

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, April 17, 2007

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

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

OTHERS: Mark Vlasik, Jonathan Ward, Wade Draper, Linda Littlefield, Lizzie Ostler, Stephanie Carlisle, Carol Kounanis, Parker Bassett, Richard Fairbanks, Lylie Moe, Elise Leavitt, Ashleigh Pierce, Ally Best, Jennifer Goeringer, Tasia Random, Thomas Doxey, Bruce Robinson, Corey Freeze, Carrie Spencer

The meeting was called to order at 7:00 p.m. by Mayor Jay W. Franson. The meeting was called as a regular session, and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *Lone Peak Press* April 12, 2007. The prayer was offered by Kathryn Schramm, and those assembled were led in the Pledge of Allegiance by Steve King. Mayor Franson acknowledged the people at the University of Virginia Tech and the tragic events which occurred this week. He noted the events pointed out the kind of people who put themselves in harms way to solve the problem and that here in Highland we have the same kind of people on our police force, fire department, and EMT's who would step up and do the right thing. Glen Vawdrey indicated as a City the flag should be flown at half-mast.

1. Minutes

Motion: Claudia Stillman moved to approve the minutes of the City Council for April 3, 2007, as amended. Motion was seconded by Steve King, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Kathryn Schramm, and Steve King. Brian Brunson abstained.

Motion: Steve King moved to approve the minutes of the Joint Meeting with the City Council and Planning Commission for April 3, 2007. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Kathryn Schramm, and Steve King. Brian Brunson abstained.

Motion: Glen Vawdrey moved to approve the minutes of the City Council Work Session for April 10, 2007. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Kathryn Schramm, and Steve King. Brian Brunson abstained.

2. Appearances

Carol Kounanis, a resident in Highland Hills, stated since the last Council meeting she spoke to Mike George of the State Division of Water Quality and he informed her if any soil or vegetation had been disturbed and not replaced within a 21 day period it could be in violation and a fine established on a daily basis. She urged the City Council to approve funding and get the work started quickly within Highland Hills so the City won't incur a fine.

Thomas Doxey, a resident of Highland Hills Subdivision, distributed to the Council pictures showing how the Highland Hills development was before development and how it is now, and he also voiced his concern that improvements be made within the development..

3. Consent Calendar

Kathryn Schramm asked to have agenda 6.2 "Contract with Trees Northwest" removed from the Consent Calendar.

The following was approved by unanimous consent on the Consent Calendar:

Approval/Replacement of Library Board (Agenda 6.1) (City Council to authorize, with consent of the Mayor, the resignation of Library Board member Janice Hayes as she has agreed to accept the non-voting position of Treasurer, and replace Janice Hayes with a member of the City Council, Claudia Stillman, as a regular member of the Library Board.)

PUBLIC HEARING/PRESENTATIONS

4. Public Hearing on Final Draft of the General Plan (Agenda 7.1)

Mayor Franson opened the public hearing on the final draft of the General Plan. Lonnie Crowell reported the City had gone through a General Plan Update for the past year and he introduced Mark Vlasik of Landmark Design who made a presentation of the General Plan. Landmark Design sent out surveys to residents and it was well received. They held five neighborhood meetings, a touchstone meeting, and a public hearing was held by the Planning Commission at which time some recommendations have been made. They are still gathering public input and the final draft will come back to the City Council for adoption. Mr. Vlasik further reviewed the draft plan with the City Council.

Mayor Franson invited public comment, announced the City would still take written comment, and that the full document is available on the web page.

Chris Dalley stated she didn't think the comments from the Planning Commission had been included in the draft as it dealt with 6000 West being part of the transportation plan. Mr. Vlassik indicated those comments had been forward to the City Council and he will get a response from the City Council. Mayor Franson explained the City Council will take comments chapter by chapter in the next City Council meeting and then adopt the document.

There being no further public comments, Mayor Franson closed the public hearing.

5. Public Hearing to Receive Input with Regard to the City's Proposed Issuance of Sales and Franchise Tax Revenue Bonds, in an Amount of Not to Exceed \$7,215,000 (Agenda 7.2)

Barry Edwards addressed the issuing of \$7,215,000 in sales and franchise tax revenue bonds for the purchase and improvement of park property. He explained the majority of the debt on the bonds will be paid by impact fees on parks and enable the City to purchase park property.

Mayor Franson explained the price of land is rising and the City wants to purchase property before land prices go any higher. He noted the City would pledge sales and franchise taxes for the bond, but the repayment will be based on park impact fees.

Mayor Franson opened and then closed the public hearing as there was no public comment.

6. Presentation on Franchise with Qwest (Agenda 7.3)

Barry Edwards indicated this item would come back on a future agenda.

ACTION ITEMS

7. Contract with Trees Northwest (Agenda 6.2)

Motion: Brian Brunson moved to approve the purchase order for purchase of trees from Trees Northwest. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Barry Edwards explained the trees are being purchased from a wholesaler and will be made available for the Arbor Day Tree Sale. Discussion addressed concern that a developer not be permitted to purchase a block of the trees. Barry Edwards indicated staff would monitor the tree sales.

8. Approval of Open Space Agreement for Roger Dixon/Lynn Poulsen Adjacent Mitchell Hollow Park (Agenda 8.1)

Motion: Steve King moved to allow the applicant to install the improvements as requested and allow staff to approve the application for the improvements, but deny the change to the open space agreement as proposed by the applicant. Motion was seconded by Brian Brunson.

Amended Motion: Brian Brunson moved to amend the motion that we strike provision in the original agreement requiring the placement of the concrete curb and insert the current requirement of installing the monuments at the corners according to the new City Ordinance. In addition, delete the flowers being planted around the trees. Motion failed for the lack of a second.

Substitute Motion: Kathryn Schramm moved to continue discussion in two weeks with Mr. Dixon and Mr. Poulsen, that city staff consider rewriting the agreement particularly deleting references to city requiring installation of a curb, as noted in paragraphs 16 and paragraph 17, and charge the costs of such installation to the owner of resident's property, and that Mr. Dixon and Mr. Poulsen identify who they want to come to the next meeting. Motion was seconded by Claudia Stillman.

Substitute Motion: Brian Brunson moved to continue until a work session can be held with staff and give staff direction on what we want to see done. Motion was seconded by Glen Vawdrey. Motion passed by unanimous vote.

A work session was scheduled for May 8, 2007, at 5:30 p.m.

9. Development Agreement with Alpine Joint Venture (Agenda 8.2)

Motion: Glen Vawdrey moved the City Council approve the Development Agreement with Alpine Joint Venture to include additional staff comments and concerns. Motion was seconded by Kathryn Schramm.

Substitute Motion: Glen Vawdrey moved to continue discussion with Alpine Joint Venture. Motion was seconded by Steve King, and it passed by unanimous vote.

10. Adoption of Ordinance No. 2007-8, "Ordinance Amending Sec. 12.04.080 in the Highland City Municipal Code" (Agenda 8.3)

Motion: Steve King moved that the City Council adopt Ordinance No. 2007-8, "Ordinance Amending Section 12.04.150 in the Highland City Municipal Code per the recommendations of staff. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Steve King, Brian Brunson. Kathryn Schramm voted against the motion.

Motion to Amend: Kathryn Schramm moved the City Council adopt Ordinance No. 2007-8, "Ordinance Amending Section 12.04.150 in the Highland City Municipal Code"

with the inclusion of some different wording beginning with the sixth line where it says “The responsible party shall remove/clean all mud, dirt, debris or specified material from any right-of-way or public property.” Then “notice of this policy to be included in the development packet and which constitutes prior warning” and “city shall issue a citation to the party responsible for this problem when this ordinance is violated immediately upon occurrence.” Motion was seconded by Brian Brunson for purposes of discussion. Kathryn Schramm withdrew the amendment.

11. Refer to Planning Commission an Amendment to Section 3-4818(1)(c) in the Highland City Development Code (Agenda 8.4)

Motion: Claudia Stillman moved that the City Council recommend the Planning Commission consider an amendment to Section 3-4818 (1)(c) in the Highland City Development Code per the recommendations of staff. Motion was seconded by Steve King, and it passed by unanimous vote.

12. Highland Hills Open Space(Agenda 8.5)

Motion: Brian Brunson moved to approve the funds of approximately \$100,000 for the final grading, irrigation, and seeding of the open space area in the Highland Hills subdivision. Motion was seconded by Kathryn Schramm.

Substitute Motion: Steve King moved to have Council direct Matt Shipp, the City Engineer, and his crew to do a final grade on this project establishing storm water containment on Highland City property to mitigate any run-off reaching any of those homes, also install a minimum irrigation system to support vegetation on a berm to contain the water and any areas the staff feels necessary on whatever control areas and to mitigate silt mitigating that system. Motion was seconded by Kathryn Schramm.

Substitute Motion: Brian Brunson moved to continue for two weeks and get a break down of costs for grading, different types of vegetation, and irrigation systems. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

FUTURE BUSINESS

13. Policy for Purchase of Pressurized Irrigation Water (Agenda 9.1)

Kathryn Schramm stated she had been concerned there are people who would like to connect their property onto the pressurized irrigation system, but they can't because they don't have irrigation shares to bring to the City. She explained she had met with Barry Edwards and they have put together wording for a policy so that people could pay the connection fee and pay for irrigation water in their monthly utility bills.

Barry Edwards explained that the people who are now using culinary water for outdoor

use are using a quantity of water which belongs to Highland City and the water right exists. The State isn't going to distinguish how to use M & I water. He recommended rolling back the price of water to those people who are not yet on the pressurized irrigation system and allow them to pay the amount they could have elected to pay to come onto the system ten years ago, which he thought was \$1,600 per ac.ft. He felt there is a community interest to get these residents off the culinary system and preserve the water they have used. Kathryn Schramm encouraged the City Council to make this option available.

Mayor Franson felt there is a need to get everyone hooked onto the pressurized irrigation system so we don't have open ditches. He felt this is a positive issue to look at, as well as the issue of piping ditches.

14. On Call Pay (Agenda 9.2)

Matt Shipp reported he is recommending on-call pay be set for \$150 a week for the employees who are on call.

15. Town Center Mansion Homes Exaction Fees (Agenda 9.4)

Barry Edwards explained when the Town Center was put in place an ordinance was adopted which required a developer to give lands for public use and make improvements. During the course of the development process the developer didn't feel it was fair because, at the time, there were pieces of property that were landlocked and they couldn't be accessed without first going through another person's property. At this point in time all property in the Town Center that is separately owned has access to a right-of-way, or a road, and it doesn't need someone else to help them develop. Thus it gets the City out of the business of charging a higher exaction fee. The exaction fee now will pay for city property and improvements to the median and park. Coventry Homes, who is currently approved to build in the Highland Town Center, is proposing a reduction in exaction fees of \$.78 per square foot.

17. Provo Reservoir Canal Green Way Agreement (Agenda 9.5)

The County intends to enter into a Trail Use Agreement with the Bureau of Reclamation and the Provo River Water Users Association to develop a non-motorized, multiple use trail from Orem through Lehi within the right of way of the Provo Reservoir Canal. The affected cities will enter into an interlocal agreement with the County to participate with the County in funding, constructing, managing, policing, maintaining and using the trail. Barry Edwards explained Highland's portion is in the \$250,000 range for seven miles of pipeline. The County wants Highland City to sign the agreement.

18. Brad Pittman Annexation Request (Agenda 9.6)

The annexation request is for a parcel of property along 9600 North and the applicants have the option of annexing this property into Highland at this time. Barry Edwards explained

part of the parcel is not in Highland's annexation policy area and if it isn't the annexation cannot go forward. This will entail a two step process, first to amend the expansion area and then annex the property.

19. Utah Lake Commission Representative (Agenda 9.7)

Barry Edwards reported the item of appointing Don Blohm as Highland City's representative to the Utah Lake Commission will be brought back on the next agenda.

INFORMATION

20. Financial Report (Agenda 10.1)

Lynn Ruff discussed the graph pertaining to the budget, which was attached to the agenda. He noted the budget is on target and sales tax is running ahead of budget. Also, the budget will be presented the first meeting in May, and a work session on the budget will be held May 10, 2007, at 7:00 p.m.

21. North Point Solid Waste Report (Agenda 10.2)

Claudia Stillman made a report on the North Point Solid Waste District and noted the baler is now gone and the Board has adopted an employee merit system.

22. Executive Session

Motion: Kathryn Schramm moved to go into Executive Session to consider land acquisition. Motion was seconded by Steve King, and it passed by unanimous vote.

23. Adjournment

Motion: Brian Brunson moved to adjourn. The motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Meeting adjourned at 10:10 p.m.