The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, January 9, 2019 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 Jonathan Lafollette, City Attorney John Brems, Public Works Director Justin Edwards

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

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

2. **Council Business – 5:15 PM**
Mayor David Watts called the meeting to order at 5:20 p.m.

2.1. **Review of this Evening's Agenda**
The City Council and staff reviewed the agenda.

2.2. **Future Agenda Items**
There were no Future Agenda Items discussed.
3. **Administrative Reports**

3.1. **Legislative Update** – Tami Moody, Director of Administration and Communications

Director of Administration and Communications Tami Moody indicated staff and elected officials met with Senator Fillmore, Senator Andregg and Representative Knotwell. She explained housing was the focus of discussion. They were supportive of the City’s efforts to spread the word regarding the housing situation on the southwest end of the valley and the impacts to infrastructure and transportation. Both Senators were supportive of the $1.5 million request for trail funding and the $4 million request for road assistance. Appropriations requests would need to be made for both and the City would be required to select representation to be sponsored. Senator Andregg was intrigued by the two college campus sites and appeared supportive of the combined campus concept of Salt Lake Community College and the University of Utah, and their request for funding. A video was then presented. Councilmember Martin requested to include commute time to help supplement the video.

Councilmember Smith explained there was a bill being proposed regarding public safety personnel having a retirement closer to the Tier 1 model rather than the Tier 2. He said it would be sponsored by Representative Last.

Director Moody explained the Southwest Leadership wanted to create a caucus. Senator Andregg offered to secure a room to put together a caucus. Director Moody said she would share more information as they progressed. She asked for questions and comments. Councilmember Smith said it was disappointing that they could not make effective change without a tragic situation. Councilmember Martin suggested giving the public the data about the upcoming bills, because they had the ability.

3.2. **Gina Road Discussion** – Blake Thomas, City Engineer

City Engineer Blake Thomas explained he had received complaints about the roads condition, traffic, and speeds. The issue was challenging due to maintenance, funding availability, and competing residents’ requests. Councilmember Martin commented that the inability to come to a consensus was the reason for the lack of action on the road. Councilmember Ohrn asked if complaints were received by people who lived near the road or by those primarily used the road. City Engineer Thomas said complaints came from both parties.

City Engineer Thomas passed out a handout detailing the history of Gina Road. It began as a dead-end road and was paved by 2002. In 2005, developments began to expand on the road. This area was all part of unincorporated Salt Lake County. By 2006, there were more connections to the City and traffic began to worsen. In 2007, it was annexed into Herriman. Councilmember Ohrn described the reasons as to why there was an issue with traffic.

City Engineer Thomas reviewed the Gina Road right-of-way ownerships. He noted they would have to install improvements on the right-of-way below the standard due to existing road widths. He said there was a 50-foot-wide easement signed over by the property owners in the 1990s.

City Engineer Thomas continued by discussing the Kelsch subdivision. It was never deeded to the City and the right-of-way was private. He noted the County incorrectly labelled the right-of-way public land. Some of the parcels were deeded to the County and some were deeded to the City. Councilmember Smith said the County’s intent was to acquire the right-of-way to complete the road. City Engineer Thomas said the State Code gave them the right to claim the parcels. City Attorney Brems stated the only one who had a claim was Mr. Newton. Councilmember Ohrn
asked about Mr. Mascaro’s claim. City Attorney Brems stated that he never blocked the road off. Assistant City Manager Haight clarified where the pass through was located and explained that they did not own enough of the road to do full pavement.

City Engineer Thomas explained that if the road was to be closed, 72 hours of advanced notice would be required. Councilmember Ohrn asked when the City began maintaining this road. City Engineer Thomas responded that the City took over maintenance when the City annexed the area. He noted Mr. Newton was not pleased that the City was doing maintenance on the property. Councilmember Ohrn asked how much money this cost the City every year to maintain. Assistant City Manager Haight responded it was about $10,000.

City Manager Wood commented that Herriman wanted to improve the road but could not secure the right-of-way. Once the City acquired the property, they would install the improvements. Councilmember Ohrn commented that none of the owners had the right to sell the right-of-way due to an agreement. City Engineer Thomas responded they had not found any such agreement. Councilmember Ohrn said she would find the agreement to which she was referring and present it to staff.

Councilmember Smith asked if the owners of the last parcels would be willing to sell. City Engineer Thomas stated there were two owners that were not willing. Councilmember Ohrn said this would be an issue for a lot of owners. City Engineer Thomas stated they would create a modified section to accommodate the area. They would need to install curb and gutter, so they needed the space. He noted it was not eligible for impact fee monies. There was subsequent discussion on the possible funding sources.

Councilmember Smith asked what the projected cost was to construct the road. City Engineer Thomas responded about $1 million; it would be about $700,000 without the right-of-way. Mayor Watts asked what the cost to construct a smaller portion of the road was, to which City Engineer Thomas stated it it would cost about $300,000 to $400,000. Mayor Watts stated that this was a better option. Councilmember Henderson said he was hesitant to do a portion of the road because it would increase traffic elsewhere. Councilmember Smith stated that there were competing projects and he was not willing to only do a portion of the road.

Assistant City Manager Haight stated the City would be challenged on maintenance. He explained that they needed the ability to maintain the prescriptive easement. Councilmember Ohrn said they needed to come to an agreement with the owners to allow maintenance on the easement. She said she would speak with the residents to determine if they would be able to come to an agreement. Councilmember Smith said the City needed to be careful not to maintain areas they did not own.

Councilmember Ohrn asked if they could draft an agreement. City Attorney Brems responded in the affirmative.

3.3. Review of City Council Mayor Pro Tempore, Board and Committee Assignments for 2019 – Brett Wood, City Manager

City Manager Brett Wood asked for direction from the Council and reviewed assignments as requested by the Council. Councilmember Smith said they were rotating positions on an annual basis. City Manager Wood and the Council reviewed the various board and committee assignments and chose representatives.
Councilmember Smith asked if there was anything in the bylaws that needed to be discussed. City Manager Wood responded that Mayor McAdams assigned Mayor Watts to the UTA Advisory Board. The County Mayor was responsible for appointing representatives to this board. Councilmember Smith asked if the new Mayor would make changes. City Manager Wood explained that the interim Mayor could make changes; however, it was unlikely that this change would happen.

City Manager Wood explained the some of the assignments required more effort, such as preparing resolutions. City Attorney Brems explained that per the constitution and the bylaws of COM, the Mayor was allowed to participate. The City could appoint others but would not be able to vote if the Mayor was in attendance. Councilmember Henderson stated they wanted to appoint someone other than the Mayor to the position. City Manager Wood responded they would have to make that recommendation to the chair. Councilmember Ohrn asked about JPAC. City Manager Wood explained that the official would attend the meeting but would not be a part of the board or committee.

Councilmember Smith suggested remaining on the major boards to maintain consistency. Councilmember Henderson said he wanted to serve on the southwest caucus. Mayor Watts noted if he was not a member of COG, he would not be a member of UTA Advisory Committee. This meant it would be a long time before the City regained a seat on the UTA board. Councilmember Smith suggested that whoever was on the COG board also serve on COM. He then volunteered to serve on these boards, and the Council agreed. Councilmember Martin relayed her displeasure with the results, but they needed to follow through with their previous decision.

City Manager Wood stated that staff members were a valuable resource if they also attended along with the Councilmembers.

3.4. Discussion of Rosecrest Business Park Pod 39 and 35 – Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight presented a map of the SLCC area by the REAL stadium and explained that these pods were being sold to Wasatch Development to encourage retail and business for the site. He said that we were also planning on doing a plat. He identified where the property was located as well as the dedicated right-of-way. The developer agreed to place a retaining wall around the section; the City would not be responsible to maintain the property. He said this would need approval from the City. Councilmember Smith liked this idea and said it would be good for the City.

3.5. Recommendations and Reappointment of City Board and Committee Volunteers – Wendy Thomas, Director of Parks, Recreation and Events
Director of Parks, Recreation and Events Wendy Thomas explained they would reappoint volunteers next month. There was a minimum of three people on the committees. She noted some of the committees were functional and some were not. She asked for recommendations and referrals for those interested in serving. Councilmember Ohrn suggested using community coordinators to advertise these positions. Director Thomas agreed this would be useful. Mayor Watts asked if they could appoint people to the committee if they only had two people. City Attorney Brems
explained that by doing so, the City would be in violation of its own code. Councilmember Ohrn suggested members of the Youth Council serve on the boards for exposure and experience. The Council agreed.

3.6. Discussion pertaining to Council District Boundaries due to an Annexation – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom reported that with the Kennecott annexation, the City was required to designate the area to a Council District. Due to the area abutting the annexation area, it was recommended that the designation join Council District 1. She asked if there were any questions from the Council; there were none. Recorder Nostrom then noted that this item would be brought back to the Council for formal action at the next City Council meeting.

Mayor Watts said he was not in favor of change without redoing all the districts; he thought the districts were unbalanced. Councilmember Martin said she was in support of the proposed district boundaries to place the annexation area with District 1. She did not agree they should completely redistrict the City. She noted they would have the census soon and it made more sense to wait. The Council agreed.

3.7. City Manager Updates – Brett Wood, City Manager

The following was reported:

- **Budget Calendar** – Finance Director Rae presented the budget calendar for the approval of the 2019-2020 fiscal year budget. He said they expanded and created a budget committee. They planned on approving the budget by June 12th. Councilmember Smith requested that staff inform the Council of when the budget committee met. He said this would be an educational process. Director Rae said they had specific dates available on their calendar.

- **Bond Rating** – Director Rae explained they were examining the City’s financial management. The City received a report noting its bond rating raised from AA- to AA+. He said this was worth half of a percent on a new bond. City Manager Wood asked Director Rae how this would compare to a credit score. Director Rae stated that the score would be between 800 to 825.

- **Olympia Hills Report** – Assistant City Manager Haight said they received the report from Bonneville Research last month. An agreement was being drafted with the developer and would be presented to the Council. Councilmember Martin said she liked the results and wanted to pre-empt a press conference. Councilmember Henderson said they needed to make the results public.

- **Planning Commission Vacancies** – City Planner Maloy explained that another member of the Planning Commission resigned for personal reasons. He asked for direction from the Council in requesting applicants. The Council agreed to advertise the position.

- **Police Department Report** – Chief Carr reported on the youth academy. Residents ages 14 to 18 were recruited from the high schools, and they had 36 youth sign up. Chief Carr said this was such a successful program and that they might have to run two per year. Councilmember Smith asked what the maximum number of participants was, to which Chief Carr responded 35. Councilmember Smith said while they needed to be aware of the costs, the program was beneficial.

*Councilmember Smith moved to adjourn the City Council Work Meeting at 6:57 p.m.* Councilmember Ohrn seconded the motion and all present voted aye.
The Work Meeting Reconvened at 7:38 p.m. and continued City Manager Updates

- Local Officials Days Luncheon January 30th – City Manager Wood said this was requested by Representative Knotwell. Everyone except Councilmember Henderson said they would attend.

- ICSC – City Manager Wood said the Economic Development team was the best choice in City representation at this conference. Additionally, the Council nominated Councilmember Martin to attend and she accepted. Councilmember Ohrn said they should have a staff member with an elected official attend. If Councilmember Martin cannot attend, Councilmember Ohrn will attend in her place. The Council agreed.

- Legislative Body – City Manager Wood asked who they wanted to send to DC. Councilmember Smith said he could go. Councilmember Martin said she would go but did not want to do both meetings.

- ULCT – City Manager Wood asked who would attend, noting that the conference would take place April 24 to 26. Councilmember Martin, Councilmember Ohrn, Councilmember Smith, and Mayor Watts said they would attend. Director Rae commented that this conference was scheduled during a budget review meeting and a public meeting on the 22nd of that same month.

- TransJordan – Councilmember Ohrn said she attended the TransJordan meeting. She noted they were not a part of TransJordan and suggested they discuss becoming a member. They needed to gather information on the price of admission.

- Stakeholders Letter – City Manager Wood asked for direction on the letter. Councilmember Smith said they needed input and should circulate a draft, which he would be happy to help write. He stated they needed to discuss compensation, and the Mayor would turn in his presentation as a part of the public meeting. Mayor Watts said he would comply. Councilmember Smith asked if the Mayor turned in his purchasing card to the City. The Mayor said he would comply. Councilmember Smith stated he was frustrated he did not comply when they asked for the card. Councilmember Henderson noted all the cards were turned off and no one could make purchases.

Councilmember Ohrn said she received a letter from an upset resident about Y2 Analytics. Councilmember Henderson said the resident was upset the Council’s names were on the letter. Councilmember Smith said he understood the resident’s frustration and encouraged people be engaged in the community.

City Manager Wood encouraged the Councilmembers to find a time to ride along with the snow removal teams. The emergency responders were doing a good job. He then noted that some vehicles had crashed due to the inclement weather.

4. Adjournment

Councilmember Smith moved to temporarily recess the City Council work 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 seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson Aye
The motion passed unanimously.

The Council reconvened the Work Meeting at 9:22 p.m.

Councilmember Ohrn moved to adjourn the City Council Work Meeting at 9:22 p.m. Councilmember Henderson seconded the motion and all present voted aye.

7:00 PM - GENERAL MEETING:

1. Call to Order
Mayor Watts called the meeting to order at 7:06 p.m. and welcomed those in attendance.

1.1. Invocation/Thought/Reading and Pledge of Allegiance
Scout Troop #656 led the audience in the Pledge of Allegiance.

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

1.3. Mayor/Council Comments and Recognitions
Mayor Watts reported radon kits were available at the customer service window for $6.00. He recommended residents test their homes at least twice a year. Detection levels could fluctuate over time and radon could cause serious health risks. He reported Law Enforcement Appreciation Day was today. He also reported that the Thomas Butterfield Scholarship application dead line was March 1st. Mayor Watts extended condolences to the Provo Police Department for the loss of Officer Shinners.

2. Public Comment
No comments were offered.

3. Mayor and Council Board and Committee Reports
No reports were offered.

4. Reports, Presentations and Appointments
   4.1. Award Presentation for the Outstanding Achievement in Popular Annual Financial Report – Brett Wood, City Manager
City Manager Brett Wood invited Director Moody and Director Rae to the podium. He explained these awards were difficult to receive. He asked the two to discuss their roles in putting the above-stated report together.
Director Rae explained that the report was over 200 pages and the annual report summarizes the report into 10 to 12 pages. The report covered the assets and liabilities. He explained that he gathered the information and Director Moody was responsible for making the information easy to read. Director Moody said they take the information and try to make it more colorful and easier to understand.

City Manager Wood then read a portion of the letter presented to the City. He said he was pleased with the financial team and their work.

Councilmember Henderson said he was also pleased with the financial team. He said the format was easy to understand. Councilmember Smith stated the City’s financials were transparent and readily available. He agreed the financial team had done a great job.

4.2. **Herriman Police Department Award Presentation** – Troy Carr, Police Chief

Police Chief Troy Carr invited Lieutenant Stromberg forward, explaining his desire to honor those who prevented a tragedy from occurring. He then invited Phillip Stocksbury and Scot Boarden forward and explained that these scouts had saved a boy from a frozen lake. He presented the boys with awards and a round of applause was offered. The Council expressed their appreciation.

4.3. **Appointment of the 2019 Mayor Pro Tempore** – Brett Wood, City Manager

Councilmember Smith moved to approve resolution No. R01-2019 nominating Councilmember Jared Henderson as the Mayor Pro Tempore for 2019. Councilmember Martin 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.

4.4. **Approval of City Council Board and Committee Assignments** – Brett Wood, City Manager

Councilmember Henderson moved to appoint Councilmember Smith to the COM, Transcom, and COG boards, and Councilmember Henderson to the SW Mayors Caucus. 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: Nay
The motion carried with a vote 4:1.

Councilmember Henderson moved to approve Resolution R04-2019 appointing Councilmember Ohrn to the Mosquito Abatement District. Councilmember Martin 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  Nay

The motion carried with a vote 4:1.

5. Consent Agenda
   5.1. Approval of the November 9, 2018 Special City Council Meeting Minutes
   5.2. Approval of the November 9, 2018 Special City Council/Staff Work Meeting Minutes
   5.3. Approval of the November 14, 2018 City Council Meeting Minutes
   5.4. Approval of a Resolution to grant Local Consent of one Bar Establishment License (Redemption Bar & Grill) and one Off-Premises Beer Retailer License (Holiday Oil) to be issued and regulated by the Utah Department of Alcoholic Beverage Control
   5.5. Approval of an Interlocal Cooperative Agreement between the Community Development and Renewal Agency of Herriman City and Herriman City with respect to Tax Increment

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

The motion carried with a vote 4:1.

6. Calendar
   6.1. Meetings
      6.1.1. January 17 – Planning Commission Meeting 7:00 p.m.
      6.1.2. January 23 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

   6.2. Events
      6.2.1. January 19 – Volunteer Appreciation Breakfast; City Hall 9:00 a.m.
      6.2.2. January 28 – Youth Council Lights on Ice Food Drive; Crane Park 5:30 p.m.
6.3. **Closed Session**

6.3.1. *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.*

7. **Adjournment**

Councilmember Smith moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 7:29 p.m. Councilmember Ohrn seconded the motion and all voted aye.

8. **Recommence to Work Meeting (If Needed)**

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 9, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder