CITY COUNCIL AGENDA

Wednesday, September 11, 2019
Approved October 23, 2019

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, September 12, 2019 at 5:00 p.m. in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City’s website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Pro Tempore Jared Henderson

Councilmembers Present: Sherrie Ohrn, Mayor David Watts (via telephone)

Staff Present: City Manager Brett Wood, Assistant City Manager Gordon Haight, Director of Administration and Communications Tami Moody, City Engineer Blake Thomas, Building Official Catheryn Nelson, City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Assistant City Engineer Jonathan Bowers, Police Chief Troy Carr, City Recorder Jackie Nostrom, Public Works Director Justun Edwards, 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: Councilmembers Clint Smith and 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 5:18 p.m. Mayor David Watts was present via telephone.
2.1 Review of this Evening’s Agenda
The City Council and staff briefly reviewed the agenda. City Manager Brett Wood requested that Items 3.3, 3.5, 3.7, and 3.9 be continued until the entire Council was present for the discussion.

2.2 Future Agenda Items
Councilmember Ohrn questioned the proposed standard for requiring trees in park strips throughout the City as she had received complaints from residents. Staff stated that enforcement was complaint based, at this point. They would not ask people to remove trees and plant new ones in accordance with the new ordinance, but all new developments would be required to put in approved trees.

Mayor Pro Tempore Henderson said that the South Valley Chamber of Commerce wanted to make a presentation in all of the cities in the South Salt Lake Valley, and he requested that this be placed on a future agenda. During the last meeting, they discussed reviewing board assignments and transitioning new council members with those boards. He suggested that this happen in November after the elections were finalized.

3. Administrative Reports
3.1 Planning Commission Report to City Council - Commissioner Chris Berbert
Planning Commissioner Chris Berbert wanted to present three items with the City Council that were currently being discussed by the Planning Commission. The first item was the Game Pointe project, and he noted the applicant was working well with the City. This project could only happen if the Council made exceptions to standards; however, the Planning Commission felt this was a good project for the City.

Mayor Pro Tempore Henderson asked about the applicant’s intention for food establishments on the property because the proposal had recently changed. Assistant City Administrator Gordon Haight said staff had been very specific in what types of food establishments were allowed in the zone. This development agreement could eventually go away, but the zoning would still be in place. There was a discussion regarding the types of food establishments that could potentially go into the second lot of the development. Commissioner Berbert commented the developer would not allow anything on the second lot that would compete with the restaurant inside the building on Lot 1. The Planning Commission felt that the Game Pointe development would be good for the City.

Commissioner Berbert then reported about some important aspects of the Herriman Town Center that the Planning Commission had discussed. In looking at the design guidelines, they found that some aspects of the proposed design did not meet the code. He read from the code and specified a few items that the Planning Commission wanted to see in the project. Overall, the current design was quite nice, but it needed a few more elements to make it complete.
Councilmember Ohrn said there were concerns from the residents that fencing had not been discussed at the last meeting. Staff noted that they would be required to do some precast fencing because of the retail component on the bottom floor. There would need to be further discussion about pass-through fencing. Mayor Pro Tempore Henderson said the development agreement for this project was approved in 2009.

Commissioner Berbert reported on the Mountain Ridge project, which was continued at the last meeting. The General Plan designated the property as Commercial Residential, and a small portion of the property was an existing MDA. The Commission’s question to staff was where the City was lacking in housing types. Clearly, there were plenty townhomes, but questioned whether there were there mid-sized lots and homes that these homeowners could move into as a next step. He had asked staff to put together some numbers reflecting what was already existing or approved in Herriman City.

Mayor Pro Tempore Henderson asked if there was a problem the Planning Commission was trying to address by seeking out more of this type of housing. Commissioner Berbert said that one of the issues they faced in certain subdivisions was the potential of flag lots. The Planning Commission wanted to protect the integrity of certain zones, if requested by the City Council. There was some discussion about the benefits and potential problems with allowing flag lot development.

The Council invited Commissioner Berbert back to report to the Council. They thanked the Planning Commission for their diligent work.

3.2. Parks Master Plan Update and Impact Fee Analysis – Wendy Thomas, Director of Parks, Events and Recreation
Director of Parks, Events, and Recreation Wendy Thomas reported the Parks Master Plan had been updated, new areas were added, and they were accounting for new developments. The Planning Commission had reviewed the update and recommended approval of the draft. One Commissioner voted against the draft because it did not include private parks. In all of her research, Director Thomas did not find another city that included private parks in their master plan. She asked for direction from the Council.

Upon review of the draft, the Council was comfortable with the proposed future level of service at 3.6 acres per 1,000 residents. They were also comfortable excluding private parks in the level of service calculation. Mayor Pro Tempore Henderson expressed a desire to encourage more private parks.

3.3. Community Coordinator Program Discussion – Gordon Haight, Assistant City Manager
This item was continued to a future meeting.

3.4. Update of McCuiston Road Project – Blake Thomas, City Engineer
City Engineer Blake Thomas presented information regarding the right-of-way acquisition they had been working on for quite some time. One property owner, Mr. Stevens, was not willing to work with
the City at a reasonable purchase price. For the Parry parcel, the City needed 763 feet for road improvement. The property owner requested that their driveway be replaced in lieu of right-of-way costs. Many improvements were already in place, so the City would only have to come in and do the sidewalk. The owner of the Newton parcel requested a secondary water connection with no fees in lieu of right-of-way costs. Engineer Thomas presented the proposed timeline for the road project.

3.5. Discussion of the Creek Ridge Development Agreement – Gordon Haight, Assistant City Manager
This item was continued to a future meeting.

3.6. Discussion of the Game Pointe Development Agreement – Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight presented an updated site plan and new elevations for the Game Pointe Development. The Planning Commission was still working with the applicant on the project.

3.7. Mountain Ridge Development Agreement Discussion – Gordon Haight, Assistant City Manager
This item was continued to a future meeting.

3.8. Discussion regarding Encroachment on Open Space – Michael Maloy, City Planner
This item was continued to a future meeting.

3.9. Discussion of an Ordinance relating to hunting on City Property and within City Limits – Justun Edwards, Public Works Director
This item was continued to a future meeting.

3.10. City Manager Updates – Brett Wood, City Manager
City Manager Brett Wood reported on the upcoming changes to the Jordan Valley Water Conservancy District Board. They would continue to work with neighboring cities so that they were united in their appointment recommendation. The District was also annexing new areas and making changes to landscaping requirements to be more water-conscious.

Director of Administration and Communications Tami Moody said September was Suicide Awareness month, and they had plans to use various platforms to educate the public on this matter. She invited the Council to help with communication and to participate in the Herriman High Hope walk.

_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 6:48 p.m. Mayor Watts seconded the motion._
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 6:59 p.m.

4. **Adjournment**

Councilmember Ohrn moved to adjourn the work meeting at 6:59 p.m. Mayor Watts seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

5. **Call to Order**

Mayor Pro Tempore Jared Henderson called the meeting to order at 7:06 p.m. and welcomed those in attendance. Councilmembers Smith and Martin were excused. Mayor Watts was participating via telephone.

5.1 **Flag Ceremony and Moment of Silence Presented by HPD and UFA Honor Guard**

5.2 **City Council Comments and Recognitions**

Mayor Pro Tempore Henderson shared his thoughts on the effects of the attacks on September 11, 2001.

Councilmember Ohrn also shared her thoughts, and said it was important to remember how united the nation was in the days and weeks following the event. They could honor those that lost their lives by being a united nation now.

City Manager Brett Wood briefly reported the Herriman Police Department had a ceremony this morning to lower the City flag to half-mast.

6. **Public Comment**

There were no comments offered.

7. **City Council Board and Committee Reports**

There were no reports.
8. Reports, Presentations and Appointments
There were none.

9. Consent Agenda

9.1. Approval of the August 14, 2019 City Council Meeting Minutes

Mayor Watt 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 Absent
- Mayor David Watt Aye

The motion carried unanimously with Councilmembers Clint Smith and Nicole Martin being absent.

9.2. Approval of the August 28, 2019 City Council meeting minutes

Mayor Watts 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 Absent
- Mayor David Watt Aye

The motion carried unanimously with Councilmembers Clint Smith and Nicole Martin being absent.

10. Discussion and Action Items

10.1. Discussion and Consideration of a proposed amendment to the Land Development Code regarding Fencing Materials (File No. Z2018-16) - Michael Maloy, City Planner

City Planner Michael Maloy explained this ordinance specified types of fencing materials that were allowed and prohibited. When the new Land Development Code was adopted, it inadvertently removed some of these standards. The purpose of the proposed amendment was to specify additional fence material standards. The proposed text permits wood fencing for agriculturally zoned lots that allow large animals. After discussion with the Planning Commission and City Council, the text was been modified to specify that wood fences were permitted in agricultural zones for large animal corrals. At the direction of the City Council, the proposed text would also allow straight line barbed wire fences for agricultural uses that encompass a minimum of 5.25-acres of property where it has a registered greenbelt status. The initial draft proposal allowed two exceptions for chain link fences, which was generally a prohibited material, for recreational uses and public utility sites:

- Chain link fencing, except for recreational uses as provided in section 10-21-9 of this chapter black vinyl coated chain link fence, may be used as follows:
  - For recreational uses as provided in section 10-21-10 of this chapter; or
  - If it is determined to be necessary at public utility sites for security reasons.

The code currently restricted the color of vinyl fencing to white or beige, and staff had received requests for darker colored vinyl. The proposal did not make any changes to that language, but the
Council could choose to alter it. Vinyl was the only fencing type that had a color limitation. Staff had also received request for composite materials, and the proposed language includes “composite or hollow core materials” as allowed. However, City Planner Maloy found some unwanted materials that were considered “hollow core”. He recommended removing that language and just keeping “composite”.

The Council briefly discussed fencing colors. Staff confirmed that they would likely address the fencing ordinance again, so they could discuss colors at a later date.

*Councilmember Ohrn moved to approve Ordinance No. 2019-30 authorizing a text change to the Land Development Code regarding fencing materials (File No. Z2018-16) with the removal of “hollow core” fence materials and allow vinyl coated chain link. Mayor Watts seconded the motion.*

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

The motion carried unanimously with Councilmembers Clint Smith and Nicole Martin being absent.

10.2. Discussion and consideration of a text change to the Land Development Code regarding used car sales in the Auto Mall Special District - Michael Maloy, City Planner

City Planner Michael Maloy explained the City Council recently created an Auto Mall Special District (AMSD) for the proposed Herriman Auto Mall. The AMSD 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. They would not be allowed in the AMSD. Staff would then come back with a future text change to add some language regarding used car dealerships as a temporary use.

*Councilmember Ohrn moved to approve Ordinance No. 2019-31 authorizing a text change to the Land Development Code regarding used car sales in the Auto Mall Special District (File No. Z2019-77). Mayor Watts seconded the motion.*

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

11. Future Meetings
11.1. September 19 - Planning Commission Meeting 7:00 p.m.

11.2. September 25 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

12. Events
12.1. September 13 - Peter Breinholt Concert - Crane Park; 7:00 p.m.

12.2. September 16 - Hungry Herriman Food Truck Roundup - Crane Park 5:00 p.m.

12.3. September 19-23 Herriman Arts Council presents Schoolhouse Rock Live! - Butterfield Park; 7:30 p.m.

12.4. September 23 - Hungry Herriman Food Truck Roundup - Crane Park 5:00 p.m.

13. 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

The Closed Session was held during the Work Meeting.

14. Adjournment
Councilmember Ohrn moved to adjourn the City Council meeting at 7:45 p.m. Mayor Watts seconded the motion, and all voted aye.

15. 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 September 11, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder