

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

**Tuesday, October 20, 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.  
Erin Wells, Assistant to the City Administrator  
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:** Kent Slade, Ed Barfuss, Tom Harward, Ed Dennis Jennifer Moulder, Tanya Colledge, Emerson Dayton, Chris Dayton, Jennie Woolley, Josh Woolley, Zach Woolley, Brooke Wooley, Chris Kemp James Dewey.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:05 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 Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by James Dewey, a scout.

**APPEARANCES:**

No Appearances

**PRESENTATION:**

Lone Peak Public Safety / Police – Police Chief Brian Gwilliam

Chief Brian Gwilliam addressed the Council indicating he would like to present some information to the council regarding the school programs they have going on in the area. He stated the police department has a resource officer that is present during school hours in the High School. Anytime there is any extracurricular activity they have officers that are at the school

during those events. They also offer and teach a law enforcement familiarization class. This has become a popular class in recent years and he feels this give the department an opportunity to interact with the students on a positive level. With this class they have the opportunity to take them out along 4800 West and have them guess the speed of the vehicles passing by, they then use a laser to determine that speed. They also use the K-9's giving the students the chance to get to know the dogs and how they work. Life Flight will also take time to land at the school and allow the students to learn about that career also. These are some of the "fun" things they do, the class also teaches them about the laws both federal and state and also what it takes to become a law enforcement officer.

Chief Gwilliam continued that there is another resource officer that is split between Mountain Ridge Jr. High, Timberline Jr. High in Alpine and also the elementary schools.

In the elementary schools they teach the "NOVA" program in the 6<sup>th</sup> grade. Nova stands for Nurturing Opportunity Values and Accountability and is a substitution program for the older DARE program. The program was developed by an Orem police officer about 12-15 years ago. It teaches a lot of the same principles that the Dare program did but is more tailored to this community and added new things like social media safety, electronic safety, the importance of choosing good friends, and the effects of drugs. Part of the program is that at the end of the course they are asked to write an essay on things they learned. Chief read some of the responses they have received. Chief indicated they get a lot of positive comments from parent, teachers and students regarding this program. They feel this age is very impressionable and if they can go in and make a positive influence and give them some guidance to help lead them on a path for success they feel they are making that type of difference with this program. Often times the officers if they have time during lunch periods they will join the students at the elementary schools for lunch. They also take the K-9's into the schools and allow the children to interact with them.

Chief wanted to make the Council aware of something that just recently happened. Approximately around Labor Day a young man named Wesley Burger came and spoke with one of our officers regarding the recent increase of officers being shot. Wesley had become aware of this issue and he told his parent he wanted to go visit every police station in the state of Utah. Officer Skyler Zobell was one of the officers that met with Wesley, allowing him to try on his tac vest and talked with him for quite a while. Wesley's story garnered some national attention and over the last several months he had been able to raise some funds to donate back to some departments that Wesley had been impressed with. He raised about \$1,100 and were able to give \$200 to 7 of the 193 departments across the state of Utah and the Lone Peak Police Department was one of those that received this donation. He came in just today and gave the department a \$200 check in order to be used for the K-9 program. Chief Gwilliam hopes his department can make the same influence on more young people.

Dennis LeBaron stated that due to the increase in school incidences if the department has talked with the District on how to prevent or plans to prevent something like that happening here.

Chief Gwilliam stated that was a great question. He indicated that over the last two years they have taken a proactive stance on how to approach this type of incident if it does happen. Sargent

Brooks one of his front line supervisors has gone out nationwide and searched the best practices and things that will work from agencies where there has been an incident in the schools. He has put together a program on how they as a department would respond if this was to happen in Highland or Alpine. It garnered the attention of the principals in the area because they were taking it into the schools with drills and education processes with parents and students. Due to the communication they have with the principals on a monthly basis, they were invited to present this program on a district level. They have continued to talk to the district to administer this district wide. If there were to be a mass incident no matter which school it was in the district all law enforcement would react the same and everyone would be able to work together.

**CONSENT ITEMS:**

**MOTION:** Minutes for the September 1, 2015 Regular City Council Meeting  
*Pulled by Dennis Lebaron*

**MOTION:** Minutes for the September 15, 2015 Regular City Council Meeting

**MOTION:** Minutes for the October 6, 2015 Regular City Council Meeting

**MOTION:** Ratification of the Mayors Appointment and Re-Appointment to the Highland Library Board.

**MOTION:** Ratification of the Mayors Appointment of a Chairman to the Highland Fling Committee

**MOTION:** Tim Irwin moved the City Council approve the remaining items on the agenda.

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

**ACTION ITEMS:**

**MOTION: Minutes for the Regular City Council Meeting - September 1, 2015**  
*Pulled by Dennis Lebaron*

Dennis LeBaron indicated he feel there was Council discussion lacking. He had stated an opposition indicating the action would create a precedence for the request of R-1-20 zoning and feels this should be included along with other statements as part of the minutes.

Brian Braithwaite stated he feels the hard part of transcribing meeting minutes is to know what is important and what isn't. He agrees with Dennis and feels this should be reviewed and includes some of the details that were talked about.

**MOTION: Brian Braithwaite moved to continue the minutes for the Regular City Council meeting of September 1, 2015 to the next meeting.**

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

**MOTION – Request for Burial on Private Property – Susan Lekins**

*BACKGROUND: Highland City resident, Susan Ledkins has requested permission to bury her ill husband on their private property at the time of his death. See the attached letter and map regarding her request.*

*Highland City Municipal Code states that all burials must take place in approved cemetery locations: Highland Code 13.48.160 - Burials outside cemeteries.*

*It is unlawful to bury the body of any person within the city, except at sites designated and approved as cemeteries by the city.*

*Utah State Code states that cemeteries must be filed, recorded, and platted with Utah County: Utah Code 8.3.1 – Cemeteries – Recording Plats & Conveyances – Plats of cemeteries shall be recorded. An executive officer of an organization in control of a cemetery, including a municipality or a cemetery maintenance district, or an individual owner in control of a cemetery, offering burial lots for sale in any county, shall file and cause to be recorded in the office of the county recorder of the county within which the respective cemetery is situated an accurate plat of the cemetery.*

*In further discussions with the county, a number of Departments including Health, Recorder, and others would need to be included in the process and the property would need to be rezoned by the City prior to the property being able to be used as a cemetery.*

Erin Wells indicated at this point this request has been made by resident Susan Ledkins. Both she and Jody Bates did some initial research with the State and the County to find out what it would entail to enable her to accomplish what she is asking. IF the City Council feels this is something they would like to move forward with and allow the city would need to create a process for this to happen. According to State Code it is possible, the city would need to designate it as a cemetery and the County would have to have it platted but currently the city has no process for proceeding in that direction.

Tim Irwin inquired if there are any other cities that allow for private cemeteries.

Erin Wells indicated that in the minimal search done by staff they were not able to find any.

Nathan Crane indicated that this is not the typical “private” cemetery, this request is for a personal family burial on their own property.

Brian Braithwaite stated he feels if they would like to pursue this request it should go before the Planning Commission and have them determine some of the requirements for it.

Tim Merrill, City Attorney stated the state regulates the disposition of human remains. While this would be a permitted use if the ordinance was amended. Currently they would have to

stretch the interpretation of what the ordinance allows by interpreting cemetery to include this scenario. It is important if they proceed to make sure the language is explicit. The State regulates the care of deceased persons prior to burial. He described various scenarios regarding the care of deceased persons. If the council wants to go in this direction they want to make sure our ordinance incorporates all the regulatory compliance that the state has already enacted.

Brian Braithwaite indicated the reason he feels it needs to go through the Planning Commission is the notification of the neighbors. He feels this could fall under a zoning issue and the neighbors should be notified and be as transparent as possible.

Mayor Thompson questioned what is the exposure to the neighbors? He feels this is something they should be able to do on their own private property and is no different than placing a volleyball net on their own personal property.

**MOTION: Tim Irwin moved the City Council direct staff to draft an ordinance to permit a private family cemetery and bring it back for council discussion.**

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

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

*BACKGROUND: Over the past several months the City Council has been discussing the status of the Dry Creek Bench Trail. On September 15, 2015, the Council directed staff to return with multiple competitive bids for the removal and replacement of asphalt trail.*

*Staff has received back four bids from contractors interested in doing this work. 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. Under the current circumstances we will not make the October 31<sup>st</sup> deadline for asphalt. In order to attempt to get more complete bidding we have allowed the Contractors to bid this project out as winter work for their crews with the intention of completing the trail portion up to the point of road base and having it ready to asphalt the 1<sup>st</sup> part of April as soon as the weather permits. In our communications with Skip Dunn and Sons, they would be able to mobilize their equipment as soon as they were awarded the bid and work on getting all of the old trail removed and the new trail excavated, graded and road based by the middle of November. They would then come back in the spring and touch up any bad spots in the road base and asphalt it the first part of April.*

Justin Parduhn stated for the past few months they have been working on designs and putting out for bids for the Dry Creek Phase 3 trail and have received those bids back with the lowest bid from Skip Dunn and Sons and they are looking for approval to proceed.

Rod Mann stated a concern about motorized vehicles driving on the trail and inquired of the damage it may cause and the amount of re-work required if that was to take place

Justin Parduhn indicated they road base would be rolled and compacted and motorized vehicle would have to be on it a lot to do any damage. They would be willing to place signs indicating that no motor vehicles are permitted on the trail. Justin had talked with Skip Dunn and they indicated they would get going on it as soon as possible and try to have road base in by Thanksgiving then come back in the spring and fix anything needed prior to asphalt. The road base being able to sit during the winter allows for hardening and better settling.

**MOTION: Dennis Lebaron moved the City Council authorize staff to proceed with construction of Dry Creek Phase 3 Trail and awarding the contract to Skip Dunn in the amount of \$50, 518.38.**

**Brian Braithwaite seconded the motion.**

**Unanimous vote, 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)*

- Tim Irwin inquired of the status of the 11800 No & Highland Blvd. intersection. Nathan Crane stated they received a draft report from the engineer late last week that needs to be reviewed.

- Rod Mann inquired of the fence along the grassy area around the splash pad. Nathan Crane indicated they have never received a quote from Mr. Aalders so the city will have to move on its own for a quote.

- Mayor Thomson stated in regards to the urban deer program there has been some complaints in the area of East of 6400 West and about 10700 No. He has talked with Brian Cook had he has a preliminary plan for that area.

- Mayor Thomson asked Chief Gwilliam is regards to the prior discussion of motorized vehicles on trails, what they need from residents to help cut down this type of activity. Chief Gwilliam stated the residents are the eyes and ears of the community they need to call the police as soon as they see it happen in order for the police to get there as soon as possible.

- Rod Mann thanked Erin Wells for all the work she has done with the Facebook page. There is a lot going on every day and he appreciates the effort information provided.

### **ADJOURNMENT**

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

**Jessie Schoenfeld seconded the motion.**

**Unanimous vote. Motion carried.**

**Meeting adjourned at 7:52 p.m.**

  
JoD Ann Bates, City Recorder

Date Approved: November 17, 2015



