

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, April 18, 2006

PRESENT: Mayor Jay W. Franson
Councilperson Brian Brunson
Councilperson Steve King
Councilperson Kathryn Schramm
Councilperson Claudia Stillman (via telephone)
Councilperson Glen Vawdrey

STAFF PRESENT: Barry Edwards, City Administrator
Matthew F. Shipp, Director Public Works/City Engineer
Lonnie Crowell, Asst. Dir. Planning & Zoning
Winifred Jensen, City Recorder

OTHERS: David Smith, Thomas Whitchurch, Annie Zolman, Laura Bunker, Steven Lund, Dana Lyman

The meeting was called to order at 7:00 p.m. 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 *New Utah* on April 13, 2006. Claudia Stillman was present electronically by long distance telephone. The prayer was offered by Mayor Jay W. Franson, and those assembled were led in the Pledge of Allegiance by Wini Jensen

1. Minutes

Motion: Glen Vawdrey moved to approve the minutes of April 4, 2006, as amended. Motion was seconded by Kathryn Schramm, and passed by the following voting in favor: Steve King, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey. Brian Brunson abstained.

Claudia Stillman moved to approve the minutes of the work session held April 11, 2006. Motion was seconded by Steve King, and it passed by the following voting in favor: Claudia Stillman, Steve King, and Glen Vawdrey. Brian Brunson and Kathryn Schramm abstained.

2. Public Appearances

Annie Zolman and Laura Bunker addressed the City Council concerning the use of open space within the Canterbury Park Circle subdivision, and private property adjacent the subdivision, by individuals using motorcycles. Their concerns included safety for children crossing the area, it draws youth who ride on the trail in the park, and noise which goes on all day long. They reported they had requested support from the police, but were informed there isn't an ordinance to prohibit people from riding in private open space. They requested the City Council empower the police so the activity can't continue.

Barry Edwards explained the open space has a problem in that Canterbury Park Circle was one of the first subdivisions which came into the City as an open space subdivision and there was a question on how the City took ownership of the open space. He indicated the need to research the matter. He further indicated he would call the City Attorney, David Church, to determine how to enforce the problem, and suggested it be handled from a noise standpoint.

3. Consent Calendar

Brian Brunson requested the following be pulled from the Consent Calendar: (1) Approval of Funding for Laura Wood to Attend Girls State, (2) Contract Amendment for Cemetery for MD Property Services, (3) Resolution Granting Easement to Lehi City.

The following items were approved by unanimous consent:(1)Court Administration Position, (2) Appointment of Sidewalk Committee, (3) Appointment of Public Outreach Committee, (4) Appointment of Telecommunication Committee.

4. Public Hearing on Amendment to Sections 2-305(3), 3-4808(E)(1),3-614(7), 4-104, 5-3101(5), 5-4-206, 5-4-303, 5-4-305, 5-4-408(5)(a), 5-10-103(1), 7-102(6)(g), 9-102(3)(d) in the Highland City Development Code to Require Vicinity Maps to be Included with Public Notices

Mayor Franson opened the public hearing. Lonnie Crowell reported the City Council had requested the Planning Commission require vicinity maps on every item in the Development Code which requires a public hearing. This will come back as an action item in two weeks, and there are 12 sections within the Development Code for which this regulation would apply. No public comments were received.

5. Approval of Funding for Laura Wood to Attend Girls State

Motion: Glen Vawdrey moved to approve funding for Laura Wood to attend Girls State in the amount of \$100; and that she report back to the Council, at a future time, on her activities. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, Claudia Stillman, and Steve King. Brian Brunson voted against the motion.

6. Contract Amendment to Include Cemetery Maintenance by MD Property Services

Motion: Brian Brunson moved to amend the contract with MD Property Services to include the Highland City cemetery in the amount of \$35,000. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

Discussion: Brian Brunson recommended putting more money into the budget for cleaning up open space areas. Mayor Franson requested staff bring back a specific plan on places which need maintenance, and he requested Brian Brunson get with Barry Edwards on

those specific areas.

7. Resolution Granting Easement to Lehi City

Motion: Steve King moved to approve Resolution No. 2006-8, “Resolution Approving the Granting of an Easement for Storm Sewer Access to Lehi City”. Motion was seconded by Kathryn Schramm.

Amended Motion: Brian Brunson moved to amend the motion to incorporate the following changes in the easement access and trail easement : (1) the first paragraph to be modified, as amended by City Administrator; (2) second paragraph to be stricken; (3) changes to the fourth paragraph presented by City Administrator, with regard to storm drain easement, the following change be made: a requirement be added to the easement wherein Lehi City is required to give Highland City reasonable notice prior to construction on the property. Motion was seconded by Steve King, and it passed by unanimous vote.

Motion: Steve King moved to approve the amended Resolution No. 2006-8, “Resolution Approving the Granting of an Easement for Storm Sewer Access to Lehi City”. Motion was seconded by Kathryn Schramm, and the amended motion passed by unanimous vote.

ACTION ITEMS

8. Adoption of Open Space Improvement Agreement

Motion: Glen Vawdrey moved to adopt the Open Space Improvement Agreement which includes Brian Brunson’s amendments. Motion was seconded by Steve King.

Substitute Motion: Kathryn Schramm moved to continue this discussion for two weeks as this particular version is reviewed and discussed. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Mayor Franson requested the City Council make comments by April 27, 2006 so the item can be in the next agenda packet.

9. Severance

Motion: Brian Brunson moved to add Section 10 (5) Severance Pay to the Personnel Policies and Procedures Manual Section 10 (5) with inclusion of the following change: (second line) insert words “after criminal wrong doing” and insert “or any gross negligence on the part of the employee”. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

10. City Administrator

Motion: Claudia Stillman moved to grant a 5% salary increase to the City Administrator. Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, Brian Brunson, and Steve King. Kathryn Schramm voted against the motion.

FUTURE BUSINESS

11. Amend Chapter 2, Article 3, Board of Adjustment in the Highland City Development Code

Lonnie Crowell indicated changes in state law gives the city an opportunity and obligation to create an appeal authority of one or more persons. This allows a person who wants to appeal a quicker process, more flexibility for the appeal authority, and it would change the ordinance to meet state law. Mayor Franson indicated he would make a proposal for the advise and consent of the City Council. He recommended appointing one person who would be an adjudicator who would be familiar with the City's Development Code.

12. Sprint Antenna at Highland Glen Park

Lonnie Crowell reported this item would be continued as the City is waiting for a legal opinion from Jeff Appel. Barry Edwards noted the use of the Highland Glen Park property is governed by the 6F statute and the issue is whether utilities are exempt from the 6F process. This matter will be back on the next agenda and the attorney will be present to advise the City.

13. Professional Services Short List

Matt Shipp reported, as part of the procurement process, the City has the ability to enter into contracts to work with professional engineers through a professional service agreement. He will begin to advertise for services and put together a short list of 3-5 firms. This will mean when projects come up the City can work with the engineers on a qualified basis. At the beginning of the fiscal year Matt Shipp will bring back a list to the Council.

14. Modification of Condition of Approval for Lot 415 View Point Subdivision

Barry Edwards reported one of the conditions the City Council placed on the View Point Subdivision was an attempt to maintain separation between houses and trails. There were a number of safeguards in the conditions of approval. The Council wanted to make sure no trail was closer than 30' from a home. In this particular instance (Lot 415), they were able to move the trail in a more favorable position to the home, However, it makes Lot 415 out of compliance, but it is within the intent of the 30' setback. Mayor Franson requested the City Council address any questions on this matter with Lonnie Crowell.

INFORMATION

15. Spring Creek Trail

Barry Edwards reported the City is still hoping to construct the Spring Creek Trail, but wants to wait until after next year's legislature meets. Thus this matter is being put on hold for a year. Mayor Franson further explained the City can wait and won't be jeopardized for receiving funding for the trail.

16. Response to Inquiries by Canterbury North Plat G Residents

Matt Shipp reported he has a letter drafted to send to the residents from Canterbury North Plat G concerning their development inquiries. He reviewed the issues as follows: (1) Plans showed eight street lights were in the bond. When the subdivision came up for warranty he didn't pay attention to the street lights, but there is still money in the bond to take care of the lighting. He suggested the residents be given the option to choose from the standard UP & L pole or the newer pole. (2) As to the 6' decorative fence on the Murdock Canal, the developer was left to his own decision and the bond called out \$15 per linear foot. This was the cost for a chain link fence, which was what was installed by the developer. (3) Since the City has an agreement to put in a trail system on the Murdock Canal, it was staff's recommendation that the trail fall under the City's cost, and not the developer's. Matt Shipp recommended continuing to use the sidewalk around the subdivision and construct a trail on the Murdock Canal in the future. (4) As to a 6' high fence around the Jordan Valley Conservancy District turn-out, Matt Shipp explained there is a gate valve in the canal which is within the chain-link fence which surrounds the Murdock Canal. He noted the area belongs to Jordan Valley Conservancy, and the City doesn't have authority to fence the area.

(Brian Brunson left the meeting at this point in time.)

17. Response to Garrett Lyman on Open Space/Trail Issues

Barry Edwards reported on the letter which had been drafted as a response to Garrett Lyman's requests on the open space/trail issues in Dry Creek. He explained the subdivision came in as an open space subdivision and the City wasn't taking deeds, but dedication, and because of the dedication the City doesn't own the property and if it were vacated it would need to go to the dedication process. This doesn't allow the City to transfer the property. The other issue is a storm sewer line for which the City must maintain access to the line and manholes. He indicated the City needs to do a better job maintaining the other side of the trail, get the trail off of Mr. Lyman's property, get the police to protect the open space, and administer the open space agreement to permit residents to landscape to the trail.

Mr. Lyman appealed to the Council for the safety risks of the 21 children, under age 12, which play on the trail. Mayor Franson indicated the matter would be placed on the next agenda for action and indicated staff would need to work with the City Attorney, David Church, and he suggested working with Brian Brunson on the open space agreement.

18. Beacon Hills Water Tank Update

Matt Shipp reported the 600,000 gallon water tank in Beacon Hills is completed and the water line is another two weeks out from completion. When it is completed it will service Twin Bridges and Beacon Hill Plat D.

19. Budget Schedule

A work session on the budget was scheduled for May 6, 2006, at 8:30 a.m. The budget will be presented May 2.

20. Master Planning for Sports Park at Beacon Hill

Matt Shipp reported when Beacon Hill was developed as an open space subdivision, a sports park was slated to go in the northeast portion. As part of the professional services agreement the City will work with Bingham Engineering, and ask them to do the planning portion.

21. Former Highland Water Company Buildings Landscape and Improvement

Matt Shipp reported staff is looking at getting construction plans, drawings, curb, gutter and sidewalk for the HW building, and the electric park, as well as the well site at the Mitchell Hollow Park in an effort to clean up these properties and obtain a standard for the City. This will provide the design process so the City can obtain construction drawings and move forward.

22. Open Meeting Law Training

Barry Edwards reported the Legislature amended the open meetings law which requires having training, changes to the ordinance in order to have electronic meetings, and staff has talked about getting a new tape recorder as all meetings now must be recorded.

23. Tree Sales

Matt Shipp reported trees are being secured for sale on Arbor Day at \$60 for a 10- gallon tree. The trees will be sold at the Electric Park, and if there are trees which don't sell they will be planted in the parks.

OTHER BUSINESS**24. Report on North Utah County Animal Shelter Board**

Kathryn Schramm presented a report on the North Utah County Animal Shelter Board and reported they have a new building north of the landfill. Among the issues discussed was whether the City wants to license the dogs in the City since the Animal Shelter is trying to get

the dog licenses the same price in every city and they would like the cities to license dogs at the Shelter. Mayor Franson suggested the matter of animal licensing be placed on the next agenda for action May 16.

25. Other

Mayor Franson requested the Boy Scouts provide on a monthly basis a list of the young men in Highland who receive their Eagle Scout Rank. Wini Jensen is preparing letters to be sent to them. There were 21 in March.

Matt Shipp reported the County has a trailer which needs to be stored temporarily, and he suggested it be placed on water company property.

26. Executive Session

Mayor Franson indicated the items scheduled for Executive Session on the agenda would be continued as they were not ready to be discussed.

27. Adjournment

Meeting adjourned at 9:15 p.m.