

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, October 18, 2005

PRESENT: Mayor Jess Adamson
Councilperson Brian Brunson
Councilperson Gwyn Franson
Councilperson Steve King
Councilperson Kathryn Schramm
Councilperson Glen Vawdrey

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

OTHERS PRESENT: Tom Creighton, Alan Briones, John Schoenfeld, Pam Smith, Kelly Robbennult, Claudia Stillman, Matt Brown, Michael Shriver, Colette Shriver, Greg Iverson, Joseph Ward, Jay Franson, Tracy Smith, Cris Scholz, Bob Augenstein, Jeff Bitton, Buzz Woods, Metta Smith, Erin Pritchett

EXCUSED: Lonnie Crowell, Asst. Director of Planning & Zoning

The meeting was called to order at 7:00 p.m. The meeting was called as a regularly scheduled meeting and the notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, *Salt Lake Tribune*, and *New Utah* on October 13, 2005. The prayer was offered by Gwyn Franson, and those assembled were led in the Pledge of Allegiance by Mayor Jess Adamson. Minutes of the meeting held September 20, 2005 were approved, as amended, by motion from Brian Brunson. Motion was seconded by Gwyn Franson, and passed by unanimous vote. Minutes of the meeting held October 10, 2005 were approved, as amended, by motion from Gwyn Franson. Motion was seconded by Brian Brunson, and passed by unanimous vote.

1. Personal Appearances

A. Pamela Smith referenced a letter she sent to the City Council regarding her concern for citizens' safety on 6000 West from 11000 North to the southern border of Highland. She would like to have curb and gutter installed and the road paved to the edge. She further reported on a survey she had made with various residents in the area and indicated their various responses, which included a desire for the asphalt to be widened without curb and gutter and painting a line for a bike path, improvements are desired if taxes don't go up, having the road leveled and gravel put in higher. Her survey of residents concerning funding the safety project included the following responses: no one wanted to raise property taxes, and few favored more commercial for more sales tax revenue. She appreciated Steven King looking into her request for the improvements.

Mayor Adamson addressed the issue and explained the City will match half with property

owners for curb; however, the City hasn't funded sidewalks. Sidewalk improvements could be done with a special improvement district. Other options would entail funds from the General Fund, which would be a cost to all the residents of the community.

Steve King indicated he had a bike ride with Pamela Smith on 6000 West and suggested widening the area. Barry Edwards indicated 6000 West is a regional road of significance and a project could be put together using federal, state, and local funding for road projects to put in curb, gutter, and road widening, but these funds would need to be obtained.. He indicated the City Council has discussed looking at areas in the City which need improvements and recommended completing the study on the corridors. Mayor Adamson noted 6000 West, 10400 North, and 9600 North are roads without curb and gutter and improvements come down to funding.

B. Kelly Robbennult indicated he was representing a colleague who purchased a lot in the View Point Subdivision, and when his friend went to get approval for a building permit he learned the lot had been earmarked for ramblers and he wanted a two story home. He indicated he could pull the elevation to 37', but there was no indication of the requirement on the plat map, title report, and the developer who sold him the lot did not make the requirement known. Mayor Adamson indicated for good reasons the City Council limited the height of the buildings for the view shed and this was part of the negotiation with the subdivision process. Brian Brunson indicated the City would need to look at the plat and he directed staff to make a review. He further indicated the title policy doesn't reflect zoning issues. Mr. Robbennult inquired as to the City's responsibility to record an obligation. Brian Brunson indicated the City doesn't have an obligation. He further indicated the owner of record at the time the development was approved negotiated an agreement and the issue is whether or not the buyer can sue the developer for not disclosing the requirements. Mr. Robbennult further indicated the desire to keep the height restriction down and asked if that would be a problem for still having a two-story home and asked about a variance. It was noted a variance would need to be applied for through the Board of Adjustment.

3. Clarification of Subdivision Final Approval for Purpose of Building Permit Issuance

Background: Twin Bridges Estates is requesting building permits upon laying asphalt. It is recommended the Public Works Director allow building permits to move forward without full improvements based on weather conditions. The City Council wanted a review by the Fire Chief. The Fire Chief and Public Works Director have worked out the necessary arrangements in regards to fire flow.

Discussion: Matt Shipp explained the idea of allowing the issuance of building permits for Twin Bridges, based on weather conditions, was discussed in the previous City Council Meeting. One of the questions which came up was fire flow protection because the City doesn't currently have the 6,000 gallon tank. The developer has installed temporary pumps in order to get water services put in to meet AWA requirements for flow and testing. The issue they ran into was fire protection because building permits can't be issued without fire protection. Upon

looking at the pumps they rate at 1600 gpm which is above the flow requirements. The issues for granting the request were noted by Matt Shipp to include: (1) allow the fire chief, police chief, and water superintendent to verify the actual flow to make sure it meets the requirement. (2) Another issue is frost protection. The pipe goes from one fire hydrant to another on the surface and it is expected to be there until January. This would require having the developer work with Matt Shipp, the fire chief and water superintendent to meet the minimum requirements. (3) The developer to post a sign going into the property noting the water is potable water and it has been tested and chlorinated; however because the pipe is along the ground it is possible contaminants could enter into the line and it is recommended posting it as non-potable water and have each builder sign a waiver they had read it and understood it. (4) Want the developer to come up with waiver to take the responsibility for the water line during the time it is in there in order to maintain freeze protection. Should there be a fire, the fire district would do everything possible, but if the pipes freeze they can't do anything. They recommend a waiver in case there is a fire. Matt indicated he didn't want any occupancy until the permanent water line is installed. He indicated the City is estimating the upper tank will be completed by the end of December. Discussion ensued.

Motion: Gwyn Franson moved to continue, get legal opinion, and answers to technical questions. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Later in the meeting the developers came to the meeting and discussion ensued.

Motion: Gwyn Franson moved to reconsider motion. Motion was seconded by Kathryn Schramm and it passed by unanimous vote.

Motion: Gwyn Franson moved that staff allow building permit process to begin; however, no building permits be granted before the four recommendations by City Engineer be met: (1) that engineer, fire chief verify flow, (2) that engineer and water people and fire chief see a plan that will guarantee frost protection for the pipe, (3) that the sign be posted as you enter development stating there could be water contamination, and along with that each builder sign a waiver to that effect, (4) that the developer sign a waiver for any damages and they will maintain liability and be responsible for any damages, (5) have a written statement from city attorney stating in the affirmative the City isn't liable for any damages that occur. Motion was seconded by Kathryn Schramm, and it passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, Gwyn Franson, and Steve King. Brian Brunson voted against the motion.

4. Final Approval of Elizabeth's Place Subdivision

Background: This subdivision is located at approximately 10031 North 6800 West. It is an R-1-40 zone and is proposing 4 lots on 3.28 acres for an overall density of 1.22 lots per acre. The lots are 21,065 sq. ft. to 33,700 sq. ft. in size. A public hearing is scheduled for this meeting. The Planning Commission, in its August 23, 2005 meeting, recommended the City

Council grant final approval subject to (1) staff conditions, (2) A note being placed on the recorded plat that there was an existing pond on lot 2 and may require additional soil testing.

Discussion: Barry Edwards explained Elizabeth's Place Subdivision is a four lot subdivision located on Elizabeth Lether's property and the existing home will be torn down and a road will go through a portion of the property. Discussion addressed how the property would be connected to the Cooper property and Barry Edwards indicated there are two locations which could connect up with a road being planned. Mayor Adamson expressed a concern for an opportunity for a road to connect between this property and the Todd Day property and felt this matter needed consideration as to what would happen to the adjoining parcel. Discussion ensued.

Motion: Kathryn Schramm moved to grant final approval of Elizabeth's Place subject to staff and Planning Commission requirements being met. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Inasmuch as the public hearing had not been covered, Mayor Adamson called for the motion to be rescinded.

Motion: Kathryn Schramm moved to rescind the above motion to grant final approval of Elizabeth's Place. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Following the public hearing, discussion ensued on the development. Brian Brunson inquired about placing a note on the plat concerning the pond. Matt Shipp indicated the pond would need to meet building requirements and it could extend to lot 3.

Motion: Kathryn Schramm moved to approve the development of Elizabeth's Place with an amendment noting the pond comes into place on lot 3. Motion was seconded by Steve King, and it passed by unanimous vote.

1. Public Hearing to Address Amendment to the R-1-20 Zone in the Highland City Development Code

Discussion: Barry Edwards explained the action would change the way lots are calculated in the R-1-20 zone. Presently the code states that 25% of the lots can be between 14,000 sq. f., and other changes under 2 and 9.

Mayor Adamson opened the public hearing on the amendment to the R-1-20 zone. There being no public comment, he closed the hearing.

Barry Edwards indicated Steve King wanted to propose an amendment proposing lot sizes be a minimum of 20,000 sq. ft. in the R-1-20 zone and not allow the calculations to round down. This would take out the provision that 25% of the lots could be 16,000 sq. ft.

2. Public Hearing on Final Approval of Highland Hollow Subdivision

Discussion: Barry Edwards reported the Highland Hollow Subdivision hearing was scheduled in advance; however, the development wasn't ready for engineering. He suggested opening the hearing and continuing it as the developer hadn't yet met all the conditions to approve the plat.

Mayor Adamson opened the public hearing and stated the hearing would be left open to the next meeting for written comments.

Greg Iverson asked the City Council to save as many trees as possible on the City property, or public spaces. He indicated he had heard a rumor of a suggestion that some of the pine trees in front of the property be removed, and he felt it would be a shame to lose the big trees.

Glen Vawdrey inquired about the matrix and asked why the City Council had not yet seen it. Barry Edwards noted the matrix allows for a bonus and he indicated the development isn't asking for a bonus. He will discuss this with Lonnie Crowell.

3. Public Hearing on Elizabeth's Place Subdivision

Mayor Adamson opened the public hearing, and there being no comment, he closed the hearing.

4. Public Hearing on Final Approval of Beacon Hill Plat J, Located at 12700 North 5960 West

Mayor Adamson opened the public hearing.

Chris Schulz, representing the Alpine Joint Adventure Parcel which is 300 acres located in Draper City, indicated their property was part of the annexation into Draper in the 80's. Mr. Schulz expressed an interest in talking with Highland concerning a boundary adjustment in order to develop in Highland. As to trails and a wildlife corridor, it was suggested Mr. Schulz meet with City Staff and link them up properly.

Bob Augenstein indicated he wanted to clarify with staff whether a road had been moved on the south. Mayor Adamson suggested Mr. Augenstein consider this matter when Plat G comes in for consideration.

Mayor Adamson closed the public hearing.

8. Final Approval of Beacon Hill Plat J

Background: The Planning Commission, in its June 6, 2005 meeting, recommended the City Council grant final approval subject to conditions 1, 3, 5, 7 of the staff report, in addition to recommendations and conditions from Planning Commission and Staff. Also finding of fact that condition 2 and 4 of staff recommendations are not relevant to Beacon Hills Plat J.

Discussion: Matt Shipp indicated this development is part of the Beacon Hill Subdivision which comprises a road, lots, and open space. Part of the project extends the water line to the booster station. Barry Edwards explained the waterline is funded from the northwest culinary fees. The City will pay the developer to develop the water line. He further explained this plat provides a road which will allow the City access to build a pressurized irrigation pond. He noted when Plat A was developed it provided an easement all the way up the hill for which the City has an easement.

Motion: Brian Brunson moved to grant final approval of Beacon Hill Plat J subject to all staff and Planning Commission recommendations and subject to the following conditions: (1) power be brought to Plat J, (2) labels on “public open space” be changed to read “public park” as to lots 10, 11, and lot 12 being noted as public land. Further, incorporate all appropriate requirements from the annexation agreement. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

9. Request for Building Permit Issuance for Michael and Colette Shriver for Lot 3 of Jensen Acres

Background: Michael and Colette Shriver are requesting approval to obtain a building permit on Lot 3 of Jensen Acres inasmuch as concrete is in a shortage and it will delay completing the sidewalk and remainder of the curb, and based on weather conditions. It is anticipated the remaining improvements will be completed.

Discussion: Michael Shriver indicated Jensen Acres has been under development for several months and everything has been completed with the exception of curb, gutter, and sidewalk with the curb being 95% completed. The sidewalk will be formed up as soon as concrete is available since there has been a shortage. He understood it takes time for the Building Inspector to review the plans, and was desirous of being able to submit his plans in order to obtain a building permit.

Barry Edwards indicated this lot is on a standard street and he is not worried about the asphalt being caved in vs. one in a new subdivision. He didn't have a problem allowing the submission for a building permit as long as they proceed with the project and hope they will be done.

Motion: Brian Brunson moved to waive requirement of installation of concrete curb and sidewalk prior to application for a building permit; provided, however, applicants continue to exercise best efforts to get sidewalk in place and no certificate of occupancy will be granted until the cement is in place. Steve King requested an

amendment that the sidewalk and curb be completed when the foundation for the home is poured. Also Matt Shipp requested an amendment for the completion of asphalt between the road and curb before the basement is poured. Glen Vawdrey asked for an amendment stating the finding of fact the building lot is on an improved city street. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Inasmuch as the improvements were secured by both a trust deed and a bond, Matt Shipp agreed to check the bond to make certain it is in place before allowing the trust deeds to be released.

10. Final Approval of Pebble Lane Subdivision

Barry Edwards explained this item would not be discussed because the Pebble Lane Subdivision is in negotiations.

11. Adoption of Ordinance No. 2005-32, Adoption of Amendment to R-1-20 Zone

Background: A public hearing has been scheduled for this meeting to address amendment to the R-1-20 zone in the Highland City Development Code. The Planning Commission recommended the City Council approve the amendment to the existing R-1-20 Zone with the clarification to change the lot area minimum to 16,000 sq. ft.

Discussion: Brian Brunson favored preserving the R-1-20 zone on the south side of 9600 North. He was concerned the change would be more restrictive for some of the R-1-20 areas which hasn't been developed. Mayor Adamson favored staying with 16,000 sq. ft. minimum.

Steve King favored looking at a true R-1-20 subdivision and try to preserve a better lot size. Brian Brunson felt this may be premature.

Kathryn Schramm recommended the Planning Commission raise the square footage minimum requirement in the R-1-20 zone from 14,000 sq. ft. to 16,000 sq. ft.

Glen Vawdrey recommended getting rid of the fraction, but leave the zoning at 16,000 sq. ft. for 25% of the lots in order to have flexibility.

Motion: Brian Brunson moved to not adopt Ord. 2005-32 and wait for a review of the General Plan and a further review by the Planning Commission for the requested changes which were presented. Motion was seconded by Gwyn Franson. Motion passed by the following voting in favor: Kathryn Schramm, Brian Brunson, and Gwyn Franson. Those voting against were Steve King and Glen Vawdrey.

12. SCADA System Upgrade

Background: Public Works would like to put in the culinary wells and upgrade the secondary wells with the SCADA System. SCADA system allows us to computerize all of our wells and their operations. The upgrades will be done by Remote Control Systems at an approximate cost of \$58,000. Remote Control Systems is the City's supplier and maintenance company for the existing SCADA system. Therefore, staff would like to continue using them for this project.

Discussion: Matt Shipp indicated that Public Works is requesting the SCADA system, which permits the computer system to interlink wells and pumps and sends warnings on the telephone. This upgrade is needed for the culinary wells and an upgrade on the secondary wells.

Motion: Brian Brunson moved to approve the Remote Control Systems in the amount of \$58,000 to put the culinary wells and upgrade the secondary wells with the SCADA System. Motion was seconded by Gwyn Franson, and it passed by unanimous vote.

13. Adoption of an Ordinance Prohibiting the Transfer of Culinary Water Funds and Utility Rates

Background: The Water Advisory Board is reviewing a recommendation from staff that water rates be reduced. A recommendation from the Board will be presented at the City Council meeting. The garbage franchise calls for a reduction from \$4.00 per month to \$3.75 for recycling, if more than 500 residents sign up for that service. The City has over 500 residents and can pass a \$.25 savings onto the consumer.

Discussion: Barry Edwards recommended reducing the recycling can rates from \$4 to \$3.75, and passing the \$.25 on to users of recycling cans. The City is not trying to make money on recycling cans. We make some money on the second can but don't charge any billing on recycle plan.

Motion: Gwyn Franson moved to reduce rates on the recycling can from \$4 to \$3.75 per month based on decrease due to number of participants. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

Barry Edwards presented a proposal to reduce culinary water rates by \$2 per month due to a surplus in the budget. He indicated the current budget operations is \$631,000 and the revenue is \$1,019,000. He indicated the City needs a surplus in the future because lines will need to be replaced, but he felt it is prudent to reduce the rates by \$2 per month and pass the savings on to the residents. He indicated there had been some savings by consolidating the billing, as well as staff. He noted the Water Advisory Board recommended the reduction to the City Council.

Mark Thompson indicated he had a concern at staffing level because they were going to hire another staff member. He also indicated fire hydrant maintenance has a price tag, as well, if

it is going to be covered by the culinary water department and he felt that needed to be reviewed.

Kathryn Schramm felt it is a step in the right direction, but she also felt there were other things to look at. She was concerned with the wording in number 1. She felt it should state that it should only be used for the Highland City culinary system; otherwise it looks like water revenue could be used for another system. She also explained, based on proposed legislation from State Representative Tilton, cities are going to have to tell their customers in their monthly bills what the money is going to pay for and they haven't been doing that previously. She was concerned about being specific about definitions on what is included in the water systems and also the wording on number 1 needs to be more specific and cover the culinary system and not refer to pressurized irrigation.

Gwyn Franson raised a concern the Council didn't have a detailed breakdown and it is hard to evaluate when there aren't any numbers to look at.

Motion: Brian Brunson moved to continue discussion of water reduction rate for two weeks and have staff provide copies of numbers. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

It was determined to continue the ordinance pertaining to use of the water department funds to the next meeting. Brian Brunson recommended putting up a poster advertising the matter at the water open house.

14. Ordinance Adopting Cable Franchise

Discussion: Barry Edwards noted the cable franchise agreement hadn't changed since presentation by the Attorney.

Motion Brian Brunson moved to continue. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

15. Planning Commission Update

Gwyn Franson reported the Planning Commission addressed the Forsyth Subdivision, Final Approval of Mules Acres.

16. Planning Commission, at its September 13, 2005 meeting, remanded back to the City Council discussion of master planning the northwest corner

The City Council discussed the fact the Planning Commission remanded back to the City Council the discussion of master planning the northwest corner. Discussion ensued. Brian Brunson recommended getting a plan in place. Kathryn Schramm explained the Planning Commission sent the matter back and recommend organizing an economic development committee. She felt an economic development chairman could talk to businesses and bring the

information back to the Planning Commission to give them a place to begin discussion of what could be on the northwest corner.

Barry Edwards felt the Planning Commission should take a stab at the alternatives and go through the public hearing process. Mayor Adamson recommended a charette. Brian Brunson recommended Barry Edwards schedule a joint session with the City Council and Planning Commission. Barry Edwards recommended having a facilitator come in.

17. YMCA Update

Glen Vawdrey reported on his trip to Boise wherein four city representatives, along with YMCA representatives met with Jim Hall, Director of Parks and Recreation for Boise. They discussed how the YMCA and their city cooperated with the recreation programs. He noted the City built an aquatic center and the YMCA runs it, and if there is a deficit the YMCA has to take care of it. They visited three different YMCA's and met with the Mayor. No one had anything bad to say about the YMCA. He further indicated the task force looking at the issue here locally involves five cities and they should have a recommendation by January or February on recreational facilities.

18. Post Card Mailing

Barry Edwards presented a post card as a means of the City communicating with the public. He indicated Gwyn Franson and Steve King came up with the post card information and wanted approval to send it out. The City Council was supportive of sending out the post card.

19. Executive Session

Motion: Brian Brunson moved to go into Executive Session for the purpose of discussing land acquisition. Motion was seconded by Steve King, and it passed by unanimous vote.

Motion: Gwyn Franson moved to go out of Executive Session. Motion was seconded by Steve King, and it passed by unanimous vote.

20. Follow-Up

Brian Brunson recommended that whenever a citizen sends a letter to anyone in the City it should receive a response. Brian asked that Barry Edwards give a memo on what he has done on correspondence follow-up.

Kathryn Schramm addressed a letter she received from a citizen concerning safety on the road into the Highland Glen Park. Barry Edwards indicated staff will stripe that road.

Kathryn Schramm indicated 10150 North 6300 West is a dangerous street where you

can't see the stop sign because of a tree. Matt Shipp will talk to Lloyd and have staff look into the matter.

20. Adjournment

Meeting adjourned at 11:50 p.m.