



## CITY COUNCIL MINUTES

**Wednesday, September 23, 2015**

**Approved November 17, 2015**

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, September 23, 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  
Tami Moody, Director of Administration and Communications  
John Brems, City Attorney  
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  
Monte Johnson, Operations Director

**Excused:**

Jackie Nostrom, City Recorder

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

**5:03:04 PM COUNCIL BUSINESS**

COUNCILMEMBER ROBINSON MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATES §52-4-205. 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.

The City Council work meeting was reconvened by consensus at 6:38 p.m.

**A. Review of this evening's agenda**  
**B. Administrative Reports**

1. [6:38:22 PM City Hall Briefing](#) – Brett Wood, City Manager  
GSBS Principle Scott Henriksen thanked the Council for the opportunity to report on the design process for the City Hall/Towne Center as he turned the time over to Consultant Christine Richman. Consultant Richman introduced the GSBS team that have been diligently working on the project. The beginning of the project dates back to 2006 with the acquisition of the land. In 2009, EDA drafted the first architectural program for City Hall which was revised by Think Architecture in February 2015. In April of 2015, GSBS was selected as the architect for the project. The project steering committee identified goals as part of the design process which includes: provide adequate space for current City functions and plan for future needs, make value based decisions, create a place that is the seat of government and act as a catalyst for the future of Herriman, and attract private business and economic development into the Herriman Towne Center.

Landscape Architect Bryce Ward displayed the park elements of the Towne Center, and identified each component. Councilmember Craig B. Tischner asked if there would be a walkable bridge over the ice skating track. This was confirmed. Project Manager Brian Jacobson offered an overview of the functional layout of the City Hall, and added that the approach was very efficient. Councilmember Tischner asked about the isolated prisoner access to the court. Manager Jacobson explained that a secure elevator would be utilized to transport prisoners to a secure area that connects to the courtroom.

GSBS Principle Scott Henriksen thanked the Council for the opportunity to present. Mayor Freeman expressed his appreciation to GSBS for their efforts in creating a unique Towne Center.

**C. [7:19:00 PM Adjournment](#)**

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

**7:00 PM - GENERAL MEETING:**

1. **[7:24:18 PM CALL TO ORDER](#)**

Mayor Freeman called the meeting to order.

**A. [7:24:22 PM Invocation and Pledge](#)**

The Invocation was offered by Mr. Jacob Ball. The Pledge of Allegiance was led by Scout Troop #1717.

September 9, 2015

- B. [7:26:54 PM](#) **Approval of Minutes**  
COUNCILMEMBER ROBINSON MOVED TO APPROVE THE MINUTES OF SEPTEMBER 9, 2015 AS CORRECTED. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.
- C. [7:27:21 PM](#) **Mayor's Comments**  
Mayor Freeman recognized City Council Candidates from District #1 Bethany Zeyer and Jared Henderson, as well as from District #4 David Watts and Nicole Martin in attendance.
- D. [7:28:04 PM](#) **Council Recognitions**  
Councilmember Day apologized for the extenuating circumstances that caused the commencement of the City Council meeting to begin late.

2. [7:28:37 PM](#) **PUBLIC COMMENT**

Earle Macduff, 4753 Emma Mine Drive, requested to the Council to implement a “dog lease free zone” along the Midas Creek drainage area. Mayor Freeman recommended that Mr. Macduff speak to Assistant City Manager Gordon Haight.

3. **CONSENT AGENDA**

- A. [7:30:34 PM](#) **Approval of the Monthly Financial Report** – Alan Rae, Finance Director  
COUNCILMEMBER MOSER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

4. **PUBLIC HEARING AGENDA**

- A. [7:30:55 PM](#) **Public Hearing pertaining to the Dansie Trust Annexation** – John Brems, City Attorney  
City Attorney John Brems outlined the annexation process and displayed the 485 acres that make up the proposed annexation area.

Mayor freeman opened the public hearing.

Paige Norton, asked about the future development plan of the annexation area. Mayor Freeman indicated that a development plan has not been approved. He explained that the public hearing is to receive comments about annexing the area into Herriman City, and the development plan would be determined at a later date. Councilmember Robinson added that preliminary plans properly align with the Master Plan. Councilmember Day explained to the audience that the Master Plan is the guiding document the City has adopted for zoning designations. Councilmember Moser added that the General Plan will be readopted to include the newly incorporated area in conjunction with any approved annexation. Councilmember Robinson informed the audience that there have been misinformation communicated, and if there are any questions, to call any Council Member.

Gene Williams, asked the Council what the projected population in Herriman would be. Mayor Freeman responded that Herriman could potentially have 130,000 residents. He explained that the community is developed conducive to what the residents want. Higher density areas are necessary to support commercial development; however, the further west development would be the least dense. Mr. Williams asked when the community would be that large. Mayor Freeman noted that development is completely market driven, and there would be a lot of contingencies as to when the development would occur. Councilmember Robinson interjected and explained that the City does not have a time frame nor a mission to

acquire more land and households. Private property owners determine whether they want to have their property incorporated into City limits or be developed.

Paige Norton, expressed her concern that the residents should be allowed to voice their opinion when property is being sold. Councilmember Day responded that landowners have the ability to sell their land as they deem appropriate. He offered an example. Councilmember Robinson suggested an annexation Frequently Asked Questions be available for residents. Mayor Freeman thanked Ms. Norton for her participation in public comment to help direct Council as to what constituents would like to see within the City. Councilmember Moser recommended that interested individuals should search the Herriman 2025 General Plan to see the vision for future areas of Herriman. Councilmember Robinson agreed. Councilmember Tischner explained that if the area is not annexed into Herriman, that the property could be incorporated into South Jordan. If the area is in South Jordan, their Master Plan would determine the zoning and could approve high density.

Jared Henderson, noted that the development discussion for the annexation area would take place at the next Planning Commission meeting.

David Watts, expressed his concern that the Dansie Annexation proposed development was not discussed in the work meeting as the agenda indicated. He encouraged the City Council to leave the public meeting open for residents. Mayor Freeman responded that the proposed development was not discussed during a closed door meeting.

Councilmember Robinson asked that Attorney John Brems explain the annexation process to the audience. Attorney John Brems outlined the approval process for annexations, and asked if there were any questions. There were none.

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

- B. 7:56:49 PM **Public Hearing to discuss the issuance and sale of not more than \$23,000,000 aggregate principal amount of sales and franchise tax revenue bonds, Series 2015A and \$7,000,000 aggregate principal amount of sales and franchise tax revenue refunding bonds, Series 2015 B (Together, The “Bonds”) and to allow public input regarding the potential economic impact that the improvement, facility or property for which the bonds pay all or part of the cost (or refinance the same) will have on the private sector; and related matters-** Alan Rae, Finance Director

Finance Director Alan Rae reminded the Council of the three upcoming projects that have been discussed previously: Herriman Towne Center project \$15,000,000; Herriman Parkway extension to 6400 West \$3,000,000; and the main Street Extension to 11800 South \$5,000,000. The remaining \$7 million dollars is a bond refinance to lower rates and provide a significant savings to the City.

Director Rae reviewed the bond process, and noted that the item has been placed on the agenda to receive public input regarding the bond. He reiterated that the bond would not increase property taxes, and added that sales and franchise taxes would pay for the debt obligation.

Mayor Freeman opened the public hearing.

Steve Garrett, 5443 Genoa Court, expressed his concern for the large debt obligation and suggested that the average resident would not know how the bond would be utilized. He recommended that the City should provide information to the residents on why the City Hall is warranted, and that the bonds should be separated for each requested project. Mr. Garrett indicated that he conducted a financial study and determined that the City is not in a financial position to bond, and expressed his opinion that the project be carefully evaluated. He encouraged the Council to determine if the size of the proposed City Hall would be adequate. Mr. Garrett suggested that the Riverton commercial center would be successful based on the high density that Herriman incorporated into the Herriman Towne Center, and recommended that the project should be approved by the newly elected Council in 2016.

Earl Macduff, questioned the financial balance of surrounding cities. Mayor Freeman directed him to speak with Finance Director Alan Rae.

Jared Henderson, recommended that the presentation should be made available on the City's website and to clarify any public misconceptions.

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

C. **8:12:40 PM Public Hearing and consideration of a resolution to amend the Herriman City 2015-2016 fiscal year budget** – Alan Rae, Finance Director

Finance Director Alan Rae explained that there were five items that require a budget amendment. They are as outlined: Lobbyist Contract \$10,000; Consulting Studies \$7,000; Butterfield Canyon Study \$200,000; Transportation Master Plan \$30,000; 7530 West appropriation would not affect the budget as the funds are paid by developers.

Mayor freeman opened the public hearing

No public comment offered.

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

COUNCILMEMBER ROBINSON MOVED TO APPROVE RESOLUTION R29-2015 AMENDING THE 2015-2016 HERRIMAN CITY BUDGET. 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. DISCUSSION AND ACTION ITEMS

- A. **8:17:30 PM Discussion and consideration of an ordinance authorizing a text change to add a curb and gutter exception in designated areas** – Bryn McCarty, City Planner  
City Planner Bryn McCarty reminded the Council of the previously discussed curb and gutter exception with incorporated recommendations. The exception would allow for this



designated area to adhere to a modified standard. The area would not include any properties that face 6000 West, 6400 West, or Main Street. Planner McCarty recommended approval of the text amendment. Councilmember Robinson questioned the process if a development requested an exception. Planner McCarty explained that the request would be reviewed by the Planning Commission. Councilmember Robinson clarified that a development request would be automatically granted. He also cautioned the Planning Commission not to grant an exception and allow structures to be placed in the area designated for the asphalt path. Councilmember Moser suggested that the application process would indicate if the ordinance needs to be modified as a natural part of the subdivision process. Planner McCarty ensured that the exception would be outlined in the conditions.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-32 AUTHORIZING A TEXT CHANGE TO ADD A CURB AND GUTTER EXCEPTION IN THE DESIGNATED AREAS, THE CURB AND GUTTER EXCEPTION MAP AND THE TYPICAL ROAD WAY CROSS SECTION. 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. [8:28:04 PM](#) Discussion and consideration of an ordinance authorizing a text change to Title 9, Section 4, Landscaping requirements – Bryn McCarty, City Planner**

City Planner Bryn McCarty reviewed the several incorporated changes to the Landscaping requirements. Concrete in the park strip requires the approval of the City Engineer. Mulch is prohibited except allowing a ring around the tree base. One tree is required every 30 feet. Councilmember Day expressed his concern of making it more difficult for residents to install a water wise park strip. Councilmember Tischner observed the immediate administrative citation related to the park strip landscaping and recommended incorporating the term “could” receive a citation at the discretion of the Zoning Administrator. Councilmember Moser expressed her concern about the requirement conflicting with previously planted park strips. City Planner suggested incorporating that existing parcels shall not apply to this requirement if planting occurred before adoption of the ordinance. She also recommended incorporating the term “underground irrigation system” to alleviate any future conflicts.

Mayor Freeman referenced the \$50 non-refundable filing fee, and suggested that the filing fee should be refundable. Councilmember Moser observed the administrative costs associated with managing and tracking the bond, and added that the fee should not be other tax payers’ burden to subsidize builder’s occupancy requirements. Councilmember Robinson agreed.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-33 AUTHORIZING A TEXT CHANGE TO TITLE 9, SECTION 4, LANDSCAPING REQUIREMENTS WITH THE FOLLOWING INCORPORATED CHANGES: AMENDMENT 9-4-8 FOR ENFORCEMENT ADDING THE WORD “COULD” AFTER THE COMMA, AMENDING 9-4-2 INSERT THE WORDS “UNDERGROUND IRRIGATION SYSTEM” AND AN AMENDMENT FOR 9-4-3B FOR EXISTING PROPERTY SHALL COMPLY WITH REQUIREMENT OF THIS CHAPTER EXCEPT

UNLESS THE LANDSCAPE WAS INSTALLED AFTER THE ADOPTION DATE OF THIS ORDINANCE, AND ANY AMENDMENTS AS DEEMED NECESSARY BY THE CITY ATTORNEY. 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.

## 6. MAYOR AND COUNCIL COMMENTS

## 7. CALENDAR

### A. Meetings

- October 1 – Planning Commission meeting 7:00 p.m.
- October 14 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

### B. Events

- September 24-28 – Children’s Theatre Production 7:00 p.m.; Butterfield Park
- September 30 – City Hall/Towne Center Open House; City Hall 6:00
- October 7 – Herriman Towne Center Neighborhood Meeting 6:00 p.m.; 5368 West Meadow Side Drive, Herriman

## 8. ADJOURNMENT

COUNCILMEMBER MOVED TO ADJOURN THE CITY COUNCIL MEETING AND RECONVENE INTO THE CITY COUNCIL WORK MEETING AT 8:50 P.M. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

## 9. RECOMMENCE TO WORK MEETING (IF NEEDED)

**2. Presentation of the proposed development plan related to the proposed Dansie Annexation** – Bryn McCarty, City Planner

This item was continued.

**3. [8:59:05 PM](#) Cyber Security Briefing** – Alan Rae, Finance Director

Finance Director Alan Rae educated the Council of the cyber security measures that have been implemented to assure that City systems and customer information are secure.

### 4. Other Updates

## 10. [9:14:25 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 WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS PENDING OR IMMINENT LITIGATION,

AS PROVIDED BY UTAH CODE ANNOTATES §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

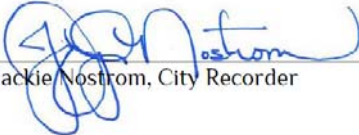
The motion passed unanimously.

**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, September 23, 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, September 23, 2015.*

  
Jackie Nostrom, City Recorder