

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, February 18, 2014

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

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

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

EXCUSED: Councilmember Tim Irwin

OTHERS: Tori Gagon, Marianne Stephenson, Richard Henderson, Brandon Henderson, Joshua Yamada, Drake Phillips, Ben Stephenson, Hunter Deuel, Gary Wright, Marialisa Wright, Lori Bird, David Clegg, Bruce Randall, Mark Ward, Dawson, Austin Hadlock, Calvin Huish, Brevin Bland, Rylan Vankomen, Richard Vankomen, Rebekah Kaylor, Ryan Ollerton, Cori Ollerton, Brady Brammer, Bryson Jex, Mason Bergman, Tanner Wright, Weston Bergman, James Johansen, Donna Jex, Rustin Oster, Greg Neild, David Rees.

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:01 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by Greg Phillips, a scout.

SUMMARY

#	Description	Pass/Fail
1.	Approval of Meeting Minutes for City Council Regular Session 2/4/2014	P

2.	Motion: Ratifications of Re-Appointment and Appointment of Planning Commission Members	P
3.	Ordinance: Amending Municipal Code regarding Culinary Water Service	P
4.	Proclamation: Non-Traditional Student Week	P
5.	Public Hearing/Ordinance: Amend Development Code for R-P Zone Setbacks	P
6.	Public Hearing/Ordinance: Request Re-Zone R-1-40 to RP Zone	F
7.	Motion: Conditional Use Permit for two-story office building	F
8.	Ordinance: Amend Municipal Code for Surplus Property	P
9.	Resolution: Amending the Building Use Policy for City Hall and Community Center	P

DETAILED MINUTES

APPEARANCES:

David Clegg, resident of Highland, stated they are working on a plan to build a home on the Robinson property. He stated the 30 feet of frontage required along the Alpine Highway seems excessive. He stated the Council agreed it was a little excessive and cost a lot for the City to maintain. He mentioned the American Fork Retention Pond across the street only has 14 feet of frontage. He stated he understands they need to put in the sidewalk and landscaping, but proposed the Council classify it as a transition area and hold them to the same frontage requirement as the retention pond.

CITY COUNCIL / MAYOR ITEMS:

Jessie Schoenfeld questioned when the Committee appointments will be assigned.

Mayor Thompson stated the Planning Commission appointments were on the agenda that night, and there were a couple other appointments that are close to being done.

Dennis LeBaron thanked the staff on their preparation for the budget work session. He suggested scheduling another work session and trying to limit that meeting to three hours.

Brian Braithwaite stated he found the budget work session to be valuable as well. He stated it would important for the Council to have some time with Gary LeCheminant and the rest of staff prior to the budget meetings. He stated there are a lot of deer in his backyard that ate his bushes, so he understands those with deer problems.

CONSENT:

MOTION: Approval of Meeting Minutes for City Council Work Session and Regular Session – February 4, 2014.

MOTION: Ratifications of the Re-Appointment and Appointment of Planning Commissioners – Re-Appointment of Sherry Carruth and Appointment of Brady Brammer.

ORDINANCE: Amending Highland City Municipal Code Section 13.30.150, 13.60.050, and adding 13.06.070 – Culinary Water Service.

PROCLAMATION: Non-Traditional Student Week – Governor Herbert’s Education Excellence Initiative.

MOTION: Jessie Schoenfeld moved the City Council to approve the consent items on the agenda.

**Dennis LeBaron seconded the motion.
Unanimous vote, motion carried.**

ACTION ITEMS:

PUBLIC HEARING/ORDINANCE: Amendment to the Highland City Development Code Article 4.5 R-P Zone – Building Setbacks, Trash Enclosure locations, and Screen Walls.

CONFLICT OF INTEREST: Dennis LeBaron disclosed that his wife works for the applicant Greg Neild and recused himself from participating in the discussion and voting on the Action Items: Amendment to the Highland City Development Code Article 4.5 R-P Zone, Request to Re-Zone 0.70 Acres from R-1-40 to R-P, and Request for a Conditional Use Permit for a 9,602 square foot two-story Office Building.

BACKGROUND: Nathan Crane stated this is a proposal to build a 9,602 square foot two-story office building which is the next step in the Ashford project. He stated in order to accommodate the two-story office building the City Council needs to do three things; make an amendment to the Development Code, do a Re-Zoning, and issue a Conditional Use Permit. He stated the applicant is proposing a Residential-Professional District and one of the requirements for that zone is if parking is not located behind the building, they must have an 80 foot minimum front yard setback. He mentioned that was done to encourage parking behind the building. He stated they can decrease the front yard setback to 30 feet, moving the applicant closer to 4800 West, if they increase the rear yard setback between the building and existing residential. He stated the side yard setback required is 25 feet, and the applicant is proposing a change to 10 feet. He stated it can be reduced to 10 feet if the City has permission from the adjacent property owner. He explained the R-P Zone requires the location of a Trash Enclosure to be 100 feet from the rear. He stated the proposal is to change the distance for the dumpster to 30 feet, but the Planning Commission is recommending 70 feet. He mentioned the trash enclosure may not be located between the street frontage and the building in the existing standards. He stated the other requirement is an 8 foot fence next to any residential properties. He mentioned the R-1-40/Assisted Living Overlay Zone only requires a 6 foot fence which is why the applicant is requesting the requirement be changed to 6 feet on the east side, and then having wrought iron

fencing next to the trail on the south side. He stated the amendment to the fencing requirements would allow the Planning Commission to consider an alternative if the City has written approval from the adjacent property owners.

He stated whenever there is a transitional area between homes and non-residential development compatibility becomes an issue. He stated they have tried to involve property owners from the east and south in the decision process. He stated the Planning Commission held a Public Hearing on October 29, 2013 for the amendment to the Development Code and had several residents speak in opposition to the project. He stated the primary concerns were that it was two-story building and the impact it would have on their quality of life and the salability of their homes in the future. He explained whatever they do needs to be consistent with the General Plan and the purpose of the Development Code and have a positive impact on the community. He stated the General Plan designates the site as mixed use, which encourages residential and non-residential development. He stated the Planning Commission held a Public Hearing in October and January and recommended approval for the re-zoning subject to letters from the owners on the east and south. He explained the property owner on the south indicated they are not in support of the setback reduction and the property owner on the east indicated they are, but both are concerned with the location of the trash enclosure. He mentioned the site plan meets the parking requirements. He stated the building is located approximately 88 feet from the adjacent residential land and the building height is 29'6". He stated the residents do not support a two-story building, but would support a one-story building. He stated the Planning Commission recommended approval subject to six stipulations, and staff is requesting the stipulation that the plan addresses the letters from the east and south property owners.

**** Mayor Mark Thompson opened the Public Hearing at 7:27 p.m. ****

Cori Ollerton, resident of Highland, stated she resides in Lot 7 directly behind the one-story Phase 2 Ashford building. She stated their goal is to limit the mass amount of structures that back up to residential areas. She stated Phase 1 was 80 feet away from her home and she felt that although the level of privacy was not as high as they would like, there was a level of privacy. She stated with Phase 2 there is now a building less than 30 feet away from their property line, which is closer than most homes. She stated the requested building in Phase 3 will not be as close, but it is a mass structure on a smaller lot. She explained this facility is a great asset for Highland City and is a beautiful building, but it has a mass impact on the surrounding residents. She mentioned there have been many adjustments made for this project already, and the parking was not in their backyards during Phase 1, but now is with Phase 2 and will continue with Phase 3. She mentioned there will not be substantial a tree barrier for 20 years. She stated their request is not to forgo the zone change, because it will be very beneficial to the community, but due to the fact that these buildings back up to a residential area, a two-story building is too much.

Ryan Ollerton, resident of Highland, stated Phase 1 was successful, but Phase 2 was a failure from the neighbor standpoint. He stated they did not fully understand the impact until the building was built. He explained the intent for the Overlay Zone is to be a buffer and to mitigate the impact a new building would have on existing residents. He stated the gain of the business was at the detriment of the adjacent homes. He stated in order to accommodate the structure; the City required a third acre to be purchased, which is now inseparably connected to the project. He

stated the first two phases had to have approval from the Council to maximize their land use, and now they are again attempting to maximum the land use. He stated even if the two-story building meets the Code of an R-P Zone, the Council should include the stipulation that the building be only one-story and 20 feet high, because of the overall impact of the project. He stated they are in support of pushing the building toward 4800 West and having the trash enclosure no closer than 70 feet. He stated they are not opposed to a visible fence on the south side, but expressed his concern that their understanding was Phase 2 required a masonry fence on the north side, and now the applicant may not be required to do so. He explained they would also feel comfortable if the Council decided to deny the request and allow the applicant to finish the parking lot and landscaping for Phase 2, but not allow another structure.

Gary Wright, resident of Highland, stated he lives in Lot 8 directly to the east of the project. He expressed his concern that having a masonry fence will create a graffiti corridor, because there is heavy traffic there for high school students. He stated having a wrought iron fence would make more sense and whether it is six or eight feet should not make that big of a difference. He stated he is in support of the two-story building. He encouraged the Council to amend the Code to allow the dumpster to be between the building and the street on the west side rather than the east side. He stated the dumpster would be smelly and noisy, but his big concern is that it's an issue of safety having the dump truck navigate the parking lot in the back, rather than having the dumpster at the front. He stated he would be in favor of having the building closer to his house to accommodate the trash enclosure on the west side. He stated he does not believe the office building will have any additional impact on his appraisal value, because there is already an Assisted Living Center on the property.

Tori Gagon, resident of Highland, stated she owns the adjacent property to the south of the Ashford Center and the building is closer to her property than anyone else's. She mentioned their properties are zoned for mixed use. She expressed her concern that the change to a 10 foot setback would force her to have a 25 foot setback when her property is developed. She explained she is willing to consent to the 10 foot setback, as long as she has in writing from the City that she only needs a 10 foot setback for future development of her property. She mentioned it would be a key selling point for her property. She explained her house was built 28 years ago when there were not all of these stipulations, so her home is approximately 10 feet away from her property line, so the close proximity of the building does concern her. She stated she does not want to stop the progression if certain conditions can be made for her property in the future. She explained when the Wildrose Subdivision was built, there was an agreement for a 6 foot chain link fence to be put down both sides of the pathway, and it was never done. She stated she would like the dumpster on the east side, because her home is on the south. She explained the majority of the time the wind blows from the north, so she is not only concerned with the smell, but the dumpster blew open leaving trash along her fence. She stated Greg Neild stated he would have it cleaned up, but she is concerned it will be a continual issue.

Rebekah Kaylor, resident of Highland, stated she lives directly behind the two-story Assisted Living Center. She explained because of where the Crossing Signal for the high school is located; the only legal way for their kids to get to the school requires them to take the sidewalk or path and most of them take the path. She asked the Council to keep the safety of the children in mind as they discuss the walls that will be built along that path. She stated the biggest impact

from the two-story Assisted Living Center is the lack of a suitable wall to at least cover the first level. She stated the lights from the first story shine directly into her home, especially her bedroom at night. She stated the buildings are very close to the homes, but if there was a suitable wall, they might be able to feel some level of privacy. She stated the wall is required to be a minimum of eight feet, but her property is four feet higher than the Ashford property. She mentioned she would be able to climb over the wall, which does not make her feel very secure. She stated she would prefer to see a solid fence on the north, because that is where their children cross to catch the bus regularly. She explained her concern is not with the residents of the Living Center, but is concerned that workers and family members may have perpetrated crimes. She stated she would have greater peace of mind knowing there is a solid wall.

Greg Neild, Developer of the Ashford Assisted Living Center, stated the office building has always been a part of the site plan. He explained instead of having it go length wise from north to south, it was changed to go east to west to prevent blocking the view. He stated there were concerns that the building was too close, which is why they are attempting to push it closer to 4800 West. He explained they do not mind having the dumpster on either end, but it was shown on the east side, because that's where the SCALO Zone allowed it when the Assisted Living Center was approved.

Discussion ensued regarding the possible locations for the dumpster.

Greg Neild stated Section 3-4506 of the Code reads, "...side setback area shall be a minimum of ten feet, including canopies and overhangs, except where a side property line abuts a Residential District, in which case it needs to be 25 feet." He stated because the land is mixed use, the surrounding land will eventually be commercial. He explained Tori Gagon's concern that she will not be able to have a 10 foot setback will be void, because both properties will have commercial use. He stated if both properties have a 10 foot setback along with the 20 feet for the pathway that the City owns, there will be a total of 40 feet.

Rod Mann questioned regarding the requirement for the eight foot fencing. He questioned if the fencing behind the Ashford Center would not change.

Greg Neild replied they would be willing to do an eight foot fence if that's what the City wants and are okay with whatever type of fence the City would like. He explained the fencing behind the Ashford Center is a 6 foot masonry wall running north and south. He stated they got in writing from the Wright's that they are okay with a six foot fence. He stated they are happy to abide by whatever is required.

Brian Braithwaite stated there was an additional piece of property that was purchased and questioned what the purpose was for that purchase.

Greg Neild stated when they approached the City, there were disagreements as to what the Code required, so they went with the most stringent option, therefore, in order to accommodate the Assisted Living Center they needed the additional property. He explained it is now separated so it is a two lot subdivision, and the second lot can stand on its own. He stated they had an office building planned for just over 10,000 square feet, but the Planning Commission did not support

the idea of having a cross easement for the parking. He stated they decreased the size of the office building to allow the property to stand-alone.

Rod Mann questioned if it is correct that both Greg Neild and Tori Gagon could have a 10 foot setback if her property becomes commercial.

Nathan Crane replied it depends on what zoning is applied to her property. He stated if it is mixed use, it may or may not be a 10 foot setback.

Discussion ensued regarding the parking for the property.

Nathan Crane stated the parking is sufficient so each property may stand-alone.

Rebekah Kaylor stated the residents have a concern with parking becoming an issue in their neighborhood. She stated when their neighborhood was created, the City put out signs letting the high school students know they were not allowed to park there and suggested if there were parking issues, the City again place signs in the neighborhood.

Mayor Thompson stated they would deal with those complaints as they arise.

Rod Mann questioned if the parking issue would be enforced like it is in the neighborhood behind the Pointe. He stated signs are posted in that neighborhood and questioned what happens when cars park there.

Rebekah Kaylor stated when they had issues with the high school parking; they put up signs and the police issued citations for a couple of days and then no longer had any problems.

Chief Brian Gwilliam stated they issued citations in the Wildrose subdivision a couple of years back, and it cleared up the problem. He explained they issued citations in the neighborhood behind the Pointe as well and have not had a problem since.

**** Mayor Mark Thompson closed the Public Hearing at 8:13 p.m. ****

Brian Braithwaite stated there was a statement made that there is a change in requirement for the fence on the north side and questioned why that is.

Nathan Crane stated they currently have a bond for a masonry fence and it will be installed this spring.

Brian Braithwaite stated they do not know what kind of zones the surrounding properties will be; they could be commercial, but they could also be residential. He questioned what the impact would be if the setback remained 25 feet.

Nathan Crane replied the decision is at the discretion of the Council to try to accommodate the developer and solicit input from the property on the south. He explained the other factor is that there is a City trail directly south, so the Council needs to decide how close they want a building

to the trail. He stated if the setback remained 25 feet, the building would not fit on the site. He explained the building would have to move north into the parking lot, so they would need an extra 42 feet to accommodate parking on the back.

Rod Mann stated if the applicant is just planning on putting grass in the 10 foot setback than there is no barrier between the south facing property and the building. He questioned if the City currently has graffiti problems on fences in Highland.

Matt Shipp replied the City has graffiti problems on under crossings, but not currently on fences.

Rebekah Kaylor stated there was a drug problem by the Wal-Mart in the area, so it raised the concern that a long narrow pathway lined with a long dark wall, may create the perfect area for untoward behavior. She stated a couple of years ago her now thirteen year old son was coming down the path and had a bad feeling, she was out on the sidewalk and there was a man sitting on a motorcycle at the end of the path, who left. She stated one of the homes in her neighborhood was broken into, so there is easy access right there. She explained previous to this discussion she was in favor of a masonry fence, because she believed it gave more security, but she does not know what the right answer is. She suggested maybe adding lighting along the fence.

Chief Brian Gwilliam stated they do not service Cedar Hills where the Wal-Mart is located, but they do have a school resource officer that does deal with those kids that get suspended because of tobacco or drug use.

Tori Gagon stated there have always been issues with the pathway. She explained she would not be in favor of adding lighting, because her home is right there. She stated there are not many kids that take the path, but she would like to feel secure. She stated she does not matter what kind of fence is put in, but she believes the taller the fence the better. She stated she wanted a fence along the length of her property, like what was originally agreed to because she has animals and is concerned about her safety.

Tim Merrill stated that majority of misdemeanor drug cases he prosecutes involve a vehicle. He explained not maybe people are brazen enough to do drugs out in the open.

Mayor Thompson questioned if the trail holds a water line.

Matt Shipp stated he does not believe so, but it has a sewer line which is very deep. He explained if the City needs to do maintenance on the line, they need a wide corridor.

Discussion ensued regarding the possible locations for the dumpster on the property.

Greg Neild stated the trash is going to be picked up three times a week.

Brian Braithwaite stated there is going to be significantly more garbage refuse coming out of the facility, which means it is highly likely for there to be a worse smell.

Jessie Schoenfeld clarified the dumpster is currently 70 feet away from the residents. She questioned if the trail is 20 feet, if that is enough space to do maintenance on the sewer line if needed.

Matt Shipp stated 20 is the minimum amount of space needed for maintenance.

Brian Braithwaite stated Phase 1 did not have a large negative impact on the residents, but Phase 2 had a significantly higher negative impact than he expected. He stated Greg Neild put a lot of effort into mitigating that, but it is still significantly more impactful. He explained he is having a hard time reconciling that impact while accommodating another project in the same area. He stated the project is good for the community, but harsh for the neighbors, and if he would've known the impact earlier, he probably would have changed something. He stated putting a two-story building 10 feet from the property line would barely fit and there is not an appropriate place for the trash enclosure. He stated he is not in favor of putting the dumpster in the back by the residents. He stated he is not in favor of making these adjustments at this point in time.

Jessie Schoenfeld stated she agrees with Brian Braithwaite. She explained she did not understand how big the building would be and the impact this project would have on the adjacent properties. She stated she believes there are too many things that have to change to accommodate the structure at this time.

Rod Mann stated they would have residence support if they could keep the roofline at 20 feet. He stated as it stands it would be difficult to make these accommodations, given the scope of the project. He stated he has been to the Ashford Living Center and it is very nice, but he has also been in the neighbors' yards and seen the impact of the buildings.

Tim Merrill stated these are not just exceptions for this property, but an amendment to the Development Code. He stated he understands that these are accommodations for this site, but the Council needs to decide if they would like to make these changes to the Code going forward for all of Highland.

Mayor Thompson stated this brings to light that if they have issues here, they will continue to have issues in other areas. He stated what they have done previously is the appropriate thing to do and those distances were set for a reason.

Greg Neild stated this property is shown in the Master Plan as mixed use, so it will eventually be commercial. He stated they chose the Residential-Professional Zone and an office building because it will be the least impactful of the zones. He stated a single story building would have to have higher traffic to be justified. He stated there is not going to be a direct building across the whole site and the dumpster meets the SCALO Zone where it is currently located. He stated he has two businesses, a Home, Health, and Hospice and a Chiropractor Office, interested in the office space. He stated this is a great buffer and a wonderful asset to the City. He stated if Tori Gagon's property becomes commercial or R-P, than her setback could be 10 feet and they would be meeting the code.

Brian Braithwaite stated there is no guarantee that her property will become commercial. He stated her property could be developed into an apartment or condo complex and still be zoned residential, so the setback would still be 25 feet.

Greg Neild questioned why there has to be a change in the Code for the whole City, as opposed to a variance for this one location.

Tim Merrill stated if they are unable to meet the requirements for the Zone, it would have to be denied, and then the applicant could appeal to the Appeal Authority. He stated if he is denied by the Appeal Authority, he could appeal to the District Court. He explained the City Council is legislative, so they do not have the ability to perform an administrative function and apply a variance for an individual.

Gary Wright suggested having a solid wall four feet up, and then wrought iron the rest of the way up to solve the fencing issue.

Ryan Ollerton stated they could do a one-story office building with the Home, Health, and Hospice and Chiropractor tenants which are not high traffic and would require less parking stalls. He stated a two-story building is too massive and has too large of an impact. He stated a one-story two tenant office building could fit on the property, compliment what is already there, and have a significantly lower impact.

MOTION: Rod Mann moved the City Council to *accept* the amendment to Article 4.5 R-P Zone Section 3-4506.1 to allow the Planning Commission to reduce the front yard setback to 30 feet if the reduction will increase the rear yard setback between the building and residential, *deny* the amendment to Section 3-4506.3 to allow the reduction of the side setback from 25 feet to 10 feet with written approval from the adjacent property owner, *deny* the amendment to Section 3-4508.5.c to allow an alternate wall design with approval from the nearest property owner, and *deny* the amendment to Section 3-4515.d to reduce the refuse collection area from 100 feet to 30 feet.

Jessie Schoenfeld seconded the motion.

Those Voting Aye: Brian Braithwaite, Rod Mann, Jessie Schoenfeld

Motion carried.

PUBLIC HEARING/ORDINANCE: Request to Re-Zone 0.70 Acres from R-1-40 to R-P – Ashford Assisted Living Center.

**** Mayor Mark Thompson opened the Public Hearing at 9:10 p.m. ****

**** Hearing no comments, Mayor Mark Thompson closed the Public Hearing at 9:10 p.m. ****

Rod Mann questioned if there are any restrictions on the geography or the height of the building.

Nathan Crane replied the site coverage is 25% and can be increased to 35% subject to recommendation by the Planning Commission and/or approval by the City Council. He stated the building height can be a maximum of 30 feet. He stated four parking spaces are required for every 1,000 square feet.

Brian Braithwaite clarified this action is just re-zoning the property to the R-P Zone without making changes to the requirements for the R-P Zone.

Nathan Crane replied yes, this would just re-zone the property, but approving this request would allow a two-story building up to a 30 feet tall as long as it meets setbacks. He suggested the City Council wait to see a project that can meet the standards before re-zoning the property.

MOTION: Brian Braithwaite moved the City Council to *deny* the proposal to Re-Zone 0.70 Acres from R-1-40 to R-P – Ashford Assisted Living Center, until the applicant can bring forward a plan that will match the current zoning requirements.

Rod Mann seconded the motion.

Those Voting Aye: Jessie Schoenfeld, Brian Braithwaite, Rod Mann

Motion carried.

MOTION: Request for a Conditional Use Permit for a 9,602 square foot, two-story Office Building – Ashford Assisted Living.

No action required at this time.

**** Mayor Mark Thompson called for a recess at 9:16 p.m., meeting reconvened at 9:31 p.m. ****

ORDINANCE: Amending Highland City Municipal Code 2.44 – Surplus Property.

BACKGROUND: Jody Bates stated with the change in the surplus of open space, staff began looking at the Surplus Property Ordinance and is now proposing two changes. She stated a number of years ago, a Councilmember requested staff include notification in the City newsletter for surplus property, which was approved and became part of the Ordinance. She stated staff is proposing to take that requirement out, because the City newsletter only goes out once a month. She explained they have to wait for the newsletter to go out, which makes it difficult to get the disposal of open space through in a timely manner. She stated they already advertise the disposal of surplus property in the newspaper, have a Public Hearing, and can now place the information on the website, so they are meeting the State public notification requirements. She stated per State Code the City need to add the *Utah Public Notice Website* information on the website.

Rod Mann recommended having the Surplus Property as a “Notify Me” option, so people interested in the issue would be automatically notified.

Aaron Palmer stated staff could put together a PDF document for the Surplus Property that's proposed and send it out as a "Notify Me" option.

Brian Braithwaite questioned how often the property needs to be disposed of quickly.

Jody Bates stated they are not concerned with doing it extremely quickly, but the biggest issue is the open space property. She stated if they need to wait every month, and then as it is stated in the Ordinance before, they need to have it done seven days prior to the disposition. She stated if they would like to do the disposition at the end of the month, the newsletter has already gone out so they would need to wait another month to put it in the next newsletter.

Brian Braithwaite stated he believes this is something that the City sees months in advance, so there should be no reason why it wouldn't be included in the newsletter in time. He stated the more visibility the City gives to the residents the better.

Nathan Crane stated sometimes he only has a month or two months leeway to get information to the Council. He stated the staff will do what the Council asks, but not having it in the newsletter would mean one less timeframe to worry about. He stated if the issues need to be noticed up in the newsletter, then most surplus issues would have to be placed in the second Council meeting of the month so residents have time to read it.

Brian Braithwaite stated he would be okay with excluding open space, because most residents do not care about that, but they may care about other surplus property. He stated if the staff would like consistency, he would rather stick with having the information in the newsletter.

Jody Bates stated the number of newsletters going out is diminishing.

Rod Mann stated a lot of residents do not read the newsletter, so if there is the "Notify Me" option on the website, than those who do care about the surplus property can be notified. He suggested having the "Notify Me" option promoted in the newsletter, so those residents can be automatically notified each time rather than having to read it in the newsletter.

Jody Bates stated regardless of if the Council would like to remove the notification from the newsletter; they still need to update the Municipal Code to add the *Utah Public Notice Website* information to the website per State Code.

Brian Braithwaite suggested having a statement on the newsletter stating any notification, including surplus property, can be found at a specific location on the website.

Mayor Thompson stated the biggest issue right now is that if it is not noticed in the newsletter the Council cannot take action.

Rod Mann stated he does not believe it needs to be placed in the Ordinance that a statement will be placed in the newsletter each month, but that it should just be a matter of policy.

Jody Bates stated she will have the statement placed in the newsletter each month.

MOTION: Dennis LeBaron moved the City Council to approve the amendment to the Highland City Municipal Code 2.44 – Surplus Property as written.

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

RESOLUTION: Amending Building Use Policy – Highland City Hall and Highland Community Center.

BACKGROUND: Jody Bates stated it is an update and housekeeping issue. She stated there were some things in the Building Use Policy the City was not doing anyway and some things that needed to be added.

Jessie Schoenfeld moved the City Council to amend the Building Use Policy – Highland City Hall and Highland Community Center as presented.

Dennis LeBaron seconded the motion.

Mayor Thompson expressed his concern for taking a deposit if there is not someone to check everyone in and out of the building. He stated he has been in the building when the previous people had not properly cleaned it up, and does not want the next users to lose their deposit or be in charge of cleaning up after other people.

Jody Bates stated Emily Gillingwater checks each key in and out and tries to get down to the Community Center as often as she can. She stated Emily Gillingwater usually gets a hold of the following user and asks how the building was when they went in, along with giving a check off list each user has to sign. She stated they just have to hope people are being honest, because there is no way to check the building after every use. She stated they changed the time use for the City Hall to 9:00 p.m. on weekdays and 6:00 p.m. on Saturdays, because that is when the library leaves the building. She stated they did not want to have issues if people are left in the City Hall after hours.

Brian Braithwaite clarified that most people do not request the City Hall after 9:00 p.m. on weekdays and 6:00 p.m. on Saturdays.

**Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Jessie Schoenfeld.
Those Voting Nye: Rod Mann**

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:

- Open Space Setbacks – Nathan Crane, Community Development Director

BACKGROUND: Nathan Crane stated he wanted to follow up with the Council on the email regarding the summary of the Haskett situation and find out what direction the Council would like staff to take.

Rod Mann stated he is not in favor of changing the Ordinance to revise the setbacks, because once it's changed, the Ordinance is changed for everyone and the City does not know what the unintended consequences will be.

Dennis LeBaron and Jessie Schoenfeld agreed they are not in favor of changing the Ordinance.

Mayor Thompson questioned if there were exceptions made for properties in the subdivision.

Nathan Crane stated there are nine corner lots in this subdivision and two of the lots that are closer in setbacks with no explanation. He stated when the Haskett home was built, an exception was already given to them to allow them to extend into the rear yard. He stated then there was a reduction in setbacks for the open space subdivisions, so the home is no longer an exception.

Rod Mann clarified they appealed to the Appeal Authority and were denied the appeal.

Dennis LeBaron questioned if a date will be set for the next Budget Work Session.

Aaron Palmer stated he will send an email to the Council within the next few days giving a couple dates in March, so the Council may choose what works best for them.

Rod Mann suggested holding a fifteen minute team building activity at the Work Session, which would teach an object lesson and help the Council and staff get to know one another better.

Brian Braithwaite stated he would be in favor of the exercise.

Rod Mann stated gave the heads up that he saves his marked up minutes in the Dropbox with a "Rod". He stated staff and Council are welcome to look at those edits and annotations as well.

ADJOURNMENT

MOTION: Rod Mann moved to adjourn.

**Jessie Schoenfeld seconded the motion.
Unanimous vote, motion carried.**

Meeting adjourned at 9:58 p.m.




JoD'Ann Bates, City Recorder

Date Approved: March 4, 2014

