

MINUTES OF HIGHLAND CITY COUNCIL

Tuesday, September 19, 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, Asst. Dir. Planning & Zoning
Winifred Jensen, City Recorder
Nathan Lunstad, Engineer

OTHERS: Diana Telfer, LaRae Croft, Mack Croft, Jason Jeppesen, Tom Hulbert, Curtis Miner, Christena Hoyal, Steve Hoyal, Mike Walch, Morris Wells, Carol Wells, Alice Osborne, Mark Thompson, Christine Richman, Steven P. Draper, Jeff Clyde, Michael Walch, Larry G. Miller, Lee Kimball, Leon Nelson

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 14, 2006. The prayer was offered by Winifred Jensen, and those assembled were led in the Pledge of Allegiance by Barry Edwards.

1. Recognize Former Members of Planning Commission and Board of Adjustment

The following individuals were recognized by Mayor Franson for their service to Highland City: former members of the Planning Commission Steven P. Draper, Jeff Clyde, Bryce Flanary, and Michael Walch; former members of the Board of Adjustment Larry G. Miller, Lee Kimball, Leon Nelson, Jeanne Hodges, and Dave Blackwell.

2. Minutes

No action was taken on the minutes of August 15, 2006, and September 5, 2006.

3. Appearances (Agenda 6)

There were no appearances.

4. Consent Calendar (Agenda 7)

Mayor Franson pulled items 7.2 "Library Committee" and 7.3 "Water Advisory

Committee” from the agenda. Brian Brunson asked to pull the following agenda items from the Consent Calendar: 7.4 “Direct Staff to Have New Home Builders Install Property Corner/Change of Direction Markers in Open Space Subdivisions,” and 7.5 “Piping of Ditch from Mule Acres to the Days Meadows Subdivision”. **7.1 “Adoption of Ordinance No. 2006-29, “Adoption of Engineering & Construction Manual” was approved by unanimous consent.**

8. General Plan Update on Commercial Issues from the Survey

Christine Richman, of Wikstrom & Associates, made a presentation on the findings on commercial issues from the Highland General Plan Survey. The survey was based on responses from 28% of Highland residents. A copy of the information presented is attached to the minutes. Christine Richman indicated, based on today’s analysis, that 250,000 sq. ft. of gross leaseable residential space could be picked up, and by 2010, as the population grows, Highland could support an additional 510,000 sq. ft. of retail. Their analysis of buying power indicated there was enough demand to warrant additional commercial development. The survey showed residents would respond to a full service restaurant and limited service eating places. Generally people are satisfied with Sunday closing and did not favor 24-hour a day businesses. They are lukewarm about office development and preferred smaller stores over larger stores. The traffic count shows 17,115 on Highland Highway and 13,610 on Alpine Highway. 53% of residents favored increasing commercial zoning, and the reason people moved to Highland was for its rural open feel.

Mayor Franson reported there would be a public meeting at 5:00 p.m., September 21, on the commercial issues. Also, additional public meetings will be held within the zones in the future. The Council expressed a desire for information on the meetings to be noticed to the residents by way of the marquee, on the city building doors, bulletin boards, newsletter, web page, and a separate mailer.

9. Direct Staff to Have New Home Builders Install Property Corner/Change of Direction Markers in Open Space Subdivisions (Agenda 7.4)

Motion: Brian Brunson moved the Council direct staff to require new home builders to install monuments as part of their building permit on each property corner and change of direction for property that abuts open space within existing open space subdivisions.

Motion was seconded by Steve King.

Motion to Amend: Brian Brunson moved to amend the motion to include a direction that this matter be referred to the Planning Commission for the appropriate adjustments in the code. Motion was seconded by Steve King, and it passed by unanimous vote.

Amended Motion: The Council direct staff to require new home builders to install monuments as part of their building permit on each property corner and change of

direction for property that abuts open space within existing open space subdivisions, and to include a direction that this matter be referred to the Planning Commission for the appropriate adjustments in the code. Motion passed by unanimous vote.

10. Piping of Ditch from Mule Acres to the Days Meadows Subdivision (Agenda 7.5)

Motion: Claudia Stillman moved to approve the expenditure of approximately \$98,500 for the piping of the ditch between Mule Acres and Days Meadows Subdivision and enter into a reimbursement agreement with Steve Hoyal for the approved amount. Motion was seconded by Glen Vawdey.

Motion to Amend: Brian Brunson moved to approve an amendment that expenditure of funds be subject to approval of the right-of-way from Lehi Irrigation Company. Motion was seconded by Claudia Stillman. Motion passed by unanimous vote.

Amended Motion: Approve the expenditure of approximately \$98,500 for the piping of the ditch between Mule Acres and Days Meadows Subdivision and enter into a reimbursement agreement with Steve Hoyal for the approved amount and that expenditure of funds be subject to approval of the right-of-way from Lehi Irrigation Company. (There was also an understanding the utility issues would be addressed by Staff as were addressed by concerned residents Diana Telfer and Mack Croft). Motion passed by unanimous vote.

Diana Telfer indicated to the Council she wanted to make sure she has access to her property, that she had concern about her main water line because the road doesn't extend to her property, and a concern that the main water pipe might need to be dug deeper. She indicated she was willing to give an easement if her concerns are addressed satisfactorily. Mack Crofts indicated he was willing to give an easement, but the developer would need to work with him because of the horses on his property. He explained his horses drink out of the ditch and he may need a hydrant.

Barry Edwards explained the contractor would install the pipe and the City would reimburse Steve Hoyal. This action enables the City to get a trail easement over the pipeline., which is a portion of the trails master plan. Barry Edwards will have the city attorney draw up a trail easement and will work with the property owners in order to get the ditch piped. He also noted, as a result of the location, the City will need to provide stock fencing.

SCHEDULED ITEMS

11. Recommend the Planning Commission Amend Parking and Landscaping Requirements in the RP Zone (Agenda 9.1)

Motion: Brian Brunson moved that the City Council recommend the Planning Commission review the RP Zone for possible amendments. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

Carol Wells, a home owner living next to the vacant lot on which the proposed project will be located, indicated she endorsed the proposal.

12. Adoption of Ordinance No. 2006-33, “Retaining Wall Ordinance” (Agenda 9.2)

Motion: Glen Vawdrey moved that the City Council adopt Ordinance No. 2006-33, “An Amendment to Section 3-612: Fences, Walls, and Hedges (5) Retaining Walls 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 replace the word “may” to “shall” on the next to the last sentence to read as follows: “Any resident who constructs a retaining wall within a public utility easement shall be financially responsible in the future for removal or reconstruction if that easement is needed per Utah Law (UC 54-3-27). Motion was seconded by Steve King, and passed by the following voting in favor: Claudia Stillman, Glen Vawdrey, and Brian Brunson. Steve King and Kathryn Schramm voted against the motion.

Amended Motion: Glen Vawdrey moved that the City Council adopt Ordinance No. 2006-33, “An Amendment to Section 3-612: Fences, Walls, and Hedges (5) Retaining Walls Within the Highland City Land Use Ordinance (Development Code)” as recommended by staff, and replace the word “may” to “shall” on the next to the last sentence to read as follows: “Any resident who constructs a retaining wall within a public utility easement shall be financially responsible in the future for removal or reconstruction if that easement is needed per Utah Law (UC 54-3-27). Motion failed with the following voting against the motion: Steve King, Kathryn Schramm, and Brian Brunson. Glen Vawdrey and Claudia Stillman voted in favor.

13. Approve Purchase Agreement for 2.1 Acres of Public Property (Police/City Hall Site) in the Town Center (Agenda 9.3)

Barry Edwards recommended continuing this item. Brian Brunson raised issues with the easements and other concerns. No action taken, continued.

14. Utah Lake Commission Statement for Public Hearing (Agenda 9.4)

Motion: Brian Brunson moved that the Mayor sign a Statement of Support requesting that Highland City consider participating as a member of the Utah Lake Commission and agree to consider signing the interlocal agreement after the public hearing period and review of the final document including the financial obligation. Motion was seconded by Steve King, and it passed by unanimous vote.

15. Adoption of Resolution 2006-17, “Authorizing the Mayor to Represent Highland City with the Lehi Irrigation Company and Highland Conservation District”

(Agenda 9.5)

Motion: Glen Vawdrey moved to adopt Resolution 2006-17 that the Council approve the Mayor to represent Highland City's shares of stock at a stockholders meeting of the Lehi Irrigation Company and Highland Conservation District. Motion was seconded by Brian Brunson, and it passed by unanimous vote.

FUTURE BUSINESS**16. Administration Plan to Handle Growth (Agenda 10.1)**

Barry Edwards gave a presentation on implementing a Quality Management System (QMS) which would be a program to deal with personnel issues, correspondence, how to deal with the public, etc. Further, he indicated it would be early in 2008 before the new city building and police station could be built and he recommended, as part of implementing the QMS, changes needed to be made to the current city building for staff, as well as the need to obtain a temporary office building to locate the City Administrator, Administrative Assistant, City Recorder, City Treasurer, Courts, and a full time Finance Director. The current city building would house the Community Development and Engineering Departments. The lease for a temporary building would be \$400 per month. Mayor Franson endorsed the physical solution to make things happen, and felt the staff can't take care of the problems without taking care of the needed physical facilities.

Kathryn Schramm requested a copy of Barry Edward's presentation.

17. Temporary Facilities/Additional Office Space (Agenda 10.2)

Barry Edwards indicated he would come back on the next meeting and request approval to spend funds for a period of time for the temporary facilities and improvements to the city building.

18. Conditional Use Permit for Alpine Homes Model Home (Agenda 10.3)

Brian Brunson expressed concern with repeated violations of the sign ordinance and asked staff to put it on this agenda for consideration. He suggested suspending the conditional use for Alpine Homes' model home for 90 days because of their violation of the sign ordinance. He further referred to Alpine Homes' previous commitment to abide by the sign ordinance and indicated it appears that isn't what is going on.

19. Enforcement of the Sign Ordinance (Agenda 10.4)

Brian Brunson indicated he asked for a report on action of the Board of Adjustment, and he asked for a similar report on the enforcement action in the City such as to how many letters are being sent. He indicated he has seen signs attached to cars, ping pong tables, etc. and the

City isn't consistent on enforcement of the ordinances. He felt the City needs to work unitedly on enforcement. He felt the goal is to identify ordinances which are not enforceable and get rid of them, clarify the penalty and charge it, and not return signs.

Glen Vawdrey wanted to know why the City Attorney says the City needs to return the signs which are removed in the City, and why the ordinance isn't enforceable.

20. Monument Sign for Lone Peak Shopping Center (Agenda 10.5)

Claudia Stillman felt the City Council needs to show support for the commercial development in the City. She expressed the need for a monument sign in the Lone Peak Shopping Center. She requested staff compose a letter, to be signed by the Mayor, stating support of the businesses, encourage their review of the ordinance on the monument sign, that the businesses get together and submit their plan, and process it quickly, so they can get it up and have the benefit of being more visible and profitable.

Mayor Franson reported he has had discussions with individuals doing business in the shopping center, and indicated he would have staff draft a letter. Glen Vawdrey recommended sending the letter to the developer of the shopping center, as well.

Barry Edwards reported the Police Chief, Kip Botkin, indicated the City may also have an interest in the monument sign and cost-share with the business owners by including the notation of the Highland City Hall and Police Department, which will be built in the Town Center.

21. Title 5 Business Licenses and Regulations, Title 6 Animals, and Chapter 8.16 Nuisances (Agenda 10.6)

Kathryn Schramm expressed her concerns for disruptive animals being allowed into residential neighborhoods, and also felt that a hobby breeder should have similar requirements as a home occupation licensee by requiring signatures of residents within a 500' radius. She felt the two matters of home business and hobby breeders are inconsistent and it gives no control to the neighbors or enforcement capabilities to the City. She wants to bring some consistency into hobby breeder's license and a regular business license. Also, she felt there needs to be strict restrictions on where hobby breeders can build, that they must provide adequate shelter and protection for animals, as well as protect the people who live around them so they don't have to put up with constant crowing or barking. She wants the Council to consider acting on a home business hobby breeder's license, and nuisance ordinance adopted as one ordinance. She asked the Council to read and study the current ordinance and recommend changes up on these matters and come up with an ordinance change. The Mayor will allocate time for this matter on future business at another meeting.

Claudia Stillman raised the issue for discussion of an ordinance to prevent S.O.B.'s (Sexually Oriented Businesses) in commercial zones in the City of Highland. She asked staff to

investigate this issue and in particular if there is a way to create an ordinance to prevent S.O.B.'s in a commercial zone without designating an alternative place for them in the City.

22. Residential Solicitation (Agenda 10.7)

Barry Edwards reported the League of Cities and Towns has worked through the solicitation ordinance and has come up with an enforceable ordinance. Based on the number of complaints received, that he did not recommend the City enforce solicitation, but let the matter be self-regulated by individuals posting a "no solicitation" sign on their door. He felt education is better than regulation on this issue. A brief discussion ensued.

23. Pressurized Irrigation Master Plan (Agenda 10.8)

Nathan Lunstad reported the City Council adopted a master plan for a culinary water master plan last year, and there is a need for a similar master plan for pressurized irrigation. He noted the pressurized irrigation system was constructed in 1997, and it was put in following a plan designed for construction. The Public Works Department is desirous of updating that master plan. It would identify the current and existing system, capital improvement projects, operation and maintenance issues, and a tool to guide development and construction. Staff is currently meeting with an engineering firm to develop a master plan, and when it is developed it will be presented to the Council. Nathan Lunstad also proposed meeting with the Water Advisory Board to refine that work.

Mayor Franson explained a master plan helps to identify the needs.

INFORMATION ITEMS

5. Request from Children's Way for Training on Internet Safety - Alice Osborne (Agenda 11.1)

Alice Osborne met with the City Council to introduce the program offered by Children's Way for offering training on internet safety. She explained the program briefly and indicated it will involve PTA moms going to businesses to raise funds in support of the program. Utah is the launch state, and then it will go to California. Mrs. Osborne reported on statistics involving pornography as it affects children using the internet.

6. Highland Commercial Future Analysis Report (Agenda 11.2)

The City Council was reminded of the public open house on September 21, at 5:00 p.m. where the results of the commercial survey will be presented in the Planning Commission Meeting. The City Council was requested to attend. Also, on Oct. 3, at 5:00 p.m. there will be a City wide open house where the results of the survey will be presented and the first neighborhood meeting will be held. The City Council requested information be sent to the residents informing them of the meetings.

OTHER BUSINESS**7. Mayor's Report (Agenda 12.1)**

A. Mayor Franson reported the City Council meeting normally scheduled for November 7, would be on election day and that the Council meeting would be moved to November 8.

B. Claudia Stillman reported on the CDBG meeting she attended and indicated that the City could apply for a grant by December 1, but that such a grant must target the needs of a specific low income population. The basic grant amount is \$150,000 and the city would also need to contribute money to the proposed project. For example, if the City applied for grant money to be used for a senior citizen center, the money would need to be spent by July, 2007. Therefore, the opportunity for CDBG money is something that could benefit the City in the future, but not at this time.

C. Mayor Franson reported the Street Lights Committee needs to meet and that Matt Shipp would be getting with that committee which is comprised of Steve King and Kathryn Schramm.

D. Mayor Franson reported he would follow the State Legislature action on transportation issues and keep the Council informed.

E. Mayor Franson reported he and Barry Edwards met with the School District administration concerning parking issues at Lone Peak High School. He reported that Lone Peak High School administration is working on plans to provide a place for students to park by using City-owned property by the seminary building. This matter will come back to the Council. He also noted receiving a thank you letter from residents from the Wild Rose Subdivision thanking the City for its efforts in keeping students from parking in that development.

8. Executive Session

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

Motion: Brian Brunson moved to go out of Executive Session. Motion was seconded by Kathryn Schramm, and it passed by unanimous vote.

9. City Administrator Contract (Agenda 9.6)

Motion: Claudia Stillman moved to continue the City Administrator's contract discussion for two weeks and at that time request that the City Administrator, Barry Edwards, present a report to the Council that includes his major contributions to the City of Highland, a discussion of five problems of his choice that he feels are continuing problems that have been a frustration to members of the Council and what he believes are

the solutions, including specifically how he would solve the matter of an employee who is uncooperative in carrying out his duties. Report on how he could solve that matter. Motion was seconded by Brian Brunson.

Substitute Motion: Kathryn Schramm moved to give Barry Edwards the opportunity to review what he has done for the City and what he can do to improve as we move forward. Motion was seconded by Glen Vawdrey, and it passed by unanimous vote.

10. Adjournment

Meeting adjourned at 11:30 p.m.