



CITY COUNCIL MINUTES

Wednesday, March 13, 2024

Approved March 27, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, March 13, 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: Jared Henderson, 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, Community Development Director Blake Thomas, Assistant City Attorney Matt Brooks, Management Analyst Trevor Ram, Operations Director Monte Johnson, Deputy Police Chief Cody Stromberg.

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

1. Council Business

Mayor Lorin Palmer called the meeting to order at 5:31 p.m.

1.1. Review of this Evening's Agenda

Council and staff briefly reviewed the agenda.

1.2. Future Agenda Items

Councilmember Steven Shields proposed implementing a monthly report to provide updated insight into the state of the City, including data on building permits, newly opened businesses, population figures, and benchmark statistics. He suggested this would enable the Council to stay informed and have convenient access to the information. Councilmember Sherrie Ohrn seconded the request. City Manager Nathan Cherpeski indicated a dashboard could be created to help facilitate the request.

Mayor Palmer inquired about the availability for the Mountain West Chamber of Commerce and the South Valley Chamber of Commerce presentations at the upcoming City Council work meeting. Assistant City Manager Wendy Thomas responded in the affirmative.

Councilmember Shields requested a less formal strategy session to address challenges such as prioritization and determining what the Council would like to achieve and help focus on the vision for the community. City Manager Cherpeski concurred and emphasized the importance of the discussion.

1.3. Council discussion of future citizen recognitions

Councilmember Shields requested to streamline the process of citizen recognitions, considering the idea of capturing all pictures for all recognitions at the end of the ceremony. The Council agreed.

2. Administrative Reports

2.1. Discussion of the 2025-2026 budgets requested for the Legislative, Legal, Human Resources, Information Technology, and Communications departments – Kyle Maurer, Finance Director

Finance Director Kyle Maurer informed the Council the HR Manager and IT Director were in attendance to address any inquiries. He began with the Information Technologies budget with an increase of \$27,090 (4.3-percent) for fiscal year 2025 and \$164,020 (25.7-percent) for fiscal year 2026 was proposed, with the addition of an ITS Technician and inflationary increases. Director Maurer noted City Manager Cherpeski had stated he would not be supporting any FTE increases in his recommended budget. The Communications budget proposed a decrease in the overall budget for fiscal year 2025 as well as a budget increase in the amount of \$19,150 (5.7-percent) for fiscal year 2026.

Director Maurer presented the proposed Legal budget for fiscal year 2025 outlining the increase of \$23,845 (4.4-percent) and \$16,060 (2.8-percent) for fiscal year 2026. The Human Resources department requested an increase of \$48,600 (8.2-percent) and \$41,830 (6.5-percent) for fiscal years 2025 and 2026, respectively.

Director Maurer presented the proposed legislative budget prepared by the Administration department. The overall fiscal year 2025 budget increase was \$51,690 (14.2-percent) and \$15,700 (3.7-percent) for fiscal year 2026. Director Maurer noted the Human Resources department identified the Mayor and Council salaries as being out of market compared to comparable municipalities. Other operating increases included an anticipated increase in ULCT membership dues, City lobbyists, Butterfield Scholarships, and \$15,000 for outside group sponsorships.

The Council discussed the Rugby Shield donation, and asked if it would be funded by the Legislative budget. Assistant City Manager Wendy Thomas indicated the donation would be funded out of both the Economic Development and Legislative budgets. City Manager Cherpeski recommended putting a formal agreement in place to ascertain transportation costs of the Senior Center transportation. The Council agreed.

Councilmember Shields requested the ULCT come to the Council and advocate for continued support. Councilmember Ohrn concurred.

Finance Director Kyle presented a timeline for the release and adoption of the tentative and final budgets. In response to a question posed regarding tax increases, Director Maurer indicated that staff recommendations would depend on Council directives.

2.2. Presentation and discussion of proposed amendments to Title 10 of Herriman City Code to limit the quantity of specific commercial land uses based on population or proximity to promote sufficient access to desirable services and revenues for municipal services – Michael Maloy, City Planner

City Planner Michael Maloy presented the proposed ideas to take specific land use limitations in the City to the Planning Commission for a public hearing, aiming to promote prosperity while safeguarding residents, businesses, and the tax base. Objectives included enhancing property values, increasing tax revenues for municipal services, fostering employment opportunities, and promoting commercial services.

Planner Maloy proposed to redefine car washes, designating future self-serve or automatic car wash locations as accessory land uses, while introducing full-service car washes as a new primary land use category. This move would help bolster tax collection and employment opportunities, considering the absence of full-service car washes in the community. The Council suggested potentially allowing self-serve or automatic car washes as a secondary use.

City Planner Maloy presented a second proposal involving regulating the number of credit unions allowed in the City. He suggested one credit union per 20,000 residents, which would not allow additional credit unions to open in Herriman.

The Council expressed preferences for proximity restrictions for car washes, credit units, and dentist offices in the city. The Council requested to revisit these business types when

amendments to development agreements were proposed. Councilmember Ohrn noted this proposal was in line with proper planning principles.

2.3. 2024 Legislative Session Wrap-up – Todd Sheeran, City Attorney

City Attorney Todd Sheeran briefed the council on several bills that passed during the legislative session, providing details and potential implications:

- HB13: Infrastructure financing district bill which would allow developers access to funding in the bonding market through an independent board without condemnation or taxing authority.
- HB36: OPMA amendment regarding quorum and acting together outside of meetings, aimed at addressing concerns about evading Open Public Meetings Act regulations.
- HB289: Property ombudsman bill which would introduce penalties and attorney's fees for litigation outcomes based on the ombudsman's decision.
- SB91: Municipal officers compensation bill mandating public hearings for compensation increases for senior officials.
- SB185: Residential building amendments facilitating the use of outside inspectors from a pre-approved list to expedite the inspection process.

Deputy Chief of Police Cody Stromberg highlighted a bill regarding road rage as well as the passage of a school safety bill, which may have financial implications for the City's involvement in school threat assessments.

Councilmember Ohrn highlighted Representative Pierucci's efforts with the Utah Transit Authority (UTA) bill and encouraged collaboration to apply for grants.

3. Adjournment

Councilmember Shields moved to adjourn the City Council work meeting at 6:46 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:00 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Nathan Seo led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Councilmember Hodges noted it was National Good Samaritan Day.

5. Public Comment

There were no public comments offered.

6. City Council Reports

6.1. Councilmember Jared Henderson

There was no report.

6.2. Councilmember Teddy Hodges

Councilmember Hodges reported on the South Valley Sewer District board meeting highlighting the internal audit committee meeting where no issues had been reported.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn highlighted the Youth Council organization and commented on the efforts made at the Youth Council Leadership Conference held in Logan, Utah. The conference was organized and led by youth throughout the state.

6.4. Councilmember Steven Shields

There was no report.

7. Mayor Report

There was no report.

8. Reports, Presentations and Appointments

8.1. Youth Council Cultures Around Herriman Report

Youth Council Mayor Chloe Stump and Mayor Pro Tempore Nathan Seo delivered a presentation about the recent Cultures around Herriman event and expressed gratitude for the support received. The Youth Council highlighted the participation of various schools and emphasized their goals, including networking, promoting values, fostering teamwork, facilitating debate, and exploring career opportunities.

Councilmember Ohrn commented on the importance of understanding the budget information related to the Youth Council and acknowledged the positive impact they bring to the community.

9. Consent Agenda

9.1. Approval of the February 21, 2024 special City Council meeting minutes

9.2. Consideration to Award the Blackridge Parking Contract

9.3. 2024 Firework Restriction Map – Wendy Thomas

Councilmember Ohrn moved to approve the consent agenda as written. Councilmember Hodges 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 for the vote.

10. Discussion and Action Items

10.1. Discussion and consideration of a resolution approving an Interlocal Agreement with Salt Lake County for Traffic Signal at Mountain Ridge High School – Bryce Terry, City Engineer

City Engineer Bryce Terry highlighted the request for the installation of a traffic signal just north of the Mountain Ridge High School. Due to challenges such as the location's difficulty for new drivers to make left turns, vehicle speed, road curvature, and congestion, several crashes have occurred. In response, flexible delineator posts were installed in November 2022 to prevent left turns from the access point.

Engineer Terry noted the Education Committee had been discussing relocating the north high school entrance to align with Rex Peak Way, a project previously considered by the Council in September 2023. The School Board approved the realignment project on February 27, 2024, with construction anticipated for the summer. It was previously agreed that if the School District funded the realignment, the City would fund converting the existing pedestrian signal to a full traffic signal at the intersection. Engineer Terry proposed working with Salt Lake County to install the new traffic signal, and estimated the cost for installation was \$182,175.00.

Engineer Terry anticipated completing the project during the summer, aligning with roadwork completion. Councilmember Ohrn expressed concerns relayed to her about the installation not being completed until fall. Engineer Terry confirmed he would reach out to the District to update them that construction would be conducted prior to the start of the next school year.

Councilmember Hodges asked if the HAWK signal would be able to be repurposed to which Engineer Terry confirmed.

Councilmember Shields moved to approve Resolution No. R10-2024 approving an Interlocal Agreement between Herriman City and Salt Lake County for the installation of a traffic signal located at the intersection of Rex Peak Way and Sentinel Ridge Blvd. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</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.

10.2. Discussion and consideration of an amendment to the Midas Creek Trail Project Reimbursement Agreement – Bryce Terry, City Engineer

City Engineer Bryce Terry presented plans for the Midas Creek Trail system extension which followed the creek from Bangerter Highway to Mustang Trail Way (6000 West). He explained this was one of the longest existing east-west paved trails in the Southwest Salt Lake valley. It was planned to extend the trail to the future 6400 West as part of the Teton Ranch Master Development Agreement which would include an eight-foot asphalt trail on the north side of Midas Creek and a ten-foot asphalt trail with an eight-foot equestrian path to the south side of Midas Creek.

The initial reimbursement agreement for the trail improvements was executed in 2018 with Teton Ranch, LLC. The agreement dictated Park Impact Fees collected in the Teton Ranch, Jackson Village, and Teton Village developments would be used to reimburse the developer for the trail improvements in an amount not to exceed \$1,000,000. However, due to increased project costs since that time, additional funding was sought through the Salt Lake County 4th Quarter Local Sales Tax program, securing \$800,000 for the construction of the trail. With the additional funding, the project could be funded by a combination of funding sources.

The updated project cost amounted to \$1.65 million, necessitating amendments to the reimbursement agreement. The amendment would include updating the party to Wright Homes and the project amount.

Councilmember Hodges moved to approve an amendment to the Midas Creek Trail Project reimbursement agreement. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</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.

10.3. Discussion and consideration of an ordinance amending Herriman City Code Title 6 Chapter 5 and an amendment to the Parking Violation Fee Schedule –

Matt Brooks, Assistant City Attorney

Assistant City Attorney Matt Brooks presented the ordinance amendment regarding parking violation fees. The proposed change would address the parking issues within the city to ensure safety for residents and emergency vehicles. The current fee of \$25 for parking violations would be increased to \$100 citywide, with a possibility of reaching \$200 for repeated offenses.

Councilmember Ohrn emphasized the importance of informing the public about the updated fees to deter improper parking behavior effectively including the parking adjacent to Blackridge Reservoir.

Councilmember Hodges moved to approve Ordinance No. 2024-03 amending Herriman City Code Title 6, Chapter 5 concerning parking violation fees and amend the Master Fee Schedule to reflect the adjustment. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</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.

10.4. Discussion and consideration to repeal and restate Chapter 5-1: Animal Services; Enact Chapter 3-13: Animal Establishments; and approve a Notice of Pending Ordinance for potential revisions to Title 10 related to animal establishments – Todd Sheeran, City Attorney

City Attorney Todd Sheeran presented proposed changes to the animal service regulations, following three years of discussions by the Council. The amendments would clarify existing ordinances, including definitions, impoundment processes, licensing requirements, and penalties for violations. He noted during the previous work meeting there was discussion related to the number of domesticated animals allowed per household. He highlighted an exception to allow for one litter per household.

Attorney Sheeran explained the animal establishment permits would be relocated to Title 10 and this ordinance would offer the notice of pending ordinance to allow staff to make necessary adjustments to zoning regulations to coincide with Chapter 5. Councilmember

Ohrn clarified this would place a moratorium on any animal establishments. City Attorney Sheeran confirmed.

Councilmember Ohrn expressed concerns about the arbitrary nature of setting a specific number of animals allowed per household, citing a lack of clear justification for the requirement. She raised concerns about the potential impact on property rights and emphasized the need for a more nuanced approach to addressing animal-related issues. She proposed forming a task force to study the issue further composed of animal service officers, veterinarians, and residents to reevaluate the ordinance and consider alternative solutions. She advocated for flexibility in the regulations and suggested revisiting the issue in the future to ensure effectiveness without unduly restricting residents' rights.

City Attorney Sheeran explained the provision relating to the number of animals allowed was not being changed based on previous Council direction. Councilmember Ohrn reiterated the feeling like a number was being arbitrarily chosen and wanted a process to be conducted to ensure the City has a clearly vetted ordinance.

Councilmember Ohrn brought up the issue of leashing requirements and highlighted concerns raised by agricultural individuals who may take their dogs on trail rides. She suggested implementing an exception for working livestock dogs in the ordinance to address this type of scenario. She also touched on the definition of “vicious or dangerous animal” and questioned if it would prohibit guard dogs. Councilmember Ohrn also stated that the injury to animals by motorists suggests a driver must report an accident with a domestic animal; however, does not address livestock. She asked if it could be included. City Attorney Sheeran agreed he could add livestock to that provision.

Councilmember Ohrn questioned the requirements surrounding destroying an animal to which Police Chief Troy Carr offered an overview of the State Code requirements.

Mayor Palmer asked if there was any interest from other members of Council in entertaining any of the proposals presented by Councilmember Ohrn. Councilmember Henderson indicated he would be supportive of putting a task force together to study the variables while maintaining the animal limit. Councilmember Hodges suggested residents being able to petition to have additional animals in place based on metrics outlined for consideration. Councilmember Ohrn asked if there would be a concern with allowing residents to have more domestic animals. Police Chief Carr would look to not overburden staff and need to ensure situations could be contained.

Councilmember Ohrn suggested if there was no change to the ordinance, the data information would remain the same. Police Chief Carr explained the number of animals allowed helped more with prosecution efforts. City Manager Cherpeski indicated there was no scientific or academic metric study and explained issues are followed up based on

complaints received and highlighted the level of difficulty in enforcement. Police Chief Carr added that enforcement needed to be consistent.

Councilmember Shields emphasized the enforcement aspect of the law was crucial regardless of specific regulations. He highlighted the wide variation in animal ownership limits across several states suggesting that in the absence of any definitive scientific data, setting a specific number of animals could be based on the consensus of other jurisdictions. He agreed it was important to balance the interests of different residents.

In response to a question posed by Councilmember Hodges, Assistant City Attorney Brooks explained the differences between an infraction, Class B Misdemeanors and Class C Misdemeanors.

Mayor Palmer asked if the Council wanted to delve into an exception for the leash law. Council consensus responded in the negative. City Attorney Sheeran observed the guard dogs do not fit the definition of a vicious animal and would be permitted.

Councilmember Shields moved to continue the ordinance repealing and restating the ordinance related to animal services to the next meeting.

He asked if the Council could receive statistics of how many animal calls are received and the correlation with the number of dogs homeowners have in correlation with the calls. Councilmember Ohrn also asked for information on what the ordinance was solving. City Manager Cherpeski responded that the data collected would not be able to sufficiently answer the questions posed.

Councilmember Shields withdrew his motion.

Councilmember Hodges moved to approve Ordinance No. 2024-04 repealing and restating Herriman City Code Title 5, Chapter 1 regarding animal services, enacting Title 3, Chapter 13 regarding animal establishments, and give notice of a pending ordinance for possible changes in Title 10 relating to animals and animal establishments with the inclusion of domestic and livestock if an animal gets hit and report to law enforcement. . Councilmember Henderson seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>No</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed with a vote 4:1.

Councilmember Ohrn relayed her frustration with the outcome of the ordinance adoption and encouraged the Council to interview residents as she had done to gain a better perspective of issues surrounding this ordinance.

10.5. Discussion and consideration of an ordinance amending Herriman City Code Chapters 3-5, 7-3, 7-4, and 7-13, and enact Chapter 7-15 related to Telecommunications, Broadband, and Cable Services – Todd Sheeran, City Attorney

City Attorney Todd Sheeran presented the ordinance addressing telecommunications, broadband, and cable regulations. He highlighted the lack of mechanisms to address broadband and cable services in the existing code, as well as inconsistencies with federal and state law. He noted providers would look to offer services utilizing city right-of-way would need to comply with proposed provisions and obtain a franchise agreement from the Council. City Attorney Sheeran noted potential challenges in determining how many providers should be allowed in the right-of-way. Councilmember Ohrn commended City Attorney Sheeran for his work in clarifying the ordinance and was amazed at the complexity of the regulations.

Councilmember Shields moved to approve Ordinance No. 2024-05 amending Herriman City Code Title 3, Chapter 5, Title 7, Chapter 3, Title 7, Chapter 4, and Title 7, Chapter 13, and enacting Title 7, Chapter 15 relating to Telecommunications, Broadband, and cable service providers and use of City right-of-way with the inclusion of the red-lined changes presented by City Attorney Sheeran. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</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.

11. Future Meetings

11.1. Next Planning Meeting: March 20, 2024

11.2. Next City Council Meeting: March 27, 2024

12. Closed Session

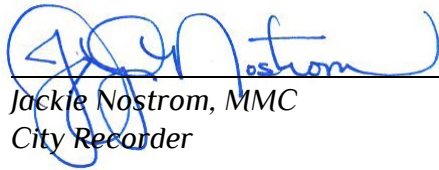
There was no closed session.

13. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 8:49 p.m. Councilmember Shields seconded the motion, and all voted aye.

14. 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 March 13, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder