

**MINUTES  
HIGHLAND CITY COUNCIL MEETING**

**Tuesday, September 16, 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  
JoD'Ann Bates, Executive Secretary/Recorder  
Nathan Crane, Community Development Director  
Gary LeCheminant, Finance Director  
Justin Parduhn, Public Works Operations Manager  
Tim Merrill, City Attorney  
Shannon Garlick, Secretary

**OTHERS:** Brent Mangum, Mark Ward, Gerald Tedrow, Jay Worthington, Dorraine Crump, Susan Baugh, Jeff Harvey, Larinda Harvey, Kaitlyn Stone, Karan Stone, Corbet Heath, Alisa Heath, Larua Mace, Terryi Kent, Blair Kent, Ty Christensen, David Barrett, Christine King,

The meeting was called to order by Mayor Mark Thompson 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 Brian Braithwaite and those assembled were led in the Pledge of Allegiance by Dennis LeBaron.

**APPEARANCES:**

There were no appearances at this time.

**CONSENT:**

**MOTION:** Approval of Meeting Minutes for City Council Regular Session – August 19, 2014.

**MOTION:** Ratify the Mayor's Appointment to the Tree Commission – Roger Mickelsen.

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

**Tim Irwin seconded the motion.  
Unanimous vote, motion carried.**

**ACTION ITEMS:**

*ORDINANCE: Amendment to the Highland Municipal Code Section 6.12.010 – Licensing and Regulating Service Dogs.*

*Pulled from the Agenda*

**MOTION: Approval of City Park Use – Organized Sports Leagues.**

Mayor Thompson stated the City held a Work Session to discuss the City parks and only one person attended. He explained they went over several of the issues and tried to categorize the parks by size and amenities and tried to identify them as open space parks or City parks. He stated they also looked at open space parks that are designed for destination use, because they have a parking lot and restrooms.

Blair Kent, resident of the Windsor Subdivision, thanked the Council for their help resolving the issue. He stated having a park behind their homes was very appealing to their neighborhood, but has become more of a safety, noise, and health issue from all of the athletic teams. He stated the streets were never designed for parking on both sides and there is constant urination and trash in the park. He stated the sports groups are there from seven in the morning until dusk. He mentioned if they knew it would be a sport's park, they never would have moved into the neighborhood. He asked the Council that as they are categorizing the parks and their use, to consider that although the Windsor Park is beautiful open space, it was never intended it to be a full sports park. He explained practices are just as demanding as the games and asked the Council to take their concerns into consideration.

Dorraine Crump, resident of the Windsor Subdivision, stated Kensington Street has the greatest concern because the park is in their backyard. She explained her biggest concern is the public safety issues with cars parked on both sides of the road. She expressed her concern that when she drives west in the evening there are serious visibility issues and a child could be hit by a car.

Brent Mangum, resident of the Windsor Subdivision, stated at the beginning of August there was a man urinating facing their home and started waving at them thinking it was funny. He explained there are not just urination issues, but also issues with exposure, garbage, noise, and traffic. He stated he used to spend Saturday nights outside working in the yard, but now there are so many people in the park that it is has become very difficult to deal with. He explained he has five boys that love playing soccer and baseball, so he hopes the City can find an area for sports teams.

Mark Ward, resident of the Windsor Subdivision, stated he agrees with all of the concerns that were previously stated. He explained he has serious safety concerns as well with cars parked on both sides of the street and kids running in between cars. He stated the park was designed as a family park and has slowly changed into a sports park. He explained competitive leagues and teams from other cities have begun using the park and although the park is a great place for families to go and play, it was not built for organized sports.

Terry Kent, resident of the Windsor Subdivision, stated there has been such a big change since the "No Organized Sports in This Park" signs have been put up. She stated it has become a quiet, peaceful place where families can go and play and that is how it should be.

Karen Stone, resident of the Windsor Subdivision, stated at the last meeting, a Councilmember stated it is a park where families should be able to come and play. She stated the park was that way in the past, but has not been that way the past several months. She stated it has been very nice to see families back in the park during the time the signs have been up. She stated the residents appreciate the change and asked the Council to consider the best use of the park.

Corbett Heath, resident of the Windsor Subdivision, stated they do not have the infrastructure to support organized leagues in that park. He explained on several occasions his kids have been kicked out of the park by coaches and organized leagues to run their profitable clinics.

Suzanne Baugh, resident of the Windsor Subdivision, stated she cannot open her windows, because there are whistles being blown all day long. She stated there are bumps all over the grass, because it was not groomed to be a field. She explained the noise, car safety, and urinating issues are very serious problems and asked the Council to keep the signs posted.

Brian Braithwaite thanked the citizens for coming to the meeting and expressing their concerns. He stated the Windsor Meadows Park has gotten out of control and the Council has no intention of putting it back the way it was. He explained the park was never designed for the volume and intensity that it was being used. He stated they have put up the signs and removed the goal posts, but there is a lot of youth in the City, so there has to be places for the youth to play. He explained the Council identified which parks could be used for youth sports and the differences between games and practices. He mentioned there are games held at the school all day long and there are no restrooms there, but they are successful. He explained the City wants it to be used as a family park, but there is also a need to have a place for City leagues to be able to practice. He explained the City needs to have designated areas so parents are not driving all around the City looking for a place to practice, but they also do not want the same volume that there was before. He stated they need to find a balance and they may not find it anytime in the near future, but the Council needs input from the residents to find the right balance. He mentioned it is a park that is meant to be used, so it is okay if someone wants to bring their cones and occasionally practice on the field, but if fifteen teams want to practice then it becomes out of control. He stated practices do not have the same intensity as games and the City would only allow smaller groups to practice for a certain number of hours a day. He stated the Council is trying to set a standard for the whole City.

Rod Mann stated one problem since the Work Session is that it created the impression that the Council had a defined use policy with set times and days. He stated they have yet not figured out the right mechanism and were just providing suggestions. He explained they still need to discuss the details if it is a practice field. He stated they discussed that practice-only fields would not be scheduled and games in the Windsor Park would not be allowed. He stated they have received letters from local coaches concerned that they need a place to play, so if the open space parks are completely forbidden they are punishing a lot of Highland kids. He explained there are two sides to the issue and no one would like the problems the Windsor Subdivision was facing, but they need to find a resolution for the whole City.

Tim Irwin explained they need to discuss the fact that although the open space parks are City parks, they were originally designed for the families in those subdivisions. He stated the families in open space areas gave up backyard space to provide space for the park. He stated even the practices can be a nuisance. He stated they should not take the parks away from the families in those areas and create other issues, including safety, noise, and public exposure. He explained they did not put public amenities in the park, because they were designed for the people living in that subdivision. He stated the City should leave the signs up and if a parent, who is also a coach, decides to run a practice from time to time, it would be okay. He stated if they change the sign to say practices are allowed, it will bring back all of the issues.

Dennis LeBaron stated they tried to identify the parks where games could be played, which had adequate parking, restrooms, and fit other criteria and they came up with 3-4 parks. He stated the noise level increases dramatically at games. He stated one of the challenges for the City is to develop a consistent policy. He stated after they removed the goal posts from the Windsor Park, the Town Center Meadows Park got a lot more activity. He explained they decided that although a lot of open space parks are not suited for games, they may be suited for practices. He stated there are 3-4 parks listed on the chart that do not say they are open for practices, but his understanding was that all the parks could hold practices.

Tim Irwin clarified those parks were small enough that they could not even accommodate a practice.

Dennis LeBaron replied he drove by the Wildrose Park and it seemed large enough to hold a practice.

Brian Braithwaite responded the field is large enough to hold a practice, but it can only fit approximately six cars, so traffic was the issue.

Blair Kent stated the homes in open space subdivisions pay a \$20 monthly fee for open space, which they assumed was directly used for the park in that subdivision. He asked for some clarification if that is the case or if it goes into a general fund for all the Highland parks and if so, if all the residents pay an equal amount.

Tim Irwin stated he is the only Councilmember that lives in an open space area. He explained the open space fee is not specifically used for the open space in that subdivision, but rather it goes into the Open Space Fund that pays for the maintenance of all the open space. He stated it has

been an area of contention as to whether or not the \$20 is enough to cover the full maintenance needs of the open space areas. He stated the way things are currently designated, there is a certain amount taken out of the General Fund to cover open space maintenance costs. He mentioned the open space does not only include parks, but also parkways, etc. He stated the Council needs to identify what is really open space. He explained the Beacon Hill Park was designed to be a City park, but it is still part of the open space and funded out of the Open Space Fund. He stated it will have public restrooms and a pavilion and already has parking, so it needs to be considered a City park and should be funded out of the General Fund. He stated approximately 40% of Highland residents pay the monthly open space fee.

Blair Kent stated they love living in an open space area and love having all of the open space trails; so they are okay if that is what the funds are being used for. He stated the age groups of those practicing are young enough that their parents stay with them. He stated the volume may be different, but as for the traffic and safety concerns, the practices are just as bad as the games.

Tim Irwin stated these open space parks are designed for family use. He explained there is not enough space for the youth sports, but the City should not desecrate the open space parks to accommodate them.

Brian Braithwaite clarified all of these parks are City parks; some have designations the City has defined to help understand the usage, but the City owns all of the parks.

Jessie Schoenfeld stated the Windsor Park is subsidized by the City and is paid for by all of the residents, not just those in open space areas.

Tim Irwin responded he disagrees with Jessie Schoenfeld on that issue. He stated there is open space parks designed to be City parks and should be paid for by the entire City.

Mark Ward stated if they look at the size of the Windsor Park and the money paid by the residents in that subdivision; all of the money goes into water for that park. He stated the weeds are mowed twice a year, but they consistently water the grass. He stated it may be subsidized by the City as a whole, but the numbers for that development do not wash. He stated although practices don't seem like a serious issue, there are 3-4 teams practicing at once. He explained it is a compromise, but the risks and safety factors are still there. He suggested the City make organized leagues pay to play on the fields.

Brian Braithwaite responded the Council agrees organized groups should pay for their field usage. He explained staff is looking for the appropriate amounts to charge.

Mark Ward replied the community groups are not as disruptive. He stated the organized groups are very structured and cause the most issues.

Tim Irwin stated there are only 3-4 parks where the City is considering charging for usage, because they are the only ones the City is considering for organized games.

Brian Braithwaite clarified the organized sports groups would not be able to pay a fee and use the Windsor Park.

Mark Ward stated if the City decides to make it a practice field, hopefully there would at least be scheduling for the field, so the park is not overcrowded.

Tim Irwin stated the 3-4 parks that allow organized sports would be scheduled out. He explained he would not want to see scheduling for the open space parks on a regular basis.

Jessie Schoenfeld questioned if some of the practices involve kids in the Windsor Subdivision.

Mark Ward replied very few are from their neighborhood; many are from Saratoga Springs, Lehi, and American Fork.

Rod Mann stated in the City budget there is an Open Space Fund and last year they spent \$418,000 on open space maintenance and \$191,000 came from the General Fund. He explained they are not just paying the \$20 monthly fee, a portion of their property taxes are also used for upkeep of the open space and all residents are paying equally for that. He stated that the General Fund subsidizes 45.7% of the open space costs. He stated if they were to completely pay for the open space, their rates would need to be raised by approximately 50%.

Dorraine Crump stated there are 22 parks listed on the chart and there are 17 open space parks, but they are the only ones at the meeting. She stated because their neighborhood is the only one represented, they are obviously having the biggest problem. She asked to have the Windsor Park not listed, because those representing the other side of the issue are not at the meeting and neither are people from the other neighborhoods.

Jessie Schoenfeld questioned how fair it is to have a citywide policy for the whole City expect the Windsor Meadows Subdivision.

Dorraine Crump expressed her concern that it is not fair that she is scared she will kill a child every time she drives down her street. She stated she does not know if the people in the other open space neighborhoods have the same concerns, because they are not at the meeting. She stated she was surprised the City was having another discussion on this issue, because they believed a solution had already been reached.

Brian Braithwaite suggested they leave the signs up for a year to get rid of the issue and then slowly allow the local groups to come back and get the residents input to make sure it does not get out of hand. He stated the other residents are not at the meeting because it has not yet become out of control in their parks. He explained the Council is trying to make sure closing down the Windsor Park will not just push everyone to the other parks. He stated the purpose of the discussion to establish a City policy. He stated they want it to work within the community, but not abuse the community.

Dorraine Crump stated she understands the Council's concerns, but when the open space subdivisions were set up, people moved into open space areas because they believed they would have a neighborhood park.

Mayor Thompson stated the Windsor Park was the only park listed on North Utah County Soccer's website as the Windsor Soccer Field. He stated he spoke with the League Director and explained the Windsor Park is partially paid for by the residents of that subdivision, which the director did not know. He stated he visited the park for about a week and it was evident the park was being misused. He explained the City reacted to the issue, but they need to be proactive, so it does not continue to be a problem for the community.

Dorraine Crump stated her children have also been kicked off the field by sports groups.

Karen Stone stated she is a teacher for Alpine School District and the District has either begun charging fees or raised the fees for use of their sports parks, so there are teams that have left the school fields. She stated the teams argue that they pay taxes, which covers the property the kids play on at recess, but does not cover use of the park by sports teams. She stated this may have pushed leagues to City parks, but the leagues should consider raising their fees to join in order to cover field costs.

Mayor Thompson stated they need to work with the School District to find the best solution.

Jessie Schoenfeld stated no one wants never-ending practices from people out of town.

Dennis LeBaron mentioned it would be hard to figure out if the youth are local.

Gerald Chederal, resident of the Windsor Subdivision, stated the City should not allow groups to pay a fee and play at the Windsor Park. He stated if it a citywide situation then all residents should pay the \$20 monthly fee.

Brian Braithwaite clarified the only fees that will be charged will be on fields that can be reserved. He stated they are trying to discover how to maintain a small amount of usage on the open space parks without being disruptive to the neighborhoods. He explained it would not be acceptable for the City to increase the intensity on the fields, because there is not enough field space. He explained the City has a certain number of fields that can be used to a certain level and once that level is reached they will have to decide if the City wants to build additional fields.

Tim Irwin stated he agrees the City should leave the signs posted for at least a year, which will give the City time to decide how they will control the practice issue.

Terry Kent questioned what times teams will be able to practice if it a practice-only park. She expressed her concern that if it is a practice only park, the park will be misused once again.

Mayor Thompson stated they have not yet determined what times and need some input. He stated if they are going to use the field they need to submit a plan to the City on how they will manage the complaints.

Discussion continued regarding park use.

Brent Mangum stated the scales of justice should be turned in their favor, because although it may be a future issue with other subdivisions, they are the ones with the current problem. He stated he has not heard a comment addressing the urination issue and his bushes are the most utilized and two people have even knocked on his door asking to use his restroom.

Dennis LeBaron stated it is a city problem and they would love feedback from the residents on how they feel the issues should be resolved.

Rod Mann explained the only way to manage and control practices would be to have a set schedule, for example, allowing one Highland sponsored team to practice Tuesday, Thursday, and Saturday at the Windsor Park from 5-6 p.m. He stated there could be times when they charge and other times when they would not, but they need a mechanism to record it, so they know when it is being misused.

Mayor Thompson stated this was just a discussion and they will leave everything the way it is until there is a resolution.

MOTION: Award Road Maintenance Project Bids – Holbrook Asphalt for \$112,859.89 and Geneva Rock for \$65,100.84, Spring of 2015.

Nathan Crane explained they have identified 11 surface treatment projects in 11 different subdivisions. He stated by contracting contractors now for work in the spring saves cost and guarantees a place in line. He stated they took the information from JUB's PCI Report and combined it with staff knowledge of the roads and system. He explained they focused on newer streets where surface treatments are the best form of maintenance, not the roads needing large patches and major reconstruction. He stated they received three different bids and are looking at using HA5 which is offered by Holbrook Asphalt. He stated they looked at the successful treatments in other cities and there was a lot of success with the HA5 product. He clarified the project will also require crack sealing to be done before the treatment is completed. He stated staff will begin crack sealing, but they may need to request assistance if there is not enough time.

Rod Mann questioned what the best time is for crack sealing.

Justin Parduhn stated the best time to do crack sealing is during the fall and winter, because the cracks start opening up and it is a little slower in the winter so staff has time to do it.

Nathan Crane stated doing the crack sealing during the spring allows them to address issues from freeze/thaw over the winter. He stated if they have to go back out to bid for the crack sealing, it is approximately 10-36 cents a lineal foot, but they would bring it to the Council for approval. He stated they were not intending to use the entire budget identified by the Council for road maintenance, but rather hit the high priorities that would be best used to prolong the life of those

roads. He mentioned there is funding available and crack sealing comes out of a different fund than the surface treatment.

Rod Mann clarified it is more cost effective to treat these streets before they become a real problem.

Nathan Crane stated the best time to put down a surface treatment is when the asphalt starts to oxidate. He stated they are recommending a microseal on two roads, because they have higher levels of traffic.

Dennis LeBaron questioned how to determine when a road has oxidized.

Justin Parduhn stated a lot of the numbers are from JUB's road testing as well as visual inspection of the road.

Ty Christensen, Streets Superintendent, stated the best time to do a surface treatment is 3-5 years after the asphalt has been laid, because it makes the asphalt last a lot longer.

Dennis LeBaron questioned if the HA5 treatment is a reliable product that will last a long time.

Ty Christensen responded Alpine City and Cedar Hills City use the HA5 treatment on several of their roads and really like it. He explained the City has it on Country French that was done in 2013 and has been holding well. He stated compared to the other products, he highly recommends it.

Justin Parduhn stated they have not heard any bad reviews from the other cities on the product and there are quite a few cities in Utah County using it.

Brian Braithwaite stated he does not see an account code that matches up with it and the information does not list the current balance of that account.

Justin Parduhn stated there is \$514,000 in the Capital Road Maintenance Projects Account.

Discussion ensued regarding the different accounts and the budget.

Mayor Thompson questioned how long the City has to respond to the companies' quotes.

Justin Parduhn replied they have about thirty days.

Mayor Thompson asked if there is time for them to have Gary LeCheminant review the numbers.

Justin Parduhn responded they will look at the date on the bids.

Discussion continued regarding the bids and the accounting.

Justin Parduhn stated the bids were received on August 20<sup>th</sup> and they have thirty days, so they need to let the companies know by September 20<sup>th</sup>.

Dennis LeBaron stated they have received three bids and questioned if they are happy with the providers and their costs or if they need to get more bids. He stated Holbrook is the only one who provides the HA5 product and questioned if there are any other comparable products.

Ty Christensen replied there is an Onyx product that is supposed to be an equivalent to HA5, but he would not recommend it. He stated he has seen where plows have peeled it up and other areas where it did not adhere correctly.

**MOTION: Tim Irwin moved the City Council to award the Road Maintenance Project Bids to Holbrook Asphalt for \$112,859.89 and Geneva Rock for \$65,100.84 for Spring 2015.**

**Brian Braithwaite seconded the motion.**

Brian Braithwaite directed staff to correct the accounting to the codes 41-40-70 for the HA5 and 10-60-31 for the crack sealing.

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

**Those Voting Nye:**

**Unanimous vote, motion carried.**

Rod Mann asked to have a map showing which roads are being worked on placed on the news portion of the website.

Nathan Crane responded yes, staff is working on hiring a GIS intern that would be able to do that quickly and inexpensively.

**MOTION: Contract Approval for Road Maintenance Project Management – King Engineering.**

John King, Owner of King Engineering, stated he is a civil engineer and is currently registered in Utah and California. He explained he incorporated King Engineering in 1997 and is the only employee, but has completed over 600 asphalt/concrete new construction and maintenance projects. He stated he applauds developing a realistic road maintenance plan and working to get it funded, because roads are very expensive to put in and constantly deteriorating, and deteriorate quicker over time. He mentioned pavement management is just keeping track of how much paving there is and their condition. He stated the asphalt needs to be treated once it begins to accelerate in deterioration. He stated there may be portions of the JUB report that need to be revisited, but the report is a professional and responsive effort. He stated his vision for Highland's pavement management would be that every square foot of pavement is a PCI 70-80 or above and every year approximately one fourth of the paving get some form of treatment. He

stated he knows HA5 is a good product, but he is a proponent of slurry seal, even though there are issues with graveling. He explained every 3-5 years every foot of pavement should get some sort of surface treatment along with crack sealing. He stated they need to educate the residents as much as possible that roadways require maintenance. He stated he does not believe segmenting the city into five zones for paving projects would be beneficial. He explained they would run the risk of neglecting certain streets.

Rod Mann clarified they will not be dividing the city into five zones for road maintenance.

Tim Irwin asked John King what his opinion is on the PCI.

John King replied the PCI is subjective; UDOT uses advanced ground-penetrating radar trucks, but that is beyond the scope for municipalities. He recommended the City continue with JUB because they have two evaluations. He mentioned it is important to stay consistent with the beginning system.

Tim Irwin questioned what level of PCI they should work towards.

John King responded the need to look at the methodology of who is conducting the PCI survey and how they define the influx point. He stated he cannot say what Highland's PCI trigger level is, but there is one, so over time pavement management includes tracking the PCI before and after projects, which is why it is important to do it on a regular interval and then they can develop the computer models. He explained the PCI level will be somewhere around 70 or 80, depending on who is running the survey.

Mayor Thompson stated it is better to maintain good roads than it is to maintain bad roads, but once it gets to a certain point it is inevitable that they will need to do a more serious treatment.

Brian Braithwaite stated two years ago there was a large debate on the City Council as to whether it should be a 70-80 PCI, but it all depends on what standard they want to set. He explained they need help as a City Council to communicate this information to the residents.

Discussion continued regarding the appropriate PCI.

John King stated there is a counterintuitive nature of communicating the surface treatment to residents. He explained the residents will say the street looks just fine, but as soon as it is bleached the road has oxidized and needs a surface treatment; it will not have depressions and may not have cracks, but it is bleached. He stated they would have a couple of years to actually do the surface treatment, but it is an indicator it needs to be done. He stated from a lifecycle cost analysis it is the best time to do the treatment.

Discussion continued regarding the surface treatment.

Tim Irwin stated there is an \$85 an hour cost and a percentage of each project and asked what the estimated annual cost for the contract will be.

Brian Braithwaite stated there needs to be a cap. He explained it does not need to be on the 5.3%, but rather on the hourly wage. He stated John King would return to the City Council and report and the Council could allocate additional funds if need be, but meanwhile, there needs to be a cap.

John King mentioned he currently has projects this year, so he only has approximately 30% of his time to allocate to the City. He stated a lot of the “heavy lifting” with pavement management will be done with JUB, because they are the ones collecting the PCI information. He stated the main ways he can contribute are to consult on a general basis in order to point the City in the right direction, confirm projects that have been identified, budget planning and concept estimating, and project development and design.

Mayor Thompson explained he requested some of John King’s personal time, because they are starting something new and it is important to have mutual understanding and good record keeping. He stated they need to have some communication established, even if they need to purchase some of John King’s time to establish that. He explained his expectation is that John King will help identify the procedure they want to follow. He stated once there is a level they can maintain, whether it is PCI of 70-80 or something else, they will keep it that way for as long as possible.

Brian Braithwaite questioned what happens when they only need a few hours of John King’s service next year.

John King replied he is not looking for a guarantee, so he is available to the extent they need him at \$85 an hour. He explained the 5.3% is the percentage he charges for project development. He stated most engineering firms charge 8-12% of the cost of construction in developing bid documents, but he is a small company, so he only charges 5.3%.

Tim Irwin stated \$85 an hour seems reasonable, but they need to keep costs under control. He explained they are excited to have John King on board, but need to decide what would be reasonable parameters.

Brian Braithwaite suggested the cap be \$7,500, which would be approximately 88 hours. He explained it may go the whole year or may only last a few months, but it is a number to work with. He stated it would be an expenditure in the current year’s budget, so if they reach it in a couple weeks, staff can come back and request more funds.

Dennis LeBaron questioned what the bid percentage pays for.

John King replied it would be for preparing the bid document they use to solicit bids and procure a contractor on a given project. He stated for a surface treatment or crack seal they would need a comprehensive set of bid documents and if there are any constraints they want to put on the contractor it needs to be in the bid document, because it is a legal document. He stated the other part is the design. He explained he does the design for reconstructs for the 5.3% amount. He stated the design would include specifying materials, depths, thicknesses, grades, drainage, etc.

Mayor Thompson clarified the 5.3% would be on the approximate \$180,000 Holbrook Asphalt and Geneva Rock bids the Council previously approved in the meeting.

John King clarified the percentage would not include survey, geotechnical investigation, inspections, or construction management. He stated it includes the bid documents, attending construction meetings and clarifying the documents. He explained in that industry there are two levels of service: inspection and observation, and engineers almost universally just provide observation.

Rod Mann questioned if the specs the inspectors would be testing would be part of the design John King would create.

John King replied yes, the inspector would come to the site with his bid documents and use the documents as a standard to gauge their performance.

Dennis LeBaron stated they also need to plan for hiring someone to inspect the job sites.

John King responded yes, if they have some internally that can inspect it usually saves money and the City can send the employee to road school at Utah State University to get basic experience in inspecting. He stated the other option would be to hire a firm like Earthtec Engineering or Sunrise Engineering, which would have the added benefit of material testing along with inspection and they only have to hire them for that bid.

Mayor Thompson clarified the City staff is currently doing material testing on placement of pavement. He also clarified compaction tests are generally provided by the contractor if it is a new development or rebuild.

Ty Christensen stated if they find a soft spot in the subgrade, he will observe them to remove it and replace it with good e-fill, retest, and then have their inspector take compaction tests in that area.

Discussion ensued regarding testing.

**MOTION: Dennis LeBaron moved the City Council to approve the Contract for Road Maintenance Project Management with King Engineering with the cap of \$7,500.**

**Brian Braithwaite seconded the motion.**

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

**Those Voting Nye:**

**Unanimous vote, motion carried.**

**MOTION: Approve a Solution for Neighborhood Option Trail – Dry Creek/Bull River Trail.**

Dennis LeBaron stated they need to zero in on one of the options, so it would be helpful to know the cost of the trail.

Mayor Thompson stated if they are looking at purchasing the land it is a discussion they would need to have in an Executive Session.

Tim Merrill stated yes, if the Council is seriously considering that option, it needs to be discussed in an Executive Session. He explained they could discuss what the land was purchased for, what they paid for it and when, because it is historical record.

Dennis LeBaron questioned if there is a way to assess how often the trail is used by neighboring residents. He expressed his concern with shutting down a trail that is regularly used.

Jody Bates suggested they could use a game counter.

Nathan Crane stated there are trail counters. He mentioned MAG uses them along the Murdock Canal Trail, but he does not know the cost.

Jessie Schoenfeld explained they saw seven neighbors, but they don't know how many really do not want the trail to close, so it would be helpful to get something from the neighborhood.

Mayor Thompson stated if the trail was in the right place, they would not be discussing it now.

Tim Irwin stated they need to find out what it would cost to take the part of the trail currently on private property and moved it to City owned property.

Rod Mann replied it is his understanding that doing so would be very expensive, because it is so steep they would have to do a lot of work.

Tim Irwin explained the other option is to remove the trail and put the ground as it was.

Rod Mann mentioned there would be a cost for that as well. He stated there is a process for removing a trail that they should adhere to.

Tim Irwin stated he believes they should hold a neighborhood meeting and get some input.

Brian Braithwaite stated he would like to see a clear record for future Councils regarding the finances and impact to the residents. He stated they need clarity on the cost for each option and the reasoning behind the decision.

Rod Mann stated they have done property appraisals on the open space and questioned if any are applicable value to this land.

Nathan Crane replied he does not know the difference in value between an easement and ownership, because in this case it is an easement. He stated the methodology they prepared

makes sense in using the general criteria of what extra land costs and explained they can talk to appraisers to see what the cost is.

Mayor Thompson mentioned the general rule is 50% of purchase value. He stated the biggest concern is that the residents are being harmed by the fact the trail is on their property and they have an exposure to personal liability for activity happening on their property.

Rod Mann questioned how much time staff needs to get the estimated costs of buying the land, taking the trail out, or moving the trail.

Nathan Crane stated they will need to get engineer estimates.

Mayor Thompson stated if they are going to keep postponing the issue, the City needs to temporarily close the trail because it is not on City property and it is a liability for the residents. He stated they will start getting information from residents calling in to say they do not want the trail closed.

Brian Braithwaite and Dennis LeBaron stated they agree with putting up signs and temporarily closing the trail.

Rod Mann explained putting up signs may not stop people from going onto the trail.

Mayor Thompson stated it would then become a trespassing issue.

Tim Merrill explained generally a liability towards a trespasser is very minimal; there is always a risk, but as far as the owner's liability for an injury on a trail that should be on City property creates a legal quagmire. He stated he agrees with the Mayor that it is something the Council should move forward on and it would be a practical measure to put up a sign saying it is closed.

**MOTION: Rod Mann moved the City Council to direct staff to provide the information of the cost of the land and the cost of rerouting or removing the trail and put up two "Trail Closed: No Trespassing" signs on the east and west ends of the trail.**

**Brian Braithwaite seconded the motion.**

Discussion ensued regarding the location of the trail signs.

Dennis LeBaron asked to have the information that the trail is closed and why communicated to the residents.

Aaron Palmer responded the information will be placed on the City website.

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

**Those Voting Nye:**

**Unanimous vote, motion carried.**

Brian Braithwaite questioned when they will be able to get the cost information from staff.

Discussion ensued regarding the time frame.

Nathan Crane stated it depends on the Council's priorities, but he believes the Council will want the information as soon as the trail closes, because there will be a lot of questions from residents.

Brian Braithwaite suggested they close the trail, get some concerns from residents, set up a town meeting and discuss the plan with them and decide the priority at that time.

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

- Website Improvement Update – Rod Mann, City Council Member

Rod Mann stated he met informally with the committee members and scheduled a formal meeting on September 24, 2014. He stated they now have a Twitter account the committee has set up and have been working on getting administrative privileges there. He explained Gina Peterson owns the old Facebook and so they need to decide what to do there.

Jody Bates stated they can just make a new Facebook. She stated they were able to make two and deleted the one made by the intern Erin Wells. She explained she has tried to get a hold of Gina Peterson with no success and has tried to notify Facebook it is a duplicate account and have not received a response.

Rod Mann stated they are still waiting for passwords from Jill Ballamis for news and photo access.

- Country Club Road Issue Update – Aaron Palmer, City Administrator

Aaron Palmer stated there is a Town Hall Meeting scheduled for October 1, 2014 at 7:00 p.m. He stated notices have been sent to the residents and because the whole Council will be attending it will be a noticed meeting.

David Berrett, resident of Highland, questioned which side of the Country Club will be attending the meeting.

Aaron Palmer responded they will be notifying both the east and west sides of the Country Club.

Mayor Thompson replied the request was made from the entrance of the Alpine Highway to the Club, and then a comment was made that they would also like input from the Club out to 4800 West.

Tim Irwin thanked Jessie Schoenfeld and the City staff for attending lunch at his home. He stated the Council should let the League of Cities know their view on Non-Discrimination Laws, because it is something that will impact people and the cities.

Rod Mann stated he scheduled an issue and information meeting for September 25, 2014 and John Dougal and the Mayor are attending. He stated the meetings are very informal and foster good discussion. He suggested the Social Media and Communications Committee run the meeting.

### **ADJOURNMENT**

**MOTION: Jessie Schoenfeld moved to adjourn.**

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

Meeting adjourned at 10:02 p.m.

  
JoD'Ann Bates, City Recorder

Date Approved: November 18, 2014



