

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, August 2, 2005

PRESENT: Mayor Jess Adamson
Councilperson Brian Brunson
Councilperson Gwyn Franson
Councilperson Steve King
Councilperson Kathryn Schramm
Councilperson Glen Vawdrey

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

OTHERS PRESENT: Colin Bush, Joseph McCracken, Travis Peay, Bryce Peay, Colten Crandall, Todd Harris, Alan Bailey, Bryan Smith, Cheryl Smith, Barbara McCann, Matt Leding, Heather Hamilton, Brett Mortensen, Tia Bunker, David Smith, Alan Chapman, Keith Leavitt, Lafe Harris, Jennifer King, Craig King, Lance Garrett, Melissa Wright, Kristen Anderson, Kyle Anderson, Jeanne Spykes, Annette Tippetts, Paul Tippetts, Wayne Corbridge, Richard Mendenhall, Dan Schmidt, Dan Hooge, Jim Gillman, L.E. Johnson

The meeting was called to order at 7:00 p.m. The meeting was called as a regularly scheduled meeting and the notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *New Utah* on July 28, 2005. The prayer was offered by Glen Vawdrey, and those assembled were led in the Pledge of Allegiance by Nathan Olsen.

1. Planning Commission Update

Items covered in the July 26, 2005 meeting included conditional use for Castle Builders Model Home and Highland Hills Model Home, Final for Aspen Hollow, Plat Amendment for Highland Towne Center Business Park, Master Trails Map Amendment - General Plan Amendment.

The Planning Commission requested a work session with the City Council for August 23, 2005, at 6:00 p.m. to discuss the following: removal of open space overlay ordinance, a new R-1-30 zone, and modifying the existing R-1-20 zone.

2. Discussion of Future Use and Addition to City Building Near Corner of 5600 West and Alpine Highway

This item was removed from the agenda, but upon inquiry about the matter Barry

Edwards noted the issue was to have addressed the addition to the water company building on 11000 North. He indicated there doesn't seem to be an issue so it is moving forward and the addition being constructed will be funded from Highland Water Company residual funds.

3. Report on Robertson Nuisance Complaint

Lonnie Crowell reported on the findings for the complaint on odor and nuisance on the Robertson property located at 6072 West 9600 North. (A copy of the report is attached to the minutes.) He explained he met with the Board of Health, Humane Society, and the Animal Control Officer. As far as odor, he was told it was normal and the Robertsons didn't have a huge accumulation according to the Board of Health. The horses were in good health, according to the Humane Society. The Board of Health indicated the mosquito problem was a result of rain fall and this has disappeared. There are a couple of trucks of personal value to the Robertsons and the City's ordinance doesn't allow abandoned vehicles, but Mr. Robertson would be required to place these vehicles behind a fence. He has been requested to construct a fence for this purpose, or the vehicles would need to be removed. The issue of the shed used to provide shelter for the horse is about 10' to 15' too close to the home on the north, and this will need to be addressed. As to landscaping in the front yard, the home is presently under construction and it doesn't make sense to landscape when building a home. Lonnie suggested setting a date with the Robertsons to make sure the landscaping is complete.

Lonnie indicated he looked at other city ordinances and our ordinance only mentions accumulations, but doesn't address odor as it would apply in this case, but only as it addresses a butcher shop. He further indicated other city laws state if a nuisance affects anyone at all it is considered a nuisance. This would be an option. He also explained State law indicates if a noise injures the health of three or more persons, it is a nuisance. He indicated three people have been affected on how they can use their property and that finding would be considered a nuisance. Also, the abandoned vehicle would be considered a nuisance.

Brian Smith, indicated when they purchased their property they had no knowledge the adjoining property would be used for horses. He indicated the shed had never been used for a horse. Del Thompson also indicated the shed was never used for a horse. Mrs. Robertson indicated when they purchased their property in 2000 it was sold as a horse shelter.

Mayor Adamson requested the neighbors work together, sit down as friends, talk it out, and find some resolution.

Del Thompson indicated another problem is the run-off of water from the Church property. Mrs. Robertson indicated it is being watered twice per day and the water is flowing onto their property and it causes a problem. Barry Edwards indicated a willingness to investigate the problem.

Brian Brunson inquired of the Robertsons what they were doing about the treatment of flies. Mrs. Robertson indicated they have been trying a treatment to cut down on the flies.

Brian also inquired of the Robertsons what they intended to do about the vehicles which are not in compliance. Mrs. Robertson indicated she is willing to look at what they need to do.

Mayor Adamson suggested continuing to work with staff on the issues.

4. Presentation of Certificate of Appreciation to Larry Miller, Chairman of Board of Adjustment

Mayor Adamson recognized Larry Miller, Chairman of the Board of Adjustment, and reported Larry was moving out of the community. He commended him for all he has done for Highland City.

5. Approval of a Conditional Use Permit for Blue Fly LLC/First Choice Strategies

Background: The Planning Commission, in its July 12, 2005 meeting, recommended the City Council grant a conditional use permit for “Blue Fly LLC/First Choice Strategies”, a business located in the Timpanogos Tire Building in the Towne Center, subject to the following: comments and conditions recommended by staff and Planning Commission. Also to be included that Blue Fly, LLC is a separate entity from First Choice Strategies and Blue Fly, LLC is not applying for the permit, but is the parent company of Timpanogos Tire.

Motion: Gwyn Franson moved to approve the conditional use permit for “Blue Fly LLC/First Choice Strategies” subject to the following: comments and conditions recommended by staff and Planning Commission and also to be included that Blue Fly LLC is a separate entity from First Choice Strategies and is not applying for the permit, but is the parent company of Timpanogos Tire. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

6. Approval of Conditional Use Permit for Castle Builders Model Home

Background: The Planning Commission, in its July 26, 2005 meeting, recommended the City Council grant a conditional use permit for Castle Builders Model Home to be located at 5912 West Horizon Drive (Blessing Rock at Beacon Hill Plat a, Lot 113), and subject to the conditions, and comments as provided by the Commission and Staff, and based on the finding of fact that the applicant has read through ordinance 3-4108 and agrees to comply with the regulations of that ordinance.

Discussion: Barry Edwards indicated the conditional use permit is being requested for the Beacon Hills Subdivision. He indicated the Planning Commission had set some conditions, but didn't think they had enough time to comply.

Motion: Gwyn Franson moved to continue until it is known they have complied to the recommendations set by the Planning Commission. Motion was seconded by Steve

King, and it passed by unanimous vote.

Later in the meeting this matter was revisited. The conditions placed by the Planning Commission dealt with the fact the retaining wall was higher than 4' and the developer was to have made a modification. The developer reported the back wall is 4' and he would do what is needed to bring it into compliance. Lonnie Crowell will check this.

Motion: Brian Brunson moved to reconsider. Motion was seconded by Glen Vawdrey and it passed by unanimous vote.

Motion: Brian Brunson moved to approve a conditional use permit for Castle Builders Model Home subject to the conditions and comments provided by Planning Commission and staff, including compliance of the rock wall. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

7. Purchase of City Park Space

Background: Westfield Properties is re-submitting a request for purchase of the city park in the Highland Towne Center. Their engineers, after looking at the park space in relation to the surrounding developments and roads, found a minor error in the square footage of the park. Additionally they had not included some of the road around the park that would be needed by the City to develop the park. The changes for half of the road around the park and the park purchase price is as follows: 2.79 acres x 43,560 sf = 121,532.4 sf x \$4.50/sf = \$546,899.

Discussion: Barry Edwards indicated Council member Steve King wanted language added in the agreement to assure the developer wouldn't request further R-1-40 development. Barry indicated he talked to the owner, from whom the City hopes to purchase the property for the park, and the best offer was they would not apply for R-1-40 north of the Mansion Homes. He indicated the agreement was sent to David Church; however, he didn't receive any comments and assumed he would have gotten back to him. The agreement does summate details on the price, property, and they have a requirement if they don't get approval on the Mansion Home they could buy the property back within a certain amount of time.

Steve King recommended the following change on Page 5, under section 17 at the end of paragraph 2 insert "other than not allowing R-1-40 designation or any other residential designation or overlay" and at the end of surrounding property also insert "or any other private property the seller may gain in the Towne Center through other transactions". He indicated the reason he asked for this was through the course of the Towne Center and attached housing the City has been asked to do things by the developer to step up our allocations and support the Towne Center. The City is moving ahead with a fire station in the amount of \$2.5 million. Also we need to have a guaranteed map which precludes any more housing units north of the Mansion House. Steve felt, in order to preserve commercial space for the future, the City can't allow any more residential in the commercial district as it won't help the Towne Center. Further, he felt the most important thing is to develop Lot 6 for a future City Hall, and the City has more

need for a City Building than a park because the park will be part of the city property. He is supportive of the park project with exaction fees, and he wanted the developer to hold to its commercial zone.

Brian Brunson indicated he was still not opposed to residential on top of commercial shops, and asked for Steve King's input. Steve King suggested he could support something similar to Red Stone at Park City, if it is done in an integrated manner. Brian Brunson indicated he was not aware of the developer's desire to have residential other than a mix with lower level office and upper level housing.

Richard Mendenhall indicated if the Council determines at some point in the future to allow residential with commercial this would be its decision, but he believed what they have done so far meets the density. He indicated the City has the control and to modify the guidelines of design, whatever component it may be, i.e. an assisted living center, etc. they would have waived their right. The risk of the Towne Center is the zone that underlies is R-1-40, but he felt the City has the limits. He further indicated he was committed to the Towne Center. Discussion ensued later in the meeting.

Motion: Gwyn Franson moved to approve the purchase of the park in the Highland Towne Center for \$413,602.20 with the following conditions: (1) Section 18 be eliminated, (2) Section 17 be amended to read beginning with the first sentence as follows: "Upon consummation of Closing, Seller shall be deemed to have waived any right to develop Seller's HTC Property under any single family housing designation, attached or detached, including R-1-40. Delete sentence referenced to Section 18 with the rest of Section 17 remaining as written. (3) section 13 be amended to say that closing will occur within 15 days of the approval of title, (4) subject to City Attorney David Church's review and recommendation. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

8. Public Hearing to Adopt Article 4.7.6 Towne Center Transitional Housing Overlay (Allowing Mansion House Design) - (Public Hearing left open from July 5, 2005 meeting), and Adoption of Ordinance No. 2005-25, Ordinance Adopting Article 4.7.6 Towne Center Transitional Housing Overlay

Background: A public hearing was scheduled for this meeting to consider adopting Article 4.7.6 Towne Center Transitional Housing Overlay (allowing Mansion House design). The Planning Commission, in its May 24, 2005 meeting, recommended the City Council adopt Article 4.7.6 Towne Center Transitional Housing Overlay.

Discussion: Barry Edwards explained by adopting Article 4.7.6 Towne Center Transitional Housing Overlay it would allow the developer to have the Mansion House project. Mayor Adamson explained the public hearing for this item had been carried over from the previous Council Meeting. He opened the meeting to public comment.

Craig King stated in his conversation with Councilperson Kathryn Schramm she indicated the desire to provide an opportunity for seniors to have affordable housing in order to stay in Highland. He felt the Mansion House development meets this. He also didn't understand the rush to approve the development, and indicated with the development of Green Crest (Highland Village), there are lessons on what is selling and what isn't. He felt like the initiation of open space density the City has left some real issues that people are trying to get on the ballot to over rule what the City is doing, and to say that the Mansion House is the type of development the citizens want is questionable if it will accomplish what is desired and the affordable housing that is desired. He suggested the Council step back a little, and also suggested creating a panel of people for determining the parameters of what development should contain in this area so developers know what they can develop. He felt there is a danger for pushing ahead without all the answers. He indicated the City wouldn't get the money for a city building and Trophy Homes might not want to develop, but he only could see the pros in his suggestion. He asked the City Council to look at the development further before approving it.

Jennifer King felt the project is on the right track from the standpoint of architecture and she felt the City needs to provide housing for this element within the City. However, her concerns were for safety, enforce ability, and marketability. She felt the 20' garages are small and barely hold two vehicles and it leads to parking in the driveways. She distributed pictures of a housing facility in Pleasant Grove which showed bad examples for parking cars all the way to the garage doors without adequate parking. She noted the shortest driveway in the development is 4'. Also, even though the streets are not public streets, people are still going to have safety concerns. She was also concerned about the width of the road and hoped Chief Botkin could address this. She expressed a concern for having narrower streets than 34'. She didn't recommend a private association for enforcement because it ends up asking neighbors to tattle on each other. She also suggested not allowing changes in the CC & R's without them first coming back to the City Council.

Lance Garrett questioned the density as he understood it was to be 2.5 units to the acre. He questioned why the Council didn't consider something like Brookside for senior housing as it has been successful. He suggested putting the issue on the ballot for a vote of the people.

Melissa Wright. agreed with what had been said. She inquired whether the City Council had considered taking away one or two units in the development.

Wayne Corbridge, developer, indicated they do market research and know what buyers want. They also look at floor plans and what they are proposing reflects what will sell and what buyers want. He indicated they have buyers that want to be part of this kind of housing. He indicated the concern for designing by committee, and it won't work, without a knowledge of an architect, the market, or what is economically feasible. He further explained the ordinance, under which they are working, was written by the City. He indicated the issue raised by Jennifer King about safety and the comparison she used with the pictures was a low end project which only has one car garages, they have a parking problem, are designed to sell for \$125,000 to \$170,000, it is marketable to singles, and has turned into rentals. He explained his project is a

rear loaded garage and there was no comparison of his project with the one Mrs. King displayed. Further, he explained they would have a property management company be a third party organization, with board members from the residents, and they will do the enforcement.

Craig King advised the City Council to talk to an attorney on entitlement as to density because he didn't believe it would be enforceable. He explained he had talked with an attorney and had also done some research. He didn't feel the developer had entitlement to the density because the vote taken was only noticed as to what the Council would consider for the project and it was not noticed as an actual vote for a zoning density.

Mr. Corbridge indicated with regard to parking, the driveways are 18', every single home has a two car garage. In most communities the parking requirements are two parking spaces per home and one-quarter for guests. This development shows every home has two parking spaces in the garage and half have 18' driveways, 46% have two parking driveways, and there are 15 additional guest parking spaces. He indicated, according to the one-quarter ratio, they could provide 11 parking spaces. However, they will provide 15, and there are public streets, as well, which can provide on-street parking. He indicated they can add as much parking as the Council wants; however, he was comfortable based on his experience.

Mr. Corbridge further indicated he had met with Allied Waste Management and they are comfortable with the development from the standpoint of garage collection. He distributed a letter with this information. Also, if someone doesn't have an 18' driveway and they want to wash their car they have added two places with a turf block that looks like grass for that purpose.

As to snow removal, he requested an opinion from a representative from Golden Landscaping to respond. This individual indicated when snow removal occurs in a similar development they would push it into the corners, and on high demand would haul it out. This would be the responsibility of the property manager. He indicated he didn't see a problem with snow removal for the proposed complex.

Mr. Corbridge indicated they have spent a lot of time trying to bring to the City what they perceive as a good project where 45 families can reside. The starting price for 1,500 sq. ft. will be \$195,000, and the largest rambler will be \$250,000. Trophy Homes will customize the homes to make it the way the buyer wants, and it will be a high quality home.

Mayor Adamson closed the public hearing.

Later in the meeting discussion ensued on this issue.

Brian Brunson explained the planning which occurred for the Town Center through a Charette in the mid-90's planned for transitional residential wherein the density could exceed seven units per acre. He indicated Green Crest (Highland Village) was developed under the Open Space subdivision, and it was the only development in the Town Center with 2.5 density. The transitional residential, going back to planning with the Charette, would have exceeded 45

units. It is intended for retirement housing, but could be alternative housing for someone who is divorced, widowed, or has never married. He was hopeful between Green Crest (Highland Village) and the Mansion House product the City can provide alternative housing. He explained there are issues with age restriction for restricting buyers. Brian felt this housing option would add to the economic viability of the City Center. He felt property management would be a good addition, but he had concerns with safety, garbage, and snow removal.

Steve King inquired of staff that on the south of the transitional housing site the City required open space, but for the transitional residential he asked where was the rationale for more density and who decided it? Barry Edwards explained staff pointed out there was no open space for the transitional housing. He felt the developer said they had to have a certain amount of units, this was talked about and discussion held at both the Planning Commission and City Council level. He felt it was addressed when Carlton's were developing and they drew the map showing the park space contributed to their open space development.

Steve King asked where did the City give density for the transitional housing? Brian Brunson indicated the transitional housing wasn't looked at as a typical open space subdivision. He indicated there is some open space between the units, but it is not a traditional open space development. There was going to be a phased project as all properties didn't come in at once. He noted the park is part of the open space. There are fees for roads and parks.

Jennifer King felt the Development Code reads differently.

Kathryn Schramm indicated she didn't want to see this kind of development in any other place in Highland, and that was also Highland's intent. She indicated initially she was not in favor of the Towne Center. A lot of money has been put into it and if we don't do something it will be a huge eyesore. She indicated when you get older you see things from a different point of view and she could see a need to provide alternative housing, which she didn't see before. Further she had talked to people all over the community and there are just as many people that want it, that don't want it. She felt the City needs to provide something like the Mansion House for individuals who want to sell their houses in Highland and be able to get into something they can afford, without going into debt. She feels there is a need for this housing option.

Mayor Adamson presented an overview of the planning for the Town Center and indicated we are what we are today because of what was planned in 1995. He indicated Highland City had no ownership and it saw the potential for a heart to come together for civic, cultural, economic base, residential base, open space subdivision, linear park, and now a product will come in to put people in proximity of commercial in order to remain here. Further, he noted people who have raised their children are leaving the community. He has had people ask, "how can I stay in a facility". He didn't see this project as a way of importing people, but retaining people who are already here.

Glen Vawdrey noted short driveways and parking concerned him. He indicated it could be changed and have everything front-loaded, but the trade-off is the front yards. He felt the

aesthetics of the Mansion House are beautiful by not having the driveways and garage doors in the front, but in the back, and the trade-off was worth it. There will be no sidewalks and parking in the back, and the parking is on the main streets. He was not as concerned for pedestrian traffic on the streets and was willing to accept the trade-off.

Gwyn Franson indicated she was not in support of the project and it wasn't because she disagreed with transitional housing or the Mansion House design. She had never been able to buy into the density. She felt two less units would give more open space.

Steve King commended Mr. Corbridge for being part of the process and indicated his project wasn't the problem. The problem is related to the number of units, narrow driveways, 18' frontages, and the compactness isn't Highland. He indicated one reason Highland has been kept a high quality town is because we don't pack people so close together, and this was the reason he gave for not voting for the project.

Jim Gillman, a resident in Amber Meadows, indicated he felt we needed transitional housing, especially for empty nesters, but suggested the solution would be to place an age restriction on it, less density, or one or the other.

Kathryn Schramm explained with HOPA you can't restrict 100% of any community for a certain age. You can specify a certain percentage up to 80% can be occupied by handicapped or individuals over 55. She presumed that handicapped people could also live there.

Jennifer King indicated according to the City Code an open space subdivision can only have 2.5 density. She inquired if the density is changed doesn't the code need to be amended and the change to the code hasn't been noticed. Lonnie Crowell explained this is a new ordinance and you don't have to amend anything that refers to the open space density in the Town Center in the code.

Barry Edwards explained if the Council adopts the ordinance it over-rides everything else in the Code that is conflicting and indicated the City Council was free to act on the amendment. He further explained the action to create the transitional housing element would be a third overlay ordinance. Lonnie Crowell indicated even if you took 2.5 density in the whole Town Center it would probably be less than that because there are 64 acres and there are 50 units, so it is much less than the 2.5 density, and he felt probably the Council didn't need to amend the ordinance because it already would comply.

Brian Brunson moved, based on finding of fact the plan presented for the Mansion House is consistent with plans presented over a considerable period of time by the applicant, which received various consents from the Council, that Ordinance No. 2005-25, "Ordinance Adopting Article 4.7.6 Towne Center Transitional Housing Overlay" be adopted subject to the following modifications: (1) add a third party beneficiary provision in the CC & R's to run to the benefit of the City, (2) enforcement of the CC & R's to be performed by a licensed property management company. Motion was seconded by

Kathryn Schramm. Motion passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, and Brian Brunson. Gwyn Franson and Steve King voted against the motion.

Motion: Brian Brunson moved to reconsider the prior action for the purpose of addressing the parking issue. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Motion: Brian Brunson moved, based on finding of fact the plan presented for the Mansion House is consistent with plans presented over a considerable period of time by the applicant which received various consents from the Council, that Ordinance No. 2005-25, "Ordinance Adopting Article 4.7.6 Towne Center Transitional Housing Overlay" be adopted subject to the following modifications: (1) add a third party beneficiary provision in the CC & R's to run to the benefit of the City, (2) enforcement of the CC & R's to be performed by a licensed property management company, and (3) an additional 15 parking stalls to be designed in a non-traditional design to be approved by City Staff. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, and Brian Brunson. Gwyn Franson and Steve King voted against the motion.

9. Public Hearing for Plat Amendment for Highland Towne Center Business Park to Increase Two Lots and Add Two Lots at Approximately 10803 North Alpine Highway and Adoption of Ordinance No. 2005-26, "Ordinance Adopting Plat Amendment for Highland Towne Center Business Park"

Background: A public hearing was scheduled for this meeting to consider a plat amendment for the Highland Towne Center Business Park to increase two lots and add two lots at approximately 10803 North Alpine Highway. The Planning Commission, in its July 26, 2000 meeting, recommended approval subject to all conditions of staff and to reflect the separation of responsibility for bonds for the street improvements and the park strip improvements.

Discussion: Barry Edwards explained the plat amendment for the Highland Towne Center Business Park includes lots previously subdivided from Town Center Business Park and additional square footage the applicant wants to pick up and have incorporated. This would leave lot 7 and lot 8, which would be sold to the City, and a parcel south of the property would be included in the park. Further, the plat amendment was recommended for approval by the Planning Commission.

Mayor Adamson opened the hearing for public comment.

Dan Hooge, representing Paul and Annette Tippetts, addressed the issue of the exaction fees. He presented a letter to the Council which addressed what they felt was an illegal exaction on the use of their land which effects a taking of private property for public use without the payment of just compensation and they wanted to reserve the right to appeal any decision

imposing these burdens in the local appeals process, in arbitration, or in litigation as they determine to be appropriate. (A copy of the letter is attached to the minutes.) He indicated the Tippetts are empty nesters and getting ready to serve a mission and the property is their nest egg. He indicated they don't mind paying their fair share and any impacts, but it places an a burden where their property is going for impact fees.

Mr. Hooge indicated Lot 3 is slated to be part of the public building and the Tippetts don't mind selling it to the City, but the City ordinance states they would pay \$4.50 against the consumer price index, but no more. They don't mind selling the property, but they want a fair market value and feel it would be fair to have an appraisal set a price.

Later in the meeting the matter was brought back for discussion and action.

Barry Edwards indicated a precedence had been set on impact fees. The property being discussed is around 85' wide and the City doesn't have any development 85' wide and its value is limited to the house it has on the property. He indicated if the Tippetts choose not to enter into the exaction agreement their property would remain a residential property. One condition of the overlay zone is to sign an exaction agreement.

Motion: Brian Brunson moved to concur with the recommendation of the Planning Commission and adopt Ordinance. No. 2005-26, "Ordinance Adopting Plat Amendment for Highland Towne Center Business Park". Motion was seconded by Gwyn Franson, and it passed by unanimous vote.

10. Public Hearing for a Plat Amendment for Larry Johnson Property Located at 9672 North 5750 West and Adoption of Ordinance No. 2005-27, "Ordinance Adopting Plat Amendment for L. E. Johnson Estates, Located at 9672 North 5750 West"

Background: A public hearing was scheduled for this meeting to consider a plat amendment for L. E. Johnson Estates, located at 9672 North 5750 West. The Planning Commission, in its July 12, 2005 meeting, recommended approval subject to Staff and Planning Commission comments.

Discussion: Barry Edwards explained Larry Johnson wants to divide his property and both parcels would conform to the R-1-40 zone. He indicated the property predates the City, there would be no improvements, it meets 130' frontage and the minimum square footage.

Mr. Johnson has his house on Lot 2. He indicated he has already connected to the pressurized irrigation, and the only thing needed would be the sewer. He purchased all the property from Jay Garlick.

Lonnie Crowell explained the property ran in two pieces and Mr. Garlick purchased the separate pieces and then sold them to Mr. Johnson.

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

Motion: Brian Brunson moved to adopt Ordinance No. 2005-27, “Ordinance Adopting Plat Amendment of L.E. Johnson Estates, Located at 9672 North 5750 West”. Motion was seconded by Gwyn Franson, and it passed by unanimous vote.

11. Adoption of Ordinance No. 2005-28, “Ordinance Amending the Land Use Map in the General Plan to Remove a Portion of Towne Center Overlay”

Background: A public hearing was held at the July 5, 2005 meeting to address the amendment of the General Plan Land Use Map to remove a portion of Towne Center Overlay west of 5600 West.

Discussion: Barry Edwards noted the public hearing was held previously and staff recommended making the changes to the Land Use Map in the General Plan.

Motion: Brian Brunson moved to adopt Ordinance No. 2005-28, “Ordinance Amending the Land Use Map in the General Plan to Remove a Portion of the Towne Center Overlay” with finding of fact Council has acted as though the parcel had been removed from the overlay some time ago. Motion was seconded by Gwyn Franson, and it passed by unanimous vote.

12. Property Lease from Utah Power & Light for Park

Background: Utah Power and Light has provided a lease document for a park near 11000 North and 5600 West. Staff recommends the City Council review the document and grant approval. The City Council, in its July 5, 2005 meeting, directed the City Administrator to see if Utah Power and Light would agree to lease the property for more than ten years and to see if they would participate in the project.

Discussion: Barry Edwards reported he had talked to Mr. Rodebeck of UP & L about amending the period of the lease for the UP & L property; however, he hadn't received a revised contract.

Motion Gwyn Franson moved to continue until there is an answer from UP & L. Motion was seconded by Steve King, and it passed by unanimous vote.

13. Approval of Plans for Canterbury North Park

Background: A plan was submitted for Canterbury North Park with a cost estimate of \$141,000.

Discussion: Barry Edwards reported the landscape architect came up with a design for the Canterbury North Park which includes a tot lot, trails, pavilion, and additional asphalt on the

4' sidewalk. The cost estimate is \$141,000.

Gwyn Franson noted the residents in North Canterbury desired a positive addition and came up with some good ideas. She noted this park falls under the delineation of public space from private space and she suggested using corner markers to see if it will take care of the problem. She suggested monitoring the use of the markers, as an experiment, to see if they will take care of the problem of encroachment into the public space and not put in curbing. The markers will be 6" out of the ground.

Motion: Gwyn Franson moved to approve plans for Canterbury North Park and go out to bid with the revision to the concrete curbing delineation by replacing the delineation with standard monuments to be approved by the City Council. Motion was seconded by Steve King and it passed by unanimous vote.

Matt Shipp was requested to obtain a copy of the specification on standard monuments.

14. Fire Station

Background: Concept plans for the fire station were made available to the City Council.

Discussion: Lafe Harris, of Butler & Associates, displayed a video presentation on the design for the Public Safety Building, as well as the portion to be developed first for the fire station. The presentation enabled viewing the drawings at all angles. He explained the fire station is smaller than half of the Public Safety Building, and it won't look like a completed city building since the entrance will be delayed in order to reduce the cost. Further 3,600 s.f. for basement space was added for storage, an electrical and mechanical room, and it will be included in the bid.

A resident living in Eagle Crest Subdivision requested information on the location of the fire station and reported she had not received any notice of plans for a fire station to be constructed near her home. She was concerned about noise associated with the sirens. Kathryn Schramm responded that the Fire Department doesn't turn on their sirens, unless there is a vehicle in the way. Mayor Adamson reported with the fire station and police station in Alpine there had been no complaint. Another concern raised was whether the City Council had looked at a traffic increase on 5600 West and whether a study had been done on the road as to the impacts on that street. She again expressed concern for noise and safety of her children and about the procedure for noticing residents.

Lonnie Crowell reported he was asked to discuss aesthetics on the fire station design to make it fit in with the Town Center. He indicated you can't see an entrance and possible additions to tie it into the Town Center. He recommended a change to the roof line with dentals on top to tie in with other buildings. He was concerned about having the same color and recommended having it broken up as well. Changes to the lights and window elements were recommended, and he was concerned about the west elevation as it will be a significant part in

the Town Center.

Kathryn Schramm appreciated Lonnie Crowell going to the trouble of evaluating the building for aesthetics; however, she was concerned for putting out a lot of money, preferred saving the money, and putting it into the development of the building and the basement.

Lafe Harris noted some of the things Lonnie brought up were less expensive. However, changing the entry will be a big cost, but changing the dentals won't be expensive. Brian Brunson felt the City should build the building to the same standard others are asked to do.

Motion: Brian Brunson moved to direct staff to design the fire station and to consider Lonnie Crowell's modification. Motion was seconded by Gwyn Franson, and it passed by the following voting in favor: Glen Vawdrey, Brian Brunson, Gwyn Franson, and Steve King. Kathryn Schramm voted against the motion.

15. Invoice for SCADA for \$15,000 for Pump Station at View Pointe

Background: The \$15,000 payment for SCADA was not in the original contract and it is something needed for operation of the water tanks. This item was removed from the agenda.

16. Contract Agreement with Bingham Engineering, Inc. for the Amount of \$11,350 to Design the Veteran's Memorial at the Cemetery

Background: People have been purchasing the pavers for the Memorial Area at the Cemetery, and in order to start using them and bid the project, construction drawings are needed. Bingham Engineering will take the concept and put them into drawings in order to bid them out. The City Council continued this item in its July 5, 2005 meeting in order to have Matt Shipp present this matter for the discussion.

Discussion: Matt Shipp reported Bingham Engineering was asked to do a design on the Veteran's Memorial in order to get a bid for the project. He explained Bingham Engineering had done the design on the front of the cemetery. Brian Brunson questioned whether the City should go out to bid.

Motion: Brian Brunson moved to go out to bid for the design of the Veteran's Memorial at the Cemetery. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

17. Warrant Study for Stop Sign at Ridge Road and Granite Flats

Background: The City Council directed staff to do a stop sign warrant study for the intersection at Ridge Road and Granite Flats. The warrant study did not indicate that a stop sign was warranted at this intersection; however, the study did say that social concerns outweighed the engineer's study in this specific case. The City Council continued this item at its July 5,

2005 meeting until Matt Shipp could be present, and also requested a copy of the study be provided to the City Council.

Discussion: Matt Shipp noted residents were concerned about excessive speed at Ridge Road and Granite Flats and requested a stop sign. This was discouraged and it was suggested looking at some type of traffic calming device. The City Council wanted to make sure the stop sign wasn't warranted and authorized a warrant study for the stop sign. However, none of the criteria warranted a four-way stop, but the traffic engineer indicated the City Council had the authority to place a stop sign.

Gwyn Franson noted background information stated social concerns outweighed the engineer's study in this specific case and she asked what made it unique. Matt Shipp indicated it wasn't a unique intersection. Brian Brunson indicated he was surprised with the conclusion. Matt Shipp presented the facts the stop sign isn't warranted on criteria of federal standards and the engineer was giving the City the option to do whatever it wanted to do. He indicated the residents are concerned about speed and not volume.

A resident in the area, Mr. Simmons, felt they have the fastest street and it seemed like a lot of work to say no stop sign; however, they are wanting speed calming and they had recommended speed platforms. Matt Shipp recommended putting in a temporary speed calming device and check speeds before and after.

Motion Brian Brunson moved to not install a traffic sign pursuant to the traffic study, advise staff to do a speed study, and bring back the costs for possible remedies. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

18. Executive Session

Motion: Brian Brunson moved to go into Executive Session for the purpose of discussing land acquisition, potential litigation, and the City Administrator's contract. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

19. Amendment to City Administrator' Contract

Background: The City Administrator, at a previous meeting, requested an extension to his contract. While there was discussion, any action was postponed per the provision of the contract stating that modifications to the term can only be made within six months of its expiration. The contract is due to expire in December of 2005. The City Administrator is asking for a one year extension. The City Council continued this item at its July 5, 2005 meeting until a full Council could be present.

Discussion: Brian Brunson recommended scheduling an executive session for this matter for the August 16, 2005 City Council meeting.

20. Adjournment

Meeting adjourned at 12:05 a.m.