The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, October 23, 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: Jared Henderson, 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, Police Chief Troy Carr, City Recorder Jackie Nostrom, Finance Director Alan Rae, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Police Lieutenant Cody Stromberg, Officer Jose Lopez, Economic Development Manager Heather Upshaw, City Attorney John Brems, Communications Specialist Jonathan Lafollette, Community Development Coordinator Sandra Llewellyn, UFA Chief Riley Pilgrim, and Assistant City Planner Bryn MacDonald.

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
   It was noted there would be a discussion of one City Manager Update item to the beginning of the meeting.
2.2 Future Agenda Items
Councilmember Ohrn said a resident had come forward with a code enforcement issue, and she spent quite a while speaking with him yesterday. The resident said he had been dealing with this issue for the last 18 months. Code Enforcement had been out there several times and sent notices and warnings, but nothing has come of it. The resident was under the impression that Code Enforcement wasn’t concerned with this issue because the Council didn’t think it was a concern. Councilmember Ohrn was unsettled by this assumption and asked if issues like this should come to the City Council.

City Manager Brett Wood explained the resident’s concern was primarily with his neighbors landscaping, which did not meet code requirements. Staff felt there were more pressing code enforcement issues the City had to deal with. They had issued notices and warnings to the other property owner, and he had been given six months to come into compliance. They had also educated the owner as to the requirements of the Code, so he knew what needed to be altered. Code Enforcement simply didn’t have the manpower to enforce all violations in the City.

Councilmember Ohrn wanted to ensure Code Enforcement was following up on any deadlines that were set. Manager Wood agreed that follow up was important. He briefly explained the appeal process.

Mayor Watts reported that he had had a discussion with the landowner of a commercial property on 13400 South and Mountain View Corridor. He requested that the City better communicate with this individual, because this area was a strategic part of their economic development plan. The Council agreed.

Councilmember Smith requested the Council again have a conversation about process, and formalize what they had been doing. This would be helpful to the new Councilmember when they came in. Councilmember Martin suggested also talking about the roles of City Council and Mayor, to solidify the functionality of the group as they move forward.

3. Administrative Reports
City Manager Brett Wood reported he had a meeting today with the Miller Group that was doing the Tour of Utah event. He presented a video advertising the event. The group had asked if Herriman City was interested in hosting the starting/finishing line of the Tour, or allowing a pass through. Manager Wood suggested the Council consider allowing Herriman to be the host city for the event. Councilmember Martin was open to hearing more about hosting, because there would be a benefit to creating a public/private partnership like this. There could be a good return on investment. Manager Wood stated they would need to submit a letter of intent by November 1st to be part of the RFP process. This was one of the largest cycling events in the world, and it would bring many people into the City.
3.1. Discussion relating to a text change to the Land Development Code to add Animal Shelters as a conditional use in the C-2 and A-1 zones (File No. Z2019-079) - Michael Maloy, City Planner

Assistant City Planner Bryn MacDonald explained the current Herriman City ordinance defined a number of animal uses, including kennels, stables, and animal shelters. However, the code did not include animal shelters in Chapter 16 (Table of Uses) as a permitted or conditional use in any zone. The proposed text change would allow animal shelters as a conditional use in the C-2 zone (only if in an enclosed structure) or on lots at least one acre in size or larger in the A-1 zone.

The Planning Commission recommended approval of the proposed text change to allow animal shelters as a conditional use in the C-2 and Agricultural zones with the restrictions listed in the proposed text. Planner MacDonald stated the item would be brought to the City Council for decision in a few weeks, but she wanted to get their feedback on this proposal now.

Councilmember Henderson asked if this use was left of the code intentionally in the past, or if it was an oversight. Planner MacDonald didn’t think it was something the previous City staff considered because the City didn’t have its own animal services division.

3.2. Wasatch Discussion - John Brems, City Attorney

NOTE: Item 3.2 and 3.3 were discussed together.

City Attorney John Brems explained that Wasatch had purchased property that was subject to the Rosecrest Development Agreement. Wasatch had proposed to amend the Wasatch MDA to add commercial design guidelines and make the property subject to the MDA. He oriented the Council to the location of the proposed commercial area proposed for the switch. The property was currently zoned C-2 and MU-2. Their proposed amendment was C-2 and R-M component. He presented the proposed conceptual site plan. He suggested it would be helpful to have an understanding of the underlying agreement. In June 2000, the City Council approved the original development agreement for the Rosecrest Property. In June 2007, various parties disconnected approximately 3971 acres from Bluffdale and annexed into Herriman.

In April 2008, the City adopted a General Plan for the annexed property. The City subsequently approved an amended and restated development agreement for the Rosecrest Master Plan Community for all of the original and annexed property. In 2009, the City approved a master development agreement for South Hills Development. Both agreements were similar and govern a substantial portion of property and identify broad infrastructure requirements. It identified potential mechanisms to pay for the infrastructure, land uses including density and open space requirements. He presented the infrastructure exhibits that had been included in the original Master Development Agreements for both Wasatch and Rosecrest.

According to the Rosecrest Development and applicable ordinances any proposed use in the Rosecrest development area would conform to the intent of the 2008 General Plan and the Planned Unit Development approval that gave the total number of units allowed. The Development further refined the concept by identifying smaller concept pods that capped the number of units in particular locations.
The original plan was approved in two parts; first in 1999 by the PC for the original 1,040 to allow 564 units and second on 2008 by the PC to allow 4,719 units.

The Rosecrest PUD was amended by the PC on April 2012 and again February 2014. Concerns were raised about acquisitions of additional property and an additional paragraph was added and parties must agree to add the additional property to the development agreement. If the property was inside the annexed area, then the property would be automatically included within the amended MDA at the option of the Master Developer. The property and the residential units would be increased by the average density. The Wasatch MDA was done similarly with the exception of allowing 4.5 units per acre.

Attorney Brems explained the applicant was requesting to move some property from the Wasatch MDA to the Rosecrest MDA. This swap would alter the allowed density in both MDAs. The area proposed for the switch was identified as commercial and mixed use on the 2008 General Plan and currently zoned Commercial and MU-2. The amendment should include commercial design guidelines and would also accompany a rezone. A request has already been submitted by the developer.

Councilmember Henderson asked if the property swap would lower the number of units that Rosecrest could get. Attorney Brems answered affirmatively and said that Rosecrest was going to lose some of their units anyway because they couldn’t use them all.

Attorney Brems then addressed the SLR property located in east Herriman. A portion of the property was subject to the Rosecrest MDA, and a portion of it was not subject to any development agreement. The portion within the development agreement area was identified as low-density, which was 1.5 to 2.5 units per acre, in the 2008 General Plan. On the 2014 PUD, this property was identified as 3.5 to 5 units per acre. The property was zoned R-2-10, and it has been for many years. If the developer came in with an application that met the zoning requirements of the R-2-10 zone, it would likely be approved. He confirmed the zoning superseded the General Plan. The property that was not part of the Rosecrest MDA was subsequently not subject to the 2008 General Plan or the 2014 PUD. It was subject to the current General Plan, which identified the property as Low-Density Residential, which was 1.8 to 2.5 units per acre, and it was zoned A-1. The developer could attempt to funnel the development of this property through the development agreement for entitlement purposes, but he didn’t think the developer would choose to do that.

The Council thanked Attorney Brems for the information and asked for a copy of the PowerPoint presentation for their reference.

3.3. Rosecrest Discussion - John Brems, City Attorney

NOTE: Item 3.2 and 3.3 were discussed together.

3.4. Hydraulics Analysis Fee Discussion - Blake Thomas, City Engineer

Assistant City Engineer Jonathan Bowers stated that according to State Rule R309-105-9(2), the Division of Drinking Water had required that each new or modified water system be hydraulically modeled and
show that it meets minimum pressure requirements. This included modeling the new water system for each new development project. In the past, the Engineering Department had required the developer’s consultant to provide the hydraulics analysis. In the recent past, the Engineering Department had hired a consultant to calibrate and fine tune the city-wide water model. This proposed fee would be intended to pay for this service and developers would no longer be required to provide a hydraulic analysis. The fee would be based on gross acreage for multi-family or commercial projects, and based on number of units for single-family projects. The Engineering Department felt that this would be a better approach for developers. The Council agreed.

3.5. McCuiston Avenue Project Update - Blake Thomas, City Engineer
City Engineer Blake Thomas offered an update on the McCuiston Avenue project. In regards to sidewalk, staff was able to gain signatures from all necessary property owners. A fence contractor would be moving the fence to make way for the sidewalk, and they were waiting on Rocky Mountain Power to move a transformer. For the right-of-way, they had one property owner that had verbally agreed with the City, but they had not been able to acquire his signature. They had made several attempts. After some discussion, the Council determined to offer a letter of intent to condemn the right-of-way, if necessary.

3.6. Discussion pertaining to a proposed Budget Amendment - Alan Rae, Finance Director
Finance Director Alan Rae reviewed the request for a potential budget amendment for a new IT Manager and an Economic Development Director. This would come from the fund balance. Regarding the sales tax, Herriman City received $495,000, which was 17.5-percent higher than last year for the month. The Quarter Sales Tax received was $43,000, which was 5.5-percent higher than projected.

3.7. Presentation of the Elementary School Potential Locations - Blake Thomas, City Engineer
City Engineer Blake Thomas stated that during the previous City Council Meeting there was a discussion about siting a new Jordan School District elementary school in the northwest quadrant of Herriman. The school was needed to alleviate the anticipated crowding at Bastian Elementary. The District had plans to construct a new elementary school in Daybreak Village 8 in South Jordan, which would help alleviate some of these concerns. He presented statistics of the current enrollment versus the capacity of the surrounding schools. There were plans for the Hidden Oaks elementary school, which the District had funding for. There were currently discussions about access and developing the roadway to that school. Engineer Thomas then reviewed the two potential locations as Creek Ridge, Teton Ranch, Olympia Hills, and two other locations referenced on a map. The Council discussed each of these locations and what would need to be done to facilitate an elementary school.

Councilmember Ohrn expressed appreciation to the School District for their willingness to meet with the City and discuss their preferences and concerns.
3.8. Strategy Work Meeting Overview - Brett Wood, City Manager
City Manager Brett Wood said that there would be a Strategy Work meeting on Friday, November 8th. They would be reviewing capital project, general plan updates, and upcoming legislative agenda items.

3.9. City Manager Updates - Brett Wood, City Manager
City Manager Brett Wood said he would be having a meeting with a representative from UDOT next Tuesday morning at 3:30 PM. Staff had sent letters to the Board of Regions and would be attempting to schedule appointments with them to discuss the City’s concerns, as discussed at the previous meeting. Staff also had a meeting with Utah Alliance for Economic Development tomorrow. There would be a joint City Council/Planning Commission meeting on October 30th, and staff would be sending out the agenda soon.

4. Adjournment
Councilmember Martin moved to adjourn the City Council work meeting at 6:57 p.m. Councilmember Smith seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

5. Call to Order
Mayor David Watts called the meeting to order at 7:04 p.m. and welcomed those in attendance.

5.1 Invocation/Thought/Reading and Pledge of Allegiance
Darryl Fenn led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions
Mayor Watts encouraged everyone to participate in the election this year. Ballots had been mailed out, and individuals could return them via mail or in a drop box. If anyone wanted to vote in person, they could do so one election day at City Hall.

6. Public Comment
There were no Public Comments.

7. City Council Board and Committee Reports
Councilmember Ohrn reported on a recent Mosquito Abatement conference she attended and the presentation that was given. Utah was the third state in the nation to have a Mosquito Abatement program.

Councilmember Smith reported on the South Valley Sewer District, explaining that he was an appointed representative for Herriman City. Other entities that were not fully contained within or serviced by the District had elected representatives. One seat was going through the election process. The District would be holding a budget work session on October 29, 2019 at 7:00 AM.
8. Reports, Presentations and Appointments

8.1. Life Saving Award - Riley Pilgrim, UFA Battalion Chief & Wade Watkins, UFA Battalion Chief
This item was continued to a future meeting.

8.2. Southwest Valley Chamber of Commerce Presentation - Susan Schilling, President
President of the Southwest Valley Chamber of Commerce Susan Schilling said this Chamber had been in existence for 22 years. Their objective was to help businesses network and make connections with the community. The Southwest Valley Chamber was focused on local businesses, which they visited monthly. The Chamber also worked closely with the City, provided networking events, and did ribbon cuttings. They were willing to support all businesses, whether they were members of the Chamber or not. The Chamber participated in the summer parades for Herriman, Bluffdale, and Riverton this past year. At a recent event, the Chamber asked business if they prefer a regional chamber or a localized chamber, and the response they received was mostly in favor of localized chambers. President Schilling listed a few other events and programs offered by the Southwest Valley Chamber.

Councilmember Henderson asked if smaller chambers felt threatened by regional chambers, or if they felt that they simply had something different to offer. President Schilling said that they did not feel threatened. She confirmed this Chamber had access to the business accelerator that was described by the South Valley Chamber during the previous meeting. Being a smaller chamber, they could focus on growth, transportation, and infrastructure that would be difficult to address in a larger chamber. She felt that both large and small chambers had a lot to offer local businesses.

The Council thanked President Schilling for her presentation.

8.3. Herriman Police Department Victim Advocate Presentation - Christie Morgan, Victim Advocate
Division Commander of the Investigations Unit Brian Wiedmer introduced Christie Morgan and described the job of a victim’s liaison.

Christie Morgan said that she had been the victim’s liaison since the Herriman Police Department began last year. Victim Services receives federal funding through the Victims of Crime Act (VOCA), and one of the requirements of that grant was that she make this presentation to the City Council twice a year. Her mission was to reduce physiological trauma that was associated with being a victim of crime. Her duties included crisis intervention, criminal justice advocacy, emotional support, safety planning, referrals to services and resources, and assistance with victim compensation applications. The majority of the individuals they service are victims of domestic violence, sexual assault, child abuse, harassment, and stalking. She presented statistics showing the cases that they over the past year. Advocate Morgan then highlighted a recent case.
Advocate Stacy Clark explained Peer Court, which was an alternative program to the juvenile system. The mission statement of Peer Court was “As peer mentors, we act as positive role models by demonstrating respect, support and care as we assist our peers in need. Through collaboration, we strengthen ties to our homes, neighborhood, and schools by cultivating a positive peer influence using restorative justice principles.” The currently had 13 peer mentors being trained, and they hoped to have their first cases by December 4th. The cases and the peer mentors would come from Herriman City. She briefly described the process of selecting and training peer mentors.

The Council thanked the advocates for their diligent work for the community.

9. Consent Agenda
9.1. Approval of the September 11, 2019 City Council Meeting Minutes
9.2. Approval of the September 25, 2019 City Council Meeting Minutes
9.3. Approval of the Monthly Financial Summary

Councilmember Smith moved to approve the Consent Agenda as written. 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.

10. Discussion and Action Items
10.1. Discussion and consideration of an Ordinance annexing territory located at or near 14800 South 7100 West comprising of approximately .77 acres into Herriman City; establishing Zoning for the annexed territory and amending the zoning map of the City; and related matters - Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom indicated the Herriman Springs Developers filed a petition for annexation, and noted there were no protests filed nor were there any comments offered during the Public Hearing. She oriented the Council of the location of the annexation property, and recommend the zoning be the same designation as the surrounding parcels which would be FR-1 (Forestry Recreation – 1 acre minimum).

Councilmember Ohrn moved to approve Ordinance No 2019-32 annexing territory located at or near 14800 South 7100 West comprising of approximately .77 acres into Herriman City; establish the zoning for the property to be FR-1 and to amend the zoning map of the City; and other related matters. 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. Future Meetings
11.1. October 30 - Joint Planning Commission/City Council Meeting 6:00 p.m.
11.2. November 7 - Planning Commission Meeting 7:00 p.m.
11.3. November 13 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

12. Events
12.1. October 31 - Halloween
12.2. November 5 - Election Day
12.3. November 7 - Senior Social; City Hall 12:00 p.m.
12.4. November 11 - Veteran's Day Flag Ceremony; City Hall 11:00 a.m.

13. Closed Session
The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

At 7:41 p.m. Councilmember Smith moved temporarily recess the City Council work meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 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 carried unanimously.

The Council reconvened the City Council meeting at 10:01 p.m.
14. **Adjournment**  
Councilmember Smith moved to adjourn the City Council meeting at 10:01 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

15. **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 October 23, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.

[Signature]

Jackie Nostrom, MMC  
City Recorder