HIGHLAND CITY COUNCIL AGENDA  
Tuesday, March 19, 2019  
*Amended March 18, 2019 

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

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS) 
Call to Order – Mayor Rod Mann
Invocation – Council Member Brian Braithwaite
Pledge of Allegiance – Council Member Kurt Ostler

1. UNSCHEDULED PUBLIC APPEARANCES 
Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

2. PRESENTATIONS 
a. CINDY QUICK, MMC DESIGNATION – UMCA BOARD

3. CONSENT ITEMS 
Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

   a. ACTION: Approval of Meeting Minutes 
      Regular City Council Meeting February 19, 2019

   b. ACTION: APPROVAL OF A ONE-LOT SUBDIVISION 
      City Council will consider a request from Cole Peck for a 1-lot subdivision located approximately at 6992 W 9600 N. The Council will take appropriate action.

4. PUBLIC HEARING/ACTION: CONDITIONAL USE PERMIT FOR SALT STORAGE BUILDING 
City Council should conduct a public hearing and determine whether or not to approve a conditional use permit for a Salt Storage Building located at approximately SR-92 and North Park Drive. The Council will take appropriate action.

5. *PUBLIC HEARING/ACTION: TEMPORARY USE PERMIT FOR AN AQUA PARK 
City Council should conduct a public hearing and determine whether or not to approve a request by Elevate Aqua Park for a temporary use permit of 1.5 acres for an aqua park located at Highland Glen Park located at 4800 Knight Avenue, Highland, UT. The Council will take appropriate action.
6. **ACTION: MUNICIPAL CODE AMENDMENT - SHORT TERM RENTALS**
City Council will consider an amendment to the Highland City Code enacting regulations for short term rentals. The Council will take appropriate action.

7. **PUBLIC HEARING/RESOLUTION: ADOPTION OF A MUNICIPAL TRANSIENT ROOM TAX**
City Council should conduct a public hearing and consider adopting a 1% municipal transient room tax for short term rentals. The Council will take appropriate action.

8. **ACTION: JUSTICE CENTER SECURITY**
City Council will consider security upgrades for the front lobby of the Highland Justice Center. The Council will take appropriate action.

9. **MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS**
   - Review of the FY 2019/2020 Budget Calendar – Gary LeCheminant, Finance Director
   - *Results of the 2019 Resident Survey – Erin Wells, Assistant City Administrator

10. **FUTURE MEETINGS**
    a. **Future Meetings**
    - March 26, Planning Commission Meeting, 7:00 pm, City Hall
    - April 2, City Council Meeting, 7:00 pm, City Hall

**ADJOURNMENT**

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

**ELECTRONIC PARTICIPATION**
Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

**CERTIFICATE OF POSTING**
I Cindy Quick, the duly appointed City Recorder certify that the foregoing agenda was posted in three public places within Highland City limits. The agenda was also posted at the principal office of the public body, on the Utah State website (http://pnn.utah.gov) and on Highland City’s website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the City Council, staff and the public.

*Posted and dated this 18th day of March, 2019

Cindy Quick, MMC
City Recorder
HIGHLAND CITY COUNCIL AGENDA
Tuesday, February 19, 2019
Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, Police Chief Brian Gwilliam and City Recorder Cindy Quick


7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann
Invocation – Council Member Brian Braithwaite
Pledge of Allegiance – Council Member Kurt Ostler

The meeting was called to order by Mayor Rod Mann as a regular session at 7:00 p.m. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Shauna Larsen and those assembled were led in the Pledge of Allegiance by Council Member Kurt Ostler.

1. UNSCHEDULED PUBLIC APPEARANCES

Two actors in period costumes announced the upcoming performance for The Importance of Being Earnest. They would be performing February 28, March 1, 2, and 4. They thanked the Council for the opportunity to work with the Highland Arts Council and were thankful to be able to use the Community Center. Visit highlandcityarts.org to purchase tickets.

Jason Allege, a Provo resident, explained that he was interested in moving to Highland. The lot he was contemplating purchasing included some vacant property next to it. He wanted to purchase the home and subdivide the lot so that he could sell it to a friend who also wanted a new home. He spoke with the Planning Department and was told that the second lot did not have enough frontage to be able to be utilized
as an additional lot. He asked if there was anything that could be done to allow him to subdivide the property. The lots would each be half an acre.

Planner Tara Tannahill said that the subdivision had already met their density allotment, and the frontage was too short for a second lot.

Council Member Brian Braithwaite said that it would be difficult for him to consider making an exception for Mr. Alleger, unless there was something unique about his situation. The Council would be unable to treat him differently than other Highland citizens.

2. PRESENTATIONS
   a. **USDC PROPERTY DEVELOPMENT UPDATE** – *Spencer Moffat, Boyer Company*

   Spencer Moffat, with the Boyer Company, provided a brief update regarding the USDC property. They held an open house and received feedback from the public regarding the project. They took that feedback and made a few adjustments to the concept plan to address some of the concerns. The main concerns included traffic, the connector road west of the project site, the multifamily/flex space and density, and the future church and school sites.

   Mr. Moffat said that they had eliminated a few access points from Cedar Hills Boulevard and created an arterial road that ties into the high school parking lot. The purpose of the road was to direct traffic down one road from the high school rather than having the traffic disseminate through the whole project. They also removed all driveways off of that road so that residents do not have to back into traffic. They added a landscape buffer between the high school and the project on Cedar Hills Boulevard.

   Mr. Moffat reported that they were looking for alternative housing options to replace the apartments, and they were leaning toward more townhomes. This would cut the proposed density in half.

   Council Member Kurt Ostler asked about the type of commercial development they would be bringing in, and Mr. Moffat said that it would be professional office, medical office, dining, and small retail pods. They would not be bringing in any big box retail.

   Council Member Scott L. Smith initiated a discussion regarding the intentions for another LDS church building in the area. Mr. Moffat said that they could accommodate a church site if necessary.

   Mr. Moffat then pointed out the senior housing, open space areas, and the City park on the concept plan.

3. CONSENT ITEMS
   Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

   a. **ACTION: Approval of Meeting Minutes**

   Regular City Council Meeting January 22, and February 5, 2019

   *Council Member Ed Dennis MOVED to approve the minutes, as amended. Council Member Scott L. Smith SECONDED the motion.*

   The vote was recorded as follows:

   *Council Member Brian Braithwaite  Yes*
4. PUBLIC HEARING/RESOLUTION: DESIGNATION OF OPEN SPACE PROPERTY FOR DISPOSAL AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS IN THE CANTERBURY NORTH SUBDIVISION

Planner & GIS Analyst Tara Tannahill presented the staff report regarding the request for the disposal and removal of the neighborhood option trail in the Canterbury North subdivision. The petitioners have offered to pay 25% of the Utah County assessed value of the property, which was $3.21 per square foot, and they were not requesting City financing. She showed an aerial map of the subdivision and outlined the portion of the trail that was part of the request. She explained that the main pressurized irrigation line that connects the sprinklers in the park run along this section of the trail. If the trail were to be sold, the line would need to be moved to connect into the main line in Canterbury Place, and the estimated cost was $15,000. The petitioners met the petition and noticing requirements and staff received five emails in opposition to the petition.

The Council briefly discussed the removal of the sprinkler line, and City Engineer Todd Trane confirmed that the line could also be abandoned.

Mayor Mann opened the public hearing at 7:28 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Scott Hansen, a resident, said that he was not on the application. He would like to have more privacy and more property, but he had some questions and concerns that were never resolved. When he was approached about signing the petition, he decided not to sign because he valued open space. Removing the open space, after making efforts to put it in, seemed like the City was changing the rules. He also wanted more information on costs, logistics, implementation, and the timeline. He felt that removing only half of the trail was questionable, and it might set precedent for the rest of the trail in the subdivision. Mr. Hansen was not convinced that this would resolve the issues of trail maintenance.

Mayor Mann asked if there was a timeframe for individuals to purchase the land if the Council approved the disposal. City Administrator Nathan Crane said that the timeframe was up to the residents, but there would not be anything included in the approval. He confirmed that Mr. Hansen could be part of the land purchase if the disposal was approved.

Brent Wallace, a resident, said that he was in favor of open space and trails. He and his family use the trails and park, and he liked being able to travel the neighborhood without using any roadways. This was a major trail to the park, and removing it would affect more than just the Canterbury North subdivision. He was concerned that the City would be setting precedent for other residents who wanted trails removed.

Council Member Ed Dennis explained that only a few trails had the option to be removed. This would not set precedence. He commented that the trails looked scruffy, and he felt tired of it. The City cannot maintain all of the trails, even though they would like to. He felt the condition of the trails was always the
main driver for applications. Council Member Ed Dennis chaired the Open Space Committee and the issue had been a major topic of discussion for years. He believed a land grab was the least of their concerns.

Council Member Kurt Ostler agreed that most of the trails were an issue.

Mr. Wallace suggested that the City allow the neighbors to take care of the trails. They should not rely on the government to do that. Council Member Ed Dennis said that they had entered into maintenance agreements with residents so that they could maintain property, but it was not received well. The City had many issues with encroachment. There was no simple solution to the problem of maintenance.

Council Member Scott L. Smith reminded the group that the residents were paying an extra monthly fee for parks and trails, unfortunately, it was not enough money to maintain everything. They had worked hard to come up with other options, but there was no perfect solution. Mr. Wallace asked if these residents would get out of paying the fee if they purchased the property, and the Council answered negatively. Council Member Scott L. Smith said that the idea of asking the residents to maintain the trail without owning the property would not go over very well.

Mr. Wallace argued that crime was no higher on open trails than any other place in the City. He wanted the trails to remain.

Jenny Roos, a resident, spoke in favor of the trails. She felt safe having her children use the trail system to get to their friend’s homes.

Jeff Martin, a resident, had sent a detailed email to the Council but he wanted to highlight a few points from it. He said that the petition was in no way a land grab. The issue of safety should not be disregarded. There had been several instances where people walk from the trail through his yard to his home. The trails were poorly maintained, and he found that if he does not maintain the trail behind his home, it becomes a problem for his property. He spoke about the process of obtaining signatures from the neighbors. Mr. Martin then referred to an article from October 2012 entitled “Highland Open Space Encounters Problems.” This was not a new issue for the City or the residents, but he was not sure that the proposal would solve the problem entirely. He briefly spoke about fencing along the trail creating dark alleyways, which he believed would invite more crime.

Anthony Stephens, a resident, said he had not seen residents maintaining the trail. He has had to pick up trash and dog feces on the trail next to his property. He also was concerned about security. He felt that the short fences did not provide a lot of peace of mind, and his back yard felt open to anyone who passes by. There may not be many instances reported to the police, but theft and break-ins had taken place.

Council Member Kurt Ostler asked how tall his fence was, and Mr. Stephens responded that it was three feet high. He understood that the fence could be taller, but if the fences were all six feet, no one would feel safe along the trail.

Katie Spens, a resident, spoke of her concerns about safety. There were times when her neighbors would ask her to watch for people coming into their back yards. The trail itself was full of pot holes and big tree roots, but the City had not put forth a plan for trail maintenance. It would not be a disservice to get rid of the open space. It would look better if the residents were maintaining it.

Tamarie Stoker, a resident, was also concerned with safety and suggested that the fencing ordinance should be amended to allow for privacy fencing.
Richard Miller, a resident, said that most of the adjacent residents had expressed an interest in purchasing the property. When the petition came around, he signed it without looking into any of the details. He assumed that people wanted to purchase the property up to the trail, not the trail itself. He agreed that the City should allow taller fencing for privacy. He had been running on this trail for years and did not want to change his daily route. He suggested a neighborhood watch group to help with safety.

Jason Flint, a resident, said that he did not sign the petition because there were a lot of unanswered questions. He would prefer a solution that fixed the trail problem citywide. The trail system was definitely used by residents, and it was a safe way for children to get to school, church, or the park. He did not think they should dispose of the trail. He wondered if there would be requirements for landscaping, or if there would be a bond posted from the City to purchase land and move the sprinkler line. He also worried about orphaned spaces if some residents chose not to purchase the property.

Ryan Barker, one of the petitioners, reminded everyone that the Council allows residents to remove certain trails per City code. He and the other petitioners had followed the outlined process and procedures to make that happen. Mr. Barker spoke of some instances of theft along the trail. He asked the Council to approve their proposal.

Merrill Frost, a resident, felt extremely safe with his kids in the backyard. He had never seen or heard of any safety concerns. This seemed like an “all or nothing” petition, and he felt some pressure from the neighbors to sign it. If he did not have access to the trail any longer, he planned to put up fencing and maintain the property that he was already maintaining.

Calvin Miller, a resident and police officer, said that there were safety concerns on the trail. There were a lot of people using the trail that were not from Highland, he had even spoken to some of the people that looked like they were looking for things to take in neighbors’ back yards. Not everyone files a police report when there is an incident.

Jenny Hansen, a resident, said that she had not experienced any issues with crime in the 14 years she’s lived in the neighborhood. She felt this was a very safe area.

Marilee Barker, a resident, said that her concern was for privacy. She had nice neighbors, but it was like living in a fishbowl. She felt like she and her children could not enjoy their own backyard. She spoke of several instances where people have entered their backyard, garage and basement. She did not mind the idea of having a larger backyard and being able to maintain it.

Candice Miller, a resident, spoke about garbage, drugs, pedophiles, and other undesirables on the trail. Unless the City could fund more police officers to continually watch the trail, they should allow the residents to purchase the property and maintain it themselves.

Michael Bronson, a resident, said that he had been using the trail for almost eight years. It seemed like the City had a good idea with the trail system, and it was a shame to get rid of it because of maintenance issues. He was concerned that this would begin a trickle effect that would cause other residents to want to purchase trail property. If the trails were unsafe, then the City should consider getting rid of all of them.

Julie Stephens, a resident, noted a greater potential for more non-residents on the trail with the new beach going in at the reservoir.

Neal Evans said that he wasn’t a resident of the Canterbury subdivision, but he was concerned about the cost of abandoning the sprinkler line. He asked if the City could keep the easement and the sprinkler line.
City Engineer Todd Trane explained that they did not want to keep a water line there because it would be difficult to access once private homeowners owned the property. The owners would want to install fences, which could go right through the sprinkler line. It would be easier for the City to move the line before the fences go up.

Brandon Long, a resident in a different area, said that he wanted to purchase City property behind his home, and he asked about the process. Council Member Ed Dennis invited Mr. Long to speak with staff after the meeting.

Mayor Mann closed the public hearing at 8:41 PM.

Council Member Ed Dennis explained that only a few trails in the City were designated as neighborhood option trails, and most of those were trails behind homes. The Open Space Committee had been dealing with the issue for years, and had looked at a number of potential solutions.

There was a discussion regarding the other neighborhood option trails that had been removed, and whether those were asphalted or not.

Council Member Ed Dennis noted that the residents may consider trails to be a safe route to school, but the State of Utah did not. Safe routes were always on sidewalks along roadways, because there could be a lot of eyes on the children from the road. He thought that the residents’ concerns about safety were valid. He touched on the City’s funding obstacles.

Council Member Scott L. Smith said that the Open Space Committee was established when he was on the City Council in 2010. The idea of open space was wonderful, and it’s one of the things that brings people to Highland. The residents of Highland were very financially conservative, so they try to keep taxes down. They also do not want commercial development, which brings revenue to the City. The City has been working hard to eliminate debt. They just do not have the money necessary to maintain trails as they intended. He was in favor of eliminating the trails and having more funds to maintain the parks.

Mayor Mann noted that the County would be implementing a quarter cent tax that could be used for roads, trails, curbs, and sidewalks. A portion of that money would be coming to the City.

Council Member Brian Braithwaite thanked the residents for participating in the discussion and for voicing their concerns or support. He had heard the argument that the trails were unsafe, so he had asked Police Chief Brian Gwilliams to study the issue. The study showed no evidence that the trails have higher crime activity than any other place in the City. Trails are safe because they are through neighborhoods where there are plenty of neighbors watching. Council Member Braithwaite also addressed the weed problem on the trails. When the trails were proposed, they were told that there would be natural vegetation. When water comes in contact with these natural vegetation areas, weeds grow. The City did not allocate funds to maintain trails that they thought would maintain themselves because of natural vegetation. He admitted that this was a mistake on the City’s part. He was concerned about removing a trail that already had asphalt on it. The other neighborhood option trails that had been removed had not been paved.

Council Member Ed Dennis commented that the paved trail on the property north of the Robinsons was approved to be removed, but the residents didn’t pursue it.

Council Member Brian Braithwaite wanted to address the issue of fencing around the trails. City Administrator Nathan Crane said that the code allows for fences up to six-feet, but the top two feet have open fencing. He clarified that this requirement was just for the properties along this trail. Other trails had different requirements. Council Member Braithwaite suggested reconsidering the fencing requirement, but
he commented that fencing would not resolve all of the safety and privacy concerns. He noted that he had proposed a moratorium on this kind of request a month ago, but it was denied. He wanted the Council to have more time to figure out a good solution to these problems. One of his concerns was that some of the property might not be purchased by residents, and the City would be left with small sections of property that they could not access to maintain. It seemed that not all of the residents were aligned with the petition they signed. He thought it was disingenuous for the City to create policies and then change their mind. They needed to be consistent.

Council Member Tim Irwin recommended that the Council focus on maintenance of the asphalt and address the fencing concerns.

Council Member Kurt Ostler reported that he had visited with many people in the neighborhood, and he found that this issue had really divided the neighbors. He was concerned that removing the trail would hurt the overall trail system. He did agree that maintenance had been an issue. He felt the quarter cent sales tax from the County should be used for roads rather than trails.

Council Member Scott L. Smith said it was disconcerting to hear that there was never an expectation to maintain the trails. Residents pay an extra fee for this purpose, and that money should be going to maintaining the trails and open space as intended. There had to be a better solution than getting rid of trails that were being utilized. If the City could not find a way to maintain the trails, the residents should be allowed to purchase the properties.

Council Member Tim Irwin MOVED the Question.
Council Member Ed Dennis SECONDED the motion.

Council Member Kurt Ostler MOVED to deny the application to remove the trail.
Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  No
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  No

The motion passed 3:2.

Council Member Brian Braithwaite suggested that the Council schedule a time to discuss the fencing and identify an additional revenue stream. Mayor Mann agreed. Council Member Scott L. Smith believed that the fencing issue had been discussed enough by the Council and the Open Space Committee; that avenue had been thoroughly vetted already. He suggested allowing the residents to give input. Council Member Ed Dennis was concerned that this would end up being an educational discussion for the residents about why they are not allowed to have a fence. It would not create a solution. They had already been told that there is no funding for maintenance. There needs to be a workable solution.

5. PUBLIC HEARING/ACTION: CONDITIONAL USE PERMIT FOR PARK MAINTENANCE BUILDING

Council Member Tim Irwin MOVED to approve the conditional use permit for a Park Maintenance Building located at 5600 West 10400 North.
Council Member Ed Dennis Smith SECONDED the motion.

City Administrator Nathan Crane oriented the City Council regarding the request for a conditional use permit for a Park Maintenance Building located at approximately 5600 West 10400 North as part of the Mountain Ridge Park design. The Planning Commission heard the request and recommended approval. He noted that the park maintenance equipment was currently being stored at two homes in Pheasant Hollow, but the City would lose that option before next winter and they needed another location as soon as possible. They needed the building shell and site improvements done by November 1, 2019, and it would take 180 days for construction and 60 days for construction plans. Staff urged the Council to make a decision on the request. Several different locations had been proposed for the building, but the City had experienced opposition from the residents at each location. He showed a building site plan and clarified that the overhead doors would be facing east, away from the residential homes.

Council Member Scott L. Smith commented that a park maintenance building was desperately needed, and the location seemed to make a lot of sense. He appreciated that staff designed the building to face away from the residences to reduce noise.

Council Member Ed Dennis suggested putting some trees along the west side of the site as a buffer, and City Engineer Todd Trane said that the developer had requested the same thing.

Mayor Mann opened the public hearing at 9:41 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Hilary Gardiner, a resident, asked why the Town Center location had been withdrawn from consideration. She felt bad for the residents with premium lots that would have a building right behind their homes if this was approved.

Mayor Mann explained that they had been looking for a location for the building for five years. The Town Center location was withdrawn because the residents did not like the location. They had experienced such opposition at every proposed location.

Jennifer Knowles, a resident, asked if they had considered using property by the old Highland City building.

Council Member Brian Braithwaite thought that was a great suggestion, and he was going to make that suggestion after the public hearing.

Ms. Knowles felt that the City was moving really quickly on this, particularly since the plans for the Mountain Ridge Park had not been determined yet. She wanted more community input on the decision and the entire park overall.

Sherry Kramer, a resident, was also concerned that the proposal was being considered when the rest of the park had not been solidified yet. She stated that a maintenance building in American Fork had been approved next to a cemetery and the neighbors came out in force against it. This was prime park property and she felt it should be used for other things.

John Spens, a resident, requested that the City install a wider sidewalk from Mountain Ridge Park all the way to the west to make the corridor safer. He thanked Council Member Kurt Ostler for speaking with him and doing his due diligence in researching the issue.
Tyler Sorensen, a resident, asked what types of things would be stored in the building and if there would be lighting on at night.

City Engineer Todd Trane said that the park maintenance hours would be from 7:00 a.m. to 5:00 p.m., and the building would be used to store lawn care equipment. There would be lighting on the east side of the building, but not the west. The back area would be locked and gated, and any outdoor storage would be limited to things like mulch or rocks. Snow removal equipment would remain at the building they were at now. The site made the most sense for staff, and they were trying to mitigate nuisances as much as possible.

Mayor Mann closed the public hearing at 9:53 PM.

Council Member Scott L. Smith MOVED the Question.
Council Member Ed Dennis SECONDED the motion.

Council Member Brian Braithwaite wanted to continue the discussion, but Council Member Scott L. Smith argued that they had been discussing this for five years. They had already explored all other locations.

Council Member Scott L. Smith MOVED the Question.
Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  No
Council Member Ed Dennis         Yes
Council Member Tim Irwin          Yes
Council Member Kurt Ostler        No
Council Member Scott L. Smith     Yes

The motion failed.

City Attorney Tim Merrill explained Move the Question required a 2/3 vote to pass, although the Council hadn’t adopted technical rules on this. Mayor Mann opted to have the motion fail and allowed for further discussion.

Council Member Brian Braithwaite commented that Highland did not have a lot of park land left, and it would be better if the property was used for another ball field or some other recreational use. He felt that putting the building behind the community center would be a better option. That land would never be used as a park. City Engineer Todd Trane explained that the location he proposed was not ideal because of the configuration of the site and access. Trucks would need to back out onto 10400 North, and UDOT would not grant access to SR-94. The Arts Council also used the property for parking during events. He showed the concept plan staff had created several years ago for that location. There was some discussion regarding parking, bathrooms, and access.

City Engineer Todd Trane said there were ten concept plans made and presented, and residents had issues with every single one. He asked for a decision that evening because by November they would have nowhere to put their equipment. Staff preferred the Mountain Ridge Park location.

Council Member Tim Irwin MOVED to approve the conditional use permit for a Park Maintenance Building located at 5600 West 10400 North.
Council Member Ed Dennis Smith SECONDED the motion.
The vote was recorded as follows:
Council Member Brian Braithwaite  No
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  No
Council Member Scott L. Smith  Yes

The motion passed 3:2.

6. ACTION: JUSTICE CENTER SECURITY
Lone Peak Police Chief Brian Gwilliam explained the proposed security upgrades for the front lobby of the Highland Justice Center. When the building was first constructed, they decided not to upgrade security to cut costs. There had been some recent incidences that made it necessary for ballistic panels and glass to be installed. They were concerned about the safety of the staff. The cost estimate was $50,000, including labor and equipment.

Council Member Kurt Ostler asked how this would be funded, and City Administrator Nathan Crane said it would come from the City rather than the Lone Peak Safety District. The building was owned by the City, and the District was renting.

There was some discussion regarding the possibility of Alpine providing some of the funds, because they were also part of the Lone Peak Public Safety District. Staff agreed to speak with Alpine City about the proposal.

Council Member Kurt Ostler MOVED to approve the security upgrades for the Highland City Justice Center lobby for a price not to exceed $98,979.
Council Member Tim Irwin SECONDED the motion.

Council Member Ed Dennis asked to AMEND the Motion that they reach out to Alpine and ask them to cover a percentage of the cost in lieu of a rent increase.
Council Member Scott L. Smith SECONDED the amended motion

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith  Yes

The motion passed.

Council Member Kurt Ostler MOVED to approve the security upgrades for the Highland City Justice Center lobby for a price not to exceed $98,979 and reach out to Alpine and ask them to cover a percentage of the cost in lieu of a rent increase.
Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis  Yes
Council Member Tim Irwin  Yes
Council Member Kurt Ostler  Yes
Council Member Scott L. Smith   Yes

The motion passed.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
   a. INDIRECT CHARGES FOR THE LIBRARY
   Finance Director Gary LeCheminant explained the indirect charges for the Library. The current methodology was to charge the library for a percentage of phones, janitorial work, utilities, and insurance. Other entities, such as the Open Space and Enterprise Funds, used an alternate allocation method. In that method, they total all the non-payroll/benefit expenses from the Council, Administration, Finance, Audit, Treasurer, Engineer, Planning, Attorney, and Recorder, and then multiply the total by 40%. Then they total all of the budgeted expenses from the library, cemetery, open space, culinary, sewer, storm water, and pressurized irrigation. They calculate the percent of each fund’s expenses to the total expenses of all funds, then multiply the that percentage by the total amount of budget expenses to be allocated. He asked if the Council wanted to change the allocation methodology for the library to the second method.

   Council Member Ed Dennis wanted to be consistent in their allocation methodology, and he believed that the second method would bring the library and cemetery in line with the rest of the funds. The other Council Members agreed. After some discussion, the Council agreed to implement the change in methodology on July 1st. Until that time, they would continue with the cross charges and reimbursements.

8. FUTURE MEETINGS
   a. Future Meetings
      • February 26, Planning Commission Meeting, 7:00 pm, City Hall
      • March 5, City Council Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Ed Dennis SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 10:35 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 19, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
STAFF RECOMMENDATION:
The City Council should hold a public meeting and recommend approval subject to the three recommendations by Planning Commission.

BACKGROUND:
The property is approximately 2.99 acres and located east of 6992 W 9600 N. The applicant is creating a 1-lot subdivision for the purpose of being able to construct a single family residential home on the property.

The property is designated as Low Density Residential on the General Plan Land Use Map. The zoning is R-1-40. The R-1-40 District allows for one home per 40,000 square feet of land within the development. The minimum lot width is 130 feet.

Subdivision review is an administrative process.

SUMMARY OF THE REQUEST:
1. The applicant is requesting approval of a 1-lot subdivision for the purpose of being able to construct a single family residential home on the property. The lot size is 130,244 square feet.
2. Access to the site will be from 9600 North.

CITIZEN PARTICIPATION:
Notice of the February 14, 2019 Development Review Committee meeting was mailed to all property owners within 500 feet of the proposed site on February 6, 2019. No residents attended the meeting and no written correspondence has been received.

Notice of the Planning Commission meeting was published in the Daily Herald on February 10, 2019 and posted on the state website February 7, 2019. Notification of the public hearing associated with this meeting was mailed to all property owners within 500 feet of the proposed site on February 11, 2019. No notification was required for City
Council.

ANALYSIS:
- The General Plan designation for this property is Low Density Residential. The surrounding properties are zoned R-1-40. The proposed subdivision is in conformance with the General Plan and compatible with the surrounding uses.
- Access to the site will be from 9600 North.
- The standard ten (10) feet public utility easements have been included on the plat.
- Proposal meets all criteria for a 1-lot subdivision within the R-1-40 zone.

CONCLUSION:
With the proposed stipulations, the proposed Preliminary/Final Plat appears to meet the required findings for approval.

PLANNING COMMISSION ACTION:
The Planning Commission held a public hearing on February 26, 2019. The Commission voted 7-0 to recommend approval of the preliminary and final plat approval subject to the following stipulations.

1. The recorded plat conforms to the final plat received February 6, 2019 except as modified by these stipulations.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

RECOMMENDATION AND PROPOSED MOTION:
The City Council should hold a public meeting, accept the findings, and APPROVE the preliminary and final plat subject to the three stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:
I move that the City Council DENY the request based on the following findings:
(The Council will need to draft appropriate findings.)

FISCAL IMPACT:
This action will not have a financial impact on this fiscal year’s budget expenditure.

ATTACHMENTS:
1. Vicinity Map
2. Proposed Plat
DATE: March 12, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Tara Tannahill
           Planner & GIS Analyst
SUBJECT: PUBLIC HEARING/ACTION – Highland City is requesting a conditional use permit of 2.46 acres of property located approximately at SR-92 and North Park Drive. Administrative

STAFF RECOMMENDATION:
The City Council should hold a public hearing and recommend approval of the conditional use permit subject to the seven stipulations recommended by Planning Commission.

BACKGROUND:
The property is 2.46 acres in size and is owned by Highland City.

The site is designated as Low Density Residential on the General Plan Land Use Map. The site is zoned R-1-40 (Residential Zone). Public buildings and grounds are permitted in the R-1-40 District subject to a conditional use permit.

One of the requirements of the Environmental Protection Agency (EPA) requires that all salt storage be contained and covered to prevent ground water discharge during storms. The EPA has been active in auditing this requirement on surrounding cities.

The City has been audited by the Utah State Department of Environmental Quality in 2017. One of the requirements was to enclose the existing salt storage facility. Due to its size and location the existing facility cannot be enclosed and a new facility needs to be constructed.

The property is currently being used as a bus stop for the View Point subdivision. The property is also being used for loading and unloading of materials related to the operation of the Public Works. Park maintenance seasonal employees also use the area for parking.

A conditional use permit for this facility at this location was approved by the City Council on September 15, 2015. The approval is only valid for one year after its issuance and has since expired. All stipulations from the City Council approval have been included in the recommendation.
Conditional Use Permit requests are an administrative process.

**Bus Stop Use Analysis:**
Staff observed school bus activities on March 5, 2019, March 7, 2019 and March 12, 2019 and found the following:

**March 5, 2019**

<table>
<thead>
<tr>
<th>Time / Grade:</th>
<th>Number of Children:</th>
<th>Number of Cars:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:11 AM (High School)</td>
<td>2</td>
<td>Not Counted</td>
</tr>
<tr>
<td>7:20 AM (Elementary School)</td>
<td>13</td>
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</tr>
<tr>
<td>7:45 AM (Middle School)</td>
<td>28</td>
<td>Not Counted</td>
</tr>
<tr>
<td>8:50 AM (Elementary School)</td>
<td>25</td>
<td>Not Counted</td>
</tr>
<tr>
<td>Pick Up 12:20 PM (Elementary School)</td>
<td>5</td>
<td>2 – Same car as drop off</td>
</tr>
<tr>
<td>Drop Off 12:20 PM (Elementary School)</td>
<td>4</td>
<td>2 – Same car as pick up</td>
</tr>
<tr>
<td>2:26 PM (High School)</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>2:42 PM (Elementary School)</td>
<td>28</td>
<td>6</td>
</tr>
<tr>
<td>3:05 PM (Middle School)</td>
<td>23</td>
<td>2</td>
</tr>
<tr>
<td>3:47 PM (Elementary School)</td>
<td>31</td>
<td>8</td>
</tr>
</tbody>
</table>

**March 7, 2019**

<table>
<thead>
<tr>
<th>Time / Grade:</th>
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<th>Number of Cars:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:11 AM (High School)</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>7:20 AM (Elementary School)</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>7:45 AM (Middle School)</td>
<td>25</td>
<td>9 (2 Parked / 7 Drop off)</td>
</tr>
<tr>
<td>8:50 AM (Elementary School)</td>
<td>23</td>
<td>10 (4 Parked / 6 Drop off)</td>
</tr>
<tr>
<td>Pick Up 12:20 PM (Elementary School)</td>
<td>5</td>
<td>2 – Same car as drop off</td>
</tr>
<tr>
<td>Drop Off 12:20 PM (Elementary School)</td>
<td>4</td>
<td>2 – Same car as pick up</td>
</tr>
<tr>
<td>2:26 PM (High School)</td>
<td>Not Counted</td>
<td>Not Counted</td>
</tr>
<tr>
<td>2:42 PM (Elementary School)</td>
<td>Not Counted</td>
<td>Not Counted</td>
</tr>
<tr>
<td>3:05 PM (Middle School)</td>
<td>24</td>
<td>2</td>
</tr>
<tr>
<td>3:47 PM (Elementary School)</td>
<td>27</td>
<td>8</td>
</tr>
</tbody>
</table>

**March 12, 2019**

Staff was unable to gather data on March 7, 2019 for the 2:26 PM and 2:42 PM bus times.

<table>
<thead>
<tr>
<th>Time / Grade:</th>
<th>Number of Children:</th>
<th>Number of Cars:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:26 PM (High School)</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>2:42 PM (Elementary School)</td>
<td>25</td>
<td>7</td>
</tr>
</tbody>
</table>

**SUMMARY OF THE REQUEST:**
1. The Highland City Council is requesting a conditional use permit to develop a salt storage building located at SR-92 and North Park Drive.
2. The facility will have a 1,600 square foot covered salt storage building with a 4,800 square foot concrete retention pad. The facility will be used to store salt for use during the winter. The facility has been zoned to meet current and future needs.

3. The facility is enclosed on three sides with a cover. The fourth side will have metal gate that will be locked. Salt will be delivered to the site and placed on the concrete pad. It will then be pushed with a front end loader into the storage facility. When needed a front end loader will be used to remove the salt and load it into the plow trucks.

4. Hours of operation will be dependent on weather. There will be no staff stationed at the site. It is estimated that there will be 12 deliveries per year based on an average winter. However, this may vary depending on the number of storms during the winter.

5. Access to the site is provided from Park Drive.

6. The proposed building is a maximum 18 feet in height.

7. The site included over 35% of existing natural vegetation. The road improvements adjacent to SR-92 will be constructed in conjunction with the road widening project in the future.

CITIZEN PARTICIPATION:
Notice of the Planning Commission meeting was published in the Daily Herald on February 10, 2019 and posted on the state website February 7, 2019. Notification of the public hearing associated with this meeting was mailed to all property owners within 500 feet of the proposed site on February 12, 2019.

Notice of the City Council meeting was published in the Daily Herald on March 3, 2019 and posted on the state website February 28, 2019. Notification of the public hearing associated with this meeting was mailed to all property owners within 500 feet of the proposed site and all property owners in the viewpoint subdivision on March 4, 2019. One written correspondence in favor and three not in favor have been in received.

REQUIRED FINDINGS:
The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff’s analysis.

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
The surrounding property is zoned R-1-40. The property to the north and west is an active gravel pit. The property to the east is the existing public works facility. The property to the south is the debris basin. There are no existing homes adjacent to the property. The proposed use is compatible with the existing land uses. Currently the site is being used for salt deliveries and no impact has been reported. Staff believes the improvements will improve the safety of the site.

2. **The use complies with all applicable regulations in the Development Code.**

The building is setback in excess of 30 feet from both streets. The site meets the minimum 35% landscaping. There will be no lighting. There will be a two-foot berm on the west side of the site that will protect the American Fork River from potential runoff. The proposed building will meet all requirements of the Development Code.

3. **Conditions are imposed to mitigate any detrimental effects.**

The Council should include any stipulations which are deemed necessary to mitigate any potential impacts.

**CONCLUSION:**

With the recommended stipulations, the proposed use appears to meet the required findings.

**PLANNING COMMISSION ACTION:**

The Planning Commission held a public hearing on February 26, 2019. The Commission heard from residents who were concerned about the danger this would impose on their children that utilize the area for a bus stop location. Staff responded that the proposed site plan will increase safety based on existing operations. The Commission voted 7-0 to recommend approval of the conditional use permit subject to the following stipulations.

1. Development of the site shall conform to the site plan dates stamped February 21, 2019 except as modified by these stipulations.
2. The building shall be enclosed.
3. No deliveries shall be scheduled during normal school bus pickup and drop off times.
4. To the fullest extent possible, the salt building shall not be used during normal school bus pickup and drop off hours.
5. Xeriscape or xeriscape landscaping should be included and standards should be equivalent to what is expected of other developers and possibly include east/west fencing.
6. Approval will be contingent on whether or not access from SR-92 is permitted. If access from SR-92 is not permitted, the new design should be reviewed by the planning commission.
7. The possibility of lighting and security cameras should be considered and are highly
Commissioner Kemp stressed the point that the first priority with the design and use of the facility had to be the children. He said the kids' safety had to come first.

**RECOMMEND AND PROPOSED MOTION:**
The City Council should hold a public meeting, accept the findings, and APPROVE the Conditional Use Permit subject to the seven stipulations recommended by the Planning Commission.

I move that the City Council accept the findings and recommend approval of the Conditional Use Permit and Site Plan Approval subject to the seven stipulations recommended by the Planning Commission.

**ALTERNATIVE MOTION:**
I move that the City Council **DENY** the request based on the following findings:
(The Council will need to draft appropriate findings.)

**FISCAL IMPACT:**
As shown, the salt storage facility will cost approximately $100,000.

**ATTACHMENTS:**
1. Vicinity Map
2. 2015 Site Plan
3. 2019 Site Plan
4. Resident Emails
This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.
NOTES:
1. GRADE SITE AROUND CONSTRUCTED BUILDING AND CONCRETE PAD AS NECESSARY TO MATCH EXISTING 3:1 MAX SLOPE.

CONSTRUCT 3'-HIGH EARTH BERM ALONG EDGE OF DROP-OFF, 3:1 MAX SLOPE.

SALT STORAGE BUILDING SEE STRUCTURAL SHEETS
REMOVE SECTIONS OF EXISTING FENCE AS NECESSARY

PROPOSED GRAVEL DRIVE

PRESERVE AND PROTECT EXISTING FENCE.

HIGHLAND CITY PROPERTY BOUNDARY

S.R. 92

PARK DRIVE

PARK DRIVE ROADSIDE CURVE

OUT CURB AND RECONSTRUCT APPROX. 20 LF OF SIDEWALK

SCALE IN FEET

0 15 30
EMAILS REGARDING SALT STORAGE BUILDING
MARCH 14, 2019

Alison Lacye – Received February 25, 2019

Please don’t put a salt building at the bottom of park drive. This is our bus stop and we have over 200 kids in the neighborhood. It would be tragic to see an accident happen to one of our children.

Alison Lacey

Cynthia Crockett – Received February 26, 2019

We would like to express our opposition to the approval of the conditional use permit for a salt storage building on the corner of SR-92 and North Park Drive. We live in the View Pointe neighborhood.

Our primary concern with the placement of the salt storage facility is its effect on the safety of the children and other residents in our neighborhood. As you probably are aware, school buses will not drive up the hill (Park Drive) to pick up the school children in our neighborhood. Therefore, the children have to wait for the buses on the corner of SR-92 and Park Drive. The City has allowed the parents in our neighborhood to drop off and pick up their children on the land adjacent to where the proposed salt storage facility is to be located. Some children walk alone to and from the area to wait for the bus. We have many children in our neighborhood. Because each school has a different start and stop time (and some schools have multiple start and stop times), the current drop off/pick up location is used several times a day.

It is not safe to have large trucks coming in and out of an area where drivers and children are, especially when it is snowing. There are more parents driving in and out of the small parking area in the winter (when the salt storage facility would be accessed by large trucks) because they don't want their children walking that far in the cold and snow. Placing the storage facility there is not worth the risk that one of our children would be hurt. Even if the salt trucks were limited as to when they could pick up the salt (which doesn't seem very realistic during a snow storm), there are adults and children who use Park Drive as a walking/jogging/biking trail due to the steep incline. They use Park Drive throughout the day (not just at school bus times). Park Drive frequently is used by walkers/joggers/bikers who do not live in our neighborhood.

Even if the drop off/pick up area is fenced, pedestrians and drivers will have to cross the entrance to the salt storage facility to access it. It is not hard to imagine that a driver of a salt truck who is turning into the entrance of the salt storage facility during a snow storm could miss seeing a child walking across the entrance. In addition, the fencing that is currently in place would not keep children from wandering into the area of the salt storage facility where the large trucks are. It's an accident waiting to happen. It makes no sense to have large trucks coming in and out of a residential area where children are waiting for the bus.

We are also concerned about having large trucks on Park Drive when that is the entrance to
our neighborhood. Park Drive gets very slippery when it snows. Having large trucks turning into the salt storage facility when a car is trying to get down the hill safely during a snow storm will likely lead to accidents. The salt storage facility should be located somewhere else, away from an area constantly used by children and families trying to get to and from school.

Thank you for your consideration.
Sincerely,
Trent and Cynthia Pedersen

Heidi Van Valkenburg – Received February 26, 2019

Tonight the city council is requesting approval for a Salt Storage Building to be built at the property located at the entrance to my neighborhood. This is currently the bus stop for the children in our neighborhood. This would put 100’s of children at risk. The size and height of the plows would make it difficult to see small unpredictable children. This is not a good place to consider and our neighborhood is not allowed by the school district to have the buses come up the hill to pick up the children. This is a busy bus stop with the elementary 4 times a day-Middle school and high school each twice a day. Highland City is known for caring more for its residents than other cities. Make a decision that reflects that reputation and put the children’s safety that use this bus stop first before a salt storage building. This building is not worth the risk of a life lost or injured. How are you going to justified this buildings placement to the parent who’s child is either lost or injured. I would ask that this building not be placed at this location.

Sincerely,
Heidi Van Valkenburg
11244 North Shoreline Drive
Highland, Utah

Malia Shaw – Received February 20, 2019

Hi JoAnn,
We received the letter regarding the proposal of a Salt Storage Building at the base of Park Drive and Timp Highway. Other than it might be a little bit tight when parents go down to pick up kids from the bus stop, I think it's a fine use of that space and have no issues with it. My input actually has to do with the bus stop waiting area. Since concrete is going to be poured for the salt storage anyway, I think it would be a great consideration to pour concrete in the bus stop waiting area. I am assuming it's supposed to be a gravel area right now, but honestly, it is just a muddy, horrible mess if there is any rain or snow and when there isn't rain or snow, it's a dusty, gross mess. There is nowhere the kids can wait and still be safe without getting muddy and wet and/or dirty. When it snows and the plows come, in order for the kids to get on the bus, they have to wade through the nasty, muddy snow (for my Kindergartener, it was up to his waist last week). The kids don't have another option. That's not even speaking to the fact that because kids have muddy feet, all of us picking kids up (generally several at a time)
have lots of mud transferred to our cars. A concrete (or asphalt - that may be cheaper - I'm not picky - just anything but dirt!) bus waiting area would be amazing and probably a simple thing to tag onto this project.

Thanks for hearing me.
Malia Shaw
CITY COUNCIL AGENDA REPORT
ITEM #5

DATE: March 19, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: PUBLIC HEARING/ACTION – A request by Elevate Aqua Park for a
Temporary Use Permit of 1.5 acres for an aqua park located at Highland
Glen Park at 4800 Knight Ave, Highland, UT 84003 (TU-19-01)
Administrative

STAFF RECOMMENDATION:
The City Council should hold a public hearing and determine if the temporary use should be
approved.

PRIOR REVIEW:
The City Council held a public meeting on March 5, 2019. The Council voted 5-0 to schedule a
public hearing for tonight’s Council meeting. The staff report has been updated based on the
information presented at the last Council meeting. All changes have been underlined.

BACKGROUND:
Elevate Aqua Park is requesting approval for a temporary use permit for constructing an aqua
park in the Highland Glen Park. The property is 1.50 acres. Temporary Use Permits are approved
administratively, however, since the property is owned by the City, the Council will need to
approve the request.

An aqua park is a large, inflatable, floating playground on a body of water. They can be created on
large or small bodies of water.

Temporary uses are permitted in the city parks and are an administrative process.

SUMMARY OF THE REQUEST:
1. The applicant is requesting a temporary use permit to construct an aqua park in the Highland
   Glen Park. The property is 1.50 acres. The intent is to use the facility over the next few years.

2. 8% of the applicant’s gross revenue will be given to Highland City as a fee for utilizing the
   park.

3. Staff is working to clarify the number of customers.

4. There will be up to ten (10) full-time and part-time employees employed on the site.
5. Business hours will be Monday-Wednesday 11:00 AM to 5:00 PM, Thursday-Saturday 10:00 AM to 7:00 PM, and closed Sunday from May 27, 2019 to September 2, 2019. With Pre-Season and Post Season two weeks before and after.

6. There will be a shipping container stand on the property that will be utilized for storage.

7. There will be one main entrance to the park and the remainder of the property will be surrounded by a buoy line. There will be a secondary entrance for emergency use to the north side of the park.

8. Parking will be provided by the current parking in Highland Glen Park. Overflow parking will be provided on the south side of Cedar Hills Drive.

9. Seating and layout area will be to the south of the pond, near the shipping container stand.

10. No trespassing signs and no swimming after house will be posted on the property.

CITIZEN PARTICIPATION:
A notice of tonight’s public hearing was sent to all the residents in Mystic Cove, Pheasant Hollow and Hidden Oaks on March 12, 2019. Five emails in opposition of the proposal have been received.

ANALYSIS:

- The site is designated as R-1-40. Temporary use permits are permitted in city parks.

- All of the surrounding properties are zoned R-1-40. The park is surrounded by Pleasant Hollow Subdivision to the south, Mystic Cove Subdivision to the West, Hidden Oaks Subdivision to the North, and Lone Peak High School to the North-East.

- Staff contacted our Insurance Company. The following summaries our communication: Inflatable are excluded from our insurance policy. If the Council chooses to allow the aqua park, then one of the conditions should be that the City is named as “Named Insured” not just an “Additional Insured”. In addition, we would need a hold harmless agreement that would make the applicant solely responsible for any liability claims. If there is an accident, most likely the City be named in the suit since it is on our property. As a result, there still could be legal ramifications even if the above precautions were taken.

- Staff is concerned that the park will not be able to accommodate both the aqua park and the existing level of the use including but not limited to the following concerns:
  - The existing parking at the park is in adequate for the use the parking receives especially on weekends and holidays. In addition, the location of the overflow parking isn't in close proximity to the facility. The applicant stated that parking for the facility would not be in the park.
  - The proposed aqua park will occupy approximately half of the pond and a large area of the improved park area. This will limit the amount of users on the pond and in the park.
The proposed park would eliminate use of two of the piers that are used by users for fishing and other activities.

- During busy time the entire perimeter of the pond is used by fishermen.
- The applicant is proposing to use the existing restrooms. Staff is concerned with the potential demand exceeding the capacity. Currently the restrooms are cleaned three times a week. This will need to be increased to daily cleaning with the proposed use.
- The applicant has offered to have his employees clean the restrooms daily. The applicant also stated that they would be willing to provide portable restrooms.

- Aqua park lines will impact the trail around the pond.
- During the hot time of the year the water quality drops.
- There are concerns about maintaining the landscaping and irrigation improvements around the proposed facilities.
- The proposed profit sharing may not cover the additional maintenance costs in the park.

- The proposed use was reviewed by the Fire and Police Chiefs. The following are concerns raised during their review:
  - Monitoring of the equipment after hours. The applicant stated that there would be surveillance and sensors.
  - Need for a lifeguard and dedicated first aid station.
  - The ability to maintain emergency access within the park and around the facility.

**RECOMMENDATION:**
The Council will need to discuss the merits of the application and determine if the location is appropriate for the use.

**FISCAL IMPACT:**
Staff expects additional expenditures related to the additional maintenance needed in the park. The actual cost is unknown.

**ATTACHMENTS:**
1. Proposal
2. Resident Emails
This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.

Date: 2/27/2019

12:003:0029
ALPINE SCHOOL DISTRICT...
10189 N 4800 WEST - HIGHLAND
Value: $0 -- 40.23 acres

12:003:0034
UTAH STATE DEPT OF ADMIN SERVI...
Value: $0 -- 29.02 acres

12:004:0017
STATE OF UTAH (ET AL)...
Value: $0 -- 82.19 acres
Secondary Dedicated Parking Area
Please NO Aqua Park at Highland Glen Park!
My family, neighbors and I use this park often. It is so nice to have a place to fish, walk, picnic, etc. We see a lot of young families, along with seniors enjoy this park, please don't turn such a beautiful place into another commercialized park with all the traffic and other related problems that come with it. We moved to Highland to enjoy the outdoors, not to have an amusement park built in our backyard.

Thank you,

Jeff Hill
To whom it may concern:

My name is Jared Shulsen. I am a married 35 year old Utah resident, with 2 kids. I am in favor of the proposed water terrain park. I think it will be a fun family destination option that promotes physical activity and just a fun place to escape the heat!

Thank you!

Best Regards,

Jared Shulsen
Due to prior commitments we will be unable to attend the meeting on March 19 where the proposed "Elevate Aqua Park" issue is to be discussed. Please consider our following thoughts.

Highland Glen Park is a unique asset in our midst with its own special character. In a rapidly urbanizing environment, it provides a rare opportunity to enjoy nature, feed the ducks, a little fishing, boating, or swimming according to one's liking. It is a place of quiet and beauty. When we are there with our children and grandchildren it is a peaceful respite from the worldly distractions that are very available elsewhere. It allows the children especially to enjoy being outside and experience nature without the clamor of commercial entertainment. To impose a 1.5 acre (three times the size of our lot) "bounce house" type facility on this beautiful place seems to us to be so undesirable as to not even warrant consideration! Also the increased traffic this would bring to our neighborhood is not something we would appreciate. Without being able to be there on Tuesday to hear the proposal we realize we are being one-sided in our opinion. But we can't think of any aspect you could offer that would change that opinion. Definitely we feel this is not a good fit!!!

We sincerely hope this application will be denied.

Thank you for your consideration.

Rey and Carolyn Johnson
*********
Highland, UT 84003
*********
Thank you for notifying us about Elevate Aqua Park's request. I will likely not be able to attend the meeting, but I feel it is imperative that this NOT be allowed to happen. This would so dramatically change the park, the pond, and our entire neighborhood and community that it would be unrecognizable. There were a few weeks last summer and fall that some company came in (perhaps this same company?) with inflatables and racks of life jackets and kayaks, etc. to run programs for youth. It was a huge invasion. It felt like they completely took over the entire pond and park. I thought it was highly inappropriate and unfair. This pond is practically in our backyard. We have lived here 12 years and the changes to the park and the overcrowding that has ensued have been very sad. But this would be beyond anything yet. I actually very much wish that we would start charging non-Highland residents for access to the park. Highland residents should be able to use and enjoy our park without it being overrun and especially without it being taken over by corporate interests. This is completely unacceptable and I strongly hope that it will not be allowed.

Sincerely,

Michelle Stone
JoAnn Scott

From: Derek Ellis
Sent: Thursday, March 14, 2019 7:35 PM
To: Planning
Subject: Elevate Aqua Park

JoAnn,

I am opposed to the proposal to allow the use of Elevate Aqua to use Highland Glen Park. The park is a public amenity that I use daily with my children. We swim in the pond and use the surrounding area for exploring and picnics. This should remain a public amenity maintained and operated by the city. I am a bit bewildered as to why Highland City would want to start renting out its parks to be used by for-profit entities. Tax dollars were used to purchase and maintain this park and it should be used for the benefit of the residents.

The parking at the park is already limited and this usage would only exacerbate that problem. It would also commercialize what was intended to be a community park. I am not in favor of this proposal. Thank you for hearing my concerns.

Derek K. Ellis

Highland, UT 84003
STAFF RECOMMENDATION:
Adopt an ordinance regulating short-term rental properties in Highland.

BACKGROUND:
On a weekly basis Staff receives inquiries and complaints regarding short term rental properties in Highland City. Currently, the City does not license rental properties or regulate the use of such properties. With services like Airbnb becoming more popular (in 2018 there were over 600,000 listings in the United States), many municipalities in Utah are enacting regulations to ensure that the residential character of neighborhoods are preserved.

The most common complaints from neighbors of short term rental properties relate to noise or parking. The proposed ordinance requires an owner to obtain a short term rental license so the city knows who is responsible for the property and who to contact in cases of complaints. The ordinance enacts certain public safety and nuisance provisions to address the concerns of the public.

FISCAL IMPACT:
State law permits a 1% transient room tax, if enacted by the City, under §59-12-352 of the Utah Code.

PROPOSED MOTION:
I move that the City Council approve the Ordinance Regulating Short Term Rentals in Highland City.

ATTACHMENTS:
1. Proposed Short Term Rental Ordinance
ORDINANCE NO. O-2019-04

SHORT TERM RENTALS. AN ORDINANCE ENACTING CHAPTER 5.24 OF THE HIGHLAND CITY MUNICIPAL CODE REGULATING SHORT TERM RENTALS IN HIGHLAND CITY

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of Highland; and

WHEREAS, the City Council finds it is in the best interest and general welfare of residents of Highland to enact reasonable and necessary regulations governing Short Term Rentals; and

NOW THEREFORE, be it ordained by the City Council of Highland, Utah:

5.24 SHORT TERM RENTALS

Section 5.24.010 Findings and Purpose

The City Council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits reasonable regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the city in order to promote health, safety and general welfare of the residents of the city by establishing standards for short term rentals.

Section 5.24.020 Definitions

Bedroom means a room designated and used primarily for sleeping and rest.

Short term rental means the rental, letting of rooms or subleasing/renting of any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.

Short term rental operator or operator means the owner or a responsible party designated by the owner of a short-term rental property to act for and in behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be deemed binding on the owner.

Short term rental property means any real property used, or to be used, for short term rentals purposes.
Section 5.24.030  Business License; Room Tax

A. The Operator must continuously maintain in force and effect a Highland City business license for the short-term rental property and timely pay all taxes and fees relating to such business, including, without limitation, the transient room tax as provided in Utah Code §59-12-352 et. seq., as amended.

B. License applications shall contain such information as the License Official shall from time to time require, including the location of the short-term rental property, the number of bedrooms contained in such property and a telephone number for which a responsible party may be reached 24 hours a day 7 days a week.

C. For the purpose of regulation and to defray the cost of municipal regulation and administration, an annual Short Term Rental Business License Fee in the amount set forth in the City Fee Schedule shall be levied and assessed for each Short Term Rental. Failure to pay the annual fee shall result in the revocation of the license.

D. Before a license is granted hereunder, the short-term rental property must pass a fire code inspection.

Section 5.24.040  Minimum Duration

Renting, letting of rooms or subleasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than two consecutive calendar days in duration is prohibited for a short term rental property.

Section 5.24.050  Occupancy Limits

Occupancy in any short-term rental property shall not exceed the lesser of:

A. Two adults and two related children per room; or

B. Total occupancy of no more than 12 persons in the entire short-term rental property.

Section 5.24.060  Management and Maintenance Standards

A. Short-term rental properties shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood.

B. The property must be kept free from accumulated garbage and trash cans shall not be left at the curb for any period in excess of twenty-four (24) hours.
C. A short term rental property shall not have any signs visible from the exterior of the premises that advertise the use of the property as a short-term rental.

D. Each short term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, inter alia, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate federal, state, or city law, rule or regulation. An operator shall be deemed to have ensured compliance with applicable law if it:

1. Clearly advises it occupants and guests of such requirements before they take occupancy of the property;
2. Promptly and appropriately responds to complaints concerning the behavior of its occupants and guests;
3. Promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions during their period of occupancy of a short-term rental property; and
4. Refuses to allow any persons who have been previously evicted to occupy the property in the future.

E. Nothing herein shall exempt a short-term rental property from any applicable Conditions, Covenants and Restrictions pertaining to a Home Owners Association.

Section 5.24.070 Parking

Parking by occupants or guests of any short-term rental property shall be self-contained on the property's garage, carport, or driveway. No parking by occupants or guests shall be permitted on the street or property's yard.

Section 5.24.080 Violations and Penalties

Operation of a short term rental without a license, or failure to comply with any provision of this chapter shall constitute a violation of the same, punishable by a Class "C" misdemeanor with applicable penalties permitted by law, and be cause for revocation of an operator's license. Each day that a violation occurs or continues is a separate violation.

This ordinance shall become effective on the date passed by the City Council of Highland.

PASSED AND ADOPTED by the Highland City Council this 19th day of March, 2019.
HIGHLAND CITY, UTAH

Rodney W. Mann
Mayor

ATTEST:

Cindy M. Quick, MMC
City Recorder

<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Braithwaite</td>
<td></td>
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<td>Ed Dennis</td>
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<tr>
<td>Tim Irwin</td>
<td></td>
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<tr>
<td>Kurt Ostler</td>
<td></td>
<td></td>
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<tr>
<td>Scott L. Smith</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DATE: March 19, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Tim Merrill
       City Attorney

SUBJECT: PUBLIC HEARING / RESOLUTION: Adoption of a Municipal Transient Room Tax. Legislative

STAFF RECOMMENDATION:
The City Council should conduct a public hearing and adopt the 1% Municipal Transient Room Tax for short term rentals.

BACKGROUND:
Staff is recommending that the City Council adopt short term rental regulations. State allows a municipality to adopt a 1% transient room tax. The purpose of this tax is to allow municipalities to collect revenue to offset impacts of short term rentals on the community. The tax would apply to hotel rooms, short term residential rentals and similar uses where customers stay for less than 30 days.

If the Council adopts the tax it takes effect July 1, 2019.

FISCAL IMPACT:
This action will not have an impact on expenditures during the current fiscal year.

ATTACHMENTS:
1. Resolution R-2019-05
2. Proposed Final Budget Adjustments Fiscal Year 2017-2018
RESOLUTION NO. R-2019-05

A RESOLUTION OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY, UTAH
ADOPTING A ONE PERCENT TRANSIENT ROOM TAX.

BE IT HEREBY RESOLVED, by the City Council of Highland:

That a one percent transient room tax rate is hereby enacted and shall be effective on the first calendar day of the quarter following 90-day notice period prescribed by statute. This tax is enacted pursuant to Utah State Code Section 59-12-352.

BE IT FURTHER RESOLVED, that the City Recorder is hereby directed to send a copy of this resolution to the County Auditor of Utah County so that this levy can be placed on the tax rolls and collected according to law.

The Resolution will take effect on July 1, 2019.

THIS RESOLUTION APPROVED AND ADOPTED, this 19th day of March, 2019 by the City Council of Highland, Utah.

HIGHLAND CITY, UTAH

______________________________
Rodney W. Mann
Mayor

ATTEST:

______________________________
Cindy M. Quick, MMC
City Recorder

COUNCILMEMBER       YES   NO
________________________    __   __
Brian Braithwaite
Ed Dennis
Tim Irwin
Kurt Ostler
Scott L. Smith
DATE: March 19, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Brian J. Gwilliam, Chief
       Lone Peak Police Department
SUBJECT: ACTION: Security upgrades for the Highland Justice Center lobby.
           Administrative.

STAFF RECOMMENDATION:
Review and provide staff with direction regarding security upgrades for the front lobby of
the Highland Justice Center.

PRIOR REVIEW:
The City Council considered this request at their February 19, 2019 meeting and made the
following motion:

Council Member Kurt Ostler MOVED to approve the security upgrades for the Highland
City Justice Center lobby for a price not to exceed $98,979 and reach out to Alpine and ask
them to cover a percentage of the cost in lieu of a rent increase.
Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite  Yes
Council Member Ed Dennis          Yes
Council Member Tim Irwin           Yes
Council Member Kurt Ostler         Yes
Council Member Scott L. Smith      Yes
The motion passed.

The Alpine City Council consider the request at their March 19, City Council meeting.
The Council determined that they could not contribute to the remodel based on the lack of
funds and the existing policy.

The policy referenced is a policy adopted by the LPPSD Board. The policy states that:
Remodeling is the responsibility of the City in which the building is located.
BACKGROUND:
Security upgrades to the justice center need to be addressed and retooled to accommodate a safe workplace for employees. The reception/waiting area is not designed to promote and increase safety levels for employees and visitors. The receptionist/court clerks should not be the only thing that stands in the way of an intruder/criminal from entering the building. This proposal is especially important for a department with multiple entry points and differing levels of potential threats. We routinely deal with subjects who are emotionally unstable or suffering from behavioral health issues. This facility has a high probability of suspicious behavior (basically could occur anywhere at any time), dealing with individuals that might be probing the facility to commit crimes of opportunity, all the way up to direct threats of violence or physical assaults. Countermeasures would be put in place such as security in or near the reception area that could be used by staff to shelter in place should an event occur. The upgrades being requested for both the Court and Police Department desks amount to approximately $98,979 including labor.

FISCAL IMPACT:
This action requires financial responsibility to come from Highland City. As this item has not been budgeted for it would need to come from previous year’s earnings.

ATTACHMENTS:
1. Cost Estimate
2. Architect Rendering
3. LPPSD Policy
### Lone Peak Justice Center Transaction windowd

**Existing Facility**  
**Preparation Date** November 15 2018  
**New Ballistic Transiction Window and Wall**  
**Cost Opinion By ProCost**

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition of existing</td>
<td>1 sum</td>
<td>$750.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>Walls 4&quot; studs gyp one side double wall</td>
<td>918 sf</td>
<td>$10.00</td>
<td>$9,180</td>
</tr>
<tr>
<td>Bullistic material in wall</td>
<td>200 sf</td>
<td>$45.00</td>
<td>$9,000</td>
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<tr>
<td>Bullistic glass transiction window</td>
<td>88 sf</td>
<td>$180.00</td>
<td>$15,840</td>
</tr>
<tr>
<td>Paint wall repair where needed</td>
<td>2805 SF</td>
<td>$1.50</td>
<td>$4,208</td>
</tr>
<tr>
<td>Repair ceiling</td>
<td>400 sf</td>
<td>$5.00</td>
<td>$2,000</td>
</tr>
<tr>
<td>Repair flooring</td>
<td>400 sf</td>
<td>$6.00</td>
<td>$2,400</td>
</tr>
<tr>
<td>Casework base cabinet</td>
<td>19 lf</td>
<td>$280.00</td>
<td>$5,320</td>
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<tr>
<td>Casework upper cabinets</td>
<td>12 lf</td>
<td>$160.00</td>
<td>$1,920</td>
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<tr>
<td>Counter top at windows</td>
<td>22 lf</td>
<td>$345.00</td>
<td>$7,590</td>
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<tr>
<td>Counter top at base cabinet</td>
<td>14 lf</td>
<td>$155.00</td>
<td>$2,170</td>
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<tr>
<td>Allowance for electrical</td>
<td>1 sum</td>
<td>$6,500.00</td>
<td>$6,500</td>
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<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>General conditions</td>
<td>35.00%</td>
<td>$23,407</td>
<td></td>
</tr>
<tr>
<td>Bonding and insurance</td>
<td>3.00%</td>
<td>$2,006</td>
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<tr>
<td>Profit and overhead</td>
<td>10.00%</td>
<td>$6,688</td>
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</table>

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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$98,979</td>
</tr>
</tbody>
</table>


## Lone Peak Public Safety District
### Buildings and Grounds
#### Maintenance Policy

Objective: To maintain, and beautify the buildings and grounds of the Lone Peak Public Safety District, and who is responsible.

<table>
<thead>
<tr>
<th>FUNCTION</th>
<th>PERFORMANCE RESPONSIBILITY</th>
<th>FUNDING RESPONSIBILITY</th>
<th>TIME PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial furnishings on a new building</td>
<td>The city in which the building is located</td>
<td>The city in which the building is located</td>
<td>N/A</td>
</tr>
<tr>
<td>Furnishings replacement and station supplies</td>
<td>The specific department</td>
<td>The specific department budget</td>
<td>As needed</td>
</tr>
<tr>
<td>Major Repairs (over $500.00)</td>
<td>The city in which the building is located</td>
<td>The city in which the building is located</td>
<td>As needed</td>
</tr>
<tr>
<td>Minor Repairs (under $500.00)</td>
<td>The specific department</td>
<td>The specific department budget</td>
<td>As needed</td>
</tr>
<tr>
<td>Remodeling</td>
<td>The city in which the building is located</td>
<td>The city in which the building is located</td>
<td>Every 8 years</td>
</tr>
<tr>
<td>Yard Care and Maintenance</td>
<td>The city in which the building is located</td>
<td>The city in which the building is located</td>
<td>Once a week</td>
</tr>
<tr>
<td>Janitorial and building cleaning</td>
<td>The specific department</td>
<td>The specific department budget</td>
<td>Daily</td>
</tr>
<tr>
<td>Snow Removal – Parking Lot</td>
<td>The city in which the building is located</td>
<td>The city in which the building is located</td>
<td>As needed</td>
</tr>
<tr>
<td>Snow Removal – Sidewalks</td>
<td>The specific department</td>
<td>The specific department</td>
<td>As needed</td>
</tr>
<tr>
<td>Water, Sewer and Garbage</td>
<td>The city in which the building is located</td>
<td>The city in which the city is located</td>
<td>Monthly</td>
</tr>
<tr>
<td>Utilities – Power, Gas &amp; Cable</td>
<td>The specific department</td>
<td>The specific department budget</td>
<td>Monthly</td>
</tr>
</tbody>
</table>

Revised: 08/18/2015