

AGENDA
HIGHLAND CITY COUNCIL MEETING
February 4, 2014

6:30 p.m. City Council Work Session - 7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

6:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

PRESENTATION: Kasey Wright, City Attorney – Open Meeting Law

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

CALL TO ORDER – Mayor Mark Thompson

INVOCATION – Dennis LeBaron

PLEDGE OF ALLEGIANCE – Tim Irwin

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. Alissa Dailey – Republic Service – Garbage & Recycle Services**

CONSENT

- 4. MOTION: Approval of Meeting Minutes for City Council Regular Session – January 21, 2014**
- 5. ORDINANCE: Amending Highland City Municipal Code Section 13.30.150, 13.60.050 and adding 13.06.070 – Culinary Water Service.**
- 6. RESOLUTION: Creation of an ADHOC Committee – Open Space ADHOC Committee**

COMMUNICATION ITEMS *(These items are for information purposes only.)*

7. Properties for Lawn Equipment Shed– Matt Shipp, Public Works Director/City Engineer

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 on this **28th day of January, 2014**, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).

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, January 21, 2014

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

PRESENT: Mayor Mark S. Thompson, Conducting
Councilmember Brian Braithwaite
Councilmember Rod Mann
Councilmember Tim Irwin
Councilmember Dennis LeBaron
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
JoD’Ann Bates, City Recorder
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Tim Merrill, City Attorney
Shannon Garlick, Secretary

OTHERS: Payton Mower, Lynne Mower, Jake Burton, Natalie Freeze, Christian, Sadie, Jodie Jamison, Eric Jamison, Matt Jamison, Cynthia Beck, Braden VanAlfen, Angela VanAlfen, Matt Herron, Brooke Spencer, Cory Winn, Joseph Amosa, Ben McBride, Dennis Shelley, Justin Gasset, Gabe Rodriguez, Tyson Hofheins, Connor Munden, Brandon Henderson, Suzanne Mann, Daniel Schmidt, Devin Ririe, Michelle Ririe, Bryce Ririe, Tyler Cook, Tyler Smith, Nicole Smith, Christie Smith, Max Saunders, Chelsea Muggleston, Camille Kemp, Danielle Kemp, Vance Daniels, Ed Lee, Nathan Heyrend, Dean Mc Donald, Zach Jones, Richard Westwood, Jenny Westwood, Arrie Strom, Melissa Strom, Brittany Jones, Mike Jones, Savannah Smith, Bethany Barlow, David Barlow, Fernando Salazar Sr., Fernando Salazar, Mike Lund, Liesa Lund, Liz Lund, Lyndsey Draper, Deanna Draper, Bruce Cook, Tonya Cook, Kristen Chevrier, Josh Castleberry and Trina Brinkman.

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:00 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Dennis LeBaron and those assembled were led in the Pledge of Allegiance by Zach Jones, a scout.

APPEARANCES:

DRAFT

1 Joy Marie Madsen, resident of Highland, questioned what the City's plan of action is during a
2 natural disaster and if there is accountability for each neighborhood. She stated a major
3 earthquake is expected to come through Utah in the near future. She suggested the City
4 participate in a 60 second drill on April 17th at 10 a.m. called the Great Shakeout. She stated it
5 would be very easy to have accountability from Team Captains in each ward and stake. She also
6 asked to have the Great Shakeout's website placed in the February, March, and April newsletters
7 so residents may receive more in depth information.
8
9

10 **CITY COUNCIL / MAYOR ITEMS:**

11
12 Brian Braithwaite stated the Highland Fling is one of the City's key activities. He clarified Ron
13 Jewett was still going to be the Chair, and questioned if he could come talk to the Council about
14 the 2013 Highland Fling, so they know the successes and what needs to be improved. He asked
15 him to come and talk about the 2013 Fling.
16

17 Mayor Thompson stated Ron Jewett told him that morning he was still going to be the Chairman
18 of the Fling. He stated he believes Ron Jewett would be happy to report to the Council regarding
19 the 2013 Fling.
20

21 Brian Braithwaite questioned when the Council will receive their Committee assignments.
22

23 Mayor Thompson stated he should have the majority of them figured out by the next meeting.
24

25 Tim Irwin stated he brought up an issue a couple of months ago and Mayor Ritchie asked him to
26 postpone it for the new Council. He stated there is a family that lives in an open space
27 neighborhood and would like to do some remodeling on their home, but the setbacks and
28 Ordinances do not allow them to do so. He explained exceptions were made with other properties
29 in the neighborhood during the development process, and this family should have the same
30 opportunity. He stated if the Council supports it, they need to authorize an exception or
31 recommend a change in the setback Ordinance.
32

33 Mayor Thompson asked Aaron Palmer to check with the applicant and speak with Nathan Crane
34 to see where they are in the process and how to move forward. He stated the Council has three
35 options: deny the request, make an exception, or take a look at the setbacks in the subdivision.
36

37 Aaron Palmer stated staff can put the issue on the next agenda as a discussion item so the
38 Council can discuss the pros and cons of changing the Ordinance or allowing an exception if that
39 is what the Council wants.
40

41 Tim Irwin stated the Haskett family started working on the issue this time last year. He stated
42 now that the City knows the process that needs to be taken; the City needs to try to accommodate
43 the family as quickly as possible.

DRAFT

1 Rod Mann suggested revising the format of the Minutes to include a summary upfront of the
2 actions that were taken by the Council and action items that were assigned during the meeting.
3 He also suggested revising the agenda to include a list of the action items and a status report on
4 those items. He mentioned all of the action items should include an owner and a date. He stated
5 he would like to see fresh content on the website. He explained since the City staff does not have
6 anyone assigned to the website as a full time job; he has had two qualified people willing to
7 provide that service on a volunteer basis. He explained the Council could set it up as a
8 Committee or treat them as volunteer City staff, because they are providing a service a person
9 would normally be hired for.

10
11 Mayor Thompson stated those were great comments and could add efficiency to City operations.
12

13 14 **REPORTS / PRESENTATIONS:**

15
16 PRESENTATION: Oath of Office – Highland City Youth Council.

17
18 City Recorder JoD’Ann Bates administered the Oath of Office to the new Highland City Youth
19 Council members.
20

21 REPORT: Comprehensive Annual Financial Report – for Fiscal Year 2012-2013.
22

23 Steven Rowling, Representative of Keddington & Christensen; the independent auditors of
24 Highland City, stated the Mayor and Council are considered those charged with governance and
25 therefore, are in charge of overseeing the City’s financials. He explained the Council is in charge
26 of making sure there are proper controls and fiscal responsibility. He stated the auditors perform
27 an audit according to governmental auditing standards, which includes testing internal controls.
28 He explained the auditors do not give an opinion on internal controls, because the scope of their
29 testing is not extensive enough to do so. He stated there were no significant errors or issues
30 during the audit. He stated Laurie Adams and Lynn Ruff did a wonderful job getting the books
31 together and ready for the audit. He explained there still may be some errors, but not any that
32 would materially misstate the financials. He stated there were no significant difficulties, and if
33 there were so, the auditors would have brought those problems to the Council first. He
34 mentioned no material adjustments had to be made as a result of the audit. He explained they test
35 all of the cash processes along with testing for fraud, and did not find any fraud. He stated they
36 test for compliance with local, State, and federal laws, and the procedures are dictated by the
37 Utah State Auditor’s Office. He gave their opinion that the City is in compliance with all of the
38 listed State laws. He gave their opinion that the financial statements in all material respects, the
39 respective financial position of the governmental activities, the business-type activities, each
40 major fund and the total remaining fund information of the City as of June 30, 2013, and the
41 changes in financial position, cash flows, and respective budgetary comparison for the General
42 Fund for the year ended in conformity with accepted accounting principles.
43

DRAFT

1 Rod Mann stated in the third paragraph of page 3 in the report it talks about the City's net
2 position declining by almost 4 million dollars. He stated it also showed a net negative in 2012,
3 but the budget numbers presented at the end of last year's budget season showed the City almost
4 broke even.

5
6 Brian Braithwaite stated he believes most of the negative net is depreciated assets.

7
8 Gary LeCheminant stated he will have to look into it, but believes depreciation is not included,
9 so it is more on a cash basis.

10
11 Steven Rowling stated the depreciation expense would be in each of the function areas. He stated
12 those numbers are not audited, but they come from numbers which are audited within the
13 department. He explained depreciation would be included in the expenses on page 6, but they are
14 not broken out on their own line item.

15
16 Rod Mann stated it makes him feel better if the depreciation is included, but it is confusing that
17 these numbers do not match up with the budget numbers given last year that do not add
18 depreciation. He questioned if there was a breakdown for the general government expenses.

19
20 Steven Rowling replied they are not specifically listed. He stated most of the expenditures would
21 be in the report on page 16, but the Council may ask City staff for any specific details. He stated
22 the expenditures on page 6 are probably the totals of all of the funds within the government. He
23 explained they do not include the depreciation expense in governmental funds, but is listed in the
24 Statement of Activities.

25
26 Brian Braithwaite stated the largest amount of depreciation expense is on page 17, and it ends up
27 being about even. He stated page 13 shows the Capital Grants and Contributions and he
28 questioned if those are all grants that came in during 2013.

29
30 Steven Rowling stated those were grants received during the 2013 fiscal year. He stated they
31 were either physically received or accrued, which means the City may not have received, but the
32 grant was filled out and the money is owed to the City.

33
34 Brian Braithwaite stated grants come and go and he does not remember seeing any grants of
35 these sizes come into the City. He stated it would be helpful for the Council to understand how
36 the grant process works. He stated a continual concern with residents in Highland is that it shows
37 the City has millions of dollars in the bank, but there are a lot of restricted funds in the City. He
38 stated it would be helpful to understand the usability of a non-restricted fund as opposed to
39 restricted funds.

40
41 Steven Rowling stated that information can be found in the back of the report on Note 1. He
42 stated he cannot go through each fund and how it is restricted, but essentially if there is a
43 restriction on the funds, it means the City has the cash, but cannot use it unless certain conditions

DRAFT

1 are met. He explained if a donation is made to the City for Parks and Recreation, the cash is
2 restricted until it is specifically used for that purpose.

3
4 Brian Braithwaite stated the City has specific funds and money is received for those specific
5 accounts. He questioned if those are restricted funds, they may not be used anywhere else.

6
7 Steven Rowling replied they could not be used in another area if they are restricted by an outside
8 party. He stated if it is within the City, they are able to transfer it to different accounts as long as
9 it is budgeted. He stated based on their auditing procedures, transferring the money follows State
10 law, but there may be other laws that the City would have to look into.

11
12 Phyl Warnock, Representative of Keddington & Christensen, stated they would need to hold a
13 public hearing before those funds are transferred. He stated the appropriate people that have
14 contributed to that fund need to be notified, so they have a chance to state what they think. He
15 stated there are specific rules for it, but if those rules are followed it can be done.

16
17 Brian Braithwaite stated people are paying on their water bill and the City has them paying a
18 little extra so there is a cash reserve if one of the wells goes out there is money to replace it. He
19 stated he believed if the City was collecting the money for utility use; it cannot be used for roads
20 or anything else. He stated the residents are paying that for specific use, so he believed the City
21 would either have to refund the money to the residents or retain it for utility use.

22
23 Steven Rowling stated there are ways the Council can put restrictions on those funds internally
24 and if the residents specifically put restrictions on the money they could not use those funds for
25 anything else. He stated based on current law, those funds are not restricted, and so they could be
26 moved.

27
28 Brian Braithwaite stated on page 16 the line item Capital Project Roads shows -\$130,000. He
29 questioned if the City is allowed to have a negative fund balance or is the City in violation of
30 State Code. He mentioned last year they had a deficit of \$227,000 so they have reduced the
31 deficit, but questioned if that negative is allowed.

32
33 Steven Rowling stated they may have been in violation of the Code last year, but based on the
34 new auditing standards the State has the auditors' test, that was not one of the performed tests.

35
36 Brian Braithwaite stated the City is depreciating Capital and equipment over time and it is not a
37 cash issue, but a financial statement issue. He stated it is important for the Council to understand
38 the replacement costs for these things.

39
40 Gary LeCheminant stated he believes under normal depreciation they would be able to replace
41 anything that needs to be fixed at a later time, but he will look into it.

DRAFT

1 Rod Mann stated there is a line item on page 12 titled Unearned Revenues consisting of \$1.533
2 million and questioned what unearned revenues are.

3
4 Steven Rowling stated that information can also be found under Note 1. He stated essentially it is
5 cash that was received or is receivable, but it has not been earned yet. He stated most likely they
6 are property taxes that have been approved for 2014, but will not be received until November. He
7 stated the offset to the unearned revenue is in the assets side. He stated within the \$2,097,000
8 assets section, \$1.5 million of it is property taxes that are receivable. He stated there is an
9 offsetting asset and liability because the City does not have the cash to spend, but they know how
10 much it will be and that they will receive it.

11
12 Brian Braithwaite stated the sales taxes and telephone franchises taxes are collected by the State
13 Tax Commission and remitted to the City monthly. He questioned how the taxes are set.

14
15 Steven Rowling replied it is not the City who sets those numbers. He stated it is typically an
16 agreement between the State and those separate utilities. He stated it is not a rate that is set by the
17 City, but the State determines how much of it goes to the City.

18
19 Brian Braithwaite questioned how they know the revenue for those telephone franchise taxes are
20 coming back to the City.

21
22 Steven Rowling stated that is something that is probably audited at the State level.

23
24 Brian Braithwaite asked Gary LeCheminant to ask the State auditor regarding those taxes next
25 time he speaks with him. He stated the City takes their cash and puts in the Utah State Treasures
26 Investment Pool and questioned how much time it takes for those funds to become liquid. He
27 questioned if they are liquid because they could use those funds in less than thirty days.

28
29 Gary LeCheminant stated they can do a transfer from that Investment Pool to Wells Fargo within
30 a matter of days.

31
32 Brian Braithwaite stated it would be helpful for the Council to have some discussion and
33 understand the bonds and how they work. He stated on page 40 of the report is reads, "As of
34 June 30th 2013 the City had construction commitments outstanding of \$93,000 related to the
35 Beacon Hill Park". He questioned if it is an outstanding commitment because it hit the fiscal year
36 and was not completed.

37
38 Matt Shipp stated yes, those were carryovers, because the project was still in progress. He stated
39 the retainage is in the bank waiting to be paid for bonding at the end of the year.

40
41 Rod Mann questioned why open space is not treated as a separate business fund, because the
42 City is taking in money and providing a specific service.

DRAFT

1 Steven Rowling replied it can be set by the City and how they treat a fund and how those funds
2 are accounted for. He explained it is a special revenue fund, but it is not considered a major fund,
3 because of non-major percentages of expenses and assets.

4
5 Mayor Thompson expressed his concern regarding transferring funds for fees specific to a utility.
6 He stated the residents will be concerned that the fees are so high when the City is transferring
7 money to other operations. He stated in order to increase the rates, there has to be a justified
8 reason for that increase. He stated if the City starts using those funds for other operations, then
9 they can never use the idea that the City is holding money for replacement needs. He stated
10 although it gives the government leeway, it is unwise to use those funds in other areas.

11 12 13 **CONSENT:**

14
15 MOTION: Approval of Meeting Minutes for City Council Work & Regular Sessions – January
16 7, 2014.

17
18 MOTION: Approval of a Local Government Agreement for the design of the parking lot and
19 park – North of Mitchell Hollow Park along 10400 North.
20 ***Pulled by Rod Mann for further discussion.***

21
22 MOTION: Approval of a Contract with Highland Town Plaza, LLC (WPI) – The purchase of
23 0.36 acres and a 0.178 acres easement known as the Highland Water Company
24 Building.

25
26 MOTION: **Tim Irwin moved the City Council to approve the consent items on the agenda.**

27
28 **Rod Mann seconded the motion.**
29 **Unanimous vote, motion carried.**

30
31
32 MOTION: Approval of a Local Government Agreement for the design of the parking lot and
33 park – North of Mitchell Hollow Park along 10400 North.
34 ***Pulled by Rod Mann for further discussion.***

35
36 Rod Mann stated it does not cost the City anything to build the parking lot, but there will be
37 maintenance costs going forward, so those costs need to added to the annual budget. He stated
38 the City needs to keep track of these things, because they do have to pay for them after they are
39 built. He clarified with Matt Shipp that is only \$1,200 a year for the landscaping maintenance
40 because it is zero-scaped. He questioned how long it would be before the parking lot would have
41 to be refinished.

DRAFT

1 Matt Shipp stated that \$1,200 cost will be when all the phases are done. He stated right now they
2 are just building Phase One, which is the parking lot. He stated the other phases will not come
3 until the Council approves the landscaping in the area. He stated until then, the only maintenance
4 is occasionally cutting down weeds, so the cost would be very low. He stated parking lots have a
5 longer life than roads and can last approximately 30 years if they are maintained.

6
7 Brian Braithwaite questioned if each phase will come back to the Council for approval.

8
9 Matt Shipp stated yes; the allocated monies will get the parking lot finished. He stated the
10 agreement is the engineering of the whole site, but staff will come back with another agreement
11 for the contractor. He stated the City has to follow UDOT's process. He stated they have signed
12 the agreement to transfer the funds, per Council's direction, and now they are at the next part of
13 the process. He stated staff will come back with another contract for the bid and the Council will
14 need to approve that agreement as well.

15
16 Brian Braithwaite clarified the bid will just be for the parking lot. He questioned about the rest of
17 the phases of the park.

18
19 Matt Shipp stated the other phases would have to be paid for with City funds that are set as a
20 City project. He explained those phases are not part of the allocated funds.

21
22 Brian Braithwaite stated it reads there is no fiscal impact, but 20% of the project had to be paid
23 by the City in order to use the funds. He questioned how the financial side works in order to get
24 the allocated funds.

25
26 Matt Shipp stated there was \$500,000 allocated for the undercrossing at the mouth of the canyon,
27 and if the City wanted to use that full amount they would have to pay 20%. He stated the
28 Council's direction was to not pay any money out of pocket. He stated they turned in \$190,000
29 and are now only getting \$310,000, and therefore, have already paid the 20%. He stated they will
30 stretch the \$310,000 and do a fence and other things if the funds allow, but they will be sticking
31 to the parking lot.

32
33 Dennis LeBaron questioned if there was any way to get some of the \$190,000 back that was
34 returned.

35
36 Matt Shipp stated unless the Council is willing to pay the 20%, the City does not get the rest. He
37 stated the money has already been returned and redistributed among Utah County.

38
39 Mayor Thompson questioned if the property owner, Provo River, gets to take a look at the design
40 and give their okay. He clarified that they will have review of the final design.

DRAFT

1 Matt Shipp stated yes, Provo River will be a part of the process and has been since day one. He
2 stated they have already seen the preliminary design and the layout and have bought into it, but
3 will have to give their final approval.

4
5 **MOTION: Rod Mann moved the City Council to approve the Local Government**
6 **Agreement for the design of the parking lot and park – North of Mitchell Hollow Park**
7 **along 10400 North.**

8
9 **Tim Irwin seconded the motion.**
10 **Unanimous vote, motion carried.**

11
12 **ACTION ITEMS:**

13
14 MOTION: Approval of a Contract with Dubli – Global, eCommerce Portal.

15
16 Mayor Thompson stated the Council needs to decide if they want to approve the portal with
17 Dubli and have it available on the Highland City website.

18
19 Rod Mann stated he spent a lot of time thinking about this partnership. He stated if they consider
20 the website as City property, than the City is essentially allowing someone to put their business
21 on that property. He suggested having a Business Index page on the website allowing all the
22 businesses in Highland to have their business and a link to their website listed there. He stated
23 doing so would help support the local businesses in Highland. He stated he had a concern with
24 naming the site Highland City Mall, because the City does not specifically endorse the sites, but
25 it could be called Timpanogos Mall or something along those lines. He stated he does not believe
26 the City will get a lot of money out of it, but if they get anything without costing the City
27 anything and there is no liability, he does not see a problem.

28
29 Dennis LeBaron questioned if there are any legal ramifications for approving the portal.

30
31 Tim Merrill stated there are no legal concerns as far as liability. He stated the decision would be
32 a matter of public policy. He explained there were some concerns with conflict of interest, but he
33 does not foresee any conflict. He stated the Chamber of Commerce has been doing things like
34 this for a long time. He stated if the Council decides to go through with it, there could be
35 disclaimers stating the City in no way endorses or sponsors any of the sites.

36
37 Brian Braithwaite stated it is great if the City can make some money, as long as the costs do not
38 outweigh the revenue. He explained his problem is if residents are using the toolbar and there is
39 some issue, it may add concerns for the City staff. He stated they need to find a way that the
40 residents do not associate the toolbar with Highland City and call if they get a bug and cause
41 issues for the City. He stated he does not believe the City will get a lot of money from the
42 program, so if it is adding calls to the staff it is not worth the revenue. He stated he does not
43 know if these concerns can be addressed before the partnership has started, but he can't figure

DRAFT

1 out how it will lay out on the website. He stated this organization is paying to have it on the site,
2 but only when people utilize the site, so it may be more hassle than it is worth. He clarified there
3 is no contract so they can put up disclaimers to make sure residents do not associate the portal
4 directly with Highland City.

5
6 Rod Mann questioned if once someone signed up through the Highland Portal, it would read
7 Highland Mall or something along those lines, instead of Dubli.

8
9 Tom Butler stated it would be co-branded and therefore, have Highland City and their logo on
10 one side and Dubli on the other. He explained if the costs outweigh the revenue the City can end
11 it at any time because there is no contract. He stated the toolbar is something that is downloaded
12 onto the browser, so it only needs to be downloaded once. He stated all of the affiliated stores
13 would be listed and the toolbar would show cash back at all of those sites on the side. He stated
14 they go straight through the browser to the site, not the Highland City portal or website. He
15 stated Dubli has their own line of customer service, so if there was a problem with a purchase,
16 they would first go to the site the purchase was made on, and then Dubli, and then if it still has
17 not been resolved they might contact Highland City, but it would be extremely unlikely.

18
19 Brian Braithwaite stated his concern is for those with older systems or are not as computer
20 literate that may have trouble with the plugin. He stated during that initial download, he is
21 concerned they might try to contact Highland with those issues. He explained he tried looking for
22 the American Red Cross Dubli co-branded site, and could not find any Dubli branded sites,
23 besides the official site.

24
25 Tom Butler stated the American Red Cross is doing a pilot program so it is not yet in all regions.
26 He stated Dubli's partnership with non-profits has only been going for three to four months, so
27 there is not a lot of history yet.

28
29 Tim Merrill stated it has been mentioned several times that there is no contract, but on the
30 agenda it reads Approval of a Contract with Dubli. He stated there are Terms and Conditions the
31 City would need to consent to for the program. He recommended continuing the item, because
32 those Terms and Conditions would essentially be the contract. He stated the terms are non-
33 binding because the City can leave at any time, but there should still be a legal review of those
34 terms.

35
36 Tim Irwin stated he believed Kasey Wright already looked at those terms when he looked at the
37 item.

38
39 Tim Merrill stated he and Kasey Wright looked at the partnership through the State Statute, but
40 they have not yet reviewed a contract or these Terms and Conditions.

41
42 Tim Irwin stated he believed this was just an error on the agenda, because there is no contract.
43 He stated he is disappointed the Terms and Conditions had not already been reviewed. He

DRAFT

1 questioned what products are available on Dubli and what parental controls would be available.
2 He stated the website is City property and Highland will not allow certain businesses in
3 Highland, so how does the City make sure those businesses are restricted.
4

5 Tom Butler replied Dubli does not have any specific products; they are just a portal to
6 approximately 4,000 U.S. retailers. He stated if a child was on his own phone or tablet, it
7 wouldn't recognize them as a customer, but if the child went through his parents' computer, than
8 it would be up to the parents. He stated Dubli is concerned with not having any retailers that
9 would tarnish their image, and even if the child went to the site, they would not be able to
10 purchase anything without their parent's credit card.
11

12 Rod Mann stated a child using the internet could get to any of those sites without using Dubli.
13 He explained there was no ad banner on the site.
14

15 Tim Irwin stated he is in favor of giving the program a try and if there is an issue in a few
16 months, the City is able to pull out of the program.
17

18 Rod Mann stated he is in favor of giving the program a try as well, under the contingency of a
19 legal review of the Terms and Conditions.
20

21 Tom Butler suggested approving the item under those conditions, so the Mayor may move
22 forward with the issue without having to bring it back to Council if there are no concerns.
23

24 Mayor Thompson stated if legal looks at the Terms and Conditions and there is limited risk, then
25 Aaron Palmer can move forward with the partnership.
26

27 **MOTION: Brian Braithwaite moved the City Council to direct the Mayor to move forward**
28 **with approving an agreement with Dubli under the conditions that there be a legal review**
29 **of the Terms and Conditions within one week and if there are any concerns the item would**
30 **come back to Council.**
31

32 **Tim Irwin seconded the motion.**

33 **Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Tim Irwin, Rod Mann**

34 **Those Voting Nye: Jessie Schoenfeld**
35

36 Tim Irwin asked staff to report at the next meeting whether the City is in or if there were issues.
37

38 ****Mayor Thompson recessed the meeting at 8:45 p.m. The meeting reconvened at 9:00 p.m.****
39

40 **COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:**

- 41
- 42 • Impact Fees – Nathan Crane, Community Development Director
- 43

DRAFT

1 BACKGROUND: Nathan Crane stated the laws regarding impact fees have changed, so the City
2 is at a point where they need to update those fees. He stated there would be two steps; updating
3 the Capital Facilities Plans which staff will begin working on this year. He stated the next step
4 would be to adopt the impact fees and get them certified according to State law. He stated a lot of
5 expenses can come from the enterprise funds to update those associated fees, but with the parks
6 it will need to come from the general fund. He stated staff is proposing to use the money set
7 aside for the General Plan Update, and work on that update sometime in the future. He stated
8 there are two different components for the cost, but together with the Capital Facility Plans and
9 impact fees it is around \$100,000.

10
11 Tim Irwin questioned why there would be a \$100,000 cost.

12
13 Nathan Crane stated they would need to hire a professional financial advisor because it is very
14 specific. He stated the State law was changed to specify what was required in the capital facility
15 plans. He stated the City was at a point to use what they had, but now there are additional
16 requirements. He stated they may be able to reduce the cost working with the people they have
17 worked with in the past.

18
19 Rod Mann stated some of the money could come out of the different funds, and questioned what
20 portion of the cost would have to be new money out of the general fund.

21
22 Nathan Crane stated it would depend. He stated anything for parks or transportation would have
23 to come out of the general fund. He stated the parks were largely based on a bond that was done,
24 so they will have to see if it is sufficient, and if not there may be some more additional work.

25
26 Dennis LeBaron questioned if the \$100,000 is currently available in the budget.

27
28 Nathan Crane stated no, it would be over a two year budget process. He stated they will use some
29 of the budgeted funds this year, because the City did budget some money for impact fees. He
30 stated the City also budgeted for the General Plan, so staff is proposing to combine those funds,
31 and allocate additional funds the next fiscal year for completion.

32
33 Rod Mann clarified the liability is high if this is not completed.

34
35 Nathan Crane stated Timpanogos Special Service District, Lehi, American Fork, and a couple
36 other entities were challenged. He stated the City wants to make sure they are complying with
37 the new laws.

38
39 Brian Braithwaite stated the organizations that usually sue are the big developers. He stated if
40 they decide to sue, they would want their money back and their court fees paid. He stated then
41 the City is not just out the money they had spent, but also have to pay court costs. He stated
42 courts usually lean toward developers if it is not really clear. He explained they have to have a

DRAFT

1 well-organized plan and justify the cost. He stated if it is done right, the City doesn't have
2 anything to worry about.

3
4 Rod Mann questioned if updating it now will help with developers that challenge fees they have
5 paid in the past.

6
7 Brian Braithwaite replied he doesn't believe it has any impact on where they are at currently. He
8 explained if the fees are changed dramatically and are have a huge drop they might have a
9 problem. He stated the City needs to identify what they are today, and project how much they
10 will be in five years and the needs usually get larger. He stated if the City is built out and does
11 not have many needs, but still has a high impact fee it causes problems. He mentioned if the City
12 goes beyond a five year mark, the fees are so outdated it becomes a problem as well. He stated it
13 could actually strengthen a City's point if they come up with the same numbers.

14
15 Dennis LeBaron questioned if the City is at risk until these things are updated.

16
17 Nathan Crane stated the City needs to comply with State law. He explained the law does not state
18 when the update needs to be done, but how it needs to be done. He stated it takes time to do the
19 process. He explained the law has changed and it has been at least eight years since it has been
20 updated last and a lot has changed.

21
22 Tim Irwin stated he would like to see an overall plan of what is currently charged and an outline
23 of what is going to be done.

24
25 Mayor Thompson stated the City needs to identify what the community needs or wants, so they
26 know how much to charge for the impact fees. He questioned what the time limits are for a
27 developer to make an appeal for being mistreated by an impact fee.

28
29 Tim Merrill stated it is six years on a written agreement.

30
31 Tim Irwin stated he would like the City to do whatever they can internally and avoid as much
32 outside cost as possible.

33
34 Nathan Crane stated before expending resources and developing the plan, staff wanted to make
35 sure there was the appropriate direction from the Council and will move forward with it.

- 36
37
 - Goal Setting Meetings – Aaron Palmer, City Administrator

38
39 Aaron Palmer established a Council Workshop Meeting to go over the Council's goals which
40 will be held at the City Hall, on February 11th at 5:00 p.m.

41
42 **ADJOURN TO A CLOSED EXECUTIVE SESSION**

DRAFT

1 **MOTION: Brian Braithwaite moved the City Council to adjourn to an Executive Session.**

2

3 **Tim Irwin seconded the motion.**

4 **Unanimous vote, motion carried.**

5

6

7 **ADJOURNMENT**

8

9 **MOTION: Rod Mann moved the City Council adjourn.**

10

11 **Dennis LeBaron seconded the motion.**

12 **Unanimous vote, motion carried.**

13

14

15 Meeting adjourned at 10:25 p.m.

16

17

18

19

JoD'Ann Bates, City Recorder

20

21 Date Approved: February 4, 2014

| HIGHLAND CITY CITY COUNCIL MEETING FEBRUARY 4, 2014 | |
|--|---|
| REQUEST: | ORDINANCE: Amend the Highland City Municipal Code Section 13.30.150, 13.60.050 and adding 13.60.070 to meet the requirements of cross connections in the culinary water system and to require hook up to the pressurized irrigation system when it is available. |
| APPLICANT: | Highland City Public Works |
| FISCAL IMPACT: | None |

BACKGROUND:

The following ordinance changes are meant to bring the City into compliance with the State rules on backflow prevention and also to bring the City into compliance with our standard practice of requiring homes to hook up to the pressurized irrigation system.

13.30.150: This ordinance is being proposed to bring our ordinance into compliance with the practice of the City which requires properties to be connected to the pressurized irrigation system

13.60.050: This ordinance is being proposed to bring our ordinances into compliance with the code requirements for backflow prevention.

13.60.070: This ordinance is being proposed to be able to enforce compliance with the code requirements.

RECOMMENDATION:

Motion to approve the proposed changes to the Highland City Municipal Code Sections 13.30.150, 13.60.50 and 13.60.070.

ATTACHMENTS:

- Proposed Ordinance
- Highland City Municipal Code 13.30.150 with proposed changes
- Highland City Municipal Code 13.60.050 with proposed changes and proposed Highland City Municipal Code 13.60.070

ORDINANCE NO. O-2014-**

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING SECTION 13.30.150; CONNECITON REQUIRMENTS AND 13.60.50; OUTSIDE
WATERING AND ADDING SECTION 13.60.0701; PENALTIES TO THE
HIGHLAND CITY MUNICIPAL CODE:**

WHEREAS, Highland City Council previously adopted Ordinance NO. 2000-12, which amended Ordinance No. 1998-18, adopting policies and regulation for billing and collection for pressurized irrigation;

WHEREAS, due to changes in the State rules on backflow prevention, and the necessity to make changes in order to bring the city into compliance with our standard practice of requiring homes to hook to the pressurized irrigation system;

NOW, THEREFORE, be it ordained by the City Council of Highland City, Utah; that the following amendments be adopted:

Section 1:

Section 13.30.150 Connection required, is amended as follows:

All land owners requesting a commercial or dwelling structure building permit, within the boundaries of Highland City, shall **connect to the pressurized irrigation system for outdoor watering** and convey to Highland City adequate irrigation water, and provide an acceptable connection to the system, as required in Section 13.30.290. "Adequate water" is defined as providing 3.0 acre-feet per acre of water for the irrigation season (April 15th-October 1st) each year. A combination of water shares and/or water rights may be used to meet this requirement. The following table defines acceptable shares of irrigation company stock per developed acre and their relative yield:

Section 2:

Section 13.60.50 Outside Watering, is amended as follows:

A. Water usage rates for those customers who are not on pressurized irrigation are charged at two dollars per thousand gallons over six thousand gallons monthly. (Ord. 2005-30 § 5)

B. **Any cross connections between the culinary water service and the pressurized irrigation system is unlawful.**

C. **It is henceforth unlawful to install a stop and waste valve on culinary water services. When an upgrade to an existing stop and waste valve is necessary an appropriate back flow prevention device shall be installed in place of a stop and waste valve. The Public Works Director or his designee shall observe and inspect and approve the installation of all new back flow prevention devices within the City.**

D. There shall be no outside watering with culinary water through sprinkler systems for those customers who are on the pressurized irrigation system except through appropriate hose bibs connected to the building's interior plumbing.

E. Per Chapter 13.30 all new customers shall connect to the City's pressurized water system and utilize said system for outdoor watering purposes.

Section 3:

Section 13.60.070 Penalties is added as follows:

13.60.070 Penalties.

A. Any firm, corporation, person or persons, or any action on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor up to which is up to a one thousand dollars fine and six months in jail.

B. Each person, persons, firm or corporation found guilty of a violation of any provision of this chapter shall be deemed guilty of a separate offense for each and every day during which any violation of any provision of this chapter is committed, continued, or permitted by such person, persons, firm or corporation, and shall be punishable as provided in this chapter.

This Ordinance shall take effect immediately upon its first posting or publication.

ADOPTED by the City Council of Highland City, Utah, this 4th day of February, 2014.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

| COUNCILMEMBER | YES | NO |
|-------------------|--------------------------|--------------------------|
| Tom Butler | <input type="checkbox"/> | <input type="checkbox"/> |
| Brian Braithwaite | <input type="checkbox"/> | <input type="checkbox"/> |
| Tim Irwin | <input type="checkbox"/> | <input type="checkbox"/> |
| Jessie Schoenfeld | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Smith | <input type="checkbox"/> | <input type="checkbox"/> |

13.30.010 HIGHLAND CITY CODE

13.30.150 Connection required.

All land owners requesting a commercial or dwelling structure building permit, within the boundaries of Highland City, shall **connect to the pressurized irrigation system for outdoor watering** and convey to Highland City adequate irrigation water, and provide an acceptable connection to the system, as required in Section 13.30.290. "Adequate water" is defined as providing 3.0 acre-feet per acre of water for the irrigation season (April 15th-October 1st) each year. A combination of water shares and/or water rights may be used to meet this requirement. The following table defines acceptable shares of irrigation company stock per developed acre and their relative yield:

Chapter 13.60

CULINARY WATER SERVICE BILLING AND COLLECTION PROCEDURES

Sections:

- 13.60.010 Culinary water meter connection.
- 13.60.020 Voluntary termination of service.
- 13.60.030 Delinquent accounts and involuntary termination.
- 13.60.040 High water usage.
- 13.60.050 Outside watering.
- 13.60.060 Meter readings.

13.60.010 Culinary water meter connection.

An application for a water meter can be made only at the time a request for a final inspection on new construction has been made. A final inspection request must be made forty-eight hours in advance of the final inspection date in order for the meter fee to be paid and a work order initiated. A meter can not be set where there is not a permanent resident, excepting for properly approved model homes.

A. Account Set-up.

- 1 New Construction. Upon request for a final inspection, the applicant will be required to complete an application for service and pay the account set-up fee.
- 2 Move-in Service. An application fee and utility agreement will be completed each time there is a new request for service on existing connections. If an application for service is made on or before the 15th of any month, the customer will pay a full month. If an application is made after the 15th of the month, the first bill will be prorated according to the remaining number of days in the month.

Services will be billed commencing with the date of the application for services or occupancy, whichever occurs first. (Ord. 2005-30 § 1)

13.60.020 Voluntary termination of service.

Those customers wishing to discontinue service will contact the city forty-eight hours in advance of the desired last day of service. The city will then perform a final meter reading. If, upon notification of termination of service where there is not a replacement application for service requested, services will be terminated forty-eight hours thereafter.

A. Proration of Service. Customers will be billed for the first fifteen days of service, if a termination of service request is made on or before the 15th day of the month. There will be no proration of services if the request for termination of services is made after the 15th of the month.

(Ord. 2005-30 § 2)

13.60.030 Delinquent accounts and involuntary termination.

Any account which is thirty days delinquent will be notified in writing of said delinquency. If the amount delinquent is not paid within forty-five days, a two week shut-off notice will be sent to the customer. The shut-off notice will provide notice that all utility services provided by Highland City will be terminated at the end of a two week period if the bill is not brought current before the shut-off date and will notify the customer of their rights to a hearing on this matter. If service is terminated, all arrears, a ten percent penalty of the delinquent amount due, and a twenty-five dollars shut-off fee will need to be paid in full, in cash. No services will be terminated on a day which precedes a weekend or holiday. (Ord. 2005-30 § 3)

13.60.040 High water usage.

When high water usage is the result of a leak that is found to be within the home, the city will adjust the bill after the leak has been corrected. An adjustment can be made, upon request of the account holder in writing, of \$.65 per one thousand gallons over six thousand gallons. However, the sewer bill will not be adjusted for a leak which drains into the city sewer system. When there is high water usage, as a result of a leak outside the home, the same adjustment can be made with the exception that the sewer usage will be adjusted back to the most current rate prior to the leak. (Ord. 2005-30 § 4)

13.60.050 Outside watering.

A. Water usage rates for those customers who are not on pressurized irrigation are charged at two dollars per thousand gallons over six thousand gallons monthly. (Ord. 2005-30 § 5)

B. Any cross connections between the culinary water service and the pressurized irrigation system is unlawful.

C. It is henceforth unlawful to install a stop and waste valve on culinary water services. When an upgrade to an existing stop and waste valve is necessary an appropriate back flow prevention device shall be installed in place of a stop and waste valve. The Public Works Director or his designee shall observe and inspect and approve the installation of all new back flow prevention devices within the City.

D. There shall be no outside watering with culinary water through sprinkler systems for those customers who are on the pressurized irrigation system except through appropriate hose bibs connected to the building's interior plumbing.

E. Per Chapter 13.30 all new customers shall connect to the City's pressurized water system and utilize said system for outdoor watering purposes.

13.60.060 Meter readings.

Water meter readings will need to be done by the 15th of the month and entered into the computer system by the 20th of the month. All exceptions will need to be addressed and resolved by the 25th of the month so that the 25th billing may be done. (Ord. 2005-30 § 6)

13.60.070 Penalties.

A. Any firm, corporation, person or persons, or any action on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor up to which is up to a one thousand dollars fine and six months in jail.

B. Each person, persons, firm or corporation found guilty of a violation of any provision of this chapter shall be deemed guilty of a separate offense for each and every day during which any violation of any provision of this chapter is committed, continued, or permitted by such person, persons, firm or corporation, and shall be punishable as provided in this chapter.

| | |
|--|--|
| HIGHLAND CITY CITY COUNCIL MEETING FEBRUARY 4, 2014 | |
| REQUEST: | RESOLUTION: Creation of an Open Space ADHOC Committee |
| APPLICANT: | Mayor Mark S. Thompson, Highland City Council |
| FISCAL IMPACT: | None |

BACKGROUND:

The Highland City Council has discussed and approved a process in which to properly dispose of open space property within open space subdivisions.

It has been requested an Open Space ADHOC Committee be formed in order to review the process and procedures for the disposal of Open Space property.

Pursuant to Highland City Municipal Code 4.12.010, the City Council authorizes the creation of boards, commissions and committees to be advisory bodies with the purpose to research issues, provide information and make recommendations to the City Council.

RECOMMENDATION:

Motion to approve the Resolution to create an Open Space ADHOC Committee to review the process and procedures for the disposal of Open Space property.

ATTACHMENTS:

- Proposed Resolution
- Highland City Municipal Chapter 4.12.010 & 4:12.020

RESOLUTION NO. R-2014.**

**A RESOLUTION OF HIGHLAND CITY, UTAH
DESIGNATING AN OPEN SPACE ADHOC COMMITTEE FOR ASSISTNACE IN THE
DISPOSAL OF PROPERTY IN OPEN SPACE SUBDIVISIONS**

WHEREAS, Pursuant to the Highland City Municipal Code Chapter 4:12, the City Council may authorize the creation of a committee to assist the council in carrying out the work of the city in an efficient and cost effective manner.

WHEREAS, the Highland City Council has established a process for the disposal of open space property with an open space subdivisions.

NOW, THEREFORE be it resolved by the City Council of Highland City designates that an Open Space ADHOC Committee be formed to review the process and procedures for the disposal of Open Space property.

This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of Highland City, Utah, this 4th day of February, 2014.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

| COUNCILMEMBER | YES | NO |
|-------------------|--------------------------|--------------------------|
| Tom Butler | <input type="checkbox"/> | <input type="checkbox"/> |
| Brian Braithwaite | <input type="checkbox"/> | <input type="checkbox"/> |
| Tim Irwin | <input type="checkbox"/> | <input type="checkbox"/> |
| Jessie Schoenfeld | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Smith | <input type="checkbox"/> | <input type="checkbox"/> |

4.12.010 - Boards, commissions, and committees authorized.

The city council hereby authorizes the creation of boards, commissions, and committees to assist the council in carrying out the work of the city in an efficient and cost effective manner. All boards, commissions, or committees are not vested with the authority to make decisions regarding the public's business, but are advisory bodies whose purpose is to research issues, provide information, and make recommendations to the city council. They are also to implement policies and decisions of the council as the policies and decisions may pertain to each particular board, commission, or committee.

Members shall be appointed by the mayor with the advice and consent of the city council. Vacancies on any board, commission, or committee shall be filled for the unexpired term in the same manner as the original appointments. As long as they remain eligible for the position, board, commission, or committee, members may continue to serve until their successor has been qualified and appointed. Unless otherwise set forth herein, or unless membership is based upon a position, all terms shall commence on January 1st and end on December 31st. Unless otherwise indicated herein, members of boards, commissions, or committees may serve successive terms. Unless otherwise set forth by ordinance, each board, commission, or committee shall meet after the annual appointments have been made and designate a chairperson to conduct the meetings during the coming year. Additional officers, such as a vice chair or secretary may be designated, as needed. A majority of the members of a board, commission, or committee is necessary to constitute a quorum in order to conduct business. Agendas and minutes shall be provided to be posted on the city website.

No member of a board, commission, or committee shall receive any compensation for so serving unless otherwise noted by city ordinance, but may be reimbursed for their authorized and reasonable expenses if such expenses are approved by the city administrator in advance.

4.12.020 - Ad hoc committees.

A.

These committees are created to deal with a specific issue which is anticipated to have a short duration. Ad hoc committees generally deal with a single topic and once a solution or recommendation is arrived at, they report to the full city council in a formal city council meeting and the committee is dissolved.

B.

The need for ad hoc committees varies from time to time and these committees do not take the place of the city council or planning commission. The number on the committee may vary from project to project as determined by the mayor.



Highland City Public Works

5400 West Civic Center Dr.
Highland, Utah 84003
(801) 772-4510 Office
(801) 756-6903 Fax

Memorandum

To: Mayor Mark Thompson
Highland City Council

From: Matthew F. Shipp, P.E.

Cc: Aaron Palmer, City Administrator

Date: January 28, 2014

Re: Properties for Lawn Equipment Shed

This memo is to give you an update on the properties that we have been asked to investigate as a staff for the location of a lawn equipment storage shed.

As per the direction of the Mayor, we did not look into the cost of the development of the “Clay Property” as the costs to do so would be too great. It is estimated that it would take approximately \$5,000 - \$8,000 to evaluate the land to determine the feasibility of use. Other costs involved would be the actual design of the property which is estimated at \$10,000 and the moving of the clay pile in order to make the property useable, which is estimated at approximately \$175,000 to \$200,000.

Over all the cost to prepare the “Clay Property” before building can take place is approximately \$190,000 to \$218,000. With these types of estimates, the Mayor asked that I not expend any funds on the evaluation of the property.

Other property I was asked to look into was the property on West Park Road. After looking into this property it was determined that this property is a 6F property, meaning that it cannot be used for a lawn equipment storage shed without going through federal Environmental Impact Statements and an Environmental Assessment. Both of which take approximately 2 years to complete and costs in the neighborhood of \$100,000.

With these criteria, staff is advising the Mayor and council to abandon these two properties as options for use of the lawn equipment storage shed and focus on the Victor Property and another property yet to be identified as possible options.