The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 28, 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, and Clint Smith.

**Staff Present:** City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, City Engineer Blake Thomas, City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Police Chief Troy Carr, City Recorder Jackie Nostrom, Public Works Director Justun Edwards, Finance Director Alan Rae, Director of Parks, Recreation and Events Wendy Thomas, UFA Chief Riley Pilgrim, Battalion Chief Wade Watkins, Deputy Police Chief Chad Reyes, City Attorney John Brems

**Excused:** Jared Henderson

**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.

2.2 Future Agenda Items
Councilmember Martin requested the Council discuss board and committee assignments, as some of the Council will be changing soon. She wanted to attend her board meetings with the City Council member that would be replacing her on boards, which should facilitate a smooth perception. The Council agreed and requested this discussion take place during the September 25th meeting.

Councilmember Ohrn reported there had been some discussion at the Wasatch Front Waste and Recycling District about the District become autonomous from the County. The decision would have to be unanimous, and they would need written support from all of the cities involved on the Board.

Councilmember Martin said their role as City Council Members was to operate as one body, and communication between them was very important. She requested that they have a discussion to see how they were doing in that regard. Councilmember Smith supported that request.

3. Administrative Reports
3.1. Discussion relating to hunting on City Property and within City Limits - Justun Edwards, Public Works Director
Public Works Director Justun Edwards explained that historically, hunting had occurred in the foothills around Herriman. The property has previously been privately owned and people interested in hunting would need to obtain permission from the land owner to hunt on private property. Over the last several years, the City purchased property, with the intent to continue purchasing property for open space preservation and recreation. Hunting was still of great interest, and the City has received regular inquiries from individuals interested in hunting on the property. The Division of Wildlife Resources had introduced an extended archery hunting season in the area. The implementation of the new season, created additional interest in the potential of hunting in this area. The City did not currently restrict hunting within City boundaries, as long as the individual(s) hunting abide by all State hunting laws.

Director Edwards asked Council for direction on how to manage hunting on City-owned property.

The Council briefly discussed the increase of trail usage in the foothills and how that would be a safety concern with hunting. Councilmember Ohrn was fine with restricting hunting with guns, but she didn’t see a problem with archery being allowed. Councilmember Martin said that hunting and recreational trail use would be incompatible uses. She was in favor of having a stricter policy on hunting. Councilmember Ohrn argued that hunting was recreating, and she didn’t want to exclude a group of people. Councilmember Smith agreed that archery wasn’t a concern, but safety should be paramount.

Assistant City Manager Gordon Haight was concerned that allowing hunting on City property would invite a lot of hunters to the area simply because it was allowed. He was willing to consider archery, but it would take a lot to convince him that they should allow hunting within City limits, aside from those that have been hired to control the deer population. If they allowed hunting within City limits, they
would have to regulate how many people could be there hunting, make sure they have a hunting license, decide whether they would allow baiting, etc. He reminded them that hunting within City limits was currently not prohibited. The City hasn’t had an issue yet, but with the increased use of the trail system, it was more likely to happen.

They discussed how allowing hunting within City limits would increase the workload for staff and the Herriman Police Department. The Council did not come to a consensus on this issue and requested that the discussion be placed on the next agenda.

3.2. Discussion of the RSL Training Academy Local Consent Permit - Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight reported that Utah Code requires local consent for all “single event permit” licenses issued and regulated by the State Department of Alcoholic Beverage Control (DABC). This local consent would allow the applicant to serve alcohol for a single event at the RSL Academy on September 25, 2019. He explained the request would be on the consent agenda later in the meeting. The Council expressed no concerns with the request.

3.3. General Plan Update and Discussion - Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight presented the schedule for the General Plan update. The City was in the process of updating the General Plan. Historically, the process included properties that were outside the City limits and in the City’s annexation declaration. This planning was important because these areas would have a direct impact on the City and the City’s infrastructure. The City had met with the large property owners, including Rio Tinto, Last Holdout, LLC and High Country I and II. High Country I and II were already subdivided and had CC&Rs that govern the development. Rio Tinto was undeveloped, but they had provided a concept plan for development. There was approximately 1,000 acres of unincorporated property east of U-111. Last Holdout LLC was also undeveloped, and approximately 900 acres in size. This property was currently being considered by Salt Lake County for entitlement. The City commissioned a study on this property considering the holding capacity of the property.

Councilmember Smith suggested that the property owners continue to be involved in the General Plan update process.

3.4. Discussion pertaining to various surplus properties - Blake Thomas, City Engineer
City Engineer Blake Thomas explained that as Herriman had developed over time, there had been parcels of land that were dedicated to the City for various purposes including, but not limited to, anticipated needs for future road widening, storm water detention, and trail connections. A recent audit of parcels throughout the City found that several of these parcels were no longer needed for their originally intended purposes. Those property locations and intended uses are 5746 Yukon River Lane (trail access), 13000 South 5800 West (Right-of-way), 7418 West Desert Brumby Drive (Detention Basin), 6230 West Cabin Trail Way (Right-of-way). Upon discussion, the Council requested that this item come back to the Council for further action.
3.5. **Auto Mall Ordinance Discussion - Gordon Haight, Assistant City Manager**

Assistant City Manager Gordon Haight explained that the City recently created an Auto Mall Special District for the proposed Herriman Auto Mall. The AMSD allows currently allowed new car dealerships as a permitted use and used car dealerships as a conditional use. Staff was proposing to remove used car dealerships from the text so that they were not allowed in the AMSD. Staff would come back with a future text change to add some language regarding used car dealerships as a temporary use.

3.6. **City Manager Updates - Brett Wood, City Manager**

City Manager Brett Wood reported on his recent visits to the elementary schools, junior high schools, middle schools, and high schools in the City. He spoke about the scholarships that had been received by Herriman students, and safe walking routes.

Finance Director Alan Rae reported on the increased in sales tax revenue for August.

City Manager Wood noted that the new State Liquor Store tour was conducted be today, with the opening on Friday.

Public Works Director Justun Edwards referenced the fall cleanup, and stated there would be two locations this year: Tuscany Park and Butterfield Park. There would be dumpsters at those locations for one week per location beginning at the end of September. He spoke about the challenges they face with every cleanup, including manning the site, and managing illegal items brought to the cleanup site. These items include hazardous waste, mattresses, paint, tires, and appliances. Staff was looking to partner with a company that would help them dispose of appliances, but they would have to push clean up education to reduce the other items. The anticipated cost of the cleanup was $8,840.

City Engineer Blake Thomas provided an update on McCuiston Way. The design had been completed, but they still needed to settle things with a few of the property owners before they began. He hoped to have documents prepared in November so that they could put the project out to bid in January. Construction would probably start next summer so as not to interfere with safe routes to school.

Director of Parks, Recreation and Events Wendy Thomas reported that the Dansie House monument had been relocated, and she thanked Duane Dumas for taking the lead on that project.

There was a brief discussion regarding the increasing problem with residents encroaching on City property. Staff identified specific instances throughout the City. The Council requested that staff gather a list of the issues and present them at a future meeting. They wanted to be sure that these issues were handled with equity and fairness.

4. **Adjournment**

_Councilmember Smith moved to adjourn the work meeting at 7:02 p.m. Councilmember Martin seconded the motion, and all voted aye._
7:00 PM - GENERAL MEETING:

5. Call to Order
Mayor Watts called the meeting to order at 7:10 p.m. and welcomed those in attendance. Councilmember Jared Henderson was excused.

5.1 Invocation/Thought/Reading and Pledge of Allegiance
Ms. Kylie Deniro led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions
Councilmember Ohrn shared a comment that she received from a resident expressing opposition to the new State Liquor Store. The resident implored Councilmember Ohrn to do whatever she could to not allow the liquor store into the City. Since the store was coming in, Councilmember Ohrn encouraged people to drink responsibly. She noted that some of the funds from the liquor store would be used to help educate the public on the dangers of underage drinking.

Councilmember Smith reported that the discussions at the recent COG meeting focused on the 2040 Choice Plan, which was mentioned by Carlton Christensen recently during an update from UTA. The group provided feedback in regards to prioritization and allocation of current and future resources in terms of UTA transit system within the area. The Wasatch Front Regional Council approved the recommended board modifications to the Transportation Improvement Program, including the cost of various projects.

6. Public Comment
Kevin Allred, encouraged the Council to be more economically sound in their decisions for future growth of the City. One of the current issues for potential businesses was the lack of opportunities for businesses to come into the City. He also encouraged the Council to seek help from the Chamber of Commerce and other organizations that would assist with economic development.

Lorin Smith, said that his home was by the new high school and it bordered the SLR property, which was currently zoned as low density. The Council would be hearing a request to rezone the property for multi-family housing, and Mr. Smith was opposed to this change. When Mr. Smith purchased his property, he researched the zoning of the surrounding property to be sure that he wouldn’t build next to high density. He asked the Council to consider the residents that had already invested in their properties and deny the request.

7. City Council Board and Committee Reports
Councilmember Ohrn provided a report from the Wasatch Front Waste and Recycling District. They completed the survey for recycling, and about 79-percent of residents support recycling overall. As of last month, the tipping cost for recycling was $70 per ton, while the tipping costs for garbage was $32.85 per ton. One of the issues that was driving up the cost was contaminated recycling.
8. Reports, Presentations and Appointments

8.1. HPD Officer Oath of Office Ceremony - Troy Carr, Police Chief
Police Chief Troy Carr stated that they would be introducing two new officers tonight, and they would be presented with a badge and given the Oath of Office.

Deputy Police Chief Chad Reyes invited Officers Chad Buck and Brady Ascerland to come before the City Council. He also invited their family members to come forward. He gave a brief background of each officer.

City Recorder Jackie Nostrom administered the Oath of Office.

8.2. Copper Mountain Student Recognition - Brett Wood, City Manager
City Manager Brett Wood recognized Kylie Deniro, a sophomore at Herriman High School, who received a scholarship for the University of Utah in the amount of $187,000. He briefly described some of her achievements.

8.3. Unified Fire Authority Life Saving Award - Riley Pilgrim, UFA Chief
Battalion Chief Wade Watkins described an incident that took place on March 6th, when resident Mark Bonanzer suffered from full cardiac arrest. His wife called 911 and started CPR. Herriman Police Officer Andrea Hansen entered the home and continued CPR on the patient. The fire crew arrived and transported the patient to the hospital. Mr. Bonanzer left the hospital eight days later with no deficits. Chief Watkins thanked all those who responded to this incident and presented UFA Life Saving Awards to Officer Andrea Hansen, Firefighter Christian Tucker, Engineer Michael Sutton, Captain Craig Outzen, Firefighter Collin Halford, Paramedic Jason Jones, and Paramedic Heather Best.

9. Consent Agenda
9.1. Approval of the July 31, 2019 Special City Council Meeting Minutes

9.2. Approval of the Monthly Financial Summary

9.3. Approval of a resolution granting Local Consent for a Single Event Permit for an Event to be held at the RSL Training Academy
Councilmember Martin moved to approve the Consent Agenda as written. Councilmember Ohrn seconded the motion.

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

The motion carried unanimously with Councilmember Jared Henderson being absent.
10. Discussion and Action Items

10.1 Discussion and Consideration of an Ordinance authorizing text changes to the Land Development Code regarding maximum building heights, remove auto sales, and add stadiums as a conditional use in the C-2 Commercial Zone (File No Z2018-19) - Bryn MacDonald, Assistant City Planner

Assistant City Planner Bryn MacDonald explained that the current maximum height limit in the C-2 zone was 45-feet. The proposed change would allow a maximum height of 75-feet for buildings in the commercial zone. The Planning Commission had a discussion regarding the height and recommended allowing up to 45-feet in height as a permitted use, and no maximum height with conditional use approval. During their meeting in December, the Council discussed possibly adding criteria to allow a building height greater than 45-feet. The Planning Commission’s recommendation was for “no maximum height with conditional use approval”, but no criteria were included. Staff suggested that the conditional use process would allow conditions to be placed on taller buildings that would mitigate any detrimental effects of the height. These conditions may include additional setbacks, landscaping, or architecture. If the detrimental effects of a proposed building height could not be mitigated with conditions, then the additional height could be denied. The proposed amendment would also remove auto sales as a permitted use in the C-2 zone. The City was currently working on implementing a new Auto Mall Special District, and auto sales would only be allowed in this new district. Finally, this change would allow stadiums as a conditional use in the C-2 zone. The Planning Commission recommended approval of the proposed text changes.

The Council asked if there were any public comments at the Planning Commission meeting, and Planner MacDonald responded negatively.

Councilmember Smith asked if the removal of the auto sales use would restrict rentals anywhere except the Auto Mall Special District. Planner MacDonald answered affirmatively and explained that auto sales and auto rentals were currently lumped together in the same use. Staff could add the auto rental use back into the zone as they continue to clean up the zoning code.

After some discussion, the Council agreed to remove the use for now and direct staff to bring back the rental use with future amendments.

Councilmember Ohrn moved to approve Ordinance No. 2019-27 authorizing a text change to the Land Development Code to alter the maximum building height in the C-2 zone, remove auto sales, and add stadiums as a conditional use (File No. Z2018-19). Councilmember Martin seconded the motion.

The vote was recorded as follows:
Councilmember Jared Henderson    Absent
Councilmember Nicole Martin      Aye
Councilmember Sherrie Ohrn       Aye
Councilmember Clint Smith        Aye
The motion carried unanimously with Councilmember Jared Henderson being absent.

10.2. Discussion and consideration of an ordinance authorizing a text change to the Land Development Code to change buffering in the Technology Manufacturing (T-M) Zone (File No. Z2019-068) - Bryn MacDonald, Assistant City Planner

Assistant City Planner Bryn MacDonald explained that development standards for the T-M Zone were addressed in 10-13-6 of City Code. The standards, as currently codified, did not specify details for buffering. Buffering was touched upon in 10-13-5, with the phrase “The Master Plan should create natural buffering through the location of compatible uses and should include...identification of buffering, screening, or distance used to mitigate possible non compatible uses…” The proposed buffering requirements only apply between residential and non-residential property. All of the proposed text was already located in Chapter 21: Fencing and Chapter 23: Landscaping. The text was being moved into the T-M zone in order to provide clarity for anyone looking to develop in this zone. The proposed text is shown below, and indicated how the text has been modified for the T-M zone:

1. A landscaped buffer, at least thirty feet (30’) wide, shall be installed along lot lines which abut a residential zone. (from section 10-23-7 Landscaping Design Standards; current Landscaping ordinance requires a buffer 15 feet wide)

2. Evergreen landscaping shall be provided at distances sufficient to provide a visual and noise reducing barrier. Such landscaping shall consist of at least one tree for every twenty feet (20’) of fencing. Trees shall be a minimum six feet (6’) tall when planted. (from section 10-23-7 Landscaping Design Standards)

3. A minimum of one tree shall be provided for every five hundred (500) square feet of landscaped buffer area. This shall be in addition to the evergreen trees required under subsection B. (from section 10-23-7 Landscaping Design Standards)

4. A minimum eight foot (8’) high decorative precast or integrally colored and textured block, brick, stone, or other masonry fence and/or wall shall be installed between residential uses and non-residential uses. (from section 10-21-7 Fencing Between Incompatible Uses; current ordinance requires a 6 foot (6’) high fence or wall)

5. Front yard and side yard areas on a lot which faces a street shall be landscaped for a minimum distance of twenty feet (20’) behind lot lines abutting the street. This shall include a landscaped thirty inch (30”) high berm measured from the grade of the adjacent sidewalk. (from section 10-23-4 Landscaping Required)

The Planning Commission recommended approval of the proposed text change.

Councilmember Martin moved to approve Ordinance No. 2019-28 authorizing a text change to the Land Development Code to change buffering in the Technology Manufacturing (T-M) Zone. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:
10.3. Discussion and consideration of an ordinance authorizing 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) - Bryn MacDonald, Assistant City Planner

Assistant City Planner Bryn MacDonald explained that Herriman City Animal Services began operating on July 1, 2019. Prior to the creation of this department, Herriman outsourced animal matters to Salt Lake County’s Animal Services Department. Given this new City jurisdiction, Staff saw it fit to correct language in the Land Development Code that assigns Animal Services to Salt Lake County, with language that instead assigns it to Herriman City.

Councilmember Smith moved to approve Ordinance No. 2019-29 authorizing a text change to the Land Development Code regarding Animal Services. Councilmember Martin seconded the motion.

The vote was recorded as follows:

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

The motion carried unanimously, with Councilmember Jared Henderson being absent.

10.4. Discussion of the Creek Ridge Master Development Agreement - Gordon Haight, Assistant City Manager

City Attorney John Brems presented the development agreement for the Creek Ridge PUD and stated that the developer was requesting an amendment to that agreement. He presented a map and identified the area of the proposed development. The proposal would reduce the maximum residential density in the master development agreement by 270 residential dwellings, resulting in a reduction from 1,990 to 1,720. The amended agreement contemplates that the developer gets to choose what area the reduction comes from. He identified Areas A, B, and C of the development.

Staff confirmed that this reduction was not associated with any other proposal at this time. Mayor Watts wanted to be clear that granting this reduction would not allow the developer to have increased density in another project.
10.5. Discussion of the Game Pointe Master Development Agreement - Gordon Haight, Assistant City Manager

City Attorney John Brems presented the proposed development agreement for the Game Pointe development, and he noted that this included a repurchase agreement and a participation agreement. The developer had requested a change to the language for the development of Lot 1. Rather than being specifically a restaurant, it could be anything that was allowed by the zone and the ZC. This basically limited development to food services. Attorney Brems then quickly went through the rest of the development agreement.

Councilmember Smith was excused at 8:12 p.m.

Regarding the developer’s obligation to install street amenities, the Council requested that it be clarified that they were not responsible for curb and gutter.

Attorney Brems said that the term of the agreement was two years or until fulfillment of the obligations of the parties, unless terminated earlier. If the agreement was not recorded within 30 days of approval, the agreement was void. He described the repurchase option, which stated that the City would have the option to repurchase both lots if Game Pointe failed to obtain a building permit to construct the family entertainment center on Lot 2 within two years from the date the Osmond purchases the property.

The Planning Commission would review the proposed development agreement on September 19, 2019.

10. Future Meetings
11.1. September 5 - Planning Commission Meeting 7:00 p.m.

11.2. September 11 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

11. Events
12.1. August 29 - General Plan Community Workshop; City Hall 5:30 p.m.

12.2. September 2 - Hungry Herriman Food Truck Roundup; Crane Park 5:00 p.m.

12.3. September 14 - Peter Breinholt Live in Concert; Crane Park 6:00 p.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

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 8:26 p.m. Councilmember Martin seconded the motion.
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The vote was recorded as follows:

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

The motion passed unanimously.

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

13. Adjournment

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

14. Recomence 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 28, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder