CITY COUNCIL MINUTES

Wednesday, August 14, 2019
Approved September 11, 2019

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 14, 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, 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, Police Chief Troy Carr, City Recorder Jackie Nostrom, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Finance Director Alan Rae, Staff Engineer Josh Peterson, Director of Parks, Recreation and Events Wendy Thomas

**Excused:** 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 David Watts called the meeting to order at 5:18 p.m.

2.1 **Review of this Evening’s Agenda**
The City Council and staff briefly reviewed the agenda, and it was noted that Item 3.9 would be continued to another date.

2.2 **Future Agenda Items**
There were none.
3. **Administrative Reports**

3.1. **Disc Golf Course Proposal - Wendy Thomas, Director of Parks, Recreation and Events**

Director of Parks, Recreation and Events Wendy Thomas explained that the Disc Golf Course was originally installed at Rosecrest Park in 2015. Several issues arose between the homeowners that bordered the disc golf course and disc golf players. Staff attempted to resolve the issues by moving tees and baskets, and encouraging players not to trespass onto private property, but were ultimately unsuccessful in being able to find resolution to all of the issues that were occurring. The disc golf course was removed by staff in August of 2018 per direction of the City Council. The Herriman Parks Department retained the baskets and stored them in the event that a new course could be installed at a different location. Enoch Hopkinson, a young resident, approached staff on May 29, 2019 about a potential Eagle Scout project that would relocate the disc golf course to an area in the open space above Blackridge Reservoir. Director Thomas had an initial meeting with Enoch on June 10, and followed up with an additional meeting that included Park and GIS staff at the proposed site on July 11, 2019. GIS staff took his initial concept and laid it out in the proposed area keeping topography, trails and access in mind.

Enoch Hopkinson addressed the Council and presented his idea for the disc golf course. The new location would be far from private property, and there would be fewer people here than at the Rosecrest Park. There was already established parking, and the unique terrain would provide for a challenging course. The cost would be minimal, since the City had the baskets from the old course that could be reinstalled.

Councilmember Ohrn asked if the sport could coexist with the other uses in the open space, and Enoch answered affirmatively.

Councilmember Smith asked about the distance between holes, and Enoch explained. The course would not go over any of the trails, so there wasn’t a concern throwing discs in the direction of other park patrons. The baskets would also be a good distance away from the nearest residential property.

The Council wanted to ensure that they reach out to the mountain biking community and neighborhoods so they were aware of this course.

*Councilmember Henderson arrived at 5:28 p.m.*

Councilmember Smith questioned whether the new course would add unnecessary pressure to the Blackridge area. Director Thomas said that staff did have concerns about fire danger, rattlesnakes, and other things that may be mitigated.

3.2. **Utah Transit Authority Board Report - Carlton Christensen**

Utah Transit Authority Trustee Carlton Christensen presented a map of ridership in the area. Regarding driver safety, he stated that 31 percent of drivers between 18-64 reported that they had read or sent text messages or email messages while driving at least once within the past 30 days. This was a major concern...
for the UTA Board, and they were taking measures to help people drive without distraction. Mr. Christensen explained the change to the governance structure of the Board of Trustees, which began on November 1st.

Trustee Christensen then spoke about the Salt Lake County Fourth Quarter Tax Revenue, which they didn’t expect to see until this fall. UTA had taken a phased approach to implement services using that tax, as follows:

- Mobilization phase, fall 2019 through August 2021
- Completion of service choices study, plan route improvements, design and construction support infrastructure, preparation for new bus service: complete depot district maintenance facility, procure additional buses, hire operators/support staff; new bus service, beginning August 2021.
- Estimated allocation of funds proposed was 19-percent bus service improvement and expansion, 47-percent service related facility improvements, 28-percent state of good repair and 6-percent administrative service support.
- New bus service and ongoing need beginning August 2021, estimated allocation of proposed funds: 71-percent bus service improvements

Trustee Christensen then described the South Salt Lake County Microtransit Pilot Program, which would go through a 12-month trial period. They would be testing an innovative transit service and new technologies to improve coverage and efficiency. They would be partnering with VIA to provide the pilot service, and the service would cover a 65-square-mile area including Herriman, Draper, Bluffdale, Riverton, and parts of South Jordan and Sandy.

Councilmember Henderson questioned how they could increase ridership without increasing services. Trustee Christensen stated that this was one of the purposes of the pilot program. This program would provide services to areas that didn’t justify an entire bus route. He briefly spoke about the cost of different services UTA provides.

### 3.3. Budget Amendment Overview - Alan Rae, Finance Director

Finance Director Alan Rae presented the proposed budget amendments. The first change was to move a few capital projects from the 2019 budget to the 2020 budget. This action would not affect the fund balances because they had already calculated these amounts into the budget for the previous year. The next amendment would reflect the potential revenue from potential land sales. The City expected to sell two properties within the automall zone, and those funds would be used to pay off other debts. There would also be amendments to the Animal Services Budget, and changes to reflect the Storm Water Fee implementation.

### 3.4. Olympia Hills Update - Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight stated that the Olympia Hills application had been submitted to the County. The applicants had reduced the number of units from almost 9,000 to 6,000. They had also submitted a traffic study as part of their application. The reason staff was bringing this topic to the
City Council was because they were in the midst of updating the General Plan, and they typically included plans for properties within the annexation policy so that they could plan for future capacity and infrastructure needs.

Councilmember Smith said that this would be a good time to study the area to understand all of the components involved in the development. They should go through a robust planning process to determine capacity and improvements that would be required to support growth. Whatever develops there shouldn’t change the vision of Herriman City. He encouraged staff to include this area in the General Plan.

Councilmember Ohrn agreed and added that it was their obligation, as City Officials, to make sure this development was done correctly. It would be irresponsible to go against the study that they have already done without justification that something else would be better. She said they should wait and see what the applicant comes up with for the area.

Councilmember Henderson said that this was still an annexation area until definitive development was approved. He encouraged staff to focus on updating the current plan, and they could revise the plan in the future if necessary.

Councilmember Smith wanted to maintain the good relationship between Herriman City and Rio Tinto. It would be unfortunate to turn away from those relationships and discontinue discussion with them.

3.5. Game Pointe Development Agreement Discussion - Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight turned the time over to City Attorney John Brems to give an update on the Game Pointe development. Attorney Brems presented a copy of the development agreement and identified the subject property on a map. The development agreement states that the developer has a vested right to develop the project, but not in the event that the developer fails to obtain a building permit to construct the family entertainment center on Lot 2 within two years of the effective date. On or before December 31, 2019, the City will construct Main Street extending from its current terminus at Herriman Blvd to the future location of Miller Crossing Drive. On or before March 15, 2020, the developer shall pay the City $100,000 for Miller Crossing Drive property acquisition costs. Reimbursement agreements would be refunded from their development from transportation agreement. He briefly described the sales tax revenue that the Community Redevelopment Agency would receive from this project. Regarding Miller Crossing Drive, it was noted that the developer would be responsible for sidewalks, park strips, landscaping, irrigation, and street lighting. They would not be responsible for curb and gutter. The Council asked that this requirement be clarified in the development agreement. The Council then discussed the portion of the development agreement that required the construction of a food establishment on Lot 1, and they wanted to ensure that this did not limit the developer from having food sales on Lot 2. It was noted that if the developer failed to record the plat in the proper timeframe, the property would revert back to the automall zone, and there would be no monetary damages.
Assistant City Manager Haight noted that the Council would be able to look over the development agreement for the next two weeks. In the next City Council Meeting, they would be given this same presentation and they would be able to discuss it in more depth. They would be voting on the development agreement in one month.

### 3.6 Discussion relating to a text change to the Land Development Code to replace Salt Lake County with Herriman City in regards to Animal Services (File No. Z2019-062) - Michael Maloy, City Planner

City Planner Michael Maloy noted that there were a few minor language changes that needed to be made to the Land Development Code, replacing references to Salt Lake County with “Herriman City.”

### 3.7 Discussion and consideration of a text change to the Land Development Code to change buffering in the Technology Manufacturing (T-M) Zone (File No Z2019-068) - Michael Maloy, City Planner

City Planner Michael Maloy explained that the development standards for the T-M Zone were addressed in City Code Section 10-13-6. These standards, as currently codified, do not specify details for buffering. There have been requests to increase the buffering standards for this zone to match that of other zones. There was a brief mention of buffering in this part of the code, but no specific details are required. Staff felt that all buffering standards may need an overhaul, but the proposed changes could be an interim measure.

Councilmember Ohrn asked why they would change the ordinance twice rather than just having an agreement between the two parties. Assistant City Manager Gordon Haight said that there were more than two parties asking for the buffering regulation. The proposed amendment would be the same buffering language included in all other zones.

_Councilmember Smith moved to adjourn the work meeting at 6:55 p.m. Councilmember Ohrn seconded the motion, and all voted aye._

_The Council reconvened the Work Meeting at 8:00 p.m._

### 3.8 Creek Ridge Development Agreement Discussion - Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight presented the proposed amendments to the Creek Ridge Development agreement with SLR. They wanted to reduce the number of units by 270 units, taken from three areas, which he identified on the site plan. In the current version of the development agreement, the Council can decide if the reduction will be taken from area A, B, or C.

The Council asked why they were seeking a reduction, and staff said that it was likely because SLR wanted to increase the density of another project. This item would come back before the Council in two weeks for further discussion.
3.9. Discussion of the Mountain Ridge Development Agreement - Gordon Haight, Assistant City Manager
This item was continued to a future meeting.

3.10. City Manager Updates - Brett Wood, City Manager
City Manager Brett Wood reported on the Animal Service Division and noted that the call volume had increased for the collection of dogs and cats. The startup costs were a little higher than anticipated, but they were also seeing an increase in revenue. He commended the Animal Services Division for a job well done and noted that they would continue with education and have some clinics and drives in the future.

City Manager Wood reported on the actions of the Planning Commission, and they discussed upcoming meetings and events. Director of Parks, Recreation and Events, Wendy Thomas, said that there would be a ribbon cutting event for the new school leading to the high school. She invited all to attend.

City Manager Wood spoke about the discussions surrounding the preservation of the Dansie Home. The Council was in favor of preserving the history.

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 8:28 p.m. Councilmember Smith 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
Mayor David Watts Aye
The motion passed unanimously.

The Council reconvened the City Council meeting at 9:01 p.m.

4. Adjournment
Councilmember Smith moved to adjourn the meeting at 9:01 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 7:06 p.m. and welcomed those in attendance. Councilmember Nicole Martin was excused.
5.1 Invocation/Thought/Reading and Pledge of Allegiance
Mr. Steven Shields led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions
Mayor Watts expressed appreciation for those who voted in the Primary Election, and he encouraged everyone to become educated on the candidates and issues that would be on the ballot for the General Election.

Councilmember Smith commended the Arts Council for a great summer production. He recognized those that volunteered their time to bring the production together.

6. Public Comment
Steve Shields encouraged the City to communicate with the County and stakeholders regarding the Olympia Hills Development. The project needed to be done in a responsible and sustainable way. He encouraged the Council to advocate for responsible growth.

Teddy Hodges commented on the blinking light in front of Silver Crest Elementary and asked that they consider a flashing overhead light for the school crossing at that location.

7. City Council Board and Committee Reports
Councilmember Smith reported on the Wasatch Front Regional Council and their efforts to reauthorize the Fast Act, which was set to expire in September 2020. The Board had approved modifications to the TIF Funding for local projects.

Councilmember Ohrn reported on the Mosquito Abatement and encouraged everyone to be more aware of standing water on their properties.

Councilmember Henderson reported on the Southwest Mayors meetings, including a Study Kickoff event for future development. The event was a good place to ask questions and set the stage for what they hope to accomplish. The next step was to have a consultant assess the current situation in terms of population, infrastructure, and traffic concerns. They would then look at buildout of the current plans of all cities involved. He noted that these meetings are open to the public.

8. Reports, Presentations and Appointments
8.1 Healthy Herriman Chair Adona Swanner Recognition of Service - Wendy Thomas, Director of Parks, Recreation and Events
Director of Parks, Recreation and Events, Wendy Thomas, asked Events Manager Kevin Schmidt to make the presentation. He highlighted some of Adona Swanner’s accomplishments during her time as the Healthy Herriman Chair, emphasizing her work on suicide awareness and prevention.
9. **Public Hearing**

9.1. **Public Hearing and consideration of a resolution approving an amendment to the Herriman City Fiscal Year 2019-2020 Budget - Alan Rae, Finance Director**

Finance Director Alan Rae indicated that the budget amendments had been discussed during the past few work meetings, and now it was before the Council for a public hearing. He reviewed the capital projects from 2019 that would be carried over into the 2020 budget cycle. This would not affect fund balances. The amendments would include projected numbers from the potential sale of land in the automall zone, and some of this would help repay the Water Rights Impact Fee Fund. There would also be some amendments to the Animal Services budget. Finally, the City Council had approved a storm water fee and an enterprise fund, so the budget would be amended to set the initial budget for that department. It was noted that the creation of this fee and enterprise fund was in response to an unfunded mandate from the EPA.

Mayor Watts opened the public hearing. There were no comments offered.

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

Councilmember Henderson reiterated that the storm water enterprise fund was mandated from the State.

*Councilmember Smith moved to approve Resolution No. R29-2019 approving an amendment to the 2019-2020 Fiscal Year Budget. Councilmember Ohrn 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
- Mayor David Watts: Aye

The motion carried unanimously.

9.2. **Public Hearing and consideration of an ordinance to vacate Right-of-Way located at 4100 West 14750 South and 4000 West 14850 South - Blake Thomas, City Engineer**

City Engineer Blake Thomas explained that the subject property had been deeded to the City some time ago as part of a right-of-way. Since that time, it was determined that the property was not needed for any additional road widening and staff recommended that the property be vacated. This would have no financial impact to the City since it was not purchased by the City. He noted that this item was for a public hearing, and they Council would take action on the vacation of property at a later date.

Mayor Watts opened the public hearing.

There were no comments offered.
Councilmember Smith moved to close the public hearing. Councilmember Henderson seconded the motion, and all voted aye.

10. Consent Agenda
10.1. Approval of the June 26, 2019 City Council meeting minutes

10.2. Approval of July 10, 2019 City Council Meeting minutes

10.3. Approval of a Resolution amending the Master Fee Schedule by adding Animal Service Adoption Fee Schedule

Councilmember Smith moved to approve the Consent Agenda as written. Councilmember Ohrn 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
Mayor David Watts  Aye

The motion carried unanimously.

11. Discussion and Action Items
11.1. Discussion and Consideration of an Ordinance outlining the Property Acquisition Reimbursement Procedures - John Brems, City Attorney

City Attorney John Brems explained the adoption of this ordinance would outline a repayment requirement for City installed project improvements that would benefit the adjacent property owner. If the City installed an improvement that was adjacent to undeveloped or underdeveloped land then the property owner or developer of the land shall, prior to receiving approval, or a permit for any development activity on the land, pay for its share of the cost of the improvements installed. The determination of the share of the cost of the improvement would be determined by resolution of the City Council and a notice would be recorded against non-participation parcels. The ordinance would not require the City to make improvements unless the City Council directed staff to do so.

The Council clarified that this ordinance was being created in response to the struggles the City had faced in improving roadways.

Councilmember Ohrn moved to approve Ordinance No. 2019-24 adopting a repayment requirement for City installed project improvements by adding section 1-10-20 to the Herriman City Code. 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
Mayor David Watts  Aye
The motion carried unanimously.

11.2.  Discussion and Consideration of a Resolution accepting a petition for annexation filed by Herriman Springs Developers, LLC for further consideration and related matters - Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom informed the Council of the annexation petition filed on July 10, 2019, by Herriman Springs Developers LLC. She reviewed the proposed annexation timeline and recommended accepting the petition for further consideration.

Councilmember Smith moved to approve Resolution No. R31-2019 accepting a Petition for Annexation filed by Herriman Springs Developers, LLC for further consideration and related matters. 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
Mayor David Watts  Aye
The motion passed unanimously with Councilmember Martin being absent.

11.3.  Discussion and consideration of an Ordinance adopting the Public Safety Impact Fee Facilities Plan and Public Safety Impact Fee Analysis - John Brems, City Attorney

City Attorney John Brems explained this ordinance would approve the Public Safety Impact Fee Facilities Plan and the Impact Fee Analysis that would help contribute to the Public Safety building. A public hearing was held on July 10, 2019, to receive public comment on the proposed impact fees. It was anticipated the fees would be paid upon issuance of a building permit. The following action item would enact the associated fee and provide an effective date.

Councilmember Henderson moved to approve Ordinance 2019-25 adopting the Public Safety Impact Fee Facilities Plan and Public Safety Impact Fee Analysis. Councilmember Smith 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
Mayor David Watts  Aye
The motion passed unanimously with Councilmember Martin being absent.
11.4. Discussion and consideration of an ordinance adopting an Impact Fee Enactment that imposes a Public Safety Impact Fee, providing for the calculation and collection of such fee, and providing for appeal, accounting, and severability - John Brems, City Attorney

City Attorney John Brems stated that the proposed impact fee would be $288.50 for a residential unit and $.50 per square foot for non-residential buildings. The Police Building would consist of a 33,000 square foot building with 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.

Councilmember Henderson moved to approve Ordinance 2019-26 adopting an Impact Fee Enactment that imposes a Public Safety Impact Fee; Providing for the calculation and collection of such fee; and providing for the appeal, accounting, severability of the same, and other related matters; with an effective date 90 days from today. Councilmember Ohrn 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
Mayor David Watts  Aye

The motion passed unanimously with Councilmember Martin being absent.

12. Future Meetings
12.1. August 15—Planning Commission Meeting 7:00 p.m.
12.2. August 27 - Board of Canvasser's Meeting 5:00 p.m.
12.3. August 28 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

13. Events
13.1. August 16 - Movie in the Park; REAL Training Facility 7:00 p.m.
13.2. August 19 - Hungry Herriman Food Truck Roundup; Crane Park 5:00 p.m.
13.3. August 26 - Hungry Herriman Food Truck Roundup; Crane Park 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.

NOTE: The Closed Session took place after the remainder of the Work Session items were discussed.
15. **Adjournment**

Councilmember Smith moved to adjourn the City Council meeting and reconvene the work session at 7:50 p.m. Councilmember Henderson 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 August 14, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder