

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, March 18, 2014

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

PRESENT: Mayor Mark Thompson, Conducting
Councilmember Brian Braithwaite
Councilmember Rod Mann
Councilmember Tim Irwin
Councilmember Dennis LeBaron

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
JoD'Ann Bates, Executive Secretary/ Recorder
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Tim Merrill, City Attorney
Shannon Garlick, Secretary

EXCUSED: Councilmember Jessie Schoenfeld

OTHERS: Randall Paul, Steve Broadbent, Steve Lund, Mary Lynn Johnson, David Johnson, Lucy Christensen, Lee Christensen, Stan Phillips, Susan Snell, Jeff Harvey, Kevin Gordon, Cayden Goeringer, Brett Goeringer, Kenny Murdock, Amy Cottle, Lance Greer, Burke Hill, Cindy Hill, Kent Loosle, Jim Golden, Jared Golden, Russ Larson, John Meadors, Doug Cunningham, David Clegg, Kenny Anderson, Dave Hall, Richard Henderson, Christy Henderson, Cassie Mosier, Truman Mosier, Jennie Robbins, Jen Christopherson, Kordon Vaughn, Colleen Jemmett, Daune Shumway, Shannon Shumway, Bob Vukich, Laurie Vukich, Steve Marx, Shawn Blanke, Kristy Vick, Shane Morris, Ed Dennis, Scott Smith

The meeting was called to order by Mayor Mark Thompson 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 Brian Braithwaite and those assembled were led in the Pledge of Allegiance by Jared Golden, a scout.

SUMMARY

#	Description	Pass/Fail
1.	Motion: Approval of Meeting Minutes for City Council Work Session 2/11/2014	P
2.	Motion: Approval of Meeting Minutes for City Council Regular Session 3/4/2014	P
3.	Motion: Approval of Meeting Minutes for City Council Work Session 3/4/2014	P
4.	Motion: Ratify Mayors Appointment of Roger Mickelsen to Open Space Committee	P
5.	Motion: Ratify Mayors Appointment of Ed Barfuss and Jim MacDuff to Tree Commission	P
6.	Public Hearing/Motion: Disposal of Surplus Property – Canterbury Circle Subdivision	P
7.	Public Hearing/Motion: Disposal of Surplus Property – Apple Blossom Subdivision	P
8.	Public Hearing/Motion: Disposal of Surplus Property – Chamberry Fields Subdivision	P
9.	Public Hearing/Motion: Disposal of Surplus Property – Beacon Hill, Plat I Subdivision	P
10.	Motion: Determination of Accessory Structure – Lund Property	P

DETAILED MINUTES

APPEARANCES:

There were no appearances at this time.

PRESENTATIONS:

- Randy Paul – Economic Development

Randy Paul, former member of the Economic Development Committee, stated the value of real estate is usually viewed from the street level by people passing through. He stated many years ago the City had very few trees, so it is amazing to see the growth of the trees today. He stated the City passed a Tree Ordinance a couple of years ago which states the appropriate size and distance between the trees along with having them be well maintained. He stated the fact that Highland is known as a “Tree City” is an important element of the City’s economic development. He stated the Economic Development Committee wanted to encourage the Council to create a trail system all the way up American Fork Canyon when the time is right and there are the appropriate funds at the County level. He mentioned it is an expensive proposition, but if it is spread throughout the County, it could be a wonderful asset to Northern Utah County. He stated the study from the Urban Land Institute shows that trail systems are considered very high value for real estate. He stated the third element is the physical structure. He explained the City has an architectural control plan for the Town Center and if the plan is implemented with landscaping then the property should have sincere growth within 15 years. He stated Highland is extremely friendly and has a wonderful social aspect that is a great asset to the community. He explained

the social aspect can be amplified if the retail activities create restaurants and areas to hang out, which would also create a higher economic value to the City. He mentioned if there are restaurants surrounding an office park it gives the office park greater value. He stated there are already major retail centers along with office space down by the freeway, so the City does not need to focus on big box retail. He explained the office spaces in Highland will appeal to companies serving local people or if the boss lives nearby. He stated economic development in the City is spurred by the quality of residential development and local service retail. He explained the retail frontage left for Highland is very minimal, so the retail tax base will not provide a lot of revenue. He encouraged the City to be friendly towards retail that fits the community well. He stated the next element of commercial growth is apartments. He explained if the City would zone high-end apartments, developers would buy the land and build them right now, because the demand is there. He thanked the City Council and Mayor for their service and encouraged them to be realistic and support good development in the City.

- Kent Loosle – IASIS Healthcare, Mountain Point Medical Center

Kent Loosle, Representative of IASIS Healthcare, stated construction has already begun for a new hospital at the point of the mountain called Mountain Point Medical Center. He mentioned their other facilities are Jordan Valley, Pioneer Valley, Salt Lake Regional, and Davis/Layton, but this is the first one in Northern Utah County. He explained they are part of the community and intend on hiring a lot of employees from the area. He stated the hospital will be located directly across the freeway from Thanksgiving Point and it is easily accessible. He mentioned it will have 40 beds, 4 operating rooms, a catheterization lab, and 14 emergency room bays. He stated they are trying to bring other alternatives for healthcare to the area and provide more options for the community. He stated they are working to partner with local physicians and will have a medical office building attached to the hospital. He presented a video to the Council regarding the hospital and stated they are excited to be part of the community.

Rod Mann questioned if the hospital will focus on a specialization.

Kent Loosle replied it will be a full service hospital, but the beginning volumes will probably be more for surgery, obstetrics, and emergency services. He explained the closest cath lab is currently in Orem, so having that lab will be very beneficial, because time is extremely important when it comes to heart issues.

CONSENT:

*MOTION: Approval of Meeting Minutes for City Council Work Session – February 11, 2014.
Pulled by Rod Mann for further discussion*

MOTION: Approval of Meeting Minutes for City Council Regular Session – March 4, 2014.

*MOTION: Approval of Meeting Minutes for City Council Work Session – March 4, 2014.
Pulled by Rod Mann for further discussion*

MOTION: Ratification of the Mayor's Appointment to the Open Space Committee – Roger Mickelsen.

MOTION: Ratification of the Mayor's Re-Appointment to the Tree Commission – Ed Barfuss and Jim MacDuff.

MOTION: Tim Irwin moved the City Council to approve the consent items on the agenda.

**Dennis LeBaron seconded the motion.
Unanimous vote, motion carried.**

*MOTION: Approval of Meeting Minutes for City Council Work Session – February 11, 2014.
Pulled by Rod Mann for further discussion*

Rod Mann stated in the beginning of the minutes it talks about the recommended ratio of officers to residents. He stated he believed the original ratio was approximately .85 officers and asked Chief Brian Gwilliam for some clarification.

Brian Gwilliam stated the original percentage was .88 in 2008; the police department is now down to .74 and would like to get back up to that .88.

Rod Mann stated he would like the minutes to be adjusted to reflect that sentiment. He stated on page 4, line 17 it should read the Council would like to *know*, not how. He explained he brought up zero based budgeting during the meeting and the reply from staff was if the City does that they lose all of the history. He explained history is more important for zero based budgeting, because they have to look at the history and rethink the services going forward.

MOTION: Tim Irwin moved the City Council to approve the Meeting Minutes for City Council Work Session – February 11, 2014 as amended.

**Rod Mann seconded the motion.
Unanimous vote, motion carried.**

*MOTION: Approval of Meeting Minutes for City Council Work Session – March 4, 2014.
Pulled by Rod Mann for further discussion*

Rod Mann stated on page 20, line 19 there is a section which reads Mayor Thompson stated budget all balances annually, but should read *balance all budgets* annually.

Mark Thompson stated he is comfortable with that change.

Rod Mann stated on page 22, line 2 under Parks and Open Space and it reads the Council could explore different alternatives to building and maintaining the parks; but should read alternative ways of *funding* the maintenance and building of parks.

MOTION: Tim Irwin moved the City Council to approve the Meeting Minutes for City Council Work Session – March 4, 2014 as amended.

**Rod Mann seconded the motion.
Unanimous vote, motion carried.**

ACTION ITEMS:

PUBLIC HEARING/MOTION: Disposal of Surplus Property – Canterbury Circle Subdivision.

**** Mayor Mark Thompson opened the Public Hearing at 7:40 p.m. ****

Dave Hall, resident of Canterbury Circle, stated he has lived there for 11 years and served on the Open Space Committee for four years. He stated the Committee went through all 18 different subdivisions and looked at the challenges those subdivisions faced. He explained all the subdivisions cannot be treated the same, but the majority of Canterbury Circle residents are in agreement with surplusing the property. He explained a lot of the residents have already begun doing the maintenance on their own, but this would allow some finality on the issue. He mentioned this is not an attempt to do a land grab on public parks. He stated this property is land locked with the exception of a small access point not wide enough to drive back to the property. He explained this land is not developable and there is already is a beautiful park in front of the homes. He stated he is in strong support of liquidating the property.

Shane Morris, Original Developer and resident of Canterbury Circle, stated he missed the notice for the previous hearings. He mentioned he was never offered to purchase the property. He stated the easement into the open space area is 30 feet wide and all the property connects so it could hold a park. He explained the property was originally designated as open space for horse pasture. He stated he would be willing to purchase the property himself and turn it into an open space park. He stated he saw the State Ombudsman report and did not receive any prior information to give input on the issue.

Nathan Crane stated the issue with this property is that there is a water line that runs all the way through. He stated staff recommended 20 feet remains a track that the City owns for maintenance and access to allow future connection to that water line if and when appropriate.

Tim Irwin questioned how the City is currently maintaining the property. He questioned how the City would maintain the 20 feet of land, if the residents acquire their property and begin to improve their land.

Nathan Crane replied when the subdivision was approved it was maintained as pasture land so there were no physical improvements made. He stated the Council would need to find the funds for the City to develop the land however the Council would like; whether that is grating it as dirt, laying rock, or landscaping.

Brian Braithwaite questioned if someone could develop the property under the current Ordinances.

Nathan Crane replied a specific amount of density was granted for Canterbury Circle in exchange for the open space, so there would not be any additional density allowed on those lots.

Brian Braithwaite questioned what the need is for the water line.

Matt Shipp replied it is a looping line which would be looped through the subdivision for volume and pressure. He explained the line is looped in Canterbury with two access points as preparation for future development. He explained if the City abandons this line they would have to put in a new line somewhere else, but the City currently owns the property and already has the line.

Tim Irwin questioned regarding the difference in keeping an easement or keeping ownership of the property.

Matt Shipp replied if there is just an easement, the land belongs to the property owner and they can put up fences, a basketball court, sheds, etc. He stated once that happens, if the City needs to do maintenance or expand the line, it would be a cost to the City to move those structures and then replace them. He stated the easement just gives the City the right to put the line on the property.

Brian Braithwaite clarified an easement is not like a setback where the resident cannot put anything permanent in that area. He questioned if the property stated under the City's ownership, if it would just remain a dirt road with weeds.

Dennis LeBaron suggested placing a trail on the property.

Matt Shipp replied it most likely would be just a dirt path for the time being. He stated there is access on 9600 North that could allow for a trail if the City planned it that way. He stated staff is just asking to protect the right of way for the water line.

Brian Braithwaite asked if the line is designated for the development of the properties behind the area, if the developer would be responsible for figuring out a way to loop the line. He stated an option would be to surplus the property and have the looping go through another property. He explained he is trying to look at all the options, because keeping the property would create an eye sore for the community, but it may be the best choice for the City.

Tim Merrill, City Attorney, stated the City could place restrictions on the easement with rights of entry and access for maintenance, and to disallow any permanent structure. He explained if there is an easement, the City is facing a lot of inconvenience and expense they will likely have to bear. He stated the City could keep the property for access and maintain it at whatever level of service the Council can fund.

Dennis LeBaron questioned what the probability is that the line would need to be serviced.

Matt Shipp replied currently the line is dry and inactive. He explained if the line goes through, and then the line breaks, the City would like to have access. He stated the City would not need to do regular maintenance on the line.

Rod Mann questioned what the cost would be to maintain the land with rocks or grass.

Matt Shipp replied the cost would be a pretty insignificant. He stated if the City were to lay down weed barriers, place rocks, and spray the property; the impact would be very minimal. He stated if they place grass, the cost would just be a couple hundred dollars a year to maintain it.

Brian Braithwaite stated the open space properties are a low priority, so they tend to get treated at a lower level and are not well maintained.

Rod Mann explained the advantage for this property is that there is a park across the street that the staff will already be mowing weekly or biweekly. He stated some of the other properties are isolated and out of the way.

Matt Shipp stated he would like to keep 30 feet straight back, so there would be enough space for the City has to put in a pressurized irrigation line if need be.

Stan Phillips, resident of Canterbury Circle, stated his lot is to the north and the former homeowner to the south already landscaped approximately 14 feet of the property. He stated he has lived there for 12 years and has sprayed the weeds himself and has been cleaning the garbage on the property for years. He explained the weeds have not been taken care of by the City for ten years. He stated the 30 feet will create an eye sore for the community. He asked that the City sell the property to the residents because none of them have plans to put large structures back there.

Scott Smith, member of the Open Space Committee, stated the concept of open space is good, but some of the neighborhoods were poorly designed. He stated he does not understand why the central park was not made bigger to eliminate a lot of this unusable open space. He stated a park could be placed on the property, but the City has a very limited budget and needs to be realistic. He mentioned the City has a small staff and there is more land to maintain than can be accomplished. He stated it makes sense in some of the neighborhoods where the trail is made optional, to surplus the property and sell it to the adjacent residents. He stated he understands the concern regarding the easement because he has the Central Utah Water Project Easement 30 feet into his backyard. He explained he has a planter box that encroaches on the easement, but before he built it he had to sign papers stated he is responsible to replace the box if the utilities need to come in and access the easement. He stated there is precedent in easements, so the strip does not need to remain in the City's ownership. He explained they are not asking to surplus the parks and the trails, but some of the problematic areas, so he recommended the Council surplus the property.

Ed Dennis, Chairman of the Open Space Committee, stated the Committee has been working for four years to resolve issues where there have been small problematic parcels. He stated every parcel in the subdivision has a utility easement surrounding the perimeter of the property. He stated at the very least the City should maintain the easement, however, the water line was put in

to develop the property behind the homes and not to loop it to another subdivision. He recommended abandoning the water line, since there will be no further development in the back. He stated the cost of maintaining the property goes up substantially when it is just a small parcel. He explained selling this property would mean additional revenue for the City and eliminating the eye sore the open space creates.

Richard Henderson, resident of Canterbury Circle, stated he bought his property three months ago and lives next to Stan Phillips. He stated his biggest concern is that they have a lot of land to maintain, but not the privilege or right to maintain it. He expressed his concern with people riding their four-wheelers on the property. He explained he does not need the added land, but would like to keep the community looking beautiful.

Joe Atkin, resident of Canterbury Circle, stated he lives just south of Stan Phillips. He stated he is in favor of purchasing the property. He explained because they cannot put up a fence, his kids play in the street, which causes safety concern. He stated the residents would love to be able to landscape and make the property beautiful. He stated if an easement is needed the residents can work it out with the City, because none of the residents have plans to build a big structure, but would just like to landscape the area. He stated hopefully there are not needed restrictions on an easement, but if so, they can work out a solution.

Rod Mann asked Joe Atkin if the City decided to do an easement, if he would be okay with the stipulation that nothing permanent could be placed in the easement and if there is something that needs to be moved it would be at the cost of the homeowner.

Joe Atkin replied it is something he can discuss with Stan Phillips to make sure he is on board. He stated the owner he purchased the property from already put grass halfway into the easement, but there are no permanent structures.

Rod Mann stated grass would be okay in the easement, because it does not have a significant impact.

Brian Braithwaite stated moving the grass has an impact, because there are sprinklers.

Rod Mann stated he would be in favor of the easement if the homeowner would bear the costs associated with replacing whatever is in the easement.

Joe Atkin stated the only structure he can foresee would be a fence that divides the properties. He stated he does not know if there are fences that are easily movable.

Matt Shipp replied that fences and grass are not considered permanent structures, but they are costs that the City would incur if they needed to do work on the line.

Rod Mann stated Scott Smith is responsible for the cost of moving his planter box because it encroaches on an easement. He questioned if the same rule could apply to a fence if the City needed to remove a fence on an easement.

Tim Merrill stated the City could record an easement that runs with the land where if the property is surplus and sold, that the owner would bear the entire replacement costs if work needs to be done in the easement. He stated the issue will be enforcement, because people encroach on easements and then complain regarding the injustice of the situation when utilities need to access the easement. He explained as long as the Council is willing to enforce the easement and make the property owner responsible for all of the costs in the future, then an easement would be fine.

Joe Atkin stated the residents have not discussed a permanent easement, but the concern may be why they have to bear the costs to put in water for the neighbor down the street.

Rod Mann replied it is what the residents would willingly know and understand when accepting the surplus property with the easement. He stated the line is there and the City owns the land right now, so the City would sell it with that stipulation.

Mary Lynn Johnson, resident of Canterbury Circle, stated all of the women on the circle are very excited and hopeful that the property will surplus, so they can have the opportunity to beautify the property. She stated the most prudent course is to plan for things that are likely and it does not seem likely that someone will buy those parcels and put houses in there. She stated she is in support of abandoning the water line.

Tim Morris stated he owns Lot 2 on the very west end. He stated there is some bias, because selling the property would mean he is restricted from using the open space. He questioned what the original intention of the City was when the land was designated for open space.

Brian Braithwaite stated in this subdivision, the original intent of that property as stated by the developer was for horse pasture. He explained it was done so those who moved into the subdivision could have horses behind the property.

Tim Morris questioned if that was an idea or the City's intention.

Brian Braithwaite stated the horse pasture was the proposal from the developer for this subdivision. He stated he was on the Planning Commission, and what he understood was that many people wanted smaller lots, so the City would take a piece of everyone's backyard and create a park. He explained for a City that does not have a lot of parks or funds for parks, the intent was that the open space would help create more parks and create a better living condition for City residents.

**** Mayor Mark Thompson closed the Public Hearing at 8:22 p.m. ****

Mayor Thompson stated this has been on the Master Plan as a water line for as long as the subdivision has existed. He stated the City needs to deal with the unlikely. He stated larger lots have been developed into smaller lots, because developers saw that they could do it and still meet the Code. He explained there are five acre properties in the Ashby Lane area, and development could occur at a higher density there in the future, so the City needs to be able to loop water lines to those areas and appropriately handle the health issues of dead end water lines.

Brian Braithwaite stated he agrees with Mayor Thompson that there is no reason to abandon the line, even if it will never be used. He stated it is wise of staff to look forward and try to find the best options. He stated he does not know if the original plans expected the line to go back and service the area or not, but a subdivision may come and need to be tied in, and the City needs to take a look at what they currently have. He explained there is a subdivision two blocks southwest of this area, where six or seven property owners took their backyards and created a whole new subdivision, so it is possible. He stated Highland is a great place to live, so if all the other land is gone, a developer may try to do something similar. He stated the line may not ever be used, but it is prudent of the City to make sure they have access to the line. He stated the most valuable option is to give the property to the residents, let them maintain it, and just put an easement.

Rod Mann stated he agrees with Brian Braithwaite.

Dennis LeBaron stated he believes having the easement is a good compromise between the City and the residents.

Tim Irwin stated he is not in favor of abandoning the water line either. He clarified that no other action needs to be taken by the Council after surplusing the land. He stated the Council needs to indicate that there will be an easement and they need to indicate the size of the easement.

Rod Mann clarified that if any restrictions or stipulations are done on the easement, it does not need to come back to the Council for approval; the legal team will just look over the restrictions and make sure they are okay. He stated the point was made that surplusing this property is a revenue generator for the City and questioned if the revenue the City receives for the property is larger than the cost incurred.

Nathan Crane replied it is unknown; the City is required to receive fair market value for the property, but they do not know what the appraisals will be. He stated based on what has happened in the past, if the City receives enough in return, it will be minimal profit.

Brian Braithwaite stated the City has learned over time how to better organize the open space. He stated some of the properties were so small a lawn mower would not fit back there. He stated it would have been better to put more land in the park that everyone would have benefited from, but the City needs to deal with what is there now. He stated he believes the overall benefit of turning the property over is better than the cost of maintaining the land.

MOTION: Rod Mann moved the City Council to approve the surplus of the open space property in Canterbury Circle Subdivision and include a 30 feet easement around the water line including the stipulation that the easement would contain restrictions prohibiting any permanent structures and that any land disturbance costs for maintenance or servicing on the water line would be borne by the property owner.

Tim Irwin seconded the motion.

Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Tim Irwin, Rod Mann

Those Voting Nye:

Unanimous vote, motion carried.

PUBLIC HEARING/MOTION: Disposal of Surplus Property – Apple Blossom Lane Subdivision.

Nathan Crane stated this is a request to dispose of a portion of the Apple Blossom Subdivision open space. He mentioned the Council discussed the issue last fall. He explained the surplus would allow the development of the Robinson property and allow them the additional frontage onto 9700 North. He stated the property will be surveyed to get the exact square footage. He explained there is a trail on the proposed land to be purchased which will need to be relocated, so staff is recommending that the buyer be responsible for the relocation.

Discussion ensued regarding where the trail would be relocated

**** Mayor Mark Thompson opened the Public Hearing at 8:37 p.m. ****

David Clegg stated he is the one working with the City to acquire the open space and build on the Robinson property. He stated he understands that they will be responsible for the relocation of the trail. He explained the open space to the west is very nice, but this area has not been maintained, so not only would it help them with the frontage requirement to build their home and come in from the north, but also help beautify the area. He stated it is their goal to live on the property to the south and help Pat Robinson maintain her animals and property.

**** Mayor Mark Thompson closed the Public Hearing at 8:40 p.m. ****

Brian Braithwaite questioned if after receiving the petitions, the staff goes back to verify any of the signatures.

Nathan Crane stated staff spot checks them at best, but does not go through each individual one. He stated the staff notifies everyone in the subdivision based on an address list the applicant gives the City. He explained if those addresses bounce back, the staff knows something is wrong.

MOTION: Tim Irwin moved the City Council to approve the surplus of the open space property in the Apple Blossom Lane Subdivision.

Dennis LeBaron seconded the motion.

Those Voting Aye: Dennis LeBaron, Tim Irwin, Rod Mann, Brian Braithwaite

Those Voting Nye:

Unanimous vote, motion carried.

PUBLIC HEARING/RESOLUTION: Disposal of Surplus Property – Chamberry Fields Subdivision.

Nathan Crane stated this property has a slight complication. He stated there is approximately 735 feet in length with a 24 inch water line within a 30 foot corridor on the open space property which causes a significant issue. He stated if this property is sold the City will not have access to the water line. He explained the City also has future plans to build a pressurize irrigation line in the 30 feet corridor. He stated staff recommends that the Council dispose of the property on the north side, but not the property on the east.

Dennis LeBaron questioned if an easement could be done in this situation.

Nathan Crane replied because it is a 24 inch line, a longer distance, and much harder to get to, staff does not recommend doing an easement.

Rod Mann questioned if the staff discussed the issue with the residents. He clarified that a pressurized line will definitely be added in the future.

Nathan Crane stated the residents were informed the previous week regarding the situation. He stated the residents asked about easements and staff expressed their long term concerns.

Dennis LeBaron questioned what the difference is in servicing a 24 inch line as opposed to an 8 inch line.

Matt Shipp replied one of the main differences between this line and the one discussed for Canterbury Circle is that this is an active line. He stated this is the main feed to the City's water tank, so any work or construction going on in the corridor causes serious concern. He stated it is a bigger line, so if something happened there would be more work to do and staff would need more space to dig. He explained the Master Plan shows an 18 inch pressurized irrigation line going in there. He stated both of those will be main lines to service over half of the community. He stated a break or small nick in the line will cause a big catastrophe. He stated he strongly disagrees with surplusing the property on the east.

**** Mayor Mark Thompson opened the Public Hearing at 8:46 p.m. ****

Lance Greer, resident of Chamberry Fields, stated he lives on the east side and believes it is crazy that the City's 24 inch main water line which is elevated five and a half feet above his yard is in his backyard. He stated if something were to happen to the line, it would flood the whole neighborhood before the City would be able to shut it off. He expressed his concern that they have been working on the process for a year and then a week before the meeting the GIS system discovers there is a main line on the property. He stated this is not much different than the plats discussed previously. He explained if the Beacon Hill Subdivision behind them fences in their yard and the residents in Chamberry Fields fence in their yards as well, it will create a long narrow corridor that will be an eye sore for the community. He stated the property on the north is a no brainer, but the property on the east should be surplused as well. He stated he understands the risk, but the risk will not change by putting a fence on the property. He mentioned people have already planted things on the water line. He stated if the City would put in a trail there and maintain it then they should keep the property, but if not the City should grant an easement and surplus the property on the east.

Ed Dennis stated when the Master Trail Plan was updated; the area to the east was designated as a neighborhood option trail which made it eligible to be surplus. He encouraged the City Council to move forward on the Master Trail Plan as approved and move forward with the surplus, including an easement with the necessary restrictions to allow the City access, but allow the residents to maintain and improve the property.

Kristy Vick, former member of the Open Space Committee, stated she has spent a lot of time reviewing these maps. She stated she is disappointed that the land to the east will not be surplus and asked the Council to reconsider that option. She stated the Committee was originally formed to deal with all of the open space concerns and help make the City a better place. She explained the City is stretched to its limits and does not have the funds to maintain all of the open space. She stated she does not understand how allowing the citizens to purchase or at least lease the land would do anything but benefit the City. She stated if the property is not surplus it will be nothing but an eye sore and a corridor to nowhere.

Scott Smith clarified they are not responsible to maintain the pipe, but are responsible for the cost of replacing any structure placed on the easement. He stated with his property, he has lived there for 25 years and the Central Utah Project has not yet come in. He explained it is important for the City to be able to access the line, but if the City is insisting on having it remain a permanent piece of City property, then the Council needs to find the funds to maintain the land in a manner that is satisfactory to the residents that live there. He suggested having an easement that the residents will have to replace any structures at their own cost, and surplus the property so the residents can properly maintain it.

**** Mayor Mark Thompson closed the Public Hearing at 8:58 p.m. ****

Rod Mann stated he understands the residents' view, but he would not entertain making that property an easement at least until after the pressurized irrigation line has been laid. He stated the City knows it is a project that will happen, so the City could discuss surplus the land at that time. He questioned what the time frame is for the pressurized irrigation line to go in and how much separation is needed between the two lines.

Matt Shipp replied he expects the line will go in within the next three years depending on growth and funding. He stated they like to keep at least ten feet horizontally between the two lines, but given the size of the lines it would probably be more. He stated he thinks the culinary line is approximately six feet deep, but the pressurized irrigation would be approximately three feet deep.

Brian Braithwaite stated if the property were to stay with the City there may be value in creating a trail and maintaining the property. He stated he would love to hand the property over to the residents so they could beautify it, but there is also the balance of meeting the City's needs. He stated one of the main duties of the City is to deliver utilities and that is where the pipe is and it is not going to change. He stated having a trail has some benefit and questioned why it was considered an optional trail.

Nathan Crane stated the trail was removed when the City did the Master Trail Plan, but he does not know why it was removed.

Brian Braithwaite stated he agrees with Rod Mann that it does not make sense for the City to move forward with the surplus without having the pressurized irrigation laid and relooking at how the property will be taken care of. He stated he would like to discuss the issue with staff some more and better understand the impact. He stated the City's priority needs to be providing utilities, but the residents are the ones who have to deal with the land, so there needs to be a balance. He stated he does not support moving forward with the surplus of the property on the east at this time.

Lance Greer stated he fully supports having a trail there, but expressed his concern that it will not actually happen. He stated the surrounding subdivisions are no longer open space oriented, so this would create a northbound trail to nowhere. He stated the residents understand the line is there and the City only needs two or three fence panels wide to access the line. He stated the residents know the risk of putting something on that property, if the City needs to access the line in the future. He stated at the very least, the residents should be able to maintain the property under a lease. He stated if the plan is to have a trail on the open space then the plats to the north and east should continue the plan, but they currently do not as approved.

Shawn Blanke, resident of Chamberry Fields, suggested further discussing a trail there, because the City needs to leave the area open so they have access to the line. He explained it does not have to be nicely paved, but could just be a gravel trail. He stated currently it turns into a mud hole when it rains, so there would be benefit in having the neighbors take ownership and maintain the property. He suggested having a gravel trail up to the water tank to give the City access along with the residents, and put an easement up to the trail so the residents could maintain the property.

Brian Braithwaite suggested the City Council go visit the area with staff, the Open Space Committee, and the residents. He stated it would be extremely beneficial because it gives everyone a personal view. He explained they can walk beyond this subdivision, so they can discuss the full length of the line and what the real need is for future residents.

Mayor Thompson stated he agrees with Brian Braithwaite.

MOTION: Dennis LeBaron moved the City Council to approve the surplus of the open space property on the north and defer the surplus of the open space property on the east in the Chamberry Fields Subdivision until further information is gathered by the Council.

Rod Mann seconded the motion.

Those Voting Aye: Tim Irwin, Rod Mann, Brian Braithwaite, Dennis LeBaron

Those Voting Nye:

Unanimous vote, motion carried.

Brian Braithwaite asked that within the next 60 days a time is set with the Open Space Committee and the residents in the subdivision for the Council and staff to go and talk a look at the property.

Ed Dennis volunteered to be in charge of organizing the visit.

PUBLIC HEARING/RESOLUTION: Disposal of Surplus Property – Beacon Hill Subdivision, Plat I.

Nathan Crane stated this property runs adjacent to the Pfeifferhorn Trail, and the residents were able to submit affidavits from three of the owners to reach their 80%.

**** Mayor Mark Thompson opened the Public Hearing at 9:14 p.m. ****

Doug Cunningham, resident of Beacon Hill Plat I and member of the Open Space Committee, stated he lives up against the trail and clarified that this surplus is not removing the Alpine Trail. He explained this discussion is just regarding the 20 feet on the Highland side of the border. He stated most of the homes have already landscaped into the area and several already have maintenance agreements in place with the City. He stated the Highland portion was designated as a neighborhood option trail last year by unanimous vote from the Council, which now allows the surplus of the property. He stated the residents are excited to be able to landscape the area and put up fences if necessary. He explained they have an issue with illegal motorcycles along the trail and the homeowners would like to be able to protect their children and their property.

Bob Vukich, resident of Beacon Hill Plat I, stated he does not live adjacent to the open space, but lives just south of the property. He stated once the City takes ownership of open space according to the Development Code they are required to give it to a duly designated conservation group for disposal. He stated one of the requirements for this space is that the majority of the residents have to put up a fence at the same time to avoid a patchwork of fences. He stated the homes on the Alpine side have already put up fences and his biggest concern is that he has lived in cities that have alleys and this would create a long narrow channel which could potentially turn into an alley. He stated it is a trail, so it is supposed to be open, and when the residents moved in they knew the trail was there. He stated he moved in three months ago and lives on a corner with a very steep driveway and explained there is open space on the corner that he would love to buy and build a driveway, but he just has to accept the way things are. He stated he understands the concern with people using illegal vehicles on the trail, but it is not going to change by selling the property. He stated it will just encumber the properties so the trail is less beautiful and takes away value from the trail. He stated if the money being raised does not cover the costs of maintaining the open space, then the City needs to raise the costs to have those appropriate funds. He explained he does not care if he is paying \$20 or \$40 a month if the City has a lack of funds as long as it has a positive impact on the community. He stated he is not in support of surplusing the property to the homeowners.

Ed Dennis stated the Open Space Committee was unaware of any provision that the open space property must be sold to a conservation group. He questioned if they overlooked the issue when looking at the Development Code.

Tim Merrill stated he cannot speak for what was referenced, but the Development Code mentions conservation easements. He stated to his knowledge, the City has never recorded any conservation easements.

Ed Dennis stated that would be consistent with the understanding of the Committee. He stated the issue may need additional clarification, but it may just be a misunderstanding. He stated the Open Space Committee strongly recommends the trail be surplus.

Brian Braithwaite stated one of the key issues is that the property is parallel to a trail. He explained the City has already put money into the trail that is to be built, so there would be duplicate trails there. He stated one of the considerations with surplus this property is that the trail in Alpine would remain.

John Meadors, resident of Beacon Hill Plat I, stated the trail has some significant dangers and he has called the police on multiple occasions. He explained there are ATVs, jeeps, and motorcycles going 50 mph and up on the trail, along with dump trucks driving on the trail as well. He stated he lives by the park where there is an access, so vehicles drive across his front lawn, over his side yard, and onto the City property to access the trail. He stated the residents would like to be able to put up a fence for the safety of their children. He stated it is a nature trail, not a road, but it's a trail that goes behind houses, so if someone actually wanted to walk through nature they would go up the canyon or to a park. He stated the other issue is that all of the homes on the Alpine side have fences and they do not maintain anything behind their fences, so he has to maintain his property, Highland property, and Alpine property. He stated he is in support of the surplus and thanked the Council for their consideration.

Dennis LeBaron questioned if surplus the property will solve the problem with illegal vehicles.

John Meadors stated it will be much harder for them to drive on a 15 foot trail. He stated narrowing the trail may help reduce speeding. He stated the residents would like to at least be able to put up fences to keep the motorcycles out of their yards and keep their families safe.

Dennis LeBaron questioned if Alpine City allows motorcycles on the Alpine Trail.

Doug Cunningham replied the Alpine Ordinances do not allow motorcycles on the trail.

Colleen Jemmett, resident of Beacon Hill Plat I, stated she lives on the other side of the park and has the same problem with people driving on her lawn. She stated they have an Open Space Agreement with the City and have maintained the property by putting down grass and planting trees. She stated people have hit her trees and knocked them over. She explained she has a three year old and caught her just before she was run over by a motorcycle. She stated they were told when they moved in that it would be a paved trail that would be maintained by the City and it

was never done. She stated she does not mind that it was not done, as long as she is able to put up a fence to protect her children. She stated they are already maintaining the property and she is in strong support of surplusing the property.

Steve Broadbent stated he owns one of the lots in Beacon Hill Plat I adjacent to the open space property. He gave his support for the surplusing of the land and clarified that the property owners adjacent to the property would have the first right to purchase the land.

Scott Smith stated the Pfeifferhorn Trail is officially in Alpine and there is an easement in Alpine for the trail. He explained the property under discussion is just west of that easement in an easement for Highland. He stated if the two easements are put together it is 40-45 feet of easement in some areas. He stated the width of the easement is a contributing factor to the dump trucks and vehicles going up the trail. He stated approximately three years ago the City of Highland appropriated \$17-18,000 dollars to build this trail in conjunction with Alpine. He stated the trail has never been built, and suggested the City contact Alpine to see if they are planning on building the trail. He explained another issue is that some of the homeowners in Alpine have built their fences on the trail easement making it narrower in some areas. He stated he would support surplusing the property to the residents, while working with Alpine to build the trail and asking them to enforce their easement.

Steve Marx stated he owns one of the properties that backs up to the open space and stated he is in full support of surplusing the property. He stated the land will be beautified and maintained so it not only benefits the residents, but the community as a whole. He stated right now it is not maintained, so it easy for illegal activities to go on, because no one is looking after the property. He stated he does not believe the fee should be raised to \$40 a month, because it would just cause further complaints from the residents. He stated everyone he has spoken to was willing to pay fair value for the property. He explained he talked to basically everyone on the street and tonight is the first time he has heard objections.

**** Mayor Mark Thompson closed the Public Hearing at 9:34 p.m. ****

Tim Irwin gave full disclosure that he lives in the neighborhood. He stated this has been an issue since he moved into the area, and stated it makes sense to do something that protects families. He stated putting up a fence probably won't stop the motorcycles, but at least they will be able to protect their children. He stated he supports the disposal of the open space.

Rod Mann stated two of the residents have problems with vehicles driving on their property to reach the trail. He questioned if once the City surpluses the property, the City needs to put up a fence on the park to avoid access for vehicles. He stated he believes something needs to be done to prevent illegal vehicles from utilizing the trail.

John Meadors stated there is currently a metal post, but vehicles just drive around the post. He explained they go into his yard to avoid the area near the posts. He suggested the City put up a couple more posts to block the access.

Tim Irwin stated as some of the construction is finished, the dump truck problem should be reduced. He stated he does not understand how people could drive over someone else's property, and agreed that something needs to be done regarding the issue.

Rod Mann and Brian Braithwaite asked that the access issue be an action item for the Council to discuss at a later date.

Dennis LeBaron questioned if the Alpine Trail dead ends on the north or is planned to continue.

Brian Braithwaite replied it currently dead ends, but the trail will be continued.

Dennis LeBaron questioned if the City needs to discuss the surplus with Alpine because it affects them as well.

Brian Braithwaite stated the Council walked the trail and one of the things they discussed is that Alpine has encroached on the easement. He stated it is not a full width trail because some of the places are more than 40 feet and some areas are quite a bit smaller. He stated they need to make sure there is enough width for a reasonable trail. He stated it is not Highland's responsibility to cover the additional space because Alpine's residents have built on the easement, so the City needs to discuss the issue with Alpine.

Doug Cunningham stated the Alpine Corridor is 20 feet wide and the Highland Corridor is also 20 feet wide. He stated the Committee has looked at the trail standards for neighboring cities and there is no city that has a trail standard exceeding 20 feet. He stated they believe the 20 feet is sufficient to be a traffic calming measure. He stated the trail does not dead end, it goes all the way up to Draper. He stated the residents love using the trail, but they wish to narrow the trail with hopes that it will help with the motorcycles and vehicles. He stated they are also hoping that paving the trail will help with the illegal vehicles issue.

Brian Braithwaite questioned if there are any areas on the trail where surplus all of the Highland property leaves less than 20 feet.

Matt Shipp replied he does not believe so, but he would need to go out and look at the property.

Brian Braithwaite stated there is no restriction for anyone to put up a fence, so any of the residents could put up a fence at any time. He stated the fencing is not the issue, but the issue is that there is a piece of property behind it that was not being maintained by the City. He stated now the issue is allowing the residents to enclose the property they have been maintaining. He stated if the City can get rid of the cost and the eye sore, which it would benefit the residents and the community, then that is what the City needs to do.

Nathan Crane stated the cross sections that were approved for the Pfeifferhorn Trail state they need a minimum of 20 feet, and if it is less than 20 feet on the Alpine side then it needs to be taken from the Highland side.

MOTION: Brian Braithwaite moved the City Council to approve the disposal of the open space property in the Beacon Hill Plat I Subdivision.

Dennis LeBaron seconded the motion.

Those Voting Aye: Rod Mann, Tim Irwin, Dennis LeBaron, Brian Braithwaite

Those Voting Nye:

Unanimous vote, motion carried.

DETERMINATION OF ACCESSORY STRUCTURE: Lund Property – 11116 N 5500 W.

Tim Merrill stated the issue with the Lund Property is that four years ago a variance was granted by the previous Appeal Authority allowing an accessory apartment which is not permitted under the Development Code. He stated it turns out that the variance granted was illegally, so now that the variance has expired; it has put the property into legal limbo. He explained there are three options the Council has; one, they can allow the variance to stay expired forcing the Lund family to convert the structure to another use. He stated the second option would be to amend the Development Code to permit accessory apartments citywide. He stated the third option is to allow the accessory apartment to remain in its current state under the legal theory of equitable estoppel, which means that based on the previous Appeal Authority's decision to allow that use, the City by resolution is not going to enforce the Zoning Ordinance on that property, because of the detrimental reliance the Lund's made upon the Appeal Authority's illegal variance. He stated staff has no recommendation; it is purely a decision for the Council.

Mayor Thompson questioned what the risk is of going forward with the third option.

Tim Merrill stated there would be no risk, because the City would be acting in good faith. He stated essentially it is allowing the Lund's to maintain the accessory apartment based on a legal principal. He stated all three of the options are legally defensible, so there is not any liability the City faces. He stated this is a unique circumstance with a previous Appeal Authority granting a use variance and now the circumstances of the Lund's son passing away. He stated the Council is within its rights by resolution to not enforce the Zoning Ordinance on this property.

Dennis LeBaron questioned what kind of changes would be made to the Development Code in Option 2.

Nathan Crane stated the City cannot write an Ordinance for one property, so it would have to be written for everyone. He stated the City would have to allow everyone in the City to have the opportunity to rent out a detached accessory structure.

Rod Mann questioned if the Lund's were to sell their home, if the new owner would be able to rent out the accessory structure or if the variance ends when they sell their property.

Tim Merrill replied that if the Council chooses Option 3, it would pertain to every subsequent land owner. He explained if they decide to rent the property out, they would have the ability to do so indefinitely. He stated the City cannot give preferential treatment to the Lund's, so if the Council chooses not to enforce the Accessory Apartment Ordinance on this property it will run

with the land. He stated if the Council does not want the accessory structure rented out in the future, they would need to choose Option 1.

Rod Mann clarified that under Option 1 no one would be allowed to live in the accessory structure.

Mayor Thompson questioned what the desire is of the Lund family.

Steven Lund replied it would be their desire to rent out the property. He stated the extended family was donating money to pay for his brother's rent so the Lund family could meet their financial obligations with the mortgage. He stated they had planned to take care of his brother for thirty or so years, and now they are not financially able to support the structure without renting it out.

Mayor Thompson clarified that there is adequate off street parking to accommodate the facility.

Brian Braithwaite stated he is not in favor of opening the option up to the whole City. He stated in this situation the family built this accessory structure in good faith, it has sufficient parking, and the intent was for the right purpose. He stated the City cannot create an amendment to the Code that pertains to just the Lund family, so the best option would be to adopt a Resolution specific for this property. He stated the Lund's believed they would have the structure for Scott Lund for quite a few more years. He stated although the variance that was given was illegal, it was appropriate for the circumstances that were there. He stated he is in favor of passing the Resolution found in the agenda and moving forward with the proposal.

Dennis LeBaron stated he is in favor of Option 3 based on the conditions that have been discussed.

MOTION: Tim Irwin moved the City Council to approve the Resolution of the City of Highland for the purpose of recognizing and confirming a prior land use decision by the Highland City Appeal Authority as indicated in the Resolution written in the Amended Agenda.

Rod Mann seconded the motion.

Unanimous vote, motion carried.

**** Mayor Thompson called for a recess at 10:04 p.m., meeting reconvened at 10:12 p.m. ****

CITY COUNCIL/MAYOR & COMMUNICATION ITEMS:

Rod Mann stated the Ordinance was passed at the previous meeting which restricted the building use for the City Hall until nine Monday-Fridays or six on Saturdays. He stated he would like to have it amended so if there is a Council or staff member in a meeting, they would not have to leave when the library leaves. He stated he wanted to use the multi-purpose room for a caucus meeting and they could not because of the nine o'clock rule.

Tim Irwin stated he is working on the Proclamation for the school class that took first at State in their First Lego League and is very close to having it finished. He stated he did not see it on the "To Do List" and questioned if it needs to be placed there.

Jody Bates stated she has it on a "To Do List" on an agenda, so she is keeping track of it and is just waiting for the information from Tim Irwin.

Dennis LeBaron stated he believes the Council and staff made a lot of progress at the last work session. He questioned if visible due dates should be set for the goals and if so, where an appropriate place would be to make them visible.

Rod Mann stated he would be okay with any of the goals that had action items tied to them being placed on the "To Do List" as well.

Brian Braithwaite stated he agrees with Dennis LeBaron. He stated one of the nice things with the current agenda is that it has a clear description of what items the Council is waiting on, who owns the item, and the status. He stated he is in favor of having the goals pulled out and if they don't have a due date, then leave it blank, and get a due date and owner for those items.

Jody Bates stated she will put what she has on the "To Do List" and then the Council and staff can continue to add to the list.

- Haskett Setbacks – Nathan Crane, Community Development Director

Nathan Crane stated Tim Irwin asked that this item to be replaced on the agenda. He asked the Council what they would like staff to do with the issue.

Tim Irwin stated he was looking at all the background material, but did not see anything that differentiated between a normal lot and a corner lot.

Nathan Crane replied when it is a corner lot both the side and front yards need to meet the front yard setbacks.

Tim Irwin stated the City has already made some setback changes that the Haskett family could fall into.

Dennis LeBaron stated the Haskett family fell into the 25 foot setback, but they are asking for 22 feet. He stated from a 50,000 foot viewpoint, he is not in favor of changing the setbacks for the whole City. He questioned if there was a way to legally grant a variance for the family.

Tim Merrill stated the Council does not have the ability to grant a variance. He stated they would have to go to the Appeal Authority, which the Haskett family did and were denied. He stated even though it is just a three foot difference, if the City sets minimum setbacks and then makes exceptions, those setbacks no longer set a standard. He stated the Appeal Authority can issue a variance and reduce the setback requirement if five standards are met, for example, unique

circumstances and undue hardship. He stated the Appeal Authority went through the criteria and found that the Haskett's did not qualify for a variance.

Dennis LeBaron questioned who the Appeal Authority is and clarified that the Council has no jurisdiction over the Appeal Authority.

Nathan Crane stated his name is Vaughn Pickell and he is a City Attorney and specialized in land use. He stated State law defines how a City can and cannot grant variances. He stated Vaughn Pickell takes what the State law outlines and analysis their request and sees if it complies with State law. He stated if it does, he will grant the variance, and if it does not, he cannot grant the variance.

Tim Irwin clarified that because their frontage is 110-130 feet, they are required to have a 25 foot setback. He questioned why a 25 foot setback is good and a 20 foot setback is bad.

Nathan Crane replied that those are the standards the Council chose to make at that time. He stated it is a community value issue that deals with open space between houses, distance between structures, how big yards are, etc.

Tim Irwin stated this is a family that has a home and needs an extra three feet for an addition that does not negatively impact anyone and they cannot do it because the Council loves to control everyone's behavior.

Dennis LeBaron stated it could impact people because the Council would have to change the Setback Ordinance for the whole City.

Tim Irwin stated there are areas that have 10 foot setbacks and it works, but because the Haskett's have a larger lot, they need to have 25 feet.

Brian Braithwaite questioned why the City would change the Development Code for the open space areas, but not for everywhere else in the City. He stated there are homes in the R-1-40 Zone that have 110 foot frontage, so it would have the same rational as the open space. He stated he is not interested in changing the setbacks for the whole City for an immediate decision. He stated if the Council would like to spend some time and go over it and have the Planning Commission go through it, that's fine. He explained the family could do the addition today, but they are choosing not to build, because they do not like the way the City told them they could build it.

Tim Irwin stated it is their property so they should be able to build it the way they like.

Brian Braithwaite stated the City does not allow them to put a gas station or a 200 foot building on their property. He stated the City has a lot of restrictions to benefit the City as a whole. He stated the City has regulations to keep people from abusing things that would impact their neighbors, their health and safety, and they are community standards that make Highland look the way it does.

Tim Irwin stated some open space lots can have a 10 foot rear setback and some require a 30 foot setback. He questioned why it is appropriate to have a 10 foot setback on a smaller lot, but not on a larger one.

Nathan Crane stated they did that because the lots in those subdivisions are smaller than what the Haskett's have. He stated it is a style of development to have smaller setbacks on smaller lots. He stated Highland Hills has very small setbacks and there are decks that go almost to the property lines. He stated it creates a lot of issues for the City in enforcement and keeping decks out of the public utility easements.

Mayor Thompson stated there has to be separation between the homes for fire safety during windy conditions.

Tim Irwin questioned if it a safety reason, then why it is not 30 feet everywhere.

Mayor Thompson replied if it was up to him it would be 30 feet throughout the City. He stated the distance requirements used to be set up so there would be 25 feet between homes, 15 on one side and 10 on the other. He stated the City adopted the County's Ordinance and did not follow it so some subdivisions were letting them build 15 feet away on either side. He stated if it is not strongly enforced it causes serious problems. He explained if the City starts reducing the easements they will continue to be reduced until homes are built up against the property lines. He stated the lot needs to accommodate the size of the home.

Rod Mann stated he is fine with relooking at the setbacks in general and have the Planning Commission take a look at the setbacks as a whole, but not as an immediate decision for one family.

Brian Braithwaite stated he is okay with discussing why the City has the setbacks it does, but stated he is not interested in dealing with an open space discussion when it is something that might as well be done everywhere. He stated if it is going to be done everywhere then the Council needs to have a Master Plan discussion.

Tim Irwin stated he believes it is an issue that applies more to open space subdivisions, rather than the rest of the City, because they have the smaller lots. He stated when there are bigger lots people do not want to put their houses up against the property line.

Brian Braithwaite stated the Haskett's lot could easily fit within an R-1-20 Zone.

Mayor Thompson stated the City sets standards and everyone has to live with the standards and make those standards available to everyone else.

Tim Irwin stated the Council needs to make sure that the standards they set are based on reason. He stated the City will set standards and control other people's behavior, but it is just a matter of how far the City goes.

Brian Braithwaite stated that is half of it, but the other half is when rules are set and someone chooses to live under those rules, and then decides they want to change the rules, even though everyone else likes the rules. He stated the Haskett family chose to purchase a home under those rules.

Nathan Crane stated the City owns two parcels on the way up to the American Fork Canyon and the adjacent parcel is owned by a private property owner. He stated the property owner has asked the City if they would be interested in accepting the property for no cost other than paying the property tax. He stated he owes almost \$10,000 in property taxes and the City would be responsible for the taxes if they want it. He stated there is very limited development potential for the property and he is also talking to Cedar Hills regarding the donation. He questioned if the Council has any interest in having further discussions regarding the parcel.

Discussion ensued regarding where the parcel was located.

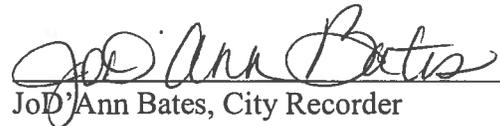
The Council stated they were not in favor of accepting the property.

ADJOURNMENT

MOTION: Brian Braithwaite moved to adjourn.

**Rod Mann seconded the motion.
Unanimous vote, motion carried.**

Meeting adjourned at 10:42 p.m.


JoAnn Bates, City Recorder

Date Approved: April 15, 2014

