The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, July 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:** Nicole Martin, Sherrie Ohrn, Clint Smith, 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, Assistant City Engineer Jonathan Bowers, Police Chief Troy Carr, 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, Staff Engineer Josh Peterson

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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 5:16 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 none.
3. **Administrative Reports**

3.1. **South Valley Sewer Board Presentation - Craig White, South Valley Sewer District General Manager**

South Valley Sewer District General Manager Craig White stated that he had been with the District for 25 years. The mission of the District is to expand the sewer system, both collection and treatment, as finances permit. Manager White reviewed the services the District provides to the community. It was estimated that the property within the District was at about 50-percent build out, and their greatest concern was density. Both Sandy and Draper had created zones that had unlimited height and unlimited density, and the development of the prison property was currently unknown. Manager White described the makeup of the Board, which consisted of both elected and appointed officials. The current Chair had served nearly 28 years on the Board. The District was currently tracking 239 active subdivisions. Last year, they had 5,259 residential connections. They were seeing a 30-percent increase in connections this year. Manager White explained that their waste goes to three different treatment plants, and they treat 18 million gallons per day. The sewer impact fees received were split into “collection” and “treatment”, and they were using some of the “treatment” funds to prepay their debt. They would be debt-free by the time they have to expand again. The goal was to expand without raising property taxes or service charges.

Councilmember Henderson asked how the pipe upsizing would be funded. Manager White explained impact fees could only be used when associated with growth, so pipe upsizing would be funded by a combination of impact fees and general fund reserves. Manager White then reviewed upcoming projects and plans to provide service for future developments.

Councilmember Smith thanked the District for their service to the community.

3.2. **Discussion regarding Subdivision Amendment Restrictions in Herriman City - Michael Maloy, City Planner**

City Planner Michael Maloy explained that the Planning Commission and City Council had expressed interest in preventing further subdivision of properties that were already involved in subdivisions. Essentially, proposing an amendment to the subdivision code that prohibits further subdivision once the plat was recorded.

Councilmember Smith emphasized that they wanted to maintain the quality of life expectations in certain areas, but they also needed to consider the property rights of individuals on both sides.

Planner Maloy recommended the Council consider the possibility of changing the base zoning of certain properties. He presented a map of the City and explained there were about 850 parcels that were larger than a half-acre and smaller than five acres, and located within a zone that would potentially allow for further subdivision. Staff had also looked at the properties that are part of Planned Unit Developments that were granted density bonuses. They may be able to record some kind of notice stating that the properties are not permitted for further subdivision.
Councilmember Henderson agreed that they needed to protect the integrity of previously developed lots. Councilmember Smith said that they need to decide, as a community, what areas needed to be protected.

Councilmember Ohrn expressed her concerns with picking and choosing what lots can subdivide and what lots cannot. Councilmember Martin commented that the integrity of a lot was subjective. They needed to be sure that whatever option they pursued, it didn't interfere with property rights.

Councilmember Henderson asked if there were other stipulations they could put in place to protect existing lots. Assistant City Manager Gordon Haight offered a few examples. Councilmember Henderson requested that the Planning Commission and staff discuss and make recommendations to the City Council. Staff agreed that there probably wasn’t a blanket solution for all properties in the City, so it would be wise to have several options.

3.3. East Herriman Future Water Infrastructure Discussion - Justun Edwards, Public Works Director
Public Works Director Justun Edwards explained the water infrastructure of the City was something that staff had been trying to resolve. The current storage and pump facilities cannot supply the increased demand of the growing City, especially in the Southeast area. Staff recommended that no new developments be approved until new infrastructure is installed. He presented a map depicting the different pressure zones in the City. He noted that this concern wasn’t about water availability, but about capacity. The required storage capacity for zones one and two was about four million gallons. If they added zone four, it would require another 600,000 gallons. Rather than increasing the tank size of the existing tank, staff would prefer to install a new tank and two new pump stations. A system evaluation had been conducted to identify capacity, and the study showed that there was no excess capacity available for new growth. The next step in the process would be to verify storage and pump capacity needs, update the Water Masterplan, procure engineering services, select a tank site, identify water line alignment, coordinate with property owners and developers, and explore funding options.

3.4. Property Acquisition Reimbursement Ordinance Proposal - John Brems, City Attorney
City Attorney John Brems explained that the proposed ordinances would create a basis to impose an obligation on properties that are adjacent to public improvements (i.e. to a road or water system) based on the concept that the public improvement increases the value of the adjacent property. The ordinance would have a fairly narrow impact and would apply only to project improvements. The Council expressed support.

3.5. Report on the 2019-2020 Budget Items - Alan Rae, Finance Director
Finance Director Alan Rae explained that there were three budget amendments in the areas of Animal Services, the Storm Water fund, and Capital Projects. The amendments would not affect fund balance because they were already anticipated in the previous year. He briefly reviewed each budget amendment.
3.6. City Manager Updates - Brett Wood, City Manager
City Manager Brett Wood reported on Animal Services and stated that the program had been a success. They had two dedicated officers for Herriman City, and they were partnering with South Jordan City to use their animal shelter. There had been discussions about creating a transfer station closer to the Herriman residents. They expected to increase licensing fees in the near future.

Manager Wood stated that they were having a kick-off meeting for the new public safety building project. He noted that Animal Services would be incorporated into that facility. Employee Appreciation Day would be scheduled for August 15th. There would be a joint City Council/Planning Commission meeting on July 31, 2019.

4. Adjournment
Councilmember Martin moved to adjourn the work meeting at 6:58 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
Youth Council Member Alexander Hill led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions
There were no Council Comments.

6. Public Comment
Teddy Hodges, a resident, spoke about the Olympia Hills submittal.

Rob Anderson, a resident, said that he had used the Herriman Hills trails recently and wanted to thank all those individuals that made that possible. It was a great amenity to the residents. With all of the recent construction, the roads were full of debris, which was hazardous to cyclists. He requested that the City make an effort to clean up some of the roadways.

7. City Council Board and Committee Reports
Councilmember Ohrn, who serves on the Mosquito Abatement Board, reported that there were no cases of West Nile Virus yet this year. If any residents found mosquitoes on their property, they should contact the Mosquito Abatement Board. The residents also should have received an email containing a survey from Wasatch Front Waste and Recycling District. She urged the residents to fill out the survey.
Councilmember Smith stated that Craig White from the South Valley Sewer District made a presentation to the Council during the work session and provided a lot of valuable information. He encouraged the public to review that presentation.

8. Reports, Presentations and Appointments

8.1. Youth Council Introduction and Oath of Office - Destiny Skinner, Communications Specialist

Communications Specialist Destiny Skinner said that 26 youth served on the Council last term, and 19 of them earned scholarships for their participation. The following youth were recognized: Justin Anderson, Jaden Bennett, Tayla Chiang, Tanner Christensen, Jake Didenhover, Abby Edwards, Emily Fernley, Coleman Gagon, Sabra Griffith, Alexander Hill, Kala Hyte, Liam Hyte, Randee Jones, Grace Pelch, Chrissie Robinson, Ann Seo, Lea Seo, Brooklin Vasica, and Grace Watson.

Ms. Skinner stated that 15 youth would be returning to the Council this year, and they would have a total of 38 youth serving on the Youth Council for 2019-2020. She introduced the following: Donnee Anderson, Justin Anderson, Katie Anderson, Lyissa Anderson, Kennedy Banks, Braxton Bennett, Jaden Bennett, Hallie Boren, Bradley Carver, Tanner Christensen, Conner Bray, Parker Dall, Jake Didenhover, Abby Edwards, Emily Fernley, McKelle Freeman, Coleman Gagon, Griffin Gagon, Jaymon Gray, Sabra Griffith, Austin Henderson, Alexander Hill, Liam Hyte, Randee Jones, Chloé Lawless, Nicole Lee, Grace Lunt, Joshua Martindale, Hunter Opheikens, Grace Pelch, Lauryn Pelch, Haley Pester, Jaidan Richardson, Ann Seo, Lea Seo, Solomon Sleater, Alayna Suker, and Grace Watson. City Recorder Jackie Nostrom administered the Oath of Office for the Youth Council.

8.2. Herriman Police Department Sergeant Promotion - Troy Carr, Police Chief

Police Chief Troy Carr informed the Council of the first promotion for the Herriman Police Department Officer to Sergeant. Lieutenant Cody Stromberg introduced Sergeant Brad Bailey and gave his background. He also offered an explanation of the symbolism of the badge pinning ceremony.

The pinning of the badge was conducted by Sergeant Bailey’s spouse.

Sergeant Bailey expressed his appreciation and excitement to be able to serve in Herriman City. The Council thanked him for his service.

8.3. 2019 Fireworks Update - Chief Riley Pilgrim and Chief Troy Carr

Chief Carr gave a short presentation of firework safety, and reviewed State regulations regarding the discharge of fireworks. Chief Pilgrim explained the challenges of enforcing firework laws, but if a person is guilty of the infraction, they could be fined up to $1,000. Chief Carr reviewed approved firework discharge dates and times. There was an interactive map located on the Unified Fire Authority website, but it wasn’t completely inclusive. They reported that the Herriman Police Department received 32 calls for service related to unlawful fireworks on the week of July 4th. Only one call was a firework related injury.
There was a discussion regarding fireworks in church parking lots and how they could resolve that issue. The Police Department presented a series of videos that were created to educate the residents about firework safety.

9. **Public Hearing**

9.1. **Public Hearing to consider the adoption of a Public Safety Impact Fee Facilities Plan** - John Brems, City Attorney

City Attorney John Brems explained that the following three items were the first steps in creating a Public Safety Impact Fee to fund a portion of the future public safety building. The Impact Fee would be before the City Council for adoption on August 14, 2019. The proposed impact fee would be $260.83 for Residential and $.45 per square foot for non-residential buildings. The Police Building would consist of a 33,000 square foot building, 17,044 square feet of interior storage and 5,456 square feet of exterior storage space within the next ten years in order to maintain existing service levels.

Mayor Watts opened the public hearing.

There were no comments offered.

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

9.2. **Public Hearing to consider the adoption of a Public Safety Impact Fee Analysis** - John Brems, City Attorney

Mayor Watts opened the public hearing.

There were no comments offered.

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

9.3. **Public Hearing to consider an ordinance for the Public Safety Fee Enactment** - John Brems, City Attorney

Mayor Watts opened the public hearing.

There were no comments offered.

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

10. **Consent Agenda**

10.1. **Approval of the June 12, 2019 City Council Meeting Minutes**

10.2. **Approval of the Monthly Financial Summary**
Councilmember Martin moved to approve the Consent Agenda as written. Councilmember Henderson seconded the motion.

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

11. Discussion and Action Items

11.1. Discussion and consideration of a 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 this ordinance amendment was in response to a change in State Law. Herriman City ordinance provides agricultural zones and an industrial zone, and State law required that cannabis production be allowed in at least one of each of these zones. The proposed text change would make cannabis production a conditional use in A-1 (Agricultural) and M-1 (Manufacturing Industrial) zones. Cannabis production, and the various components of it, are defined by State statute with the allocation of 10 licenses across the State of Utah. Herriman City ordinance would reference State statute to avoid conflicts. Planning Commission voted to recommend approval of the proposed amendment to allow cannabis production as a conditional use in the A-1 (Agricultural) and M-1 (Manufacturing) zones.

Councilmember Ohrn moved to approve Ordinance No. 2019-22 authorizing a 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. 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 carried unanimously.

11.2. Discussion and consideration of an Ordinance to authorize a text change to the Land Development Code to Permit A-.25 (Agricultural) Zoning (File No. Z2019-037) - Michael Maloy, City Planner
City Planner Michael Maloy gave a brief history of the A-.25 zone and why it was abandoned a few years ago. However, the Herriman City General Plan requires several areas of the City to be zoned
agricultural, and currently there was no agrarian zone that would allow quarter acre residential development. This limitation creates an issue for developers who wish to rezone, but do not have an appropriate option since the A-.25 zone can no longer be used, and a new low-density zone was never adopted. This condition often leads to developers asking for residential zones in areas that should be agricultural. The Planning Commission recently directed staff to draft an amendment to allow the use of the A-.25 zone again. They also asked for changes to remove the incentives for planned developments (PDs) and encourage smaller properties to do subdivisions.

Councilmember Ohrn asked if there were changes made to the A-.25 zoning ordinance from the last time it was in the code. Planner Maloy identified three changes.

Mayor Watts was concerned about adopting language that didn’t outline a minimum lot size. The Council had been discussing ways to stop properties from being re-subdivided, and this amendment seemed like the opposite of what they wanted. He wasn’t comfortable approving the language as it was. Councilmember Smith was opposed to waiting on this amendment. He felt it was important to have in the code.

There was some discussion regarding minimum lot sizes being calculated net versus gross. They also discussed the removal of some of the density bonuses. Councilmember Ohrn suggested that they remove the density bonus for donating land for schools.

Councilmember Smith spoke of his experience with the A-.25 zone when he was on the Planning Commission. They decided to remove the zoning because it didn’t have the desired effect. However, many of their previous concerns were gone, and this could be a good solution.

Planner Maloy stated that the minimum lot size of the A-.25 was 10,000 square feet. However, that size can be reduced to 8,100 square feet using density bonuses. If they wanted to use the net count, the minimum size would be 10,890 square feet.

Councilmember Ohrn moved to approve Ordinance No. 2019-23 authorizing a text change to the Land Development Code to permit the use of A-.25 Agricultural Zone with the elimination to public school density bonus. Councilmember Henderson seconded the motion.

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

The motion carried with a vote 4:1.
12. Future Meetings
12.1. July 18 - Planning Commission Meeting 7:00 p.m.

12.2. July 31 - Joint Planning Commission/City Council Meeting 6:00 p.m.

13. Events
13.1. July 11 - Yeti in the Park; Rosecrest Park Splash Pad 1:00 p.m.

13.2. July 11-13, 15-20 - Joseph and the Amazing Technicolor Dreamcoat; Butterfield Park 8:00 p.m.

13.3. July 17 - Yeti in the Park; Crane Park Splash Pad 11:00 a.m.

13.4. July 29 - Spikeball Tournament; Crane Park 6:00 p.m.

13.5. July 30 - Arches Park Ribbon Cutting; Arches Park 5:00 p.m.

13.6. August 2 - Creek Ridge Park Ribbon Cutting 5:00 p.m.

14. 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

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 at 8:32 p.m. Councilmember Ohrn seconded the motion.

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

The Council reconvened the General Meeting at 8:52 p.m.

15. Adjournment
Councilmember Ohrn moved to adjourn the City Council meeting at 8:52 p.m. Councilmember Martin seconded the motion, and all voted aye.

16. 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 July 10, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder