



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, February 20, 2018

Approved March 20, 2018

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

PRESENT: Mayor Rod Mann, conducting
Councilmember Brian Braithwaite
Councilmember Ed Dennis
Councilmember Tim Irwin
Councilmember Kurt Ostler
Councilmember Scott L. Smith

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant City Administrator
Gary LeCheminant, Finance Director
Todd Trane, City Engineer
Justin Parduhn, Public Works O&M Director
Tim Merrill, City Attorney
Brian Gwilliam, Police Chief
Cindy Quick, City Recorder

OTHERS: Daniel Mullins, Andrew Thomas, Timmy Johnson, Hudson Sube, Hector Villalobo, Erin Thomas, Lincoln Riding, Riley Ji, Brandon Ballard, Griffin Carlson, Connor McBride, Jason Hilton, Jack Robinson, Wes Hilton, Jarrod Hunt, Karen Hunt, Wayne Tanaka, Ed Barfuss, Judson Parker, Brent Wallace

7:00 P.M. REGULAR SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

Invocation – Mike Heil, Pastor of American Fork Community Presbyterian Church

Pledge of Allegiance – Council Member Ed Dennis

The meeting was called to order by Mayor Rod Mann as a regular session at **7:03 p.m.** The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Pastor Mike Neil of American Form Community Presbyterian Church and those assembled were led in the Pledge of Allegiance by Council Member Ed Dennis.

1. UNSCHEDULED PUBLIC APPEARANCES

Time was set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

Erin Wells, Assistant City Administrator, reminded the City Council to login to the electronic voting system.

Brent Wallace, a resident, reported that a Resolution H.J.R. 7, regarding the East-West Connector was approved during the legislative session with a vote of 70 to 0, with 5 abstentions. Mr. Wallace expressed his thanks to Senator Mike Kennedy for authoring the bill and for those who voted in favor. The connector was a much-needed roadway.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. ACTION: APPROVAL OF MEETING MINUTES

Regular Meeting February 6, 2018

b. ACTION: RATIFYING LEGISLATIVE POLICY COMMITTEE APPOINTMENT

City Council will consider ratifying the appointment of Rod Mann to the Utah League of Cities and Towns – Legislative Policy Committee to replace Tim Irwin.

c. ACTION: RATIFYING WATER ADVISORY BOARD RE-APPOINTMENT

City Council will consider ratifying the re-appointment of Brent Wallace to the Highland City Water Advisory Board.

Council Member Scott Smith requested that Item 2c be pulled for discussion.

Council Member Tim Irwin MOVED to approve consent items a. and b. as listed on the agenda.

Council Member Brian Braithwaite SECONDED the motion.

The motion passed unanimously.

Council Member Scott Smith asked for more information about the Water Advisory Board and its purpose.

Brent Wallace stated not many people knew that the board existed, let alone its function. He explained that the Board met quarterly and discussed data regarding water use in the City, and potential conservations methods. He noted that Justin Parduhn, Public Works Director, occasionally participated in discussions. Mr. Wallace had served on the Board for five years.

Council Member Tim Irwin objected to the line of questioning explaining that it was not the appropriate place for a discussion regarding the Water Advisory Board. He suggested moving such a discussion to the end of the meeting.

Council Member Brian Braithwaite MOVED to approve the reappointment of Brent Wallace to the Highland City Water Advisory Board.

Council Member Tim Irwin SECONDED the motion.

The motion passed 4:1 with Council Member Scott Smith abstaining.

3. ACTION: REMOVAL OF A CONNECTOR TRAIL AND APPROVAL OF AN OPEN SPACE MAINTENANCE AGREEMENT

City Council would consider a request by Jarrod and Karen Hunt for the removal of a connector trail and approval of an open space maintenance agreement located at 6666 West Canterbury Drive. The Council would take appropriate action.

Nathan Crane, City Administrator presented an aerial map, vicinity map, street view, site photographs, and the landscaping plan for the subject property for the Council's reference. He identified the location of a Lehi City water line on the property. Mr. Crane explained that staff believed the City should own properties where utilities exist, therefore, staff did not want to sell property to the applicants. An Open Space Maintenance Agreement would be appropriate for the situation. Mr. Crane also addressed the existing trail on the property, which was paved. He noted that removal of the asphalt would not remove the trail from the trails master plan, unless an amendment was proposed.

Council Member Ed Dennis asked about the likelihood of the trail connecting to Dry Creek Reservoir and Mr. Crane explained that the connection would require significant improvements and the installation of a bridge.

There was some discussion regarding the trails continuing onto the neighboring property, which was undeveloped. If and when the property developed, the City would request that the developer follow the Trails Masterplan, which showed trails connecting through the property. The City cannot force a developer to include trails but the City Council would have the ability to approve or deny a proposed plan.

Tim Merrill, City Attorney clarified that Utah law did not allow cities to claim eminent domain for parks and trails, so it could not be forced that way.

Council Member Kurt Ostler requested that the applicants come forward to answer questions.

Brent Wallace addressed the council explaining that he was a member of the Dry Creek Committee and their concern was that the inclusion of a trailhead in their neighborhood would invite people to park in front of their homes to gain access to the trail. The residents worried about the safety of their streets and homes.

Jarrod and Karen Hunt, the applicants, presented themselves for questions.

Council Member Kurt Ostler asked if they could explain their concerns with the existing trail and the reason for their request to remove the pavement.

Mr. Hunt oriented the council that there was an issue with children and teenagers parking bikes on the trail behind their home to access the undeveloped, private property. Recently, they discovered a bullet hole in one of their back windows. The trail was uncontrolled and seemed attractive to unsupervised kids. Mr. Hunt could appreciate the idea of connecting pedestrian walkways and trails throughout the City, however, he did not see the necessity to connect the trail next to his home. He believed it would be expensive and intrusive and the existing trees would need to be removed to accommodate the connection.

Council Member Scott L. Smith asked how far the Hunt's home was from the trail, and Mr. Hunt responded that it was between 200 and 300 yards away. Council Member Smith commented that there were other well-maintained trails in the area and felt the trail did not make sense anymore.

Council Member Brian Braithwaite understood that the trail had made sense when the Trails Master Plan was originally created, however, with the Murdock Canal trail so close by, he felt there was no longer a need for the trail in the area. However, he believed that it was important for the City to maintain a utility easement on the property.

Mr. Hunt mentioned that it would be necessary for the City to tear out the asphalt if they needed to access the water line in the future. He felt fine about tearing it out sooner rather than later.

Council Member Tim Irwin MOVED that City Council authorize staff to execute an open space maintenance agreement with Jarrod and Karen Hunt with four stipulations:

- 1. No trees shall be planted due to the existing water line.*
- 2. Bark and/or cobblestone rock shall meet the size and type required by the Park Superintendent.*
- 3. Sprinkling system alterations shall be approved and completed under the direction of the Park Superintendent.*
- 4. The berm shall be replaced with an at grade flowerbed.*

Council Member Ed Dennis SECONDED the motion.

Council Member Kurt Ostler was concerned about the steep drop-off at the end of the trail going into the wash. He felt that it was important to keep the trail; furthermore, he did not want to set a precedent for removing trails.

Council Member Brian Braithwaite commented that the trail from the City Center had an abrupt end. The City Council had previously walked the property, several times and found that it did not lend itself well as a trail. A bridge would also need to be installed to accommodate the connection of the trail, and they could not justify that cost unless the bridge was used for a utility. He felt the asphalt would deteriorate with time and it could be a long time before it connected to anything. He did not see a problem with removing the asphalt and did not think it would set a precedent.

Council Member Ed Dennis felt there was already a precedent for removing trails with the optional neighborhood trails. He asked staff for more information regarding the lift station in relation to the water line feeding that station.

Todd Trane, City Engineer identified a cul-de-sac where the future lift station for the existing water line would be located. The line belonged to Lehi City. For that reason, staff felt it was important for Highland City to maintain ownership of the subject property, but staff was in favor of allowing the Hunts to maintain the property.

Mayor Rod Mann asked for a vote on the motion at hand.

Council Member Tim Irwin MOVED that the City Council authorize staff to execute an open space maintenance agreement with Jarrod and Karen Hunt with the following four stipulations:

- 1. No trees shall be planted due to the existing water line.*
- 2. Bark and/or cobblestone rock shall meet the size and type required by the Park Superintendent.*
- 3. Sprinkling system alterations shall be approved and completed under the direction of the Park Superintendent.*
- 4. The berm shall be replaced with an at grade flowerbed.*

Council Member Ed Dennis SECONDED the motion.

Council Member Kurt Ostler asked if there should be a stipulation that they remove the asphalt. Mr. Crane responded that it was not necessary because it was part of the application.

The vote was recorded as follows:

<i>Council Member Brian Braithwaite</i>	<i>Yes</i>
<i>Council Member Ed Dennis</i>	<i>Yes</i>
<i>Council Member Tim Irwin</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Abstained</i>

The motion passed.

4. ACTION: CONTRACT FOR THREE PICKUP TRUCKS AND A DUMP TRUCK

The City Council would consider authorizing the purchase of three F-150 pickup trucks for \$90,486.39 and an F-550 dump truck for \$60,387.56. These vehicles would replace existing vehicles assigned to the culinary water, sanitary sewer, storm drain and pressurized irrigation departments. The Council would take appropriate action.

Justin Parduhn, Public Works Operations and Maintenance Director, presented the proposed contract to purchase three pickup trucks and one dump truck to be used by the City. He explained that the existing fleet was aging and some of the run-down vehicles needed to be replaced. The fleet maintenance plan was budgeted for based on the impact fee studies that were done. Mr. Parduhn presented a list of current City vehicles detailing which vehicles would be surplus, and which would be moved to other areas in the department. He emphasized that they would not be increasing the number of vehicles on the fleet and would be selling the old vehicles.

Council Member Kurt Ostler asked how many vehicles were used during the winter and how many in the summer. Mr. Parduhn explained that 14 vehicles were used during the winter on a regular basis, but the vehicles had not been used as much as usual. All of the vehicles were used during the summer months.

Council Member Ostler questioned how many vehicles would go home with City employees at night. Mr. Parduhn responded that seven supervisors took home vehicles, however, they were not used for personal use. The purpose of taking home the vehicle was so that employees would not have to take a trip to the garage in order to get a work vehicle in the case of an emergency.

In response to a question from the City Council, Mr. Parduhn stated that a mid-range truck could be utilized as a snow plow, and that one of the trucks already had a plow on it. Council Member Brian Braithwaite asked if staff had put any bids out for plows for the new trucks. Mr. Crane responded that they would look into bidding for plows after salt had been purchased. He confirmed that funding for plows would come from the General Fund rather than the Enterprise Fund.

Council Member Ed Dennis stated that some of the trucks being surplus had lower mileage than some of the vehicles that were to remain in the fleet, and he asked why that was the case. Mr. Parduhn explained that the decision to replace a vehicle was not solely based on mileage but also on how the truck was used. He gave the example of some trucks that were only used during the summer, however, those trucks were constantly pulling trailers, which wears down the vehicle.

Council Member Dennis expressed a desire to be more conservative with the funds available and asked if staff had considered purchasing two trucks in 2018 and two trucks in 2019. He wondered if it could be more beneficial to spread out the truck purchases and use the extra funds toward more pressing needs. Mr. Crane explained that the plan to purchase new vehicles was based on the utility rate study that was done. If they chose to purchase only two trucks in 2018, it would not impact expenditures to the General Fund. Council Member Dennis commented that it would impact residents. Mr. Crane noted that purchasing the four new vehicles was not a want, it was a need.

Council Member Scott L. Smith also felt that the City should be more conservative with their funds.

Council Member Brian Braithwaite stated he had the same concern, however, the City was currently spending more money trying to maintain the existing vehicles than they would in purchasing new ones. He believed purchasing vehicles now would lower costs overall. He commented that the utility rates study perfectly described why the City needed to purchase new vehicles. Council Member Tim Irwin agreed and felt it was important to recognize that staff had done exactly what they had been asked to do.

*Council Member Tim Irwin MOVED to approve the purchase of three pickup trucks for, a not to exceed price of, \$90,486.39 and one F-550 dump truck for \$60,387.56. The total amount was \$150,873.95.
Council Member Brian Braithwaite SECONDED the motion.*

Council Member Ed Dennis questioned if staff had numbers showing the amounts the City was spending on repairs, and Mr. Parduhn responded that he did not have those numbers with him, but he could send the council the information. Council Member Brian Braithwaite commented that they also needed to consider the downtime of the employees, as well as, hard maintenance costs. Council Member Dennis stated that the City Council should base their decision on facts and numbers. Council Member Scott L. Smith and Kurt Ostler agreed.

The vote was recorded as follows:

<i>Council Member Brian Braithwaite</i>	<i>Yes</i>
<i>Council Member Ed Dennis</i>	<i>Abstained</i>
<i>Council Member Tim Irwin</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>No</i>

The motion passed 3:1.

5. ORDINANCE: AMENDMENT TO HIGHLAND CITY MUNICIPAL CODE REDUCING THE PENALTIES RELATED TO VIOLATIONS OF ANIMAL REGULATIONS

The City Council would consider amendments to the Highland City Municipal Code, Title 6 Animals, Chapter 6.04 General Provisions and 6.08 Animal Control Regulations to reduce the penalties for violations. The Council would take appropriate action.

Tim Merrill, City Attorney reminded the council of the discussion held regarding an initiative to reduce penalties for animal violations. The proposed amendment would reduce the current Class B misdemeanors to infractions for the first offense for animal violations. For subsequent offenders, penalties could be enhanced up to a Class C misdemeanor. The two exceptions were, in the case of a person interfering with a public servant, or if there was a dog attack. Both exceptions would have a penalty of a Class C misdemeanor. Attorney Merrill reported that the City would continue to follow the state penalties for animal cruelty.

Council Member Tim Irwin *MOVED* that City Council approve ordinance No. O-2018-03 an ordinance of the Highland City Council amending the Highland City Municipal Code for violations related to animal ordinances.

Council Member Ed Dennis *SECONDED* the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite Yes

Council Member Ed Dennis Yes

Council Member Tim Irwin Yes

Council Member Kurt Ostler Yes

Council Member Scott L. Smith Yes

The motion passed unanimously.

6. ORDINANCE: AMENDMENT TO HIGHLAND CITY MUNICIPAL CODE REDUCING THE PENALTIES RELATED TO VIOLATIONS OF PARKING REGULATIONS

The City Council would consider amendments to the Highland City Municipal Code, Title 10 Vehicles and Traffic, Chapter 10.08 Supplemental Vehicle Regulations and 10.12 Parking Regulations to reduce the penalties for violations. The Council would take appropriate action.

Tim Merrill, City Attorney presented the proposed amendment to the Highland City Municipal Code to reduce the penalties related to parking violations. He reported that parking tickets excite more ill will than any other ticket. The proposed amendment would change all parking violations to infractions for the first offense, with the ability for the penalty to be enhanced to a Class C misdemeanor for subsequent violations. The other amendment was to add language to 10.12.040: Parking Violations, Penalties. With the proposed addition, letter B would read, “Upon discretion of the chief of police, or his or her agent, the vehicle may be impounded”.

Council Member Ed Dennis asked who the other “agents” would be, and Chief Brian Gwilliam responded that it would be his officers.

In response to a question from Council Member Scott L. Smith, Attorney Merrill stated that the proposed changes would not affect fine amounts. He explained that the judge hardly ever imposed a maximum fine. The purpose of reducing the penalties was to reduce a citizens’ chance of receiving jail time for a parking ticket.

Council Member Smith asked if the proposed amendment would affect enforcement in any way, and Chief Gwilliam responded that it would not.

Council Member Ed Dennis *MOVED* that City Council approve ordinance No. O-2018-04 an ordinance of the Highland City Council amending Highland City Municipal Code for violations related to parking ordinances including amending 10.12.040 Parking Violation; Penalties letter B to read as follows: B. Upon discretion of the chief of police, or his or her agent, the vehicle may be impounded.

Council Member Scott L. Smith *SECONDED* the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite Yes

Council Member Ed Dennis *Yes*
Council Member Tim Irwin *Yes*
Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *Yes*

The motion passed unanimously.

Council Member Tim Irwin asked if there were other areas of the Code that could benefit from a penalty reduction, and Attorney Merrill said he was currently reviewing the Code to make that determination.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

- **Utah League of Cities and Towns/Legislative Policy Committee Update** – Rod Mann, Mayor

Mayor Mann provided an update on bills and resolutions in which Highland City and its residents would have an interest. Bill H.J.R. 7 passed, as was stated by Mr. Wallace during the public comment portion of the meeting. S.J.R. 8 was voted upon on Friday, was amended, and ultimately the vote failed. SB52 was also one to watch. The driver for this bill was the selling of the prison and the state's decision on what to do with the land. Senator Gene Davis had proposed that the State institute a process that would include identifying the State's preference to lease rather than sell the land. The Utah League of Cities and Towns opposed that language, but Senator Davis did not back down. The bill passed the senate with a vote of 15 to 10. Mayor Mann commented that it would not be fatal if the bill passed, but he felt it was bad policy to stipulate a preference without having any information to back it up.

Council Member Kurt Ostler asked if information about the Developmental Center was included in SB52, and Mayor Mann said that it was not. The Center was included in SB82, which passed. The language had been amended and the Utah League of Cities and Towns supported it.

Mayor Mann continued by talking about Bill 175, which would create a body from the legislature that would be able to review any decision made by the City Council and potentially overturn it. Council Member Brian Braithwaite added that this would affect more than City Councils. The body would oversee counties, school districts, and any other political subdivision. Mayor Mann was opposed to the bill.

Council Member Brian Braithwaite initiated a discussion regarding boards and committees in the City that were under the direction of the City Council. These committees included the Arts Council, the Spring Fling Committee, the Tree Commission, the Youth Council, the Youth Service Committee, Planning Commission, Beautification Committee, Water Policy Advisory Board, Economic Development Committee, Transportation, Library Board, and Parks and Open Space Committee. He stressed the need for these groups to regularly report to the City Council their successes and actions taken since their last report, and to present goals for the next year. He suggested that the groups make report at least annually. If the City Council determines that the group was not fulfilling its purpose, they should consider reorganizing or dissolving the group.

Nathan Crane commented on a few things that staff wanted to focus on in the upcoming year. He also said the various groups may need to report more or less often than others, based on their function.

Council Member Brian Braithwaite requested that the new City website include all of the committees, their members, their terms, and appropriate contact information.

Mayor Mann requested that the Planning Commission report to the City Council as well. He agreed it would be helpful to have reports from all the committees and boards.

Nathan Crane reported to Council that staff was working through the model received from Lewis Young Robertson & Burningham and they would be sending out an email regarding phasing needs. A work session had been scheduled for March 13, 2018, to discuss the City's priorities.

Council Member Ed Dennis wondered if it would be beneficial to include a report for leakage of sales tax revenue from the Developmental property. There was a discussion regarding the Developmental property and the potential to annex into American Fork. Mayor Mann explained the process of annexation. He also said he envisioned the property being in Highland City.

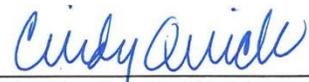
Prior to adjournment, Erin Wells, Assistant City Administrator, reported that a theme had been solidified for The Fling: "We Rise by Lifting Others". The Fling would be service-oriented this year.

ADJOURNMENT

Council Member Ed Dennis MOVED to adjourn the meeting and Council Member Brian Braithwaite SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 9:00 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 20, 2018. This document constitutes the official minutes for the Highland City Council Meeting.



Cindy Quick, CMC
City Recorder