



CITY COUNCIL MINUTES

Wednesday, November 13, 2019

Approved December 11, 2019

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, November 13, 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, Police Chief Troy Carr, City Recorder Jackie Nostrom, Finance Director Alan Rae, Director of Operations Monte Johnson, Building Official Cathryn Nelson, Public Works Director Justun Edwards, Police Lieutenant Cody Stromberg, Officer Jose Lopez, Economic Development Manager Heather Upshaw, City Attorney John Brems, Communications Specialist Destiny Skinner, UFA Chief Riley Pilgrim, City Planner Michael Maloy, Assistant City Engineer Jonathan Bowers, Code Enforcement Officer Sheldon Howa, SWPPP Officer Simeon Miller, and Assistant City Planner Bryn MacDonald.

Councilmembers 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

It was noted that the work meeting agenda items would be reordered.

2.2 Future Agenda Items

City Manager Brett Wood said the Council should consider the reappointment of Councilmember Smith to the Sewer Board. Councilmember Smith expressed a willingness to continue serving and stressed the importance of consistency. The Council agreed to the reappointment.

3. Administrative Reports

3.1. New Employee Introductions - Travis Dunn, Human Resources Manager

The following employees were introduced: Water Operator Mike Holm, Water Operator Justin Robinson, Parks Technician Dennis Foster, Trails and Open Space Coordinator Joseph Zimmerman, Passport Technician Kristin Dalley, Storm Water Sweeper Kenneth Cannon, Parts Technician Kayden Skinner, Mechanic Technician Matthew Sieverts, Streets Tech Scott Bridges, Code Enforcement Officer Sheldon Howa, and Streets Technician Zack Ingram.

3.2. Discussion pertaining to Herriman Code Enforcement - Michael Maloy, City Planner

City Planner Michael Maloy said staff had given a presentation about Code Enforcement to the Planning Commission, and the City Council had requested a similar presentation. He introduced Code Enforcement Officer Sheldon Howa and SWPPP Officer Simeon Miller, who had put together the presentation.

SWPPP Officer Simeon Miller gave a quick overview of the purpose of Code Enforcement, which was to protect property values and maintain the beauty of the City. The cases that Code Enforcement runs into the most are encroachments on City property, weed violations, and general sign ordinance violations. Prior to the Storm Water Program being set up, a large part of their job was to watch for storm water violations. When Code Enforcement is made aware of a violation, their first action was to try and reach the resident with a note on the door. If the violation persisted after ten days, they sent a courtesy notice. After another 10 days, a Notice of Violation was issued. The final step was an Administrative Citation, with fees accruing after 10 days.

Officer Miller presented a breakdown of the number of cases they were involved in over the past 12 months. The categories included signage, off-street parking, weeds, encroachment, illegal dumping, accumulation of junk, landscaping, and road or sidewalk obstruction.

Councilmember Ohrn asked if the department had enough officers to cover the amount of work, and Officer Miller said that they were in need of additional personnel. City Planner Maloy said that staff had asked Code Enforcement to make quarterly reports and provide more data about each case. Staff would analyze the reports to better understand the current personnel needs.

There was a discussion regarding Accessory Dwelling Units, and the Council agreed that they needed to have a policy discussion regarding this issue. Councilmember Smith suggested being more proactive on the encroachment issues, because are a significant problem. Staff confirmed that they were currently taking an educational approach to encroachment.

3.3. Discussion relating to the Commercial Property located at or near 13400 South Mountain View Corridor – Heather Upshaw, Economic Development Manager

Economic Development Manager Heather Upshaw said the Council had requested to discuss the property at approximately 13400 South 4850 West. She identified the property on a map and stated that the property was roughly 35 acres in size. Staff had been in discussions with the property owner about how they could make the land more marketable.

Dan McKay, representing the property owner, gave a brief history of the property. As commercial developers have looked at the property, they all express concerns about fill, grading, drainage and retention. They had talked about cleaning up and filling the site. The other problem with the property was current market demand. They had considered doing a market study to analyze the best retail uses for the property. The last time a market study was done was in 2013, and the market has changed since then. Due to taxing restrictions, the owner was only able to sell off portions of the property every few years, so it was important to find a buyer that would purchase the entire 35 acres. They had considered selling to SLR, who would then be able to sell off pieces of the property for individual development. There was a brief discussion held about the steps to make the property more marketable. Mr. McKay also suggested the property owner and City could conduct another Markey study.

Councilmember Martin appreciated their willingness to beautify the property. It was a valuable piece for Herriman City.

3.4. Round Table Discussion pertaining to City Council Policy and Procedures

Councilmember Smith said with the upcoming changes to Council, it was time to discuss how the Council was functioning.

Councilmember Martin indicated she also wanted to discuss the duties and role of the Mayor. It had been almost a year since they sanctioned the Mayor for his credit card expenses, and placed additional limitations. She was bringing this up now because she wanted to resolve this before she left the Council and the new Council Member came on. She wanted to work toward a functional Council, because they were simply hurting themselves by fostering the dysfunction. It was time the Council start looking at bringing the Mayor back into the role that the citizens voted him into. She suggested that they consider reinstating the Mayor into three committees for which the Mayor was designated: the Southwest Mayors Group, Conference of Mayors, and the Council of Governments.

Councilmember Smith said sometimes the other Council Members were guilty of speaking on behalf of the entire Council without everyone having knowledge of it. He also wanted a functional Council, and that would take greater communication and involvement.

Councilmember Ohrn disagreed with the statement that they were representing the Council when they met with people individually. Councilmember Smith said it was fine to meet with individuals, but the other members need to be informed about what was discussed at the meeting. After some discussion, they agreed to send briefing emails, even if others don't respond.

Councilmember Ohrn disagreed with the Mayor's reinstatement to the boards mentioned, especially South Valley Mayors group. A lot had happened with the group over the last year, and it was important for their representation to remain consistent. She felt that they would be shooting themselves in the foot to replace the person that had been working on that for so many months. Councilmember Smith suggested having the Mayor and the current representatives attend the meetings together for some time. Mayor Watts was amenable to that.

The Council agreed to continue the discussion to a future meeting.

Councilmember Smith moved to adjourn the City Council work meeting at 7:05 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

The Council reconvened the work session at 8:16 p.m.

3.5. Tour of Utah Update - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas reported she had been working with Real Salt Lake to host the opening weekend of Tour of Utah. They had sent in the application but the selection for host city hadn't been made yet. Herriman City's contribution to the event would be \$30,000, and they would use staff resources to plan and execute the event.

3.6. Dingo Dog Park Update - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas said they held a neighborhood meeting regarding the Dingo Dog Park, and there were 10 people in attendance. She presented a potential timeline for the design and construction of the park, conceptual designs, and the comments provided at the neighborhood meeting. They had discussed having a "pay to play" park, with residents paying \$10 a year and non-residents paying \$25 per year. Staff would continue to work with their consultant to revise the plan based on the comments received from the Development Review Committee and the neighborhood meeting.

3.7. Discussion of the Wide Hollow Trailhead - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas presented a timeline for the proposed Wide Hollow Trailhead, which they intended to construct in phases. The neighborhood meeting was well attended, and comments were made regarding parking, guard rails, adding a playground, and completing a parking and traffic impact study.

3.8. Discussion relating to Planning Commission Appointments- Michael Maloy, City Planner
City Planner Michael Maloy stated Andrea Bradford and Chris Berbert needed to be considered for reappointment, and Heather Garcia wanted to be considered as a regular Planning Commission member rather than an alternate. There would be one vacancy to fill on the Commission.

Councilmember Smith said Chair Chris Berbert should be considered for reappointment. There was some discussion about the length of Commission appointments. Council consensus determined to reappoint Andrea Bradford and Chris Berbert.

3.9. Discussion on the proposed 11800 South Development - Blake Thomas, City Engineer

City Engineer Blake Thomas said the landowner of several parcels along 11800 South approached the City with a development proposal. There were several challenges with the development, including utility encumbrances and access from Mountain View Corridor. Access had already been granted by UDOT, but it was a right-in/right-out access, and there was a requirement that the access be a public street. This meant that a portion of the access into the storage facility needed to be public.

The Council was in favor of continuing discussions with the property owner. The proposed uses for the property were appropriate, but they were concerned about maintaining trail connectivity. Councilmember Smith suggested that the Council discuss enhancing their design standards for storage units, since this development would be right along Mountain View Corridor.

3.10. McCuiston Avenue Project Update – Blake Thomas, City Engineer

City Engineer Blake Thomas updated the Council on the McCuiston Avenue project, stating that staff had sent an offer to one property owner that was placing the project on hold. They were finalizing the plans and looking to go out to bid in January. The project could proceed without this property owner, because his property was needed for sidewalk rather than the roadway. The Council was unwilling to increase the offer.

3.11. Garage Grill Local Consent Discussion – Michael Maloy, City Planner

City Planner Michael Maloy indicated staff was working with a company to bring in a restaurant, bar, and manufacturing facility to a property just south of the Auto Mall property. The applicant would need to get in line with State alcohol permitting requirements. This item would come before the Council during the December meeting.

3.12. Discussion regarding the Creek Ridge/Mountain Ridge Master Development Agreement - John Brems, City Attorney

City Attorney John Brems sought direction from the Council about moving forward with the Creek Ridge and Mountain Ridge Master Development Agreements. Instead of going over the development agreements, he presented some concepts for them to consider. The applicant did have vested rights through the existing development agreements, but there were also exceptions to those agreements.

Attorney Brems first went over the unit count. There would be 196 single, detached units, 204 townhomes, and 350 condominiums. That was a total of 750 units in the development. The city would design system improvement parks, and the owner would be responsible for constructing and installing those improvements. The City would have to reimburse the developer for those costs, but there was not enough in the impact fee fund to cover the reimbursement. The City would have to find another funding source. Since the parks double as storm drain detention, so there would be no reimbursement for the land value, sod, or irrigation. For roads, the owner would coordinate construction of 13800 South between Herriman and Riverton. There was adequate transportation impact fees to reimburse the cost of the road. The proposed storm drain would be maintained by Riverton City or an HOA, and Herriman city would be granted an easement to maintain and repair their portion of the infrastructure. There was a brief discussion about moving density from Area A, which the Council was in agreement.

3.13. Discussion regarding the proposed amendment to the Rosecrest Master Development Agreement - John Brems, City Attorney

City Attorney John Brems outlined the process for the Rosecrest Master Development Agreement commercial guidelines. The applicant would file an application to amend the boundaries of both development agreements, and then file an application to modify the Planned Unit Development boundaries. This would be followed by a rezone request and the adoption of design guidelines. The Planning Commission was currently working on this application.

Assistant City Planner Bryn MacDonald gave a presentation that was shown to the Planning Commission regarding design guidelines. She described the grading challenges of the site. She presented the cross section from Mountain View Corridor, walking paths through the development, points of connectivity, and amenities.

3.14. Discussion regarding the proposed amendment to the Wasatch Master Development Agreement - John Brems, City Attorney

This item was discussed with Item 3.13

3.15. City Manager Updates - Brett Wood, City Manager

- Update on Contaminated Soils Progress

Manager Wood said that he felt very positive about the recent meeting, and he was confident that things were progressing well.

- General Plan Direction

Manager Wood asked if the Council would prefer more outreach or a draft of the General Plan update. The Council agreed that the language of the survey should be refined to overcome any misperceptions out there. They wanted to be clear that decisions had not been made yet. They considered whether a draft of the ordinance would help or hinder the residents as they gave input.

- Facebook Streaming – Encoding Protocol

Director of Administration and Communications Tami Moody addressed the challenges with live stream on Facebook, based on some changes made by Facebook. The meetings would still be uploaded to YouTube. The Council ask staff to look into other live-stream platforms.

- Legislative Priority Direction

Staff presented a list of items that would be going to the legislature next year that the City felt were important. They asked if anything should be altered or added. Councilmember Martin suggested that they push parking structures and appropriate funding mechanisms to build them.

- RSL Parade

Director of Parks, Recreation and Events Wendy Thomas said there would be a parade in honor of the Monarchs, if they won their match on Sunday. Staff was working with Real Salt Lake to coordinate that effort.

- Herriman Royalty

Staff reported that a new Herriman Royalty had been selected, and they would be introduced during the December meeting.

- Economic Development Director

Manager Wood reported they had received applications for the Economic Development Director position and interviews would soon be conducted.

4. **Adjournment**

Councilmember Martin moved to adjourn the City Council work meeting at 10:01 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 7:10 p.m. and welcomed those in attendance. Councilmember Henderson was excused from the meeting.

5.1 Invocation/Thought/Reading and Pledge of Allegiance

Ms. Candice Pিরerucci led the audience in the Pledge of Allegiance.

5.2 City Council Comments and Recognitions

Candice Pিরerucci introduced herself as the House District 52 representative. She gave her email address as cpirerucci@le.utah.gov.

The Council expressed their appreciation for the Veteran’s Day event and thanked those that were involved.

6. Public Comment

There were no Public Comments.

7. City Council Board and Committee Reports

Councilmember Ohrn reported that the Wasatch Front Waste and Recycling District budget hearing would be open to the public, and it would take place on Monday, November 18th at 6:00 p.m. There was a proposed fee increase for new residents. The Mosquito Abatement District budget hearing would take place on December 9th at 6:00 p.m.

Councilmember Smith reported that the Sewer District budget hearing would take place on Tuesday, November 19th at 6:00 p.m.

8. Reports, Presentations and Appointments

8.1. Recognition of Garden Committee Chair, Shauna Heiner - Wendy Thomas, Director of Parks, Recreation and Events

Director of Parks, Recreation and Events Wendy Thomas recognized Shauna Heiner as the Garden Committee Chair and thanked her for her service.

Ms. Heiner spoke about the donations that were made from the extra plots in the community garden. The donations went to St. Andrews Food Bank in Riverton.

8.2. Life Saving Award - Riley Pilgrim, UFA Battalion Chief & Wade Watkins, UFA Battalion Chief

UFA Battalion Chief Wade Watkins presented the Life Saving Award to Kacey Davies. He read a letter from an officer in the neighboring district and described the event that warranted the award.

9. Public Hearing

9.1. Public Hearing and consideration of a Resolution amending the 2019-2020 Herriman City Budget - Alan Rae, Finance Director

Finance Director Alan Rae reviewed the proposed budget amendments, which included salary for an IT Manager, the Director of Economic Development, and the Tour of Utah Open State Host. It was noted that Herriman had not yet been selected as a host city for the Tour of Utah, but they wanted to budget the money. If they were not awarded the hosting position, those funds would not be utilized. The proposed amendments would reduce the fund balance in the General Fund by \$191,000.

There was some discussion regarding the proposed salaries, and Director Rae confirmed that both of the salaries were partial.

Director Rae described the proposed amendments to the Water Impact Fee Fund, and the projects that would be funded.

Mayor Watts opened the public hearing.

There were no public comments.

Councilmember Smith moved to close the Public Hearing. Councilmember Martin seconded the motion.

*Councilmember Martin moved to approve **Resolution No. R37-2019** amending the 2019-2020 fiscal year budget. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously.

10. Consent Agenda

10.1. Approval of the October 9, 2019 City Council Meeting Minutes

10.2. Approval of the October 23, 2019 City Council Meeting Minutes

Councilmember Obrn moved to approve the Consent Agenda as written. Councilmember Smith seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
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<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously with Councilmember Jared Henderson being absent.

11. Discussion and Action Items

11.1. Discussion and consideration of a Resolution nominating individuals to be appointed to the Jordan Valley Water Conservancy District Board - Brett Wood, City Manager

*Councilmember Obrn moved to approve **Resolution No. R38-2019** nominating Sherrie Obrn and Tawnee McCay to be appointed to the Jordan Valley Water Conservancy District Board. Councilmember Martin seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Obrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously with Councilmember Jared Henderson being absent.

11.2. Discussion and Consideration of an Ordinance to approve the Herriman City Moderate Income Housing Plan - Michael Maloy, City Planner

City Planner Michael Maloy noted this presentation was given at the joint meeting a few weeks ago. The State required certain elements of the General Plan, including increased requirements for the moderate income housing element. Recent changes from the legislature also tied the City's plans for moderate income housing to transportation funding awarded by the State. The request before the Council tonight had received a positive recommendation from the Planning Commission, and there was a State deadline to have this element of the General Plan adopted by December 1, 2019.

Consultant Susie Pethoram offered the presentation. The moderate income housing plan was being proposed was essentially moving forward with the key strategies from the City's previous moderate income plan, which was adopted in December 2013. At the time, the adopted strategy brought affordable units up to 25-percent of all the housing units in Herriman, which was just over 7,000. The main recommendation of that plan was to make sure that multi-family areas were designated in the future land use map to help streamline some of the development process. The plan also encouraged more multi-family development to diversify the housing stock and allow a range of different housing types to buffer single-family housing from commercial. She listed some housing and income statistics from

Herriman City from 2018. Currently, there are a lot of moderating income housing options in Herriman, but not very many options for low income families.

Consultant Pethoram continued noting the single-family homes were becoming less affordable, and another 625 affordable units would be needed in the next five years to serve the population projections. She believed that Herriman City was in good shape, but needed to keep track of progress to be sure they were moving in the right direction. The proposed moderate income housing plan essentially updated the existing plan to reflect the new requirements from the legislature, and some language had been shifted.

The Council was concerned the State was trying to make cities control the housing market. They were not confident that this would solve the housing problems they were facing. The City needed to work with developers to resolve these issues.

*Councilmember Martin moved to approve **Ordinance No. 2019-33** adopting the Herriman Moderate Income Housing Plan as an element of the General Plan. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Nicole Martin</i>	<i>Aye</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Aye</i>
<i>Councilmember Clint Smith</i>	<i>Aye</i>
<i>Mayor David Watts</i>	<i>Aye</i>

The motion carried unanimously with Councilmember Jared Henderson being absent.

11.3. Discussion and consideration of an Ordinance approving the Hydraulics Analysis Fee Schedule - Jonathan Bowers, Assistant City Engineer

Assistant City Engineer Jonathan Bowers explained Utah State Code required an analysis to ensure increased water demand created by new construction would not adversely affect existing or new water users. In the past, the City required developers to do this analysis. The proposed changed would require developers to pay a fee for the hydraulic analysis to be conducted by the City's consultant.

Councilmember Ohrn emphasized that this fee would not enrich the City, it would simply cover the costs that already exist. This was verified.

*Councilmember Ohrn moved to approve **Ordinance No. 2019-34** amending the Engineering Review Fees to include the Hydraulics Analysis Fee. Councilmember Smith seconded the motion.*

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
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Councilmember Nicole Martin *Aye*
Councilmember Sherrie Obrn *Aye*
Councilmember Clint Smith *Aye*
Mayor David Watts *Aye*

The motion carried unanimously with Councilmember Jared Henderson being absent.

12. Future Meetings

12.1. November 21 - Planning Commission Meeting 7:00 p.m.

12.2. December 11 - City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

13. Events

13.1. November 28 - Thanksgiving Day

13.2. November 29 - Thanksgiving Holiday - City Offices Closed

15. Adjournment

Councilmember Obrn moved to adjourn the City Council meeting at 8:10 p.m. Councilmember Smith 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 November 13, 2019. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder