

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, April 15, 2008

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

PRESENT: Mayor Jay W. Franson, conducting
Councilmember Brian Braithwaite
Councilmember Brian Brunson
Councilmember Larry Mendenhall
Councilmember Kathryn Schramm
Councilmember Claudia Stillman

STAFF PRESENT: Barry Edwards, City Administrator
David Church, City Attorney
Gina Peterson, City Recorder
Lonnie Crowell, Community Development Director
Kip Botkin, Police Chief
Craig Carlisle, Fire Chief

OTHERS: Wes Thompson, Chris Sands, and Katrina Grundstrom, Bio-West, Inc; Tony Peckson, Caleb Warnock. Daily Herald; Dana Miess, David Miess, Julie Hendricks, David Clements, Josh Willie, Jeanette Harris, Lewis, Young, Robertson, and Burningham.

The meeting was called to order by Mayor Jay W. Franson as a regular session at 7:05 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 April 11, 2008. The prayer was offered by Mayor Jay W. Franson, and those assembled were led in the Pledge of Allegiance by Councilmember Claudia Stillman.

Approval of Council Minutes for January 8, 2008 Regular Meeting

MOTION: Brian Brunson moved to approve the City Council minutes from January 8, 2008 as amended. Brian Braithwaite seconded. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of Council Minutes for April 1, 2008 Work Session/Tour

MOTION: Claudia Stillman moved to approve the City Council minutes for the April 1, 2008 Tour. Larry Mendenhall seconded the motion. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of Council Minutes for April 1, 2008 Regular Meeting

MOTION: Brian Braithwaite moved to approve the minutes from April 1, 2008 City Council meeting as amended. Kathryn Schramm seconded the motion. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Appearances

Mayor Franson invited comments from the public regarding items not on the agenda.

David Miess addressed the City Council regarding the drug rehab house located at 6280 West 9600 North. He said Federal Regulations protect those in drug rehab as a disabled class as long as they are not using drugs. He asked who decides whether they are using or not? He read an article in the paper about a similar use in Orem City and stated Orem limits the number of occupants to six. He asked why Highland City allowed eight. He indicated his tax dollars are being paid to City Attorney David Church and asked if he was fighting for the City's residents.

It was noted an occupant is required to demonstrate sobriety for 30 days prior to being admitted. Mr. Miess stated he does not get the feeling that the City is working with the residents on this issue. If the City is, he asked staff to let them know.

Mayor Franson stated residents of that home are subject to the law. With regard to the number of occupants, the City proposed four and Mr. Salter proposed 12.

Ms. Dana Miess indicated she has lived Highland for six years. She stated the group home is coming in the back yard of her home and she can't understand why Mr. Salter was not required to ask the neighbors if they approved. There was never a letter notifying any neighbors. She asked why the issue is so secretive? Prior to living in Highland she stated she lived next to a group home in New York. She can guarantee this type of use will not encourage sleepy surroundings. She heard that residents in American Fork complained enough that a group home was removed. In New York people were asked to be part of the process and there was a good safety net because members of the town were able to give periodic checks. She can't understand why they can't do this type of thing here.

Mayor Franson stated the City cannot discriminate against disabled people. As soon as the City notifies residents that someone moves in at one location, then to be fair they have to notify when anyone moves in. It is the disability issue. If they are treated differently than any other person it is discriminating against the disabled. He acknowledged this has been a difficult issue for the neighbors and stated he would find out who monitors whether the residents are using.

Ms. Miess stated she is being discriminated against as a senior because she has no options for low income senior housing in Highland.

Brian Braithwaite stated it may appear that the City Council is doing nothing but they are discussing issues. He has talked with staff about restrictions and the possibility of licensing. The City Council is looking at options within the law that makes it as difficult yet as reasonable as possible. It is his opinion

that the City should license the use as a business. He noted there is nothing in the code that prohibits this type of use from locating different places. Tomorrow they could be in his neighborhood.

Consent Calendar

The following items were **removed** from the consent calendar:

- Approval for a Cost of Living Increase to the MD Services Contract (Agenda Item 6.1)
- Adoption of an Ordinance Repealing Chapter 5.16 “Peddlers” of the Highland City Municipal Code and Reenacting Chapter 5.16 “Residential Solicitation” (Agenda Item 6.2a)
- Approval of the Contract with Ensign Engineering for the design of the Town Center Park (Agenda Item 6.3)
- Approval of a 6 Month Extension for the Spruce Estates Final Plat (Agenda Item 6.4)

The following items from the consent calendar were **approved** by unanimous consent. Those voting aye: Brian Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman.

- Adoption of Resolution 2008-05: Amending the Consolidated Fee Schedule to include a business license fee for solicitors of \$75 (Agenda Item 6.2b)

PRESENTATIONS

Geological Engineering Study (Agenda Item 7.1)

The City Council and staff have had some very serious concerns regarding development in the City related to soil failures. These failures are especially notable in the Northwest area of Highland City. As property continues to develop, there needs to be thorough and defensible ordinances in place which are based on facts. In order to develop these ordinances the City must have an understanding of the types of soils that are present.

Staff was instructed by the City Council to solicit Statements of Qualifications (SOQ) from firms that are experts in the fields of geological engineering and have experience in ordinance writing based on these studies. There were three firms contacted for an SOQ: Bio-West, SBI, and Geo-Haz Consulting, Inc. Staff analyzed the three proposals and felt that Bio-West had more experience, expertise, and staffing necessary to do the project.

Staff met with Bio-West to develop a scope of work they felt met the expectations and needs of the City. Since the City Council wanted input on the scope of work, the scope and costs associated have not been finalized. Once City Council input is received, Bio-West will revise the scope and develop a cost estimate for the work. A contract will then be brought back for City Council approval.

Wes Thompson from Bio-West Inc, gave a summary of purpose. They stated their goal is to have ordinances in place which are in line with the current General Plan and zoning which will allow buildings and roads to be built correctly and be stable. This will include areas that may have slope or geologic constraints. He reviewed sample Airborne LIDAR data which is high resolution topography (showing land slides) from other areas of Utah as an example of what Highland would receive.

Brian Brunson noted there are approximately 300 acres that might be annexed into Highland in the future and he is reluctant to spend money on something that may not include this area. Barry Edwards indicated that pricing for the additional 300 acres could be included with the scope of services. At the time of annexation the applicant could pay that amount if they determined to locate in Highland.

Brian Brunson noted that the draft scope of work included three options for obtaining slope information: A) Existing Information Method, B) LIDAR method, and C) Combination of LIDAR and Existing Information Methods. He requested pricing for all three options so the City Council could see the difference in cost. Mr. Thompson agreed to provide that.

Kathryn Schramm asked if currently developed areas, including the northwest area, would be mapped, and Mr. Thompson answered yes.

Mr. Thompson noted that in addition to LIDAR readings they would take soil samples and run geotech testing on the soils. This would make laboratory data available for future use.

ACTION ITEMS

Approval for a Cost of Living Adjustment (COLA) to the MD Services Contract (Agenda Item 6.1)

The City entered into a five-year contract with MD Property Services to maintain landscaping in City parks and open space in June 2005. MD Property Services maintains all of the City's open space with the exception of the Heritage Park and the Highland Glen Park which are maintained by the Public Works Department. Part of the contract with MD allowed an annual cost of living adjustment (COLA) if requested. Due to the increase in fuel expenses and equipment maintenance, MD has requested a cost of living adjustment.

MOTION: Claudia Stillman moved to approve a 4.3% cost of living increase to the MD Services contract. Larry Mendenhall seconded the motion.

Claudia Stillman reported on a recent news story about the rising cost of living in the last quarter which is 1.3% for the quarter largely due to increased fuel prices. She feels the cost of living is appropriate, particularly since it was built into the contract.

Larry Mendenhall noted that the original contract indicates fees charged by the contractor shall be adjusted upward or downward based on the Consumer Price Index (CPI). He was notified this morning by Chevron Oil that the price of jet fuel has gone up 27 cents per gallon.

MOTION TO AMEND: Brian Braithwaite moved to amend the motion to tie the cost of living to specific Consumer Price Index as listed on the utah.gov website so it is clear to all involved what the actual percentage will be and that the COLA be 4% as reflected in the CPI for last year. Brian Brunson seconded the motion.

Barry Edwards stated the CPI the City has been using is the same one as quoted by Councilmember Braithwaite. The CPI noted the adjustment for last year at 4.029% and it was likely a typographical error from staff saying 4.3% when it was rounded.

Mayor Franson called for a vote on the amendment. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion to amend passed with a unanimous vote.

Kathryn Schramm asked if there were other companies that bid for the contract at the time it was awarded to MD. Barry Edwards stated that MD Services was the only contractor to respond to the request for proposal.

AMENDED MOTION: To approve a 4% Cost of Living increase for MD Services contract and that any future increase be tied to the specific Consumer Price Index as listed on the utah.gov website so the actual percentage is clear to all involved. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Adoption of Ordinance 2008-07 Repealing Chapter 5.16 “Peddlers” of the Highland City Municipal Code and Reenacting Chapter 5.16 “Residential Solicitation” (Agenda Item 6.2a)

The Highland City Recorders Office is responsible for business licensing in the City. In the past this has included licensing of door-to-door solicitors. In August 2004, several Utah cities were sued by Kirby Vacuum Cleaners for what they believed were discriminatory regulations in the licensing of door-to-door solicitors. Kirby Vacuums was successful in a number of their suits. Because of this issue a model solicitor’s ordinance was drafted and has been adopted by many Utah cities.

After the Kirby Vacuum issue, Highland City stopped issuing Peddlers licenses; however the ordinance has remained part of the municipal code. Warmer weather has brought increased calls from residents to the Alpine/Highland Police Department with regard to solicitors. From a business license administration standpoint, it makes no sense to have an ordinance that is not enforced.

This item was reviewed by the City Council as future business on April 1, 2008 where the City Council determined it would be in the best interest from an enforcement standpoint and residential need to repeal the existing ordinance and enact the model ordinance.

If adopted, any door-to-door solicitor must register with the City and pay a fee. Any residences posted as “No Soliciting” at the home must be observed by the solicitor. Bonneville Research included fees for solicitation in their fee study for business licenses. The proposed fee of \$75 included additional costs for anticipation of police service based on the nature of the license.

The ordinance also accomplishes the following:

- Sets limited hours of soliciting.
- Exempts charitable organizations and missionaries of any faith from having to obtain a license.
- Prohibits deceptive solicitation practices and soliciting where “no soliciting” is posted.
- Outlines specific items that would disqualify the licensing of a solicitor.

MOTION: Brian Braithwaite moved to adopt Ordinance 2008-07 Repealing Chapter 5.16 “Peddlers” of the Highland City Municipal Code and Reenacting Chapter 5.16 “Residential Solicitation” as drafted. Kathryn Schramm seconded the motion.

Brian Braithwaite stated this is an issue that has been litigated and the ordinance has been agreed upon by litigators for a resolution by both sides. Other cities are currently using this ordinance. Kathryn Schramm agreed.

Brian Brunson asked how ice cream vendors in trucks would be handled and David Church recommended the City Council address that in a separate ordinance at a future meeting. It was the consensus of the City Council for staff to prepare a separate ordinance prohibiting ice cream truck vendors in Highland City.

Brian Brunson asked Mr. Church to address the types of State licenses that would preclude someone from registration with the City. Mr. Church indicated that during the negotiations of the model ordinance realtors and insurance agents requested exemption since they are licensed through the State and they believe they only need one license. Brian Brunson asked if they could still be required to register and Mr. Church stated they will refuse because they think they are regulated at the State level. He does not think the City could successfully require them to register because it would be seen as a local regulation.

Brian Brunson expressed concerns about requiring a license the same business day. Mr. Church stated the solicitors felt very strongly that one day was sufficient. They want to be out selling in one day because the nature of their business is transient. The City Council can pick another time limit but Mr. Church stated he is not sure what would be reasonable in the eyes of the court.

Brian Brunson noted if a solicitor comes ten minutes before closing or if someone is out of the office it would be hard to comply with the same business day regulation. Mr. Church feels common sense would apply in those situations.

Brian Brunson then asked questions about the appeal to a denied solicitors license. The body to hear the appeal is the City Council or designee. Barry Edwards noted that most business licenses are approved administratively unless he feels there is an issue such as traffic. Those are referred to the City Council. Mr. Church noted the appeal body has the obligation to hold a separate hearing as quickly as possible.

Larry Mendenhall indicated that for the sake of time he would rather have another designee act as the appeal body. He also stated he was unsure what would be gained by delaying licensing beyond one business day. Larry Mendenhall noted that Winder Dairy emailed him and does not believe they fit this ordinance. He suggested the City Council pursue a separate ordinance that would differentiate those types of use.

Mr. Church indicated the ordinance affects people that knock on doors or go door to door, but not a delivery service. It was noted the City has a separate ordinance that prohibits parking and selling from a parked location.

MOTION TO AMEND: Brian Brunson moved to amend the ordinance as follows:

- 1. The wording in 5.16.008 (9) be amended as follows: *“That a request for temporary Certificate will be granted or denied ~~the same~~ within one business day that a Completed Application is submitted.”***

2. **The Appeal Officer referred to in 5.16.015 be designated as the City Administrator instead of the City Council, and any reference to the Appeals Officer be designated as such (ex: 5.16.003 Definitions; Appeals Officer).**

Larry Mendenhall seconded the motion.

Brian Brunson stated the amendment will prevent a solicitor from coming in at the end of the day when the person needing to review the application may not be in the office.

Mr. Church indicated if the ordinance is adopted as negotiated, there is a promise that particular plaintiffs will not sue the City. The more restrictions and changes put in the ordinance, the more the City may be up for challenges.

Mayor Franson called for a vote on the amendments: Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion to amend passed with a unanimous vote.

AMENDED MOTION: To adopt Ordinance 2008-07 Repealing Chapter 5.16 “Peddlers” of the Highland City Municipal Code and Reenacting Chapter 5.16 “Residential Solicitation” with the following amendments:

1. **The wording in 5.16.008 (9) be amended as follows: “*That a request for temporary Certificate will be granted or denied ~~the same~~ within one business day that a Completed Application is submitted.*”**
2. **The Appeal Officer referred to in 5.16.015 be designated as the City Administrator instead of the City Council, and any reference to the Appeals Officer be designated as such (ex: 5.16.003 Definitions; Appeals Officer).**

Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of the Contract with Ensign Engineering for the design of the Town Center Park (Agenda Item 6.3)

Staff was directed to have the Highland Town Center Park designed and constructed. Statements of Qualification were solicited and submitted by two firms, J.U.B. and Ensign Engineering. The park concept is unique in design with a prominent interactive water feature. The design of this feature takes a firm with specialized experience. Ensign Engineering has done water features in other parks they have designed and staff felt their experience was beneficial as related to this park.

The City Council has previously provided comments regarding the design of the park. Some concerns were expressed regarding the north/south view and that any trees and vegetation not block this view. Trees have been adjusted to satisfy this concern. Staff has moved forward with contract negotiations and a scope of work based on the presented design.

MOTION: Brian Braithwaite moved to approve a professional services agreement with Ensign Engineering for the design of the Highland Town Center Park not to exceed \$113,000 and to authorize the Mayor to sign the agreement. Claudia Stillman seconded the motion.

Brian Brunson expressed concern about the money being spent for the park and asked if it could wait. He noted the City Council approved \$50,000 at the last meeting for another park. Mr. Edwards stated this park is directly north of the new City Hall and is considered a continuation of the Town Center. This approval is for the design stage which will detail costs to complete the park. Once costs are determined the City may have to defer construction but that will not be known until the design is complete.

Brian Brunson commented if costs are too high and the park installation is delayed it may be better to delay the design and do it all together. Mr. Edwards stated there are some parts of the design that will need to be used now, such as the curb, gutter and road sections. The design will include infrastructure to operate the park.

Brian Brunson asked how much money was budgeted for the design. Mr. Edwards stated funding will come from the Park Impact Fee and he is not sure how much is in the budget.

Larry Mendenhall felt it would be wise to move forward as funds allow and as part of the completion of City Hall since it will be a visual enhancement to the building.

Claudia Stillman concurred stating it will be better to have grass installed rather than existing weeds since it will be in front of the new City Hall.

Mayor Franson called for a vote on the motion: Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of a 6 Month Extension for the Spruce Estates Final Plat (Agenda Item 6.4)

The Spruce Estates Subdivision was granted final plat approval by the City Council on March 6, 2007. A six month extension was granted on October 2, 2007 and expired on April 2, 2008. On March 18, 2008 the City Council granted a one-month extension to allow the developer and adjacent property owners, Maren Mouritsen and Darrell Petersen, time to resolve concerns regarding water right issues and irrigation ditches. Since that time the property owner provided the City with a copy of an agreement between the parties. Staff feels that the applicant has resolved concerns with the property owners in allowing them to obtain water for their property and that the six month extension can now be granted.

MOTION: Brian Braithwaite moved to approve a 6 month extension for the Spruce Estates Final Plat subject to the conditions from the original approval. Larry Mendenhall seconded the motion.

The City Council indicated their support of the agreement between the two parties and noted there were penalties associated with non-compliance of the agreement.

Kathryn Schramm asked if the valve had been installed and inspected by the City. Staff answered yes.

Brian Brunson stated Darrell Petersen was not part of the agreement and asked if they had been taken care of. It was noted a ditch to accommodate water for Mr. Peterson has been constructed. When asked if an easement would be needed for the pressurized irrigation valve, staff indicated the plat would be properly noted with correct irrigation information.

Mayor Franson called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of the Landscaping Plans for Highland Square, Lot 2 (Agenda Item 8.1)

KnightWest Construction is requesting approval of the landscaping plans as part of the Site Plan for Ace Hardware (Lot 2 of the Highland Square Subdivision). The property is located within the Town Center Overlay and is 31,703 square feet (0.73 acres) in size. The Town Center Overlay Zone ordinance is not specific with requirements on landscaping, but simply states that all land not used for a structure or parking shall be landscaped.

The applicant appeared before the City Council for Site Plan approval on March 18, 2008. At that meeting the legend for the landscaping was cropped off making it difficult to read and the applicant did not have time to make the changes that the Planning Commission and Council requested from the site plan. The applicant has made the changes requested which are reflected in a new landscaping plan along with the landscaping legend associated with the plan. The Planning Commission has recommended approval of the request.

MOTION: Claudia Stillman moved to approve the landscaping plans for Highland Square Lot 2 as the remaining portion to complete Site Plan approval for Ace Hardware. Kathryn Schramm seconded the motion.

Brian Brunson stated the table on sheet 4 of 7 is not legible and wanted to make sure staff has reviewed a legible copy. Staff indicated they have and the table is much more legible on other plans.

Brian Braithwaite noticed the developer took the recommendations made by the City Council.

Mayor Franson called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Final Plat Approval - Sunset Mountain Properties, Plat D (Agenda Item 8.2)

Patterson Construction is requesting final plat approval for Sunset Mountain Properties Plat D. This is a 0.6 acre, one lot subdivision located at 11676 North Highland Boulevard. The property has a P.O. zoning designation. The lot meets the minimum frontage and other requirements of the P.O. Zone.

The applicant was required at Preliminary Approval to provide documentation verifying that Plat D is consistent with the Sunset Mountain Properties Site Plan allowing the 35% open space required for the entire subdivision. Patterson Construction submitted an Open Space Analysis which provides specific percentages and acreages of the open space for each plat in the subdivision. According to the analysis, Plat D contains 49% open space area. The overall percentage of open space for Plats A through D is 36.3%.

Staff recommends approval of the final plat subject to conditions.

MOTION: Brian Brunson moved to grant final plat approval for Sunset Mountain Plat D with the following conditions:

- 1. STREET IMPROVEMENTS. That the applicant complete all required improvements along Highland Boulevard; and**
- 2. LANDSCAPING. That the applicant provide a minimum of 35% of landscaping as required for the P.O. Zone per ordinance; and**
- 3. TRAIL LOCATION & IMPROVEMENTS. That the applicant and City Engineer work together to acquire a proper location for the 8' public trail and that the exact trail alignment for the whole trail along the east portion of the P.O. Zone be surveyed and marked prior to issuing a building permit for Plat D. Because this is the last plat along the easterly portion of the P.O. Zone that includes the trail, that the entire portion of trail required to be installed by Patterson Construction be improved by the applicant with the improvements of the plat and a bond be in place for the trail construction to be held for a period of 2 years after the City Engineer has accepted its initial construction.**
- 4. DUST AND MUD. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and**
- 5. EASEMENTS. That any easements shown on the title report be clearly identified on the Final Plat; and**
- 6. DEMOLITION PERMIT. That the applicant obtain a demolition permit from the City for any buildings to be removed.**

Brian Braithwaite seconded the motion.

MOTION TO AMEND: Brian Braithwaite moved to amend the condition regarding the trail to state that the bond be held for one year rather than two years per recent State legislation that does not allow warranty bonds to be held for more than one year. Larry Mendenhall seconded. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

MOTION TO AMEND: Brian Brunson moved to add an additional condition that Parcels A & B (Public Open Space & Trail Easements) be conveyed to the City by warranty deed with title insurance and not only by plat dedication. Brian Braithwaite seconded the motion. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

AMENDED MOTION: To grant final plat approval for Sunset Mountain Plat D with the following conditions:

- 1. STREET IMPROVEMENTS. That the applicant complete all required improvements along Highland Boulevard; and**
- 2. LANDSCAPING. That the applicant provide a minimum of 35% of landscaping as required for the P.O. Zone per ordinance; and**
- 3. TRAIL LOCATION & IMPROVEMENTS. That the applicant and City Engineer work together to acquire a proper location for the 8' public trail and that the exact trail alignment for the whole trail along the east portion of the P.O. Zone be surveyed and marked prior to issuing a building permit for Plat D. Because this is the last plat along the easterly portion of the P.O. Zone that includes the trail, that the entire portion of trail required to be installed by Patterson Construction be improved by the applicant**

- with the improvements of the plat and a bond be in place for the trail construction to be held for a period of 2 years after the City Engineer has accepted its initial construction.
4. **DUST AND MUD.** That the applicant strictly adhere to the Dust and Mud Prevention Plan; and
 5. **EASEMENTS.** That any easements shown on the title report be clearly identified on the Final Plat; and
 6. **DEMOLITION PERMIT.** That the applicant obtain a demolition permit from the City for any buildings to be removed; and
 7. **OPEN SPACE DEED.** That Parcels A & B (Public Open Space & Trail Easements) be conveyed to the City by warranty deed with title insurance and not only by plat dedication.

Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Larry Mendenhall asked for clarification on bonding issues. City Attorney David Church stated that even though a subdivision bond is released, the City holds a portion of that bond in warranty for one year from the date the City has accepted the subdivision. The one year time period was adopted during the last legislative session. He noted there are special exceptions that would allow a two year warranty bond such as soil conditions, abnormal weather conditions that would prevent inspection and acceptance, or prior problems with a specific developer.

FUTURE BUSINESS

Highland City Cemetery Fee Study and Proposed Amendments (Agenda Item 9.1)

Highland City has recently contracted with Lewis Young to complete a study of various City fees. The most recent of these is a study on the City's Cemetery Fees. Jeanette Harris from Lewis Young presented the fee study and recommendations of increasing fees based on direct and indirect costs to provide the services. She noted this study is similar to previous fee studies. Some fees were recommended to increase, but would still not cover the costs expended by the City. Ms. Harris stated it is not uncommon for cities to somewhat subsidize cemetery operations.

Brian Brunson stated he was surprised at the amount of debt remaining on the cemetery property. Mr. Edwards indicated it was accurate and that the City still owed 1.2 million for the land.

Ms. Harris then distributed and briefly reviewed a water reconnection fee analysis and return check/late fee analysis. This will come before the City Council at a future date.

Brian Braithwaite requested a scope of how many returned checks are received and how many people are late on their bill.

Brian Brunson asked if it would be possible to have a structured fee so a resident that bounced one check would be penalized less than someone that bounced more. Ms. Harris stated that was an option but it would make the fee schedule more complicated.

Agreement with Widdison Turbine Services, LLC for the Pulling of Culinary Well Heads for Maintenance and Investigational Purposes (Agenda Item 9.2)

Staff has been asked to do an evaluation of the culinary water wells in the City and to develop a plan for well house replacements and improvements. Staff feels that before any money is expended in upgrading well houses it is important to have a better understanding of well conditions and efficiencies of operation.

Staff has been working with the firm of Hansen, Allen, and Luce for a preliminary evaluation of the wells. They have made some recommendations for a thorough evaluation of the wells. One of the recommendations is that the well heads be removed and transducers (devices that measure the water level) be placed in the wells. This will give a clear understanding of the elevations and well draw downs. It has also been recommended that while the wells are open, a camera be used to determine the well condition.

Staff has asked for bids from two contractors that do this type of work and feels Widdison Turbine Services was very comprehensive in their proposal.

Budget Change Order for Fire Station Furnishings, Fixtures, & Equipment (Agenda Item 9.3)

A change order will be brought forward in the amount of \$150,000 for the following:

1. All furniture, offices appliances, mattresses, and weight room equipment - \$90,000
2. Commercial Appliances - \$20,000
3. Captains Office Restroom - \$15,000
4. Window Treatments - \$25,000

Brian Brunson stated the numbers seem really high. He requested more detail so the City Council can see exactly how the money would be spent.

Kathryn Schramm asked if this fire station belonged to Highland City and Barry Edwards responded it is part of the Lone Peak system. The building belongs to Highland City and the Lone Peak Fire District will be paying rent for use of the building.

Amendments to the Conditions of Approval for Stice Estates Final Plat (Agenda Item 9.4)

The Planning Commission approved the Stice Estates Final Plat on April 27, 2004, and the City Council gave approval on May 4, 2004 subject to the following conditions:

1. The applicant will provide curb and gutter along 10400 North involving an agreement with the City and Mr. Lindstrom for the applicant to be reimbursed,
2. The City may provide an asphalt sidewalk along 10400 North until it is resolved with Mr. Huggard,
3. Landscaping detail have a minimum match to north side of 10400 North,
4. Notation on the plat there will be some lots which abut property with animal rights, and although this is an R-1-40 subdivision there will be no large animal rights, and
5. Notation on plat for fencing and uniformity along 10400 North.

Staff has received a request for fencing that would require the elimination of condition #5. It is recommended that this condition be removed.

Homeowner David Clements addressed the City Council stating he had requested the condition be removed. He has invited several City Councilmembers to view the area.

INFORMATION

Report - North Utah Valley Animal Shelter - Kathryn Schramm (Agenda Item 10.1)

Kathryn Schramm reported that revenues at the shelter are down. The board is trying to sweeten licensing revenues by allowing pet microchips and other features. This would allow better coordination with other shelters to ensure that animals picked up are checked against other shelters. She stated the board has discussed having uniform animal control ordinances through the entire north county and then possibly hiring two full time animal control officers.

Brian Braithwaite asked if all of the revenue for dog licensing in Highland City goes to the shelter and Kathryn Schramm indicated it does.

Brian Brunson suggested some type of advertising or license renewal campaign may help increase revenues. He stated he forgets to re-license his dog and many other residents may appreciate the reminder.

Pincock Estates Subdivision - Preliminary Plat (Agenda Item 10.2)

A copy of the Preliminary Plat for the Pincock Estates Subdivision was attached for the City Council's information. It was noted that staff will begin to include a small copy of upcoming subdivisions when they are at the Planning Commission level for the Council to view prior to City Council Final Plat Approval.

OTHER BUSINESS

Mayor Franson indicated the Utah League of Cities and Towns had an excellent conference in St. George that was well attended and well done.

ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: Brian Brunson moved to adjourn to a closed executive session for the purpose of discussing the purchase, exchange, or lease of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Kathryn Schramm seconded the motion. Those voting aye: Brian Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

The meeting adjourned at 9:15 p.m.

EXECUTIVE SESSION – Purchase, Exchange, or Lease of Real Property

An executive session was held at 9:16 p.m. for the purpose of discussing the purchase, exchange, or lease of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Those in

attendance were: Mayor Jay Franson, Councilmembers Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman; staff members Barry Edwards, David Church, Gina Peterson, and Lonnie Crowell.

The closed executive session adjourned at 9:55 p.m.

ADJOURNMENT

Brian Braithwaite moved to adjourn. Claudia Stillman seconded. The meeting adjourned at 9:56 p.m.

Gina Peterson, City Recorder

Date Approved: May 20, 2008