



CITY COUNCIL MINUTES

Wednesday, June 12, 2019

Approved July 10, 2019

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, June 12, 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, Nicole Martin, and Jared Henderson

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, Deputy Police Chief Chad Reyes, City Recorder Jackie Nostrom, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Police Lieutenant Cody Stromberg, Finance Director Alan Rae, Detective Marcus Beckstead, Economic Development Manager Heather Upshaw, Human Resources Manager Travis Dunn, Director of Parks, Recreation, and Events Wendy Thomas, Communications Specialist Destiny Skinner, Fire Chief Riley Pilgrim, City Attorney John Brems, Assistant City Planner Bryn McCarty

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

1. City Council Social

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, and staff requested that they wait to discuss Item 3.9 until a specific resident was present at the meeting.

2.2 Future Agenda Items

Councilmember Ohrn reminded the Council that there had been discussions with the Planning Commissioners about their desire to stop developments from continuing to be subdivided. They didn't want to allow individuals and developers to continue to whittle away at the City with such development. The Planning Commission wanted some guidance from the Council.

City Manager Brett Wood commented that a policy on this would require a much larger discussion about specific areas of the City, what existing subdivisions had already been through, and at what point the City prohibited further subdivision. There were also some land issues within this that needed to be navigated. Councilmember Ohrn was aware that this wasn't something they could hold future Councils to, but it may be beneficial for this group to institute a policy regarding subdivisions. This would also help guide the decisions of the Planning Commission. City Manager Wood said that one of the easiest ways to fix some of the existing problems was to change the underlying zoning. The City couldn't deny someone a subdivision request if it was within the zoning code. The Council agreed to put this discussion on a future agenda.

Councilmember Ohrn said that the Council had discussed McCuiston, Gina Road, and 7300 West at length, and they always came to a stalemate. The problems continued to get worse with more homes being built, and it would continue to get worse if the City didn't take action. She understood that the City didn't want to purchase property, but there had to be another option they could pursue. They were facing a situation where one property owner was holding up an entire road. She suggested the City purchase the property but put a deed restriction on it regarding future development. Councilmember Martin said the City always had to make decisions that were equitable and fair, and she did not want to set unwanted precedent that would take away their decision-making power in the future. She agreed more discussion was necessary. The City had discussed these issues at length, and they had done their due diligence in examining all options. They had worked hard to resolve this issue.

Councilmember Smith said he would like to schedule time for Carlton Christensen, on the UTA Advisory Board, to come and update the Council on plans for future growth in this area. Mr. Christensen was making an effort to reach all of the City Councils in this part of the valley.

City Manager Wood commented on the issues with McCuiston, Gina Road, and 7300 West. The City had the option for condemning the right-of-way, and staff felt that this would be the cleanest approach at this point. Staff would make a presentation at a future meeting.

Councilmember Smith requested an invitation be sent to the Sewer Board to come and make a quarterly presentation to the Council. Another thing that had been pushed down the road was the A-.25 zoning designation replacement. He asked for this be put on a future agenda for discussion. City Manager Wood noted that the Planning Commission recently made a recommendation on this issue, and it would be coming before the Council at the next meeting.

Councilmember Henderson wanted to discuss the option of having regular reports from the Planning Commission. He felt that there was still some miscommunication between the Council and Planning Commission regarding residential development. They needed to discuss ways to encourage single-family development.

Councilmember Henderson stated that they were overdue for a conversation about inappropriate behavior with regards to Mayor Watts. There had been some complaints that needed to be addressed. The City had an independent consultant available come in and offer recommendations, and he wanted the public to be made aware of the steps they were taking to resolve these issues. Councilmember Henderson also mentioned the continuance of the discussion relating to the Mayor's compensation to be commensurate with duties. The Council had promised the residents that they would review compensation and make any changes they felt necessary. Recently, the Council had also run into issues of representation from the Mayor at events. He suggested putting the discussion on a future agenda and noticing it to the public.

Mayor Watts was in favor of having the discussion at a later date. They shouldn't discuss the details today because it wasn't noticed.

Councilmember Martin said that she had mixed feelings about this. The residents did elect David Watts to be the Mayor. The Council had chosen to put down conditions based on behaviors that they felt were inappropriate for that position, and as far as she knew, Mayor Watts had abided by those conditions. She was not supportive of reducing his compensation lower than the City Council Members. He had been publicly redressed widely and soundly, and anything extra seemed impunitive. Rather than rehashing this issue again, she wanted to see the Council discuss other important issues facing the City.

Councilmember Henderson said that they still needed to address complaints from employees that had been ongoing since December. Essentially, he wanted to have the discussion so that the residents were made aware of the steps that were and are being taken. Councilmember Smith agreed.

3. Administrative Reports

3.1. New Employee Introductions - Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn introduced the following new employees:

- Mike Velasquez, Public Works Inspector III
- Summer Velasquez, Customer Service Tech II,
- Devan Wilcox, Streets Tech I,
- John Brannon, Building Inspector III/Plans Examiner,
- Thomas E Thompson, Water Operator I,
- Lori L Crisp, Customer Service Tech II,
- Andrew Jensen, Parks Technician I,

- William Szwarc, Water Operator I,
- Kyle Dorlarque, Parks Technician I,
- Owen Peterson, Water Operator I.

3.2. Discussion of a Zoning Map Amendment seeking a rezone of 6 acres from AMSD (Auto Mall Special District) to C-2 (Commercial) located at or near 12120 Mountain View Corridor (File No. Z2019-044) - Michael Maloy, City Planner

City Planner Michael Maloy noted this item was heard by the Planning Commission and they recommended approval of the zoning map amendment. Staff had received an email from the Planning Commission regarding the discussion at their meeting, and the recommendation for approval was unanimous. This item would be on the next agenda for a final decision.

3.3. Discussion relating to the Herriman City Animal Services - Justun Edwards, Public Works Director

Public Works Director Justun Edwards explained that this was a continued discussion from the last City Council meeting. Staff was directed to obtain more information about Herriman City providing animal services internally. He first presented a slide showing the changes to the contract with Animal Services over the years, and how the cost had increased based on the City's population. Staff anticipated a very large cost increase when the results of the upcoming census came out.

Finance Director Alan Rae presented the budget analysis based on a model provided by the police department. Essentially, the start-up costs and operational costs would be the same as the amount they would be paying to the County this year. They anticipated that the costs would decrease the following year. The level of service to Herriman residents would increase drastically if they provided animal services in-house. He noted that they were still in the process of moving the police budget out of the General Fund so that they could more easily keep track of those funding sources. The revenue generated from animal service fees probably wouldn't be enough to support itself, so it would likely need to be supplemented with general funds.

Deputy Police Chief Chad Reyes reported that he was tasked with taking \$330,000 amount that was proposed by Salt Lake County and determining if they could develop an in-house or self-provided animal service unit for the same cost or less, without decreasing the level of service. He visited several facilities in the County, explored some alternatives, and approached different providers for quotes. With the amount budgeted, they were able to develop a plan that would comfortably provide services in-house for the same amount the first year, and it would elevate the level of service substantially. He noted any fees from animal services would be coming to the City rather than going to the County, and they would be able to partner with two local animals shelters that were much closer than the one in Salt Lake City.

Councilmember Martin thought that they would have the ability to be more proactive if they provided services in-house. This would be better for the citizens of Herriman overall.

There was a subsequent discussion about maintaining a “no kill status” philosophy.

Councilmember Martin asked about the revenue they could expect from animal services, and Director Rae said that Riverton brought in about \$15,000 last year. Deputy Police Chief Reyes said that revenue would come from impound and boarding fees, among others.

3.4. Discussion of the Police and Animal Control Budget - Chad Reyes, Deputy Police Chief & Alan Rae, Finance Director

This item was discussed as part of Agenda Item 3.3

3.5. Discussion relating to the formation of an Inclusion Committee - Wendy Thomas, Director of Parks, Recreation and Events and Tami Moody, Director of Administration and Communications

Director of Administration and Communications Tami Moody offered a presentation about the importance of outreach and engagement to everyone in the community. People who felt included were naturally more engaged, and engagement organically created a sense of pride, ownership, and accountability. She expressed a desire to have the newsletter and handouts available in multiple languages. Councilmember Martin suggested reaching out to the high schools for help with translation.

Director Moody gave an example of emergency communication during Hurricane Katrina and explained why individuals were not able to evacuate New Orleans. Many of those left behind couldn't leave on their own and didn't know who to reach out to for help.

Regarding an Inclusion Committee, Director Moody stated that she had already spoken to a few residents that wanted to become involved. The committee could focus on providing alternate means of communication, providing educational workshops, and reaching out to minorities in the community to discuss their needs.

Carlos Moreno, a resident, proposed the creation of a cultural diversity committee to help engage the community, and close the gap between minority residents and the City. He offered several examples how the committee would serve the community, which would ultimately help the City to be more united.

Alejandro Moreno, a college student, explained the challenges facing the Latino population, especially in a fast-growing community. They wanted to become more involved and help improve the community. They also wanted to help the Latino population to understand that there was no reason to fear the local government.

Councilmember Ohrn expressed her concern about separating people into groups. She wanted to make sure that this committee represented all residents rather than one specific group. Director Moody said that she would put a plan together and bring it back to the Council for review.

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

The work session reconvened at 8:06 p.m.

3.6. Discussion regarding the Off Highway Vehicle (OHV) Trails Committee - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas reminded the Council of the suggestion for an OHV Trails Committee was made in February of this year, and they were bringing the item back to the Council for discussion and feedback.

Councilmember Ohrn recommended establishing the committee sooner than later, because they would need some long-term planning for the trails. Councilmember Martin was also supportive of a committee.

Director Thomas said that staff was working on an RFP that would go out for bid in July to initiate a trails study. There would be a period for public comment during the process. She asked if the Council wanted to form the committee before or after the study was complete. There were people interested in serving in some capacity.

After some discussion, the Council determined that the committee should work off of the results of the study.

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

Director of Parks, Recreation and Events Wendy Thomas presented the final draft of the Park Ordinance and said that this would be back before the Council for final consideration at the next meeting. The Council had no questions.

3.8. Discussion relating to a potential amendment to the Land Development Code to permit Barbed Wire Fencing for Agricultural Land Uses in a Recognized Greenbelt Area (File No Z2018-16) - Michael Maloy, City Planner

City Planner Michael Maloy said that there had been discussions about amending the fencing requirement for agricultural properties with a “greenbelt” designation, specifically allowing barbed wire fencing. He requested feedback from the Council.

Councilmember Smith said that he took a call from a resident on this specific issue. He hadn’t realized that this was removed from the ordinance until he spoke with the resident. It would be very expensive for owners to fence such large properties according to the current code. He was supportive of putting the language back in, as proposed.

There was a brief discussion about how this use was regulated in other cities. The Council was comfortable allowing barbed wire fencing on properties with a “greenbelt” designation.

3.9. Storm Water Enterprise Fund Discussion - Blake Thomas, City Engineer and Alan Rae, Finance Director

City Engineer Blake Thomas reported that staff had reviewed the storm water fee and determined the best type of fund for this revenue was an Enterprise Fund. They requested direction from the Council. Director Rae briefly explained the function of an Enterprise Fund. The Council expressed support.

3.10. City Manager Updates - Brett Wood, City Manager

City Manager Brett Wood provided the names of those individuals who had filed for candidacy. The Council briefly reviewed the request for temporary signage during the election period.

City Manager Wood then reported on the WinCo building permit had been issued, a meeting at Camp Williams, and the recent motor school. He also met with the high school principals in Herriman City and talked about the focus of the students. It was noted that the students had been given \$1.6 million in scholarships, and a large number of students had graduated from high school with their associate's degree.

Director Thomas briefly reported on the Towne Days Rodeo and Memorial Day Breakfast. This year at the breakfast, they sold 767 plates. She thanked Councilmember Henderson for speaking at the ceremony. The Rodeo was well attended and they estimated 3,000 people in attendance every night. She then provided the schedule for the upcoming week of Towne Days events.

Deputy Police Chief Reyes briefly reported on the response from potential police officers and commented on the culture of Herriman City. It was a competitive process selecting two officers from the applicants. He also reported on a few accidents the police had responded to, and the finalization of a month-long domestic violence investigation.

3.11. Discussion relating to the Creek Ridge Development Agreement - Gordon Haight, Assistant City Manager

This item was continued to a future meeting.

4. Adjournment

Councilmember Martin moved to adjourn the work meeting at 8:57 p.m. Councilmember Smith seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

5. Call to Order

Mayor Watts called the meeting to order at 7:05 p.m. and welcomed those in attendance.

5.1 Invocation/Thought/Reading and Pledge of Allegiance

Mr. Rajan Zeb offered the Invocation and Mr. Kevin Allred led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions

Mayor Watts indicated that the Declaration of Candidacy period had closed. He encouraged the citizens to get to know the candidates before the upcoming election.

6. Public Comment

No Public Comment was offered.

7. City Council Board and Committee Reports

Councilmember Ohrn reported that she met with the Youth Council, and they were halfway through their interviews for next year's council. They received 43 applications this year. She also served on the Mosquito Abatement District, and they just finished their audit. No problems were found.

Councilmember Smith served on the South Valley Sewer Board, and they would be having their next meeting on Tuesday. An audit was conducted and they received a clean report. He reported that there were plans for a new facility, because they were at full capacity. They were also working on plans for future growth.

Councilmember Smith gave a report from the UTA Advisory committee and noted that he had received a copy of their CAFR for anyone that would like to review it.

Councilmember Henderson reported on the Southwest Caucus Board and noted that they had begun their study.

8. Reports, Presentations and Appointments

8.1. Introduction of the Fort Herriman Towne Days Grand Marshall - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas introduced long-time Herriman resident and one of the original incorporators, Marion Millett, as the 2019 Fort Herriman Towne Days Grand Marshal.

Mr. Millett expressed his appreciation at being selected as the Grand Marshall. He told a short story about his efforts in getting the area incorporated and obtaining signatures from the neighbors. The Council requested that Mr. Millett record his stories of the early days of Herriman.

9. Consent Agenda

9.1. Approval of the May 22, 2019 City Council meeting minutes

Councilmember Smith 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 Obrn *Aye*
Councilmember Clint Smith *Aye*
Mayor David Watts *Aye*

The motion carried unanimously.

10. Discussion and Action Items

10.1. Discussion and consideration of a Resolution approving a Cooperative Agreement to exchange funds with Utah Department of Transportation (UDOT) - Blake Thomas, City Engineer

City Engineer Blake Thomas presented the staff report regarding the cooperative agreement. In 2013, the City applied for funding with the Wasatch Front Regional Council, and it was granted. However, that funding takes six years to come in, so the City moved forward with the road project before the funding came in. Then, the City requested funding for Herriman Boulevard, and built that before the funds came in. Now they had the funding, but the projects were already complete. UDOT approached the City and requested that they swap funds, so essentially the funds coming in would be a reimbursement for the roads that have already been built.

*Councilmember Martin moved to approve **Resolution No R22-2019** approving an Interlocal Cooperative Agreement with UDOT for the Exchange of Federal Funds for state dollars with respect to Herriman Parkway Extension. Councilmember Obrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

10.2. Discussion and consideration of an Ordinance to adopt a final budget; make appropriations for the support of Herriman City for the fiscal year beginning July 1, 2019 and ending June 30, 2020; approving the Master Fee Schedule; and determining the rate of tax and levying taxes upon all real and personal property within Herriman City - Alan Rae, Finance Director

Finance Director Alan Rae offered a brief history of the budget process over the past several months. Based on the budget, the City would end the fiscal year with the General Fund over in revenue and under in expenses by about \$2 million. Staff requested that the amendment include \$1.4 million moved to the Capital Project Fund, and \$600,000 moved to the Public Works fund. The only other update was that

the City bought the auto mall property in November, and they needed to include a \$9 million loan from the Water Rights Impact Fee Fund to Capital Project for one year at 1.5% interest.

Councilmember Smith expressed his appreciation for staff for putting the budget together and providing a document that could be understood by the residents.

*Councilmember Ohrn moved to approve **Ordinance 2019-14** adopting a final budget; making appropriations for the support of Herriman City for the Fiscal year beginning July 1, 2019 and ending June 30, 2020; revising the 2018-2019 fiscal year budget; approving the master fee schedule and determining the rate of tax and levying taxes upon all real and personal property within Herriman city to be set at the amount determined by the Utah State Tax Commission and authorize staff to insert the tax rate amount into the ordinance after the tax rate has been approved by the Tax commission, and authorize \$1,400,000 to be transferred to capital projects, \$600,000 to public works facility from the general fund and authorize a \$9,000,000 loan from the water right impact fee fund to capital project for 1 year at 1.5% annual interest. Councilmember Henderson seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

10.3. Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement between Herriman City and South Jordan for the use of overflow Animal Services Sheltering and Cooperative Animal Services Officer call-out Response - Chad Reyes, Deputy Police Chief

Deputy Police Chief Chad Reyes stated that in order to fulfill its statutory responsibilities and provide quality animal control service to the residents of Herriman City, the Herriman Police Department would establish an Animal Services Unit assigned to the Administrative Division and overseen by the Office of the Chief within the Herriman Police Department. In discussions with South Jordan City, it was determined that utilization of their established animal shelter as a secondary or overflow shelter would be a benefit to Herriman City and allow for a cooperative working arrangement between the two municipalities. Further, it would provide closer access for residents that needed to recover a pet. In addition to the secondary sheltering, it was suggested that they enter into a cooperative partnership in shared resources to provide an employee advantage to both entities. This model would provide for offset on-call schedules shared by the two entities in which animal services officers would be on-call one week per month versus every other week. This suggestion was met with positive remarks by South Jordan Animal Services Officers and will provide employee benefit to Herriman City Animal Services Officers.

*Councilmember Henderson moved to approve **Resolution No. R23-2019** approving an Interlocal Cooperative Agreement with the City of South Jordan for Overflow Animal Control Shelter Services and Call Out Services. Councilmember Obrn seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously.

10.4. Discussion and consideration of an ordinance approving an assortment of text amendments to the Land Development Code (File No. Z2018-044) - Michael Maloy, City Planner

City Planner Michael Maloy presented the staff report regarding a request for an assortment of text amendments to the Land Development Code. This was simply a housekeeping issue. He briefly listed the items that would be amended.

*Councilmember Martin moved to approve **Ordinance 2019-15** approving a text change to the Land Development Code for an assortment of text amendments. Councilmember Obrn seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously.

10.5. Discussion and consideration of a Resolution approving a Pass Through Funds Agreement with UDOT to receive \$1 Million for the construction of Herriman Boulevard as outlined in Senate Bill 268 - Blake Thomas, City Engineer

City Engineer Blake Thomas introduced the proposed Pass Through Funds Agreement with UDOT, which was required per Utah Code to allow UDOT to provide funding to Herriman City per the 2019 Utah Senate Bill 268. This bill allocated \$1.0M of funds from UDOT to Herriman to construct Herriman Boulevard. The funding was required to be used to fund the construction of the western portion of Herriman Boulevard west of 6800 West.

*Councilmember Smith moved to approve **Resolution No. R24-2019** approving an Interlocal Cooperative Agreement with UDOT for Pass Through Funds. Councilmember Henderson seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Aye</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously.

11. Future Meetings

11.1. Jun 20 - Planning Commission Meeting 7:00 p.m.

11.2. June 26 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

12. Events

12.1. June 14 - Jackie Foster Concert; Crane Park 7:00 p.m.

12.2. June 17-22 - Fort Herriman Towne Days

13. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 7:55 p.m. Councilmember Smith seconded the motion, and all voted aye.

14. 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 June 12, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder