

# MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, August 1, 2006

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

**OTHER:** Tom Hulbert, James Brown, Keith Barney, Jason Vaughn, Gordon Clark Brian Barlow, Donna Jex, James Brown, Trixie Walker, Johnathan Ward

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 July 27, 2006. The prayer was offered by Kathryn Schramm, and those assembled were led in the Pledge of Allegiance by Mayor Jay W. Franson. Mayor Franson presented a plaque to Steve and Janet King as the Grand Marshalls for the 2006 Highland Fling and congratulated them for this recognition of their service to the City as Advisors to the Youth City Council.

## **1. Approval of Minutes**

**Motion: Brian Brunson moved to approve the minutes of July 18, 2006, as amended. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.**

## **2. Appearances**

A. Donna Jex, a resident, asked for an update on the road and sidewalk improvements on the south side near the Mitchell Hollow Park. Matt Shipp reported the bids went out for public opening and no packages were picked up so no bids were submitted. Bids were to have been opened August 26<sup>th</sup>. Since that time he has contacted three contractors and requested they bid on the projects. Two contractors said they would submit a price and they were asked to have the bid submitted by August 9. Matt Shipp explained, since the City had gone out to bid and there were no bids, it gives the City the opportunity to solicit bids. He indicated if the City can't get a contractor to do the full improvements the City will build a trail of crushed asphalt and put it off the road so it will provide access for children who are going to school.

B. James Brown, a resident in the Wimbleton open space Subdivision inquired about improvements to the Wimbleton Park. Mayor Franson indicated this matter would be discussed later in the meeting.

C. Trixie Walker reported she has been a fan of the Highland Glen Park for 15 years and reported in recent months there has been a great increase in traffic, as well as a littering problem in the park. She has helped to clean up the park. She reported she had submitted to the Council three ideas which would be cost effective and make a difference in the park. They include: (1) A lot of trash cans in the park were previously used for recycling and have the words "paper only" printed on them. She felt it would be easy to scrape the lettering off the cans so people are not confused about using the cans for trash. (2) A vast majority of people coming to the park come to fish. She felt it would be helpful to have more trash cans in the vicinity of the piers. (3) Over 90% of the people using the park come from outside the community and they come to fish. She noted the Highland Glen Park was listed in a publication as the best place to fish in Utah County and there is a sign in the park which states free fishing for children under 12. She recommended removing the signs and put up a sign stating a fishing license is required to fish in the pond.

Mayor Franson agreed to refer the matter to staff and place it on a future City Council agenda.

D. Keith Barney registered a complaint that nothing had been done to bring the City Building into compliance to meet the American Disabilities Act. He reported he had sent letters to the Mayor and City Council January, 2003; March 17, 2003 (at which time he received a response that the City was working on the matter); and August, 2004, at which time he stated the Supreme Court ruled if the City didn't comply with the ADA requirements it could be sued for access and damages. He assumed the City decided not to comply. He explained he had come to the City Building to attend Court three and one-half years ago and the ramp and landing by the door was not safe for people with wheelchair disabilities. He was upset the City had not complied noting there is now a federal lawsuit against the City and asked why the City didn't solve the issue. Mayor Franson responded the City has a lawsuit, the City Council has some decisions to make, and a Judge will make some rulings. It is a rhetorical question, the City realizes the problem, and the matter can't be ignored any longer.

### **3. Consent Calendar**

Mayor Franson indicated agenda item 6.3 "Approval of Bid for Fire Station" would be pulled off the Consent Calendar.

Kathryn Schramm requested agenda item 6.2 "Adoption of Resolution 2006-11, "Consideration for Adoption of Resolution Finalizing the Terms and Conditions of the Issuance and Sale of Sales and Franchise Tax Revenue Bonds in the Approximate Amount of \$6,000,000" be pulled off the Consent Calendar.

The following items were approved by unanimous consent: 6.1, "Centerline Survey" (approve the contract with Civil Science Engineering for the cost of \$35,000 to do the center line survey of all the arterials, major collectors, and minor collectors and also the GPS survey of the utilities within these roads); 6. 4 "Adoption of Ordinance No. 2006-22, "Amendment to Section 5-8-112(b)(1) Development Code on Water Rights" (adopt Ordinance No. 2006-22, as recommended by the Planning Commission and staff); 6.5 "Adoption of Ordinance No. 2006-23, "Amendment to Sections 3-4104(5), 3-4204(4), 10-102(13), 10-102(55) and Adding 10-102(13) Development Code on Decks" (adoption of Ordinance No. 2006-23, as recommended by Planning Commission and staff); 6.6 "Conditional Use Approval for Highland Hollows Model Home" (approval of the Conditional Use Permit for the Highland Hollows Model Home per the conditions of staff and Planning Commission); 6.7 "Adoption of Ordinance No. 2006-24, Amendment to Section 13.30.151 Municipal Code on Water Rights" (Adoption of Ordinance 2006-24 as recommended by staff); and 6.8 "Set a Public Hearing for the CR Zone in the Highland City Development Code".

#### ACTION ITEMS

**4. "Adoption of Resolution 2006-11, "Consideration for Adoption of Resolution Finalizing the Terms and Conditions of the Issuance and Sale of Sales and Franchise Tax Revenue Bonds in the Approximate Amount of \$6,000,000"**

**Motion: Brian Brunson moved to approve Resolution No. 2006-11, "Consideration for Adoption of Resolution Finalizing the Terms and Conditions of the Issuance and Sale of Sales and Franchise Tax Revenue Bonds in the Approximate Amount of \$6,000,000". Motion was seconded by Steve King, and it passed by unanimous vote.**

Jonathan Ward distributed a Pricing Book, summarized the results of the bond sale, and responded to questions raised by the City Council. There were 12 bidders on the bond, it was projected to go out at 4.64%, but came out with 4.18%. The bond will be for 20 years and the City will begin paying in 2007.

**5. Open Space Improvement Agreement Procedure**

**Motion: Brian Brunson moved to adopt the open space improvement process, as amended. (A copy of the amended application, provided by Barry Edwards, is attached to the minutes.) Motion was seconded by Steve King. Motion passed by the following voting in favor of the motion: Brian Brunson, Steve King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted against the motion.**

Brian Brunson addressed changes to the first draft of the Open Space Improvement Agreement. Kathryn Schramm felt the Open Space Improvement Procedures, which were distributed at the Council Meeting, should be adopted by the Council. Barry Edwards explained the procedures were for staff to follow, and was not part of the agreement. Mayor Franson

indicated this matter would need to be put on the agenda as a separate item, and he took this opportunity to remind the Council if there are items they want addressed on the agenda that they let him know in sufficient time for them to be processed by staff.

**6. Moratorium on Telecommunications Facilities**

**Motion: Glen Vawdrey moved that the City Council place a moratorium on all applications for telecommunication facilities until a new telecommunications facilities ordinance is adopted, and for a period not to exceed six months. Motion was seconded by Steve King, and it passed by unanimous vote.**

Discussion reflected there has been a lot of interest in cell towers and the City needs to have a plan before applicants come in. This action does not impact current applications for conditional use permit, and Claudia Stillman felt schools are an appropriate place to consider cell towers as they don't impact the City park areas.

**7. Advertising Public Hearing for Vacating Right-of-Way for Skirvins/Larsens**

**Motion: Brian Brunson moved, pursuant to recommendation by staff, such a vacation would create an illegal non-conforming cul-de-sac and recommended the Mayor not hold a public hearing to vacate a right of way adjacent to the Skirvin/Larsen property. Motion was seconded by Steve King.**

**Substitute Motion: Kathryn Schramm moved to instruct City Staff to find the plats associated with the issue, lay them over each other and find the date the easement was created and where it was recorded, before making a decision to not address their desire to eliminate the road easement. Motion was seconded by Claudia Stillman. Motion failed with the following voting against the motion: Steve King, Glen Vawdrey, and Brian Brunson. Kathryn Schramm and Claudia Stillman voted in favor of the motion.**

**Motion: Brian Brunson moved pursuant to recommendation by staff such a vacation would create an illegal non-conforming cul-de-sac and recommended the Mayor not hold a public hearing to vacate a right of way adjacent to the Skirvin/Larsen property. Motion was seconded by Steve King, and it passed by the following voting in favor: Brian Brunson, Steve King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted against the motion.**

Mayor Franson directed staff to send a letter to petitioners on the result of the decision.

**8. Final Approval of Sierra Trails Plat D**

**Motion: Claudia Stillman moved that the City Council grant final approval for the Sierra Trails Plat D Subdivision with two recommendations listed including (1) lot addresses and correct lot designations be recorded on the final plat with the County, and**

**(2) the southern lot 1 meet the minimum requirement of 16,000 sq. ft. for R-1-20 zone. Motion was seconded by Brian Brunson.**

**Motion to Amend: Steve King moved to approve amendment that once the south lot is reconfigured to contain a minimum of 16,000 sq. ft. that the detached garage on the north lot meet the setbacks required in the R-1-20 zone.**

**Amended Motion: The City Council grant final approval for the Sierra Trails Plat D Subdivision with two recommendations listed including (1) lot addresses and correct lot designations be recorded on the final plat with the County, and (2) the southern lot 1 meet the minimum requirement of 16,000 sq. ft. for R-1-20 zone. Once the south lot is reconfigured to contain a minimum of 16,000 sq. ft. that the detached garage on the north lot meet the setbacks required in the R-1-20 zone. Motion passed by unanimous vote.**

**9. Landscaping Common Areas (Windsor Meadows)**

**Motion: Claudia Stillman moved to approve the request, as presented, (landscaping common areas in Windsor Meadows) for a portion of Windsor Meadows and with financial arrangements as they were described with City paying one-half of the cost and residents paying one-half, with a several years pay back. Motion was seconded by Glen Vawdrey**

**Substitute Motion: Brian Brunson moved that the City not accept the arrangement from Mr. Anderson in Windsor Meadows to improve the property described, but rather the property be improved in normal course of business in the development of Windsor Meadows properties. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.**

Mayor Franson requested staff inform the citizens of the decision.

**10. Landscaping Common Areas (Wimbleton)**

**Motion: Brian Brunson moved to approve the landscaping of about 1.8 acres of the Wimbleton Subdivision Open Space. Motion was seconded by Steve King.**

**Motion to Amend: Brian Brunson moved to approve an amendment to limit the cost not to exceed \$42,000. Motion was seconded by Steve King, and it passed by unanimous vote.**

**Amended Motion: Approve landscaping of 1.8 acres of Wimbleton Open Space not to exceed \$42,000. Motion passed by unanimous vote.**

**11. Approval of Elevations and Materials for City Hall**

**Motion: Kathryn Schramm moved to approve building elevations and exterior**

**materials for the new City Hall as represented by JRCA Architects. Motion was seconded by Glen Vawdrey.**

**Substitute Motion: Brian Brunson moved to approve option 2 of the building elevations for the new City Hall, as represented by JRCA Architects, not to exceed \$160,000. Motion was seconded by Kathryn Schramm. Motion did not pass with the following voting against the motion: Glen Vawdrey, Kathryn Schramm, and Claudia Stillman. Those voting in favor were: Brian Brunson and Steven King.**

**Motion: Glen Vawdrey moved to approve option 2 of the building elevations for the new City Hall, as represented by JRCA Architects, not to exceed an increased amount of \$160,000. Motion was seconded by Brian Brunson. Motion passed by the following voting in favor: Brian Brunson, Steve King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted against the motion.**

Discussion reflected revisions to the original drawings for the City Building made by the architect which changed the roof line. The cost for the options was as follows: Option 2, \$160,000, Option 3, \$150,000, Option 4 \$170,000, Option 5 \$232,000, Option 6 \$352,000.

## **FUTURE BUSINESS**

### **3. Fire Station**

Barry Edwards reported the bids for construction of the fire station were significantly beyond what the City had budgeted for the building. He noted with the bonds approved, plus the fund balance in the Public Safety Impact Fee, the City has \$7 million to spend for both buildings. When subtracting out \$4.2 million for the fire station it doesn't leave enough to build the police station. He indicated he would try to formulate some recommendations and will come back in two weeks with a progress report. Mayor Franson requested the Council write down some of the options and get them to Barry Edwards, and plan to brainstorm as to the option for the two buildings.

### **13. City Donation Policy**

Barry Edwards explained the City gets requests for donations to such things as Boys State/Girls State which are within \$300. He addressed a proposal for a donation policy to allow the Mayor to make decisions on these donations. This matter will come back to the Council. Mayor Franson proposed a budget of \$3,000 for donations. He recommended the City Council members get back to him on any thoughts they might have.

### **14. City Administrator Contract**

Mayor Franson reported the City Administrator's contract would be coming up on a future agenda.

**15. Lone Peak Recreation Survey and Feasibility Study**

The Lone Peak Recreation Survey and Feasibility Study will be brought back for action at the next City Council meeting. The City will need to pay a portion of the costs for the survey.

**INFORMATION****16. Public Safety District Fire Report**

Steve King reported the Public Safety District held a meeting on June 28, at which time the following issues were discussed: (1) budget adjustments, (2) Pleasant Grove has hired its own fire chief, (3) Brad Freeman and Craig Carlisle were asked to look at the services being provided Suncrest on Highland's side of the mountain. He suggested coming up with an agreement with Draper to provide them back-up service. (4) Alpine City came up with its share on the Lone Peak Public Safety District budget. (5) The Police Department is looking at keeping track of the officers as to where they are spending time on answering calls as it will provide a better idea where they are spending their time. (6) Chief Botkin was asked to step up patrol on the trails. (7) The District wants to see a more friendly police force.

Kathryn Schramm requested Barry Edwards provide her a copy of the police report.

**OTHER BUSINESS****17. IHC Report by Bryant Larson & Jane Carlisle**

This item was canceled until the next Council Meeting.

**18. Property Tax Adjustment**

Barry Edwards reported he was asked by the Mayor to have a letter sent out to the residents on the need for the property tax adjustment. Mayor Franson indicated once he has the letter in final form he will put a copy in the Council members' boxes. He noted the City can come down from the budget proposed, but the Council will hold the public hearing and then deal with the matter.

**19. Schedule for General Plan Update**

Mayor Franson indicated Lonnie Crowell was asked to include the schedule for the General Plan Update with the agenda until it is completed. Barry Edwards reported the General Plan survey went out with the bills.

**20. Zip Code**

Barry Edwards reported a copy of a letter from the post office was included in the agenda packet concerning the desire for Highland City to obtain its own zip code. He indicated this matter is being pursued politically and staff may be asking for approval to hire an individual to make it happen. It was reported the contract post office in the Town Center is located at Family Video, and it is doing very well.

## **21. Back Taxes**

Barry Edwards reported the City is still waiting for the County to respond to a request for refunding back taxes on City-owned pen space property that has been a park since it was dedicated.

## **22. Mayor's Report**

A. Mayor Franson reported the Alpine School District had a piano sale at Lone Peak High School without having a business license. A School District representative was brought into the office and informed the sale wasn't allowed; however, the District went ahead and had the sale. Mayor Franson will follow up on the matter.

B. Mayor Franson reported the City received letters from three families who are ready to move into their homes at Beacon Hill and the water line is not in and the City can't issue occupancy permits. A letter has been written and it is hoped things can get handled.

D. Mayor Franson will come back with information on a library committee. He reported he had talked to Mayors of Lehi, American Fork, and Pleasant Grove, and there is currently a working relationship between the librarians themselves and an interlocal agreement.

E. Mayor Franson reported on a Utah Lake proposal in which Highland City wants to be a participant. This has to do with Utah Lake drainage, water quality, and water shed issues.

F. Mayor Franson reported, with the development of the new school on 11800 North, it was intended the School District was going to provide power. However, presently there is no power to install flashing lights. There is a possibility for the City to obtain solar powered lights. Also, the City is going to approach the owner, of the property which is adjacent the school to see if the City can provide a gravel path to get the children off the roads. Mayor Franson will discuss these issues with the Alpine School District Superintendent.

G. The City Council will ride on a trailer with bales of hay for the Highland Fling.

## **23. Executive Session**

**Motion: Glen Vawdrey moved to go into executive session. Motion seconded by Kathryn Schramm, and it passed by unanimous vote.**

**Motion: Kathryn Schramm moved to go back into regular session. Motion was seconded by Steve King, and it passed by unanimous vote.**

**24. Adjournment**

**Glen Vawdrey moved to adjourn. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.**

Meeting adjourned at 10:15 p.m.