



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, October 1, 2019

Approved November 12, 2019

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, Brian Gwilliams, Reed Thompson, and City Recorder Cindy Quick

OTHERS: Jim Price, Roger Dixon, Deanne Dixon, Natalie Reed, Claudia Stillman, Devirl Barfuss, Krisel Travis, Chris Cottle, Mike Hancock, Doug Cortney, Ken Knapton, Jessica Anderson, Wayne Tanaka, Cheryl Tooley, Brianna Hugh, Tim Ball, Wesley Warren, Helene Pockrus

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

Invocation – Library Chair Roger Dixon

Pledge of Allegiance – Ethan Young

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 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 Library Chair Roger Dixon and those assembled were led in the Pledge of Allegiance by Ethan Young.

Mayor Mann noted that item 5 was being pulled because the applicant withdrew the request.

1. UNSCHEDULED PUBLIC APPEARANCES

There were none.

2. PRESENTATIONS (30 minutes)

a. MOUNTAINLAND ASSOCIATION OF GOVERNMENTS (MAG) REPORT – Jim Price

Jim Price distributed copies of the MAG report detailing the transportation plans for Utah County. MAG was currently working with Utah County, the cities within its jurisdictions and the federal government. The intent was to spend the funds jointly.

Mr. Price presented a map outlining the State of Utah's projects within Utah County. He explained that the County would grow more than Salt Lake, Davis and Weber Counties combined, and stressed the importance of planning for this growth. MAG was urging the State legislature to find funding for these transportation projects.

Council Member Tim Irwin asked if it would be appropriate to reward the cities funding that were doing their best to restrain their growth. He suggested restraint was the best way to prevent traffic and transportation problems. Mr. Price responded that there was nothing currently in place to reward cities in this fashion. He further explained MAG's role in working with UDOT.

Council Member Kurt Ostler asked if MAG received funds from the quarter cent sales tax. Mr. Price stated that one portion of the funding was distributed based on population whereas the rest of the funding was distributed according to need as determined by the County's mayors. Council Member Kurt Ostler asked about an update on the east west corridor, to which Mr. Price responded that there was no update. They were still looking for funding for the entire project. Council Member Kurt Ostler asked if the project on 6800 West belonged to MAG. Mr. Price explained that this project was awaiting additional funds. They would have the funds available by 2020. Council Member Kurt Ostler explained that there were no new projects planned for Highland in the next 30 years. He noted that if the City did not have projects then it would lose transportation funds. Mr. Price said this had to do with the affordable housing programs. MAG did not have any control over these polices. Council Member Kurt Ostler explained that there were transportation issues in Highland, but MAG was not planning anything in their City. He asked how they could obtain these funds. Mr. Price said they had created a demand program and determined Highland did not meet the demands for the MAG funds.

Mr. Todd Trane explained they would have an opportunity to compete for the funds. As a City, they would have to make these projects a part of its master plans.

b. LIBRARY ANNUAL REPORT - *Library Director Donna Cardon*

Library Board Chair Roger Dixon presented the annual report. He then introduced the members of the board and thanked them for their service. Mr. Dixon noted that the report was to be compliant with Utah State code 9-7-406(1). He explained that the Library presented a positive face to the community. It was a critical year and they appreciated the guidance of Erin Wells and Ed Dennis. They had improved equipment by acquiring a new copier, reference desk, and a new magnetic white board from the Friends of the Library donations. The Library was a full member of NUCLC. Mr. Dixon presented the Library's Operation and Statistics information and discussed the increased number of board members and activities. The long-range strategic plan was presented. Mr. Dixon noted that the last time this was presented was in 2016 at the request of the City Council. Their goal was to introduce the library to a broader range of residents. He asked the Council to review the plan and send any revisions by October 15th.

The Council Members thanked the Library board members and Friends of the Library for their efforts. Council Member Tim Irwin asked if they would need additional funds to accomplish their goals. Mr. Dixon stated their projection would be covered by their budget. He said if they included the construction of a new building, they would need more funding.

c. YOUTH COUNCIL REPORT - *Youth Council Member*

Tayt Godwin was not present. The Mayor announced that he was selected to be the Youth City Council Mayor for 2020.

3. CONSENT ITEMS (5 minutes)

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 City Council Meeting August 6, 2019

Regular City Council Meeting September 3, 2019

b. ACTION: FINAL PLAT APPROVAL FOR ARABIAN MEADOWS

City Council will consider a request from Sterling Gardner for a Preliminary/Final Plat Approval of a two-lot subdivision. The property is approximately 1.67 acres located at 10530 N 6000 W. The Council will take appropriate action.

c. ACTION: APPROVAL OF CONSTRUCTION BID WITH ROOTS LANDSCAPING

The City Council will consider a request to approve a construction bid with Roots Landscaping for cobble stone lining in the Country French Detention Basin in the amount of \$37,200 and authorize the Mayor or City Administrator and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. ACTION: APPROVAL OF CONSTRUCTION BID WITH FENCE SPECIALISTS

The City Council will consider a request to approve a construction bid with Fence Specialist for the replacement of the portion of the cemetery fence along SR92 in the amount of \$48,263.70 and authorize the Mayor or City Administrator and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION: RECERTIFICATION OF THE HIGHLAND CITY JUSTICE COURT

The City Council adopt a Resolution requesting the recertification of the Highland Justice Court. The Council will take appropriate action.

Council Member Ed Dennis asked that item 3c. and 3d. be pulled off the consent agenda for further discussion.

Council Member Brian Braithwaite MOVED to approve consent items a., b. and e. as listed on the agenda. Council Member Tim Irwin SECONDED the motion.

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>Yes</i>

The motion passed 5:0.

Council Member Ed Dennis asked for clarification regarding item 3c, questioning whether the detention basin designed by Patterson had any additional liability. City Engineer Todd Trane explained that the detention basin had been plugged and filled up about eight to ten feet deep, very close to homes. Pictures of the flooding was shown. It was rebuilt and a pipe was installed through the basin; below there was an

overflow structure. A retaining wall was built, and vegetation was removed. They needed Council approval to build it correctly. Council Member Ed Dennis asked if there were any pictures of the proposed fence for item 3d. City Engineer Todd Trane responded that they only included the bids; one was for a six-foot fence and the other for a five-foot fence. They were currently approving bids.

Council Member Scott L. Smith asked how long the improvements would take to build. City Engineer Todd Trane did not have an answer.

Council Member Tim Irwin MOVED to approve consent items 3c. and 3d. as listed on the agenda. 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 5:0.

4. PUBLIC HEARING/RESOLUTION: ADOPTION OF A MUNICIPAL TRANSIENT ROOM TAX (10 minutes)

City Attorney Tim Merrill oriented the City Council with a resolution for the adoption of a 1% Municipal Transient Room Tax for short term rentals. When Council approved the short-term rental ordinance there was a 1% tax that needed to be collected. While this was not a major financial boost for the City it was recommended by the State. This would go into effect at the beginning of the year.

Council Member Scott L. Smith asked how this would be monitored. City Attorney Tim Merrill responded that he would come back to the Council when he learned this answer.

Council Member Tim Irwin commented that they would not be able to enforce this tax. Mr. Merrill responded that it would be enforced by the sales tax on the rental. Council Member Kurt Ostler explained that individuals needed to register with the State.

Mayor Mann opened the public hearing at 7:49 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:50 PM.

Council Member Brian Braithwaite noted that there was another .5% tax that could be used for bonding. Mr. Merrill stated that Highland did not qualify for the tax in question because it did not satisfy the requirements. There was brief discussion regarding the tax requirements.

Council Member Tim Irwin MOVED to approve the Municipal Transient Room Tax. Council Member Brian Braithwaite SECONDED the motion.

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>No</i>

The motion passed 4:1.

5. PUBLIC HEARING/ACTION: AMEND THE R-P ZONING DISTRICT TO ALLOW RECEPTION AND EVENT CENTERS AS CONDITIONAL USES. (20 minutes) continued from September 17, 2019

The item was withdrawn at the request of the applicant.

6. ACTION: WATER EXCHANGE AGREEMENT WITH SARATOGA SPRINGS AND DR HORTON TO APPROVE AN EXCHANGE OF UTAH LAKE DISTRIBUTING WATER SHARES FOR LEHI IRRIGATION WATER SHARES. (20 minutes)

City Engineer Todd Trane reviewed the agreement, explaining that Saratoga Springs received 195 shares of irrigation water due to development by DR Horton. DR Horton approached the City and asked if they could swap shares. Highland owned Utah Lake Water shares it could not use. The agreement was reviewed by water attorney Tavis Timothy. Staff was comfortable with the conditions outlined in the agreement.

City Engineer Todd Trane further explained that the City used irrigation water almost full-time throughout the year. They had a good flow this year, but during bad years they pumped water for three months. This agreement would give them better sources of water and they would still have underground water available.

Council Member Brian Braithwaite asked about storing water in the aquifer to build credit. Mr. Trane stated that this would be complicated. He said they could make this a project in the future and noted this agreement was a good trade to complete these types of goals.

Mayor Mann said this was a good deal because they were not currently able to use the shares. Council Member Brian Braithwaite agreed.

Council Member Kurt Ostler said he was concerned about the trade. Mr. Trane said they could not currently use the shares so it would not make a difference if they had a dry year. He continued by discussing the connections and sources for the PI water systems. Council Member Kurt Ostler asked for a monetary assessment of the trade. Mr. Trane explained the Utah Lake Water was evaluated less than the East Jordan shares. The difference in value was negligible.

Council Member Tim Irwin MOVED to approve the water exchange agreement with Saratoga Springs and DR Horton for an exchange of Utah Lake Distributing Water shares for Lehi Irrigation Water shares. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brian Braithwaite</i>	<i>Yes</i>
<i>Council Member Ed Dennis</i>	<i>Yes</i>

Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

7. ACTION: APPROVE CONSTRUCTION OF CHOKERS ON 5500 W (15 minutes)

City Engineer Todd Trane explained that that City Council provided direction for construction of concrete chokers by a dental office on SR92 on 5500 West. This also include signage entering the subdivision. Staff was waiting for the completion of the dental offices. The concrete chokers would help slow traffic. He said it would cost between \$2,000 to \$4,000 to install the concrete. They would not include any landscaping.

There were some concerns for the public safety regarding the chokers. Chief Thompson stated that it was an emotional decision to put in the chokers as this would cause some challenges for the residents entering the neighborhood. Additionally, it would also cause challenges for fire trucks if there were any fires down this street. Council Member Brian Braithwaite asked how this would cause problems. Chief Thompson said it would be a challenge for fire trucks and ambulance vehicles to set up in this area.

Council Member Ed Dennis asked if they had monitored the traffic. Mr. Trane explained that they were waiting to see if it was a problem; they needed to gather additional information. There was concern the chokers would not accomplish what they wanted. It was noted they promised the residents a traffic calming device. Council Member Brian Braithwaite said they should follow through with their commitment. Council Member Tim Irwin agreed.

Mayor Mann asked for direction from the Council. Council Member Brian Braithwaite explained that they should install and measure the impact. Mayor Mann said he was concerned with the safety of the residents in the area.

Mayor asked if there were any comments from audience.

Scott Christensen, resident, commented he had lived in the area for 45 years. He asked the Council to invest in the community. He wanted measures to be taken to control traffic speed. He noted this specific location was dangerous. He was in favor of the chokers because they were low cost and could offer a good return.

Council Member Scott L. Smith MOVED to approve the construction of the Chokers along 5500 W to keep the commitment to the citizens that was made and include the stipulation of placing traffic counters before and after installation. Council Member Ed Dennis SECONDED the motion.

City Engineer Todd Trane asked for clarification. Council Member Brian Braithwaite and Council Member Kurt Ostler suggested they place the counters now to determine the traffic as the business park grew.

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 5:0.

8. ACTION: APPROVE CONSTRUCTION BID WITH A & D QUALITY CONSTRUCTION, INC. AND FLATLINE CONSTRUCTION. (15 minutes)

City Engineer Todd Trane oriented the City Council with a request to approve construction bids with A & D Quality Construction, Inc. for the footing and foundations. The total cost was \$38,111.21 for A & D Quality Construction, Inc and \$58,735 for Flatline Construction. City staff was interested in moving forward with the bids before winter began. They needed to install the footings and foundation as soon as possible.

Mayor Mann asked for clarification on the construction details. Mr. Trane explained that this would be like a home foundation. The walls would act as retaining walls. He continued by giving details of the design.

Council Member Brian Braithwaite asked if they had experience with the construction company. Mr. Trane said they had done work within the City and came highly recommended.

Council Member Scott L. Smith stated they needed a salt building. He asked if they had adjusted the plans to accommodate concerns. Mr. Trane responded they received approval from UDOT for access on SR92. This would be much safer and allow for a fully fenced facility. There was a bus stop near the facility and the Council discussed moving or creating safety measures around the stop.

Council Member Brian Braithwaite MOVED to approve the construction bids with A & D Quality Construction, Inc. for foundation and footings, and Flatline Construction for the flat work of the Salt Building and authorize the Mayor or City Administrator and City Clerk to execute the necessary contract documents for the project. Council Member Council Member Tim Irwin SECONDED the motion.

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>Yes</i>

The motion passed 5:0.

9. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

Council Member Scott L. Smith commented that the medians looked great. He thanked City Engineer Todd Trane for his work on the project. City Engineer Todd Trane said they hired the project out believed the other medians would be finished soon.

10. FUTURE MEETINGS

a. Future Meetings

- October 10, Council Candidate Debate, 7:00 PM City Hall
- October 15, City Council Meeting, 7:00 pm, City Hall
- October 22, Planning Commission Meeting, 7:00 pm, City Hall

11. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the pending or reasonable imminent litigation and the character, professional competence, or physical or mental health of an individual as provided by Utah Code Annotated §52-4-205.

At 8:49 PM Council Member Tim Irwin MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual; strategy sessions to discuss pending or reasonably imminent litigation; strategy sessions to discuss the purchase, exchange, or lease of real property; strategy sessions to discuss the sale of real property; or investigative proceedings regarding allegations of criminal misconduct; as provided by Utah Code Annotated § 52-4-205. Council Member Scott L. Smith SECONDED the motion.

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>Yes</i>

The motion passed unanimously.

ADJOURNMENT

Council Member Ed Dennis MOVED to adjourn the CLOSED SESSION and Council Member Brian Braithwaite SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 11:07 PM.

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

The meeting adjourned at 11:08 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 October 1, 2019. This document constitutes the official minutes for the Highland City Council Meeting.



Cindy Quick, MMC
City Recorder

Welcome to the Highland
City Council Meeting

October 1, 2019



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. – Mountainland Association of Governments (MAG) Report – *Shawn Seager/Jim Price*
- Item 2b. – Library Annual Report – *Library Director Donna Cardon*
- Item 2c. – Youth Council Report – *Tayt Godwin*



CONSENT ITEMS (5 MINUTES)

- Item 2a. – Approval of Meeting Minutes
 - Regular City Council Meeting August 6, and September 3, 2019
- Item 2b. – Final Plat Approval for Arabian Meadows
- Item 2c. – Approval of Construction Bid With Roots Landscaping
- Item 2d. – Approval of Construction Bid with Fence Specialists
- Item 2e. – Recertification of the Highland City Justice Court



ADOPTION OF A MUNICIPAL TRANSIENT ROOM TAX (10 MINUTES)

Item 4 – Public Hearing/Action
Presented by – Tim Merrill, City Attorney



AMEND THE R-P ZONING ORDINANCE TO ALLOW RESIDENTIAL AND EVENT CENTERS FOR COMMERCIAL AND SPECIAL USES
(20 MINUTES)
RESUMED FROM SEPTEMBER 17, 2019

APPLICANT WITHDREW REQUEST

Item 5 - Public Hearing/Action
Presented by - Tara Tannahill, Planner and GIS Analyst



WATER EXCHANGE AGREEMENT WITH SARATOGA SPRINGS AND DR HORTON TO APPROVE AN EXCHANGE OF UTAH LAKE DISTRIBUTING WATER SHARES FOR LEHI IRRIGATION WATER SHARES
(20 MINUTES)

Item 6 - Action
Presented by - Todd Trane, PE, City Engineer

Pressure Irrigation Water Shares

- DR Horton
 - Developing in Saratoga Springs - Property came with 195 shares of Lehi Irrigation
 - Saratoga Springs cannot utilize Lehi Irrigation in their pressure irrigation system (Highland can)
- Highland City
 - Highland City owns 54 shares of Utah Lake Distributing Company (ULDC)
 - Highland cannot utilize ULDC water in the pressure irrigation system (Saratoga Springs can)

Equal Trade (Acre-Foot)

- DR Horton
 - 195 shares of Lehi Irrigation @ 2.60 acre-feet per share = 507 acre-feet
- Highland City
 - 54 shares of Utah Lake Distributing Company @ 5.11 acre-feet per share = 275.94 acre-feet
 - 231.06 Acre-feet of deficit
 - 47.74 shares of East Jordan Irrigation Company @ 4.84 acre-feet per share = 231.06 acre-feet



APPROVE CONSTRUCTION OF CHOKERS ON 5500 W
(15 MINUTES)

Item 7 - Action
Presented by - Todd Trane, PE, City Engineer

City Council Direction

- On April 18th, 2017, the City Council approved the dental office on the corner of SR-92 and 5500 West. As part of the approval stipulations, the City Council included the following pertaining to the subdivision directly north of the dental office:
 - 2) Signage entering the subdivision specify local traffic only.
 - 3) The road at the entrance of the subdivision be narrowed and parking prohibited.



**MAYOR/COUNCIL AND STAFF
DISCUSSION COMMUNICATION
ITEMS**



FUTURE MEETINGS

- Item 10a. - Future Meetings
 - October 10, Council Candidate Debate, 6:30 pm, City Hall
 - October 15, City Council Meeting, 7:00 pm
 - October 22, Planning Commission Meeting, 7:00 pm



**CITY COUNCIL CLOSED
SESSION**

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the pending or reasonable imminent litigation, and the character, professional competence, or physical or mental health of an individual as provided by Utah Code Annotated §52-4-205