

MINUTES OF HIGHLAND CITY COUNCIL

Thursday, March 23, 2006

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

STAFF PRESENT: Barry Edwards, City Administrator
Matthew F. Shipp, Director Public Works/City Engineer
Winifred Jensen, City Recorder

OTHERS: DeLynn Rodeback, Tom Williams, Ron Peck, Debbie Peck, Elwyn Peck, Norma Peck, Kris Melonas, Sam Melonas, Tamara Vawdrey, Brent Smith, David Sheffield, Emily P. Sheffield, Garrett Lyman, Craig Hendricks, David Josse, Jim Davitt, Mark Wilson, Keri Savage, Russell Skousen, Debbie Skousen, Phil Smith, D. Hoyal, Glade Tuckett, Kevin Birrell, Landon Shelby

EXCUSED: Councilperson Brian Brunson
Councilperson Kathryn Schramm

The meeting was called to order at 7:00 p.m. The meeting was called as a regular session, and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *New Utah* on March 16, 2006. The prayer was offered by Claudia Stillman, and those assembled were led in the Pledge of Allegiance by Mayor Jay W. Franson.

1. Minutes of March 7, 2006

Motion: Steve King moved to approve the minutes of the City Council Meeting March 7, 2006, as amended. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Motion: Claudia Stillman moved to approve the minutes of the City Council Work Session March 7, 2006, as amended. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

2. Appearances

A. Garrett Lyman, a resident in Dry Creek Bench, voiced his concern for the following issues: (1) the safety and liability issues to the City on the trail adjacent his property because of the amount of motorized traffic on the trail, when children are also on the trail; (2) general trail maintenance issues; (3) a portion of the paved trail has been placed on his property.

B. DeLynn Rodebeck, of Utah Power and Light, expressed a concern for the construction of retaining walls and rock walls being built within the public utility easements. He understood the City had an ordinance and he encouraged the enforcement as building is still going on within the easement. He expressed a willingness to work with the Council and staff and hopefully find a solution to police the construction inside PUE's.

C. Ron Peck addressed the City Council by expressing his concerns and studies he had made concerning the road width on 6800 West adjacent Aspen Hollow. He is desirous of seeing changes made before Aspen Hollow's improvements are completed. Mayor Franson indicated the City would get back with him and that the City Engineer, Matt Shipp, had been directed to work with Mr. Peck. He further directed Wini Jensen to copy the materials for the Council to be provided by Mr. Peck.

Ron Peck further stated he met with Barry Edwards and Boyd Wilson three years ago when he developed Peck Ridge Subdivision and at that time they determined the future street width from center of asphalt would be 33' and he ran the 8' waterline west from the existing subdivision entrance and went north at the correct distance from the 6800 West center line north through the Peck Ridge Subdivision up to 9600 North. The waterline was laid out and planned for future development of his 8 acres. He explained as the road has been defined with the Aspen Hollow Subdivision it isn't 33' from the center line.

Tom Williams, a resident living along 6800 West, submitted letters representing similar concerns by neighbors who live along the road near Aspen Hollow.

3. Consent Calendar

Barry Edwards reported under 6.2 of the Consent Calendar, ("Refer to Planning Commission Amendments in Development Code to Require a Map to be Included with Public Notices) Kathryn Schramm requested an address of the proposed development be included on the map.

The following was approved on the consent calendar by unanimous vote of the Council: (1) Purchase of Lap To Computers for City Council Members, (2) Refer to Planning Commission Amendments in Development Code to Require a Map (and address) to be Included with Public Notices, (3) Animal Fees, (4) Adoption of Resolution No. 2006-4, "A Resolution Annexing A Portion of An Island of Unincorporated Land Within Highland City (Buhler Annexation)".

4. Public Hearing on "Amendment to Sec. 3-612(5) Retaining Walls in the Highland City Development Code"

Lonnie Crowell indicated there have been recent requests in the hillside areas for more flexibility in the retaining wall ordinance. He reviewed the proposed ordinance.

Mayor Franson requested the comments made by DeLynn Rodebeck, under citizen comments, be included with the public hearing. He opened the public hearing, but there being no further comment, he closed the hearing.

5. Additional Public Hearing on Addition of Parkland Bonus Overlay Subdivision Option

Barry Edwards explained that changes had been made to the proposed ordinance after input was received at the prior public hearing, which should make the fit better into the neighborhood. Further, he felt the benefit of the ordinance to the City is greater than the Open Space Ordinance. Mayor Franson opened the public hearing for further comment on the Parkland Bonus Overlay Subdivision.

John Brent Smith indicated the concern he and his neighbors have with the original plan by allowing a large footprint home placed on a small lot as there will be concerns with fencing requests and utilization of city property, etc. He felt smaller lots should require smaller homes.

Jim Davis indicated he had the same concern, as was noted by Brent Smith, that with a large footprint home placed on a small lot you lose the open space feel.

Glen Vawdrey felt because it is an R-1-40 subdivision that the side setbacks should be 15', and he was not opposed to requiring 15' because the lots are not that small.

Craig Hendricks inquired about the minimum width of the streets. Barry Edwards indicated there would be a minimum 30' of asphalt, and the City would follow the modified 50' cross section. Further, some of the streets will match up with existing streets, which are generally 56'.

Mayor Franson invited any written comments from the public. He closed the public hearing.

ACTION ITEMS:

6. Approval of Conditional Use Permit for UP & L to Upgrade Power Poles from 10400 North to 11000 North on 6000 West

Motion: Steve King moved the City Council grant the Conditional Use Permit for Utah Power and Light Utility and Pole Renovation along 6000 West between 10400 North and 11000 North, as submitted, subject to all conditions of Planning Commission and staff, and directed the City Engineer to have full hands on coordination with Utah Power & Light and make sure the poles are placed where we need them. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

7. Adoption of Resolution No. 2006-2, "Resolution Adopting a Northwest/Southeast

Culinary Water Capital Facilities Plan”

Motion: Glen Vawdrey moved to adopt Resolution No. 2006-2, “A Resolution of the Governing Body of the City of Highland Adopting a Northwest/Southeast Culinary Water Capital Facilities Plan. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

8. Adoption of Ordinance No. 2006-12, “An Ordinance Enacting an Impact Fee for Culinary Water Improvements”

Motion: Claudia Stillman moved to approve Ordinance No. 2006-12, “An Ordinance Enacting an Impact Fees for Highland City Culinary Water Improvements”. Motion was seconded by Steve King, and it passed by unanimous vote.

9. Adoption of Ordinance No. 2006-10, “Ordinance Amending Sec. 15.24.010, 15.24.020 on Top Soil and Deleting a Portion of DMPP Application Limiting Grading to 5' Beyond the R.O.W.” in the Highland City Municipal Code

Motion: Glen Vawdrey moved to adopt Ordinance No. 2006-10, “Ordinance Amending Sec. 15.24.010, 15.24.020 on Top Soil and Deleting a Portion of DMPP Application Limiting Grading to 5' Beyond the R.O.W.” in the Highland City Municipal Code”. Motion was seconded by Steve King, and it passed by unanimous vote.

10. Adoption of Ordinance No. 2006-11, “Ordinance of Amendment to Municipal Code on Nuisance Ordinance as it Affects Light and Noise for Agricultural Protection”

Motion: Steve King moved to adopt Ord. 2006-11, “Ordinance of Amendment to Municipal Code on Nuisance Ordinance as it Affects Light and Noise for Agricultural Protection”. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

11. Final Approval of Day’s Meadows Subdivision

Motion: Glen Vawdrey moved the City Council grant final approval for Day’s Meadow subject to all conditions of the Planning Commission and staff, as recommended by the Planning Commission. Motion was seconded by Steve King, and it passed by unanimous vote.

12. Final Approval of Robinson Ranch Subdivision

Motion: Steve King moved approval of Robinson Ranch Subdivision subject to all conditions of Planning Commission and staff, as recommended by the Planning Commission. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

13. Amendment of MD Contract

Motion: Claudia Stillman moved to amend the MD Property Services Contract by providing for a 3% CPI adjustment, and increasing the scope of the contract to include Highland Hills Subdivision. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

14. RFQ for General Plan Update

Motion: Glen Vawdrey moved to recommend to staff to advertise the Request For Qualifications (RFQ) to update the General Plan. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

15. Moratorium on Accepting Applications for Higher Residential Density and Open Space

Motion: Glen Vawdrey moved to continue the item for a moratorium on accepting applications for higher residential density and open space to the next agenda in fairness to Kathryn Schramm in order to have her speak. Motion was seconded by Claudia Stillman. Barry Edwards indicated Kathryn Schramm's concern is if the City Council waits two more weeks it could open the door for open space subdivisions to come in. He recommended changing the language to set a moratorium for accepting applications from higher density, or R-1-40, to R-1-20.

Substitute Motion: As a substitute motion to the above, Claudia Stillman moved to provide a moratorium beginning immediately for accepting applications for up-zoning of residential density from R-1-40 to R-1-20 (Article 4.8 Open Space Density Bonus), that this will be for a period of six months, or until the General Plan is completed, and include the following findings: Diminished support expressed by some members of the City Council for the wide spread application of the open space ordinance with its attendant problems of fence heights, open space maintenance, trails, and use of the parks makes it prudent to step back and analyze the whole open space process. At the same time the City is receiving more and more requests to up zone and allow for smaller lots. If not dealt with in a logical manner, and in accordance with sound planning principles, these requests could clog the planning process and change the nature of Highland forever. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

FUTURE BUSINESS:

16. Canterbury North Plat G

The City Engineer, Matt Shipp, indicated the Council received a petition signed by all of the residents in Canterbury North Plat G stating they wanted certain things done, i.e. installation of street lights, fence, trails, and open space issues. The City Council took the petition. Subsequently, after the March 7, meeting the residents met with the Mayor to discuss the issue

further. The Mayor made a commitment to residents that no later than April 20, the staff would have a report prepared outlining all the issues they brought forward. At that point the Mayor and staff will make a decision whether to bring it to the Council, or make it on their own. He noted they are working on this issue and there are some issues which are less problematic, but others will need decisions.

17. Full Time Court Administration Position

Barry Edwards reported for the last six months the City has had a part-time position handling court duties, and the City hired someone who wanted to work part-time. Duties of the court have escalated and because the person wasn't able to complete the job as a part-time contract, she felt it was best to terminate her employment. Edwards indicated the position is more than half time, and he recommended the creation of a full time court position to handle court duties, plus other duties which need to be done in the City. Further, Nancy Day will move into the full time office of City Treasurer. Barry Edwards further clarified that the Court handles the Court for Alpine City and the cost would be shared.

18. Procurement Process

Mayor Franson reported he had suggested taking a look at the procurement process. Barry Edwards noted the spending limits hadn't been changed since 1991, and he recommended the following: changing the dollar limit for the City Administrator to approve expenditures to go from \$5,000 to \$25,000; contracts for services to be paid by the City and approved in advance by the City Council to go from \$5,000 to \$25,000; and contracts for services where the amount is to be paid by the City, (after sealed bid and it is awarded) to go from \$10,000 to \$50,000. Any expenditure made would need to be a line item in the budget.

19. City Wide Street Light Policy

Matt Shipp indicated staff is requesting a work session on a street lighting policy for the City. He explained the changes in the lighting standard, and indicated the City is getting more requests for street lights in neighborhoods. Mayor Franson asked the City Council to calendar April 18, for a work session prior to Planning Commission.

Further, Matt Shipp indicated UP & L has scheduled maintenance and it costs \$37 per month per pole. The City doesn't purchase the pole. Developers are required to put in the street collector pole, which the City maintains on energy only for \$1.40 per month per pole. The pole costs are as follows: UP & L pole \$1,000, residential \$3,700, and street collector \$3,300.

20. Sidewalk Completion Policy

Barry Edwards reported the City has not had a sidewalk completion program in Highland, but with the population increasing perhaps there is a need to look at it. He recommended an ad hoc committee be appointed to work with staff. The committee could

recommend a budget and priorities, work with the Council, develop a policy, and see if there is an interest. City Council members interested in participating should notify the Mayor, and any citizens interested may obtain a volunteer sheet on the web site.

21. Addition of Severance Clause to Personnel Rules and Merit Increase for City Administrator

Mayor Franson reported the City Administrator is hired at the City Council's direction and both the City Administrator and City Engineer are at will employees and are subject to political wind. He felt it is appropriate to provide some kind of severance package. A second issue is to look at a merit increase. He requested feedback from the City Council as this would come back in four weeks.

22. Quarterly Report on North Pointe Solid Waste Board

Claudia Stillman reported six members of the North Pointe Solid Waste Board were sworn into office at the last meeting. Also the audit report was presented by Squire & Company. The auditor's report looked good and they had suggestions. An audit committee, comprised of citizens and Board members, are to visit the budget. The District is doing well and has over \$2 million on hand in a public treasury investment fund.

23. Aspen Hollow/6800 West Road Issue

Matt Shipp reported the 6800 West road issue next to Aspen Hollow came up at the last City Council meeting. He addressed the time line as far as public meetings which were held on the Aspen Hollow development. Further, he was asked to see if he could stop the construction and he called the developer and asked him if he would hold up construction. He agreed to do that and they talked about the project. However, the developer is not willing to stop construction and solve the road widening issue as he felt he had gone through the process and received the approvals from the City Council. He was concerned the first comments had only come forward two weeks earlier. He wants to move forward. The other issue is that one of the ideas presented to move the road over 8 to 10 feet to the east, isn't a bad idea except that it is an easement and it is a right-of-way on private property. The developer would need to either sell the property or the City would have to go through a condemnation process. The developer isn't willing to sell the property. If the City wants to move the road over it would need to go to condemnation. The other issue is with the Sierra Hills development to the north of Aspen Hollow wherein the City would need to do condemnation, or purchase the property involving two homes. If the City moved the road to the north, the home to the north would be non-conforming on the side setback of the house. Matt Shipp recommended allowing the developer to keep moving forward. Further, he noted he is involved in getting the center line surveyed on 6800 West and has started discussions with Lehi and Utah County. He didn't feel the City had the right to stop the project, and didn't believe the City had a right unless it purchases the property as the construction is now. The City didn't take a deed to the open space and the only way to acquire it is through condemnation. Matt Shipp indicated this item would come back on a future agenda as an action

item.

24. Name of 4800 West

Barry Edwards reported on March 2, 1999 the name of the road on 4800 West was changed to Lone Peak Parkway from Highland City's boundary to the Alpine City limits. He indicated he had instructed Matt Shipp to purchase signs to be posted along 4800 West to Lone Peak High School. Claudia Stillman requested staff notify the administration at the high school when the signs are ready so that the school could commemorate the occasion before the school year ends.

25. Other Items

A. Mayor Franson reported the issue on aging services involving Mountainlands Association of Governments went back to Washington, D.C. as an appeal. The appeal was denied; therefore, it is status quo and Mountainlands Association of Governments will handle Aging Services, and Utah County was not successful pulling it away.

B. Mayor Franson indicated the Utah State Legislature approved the opportunity for counties to opt in to a process wherein right-of-ways can be obtained. This allows \$10 million for each county which is willing to add \$10 per vehicle to the registration fee. The \$10 would generate \$2,600,000. This action is going before the County Commission, and must be completed by April 1, in order for the counties to qualify for a one time \$10 million. Mayor Franson felt it was good planning, and he had indicated his support.

26. Size of Community Buildings

Barry Edwards reported he wanted to continue to the next agenda the issue of the size of the city buildings. Glen Vawdrey requested a work session for purposes of discussion. This matter will be scheduled for March 28.

27. Executive Session

Motion : Steve King moved to go into Executive Session for purposes of possible land acquisition. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

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

28. Adjournment

Meeting adjourned at 9:30 p.m.