

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, March 7, 2006

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

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

OTHERS PRESENT: Garrett Lyman, Bob Ballantyne, Blake B. Buhler, Keri Bushman, Craig Hendricks, Brett Hansen, Tom Williams, Nathan Ellsworth, Emily P. Sheffield, Jill Richards, Russell Skousen, Debbie Skousen, Jared Stoddard, Kimberly Westwood, Diane Beck, Brent Cook, Kim Weight, Dalan Smith, Geran Garrett, Janet King, Darren Davis, Kent Hadley, Easton Hadley, Deanna Holland, Bev Wilson, Bryce Sanders, Marci Olliner, Michele Child, Randy Graham, Kurt Jewkes, Bret Millar, Conrad Savage, Mike Shriver, Colette Shriver, Kevin Birrell, Clark Jensen, Darren Davis, Elwin Peck

EXCUSED: Barry Edwards, City Administrator

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 March 2, 2006. The prayer was offered by Lonnie Crowell, and those assembled were led in the Pledge of Allegiance by Councilperson Kathryn Schramm.

1. Minutes of February 21, 2006

Motion: Glen Vawdrey moved to approve the minutes of February 21, 2006, as amended. Motion was seconded by Brian Brunson. Motion passed by the following voting in favor: Brian Brunson, Glen Vawdrey, Claudia Stillman, and Kathryn Schramm. Steve King abstained as he was not present for the February 21, 2006 meeting.

2. Appearances

A. Blake Buhler, addressing the work session discussion for a Parkland Bonus Overlay prior to this meeting, suggested the City Council be aware of issues with lighting for a sports park. He expressed that lights will bother some people, and there will be a continual uproar if

lights aren't turned off. He also noted with games being played on Fridays and Saturdays they may begin at 8:00 a.m. and that may be a hindrance for adjoining property owners who may want to sleep in.

B. Emily Sheffield, a resident living at 10673 Avery Avenue, submitted a petition from residents in North Canterbury Plat G Subdivision, for a demand for compliance for the City completing the following projects: (1) 8 light posts, (2) 6' high uniform decorative fence to be constructed on both sides of the Murdock Canal, (3) complete the asphalt trail as part of the Highland trails, (4) JVVCD turnout structure, 6' high fence gate around the easement. Mayor Franson indicated a willingness to place this matter on the next City Council agenda with the background information.

Russell Skousen, a resident at 6696 West Avery Avenue, requested residents in attendance from Avery Avenue stand up to show the Council their support of the issue as presented by Emily Sheffield.

C. Tom Williams represented his and Ron Peck's concerns with the road easement adjacent the Aspen Hollow Subdivision development next to 6800 West. He explained below the development there is a 70' easement and it narrows, bottle necks, and then widens on the other side of 6800 West. He expressed concerns with safety and encroachment as to how it will affect their properties. He submitted some recommendations from Ron Peck. Another concern he expressed was the waste water, which comes from the development, since it has caused flooding on his property in the past.

Mayor Franson indicated he would get this matter on a subsequent agenda.

Elwin Peck, indicated there had been four generations which have used a lane which comes out onto 6800 West, and he noted it is a dangerous road, particularly in the winter. He explained it is wide on 9600 North and then narrows down, and is wider in front of the equestrian park and Lehi's boundary. He requested a show of support by other residents who had attended the meeting on this issue.

Mayor Franson indicated a willingness to follow up and get the matter on the Council agenda.

Conrad Savage, a resident who lies along 6800 West, indicated his concern that a construction company may begin pouring sidewalk before the road issue is discussed.

D. Darren Davis, a resident at 9940 North Yorkshire Court, reported the City Council imposed a moratorium on private citizens developing public open space last year. He hoped the City Council would make a resolution on open space since there is a patch work of improvements by residents in his subdivision wherein half of the residents have made improvements in the open

space. He is desirous of making improvements, as well. Mayor Franson reported the City Council has been having discussions, is moving forward, and will be addressing the open space issues subdivision by subdivision.

2. Consent Calendar

Brian Brunson requested the following go back for discussion: (1) Street Name for 9850 North Road, and (2) Request for 50/50 City/Resident Participation in Curb and Gutter on Single Lot. Kathryn Schramm requested the following go back for discussion: (3) Map to be Included in Public Notices Which Are Required by Development Code.

The following was approved on the consent calendar. Adoption of Resolution No. 2006-6, “Authorize Mayor Franson to Sign Amendment to Interlocal Cooperation Agreement for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice Compliance”.

3. Public Hearing on “Amendment to Chapter 10 Definitions in Highland City Development Code, 10-102 Definitions (23) Grade of Building, 10-102 Definitions (26) Height of Buildings”

Lonnie Crowell introduced the amendments proposed in the Highland City Development Code as to height of buildings, and the definitions of “grade of building” and “height of building”. Mayor Franson opened the public hearing for public comment.

Kevin Jewkes indicated the Mayor and City staff had worked closely in examining other cities and the issues involving height of buildings and grade issues. He expressed appreciation to the City staff for bringing a resolution. He felt it is a positive solution for the builders and the City, and he supported the language in the proposed ordinance.

There being no further comment, Mayor Franson closed the public hearing.

4. Adoption of Ordinance No. 2006-9, “An Ordinance Amending Section 3-4105: Height of Building; Section 3-4205; Height of Building; and Section 10-102: Definitions (23) Grade of Building; and Section 10-102: Definitions (26) Height of Building”

Motion: Kathryn Schramm moved to adopt Ord. No. 2006-9, “An Ordinance Amending Section 3-4105: Height of Building; Section 3-4205; Height of Building; and Section 10-102: Definitions (23) Grade of Building; and Section 10-102: Definitions (26) Height of Building”. Motion was seconded by Brian Brunson, and it passed by the following voting in favor: Steve King, Kathryn Schramm, Claudia Stillman, Glen Vawdrey. Brian Brunson voted against the motion.

5. Electronic Sign

Motion: Kathryn Schramm moved to accept the electronic sign concept, as presented by the Youth City Council in the February 7, 2006 meeting, to cost not more than \$14,000. Motion was seconded by Steve King. Claudia Stillman moved to amend the motion to amend the sign ordinance to allow this type of sign. The amendment to the motion was seconded by Steve King, and the motion passed by unanimous vote.

The City Council was desirous of making a decision on the color of the sign.

6. Jensen Acres

Clark Jensen addressed the City Council and stated he felt the Council should honor the conditions of approval for Jensen Acres and felt it was a contract. He indicated he had talked to individuals who had approved the subdivision, and they felt the matter shouldn't have come back up with the Council. Further, he indicated, upon reading past minutes, the City Administrator had reported the asphalt on 5600 West had just been resurfaced. He referred to a letter from Peterson Concrete, who did the work in front of his home, and it was done in 2002, and the splice would have been covered if it had been resurfaced. Further, on 10400 North there was 5' between the asphalt on the road to the new curb and gutter and there was no asphalt cut. On 5600 West they were limited by staff on the size of the asphalt cut, and because of that they were unable to have the curb and gutter installed with a machine and it ended up costing more to have the curb and gutter installed. He explained further the City previously paid for the asphalt around the corner of his property on 10400 North and 5600 West.

Motion: Brian Brunson moved, based on the absence of information from the City demonstrating a finding of asphalt previously paid for by the City, that the City reimburse the property owners of Jensen Acres for asphalt between the curb and the existing asphalt. Motion was seconded by Claudia Stillman. Motion passed by unanimous vote.

Brian Brunson indicated the conflict of interest he had previously disclosed was over the issue of the park fees.

Motion: Kathryn Schramm moved the Council honor the motion made by Steve Draper in 1992 that the Jensens would not have to pay more than \$250 per home for the park fees as they existed at that time, and any monies the City has received from the homeowners on that piece of property should be given back to them if they paid in excess of \$250, also a stipulation that if the present home owners (covered under previous agreement of \$250) should sell their property to someone else then the new owner has to pay the new impact fees. The motion died for a lack of a second.

7. Approval to Advertise for a Community Enhancement Coordinator

Motion: Steve King moved the City Council accept the creation of the position of Community Enhancement Coordinator and authorize the Mayor to fill that position. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Kathryn Schramm requested this position be advertised locally, on the web site, and in the newsletter.

8. Approval of the Purchase of a Pavilion for the Canterbury North Park

Motion: Brian Brunson moved to approve the expenditure of \$25,000 for a park pavilion for Canterbury North Park. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

9. Mayor Pro Tempore Appointment

Motion: Glen Vawdrey moved to appoint Brian Brunson Mayor Pro Tempore. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

10. Street Name for 9850 North Road

Motion: Claudia Stillman moved to name the road that parallels Murdock Canal, "Canal Boulevard". Motion was seconded by Kathryn Schramm.

Substitute Motion: Brian Brunson moved a substitute motion that the road which generally parallels the Murdock Canal be named "Adamson Boulevard" for not only the two former Mayors who has given service, but their ancestors. Motion was seconded by Glen Vawdrey. The substitute motion did not pass with the following voting against the motion: Kathryn Schramm, Claudia Stillman, Glen Vawdrey, and Steven King. Brian Brunson voted in favor of the motion.

Amended Motion: Brian Brunson moved to adopt an amendment to the motion to restrict the road from 6000 West easterly to Alpine Highway and apply the name "Canal Boulevard". The amended motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

11. Request for 50/50 Cost Sharing for Curb and Gutter in Front of 10434 North and 6400 West and Extension of Asphalt to Match Curb and Gutter

Motion: Claudia Stillman moved to approve the expenditure for the 50/50 match and the extension of the asphalt to match the curb and gutter in front of 10434 North and 6400 West. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

12. Map to be Included with Public Notices

Motion: Kathryn Schramm moved to approve a map to be included with exact or approximate coordinates of the proposed area of impact to be mailed with the public notices which are required by the Development Code. Motion was seconded by Steve King. Claudia Stillman moved to approve a substitute motion to request staff to look at the concept of maps to be mailed with public notices which are required by the Development Code, provide the action in ordinance form, and bring it back to the next City Council Meeting. Motion was seconded by Steve King, and it passed by unanimous vote.

13. Future Business**A. Amendment to Highland City Municipal Code on Mass Grading**

Matt Shipp indicated the City Council adopted a policy on mass grading only 5' from property line. He explained in the hill areas it causes problems with drainage and setting foundation heights. He is proposing to amend the ordinance, and bring back an amendment to the Municipal Code at the next Council Meeting.

B. Amendment to Highland City Development Code Section 3-612(5) Retaining Walls

Lonnie Crowell reported the Planning Commission had positive comment for allowing higher retaining walls if they are engineered. This would require a fence permit for a retaining wall and would allow more flexibility in grading lots.

C. Amendment of MD Contract

The amendment being proposed for the MD Contract includes the cemetery and an increase per the consumer price index. This will come back to the Council as an action item.

D. Creation of Recreation Special Service District

Glen Vawdrey reported he will be bringing forward a request to create a Recreation Special Service District, but he is waiting for the adjoining cities to bring the request back.

E. Amendment to Municipal Code on Nuisance Ordinance as it Affects Light and Noise for Agricultural Protection

Lonnie Crowell explained the request by Kevin Birrell to give agricultural users a tool to be able to farm during the late evening and early morning hours, and Lonnie asked for direction from the City Council for amending the nuisance ordinance as it applies to noise and light. Kevin

Birrell explained the problems he has had with the current ordinance as it doesn't allow noise or light which is bothersome between the hours of 10:00 p.m. and 7:00 a.m. He explained most farmers don't put up their hay until after 10:30 p.m. because otherwise the hay is brittle and the stems shatter. It is a common practice to bail hay at night. He reported he has had numerous complaints from a neighbor over his farming practice and he wants the City Council to amend the City's nuisance ordinance in order for him, and other agricultural users, to continue their farming operation. He requested this be done as soon as possible noting he had been requesting this amendment since last July. He noted of his 54 acres, 8 are within Highland City's boundaries. It was the consensus of the City Council to bring this amendment to the nuisance ordinance for agricultural purposes back on the City Council agenda.

F. Request for 50/50 City/Church Participation in Curb and Gutter at 10400 North 5600 West

Matt Shipp recommended the corner by the Strasburg Park on 10400 North 5600 West be improved. He reported he had made contact with a representative of the L.D.S. Church relative to improvements to the corner and extending the asphalt. He was informed the improvements would be a benefit, but the Church was not ready for the expenditure based on budget. Matt Shipp suggested when the L.D.S. Church builds a Church on the Day property, to the south of the Strasburg Park, that the improvements be included in the bond. The L.D.S. Church could, at that time, issue a check back to the City for the improvements. His purpose for addressing this with the Council was to seek approval of the City Council to have discussion with the L.D.S. Church on this matter. It was the consensus of the City Council for Matt Shipp to pursue the whole project and put the cost figures together. Supporting rationale for these improvements included previous concerns noted by Chief Botkin for the parking problem around the Strasburg Park, and the fact the City has had use of those facilities for a long time.

G. Request for Six-Month Moratorium on New Subdivisions and Zoning Until Completion of General Plan Update

Kathryn Schramm recommended placing on a subsequent agenda action for a six month moratorium on acceptance of any more new applications for subdivisions, or zone changes, in order to give time to work through the process of updating the General Plan. She also recommended doing a survey during the moratorium period. Kathryn Schramm will sponsor this item to be placed on the agenda.

H. Motion to Publish City Council Agenda in Lone Peak Press

Kathryn Schramm reported adjoining cities publish their agendas in the Lone Peak Press and she requested Highland City also publish its agenda. Mayor Franson explained the agenda is ready for posting on Thursday night for the Tuesday meeting, but the deadline for the paper is Monday and the paper comes out on Thursday. He suggested publishing a notice in the paper

each week suggesting the agenda can be found on the City's home page at www.highlandcity.org. This item will be placed on the next City Council agenda.

14. Information

A. Police Report

Mayor Franson congratulated Steve King for being appointed Chairman of the Alpine Public Safety District Board. Steve King made a quarterly report on the Police Department and noted two new officers have been added, and the Public Safety District voted in its last meeting to hire the seventeenth officer, which will put the Police Department at full capacity. Also, the Police Department has acquired a records system for the patrol cars, and the Police now have 24-hour coverage.

As to the next reports from City Council members serving on boards, it was determined Claudia Stillman would report at the next City Council meeting (March 23) on the North Pointe Solid Waste District. Glen Vawdrey will report on the Timpanogos Sewer District Meeting at the April 4, meeting and Kathryn Schramm will report on the North County Animal Shelter April 18.

B. Draft Emergency Action Plan

Mayor Franson reported he would be having a meeting March 14, with the police chief and fire chief to coordinate any potential emergency issues with community leaders.

C. Sidewalk Map

Matt Shipp reported he would have the revised sidewalk maps put in the Council boxes.

D. Field Trip(s) to View Comparable City Facilities and a Work Session on the Architecture of the Community Center

Lonnie Crowell reported Barry Edwards wants to set up a work session to visit various community centers with City Council members and the architect who is designing the community building. Barry Edwards will send out a notice and the work session will be advertised. The architect is willing to accommodate the Council members if an additional trip needs to be scheduled in order to get a good community center.

E. Future Work Sessions

Mayor Franson suggested holding work sessions on the alternate Tuesdays of each month at 6:00 p.m. Items to be covered include: (1) LUDMA (Land Use Development Management Act), (2) Open Space. Brian Brunson requested holding off two weeks for discussion on Open

Space. He requested staff provide his comments on Open Space to the City Council.

It was determined the City Council would meet March 14, 2006 at 6:45 p.m. for a work session on the Highland Fling. Kathryn Schramm will make a presentation on the Highland Fling.

F. Potential Open Space Areas for Cell Site Locations

Lonnie Crowell reviewed a map showing open space areas which could be used for cell site locations. He explained city ordinance requires cell towers be placed on city property. Also, he indicated he could provide the City Council with further cell tower options and a suggested approval process. The City Council was amenable to this recommendation.

15. Other Business

A. Mayor Franson reported he meets with Mayors in the north end of Utah County and he will keep the Council informed of these meetings.

B. Mayor Franson reported the application for volunteers and committees is posted on the City's web site. He requested applicants attach a resume and get them to Wini Jensen. He will then interview the applicants and get back with the Council on the applicants.

C. Mayor Franson reported he is preparing a handbook for the City Council on a summary of procedures. He encouraged the City Council to obtain a copy of the 12th edition of *ULCT's Powers and Duties*.

D. Mayor Franson encouraged any of the Council who can to attend the Mid Year ULCT Convention, and he asked the Council members to email him if they plan to attend.

16. City Council Meeting

Motion: Kathryn Schramm moved to reschedule the next City Council Meeting for Thursday, March 23, at 7:00 p.m., to accommodate people to attend the political caucuses and participate in their patriotic duty. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

17. Adjournment

Meeting adjourned at 9:50 p.m.