

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Wednesday, November 8, 2006

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
Matthew F. Shipp, Director Public Works/City Engineer
Lonnie Crowell, Director of Community Development
Winifred Jensen, City Recorder

OTHERS: Robert Webb, Kurtis Brimhall, Garrett Lewis, Joshua Jensen, Kyle Warnick, Kristine Jorgensen, Josh Jorgensen, Dallas Bayley, Tiffany Madsen, Chase Madsen, Josh Andrew, Nick Pacholick, Matt Gummow, Jerry Gorrell, Denise Gorrell, Debi Warr, Lynn Warr, Austen Pritchett, Erin Pritchett, Ryan Erickson, Cole Erickson, Carol Kounanis, Karen James, Dan Simons, Julie Hunter, Melissa Moen, Lucinda Tracy, Vern Hancock, Lynn Ruff

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 *New Utah* on November 2, 2006. The prayer was offered by Claudia Stillman, and those assembled were led in the Pledge of Allegiance by Kathryn Schramm.

1. Approval of Minutes

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

Motion: Claudia Stillman moved to approve the minutes of October 18, 2006 with the version proposed by Mayor Jay W. Franson. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Motion: Glen Vawdrey moved to approve the minutes of October 19, 2006. Motion was seconded by Steve King, and it passed by unanimous vote.

Motion: Kathryn Schramm moved to approve the minutes of October 24, 2006. Motion was seconded by Brian D. Brunson, and it passed by unanimous vote.

2. Appearances

There were no public appearances.

3. Consent Calendar

Mayor Franson removed 6.2, Water Advisory Committee from the agenda. Kathryn Schramm requested item 6.5, Adoption of Resolution No. 2006-19, "Adoption of Resolution Authorizing the City Engineer to Make Application for a License for Property for Use of Roadway and Park Facilities", be removed from the consent calendar.

The following were approved by consent:

- 6.1 Approval of Resolution No. 2006-18, "Resolution Adopting the Centerline Survey"**
- 6.3 Trail Purchase/Mitchell Development (Approve purchase of trail property from Mitchell Development LC in the amount of \$3,333)**
- 6.4 Non-Residential Storm Water Fees for NPEDS Phase 2 (impose a non-residential monthly storm sewer fee of \$4.50 per 6,000 square feet of impervious surface)**

4. Public Hearing to Amend Master Land Use Element of General Plan to Add Commercial Retail (CR) Zone and Public Hearing to Consider an Ordinance to Amend Zoning Map and Re-zone a Parcel of Land from R-1-40 to Commercial Retail (CR) Zone Located at 11000 North Alpine Highway

Lonnie Crowell introduced the public hearing by noting that Tom Hulbert, representing Fox Properties, has come before the City requesting property on the northwest corner of 11000 North and the Alpine Highway be rezoned to allow commercial retail. The site plan and documents have been reviewed over many months. He noted further the City Council adopted the Commercial Retail (CR) Zone on October 24, 2006. Mayor Franson opened both public hearings. Claudia Stillman indicated a sentence in the background information on this agenda item needed to be deleted on availability for opening for a 24-hour operation and Sunday closing.

Jerry Gorrell, a member of the Planning Commission, asked why would the City want to adopt the CR Zone? He felt the only reasons would be to (1) provide services which are not met, or (2) provide tax revenue to the community that were sorely needed. He felt the proposal by Tom Hulbert does not meet either of these. He also addressed the land use survey results which addressed the commercial issues wherein the citizens expressed the only thing they wanted to have was additional fast food restaurants and a sit down restaurant. It was felt grocery was important, but that Highland was meeting the demand for grocery at the present time. The survey indicated Highland had a very definite bedroom community attitude and smaller stores were better than bigger stores. Mr. Gorrell was concerned that the zone includes stores up to 70,000 sq. ft. which is not within the definition of a smaller store. Another concern is the impact the commercial retail zone would have on the Highland Town Center. There has been a lot of

thought go into the Town Center meeting the community's needs by bringing in small businesses in an area that doesn't intrude on existing residential and it is buffered with other city development. Also noted was that in a couple of the Planning Commission meetings the impact on projects going in the Town Center was expressed and people planning to go into previously planned development in the Town Center are now wanting to wait to go into the commercial retail area being proposed.

Mr. Gorrell also indicated the consultants addressing Highland's land use study had said Highland City could support 200,000 sq. ft. of commercial development sometime within the next five years and Mr. Hulbert's proposal is 180,000 sq. ft. If it is believed what the consultants are saying Highland will only be able to add 20,000 sq. ft. If the City Council approves the new commercial zone he felt this would be putting an ax to the Town Center. The proposed development has a strong aversion to the "big box" and Mr. Gorrell indicated he hadn't heard anyone say they are excited for big box stores. He noted the CR zone approves 174,000 sq. ft. and this would be twice the size of Kohler's. Also, Mr. Gorrell indicated he had not seen any data or research done on the impacts to city residents. He felt many people have jumped to the conclusion it will have a positive impact. The only data on a tax increase was based on property tax rates of about 13 of the communities in Utah County and it was a line of demarcation where several cities have low property tax rates and then a jump where property taxes were significantly higher. Mr. Gorrell noticed everyone with high property tax rates were communities with high commercial development and those with low tax rates were cities which had very little, or no commercial. He didn't think the commercial development would have a positive effect on city revenues, but the cost would in actuality increase the demand on city residents.

Mr. Gorrell asked why now for further commercial development and he felt our posterity is going to judge us on the decision we make. He felt the need would have to be pressing for adding additional commercial development. He encouraged the City Council to look at the size of the development as the developer is considering a bowling alley in the second building and he asked if that was what would be wanted next to the parking lot of the adjoining church. He felt there needed to be research to provide information concerning additional revenue and he was not convinced of this. He encouraged the City Council to deny the request for additional retail zoning at this time.

Lucinda Tracy came from a home on 4 3/4 acres and she felt she has lived in a haven. She was fearful of losing the things that Highland has had, i.e. a lot of open fields. She didn't want the children and the majority of the people to lose what they have grown up having and loved. She referred to the land use study which asked how small of lots were to be allowed and the next report showed residents favoring one-half acre as the smallest lot. Later in the meeting Mrs. Tracy indicated when Kohler's was developed the City indicated it wouldn't expand past that point. She indicated she knew things change, but was afraid if commercial is allowed to continue Highland would end up like Orem.

Julie Hunter wanted to know if Westfield properties would own any of the property being

proposed for the commercial development. She was in agreement with Mr. Gorrell's comments and indicated people love the rural atmosphere and don't want it changed to an urban setting.

Lynn Warr was in support of Jerry Gorrell's comments regarding the price that would be paid for commercial development. He felt it would have a major impact on the environment of the City, the immediate neighbors, and the City at large. He indicated he was against the commercial development for which he had previously documented in letters. He was concerned for needing to hire additional policemen. He asked the City Council to listen to what the people are saying. Kathryn Schramm asked Mr. Warr about commercial development being on SR-92. Mr. Warr indicated he would not oppose a more modest development with a few stores and offices with other buffer areas. He was mostly against large stores and the density of the commercial development. He recommended cutting back to a gas station and a smaller use. Later in the meeting Mr. Warr indicated in terms of service half of Highland residents are just as close to other commercial areas. He felt the proposed location would provide service to Alpine. He asked for this point to be considered.

Another comment made was that if a grocery store went in it would take revenue from Kohler's and there would be a net decrease from that.

Melissa Mowen stated she was in agreement with all of the comments. She noted she had moved to Highland a year ago and the major reason was for the rural feel. She did not favor box stores and all the business development. She felt it was easier to travel to American Fork for those stores. She urged the City Council to vote against the commercial development and leave Highland as a place for families to grow up.

Aaron Pritchett stated she moved to Highland because of rural atmosphere and she asked the City Council to vote against the commercial because we can go to American Fork and Lehi to get everything we need and we don't need any more big businesses here.

Roger Tracy indicated when he served on the City Council several years ago he went around the community and asked the residents if they wanted commercial development in Highland and they indicated they came to Highland to move away from commercial development. He inquired whether a study had been made on the revenue that would come from commercial development. Mayor Franson indicated this hadn't yet been done, but it would be on the next City Council agenda. Mr. Tracy indicated the site for the proposed commercial development is in an older area of Highland and a good majority of the people have been there for 29 years and most are retiring. He indicated from his research he learned where there are zone changes it would devalue the surrounding homes. He asked that the City Council consider the impacts of the commercial development on people's lives.

Debi Warr commended the City Council for the thought that has gone in on this matter and pled with them to focus on the public involvement and concern. She asked that the public be heard as the matter is voted upon.

Mayor Franson commended the public for handling the public hearing in an appropriate way. He indicated the City Council members would take comments and do their homework and won't make a fly-by-night decision. He closed the public hearing and reported a decision would be made in two weeks.

5. Public Hearing Canceled (Agenda Item 7.3 and 7.4)

Public hearings were canceled on "Request to Amend Master Land Use Map of the General Plan to Rezone 2.98 Acres Located at 10215 North Alpine Highway from R-1-40 to R-1-20" and "Consideration of Ordinance to Amend the Zoning Map and Rezone 2.98 Acres of Land Located at 10215 North Alpine Highway from R-1-40 to R-1-20".

ACTION ITEMS (Agenda Item 8)

6. Adoption of Resolution No. 2006-19, "Adoption of Resolution Authorizing the City Engineer to Make Application for a License for Property for Use of Roadway and Park Facilities" (Agenda 6.5)

Motion: Kathryn Schramm moved to consider "Adoption of Resolution No. 2006-19, "Adoption of Resolution Authorizing the City Engineer to Make Application for a License for Property for Use of Roadway and Park Facilities" for purposes of discussion only. Motion was seconded by Steve King, and it passed by the following voting in favor: Brian Brunson, Steve King, Glen Vawdrey, and Claudia Stillman. Kathryn Schramm voted against the motion.

7. Due Process Hearing for Alpine Homes Model Home (Agenda 8.1)

Motion: Brian Brunson moved that the City Council place the Alpine Homes under a probationary period of 90 days regarding their Model Home Conditional Use Permit. (If a violation occurs within 90 days it would void the conditional use and establish a fine, and the decision was effective November 8, 2006.) Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Brian Brunson, Steve King, Glen Vawdrey, and Claudia Stillman. Kathryn Schramm voted against the motion.

8. City Prosecutor (Agenda 8.2)

Motion: Steve King moved to approve a contract with Tucker Hansen as City Prosecutor. Motion was seconded by Claudia Stillman.

Substitute Motion: Brian Brunson moved the City contract with Hansen and Wright as City Prosecutor. Motion was seconded by Steve King, and it passed by unanimous vote.

9. McMullen Model Home Conditional Use Permit (Agenda 8.3)

Motion: Glen Vawdrey moved that the City Council grant the McMullen Homes a Model Home Conditional Use Permit subject to all conditions and recommendations of staff and Planning Commission with emphasis on signs. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

10. Final Approval of Brookridge Phase 2 (Agenda 8.4)

Motion: Claudia Stillman moved that the City Council continue this item so people involved in Brookridge can be in attendance. Motion was seconded by Kathryn Schramm.

Motion to Amend: Brian Brunson moved to continue and direct staff to provide a copy of the mailing labels for noticing this matter previously, and send an additional mailing to all the property owners on the 15.39 acres of the Brookridge Development with a map being included. Motion was seconded by Kathryn Schramm.

Motion to Amend: Brian Brunson requested the City Attorney be present for a time certain when this matter is discussed. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Amended Motion: City Council continue this item so people involved in Brookridge can be in attendance; direct staff to provide a copy of the mailing labels for noticing this matter previously and send an additional mailing to all the property owners on the 15.39 acres of the Brookridge Development, with a map being included; and request the City Attorney be present for a time certain when this matter is discussed. Motion passed by unanimous vote.

11. Final Approval of Hollow Acres Plat B (Agenda 8.5)

Motion: Brian Brunson moved the City Council grant final approval for the Hollow Acres Plat C Subdivision subject to all conditions and recommendations of staff and Planning Commission. The motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

FUTURE BUSINESS (Agenda 9)

5. City Building Maintenance Contract (Agenda 9.1)

Barry Edwards reported the City needs to solicit bids for a maintenance contract for the new modular building, the city building, the maintenance building at the mouth of the canyon, restrooms at Highland Glen Park, and Heritage Park. Bids will be solicited and brought back for approval.

6. Town Center Market Square (Agenda 9.2)

Lonnie Crowell reported the application is in process for Bill Knight, of Knight West Construction, for six office buildings and a bank on the southeast corner of the east gateway into the Town Center.

7. Construction Bids for Cemetery Improvements (Agenda 9.3)

Matt Shipp indicated staff was instructed to go out for design for the remainder of the south side of the cemetery and memorial area. That design has been completed and the Engineer's Estimate for 100% completion is \$750,000. It is broken down into a few phases. He indicated staff is looking for direction from the City Council. Mayor Franson noted this will be covered in a future work session.

15. Traffic Control (Agenda 9.4)

Matt Shipp recommended a center island narrowing on Ridge Road as a means of traffic control. The estimate is between \$5,000 and \$10,000. The City Council was asked to look at possible traffic calming devices in other parts of the City. Matt Shipp reported two such traffic calming devices were installed in the Twin Bridges Subdivision.

16. Use of Open Space Funds (Agenda 9.5)

Barry Edwards indicated there is \$45,000 remaining in the open space budget allocation and there may be some good construction days left to make some improvements. He was desirous for the City Council to consider areas for improvement. He noted some people would like to see the Windsor Meadows Park landscaped. Claudia Stillman recommended having the entrance to Highland landscaped. Barry Edwards will look at various options and provide cost estimates in order for this matter to be considered in a work session.

INFORMATION

17. Boundary Adjustment Request to Disconnect Kjar Property to be Annexed into Cedar Hills (Agenda 10.1)

Barry Edwards reported an applicant approached the City about disconnecting a few acres to facilitate development in Cedar Hills and the request has grown to 80 acres. He indicated staff is reluctant to recommend this property be given to Cedar Hills. He felt it is in Highland City's best interest for the property to remain undeveloped.

Mayor Franson reported the applicant has gone to Cedar Hills and Cedar Hills has agreed to annex the property. Highland City would need to go through a disconnection. The proposal involves two 40-acre parcels and on the left hand side of the left parcel it is straight up and down and is not developable.

18. Stoneshire Subdivision/Lehi Ditch (Agenda 10.2)

Barry Edwards reported in the motion approving the Stoneshire Subdivision there was no mention of piping the ditch. He indicated the City Council doesn't require piping the ditch. He indicated if the developer doesn't bother the ditch there is nothing that can be required. He indicated this is an issue between Stoneshire Subdivision and the Lehi Irrigation Company. The City may be asked to modify its conditions of approval once they come to an agreement. It is unlikely that the developer will be able to get final approval without working something out with the Lehi Irrigation Company. Lonnie Crowell reported the reason the City didn't require the ditch to be piped was because it was part of the Stoneshire Subdivision landscaping plan.

19. Electronic Sign at Heritage Park (Agenda 10.3)

Barry Edwards indicated it would be appropriate for the Community Enhancement Coordinator to be tasked with the job of approving messages on the electronic sign at Heritage Park. Kathryn Schramm inquired about trimming the tree branches by the sign. Barry Edwards indicated he would see that the trees are pruned.

20. General Plan Update (Agenda 10.4)

Lonnie Crowell reported the City is continuing with the General Plan Update. Information was mailed to residents and signs have been posted on the web page and at the city building. Barry Edwards wondered whether the Youth Council could give reminders to neighborhoods.

21. Follow-up to Strategic Planning (Agenda 10.5)

Mayor Franson suggested the second Thursday of the month be set aside for work sessions to complete the strategic planning process and to provide additional discussion time for the City Council. Topics which have been identified include the following: (1) public works projects for funding, (2) General Plan and Town Center, (3) mission statement. A meeting was scheduled for November 16, at 7:00 p.m., to consider Public Works Projects. The meeting will be held in the city trailer.

22. Library Committee (Agenda 10.6)

Claudia Stillman provided information to the City Council on meetings which have been held concerning a city library. The City Library Committee comprises five members. She asked that the matter be placed on the agenda as future business for the December 5, 2006 meeting to be considered as an action item for a subsequent meeting.

OTHER BUSINESS (Agenda 11.1)**23. Status of City Building**

Barry Edwards reported the City Office will be closed at noon on November 9, to make the changes in the City Offices and the office trailer. He indicated plans for a tour next Thursday evening. He indicated the changes will provide better service to residents.

24. Utah Lake Commission

Mayor Franson reported the Utah Lake Commission met, and they will be sending out further information.

25. Audit for FY 2005-06

Barry Edwards reported the City Audit is under way and it is expected to be reviewed at the next City Council meeting. The comments from the auditor have included tracking impact fees, setting up a formalized purchasing system for the City, and updating all the fees in the City. He further indicated the financial matters are moving forward with Lynn Ruff full time on staff. Lynn will have the quarterly statements and monthly statements available for the City Council.

26. Meeting with Water Advisory Board

Mayor Franson reported the Water Advisory Board met October 31st and identified the surcharge rates for Beacon Hills and View Pointe. A future meeting will be set and Beacon Hill developers will be invited to attend.

27. Water Shut-Off Notices

Barry Edwards reported water shut-off notices were sent out this week in order to get the payment collected.

28. Fire Department Grant

The Fire Department received a \$960,000 grant for a term of five years. The Public Safety District is responsible for the sixth year. Because of these funds, nine additional full time staff will be hired.

29. Mayor's Recognition Night/Employee Lunch

Typically the City has held a Christmas Party; however, on January 19, a Mayor's Recognition Night will be held. This will give an opportunity to recognize any residents who have volunteered.

On November 16th an employee lunch will be provided in order to give the staff recognition for their services. Staff spouses will be invited. The City Council will also be invited.

30. Mapping Training for Staff

Barry Edwards reported a consultant would be coming to give a three-day training to teach department heads to map their processes. This will be held November 30, December 1, and 2. The City Council was invited.

31. Traffic Study for North Utah County by Mountainland Association

Mayor Franson reported on meetings on U-92 with UDOT, and other cities. Within the next few weeks a Request for Proposal will go out for an overall traffic study for North Utah County. Mountainland Association will provide results in order to include those issues in the General Plan.

32. Flood Plain and Storm Water Conference

Claudia Stillman distributed a handout on a flood plain and storm water conference she attended.

33. Suggestion for Wednesday Night Council Meetings

Kathryn Schramm inquired about moving City Council meetings to Wednesday nights instead of Tuesday nights. Mayor Franson indicated this could be discussed at the next meeting and if it is decided to make a change the meeting would need to be set by resolution.

34. Adjournment

Meeting adjourned at 10:30 p.m.