



CITY COUNCIL MINUTES

Wednesday, July 8, 2015

Amended July 7, 2015

Approved August 12, 2015

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, July 8, 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:

Gordon M. Haight II, Assistant City Manager
Jackie Nostrom, City Recorder
John Brems, City Attorney
Alan Rae, Finance Director
Danie Bills, Events Manager
Blake Thomas, City Engineer
Dwayne Anjewierden, Unified Police Chief
Clint Smith, Unified Fire Authority Chief
Cathryn Nelson, Chief Building Official
Justun Edwards, Water Director
Monte Johnson, Operations Director

Excused:

Brett geo. Wood, City Manager
Tami Moody, Director of Administration and Communications

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

5:07:12 PM COUNCIL BUSINESS

A. 5:07:25 PM Closed Session

1. 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 ROBINSON SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

The Council reconvened the work meeting by consensus.

B. Review of this evening's agenda

C. [6:10:54 PM](#) Administrative Reports

1. [6:10:56 PM](#) **City Hall/Towne Center briefing** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight introduced GSBS, the architectural firm that was selected to design the layout of the City Hall and Herriman Towne Center. GSBS Principal In Charge Scoot Henriksen introduced Project Manager Brian Jacobson and Economic Consultant Christine Richman. The firm offered an update of the project and the design phases associated with the Towne Center. Principal Henriksen informed the Council that the program confirmation square footage estimate had been conducted in order to progress into schematic design and to ensure the project cost is on target. The analysis also covered projected growth.

Consultant Richman offered an overview of the Visual Preferences Survey that has been available to residents. She observed the huge response the survey solicited and presented the results of the survey. Principal Henriksen continued with the project schedule and anticipated meeting and open house dates. Mayor Freeman noted that the City would conduct a groundbreaking ceremony November 12, 2015. He extended his gratitude to GSBS for their efforts on the project, and relayed his vision of the public amenities that the Towne Center would offer. Councilmember Craig B. Tischner offered a short anecdote of a city project that wasn't received well by some individuals until after completion.

2. [6:35:07 PM](#) **Discussion pertaining to the RDM Development Agreement** – John Brems, City Attorney

City Attorney John Brems offered a brief update of the RDM Development Agreement. An Engineer's estimate was provided showing it would cost \$358,000 to build 6600 West. Based on the estimate and considering the impact fee reimbursement and developer contribution there would be a \$60,800 difference. RDM has proposed that the City contribute the discrepancy from collected impact fees within the City. City Attorney Brems suggested that reimbursements would be paid after the road is completed. He explained that there were two options to ensure that the road is installed. Option one would be to bond for

the cost of the whole road or secondly install improvements prior to the recordation of the plat. Councilmember Coralee Wessman-Moser expressed her concern that the City needs to assure the funds are available in the event that the developer abandons the project. Councilmember Mike Day clarified that the reimbursement would not occur until substantial completion. This was verified.

Councilmember Moser asked if the developer recognized that they would not have the ability to build out the subdivision without the road being installed. City Attorney Brems indicated that the project would be phased. The first phase would be to allow approximately 53 lots be improved. City Engineer Blake Thomas informed the Council that the proposal of \$358,000 is still being reviewed, and may be a little low. City Attorney Brems asked if the Council was comfortable with moving the process forward. The Council consensus determined to continue the process contingent upon the agreement that the City contribution would not exceed \$60,800.

3. Other Updates

D. Adjournment

COUNCILMEMBER DAY MOVED TO ADJOURN THE WORK MEETING. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

E. [6:51:39 PM](#) Closed Session

2. 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 STRATEGY SESSIONS TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER ROBINSON 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.

7:00 PM - GENERAL MEETING:

1. [7:08:39 PM](#) CALL TO ORDER

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

A. [7:08:48 PM](#) Invocation and Pledge

The Invocation was offered by Human Resource Manager Travis Dunn. The Pledge of Allegiance was led by Scout Troop #656.

B. [7:10:21 PM](#) Mayor's Comments

Mayor Freeman congratulated City Planner Bryn McCarty on her new arrival. He recognized the candidates running for political office in the audience: Bethany Zeyer (District 1), Jared Henderson (District 1), Steve Garrett (District 1), and David Watts (District 4).

C. [7:11:24 PM](#) Council Recognitions

There were no Council Recognitions.

2. [7:11:29 PM](#) PUBLIC COMMENT

Jennie Stephens, 4439 West Clarks Hill Drive, South Jordan, informed the City Council that she has received requests to allow the food truck underground to host events in Herriman. A Herriman City Ordinance restricts food trucks which don't allow her to fill those requests. Ms. Stephens indicated that the food truck underground events bring communities together and promotes small businesses. She asked the Council to consider allowing their business to come to Herriman.

Elizabeth Jones, 12576 Sunlight Hill, asked about the Jordan School District property purchase and requested to know what the future plan entails and requested to know the financial supporter. Assistant City Manager Gordon Haight asked to discuss the item with her following the meeting.

Claudia Bogumil, 5480 West Rocky Point Drive, expressed her concern of parking regulations that seem to be erratically and inconsistently enforced at Fort Herriman Days. Ms. Bogumil asked for direction on how to proceed to ensure that equal enforcement is conducted and how future venues can accommodate parking. Councilmember Day directed Ms. Bogumil to speak with Police Chief Dwayne Anjewierden.

Dave Bogumil, 5480 West Rocky Point Drive, expressed his concern of the extreme congestion at Blackridge Reservoir. He indicated that neighboring residents cannot sell their homes or utilize the reservoir, and offered suggestions to resolve the problem. Councilmember Day informed Mr. Bogumil that homes in the local area are selling with the exception of one home with an astronomical asking price. He indicated that the City is continually searching for solutions, and that a neighborhood meeting will be held for that purpose. Councilmember Day stated that he utilizes the facility regularly, and explained that morning hours are the best time to visit the reservoir. He observed that the park was constructed properly due to the high volume of patrons which visit daily.

Jared Henderson, indicated that the sales agreement in the City Council packet indicates that the funds are coming from an unnamed developer.

3. PUBLIC HEARING AGENDA

A. [7:22:44 PM](#) Public Hearing and consideration of a resolution to amend the Herriman City 2015-2016 fiscal year budget – Alan Rae, Finance Director

Finance Director Alan Rae reviewed the four budget amendments for consideration. Rosecrest Communities completed Storm Drain improvements and is seeking reimbursement

from the Storm Drain Fund. The reimbursement agreement is in the amount of \$37,200. The second item for consideration is requested from the Building Department due to the high volume of building permit submittals. Staff currently is not able to process all of the applications coming into the department and has limited each builder to submit only ten building permit applications per week. The request is for \$30,000 which will come from the General Fund and is expected to be offset by increased building permit fees.

The third item is the construction of 7530 West improvements that exceeded estimates detailed in the engineering report at the last City Council meeting. These improvements also include the gate into High Country I, and the total excess cost is for \$85,000 that is budgeted in the Capital Projects Fund. The final item is for a 2015 Council approved developer loan in the amount of \$4,200,000 and a corresponding land purchase from the Jordan School District. The process will not be completed until the budget reflecting the transaction to fiscal year 2016. Assistant City Manager Haight indicated that the land purchase would not be taxpayer funded.

Mayor Freeman opened the public hearing.

There was no public comment offered.

COUNCILMEMBER ROBINSON MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R19-2015**
APPROVING AN AMENDMENT TO THE 2015-2016 FISCAL YEAR BUDGET.
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.

4. CONSENT AGENDA

A. [7:28:13 PM](#) **Consideration of a resolution designating and appointing election judges to serve in the Municipal Primary Election – Jackie Nostrom, City Recorder**

COUNCILMEMBER ROBINSON MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

Mayor Freeman informed the audience that there will be an Election Day voting center at the Herriman Library.

5. DISCUSSION AND ACTION ITEMS

- A. [7:29:14 PM](#) Discussion and consideration of a resolution approving an amendment to the Policy and Procedure manual with respect to general safety and vehicle policy – Travis Dunn, Human Resource Manager

Human Resource Manager Travis Dunn informed the Council that on June 10, 2015 updates and changes were brought to the City Council requesting their recommendations and comments which have been implemented into the policy change for their consideration.

Mayor Freeman asked who the responsible party would be if a citation was received in a Herriman City vehicle. Manager Dunn explained that the driver would be responsible to pay for the citation and notify the City of the violation. Herriman City tracks driving records on a monthly basis through the Trust insurance plan. Councilmember Moser recommended removing “as described below” in section 4.1.a.iii due to no description. Manager Dunn confirmed. Mayor Freeman suggested including wearing safety belts while operating vehicles, tractors, and equipment. Manager Dunn agreed. Councilmember Moser recommended clarifying that driving privileges may be revoked and disciplinary action may accompany any employee who is unable to legally drive due to violation points or an invalid licence may include termination.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R21-2015** APPROVING AN AMENDMENT TO THE HERRIMAN CITY POLICY AND PROCEDURE MANUAL WITH RESPECT TO GENERAL SAFETY AND VEHICLE POLICY INCLUDING NOTATED CHANGES. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

- B. [7:37:11 PM](#) Discussion and consideration of a text change to add a curb and gutter exception in designated areas – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight indicated that the subdivision ordinance requires curb, gutter, and sidewalk be installed with all new subdivisions. The area known as “Old Town” in Herriman currently has no curb, gutter, or sidewalks with no storm drain system with the exception of 6000 West and Main Street. Subdivisions in this area are typically two or three lots, or a flag lot. Curb and gutter installations would not connect to any other system which could prove to be a hindrance. Assistant City Manager Haight recommended having an exception to the improvements in the area designated on the presented map. The

map will be used to designate where engineering would require a modified road cross section, including swales to deal with storm water run-off.

Councilmember Day asked if properties that abut the boundary could request a variance. Assistant City Manager Haight responded that the exception would be for those properties that lie within the boundary line. Councilmember Robinson questioned why significantly large parcels were included as part of the exception. Assistant City Manager Haight observed the access road for potential developments do not currently have curb and gutter, and that the City does not have the funds to install the necessary improvements. He acknowledged that the map would have to be periodically modified. Councilmember Moser suggested that the large tracts of land that potentially could be developed should be subject to staff approval of the exception. Assistant City Manager Haight noted that developments in the area would be required to install an asphalt path with a berm separating the street and walking path. Developments within the exception area would not have a reduction of right of way property to the City. Councilmember Robinson expressed his support of the ordinance with that outlined stipulation.

Assistant City Manager Haight indicated that the map would essentially outline the rural standard. Mayor Freeman expressed his concern of not having a safety precaution element in the ordinance due to certain roads having a potential congestion. Assistant City Manager Haight explained that the Master Plan differentiates the old town designation from the other residential areas. He suggested incorporating recommendations and revisiting the ordinance at a later City Council meeting. Councilmember Moser suggested that the ordinance should indicate that any development over certain acreage would be required to install improvements. Assistant City Manager Haight confirmed, and added that the infrastructure would be installed where appropriate. Councilmember Moser expressed her support to characterize the map as the rural standard and not the historical district. Councilmember Robinson noted the additional considerations that need to be factored prior to requiring installation of the sidewalk, curb, and gutter. He recommended that approval for exceptions should be subject to evaluation and approval. Planning Commission Chair Clint Smith stated that the Planning Commission would review the requests to determine if the infrastructure should be installed, and allow exceptions where they would be justified.

COUNCILMEMBER MOSER MOVED TO CONTINUE THE ORDINANCE TO AUTHORIZE A TEXT CHANGE TO ADD A CURB AND GUTTER EXCEPTION IN THE DESIGNATED AREA. COUNCILMEMBER TISCHNER SECONDED THE MOTION. COUNCILMEMBERS MATT ROBINSON, CRAIG B. TISCHNER, CORALEE WESSMAN-MOSER, AND MAYOR FREEMAN VOTED AYE; COUNCILMEMBER MIKE DAY VOTED NAY. MOTION TO CONTINUE PASSES WITH A VOTE 4:1

- C. [8:07:05 PM](#) Discussion and consideration of a resolution declaring intent to purchase property located at or near 6400 West Herriman Parkway (12400 South) from the Jordan School District that has been declared surplus – John Brems, City Attorney
City Attorney John Brems indicated that Jordan School District declared real property located at or near 6400 West Herriman Parkway as surplus. State Code requires entities to

formally adopt an intent resolution prior to purchasing the property. Send them a resolution indicating intent.

COUNCILMEMBER DAY MOVED TO APPROVE **RESOLUTION NO. R22-2015** DECLARING INTENT TO PURCHASE CERTAIN PROPERTY LOCATED AT OR NEAR 6400 WEST HERRIMAN PARKWAY (12400 SOUTH) FROM THE JORDAN SCHOOL DISTRICT THAT HAS BEEN DECLARED SURPLUS BY THE DISTRICT. 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.

D. [8:08:43 PM](#) Discussion and consideration of a resolution approving a purchase and sale agreement with Jordan School District – John Brems, City Attorney

City Attorney Brems indicated that this resolution is to enter into a nonbinding purchase agreement. Councilmember Matt Robinson asked about the third party funding. City Attorney Brems responded that he was not at liberty to disclose the third party information.

COUNCILMEMBER MOSER MOVED TO APPROVE **RESOLUTION NO. R23-2015** APPROVING A PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTION BETWEEN BOARD OF EDUCATION OF JORDAN SCHOOL DISTRICT AND HERRIMAN CITY. COUNCILMEMBER DAY SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

E. [8:10:05 PM](#) Discussion and consideration of a resolution accepting a petition for annexation filed by the Jesse Dansie Trust – John Brems, City Attorney

City Attorney John Brems indicated that the Dansie annexation is presented to the Council to accept the petition for further consideration. Salt Lake County distributed the required notices. Attorney Brems recommended approval of the resolution to ensure the petition meets statutory requirements.

COUNCILMEMBER ROBINSON MOVED TO APPROVE **RESOLUTION NO. R24-2015** ACCEPTING A PETITION FOR ANNEXATION FILED BY THE JESSE DANSIE TRUST FOR

FURTHER CONSIDERATION AND RELATED MATTERS. COUNCILMEMBER TICHNER SECONDED THE MOTION.

The vote is recorded as follows:

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

The motion passed unanimously.

6. [8:11:56 PM](#) MAYOR AND COUNCIL COMMENTS

Councilmember Day offered comments regarding the Blackridge Reservoir and indicated that he personally received criticism from residents questioning the City's ability to initially construct the facility correctly. It is important to note that the City has approached the amenity in phases, and paid for it as funds were available. He explained that initially there was not a parking lot, restrooms, grass, playground or a concession stand installed. Criticism was received about all aspects of the reservoir. Councilmember Day told a short anecdote of a facility in a neighboring community that has not installed a parking lot for a football field, and noted that he has never criticized that community for not having asphalt parking installed. Media has heightened the sensitivity that there is inadequate parking at Blackridge Reservoir. It is important for the residents to know that the City is doing its best to address the parking issue with limited funding. Herriman City is continually striving for customer satisfaction. Councilmember Day addressed the negative comments that have been received indicating that the City has "dropped the ball" or that the reservoir is a "flop", and noted that clearly the amenity was done right. He commended City personnel for their efforts in planning such a successful facility, and acknowledged the former City Engineer Gordon Haight for winning the Engineering of Excellence award for Blackridge Reservoir.

Councilmember Robinson emphasized the need to be careful classifying whether individuals are Herriman residents at public spaces, and recommended not making statements or suggestions that non-residents be charged a fee to utilize the facility. The parks are installed to be an amenity to the community that people are welcome to utilize. He acknowledged that the reservoir has challenges, but not due to the fact that it was done wrong. The high volume of visitors is indicative that the amenity was done so well. Installing additional parking stalls is not a viable solution. Mayor Freeman informed the audience that a neighborhood meeting would be held to discuss possible solutions. Councilmember Moser added that this discussion occurs annually, and noted that the City is continually searching for solutions.

Councilmember Robinson expressed his concern of the sign ordinance specifically addressing political signage and the amount of time that they are allowed to be viewed. He recommended that the ordinance be aligned to accommodate the mailing period. City Recorder Jackie Nostrom responded that leniency was offered to allow political signs to be displayed beginning the day that ballots are mailed to registered voters for the Primary Election, and hopefully the Council could address the ordinance prior to the General

Election. Councilmember Robinson indicated that the dynamics of the election changed substantially which would warrant a change to the ordinance. Councilmember Day observed the past elections where the sign ordinances were not followed. Recorder Nostrom responded that the candidates were asked to comply with the ordinances set forth, and noted that the ordinance would be addressed.

Mayor Freeman asked if the Council would like to allocate funds to participate in racoon mitigation program in conjunction with Salt Lake County. Some Cities have entered into an Interlocal Agreement for that purpose. Councilmember Tischner indicated that he would not be interested in participating in the program. Councilmember Moser recommended reviewing statistics in order to make an informed decision whether the City should engage in an agreement. Councilmember Robinson agreed.

7. CALENDAR

A. Meetings

- July 16 – Planning Commission meeting 7:00 p.m.
- ~~July 22 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.~~ Cancelled
- July 30 – Joint Planning Commission/City Council meeting 6:00 p.m.

B. Events

- July 9-20 – Summer Theatre Production
- July 24 – Pioneer Day

8. [8:31:34 PM](#) ADJOURNMENT

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

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. [8:31:36 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 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 ROBINSON 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 |

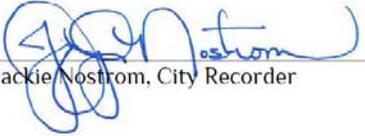
The motion passed unanimously.

11. SOCIAL GATHERING (No Action will be taken on any items)

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

*This document constitutes the official minutes for the
Herriman City Council Meeting held on Wednesday, July 8, 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, July 8, 2015.


Jackie Nostrom, City Recorder