

AGENDA
HIGHLAND CITY COUNCIL MEETING
September 3, 2013

7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER – Mayor Lynn Ritchie
INVOCATION – Mayor Lynn Ritchie
PLEDGE OF ALLEGIANCE – Scott Smith

APPEARANCES

- 1. Time has been set aside for the public to express their ideas, concerns, and comments.**
(Please limit your comments to three minutes each.)

CITY COUNCIL/MAYOR ITEMS

- 2. Time has been set aside for the City Council & Mayor to make comments.**

CONSENT

- 3. MOTION – Approval of Meeting Minutes for City Council Special Session – August 20, 2013**
- 4. MOTION – Approval of Meeting Minutes for City Council Special Session – August 27, 2013**
- 5. RESOLUTION – Local Special Election – Referendum issue to be placed on the ballot.**

SCHEDULED ITEMS

- 6. MOTION – Approval of By-Laws - Economic Development Commission**

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.)

- North Utah Valley Animal Shelter – Jessie Schoenfeld
- Timpanogos Special Service District – Brian Braithwaite

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council will recess into a closed executive session for the purpose of discussing

- The purchase, exchange, or lease of real property and reasonably imminent litigation;
- The sale of real property; including any form of water right or water shares;
- The character, professional competence, or physical or mental health of an individual.

Pursuant to Section 52-4-205(1) of the Utah State Code Annotated.

RECONVENE CITY COUNCIL MEETING

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this **29th day of August, 2013**. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this **29th day of August, 2013** the above agenda notice was posted at www.highlandcity.org and notification sent to local newspapers located in Utah County.

JOD'ANN BATES, City Recorder

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

**If you need a special accommodation to participate in the City Council Meetings,
please call the City Recorder's Office at least 3 working days prior to the meeting at (801) 772-4505**

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, August 20, 2013

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

PRESENT: Mayor Lynn V. Ritchie, Conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Tim Irwin
Councilmember Scott Smith
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
Nathan Crane, Community Development Director
Tim Merrill, City Attorney
Shannon Garlick, Secretary

EXCUSED: JoD’Ann Bates, Executive Secretary/ Recorder

OTHERS: Ed Dennis, Ed Barfuss, Kyle Honeycutt, Emily Lund, Kyle Lund, Bruce Rasmussen, Marie Rasmussen, David Clegg, Richard Carter, Gleen Carter, Peggy Cameron, Steve Cameron, Patricia Van Peet, Jeanne Hodge, Rachel Traug, Kevin Tracy.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:01 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 Mayor Lynn Ritchie.

APPEARANCES:

Ed Dennis, Chairman of the Open Space Committee, stated the committee has been working for over three years to find acceptable solutions for the open space issues. He stated the committee is in support of the city ordinances and the ordinances comply with the Utah State Law, and recommended the council move forward with the lease of surplus property in the open space subdivisions. He expressed his concern for having only two polling locations for the election. He explained it confused residents that were unaware of the change, it is over a two mile drive for many residents, long lines will discourage residents from voting, and there is insufficient parking

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1 at the Community Center for five precincts. He stated the County recommended only two
2 precincts per polling location and encouraged the Council, Mayor and City Recorder to use at
3 least five polling locations for the upcoming general election.
4

5 Dave Hall, resident of Highland, stated the public hearing for the disposal of surplus property in
6 Canterbury Circle was on the agenda and the issue was removed because the developer had
7 threatened legal action against the city. He explained the neighborhood has had legal issues with
8 the developer since the subdivision was created. He stated the open space issue has been going
9 for four years, and asked the city to stand up to the developer and make the disposal of the open
10 space property possible.
11

12 Ed Barfuss, Chairman of the Tree Commission, discussed the grants for the Tree Commission.
13 He stated last year Highland City received \$8,000 in grant money, but only used \$2,500. He
14 stated the Tree Commission met to discuss possibilities for this year's application, and decided
15 the most pressing issue was the need for a complete tree inventory. He stated the council will
16 have a proposal from the Tree Commission at the next meeting. Ed continued that a contractor
17 for the City's CFO would save the city approximately \$50,000. He stated when the job
18 application for Finance Director came out, he spoke to three accounting firms and all three stated
19 this would be an ideal time to hire a contractor to do an in depth review of the accounting
20 system. He stated the three firms were interesting in proposing a contractors solution to
21 Highland's financial needs, and stated he informed the Mayor and City Administrator of these
22 proposals.
23

24 Doug Cunningham, member of the Open Space Committee, stated the lease option had to get
25 legal recommendations from the City Attorney. He questioned why the city has a City Attorney
26 if the city is unwilling to listen to the Attorney's recommendations. He suggested the city move
27 forward with the open space lease options. He stated the city is not keeping the promises made
28 regarding open space maintenance and issues, and stated there may be legal action threatened
29 from the other side as well if the city decides to pull back on the open space issue.
30

31 Kurt Hall, resident of Highland, stated he is not a resident of an open space subdivision, but has
32 open space on two sides of his pasture. He stated his fear is that people will say the open space is
33 landlocked and not worth anything, yet having that open space would allow him five animals
34 instead of four on his property and therefore has a lot of value to him. He stated the land is not
35 landlocked and has the ability to expand a resident's property, and stated the land should not be
36 given to residents, but should have fair market value.
37
38

CITY COUNCIL / MAYOR ITEMS:

39
40

41 Scott Smith expressed appreciation to the City Recorder for having the City Council Minutes and
42 the Agenda on the website in a timely manner. He stated the minutes are becoming too
43 condensed. He stated he took part in many discussions at the last Council meeting and it is not

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1 reflected within the minutes. He stated when someone needs to go back to the minutes for
2 answers, they need to be able to find the important information discussed at the meeting.

3
4 Mayor Ritchie stated the Resolution: Designation of Open Space for Disposal – Apple Blossom
5 and the Public Hearing/ Motion: Disposal of Surplus Property – Canterbury Circle had been
6 pulled from the agenda and will be continued at a future date. He stated there are other reasons,
7 besides the legal issue with the developer which need to be discussed in executive session before
8 moving forward.

9
10 Brian Braithwaite questioned how the Public Hearing will be advertised.

11
12 Nathan Crane stated notification will be don as they normally do and per state code.

13
14 Brian Braithwaite stated he believes the issue should be advertised as much as possible.

15
16
17 **CONSENT:**

18
19 *MOTION: Approval of Meeting Minutes for City Council Regular Session – August 6, 2013.*
20 ***Pulled by Scott Smith for further discussion.***

21
22 *MOTION: Plat Amendment – Highland Village Plat E, Lot 41.*

23
24 *MOTION: Final Plat Approval – Timp Cove Subdivision.*

25
26 *RESOLUTION: Designation of Open Space for Disposal – Apple Blossom.*
27 ***Removed from the Agenda***

28
29 **Remaining items approved by Consent as Presented.**

30
31
32 *MOTION: Approval of Meeting Minutes for City Council Regular Session – August 6, 2013.*
33 ***Pulled by Scott Smith for further discussion.***

34
35 Scott Smith clarified on page 2, line 32 of the minutes that his neighbors do not live by the
36 Ashford Memory Center, but that when the canal in his neighborhood was re-piped; the company
37 doing the construction worked with the City and closed construction on Sundays and throughout
38 the night. He stated he believes the same should be done for those who live near the Ashford
39 Memory Center. He stated that himself and Councilmember Jessie Schoenfeld were hardly
40 mentioned in the minutes, yet participated in a lot of the discussion. He expressed concern when
41 the minutes stated “discussion ensued”, and would like more detail as to what was discussed. He
42 clarified during the discussion for the pumping surcharge fees at the last meeting, he brought up

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1 the idea that the City is a community and as such should not isolate neighborhoods and charge
2 more fees.

3
4 Brian Braithwaite stated the Council has had in depth minutes for quite a while and none of the
5 recordings were online. He stated he believes there is not a problem with having condensed
6 minutes as long as the audio is placed online. He stated having discussion ensued is not enough
7 and it is not the transparency the Council has talked about.

8
9 Tom Butler clarified on page 3 line 11; it should read, how the *sections on* roads 9600 North and
10 10400 North were selected. He clarified on page 3 line 33; it should read, including classic *rock*
11 music bands. He clarified on page 5 line 29, it should read “not limited to” *in the previous*
12 *meeting*. He stated on Item 4 and 5 on the summary, it stated the reduction is requested to
13 increase the size, which should say enlargement. He questioned what the parkway detail
14 requirement was on Item 5 for the Timp Cove Subdivision.

15
16 Nathan Crane replied it should say enlargement and the parkway detail requirement is 24 feet.

17
18 Mayor Ritchie clarified the date should read November, 17th, 2012 on the Final Plat Approval.

19
20 Tim Irwin stated having the audio for the minutes online is not enough. He stated the minutes
21 should be written out in depth to make things easier on the residents. He stated in an effort to
22 remain open and transparent it is easier for someone to look through written minutes to find what
23 they need.

24
25 Mayor Ritchie stated the minutes are wonderful, but they need to have more detail so they better
26 reflect the meeting.

27
28 Scott Smith expressed his appreciation that the minutes are completed and on time, but asked
29 that there is more detail within the minutes so people know what the discussion was.

30
31 **Tom Butler moved to approve the Meeting Minutes for City Council Regular Session –**
32 **August 6, 2013 as amended.**

33
34 **Brian Braithwaite seconded the motion.**

35 **Unanimous vote, motion carried.**

36
37
38 **SCHEDULED ITEMS:**

39
40 PUBLIC HEARING/MOTION: Disposal of Surplus Property – Canterbury Circle.
41 *Removed from the Agenda*

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1 MOTION: Approval of By-Laws – Economic Development Commission.

2
3 Aaron Palmer stated the Mayor had asked that the Council establish an Economic Development
4 Commission and develop the by-laws for the Commission. He stated some changes were made,
5 so a clean copy of the by-laws was sent to the Council that afternoon. He stated there were a few
6 things that were missed; for example, under the Purpose; the sentence “the duties being one,
7 promote economic development, two, develop an Economic Development plan, and three,
8 develop a plan to support current businesses and assist new and developing businesses” was
9 added. He stated under the Organization; there is one sentence just above A. that stated “the
10 Economic Development Commission will consist of seven members; these members will be
11 appointed by the Mayor with the advice and consent of the City Council”. He stated these by-
12 laws are the guidelines to be able to establish the Commission.

13
14 Jessie Schoenfeld stated the by-laws state a certain number would make up the quorum, but the
15 by-laws do not give an exact number. She questioned how many members will be in the
16 Commission.

17
18 Aaron Palmer stated the number had been added, that when the Council approves the by-laws,
19 the clean copy will state the Economic Development Commission will consist of seven members.

20
21 Jessie Schoenfeld stated there is a mistake on the address in Item 4: Meetings; which should read
22 “The meetings will be held in the Council Chambers on 5400 W. Civic Center Drive.” She stated
23 it also reads that the meetings will be held on the second and fourth Tuesdays of the month, and
24 questioned if that is when the Planning Commission holds their meetings.

25
26 Aaron Palmer stated that is when the Planning Commission holds their meetings and they can
27 make both of those changes.

28
29 Scott Smith stated he is excited the City is going to have an Economic Development
30 Commission. He stated the by-laws were based off of Layton’s Planning Commission guidelines,
31 and asked for the attorney’s opinion on the Conflict of Interest section. He stated it seems stricter
32 than the Conflict of Interest rules for the City Council, and stated the section reads “An
33 Economic Development Commissioner experiencing, in their opinion, a conflict of interest, shall
34 declare that interest publicly, abstain from voting on the action, and be excused from the room
35 during consideration of the action.” He stated having the person leave the room seems stricter
36 than the rules for City Council.

37
38 Tim Merrill stated he has not heard of people having to leave the room due to Conflict of
39 Interest. He stated if the guidelines are stricter than it would be up to the Council to decide if that
40 would be prudent for those who are nominated or to have them avoid the appearance of conflict
41 and if in doubt refuse. He stated he does not know if these by-laws are stricter than Council’s,
42 because he is not familiar with all of the Council’s provisions, but stated he will research the
43 issue and bring back an opinion.

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1 Scott Smith stated the Economic Commission cannot talk to any developers, and stated if the
2 developers cannot talk to the Commission or anyone else, how does anything happen. He stated
3 he likes the idea of the Conflict of Interest, but believes it is stricter than the Council's.
4

5 Brian Braithwaite stated it is very critical that the Economic Development Commission does not
6 reflect a bias toward anyone that comes to see them. He stated the by-laws needs to be stronger
7 than the Council's, so the Commission can give unbiased recommendations to the Council. He
8 stated it is important for the Economic Commission to have a specific time frame placed in the
9 by-laws to report back to the Council. He stated it should be a minimum of one a year, and
10 suggested it be timed when it will have an influence on the budget, so he asked for a February-
11 March time frame.
12

13 Tom Butler stated on the first page it should be clarified that this is a recommending body, and
14 no decisions should have any bearing or obligations on the City or the City Council. He stated it
15 should be placed in the by-laws that there should be no member of the Economic Development
16 Commission that is morally or philosophically opposed to traditional, commercial, or economic
17 development. He stated there were some members on the Economic Development Committee
18 last December that were opposed to economic development, which was a waste of time. He
19 stated he believes as long as a Conflict of Interest is declared, it does not have to be so
20 restrictive. He stated if the Council understands the purpose, then not to hinder it with all of these
21 restrictions before the Commission begins.
22

23 **Tom Butler moved to continue the Approval of By-Laws – Economic Development**
24 **Commission at the next Council meeting to clean up the language and include the**
25 **mentioned changes.**
26

27 **Brian Braithwaite seconded the motion.**
28

29 Tim Irwin stated he believes the Commission should report to the Council quarterly. He stated it
30 is important for those appointed to the Commission to know what the Conflict of Interest is and
31 have some sort of format that they acknowledge and disclose that information so it can be kept
32 on file. He stated they can have a conflict, but the important thing is that it is disclosed. He stated
33 those on the Committee need to have some interest in Economic Development for anything to
34 get accomplished. He stated that a lot of the recommendations for the members come to the
35 Council that night and they do not know anything about the people, he asked if there is a way,
36 for the Mayor to inform the Council regarding his discussions with the people being considered
37 for the position. He also asked what the difference was between a Committee and a Commission.
38

39 Mayor Ritchie stated a Commission is by Ordinance and a standing Committee is labeled as
40 standing and ongoing. He stated the Council wanted to go to a Commission after they got the last
41 report from the Committee.
42

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1 Tim Irwin stated in that case he believes it is important enough that it should be a Commission,
2 and that the Commission should be reporting to the Council regularly.

3
4 Scott Smith expressed his appreciation to staff for bringing the Commission forward, and stated
5 he likes the way things are set up and believes the Commission needs to be clear regarding the
6 Conflict of Interest. He stated he was just curious why the Commission had a stronger Conflict
7 of Interest than the Council.

8
9 Mayor Ritchie stated they will get an opinion from the City Attorney and bring the motion back
10 with the mentioned changes.

11
12 Tim Irwin questioned if the Commission will have a Council Representative.

13
14 Mayor Ritchie stated he believes the Commission should not have one, because he would like the
15 Commission to do their work independently and they would turn to the councilmember for
16 direction.

17
18 Tim Irwin questioned why the Tree Commission has a Council Representative.

19
20 Mayor Ritchie replied that's by Ordinance, he stated the Council may have an ex officio member
21 on the Economic Development Commission if they would like one.

22
23 Tom Butler suggested the Council consider whether or not they want a representative and bring
24 it back. He stated the Open Space Committee and Tree Commission have one and questioned
25 what other committees have councilmembers. He stated he believes if a councilmember is pro-
26 development that they may be on the Commission, if not, then don't have one.

27
28 Mayor Ritchie replied there is the Transportation Committee, the Parks, the Trails, and none of
29 those committees had a Council Representative.

30
31 Scott Smith questioned if the Commission is passed, if Mayor Ritchie will set it up or wait for
32 the next Mayor to do so.

33
34 Mayor Ritchie stated it depends on the timing, if there is time, he will do it, if not, the next
35 Council will decide. Mayor Ritchie called for a vote on the motion.

36
37 **Unanimous vote, motion carried.**

38
39
40 **COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF**

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

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1 Scott Smith stated that he met with the Transportation Committee and Matt Shipp divided the
2 City into zones with priorities for roads. He stated some residents are stating there is no
3 transportation plan, but there is a plan, and he asked about publishing the plan.

4
5 Matt Shipp stated the staff has the information, but the maintenance plan changes. He stated if
6 the Council wants the staff will put the information on the website. He stated the staff has the top
7 five for the areas as requested by Council.

8
9 Scott Smith suggested putting out a disclaimer to let the residents know the plan may change. He
10 stated giving the information to the public will allow the residents to see the City has a plan.

11
12 Matt Shipp stated he will put out the information on the transportation plan.

13
14 Tim Irwin stated he heard the same concerns as Ed Dennis regarding the polling locations and
15 that the locations were different than they were in the past. He stated the Council should have a
16 discussion regarding the locations at a later date. He stated it is more expensive to have five
17 locations, but doing so would make voting easier for the residents.

18
19 Mayor Ritchie stated they will have JoD'Ann Bates bring an update and the expenses involved to
20 the Council.

21
22 Brian Braithwaite stated it is not the responsibility of the Council to take care of any specific
23 resident's issues, because when the code is created, it is created for everyone. He stated the
24 Council has to follow the direction they want to go as a City and that this is a situation where
25 there is some conflict.

26
27 Steve Lund stated his brother, Jerry Scott Lund, was disabled, bipolar, and had anxiety and so
28 three years back they petitioned to have an unattached apartment on their property, so they could
29 take care of him, while allowing him some independence and the variance was granted. He stated
30 in June his brother passed away unexpectedly and the apartment is still on the property. He stated
31 they put a lot of time and money into the apartment with the intent for his brother to live there for
32 at least another twenty years. He explained this is why they are asking for a change to the code.

33
34 Brian Braithwaite stated the city code states apartments have to be placed in basements, but there
35 was a variance made and it was approved by the Appeal Authority. He stated the variance was to
36 allow Scott Lund to live there, so it required Steve Lund to own the property and when his
37 brother passed away, left, or Steve Lund sold his property, then it could no longer be used as an
38 apartment. He stated Steve Lund put a lot of money into the apartment and it met all of the
39 requirements an apartment would have. He stated this was completely unexpected and the
40 Council should support a good economic investment and take care of everyone in the
41 community. He stated he is not in favor of allowing people to build apartments on their lots and
42 that passing the amendment to the code will not allow people to build detached apartments
43 unless a variance has been applied. He stated it has to be the same as a basement apartment,

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1 receive a variance from the Appeal Authority, the owner has to incur a minimum of \$25,000, a
2 change in status of the circumstance can cause the variance to be terminated, and during the term
3 of the variance the owner cannot be compensated by rent or any other material value that would
4 exceed it. He stated his neighbors supported Steve Lund at the Appeal Authority and are here
5 supporting him and believe it does not diminish the value of their properties. He stated if Steve
6 Lund were to sell the property, the variance would no longer be valid.

7
8 Tim Merrill stated that he has a number of issues and opinions with the change to the code and
9 asked for some time to look into it.

10
11 Tom Butler questioned if the Appeal Authority are the only ones that can approve a variance or
12 if the Council could approve one.

13
14 Nathan Crane replied that yes, the Appeal Authority are the only ones who can approve the
15 variance, because variances are very specific, have to follow State Code, and have to be done
16 through a Board of Adjustment or Appeal Authority.

17
18 Tom Butler questioned where the \$25,000 figure came from and stated he supports the situation,
19 but believes this is a short term solution, because the new owner would have to demolish the
20 structure. He stated the variance has been approved and that the solution seems worse than the
21 problem. He stated he believes the new owners should be allowed to use it as they wish.

22
23 Scott Smith stated he supports the cause and believes the variance should be permanent. He
24 stated he is also concerned the new owners would have to demolish the structure.

25
26 Brian Braithwaite stated the variance and the termination of the variance were made by the
27 judge. He stated it could be used as an office, a play room, or a kindergarten school. The City
28 rules are that you cannot have a detached apartment and have someone live in it.

29
30 Nathan Crane clarified a home occupation has to be done in the home, so a kindergarten would
31 not work for the structure.

32
33 Scott Smith questioned if the home owners would be able to take other disabled people into the
34 apartment. He asked for some clarity on how the variance works.

35
36 Tim Merrill stated the variance should have never been issued because it was an illegal variance.
37 He stated it was a use variance which is specifically prohibited under State Law. He stated the
38 fact that the variance terminates, shows it is a use variance, because variances run with the land
39 perpetually. He also stated that in order to get a variance the applicant must show that a
40 substantial property right has been deprived that is available to everyone else, which does not
41 apply here, because it has nothing to do with the land. He stated that since it has already been
42 issued they will honor the variance.

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1 Brian Braithwaite stated this is not the time to discuss apartments, but to identify if the City
2 would like to do something like this for all of those who meet the requirements.

3
4 Tim Merrill stated the Council could accomplish what Steve Lund and Brian Braithwaite are
5 hoping to do, but not through the variance. He stated they would create a use in the code for this
6 scenario, so it would apply to everyone, but it would be a permitted use through the code and not
7 a variance.

8
9 Tim Irwin stated he is in support of helping the residents, but suggested they continue the issue at
10 a later date to avoid unintended consequences.

11
12 Mayor Ritchie stated the City will have the attorney take a look at it, get the Council copies of
13 the Appeal Authority, and have a future discussion. He stated the Council will try to find a
14 solution that works for all of Highland.

15
16
17 ADJOURN TO A CLOSED EXECUTIVE SESSION

18
19 **Motion: Tim Irwin moved the Council to adjourn to an Executive Session.**

20
21 **Scott Smith seconded the motion**
22 **Unanimous vote, motion carried.**

23
24
25 ADJOURNMENT

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27 **MOTION: Jessie Schoenfeld moved to adjourn.**

28
29 **Brian Braithwaite seconded the motion.**
30 **Unanimous vote, motion carried.**

31
32
33 Meeting adjourned at 9:30 p.m.

34
35
36
37 _____
38 JoD'Ann Bates, City Recorder

39 Date Approved: September 3, 2013
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MINUTES
HIGHLAND CITY COUNCIL MEETING
SPECIAL SESSION

Tuesday, August 27, 2013

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

PRESENT: Mayor Lynn V. Ritchie, Conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler – VIA Telephone
Councilmember Tim Irwin
Councilmember Scott Smith
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
Nathan Crane, Community Development Director
JoD’Ann Bates, Executive Secretary/ Recorder

The meeting was called to order by Mayor Lynn V. Ritchie as a special session at 6:02 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

SCHEDULED ITEMS

MOTION – Election Canvass

JoD’Ann Bates, City Recorder presented the Official Election Results for the Highland City Primary Election held August 13, 2013. JoD’Ann stated that state code requires the City Council to act as the Board of Canvassers to accept the election results and declare the candidates that will move onto the General Election.

MOTION: Tim Irwin moved the City Council certify the election results and declare the candidates as follows:

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- 1 a. Change the Total Votes for Mayor Candidate **Mark S. Thompson from 483 to 500**
2 for the Highland Primary Election to include the votes from the Provisional Ballots
3 and timely absentees.
4
- 5 b. Change the Total Votes for Mayor Candidate **Tim R. Irwin 415 to 432** for the
6 Highland Primary Election to include the votes from the Provisional Ballots and
7 timely absentees.
8
- 9 c. Change the Total Votes for Mayor Candidate **Larry M. Mendenhall from 543 to**
10 **564** for the Highland Primary Election to include the votes from the Provisional
11 Ballots and timely absentees.
12
- 13 d. Change the Total Votes for Mayor Candidate **Tim Aalders from 207 to 213** for the
14 Highland Primary Election to include the votes from the Provisional Ballots and
15 timely absentees.
16
- 17 e. Change the Total Votes for City Council Candidate **F. Chad Copier from 282 to 288**
18 for the Highland Primary Election to include the votes from the Provisional Ballots
19 and timely absentees.
20
- 21 f. Change the Total Votes for City Council Candidate **Scott LeRoy Smith from 684 to**
22 **701** for the Highland Primary Election to include the votes from the Provisional
23 Ballots and timely absentees.
24
- 25 g. Change the Total Votes for City Council Candidate **Dennis LeBaron from 569 to**
26 **596** for the Highland Primary Election to include the votes from the Provisional
27 Ballots and timely absentees.
28
- 29 h. Change the Total Votes for City Council Candidate **Ed Dennis from 699 to 722** for
30 the Highland Primary Election to include the votes from the Provisional Ballots and
31 timely absentees.
32
- 33 i. Change the Total Votes for City Council Candidate **Rod Mann from 755 to 779** for
34 the Highland Primary Election to include the votes from the Provisional Ballots
35 and timely absentees.
36
- 37 j. Change the Total Votes for City Council Candidate **Ryan Barker from 119 to 124**
38 for the Highland Primary Election to include the votes from the Provisional Ballots
39 and timely absentees.

DRAFT

- 1 2. Declare Mayor Candidates, Mark S. Thompson and Larry M. Mendenhall proceed to the
2 Highland City General Election to be held Tuesday, November 5, 2013.
3
- 4 3. Declare Council Candidates, Scott LeRoy Smith, Dennis LeBaron, Ed Dennis, and Rod
5 Mann proceed to the Highland City General Election to be held Tuesday, November 5,
6 2013.
7

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

10
11
12 ADJOURN TO A CLOSED EXECUTIVE SESSION

13
14 Mayor Ritchie indicated there was no need for an Executive Session.
15

16
17 ADJOURNMENT

18
19 **Brian Braithwaite moved to adjourn.**

20
21 **Jessie Schoenfeld seconded the motion.**
22 **Unanimous vote, motion carried.**

23
24 Meeting adjourned at 6:07 p.m.
25
26
27
28

29 _____
30 JoD'Ann Bates, City Recorder

31 Date Approved: September 3, 2013
32
33

HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 3, 2013			
REQUEST:	RESOLUTION: Calling for a Local Special Election		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Citywide

BACKGROUND:

As part of the 2013-2014 annual budget the Highland City Council passed Resolution 2013-14 which established a Transportation Road Fee of \$15.42 per household per month for capital road projects and road maintenance

A Highland resident petitioned the city to circulate a referendum petition in opposition to Resolution 2013-14. Signatures were gathered and the Referendum process was followed as outlined in UCA 20A-7-601.

The Utah County Clerk’s office certified the petition signatures and the Highland City Recorder have declared the signatures sufficient to proceed.

Pursuant to UCA 20A-1-203, in order for the issue to be placed on the ballot the legislative body needs to approve a resolution calling for a local special election, stating the specific date and purpose.

If the Resolution is approved the issue will be placed on the ballot and will be voted upon at the next General Election, to be held November 5, 2015.

If the Resolution is **not** passed the issue cannot be placed on the November 5, 2013 ballot. Because the Referendum petition has been certified by the County the Referendum cannot be retracted, therefore the fee cannot be assessed unless voted on by the residents.

ATTACHMENTS:

Proposed Resolution

RESOLUTION NO. 2013-**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HIGHLAND
CALLING FOR LOCAL SPECIAL ELECTION FOR NOVEMBER 5, 2013
TO BE CONDUCTED AS A COORDINATED ELECTIONS, FOR THE PURPOSE OF
SUBMITTING A REFERENDUM BALLOT ISSUE TO THE REGISTERED VOTERS OF THE CITY**

WHEREAS, a local general election will occur on November 5, 2013; and

WHEREAS, the general election will be administered to the registered voters of Highland by the Highland City Recorders Office; and

WHEREAS, Utah Code Annotated (U.C.A.) 20A-1-203 authorizes the Highland City Council to call a local special election for the purpose of submitting the referendum to the voters of Highland City; and

WHEREAS, a referendum petition was circulated regarding the reversal of Resolution 2013-14, entitled “Adopting a Highland City Transportation Road Fee for Capital Road Projects and Road Maintenance” (specifically setting forth a provision allowing Highland City to assess residents local utility bill a fee of \$15.42 per household per month); and

WHEREAS, with 1,121 out of 1,248 valid signatures, on August 27, 2013 the City Recorder declared the referendum petition sufficient to qualify for the ballot pursuant to U.C.A. 20A-7-507; and

WHEREAS, the City Council finds it in the best interests of Highland City to call a local special election for November 5, 2013 for the purpose of referring to the registered voters of the city a ballot issue on the above referenced ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH:

Section 1. A special election is hereby called to be held on Tuesday, November 5, 2013 as part of a coordinated election administered by the Highland City Election Office.

Section 2. The purpose of the special election will be to submit to the registered voters of the City a referendum ballot issue regarding Resolution 2013-14. The City Council may submit such referendum ballot issues to appear on the ballot of the special municipal election by the adoption of appropriate resolution or ordinance as required by law.

Section 3. The Mayor and City Recorder are hereby authorized and directed to take all necessary and appropriate actions to effectuate the provision of this Resolution in accordance with Utah law.

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 3rd day of September, 2013.

HIGHLAND CITY, UTAH

Lynn Ritchie, Mayor

ATTEST:

JoD' Ann Bates, City Recorder

HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 3, 2013			
REQUEST:	MOTION: Approve of Economic Development Commission By-laws		
APPLICANT:			
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	LOCATION Citywide

BACKGROUND:

The Mayor has requested the creation of an Economic Development Commission to study how the City can stimulate and encourage economic development. In order to create such as Commission, a set of by-laws need to be created. These by-laws will establish the parameters in which the Commission will function.

PROPOSED MOTION:

Approve Economic Development Commission By-laws

ATTACHMENTS:

Economic Development Commission By-laws

HIGHLAND CITY ECONOMIC DEVELOPMENT COMMISSION

BY-LAWS & RULES OF PROCEDURE

I. PURPOSE.

These policies and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the Highland City Economic Development Commission in the performance of their duties. Those duties being: 1)Promote economic development, 2)Develop an economic development plan, 3)Develop a plan to support current businesses and assist new, developing businesses. The Economic Development Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances and these rules. The Economic Development Commission is advisory and their recommendations are not binding on the City Council. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Commission unless otherwise provided by City ordinance, or State law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or entity.

II. ORGANIZATION.

The Economic Development Commission will consist of seven members. These members will be appointed by the Mayor with the advice and consent of the City Council

A. Election of Chair and Vice-Chair. The Commission, at its first regular meeting in July of each year, shall elect a Chair and Vice-Chair from the duly appointed members of the Commission by a majority of the total membership. The Chair and Vice-Chair may be elected to subsequent terms.

B. Duties of the Chair.

1. To preside at all meetings of the Commission and shall provide general direction for the meetings;
2. To call the Commission to order, and proceed with the order of business;
3. To announce the business before the Commission in the order in which it is to be acted upon;
4. To receive and submit in the proper manner all motions and propositions presented by the members of the Commission;
5. To put to vote all questions which are properly moved, or necessarily arise in the course of the proceedings and to announce the result thereof;

6. To inform the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
7. To authenticate by signature when necessary, or when directed by the Commission, all acts, orders and proceedings of the Commission;
8. To maintain order at meetings of the Commission;
9. To move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings;
10. Recognize speakers and Commissioners prior to receiving comments and presentation of physical evidence, i.e., plans and pictures; and
11. The Chair will remain impartial on issues and not participate in the voting procedures unless called upon to break a tie vote. However, in the limited circumstance where the Chair is one of the minimum number necessary to constitute a quorum, the Chair will vote.

C. Duties of the Vice-Chair. The Vice-Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

D. Temporary Chair. In the event of the absence of, or disability of both the Chair and the Vice-Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice-Chair shall return. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

E. Secretary. The Economic Development Division Secretary shall serve as secretary of the Commission. The secretary shall have the following duties:

1. To give notice of all Economic Development Commission meetings;
2. To keep and record the minutes of the proceedings of the Commission;
3. To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission;
4. Is authorized to sign the meeting's minutes after said minutes have been approved by the Economic Development Commission; and
5. To perform such other duties as may be required.

III. DUTIES OF MEMBERS.

- A. **Meeting Attendance.** Every member of the Commission shall attend the sessions of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair.
- B. **Conflict of Interest.** The requirements of §10-3-1301 et. seq. of the Utah Code, known as the “Municipal Officers’ and Employees’ Ethics Act,” shall be followed. A member who has any questions as to whether a conflict of interests exists (or a potential conflict of interest) shall raise the matter with the Commission and City Attorney.
1. No member of the Commission shall engage in any transaction or business with the municipality in which the member has a financial interest, direct or indirect, unless the conflict of interest is disclosed as provided by law.
 2. The following conflicts must be disclosed in a sworn writing and filed with the Mayor:
 - a. Agreements to receive compensation for assisting any person or entity in any transaction involving the municipality.
 - b. Whether the member is an officer, director, agent, employee or owner of an interest in any entity that is subject to regulation by the municipality.
 - c. Interests in an entity doing business with the municipality.
 - d. Any personal interest or investment by the member which creates a conflict between the member’s personal interest and the duties of the Commission.
 3. The disclosure shall state the nature of the conflict of interest including, if applicable, the position held and the nature and value of the business interest held in a regulated entity or an entity doing business with the municipality.
 4. In addition to the requirements of paragraph (2), in any open meeting, a member who has a conflict of interest must make an oral disclosure of the conflict immediately before discussion about the topic involved in the conflict of interest.
- C. **Gifts and Favors.** Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. It is very important that Economic Development Commissioners be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism. They should strive to avoid even the appearance of giving preference to one citizen or business over any other.

1. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.
2. Economic Development Commissioners should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism but may create an embarrassing and possible unlawful position for the City. Items of small value such as calendars, pencils, etc. with advertising or logos are acceptable, but larger items such as clothing, equipment for personal use, etc. should be politely declined.

D. Commissioner Removal. A Commission member may be permanently removed from the Economic Development Commission for cause by the Mayor upon advice and consent of the City Council. Recommendation for such action may be made by a majority vote of the Commission to the Mayor based on any of the following:

1. Continuous unjustified non-attendance of Economic Development Commission work meeting and/or regular meetings.
2. Demonstrated inability or unwillingness to participate cooperatively as a working member of the Commission including, but not limited to, such action as:
 - a. repeatedly showing a lack of preparation during meetings; or
 - b. repeated attempts to disrupt meetings; or
 - c. frequent votes contrary to the evidence presented for no apparent reason.
3. Failure to conduct oneself in a professional and competent manner appropriate to the position of Economic Development Commissioner.
4. Violation of the criminal laws, federal, state or local.
5. A change in residency outside of Highland City.

E. Treatment of Information. It is important to discriminate between Economic Development information that belongs to the public and Economic Development information that does not.

1. Reports and official records of a public Economic Development agency must be open on an equal basis to all inquiries.
2. Information considered private, controlled or protected, that is learned in the course of performing Economic Development duties must be treated in

confidence if specifically requested by the applicant or as dictated by Title 4 of the Highland Municipal Code. Such information becomes public when an application for official action, such as a change in zone classification or approval of a plat, is submitted.

3. Information contained in studies that are in progress in an Economic Development agency should not be divulged except in accordance with established agency policies on the release of its studies. A public Economic Development agency is not required to share its thought publicly.
4. Prearranged private meetings between an Economic Development Commissioner and applicants, their agents, or other interested parties, are prohibited. Partisan information on any application received by an Economic Development Commissioner whether by mail, telephone, or other communication shall be made part of the public record.

IV. MEETINGS.

- A. **Place.** All meetings of the Economic Development Commission shall be held in the City Council Chambers of City Hall, 5400 W. Civic Center Drive, Highland, Utah, or at such other place in Highland City as the Commission may designate.
- B. **Regular Meetings.** Regular meetings of the Economic Development Commission shall be held on the fourth Thursday of each month at 7:00 p.m.
- C. **Work Meetings.** Work meetings may be held on the second and fourth Tuesdays of each month, prior to the regular meeting.
- D. **Quorum.** Five members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted.
- E. **Content.** Discussion in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentations by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Chair may impose a time limit on those desiring to address the Commission. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise may be removed at the direction of the Chair.
- F. **Additional Guidelines.** In addition to these policies and procedures, the Commission may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with the content herein.

V. MOTIONS.

- A. **Making of Motions.** Any Economic Development Commissioner, but the Chair, may make or second a motion. Motions should state findings for denial or approval within the motion:
1. Motions should state findings at the beginning.
 2. The staff reports should be in sufficient detail to assist the Economic Development Commission in stating findings.
 3. All motions should be repeated at the direction of the Chair.
- B. **Second Required.** Each motion of the Economic Development Commission must be seconded. A motion that fails to receive a second shall fail.
- C. **Withdrawing a Motion.** After a motion is stated by the Chair or read by the secretary, it shall be deemed in the possession of the Commission, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Commission.
- D. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.
- E. **Amending Motions.** When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order to amend the stated motion. The author and the second may choose not to accept the amendment.
- F. **Amending Amendments to Motions.** An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.
- G. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
- H. **To Rescind a Motion.** A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion.
- I. **To Reconsider a Motion.** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote.

If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.

- J. Motion to Open and Close Hearings.** A motion shall be made to open and close the public portion of a hearing prior to Economic Development Commission discussion and vote on the matter.
- K. Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
- L. Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each Economic Development Commission meeting. No second is required to the motion to adjourn.

VI. VOTING.

Except as otherwise specifically provided in these rules, a majority vote of a quorum shall be required and shall be sufficient to transact any procedural business before the Economic Development Commission.

- A. Changing a Vote.** No member shall be permitted to change his/her vote after the decision is announced by the Chair.
- B. Tie Votes.** Tie votes shall be broken by the Chair casting a vote.
- C. Conflict of Interest/Disqualification.** Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.
- D. Minimum Votes Required.** Unless otherwise provided herein, a minimum of four (4) affirmative votes are required to make a determination on any item presented to the Economic Development Commission.

VII. REPORTING.

The Economic Development Commission will develop a written report and present it twice per fiscal year to the City Council, during a scheduled City Council meeting. These reports will take place during the second City Council meeting in July and the second City Council meeting in January.

VII. AMENDMENTS.

These rules may be amended at any regular meeting of the Economic Development Commission by an affirmative vote of the Commission, provided that such amendment has been presented in writing to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken. Such amendments shall be submitted to the City Council for its approval before they shall take effect.