

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, February 7, 2006

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

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

OTHERS PRESENT: Christie Dalley, Thomas Whitchurch, Blake B. Buhler, Griff Johnson, Jim Davis, Lori Davis, Melanie Hall, Darrell Gardner, Jill Waters, Katie Harward, Steve VanVleet, Don Kaufer, Steve Holland, Tim Stephens, Jenna Garrett, Grant Herron, Justin Englebright, Rebekah Kaylor, Trevor Olsen, Ashleigh Pierce, Carson Beus, Daniel Nyman, Porter Wright, Melissa Wright, Mandy Loader, Kimberly Westwood, Cameron Lasky, Zac Carter, Stephanie Thacker, Randy Graham, Diana Graham, Tom Holdman, Kelly R. Reimschissel, Ryan Bradshaw, Michael Bradshaw, Rob Clauson, Gabe Ewaad, Howard Bangerter, Sam Avila, Allen Sing, Sam Melonas, Craig Hendricks, Colette Shriver, Diana Draper, Steve Draper, Michael Shriver, Doug Gilmore, Charlotte Hutchinson

EXCUSED: Councilperson Glen Vawdrey

The meeting was called to order at 7:00 p.m. The meeting was called as a regularly scheduled meeting, and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *New Utah* on February 2, 2006. The prayer was offered by Mayor Jay W. Franson, and those assembled were led in the Pledge of Allegiance by Councilperson Claudia Stillman.

1. Minutes of January 17, 2006

Motion: Steve King moved to approve the minutes of January 17, 2006, as amended. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

2. Appearances

A. Rebecca Kaylor, a resident of Wild Rose Subdivision, addressed the City Council concerning her objections to paying the \$20 per month fee for parks, which is required of

residents in open space subdivisions. Further points addressed in her comments are included in an attachment to the minutes. Mayor Franson indicated City staff would get back with her, and he also indicated the issue of open space bonus density will be addressed at the February 21, Council Meeting.

B. Lonnie Crowell introduced Hannah Dick, who has been hired as a new planner for Highland City.

2. Consent Calendar

Brian Brunson objected to item 3.1, "Adoption of Resolution No. 2006-4, "A Resolution of the Governing Body of Highland City Finding that the Annexation of Only a Portion of an Island of Unincorporated Land Within Highland City is in the Best Interest of the City (for Buhler Annexation)". This item was removed from the consent calendar and discussed later in the meeting.

The following items on the Consent Calendar were approved:

3.2 Adoption of Ordinance No. 2006-3, "Ordinance Amending Section 5-8-112(b), Highland City Development Code, Addressing Water Share Requirements, Specifically Underground Water Rights".

3.3 Adoption of Ordinance No. 2006-5 "An Ordinance Adding Chapter 12.06 Standard Minimum Cross Sections for Roads to the Highland City Municipal Code Adopting a Minimum Cross Section for Roads Within Highland City".

3.4 Adoption of Resolution No.2006-6, "A Resolution Adopting the Water Management and Conservation Plan for Highland City".

3. Reports

4.1 Legislative Update by Representative John Dougall

State Representative John Dougall made a brief report on legislation of interest being considered at the State Legislature during its current session. He encouraged the Council and citizens to follow the issues on websites, i.e. www.le.stat.ut.us.

4.2 Committee Assignments

Steve King, as Co-Chairman of an Ad Hoc Committee appointed by the Mayor, reported on his findings on committee assignments and classified them into two groups, (1) **Groups with direct or core government function** such as infrastructure, trails, pressurized irrigation, garbage, solid waste, police, fire, EMT. Those assignments include two City Council members serving on the Public Safety District Board (currently serving are Brian Brunson and Steve King); Timp Special Service District (currently serving is Barry Edwards, with Steve King as alternate), North Point Solid Waste District Board (currently serving is Barry Edwards and Steve

King); the Water Committee was replaced by the Water Advisory Board, which is an appointed committee to advise the City Council on culinary and pressurized irrigation matters (currently serving on staff is Matt Shipp), and newly created North County Animal Shelter (a product of the PSD) will need an appointed council member. (2) **Community enhancement committees**, which entail citizens providing additional services to the community. These committees' success depends upon motivation of the chairman, or City Council members enthusiasm to support the committee. (A) Previous committees which are not working presently include: beautification committee, transportation committee built around 4800 West issues, finance committee, cemetery committee. (Steve King indicted that Glen Vawdrey had recommended the cemetery committee continue until the memorial area has been completed.) (B) Committees which are working include: Shade Tree Committee, Highland Jr. Miss Committee, Miss Timpanogos Committee, Parks/Recreation, Youth Council/Youth Court, Highland Fling. Steve King recommended evaluating the Highland Fling with regard to size, budget, and as a whole. Suggestions for these organizations included: producing a mission statement, list three goals they want to achieve, give yearly report to the City Council, financial accounting for monies provided by the Council. A general recommendation for committee enhancement groups would be to look at a coordinator position to take over for the City Council members as overseers. Internal City functions include the newsletter, web site, and planning commission liaison. Council member King indicated the Planning Commission Chairman, Steve Draper, is in favor of continuing with a City Council member serving as a liaison to the Planning Commission. He asked if this assignment was beneficial to the council member and he indicated he attends the Planning Commission meetings on his own in order to obtain information. Further, **possible new committees** could include: open space committee to study open space issues, and a library committee. He noted Justin Englebright and Stephanie Thacker are interested in having a library committee and being involved.

Mayor Franson acknowledged the efforts of Council members King and Vawdrey on the report and indicated he would take the information under advisement and come back in two weeks with assignments. He recommended a library ad hoc committee.

4.3 Electronic Sign - Youth City Council

Grant Herron gave a report on the proposal by the Youth City Council for its legacy project. The project proposal is to upgrade the sign at Heritage Park to allow it to be operated electronically. The sign improvement would cost \$26,000; Brett Millar, owner of Universal Scoreboards (USb), will provide installation, four-year maintenance, and software for \$13,000. He felt this proposal is better than the one from YESCO. Both sides of the sign will display messages. The sign is in red LED lights, it can display temperatures, pictures, and it will have wireless control through a laptop computer. Mayor Franson thanked Grant Herron for his presentation and indicated this matter would come back on the next Council agenda for discussion.

4.4 Engineering Staff

Matt Shipp presented a proposal to hire two staff engineers for Public Works to manage developments, reviews, development design, as well as capital improvement projects. This will take the pressure off the public works staff so they can do more public works maintenance. Mayor Franson recommended looking at two entry level engineers which would allow the City to provide service Monday through Friday for design and inspection work. Barry Edwards further discussed expanding contracts with private companies to augment service to the City by taking advantage of the private sector, as well. Mayor Franson invited the Council to make contact with Matt Shipp or Barry Edwards if they had further questions.

4.5 Policy for Subdivision Improvement Prior to Issuing Building Permits

Matt Shipp reported the City is going back to its policy of September 16, 2003 wherein subdivisions need to be 100% completed before issuance of building permits. He explained the City Council approved a city-wide variance on sidewalks due to a shortage of cement in November, 2005.

4.6 Budget Report

Barry Edwards presented a budget review of the City's \$4.5 million budget, and noted it is anticipated to go to \$4.8 million. Sales tax and revenue continues to be strong. Mid-year major categories of revenues are exceeding the estimates. He noted, with the mid-year update, the City can transfer \$66,000 into the General Building Fund and surplus upwards of \$180,000. The water fund will generate double what was anticipated when the budget was adopted.

4. Public Hearing to Amend Highland City Development Code to Add 4.8.1 Parkland Bonus Overlay Subdivision

Mayor Franson opened the public hearing on the Development Code amendment to add 4.8.1 Parkland Bonus Overlay Subdivision.

Craig Hendricks, a resident who lives adjacent to the area being proposed for the park bonus overlay subdivision, expressed concern there was no accounting for the property owners who are adjacent to the land. These concerns included no buffer zone required, it becomes a spot zone, no limited lot size is required, there could be small lots next to his 40,000 sq. ft. property, and it is proposed to be zoned for a minimum 20,000 sq. ft. lots. He suggested if the City wants to acquire park land that it pay for the land, rather than make the adjoining property owners pay through devaluation of their properties.

Donald Kaufer asked if the action wouldn't set a legal precedent when using this to get around existing zoning, which is R-1-40. He indicated there are a lot of people who came to Highland because of the R-1-40 zone, and it is not what Highland is all about.

Sam Melonas Jr., reported he wanted the City Council to know his family is in full support of the possible changes as it can give the City good community property, which is

needed.

Jennifer Tucker, a member of the Planning Commission reported she voted in favor of the zoning when it came to the Planning Commission because she felt it was a better option than the open space bonus density overlay which could be used with the property. She didn't agree it should be used in order to acquire the park. She felt the burden for the cost of the park should be borne by the entire City, and not just those living around it. She indicated there are some large lots which border where the park could go and the smaller lots stand to have more than 3 to 4 homes in their back yard. She realized this is unfortunate. She noted it is zoned R-1-40 and it should remain that way.

Lori Davis understood there is only one section of land for sale and it doesn't include the part being given to the City for the park. She inquired concerning guarantees the person who is developing the land will be able to acquire the land for the park and it will go to the City. Mayor Franson explained it is a density issue and goes through the Planning Commission. If approved, it would set up a process where conditions would allow for the smaller lots. It would not happen until the conditions are met through the Planning Commission. Thus, if someone buys the property and it doesn't meet the conditions, the zoning won't apply and it will remain R-1-40.

Jim Davis stated he agreed with comments made by Craig Hendricks, and he wants consistency in Highland where citizens can plan on R-1-40 zoning. He noted people have the right to develop and sell their land, but they need to be consistent in order to plan and look toward the future so people have the same size lot and home.

Griffin Johnson, a resident who lives at 6730 West 9500 North, felt most one acre lots are weed patches. He felt the smaller the lot, the better it is to maintain. He was in support of parks and open space.

Allen Simms, in response to Lori Davis' comments, stated he understood the first portion of the property to be purchased by the developer would be impounded and they couldn't develop until the park parcel was acquired.

Don Kaufer inquired how the City will handle the traffic on 10400 North with two major streets with high density.

Jennifer Tucker, indicated her concern with the development was that it would cause the traffic from the 50 homes to come in front of her home, and with the development in American Fork, that is the last thing she wants for the older neighborhood and everything else from 10100 North driving down it.

Barry Edwards indicated a substitute ordinance has been proposed to be submitted at the next City Council meeting.

Mayor Franson invited the City Council to make contact with staff concerning the revised ordinance. Lonnie Crowell indicated the ordinance will be placed on the City's web site.

Mayor Franson closed the public hearing.

5. Public Hearing to Amend Budget for Fiscal Year 2005-06

Mayor Franson opened the public hearing.

Barry Edwards explained with the amendments proposed, the City will amend the budget one more time at the end of the fiscal year to determine the budget won't exceed 18% in the fund balance, look at enterprise funds, and make sure departments haven't exceeded their budget.

Blake Buhler inquired what Highland receives in sales tax revenue from Kohler's. Barry Edwards explained this information is confidential, but indicated with sales tax revenue 75% comes back to the City based on population and 25% is based on point of sale.

Mayor Franson closed the public hearing. He explained the information on the budget amendments are on the web page, and the City Council will take action on the budget at the February 21, meeting.

6. Scheduled Items

7.1 Resolution to Oppose Senate Bill 170

Motion: Steve King moved to state opposition to HB 170 for the purpose of discussion. Motion was seconded by Claudia Stillman. Steve King and Claudia Stillman voted in favor, Kathryn Schramm voted against, and Brian Brunson abstained.

Barry Edwards indicated an abstention goes with the most votes. Mayor Franson will research this matter, and he indicated if the abstention would count for a vote in favor of the motion then the opposition to HB 170 would be so noted.

7.2 Conditional Use Permit for Cricket to Co-Locate Upon Antenna on City Property (Previously HWC Building Property)

Motion: Steve King moved to approve the Cricket Cellular antenna co-location conditional use permit subject to all conditions of Planning Commission and staff, which includes: (1) Applicant submit landscaping fees consistent with the 35% landscaping requirement per ordinance, or give applicant option to place a \$1,000 bond for future landscaping, (3) The ice bridge be below the fence line, (4) The enclosure for the equipment not to exceed 6 ½ feet in height. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

Steve King indicated he was in favor of cellular sites in existing use areas and requested staff to prepare a map of possible cellular tower sites.

7.3 Conditional Use Permit for Brookwood Model Home

Motion: Brian Brunson moved to approve Brookwood Model Home Conditional Use Permit subject to staff and Planning Commission recommendations as follows: (1) The home meet all zoning regulations as they pertain to model homes; (2) Section 3-4108 (14) be strictly adhered to with emphasis on (f) signage; (3) Parking be limited to the driveway and the street along the home frontage only; and the applicant be aware if number 2 above is not adhered to the Conditional Use Permit may be reviewed and removed by the City Council. Motion was seconded by Kathryn Schramm.

Brian Brunson moved to amend the motion to require the applicant to sign an acknowledgments stating that he has seen, and agrees to abide by, all the regulations of model home ordinance. Motion was seconded by Kathryn Schramm. Motion on the amendment passed by unanimous vote.

Motion: Brian Brunson moved to approve Brookwood Model Home Conditional Use Permit subject to staff and Planning Commission recommendations as follows: (1) The home meet all zoning regulations as they pertain to model homes; (2) Section 3-4108 (14) be strictly adhered to with emphasis on (f) signage; (3) Parking be limited to the driveway and the street along the home frontage only; and the applicant be aware if number 2 above is not adhered to the Conditional Use Permit may be reviewed and removed by the City Council, and (4) Subject to amendment to require the applicant to sign an acknowledgments stating that he has seen, and agrees to abide by, all the regulations of model home ordinance. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

7.4 Dixie Acres Plat Amendment

Motion: Brian Brunson moved to approve the Dixie Acres Lot 8 Plat Amendment subject to recommendations of Planning Commission and staff as follows: (1) The plat amendment to Lot 8 of Dixie Acres be approved and recorded prior to recording the Stoneshire Subdivision. Motion was seconded by Claudia Stillman, and it passed with the following voting in favor: Kathryn Schramm, Claudia Stillman, and Brian Brunson. Steve King voted in opposition as he was opposed to the down zoning for Stoneshire Subdivision.

7.5 Stoneshire Subdivision Approval

Motion: Brian Brunson moved to grant final approval of Stoneshire Subdivision subject to all conditions of Planning Commission and staff as follows: (1) change the notes on the plat regarding animal rights to include the word "large", (2) Lots 27 and 28 be

included in phase 1, (3) the fence be on both sides of the trail to extend from the southeast corner of the property and continue to the southwest corner of lot 28. Motion was seconded by Kathryn Schramm.

Brian Brunson moved to adopt an amendment, as a condition of final approval of Stoneshire Subdivision, that a valid easement, which can't be foreclosed, be obtained and recorded for the trail over the Waters property from the Stoneshire Subdivision to 6000 West. Motion was seconded by Claudia Stillman, and passed by the following voting in favor: Kathryn Schramm, Claudia Stillman, and Brian Brunson. Steve King voted against the motion.

Rob Clauson inquired whether the City Council would give consideration for a friendly condemnation for putting the road through Tom Holdman's home for tax purposes. Barry Edwards felt it was highly unusual to go that route. Brian Brunson didn't want to pursue this action with this action.

Dick Denture, father of Ms. Waters, indicated he didn't see why the City Council requires Stoneshire to force a trail to go through the Waters property. He indicated a willingness for it to go through with the water company easement, but they did not want to go to a lot of expense for the City or Stoneshire. He indicated they would sign the easement over, but didn't think it was necessary for it to be done. Mayor Franson recommended moving forward and if it becomes a problem then it would need to come back to the Council with details.

Motion: Brian Brunson moved to grant final approval of Stoneshire Subdivision subject to all conditions of Planning Commission and staff as follows: (1) Change the notes on the plat regarding animal rights to include the word "large", (2) Lots 27 and 28 be included in phase 1, (3) The fence be on both sides of the trail to extend from the southeast corner of the property and continue to the southwest corner of lot 28, and (4) Subject to an amendment as a condition of final approval of Stoneshire Subdivision that a valid easement, which can't be foreclosed, be obtained and recorded for the trail over the Waters property to 6000 West from the Stoneshire Subdivision. Motion passed by the following voting in favor: Kathryn Schramm, Claudia Stillman, and Brian Brunson. Steve King voted against the motion.

7.6 Howard Bangerter's Request for Building Permits Prior to Completion of Subdivision Improvements

Motion: Steve King moved to reaffirm the City Council policy and position from Tuesday, September 16, 2003, to not allow the issuance of building permits until such time as the subdivision is completed and instruct staff to return with an ordinance to amend the Municipal Code to reflect the policy of the City Council. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

7.7 Request for 50/50 Curb and Gutter Improvements with Doug Gillmore for

6000 West 10400 North

Motion: Claudia Stillman moved to approve the cost sharing for curb and gutter along the property frontage of the Doug Gillmore property and approve the extension on the asphalt to meet the curb and gutter. Motion was seconded by Steve King.

Claudia Stillman moved to amend the motion to state in case the property is developed within five years the property owner would reimburse the City for the improvements. Motion was seconded by Brian Brunson.

Brian Brunson moved to approve an amendment to the previous amendment to include the payment by Mr. Gillmore of the appropriate interest at the rate the City currently receives on its PTIF funds. Motion was seconded by Kathryn Schramm. The motion passed by the following voting in favor: Brian Brunson, Steve King, and Claudia Stillman. Kathryn Schramm voted against the motion.

Claudia Stillman moved to approve the cost sharing for curb and gutter along the property frontage of the Doug Gilmore property and approve the extension on the asphalt to meet the curb and gutter, and in case the property is developed within five years the property owner would reimburse the City for the improvements including the appropriate interest at the rate the City currently receives on its PTIF funds.

Kathryn Schramm moved to approve a substitute motion to amend the five year period to seven years. Motion was seconded by Brian Brunson. Motion failed by unanimous vote against the motion.

Claudia Stillman moved to approve the cost sharing for curb and gutter along the property frontage of the Doug Gilmore property and approve the extension on the asphalt to meet the curb and gutter and in case the property is developed within five years the property owner would reimburse the City for the improvements including the appropriate interest at the rate the City currently receives on its PTIF funds. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

7.8 Approve Contract with JRCA for Architectural Services for City Building Complex

Motion: Brian Brunson moved to approve the execution of the contract for architectural services for the city building contract with JRCA. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

7.9 Jensen Acres

Motion: Kathryn Schramm moved to bring the issue of Jensen Acres on the agenda to discuss. Motion was seconded by Claudia Stillman. Kathryn Schramm and Claudia

Stillman voted in favor. Brian Brunson and Steve King voted against the motion. Mayor Franson voted in favor so the matter was brought on the agenda.

Brian Brunson moved to table for two weeks to allow Glen Vawdrey to be present as he felt it was appropriate to have a full Council because he previously abstained on this matter. Motion was seconded by Steve King. Steve King indicated he would be absent the next Council meeting.

Brian Brunson made a substitute motion to table Jensen Acres until a full Council is present as it is precedence setting. Motion was seconded by Kathryn Schramm, and passed by the following voting in favor: Claudia Stillman, Brian Brunson, and Steve King. Kathryn Schramm abstained.

Steve Draper requested to make a comment. Claudia Stillman indicated a desire to allow Steve Draper to address the Council.

Steve Draper, having been on the City Council and the one making the motion for approval of Jensen Acres Subdivision in 1992, stated that he remembered the policy at that time was for the City to pay to extend the asphalt to the curb. He indicated it wasn't done as a favor to the Jensens at that time, but it was a policy for everyone putting in improvements. He further noted Barry Edwards alluded in a previous item on the agenda the City still extends asphalt to the curb. Further, he indicated as to the issue of park fees, it seems when the City enters into an agreement on final plat with a developer the developer is held to a standard and if a developer deviates we slap his hand. He felt the City is on the opposite side saying we want to change the plat. He felt when the City comes to an agreement both parties should be held to it. He explained it was understood at that time the small children would be inheritors of the property, it was one family piece and it would take time to develop. At that time it was the intent the \$250 park fee would be established at the time the children developed the lots.

Brian Brunson indicated he wanted to know the cost of the asphalt. He also wanted to know the cost of the present park fees.

Steve King stated he understood the City previously brought the asphalt to the property line and there had to be a cut in order to allow installation of the curb. Matt Shipp indicated they wanted a six inch patch, but he required 2'.

Michael Shriver indicated there are two roads affected by the asphalt and on 10400 North it can be noted where the existing asphalt was and where the new asphalt has been laid.

Mayor Franson requested the Council put the motion together for Jensen Acres, and indicated it needs to be prepared by February 16. Inasmuch as Brian Brunson requested information on the cost of asphalt, Mayor Franson indicated he would get the bills to staff in order to be sent to the City Council.

3.1 (revisited) "Adoption of Resolution No. 2006-4, "A Resolution of the Governing Body of Highland City Finding that the Annexation of Only a Portion of an Island of Unincorporated Land Within Highland City is in the Best Interest of the City (for Buhler Annexation)"

Motion: Brian Brunson moved to adopt Resolution No. 2006-4, "A Resolution of the Governing Body of Highland City Finding that the Annexation of Only a Portion of an Island of Unincorporated Land Within Highland City is in the Best Interest of the City (for Buhler Annexation)". Motion was seconded by Claudia Stillman.

Motion: Brian Brunson moved to approve a substitute motion to reject Resolution No. 2006-4, "A Resolution of the Governing Body of Highland City Finding that the Annexation of Only a Portion of an Island of Unincorporated Land Within Highland City is in the Best Interest of the City (for Buhler Annexation)" with finding the City is desirous of annexing a larger portion of property than this specific property, and this be brought back. Motion was seconded by Kathryn Schramm. Motion passed by unanimous vote.

7. Communication Items

7.1 Alpine City's Request for Highland City to Participate in Family First Week

Barry Edwards indicated Alpine City isn't asking for funds from Highland City for this year's Family First Week, but Alpine City wants Highland to advertise for this year's event and participate next year.

7.2 Council Retreat - March 11, 2006

7.3 Follow-Up from Twin Bridges/Beacon Hill Plat I

7.4 Recommendation by Planning Commission to Not Have Medium Animal Classification

7.5 ADA and City Hall

Barry Edwards indicated he had been looking at the possibilities of remodeling the city building, but that it now doesn't make sense to do the remodel because the architect, JRCA, has indicated the City could be in a new city building within a year. Further, he indicated the City Building is used for court; however, the landing isn't ADA compatible. He reported on his conversation with a representative over Disabilities Compliance and they felt if the City approved a contract it would be appropriate to fix the door way and install a buzzer. Barry Edwards will make arrangements to get the doorway fixed and a buzzer installed.

8. Other Business

A. Mayor Franson explained to the City Council his role in trying to facilitate the Council to be the policy making body and staff to carry out the policy.

B. Mayor Franson encouraged the City Council to keep track of what things are going on in the newspaper. Further, he reported Mountainlands Association of Governments is working with UDOT on a transportation plan prior to I-15 being rebuilt.

C. Mayor Franson reported the disagreement with Utah County and Mountainlands Association of Governments on Aging Services which was appealed to the State was turned down. It is now being appealed to the Federal Court.

D. Mayor Franson reported on the favorable informal discussions being held with the Mayors of North Utah County.

E. Mayor Franson commended the City Council for the extra effort to do the homework to be prepared for Council Meetings, and also commended staff for their efforts to provide information. Further, he noted February 9, will be the initial agenda setting for the February 21, meeting. If Council members have items for the next meeting, they need to let him know.

9. Adjournment

Meeting adjourned at 11:00 p.m.