

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, January 2, 2007

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

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

OTHERS: Dwayne Horsley, Glen Goins, Shane Curtis, James Horsley, Tom Bates, Mark Bergquist, Alicia Bergquist, Taylor Halladay, Darrel Ockler, Roma Jean Ockler, Peer Holton, Craig Hendricks, Bruce Tucker, Howard Bangerter, Phil Smith, Julie Hendricks, Jaimeson Hall, Brock Anderson, Thornton Garcia, Kameron Anderson, Chris May, Jeff Throckmorton, Mike Brown, Tom Hulbert, Wayne Rigby

EXCUSED: Councilperson Brian Brunson
Lonnie Crowell, Community Development Director

The meeting was called to order at 7:00 p.m. by Mayor Jay W. Franson. The meeting was called as a regular session, and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *Lone Peak Press* on December 21, 2006. The prayer was offered by Claudia Stillman, and those assembled were led in the Pledge of Allegiance by Mayor Jay W. Franson. Mayor Franson acknowledged the passing of President Gerald Ford and his service to the Country. He also expressed appreciation to the City Council and staff for their hard work and service to Highland City.

1. Approval of Minutes

Motion: Glen Vawdrey moved to approve the minutes of the December 5, 2006 City Council Meeting, as amended. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

Motion: Glen Vawdrey moved to approve the minutes of December 12, 2006 City Council Work Session. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

2. Appearances

Tom Bates, a Highland resident, stated he had reviewed the Design Guidelines for the

Highland Town Center, which addressed the four quadrants of the intersection of SR-92 and U-92. He explained the Design Guidelines specify the northwest quadrant, which is under present consideration for development, was to be the second commercial development to occur over an extended period of time, based on demand. The primary development was first to occur around the market square and he felt that is an important consideration. He indicated in the existing southwest quadrant the Town Center has buffer zones of green areas between commercial and residential development. He didn't know that this same consideration had been given to the northwest quadrant for public open areas between residential and commercial areas. He also noted from reading the documents there is quite a lot of consideration given to the appearance of commercial development from the street, but there is no mention of appearance of commercial development from existing or surrounding neighborhoods.

3. Consent Calendar (Agenda 6)

Mayor Franson pulled from the Consent Calendar **6.1 Naming of 4800 West to Mt. Timpanogos Parkway**, and he indicated the issue would be discussed at the next Council Meeting.

Kathryn Schramm requested removing **6.4 Adoption of Ordinance No. 2007-1, "Ordinance Amending 5.04.180 of Highland City Municipal Code"** from the consent calendar.

The following was approved by unanimous consent:

- 6.2 Committee Appointments (Re-Appoint Council members Brunson and King to the Lone Peak Public Safety District Board, Council member Glen Vawdrey to the Timpanogos Special Service District, Council member Kathryn Schramm to the North Utah Animal Control Facility Board, and Council member Claudia Stillman to the North Pointe Solid Waste Board)**
- 6.3 Adoption of Resolution No. 2007-1, "Resolution Re-Appointing City Recorder and City Treasurer" (Appointment for a one year term Nancy Day, City Treasurer, and Winifred Jensen, City Recorder)**

4. Public Hearing on Throckmorton Zone Request from R-1-40 to R-1-20 (Agenda 7.1)

Mayor Franson opened the public hearing. Barry Edwards indicated the applicant was proposing a zone change for Lot 19 of Horizon Estates to divide the property with two R-1-20 lots. This request comprises a zone change and a zoning map amendment.

Tom Bates indicated he was opposed to approving the zone change as it is contrary to the average of acre density lots in Highland.

Jeff Throckmorton, the person making the zone change request, asked the City Council to

consider the request and look at the map as it currently exists. He felt the lot sizes in the vicinity of his property are already half acre in size. He noted the property is unique in that there is a clear access from Old Bish Lane, as well as access from 4800 West. He felt the zone change is in keeping with the spirit and intent of the City.

There being no further public comment, Mayor Franson closed the hearing and indicated the item would come forward on the next agenda.

Later in the meeting Mayor Franson invited public comment on this issue and re-opened the public hearing.

Mike Brown indicated he owns an acre of property near Jeff Throckmorton and Howard Bangerter. He had the understanding that he could divide it. He was in favor of the zone change for Mr. Throckmorton's property.

Howard Bangerter voiced his support for the zone change for Mr. Throckmorton's property.

5. Adoption of Ordinance No., 2007-1, "Ordinance Amending Adopt Ordinance No., 2007-1, "Ordinance Amending 5.04.180 of Highland City Municipal Code" (Agenda 6.4)

Motion: Steve King moved to adopt Ord. 2007-1, "An Ordinance Amending 5.04.180 of Highland City Municipal Code". Motion was seconded by Glen Vawdrey.

A brief discussion ensued as to whether a previous ordinance was adopted changing the times for businesses to be open in Highland.

Substitute Motion: Kathryn Schramm moved to continue with a request for all appropriate documentation to be included in the next Council packet in order for the Council to act intelligently on the motion. The motion was seconded by Claudia Stillman, and it did not pass with the following voting against the motion: Steve King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted in favor of the motion.

Original Motion: Steve King moved to adopt Ord. 2007-1, "An Ordinance Amending 5.04.180 of Highland City Municipal Code". Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, and Steve King. Kathryn Schramm voted against the motion.

6. Approval of Site Plan for CR Zone (Agenda 8.1)

Motion: Claudia Stillman moved that the Council grant Site Plan Approval for

the CR Zone Site Plan per the recommendations and conditions of the Planning Commission and staff. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

A discussion ensued on site plan changes which hadn't yet been resolved for the CR Zone. Mayor Franson recommended staff work on the site plan changes.

7. Architectural Approval of CR Zone; Buildings “A, B, F, G, I and In-Line Retail” (Agenda 8.2)

Motion: Claudia Stillman moved to continue the architectural approval for two weeks conditional upon additional rendering based on input the Council has given on photographs and staff's architectural guidelines. Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Glen Vawdrey, Steve King, Claudia Stillman. Kathryn Schramm voted against the motion.

Mayor Franson recommended the City Council address this matter at a work session on January 11, at 7:00 p.m., as well as hold a discussion on capital improvements.

8. Final Approval of Mountain Ridge Subdivision (Agenda 8.3)

Motion: Glen Vawdrey moved to grant Final Approval for the Mountain Ridge Subdivision per the recommendations and conditions of staff including the following conditions:

- 1. That the applicant complete the “required elements” as indicated in 3-4818(1) in the Development Code; and**
- 2. That the applicant complete the “preferred elements” as indicated in 3-4818(2) in the Development Code and by the developer in the matrix to obtain the additional 0.2 units per acre; and**
- 3. That the applicant submit CC&R's to the Planning Commission prior to submitting for Final Approval from the Planning Commission; and**
- 4. That the applicant submit the Traffic Study to the Planning Commission prior to submitting for Final Approval from the Planning Commission; and**
- 5. That the applicant provide the proposed masonry wall with material specification, type and colors prior to submitting for Final Approval from the Planning Commission; and**
- 6. That the applicant submit the proposed “artwork and significant landscaping at each entry” prior to submitting for Final Approval from the Planning Commission; and**
- 7. That the applicant work with the Lehi Water Company to pipe the existing ditch along 10400 North; and**
- 8. That the applicant complete the improvements along 10400 North as required by ordinance per the recommendation of the City Engineer; and**

9. **That the applicant provide a table indicating frontages at the 30 foot setback with submittal for final approval; and**
10. **That the developer provide the delineation between any open space or park and adjacent property that abuts the open space or park; and**
11. **That the applicant strictly adhere to the Dust and Mud prevention Plan; and**
12. **That the applicant complete all of the approved conditions and requirements of the Planning Commission and staff prior to submitting for final approval.**

Motion was seconded by Claudia Stillman and it passed by the following voting in favor: Steve King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted against the motion.

Mayor Franson inquired of the City Administrator, Barry Edwards, whether the requirements had been met. Barry Edwards indicated the exceptions included providing delineation for open space and the mud and dust prevention plan and some engineering issues which will be taken care of when the final plans and drawings are submitted.

Kathryn Schramm stated her objections to the final subdivision approval which included the following: (1) Increased traffic on 6000 West and 10400 North and by bringing in another subdivision this will only add to the current traffic problems. (2) The land has always been zoned R-1-40. When people living there bought their acre lots it was with the understanding the property would remain in acre lots. (3) She stated that the City hadn't yet received the results of the General Plan survey meetings to find out what residents want, and she felt the City was getting the cart before the horse in trying to approve a sports complex before it is known if the people actually want it. (4) She referred to a letter from Mr. Hendricks stating the results of the recent City survey which showed that the majority of Highland residents do not want lot sizes like those being proposed for the Mt. Ridge Subdivision. (5) The developer feels he will make as much money on an R-1-40 subdivision. (6) Kathryn Schramm stated she was going to request the recommendations of the Planning Commission in their November 28, meeting and she found it on her desk tonight so she hadn't had time to absorb and assimilate their comments, but she knew that they voted not to recommend to the Council to grant final approval based upon the following findings of fact: "(a) There has been an overwhelming negative input from the public, (b) The application of the Parkland Bonus density ordinance to this subdivision is not substantially compatible with the surrounding neighborhoods, therefore not in the best interest of the City, (c) There are other options to the developer that would allow the development of that property to be substantially compatible with the surrounding neighborhoods, and (e) There are other options to the city to acquire the property for a city park to include full or partial purchase of the land." (7) Councilperson Schramm further stated that there are 20 acres of ground north of Lone Peak High School that Highland City owns. She questioned why Mt. Ridge is the only place the City is willing to enact the Park Plan Bonus Density when Alpine School District during the past election indicated that they wanted Highland City to help them develop a sports complex near Lone Peak High School?

Steve King inquired about the traffic flow in the subdivision and he felt the 5600 West

street needs to be a through street. He asked if this issue had received approval by the Alpine School District. Barry Edwards indicated the City had received feedback the School District would cooperate and he felt the road would be a benefit to the School District. He also felt connecting roads was important. He noted from comments made by residents in the General Plan meetings they are impressed that Highland has been foresighted by acquiring property for future uses. It was noted by acquiring the 17 acres for the park this could mean a \$4.5 million savings for Highland residents, based on a possible value of \$250,000 per acre.

Claudia Stillman indicated the process on the General Plan Update has been ongoing for a year and the touchstone meeting will be held in February. She noted the city property north of LPHS is currently being studied for park and recreational use.” As to the Mt. Ridge property being considered for park property, she noted the City Council is elected to represent the people, and the future people living in the community, and the greatest travesty is to give up open space in our community for providing recreational use. She indicated with the R-1-40 zoning the parcel would only have 13 less homes than what is proposed. She felt the savings to the City would be more like \$6 million, and this is a benefit which can't be recouped. Also, she mentioned that the issue of traffic safety on 10400 North would be improved in the future as the proposed project to construct sidewalks/bicycle paths along that street is completed.

Mayor Franson requested staff address the traffic issues concerning the School District and bring this information back to the Council.

9. Appointment of Mayor Pro Tem (Agenda 8.4)

Motion: Steve King moved to reappoint Brian Brunson as the Mayor Pro Tem. Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Claudia Stillman, Steve King, Glen Vawdrey. Kathryn Schramm voted against the motion.

FUTURE BUSINESS

10. Interlocal Cooperation Agreement with American Fork to Provide Recreation Programs (Agenda 9.1)

As to the proposal to adopt a recreation agreement with American Fork City, Barry Edwards noted American Fork wants to cooperate, but feels it is time for the cities (Highland/Alpine/Cedar Hills) to develop the capacity to provide their own recreation services. The agreement creates a bridge for training in order to offer programs without being cut off from American Fork.

11. Ground Water Recharge (Agenda 9.2)

Barry Edwards indicated Mayor Franson came up with an idea for the North Utah County cities to band together for the intent of managing ground water in a cooperative way.

Presently this is under the management of the state, but there are some things cities can do to charge the aquifer. This group will develop a presence in the water business in North Utah County and the cities have begun meeting in anticipation of creating an entity through an Interlocal Agreement. Mayor Franson explained there had been a positive response from other communities to this proposal.

12. Public Safety District Report (Agenda 10.1)

Steve King reported on the \$1 million SAFER grant the PSD acquired which will allow the hiring of nine individuals beginning this month. Through these federal funds, at the end of five years, the PSD will have a staff of fire fighters and paramedics. The next PSD meeting will be held on January 27.

INFORMATION ITEMS

13. General Plan "Touchstone" Meeting (Agenda 10.2)

Landmark will hold an open house referred to as a "touchstone meeting" on Thursday, February 8, 2007, at City Hall. The purpose of this meeting is to display the results of the neighborhood meetings on information on the General Plan researched from existing data, which is available up to that point in time. Barry Edwards reported the meeting will probably be around 6:00 p.m.

14. Lone Peak Recreation Survey

Cedar Hills, Alpine, and Highland are proposing a survey to find out what type of recreation facilities are desired and how much residents are willing to pay. Barry Edwards requested the City Council get comments back on the survey by January 9. He explained the survey would be sent out as a random sampling.

15. Other Business (Agenda 11.1)

A. Mayor Franson reminded the City Council of the City Appreciation Night on January 19, to recognize staff and city volunteers.

B. Mayor Franson reported he had asked Barry Edwards and the staff for a list of accomplishments in 2006, as well as goals for 2007. He indicated he would entertain the same kind of input from the City Council and he would make these comments at the next meeting.

15. Executive Session

Motion: Kathryn Schramm moved to go into Executive Session for purposes of property acquisition. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

**Motion: Kathryn Schramm moved to go out of Executive Session and adjourn.
Motion was seconded by Claudia Stillman, and it passed by unanimous vote.**

16. Adjournment

Meeting adjourned at 9:20 p.m.