



CITY COUNCIL MINUTES

Wednesday, January 13, 2016

Approved February 10, 2016

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, January 13, 2016 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:

Jared Henderson, Nicole Martin, Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Gordon Haight II, Assistant City Manager
Cindy Quick, Deputy Recorder
Tami Moody, Director of Administration and Communications
John Brems, City Attorney
Alan Rae, Finance Director
Danie Bills, Events Manager
Blake Thomas, City Engineer
Cathryn Nelson, Chief Building Official
Dwayne Anjewierden, Chief of Police
Clint Smith, Unified Fire Authority Chief
Justun Edwards, Water Director
Monte Johnson, Operations Director
Travis Dunn, Human Resources Manager
Ed Blackett, Streets Manager

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

4:59:37 PM COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order.

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

- 1. **5:00:57 PM Herriman Chamber of Commerce Co-Op Presentation** – Gordon Haight, Assistant City Manager

Herriman High School students presented their project idea to begin a Herriman Chamber of Commerce. The three goals of the project are to 1. Promote individual business growth in the area 2. Provide local networking opportunities 3. Collaborate with Herriman City to strengthen economic growth. According to a recently conducted survey 73 percent of business respondents indicated that they were interested in having a local chamber. 94 percent of those respondents were willing to contribute.

The students informed the Council that they have planned a dinner on January 14, 2016 to educate attendees about the project. John P. Covey has been asked to speak as well as Executive Director of the Utah Governor's Office of Economic Development Val Hale. The actual start-up meeting for the project is scheduled for February 11, 2016. Councilmember Nicole Martin asked if they had the opportunity to discuss the project with the Southwest Valley Chamber of Commerce. This was confirmed. The most viable option for consideration would be to umbrella a local branch from the Chamber.

2. [5:12:41 PM](#) **Discussion relating to the Policy and Procedures Manual amendments** – Travis Dunn, Human Resource Manager

Human Resources Manager Travis Dunn reviewed proposed policy and procedure manual changes to ensure updates are legally sound and put the City in the best position possible. The changes included: Section XIII – Employment Classifications, Section XVI – Reimbursable Expenses, Section XVII – Benefits, and Section XV – Payroll Administration.

3. [5:47:35 PM](#) **Discussion regarding the Parking Permit Program** – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight presented the proposed Parking Permit Program ordinance that would, in essence, allow the City to consider approving programs in various locations throughout the community. The program would allow each participant be granted two permits and a guest permit for the cost of \$25 with a replacement cost of \$5. City Attorney John Brems suggested a higher replacement cost. Assistant City Manager Haight relayed the concern about individuals recreating the permit, and explained the process outlined to keep each permit unique and traceable. Penalties have been incorporated into the ordinance; however, enforcement is not included.

Assistant City Manager Gordon Haight explained that the program was not designed to solve neighborhood problems and suggested the minimum number of participants in the proposed area should be 12 with at least 51% of the local residents in support of implementing the program in the area. Council consensus determined that the appropriate number of minimum participants should be ten. Councilmember Moser noted some numbering errors in the ordinance.

4. [6:08:54 PM](#) **Revised Reporting on Building Permit Activity** – Cathryn Nelson, Building Official

Building Official Cathryn Nelson presented the proposed changes to the building permit reporting to accurately reflect construction activity, provide better projections and improve forecasts for staffing needs. She offered an explanation of the inaccuracies of the current reporting based on permit numbers alone.

5. [6:36:26 PM](#) **Snow fighter report** – Ed Blackett, Streets Manager

Streets Manager Ed Blackett enlightened the Council of the current winter season events. He displayed a map separating the zones and routes for each driver, and offered an explanation of coordinating schedules. Manager Blackett reviewed the total salt usage for the season and observed the lane miles associated with snow removal. Councilmember Craig B. Tischner commended the Streets Department in their effort to have the roads cleared on Christmas Day.

7. **Other Updates**

Mayor Freeman reviewed the Consent Agenda. No questions or concerns were expressed by the City Council.

C. [6:51:30 PM](#) **Adjournment**

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

7:00 PM - GENERAL MEETING:

1. **CALL TO ORDER**

Mayor Freeman called the meeting to order and welcomed the newly elected Council Members.

A. [7:10:16 PM](#) **Approval of Minutes**

November 17, 2015 SCCM;
November 17, 2015 Board of Canvassers;

November 30, 2015; December 9, 2015;
December 23, 2015; and January 4, 2016

COUNCILMEMBER MOSER MOVED TO APPROVE THE MINUTES OF NOVEMBER 17, 2015 SCCM AND BOARD OF CANVASSERS, NOVEMBER 30, 2015, DECEMBER 9, 2015, DECEMBER 23, 2015 AND JANUARY 4, 2016 AS CORRECTED. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE

B. 7:02:21 PM Invocation and Pledge

The Invocation was offered by Isaac Oliphant, and the Pledge of Allegiance was led by David Oliphant.

C. 7:04:07 PM Mayor's Comments

Mayor Freeman announced that Herriman City received a grant from the Utah Governor's Office of Economic Development in the amount of \$25,000 to be used for the Herriman Trails project. He recognized staff for their help removing snow over the Christmas Holiday and expressed his appreciation for their efforts. He also noted that the Corridor Preservation funding had been approved and the City would receive \$580,000 to be utilized for the extension of Herriman Parkway adjacent to the Herriman Cemetery.

D. 7:05:25 PM Council Recognitions

Councilmember Moser explained to the audience that the Street Department cleared 1,270 lane miles snow from Herriman Streets on Christmas Day, and they are owed a debt of gratitude. Mayor Freeman agreed.

2. 7:06:19 PM PUBLIC COMMENT

Steve Garrett, 5443 West Genoa Ct., expressed excitement for the City Council and look forward to the future of Herriman City. Councilmember Martin commended Mr. Garrett for staying actively involved in the City.

3. 7:10:52 PM REPORTS, PRESENTATIONS AND APPOINTMENTS

A. FIRST Lego League of Herriman and South Jordan Presentation– Julie Stewart, FIRST Coach

Mayor Freeman informed the audience that Councilmember Moser and he met with the members of the FIRST Lego League of Herriman and South Jordan where they presented their annual project. Mayor Freeman requested that the FIRST Lego League should come and present to the City Council and Community.

Julie Steward prefaced the FIRST Lego League, and explained that the members participate in a competition where a topic is received and the team would research the issue and search for a solution. The members, team Emperor Penguins, decided to research recycling because of the large scale of the issue. They recently visited the Trans-Jordan Landfill and gained a vast knowledge of the depth of the issue. There is too much recyclable material that is deposited into the landfill. Recycling rates are 47 percent nationwide and Salt Lake County recycling rate comes in at 50 percent. Each person discards an average of 3.4 pounds of garbage daily which accumulates to approximately 2,000 tons of garbage per day in Salt Lake County. The team explained what different items are recyclable.

B. 7:21:46 PM Conner Benjamin Eagle Scout Project Presentation – Danie Bills, Events Manager

Danie introduced Eagle Scout Conner Benjamin, and noted that he went the extra mile for his Eagle Scout Project which included the installation of plaques for the Kidd and Eastman cabins. This young man went above and beyond, not only did he work closely with the History Committee to receive information relating to the cabins, but he received contributions totalling over \$600 to make the idea become a reality. The plaques were installed December 19, 2015.

4. 7:27:26 PM CONSENT AGENDA

- A. Approval of a resolution appointing a City Recorder (Jackie Nostrom), Deputy City Recorder (Cindy Quick) and Treasurer (Leslie Anglin) – Jackie Nostrom, City Recorder
- B. Approval of a resolution electing a Mayor Pro Tempore for 2016 (Coralee Wessman-Moser) – Jackie Nostrom, City Recorder
- C. Approval of a resolution appointing Craig B. Tischner to the Wasatch Front Waste and Recycling District Board – Jackie Nostrom, City Recorder
- D. Approval of a resolution appointing Coralee Wessman-Moser to the Unified Fire Authority Board and Fire Service Area Board– Jackie Nostrom, City Recorder
- E. Consideration of a resolution approving an Interlocal Agreement between Herriman City and the Community Development and Renewal Agency of Herriman – John Brems, City Attorney

COUNCILMEMBER MARTIN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER HENDERSON SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

5. DISCUSSION AND ACTION ITEMS

- A. 7:28:50 PM Discussion and consideration of an ordinance adopting a Parking Permit Program – Gordon Haight, Assistant City Manager

Assistant City Manager Gordon Haight presented the parking permit program ordinance to the City Council, and explained that this would be a generic ordinance to be used anywhere within the City. The City Council would approve, expand or eliminate areas for the parking permit program. The ordinance would outline criteria notating where program may be incorporated. Assistant City Manager Haight outlined the permit costs. Potential program areas would require 51% of the immediate local residents approval in order to implement the parking program in the area in order for the Council to consider the request.

Councilmember Moser asked if the ordinance could be amended in case the program fees need to be adjusted. This was confirmed. Mayor Freeman expressed comfort with the program due to the required public input prior to approval. Councilmember Martin asked to add the following wording to the ordinance: ‘whereas, we direct staff to review and evaluate the effectiveness of the established parking area after one year.’ In order to ensure progress properly align with the community goals are attained. Assistant City Manager Haight also reminded Council that the requesting area would have to consist of curb space fronting a minimum of ten contiguous residences as discussed in the work meeting.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2016-01 WITH THE FOLLOWING ADJUSTMENTS TO AUTHORIZE THE ORDINANCE RENUMBERING OF THE SUBSECTIONS AS OBSERVED IN THE CITY COUNCIL WORK SESSION, TO ADJUST THE TWO RESIDENTIAL UNITS TO TEN AND TO INCORPORATE THE LANGUAGE SUGGESTED BY COUNCILMEMBER MARTIN REGARDING REVIEW PERIOD AT THE END OF ONE YEAR AND WE’LL LEAVE THAT TO OUR LEGAL COUNSEL TO CREATE THOSE ITEMS BY ORDINANCE. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Nicole Martin	Aye
Councilmember Craig B. Tischner	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

B. [7:35:37 PM](#) Discussion and consideration for adoption of a resolution authorizing the issuance and sale of not more than \$9,100,000 aggregate principal amount of water revenue refunding bonds – Alan Rae, Finance Director

Finance Director Alan Rae presented consideration for adoption of a resolution authorizing the issuance and sale of not more than \$9,100,000 this will save \$722,000 in fees over the next 18 years. He explained that this would not extend the bond, and would not require a public hearing. The parameters resolution would set the maximum rate of five-percent that the City is willing to accept and does not represent the actual terms that may be obtained. If the terms of the bond do not issue a benefit to the City as expected, the City will not proceed with the issuance. Councilmember Moser expressed her support due to the benefit that the City would receive.

COUNCILMEMBER MOSER MOVED TO APPROVE RESOLUTION NO. R06-2016 AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$9,100,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, SERIES 2016 BONDS, FIXING THE MAXIMUM NUMBER OF YEARS OVER WHICH THE SERIES 2016 BONDS MAY MATURE, THE MAXIMUM INTEREST RATE OVER WHICH THE SERIES 2016 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE SERIES 2016 BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; PROVIDING FOR THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND RELATED MATTERS. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

C. [7:39:43 PM](#) Discussion and consideration of the Herriman Live Capture and relocation Plan – Justun Edwards, Water Director

Water Director Justun Edwards presented the Deer Mitigation Program utilizing both the “Lethal” and “Non-Lethal” removal methods which have been approved by the Utah Department of Wildlife. The lethal plan was approved by the City Council October 2015, and now it has been brought to the Council for consideration to approve the non-lethal method of removal. The capture and relocate plan was detailed. The adoption of the plan offers an alternative method of removal; however, does not require that the method is utilized.

The Division of Wildlife agreed to donate the first 30 radio collars for the program. Future expenses of additional radio collars would be borne by Herriman City. Councilmember Moser asked the anticipated amount of additional collars would be needed. Director Edwards explained that calls are received daily regarding deer residing in neighborhoods, and added that he would not anticipate being able to capture each deer that is reported.

Mayor Freeman relayed the benefit that has been utilized with the lethal removal. Director Edward informed the Council that the lethal method is preferred due to the decreased cost burden placed on the City and that the meat has been donated to families in the community. He explained that lethally removing animals in higher density areas is not conducive. City ordinance indicates that no bow is allowed to be discharged within 600 feet of a structure without consent of the property owner. Director Edwards recommended approval of the Live Capture and Relocation Plan.

COUNCILMEMBER HENDERSON MOVED TO APPROVE THE NON-LETHAL DEER MITIGATION PLAN AS PRESENTED. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

D. 7:55:38 PM Discussion and consideration of a resolution allowing an exception to the ordinance to allow three (3) flag lots on property located at 5724 West 12900 South (31S15) – Bryn McCarty, City Planner

City Planner Bryn McCarty presented a resolution allowing an exception to the ordinance to allow three flag lots on property located at 5724 West 12900 South. The current ordinance allows one access for one flag lot. The applicant's situation is that they had City Council approval in 2007, and because the plat had not been recorded, the approval has become null and void. City Planner McCarty relayed the Planning Commission denial recommendation due to the conflict with the current ordinance. It has always been the policy of the Planning Commission to only allow one lot on a flag lot. The subdivision ordinances exceptions states: "In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this title may be made by the City Council after the recommendation of the Planning Commission; provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title."

Mayor Freeman agreed that the current ordinance should be maintained; however, the history of this property suggests that an exception could be considered based on the 2007 approval. City Planner McCarty expressed her concern of future maintenance, ownership issues and safety concerns in allowing more than one parcel per flag lot. It was determined to take the long standing written policy and have it codified. Councilmember Martin questioned the basis that the exception was granted originally.

Applicant Marie Pestana, 714 East Emerald Hills Drive, Bountiful stated that the original denial was based on the request to have four lots off of the single access. The proposal was appealed to the City Council in 2007 and approved based on the reduction of requested lots to three. The fire department has approved the access for the three lot subdivision. She expressed her concern that there would never be a viable access to the property in order to subdivide the property, and indicated that the family was not in a financial position to come up with the substantial cash bond for the sewer district.

Councilmember Martin objected to not following the new ordinance and suggested that by deviating from that would seem that the City Council was unsure of what they wanted to adopt. Councilmember Tischner suggested that the request would have been approved if the proposal was brought to the Council prior to the adoption of the current ordinance six months ago. Councilmember Moser disagreed due to the consistent practice of the unwritten policy only allowing one lot per access. She noted that their circumstances were compelling, but expressed her concern of setting precedence.

Applicant Dale Johnson, 5734 West 12900 South informed the Council that it was always their intention to allow family to build homes on their property. Applicant Sharlene Johnson expressed her opinion that not allowing the subdivision would not be the best use of the property due to the limited access, and added that the only reasoning behind the plat not being recorded was financial. Councilmember Moser responded that there could potentially be a future access as the surrounding vacant property is developed.

Councilmember Tischner explained that situations change, and expressed his support of the request. Assistant City Manager Haight explained the list of exceptions needs to be followed or change the ordinance, and suggested validating the request with one of the outlined exceptions. Councilmember Henderson suggested that the only possible use is "exceptional circumstances", and questioned if that would sufficiently be adequate for future considerations of this nature. City Attorney John Brems recommended the Council to articulate the rationale for exceptions.

Mayor Freeman asked Planning Commission Chair Clint Smith to enlighten the Council on the recommended denial. Chair Smith explained that the Commission was sympathetic to

the situation of the family, and that it had been standing practice not to allow more than one flag lot off of a single access. The property may not always be landlocked as future development in the area arises. Mayor Freeman questioned why there is the ability to allow an exception if justification does not exist. Councilmember Moser suggested that the Planning Commission could recommend approval of exceptions based on the criteria; however, one was not made.

Councilmember Tischner expressed that exceptional conditions exist for this proposal based on a previous Council approving the request in 2007. Councilmember Martin responded that the prior approval was the only exception. Councilmember Henderson agreed. Assistant City Manager Haight indicated that standard practice was not to approve. Staff recognized failure in unwritten policies and moved forward with the codification of the policy. Councilmember Tischner asked if this item could be continued for additional research to be conducted. Councilmember Moser suggested that in order for the continuation, clear direction should be given to staff on what additional information should be provided.

COUNCILMEMBER TISCHNER MOVED TO APPROVE RESOLUTION NO. R07-2016 APPROVING AN EXCEPTION TO THE SUBDIVISION ORDINANCE TO ALLOW THREE (3) FLAG LOTS TO BE ACCESSED BY ONE DRIVEWAY BASED ON THE EXCEPTIONAL CONDITION THAT EXIST BEING THE PREAPPROVAL FROM 2007. MAYOR FREEMAN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	No
Councilmember Coralee Wessman-Moser	No
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	No
Mayor Carmen Freeman	Aye

The motion failed with a vote 2:3.

6. MAYOR AND COUNCIL COMMENTS

7. CALENDAR

A. Meetings

- January 21 – Planning Commission meeting 7:00 p.m.
- ~~January 27 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.~~
Cancelled
- January 27 – Special Joint City Council/Planning Commission meeting 6:00 p.m.

B. Events

- January 18 – Martin Luther King Day; City Offices Closed

8. CLOSED SESSION (IF NEEDED)

A. *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*

9. 8:30:07 PM ADJOURNMENT

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

10. RECOMMENCE TO WORK MEETING (IF NEEDED)

6. 8:48:44 PM **Engineering Update** – Blake Thomas, City Engineer
City Engineer Blake Thomas informed the Council of three pending budget amendments that may be presented to the Council for consideration which include: 1. Drainage issue located on Cabin Trail Way 2. Main Street roundabout 3. 11800 South traffic median.

11. CLOSED SESSION (IF NEEDED)

A. *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 MOSER MOVED TO TEMPORARILY RECESS THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS PENDING OR IMMINENT LITIGATION AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205. COUNCILMEMBER MARTIN SECONDED THE MOTION.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

The Council reconvened by consensus in the work meeting 10:15 p.m.

COUNCILMEMBER MOSER MOVED TO TEMPORARILY RECESS THE CITY COUNCIL WORK MEETING TO CONVENE IN A CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, AS PROVIDED BY UTAH CODE ANNOTATED §52-4-205.

The vote was recorded as follows:

Councilmember Jared Henderson	Aye
Councilmember Coralee Wessman-Moser	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Nicole Martin	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

The Council reconvened by consensus in the work meeting 10:24 p.m.

12. ADJOURNMENT

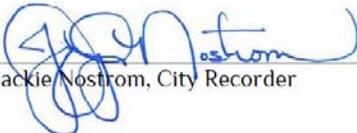
COUNCILMEMBER MOSER MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 10:24 P.M. COUNCILMEMBER MARTIN SECONDED THE MOTION, AND ALL VOTED AYE.

13. 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, January 13, 2016*

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, January 13, 2016.


Jackie Nostrom, City Recorder