



CITY COUNCIL MINUTES

Wednesday, January 10, 2024

Approved February 14, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, January 10, 2024, at 5:30 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Lorin Palmer

Councilmembers Present: Teddy Hodges, Sherrie Ohrn, Steven Shields

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas, City Recorder Jackie Nostrom, Finance Director Kyle Maurer, City Attorney Todd Sheeran, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Police Chief Troy Carr, Unified Fire Authority Assistant Chief Anthony Widdison, City Engineer Bryce Terry, Building Official Cathryn Nelson, Public Works Director Justun Edwards.

Councilmembers Excused: Jared Henderson

5:30 PM – WORK MEETING: (Fort Herriman Conference Room)

1. Council Business

Mayor Palmer called the meeting to order at 5:31 p.m. He excused Councilmember Jared Henderson from the meeting and noted Councilmember Sherrie Ohrn would be late.

1.1. Review of this Evening's Agenda

Council and staff briefly reviewed the agenda.

1.2. Future Agenda Items

There were no future agenda items requested.

1.3. Council discussion of future citizen recognitions

Assistant City Manager Wendy Thomas reported the Salt Lake County Meals on Wheels would be in attendance during the January 24, 2024 meeting recognize the Herriman volunteers.

2. Administrative Reports

2.1. Columbus Adult Education Center & Youth Programs Memorandum of Understanding – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas indicated she had been approached by the Columbus Adult Learning Center who was currently providing community services within Athlos Academy and was looking to the City to determine if there was an interest in pursuing a Memorandum of Understanding (MOU) to utilize the basement of the Herriman Community Center. She highlighted a few details that would need to be addressed including splitting the cost of utilities, cleaning services, internet services, etc.

Mr. Sean Marchant, the chair of the board, explained their volunteer-driven organization's focus on teaching English and outlined additional programs offered, emphasizing the all-inclusive nature of their mission statement. Assistant City Manager Thomas highlighted a potential concern of the program providing religious classes and asked if those concerns were shared by members of the Council. The Council addressed potential conflicts, assuring the separation of church and state, with the understanding that the center would operate independently from the city.

The Council expressed support to move forward to consider a partnership and Mr. Marchant highlighted the positive response from the Herriman Community.

2.2. Priority for Lobbyists for 2024 with projected costs – Nathan Cherpeski, City Manager

City Manager Cherpeski presented the idea of focusing on specific transportation projects when utilizing lobbyists at the state level. The identified projects included a portion of 7300 West, 6400 West, and 13800 South, with the latter having additional potential to receive funding due to its connection with Riverton and Bluffdale.

Councilmember Shields expressed support for prioritizing these projects and Mayor Palmer mentioned collaboration with the Olympia developer on 7300 West could gain additional traction at the state level. Councilmember Hodges suggested exploring federal grants, commending the success in securing funding for the animal shelter. The discussion touched on existing grant-writing efforts within the City, highlighting the involvement of various departments.

Assistant City Manager Thomas explained the intricacies of federal grants and the need for collaboration with congress representatives. Mayor Palmer encouraged exploring federal options and pass-through money from the state, emphasizing the importance of finding a federal nexus.

City Manager Cherpeski cautioned about potential challenges associated with federal funds for projects. The Council agreed to prioritize the three transportation projects, 7300 West, 6400 West and 13800 South, and explore federal options for additional funding, considering the challenges and benefits associated with each.

2.3. Council Boards and Committee Assignments – Nathan Cherpeski, City Manager
City Manager Cherpeski informed the Council of his desire to bring Board and Committee assignments annually in November to allow for anticipated transitions, if necessary. He presented a list of current assignments and asked the Council if there was a desire to alter the current assignments. Councilmember Shields indicated the Zap Tier II Advisory Board assignment needed to be removed and Councilmember Hodges noted the same for the Western Growth Coalition. City Manager Cherpeski confirmed he would remove those appointments. Council consensus determined to maintain current assignments.

2.4. General Fund Grant and Sponsorship Request Proposal – Wendy Thomas, Assistant City Manager
Assistant City Manager Thomas discussed a proposal for handling financial requests from organizations. The plan involved streamlining the process within the budget cycle, suggesting an annual allocation for the Council to make decisions on such requests. Her recommendation was to establish an annual application process for nonprofit organizations, including entities like the Friends of Herriman or Utah Warriors seeking funding for their programs or activities.

Assistant City Manager Thomas highlighted the availability of Community Development Block Grant (CDBG) funds, which could also support qualifying activities by organizations working in Herriman, even if primarily located elsewhere. The discussion touched upon differentiating between grants and sponsorships, with the latter involving fee waivers for specific events or fundraisers.

The Council expressed interest in capturing the value of fee waivers, discussing the potential economic impact, and establishing a process for reviewing and approving requests. Assistant City Manager Thomas emphasized a score sheet and a recommendation committee to evaluate applications based on certain metrics. She suggested setting a cap on requested amounts and addressing potential scenarios where fees might be waived. The importance of having clear guidelines and policies for handling such requests was acknowledged, with the intention of incorporating them into the City's upcoming intranet site for staff reference.

Assistant City Manager Thomas mentioned the ongoing budget process and the plan to provide an update on budget status during a special meeting in February, allowing for a better understanding of available funds. The Council expressed a desire to comprehend the impact of fee waivers and sponsorships, especially concerning economic benefits to the community. She acknowledged her goal to implement the policy was this upcoming fiscal year.

2.5. Annexation of City Owned Property located in unincorporated Salt Lake County into Herriman City – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas presented a map highlighting areas representing city-owned properties acquired through various means. She shifted the discussion to an incident in the fall involving hunting on City property which led to confusion about the jurisdictional authority. Police Chief Troy Carr clarified that since the incident occurred in the county, UPD technically had jurisdiction. The Council discussed the challenges arising from the county's allowance of hunting on public property, which conflicted with the city's ordinances governing its own property.

Assistant City Manager Thomas provided information about the ongoing work with the annexation policy, which would go through Planning Commission review. Councilmember Ohrn confirmed interest in annexing City-owned property, prompting Assistant City Manager Thomas to outline the plan, including reaching out to property owners in the vicinity, particularly a tank site and a larger rectangle, currently under consideration. Councilmember Hodges inquired about the ownership status of the latter, suggesting it might be the Bureau of Land Management (BLM).

Assistant City Manager Thomas explained if the property owners declined annexation, the City and the County would need to adopt a resolution agreeing to the creation of a peninsula.

2.6. Discuss Fiscal Year 2025 and Fiscal Year 2026 Budget Revenue Projections – Kyle Maurer, Finance Director

Finance Director Maurer presented an overview of the budget process and calendar. Starting in November and December, departments formulated budget requests and estimates. By January, the department budgets were due, followed by meetings with senior staff. Further budget discussions would be scheduled through April, leading to the adoption of the tentative budget on May 8, 2024 and the final budget on June 12, 2024, pending any proposed tax increases, which would undergo the truth and taxation process.

Director Maurer delved into revenue trends, emphasizing the shift in fiscal year 2024 due to the separation of development-related revenues. Tax funding, particularly from sales tax, emerged as a significant portion of the budget. The discussion extended to different tax types, including state sales tax, which witnessed exceptional growth during the pandemic, albeit

anticipated to slow down. Property tax discussions included considerations for growth and a proposed 3-percent increase for two years.

Councilmember Shields raised awareness about the significance of considering what portion of the budget was covered by the tax rate. Director Maurer indicated he would separate those entities from Herriman City. Director Maurer offered a comparison of tax rates with neighboring cities and a breakdown of how property taxes are distributed for an average property owner.

Finance Director Maurer explored the sales tax trends, growth, and distribution. His presentation highlighted the impact of online purchases on sales tax, addressing concerns raised by Councilmember Ohrn. Director Maurer discussed sales tax growth challenges faced due to fluctuating trends, and the anticipation of a budget of about \$12.4 million in 2024 and \$12.7 million in 2025.

Director Maurer continued with additional revenue trends, covering cemetery lot sales, events revenue, road funding, court fines, interest income, passports, and the Safety Enforcement Area property tax. He recalled the Safety Enforcement Area Board's approval of a property tax increase, and future reductions were expected due to CDA participation agreements.

Director Maurer concluded his presentation by addressing questions and receiving commendations for the conservative approach to budgetary considerations and attention to detail. Councilmember Ohrn inquired about the water rate study's completion, and Public Works Director Edwards provided a timeframe for its presentation in February and subsequent discussions in March.

2.7. Water Treatment & Supply Discussion – Justun Edwards, Public Works Director
Public Works Director Justun Edwards presented information about water treatment options to the Council. He highlighted various alternatives, including treating existing water sources, purchasing more water from Jordan Valley, and providing in-home treatment options. Among the treatment alternatives discussed, Reverse Osmosis (RO) emerged as the most effective in meeting water quality goals.

Director Edwards explained the challenges faced during seasonal fluctuations, particularly in winter, leading to increased complaints from residents due to blending practices. He also discussed the cost implications of different treatment options, emphasizing that reverse osmosis had the lowest impact on water rates.

The possibility of increased purchases from Jordan Valley was explored, along with associated costs. Councilmember Ohrn raised concerns about the feasibility of acquiring

additional water from Jordan Valley, especially during peak demand periods which could have a potential impact on rates and the need for infrastructure improvements.

Director Edwards presented cost estimates for implementing reverse osmosis treatment and potential rate increases. The Council expressed considerations for a subsidy program, increased Jordan Valley purchases, or in-home treatment options. The financial and practical aspects of each proposal were debated, with varying opinions on the best course of action.

Councilmember Ohrn raised skepticism about the availability of water from Jordan Valley, emphasizing that it was not guaranteed. Councilmember Shields expressed concerns about the high costs of certain proposals and suggested alternative solutions, such as individual water softeners for residents.

Councilmember Ohrn brought attention to the broader issue of water scarcity and the need for a comprehensive, long-term solution. Director Edwards discussed the possibility of a regional pipeline to the Great Salt Lake to address disposal concerns associated with certain treatment options.

The Council discussed the downstream effects of various treatment options, potential conflicts with existing water softeners, and the overall impact on residents. The discussion delved into the complex dynamics of water supply, conservation efforts, and the necessity of addressing water-related challenges in the face of rapid urban development. Councilmember Hodges proposed a short-term solution involving increased purchases from Jordan Valley during winter, while simultaneously exploring long-term regional options. The Council agreed to prioritize water-related discussions and explore potential collaborations with neighboring communities and organizations. The multifaceted nature of the water issue was acknowledged, and the Council expressed a commitment to finding sustainable and cost-effective solutions for the benefit of Herriman residents.

2.8. Renaming the following roads to Herriman Main Street: UONE ELEVEN HWY, HERRIMAN HWY, 13320 SOUTH, 13100 SOUTH – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas indicated during the October 11, 2023, City Council work meeting, staff had been directed to wait to change the addressing of parcels along the future Herriman Main Street until the Main Street project was completed, which was anticipated to be completed spring of 2024. She noted Salt Lake County opened the Southwest Canyons Trail System of which the trailhead was in Herriman City. She requested the Council to allow staff to start addressing parcels off Main Street beginning now. The Council agreed.

3. Adjournment

Councilmember Shields moved to adjourn the City Council work meeting at 6:59 p.m. Councilmember Hodges seconded the motion, and all present voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:07 p.m. and excused Councilmember Henderson.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Police Chief Troy Carr led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Councilmember Shields recognized the City's snowplow crews and extended his appreciation for the time and dedication they have clearing roadways, especially in the late or early hours. Councilmember Hodges concurred.

5. Public Comment

Keith Klemas noted he had lived in Herriman for about four years. He expressed support for taking action to improve the City's water quality. He said hard water not only impacts the taste of water, but also leads to mineral buildup and shortened appliance life, among many other things. He recommended solutions for homeowners to mitigate this are often costly and inconvenient and may not sufficiently solve issues for the entire home. He thought renters may not even have these options available to them. He explained he reviewed the water treatment & supply report included in this evening's meeting agenda packet and was encouraged by the options presented. He added one comment regarding potential increases to water rates associated with these solutions. By improving the water quality at the source, such as by using Jordan Valley's water, costs for maintaining water softeners, filters, and buying bottled water will decrease for homeowners. He believed this would offset potential rate increases, while still yielding softer and, hopefully, better tasting water; thereby improving the quality of life for residents and businesses.

Kyrsten Brown offered an electronic comment stating her discontent of the water quality in Herriman. She noted even with the best water softener on the market, it would quickly destroy everything. She suggested other cities have been able to improve water quality, and questioned if Herriman could accommodate the request. Ms. Brown also contested the proposal to increase the Anthem center building height by 20-feet stating it was unnecessary, it brought no value to the residents and destroyed views.

6. City Council Reports

6.1. Councilmember Jared Henderson

There was no report.

6.2. Councilmember Teddy Hodges

Councilmember Hodges reported the Sewer District Boards meetings were scheduled on the fourth Tuesday of each month at 7:00 a.m. and encouraged the public to attend.

He noted the Education meeting was scheduled for tomorrow. He commented that November 9, 2024, was National Police Appreciation Day and suggested it should be a week- or month-long appreciation event. He thanked the Police Department for their efforts.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn reported on the recent meeting with the Jordan Valley Water Conservancy District. She highlighted the substantial capital plan expenditure of \$470,000,000 over the next ten years, emphasizing the challenges posed by the cost of water and the necessity of developing the Bear River supply to sustain growth.

Councilmember Ohrn expressed concerns about conflicting directives from the legislature regarding water allocation and the reality of a finite water source. She urged state legislators to reconsider proposed legislation that may exacerbate the water challenges, emphasizing the potential impact on the state's quality of life. She noted a significant portion of the mentioned funds was allocated to the Harriman treatment plant, addressing the increasing demand, projected to reach 255 million gallons a day by 2040. Councilmember Ohrn commended the District for proactively managing water demand and expressed appreciation for public efforts in water conservation, resulting in a two-percent decrease in overall water usage compared to the previous year.

Despite receiving less snowfall than the previous year, Councilmember Ohrn noted reservoir levels remained above the ten-year average, particularly highlighting the positive state of Utah Lake.

6.4. Councilmember Steven Shields

Councilmember Shields provided an update from the Mosquito Abatement District, referencing the annual report received on Tuesday. He acknowledged the high mosquito population in the previous year but highlighted the positive news that, statewide, there were only nine reported cases of West Nile throughout the entire year, despite the significant mosquito numbers.

Councilmember Shields mentioned specific mosquito species, pipiens, and tarsalis, as vectors for potential health risks, noting their substantial populations. However, other mosquito populations did not reach the expected levels. He commended the Mosquito Abatement District for their effective efforts in controlling the mosquito population.

Councilmember Shields encouraged those interested to visit the website for detailed reports and counts. He expressed satisfaction with the mosquito abatement district's performance and expressed enthusiasm for mosquito fish as an effective method of mosquito control.

7. Mayor Report

There was no report.

8. Reports, Presentations and Appointments

8.1. Presentation of Government Finance Officers Association Awards to the Finance Department - Kyle Maurer, Finance Director

Nic Hales, Chief Accountant for West Valley City and President-Elect of the Utah Government Finance Officers Association, addressed the Mayor and Council commending Herriman City for receiving the Certificate of Achievement for Excellence in Financial Reporting from the National Government Finance Officers Association (GFOA). This certificate, awarded for the eighth time, recognized Herriman's comprehensive financial report for the fiscal year ending June 30, 2023.

Mr. Hales explained the significance of the award, emphasizing that it represents a notable accomplishment in government accounting and financial reporting. He highlighted the rigorous process involved in preparing financial reports, starting with the budgeting process, and extending throughout the year. Additionally, Mr. Hales presented the Popular Annual Financial Reporting (PAFR) award from GFOA to Herriman. The PAFR distills complex financial information into a more readable format, and Herriman received this award for the fourth time. Notably, Herriman is one of only eight cities in Utah to submit a PAFR and receive the award. Hales extended special recognition to the communications department for their assistance in preparing the PAFR.

Finance Director Maurer expressed gratitude for the awards and acknowledged the significant effort involved in preparing the Annual Comprehensive Financial Report (ACFR) and the PAFR. He specifically thanked Accountant Trevor Coburn and Senior Accountant Amy Stanger from the Finance Department, along with Communications Manager Jonathan LaFollette, for their integral roles in the process.

The Council expressed appreciation for the presentation and thanked the Finance team for their contributions.

9. Consent Agenda

9.1. Approval of the monthly financial summary for November 2023

9.2. Accounting of Recently Approved Change Orders – Bryce Terry, City Engineer

9.3. Consideration of an agreement with UDOT for Herriman City to receive funds to construct a roadway at approximately 6500 West 13000 South.

9.4. Approval of the November 8, 2023, November 15, 2023, December 5, 2023, December 13, 2023, and December 15, 2023 City Council meeting minutes
Councilmember Hodges moved to approve the consent agenda as written. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Jared Henderson being absent.

10. Discussion and Action Items

10.1. Discussion and consideration of a request by Cory Gust, Anthem Center, LLC, to amend the Anthem Commercial Master Development Agreement Design Guidelines to increase the maximum building height of a “Hotel/Motel” land use from 45 feet to 65 feet on property located at approximately 5141 W Denali Park Drive in the C-2 Commercial Zone – Michael Maloy, City Planner

City Planner Michael Maloy presented an item related to the Anthem Commercial Project on the northern end of the City. The request involved the placement of a new hotel within the project area, seeking a height increase from 45 to 65 feet. The Planning Commission had already reviewed the proposal and recommended approval to the council after considering feedback from concerned neighbors about potential noise and visibility impacts.

City Planner Maloy explained the Planning Commission modified the original proposal, maintaining the height request but limiting it to specific locations not adjacent to Herriman Main Street. The applicant was comfortable with this modification, and conversations with potential hotel users had taken place, though no official submissions had been made to the City.

Councilmember Ohrn acknowledged concerns expressed by a resident regarding the height potentially obstructing views but pointed out that the Planning Commission's recommendation mitigated this issue. He highlighted the topography of Herriman, noting the proposed location was quite distant from residential properties, and the natural slope of the land would minimize any impact.

Mayor Palmer and Councilmember Shields agreed with the assessment, emphasizing the legitimacy of concerns while expressing support for the proposal, especially given the potential benefits of a hotel generating tax revenue for Herriman.

City Planner Maloy added market studies had been conducted, indicating a successful opportunity for the proposed hotel. He highlighted the positive impact on tax generation for the City. He also addressed the need for clearer documentation, requesting original digital copies from the applicant for record-keeping purposes.

Councilmember Ohrn moved to approve Ordinance No. 2024-01 approving an amendment to the Anthem Commercial Master Development Agreement to increase the permitted height of a hotel at approximately 5141 West Denali Park Drive. Councilmember Shields seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Jared Henderson being absent.

11. Future Meetings

11.1. Next Planning Meeting: January 17, 2024

11.2. Next City Council Meeting: January 24, 2023

12. Events

12.1. Martin Luther King Jr. Day: January 15, 2024: City Offices Closed

13. Closed Session

The Herriman City Council may temporarily recess the City Council meeting to 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 Shields moved to temporarily recess the City Council work meeting with the following members of staff City Manager, Assistant City Manager, City Attorney, City Recorder, City Engineer and Communications Manager to convene in closed session in the Fort Herriman Conference Room for the purpose 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 at 7:35 p.m. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Absent</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Henderson being absent.

The Council reconvened the City Council meeting at 8:12 p.m.

14. Adjournment

Councilmember Shields moved to adjourn the City Council meeting at 8:12 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

15. Recommence to Work Meeting (If Needed)

I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 10, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder