



CITY COUNCIL MINUTES

Wednesday, February 08, 2023

Approved July 12, 2023

The following are the minutes of the City Council meeting of the Herriman City Council. The meeting was held on **Wednesday, February 8, 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, Steven Shields (online)

Staff Present: City Manager Nathan Cherpeski, Assistant City Manager Wendy Thomas (online), City Recorder Jackie Nostrom, 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, Building Official Cathryn Nelson, Chief Building Official Cathryn Nelson, HPD Operations Commander Brent Adamson, HPD Investigations Commander Zach Adams, and Deputy Director of Parks, Recreation and Events Anthony Teuscher.

Councilmembers Excused: Sherrie Ohrn

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

1. Council Business

Mayor Lorin Palmer called the meeting to order at 5:31 PM. and excused Councilmember Sherrie Ohrn.

1.1. Review of this Evening's Agenda

Council and staff briefly reviewed the agenda. Councilmember Jared Henderson observed the animal shelter lease on the consent agenda and offered his support for the approval of the lease; however, wanted to make sure it didn't require a commitment for buildout. City Manager Nathan Cherpeski indicated the agreement was for the lease only, and the buildout would come back to the Council for discussion and consideration.

1.2. Future Agenda Items

Community Development Director Blake Thomas anticipated the Wasatch/South Hills Master Development Agreement amendment would come back to the Council. He asked if the Council would like to have working groups set up. The proposal included adding 120 acres of property, renumbering parcels, amending the land use plan, and changing densities in the development. It was determined an overview of the project would be presented to the entire Council prior to setting up working groups.

Assistant City Manager Wendy Thomas asked if the Council would like to participate in the International Council of Shopping Centers held May 21-23 this year. Councilmember Henderson questioned if it would be helpful to have members in attendance. Assistant City Manager Thomas indicated the retail recruiter was allowing space which would make this year a little different. Council expressed their desire to participate.

1.3. Council discussion of future citizen recognitions

Mayor Palmer indicated he would like to recognize Sarah Navarre, a local gown designer and photographer, who would have her designs displayed in New York.

2. Administrative Reports**2.1. Discussion and consideration of a lease contract with Scenic Property Management, LLC – Cody Stromberg, Deputy Chief of Police**

Deputy Chief of Police Cody Stromberg touched on the need for an animal shelter lease. When Herriman Animal Services unit was created in 2019, the City entered into an Interlocal Agreement with South Jordan City to shelter animals. The agreement has since expired and the partnership would not be able to continue as needs have grown. Herriman City currently operates a temporary transfer station of about 350 square feet located at Crane Park. The space would not be sufficient for animal sheltering and have an obligation to provide sheltering services in a humane environment. Deputy Chief Stromberg suggested leasing a temporary shelter while exploring options for a permanent facility as part of the Capital Improvement Plan.

The temporary lease option was located along Rockwell Landing which could be improved to fit the needs, and Deputy Stromberg highlighted the agreement would be for seven years with two, two-year additional options. Councilmember Henderson explained he didn't want to lock the City into leasing a building for too long and was concerned of a temporary location

becoming a permanent solution. Deputy Chief Stromberg suggested the owner may be inclined to change the term of lease.

Councilmember Steve Shields asked about the facility size in South Jordan and questioned the cost of the contract in relation to the leased space. Police Chief Troy Carr responded it was 5,800 square feet; however, the contract cost was approximately \$22,000 annually based on how many animals were being housed for Herriman residents. The housing components would mainly be used for cats and dogs, but there would need to be space for rabbits, reptiles, and chickens. Councilmember Shields asked if the proposed temporary lease space was appropriate. City Manager Cherpeski indicated the minimum square footage the owner would lease was 6,000 square feet, and staff could discuss options to maximize the space. Councilmember Shields asked what the \$600,000 proposed tenant improvement cost would cover. Mayor Palmer clarified today was only to approve the lease, the tenant improvement cost and phasing would be discussed at a future meeting. Councilmember Shields indicated there should be a proposed plan on what to do with the space prior to entering into a lease agreement. Deputy Chief Stromberg indicated this had been part of staff discussions on how best to maximize the space and offered some examples of how it could be utilized. Councilmember Shields thanked Deputy Chief Stromberg for the information.

The Council acknowledged the need for a facility, temporary or permanent. Councilmember Henderson indicated a temporary solution should not have a long-term lease. The Council discussed the appropriate term of the lease.

2.2. Fee Waiver Policy Discussion – Wendy Thomas, Assistant City Manager

Assistant City Manager Wendy Thomas presented draft fee waiver policy and asked if there were any recommendations from the Council moving forward. Councilmember Henderson asked what changes had been made since the last adoption of the policy. Assistant City Manager Thomas indicated there was not a policy in place, and now staff have been looking into having a policy to help navigate requests. City Manager Cherpeski explained putting a policy in place would help staff point to a decision made by the Council instead of recycling the same conversation every two years when new elected officials are brought into City Council. He added the Council could revisit the policy at any time to discuss and recommend changes.

Councilmember Henderson indicated the City would need to recoup costs for equipment and staff resources but would not look to make money. Councilmember Shields agreed to costs being covered and not subsidize groups. The group discussed the Friends of Herriman non-profit and what the partnership would include. Assistant City Manager Thomas noted staff were currently working on a Memorandum of Understanding with the Friends of Herriman groups which would be brought back to the Council for consideration at a later date.

City Manager Cherpeski iterated the policy could be written in a manner which would indicate costs would need to be covered and fee waivers would not be granted. Councilmember Henderson agreed with the caveat the City could enter into a partnership agreement which would outline the terms.

In response to a question posed, Assistant City Manager Thomas explained scenarios where deposits for room rentals have had to be withheld due to “rambunctious” users. Operations Director Monte Johnson explained the rental fees were outdated as they had been calculated in 2017. He confirmed deposits have had to be withheld recently due to damage caused by patrons. Assistant City Manager Thomas observed the requirement for the City to pay to utilize Jordan School District facilities. City Manager Cherpeski indicated a policy would be brought back to the Council.

2.3. Fleet Vehicle Purchasing Update – Monte Johnson, Operations Director

Operations Director Johnson highlighted challenges in ordering and receiving vehicles. He offered a status report for vehicles ordered. At the last meeting it was asked if other manufactures and dealerships were experiencing the same demand. Director Johnson confirmed the challenges across the board. Councilmember Teddy Hodges asked if this plan would get the City back on track. Operations Director Johnson expressed his hope that it would.

Councilmember Shields asked if there was a difference in delivery times for other providers. Operations Director Johnson responded they were similar; however, some dealers had been unresponsive. He explained the benefits to using the same type of vehicles in the fleet. Councilmember Shields thanked Director Johnson for the information and suggested a vehicle financial analysis be conducted for every type of vehicle to understand the cost of the purchase, maintenance, and ownership of each vehicle and look for a cost-effective fleet program. Operations Director Johnson agreed and would look at the analysis of the vehicles. Councilmember Henderson suggested it could be part of the strategic plan, researching options.

2.4. Partnership Request for the 2023 Utah Warriors Regular Season and the Collegiate Rugby Shield – Wendy Thomas, Assistant City Manager

Assistant City Manager Thomas presented a partnership request with the Utah Warriors and Collegiate Rugby Shield. She indicated with recent changes to the organizational structure, staff is working towards a new economic development strategy. She opined sports stores and outdoor recreation and had been meeting with Visit Salt Lake to look at ways to improve economic development moving forward. She looked for Visit Salt Lake to advocate for Herriman for tournaments and sporting events coming into the State.

City Manager Cherpeski indicated the proposed fiscal impact of \$25,000 could be encumbered by the current budget and would not require additional monies be allocated for

the request. Councilmember Shields suggested this could plant the flag for major league ruby and would be a benefit, and he supported serving the sports interest for the community. Councilmember Hodges agreed with the value it would bring to the community. Councilmember Henderson indicated an actual long-term strategy was needed to capture tourism and sales tax generation. He offered his support for this partnership.

Councilmember Shields recommended in the future with similar requests, staff should provide a benefit analysis along with the fiscal impact.

2.5. Legislative Update – Roundtable Discussion

City Attorney Todd Sheeran indicated a lot was going on at the Legislature. He highlighted a few bills:

- HB 21 – Requires public bodies to allow public comment during a public meeting. There is an exception to this requirement for work meetings and planning commission meetings.
- HB 136 – Municipalities are required to provide walking routes for schools. This bill will allow schools to recommend safe school routes to cities for consideration.
- HB 263 – encourages labor provided by an apprentice for a public works project.
- HB 291 – This bill creates a volunteer “pilot” program. If elected, the program requires, among other things, for cities to give amnesty to illegal short-term rentals but to receive a higher Transient Room Tax.
- HB 294 – The purpose of this bill is to require cities to report/justify how its budget changed as a result of growth.
- HB 301 – Changes the gas tax with a short-term decrease but adds a charge to electric vehicle charging.
- HB 311 – Social Media regulations
- HB 374 – A bill designed to address the double taxation experienced by non-UPD cities in the Salt Lake Valley.
- HB 406 – This bill is couched as a “housing affordability bill.” Of note, the bill modifies annexations of unincorporated private property and clarifies when a moratorium on development is allowed.
- SB 134 – addresses registration on sex and kidnap offender registry.
- SB 158 – Requires cities to base its water charges for new development on dwelling types (single-family, studio apartment, one-bedroom apartment, etc.).
- SB 174 – Impacts local land use rules and regulations. Limits subdivisions to only one public hearing. Requires cities to process applications within 20 days. Allows internal ADUs but removes the ability to require additional off-street parking for those ADUs.
- SB 175 – creates the Rural Transportation Infrastructure Fund for highway project in certain cities, towns, and counties.

- SB 199 – Prohibits referendum to voters for land use laws that are passed by 2/3 vote of the legislative body.

3. Adjournment

Councilmember Hodges moved to adjourn the City Council meeting at 7:01 p.m. Councilmember Henderson seconded the motion, and all voted aye.

7:00 PM – GENERAL MEETING:

4. Call to Order

Mayor Palmer called the meeting to order at 7:10 p.m. excused Councilmember Ohrn.

4.1. Invocation/Thought/Reading and Pledge of Allegiance

UFA Firefighter Sam Nelson led the audience in the Pledge of Allegiance

4.2. City Council Comments and Recognitions

Councilmember Hodges thanked staff for putting on the bingo event for the senior citizens.

5. Public Comment

No comments were offered.

6. City Council Reports

6.1. Councilmember Jared Henderson

There was no report.

6.2. Councilmember Teddy Hodges

There was no report.

6.3. Councilmember Sherrie Ohrn

Councilmember Ohrn was excused.

6.4. Councilmember Steven Shields

There was no report.

7. Mayor Report

There was no report.

8. Consent Agenda

8.1. Per State statute, City Council to ratify the Mayor's selection for Justice Court Judge

8.2. Council acceptance of a new City Organization Chart

8.3. Approval of a lease contract for Herriman Animal Services with Scenic Property Management, LLC

8.4. Approval of the January 11, 2023 Special City Council Work Meeting minutes and the January 11, 2023 City Council meeting minutes

Councilmember Henderson moved to approve the consent agenda as written. Councilmember Hodges 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>Absent</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Ohrn being absent.

9. Discussion and Action Items

9.1. Ordinance updating the City's surplus property ordinance – Nathan Cherpeski, City Manager

City Manager Cherpeski indicated this amendment would update surplus property. One of the main changes would differentiate between personal property and real property and the process taken to surplus vehicles as opposed to land.

Councilmember Henderson moved to approve Ordinance No. 2023-04 amending Herriman City Code 1-10-14 relating to the disposal of surplus property. Councilmember Hodges 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>Absent</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Ohrn being absent.

10. Future Meetings

10.1. Next Planning Meeting: February 15, 2023

10.2. Next City Council Meeting: February 22, 2023

11. Closed Session

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 Hodges moved to 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 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>Absent</i>
<i>Councilmember Steven Shields</i>	<i>Yes</i>
<i>Mayor Lorin Palmer</i>	<i>Yes</i>

The motion passed unanimously with Councilmember Ohrn being absent.

The Council reconvened the meeting at 8:43 p.m.

12. Adjournment

Councilmember Henderson moved to adjourn the City Council meeting at 8:43 p.m. Councilmember Hodges seconded the motion, and all voted aye.

13. 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 February 8, 2023. This document constitutes the official minutes for the Herriman City Council Meeting.



Jackie Nostrom, MMC
City Recorder