

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, September 6, 2016

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 Ed Dennis
Councilmember Rod Mann

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD'Ann Bates, City Recorder
Justin Parduhn, Public Works O&M Director
Zachary Smallwood, Planner
Tim Merrill, City Attorney
Brian Gwilliam, Chief of Police

OTHERS: Lawana Ballantine, Rebecca Richards, Kali Soelberg, Micah Soelberg, John Crockett, Elizabeth Pribil, Cody Yeck, Tracy Cluff, Cynthia Andrus, Dana Lyman, Matthew Lyman, Garrett Lyman, Timothy Ball, Erica Barnes, Laura Harding, Brandon Harding, Brad Andrus, Leslie Andrus, Ken Worton, Kyle Honeycutt, Al Rafati, Wendy Condie, Sue Frame, Brian Rustad, D. Warnock, Tanya Colledge, Dennis Anderson, Brent Alm, Stephen Hoyal, Jacob Hoyal, Gavriella Arrington, David Arrington, Tom Holdman, TJ Holdman, Michell Bezzant, Missy Bezzant, Mike Simmons, Jill Simmons, Misty Newman, Brandon Newman, Jill Rastad, Jennifer Toon, Bill Toon, Corey Freeze, Vickie Harris, Neal Evans and Patrick Ward.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:02 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 Councilman Ed Dennis and those assembled were led in the Pledge of Allegiance by Cameron Holley, a scout.

APPEARANCES:

Kalli Soelberg spoke against the rezone request of the Oak Ridge Subdivision from R-1-40 to R-1-30. She believed that the rezone would negatively affect Highland City, and it would not be in line with the City's masterplan. A recent resident survey showed that one of the main reasons people like living in Highland is the large lot sizes, and Mrs. Soelberg believed that this practice should be continued. She also noted that there would be higher taxes and utility rates if the City allowed higher density housing.

Mayor Thompson asked that anyone wishing to speak regarding items on the agenda please wait until the time that those items are discussed.

CONSENT ITEMS:

1. **MOTION:** Approval of Meeting Minutes for the City Council Regular Session – August 16, 2016
2. **MOTION:** Ratify the Mayor Appointments to the Highland Library Board – Nancy Passaretti and Sue Carey
3. **MOTION:** Approval and Award of Bid for the Construction of a Fence around the Splash Pad – The Fence Specialists
Pulled by Councilman Ed Dennis
4. **MOTION:** Approval of a six-month time extension for a Conditional Use Permit - Blackstone
Pulled by Councilman Brian Braithwaite
5. **MOTION:** Preliminary Plat Approval for a 9 lot, single family residential subdivision, located at 11580 North 6000 West – Gable Ridge
6. **MOTION:** Preliminary Plat Approval for a 28 lot single family residential subdivision, located at 9725 North 6800 West - Sky Ridge Estates

MOTION: Councilman Rod Mann moved the City Council approve items 1, 2, 5 and 6 items on the consent agenda.

**Councilman Ed Dennis seconded the motion.
Unanimous vote, motion carried.**

PULLED CONSENT ITEMS:

3. **MOTION:** Approval and Award of Bid for the Construction of a Fence around the Splash Pad – The Fence Specialists
Pulled by Councilman Ed Dennis

Councilman Ed Dennis questioned whether a four foot fence would suffice and asked if a six foot fence had been considered.

Justin Parduhn, Public Works O&M Director, explained that the purpose of the fence is to keep young children inside of the splash pad area and keep them from running out onto the busy street. The fence would also keep pets and other animals out of the splash pad. Mr. Parduhn believed that a four foot fence would meet their needs.

MOTION: Councilman Dennis LeBaron moved the City Council Approve and Award the bid for the Construction of a Fence around the Splash Pad as presented.

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

4. **MOTION:** Approval of a six-month time extension for a Conditional Use Permit - Blackstone

Pulled by Councilman Brian Braithwaite

Councilman Brian Braithwaite asked if the City had a definition for the term “substantial construction activity” as used in the description of the application. He was concerned that substantial construction efforts had not been made by the applicant, which would be a reason to deny the request.

Tim Merrill, City Attorney, explained that the applicant has made progress in the project by completing the preliminary and final plats, as well as obtaining approval of the civil engineering plans. If the City Council allowed the approved Conditional Use Permit to expire then the City would have to go into pre-litigation about the rights of the developer.

Nathan Crane, City Administrator, stated that the City does not have a solid definition of “substantial construction activity”. Staff considers infrastructure installation, road dedication, and the beginning stages of construction to be substantial.

Councilman Brian Braithwaite asked if the City Council was obligated in any way to approve the request. He stated that the original approval of this project was controversial and many Councilmembers were not in favor. He felt that it would be appropriate to deny the extension request because the applicant has not met the requirements of the code.

Tim Merrill stated that the City Council can exercise their discretion on this issue. The reason the ordinance allows for an extension is for scenarios like this one. The applicant has been working on the project, even though the buildings have not yet been constructed. An extension has been requested because the Conditional Use Permit will expire on September 15, 2016.

MOTION: Councilman Brian Braithwaite moved the City Council deny a six-month time extension for a Conditional Use Permit for the Blackstone Development.

Councilman Dennis LeBaron seconded the motion.

Councilman Rod Mann stated that the City Council would likely approve an extension of other applicants in the same situation who have been moving forward on their project. The extension request seemed reasonable in this case.

Councilman Ed Dennis agreed that there was no precedence for denial. He was concerned that this would be an arbitrary decision because the City Council was opposed to the project initially.

Councilman Brian Braithwaite argued that a denial would not be arbitrary because the applicant has not followed through with the terms of their Conditional Use Permit.

Councilman Rod Mann asked if the applicant would be meeting their Conditional Use Permit if they started to move dirt before September 15th. Tim Merrill, City Attorney, stated that staff and the City Council would have to best determine if substantial construction activity had been done, since that term was not specifically defined. He again stated that the applicant has made significant progress in obtaining approval for various plats and plans since their original approval.

Al Rafati, the applicant, said that he had attended a number of meetings prior to this and had sensed the disappointment from the City Council in what they had proposed. Mr. Rafati was not part of the original team that proposed the project, but came in at a later date to acquire the land and support the development. He stated that he was open to working with the City to come up with ways to make the subdivision a success. Mr. Rafati then explained the reasons that the project has fallen behind schedule and stated that they intend to begin construction as soon as possible.

Councilman Dennis LeBaron stated that he was not in favor of the project from the beginning, but the proposal met the strict requirements of the code and it was approved. He agreed that the applicant had not met the terms of their Conditional Use Permit and felt that a denial was justified.

Councilman Ed Dennis warned that a lot of City funds would be used in litigating this issue if the extension were denied.

Those voting aye: Brian Braithwaite and Dennis LeBaron
Those voting nay: Tim Irwin, Ed Dennis, and Rod Mann
Motion died.

MOTION: Councilman Ed Dennis moved the City Council approve a six-month extension for a Conditional Use Permit for the Blackstone Development.

Councilman Tim Irwin seconded the motion.

Those voting aye: Tim Irwin, Ed Dennis, and Rod Mann
Those voting nay: Brian Braithwaite and Dennis LeBaron
Motion carried.

ACTION ITEMS:

- 7. PUBLIC HEARING/MOTION: Request for a re-zone from R-1-40 to R-1-30 of 28.38 acres located at 6475 West 11800 North– Oak Ridge Subdivision**

BACKGROUND: *The applicant would like to subdivide and develop this property into low density single family residential and has requested that the zoning be changed to R-1-30 from R-1-40. Rezone requests are a legislative process.*

Nathan Crane, City Administrator, presented the background information regarding the rezone request. He presented the concept plan that was provided by the applicant, which showed a 41-lot subdivision. The Planning Commission recommended that the application be denied because the subject property was not a transitional area, and based on the number of residents who spoke against the application.

Councilman Tim Irwin expressed a concern regarding the findings of the Planning Commission. He argued that someone purchasing a home in this subdivision would not be considering the size of the surrounding lots. He also argued that the minimum lot size of the R-1-30 zone could still be considered a large size.

The City Councilmembers discussed what constitutes a large lot.

Mayor Thompson opened the Public Hearing at 7:58 p.m.

Patrick Ward, the applicant representing RSL Communities, thanked the City Council for the opportunity to present their application. He began his presentation by listing the reasons that the R-1-30 zoning creates, and one of those reasons was to provide a zoning that could be used in transitional areas within the City. Mr. Ward then presented a map of the area and explained that an R-1-40 zone would be difficult to accomplish based on the shape of the property. In regards to the concept plan provided in the staff report, Mr. Ward explained that the 41-lot plan showed the maximum lot yield available under the R-1-30 zone; however, they did not intend to include that many lots. To show a more likely scenario, a concept plan showing only 38 lots was created. Mr. Ward presented this concept plan to the City Council and audience. In response to concerns raised by the residents at the previous meeting, Mr. Ward explained that they were working to address water runoff, include traffic calming measures, and creating a walkable path to the school. Mr. Ward addressed the types and size of homes that would be constructed, and presented statistical information regarding the number of school age children. Based on the information provided to him by the local principal and the District Vice President, the number of enrolled school children would decrease in the near future.

Neal Evans, a resident, stated that he was not in favor of the rezone request. He stated that the majority of the surrounding neighborhoods were zoned R-1-40, and the subject property did not qualify as a transitional area. Mr. Evans felt that Highland should continue to provide acre lots. He also expressed a concern for having large homes on small lots, and the invasion of privacy.

Lawana Ballantine, a resident, was concerned about water runoff which would go straight to her home, as her lot was at the lowest elevation in the area. She doubted that the detention basins provided by the developer would be able to handle water from 38 homes. Mrs. Ballantine also asked if the ridge would be removed prior to construction. Finally, she asked who would be responsible for flooding issues if the project were abandoned before completion.

Councilman Brian Braithwaite confirmed that responsibility for any flooding or other issue would be that of the current property owner.

Laura Harding, a resident, asked the City Council to consider how many residents were present to speak against the proposal. She stated that she had many other neighbors who could not attend the meeting who were in opposition. Ms. Harding was concerned that the only party that would benefit from this change is the developer. She explained that she lives on a half-acre lot, and complained about the lack of greenspace and privacy on her lot.

Councilman Ed Dennis asked Ms. Harding why she was opposed to the R-1-30 zone when it would require a larger lot size than what she currently lives on. He stated that some of the surrounding neighborhoods, although zoned R-1-40, had smaller lots because of the Greenspace Overlay.

Vickie Harris, a resident, complimented the developer for listening to the concerns from the neighbors and trying to address them. She commented that there would be opposition to any development that goes into that property, and it was impossible to please everyone. She believed that the applicant's proposal, particularly the 38-lot concept plan, was appropriate for the area. Ms. Harris stated that there were very few acre lots in the surrounding neighborhoods, so the proposed lot sizes would actually be larger than the average lot in the area.

Dennis Anderson, a resident, asked that drainage and traffic studies be conducted before the subdivision is approved.

Tanya Colledge, a resident, stated that she recently sent the City Councilmembers a lengthy email outlining her concerns. She thanked Mr. Crane for compiling all of the communication received from residents and including them in the staff report. Ms. Colledge expressed her opposition of the rezone by stating that the City defines large lots in the masterplan as R-1-40. She was also concerned that her property value would decrease if the proposed subdivision were constructed. Ms. Colledge asked the City Council Members to act as representatives of the residents here and deny the request.

Vickie Harris again approached the City Council and asked that the developer be strictly held to any agreement they make with the City.

Cody Yeck, a resident, stated that her home is located on a smaller lot in a greenspace overlay, but they built there with the understanding that the subject property behind them would be developed into large lots. As a realtor, Mrs. Yeck testified that people are looking for acre-sized lots so that pools or sports courts could be installed on their properties. She was also concerned that the subject property would become a dust bowl with all of the construction that would happen there, and it would continue if the homes were not sold.

Corey Freeze, a resident, felt that the rezone was a reasonable request. He explained that he resides on a half-acre lot and felt that was a substantial amount of property. Mr. Freeze suggested that they consider the future population of Highland City by providing more homes on slightly smaller lots.

Cynthia Andrus, a resident, agreed that the developer had made good efforts in addressing the residents' concerns, and she appreciated those efforts. However, she still believed that the difference between the R-1-40 and the R-1-30 zone was too much, and adding more homes would take away their privacy.

Timothy Ball, a resident, agreed with the majority of the neighbors who had spoken. He addressed the issue of overcrowding at the local schools, stating that the school district is interested in planning for future growth. This contradicts the information provided by the applicant. Mr. Ball talked about the lack of classroom space, exhausted resources, and the elimination of vital programs. He asked the City Council to consider the needs of the children currently in Highland City. Mr. Ball argued that people who want smaller lot sizes have alternative options in the neighboring cities, and Highland does not need to provide that.

Councilman Ed Dennis was concerned about the conflicting information regarding the school district that was given by the applicant and Mr. Ball. He asked Mr. Ball if he could disclose who he had been speaking with regarding this information, and Mr. Ball stated that he could not provide a name at this time. However, he would be receiving a written letter from this person, and he would be providing copies of it to the City Councilmembers. There was a discussion regarding the number of children enrolled at Ridgeline Elementary compared to the capacity of the school building.

Ken Worton, a resident, stated that he moved his family to Highland 20 years ago because it was rural and offered acre lots. He stated that R-1-40 offers those larger lots, and it's always been that way. Mr. Worton was also concerned that only the developer would be benefiting from the rezone, when the City Council should be considering what is best for Highland City. Mr. Worton asked Councilman Tim Irwin how long he has lived in Highland.

Councilman Tim Irwin stated that he has lived in the City long enough to speak with other residents about their wants and needs. He stated that Highland City is changing, and people do desire smaller lots.

Mr. Worton argued that Highland City does not need to change, because it is fine the way it is. He also voiced his opinion that anyone who has not lived in Highland City has no business being on the City Council, because that person would not be able to understand the needs of the City.

Leslie Andrus, a resident, echoed Mr. Worton's comments. She stated that she felt deceived by this rezone request, because her understanding was that the subject property would be developed into large lots.

Hearing no further comments, Mayor Thompson closed the public hearing at 9:18 p.m. and brought the discussion back to the Council.

Mayor Thompson thanked the residents for their comments and stated that their input would be taken into consideration as the City Council deliberated this issue. To address a few of the comments made, Mayor Thompson stated that change is a reality and the City will have to adjust

in some ways. He also stated that anyone who has resided in Highland for just a few months has the right to be on the City Council or give their opinion in a public forum.

Councilman Ed Dennis briefly talked about the history of the subject property, stating that a portion of the property was donated to the LDS church, and a portion was sold to the School District. The configuration of the remaining property does not fit an R-1-40 zone very well, which is the main reason that the applicant has requested a rezone to R-1-30. He asked that this be factored into the discussion.

Councilman Rod Mann argued that the donation of the church property was not important to the discussion. In regards to the request, he stated that he was not comfortable overriding the recommendation of the Planning Commission unless there was a compelling reason. He agreed that the subject property was not a transitional area, and the opinion of the neighbors bares significant weight in this decision. Councilman Rod Mann felt that the lots sizes of the R-1-30 could still be considered as “large”. He requested that the item be sent back to the Planning Commission with the changes that had been made and were being made by the applicant.

Councilman Ed Dennis commented that Highland City has never been exclusively an R-1-40 community, and a number of R-1-20 subdivisions have been in place for a very long time.

Councilman Brian Braithwaite thanked the developer for presenting his information and for attempting to make changes that would address the neighbors’ concerns. He also thanked the residents for their comments. Councilman Braithwaite believed that Highland was an R-1-40 City, and there needed to be good reasons to justify changes like this. He stated that he was in favor of discussing the rezone, but only with the facts that are pertinent such as the surrounding uses, impact to the neighbors, and the topography of the land. He added that a property owner does have rights to develop their property, and the City cannot create regulations that would cause them to fail in this attempt. Councilman Braithwaite addressed the issue of overcrowding in schools. He stated that the City would eventually build out to 25,000 to 30,000 residents, and any development would have a large impact on the school system. He also stated that demographics change over time, and school attendance would fluctuate. Seven more houses in this specific development would not impact the school system as much as some of the other subdivisions that are going in. Because Alpine School District decides how to react to the growth, overcrowding should not factor into the City Council’s decision on this rezone application. In regards to the R-1-30 zone, Councilman Braithwaite stated that it was not created with the intention of being applied everywhere in the City. He believed that their decision on this property would set a precedent for other R-1-30 zoning requests. There needs to be a valid reason for approving such a rezone, and he wasn’t sure that the justifications were strong enough in this case. He suggested that the item be sent back to the Planning Commission because there could be other options for this property, such as rezoning to the R-1-30 with a strict set of restrictions. This option would give the developer the flexibility to create a subdivision that was aesthetically pleasing while requiring fewer lots than allowed in the R-1-30.

Councilman Ed Dennis agreed with Councilman Braithwaite’s suggestion.

Councilman Dennis LeBaron stated that he appreciates the size of the R-1-40 lots, but it is not a perfect zoning. This is why the City has tried implementing things like the Greenspace Overlay in the past. He felt that the creation of the R-1-30 zone was visionary and appropriate for certain areas of the City. He suggested that the item be continued until the City has the opportunity to review and discuss the City's masterplan with the community.

Councilman Tim Irwin expressed appreciation for the comments made by the developer, residents, and fellow Councilmembers. He commented that the R-1-30 zone was created to give property owners other development options in difficult situations. This decision was difficult for Councilman Irwin because he views the R-1-30 as having large lots even though they are less than one acre. The developer has worked hard to mitigate the concerns of the neighbors, and the rezone would assist the developer in making a nice subdivision.

Councilman Ed Dennis apologized to those who may have been offended by some of his comments that evening, because his intention was not to offend. He explained that he had spent a significant amount of time speaking with a real estate expert discussing the pros and cons of the proposed development. Councilman Dennis was told that many other attempts to develop this property with the R-1-40 zoning had been abandoned because it is simply not reasonable. The R-1-30 zone would give this developer more options. He added that an increased number of rooftops would help increase revenue for the City, even just slightly.

MOTION: Councilman Brian Braithwaite moved the City Council deny the applicant's request to rezone property from an R-1-40 to and R-1-30 located at 6475 West 11800 North and direct the applicant to go back to the Planning Commission and work with staff to identify an R-1-30 that would allow a reduced number of lots to provide some transition and would be mitigated by the topography. They also direct the applicant to share the amended proposal with resident allowing continued communication.

Councilman Rod Mann seconded the motion.

Those voting aye: Brian Braithwaite, Ed Dennis and Rod Mann.

Those voting nay: Dennis LeBaron and Tim Irwin

Motion carried.

8. RESOLUTION: Approval of an Interlocal Agreement with Utah County – Major Crimes Task Force

BACKGROUND: The Utah County Major Crimes Task Force is a multi-jurisdictional cooperation tasked with addressing the problems of drugs, gangs, and violent crimes occurring in Utah County. Lone Peak Police Department pays an annual assessment to be a part of the Task Force. That assessment provides our Police Department with specialized resources to investigate and solve more sophisticated crimes such as child pornography, computer crimes, and the distribution of illegal drugs. The Task Force also provides information on known criminal activity in Highland City. An interlocal agreement is required by each entity to participate in the Task Force. For Lone Peak Police Department to participate, Highland City Council, Alpine City Council, and the Lone Peak Public Safety Board must sign. In comparison

with the previous interlocal agreement, two changes to this agreement have occurred. First, in Section 15 it was added that the Task Force Director has the authority to review and sign the agreement and execute certificates, acknowledgements or other evidences of proof of review and or updating as required by applicable laws, rules or regulations. This will allow the Task Force Director to renew this interlocal agreement every year without having each jurisdiction sign. An annual renewal is a requirement by the US Department of Justice. That being said, Highland City has the right to withdraw from the agreement immediately at any time without penalty. The second change was the effective date changing from December 31, 2020 to December 31, 2026. At that time, Highland City will need to execute a new interlocal agreement.

Brian Gwilliam, Chief of Police, presented the background information above and explained the purpose of the Task Force.

Councilman Rod Mann asked about the clause which states that any assets gained by the task force would be used to expand their budget rather than offset existing expenses. Chief Gwilliam explained that any assets gained are given to the State, and then that money is given back to the community through different programs of the Utah Commission of Criminal and Juvenile Justice system.

Tim Merrill, City Attorney, expressed his support for the adoption of the resolution.

MOTION: Councilman Rod Mann moved the City Council Adopt a Resolution and Authorize the Mayor to sign an Interlocal Agreement with Utah County for participation with the Major Crimes Task Force

Councilman Ed Dennis seconded the motion.

Those voting aye: Rod Man, Ed Dennis, Tim Irwin, Dennis LeBaron and Brian Braithwaite

Those voting nay: none

Motion carried.

9. RESOLUTION: Approval of an Interlocal Agreement with Utah County – Community Development Block Grant Program

BACKGROUND: *In 2010, Highland City entered into an Interlocal Cooperation Agreement with Utah County to participate in the U.S Department of Housing and Urban Development's (HUD) Community Development Block (CDBG) Grant Program. The CDBG program is designed to give funds to local and state governments to administer housing that provides access to "decent housing, shelter and ownership opportunity regardless of income or minority status, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income" (Interlocal Agreement language). The 2010 Interlocal Cooperation Agreement was for Federal Fiscal Years 2011, 2012, and 2013 and successive 3 year periods thereafter. The Interlocal Agreement automatically renews every three years unless a unit of government opts out. However, due to federal regulations, changes have been made to the Civil Rights and fair housing language. As*

such, new resolutions need to be passed and a new interlocal agreement needs to be signed. This agreement will be for Federal Fiscal Years 2017, 2018, 2019, and successive 3 year periods after. They City may terminate their participation in the agreement with the county prior to the next 3 year period. This agreement would commit Highland City to working with the County in any CDGB activities taking place within Highland City. However, it is unlikely that Highland City would ever have any CDGB activities due to our high income demographics.

Erin Wells, Assistant to the City Administrator, presented the background information. She confirmed that there was not a monetary cost to sign the interlocal agreement.

Councilman Ed Dennis asked if this agreement would facilitate fair housing within Highland City in the future. Ms. Wells stated that the agreement did not require the City to provide low-income housing.

Tim Merrill, City Attorney, stated that the federal government is continually pushing for low-income housing and redevelopment. Currently, it would be beneficial to the City to promote the federal agenda because they provide funding to create fair housing.

Councilman Tim Irwin was opposed to encouraging the county to be involved in this agreement because it would allow the federal government to be involved in something it did not need to be in. He was concerned about the strings that would be attached to such an agreement.

Councilman Brian Braithwaite asked if the City could choose to participate at a later date if the Resolution were denied. Ms. Wells stated that they could not become involved until 2019. However, a non-profit organization in the area could choose to participate.

MOTION: Councilman Tim Irwin moved the City Council Deny the Adoption of a Resolution for an Interlocal Agreement with Utah County for the Community Development Block Grant Programs

Councilman Dennis LeBaron seconded the motion.

Those voting aye: Rod Mann, Ed Dennis, Tim Irwin, Dennis LeBaron and Brian Braithwaite

Those voting nay: none

Motion carried.

Note: Councilman Tim Irwin was excused from the meeting at 10:20 p.m.

MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS

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

- Status of Full Time City Engineer – Nathan Crane, City Administrator, reported that the cost of hiring outside engineering consultants has risen in the past two years, and it would be financially beneficial to hire a full-time City Engineer. Creating a full-time position

could potentially save the City \$120,000 a year. Mr. Crane explained the process that would need to be taken when hiring a City Engineer, and confirmed that they had not begun the process yet. The City Council agreed that staff should begin the process and post a job description.

- North Pointe Solid Waste – Tim Merrill, City Attorney, gave each City Councilmember a copy of the North Pointe Solid Waste contract and stated that it extends until the end of 2019. If the City chooses to exit the contract, they need to provide a one-year notice. The deadline for that notice is December 1, 2018. If the City chose to leave without grounds prior to that date, they would be in breach of contract.

Councilman Brian Braithwaite asked if the City could vacate the contract if they felt that North Pointe had gone beyond the scope of the agreement. Mr. Merrill stated that he could draft a document outlining this argument.

Nathan Crane suggested postponing the Closed Executive Session due to the lateness of the hour.

ADJOURNMENT

MOTION: Councilman Rod Mann moved to adjourn the regularly scheduled meeting.

**Councilman Brian Braithwaite seconded the motion.
Unanimous vote. Motion carried.**

Meeting adjourned at 10:40 p.m.


JoD'Ann Bates, City Recorder

Date Approved: September 20, 2016



Welcome to the Highland
City Council Meeting



HIGHLAND CITY



CONSENT

- Item #1 - Approval of Meeting Minutes for the City Council Regular Session - August 16, 2016
- Item #2 - Ratify the Mayor Appointments to the Highland Library Board
- Item #3 - Approval and Award of Bid for the Construction of a Fence around the Splash Pad
- Item #4 - Approval of a six-month time extension for a Conditional Use Permit for the Blackstone Project
- Item #5 - Preliminary Plat Approval for a 9-lot single family residential subdivision located at 11850 North 6000 West
- Item #6 - Preliminary Plat Approval for a 26-lot single family residential subdivision located at 9725 North 6800 West

#2 Library Board Appointments

- Nancy Passaretti
- Sue Cares

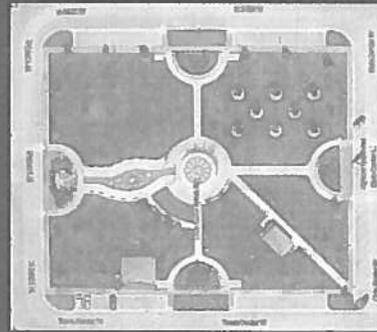
#3 Splash Pad Fence

- 4 foot powder coated commercial grade aluminum
- Gates added

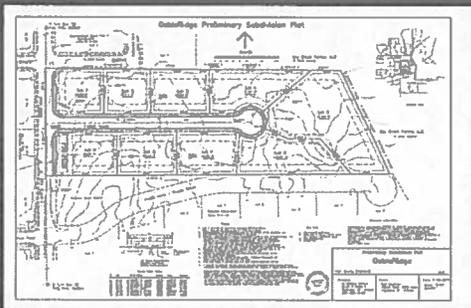
#3 Splash Pad Fence continued

- \$28,989.00 to Fence Specialists
- Other bids:
 - \$31,810.00 – Stonehenge Fence
 - \$39,500.00 – Northwest Fence
- \$19,560.85 net after Utah County grant

Map



Preliminary Plat #5



Preliminary Plat #6





**REQUEST FOR A RE-ZONE
FROM R-1-40 TO R-1-30 OF
28.38 ACRES LOCATED AT 6475
WEST 11800 NORTH (OAK
RIDGE SUBDIVISION)**

Item #7 - Public Hearing and Motion
Presented by: Nathan Crane, City Administrator/Community
Development Director

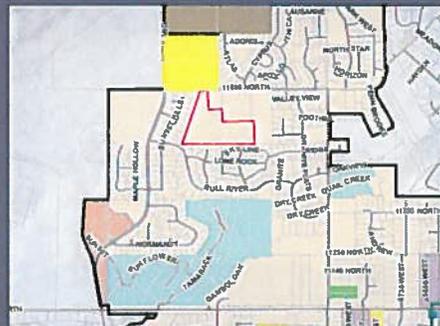
Summary

- The property is 28.38 acres
- It is designated as Low Density Residential on the General Plan Land Use Map
- Zone R-1-40
 - 30 Lots Maximum
- Applicant is proposing R-1-30
 - 41 Lots Maximum

Land Use Map



Zoning Map



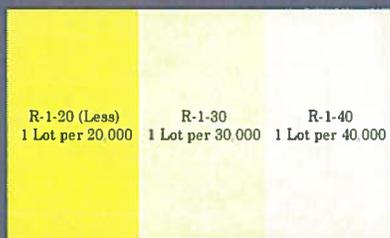
Conceptual Plan



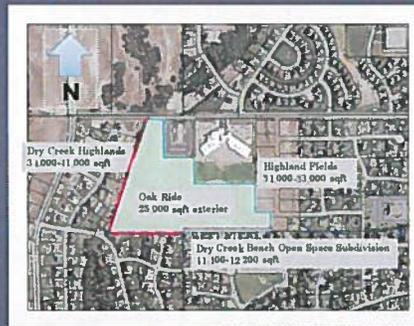
R-1-30 District

- Built from the R-1-40 District
- Not intended to replace R-1-30
- Objective is to support low density residential
- Create transitional areas within the City between other residential zones
- To create a distinction and gradation between larger lots and half acre lots

R-1-30 Example



Surrounding Land Uses



Site Circulation and Utilities



Citizen Participation

- Neighborhood Meeting on August 11, 2016
- Planning Commission Public Hearing on August 23, 2016
 - Significant opposition
- City Council Public Hearing on September 6, 2016

Planning Commission Meeting

- Commission voted 5-1 to recommend DENIAL based on the following findings:
 - The area is surrounded by R-1-40
 - Because of the surrounding lot sizes R-1-30 was not appropriate
 - It did not meet the transition requirements on the east of west
 - Concerned that the conceptual plan did not meet the Development Code enough to fully analyze the request

Conclusion and Recommendation

- Conceptual plans are a challenge
- Residents and the Planning Commission expressed concerns with the use of R-1-30 as outlined above and adding additional homes above what has been planned
- The intent of R-1-30 is not to replace R-1-40
- Council will need to determine if this is the appropriate location for R-1-30

Council Options

- Draft findings and ADOPT the ordinance with appropriate stipulations
- Draft findings and DENY the request
- Continue the application after providing the applicant/staff with specific direction
- Direct the conceptual plan to be revised based on specific recommendations and have the Planning Commission provide a recommendation



APPROVAL OF AN INTERLOCAL AGREEMENT WITH UTAH COUNTY (MAJOR CRIMES TASK FORCE)

Item #8 - Resolution
Presented by: Erin Wells, Assistant to the City Administrator and Brian Gwilliam, Lone Peak Police Department Chief



APPROVAL OF AN INTERLOCAL AGREEMENT WITH UTAH COUNTY (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)

Item #9 - Resolution
Presented by: Erin Wells, Assistant to the City Administrator

Agreement Summary

- Agreement with Utah County to join Utah County's group for Community Development Block Grants (CDBG)
- CDGB funds from the federal government
- Mountainland Association of Governments (MAG) heads up the process for cities less than 50,000 in Utah County

CDBG Projects

- Some CDBG projects are income based others are not
- Non-income based projects (Highland City would be eligible for) include:
 - ADA accessibility
 - assistance with curb, gutter, and sidewalk
 - programs or facilities for seniors

CDBG Projects continued

- Highland City must first apply for grant funds through an annual competitive process for a CDBG project to take place
- Non-profits are eligible and can do projects in our City without the City applying
- CDGB does not force the City to put in low income housing, change zoning laws, etc.

Timeline

- Agreement covers October 1, 2016 – September 30, 2019
- Can only opt out or in every three years
- Deadline for Utah County submission is Thursday, September 15.



MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

Item # 10 – Status of Full Time City Engineer
Presented by: Nathan Crane, City Administrator/Community Development Director

City Engineer

- Budget
- Expenses
 - FY 14/15 - \$189,500
 - FY 15/16 - \$263,683
 - FY 16/17 - \$200,000 Budgeted and \$58,687 expended (29.3% of the budget)
- Potential Cost Savings
 - TCV of \$144,000 would save \$119,683

Proposed Process

- Post the job description
- Panel Interview
 - Justin, Myself, Tavis
- Mayor and Council Q and A
 - Anyone who would like to participate
- Don't hire someone until we find the right person



EXECUTIVE SESSION



City Engineer Role

- Responsible for Engineering, Building, and Public Works
- Capital Improvement Plans and Projects
- Infrastructure Maintenance Plans
- All Infrastructure
- Transportation Planning/Traffic Engineering
- Development Review/Inspection

City Engineer – Ideal Candidate

- Local Knowledge
- Public Works Experience
- Development Review Experience
- Worked for a Municipality
- Excellent Customer Service and Problem Solving
- Previous Supervision

