

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, August 5, 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: Matt Shipp, Public Works Director
David Church, City Attorney
Gina Peterson, City Recorder
Lynn Ruff, Finance Director
Kent Slade, Library Director
Jody Bates, Executive Secretary

OTHERS: Tony Peckson, Vonda Proctor, Scott Proctor, and Bretton Gines.

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 August 4, 2008. The prayer was offered by Mayor Jay Franson, and those assembled were led in the Pledge of Allegiance by Claudia Stillman.

Approval of Council Minutes for June 17, 2008 Regular Meeting

Approval of Council Minutes for June 25, 2008 Special Meeting

Discussion took place by each City Councilmember about minutes, including timeliness and the importance of receiving them by the Thursday after each meeting.

MOTION: Brian Braithwaite moved to approve the minutes of the June 17, 2008 Regular City Council meeting with noted corrections. Claudia Stillman seconded the motion. Those voting aye: Brian Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

MOTION: Kathryn Schramm moved to approve the minutes of the June 25, 2008 Special City Council meeting as presented. Larry Mendenhall seconded the motion. Those voting aye: Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. Brian Braithwaite abstained from voting. The motion passed with a unanimous vote of 4:0.

Mayor Franson stated that if the minutes are distributed by the Thursday after the meeting, the City Council will need to have comments and editorial changes back in by Monday so that a marked up copy can be approved at the City Council meeting to save time.

Brian Brunson had expressed concerns about the lengthiness of the minutes. Kathryn Schramm stated that the minutes serve as a history of the discussion behind the decisions that the Council makes and that she has learned a lot from reading the minutes from past meetings. Mayor Franson asked City Attorney David Church to state the purpose of minutes and what does and does not have to be included in them.

David Church outlined what the law requires minutes to contain including the names of the council members in attendance, verbatim motions, actual votes; the substance of what councilmembers say and any other thing that a member of the council requests to be put into the minutes. If any member of the public speaks at a public hearing or is invited to the podium, their name and the substance of what they say. He stated the minutes could legally be very short or they could legally be a transcription of the meeting. It's up to the council to decide.

Mayor Franson thanked Mr. Church for his comments and stated that council needed to have this discussion and that the Council needed to give our comments to City Staff so they could help initiate a policy for dealing with city minutes in the future.

Mayor Franson continued the minutes from the July 15, 2008 City Council to allow more time for review.

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 for discussion during scheduled items:

- Approval of Furniture, Fixtures & Equipment, Window Coverings for the City Hall and the Justice Center (Agenda Item 6.2)
- Approval of Furniture, Fixtures & Equipment, Lounge Furniture for the Justice Center (Agenda Item 6.3)
- Approval of a Six Month Extension for the Thomson Estates Plat (Agenda Item 6.4)

The following items were **approved** by unanimous consent. Those voting aye: Brian Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

- Library Board Appointments (Agenda Item 6.1)
 - Stephanie Thacker – voting member
 - Dee Whitlark – voting member
 - Ann Jeppson – non-voting member
- Approval of a Six Month Extension for the Olsen Estates Plat (Agenda Item 6.5)

ACTION ITEMS

Approval of Furniture, Fixtures & Equipment, Window Coverings for the City Hall and the Justice Center (Agenda Item 6.2)

The architects JRCA have been working with Nysan to provide window coverings for the new City Hall and Justice Center. Specifications on the type of window coverings were presented to the City Council.

MOTION: Brian Brunson moved to approve the window coverings for the City Hall and Justice Center in an amount not to exceed \$50,000. Larry Mendenhall seconded the motion.

Kathryn Schramm questioned why window coverings for both City Hall and the Justice Center would be coming from only the City Hall portion of the budget, Account #42-40-68. Jody Bates clarified that when final invoices are received the window coverings will be paid from both the City Hall account and the Justice Center Account #42-40-72.

MOTION TO AMEND: Kathryn Schramm moved to amend the motion to state that the total of \$50,000 will be taken from both Accounts #42-40-68 and #42-40-72 and that the two amounts not exceed \$50,000. Brian Braithwaite seconded the motion. Those voting aye: Brian W. Braithwaite, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. Those voting nay: Brian Brunson. The amendment passed with a majority vote of 4:1.

AMENDED MOTION: to approve the window coverings for the City Hall to be paid from Account #42-40-68 and the Justice Center to be paid from account #42-40-72 in a combined total amount not to exceed \$50,000. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Approval of Furniture, Fixtures & Equipment, Lounge Furniture for the Justice Center (Agenda Item 6.3)

MOTION: Claudia Stillman moved to approve the bid for furniture at the Justice Center to come out of corrected Account #42-40-72 (Justice Center account) in the amount of \$9,862.84. Brian Brunson 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 a Six Month Extension for the Thomson Estates Plat (Agenda Item 6.4)

Thomson Estates is a three lot subdivision located at approximately 9600 North and 6150 West. The final plat received original City Council approval on July 17, 2007. The first six month extension was granted on January 22, 2008.

MOTION: Brian Braithwaite moved to approve one final six-month extension for the Thomson Estates Subdivision Plat subject to the previous conditions of approval. Claudia Stillman seconded the motion.

Larry Mendenhall stated the applicant needs to understand that no additional extensions will be granted. Mayor Franson directed Jody Bates to help convey the information to the applicant.

Kathryn Schramm asked if the applicant could legally be held to a new ordinance that was not in place upon the original approval of Thomson Estates. City Attorney David Church replied yes, the City may

amend its ordinances and require compliance with new ordinances particularly if the plat has not recorded. He noted he did not believe the code amendment referred to in the staff report had been approved by the City Council, but if it is passed at an upcoming meeting it may preclude the City Council from granting similar extensions in the future.

MOTION TO AMEND: Kathryn Schramm moved to amend the motion removing the word “final” from the motion. Brian Brunson seconded the motion.

Brian Brunson concurred with concerns from Kathryn Schramm and stated the City has not previously restricted applicants to a final extension. He stated ultimately the City Council and staff need to put together a policy dealing with plat extensions and the total number of extensions allowed.

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.

AMENDED MOTION: To approve a six-month subdivision extension for the Thomson Estates Subdivision Plat subject to the previous conditions of approval. Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Bid Award for Cleaning Contract of the City Buildings to First Choice Cleaning, LLC (Agenda Item 8.1)

The city received bids from three separate companies for cleaning of the following new city buildings: 1) City Hall, 2) Justice Center, and 3) Highland Fire Station, as well as the current Public Works Building at the mouth of the canyon. These bids were separated into four separate areas based on specific daily, weekly and monthly duties required for each building. The City also required information regarding insurance and bonds. Staff recommends entering into a contract with First Choice Cleaning, LLC as they were perceived to be the lowest responsible bidder. It was noted that the monthly bid received from First Choice may be reduced due to assignments of janitorial duties to the Fire Station and Public Works personnel.

Bids were received as follows: First Choice Cleaning, LLC - \$4,350.00 per month; Reinheit Enterprises - \$4,840 per month; Nielsen Cleaning - \$5,020 per month

MOTION: Brian Brunson moved to award a Cleaning Contract for the City Buildings to First Choice Cleaning LLC. Claudia Stillman seconded the motion.

When Brian Brunson asked if the bid was based on a 5-day or 4-day work week, Jody Bates responded that it was based on a 5-day work week. Brian Brunson then expressed concern with approving a contract that may be modified. Mr. Church clarified that staff is asking for approval to work with First Choice Cleaning, LLC as the preferred low bidder to negotiate costs. Jody Bates concurred that no contract would be signed at this point.

Brian Braithwaite stated his feeling that once a contract is awarded there is less incentive to negotiate. He feels the changes to the scope of work, including the shorter work week and in house duties are substantial enough to solicit new bids.

At the request of Kathryn Schramm, Lynn Ruff detailed where funding would come from for cleaning services and that the majority of the Justice Center and Fire Station contracts would be billed to Lone Peak Public Safety District.

Larry Mendenhall stated he perceives no advantage of going to bid again.

SUBSTITUTE MOTION: Brian Brunson moved to continue the item until the next meeting so Staff can narrow down the scope of the contract. Brian Braithwaite seconded. Those voting aye: Brian W. Braithwaite, Brian Brunson, and Kathryn Schramm. Those voting nay: Larry Mendenhall and Claudia Stillman. The motion passed with a majority vote of 3:2.

Approval of the Highland City Open Space Improvement Plan (Agenda Item 8.2)

Over the years the City has had interactions with homeowners in open space subdivisions and has learned what areas can be native and what areas need to be improved. It would be equitable for the users of the open space to pay for the cost of improvement. Staff and the Mayor have been working on an update to the open space improvement plan. New maps have been established which indicate areas recommended for approval and a projected cost. It is hoped this will serve as the basis in determining if a capital portion should be added to the open space fee. At the July 15, 2008 City Council meeting, Barry Edwards requested the City Council review the improvement plan and give feedback to staff.

MOTION: Brian Brunson moved to set the Open Space Improvement Plan as a work session item for discussion on August 19, 2008 at 6:00 p.m. 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.

Approval to Enact a 4-10 Work Week Schedule for Highland City Employees (Agenda Item 8.3)

A Utah Association of Counties survey has found that more than a dozen county governments are considering four-day schedules similar to the one Governor Huntsman implemented for State employees. Highland City would like to propose the same four-day work schedule with the opening of the new City Hall tentatively scheduled to be September 8, 2008. Reasons to implement the four day work week include cutting back on energy costs at government buildings, saving employee travel costs by 20% and allowing offices to be open from 7:30 a.m. to 6:00 p.m. to improve accessibility for customers wanting to stop by the office before or after work.

MOTION: Brian Braithwaite moved to enact a temporary eight month trial of the offices being open Monday through Thursday 7:30 a.m. to 6:00 p.m. to become effective with the move into the new City Hall and that the City Administrator presents the problems and benefits experienced by citizens and employees six months after the trial period has commenced. Kathryn Schramm seconded the motion.

It was noted that information was requested at the last City Council meeting regarding detail on actual cost savings and more in depth pros and cons. This information was not received. The City Council requested that study information be provided for the following:

- An accurate survey and representation of employees and if the schedule works for them,
- A working plan to provide essential services with a main phone number for water, sewer and other emergencies (Matt Shipp detailed the current plan to handle on-call requests in the Public Works Department),
- Better utilization of the website with the ability to submit service requests online,
- Fiscal Impact,
- Pros and Cons,
- How holidays will be handled, specifically those that fall on a Monday or Friday.

Mayor Franson called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. Those voting nay: Brian Brunson. The motion passed with a majority vote of 4:1.

Approval of a Professional Services Agreement with Hansen, Allen, and Luce for the design of the 11800 North Pressurized Irrigation Trunk Line and the design of the upgrade for the 11800 North Pressurized Irrigation Well/Booster House (Agenda Item 8.4)

Staff has been working to update water systems throughout the city and has completed a Pressurized Irrigation Master Plan. This plan calls for a new trunk line to be installed in the northwest area running from the 11800 booster/well house to the northwest pressurized irrigation pond. Funding for this project was approved with the FY2009 budget. The need for this upgrade is due to the considerable growth seen in the northwest area of Highland, particularly in the Beacon Hills subdivision.

Staff has worked with Hansen, Allen, and Luce to develop a scope of work for the project. They were chosen through the Statement of Qualification process and are qualified to do this work. Cost of the professional services agreement is not to exceed \$89,000.

MOTION: Brian Brunson moved to approve a Professional Services Agreement with Hansen, Allen, and Luce for the design of the 11800 North Pressurized Irrigation Trunk Line and the design of the upgrade for the 11800 North Pressurized Irrigation Well/Booster House in the amount not to exceed \$89,000, and authorize the Mayor to sign the agreement. Larry Mendenhall seconded the motion.

Kathryn Schramm noted the City employs talented engineering staff and asked why the design work could not be done in house. Matt Shipp stated the City does not have engineering “design” staff. Mayor Franson also noted Highland City has 35% employees per capita (resident) than that of other comparable cities. Outsourcing some services allows the City to run a lean shop.

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 Professional Services Agreement with Ensign Engineering for the final design of 6000 West in Highland City from SR-92 to 9600 North (Agenda Item 8.5)

6000 West is a collector street in Highland City that runs from 11800 North to 9600 North. The length of the expansion for 6000 West is planned from SR-92 to 9600 North. The reconstruction of 6000 West was made a priority since the road is an important part of Highland City's transportation network and the road is in a state of deterioration. While investing money for repairs it made sense to expand the street to its necessary future width. The lack of sidewalks on the street also prompted the expansion.

Staff has worked with Ensign Engineering on a preliminary design of the road and is ready to move forward with the final design. This will allow costs to be established so the City can begin working on funding sources. The professional services agreement with Ensign Engineering is not to exceed \$85,250.

MOTION: Larry Mendenhall moved to approve a Professional Services Agreement with Ensign Engineering for the final design of 6000 West in Highland City from SR-92 to 9600 North in an amount not to exceed \$85,250 and authorize the Mayor to sign the agreement. Brian Braithwaite seconded the motion.

The City Council expressed support for the much needed project and Kathryn Schramm requested that notification of residents on both sides of 6000 West take place sooner than later. She also requested that the City use the website, newsletter and personal letter to notify the above residents of what the City's plans are for 6000 West.

Brian Brunson stated for the record that he owns property along 6000 West, and he does intend to vote.

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.

Resolution 11-2008: Consenting to the Inclusion of Highland into the Utah Valley Dispatch Special Service District (Agenda Item 8.6)

Many cities in Utah County have contracted with the County for dispatch services of police, fire and ambulance services. The County has now presented an attractive alternative of creating a special service district which would allow the users to manage the operations and have a greater understanding of costs and charges of dispatch.

At a special City Council meeting on April 29, 2008, the City Council passed a motion to approve and support Highland City's inclusion in this district. Initially the special service district was planned to be created as a taxing agency which would be put on the ballot for voter approval in November. After various meetings with County officials and local city administrators it has been concluded not to pursue a tax levy through the ballot at this time. It was felt that imposing a tax levy would take the focus off the real issues of creating the district.

City administrators recommend the methodology used to determine city assessments be assigned to a District Board who would develop an assessment formula. If the board feels a tax levy would play a part in the assessment formula, it could then be placed on the ballot.

In the meantime it is recommended that cities plan on amending their budgets to include an increase in dispatch fee expenses of approximately 50%. Of all the options reviewed by the city administrators, it was believed this would be the best resolution for providing long term dispatch services for police, fire and ambulance.

MOTION: Brian Braithwaite moved to approve Resolution 11-2008: Consenting to the inclusion of Highland City into the Utah Valley Dispatch Special Service District. Claudia Stillman seconded the motion.

Members of the City Council indicated support of participating and the potential for mutual aid to come to the City as a result of involvement.

Kathryn Schramm stated she supports the concept of the district as outlined in the resolution, particularly since the City will have a definite say in how much it is taxed to pay for the service.

Brian Brunson asked for an update on Highland City's portion of the financing. Mayor Franson indicated financing has been taken off the table and is being negotiated so it is more equitable. He clarified the vote tonight does not deal with financing which will come back at a later date.

Claudia Stillman noted the cost of establishing the special service district is much less than if each entity were to establish dispatch service of its own.

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.

Mayor Franson applauded the efforts of Commissioner Ellertson and Barry Edwards in this endeavor.

Request from Allied Waste for a Fuel Surcharge (Agenda Item 8.7)

Allied Waste has requested approval of a fuel surcharge in addition to the waste collection container costs. The increases to the container costs were approved on June 3, 2008. At that time the City Council denied the portion of the request for the fuel surcharge. Gordon Raymond from Allied Waste has again requested the City Council approve the surcharge request which will fluctuate monthly based on an average of the weekly On-Highway Rocky Mountain Index. Staff recommends denial of the request.

Gordon Raymond was not present.

MOTION: Brian Brunson moved to confirm the previous action of the City Council to deny the request from June 3, 2008. Claudia Stillman 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.

The City Council indicated their feelings of support for the denial and that overall fuel costs are planned to decrease.

FUTURE BUSINESS

Approval of Furniture, Fixtures & Equipment, Lounge Furniture for the Library East Reading Area (Agenda Item 9.1)

This request in the amount of \$18,157.07 will complete the furniture for the library. All other furniture for the library has been previously approved.

Brian Brunson asked if JRCA would address the material in the renderings for the next City Council meeting. He stated light cloth may not be the best choice for this type of high traffic use.

Discussion - Stoneshire Trail Fencing (Agenda Item 9.2)

Discussion took place about raising the required fence along the Stoneshire Trail by using a rock retaining wall or allowing a taller fence to be installed. Residents have inquired about the possibility of having Highland City participate in the cost of the approved changes.

The Stoneshire Trail is located near the Stoneshire subdivision by 6000 West. As the developer began making preparations to install the fence numerous calls and emails were received from the residents on the south side of the trail concerning the height of the fence. The topography at the back of these lots would effectively shorten the height of the fence from the residents' yards. If the fence was placed at the toe of the trail slope (on property line) then the five foot fence from the trail would be two to three feet tall. This has caused a concern to the residents with lack of privacy.

The developer feels he has met the obligation for the fence if the five foot fence is installed. He has agreed to contribute money to install an eight inch riser under the fence for height, but any additional changes that cost money would need to be funded from another source. The eight inch riser is still unacceptable to the residents. Some residents in the area have offered to pay the difference to make the fence taller, but not all have made this offer. There is also an existing fence on the far east of this subdivision that received a variance to have a six foot solid fence.

Brian Brunson asked Matt Shipp to address if discussions have taken place with residents about the possibility of City funds being used for the fence. Matt Shipp stated there has been no obligation from staff to the developer or the residents that the City would participate, only that staff would bring the issue to the City Council for discussion

Brian Brunson noted that the original Stoneshire plan included several treatments for development which were alleviated by piping the ditch along the trail. He requested to see a cost analysis of what the City Council originally required the developer to do versus the piping that was installed.

The Mayor opened the meeting for comments from the public.

Scott Proctor's backyard abuts the trail. He stated he loves having the trail in this location and noted the slope elevation of the hill from his backyard to the trail is a span of seven feet.

Dick Tenture, representing property owner Janelle Waters, indicated they sold additional property to the developers of Stoneshire with the agreement that the fence would be on his side of the trail. He indicated he is going to pay for installation of one additional foot of fencing to total a six foot high fence.

Chuck Haden owns the last home to the east. He stated that he and his neighbor currently have fencing with gated access to the trail which they installed on their own. He noted they were not informed the developer would be installing a fence and have now been told if they want a gate they have to pay for it. He doesn't want to pay for something he already has. He also noted there is a large tree behind his home that is dying because it doesn't get water since the ditch has been piped.

Rick Mitchell lives on the corner. He has appreciated working with Mr. Shipp and asked about a time frame for completion of the fencing. Matt Shipp noted the item will return to the City Council in two weeks with cost expenditures for a decision on participation. He indicated he would email the City Council the estimated costs of installing the retaining wall.

INFORMATION

REPORT – Lone Peak Public Safety District – Police Department

Larry Mendenhall reported on the Police Department portion of the Lone Peak Public Safety District including crime statistics in the City.

OTHER BUSINESS

Mayor Franson detailed the following:

- Thanks to the staff and Emily Gillingwater for their work on the Highland Fling.
- A request has been received for the City Council to participate in the opening ceremony for the Utah County Fair.
- Mountainland Association of Governments will be holding a public meeting on August 7, 2008 to report on the transportation study in the north area of the County.
- The Mayor continues to receive more comments that are favorable about the cemetery.

At Brian Brunson's request, David Church gave an update on the S & M Farms property purchase. A deposit for the property was made by July 31, 2008. Jody Bates indicated that Mr. Melones has signed the contract and is returning it to the City.

ADJOURNMENT

Brian Brunson moved to adjourn. Brian Braithwaite seconded. The meeting adjourned at 9:30 p.m.

Gina Peterson, City Recorder

Date Approved: September 2, 2008