

AGENDA
HIGHLAND CITY COUNCIL MEETING
January 20, 2015

6:00 p.m. Work Session
7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

6:00 P.M. – WORK SESSION – CITY COUNCIL CHAMBERS

DISCUSSION: Impact Fee Study

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

CALL TO ORDER – Mayor Mark Thompson
INVOCATION – Brian Braithwaite
PLEDGE OF ALLEGIANCE – Dennis LeBaron

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.)

REPORTS/PRESENTATIONS:

- 2. PRESENTATION: Oath of office - Highland City Youth Council**
- 3. REPORT: Audit for the 2013/2014 fiscal year**

CONSENT

- 4. MOTION: Approval of Meeting Minutes for City Council Regular Session – November 18, 2014**
- 5. MOTION: Approval of Meeting Minutes for City Council Regular Session – January 6, 2015**
- 6. MOTION: Ratifications of the Re-Appointment and Appointment of Planning Commissioner – Re-appointment of Christopher Kemp.**

ACTION ITEMS

- 7. MOTION: Park Maintenance Building - Approval of Maintenance Building Location**

MAYOR/ CITY COUNCIL & STAFF COMMUNICATION ITEMS

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	1 st quarter of 2015	Zion’s Bank approved – report in progress
Impact Facilities Plan	City Council	1 st Quarter of 2015	In Progress
Road Capital Improvement Plan for FY 15-16 <i>Prioritize and Communicate to Residents</i>	City Council	January	Nov - Emailed for clarification
HW Bldg. – PW Storage Status	City Council Mayor/PW		In Progress
Determine Park Use for Recreation	City Council Parks Staff	1 st quarter of 2015	Staff to make recommendations
SR74 Median at Pebble Lane Subdivision			
Arts Council – New Piano	Arts Council	2-3-2015	Scheduled

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **14th day of January, 2015**, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pnn.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.

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**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, November 18, 2014

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

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

STAFF PRESENT: Aaron Palmer, City Administrator
JoD'Ann Bates, Executive Secretary/Recorder
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Tim Merrill, City Attorney
Justin Parduhn, Public Works
Tavis Timothy, Engineer (Contract)
Shannon Garlick, Secretary
Ty Christensen, Public Works - Roads Department
Josh Castleberry, Public Works – Parks Department

OTHERS: Jaden Hall, Brynn Shelton, Abby Wakefield, Tanner Wakefield, Aydrie Palmer, Tara Bullington, Emily Jensen, Jacob Turpin, Dave Hall, Rich Henderson, Steve Marx, Brad Ritchie, Gavin Hatch, Stephen Laing, Austin Call, Austin Hill, Coby Child, Nathan Ritchie, Carson Call, Max Ramey, Paul Reyes, Alia Benson, Amy Cottle, Tom Martin, Mary Lynn Johnson, Ed Barfuss, Jon King, Ed Dennis, Rick Hellstrom, Kade Patten, Cassi Cook, Damon Flynn, Sabrina Davis, Alia Benson, Madeleine Arnold, Quinton Strom, Lindsay Gardanier, Paige Medersitzki, Maddie Murdock, Jordan Baker, McKenzie Platt, Mykel Godwin, Jeremy Doyle, Doug Cunningham, Parker Sandstrom, Mitch Martin, McKenna Martin, Kevin Schiess, Bill Meadows, Gaylan Sorenson.

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 Mayor Mark Thompson and those assembled were led in the Pledge of Allegiance by Mitchell Martin, a scout.

PRESENTATIONS:

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- Highland Beautification Committee – Recognition

Jessie Schoenfeld stated the City Council and City staff wanted to recognize the members of the Beautification Committee for their time and service beautifying the City. She explained they cleaned up medians, park strips, entrances to subdivisions, and initiated the “Adopt a Patch” program and had wonderful success. She recognized Ginger Ford, Denise Stratton, Mary Ann Jenkins, Judy Clayton, Laura Dawson, Denise Nydegger and Ed Barfuss. She expressed the appreciation from the City for all of their hard work. She stated they are going to continue the Committee and hope to get more and more support from the community.

- Highland City Arts Council – New Piano Funds

Pulled from the Agenda due to Arts Council President was not able to be present.

APPEARANCES:

There were no appearances at this time.

CONSENT:

MOTION: Approval of Meeting Minutes for City Council Regular Session – September 16, 2014.

MOTION: Approval of Meeting Minutes for City Council Regular Session – October 7, 2014.

Brian Braithwaite asked to have the names of those who attended the September 16th meeting added to the minutes.

Rod Mann stated on Page 8 of the September 16th meeting, lines 28-29 should read that 45.7% of the Open Space Fund was subsidized by the General Fund. He explained there were also a few typos that should be corrected.

MOTION: Tim Irwin moved the City Council to approve the Meeting Minutes for City Council Regular Session – September 16, 2014 as amended.

Rod Mann seconded the motion.

Unanimous vote, motion carried.

MOTION: Tim Irwin moved the City Council to approve the Meeting Minutes for City Council Regular Session – October 7, 2014 as amended.

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1
2 **Rod Mann seconded the motion.**
3 **Unanimous vote, motion carried.**
4

5
6 **ACTION ITEMS:**
7

8 MOTION: Review and Discussion of Trail Options – Dry Creek Trail.
9

10 Nathan Crane stated the engineer looked at the options based on a survey of the property. He
11 explained the options would be relocating the trail which would be an estimated \$98,000,
12 removing the trail which would be an estimated \$7,700, or purchasing an additional easement to
13 accommodate the trail which would be an estimated \$19,700. He stated the Council has
14 discussed the issue and staff is seeking direction. He mentioned if they decide to remove the trail
15 they will need to follow the requirements outlined in the Municipal Code.
16

17 Rod Mann questioned if Ivory Homes would be responsible to pay the \$8,000 to remove the trail,
18 because they put the trail in wrong.
19

20 Tim Merrill replied they have not included Ivory Homes in the discussions, but stated if that is
21 the direction the Council would like to go, he is willing to approach them with these issues.
22

23 Rod Mann asked if the City has received any feedback from the property owner on purchasing
24 the land. He questioned if the City needs to purchase property for an easement and if Ivory
25 Homes would be willing to pay a portion of that cost.
26

27 Nathan Crane responded they have not received any feedback on cost from the homeowner.
28

29 Tim Merrill replied he would be willing to speak to Ivory Homes regarding either option.
30

31 Brian Braithwaite stated they have closed the trail and the residents are aware of the issue. He
32 suggested the City hold a neighborhood meeting. He explained if the residents are not interested
33 in keeping the trail, there is no need to spend the money.
34

35 Tim Irwin and Rod Mann stated they are not interested in paying \$100,000 to relocate the trail.
36

37 Brian Braithwaite explained the City cannot justify spending \$100,000, but it as a potential
38 option if the residents or Ivory Homes are willing to contribute to the cost.
39

40 Dennis LeBaron questioned what power the City has to negotiate costs if the property owner
41 requests an excessive amount.
42

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1 Tim Merrill stated if it proceeded to a lawsuit they would discuss the terms of liabilities in an
2 Executive Session.

3
4 Nathan Crane clarified all three options are not budgeted in the current fiscal year, so depending
5 on the price; it would need to be a part of next fiscal year's budget.

6
7 Dennis LeBaron asked what the average price per foot is of a trail in Highland and questioned
8 what the length is of the trail in discussion.

9
10 Nathan Crane replied he does not know the average price, but they can figure it out. He stated the
11 length of the trail on the property owner's land is approximately 300-500 feet.

12
13 Rod Mann stated the cost to move this specific trail would be more, because it is steep and they
14 would need to put in a wall to support the trail.

15
16 Ed Dennis, Chairman of the Open Space Committee, stated it is designated as a neighborhood
17 option trail, so the residents should determine whether or not they want the trail. He stated if they
18 do not want the trail, it could be disposed of and the money from the disposal could be used to
19 offset the cost of removing the trail. He stated the trail was put in with the subdivision, so there
20 was no initial cost to the City.

21
22 Rod Mann stated there would be nothing for them to buy during a disposal, because the trail is
23 currently on the resident's property.

24
25 Tim Merrill stated the neighborhood has the right of protest which would require 20% of the
26 neighborhood to file a written protest to remove the trail. He explained the way the Ordinance is
27 written, the trail can still be disposed of by majority vote of the Council.

28
29 Mayor Thompson stated there is an easement on the property, but the trail was built outside of
30 the easement, so the trail is actually on the resident's property. He stated the City has the
31 obligation to do one of the three options, because they cannot allow continual trespassing.

32
33 Dennis LeBaron questioned what constitutes "the neighborhood".

34
35 Nathan Crane replied the notices of the removal of the neighborhood option trail would be sent
36 to the full subdivision where the trail is located. He stated the total length of the trail that would
37 be removed is approximately 1,100 feet and the length on the resident's property is
38 approximately 400 feet.

39
40 **MOTION: Brian Braithwaite moved the City Council to direct staff to set up a**
41 **neighborhood meeting with the affected residents and prepare information to be given to**
42 **those residents.**

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

3
4 Mayor Thompson clarified it is an R-1-40 development and the trail was an amenity.

5
6 Rod Mann questioned if the homeowners south of the trail should also be included.

7
8 Aaron Palmer stated staff can send a map to the Council and if there are other subdivisions they
9 would like to be included; staff can send notifications to those subdivisions as well.

10
11
12 MOTION: Review and Discussion of Open Space Appraisals – Canterbury Circle and Beacon
13 Hill Subdivisions.

14
15 Ed Dennis stated in March of 2014 the City Council approved the disposal of open space
16 property in four different subdivisions. He stated the City staff obtained an appraisal for that
17 property with the perspective of “value added” which came in relatively high. He explained the
18 Canterbury Circle Subdivision came in at \$3 a square foot and the Beacon Hill Subdivision came
19 in at approximately \$6 a square foot. He stated another appraisal was done and both appraisers
20 are qualified, certified general appraisers, but they have taken different approaches. He stated the
21 initial appraisal was based on value added or market value, but Susan Denbow, the most recent
22 appraiser, looked at the property as excess or surplus land. He stated surplus land is usually
23 appraised at 15-20% of the value added, so relative to the initial appraisal the Canterbury Circle
24 Subdivision would be at \$0.45-0.60 a square foot and the Beacon Hill Subdivision would be
25 \$0.90-1.20 a square foot. He stated Susan Denbow took the excess property approach and came
26 back with an appraisal of \$1 per square foot on both subdivisions, recognizing that there may be
27 negotiation between the City and residents. He stated the Open Space Committee looked at both
28 appraisals and believe the methodology of excess or surplus land is more consistent with
29 comparable properties sold in Highland and Cedar Hills. He stated the Open Space Committee
30 recommends the City accept the \$1 per square foot appraisal and allow them to move forward
31 with the other areas. He mentioned even \$1 per square foot would provide a substantial amount
32 of funds for the City.

33
34 Dennis LeBaron questioned if they considered the differences between the highest and lowest lot
35 costs and prorated the amount.

36
37 Ed Dennis stated it comes down to a methodology difference. He explained the initial appraiser
38 looked at it as value added; meaning if they took the lot and expanded it by the amount of
39 property involved in the surplus and then how much the lot would be worth as a whole. He stated
40 the problem is the property is land locked and really is excess property. He stated none of the
41 residents are interested in purchasing the property under that approach. He stated if they use the
42 excess land approach, because it is land locked, the residents are willing to purchase the land.

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1 Rod Mann stated he understands why those purchasing the land would want a lower value. He
2 explained the first appraisal reduced the value by approximately 40% to mitigate the fact that
3 some of the property would be subject to easements. He stated the City has an obligation to get a
4 fair price, because just giving the lowest price would show favoritism to a specific subdivision.
5 He stated he does not understand why adding 20 feet to the back of a property would be less
6 valuable because it is “land locked” than 20 feet on the other side of that property which could be
7 considered land locked with that same point of view.
8

9 Ed Dennis stated he believes the property Rod Mann is referring to is the land under the power
10 corridor. He stated the appraisal in that area was \$2.75 a square foot at market value and they
11 discounted it by 40% making it \$1.10 a square foot. He stated they are not asking the City to sell
12 at a cost other than the appraised value, but no one is willing to purchase the land at the selling
13 price of the initial appraisal.
14

15 Rod Mann stated that when the residents decide to sell their properties, they will be selling a
16 larger lot and will get that additional benefit, so essentially the City would be subsidizing that
17 increased value.
18

19 Brian Braithwaite stated a property has full value if it can be used for whatever the buyer wants,
20 for example, placing a home, but because there is a limited set of buyers, it comes down to how
21 valuable it is to those buyers. He stated the original appraisal was looking at it as the property
22 value of a standard lot that anyone could purchase, and although it was discounted for easements,
23 it does not have value to most individuals. He stated the second appraisal is more in line with the
24 true property value.
25

26 Discussion ensued regarding the appraisals.
27

28 Rod Mann stated there are costs to the City when selling surplus property and questioned what
29 the net value would be to the City.
30

31 Nathan Crane replied he would need to look at the spreadsheet for the last sale. He stated they
32 split engineering costs, but the City would not make very much. He stated the Plat D sale was a
33 lot smaller and if staff time is included, the City does not come close to covering the cost.
34

35 Rod Mann clarified the real benefit to the City is not having to maintain the property in the
36 future.
37

38 Nathan Crane stated a key distinction between these two subdivisions and the Plat D purchase is
39 the power line easement. He explained the power line easement restricts what owners can do on
40 the property.
41

42 Ed Dennis stated the additional benefit to the City is that they would be able to collect property
43 taxes on these parcels, which would add ongoing revenue on top of the selling price.

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1
2 Mayor Thompson questioned if they bought the property as surplus and at less value, do they
3 have a right to petition to not pay as much taxes or will it be simply added to the lot and taxed
4 the same.

5
6 Tim Merrill stated the County Tax Commission will assess it as they always do; they could make
7 the argument, but he stated he does not know what the Tax Commission would do. He stated he
8 believes the assessor would tax the properties as a whole. He stated when there are experts in
9 opposition to one another; they can get a third expert that usually splits the difference.

10
11 Mayor Thompson mentioned the Canterbury Circle property adjoins other properties that are not
12 part of the development and questioned if they should be included in the process.

13
14 Nathan Crane replied it would be up to the Council. He stated the direction from the previous
15 Council was that those in the subdivision would have the first right of refusal.

16
17 Dave Hall, resident of the Canterbury Park Circle Subdivision and member of the Open Space
18 Committee, stated Susan Denbow does mitigation for the County during property value disputes
19 and is hired by the LDS church to discover what raw land is really worth. He stated originally 24
20 of the 25 residents signed the petition saying they were okay with the purchase (the only one not
21 willing to sign was the contractor who was considering litigation against the City). He explained
22 when the appraisal came back at \$3 a square foot everyone backed out and an appraisal is only
23 good if there is a willing buyer and seller. He stated for 14 years they have been paying \$20 a
24 month to have the land maintained as open space and it has not once been maintained by the
25 City. He mentioned the residents have spent their own money on weed control and when the first
26 appraisal was not realistic, they used their own money to hire an appraiser. He stated all of the
27 residents were willing to purchase the property at the second appraised value. He mentioned all
28 of the residents, but three, have already grassed and beautified the property and no one else
29 would want to purchase the property. He stated they have been working for 14 years to get a
30 resolution and elected representatives they felt would get it done. He explained it would increase
31 tax revenue for the City, beautify an orphaned piece of property, and resolve the issue.

32
33 Steve Marx, resident of the Beacon Hill Plat I Subdivision, stated he has been in real estate since
34 2002 and has gotten to know value very well. He mentioned the first appraisal had no merit and
35 he does not agree the residents need to get the cheapest price and the City needs to get the
36 highest price. He stated the City has an obligation to give the fairest price and the fairest
37 approach is the fair market value approach. He mentioned the first appraisal was a leveraged
38 approach and if that appraisal went to the State there would be serious issues with the
39 methodology. He explained the only thing that could justify it would be if the appraiser stated at
40 the person who ordered the appraisal directed them to use that methodology. He stated land is
41 valued on access, use, frontage, and location and these properties have no frontage, use, or
42 access. He stated the only way to value the properties is to compare them to other orphan
43 properties, which have been sold all around the community, including Highland, Alpine, Pleasant

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1 Grove, and American Fork. He explained he contacted all of the cities and every property sold
2 for between \$0.90-1.10 per foot. He stated none of the surrounding cities, including Highland,
3 Alpine, Pleasant Grove, report the sales on the MLS, but if they did the appraiser would have
4 been able to see how recently the Beacon Hill Plat D sale was and used that in the report. He
5 explained he emailed Highland City's Planner and informed him they need to disclose all of the
6 open space sales in Highland within the last five years and never received a response. He
7 explained the report did not include those sales, so he emailed the City Planner again who
8 responded he sent the appraiser all relevant information and the City thinks the property is worth
9 more. He stated there needs to be full disclosure, so the appraiser can decide the value and if
10 there had been full disclosure none of this would be happening. He stated instead of getting
11 another appraisal or blending options, the first one should just be disregarded. He mentioned the
12 residents would also be paying closing costs, which almost increases the price per foot by 50%.

13
14 Mary Lynn Johnson, resident of the Canterbury Park Circle Subdivision, stated she would like to
15 second the opinions that have been stated. She explained they are the only willing buyers and if
16 the appraisal is \$3 a square foot they are not willing to purchase the property.

17
18 Richard Henderson, resident of the Canterbury Park Circle Subdivision, stated they would be
19 concerned if the City tried to sell the land to other buyers. He explained the residents maintain
20 the land and they bought their homes believing the land would be there for their use. He
21 explained they spent a lot of time looking for an appraiser and a dollar per square foot is very
22 reasonable.

23
24 Rod Mann clarified it is okay for the Council to discuss methodology in the meeting, but they
25 need to discuss prices in an Executive Session.

26
27 Jacob Turpin, resident of the Canterbury Park Circle Subdivision, stated when they moved in
28 there was just a huge pile of junk, so they spent thousands of dollars cleaning up the property. He
29 stated they are interested in paying \$1 per square foot of the land, but no more than that.

30
31 Mayor Thompson stated they should schedule an Executive Session to discuss funds, but if the
32 Council would like to make the sale tonight it is on the agenda.

33
34 Dennis LeBaron stated the appraisal listed different amounts for each subdivision and questioned
35 how they decided to have a set price for all of the subdivisions.

36
37 Ed Dennis replied typically excess or surplus land is 15-20% of the market value of comparable
38 sites, so he took the 15-20% of the original appraisals. He stated it was hypothetical, not an
39 actual part of the appraisal. He explained the appraisal of \$1 per square foot was what came back
40 from Susan Denbow for the Canterbury Park Circle Subdivision and the Beacon Hill
41 Subdivision.

42

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1 **MOTION: Jessie Schoenfeld moved the City Council to continue the item until the City**
2 **Council can hold an Executive Session to discuss real estate and funds.**

3
4 **Brian Braithwaite seconded the motion.**

5
6 **AMENDED MOTION: Tim Irwin amended the motion to move the City Council to accept**
7 **the methodology of Susan Denbow.**

8
9 **Amended motion failed.**

10
11 **Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Jessie Schoenfeld, Rod Mann**

12 **Those Voting Nye: Tim Irwin**

13 **Motion carried.**

14
15 Steve Marx questioned if they are agreeing to use the fair market approach as the methodology
16 for the sale.

17
18 Tim Merrill replied judging methodology requires specialized training and expertise that he does
19 not possess, so they may need another expert to decide. He explained otherwise they would be
20 deciding which expert's outcome they prefer.

21
22 Tim Irwin stated they can discuss the methodology in Council meeting, but not in Closed
23 Session.

24
25 Tim Merrill responded they can discuss methodology in a Closed Session as it pertains to the
26 price.

27
28 Discussion continued regarding the methodology.

29
30 Mayor Thompson stated they need to follow the appropriate process and some comments have
31 been made that Nathan Crane took it upon himself to do certain things, which is not true. He
32 explained the Council directed him to get the appraisal and they need to discuss the appraisals in
33 an Executive Session. He stated they need to protect the rest of the citizens in the community.

34
35 Tim Irwin stated he would not like to go into a Closed Session and just combine the two
36 approaches or just come up with a number. He explained the Council has a standard of deciding
37 what methodology to use and then come up with a number.

38
39 Jessie Schoenfeld stated she agrees, but there are some questions that need to be answered before
40 deciding on a methodology that cannot be discussed outside of an Executive Session.

41
42 Rod Mann clarified the Council can bring an expert into an Executive Session and suggested
43 that's what they do.

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1
2 Dennis LeBaron asked if there is any rationality in getting another appraisal with the same
3 methodology as Susan Denbow.
4

5 Brian Braithwaite stated it is not uncommon when getting two very different appraisals, to get a
6 third appraisal and find some middle ground. He stated he believes the Council needs to discuss
7 where they stand first and discuss the issue with an expert. He stated they need to make sure they
8 are fair to everyone in the City during the sale.
9

10 Richard Henderson stated the City wants as much as possible and the residents want as little as
11 possible, but they got an expert who stated what was fair. He asked that the Closed Session be
12 transparent to the residents. He mentioned they receive a professional unbiased opinion from the
13 appraiser in order to be fair.
14

15 Aaron Palmer stated an Executive Session will be scheduled for the December 2, 2014 meeting.
16
17

18 MOTION: Award a Contract for Construction of the Dry Creek Sewer Replacement Project –
19 Sterling Don Construction.
20

21 Nathan Crane stated in September of 2014 the Council discussed the Dry Creek Sewer Line
22 Upgrade Project to accommodate new growth which can be paid for with impact fees. He
23 explained they went through the appropriate bidding process and Sterling Don Construction had
24 the lowest bid. He stated they are recommending pipe bursting to minimize road cuts and save
25 some costs. He stated they are also including some pressurized irrigation valves to help the
26 system, because the line has to be cut anyway. He stated the other option was a saw cut, where
27 the pavement is cut the width needed to reach the pipe, and then they fix the pipe, fill the hole,
28 and patch the road.
29

30 Dennis LeBaron asked if there are any disadvantages of pipe bursting.
31

32 Tavis Timothy responded there is not really a disadvantage; it's a method they are getting really
33 good at and many cities are using it in smaller roadways. He stated they are going from an 8 inch
34 pipe to a 12 inch pipe and wouldn't be able to get much larger than that with pipe bursting. He
35 mentioned both methods require bypass pumping.
36

37 Brian Braithwaite mentioned they are able to do pipe bursting because they had grated out the
38 rocks and put in special fill so it can absorb the expansion. He stated impact fees can only be
39 used to cover the difference in growth, not the whole project.
40

41 Nathan Crane replied as part of the impact facilities analysis they had Tavis Timothy and Zion's
42 Bank meet to determine how much would be attributed to new growth based on the existing

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1 model and they feel the upsizing is all contributed to new growth. He stated they feel
2 comfortable that the project meets the impact fees criteria.

3
4 Brian Braithwaite asked for a written statement that it meets the impact fees criteria to avoid any
5 issues in the future.

6
7 Mayor Thompson replied part of it is they changed the route to accommodate new growth.

8
9 Tim Irwin clarified they would not have to upsize at all if they did not expect growth.

10
11 Discussion continued regarding the impact fees.

12
13 **MOTION: Tim Irwin moved the City Council to award the contract for construction of the**
14 **Dry Creek Sewer Replacement Project to Sterling Don Construction for the amount of**
15 **\$217,634.02 and directed staff to provide appropriate documentation from Zion's Bank to**
16 **justify the use of impact fees.**

17
18 **Dennis LeBaron seconded the motion.**

19 **Unanimous vote, motion carried.**

20
21
22 **MOTION: Authorization for use of City Owned Property at 4361 West 11000 North (SR-92) as**
23 **a Construction Staging Yard – Questar Gas.**

24
25 Nathan Crane stated the proposal is for a temporary construction yard that would last up to one
26 year on the Victor Property. He stated it would allow for temporary storage of pipe, equipment,
27 employee parking, and slurry mixing. He mentioned Questar will cover the cost of water for their
28 operations.

29
30 Rick Hellstrom, Representative of Questar Gas, stated they would like to use the property as a
31 staging yard for their Feeder Line Replacement Project.

32
33 Tim Irwin expressed his concerns with lighting and noise for the neighbors on the west.

34
35 Rick Hellstrom replied they would be using the property from 7:00 a.m. to approximately 5:00-
36 7:00 p.m. and the noise would be from equipment coming and going and the slurry operation.

37
38 Rod Mann questioned if there are currently trucks going through the property to reach the gravel
39 pit.

40
41 Mayor Thompson replied no, the road to the pit is on the east.

42
43 Discussion ensued regarding the noise.

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1
2 Brian Braithwaite questioned how this will compare to the previous user, Staker Parson.

3
4 Mayor Thompson stated their contract called for a truck to leave every 12 minutes during
5 working hours in order to be on schedule.

6
7 Brian Braithwaite mentioned there was a lot of debris they pulled out onto the road, but they kept
8 it clean after the City reminded them. He questioned if they are buying the sand from the gravel
9 pit or bringing it in.

10
11 Rick Hellstrom replied their contractor is very responsive to making sure things are cleaned up
12 and kept tidy. He responded the decision on which sand to use has not yet been made.

13
14 Tim Irwin stated his recent experience with Questar does not give him a lot of confidence that
15 they are concerned with neighborhood impact. He explained part of their project goes through
16 Alpine, bordering on Highland, and there was a request from Questar to put in a regulator and
17 make a couple of other changes without indication they cared about the concerns of the local
18 Alpine and Highland residents.

19
20 Rick Hellstrom replied he represented that project in front of the Alpine City Council and the
21 location of the meter station is an engineering function, but the request for the regulator station
22 has been withdrawn. He explained they are trying to be responsive, but it is an entirely different
23 issue than the noise and constructional operations for this project.

24
25 Tim Irwin responded it is not completely separate, but rather a matter of how they conduct
26 business, which was surprising given Questar has always been responsible. He stated when there
27 is a lack of concern in one of area; it questions the concern in another. He explained even though
28 they are no longer doing the regulator station, there are still concerns with access, noise, and the
29 possibility of a block wall.

30
31 Rick Hellstrom stated the block wall was taken out with the regulator station and there wasn't
32 any attempt by the neighbors to negotiate it. He explained there is a large pile of gravel on the
33 west side of the property which should help serve as a sound buffer.

34
35 Justin Parduhn mentioned a SWPP Plan would need to be presented to the City on how Questar
36 will control everything and that would address the roadway concerns.

37
38 Rick Hellstrom replied they have a SWPP for the project and will add this site to that plan.

39
40 Tim Irwin questioned what is being done to mitigate the regulator station that was taken out.

41
42 Rick Hellstrom stated he could sit down with Tim Irwin and explain their plans.

43

DRAFT

1 Discussion continued regarding the project.

2

3 **MOTION: Brian Braithwaite moved the City Council to direct the Mayor and staff to**
4 **negotiate with Questar Gas for the authorization for Questar Gas to use the City Owned**
5 **Property at 4361 West 11000 North (SR-92) as a Construction Staging Yard for up to one**
6 **year.**

7

8 **Jessie Schoenfeld seconded the motion.**

9

10 Mayor Thompson clarified any complaints will be forwarded to Questar.

11

12 **Unanimous vote, motion carried.**

13

14

15 **RESOLUTION: Amending Preliminary and Final Plats Review Fees – Establishing a fee for**
16 **Civil Construction Plan Review and Civic Construction Inspections.**

17

18 Nathan Crane stated the current Final Plat Review Fee is \$785 plus 1.5% of the bond. He
19 explained State law allows a City to charge fees, but not make a profit off of them. He stated the
20 1.5% was used to cover City civil costs because there is not currently an established fee for those
21 costs. He stated with the use of consulting engineers they have prepared new fees for a
22 preliminary plat, final plat, and civil plan. He explained they based the fees on experiences set up
23 to monitor over time to make sure the fees actually cover the costs incurred and broke them out
24 by lot size. He mentioned they also included the recordation costs and staff time in the final plat
25 fee. He explained they created an incentive for the developer to submit a complete set of plans
26 the first time, so there is a cost for two reviews and if they need a third review, they pay for two
27 more reviews. He stated a developer will pay the civil inspection cost of \$6,753 prior to
28 construction and then using the public work's tracking sheets they will charge an average hourly
29 rate towards the fee and if they go over that amount, the developer would owe additional money.
30 He mentioned they based the fee on an average subdivision review and staff will monitor it over
31 the next year to make sure costs are being covered. He stated Zion's Bank helped with the study,
32 so if an applicant asks for a fee justification, they could provide it.

33

34 Dennis LeBaron asked what the current fee structure is.

35

36 Nathan Crane replied the current fee structure for a preliminary plat is \$1,200 which does not
37 break it out by size. He mentioned the 1.5% of the bond could fluctuate based on the size of the
38 project and how much the developer bonds, which is the cause of most of the City's concerns.
39 He stated the initial fee will be higher, but the final plat and civil plans fees are consistent, well
40 documented, and also includes the inspection fee.

41

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1 Brian Braithwaite stated the item was really well done and questioned if they looked at the costs
2 of the surrounding cities. He explained his only concern would be if contractors were frustrated
3 that they are paying a lot more in Highland.
4

5 Nathan Crane responded they did a quick glance, but did not do a complete review. He explained
6 some cities have internal staff doing all of the work and they were focused on making sure the
7 City's actual costs were covered. He stated they can take a closer look at the other cities' fees if
8 that's what the Council would like.
9

10 Brian Braithwaite stated they should double check, just to see, but he is happy with the results.
11

12 Mayor Thompson stated he understands there needs to be a minimum cost, but expressed his
13 concern with the block jumps. He explained if they jump from 50 to 51 lots it becomes \$1,300
14 more; the better option would be to have a set amount for less than 10 lots and then an additional
15 price per lot.
16

17 Nathan Crane responded they tried to base it on the number of lots the City normally sees. He
18 stated they could readdress the issue if that's what the Council would like. He stated a big
19 portion of how the jumps were set was a result of working with JUB Engineering and Hansen,
20 Allen, and Luce. He explained they used JUB's averages and looked at where their costs go up
21 and coordinated it between the costs for City staff and the consulting staff.
22

23 Discussion continued regarding the fee schedule.
24
25

26 **MOTION: Brian Braithwaite moved the City Council to amend the fee schedule for**
27 **Preliminary and Final Plats Review Fees – Establishing a fee for Civil Construction Plan**
28 **Review and Civic Construction Inspections as presented and directed staff to report on the**
29 **status in one year.**
30

31 **Rod Mann seconded the motion.**

32 **Unanimous vote, motion carried.**
33
34

35 **MAYOR/CITY COUNCIL & STAFF COMMUNICATION ITEMS:** 36

- 37 • Future Road Projects – Discussion and Direction
38

39 Nathan Crane stated they allocated \$188,000 to spring surface treatments and staff sat down with
40 Mr. King to discuss the topic and would like some direction from the Council. He explained
41 based on what was budgeted, they still have \$326,000 unallocated for the current fiscal year. He
42 stated there are two options; one would be to continue looking at roads where a surface treatment
43 would be worth it or use some of the funds to rebuild some roads with safety concerns. He stated

DRAFT

1 Pleasant Grove City recently issued an RFP (Request for Proposal) for a 2-3 Years Surface
2 Treatment Maintenance Contract and if Highland were to do that, they would commit to a certain
3 number of funds per year which would drag down the overall cost of the surface treatment. He
4 stated staff recommends they do the maintenance contract, but the Council would need to decide
5 the appropriate level of funding. He mentioned they discussed requiring a surface treatment on
6 all new roads prior to the warranty period ending and they could tie it into the contract. He
7 explained if the City could get a better price with the contract than a developer, then they could
8 allow the developer to use the contract price or if the warranty ends in the winter the developer
9 could pay the City the contract price and the City could do it in the spring. He stated there is a
10 Road Capital Improvement Plan on the tracking sheet and staff would like some clarification on
11 the expectations. He explained his understanding of “capital” would be building a new road, not
12 necessary maintenance.

13
14 Rod Mann replied the current maintenance plan does not include rebuilds, so the capital plan
15 would be anything that requires a rebuild. He questioned what the line is between aggressive
16 maintenance and a rebuild.

17
18 Jon King stated in JUB’s report they break them down into minor and major reconstructs which
19 involve a minimum of reconstruction of the surface and a maximum of the entire paving section.
20 He stated the Council can decide where to separate maintenance and capital, but should stick
21 with a definition.

22
23 Brian Braithwaite stated anything with the surface can usually be considered maintenance, but
24 any time they dig into the road base the cost goes up significantly. He stated rebuilding the road
25 base is comparable to putting in a new road.

26
27 Jon King mentioned when they go into the road base they are usually also dealing with the
28 subgrade, which has additional costs.

29
30 Dennis LeBaron questioned if they ever strip out the pavement without doing construction on the
31 road base.

32
33 Jon King replied there are times where they need to do that and although it is not as costly as a
34 rebuild, it still has a significant cost.

35
36 Mayor Thompson asked Gary LeCheminant how they financially assess capital.

37
38 Gary LeCheminant responded once the road is installed and after \$5,000 they capitalize it and
39 use a depreciation schedule.

40
41 Rod Mann questioned if a surface treatment would be capitalized if it exceeded \$5,000.

42
43 Gary LeCheminant replied no, it would just be replacing an existing asset.

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1
2 Mayor Thompson asked John King and Gary LeCheminant to decide the categories.
3
4 Tim Irwin questioned if the remaining \$326,000 would be used for the RFP.
5
6 Nathan Crane responded no, they would use money from next fiscal year for the RFP.
7
8 Rod Mann stated there is a Five Year Road Maintenance Plan and clarified it would be
9 interconnected with the RFP.
10
11 Tim Irwin stated he is in favor of the Surface Treatment Maintenance Contract to save funds and
12 is in favor of requiring a surface treatment on new roads prior to the warranty ending.
13
14 Brian Braithwaite stated even though there would be room for adjustment; he would like an
15 outline of which roads would be covered during that time for clarity and transparency.
16
17 Nathan Crane stated a lot of work goes into getting an RFP together and that is a major
18 component, but staff did not want to spend all the time without direction from Council. He
19 explained the basis would be the Road Maintenance Plan and then staff and John King would
20 provide input and bring the list back to the Council. He stated if the Council is interested in
21 requiring a surface treatment, they will begin working with Tim Merrill to make that amendment
22 to the Ordinance.
23
24 Brian Braithwaite clarified it is not a common practice; so many developers will feel the City is
25 simply increasing their costs. He stated they want to push developers and get a fair deal, but the
26 developers should also get a fair deal and should want to build in Highland.
27
28 Tim Irwin stated it would increase the value of the homes in Highland if the roads were in better
29 condition. He explained it may drive away some developers, but homes in Highland are above
30 average, so that kind of warranty would be appropriate.
31
32 Nathan Crane stated they would give the developer a range of specs and then they can find the
33 best price for that service.
34
35 Mayor Thompson clarified it would be a treatment, not an overlay.
36
37 Jon King stated he is in favor of it. He explained looking at the 81 miles of roadway owned by
38 Highland and trying to put a surface treatment on 1/5 every year (to get through the rotation in
39 five years), it would be approximately \$500,000-600,000 a year. He stated there are two different
40 approaches being proposed: keep everything above a PCI 55 or primarily focusing on
41 preventative maintenance. He mentioned the State targets 3% of their constructed pavement
42 system for yearly maintenance and if the City tried to do 3% using approximately \$3.50 per
43 square foot and 30 feet wide roads, it would be about \$1.3 million a year. He explained putting

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1 most of their money into preventative maintenance would make everything below PCI 55 slowly
2 deteriorate until it is poor or failed and needs to be reconstructed. He stated ideally they would
3 get to the point where the City can fund a variety of projects until the City reaches PCI 70 or
4 higher and can just do regular maintenance. He stated this year he is in favor of putting as much
5 money into surface treatments as possible and then dealing with reconstructs.

6
7 Rod Mann questioned how much it would cost to reconstruct the roads with the biggest safety
8 concerns.

9
10 Nathan Crane recommended staff meet with Mr. King and look at the surface treatment projects
11 and safety concern projects and prioritize them and get general costs, then bring it back to the
12 Council and see how far the money would go.

13
14 The Council stated they are heading in the right direction.

15
16
17 • Country Club Road Issues – Discussion and Direction

18
19 Jody Bates stated this item is still on the “To Do List” and staff would like some direction.

20
21 Dennis LeBaron stated he went out and asked the residents within the subdivision how they felt
22 and although there were some mixed feelings; most along the road in discussion favored a speed
23 hump. He stated those in the col-de-sacs favored a flashing speed sign and there was one that
24 stated they need more police surveillance, because it is the least expensive. He mentioned that
25 resident stated they have never seen a ticket issued on that road in twenty years. He stated he will
26 send the data to the Council. He stated he did not ask them if they would be willing to help pay
27 for the speed humps or flashing signs.

28
29 Rod Mann mentioned one option that was discussed was painting crosswalks or stripes on the
30 road, which could potentially reduce the speed.

31
32 Brian Braithwaite questioned regarding placing a stop sign at the intersection by the church.

33
34 Aaron Palmer replied staff is already planning on placing a stop sign there.

35
36 Brian Braithwaite stated they would like to find a way to reduce the problem without spending a
37 lot of money. He expressed his concern that if they put humps on the road a lot of residents will
38 come back with complaints and want to have it removed. He stated they want the residents see a
39 difference, so they need their input.

40
41 Ed Barfuss stated the most dangerous area is by the church heading both east and west.

42
43 Rod Mann stated another option they discussed was lowering the speed limit to 20 mph.

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1
2 Ed Barfuss responded it might help, but 95% of people obey the speed limit, the problem is the
3 other 5% going 45 mph.

4
5 Tim Irwin expressed his concern with punishing the 95% with a speed hump.

6
7 Ed Barfuss replied they would be fine going over a speed hump at 20 mph, but a speed hump
8 would cause the others to slow down.

9
10 Mayor Thompson asked where the preferred locations would be for flashing speed signs.

11
12 Discussion ensued regarding locations.

13
14 Justin Parduhn mentioned there is not money budgeted for the signs, so that would need to be
15 determined.

16
17 Brian Braithwaite stated it should come out of the road fund.

18
19 Rod Mann clarified there are two road funds; one for streetlights, signs, and curbs, etc. and
20 another for road maintenance.

21
22 Justin Parduhn stated this would considerably deplete the budget for streetlights, signs, etc. He
23 stated there is only about \$5,700 currently in the budget, which would not cover the \$6,000
24 needed for both signs.

25
26 Aaron Palmer explained they will bring it back as part of the major budget adjustment.

27
28 Brian Braithwaite stated he would prefer to put two stop signs at the intersection making it a four
29 way stop; one facing east and one facing west.

30
31 Mayor Thompson stated one stop sign would need to be placed further back for those leaving the
32 Country Club.

33
34 Discussion continued regarding the speeding issue.

35
36 Brian Braithwaite and Tim Irwin stated a speed hump would be their last option and Dennis
37 LeBaron stated it would be his first option.

38
39 Mayor Thompson explained the least intrusive option would be to place a stop sign facing the
40 entrance from the Alpine Highway at the intersection by the church and placing another stop sign
41 where the road forks coming from the Country Club.

42

DRAFT

1 Tim Irwin stated stop signs will make a lot of residents unhappy and Dennis LeBaron stated he
2 mentioned stop signs when he went door to door and none of the residents were in favor of them.

3
4 Justin Parduhn recommended they do a four way stop if they decide to go with the stop signs.

5
6 Jessie Schoenfeld stated the Country Club claimed they would support the City in anything they
7 decided to do, so the Council should ask them to help cover the costs of the flashing speed signs.

8
9 Tim Irwin and Jessie Schoenfeld volunteered to talk to the Country Club.

10
11 The Council was in favor of planting two flashing sign after speaking to the Country Club.

12
13
14 • Highland Conservation Water Shares – Discussion and Direction

15
16 Mayor Thompson explained when the Highland Conservation District was established and the
17 dam was built, it became project water, meaning it would be used to pay off the project. He
18 stated the water allocation was 1.7 acre feet per acre and all of the other cities formed a
19 metropolitan district. He explained Highland applied for an area outside of the cities from North
20 Orem to the point of the mountain, which became the Highland Conservation District (5010 acre
21 feet). He stated the Highland Conservation District has created three different designations for
22 their acre feet allotment. He explained originally the City accepted 1 acre foot as an allocation
23 that would meet the requirement of stored water towards the person's participation in the
24 secondary system. He stated when the canal was constructed, they indicated they would save
25 10%, and pay for the construction of the canal pipeline with the contained water. He explained
26 people have been bringing shares where they did not pay for the contained water and since the
27 beginning the City has really been accepting 9/10th of an acre foot where 10% is being lost to
28 seepage and evaporation. He stated if someone brings a share that has the 10% taken out; it is
29 identical to what the City is already accepting. He explained the proposal is that they accept any
30 share in that category as the same allotment, and if they bought that 10% they can provide it as
31 additional water, because technically the City is already buying that 10% for every prior
32 contribution. He mentioned it would be a B share, meaning the 90%, which would satisfy the
33 same allotment as everyone else has paid and if they bring in an A share, meaning they paid the
34 assessment in full, they can then use the 1/10th as an additional water right. He stated this won't
35 change anything; it just informs the Council of the procedure that has always been done and will
36 help keep things in line.

37
38 Jody Bates questioned what happens to those who are still paying on the 10% percent.

39
40 Mayor Thompson stated if they are paying it, they are still on their third or fourth year of a 25
41 year contract, so all they would have is a small amount of equity. He stated it would make no
42 sense to accept it, unless the City gives them the equity they have.

DRAFT

1 Brian Braithwaite stated they have discussed allowing new developers to purchase the 10%
2 collected by the City.

3
4 Jody Bates responded the City does not own the 10% until they pay the assessment off after 21
5 years. She stated the City is still paying on that amount.

6
7 Brian Braithwaite replied if the City has shares, the developers can pay them for that amount
8 which would contribute to paying off the shares. He mentioned even if the City has not paid it
9 off, they have the allocation, so the City could use it and in this case the developer would buy it
10 and the City would just apply the money to the payment.

11
12 Jody Bates stated right after the canal was piped, the Provo River Water Users allowed
13 individuals to prepay the 25 year assessment, and some did which are now considered A shares
14 and those who are paying it over time are the B shares. She stated the D shares are those who
15 never bought the 10%.

16
17 Discussion continued regarding the shares.

- 18
19
20 • Park Use – Discussion and Direction

21
22 Jody Bates stated the Council has had multiple discussions and staff would like some direction.

23
24 Rod Mann stated his recollection is that they will leave things as they are, and sometime during
25 the next year they will finalize a plan.

26
27 Brian Braithwaite stated it would be helpful for staff to give a recommendation on how they
28 think the Council should apply rules and signage to the current parks.

29
30 Dennis LeBaron stated the staff and Council should decide what parks should be designated to
31 hold practices.

32
33 Rod Mann replied they already discussed practices, but if they are going to allow them, they
34 need to decide what days and times.

35
36 Brian Braithwaite mentioned the parks, the cost, and the scheduling should be included in the
37 proposal from staff.

38
39 Mayor Thompson stated on the “To Do List” they should put they have been given more
40 direction and leave it on the list until the issue has been resolved.

41
42 Brian Braithwaite asked for an update on the equipment building.

DRAFT

1 Mayor Thompson stated they are going to submit plans for the property on West Park Road to
2 the State and that is where the building will be if they allow it.

3
4 Jessie Schoenfeld stated the Council did not make a decision to place the building there and
5 stated she is not in favor of that location.

6
7 Mayor Thompson responded the Council gave the Mayor an assignment to move the item along,
8 and if the Council does not want to put the shed there, they will not.

9
10 Tim Irwin mentioned the Council was discussing an area by City Hall and questioned what the
11 update is on that.

12
13 Mayor Thompson replied it is Option 2, so if the Council does not have an interest in West Park
14 Road, they will pursue that option. He stated the building would be 5,000 square feet, and the
15 current building is 3,600 square feet. He explained he does not believe it will meet the entire
16 needs of the City at build out, but it will be difficult to even get that size of a building pass the
17 State. He stated the State claims it cannot be a regional facility; it has to be a building primarily
18 used for that park.

19
20 Brian Braithwaite asked if there will be two sites where they will keep the equipment instead of
21 one.

22
23 Mayor Thompson mentioned the fertilizer is currently not being stored in the HW Building. He
24 clarified the State has to give their permission, because it is 6F property, meaning federal money
25 was put into the property. He stated they have to say what is allowed and a building that is
26 specific for that park is allowed.

27
28 ~~Jessie Schoenfeld asked if they are not telling the State the truth.~~

29
30 ~~Jessie Schoenfeld asked if the information they were giving the State regarding the use of the~~
31 ~~property and use of the proposed building is complete and correct~~

32
33 ~~Mayor Thompson stated he has lied to the State his whole life and they lie to him every time they~~
34 ~~get the chance. He stated if they are discussing lying, then the park was also a lie. He explained~~
35 ~~they told them it would be maintained by the State and it was only done for two years, then the~~
36 ~~County took it over and then the City took it over.~~

37
38 ~~Mayor Thompson indicated he submitted information to the State that would allow the city to~~
39 ~~receive approval. He feels since the park is owned and maintained by the city and no longer by~~
40 ~~the state the city has the right to put a maintenance facility there as needed.~~

DRAFT

1 Dennis LeBaron stated he is in favor of sending the proposal to the State.

2

3 Tim Irwin questioned what was decided on the agreement to share a building with Cedar Hills.

4

5 Mayor Thompson stated it was ranked out, because of trying to road the equipment in and out of
6 the facility. He mentioned the bridge isn't designed for anything wider than a truck and there is a
7 weight limit.

8

9 Josh Castleberry stated this would allow them to consolidate everything in one location. He
10 explained putting the building on West Park Road will give staff the biggest opportunity,
11 because there is more property available. He mentioned there is the conflict with the State, but it
12 would be the best option.

13

14 Rod Mann questioned if a wall would be placed at the property lines.

15

16 Josh Castleberry responded it would be best to build a fence, but right now they are looking at
17 asphalt grindings and this would be a building with a paved parking lot. He stated it would be an
18 easy location to get deliveries and is the only facility big enough, without having to obtain more
19 property.

20

21 Tim Irwin asked Jessie Schoenfeld what her objection is to that location.

22

23 Jessie Schoenfeld responded it would take away from the beautiful park.

24

25 Discussion ensued regarding the different locations.

26

27 Dennis LeBaron stated he thinks it would be a good location for the building, because of its close
28 proximity to the Alpine Highway.

29

30 Tim Irwin questioned what the impact will be to the surrounding residents.

31

32 Rod Mann stated they are currently looking at a dirt pile, but they will definitely feel like there is
33 an impact.

34

35 Brian Braithwaite stated no matter what they do, there will be feedback from the residents.

36

37 Jody Bates stated this item was not on the agenda; the discussion is becoming too in depth and
38 the public should be notified.

39

40 Tim Merrill proposed the Mayor send the plans to the State and put the item on the next agenda
41 and hopefully they will have a response from the State by then.

42

DRAFT

1 Brian Braithwaite suggested they also speak to the Jordan Valley Water District about the
2 property near the City Hall.

3
4 The Council was in favor of sending the plans to the State and speaking to Jordan Valley.
5

6

7 **ADJOURNMENT**

8

9 **MOTION: Tim Irwin moved to adjourn.**

10

11 **Jessie Schoenfeld seconded the motion.**

12 **Unanimous vote, motion carried.**

13

14 Meeting adjourned at 10:40 p.m.

15

16

17

18

JoD'Ann Bates, City Recorder

19

20 Date Approved: January 6, 2015

Draft

MINUTES HIGHLAND CITY COUNCIL MEETING

Tuesday January 6, 2015

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

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Jessie Schoenfeld
Councilmember Rod Mann

STAFF PRESENT: Aaron Palmer, City Administrator
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
JoD'Ann Bates, City Recorder
Justin Parduhn, Public Works O&M Director
Brian Gwilliam, Chief of Police
Tim Merrill, City Attorney

OTHERS: Deborah Mecham, Reece DeMille, Alissa Dailey, Johnathan Ward, Dawn Beagley, Terry Johns, Adam Stevenson, Jacob Stevenson, Nathan Clauson, Rob Clauson, Christian Larsen.

The meeting was called to order by Mayor Mark S. 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 Rod Mann and those assembled were led in the Pledge of Allegiance by Scout Jacob Stevenson.

APPEARANCES:

None

CONSENT ITEMS:

2. Approval of Meeting Minutes for City Council Regular Session – November 18, 2014

Pulled by Tim Irwin

Draft

1 **3. Approval of Meeting Minutes for City Council Regular Session – December 2, 2014**

2
3 **MOTION: Tim Irwin moved the City Council approve the Meeting Minutes City**
4 **Council Regular Session for December 2, 2014.**

5
6 **Dennis LeBaron seconded the motion.**

7 **Unanimous vote, motion carried.**

8
9
10 **ACTION ITEMS:**

11
12 **4. MOTION: Utah Valley Dispatch SSD – Approval of Dispatch Building Agreement**

13
14 **Background:** Highland City is one of nineteen members that comprise the Utah Valley Dispatch
15 Special Services District. The District provides Police, Fire and 911 dispatching services. The
16 District currently uses a small portion of the Utah County jail facility for its operations. At this
17 time, the District has out grown its current location and needs a new, larger space to
18 accommodate current and future operational needs. The district went out to bid for architectural
19 and design services. The winning bid designed a facility that will meet the current and a portion
20 of the future needs of the District. There will be room to expand in the future as growth occurs.
21 The cost of the facility is \$3.5 million. The City's share of the building costs are \$196,397
22 which is 5.61% of the total building costs.

23
24 Debbie Mecham, Director of the Utah valley Dispatch addressed as to the current facility and the
25 operational needs regarding the dispatch building as stated in the background information. She
26 also stated population had doubled from 2000 to 2010 and is projected to double again by 2030,
27 the workload is also projected to double by 2030 for the area that Utah Valley Dispatch serves.
28 It has been determined the acreage needed is 1-1 ½ acres with a building of 13,000 square feet in
29 size, the current building size is 4,000 square feet. Bonding of the facility was discussed; there
30 were numerous cities that did not want to go in that direction they would prefer to pay for the
31 costs directly. She concluded the costs are calculated on 10 % population and 90% on call
32 volume.

33
34 Brian Braithwaite indicated he has had the opportunity to tour the current facility and strongly
35 echoed the need for a new facility; he was impressed with dispatch being able to work within the
36 constraints of the current facility and supports the request for a new building.

37
38 Discussion regarding daily Dispatch operations continued.

39
40 Debbie Mecham stated the design phase is already in progress, an architect has been hired. Their
41 goal is to have construction bids out by spring and break ground by early summer. With the
42 timeline that has been worked up they are hopeful to move in buy August 2016.

Draft

1 Gary LeCheminant, City Finance Director asked how sure are they that this will only close the
2 3.5 million and they won't be coming back with an extra amount above that projected.

3
4 Debbie Mecham stated when they do a project like this there is a budget you start with and you
5 try to make it work within that budget. Her goal at the director is that they don't exceed that
6 amount. They are currently verifying the budget numbers so that if there is anything different it
7 can be taken back to the board for discussion. They do have a fund balance that has been
8 building of 2.8 million and they are putting 1.8 million towards this project.

9
10 Dennis LeBaron inquired what the life span of the proposed building is projected to be.

11
12 Debbie Mecham responded they have entered into a 50 year lease with the County for the land
13 with an option for an additional 15 years, the building itself will be owned by the district. They
14 anticipate that it will last as long as the lease is in place.

15
16 **MOTION: Tim Irwin moved the City Council approve the agreement between Highland**
17 **City and Utah Valley Dispatch Special Services District (UVDSSD), for the construction of**
18 **a new dispatch facility, and authorize the Mayor to sign said agreement and to notify**
19 **UVDSSD that the city will make two (2) equal payments. Funds to be taken from the**
20 **accumulative carryover general fund of the fiscal year 2014-2014 budget in the amount of**
21 **\$98,198.50.**

22
23 **Rod Mann seconded the motion.**
24 **Unanimous vote, motion carried.**

25
26
27 **5. MOTION: Republic Services/Allied Waste – Approval of Contract Extension**
28

29
30 **Background:** The City's current vendor for solid waste and recycling services is Republic
31 Services/Allied Waste. Republic Services has approached the City in regards to extending its
32 current agreement. The current contract expires on June 30, 2015. The City and Republic
33 Services have had an excellent relationship. The City was approached by Republic for a five
34 year contract extension. At the October 21, 2014 City Council meeting, Republic Services went
35 over all services provided. After some discussion the City Council agreed that Republic should
36 work with City staff on a contract extension and then bring that proposed agreement to the City
37 Council. Republic is proposing no increase for fiscal year 2015-2016. There will be a one
38 percent (1.0%) increase in fiscal years 2016-2017 and 2017-2018. Then there will be a two
39 percent (2.0%) increase in fiscal years 2018-2019 and 2019-2020. The City Attorney has
40 reviewed the proposed agreement.

41
42 Terry Jones, resident of Highland and employee of Ace Disposal voiced his concerns with the
43 current proposal for extending garbage services. The cities current trash bid with Republic

Draft

1 Services will expire in June and he feels the city should go out for bid with other providers to get
2 the best service. There are cities around Highland that in the last two year went out for bid and
3 ended up retaining the same provider but at a discounted rate saving the cities money. In many
4 cases the type of trucks used and the fuel charges can vary. He feels the best thing to do is a free
5 and open bidding process. With his knowledge he can tell the council that prices go up for
6 commercial but do not go up for the cities.

7
8 Brian Braithwaite asked Terry's to explain his last statement regarding cost for cities versus
9 commercial and how it would benefit the city go out for bid.

10
11 Terry Jones stated the cost goes up for commercial due to the competitive nature of what is out
12 there for commercial. As a city they are more competitive. He indicated he will not go into the
13 landfill issue, but fills the city has nothing to lose by going out to bid.

14
15 Reese DeMille, Republic Services appreciates the comments made by Terry, he knows and
16 respects him. He indicated their prices are public information and anyone can see what they
17 have bid on throughout the state. He feels their reputation and service and where the city is
18 currently provides the city well. He feels they have put it all on the table, they have a
19 community relations representative that works directly with the city and feels they provide a top
20 service.

21
22 Rod Mann questioned if the prices would go down or possibly up in the bidding situation.

23
24 Reese DeMille responded that there are risks both ways. The information was provided to the
25 City Administrator and he feels he has done his homework with current bids that are out there
26 and feels they are right in line.

27
28 Aaron Palmer, City Administrator stated that he did look at current bids and feels the contract is
29 in line and from a service standpoint residents are receiving the best service possible.

30
31 **MOTION: Brian Braithwaite moved the City Council continue this item to February 3,**
32 **2015 City Council Meeting and directed the City Administrator to contact other cities in**
33 **order to receive comparables, and provide to the Council the pros and cons of other**
34 **providers.**

35
36 **Jessie Schoenfeld seconded the motion.**

37 **Unanimous vote, motion carried.**

38
39
40 **6. RESOLUTION: Bond Re-finance – 2006 Building Bond**

41
42 **Background:** In 2006 Highland City issued Sales and Franchise Tax Revenue Bonds to finance
43 the building of the Fire and Police Stations. The original amount of the bonds was \$6,000,000.

Draft

1 The outstanding balance at this time is \$4,195,000. The amount of the bonds to be refinanced is
2 \$3,645,000. The \$550,000 difference is because we will still make the normal principal
3 payments for the bonds due 9/1/2015 and 9/1/2016, which are \$270,000 and \$280,000
4 respectively. Zion's Bank approached Highland City in October of 2014 showing that we could
5 save money by refinancing the 2006 bonds. Bank of Utah showed an interest in purchasing the
6 entire refinanced bonds with a 45 day guaranteed interest rate lock if Highland committed to sell
7 them the bonds. The latest analysis from Zion's Bank dated December 23, 2014 has the Direct
8 Placement bonds to be purchased by Bank of Utah, saving Highland approximately \$150,000
9 over the remaining life of the bonds. The Market Underwriting method shows Highland saving
10 \$139,000. Rates have increased slightly since the last City Council meeting where the Market
11 Underwriting analysis showed Highland saving more money at that time. Since rates have gone
12 up, the Direct Placement method shows more savings. The amount of principal Highland would
13 be refinancing is \$3,966,000 which is \$321,000 higher than the existing principal on the bonds.
14 However, the amount of interest saved by the refinanced bonds over the remaining life of the
15 existing bonds would be about \$475,000. The difference between the increased principal and the
16 increased interest savings makes up the total payment savings of \$150,000 (amounts are
17 rounded).

18
19 Gary LeCheminant, Finance Director stated they wanted to front load the savings in order to
20 save this fiscal year \$65,000., next fiscal year \$63,000., 2017 the savings will be \$22,000., then
21 the rest of the 9 years after that is negligible. If they go with direct placement the deal can be
22 done by next week and bonds will be paid off. If they go with Market Underwriting it will take
23 8-12 weeks and is subject to an interest rate game over the years. Either way we are given the
24 funds we want, it would go into an escrow account to pay off the old bonds and that's no longer
25 on our financials.

26
27 Discussion continued with Johnathan Ward of Zion's Bank regarding current and projected
28 interest rates that could possibly affect the Market Underwriting option. Johnathon also
29 indicated there is upfront costs by going with the Market Underwriting option.

30
31 **MOTION: Rod Mann moved the City Council approve Resolution R-2015-01, authorizing**
32 **the issuance and sale of not more than \$4,000,000 aggregate principal amount of the sales**
33 **and franchise tax revenue refunding bonds, series 2015; fixing the maximum aggregate**
34 **principal amount of the bonds, the maximum number of years over which the bonds may**
35 **mature, the maximum interest rate which the bonds may bear, and the maximum discount**
36 **from par at which the bonds may be sold; delegating to certain officers of the issuer the**
37 **authority to approve the final terms and provisions of the bonds within the parameters set**
38 **forth herein; providing for the publication of a notice of bonds to be issued; providing for**
39 **the running of a contest period; authorizing and approving the execution of a supplemental**
40 **resolution, a bond purchase agreement, and other documents required in connection**
41 **therewith; authorizing the taking of all other actions necessary to the consummation of the**
42 **transactions contemplated by this resolution; and related matters.**

Draft

1 **Dennis LeBaron seconded the motion.**

2
3 **Those voting aye: Brian Braithwaite, Dennis LeBaron, Tim Irwin, Jessie Schoenfeld and**
4 **Rod Mann.**

5 **Motion carried.**

6
7
8 **7. NOMINATION: Mayor Pro-Tempore**

9
10 **Background:** In all municipalities, the Mayor shall be the chairman and reside at the meetings
11 for the governing body. In the absence of the Mayor or because of his inability or refusal to act,
12 the governing body may elect a member of the governing body to reside over the meetings as
13 Mayor Pro Tempore. Councilmember Brian Braithwaite had been serving as Mayor Pro
14 Tempore during 2014. Traditionally, the City Council selects a Mayor Pro Tempore at the
15 beginning of each year. This action is done pursuant to Utah Code, Annotated 10-3b-302(2)

16
17 **Nomination: Brian Braithwaite nominated Tim Irwin as the Mayor Pro-Tempore for the**
18 **2015-2016 calendar year**

19
20 **Rod Mann seconded the motion.**
21 **Unanimous vote, Motion carried.**

22
23
24 *Approval of Meeting Minutes for City Council Regular Session – November 18, 2014*
25 *Pulled by Tim Irwin*

26
27 Mayor Thompson wanted to address an issue that Jody had brought to his attentions and that was
28 that of what it that the council wants in the minutes is. There are certain requirements that are by
29 law but it seems the minutes are getting too lengthy with repetitive information. What Jody is
30 looking for is guidance from the council along with information from the attorney as to what
31 they do have to have in the minutes. As far as the change in the November 18, 2014 minutes
32 regarding his statement, upon discussion with the attorney he feels it did not give any latitude to
33 the voting. He would like to qualify what he said. The mayor gave some craniology to the park
34 stating the State owned it to begin with, the County then owned it and now the city owns the
35 parka and is responsible for the maintenance and expense. He feels they state misrepresented
36 what they were going to do with the park and the city ended up with it.

37
38 Tim Merrill quoted from the Utah State Code 52-4-203, minute requirements. Although
39 recorded minutes are required, written minutes control.

40
41 Jody Bates indicated that all audio is now being uploaded to both the state website and the city
42 website. Jody explained some changes she would like to make to the minutes that would include

Draft

1 a background to the item which would then set the standard to the discussion and what would be
2 in the minutes. The Council is still the approving body over the minutes.

3
4 Rod Mann and Tim Irwin commented they agree that shorter is better and long as the important
5 substance and relevant information is still part of the minutes.

6
7 Jessie Schoenfeld commented she is comfortable with adjusting the minutes from here on out but
8 feels those two paragraphs in the November 18, 2014 minutes need to remain as written because
9 that is what was said and she feels it was pertinent to what was being discussed.

10
11 Rod Mann inquired if the wording could be rephrased to keep the content but not so bold, he
12 feels what was said does not have long term value.

13
14 **MOTION: Brian Braithwaite moved the City Council continue the approval of the Meeting**
15 **Minutes of the City Council Regular Session for November 18, 2014 to the next meeting.**

16
17 **Rod Mann seconded the motion.**
18 **Unanimous vote, motion carried**

19 20 21 **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

22 *(These items are for information purposes only and do not require action or discussion by the City Council)*

23
24 • Mayor Thompson reviewed the information chart. The Mayor continued by providing
25 ranking information to the council regarding the park maintenance building. (Attached)

26
27 Jessie Schoenfeld asked if the application that was sent to the State included all information and
28 was inclusive enough for them to approve the application knowing what was proposed to be in
29 the building and what that building was going to be used for.

30
31 Mayor Thompson stated his email said this park represents 80 acres of our total park amount, the
32 work is done primarily by volunteers and we need storage for specific things. The state wanted
33 to make sure this was not our only facility which it is not.

34
35 Dennis LeBaron questions if there were any relative feel for which site is preferred more than the
36 other.

37
38 Justin Parduhn stated in his discussion with Park Superintendent Josh Castleberry, they felt the
39 West park road site would be preferred.

40
41 Jessie Schoenfeld inquired if they could build the building with the amount of funds they have
42 without going over budget.

Draft

1 Discussion continued regarding the cost of the building dependent on the type of building and
2 the amenities included.

3
4 Brian Braithwaite stated he would like to move forward with West Park Road but has two
5 concerns. 1) Cost and, 2) Time, they will need to go through legal cycles with neighbors and the
6 State. If it takes a longer timeframe than what they have in the current location, what would they
7 do in the meantime with the current storage? He feels that by using currently city owned
8 property would allow them to move along quicker.

9
10 Tim Merrill feels there is a fine line between informational and discussion and feels when there
11 is dialog and discussion to this extent is should be placed on the next agenda and noticed
12 properly in order to allow an in depth discussion.

13
14 Mayor Thompson stated that trying to have two uses on one site, you will never get his support
15 for that type of discussion.

16
17 Dennis LeBaron agreed and asked it be placed on the next agenda for further discussion.

18
19 • Brian Braithwaite inquired if the Mayor had received an email from the Utah league of
20 Cities and Towns through a collation to get more road tax for construction asking each city
21 donate.

22
23 Mayor Thompson stated he had not seen anything and will look into it. He is reluctant to jump
24 onto everything they propose but will look for the proposal, but he feels there are other options to
25 raise the funds.

26
27 • Dennis LeBaron inquired of the interest of having a work session for goals for this year.

28
29 Mayor Thompson suggested each member compile areas they would like to discuss, they will
30 then narrow them down and set an agenda and a date for a work session.

31 32 33 **ADJOURNMENT**

34
35 **MOTION: Brian Braithwaite moved to adjourn.**

36
37 **Tim Irwin seconded the motion.**
38 **Unanimous vote. Motion carried.**

39
40 Meeting adjourned at 9:17 p.m.

41
42
43 _____
JoD'Ann Bates, City Recorder

Draft

1
2 Date Approved: January 20, 2015
3



CITY COUNCIL AGENDA REPORT

Item #6

DATE: Tuesday, January 20, 2015

TO: Members of the City Council

FROM: Mayor Mark S. Thompson

BY: JoD'Ann Bates, City Recorder

SUBJECT: Ratifying the Re-Appointment of Christopher Kemp to the Highland City Planning Commission.

STAFF RECOMMENDATION:

Mayor Mark S. Thompson is recommending that the Highland City Council ratify the Re-Appointment of Christopher Kemp to the Highland City Planning Commission.

BACKGROUND:

Mayor Thompson feels the experience and background Chris has will continue to be an asset to the Planning Commission.

Chris Kemp has recently been serving on the Planning Commission since 2011. Chris has lived in Highland over 6 years and has worked as a Real estate Agent and previously served on the Transportation Committee. This appointment will expire in February 2019.

This appointment will enable the Planning Commission to continue with meetings and recommendations to the City Council.

FISCAL IMPACT:

Planning Commissioners are paid \$56 per meeting attended and is budgeted from GL 10-52-15.

ATTACHMENTS:

1. Volunteer Statement of Chris Kemp



Ca

RECEIVED

JAN 12 2010



Highland City • 5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 ext. 4523 • 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: Attention: Community Enhancement Coordinator

Name Christopher D. Kemp Date January 6, 2010

Phone number 8 [REDACTED] Email address [REDACTED].net

Residence address [REDACTED] Highland Utah 84003

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? 2 years 8 months

Occupation Real Estate

Education BS Degree in Construction Management BYU 1995, minors in Business and Spanish

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

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: I served on the planning commission in Eagle Mountain, Utah for over 4 years. I also served on the public works board for over 2 years while the city was very young and in the planning stages.

I have been involved in commercial and residential construction and planning for over 20 years. I have managerial experience on large projects exceeding \$400 million, i.e. project engineer for Micron facility in Lehi Utah and project engineer for the BYU Underground library expansion project.

Please state why you would like to serve: I like to be involved in my community and I feel I have the experience to help plan a safer, more enjoyable community for all to enjoy and benefit from.

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

Additional comments: I am currently serving on the transportation committee.

Please select your interest:

- Arts Council
- Tree Commission
- Beautification
- Youth Council
- Highland Fling
- Other P.C.

Submittal of a Statement of Interest does not guarantee an appointment to a committee.

Parks Maintenance Building location ranking

1. West Park Road

Pro's

- a. Location (centrally located)
- b. Size of property (room to expand and store mulch and chippings)
- c. Least impact and visibility to neighbors
- d. We are already storing asphalt millings there

Con's

- a. Vandalism
- b. Neighbor opposition

2. Old City Hall Addition

Pro's

- a. Central location
- b. Use of some of the existing utilities
- c. Access in and out

Con's

- a. Mixed use may not work or become a problem
- b. School traffic
- c. Room for expansion
- d. Neighbor opposition

3. Town Center

Pro's

- a. Central Location
- b. Access in and out
- c. Only have neighbors on south side separated by ditch

Con's

- a. Need to purchase land for expansion
- b. Utilities into building
- c. Additional cost because building may have to look a little fancier in that area
- d. Neighbor opposition

West Park Road

Pros

- 1 Access
- 2 Room For Expansion (reason for 1 Choice)
- 3 Location
- 4 Yard Room, Storage, Bins for Topsoil, Mulch, Decorative Rocks, Soft Fall (for Playgrounds)

Cons

- 1 State
- 2 Cost for utility's such as Power & Gas
- 3 Possibilities of vandalism
- 4 Cost for Bathrooms, Lunch Room, Office Space
- 5 Opposition Possibilities
- 6 Best Use of that Land?

Community Center

Pros

- 1 Access
- 2 Location
- 3 Cost Bathrooms, Lunch Room, office space already exist
- 4 Cost AC & Heat already there in lower level of Community
- 5 Cost for Utility's Power & Gas
- 6 More Visibly less chance of vandalism
- 7 Someone there to take care of Community Center
- 8 Best use of Land
- 9 All around cost to build, would be less
- 10 Parking Lot could become a LITTLE bigger a few more Stalls for community center

Cons

- 1 Expansion
- 2 School Traffic
- 3 Opposition Possibilities
- 4 Fire Protection Needed ?
- 5 Yard Room, Storage, Bins for Topsoil, Mulch, Decorative Rocks, Soft Fall (for Playgrounds)

Town Center Meadows

Pros

- 1 Access
- 2 Location
- 3 More Visibly, less chance of vandalism

Cons

- 1 Need Property from Jordan Valley in order for it to work
- 2 Cost for utility's such as Power & Gas
- 3 Added cost does it need to look like City Center Building
- 4 Cost for Bathrooms, Lunch Room, Office Space
- 5 Opposition Possibilities
- 6 Cost for Piping Ditch's
- 7 Expansion
- 8 Yard Room, Storage, Bins for Topsoil, Mulch, Decorative Rocks, Soft Fall (for Playgrounds)

