



CITY COUNCIL MINUTES

Wednesday, January 11, 2023
Approved February 8, 2023

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, January 11, 2023, at 5:30 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Mayor Lorin Palmer

Councilmembers Present: Jared Henderson, Teddy Hodges, Sherrie Ohrn, Steven Shields

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Tami Moody, Assistant City Manager Wendy Thomas, Deputy City Recorder Wendy Thorpe, Finance Director Kyle Maurer, Director of Operations Monte Johnson, Public Works Director Justun Edwards, Communications Manager Jonathan LaFollette, City Planner Michael Maloy, Police Chief Troy Carr, Deputy Chief Cody Stromberg, Community Development Director Blake Thomas, Unified Fire Authority Assistant Chief Anthony Widdison, City Attorney Todd Sheeran, Assistant City Engineer Bryce Terry, and Building Official Cathryn Nelson.

5:30 PM – WORK MEETING: (Fort Herriman Conference Room)

1. Council Business

Mayor Lorin Palmer called the meeting to order at 5:31 PM.

1.1. Review of this Evening's Agenda

Council and Staff briefly reviewed the agenda.

1.2. Future Agenda Items

Councilmember Teddy Hodges stated he had gone to Mountain Ridge High School and reported he enjoyed the entrance and exit design of the facility. He knew the solution was temporary but wanted to see what options and responsibility were for traffic and safety with the new roads and development in the area. Community Development Director Blake Thomas stated the Traffic Committee met once a month and this issue was a standing item on the agenda. Councilmember Steve Shields added the hardest part was determining what was warranted and discussed the challenge he had tasked the committee with was finding what solutions they could possibly implement, as they had done for the signs at Fort Herriman.

Mayor Palmer commented a flex school had been mentioned and they were trying to figure out what worked best for them to create the best traffic pattern. Councilmember Hodges suggested staggering start times. Mayor Palmer stated this was a bigger issue and might need to engage in regular meetings with Assistant City Engineer Bryce Terry. Community Development Director Thomas recommended sending out the drones and acquiring footage to review the actual traffic patterns. City Manager Nathan Cherpeski expressed concern on both loading and unloading times.

Councilmember Shields stated he had received a lot of questions and comments about potholes and requested an update on timeframes. Assistant City Manager Tami Moody stated staff was creating a webpage dedicated to this specific issue. She explained the site would be advertised through the social media outlets and would discuss the process and the current situation to keep residents up to date.

City Manager Cherpeski added they had brought in extra crews aside from streets to do pothole repair, but it had already been a tough winter. Councilmember Shields understood some of the equipment was older than it should be because of supply chain issues, and he would like to understand if they had looked at or considered other vendors. Councilmember Henderson agreed and stated this was a compounding problem they needed to solve. Councilmember Shields stated they needed functioning equipment and he had not heard any discussion about alternatives, and he would like to understand that better.

Mayor Palmer asked if there was any desire to change committee assignments for the upcoming year. Assistant City Manager Moody clarified staff just needed to know every January if the Council would be making changes. Councilmember Hodges thought they should look over it because of impending staff changes and thought that an annual review would be beneficial. Councilmember Shields expressed he liked working with the mosquito district and thought it was run very well.

1.3. Council discussion of future citizen recognitions

Councilmember Hodges recognized Mount Ridge Girls Volleyball 6A champs and Kelly Dion

from Mount Ridge. Mayor Palmer suggested the Herriman Cross Country who had recently placed second nationally.

2. Administrative Reports

2.1. Collegiate Rugby Shield – Wendy Thomas, Assistant City Manager

Assistant City Manager Wendy Thomas stated the previous year Herriman had supported the collegiate broadcast of the Rugby Shield on FOX News, and after the first week of sponsorship they had received a good response and had drafted eleven players. She went on to say that the Warriors had come back to them to ask for another sponsorship of the Collegiate Rugby Shield, as well as a partnership with the Utah Warriors for \$25,000. Assistant City Manager Thomas introduced the representatives from the Warriors and invited them to present to Council.

Collegiate Rugby Representative Tom Schimpf stated they had a concept and an idea for something they felt was missing in major league rugby and said as the sport crew they wanted to bring all of the best of collegiate talent together to host a showcase in Herriman City. He stated the previous year's event had been an overwhelming success and so they wanted to continue to grow and ensure they delivered for Herriman.

Mr. Schimpf continued to state they had reviewed the elements proposed from the previous year and had found more opportunities to showcase the City, including having the Mayor on national television representing Herriman. He stated they had added 'Herriman City' to every jersey and set up some free clinics for the community and had included the City in the events planned throughout the entire week. He reiterated last year had been such a success and they were proud to have Herriman as that premier partner and wanted to invite them back to participate this year. The representative proposed extending that reach into the Utah Warriors organization and all their home games.

The founder of the event Nick Colling thanked the Mayor and Council for believing in them and for being a part of the team in becoming professional athletes. He said this event was about creating a pipeline for everyone to go from picking up a rugby ball to becoming a professional athlete, and he expressed with eleven players drafted it was an eye-opener for the rest of the country to realize that the collegiate rugby shield was where you needed to go if you wanted to be drafted into professional rugby.

Assistant City Manager Thomas stated there was an exciting announcement was waiting on final mayoral approval, but was able to announce they were embarking on a joint venture with a European rugby club which would be announced in France and would allow Herriman rugby to participate on a global level. The founder emphasized their goal was to make Herriman the epicenter of rugby in North America and said having an affiliation in France was very exciting. Mayor Palmer commented the announcement would be made on the 22nd and they would film the announcement the next day.

Assistant City Manager Thomas explained if Council was willing to move forward with this plan staff would work with Finance Director Kyle Maurer with the funding allocation. Councilmember Henderson asked where the money would be coming from, because the City was not in the business of helping people become professional athletes and he wondered if it was worth it for what the City would be getting in return. Mayor Palmer replied this was an economic driver. Councilmember Henderson understood, but they did not receive revenue for people visiting their website.

Councilmember Hodges asked if they had market statistics for the revenue brought in from the event. The Founder stated they were quoted by Sports Salt Lake that it would bring in around \$1 Million economically to the County of Salt Lake, with a majority of that being in Herriman. Councilmember Henderson asked what percentage of that the City would get because they were the ones spending the money, and he pointed out neighboring communities would benefit as well.

Councilmember Shields did not think the plan had been articulated well and emphasized he did not want to create the identity of Herriman as a recreation destination without expressly planning on doing so, and he pointed out they had never formally stated that was the direction they wanted to take as a City. He clarified he thought this partnership was great and he had no objections to sponsoring it, he just felt there needed to be a reason for it and it needed to be a part of a more meaningful strategic decision that would aid them in their long-term plans for the City.

Councilmember Henderson felt they should not be doing this and reiterated his concerns about money going to other communities. He said if they were going to do things like this it needed to make financial sense and need to show their taxpayers there was a return to the City. Councilmember Shields agreed and said he paid taxes in this City and wanted to make sure that his money was being used appropriately, and as a taxpayer he would want to have assurances that the City had minimized expenses everywhere else before the City reached further into his pockets. Councilmember Henderson commented it was a tradeoff, and argued there were many things the City should be spending money on first, for instance the cemetery, which needed a bathroom. He stated four years of this sponsorship would pay for the amenity and suggested to show City projects as a priority.

Councilmember Hodges said a son of one of his good friends had gotten drafted to the Warriors and discussed how it was going to change his life for the better. He thought the long-term benefit of having it be founded in Herriman, even if they only captured 10-percent of the \$1 Million, was it would incentive development down the road, and he added even 10-percent of \$1 Million would aid the City. He stated they needed a vision for five to ten years down the road and they were at the ground level for this. Councilmember Shields commented if they missed this opportunity, it would go elsewhere and they would not be

able to capitalize on this revenue down the road.

Mayor Palmer liked there to be more economic drivers over the long-term and pointed out the economic benefits would come because all of the games would be televised and the City would be seen on TV every week. The founder stated he appreciated the discussion and agreed they needed to think about how this would achieve the goals of the City. Mayor Palmer commented there was no way to quantify what the event had given back to the City because the free clinic which had seen over 100 kids was unquantifiable, and expressed he was willing to move forward.

Mayor Palmer asked when the deadline to commit would be. Assistant City Manager Thomas stated the Warriors needed \$5,000 now. The founder said they would work with the City to some extent, but they would need the money before the season started in mid-February and the event would be held in July. Assistant City Manager Thomas stated she would just need to move some money around from other places.

Councilmember Hodges stated he would like to see more data. The representative replied they utilized a platform called Relometrics which did exactly what they were asking for in that it gave the value for the sponsorship. He said as part of their proposal they could add the City to that for third party data and analytics which would provide them with the facts. Councilmember Shields thought this was data they needed to have before they wrote a check. Councilmember Henderson said they were generally supportive of this, but wanted some deliverables and they would need a whole plan by next year.

Councilmember Shields commented next year there might be new people in the Council seats and he wanted to make sure they had sufficient information to continue going forward. Assistant City Manager Thomas stated there had been recent discussions about what co-sponsorship meant and it was something they were working on. Mayor Palmer stated it sounded like this was something they would generally support but needed to come up with a marketing strategy and an implementation plan.

Councilmember Hodges asked how they would maintain the people which came into the City, and what they would do when they got all the attention on the City. The representatives suggested handing out vouchers for restaurants and sponsors. Assistant City Manager Thomas felt the amount of traffic an event like this would generate was considerable.

Mayor Palmer stated once they got a hotel in Herriman, they would need to work on having attendees stay within the City. The representative commented this had been a constructive conversation and said they would do everything on the collegiate rugby shield side to make this deal attractive to Herriman. He stated they should be good to go with Fox Sports 1 primetime, which was 6 PM MST, and he thought this would be good for viewership.

Assistant City Manager Thomas stated she had sent out a report on TV viewership a while ago so it should be in the Council's emails. Councilmember Shields thought there was an amount of value they had not quantified and needed to get it written down so they could show the taxpayers the value of their money.

Assistant City Manager Thomas stated she would get information back to them in the next couple of weeks.

2.2. Discussion regarding the request for the city to take ownership of a private road in the Lake Ridge Subdivision – Blake Thomas, Community Development Director
Community Development Director Thomas presented the information for the private road above Blackridge. He stated the request had come in from the HOA one and a half years ago for the City take over this private road and it had been determined at the time that the road needed to be brought up to City standards. Community Development Director Thomas stated the Engineering department had performed an audit which was then sent to the HOA, and he reported the HOA had sat on those results for a while before coming back to the City. He explained the HOA was concerned with the City's decision to only take over a portion of the road and did not want to widen the road and requested to know why the City would not take over the entire road.

Community Development Director Thomas commented on the timeline and showed an exhibit from the audit which had been performed which listed some of the key items which would need to be done to bring the road up to standards.

Community Development Director Thomas stated since the request had come in staff had determined the cost to maintain the road was \$11,000 per mile per year, and recommended the City pay the HOA around \$3,000 per year. He said the HOA had requested the City plow the entire road, but he discussed contracting with an HOA would be new for the City and would be rough on the City equipment as well.

City Manager Cherpeski explained what made this different from other HOAs was the City had created the issue. Councilmember Henderson commented the City had some responsibility in this request but emphasized the HOA had built a private road below City standards and said if the HOA brought the road up to City standard, he would be more likely to approve taking over the road. Councilmember Shields said it would cost \$1 Million to bring the road up to standard and it did not make sense for the few people that were in the HOA to come up with that money to fix the road. He thought they needed to compensate the HOA for the use of the lower section of the access road and advocated a discussion for how much impact the City had on the road.

Mayor Palmer stated he had lunch with the HOA president and they had discussed the cost to plow the road for them the previous year had been \$5,000, and their collective suggestion

was to pay the City based on the math Community Development Director Thomas had used to determine costs. Councilmember Shields stated he did not like the idea of City equipment and Staff being contracted to take care of private roads. He thought they had impact on the road and they should pay for their impact on the road but the City did not need to take over the entire road and leveraging City resources to maintain private facilities as it made him uncomfortable.

Councilmember Shields thought the City should assess the impact they have had on the road and pay them one lump sum for that impact. Community Development Director Thomas thought this was a good idea and stated he would come back with a figure for the budget.

2.3. Amending Herriman Code section 1-10-14 Disposal of surplus property – City Manager Nathan Cherpeski

City Manager Cherpeski reviewed the proposed changes to the disposal of surplus property. He stated staff had gone through to address the Code regarding surplus property related to personal property and the old code had required all surplus to come before Council so they had set up a process to offload items of minimal value without having to come to Council. The Council concurred they were okay with these changes.

2.4. Blackridge Reservoir Update – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas asked for direction because they had some people interested in running a concessionaire, and asked if Council was interested in pursuing an RFP process. Mayor Palmer did not have a problem going that route, although Councilmember Shields did not want to put anything there to make it a bigger draw. Assistant City Manager Thomas said they would be contracted to take care of trash and brought up the issue of parking.

Councilmember Shields asked what they would do if it turned into a nightmare, and if they be able to cancel any sort of contract. City Attorney Todd Sheeran stated there would be a cancellation term in any contract allowing the City to cancel if it became problematic.

Councilmember Sherrie Ohrn arrived at 6:23 PM.

Councilmember Shields anticipated there would be support for a concessionaire from people who utilized the reservoir, but for the people that lived around there the added impact would have a negative effect. He thought City Council did not want to allow concessions and drive more traffic in that area.

Assistant City Manager Thomas discussed expanding parking and stated the cost would be between \$500-\$900,000. She gave a breakdown of the costs for the creation of 54 stalls and then stated another option was to put in a separate parking lot for \$800,000. There was no interest from Council in expansion or the addition of a new parking lot.

Councilmember Ohrn stated this reservoir was a secondary reservoir and did not think they needed to highlight amenities. Assistant City Manager Thomas commented the water had been treated for snails and algae. Public Works Director Justun Edwards stated they were treating the water to maintain for secondary water and the chemical costs had gone up and they were treating more water.

Assistant City Manager Thomas asked if the Council wanted to stick with the current system of parking enforcement or if they wanted to implement a paid parking situation. The Council concurred to remain status-quo.

Communications Manager LaFollette presented the Blackridge neighborhood parking permit survey results. He said they had received 65 responses and went through some of the questions and results.

Councilmember Ohrn commented there had been a small handful of concerns and she did not think a policy overhaul was worth it to pacify a small handful, although their voices were important. Councilmember Henderson commented there had been issues in the area in 2016 and there was always going to be unintended consequences and there would never be a solution which would please everyone. He asked if there was a real problem they needed to address or if it was a small irritant to a couple of people and stated if there was a real problem then they could implement a system but by and large the permit system had solved a lot of the problems.

Communications Manager LaFollette continued with the survey results. Councilmember Ohrn stated when she got complaints, she always informed residents it was a secondary water reservoir.

2.5. Youth, Teen, and Active Aging Programming Discussion – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas stated this issue had been brought to staff by Councilmember Ohrn, who had asked about using the old facility for youth, teen, and active aging programs. Councilmember Shields wanted to hear more about costs. Councilmember Henderson commented this was similar to the rugby situation and felt although this was a good program they had to determine what the City's core responsibilities for cost would be. Director of Operations Johnson stated the costs would be around \$100,000 per year.

Councilmember Henderson asked if it would be the City's responsibility for all the resources which would be required to run a program like this. Assistant City Manager Thomas stated she did not want to get too far into a financial analysis, as Council was already set on selling the building. Councilmember Ohrn commented they would not be acquiring any more land and it was expensive to build facilities and they had a facility just sitting there. She stated she knew the building needed maintenance, but discussed there was a cost saving for the

City in providing activities for youth as it would keep them off the streets and out of trouble.

Councilmember Ohrn thought the County was offering too many services and she did not like paying taxes for all of those, but she thought they could get funding from some of these resources. She thought they were growing at a rate where these demographics needed to be addressed. Mayor Palmer referenced some examples from the County about possible resources. Assistant City Manager Thomas commented there were a lot of buckets to draw from.

Councilmember Shields clarified what the building would be used for and said they would need to determine what percentage of use would be covered by these programs. Assistant City Manager Thomas stated the information being requested would not be hard to get, she had done this for other cities she had worked for, but she did not want to go down that path if there was no interest in keeping the building. Councilmember Shields thought they should keep the building and repurpose it even if they did not use it for these programs. Assistant City Manager Thomas stated she would put some information together and come back to the Council. Director of Operations Johnson commented the figure they had come up with for a revamp was \$3.1 million.

Councilmember Ohrn moved to adjourn the work meeting at 6:52 PM to convene in the regular meeting. Councilmember Henderson seconded the motion, and all voted aye.

The Council reconvened the work meeting at 8:25 p.m.

2.6. Discuss Proposed amendments to the fiscal year 2023 budget – Kyle Maurer, Finance Director

Finance Director Maurer presented the proposed budget amendments. He stated they were waiting on some numbers, particularly for vehicle purchases, and he clarified anything highlighted in red had been changed in the packet.

Finance Director Maurer explained how he had tried to group the amendments and began his presentation. He discussed the CDRA settlement agreement from 2019 and some of the grant reimbursements they had received. He said the City needed to purchase two dump trucks and they would be using lease revenue, but the prices had gone up substantially.

Finance Director Maurer talked about the transfer in from High Country 2 and said they had discovered the Parks Department had been paying for water and so they needed to be reimbursed by the Homeowners Association. He continued with the presentation and said they had not received the vehicles they had planned for the year before so that cost had to carry over, but the prices had increased, so they needed adjust their vehicle purchase budget and acquisition.

Finance Director Maurer discussed the General Fund and Fund Balance. He said the State mandated they had at least 5-percent in the Fund Balance but they could go up to 35-percent, and reported they were currently at 23-percent. He said he would like to have a more in-depth conversation about where the City would like to be regarding the Fund Balance.

Finance Director Maurer continued with the presentation and discussed the Public Safety Fund and the creation of the fire safety areas and the increase of the general tax which had occurred to fund services. He discussed the police budget and explained the differences which had been made particularly relating to vehicle purchases.

Finance Director Maurer moved on to setting future budgets and determining future long-term fiscal stability.

Councilmember Shields requested clarification on the General Fund and the transfers between the HCSEA fund. City Manager Cherpeski clarified the HSCEA was a funding mechanism which went into the General Fund where all the purchases were made. Finance Director Maurer stated the biggest issues were the things which had been left out of the budget like the taser contract, and the shifting of vehicle purchases.

Operations Director Johnson commented one of the things with vehicle contracts was obtaining the vehicles. Police Chief Carr stated they wanted to spread out the costs by not acquiring multiple new cars at a time but with the supply chain issues, this staggering has become congested. Operations Director Johnson stated one of the factors was during Covid-19 the Council elected not to replace any vehicles, which pushed everything down the line. Police Chief Carr stated they were exploring different makes and models, but supply chain issues were occurring across the board.

Councilmember Hodges asked if there was a funding mechanism in place and if so, did it need to be adjusted. City Manager Cherpeski stated a further discussion was warranted because there has been an increase in Police salaries and vehicle costs. Property taxes received did not match inflated rates which was not sustainable. Finance Director Maurer stated the City needed to be very transparent with options and what a long-term projection outlined.

Finance Director Maurer stated in the fire service area, items had been left out of the budget including grounds and maintenance as well as professional fees. He said there would have to be a small Fund Balance adjustment, which would leave the actual Fund Balance at around \$2.7 Million.

Finance Director Maurer discussed the Park Impact Fee Fund and the Road Impact Fee Fund and talked about the Storm Drain Impact Fee Fund and General Capital Projects. He stated there was a negative Fund Balance issue according to audit but through various transfers, this issue would be resolved.

Finance Director Maurer stated staff had a fund set up for projects around City Hall and he had put in a large amount to prevent any under budget issues. He moved onto the Water Fund and stated they had not been budgeting their bond principal payments which could be made through gaps. He expressed concern about not allocating the principal payments into the budget. He stated the Water Fund needed an in-depth conversation and it was time for a new water rate study.

Mayor Palmer thanked Finance Director Maurer for all his hard work.

2.7. Streetlight Décor and Banner Discussion– Monte Johnson, Operations Director
Operations Director Johnson reviewed the Christmas decorations and stated staff had installed and were now taking down around 200 decorations. He said staff usually tried to conduct this within a week, which required the rental of an additional bucket truck to allow two crews to remove decorations. He presented a map which illustrated where decorations were hung throughout the community.

Assistant City Manager Thomas commented HPD helped in areas where no shoulders were on the road. Operations Director Johnson estimated costs for the bucket trucks at \$2,250 for the week, fuel for the trucks were around \$800, and labor costs were \$14,000, setting a final cost at around \$17,000, not including the electricity or decorations. He said staff had started a conversation about the desire to continue spreading decorations around the City, or if it would be more reasonable to reduce the spread over time and focus on the main roads. He stated with the expansion of the City, staff would need to acquire more decorations along with additional storage. Over time, decorations would need to be replaced as they deteriorated, and outlined one proposal was to reduce the decorated area of the City.

Assistant City Manager Thomas stated staff had started reducing the size of the decorations themselves to around four feet in order to make for easier storage, and she said each of those decorations ran from \$500 to \$700. Councilmember Ohrn suggested to scale it down to the main roads and commented the City held a Christmas decoration contest and suggested to encourage residents to decorate more. Councilmember Shields agreed with decorating main roads only.

Assistant City Manager Thomas commented on the Spring Canyon Drive agreement. Operations Director Johnson stated the old city engineer had made a verbal agreement with the subdivision if the subdivision donated money for decorations, the City would decorate the street. He stated if staff decided to scale back decorating, he would approach the subdivision and have a conversation with them to agree to give back the donated decorations.

Mayor Palmer wanted to find a way to not need to rent an extra truck. The Council expressed support to look into available options and bring it back for further discussion on

consolidating the plan.

Operations Director Johnson moved onto a discussion about banners. He stated staff received a lot of requests from the schools and sports teams to hang banners which take a considerable number of staff hours to display and remove. He said some of issues to consider were the high school wanted the banners hung consistently, but the banners get weathered and there are scheduling conflicts for displays.

Operations Director Johnson stated there was a \$50 application fee and a \$22.50 fee to hang the banners. He said this rate had been the same since 2010. Councilmember Ohrn asked how much it cost to hang each banner. Operations Director Johnson stated it cost around \$10 to a hang a banner. He said since the middle of December, staff had lost several streetlights due to a hit and run accident, and the City did not receive any reimbursement from insurance claims when people fled the scene of an accident.

Operations Director Johnson stated one of his biggest concerns was when nonprofits with conflicting views of the City came in and wanted to hang banners, it should be allowed. City Manager Cherpeski commented he did not think the City should be hanging banners for private groups. He said he had less concerns with working with the schools as they were public entities.

Operations Director Johnson presented a copy of the original ordinance and staff did not have a record of it being signed so it had never been codified properly. Councilmember Hodges asked if staff wanted to keep control as a City or if the task could be contracted out to the schools. Operations Director Johnson stated this approach was discussed; however, concerns arose due to liability issues. City Manager Cherpeski stated staff had discussed only allowing City co-sponsored entities to hang banners.

Council consensus was to adjust fees for banners, as well as things such as not waiving park fees. Councilmember Henderson commented to do whatever to limit liability and limit cost. Councilmember Ohrn was supportive of the schools paying fees to cover costs. Councilmember Shields thought generally, the City cannot be in the business of waiving fees as costs should be covered. Operations Director Johnson stated the poles were rated to hold banners; however, sometimes the banner arms break and become a safety hazard. Assistant City Manager Thomas said staff would draft a memo to outline everything discussed.

Councilmember Ohrn moved to temporarily recess the City Council work meeting at 9:30 p.m. to convene in a closed session to discuss pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 at 7:42 p.m. Councilmember Hodges seconded the motion.

The vote was recorded as follows:

Councilmember Jared Henderson Yes
Councilmember Teddy Hodges Yes
Councilmember Sherrie Ohrn Yes
Councilmember Steven Shields Yes
Mayor Lorin Palmer Yes

The motion passed unanimously.

The Council reconvened the work meeting at 10:18 PM.

3. Adjournment

Councilmember Hodges moved to adjourn the city council work meeting at 10:18 p.m. Councilmember Ohrn seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:05 p.m.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

Mr. Luke Roth provided the invocation. Scout Troop #123 presented the colors and led the audience in the Pledge of Allegiance.

4.2. City Council Comments and Recognitions

Councilmember Ohrn received a public comment via the online process concerning parking. She explained the policy in the City which stated during snow events there was no parking allowed on the road, and she reported this resident felt this was not a good policy. She clarified this was not a new policy as it had been in place for some time, and added this policy was in place for safety purposes during snow events. Councilmember Ohrn acknowledged the growth in the City and its effect on parking.

Councilmember Hodges agreed with Councilmember Ohrn's comment and stated he and Mayor Palmer had gone out with the plow truck driver's and saw the parking problem during plowing. He thanked staff for their hard work. He stated an email was received from VECC regarding their holiday party and how well it had gone.

Councilmember Shields gave a shout out to the snow crews for their work during the City's recent snow events, despite equipment issues.

Mayor Palmer also extended appreciation for the plow crews and their hard work throughout the season and thanked them for the good job they were doing.

5. Public Comment

Deirdre Patterson thanked Council for their work on the road in the Lakewood subdivision. She stated this road should never have been a private road and she knew the City was aware of that, and she complained the City was now allowing people to trespass on private property. She said this was a special circumstance in which proper planning had not taken place and now they were left trying to find a resolution. Ms. Patterson acknowledged this had been discussed in the work meeting, but she worried the figure they had come up with in that meeting as a solution to pay for the road was not close to what was needed to maintain the wear and tear on the road. She argued since she and her neighbors' paid taxes to the City, the City should maintain the road. Ms. Patterson stated they had resurfaced the road and it had cost \$20,000 so the City would be acquiring a road in good shape with many more years of use in it, and she felt the proposal of \$6,000 for the City to take responsibility of the road was a small price to pay.

Jonathan Mitchell said he was having an issue with parking, and had been having this issue for years. He stated this had been brought to Council's attention for years and yet nothing seemed to be getting done. Mr. Mitchell added he had recently held a conversation with an officer who had told him there was no leeway for them in terms of parking, even when Mr. Mitchell pointed out there was nowhere else for them to park. He said the City really needed something to be done to address the issue of where they could park.

Dwayne Boring stated he had sent this comment via email and said he had listened to the work meeting, in which he had heard a lot about unintended consequences five to ten years down the road. He commented on the later discussion about the removal of committees from City Code and offered his idea as to how to maintain these committees going forward. Mr. Boring stated he was trying to protect existing committees so they were not arbitrarily disbanded.

Brock Hadley commented on the Lakeridge subdivision and said he and his neighbors had been maintaining the road. He appreciated the options staff came up with to mitigate this issue, and acknowledged they had not created the problem but were now tasked with creating a solution. He said it had been proposed in the work meeting to reimburse the HOA for the use of the access road, but he said the cost they had come up with in the meeting was much lower than it would cost for the HOA to maintain the road.

Kiara Su Nielson said she was a junior at Providence High School and wanted to address the issue of a crosswalk at their school. She stated the crosswalk was on Patriot Ridge Drive and connected the junior high and high school, and the crossing guard assigned to the location had recently been removed. Ms. Nielson stated this caused several safety concerns as well as traffic issues. She stated there was bad visibility which put students in danger, and she asked Council find a solution to make this crosswalk safer for students.

6. City Council Reports

6.1. Councilmember Jared Henderson

Councilmember Henderson had nothing to report.

6.2. Councilmember Teddy Hodges

Councilmember Hodges stated he had a Sewer Board Meeting the week after Christmas and the key topic was the expansion of the sewer district out west with the growth by Bacchus Highway and U-111.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn reported on the Water Conservancy Board and stated Utah was getting a lot of water this winter season, which was a very good thing. She stated as of that morning, the snow water equivalent at Utah Lake was 15 inches which exceeded the typical peak. Councilmember Ohrn stated Utah receives around 100,000-acre feet of water, and the calculations for this year were at 200,00 acre feet, so it might have an opportunity to fill local reservoirs. She clarified while this was very positive, they were not out of a regional water crisis and encouraged everyone to continue water conservation efforts. She stated the growth coming with the western expansion did not come with any water conservation plans and so they needed to continue to conserve and use good water practices to utilize the surplus of snow that they had gotten this year. Councilmember Ohrn referenced the app www.windy.com, and commented on the atmospheric river which was occurring.

6.4. Councilmember Steven Shields

Councilmember Shields agreed with the conservation statements made by Councilmember Ohrn, and added the Olympia project would bring in a lot of people as would South Jordan as they added another 11,000 houses. He said both of those developments would use a lot of water and he encouraged people to continue to conserve. He commented on mosquito abatement and said there had only been two human cases of West Nile the previous year, but all the extra water would impact mosquito populations and he encouraged people to keep a lookout this spring and summer.

7. Mayor Report

Mayor Palmer had nothing to report.

8. Reports, Presentations and Appointments

8.1. Introduction of the Herriman City Royalty

Assistant City Manager Thomas introduced Kaitlin Shriner and Ryan Heston and acknowledged them for their service at city events and turned the time over to Ms. Shriner.

Ms. Shriner thanked the Council for having her there and said she was excited to be Miss Herriman for the year. She stated the Miss America project had always been very close to her heart, and at the core of the project was focused on community service and allowed for

participants to focus on issues which were special to them. Ms. Shriner stated her cause was youth and education and her platform was empowering the rising generation by giving them opportunities to expand their knowledge outside of the traditional classroom setting. She had partnered with local high schools and junior highs and was working on them on learner focus and looked forward to continue working with them.

Mayor Palmer expressed appreciation and encouraged them to let Council know how they could help them throughout their journey.

8.2. Recognition of Detective Chuck Malm by the Office of Congressman Burgess Owens – Alex Johnson, Office of Congressman Owens

Office of Congressman Owens Representative Alex Johnson expressed appreciation to the Mayor, Council, and staff. He recognized Detective Chuck Malm on behalf of Burgess Owens. He read the letter of Congressional Recognition and presented Detective Malm with a certificate.

Mayor Palmer stated he had been on a ride along with Detective Malm and expressed his appreciation for him and the Herriman Police Department.

8.3. 2022 Water Conservation Report – Justun Edwards, Public Works Director

Public Works Director Justun Edwards presented the 2022 Water Conservation Report. He gave an overview of the precipitation and temperature trends and the total water use throughout the city during the irrigation season of April thru October. Public Works Director Edwards acknowledged the decrease in water use due to conservation messaging and efforts and reviewed actions to continue to reduce water use. He commended the Parks Department for their decrease in water use and addressed methods they were taking to make reductions in their water use.

Public Works Director Edwards addressed the work which had been done by the communications department to get the message out about water conservation and actions which could be taken to reduce water use. He wrapped up his presentation and stated water conservation was key to ensure they had water for the future.

Councilmember Ohrn commended Public Works Director Edwards for all his hard work in leading the conservation effort. She appreciated seeing this type of report that validated people's efforts in the mission of conservation. Councilmember Ohrn stated there was a lot of money going into conservation efforts across the state and there were programs for new homebuilding that incentivized conservation and wise landscaping and she encouraged residents to take advantage of these programs.

9. Consent Agenda

- 9.1. Approval of a Resolution accepting a petition for annexation filed by Kennecott Utah Copper, LLC for further consideration and related matters**
- 9.2. Approval of the monthly financial summary for November 2022**
- 9.3. Approval of the December 12, 2022 City Council meeting minutes**
- 9.4. Approval of a Franchise Agreement Template for Telecommunication Providers**

Councilmember Hodges moved to approve the consent agenda as written. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

10. Discussion and Action Items

- 10.1. Discussion and consideration of an ordinance removing City Council Appointed Boards and Committees from Title 2 of Herriman City Code – Wendy Thomas, Assistant City Manager**

Assistant City Manager Thomas brought the item for official vote. She stated this would remove all committees and boards except for Planning Commission and Youth Council from Herriman City Code Title 2.

Mayor Palmer referenced the public comment from Mr. Boring and asked if there was a way to do what Mr. Boring asked and codify the existing committees. Assistant City Manager Thomas stated the nonprofit was formed on four pillars: arts, trails, parks, and culture, and he said if Mr. Boring would like to continue his participation with the OHV trails, he would need to apply through the nonprofit to be a part of that committee. She stated there were different subcommittees under each board of director for each of the pillars.

Councilmember Ohrn asked if they made this change, and it did not work out if the Council would be able to reestablish the committees back to the City umbrella. Assistant City Manager Thomas responded in the affirmative and indicated there were advantages to being under the umbrella of a nonprofit. She stated donors were more likely to contribute to nonprofits over city programs.

Councilmember Ohrn asked if someone could specify what subcommittee would receive a donation. Assistant City Manager Thomas responded in the affirmative. It was reported the

non-profit had already raised \$60,000 and the City would get to see the results of this in the next week or two. Councilmember Ohrn said she was concerned because these committees were not accountable to them anymore, but she thought there was still an option for them to reach back out to the City. Assistant City Manager Thomas stated they would still be accountable to the City to use their equipment and facilities. Councilmember Shields wanted to clarify these committees would still be operating under Council purview.

Mayor Palmer stated this was the way for people in the community to get involved and all residents would need to do to get involved is go to www.friendsofherriman.org and fill out the application form. He asked how Council could ensure that these committees would be taken care of. Assistant City Manager Thomas stated they had been meeting with all the committees to bring them up to speed and all they would need to do is apply to the directors.

Councilmember Hodges asked if this would affect any of the preexisting events. Assistant Manager Thomas stated they anticipated a higher volunteer turnout which would hopefully reduce staff time. She said the first year would be a bit more labor intensive but overall down the road this would take some responsibility off of staff and city employees.

Councilmember Ohrn confirmed everything that was in existence had a subcommittee created for them. Assistant City Manager Thomas confirmed.

Councilmember Henderson reported there had been some concerns from people the City was relinquishing control and each committee would have control, and he clarified for the record that the City still had overall control.

Assistant City Manager Thomas stated she had seen this work in other communities, and staff had done a lot of research for this, and she was confident this would make a positive change for the future.

Councilmember Henderson moved to approve Ordinance No. 2022-01 removing City Council Appointed Boards and Committees from Title 2 of Herriman City Code relating to removing the Historical Society, Community Arts Council, Healthy Herriman Committee, Herriman Trails Committee, Veterans and Military Advisory Committee, Herriman Off-Highway Vehicle Committee, and the Diversity Inclusion Advisory Board. Councilmember Ohrn seconded the motion.

The vote was recorded as follows:

<i>Councilmember Jared Henderson</i>	<i>Yes</i>
<i>Councilmember Teddy Hodges</i>	<i>Yes</i>
<i>Councilmember Sherrie Ohrn</i>	<i>Yes</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously.

10.2. Herriman Main Street Widening Construction Contract Approval

Discussion– Bryce Terry, Assistant City Engineer

Assistant City Engineer Terry reported House Bill 244 granted Herriman \$800,000 per year for 15 years for road development, and to make that most effective they had bonded for all of it up front. He stated staff had received bids for this project and they had ranked the contractors to determine the top four they wanted for the project. Assistant City Engineer Terry stated three of the top four had put in bids for the project. He explained the bonding process and said the lowest bid for the project was from Landmark Excavating, and it had come in significantly lower than all the other bids. He said there was usually some concern when a bid came in that much lower, so they had done a review of the bid items, but they did not find any concerns; their pricing was just more competitive.

Assistant City Engineer Terry stated the low bid was just over \$9 Million, and they were allowed to bond for around \$10.5 Million. He stated the MDA with Hidden Oaks required the City to maintain landscaping and the City had received some grant money from various sources and if they added up all of their budget sources, they had around \$13 million total available for this project. He said the \$9 Million bid was for the construction itself, but there was additional components which would need to be paid for outside of that figure.

Assistant City Engineer Terry stated any project should have a contingency built in, especially if it was a reconstruct with existing utilities, and 20-percent was a typical contingency. He said with that 20-percent built in, the City was good to proceed with the project.

Councilmember Ohrn moved to approve the Herriman Main Street Widening Construction Contract. Councilmember Henderson seconded the motion.

The vote was recorded as follows:

- Councilmember Jared Henderson* Yes
- Councilmember Teddy Hodges* Yes
- Councilmember Sherrie Ohrn* Yes
- Councilmember Steven Shields* Yes
- Mayor Lorin Palmer* Yes

The motion passed unanimously.

11. Future Meetings

11.1. Next Planning Meeting: January 25, 2023

11.2. Next City Council Meeting: January 18, 2023

12. Events

12.1. January 12: Luau on Ice, hours vary depending on reservation time – Ice Ribbon at Crane Plaza

12.2. January 26: Super Heroes on Ice, hours vary depending on reservation time – Ice Ribbon at Crane Plaza

13. Closed Session

The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

14. Adjournment

Councilmember Ohrn moved to adjourn at 8:12 PM. Councilmember Shields seconded the motion, and all voted aye.

15. 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 January 11, 2023. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder