

MINUTES OF HIGHLAND CITY COUNCIL MEETING

Tuesday, October 3, 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
Hannah Thiel, Planner
Winifred Jensen, City Recorder

OTHERS: Scott Rosevall, Jerome Gourley, Max Jamison, Lisa Anderson, Ken Higgins, Dan Schmidt, Stephanie Thacker, Ephraim Hernandez, Kaz Kano, Anthony Terry, Donna Payne, Natasula Perez, Gordon Clark, Randy Graham, Diana Graham, Bobby Seegmiller, Alan Van Oostendorp, Dana Van Oostendorp, Keith Leavitt, Jeanne Jeremy, LaDonna Broadhead, John Ogden, David Church, Larry Pincock, Vickie Pincock

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 September 28, 2006. The prayer was offered by Barry Edwards, and those assembled were led in the Pledge of Allegiance by Claudia Stillman.

1. Presentation on City Building and Police Station

Architect Gordon Clark presented drawings for the Justice Center, which will house the police department and courts. He indicated the building will be 16,000 sq. ft. in size and it will have a similar design as the City Building. He anticipated having documents ready to go out to bid by the end of December, and the bid results will be presented to the City Council the first Council meeting in February. It is anticipated concrete work will begin the middle of March, and both the Justice Center and City Building are expected to take eleven months to construct with the completion date of January, 2008. Cost estimates for the Justice Center is under \$3.5 million, and the City Building project will be 18,000 sq. ft., with an estimated cost of \$4.2 million. The Cost projections for the buildings do not include the furniture and furnishings.

2. Appearances

There were no public appearances.

3. Consent Calendar

Mayor Franson removed **6.2 Water Advisory Committee**, and **6.5 Pressurized Irrigation Master Plan Contract** from the Consent Calendar. Glen Vawdrey requested item **6.6. Revision of Conditions of Approval for Pinnacle Estates** be pulled from the Consent Calendar, and Kathryn Schramm requested item **6.3 Organizational Chart & Creation of New Positions**, and **6.4 Modular Building Lease** be pulled from the Consent Calendar. The following was approved by consent: **6.1 Library Committee (appointment of Claudia Stillman, Justin Englebright, and Stephanie Thacker to the Library Committee).**

ACTION ITEMS

4. Organizational Chart & Creation of New Positions (Agenda 6.3)

Motion: Kathryn Schramm moved to not approve the revised organizational chart until names have been put in by the positions, and to authorize the creation of the position of Director of Finance and Director of Community Development as soon as those names are put into the organizational chart. There was no second to the motion.

Motion: Brian Brunson moved to approve the revised organizational chart, authorize the position of Finance Director and Director of Community Development at a salary level 23, and authorize the Mayor to fill said positions. Motion was seconded by Claudia Stillman, and it passed by the following voting in favor: Brian Brunson, Steven King, Claudia Stillman, and Glen Vawdrey. Kathryn Schramm voted against the motion.

Barry Edwards reported the proposal is to elevate Lonnie Crowell to the position of Director of Community Development and appoint Lynn Ruff full time as Finance Director.

5. Modular Building Lease (Agenda 6.4)

Kathryn Schramm asked to have item 6.4 taken off the Consent Calendar because of her concerns. She wondered if putting the building up on this site will make us compliant with our ordinance governing mobile homes and trailers in Highland City where no one can have a trailer on site for longer than 12 months without paying a fine to the City. She wondered if we needed to amend our ordinance to allow for this modular trailer (building). Barry Edwards indicated that the trailer shouldn't be there longer than 12 months, but if it is the Council may need to create a section on a temporary basis. Kathryn Schramm inquired whether the city hall was no longer being planned. Mayor Franson responded that because of our space issues we needed to do something between now and the completion of the new city hall.

Motion: Brian Brunson moved to authorize the Mayor to sign a lease with GE Capital for a modular building subject to approval by David Church. Motion was seconded by Steve King, and it passed by unanimous vote.

6. Revision of Conditions of Approval for Pinnacle Estates (Agenda 6.6)

Motion: Glen Vawdrey moved the City Council grant a revision of conditions of approval for Pinnacle Estates Subdivision Plat A allowing driveway access from 10100 North with the condition if a driveway is installed the fence be set back an additional 5' so they can see anyone on the sidewalk. Motion was seconded by Brian Brunson. The motion failed by the following voting against the motion: Claudia Stillman, Kathryn Schramm, and Steve King. Brian Brunson and Glen Vawdrey voted in favor of the motion.

7. Lease Agreement with Sprint (Agenda 8.1)

Motion: Brian Brunson moved to approve a lease with Sprint for a cellular tower ground lease that would pay the City a lease payment on day one, with additional revenue if another user wanted to co-locate. Motion was seconded by Steve King.

Motion to Amend: Brian Brunson moved that the monthly fee be set at \$1,500 per month with a 3% escalation provision to be annual, it contain the appropriate co-location agreement, they will be required at termination of the lease to remove the facilities at the option of the City, and legal counsel approval. Motion was seconded by Steve King, and it passed by unanimous vote.

Amended Motion: to approve a lease with Sprint for a cellular tower ground lease that would pay the City a lease payment on day one, with additional revenue if another user wanted to co-locate, that the monthly fee be set at \$1,500 per month with a 3% escalation provision to be annual, it contain the appropriate co-location agreement, they will be required at termination of the lease to remove the facilities at the option of the City, and legal counsel approval. Motion passed by unanimous vote.

8. Approval of Purchase Agreement for 2.1 Acres of Public Property (Police/City Hall Site) in the Town Center (Agenda 8.2)

Motion: Glen Vawdrey moved to approve a purchase agreement of 2.1 acres in the Town Center in the amount of \$550,206, pending approval of the City Attorney. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

9. Grant to be Accepted for \$3,100 Received by Highland Justice Court for Metal Detector (Agenda 8.3)

Motion: Claudia Stillman moved to approve the \$3,100 grant for a court metal detector. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

10. Adoption of Ordinance No. 2006-32, “Ordinance Amending Section 10-102 (23) (26) on Height of Building in the Highland City Development Code” (Agenda 8.4)

Motion: Glen Vawdrey moved that the City Council adopt Ordinance No. 2006-32, “An Amendment to Section 10-102(23)(26): Building Grade/Height Within the Highland City Land Use Ordinance (Development Code) as recommended by staff. Motion was seconded by Kathryn Schramm.

Motion to Amend: Brian Brunson moved to amend by striking “flag poles and television antennas” from the proposed language. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Amended Motion: that the City Council adopt Ordinance No. 2006-32, “An Amendment to Section 10-102(23)(26): Building Grade/Height Within the Highland City Land Use Ordinance (Development Code) as recommended by staff, and by striking “flag poles and television antennas” from the proposed language. Motion passed by unanimous vote.

11. Reconsider Adoption of Ordinance No. 2006-33, “Retaining Wall Ordinance” (Agenda 8.7)

Motion: Kathryn Schramm, having voted on the prevailing side, moved that the motion rejecting the adoption of approving the Ordinance No. 2006-33, “Retaining Wall Ordinance” be reconsidered. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

Motion: Kathryn Schramm moved to adopt Ordinance 2006-33, “Retaining Wall Ordinance” by striking the words “in the future” and changing the title to read “Terraced and Vertical Retaining Walls”, and adding “shall” in place of “may”. Motion was seconded by Steve King,

Motion to Amend: Steve King moved to adopt an amendment by adding the following wording: “Any construction of a retaining wall shall include a drainage plan which provides for containment of run off water on site or drainage to a City approved location.” Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Motion to Amend: Brian Brunson moved to require installation of conduit on boundary lines subject to a public utility easement where no utilities exist, and no retaining wall be allowed on PUE’s where storm drain, culinary, pressurized irrigation, or sewer

lines are installed. Motion was seconded by Steve King, and it passed by the following voting in favor: Steve King, Brian Brunson, and Glen Vawdrey. Kathryn Schramm and Claudia Stillman voted against the motion because they felt the 10 ft. wide easement allowed ample room for a conduit and it did not need to be placed under the retaining wall.

Amended Motion: to approve Ord 2006-33, "Retaining Wall Ordinance" by striking the words "in the future" and changing the title to read "Terraced and Vertical Retaining Walls", adding "shall" in place of "may", add the following wording: "Any construction of a retaining wall shall include a drainage plan which provides for containment of run off water on site or drainage to a City approved location," require installation of conduit on boundary lines subject to a public utility easement where no utilities exist, and no retaining wall be allowed on PUE's where storm drain, culinary, pressurized irrigation, or sewer lines are installed. Motion passed by unanimous vote.

Kathryn Schramm stated that previously in this meeting, she voted against the amendment to "require installation of conduit on boundary lines, etc." because she felt it was an unnecessary and confusing requirement. But knowing that people were waiting for this ordinance to be approved so they could go forward with the installation of retaining walls, she voted for it.

12. Final Approval of Timp Ranchettes Amended Plat B (Agenda 8.8)

Motion: Brian Brunson moved that the City Council grant final approval for the Timp Ranchettes Subdivision per the recommended conditions of Planning Commission and staff. Motion was seconded by Glen Vawdrey

Glen Vawdrey indicated on the plat note 7 states "The existing ditch and ditch easement located along the north boundary of Lots 13, 14, 15, 16, & 18 shall be abandoned. He inquired if it would be piped. Matt Shipp indicated it would be piped on the east side and indicated there are still issues to work through with the irrigation company for taking it down the east side. Matt Shipp further noted the center line survey had been completed and he asked that the motion reflect that the centerline adopted will coincide with the centerline survey. Kathryn Schramm indicated people are under the impression the developer will put in the sidewalk improvements along existing homes on 10400 North. It was noted the developer has agreed to put in the improvements including curb, gutter, sidewalk, and asphalt at his own expense.

Motion to Amend: Brian Brunson moved to approve an amendment that the center line and cross section will match and coincide with the centerline survey. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

Amended Motion: that the City Council grant final approval for the Timp Ranchettes Subdivision per the recommended conditions of Planning Commission and

staff, and that the center line and cross section will match and coincide with the centerline survey. Motion passed by unanimous vote.

FUTURE BUSINESS

5. Home Business Ordinance (Agenda 9.1)

Kathryn Schramm inquired whether the City Council was ready to make any recommendations for changing the home business ordinance to bring clarity with the hobby breeder's license, and include some aspects of the nuisance ordinance as it would apply to animals and businesses. Mayor Franson suggested Kathryn Schramm prepare a draft ordinance, get with some of the Council members to review it, and if there is agreement then come back with a motion.

6. Executive Session

Legal counsel joined the meeting.

Motion: Steve King moved to go into Executive Session to discuss T-Mobile and their lawsuit. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

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

15. Reconsideration of T-Mobile (Agenda 8.6)

Motion: Glen Vawdrey, having voted on the prevailing side, moved that the motion approving the T-Mobile conditional use permit be reconsidered for purpose of amending the conditions. Motion was seconded by Kathryn Schramm. The motion passed by the following voting in favor: Brian Brunson, Kathryn Schramm, Claudia Stillman, and Glen Vawdrey. Steve King voted against the motion.

Motion: Brian Brunson moved the City Council authorize the City Administrator, Barry Edwards, and Counsel, David Church, to work out settlement agreement with T-Mobile to incorporate the following provisions: (1) T-Mobile provide a master plan of cell tower sites within Highland, (2) provide the RF engineering in conjunction with this tower, (3) that the pole be constructed of a non-reflective surface, (4) location be not closer than 100' from the intersection of the south boundary of the L.D.S. Church property and the west boundary of the school property, and (5) height of the pole be restricted to minimum requirement for engineering, and not to exceed 100'. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

For the record, Glen Vawdrey stated he was a T-Mobile customer and was employed by Alpine School District.

16. Highland City Property North of Lone Peak High School (Agenda 9.2)

Mayor Franson reported that he and Barry Edwards met with the School District personnel and discussed school parking issues. The discussion addressed more parking space north of Lone Peak High School, as well as potential needs for portable classrooms. The School District personnel were invited to come back to the City with concepts. The District has now come back with a proposal for parking needs, school portables, and additional recreation possibilities that will benefit the City and the School. Barry Edwards noted the School District has allocated \$1 million and he presented proposals for soccer fields, portable buildings, gymnasium/basketball court facility, and parking. Mayor Franson explained the proposal is conceptual and preliminary and the desire would be to get the recreation survey completed and work with the cities of Alpine and Cedar Hills.

Barry Edwards reported the City had received a proposal from Joseph Strom of the Alpine Country Club on what he wants to propose for use of the City property adjacent Lone Peak High School.

Joe Strom, representing the Alpine Country Club, presented a concept for creating a country club with 36 holes of golf by combining both the Alpine Country Club and Cedar Hills golf courses. The proposal also includes a fitness center proposal as a (*2) pivotal between the two courses by acquiring the 20 acres owned by Highland City adjacent to Lone Peak High School. He indicated he understood the need for additional parking for Lone Peak High School, and he felt there was enough ground to address the school's parking issue, along with their proposal. They want to put in a larger facility than what the City would put in and privatize it. Mr. Strom showed a fitness facility visual concept which would include indoor/outdoor swimming pools, which could be used by the high school, and basketball facilities which could be used by Jr. Jazz. Their rationale for having a sports and fitness service for Highland, Alpine, and Cedar Hills would provide a healthy form of family entertainment, and maintain a high level of service and atmosphere in Highland. The request includes coming up with a plan to work with the high school, and secure up to 20 acres from Highland City for a planned athletic facility. Glen Vawdrey inquired of Mr. Strom whether they had done a feasibility study to determine the charge to the users. Mr. Strom felt it would be around \$200 per month per family and they would not rely on the City for funding. They estimate a cost of \$23.5 million for the land, building, and everything in it.

17. Roundabout on Ridge Road (Agenda 9.3)

Barry Edwards reported residents near Bull River Road have been asking for a traffic calming device, and it has been concluded that a round-about or chicane could be considered.

He indicated the proposal would be to authorize a feasibility study and come back to the Council with recommendations.

18. Rezone and General Plan Amendment for Larry Pincock's Property Located at 10215 North Alpine Highway (Agenda 9.4)

Barry Edwards indicated Larry Pincock has made a request to re-zone his property, located at 10215 North Alpine Highway, from R-1-40 to R-1-20. The Planning Commission did not feel it was appropriate and did not make a recommendation because they wanted to wait and see what the General Plan survey showed. This item will be back on the next agenda in two weeks.

Larry Pincock felt the proposal made sense inasmuch as the subdivision next to their property comprises one-half acre lots, and with the location of the Jr. High School and L.D.S. Church next to the property it creates plenty of open space around the property.

INFORMATION

19. TSSD Report (Agenda 10.1)

Glen Vawdrey reported the TSSD Board approved membership for the town Vineyard to come into the TSSD District, and limited Vineyard to 7,666 residential units. TSSD is spending \$85 million for expansion of its plant, with plans to bond for the improvements. Issues of disposing of the waste and odors is an issue for continuing study and discussion.

20. Council Retreat (Agenda 10.2)

Steve King recommended the City Council schedule time for a retreat which would give the Council an opportunity in a more casual situation to be more open in discussing and setting goals. It was determined the date for a retreat would be set for Wednesday, October 18, at 10:00 a.m. Mayor Franson asked the City Council members review their calendars and plan for this meeting. City Manager, Barry Edwards, said Staff would locate a place to hold the retreat.

21. Centerline Survey (Agenda 10.3)

Matt Shipp reported the City Council authorized funds for a centerline survey of all major collectors and arterials. The project is coming to a completion and he wants the Council to approve it because it will be the basis to determine where subdivisions will go. He will get documents next week, and come back to the Council for direction.

OTHER BUSINESS

22. Water Advisory Committee Meeting

Mayor Franson reported he would hold a Water Advisory Committee Meeting Thursday, October 12, at 7:00 a.m. He reported Jim Hewlett indicated his preference to step down from the Committee. Mayor Franson indicated there are a number of things he and Matt Shipp have put together on an agenda to discuss with the Water Advisory Committee. He also indicated plans to come back to the Council for approval of additional members to serve on the Water Board. He would like to expand the Committee to seven members.

23. Library Committee

Mayor Franson indicated he had asked Claudia Stillman to take the lead on a library committee. Kathryn Schramm indicated a desire to serve on the Library Committee. This appointment will need to be placed on the next agenda for approval.

24. Sign Ordinance

Barry Edwards recommended Brian Brunson work with him on the sign ordinance.

25. Legal Opinions

Mayor Franson indicated he wants a vote of the Council before the City seeks legal opinions. He will start the process and put it together over the next month.

26. Executive Session

Motion: Brian Brunson moved to go into Executive Session to consider the City Administrator's Contract. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

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

27. City Administrator Contract (Agenda 8.5)

Motion: Brian Brunson moved, based upon a recommendation from Mayor Franson and a review of a list of accomplishments and records from Barry Edwards, to extend the City Administrator's contract, as written, until December 31, 2008. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

28. Minutes

Motion: Steve King moved to approve the minutes of August 25, 2006, as amended. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Motion: Kathryn Schramm moved to approve the minutes of the City Council/Planning Commission Work Session held September 5, 2006. Motion was seconded by Steve King, and it passed by unanimous vote.

Motion: Brian Brunson moved to approve the minutes of September 5, 2006, as amended. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Motion: Kathryn Schramm moved to approve the minutes of September 19, 2006, as amended. Motion was seconded by Claudia Stillman, and it passed by unanimous vote.

29. Adjournment

Meeting adjourned at 11:45 p.m.