

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, July 17, 2007

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
David Church, City Attorney
Winifred Jensen, City Recorder
Matt Shipp, City Engineer
Lynn W. Ruff, Finance Director
Carly LeDuc, Planner

OTHERS: Bob Ballantyne, Jason Ballantyne, Justin Ballantyne, Kristen Olsen, Steve Olsen, Delwin Thomson, Bonnie Thomson, Jason Nelson, Cecilee Nelson, Carolyn Lyman, Steven Lyman, Christie Dalley, Kevin Maag, Rob Clauson, Derek Ellis, Les Johnson, Brent Fox, Jerry Fenn, Bob Woods

EXCUSED: Lonnie Crowell, Community Development Director

The meeting was called to order as a regular session at 7:00 p.m., and notice of the time, place, and agenda had been provided the *Deseret Morning News*, *Daily Herald*, *Salt Lake Tribune*, and *Lone Peak Press* July 12, 2007. The prayer was offered by Mayor Jay W. Franson, and those assembled were led in the Pledge of Allegiance by Barry Edwards.

1. Minutes of June 19, 2007

Approval of the City Council minutes for June 19, 2007 was continued.

2. Appearances

There were no public appearances.

3. Consent Calendar (Agenda 6)

Kathryn asked to pull agenda 6.1 “Final Approval for Olsen Estates Subdivision,” and 6.2 “Final Approval for Thomson Estates Subdivision” from the Consent Calendar.

The following was approved by unanimous consent: Agenda 6.3 “**Approval of**

Conditional Use Permit for Dry Kyle Clark” (that the City Council approve the Conditional Use Permit for Dr. Kyle Clark per the recommendations of Planning Commission and staff)

PUBLIC HEARING/PRESENTATIONS (Agenda 7)

4. Adoption of a Highland City Storm Water Master Plan (Agenda 7.1)

Nathan Lunstad, staff engineer, presented the final draft report of the Storm Drainage Master Plan, which addresses existing and future storm drainage needs of the City. He explained the purpose of the report was to provide the City with a summary of the necessary capital improvements to meet existing and future storm drainage needs. The main focus for the study was for the NW section of the City, which is the only section of the City with storm drain conveyance and detention structures. The evaluation for the other sections of the City consisted with reviewing sump locations in respect to the drinking water well source protection zone. He explained the Public Works Engineering Division has established storm water design criteria and have been successfully using this in the review of new developments.

Mayor Franson opened the public hearing for public comment.

Kevin Maag, Homeowners President of the Bull River PUD, addressed the impacts on three of these major storm drain proposals and noted one of them had been addressed a year ago, Broadleaf Hollow. He explained 100 years ago water drained into Bull River, but after all the developing Bull River couldn't handle all the water and the City put in a large culvert which now funnels all the water into the rest of detention basin (listed as No. 6 in the master plan). It runs at the side of his home and there is 100 times as much water than has ever occurred and it has washed out ravines. He felt if the detention ponds are up and working it should stop the problem. He explained water rarely ran down the ravine and now it runs all winter long. Mayor Franson asked Mr. Maag to meet with Nathan Lunstad to see if the plan is looking to the future in order to address these issues.

Mr. Maag further addressed no. 2 on the master plan map (capital improvement from detention to the normal drain) and asked when it would be dealt with. He explained when the detention basin was constructed an outlet pipe was installed which has affected an elderly woman's home as it is pointed into her garage and through her driveway. He asked if this project could be prioritized as no. 1 since it is a serious error that didn't get finished with the detention basin was constructed. Nathan Lundstat indicated city staff would look at it and reported this needed to be remedied.

Mr. Maag indicated he would work with Mr. Lundstat on items 5 and 7, and convince the homeowners what happens with no. 6 on the plan map. He further noted he isn't convinced the Hollow is working the way the engineers felt it is, there are some serious issues with items 5 and 7 of the plan, and there is far more water than there has ever been.

Brian Brunson addressed the issue of the North Utah Water Conservancy District. Barry Edwards noted standard has been designed and reflects the requirement imposed by the North Utah County Water Conservancy District.

Matt Shipp indicated the North Utah Water Conservancy District identified a flow range and they did not give a set number for flow. The report by the District gives a range. The District's report was discussed in the master plan. Matt Shipp indicated the City chose to stay with 0.1 cfs.

Brian Brunson indicated on maps 2-2 and 2-3 the road designations were wrong. Matt Shipp will look into it.

Mayor Franson explained the Highland City Storm Water Master Plan is a job well done and is needed. He closed the public hearing, requested staff to look at items which had been identified, and bring the Plan back to the City Council for approval.

ACTION ITEMS (Agenda 8)

5. Final Approval for Olsen Estates Subdivision (Agenda 6.1)

Motion: Kathryn Schramm moved that the City Council grant final approval for the Olsen Estates Subdivision according to the recommendations of the Planning Commission and staff. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

Brian Brunson declared he had done some consulting work on this property at the time the zone was changed; however he had no arrangements with the Olsens nor any interest in the property.

6. Final Approval for Thomson Estates Subdivision (Agenda 6.2)

Motion: Kathryn Schramm moved that the City Council grant final approval of the Thomson Estates Subdivision per the recommendations of Planning Commission and staff, including that the applicant complete the improvements along 9600 North and 6150 West per the transportation master plan and development code requirements, and all other applicable recommendations from the staff. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

7. Request by Brent Fox for Sprinkling System in Windsor Meadows (Agenda 8.1)

Motion: Brian Brunson moved to continue until Mr. Fox was present for the discussion. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

Later in the meeting this item was revisited.

Motion: Brian Brunson moved to approve funding for the completion of the open space adjacent to the Brent Fox property in the amount not to exceed \$20,000, and include property corner markers. Motion was seconded by Glen Vawdrey.

Substitute Motion: Steve King moved to not approve the request by Brent Fox and this be a signal to staff to be willing to look at the Open Space Master Plan as soon as possible. Motion was seconded by Kathryn Schramm. The motion failed with the following against the motion: Glen Vawdrey, Brian Brunson, and Claudia Stillman. Those voting in favor were Kathryn Schramm and Steve King.

The Substitute Motion failed and the original motion passed by the following voting in favor: Brian Brunson, Glen Vawdrey, and Claudia Stillman. Those voting against the motion included Kathryn Schramm and Steve King.

8. “The Oaks at Lone Peak” Active Adult Living Community” (Agenda 8.2)

Motion: Claudia Still moved to set a work session to allow the possibility of a senior housing concept (Oaks at Lone Peak). Motion was seconded by Kathryn Schramm.

Discussion: Steve King didn't feel the Planning Commission has had a chance to weigh in on this concept, and he felt the City Council would be doing a disservice by not allowing the Planning Commission to have input. He recommended a joint work session with the City Council and Planning Commission, and also suggested having a charette wherein Highland Seniors could give input on what they would like to see in a seniors center. Brian Brunson felt the matter needed to be discussed in concept, rather than the specific proposal for “The Oaks at Lone Peak”, and felt the discussion needs to go to concept first and second the location before applying the specific application. Claudia Stillman felt the information prepared by David Church would be good review for the Planning Commission and City Council, and was also interested to see what the senior citizens want, as well as the price level. Glen Vawdrey indicated he has seen the Planning Commission spend time on planning issues and wonder why when the City Council wouldn't approve it. He felt work sessions should be with both the City Council and Planning Commission. He also recommended getting seniors involved to determine what they want. Kathryn Schramm indicated she didn't want the City to rush into anything and include it in our ordinances and felt the Planning Commission members should look at the matter by themselves.

Substitute Motion; Steve King moved to refer the concept of senior housing to the Planning Commission for their consideration of concept and possibly what types of housing they find appropriate, where they might suggest to locate this housing in Highland, and give an idea with the General Use Plan what people would like to see. The motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Rob Clauson indicated they are annexing property and would like to work with the Planning Commission and City Council together. Further, he has spent a lot of money and time

to see how to deed restrict affordable housing and age restriction and he wants to keep the information provided by his attorney confidential.

Barry Edwards noted the old General Plan accommodates this type of option, and no amendment to the General Plan Map is needed because they have made application.

9. Approval of Ordinance No. 2007-16, “Amendment for Fire Restrictions in Highland Glen Park” (Agenda 8.3)

Motion: Glen Vawdrey moved to adopt Ordinance No. 2007-16, Ordinance amending Section 12.24.030 in the Highland City Municipal Code to define the limitations of public use upon public property to protect the public. Motion was seconded by Steve King.

Discussion ensued with David Church presuming the Council’s intent was to have an ordinance which would (1) address all parks and open space by prohibiting open fire pits, (2) limiting barbeques to established city barbeque facilities, (3) have the ability to use gas grills and briquets within barbeque facilities, and (4) impose a penalty to recoup the cost should there be a fire caused by illegal action.

Substitute Motion: Kathryn Schramm moved to instruct David Church to rewrite the ordinance based on a list of needs he gave with the ability to enforce with warnings and fines. Motion was seconded by Steve King, and it passed by unanimous vote.

10. Approval of Contract Amendment for Geneva Rock for Traffic Control in Dry Creek Bench (Agenda 8.4)

Motion: Brian Brunson moved to approve a change order to Geneva Rock for the construction of the City Council approved traffic control device in Dry Creek Highlands and authorize staff to sign the change order agreement with a cost not to exceed \$67,000. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Matt Shipp explained the reason for the road construction is because of sink holes. He indicated it was determined the sink holes were formed when the down spouts from homes would direct water into the sewer lateral trench and follow the sewer main line. He indicated Public Works has sent out letters requesting residents to remove down spout drains and instead install pop-outs in their lawns. He indicated in the future he would approach the City Council to draft an ordinance which would not permit down-spout drains.

11. Adoption of Ordinance No. 2007-15, “Adoption of Qwest Franchise Agreement”

Motion: Glen Vawdrey moved to approve a Franchise with Qwest and adopt Ordinance No. 2007-15, “Adoption of Qwest Franchise Agreement”. Motion was seconded by Steve King, and it passed by the following voting in favor: Steve King, Glen Vawdrey,

Kathryn Schramm, and Claudia Stillman. Brian Brunson voted against the motion.

FUTURE BUSINESS (Agenda 9)

12. Ordinance Dealing with Nuisances (Agenda 9.1)

Mayor Franson reported this item needed to be continued inasmuch as legal counsel was unable to attend the meeting.

Brian Brunson asked if people interested in this item could be notified. Barry Edwards indicated Jody will send a notice.

13. Interlocal Agreement with American Fork Regarding Pressurized Irrigation (Agenda 9.2)

The City Council will be asked to approve an Interlocal Agreement with American Fork City to define the future relationship between our two cities in regards to shares of American Fork stock. Barry Edwards reported American Fork City is in process of establishing a pressurized irrigation system and they will be taking over the distribution system for American Fork Irrigation Company. That leaves a number of persons with shares in Highland that will be outside the system. Discussion with American Fork is addressing the following: (1) how many shares Highland can own, (2) what happens to users on a ditch and how do we get water to them, and (3) participating with American Fork on the creation of a piping system. Barry explained presently the City has a limited condition for getting water out of the Murdock Canal and the City is looking at a swap by taking water out of the canyon by using an alternative pipeline. He further noted Highland City is trying to eliminate ditches and not permit flood irrigation as the ditches are piped, which is the beginning of the process to incorporate irrigation water into the pressurized irrigation system.

14. Interlocal Agreement with American Fork Regarding a Debris Basin (Agenda 9.3)

The City Council will be asked to approve an Interlocal Agreement with American Fork City, upon their request, to make a joint offer to Utah County to purchase the debris basin at the mouth of American Fork Canyon. Barry Edwards indicated there has been an offer to purchase the Debris Basin from the County. An agreement with American Fork would address how the debris basin would be owned and operated. This involves an annual budget. Each entity can use the debris basin. American Fork wants to use it for a stilling basin and Highland City wants to use it for a recharge. Mayor Franson indicated these two items will be on American Fork Council agenda, as well.

15. Mayor and City Council Wage Survey (Agenda 9.4)

Barry Edwards indicated it has been a number of years since the City Council had an adjustment for their services. He recommended setting a public hearing and granting an

increase.

16. Memo of Understanding for the American Fork Recreation Program (Agenda 9.5)

Barry Edwards reported the City Council will be asked to approve a Memo of Understanding with American Fork City for recreation programs. The cost to American Fork to provide recreation services to Highland has increased over the years as the number of Highland residents using the programs has increased. American Fork was going to eliminate all non-resident participants, but has reconsidered that position. The agreement would serve to continue Highland City's participation with American Fork City. Highland City's cost will increase by \$30,000, for an amount to be paid in the amount of \$80,000.

17. Authorization to Combine the Bonneville Trail Underpass and the SR 92 Projects (Agenda 9.6)

Barry Edwards reported that UDOT has suggested combining the Bonneville Trail Underpass project with the SR92 project. In allowing these two to be combined the State would reimburse the City approximately \$160,000 and the projects would be built within two to three years.

INFORMATION

18. General Plan Update (Agenda 10.1)

Mayor Franson reported the City Council will not meet August 7, at 5:00 p.m. on the General Plan because of the issue with senior housing because this needs to be addressed before adopting the General Plan. He also asked the Council to think about the definition of "rural living" as it is defined for purposes of the General Plan.

19. Report on North Point Solid Waste District (Agenda 10.2)

Claudia Stillman reported the North Point Solid Waste District has been working on upgrades for a garage door, replacing small pieces of machinery, and getting a new service contract. She also noted trucking the solid waste is proving to be cheaper than using rail. Also, the District is now continuing to build some reserves.

20. Report on TSSD (Agenda 10.3)

Glen Vawdrey reported the TSSD's regularly schedule meeting was canceled and he didn't have anything to report. TSSD is continuing to work on drying beds and compost to reduce odor from the plant.

OTHER BUSINESS

21. Other Business (Agenda 11.1)

A. The Truth in Taxation hearing has been rescheduled from August 14 to August 15, at 7:00 p.m. Glen Vawdrey asked to be excused as he will be out of town August 10-16.

B. Claudia Stillman reported the Library Committee has received 250 surveys back and it is the Committee's desire to have the results within two weeks before the Truth in Taxation hearing.

C. Mayor Franson encouraged the use of a positive stated motion in using parliamentary procedure.

D. Brian Brunson asked about the status of the Open Space Improvement Agreement. Barry Edwards requested if the Council had any comments on the Agreement to get them back to Matt Shipp since this matter will be on the August 7 agenda..

22. Executive Session

Motion: Kathryn Schramm moved to go into Executive Session. The motion was seconded by Steve King, and it passed by unanimous vote.

Motion: Glen Vawdrey moved to go out of Executive Session. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

23. Adjournment

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

Meeting adjourned at 10:10 a.m.