

**MINUTES
HIGHLAND CITY COUNCIL MEETING**

Tuesday, June 4, 2013

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

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tim Irwin
Councilmember Scott Smith

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
Nathan Crane, Community Development Director
Lynn Ruff, Finance Director
JoD' Ann Bates, Executive Secretary/Recorder
Tim Merrill, City Attorney
Brian Gwilliam, Chief of Police
Shannon Garlick, Secretary

EXCUSED: Councilmember Jessie Schoenfeld, Councilmember Tom Butler.

OTHERS: Brandon Balkman, Ed Barfuss.

The meeting was called to order by Mayor Lynn V. Ritchie 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 Scott Smith and those assembled were led in the Pledge of Allegiance by Mayor Lynn Ritchie.

APPEARANCES:

Brandon Balkman, resident of Highland, gave an update on the Beacon Hill Park. He explained the sod and sidewalks are halfway done. He stated the volunteer cleanup and the paths are currently under review. He expressed appreciation for the Councils' assistance.

Tim Irwin stated that citizens have come to him and have offered to contribute and make donations to support the park.

Ed Barfuss, of the Tree Commission, explained the Forest Service came to the City to do an audit of the grants. He stated that three of the four projects looked really good and that the City itself looks very nice.

CITY COUNCIL / MAYOR ITEMS:

Scott Smith explained during the past couple election seasons the City had allowed candidates to place their signs on City property. He stated the Ordinance still reads that the campaign signs must be placed on private property. He suggested adjusting the ordinance to what is appropriate.

Matt Shipp explained the staff does pick up advertising signs, but had been asked to leave the campaign signs alone. He stated all the staff asks is for the campaign signs to be cleaned up quickly after.

Scott Smith asked to add an amendment to the Ordinance in regards to the campaign signs so a time frame may be put in place for timely clean-up of signs.

Discussion ensued regarding the campaign signs.

Tim Irwin stated the Police Chief had begun doing some community based policing and changing some of the ways the police have been doing things throughout the City. He stated he would like the Chief to come to the Council and discuss his plans. He also stated the former president of the Arts Council had asked to hang local artwork at the City Hall. He explained the Arts Council would provide the materials, but he asked that the City staff hang the artwork.

Mayor Ritchie stated he believed the artwork would be on easels. He asked for some clarification.

Tim Irwin stated he believes the artwork was to hang on the walls, if the City is going to display the art on a regular basis.

Mayor Ritchie suggested having the Arts Council come back and make a request, so the Council may evaluate it.

Tim Irwin explained the Arts Council had presented the issue to the Council and it was approved to display the artwork at the City Hall. He explained they would like to have the art up before the Fling.

Mayor Ritchie stated the Council will have to go back and see exactly what was approved and then readdress the issue.

Brian Braithwaite asked for an update on the Green Waste Recycling.

Lynn Ruff explained the City had 300 homes sign up, but the City needs 1,000 homes in order to participate in the program. He feels it is too late in the season to do the Green Waste Recycling this year, but believes the City could do it next year.

Discussion ensued regarding the Green Waste Recycling.

Brian Braithwaite questioned about the letter to the citizens in regards to the transportation fee.

Aaron Palmer explained the staff had comprised the letter, but he still needs to go over some of the numbers with Matt Shipp, the Mayor also had some changes he would like to make. He stated the staff can get the letter to the Council by Thursday, June 7th to evaluate and get the letter out to the public next week.

Mayor Ritchie stated he would like the letter to list the repaired roads and the rebuilt roads so the citizens can see what roads need to be completed.

Discussion ensued regarding the road fee letter.

Scott Smith questioned if the Council should sign the letter.

Brian Braithwaite stated the letter should be informational. He explained the letter does not need to have signatures, but that it could just have the Councils' names.

Mayor Ritchie stated he believes having the Councils' signatures would be a good idea. He also explained he went to the Department of Wildlife Resources with Aaron Palmer to discuss the Urban Deer Program and the program was approved. He explained Aaron Palmer and himself petitioned to change the cost to \$50 to help cover the costs of the program.

Scott Smith clarified that the \$50 is a cost to the participant of the program.

Brian Braithwaite questioned if the \$50 will cover the full cost.

Mayor Ritchie stated the \$50 will not. He explained the City will still have costs for the certification and the disposal. He stated it will be approximately \$30-\$35 for certification and \$40 for disposal. He explained this is a pilot program for two years and the DWR would like to just see how the program goes.

Brian Braithwaite suggested showing how much the program really costs and charging the participant that amount.

Discussion ensued regarding the cost of the program.

Scott Smith asked for clarification on the meaning of the disposal.

Mayor Ritchie explained the participant may keep the animal. He stated if the participant does not want the animal, they may take the animal to the meat processor who will then donate the meat to the food bank.

Tim Irwin questioned about the amount of permits the City may give out and who is handling the program.

Mayor explained there is no limit on the amount of permits the City can give out. He stated Justin Parduhn from the Public Works department, along with Bryan Cook from Humphries Archery will be handling the program. He stated the "Animal Control Regulation" amendment to the Code is a requirement for the Urban Deer Program.

Discussion ensued regarding the deer population problem and the Urban Deer Program.

Mayor Ritchie explained he rode with the firefighters and paramedics and he was very impressed by their professionalism. He stated they did intensive training for three to four hours to be certified, and while he was with the firefighters they responded to a drowning. He explained the ambulance beat them to the scene, the paramedic revived the one year old boy, got him to the hospital, and saved the little boy's life.

CONSENT:

*MOTION: Approval of Meeting Minutes for City Council Regular Session – May 21, 2013.
Pulled by Scott Smith for discussion*

Scott Smith clarified that on the dispatch services, the 3% increase is based on an increase in the Pleasant Grove's City budget, and the 3% cap would be a 30% increase over the next ten years.

Tim Irwin moved to approve the Meeting Minutes for City Council Regular Session – May 21, 2013 as amended.

**Scott Smith seconded the motion.
Unanimous vote, motion carried.**

*MOTION: Final Plat Approval – Beacon Hills Plat C, a 17 lot Residential Subdivision.
Pulled by Brian Braithwaite for discussion*

Brian Braithwaite explained the analysis states that on the preliminary plat for Beacon Hills Plat C the power line easement was shown as open space, and this area has been incorporated into the adjacent lots. He stated the intent of staff was to simply things, but he expressed concern that giving the 49 feet of land to the developer would be benefiting him and going against the open space overlay. He suggested going back to the developer to discuss the issue. He is not interested in moving forward until the open space issue is resolved, because the land is of value to the City and the development has to meet certain requirements to get the open space overlay and removing this will change those numbers. He stated from a fairness standpoint the City needs to make sure this does not change the open space overlay.

Nathan Crane explained this revision was requested by staff after the previous discussions by Council in regards to open space. He explained that larger lots are not selling well, so the developer said he is not willing to exchange, but that he just wants to know whether the City wants to incorporate it or not.

Scott Smith stated he believes the City needs to work with the developer; he does not feel the City should set the precedent to give the open space away.

Discussion ensued regarding the open space in Beacon Hills Plat C.

Nathan Crane explained that Perry Homes may not give the City permission to sell that land for fifteen years.

Mayor Ritchie suggested in the worst case scenario, the City could keep the property and sell the land to the homeowners in fifteen years or lease the land out.

Brian Braithwaite suggested offering it to the developer for the price the City paid for the land.

Kasey Wright explained the City cannot require dedicating land for open space and then sell the land.

Discussion continued regarding the open space.

Tim Irwin stated the open space program has not been well executed. He explained that the City taking on that property just perpetuates what the City has been trying to avoid. He suggested the City take time to research and decide how to approach the open space issue.

Brian Braithwaite directed staff to talk with the developer to find a solution, and if the developer and staff cannot find a solution the City should not include that property.

Matt Shipp explained the developer owns two more subdivisions and suggested a land swap.

Discussion ensued regarding the land swap and speaking with the developer.

Mayor Ritchie stated the City will speak with the developer, but the City is not willing to give away the property, because doing so violates the concept of the open space. He suggested finding an alternative or keeping the open space as open space.

Brian Braithwaite moved to have staff find an alternative solution with the developer or the land will remain as open space.

Scott Smith seconded the motion.

Unanimous vote, motion carried.

Mayor Ritchie called for a break at 7:58 pm.

SCHEDULED ITEMS:

ORDINANCE – Amendment to Chapter 6.08 “Animal Control Regulations” of the Highland City Municipal Code.

Mayor Ritchie explained the wording for the amendment was simply “No feeding of animals”, which raises a lot of questions in regards to which animals.

Brian Braithwaite suggested adjusting the wording to be “No person shall intentionally or recklessly provide food for and/or feed nondomesticated mammalian wildlife, including, but not limited to, deer, elk, moose, raccoons, skunks, mountain lions, bears. Exceptions are for public

employees or authorized agents acting within the scope of their authority for public safety or for wildlife management purposes.

Tim Irwin expressed concern in regards to how citizens will take the meaning of intent; he explained he believes it will lead to other consequences.

Discussion ensued regarding the wording of the amendment.

Kasey Wright was concerned about the term reckless, because he believes it is too vague. He explained if citizens are planting something animals like and their neighbors express concern that they are recklessly feeding animals it may become a legitimate issue.

Brian Braithwaite explained there are things throughout the City that the citizens naturally use, like tulips, and the intent is not stop people from planting certain things, but to try to keep citizens from feeding the animals to get them to stay around.

Mayor Ritchie suggested changing the beginning to “No person shall provide food to attract or feed nondomesticated mammalian wildlife”.

Kasey Wright suggested combining both to change the amendment to “No person shall intentionally or recklessly provide food for the purpose of attracting nondomesticated mammalian wildlife.” He stated the intent is not to provide the food for the purpose of attracting animals.

Discussion continued regarding the wording of the amendment.

Tim Irwin moved to have the issue postponed till the next meeting.

Mayor Ritchie explained the amendment needs to be done before the program begins. He stated it would be okay to wait until the next meeting, but he believes the changes are so minor. He stated the purpose of the DWR is not to attract or feed the animals, and asked Kasey Wright to put together wording for the amendment.

Brian Braithwaite seconded that motion.

Scott Smith asked to have it placed on the consent calendar at the next meeting.

Unanimous vote, motion carried.

PUBLIC HEARING AND RESOLUTION – Adopting Final Amendments to the Highland City 2012-2013 Fiscal Year Budget

Lynn Ruff went over the budget and explained that the revenue went up by \$129,000. He stated the property taxes were over \$80,000 ahead of budget, building permits, fines, and cemetery lots sales were all up. He stated the expenditures went up as well, he explained the \$12,250 was not

budgeted for the intern hired by John Park, and the garbage collection, insurance, and the computer and building maintenance also went up.

Mayor Ritchie opened the Public Hearing.

Hearing no comments, Mayor Ritchie closed the Public Hearing.

Scott Smith stated that there are always changes in the budget. He stated it is interesting that the City's revenue went up just enough to cover the increased expenses; he expressed concern that all of the revenue has already been spent.

Lynn Ruff explained the City has more building permits and that the taxes went up as well. He explained originally the City planned on using \$200,000 of reserve money, but now with this extra revenue the City should not have to use any reserves.

Scott Smith suggested posting the information on the website to keep the citizens informed.

Discussion ensued regarding the budget.

Lynn Ruff stated the City could amend the budget in the fall when the City has a better understanding of what the numbers are.

Brian Braithwaite stated he believes the City need to go into the budget conservatively.

Scott Smith moved the City Council adopt a Resolution approving the Final Amendments to the Highland City 2012-2013 Fiscal Year Budget as presented.

Brian Braithwaite seconded the motion.

Those voting Aye: Scott Smith, Brian Braithwaite, Tim Irwin

Motion carried.

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

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

Mayor Ritchie stated that he has been discussing water restrictions with Matt Shipp, and they believe the City needs to go to a Mandatory Water Restriction.

Matt Shipp explained they received a letter from Deer Creek, where the stored water is held, and Deer Creek has cut the allotment on the Stored Water Rights to 30%. He explained in the canyon the lower level snow has come and gone, and the upper level snow is melting so slow it is going into the ground and not into the stream. He stated the City only has about five days left of canyon water and then the City will have to supplement with the wells. He mentioned most cities in the state have cut back on the water and have placed restrictions. He stated currently the City has voluntary water restrictions of Monday, Wednesday, and Friday for even numbered homes, and Tuesday, Thursday, and Saturday for odd numbered homes and no watering on Sundays. He

stated the staff would like to make that a mandatory restriction to carry the water out through the season as long as possible.

Tim Irwin questioned if there is a way to measure the results, and asked if there had been a noticeable decrease with the voluntary water conservation request.

Matt Shipp explained there was a slight decrease, which the City can see by the stored reservoirs, but also mentioned that during this voluntary time the City had really wet and cool weather. He explained the weather outlook is changing to dry and hot, and the measurement will come at the end of the season. He stated the City is trying to keep as much water in the stored water reservoir as they can, because they don't know what next season will look like.

Discussion ensued regarding the water usage and the Mandatory Water Restriction.

Brian Braithwaite stated that many sprinkler systems will not allow it to be set on a Monday, Wednesday, Friday schedule. He suggested having citizens only water three days a week.

Matt Shipp stated he will look into it, but explained it would be difficult to enforce. Discussion continued regarding the Mandatory Water Restriction.

Matt Shipp explained they are not allowing people to water on Sundays so the reservoirs can have some time to catch up, and the City is considering allowing large users with five to six acres lots water on Sundays. He explained the staff needs to still look into it and will bring an actual recommendation. He stated the staff is just prepping the Council for what is to come.

Brian Braithwaite suggested putting out the information of the 70% cut from Deer Creek and the canyon being dry to the citizens so they understand the water restriction.

Mayor Ritchie stated the Mayor can issue the restrictions with the advice and consent from the Council. He stated they're proposing to do a resolution and have it as a consent item at next meeting.

Matt Shipp explained the staff will put the information out on the website, do a media, put it into the newsletter and continue to hammer the water conservation issue. He stated the staff is still concerned about how to enforce it. He stated they are going to educate the citizens. The first violation could be an educational door hanger and then a second violation would be a fine and then if they consistently abuse the resource, they would need to think of a severe punishment for over users. He mentioned that some cities are digging up the road and cutting the user off. He explained that education is important, and educating the citizens will help them understand the restrictions.

Scott Smith suggested encouraging residents to not water during the middle of the day.

Matt Shipp explained the City can encourage not watering during the day, but explained that during the evenings in Highland there is a lot of wind, which makes it difficult to water the lawn.

He explained the City has considered just watering at night, but having all the citizens water during a twelve hour period taxes the system.

Brian Braithwaite suggested educating the citizens before making it mandatory, and suggested not making the restriction mandatory if the City can get enough volunteers to follow the restriction.

Mayor Ritchie stated it does not need to be enforced right away, but the City should put out a proclamation that the City is moving towards a mandatory restriction.

Discussion continued regarding the Mandatory Water Restriction.

Mayor Ritchie stated the staff will bring the resolution for the advice and consent of the Council at the next meeting on June 18th, and the restriction be enforced starting July 1st, because the longer the City waits the more stored water gets wasted.

Tim Irwin suggested closing the splash pad or only having it open on Saturdays to conserve water.

Matt Shipp explained the splash pad uses recycled water so leaving the splash pad open does not have an impact on the stored water.

Mayor Ritchie suggested doing a resolution on the road fee. He explained the Council can pass the resolution at the next Council meeting, and the resolution will be able to explain the fee, the increase and the sunset clause.

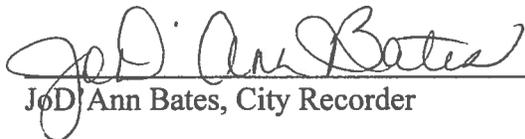
Aaron Palmer explained having a resolution will make the whole process more clean and make sure the City follows through with the sunset clause.

ADJOURNMENT

MOTION: Brian Braithwaite moved to adjourn.

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

Meeting adjourned at 9:09 p.m.


JoD Ann Bates, City Recorder

Date Approved: June 18, 2013