

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, October 7, 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
Kasey Wright, City Attorney

EXCUSED: Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Shannon Garlick, Secretary

OTHERS: Bob Garrard, Grace Bullock, Evelyn Bowen, Lisa Petersen, Joshua Ries, Yolio Ries, Gary Willardson, Weston Willardson, Melissa Moon, Gary Laman, Corey Miles, Kym Miles, Spencer Edwards,

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 Dennis LeBaron and those assembled were led in the Pledge of Allegiance by Tim Irwin.

APPEARANCES:

Bob Garrard stated he is here to represent Ashford Assisted Living. When they looked at Ashford and the surroundings they felt it was like home and it has been home. For those that have the need not to get up many times but to look out and enjoy the view. This is the reason the city has open space, is for people to enjoy the view, why are they wanting to cut off the view for those that can only sit and look. They have talked to each resident at Ashford and it is important to them to have a nice looking open area to look at that will be removed to accommodate the fence and they hope they can do this for those that are there now and those to come in the future.

Grace Bullock stated she is the one that received all the signatures for the petition to have the wrought iron fence instead of the solid wall. She loves the view and that view will be obstructed if the solid wall is installed. She provided pictures to the council in a book of the views that they have from various rooms at Ashford. She stated the care they receive at Ashford is the very best and they are really happy except the idea of have a block wall installed that will obstruct their view.

Evelyn Bower stated she has seen some beautiful facilities but nothing like the wonderful quality of Ashford. She feels at home there and they keep the facilities inside and out very nice. She looks out and sees and appreciates the beautiful scenery. Soon everyone will have someone in just this type of facility and you will want to have them in a place like Ashford. To be able to look out their windows and be able to see the view they have had from homes they have had here in Highland is one of the most memorable things they can have.

Lisa Petersen, an employee of Ashford Assisted Living. She does not know all the concerns of the neighbors feeling of Ashford but she has the suspicion that their feelings stem back to the fence and she feels that is not connected. A stone wall will block the views and the light from the residents that depend on the light from their windows for their wellbeing. A lot of residents can't get out and they rely on the view and the light. She had a conversation with one of the residents about the fence and the concerns she has heard were that the Ashford residents were too noisy, the lights are too bright and that they don't like see the cars. What she can tell and she has taken pictures of that she can supply to the council, as far as the lights at night there is no difference from what Ashford has and what the neighbors have. The view from the neighbors versus the view from Ashford is considerably different. There are other areas in Highland where there are residents next to medical facilities that seem to co-exist just fine. Lisa provided pictures to the council. She is truly seeking to understand both sides and she cannot see that putting up a solid wall would be a win-win, in fact she sees it as a lose-lose. She does not see it solving any of the issues that the neighbors are concerned about. She talked with the owner of Ashford and feels that there is a compromise that could work for both sides. Greg has agreed to install a wrought iron fence with some stone pillars. She appreciates Councilmember Tim Irwin and Mayor Thompson who was willing to take the time to visit with the residents of Ashford regarding this issue. Sometimes things are done just because the ordinances say that is the way it is to be done without looking at it personally. They are prepared to ask that the ordinance be changed so that it is worded that when you are next to an open space that you do not need to have a solid wall. During a lunch with the Mayor he indicated that this could be on the agenda and she inquired if that date had been determined.

Mayor Thompson indicated a date had not been set. He stated his biggest concern they just don't have the council support willing to make that decision. They have polled the council and they currently do not have the support to review the prior decision.

Lisa Petersen stated that after today she would hope that they feel there is enough evidence that this issue needs to be on the agenda and have a further discussion regarding this issue. She wants what's best for both sides. The view means the world to the residents of Ashford, and she doesn't think Highland City wants to treat the elderly this way.

Rod Mann stated that it was known that this wall was going to be part of Ashford. Greg Neild bonded for the wall during the construction and he knew it was required. The ordinance requires a wall and he was aware of that and the wall was included when he submitted his first plans.

Tim Irwin stated that in order to have this on a future agenda to discuss it further there is a need for two Council Members to support it. He would like to request it be on the agenda with the council to consider the intent of the residents. To him is a human condition issue, while these residents are condemned to live in a box for the rest of their lives it shouldn't be a prison. He feel they have an opportunity as a council to beautify the open space and mitigate their own site and give some closer to the residents at Ashford. He thanked those from Ashford for appearing before the council and asked if there was another council member that would support him in placing this issue on the agenda for further discussion.

Brian Braithwaite commented that he feels the conversation that has taken place tonight had been one sided. He has been to the Ashford Center and met with residents, staff and owner. He doesn't feel the City Council was hard hearted and making decisions without sufficient information. He has spent numerous hours at Ashford trying to understand and find a balance to this issue. This has been going on for several years, from the first building through the recent expansions and they are still trying to find a conclusion as to what was expected, designed and agreed upon several years ago. He thanked the residents for taking the time to appear before the Council and assured them that their efforts and concerns are have been heard. There are many points to this issue that will have numerous impacts to not only those that live on the north end of Ashford but also those that live in the residential subdivision to the east. He feels the council has looked at this issue time and time again and did not make their decisions without looking at every aspect and every impact.

Tim Irwin stated that he is aware they cannot discuss this in depth tonight but would like support from another council member to bring it back to discuss the fence issue in detail.

Lisa Petersen stated she feels this decision was made at a time when the residents to the east did not want Ashford to be built and they did not take into account those that would be living there. She feels that moving forward the Council should make good choices and take into account all the things that are there. She wants it to be good for the residents to the east as well but Ashford is there and would like to move forward with the right choices.

Jessie Schoenfeld stated she would agree with Tim Irwin in having the opportunity to talk about this issue further on the next agenda.

Mayor Thompson commented that if the council has an issue, it has to be on the agenda and has to be identified as an issue that they are going to debate. Otherwise the parties from the other side are not noticed and part of the discussion. For the Council to start down this road and banter back and forth is totally inappropriate. Mayor Thompson stated that the generalities that they speak of regarding this issue are fine but when they start looking at it as the issue and there are parties to both sides, it is inappropriate for council to discuss. Mayor thanked the residents for their comments. He feels it is good to hear what the public has to say in order to help the council make better decisions in the future.

Melissa Moon granddaughter of Eldon Hinkely, the first Highland Justice Court Judge. She has seen the increase of building since the 1970's and become a bigger city and it is fun to have those roots here in Highland and see the changes. Her dad just moved here and it is hard to place your parent in an assisted living facility. She believes that he has the very best care and opportunities at the Ashford. She appreciates the council's time and willingness to look further into this issue.

CONSENT:

MOTION: Approval of Meeting Minutes for City Council Regular Session – September 2, 2014.

MOTION: Approval of Meeting Minutes for City Council Work Session – September 4, 2014.

MOTION: Ratify the Mayor's Appointment to the Beautification Committee – DeVirl (Ed) Barfuss.

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

Jessie Schoenfeld seconded the motion.

Unanimous vote, motion carried.

ACTION ITEMS:

MOTION: Approve Amended Lone Peak PSD Interlocal Agreement – Notice of Time to Leave the District.

Aaron Palmer, City Administrator introduced the item by stating at the last Public Safety Board meeting the board asked each administrator to take this item back to the councils. Currently in the by-laws of the interlocal agreement it states that any city can withdraw from the district with a 12 month notice. It has been proposed that the notice time be extended to a 48 month notice. Having the 12 month notice would greatly affect the Fire Department in moral issues, instability, and debt associated with the district that the city wishing to leave would have to pay off. This would give those cities more time to work with request to withdraw. Alpine City Council recently approved the extension to a 48 month notice and it is on the agenda for Cedar Hills to discuss and vote on the change this evening.

Brian Braithwaite stated that in this PSD Meeting this issue was brought up at the very end of the meeting, it was not discussed. It was presented and it was agreed to be taken back to the city councils for discussion. It was never voted upon or discussed in detail by the board.

Rod Mann inquired about the process, is this something the council approves and the board ratifies or can the board make a different decision.

Brad Freeman, Fire Chief stated with they made the interlocal agreement between the cities, the cities had to vote for everything on the interlocal agreement. Once the city councils approve it then the board ratifies that decision.

Kasey Wright, City Attorney stated he agrees with the process that was indicated by the Fire Chief.

Tim Irwin stated he feels this should have been on the agenda as discussion item not an action item. It tends to state that they would be making a decision tonight. He understands the pros and cons but feels it is appropriate for the council to have a discussion and have members of the staff speak to those pros and cons and what the alternatives are. He would like to have a more detailed discussion.

Brad Freeman, Fire Chief indicated that the cons as they see it is they are tied in to the agreement for a longer period of time. He feels there are 3 main pros 1) moral issues with the fire department employees. There was a study done a number of years ago regarding doing a fire district. The last half of the study was a survey given to all the fire fighters and the biggest detriment to Lone Peak Fire was job security. Other cities are not going to get rid of their fire department because they are only servicing one city. Lone Peak serves 3 different cities and if one withdraws they have to lay off half of the staff, and this is their career. This word gets around and new candidates are going to go to where they are stable and cities are not going to leave the district. This extension gives them that stability. 2) Zion's bank has indicated that when they lease their equipment they pay a higher interest rate due to the possibility of cities leaving the district. It makes the investors nervous, it's not solid to invest in a fire truck for 12 years if a city is going to leave that district and leave the bank holding the bag. That may not sound that bad but Lone Peak has approximately 1.5 million in loans right now. 3) Is a city issue. The cost to the other cities if one city withdraws from the district they are left with all the costs divided by two instead of three. For those reasons he feels they need to solidify this issue with an increase in the withdraw notice.

Rod Mann inquired is there were costs associated with a city if it were to withdraw from the district. He struggles with the 4 year issue he feels it is too long. Other than that he does not have any other issue with the proposal.

Brad Freeman stated if they were obligated to a lease they would be responsible to pay those costs along with any others they are obligated to cover. There is just not one fire station, there is three stations and equipment. As far as fire jobs, they do not move laterally, most will have to start at the bottom.

Discussion ensued regarding Cedar Hills and their decision to look elsewhere in the past and eventually stay with Lone Peak.

Mayor Thompson questioned the comment made by Brad Freeman regarding Zion's bank and the interest being 1% higher based on the withdraw time. He feels it does not belong in this discussion because the largest banks in the world lied to the public generally over the last few years. If it's not on the paper then it is not part of this agreement. If they are ready to drop a

percent then they need to show that in writing. If Brad can't say they will do that then it shouldn't be used as a pro in this discussion. If it's a truth then it's a truth but if it's just a comment it's a different story, they need to come before the council and make that presentation to them to make a difference. In reality he feels 4 years is way too long. He is much more comfortable going with 2 years but 4 is an awfully big jump. With all the turmoil that is going on right now with every department in north Utah County and how they want to make their sales pitch, he doesn't know what's best for the community until he hears then all. He does not see the comfort is trying to get out of something and it taking 4 years.

Brad Freeman stated that for the record this was not his proposal. This proposal came from Rich Nelson, Alpine City Administrator. He is just stating what the benefits are to the Fire Department.

Mayor Thompson stated he is just asking for answers to questions they have.

Dennis LeBaron asked what the basis was for Rich Nelson choosing the 4 year term.

Brian Braithwaite stated that Rich had made a comment that anything was better than one year but the 4 year proposal was just that a proposal. He understands Brad's situation in this when it comes to recruitment and the need for stability.

Aaron Palmer agreed with Brian that this time proposal is just a time frame that was put out there. The City Council can approve what they feels is appropriate. As far as other issues that the council feels needs to be addressed in the agreement they can at any time be brought back and discussed to make it a better agreement.

Tim Irwin agrees that there needs to be a review of the agreement in its entirety not just the length of time. He states that what keeps a city involved with the district is that it is providing good service. As long as they are providing good service at a reasonable cost they are not going to have people leaving. He feels that if they have the time to look over and review possible changes to the agreement that it would be in the best interest of the both Highland and the district. He appreciates the comments and information that was provided during this discussion and would like to see it continued to allow the Chief of Police an opportunity to voice his views

MOTION: Tim Irwin moves the City Council to continue the Amended Lone Peak PSD Interlocal Agreement.

Seconded by Brian Braithwaite.

Mayor Thompson stated that he would like the direction to be to both the Fire and Police Chiefs. He would like to have something in writing, what they feel is going to be the positive part of 4 years or less.

Amended Motion: Rod Mann moved to amend the motion to state the Highland City Council asks the Public Safety Board and City Administrators to bring back to the council revisions to the agreement that would support the motion of extending the deadline and

communicate the fact there is no support for the proposed 4 year term. There is support for a extending the deadline, changes coming back should be in writing and include anything that helps mitigate or support that position.

**Seconded by Tim Irwin
Unanimous vote.**

Vote of original motion: Unanimous vote.

Discussion continued regarding the changes going back to the Public Safety Board prior to the council or go to the council first.

Brad Freeman suggested to have the board listen to the arguments form each city and make their recommendations to be brought back to the cities. That way each city is receiving the same recommendation.

Mayor Thompson stated there will be other discussions going on between the city administrators and he feels that they can take that to the Safety Board and schedule it from there.

MAYOR/CITY COUNCIL & STAFF COMMUNICATION ITEMS:

Brian Braithwaite inquired as to the status of the Highland Water Building and the Public Works Storage buildings.

Aaron Palmer responded that the Mayor and staff have been looking at proposed areas. At this point the preferred site is the west park road area.

Mayor Thompson stated that the main question for that area is if it is 6F property and can they build on it. His conversation with the State Parks is that they can it just cannot be a regional building. Size is not the issue, unless there is complaints there shouldn't be a problem with it. He feels after conversations with staff is that this site is the most centrally located. Another site is the property that is east of the Police Station in which the city already owns. There are several other sites but they are trying to focus on the one that are most logical for location.

Discussion continued regarding alternative areas.

Jody Bates, City Recorder commented that at a recent conference Lt. Governor Cox asked us to come back to our councils and ask your opinion on Vote by Mail. They are looking at in the future a State wide vote by mail but would like to have the cities put it in place first. Jody stated she would like to put it in place here in Highland. What that means is that every registered voter in Highland would receive a ballot in the mail. They can then drop it off or mail it into the city, they do not have to wait for a specific day, time and place to vote.

Tim Irwin asked regarding the cost to hold a vote by mail.

Jody Bates stated that the costs would vary. You do pay for the postage going out but it can be worked out that you only pay for postage for those being sent back through the mail. She stated she is working with Cedar Hills Recorder on getting all the specifics together but other cities that have done it has paid about \$4 per ballot, that is if they are mailed back in. The cost is obviously less if those are dropped off in person or in the drop box. Typically on voting day they have one voting place where people can physically vote but it is then done provisionally due to them previously receiving the ballot in the mail.

Tim Irwin stated he feels there are a lot of questions regarding this.

Jody Bates agreed with Tim and stated that what she is asking for a general consensus if the Council would be in favor of that process and for them to email her with their questions and concerns so she can research those and get them a specific answer.

The council in general was in favor of moving forward to gathering information regarding vote by mail. Tim Irwin was opposed to vote by mail.

Jessie Schoenfeld announced the Economic Development Committee is sponsoring an Open House for businesses in the area to help show them what the city is doing to help them with their holiday campaign "Shop Local". This will be October 29, 2014 at 7:00 am here at City Hall.

ADJOURNMENT

MOTION: Jessie Schoenfeld moved to adjourn.

Brian Braithwaite seconded the motion.

Unanimous vote, motion carried.

Meeting adjourned at 8:56 p.m.


JoD'Ann Bates, City Recorder

Date Approved: November 18, 2014

