

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, August 21, 2007

PRESENT: Mayor Jay W. Franson
Councilperson Brian Brunson
Councilperson Steve King
Councilperson Kathryn Schramm
Councilperson Claudia Stillman
Councilperson Glen Vawdrey

STAFF PRESENT: Barry Edwards, City Administrator
David Church, City Attorney
Winifred Jensen, City Recorder
Lonnie Crowell, Community Development Director
Matt Shipp, City Engineer
Lynn W. Ruff, Finance Director

OTHERS: Jay Haws, Richard Farmer, Reece DeMille, Rob Clauson, Timo Hoggard, Donna Kitchen, Weldon Kitchen, Jolene Sherwood, Scott Sherwood

The meeting was called to order as a regular session at 7:00 p.m., and notice of the time, place, and agenda had been provided the *Deseret Morning News*, *Daily Herald*, *Salt Lake Tribune*, and *Lone Peak Press* August 16, 2007. The prayer was offered by Claudia Stillman, and those assembled were led in the Pledge of Allegiance by Wini Jensen.

1. Approval of Minutes (Agenda 4)

Motion: Glen Vawdrey moved to approve the minutes of the August 7, 2007 City Council Meeting, as amended. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Glen Vawdrey, Steve King, Kathryn Schramm, and Claudia Stillman. Brian Brunson abstained.

2. Appearances

There were no appearances.

3. Consent Calendar

Kathryn Schramm asked to pull **6.I Beacon Hills Sports Park** from the Consent Calendar.

The following item on the consent calendar was approved by unanimous consent by the following voting in favor: Kathryn Schramm, Claudia Stillman, Brian Brunson, Glen Vawdrey, and Steve King:

- 6.2 Adoption of Ordinance No. 2007-21, "An Ordinance Amending Sections 3-208(1)(a); 3-208(1)(b)(iv); 5-1-108; 5-4-318; 5-4-318(1)(2)(3); 5-4-319(2); 5-4-321; 5-4-409(2)(a) in the Highland City Development Code for the Purpose of Correcting Clerical/Conflict Errors" (adopt Ordinance No. 2007-21, "An Ordinance Amending Sections 3-208(1)(a); 3-208(1)(b)(iv); 5-1-108; 5-4-318; 5-4-318(1)(2)(3); 5-4-319(2); 5-4-321; 5-4-409(2)(a) in the Highland City Development Code for the Purpose of Correcting Clerical/Conflict Errors" as recommended by Planning Commission and staff)**

PRESENTATIONS

4. Utah Lake Commission Report - Don Blohm (Agenda 7.1)

Don Blohm, Highland City's representative on the Utah Lake Commission, gave a report on the Utah Lake Commission. He reported the chairman is Mayor Billings of Provo. Most of the members of the committee are Mayors, particularly those which have water front properties. The meetings have addressed the administrative aspects. The Office is located in the Provo Historic Building and that is where the meetings are held. The first order of business was to appoint the Executive Director, Creed Price. There is an Assistant Director who is handling the paper work and an Administrative Assistant has been hired. The major work of the committee has gone forward with a Technical Committee. Mr. Blohm indicated he had been invited to sit on this committee, but it is difficult for him to be available because of the meeting schedule. He explained the key issue from the technical perspective is a TMDL (Total Maximum Daily Load) study wherein the Technical Committee evaluates chemical input from inflows into the Lake and measures the chemical input and regulates it. One minor issue is salt, but the major issue is phosphorous. The Utah Lake Commission has recommended limiting the amount of phosphorous, but this will be postponed until further studies are completed. The impact to Highland depends on where the level is set and it could impact the cost of waste water treatment going into Utah Lake. Mr. Blohm felt Highland's participation on the Technical Committee was important, and he felt Highland City should have someone attend that meeting who has some knowledge of these areas. Mayor Franson suggested keeping Mr. Blohm on the Utah Lake Commission and take a look in the next 30 days to see which makes the most sense for representation on the Technical Committee.

Mr. Blohm reported the Commission plans to have four other sub-committees: natural resources (water), land use, transportation, and recreation. He indicated he will end up on the recreation committee because that is where he has the most experience. He reported it is expected on November 15, that the Commission would approve a firm to do the master plan.

Mayor Franson asked Lonnie Crowell to coordinate with Don Blohm on Highland City's update of the General Plan and Barry Edwards, Matt Shipp, and the Mayor will look at the issue of water quality. He also suggested involving Nathan Lunstad on water quality.

ACTION ITEMS**5. Beacon Hills Sports Park (Agenda 6.1)**

Motion: Steve King moved to continue. Motion was seconded by Brian Brunson. The motion did not pass with the following voting against the motion: Brian Brunson, Claudia Stillman, and Glen Vawdrey. The following voted in favor of the motion: Steve King and Kathryn Schramm.

Motion: Claudia Stillman moved the City Council approve the contract with Hansen, Allen, Luce for the civil design of the Beacon Hills Sports Park and detention facility, with an estimated cost of the contract for the design being approximately \$195,000. Motion was seconded by Brian Brunson, and the motion passed with the following voting in favor: Claudia Stillman, Glen Vawdrey, and Brian Brunson. Those voting against the motion were: Steve King and Kathryn Schramm.

6. Adoption of Ordinance No. 2007-22, "An Ordinance Adopting a Revised Official Zoning Map Rezoning a Parcel of Land Located at Approximately 11250 North 6800 West Comprising 8.36 Acres from R-1-40 to Professional Office (P.O.)" Patterson Senior Housing General Plan Land Use Map & Zoning Map Amendment Application (Agenda 8.1)

Motion: Glen Vawdrey moved to grant approval of Ordinance No. 2007-22, "An Ordinance Adopting a Revised Official Zoning Map Rezoning a Parcel of Land Located at Approximately 11250 North 6800 West Comprising 8.36 Acres from R-1-40 to Professional Office (P.O.)" for the Patterson Senior Housing General Plan Land Use Map & Zoning Map Amendment Application as recommended by the Planning Commission and staff for purposes of discussion. Motion was seconded by Claudia Stillman, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Steve King, Kathryn Schramm. Brian Brunson voted against the motion.

7. Adoption of Ordinance No. 2007-18, "An Ordinance Amending Sections: 3-4107(3); 3-4207(4); 3-610(5)-(6); 3-621 Relating to Park Strip Landscaping" in the Highland City Development Code (Agenda 8.2)

Motion: Claudia Stillman moved to adopt Ordinance No. 2007-18, "An Ordinance Amending Sections: 3-4107(3); 3-4207(4); 3-610(5)-(6); 3-621 Relating to Park Strip Landscaping" in the Highland City Development Code. Motion was seconded by Steve King.

Motion to Amend: Brian Brunson moved to add a stipulation in paragraph 1 on page 29 of the agenda that up to 50% of the park strip may be covered with non-living material such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) if commonly practiced xeriscape landscaping procedures are followed (only 50% of non-living material be the same material type).

Motion was seconded by Steve King. The motion passed by the following voting in favor: Glen Vawdrey, Brian Brunson, Steve King. Kathryn Schramm and Claudia Stillman voted against the motion.

Amended Motion: to adopt Ordinance No. 2007-18, "An Ordinance Amending Sections: 3-4107(3); 3-4207(4); 3-610(5)-(6); 3-621 Relating to Park Strip Landscaping" in the Highland City Development Code, and to add a stipulation in paragraph 1 on page 29 of the agenda that up to 50% of the park strip may be covered with non-living material such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) if commonly practiced xeriscape landscaping procedures are followed (only 50% of non-living material be the same material type). The motion passed by unanimous vote.

8. Adoption of Ordinance No. 2007-19, "An Ordinance Amending/Adding Section 3-4810: Exchange of Open Space and Development Rights to the Highland City Development Code" (Agenda 8.3)

Motion: Steve King moved to adopt Ordinance No. 2007-19, "An Ordinance Amending/Adding Section 3-4810: Exchange of Open Space and Development Rights to the Highland City Development Code". Motion was seconded by Glen Vawdrey

Substitute Motion: Kathryn Schramm moved to continue Adoption of Ordinance No. 2007-19, "An Ordinance Amending/Adding Section 3-4810: Exchange of Open Space and Development Rights to the Highland City Development Code" until the next meeting so additional language can be identified. Motion was seconded by Claudia Stillman.

Motion to Amend Substitute Motion: : Brian Brunson moved to include the following as conditions for continuance: (1) get an opinion from city attorney as to how to appropriately deal with rights of developers in properties dedicated by plat, (2) sending zones and receiving zones be at least identified in principal with some perimeters identifying those properties, (3) develop an appropriate document that would establish the relinquishment of development rights referred to in Section 3, item D, and (4) for discussion and resolution on the 180 day trigger referred to in paragraph 2 f. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Amended Substitute Motion: to continue Adoption of Ordinance No. 2007-19, "An Ordinance Amending/Adding Section 3-4810: Exchange of Open Space and Development Rights to the Highland City Development Code" until the next meeting so additional language can be identified, and to include the following as conditions for continuance: (1) get an opinion from city attorney as to how to appropriately deal with rights of developers in properties dedicated by plat, (2) sending zones and receiving zones be at least identified in principal with some perimeters identifying those properties, (3) develop an appropriate document that would establish the relinquishment of development rights referred to in Section 3, item D, and (4) for discussion and resolution on the 180 day trigger referred to in

paragraph 2 f . Motion passed by unanimous vote.

Claudia Stillman suggested on page 53 of the agenda (Planning Commission Minutes of June 26,2007), that \$259/acre be changed to \$259,000/acre.

9. Allied Waste Increase Request (Agenda 8.4)

Motion: Glen Vawdrey moved to approve a rate increase for Allied Waste in the amount of \$.50 per billable resident. Motion was seconded by Kathryn Schramm.

Substitute Motion: Claudia Stillman moved to continue. The motion was seconded by Steve King, and the motion failed with the following voting against the motion: Kathryn Schramm, Glen Vawdrey, and Brian Brunson. Those voting in favor of the motion were: Claudia Stillman and Steve King.

Original Motion: The motion to approve a rate increase for Allied Waste in the amount of \$.50 per billable resident passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, and Brian Brunson. Those voting against the motion were: Claudia Stillman and Steve King.

10. Road Connection of 10684 North 6250 West to Continue to the North (Agenda 8.5)

Motion: Steve King moved to approve a road connection at 10684 North and 6250 West. Motion was seconded by Kathryn Schramm.

Motion to Amend: Brian Brunson moved to obtain a development agreement from the party to the west that would be consistent to procedures on other roads such as the Kevin Dearing road. Motion was seconded by Steve King. After discussion, Brian Brunson withdrew the motion to amend.

Motion to Amend: Brian Brunson moved that staff investigate the possibility of a development agreement and make a recommendation. Motion was seconded by Steve King, and it passed by unanimous vote.

Amended Motion: to approve a road connection at 10684 North and 6250 West, and that staff investigate the possibility of a development agreement and make a recommendation. Motion passed by unanimous vote.

11. 4800 West Centerline (Agenda 8.6)

Mayor Franson asked to pull this item from the agenda to a subsequent meeting. Timo Hoggard, a resident who lives along 4800 West, inquired if the map with the 4800 West centerline proposal was available for review. Matt Shipp reported the map could be reviewed at his office and he asked that Mr. Hoggard contact his office.

Mayor Franson noted 4800 West is scheduled for improvement, along with the Pleasant Grove Interchange and through an agreement with Utah County, American Fork, and Pleasant Grove 4800 West is where the road will tie in. The long range plan will entail some roads being widened. He explained Highland City is trying to identify where 4800 West centerline would be located in order to plan for road widening.

Richard Farmer asked which government agencies were involved in the 4800 West project. Mayor Franson explained both entities are involved and he noted in the long range master plan for the north end of the County, 4800 West is designed to come all the way north from the Pleasant Grove Interchange wherein money is identified and being budgeted with state funding (identified by the State Legislature through master planning under Mountainland Association of Governments) to rebuild the road over the next four to five years. He further touched on plans to rebuild I-15 in 2011 for which improvements are needed before that time on SR-92 and 4800 West in order to give a way to get around during that road rebuilding process.

12. Appoint Election Poll Workers for Primary Election (Agenda 8.7)

Motion: Brian Brunson moved to appoint Poll Workers for Highland City Municipal Primary Election on September 11, 2007. Motion was seconded by Steve King, and it passed by unanimous vote.

Brian Brunson felt the poll workers are silent servants who do a great service. The Mayor felt they should be sent a thank you letter or invited to the City's holiday dinner in January. He will make a decision, but suggested sending a thank you letter.

13. Final Subdivision Approval of Days Meadows Plat C (Agenda 8.8)

Motion: Steve King moved to grant Final Subdivision Approval for Day's Meadows Plat C, subject to all conditions of Staff and Planning Commission. Motion was seconded by Kathryn Schramm.

Substitute Motion; Brian Brunson moved to continue for two weeks in order to get questions answered by staff as it deals with the plat being compliant. Motion was seconded by Steve King, and it passed by unanimous vote.

FUTURE BUSINESS

14. Joint Recreation Facility (Agenda 9.1)

Mayor Franson reported Highland City has received a request from Cedar Hills for a joint recreation facility. Barry Edwards explained that Cedar Hills has been leading out on a survey of residents concerning a recreation center which asks whether residents would support a \$200 or \$300 per year increase for a facility. Two different floor plans have been proposed based on the dollar amounts. He explained the issue is whether the Council wants to put this issue before the

voters for a General Obligation Bond. Since the County is administering the General Election in November this matter would need to be raised with the County to see if the matter could be placed on the ballot. Kathryn Schramm requested a copy of the survey. Claudia Stillman wanted to see the results of the survey from Highland residents, and Brian Brunson wanted to see how much the actual cost would be and an analysis of operation costs. Barry Edwards will find out whether the data can be provided to the Council.

15. Recertification of Highland Justice Court (Agenda 9.2)

Barry Edwards explained every four years each justice court must be recertified by the Utah Judicial Council in order to continue operations. This matter will be addressed on a future agenda.

16. Ordinance Dealing with Nuisances (Agenda 9.3)

Lonnie Council inquired of Council members what they consider are nuisances and then he can review which ones are listed and which ones can be enforced. This will help David Church and Tucker Hansen develop an ordinance once the information is available from the City Council.

17. Utah County Animal Shelter Report (Agenda 10.1)

Kathryn Schramm gave a report on the Utah County Animal Shelter. She noted the administrative assistant position has been filled and this person is doing a great job. The shelter is looking to hire part time people which will permit opening the shelter a couple of hours on Saturdays. Also the building has had some maintenance issues, which is suppose to be maintained by the owner, Utah County.

OTHER BUSINESS

18. Other Business (Agenda 11.1)

A. Mayor Franson announced a hearing on the SR-92 environmental assessment for September 19, 2007, from 5:30 p.m. to 7:30 p.m., at the IM Flash Building.

B. Mayor Franson reported the following meetings are being postponed: August 28th for a field trip, August 29th for a joint Planning Commission/City Council Work Session to define "rural", and a September 5th joint Planning Commission/City Council meeting on senior housing.

Mayor Franson asked the City Council to provide a definition of "rural" to Lonnie Crowell.

C. Mayor Franson explained the procedure for handling the August 22nd public meeting

concerning the issue of 9600 North street. He noted City staff has put together a summary of information on the road over the past 25 years and citizens have put together something to summarize their comments.

D. Mayor Franson inquired whether City Council members are using the CD's being prepared with the City Agenda. It was determined staff would only prepare one for Brian Brunson.

19. Executive Session

Motion: Glen Vawdrey moved to go into Executive Session for the purpose of land acquisition and personnel. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Motion: Brian Brunson moved to go out of Executive Session. Motion was seconded by Steve King, and it passed by unanimous vote.

20. Adjournment

Motion: Claudia Stillman moved to adjourn. The motion was seconded by Brian Brunson and it passed by unanimous vote.

The meeting adjourned at 10:15 p.m.