



CITY COUNCIL MINUTES

Wednesday, June 26, 2019

Approved August 14, 2019

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, June 26, 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 Pro Tempore Jared Henderson

Councilmembers Present: Sherrie Ohrn and Clint Smith

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, Police Chief Troy Carr, City Recorder Jackie Nostrom, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Police Lieutenant Cody Stromberg, Detective Marcus Beckstead, Economic Development Manager Heather Upshaw, City Attorney John Brems, Parks, Recreation, and Events Director Wendy Thomas

Excused: Mayor David Watts Councilmember Nicole Martin

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 Pro Tempore Jared Henderson called the meeting to order at 5:22 p.m. and noted that Mayor Watts and Councilmember Martin were excused from the meeting.

2.1 Review of this Evening's Agenda

Public Works Director Justun Edwards briefly reviewed the changes to the ordinance for water rates, primarily that they would be combining the language for culinary and secondary water rates. Other parts of the language would be clarified and updated.

2.2 Future Agenda Items

City Manager Brett Wood followed up on the potential agenda items discussed at the previous meeting. They wanted to schedule a harassment training for a day that the entire Council was present.

3. Administrative Reports**3.1. Introduction of the Animal Services Division - Troy Carr, Police Chief**

Police Chief Troy Carr explained that Animal Services would be online in the community on July 1st. He introduced Debbie Patterson and Charlotte Fenstermaker as new employees. They both addressed the Council and spoke of their background. Chief Carr said that they had received a lot of applications for this position. They invited the community to attend the opening event.

3.2. Parks and Recreation Month Proclamation and review of July Events- Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas stated that July was National Parks and Recreation Association Month, and they had a lot of activities planned in addition to Herriman Night at the Movies. The Creek Ridge Park ribbon cutting would be August 2nd.

3.3. Discussion of a proposed text change to the Land Development Code to Allow Cannabis Production as a Conditional Use in the A-1 (Agricultural) and M-1 (Manufacturing) Zones (File No. Z2019-027) - Michael Maloy, City Planner

City Planner Michael Maloy explained that the State of Utah updated their code to allow for cannabis production in certain zones, and they have mandated that cities allow the use within those zones. They would be permitted as a conditional use. The State would be in charge of all licensing with this use, and they would be limiting the use to 10 permits statewide. The proposed use would be allowed in the A-1 and M-1 zones.

3.4. Discussion relating the Land Development Code Amendment to permit the A-.25 (Agricultural) Zoning Designation - Michael Maloy, City Planner

City Planner Michael Maloy explained that the Planning Commission, at the request of the City Council, had discussed bringing back a larger lot agricultural zone. They were proposing the A-.25 Zone with new provisions and conditions, and the removal of the density bonus criteria. Council Member Smith appreciated that the Planning Commission has done as directed, and he liked their recommendation.

3.5. McCuiston Road Project Discussion and Direction - Blake Thomas, City Engineer

City Engineer Blake Thomas first presented a timeline for the McCuiston Avenue Project and reviewed the different approaches the City had taken to resolve the issues surrounding it. Negotiations stalled in

March, and now staff was looking for direction to move forward. He briefly described the project and stated that there were three parcels that they needed to acquire to complete the project. Staff presented the following options:

- No ROW purchase options
- Do nothing
- Leave out improvements along parcels we cannot acquire
- Options require ROW purchase
- Partial temp improvements
- Full improvements
- Options to recoup costs
- Protection strip
- Ordinance requiring reimbursement

The Council Members discussed the options available to the City, and they were in favor of pursuing condemnation. The incomplete project had become a safety concern because one or two property owners refused to part with their property. Engineer Blake said that the cost of the project would increase \$7,000-\$15,000 if the City paid for the property, as proposed by the property owner. There was a discussion about the potential outcomes of pursuing the condemnation process. Staff said that they could draft an ordinance that would require reimbursement for street improvements if the condemned properties were ever developed in the future. The Council directed staff to draft an ordinance, but also to make a good faith attempt to acquire the property. They also requested that the ordinance set an interest rate to account for inflation.

3.6. Discussion relating to the Development of residential properties owned by Suburban Land Reserve (SLR) - Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced Steve Maddox with Edge Homes, and oriented the Council of the SLR development within Herriman City.

Mr. Maddox presented the Herriman City Storm Drain outfall project, which was required by the City's engineering department. They intended to have a mix of uses in this development, including green spaces, three LDS meeting houses, and a 10 acre park that would be dedicated as programmable space. He identified the public and private roadways, as well as two slip roads. He briefly addressed the future of public transportation and light rail in this area.

Councilmember Ohrn expressed concern that children would try to play in the grassy areas that abut the light rail lines.

There was a discussion regarding the programmable park space.

3.7. Discussion of the Game Pointe Development Agreement - Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight presented the proposal for the Game Pointe subdivision that was approved by the Planning Commission. The plat still needed to be recorded, and the closing on the property was scheduled for August 5, 2019. The City's responsibility was to record the plat, rezone the property, and have a development agreement in place. There would be only one City Council meeting in July, and the next meeting would be after August 5th, so they may need to adjust the contract with a new closing date. Staff was working on the development agreement now, and they intended to bring the full agreement to the Planning Commission on July 18th.

Mr. Haight addressed a few important points of the development agreement, including the purchase cost per square foot, allowed uses, and the developer's contribution. He explained that Lot 1 would be a food establishment, and Lot 2 would be a family entertainment center.

Councilmember Henderson wanted to ensure that there was a safety mechanism in the zoning in case the development didn't go through. The property should revert back to the Auto Mall zoning if the project wasn't completed. There was a discussion regarding the zoning and allowed uses.

3.8. City Manager Updates - Brett Wood, City Manager

City Manager Brett Wood reported on the success of Fort Herriman Town Days, and he thanked the Council and staff for their participation. He also reported on a meeting with the Fire Station and the Riverton Swearing-In Ceremony.

Chief Carr reported on several incidences that the police responded to in the past month.

Adjournment

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

7:10 PM - GENERAL MEETING:**5. Call to Order**

Mayor Pro Tempore Jared Henderson called the meeting to order at 7:10 p.m. and welcomed those in attendance. He excused Mayor David Watts and Councilmember Nicole Martin.

5.1 Invocation/Thought/Reading and Pledge of Allegiance

Ms. Heather Garcia led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions

Councilmember Smith thanked staff for a successful Fort Herriman Towne Days, and commented on the history markers that had been installed. Councilmember Ohrn and Mayor Pro Tempore Henderson echoed his comments.

6. Public Comment

No Public Comment was offered.

7. City Council Board and Committee Reports

Councilmember Ohrn reported on the WFWRD Board Meeting that took place on Monday. They would be sending out a survey this year to assess the residents' understanding of the recycling program and their usage. The survey would run from July 8th to the 29th. She encouraged everyone to participate.

Councilmember Smith, who serves on the UTA Advisory Committee, said that the Board of Trustees had made a selection for their new Executive Director, and she would take that position on August 19th.

Mayor Pro Tempore reported on the Southwest Mayor's Caucus and said that the Jordan Valley Water Conservancy came and gave a presentation about their recent studies, capital projects, and so on. Regarding water usage, their studies found that increased densities did not decrease water usage.

8. Consent Agenda**8.1. Parks and Recreation Month Proclamation - Wendy Thomas, Director of Parks, Recreation and Events****8.2. Approval of a Resolution adopting a Revised Organization Chart**

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

The vote was recorded as follows:

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

The motion carried unanimously.

9. Discussion and Action Items**9.1. Discussion and consideration of an Ordinance adopting the Community Reinvestment Project Area Plan and Budget for the Herriman Innovations District Community Reinvestment Project Area - Heather Upshaw, Economic Development Manager**

*Councilmember Smith moved to approve **Ordinance No 2019-16** adopting the Community Development Project Area Plan entitled, "Herriman Innovation District CRA Project Area Plan and Budget" dated June 2019. Councilmember Ohrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

9.2. Discussion and Consideration of an Ordinance Amending Title 7, Chapter 8 For Park Facilities, Trails and Open Space - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events, Wendy Thomas, gave a short presentation outlining the proposed amendments. The Council requested that the list include OHV in the “trails” definition.

*Councilmember Ohrn moved to approve **Ordinance No 2019-17** amending Title 7, Chapter 8, Park Facilities, Trails and Open Space with the provision to add OHV under the trails definition. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously with Councilmember Martin and Councilmember Smith being absent.

9.3. Discussion and Consideration of an ordinance amending and restating the Water Fee and Rate Structure - Justun Edwards, Public Works Director

Public Works Director, Justun Edwards, said that the Council had discussed a water rate increase in February of this year, and now staff was proposing an ordinance amendment to set the fees in place. The major change to the ordinance was the combination of the culinary and secondary water ordinances. Other changes included grammatical edits, clarifying references, and updated language. He noted that rate structures would no longer be included in the ordinance, but placed and referenced only in the Master Fee Schedule. The fee would increase by about 2% beginning July 1st, so the residents wouldn't see the changes until they receive their August bill. The study they conducted recommended that the rates increase by 2% annually over the next four years, and staff recommended that the rates be reviewed every few years. Director Edwards noted that there was a change to the landscape irrigation structure, which would not include conservation tiers. The water rate analysis process was presented on February 27 and presented to Council on May 8, 2019. Public hearings were held on May 8th and May 22nd. No additional public comments were submitted.

The Council was comfortable with the proposed changes.

*Councilmember Smith moved to approve **Ordinance No 2019-18** amending the Culinary and Secondary Water Fee and Rate Structure with respect to a Hydrant Meter and enacting related provisions, establishing enforcement procedures and establishing requirements and backflow prevention. Councilmember Ohrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

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

City Planner Michael Maloy presented the proposed zoning map amendment and explained that the proposal would rezone six acres of property to AMSD to C-2. The C-2 zoning included zoning conditions, which restricted the uses on the property. The Planning Commission recommended the zoning conditions over the entire six acres; however, the Council may want to consider two separate zoning conditions for each lot to ensure that the intended uses were allowed. One Planning Commission member was not in favor of the rezone because they felt it may limit the future of the Auto Mall. Staff confirmed that there was still sufficient property for the Auto Mall to be developed.

Aaron Osmond, the applicant, said that his intention was to bring a true family entertainment center to Herriman City. The development would include a full-service family restaurant and pizza bar. The entertainment center would be a two-story, multi-element ropes course with zipline, climbing walls, kiddie course, bowling alley, laser tag, escape rooms, interactive visual sports bays, and arcade games. Outdoor attractions would include a ropes course and miniature golf. He presented a layout for the site and conceptual designs for the facility. Funding had been obtained and they intended to begin construction as soon as possible.

Councilmember Smith liked the concept plans presented and agreed that this would be a good development for Herriman City. He asked about the potential zoning conditions, and staff explained that they could amend the zoning conditions of Lot 1 to include food sales. There was continued discussion regarding the zoning in relation to the intended uses of the development.

*Councilmember Smith moved to approve **Ordinance No 2019-19** authorizing a zoning map amendment for 6 acres of property located at approximately 12120 Mountain View Corridor from AMSD to C-2 with the following Zoning*

Conditions: Lot 1 be limited to General Restaurant; and Lot 2 limited to Indoor and Outdoor Recreation Activities. Lots 1 and 2 as identified in the subdivision plat that hasn't yet been filed. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

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

The motion carried unanimously.

9.5. Discussion and consideration of a Resolution approving an Interlocal Cooperative Agreement with Riverton City for the Chip Seal and Lane Striping of 13400 South - Blake Thomas, City Engineer

City Engineer Blake Thomas presented the proposed Interlocal Cooperative Agreement for the chip seal projects along 13400 South.

*Councilmember Smith moved to approve **Resolution No R26-2019** approving an Interlocal Cooperative Agreement with Riverton City for the chip seal and lane striping of 13400 South. Councilmember Ohrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

9.6. Discussion and Consideration enacting Title 12, Chapter 7, of the Herriman City Code of Ordinances with respect to the Creation and Operation of a Storm Sewer Utility - Blake Thomas, City Engineer

City Engineer Blake Thomas explained that the Herriman Storm Water Management Program was a state-mandated program. Money from the program was insufficient, so the City either needed to take money from the General Fund to supplement it or enact a fee. The City had established a steering committee of community facilitators to research both options. Engineer Blake presented the projected revenues and expenses based on the following fees:

- Class 1 – 7.00 single family residential
- Class 2 – 4.90 town homes, single level housing

- Class 3 – 4.20 – condo and stacked housing.
- Class 3 – institutional, commercial and apartments – 7.00 per ERU /4000 – with an opportunity for credits,

The program objectives are to manage the quality and quantity of storm water runoff to minimize flooding, property damage, reduce pollutants into receiving and ground waters, and to mitigate degradation of the integrity of City streets and transportation systems.

*Councilmember Ohrn moved to approve **Ordinance No 2019-20** enacting Title 12, Chapter 7 of the Herriman City Code with respect to the creation and operation of a Storm Sewer Utility. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

9.7. Discussion and Consideration of an Ordinance amending the Animal Control Ordinance to Accommodate Self-Providing Services - John Brems, City Attorney

City Attorney John Brems explained that amendments to the Animal Control Ordinance were necessary to accommodate the City creating their own Animal Services. Most of the changes were grammatical or clarifying.

Mayor Pro Tempore Henderson said that the City felt that they had been overpaying for these services from the County, and they requested that staff pursue this option. He thanked staff for their work.

*Councilmember Smith moved to approve **Ordinance No 2019-21** amending the Animal Services Ordinance to Accommodate Self-providing services, and directing staff to make the following amendments to the ordinance: replace the term “Animal Control” with “Animal Services” as applicable, and amend the Civil Penalties Chart Section 1-11-5(E) to reference the Master Fee Schedule. Councilmember Ohrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

9.8. Discussion and Consideration of a Resolution amending the Master Fee Schedule by adding the New Water Rate Fees, Animal Control Fees and readopting the Herriman Master Fee Schedule as Amended - John Brems, City Attorney

City Attorney John Brems said that this resolution needed to be adopted as part of the budget. The fee updates included animals service fees, water rates, and storm drain utility fees.

*Councilmember Ohrn moved to approve **Resolution No R27-2019** amending the Master Fee Schedule by adding the new water rate fee schedule, the animal control fee schedule, and the updated storm water utility fee, and readopting the Herriman Master Fee Scheduled as amended. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

9.9. Discussion and consideration of a Resolution approving Policies for Authorized Personal Use of Public Property - John Brems, City Attorney

City Attorney John Brems explained that the resolution would amend the policy regarding the law regulating the personal use of public property. Currently, any personal use of public property was considered a felony. He confirmed the proposed changes were for the protection of City employees.

*Councilmember Smith moved to approve **Resolution No R28-2019** approving policies for authorized personal use of Public Property. Councilmember Ohrn seconded the motion.*

The vote was recorded as follows:

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

The motion carried unanimously.

10. Future Meetings

- 10.1. July 10 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.
- 10.2. July 18 - Planning Commission Meeting 7:00 p.m.

11. Events

- 11.1. July 1 - Social Media Scavenger Hunt
- 11.2. July 2 - Yeti In the Park; Skate Park 11:00 a.m.

12. Closed Session

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

There was no closed session.

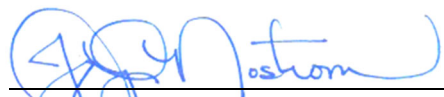
13. Adjournment

Councilmember Smith moved to adjourn the City Council meeting at 8:23 p.m. Councilmember Obrn seconded the motion, and all voted aye.

14. Recommence to Work Meeting (If Needed)

There were no additional items to discuss.

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 26, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder