



CITY COUNCIL MINUTES

Wednesday, June 24, 2015

Amended June 22, 2015

Approved August 12, 2015

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, June 24, 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, Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Jackie Nostrom, City Recorder
John Brems, City Attorney
Tami Moody, Director of Administration and Communications
Alan Rae, Finance Director
Danie Bills, Events Manager
Blake Thomas, City Engineer
Dwayne Anjewierden, Unified Police Chief
Clint Smith, Unified Fire Authority Chief
Cathryn Nelson, Chief Building Official
Justun Edwards, Water Director
Wade Sharp, Parks Manager

Excused:

Gordon M. Haight II, Assistant City Manager

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

5:13:18 PM COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order, and indicated that Councilmember Matt Robinson had a prior engagement and would be joining the meeting at 6:30.

A. Review of this evening's agenda

B. Administrative Reports

1. **5:13:44 PM** Parks Department Report – Wade Sharp, Parks Manager

Parks Manager Wade Sharp informed the Council that the Parks Department replaced a Parks Technician II position, and relayed the hardships that come with employment turnover. He explained that performance evaluations had been conducted, and that current employees are focused.

Manager Sharp indicated that the mowing and fertilizing contracts are about to expire, and that new contractors will be hired to continue the services. He observed proactive measures that the Parks Department has implemented to ensure the high quality parks are properly maintained. Manager Sharp continued with the open cemetery project and observed the release of plots in section E and I. He explained that Section I was specifically designed for infants.

Mayor Freeman commended the Parks Department for the recent graffiti incident and how quickly the issue was remedied. Manager Sharp responded that the Splash Pad has been targeted three times, and cameras will be installed to catch any perpetrators. He explained that doors will have to be repainted as the chemicals used to remove the tagging are harsh substances. Manager Sharp noted that an extreme amount of catfish died at the Cove, and informed the Council that it was determined that the catfish were not properly transported to destinations and have been removed.

Manager Sharp observed the weed control in open spaces. With the mild winter, crews have mowed noxious weeds in open spaces once this year, and are revisiting locations again. City Manager Brett Wood explained that residents expand their yard with rock paths and ledges which require crews to spend extra time hand weeding. Manager Sharp explained that the Herriman app has been a great tool for tracking completed and pending projects. Councilmember Coralee Wessman-Moser asked if there is a delay on closing the work orders out. Manager Sharp responded that closure of the work order is dependent on what is entailed. He offered a scenario of how the process is followed through. Some work orders have a quicker resolution than others.

2. **Administration Department Report** – Tami Moody, Director of Administration and Communications
This item was continued to a future City Council meeting.

3. [5:39:46 PM](#) **Engineering Update** – Blake Thomas, City Engineer
City Engineer Blake Thomas offered a brief overview of Capital Projects. The 7530 West roadway project is negotiating additional improvements with the contractor with an estimated completion date of October/November 2015. The pump station and transmission line is 98% complete and is ahead of schedule with substantial completion in June 2015. Engineer Thomas indicated that the water tank installation is on schedule with site work underway. The estimated completion date is May 2016.

Engineer Thomas informed the Council of the crash data collected at intersections along Mountain View Corridor. The confusing intersections will have new lights that would only allow one set of signals to be viewed at a time. Once the driver has passed the first signal, the second signal will then become visible to reduce the number of collisions caused by vehicles running red lights.

City Engineer Thomas informed the Council that he reviewed the Plat for Triple Crown Lane, and noticed that there was a 42' right of way for the road where only a 28' road was built. He was happy to report that easement acquisitions would not have to be secured to install a sidewalk within the right of way. A conceptual plan is being drafted and will bring a

recommendation to the Council after a cost analysis has been conducted. Councilmember Moser asked if the easement would affect lot sizes. City Engineer Thomas responded “no”.

4. [6:01:11 PM](#) **Black Ridge Discussion** – Brett Wood, City Manager
City Manager Brett Wood offered some solutions to the Blackridge Reservoir parking concern. He relayed the cost that would be associated with permit parking, signage installation, and additional weekend enforcement. City Attorney John Brems informed the Council that governmental immunity for liability would most likely be diminished if the City were to start charging patrons.

Councilmember Mike Day noted that this discussion has been revisited annually, and expressed his concern that this would not be the best use of City funds and resources. Complaints are received right after the facility opens and diminish throughout the season. Councilmember Day expressed his concern of parking permits and the burden it would put on the residents. Councilmember Tischner indicated that there is not adequate parking and the street becomes a safety issue. He expressed his support for a permit parking program. Councilmember Moser asked about the police perspective of the parking permit program. Police Chief Dwayne Anjewierden responded that the parking permits, if utilized, haven't alleviated anything. Some residents move their vehicle out to the street and strategically park so patrons cannot park in front of their home which adds to the parking issues. Councilmember Moser asked what concerns the residents have. Councilmember Day stated that there is a feeling that the reservoir should be limited to Herriman and Riverton residents' usage.

City Manager Wood observed a parking permit program that was challenged, which the City that was named ultimately lost. Mayor Freeman indicated that his concern is safety. City Manager Wood observed the fatalities that happened at the reservoir occurred on busy days, and emergency responders were in the water within six minutes. Councilmember Moser suggested hosting a neighborhood meeting to discuss resolutions with residents. Director of Administration and Communications Tami Moody indicated that she would coordinate the meeting. Councilmember Moser explained that having an elitist entitlement restricting non resident usage is not appropriate.

5. [6:36:19 PM](#) **Discussion pertaining to the RDM Development Agreement** – John Brems, City Attorney
City Attorney John Brems explained that there was a misunderstanding about the phasing and bonding for 6600 West Impact Fee reimbursement. The developer was under the impression that they would be full reimbursement for the cost of the road, not just full reimbursement of the impact fees paid. The Developer requested to pay a fee in lieu of installing the remaining portion of the road. Councilmember Day indicated that once vacant lots in the Cove are built upon they would impact the road, and suggested that those impact fee monies be designated. Attorney Brems informed the Council that the developer has agreed to contribute over \$300,000 towards the development of 6600 West. Councilmember Moser expressed her concern of encumbering funds and setting precedence. City Attorney Brems reminded the Council that any changes would have to be noted in an amended Development Agreement.

City Attorney Brems indicated that unimproved lots could help with the cost of the road. Councilmember Moser suggested that the radius of the circle be enlarged to accommodate the installation of the street. She requested that the Cove and RDM should agree to the terms if money is reimbursed. Councilmember Moser expressed her concern that residents need assuredly that the improvements will be completed and that burden will fall upon the developer to have bonding in place.

[6:54:39 PM](#) *Councilmember Matt Robinson arrived*

Mayor Freeman added that a deficit cannot be estimated without a cost analysis. Councilmember Moser indicated that she would be in favor of charging a fee in lieu of the park space if we have the calculations outlined. The Council agreed.

6. Other Updates

C. [6:58:48 PM](#) Adjournment

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

7:00 PM - GENERAL MEETING:

1. [7:08:20 PM](#) CALL TO ORDER

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

A. [7:08:48 PM](#) Invocation and Pledge

The Invocation was offered by Ms. Nicole McGee. The Pledge of Allegiance was led by Scout Troop #4798.

B. [7:11:38 PM](#) Approval of the Minutes

May 27, 2015 & June 10, 2015

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF MAY 27, 2015 AND JUNE 10, 2015 AS WRITTEN. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:11:53 PM](#) Mayor's Comments

Mayor Freeman recognized the Candidates for the 2015 Municipal Election in attendance: Kurt Hurdsman (District 4), Jared Henderson (District 1), Nicole Martin (District 4), Steve Garrett (District 1), and David Watts (District 4). He also welcomed Jordan School District Board Member Susan Pulsipher.

Mayor Freeman expressed his appreciation to the Youth Council, City Council, Volunteers and employees for their efforts in coordinating a successful Fort Herriman Days.

D. [7:13:21 PM](#) Council Recognitions

There were no Council recognitions.

2. [7:13:29 PM](#) PUBLIC COMMENT

Jordan School District Board Member Susan Pulsipher informed the Council that a draft copy of the five-year plan for Jordan School District is being modified, and will be continually updated on an annual basis. She expressed her excitement to provide schools in Herriman, and thanked the Council for continued support. Mayor Freeman thanked Ms. Pulsipher for the great asset that she is to the Board.

Steve Garrett, 5443 Genoa Court, told a short anecdote of his proudest moment in Herriman City during the Fort Herriman Days Parade. He indicated that Herriman is a special family oriented community. Mr. Garrett commended everyone involved for coordinating the parade in order to bring the community together.

John Schwisow, 14982 South Aurora Vista Drive, expressed his appreciation of the decision to host a neighbourhood meeting to come up with parking solutions at Blackridge Reservoir.

Michael Kidwell, 5427 Aurora Vista Drive, informed the Council that he was concerned about parking at Blackridge Reservoir, and recommended striping curbs adjacent to intersections for safety reasons.

3. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. **7:25:19 PM Introduction of Sergeant James Morton and Sergeant Jeff Andreason** – Dwayne Anjewierden, Police Chief
This item was continued to a future City Council meeting.

B. **7:25:21 PM Consideration of a resolution appointing members of the Planning Commission** – Bryn McCarty, City Planner
Mayor Freeman informed the Council that terms of some Planning Commission members are set to expire July 1, 2015. He recommended reappointment Jeramy Burkinshaw, Blayde Hamilton, Robyn Shakespear, and Clint Smith who have consented to the reappointment. Mayor Freeman informed the Council that Planning Commissioner Wayne Hill resigned from the Planning Commission and recommended to invite Planning Commission Alternate Adam Jacobson to serve as a full-time member of the Planning Commission.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R17-2015 APPOINTING MEMBERS OF THE PLANNING COMMISSION. 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.

C. **7:28:27 PM Proclamation supporting the Local First Utah's Independents Week** – Gordon Haight, Assistant City Manager

City Manager Brett Wood informed the Council that Independents week provides a time to celebrate the independence of the members of the community and the entrepreneurial spirit represented by our core of local independent businesses. The decisions every community member makes today affect the future of the City. Herriman's local independent businesses help preserve the uniqueness of the community and give us a sense of place. The City's core of independently-owned businesses gives back to this community in goods, services, time and talent. The health of Herriman's economy is dependent on our support of local businesses owned by friends and neighbors. Herriman's independent business owners and employees enrich community members' shopping experiences with their knowledge and passion, and acknowledge that the ability to choose the direction of Herriman lies within each of us.

COUNCILMEMBER TISCHNER MOVED TO APPROVE THE PROCLAMATION SUPPORTING THE LOCAL FIRST UTAH'S INDEPENDENTS WEEK. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

4. CONSENT AGENDA

A. **7:29:52 PM Approval of the Monthly Financial Report** – Alan Rae, Finance Director
COUNCILMEMBER ROBINSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

5. DISCUSSION AND ACTION ITEMS

- A. **7:30:25 PM Discussion and consideration of an ordinance authorizing a text change to add an exception to the Commercial Design Criteria** – Bryn McCarty, City Planner
City Planner Bryn McCarty indicated that the City Council adopted revised commercial design criteria on May 13, 2015. The new ordinance requires 60% brick or stone on commercial building elevations. Staff has recommended adding an exception to this requirement in order to allow the City Council to approve deviations from the standard. The exception would only be for buildings greater than 40,000 square feet that are part of a larger commercial project.

Councilmember Robinson asked if there is a particular reason that larger buildings would need to have an exception. City Planner McCarty responded that some businesses expressed their concern about the 60 percent brick requirement. Councilmember Moser offered an example of an exception that could be granted. She clarified that the exception would be granted to businesses that are part of a larger commercial development. Councilmember Tischner expressed his concern that every business would request an exception. City Planner McCarty responded that this ordinance has specific criteria that would have to be met prior to requesting any deviation.

City Manager Wood explained that the ordinance would allow for a contemporary office building to be constructed. Councilmember Robinson noted that the expectation is to have a more aesthetically pleasing look to viewable areas of the building from public streets in order to establish high quality businesses in Herriman. He expressed his concern of having plain stucco buildings constructed around the City. The exception would allow the City Council to render any alterations to the standard. Councilmember Tischner relayed his concern that the exceptions could be problematic. Mayor Freeman responded that it would provide a negotiation opportunity between the developer and the Council.

COUNCILMEMBER ROBINSON MOVED TO APPROVE **ORDINANCE NO. 2015-23** AUTHORIZING A TEXT CHANGE TO ADD AN EXCEPTION TO THE COMMERCIAL DESIGN CRITERIA. COUNCILMEMBER MOSER 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.

- B. **7:48:46 PM Discussion and consideration of a rezone property located at approximately 5101 West 11800 South from R-2-10 to A-1** – Bryn McCarty, City Planner
City Planner Bryn McCarty informed the Council that Herriman City has applied to rezone the property located at approximately 5101 West 11800 South to A-1 in order to comply with the amended General Plan. The property has several utility easements running through it and the City believes that the best use of property is a park or other recreational amenity. The property was zoned R-2-10 in 2007 for a proposed future development. The property was purchased by UDOT to construct the Mountain View Corridor. UDOT was left with an approximately 17 acre remnant once the frontage roads were completed. The City Council amended the General Plan in 2013 to change the parcel from the Mixed Use designation to Parks and Recreation. City Planner McCarty indicated that the property owner was notified,

but no response was offered. The Planning Commission offered a public hearing on the proposed rezone and one public comment was offered indicating that they were in favor of the rezone. City Manager Brett Wood added that the property was a small piece of unusable property and that UDOT is supportive of the rezone.

COUNCILMEMBER TISCHNER MOVED TO APPROVE **ORDINANCE NO. 2015-24** REZONING PROPERTY LOCATED AT APPROXIMATELY 5101 WEST 11800 SOUTH FROM R-2-10 TO A-1 (AGRICULTURAL). COUNCILMEMBER ROBINSON 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.

- C. [7:52:16 PM](#) Discussion and consideration of a resolution accepting a petition for annexation filed by the Jesse Dansie Trust – John Brems, City Attorney
This item was continued to a future meeting.

- D. [7:52:19 PM](#) Discussion and consideration of a resolution approving a Development Agreement for Miller Crossing – John Brems, City Attorney

City Attorney John Brems indicated that the Planning Commission granted preliminary approval on March 5, 2015 to the Planned Unit Development of single family detached and attached units on property located at approximately 12200 South 5100 West. The approval was subject to conditions one of which required a development agreement to be reviewed and approved by the City Council. The development should include, but is not limited to, the period of time the commercial property shall be held, timing of construction of Main Street, and overall density of the project with or without the commercial development.

Attorney Brems suggested outlined changes and a provision added to the agreement including defining that senior living center is “Leisure Villas, 55+ community” He noted that the term expires December 31, 2025. Mayor Freeman asked at what point the five year time frame begins. City Attorney Brems responded that a notice provision should be included in the agreement to create an event to alleviate any misconceptions. Councilmember Mike Day indicated that he would like to see that there would be not subsidized housing in the agreement. Councilmember Moser agreed as Codes, Covenants, and Restricts are subject to change.

Councilmember Moser expressed her appreciation to City Attorney John Brems and the developer for their work on the agreement. Mayor Freeman suggested that the Economic Development Director should be allowed to sign the agreement. The Council agreed. Attorney Brems indicated that he would have it state City Manager or designee.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. R18-2015 APPROVING A MASTER DEVELOPMENT AGREEMENT FOR MILLER’S CROSSING MASTER PLANNED COMMUNITY WITH THE CHANGES IMPLEMENTED AND OUTLINED BY CITY ATTORNEY JOHN BREMS. COUNCILMEMBER ROBINSON 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.

Mayor Freeman expressed his excitement for future developments to engage in similar discussions. Councilmember Robinson agreed, and added that this development would be a critical turning point in curbing high density.

6. [8:09:59 PM](#) MAYOR AND COUNCIL COMMENTS

Mayor Freeman observed some administrative duties in the Herriman City Code regarding the Mayor's role and recommended removal from the ordinance. Councilmember Moser suggested further discussion in a work meeting. Councilmember Robinson agreed.

Mayor Freeman suggested incorporating an item on the City Council agenda that could recues the Council in case of a conflict of interest. Councilmember Moser indicated that the Council should consider the recommendation, and discuss it at a later date.

Mayor Freeman informed the Council that meetings have commenced for the City Hall and Towne Centre. He explained that a briefing would take place at the July 8th meeting and a schematic design discussion would be held with the Planning Commission at the joint meeting scheduled for July 30th. Councilmember Robinson thanked Mayor Freeman and Councilmember Moser for their time and dedication to the project. City Manager Brett Wood informed the Council that Councilmember Tischner toured the facilities and his comments were captured into meeting notes, and if any other Council Members would like to tour visited facilities to let him know.

Councilmember Robinson thanked all involved parties for their investment in getting the agreement completed.

7. [8:16:44 PM](#) CALENDAR

A. Meetings

- ~~July 2 – Planning Commission 7:00 p.m.~~ Cancelled
- July 8 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- July 3 – Independence Day Observed (City Offices Closed)
- July 4 – Independence Day
- July 9-20 – Summer Theatre Production

8. [8:18:03 PM](#) ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. 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, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER TISCHNER 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

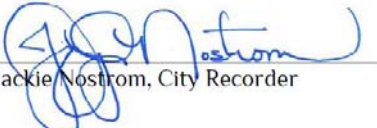
The motion passed unanimously.

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

A. Social gathering will be at McDonald's; 5108 West 13400 South, Herriman, UT

*This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, June 24, 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, June 24, 2015.


Jackie Nostrom, City Recorder