, in addition to a violation of City policy, also a criminal matter. Those are two completely separate things, and in two completely separate purviews. Our purview, our jurisdiction, is our policy and how do we handle it in getting staff adequate direction.

Councilmember Martin: And the taxpayer dollar. And the reimbursement of the taxpayer dollar.

Councilmember Henderson: Yeah, and to be accountable to the taxpayers.

Finance Director Alan Rae: And in the district attorney's letter, he said he did not even look at City policies. He was just looking at the likelihood of conviction in a jury trial.

Councilmember Henderson: So, we will, I think the Council plans on going through the district attorney's notes somewhat extensively to make just that point. That he points out that, while there are a lot of bad things here, we think specifically, and I'll read this in my comments later, but specifically we think that this can be addressed in a manner other than official criminal charges. So, we'll get to that, but I think it's important for people to know what we're talking about is violation of City policy and the standards that just regular employees are held do, let alone elected officials. The matter of having it referred to the district attorney's is just a matter of process and proper procedure to make sure that that body determines whether or not a criminal offense has also been acted. So, we're kind of back to the base level of, okay, we need to tie this up, enough is enough. We've had it. We're tired of the games, we're tired of the excuses. We want to take care of this. Is there anything else you-

Finance Director Alan Rae: That's all I've got.

Council: Thank you, Alan.

Mayor Watts: Comments from the Council? Okay. So, we will move to public comments on this. Please note the same rules will apply as previously. Let me just re-read those. Audience members may bring any item to the Mayor and Council's attention. Comment will be limited to two minutes. State law prohibits the Council from acting on items that do not appear on the agenda. Will you make sure that gets set to two minutes? Thank you very much, I appreciate that.

Devin Peterson: Mayor and Council, my name is Devin Peterson. I've grown up in the South Valley area my entire life. Been a resident for four years. Mayor, as I'm watching this, you screwed up. I see that in your face. Council, and hopefully other citizens, there's a bigger issue. The amount from finance director, was the amount in question on charged things? Like, $600, $700? Have you been able to calculate or think of the amount of tax revenue Herriman lost from allowing Riverton to annex the area of all the commercial development? That happened when I was a teenager. All the business is there. Small potatoes, waste of your time. Bigger issue, smaller potatoes. Repay it, as a taxpayer. You repay it, whatever. Just keep up the good work. Let's move on to the bigger things, roads, all that.

Mayor Watts: I'm sorry, what was your name one more time? Were you John?
Devin Peterson: Devin.

Mayor Watts: Okay. I do have ... Thank you, Devin, I appreciate it. I do have a written comment form from John Patterson. So, if he'd like to speak, he's welcome to come do so at this time.

John Patterson: Thank you, Mr. Mayor, members of the Council, Mr. City Manager and staff. How tragic that you all find yourselves here this evening. I mean, this is a stain on Herriman. I can only imagine the pain and suffering that you four Council Members have gone through because of the unapologetic deeds of the Mayor. I can't imagine what Mr. Rae, as a staff member, an employee, to have to address these issues by the highest elected official in the City. Because of his unconscionable actions that he has yet to step up and do the right thing and say I'm sorry. I listened, hoping that maybe at the beginning of this 8.3 item on the agenda, that he would apologize. That he had presented a check in the 5:00 meeting, which I attended. But, no, he remains recalcitrant in his defense of these indefensible actions. Shame on you, Mayor. I think, at this point in time, the best thing for you to do is to resign. That would end this once and for all. I have worked in City government my entire career, have served with over 200 Councilmembers, and I have never seen such behavior, reprehensible treatment, and disregard for the oath that you took. For the policies that exist. It makes me sad as a retired City Manager that you would disgrace us all in public service that way, this way. So, do the right thing. Resign, give us all a Christmas present. [applause]

Mayor Watts: Please, let's keep our decorum. Applause is generally not appropriate in a City Council meeting, thank you.

Dave Hadley: My name is Dave Hadley, I live over here in Heritage Place Estates. It's been interesting, because I've been here in Herriman for a while, so I'm not a totally old timer, so I'm an invader I guess into Herriman. But I've been here long enough to watch this Council grow, to watch it change, to see some faces stay the same, and new ones as well. I have seen this Council work hard with all of the construction and everything else, to gain the community's trust. And what you have done is violate that trust. You've taken that away, all of that hard work, you squashed it. It's a disgrace. It's an embarrassment, like he said. I don't understand how you can feel good sitting there, openly knowing that you've violated policy. I work for a company that's heavily involved in DOD. One cent off, you're gone. It's not right, you know it's not right. I watched the work meeting, I listened to it all. I saw your defiance. It's a disgrace. You've done nothing but a disservice for the people of this City and created a tremendous amount of distrust. And now, how do you rebuild that? You can't. I would expect for you to do the honorable thing, like he said, and step down. That's my expectation.

Haley Hill: My name is Haley Hill, and I just want to kind of reiterate what others have said. I've followed this really closely. I feel like I'm very well informed about it. I've watched all the work meetings. So, I feel like I'm obligated to speak about it and share my opinion. I believe the biggest thing that upsets me about this, is the amount of time that's been wasted, and I know that was mentioned in the work meeting. And the value of all of your time on this over the past six months is sickening. You could have been working on such important things that are facing our City, making it better, which I believe is why most of you are here, and why you ran for office, because you want to make it better. And the time wasted, because the Mayor chose not to follow the policy, because he believes he's above the rules, is disgusting. It's very upsetting. One note is that, just because you provide receipts after this blows up, doesn't mean that what you did was okay. The receipts might be valid, but what you chose to do in the purchasing of those, that generated the receipts is still wrong. You
misused the funds, violated the policies, and providing those six months later, doesn't help. This is a huge
distraction, it's like they said, it's a stain on our City, it's embarrassing, it's distracting to all of these staff and
Councilmembers from important work that needs to be done. And I feel like Mayor you're arrogant about this,
your arrogance is insulting to us. You're not above the rules, none of us are. And I feel like that's what you've
demonstrated is, you believe you're above the rules, and you're not. And you owe it to us as residents who
deserve better. I don't think you should be here. I think you need to step down, that's the right thing to do. And
that's what we as residents for the most part, what I've seen and heard from talking to people, that's what
we want, that's what I want, and I would hope that you would step up and do that. Thanks.

Ron Mortensen: Sorry. Don't have a comment form for you. My name is Ron Mortensen, I live at 5732 West
Cottage Rose Circle. I just have one question. Mr. Rae has obviously spent a lot of time, I mean from his
presentation, he spent a lot of time. I mean, I've been focused on the thousand bucks. But I would be interested
as a citizen to know, I mean not just the time that the Council has spent on this, but staff time. What's the hard
cost for this? It's not a thousand bucks. It's a lot more than that. I know you don't need to respond to me in
this format, but I'd love to know that number. Thank you.

Curt Noble: Hello, Curt Noble. First, I want to thank and commend staff, and those who felt the need and a
sense of duty to respond to some of these things that have happened. Mayor, in your campaign, you published
a video that was entitled, "Herriman City Needs to Grow Up." And in that video you said, you promised that
one of the first things I'm gonna do is, request a full-time salary. That was a turn-off for me, it wasn't for a lot
of people, because a lot of citizens, they agreed with you. They felt like Herriman City needs to grow up. And
I think the consensus that you'll hear, that we've heard from public comments already, from emails that have
been sent in, likely from other comments that will follow me, is that that is not the case. This is not a grown-
up thing to do. This is not professional. I think your actions have severely tarnished the office of Mayor, and
there's not a more important time in our City's history I think than right now. And we've heard about some of
those, with Olympia Hills coming in. Tonight on the agenda, the Council is going to discuss salary increases.
Your actions and the removal of that trust from that office, is gonna make that difficult. I don't know if there's
going to be any other public comments, I know there's a public hearing, but I don't know if others are prepared
to comment on that. I will of course, I have some comments on that. It's difficult to, as a voter, to authorize
pay increases when there is just this severe lack of trust, and frankly an attitude of defiance, in the face of public
opposition. You're not above the policies. I was hoping that there would be an apology, and I was hoping that
there would be a repayment, it sounds like from your written statement, that's not the intent, that there is no
repayment. Anyway, I would echo everybody else's calls to resign. I think now is the time to resign.

McKay Mortensen: My name is McKay Mortensen, and I hate to make this sound like a broken record, but I
echo the concerns of the people before us. I feel like what you've done is violated the trust of the four people
on the Council, and more importantly all of us. With that violated trust, it's difficult for us as a City to move
forward, and to focus on the important issues with development and other things. I'd like to echo everyone
else's calls to resign respectfully, and I would like to extend the invitation to the Council to nominate Coralee
Moser as the interim Mayor, because she was the runner up in the election.

Brooke Holden: Hi, my name is Brooke Holden. I've been in this state for nine years. I'm originally from
Oklahoma, but in Herriman for two years. In the south sir, we have a saying, "Choose the hard right, not the
easy wrong." And that's what you've done. Inside, I think you know that. Now, we've all banged our heads
against the wall, trying for him to admit what he did was wrong, how he can change it, how he can fix it. I feel
like we're banging the ball up against the wall, hoping one time the wall will turn to Velcro and it's gonna stick with you, sir. But time and time again it's not. Now, I work for a Fortune 500 Company. I travel all around the world. Believe me, I have to turn in receipts, in fact I waited in the India Airport for eight hours for my flight. Now, I was first class. Do you think I ever felt entitled enough to change my flight, so I could get home to my son who started first grade the next morning? No. I waited in the airport for hours, with armed guards and rifles walking by me. Never once did I think I was above the law, or above the policy of my company. But yet, here you sit here, so smugly. I watched the meeting earlier, and your body language. You were so defensive, and rightly so, because you know you're wrong. You're trying to win this sir, you're not. Everybody in this room probably wants you gone. I for one do. Here's another saying from the south. There's a saying in the south called, "Don't be stuck on stupid." And that is what you are.

Emily Berbert: Emily Berbert. I just wanted to share my quick thought, that I'm on the Arts Council. I'm held to the same type of policy that you guys are. I don't have a purchasing card, but I am required to turn in my receipts to ask for reimbursement. I do that very, very cautiously. Everything that I sew for the Arts Council, every costume that I make, I make sure that I have turn in the receipt, that I have purchased things that are only for the City, that I am not benefiting at all. Believe me, my time as a volunteer for the Arts Council is worth a lot of money, and I give it to the City freely, because I love this City. I love where I live and I want to keep it that way. I ask that a Mayor would do the same. A Mayor, not a volunteer seamstress. I just wish that sometimes we could put aside our arrogance and realize that there is something that could be really great, and I could help that by doing what's right, not by doing what I want to do. And a lot of that time, it's hard as an adult to do. But it's the right thing to do. So Mayor please, for this City, for this very distinct time that we need leadership, we need somebody that will be right there, not spending money on things that are frivolous, on figuring out what exactly our City needs, that's what we need right now, and I encourage you to resign like everybody else, and move forward with important things that this City needs to focus on.

Jason Smith: Hi, my name is Jason Smith, 7464 West Hall Crossing Drive. So, we've already determined that Mr. Watts is in violation of his purchasing card, what not. So, we're hoping that the Council does the correct thing. They need to follow policy. They need to do what they would do to a normal employee of Herriman, probably termination. I know if I used my purchasing card inappropriately, I probably would be terminated, if not, I would probably be a major discipline. Not only, and we've already shown that you're a thief, and in the meetings before here, you're a liar. Your Council called you out on several lies. And you're not planning on repaying. I think that's despicable to be honest. And on top of it, you're also very vindictive. You're guilty of malfeasance in office, yeah, you know what I'm talking about sir. I made a comment on Facebook, Mr. Watts didn't like it, basically it said, "How did we let David Watts win?" And that was on a Facebook that randomly changes names. Mr. Watts went into the chief's XO, and made a complaint against me. To my work, on a personal Facebook account, to my work. I'm a police officer, Mr. Watts knows that. And he went in. So, with all of this said, I would like to request you resign. Thank you.

Teddy Hodges: Teddy Hodges, 13307 Copper Park Drive. I want to say a couple comments. I love my City too. You guys have done a great, wonderful job. Especially last Monday night, was amazing, it was great. I don't know how many countless hours or City funds have been focused on this aspect, but more than needed. I don't know what the appropriate action is, from you sir or from the Council. I know there's certain things they can and cannot do. But I do believe our City needs to grow up, and like Curt said, we do need a full-time Mayor. We need you guys to be compensated more for your time that you put in, and the effort you put in. So, I'd like to see that in the next comments. But on that aspect, is how many other employees here have not
read that manual or just signed that affidavit page, that they received today. So maybe some of middle training for everybody down the staff and up the staff to actually physically sit down and read that manual. Because I know I haven't read my own, so. I'll do that this week. So, I know there's policies and procedures in place that have been violated. I don't know what we can do or can't do as legal ramifications. Obviously, there's no criminal ramifications at this point, from what we understand. But I appreciate your time. I know Alan gave a really good explanation of it. So, I'm sure there's going to be plenty of us dissecting that. So, thank you again Council and Mayor.

Mayor Watts: All right, seeing no additional comment, we will-

Allen Robins: My name is Allen Robins, Herriman resident for 10 years, plan on being here for life. I bought my home as my final home. So, I care about this City. I don't like being here, but this is an issue that I feel strongly about, as do a lot of people. Jason, from what I've heard, there's no legal way to force a resignation, Mayor Watts, that's up to you. But in the meeting tonight, I heard that they can take away the power of the Mayor, which is good. So, my question is, what is best for the City? I personally feel cheated. I was sold by the videos claiming for transparency when you ran for office. I voted for a younger, underqualified guy that I thought would be transparent and I thought would represent us. Unfortunately, after what's happened, Mayor Watts, I feel you've proven yourself either incompetent or dishonest. One or the other, I don't know any other explanation for what has happened with the spending. You said in your statement that you want to earn our trust back, claiming that there's no way to prove yourself innocent, it seems in the meeting tonight with the documentation, you've been proven guilt, maybe not in a criminal court, but of City policy and frankly abusing the public's funds. I don't think the public wants you to earn our trust back. We gave you a chance, you blew it. I ask that you do what's best for this City and resign. Let the City move on, let's not focus on you, let's focus on the City. Thank you.

Mayor Watts: All right, seeing no further comment, we will close the public comment at this time.

Councilmember Smith: I'll start, if the Council's okay? First off, I want to extend my appreciation to each of you for taking the time to be here tonight. This is a difficult issue. But one, that I'm glad to see that people are involved in, that you're here expressing your views and your opinions. That's important to us, that's important to the process. It's important to the health of the City. So, I appreciate very much each of you taking the time to be here. I appreciate the hard work of staff. Again, this has put them in a very, very challenging and difficult position. Not one that I'm sure that any of them would wish that they would find themselves in. I appreciate the manner in which they've continued to deal with the situation. It was mentioned, this is honestly a very sad day for our City. For us to be sitting here in this forum, to be dealing with this issue, to have to listen to some of the harsh words that are said, though they weren't directed at me, I take them very personally. Because as a body, we sit up here to try and do what's best for this City. It's a sad day. The Council and staff are obviously keenly aware of the responsibilities and the accountability that we have to the residents. Especially when it comes to your tax dollars. And we're trying to do everything that we can to ensure that we're following the laws, with regards to how we spend that, to work in a manner of transparency, and to be able to give you that information and to let you know that. There were a couple comments made, one about it's only a thousand dollars. And I don't disagree with you, it is only a thousand dollars. But I think the bigger issue is, is obviously the other expenses that we can't account for, that we've had to spend time on. The amount of time that it has deterred us from doing what we should be doing as a Council. You're absolutely right, we have some huge issues facing our community. We should be focused on those. Unfortunately, tonight, at this
particular moment, we're not. And that's unfortunate. It's been again and continues to be a very difficult situation for the Council to deal with, and it's unfortunate that we've been pushed to this point, to address it in this public manner. But we felt that it was necessary and owed to our community. This issue has now lingered on for over six months, with the Mayor first being made aware of these policy violations and these discrepancies back on June 26th, when he first turned in his report, this was noted by our finance director. Two weeks after that, in our July 11th meeting, the Mayor stated that he was unfamiliar with the City's purchasing policies, and that he'd only recently been made aware of the discrepancies. Again, that night at that statement, he'd already known for two weeks, that there were some issues with those charges. At that time, he did for all intents and purposes take responsibility for those actions. He said that he made an error and committed to repay the funds that were in question. As we all know, to date the Mayor still has not repaid the City for any of those charges in question. And has only provided some additional documentation for these charges just a short time ago on November 30th. Again, nearly six months after he was made aware of the initial discrepancies and issues. So today, as you are all keenly aware of, we're in this position today solely because of the actions of the Mayor, in my opinion. No one else. There's no one else that can be blamed for us being in this position right now. And unfortunately for us as a Council, this is not the first time that we've had to deal with behavior issues and poor judgment by the Mayor. It is only the most recent and the most public. After dealing with some of these previous issues at Council, we all agreed that the next issue would be dealt with publicly and handled in an open meeting, because we felt that the public had a right to know. We're human, we're people, we make mistakes. That's why as a Council we use discretion in addressing those first few issues. But the Mayor to this point, has demonstrated a clear pattern of inappropriate behavior over the past year. And the residents of Herriman, our City staff and the Council, we deserve better, just has been stated tonight. Personally, I'm beyond disappointed in the Mayor's actions and everything that has brought us to this point. Again, it's been a huge distraction to all of us from being focused on the truly important issues that face our City. It's come at a cost, a huge cost, in time, hours worked, money as has been mentioned. I don't know what that dollar amount is, and I don't know that I do want to know what it is, it's significant. It's damaged the valuable relationship that we have with other local and elected officials. These relationships are essential for our continued success as a City. And it will be challenging for us to rebuild those. The Mayor has continued to demonstrate a lack of understanding, or disregard for our form of government, by implying that because he has the title of Mayor, that he has more authority than the other members of this Council. He's continued to represent the Council as a whole in meetings, after being asked and directed not to by this body. And at times, has withheld information from this body that he has gleaned from some of those meetings. As was mentioned earlier, our form of government is a five-member Council, to include the Mayor. Each member of the Council has one vote. None of us has more power or authority than the other member. It takes three votes, the majority of this Council, to approve any decision that's made for the City. Unfortunately, I've witnessed that the Mayor continues to act alone, without including members of the Council, in meetings, discussions, and disregards the request of the Council. It was mentioned in your opening statement Mayor, the words honesty and transparency, of which we have seen none, especially over the last six months. And I am doubtful that we can get to a point that that would be felt, that was demonstrated to the public and to this body. I am one that absolutely believes that respect should be shown for the office of Mayor. But only after the individual that holds that position can demonstrate that they first respect the office. They need to recognize the importance of the position, as has been noted here tonight already. You know, respect as a Mayor is earned, it's not given just because you have the title. I feel that I can actually speak to this issue, because I had the great opportunity in 2013 to hold that title for five short months as the interim Mayor. I feel like I do understand the demands and the requirements of this position. And I feel that you have not measured up. As our Mayor, you are the chair of the Council, you're one vote on the Council. You have no more authority than any member of the Council, but your job is to inspire, to
motivate, to lead us and to move us in a positive direction. To look out for the greater good of the community. And I think that all would agree with me tonight, that we don't feel like that has happened. I feel that your motives have been completely self-serving. Only looking out for the greater good of yourself. You've brought shame and harm to our City through your actions. As demonstrated in the fact that we are having this discussion right now in an open meeting. The trust by the residents in this Council has been lost, and we all deserve better.

Councilmember Henderson: I don't have as good an opening speech as Clint prepared, but I think we've all prepared a lot of material to go through tonight. I think what I'll start off with is just wow, honestly just every meeting I'm just more and more amazed. I was actually asked several times coming into tonight, what what are you guys gonna do? I said well, we as a Council I think we have a pretty good team, and we've been working on this for months, we know the ins and outs, we know what the deal is, and the question was well, what do you do it if you pays it back? And I said, "I don't think he will." And they said, "Really? Really? You think he won't?" I said, I've been working with him for a year, I really doubt that's gonna happen. This is one of those times, I tell my wife all the time, I hate when I'm right sometimes, and this is one of those times. I mean even tonight, he had two chances in the work meeting and again here, two opportunities to at least try to say the right thing. Just total defiance, total denial that he did anything wrong whatsoever. I mean it boggles my mind sometimes. The question about, how much time and money has this cost? I will tell you as a small business owner, it has cost me over $10,000.00 easily in lost income personally, myself, on the time I've spent on this. Right? That's just me. Think about that amount of man hours, that staff has had to go through over the last six months. It is absolutely ridiculous and despicable to make any of us go through this, over a matter really so small. If he had done what he said at that time, at that meeting on July 11th, when he admitted that he was at fault, and that yep, I'll pay it back, I don't want anybody to think I did anything wrong. If he had actually done that, we would just be dealing with all the other issues that Clint alluded to. Instead, we find ourselves in a situation where we have a huge mess, rather than a small one. And the reason that we are taking the time on it, is exactly what Councilman Smith had described, is that we had given clear direction to staff and to the Mayor, that we were not going to deal with any his transgressions in a delicate manner any longer. The the next one would be public. This happened to be the next one. That's why we're in this forum, we feel as representatives of the people, that you deserve to know what's going on. Because there's a big disconnect between what we go through every day, every week, every meeting, trying to represent people and really what people understand is going on. There's a big difference in perception of what's happening, what people are doing and what's good and what's bad. We feel that we owe it all to you, for you to know what we're dealing with.

Councilmember Henderson: Let me speak to a couple other things I know we kind of want to kind of go through Alan's timeline and speak to that. Give staff clear direction again and go through some of these other inconsistencies and speak to some of the points that a lot of the residents made that came here tonight. If you look right now on the website, under the Mayor's biography, it says I have a track record of fiscal discipline and transparency. This is to my knowledge the first office that he has held, I don't know what track record that is, but to this point I'd say that record is completely the opposite. As we detail what we have had to deal with through this timeline, Alan's given you what they've dealt with, just in reconciling receipts. We're gonna lay out for you what we've dealt with this entire year. To say they were disappointed is a complete understatement. As I mentioned earlier, what's at issue for us, is violations of City policy and how we have to handle that. The complete erosion of trust with the public, with the Council, with our partners and other municipalities, organizations, institutions, et cetera, the damage is extensive. So that's what we hope to do tonight, is address
all those issues and make sure that the public is fully informed, and hopefully the Council will be able to take
decisive action and move forward, because we have way more important things to deal with. I mentioned what
we're dealing with the developers, and the push on Capitol Hill to take away our authority to make decisions in
our own communities. We should be spending all those times and resources fighting those battles, not this
one. So, when you guys are ready, I'm ready to go into that timeline.

Councilmember Ohrn: I'll just do a quick interjection here, if I may Jared. Oh, I forget who it was, sorry. The
lady who mentioned the sayings that they have. There's a great saying that's called, “don't make a mountain
out of a molehill”. This could have simply been a molehill, and now it's a huge mountain, that we're constantly
distracted with, spending our time on. And I guess the problem here is demonstrating, is not just simply misuse
of funds, it's attitude. There's not been a sorry. This packet, which the Mayor presented to the Council tonight,
is the first response that the Council has had from the Mayor on this issue. This this what we got, and we got
it at our work meeting. We didn't even get it in advance, so we'd have an opportunity to look through it, be
prepared to ask any questions on it. We received this at our work meeting. To me, that is showing a total lack
of respect to your colleagues. I believe that we deserve more than that. I did have the opportunity to speak
with the Mayor a week ago last Friday. We happened to run into each other at City hall. I was here to spend
more of my time, meeting with reporters about this issue. Again, I sure would have liked to have been meeting
with reporters to say, hey, what are we doing about Olympia Hills, or what are you doing about the legislative
issues. But no, I had to be here spending time to deal with this. The Mayor approached me, asked how I was
doing, and I was glad to tell him how I was doing. I let him understand how frustrated I was with his lack of
response, lack of responsibility in the issue, and again what I would have expected would have been an apology
for wasting so much of staff's time and Council's time. Instead, I got excuses: "Well, I was under investigation,
there was nothing I could do." You are not under investigation for violation of City policy. You are not under
investigation for violation of City policy. You are under criminal investigation. It's just hiding behind
something instead of taking personal responsibility for the actions that you did, making it right, apologizing,
and being humble. Even tonight, Mayor, I can watch your facial expressions, and several times when people
make a comment, you're like ... like so surprised that, "No. I wouldn't have done that. I didn't do that," and
there were things that clearly you did. I listened to them come out of your voice. So, it's extremely frustrating
to me, the disrespect that you have shown to this Council and more importantly the citizens of this City.

Councilmember Henderson: Your turn, Nicole. Wanna have a go or you wanna just go into it?

Councilmember Martin: Do you want to go into the finer details and have me wrap up?

Councilmember Henderson: Good idea.

Councilmember Martin:Alright.

Councilmember Henderson: I'll start there. [crosstalk]

Councilmember Henderson: Really, I mean, going back to Alan's timeline, of documentation for receipts etc.,
this is the financing department report on what was reported, and when, and how, and what's acceptable and
what's not. That's really all this is. It's up to us to make judgment what to do about it. Right? What's not
relayed in here is anything that happened in between, and any communications, and how we were approaching
things or handling things. At issue, I don't know if we can pull it up, Alan, Gordon somebody, the specific violations. I counted seven on that list.

Councilmember Smith: Are you talking policy violations?
Councilmember Henderson: Policy, yeah.

Councilmember Smith: So, they're the ones that were highlighted then, correct? Right?

Councilmember Henderson: Yes. So again, clear distinction between the Mayor's opening statement in this meeting, which clearly went against his statement in the work meeting where I threw this packet down on the desk and said, "How dare you bring this in here and think this absolves you of any kind of wrong doing?" And he said, "I'm not saying that." But then we come in here and he says well this should clear up any of those accusations. From meeting to meeting we just have lies and deceit to deal with, it drives me crazy. It doesn't clear up anything regarding policy. And we'll get into the D.A.'s report and let people know exactly what it says. It doesn't absolve you or vindicate you of anything. You also made the statement that all transactions were done in the service as your Mayor. I know all of our extreme frustrations is the Mayor's assertion that whatever he does, no matter what time of the day or where he's at, because he's the Mayor, it is in the service of the City and therefore warranted to do whatever he wants representing the City, whether it's purchasing cards, how he talks to people, Facebook, etc., somehow being the Mayor makes him above the rules and he can do whatever he wants. Just because you're the Mayor doesn't mean that you didn't violate policy. Doesn't mean that you asked permission or got clearance to do that. It really doesn't mean anything. If you read the code, all it means is that you have a ceremonial title. You're one of five. You're good at saying things. He says this in meetings all the time, "I'm one of five. I'm one of five. I'm one of five. I'm one of five." He clearly doesn't understand it. So, getting into the meat, Alan if we could pull up that list of violations. It was right after the description of the policy.

Finance Director Alan Rae: Okay.

Councilmember Henderson: This. Just to be clear, because I don't think the Mayor understands, this is what is at issue. This is what we're upset about. These specific things right here. You broke the rules. On July 11th, you admitted that you did it improperly and that you would make it right. And now here you sit, defiant, and obstructive in allowing us to move forward and do our jobs. Staff's looking for some direction. We've given it several times, and the Mayor is trying to find a way around it. I made my statement that, I've worked with him for years, he's not gonna do it. Here we are. So, going through the time line. I think we need to break this into two things for public consumption. One is there were two trips to Washington D.C., correct? One was for City business. The other was not. He was not acting as the Mayor, he was acting as a representative from the South Valley Mosquito Abatement District. I debated whether to say this this bluntly, but early on we ... each year there are a number of boards and committees that the City gets to send someone to, and it's up to the Council to decide who we want to represent us on those boards. I would say the primary of which, the most important, would be police, fire, waste disposal, sewer, etc. As a Council early on we saw the issues that we were going to have with our new Mayor, and we made sure that those important boards were taken care of by the other members of the Council. This was one of those we thought couldn't be hurt, quite frankly. Mosquitoes. We didn't think that this one could get screwed up. So, to be spending this much time on this one is just crazy. So, for these two trips, one was for the City and here were violations of the policy on that trip itself. The second trip was not City business at all. The card never should have been used in any way,
shape, or form. Right? So, what I might suggest is that we turn it over to Nicole. She's the other member of
the Council that was on that trip, and we may have to ask City Manager Brett Wood to comment on as well.
But maybe give us a ... we heard Alan's kind of description from the accounting point of view what happened
on that, but maybe we should-
Councilmember Martin: On the delay?

Councilmember Henderson: Mm-hmm (affirmative)

Councilmember Ohrn: On the first trip to Washington.

Councilmember Martin: Yeah. Okay. So, you've heard-

Councilmember Henderson: And maybe we should preface it by saying why we send a delegation to
Washington in the first place.

Councilmember Martin: Yeah. So, every year historically we have sent a delegation to Washington to lobby on
behalf of the City. And we meet with individuals of our congressional delegation on any number of issues:
transportation, housing, anything that we feel like needs to be brought to their attention. And this particular
trip ... and, by the way, we try to choose selective individuals to do that. We don't choose to take the entire
Council. It's not necessary. It would be excessive use of tax-payer funds. So, for this one, you've heard the
individuals that were there. The two elected officials that we sent were the Mayor and myself. Now, fast
forward to the flight situation. When it was time to come home, we were told that the flight was not going to
go up in the air for whatever reason and that was that. I mean, we had all planned on staying. It was frustrating
for myself because it required an additional day off of work. That was frustrating. An additional PTO day that
I had to take. But we settled that. While we were commiserating and hoping that the flight would in fact be
taking off, the Mayor was making arrangements as it turns out, to get a flight home. And his reason that he
expressed to us was to attend UFA, which is the Unified Fire Authority Fire School. Why that was frustrating
to me was I was also scheduled to attend UFA Fire School but chose not to get an alternate flight, as I said,
because of the additional expense and just chose to take an additional PTO day, which is an expense to me
personally. So, that's kind of how that went down. And then, of equal frustration was to realize that the Mayor
only arrived 30 minutes earlier than the rest of us who stayed. So, from my point of view, I think the most
frustrating things for me are the two trips and any expenses that were part of those trips. Because, to me they
are poisoned fruit from the poison tree. Anything that was an expense that derived from the Mayor's decision
to leave Washington D.C. early, to me is his now personal responsibility. Likewise, on the trip to take the UPD
vote, every arrangement was made for the Mayor to vote remotely and, in fact, he had made comments during
that meeting and we were all shocked to have him walk in mid-meeting. So, to me, again, any expense incurred
by the Mayor choosing to come home for that vote, again, should be borne by him personally. One thing that
was brought to light to me today that I didn't realize and that I am particularly concerned about was what seems
to me an outright lie to the City Staff, if at 12:00 he was making arrangements for the electronic UPD meeting,
when in fact he had already flown part way home, I was a little bit aghast at that. That you were making
arrangements to call in electronically and were already mid-flight. To me, that is an out-right lie Mayor. That
is frustrating to me, to say the least. So, I'll let you speak to that if in fact you choose to. It's the first time I've
heard that. So, that's something that's sitting with me, particularly glaring, as a lie directly to the staff. So, I
don't know if that clarifies, but again it was ... Obviously, I had work to return to. I know that other employees
had other recitals and things to return to. We chose not to get an additional flight. And, you and I were in the exact same circumstance. I chose not to attend Fire School and you chose to at an additional cost to the City.

Councilmember Henderson: If it's okay. I kind of warned Brett a little bit ahead of time that I might put him on the spot as the City manager traveling with the contingent. We're concerned about staff time, etc. and maybe like to hear his take on that incident. [crosstalk]

City Manager Brett Wood: It was frustrating. It was very frustrating for us to be back there and I saw the frustration in a couple of our five-member delegation. He waved me over to the counter and he had negotiated a deal at the Delta counter to get a direct flight home is what he told me. And he got me on the trip and himself. I, and you gotta know this is hard, for our staff in this situation. I don't like talking about things that have happened. But I was very frustrated. Every leadership, I've been taught and tried to groom to our employees, is leaders let the people go home first. They are the last ones to eat, the last ones to take a gratuity or any liberty of anything. And I said to you, I said, "Do you know who has to be home worse than we do?" "Well, I gotta be home for Unified Fire ..." I said, "Mayor, they do that every year." He said, "I'm getting on it ... I booked you on it" And we made the counter representative very frustrated with us because I said, "Take me off that flight right now. I am not going to leave the rest of them behind." This is more. This is what you do in leadership. I was very clear about that. When I got done with that, the Mayor proceeded to book his trip and then he come over to find out maybe if Nicole wanted to go on it. And, at that point, it was clear that Tami and Nicole had a lot of family things they wanted to get back to. Plus, the Fire Fighters 101. Me and Gordon could have stayed behind. That's what you do. Find out, triage it, and find out who has to be back home and who doesn't. That's what we're told we should do. When I went back to the rest of them and told them, you know very well Mayor, that they were very frustrated. In fact, when you walked by and when you went in on the plane, you told us all it was a direct flight. And in actuality, we get the expenses, we found out that you booked another flight, had a layover. We didn't find that out till you turned your expenses in. That's the frustrating part to me. We didn't know you got a layover until really the next day. That you showed up at Fire School 101 late. I actually found out a lot of this information way after the fact. That was a frustration. I hope that, and I'm not saying it didn't happen. It is the exact way that it happened. It is very frustrating for me as a City Manager. We send our people home first if we can.

Councilmember Henderson: Thanks, Brett. I know that was difficult and we usually don't like to do that, but in this case as we were kinda talking, I asked him if he might be willing to kind of speak to that a little bit, because there was a lot of consternation throughout the staff at that incident. I know Sherrie kinda wanted to speak to this too because she happened to be on the other end of it.

Councilmember Ohrn: I was at Fire School. It's something Unified Fire does for elected officials. They have us go out for a day and just help us understand some of their experiences. They have us dress in the uniform, grab a hose, put out an active fire that they simulate there, and have us crawl around. They offer that to us, but they offer that every year, so if you can't attend it, you can go next year. So, when the Mayor got there, he got there halfway through the training and I was a little bit surprised. During the course of that day, he asked me if I could give him a ride from Unified Fire back to City hall because he had had to take an Uber to fire training. And, I said, "Sure what happened?" He described to me the setting at the airport. He said that their flight wasn't happening. I don't recall exactly the reason, just that he wasn't going to get out. And so he said, "I told the lady at the counter, the ticket lady, I am the Mayor. I have a very important meeting with the fire department. You get me a flight." And that's verbatim how it was described to me. That's disappointing to me.
because it just feels like a demonstration again of the attitude that is frustrating this Council. Just this, this title of, "I am the Mayor." We are just people. We sit up here citizens just like all the rest of you. You've given us an opportunity to represent you, but I am Sherrie Ohrn, who happens to be a Councilwoman in Herriman. It is not stamped on me and it doesn't give me power to dictate to a ticket agent that she needs to get you a ticket. So, that was extremely frustrating and disappointing to me.

Councilmember Henderson: Anything else you want to-

Councilmember Ohrn: Do you want me to-

Councilmember Henderson: Yeah. Whatever you want to do.

Councilmember Ohrn: I guess, I would like to discuss Mosquito Abatement with you just a little bit. We might joke just a little bit about placing the Mayor on that board, but Mosquito Abatement is a big deal. I personally have equines, horses, and you have to pay money to get your horses vaccinated for West Nile virus, or quite often people end up with dead horses, which is costly financially. People, human beings, can get West Nile Virus. So, abatement of mosquitoes is a big deal, and so it's a board that should be taken with a lot of respect. It represents a lot of responsibility to sit on that board. They offer to the people who sit on the board an opportunity to come to Washington D.C. to participate in a convention there. Now, I know for sure, that most conventions, you usually get out what you put into them. If you study the agenda, and you go, "Okay, these things I could see would affect my community. I'm going to go to these classes." You can get a lot out of meetings, and you can choose not to get a lot out of meetings. The Mayor went to Washington D.C. I believe on the 13th of May. He flew in there. The meetings started on the 14th of May and it run the 14th, 15th, and 16th of May. Three days of meetings. He was reimbursed $1,023 for his airplane flights. He was given $193 per diem. He was given $15 for a metro card that would allow him to travel to and from the airport. The Mosquito Abatement paid $810.24 for his room. Remind me what the $70 was for? Sorry, I forgot to ... Oh, $70 to register for the conference. So, a total of $2,101. Taxpayer's dollars, please. Mosquito Abatement check your line items on your property tax 'cause it is a taxing entity. So, you paid for the Mayor to go to that. This is not a Herriman City Official thing, but it is a taxing entity official business. We as taxpayers paid for the Mayor to attend that. He attended two of the three days, which he was paid to attend all three days because on the 16th at 9-something in the morning, he was on his Uber to go catch an early flight to come home. So, he skipped out on the meeting early and, again at the taxpayers' expense, to be in D.C. for those times. His flight back, he was supposed to come home on the 16th, but he was supposed to attend the meeting and then catch the flight and come home. He flew and instead of getting home at 11:35, he got home at 7:24. Just such a silly thing to come home for that. Again, using the reasoning that he had to get home for a very important change in the City, very important. And, again, it's been demonstrated, we have a five member Council. It takes three members here to vote on things to be a full quorum. So, no he didn't have to be here. He'd already made arrangements not to be here. And, I find that a misuse, again, of taxpayer's money. Can I read that part? Do you care if I read those minutes-things? And I'll tell you what was super frustrating to me. As we have had to spend hours and hours investigating this, if you will listen to the minutes from the meeting after, which was on June 11th-

Councilmember Henderson: This was the Mosquito Abatement meeting-
Councilmember Ohrn: Exactly, so he attended the next meeting for this Mosquito Abatement Board. From those minutes, they were trying to do a synopsis of what people got from the convention and things like that, Mayor Watts states, "It was a party." Someone in the background states, "That's not what I wanted to hear." Mayor Watt's also stated, "I unfortunately ended up in a situation where I had to leave a little bit early. We had some changes in our community we had to address, so ... but I was there for a couple of days." Again, it was not a situation where he had to be here. Again, at 10:45 in the minutes, he says he had to leave early. 12:12 he talks about better ways to spend taxpayer's money than to send someone to D.C. for these meetings. And, probably the most troubling, he says his biggest concern and this is quote, his "biggest concern would be that he would hate for anyone to accuse anyone from the board, that they are going for a free vacation, and that is almost what it felt like to me. I just enjoyed a couple of free days in Washington D.C. and got my face in front of some congressional delegates and I didn't do any good." So, that is really extremely troubling to me that the time that taxpayers spent to send you back there, you did not make better use of our taxpayer money then to call it a party and then to say, "Ah, I got my face in front of some congressional delegates." Extremely disappointing to me. And, again, an example of misuse of taxpayer's funds.

Councilmember Henderson: And this is directly from the approved Mosquito Abatement meeting minutes from June 11th. I mean to ... yeah, exactly ... it's one thing to think that, but to say that as your report from the meeting. So, one of the reasons that, I made the comment we spent so much time these last few weeks especially, we've been doing a lot of research on our own. We gave him the easy way to fess up and make this good. Now we have to do our job and make sure we hold you accountable and make sure we make the right decisions. So, after seeing those disturbing comments, we went and looked at what the agenda was for that meeting. And it is jam-packed full of, as Sherrie said, anytime I go to a conference or meeting, same thing. I wanna make sure I take away one or two things. Make sure I go attend these specific things, and these will be applicable to my community, part of the Mosquito District's purpose back there is to lobby for federal funds. It doesn't sound like any of those things were done by that account. And for the person in the background to say, that's not what I wanted to hear, echoes what everybody, I think, is thinking and feeling here. Especially the people whose job this is, who are passionate about taking care of an important issue that real people suffer from, that their livelihoods depend on. This is important stuff. To treat it so lightly like that, this is just a glimmer into what we've dealt with many different issues as we go through. So, I think ... hopefully that ... we have way more that we can share about all the details of these two trips. But I hope that that kinda helps separate the two a little bit. Yes, one was official business, one was not. Violations of City policy occurred on both. I mean the one were just violations of policy. The second was in violation of everything, because nothing should have been done via the City. Nothing. Not a thing. More so, he appears to have benefited personally from it. If nothing else from the Uber card, or from the metro card. The metro card was issued by the Mosquito Abatement District and, instead of using that for transportation, he charged an Uber to the City. Where's that money? There's just so many things. I said that we would talk about the District Attorney's report. There's a lot in here, basically they go through ... I would describe it as kind of a surface reading. I said, "Okay. This has been referred to us. They want us, Herriman City, law enforcement, legal is asking us to tell them if they need to worry about this being a criminal matter in addition to a violation of their policy. So, we're going to screen this, look at it." So, they made a few phone calls, asked a few questions, were given some information by Mr. Watts and/or his attorney. It doesn't appear that they really investigated any of those. As we followed up with them, they said no, they really haven't. They just looked into kinda the surface of it and decided that they didn't want to take the time, basically, to press criminal charges. I'm going to read you a couple of excerpts here, regarding that. On the first page of this, and I believe all of this is public notice, I know the news agencies have got it, and I know publishers have published several sections of it. But, it says, "Dear John," addressed to
our attorney, "Our office was asked to investigate, and screen possible criminal violations related to Mayor Watts's use of a City credit card for travel as outlined in more detail below. Our investigation revealed that Mayor Watts purchased airfare and traveled to Washington D.C. to attend the Mosquito Abatement District Board Meeting. It appears Mayor Watts would be reimbursed by the Abatement District for his airfare. After the Abatement District meeting was done, Mayor Watts came home earlier than scheduled to attend the City Council meeting. Mayor Watts used a Herriman City credit card to pay for the early return flight to Salt Lake City."

Councilmember Henderson: They're screening for possible criminal violations at our request, make sure we're doing our job right. “After the Herriman City Manager discovered the Mayor's purchases, the Mayor was asked about the purchases. The Mayor offered an explanation for his purchase and conceded his decisions, actions, may not have appeared proper. Herriman City Police Chief, Troy Carr in attendance at the meeting was concerned the Mayor's purchase may have violated a criminal statute and asked the district attorney's office to investigate the matter and screen any potential criminal charges for filing as outlined in more detail below. Whether or not we think the Mayor followed City policies as the answer to this question is outside the scope of our review, they're not addressing whether he violated policy or not. We do not believe the facts presently known constitute a case with reasonable likelihood of success. We don't believe the facts would overcome reasonable doubt that a criminal offense occurred. Specifically, we don't believe we can prove beyond a reasonable doubt, and to the unanimous satisfaction of a jury, that the Mayor acted with criminal intent when he purchased the ticket."

Councilmember Henderson: So, they're outlining the criteria at which they are approaching this. I think that says a lot. And then, like I said, I believe this is for public record. I'll give you all a copy of it tonight if you want to read through the meat of it. But I want to read the conclusion as well. Because the Mayor somehow thinks that it-

Councilmember Martin: Exonerates-

Councilmember Smith: Cleared. Cleared was the word that he used tonight.

Councilmember Henderson: That it clears these accusations and clears up the Council's questions. He says, at the conclusion, "We do not believe these facts amount to a case as reasonable likelihood of success at trial. We believe the nature of the claims and allegations involved can be addressed and probably resolved in a form other than by means of a criminal charge in the criminal justice system. Finally, to the extent that we believe some of the facts tend to raise reasonable doubt whether the Mayor possessed a criminal intent whether he purchased the airfare, we believe the interests of justice are not served by filing a criminal charge." That's what it found. It does not absolve him of any wrongdoing. Does not do anything but say they don't think it's worth filing a charge right now. So, again, you're all welcome to see that. As far as the Mayor's claims that, as of November 30th, he's produced this packet that clears up all of our concerns, the answer to that is a resounding no. To give you a time line, we directed staff that, whether we received anything back from the District Attorney's office or not, we wanted to address this issue and finish things up on our meeting November 14th. And I'm going to proceed to that point to give you an idea what we've gone through from November 14th to today. That meeting we informed the Mayor ahead of time that we'd be addressing this issue. Oh, I didn't print that one out, or do I have that one?
City Manager Brett Wood: I did it.

Councilmember Ohrn: I'm sure you did.

Councilmember Henderson: These guys know my filing system. Everything's paper. The morning of ... we all expected him to attend, we made sure that he knew that this was what we were going to address in that meeting.

Councilmember Smith: And, in fact, Jared, the previous Friday to that Council meeting- We'd held a Council retreat where we had spent a good portion of the day here and there was never any mention ... 'cause we had received the Council agenda and knew what was on the agenda for the next week and there was no mention at that time of the Mayor not planning to attend that meeting.

Councilmember Henderson: Thank you. The morning of that meeting, we all did receive an email, timestamped at 7:51 am. It says, "Council, I will be out for the rest of this week and will be unable to attend tonight's meeting. I would ask that Mayor Pro Temp Martin please chair the meeting. In regard to item 3.3 of the work meeting," which was this issue, "as there is a current independent third-party review of this item in progress, under the direction of legal counsel I will be unable to participate in any conversations or discussions regarding this item until the review has reached its full conclusion." This seems to be what he continues to try to hide behind, is "I couldn't say anything 'cause I was being investigated. I couldn't say anything because my attorney told me not to." Well, it's up to you to decide whether to abide by your attorney's recommendations. I believe it's the same attorney that in the ... this one ... that in the actual District Attorney's report, and keep in mind that the Mosquito Abatement trip in question was May 13th?

City Manager Brett Wood: 13th. [crosstalk] 13th through the 16th.

Councilmember Henderson: Through the 16th. The same attorney submitted a letter to the District Attorney's office and this is in the District Attorney's report, it says that Attorney Hollinger's letter is dated the 10th of May, 2017, and references a trip to New Orleans for the Mosquito Abatement District. However, from the contents of that letter it appears Attorney Hollinger's letter refers to the Mayor's trip to Washington D.C. on May 3rd, and they got the date wrong at that point, 13th, 2018. And we received attorney Hollinger's letter on October 1st, 2018. So, it's up to you if you want to take advice from that attorney, I guess. As far as being investigated by the District Attorney, it was whether or not they felt that the Mosquito Abatement trip rose to the level of a criminal offense. They made very clear that that's what they were looking into. Not a question of whether you violated City policy and should provide adequate documentation for your purchases. It's completely unrelated.

Councilmember Ohrn: And the Mayor, in our work meeting, said that he hired an attorney, no I'm sorry, he obtained an attorney sometime in August of 2018, but the letter was never sent until October 1st of 2018. Right? That's interesting.

Councilmember Henderson: There's a whole lot to go on there. So that was the 14th. The Council had a discussion during that meeting, decided we need to move forward, directed staff, "Yes. We want him to pay back his charges. How much is it?" $946.31? I think I got it memorized now. I've written it down so many times. At that meeting we also said we are going to take action at our December 12th meeting. We want to make sure the Mayor is aware that we are going to do so. We are going to discuss this item and resolve this
once and for all. We expect him to make that payment by that night, or we'll have to take even further action. So, all this was done on the 14th. Coincidentally, this letter from the District Attorney's office is dated November 15th. That weekend was Thanksgiving. The City Council received a copy of the letter from the District Attorney the following Tuesday, November 27th. Upon receiving it, we all had various phone call discussions back and forth, emails, and decided that, alright, if the Mayor is trying to use this as a way not to respond to any of this, not to pay the bill, we need to respond to him today that we received the letter from the district attorney. We know you have as well. There's no reason that you shouldn't be able to provide this information. I think I need to read you the email that we sent them. Now I got my papers spread out all over the place. That's the last one. Just because I think it's important to know exactly what kind of communication we had since that time. Perfect. Since that time, none of the Council had received any communication from the Mayor. So, on the 27th, when we received the District Attorney's letter we had our conversations, said we need to address it. I had sent him an email on behalf of the Council after everyone had read it and made their edits, etc. So, it came from my email account but is addressed Jared Henderson on behalf of the Herriman City Council.

Councilmember Henderson: It says, "Mayor Watts." So this is November 27th, sent at 8:18 pm. "Mr. Watts, as you know during the work meeting on November 14, 2018, the City Council discussed agenda item 3.3, continued discussion from July 11th, 2018, City Council work meeting regarding the Mayor's travel expenses for Mosquito Abatement and Washington D.C. As a result of that discussion, the Council is reiterating the expectation that you repay the amount of $946.31 in full immediately or no later than the end of the Council meeting on December 12th by method of credit card or certified funds. If payment is not made on or before December 12th, we will pursue legal action to withhold it from your paycheck. The Council will also read a letter reprimanding the general meeting on December 12th for the public record. Having received notification from the District Attorney's Office that the inquiry into this matter has ended, the Council and the public are expecting you to be in attendance. Jared Henderson on behalf of Herriman City Council." Council, none of us received any kind of response, electronic or otherwise, from the Mayor. What was received was this packet at City Hall, delivered to the City manager. The cover letter reads ... and this is Friday, November 30th. Reads, "To Herriman City Manager, attached to this letter I've provided receipts for every transaction from 6 June 2018 credit card statement for the Herriman City credit card, which was issued to me at the beginning of my term. Please note the following items," and you list six items to give reasoning why things might not add up on the receipts, etc. Item number four is Delta, $690.80. On a phone call with Delta on 7 August 2018, the Delta representative stated that Delta had error in telling Mayor Watts that he needed to purchase a new ticket instead of being able to change his scheduled flight. At that time, they issued a refund for the portion of the previous scheduled flight that had not been used. Upon receipt of said funds, they were immediately transferred to an attorney’s trust account to be held until screening by the Salt Lake County District Attorney’s Office. As said screening has been completed, please provide a written request for the return funds. Upon receipt of written request, it will be reviewed by a legal Counsel for immediate payment." And then ends this same cover letter with a paragraph that says, "It is my understanding that this constitutes all paperwork needed to verify all transactions. Please review this information by Wednesday, 5 December 2018, and provide me with a written response to this process. If there are still any questions or concerns at that time, please provide me with a written list of which transactions still have questions, the specific amounts of those transactions, and a detailed description of the concerns that remain regarding the transactions so that I may review any further questions and address them appropriately. If there are no questions regarding the transaction, please clearly state that the issue is resolved with no further action needed." Also, kind of a separate paragraph, "Also please consider this as notice that Herriman City does not have authorization to withhold any funds from my paycheck.
in regard to these issues," with the Mayor's signature. So of course, this is a City Council issue, not a City management issue. The City Council had communicated with Mayor Watts their expectation, and instead he sends this to the City Manager. So, then the City manager responds. I think I've got to read this from back to front, printed it out from the email.

Councilmember Henderson: The City manager responds on Wednesday, December 5, after-

Councilmember Ohrn: [interjects] The deadline.

Councilmember Henderson: ... getting direction from all of the Council over the past few days, and which Sherrie just pointed ... I didn't even think about that, but by the deadline that the Mayor imposed that he wanted his answers. It says, "Mayor Watts, I have received your letter dated November 30, 2018, regarding the charges noted on your City issued credit card. In your letter, you have requested that I submit to you a written response by December 5, 2018, noting questions or concerns regarding the verification of receipts. I appreciate your request; however, please be informed that the City Council has taken over this issue, and you should address the questions directly with them. Thank you, Brett Wood." So, then the next communication that we get is addressed to the Council on Thursday, December 6, from the Mayor. It says, "Council, in my ongoing efforts to resolve your concerns regarding my use of the City issued credit card for official Herriman City business, last week I provided additional information and documentation to staff. At that time, I requested additional information that was provided in the response below. As such, I'm requesting that we start our next work meeting, December 12, in closed session to discuss professional competence. After this closed meeting, I will be prepared to discuss this issue in a public setting such as a work meeting or in general meeting." Don't think that sounds like transparency. And then we have a response from Councilman Smith, of the same date. It says, "Mayor, in order for me to agree to begin in a closed session, I'm going to need more information as to what professional competence you wish to discuss. With regards to your credit card purchases, this is a matter of public funds, and one that I believe should be discussed in an open meeting as I have committed to do. Thank you for providing this requested information. Signed, Councilman Smith." And then we see another response from the Mayor on December 7. It says, "Council, I'd like to clarify the intent of the closed session. The professional conduct I am referring to is that of our executive staff and finance department. I believe the actions of our staff have led to gross misunderstanding of the issue and has caused harm to the City. I am happy to have the conversation in a public setting, but the intent was to provide protection to staff, not myself. In order to address these issues, we would need to have an in-depth discussion of the credit card issue, but I will prepare to have that conversation in either setting. If these issues are addresses in a closed session, I would intend to have the conversation a second time in a public setting as well. Mayor Watts."

Councilmember Henderson: My responses aren't nearly as cordial as Clint's, but I'll still read them verbatim for you. On December 7, I wrote back, "You would need to provide information regarding your allegations in order for me to consider your request. To my knowledge and observation, all staff have acted as directed by the Council, and have stated clear facts. Furthermore, it has been your continued poor judgment and bad behavior that has caused harm to the City, the Council and its residents. You need to answer for your own actions instead of trying to point fingers at others." And then Councilwoman Ohrn responds on December 7, "I completely agree with Jared's response. I would also reiterate that I believe it was started an open meeting, and needs to remain such." And then I had to add a little bit more. "Mayor, if you do have any information that the Council should be aware of that you think may warrant a closed meeting, I would think we would all invite, if not expect, you to communicate that to all Councilmembers as soon as possible, rather than wait for a
 regularly scheduled meeting. Telephones and email are great tools for sharing important information and communication. This has been the process for other closed meetings involving competence of an individual. Signed, Jared Henderson." Then we received a response from Mayor Watts on December 9. "Councilman Henderson, I have made you and the Council aware that I believe that a closed meeting is warranted. It would be inappropriate to discuss it further outside a closed meeting, as any communication outside a closed meeting would not be protected and would be accessible to the public." But he's not trying to protect himself. "I am willing to have the conversation at a public setting if that is how the Council would prefer to proceed. But again, I believe closed session would be more appropriate, as once the discussion is had publicly, the options on how to address the issue would be limited for Council." And then we have a response from the entire Council. It says, "Mayor, after consulting the other Councilmembers, we have the following response." This is dated December 10. "You are asking that we just believe and trust that your judgment is sufficient to determine that a closed meeting is warranted to discuss the competency of an individual. We feel that we must be extremely direct and clear, as you seem to misinterpret the natural politeness of people as somehow agreeing with, accepting or believing in what you say." In bold letters, "You have lost the trust of the public and this Council! Trust and respect are earned! They are not ..." not in bold letters, "Inherently given with a title. You have consistently demonstrated poor judgment, act in a self-serving manner, and seem desperate to avoid proper process, transparency, and doing what is right. We simply cannot take your word for it. In regard to your violation of City policy, we have been extremely clear that there will be no closed-door meeting for any reason. In regard to a closed-door meeting of any kind, especially to discuss the competence of an individual, no one person gets to determine that a closed-door meeting is needed. In my three years on this Council, to my recollection, there have been fewer closed-door meetings for the competence of an individual that can be counted on one hand. In each case, the City Manager brought the basics of the situation to the Council's attention, and received direction from at least three Councilmembers. That's how our form of government works to address it in a closed session. We completely disagree with your assertion that doing so limits our ability in how to address the potential issue. More so, we feel that it highlights your misunderstanding and/or total disregard for transparency, proper process, our form of government, and the standard that we are held to. We find it extremely disingenuous of you to claim to have information that warrants a closed meeting for the 'protection of staff' and then rather than speaking with each Councilmember separately as requested, you not only refuse but you threaten to make your accusations against them publicly unless a closed meeting is agreed to. This, combined with your history, appears to be a blatant self-serving attempt to put blame on others, and to try to turn attention away from your own actions. Amazingly, we find it necessary to state again that one, the Council has been abundantly clear in that there will be no closed meeting in relation to your violation of City policy. And two, if you or any other Councilmember has any information regarding potential misconduct of a staff member, you should make each Councilmember aware so that we (as a Council of five, of which the Mayor is only one voting member) can determine the manner that is appropriate to address it. Jared Henderson on behalf of the Herriman City Council."

Councilmember Henderson: We received no other response until tonight's meeting when we got another packet, and heard the statements that have made. So, I think we're thoroughly done with this, and I think we've seen the kind of character that we have from our Mayor, the damage that's been done. We could go on, and on, and on but I think this paints a clear enough picture and gives the public enough information. We'll be glad to hand over any more information you want, copies of any documents that are accessible. I think it's time for us to finish up and move on. So, we ask Councilwoman Nicole Martin to do so.
Councilmember Martin: So as ... can you hear me all right? Councilmembers as a body have asked me to read this letter, which is our determination after we have looked at all of the facts and the reports that we’ve received from our staff, as well as, as you can see, all of the research that we've done on our own. This is addressed to Mayor Watts.

Councilmember Martin: "Mayor Watts, on June 26, 2018, staff notified City Council of concerns they had regarding the deficiencies in your May credit card transaction log submittal regarding unapproved charges and insufficient receipt documentation. City staff had previously notified you of the issues and received no resolution on your part. As it is the responsibility of City Council, not City staff to address issues with an elected official, City Council brought this issue as an agenda item under City Manager updates on July 11, 2018, to learn greater detail from staff, and to give you the opportunity to respond to their concerns. At the conclusion of the July 11, 2018, meeting, after hearing from City staff as well as your explanations, the City Council concluded the following. Given your professional background in human resources, the standard nature of our policy, which you signed, and your submission of an accurate credit card statement the month prior, we feel you did or should have known you were violating the purchasing policy. Your violations of the City's purchasing policy amounted to $946.31, and that cost should not be borne by the taxpayers, but should be personally reimbursed by you. Your agreement at that time to pay back the $946.31 was accepted by the City Council, and we assumed you would quickly move forward to make reparations. Further disciplinary actions were discussed, and all agreed to bring the issue back when we had more information from staff. As weeks and months passed with no reimbursement being made to the City, we felt compelled to bring the issue back to deal with not only your non-payment, but your complete lack of communications as to your intentions to fulfill the promise you previously made publicly to repay the City. As such, we scheduled and notified you of our planned discussions during our November 14, 2018, meeting. You chose not to attend. Frustrated with your lack of response for nearly six months, despite your initial expressed willingness to deal with this issue immediately and transparently, and knowing we have a fiduciary responsibility to the taxpayers, we unanimously determined more forceful action was necessary in regard to this issue. As such, this letter officially informs you of the following. Based on your admissions and staff findings, the City Council demands immediate repayment of $946.31, as restitution to Herriman taxpayers. As you have been notified previously, if payment is not made by acceptable means by the end of the day on December 12, 2018, City Council will direct staff to pursue legal action to recover the funds. Further, we ask for the forfeiture of your City credit card and have all agreed to return ours as well with plans to update our policy stating elected officials shall not have City credit cards. This letter, along with supporting documents, will be placed in your employee file. The City Council will work to refine our purchasing policy and make any adjustments necessary to ensure taxpayer dollars are used wisely and appropriately. We are deeply disappointed this formal action is even necessary, as our hope was you will take responsibility for your obvious and admitted failure to follow the purchasing policy, and simply make the restitution necessary. On the contrary, what we have encountered instead is silence, dishonesty, defiance, blaming of others, and obstructive behaviors to us, and more egregiously, to City staff who are simply acting on our direction in this matter. We publicly thank our staff for their hard work and for their courage in notifying City Council, as they should, of any irregularities by any elected official, including the Mayor. Your continuation to blame City staff for notifying us of behaviors is not only troubling but speaks to a deeper concern we have with your character and ethics. During the July 11, 2018, meeting, you stated your feelings that elected officials should be held to a higher standard, and you looked forward to resolving this issue publicly and transparently. We've seen none of your promises come to fruition, requiring us to take action for the good of the City. We have acted in good faith and made every attempt to help you resolve this issue and previous issues that we deemed harmful to the City. When previous concerns with your behavior and decision making have arisen, we
have chosen to meet with you in closed session, as state law allows to discuss the character, personal competence, or physical or mental health of an individual. Despite all attempts to correct behavior we view as damaging to our City, and by extension our residents, you continue to illustrate a refusal to accept responsibility for your actions. Given your lack of accountability with this issue, coupled with our repeated need to reprimand you for other behaviors deemed harmful to our City, we feel we have no choice but to take the following disciplinary actions. Trust is the only grounds on which an elected official can effectively govern. We feel your actions have not only lost our trust, but that of City staff and residents. As such, we ask for your immediate resignation as Mayor. Should you choose not to resign, we will formally remove you from all of your assigned board and committee positions as allowed by state law for our form of government. As your duties will be diminished substantially, we will adjust your compensation to be commiserate with your lessened responsibility. We will notify all stakeholders and interested parties that you do not speak for Herriman City, or for Herriman City Council, and that communication should be directed to the City Manager, who can then disseminate to the entire City Council for our review. We ask that if you receive any communications directly, that they be forwarded immediately to the City manager. Yes, Mayor Watts, we agree with you that elected officials need to be held to a higher standard, and because you have shown yourself incapable of holding yourself to this lofty standard, we will do it for you. You chose the decisions you made. We are now compelled and required by the higher ethical standards by which we want to show our citizens to impose the consequences of your choices."

Mayor Watts: Let's keep some decorum. So, can I have a copy of that?

Councilmember Martin: Yes.

Audience member: Resign. Do the right thing.

Mayor Watts: Please, let's keep decorum.

Councilmember Henderson: Sorry, I was right again.

Mayor Watts: So is that, are you ... has all the Council said-

Councilmember Martin: Yes.

Mayor Watts: ... what they have liked to say now? Okay.

Mayor Watts: First off, let me apologize for my role in this situation. My failure to provide documentation back immediately in June is something that I take responsibility for. I do agree that elected officials are held to a higher standard, and for that I do apologize. It was something that will not happen again, partly by choice, partly by the fact that the Council's deemed that to make it basically not necessary. I've been accused of a lot of things. I've been accused of lying, I've been accused of intentionally trying to get gain from our City. At this point, there are just too many things for me to even believe that if I tried to go through it issue by issue, that it would be productive. Do I take responsibility for some of the situation? Yes, I do. My intent has always been to repay the appropriate charges. Once again, and I'm going to ask right now, will the Council please identify specifically which items and the amounts that they are ... right now, for me so that I can address that.
Well for example, the City here is stating ... hold on, hold on. The City is stating that 166.09 is needed for this room rate.

Councilmember Henderson: I'm sorry Mayor, I'm gonna cut you off because we've given that to you several times.

Mayor Watts: Excuse me. [gavel sounds]

Councilmember Henderson: Oh my gosh, don't do that.

Mayor Watts: You are out of order.

Councilmember Henderson: No.

Audience member: You're out of order!

Councilmember Henderson: This is-

Mayor Watts: You are out of order.

Councilmember Henderson: This is the Council meeting, not your meeting.

Mayor Watts: Yes.

Councilmember Henderson: And we told you-

Mayor Watts: And you have had your say-

Councilmember Henderson: And we told you-

Mayor Watts: And I'm speaking.

Councilmember Henderson: No. And we told you-

Mayor Watts: You are out of order.

Councilmember Henderson: No. And we told you in the work meeting that finance department would provide you with an accounting, just as we have before.

Councilmember Henderson: You're just hurting yourself, Mayor.

Mayor Watts: No.

Councilmember Henderson: That's it. You are subject to the judgment of your peers and the public.
Mayor Watts: So, here's the thing. I'm sorry that we're in this situation. I am. I'm truly sorry that we're in this situation. Clearly, I have already been tried and convicted, and that's fine. And Council has the ability to make the decisions that they've done. Unfortunately, I believe that there has been so much misinformation that has been provided that there's nothing I could do now. So instead of fighting it and trying to say that ... trying to go through all these inaccuracies, I'll simply accept what the Council's read. I will not be resigning. I just wanna make that clear, that I do not feel that I have done anything intentionally to be misleading or to damage the City. Has that happened? Sure. I think we all can agree that his has been damaging to the City. But unfortunately, I just don't see an opportunity for me to move forward, in this particular meeting today, in any way that allows me an opportunity to address the issue. So, I will accept the letter that has been written, and I will work with the finance department as Mayor Henderson is stating for the specific itemized list of those items so that I can address that issue appropriately.

Councilmember Ohrn: I would remind you that that deadline is tomorrow.

Councilmember Smith: It's today.

Councilmember Ohrn: In our letter, it's dated 12/12, correct? And so, you have to work with them tomorrow and have it paid.

Mayor Watts: Tomorrow or tonight? Which one?

Councilmember Ohrn: Tonight would be great.

Mayor Watts: Alright.

Finance Director Alan Rae: I have three items that I'd like to address with this before I do what the Mayor is asking. When we gave the amount of 948.31, there were three questions remaining, okay. Do we charge him additionally for $25 for the baggage where our policy says that you can't get any personal gain for using the purchasing card? I have not added that into the amount at this time, 'cause I left it as a question to the Council.

Mayor Watts: I'll pay that.

Finance Director Alan Rae: Okay.

Mayor Watts: If the Council desires.

Finance Director Alan Rae: The next one is on the room charge in Denver, in trying to resolve this, I put it in the calculation as the difference. Now, according to our policy, if you pay over the amount, you're responsible for the entire amount. Now, I've tried to solve that by putting the difference in there. So, does the Council direct me to account for the 346.09, or as the difference between our per diem rate?

Councilmember Henderson: How would we approach it with an employee?
Councilmember Martin: For me, again, I get back to the phrase I made. For me, it’s poisoned fruit from a poison tree. He chose to come home. Any costs incurred by that choice ought to be included. So, for me, it's the total amount.

Finance Director Alan Rae: Our policy requires either Brett or myself to approve that beforehand.

Councilmember Ohrn: So that total amount, it was the violation of the policy was the total amount, correct?

Finance Director Alan Rae: Right.

Councilmember Ohrn: And in our policy, you have to pay back the total amount.

Finance Director Alan Rae: Okay.

Sherrie Ohrn: And so, the total amount.

Councilmember Henderson: Has this specific instance occurred before?

Finance Director Alan Rae: No.

Councilmember Henderson: And have we been lenient? Then we follow the policy.

Councilmember Ohrn: You also identified another violation of policy, which was the purchase of the computer part.

Finance Director Alan Rae: Purchase of the computer parts requires to be purchased by our IT department with my approval, as I am also the IT Manager. That was not done. We don't go buy stuff at Best Buy. We don't get deals at Best Buy. We go through government contracting. So, that was the other one that I had question on.

Mayor Watts: I would like to speak to that. I went in and spoke to our IT team.

Finance Director Alan Rae: You didn't talk to me. That's the policy.

Mayor Watts: I'm not saying I talked to you. I did, I asked them if they had replacements. They said they didn't. I asked if it was appropriate for me to go purchase it. They said, "Whatever you'd like, Mayor." I understand now that I should've talked with the director of that department. But I provided the broken items to the IT department.

Finance Director Alan Rae: That's ... So where do we go with this?

Councilmember Ohrn: How do you feel? How does the rest of the Council feel? We are addressing here violations of City policy, and that's a clear violation of City policy.

Councilmember Henderson: Violation.
Councilmember Ohrn: How do you feel?

Councilmember Henderson: That's how I feel.

Councilmember Smith: It's a violation. I don't ... My stance- I guess it's- My stance is that we stay consistent like we would on any issue when we address the violation. Now clearly, there may be a training need that needs to be followed up on as far as some of the IT staff, and making sure that they give the proper direction so that we-

Councilmember Henderson: [interjected] To elected officials.

Councilmember Smith: ... we avoid miscommunications, misinformation in the future. But again, I'm gonna go back to the words that were spoken earlier about being really held to a higher standard, and communication is not hard. Communication is actually very easy to do with our staff. They're more than willing to help us. My stance is again, that this is another violation that should be included in the total.

Councilmember Henderson: I would ask kind of the same question. Has this same instance happened before with other staff members, and how has it been handled if so?

City Manager Brett Wood: Talking about this last purchase?

Councilmember Henderson: Computer.

City Manager Brett Wood: The mouse and the pen?

Councilmember Martin: Mm-hmm (affirmative).

City Manager Brett Wood: We would look at that. If they went directly to the IT tech and got permission, that's [inaudible]. Our policy says it goes to the manager. If that was the only offense, we could probably do a write up. We could do write up on policy. If it was a thing you were talking about or repayment if it was an employee that actually did those transactions outside our agency on our behalf. I've been asked this question back in July 11, and have asked several times since then. I've asked other cities, and apparently have retired City Manager in the audience. Our employees have made mistakes about charging on a City credit card. What happens then? They immediately always freaked out, that same day will write a check and hand it to us. This didn't happen until we called it out. That's the frustration part. So yes, you're an internal employee. You can't terminate the Mayor, as we asked him numerous times. We've looked at the state statute, and legal advice on that.

Councilmember Henderson: I mean, I asked that question, how would we treat someone else, but we've referred to us being held to a higher standard anyhow.

City Manager Brett Wood: Did he have a damaged pen, did he have a damaged mouse? Yes he did. They weren't working. He did bring those back in after the fact, but he didn't follow policy.
Councilmember Ohrn: Yeah, it is simply, we signed the declaration that we will follow policy. And whether we read it or not, that's incumbent upon us. We don't get to blame anyone else for our ignorance on that. Even if we're not trained or whatever, read what you sign because sometimes it can come back to bite you.

Councilmember Henderson: So, I think maybe a suggestion to give to ... I'll make a suggestion for us to give to Alan as far as direction, is that we hold to the 946.31 on what we discussed so far. And what's on the letter is that's what's written there, but then we also request the additional monies paid back within a reasonable timeframe.

Councilmember Ohrn: What's a reasonable timeframe? Define. I just think we have to be-

Councilmember Henderson: Not six months.

Councilmember Ohrn: I think we have to have a clear expectation of a reasonable timeframe, 'cause it's different for some people.

Councilmember Henderson: Yeah, pick a day. A little legal bird whispered in my ear, two weeks.

Councilmember Ohrn: Two weeks? So, the additional room fee and the-

Councilmember Henderson: Baggage.

Councilmember Ohrn: The baggage and the computer stuff, that can be added up and that can be paid in two weeks’ time from the 12th. Is that what we're saying?

Councilmember Henderson: Mm-hmm (affirmative). So, we have still a lengthy agenda to get through. Hopefully-

Councilmember Smith: Yeah, I'm sorry but I disagree. I just have to say, I believe that regardless of whether there's additional charges that are added in at this point or not, I believe ample time has been given to resolve all of these issues. Had that process began in July, it would've been resolved long ago, including these additional ones. So, in my opinion, I believe that we need full restitution immediately.

Councilmember Ohrn: How do you feel, Nicole?

Councilmember Henderson: Anything else you wanna suggest?

Councilmember Martin: I would say this, given that the new charges amount to somewhere along the lines of what, 400? Give me ... I didn't major in math. What's the rough ... Where's Alan? Where's the rough ... Oh, there we are. What's the rough total in additional new charges?

Alan Rae: $180 for the room.

Councilmember Martin: The pen was $199?
Councilmember Henderson: $133 I think on the list.

Councilmember Martin: $133.

Councilmember Smith: The pen and the mouse combined were-

Councilmember Martin: Were $199.

Councilmember Henderson: The baggage is another $25. I would say just give him $300.

Councilmember Martin: I am fine with giving two weeks. I'm fine with a little extra time.

Councilmember Henderson: I totally agree with where Councilman Smith is coming from. That was kinda my thought was, the $946.31 has been consistent all the way through. That's reasonable of us to expect that immediately.

Councilmember Martin: No, that's not what I mean. I'm fine with what we asked for, we stick with that. But the additional charges-

Councilmember Henderson: Additional.

Councilmember Martin: ... allowing additional time for that.

Councilmember Henderson: Right.

Councilmember Martin: Yes.

Councilmember Ohrn: Because he hadn't received prior notification of that-

Councilmember Martin: Yes, yes.

Councilmember Ohrn: ... we allow him an additional two weeks on those. Understood?

Councilmember Henderson: So, I was about to say we have a lengthy agenda still. Alan, I don't know if we've got Alan up for anything for else.

Mayor Watts: I'm sorry-

Councilmember Henderson: Can we maybe have him-

Mayor Watts: I'm sorry, I am the chair of this meeting.

Councilmember Henderson: That's great, but I'm asking the Council their preference.

Mayor Watts: You can ask the Council preference, but I do chair this meeting, and I'd appreciate that you-
Councilmember Henderson: Go right ahead, boss.

Councilmember Smith: I request a 10-minute recess.

[END VERBATIM]

The Council took a short recess.

9. Public Hearing

9.1 Public Hearing and Consideration of an Ordinance changing Salary and Benefits of the Mayor and City Council Members - Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn explained that Human Resources was charged with looking at compensation practices for the entirety of the City. He added the Department had looked at all City Staff and had some data and information obtained regarding the Staff compensation in other cities. The compensation approach for the City, he continued, was to be at market. He explained that some businesses went above market to attract talent, while others went below market in order to save money. He continued that Herriman had a great culture, and that the employees loved working there. The philosophy for Herriman, he added, had been to pay at market and to attract great talents with the culture. With low unemployment, he pointed that the City needed to make sure it kept its employees and avoided turnover. Being at the midpoint, he continued, the numbers HR had looked at were specifically in this range for Mayor and City Council. HR had investigated growing cities, cities of similar size, similar government structure, and similar hours. Human Resources Manager Dunn pointed to the bottom of the graph he was projecting for the Council and explained how to read the information. He added that he had worked to include specifics to paint a picture of where the median pay was. The average Mayor’s pay, he continued, was $20,500 per year while the average Council’s pay was $14,500 per year. He added that these cities also offered benefits to the Mayor and the Council. He continued that the cities HR had looked at were similar in nature to Herriman. Human Resources Manager Dunn explained that HR had wanted to present this information during a public hearing to hear the insight and comments.

Mayor Watts opened the Public Hearing.

Curtis Noble – Mr. Noble explained that it was time the elected officials be compensated fairly. He added it was difficult at this time to be in support of a pay raise for the Office of Mayor. He continued that in the absence of the present issues caused by the Mayor, he believed all officials should receive a higher compensation. He added it had been brought to his attention that the current Council pay was low because of past campaign promises. He explained this was no longer appropriate. He concluded saying that he was in support for an increase in pay for the Council and even the Office of Mayor.
Allan Robins – Mr. Robins explained that the Council should take into consideration the responsibilities that were taken away from the Mayor. He added that, for the time being, the Mayor’s salary should be decreased.

Teddy Hodges – Mr. Hodges explained the was in favor of increasing compensation of both the Council and the Mayor. He explained that the City needed a fiscal study to compare Herriman to similar cities and estimate its future growth. He explained that the City would outpace within three to five years. He added that the time was appropriate for this discussion to take place.

McKay Mortensen stated that if he had been asked six months ago, they would have been in favor of the increase. The City had very hard-working people in its service, and that this included Mr. Watts. With the recent events, and the potential for said events to happen again, they did not believe anyone should be compensated more than they currently were. Measures should be taken to prevent these issues from happening again, and that said measures should be taken at both the State and Municipal level.

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

Mayor Watts explained that there were misconceptions about the compensation increases. He stated that the salary of the Mayor was not up for increase. He explained he was in favor of increasing the salary of the Councilmembers. He continued stating that the Mayor’s salary was already paid more than the average, and that he would therefore not be in favor of an increase. He said he expected that this would be changed as per the previous statements made by the Council.

Councilmember Smith stated that he appreciated the public for attending and those who stood up to make comments. He explained that whenever there was a conversation about increasing pay for elected officials, the increase was unpopular, yet most of the comments had been positive. He added that this might be a first on this topic. He continued that there had been a lot of conversation about duties, responsibilities, and time investment, and explained that he was not in favor of creating an environment where the pay was substantial enough to incentivize individuals to run only because of the compensation. Serving as a Councilmember, he added, was a privilege granted to each member by the community. He continued that it was a privilege to sit on the Council and represent the City’s residents and that the role was about community service and building a better future for the inhabitants of Herriman. He continued that this service; however, came at a cost to the individuals as well as the families of the Councilmembers. He stated that Councilmembers spent a significant amount of time away from family responsibilities and away from employment responsibilities. He added that Councilmember Henderson had spoken about being self-employed and the financial impact he had suffered as a result of his service: The Council’s workload had been substantial. Councilmember Smith explained he was one of the Councilmembers who had requested the information discussed
during the meeting. He explained that he had felt that the Council’s compensation was low in
comparison to other, similar cities. He added that people wishing to run for Council needed to be
assured it would not come as a financial burden to them if possible. He continued that while it was
not always possible to compensate people fairly, as was the case with Councilmember Henderson, the
compensation needed to be looked at frequently to continue to provide Councilmembers with a
mechanism creating a culture where people were not afraid to run for public office simply because of
the potential financial obligations they would encounter. He explained that he had, in the past,
encouraged people to run, only to be told that that compensation prevented them from doing so. He
added that, as a result, an inequity had been created by not keeping pace with the current compensation
trends because of past campaign promises. He added that while it was never a popular conversation
this was one that was necessary and warranted. He said he appreciated that the staff had put these
number together and bringing the report for the Council to review. He was in favor of looking at a
light increase to the Council’s pay commensurate with the previous discussion had and the letter that
was therefore warranted. Councilmember Smith went on stating being in favor of a reduction in pay
for the Mayor, commensurate with the duties currently being formed. He added there had been a
discussion of the form of government in Herriman and the fact that the Council had five members.
Typically, he continued, there were added responsibilities placed upon the position of Mayor. In light
of the other situations, he continued, he explained he felt it was important to establish the Council
had five members, equally responsible, and that the remuneration should be commensurate for each
member sitting on the board.

Councilmember Martin agreed with Councilmember Smith’s comments. She asked to confirm a point
that had been made. The reduction in Council and Mayor salaries several years prior had been the
direct result of an attempt to win an election. She explained she was unsupportive of any attempt to
reduce or increase a salary for political reasons. She added that what had been shown by the HR
Director was that the compensation for Herriman was under what other cities offered, particularly
cities experiencing the type of growth issues that Herriman was experiencing. As a result, she
continued, the City needed to make up for the political reduction that had taken place, as well as
making sure that Herriman was mid-pack when it came to compensation. As a result, she stated being
supportive to having the HR Manager bring the compensation to mid-range. She went on to say that
no Councilmember was supportive of bringing the remuneration to a high-end range.

Councilmember Ohrn explained she was in agreement with the comments made. She explained that
an increase would put Herriman in the middle of the remuneration range. She agreed with the
comment that the Council had five members and that the pay should reflect this.

Councilmember Henderson explained that the Council had debates about this topic, going back to
the past elections. He explained that the campaign promises had reduced the Council’s compensation
had not been made by anyone currently sitting on the Council, as this promise had taken place ten
years prior. He explained what amounted to fair compensation was a difficult question. Another
question, he continued, was what would entice someone to enter public service or keep them away.
He went on that this was a delicate balance and pointed to the Mayor who had stated he wished to change the Mayorship to a full-time position and increase the pay. He stated having these conversations after the elections when three of the Councilmembers were new. His initial response, he continued, was that this should be avoided. He added that he had seen too many cases where things ran awry: a well-respected municipal attorney who had trained him had stated that Mayors or councilmembers who were paid too much would stay in their position for much too long.

Councilmember Henderson stated that Herriman had a five-member Council and a City Manager who carried out the Council’s wishes. While he did not want to go back to the issue of purchasing, he explained that none of the Councilmembers had purchasing power; they merely approved the budget, but the City Manager held the keys to purchasing, thus creating a system of checks and balances. The Council, he continued, could not unilaterally make a purchase. Some cities, he added, had a strong mayor form with no city manager: the mayor, in this case, was the one performing those functions. He added having seen a lot of instability with this form of government and preferred the one in Herriman, as he liked the separation of power along with checks and balances. He added that the level of compensation should be at the median. Having read several historical biographies, he learned that when the country was formed there was a similar debate between Benjamin Franklin and Thomas Jefferson. Franklin’s contention was public service was service and should therefore not be remunerated. However, the counter argument was that only rich individuals would be able to serve, which, he added, was the case at the time. Councilmember Henderson stated that this balance went back to the founding of the country. The difficult question, he explained, was to gauge how much was enough, and how much was too much, which would incentivize people to do things for the wrong reasons. He added this was why the Council was wrestling with the topic, not only from an employee point-of-view, but also from that of an elected official. The direction the Council had wished to go in at the beginning was to have the compensation be in the middle. While there were arguments that the City was fast growing and required more time than some of the more established cities required from their council, the balance needed to be found to have council members who entered public service for the right reasons. He stated that he was comfortable with the direction in which the meeting had been going. Regarding the Mayor, he continued, the Council had signaled its intention to change the compensation to be commensurate with the duties, which would be part of the present vote. Councilmember Henderson added that the reflection would keep going as the Council went through the process. He pointed to the person who had commented that they would have approved the increase six months ago but no longer would. He went on to say that six months ago the process had been started to review compensation. He explained having understood that if compensation had come back showing that the Mayor was overpaid, he would have felt uncomfortable reducing the compensation but would have sought ways to make it adequate. Having gone through what they just had, he stated, the Council needed to take a different approach.

Mayor Watts asked if there were any comments.

_Councilmember Smith moved to approve Ordinance 2018-48 with Council compensation being set at $14,500. Councilmember Henderson seconded the motion._
The vote was recorded as follows:
Councilmember Jared Henderson  Aye
Councilmember Nicole Martin   Aye
Councilmember Sherrie Ohrn  Aye
Councilmember Clint Smith  Aye
Mayor David Watts    Aye

The motion passed unanimously.

10. Consent Agenda
   10.1 Adoption of the 2019 Annual Meeting Schedule
   10.2 Approval of the Monthly Financial Summary
   10.3 Approval of an Interlocal Agreement with Salt Lake County for the Development of the Bonneville Shoreline Trail

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

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

The motion passed unanimously.

11. Discussion and Action Items
   11.1 Discussion and Consideration of an Ordinance authorizing a Text Change to the Land Development Code regarding Subdivision Plat Signatures - Michael Maloy, City Planner

City Planner Maloy explained that there were several zoning amendments for the Council’s consideration. He explained that all zoning amendments, text or map amendments, required the Planning Commission to provide a recommendation. He added this had been done and that the Planning Commission recommended approval on each of the items discussed. He added that a Public Hearing had been conducted.

City Planner Maloy explained that the administration had brought the first item to the attention of the Council. He continued it had been discussed in a work session. State Code, he explained, allowed the City to determine who had land use authority for the community. City Code, however, stated that the land use authority was with the Planning Commission. He mentioned that this was a very typical municipal law. Within the section of City Code discussing final plats, he continued, there was a
reference that the Mayor was to sign the plat representing the City Council. This, he explained, was inconsistent with the fact that the City Code also stated that the Planning Commission was the land use authority, as they were the ones administering the process and directing staff to work with the public and the development community. It was proposed by the Planning Commission that an amendment be made to City Code section 10-5-16 removing the Mayor’s signature from the final plats block and adding the Planning Director to the plats.

When asked why the Planning Director should be added as opposed to the Chair of the Planning Commission, City Planner Maloy answered that the Chair of the Planning Commission would still sign, but that this section of the code had been abbreviated. The City Attorney, he continued, would have the final signature as the process went on.

Mayor Watts indicated he had no contention with the recommendation as he always found it strange that he had to sign the plats.

Councilmember Smith explained he was in favor of the amendment. He explained he had served several years on the Planning Commission and had found there were inconsistencies in terms of who was required to sign off. He said he thought that the authority had to be clearly defined and that it rested with the Planning Commission. The final sign-off, he added, was that of the City Attorney who made sure all aspects of the plats were in compliance. Councilmember Martin recommended the Planning Director also sign off on the plats. The Council concurred.

Councilmember Martin moved to approve Ordinance 2018-40 authorizing a Text Change to the Land Development Code regarding Subdivision Plat Signatures with the additional requirement to have the Planning Director sign the Plats. Councilmember Ohrn seconded the motion.

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

The motion passed unanimously.

11.2 Discussion and Consideration of an Ordinance authorizing a text change to the Land Development Code to create an Auto Mall Special District (File No. 2018-15) - Michael Maloy, City Planner

City Planner Maloy explained the Auto Mall amendments came in two parts: a text amendment that would create the new zoning district as indicated in the packet and a zoning map amendment. He added it had been the expressed desire of the Council that when the Planning Commission presented the text amendment for consideration, the zoning map amendment also be presented. When the
Planning Commission began this process, he explained, they reached out to various cities with auto malls in the City limits. The Planning Commission had been looking for best practices, good regulatory tools and made sure the regulatory environment was conducive to further development. He added that the intent was to create economic development and commerce within the City. City Planner Maloy explained that the Planning Commission had arrived at a proposal that all new dealerships would be a permitted use. He continued that they would be subject to all the City Codes. The Commission also required for all permitted uses to come before the Planning Commission to obtain a site plan approval, something that was particular to Herriman. This, he continued, added an additional layer of public review which other cities did not engage. He said this additional level of oversight had been a useful tool for a fast-growing city. Conditional uses, he added, would be: used dealerships of various types of automobiles, and vehicles and new dealerships that were not specifically selling cars. He stated that those businesses would be subject to a conditional use review process as it existed within the City Code. In general, he continued, there would not be other services and retail uses within the mall rather than ancillary businesses, such are repair and service shops.

Councilmember Smith asked whether the allowed business was secondary to the product or otherwise associated with the dealership. City Planner Maloy explained the former was correct. He continued that the dealership might be offering a variety of services, but that it could be another business offering auto related services as well. Councilmember Smith asked whether an outside repair related company could come in the area. City Planner Maloy explained that it would be subject to all the aforementioned screenings. City Planner Maloy explained that he did not believe the code allowed impound businesses or outside storage in the commercial zone.

City Planner Maloy pointed the Council to the packet they had been provided. The zoning, he explained, stipulated some design standards: conditional uses would abide by the existing C2 Commercial design standards. He continued by stating that the dealerships were forced to build structures as stipulated by the car brand. He explained that new and remodeled dealerships had fairly high standards when it came to materials and quality of design. He added that the permitted use section stipulated certain parameters when it came to design standards. City Planner Maloy explained he fully expected that the new car dealerships companies would be under a lot of obligations to run their business. He went on to say that the Planning Commission wanted to be open and accepting of this and that the process still had to go through a site plan review. City Planner Maloy showed the Council a reference model as to what a new dealership could look like. He continued that a dealership would fall in the conditional use category and explained that the City heavily favored brick structures. Some of the more recent development in the City exemplified this, he added. City Planner Maloy explained that these standards would be maintained for conditional uses. He added there were regulations for storage, how to display the vehicles, site lighting, etc. which were dictated by City Code. He explained that associated with the zoning map amendment, the Planning Commission had received eight or more emails from residents. He explained that the City Code required full cut off shields of the property line. The ordinance, he continued, stated that the dealers would comply with the standard. He explained that additional requirements could be added. City Planner Maloy mentioned
that in his neighborhood, dealerships turned off their lights at night with minimal lighting for security. Some of the emails received, he stated, had expressed concerns about the dealerships keeping their lights on all night long. He added having seen new dealerships work with communities and dim the lights.

Councilmember Ohrn explained she had attended the Planning Commission meeting and that this concern had been brought up by several residents. She wanted to make sure that the residents understood that the City could later add more requirements. Citizens had a voice in the process of development. City Planner Maloy explained that the conditional uses would have more teeth than the permitted uses. If the Council wished to have these types of restrictions on a new dealership as part of the permitted uses, the light stipulation should be added to the text amendment. He added there were other standards that could be achieved by the dealership to mitigate certain concerns and impacts. He stated that the dealership could be told that in order to mitigate certain concerns they would need to dim or turn their lights off at night. City Planner Maloy explained that if this was the goal, he would recommend stating so in the ordinance. He continued that, anecdotally, he had encountered dealers who were willing to turn their lights off, but that he had no idea of how the development community would respond.

Councilmember Ohrn explained that since the Council had heard about the concerns regarding lighting, it should be made clear to the residents that the issue would be addressed at the outset. She added that some research regarding the requirements of the new dealerships might be helpful. She continued having noticed that the new dealerships in South Jordan seemed to have lower lights within the lot. She added it would be informative for the residents to know what the new lots would look like and whether lower lights are used. City Planner Maloy explained that the low lights reduced light pollution and allowed the dealers to have greater control over where the light went.

City Planner Maloy explained that concerns had been expressed over landscaping on Main Street. He stated that the ordinance required that all public streets would have a minimum of a 20-foot, fully landscaped buffer. This, he continued, was in the current code. He added that the Council might wish to do something further and explained that he had a cross section that might be helpful when talking about the zoning map. He pointed to an illustration of a dealership and explained that the goal was to balance the community’s desire and intent to have landscaping while allowing a dealership to function.

Councilmember Martin explained that as the staff was speaking with the dealerships, working on understanding what the lots might look like, it would behoove the Council to ask where the trends are going. She added that the Sandy Auto Mall had been the gold standard but that as the trends changed, the Auto Mall had become archaic. She explained that the tremendous revenue that the Auto Mall had been generating was diminishing because Sandy did not have the real estate to accommodate the market. The trends, she added, now required more acreage than they used to. A little foresight in the upcoming trends, she continued, would be wise to make sure that when Herriman brought the
dealerships in, they created a revenue stream that would carry into the future and avoid what Sandy was experiencing.

City Planner Maloy pointed to the exhibit attached to the text amendment identifying that this ordinance was restricted to a district. He added that adopting the ordinance as it currently was would ensure that the zoning district would not be used anywhere else in the City. He added that the goal was to concentrate all the economic development tools in one area to create an Auto Mall. He explained that part of the proposal in the C2 Zone was to move used auto sales out of the C2 Zone and restrict them to the Auto Mall special district.

City Planner Maloy explained that there was a section on interim facilities. He added this had been created to jumpstart the economic development process of using the property. Staff, he continued, had explored various ways to allow interim facilities, though the Planning Commission initially had a different text under this heading. When the Commission had made its recommendation, he added, there was a standard stating that the interim facilities would be reviewed and approved by the Planning Commission.

City Planner Maloy stated that the City Attorney recognized that this section of the draft ordinance did not offer any standards by which the Planning Commission could judge that by. In order to have a fair process with the development community, he added, the Attorney had requested a series of standards which were now part of the packet. The packet had a summary of the standards: the Planning Commission was to review interim facilities and in addition to the interim facility, and the dealership had to provide an overall preliminary development plan as if they were going to build the whole facility in compliance with the ordinance. He added Staff had wished to see not only what the dealerships would do with their interim facilities, but also what they were going to do in the future. He recognized the designing material used for a temporary facility would be meant for interim, but Staff wanted to see the dealership complying with overall City standards. He continued there was a phasing schedule stipulating the full development plan had to be accomplished within three years. He added an annual report would need to be submitted by the developer or Auto Mall property owner. Every year, he explained, the dealership would review how they were progressing in achieving the final product. If not achieved within three years, he continued, the owners could ask for a six-month extension. Finally, he explained, this extension was revocable. City Planner Maloy stated permitted and conditional uses, according to the City Code, had a revocation process to be used against a bad actor who was not complying with the agreed development plan. He continued that everyone had seen interim temporary sales lot and that the City would have such structure to jumpstart the development on the property.

City Planner Maloy explained Staff had contemplated having a formal sign package but added the project did not fully mature as staff could not fully understand what would be needed without a dealership. He continued that there were a number of types and locations identified in the proposed zoning ordinance, but there was no actual design. He continued with the restrictions on how many
signs could be had, where pole signs could be placed. Temporary signage was very specific, particularly when it came to additional banners and displays associated with holiday sales. The ordinance, City Planner Maloy went on, had been put before the Council for consideration.

Mayor Watts asked whether there were dealerships required to dim the digital displays after dark, in order to reduce the brightness. He continued that the Council had heard complaints on this very issue from residents living along the corridor. City Planner Maloy added he did not think this was part of the City Code. Assistant City Manager Haight explained that on UDOT facilities, a State statute governed the amount and timing of lights, both day and night. Mayor Watts stated that the dealership would therefore be required to dim their lights down. The State requirement, Assistant City Manager Haight added, would supersede City ordinances. Mayor Watts stated this type of signage was restricted to the Mountain View Corridor.

Councilmember Martin moved to approve Ordinance No. 2018-40 authorizing a text change to the Land Development Code to create an Auto Mall Special District Regulations (File No. 2018-13). Councilmember Henderson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

11.3 Discussion and Consideration of an ordinance rezoning approximately 53.2 acres of property from R-2-10 Residential Zone to AMSD Auto Mall Special District located at or near 12120 S Mountain View Corridor Highway, and approximately 5.6 acres of property from A-1 (Agricultural Zone) to AMSD (Auto Mall Special District) and approximately 4.2 acres of property from A-1 (Agricultural Zone) to C-2 (Commercial Zone) located at or near 4874 W 12600 South - Michael Maloy, City Planner

City Planner Maloy explained that the City was obligated by the State to conduct public hearings. He added that the public hearings were advertised on the City’s website and other places required by the State. Zoning map amendments, he continued, required for a mailed notice to be sent to residents. That notice, he continued, combined with the neighborhood meeting, had allowed for Staff to collect more feedback and spawned the comments the Council had received. He explained the City would rezone a portion of the Auto Mall district in an effort to rezone the properties that the City had recently gained control over. He continued that the City had an ownership interest in these properties. He went on to say that additional properties would be rezoned over time as the City would control
these properties or if there were willing property owners who wished to rezone these properties to the Auto Mall Special District.

City Planner Maloy explained the map had been included in the packet which showed where the commercial portion would be along 126th South. The packet, he continued, showed a rendering as Staff was not sure how large the area would be. He explained that, at the present, the area was limited to a 4.2 acre-parcel and that the balance of that 5.5 acres would be the Auto Mall Special district. He explained Staff was expecting to see the C2 Zone to extend to the West. He continued there had been a couple of exhibits and pointed to the cross section. He explained this was meant to show the road itself would form quite a large buffer between the Auto Mall use and the residential use to the West. He added the Council could see the large landscape buffers that would be developed as Main Street developed next to the Auto Mall district. City Planner Maloy explained there was a large buffer where landscaping could be designed to mitigate and buffer: privacy could be created, noise dampened, light blocked etc.

Mayor Watts asked what the distance was, stating he believed it to be about 100 feet. The answer given was 130 feet. City Planner Maloy added that this distance was a significant buffer and the landscaping buffer would help remedy residents’ concerns.

It was stated the sidewalks needed to be built on the other side. City Planner Maloy explained sidewalks would be required there as well.

Assistant City Manager Haight stated that it was good to go back to what the City had tried to do the past several years. One of the key things, he continued, was to develop a bigger commercial base. As a result, he went on, the City had begun development but because of the commercial market, there were not a lot of opportunities to get big box stores that were historically the way commercial developed. With the development of Center Cal in Riverton, he explained that to develop this particular acreage in commercial had required Staff to be very creative and find niches in the market that the City could take advantage of. He added that for the last two years, Staff and the Council had been working to put together the Auto Mall and working with investors to put the project together. One of the things Staff had been sensitive to, he continued, was to avoid propagating housing up next to the Mount View Corridor. Assistant City Manager Haight explained that this was a future opportunity to offset the cost to maintain the City. He stated that this was the key reason Staff had come back with the Auto Mall. He explained Staff had talked to a lot of different groups, including several dealers, who would be interested in putting this mall together. At this point, he went on, with a great deal of effort from the City Council, 64 acres of property could now be zoned in what could have been residential. He added that this was an important step forward. He wished to take the Council through a few slides to show that the potential of the Auto Mall. Addressing Councilmember Ohrn’s point, he explained the Sandy Auto Mall had its problems in that it had limited in space. Talking to the different groups, he stated it had been determined what acreage was needed to meet the requirements stipulated by the Car Makers: 90 acres had been made available. This layout, he
added would give the City an opportunity to get six or seven auto dealerships in the City which would create a substantial tax benefit for the community. He explained the property adjacent to 126th was being looked at to be turned into retail that would allow the City to take advantage of the traffic on 126th. He continued with a quick video for the Council to show, which included a graphic rendering.

City Planner Maloy stated he was hoping to show what would be taking place in the whole area and why it was of importance to the City. He added that the 120 acres of commercial would bring financial benefits when considering the other shopping areas that were around the community.

City Planner Maloy asked if the Council had any questions.

Councilmember Ohrn reiterated a large part of the budget was one-time money, which forced the Council to operate with one-time money. She continued that these funds had to be replaced with tax revenue. She added that while she understood and recognized the concerns of the residents, the tax revenue had to be increased, otherwise the City would not be able to sustain itself. The damaged roads that residents complained about, she explained, would gradually become much worse and other services that had to be provided to the City had to be funded through this type of commercial development.

Councilmember Smith explained the area had been added to the general plan in 2014 to be zoned as commercial. This was when the Council had first directed Staff to send the message to residents that this would be a commercial zone.

It was stated the Council had worked hard to preserve areas that had commercial potential. Several citizen comments regarded the buffers between commercial and residential areas. Having an Auto Mall next to a freeway was the perfect location. Mayor Watts explained that he agreed, and this particular freeway was a great road to be near as it would connect I-15 in Lehi and I-80. He explained this would be a major thoroughfare with high traffic.

Councilmember Ohrn added that she wished to reassure the public that everything would be done to help mitigate any concern. She pointed to the example of the buffers which had been created for the purpose of separating commercial and residential. She continued stating that the Council had to move forward with some commercial developments.

It was stated that the Council had the opportunity of working with the residents, as Councilmember Henderson had mentioned, to effectively mitigate concerns as the project moved forward. Addressing Councilmember Ohrn’s point, it was stated that the tax base had to be increased as the City could not continue to live on one-time money. The Council knew this would start to diminish and that a solution had to be found to replace it. The Council had discovered that given some of the other retail existing around the City, only certain kinds of retail could be supported in the area. Some communities were working hard to secure this type of commercial development in their community as it provided a
significant tax base. The Council had worked very hard to help facilitate this process and move the land in the right direction. Considerable effort had gone into getting the land where it currently was, with a proper zoning and the opportunity to further zone some land to preserve it. The discussion with the auto dealers would be continued, as this was extremely necessary for the long-term viability of the community. The construction of an Auto Mall was a necessary step and that the area was one of the few the City could capitalize on.

City Planner Maloy showed the video previously mentioned. Mayor Watts then asked if there were any further comments from the Council.

Councilmember Martin moved to approve Ordinance No. 2018-42 rezoning approximately 53.2 acres of property from R-2-10 Residential Zone to AMSD Auto Mall Special District located at or near 12120 S Mountain View Corridor Highway, and approximately 5.6 acres of property from A-1 (Agricultural Zone) to AMSD (Auto Mall Special District) and approximately 4.2 acres of property from A-1 (Agricultural Zone) to C-2 (Commercial Zone) located at or near 4874 W 12600 South. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Jared Henderson</td>
<td>Aye</td>
</tr>
<tr>
<td>Nicole Martin</td>
<td>Aye</td>
</tr>
<tr>
<td>Sherrie Ohrn</td>
<td>Aye</td>
</tr>
<tr>
<td>Clint Smith</td>
<td>Aye</td>
</tr>
<tr>
<td>David Watts</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion passed unanimously.

11.4 Discussion and Consideration of an Ordinance authorizing text changes to the Land Development Code regarding maximum building heights, and stadiums as a conditional use in the C-2 Commercial Zone - Michael Maloy, City Planner

City Planner Maloy explained the Council’s packet included a document showing the amendment of the land use table to introduce the use of Auditorium or Stadium. He added this land use had been present in the code and had been defined, but that it not been allowed as a conditional use in the C2 zone. Therefore, City Planner Maloy explained, this was being reintroduced. In the table, he continued, the Council could see the removal of vehicle sales from the other texts. City Planner Maloy pointed to the original draft which, he added, had the two codes colliding. As a result, the text amendment the Council had just adopted and the one City Planner Maloy was discussing were at odds. He explained that the item dealing with vehicles and equipment rental or sales had been added to the previous ordinance. In the packet, he continued, the Stadium and Auditorium were being addressed as conditional uses. He added that the C2 Zone building height was also being addressed.
City Planner Maloy explained Staff had prepared a proposal that would increase building size within the C2 Zone to a maximum height of 75-feet. The Planning Commission, he continued, had asked to keep permitted uses at a 45-foot level; anything exceeding this height would require a conditional use permit. The Planning Commission would be the one making that decision. The motion, he added, had been made by the Commission with good intent. He added that unfortunately, there was no standard. As a result, he explained, this packet had been created with the Planning Commission’s new recommendation and the standards.

City Planner Maloy pointed to a section in the newly adopted Auto Mall text ordinance that had a similar provision, where an Auto Mall dealer could request an additional story of 15-feet as a conditional use. He added that the provision stated there could be no maximum height without conditional use approval, and that an addition had been made stating the standards. He continued that the standards were the same as the ones that had been inserted into the Auto Mall Ordinance. The standards, City Planner Maloy explained, might not be the most fitting for the C2 Zone. He continued having looked at precedents and the type of language used in other cities. He explained he had considered adding a maximum height, whereas the Commission’s position had been to let the market dictate the height if the other conditional use requirements were achieved, and if property values were not hurt. He went on stating that some standard to judge the height by needed to be added. City Planner Maloy explained this addition was Staff’s attempt to address this concern with the help of the City Attorney. He further stated the document was in its draft form for the Council’s consideration. If the Council felt comfortable, they could vote on it or tell Staff what they wished to see instead.

Mayor Watts asked how many stories a 75-foot tall building would have. City Planner Maloy explained that, depending on how each story was constructed, one story represented 10 to 15 feet, which would amount to six stories or a little more.

City Planner Maloy explained that this had been a City-initiated petition hoping to facilitate the City’s economic development aims. He continued that the original request was of 75-feet. The Commission, he added, had felt this was bold.

Councilmember Smith explained the City needed to find ways to open the development and to allow the market to help dictate the height. He added that he believed there should a maximum stipulated. He continued that he did not believe the City was in a space where it could leave this item completely open ended and explained that City had a long way to go and needed to attract and begin that process before being faced with something required and necessary. He stated the maximum height should be set at six stories. Councilmember Smith added that there were some good things to measure that height by but that he believed that he would feel more comfortable keeping it at 45-feet for a permitted use and a maximum of 75-feet for a conditional use approval with the additional requirements outlined there.
Mayor Watts said he mostly agreed with Councilmember Smith. His only concern was that if the maximum height was set at 45-feet, and an office space required 10 stories, this option might not be available, thus forcing the City to give up an office space. He explained this was his only concern, as he did not believe that anything besides an office building would require more than 75-feet. Councilmember Smith explained that he did not disagree with the Mayor. When looking at I-15 and Bangerter Highway, he continued, there was a necessity to extend height caps. He went on to say that if such a time came for Herriman, the Council could then amend when the market and development pushed the City to that point. He added there was a long way to go to get to that point, and the first building out of the ground was unlikely to be a ten-story building. He explained that while this might happen over time as the City continued to develop, six stories at 75-feet was sufficient. He mentioned that the Council always had the option to do a text amendment if the market changed and drove a different decision.

Councilmember Martin explained she was supportive of a more lenient code with height for the reasons the Mayor had articulated. For a long time, she added, the Council had been looking at NSA and offshoots that might come off that. She continued that the Council needed to look at areas in the north portion of the City, and that she felt there was no danger in going higher right away.

Councilmember Smith stated that a combination of both could be done. This had been accomplished with a combination of brick stone and the 75-foot limit, with the possibility of granting exceptions, as approved by the City Council.

City Planner Maloy stated that the City always had to have standards for every exception. Councilmember Smith admitted having made a very broad statement, but that he was just proposing an idea. It was mentioned that the ordinance could be changed anytime it was needed through the City Council. Councilmember Smith asked whether it would be appropriate to do as he had proposed: 45-feet, with a maximum of 75-feet and a caveat for hearing requests above that height.

It was explained that the City Council could give the builders whatever they wanted as it was a zoning ordinance change. This ordinance might need to be taken back to the drawing board. Another comment was then made that the Development Team would not let an eight-story building slip away in a location that made sense for the City. Further amendments would be requested. The Economic Development Department was comfortable with this approach.

Councilmember Martin explained that if developers were looking to build office buildings, she would not want them to look at the City’s standards and eliminate the location based on those. She added there was no harm in going higher in the hopes that someone might look at the available land and see it as an option for some of these larger developments that are offices. This would meet the goal of eliminating residential in lieu of very necessary daytime traffic in terms of jobs.
City Planner Maloy said he felt it was the Council’s wish Staff went back to the ordinance and do more research on what was realistic and reasonable for the foreseeable future in terms of building heights, as well as reconsidering the criteria and conditions under which those heights should be granted. The Council agreed.

Mayor Watts stated that Staff had done great work, and the Council was excited to see the direction in which the ordinance was going. He added Staff just needed to look at specific details.

Councilmember Smith asked for Staff to investigate whether it was more appropriate to have the height defined in feet or in stories. City Planner Maloy explained that a lot of cities did both and that Councilmember Smith had probably seen this while working with the Fire Department.

_Councilmember Smith moved to continue Item 11.4 without date for further review by the Planning Commission. Councilmember Ohrn seconded the motion._

_The vote was recorded as follows:_
- Councilmember Jared Henderson  **Aye**
- Councilmember Nicole Martin  **Aye**
- Councilmember Sherrie Ohrn  **Aye**
- Councilmember Clint Smith  **Aye**
- Mayor David Watts  **Aye**

_The motion passed unanimously._

11.5 **Discussion and Consideration of an Ordinance authorizing a text change to the Land Development Code regarding manufacturing uses and landscaping requirements in the T-M Technology Manufacturing Zone** - Michael Maloy, City Planner

City Planner Maloy explained this T-M zone was to be used in the annexation area that would be official on January 1, 2019. He added having had a briefing with the Council over changes to this ordinance and explained that what had caused the most concern and discussion had been the reduction of landscaping from 20-percent to 15-percent. The potential development in the zone, he went on, had stated that even 15-percent was too high. He added that the development company had recently appeared before the Commission and that the Commission had approved at 12-percent range. He continued there was a provision in the City Code that allowed the Planning Commission to consider a modification of the strict application of the landscape ordinance. The Planning Commission, he stated, had used that tool to approve a plan that both the City and the development team was interested in building. When he had last talked about this topic with the Council, he continued, the Council had asked to look at what other cities were doing. City Planner Maloy stated having done so and looked at cities primarily doing industrial manufacturing zoning in the west side of the valley. He explained that West Valley had a ten-percent minimum landscaping in light industrial zones and five-percent in
manufacturing zones. He continued not knowing exactly what land uses West Valley had in those zones but hoped this would show the Council a typical ratio. Salt Lake City, he continued, did not have a minimum percentage in their manufacturing zones but relied on yards being fully landscaped and had additional buffer zones: while it was not a percentage, Salt Lake City made sure to mitigate those impacts with buffers. Eagle Mountain, he went on, which had recently won a Facebook Data Center, had no minimum percentage for their technology and industrial zones. The Facebook Data Center had a 20-foot buffer. West Jordan, on the other hand, had a ten-percent buffer. When the conversation last took place, City Planner Maloy explained, he had thought that 15-percent might still be too high in the market place. In Salt Lake City, he had heard that on one hand the cities were trying to be water conscious, but on the other, cities believed landscaped areas beautified business parks. He explained that there was a contradiction and that cities were making the needed adjustments.

Councilmemer Martin asked whether City Planner Maloy had looked at Sandy and South Jordan in terms of percentages. She explained that while she could not remember the name of the manufacturing area she was thinking about, it straddled both cities and was very nicely done. She stated being curious about the percentages for these cities. She added that she was not in favor not having percentages, as she did not wish to have a city that was all buildings. City Planner Maloy explained that he had given a quick look at other cities’ ordinances. He stated that, if investigated more in depth, the Staff would see that on top of the 20-foot buffers, the cities probably required certain landscaped islands in their parking lot. He continued that it would not necessarily be a percentage, but rather a matter of design. He continued that looking at the big picture, this was what he was seeing and added not having looked at the other two cities as he had focused on the west side of the Valley.

Mayor Watts asked about the actual recommendation. City Planner Maloy stated it was 15-percent. He continued that with the tool the Planning Commission currently had, they could consider requests to reduce this percentage if it was justified; the developer would have to explain why they wished to do something different. Mayor Watts said he approved of the recommendation but wished to add a minimum of 10-percent, which would put Herriman in line with West Jordan, West Valley, and that type of zoning. He added it would indicate that the City could allow less and that the developer had to go through a process to reach a lower amount. Mayor Watts went on to say that he did not wish to see developers think that they could go down to two or four-percent because they had justified it. Councilmember Martin agreed.

Assistant City Manager Haight stated the City’s experience with this type of manufacturing had given a clear understanding; it was good to leave the 15-percent because there was a review by the Planning Commission. He explained that when the development put the 20-foot buffer, as well as the parking lot trees, and landscaping, two acres of the lots was being landscaped. He added that the City did not necessarily want two acres of land to be landscaped and watered. The development had come back and shown how they had met all this. The reason for the 15-percent, he continued, was because the Planning Commission would be able to see if a request for less was reasonable or not or if it was
forcing the development to make a park in the middle of an industrial area. On the other hand, he added, smaller developments needed to hit 15-percent. Stating that the City required 15-percent, he went on, sent the message that the City wished to see high class industrial developments while also staying flexible with the Planning Commission.

Councilmember Martin moved to approve Ordinance 2018-44 authorizing a text change to the Land Development Code regarding manufacturing uses and landscaping requirements in the T-M Technology Manufacturing Zone. Councilmember Ohrn seconded the motion.

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

The motion passed unanimously.

11.6 An ordinance declaring 15.496 acres of real property located at or near 12600 South 5452 West Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid; and establish a method to determine the highest and best economic returns to the City - Gordon Haight, Assistant City Manager

Assistant City Manager Haight asked to show a video to the Council. He explained that the 15 acres owned by the City had been appraised. The appraisal, he added, came back between $4.6 to $5.4 million. He continued that the property was a repository for impacted or contaminated material. He said he spoke to several contractors to see if they would be interested in removing the materials, and some had expressed interest. Assistant City Manager Haight continued that there could be some extra value if the right buyer was found. He stated that the sale would be an unusual situation and he would like the City to receive $1.5 million of the property. He recommended having a minimum bid that would allow the City to get the property and cash up to $1.4 million. If the City struggled, he would ask to have the number adjusted.

Mayor Watts asked whether the value was lower because of the cost of removing contaminated material. Assistant City Manager Haight answered affirmatively. He stated that he had had meetings with the neighborhood and had had several restrictions that would be brought back to the Council, such as buffers and ways to help mitigate the residents’ concerns. He continued that the intent of the project was to sell the property, have it cleaned up using the difference between the appraised amount and the sale amount, and sell it for a profit. Mayor Watts asked if the clean-up company would then have the property at value. Assistant City Manager Haight answered that they would. Mayor Watts stated that the zone was currently zoned C2, and that he was expecting this would be what the uses
would be and clarified that this had been placed on the general plan as well, which Assistant City Manager Haight confirmed.

Councilmember Martin asked whether the plan was to make strong conditions as far as what could go into this zone. Assistant City Manager Haight answered affirmatively. He added that the types of businesses that could go there would be limited. Mayor Watts asked if this was part of the sales agreement. Assistant City Manager Haight explained that this would be brought to the Council when selling the property.

Councilmember Ohrn moved to approve an ordinance 2018-45 declaring 15.496 acres of real property located at or near 12600 South 5452 West Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid to be set at $1,400,000; and establish the method to be by competitive bid to determine the highest and best economic returns to the City. Councilmember Henderson seconded the motion.

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

The motion passed unanimously.

11.7 An ordinance declaring approximately 1.243 acres of real property located at or near 11962 South Anthem Park Boulevard - corner parcel - Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid; and establish a method to determine the highest and best economic returns to the City - Gordon Haight, Assistant City Manager

Assistant City Manager Haight explained that Items 11.7 and 11.8 were related. This property, he explained, was currently 2.48 acres. He added that there was a user who wished to subdivide the corner parcel and have medical offices. Even with this property as C2, he explained, the City still controlled it and did not want to see a convenience store or other kinds of heavy retail uses, as the Junior High was nearby, and traffic was heavy. As a City, he continued, the goal was to put a commercial use that would not be impactful to the safety of the children walking in front of the school. One such use, he continued, was dentists, orthodontists, or some other kind of medical use as they opened at different times from the school, and they did not create heavy traffic. He explained there was a user interested in buying one or two parcels on the corner. The total value of one parcel was about $500,000. Assistant City Manager Haight explained that the Staff was recommending to the Council to surplus each property at the proposed value.
Mayor Watts expressed concerns about the access to Skia Deer Way, as he believed such a development would cut off access to the residents. Assistant City Manager Haight explained that the property was encumbered with an easement and whoever developed this property should maintain the access not only to the residents, but to the property in the back, which was owned by the LDS Church. He added the LDS Church was looking to sell its portion of the property for commercial use. Assistant City Manager Haight stated that the access would be maintained and pointed to the map on display for the Council, showing the dentist office’s driveway at the bottom of the property. Mayor Watts explained he just wanted to make sure this was the case. He asked if the color purple in the image presented was used to represent parking. Assistant City Manager Haight answered affirmatively.

Councilmember Martin stated that the corner parcel was the most valuable and asked whether there could be other uses possible that would bring more tax revenues. A service-oriented business, she continued, would not add any viable commercial on the lesser, interior part of the property. She asked if the dentist office had any interest in the interior parcel, keeping the corner parcel open for something that could generate more revenue. Assistant City Manager Haight answered that this was one of the things that had been discussed. He explained that negotiations would have both parcels sold. He added Staff had wanted to restrict the uses. While the corner parcel would sell for more and would generate more tax revenues if uses such as a gas station or another retail were allowed, he steered people away from these uses because of the nearby Junior High School. Balancing what was best for the both the parcel and the community, he explained, had been prioritized over how much could be gotten out of the property. While the Council could push Staff in a different direction, he added this had been what they had been trying to achieve. If the Council wished to do retail, he continued, Staff could come back with a different number. He explained that Staff had intentionally restricted the parcel uses to offices.

Councilmember Martin explained that if there were a retail use that would make sense, it might be a better solution. Once the corner parcel was given up, she stated, any opportunity for retail would disappear, as no retail would want the interior parcel. Assistant City Manager Haight explained that if retail was the direction the Council wanted to go in, other opportunities could be explored and discussed. Councilmember Ohrn stated agreeing as the Council had just discussed needing tax revenue, and a corner piece of property was a place to create such revenue. She added understanding the fear about increasing the traffic and explained that there could be a kind of retail placed there that would not generate too great a traffic increase. Assistant City Manager Haight explained that other businesses had talked to the City, but they were heavy generators of traffic. Councilmember Martin asked whether Swig was looking into the location as she believed it would be a good retail option for that parcel.

Mayor Watts asked if there was a map showing where the Middle School was. He added that the issue was the proximity to the school. He asked if the City was looking for the most dollar value or was willing to sacrifice dollar value and tax revenue in anticipation of a safer area for this particular school.
Assistant City Manager Haight explained that there were a lot of kids walking in front of that corner during peak times. He added that people heading off to work might want to stop there and get something to drink during those times. Staff, he continued, had shied away from these options. He added that it was not that these options could not be explored, but rather that they had avoided them. A different business might be concerning to the public.

Mayor Watts stated the Junior High School was very close to already established residential apartments. It was noted that this was the Safe Walk for all the children in the nearby elementary school on the North side. Mayor Watts stated that knowing this, he would be more likely to ask for an office space. Assistant City Manager Haight explained that this meeting had helped establishing the minimum value. He continued that the land would abide by the restrictions discussed. If someone could build a better office for more funds, he added, this would be the right person.

The Council stated they wanted something tasty, safe, and a lot of tax revenue; therefore, a Swig would be a perfect business in this location.

Councilmember Henderson moved to approve Ordinance 2018-46 declaring approximately 1.243 acres of real property located at or near 11962 South Anthem Park Boulevard - corner parcel - Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid to be set at $490,000; and establish the method to determine the highest and best economic returns to the City to be by competitive bid. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

11.8  An ordinance declaring approximately 1.243 acres of real property located at or near 11962 South Anthem Park Boulevard - Interior Parcel - Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid; and establish a method to determine the highest and best economic returns to the City -

Gordon Haight, Assistant City Manager

Councilmember Henderson moved to approve Ordinance 2018-47 declaring approximately 1.243 acres of real property located at or near 11962 South Anthem Park Boulevard - Interior Parcel - Herriman, Salt Lake County, Utah, as surplus; establish a minimum bid to be $470,000; and establish a method to determine the highest and best economic returns to the City to be by competitive bid. Councilmember Martin seconded the motion.

The vote was recorded as follows:
12. Future Meetings
   12.1 January 3 - Planning Commission Meeting; 7:00 p.m.
   12.2 January 9 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

13. Events
   13.1 December 4-19 - Yeti Hunt; Herriman City
   13.2 December 15 - Pancakes & PJs; Herriman City Hall 9:00 a.m.
   13.3 December 24-25 - Christmas Holiday, City Offices Closed
   13.4 January 1 - New Years' Day, City Offices Closed

14. Closed Session

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

Councilmember Ohrn moved to temporarily recess the City Council meeting at 10:20 p.m. 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 seconded the motion.

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

The motion passed unanimously.

15. Adjournment

Councilmember Smith moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 11:42 p.m. Councilmember Ohrn seconded the motion and all voted aye.

16. Recommence to Work Meeting (If Needed)
Councilmember Ohrn moved to continue the work meeting to December 13, 2018. Councilmember Smith seconded the motion. Mayor Watts and Councilmembers Ohrn, Smith, and Henderson voted aye; Councilmember Martin voted nay. The motion carried.

3.10 McCuiston Avenue Project Discussion - Blake Thomas, City Engineer
City Engineer Blake Thomas explained that staff had two different designs for the project, one met the City’s standard for cross sections, and one with a modified cross section. The modified cross section would be 47-feet, which would cause the sidewalks to run against the back of curb. There were no park strips in this version. He explained the reason they were looking into the modified cross section was because they wanted to minimize the impact the existing properties there. He asked if the Council was interested in pursuing the narrow cross section. After some discussion, the Council was generally supportive of the modified cross section in this instance.

3.9 Discussion of the Kelsch Subdivision Requirements - Blake Thomas, City Engineer
Engineer Thomas presented an aerial photograph of the property in question, which was located on 7300 West. The purpose of the discussion was to determine two things: which roadway improvements were required for the subdivision; and to look at future subdivision of these lots. The original subdivision was done in 1994 as part of the County. The Planning Commission recently approved a subdivision of Lot 4, and one of the conditions imposed by the Commission was a fee-in-lieu for the asphalt, curb, gutter, and sidewalk on Gina Road, and a fee-in-lieu or installation of some road improvements on 7300 West. The owner did not want to pay the amount and was directed to address the Council. The owner has not appealed the Planning Commission’s decision.

Councilmember Ohrn commented that the City has offered to install the road improvements on Gina Road if all the property owners would give up their right-of-way. Not everyone has agreed to that. Councilmember Henderson pointed out that there was an existing home on Lot 4. The owner had indicated that he had already paid money to the County for those improvements when they built the house. He understood why the owner was hesitant to do the improvements on the lot with the existing home, but a new lot should be required to have all the proper improvements.

Councilmember Martin asked if the owner could provide proof of payment into the Special Improvement District with the County. It was confirmed that none of that money was forwarded to the City when the property was annexed in. Assistant City Manager Haight said that the reason the City was offering improvement to Gina Road was because none of the other lots had the ability to subdivide. The City required street improvements for all new development, so the new lot should be subject to that requirement.

The Council decided to request proof of payment form the owner and bring the item back for further discussion.
3.11 **Incentive Package Discussion for Project Jetpack** - Gordon Haight, Assistant City Manager

Assistant City Manager Haight explained that when they first started talking to Jetpack, they were going to put a CDA in place. Things have changed, and the acreage decreased from 270 acres to 38 acres. Jetpack was concerned about the high expense of moving their corporate office and doing improvements to 11800 South. Jetpack represents 10 acres of the 38 acres. If the City could get a 60-percent TIF, they would generate $3.6 million over a 15-year period. If that same number was replicated over the 38 acres, it would generate between $12 and $15 million over a 15-year period. Staff was looking at $2 million to help cover the costs of transferring equipment and the improvements to 11800 South. It would take seven or eight months to go through the TIF process. If the Council was interested in pursuing the TIF, staff would come back with a plan for final approval at a later date. If the City does the TIF, those funds could only be spent on the Jetpack project.

Councilmember Smith commented that the City had basically committed to a $3.5 million water line to make this development happen. If the project doesn’t go through, the City could use the TIF to pay themselves back for the water line. The Council was in favor of proceeding with the TIF.

3.13 **City Manager Updates** - Brett Wood, City Manager

City Manager Wood reported that the Salt Lake Stallions football team wanted to locate in Herriman City. They wanted to set up some temporary offices until they could build a permanent structure. Manager Wood identified the location on an aerial map and said that the property owner had already agreed to allow the Stallions to have nine trailers on the property. He noted that this would not come to the City Council for approval, but he wanted them to be aware of the situation. He explained that the Stallions would be practicing at the indoor facility and playing games at Rice Eccles Stadium. If there were any conflicts with the stadium, games would take place at the Real Salt Lake facility. Manager Wood confirmed that the temporary trailers were allowed in the C-2 zone.

Assistant City Manager Haight reported that Advantage Arts Academy Charter School intended to purchase seven acres for a new school. City staff has spoken to them about it and made it clear that the City would not support them in this endeavor.

Director Thomas reported that the Veterans and Military Advisory Committee would be having their first meeting on January 15, 2019 at 5:30 p.m.

*Councilmember Smith moved temporarily recess the City Council meeting at 12:30 a.m. to convene in a Closed Session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205. Councilmember Ohrn seconded the motion.*

*The vote was recorded as follows:*

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

The motion passed unanimously.

The Council reconvened the City Council meeting at 12:54 a.m.

Councilmember Smith moved to adjourn the City Council work meeting at 12:54 a.m. Councilmember Henderson seconded the motion, and all voted aye.

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 December 12, 2018. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder