



CITY COUNCIL MINUTES

Wednesday, February 25, 2015

Approved April 8, 2015

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, February 25, 2015 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding:

Mayor Carmen Freeman

Council Members Present:

Mike Day, Matt Robinson (via telephone), Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Gordon M. Haight II, Assistant City Manager
Tami Moody, Director of Administration & Communications
Jackie Nostrom, City Recorder
John Brems, City Attorney
Danie Bills, Events Manager
Blake Thomas, City Engineer
Bryn McCarty, City Planner
Clint Smith, Unified Fire Authority Chief
Justun Edwards, Water Director
Cathryn Nelson, Chief Building Official
Ed Blackett, Streets Manager
Monte Johnson, Operations Director

5:00 PM - WORK MEETING: *(Front Conference Room)*

5:05:06 PM COUNCIL BUSINESS

Mayor Freeman called the meeting to order.

A. Review of this evening's agenda

B. 5:05:12 PM Administrative Reports

1. 5:05:37 PM Streets Department Report – Ed Blackett, Streets Manager

Streets Manager Ed Blackett informed the Council that due to the relative mild winter the Streets Department has utilized approximately 20 percent of the snow removal budget, and offered a proposal to expend the funds in order to expand the Public Works storm drain

debris facility. He presented a conceptual drawing of the proposal, and informed the Council that it would be presented to them for their consideration at a future meeting. City Attorney John Brems asked if the expansion would be positively portrayed in the US Environmental Protection Agency (EPA) audit. Operations Director Monte Johnson confirmed. He added that debris is hauled to the land fill and the City is charged by the ton to deposit the debris. If the load is saturated with water due to weather exposure, the cost of the haul drastically increases.

Streets Manager Blackett relayed that the City's sweeper truck and Vactor are coming to the point where replacement is necessary and estimated the replacement costs. City Manager Brett Wood reminded the Council of the amount of repairs completed have been done by Herriman City Mechanics. Operations Director Johnson interjected that options are being sought where the motor on the Vactor is still in great shape. He offered an possible option that the equipment be sent to the manufacture and have the body replaced on the original chassis. Manager Blackett explained how valuable the equipment is, and noted that the water department also utilizes the machinery.

2. [5:16:35 PM](#) Planning Update – Bryn McCarty, City Planner

City Planner Bryn McCarty reviewed recent approvals from the Planning Commission, and observed the text changes that will be coming to Council for consideration. She informed the Council that an annexation petition had been submitted. Planner McCarty explained that the land owners have been notified of the general plan, and are content with having lower density development. She explained that multi-family housing has never been discussed. Councilmember Mike Day asked if the road in the area would have to be widened. Assistant City Manager Gordon Haight responded that funding could be sought; however, the road would not be expanded in the near future.

City Planner McCarty reminded the Council of the Miller Crossing Development, and noted that ideas have been bounced back and forth between the developer and staff. Assistant City Manager Haight thanked Mr. Lynn Bowler for his graciousness throughout the whole process. Mr. Bowler thanked the Council for the opportunity to articulate his vision for the development. He explained that he has been actively trying to get approval to commence the construction of a senior living community, and relayed timeline issues. Mr. Bowler indicated that with the overcrowding schools the charter school and senior living community would be a great fit in Herriman.

Mr. Bowler expressed his understanding that commercial development is a priority in Herriman. He explained that market studies have been conducted for the area, and the results indicate that the area is not a current viable commercial location. He expressed his willingness to work with the City to come up with a plan that would create synergy in the area; however, expressed his concern of the appropriate amount of time to wait until the property could be developed. Mr. Bowler suggested that a commercial reversion be a stipulation if commercial development does not commence within one to four years. Mayor Freeman asked for clarification of the residential development that would be in the area. Mr. Bowler reviewed the density criteria for each pod location. Councilmember Day observed that the market study suggests commercial development would be viable in the next five to ten years, and expressed his concern that the proposal does not coincide with the study. Mr.

Bowler expressed his desire to partner with the City in the commercial element, and explained that risks are placed on both parties.

Councilmember Day asked about the extreme density parameters. Mr. Bowlers indicated that calculations would bring the density with the commercial element to 3.98 units per acre, and if the commercial element does not ensue, the density would be 5.99 units per acre. Councilmember Day thanked Mr. Bowler clarifying the parameters. Mr. Bowler asked the Council if he could move the project forward to receive approval from the Planning Commission to begin construction of the senior living facility contingent upon a development agreement. Councilmember Moser expressed her support for the plan as it coincides with the City's General Plan, and relayed her concern of the development agreement only having a four year time line for commercial development. She indicated that it was not reasonable. The Council agreed. Mr. Bowler expressed his concern of the hardship on the landowner and developer to hold vacant property for an extended period of time. Councilmember Moser asked what legal ramifications could develop if the City and developer cannot come to terms with a development agreement. City Attorney John Brems responded that the construction could commence at the risk of the developer. Assistant City Manager clarified the desire of the Council is to allow the project to move forward, and additional discussions would be pursued on the commercial aspect of the development. This was verified. Mayor Freeman thanked Mr. Bowler for his presentation. City Manager Brett Wood expressed his admiration for Mr. Bowler, and thanked him for his time.

Assistant City Manager Haight explained that Herriman could potentially annex High Country 2. He introduced Mr. Brandon Frank who represents a group of land owners in High Country 2. Assistant City Manager Haight informed the Council that a group in the area has started an aggressive campaign to dissolve the Home Owners Association (HOA) and to annex into Herriman City. He relayed Herriman City's policy that annexed property will maintain their current zoning in the City as they had in the County, and asked if the Council supported the policy. This was confirmed. Assistant City Manager Haight indicated that he did present a Planned Unit Development (PUD) option to them because of the cost effectiveness for those land owners. Councilmember Day asked if they would be a part of the South Valley Sewer District if they annex into Herriman. City Planner McCarty confirmed that they would at the time of development.

Councilmember Tischner asked about the City being required to maintain infrastructure. Assistant City Manager Haight indicated that there is one paved road that is currently maintained by the County, and noted the City would be responsible to maintain the road. He indicated that the other dirt roads would be private.

Mr. Brandon Frank confirmed that a group of land owners have launched a campaign to dissolve the HOA and annex into Herriman City. He indicated that a previous attempt to do the same yielded 58% approval, and noted the requirement of 66% for passage. Mr. Frank indicated that the group does not expect the City to pay for roads because that burden would fall upon the developers. Councilmember Robinson asked if Mr. Frank spoke for the residents and land owners of the entire area. Mr. Frank confirmed that he represents a vast majority of the landowners in the area. Councilmember Tischner asked if property owners were upset about dissolving the HOA and annexing into the City. Mr. Frank responded that some individuals are upset because it is a change.

Councilmember Day asked about their water service billing. Finance Director indicated that each resident is billed monthly. Assistant City Manager Haight informed the Council that if the petition receives the signatures they will be able to annex into Herriman City, and those individuals who don't want to be incorporated will not have a choice. Councilmember Tischner asked about their incentive to want to annex. Mr. Frank responded that it is mainly for developability. Mayor Freeman expressed his concern of residents agreeing to the annexation under false pretences.

3. [6:31:04 PM](#) Engineering Update – Blake Thomas, City Engineer

City Engineer Blake Thomas offered capital project update regarding current projects that are in construction, in design, and observed ongoing items. Councilmember Moser recommended that a study be conducted to determine if lighted crossing signals should be installed near Silver Crest Elementary. This was confirmed.

City Engineer Thomas also indicated that an ordinance outlining truck routes through Herriman City would be presented to the Council for consideration.

4. [6:42:55 PM](#) Legislative Session Update – John Brems, City Attorney

City Attorney John Brems offered a comprehensive update of the 2015 Legislative Session.

5. Other Updates

C. [6:51:57 PM](#) Adjournment

COUNCILMEMBER TISCHNER MOVED TO ADJOURN THE WORK MEETING. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

7:00 PM - GENERAL MEETING:

1. [6:59:50 PM](#) CALL TO ORDER

Mayor Freeman called the meeting to order and welcomed everyone in attendance.

A. [7:00:22 PM](#) Invocation and Pledge

Scout David Crosby with Troop #774 offered the invocation. Scout Troop #774 led the audience in the Pledge of Allegiance.

B. [7:02:41 PM](#) Approval of the Minutes

**January 9-10, 2015; January 14, 2015;
& January 28, 2015**

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF JANUARY 9-10, 2015; JANUARY 14, 2015; AND JANUARY 28, 2015 AS WRITTEN. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:03:22 PM](#) Mayor's Comments

Mayor Freeman congratulated Herriman High Sterling Scholars: Jordan Johnson, Mathematics; Kathryn Jones, Science; Amarissa Hawker, Skilled & Technical Sciences Education; Tanner Guss, Instrumental Music; Aspen Clark, Family & Consumer Science; Mikaylee Gray, World Languages; Madison Park, Computer Technology; Justine Rupperecht, Dance; Elizabeth Sam, Social Science; Faalon Andrews, Speech/Theater Arts/Forensics;

Devan Alder, Vocal Performance; Sydney Park, Business & Marketing; Shawn Thorkelson, Visual Arts; Katherine Stevens, English. Mayor Freeman expressed his appreciation to these Sterling Scholars for their achievement.

Councilmember Moser congratulated Providence Hall Sterling Scholars: Spencer James Lewis, Mathematics; James Zuriel Maendl, Computer Technology; Davonta Cowart, Speech/Theater Arts/Forensics; Jasmine Elizabeth Boonyakiti, Social Science; Christian Anderson Heugly, Business & Marketing; Devin Jay Saunders, English. She thanked the Sterling Scholars for their great job and example they are in the community.

D. Council Recognitions

There was no Council Recognitions.

2. [7:05:21 PM](#) **PUBLIC COMMENT:** *Audience members may bring any item to the Mayor and Council's attention.*

David Watts, 14461 Windom Road, informed the Council that he represents a group of homeowners and would like to request the update of the Park Master Plan be considered. He expressed his support of the changes.

3. [7:06:41 PM](#) **REPORTS, PRESENTATIONS AND APPOINTMENTS**

- A. [7:06:48 PM](#) **Introduction of Officer Travis Clark** - Lt. Troy Carr, Unified Police Department Police Chief Dwayne Anjewierden expressed his appreciation to the Council to discuss the changes in the Herriman Precinct. He introduced Officer Travis Clark, and expressed his excitement to have him. Officer Clark introduced his family, and offered a brief background of him. Mayor Freeman expressed his appreciation to the Unified Police Department and thanked Officer Clark for being part of the team.

4. **PUBLIC HEARING AGENDA**

- A. [7:11:58 PM](#) **Public Hearing regarding issuance and sale of not more than \$4,700,000 aggregate principal amount of water revenue bonds, Series 2015 and to allow public input regarding the bonds and the potential economic impact that the improvement, facility or property for which the bonds pay all or part of the cost will have on the private sector; and related matters** – Alan Rae, Finance Director

Water Director Justun Edwards oriented the Council as to the location of the water tank, and explained that the project would supply current and future needs. He informed the Council that the bid opening for the project has been scheduled for tomorrow, Thursday, February 26, 2015. The funding for the project is through Impact Fees from new development. Director Edwards offered a brief overview of comments received from the public and noted that the majority are in favor. Mayor Freeman asked if Impact Fee monies would be enough to cover the project. This was confirmed.

[7:17:13 PM](#) Mayor Freeman opened the public hearing.

There was no public comment offered.

COUNCILMEMBER MOSER MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

B. [7:17:44 PM](#) Public Hearing and consideration of a resolution to amend the Herriman City 2014-2015 fiscal year budget – Alan Rae, Finance Director

Finance Director Alan Rae offered a brief synopsis of the budget amendment. He explained that Herriman City began accepting passport applications, and the City is required to budget for income and expenses. The next amendment is to increase travel funds to allow select staff and an elected official to travel to Washington DC to meet with City lobbyists, other elected individuals and governmental entities. Mayor Freeman informed the Council that the Washington DC trip would serve multiple purposes. First purpose would be to secure funding for ACUB in the amount of \$2.5 million, and secondly, to collaborate with surrounding cities meeting to secure tax funding. Councilmember Moser explained to the audience that ACUB money is used to protect the boundary around Camp Williams and Herriman City residents to purchase properties to act as a barrier.

Director Rae offered an outline of the street impact fee budget amendments to install cross walk improvements and the addition of street lighting. Councilmember Moser asked if the street lights were replacements. Director Rae responded that new lighting would be installed along the recently installed 5600 West. Assistant City Manager Gordon Haight recommended additional money be budgeted to allocate funds to purchase additional cross walk lighting in the case that studies warrant additional cross walk improvements. Director Rae reviewed the Capital Projects fund and noted that the amendment was an offset which would have no change on the fund balance.

Director Rae observed an oversight in the Water Fund from the previous year and recommended that an amendment be made to allow bond proceeds to be received and distributed for bond payment.

[7:36:57 PM](#) Mayor Freeman declared the public hearing open.

No public comment was offered.

COUNCILMEMBER DAY MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R04-2015 APPROVING AN AMENDMENT TO THE 2014-2015 FISCAL YEAR BUDGET WITH THE ADDITIONAL TRAFFIC SIGNAL BUDGET INCREASE TO \$36,000 TO PROVIDE SAFE PEDESTRIAN CROSSING AT WARRANTED INTERSECTIONS. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously

5. [7:39:26 PM](#) CONSENT AGENDA

A. **Approval of City purchase orders properly signed**

COUNCILMEMBER DAY MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

6. [7:41:32 PM](#) MAYOR AND COUNCIL COMMENTS

There were no comments offered.

7. [7:41:42 PM](#) CALENDAR

A. **Meetings**

- March 5 – Planning Commission 7:00 p.m.
- March 11 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. **Events**

- March 8 – Daylight Savings Time
- March 14 – Herriman Live Talent Show 7:00; TBA

8. [7:42:07 PM](#) ADJOURNMENT

COUNCILMEMBER DAY MOVED TO ADJOURN THE CITY COUNCIL MEETING AND RECONVENE IN A WORK MEETING. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

9. [7:48:23 PM](#) RECOMMENCE TO WORK MEETING (IF NEEDED)

4. [7:48:31 PM](#) **Legislative Session Update – John Brems, City Attorney**

City Attorney John Brems continued with the 2015 Legislative Session Update.

[8:21:31 PM](#) *Councilmember Matt Robinson was excused*

A. [8:28:11 PM](#) **2015 Municipal Election Options – Jackie Nostrom, City Recorder**

City Recorder Jackie Nostrom informed the Council of what vote by mail entails, as well as the pro's and con's of the option. Each jurisdiction that conducted their election by mail verified that voter turnout had drastically increased. Recorder Nostrom reviewed potential concerns about conducting the election by mail. Studies show that vote by mail voters made fewer errors than in person voters. She explained that election fraud in Utah from the years 2000-2011 there were 51 cases of alleged election fraud, with no cases of alleged vote by mail election fraud. Recorder Nostrom asked for direction from the Council as to which election option to pursue for the 2015 Municipal Election. Mayor Freeman and Councilmember Moser expressed their support of the vote by mail option. Councilmember Tischner and Councilmember Day voiced their support to conduct the election using consolidated polling locations. City Manager Brett Wood indicated that he would contact Councilmember Robinson for his position on the matter prior to the decision being rendered.

B. [8:45:05 PM](#) **Towne Centre Discussion – Brett Wood, City Manager**

City Manager Brett Wood reminded the Council of the retreat and the “coming home” vision. He quoted the mission statement “Herriman City is dedicated to provide courteous and efficient service to the public, preserve community identity, and promote a high quality of life” and the mission statement “Herriman City will continue to be a place to establish roots,

create opportunity, embrace our heritage, protect diversity, and promote economic development. And while preserving the “Herriman Feel” provide a safe and inviting place to live, work, and play.” City Manager Wood informed the Council that Herriman needs to embrace their heritage. He explained that there is a vision and a unique opportunity to support the vision for future generations. We don’t remember the days, we remember the moments. The Herriman Towne Center Master Plan was displayed. City Manager Wood stated that City Hall would be “The Gathering Place” to create traditions, make memories, and to stand the test of time. He outlined the amenities and events that the Towne Center could offer.

City Manager Wood offered a timeline of the project until completion if the Council wished to pursue the vision. Finance Director Alan Rae offered a synopsis of the funding for the project. He suggested that if the Towne Center is a top priority the City could afford the project; however, other projects would be placed on hold. He explained that rates are extremely low, and the City has a strong General Fund. He distributed different proposals for the Towne Center financing.

City Manager Wood displayed the first and second floor conceptual layout of City Hall. Mayor Freeman acknowledged that space is extremely limited in the current facility, and expansion is necessary. City Manager Wood explained that the County will have services in the facility to help financially support the project. He relayed the commitment of businesses willing to locate in the Towne Center after the commencement of City Hall construction.

Mayor Freeman thanked City Manager Wood for his presentation. City Manager Wood asked for direction. Councilmember Day expressed his support for the project and how it will boost economic development will be an asset to the Community. Councilmember Moser agreed. Mayor Freeman pledged his support for the proposal, and added that the Towne Center will bring the community together. Councilmember Tischner expressed his support for the project, and the ability to bring in traffic for the surrounding businesses. City Manager Wood thanked the Council for their support, and noted that it was a huge decision that they will always be proud of.

10. [9:41:33 PM](#) CLOSED SESSION (IF NEEDED)

A. The Herriman City Council may convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS PENDING OR REASONABLE IMMINENT LITIGATION, AND TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Absent
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye

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Mayor Carmen Freeman

Aye

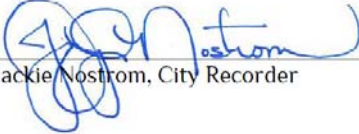
The motion passed unanimously with Councilmember Robinson being absent.

11. SOCIAL GATHERING (No Action will be taken on any items)

- A. Social gathering will be at Cafe Río 5506 West 13400 South, Herriman, Utah

*This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, February 25, 2015*

I, Jackie Nostrom, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, February 25, 2015.



Jackie Nostrom, City Recorder