



SPECIAL CITY COUNCIL MINUTES

Tuesday, November 17, 2015

Approved January 13, 2016

The following are the minutes of the Special City Council Meeting of the Herriman City Council. The meeting was held on **Tuesday, November 17, 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 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
Troy Carr, UPD Lieutenant
Cathryn Nelson, Chief Building Official
Justun Edwards, Water Director
Monte Johnson, Operations Director
Travis Dunn, Human Resources Manager

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

5:03:18 PM COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order.

A. Review of this evening's agenda

B. Administrative Reports

1. 5:03:34 PM City Hall Briefing – Brett Wood, City Manager

City Manager Brett Wood requested to have this discussion postponed to a future meeting.

2. 5:04:05 PM Planning Update – Bryn McCarty, City Planner

City Planner Bryn McCarty reviewed recent planning commission approvals. She displayed the site plan of the reception center located at 14114 South 5600 West. City Manager Brett Wood informed the Council that the standard 60-percent brick and stone requirement was quite concerning to the applicant. City Planner McCarty explained that they have expressed their desire to cover the building with ivy. City Manager Wood asked if the

Council would have any leniency for this request. Councilmember Moser recommended maintaining the standard unless the applicant could justify an exception.

City Planner McCarty reviewed a three one-acre lot subdivision located at 7377 West 13100 South adjacent to the High Country entrance. She continued with the daycare facility site plan and noted that a precast wall for the site would be required.

City Planner McCarty reviewed recently approved text changes including density criteria, single family, landscaping, curb and gutter, and flag lots. She observed upcoming text changes that included signs, parking, family food production, and accessory buildings.

City Planner McCarty displayed the updated plan for the Wasatch amended Planned Unit Development plan for the South Hills development. The subdivision proposal was 33 units with a zoning designation of A-.25 located at 7360 West 13300 South.

The Charter School, Athlos Leadership Academy, proposed site plan will be discussed at the next Planning Commission meeting. Councilmember Robinson expressed his concerns about problems associated with parking. City Planner McCarty explained that based on the traffic study that had been conducted the staff recommendation would be to approve the proposal. Assistant City Manager Gordon Haight explained that denial would only be based on a health or safety concern. Councilmember Moser relayed her concern of the location creating significant congestion issues with the existing high school and previously approved future Jordan School District elementary school in the area. She suggested an alternative location could better suit the charter school. Assistant City Manager Haight responded that the school has looked at other sites, and determined this location best suites their criteria. Councilmember Craig B. Tischner asked about additional property uses would be suitable for the location. Assistant City Manager Haight explained that the lot could be commercial or residential. Councilmember Tischner observed the additional traffic pattern with any use at the location. Assistant City Manager Haight confirmed that additional brainstorming and discussions would ensue.

City Planner McCarty reviewed projects that are currently under construction, and recently submitted Planning Commission applications.

3. [5:48:16 PM](#) **Engineering Update** – Blake Thomas, City Engineer

City Engineer Blake Thomas offered a list of Engineering Projects that have been recently completed, are underway, and in the planning stages. He noted that the Herriman Parkway extension to 6400 West would be completed during the fall/winter of 2016.

C. [6:13:44 PM](#) ***The Herriman City Council may temporarily recess the work meeting to convene in a closed session to discuss 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 TEMPORARILY RECESS THE CITY COUNCIL WORK MEETING TO CONVELE IN A CLOSED SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, 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.

The work meeting reconvened at 6:46 p.m.

D. Administrative Reports

4. **Legal Department Report** – John Brems, City Attorney
This discussion was continued to a future meeting.

5. **Other updates**

E. Adjournment

COUNCILMEMBER MOSER MOVED TO ADJOURN THE WORK MEETING AT 6:53 P.M.
COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

7:15 PM - GENERAL MEETING:

1. **7:08:44 PM CALL TO ORDER**

Mayor Freeman called the meeting to order.

A. **7:09:22 PM Invocation and Pledge**

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

B. **7:10:20 PM Approval of Minutes** **September 23, 2015 and October 28, 2015**

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF SEPTEMBER 23, 2015 AND OCTOBER 28, 2015 AS WRITTEN. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

C. **7:10:42 PM Mayor's Comments**

Mayor Freeman extended condolences to the Conner family. He congratulated Herriman High School football team. Mayor Freeman also thanked Ms. Raquel Deluca and Councilmember Coralee Moser for their efforts with the Youth Council.

D. **7:11:51 PM Council Recognitions**

Councilmember Moser congratulated Herriman High marching band on their second place finish in the state marching band competition. She also congratulated Herriman City students who attend Paradigm High for a great performance of the musical Guys and Dolls.

2. **7:13:07 PM PUBLIC COMMENT**

There was no public comment offered.

3. **7:13:42 PM CONSENT AGENDA**

A. **Approval of the Jordan Valley Water Board nomination** – Brett Wood, City Manager

B. **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.

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.

4. REPORTS, PRESENTATIONS AND APPOINTMENTS

A. [7:14:03 PM](#) **Introduction and swearing in of the 2016 Youth Council** – Jackie Nostrom, City Recorder

City Recorder Jackie Nostrom introduced and conducted the swearing-in ceremony for the 2016 Youth Council. The 2016 Youth Council members are: Aaron Birmingham, Abbie Chapman, Abby Kynaston, Abigail Jacketta, Brooke Eatchel, Danielle Fisher, Emily Tanner, Gabi Sudweeks, Katherine Somers, Madison Morgan, Max Anderson, Quaid Green, Rachel Hale, Sellianda Rome, Tanner Vasica, Tate Williams, Tatym Anderson, and Tyler Davis.

B. [7:24:40 PM](#) **Youth Council budget request** – Alan Rae, Finance Director

Finance Director Alan Rae informed the Council that the Youth Council requested to submit a budget amendment to the City Council in the amount of \$9,200. He noted that the Youth Council was looking for support prior to submitting the request to City Council for consideration. Council consensus determined to be supportive of the budget amendment.

C. [7:25:59 PM](#) **Report of the 2014-2015 fiscal year audit** – Alan Rae, Finance Director

Finance Director Alan Rae offered a brief overview of the comprehensive financial annual report and turned the time over to Auditor Rob Wood for his report. Auditor Wood informed the Council that his audit concluded a clean opinion in the unmodified report. He reviewed minor findings that have been remedied.

5. DISCUSSION AND ACTION ITEMS

A. [8:03:00 PM](#) **Discussion and consideration of a resolution acknowledging receipt and expressing approval of the 2016 tentative budget for the Salt Lake Valley Law Enforcement Service Area and the Law Enforcement Service Plan** – Brett Wood, City Manager

City Manager Brett Wood introduced Kerri Nakamura on behalf of the Salt Lake Valley Law Enforcement Service Area (SLVLESA) to present their budget. Ms. Nakamura thanked the Council for the opportunity to present the budget, and excused Sheriff Winder from the meeting. She explained that the budget would be presented to each member of the service area for their governing body to provide input and approve the tentative budget. The formal adoption of the budget would be December 17, 2015.

Ms. Nakamura reviewed the proposed budget, and asked if there were any questions. Mayor Freeman asked if the recent voter decision allowing Millcreek to become a city would be a factor in the service area. Ms. Nakamura explained that they would maintain membership of SLVLESA unless the city voted to opt-out of the service area, and explained that Millcreek is comfortable with the services provided.

Mayor Freeman suggested that new entities who desire to become part of the service area in SLVLESA should be required to meet a specific standard. Ms. Nakamura thanked the Mayor for his statement as it appropriately opened the discussion on the five-year plan for SLVLESA. She explained that the SLVLESA Board is engaged in a five-year planning project for SLVLESA. The goal of the project is to provide direction regarding inflationary budget adjustments, owning versus renting capital facility plans, and allocate new resources. The Board will ask for input from the memberships during the process. Mayor Freeman commended Ms. Nakamura for her efforts, and expressed his appreciation to SLVLESA for what they bring to the community.

COUNCILMEMBER TISCHNER MOVED TO APPROVE RESOLUTION R33-2015 ACKNOWLEDGING RECEIPT AND EXPRESSING APPROVAL OF THE 2016 TENTATIVE BUDGET OF THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA AND THE LAW ENFORCEMENT SERVICE PLAN FOR THE AREAS WITHIN THE SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA. 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.

B. [7:44:30 PM](#) Discussion and consideration of the capital project to commence the City Hall/Towne Center project requiring a \$15 Million bond – Alan Rae, Finance Director

Finance Director Alan Rae reminded the Council that a parameters resolution was approved in August 2015, and now the capital projects associated with the bond will be presented to the Council for consideration to move forward. He offered a brief background of the Towne Center/City Hall project. Mayor Freeman informed the audience of the numerous discussions that have been held, including multiple open houses to receive public input about the project. He relayed the positive perception that has been received from the community, and expressed the need for additional space at City Hall.

Director Rae reiterated that the debt service would be refunded by sales and franchise taxes, and would not increase any property taxes for the residents. The current sales and franchise tax revenue currently would cover the cost of the bond and would not rely on new tax dollars. Councilmember Robinson informed the audience that the City has never been more financially stable, and with the historically low rates would justify the need to commence the project. Councilmember Moser observed the rate of inflation would increase the cost of the project approximately \$450 thousand dollars per year. Councilmember Tischner asked if the sales and franchise investors would take the financial hit if the City did not produce enough sales and franchise taxes to cover the cost of the bond. Director Rae confirmed. Councilmember Tischner asked if property taxes would have to be increased to cover any discrepancies. Director Rae responded that the investors would only have a claim on sales and franchise taxes, and added that property taxes would not be increased.

Councilmember Tischner asked about the cost difference with adding an unfinished basement in the City Hall Project. Director Rae explained that the cost estimate would be \$1.5 million dollars. City Manager Brett Wood interjected and noted that the basement would be primarily used for storage area, and suggested that a wise use of that money be utilized in a future public works yard.

COUNCILMEMBER DAY MOVED TO APPROVE THE CITY HALL/TOWNE CENTER CAPITAL PROJECT REQUIRING A \$15 MILLION DOLLAR BOND. 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.

C. [8:24:21 PM](#) Discussion and consideration of the capital project to begin the Main Street expansion project requiring a \$5 Million bond – Alan Rae, Finance Director

Finance Director Alan Rae explained that the Main Street expansion project would extend Main Street from Herriman Parkway to 11800 South to accommodate the construction of the Super WalMart. The total cost to construct the road is about 7.5 Million; however, are only requesting to bond for five million. He explained that the developer contribution for the project has not been secured, and suggested that it should take place before the end of the week. Director Rae explained that the sales tax from the commercial center would sufficiently cover the cost of the capital project.

COUNCILMEMBER MOSER MOVED TO CONTINUE TO NEXT MEETING THE MAIN STREET EXPANSION CAPITAL PROJECT REQUIRING A \$5 MILLION DOLLAR BOND. 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.

D. [8:26:06 PM](#) Discussion and consideration of the capital project to start the Herriman Parkway extension requiring a \$3 Million bond – Alan Rae, Finance Director

Finance Director Alan Rae informed the Council that the expansion project would extend 6400 West to the SLR property that had been recently annexed into Herriman City. He noted that the roadway installation was contractually required.

COUNCILMEMBER ROBINSON MOVED TO APPROVE THE HERRIMAN PARKWAY EXTENSION CAPITAL PROJECT REQUIRING A \$3 MILLION DOLLAR BOND. 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.

- E. [8:27:30 PM](#) Discussion and consideration of the capital project to refinance the current bond for the Herriman Parkway project for \$7 Million – Alan Rae, Finance Director
Finance Director Alan Rae proposed to refinance the current bond for the Herriman Parkway project in an effort to save at least \$442,000.

COUNCILMEMBER DAY MOVED TO APPROVE THE REFINANCE OF THE CURRENT \$7 MILLION DOLLAR BOND FOR THE HERRIMAN PARKWAY CAPITAL PROJECT. 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.

- F. [8:29:04 PM](#) Discussion and consideration of an ordinance rezoning property located at approximately 4905 West Rosecrest Road from C-2 to R-2-10 – Bryn McCarty, City Planner

City Planner Bryn McCarty asked for continuation of this item.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 4905 WEST ROSECREST ROAD FROM C-2 TO R-2-10. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

- G. [8:29:42 PM](#) Discussion and consideration of an ordinance approving a text change to the C-2 Zone regarding signs – Bryn McCarty, City Planner

City Planner Bryn McCarty informed the Council that an application had been filed by Yesco for consideration to put up a larger sign. The current ordinance does not allow for pylon signs. Yesco has proposed to change the sign language to what is allowed in the MU-2 zone. The Planning Commission recommended denial of the text change as they feel this should be discussed as part of the update to the entire sign ordinance. Planner McCarty relayed the concern that the business owner was requesting the sign change in an effort to place a sign on the vacant lot located at 5600 West in front of the Plaza strip mall due to the visibility issues that are associated with the location. A larger monument sign or pylon sign would be needed in order for businesses in that location to thrive.

The applicant expressed his frustration with the delay in amending the sign ordinance, and suggested that action happen quickly. He urged the Council to consider the tenants that have been struggling in the strip mall due to obstructed views from the road. Mayor Freeman asked the Planning Commission Chair for the reasoning behind the recommended denial. Chair Clint Smith explained that the Planning Commission was extremely sympathetic to the applicant, but felt that the entire sign ordinance should be reviewed. Planner McCarty informed the Council of the large undertaking of the sign ordinance and reviewed a probable time frame. City Attorney John Brems suggested the Council approve the text change and notify the public of a pending sign ordinance to eliminate any unintended consequences. He noted that the pending ordinance would only be valid for a six month period. Councilmember Moser clarified that the Planning Commission would approve the sign elevations prior to installation.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-40 AUTHORIZING A TEXT CHANGE TO SECTION 10-13B-4 OF THE LAND USE ORDINANCE REGARDING PYLON SIGNS WITH SPECIFIC INSTRUCTIONS TO STAFF TO BRING BACK A NEW SIGN ORDINANCE AND INVOKING THE PENDING SIGN ORDINANCE DOCTORINE. 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.

6. [8:44:26 PM](#) MAYOR AND COUNCIL COMMENTS

Mayor Freeman expressed his excitement about the increase of voter turnout in the municipal election, and indicated that voters should realize there is more to the electoral process than filling out a ballot.

7. CALENDAR

A. Meetings

- November 19 – Planning Commission work meeting 6:00 p.m.; Planning Commission meeting 7:00 p.m.
- December 3 – Planning Commission work meeting 6:00 p.m.; Planning Commission meeting 7:00 p.m.
- December 9 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- November 26 – Thanksgiving Day; City Offices Closed
- November 27 – Thanksgiving Holiday; City Offices Closed

8. [8:49:17 PM](#) ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. CLOSED SESSION (IF NEEDED)

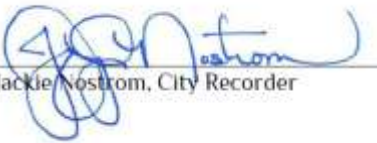
i. *The Herriman City Council may convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

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 Tuesday, November 17, 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 Tuesday, November 17, 2015.


Jackie Nostrom, City Recorder