

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, March 17, 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: Sean McAleavy, Zack Blackhurst, Jake McAleavy, Luke Corbett, Tyler Rippy, Alex Aagard, Dresden Melendez, Everett Saunders, Luke Sorensen, Todd Saunders, Lanten Hult, John Frickson, Rees Berrett, Hunter Allphin, Camden Euloe, Jake Tilletson, Shane Davenport, Bryan Berrett, Katherine Siggard, Kipley Siggard, Rob Gulbrandson, Jeff Beer, Mike Privett.

The meeting was called to order by Mayor Mark S. 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 Rod Mann and those assembled were led in the Pledge of Allegiance by Alex Aagard, a scout.

APPEARANCES:

No appearances.

PRESENTATION: Mike Kennedy – Legislative Update

Mike Kennedy stated he is the State Representative for this area and he appreciated the opportunity to address the Council. He had the opportunity to visit with a few of the Council and appreciated them contacting him and giving him their inputs and opinions. Mike explained the legislature faced some interesting issues this past session some of which were:

- Gas Tax: The bill that was approved was a very complex bill and approved at the last minute. The bill did pass with a .5 cent increase on the gas tax – a portion of that will be allocated to the local municipalities. He did not vote in favor of the bill due to the finalized bill being proposed at the last minute.
- Property Tax increase: This will go to the school districts and local citizens in the Alpine Districts will probably pay a small increased amount. It will affect Park City and Summit school districts the most. The bill passed, he did not vote for this bill.
- There were issues regarding LGBT protection and religious freedoms. The bill passed, he did not vote for that bill.
- Balance budget amendments for the State.
- They raised public education funding over 200 million dollars.

Mike commented these were just a few of the bills that were discussed and he would be open to any questions the council may have.

Brian Braithwaite inquired how they get the state to not drop bills and changes at the last minute like what happened with the transportation bill.

Mike Kennedy stated that one of the interesting dynamics is the Senate likes certain things and the House likes certain things. A bill going back and forth takes time and debates to come up with something both can agree on. They have a lot of young, new individuals in the House and with a first year speaker it was a little less organized.

Tim Irwin inquired as to the final result of the referendum timeline bill.

Mike Kennedy indicated they passed 528 bills and he is not aware of the exact results of that bill. He would be more than happy to look into it and get back with him.

Mayor Thompson thanked Mike Kennedy and his willingness to take the time to address the council, they appreciated his comments.

CONSENT ITEMS:

MOTION: Minutes for the March 3, 2015 Regular City Council Meeting

RESOLUTION: Approval of Surplus Public Property

MOTION: Ratification of Appointment of Chairman to the Highland Fling Committee

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

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

PUBLIC HERARING: Annexation of 37.18 acres of Real Property – Northeast corner of Highland Boulevard and 11800 North.

BACKGROUND: *On February 3, 2015 the City Council adopted a resolution declaring an intent to annex the above referenced property. The resolution allowed staff to complete the noticing requirements to hold a public hearing at tonight's meeting. Typically, the Council would make a decision regarding the annexation at this time. However, the applicant is requesting that the Council only hold the public hearing at this time and consider formal action on the annexation at a later date. The property owner has submitted an application for a Planned Development (PD) District which is currently under review by staff. It was anticipated that the annexation and PD District would be considered concurrently. However, the proposed PD District is being revised by the application. A neighborhood meeting and public hearing before the Planning Commission will also be held prior to Council consideration.*

Mayor Thompson opened the Public Hearing.

Hearing no comments Mayor Thompson closed the Public Hearing and turned the item back to the Council for any further discussion.

Tim Irwin inquired if the city can accommodate the annexation in terms of city services and infrastructure.

Nathan Crane responded in 2002 this area was included in an adopted annexation policy plan which designates the areas the city is planning to serve. It has been included in the capital plans for infrastructure.

Rob Gulbrandsdson, co-applicant of the project stated they met with the Planning Commission and they picked up on some items that were mentioned by them. They have gone back and done some re-design and are ready to re-submit a newer design. They are working to get back on the schedule for the annexation as soon as possible.

ACTION ITEMS:

MOTION– Request for two PI Connections outside of city limits

BACKGROUND: *Tom Williams owns 3.81 acres of property at 9541 North 6800 West. He also leases an additional approximately 15 acres as an alfalfa farm which is owned by RLP Enterprises. Culinary water service to the home was provided by the Highland Water Company prior to acquisition by the City. Mr. Williams is requesting two connections to the pressurized system. One connection will provide water for the alfalfa field (through a sprinkler system) and the other will provide water to the home site. Mr. Williams is willing to lease the water shares to Highland at no charge to accommodate the demands on the system. He is also willing to modify*

his watering schedule to accommodate the demands on the system. Irrigation water is currently provided through the Harmon ditch (Lehi Irrigation Company) and the Mitchell Hollow ditch (American Fork Irrigation Company). The property is currently in Utah County. The Highland/Lehi city boundary agreement identifies that this property will be in Lehi upon annexation. There is an existing Lehi City pressurized irrigation line that runs north and south through the RLP Enterprises property. Mr. Williams indicated that Lehi City would not allow a connection to this line. Staff contacted Lehi City, Lehi will not provide a connection unless the property is annexed into Lehi and water is dedicated to the City. Staff has analyzed and is recommending a full three acre feet water share per acre, including discounts due to the current drought conditions. Water shares for the home site should be dedicated as required by City Code.

Tim Irwin inquired if our pressurized irrigation system was designed for this type of agricultural use or primarily for residential use. He also has a concern with setting a precedence, especially where at some point they will be annexed into Lehi City boundaries.

Justin Parduhn indicated in order to facilitate this request they would need him to water during the day. The demand at night would hurt the system. Mr. Williams has agreed to water whenever the city designates. He would also have to bring in water shares pursuant to our code.

Nathan Crane indicated that based on their prior conversations with Mr. William's, there are no plans to annex into either city at this time. Mr. Williams is only leasing the hay fields, they have not had conversations with the actual property owners regarding this issue.

Brian Braithwaite stated he feels there is no value to Highland City to accommodate this request unless the infrastructure is built upon them coming into the city limits at some point. It would put pressure on the system and affect the current residents that are in the city and that's not fair to them.

Tim Irwin stated that by us not taking any action does not prevent them from getting water to their property due to them already having access to an irrigation ditch.

Mayor Thompson commented there was a note on the approved plan for the subdivision to the east that the ditch would be piped in that area and he feels the city needs to adhere to that note. Discussion continued regarding the use of water, times of days they would need to water in order to not effect they system and current residents and the type of water he would be putting into the system.

Justin Parduhn indicated the Council would need to discuss and decide the amount if any the city would be charging for the use of the water. They currently do not service pressurized irrigation to anyone outside of the city limits. Along with providing water shares to go in the system, would they charge a monthly fee for the use like regular residents are charged or allow him to use the amount he gave through water shares. They could also require him to purchase a meter and go that direction.

Brian Braithwaite stated this request would put pressure on our system to pull water out during the day. It has been commented that most of the water is pulled out of the system at night. If their use overlaps the current residents it could cause a conflict. They are not residents of Highland and he feels they need to take care of the residents in that area. Brian inquired why we would want to assume a potential problem. Brian feels there are unintended consequences by approving this request. Mr. William's currently has everything he needs without Highlands water system. This request is not taking anything away it would just make it more convenient.

Pam Smith a resident, feels there is value in supporting and encouraging farmers. Allowing this request may make it more convenient to farm and without it he may not have the ability to continue to farm.

MOTION: Brian Braithwaite moved the City Council table the request for two (2) pressurized irrigation connection outside the city limits for Tom Williams until such time as the candidate has additional interest and discussions with Highland City.

Tim Irwin seconded the motion.

Unanimous vote.

Motion carried.

MOTION– A request to expand the parking lot for Lone Peak High School by acquiring city owned land.

BACKGROUND: The Alpine School District (ASD) has approached city staff with a request to acquire additional land. The land will be used for additional parking for Lone Peak High School. ASD is requesting the property to the west of the baseball and football fields and to the west of the seminary building. The exact total acreage is unknown but will range between 6-7 acres. The ASD has provided design alternatives for the area west of the seminary building. Baseball/Football Fields: There is land area between Knight Avenue and the baseball fields. The width of this area varies. However, there is enough area to build a parking lot between the football and baseball fields. Staff supports the use of this area for additional parking spaces. Seminary Building: This area would accommodate 100 to 183 parking spaces. This area was planned for a soccer field. In addition, the Lone Peak High School Marching Band uses a football field sized area for marching band rehearsals. With the Council's action to remove organized sports activities from all but three of the city parks, field space is at a premium. Staff is concerned with losing additional land that is owned by the City that could be used for fields.

Rod Mann commented that when he spoke with one of the school district representatives they indicated they did not want to purchase the land they just wanted to pave it for parking. Rod also inquired regarding the size of the soccer field and how much would be left if they allowed this to happen.

Tim Merrill City Attorney, stated if they are going to pave it and use it as a parking lot, he feels there would need to be some type of agreement that protects the city from liability.

Josh Castleberry Park Superintendent, stated he personally feels it should be a soccer field. Currently they have room for three full fields and this proposal would reduce the use to two full fields.

Discussion continued regarding the use of the soccer fields, potential growth and the difference it would make in the current and future fields use. Discussion also included an issue with the High School Band and the need for the larger area for their use which reduces the use of the full size soccer fields.

Pam Smith a resident, stated one of the great needs of the community is clean air. She feels it would be to our advantage to encourage the students to take buses. Highland should be a green community and be thoughtful of the environment. She feels a soccer fields would be a greater value than a parking lot.

Mike Privett representative of Alpine School District, commented he is in favor of encouraging the students to use the bus system more, but not sure how to work with parents in that regard. After looking and listening to the discussion he is wondering about using the left over pie shape piece for parking still allowing for 3 full fields. They would hire an engineer and work with the city to maximize the use of the area for both parties.

Josh Castleberry commented he measured that area Mike commented about and indicated there would be room for a decent amount of parking and feels it is a good solution.

Tim Irwin stated Mike has heard the suggestions and concerns of the council and would like him to take that back to the District to see how they could accommodate those issues and possibly address carpooling.

Jessie Schoenfeld indicated there is an area to the west of the fields across the road in the Highland Glen Park that could possibly be used as a parking area. That would allow more parking for both the school and still maintain three fields. There would need to be some work done in order to have stairs to take them to the road and a crossing to get to the school but it is still closer than other options.

Discussion continued regarding other possible parking options, future build out accommodations and the issue of minimizing those driving and requiring parking spaces.

Tim Merrill stated he feels the school district should bring back some plans and a possible property lease. He does not understand why they are not purchasing property for this issue and is not comfortable with the school district not acquiring that property.

MOTION: Brian Braithwaite moved the City Council to continue this issue for a months' time and direct staff and Alpine School District to work together with the information and

discussion provided and return with plans that are more specific. Discuss the lease with legal staff and have a preliminary arrangement regarding a lease for the property.

Tim Irwin seconded the motion.

Unanimous vote.

Motion carried.

MOTION– HA5 Surface Treatment Road Maintenance Projects.

BACKGROUND: In September 2014, the Council approved two contracts totaling \$177,960.70 for surface treatments. These projects will be completed this spring and represent the recommended maintenance for year one in road maintenance plan. At the February 24, 2015 the Council directed staff to identify additional projects for surface treatments. Staff has identified \$91,539 worth of surface treatment projects. This will allow for approximately 2 miles of road to be cracked sealed and treated with HA5. The projects were identified by using the Road Maintenance Plan prepared by JUB and staff inspection/knowledge of the roads. Emphasis was placed on newer streets where surface treatments are the best form of maintenance. Streets that need major patching or repair were not included. It also completes the majority of the surface treatment projects identified in year two of the plan.

Brian Braithwaite inquired if the 10% contingency on the 10150 North road could be put aside if it is not needed to be used for something else.

Justin Parduhn responded they would come back to council in a timely manner and ask to either go back to Stevens Lane that was taken off previously or possibly roll that into next year and add to next year's budget. He indicated John King is working on getting 10150 North going and hopefully they would be able to get that done quickly.

Dennis LeBaron inquired how the cost of 1.67 per square foot was calculated.

Justin Pharduhn indicated it was arrived by the bid process. They would be able to get all the roads in year one and 70% of year two surface treatments done.

MOTION: Brian Braithwaite moved the City Council authorize staff to bid HA5 Surface Treatment Road Maintenance Projects not to exceed \$91,539.

Dennis LeBaron seconded the motion.

Unanimous vote.

Motion carried.

ORDINANCE – Amending Supplemental Vehicle Regulations of the Municipal Code

BACKGROUND: Council member Braithwaite has expressed a concern with the parking of inoperable vehicles and trailers on City owned parking spaces within the Town Center. Staff researched the Municipal Code regarding parking regulations and met with the Police Chief. As a result, staff is proposing an ordinance that would prohibit the parking of inoperable vehicles and all trailers on city owned parking spaces.

Tim Irwin inquired regarding a possible time period the residents would have to remove the trailer or vehicle and the legal process for the enforcement.

Nathan Crane indicated if they wanted to put in specific parameters that would be at the discretion of the Council.

Brian Gwilliam Chief of Police, indicated 48 hours is the typical time frame the police use when citing vehicle for parking illegally, abandoned vehicles and parking during snow times and they use a tag that indicates that time frame. He would like to tighten up this ordinance a little more and have a concern regarding language in the last paragraph stating the vehicle would be removed by the city, he feels it would be better to add language like “or its designee’s” due to the fact the police work for the Public Safety District not the city.

Tim Merrill City Attorney, stated that it would make sense to place that language in there to help clarify who is allowed to remove those vehicles. He stated adding “or its designee” would work.

Discussion continued regarding the time frames in which the police department receives complaints and tags the vehicles for removal. Suggestions were made regarding possible signage to notify residents to aid in the enforcement.

MOTION: Dennis LeBaron moved the City Council Amend Chapter 10.08 Supplemental Vehicle Regulations of the Highland City Municipal Code, prohibiting parking of all trailer and inoperable vehicles in city owned parking spaces with the addition of language to the end of the first paragraph “or its designee”.

Tim Irwin seconded the motion.

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

Those voting nye: none

Motion carried.

MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS

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

- Salt Building

Justin Parduhn Public Works Operation and Maintenance Director stated due to the lack of snow this year they have funds left over in the main salt budget. He would like to propose using those funds to build a salt storage to comply with EPA regulations. The storage will be a 40' x 40' three sided shed with 10' high concrete walls and a 12' steel frame top allowing for large trucks to back in and dump the salt. This would keep the salt in good condition all year long in order to have it usable at any time. They currently have approximately \$39,500 left and another potential 5-10 thousand dollars in other salt budgets and the bid they have for the storage is \$43,675. which includes everything except a gate to go across the building but he feels that could be added easily. He also feels there is not much excavation that would need to be done. This would be proposed to be located across the street in the parking lot to the west of the current Public Works building. Justin stated what he is asking for is some type of approval to move forward with some drawings and the overall feel of the council regarding the use of those funds and the location of the building.

General consensus of the council was to allow staff to proceed with the process and bring the site plan and expenditure back to the council in the future.

- Tim Irwin commented there had been an update to the piano the Arts Council was able to purchase for the Community Center. They were fortunate to receive additional funding from an anonymous donor that in conjunction with what was already raised allowed them to purchase a full size brand new Yamaha grand piano worth close to \$30,000. He feels this shows that there are those in the community willing to support those projects. He commended Shauna Larsen of the Arts Council and Emily Gillingwater from the City for their hard work and dedication to this project.

- Rod Mann commented the need to update some of the dates on the action chart and possibly set some recommended dates for action on some of the items.
- Brian Braithwaite inquired regarding the status of the park maintenance building.

Justin Parduhn responded that it has been passed onto an engineering company for the design, there has been some surveying done on site and they are working on bids for plans in order to take before the Planning Commission.

Mayor Thompson indicated the Jordan Valley Water District is reviewing the request for the possible purchase but he does not have an answer.

- Dennis LeBaron inquired as to the status of the library survey.

Mayor Thompson indicated he had met with the co-chair of the Library Board and provided them with three questions which are 1) Prefer to keep the funding the way it is, 2) have the funding generally taxed with a budget each year, or 3) place a fee on the utility bill. Those questions will be written up by the survey company and provided back to the council for review.

ADJOURNMENT TO A CLOSED EXECUTIVE SESSION

- The Sale of Real Property

MOTION: Tim Irwin moved to adjourn to a closed Executive Session to discuss the sale of real property.

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

City Council Reconvened to the Regular Public Meeting

- Tim Irwin indicated he talked with Senator Margaret Dayton who is on the Developmental Center Board. He indicated the city needed help in getting the East West corridor through. She responded that she is the reason why the road is not going through. He would like to suggest and recommend getting a meeting together with Senator Dayton and Senator Jackson. There is some concern on Senator Dayton's part of ongoing income for the Developmental Center, she does not understand that is what the city would like for them too and the road can help provide that income.

Mayor Thompson indicated the road is going to move forward across the top of the hill. The County is on board with that and they have a meeting scheduled with the County to further discuss that issue this next week.

Brian Braithwaite indicated due to a personal relationship with Senator Dayton, he would like to have the opportunity to sit down with her first and discuss the issue then follow-up with any larger meeting at a later date.

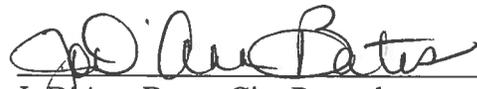
- Nathan Crane indicated he had met with Mountainland Association of Government (MAG) and the County Engineer to talk about the concern raised of bicycle traffic up and down SR74. MAG and UDOT has met and is looking at options to this issue. In the mean time the city is going to address some signage in various locations, they have cleared some brush for pedestrians to maintain travel on the left side of the road and there will be some striping done on the trail.

ADJOURNMENT OF REGULAR CITY COUNCIL PUBLIC MEETING

MOTION: Tim Irwin moved the City Council to adjourn the regular public meeting.

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

Meeting adjourned at 9:52 p.m.


JoAnn Bates, City Recorder

Date Approved: April 21, 2015



