



CITY COUNCIL MINUTES

Wednesday, March 27, 2024
Approved April 24, 2024

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, March 27, 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 Pro Tempore Steven Shields

Councilmembers Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn

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, Commander Zach Adams, 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, Court Administrator Monica Medina, Community Development Coordinator Sandra Llewellyn, and Operations Director Monte Johnson.

Excused: Mayor Lorin Palmer

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

Councilmember Sherrie Ohrn moved to nominate Councilmember Steven Shields to be the Mayor Pro Tempore. Councilmember Teddy Hodges seconded the motion, and all voted aye.

1. Council Business

Mayor Pro Tempore Steven Shields called the meeting to order at 5:38 p.m.

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

There were no future citizen recognitions noted.

2. Administrative Reports

2.1. Chamber of Commerce Discussion – Blake Thomas, Community Development Director

Community Development Director Blake Thomas introduced the South Valley Chamber of Commerce and the Mountainwest Chamber of Commerce and noted representatives would provide a brief overview of what each chamber offers.

South Valley Chamber President Jay Francis provided an overview of what services they provide.

Councilmember Jared Henderson arrived @ 5:48 p.m.

Mountainwest Camber Boardmember Gabriel Garcia offered a brief synopsis of services and support provided to the community.

Mayor Pro Tempore Shields noted the South Valley Chamber was offering a discounted membership fee. Councilmember Sherrie Ohrn noted she would like to understand the benefit of membership when the topic was further discussed at a future meeting.

2.2. Discussion of the department requested Community Development budgets for fiscal year 2025 and 2026 – Kyle Maurer, Finance Director

Finance Director Kyle Maurer was please to announce the initial insurance renewal cam back at a rate lower than originally anticipated. He attributed it to the wise utilization of healthcare resources by staff.

Director Maurer highlighted the composition of the Community Development Department which encompassed Engineering, GIS, Building, Planning and Economic Development. He delved into the budget breakdown, addressing the costs associated with personnel and operating expenses. He noted certain expenses, such as subscriptions and memberships would not be accounted for under Community Development Admin which originally had been allocated under Engineering. Director Maurer explained the reallocation was to streamline budgeting and make it easier to track expenses within departments.

Director Maurer highlighted the significant decreases outlined in the Economic Development budget categories including consulting, studies, conferences, and conventions. He explained the economic development study had been completed and there was reallocation of funds to specific event departments for Towne Days.

Director Maurer turned the conversation to the Engineering Department budget where the City Engineer proposed an additional staff engineer position; however, due to budget constraints, the City Manager would not be recommending any staff increases for this budget. He offered an overview of the proposed budget. The GIS department budget was presented with the need for new aerial images were emphasized. This was considered a capital cost, and Director Maurer reported cost saving measures were being explored for future imaging needs.

Director Maurer looked to the Building Department budget which operated under the development services fund. He relayed the position of the Building Official cautioning against hiring additional personnel due to economic uncertainties. Director Maurer offered a brief synopsis of the expected budget increases and provided the rationale behind them.

Councilmember Hodges raised concerns about having career ladders for employees as a means of improving retention and morale within the City. Director Maurer concurred and noted job descriptions were being clarified to ensure transparency in requested salary adjustments. The Council expressed appreciation for the effort to ensure promotions are quantified.

Director Maurer finished the discussion with the Planning Department budget, focusing on staffing levels and operating expenses. He said the department's approach to advanced planning studies and the allocation of funds for specific projects were scrutinized to ensure accountability and transparency in budget management. The Council expressed appreciation for the detailed budget presentations, which helped facilitate a better understanding of the City's financial priorities. The Council emphasized the importance of transparent communication and accountability in budgeting decisions as a means of building public trust and ensuring responsible stewardship of taxpayer funds.

3. 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 Hodges moved to temporarily recess 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 Annotated §52-4-205 at 6:35 p.m. 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>Absent</i>

The motion passed unanimously with Mayor Lorin Palmer being absent.

The Council reconvened the work session at 6:58 p.m.

4. Adjournment

Councilmember Hodges moved to adjourn the City Council work meeting at 6:58 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

5. Call to Order

Mayor Pro Tempore Steven Shields called the meeting to order at 7:06 p.m. He excused Mayor Palmer from the meeting and noted Councilmember Jared Henderson was participating remotely.

5.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Dayne Linton led the audience in the Pledge of Allegiance.

5.2. City Council Comments and Recognitions

There were no comments or recognitions offered.

6. Public Comment

Steven Kartchner expressed concerns about a notice of encroachment he received for landscaping he conducted on his property. He mentioned having tall weeds near his home which backed onto a gully with significant foliage, which raised concerns about fire danger, especially given the area's history of fires. He stated that he, along with his neighbor, approached Herriman City with a proposal to landscape the area between their lot line and the slope, using sod and sprinkler systems. He claimed that the City Council representative, Nicole Martin, approved the proposal with the condition that no additional structures would be build. He mentioned receiving permission from both Councilmemembr Martin and the previous City Manager, Brett Wood, for the initial landscape and continued use of the area. Mr. Kartchner highlighted that insurance companies had stopped providing home insurance

for his property due to the perceived fire danger based on satellite images and reports. He expressed significant concern that if the City forced them to remove the landscaped buffer area and weeds grew back near their home, it could render his home uninsurable and unmarketable, potentially leading to financial and liability issues.

received notice of encroachment. Tall weeds, worried about fire danger. Proposed, landscaping with the City – slope. Contacted, Nicole Martin, and Brett wood, both granted approval.

Diane Kartchner indicated she recently met with Assistant City Attorney Matt Brooks where they discussed the City’s handling of approximately 90 properties for encroachments issues. She questioned the fairness of requiring some properties to remove their encroachments while allowing others to remain. Ms. Kartchner reported they approached city officials and obtained permission for the improvements, unlike most others. She believed they had a valid basis for being treated differently. She expressed concerns about the increased fire risk in the area due to the City’s plans for making the gully a recreation area, which would attract many individuals who would engage in various activities. She mentioned past instances where dwellings were given land to create a buffer, emphasizing they were not seeking ownership, but the ability to maintain their butter for fire projection and insurance purposes. Ms. Kartchner appealed to the Herriman City Council for the necessary approval to ensure safety, property values, and marketability for the property.

Dave Goldhardt addressed his concern about encroachments similar to what Mr. Kartchner discussed. He mentioned having about ten feet of encroachment on the side, with some areas extending about six feet. In an effort to prevent soil erosion, boulders were placed along the encroached area. Mr. Goldhardt opted to gravel the space to avoid weed growth and maintain stability. He expressed worry about fire hazards, citing examples of nearby gullies being prone to fires, particularly during the summer with fireworks. Despite previous assurances from City officials, Mr. Goldhardt received an encroachment notice. He emphasized acting in good faith and hoped the City Council would take the opportunity to inspect the situation firsthand to understand the real issue.

David Pruit offered an electronic comment stating he would like to encourage the City to replace the intersection at 12600 S and Herriman Main St with a two-lane round-about. This area of Herriman has grown quickly. The intersection had been handling a lot of traffic, and it had been very dangerous. Mr. Pruit used the intersection daily, and regularly saw car accidents there, as well as many people who blatantly ran red lights. Round-abouts had been well known to be both safer and better for traffic flow than conventional intersections. A roundabout would decrease congestion during high-traffic periods, and the number of accidents at that intersection would have decreased significantly. It had been a

large intersection and there had been enough space for a roundabout. If properly installed, it would have also increased the walkability of the area, making it more convenient for pedestrians and bikers who were not using a car.

The Council discussed the process regarding the property issues, noting the matters currently go before the Administrative Hearing Officer for enforcement. City Attorney Todd Sheeran clarified that any actions like entering into a lease or deeding the property would be separate from the ongoing process handled by the Administrative Law Judge. He outlined the Council's authority in land use decisions and what would need to be done if those needed to be altered. The Council expressed appreciation to the comments offered by the residents.

7. City Council Reports

7.1. Councilmember Jared Henderson

Councilmember Henderson had no report.

7.2. Councilmember Teddy Hodges

Councilmember Hodges reported on the South Valley Sewer District noting a possible name change for the District. He also noted at the last meeting a reimbursement agreement with the South Hills developer was considered. Councilmember Hodges also noted he attended a recent audit committee meeting.

7.3. Councilmember Sherrie Ohrn

Councilmember Ohrn, representing the Wasatch Front Waste and recycling District Board, reported on a recent meeting where Momentum was growing and expanding. She expressed optimism that glass recycling services would eventually expand into Herriman.

7.4. Councilmember Steven Shields

Councilmember Shields reported on the Mosquito Abatement District Board highlighting if residents are concerned about the mosquito population on their property, they may request help from the District to come on site to help mitigate the issue.

Councilmember Shields commented on the implementation of the Blackridge parking fee noting there were no perfect solutions. He encouraged residents to make an effort to be involved and engage with Elected Officials.

8. Mayor Report

There was no report.

9. Public Hearing

9.1. Public hearing and consideration of a Resolution approving amendments to the City of Herriman's water and secondary water rates – Kyle Maurer, Finance Director

Director Maurer provided a brief overview of the water rate study initiated in February 2023, after which, he turned the time over to Engineer Keith Larsen from Bowen Collins to present the findings and recommendations from the study. Engineer Larsen began by outlining the objectives of the presentation which included assessing the existing water rate structure, determining revenue needs, and proposing rate alternatives. He highlighted five adjustments to the current rate structure to ensure fairness and equity in cost distribution. The adjustments included modifying volume breaks, aligning tier costs with the actual cost of service, addressing larger water meters, simplifying rates, and implementing a volumetric rate schedule for specific areas like Olympia Hills.

Engineer Larsen suggested lowering the break between water rate tiers to encourage more efficient water use among high-volume consumers. He explained how historical usage patterns inform these adjustments and emphasizes the importance of incentivizing prudent water use in an effort not to subsidize any consumers. Engineer Larsen observed revenue needs and potential rate increases and presented graphs and charts to illustrate the financial implications for both the City and residents.

Councilmember Hodges sought clarification on the proposed adjustments on typical water bills and the necessity of bonding to address immediate needs. Engineer Larsen observed the increase on a typical water bill and suggested if the Council chose not to bond for needed infrastructure, water rates would need to be increased by 85-percent or projects would need to be deferred. Councilmember Ohrn emphasized the importance of consumers paying for their usage.

Engineer Larsen highlighted the escalating costs associated with infrastructure maintenance and repair projects and outlined the need for a sustainable funding mechanism. He reinforced the value of water and acknowledged the challenges posed by rate increases and observed the relatively low cost of water compared to its essential role in daily life. Councilmember Hodges agreed with the value of water even when faced with a potential rate increase.

City Manager Cherpeski expressed his appreciation to see the infrastructure maintenance costs as part of the report. Mayor Pro Tempore Shields asked for clarification if there was any part of the proposed increase associated with personnel. Engineer Larson highlighted the impact of inflation, along with decreased water sales due to conservancy for the Council. He focused on sustainable rate increases to bridge the revenue gap while

considering residents' affordability. City Manager Cherpeski indicated it was a challenge to balance the needs associated with the proposal.

Mayor Pro Tempore Shields asked if the water rate increase would help fund infrastructure maintenance costs. Engineer Larsen discussed Utah's Impact Fees Act, which was a guide on how costs are calculated and charged to new development. This law was put in place to ensure new growth pays its fair share of infrastructure costs. He clarified the proposed rate increase was not about existing users paying for new growth but rather addressing infrastructure needs and inflationary pressures. Engineer Larson noted there could be upfront costs for infrastructure paid by existing residents, the costs would be recouped over time, especially with the help of bonding recommendations to spread out expenses.

Engineer Larsen noted the significant increase in capital costs compared to general consumer pricing and reiterated the need for sustainable rate adjustments to cover operational and maintenance expenses. He explained how specific developments like Olympia were being charged based on their water costs to ensure existing residents were not burdened with additional costs.

Mayor Pro Tempore Shields delved into impact fees and Public Infrastructure Districts (PIDs) as mechanisms to fund infrastructure. Engineer Larson added that PIDs use property taxes to finance infrastructure within their boundaries, whereas impact fees would be collected over time to reimburse the City for upfront infrastructure costs. The Council expressed concern about residents' understanding of the fee increases, the impact of inflation, and the need to maintain the water system quality. The Council acknowledged the complexities of balancing service quality, cost increases, and resident expectations.

Mayor Pro Tempore Shields opened the public hearing.

There were no comments.

Councilmember Ohrn moved to close the public hearing. Councilmember Hodges seconded the motion, and all voted aye.

Councilmember Hodges acknowledged the weight of the decision, recognizing its impact on every citizen and business owner. Councilmember Ohrn concurred. Mayor Pro Tempore Shields elaborated on the percentage increases and explained they primarily covered the costs of bonds and debt service obligations over several years rather than imposing significant upfront or massive capital investments.

Councilmember Hodges moved to approve Resolution No. R11-2024 approving an amendment to the Master Fee Schedule relating to water and secondary water rates. 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>Absent</i>

The motion passed unanimously with Mayor Palmer being absent.

10. Consent Agenda

- 10.1. Review and Approval of the February 2024 Financial Summary**
- 10.2. Consideration of 4 Interlocal Agreements with Salt Lake County regarding Corridor Preservation Funds to Acquire Road Rights of Way for 12600 South and 6400 West - Blake Thomas, Community Development Director**
- 10.3. Review and consider a resolution to reappoint three members of the Herriman City Planning Commission for an additional three-year term of service – Michael Maloy, City Planner**
- 10.4. Approval of the February 28, 2024 and March 13, 2024 City Council meeting minutes**

Councilmember Ohrn 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>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>Absent</i>

The motion passed unanimously with Mayor Palmer being absent.

11. Discussion and Action Items

- 11.1. Resolution Adopting Council Policy LP-041-003 establishing a policy on when items would require a work meeting – Nathan Cherpeski, City Manager**

City Manager Cherpeski addressed the Council recalling a past discussion about establishing a policy for determining when items should go to a work meeting and the

perceived delays that had been created. He recommended the majority of conversations held during Council meetings be conducted during the regular meetings. The policy presented focused on clarifying when items should go to work meetings versus regular meetings. City Manager Cherpeski emphasized that while the policy guides staff on work meeting necessity, the Council would always retain the option to send items back to work meetings if needed, especially when decisions are not ready to be considered.

Councilmember Ohrn thanked City Manager Cherpeski for the policy change, highlighting the importance of enhancing focus and deliberation during regular meetings. She noted public accessibility remained consistent whether in work meetings or regular sessions, but wanted the increased attention and importance placed on regular meetings by the public. The Council agreed, indicating their support for the policy change and the value it added to the meeting processes.

Councilmember Ohrn moved to approve Resolution No. R12-2024 establishing procedures for work meeting agenda items. 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>Absent</i>

The motion passed unanimously with Mayor Palmer being absent.

11.2. Discussion and Consideration of an Impact Fee Agreement with Mountainview Plaza, LLC for the Construction of Roadway Improvements for Herriman Auto Row and Miller Crossing Drive – Blake Thomas, Community Development Director

Community Development Director Blake Thomas oriented the Council of a proposed impact fee agreement with Mountain View Plaza, LLC for roadway improvements related to Herriman Auto Row and Miller Crossing Drive. He explained the developer had requested not to be charged transportation impact fees due to the surrounding Auto Mall Public Infrastructure District (PID) budgeting for road completion, except for a half-road width near their project. The proposed agreement outlined terms for the arrangement, including an adjusted completion date of April 15, 2025 to allow the developer to proceed with additional buildings. Director Thomas clarified the request only applied to transportation impact fees, anticipating the road construction costs would match or slightly exceed the anticipated collection of impact fees.

City Manager Cherpeski added context, noting the roads were previously eligible for impact fees, but changes in eligibility required the developer to construct the roads without fee reimbursement. The agreement didn't constitute a giveaway but recognized the developer's responsibility. Councilmember Hodges highlighted the cost-effectiveness of developers paying for road construction compared to government involvement.

Director Thomas explained this agreement would simplify matters, bypassing the City as a middleman in fee collection and road completion negotiations with the PID. The Council expressed excitement about ongoing construction and potential future developments at Mountain View Plaza. Director Thomas mentioned the high interest in the site, indicating positive prospects for the area.

Councilmember Hodges moved to approve an Impact Fee Agreement with Mountain View Plaza, LLC for the roadway improvement construction for Herriman Auto Row and Miller Crossing Drive. 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>Absent</i>

The motion passed unanimously with Mayor Palmer being absent.

11.3. Consideration of a Purchase Agreement with Olympia Ranch, LLC for the Acquisition of Right-of-Way for 7300 West from 13000 South to 12600 South – Blake Thomas, Community Development Director

Director Thomas provided an overview of the 7300 West road development and highlighted the right-of-way acquisition process and the use of corridor preservation funds. He explained the process which included applying for funds, presentations at meetings, and entering into agreements to purchase the property. Director Thomas observed the areas already purchased with corridor preservation funds and the developer's contribution of half the acreage for the project.

Director Thomas touched on the anticipated benefits of the road construction including improved connectivity and access for commercial centers and residents. He mentioned the road was funded for construction during the last legislative session, with plans for paving from Main Street to 12600 South next summer. Utah Department of Transportation (UDOT) would also consider constructing Herriman Boulevard to the east of the location, which would also enhance the road network.

Mayor Pro Tempore Shields commended the collaborative efforts between the City and developers, especially in light of discussions surrounding annexation. He noted the lobbying efforts that led to legislative funding for the project, acknowledging the benefits of working together rather than taking an oppositional stance.

Councilmember Hodges agreed with the sentiments offered and highlighted the positive impact of the road developments on connectivity and infrastructure in the area. Mayor Pro Tempore Shields acknowledged differing opinions on development but emphasized the significant financial support from the legislature, totaling around \$100 million for infrastructure projects in the region.

Councilmember Ohrn moved to approve a purchase agreement with Olympia Ranch, LLC for the right-of-way acquisition located at approximately 7300 West 13000 South to 12600 South. Councilmember Hodges 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>Absent</i>

The motion passed unanimously with Mayor Palmer being absent.

12. Future Meetings

12.1. Next Planning Meeting: April 3, 2024

12.2. Next City Council Meeting: April 10, 2024

13. Events


13.1. Hungry Herriman: April 1, 2024 and April 8, 2024; Crane Park @ 5:00 p.m.

14. Adjournment

Councilmember Ohrn moved to adjourn the City Council meeting at 8:30 p.m. Councilmember Hodges 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 March 27, 2024. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder