



CITY COUNCIL MINUTES

Wednesday, September 14, 2016

Amended Tuesday, September 13, 2016 @ 11:30 a.m.

Approved October 12, 2016

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, August 24, 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: City Manager Brett geo. Wood, Assistant City Manager Gordon Haight, City Recorder Jackie Nostrom, City Attorney John Brems, Finance Director Alan Rae, Water Director Justun Edwards, Chief of Police Dwayne Anjewierden, EMS Bureau Chief Clint Smith, City Engineer Blake Thomas, City Planner Bryn McCarty, Operations Director Monte Johnson, Parks and Recreation Director Wendy Thomas, and Events Manager Danie Bills.

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

1. 5:00:52 PM Council Business

Mayor called the meeting to order.

1.1. Review of this evening's agenda

2. Administrative Reports

2.1. 5:01:08 PM Discussion pertaining to a funding request for Reptile Rescue Services – Brett Wood, City Manager

Assistant City Manager Gordon Haight informed the Council that Mr. James Dix has provided Salt Lake County residents with free service for reptile removal. Mr. Dix has requested funding of \$500 monthly to provide that service to Herriman City residents as well as training for the Unified Fire Authority and the Unified Police Department annually. The requested cost would help offset the services rendered. Assistant City Manager Haight asked the Council if this proposal is something they would like the City to pursue. Mayor Freeman expressed his concern that the cost would not justify the service provided. Councilmember Coralee Wessman-Moser indicated that the request for the specialized service would carry a financial burden, and relayed her appreciation for the service being offered to the community. The City Council declined the request for reptile rescue services.

2.3. [5:03:42 PM](#) **Discussion relating to an Environmental Impact Study of the Herriman Hillside** – Wendy Thomas, Parks, Recreation & Events Director

Parks, Recreation & Events Director Wendy Thomas presented a future proposal to allocate \$10,000 from the Park Impact Fees for an Environmental Impact Study of the Herriman Hillside that is required by the federal government. The City engaged in an application process with the Department of Defence for a firebreak to be constructed along the Camp Williams border. The firebreak will provide a non-motorized passageway from future hillside trail development to the Bluffs at Herriman Springs and provide improved access for emergency responders.

[5:07:17 PM](#) *Councilmember Nicole Martin arrived.*

Councilmember Moser asked if the proposed amount would be sufficient funding. Director Thomas reviewed the quote that had been received. Assistant City Manager Haight informed the Council that if the study uncovers an endangered species or anything relating to Native American artefacts could change the timeline and the cost of the analysis. Director Thomas relayed the plan to eventually connect the planned trails on the hillside and into Yellow Fork. Councilmember Moser asked about the timeline of the study. Director Thomas responded that the study would be over the next two to three months; however, the application process would take a year. Mayor Freeman asked how this fee would affect funding for other projects. Assistant City Manager Haight responded that they would bring that information to a future meeting for discussion and consideration. Councilmember Moser stated that the study is a required step for the application, and the City would need to move forward. The Council agreed.

2.4. [5:11:08 PM](#) **Planning Department Report** – Bryn McCarty, City Planner

City Planner Bryn McCarty reviewed recent Planning Commission approvals including the proposed Church of Jesus Christ of Latter Day (LDS) Saints Church, a five-lot subdivision, and Homeowners Association open space, a proposed subdivision and Planned Unit Development (PUD) development to add 20 additional single family lots, approval of the Carl's Jr. with the condition to add brick to match the Towne Center, a cell tower relocation, and the review of the design standards for the Anthem Commercial Center. Planner McCarty relayed the Planning Commission's recommendation to add a 40-percent brick or stone requirement to the design requirements.

Planner McCarty relayed the pending Planning Commission approvals beginning with the proposed subdivision of single family lots, Miller Crossing Pod #14, the Towne Center proposed subdivision of 78 single family lots and 16 townhome units, the proposed amendment to the Planned Unit Development approval to add 28 townhome units (for a total of 125 units), the text change to the Land Use Ordinance to create a Technology and Manufacturing Zone, the Agricultural Low Density Zone, Rosecrest Pod # 30, 33, and amendments to Pod #8, Miller crossing Pod #7, and the update to the Transportation Master Plan.

Planner McCarty informed the Council that the sign and land use ordinance would be updated in their entirety and brought to the Council for consideration at a future meeting.

2.5. [5:23:59 PM](#) **Engineering Department Report** – Blake Thomas, City Engineer

City Engineer Blake Thomas observed capital projects that are underway including: Herriman Parkway Phase 3 Project, Main Street Connector, 7530 West Road and Gate Relocation, Rosecrest Plat X Park, and the 13400 South 5200 West Traffic Signal.

Engineer Thomas informed the Council of an issue regarding the McCuiston Road Storm Drain and Road. Mayor Freeman asked if the detention pond was large enough for the development. Engineer Thomas responded that he would have to look at the proposal. The detention pond will be kept on site, and the City

would work with Ivory Homes to install improvements to the pond that has enough capacity. Mayor Freeman questioned the liability to the City. Councilmember Moser expressed her concern of the event of a 100 year storm. She asked about the timeliness expected to fund the paving of the road. Engineer Thomas displayed a cross section for the typical rural roadway, and noted that the storm drain would be paid for by the developer and would be reimbursed through impact fees. Engineer Thomas explained that the funding would not be available for a couple of years; however, the Council could guarantee repayment and discuss options with the developer to see if they would like to move forward. Councilmember Tischner asked if that would delay their project. Engineer Thomas confirmed. Assistant City Manager Haight explained that he did not feel that this project was a high priority to have it completed this year due to funding drawbacks, but would want to have it done in the future. Engineer Thomas interjected that the developer would lose approval with their subdivision if they do not proceed. Councilmember Moser requested a list of any other similar situations that should be brought to the attention of the Council. Engineer Thomas noted that he would have a compilation completed. Councilmember Henderson indicated that he was reluctant to guarantee repayment. Engineer Thomas suggested that they could asphalt the road for a safe walking path. Councilmember Moser asked if that route was the most pressing need in the City. Chief of Police Dwayne Anjewierden explained that the road could not be legitimately called a safe walking route, and that the road was no place for kids to walk. Councilmember Moser suggested to consider if the project was the highest priority, and to be careful not to bind a future Council.

Engineer Thomas concluded with a comprehensive list of commercial, residential and infrastructural development projects in review or under construction.

Water Director Justun Edwards informed the Council of the ongoing algae issue, and explained that the possibility of the early shut down of secondary water due to water levels. He explained that he is working with Communications Director Tami Moody to let the residents know of the early shut down of secondary water.

2.7. [6:11:28 PM](#) Presentation of Anthem Development Agreements (85 acre residential/commercial parcel) – John Brems, City Attorney

City Attorney John Brems informed the Council that this item would not require any decision. He explained that he was going to present the Development Agreements for the Anthem Development, and answer any questions for the Council. Attorney Brems explained that the residential component would essentially move the density to a different site. The developer has requested 156 units to be moved.

Attorney Brems reviewed the Anthem Commercial Development Agreement, and noted that the agreement would not include the Walmart property. He explained that the agreement would do three things: change the zoning to C-2 (Commercial), put the site plan as a conceptual exhibit, and would outline the design standards. He noted that the proposed signage for the development would not comply with the current zoning ordinances, and expressed his concern with approving a development agreement that would portray a conflict. Mayor Freeman asked about the approval timeline. Assistant City Manager Haight responded that the agreements would be presented to the Council at the next meeting. Mayor Freeman expressed concerns that the City has not received a site plan on the proposed project.

2.2. [6:27:23 PM](#) Unified Fire Authority Report – Clint Smith, EMS Bureau Chief

EMS Bureau Chief Clint Smith presented an annual fire and medical report and reviewed the calls by month. Councilmember Moser asked if the department has noticed an increase of calls directly relating to fireworks. Chief Smith acknowledged that calls have been received that were directly attributed to fireworks.

3. [6:45:19 PM](#) Adjournment

Councilmember Moser moved to adjourn the City Council work meeting. Councilmember Henderson seconded the motion, and all voted aye.

7:00 PM - GENERAL MEETING:

1. [6:59:59 PM](#) Call to Order

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

1.1. Invocation and Pledge

The invocation was offered by EMS Bureau Chief Clint Smith and the Pledge of Allegiance was led by Unified Police Chief Dwayne Anjewierden.

1.2. Approval of Minutes August 10, 2016

Councilmember Martin moved to approve the minutes of August 10, 2016 as written. Councilmember Moser seconded the motion, and all voted aye.

1.3. [7:02:18 PM](#) Council Recognitions

Councilmember Moser complimented the Events Staff and volunteers for coordinating the Dig Off.

1.4. [7:02:51 PM](#) Mayor's Comments

Mayor Freeman congratulated EMS Bureau Chief Clint Smith for being selected as the new Draper City Fire Chief, and extended his appreciation. He also recognized Melinda Mack for implementing the "Little Free Library". Councilmember Moser added that there are two little free libraries hosted by Ron Mortensen, and they have been great library stewards. Councilmember Martin suggested that it would be a great idea to host the library at the community center. Mayor Freeman expressed his admiration for the inspiring residents that are in the community.

2. [7:05:31 PM](#) Public Comment

Garrett Cloward, 14245 South 6200 West, reminded the City Council that he came to the August 10, 2016 meeting regarding his concern about the curb and gutter infrastructure system on his street allows a significant amount of rainwater to flood his property that has caused damage. He noted that he asked to work with staff to come up with a resolution. He expressed his concern of the lack of funding to resolve the issue. Mayor Freeman informed Mr. Cloward that the Council would need more information to formulate a decision.

Councilmember Moser requested that an email submitted by resident Shana Sleater be inserted into the meeting minutes. Ms. Sleater expressed her concern about parking in her neighborhood during Herriman football season. At that time, signs were put up by the City indicating that there was no parking allowed; however, the signs have been taken down. She further expressed her concern about the safety hazard to have so many cars parking on Trailside Road due to the many large construction vehicles coming in and out of the neighborhood. When the cars attempt to enter into the neighborhood from Butterfield Parkway to Trailside, there is not adequate room when another car is present. She continued her frustration that there are two parking lots and that the school football patrons could utilize the parking areas. Councilmember Moser requested that staff work with Ms. Sleater to come up with a solution to the presented issue.

3. Mayor and Council Comments

3.1. [7:08:36 PM](#) City Council Board and Committee Reports

Councilmember Moser informed the audience that the Unified Fire Authority has been actively searching for a Fire Chief, and noted that the process could possibly take approximately three weeks depending on the candidate pool.

Mayor Freeman reported on the Salt Lake Valley Law Enforcement Service Area (SLVLESA) meeting to be held on September 22, 2016. He expressed concerns with the request made by Riverton City relating for certain considerations to be given. After further consultation with Sheriff Winders, the District was not prepared to offer any municipality any “back room deals”. The District will respond as a whole. Mayor Freeman indicated that he was hopeful to put things together; however, events that have come to light may have jeopardized the proposed tax increase.

Mayor Freeman indicated that the Utah League of Cities and Townes (ULCT) have pursued a concern relating to the fireworks ordinance that has been governed by State Statute. Currently, local government has no input in the discharge dates for fireworks. The Ordinance allows for the discharge of fireworks three days before and three days after the July 4th and July 24th holidays. He expressed his concern that the discharge could dispel embers and cause extreme fire damage air quality issues and the trauma to animals and pets. Mayor Freeman explained that the ULCT passed a resolution to formulate a bill to help the local communities take some control on this issue.

4. Reports, Presentations, and Appointments

4.1. [7:15:29 PM](#) International Code Council Presentation – Cathryn Nelson, Chief Building Official

Building Official Cathryn Nelson introduced the Utah Chapter Board Members in attendance, and turned the time over to the Utah Chapter President Steve Bench. President Bench explained that the Utah Chapter of the International Code Council does a service project, and reported that a \$2,000 donation was offered to the South Valley Services that offers coordination and assistance for those who have been affected by domestic violence. He expressed his appreciation to Councilmember Moser for help putting the donation together. He also extended his appreciation to Building Official Nelson, Mayor Freeman, City Council, and Herriman City for their support to the Utah Chapter. President Bench presented an Award of Appreciation to the City.

Mayor Freeman relayed his appreciation to Building Official Nelson for her diligent work. Councilmember Moser thanked the Utah Chapter for their donation that will help multiple individuals. She noted that South Valley Services knows no municipal boundaries, and this service is extended to Herriman residents that are in need.

5. Discussion and Action Items

5.1. [7:21:56 PM](#) Discussion and consideration of a text change to the Land Use Ordinance to allow chickens as a permitted use in residential zones (15Z16) – Bryn McCarty, City Planner

City Planner Bryn McCarty informed the Council that the Planning Commission held a public hearing on August 8, 2016 and again on August 18, 2016 and recommended approval of the text change. She relayed the overwhelming public support that was offered for this amendment. Planner McCarty indicated that the ordinance would allow chickens as a permitted use on single family lots in all residential zones; however, would not permit roosters as part of this amendment. She reviewed points of the ordinance including: chicken coops would be considered accessory structures and would be subject to the height and size requirements, slaughtering would be permitted in areas that are not visible to the public, the coops shall be kept in a fenced rear or side yard at all times, and that the coop shall be at least 25-feet from a neighboring home. Mayor Freeman asked about the setback requirement, and suggested that the distance may not work in some instances. Planner McCarty agreed that some lots may not be able to adhere to the requirements; therefore, would not be allowed to house chickens. Councilmember Henderson suggested that enforcement would be conducted on a complaint basis. This was confirmed. Mayor Freeman relayed his concern that the requirement would be unfair and could potentially require a coop be in the middle of an individuals

backyard. Councilmember Moser reminded the Council that the original setback that was considered was 40-feet, and that the Planning Commission reduced the setback to 25-feet. She acknowledged that chickens tend to be loud when they are laying eggs, and expressed her concern with reducing the requirement even further. Councilmember Tischner clarified that a resident could determine to place the coop adjacent to their home, and relayed his desire to reduce the setback to 20-feet.

Mayor Freeman asked if the ordinance would address the possibility of residents housing sick or diseased chickens. Councilmember Moser suggested that the same language be taken from the animal husbandry section and incorporated into this portion of the code to resolve unsanitary conditions and diseased animals in this section.

Councilmember Tischner moved to approve Ordinance No. 2016-28 authorizing a text change to the Land Use Ordinance to allow chickens as a permitted use in residential zones and to include unsanitary conditions language under item number three. Councilmember Moser seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.2. [7:35:57 PM](#) Discussion and consideration of a resolution approving an Interlocal Cooperative and Property Purchase Agreement with the Community Development and Renewal Agency of Herriman City – John Brems, City Attorney

City Attorney John Brems informed the Council that this item was approved in the Community Development and Renewal Agency of Herriman City meeting authorizing the purchase of two acres of property, and would be subject to the terms and conditions outlined in the Interlocal Cooperative and Purchase Agreement. He recommended adding \$400,000 as the purchase amount for the property.

Councilmember Martin moved to approve Resolution No. R32-2016 approving an Interlocal Cooperative and Property Purchase Agreement with the Community Development and Renewal Agency of Herriman City and to include \$400,000 as the purchase price. Councilmember Moser seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.3. [7:37:01 PM](#) Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement between Herriman City and Salt Lake County with respect to an underground Storm Drain Easement located under Anthem Park Boulevard – John Brems, City Attorney

City Attorney Brems informed the Council that this resolution would grant a perpetual easement to the County for the relocation of the Storm Drain culvert.

Councilmember Henderson moved to approve Resolution No. R33-2016 approving an Interlocal Cooperative Agreement between Salt Lake County and Herriman City with respect to an Underground Storm Drain Easement located under Anthem Park Boulevard. Councilmember Moser seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.4. 7:38:16 PM Discussion and consideration of a rezone located at 7575 West Rooster Cove from A-1 (Agricultural, one-acre) to A-50 (Agricultural, half-acre) (File No. 16Z16) – Bryn McCarty, City Planner

City Planner McCarty indicated that the Planning Commission held a Public Hearing on August 8, 2016 and again on August 18, 2016 and recommended approval of the rezone. She explained that the property will be developed as four one-acre parcels. A small portion of the south side of the property would be included in the rezone. It will make two of the lots less than one-acre. Planner McCarty relayed the intent of the property owner to divide one of the lots to create two half-acre lots in the future.

Councilmember Moser relayed her concern of subdividing the properties, and asked how many lots would be able to be subdivided in the future under the proposed rezone. Planner McCarty suggested that if all of the existing homes were removed, the developer would be able to get one additional lot under the current proposal. Councilmember Moser confirmed that if the property owner decided to subdivide the lot in the future they would be required to install improvements. This was confirmed. Planner McCarty informed the Council that they could only rezone the property in the back and the property owner could refile for a rezone when they want to subdivide the front parcel.

Councilmember Moser moved to approve Ordinance No. 2016-29 rezoning property located at approximately 7575 West Rooster Cove from A-1 to A-50 excluding the south-east lot as referenced by City Planner Bryn McCarty. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.5. 7:46:44 PM *Discussion and consideration of a resolution of the City Council of Herriman City, Utah, pledging certain portions of impact fees to the payment of the federally taxable/convertible to tax-exempt special assessment refunding bonds, series 2016 (Towne Center Project Area) expected to be issued in the approximate aggregate principal amount of \$10,795,000 (the “series 2016 bonds”); and related matters – Alan Rae, Finance Director

Finance Director Alan Rae reminded the Council of the bond that had been recently discussed in June 2016. He noted that the bond would be paid with tax increment money, and the bank was asking for a pledge of

impact fees to the payment of the bond. Director Rae noted that the City is ready to close on the bond, and it was discovered that the impact fees were not included in the original resolution.

Councilmember Moser moved to approve Resolution No. R34-2016 pledging certain portions of impact fees to the payment of the federally taxable/convertible to tax-exempt special assessment refunding bonds, series 2016 (Towne Center Project Area) expected to be issued in the approximate aggregate principal amount of \$10,795,000 (the “series 2016 bonds”); and related matters. 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.

6. [7:51:04 PM](#) Calendar

6.1. Meetings

- September 15 – Planning Commission meeting 7:00 p.m.
- September 28 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.
- September 29 – Joint Planning Commission/City Council work meeting 6:00 p.m.

6.2. Events

- September 15-19 – Children’s Theatre Production; W&M Butterfield Park 7:30 p.m.
- September 27 – Senior Social; Fire Station 123 12:00 p.m.

8. [7:51:53 PM](#) Adjournment

Councilmember Moser moved to adjourn the City Council meeting and reconvene the City Council Work Meeting. Councilmember Tischner seconded the motion, and all voted aye.

9. **Recommence to Work Meeting (If Needed)**

2.6. **Athlos Academy Discussion** – Blake Thomas City Engineer

City Engineer Thomas offered a background of the Athlos Charter School, and noted that the school opened September 6, 2016. He explained that the first day of the traffic study cars were lined up onto public streets, and noted that there were large amounts of pedestrians. The traffic situation improved as the week progressed; however, the traffic on Friday was heavily congested with significant delays. The traffic situation was due to the inadequate offset of start time with the high school. Councilmember Moser expressed her appreciation that Athlos Academy adjusted their start time. Engineer Thomas offered other suggestions to help alleviate traffic congestion. City Manager Brett Wood extended his appreciation to the Engineering Department and the Unified Police Department for their help and support in the situation. Councilmember Henderson thanked staff for their work to resolve the situation. Mayor Freeman expressed concerns about the elementary school by Athlos which is under construction and how additional traffic may create traffic issues.

2.8 [8:31:28 PM](#) Informational City Manager Updates

City Manager Wood informed the Council of the name of the east side of the “U Road” as “Walkara Parkway” and asked if the Council supported the name. Councilmember Martin indicated that she would like the name to correlate with community history. Councilmember Moser suggested that the name of the

road was too closely named to a Salt Lake City road and may cause confusion. She recommended the name “Black Locust Lane”.

7. **8:42:15 PM Closed Session (If Needed)**

7.1. *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 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.

9:48:21 PM The Council reconvened the work session.

10. **9:48:56 PM Adjournment**

Councilmember Moser moved to adjourn the City Council work meeting. Councilmember Martin seconded the motion, and all voted aye.

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 September 14, 2016. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, CMC
City Recorder