

**MINUTES**  
**HIGHLAND CITY COUNCIL MEETING**

**Tuesday, March 4, 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 Tim Irwin  
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:**

**OTHERS:**

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 Rod Mann and those assembled were led in the Pledge of Allegiance by Scout Cory Miles.

**APPEARANCES:**

Jenny Thacker, Director of the Miss Northern Utah County Pageant, thanked Highland City for all of the support the City has given to the pageant. She explained they have met with the Mayor and would like to do more service for the City.

Kira Hannemann, Miss Northern Utah County, stated her platform for the pageant is Celebrating Their Cultural Diversity. She stated she is holding a Cultural Diversity Talent Night where many different cultures will perform their talents and their traditional dances. She stated it will be held on March 18<sup>th</sup> at Westfield Elementary from 6:30-8:00 pm. She stated embracing your culture along with everyone else's will help bring the community closer together. She invited the Council and anyone in the community who would like to attend to join them.

Shellie Biesele, resident of Highland, stated she lives on the northwest corner of 11000 North and 4800 West and asked for a sound wall to be placed on the 11000 North side of the street. She stated she has lived in Highland for twelve years and the City has grown so much. She explained in 2003 they had some City Council members come to her home and they determined that it was very loud, but the zoning laws for sound barriers were different than they are now. She also stated that there are serious wrecks in the 4800 West and 11000 North intersection that affect them as residents. She asked the Council to do whatever they can to assist with those issues.

**CONSENT:**

*MOTION: Approval of Meeting Minutes for City Council Work Session – February 11, 2014.  
Pulled by Brian Braithwaite for further discussion*

MOTION: Approval of Meeting Minutes for City Council Regular Session – February 18, 2014.

MOTION: Ratification of the Appointment of Committee Members – Open Space ADHOC Committee.

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

**Dennis LeBaron seconded the motion.**

**Unanimous vote, motion carried.**

**MOTION: Approval of Meeting Minutes for City Council Work Session – February 11, 2014.**

**Pulled by Brian Braithwaite for further discussion**

Brian Braithwaite stated there were several items on the minutes from the work session that needed better explanation. He stated if someone tried to read the minutes in the future they would be unable to understand the full context of the discussion. He stated there were some items throughout the discussion that one or a couple Council members brought up, but the way the minutes are set up it appears as if those were the feelings of the whole Council. He stated he would change the bullets to “Discussion Items”. He suggested having a disclaimer placed toward the beginning of the minutes that reads, “The comments from the discussion reflect the feelings of one or more Council members, but not necessarily the full Council”. He stated the minutes read that Chief Gwilliam stated there is supposed to be 1 officer for every 1,000 residents, but he believes that was a *recommendation* through some group, not a requirement.

Discussion ensued regarding what the correct ratio of officers should be in the minutes.

Brian Braithwaite stated Chief Freeman talked about having fourteen full time employees, but there are also full time equivalents. He explained those equivalents are not made clear in the minutes so it seems like there are only 14 employees when there should be 38. He explained with the part time employees the Fire Department is much closer to the correct number.

Mayor Thompson questioned if the Council would like to add their responses and pass the minutes or continue the item to the next meeting and get specific information from both Chief Gwilliam and Chief Freeman.

Brian Braithwaite stated he believes the item should be continued so they can get the accurate information from the Chiefs. He stated he has other items he believes need to have more depth that he will send to Jody to give to the Council to look over and the rest of the Council may add their changes as well. He stated there are some double negatives and other wording that can be explained more clearly. He explained these were discussion items so some of them are out in left field which is okay, but the wording needs to be changed to better express the ideas and feelings from the meeting.

**MOTION: Brian Braithwaite moved the City Council to continue the item, Approval of Meeting Minutes for City Council Work Session – February 11, 2014, to the next City Council meeting so these changes can be made.**

**Rod Mann seconded the motion.  
Unanimous vote, motion carried.**

#### **CITY COUNCIL / MAYOR ITEMS & COMMUNICATION ITEMS:**

Tim Irwin stated he was invited to the Westfield 6<sup>th</sup> grade class to discuss their project called The First Lego League. He mentioned it introduces young students to real world engineering challenges. He explained they build Lego based robots that complete tasks on a thematic playing surface as well as coming up with a project that has not been developed before that has community benefit. He stated because of Alpine City's mudslides and flash floods the class developed an early warning system to alert the City and its surrounding residents. He stated before they went to the State finals, the kids needed to speak with a City representative. He stated he was extremely impressed with what he saw and the class won first place at State. He asked the Council to recognize this class for their accomplishment. He suggested putting out a Proclamation and inviting the class to come to the Council meeting to be recognized. He stated the Council should try to promote the youth to be innovative and creative.

The Council supported the decision to put out a Proclamation.

Mayor Thompson stated Tim Irwin can communicate with Jody Bates to write the Proclamation.

Tim Irwin stated he has a meeting with the superintendent of Alpine School District to discuss the issue. He stated he missed the last meeting and really likes having the chart Rod Mann requested. He stated on the chart it states that the Setback Ordinance he requested is completed, but he believes it is not complete until the Council finds a resolution for the Haskett family. He stated the Council needs to find a resolution that meets both the City's needs and the needs of the family. He explained he understands the concern for making exceptions as the Council goes along. He stated the Council needs to take a look at the Ordinance and change the setback

requirements for all of the open space subdivisions or narrow it to just corner lots in open space subdivisions. He stated the City has reduced those setbacks in certain developments.

Nathan Crane stated they have modified the setbacks for all open space subdivisions, including this subdivision.

Tim Irwin stated he would like to look at the Ordinance again and see if there is an opportunity to make further changes. He asked if at least one other Council member agrees to put the item back on the agenda for discussion.

Dennis LeBaron stated he is willing to have the issue put back on the agenda for discussion, but stated this home already had their setbacks adjusted once.

Tim Irwin stated that exception was made when the home was built. He stated it was not a remodel project when they asked for an exception, but it was done during the development process. He stated this is their home and their property, it is not meeting their needs but they would like to stay in their home and it does not have a negative impact on the neighbors. He stated the developments could have bigger setbacks based on their CC&Rs, but the City could have the least possible setbacks.

Rod Mann stated he does not believe in over regulating everything, but he also does not believe the Council needs to continually change the Ordinances every time someone wants something different. He stated if the Council is going to reexamine the Ordinance, they need to do with the point of view of what is good for the whole City.

Tim Irwin stated he just wants to discuss the setbacks and how it impacts the open space areas. He stated doing so may reduce the number of requests going to Nathan Crane for changes.

Rod Mann stated whatever line is drawn someone will want to cross, so there will always be requests. He stated he is open to discussing the issue, but there will always be people that are not happy with the current regulations.

Tim Irwin stated he is just asking for a reasonable line, and the current line may not be reasonable.

Brian Braithwaite questioned if someone has options and they are not exactly what that person wants, but they are options, if it is the duty of the Council to change the law to what they want. He stated the family can do a cantilever out over it, but they are concerned with bugs underneath. He stated there is an available option and the family can build it, but they just can't build it the exact way they want to build it.

Tim Irwin stated yes, there's the option, but it's their property, so they ought to be able to build it the way they would like to if it does not negatively impact the surrounding properties. He stated this is not a personal favor, but is something that should apply to everyone. He stated he would like to have the issue come back on the agenda so the Council can discuss a reasonable setback. He explained City Councils have the right to set whatever setbacks they would like and there is

the compunction to control other peoples behavior which always has unintended consequences. He stated he is just attempting to minimize those consequences.

Brian Braithwaite stated the intent is to try to minimize those consequences, but there is a point in time where you have enough little exceptions and that line continues to move until those unintended consequences come from moving the line too far.

Tim Irwin stated there are two people willing to have the issue placed back on the agenda, so it should come back to the Council for discussion.

Mayor Thompson stated he is willing to have the item placed on the agenda again for discussion.

Rod Mann questioned what kind of information is needed to have an effective discussion on the open space setbacks.

Tim Irwin stated he would be interested in knowing the actual setbacks, if there are setbacks that apply to every open space area and what those are and how they are applied. He stated he would also like to have the comparison between corner lots and regular lots within those subdivisions. He stated he would also like to know how many requests the City gets for changes to those setbacks.

Nathan Crane replied this is the first request in the three years he has been with the City for a change in the open space setbacks. He stated open space setbacks are in the Development Code and are based on lot size. He explained the smaller the lot, the less restricted it is.

Rod Mann asked to have that information provided for the Council before the meeting.

Brian Braithwaite stated there are two bills that were passed at the State level that affect the City. He stated they have been working on building an East West Corridor over by the Developmental Center for as long as he has been in office. He explained it was one of the platforms he was pushing for, and there was a Joint-Resolution that was passed and is now waiting for approval from the Governor that allows the Developmental Center to move forward with developing their property. He stated because the Development Center is in City limits, they will have to come back to the City for approval of their development plan. He explained they can at least begin to move forward with the plan and have the adjustments made to provide an East West Corridor. He stated himself, the Mayor, Matt Shipp, and Aaron Palmer went to one of the last discussions and there were several people from Pheasant Hollow that were debating whether or not they still want that corridor. He stated there is still work to do; Pheasant Hollow was concerned about negotiating until there was an agreement that the development would happen, and now that it will, they can begin those negotiations.

Rod Mann questioned if the Resolution passed along with a companion Bill. He stated they were going to pass a Resolution stating they support it, and then they would pass a Bill.

Brian Braithwaite stated it is a Resolution that approves the plan that was passed by both the House and Senate. He stated the other issue that impacts the City is that two years ago the City

wanted to increase the property tax to improve the roads. He explained at that time, if someone wanted to file a petition they could and the amount of time they had to get the names submitted to the County pushed the issue to the following year's election. He stated last year, the problem was not resolved, so they approached a road fee that would go toward roads. He stated this year the Senate passed Senate Bill 134 and the House has not yet passed an accompanying Bill, but there is no significant opposition. He explained this Bill adjusts all the time frames so if a City Council were to pass a tax and there was a referendum, the timing will work out so the issue would happen in the same tax year.

Tim Irwin questioned if this will reduce the amount of time petitioners have to collect signatures.

Brian Braithwaite replied the way it was previously written, they could have it set up so they only had 25 days to collect signatures. He explained they had 45 days, but 20 of those days were set up in a way that they could be taken away through other issues that were going on. He stated they had 45 days, but the issue would be pushed till the next year or they had 25 days if they wanted to get the issue on that year's ballot. He explained they have now pushed the dates back far enough that it took five days off the total amount, but they have a full 40 days to submit the signatures and still have the issue that year.

Tim Irwin questioned if a City Council would have to pass the Truth and Taxation earlier in the year in order for that to happen.

Brian Braithwaite stated he does not know all of the ramifications and it could still have some changes when the Bill goes through the House. He stated his other concern is that in the discussion regarding the Ashford Project two weeks ago the issue was brought up regarding the location of the dumpster. He explained in the SCALO District there is no requirement for the dumpster and in the R-P District the dumpster is required to be a certain amount of footage away from the surrounding properties. He stated he believes the SCALO District should have an amendment made so some distance is applied if there is abutting residential to the SCALO District. He asked to have that issue brought up and pushed through Planning Commission so it does not have a negative impact in the future.

Rod Mann and Dennis LeBaron stated they were in favor of having the issue go to Planning Commission and an amendment be made to the SCALO Overlay.

Jody Bates stated they have an email from Randy Paul who would like to come and do a presentation for the Council regarding Economic Development. She asked for some direction from the Council if they would like the presentation put on the agenda.

Brian Braithwaite, Dennis LeBaron, and Tim Irwin stated they are in favor of a presentation.

Jody Bates stated Judge Poulsen is going to retire and Utah Courts is in process of taking applications for the position. She stated they handle the applications and interviews, but it does have to come back to the Council for review. She stated Utah Courts is afraid that they are not going to have the public hearings and interviews done in time to get the Council the names by

the April 1<sup>st</sup> meeting, but the April 15<sup>th</sup> meeting may be too far away. She stated they are asking the Council to hold a special meeting just to consider those names the second week of April.

Mayor Thompson questioned if there was a specific date they would like to hold the meeting.

Jody Bates stated there is not a specific date, but just sometime between those two dates. She stated they don't need the full Council, just a quorum; the Council is not choosing the judge, just making a recommendation back to the State.

Mayor Thompson stated if it candidate is a sitting judge it cuts down the time to when they can proceed. He explained if they are not, they will at least have to go through the training process before they can sit.

Tim Irwin stated it would be nice for the Council to have the requirements and the information regarding what they are looking for in a candidate.

Mayor Thompson stated that information can be found on the City website and in the newspaper. He stated the requirements are very minimal; they are just looking for an individual who can function in the capacity without three years of training.

## **ADJOURNMENT**

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

**Jessie Schoenfeld seconded the motion.**

**Unanimous vote, motion carried.**

Meeting adjourned at 7:51 p.m.

  
JoD'Ann Bates, City Recorder

Date Approved: March 18, 2014



