

MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, May 20, 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
Matt Shipp, City Engineer
Lonnie Crowell, Community Development Director
David Church, City Attorney
Lynn Ruff, Financial Director
Kip Botkin, Police Chief
JoD'Ann Bates, Executive Secretary

OTHERS: Tavis Timothy, Tony Peckson, Steve King, Ernie Smith, Matthey Jorgensen, Jay Taylor, Jeff LaMay, Lisa Erickson, Christine Dalley, Parley Holliday, David Henry, David Clements, Bryant Larson, Jarrett Howe, Chad Styler.

The meeting was called to order by Mayor Jay W. Franson as a regular session at 7:03 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 Wednesday May 14, 2008. The prayer was offered by Councilmember Brian Braithwaite, and those assembled were led in the Pledge of Allegiance by Highland Scout Troop 1158.

Approval of Council Minutes for April 15, 2008 Regular Meeting

MOTION: Brian Braithwaite moved to approve the City Council minutes from April 15, 2008 as amended. Brian Brunson seconded. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

APPERANCES

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

5.1 Tavis Timothy addressed the council stating he is the acting chairman of Water Advisory Committee, and felt that with the new council the would like to introduce the members of that

committee. Tavis stated that the committee consisted of Mark Thompson, Ed Gifford, Mike Kapik, and Al Schellenburg, along with Matt Shipp and Mayor Franson. The committee meets quarterly and reported that currently things are updated and regular maintenance is taking place.

Mayor Franson thanked Tavis for taking the time to introduce the committee and report its standing.

Brian Braithwaite inquired if it would be possible to have someone from the committee report to the council on a quarterly basis. Tavis felt that it would be possible.

Mayor Franson stated that he would work with Tavis and make that appearance part of the future council agendas.

Jeff Lamay, a Highland resident living at 6119 West 10930 North addressed the Council regarding a proposed cell tower at the cemetery. Jeff voiced his opposition to the cell tower in the cemetery. He stated that this item was on the Planning Commission Agenda last week and wasn't sure if the Council had seen any information on it to this point. He stated the concern he has is that the cemetery is a sacred place and he does not want to be buried near a cell tower. He has done some research on line, and looked at the T-mobile website and there is currently adequate coverage for Highland, its not great by adequate. T-Mobile currently has 2 cell towers in Highland, one at Lone Peak and one at Ridgeline, this would be the 3rd. Jeff concluded that no other carriers have more than two towers in Highland.

Jay Taylor, a Highland resident living at 6248 West 10830 North addressed the Council regarding the proposed cell tower at the cemetery. Mr. Taylor echoed the concerns mentioned by Mr. Lamay. Mr. Taylor informed the council that he works for a company that is in the business of building aircraft components. He printed the information that was provided on the city website and asked an RF Engineer with his company to review the information. The engineer reported back to Mr. Taylor that he felt there are extenuating circumstances that could interfere with cell phone reception, but he concluded based on the information provided there was adequate cell phone coverage for the area. Mr. Taylor requested the city look into the need of the coverage to see if it in fact was necessary.

Parley Holliday, a Highland resident living at 6061 West 10930 North addressed the Council regarding the proposed cell tower at the cemetery. Mr. Holliday voiced his concern as to the cosmetics of the proposed cell tower. He stated that the cemetery is one of the main entrances to the city and does not feel this is the right place for an 80 foot cell tower. The city has spent millions in the landscaping and structures to make the cemetery a beautiful, peaceful and scenic area. It is not the place for an 80 foot eye sore. Everyone that enters Highland for any reason will see the tower. Mr. Holliday commented that the city code has language that does not allow a tower within 160 feet of a residential property line. This site would be within that distance of 3 or 4 homes. Mr. Holliday concluded by stating that he hopes if this tower is proven to be necessary that the city will find a more rural area, away from the homes and the entrance to the city.

Steve King, a former council member and resident of Highland wished to comment regarding the upcoming review and approval of the fiscal year budget. Steve stated that as he drives around city he finds that there are many roads in need of repair and parks with out restrooms. He feels that these issues are priorities that he would like to suggest the council consider as they review and approve the upcoming fiscal year budget.

Mayor Franson thanked Steve for this comments and stated that the next process for the budget approval will be to hold a public hearing. This public hearing will be held during the next council meeting and the council will look forward to more comments at that time.

CONSENT CALENDAR

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

- Approval of a Resolution Amending the Water Re-connection Fee, Utility Billing Late Fee and Establishing a Return Check Fee (Agenda Item 6.1)
- Surplus of Victor Home for Fire Training by the Lone Peak Fire District (Agenda Item 6.2)
- Adoption of an Ordinance Amending the Highland City Development Code which Replaces all References of 2 Year Subdivision Bonding with 1 Year Bonding as Required by Recent State Legislation” (Agenda Item 6.3)
- Approval of Budget for Highland Justice Center Furnishings, Fixtures & Equipment (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.

- Request Approval of a Conditional Use Permit for Christy’s Antiques and Home Furnishings (Agenda Item 6.5)
- Request Approval of a Conditional Use Permit for Nails & Spa Too (Agenda Item 6.6)

PUBLIC HEARINGS / PRESENTATIONS

There were no Public Hearings or Presentations at this meeting.

ACTION ITEMS

Approval of Resolution 2008-07: A Resolution Amending the Water Re-connection Fee, Utility Billing Late Fee and Establishing a Return Check Fee (Agenda Item 6.1)

Currently, we have no return check fee and the lowest late fee of surrounding cities. The cost to shutoff and re-connect is much higher than the fee the city is currently charging. Highland City Treasurer re-deposits approximately 5 returned checks a month. There were 522 utility accounts billed late fees in March and 450 utility accounts billed late fees in April. The Shut off process is 3 fold: 1. Approximately 100 “Notice of Termination” letters are sent out every 6 weeks to those residents that are 30 days or more past due on their utility bill. 2. Approximately 30 “Final Shut off Notice” letters are sent within 15-20 days following the first letter. 3. Upon the date indicated on the “Final Shut off Notice” Public Works will visit the home and physically shut off the water. This ends up being approximately 5 shut off’s a month.

MOTION: Brain Braithwaite moved the City Council approve Resolution 2008-07: Amending the Water Re-connection Fee to \$80.00, the late fee to be 1.5% per month of the utility account outstanding balance and adopt a return check fee of \$20.00. Kathryn Schramm seconded the motion.

Brian Braithwaite stated as he looked at what the accounting firm had indicated about on the cost and reconnection fee, he felt they were excessive. He believes there is some real time spent out on

the roads and there should be a fee to reconnect. He also believes the city employees can do this more efficiently than what is stated and a fee of \$80.00 would be more appropriate. Brain commented that he wanted to verify that the fee of 1.5% would be figured on a per month basis. The \$20.00 per check is appropriate for the time and effort to handle those returned checks.

Kathryn Schramm concurred with the comments made by Brain Braithwaite.

Brian Brunson inquired if staff would address the issue of (6) six employees necessary to turn off and on the water.

Barry Edwards stated there is a process they follow. First, they have to go out and check to see if the home is vacant. Second, we place a notice on the door stating they are in going to shut off the water. Third, they go out and shut off the water, and fourth, they go out again to reconnect the water once the bill has been paid. Barry continued that there is the work that goes into figuring out that the citizen is delinquent and the paper notices to be sent.

Brian Brunson inquired if they need to be culinary water operator to do this process? He questioned if that is best use of city funds and personnel? Barry Edwards responded that there is nothing worse than turning off the wrong person. The culinary water personnel know the area and the system the best.

Kathryn Schramm asked if it would be possible to combine process one and two. Barry Edwards commented that we like to go out and make a physical check first. They knock on the door and try to make contact first before they put a notice on the door. By making a personal check we are able to preserve the dignity of the customer at the same time be fair to the rest of the customers.

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

Surplus of Victor Home for Fire Training by the Lone Peak Fire District (Agenda Item 6.2)

Upon the merger of the Highland Water Company, Highland City acquired a home located at approximately 4361 West 11000 North. This home has been vacant for approximately three years and needs to be taken down. Lone Peak Fire Department has inquired as to the possibility of using this home for fire training. This would allow Lone Peak Fire a training tool along with the means to safely dispose of this home. Fire fighters participating in this training will be fire fighters employed by the Lone Peak Fire District and any accidents will be covered under the District.

MOTION: Claudia Stillman moved to approve the surplus of the Victor home for Fire Training by the Lone Peak Fire District. Larry Mendenhall seconded the motion.

Claudia Stillman stated that this home is in disrepair and feels this is an appropriate use. Larry Mendenhall echoed the comments of Claudia Stillman.

Brian Brunson stated he had a few questions for staff. He inquired if there were any salvage value to this home or anything on the property? Is this in compliance with air quality requirements? Would

notice be given to surrounding property owners, to inform them of what is happening? Due to this being along SR92 have there been traffic control arrangements?

Barry Edwards responded that there is nothing to salvage. The Fire Department would only burn on a good air quality day and will get that approval. Permission has not been given yet so there is no plan in place but will take care of traffic control. There are a few residents around that area, and the city will make sure they are notified.

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

Adoption of Ordinance 2008-08: “An Ordinance Amending the Highland City Development Code which Replaces all References of 2 Year Subdivision Bonding with 1 Year Bonding as Required by Recent State Legislation” (Agenda Item 6.3)

The State Legislature recently passed Senate Bill 196 only permitting subdivision bonds to be held for a period of one (1) year (which will take effect first of May, 2008) with the exception of the following conditions: Protect Public Health, Safety, Welfare; Prior Poor Performance of Developer; Area of Unstable Soils; Extreme Climactic Fluctuations

There are currently several references within the Development Code that are not consistent with this requirement. Staff is proposing a Code Amendment that consolidates the multiple references to bonds within one existing Chapter in the Development Code to create consistency and ease of use for residents/applicants as well as staff. The City Council will need to adopt the following code amendments related to bonds and bonding: 3-4330; 3-4376; 3-4530; 3-4736; 3-4747; 3-4767; 3-4809; 3-4928; 3-41028; 5-4-210; 5-4-211; 5-4-318; 5-4-319; 5-4-322; 5-4-409; Chapter 6 - Guarantee of Performance.

MOTION: Brian Brunson moved to adopt Ordinance 2008-08: An Ordinance amending the Highland City Development Code which replaces all references of 2 year subdivision bonding with 1 year bonding as required by recent State Legislation with the following modifications:

- **The preamble paragraph the words “replaced with 1 year bonding” be removed and the word “modified” inserted to read “2 year subdivision bonding be modified as required by recent state legislation”.**
- **Section 2. Strike the word “regarding 1 year”.**
- **Page 30, Section 3-4928 (1)(a) strike out the word “either” to be consistent with similar strikeouts throughout the document.**
- **Page 39, (2) a. (fourth line up) strike “for a term not to exceed eighteen (18) months from the date of acceptance of dedication” and replace with “per Chapter 6, Guarantee of Performance, in this Code”.**

Brian Braithwaite seconded the motion.

Brian Brunson stated whereas the code allows us to have more than one year in some circumstances he feels it is not appropriate to have the 1 year in the actual ordinance. Brian continues that there is one more comment on page 43 paragraphs 6-106 about the middle of the paragraph stating that “The City shall have fifteen working days, in writing, to respond.” He feels this language needs to be

cleaned up to appropriately stated what is being expected. Lonnie Crowell responded that it should state “to respond in writing”.

Brian Braithwaite suggested the following modifications:

- Page 30, Section 3-4928 (1)(a) strike out the word “either” to be consistent with similar strikeouts throughout the document.
- Page 39, (2) a. (fourth line up) strike “for a term not to exceed eighteen (18) months from the date of acceptance of dedication” and replace with “per Chapter 6, Guarantee of Performance, in this Code”.

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

Approval of Budget for Highland Justice Center Furnishings, Fixtures & Equipment (Agenda Item 6.4)

The construction standard is that the general contractor builds the building and the owner provides the furnishings. These items will be used throughout the building and include things such as tables, chairs, desks, etc.

MOTION: Larry Mendenhall moved to approve the budget for Highland Justice Center for Furnishing, Fixtures and Equipment as presented not to exceed \$92,101.43. Claudia Stillman seconded the motion.

Larry Mendenhall stated this is a standard procedure for the furnishings and fixtures. As a general rule they are not included in the original bid and this is a supplemental requirement for furnishing the furniture, fixtures and equipment as required. He has reviewed the items and feels there appears to be no excesses.

Brian Braithwaite offered his thanks to the staff for the detailed information provided. He was able to go on line and look at the items mentioned in the proposal.

Barry Edwards commented that Lisa Erikson from JRCA was present and had brought a color board with samples of surfaces and materials to present to the council.

Brian Brunson stated that he had not seen any other bids for these items and inquired as what bidding process JRCA went through. He also inquired if it would be advantageous to buy it all at once for both the Justice Center and the City Hall instead of buying it by piece meal?

Lisa Erikson of JRCA responded that due to the fact this is a state contract it is not required to go through a bidding process. Her experience in furnishing other buildings through the state contract she prefers to working with this particular company and feels she has been more successful with this company. Lisa concluded that due to the state contract buying in bulk would not give you any savings.

Brian Brunson inquired about if this furniture comes with any kind of warranty? Lisa Erikson stated that it does come with a warranty, she did not know the specifics at that time and would be willing to provide that warrant information.

Lisa Erikson passed down a color board and described the equipment.

Barry Edwards inquired if Lisa had priced out the window coverings, and had an idea how much more funding it will take to complete the furnishings and equipment for the Justice Center. Lisa Erikson stated the window coverings, filing or storage had not been included. Although she felt she could not adequately give the council a figure she estimated 10 to 40 thousand dollars to complete the project.

Kathryn Schramm inquired as to the amount of employees that would be in the Justice Center. Barry Edwards responded that there are 25 Police Department employees, the Judge, Court Clerk and Attorney.

Claudia Stillman inquired if where it is indicated as a training room, it would also be used for traffic school?

Chief Kip Botkin stated that traffic school is currently done on line. With this building and that facility they would be able to host training classes where other agencies from surrounding areas can come to participate. By holding those trainings they would be able to get a few of those slots free for Highland officers. That room can also be used for other purposes.

Discussion ensued regarding the types and use of various chairs proposed.

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

Accept Fiscal Year 2008-2009 Tentative Budget & Set a Budget Public Hearing for June 3, 2008 (Agenda Item 8.1)

City Council was presented with the Fiscal Year 2008-2009 Tentative Budget at the first council meeting in May 2008 pursuant to the State Code. City Council then held a work session to discuss the details of the budget on May 14, 2008.

Barry Edwards indicated the council should have a new budget dated May 20, 2008. This draft has been reviewed and some of the narratives have been cleaned up as discussed by council in the recent work session. Only narratives and percentages have been changed; budget numbers have not been changed.

MOTION: Brian Braithwaite moved to accept the tentative budget given to the council dated May 20, 2008 as the proposed tentative budget for the fiscal year 2008-2009 tentative budget and set a budget public hearing to be held on June 3, 2008 at 7:00 pm. Claudia Stillman seconded the motion.

Brian Braithwaite stated that he just wants to make it clear that this is only a tentative proposed budget.

Kathryn Schramm questioned if it was appropriate to specify a time for the public hearing.

Mayor Franson stated he felt it was appropriate, and he would start the public hearing first thing following the opening of the meeting.

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

Mayor Franson reminded the Council they had received forms that would indicate any changes they feel needs to be addressed to the May 20th version of the tentative budget. He encouraged them to get those into staff, setting a deadline of June 10th in order to make those changes for the June 17th meeting.

Approval of Agreement with Bank of American Fork for contributions to the Highland City Library Foundation (Agenda Item 8.2)

Mayor Franson pulled this item off the agenda. The Mayor indicated his work has kept him busy and he didn't feel he was ready to present this item at this time. There is a little more work that needs to be done and will be on a future agenda.

Repair of 10930 North / Reisner Road (Agenda Item 8.3)

Last year Highland City Council approved funds to complete the south portion of the Highland Cemetery. This project is underway and will be completed within the next few weeks. Highland City has invested a great deal of money into the completion of this cemetery. There are three accesses into the cemetery, the access from 10930 North is in need of some extensive repairs and many visitors to the cemetery will drive through this area. Not only is there a need from an aesthetics point of view but there is a need to repair this road due to structural and drainage problems. Staff solicited bids from four (4) contractors; Staker Paving and Construction Co., Geneva Rock, Kilgore Paving, and S & L Landscaping and Construction (Cemetery Contractor). Staker Paving and Construction Company had the lowest bid at \$69,515.40. The limits of the project extend from 6000 West to the west and end at the cemetery construction project. The project will consist of removal of old asphalt, repair of soft areas, repair of some curb and gutter, raise utilities and collar, and new asphalt.

MOTION: Larry Mendenhall moved to approve an agreement with Staker Paving and Construction Co. in the amount of Sixty Nine Thousand Five Hundred Fifteen Dollars and Forty Cents (\$96,515.40), authorize a fifteen percent (15%) contingency above the contract amount and authorize the Mayor to sign the agreement with Staker Paving and Construction Company. Kathryn Schramm seconded the motion.

Larry Mendenhall stated this is one of the three entrances to the cemetery, it is in disrepair and this will clean it up so that as the construction is finished at the cemetery it will also have a nice entrance.

Kathryn Schramm commented the people in that area have been complaining for some time about that road. She feels it is a good time to complete the repairs and re-stabilize the road.

Claudia Stillman inquired as to where the funds would be coming from. Matt Shipp indicated they would ask that the funds be used from the class B & C road funds.

Brian Braithwaite indicated that in the contract it is stated they would be pulling out 4 inches of asphalt and replacing it with 3 inches and inquired as to the reason for the difference. Matt Shipp responded that they are leaving the road base and the asphalt they are pulling out is ½ inch and replacing it with ¾ inch asphalt making it more structurally stable.

Brian Braithwaite stated that the contract talks about a fuel surcharge. He inquired if that is included in the bid. Matt Shipp stated that the surcharge is included in the bid as stated and is good for 15 days.

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

Re-Consideration of Architectural Approval for “Checker Auto” Building C, Lot 5, Highland Marketplace (Agenda Item 8.4)

Jonathan Taylor, representing Smith Brubaker, Haacke (property owners of Lot 5 Highland Marketplace) have informed staff that Checker Auto Parts will no longer be locating in the Highland Marketplace at this time. The applicant does have tenants that are ready to locate at this site however the applicant is requesting a modification of the previously approved architecture to provide for multi-tenant use. The proposed amendment will provide for three to four users within the existing building. (The proposed building is four feet wider than the previously approved building.) The applicant is proposing to reduce the sidewalk and landscaping width on the south side of the building (currently a 7 foot sidewalk and 8 foot planter) while providing more substantial landscaping and additional trees along the south side to mitigate the necessary changes. The proposed architecture is similar to the previously approved Checker Auto Parts building. The architecture has been improved with the new proposal from the previously approved building; however the changes were significant enough that Council approve the changes.

MOTION: Claudia Stillman moved to approve the newly submitted architectural elevations for building C, Lot 5, Highland Marketplace as submitted by the applicant. Kathryn Schramm seconded the motion.

Claudia Stillman stated according to the information provided, Checker Auto Parts will no longer be located in the Highland Marketplace. At this time the application has a new tenant that will use this site and has come in with even more attractive elevations.

Brian Braithwaite inquired why this was not reviewed by the Planning Commission. Lonnie Crowell indicated the Planning Commission had already recommend the Checker Auto Parts building, this building is very similar with few changes. He felt the Planning Commission would approve of the new building due to the fact that they were very similar with just a few changes.

SUBSTITUE MOTION: Brian Braithwaite moved to remanded the architectural elevations for building C, Lot 5, Highland Marketplace to the Planning Commissions for their approval. Brian Brunson seconded the motion.

Brian Braithwaite stated he feels as a city council they should use all the resources they can. One of those resources is the Planning Commission. One of their primary functions is to review this type proposal. He relies on their input and feels the changes are not small; they are large enough to have the Planning Commission review and make a recommendation to the council.

Larry Mendenhall stated he feels it would be in the best interest of the city and the owners of the Highland Marketplace and Mr. Taylor to approve this architectural rendering. They are talking about a long period of time, there are not substantial architectural changes and time is of the essence.

Kathryn Schramm inquired if the new proposed building occupies the same building envelope Lonnie Crowell indicated that there is an additional 4 feet on one end, equaling a total of 385 square feet overall, being within the 5% that was previously approved.

Brain Braithwaite stated he feels it is not the issue of square footage it is the overall look and feels there is also the landscaping that will change.

Mayor Franson called for vote on the substitute motion: Those voting aye: Brian Braithwaite, Brian Brunson. Those voting nay: Larry Mendenhall, Kathryn Schramm and Claudia Stillman. The motion fails with a vote of 2:3.

Mayor Franson called for vote on the original motion: Those voting aye: Larry Mendenhall, Kathryn Schramm and Claudia Stillman. Those voting nay: Brian Braithwaite and Brian Brunson. The motion carried with a majority vote of 3:2.

Request for Cost Share of Fence in Stice Acres Subdivision along 10400 North (Agenda Item 8.5)

The three home owners affected by the flooding recently received approval by the City Council to allow a change to the fencing conditions on the Stice Acres Plat allowing installation of a masonry fence. With this approval it was the understanding of the home owners that the City would share in the cost of the masonry fence which would help control the flooding.

MOTION: Brian Braithwaite moved to request that City Staff provide City Council with information on what the issue is and to better understand the cost involved in order to fix the issue. Claudia Stillman seconded the motion.

Brian Braithwaite indicated that last week the council had received information from one of the residents; staff was not prepared at that time to comment. He feels that he still does not have all the information and understanding from the city staff's position as to what they see is going on and a proposal to fix the problem. He doesn't feel that agreeing to a cost sharing of a fence is needed if it is not fixing the problem.

Claudia Stillman stated she is also interested in what is the best solution to the problem of the water coming off the park strip.

Kathryn Schramm indicated that the staff had provided the council with some information via email and a hard copy.

Mayor Franson called for vote on the motion: Those voting aye: Claudia Stillman, Brian Braithwaite and Brian Brunson. Those voting nay: Kathryn Schramm and Larry Mendenhall. The motion carried with a majority vote of 3:2.

Barry Edwards stated they feel there are a number of solutions and suitable ways on how to control the water. It is the staff's belief they could place a curb on the easement line at a cost of about \$10.00 a foot, that would have the water drain to the west and then place a sump at the west end. Another solution would be to put in some sort of French drain and have it drain into a sump. There may be other solutions, and staff feels that \$10 a foot could be the amount of money they would have to spend to find a solution. He feels that Matt has outlined in his memo the history of this area. (Attached) The city road has always been in the same place and there has always been a drop off in that area. The city has cut back on the watering, and they think with a little more effort they can take care of the issue. A fence had been identified early on as a solution but feels it is not the only solution.

Brian Brunson inquired as to what is the City's responsibility to maintain the water that has historically flowed on to this property. Dave Church indicated that this is not historic water this is the city sprinklers and the city has some type of responsibility. Brian Brunson feels that by the comments made by staff the city has done what they needed to in order to contain the water by cutting back on the watering. He inquired if there is any liability for the developer. Does the city have any liability and if so to what extent? Dave Church suggested they look at if there is harm being done or if this a cosmetic issue.

Mayor Franson invited home owner Dave Clements to comment.

Dave Clements commented that the harm has been done and the fence is going in with or without the city participation. The problem will be solved with the fence going in and ask that the city participate.

Kathryn Schramm stated in previous emails from the city to Mr. Clements it is mentioned that placing sumps had been determined to be too expensive and it was suggested they put in a fence that would be useful to control the water flow. In talking with city staff that property is maintained by Highland City but owned by the property owner. The city maintains and pays for the water on that easement. She has looked at the 2007 budget in the general fund balance reserves and feels there are available funds in order to pay for ½ of the fence. She stated she has seen standing puddles in Mr. Clements yard and feels this could be a breeding ground for mosquitoes. She suggested that if the council specifies this is to be the only place and situation where this would occur, she feels the city should participate.

Brian Braithwaite indicated the motion was asking for pricing and a best solution. What he has heard and seen is that this has been an issue for approximately 8 months and felt there should have been a resolution within that time frame. He would like to know what staff's recommendations are to fix the problem.

Mayor Franson requested a 5 min recess to enable staff to discuss the issue.

5 MINUTE RECESS

Mayor Franson called the meeting to order and ask staff to address the council.

Barry Edwards stated the recommendation of staff would be to take out the grass behind the sidewalk, re-landscape it with trees and low water shrubs and change the sprinklers to a drip system. They feel this could be done for approximately the \$10.00 a foot.

Brian Braithwaite inquired about the \$10.00 a foot, how many feet they are looking at and what would be the estimate cost of that area? Barry Edwards stated it would be approximately \$2,000.00 a lot, for 3 lots, approximately \$6,000.00

MOTION: Brian Braithwaite stated that based on the communication as to date he moved the city contribute \$7,500.00 dollars to the building of the masonry fence to the owners of the 3 lots in discussion as long as the complete fence is put in place at one time.

Motion failed for lack of a second.

MOTION: Brian Brunson moved not to approve the cost sharing of 50% for a masonry fence located at the Stice Acres 10400 North and this item be placed on the next agenda with staff proposing alternative action plans to address the issue.

Larry Mendenhall seconded the motion.

Brian Brunson stated that he feels they need to be realistic and realize there is a 4th property owner who is also effected, rather its to the same extent or not. If they agree to this proposal it is only fair they come back and address the 4th property owner. It is his understanding that with the material provided by staff not all home owners are in a position to install the fence at this time. It is the cities responsibility to do the best they can to keep the water on their on own property. He feels that before they start precedence for paying for portions of fences, there should be some formula and support of documentation. He would like to give staff the opportunity to come back with some alternatives and be able to present them without the stress and pressure.

Larry Mendenhall stated he had looked at lots 10, 11 & 18 and they do drop off about 36 inches from back of curb. Lot 19 has a wall that extends from the fence to the north about 8 inches that contains the water. The lot to the east, outside of the Stice Acres also has a built up an area that contains the water. It appears that lots 10, 11 & 18 are the only ones that are affected. He feels that if they can contain the city water, the issue would be resolved and any precedence would be extinguished.

Brian Braithwaite inquired if he could hear from Mr. Clements regarding the installation of the fence.

Mr. Clements stated that he cannot speak for one of the parties not in attendance, but it is his understanding that the owner of lot 10 is not in a position to pay for a fence this year. He feels that many steps have been taken to resolve this situation. He has brought in top soil and raised the level of his yard as was suggested by city staff members and was told he could not change the ground within the easement. He feels he came forth with a solid resolution; he feels it was accepted and

agreed upon that the city would participate upon the approval of the fence variance. The wall is going to be constructed for his lot and lot 18. He feels there has been a great deal of time and money lost because the city did not come through. He would like for this to be resolved, the fence is going in and he is just asking for their participation.

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

FUTURE BUSINESS

Allied Waste Increase of Garbage Container Increase and Request Fuel Surcharge Increase (Agenda Item 9.1)

Highland City has received notification from Allied Waste that as of July 1, 2008 they will be increasing the base rate for garbage and recycle containers. The City is bound by contract to accept the increase in container costs. Allied Waste is also requesting a fuel surcharge increase of 4% due to the increasing cost of petroleum. The city is not bound by contract to allow for a fuel surcharge increase leaving this approval to the discretion of the City Council.

Barry Edwards stated that annually Allied Waste submits a request for a cost of living increase effective July 1st. This year they have also submitted a request for a fuel surcharge. Our contract with them does not require an increase for fuel surcharge but we are required to grant the increase for a cost of living which is 4%.

Brian Braithwaite inquired as to the contract standpoint if the city had to ability to change the container fees. Barry Edwards stated the city can charge whatever they want for the containers but this is what Allied Waste will be charging the city per container.

Brian Braithwaite asked if staff could come back with proposals and figures that can help reflect a drop in cost and do every thing we can to be more eco friendly.

Kathryn Schramm stated her concern is with all the companies doing business with the city applying for cost of living increases. She inquired if this is a normal situation and if they are requesting this with all cities as well? Barry Edwards responded that yes this is happening with most all companies. They have increased costs and it is costing more for them to deliver their services and it won't stop until the economy settles.

Mayor Franson stated we have a contractual agreement with this company to provide a service and as a city we have the responsibility to provide services to the citizens.

Brian Brunson inquired what would happen if the City didn't approve the fuel surcharge. Does the city have the ability to back out of the contract? He would like to look at what the cost would be if the City went out for bid again. Dave Church indicated that Alpine City is in the process at this point of going out for bid and that could give them a good idea.

Agreement with Central Utah Water Conservancy District for the Debris Basin Feasibility Study (Agenda Item 9.2)

Highland is in a unique location when it comes to ground water recharge. The soil at the mouth of the canyon seems well suited for ground water recharge. There are numerous water sources in the same area which could be utilized for recharge. The City owns jointly and separately land that can be utilized. The State, through a combination of funds, has significant money which can be dedicated to this type of project. It is anticipated that the results of this study will be available in about one year.

Mayor Franson commented at this time he is not prepared to go into this item. They have received a grant; this is a contract which allows us to receive the grant at a 50 % match. This item will come back when all the parties have worked things out.

Walgreens (Agenda Item 9.3)

Tom Hulbert, Developer of Highland Marketplace, is currently proposing site plan approval and architectural approval for a Walgreens on the NW corner of SR-92 and SR-74. The proposed lot was not included in the original site plan approval process when the CR Zone was originally approved.

Lonnie Crowell commented this business has been submitted to be on the corner of SR92 & SR74. This is a future item, the elevations provided to the council are not current elevations and will be corrected before this returns. They are waiting for further information and will be coming back before the council in future. Lonnie concluded that the site plan has already been approved by the Planning Commission.

Improvement of Open Space in the Highland Hills and Chamberry Subdivisions (Agenda Item 9.4)

During the Highland Hills Subdivision process the City of Highland obtained a piece of open space. The ground is approximately three (3) acres in size and is not developed. Staff feels that this would be another good place to develop a neighborhood park. Its size and shape do not lend itself to a sports park.

Staff is soliciting bids to fine grade, install irrigation, and to seed the area. The money for this project would come from the Park Bond Money and it is estimated to be between \$70,000.00 and \$90,000.00.

Matt Shipp stated there is a piece of open space in the Highland Hills area that was obtained through the Highland Hills Plat C subdivision process. It is approximately 3 to 3 1/2 acres. Presently it is an open piece of ground. Staff has looked at this and feels it could serve as a community park.

Recommended Commercial Water Fees (Agenda Item 9.5)

Staff has been working under old cost for the installation of commercial water meters. Staff has an update on the actual costs for the purchase and installation of those meters. These meters are the new sensus meters with the automated meter reader. This cost reflects the actual cost of the meter,

the AMR, and the staff time to process and install. Staff is proposing that the fee for the purchase and installation of the meter be adjusted.

Matt Shipp stated they have reviewed commercial water fees for installation and the actual costs for the meters. The costs that are listed in the agenda packet are the actual cost of the automated reader and they are asking for a change to reflect the actual cost for commercial. There has never been a commercial fee; previously they have charged the current residential fee.

Brian Brunson inquired as to what commercial entities will this effect and at what point this fee is collected. Barry Edwards stated that if adopted it will go into effect immediately and there will also be a separate commercial water rate fee.

Canterbury Way Cul De Sac Reconstruction (Agenda Item 9.6)

Staff is proposing the reconstruction of the Canterbury Way Cul De Sac. The road is located in the Canterbury North Subdivision just north of 10400 North at 6750 West. This cul de sac has failed and is in need of repairs to the road, sidewalk, and curb and gutter. It appears that this problem is caused by utility trenching not being properly compacted during the initial construction and/or perhaps an improper design cross section. This subdivision has expired from its warranty and is in need of repair. This project was on the staff list of repairs that needed to be completed this summer and the money was budgeted for this project. Staff has solicited bids from three (3) contractors and will be bringing that forward at the next City Council for approval of an agreement. The estimated cost for reconstruction is approximately \$55,000.00 which exceeds staff's limits of approval.

Matt Shipp stated this subdivision is well out of the warranty period and has some large settlement issues with the sidewalk, curb and gutter as well as the road. This is a small cul-de-sac of approximately 4 homes and is in need of some major repairs. They have solicited bids will have and those at the next meeting.

Brian Brunson inquired of Dave Church if beyond our city ordinances, do we have any recourse with the developer? Dave Church stated this is a city road and it was inspected but, as stated it is outside the warranty period.

Brian Braithwaite stated that previously the council has asked for a list of street projects that needed to be priorities. Matt Shipp responded that this issue is on that list for completion in the last fiscal year.

Brian Braithwaite stated he has driven through that area and there are a lot of roads inside Canterbury that are in need of repair. Matt Shipp agreed, and that they do have those on their list. Most of them are small enough that they are currently under repair or scheduled for repair.

Brian Braithwaite inquired if staff could provide council with a list of those projects that are scheduled. They are constantly being asked by citizens for things to be fixed. He feels it would be nice to have a list in order to refer to when being asked about projects. Matt Shipp stated he would be happy to provide the council with that information and will try to update them by email of roads that will be done through the budget period.

Brian Brunson suggested that we need to identify what staff had been involved with these issues. He would like to see those every time they are requesting a reconstruction be done. Matt Shipp commented that when this subdivision and other subdivisions were going in the city did not have specific inspectors on staff. There could have been more than 3 to 4 individuals doing different inspections. This is the reason for the engineering inspector's positions they currently have on staff.

Construction of Highland Hills Trails (Agenda Item 9.7)

Highland Hills was developed as an open space subdivision. At the time a trail was not part of the open space improvements. Staff feels that a connection through the open space with a trail to other trails would be a valued amenity to this open space. Staff has spoken to a majority of the residents that are adjacent to this open space and has received a unanimous approval. Staff is soliciting bids from three contractors for this work and will bring an agreement back for approval at the next City Council meeting.

Matt Shipp stated that last fall they were instructed to do some landscaping and native grasses in the open space in this Highland Hills area. Currently there is a trail to the north and one to the south. They would like to propose these two trails be connected. Matt indicated he had spoken with 7 to 8 residents that back this area and they voiced positive comments of a trail going through that area. Matt concluded that they will finalize the bids and bring them back to council for approval of the contract.

Kathryn Schramm inquired as to the proposed width of the trail. Matt Shipp indicated it would be an 8 feet wide trail.

INFORMATION

Report - North Point Solid Waste Special Improvement Service District - Claudia Stillman (Agenda Item 10.1)

Claudia Stillman reported at the last meeting the district indicated that they would be participating in a study with a waste management company. What would happen is they will take random trucks to Salt Lake and sort through them to see what percentage is recyclable. They also reported that 70 % of the vehicles bringing garbage to the site on an average Saturday are private vehicles. They feel they are servicing approximately 550 -750 customers every Saturday. They have also completed a new C&D pad for construction waste. They have also just approved a contract with URS to come up with a strategic plan to predict services needed for the future.

Financial Update – Lynn Ruff (Agenda Item 10.2)

Lynn Ruff stated that he has been asked to regularly update the council regarding the financial status on the second meeting every month and also a more detailed review quarterly. Lynn reviewed information of revenues stating he feels they are on target. He indicated that there are a couple of areas in expenditures that will need to be adjusted, but feels the budget is in good shape overall.

Debris Basin Operation & Maintenance Agreement Discussion (Agenda 10.3)

Dave Church stated that he has re-written an agreement for the operation & maintenance for the Debris Basin and sent it out to council for their review. He suggests they review that document to see if there are other corrections and email those back to Dave.

OTHER BUSINESS

Mayor Franson indicated that at the last meeting there was some discussion regarding the American Fork PI pond and the entrance of the city. Since then there have been some communication problems. He indicated that things are being worked out and this issue will be coming back as soon as they are finalized.

Mayor Franson commented regarding the SR92 letter that had been send out and that he has received positive feedback from a number of individuals and understands that other letters will follow.

Mayor Franson announced there will be a meeting on Wednesday, May 21st, at the Highland City Office for the Transportation Commission (not UDOT).

ADJOURNMENT

Kathryn Schramm moved to adjourn. Claudia Stillman seconded. The meeting adjourned at 9:50 p.m.

Gina Peterson, City Recorder

Date Approved: June 3, 2008