

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, October 4, 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
Lonnie Crowell, Asst. Director of Planning & Zoning
Winifred Jensen, City Recorder

OTHERS PRESENT: Craig Salmond, Tom Harward, David Walton, Kevin P. Jewkes, Jacob Kleinman, Ethan Welch, Randy Graham, Kevin Kleinman, Tom Holdman, Mark Thompson, Blake B. Buhler, Rob Clauson, Jake Nay, Tracy Smith, Kurt Jewkes, Karen Swalberg, Steve Swalberg, Scott Proctor, Vonda Proctor, Cristy Henshaw, Claudia Sudweeks, Delona Muhlestein, Sanau Vernon, Chuck Hayden, Darryl Butz, Ross Curtain

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 3, 2005. The prayer was offered by Barry Edwards, and those assembled were led in the Pledge of Allegiance by Gwyn Franson.

1. Calendar & Miscellaneous

A. City Council Canvass of Election. The City Council set Monday, October 10, 2005, at 5:00 p.m. to canvass the results of the Primary Election.

2. Planning Commission Update

Gwyn Franson reported on the following issues being addressed by the Planning Commission in its September 27, 2005 meeting: Conditional Use for Alpine School District's sign at Freedom Elementary, preliminary approval for Mule Acres, Dry Creek Highlands Phase 5 requested an extension, and Dry Creek Phase 4 was moved forward.

3. Public Hearing to Amend Table 3-707(a) in the Sign Ordinance and Adoption of Ordinance No. 2005-31

Lonnie Crowell reported during the period when the sign ordinance was approved there

was a mistake made wherein the monument sign was not permitted in the RP zone and there are already monument signs in the RP zone. The language has been amended to allow similar language as is in the other zones.

Mayor Adamson opened the hearing for public comment. There being no comment, the Mayor closed the hearing.

Motion: Brian Brunson moved to adopt Ord. No. 2005-31, “Ordinance Amending Table 3-707(a) in the Sign Ordinance in the Highland City Development Code”. Motion was seconded by Steve King, and it passed by unanimous vote.

4. Final Approval of Pebble Lane Subdivision

Background: A public hearing was held by the Highland City Council September 20, 2005 on the Pebble Lane Subdivision. The Planning Commission, in its February 8, 2005 meeting, recommended the City Council grant final approval subject to all Planning Commission and staff conditions.

Discussion: Discussion addressed the issue of the remnant property, which would be behind the proposed Pebble Lane Subdivision. It was recommended the matter be continued in order for the two developers of the adjoining parcels to meet with city staff to facilitate the issues relating to the easement agreements.

Motion: Gwyn Franson moved to continue for two weeks to give the developer an opportunity to meet with surrounding property owners. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

Brian Brunson requested staff have David Church review the easement agreement. Mayor Adamson felt another issue which needs to be resolved is the well since the development would be on city services for culinary water. Brian Brunson also requested Barry Edwards check to see how the parcel existed prior to incorporation of the City.

5. Voter Information Pamphlet for Water Board Initiative, Open Space Initiative, and Local Fence Initiative

Background: Brian Brunson requested the issue of the Voter Registration Pamphlet for the Water Board, Open Space, and Local Fence Initiatives be discussed.

Discussion Information dealing with the fiscal impacts on the initiatives was discussed. Barry Edwards explained the City had 25 days to prepare the fiscal notes from the time the petitions were submitted; however, this issue is moot because it didn't happen. City Staff did not have this information as it was a new change to the law and it hadn't been made available by the updated Code or from the City Attorney. It was determined the information would be provided to the sponsors on the morning of October 5.

6. Conditional Use Permit for Modification to Public Works Building Located at 11000 North 5600 West

Background: The Planning Commission, in its September 13, 2005 meeting, recommended approval of the Conditional Use Permit for the Public Works Building, located at 11000 North and 5600 West, based on the finding of fact the language in the Highland City Development Code on Conditional Use Permit 3-4-108, paragraph 8, references churches, public building, and ground, including storage yards and repair shops, and subject to: (1) The City be required to provide such landscaping plan in conjunction with existing bond by property owners, which is to be aesthetically acceptable to adjoining properties, (2) the City obtain a building permit, (3) building be constructed with the correct type of licensed contractor, (4) there be no outside storage in the north part of the yard; stored items are to be neatly stacked and in an orderly manner, (5) A fence be identified to be installed in order to comply with the Homeland Security Act, (6) The curb, gutter, and sidewalk be installed to abut the curb, gutter, and sidewalk on the west, to the UP & L property to the east of the Public Works utility building, (7) Plan for lighting be submitted and approved.

Discussion: Each of the recommendations presented by the Planning Commission were reviewed. Mark Thompson also explained in 1995 the City requested use of the Water Company's shop for a fire station and at that time the building on 11000 North was constructed to house an \$80,000 generator and to store supplies, barricades, etc. in order to keep them out of the weather. The facility was constructed only for storage and there was no provision for electricity. Discussion addressed future plans for the facility. Mark Thompson explained the roof was bid by Huish and it has been ordered for a cost of \$7,000. The block is half way up on the building, and the anticipated cost of the building, without a floor, is \$25,000. One-third of the cost has been expended because the block and some of the materials have already been purchased.

Motion: Brian Brunson moved to approve the conditional use permit for the public works building subject to the following: (1) the City obtain a building permit, (2) building be constructed with a licensed contractor, (3) there be no outside storage in the north part of the yard; stored items are to be neatly stacked and in an orderly manner, (4) A fence be identified to be installed in order to comply with the Homeland Security Act, (5) Plan for lighting be submitted and approved. Motion was seconded by Gwyn Franson. Brian Brunson requested adding the following findings of fact: (1) There has been a substantial amount of funds expended, and (2) this is one of the final legs in wrapping up the dissolution of the Water Company. The amendments to the motion were accepted by Gwyn Franson. Motion passed by unanimous vote.

Mark Thompson raised the question of a block fence to be installed between the landowners, similar to what was installed adjacent to Kohler's. Mayor Adamson indicated the fence near Kohler's was installed as a result of the commercial zone and the city building being discussed is in the Town Center. Brian Brunson requested staff investigate the requirement on fencing. Barry Edwards indicated there may have been a requirement with Smith's, but it had

expired; however, he agreed to check into the matter.

7. Conditional Use Permit for Freedom Elementary School LED Sign

Background: A public hearing was held by the Planning Commission September 27, 2005, on the Conditional Use Permit for Freedom Elementary School LED Sign. The Planning Commission recommended the sign be approved subject to: finding of fact the school is part of Alpine School District State property, and representatives have come forth voluntarily to comply with City codes based on the finding of fact that the Planning Commission has previously granted Lone Peak High School a variance for their sign, which is a similar type of institution, that the Planning Commission grant a Conditional Use Permit to Freedom Elementary School subject to the following conditions of staff and Planning Commission: (1) Landscaping to include the minimum amount of landscaping to take place around the sign in order to conceal the concrete base as applicable by the sign ordinance being adhered to, (2) with installation of landscaping to take place in the fall season, (3) hours of operation of the sign to be no earlier than 6:30 a.m., and no later than 9:00 p.m.

Discussion: David Walton, Principal at Freedom Elementary School, met with the City Council to discuss the request for a conditional use permit for an LED sign at Freedom Elementary. He explained the purpose for the sign is to communicate with school patrons relative to items of interest and as a public service. Discussion addressed the landscaping requirement recommended by the Planning Commission. Mr. Walton indicated concern for the maintenance of landscaping around the sign.

Motion: Brian Brunson moved to approve the conditional use permit for the Freedom Elementary LED sign subject to the following: hours of operation of the sign to be no earlier than 6:30 a.m., and no later than 9:00 p.m. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

8. Revisit Amendment to General Plan Land Use Element

Background: Kathryn Schramm is requesting handling the amendment to the General Plan Land Use Element separate from the Zone Change Request for the Tom Holdman/Rob Clauson property. Page 3 of the Highland City General Land Use Plan states, in paragraph 1, that "A plan audit will be made by the Planning Commission annually with a comprehensive review once every five years to make sure the policies contained in the plan are consistent with the changing trends and conditions." Kathryn Schramm requests sending the amending of the General Plan back to the Planning Commission according to the plan implementation of the General Plan. Paragraph 3 states: "The general public can make requests for amendments to the plan, however, amendments should be limited to twice during any one calendar year. It is the applicant's responsibility to prove that the change will better promote the general welfare of the community and will not result in decrease of the quality of life for the citizens of the City of Highland. Arguments should be founded on at least one of the following criteria: A. There was a demonstrable mistake in the original General Plan. B. The community values and needs have

changed. C. There has been a change in the character of a neighborhood or the proposed change is consistent with the character of the neighborhood. With these criteria in mind, the Planning Commission could recommend to the City Council amendments to the General Plan based on changing needs of the community specifically for pieces of ground proposed for development that are surrounded on all sides with pre-existing developed lots. Kathryn Schramm recommends the Planning Commission decide on a percentage of lots that would have to be as big as, or comparative to, the ones being proposed.

Discussion: Barry Edwards explained staff has procedurally made a review of the Development Code and the ordinance which enacted the General Plan. The General Plan specifies it is mandatory and not advisory. The Development Code specifies it is permissive and from discussion with David Church the ordinance would take precedence. State law does not require the General Plan and zoning map to be consistent, except the City's General Plan states it must be consistent with the zoning map. He explained Kathryn Schramm has a desire to look at the General Plan to see if the City is heading in the direction it wants to go. Further, he explained the City Council will need a General Plan amendment in order to make a zone change happen, which would require a motion to amend the General Plan. He further noted Kathryn Schramm's desire to remand the General Plan back to the Planning Commission for a review.

Motion: Gwyn Franson moved to not remand to Planning Commission an amendment to the General Land Use Plan. There was no second to the motion.

Kathryn Schramm indicated her thought for wanting to split the two issues of amending the General Plan and amending the zone map from R-1-40 to R-1-20 was based on the perception if the City granted the change to the General Plan it would appear it was being done as a special favor for one individual in the community and she didn't feel that was the basis of good government and she wanted to change the General Plan independently from Mr. Holdman's request to down zone from R-1-40 to R-1-20. She indicated when the General Plan was adopted in 1995 it was part of the suggestions that it be reviewed every five years and she was not aware it had been done in 2000, but felt there is a need to review it. She also suggested making an amendment to consider properties like Mr. Holdman's wherein not everyone could apply for a zone change inasmuch as the property is landlocked and existing properties had already been developed on all four sides.

Barry Edwards indicated, according to Lonnie Crowell, in making a zone change the rationale would need to be consistency, and the City Council would need to decide what zoning is consistent with the neighborhood.

Brian Brunson felt it was time to send the General Plan to the Planning Commission for a review.

As to the compelling reason to do the down zone, Kathryn Schramm indicated a finding of fact is that the property is surrounded by R-1-20 and is an island. The majority of the lots are smaller than 40,000 sq. ft. Kathryn proposed that at least 67% of the lots be 20,000 sq. ft. with

no lots less than 16,000 sq. ft.

Claudia Sudweeks indicated every neighbor had signed the petition in support of the request to re-zone the Holdman property to one-half acre lots. She reported she spoke with every neighbor and no one wants an open space subdivision in back of them.

Another citizen indicated the people are grateful for the City Council and want the City to grant approval.

Motion: Brian Brunson moved based on the following finding of fact the City has worked with the project for approximately six months with multiple hearings, and all concerns were mitigated, that approximately 65% of the adjoining properties were abutting lots of R-1-20 or non-conforming R-1-20 zone, and based on a finding of fact that a petition presented represented overwhelming neighborhood support, he moved to amend the General Plan to a designation of R-1-20 to be effective upon the final recordation of the subdivision. Motion was seconded by Glen Vawdrey, and it passed by the following voting in favor: Kathryn Schramm, Glen Vawdrey, Brian Brunson, and Gwyn Franson. Steve King voted against the motion.

Steven King spoke in favor of the R-1-40 zone and expressed his opinion that the R-1-40 zone needs to be preserved. He moved here after visiting all 48 states. At the conclusion of his two year journey he decided that Highland was the place for him. He expressed continued support for larger lot sizes.

Gwyn Franson felt a review of the General Plan would take a large amount of time.

Motion: Gwyn Franson moved to remand to the Planning Commission and ask them to prepare a comprehensive review of the General Plan to ensure that the policies contained in the General Plan meet the needs of today. Motion was seconded by Brian Brunson, and passed with the following voting in favor: Gwyn Franson, Glen Vawdrey, Kathryn Schramm, and Brian Brunson. Steve King voted against the motion.

9. Holdman/Clauson Request for Change in Zoning from R-1-40 to R-1-20

Background: Originally, Tom Holdman and Rob Clauson went to the Planning Commission requesting a change in the zoning from R-1-40 to R-1-20 in a proposed development located at 10790 North 6000 West. They proposed to put in a small park and trail connection to the south as part of the development. The Planning Commission, in its March 22, 2005 meeting had a vote three in favor and three against and sent it on to the City Council with a recommendation based on the fact that the property to the north and south are zoned -1-20 with similarly sized lots as those proposed. The properties to the east and west are zoned R-1-40 with lots from 27,000 sq. ft. to 30,000 sq. ft. The City Council held a public hearing, as did the Planning Commission.

Discussion: Brian Brunson spoke about a true 20,000 sq. ft. lots for consideration of the enhanced trail. The only properties that does not have an R-1-20 zone is on the east boundary. The developer is willing to construct a four foot fence along both trails. Installation of the fence is important. For phase two the property owner has agreed to the same trail configuration.

Glen Vawdrey and Steve King wanted to know what finding of fact justifies a rezone.

Motion: Brian Brunson moved to amend the zoning map for the Holdman parcel to include 19.74 acres only and conditioned upon the following: The final plat be in substantial compliance with the submitted plat, (2) The trail easement along the south of lot 20 be a minimum of 20' in width, (3) Improvement of the trail be the responsibility of the developer and be consistent with the landscaping plan presented to City Council on October 4, 2005, (4) Developer to build 4' fence on both sides of the trail to be approved by City Council at final subdivision approval, (5) Open space subdivision could not be used because it is below the minimum parcel size used for open space. Motion was seconded by Gwyn Franson, and passed by the following voting in favor: Gwyn Franson, Brian Brunson, Glen Vawdrey, and Kathryn Schramm. Steve King voted against the motion.

10. Review of Utah County Property Purchased by Westrock

Background: When Westrock purchased the County Pit it wasn't determined whether it was grandfathered. The City Council needs to review what restriction was placed on the property because Mark Thompson is trying to negotiate with Westrock for property to place a secondary reservoir. He desires to know whether the Council is going to put restrictions on the County pit property in order to determine the value for the property purchase.

Discussion: It was determined staff would research previous ordinances for mining and slope requirements and obtain historic aerials of the property.

11. American Fork Forced Main Sewer Line

Background: The low bid for the American Fork Forced Main Sewer Line was \$110,000. The City Engineer recommends the City Council approve the bid for \$110,000.

Motion: Steve King moved to approve the bid of \$110,000 for the American Fork Forced Main Sewer Line. Motion was seconded by Kathryn Schramm. The motion passed by the following voting in favor: Steve King, Kathryn Schramm, Gwyn Franson, and Glen Vawdrey. Brian Brunson abstained.

12. North Canterbury Park Contract

Background: Discussion of North Canterbury Park Bid opening with possible approval of contract. The bid came in \$100,000 over the estimate.

Motion: Glen Vawdrey moved to reject all bids for the North Canterbury Park improvements because bids exceeded the Engineer's estimate. Motion was seconded by Kathryn Schramm, and passed by unanimous vote.

13. Kawasaki Mule Purchase

Background: The City Council approved the purchase of a machine to work on the trails in the budget for \$8,000. The City Engineer recommends the City Council authorize the purchase of a Kawasaki Mule in the amount of \$7,900.

Motion: Steve King moved to approve the purchase of a Kawasaki Mule in the amount of \$7,900. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

14. Clarification of Subdivision Final Approval for Twin Bridges for Purpose of Building Permit Issuance

Background: Twin Bridges Estates is requesting building permits upon laying of asphalt.

Discussion: Discussion was continued for more information from the Public Works Director and the Fire Chief regarding fire flow and water supply.

15. Adjournment

Meeting adjourned at 12:00 p.m.