



## CITY COUNCIL MINUTES

Wednesday, October 12, 2016

\*Amended Monday, October 10, 2016 @ 3:00 p.m.

Approved October 26, 2016

The following are the minutes of the City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, October 12, 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, Director of Administration and Communications Tami Moody, City Recorder Jackie Nostrom, City Attorney John Brems, Finance Director Alan Rae, Water Director Justun Edwards, Chief of Police Dwayne Anjewierden, UFA Battalion Chief Riley Pilgrim, City Planner Bryn McCarty, Operations Director Monte Johnson, Parks and Recreation Director Wendy Thomas, City Engineer Blake Thomas, Events Manager Danie Bills, and Administrative Assistant Shelly Peterson.

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

#### **1. 5:03:58 PM Council Business**

Mayor Carmen Freeman called the meeting to order and welcomed those in attendance. Councilmember Craig B. Tischner introduced resident Tammy Gordon, and asked the Council if they would support a future discussion regarding her vision for her property. The Council agreed.

##### **1.1. Review of this evening's agenda**

#### **2. Administrative Reports**

##### **2.1. 5:07:17 PM Miller Crossing Development Agreement Discussion – Bryn McCarty, City Planner**

City Planner Bryn McCarty presented the approved preliminary Planned Unit Development (PUD) plan to the Council, and noted the requested change from the developer to alter the layout of the residential units that abut Midas Creek. She explained that the open space would increase and residential units would not increase, and asked if the Council would consider discussing the possibility of the proposed amendment. The Council agreed.

**2.2. [5:13:11 PM](#) Water Department Report – Justun Edwards, Water Director**

**[5:15:23 PM](#)** *Councilmember Jared Henderson arrived.*

Water Director Justun Edwards offered a list of projects for the Water Department including the East Herriman Culinary Pump Station, East Herriman Culinary Tank, the Tuscany Well Redevelopment, the secondary well connection system improvements, and the Water Master Plan update. Mayor Freeman asked if the secondary water system was at capacity. Director Edwards responded that the current system could accommodate another five to ten years of development. Councilmember Nicole Martin asked if the Homebuilders Association would provide input regarding the Culinary Water Impact Fee Analysis. This was confirmed.

Director Edwards continued with an overview of the Water Departments' operation and maintenance of hydrant flushing and valve exercising, Pressure Reducing Valve (PRV) maintenance, seasonal operation adjustments, meter and jumper sets for new development, draining and winterizing the secondary water system, and the Division of Drinking Water (DDW) Sanitary Survey for High Country I and II.

Director Edwards noted that the request to reduce the water impact fee for a property owner would be presented to the Council for consideration during the general meeting. He oriented the Council as to the location and terrain of the property, and displayed the site plan indicating the proposed design of the landscaping. The current water impact fee charges are based on lot size. Councilmember Coralee Wessman-Moser asked if the identified portion of native landscape exceeded the thirty-percent grade that building would not be permissible. Director Edwards indicated that he would have to get with Engineering Staff to determine the percentage of slope. Mayor Freeman expressed his concern that we are setting a precedent and the property owner could change the dynamic of the lot.

Mayor Freeman informed the Council that he would like to have a future discussion pertaining to water conservation and outline the proactive steps that are being conducted to minimize water usage.

**2.3. [5:28:18 PM](#) Informational City Manager Updates – Brett Wood, City Manager**

City Manager Brett Wood updated the Council of the construction of City Hall, and noted that next week would commence the excavation of the park site. He noted that the tentative completion date has been scheduled for August 29, 2017, and noted that the timeframe may be shortened. Manager Wood reviewed the upcoming policy changes for consideration. He concluded with the request to take the unused allocated funding to the Unified Police Department for parking at Blackridge Reservoir to work on enforcement of traffic issues including speeding and distracted driving along Mountain View Corridor, 13400 South, 6000 West, 11800 South and Herriman Parkway. Mayor Freeman expressed his support of the proactive approach of the traffic issues. The Council agreed.

**3. [5:56:21 PM](#) Closed Session**

**3.1. *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 to discuss 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 discuss 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.*

The Council reconvened to the City Council work meeting at 7:02 p.m.

#### **4. Adjournment**

*The City Council adjourned the City Council work meeting by consensus at 7:02 p.m.*

#### **7:15 PM - GENERAL MEETING:**

##### **1. 7:11:44 PM Call to Order**

Mayor Freeman called the meeting to order, and welcomed those in attendance. He noted the removal of agenda items 5.3 and 5.4 regarding the Anthem Development.

##### **1.1. 7:12:22 PM Invocation and Pledge**

The invocation was offered by Scout Johann Moore and the Pledge of Allegiance was led by Scout Troop #1411.

##### **1.2. 7:13:33 PM Approval of Minutes September 14, 2016**

*Councilmember Moser moved to approve the minutes of September 14, 2016 as written. Councilmember Henderson seconded the motion, and all voted aye.*

##### **1.3. 7:13:52 PM Council Recognitions**

There were no Council recognitions.

##### **1.4. 7:14:01 PM Mayor's Comments**

Mayor Freeman thanked all of the participants in the Miss Herriman Scholarship Pageant, and announced the 2016-2017 Royalty: Queen: McKenzie Jensen; First Attendant: Brinlee Johnson; Second Attendant: Cassandra Francis. He noted that the royalty would be recognized at the next City Council meeting.

##### **2. 7:14:46 PM Public Comment**

Rob Thomas, 12877 South 6000 West, expressed his desire to reiterate the speeding issue along 6000 West, and asked the Council to take immediate action. He noted nothing had been done including installing high intensity lights, installing an asphalt pathway, or having a strong Unified Police Department presence. Mr. Thomas relayed his concern about the excessive speed motorists' travel down the road, and informed the Council that an individual was recently ticketed travelling 68 MPH along 6000 West.

John Olsen, 6877 Tracy Loop Road, relayed his concern of the Anthem Development that had been removed from the agenda. He noted that Riverton City experienced a similar issue, and rescheduled the

discussion with no announcement. Mr. Olsen expressed his disdain for high density along with the associated crime rate, and hoped that a similar outcome did not happen in Herriman City.

Mike O'Rourke, 5539 West Turret Arch Lane, questioned if the Unified Police Department had plans to increase police presence in commercial areas to discourage large vehicle parking over extended periods. He also expressed his concern about the abandoned development, and requested to know more information about the project. Mr. O'Rourke reiterated to make certain a public notice is posted and disseminated to the residents.

Darrel Robinson, indicated that he needed help advertising for his political campaign for the Jordan School District Board. He explained that the Herriman City Ordinance would not allow signs to be placed on public right-of-way. Mayor Freeman deferred Mr. Robinson to City Manager Brett Wood.

Councilmember Moser recommended residents go to [www.pmn.utah.gov](http://www.pmn.utah.gov) to have an agenda automatically scanned and emailed to them to be aware of upcoming agenda items.

### 3. Mayor and Council Comments

#### 3.1. [7:27:01 PM](#) City Council Board and Committee Reports

Mayor Freeman reported that the Unified Police Department has been discussing the continuation of OPEB benefits after retirement.

### 4. Reports, Presentations, and Appointments

#### 4.1. [7:27:29 PM](#) Unified Fire Authority EMS Bureau Chief Clint Smith Recognition – Brett Wood, City Manager

City Manager Brett Wood expressed his appreciation to Chief Clint Smith as he resigned after seven years from being the Herriman City liaison with the Unified Fire Authority. Chief Smith will continue to serve on the Planning Commission. City Manager Wood presented a fire hydrant table as a small token of appreciation. Chief Smith thanked the Council and staff for their support, time, trust, and personal friendships. He extended his gratitude for the opportunity to serve as the liaison for Herriman City. The audience offered their applause. The Council expressed their appreciation to Chief Smith.

### 5. Discussion and Action Items

#### 5.1. [7:48:46 PM](#) Discussion and consideration of an ordinance approving a Water Impact Fee adjustment – Justun Edwards, Water Director

Water Director Justun Edwards informed the Council that the property owner has requested a reduction to the Water Impact Fee, and noted that the proposal would have to be granted by the City Council. He oriented the audience as to the location of the property, and noted that the owner will be constructing a home on the lot. The property owner relayed his intention to keep the majority of the parcel in native vegetation, which would not require the use of irrigation water. Director Edwards explained that if the Council granted the reduction, the impact fee would be reduced to \$8,291.

Mayor Freeman expressed his concern about setting precedence, and asked if any request had been previously approved. Director Edwards responded that this type of request does not come up often. Mayor Freeman explained that he was reluctant to advocate for a reduction in fees as the property owner or future property owner could change the landscape design in the future. Councilmember Moser recalled

previous requests that had not been approved due to the same reasoning, and recommended that the fee be assessed as outlined in the fee schedule. She suggested that if the grade of the slope exceeded thirty-percent where the area would be unusable could be grounds for a reduction of impact fees. The Council agreed.

*This item failed due to the lack of a motion.*

**5.2. [7:56:05 PM](#) Discussion and consideration of a text change to the Land Use Ordinance to create a Technology and Manufacturing Zone (14Z16) – Bryn McCarty, City Planner**

City Planner Bryn McCarty explained that the extended discussion regarding the Technology and Manufacturing Zone would be a new designation of zoning to encourage the development of well designed technological and manufacturing parks. The zoning designation would allow uses such as research, development, office, data centers, manufacturing, fabrication, processing, storage, warehousing and wholesale distribution. She explained that the Planning Commission recommended several changes, and noted she would go through the large changes since the last time that the Council discussed the zone.

Planner McCarty noted that it was requested to remove the “and” from the Technology and Manufacturing (TM) Zone, and explained that any use within the TM Zone would be conditional. She reviewed the conditional use and zoning process. The TM Zoning designation would require a submission of the site master plan. At the time the request is to be approved, the property could have a zoning condition restricting or prohibiting uses or building heights that are deemed to be incompatible with adjacent zoning uses.

All proposed developments would require a minimum of twenty-percent of the total site to be landscaped as outlined in Herriman City Code. The landscaping would include amenities like water features, sports courts, gazebos, connections to master planned trails, or other landscaping plantings. The landscaped areas will be planted with live plant material. The front yard and side yard areas which abut a street will be landscaped and maintained with live plant material including shrubs, flowers and trees for twenty-feet. A minimum eight-foot decorative masonry wall would be required between warehousing or manufacturing uses and agricultural or residential zones. A taller fence may be required to separate non-compatible uses.

The design criteria would require compliance with the commercial design criteria. Building elevations would be reviewed and approved as part of the master plan for the site, and metal building would be prohibited. Any development within the TM zone would require a development agreement to be reviewed and approved by the City Council.

Mayor Freeman asked about considerations for nuisance factors, and suggested that the requirements be outlined in the proposed ordinance. City Planner McCarty agreed. Mayor Freeman recommended that commercial storage incidental to an allowed use should make reference to not allowing excessive clutter around the site. Councilmember Moser agreed, and noted a caveat be placed as part of a zoning condition. Mayor Freeman observed the Financial Services conditional use and asked if that would allow a Pay Day loan location. Planner McCarty explained that the intent of that language is to allow a business like a visa processing center. Councilmember Moser suggested the language be broadened on what would be allowed. Councilmember Martin noted that the ordinance should call out what the City does not desire to be in the zone. The Council agreed.

Mayor Freeman asked if any restaurant type would be permissible in the zone. This was confirmed. Councilmember Moser noted that any restaurant type would help support business employment in the area, and would be a compatible use. Mayor Freeman questioned the temporary construction buildings and yards. Planner McCarty noted that the use would be acceptable during construction. Councilmember Moser recommended having the term defined in the ordinance. Mayor Freeman asked if the landscaping ordinance would allow water wise landscaping. Planner McCarty noted that live plan material would be required.

Councilmember Moser identified that the term “and” had not been removed in several sections of the ordinance when referring to the Technology and Manufacturing Zone. She also noted that there was a conflict with storage of materials where the warehousing distribution does not allow outdoor storage. City Planner McCarty agreed, and recommended to remove any indications pertaining to storage. Councilmember Moser added that the zoning condition could indicate that the approval would be subject to screening requirements. Councilmember Moser asked about the intent when the ordinance indicated that the whole development shall be planned and simultaneously developed. Planner McCarty responded that the design should be conducted at the same time, but not the construction.

Councilmember Moser asked what determined the required landscaping on the front and side of the development, and suggested that a caveat be put in place that installed trees should be approved by the City Arborist. Planner McCarty explained that any setbacks adjacent to the street shall be landscaped, and noted that the approved tree list could be incorporated. Councilmember Moser noted that the conditional use list should also include conference centers, as that use would be compatible. She also suggested that the masonry wall should be required for uses other than what was outlined including: Public and Quasi Public, School, and Professional Offices. Councilmember Tischner expressed his concern with masonry walls as they are a target for graffiti. Councilmember Henderson asked if the ordinance would allow cinder block or just pre-cast. Planner McCarty noted that the intent was to allow pre cast walls. City Manager Wood recommended that the ordinance should be more specific.

Councilmember Henderson referenced the Landscaping section of the ordinance and questioned if the Planning Commission could modify the landscaping requirements for any conditional use. He asked if they could alter the percentage of the landscape, the berm requirements, or anything within that portion of the ordinance. Planner McCarty responded that she could not see in instance when that would come into consideration, and recommended removing that notation. Councilmember Henderson asked why the berm height requirement was two-feet, and suggested that area may not be large enough if the intent is to obstruct the view. Planner McCarty responded that she would work with the Engineering and Parks Department to adopt a setback that would be acceptable.

*Councilmember Tischner moved to continue the ordinance authorizing a text change to the Land Use Ordinance to create a Technology and Manufacturing Zone (14Z16). Councilmember Henderson seconded the motion, and all voted aye.*

~~5.3. \*Discussion and consideration of a proposed rezone located at approximately 12600 South Anthem Park Boulevard from C-2 (Commercial) to R-2-10 (Medium Density Residential) (19Z16) – Bryn McCarty, City Planner~~

~~5.4. \*Discussion and consideration of an ordinance approving the Master Development Agreement for the Anthem Master Planned Community – John Brems, City Attorney~~

6. Calendar

6.1. Meetings

- October 20 – Planning Commission Meeting 7:00 p.m.
- October 26 – City Council Work Meeting 5:00 p.m.; City Council Meeting 7:00 p.m.

6.2. Events

- October 15 – Pumpkin Festival 7:00 p.m.; ~~Herriman High School – 11917 South 6000 West, Herriman~~ W & M Butterfield Park; 5:00 p.m. – 7:00 p.m.
- October 31 - Halloween

7. 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*

There was no closed session.

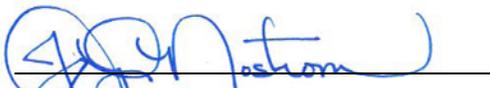
8. [8:45:43 PM](#) Adjournment

Martin moved; Henderson seconded.

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

9. Recommence to Work Meeting (If Needed)

*I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 12, 2016. This document constitutes the official minutes for the Herriman City Council Meeting.*

  
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Jackie Nostrom, CMC  
City Recorder