

AGENDA
HIGHLAND CITY COUNCIL MEETING
December 2, 2014

7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER – Mayor Mark Thompson
INVOCATION – Jessie Schoenfeld
PLEDGE OF ALLEGIANCE – Rod Mann

APPEARANCES

- 1. Time has been set aside for the public to express their ideas, concerns, and comments.**
(Please limit your comments to three minutes each.)

CONSENT

- 2. MOTION: Approval of Meeting Minutes for City Council Regular Session – October 21, 2014**
- 3. MOTION: Ratifying the Mayor’s Appointments to the Highland City Economic Development Committee – Jennifer Frampton and Brent Reed**
- 4. MOTION: City Council Meetings – 2015 Meeting Schedule**

ACTION ITEMS

- 5. ORDINANCE: Amending section 13.48 of the Highland Municipal Code - Cemetery Headstones**

MAYOR/ CITY COUNCIL & STAFF COMMUNICATION ITEMS

- 6. Park Maintenance Building – Discussion**
- 7. Park Bond Re-finance – Discussion**
- 8. New Phone System - Discussion and Direction**
- 9. Vote by Mail – Discussion and Direction**

ADJOURN TO A CLOSED EXECUTIVE SESSION

- The sale of real property
Pursuant to Section 52-4-205(1)(e) of the Utah State Code Annotated.

RECONVENE CITY COUNCIL MEETING

ADJOURNMENT

(These items are for information purposes only.)

Description	Requested/Owner	Due Date	Status
Certified Impact Fee – Completed Report	City Council Nathan Crane	1st quarter of 2015	Zion’s Bank approved – report in progress
Impact Facilities Plan	City Council	1st Quarter of 2015	In Progress
Road Capital Improvement Plan for FY 15-16 Prioritize and Communicate to Residents	City Council	January	Nov - Emailed for clarification
HW Bldg. – PW Storage Status	City Council Mayor/PW		Dec. 2 Discussion
Determine Park Use for Recreation	City Council Parks Staff	1st quarter of 2015	Staff to make recommendations

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this 25th day of November, 2014, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).

JOD’ANN BATES, City Recorder

- In accordance with the Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-772-4505, at least 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

Draft

Item # 2

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MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, October 21, 2014

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

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

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STAFF PRESENT: Aaron Palmer, City Administrator
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Tim Merrill, City Attorney
JoD'Ann Bates, Executive Secretary/ Recorder
Justin Parduhn, Public Works O&M Director

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EXCUSED: Councilmember Jessie Schoenfeld
Shannon Garlick, Secretary

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OTHERS: Mildred Henry, Evelyn Bowen, Garu Laman, Gracie Bullock, Lisa Petersen, Alisie Edwards, Bob Garrard, Blythe Shupe, Kent Slade, Steve Hulet, Melissa Moon, Kyle Mrak, Garrett Graham, Marcus Graham, Doug Graham, Boston Sharp, Susane Brough, Cori Ollerton, Ryan Ollerton, Michelle DeKorver, David Kaylor, Rebekah Kaylor, Laurie Wright, Paul Burnside, Jaxson Nixon, Stantz Scheap, Carter Pace, Scott Johnson, Cameron Lamont, Colby Johnson, Andrew Murleem, Mike Young, Darin Young, Preston Young, Jared Wright.

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:01 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 Tim Irwin and those assembled were led in the Pledge of Allegiance by Marcus Graham, a scout.

REPORTS / PRESENTATIONS:

PRESENTATION: Annual Library Report – Highland Library Board (PowerPoint Attached)

Kent Slade, Library Director stated that the report tonight will be presented by Blythe Shupe, Library Board President.

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1 Blythe Shupe stated she would like to start with some basic statics regarding the Highland City
2 Library. These numbers are based on the fiscal year from July 2013 to June 2014.

3 **Statistics:** The number of materials checked out were 171,184, of those, 116,945 were children
4 materials, which is approximately 68% of all checkouts were children's material. They had
5 holds placed on 11,570 items and of those approximately 85% are picked up. They sent out
6 approximately 33,378 notices primarily sent by email, and those would include holds being in
7 the library, overdue notices and fines. They had approximately 41,726 items in the library this
8 does include online items, and 2,583 items were added just last year. There were 42 databases
9 that patrons had access to most of those are provided by the state, they did add the Mango
10 language programs due to a grant they received from the state this last year.

11 **Services:** They had approximately 67,874 visitors those are the number of people that are
12 counted coming through the door by an activated door counter. They answered approximately
13 4419 questions anything from how to find a book to reference questions to how to use the
14 computers. 790 items were checked out through the inter library loan system from other libraries
15 which is free to the library patrons for up to 3 a months. They had approximately 14,000
16 computer users or sessions and 26,261 website visits. They had 167 children's programs of
17 those programs Story Time is the most popular with 3,646 attended. They had 23 teen programs
18 with 262 attending and 1 adult program with 36 officially registered. Blythe explained a graphic
19 of the summer story reading program. This is a very popular program with the children and the
20 teens, this was the second year it was offered to adults and first year for toddlers.

21 **Library Board:** The board had some training and they have also gone through the policies on
22 circulation, book sale and inter library loans and have updated those area this year. The plan as a
23 board is to go through all policies at least once in a 3 year time period. They feel the Library is
24 truly a community effort, it is not just the responsibility of the library board and the staff. They
25 want to make sure it is functioning property and include all groups that contribute to the success
26 of the library. Those groups include the Library Foundation, Friends of the Library and the
27 Highland City Council.

28
29 Tim Irwin thanked the Mayor for appointing him to be on board. He feels the Library is very
30 well managed and Blythe is doing a great job as chair. There are numerous things the Library
31 Board does that most don't know and he feels they need to do better at making those things
32 known. One thing he has had the opportunity to learn about as he visited with residents of the
33 Ashford Care Center is that the library has set us a depository and he feels this is a very positive
34 aspect of the library. He looks forward to the opportunity of having a work session together
35 with the Board and the Council to help support the library.

36
37 Kent Slade stated in regards to the material they proved to the Ashford Care Center, they look at
38 their collection and try to select things that are appropriate and things they think the residents
39 will read. They haven't been doing it very long so there are no statistics to report but he is
40 hopeful in another 6-8 months have better idea of its success.

41
42 Rod Mann inquired if there were any statistics on Mango Program usage.

Draft

1 Kent Slade stated that they do have information on the programs use and as of current the use is
2 not very good and he feels that if it does not improve they will not renew the database. They
3 have advertised it at the High Schools and throughout the library.
4

5 Rod Mann feels that those receiving LDS mission calls to foreign countries would use it and
6 suggested notifying Stake Presidents to let them know it's available.
7

8 Tim Irwin feels they need to find a way to communicate with the residents to let them know of
9 new things in the library and have it more user friendly.
10

11 Brian Braithwaite inquired about statistics on the Pioneer Program, he commented it was his
12 understanding that you cannot access without a Highland Library card so he was wondering if
13 they had information on how many from Highland are using it. He also asked if this is a program
14 that is publicized through the library.
15

16 Kent Slade stated they have selected statistics, the State Library does not have a way to collect
17 for each individual library, they only provide information from the downloadable materials.
18 Since the State library is paying for the program they regulate what stats they provide. They do
19 let people know of the program and if they are looking for something specific that would be
20 accessed through that program they help that patron access and use the Pioneer Program.
21

22 Brian Braithwaite stated one thing he felt was beneficial from the Board to the City Council are
23 their goals and reporting back to the Council how they are progressing on those goals. He knows
24 they are working on connecting with a county network, but he feels it would be valuable to know
25 where they are in that progress. Seeing those things helps the Council to budget for the library
26 and future use or possible expansion needs of the library.
27

28 Blythe Shupe stated the board does have a goals and they are discussed in the board meetings,
29 they plan to address those issues in the work session with the council. Long term they would
30 love a new building, or at least get to that point where size and funds are not an issue. They feel
31 that is very long term and is on the radar for the Library Board.
32

33 Rod Mann inquired what happens when the library acquires new stuff, where does the old stuff
34 go.
35

36 Kent Slade stated the 2,500 item stated earlier are actual physical items acquired and does not
37 include digital items. They are considered a popular circulating library which means they are
38 constantly looking at usage and patterns and replace items that are not popular. They go
39 collection by collection and there are specific criteria's for each collection as to how they are
40 evaluated. Some items are removed naturally due to damage and not being returned, items they
41 remove will go into a book sale for the public. The items that are not sold they turn over to a
42 company approved by the board called Better World Books they try to sell them at a public sale,
43 if they still don't sell they are then sent to third world country libraries in South American,
44 Africa and Asia.

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1 Rod Mann asked them to explain the difference between the Highland Library Foundation and
2 the Friends of the Library.

3
4 Kent Slade responded that the Foundation is a 501(C)(3) nonprofit organization that was
5 established with the library was first started. When funds are donated by residents it is donated
6 to the foundation in order for them to receive a tax deduction. The Foundation is controlled by
7 the Foundation Board, in essence it is the same as the library board with a few additional
8 members and a different chair. They are more concerned with the big ticket items like a new
9 building, major fund raising etc. The Friends of the Library are individuals who just want to
10 contribute hours, volunteer projects and small items like the books bags and the book sale.
11 Friends of the Library have an account within the foundation but those funds are kept separate.
12 The Library Board votes on how to expend the Friends of the Library funds where the
13 Foundations funds are voted on by the Foundation Board.

14
15
16 PRESENTATION: Republic Services – Garbage & Recycle Services. (PowerPoint Attached)

17
18 Reece DeMill stated he and Alyssa Daley handle all the residential and government contracts for
19 Republic Services in Highland City. Reece stated they consider themselves a partner with city,
20 they have good communication and appreciates their feedback. Currently they are providing
21 residential curbside “all in one” recycling to 2,095 homes within Highland which is a 53%
22 participation rate, which is good for an “opt in” program. The diversion of that product out of
23 the landfill and able to be recycled is about 925 thousand pounds of trash per year. Of those 925
24 thousand pounds of trash a year being recycled equates to over 14 thousand dollars’ worth of
25 disposal savings for the city. Reece provided some recycling facts.

26
27 Alyssa Daley indicated her jobs it to research recycle interests and better inform residents as to
28 the process and their role in recycling. She has been working with Emily Gillingwater at the city
29 and has devised a 12 month communication plan that is specific to Highland City. They will be
30 placing a recycling fact in each newsletter for the next year to better inform the public regarding
31 their services.

32
33 Tim Irwin asked in terms of recycling, when they have new residents come into the city how are
34 they encouraged to sign up for the recycling cans.

35
36 Reece DeMill stated that about 6 months ago about 50% of the residents were recycling and that
37 has increased, he feels there is something happening at the city level.

38
39 JoD’Ann Bates, City Recorder indicated that when a new resident or new homeowner is
40 connecting to city services the home owner is required to fill out a utility agreement. On that
41 agreement they specifically ask the resident how many garbage cans and recycle cans they want
42 at their residence. If they choose recycle cans they are then provided with a form letting them
43 know of all the items they can recycle, some common questions and the calendar for recycle and
44 garbage pickup.

Draft

1 Reece DeMill stated they feel the communication at the front desk of the city is doing a great
2 job. They are here tonight to explore the possibility of extending their current contact with
3 Highland City. The current contract is not up until June 30, 2015, there is an option in the
4 contract that would allow them to extend the contract if that's what the city wants. Reece
5 continued by reviewing the pricing and by stating Highland City does not have a fuel surcharge
6 and those prices would remain as they are currently if they approved the 5 year extension. Reece
7 continued there are other things they can work with as far as cost of living to help save the city
8 funds. Some other things they are involved with is they help support the Highland Fling days
9 and would like to help out even more with that event. He suggested they can also provide event
10 boxes, which are the cardboard boxes for trash at the event. There are things they can work on
11 and come back with a proposal on other things they can do to help this proposal move forward.
12

13 Tim Irwin suggested something they could possibly help with trash containers in some of the
14 other parks that currently have nothing.
15

16 Brian Braithwaite stated he likes the newsletter information they will be providing over the next
17 12 months and asked what more can the city do to help encourage recycling.
18

19 Alyssa Daley stated one thing they did this year which was a trial run was a booth at the
20 Highland Fling. She would like to promote that more in preparation for next year through
21 advertising at City Hall and at the Library. They were there to help sign residents up for
22 recycling and answer their questions. Some didn't know that they could get rid of their second
23 can and use a recycling can. It's all about education and she thinks they are taking the right
24 steps to educate Highland residents.
25

26 Reece DeMill indicated one other thing they are working on is a direct mailer to those residents
27 that have a second can but no recycle can, that would explain the difference between the second
28 can and the recycle can. He indicated that can be done with a postcard or pamphlet.
29

30 Mayor Thompson thanked Reece and Alyssa for their presentation and felt that unless the
31 council had any major concerns they would turn this over to the administration to follow-up on
32 the details of the contract and bring it back to the council at a later date for approval.
33
34

35 **APPEARANCES:**

36

37 Steve Hewlett, Dry Creek resident has small children and he takes his kids along the
38 neighborhood trails and the Dry Creek trail. He inquired as to why the Dry Creek trail has had
39 "No Trespassing" signs placed not allowing them to use the trail. He looked into the situation
40 and found that in the declarations the homeowners have in Dry Creek have an easement on that
41 open space and no owner or resident can do anything to interfere with the open space. When the
42 homeowners purchased their lot they agreed and was aware of the easement on their property.
43 He just wanted to inquire about the options regarding the trail. If it is in the wrong place it needs
44 to be adjusted and feels the signs are improperly placed.

Draft

1 Mayor Thompson thanked the resident and explained that the issue is different than what he had
2 described. The trail is actually off the easement and actually on private property. He feels we
3 need to honor their private property rights by restricting the use of the trail. Technically if you
4 use the trail you are trespassing on private property. What the Council is dealing with is either
5 moving the trail to where the easement is, which can be very expensive or working with the
6 property owner to move the easement to where the trail is and removing it from their private
7 property.

8
9 Brian Braithwaite stated this issue only affects a couple of lots. He stated the council is working
10 on having a neighborhood meeting to help explain the reason for the closure of the trail, the cost
11 to fix the trail to place it back in the easement and other options. This has been an issue for some
12 time, and they have tried to get a resolution for some time and it is just now they are moving
13 forward to fix that issue. Brian inquired to the Mayor as to when that neighborhood meeting will
14 be scheduled.

15
16 Mayor Thompson stated he has not scheduled that meeting yet. He feels it can be scheduled
17 before the end of the year.

18
19 Steve Hewlett indicated he is going to give copies of the home owner's rights to the attorney so
20 they all have the same information.

21 22 23 **CONSENT:**

24
25 **ORDINANCE:** Amending Highland City Municipal Code Section 3.08.040 Updating to reflect
26 Utah Code Changes.

27 ***Pulled by Brian Braithwaite for further discussion***

28
29 **ORDINANCE:** Amending Highland City Municipal Code Section 13.48 – Highland City
30 Cemetery.

31 ***Pulled by Rod Mann for further discussion***

32
33 **Based on both items being pulled Mayor Thompson moved the Communication Items**
34 **before the Consent discussion.**

35 36 37 **COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:**

- 38
- 39 • Ashford Assisted Living
40 Lisa Petersen, Activities Director at Ashford. She stated she had taken time to learn
41 about this issue and it has become a personal issue and she is very passionate and
42 appreciates the ability to voice her opinion. She understand there is an ordinance of a
43 solid wall to be built on the north property line running east to west. She feels the
44 ordinance should be changed, she understands Ashford agreed to comply with ordinance

Draft

1 but this is not a commercial building but a home where elderly people live and that area
2 is against open space. It was her understanding the wall to the north was requested to be
3 an open fence. They received emails from the residents to the north that they are ok with
4 the fence being open. They would ask the City Council to make the change to the
5 ordinance, she indicated that Ashford would be willing to pay the \$1,000. dollars fee for
6 the application fee for the change if the Council indicates they would approve of it.
7 There are 5 private rooms and the great room that would be affected dramatically if a
8 solid wall was to be constructed. Most of the world these residents see is through those
9 windows and would be impacted all day long. She feels both parties neighboring the
10 open space should be allowed to enjoy it.

11
12 Rebeka Kaylor lives on property behind the two story portion of the Ashford Assisted
13 Living Center. She provided for the council her written statement and reviewed
14 information that was discussed in prior City Council meetings during this approval as
15 taken from the actual recording. (Statement and information attached).
16 Rebeka hopes this helps the council to understand their frustration as they reviewed this
17 information. She feels the city did not keep up with the things that were required and the
18 owner being Mr. Neild did not hold up his end of the requirements.

19
20 Ryan Ollerton resident of Wild Rose. He stated they are all aware of the ordinance
21 changes that were made to have this facility built, but he would like to remind the council
22 the residents of Wild Rose have always wanted the facility and finds it unfortunate that
23 Mr. Neild has built such a large facility on a small lot. The original plan and ordinance
24 states the fence shall be uniform and solid. In phase 1 it was constructed with a solid
25 mason fence on all three sides, Phase 2 then used the existing wall to facility the back
26 wall and there were no complaints. He finds it very unfortunate not only has this now
27 gone between the developer and owner of this facility, now he has residents occupying it
28 and a row full of people that now live there without knowing what should have already
29 been there. They want this to be a welcoming asset and addition to their neighborhood
30 and ward. He feels the neighbors have made various concessions to accommodate Mr.
31 Nields wishes. Here they sit arguing the issue of views and encroachment, when that is
32 what they fought to avoid in the beginning. Although there will be 5 units facing that
33 direction there is only one that is directly affected. He feels for that one resident, they
34 should have been told by the owner of the facility of what was required and not try and
35 change the code. No matter of old feelings, they want to separate their neighborhood
36 from commercial. This affects not only the residence of the facility it affects the entire
37 neighborhood. This wall has been voted on many times with the council and he is
38 discouraged that this has been brought back up again.

39
40 Corey Ollerton, resident of Wild Rose directly behind Ashford. She had the opportunity
41 to have Lisa Petersen in their home to communicate and share the history of Ashford and
42 Mr. Neild. She wants to express their love and desire for the presence of the residents of
43 Ashford. They feel like they have become the bad guys and that is not at all their intent
44 or desire. She would like to re-iterate when this very first began in 2009, and now again

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1 in 2014 they are discussing the impact on the neighbors. She understands it is tough as a
2 City Council to balance issues but there is an importance of laws and codes that help
3 regulate and keep things in order. Corey related an experience of her parents that has
4 dealt with a solid wall in their back yard. In speaking with fellow neighbors most still
5 agree they need a solid wall it is needed and desired for this to be done and put to bed.
6 They love and care for those residents in the facility and hope to bring a conclusion what
7 has been going on since 2009.

8
9 Susanne Brough, resident of Wild Rose directly behind Ashford. She indicated that she
10 is exhausted and disappointed, she lives with this 24 hours a day and it has been a
11 financial hardship for her. She stated it has decreased the property value of her home.
12 When the expansion was done they built the east wall 1-2 feet lower than her existing
13 vinyl fence. The paint was not done with consistency and when they painted them they
14 over sprayed and splashed paint on her fence. They also left a 1-2 foot gap between the
15 new fence and their existing fences. Garbage and weeds collect between the fences and
16 they have children playing between the fences. Because they built the fence lower than
17 the existing fence the ground has crumbled between the fences and diminished the
18 stability of her fence, so she choose to take out her vinyl fence. The back of the solid
19 fence is only painted half way and Mr. Neil told them they would have to pay to have it
20 painted. Now he doesn't want a solid fence to the north and so now she is left with
21 painting the fence herself and she does not have the funds to do that. There are other
22 issues that affected her lot by Mr. Neild placing the fence the way he did. She feels this
23 would have not been an issue if Mr. Neild would have not been allowed to request
24 changes in the development code. If the original setback had not been changed they
25 wouldn't be looking at a wall, there would be more property. She has a concern of the
26 children that go to and from the bus stoop passed that north fence and they are visible by
27 staff and deliveries throughout the day and concerned about their safety. The rules have
28 been changed so many times it is taxing the residents, in their privacy and what has been
29 done and not done per the agreement.

30
31 Jared Wright indirectly sees Ashford facility over the Brough home. This issue seems to
32 be continuing and going on and on. It was stated this would block the view of 4-5
33 residents and he feels it not that dramatic. What is dramatic is the 2 story building that
34 blocks the sunset view to the 7 residents that were there originally. What they hate is a
35 developer that sets a precedence. They empathize with those residents but either way it is
36 ill relevant. Mr. Neild has manipulated the process and is not even here to speak on his
37 own behalf. He feels the city has a teenager on their hands that is abusing their
38 privileges. Mr. Neild needs to own up to the obligations and do what he has agreed to.

39
40 Melissa Moon has a father at Ashford. She has seen the growth of Highland since 1976
41 and has enjoyed seeing how things have grown. It has been interesting to listen to the
42 information that has been presented and she can understand both points of view. Looking
43 out to the north at the open space made her feel that they are part of the neighborhood,
44 but she understands the point of the neighbors. She has not seen that Mr. Neild is a

Draft

1 irresponsible teenager but she guesses that the dots have not been connected from the
2 beginning. She feels Mr. Neild has not been in attendance in order to save feelings and
3 feels he will make it right regardless of the decision.
4

5 Brian Braithwaite stated he feels this is something that should have been resolved a long
6 time ago and apologizes for the delay. The fence should have been completed more than
7 a year ago, for whatever reason it has not been built. When the addition was being
8 discussed they did some things to mitigate the impact on the neighbors. He feels it is
9 good to have the facility in Highland but it has also had a negative impact to the residents
10 more than anticipated. He feels there is misunderstanding as to what was promised, he is
11 confident Nathan would not have made any commitments to Mr. Neild assuming things
12 will be done, any approval would have to come from the City Council. He believes Mr.
13 Neild is a good person and has no malice to what he is trying to do. It is hard to put
14 ourselves in someone else's position and when there is attacks it is harder to see things as
15 they are. He feels the fence should be built as a full fence, and believes there are ways to
16 mitigate the feel of a solid wall. That was the decision that was made and he doesn't see
17 enough reason to change what was previously approved.
18

19 Dennis LeBaron appreciates all the comments made from both sides. He feels it should
20 never become a discussion between the two sides it should be between the city and
21 developer. He believes in promises made, promises kept, ordinances made, ordinances
22 kept. It has been enlightening to him to see how the city should do its business. You set
23 in place an ordinance then you grant approval, not the other way around. You can't then
24 change the rules after the game starts, there is an order and a way to do things. It should
25 be simple that we keep to the code, keep to the rules, and keep to the ordinances. That's
26 the way city has to do business or conflict and turmoil will ensue. He feels the wall
27 should be built, as it was previously set by ordinance.
28

29 Tim Irwin stated he takes full blame for this being back on the agenda. He was hoping
30 for a win-win solution and he feels that there doesn't seem to be an appetite to make a
31 change. This wall will not do any of the things that the neighbors will like to see. Lights
32 will still be there and facility residents will be there. Those things are the same rather
33 you are next to the facility or in a typical neighborhood. The wall will in fact make some
34 of the residents of Ashford feel like prisoners. It was his hope they could come up with
35 something to accommodate both sides, and care about our neighbors more than ourselves.
36 He would like to thank Brian for his contribution, he brings clarity to council issues. He
37 does not see the possibility of a win-win at this point in the discussion and appreciates the
38 Ashford residents for attending the meeting and speaking up for what they believe.
39

40 Rod Mann stated he feels the positive take away from this is they still like each other. He
41 can argue both sides of the coin and he appreciates the service Mr. Neild provides for the
42 community. He feels the developer has to take some responsibility to those issues he
43 agreed to do and it is between him and his residence to understand those agreements. On
44 this issue the wall was part of the original plan that Mr. Neild helped draft and the

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1 Planning Commission and City Council approved. He does not see a compelling reason
2 to change it at this time. If the wall does nothing other than help maintain property
3 values for the residence then that is a benefit and Mr. Neild has an obligation to do as
4 expected. Expectations were set years ago and he doesn't see a reason to change those.
5 He supports the wall being built.

6
7 Mayor Thompson thanked all that spoke on this issue. He related an experience he had
8 as a youth in relation to listening. He appreciated the behavior tonight understanding this
9 is a sensitive issue. His direction to the staff is this fence needs to be built and he feels
10 this discussion will help for future considerations.

11
12 Mayor Thompson called for a break at 9:22 pm
13 Meeting reconvened at 9:37 pm
14
15

CONSENT:

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17
18
19 **ORDINANCE: Amending Highland City Municipal Code Section 3.08.040 Updating to**
20 **reflect Utah Code Changes.**

21 ***Pulled by Brian Braithwaite for further discussion***
22

23 Brian Braithwaite indicated that due to the electronic copy of the agenda being out of order he
24 was mistaken on pulling the item. He wanted to discuss the Cemetery Policy.

25
26 Tim Merrill, City Attorney stated he looked up the code and he apologizes that he did not catch
27 this previously. The section of the state code that this ordinance refers to no longer exists.
28

29 **MOTION: Brian Braithwaite moved the City Council continue the ordinance amending**
30 **Highland City Municipal Code Section 3.08.40 until further information can be obtained.**

31
32 **Rod Mann seconded the motion.**

33 **Unanimous vote, motion carried.**
34
35
36

37 **ORDINANCE: Amending Highland City Municipal Code Section 13.48 – Highland city**
38 **Cemetery.**

39 ***Pulled by Rod Mann for further discussion***
40

41 Rod Mann indicated he has some concerns with the new language indicated in section F. He
42 feels if individuals having been previously buried in a single depth burial plot be allowed at a
43 later date to have the option to convert that into a double depth burial assuming they bear the cost

Draft

1 of the change. Rod suggested the language be changed allowing those already been buried in a
2 single deep grave to go double deep later.

3
4 Tim Irwin inquired if at the time of the original build of the cemetery did the city have specific
5 areas for double deep and other than the cost what is driving this to prohibit allowing that
6 conversion to double deep in the future.

7
8 JoD'Ann Bates, City Recorder indicated that in speaking with various mortuaries and vault
9 companies, there is a process in order to disinter someone. The mortuary has to receive a permit
10 from the county, the vault company and the headstone company have to be called to move there
11 portion of the grave. Some of the concerns from these entities were concern of the condition of
12 the vault and the safety of those doing the work.

13
14 Discussion ensued regarding the process and concerns of allowing a single grave being
15 converted to double deep.

16
17 Justin Parduhn, Public Works O&M Director stated that as the cemetery fill out, this is going to
18 become a harder issue to accomplish. To remove the vaults they have to remove additional
19 space along the outside further than what they would for a regular burial in order to get the straps
20 around it to lift it out. As the cemetery fills in, they are tight on space and you run the risk of the
21 plot next to you caving and falling in. In speaking with other cemeteries they have talked to that
22 is the experience they have had with this issue.

23
24 Mayor Thompson stated that we are in a unique situation where the cemetery is still new and
25 there is plenty of room still. He feels they need to look at some of those issues and address the
26 concerns and bring it back for a decision.

27
28 Rod Mann stated another questions regarding item G regarding the "Sextons judgment" he
29 would like to know if there is an appeal process.

30
31 JoD'Ann Bates indicated that for the most part a decision made by the sexton would be
32 determined by the ground conditions. If there is an area of the cemetery that is too sandy to
33 safely bury double deep or not enough room for a mother child combination burial. That is the
34 type of judgments he would be making.

35
36 Tim Merrill stated there is no mechanism currently in place to appeal the sexton's decision. It
37 look like his discretion is in relating to exhuming a body and rather to do a parent/infant burial
38 along with his duties as sexton. If the council is interested to include an appeal process that can
39 be easily done by an amendment to include language that states the final decision of the sexton
40 may be appealed within 30 days in writing to who the City Council appoints. Generally there is
41 an appeal process for governmental decisions but not for this, they could always take it to the
42 District Court for appeal.

Draft

1 JoD'Ann Bates voiced a concern that usually when there is a decision made by the sexton it is at
2 time of burial and the 30 day time constraint does not always fit.

3
4 Brian Braithwaite stated he is content with leaving the language as it is.

5
6 Dennis LeBaron asked what other process could there be.

7
8 JoD'Ann Bates stated that typically something like this issue would go to the administration
9 which would include the City Administrator, Public Works Director and the Sexton, the Mayor
10 and possibly legal counsel if necessary.

11
12 Mayor Thompson would like them to determine what they would like to see in place and feels
13 that there needs to be ways to determine how to satisfy those issues. He feels there are reasons to
14 have the policy in place at the same time he doesn't know that saying the sexton is the only one
15 to make all the decisions might be appropriate.

16
17 Rod Mann stated he is fine with the language the way it is.

18
19 JoD'Ann Bates asked the council to address the main issue this ordinance amendment was before
20 them tonight which is the size limits on the headstone concrete bases. The purpose of this
21 change gives the city the ability to maintain the cemetery and dig future graves without having to
22 have headstones moved and replaced. There are currently headstones that will need to be moved
23 for future burials due to their size. If this is approved with the sizes indicated a letter will be sent
24 to all monument companies and mortuaries indicating the limit on the size. If a monument
25 company comes to place a headstone in the cemetery after the notification and the base is larger
26 than the specifications the city then has a right to deny it being placed in the city cemetery.

27
28 Brian Braithwaite stated his concern with the language of possible restrictions on double deep
29 burials due to the water table.

30
31 Justin Parduhn stated to this point there has not been any restrictions made for double deep
32 burials. They do have some areas of concern due to the ground being sandier than others and the
33 possibility of collapse but no restrictions have been made and he doesn't foresee that at this time.

34
35 Brian Braithwaite asked that we look at the language on the section and make sure it is accurate.
36 He also agrees with Rod that the language in section F(1) needs to be corrected so it does not
37 restrict those plots that already have a double deep burial from future burials. He would like to
38 see the language in section F(3) specify that it refers to city personnel. Brian concluded that he
39 appreciates the pro-active approach in getting this information before them. This is exactly the
40 type of information that saves them from future issues and avoids things from coming back on
41 the city at later dates. He really appreciates that staff is thinking ahead and getting this in place.

Draft

1 **MOTION: Brian Braithwaite moved the City Council continue the amendment to**
2 **Highland City Municipal Code Section 13.48 to a future meeting with changes as**
3 **mentioned.**

4
5 **Dennis LeBaron seconded the motion.**
6 **Unanimous vote, motion carried.**

7
8
9 **FURTHERCOMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:**

10
11 Brian Braithwaite asked for an update on building location for the parks equipment.

12
13 Mayor Thompson stated they are looking at putting the building on the site of the Mountain
14 Ridge park property and the Town Center property across from the Police Station. They are
15 looking at the size of the building versus the property. He feels the design of the 4-plex is very
16 tight and poorly designed. If they give up one of the ball field and put the building on the
17 Mountain Ridge site it makes it more centrally located. The engineer has been asked to
18 superimpose the building footprint on those sites and see how they fit.

19
20 Brian Braithwaite stated he would be adamantly opposed to the Mountain Ridge site. Highland
21 does not have enough fields as it is, and would need to see the finished plan. He stated that if
22 there is concern of the design they could cut it down to a 2-plex and leave the remaining property
23 for other sports like lacrosse and soccer.

24
25 Mayor Thompson stated they will look at both sites and see which one fits better. It is still in
26 process.

27
28
29 **ADJOURNMENT**

30
31 **MOTION: Dennis LeBaron moved to adjourn.**

32
33 **Tim Irwin seconded the motion.**
34 **Unanimous vote, motion carried.**

35
36
37 Meeting adjourned at 10:15 p.m.

38
39
40
41 _____
42 JoD'Ann Bates, City Recorder

43 Date Approved: December 2, 2014



CITY COUNCIL AGENDA REPORT

Item # 3

DATE: Tuesday, December 2, 2014

TO: Members of the City Council

FROM: Mayor Mark S. Thompson

SUBJECT: RATIFYING THE MAYORS APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMITTEE

BACKGROUND:

On May 6, 2014 Mayor Thompson formed the Highland City Economic Development Committee to work proactively to promote, encourage, and facilitate the development of responsible and properly planned business and employment growth within the City in order to expand and strengthen the local economy and diversify the community's tax base.

Resolution 2014-08 was approved by the City Council to create an Economic Development ADHOC Committee to help strengthen the local economy and diversify the community's tax base.

Mayor Thompson has reviewed the applications by Jennifer Frampton and Brent Reed. They Mayor feels they would bring great insight and be an asset to have as members of the committee.

FISCAL IMPACT:

N/A

ATTACHMENTS:

- Volunteer Applications



Highland City • 5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town.

In order to encourage this participation, Mayor Richie is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor and the Community Enhancement Coordinator will review the statements, conduct interviews and make a selection(s).

If you are interested in serving as a volunteer within Highland City, please submit this Statement of Interest to the City Offices.

Name Jennifer Frampton Date 11-13-14
Phone number 801- Email address _____
Residence address _____

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? 23 years

Occupation Preschool Teacher

Education BS in El. Ed plus Early childhood Certificate

Are you able to meet in the evenings? yes Semi-monthly _____ Monthly _____

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: Member of the International School Board in Kuala Lumpur, Malaysia
Other school committees.

Please state why you would like to serve: help promote people to shop locally & use businesses here in Highland

If not selected for an immediate opening, do you wish to be considered for the next opening? _____

Additional comments: _____

Please select your interest:

Standing Committees

- Arts Council
- Beautification
- Highland Fling
- Tree Commission
- Youth Council

Planning Commission

Ad Hoc Committees

- Economic Development
- Open Space
- Parks
- Transportation



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Name Brent Reed Date 11.13.14
Phone number _____ Email address _____
Residence address _____ Highland

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? 3 yrs
Occupation owner of window cleaning
Education BYU

Are you able to meet in the evenings? no Semi-monthly _____ Monthly

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: IT manager at 60 person law firm in Seattle for 9 years. Several committee positions in professional organizations. I'm good at promoting and organizing.

Please state why you would like to serve: I want to network with other professionals and help develop the economic environment of the city.

If not selected for an immediate opening, do you wish to be considered for the next opening? yes
Additional comments: _____

Please select your interest:

Standing Committees

- Arts Council
- Beautification
- Highland Fling
- Tree Commission
- Youth Council

Planning Commission

Ad Hoc Committees

- Economic Development
- Open Space
- Parks
- Transportation



CITY COUNCIL AGENDA REPORT

Item # 4

DATE: Tuesday, December 2, 2014

TO: Members of the City Council

FROM: JoD'Ann Bates, City Recorder

SUBJECT: APPROVING THE CITY COUNCIL MEETING SCHEDULE FOR THE 2015 CALENDAR YEAR AND DIRECTING IT TO BE PUBLISHED AS PER STATE REGULATIONS

BACKGROUND:

Utah Code Annotated 52-4-6-(1) requires the City Council to officially approve a meeting schedule for the upcoming year. It is proposed the Highland City Council continue to hold their meetings on the first and third Tuesday of every month.

One item to note for the upcoming year:

- There are a few Monday holidays immediately prior to some Tuesday City Council meetings. With many Federal holidays falling on Mondays, this is often unavoidable and has happened in previous years.

The City Council may modify the schedule to delete or add any meetings as desired. Typically, there has only been one meeting held in July and December and the proposed schedule reflects that.

Any work sessions will be scheduled as needed and special meetings can still take place. Meetings are generally held at the Highland City Hall Council Chambers at 7:00 p.m.

ATTACHMENTS:

- Proposed City Council Meeting Schedule for 2015.

HIGHLAND CITY COUNCIL MEETINGS
SCHEDULE FOR 2015

The Highland City Council at their regularly scheduled meeting on December 2, 2014, adopted the meeting schedule for the year 2015.

The regular session begins at 7:00 p.m. Work sessions are scheduled as needed. Meetings will be held at the Highland City Council Chambers, 5400 West Civic Center Drive, Suite 1, Highland, Utah.

The 2015 City Council Regular Meeting Schedule is as follows:

January 6, 20
February 3, 17
March 3, 17
April 7, 21
May 5, 19
June 2, 16
July 21
August 4, 18
September 1, 15
October 6, 20
November 3, 17
December 1

THE PUBLIC IS INVITED TO ATTEND ALL CITY COUNCIL MEETINGS.

If you need a special accommodation to participate in the City Council Meetings, please call the City Recorder's Office at 801-772-4505

TO BE PUBLISHED IN THE *DAILY HERALD*
SUNDAY, DECEMBER 14, 2014



CITY COUNCIL AGENDA REPORT

Item # 5

DATE: Tuesday, December 2, 2014

TO: Members of the City Council

FROM: JoD'Ann Bates, City Recorder

SUBJECT: AMENDING 13.48 OF THE HIGHLAND MUNICIPAL CODE REGARDING CITY CEMETERY POLICIES AND REGULATIONS

BACKGROUND:

On November 3, 1998 Highland City Council Approved and Adopted Ordinance 1998-17, governing the policies and regulation of the Highland City Cemetery.

Highland currently has approximately 2180 sold plots and have approximately 186 burials.

As more headstones are placed it has become apparent that there is little to no consistency to the base size of the headstones, markers or monuments. This causes problems with allowing equipment in and around those bases in order to dig future graves and effectively maintain the cemetery.

It is proposed we approve the amendments to the current ordinance specifying the base size of the headstone, marker or monument in order to elevate problems in the future. This does not regulate or restrict the style of the headstone just the concrete base.

FISCAL IMPACT:

N/A

ATTACHMENTS:

- Proposed Ordinances with proposed changes.

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING §13.48.130 OF THE HIGHLAND MUNICIPAL CODE RELATING TO CEMETERY POLICIES AND REGULATIONS.

WHEREAS, §13.48 of the Highland Municipal Code needs clarification as to the Burial Rights and Ownership, Headstones, Markers and Monuments, and;

WHEREAS, the current language can be viewed as vague or non-existent as to double burials, size, placement and use of Headstones, Markers and Monuments, and;

WHEREAS, the City desires to clarify and enact legislation consistent with the desired practices of the City Sexton to ensure uniform application of the ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND CITY, THAT §13.48 OF THE HIGHLAND MUNICIPAL CODE BE AMENDED AS FOLLOWS:

13.48.130 Grave markers.

Headstones are personal property. All monuments within the cemetery are the property of burial right owners, their heirs, or the responsible party. All care and upkeep of the monuments are the responsibility of the owner and heirs. The city shall not be responsible for the repair or replacement of markers, including damage caused by nature or vandalism, unless the city caused the damage or destruction to the marker.

- A. Size. A headstone and the concrete border must fit within the boundary of the grave or graves. ~~All headstones, markers or monuments shall have a stone or cement base, level with the ground, extending outward from the perimeter of the base of the headstone or marker and shall be a minimum of four inches (4") on all sides, with a minimum thickness of four inches (4")~~ ~~All grave markers shall be placed on a concrete foundation at least six inches thick. All headstones must have a concrete border of seven inches on all sides. However, on east side, concrete border may extend to a maximum of sixteen inches.~~ Headstones will be of stone, concrete or a non-corroding durable composition.
 1. For a single headstone, marker or monument, the concrete base shall not exceed forty-two inches (42") in length (side to side). The concrete base shall not exceed twenty five-inches (25") in width (top to bottom).
 2. For a double headstone, marker or monument, the concrete base shall not exceed eight-four inches (84") in length (side to side). The concrete base shall not exceed twenty five-inches (25") in width (top to bottom).
- B. Type and Placement. Upright headstones shall be allowed in the cemetery. ~~All grave headstones, markers and monuments~~ shall be placed at the head of the grave. Exceptions to this shall apply only in the Veteran's section where one additional headstone, supplied by the Veteran's Administration, may be placed at the foot of the grave.
- C. Other Markers. There shall be no markers, monuments or structures placed upon any lot other than those provided for in this chapter.
- D. Re-placement of Markers. ~~Any headstone, marker or monument that impedes the opening or closing of any burial plot will be removed and replaced at the owner's expense.~~

PASSED AND ADOPTED THIS 2nd DAY OF December, 2014.

MAYOR OF HIGHLAND:

Mark S. Thompson

ATTEST:

JoD'Ann Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>