



CITY COUNCIL MINUTES

Wednesday, August 12, 2015
Approved September 9, 2015

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 12, 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
Gordon M. Haight II, Assistant City Manager
Jackie Nostrom, City Recorder
Tami Moody, Director of Administration and Communications
John Brems, City Attorney
Alan Rae, Finance Director
Danie Bills, Events Manager
Jonathan Bowers, Assistant City Engineer
Dwayne Anjewierden, Unified Police Chief
Clint Smith, Unified Fire Authority Chief
Cathryn Nelson, Chief Building Official
Justun Edwards, Water Director
Monte Johnson, Operations Director
Heather Upshaw, Senior Planner

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

5:04:27 PM COUNCIL BUSINESS

Mayor Freeman called the meeting to order.

A. 6:34:16 PM Review of this evening's agenda

B. Administrative Reports

- 1. 5:04:48 PM Park Strip Tree Trimming update** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight offered a background of a slurry seal flier that had been distributed that proved to be problematic. He presented an image of a residents' tree

after the City's contracted tree trimming service provider pruned their trees. Assistant City Manager Haight recommended changes to the ordinance to help keep the tree to maintain a fuller look and be consistent with the MUTCD standard. Councilmember Moser suggested taking precautions for emergency vehicles as necessary. Mayor Freeman recommended a communication plan with the City's contracted service.

2. [5:22:25 PM](#) **Discussion of the Herriman Main Street Gateway** – Jonathan Bowers, Assistant City Engineer

Senior Planner Heather Upshaw noted that the Planning Commission had requested a meeting with the City Council to discuss the Main Street Gateway vision due to the pending annexation and proposed development in the area. KW Advisory Group would like to continue moving forward with the proposed rezone from A-1 to A-.25 and development plan. She presented the conceptual layout of the development. Assistant City Engineer Jonathan Bowers observed the site distance issue and mitigation proposal recommended by the University of Utah. Planner Upshaw asked the Council if their desire was to have traffic flow standard or more of a rural feel throughout that area. Councilmember Day expressed his concern with installing a roundabout. Assistant City Engineer Bowers responded that the City would engage in a traffic study, and that this option was most favourable due to the cost of alternatives. Councilmember Moser observed that the requested zoning complies with the Master Plan, and suggested that the developer be made aware that the Council will begin the density negotiation at the lower density range with exceptions that have been adopted by ordinance. The Council agreed, and authorized the applicant to progress with the development plan with the Planning Commission.

3. [5:43:56 PM](#) **Southeast Herriman area rezone discussion** – Heather Upshaw, Senior Planner

Senior Planner Heather Upshaw oriented the Council of the property that had been rezoned to be compatible with the 2014 amended General Plan. A portion of the property abuts Redwood Road had been changed from high density and mixed use to Commercial, Light Industrial and Business zoning designations. Councilmember Mike Day asked if the property retained their zoning designation during the annexation process. Planner Upshaw relayed the Property Owner's feelings. Assistant City Manager Haight explained that the rezone was to create the Military Compatibility Overlay Zone to create the needed buffer. That Overlay Zone was not in existence at the time the property had been annexed into Herriman.

Councilmember Day requested to see the entire plan for the area including the portions that are in neighboring jurisdictions. The Council agreed. Planner Upshaw informed the Council that the rezone did not "downzone" the property, and noted that the item would be addressed in a future City Council joint work meeting with the Planning Commission to present the entire development plan.

4. [5:54:27 PM](#) **Discussion of the Administrative Law Judge appointment** – John Brems, City Attorney

City Attorney John Brems indicated that this resolution is to appoint Mr. David Church as the Administrative Law Judge in the event that we need his services.

5. [5:55:07 PM](#) **Proposed Procurement Code amendment discussion** – John Brems, City Attorney

City Attorney John Brems informed the Council of amendments to procurement code that inserts development agreement exceptions to the process and remove the Mayor as a responsible party to sign and negotiate contracts. This duty falls under the responsibility of the City Manager and Assistant City Manager in an effort to separate Administrative and Legislative duties. Councilmember Moser recommended minor changes to the amendment regarding filing a protest and property surplus. City Attorney Brems confirmed the changes.

6. [5:59:44 PM](#) **Presentation of the draft deer mitigation program** – Justun Edwards, Water Director

Water Director Justun Edwards briefed the Council of the long process associated with the deer mitigation program. He explained that the forms had to be submitted to the COR and approved. The first meeting is scheduled for tomorrow, August 13, 2015 to request public comment and adjust the plan as necessary. Director Edwards reviewed the current plan that has been submitted to the Division of Wildlife.

Director Edwards informed the Council of an Algae Bloom concern that surfaced at Blackridge Reservoir, and noted that preliminary testing came back as clean; however, they were still awaiting final reports.

7. [6:17:41 PM](#) **Discussion regarding 5600 West Protection Strip** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight indicated that there is a protection strip along Rosecrest Road (5600 West) that was put in place prior to having outlined impact fees. He noted that there is one project left along the road and requested to waive the protection fee that will be collected as an impact fee. Council consensus determined to accept staff recommendation.

8. [6:21:24 PM](#) **Neighborhood Meeting schedule** – Tami Moody, Director of Administration

Director of Administration and Communications Tami Moody reviewed the upcoming neighborhood meetings and asked if the Council would like to schedule any additional meetings. Councilmember Robinson requested that the Copper Creek Neighborhood Meeting should be scheduled. Director Moody confirmed.

9. [6:27:09 PM](#) **2015 Primary Election recap** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom offered a brief overview of the unofficial election results and informed the Council that the Board of Canvassers' meeting will be held August 18, 2015 at 10:00 a.m.

10. **Other Updates**

C. [6:50:19 PM](#) **Adjournment**

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

7:00 PM - GENERAL MEETING:

1. [7:07:25 PM](#) **CALL TO ORDER**

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

A. [7:07:38 PM](#) **Invocation and Pledge**

The Invocation was offered by Fire Authority Chief Clint Smith. The Pledge of Allegiance was led by Mr. Mike Bradshaw.

B. [7:10:07 PM](#) **Approval of Minutes** **June 24, 2015, July 8, 2015, and July 28, 2015**

COUNCILMEMBER DAY MOVED TO APPROVE THE MINUTES OF JUNE 24, 2015, JULY 8, 2015, AND JULY 28, 2015 AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:10:29 PM](#) **Mayor's Comments**

Mayor Freeman informed the audience that the Primary Election had been conducted yesterday, and expressed his appreciation to those individuals willing to participate in the electoral process. He recognized City Council candidates Nicole Martin, David Watts, and Bethany Zeyer being in attendance. Mayor Freeman extended his gratitude to the participants that engaged in the community play *Beauty and the Beast*.

D. [7:12:15 PM](#) **Council Recognitions**

Councilmember Robinson thanked the City Council candidates for their willingness to put their name on the ballot, and noted that it is a hard endeavour.

2. [7:13:18 PM](#) **PUBLIC COMMENT**

Sarah Tibetter, 7300 West 13745 South, expressed her concern over the proposed amendment to the landscaping ordinance. She explained that one of the proposed changes would ban mulch, which needs to be installed to encourage beautification in the park strips and to install a low maintenance attractive landscaping.

3. **REPORTS, PRESENTATIONS AND APPOINTMENTS**

A. [7:16:50 PM](#) **Capital Projects Report** – Alan Rae, Finance Director

Finance Director Alan Rae outlined the upcoming needs of the City, and requested how the Council would like to proceed. Three specific projects were discussed: Herriman Towne Center project, Herriman Parkway extension to 6400 West, and the Main Street Extension to 11800 South.

The location of City Hall was selected over nine years ago, and the community has been patiently waiting for the City to break ground in an effort to foster additional economic development in the Towne Center. Director Rae explained that with responsible financial planning for years the project had moved into the conceptual design portion of the project.

Mr. Mike Bradshaw, Momentum Development, thanked the Council for the opportunity to speak on behalf of the Herriman Towne Center. He explained that the commercial in the area has expanded significantly, and noted that the City Hall is a key component of the development. Mr. Bradshaw relayed the vision of the Towne Center and how the City Hall portion of the development drives economic development and observed commitments from retailers willing to locate to the area after the commencement of City Hall construction. Councilmember Day clarified that without the City Hall component of the development, the retail will not be constructed. Mr. Bradshaw confirmed.

Finance Director Rae offered a brief overview of the estimated financing and suggested that the sales tax would increase as more economic development is expected within Herriman City. Councilmember Day asked about the tax revenue compared to the bond payment. Director Rae responded that the current sales tax revenue would cover the annual cost of the bond payment.

Director Rae continued with the second project to expand Herriman Parkway to 6400 West. This item is a contractual obligation as part of the SLR annexation. This project is eligible for impact fee reimbursement. The project is a loan refinance of approximately \$7 million dollars to lower rates and provide a significant savings of at least \$50,000 annually.

The Main Street extension project request is to bond for \$5 million. Assistant City Manager Gordon Haight indicated that the City is working with the developer and acknowledged that the attraction challenge is due to the lack of the extension. He explained that a contract is in place with Walmart to construct contingent upon the road being installed. The retail would generate revenue to Herriman City in excess of \$1.6 million annually. Assistant City Manager

Haight explained that it is critical to commit and begin the process as this is an exciting opportunity for the City.

Director Rae explained the bonding options and recommendations of the parameters. He reminded the Council that this bond would not increase property taxes, as that has proved not to be a viable option. He outlined the process to find financing and what the parameters resolution would look like, and at any time can remove portions of the bond if a project does not look favorable. Councilmember Moser added that this would set the stage for commercial development. Director Rae stated that the parameters resolution would direct staff to put things in place and be ready to issue the bond should the development take place. He recommended working with financial advisors and underwriters to find terms that are within the limits set by the City Council. Councilmember Robinson indicated that setting the parameters would send a message to retailers that the City is willing to move forward and encouraging economic development. This was confirmed. Council consensus determined to move forward and present a parameters resolution for consideration.

4. [8:07:40 PM](#) CONSENT AGENDA

A. **Discussion and consideration of a resolution appointing David Church as the Administrative Law Judge/Employee Appeal Board** – John Brems, City Attorney

B. **Discussion and consideration of an ordinance amending Herriman City’s financial and administrative ordinance regarding procurement of services and supplies for the City** – John Brems, City Attorney

COUNCILMEMBER MOSER MOVED TO APPROVE THE CONSENT AGENDA WITH RECOMMENDATIONS OUTLINED DURING THE WORK MEETING. 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.

5. PUBLIC HEARING AGENDA

A. [8:08:40 PM](#) **Public Hearing and consideration of an ordinance vacating a portion of 7530 West at the intersection with High Country Road** – Jonathan Bowers, Assistant City Engineer

Assistant City Engineer Jonathan Bowers oriented the council of the location of the street vacation. Plan to deed the property and formally requested to vacate the property. Mayor Freeman asked if a commitment had been received to relocate the gate. Assistant City Engineer Bowers indicated that approval had been given for relocation. Councilmember Moser suggested retaining the vacation deed until the relocation occurs. City Attorney John Brems confirmed and noted that conducting the public hearing is a portion of the process.

Mayor Freeman opened the public hearing.

Thomas Walk expressed his frustration notating that the quit claim deed had already been filed. Assistant City Manager Haight explained that the County failed to record the deed until the process had been completed.

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

COUNCILMEMBER MOSER MOVED TO APPROVE **ORDINANCE NO. 2015-26** VACATING A PORTION OF 7530 WEST AT THE INTERSECTION WITH HIGH COUNTRY ROAD CONTINGENT UPON THE RELOCATION OF THE GATE. COUNCILMEMBER ROBINSON SECONDED THE MOTION.

COUNCILMEMBER DAY AMENDED THE MOTION TO GIVE THE PROPERTY BACK TO MR. WALK IF THE GATE IS NOT RELOCATED TO MAKE MR. WALK WHOLE. 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.

6. DISCUSSION AND ACTION ITEMS

- A. [8:19:17 PM](#) Discussion and consideration of a resolution approving an amendment to the Policy and Procedure manual with respect to Record Keeping – Travis Dunn, Human Resource Manager

Human Resource Manager Travis Dunn reviewed the proposed changes in the Policy and Procedure manual with respect to record keeping.

COUNCILMEMBER DAY MOVED TO APPROVE **RESOLUTION NO. R25-2015** APPROVING AN AMENDMENT TO THE HERRIMAN CITY POLICY AND PROCEDURE MANUAL WITH RESPECT TO RECORD KEEPING. 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.

- B. [8:22:50 PM](#) Discussion and consideration of an Ordinance authorizing a text change to add a curb and gutter exception in designated areas – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight informed the Council that the map authorizing the curb and gutter exception had been modified. Mayor Freeman questioned larger parcels within the area being automatically granted the exception and suggested removal of the

parcels. Councilmember Moser agreed, and recommended referring to the requirement of the rural route standard be incorporated into the ordinance.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ITEM. COUNCILMEMBER ROBINSON SECONDED, AND ALL VOTED AYE.

C. [8:41:16 PM](#) Discussion and consideration of an Ordinance authorizing a text change to Title 9, Section 4, Landscaping requirements – Heather Upshaw, Senior Planner

Mayor Freeman informed the audience that this item will be continued. Councilmember Moser outlined concerns that had been discussed with respect to the 50% requirement and the hindrance of allowing a water wise landscaping option which warrants additional discussion. Councilmember Tischner agreed. Councilmember Day expressed his concern with the secondary water service shall be connected, and recommended that the connection should be determined by each individual.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ITEM. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

D. [8:46:48 PM](#) Discussion and consideration of an Ordinance amending Section 10-6-6 regarding General Plan Amendments – Heather Upshaw, Senior Planner

Senior Planner Heather Upshaw explained that the amendment to the General Plan Ordinance is to align with State Code.

COUNCILMEMBER DAY MOVED TO APPROVE ORDINANCE NO. 2015-29 AUTHORIZING A TEXT CHANGE TO SECTION 10-6-6, GENREAL PLAN AMENDMENTS. 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.

7. [8:47:43 PM](#) MAYOR AND COUNCIL COMMENTS

Mayor Freeman informed the audience that HB 362 would be on the ballot this November and encouraged voter participation.

8. [8:48:19 PM](#) CALENDAR

A. Meetings

- August 20 – Planning Commission meeting 7:00 p.m.
- August 25 – Board of Canvassers’ Meeting 5:00 p.m.
- August 26 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- August 13 – Deer Mitigation Open House 6:00 p.m., Community Center Council Chambers
- ~~August 19 – City Hall Open House 6:00 p.m., Community Center Council Chambers~~

9. [8:49:00 PM](#) ADJOURNMENT

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING.
COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

10. RECOMMENCE TO WORK MEETING (IF NEEDED)

11. 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 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	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

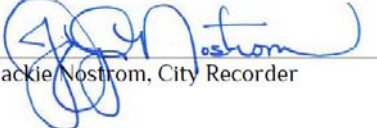
The motion passed unanimously.

12. 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, August 12, 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, August 12, 2015.


Jackie Nostrom, City Recorder