CITY COUNCIL MINUTES

Wednesday, January 22, 2020
Approved February 26, 2020

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on Wednesday, January 22, 2020 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, Steve Shields and Clint Smith (via phone)

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, Officer Jose Lopez, City Attorney John Brems, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Code Enforcement Officer Sheldon Howa, Streets Manager Ed Blackett, Parks Manager Anthony Teuscher, and Economic Development Manager Heather Upshaw.

Councilmembers Excused: Mayor David Watts

5:00 PM - WORK MEETING: (Fort Herriman Conference Room)

1. Council Business
Mayor Pro Tempore Jared Henderson called the meeting to order at 5:08 p.m.

1.1 Review of this Evening's Agenda
The Council and Staff briefly reviewed the agenda.
1.2 Future Agenda Items
Councilmember Sherrie Ohrn highlighted a training she attended relating to water and tiered pricing, and asked if the Council could discuss the water needs and ordinances needing to be addressed including xeriscaping parkstrip and minimizing water imprints.

Councilmember Steve Shields requested a closed door meeting be scheduled for the February 26th meeting.

2. Administrative Reports
2.1. Discussion of an Ordinance relating to hunting on City Property and within City Limits - Justun Edwards, Public Works Director
Public Works Director Justun Edwards reminded the Council of the previous discussion relating to hunting within City Limits and on City owned property. Currently there is no ordinance in the City that would regulate hunting as it has taken place within City limits since its incorporation. The interest in hunting has increased due to a new hunt within the Herriman area has been opened along with the City acquiring land on the South Hills through the Army Compatible Use Buffer (ACUB) program.

The City Council previously decided not to make a decision during the August 2019 discussion due to the lack of time for adequate public participation. Director Edwards reviewed potential options to address hunting within the City boundaries or on City property. Some concerns included the possibility of trespassing on private property, accessing through Hi-Country II HOA to access City property to which hunter access points should be defined, maps modified to clearly define the City Boundary and notate private property, work with Division of Wildlife Resources on ways to educate potential hunters of the challenges of hunting within this unit. Director Edwards asked the Council for direction.

Sherrie spoke on the possibility of limiting how close a firearm may be discharged outside of city limits; however, wanted to maintain the recreation element for individuals. Chief Troy Carr encouraged maintaining a proactive educational approach. Councilmember Ohrn stated it would help with the deer mitigation program, and would be compatible with other recreational amenities on the south hill. Councilmember Clint Smith agreed. Councilmember Henderson relayed his concern of unintentional trespassing; however, was in favor of allowing the recreational amenity. Public Works Director Edwards informed the Council he would draft a map showing a 600-foot buffer between where discharging a weapon where discharging a weapon could be potentially prohibited. The Council agreed.

2.2. Economic Development Director Update - Travis Dunn, Human Resources Manager
Human Resources Manager Travis Dunn reviewed the City’s hiring procedures and the current situation with the applications received to date for the Economic Development Director position. He reviewed concerns that made the Council to consider keeping the position available.

Manager Dunn reviewed potential national recruiting firms to help solicit a qualified applicant to fill the position.
The Council discussed the option to pursue a more national level firm to find a candidate, would like to have firm come in to conduct a presentation. They were concerned with a two month estimated time frame being too aggressive. Councilmember Smith expressed his desire to understand the footprint of Prince Perelson and Associates estimate. Councilmember Shields suggested the firms offer a presentation to the Council to determine if their proposals align with the City’s direction. The Council agreed.

Human Resources Manager Dunn spoke on the possibility of temporarily staffing for the position. Councilmember Henderson relayed his desire not to hire a temporary individual, but would be open to a consultation service. The Council agreed to pursue a consulting firm as a temporary solution.

2.3. Presentation of a proposed Code Enforcement Process and Text Amendment - Sheldon Howa, Code Enforcement Officer and John Brems, City Attorney

Code Enforcement Officer Sheldon Howa informed the Council of the desire to develop a process to make code enforcement more efficient. He reviewed enforcement procedures, from the courtesy notice, to the notice of violation, to the certificate of non-compliance through to the notice of compliance.

The Courtesy notice would include the owner and property information, date of violation, code sections violated, statement of remediation, notice that a failure to comply within 10 days could result in legal action, sent through the mail.

The Notice of Violation would review the specific date to correct the violation and offer an explanation of consequences if the individual failed to comply with the notice. The Civil penalties would commence accruing immediately at the expiration date stated on the notice including the amount for each violation. The notice would also outline the procedures to request a hearing as well as a re-inspection.

The Proposed certificate of non-compliance would notify the responsible person of the deadline to avoid civil penalties expiration and offer information regarding the fines that will continue to accrue until the property has been brought into compliance and a re-inspection has been conducted.

Hearings would be scheduled monthly with a minimum of 10 days’ notice to appear. Cases would be presented before an Administrative Law Judge to conduct the informal hearing and a failure to appear would result in a default judgement.

A notice of compliance may be requested if all violations have been corrected, civil penalties have been assessed and satisfied, administrative fees have been paid and recorded with the County Recorder to remove the notice of violation.

The proposed amendments were reviewed as well as the benefits of creating a streamlined process.
2.4. **Review of General Plan Survey Questions - Michael Maloy, City Planner**
City Planner Michael Maloy presented a timeframe for the preparation of general plan questions and asked the council to email questions they would like to in the survey. The firm would like to limit the survey to 10-12 questions.

2.5. **Review of Herriman City Snow Removal Procedures - Justun Edwards, Director of Public Works or Ed Blackett, Streets Manager**
Streets Manager Ed Blackett reviewed the snow removal routes and procedures for streets, trails and sidewalks and the educational approach crews pursue.

The Salt distribution and brine system has been used to prevent dangerous traffic conditions. The salt distribution begins when temperatures drop below freezing and there has been enough moisture to create icy roadways. The brine system is used to treat the roads prior to a snow or ice event.

He noted Herriman City property owners are responsible for keeping all sidewalks along their property free and clear of snow and ice. The snow removed from the sidewalks and driveways shall be placed on lawn or park strip areas or on private property. State law prohibits residents, business owners and contractors from depositing snow onto public roads. Fire hydrants and mailboxes are always a concern. It is not possible for city crews to completely remove snow around mailboxes, which places the burden on the property owner. If there is a fire hydrant in front of a home, that homeowner is responsible to keep it clear of all snow.

So far during the 2019-2020 season there have been 20 snow or ice events, six of which have required both morning and evening call outs. Manager Blackett thanked the crews for their diligent work and availability during the holidays. The council expressed their appreciation.

2.6. **Area Cleanup Schedule - Justun Edwards, Director of Public Works**
Operations Director Monte Johnson offered an update of the 2019 fall cleanup pilot program. The City utilized two separate locations for a one-week period to allow the area to have an onsite employee to manage offloading. This also allowed for additional dumpsters to be placed at each location which minimized overfilling of dumpsters and labor hours. This approach allowed for management of different types of waste, rather than everything being discarded into one dumpster that later needed to be sorted.

_Councilmember Smith was excused from the meeting at 7:03 p.m._

Director Johnson offered a list of the positive and negative aspects of the pilot program. He recommended to have two locations each running separate weeks, alternating locations throughout the city to ensure that we are reaching more residents. Reducing the clean-up two locations seems to be more efficient and easier to manage. Acceptance of tires and hazardous waste was beneficial to the residents and they seemed very appreciative of us accepting these items. If the city continues to accept those items, hopefully the amount dropped off would continue to decrease. It was anticipated that the
format would remain the same, having two city clean-ups in addition to the county provided clean-up. Having Beehive partner with the City went very well, and was a huge help to the City.

2.7. Discussion of the proposed Amended Creek Ridge/Mountain Ridge Master Development Agreement - John Brems, City Attorney

City Planner Michael Maloy looked for direction from the Creek Ridge MDA. The amendment contemplated the removal of 270 units from the overall number of units from the multi-family. During the January 8th meeting, the City Council directed staff to address several issues including: meet with Jordan School District to discuss trading or adjusting their existing property, amending the MDA to prohibit all uses exempt from zoning on the commercial property, and amend the MDA to establish a timeline for the commercial property, and how to ensure it would be sold to a commercial user if a fair offer was received. Jordan School District indicated their desire to not have their property included in the proposed mountain ridge development.

City Planner Maloy informed the Council of the potential next steps for the proposed amendment to the Master Development Agreement. Jared suggested the details need to be negotiated. Oh boy….

Councilmember Ohrn moved to adjourn the work meeting to convene in the general meeting at 7:37 p.m. Councilmember Shields seconded the motion, and all present voted aye.

2.8. Discussion of proposed Academy Village Sign Plan - Michael Maloy, City Planner

City Planner Michael Maloy explained that the developer had requested to have signage in the Academy Village development; however, the signage would be out of compliance with current City Code standards. The signage they were proposing was similar in height to the sign at the Center Cal development and other large commercial developments in the area. A legislative amendment would be necessary to facilitate the approval of this signage. City Attorney Brems noted that this amendment would be location specific and only for commercial development.

2.9. Discussion of the proposed Ivory Homes Agreement relating to the Elementary School located in theDansie Annexation Area - Blake Thomas, City Engineer

City Engineer Blake Thomas stated the Jordan School District wanted to build an elementary school in the Dansie Annexation Area and have it open for students in August 2022. The area surrounding the school location was currently being developed by two developers: Ivory Homes and Perry Homes.

Councilmember Henderson said there was some confusion about when the roads would be constructed in these new developments and how they would be funded. Engineer Thomas explained the City’s road standards and how they are funded and installed. He then provided a scope of the road improvements, and a schedule for their design and construction. In the current financial plan, the City would reimburse the developer or school district for eligible road improvements. The anticipated cost of construction was $1 million.
City Manager Brett Wood expressed his support for a school in this location. The biggest concern was that the roads weren’t ready to support the school yet.

The Council discussed the assurance and ability to have the roads and funding in place.

_Councilmember Clint Smith reconvened the Work Meeting at 8:40 p.m., via telephone._

2.10. **Public Improvement District (PID), Redevelopment Agency (RDA), Community Development Agency (CDA) Training, and the Rosecrest Business Park Community Development Agency Use of Funds - Alan Rae, Director of Finance**

Finance Director Alan Rae presented information regarding the Public Improvement Districts (PID) that were authorized by Senate Bill 228 in the last legislative session. A PID was a district created with taxing authority to facilitate infrastructure construction for development. Cities, including Herriman, were beginning to receive requests for PIDs, so this discussion would be to educate the Council on what would potentially be allowed. The City would be required to adopt their own rules on how the PID would be reviewed that approved. The PID would be proposed by the landowner(s) and must include boundaries for the district, with 100-percent consent of the landowners via signature or a vote. After receiving the application, the City would approve the formation of the district and define infrastructure that would be allowed to be constructed by the district. After approval and formation of the district, the entity would be completely separate from the City. The district would be responsible for setting tax rates and paying the bond. The district would build infrastructure within the guidelines set by the City and would be subject to local building and zoning requirements. The district would assess property tax to each parcel within the district; however, the property tax rate would be in addition to all other taxes. The rate can exceed the maximum, if it is specifically set to pay principal and interest on the bond. The district would also be able to charge fees for administrative services. Once the bond was in place, the district could use funds to build infrastructure improvements, and then all infrastructure improvements would be transferred to the City. The district would not be subject to impact fees for any project funded by the PID. They would be required to file an annual report to the City, but it wasn’t clear what needed to be in that report.

Councilmember Shields said the cost of tax for the average home in a district would be ten times the cost of what the impact fees would have been originally. The Council relayed concerns about PIDs.

Director Rae turned the conversation to the Community Redevelopment Areas (CRA) and said there were three completed CRAs within Herriman City. Those areas were Herriman Towne Center, Herriman Business Center, and Anthem Business Park. The Innovation District was an active CRA. A CRA was typically proposed by a developer who had a project that needed financial assistance to complete necessary infrastructure. The City would create the CRA and prepare the project area plan, which normally extended twenty years. The project area plan would describe the scope of the development and designated the initial developer. A budget would also be prepared to evaluate current property taxes as the development is constructed. The difference between the base property tax value...
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and the annual property tax value are known as the Tax Increment Funds (TIF). The City would approach other taxing entities to see if they would be interested in participating in the CRA by committing a portion of their share to the TIF. The City would enter into an Interlocal Agreement with taxing entities who agree to participate. The agreements would typically cap the amount of the participation and would state a date range of when the TIF must be triggered with the County. The agreements would be filed with the County Clerk and future property taxes are distributed based on the specified agreement. The developer could then commence construction of the infrastructure defined in the project plan. As the construction is completed, a reimbursement from the TIF would be given over the life of the CRA. Director Rae then reviewed the process of reimbursing the developer through the CRA.

Director Rae reviewed the Herriman Business Park Community Development Area, which was created in 2014 and revised in both 2016 and 2017. In 2017, the plan was revised to allow the City to be reimbursed for the land donated to REAL Salt Lake. The City also agreed to waive the impact fees of the RSL facility in the amount of $669,885.24, with the agreement the City would receive a share of the TIF to make the City whole for the waiver. A reimbursement agreement was not done for this CRA, but Rosecrest is named as the initial developer in the project plan. The trigger date in the area would be dictated by the Interlocal Agreement with the other taxing agencies. The Engineering Department was currently reviewing the summaries available, but were waiting for additional documentation. Director Rae noted that no funds for the Herriman Business Park CRA had been distributed as of yet. He explained there were some expenditures that had been reimbursed with impact fees, as they are treated as priority over the TIF distribution.

Director Rae recommended future CRAs have a participation agreement in place before any work commences. As additional participants enter the CRA, additional participation agreement should be considered. Participants would not become beneficiaries of the CRA because they are a landowner, but by installing and funding infrastructure. Authorization to proceed on project should not be approved without a participation agreement. Reimbursement for the land donated to REAL Salt Lake and the waived impact fees needed to meet legal requirements. The CRA plan did call for level parking, so the plan would need to be amended to allow for an additional parking structure, if deemed appropriate by the City Council. Director Rae addressed the benchmarks needing to be hit with the CRA. All infrastructure needed to be installed by 2025, or they would lose half of the County participation funds. They must also have $103 million in taxable property by 2025, including the dedication of the Trax line.

Director Rae recommended the Council to direct staff not to allow any additional infrastructure in the CRA if they pursue funding for a parking structure. He highlighted other anticipated construction projects in the area, including Real Vista Drive, the intersection of Mountain View Corridor and the intersection to enter the proposed commercial development, the storm drain line from Mountain View Corridor to Real Vista Drive, and the storm drain line from the Salt lake Community College retention pond through to Riverton. Director Rae noted that Rosecrest Communities LLC should have priority for reimbursement, as they are listed as the initial developer in the plan, and the construction they have
done was approved by the City. That is unless Rosecrest, Wasatch and the City could come to another agreement.

2.11. Discussion Regarding Olympia Hills Development Regarding the Position of the City
Councilmember Henderson said previously, the Council had discussed writing a letter to the County expressing their concerns about the Olympia Hills development. Councilmember Ohrn suggested keeping their letter to one page with a bullet point list of their concerns. Anything longer than that might not be read at all. The Council discussed the potential development and noted their concerns, which included the point the development was requesting more density than was planned for at the City or County level, and it was far more than what was allowed. Councilmember Shields commented the proposal was extreme in nature, not just because of density, but because of the sheer size of the development. There were also concerns about the lack of open and green space, infrastructure, and transportation. The only argument they had heard in defense of the proposal was they were trying to address the housing shortage.

2.12. Western Growth Coalition Resolution - Gordon Haight, Assistant City Manager
Assistant City Manager Gordon Haight spoke about the Western Growth Coalition Resolution, which encouraged the State to fund a list of major unfunded transportation projects from the Wasatch Front Regional Council Phase I projects. The Council supported the request.

2.13. Discussion Regarding City Boards and Committees - Tami Moody, Director of Administration, Government Affairs, and PIO
Director of Administration Tami Moody said the Council had requested to revisit compensation for service on boards and committees. The Council gave staff direction to gather more information on reasonable compensation amounts. Director Moody noted a Community Development Committee was forming, and once they had the parameters of the group and their meetings, she would forward the information to the Council.

2.14. City Manager Updates - Brett Wood, City Manager
City Manager Brett Wood said the Council had previously directed staff to continue negotiations on certain projects, but staff felt that Council or a few members of the Council should be part of those negotiations, as they often included financial discussions. After some discussion, it was suggested that one representative from both Economic Development and the Finance Committee be present for negotiations.

At 10:29 p.m. Councilmember Ohrn moved temporarily recess the City Council work meeting to convene in a closed session to discuss pending or imminent litigation and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 Councilmember Shields seconded the motion.

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

The motion passed unanimously with Mayor David Watts being absent.

3. Adjournment
Councilmember Ohrn moved to adjourn the work meeting at 10:30 p.m. Councilmember Shields seconded the motion, and all present voted aye.

7:30 PM - GENERAL MEETING:

4. Call to Order
Mayor Pro Tempore Jared Henderson called the meeting to order at 7:46 p.m. Councilmember Smith and Mayor Watts were excused from the meeting.

4.1 Invocation/Thought/Reading and Pledge of Allegiance
Ms. Karen Potter led the audience in the Pledge of Allegiance.

4.2 City Council Comments and Recognitions
There were none.

5. Public Comment
Shannon Mason read a letter she had written to the Council regarding the lack of a safe walking route to Butterfield Canyon Elementary and the Cove park. She asked for any information about plans to install sidewalks and crosswalks in the area. She encouraged the Council to allocate appropriate funds to resolve safety concerns in the City.

Steve Slessinger said that he lived in the foothills above Butterfield Park. He spoke to the Council a few months ago about hunting concerns and he listened to the work session discussion regarding this issue today. He offered a potential solution of prohibiting hunting below the Bonneville Shoreline Trail extension. He also asked if hunting was allowed in Yellow Fork Canyon. The Council wasn’t sure, because Yellow Fork Canyon was in the County. This subject would be a topic of conversation again at the next City Council work session.

Teddy Hodges talked about a few things going on in Herriman City that the residents should know about, including an informational meeting for Olympia Hills lead by the County, and a Herriman Arts Council event called Murder and Mayhem.

6. City Council Board and Committee Reports
Councilmember Ohrn reported on the Mosquito Abatement District and stated that there were no cases of the West Nile virus in their district this year.
Councilmember Shields reported on his first meeting on the Western Growth Coalition board. Most of the discussion was about transportation priorities and the proposed Olympia Hills. The County would be holding the public meeting next week at Copper Mountain Middle School, and he encouraged the residents to attend. Councilmember Ohrn added that Olympia Hills was not a Herriman City proposal. Councilmember Henderson also encouraged participation.

Councilmember Henderson reported on the Southwest Mayor’s meeting, when they went over the visioning study.

1. Consent Agenda

7.1. Approval of the Monthly Financial Summary

Councilmember Shields moved to approve the Consent Agenda as written. Councilmember Ohrn seconded the motion.

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

The motion passed unanimously with Councilmember Clint Smith and Mayor David Watts being absent.

8. Discussion and Action Items

8.1. Discussion and Consideration of a proposed rezone of seven (7) acres from MU-2 (Mixed Use) to C-2 (Commercial) and RM (Multi Family Residential) for a proposed development known as Academy Village for John Lindsley located at 4002 West Real Vista Drive Pod 35 (File No Z2019-100) - Michael Maloy, City Planner

This item was continued to a future meeting as requested by Wasatch Development.

8.2. Discussion and Consideration of a proposed rezone of 4.55 acres from MU-2 (Mixed Use) to C-2 (Commercial) and RM (Multi Family Residential) for a proposed development known as Academy Village for John Lindsley located at 14752 S Real Vista Drive Pod 39 (File No Z2019-057) - Michael Maloy, City Planner

This item was continued to a future meeting as requested by Wasatch Development.

8.3. Discussion and Consideration of the Rosecrest Development Agreement Amendment - John Brems, City Attorney

This item was continued to a future meeting as requested by Wasatch Development.
8.4.  Discussion and Consideration of the amended South Hills Master Development Agreement  
   - John Brems, City Attorney  
   This item was continued to a future meeting as requested by Wasatch Development.

9.  Future Meetings
9.1.  January 29, 2020 - Joint Planning Commission / City Council Meeting 5:00 p.m.
9.2.  February 6, 2020 - Planning Commission Meeting 7:00 p.m.

10.  Events

11.  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

12.  Adjournment
Councilmember Ohrn moved to adjourn the regular meeting and reconvene the work session at 8:03 p.m. Councilmember Shields seconded the motion, and all present voted aye.

13.  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 January 22, 2020. This document constitutes the official minutes for the Herriman City Council Meeting.

Jackie Nostrom, MMC
City Recorder