



## CITY COUNCIL MINUTES

**Wednesday, May 13, 2015**

**Approved May 27, 2015**

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, May 13, 2015 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:**

Mayor Carmen Freeman

**Council Members Present:**

Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

**Staff Present:**

Brett geo. Wood, City Manager  
Gordon M. Haight II, Assistant City Manager  
Tami Moody, Director of Administration & Communications  
Jackie Nostrom, City Recorder  
John Brems, City Attorney  
Alan Rae, Finance Director  
Danie Bills, Events Manager  
Blake Thomas, City Engineer  
Clint Smith, Unified Fire Authority Chief  
Dwayne Anjewierden, Unified Police Chief  
Cathryn Nelson, Chief Building Official  
Monte Johnson, Operations Director  
Ed Blackett, Streets Manager  
Wade Sharp, Parks Manager  
Travis Dunn, Human Resource Manager

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

**5:01:53 PM COUNCIL BUSINESS**

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

1. **Herriman City Prosecutor report** – Stephen Aina, City Prosecutor  
This presentation was continued to a future Council work meeting.

8. **5:02:15 PM Regional Advisory Council Update** – Justun Edwards, Water Director  
Water Director Justun Edwards offered a brief update on the Urban Deer Mitigation Program. The Regional Advisory Council (RAC) met last Wednesday to review a new amendment that would allow local jurisdictions to manage the deer herds located within City

Limits. He observed pilot programs that were administered by Highland City via lethal removal and Bountiful City via relocation. Primary results concluded that either method had been effective in removing deer; however, they both had public concern. The survival rates of the relocated deer have not been determined. Director Edwards noted that costs associated with either program are still being compiled.

Director Edwards relayed the process to move forward with the program and present a plan to the Utah Division of Wildlife Certificate of Registration (COR) as well as provide annual reports. The City would be required to renew the certificate every three years to allow for period public comment. Director Edwards noted that to administer the relocation program, additional Division of Wildlife Resource approval would be necessary.

2. [5:15:14 PM](#) **Home Magazine presentation** – Tami Moody, Director of Communications and Administration

Mr. Mike Rognon enlightened the Council of a proposal selling advertisement space in a community magazine entitled *Herriman Home*. He continued with his vision of having the quarterly publication distributed to all homes within City limits. Articles published could include City issues that would provide public education. Councilmember Matt Robinson questioned the business plan. Mr. Rognon responded that he would like to have the City purchase advertisement space to financially support the magazine. Councilmember Coralee Wessman-Moser asked for a written financial proposal from Mr. Rognon for evaluation. Mr. Rognon informed the Council of the advertising space cost. Councilmember Craig B. Tischner questioned whether the City needed another avenue to disseminate information as the newsletter was recently increased to a monthly distribution. City Manger Brett Wood commended Mr. Rognon for the previous magazine that he published.

C. [5:28:02 PM](#) **CLOSED SESSION (IF NEEDED)**

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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS 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.

D. [6:05:35 PM](#) **RECOMMENCE TO WORK MEETING**

3. [6:05:46 PM](#) **Honey Orchard and Vineyard presentation** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced Mr. Joe Skousen as he turned the time over to him to present to the Council. Mr. Skousen told a short anecdote to the Council of a

rejuvenating experience that he had at a local orchard in Michigan, and his desire to bring “Agritourism” to Herriman. He noted how the Honey Orchard would be an asset to the community and improve the standard of living as people seek out this type of experience. Mr. Skousen explored his vision of the orchard, and petitioned the Council to utilize City property to bring the vision to life. Assistant City Manager Haight interjected to let the Council know that, in essence, Mr. Skousen would lease the property from the City; however, any improvements would be installed and maintained by the lessee. Council consensus determined to pursue leasing property for this venue as it would be a good counter balance to density.

4. [6:28:25 PM](#) **Enforcement of Landscape Standards** – Brett Wood, City Manager  
City Planner Bryn McCarty reviewed the current landscape policy, and requested direction from the Council if the City should be more proactive with landscape enforcement. City Attorney John Brems suggested a standard numbered level system as a proactive approach to enforce equally. Councilmember Mike Day expressed his concern about being too aggressive with enforcement. Councilmember Moser asked if the City could receive anonymous complaints. City Attorney Brems confirmed. City Manger Brett Wood expressed his opinion that landscaping would change the value in the community. Councilmember Moser extended her support investigating the point system Attorney Brems was referring. Councilmember Robinson agreed.

5. [6:46:56 PM](#) **Other Updates**  
Events Manager Danie Bills informed the Council that one of the Enduro Cross winners donated their prize money back to the City to support the event next year. The donor expressed their appreciation to the City for supporting this event, and was proud to be a Herriman resident. City Manager Wood expressed his appreciation to staff members and volunteers for making City events successful.

E. [6:52:45 PM](#) **Adjournment**  
COUNCILMEMBER TISCHNER MOVED TO ADJOURN THE WORK MEETING AT 6:46 P.M.  
COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

**7:15 PM - GENERAL MEETING:** (OR AS SOON THEREAFTER AS REASONABLY FEASIBLE)

F. [7:03:55 PM](#) **CALL TO ORDER**

Mayor Freeman called the meeting to order, and welcomed everyone in attendance.

A. [7:04:22 PM](#) **Invocation and Pledge**

Scout Jace Cox offered the invocation. Scout Troop #1559 led the audience in the Pledge of Allegiance.

B. [7:06:58 PM](#) **Approval of the Minutes**

April 22, 2015

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF APRIL 22, 2015 AS WRITTEN. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

C. [7:09:57 PM](#) **Mayor’s Comments**

Mayor Freeman noted that he attended the Fort Herriman Middle School Musical *Seussical the Musical Jr.* and expressed his appreciation of the talent that was displayed. He indicated that he attended the Miss Herriman Scholarship Pageant and added that the new royalty would be recognized at the next City Council meeting.

Mayor Freeman thanked Events Manager Danie Bills for her contribution to the Farm Field Days experience. He recognized the work that the community volunteers had contributed. Mayor Freeman congratulated Aubrey Mansfield for receiving the Unified Police Department (UPD) officer of the year award.

**D. [7:07:22 PM](#) Council Recognitions**

Councilmember Robinson expressed his appreciation to staff for their creativity and dedication in supporting the Enduro Cross event.

Councilmember Day informed the Council that there were 14 students who received 4.0 accumulative GPAs from Herriman High School. He congratulated Tanner Hart for his extraordinary accomplishment by receiving a perfect composite score of 36 on the ACT Exam along with his 4.0 cumulative GPA.

**G. [7:12:24 PM](#) PUBLIC COMMENT**

Steve Garrett, 5443 west Genoa court, thanked the scouts for presentation of the flag. Mr. Garrett expressed his zoning concern from the previous meeting.

David Watts, 14461 S Windom Road, expressed his appreciation to the Council for the approval of the Parks Master Plan, and requested that staff compile cost estimates to install programmable space in his neighborhood.

Matthew Gillette, 7066 W Gina Road, expressed his concern with his existing property lines as there is a discrepancy with the recently proposed annexation, and requested all boundary lines be addressed prior to the approval of the annexation. Mayor Freeman encouraged Mr. Gillette to speak with Assistant City Manager Gordon Haight to address his concern.

Steve Russell, 5343 W Briar Park Road, expressed his concern with Blackridge Reservoir and encouraged the Council to control the parking at the facility. Mr. Russell continued with his safety concern for the children as drivers speed through the residential area.

**H. REPORTS, PRESENTATIONS AND APPOINTMENTS**

**A. [7:27:54 PM](#) Animal Control Service Report – Mike Reberg, Salt Lake County Director of Animal Services**

Mayor Freeman noted that this report would be continued to a future meeting.

**I. [7:28:08 PM](#) DISCUSSION AND ACTION ITEMS**

**A. [7:28:10 PM](#) Approval of a resolution to adopt the fiscal year 2015-206 Herriman City Tentative Budget, and to amend the 2014-2015 fiscal year budget – Alan Rae, Finance Director**

Finance Director Alan Rae indicated that he was asked to speak on the debt section of the budget. He explained that the City has a number of reimbursement agreements that allowed developers to build infrastructure and would be reimbursed with impact fees. In the 2012 audit, a finding appeared that noted the agreement needed to be reimbursed. Research found that eight other agreements that had not been reimbursed. Councilmember Moser asked if the City has the proper documentation for the agreements and requested they be forwarded to the City Council for review. Director Rae confirmed.

Director Rae informed the Council of the small amendments made to the tentative budget, and recommended approval. The public hearing for the budget is scheduled for May 27, 2015 with adoption on June 10, 2015. Mayor Freeman thanked Director Rae for the streamlined process.

COUNCILMEMBER ROBINSON MOVED TO APPROVE RESOLUTION NO. R12-2015 ACKNOWLEDGING RECEIPT OF A TENTATIVE BUDGET AND TENTATIVELY ADOPTING THE TENTATIVE BUDGET PURSUANT TO THE REQUIREMENTS OF UTAH CODE ANN § 10-6-111 FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016. 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.

**B. [7:39:34 PM](#) Discussion and consideration of an ordinance amending Section 10-2-1 of the Herriman City Code regarding the definition of Family Food Production – Bryn McCarty, City Planner**

City Planner Bryn McCarty reviewed the proposed text change to the Family Food Production Definition, and noted that the intent is to clarify the ordinance. Mayor Freeman asked about families that truly want to be self reliant and considerations should be made when they fall outside of the established parameters, and encouraged continuation of the text change. The Council agreed. Councilmember Day suggested an allowance for responsible ownership.

COUNCILMEMBER DAY MOVED TO CONTINUE THIS ORDINANCE AUTHORIZING A TEXT CHANGE TO THE LAND USE ORDINANCE REGARDING FAMILY FOOD PRODUCTION. 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 to continue the ordinance.

**C. [7:48:52 PM](#) Discussion and consideration of an ordinance to add a Fencing Chapter to the Land Use Ordinance – Bryn McCarty, City Planner**

City Planner Bryn McCarty reviewed the proposed Fencing Chapter of the Land Use Ordinance with the incorporated changes recommended by the Planning Commission. Councilmember Moser asked if there could be an exception for front yard fencing height when using wrought iron and visibility is not an issue. City Planner McCarty indicated that she would look into the request. Mayor Freeman expressed his concern with weathered wood fencing. Councilmember Robinson asked if the ordinance could specifically prohibit wood materials. City Planner McCarty verified. She asked if there were any questions. There were none.

COUNCILMEMBER ROBINSON MOVED TO APPROVE ORDINANCE NO. 2015-15 AUTHORIZING A TEXT CHANGE TO THE LAND USE ORDINANCE TO ADD A CHAPTER ON FENCING AND ADDING WOOD TO PROHIBITED MATERIALS LIST. COUNCILMEMBER

TISCHNER SECONDED THE MOTION. (RENUMBERED FROM ORDINANCE NO. 2015-16 TO MAINTAIN SEQUENTIAL ORDER)

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. [7:59:23 PM](#) Discussion and consideration of a proposed rezone located at 5200 West 12600 South from A-1 (Agricultural) to RM (Multi-Family Residential) – Bryn McCarty, City Planner**

City Planner Bryn McCarty oriented the Council to the location of the proposed rezone, and relayed the Planning Commission recommendation of denial based on the zoning designation set forth in the General Plan. Mayor Freeman solicited input from Planning Commission Chair Clint Smith. Chair Smith informed the Council that the Planning Commission does believe that the property may not have the appropriate zoning designation, and would necessitate an amendment to the General Plan after the proper zoning classification has been addressed. The Council consensus determined that the item be continued because of the potential improper zoning classification.

Applicant Trevor Hull reviewed the proposed development, and noted that he would return to the Planning Commission with direction from the Council addressing the General Plan zoning designation. City Attorney John Brems interjected and notified the Council that the ordinance would have to satisfy the General Plan. Applicant Hull stated that the development application had been submitted prior to the General Plan being amended. This was confirmed. Councilmember Moser indicated that an amendment to the General Plan would be considered. She expressed her support for the commercial component of the proposal, and suggested a mid-density range. Applicant Hull responded that the adjacent developments have compatible uses. Councilmember Robinson suggested that the property has the potential to be completely commercial, and expressed his position that he did not want additional high density. Mayor Freeman recommended continuation of the item. City Planner McCarty informed the Council that a General Plan amendment would be proposed with the upcoming annexation. Councilmember Moser recommended a lower density area zoning be researched.

COUNCILMEMBER TISCHNER MOVED TO CONTINUE THIS ORDINANCE DENYING A REZONE LOCATED AT 5200 WEST 12600 SOUTH FROM A-1 (AGRICULTURAL) TO RM (RESIDENTIAL MULTI FAMILY) COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

**E. [8:25:53 PM](#) Discussion and consideration of an ordinance amending the Herriman City Code to add Design Criteria to the Commercial/Manufacturing zones – Bryn McCarty, City Planner**

City Planner Bryn McCarty observed the proposed design criteria for the Commercial and Manufacturing zones. Councilmember Tischner expressed his concern of the 40 percent brick requirement driving out businesses. Planning Commission Chair Clint Smith informed the Council that he would like to see the requirement higher as he is a personal proponent of brick and stone. He recognized the cost increase for a commercial building, and compromised to a lesser standard that would not deter businesses. Councilmember

Robinson noted that the proposed City Hall would be 100 percent brick, and asked why businesses should not be held to the same standard. He recommended the requirement be placed at 60 percent. Councilmember Day stated that the intent is 60 percent; however, there could be an exception if a compelling reason to revisit the change surfaces.

COUNCILMEMBER ROBINSON MOVED TO APPROVE ORDINANCE NO. 2015-16 AUTHORIZING A TEXT CHANGE TO THE LAND USE ORDINANCE REGARDING COMMERCIAL DESIGN CRITERIA WITH AN AMENDMENT TO REQUIRE 60 PERCENT BRICK/STONE. COUNCILMEMBER MOSER SECONDED THE MOTION. (RENUMBERED FROM ORDINANCE NO. 2015-18 TO MAINTAIN SEQUENTIAL ORDER)

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Nay
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed with a vote 4:1.

**F. [8:42:09 PM](#) Discussion and Consideration of an ordinance amending the Engineering Review Fees – Gordon Haight, Assistant City Manager**

Assistant City Manager Gordon Haight reminded the Council of a work meeting discussion pertaining about lot combinations in finished subdivisions. He proposed to reduce the application fee from \$3,000 to \$500.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-17 AMENDING THE ENGINEERING REVIEW FEES. COUNCILMEMBER ROBINSON SECONDED THE MOTION. (RENUMBERED FROM ORDINANCE NO. 2015-19 TO MAINTAIN SEQUENTIAL ORDER)

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.

**G. [8:43:33 PM](#) Discussion and consideration of a resolution agreeing to the creation of the peninsula pursuant to the Dansie Annexation – Gordon Haight, Assistant City Manager**

Assistant City Manager Gordon Haight informed the Council that this item was approved by the Salt Lake County Commission agreeing to the creation of the peninsula pursuant to the Dansie annexation, and recommended approval.

COUNCILMEMBER DAY MOVED TO APPROVE RESOLUTION NO. R13-2015 AGREEING TO THE CREATION OF THE PENINSULA PURSUANT TO THE DANSIE ANNEXATION. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
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Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

**J. [8:46:04 PM](#) MAYOR AND COUNCIL COMMENTS**

Councilmember Robinson expressed his gratitude to the City Council and Planning Commission for their commitment to curbing high density.

Councilmember Day suggested that an informational video be available that would teach the public how the planning process flows.

Mayor Freeman informed the Council that at the May 27<sup>th</sup> meeting City Attorney John Brems will lead a discussion on House Bill 362 for clarification purposes.

**K. [8:51:42 PM](#) CALENDAR**

**A. Meetings**

- May 21 – Planning Commission 6:00 p.m.
- May 27 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

**B. Events**

- May 16 – Armed Forces Day
- May 18 – Community Fishing 6:00 p.m.; Cove @ Herriman Springs
- May 25 – Chuck Wagon Breakfast & Ceremony 7:00 a.m.; Main Street Park
- May 25 – Memorial Day Ceremony 9:00 a.m.; Herriman Cemetery

**L. [8:52:19 PM](#) ADJOURNMENT**

COUNCILMEMBER TISCHNER MOVED TO ADJOURN THE CITY COUNCIL MEETING AND RECONVENE IN A WORK MEETING. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

**M. RECOMMENCE TO WORK MEETING (IF NEEDED)**

**5. [8:59:23 PM](#) Planning Update** – Bryn McCarty, City Planner

City Planner Bryn McCarty offered a brief update of planning items. She informed the Council that with the approval of the peninsula resolution Salt Lake County will distribute the required notices and the annexation petition could be submitted. Planner McCarty commended Planner Heather Upshaw on passing her AICP exam.

**6. Engineering Update** – Blake Thomas, City Engineer

City Engineer Blake Thomas offered an overview of the capital projects. He led a discussion with the Council about the old town sidewalk standards and safe walking routes. Engineer Thomas asked if the Council would be in favor of charging a fee in lieu of installing the infrastructure or if the fee would be waived because the amenity is not in place. Councilmember Moser suggested a policy be drafted identifying the old town boundaries and designating a safe walking path. Engineer Thomas thanked the Council for their input, and noted that a plan would be drafted and presented to Council for consideration.

**7. [9:50:06 PM](#) International Conference of Shopping Centers discussion** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight informed the Council of the appointments at the conference in Las Vegas.

**N. 9:51:59 PM CLOSED SESSION (IF NEEDED)**

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

COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS PENDING OR REASONABLE IMMINENT LITIGATION, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

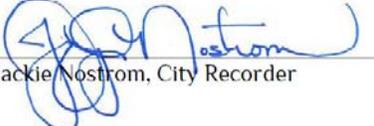
The motion passed unanimously.

**O. SOCIAL GATHERING (No action will be taken on any items)**

A. Social gathering will take place at McDonald's; 5108 West 13400 South, Herriman, UT

*This document constitutes the official minutes for the  
Herriman City Council Meeting held on Wednesday, May 13, 2015*

*I, Jackie Nostrom, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, May 13, 2015.*

  
Jackie Nostrom, City Recorder