The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, April 10, 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, Building Official Cathryn Nelson, Planner Michael Maloy, City Engineer Blake Thomas, Fire Chief Riley Pilgrim, Police Chief Troy Carr, City Recorder Jackie Nostrom, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Parks and Recreation Director Wendy Thomas, Police Lieutenant Cody Stromberg, Finance Director Alan Rae, Events and Recreation Manager Kevin Schmidt, Communications Specialist Destiny Skinner, Detective Jose Lopez

**Councilmembers Excused:** Nicole Martin

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

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

2. Council Business – 5:15 PM

Mayor David Watts called the meeting to order at 5:15 p.m.

2.1. Review of this Evening’s Agenda

The City Council and staff briefly reviewed the agenda.

2.2. Future Agenda Items

There were no Future Agenda Items discussed.
Lobbyist Chris Bleak informed the Council of the 2019 legislative session, explaining that zoning bills were a major focus during this session. The other issue concerned the sales tax change. There were some legislators that felt there was an imbalance with how the State revenues were dispersed. They were interested in expanding the tax base because there was not enough funding to run the general government. Due to the lack of funding, the State was interested in taxing services. No bill had passed concerning a new tax; however, there were other proposals. The ULCT had done a good job presenting the incentives to cities as they related to planning and zoning.

Lobbyist Bleak continued explaining HB 288, which concerned the operation of gravel pits within cities. He also discussed HB 119 which would change the provisions regarding citizens’ initiatives. There were changes to signatures and where they needed to be gathered. SB 34 was also important to Herriman, as it covered affordable housing and gave cities options to provide more affordable housing. Councilmember Ohrn said she was concerned about this bill. Lobbyist Bleak agreed there was reason to be concerned, but the City had done a good job informing the State of its strategies.

Lobbyist Bleak explained SB 52 would require changes to the secondary water meters. The State’s goal was to begin construction of new meters by April 2020. He then mentioned a bill regarding retirement benefits for public safety. The comment was made that this was a good compromise as it would bring retirement benefits closer to Tier 1 requirements.

Lobbyist Bleak moved on to discuss other bills regarding tax increment and infrastructure funding as these could be beneficial for new developments. City Attorney Brems commented the County had the same power as the State to implement these types of funding. The bill required the City and the developer to agree for the benefits to be available.

SB 268 passed which provided a transportation bond. This was not as large of a bond as they were anticipating, but it would secure $1 million for Herriman’s transportation projects.

Councilmember Ohrn asked about the bill requiring 10-percent for residential in Community Development Agency areas. Lobbyist Bleak responded that he was not sure if this was true, and confirmed he would verify and return with an answer.

Councilmember Smith asked how they would incentivize commercial development if the tax distribution model changed. He questioned how they would prevent disrupting the new distribution model. Lobbyist Bleak explained that the State, County, and the cities were all incentivized differently. The goal of the State was to incentivize all of the entities the same. There was a goal to balance the way everyone was taxed and how jobs were created. He noted that there were a lot of unanswered questions and they were currently discussing this issue. City Manager Wood said he was pleased with the representatives of Herriman this year. Lobbyist Bleak agreed.

Lieutenant Stromberg was invited to discuss the bills that involved criminal justice. He discussed HB 57 regarding gathering information through search warrants for electronic data. He said this bill did not pass and relayed his reluctance to not support the bill as they were mostly concerned with the unintended consequences of the bill.
Lobbyist Bleak noted that the libertarian-minded legislatures would make it difficult to pass bills regarding law enforcement.

Lieutenant Stromberg continued to discuss the bills they opposed. SB 109 regarding asset forfeiture could be abused. The reason they opposed this was due to the language, because it could hinder their acquisition to federally funded grants the State controlled. They also opposed SB 160 regarding body cameras, and they were working with groups to create a resolution on the matter.

Lobbyist Bleak stated that the ULCT did a great job advocating on behalf of the cities.

3.2. **2018-2019 Ice Ribbon Report** – Kevin Schmidt, Events Manager
Events Manager Kevin Schmidt reported that the second season of the Ice Ribbon saw an overall 53-percent increase in attendance and 56-percent increase in revenue from last season. The Ice Ribbon had to close four days sooner than expected due to weather conditions that made February especially difficult. The Learn to Skate program was a great addition to the Ice Ribbon this season with 254 participants. It not only taught ice skating to those that participated but helped to fill the slower times on the Ice Ribbon. The program also encouraged those participating to come back with their families. Manager Schmidt thanked staff for their diligent work serving the patrons at the Ice Ribbon as there were several positive comments received.

Councilmember Ohrn asked for a comparison of revenue vs. expenditure. Events Manager Schmidt responded with the expenditure figures, explaining that it was total of about $40,000.

3.3. **2019 Herriman Event Calendar** – Kevin Schmidt, Events Manager
Events Manager Kevin Schmidt reviewed the scheduled events for 2019. He highlighted this year Herriman City would celebrate the 20th year anniversary since incorporation. Upcoming Events included:

- April 13: Basket Bash
- May 11: Pedal Palooza
- May 27: Memorial Day Breakfast and Ceremony
- May 31-June 1: Fort Herriman PRCA Rodeo featuring the Knights of Mayhem
- June 14: Jackie Foster (2018 The Voice) Concert
- June 17-22: Fort Herriman Towne Days
- July 10-20: Joseph and the Amazing Technicolor Dreamcoat
- Aug 10: Herriman Enduro Challenge
- Sept 13: Peter Breinholt Concert
- Sept 19-23: Children’s Theatre “School House Rock”
- Sept 25: Community Partners Luncheon
- Oct 14: Herriman Howl
- Nov TBD: Miss Herriman Pageant
- Nov 7: Senior Social
- Dec 2: Night of Lights
- Dec 3-20: Herriman Yeti Hunt
Manager Schmidt said he wanted to eliminate the concession stand during the rodeo and Enduro Challenge. They could utilize employees to run the ticket booth and eliminate overtime costs. Councilmember Ohrn agreed this was a good idea.

3.4. **Storm Water Utility Fee Presentation** - Blake Thomas, City Engineer

City Engineer Blake Thomas indicated that The Utah Department of Environmental Quality (UDEQ) conducted an audit of the City’s storm water management program in 2017. UDEQ provided the results of the audit to Herriman on March 28, 2018. An audit response plan was prepared and submitted to UDEQ. One of the deficiencies identified in the audit was the lack of an adopted storm water ordinance that meets the requirements of the UDEQ storm water permit allowing Herriman to manage storm water.

Engineer Thomas indicated that the City entered into a contract with a consultant, Bowen Collins & Associates, to conduct a study to identify storm water program needs and funding options to operate the program. The consultant worked with City staff and a storm water steering committee made up of City staff and residents to create a comprehensive report of their findings. The consultant would present the report of findings and open up the time for public comment at the General Meeting. City Engineer Thomas indicated single family residential units would be billed $7 monthly, townhomes $4.90, and stacked units $4.20. He also outlined the costs for commercial use. City hall would cost $747 a month. Engineer Thomas explained there were options for commercial users to reduce their costs. Schools would be offered a reduction. He then explained the committee would reach out with a letter explaining the fees and the possible credits.

3.5. **Discussion relating to the Interlocal Cooperative Agreement Between Jordan Valley Water Conservancy District and Herriman City** – Justun Edwards, Public Works Director

Public Works Director Justun Edwards indicated that the City is constructing several pipelines and infrastructure projects to would serve water to the newly annexed portion of Herriman, at approximately 11800 South 7000 West. He noted some of the infrastructure would be owned by Jordan Valley once installed. Director Edwards reported that a resolution would be presented to the Council that would allow Jordan Valley to reimburse Herriman City for the cost of construction. The City would hire a contractor to build the infrastructure, and request reimbursement from Jordan Valley. The project would be funded utilizing impact fees. The project had not been awarded to a contractor; however, it would cost approximately $1.2 million.

Councilmember Ohrn asked if there would be any savings. Director Edwards responded that this project would create about $1 million in savings by partnering with Jordan Valley Water Conservancy District.

3.6. **Discussion of a request to rezone 4.29 acres from A-1 (Agricultural) to AMSD (Auto Mall Special District) and C-2 (Commercial) located at approximately 5010 West 12560 South (File No. Z2019-019)** – Michael Maloy, City Planner

City Planner Michael Maloy presented a petition that requested for property to be rezoned to establish a future auto mall. The City Council would look to rezone 1.29 acres of property frontage along 12600 South to C-2 (Commercial) and 2.24 acres of property to AMSD (Auto Mall Special District). There would be additional parcels rezoned as property had been acquired. The future auto mall would ultimately contain approximately 90 acres with 10 acres of commercial property along the 12600 South frontage. The Planning Commission recommended approval.
3.7. **2019-2020 Budget Documentation Presentation** – Alan Rae, Finance Director & Tami Moody, Director of Administration and Communications

Finance Director Alan Rae reported that staff had been working on the 2019-2020 budget for several months. After working with the various departments, they put together the budget for the upcoming fiscal year. He thanked everyone involved in the process. In response to Councilmember Orhn’s question relating to the Ice Ribbon expenditures, Director Rae explained the lease would expire on the Zamboni in 2023, which was currently costing the City $20,313 a year. It was noted that the City was breaking even on the ice rink.

Director Rae recalled the previous discussion Lobbyist Bleak held regarding the option of moving all public safety employees to tier one retirement benefits, and noted Herriman City has already implemented the change. Director Rae continued by explaining they planned on including the master fee schedule in the budget. He then gave calendar dates for the budget, as follows: May 8 – approve tentative budget, May 22 – public hearing, June 12 – adoption of the final budget.

The total budget revenue was $31,262,829, which was an increase of 16.75%. There were $25,678,351 in expenses which was an 11.1% increase. He noted the Herriman City subsidized the Herriman City Safety Enforcement Area (HCSEA) in the amount of $1 million, which would be paid back once negotiations had been completed with the Unified Police Department.

Councilmember Orhn asked about the reduction of one-time fees. Director Rae stated that they were getting closer to making the change by transferring more money to the capital projects funds. He continued by reviewing the general fund expenditures. The City was spending less than they were earning for the HPD budget. Chief Carr said they were fully staffed, and staying under budget. He noted the police force would grow at a more rapid pace with commercial development as opposed to residential development.

Director Rae explained that no general fund capital projects were planned this year. There was some park, storm drain, road impact, and street light fund projects. Councilmember Smith asked if there were funds available for new City hires. Director Rae stated that funds were available and they had added new hires recently.

*Councilmember Orhn moved to adjourn the city council work meeting at 7:00 p.m. Councilmember Smith seconded the motion, and all voted aye.*

*The Council reconvened the work meeting at 7:57 p.m.*

3.8. **McCuiston Avenue Project Update** – Blake Thomas, City Engineer

City Engineer Blake Thomas informed the Council that McCuiston Avenue had interest by many of the residents for the City to construct roadway improvements including curb, gutter, sidewalk, and asphalt along the section of unpaved road. He said they met with every property owner, taken them a deed, and have obtained a temporary public utility easement and construction easement. He presented the map of the project.

*Councilmember Jared Henderson arrived at 8:00 p.m.*
3.9. Park Ordinance Update – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas indicated the Parks Ordinance needed updates to clarify rules and regulations, add specific rules and regulations that applied to use on urban and primitive trails, and to bring the ordinance in line with other updated ordinances. Primary revisions of the Park Ordinance had been previously presented to Council on December 12, 2018 work session.

Councilmember Ohrn suggested additional language concerning motorized vehicles. She noted there were areas that were permitted and did not want the ordinance to be interpreted incorrectly. Councilmember Henderson agreed.

3.10. Herriman Park and Trail Updates – Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas reported several park and trail construction projects in various stages of approval and construction. She explained that the signage for the Crane Park History Walk has been installed. She presented a project review, timeline and fiscal impact to the Council including:

- Currently under construction:
  - Herriman Blvd. Landscaping, Herriman Blvd. Detention Basin Landscaping, Arches Park, Prairie Oaks Park Restroom Facility, Bonneville Shoreline Trail from Diamondback to Wide Hollow & 6600 West

- Currently in planning and design:
  - L & L Hamilton Park, Creek Ridge Park, Big Bend Park, Rose Creek Trail, Midas Creek Trail, Cemetery Restroom Facility, Hardlick Downhill Bowl – Stampedede Trail, Rawhide Trail and Hardlick Trail, and Juniper Canyon Recreation Area

3.11. City Manager Updates – Brett Wood, City Manager

City Manager Brett Wood asked the Council if they wanted to pursue the option of a study for a Public Safety Impact Fee. He noted staff had started the process to get a seismic requirement and timeline for the construction of a Public Safety Facility.

City Planner Maloy explained that the following individuals had upcoming reappointments on the Planning Commission: Chris Berbert, Andrea Bradford, and Lorin Palmer. He asked the Council if there were any questions or concerns with the reappointments. The Council expressed support of the reappointments.

Councilmember Ohrn 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 at 8:30 p.m. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously with Councilmember Martin being absent.

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

4. Adjournment
Councilmember Henderson moved to adjourn the work meeting at 9:22 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

5. Call to Order
Mayor Watts called the meeting to order at 7:08 p.m. and welcomed those in attendance. Councilmembers Nicole Martin and Jared Henderson were excused. Councilmember Clint Smith was participating electronically.

5.1. Invocation/Thought/Reading and Pledge of Allegiance
Ms. Rylee Tomicic led the audience in the Pledge of Allegiance.

5.2. Council Comments and Recognitions
Mayor Watts stated that Camp Williams would be conducting artillery testing.

6. Public Comment
Johnnie Bobo, asked the Council to budget for finishing 7300 West.

Linda Tomicic, stated that Rosecrest road was like a raceway. She asked if they could put in speedbumps or reduce the speed, and remarked that she was concerned with the safety of her family. She also asked if the City could change the zoning of her area to allow for goats. The Mayor directed her to City Planner Michael Maloy to discuss the zoning. He also stated that the residents could make complaints on the HPD website.

7. City Council Board and Committee Reports
There were no reports offered.

8. Reports, Presentations and Appointments
8.1. Presentation of 2019 Outstanding Facility Award - Utah Recreation and Parks Association (URPA) – LeeAnn Powell, URPA Executive Director
This agenda item was continued to a future Council meeting.

8.2. 2019 Legislative Session Presentation – Chris Bleak, Lobbyist
This item was not discussed.

9. Public Hearing
9.1. Public Hearing and Consideration of an Ordinance approving and appropriating a monetary contribution to ACE Hardware not to exceed the amount of $20,000
Assistant City Manager Gordon Haight reported that to help the Herriman Corners development to be a successful shopping center, the City knew it would need a quality anchor. Ace Hardware had shown interest in this site for several years, knowing it would not be profitable for at least the first four years. As an incentive to get this project moving forward, the City drafted this ordinance to reimburse the sales tax for the first four years of business, not to exceed $5,000 per year.

It was noted this would be funded by the sales tax from ACE Hardware. The City would not be paying for the business.

Mayor Watts opened the Public Hearing portion of the meeting. There were no comments offered.

Councilmember Ohrn moved to close the Public Hearing. Councilmember Smith seconded the motion, and all voted aye.

Councilmember Ohrn moved to approve Ordinance 2019-07 approving and appropriating a monetary contribution to ACE Hardware not to exceed the amount of $20,000 payable over four years and not to exceed $5,000 in any one year. Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion carried unanimously with Councilmembers Henderson and Martin being absent.

9.2.  Public Hearing relating to the Proposed Storm Water Utility Fee – Blake Thomas, City Engineer

City Engineer Blake Thomas indicated The Utah Department of Environmental Quality (UDEQ) conducted an audit of the City’s storm water management program in 2017. UDEQ provided the results of the audit to Herriman on March 28, 2018. An audit response plan was prepared and submitted to UDEQ. One of the deficiencies identified in the audit was the lack of an adopted storm water ordinance that meets the requirements of the UDEQ storm water permit relating to the management of storm water.

Engineer Thomas indicated the City entered into a contract with a consultant to conduct a study to identify storm water program needs and funding options to operate the program. The consultant worked with City staff and a storm water steering committee made up of city staff and residents to create a comprehensive report of their findings. He time was turned over to Craig Bagley with Bowen Collins to present their findings and to address questions of the storm water fee.
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Consultant Bagley indicated Herriman had storm water needs, as currently all monies funding the program was coming from the General Fund. They proposed to establish a new enterprise fund dedicated to storm water. He presented a map outlining municipality approach in Salt Lake County relating to storm water utility fee adoption. Herriman was one of the few municipalities that was funding the program out of the general fund. He presented a comparison of cities throughout Utah that charged the fees.

The need for the fee was mainly for regulatory compliance as failure to mitigate deficiencies could result in fines, which was, essentially, an unfunded mandate. The utility would provide a reliable funding source dedicated to ensuring the program was fiscally sustainable. The program would not compete with other critical budget items. Only taxable properties participated in funding storm water needs, with the addition of a new fee, all users would help cover the cost of operation and maintenance, regulatory compliance, debt service, capital expenditures, and operating reserve funding.

The recommended budget was $1,516,000 to follow good fiscal policy. Consultant Bagley recommended building up a reserve account.

The impervious area would be the representative of a parcel’s contribution to storm water runoff which was considered an industry standard. They divided City into four different customer classes; single family residential, multifamily residential, institutional, and commercial and apartments.

Credits would be offered to class 4 customers (Commercial, institutional, apartments) for exceeding minimum standards by reducing storm water quantity and improving water quality.

Consultant Bagley recommended a $7 monthly fee per ERU. Councilmember Ohrn clarified this program was to follow the State statute and to avoid future fines.

Class 1 – $7
Class 2 – $4.90
Class 3 – $4.20
Class 4 – based on measured impervious area, at $7 per ERU per month. As an example, City hall would pay $747 monthly.

Engineer Thomas explained that the expected fine could be a million dollars daily until the City complied. He noted Salt Lake County was fined heavily. Councilmember Smith stated they were going through necessary steps on a mandated program. Mayor Watts noted all property owners would pay into the fund. This was a fee and not a tax to not burden the residents to supplement other property owners.

Mayor Watts opened the Public Hearing portion of the meeting.

Teddy Hodges wanted to know if it was a corporation or a part of the public commission that regulated the fees throughout the years.

Councilmember Ohrn motioned to continue this public hearing to the next meeting. Councilmember Smith seconded the motion, and all
City Attorney John Brems responded to Mr. Hodges’s question by explaining that this was a utility fee. It was not subject to utility public commission as it would be administered by the City.

10. Consent Agenda

10.1. Approval of the March 13, 2019 City Council Minutes


10.3. Approval of the 2019 Arbor Day Proclamation – Wendy Thomas, Director of Parks, Recreation and Events

10.4. Approval of an Interlocal Cooperative Agreement Between Jordan Valley Water Conservancy District and Herriman

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

The vote was recorded as follows:

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

The motion carried unanimously with Councilmembers Henderson and Martin being absent.

11. Discussion and Action Items

11.1. Discussion and consideration of an ordinance to rezone 4.29 acres from A-1 (Agricultural) to AMSD (Auto Mall Special District) and C-2 (Commercial) located at approximately 5010 West 12560 South (File No. Z2019-019)

City Planner Michael Maloy presented a petition by James Horsley that requested for property to be rezoned to establish a future auto mall. The City Council would look to rezone 1.29 acres of property frontage along 12600 South to C-2 (Commercial) and 2.24 acres of property to AMSD (Auto Mall Special District). There would be additional parcels rezoned as property had been acquired. The future auto mall would ultimately contain approximately 90 acres with 10 acres of commercial property along the 12600 South frontage.

Councilmember Ohrn recognized there was a resident meeting on this item. The Council was cognizant of the lighting concerns and would work to mitigate those concerns.

Planner Maloy described the location of the proposed rezone and noted it was consistent with the Herriman City General Plan. He then presented a concept of the property, and stated that staff recommended approval.
Councilmember Ohrn moved to approve Ordinance 2019-08 authorizing a zoning map amendment to rezone 4.29 acres of real property located at approximately 5010 West 12560 South from A-1 (Agricultural) to AMSD (Auto Mall Special District) and C-2 (Commercial). Councilmember Smith seconded the motion.

The vote was recorded as follows:

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

The motion carried unanimously with Councilmembers Henderson and Martin being absent.

12. Calendar

12.1. Meetings

12.1.1. April 18 - Planning Commission Meeting 7:00 p.m. – Cancelled
12.1.2. April 24 - City Council Meeting 7:00 p.m. Cancelled
12.1.3. May 2 - Planning Commission Meeting 7:00 p.m.
12.1.4. May 8 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

12.2. Events

12.2.1. April 13 - Easter Basket Bash; Butterfield Park - 10:00 a.m.
12.2.2. April 15, 22, 29 - Community Fishing Classes; The Cove 6:00 p.m.
12.2.3. April 22 - Hungry Herriman; Crane Park 5:00 p.m.

13. Closed Session

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

14. Adjournment

Councilmember Ohrn moved to adjourn the City Council meeting and reconvene the City Council Work Meeting at 7:54 p.m. Councilmember Smith seconded the motion, and all voted aye.

15. Recommend 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 April 10, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder