MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, May 5, 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: Jacob Jensen, Layne Jensen, Garrett Seely, Braden Taylor, Jonathan Myres, Michelle DeKorver, Jackson Thacker, Jim Thacker, Zack Thacker, Brian Kap, Paxton Guymon, Roger Hicks, Trista Willardson, Nate Randle.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:03 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Dennis LeBaron and those assembled were led in the Pledge of Allegiance by Tim Irwin.

APPEARANCES:

None.

ACTION ITEMS:

MOTION: Preliminary Plat Approval – Stoney Brook

Background: The property is 9.93 acres and is owned by SeeBee, LLC. The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-40 (Single Family Residential). The R-1-40 District allows one home per 40,000 square feet. The minimum lot width is 130 feet. Subdivision review and approval is an administrative process.

Nathan Crane presented the staff report, and explained how potential buyers will be informed of the gravel pit, and will sign an affidavit acknowledging that they are aware of the gravel pit. This will be done with the anticipation that all gravel pit complaints will be alleviated. There is an existing irrigation ditch that will be rerouted after approval from the Lehi Irrigation District is granted. Everything complies with the requirements as outlined by staff.

Rod Mann asked if there was any input from the neighbors on the proposal.

Nathan Crane explained that a neighbor to the north had a couple of questions regarding exact locations of the boundary, and how it will affect what already exists. No other concerns have been brought forward by the public.

Rod Mann asked about the neighbors to the South. Garrett Seeley, representing CBLLC, spoke about a recent conversation that he had with Mrs. Burgress, who indicated that she does not want to be affiliated with the development. Rod stated that he was comfortable with the situation as long as the neighbors agree and are aware of the situation. Garrett Seeley confirmed that he has contacted Mrs. Burgress and her family, and has not received any response.

MOTION: Tim Irwin moved the City Council approve the preliminary plat for the 9 lot subdivision of Stoney Brooks based on the 7 stipulations recommended by the Planning Commission.

Dennis LeBaron seconded the motion.
Unanimous vote, motion carried.

MOTION: Dry Creek Trail

Background: Over the past several months the City Council has been discussing the status of the Dry Creek Bench Trail. Under the Council's, staff has prepared three alternatives for the Council's discussion: ***Dry Creek Phase 1:*** *General Plan Designation: Neighborhood Option Trail (Assuming it meets requirements of Section 12.30 of the Municipal Code, the trail can be removed without an amendment to the trail master plan). Option 1: Trail Relocation. Under this option the trail would be relocated within the existing easement and rebuilt. The cost of this option is estimated at $98,800. Option 2: Removal of the Trail. This option would remove the trail as shown. The cost to remove the trail is estimated at $7,700. This trail is designated as a Neighborhood Option Trail. Neighborhood Option Trails can be removed without a General Plan Amendment under Section 12.30 of the Municipal Code. Option 3: Expand the Existing Easement to Include the Trail. This option would require the purchase of an easement to include the existing trail. The City Engineer's estimate is $19,700. Option 4: Relocate the Trail via an Existing Deer Trail. This option would allow users to access the conservation area via the exiting dirt paths. This option has not been full analyzed by staff.* ***Dry Creek Phase 2-3:*** *General Plan Designation: Main City Trail (an amendment to the trail master plan would be required to remove the trail under Section 12.30 of the Municipal Code). Option 1: Trail Relocation. Under this option the trail would be relocated within the existing easement and rebuilt. The cost of this option is estimated at $40,577. Option 2: Removal of the Trail. This option would remove the trail as shown. The cost to remove the trail is estimated at $8,324. This trail is designated as*

Neighborhood Option Trail. Neighborhood Option Trails can be removed without a General Plan Amendment under Section 12.30 of the Municipal Code. Option 3: Expand the Existing Easement to Include the Trail. The trail is in a storm drain easement that cannot be built on so there is less value to the land. This option would require the modification of the easement to include the existing trail. The City Engineer's estimate is $44,476. Option 4: Relocate the Trail via an Existing Deer Trail. This option would allow users to access the conservation area via the exiting dirt paths. This option has not been fully analyzed by staff. The Council will need to debate the issue and provide staff with direction.

Tim Irwin asked if the relocation requires any type of a change or notification.

Nathan Crane explained that he is more concerned about the second and third options because they provide a safer school route.

Rod Mann read a letter written by a community member who expressed concerns with the trail.

Nathan Crane commented that Phases II and II are City trails, not an option trail. Phase I would be the neighborhood option trail.

Brian Braithwaite wanted clarification on the expansion of the existing easement. It was noted that the concept is to get the property owner to sell a property easement that doesn't currently exist in order to make room for the trail.

Dennis LeBaron commented that after talking with the neighbors, he feels that the initial set up was not constructed correctly. Furthermore, he believes that the trail does not need to stay where it is unless they get an easement, which he would like to expand with a gravel base.

Tim was concerned with how the community would respond to this idea, and whether or not the property could be properly maintained under these circumstances.

Brian Braithwaite suggested shutting down the trail, while determining where it will be relocated, to which Dennis agreed. Dennis remarked with regards to recruiting community volunteers that things get done quicker as long as there is an interest or energy. Overall, he likes the thought of a simple trail. Brian remarked that there is insufficient time to get anything done this year. The project will need to begin in phases, and then the Council will determine how to fund the different phases.

Mayor Thompson stated that asphalt needs to be removed, after which the project funds can be secured. There was continued discussion on the matter and Mayor Thompson invited public input.

Brian Kap stated that Ivory did not do a good job explaining the easement. He noted that Ridgeline Elementary hosted a fun run on the trail, and he was concerned that he would be liable in the event of an emergency. The landscaper did a poor job and had no regard for Mr. Kap's property.

Brain Braithwaite replied that the liability would not fall on private residents, but would rather fall on the City because it would be in an easement.

Tim Irwin added that while Ivory did put in the trail, the City did not follow through to make sure it was done correctly.

Braden Taylor recalled a conversation with a previous City Administrator, who indicated that while the trail is the City's responsibility, they would ultimately try to push it onto the residents. After this conversation, Braden stated that he immediately went out and purchased an umbrella policy. He expressed additional concerns with regards to liability.

Brian Braithwaite acknowledged Braden's concerns, and commented that it's hard to know where to draw the line because even a fence would not completely solve the problem.

Roger Hicks owns lot number 125 feels his is the worst because it sits on a very deep slope and the asphalt is in poor condition. Roger was concerned with child safety on the trail.

Paxton Guymon stated that he is the Attorney representing the Myres family, who own lot number 308. He stated that while he understands that the current Council didn't create the problem, they are still responsible for finding a solution. Paxton felt that it is necessary to block off the trail, which does not go through the easement area on his client's private property. He also expressed additional liability concerns.

Steve Huelet lives in Phase IV of the Ivory development, and stated that there are public and private easements on the lots, which are accessible to all homeowners. There is most likely less than two lots where the asphalt may be removed. Steve was worried about the intrusion of rights to property owners, and was of the opinion that the City needs to look into the personal easement as well.

Brian Braithwaite asked if the public and private easements are located in the same place, and confirmed that one of the easements in question is a public easement. Brian also stated that the City is not interfering with the private easements.

Tim Irwin assured him that it is a problem having the trail running through a resident's back yard, and stressed that removing the asphalt is a priority.

Brian Kap noted that he lives in Phase I of the development, and brought up how phase II became a neighborhood option trail over a year ago. Phase II is accessed from another path. He feels that if they get rid of Phase I, Phase II will have nothing to lead into. Brian Kap explained that the members of the community assumed responsibility of the trail, which lead the City to dropping the case. He expressed additional concerns on how the trail removal would affect the property owners if a dirt path was maintained instead.

Brian Braithwaite commented that this situation differs from the trail leading into the Country Estates.

Harold Glade noted that he lives on lot 22 of Phase I. Harold commended the Council for taking on this difficult issue, and expressed concerns with the lack of progress that has been made at this point. He challenged the Council to take action, and he feels that they have waited long enough for the situation to be resolved. Harold inquired as to what the project timeline was, and Mayor Thompson did not have the answer.

Trista Willerson, owner of lot 304 in Phase III, expressed concerns with the legalities involved should the trail not be well maintained, and noted that there are many kids who play in the area. Trista is also concerned with how the trail would impact the property value of her home when she decides to sell.

Brian Braithwaite explained that there is a sewer drain easement just off the property. The City would like to expand the easement so that the liability does not fall onto the property owners. At this point, staff and elected officials still need to talk to the other owners who have the trail on their property outside of the easement. Once this has taken place, a more firm timeline will be established. Tim Irwin stated that one way or another they are going to get the liability removed from the property owners.

Jonathan Myres stated that his home is located in Phase III. Many of his neighbors have discussed that they would not allow an expansion of the existing easement. Jonathan expressed concerns with the lack of progress that has been made on the matter.

Mayor Thompson agreed that the project should not be delayed any longer. He explained that he wants to confirm that there is a different trail definition for Phase I than for Phases II and III. He was of the opinion that Phase I should be addressed first.

Tim Irwin asked if the funds in the budget will be used to remove asphalt from all three phases. Furthermore, he inquired on the removal in Phase II where the trail is off of the easement and located on personal property.

Brian Braithwaite explained that they have talked to the homeowners in Phase II, and explained the challenges associated with removing the asphalt.

MOTION: Brian Braithwaite moved the City Council direct staff to identify funding in the 2015-2016 budget for the removal of asphalt for the Phase I Trail. At the first meeting in July staff return with a phase plan for engineering work, removal and replacement of asphalt for Phase II and III or the expansion of the easements.

Rod Mann seconded the motion.

AMENDED MOTION: Rod Mann moved the City Council amend the motion to include allocating additional budget funding for the removal of asphalt in phase III.

Brian Braithwaite seconded the motion
Vote on the Amended Motion:
Unanimous vote, motion carried.
Vote on the Motion to include Amendment
Unanimous vote, motion carried.

There was further deliberation on the previous discussion item.

MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS

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

Personnel Policy

Brian Braithwaite feels that a policy needs to be adopted allowing employees to take vacations, which has not been available to them in the past. He suggested that the policy allow an employee to have up to 200% of their vacation time accrue, until they reach a set cap amount. The employee can choose whether or not to use their vacation time, and management can work with their team to ensure coverage at all times. Brian explained that this will create a better working relationship among all City employees.

Aaron Palmer remarked that he hasn't received much feedback from his staff, and that initial concerns were related to the stoppage of accruals. Furthermore, there has been question as to whether or not to allow certain employees who have accrued more than the cap amount to cash out.

Brian Braithwaite stated that the money has already been accrued, and Gary LeCheminant added that the cash is available. He suggested giving employees 60-90 days to use it so that timing is not an issue, and commented that this is a standard business practice.

Tim Irwin commented that vacation leave is a management decision, and requested that staff look into how other cities manage their employees' leave.

Aaron Palmer agreed to further research the matter, and was of the opinion that the City needs to decide upon a cap amount.

Brian Braithwaite was concerned with the possibility of employees taking their leave all at once.

Gary LeCheminant explained that employees will be taxed for any payout of unused vacation time.

Layne Jensen stated that he works for an engineering firm, and provided an overview of their policy on paid time off.

Brian Braithwaite was supportive of an idea that Layne suggested about allowing unused time to roll over from the previous year. He agreed that 200% is too much for an employee to accrue for vacation time, and suggested that this item be revisited in a future meeting. Brian was of the opinion that staff should not have the final say on this issue, simply because City employees come and go frequently.

Gary LeCheminant noted that employees currently can accrue up to 160 hours of vacation leave.

Jessie Schoenfeld stated that staff should seek input from other cities and move forward with what Highland City can afford.

ADJOURN TO CLOSED EXECUTIVE SESSION

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

Jessie Schoenfeld moved to adjourn into a closed executive session
Rod Mann seconded the motion
Unanimous vote. Motion carried.

ADJOURN CITY COUNCIL MEETING

Brian Braithwaite moved to adjourn.
Rod Mann seconded the motion.
Unanimous vote. Motion carried.

Meeting adjourned at 10:30 p.m.

JoD'Ann Bates, City Recorder

Date Approved: August 18, 2015

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