

**MINUTES**  
**HIGHLAND CITY COUNCIL MEETING**  
**Tuesday, May 6, 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  
Councilmember Jessie Schoenfeld

**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  
Kasey Wright, City Attorney  
Shannon Garlick, Secretary

**OTHERS:** Mike Kennedy, Ken Watson, Dexter Hoopes, Scott Burton, Dlynn Rodeback, Kathy Hoffman, Kellie Johnson, Andrea Fuller, Michelle DeKorver, S. Chad Davis, Richard Henderson, Ryan Ward, Zach Tullis, Douglas J. Nielsen, Tanya Colledge and Elizabeth Vanlengveld.

The meeting was called to order by Councilmember Brian Braithwaite as a regular session at 7:05 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 Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by Rod Mann.

**APPEARANCES:**

Mike Kennedy, State Representative, introduced himself to the Council and asked if they had any questions they would like him to address.

Tim Irwin questioned if there were any issues that directly impact local cities or the public safety departments.

Mike Kennedy stated during the last session the legislature endorsed the proposal by the Developmental Center for the development of the land north of the Developmental Center. He

stated the development includes retail lease space, home development, and an East West Corridor. He stated there is flexibility as to where the corridor would be built, but it is included in the plan. He explained there needs to be proper development within the canyon, so they have been able to procure \$100,000 joined with \$50,000 from the private community to hire Mountainland Association of Governments to perform a study to see what the surrounding communities would like to have happen within the American Fork Canyon.

Mayor Thompson stated there was discussion regarding increasing the amount of money collected at the gas pump for a road tax and questioned if that is still a consideration.

Mike Kennedy replied yes, there were two proposals that died for various reasons, but there will most likely be an active push in the next legislative session for a gas tax increase. He stated the way it is set up, the State Legislature takes the hit for raising taxes, but the cities get the financial benefit, so there were proposals to attempt to even the responsibility out.

Dennis LeBaron questioned how the Council can stay updated on the development of the Developmental Center property.

Mike Kennedy replied he has a list of people at the State and Local levels with vested interest in the development, but would be willing to be the Council's contact on the issue.

Elizabeth Vanlangeveld, resident of the Dry Creek Highlands Subdivision, stated she represents her neighborhood and their concerns regarding the Preliminary Plat approval for the Dry Creek Highlands Phases 5-7. She expressed their concern regarding the approval of the development, because of the impact the additional traffic will have on their neighborhood. She stated the residents would like to see a concrete wall placed along Westfield Road as a form of mitigation. She explained the wall was originally supposed to be placed when Phase 3 was built that should have been a requirement for approval, but was not. She stated every time a development is approved, there is a traffic study done to see the impact on the existing development and then the developer is required to mitigate that negative impact. She stated they would like to see a traffic study done before the development is approved to see what form of mitigation would be necessary.

Tanya Colledge, resident of the Dry Creek Highlands Subdivision, stated they specifically represent the 3-4 neighbors that live directly on Westfield Road and they have debated getting a petition from the rest of their phase to see if they share the same interest. She stated there was a near fatal accident that occurred on the corner of Highland Boulevard and Westfield Road within the last eighteen months and they were fortunate the accident did not flip into their backyards. She stated they have young children and it has become a significant safety concern. She stated they were under the impression that Ivory Homes would be building a fence, but the bond money was given back to the developer before that was done, so the City no longer had leverage to have the wall built. She stated they would need 800 feet of fencing, which would cost approximately \$40,000. She stated she was willing to bear a portion of that financial burden, but received no response from Ivory Homes on the issue. She stated there will be an increase in traffic from everyone in those phases heading to the elementary school and churches.

Elizabeth Vanlangevld stated many believe the traffic concerns on Highland Boulevard are very significant, but there are equal traffic concerns on Westfield Road (11800 North).

Dennis LeBaron questioned if there is a significant speeding issue along that road.

Elizabeth Vanlangevld replied there is a very significant speeding issue, but they are more concerned with the level of traffic.

Brian Braithwaite clarified the residents want a fence built on the north side of their subdivision. He stated none of the development will be going in by Westfield Road.

Elizabeth Vanlangevld replied the development will not, but the cars will definitely use that road. She stated more development means more traffic.

Richard Henderson, resident of the Canterbury Circle Subdivision, stated the surplus property in their subdivision was approved for sale from the City. He explained summer is coming up and the weeds are growing in the space, but they have not heard anything from the City regarding the water easement or the appraisal. He stated they are setting aside money and making plans and would love to be able to move forward. He questioned what the status is on the process.

Nathan Crane replied they are waiting for the appraisal to return. He explained they are doing all four subdivisions at once and it is going to take some time. He stated he should receive appraisals at the beginning of the following week. He stated they have hired surveyors to prepare the legal descriptions, but they have not moved forward with it yet. He explained they want to see what the appraisal numbers come in at first and if there are any concerns with those costs. He stated it was discussed with the Open Space Committee that each subdivision would have a designated representative. He explained Dave Hall is the representative of Canterbury Circle and the City has been communicating with him on the issue. He stated it is hard to figure out exactly how long the process will take; the last one the City did took over a year. He explained a big portion of that time was waiting for contracts to be returned by the residents of the subdivision. He stated the appraiser usually takes about four to eight weeks and they are still within that time frame; after that it is just a matter of getting contracts drafted and returned. He stated the water line easement will be drawn up with the deed.

Tim Irwin clarified they have to have all of the contracts back, before moving forward with any of them.

Rod Mann clarified the process could easily take up to six months.

**CONSENT:**

MOTION: Approval of Meeting Minutes for City Council Regular Session – April 15, 2014.

RESOLUTION: Creation of an ADHOC Committee – Beautification Committee.

RESOLUTION: Creation of an ADHOC Committee – Economic Development Committee.

RESOLUTION: Creation of an ADHOC Committee – Web and Social Media Committee.

RESOLUTION: Setting a Public Hearing – Tentative 2014-2015 Fiscal Year Budget.

RESOLUTION: Confirming Appointment of Justice Court Judge – Douglas J. Nielsen.

MOTION: Surplus of Personal Property – Asset Disposal of Backhoe.

MOTION: Condominium Plat Request – Christopher Munday for the Highland Corner office building located east of the southeast corner of Alpine Highway and Timpanogos Highway.

**MOTION: Dennis LeBaron moved the City Council to approve the consent items on the agenda.**

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

#### **ACTION ITEMS:**

PUBLIC HEARING/ORDINANCE: Amend the General Plan – Eliminating the parkway detail on Alpine Highway from 9700 North to City limits.

\*\* Mayor Thompson opened the Public Hearing at 7:34 p.m. \*\*

\*\* Hearing no comments, Mayor Thompson closed the Public Hearing at 7:34 p.m. \*\*

Nathan Crane explained this is a request to accommodate a subdivision proposed by the Robinson's and Clegg's. He stated the request would be to landscape the existing right-of-way and not implement the parkway detail. He stated the Planning Commission held a Public Hearing and recommended denial based on a number of findings. He explained the main concern was waiving the requirements for individuals, while implementing the parkway detail throughout all of Highland.

Tim Irwin clarified the American Fork Retention Pond across the street does not have the parkway detail. He stated eliminating the parkway detail on the other side would match.

Nathan Crane stated the American Fork Retention Pond was approved while in Highland, but is now in American Fork. He stated he could not find any record on the parkway detail at that time.

Rod Mann stated it is a fifteen foot constrained detail, but the Retention Pond feels open, as opposed to be a property with a home and a fence.

Tim Irwin stated it is an entrance to the city, so they may not need all of the parkway detail, but it needs to look nice and be well maintained. He clarified the City would maintain the parkway detail.

Dennis LeBaron questioned if berms are required on both sides of the sidewalk.

Nathan Crane replied it specifies a two foot berm in areas throughout the detail.

Tim Irwin clarified the parkway detail has already been installed further north.

Jessie Schoenfeld questioned if it is easier to maintain grass in the 30 foot parkway detail or take care of flowers in the five foot area. She expressed her belief that grass looks better than trying to keep up with the weeds in the flower bed.

Matt Shipp replied it is easier to maintain grass; flower beds have to be maintained by hand.

Tim Irwin explained on Beacon Hills Boulevard, beautiful plants were originally planted, but were difficult to maintain. He stated the area now has grass and looks great.

Rod Mann clarified the berms would not cause any issues with the lawn mower.

Dennis LeBaron questioned if staff has any parkway detail changes they would like to recommend.

Matt Shipp stated although the berms are not a huge issue, they can be, if the mowers are not set to the right height and you can avoid more water runoff if the lawn is flatter.

Dennis LeBaron clarified Matt Shipp would like to reduce the height of the berms to give a little more leeway rather than eliminate them all together.

Brian Braithwaite stated he looked at the property north of the American Fork Retention Pond and questioned what the setbacks are for that subdivision.

Nathan Crane replied he measured the setbacks on Google Earth and it was 30 feet. He stated farther north, it's a little less due to the power line corridor.

Brian Braithwaite stated he went out and measured using a tape measure and it appeared to be closer to 20 feet on one end and got to be 31 feet on another area. He stated even though it is an entrance into the City, there is the pond on one side that does not have the requirement and this is a property that could annex into American Fork. He questioned how the applicant feels about having the current 9600 North cut off and a col-de-sac there.

Nathan Crane displayed the American Fork Land Use Map for the area. He explained their Transportation Map shows the relocation of 9600 North, but it does not show on Highland's Transportation Plan. He stated the property owners owns another parcel currently under the County's jurisdiction and this realignment of 9600 North would go through the property and dead end the current 9600 North in a col-de-sec. He explained the property owners have indicated to staff and the Planning Commission that they are opposed to the alignment, partially because it goes through the center of their property.

Brian Braithwaite stated he believes the biggest problem is they would have two roads extremely close together through their property, so one would have a road in their backyard and front yard.

Dennis LeBaron questioned if the realignment would reduce the number of lots they could develop. He questioned what the benefit of the realignment is, if any, to the City.

Nathan Crane replied the realignment would have a substantial impact on Lot 5 depending on how the col-de-sac is designed, but stated he does not know the exact impact. He stated 9600 North crosses and turns down, so this realigns the turn to facilitate non-residential development on the site.

Brian Braithwaite replied there will be an East West Corridor above the Reservoir, so having a larger gap between intersections is beneficial. He stated when the East West Corridor goes in; UDOT is planning on putting up a traffic light on the north end of the Reservoir.

Nathan Crane stated they currently do not meet spacing requirements and even down lower it's too tight for a signal. He stated he heard the desire for a signal at the new realignment of 9600 North, but it would not meet the spacing requirements, so UDOT would have to sign off on it.

Mayor Thompson stated there are a lot of options where it does not have to end in col-de-sac, so the City needs to leave it open until they look at the alternatives.

Brian Braithwaite stated the Planning Commission recommends denial because this it is a case by case basis. He explained it is supposed to be a gateway to the City, but there is a lack of an easement on one side of the road and it is not consistent with the view of the City. He questioned if there is a significant cost difference between a 30 foot and a 15 foot parkway detail. He questioned if the 15 foot would be too narrow for sufficient tree planting.

Nathan Crane stated the Planning Commission felt the applicant was asking for a variance and did not meet the State Code requirements for a variance. He stated there would not be 15 feet of space for the trees, because of the sidewalk and there would have to be separation from the curb and sidewalk. He explained the Tree Commission states 5 feet is not enough space for trees.

Matt Shipp stated there are specific trees that can go in the park strips listed in the Park Strip Ordinance. He stated he believes the minimum amount of space is 5 feet between curb and gutter and sidewalk for a parkway detail, but they have smaller trees. He stated the trees have to be off the curb and UDOT calls for ten feet of clear space.

Brian Braithwaite stated the applicant proposed an Autumn Purple Ash, which is a 30 foot tree that would hang over the fence. He questioned how staff felt about that tree.

Matt Shipp replied if it were a City tree, they would try to keep it from hanging over the fence. He explained neighbors get tired of it and call the City to complain. He explained there are a couple trees that could theoretically go in the park strip. He stated having a 15 foot parkway detail does not make maintenance impossible, but it does make it more difficult.

Brian Braithwaite questioned if all other developers have been required to do a 30 foot parkway detail.

Nathan Crane replied all other developers did a parkway detail when applicable; the only time it was modified was when the detail was already existing; meaning the trees, sidewalk, and grass, etc. were already there before the development came in. He stated this is a policy discussion for the Council and staff does not have a recommendation.

Rod Mann stated he would need a compelling reason to overrule the Planning Commission, because they are the ones who have spent the time dealing with the issue. He stated he has heard arguments he agrees with, but has not heard a reason compelling enough to do so.

Dennis LeBaron stated it is important for the City to maintain consistency with the parkways. He stated this is the entrance to Highland, so it makes sense to maintain a consistent parkway detail down Alpine Highway. He explained it would be a different width than the Retention Pond, but people can see past the pond, so it feels more open and less of an issue.

Tim Irwin explained it currently states there will be flowers and flower beds in the parkway detail. He explained flowers look nice, but the City does not have the staff to properly maintain them. He stated he does not see a problem with eliminating the parkway detail in the area and stated the Planning Commission may have had some misunderstanding.

Nathan Crane stated the Planning Commission understood the request was not a variance, but rather a change to the General Plan and did not want to approve the request.

Dennis LeBaron clarified the City could change the parkway detail to not include flowers.

Tim Irwin stated he does not understand why there needs to be a parkway detail on one side of the street and not on the other. He stated people coming to Highland could see the gateway to the City at the next intersection. He stated the Council has had a number of discussions regarding how much land the City has to maintain, so the Council should reduce that number if they can in a reasonable way.

Rod Mann replied if the parkway detail is 15 feet then the staff has to use the smaller mowers and do more hand work, so there would not be a large saving in labor costs.

Mayor Thompson stated all of the berms and watering on irregular parcels are huge water wasters.

**MOTION: Tim Irwin moved the City Council to amend the General Plan to eliminate the parkway detail on Alpine Highway from 9700 North (Canal Boulevard) south to the City limit line.**

**Motion failed.**

Rod Mann questioned if the City makes the change for this developer, then they are setting a precedent for other developers.

Brian Braithwaite stated they can avoid that issue, if the Council puts the finding of facts as to why the City would do it here rather than other areas. He stated for example, the other side of the street does not have the same parkway detail. He explained if the developers had the same situation in another part of the City, then they should be treated the same.

**MOTION: Dennis LeBaron moved the City Council to not amend the General Plan to eliminate the parkway detail on Alpine Highway from 9700 North (Canal Boulevard) south to the City limit line.**

**Jessie Schoenfeld seconded the motion.**

Discussion continued regarding the pros and cons of the parkway detail.

**Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Jessie Schoenfeld, Rod Mann**

**Those Voting Nye: Tim Irwin**

**Motion carried.**

**MOTION: Preliminary Plat Approval – David and Amber Clegg.**

Mayor Thompson stated the applicants were open to the changes that were addressed by the Planning Commission. He stated the Preliminary Plat approval would include the parkway detail that is consistent with the General Plan.

Nathan Crane stated the Planning Commission included the stipulation that the applicants would make the change for the parkway detail when they do the Final Plat. He stated planning for future road alignments is important, but the City is limited on what they can and cannot require.

**MOTION: Brian Braithwaite moved the City Council to approve the Preliminary Plat for David and Amber Clegg subject to the seven stipulations recommended by the Planning Commission.**

**Rod Mann seconded the motion.**

**Unanimous vote, motion carried.**

**MOTION: Lot 602 Spruces Subdivision – Steve Eldridge Request.**

Matt Shipp stated Steve Eldridge has purchase Lot 602 in the Spruces Subdivision and would like to landscape his yard by putting a berm along the back and planting trees. He stated in order to build the berm; the tow of slope would need to go onto the City property. He explained there is a road that goes back to the filter station for the City's pressurized irrigation system and the pipe runs down the middle of that road. He stated Steve Eldridge is requesting the City allow the

tow of slope to go approximately ten feet into that area. He stated staff has looked at it and does not have any objection, but would request that the tow of slope does not go beyond the road and that his watering acreage increase based on the new acreage in landscaping. He stated staff also requests possibly looking at surplusing this piece of property to Steve Eldridge after following the appropriate procedure.

Mayor Thompson questioned what the width of the CUP easement is and questioned regarding the City's main water lines west of the CUP pipeline.

Matt Shipp replied the easement is ten feet on both sides of the line. He stated he does not know exactly where the City's main water lines are, so he would need to go back and revisit the issue.

Brian Braithwaite questioned if the road needs to exist. He stated there could be access from the other side.

Matt Shipp replied there is a small access on the north side, but the CUP pipeline also goes down that road.

Brian Braithwaite stated the road going into the filter station could be created anywhere; the City would just need to have an easement in order to have access to the pipe. He stated the property could be laid out differently and the road could be someone else's future backyard.

Matt Shipp stated yes, the City could put the road anywhere, but as the Mayor stated the City water lines on the west side of the CUP line. He requested the Council pull the item until he can get a better handle on the utilities, because the City does not want an eight foot berm on top of the water lines.

**MOTION: Tim Irwin moved the City Council to continue the Lot 602 Spruces Subdivision item.**

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

**MOTION: Preliminary Plat Approval – Dry Creek Highlands Phases 5-7.**

Nathan Crane stated the annexation for the property was approved in 2013 and it is shown as low density residential on the Land Use Map. He stated the current zoning is R-1-40, which is single family residential. He explained the Preliminary Plat was approved in 2003 and has since expired and now needs approval. He stated the property to the north is part of the County and both Lehi and Micron would like to annex that property into Lehi. He stated the Preliminary Plat shows the extension of the parkway detail that matches what is currently installed. He stated the subdivision includes 44 lots ranging from 20,000-39,000 square feet. He stated three residents attended the Development Review Committee meeting and wanted to insure the lot sizes were consistent to those on the south. He stated they received no comments from residents at the Planning Commission Public Hearing and the Commission recommended approval subject to

eight stipulations. He stated a traffic study was not done for this development, because Highland Boulevard has the capacity to handle the additional traffic and the road was designed with the understanding that this land would be developed as R-1-40. He explained the City can have requirements related to development on-site, but State law prohibits off-site improvement requirements being placed on this project. He stated there is retention pond that has quite a bit of off-site flows, so a Preliminary Drainage Report will be required and the design will be finalized.

Tim Irwin questioned if there is any background information on the wall the residents claim was supposed to be built by Ivory Homes. He expressed his concern that on occasion, developers say they will do something and don't follow through.

Nathan Cranes replied he looked into the issue approximately a year ago, but does not have any information. He stated he will look at the records again and try to figure out what happened.

Tim Irwin stated the Council cannot require the developer to put in the wall at this time, but if that was what was agreed upon, then the developer should do it out of good faith.

Brian Braithwaite stated if the developer was required to put in the wall, then the Council should not approve the Preliminary Plat until they do.

Rod Mann questioned if there would be any legal recourse for waiting to approve the Preliminary Plat until Nathan Crane has done the research as to whether or not the developer was required to put in a wall.

Kasey Wright stated he does not believe there would be any legal issue with waiting and stated he would be willing to look into the issue further if the Council is not comfortable with passing the item at this time.

Ken Watson, Representative of Ivory Homes, stated he began working with Ivory Homes after the other subdivision had already been approved, so he does not have any additional information on the wall. He stated if there was a bond placed on the fence; Ivory Homes would have put in the fence. He explained this is only the Preliminary Plat approval, so they will still need to come back to the Council for Final Plat approval. He urged the Council to approve the Preliminary Plat so they can continue with their plans and then he can bring more information regarding the wall with the Final Plat. He stated this development should stand on its own and not be held up over a different development. He explained the City should not have released the bond if Ivory Homes still needed to build a fence, but if Ivory Homes was required to build it, they will live up to their expectations.

Brian Braithwaite stated he does not believe Ivory Homes intentionally avoided putting up the fence and believes they would be willing to put one up if that was what was required. He stated the Council was trying to make it clear that Ivory Homes needs to take care of the issue.

Tanya Colledge stated it is highly possible that the residents were simply misinformed, but stated she was informed that the bond was released prior to the completion of her home by several people who spoke to the City regarding the issue.

Ken Watson questioned if there was a bond that was released and no fence was put in, then that's the end of the agreement, unless Ivory Homes decides to step up and put in the fence.

Mayor Thompson stated they will have the legal team look into the issue along with staff and discuss the issue further when they have the information.

Tanya Colledge questioned if there will be a fence installed on the north side of the subdivision or if it will only be continuing on the east and west side of Highland Boulevard.

Nathan Crane replied as it is currently proposed that fence would be installed by those homeowners.

**MOTION: Brian Braithwaite moved the City Council to accept the findings of the Planning Commission and staff and approve the Preliminary Plat for Dry Creek Highlands Phases 5-7 subject to the eight stipulations recommended by the Planning Commission.**

**Dennis LeBaron seconded the motion.**

**Unanimous vote, motion carried.**

**MOTION: Conditional Use Permit – Rocky Mountain Power, Power Line Corridor Upgrade.**

Nathan Crane stated this is a request to upgrade the power line from the substation to the City limits. He stated the upgrade will involve replacing some existing poles and the Planning Commission recommended approval.

Kathy Hoffman, Representative of Rocky Mountain Power, stated this is an upgrade to the transmission line on the south side of SR-92. She stated they are obligated to provide safe and reliable energy and this project is to make sure they are providing that service. She stated it is a 46-kV line that will be upgraded to a 138-kV line.

Tim Irwin questioned why the lines are not laid underground.

Kathy Hoffman stated they do not bury transmission lines. She explained they occasionally bury distribution lines, but it would be at a high cost borne by that community.

Scott Burton, Engineer at Rocky Mountain Power, stated the line they are upgrading will be connecting to the Bull River Substation in Lehi City. He stated they will also be hooking up a new Murdock Substation south of SR-92 before starting into Ivory's development. He explained the main reason for the project is to get power to the Bull River Substation, because Lehi is currently on limited power.

Dennis LeBaron questioned if any other routes were considered.

Scott Burton replied this is the shortest, cheapest route and there are already right-of-ways and easements. He stated a lot of the line has already been upgraded to the 138-kV and just needs a new wire. He stated the whole concept has been in planning for almost fifteen years.

Rod Mann stated even though the lines are taller, because they are more spread out, it gives better visibility and does not look as crowded.

Brian Braithwaite questioned what the future expectations are for these poles.

Scott Burton replied they are building the 138-kV lines that will complete the loop from Lehi and tie back in to the Tri-City Substation. He stated he does not know of any future plans to do anything else in Highland.

Brian Braithwaite stated when Highland City gets to full build out; there will be a need for more power in this area. He questioned if these lines are where the additional power would go through and if they add additional lines or expands the existing cables.

Scott Burton replied they do not have any current plans to do so. He stated the lines are already double circuited out to 6000 West, so there are already six wires in Highland City. He explained everything has already been upgraded to the larger wire and higher voltage out of Salt Lake Valley and Utah Valley. He stated they now just need to upgrade the line for Lehi City and stated he does not believe Highland City will outgrow these lines.

Brian Braithwaite questioned if Rocky Mountain Power rents their power poles to Comcast and other local utilities. He questioned if the City will potentially see additional lines running on these poles in the future.

Scott Burton replied he believes there is a Public Service Commission Mandate that they have to accommodate the joint use facilities if they can. He stated the transmission lines are pole specific, so if the pole cannot handle the extra conductor then Rocky Mountain Power can deny their request or they would have to pay to replace the pole.

Kathy Hoffman replied there is a process that anyone wanting to do a joint use has to go through and there is an approval process and safety issues they need address. She stated part of the franchise agreement allows the City to use the poles for safety equipment, but there is a process for that as well.

Brian Braithwaite stated this is a two month project and questioned what kind of impact there would be on the residents. He stated there will be two power shutdowns and questioned how confident Rocky Mountain Power is that there will only be two shutdowns.

Scott Burton replied everything that has been built and will be built in this area will be off the road and at the most, there would be an outside shoulder shutdown. He stated the roads will not be blocked and there will not be any power outages to Highland City.

Kathy Hoffman stated initially they believed they would need to shut down power twice, but now they no longer need to do so. She stated if they do have to shut down power they will notify the residents beforehand. She stated their number one concern is safety and they will take every necessary safety precaution.

Scott Burton stated there will not be an outage to Highland City because of this project. He explained the line they will be working on does not do anything for Highland City; it goes out of a Highland Substation and goes on to serve the Lehi Rodeo Substation. He stated they should be working from 8-5 p.m. and two months is more than enough time to complete the project.

**MOTION: Tim Irwin moved the City Council to accept the findings and approve Case CU-14-01, the Conditional Use Permit for the Power Line Corridor Upgrade for Rocky Mountain Power, subject to the three stipulations recommended by the Planning Commission.**

**Jessie Schoenfeld seconded the motion.  
Unanimous vote, motion carried.**

**MOTION: Sewer Project – Dry Creek.**

Matt Shipp stated this is a request to allow staff to go out for qualifications for a Professional Service Agreement for the design of the upsizing of the sewer line through the Dry Creek area. He stated the City is at the point where they need to upsize a couple of sewer lines to manage the flow from the growth in the northwest and follow the Master Plan. He stated the impact fees will cover the full cost of the project.

Brian Braithwaite questioned if the lift station will need to be enlarged as well.

Matt Ship replied no, the lift station has already been upsized for final build out. He explained at some point in the future, the line from 6000 West, starting at 11800 North and going down, will have to be upsized, but they are trying to get a few more years with a lower cost. He stated it will all be described in the design with the best cost for those services.

**MOTION: Rod Mann moved the City Council to direct staff to proceed with the Request for Qualifications to hire an engineering firm to design the Dry Creek sewer line.**

**Jessie Schoenfeld seconded the motion.  
Unanimous vote, motion carried.**

**MOTION: Storm Water Coalition – Interlocal Agreement with Utah County.**

Matt Shipp stated the City is a part of the Utah County Storm Water Coalition. He explained the Coalition is part of the National Pollution Discharge Elimination Phase 2, which the City is required by Federal law to be a part of that permit. He stated the majority of the cities in the

Coalition take advantage of having the educational portion of the permit done by Utah County. He explained the City's agreement with Utah County ran out in December and this is just codifying the agreement. He stated the only change to the agreement is the time frame, which will be extended to 50 years unless the City or the County decides to stop. He stated the legal counsel has no issues with the agreement.

Rod Mann clarified that even though it is for 50 years, the City can get out at any time with just a 60 day notification.

Brian Braithwaite questioned what the other options are.

Matt Shipp replied the City could take over the educational portion of the permit on their own, but they would still be required to do the permit.

Mayor Thompson questioned what the cost is to the City.

Matt Shipp replied the cost is \$25,000 annually, but it would cost the City more to do the education on their own.

**MOTION: Jessie Schoenfeld moved the City Council to approve the Interlocal Agreement with Utah County and authorize the Mayor to sign the agreement for the Storm Water Coalition with Utah County.**

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

#### **DISCUSSION ITEMS:**

- Victor Property – Site Review

Matt Shipp stated one of the tasks staff has been working on is to move the equipment shed from the HW property and staff was asked to look at two possible locations. He stated the Victor Property is just off SR-92 and stated he has given the Council a layout of what the property could look like. He explained instead of looking at the property for just a 4,000 square foot storage facility, staff is recommending they look at it for a possible complete move of the entire Public Works Facility and then selling the existing Public Works Facility. He stated the area they currently have for the Public Works Facility is very small and there is not a lot of room for storage or equipment. He stated if they look at expanding or moving the yard, a possible location is the Victor Property, because the layout would permit a 4,000 square foot storage facility and would leave enough space throughout the yard for equipment, parking, the salt shed, and space for other future needs, as well as an office building. He asked the Council to consider looking at a Master Planning of this site for the Public Works Facility.

Rod Mann stated this would be consolidating a total of three properties and questioned what other two properties would be moved to the Victor Property.

Matt Shipp replied it would be the “Boneyard” above Highland Glen Park where staff keeps some equipment and the Old Water Company Building where staff stores materials.

Rod Mann questioned if the City would possibly be able to sell those other two properties or if the City has another use for them.

Matt Shipp stated the Boneyard has the possibility of being sold, but one of the City wells are on the Old Water Company Building property, so the City would not sell it.

Rod Mann clarified consolidating these properties on the Victor Property would accommodate growth up to build out for equipment and the permanent Public Works Facility. He questioned how this would impact Steve Eldridge’s request to put up a berm. He questioned if a wall would be placed along SR-92.

Matt Shipp replied he mentioned to Steve Eldridge that this would be a possibility and the City would be looking to put a fence along the property, so the berm would not be necessary, but Steve Eldridge still wanted to pursue that option. He replied there would be a parkway with a wall and they would try to keep everything within the yard and behind the fence to have the least visual impact.

Mayor Thompson stated the area needs to be looked at as a whole in regards to how it will be developed in the future.

Brian Braithwaite stated this could be built without having to Master Plan everything else and without buying or adjusting anything. He stated the layout is possible, but expressed his concern that this large piece of land could have a better use. He stated it currently runs parallel to the road, but the City could give up a large portion of frontage and run the piece vertical closer to the Pine Property and back deeper into the property. He explained they are laying the property out this way, because that is what the City already owns, but if they look at the whole picture they would be able to Master Plan the property a lot better.

Mayor Thompson stated this gives the Council a place to start, but they need to take time to look at all the pieces and involve Kilgore, because they are the owners of the pit.

Brian Braithwaite clarified the Clay Property across the street still has significant structure issues. He clarified the City would not give up the property on 5600 West because it holds a City pump. He stated the City will always have the Old Water Company Building, so off-loading the storage from that building has no real benefit, because it would just be an empty building the City would still have to pay for. He clarified the Boneyard could be sold if there was an interested buyer.

Rod Mann mentioned the City has a time restraint to build another building before the other one gets torn down.

## **MAYOR/CITY COUNCIL & STAFF COMMUNICATION ITEMS:**

Rod Mann questioned what the requirements are for the Council to eliminate the dedicated library tax and add those funds to the General Fund.

Kasey Wright replied if the decision of the Council is to drop the dedicated tax and correspondingly raise the General Fund, then they would have to go through Truth and Taxation and increase the General Fund. He stated that is his recommendation, but they have spoken to people at the State Tax Commission as well as the County and there are diverging opinions from both. He stated his opinion is based on transparency and his best reading of the law.

Brian Braithwaite stated he agrees it is best to error on the side of transparency. He explained the tax was brought forward specifically for the library, so anything else is a mistake.

Rod Mann questioned what the time frame is for the Truth and Taxation process.

Jody Bates replied she does not know the exact date, but the actual Truth and Taxation Hearing is the second or third week of August.

Brian Braithwaite stated the Council would have to approve the change in the budget and set up a Truth and Taxation Hearing. He stated if the Council chooses not to pass it when the Truth and Taxation comes up, they would have to go back and change the budget.

Tim Irwin stated he would be in favor of having a board at the Open House for the removal of the Dedicated Library Tax. He stated it needs to be clear that there is no mood from the Council to degrade the library in any way.

Brian Braithwaite asked that it be stated as a proposal consideration on the board, so it is clear that the Council has not voted on the issue.

Mayor Thompson stated the Council needs to look at whether or not there should be user fees as a component. He stated the City needs to look at how they want to fund the library, because he believes it was not a majority vote to fund the library the way it is currently funded. He explained they need to allow the public to decide how they would like to move forward with the library. He stated the City has taken a five million dollar bond and raised the fees by 100% for the secondary water system and it is still running negative, so the City does not know what they are doing.

Dennis LeBaron and Rod Mann stated they are also in favor of having a board for the removal of the Dedicated Library Tax at the Open House.

Tim Irwin clarified the scheduling of the Community Center by the home schooling group has not yet been resolved.

Dennis LeBaron questioned how soon the Road Plan will be completed.

Matt Shipp replied it is scheduled for discussion at the next Council meeting.

The Council asked to have a board at the Open House regarding the roads and showing the chart that was given to the Council at the previous meeting. Matt Shipp stated staff will bring something forward for the Open House.

Discussion ensued regarding which boards will be at the Open House.

Brian Braithwaite stated the Council received a packet from Ed Barfuss and his subdivision and because of the importance of the road fund and the expectation from residents, it is important for the Council to address the comments that were brought up in the packet. He stated there is a report in the packet that talks about speed limits that is not relevant and could be addressed separately. He stated there are some inaccuracies in the packet and staff should respond to the issues. He explained the residents should not feel like they cannot bring something to staff or the City Council without being shut down. He stated the City cannot do it for every issue, but because the roads are a big issue and the City is trying to be transparent in the use of their funds, the City should have a clear response.

Rod Mann stated it is a fairly substantial group of people that spent a fair amount of time on the packet so they deserve a response.

Brian Braithwaite stated they included two different issues, but he would like to focus more specifically on the road issue for maintenance and the concepts that were brought up.

Mayor Thompson stated the City uses the words "In order to deviate from the plan on the parkway, we have to have a compelling reason", but if the City has a road plan and they deviate from the plan they need to have a compelling reason.

Jessie Schoenfeld stated the Mayor is comparing two different kinds of plans; one is the General Plan of how the whole City operates and the other is a speculative plan of how to use the funds.

Mayor Thompson stated when the City gives priority to a plan and decides to follow it; they need to have a compelling reason to deviate from that plan.

Rod Mann stated the variance between the cost the City actually incurred to fix roads and the cost that was projected, was three to one or five to one less. He stated it was 20-30% of the projected cost, which means the City needs to relook at the cost projections.

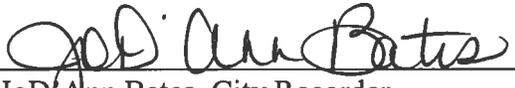
Brian Braithwaite stated he is not convinced that all of the information was accurate, so the Council needs some clarity on those issues. He stated it needs to be a discussion the Council has before they sign off on the final budget.

## **ADJOURNMENT**

**MOTION: Rod Mann moved to adjourn.**

**Brian Braithwaite seconded the motion.  
Unanimous vote, motion carried.**

Meeting adjourned at 10:07 p.m.

  
\_\_\_\_\_  
JoD Ann Bates, City Recorder

Date Approved: June 3, 2014

