

**MINUTES**  
**HIGHLAND CITY COUNCIL MEETING**

**Tuesday, September 15, 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:** Nathan Crane, City Administrator/Community Development Dir.  
JoD'Ann Bates, City Recorder  
Justin Parduhn, Public Works O&M Director  
Todd Trane, Contract City Engineer  
Brian Gwilliam, Chief of Police  
Tim Merrill, City Attorney

**EXCUSED:** Gary LeCheminant, Finance Director

**OTHERS:** David Pixton, Paul Bennett, Karen Bennett, Stephanie Lewis, Janice Clouse, Marsha Gustafson, Eric Ellis, Lillie Kohler, Brett Johnson, Lygia Johnson, Lynn Hancock, Stan Mead, Kathy Mead, Willard Spykes, Jeannie Spykes, Dennis Likes, Mark Whitney, Tanya Colledge, Randy Clouse, Stephanie Lewis, Matt Mecham, Suzanne Mann, Wendy Condie, Lynne Power, David Parru, Stuart Anderson, Christine Anderson, Tyrell Gray, George Ramjoue, Ryan Hatch, Doug Graham, Peter Graves, Bruce Baird, Dustin Allen, Julie Brinkerhoff, Evan Plaeger, Daniel Hoffman, Talmage Gunther, Tanner Richardson, Marcus Graham, Erin Wells, Bill Pack, Pat Pack, Dyanne Laur, Dennie Butterfield, Sharon Johns, Linda Olpin, Jay Olpin, Pat Hollingshaus, Allyson Bell, Brian Balls, Hal Hodges, Al Rafati, Gil Wilburn and Ed Barfuss,

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:07 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Tim Irwin and those assembled were led in the Pledge of Allegiance by Boy Scout, Talmage Gunther.

**APPEARANCES:**

Tim Alders, 5306 West 10320 north, stated that he has been a Highland resident for 17 years. He made reference to the empty field and unfinished road where the Blackstone development is being proposed, and explained that as a developer he tries to find creative ways to improve areas within a community. It is never his intention to make a development look poorly, and over 18

months has been spent developing and designing a project that they feel will be the best fit for Highland. There are great people who live in communities similar to the Blackstone development and it would greatly benefit the community.

Dustin Allen explained that he is a new resident, having recently obtained employment in Highland. His family is currently living in a townhome, and they feel fortunate to have found a great place to accommodate them. They chose this community because of the quality of schools, and because they hope to purchase a home in the future. The owners of the home that they are currently renting are also outstanding people.

Austin Smith stated that he has lived in Highland for 14 years. They moved into the Toscana development because the dynamics of the economy have changed. Austin spoke about the future of Highland and its residents, and remarked that he is happy to live in the community. He would love others to have this same opportunity.

Lillie Kohler, representing Kohler's Market, stated that they have been in business since 1994, and while operating a business has not been easy it has been worthwhile. The developers trying to development Blackstone have requested that she provide legal consent to use an easement that is on her property. She explained that she is going to decline their request. She suggested that when buyers purchase homes on the property adjacent to her business, they be notified that loud delivery trucks travel to and from her market all day, and even at odd hours of the night.

Kathy Mead, 5544 West Village Drive, remarked that although Mr. Alders has indicated that he wants to do what is best for Highland City, his actions speak louder than words. In her words, she stated that Mr. Alders is aware than the elected officials, residents and business owners do not want this proposed Blackstone development to be approved. However, he has continued to push his own agenda forward regardless. Kathy concluded that this project will permanently change Highland in a negative way.

George Ramjoue, 5564 West Coventry Road, read a written statement in which he indicated that the City Council would be fully justified in denying approval of a Conditional Use Permit for the Blackstone Development. He listed three reasons of justification: 1. This project was recommended for denial by the Planning Commission. 2. While the City staff have indicated that the proposed development complies with the City's General Plan, they have not provided sufficient evidence to support their claim. George encouraged the Council to require staff to provide said evidence. 3. If the project is approved, the site plan should be modified to show additional future parking to accommodate commercial on the ground floor. Without the provision of commercial parking, live-in businesses will never be established, similar to what happened with the Toscana development.

Denny Butterfield, 10605 North 5500 west, also read a written statement in which he asked what considerations are being made by Blackstone in exchange for the City's permission to continue with their project. Mr. Butterfield was of the opinion that Mr. Alder's is more concerned with making money than benefitting the community.

Matt Meacham, 10609 North 5470 west, commented that his family moved to Highland in order to escape urban development similar to Blackstone. Blackstone will not only bring down the value of his property, but it will also bring down the value of Highland City. He reiterated that Planning Commission provided several great reasons why this project should be denied, namely that it is not in accordance with City values. Matt requested that Rod Mann recuse himself from voting on the Blackstone project, due to a conflict of interest with the developer.

Ed Barfuss remarked that he would like to address Item 8 on tonight's agenda, and explained that he has had problems with wildlife eating the produce that he grows on his property. He mentioned that the deer have stripped the leaves off of his grapevines, and urged the Council to approve the Urban Deer Control Program.

### **PRESENTATIONS:**

#### **Utah Lake Commission – Eric Ellis, Executive Director**

Eric Ellis explained that one of their biggest current projects is to complete the Bonneville Trail System all the way down to Utah Lake State Park. The goal with this project is to connect to the Provo River, Murdock Canal and Jordan River trails, thereby creating several loops for hikers and cyclists to enjoy. The Utah Lake Commission is working with Saratoga Springs and American Fork on doing some renovations on their marinas, so that residents have better access to the lake for boating. Eric mentioned that the lake is really low right now; however, the Commission is hoping for a good winter so that next year the lake will be reinvigorated for recreationalists. There are 30 public access points on Utah Lake, and the Commission has worked with the Division of Wildlife to have signs put up at 25 of those points.

Eric reported that 19.5 million pounds of carp have been removed since 2009 when the program was started. This year, Utah State University is conducting a study on how carp is affecting the balance of the other fish in the lake. The goal is to have better fish thriving in the lake. Furthermore, as of the end of this year, 65,000 acres have been treated for the phragmites that grow on the shores.

Eric informed the Council that 48 Fourth Grade classes came down to the lake over a period of four days this year. The Commission sponsors these field trips, and there are many volunteers who do an excellent job engaging with the kids. He encouraged everyone to reach out to their children's teachers about scheduling field trips next year. Lastly, Eric stated that the Commission is working towards getting a nature/research center built on the east side of the lake, which would benefit K-12 and university students.

Brian Braithwaite commented that the Federal Government has come out with new regulations for chemicals found in the lake, and asked how the Commission is responding to these new regulations. Eric replied that there are two research groups, one of which is sponsored by the State of Utah through the Division of Water Quality. Through the Division of Water Quality there is a technical advisory committee which keeps track of Federal regulations, and determines whether or not any modifications need to be made to the chemical levels in the lake. The other

study is being done through Farren Miller, a local biologist that has done work with the Jordan River Commission as well as with the Timpanogos Water District. There was further discussion regarding other water projects taking place throughout the State.

### **Utah Local Governments Trust Insurance Update – Ryan Hatch**

Ryan Hatch explained that Utah Local Governments Trust Insurance (Trust) is referred to as public agency insurance mutual, and is exclusive to Utah governmental entities. Their Board is comprised primarily of elected officials and appointed positions. The Trust insures almost 90% of the cities in the State of Utah; in other words, there are approximately 250 cities and towns in the State, and the Trust insures 218 of them. The Trust has been in business since 1974, and Highland City has been a partner for 30 years. The Trust focuses primarily on providing property, liability and workers' compensation insurances through interlocal agreements. Highland currently benefits from a \$5 million per occurrence aggregate limit on general liability insurance, and Mr. Hatch reviewed what types of situations the insurance covers. With regards to property insurance, the Trust insures the City's total insured value, which is approximately \$33 million. They work closely with the City's staff in order to save money and prevent losses.

Ryan explained that the Trust has been able to get to a point financially where they can distribute member equity or dividends back to their membership. In the last five years, the Trust has returned almost \$35,000 back to Highland City in dividends. Almost \$7,500 has been returned this year alone. Highland City also qualifies for an annual safety grant of approximately \$3,500.

### **Open Meeting Law – Tim Merrill, City Attorney**

Tim Merrill explained that the purpose of Open Meeting Law is to conduct the City's business before the people, thereby creating transparency. According to changes that were made to the law this year, a meeting now requires a quorum coming together for the purpose of receiving comments from the public about or acting upon a matter over which a public body has jurisdiction. Chance and social meetings are still exempt, and emails sent between elected officials never constitute as a meeting. In response to a question from Brian Braithwaite, Tim Merrill explained that all five Council Members can attend a Planning Commission or other public meeting as part of the audience; however, they cannot co-op a meeting and turn it into a discussion on separate issues.

Anything that the Council will be discussing and deliberating upon needs to be put on the agenda. Members of the public can comment on any issue during appearances. The Council can address comments made during the appearances portion of the meeting; however, they cannot take action on anything that was not publicly noticed on the agenda. There was further discussion on the matter. Tim Merrill advised the Council to keep motions clear, concise and comprehensive. Written findings are prepared by staff and are critical in presenting facts surrounding an issue. The minutes should include the basis or factual findings that the Council has relied upon in these decisions.

There are seven reasons why the Council would go into a Closed Session: 1. A discussion of the character, professional competence, physical or mental health of an individual. 2. Collective bargaining. 3. Imminent litigation. 4. The purchase, exchange or lease of real property. 5.

Discussion of appraisal values. 6. The deployment of security personnel, devices or systems. 7. Anything regarding allegations of criminal conduct. Closed sessions are to remain strictly confidential. They are recorded by non-discoverable as per State Law. In response to comments that were made by Mr. Meacham, Tim Merrill also noted that elected officials cannot use their positions for personal economic benefit or to seek special privileges. Secondly, every officer with an interest in any business entity that does business with the City shall publicly disclose prior to the discussion of any item related to that business. There is nothing in the Code that requires an officer to recuse themselves; they strictly require disclosure of a conflict of interest. Therefore, in reference to Mr. Meacham's remarks, Rod Mann's interest does not result in him receiving a substantial financial interest there is no conflict and is not required to recuse himself on discussions pertaining to the Blackstone project.

### **CONSENT ITEMS:**

**MOTION: Extension of an Agreement for the Purchase and Extraction of Aggregate until November 30, 2015 – Westroc**

**MOTION: Final Plat Approval for an 11-lot subdivision located at 5650 West 9600 North – Flats at Fox Hollow**

**MOTION: Dennis LeBaron moved the City Council approve the Consent Items on the agenda.**

**Brian Braithwaite seconded the motion.  
Unanimous vote, motion carried.**

### **ACTION ITEMS:**

**MOTION: Conditional Use Permit, Site Plan and Architectural Approval for an 86 Unit Multi-Family Townhome Development in the Town Center Flex Use Zoning District – Blackstone**

*Background: Tim Alders is requesting a conditional use permit for an 86 unit multi-family development located at the northeast corner of Town Square East and Parkway East. The site is 7.76 acres in size and is owned by Frank and Maria Carlone. The site is designated as Mixed Use Development on the General Plan Land Use Map. The site is zoned Town Center Flex-Use District. Multi-family residential developments are permitted in this district subject to review and approval of a conditional use permit. A maximum of 342 units are permitted in the Town Center Flex-Use District. A project cannot exceed 12 units per acre. Toscana was approved for 200 units, leaving 142 units. If this project is approved, 56 units will remain.*

Nathan Crane presented the staff report, focusing primarily on the changes that been made to the proposal. The applicant has added seven additional parking spaces, which will mostly be on the north side of the development. An added stipulation is that a minimum of 19 on-site parking

spaces for the north parcel and 11 on-site parking spaces for the south parcel shall be added. Those spaces should be located within a close proximity of units adjacent to the street. These stipulations were added because if they will be used for businesses, then they should be located near the businesses. The site plan was reviewed and discussed, and Nathan Crane explained how the number of parking spaces was determined. A comprehensive list of stipulations was also included in the staff report.

Brian Braithwaite made reference to Lily Kohler's earlier remarks, and suggested that all known noises and smells related to nearby businesses be indicated on the final plat. He mentioned that plats located to agricultural land could serve as an example of how to draft something similar for this purpose.

Bruce Baird stated that he will be representing the applicant. He explained that development is not a contractual between a landowner and a City. The Utah Supreme Court has indicated that the development of private property is a sacred right. Bruce argued that the applicant is complying with the law, thereby granting him a right to approval. The General Plan is advisory in the fact that the zoning Code implements the General Plan, which means that the issue of the appropriate use has been settled beyond any doubt. Bruce continued that they would be happy to add a note to the plat indicating that there are adjacent businesses. He explained that while it would have been nice to have the Kohler easement, it is not needed for their project. Approval of the Conditional Use Permit (CUP) is an administrative decision. Bruce continued to explain that a CUP can only be denied if a reasonably anticipated detrimental effects, if any, of a proposed CUP cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards. Bruce argued that his client has resolved more than all of the legitimate concerns, and reasonably mitigated any anticipated detrimental effects in compliance with all applicable City standards. Bruce addressed several of the conditions that are listed in the staff report. He explained that there is nothing in Highland City's Code that allows them to require a perimeter around the site. He stated that he has not received justification from the City on the required wall despite several requests. While Mr. Alder's is willing to install a wall between the portion of the project and the area where there are horses. However, the purpose of this zone is to allow an open area with open circulation, and the perimeter wall would defeat that purpose. Secondly, Bruce argued that there is no legitimate basis for the condition regarding phasing. Third, there is no reason why the City should require completion of a sewer line prior to issuance of a building permit. Fourth, there is no basis in the City's Code for a required minimum basement size. Fifth, Bruce addressed the parking requirements as they were relayed to his client last night. Bruce explained that there are some members of the City Council who are so adverse to this project, that they would authorize a trade of 12 acres of City park land for this site, noting that his client received a phone call today on the matter. The 12 acres of park land would carry a zoning that would make it financially unusable, and therefore wouldn't be a fair trade. Bruce concluded that this project complies 100% with the law, as well as with the additional conditions indicated in the staff report. He stated that this project requires the Council's affirmative vote, and noted that it will be a welcome addition to the City.

Nathan Crane explained that there is a provision in the Town Center design standards that requires opaque masonry walls to be used to separate commercial uses from residential uses. He

indicated that staff sent the applicant a copy of the Commercial Retail Office Residential Town Center Overlay Zone Design Standards, which contains a reference to this specific requirement. Phasing has been added as a condition due to reasons related to open space and parking. Nathan explained that they did not receive a time line from the applicant in terms of construction, and so in its absence they added the condition that the sewer line must be completed prior to issuance of a building permit. A plat cannot be signed if there is no way of providing a utility service. Lastly, the minimum basement size was a reflection of what the applicant agreed to, so staff's purpose in adding it as a condition is to hold the applicant to what he agreed and stated to the Council. There was further review and discussion of the site plan.

Brian Braithwaite explained that one of his key findings in discussing this issue with several attorneys is understanding that the Development Code takes precedence over the General Plan. The Code is supposed to define in detail what the General Plan is supposed to accomplish. Furthermore, the Code is supposed to help residents who buy a piece of property to understand the rules that they live within. In this situation, Highland has a plan that speaks really well with what is wanted as a City. However, the City did not align their development Code in a way that met the needs of the General Plan, and the General Plan is not specific enough to override the Code. As elected officials, they have a responsibility of honoring the rights of private property. Brian spoke to other points that have been previously discussed throughout the meeting. He remarked that while the applicant provides a good product, he does not believe that it is a good fit for the location, and that it was not planned in partnership with the community.

Dennis LeBaron agreed with his remarks.

**MOTION: Jessie Schoenfeld moved that the Council approve a Conditional Use Permit, Site Plan and Architectural Approval for an 86 Unit Multi-Family Townhome Development in the Town Center Flex Use Zoning District, with the stipulations listed in the staff report, including a minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel, which is in addition to the minimum parking requirement for residential. Language will also be included on the final plat that will identify adjacent businesses, thereby clarifying the expectations that the homeowner should have in living next to commercial entities.**

The stipulations included in the staff report are as follows:

- 1) The site plan shall conform to the site plan and elevations dated August 10, 2015, except as modified by these stipulations.
- 2) The location of water and sewer lines in relation to lot lines and building foundations shall be reviewed by the Engineering Department and Building Division with the civil improvement plans to ensure adequate spacing and appropriate locations.
- 3) Potential homebuyers shall be informed by CC&R's, affidavit, and posted notice in the model home sales office of the following:
  - a. Ownership and maintenance of private streets.
  - b. Responsibility for repairing private streets after utility maintenance.
  - c. Parking restrictions for residents and visitors.

- d. **Ownership and maintenance responsibility for all common areas.**
  - e. **No more than four unrelated persons may live in a unit.**
- 4) **The property owner shall establish an irrevocable maintenance fund by the CC+R's to ensure maintenance of the private streets. In addition, all private streets shall be constructed to meet Town design standards.**
  - 5) **A note shall be added to the Final Plat and the Covenants, Conditions, and Restrictions stating the Homeowner's Association shall be responsible for the maintenance of all private streets.**
  - 6) **The civil construction drawings shall meet all requirements as determined by the Town Engineer.**
  - 7) **The final landscape plans shall be reviewed and approved prior to issuance of a building permit.**
  - 8) **A comprehensive sign plan addressing private drive signage, building addressing and permanent directional signage shall be submitted and approved prior to preliminary plat approval. All signs shall be uniform in theme and appearance.**
  - 9) **The Fire Marshall shall approve the location of all fire hydrants prior to approval of the civil construction plans.**
  - 10) **Parking shall be prohibited on all private roads and enforced by the Home Owners Association.**
  - 11) **A six foot concrete wall shall be installed along the property perimeter.**
  - 12) **No building permits shall be issued until the 10400 North sewer line has been completed.**
  - 13) **The access to the shopping center service drive shall be removed and the area redesigned to meet all emergency access and subdivision requirements.**
  - 14) **Utilities and a road stub shall be provided to the property to parcel #11:039:0010 and parcel #41:617:0007.**
  - 15) **A minimum 449 square foot basement shall be provided for each unit.**
  - 16) **All garbage cans shall be stored inside the garage. This shall be enforced by the HOA.**
  - 17) **The north parcel shall be the first phase.**
  - 18) **All perimeter walls, open space, and guest parking shall be completed in the first phase of development on each site.**
  - 19) **A minimum driveway throat distance of twenty feet shall be provided for all entrances.**
  - 20) **A revised landscape plan shall be submitted with the preliminary plat application.**

**Dennis LeBaron seconded the motion.**

**Those voting "Aye": Rod Mann, Jessie Schoenfeld, Tim Irwin, Dennis LeBaron, Brian Braithwaite.**

**Those voting "Nay": None.**

**Motion carried.**

**MOTION: Authorization to Proceed with Construction – Dry Creek Trail 3**

**Background:** Over the past several months the City Council has been discussing the status of the Dry Creek Bench Trail. On May 5, 2015, the Council directed staff to return with a phase plan for engineering work, removal and replacement of asphalt for Phase II and III or the expansion of the easements. On August 4, 2015, the Council approved a contract for Hansen Allen and Luce, Inc. to design the trail. The preliminary trail design has been completed. Staff has prepared two estimated costs listed below. A third cost based on a bid from a contractor will be presented during the Council meeting. Cost 1 – Hansen Allen and Luce Engineers Estimated Total Cost: \$40,000 to \$50,000; Cost 2 – Staff Construction. Material Cost: \$21,311 to \$23,811 and Labor Costs are estimated for five employees for three weeks. Reassigning staff from daily responsibilities to this project will result in impacts on completing scheduled work (crack sealing, sprinkler winterization, snow plowing equipment preparation, subdivision inspections, etc.). Work on this project may be able to take place throughout the winter to lessen the impact on current responsibilities. In July of 2015 the Council adopted new Engineering Design Standards. One of the standards prohibits the laying of asphalt after October 31 to April 1. It is unlikely that staff can complete the project by this deadline. If a contractor is hired meeting this deadline could be problematic. In addition, the cost will be higher given the short deadline. We may get a better cost if we bid the project no but construction takes place in the spring.

Nathan Crane presented the staff report, and there was discussion regarding whether or not this project should be completed by staff or a contractor. The pros and cons to each option were reviewed, including an estimated project timeline. Justin Parduhn noted that a considerable portion of the bid that was received was for the earth work. Alternative ways to get the same job done for less money were discussed, and Justin suggested seeking out more competitive bids from other contractors that would be specialized in doing earth work. Subsequently, a contractor that specializes in asphalt could come in and finish the project. The Council agreed that it would be better to obtain more bids and schedule work for next spring and fall, rather than rush through the project now at a higher cost. If the road were to be graded, have road base put down and compacted, it would withstand the winter.

**MOTION: Rod Mann moved the Council authorize staff to seek the most competitive project bids for the grading earth work and/or asphaltting that will be presented to the Council for review.**

**Brian Braithwaite seconded the motion.  
Unanimous vote, motion carried.**

**MOTION: Urban Deer Control Program – Maintenance Plan**

**Background:** Human encroachment into traditional wildlife by urban sprawl and housing subdivisions created a problem with mule deer within Highland City. Additionally, when deer have the ability to adapt to their new neighbors and to multiply unchecked, problems like health concerns, property damage, ecological damage, and deer/vehicle accidents occur. Highland City determined that new management controls are needed. In August of 2013, Highland City

*approved a Plan in conjunction with the Division of Wildlife Resources (DWR) for an Urban Deer Control Pilot Program. This program was for the 2013-2014 fall hunting seasons. Highland City entered into an agreement with Brian Cook (resident of Highland) from Humphries Archery in American Fork, Utah, to serve as the Program Coordinator. As Program Coordinator, Mr. Cook selected a limited group of experienced bow hunters to participate in the program. Hunting locations were identified by Highland City and hunting regulations followed the DWR Proclamation for opening dates and times. Brian Cook made a report to the Council at the end of each season indicating the success of the program with 72 deer being taken in 2013 which were donated to a local food bank and local families, and 43 deer being taken in 2014, being donated to needy families in the area. Due to the success of the Pilot Program, DWR has adopted the Urban Deer Control Program as an official program for cities state wide to participate in upon fulfilling specific requirements. During the approval of the plan in 2013 Highland City fulfilled all of DWR's requirements for the program, in order to continue the program Highland City is required to accept "public comment" which was taken Tuesday, September 1, 2015. Only one resident voiced their opinion in favor of continuing the program. DWR has approved the program to run in conjunction with their Proclamation rules from 2015-2017. The plan, process and terms approved by the City Council in 2013 will remain the same for the new program. Changes in the language where it indicated it being a pilot program and dates will be the only changes. Brian Cook has agreed to continue to be the Program Coordinator over the specialists and coordinate with City Staff, Lone Peak Police Department and those families in need of the donation of the meat.*

**MOTION: Tim Irwin moved that the Council continue the Urban Deer Control Program indefinitely.**

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

The Council requested that staff have Mr. Cook address the Council every year in order to discuss program expectations.

**MOTION: Conditional Use Permit, Salt Storage Building – Northwest corner of Park Drive and SR-92**

*Note: Item 9 and Item 10 were discussed in reverse order.*

**Background:** *The property is 2.46 acres in size and is owned by Highland City. A subdivision is not required. The site is designated as Low Density Residential on the General Plan Land Use Map. The site is zoned R-1-40 (Residential Zone). Public buildings and grounds are permitted in the R-1-40 District subject to a conditional use permit. One of the requirements of the Environmental Protection Agency (EPA) requires that all salt storage be contained and covered to prevent ground water discharge during storms. The EPA has been active in auditing this requirement on surrounding cities. The purpose of this facility is to address these requirements before an audit. With the light snow fall last year monies were left over from the salt budget and carried over to this fiscal year. The project budget is \$70,000. Staff believes this will cover*

*the building and the concrete pad. The building may not cost this much but this will not be known until the project is bid. The property is currently being used as a bus stop for the View Point subdivision. The property is also being used for loading and unloading of materials related to the operation of the Public Works. Park Maintenance Seasonal employees also use the area for parking.*

Justin Parduhn explained that the salt storage building was not placed next to the current maintenance building because the City is trying to de-clutter that area as much as possible. The company that currently delivers the salt already has raised complaints about deliveries, because of the liability issues that they face when backing their truck into such a tight space. The proposed location for the salt storage building opens a lot of usable space. The proposed site plan was then presented and discussed.

**MOTION: Rod Mann moved that the Council approve a Conditional Use Permit for the Salt Storage Building on the Northwest corner of Park Drive and SR-92, with the following stipulations recommended by staff:**

- 1) Development of the site shall conform to the site plan date stamped September 10, 2015.**
- 2) The building shall be enclosed.**
- 3) Except in an emergency, deliveries shall be scheduled for times not during normal school bus pickup and drop off hours.**
- 4) To the fullest extent possible the salt building shall not be used during normal school bus pickup and drop off hours.**

**Jessie Schoenfeld seconded the motion.**

**Those voting "Aye": Rod Mann, Jessie Schoenfeld, Tim Irwin, Brian Braithwaite and Dennis LeBaron.  
Motion carried.**

**MOTION: Operation Safety Report – 11800 North and Highland Boulevard**

*Note: Item 9 and Item 10 were discussed in reverse order.*

**Background:** *With the recent accident at the intersection of Highland Boulevard and 11800 North, a concern has been raised relation to the safety and operation of this intersection. In June 2015, the Council authorized the hiring of two firms to complete an Operation Safety Report (OSR). An OSR report reviews the intersection design, traffic speeds, sight issues, crash history, etc. and provides a report with recommendations. Two firms were hired to complete this work; Project Engineering Consultants (PEC) and InterPlan. Both studies were also reviewed by the City Engineer. A summary of the findings was included in the staff report.*

Nathan Crane stated that in reviewing both studies, staff felt that they received better data from InterPlan. Flashing, radar enabled speed signs have been ordered for the northbound side of the

road. Additionally, staff has contacted Utah County and they will be installing a sign on their stretch of road that is north of 11800. The sign will also be able to collect and tract data. Nathan informed the Council that staff has also ordered the larger sized flashing stop signs, as well as advanced warning signs for the T-intersection.

The City Engineer has reviewed the study and provided the recommendations which are summarized as follows:

- 1) Remove the tree(s) located furthest south in the median to allow for a further line of sight.
- 2) Replace the paint stop line with thermoplastic for better visibility and longevity with a pavement message marking STOP prior to the stop line.
- 3) Install side road warning signs on Highland Boulevard for both the northbound and southbound approaches.

Staff has also contacted PEC and InterPlan and requested a scope of work and price for completion of the warrant study. The tree that is being recommended for removal was then identified.

Lynn Pallett commented that one tree removal will be insufficient because all of the trees obscure her vision as she is trying to turn left. Furthermore, if the signage is not installed correctly it will create more visibility issues. Staff explained that they will be following an engineering manual when installing the signs, which will be located 800 feet from the intersection. They will not, in any way further obstruct vision. The contents and purpose of the warrant study were discussed. It was noted that the study will analyze nine different factors of the intersection and determine what is needed in order to make the intersection safer. There was continued deliberation on whether or not to remove one or all of the trees in order to create optimal visibility.

Wendy Condie 11507 Highland Boulevard, commented that the median is helping traffic from going around the people who turn right. She suggested that widening the median would also help with speed and traffic congestion.

Julie Brinkerhoff stated that she lives in Sky Estates on Saltaire Drive, and explained that with new developments coming in the traffic will continue to worsen. The City needs to be proactive about mitigating the safety issues related to this intersection. Another comment was made regarding some radar controlled speed signs that were installed on Country Club Drive, and it was noted that these signs have helped significantly improve driving habits.

Tanya Colledge stated that she lives close to the intersection, and commented that they might as well remove all of the trees if they are already planning on removing one of them. Tanya stated that she tries to avoid the intersection as much as possible, specifically to avoid issues with the left-hand turn. Accidents are becoming a regular occurrence, and she does not want to see any

more happen before these issues are properly addressed. She recommended that the flashing signs not be put up before the warrant study.

Staff, elected officials and members of the public continued to further deliberate points that were previously made throughout the discussion. Additionally, there was mention of the value of having police presence in neighborhoods as a way to promote safe driving. The Council directed Nathan Crane to coordinate with the Police Department in adding police presence at the intersection, even if it is just a matter of parking a police vehicle nearby.

Christine Anderson pointed out that there is a slight elevation at the intersection, which is part of the problem. She suggested either bringing up the elevation of the road for westbound traffic, or if alternatively the road can be graded lower.

The Council discussed the possibility of trimming the trees on the median as an alternative to removing all of them for visibility reasons. If there are still issues moving forward, they can entertain the option of having them completely removed. After additional remarks from Christine Anderson, the Council agreed to move forward in having the trees removed altogether.

**MOTION: Dennis LeBaron moved that the Council accept the aforementioned recommendations of the City's Engineering staff for changes to be made to the intersection at 11800 North and Highland Boulevard, including removal of the trees on the median.**

**Tim Irwin seconded the motion.  
Unanimous vote. Motion carried.**

*Note: Tim Merrill was excused from the meeting at approximately 10:00 pm.*

### **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

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

#### **A. Everbridge Communications – Nathan Crane**

Nathan Crane turned the time over to Ed Barfuss.

Ed Barfuss addressed the Council stating there are two parts to Everbridge Communications: 1. Mass notification for emergencies such as power outages, flood watches, evacuations, etc. 2. Mass communication for instances in which a search and rescue for a missing person may be necessary. Communications can take place either through cell towers or through neighborhood networking. Handheld radios work very well for mass communication, and can be purchased for as little as \$35.00 per device. Each neighborhood could be assigned a different channel to use for their respective areas.

Rod Mann asked if a Ham Radio License is needed to operate these kinds of radios.

Ed Barfuss indicated historically, Highland has sent mass emergency communications through the Police and Fire Chiefs, who have in turn called the County Dispatch to send out notifications. Unfortunately, the City depended on City Watch which was discontinued by the County earlier this year. Currently, the City does not have any way of sending emergency communications to anyone within the area. The County switched over to Everbridge earlier this year, and an overview of the system was discussed. Cities who have signed up for Everbridge through Utah County have received a significant discount for the service. Cost is based on population, and would be around \$4,000 per year for Highland City. Several communities in Utah County have signed up for this service, with the exception of a few. One competing service is through a company called Parlant Technology, and further discussion comparing the two companies ensued. Everbridge is an opt-in program, and various cities build their database differently. Highland could look to neighboring cities to determine a system for best building their communications database. The County has set up Everbridge user groups that conduct monthly trainings, and cities that do not take advantage of the training struggle with the system. Highland City would have to make a five year commitment if they opted to use Everbridge for their emergency communications.

Brian Braithwaite suggested that annual or bi-annual testing take place, to ensure that the system is working properly.

#### **Alpine School District – Mayor Thompson**

Mayor Thompson reported that he and Nathan Crane recently met with the new Superintendent and with Rob Smith. They have discussed extending the fence on the south side, which would create room for approximately 74 more parking stalls. Mayor Thompson communicated to the school district that the City is anticipating to connect Knight Avenue to the east/west corridor as quickly as possible, which could affect their plans for the parking lot. In the meantime, the City will allow the school district to provide an access into the parking area and gravel the space that they will be using, thereby buying the City more time. Essentially, the City will give the school district access to City-owned property for a period of time. Mayor Thompson stated that the allowable period of time could be limited to this season.

#### **Saved Water Shares – Mayor Thompson**

Mayor Thompson explained that discussions have previously taken place regarding the value of the contained water shares relevant to piping the Murdock Canal. The question is whether or not the City wants to sell any of these water shares. If there is a shortage on properties that are owned by the City, that water would then be tied to the property. Mayor Thompson commented that if the City has additional water, he doesn't see value in not distributing it to new property for development. The City would obtain an appraisal of current market value and have it available at that price for anyone to purchase within a specific window of time. The water would be purchased and transferred to the property being developed in Highland; the developer would never actually take possession of that water. Further discussion and review of this item will take place at a future Council meeting.

**ADJOURNMENT**

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

**Brian Braithwaite seconded the motion.**

**Unanimous vote. Motion carried.**

**Meeting adjourned at 10:42 p.m.**

  
JoD'Ann Bates, City Recorder

Date Approved: October 20, 2015



