

**AGENDA**  
**HIGHLAND CITY COUNCIL MEETING**  
**September 17, 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 – Scott Smith  
PLEDGE OF ALLEGIANCE – Tom Butler

**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.**

**PRESENTATIONS**

- 3. PRESENTATION: Water Advisory Board** – Mark Thompson, Chairman

**CONSENT**

- 4. MOTION: Approval of Meeting Minutes for City Council Regular Session** – September 3, 2013
- 5. MOTION: Road Maintenance** – 6800 West from 10400 North to 9800 North
- 6. MOTION: Road Maintenance** – 5600 West from SR-92 to 10400 North
- 7. MOTION: Road Maintenance** – Beacon Hills Blvd. from 11800 No. to the Bridge Crossing
- 8. MOTION: Road Maintenance** – Manor Drive

SCHEDULED ITEMS

**9. DISCUSSION AND ACTION: Red Curbing – Parkway West Drive**

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.)*

- Lone Peak Public Safety – Scott Smith
- North Point Solid Waste – Tim Irwin

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 **13<sup>th</sup> day of September, 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 **13<sup>th</sup> day of September, 2013** the above agenda notice was posted at [www.highlandcity.org](http://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**

# DRAFT

## MINUTES HIGHLAND CITY COUNCIL MEETING

Tuesday, September 3, 2013

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

1  
2  
3  
4  
5  
6  
7 **PRESENT:** Mayor Lynn V. Ritchie, Conducting  
8 Councilmember Brian Braithwaite  
9 Councilmember Tom Butler  
10 Councilmember Tim Irwin  
11 Councilmember Scott Smith  
12 Councilmember Jessie Schoenfeld  
13

14  
15 **STAFF PRESENT:** Aaron Palmer, City Administrator  
16 Matthew Shipp, Public Work Director/ City Engineer  
17 Nathan Crane, Community Development Director  
18 JoD'Ann Bates, Executive Secretary/ Recorder  
19 Kasey Wright, City Attorney  
20 Shannon Garlick, Secretary  
21

### EXCUSED:

22  
23  
24 **OTHERS:** Rod Mann, Doug Cunningham, Steve Mark, Tom Martin, Coleen Carter, Richard  
25 Carter, Lorelee Ahmu, Mark Thompson, Jon Meadful, Scott Johnson, Matthew Johnson, Jacob  
26 Dutton, Carson Brown, Easton Matthew, David Clegg.  
27

28 The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:02 p.m. The  
29 meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to  
30 the meeting. The prayer was offered by Mayor Lynn Ritchie and those assembled were led in  
31 the Pledge of Allegiance by Easton Matthews, a scout.  
32  
33

### APPEARANCES:

34  
35  
36 Doug Cunningham, resident of the Twin Bridges, Beacon Hills Plat I Subdivision, expressed  
37 concerned regarding the pause on the open space lease option. He stated the subdivision  
38 completed gathering the signatures and asked the Council to let the petition move forward while  
39 the City waits for an opinion from the City attorney. He stated the Ordinance controlling the  
40 process not only disposes of the surplus land, but also removes the neighborhood option trail. He  
41 stated the subdivision is speaking with the developer to see if he will release his first right of  
42 refusal, and allow the residents to bypass the lease option and purchase the land. He stated he  
43 does not know how long the legal issues will take and asked the Council to allow them move

# DRAFT

1 forward with the petition so the neighborhood option trail can be removed. He stated waiting  
2 until after the election will only delay the process further.

3  
4 Steve Marks, resident of the Twin Bridges, Beacon Hills Plat I Subdivision, stated all of the  
5 residents within the subdivision were excited for the open space lease option and asked the  
6 Council for help expediting the process. He asked the Council to push forward with the lease and  
7 not allow one developer to stop the progress. He stated he is willing to put in more time to get  
8 the issue approved and spoke with an attorney that stated the City is the ones writing the lease  
9 and can write it in a manner so it does not violate any codes. He asked to have the issue placed  
10 on the next Council meeting agenda.

11  
12 Andrew Smith, resident of the Twin Bridges, Beacon Hills Plat I Subdivision, stated he has lived  
13 in the subdivision for seven years and the open space issues have been going on for years. He  
14 stated there was always a plan for the open space that has never been executed. He stated they  
15 are scared the legal issues will put it on hold for another six or seven years, and stated they  
16 would like to see some progress or have a plan made. He stated he is willing to do what it takes  
17 to get the open space land, including paying the City for it, and asked the Council for their  
18 assistance.

## 19 20 21 **CITY COUNCIL / MAYOR ITEMS:**

22  
23 Tim Irwin questioned if the open space lease and trail relocation issues in the Twin Bridges,  
24 Beacon Hills Plat I subdivision can be separated.

25  
26 Nathan Crane stated the two issues were set up as one process to keep it simple. He stated the  
27 City could separate the items, but doing so would not be time or cost efficient. He stated they are  
28 working on the Resolution right now, but does not know how long it will take.

29  
30 Tim Irwin stated the Haskett family came to him regarding the setbacks in the Highland Town  
31 Center Meadows Subdivision, which is an open space subdivision. He explained their home is on  
32 a corner lot and the setback is 25 feet, yet other corner lots in the same neighborhood only have  
33 an 11 feet setback and they would like to be treated in a similar manner, but would only need a  
34 22 feet setback. He stated the Council may change the Ordinance and reduce the setback overall  
35 or allow the Community Development Director to make some exceptions. He explained when  
36 the development was approved, for some unknown reason the developer was given some  
37 exceptions, so some of the homes have an 11, 15, or 20 feet setback. He stated they would like to  
38 have a small remodel done to expand their eating area. He stated Nathan Crane is researching the  
39 issue to discover why the exceptions were given, but asked the Council to help the residents  
40 receive a variance to the setback or make a change to the Code.

41  
42 Mayor Ritchie stated rather than discussing the issue now, Nathan Crane will research the issue,  
43 give the information to the Council, along with the options that would be available.

# DRAFT

1 Nathan Crane stated the residents had applied for a variance from the Appeal Authority and the  
2 variance was not granted.

3  
4 Tim Irwin stated allowing Nathan Crane to make certain exceptions and not others would put  
5 him in a difficult position, but other homes in the neighborhood have a smaller setback. He  
6 explained Nathan Crane is researching the issue, but cannot figure out how big each setback is  
7 and why these homes were given these exceptions. He stated it is not a matter of why the  
8 exceptions were given, but why these people cannot be given the same exception.

9  
10 Nathan Crane stated all the City knows is that the building permits were approved as the homes  
11 were laid out. He stated he does not know how the Code was applied to these lots, but the  
12 setbacks were given during the building permit process.

13  
14 Scott Smith stated he is facing the same problem in other parts of the City. He stated the Council  
15 changed the backyard setbacks in Highland Hills three years ago, so residents could put a deck  
16 on the back of their houses. He stated he is in favor of looking at the Development Code and  
17 making adjustments to all of the open space subdivisions.

18  
19 Mayor Ritchie stated it would be fine to do so if the Council can see the rationale going into the  
20 setbacks and the change is not an exception for one individual, but works for everyone.

21  
22 Tim Irwin stated he agrees with Scott Smith in looking at the setbacks all around, but stated the  
23 family had been hoping to do the renovation during the summer and now it will soon be winter.  
24 He asked that the issue gets expedited, so the remodeling can be done quickly.

25  
26 Mayor Ritchie stated Nathan Crane will research the issue, bring it back, and if there is a way to  
27 make it work for everyone, the Council will look at it.

28  
29 Tim Irwin stated it is recommended that people in Utah Valley only water their yard once a week  
30 during the month of September because it gets cooler and the weather changes. He asked if the  
31 City plans on changing the water restrictions.

32  
33 Matt Shipp replied the City does not have plans to change the watering days. He stated the staff  
34 is putting out the information that the weather and temperatures are changing, and the City is  
35 seeing a decrease in water usage.

36  
37 Tim Irwin questioned what happens with the unused water and how the staff is suggesting to the  
38 residents to water only once a week.

39  
40 Matt Shipp replied the residents are still allowed to water three times a week, but the staff has  
41 placed the recommendation to cut back on the website and in the newsletter and that people are  
42 voluntarily cutting back. He stated the staff spends a lot of time turning the pumps on and off to  
43 keep the water from overflowing the reservoirs. He stated there is holdover water in Deer Creek

# DRAFT

1 that the City holds over from year to year. He stated the City used a lot of holdover water this  
2 year, and that Highland was in a lot better shape than most cities because of the holdover water.  
3 He stated there is still more holdover water at Deer Creek.

4  
5 Tim Irwin stated the water conservation is an eye opener and a good reminder to conserve. He  
6 thanked the City staff for the Beacon Hills Park and stated it is looking really good. He stated  
7 there will be a grand opening and a short ribbon cutting on Friday, September 6<sup>th</sup> at 7:00 pm.

8  
9 Scott Smith questioned regarding the progress of the deer hunt.

10  
11 Mayor Ritchie stated the program has not started, but the City got the COR from DWR. He  
12 stated the City found out they need to print the tags, and are in the process of doing so, and the  
13 tags should be out within the next few days. He stated the areas and the hunters have been  
14 identified and that there is a way to distinguish each hunter through their arrows to make sure the  
15 right hunters are killing the deer. He stated they anticipate the program will start within the next  
16 week or so.

17  
18 Scott Smith clarified the hunting is only going to be done in certain areas.

19  
20 Mayor Ritchie stated they are finding the ratio of bucks to doe is way out of proportion. He  
21 stated the DWR allows the hunters to take bucks or doe, but the City decided to start with just  
22 doe.

23  
24 Brian Braithwaite asked for an explanation regarding the pumping of the pressurized water. He  
25 stated there is a cost to pump to make sure the reservoir is full, and if there is not enough surface  
26 water than they pump to the reservoir. He stated if the reservoir is full, they will not be pumping  
27 water out of the wells to fill it.

28  
29 Matt Shipp stated every time they fire up the pumps there is a cost.

30  
31 Brian Braithwaite stated it is also pulling water out of the aquifer that could stay in the aquifer.

32  
33 Matt Shipp stated it's a continual balance of turning the pumps on and off to make sure the  
34 reservoirs do not overflow. He stated it depends on the canyon waters running, and there are two  
35 sources for the Deer Creek water, so the City backs off on those to keep the holdover water up  
36 there for the next year. He stated when they run the pumps, they are drawing from the aquifer,  
37 but one will run directly into the system and others run up into the reservoirs.

38  
39 Brian Braithwaite clarified if the water is not used, it remains in the aquifer or is saved in Deer  
40 Creek for a future year.

# DRAFT

1 Matt Shipp stated this time of year, there is no water running down the rivers, but during times of  
2 high flow, water will run down the rivers. He stated during low run off like this year, the City is  
3 pumping the wells.

4  
5 Tom Butler questioned what the figures were for the savings from the water conservation  
6 throughout the season.

7  
8 Matt Shipp replied the City only saw about a 6 acre foot a day, about 10%, reduction. He stated  
9 the City is seeing more than that now because of the rain. He stated they are having about a 10  
10 acre foot a day reduction now, which is expected.

11  
12 Tom Butler questioned if there were any warnings or citations issued.

13  
14 Matt Shipp replied there were quite a few warnings, but there were not any citations issued. He  
15 stated the homes that received warnings backed off immediately. He stated the City had about  
16 15-20 variance requests and 10 were granted based on what was presented.

17  
18 Mayor Ritchie stated he saw a couple of warnings and those residents corrected the issue  
19 immediately.

20  
21 Tom Butler stated many residents had to clean out their filters more frequently this season than  
22 they normally do and questioned if there was a reason for that.

23  
24 Matt Shipp replied the City had to start taking the Deer Creek water earlier this year, and the  
25 Deer Creek water is a lot dirtier than the canyon water.

26  
27 Tom Butler stated in the other cities the Murdoch Trail is one piece of pavement, but in Highland  
28 there is two separate pieces of pavement and questioned why that is.

29  
30 Nathan Crane replied they wanted a total width of 15 feet, and so in the areas they could not fit  
31 the 15 feet, they separated it.

32  
33 Mayor Ritchie stated due to the right-of-way, the elevation, and the piping, they had to split it.

34  
35 Tom Butler asked for a report on the neighborhood meeting regarding the red curb painting.

36  
37 Mayor Ritchie replied the residents wanted to remove the islands and the red curbing. He stated  
38 there were about fifteen residents in the meeting, and two wanted to leave the red paint on,  
39 because those on the Toscana side are parking on the Coventry side. He stated they did not make  
40 a decision, but Matt Shipp is going to draw up options and bring it back to the Council on  
41 September 17<sup>th</sup>.

42  
43 Tom Butler questioned regarding contracting out the Financial Director position.

# DRAFT

1 Mayor Ritchie replied they have an offer out and are doing background checks, and will make an  
2 announcement if the background checks are clear and the offer is accepted. He stated they are  
3 not entertaining the option to contract, because they believe it is a full time position.

4  
5 Tom Butler questioned when a discussion will be held regarding the variance for the Lund  
6 family.

7  
8 Mayor Ritchie replied that Nathan Crane and Kasey Wright are looking at the various options  
9 and Mayor Ritchie and Aaron Palmer spoke to the Lund family that morning and went over the  
10 dilemma with the variance and are looking for other options.

11  
12 Kasey Wright stated they are looking for a solution that is legally liable. He stated in a week or  
13 so they will have information for the Council.

14  
15 Jessie Schoenfeld questioned if the Tree Commission grant was ready to be sent in the following  
16 day.

17  
18 Matt Shipp stated he does not know, and that the Tree Commission never submitted it to him.

19  
20 Jessie Schoenfeld stated she had seen the preliminary and was wondering if it had been sent to  
21 Matt Shipp. She stated she will check on the progress.

22  
23 Tim Irwin questioned if the Council has any control over the grants. He stated sometimes there  
24 are financial strings with grants, and stated the Council should review them before applying for  
25 the grants.

26  
27 Aaron Palmer explained in order to meet time restraints for grants the City applies for them. He  
28 stated they avoid ones with strings attached, but when the City is awarded a grant it goes to the  
29 Council for approval because it affects the budget. He stated it can be discussed at that time, and  
30 if it seems there are too many strings attached the City can deny it and not take the funding.

31  
32 Scott Smith thanked the staff for the minutes and stated they were very detailed and well done.

## 33 34 **CONSENT:**

35  
36 *MOTION: Approval of Meeting Minutes for City Council Regular Session – August 20, 2013.*  
37 ***Pulled by Tom Butler for further discussion.***

38  
39 *MOTION: Approval of Meeting Minutes for City Council Regular Session – August 27, 2013.*  
40 ***Item approved by consent.***

41  
42 *RESOLUTION: Local Special Election – Referendum issue to be placed on the ballot.*  
43 ***Pulled by Brian Braithwaite for further discussion.***

# DRAFT

1 MOTION: Approval of Meeting Minutes for City Council Regular Session – August 20, 2013.  
2 *Pulled by Tom Butler for further discussion.*

3  
4 Tom Butler stated on Page 6, Line 1 in the minutes the wording needs to be changed to read,  
5 “According to the proposed language before us it would keep the Economic Commission from  
6 speaking to any developers” for better clarification.

7  
8 Scott Smith stated he is okay with the changes.

9  
10 Tom Butler also stated on Page 9, Line 19, the wording needs to be changed to read, “Because  
11 the new owner would have to demolish the structure or they would have to use it as storage  
12 space”.

13  
14 **Scott Smith moved the City Council approve the Meeting Minutes for City Council**  
15 **Regular Session – August 20, 2013.**

16  
17 **Tom Butler seconded the motion.**

18 **Unanimous vote, motion carried.**

19  
20 RESOLUTION: Local Special Election – Referendum issue to be placed on the ballot.  
21 *Pulled by Brian Braithwaite for further discussion.*

22  
23 Brian Braithwaite stated a part of the Resolution reads “Whereas, with 1,121 out of 1,248 valid  
24 signatures, on August 27, 2013 the City Recorder declared...” He stated there is no value in  
25 explaining how many signatures were done, and asked to change it to “Whereas, with 1,121  
26 County certified signatures of the 1,077 required, the City Recorder on August 27, 2013  
27 declared...” He stated the clarification was to make it easier for the residents to understand.

28  
29 **Brian Braithwaite moved the City Council approve the Resolution to have the Referendum**  
30 **issue to be placed on the ballot with the change, “Whereas, with 1,121 County certified**  
31 **signatures of the 1,077 required, the City Recorder on August 27, 2013 declared...”**

32  
33 **Scott Smith seconded the motion.**

34 **Those voting Aye: Tim Irwin, Jessie Schoenfeld, Scott Smith, Brian Braithwaite, Tom**  
35 **Butler**

36 **Motion carried.**

37  
38  
39 **SCHEDULED ITEMS:**

40  
41 MOTION: Approval of By-Laws – Economic Development Commission.  
42

# DRAFT

1 BACKGROUND: Aaron Palmer stated the staff made the changes the Council requested. He  
2 stated the Commission is advisory and the recommendations are not binding on the Council. He  
3 stated they got the conflict of interest from the City Attorney's office and it was taken straight  
4 from the State Statute requirements. He stated they changed the meetings to the fourth Thursday  
5 of the month at 7:00 pm. He stated the Commission will report to the Council twice a year in  
6 July and in January.  
7

8 Tim Irwin stated they took out being disqualified and having to leave the room in the conflict of  
9 interest, but stated it was left open and asked how that section will be finished or if it will just be  
10 removed all together.  
11

12 Aaron Palmer replied the Council can remove it or just write "any member declaring a conflict of  
13 interest may not vote pertaining to that particular matter".  
14

15 Tim Irwin stated they can participate in the discussion, but should not vote on the matter. He also  
16 asked that in the future the changes made are highlighted, so the Council knows what was talked  
17 about and exactly what was changed.  
18

19 Brian Braithwaite stated there are seven members in the quorum, including the Chair who cannot  
20 vote, so if all the members show up, six will be voting and the Commission will be more likely  
21 to have a tie. He asked to change the number in the quorum from seven to six, so one is the Chair  
22 and five members are voting. He stated the difference with the Economic Development  
23 Commission and the City Council is that the Chair on the Commission counts to make a full  
24 quorum, unlike the City where the Mayor does not count towards a full quorum. He stated he  
25 believes the Mayor should count towards a full quorum in the Council.  
26

27 Mayor Ritchie questioned which section Brian Braithwaite is speaking of so the changes may be  
28 made.  
29

30 Aaron Palmer stated it is at the top of Section 2.  
31

32 Mayor Ritchie stated it is in Section 4 D. as well.  
33

34 Brian Braithwaite stated in the very top of Section 2 where it reads, "the Economic Commission  
35 will consist of seven members", should be changed to six members, including the Chair.  
36

37 Scott Smith suggested changing it to read, "The Chair and five voting members".  
38

39 Mayor Ritchie stated in Section 2 they should change it to six members, and in Section 4 where  
40 it talks about the quorum, they should place that the Chair may vote in the case of a tie.  
41

# DRAFT

1 Brian Braithwaite stated on Section 4 D. he would change the full quorum to four members, and  
2 the Chair is included as one of the four, so the Commission may have a full quorum with four  
3 members.

4  
5 Aaron Palmer stated they will change it to four members including the Chair.

6  
7 Tim Irwin stated that is a high threshold, so when the City is interviewing these applicants, they  
8 need to make sure they are willing to come to the meetings and vote.

9  
10 Scott Smith stated that changes Section 6 Voting D. He says you have to a minimum of four  
11 votes, so you'd have to have a unanimous of four. He stated it should be changed to a majority,  
12 like, three to two, but the problem with that is there is only four in the quorum.

13  
14 Brian Braithwaite stated because it is a Commission, the impact is minimal, so it is different than  
15 the Council. He stated on the Council it needs to be three so it is consistent with any Council  
16 meeting. He stated on the Commission if two are in conflict, the other four can vote without  
17 them unanimously, or if there are three that want to do it, they can get one other person to show  
18 up and pass something that normally would not get passed. He stated they should just leave it at  
19 four.

20  
21 Tom Butler stated on the first line of Section 6 it reads, "Except as otherwise specifically  
22 provided in these rules, a majority vote of a quorum shall be required", which would be three  
23 members. He stated in Section 6 D. it requires a number of four members, so there is a conflict  
24 between the two. He stated he would strike Section 6 D. and have it just be a majority vote like  
25 the Council.

26  
27 Tim Irwin stated because it is an advisory board and will have to come back to Council, he is  
28 okay with having a majority vote.

29  
30 Brian Braithwaite stated he was okay with having the vote by majority.

31  
32 Tom Butler questioned regarding the meaning of the wording "duly excused".

33  
34 Tim Irwin stated that means the member has called and asked to be excused.

35  
36 Kasey Wright stated it is not a legal term. He stated it means the member does something to  
37 excuse themselves.

38  
39 Aaron Palmer stated it is an excused absence. He stated if you have members on a Commission  
40 that have unexcused absences than you have a way to remove them from the Commission.

41  
42 Tim Irwin stated if the member is making an effort and contacting the Secretary and indicates  
43 they are not going to be able to attend, that is excusable.

# DRAFT

1 Tom Butler stated the only problem is that it reads, duly excused or unless unable to attend  
2 because of extenuating circumstances. He stated it makes it seem regardless of whether or not  
3 they call in it does not matter.

4  
5 Aaron Palmer stated the extenuating circumstances would be like if they are having car troubles  
6 and their cell phone is dead.

7  
8 Jessie Schoenfeld stated it is like if their husband tripped and broke every bone in his body and  
9 they were unable to go to the meeting or finish the parade at the Fling or another last minute  
10 thing.

11  
12 Tom Butler stated in Section 3 D. he requested that one of the items to be placed in the bylaws is  
13 that “if there is anyone that is philosophically or morally opposed to economic development they  
14 should not be serving on this Commission”, and he asked to have that placed in there. He stated  
15 the last Economic Commission was hamstrung, because three were pro-growth and the other  
16 three were anti-growth so it was a waste of time.

17  
18 Mayor Ritchie stated that gets into the qualification of the members, and he doesn't believe the  
19 Council should start to go down that road. He stated just because they have a different view, does  
20 not mean they are not qualified to serve.

21  
22 Tim Irwin stated it would be hard to define, and so it should be left to the Mayor to interview the  
23 people and choose qualified members. He asked if Tom Butler had specific wording he believed  
24 should be used.

25  
26 Tom Butler stated the Mayor was the one who interviewed the last ones, and the last  
27 Commission could not agree on anything. He stated in that Section it reads reasons for  
28 Commissioner Removal are failure to conduct one's self in a professional or competent matter  
29 appropriate to the position of Economic Development Commissioner. He stated the line above  
30 that reads they can be removed for inability or unwillingness to participate cooperatively;  
31 repeatedly showing a lack of preparation during meetings; or repeated attempts to disrupt  
32 meetings; or frequent votes contrary to the evidence presented for no apparent reason. He stated  
33 that these are as ambiguous, if not more, than his request.

34  
35 Brian Braithwaite stated the difference is these are if the Commissioner is doing things to thwart  
36 the Commission itself, he stated Tom Butler is speaking of a philosophical difference, if one  
37 person wants more or less development than another. He stated they may be opposed to certain  
38 development, but not all development, and that it is how it is being developed, not whether it is  
39 being developed.

40  
41 Tom Butler stated that is what he was trying to say. He asked Mayor Ritchie if there were certain  
42 questions he asked ahead of time regarding their feelings toward commercial development before  
43 they were placed on the Commission.

# DRAFT

1 Mayor Ritchie replied he did, and sometimes you don't know fully what their philosophical  
2 belief is. He stated just because someone has an opposing view does not mean they should not  
3 serve. He stated there should be a balance and that diversity is a good thing, so the City should  
4 not exclude people for having a different view, if they have other qualifications that bring value  
5 to the Commission.

6  
7 Tom Butler questioned what value they would have on the Economic Commission if they were  
8 opposed to all development.

9  
10 Mayor Ritchie replied he does not agree the members on the last Committee were opposed to all  
11 development. He stated one member questioned things and brought a lot of good to the  
12 Committee. He stated just because the Committee did not report to the Council what they would  
13 like to hear, does not mean they were ineffective.

14  
15 Scott Smith stated he understands where Tom Butler is coming from and suggested during the  
16 process they establish criteria to be on the Commission. He stated he is not opposed to different  
17 views and ideas, but believes the people on the Commission should be willing to discuss  
18 economic development. He stated if you have a Commission that is four to two, fully opposed to  
19 economic development, there is not a lot the Commission will be able to accomplish. He asked to  
20 have some criteria the candidates need to meet, and they may have different views but that they  
21 all need to be able to discuss development.

22  
23 Brian Braithwaite stated on Section 3 D. 2, they should add a d. "stating being philosophically  
24 opposed to *any* economic development in general". He stated if they are not willing to discuss  
25 development, they will make every discussion painful.

26  
27 Tom Butler stated in Section 4 C. it reads work meetings will be held on the second and fourth  
28 Tuesdays each month, prior to the regular meeting. He questioned if that is prior to the Planning  
29 Commission.

30  
31 Brain Braithwaite stated the regular meetings are the Economic Development Commission  
32 Board meetings and the work meetings are held right before the regular meetings.

33  
34 Mayor Ritchie stated it was not changed, but should read just the fourth Thursday of the month.

35  
36 Tom Butler stated in Section 4 E. it should read, "Any person that disrupts the meeting may be  
37 removed from the chair, unless overridden by the majority of the Commission." He stated with  
38 the proposed language, if the Chairman and a Commissioner have a conflict the Chairman may  
39 have them removed without hearing what they have to say.

40 Mayor Ritchie stated the change will be made to "Any person that disrupts the meeting may be  
41 removed by a majority vote."

# DRAFT

1 **Tim Irwin moved the City Council approve the By-Laws for the Economic Development**  
2 **Commission with the mentioned changes.**

3  
4 **Scott Smith seconded the motion.**  
5 **Unanimous vote, motion carried.**

## 6 7 8 COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

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

10  
11 Tom Butler questioned if there was an Executive Session after the meeting, and if there were any  
12 updates on the real estate matters.

13  
14 Mayor Ritchie stated there is not an Executive Session or any updates. He stated they will  
15 hopefully have that information at the next Council meeting.

16  
17 Scott Smith questioned if the Council will be discussing the Robinson property item at the  
18 meeting that night.

19  
20 Mayor Ritchie replied no, but he has some answers for them and will speak to them after the  
21 meeting.

- 22  
23 • North Utah Valley Animal Shelter Report – Jessie Schoenfeld

24  
25 Jessie Schoenfeld stated the North Utah Valley Animal Shelter is a very tight run ship. She stated  
26 it was discovered there was a statute that allowed the County to decide who would be on the  
27 Special District Boards. She stated they are trying to change the legislative action back so the  
28 County cannot put whoever they want on the Board. She stated the County has said they are not  
29 interested in doing so, but they are working on it so in the future the County will not be able to  
30 do so. She stated if the County has all of the control they could end up with no representation  
31 from the City or get people on the Board who do not like animals. She stated there are all sorts of  
32 problems with it, so they are working with lawyers to try and get that changed. She stated other  
33 than that they are working very hard and that the place is doing very well.

34  
35 Scott Smith stated he was on the Animal Shelter board for two years before Councilmember  
36 Schoenfeld. He stated it is composed of representatives from each city, but there are also County  
37 appointed representatives. He stated it is a mixed Board, but it functions it well.

38  
39 Mayor Ritchie stated the County was interpreting the law that in a Special Service District, they  
40 had to all be appointed. He stated they were moving towards removing all City representation  
41 from all the districts. He stated the City went to the County meeting and voiced their opposition,  
42 stating that the cities want a voice on the Commissions. He stated he is glad the County is  
43 backing off now.

# DRAFT

1 Jessie Schoenfeld stated the County is backing off now, but they are trying to get the law  
2 changed so it is not an issue in the future.

- 3
- 4 • Timpanogos Special Service District – Brian Braithwaite
- 5

6 Brian Braithwaite stated the Timpanogos Special Service District is looking to expand the plant  
7 because the Northern Utah County is exceeding the expected flow into the plant. He stated in  
8 November 2009 it went out to bid and since March there has been a plant expansion that will  
9 double the capacity. He stated during the time of expansion they have hit capacity multiple  
10 times. He stated they have not been out of compliance with State Regulations, but have been  
11 close. He stated the plant has been functionally doubled, but is still only running through half the  
12 plant because the other half is still being tested. He stated they are having some issues with the  
13 contractor, and are accruing fines at this point, because they haven't been able to complete it and  
14 finalize the testing. He stated it should be completed within the next sixty days and should give  
15 enough capacity for another ten years. He stated the facility can be quadrupled before it meets  
16 maximum expansion. He stated after the expansion is complete, it will be open to the public. He  
17 stated the expansion was a 63 million dollar impact to Northern Utah County residents and the  
18 initial bids were for 100 million and they removed almost 40 million out of the growth to not  
19 impact the residents.

20

21 Scott Smith questioned regarding the smell in American Fork and Pleasant Grove. He asked how  
22 the District is addressing the issue.

23

24 Brian Braithwaite stated it has been a concern of the facility, and that the composting saves about  
25 \$2-\$3 minimum per household per month. He stated if they did not do the composting there, the  
26 sludge would have to be taken somewhere else, like a landfill, and then the cities are still  
27 responsible for it. He stated if in fifty years they discover it is hazardous waste, then the cities  
28 would be charged for the cleanup, and if the landfill changed their minds, they would have  
29 nowhere to put the sludge. He stated the developers are trying to sell the land and are the ones  
30 who would benefit from the change. He stated they are going to the businesses and saying  
31 because they would benefit from it, they should help find a solution, therefore it has started a  
32 lawsuit, but the compost has the potential to remain in Utah County. He stated there will be a  
33 significant cost increase if they have to get rid of the composting.

## 34

## 35

## 36 ADJOURN TO A CLOSED EXECUTIVE SESSION

37

38 Mayor Ritchie indicated there was no need to hold an Executive Session.

## 39

## 40 ADJOURNMENT

41

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

# DRAFT

1 **Brian Braithwaite seconded the motion.**

2 **Unanimous vote, motion carried.**

3

4

5 Meeting adjourned at 8:31 p.m.

6

7

8

9

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JoD'Ann Bates, City Recorder

10

11 Date Approved: September 17, 2013

<b>HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 17, 2013</b>	
<b>REQUEST:</b>	<b>MOTION:</b> Approval of an agreement with Geneva Rock for the micro-surfacing of 6800 West from 10400 North to 9800 North
<b>APPLICANT:</b>	Highland Public Works and Engineering Department
<b>FISCAL IMPACT:</b>	Forty Eight Thousand Eight Hundred (\$48,000.00) Dollars from the General Fund Account: 41-40-71 Major Road Repairs

**BACKGROUND:**

6800 West is a major collector in the City and is in need of maintenance to ensure a longer life of the road. As part of the road maintenance plan for the City, 6800 West is being proposed for the micro-surface to ensure longer life for the asphalt surface.

**PROPOSED MOTION:**

Motion to approve an agreement with Geneva Rock Products, Inc. for the micro-surfacing of 6800 West from 10400 North to approximately 9800 North for the amount of Forty Eight thousand Eight Hundred (\$48,800.00) Dollars and authorize the Mayor to sign the agreement.

<b>HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 17, 2013</b>	
<b>REQUEST:</b>	<b>MOTION:</b> Approval of an agreement with Geneva Rock for the chip sealing of 5600 West from SR-92 to 10400 North
<b>APPLICANT:</b>	Highland Public Works and Engineering Department
<b>FISCAL IMPACT:</b>	Forty Four Thousand Five Hundred (\$44,500.00) Dollars from the General Fund Account: 41-40-71 Major Road Repairs

**BACKGROUND:**

5600 West is a main collector in the City. A few years back we used a slurry seal on the road to test the product. It is wearing and not holding up. This chip seal will add a thicker rock and emulsion to the road as well as a skid resistant surface to the road. This should give about 5 to 8 years of extended life to the road surface.

**PROPOSED MOTION:**

Motion to approve an agreement with Geneva Rock Products, Inc. for the chip sealing of 5600 West for the amount of Forty Four Thousand Five Hundred (\$44,500.00) Dollars and authorize the Mayor to sign the agreement.

<b>HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 17, 2013</b>	
<b>REQUEST:</b>	<b>MOTION:</b> Approval of an agreement with Geneva Rock for the micro-surfacing of Beacon Hills Blvd from 11800 North to the Bridge Crossing
<b>APPLICANT:</b>	Highland Public Works and Engineering Department
<b>FISCAL IMPACT:</b>	Twenty Nine Thousand (\$29,000.00) Dollars from the General Fund Account: 41-40-71 Major Road Repairs

**BACKGROUND:**

Beacon Hills Blvd is the only access into the Beacon Hills Subdivision and has recently gone through some road repairs. It has been in place for approximately 8 years is in need of a surface treatment to keep water from getting into the subgrade through the cracks and repairs in the road. The micro-surface will ensure a longer life to the road before major repairs are needed.

**PROPOSED MOTION:**

Motion to approve an agreement with Geneva Rock Products, Inc. for the micro-surfacing of Beacon Hills Blvd in the amount of Twenty Nine Thousand (\$29,000.00) Dollars and authorize the Mayor to sign the agreement.

<b>HIGHLAND CITY CITY COUNCIL MEETING SEPTEMBER 17, 2013</b>	
<b>REQUEST:</b>	<b>MOTION:</b> Approval of an agreement with Geneva Rock for the reconstruction of Manor Drive
<b>APPLICANT:</b>	Highland Public Works and Engineering Department
<b>FISCAL IMPACT:</b>	Sixty Three Thousand One Hundred Fifty (\$63,150.00) Dollars and a fifteen (15%) percent contingency from the General Fund Account: 41-40-71 Major Road Repairs

**BACKGROUND:**

Manor Drive is one of two roads in the City that was never overlaid or repaired after the installation of the pressurized irrigation system. In the past, the road has been overlaid a couple of times and another overlay will raise the road above the drive approaches higher than it already is and also above the curb lines. Removing the existing asphalt and reshaping the road base is being recommended for the repair of this road.

The trees will need to be cut up to allow for traffic and eliminate safety issues. There will also need to be some sidewalk repairs due to trip hazards in the area.

**PROPOSED MOTION:**

Motion to approve an agreement with Geneva Rock Products, Inc. for reconstruction and resurfacing of Manor Drive in the amount of Sixty Three Thousand One Hundred Fifty (\$63,150.00) Dollars, authorize a fifteen (15%) percent contingency, and authorize the Mayor to sign the agreement.



