



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 4, 2019

***Agenda Amended June 3, 2019**

Approved July 16, 2019

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Ed Dennis (via phone), Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, Fire Chief Reed Thompson, and City Recorder Cindy Quick

EXCUSED: Council Member Brian Braithwaite

OTHERS: Doug Cortney, Jason Bartholomew, Penny Kilger, Dylan Higginbottom, Tim Ball, Carri Jenkins, Lora Beth Brown, Brandon Grover, Wayne Tanaka, Briawna Hugh, Darin Mano, Brittney Bills, Lisa Bartholomew, Ryan Bartholomew, Megan Bartholomew, Krissy Greening, Kim Rodela

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann

Invocation – Fire Chief Reed Thompson

Pledge of Allegiance – Council Member Tim Irwin

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 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 Fire Chief Reed Thompson and those assembled were led in the Pledge of Allegiance by Council Member Tim Irwin.

1. UNSCHEDULED PUBLIC APPEARANCES

Wayne Tanaka, representing Friends of the Library, explained that the Summer reading program had begun. He said there were 50 children signed up. One incentive was to provide rewards if they meet their accomplishments, of which he described several examples. He reported that the library would be participating in the Cedar Hills parades and marketplace. Additionally, there would be a book sale on Saturday.

2. CONSENT ITEMS *(5 minutes)*

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council Members may pull items from consent if they would like them considered separately.

a. ACTION: Approval of Meeting Minutes

b. ACTION: Approval to Purchase a Pickup Truck for the Building Department

The City Council will consider approving the purchase of a Ford Ranger pickup truck in the amount of \$29,304.47 for the Building Department. The Council will take appropriate action.

Council Member Tim Irwin MOVED to approve consent items a. and b. as listed on the agenda.

Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

Council Member Ed Dennis Yes

Council Member Tim Irwin Yes

Council Member Kurt Ostler Yes

Council Member Scott L. Smith Yes

The motion passed.

3. ACTION: APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN FOR PROFESSIONAL OFFICE BUILDINGS IN THE PROFESSIONAL OFFICE ZONE (20 minutes)

Planner & GIS Analyst Tara Tannahill presented the staff report, explaining that this was a request from Eternal Springs for a Site Plan approval and Conditional Use Permit of professional office buildings located at 10298 North 4800 West (SP-19-01 and CU-19-01). She displayed the vicinity map and site plan and provided a brief outline of the project. She explained that the Council needed to determine the fencing and noted that the landscaping and architecture requirements were met. She also displayed the floor plan as well as the dumpster relocation plan which she noted met the new requirements. There were ten stipulations recommended by Planning Commission, as listed in the motion below.

Darin Mano, representing the owner, asked if the one-foot candle requirement was for every property line. Ms. Tannahill explained that this was required for the residential side only. Mr. Mano said the owner preferred no fence if the neighboring property was not residential. Ms. Tannahill explained that the Planning Commission recommended the lighting not to exceed one foot on the development side and not to exceed two feet on the parking lot side.

Council Member Smith asked about the trail near the development. Ms. Tannahill stated that staff had not received any landscaping trails. Council Member Smith asked if they would need to include a fence along the trail for safety. It was noted that there was no longer any residential zoning bordering this development. There was subsequent discussion on the merits of building a fence between the property and the trail.

Council Member Ostler asked about the lighting requirements. Mr. Merrill, legal counsel, explained that the purpose of a conditional use permit for this development was that it would not set a precedent for other sites.

Mr. Mano suggested they light the trail. Mayor Mann agreed.

Council Member Irwin said he noticed a change in the architecture of a building and asked if this was directed by the City. Ms. Tannahill responded in the negative.

Council Member Ostler stated that the roof venting was visible and suggested it be placed on the opposite site to be hidden. Mr. Mano explained they did not know what the tenants wanted, and the venting would be determined based upon the building's use.

Mayor Mann asked if there were any additional comments. There were none.

Council Member Tim Irwin MOVED that the City Council approve the conditional use permit and site plan for Eternal Springs and give them the option of installing the wrought iron fence and restrict the one-foot candle requirement to the residential side and subject to the ten stipulations recommended by the PC.

Council Member Scott L. Smith SECONDED the motion.

Stipulations:

- 1. Development of the site shall comply with the site plan January 2, 2018 and building elevations dated May 6, 2019 except as modified by these stipulations.*
- 2. All signage shall require a separate permit and comply with the Development Code requirements.*
- 3. The light levels shall not exceed one-foot candle ~~at the south and~~ on the east property line.*
- 4. The refuse container shall be revised to meet the requirements of the Development Code.*
- 5. The monument sign shall be revised to meet the requirements of the Development Code.*
- 6. Prior to Council consideration, the second-floor setback shall be provided to staff to review.*
- 7. A six-foot wrought iron fence ~~shall~~ may be installed on the south side of the property.*
- 8. All utility and mechanical equipment shall be screened.*
- 9. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*
- 10. Final civil engineering plans shall be reviewed and approved by the Fire Marshall.*

The vote was recorded as follows:

<i>Council Member Ed Dennis</i>	<i>Yes</i>
<i>Council Member Tim Irwin</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed.

4. ACTION: RECONSTRUCTION OF THE EXISTING TENNIS COURT IN THE CANTERBURY CIRCLE SUBDIVISION (30 minutes)

Planner & GIS Analyst Tara Tannahill oriented the City Council regarding a request to fund the reconstruction of the existing tennis court in the Canterbury Circle subdivision with proceeds from the sale of open space property. She reviewed the costs to reconstruct the courts.

Council Member Irwin asked if they would remove or resurface the courts. Todd Trane, City Engineer, responded they had two options: (1) remove the asphalt or (2) totally reconstruct the court. Ms. Tannahill shared the costs associated with these options. Council Member Irwin asked if this would be a cement court, to which Mr. Trane responded in the affirmative. It was noted the residents wanted more detail before they gave a final price. Ms. Tannahill indicated that the cost would be about \$91,000.

Council Member Irwin said a meeting was held with the contractor that was proposing the installation of a surface over the asphalt. He noted that this would potentially cost \$85,000 and stated that this was a good product and another option. There were a lot of different choices the City could make on this item.

Council Member Ostler asked why the City required the residents to do the petition. Ms. Tannahill explained that there was no process or procedure for this issue. She then reviewed the following:

- Council has discussed three options previously:
 - Use these funds only within the open space subdivision from which they were generated.
 - Use these funds for improvements within existing parks in other open space subdivisions.
 - Use these funds for creating new parks.
- Are projects considered by
 - A formal petition process spearheaded by residents
 - Prioritized list of all needed open space improvements

Council Member Ed Dennis stated that the proceeds of the sale of the open space property should stay with the property that was sold because this was the proper use of these funds. Council Member Irwin agreed, adding that the funds should be used for the facility that was deteriorating.

Mayor Mann agreed the funds should be used for the courts because they were a safety hazard. Mr. Trane said the courts needed to be completely reconstructed. He noted the reason they reached out to residents was because this park would create traffic; they had the right to determine its future.

Council Member Irwin said he did not think the petition process was not needed. Mayor Mann agreed. He suggested they have the Parks and Recreation Department make the determinations in the future.

Council Member Ostler said they needed to determine if the funds should be used for maintenance of capital improvements or to create new improvements. He suggested they maintain what they had rather than build more. Council Member Irwin asked if this should be reconstructed. Ms. Wells said this would set the precedent for the future. Their decision on this park would determine how they would proceed with these types of projects in the future.

Council Member Smith said the court was currently in disrepair and needed attention. He asked if there would be more than tennis courts installed. Ms. Tannahill responded in the affirmative, explaining that there would be pickle ball, basketball, and tennis courts as well.

Council Member Ostler stated that the cracks in the tennis courts were a safety issue. Council Member Irwin agreed they needed to do something with the courts.

Sherry Kramer stated that the bid did not include lights. Mr. Trane explained that the lights were currently installed. Ms. Kramer said the lights were older and upgrading them would cost another \$10,000. Mr. Trane said public policy required the City to bid out these jobs. The City would consider upgrading the lights once they knew how much the park was used.

Ms. Kramer stated that the trail paths also had cracks and needed repaired. She thanked the Council for considering the courts and the trails to be repaired. She expressed the preference of the City choosing to install new concrete more than installing a surface over the cracked courts.

Council Member Tim Irwin MOVED that the City Council authorize staff to fund the reconstruction of the existing tennis court in the Canterbury Circle subdivision with proceeds from the sale of open space property and direct staff to prioritize future projects.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Ed Dennis Yes

Council Member Tim Irwin Yes

Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes
The motion passed.

5. ACTION/RESOLUTION: INVOCATION POLICY FOR PUBLIC MEETINGS (15 minutes)

City Attorney Tim Merrill oriented the City Council with a written policy relating to prayers at public meetings. Prayer had been upheld as constitutional; however, when cities had opening prayers, they needed to be done on a non-discriminatory basis per a Supreme Court ruling.

In response to a comment from Mayor Mann, Mr. Merrill stated that a part of the policy would prohibit nonresidents from praying in a Highland City meeting. Council Member Irwin added that there was also a time limit included in the policy. Mr. Merrill added that per the ruling prayers should be brief: between three to five minutes.

Council Member Tim Irwin MOVED that the City Council approve the resolution and adopt the invocation policy for public meetings with a change to three minutes as opposed to five.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes
The motion passed.

6. *ACTION/RESOLUTION: ADOPT RESOLUTION FOR COMMON BOUNDARY ADJUSTMENT WITH AMERICAN FORK CITY (15 minutes)

City Engineer Todd Trane oriented the City Council with a resolution indicating the intent of Highland City to adjust a common boundary with American Fork City. On 9600 North there was a property belonging to the Chidester family; the existing home faced 9600 North. Mr. Trane displayed the map outlining the current boundary and explained that they tried to keep all homes fronting 9600 North in Highland. Anything south of that location they could not provide sewer utilities. The Chidesters wanted to develop, but Highland could not provide utilities. The plat for the boundary change was shown and it was noted that the existing home would stay in Highland.

Mr. Berg explained that they were avoiding making residents pay dual taxes.

Council Member Scott L. Smith said he would vote against the item because American Fork had annexed parts of Highland a lot over the last ten years. American Fork had developed these areas as high density and did not want to help resurface 9600 North.

Council Member Tim Irwin MOVED that the City Council adopt the resolution indicating the intent of Highland City to adjust a common boundary with American Fork City.
Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

Council Member Ed Dennis Yes
Council Member Tim Irwin Yes

Council Member Kurt Ostler Yes
Council Member Scott L. Smith No
The motion passed 3:1.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

a. Community Open House Report - Assistant City Administrator Erin Wells

Assistant City Administrator Erin Wells provide an updated regarding the Community Open House events that had recently taken place for the budget increase. They had 74 people respond to survey. 80% of the people were in favor of the fire proposal and 73% for the Police proposal. At the budget open house, they were asked only about the property tax increase because of direction from Council. 62% supported the fee option and 31% supported the tax option. Ms. Wells explained that there would be additional discussion at the June 18th meeting. They would bring an adjustment for the increase and the Council would determine how to implement the funding. Council Member Ostler asked if the fee would start on January 1st and Ms. Wells said it would start on July 1st.

Mayor Mann and Ms. Wells thanked everyone involved in the budget.

City Recorder Cindy Quick updated the Mayor and Council regarding candidates who declared candidacy and reminded those attending that the declaration period ended on Friday, June 7 at 5:00 pm. Mayor Mann reported that the website would be updated daily with any declarations.

Council Member Smith stated that there had been a discussion on same day rentals. He said the only problem was with garbage, explaining that this was a growing issue as people used them for partying. He suggested that as a City they review the ordinance. Council Member Irwin stated that the problems these rentals caused could be solved by following the current City ordinances. Mayor Mann suggested the matter be added to the agenda in July. Council Member Ostler agreed. Council Member Smith noted the current ordinances could not prevent these rentals from having partying and drinking.

Council Member Smith reported there was a flyer that was passed out on Thursday stating residents could not use water or flush toilets for eight hours. He said this was too restrictive for only two days' notice. Mr. Trane explained that eight hours was a worst-case scenario; staff hoped it would only last for four hours. Mr. Trane noted that the process would save the City thousands of dollars. Council Member Smith asked staff to provide more than a two days' notice.

Council Member Ostler asked about notices for road reconstruction. Mr. Trane stated that staff put the notices in the City newsletter and hung flyers at the homes affected.

Lora Beth Brown, resident, asked about the public notice for Atlas and Dawn and the open space property. Ms. Tannahill stated that they would discuss the item June 18th for the open space funding. The applicant requested to change it to June 18th. They needed to change the sign on the property regarding the date.

Fire Chief Reed Thompson reported on a chlorine leak. They transported 26 patients to the hospital by ambulance others arrived by themselves. Injuries were not life threatening, but it was a burden on resources for about an hour and a half.

8. FUTURE MEETINGS

a. Future Meetings

- June 18, City Council Meeting, 7:00 pm, City Hall
- June 25, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 8:15 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 4, 2019. This document constitutes the official minutes for the Highland City Council Meeting.



Cindy Quick, MMC

Welcome to the Highland City Council Meeting

June 4, 2019



7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Ed Dennis

Pledge of Allegiance – Council Member Tim Irwin



UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to three (3) minutes and state your name and address.



CONSENT ITEMS (5 MINUTES)

- Item 2a. – Approval of Meeting Minutes from May 7, 2019
- Item 2b. – Approval to Purchase a Pickup Truck for the Building Department

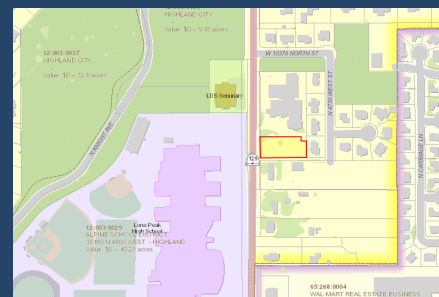


APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN FOR PROFESSIONAL OFFICE BUILDINGS IN THE PROFESSIONAL OFFICE ZONE (20 MINUTES)

Item 3 – Action

Presented by – Tara Tannahill, Planner and GIS Analyst

Vicinity Map



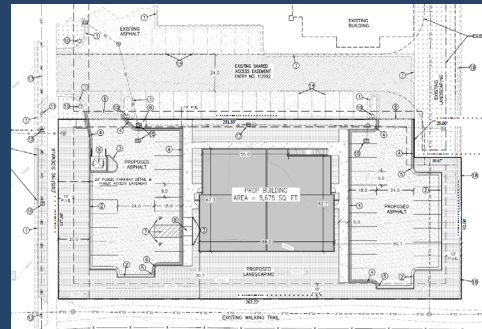
City Council Action

Approved Rezone December 4, 2018.

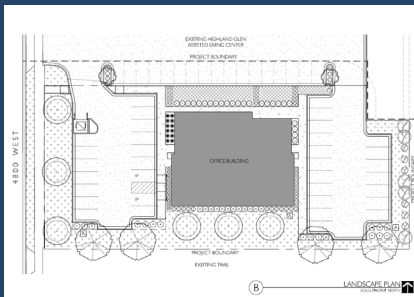
Stipulations:

- 1) The building shall not exceed a total of 8,400 square feet.
- 2) The building setback is at least 80 feet from the rear property line and no second story shall be closer than 100 feet from the rear property line.
- 3) The dumpster will be no closer than half way between the east and west property line.
- 4) The number of parking stalls for the assisted living and the office space be reviewed as part of the site plan and conditional use permit review.

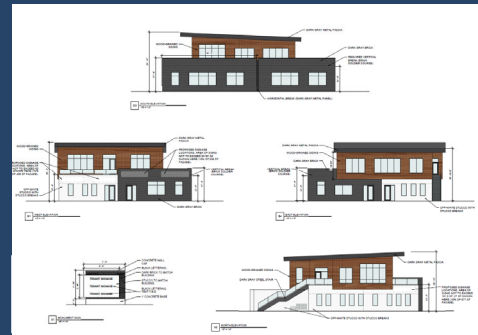
Site Plan



Landscaping



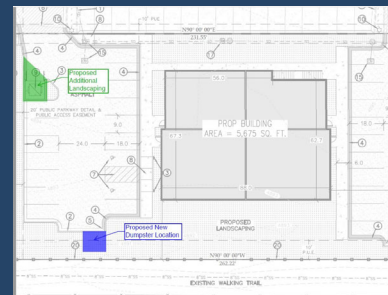
Architecture Elevations



Floor Plan



Dumpster Relocation



Citizen Participation

- Neighborhood Meeting: May 8, 2019
 - No resident attended
- Planning Commission Notification
 - Daily Herald, State Posting, and mailed notification within 500 feet
 - No written correspondence has been received.

Planning Commission Action

- May 28, 2019:
 - Voted 7 to 0 to recommend approval
 - Ten stipulations
- Subsequent to Planning Commission Meeting the Applicant has addressed stipulation 3 to 8 with updated plans or a written correspondence acknowledging the requirements.

Draft Stipulations

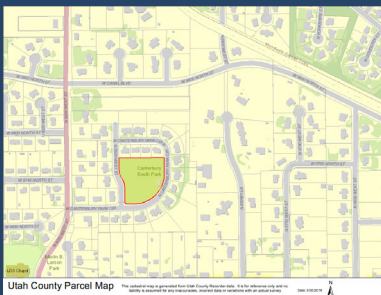
- Staff recommends that the City Council **APPROVE** the site plan subject to the ten stipulations recommended by the Planning Commission.



RECONSTRUCTION OF THE EXISTING TENNIS COURT IN THE CANTERBURY CIRCLE SUBDIVISION (30 MINUTES)

Item 4 - Action
Presented by - Tara Tannahill, Planner and GIS Analyst

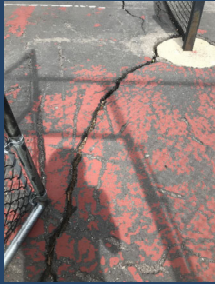
Vicinity Map



Background

- City Council began selling property in 2014
 - \$369,805 funds have been collected and \$89,929 still to be collected
- March 2014, City Council approved disposal of open space property in Canterbury Circle Subdivision
 - \$193,191.19 funds collected and \$61,069.54 to be collected

Petition Request



Cost Estimates

Two bids have been received:

- Bid 1: Peak Tennis Courts
 - \$77,000 to remove and resurface the post tension court.
 - Estimate includes \$14,000 to dispose the asphalt.
- Bid 2: Tennis and Track Company
 - \$75,000 for post tension.
 - Doesn't include disposal of asphalt.

Fiscal Impact

- Cost estimate is \$91,000
 - Staff will budget \$100,000 in the FY 19/20 Budget.
- Will need to bid the project in accordance with City procurement procedures.

Citizen Participation

- Adjacent to park – 15 out of 16 signatures
 - 94% this is above 80% requirement.
- Whole subdivision- 27 out of 30 – 90% this is above 70% requirement
- Mailed to all property owners within the subdivision May 21, 2019 and sign posted on property May 28, 2019.
 - One written correspondence has been received in favor.

Council Consideration

- Council has discussed three options previously:
 - Use these funds only within the open space subdivision from which they were generated.
 - Use these funds for improvements within existing parks in other open space subdivisions.
 - Use these funds for creating new parks.

Council Consideration

- Are projects considered by
 - A formal petition process spearheaded by residents
 - Prioritized list of all needed open space improvements



COMMON BOUNDARY ADJUSTMENT WITH AMERICAN FORK (15 MINUTES)

[illegible]

- # Open House Survey Results

- All Information Meetings
 - 74 responses
 - 80% support for Fire proposal
 - 73% support for Police proposal
- Meetings post Budget Open House
 - 26 responses
 - 31% support for tax
 - 62% support for fee option
 - Many commented on support for sunset clause for 2027 when bonds are paid off



DECLARATION OF CANDIDACY UPDATE

Presented by – Cindy Quick, City Recorder



FUTURE MEETINGS

- Item 8a. – Future Meetings
 - June 18, City Council Meeting, 7:00 pm
 - June 28, Planning Commission Meeting, 7:00 pm