



## SPECIAL CITY COUNCIL AGENDA MINUTES

**Thursday, August 7, 2014**

**Amended August 5, 2014 @ 1:00 P.M.**

**Approved August 28, 2014**

### **5:00 PM – GENERAL MEETING:**

<u>Attendance:</u>	Mayor, Carmen Freeman
<u>Council Members Present:</u>	Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser
<u>Staff Present:</u>	John Brems, City Attorney Cindy Quick, Deputy City Recorder Justun Edwards, Water Director Tami Moody, PIO Executive Administrative Manager
<u>Excused:</u>	Mike Day

### **1. 5:07:17 PM CALL TO ORDER**

Mayor Carmen Freeman called the Herriman City Council meeting to order and welcomed those in attendance.

### **2. PUBLIC COMMENT:** *Audience members may bring any item to the Mayor and Council' s attention. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

There was no public comment.

### 3. DISCUSSION AND ACTION ITEMS

#### A. [5:07:35 PM](#) Discussion and consideration of an Interlocal Agreement to unify surrounding communities within Jordan School District boundaries – John Brems, City Attorney

John Brems, City Attorney explained that this is an agreement that South Jordan and the District worked out and they have included us as well as other cities in the district.

Mayor Carmen Freeman explains that Attorney Brems has reviewed the document and it is pretty straight forward. He further expressed how this agreement will give us an opportunity to have an active voice in terms of property and location of buildings.

Attorney Brems states that South Jordan and the District have executed it.

Mayor Carmen Freeman comments that Council Member Mike Day has conveyed his support of this resolution.

Council Member Coralee Wessman-Moser **MOVED** to approve Resolution No. 14.24.

Council Member Craig B. Tischner **SECONDED** the motion.

Mayor, Carmen Freeman calls for a vote.

Councilman Matt Robinson	Yes
Councilman Craig B. Tischner	Yes
Councilwoman Coralee Wessman-Moser	Yes
Mayor Carmen Freeman	Yes

Vote passed.

Motion carried.

#### 4. [5:10:15 PM](#) **ADJOURN TO WORK MEETING**

Mayor, Carmen Freeman asks for a motion to adjourn to the work meeting.

Council Member Coralee Wessman-Moser **MOVED** to adjourn this meeting.

Council Member Craig B. Tischner **SECONDED** the motion.

All City Council Members voted in support of this motion.

Vote passed.

Motion carried.

#### **5:10 PM - WORK MEETING:** *(Front Conference Room)*

**Attendance:** Mayor, Carmen Freeman

**Council Members Present:** Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:** John Brems, City Attorney  
Cindy Quick, Deputy City Recorder  
Justun Edwards, Water Director  
Danie Bills, Events Director  
Sandra Llewellyn, Planning Admin. Coordinator  
Tami Moody, PIO / Executive Administrative Manager

## 1. [5:16:00 PM](#) **COUNCIL BUSINESS**

Mayor Freeman turns time over to Bryn McCarty for planning updates.

### A. [5:16:12 PM](#) **Planning Updates – Bryn McCarty, Planning Supervisor**

Bryn McCarty, Planning Supervisor provided the council with an outline of updates. She explained that every year the planning commission is to appoint a chair and they will choose a new chair person tonight. Next she briefly reviews items from tonight's planning agenda. The 11 lot subdivision on Gina Road is right where the pavement ends so they don't have the issue with the road not being paved so they will just have to do curb, gutter and sidewalk. They are larger lots 12,000 square foot lots. They will reapprove the SLR PUD. She briefly updates the council regarding the Park, Storm Drain and Transportation Master Plan. Provides updates regarding changes to the Sky Village development and informs the council that this development is presenting during the work meeting on August 14, 2014. A discussion regarding the access road for this development and changes to the density took place. Summit at Lookout Ridge is submitting a rezone and PUD application soon. The Miller Crossing development plans to submit an application. Regarding the public hearing for the next joint meeting, she asks how to notice for the meeting. Council Member Coralee Wessman-Moser suggested noticing the meeting heavily but to be clear that it is a presentation only. A lengthy discussion regarding the zoning of this development took place. Brief communication regarding a policy for appointing a new planning commission member was noted.

### B. [5:29:56 PM](#) **Discussion considering the deer mitigation program – Sandra Llewellyn, Planning Admin Coordinator**

Sandra Llewellyn, Planning Admin Coordinator presents a PowerPoint to illustrate splitting the urban deer management program into two phases. Tonight phase one was discussed. She briefly describes several different options. The relocation option would be at a high cost to the city, create ongoing management and is not recommended by DWR. The deer sterilization program option has not been proven to be effective. The last option is the urban deer mitigation program which is briefly explained. A timeline illustrating the process needed for phase one is discussed. An outline of the ordinance is displayed briefly. A map that illustrates the areas in the city where phase one will take place is shown. She explains that the division will give vouchers to land owners and then the land owners give those vouchers to the city. There will be no over the counter permits purchased. A discussion regarding the Last Holdout area took place. That property is in the county and questions on how to manage that area were briefly discussed. A review of phase one's management plan took place. It was explained that the city will work with Brian Cook, the specialist from Highland, who will work with Justun Edwards and Anthony Teuscher to provide training for the coordinator position. The city then plans to phase out assistance from Brian Cook and have an employee manage the program. They will adhere to the Utah Division of Wildlife's rules and regulations. The program will allow Herriman City to gather information about the deer. Justun Edwards, Water Director interjected that this will allow them to determine what will be a manageable number of deer to harvest. They will not take all of the deer, just what is manageable. A brief discussion regarding what is manageable took place.

The request for a \$10,350 budget for this program was detailed. Trail cameras will need to be purchased. Council Members stated that they would like the purchasing of those cameras to be done through an open bid process. Council Member Coralee Wessman-Moser asks for a written quote as well. A brief discussion regarding the procedure of processing the animals took place. The Division of Wildlife charges a \$35 permit fee for each animal. Communication materials are for the public and will be mailed to every household. The guzzler, a water trough that collects rain and may need to be filled from time to time, will be placed above Mountain View Corridor where the deer migrate through. The hope is that this will keep the deer from crossing the Mountain View

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Corridor. Miscellaneous management equipment would be blinds, tree stands and tripods for cameras. This program would require a budget amendment. If this is approved, the city would like to start hunting in September.

The process needed to move forward is reviewed. The feeding ordinance would need to be adopted next Thursday, August 14<sup>th</sup> and a public hearing will be held on August 28<sup>th</sup>. Heavy noticing will be necessary. The consensus of the council was to go ahead with the noticing. Mayor Carmen Freeman asks if the meeting should be relocated to accommodate a larger group. The consensus of the council was to not relocate; the city building is what it is. Mayor Carmen Freeman asks each council member to provide their opinion on this issue. Council Member Coralee Wessman-Moser has no concerns with what has been presented. She will watch how phase one goes and reserve judgement for the rest of the program after phase one is complete. Council Member Craig B. Tischner would like DWR to increase the amount of tags they issue. He feels DWR needs to take care of this problem where it's occurring. He feels better cooperation with DWR is needed; that it's their issue not Herriman's issue. A lengthy discussion regarding his concern took place. The council felt that the deer issue in Herriman is Herriman's issue. The deer are born here and stay here. Even if DWR opened up more permits, none of Herriman is open hunting. Council came to a consensus that they should address this program each year. Council Member Matt Robinson is in complete support of the program. He feels like we're being very soft and politically correct with our approach to this issue. Mayor Carmen Freeman expressed that Council Member Mike Day conveyed that he is in favor of moving forward with this program as well. Mayor Carmen Freeman also agrees that there should be an annual review.

**C. [6:06:56 PM](#) Discussion regarding amendments to the Policy and Procedures Manual Section 1-6 – Tami Moody, Interim Assistant City Manager/PIO**

Tami Moody, Interim Assistant City Manager/PIO reviews sections 1-6 in the Herriman City Policy and Procedures Manual. She begins with Section I: Equal Employment Opportunity (EEO).

The requested change is to add the phrase "sexual orientation" to this section and to add a statement under supervisor responsibilities ensuring that each employee receives a copy of this manual "or has access to an electronic copy" of this manual and that that they state receipt of "or access to" the manual. Council Member Matt Robinson requested a phrase be added regarding ignorance of policies in the manual are no excuse for not abiding by them. Mayor Carmen Freeman asked that managers and employees periodically review these policies in regular department meetings. It was mentioned that several departments already do review them during their staff meetings.

The next change is in Section III: Employee Hiring. A small change from "shall" to "may" in the sentence, "All full-time or part-time employment opportunities may ~~shall~~ be posted externally" was requested. A lengthy discussion regarding posting internally versus externally took place. Council Member Matt Robinson requested to add a statement that says 'any substantial job role changes or hiring needs are reviewed with the HR Manager and the manager, by themselves, doesn't have ultimate authority without review from an objective outsider. He would expect the HR Manager and City Manager, if there was a recommendation given, and the manager chose not to go with that recommendation, to document why. Council Member Coralee Wessman-Moser suggests a statement be added that says 'internal candidates meeting minimum qualifications "may" be offered an opportunity' and 'all fulltime "may" be posted externally.' Mayor Carmen Freeman requests defining those internal processes well.

The next change is in Section IV: Alcohol and Drug Free Workplace to change "driver" to "employee." "...the ~~driver~~ employee which resulted in the reasonable suspicion determination." Council Member Craig B. Tischner requests a statement be added in this section referring to the section in the manual explaining that another employee is required to take you to a drug test. Council Member Coralee Wessman-Moser requests a statement be added on page 14 that says 'within a designated date shall result in withdrawal.'

The next change is on page 14 and it's just a capitalization change.

Mayor Carmen Freeman asks for clarification on Section V where it talks about illicit drugs and a brief discussion ensued. He requests a small correction in Section V, C. 5. (page 13) for a small typo. It needs to read breath "or" urine. Council Member Craig B. Tischner requests .04 be changed to .02 in this section as well.

The next change is in Section VI: Sexual/Gender Harassment to add the word "annual" to training. Mayor Carmen Freeman asks for consideration to add "sexual orientation" to this section and a brief discussion took place. Tami read from page 21., 2, C, 1. 'Intentional behavior predicted on gender or expressing sexuality which is directed at a specific group or individual' and felt that statement covers the Mayor's request. Council Member Matt Robinson requests that this section is changed to harassment training instead of sexual/gender harassment training. A lengthy discussion regarding sexual/harassment training ensued. Mayor Carmen Freeman and Council Member Matt Robinson were advocates that the city should never tolerate harassment of any kind such as religion, race, sexual orientation, marital status, etc.

Interim Manager Moody asks council again for any additional comments. Mayor Freeman thanked her for her work on these changes.

#### **D. [6:53:40 PM](#) Discussion considering an amendment to the City Council annual meeting schedule – Tami Moody, Interim Assistant City Manager/PIO**

Mayor Carmen Freeman recommends changing the meeting schedule for City Council meetings to Wednesday nights and to no longer meet every week; he'd like to scale back to twice a month instead. Council Member Coralee Wessman-Moser asks what the process would be to make this change. Deputy Recorder Cindy Quick responds that it's a simple amendment to the annual meeting notice. John Brems, City Attorney explains that the ordinance would have to change and the annual meeting notice would have to be amended. Council Member Coralee Wessman-Moser supports changing the date. She also comments that there may be a need for an extra meeting from time to time. Council Member Craig B. Tischner asks staff to notice the change to the residents. Mayor Carmen Freeman asks staff if they can combine the deer mailing with this notice of a scheduling change. Interim Assistant City Manager/PIO Tami Moody suggests several different options for the notice, combining it with the deer mitigation newsletter, utility billing, regular newsletter, facebook and website. This schedule change would take place in September and will be on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month thereafter. Mayor Carmen Freeman comments that Mike Day is supportive of this request as well.

#### **E. Other Updates**

Mayor Carmen Freeman briefly reports that he would like to put together a resolution in support of VECC. Each city is getting a resolution approval which would be in support of a unified platform.

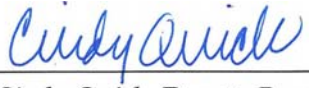
### **2. MAYOR AND COUNCIL COMMENTS**

Council Member Craig B. Tischner requested keys for Raquel DeLuca and Michelle Baguley in their new role as youth council representatives.

### **3. ADJOURNMENT**

Council Member Matt Robinson made a motion for adjournment at [7:05:43 PM](#), second by Council Member Coralee Wessman-Moser and passed unanimously.

*I, Cindy M. Quick, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true, accurate and complete record of this meeting held on August 7, 2014.*



Cindy Quick, Deputy Recorder



***City Council Meeting  
August 7, 2014  
Planning Update***

1. Applications on Planning Commission August 7<sup>th</sup>, 2014
  - Subdivision of 11 single family lots on Gina Road
  - Re-approval of the SLR preliminary PUD
  - Hearings on Transportation and Storm Drain Master Plans
  
2. Park Master Plan
  - Currently finishing up the Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA)
  - Planning to adopt all 3 at the same time, sometime in the next few weeks
  
3. Other Master Plans
  - Storm Drain Master Plan and IFFP public hearing at CC August 14<sup>th</sup>.
    - ✓ Will adopt together with IFA when all are complete
  - Transportation Master Plan and IFFP public hearing at CC August 14<sup>th</sup>.
    - ✓ Will adopt together with IFA when all are complete
  
4. Development Updates
  - Sky Village
    - ✓ City Council work meeting on August 14<sup>th</sup> to discuss access
  - The Summit at Lookout Ridge
    - ✓ Submitting a rezone and PUD application soon
    - ✓ Likely be on PC for public hearing September 4<sup>th</sup>
  - Miller Crossing
    - ✓ Planning to submit their application this week
    - ✓ Tentatively scheduling a joint meeting with the PC/CC on August 21<sup>st</sup>
    - ✓ Public hearing likely September 4<sup>th</sup> - Lots of notices!!!
  
5. Planning Commission Appointment Policy
  - Outlines the process for appointing new PC members

**HERRIMAN CITY  
DEER MANAGEMENT  
PHASE 1 -  
AGRICULTURE LAND**

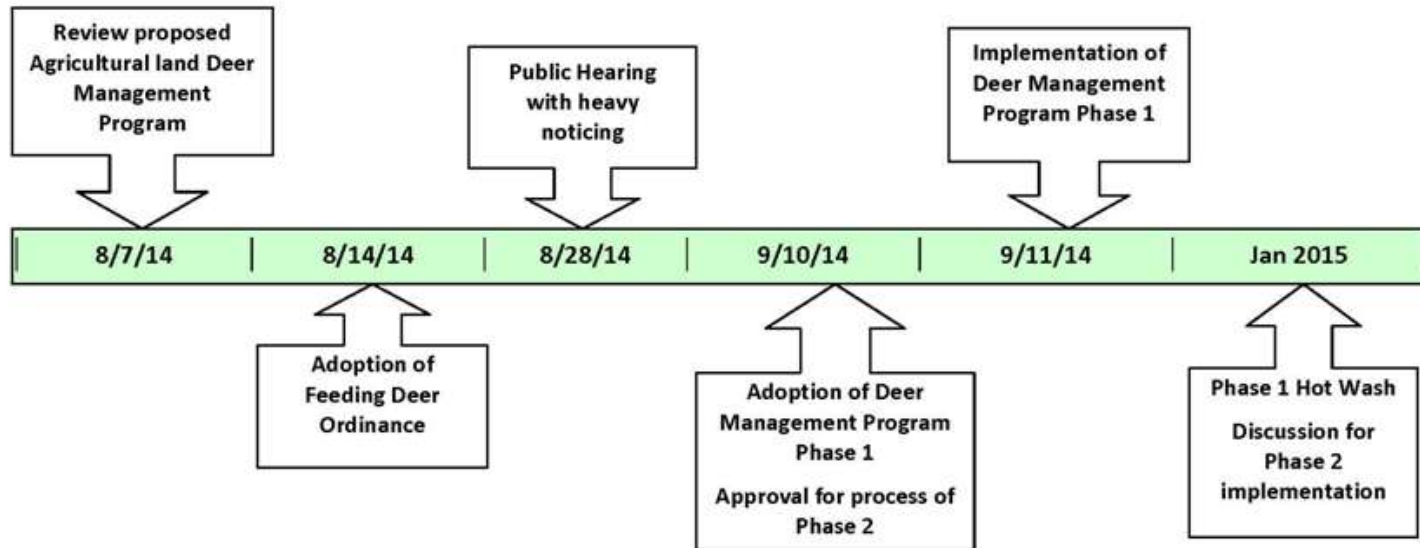


# Deer Mitigation Options

1. **Status Quo** (continued increase of auto/deer accidents)  
No cost to the City
2. **Relocation** (trap, load, blood test, collar, relocate)  
High cost to the City  
On Going Management  
Not recommended by DWR
3. **Deer Sterilization Program**  
Hire a trained specialist  
Not proven to be effective  
Retrieval of dart  
Rifles fired in the City  
Not recommended by DWR
4. **Urban Deer Mitigation Program**  
Moderate Cost to the City  
On Going Management

# Herriman City Deer Management Program

## Phase 1 – Agriculture Lands



## **Title 4 Chapter 8**

### **FEEDING DEER**

#### **4-8-1 DEFINITION**

#### **4-8-2 COMMUNITY EDUCATION**

#### **4-8-3 FEEDING OF DEER PROHIBITED**

#### **4-8-4 AFFIRMATIVE DEFENSE**

#### **4-8-5 ENFORCEMENT**

#### **4-8-6 PENALTY**

#### **4-8-1 DEFINITION:**

For purposes of this chapter the term “ food” means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, birdseed or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from trees.

#### **4-8-2 COMMUNITY EDUCATION:**

The city shall establish and implement a program to educate the community about the harm of feeding deer in an urban environment.

#### **4-8-3 FEEDING OF DEER PROHIBITED:**

- (A) It is unlawful for a person to make food available for deer with the intent that it be consumed by or attract deer.
- (B) A person shall be presumed to have intentionally made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.
- (C) This section does not apply to an animal control officer, veterinarian, peace officer, City employee, authorized urban bow hunting specialist, federal or state wildlife official, or property owner who is authorized by a local, state or federal government to treat, manage, capture, trap, hunt or remove deer and who is acting within the scope of the person’s authority.

#### **4-8-4 AFFIRMATIVE DEFENSE:**

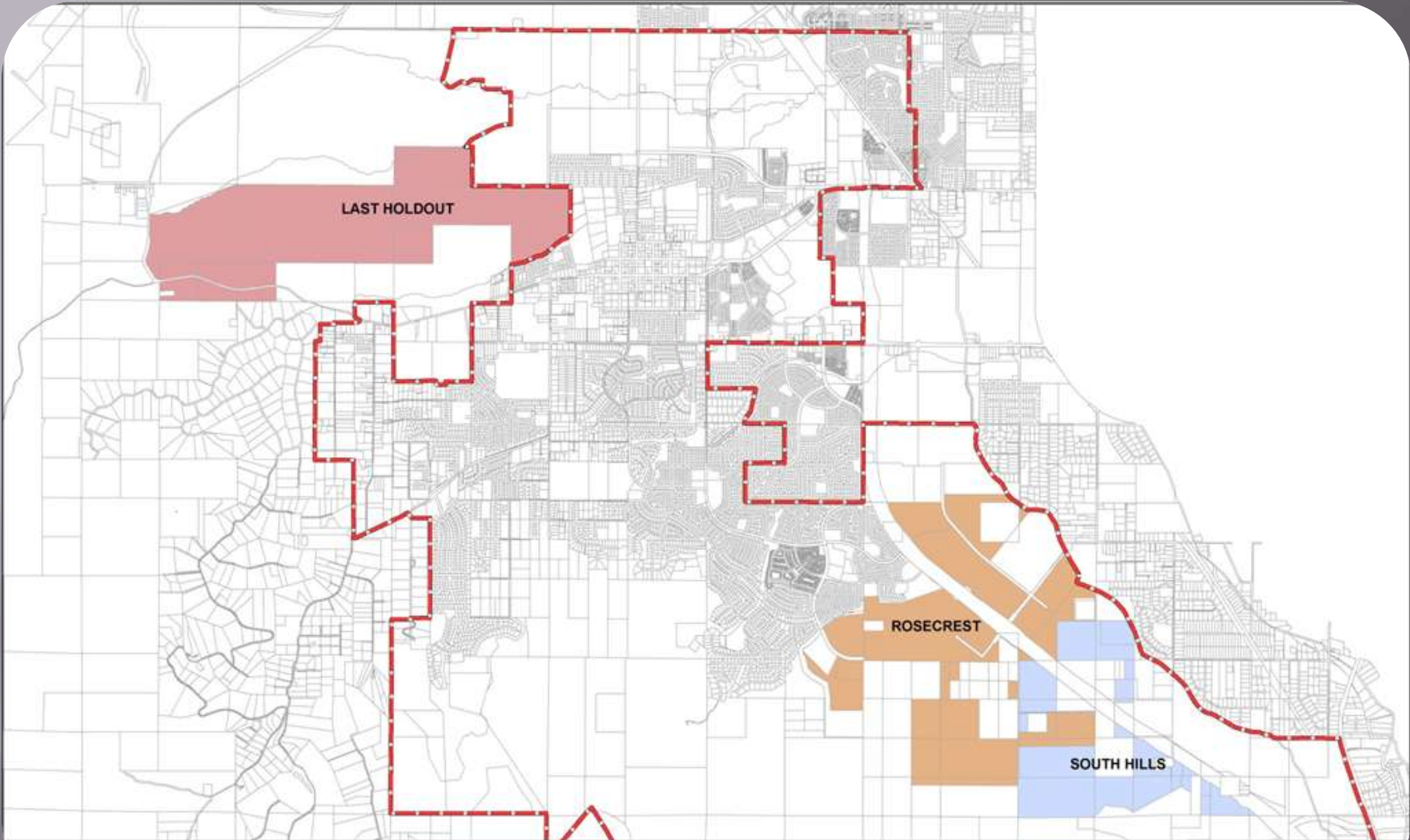
It is an affirmative defense to prosecution under this chapter if a person places food, in good faith, for the purpose of feeding domestic livestock or pets located on the property.

#### **4-8-5 CIVIL ENFORCEMENT:**

The City may bring a civil action for an injunction to enforce this chapter.

#### **4-8-6 CRIMINAL PENALTY:**

A violation of this chapter is an infraction.



**HERRIMAN CITY**  
AGRICULTURAL HUNTING AREAS



AGRICULTURAL HUNTING AREAS  
**HERRIMAN CITY**



# Phase 1 Management Plan

- ❖ Utilize Highland City management specialists
- ❖ 2 Herriman City staff members will accompany the specialists during Phase 1
- ❖ Specialists will adhere to Utah Division of Wildlife rules and regulations
- ❖ Gathering of information
  - ❖ Accurate deer numbers
  - ❖ Deer patterns
  - ❖ Management goal
  - ❖ Focus on antlerless deer

# Budget Request

❖ 6 Covert Trail Cameras (\$350ea)	\$2,100
❖ Processing of Animal (\$40ea)	\$2,000
❖ Permits from DWR (\$35ea)	\$1,750
❖ Communication Material	\$2,500
❖ Guzzler	\$1,000
❖ Misc Management Equipment	\$1,000
❖ TOTAL	\$10,350

# Take Away

- ❖ Questions on Proposed Method?
- ❖ Feeding Deer Ordinance – 8/14/14
- ❖ Public Hearing – 8/28/14
- ❖ Amend proposed budget

# Policy and Procedures Review



Sections 1-6



# EQUAL EMPLOYMENT OPPORTUNITY (EEO)



## 1. GENERAL POLICY

- ☞ . It is the policy of Herriman to comply with Equal Employment Opportunity standards in all phases of personnel administration: job structuring, recruitment, examination, selection, appointment, placement, training, career mobility, discipline, etc., without unlawful regard to race, color, religion, sex, **sexual orientation**, age, physical or mental disability, national origin, or veteran status.

## 2. SUPERVISOR RESPONSIBILITIES

- ☞ . The City Manager shall ensure that Herriman is in compliance with all of the personnel policies and procedures in this Personnel Policies and Procedures Manual for Herriman (“Manual”), including all EEO standards. Human Resources shall ensure that each employee receives a copy of this Manual **or has access to an electronic copy** of this Manual, and that the employee signs and dates a Policy Statement and Acknowledgment Form stating receipt of **or access to** the Manual. Human Resources will then file the signed and dated Policy Statement and Acknowledgment Form in the employee’s personnel file.

- 3. EMPLOYEE RESPONSIBILITIES. Employees are responsible for informing themselves about the policies, practices, and benefits set forth in this Manual **or updates to this Manual** by reading them and, if necessary, asking that they be explained to them. ~~Additionally, all employees are required to sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual.~~

# SECTION III: EMPLOYEE HIRING

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1. **EMPLOYMENT.** Job Descriptions defining the essential functions of the vacant position shall be prepared before the vacancy is posted or otherwise advertised. All full-time or part-time employment opportunities **may shall** be posted externally. Temporary employment opportunities are not required to be posted internally or externally.

We should consider saying '**may**', as we have recently moved employees into "created" positions without posting the job. Also, it opens the door to being able to promote from within if we choose to do so, as well as move unilaterally without posting, should we choose to do so. The current wording creates the appearance as though any and all full or part time openings will be posted externally and that has simply not always been the case. There should be an option to add: **The City may exercise the option of posting a position internally or promoting from within based on merit principles.**

## **Merit principles – as per the state**

It is the policy of this state that each county may establish a personnel system administered in a manner that will provide for the effective implementation of the following merit principles:

- (1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
- (2) provision of equitable and adequate compensation;
- (3) training of employees as needed to assure high-quality performance;
- (4) retention of employees on the basis of the adequacy of their performance, and separation of employees whose inadequate performance cannot be corrected;
- (5) fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for their privacy and constitutional rights as citizens;
- (6) provision of information to employees regarding their political rights and prohibited practices under the Hatch Act; and
- (7) provision of a formal procedure for processing the appeals and grievances of employees without discrimination, coercion, restraint, or reprisal.

# SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE



## 3. Reasonable Suspicion Testing.

1 (a) The supervisor making the determination that reasonable suspicion exists shall submit written documentation setting forth the specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the ~~driver~~ **employee** which resulted in the reasonable suspicion determination. Reasonable suspicion of use of a controlled substance may also be based on observation of indications of the chronic and withdrawal effects of controlled substances.

# SECTION VI: SEXUAL/GENDER HARASSMENT



## 1. General Policy

G. All employees, supervisors, and management personnel shall receive **annual** training on the sexual/gender harassment policy and grievance procedures during orientation and in-service training.