



HIGHLAND CITY
HIGHLAND CITY COUNCIL MINUTES
Tuesday, March 6, 2018
Approved April 3, 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 (participated by phone)
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
Cindy Quick, City Recorder
Brian Gwilliam, Police Chief

OTHERS: Annabelle Sutton, Wayne Tanaka, Jakob Gertler, Helene Pockrus, E Devirl Barfuss, Gerald Naumann, Kevin Abbott, Tyler Rands, Ethan Young, Nathan Aceires, Finn Thomas, Thomas Cutler, Robert Scott, Jack Eastman, Harrison Maughan, Jagger Yeates, Zac Smith, Aaron Shumway, Alan Jex, Chris Henneman, Jackson Blake, Jason Palmer, Cole Smithy, Craig Roberts and Ryan Roberts

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

Call to Order – Mayor Rod Mann
Invocation – Jason Palmer
Pledge of Allegiance – Dax Jensen

The meeting was called to order by Mayor Rod Mann as a regular session at **7:01 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 Jason Palmer, a local scout leader and those assembled were led in the Pledge of Allegiance by Dax Jensen, a local scout.

1. UNSCHEDULED PUBLIC APPEARANCES

Time was set aside for the public to express their ideas, concerns, and comments.

There were no public appearances.

2. PRESENTATIONS

a. Youth Council

Anabelle Sutton, Deputy Mayor of Highland City Youth Council, reported on the recent activities and upcoming events for the Youth Council. Mayor Mann invited Miss Sutton to sit with the Council during the meeting.

b. Highland City Justice Court

Judge Kelly Schaeffer-Bullock introduced herself by speaking about one of her heroes, George Washington. She complimented Terry Briggs, Court Clerk, for her work, and the Highland Police Department. Highland City Court provided enforcement of Highland City Code and all Class B Misdemeanors, DUIs, assaults, thefts, drug paraphernalia, and animal cases.

Council Member Tim Irwin expressed his respect for Judge Schaeffer-Bullock. During her introduction, she mentioned that she swore an oath to the Constitution of the United States and the Constitution of the State of Utah. Council Member Tim Irwin also believed that she was accountable to God. Judge Schaeffer-Bullock responded that she requested the words “so help me God” be included at the end of her oath, as it was for George Washington when he was sworn in as President of the United States.

Council Member Scott L. Smith asked how often the court was in session, and Judge Schaeffer-Bullock said every Thursday morning starting at 9:00 a.m. Once per month, there was an afternoon set aside for cases with a public defender from 1:30 p.m. to 5:00 p.m. Anyone in custody would be seen at that time as well. Also, every other month on Monday they hold small claims court.

Council Member Kurt Ostler asked about citations given in Highland or Alpine City, and Judge Schaeffer-Bullock confirmed that any citation given in those cities would need to respond to Highland City Justice Court, no matter where that person resides.

Council Member Brian Braithwaite asked what the Council could do to help Judge Schaeffer-Bullock with her job, and she responded by saying that things in Highland were going very well. She felt that the separation of powers was in balance. The City Council should continue to support the City Attorney in legislation that may impact the Justice Courts. She gave an example of House Bill 248 that would have made community service a mandatory right for individuals rather than the payment of fines. There would be a large financial impact on the justice court if that were passed. She also said effective communication would be the best way to maintain the relationship between City and the court.

There was a brief discussion regarding the recent changes to the traffic and animal violations, and Judge Schaeffer-Bullock said she had been made aware of the changes.

Lastly, Judge Schaeffer-Bullock encouraged the youth to study the Constitution and know their form of government. She also stressed the importance of being active in the community.

c. UDOT I-15 Tech Corridor Project

The representatives from UDOT were unable to attend the meeting, so the item was continued to the April 3, 2018 City Council Meeting.

3. 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

Special Work Session February 13, 2018

Council Member Brian Braithwaite MOVED to approve consent item a. the approval of meeting minutes for the Special Work Session on February 13, 2018.

Council Member Kurt Ostler SECONDED the motion.

The motion passed unanimously.

4. ACTION: CONTRACT FOR THE ROAD PRESERVATION PROJECT

City Council would consider authorizing a contract with Eckles Paving for construction of the 2018 Road Preservation Project for \$99,201.60. The Council would take appropriate action.

Todd Trane, City Engineer explained that the City Council recently approved a contract with Geneva Rock for overlay projects, which was the first part of the Road Preservation Project. A contract for patching projects and surface treatments was displayed. Mr. Trane presented a tabulation of the bids received. Staff had estimated a cost of \$116,000; however, the low bid from Eckles Paving came in at \$99,201.60. Since the bid came in so low, staff had adjusted the project list for future patching projects. He noted that they wanted to complete construction on 6000 West before pulling in any additional projects.

Council Member Ed Dennis requested that the updated project list be emailed to the Council.

Council Member Kurt Ostler initiated a discussion about incoming subdivisions connecting into the City's infrastructure and upsetting the roads. Mr. Trane said they tried to anticipate development and plan the Road Preservation Project accordingly. For example, he did not foresee any issues with 5950 West because the new subdivision would be required to correct any damage done to the road.

Upon Mayor Mann's request, Mr. Trane explained the cost difference between seal coat, surface treatments, and other road replacement processes.

Council Member Ed Dennis MOVED to accept the contract proposal to use Eckles Paving for the construction of the 2018 Road Preservation Project for \$99,201.60.

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.

5. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

a. **Developmental Center Land and Road Working Group** – *Rod Mann, Mayor*

Mayor Mann reported on his efforts to keep Highland City involved in the process for the Developmental Center. He had requested that Todd Trane, Chris Kemp, Kurt Ostler, and Bob Valentine be allowed to attend and participate in the working group discussions.

Council Member Ed Dennis asked if the committee for Pheasant Hollow was continuing, and Mayor Mann answered affirmatively. He explained that was a separate issue from the working group.

Mayor Mann mentioned that they could make the working group an ad hoc committee if the Council felt it was necessary. He also reported that the Mayor of Cedar Hills wanted to participate in the working group discussions as well.

Mayor Mann reported that the Highland Foundation has agreed to help the City with some pickle ball courts. Craig Roberts asked if there would be opportunities for Eagle Projects with the pickle ball courts, and the Council answered affirmatively. They instructed him to give his contact information to Erin Wells.

b. **Voting Etiquette** – *Tim Merrill, City Attorney*

Tim Merrill, City Attorney, made a presentation about proper voting etiquette and passed out some information regarding motions and seconds. He noted that every motion required a second. Certain motions were amendable, and every amendment must be seconded to be considered. A City Council member can also propose a substitute motion, which must be seconded. The purpose of following the voting etiquette was to give everyone an opportunity to speak. He noted that a Point of Order was not considered a motion and did not require a second.

The City Council then discussed abstentions versus recusal. Attorney Merrill said the only reason to abstain from voting was if there was an ethical reason for the Council Member to abstain. He explained that an abstention was effectively a “no vote”. A motion would pass with a majority vote, and the Mayor was only considered a voting member in the case of a tie. Attorney Merrill advised, however, that a tie created by an abstaining vote did not warrant a vote from the Mayor. Regarding recusal, Attorney Merrill said that this should be done before the discussion began if the Council Member had a conflict of interest. The recused member would not take part in the discussion or vote.

Council Member Brian Braithwaite asked if a recusal was considered a “no vote”, and Attorney Merrill said he would look into that further.

Council Member Kurt Ostler asked when the Council would debate a motion. Attorney Merrill responded that discussion on the motion can occur after it had been seconded and prior to a vote. Council Member Brian Braithwaite commented that some organizations do not move forward until a motion is made, but Highland has not done that. They normally have their discussion before a motion was made. He recommended that they follow the motion provided in the staff report, because their wording was usually more effective than what the Council Members may come up with on their own, but, of course, they could add conditions and requests to that motion.

c. **Lone Peak Public Safety Board Update** – *Tim Irwin, City Council Member*

Council Member Tim Irwin reported on a few items that would be on the agenda for the Thursday night meeting, including the process of obtaining a burn permit. He also reported that the Safety Board was experiencing staffing needs.

Nathan Crane, City Administrator mentioned that the Assistant Chief position would begin in April and there were openings for Captain positions.

d. Utah League of Cities and Towns – Legislative Policy Committee Update – *Ed Dennis, City Council Member*

Council Member Ed Dennis reported that Senate Bill 83, regarding the procedure for change in property boundaries affecting the Development Center property, had passed. The resolution for the sale and lease of the USDC property had also passed.

Council Member Scott L. Smith commented that the latter bill included language allowing the Board to include a fire station for American Fork on the property. There had been discussions about a fire station before, but not in that location. He was curious about why the language was included.

The City Council then discussed estimated costs associated with the Developmental Center.

e. Committee Report Schedule – *Nathan Crane, City Administrator*

Nathan Crane turned the time over to Cindy Quick, City Recorder, to present the committee report schedule. During the previous meeting, the Council requested that all committees provide an annual report to the City Council, so staff create a report schedule.

Council Member Brian Braithwaite requested that the schedule be posted on the City website, as well as complete lists of the committees. He wanted the committee duties, members, and active status to be transparent to the residents.

Mayor Mann noted that an ad hoc committee was used for a singular issue that was normally time sensitive. These committees were not ongoing. Council Member Brian Braithwaite requested that these committees be included on the list, but clearly marked as “inactive”. Mayor Mann did not think that was necessary. The list should only include current committees.

Council Member Scott L. Smith questioned the timing for the Economic Development and Open Space reports. Mr. Crane said they tried to spread out the reports, but those could be moved to a sooner date.

Regarding the Economic Development Committee, Council Member Ed Dennis said he would like to recommend other members in order to fully staff the committee. Mayor Mann suggested that a Volunteer Form be filled out so the Council could consider those names.

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Nathan Crane reminded the City Council of the upcoming work session on March 13, 2018 at 6:30 p.m.

Council Member Ed Dennis said the City Council meeting on March 20th should be cancelled to allow the caucus meetings to take place. Mr. Crane said he was aware of one item that needed to be addressed on the 20th and suggested that they hold a brief meeting at 6:00 p.m. Staff would work on the schedule and get back to the City Council.

After subsequent discussion, they moved the work session to 7:00 p.m.

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 8:39 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 March 6, 2018. This document constitutes the official minutes for the Highland City Council Meeting.



Cindy Quick, CMC
City Recorder

Welcome to the Highland
City Council Meeting



7:00 PM REGULAR SESSION
Call to Order – Mayor Rod Mann
Invocation – Council Member Ed Dennis
Pledge of Allegiance – Council Member Tim Irwin



UNSCHEDULED PUBLIC APPEARANCES
Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to three (3) minutes and state your name and address.



PRESENTATIONS

- Item 2a. – Youth Council
- Item 2b. – Highland City Justice Court
- Item 2c. – UDOT I-15 Tech Corridor Project (RESCHEDULED)



CONSENT ITEMS

- Item 3a. – Approval of Minutes from February 13, 2018



CONTRACT FOR THE ROAD PRESERVATION PROJECT

Item 4 – Action
Presented by – Todd Trane, City Engineer



COMMITTEE REPORT SCHEDULE

Report Date	Committee	Contact
First CC Meeting of each Month	Youth Council	Julie Tappasa or Miranda Muggleton
March 29, 2018	Recreation Committee	Erin Mielke or Josh Castleberry
April 3, 2018	Historical Society	Charlie Greenland
April 17 & September 18, 2018	Highland Fling	Julie Tappasa
May 1, 2018	Arts Council	Shauna Larson
May 8, 2018	Water Advisory Board	Trinity
May 15, 2018	Tree Committee	Josh Thomas
June 5, 2018	Planning Commission	Chris Kemp
June 19, 2018	Library Board	Roger Dixon
September 4, 2018	Open Space Committee	Ed Dennis
October 16, 2018	Economic Development Committee	Ed Dennis