

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, August 17, 2010

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

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Larry Mendenhall
Councilmember Kathryn Schramm
Councilmember Scott L. Smith

STAFF PRESENT: John Park, City Administrator
Matt Shipp, Public Works Director
Gina Peterson, City Recorder
Tim Merrill, Legal Counsel
Kip Botkin, Police Chief
Lynn Ruff, Finance Director
Jody Bates, Executive Secretary

OTHERS: Richard Hoffman, Rachel Hoffman, Troy Stott, Jennifer Madsen, Kittie Tenney, KeriLynn Lenhart, Lance Lenhart, Andrea McAllister, Roger Dixon, Deanne Dixon, Tiffany Dominguez, Gary Schnell, Susie Schnell, Jay Meacham, Janet Wadsworth, and Christie Dalley, *Daily Herald*.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:00 p.m., and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, and *Salt Lake Tribune*, on June 11, 2009. 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 Mayor Ritchie, and those assembled were led in the Pledge of Allegiance by Larry Mendenhall.

Appearances

Mayor Ritchie invited comments from the public regarding items not on the agenda.

Vonda Proctor indicated she got an email from the Arts Council about supporting the Arts Council and their use of the former Highland City Hall. Prior to the move to the current City Hall she stated residents were told the City was going to sell the old building. She stated she does not have anything against the Arts Council, but she questioned whether the City needed to spend money on this building or whether it could be used by a private entity instead of as a City facility.

Barbara Barron addressed the City Council regarding installation of windmills on her property to help cut down electrical costs. She was shocked by the City's permit costs for the windmills. The windmill would have a 6 ½ square foot base and a 45 foot high pole. The City charges \$245 for a building permit fee and \$485 for a Conditional Use Permit fee. She stated she doesn't understand these kinds of fees for putting in a simple base and pole. She appealed to the City Council to review the fees in relation to such a small structure. Mayor Ritchie stated staff would take a look at the issue.

Richard Hoffman, representing the Arts Council Board of Directors, addressed the City Council regarding the remodel of the former City Hall. He is supportive of fiscal responsibility and indicated he hears daily about the need for a home for the Arts Council. He expressed appreciation for the City Council support in the past. He was excited that there may soon be a place to hold a play or a recital. Many people have talked with the Arts Council today and expressed support for the remodel.

Consent Calendar

The following item from the consent calendar was **approved** by unanimous consent. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

- 6-MONTH PLAT EXTENSION – Rasmussen Ranches (11200 North 4600 West) (Agenda Item 2)

MINUTES

Minutes for the August 3, 2010 City Council Meeting (Agenda Item 3)

MOTION: Larry Mendenhall moved to approve the minutes from the August 3, 2010 City Council meeting. Brian Braithwaite seconded the motion.

Kathryn Schramm and Scott Smith expressed confusion with approving minutes where they had not viewed an actual corrected copy. City Recorder Gina Peterson indicated the only changes made were minor grammatical changes that did not affect the substance of the meeting. Kathryn Schramm indicated she would still like to view a corrected copy so she is aware of what she was approving.

Mayor Ritchie called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, and Larry Mendenhall. Those voting nay: Kathryn Schramm and Scott Smith. The motion carried with a majority vote of 3:2.

ACTION ITEMS

AGREEMENT – Authorizing the Mayor to enter into an agreement with Global Signal Acquisitions VI, LLC for a perpetual Grant of Easement and Assignment Lease on City Property at the rear of property located at approximately 11000 North and 5550 West (Agenda Item 4)

City Administrator John Park indicated that Global Signal Acquisitions IV, LLC (GSA) has requested Highland City approve a perpetual Grant of Easement and Assignment Lease on property at the rear of the former Highland Water Company on 11000 North. The property is the site of a telecommunications tower and related equipment. The City currently leases the property to CC Holdings and receives \$16,512 annually. By signing the perpetual easement the City gives up its right to collect any annual income derived from the lease and any future co-location opportunities; the lease with CC Holdings automatically transfers to GSA. The site is located in such a manner that the City would not require access through this site to reach existing or future City facilities.

Mr. Park indicated there is still some research being done on the current lease agreement and he recommended this item be continued to the next meeting.

MOTION: Kathryn Schramm moved to continue the agreement with Global Signal Acquisitions VI, LLC for a perpetual Grant of Easement and Assignment Lease on City Property at the rear of property located at approximately 11000 North and 5550 West until more preparation has taken place to provide information to the Council as to the grants and agreements that have been made in the past and how approving this current agreement could affect the City in the future. Scott Smith seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

MOTION – Approving or Denying the request from Alpine School District for a water requirement reduction for the 9600 North Subdivision, located at approximately 9600 North 6900 West (Agenda Item 5)

Alpine School District currently owns property known as the 9600 North Subdivision. This plat consists of three lots, one of which was purchased by the LDS Church for the purpose of a meeting house, leaving the two remaining lots as residential lots. The LDS Church appeared before the City Council on June 15, 2010 requesting a reduction of the water requirements based on the amount of landscaping versus the overall acreage of the property for their meeting house location. The City Council approved the request for reduced water as it has in the past for several other church sites.

Alpine School District is requesting the water requirement be reduced for the remaining two residential lots ranging in size from 38,800 – 38,900 square feet. The School District believes the square footage of the asphalt road into the subdivision (6900 West) should be exempted from the overall water requirements. When requiring water dedication during all subdivision approvals, the City has based the requirement on the overall acreage of the subdivision. There is no precedent at this time for excluding residential roadways.

Brian Braithwaite was not in favor of granting the request because it would not be fair for everyone else.

Kathryn Schramm felt that a precedent was set, to reduce the water requirement and therefore the pressurized irrigation charges, when Toscana was allowed to have a water reduction. She indicated that during that meeting, she had asked the City Attorney if a resident could petition the City for a reduced water requirement because residents are charged based on the square footage of their property including the land, underneath structures, that can't be irrigated. The attorney responded that residents could petition the City Council to receive a reduced pressurized irrigation charge.

Brian Braithwaite disagreed with Kathryn Schramm. He stated anyone has an opportunity to petition for a water reduction, but clearly Toscana was different because a typical residential lot has one unit per lot; Toscana has several units per acre. He noted the LDS Church is asking for a portion of the road to be removed from the water requirements and with similar subdivisions the same consideration has not been given.

Scott Smith clarified that the water reduction is also given to churches because they have large parking lots. He confirmed that the City does not give an exemption for roads in a typical subdivision.

MOTION: Larry Mendenhall moved to deny the request from Alpine School District for a water requirement reduction for Lots 1 and 2 of the 9600 North Subdivision, located at approximately 9600 North 6900 West. Brian Braithwaite seconded the motion.

Kathryn Schramm restated her feeling that Toscana had set a precedent quoting the staff report which stated, “...a reduction of water requirements for residential lots has never been approved...” She believes Toscana would be considered a “residential” development. Tom Butler commented that the intent was most likely to reference R-1-40/R-1-20 lots when noting no precedent had been set.

Mayor Ritchie called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, and Scott Smith. Those voting nay: Kathryn Schramm. The motion carried with a majority vote of 4:1.

MOTION – Approving or Denying the Interlocal Cooperation Agreement with Utah County for the Highway project known as “Murdock Connector” (Agenda Item 6)

Highland City has had preliminary design work completed by Civil Science for the Murdock Connector project and has expended \$186,604.98 for that work. The City has provided documentation acceptable to Utah County to obtain reimbursement for the design work. Utah County agrees to reimburse Highland City within 30 days of execution of the agreement.

The Murdock Connector has been determined by the Mountainland Metropolitan Planning Organization (MPO) Regional Planning Committee to receive a portion of the revenues of the Part 19 Tax not to exceed \$4,000,000 for direct costs of the Highway. The City and County will have a representative meet together at least monthly to discuss progress, design, construction and costs of the project. The County will not obligate the City to any expense that exceeds the \$4,000,000 without prior approval of the City. The City shall own and be responsible for the maintenance, repair and replacement of Highway.

This item was presented by City Administrator, John Park, who indicated that a new copy of the Interlocal Agreement was distributed to the City Council at this meeting. He has no recommendation for the City Council at this time and suggested the City Council discuss the issue to determine how to move forward.

At the request of Scott Smith, John Park reviewed the changes to the new agreement from Utah County that was distributed this evening. Mr. Park outlined changes suggested by Brian Braithwaite including the recommendation that any work over \$4 million would require City approval since they are paying the additional costs. He noted Utah County is concerned that if they get in the middle of road construction and it can't be finished for under \$4 million, what will they do if the City does not approve further costs? The County wants to ensure the roadway is finished once it starts and that they are not responsible for any overages. He stated he was not here during this whole process so he does not possess the institutional knowledge on the project.

Brian Braithwaite stated this is an issue of fairness, why should Highland allow another entity to tell the City what the costs will be? He doesn't think that is their intent and suggested someone sit down with the County Commissioners to explain the City's concern. They have already said they think this project will not go over \$4 million. He stated the City will not arbitrarily stop the project, however they also

don't want items included that would cause the project to increase in price. He suggested verbiage be included stating that Highland City will not deny approval of reasonable requests.

Scott Smith expressed appreciation to Brian Braithwaite in making the agreement more palatable. He stated that unlike other members of the City Council the construction of this road has a direct impact on him. He has served on the mitigation committee for the design of the road. He does not profit from this but, if anything, it devalues his property. He stated he is in support of the road and its concept. He stated the case of \$4 million is curious and there is no history about how that figure was determined. His perceived timeline of the project was stated as follows:

- This road came about from a November 2008 decision from an Executive Session to purchase the Walkenhorst and Jensen homes in Pheasant Hollow. MAG was willing to come up with the funds for the project.
- At the City Council meeting on January 20, 2009 a proposed road tax bond was discussed which was withdrawn at a later City Council meeting.
- He quoted Mayor Franson from his message in the February 2009 newsletter "*If the City Council approves borrowing this money, I will be recommending the funds be used to fix 6000 West; and to match Utah County funds to build an east/west connector*". Scott Smith noted this stated funds would be "matched" to build the connector and further quoted the article, "*It is unlikely that such an opportunity will come again soon. The County has committed to provide 1/2 the funds to build the Murdock Connector from the Alpine Highway to 4800 West (a match of up to \$4 million).*" Scott Smith expressed concern that the right of way acquisition and road project could cost up to \$8 million and he is nervous about approving something like that.
- December 2008 – The City Administrator entered into a contract for design of the first phase of the road. This contract was under the \$25,000 limit allowed to require it to have City Council approval, so the project was already being designed even though the bond had not been approved.
- March 2009 – Signatures were gathered on a petition to move the bond decision to a public election.
- April 2009 – Larry Mendenhall made a motion to rescind the decision on the bond because MAG had agreed to fund the East/West Corridor in the amount of \$4 million. Scott Smith noted at that time it went from matching funds to total funds. He stated he has listened to the discussion from MAG meetings around that time and there is never any mention of \$4 million during the road discussion. The only discussion was about purchasing homes for the right of way. He noted it cost a total of \$1.7 million to purchase the Walkenhorst/Jensen homes/properties for right of way. Mr. Ruff indicated those funds have been reimbursed by the County. The only reimbursement that has not taken place is for design work. Scott Smith also noted that in April 2009 Mayor Franson wrote a letter to residents stating the Metropolitan Planning Organization of MAG determined they would bear the costs of the *first* \$4 million. Scott Smith stated he has listened to these meeting tapes and he cannot find any open meeting discussion which confirms that statement.
- When Mayor Franson was in office he emphasized this was a road of regional significance, yet there was a different proposed East/West corridor south of the golf course in American Fork that was removed August 26, 2008 from MAG's master plan. Scott Smith stated his feeling that since this road is a regional road, but being built mostly in Highland it should be funded regionally because of the benefits to other communities such as Cedar Hills and American Fork.
- July 2010 – The agreement came forth because Highland City requested reimbursement for design of the road.

Scott Smith finished by stating it seems to him, based on discussions that have taken place with Jim Price from MAG from April 2009, the money available for corridor preservation was between \$1.7 and \$2.7 million and this is separate from the \$4 million for the road. Mayor Ritchie confirmed the fact that they are separate funds. Scott Smith stated he does not think the road can be built for \$4 million. He also expressed concern that the City Council was given an updated agreement at the beginning of tonight's meeting which does not allow the Council to assimilate the information in such a short amount of time.

Mayor Ritchie stated this agreement is being driven by the fact that Utah County is taking over construction of the road. He clarified the available funding is \$3.7 million at this time because the City has been reimbursed for some of the engineering work. He stated the City Council just needs to determine how to proceed.

Larry Mendenhall stated that while this road is labeled as one of regional significance it really is significant to Highland. The Murdock Connector at its inception was designed to draw traffic from the south part of Highland to allow easier access to the freeway and eliminate congestion. With respect to the bond he acknowledged making a motion to withdraw the Parameters Resolution which effectively killed the bond issue. He stated he did this for two reasons: 1) the \$4 million allocation was indicated from MAG; and 2) the bottom line being the City could not afford the bond. The City Council agreed with his thinking because they voted for the motion at that time. He stated the City Council could not allow the City to become indebted another \$4 million. He noted originally that Highland was going to bear the full cost of the road, but MAG said they would build the road for the City. The City hopes there will be significant development in the areas where the road is developed. He agreed that another look should be taken at the agreement with the County, but stated this is a very inexpensive way for the City to get a nice road.

The purpose of the corridor was to take traffic from the Alpine Highway. Is no longer the main County road. That has now been changed to 4800 West. Brian Braithwaite said, listen to Brian Braithwaite comments.

Kathryn Schramm stated it is a good idea to have the East/West Connector but she stated she does not think Highland City should pay for it all. She read notes from the August 26, 2008 MAG meeting. She stated it is almost impossible to get minutes of any of MAG's meetings to see what was actually discussed or how ideas were presented. She stated the reason MAG took off the other proposed connector in American Fork (1120 North) was listed in a Deseret News article from October 19, 2008 stating how opposed American Fork residents were to this road going past American Fork Junior High School. She stated the American Fork City Council obviously listened to the concerns of the residents and took the roadway off their master plan. She feels like American Fork should bear some of the financial burden of this road. She noted the City has put up a lot of seed money for the design and it has been longer than 30 days since Lynn Ruff sent the reimbursement, yet the agreement says they will reimburse within 30 days of execution of the agreement.

Legal Counsel noted that the execution of the document is a conditioned precedent so the County does not have to reimburse the City the \$186,000 in design fees until the document is signed.

Mr. Ruff indicated he sent the reimbursement request in June, approximately 60 days ago. Kathryn Schramm stated she is upset that the County Commission has not followed through with what they said.

She stated Highland is not going to be the only community benefiting from this road. She feels like the County Commission is blackmailing the City. She would like to return the agreement and request they abide by previous agreements.

Much additional discussion took place about fine-tuning the agreement, the benefit of the road to Highland and other communities, and getting a better fix on costs.

Tom Butler asked a cost estimate per linear foot for a 72' wide road. Matt Shipp stated he was not prepared to give an estimate. Tom Butler stated he is not opposed to this road and thinks it is necessary, but since March or April he has asked about the reimbursement of \$186,000. He expressed concern that rather than the reimbursement, the agreement is what was returned. He shares the concern that costs over \$4 million will be the City's sole responsibility particularly when costs are only estimates and uncertain. He does not like that the County is responsible for the project yet Highland City is paying the bill.

Later in the meeting, Matt Shipp clarified that a linear foot for a typical road is approximately \$250 - \$300 per foot. This road is 4900 lineal feet long which totals approximately \$1.5 million. Amenities and bridges will increase that figure.

Both Tom Butler and Scott Smith stated it is confusing that the \$4 million doesn't specifically exclude the money already paid for right of way acquisition. Tom Butler stated he would like to reject the agreement and send a demand letter for design reimbursement or sit down and discuss the issue.

Additional discussion took place about the agreement. Kathryn Schramm expressed concern with Highland City being responsible for the road maintenance because she feels the City can't maintain the currently existing roads. She reiterated that other communities should have a financial part in this road. Larry Mendenhall stated this discussion has taken place many times. If he lives in Highland he is not charged to drive through American Fork. The road should be maintained by Highland because it is the City's road and it has been on the plan for over 30 years.

MOTION: Larry Mendenhall moved to continue a decision on the Interlocal Cooperation Agreement with Utah County for the highway project known as "Murdock Connector" until construction costs can be indentified; parameters set for oversight of the construction; and a determination made with Utah County about the exact nature and limit of the City's total costs and liability for construction of the road beyond \$4 million. Brian Braithwaite seconded the motion.

MOTION TO AMEND: Scott Smith moved to amend the motion that the wording of the agreement clarifies what funding has already been repaid, already spent, and what funding is still available. Kathryn Schramm seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

AMENDED MOTION: To continue a decision on the Interlocal Cooperation Agreement with Utah County for the Highway project known as "Murdock Connector" based on the following:

- 1. Identifying construction costs;**
- 2. Setting parameters for oversight of the construction;**

3. **Determining with Utah County the exact nature and limit of the City's financial total and liability for construction of the road beyond \$4 million.**
4. **Wording included in the agreement which clarifies what funding has already been repaid, already spent, and what funding is still available**

Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, and Scott Smith. Those voting nay: Kathryn Schramm. The motion carried with a majority vote of 4:1.

MOTION – Authorizing expenditures as a capital priority to remodel the former City Hall per ADA requirements (Agenda Item 7)

The former City Hall on 10400 North became non-compliant when new ADA regulations were established. In order for the building to be accessible for public use the City is required to bring it to current ADA standards. During negotiations regarding a lawsuit with the Disability Law Center for the continued use of the building the City was allowed leniency because a new City Hall was being constructed. That leniency expired after the City moved offices to the new City Hall.

It was determined that the building would be beneficial to keep as City property and have for public use. Highland City solicited bids to design the retrofit of the former City hall in order to make it ADA compliant.

- March 17, 2009 – City Council meeting: The Council approved a contract with JRCA to design plans and specifications for the remodel. Highland City then solicited bids for construction of the retrofit.
- September 29, 2009 – Public bid opening was held
- October 20, 2009 – City Council meeting: The City Council awarded the bid to the low bidder Bailey Builders in the amount of \$61,500 with an additional 10% contingency.
 - After award of the bid, staff determined there was no funding available and the project was put on hold.
- May 4, 2010 – City Council meeting: Item was discussed and a motion was made to continue the retrofit until after the budget work session when a source of funding might be identified.
- May 22, 2010 – Budget work session: Retrofit of the former City Hall was discussed but no source of funding had yet been identified.
- August 3, 2010 – City Council meeting: Various capital priority projects were discussed and approved. The ADA remodel in the amount of \$65,000 was listed as a budget priority but was not discussed in detail.

Councilmember Larry Mendenhall recommends proceeding with the retrofit of the former City Hall to bring it into compliance with the ADA requirements. It is recommended the funding be comprised of \$33,000 from the balance in the Capital Building Fund with the remaining \$28,500 plus the 10% contingency to come from a General Fund contribution. Larry Mendenhall commented that this is not an exclusive facility to be used solely by the Arts Council.

KeriLynn Lenhart, Arts Council Chair, echoed Larry Mendenhall's comments. She stated, from an Arts Council standpoint, they remember when any resident could use the City Hall for a variety of needs. She stated Highland has many talented people in the community and she often gets phone calls from people that want to teach free lessons but there is no place to do it. She indicated a grand piano sits in the former City Council Chambers which was donated to Highland. If a grand piano sits for two years it is ruined. She stated the time and money being thrown away trying to find places to rent has severely

handicapped the youth programs. She outlined additional benefits of having a place to gather and urged the City Council to consider the resource, value, and gift it would be to the Youth and community at large.

Brian Braithwaite added that one of the biggest uses of this facility would be for Senior Citizens and the ADA compliance would have the biggest impact for that group of people. He agreed the youth should use that facility; however the seniors will get more value from it than anyone else.

Kathryn Schramm agreed with comments made by Larry Mendenhall and Brian Braithwaite. She stated Highland City does need a community gathering place and she will commit herself to see that this begins. She noted that she had recently attended “The Music Man” which was a joint effort by Highland and American Fork’s Arts Councils and was thrilled at the amazing talent and energy displayed by every performer of all ages. She would like to see things like that in the community. She expressed support for the project.

Scott Smith stated he is a big supporter of the arts and he supports the concept of the remodel but he has questions. He noted that Larry Mendenhall has suggested the interior remodeling be accomplished through donations and volunteer labor. He indicated that Richard Hoffman was trying to acquire a 501(c)(3) status. He asked the Arts Council’s commitment to furnish funds for a remodel.

Richard Hoffman clarified the 501(c)(3) process. He understood the proposal today was to make the building ADA compliant which the Arts Council supports. Once the ADA remodel is complete it would be in the Arts Council’s best interest to help the City develop a use policy. He noted that once the 501(c)(3) status is obtained the Arts Council will begin fundraising.

KeriLynn Lenhart stated that once the building is ADA compliant it will be completely usable and the Arts Council will not ask for further funds from the City.

It was noted the building use policy for the current City Hall would not cover the former City Hall and a policy would need to be drafted.

Larry Mendenhall indicated utilities, paid by the City, would be approximately \$4,000 annually. It is conceivable that the City could pay for the upkeep and utilities through rentals as he believes the use will be significant. He stated this may provide excess funds beyond expenses to cover additions to the building.

Tom Butler stated everything seems to be a crisis. He noted the FY2011 budget was adopted 60 days ago and Larry Mendenhall wanted to get the ADA remodel in that budget. At that time it was the consensus based on the Mayor’s comments about cash flow that the idea should be put on hold until fall when cash flow was better understood, particularly with a large bond payment due. He stated essentially the budget is being thrown out the window, even though cash flow is somewhat better than anticipated. He believes people will come back and say the building cannot be used until interior remodeling (painting and carpet, etc.) takes place. He thinks the City Council should wait until October because this is not an urgent matter. He received emails from people requesting he support the arts but he did not get any comments about using the building for seniors, etc. He expressed concern that the end use would be an Arts Council Center instead of a community center. He also thinks the option of selling the building should be explored.

Kathryn Schramm commented that it was her intention when she came here tonight to make a motion to consider this as money became available.

Larry Mendenhall stated the City's revenues have increased beyond expectations. The surplus from last year will be \$150,000 above the planned surplus.

MOTION: Larry Mendenhall moved to authorize expenditures as a capital priority to remodel the former City Hall per ADA requirements; \$33,000 would come from the Capital Building fund and the remaining balance of \$28,500 plus the 10% contingency would come from the General Fund. Brian Braithwaite seconded the motion.

Scott Smith stated it would be beneficial to have a committee work out a use policy for the building. He asked John Park his feelings about the issue as a whole.

John Park noted the City is in a better position financially than two weeks ago and the consensus at that time seemed to be to bring forth this request. He thinks the City can handle the cash flow.

Mayor Ritchie agreed with Mr. Park's comments. He stated the surplus from last year's budget was not anticipated so cash flow is better. He does not recommend approving any additional projects, but he is comfortable with those that have recently been approved.

Mayor Ritchie called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Larry Mendenhall, Kathryn Schramm, and Scott Smith. Those voting nay: Tom Butler. The motion carried with a majority vote of 4:1

ORDINANCE – Amending the Highland City Development Code Regarding Signs in Commercial Areas; Section 3-708: Wall Signs and Table 7-707A (Agenda Item 8)

John Park reviewed the issue. The Development Code currently limits the number and size of wall signs for one commercial business. Several businesses would like to have more than one sign on one wall and some businesses would like to use an entire window for advertising space while leaving others empty; the current ordinance limits a window sign to 20% of each window.

Staff created a survey of merchants/owners in Highland. Results indicated that a majority of the businesses in Highland would benefit if the ordinance was amended. Based on the survey results the following amendments are included in the ordinance:

- Wall signs increased from 5% to 12%,
- Number of wall signs for exterior wall face increased from 1 to 3,
- Percentage of window signs coverage on windows increased from 20% to 50%.

General comments/questions were asked about the ordinance including how the façade is identified and clarification on limits per wall, not per sign.

MOTION: Kathryn Schramm moved to continue the ordinance so issues regarding the façade and exterior walls are could be defined. Scott Smith seconded the motion. Those voting aye: Brian W.

Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

MINUTES

Minutes for the June 15, 2010 – Regular City Council Meeting

Minutes for the June 22, 2010 – Special City Council Meeting

Minutes for the July 20, 2010 – Regular City Council Meeting

These minutes were continued so the City Council could be provided with a corrected version of the grammar changes provided to the City Recorder. A process was determined for providing grammatical changes to the Recorder then getting those back to the City Council.

REPORTS

Timpanogos Special Service District – Brian Braithwaite (Agenda Item 12)

Brian Braithwaite requested this item be continued to the next meeting to allow time for him to provide pictures of the expansion project at the district.

CITY COUNCIL / MAYOR'S BUSINESS

Kathryn Schramm thanked the Public Works department for painting red curbs (no parking) at the Splash Pad. She stated it has improved safety at the intersection.

Scott Smith announced a Rabies Clinic, Saturday from 10 a.m. to noon on the west side of the parking lot. This is an Eagle Scout project by Taylor Sobotka using reduced fees approved by the Animal Shelter at the end of June.

Scott Smith asked about collaborating with the American Fork and Highland Arts Councils to use the Dan Valentine Theater at the American Fork Developmental Center. John Park agreed there is a theater in the Developmental Center that seats 750 people that is not being utilized. Staff believes it may take some time before a lease arrangement can be determined.

Brian Braithwaite recognized City staff and volunteers for their work on the Highland Fling. The other Councilmembers concurred. John Park indicated he would pass that on to staff.

COMMUNICATION ITEMS

Finance Report – End of Fiscal Year 2010 (Agenda Item 13)

Lynn Ruff outlined the financial status of the City for the end of Fiscal Year 2010. At the close of the fiscal year the City had \$150,000 surplus. He noted the Open Space fund has a positive balance where in past years it has been running a deficit. This is due to bringing the parks maintenance in house. Closing out the last fiscal year there was \$58,000 above estimated revenue; and \$134,000 below estimated expenses.

Town Center Overlay Ordinance Update (Agenda Item 14)

John Park distributed updated amendments proposed for the Town Center Overlay. He stated electronic copies can be emailed if desired. The following changes have been made:

1. Incorporated a more positive tone.
2. Outlined procedures and put them in one place, uniformity in the “shalls” and the “mays”.
3. Section regarding Conditional Use was updated and some of these conditions were put in the required section.
4. Added lighting standards for clarity
5. Added suggestions the City Council made over the last several meetings.

The City Council was provided with a redline copy and clean version. John Park noted the redline copy may be difficult to follow but comments were made to explain the changes. He welcomed the City Council’s input. He believes this proposed ordinance reads much better and makes for a better ordinance.

Mayor Ritchie agreed that moving some of the sections made it a lot more understandable. John Park stated because there were no substantive changes it was not his intent to take it back to the Planning Commission unless the City Council desires to do that. No one commented. Mr. Park indicated it would be on the next City Council agenda for approval.

ADJOURNMENT

Scott Smith moved to adjourn. Kathryn Schramm seconded. The meeting adjourned at 9:35 p.m.

Gina Peterson, City Recorder

Date Approved: September 7, 2010