

**MINUTES**  
**HIGHLAND CITY COUNCIL MEETING**

**Tuesday, December 4, 2007**

Highland City Council Chambers, 5378 West 10400 North, Highland, Utah 84003

**PRESENT:** Mayor Jay W. Franson, conducting  
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  
Gina Peterson, City Recorder  
Lonnie Crowell, Community Development Director  
Matt Shipp, City Engineer  
Lynn W. Ruff, Finance Director  
Jody Bates, Administrative Assistant  
Kip Botkin, Police Chief

**OTHERS:** Larry Mendenhall and Brian Braithwaite, Councilmembers-Elect; Vern Keeslar, Kade Andrus, Eric Moff, Alpine Joint Venture Representatives: Randall Paul, Robert Miller, Bruce Robinson, and Cris Schulz; TJ Sumner, Lance Jones, Mitchell Mortensen, Lynn LeBaron, Stacy Renner, Blake Renner, Julie Hendrich, and Liz MacFarlane. Highland City Youth Council: Zachery Hyatt, Taylor Goff, Ashley Mecham, Britney Garrett, Brie LeBaron, Naivasha Burrows, Tanner Pierce, Audrey Ogden, Lydia Sheffield, and Chandler Rich.

The meeting was called to order by Mayor Jay W. Franson 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* on November 29, 2007. The prayer was offered by City Councilmember Glen Vawdrey, and those assembled were led in the Pledge of Allegiance by Councilmember Steve King.

Approval of Minutes – November 19, 2007

**MOTION:** Kathryn Schramm moved to approve the minutes of the November 19, 2007, City Council meeting with a notation being added that the oath of office would be administered on January 8, 2008, rather than January 2, 2008. Steve King seconded the motion. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey. The motion passed with a unanimous vote.

Appearances

Mayor Franson invited comments from the public regarding items not on the agenda. No one desired to speak.

Consent Calendar

The following items were removed from the consent calendar to be discussed with scheduled items:

- Award of Contract for the Cemetery & Veterans Memorial Project
- Approval for the Purchase of a Vacuum Trailer
- Approval for the Proposal for the Highland Glen Park Access Road Study

**The following items on the consent calendar were approved by unanimous consent. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey.**

- Approval for the Purchase of Four (4) Shares Lehi Irrigation Water
- Approval of the Highland City Sanitary Sewer Master Plan

**ACTION ITEMS**

Award Contract for the Cemetery & Veterans Memorial Project

**MOTION: Kathryn Schramm moved to award the contract for the Cemetery & Veterans Memorial Project to S & L Landscaping & Excavating in an amount not to exceed \$695,981.56, which is covered in the FY2008 Budget. Glen Vawdrey seconded the motion.**

Mr. Shipp reviewed the bids for the Cemetery & Veterans Memorial project that will finish the cemetery. Bids were opened earlier in the day and were received as follows:

S & L Landscaping & Excavating	\$695,981.56
Bowen Construction	\$736,394.81
Staker Paving & Construction Co.	\$741,751.50
J. Lyne Roberts & Sons	\$791,207.40

Staff has recommended the bid be awarded to the low bidder, S & L Landscaping in the amount of \$695,981.56 with a 20% contingency. It was noted that authorization of the contingency does not always mean it will be used. City Engineer Matt Shipp indicated he believed the contract gave a time frame for completion of 120 days.

**MOTION TO AMEND: Steve King moved to amend the motion to add a 20% contingency to the bid amount to accommodate change orders. Glen Vawdrey seconded the motion.**

The amount approved in the FY2008 budget for this project is \$750,000. Concern was expressed by Glen Vawdrey about where additional funding would come from in the event the 20% contingency exceeded the budgeted amount. He noted if the full contingency is used the contract would exceed \$835,000.

**SUBSTITUTE MOTION: Brian Brunson moved to award the contract for the Cemetery & Veterans Memorial Project to S & L Landscaping & Excavating in an amount not to exceed \$695,981.56 with a contingency not to exceed the difference between the contract amount and**

**\$750,000 (approximately \$54,000) to allow the project to stay within budget. Kathryn Schramm seconded the motion.**

Glen Vawdrey clarified that additional change orders above the total of \$750,000 could be approved by the City Council as needed.

**Mayor Franson called for a vote on the SUBSITUTE MOTION. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey The motion passed with a unanimous vote.**

Approval for the Purchase of Vacuum Trailer

**MOTION: Steve King moved to approve the purchase of Vermeer Vacuum Trailer in an amount not to exceed \$50,000. Kathryn Schramm seconded the motion**

Mr. Shipp explained the purpose of a vac trailer. The purchase amount for this item exceeds the budget amount of \$45,000 and therefore needs Council approval.

Kathryn Schramm asked details of operation of the vacuum trailer as well as questions related to equipment approved in the FY2008 budget. She asked if the City has maintenance protocol to keep equipment in good working condition and Mr. Shipp replied yes.

Brian Brunson expressed concern with the underestimations of budget items. Barry Edwards indicated that items coming from the enterprise funds are generally difficult to estimate.

**Mayor Franson called for a vote on the motion. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey The motion passed with a unanimous vote.**

Approval of Proposal for the Highland Glen Park Access Road Study

**MOTION: Steve King moved to approve the Highland Glen Park Access Road Study with InterPlan Co. in the amount of \$16,885.50, subject to changing the reference of the 9600 North Corridor to the East/West Corridor. Claudia Stillman seconded the motion.**

Claudia Stillman commented the study is important to complete as the City is hoping to improve access to the Highland Glen Park.

When Kathryn Schramm asked how the study would be funded, Barry Edwards indicated that since the study is directly related to the environmental assessment on the road extension, funding would come from the Highland Glen Park Environmental Assessment Project that has been ongoing for the last two or three years.

Glen Vawdrey stated a road may never be constructed through the park; however the study will give the City the knowledge of whether a road could ever be allowed.

Brian Brunson discussed expanding the scope of the study to include a southerly connection. He noted this study only addresses a connection to the north and expressed an idea that the southern alignment might actually be better with a connection at 9600 North or 9850 North.

Barry Edwards said the purpose of this study is to address an east/west corridor through the park and help determine the impact of commercial development near Cedar Hills Drive. He indicated expanding the scope to include a southern road would not meet the needs of the study.

**Mayor Franson called for a vote on the motion: Those voting aye: Brian Brunson, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey Those voting nay: Steve King. The motion passed with a majority vote of 4:1.**

#### Approval for the Purchase of a Replacement Backhoe

The City Council approved \$65,000 in the FY08 budget for a replacement backhoe. Costs for the replacement backhoe have come in at \$85,000. Staff requests City Council approval to purchase the backhoe in the amount of \$85,000. The current backhoe is difficult to operate and has reached the end of its useable life.

**MOTION: Glen Vawdrey moved to approve the purchase of a Caterpillar backhoe from Wheeler Equipment in an amount not to exceed \$85,000. Kathryn Schramm seconded the motion.**

Glen Vawdrey acknowledged the importance of having good equipment. He asked if the old backhoe could be sold to help cover additional costs over the budgeted amount. Matt Shipp indicated he would look into that.

Kathryn Schramm asked if staff anticipated a need for second new backhoe. Mr. Shipp stated this will replace one backhoe and Barry Edwards indicated the City Council may see a request for other equipment such as an excavator.

**Mayor Franson called for a vote on the motion: Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey The motion passed with a unanimous vote.**

#### Alpine Joint Ventures Annexation & Development Agreement

**MOTION: Claudia Stillman moved to approve the Alpine Joint Ventures Annexation Agreement. Steve King seconded the motion.**

The City Council has been presented with a draft agreement for the Alpine Joint Ventures Annexation and Development. This property is currently located in Draper and the developers would like to complete a disconnection then proceed with annexation into Highland City.

Claudia Stillman noted the City Council has been discussing this project for several months. She stated this is first step in moving forward and gives the developer the opportunity to begin work but does not authorize all approvals associated with the project.

**MOTION TO AMEND: Kathryn Schramm moved to change the name of the agreement being approved to the “Alpine Joint Ventures Annexation & Development Agreement”. Steve King seconded the motion. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey The motion to amend passed with a unanimous vote.**

Barry Edwards indicated this agreement has been patterned after the Beacon Hill agreement which was passed some years ago. He quickly reviewed any significant changes staff and the developers made to the agreement. They included the following:

- Further definitions of a Lock & Leave community.
- Acceptance of road subject to geotech standards
- The word non-commercial has been changed to non-residential as there is no plan for commercial development.
- Credits against impact fees have been further defined.
- A warranty deed for the open space dedication to the City will be required
- Improved parks cannot be used for a detention basin due to the size.
- The addition of pressurized irrigation lines under utilities which the developer must provide.
- Definition of types of amenities, landscaping and irrigation required as 20% of the construction costs.
- Further definition of how the developer may be entitled to receive park impact fees.

Mayor Franson asked the City Council for comments on the agreement. The City Council addressed the issues in detail and made changes including but not necessarily limited to the following:

- **Page 1**
  - Recital B – Total acreage is listed as 330.06. Typographical error. The correct figure is 300.06 acres and will be changed.
- **Page 2**
  - Recital G – Strike the final sentence which talks about the City changing ordinances to enable development of the project
  - Paragraph 1.1 Annexation Litigation – should read that the petition was filed with Draper City and not the court.
  - Paragraph 1.3 Concept Plan - Discussion took place on what the final concept plan would entail.
    - Number of Lots. Originally the plan had 325 lots and was then reduced to 300 lots. It was noted the current concept plan has a maximum of 316 lots based on the existing development code.
    - Traffic Circulation. Concerns were expressed about traffic circulation around the “protected ridge top open space” on the Concept Plan. After discussing various options a less obtrusive traffic plan was suggested by eliminating the portion of the street loop along Lots 110 – 113. A cul-de-sac could be created to handle access to Lots 108 and 109 on the other side of the open space. Developer Cris Schulz stated they would like the plat to be the best it can and they were willing to address suggestions to get around the ridge top open space.
  - Density Transfer. Discussion took place about the definition and verbal clarification was given that during phasing of the project density can be moved from one phase to another within the same project. However, density cannot exceed the overall number of 316 lots approved.

- **Page 3 - definitions**
  - **Residential Uses.** References to townhouses being an acceptable use have previously been eliminated. It was noted that if a senior housing zone is established in the City’s Development Code the City Council can determine what type of attached housing, if any, would be allowed.
  - **Setback Requirements.** Currently setbacks are the same as required by the R-1-40 zone which is Front/Rear - 30 feet each; Side - 15 feet each. Cris Schulz requested 12.5 feet on either side and it was indicated that an amendment to the Development Agreement for setbacks can return to the City Council during the subdivision process.
- **Page 4**
  - Paragraph 2.1.1. **Annexation of Land** – The words, “when it is disconnected from Draper City” will be added to the sentence “the City will annex the Subject Property...” Any references of the word “expeditiously” will be changed to “in a reasonable amount of time”.
  - Paragraph 2.1.2. **Draper City Disconnection or Boundary Adjustment** caused some confusion since it seemed to require the City to annex property even if disconnection from Draper did not occur. This paragraph will be eliminated completely.
  - Paragraph 2.2. **Developers Obligations.** It was clarified that the annexation fee of \$613 is intended to recover the costs of the City for legal and administrative fees working on the process. For further clarification of the developers responsibility to pay any and all costs, the wording of “at Developers Sole Expense” will be added.
  - Paragraph 3.1. **Entitlement to Development.** For clarification the following will be added to the end of the paragraph, “if the development meets the requirements of Open Space Bonus Density Ordinance”. City Attorney David Church indicated that City ordinances, which are in existence when the agreement is signed, will be the zone for which this agreement is held to, even if the ordinances change in the future.
- **Page 5**
  - Paragraph 3.4. **Municipal Services.** Since water pressure or other levels of service may differ in various areas of the City some Councilmembers were uncomfortable granting standard service as provided to all residents. The sentence, “as similar to other developments located in the northwest area of Highland” will be added for further explanation. The developer clarified that all costs charged by the City covers actual costs of services paid by the City. The words “legally adopted” will be added to impact fees.
    - Kathryn Schramm noted the Suncrest subdivision is on the northern boundary of this proposed development and expressed concerns with flooding. She stated run-off from the Suncrest development has affected adjacent subdivisions in the past. Cris Schulz indicated the North Utah County Water Conservancy District (NUCWCD) manages the storm water run-off and acknowledged in historical terms Suncrest has been less than attentive in handling stormwater. Siltation problems and increased flows and run-offs are currently able to be handled. The development will also come under the new guidelines which are administered by NUCWCD.
    - Paragraph 3.5 **Plan Submission.** Brian Brunson suggested the developer dedicate all open space prior to recordation based on a metes & bounds description. This will be required prior to any grading.
    - Paragraph 3.7. **Acceptance of Roads.** It was clarified that the City’s existing ordinance provides for modification of the road and infrastructure standards based on

geotechnical studies that may come forward after. Cris Schulz indicated this was acceptable; however he does not want this to include changes that for example would enable a future City Council to ban hillside development for personal dislike of the project. It was clarified that this would be limited to geotechnical criteria only.

- Paragraph 3.8. **Issuance of Building Permits.** The following sentences will be added: “The Developer shall be required to comply with ordinances that exist and may exist related to collapsible/expandable soils. The developer has completed a geotechnical report for the area, a copy of which is attached hereto...”

- **Page 6**

- Paragraph 4.1.4. **Sanitary Sewer Service and Facilities.** References to “non-residential” will be changed to “non-institutional”.

- Paragraph 4.1.6. **Credits Against Impact Fees.** Further explanation was given for this paragraph. Currently the City does not know what system improvements will be required, so this section enables the City to have input if system improvements are required. During the process the City will negotiate how necessary system improvements will be paid for.

- **Page 7**

- Paragraph 4.2.3. **Phasing and Order of Recording.** The developers will be required to submit a phasing plan to the City and keep the phases as outlined in the plan.

- Paragraph 5.1 **Water Rights and Dedication.** Brian Brunson noted in the past the City has required water with the annexation. Barry Edwards stated water with annexation has not been required for some time. He indicated that on a case by case basis, such as the Beacon Hill annexation, water can be required for different reasons. For this development, the subdivision plat will not be recorded without sufficient water rights being dedicated. Mr. Edwards also indicated that the dedication will be per city requirements or individual determination, but not both. This note will be added to the paragraph.

- **Page 8**

- Paragraph 5.2. **Water Impact Fees.** Water impact fees will be collected at the time of building permit due to the large capital expenditure of the developer in constructing water facilities. For the area that is served by existing City facilities the developer will pay the Water Impact Fee prior to plat recordation.

- **Page 9**

- Paragraph 5.4.1. **Roads.** The following sentences will be deleted: “The City shall complete such construction, review and approval so as not to delay timely development of the Project.” and “subject to impact fee credits or reimbursement for System Benefits.”

- Paragraph 5.4.2. **Sidewalk, Curb and Gutter.** To be deleted: “subject to impact fee credits or reimbursement for System Benefits.”

- Paragraph 5.5. **Utilities.** Item 5.5.7. Storm Drain will be added.

- Paragraph 5.7. **Underground Utilities.** The question was asked who would determine if it was reasonably practicable to bury utility lines. To address this, the phrase “subject to the approval of the City Engineer” will be added.

- **Page 10**

- Paragraph 6.2.1 **Vested Residential Density.** The Developers have agreed they will go by the open space density zone. Much discussion took place regarding the

inclusion of the Concept Plan as Exhibit “C” with 300 lots and the conflicting statement in this paragraph of the vested right to 316 lots. The developer indicated they would like to have the option to be vested for 316 lots even though the concept plan details only 300 lots. He noted the concept plan is beneficial because it shows the generally anticipated road configuration. No substantive changes were made to this paragraph. The following phrase will be added, “subject to the developers compliance with the Highland City Open Space Bonus Density Overlay Zone.”

- Paragraph 6.2.2. **Development of the Property.** This paragraph includes the notation that vested development density may include townhouse units. These townhouse units would be part of Lock and Leave zone if approved by the City Council. It will be clarified by taking out the word “townhouse” and replacing it with “Lock and Leave Community Dwelling Units”.

- **Page 11**

- Paragraph 7.3. **Landscaping, Irrigation and Recreation Amenities Plan.** The developer will not get credit for street signs as an amenity. This reference will be removed from the paragraph. Discussion also took place about the City ordinance that allows residents to improve public open space near their home. Due to the topography of this area it was felt the ordinance should not be allowed for this development. A phrase indicating this will be added. Discussion also took place about fencing being installed to delineate private property from public open space. The developer requested the ability to work with staff on the type and color of fencing. A sentence will be added indicating fencing is required and will be authorized by the Planning Department to comply with City ordinance and match the aesthetics of the Development.

- Paragraph 7.4 **Park Impact Fees.** Park Impact Fee will be corrected from \$6,800 per lot to \$6,834 per lot. David Church indicated that pursuant to the State Impact Fee act the developer has the right to review fees paid and have them reduced based on impact of their project. A citation clarifying this will be added at the end of the paragraph.

- **Page 12**

- Paragraph 8.1. **Term.** A phrase will be added to indicate the term of the contract can only be extended if the developer is in compliance.

- Paragraph 8.2. **Covenants Running with the Land.** A sentence will be added indicating the agreement is a recordable document.

- **Page 13**

- Paragraph 8.5. **Consent.** Clarification will be added that if the project is sold the purchaser is legally bound by the agreement.

- **Page 14**

- Paragraph 9.6. **Assignment.** The City Attorney will rewrite language referencing the consent in paragraph 8.5.

Throughout the remaining 2 pages of the document minor typographical errors were corrected, including the name of the City Recorder.

Developer Cris Schulz thanked the City Council for taking extensive time to review the document. He agreed with Barry Edwards that this approval could get them started yet some items would be brought back at a later date to be addressed with a potential to amend the agreement.

Mayor Franson outlined the remaining items to address as:

- 1) Side yard Setbacks,
- 2) Water impact fees and the timing of payment,
- 3) Density concepts and issues related to 1.4 units per acre or 316 lots, and
- 4) Addition of language with respect to Consent vs. Acknowledgement for the sake of the Developers lender.

**AMENDED MOTION: To approve the Alpine Joint Ventures Annexation & Development agreement. Mayor Franson called for a vote. Those voting aye: Brian Brunson, Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey The motion passed with a unanimous vote.**

## **FUTURE BUSINESS**

### Carson Boundary Adjustment with American Fork City

Highland City has received an application from Craig and Carole Carson for a boundary adjustment. The Carson's currently own 1.64 acres in Highland City and would like to adjust a portion of their lot to enable .2066 acres to go into American Fork City. This process as outlined in State Code requires that both cities adopt a "Resolution of Intent" and then the 60 day protest and noticing period will begin.

Brian Brunson asked why they would like to disconnect such a small piece. He suggested staff ask the Carsons if they plan to come back with boundary adjustment later so it could be done at one time if needed.

### Reformatting the Development Code

Staff would like to enhance the formatting of the Development Code to make the document more reader friendly and understandable. Content of the code will not change at this time.

### General Plan Information

Barry Edwards indicated the City Council has been reviewing proposed revisions to the Highland City General Plan for some time. Staff has been meeting with individual City Councilmembers to get comments on the revisions. It is proposed that the item be placed on the City Council agenda for further review and adoption on December 18, 2007.

## **INFORMATION**

### REPORT – Lone Peak Public Safety District

Councilmember Steve King gave an update on the Lone Peak Public Safety District. The district recently adopted an amended and new budget as well as completed a budget audit and received a good rating. He reviewed donation of old equipment and the purchase of new. Future discussions will include the review of adding a ladder truck to the fire department. The district will also be implementing a rotation plan for replacing vehicles.

## **OTHER BUSINESS**

Mayor Franson reviewed the City Council schedule for December as well as the 2008 meeting schedule. This City Council calendar will be on the agenda for approval at the December 18 meeting.

He also noted there have been a lot of discussions and meetings with UDOT regarding SR-92 issues. Matt Shipp is attending those meetings.

## **ADJOURNMENT**

Steve King moved to adjourn. The meeting adjourned at 10:16 p.m.

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Gina Peterson, City Recorder

Date Approved: **December 18, 2007**