HIGHLAND CITY COUNCIL AGENDA
Tuesday, April 2, 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 Scott L. Smith
Pledge of Allegiance – Mayor Rod Mann

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. 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 March 5, 2019
   b. ACTION/ORDINANCE: ADOPTION OF HIGHLAND CITY MUNICIPAL CODE
      SECTION 2.04.130 APPLICANT BACKGROUND CHECKS
      Council will consider approving the adoption of a new section in the Highland City Municipal Code for new employee and volunteer Applicant Background Checks. The Council will take appropriate action.
   c. ACTION: REAPPOINTMENT AND CONSULTANT CONTRACT FOR VAUGHN
      PICKELL AS THE HIGHLAND CITY APPEAL AUTHORITY
      Council will consider ratifying the reappointment of Vaughn Pickell and approving a consultant contract with him to continue serving as the Highland City Appeal Authority. The Council will take appropriate action.
   d. ACTION: AMENDED INTERLOCAL AGREEMENT WITH UTAH COUNTY ON THE
      4800 WEST PROJECT
      Council will consider approving an amended Interlocal Agreement with Utah County for the 4800 West Project. The Council will take appropriate action.
   e. ACTION: APPROVE SPRING CREEK HIGHLAND PLAT ‘A’ PRELIMINARY PLAT
      Council will consider a request from Millhaven Development for a ten lot preliminary plat on 12 acres of property located approximately at 10029 N 6300 W (PP-19-01). The Council will take appropriate action.

3. ACTION: APPROVAL OF SURPLUS AND DISPOSAL OF PERSONAL
   PUBLIC PROPERTY AND EQUIPMENT
   City Council will consider the approval of the surplus and disposal of personal public property and equipment. The Council will take appropriate action.
4. **ACTION: RECONSIDERATION OF CANTERBURY TRAIL DISPOSAL**
City Council will discuss a request by Council Members Ed Dennis and Scott L. Smith to reconsider the Council’s denial regarding the designation of open space property for disposal and removal of neighborhood option trails in the Canterbury North Subdivision. The Council will take appropriate action.

5. **ACTION: APPROVAL OF THE MOUNTAIN RIDGE PARK MASTER DESIGN PROCESS**
City Council will consider revisions to the Final Master Plan for Mountain Ridge Park. The Council will take appropriate action.

6. **ACTION: CONDITIONAL USE PERMIT FOR SPRING CREEK PARK**
City Council will consider a request from Highland City for a conditional use permit for 2.32 acres of park located approximately at 10029 N 6300 W (CU-19-04). The Council will take appropriate action.

7. **ACTION: ADOPTION OF HIGHLAND CITY MUNICIPAL CODE SHORT TERM RENTALS**
City Council will consider approving the adoption of a new section in the Municipal Code enacting regulations for short term rentals. The Council will take appropriate action.

8. **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.

9. **MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS**
   a. 2019 Election Options – City Recorder Cindy Quick
   b. Lone Peak Public Safety Department Interlocal Agreement – Mayor Rod Mann

10. **FUTURE MEETINGS**
   a. Future Meetings
      i. April 9, City Council Work Session, 7:00 pm, City Hall
      ii. April 16, City Council Meeting, 7:00 pm, City Hall
      iii. April 23, Planning Commission 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://pmn.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 28th day of March, 2019

Cindy Quick, MMC
City Recorder

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
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, and City Recorder Cindy Quick, Police Chief Brian Gwilliam, Fire Chief Reed Thompson

OTHERS: Doug Cortney, Bennett Caroll, Jacob Richards, Russell Sutherland, Brady Wilde, Steele Mackey, Christopher Combe, Broc Wilde, Doug Fairbanks, Jason Palmos, Chris Kemp, Jace O'Reilly, Grant Flygare, Audrey Wright, Wesley Warren, Hillary Call, Tanya Colledge, Devirl Barfuss, Aaron Jones, McKinzie Jones, Wayne Tanaka, Scott W. Herbst, Blake W. Herbst, Seth McClure, Lucas Tew, Tommy Frischknecht, Jack Myres, Cody Dingus, Miles Killpack, Ryan Hassard, Lily Trampleasure, Hilary Gardiner, Jennifer Rencher, Carley Tall, Jennifer Hare, Daniel Araya, Natalie Wirig, Denise O'Reilly, Tim Ball

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Library Director Donna Cardon
Pledge of Allegiance – Jack Myres, a scout with Troop 1236

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 Library Director Donna Cardon and those assembled were led in the Pledge of Allegiance by Jack Myres a scout with Troop 1236.

1. UNSCHEDULED PUBLIC APPEARANCES
Seth McClure, a resident, said that he had received a flyer in the mail regarding Mountain Ridge Park that was very disconcerting. It was not clear where it came from, but it had the City’s address on it.

Mayor Mann explained that the flyer was sent from the Highland Foundation, which has no direct correlation to the City.

Hilary Gardiner, a resident, was also concerned about the flyer sent from the Highland Foundation. She felt that it was misleading having the City’s address on the flyer.

Mayor Mann explained that the Highland Foundation was a 501 (c) 3 and that the Foundation had paid for the flyers.
Ms. Gardiner said that she was not against pickleball, but she was not in favor of having 27 courts and
tournaments at the park. She was concerned about the traffic and the safety of students going to the Junior
High School. Other large pickleball facilities were closer to commercial zoning than residential zoning. She
believed this was not the right location for a tournament level facility. If tournaments were allowed in the
proposed location, Highland would have nowhere to house or service the players, and all of the business
would go to Lehi. She felt that the pickleball facility would not benefit Highland City. Ms. Gardiner
suggested that all members of the public who speak at a City Council meeting should state their address, so
they would know whether they were from Highland or another city. She felt that being a resident of Highland
should hold more value.

Cody Dingus, a resident, also felt that there had been a pattern of deceit with the issue. He felt it was not
right to force the courts on the residents. There were two Facebook groups, one for, and one against the
petition. There were also several petitions being sent around. Mr. Dingus was concerned that members of the
City Council were also members of the Highland Foundation, he believed that seemed to be a conflict of
interest.

Mayor Mann said that there was no intent to deceive, even if it was perceived that way.

Jennifer Rencher, a resident, came to the meeting to better understand how the City Council operates. She
asked about the connection between the City Council and the Highland Foundation. She understood that the
Foundation had done great things for the City, but she was concerned that there was a conflict of interest.

Mayor Mann explained that two members of the City Council served on the Foundation, but he did not feel
that there was a conflict of interest.

Council Member Scott L. Smith said that he was one of the founders of the Highland Foundation, and the
purpose of the Foundation was to raise funds for parks and trails in the City. In this case, the Foundation was
not just raising money for the pickleball courts. They were also raising money for soccer fields, a baseball
diamond, and an all-accessible playground.

Ms. Rencher asked if there was a way to differentiate what each donation was for. Mayor Mann said that a
donor could specify what their money should go toward. He noted that the City would not build the park if
the money was not there.

Carley Tall, a resident, said that she was told that the park would be four baseball diamonds, but there was
not enough money to build it, so she did nothing about it. Now, there was suddenly a plan to put in 27
pickleball courts. If she had known that the baseball diamonds would have been built if she could raise
enough money, then she would have done it. She and her neighbors would be the ones suffering from
nuisances such as noise, traffic, and crowds. She could not see the benefit for her neighborhood or the City.
She felt that the City should build the park that people really want.

2. PRESENTATIONS
   a. YOUTH COUNCIL UPDATE - Youth Council Mayor Lily Trampleasure
   Youth Council Mayor Lily Trampleasure updated the Council with the recent Youth Council activities. The
leadership group would attend a conference the following weekend, and they would soon be participating in
a mock debate.
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 Library Board Bylaws *(see updated attachments in packet)*
City Council will consider approving revisions to the Library Board Bylaws. The Council will take appropriate action.

b. ACTION/ORDINANCE: Approval of Amendments to the Municipal Code 4.12.60 Library Board *(see updated attachments in packet)*
City Council will consider an amendment to Municipal Code 4.12.60 Library Board. The Council will take appropriate action.

*c. ACTION/RESOLUTION: Appointment of Mayor Rod Mann to the North Utah County Aquifer Council *(see updated attachments in packet)*
City Council will consider ratifying the appointment of Rod Mann to serve on the North Utah County Aquifer Council North Pointe Solid Waste Special Service District. The Council will take appropriate action.

Council Member Brian Braithwaite MOVED to approve consent items a., b. and c. as listed on the agenda. 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.

4. ACTION: APPROVING LIBRARY BUDGET ADJUSTMENTS
Library Director Donna Cardon presented the proposed amendments to the Library Budget for Fiscal Year 18/19. The adjustments were not approved with the other amendments to the budget a few weeks ago, but she had made some changes and was resubmitting for approval. Most of the adjustments were fairly minor, but there were a few major changes. Ms. Cardon was requesting $3,000 for a reference desk and shelf ends for book shelves that had been rearranged. She was also requesting $3,000 for library website revisions and $3,500 to improve the prizes for the summer reading program. She noted that there were $12,000 that were not being allocated this year, because she felt it would be irresponsible to spend the funds right before the budget year was over. She suggested placing the money in an account to be used during the following year, or to decrease the cross charge subsidy by that amount this year.

Council Member Ed Dennis said that the Council had decided that the library would pay for the indirect charges next fiscal year. He thought it would be wise to hold the $12,000 in reserve to help cover those indirect charges next year.

Council Member Brian Braithwaite commented on Ms. Cardon’s desire to increase employee compensation next year. He reminded her that raising salaries would be an ongoing expense rather than a one-time expenditure. It was up to her to make decisions that she felt were the best for her department.

The Council agreed to keep the $12,000 in reserve for next fiscal year.
Council Member Tim Irwin MOVED that City Council approve the FY 2018-2019 Library Budget Adjustments, which includes $12,000 that will be reserved for the Library’s use in the next fiscal year. Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:

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<th>Council Member</th>
<th>Vote</th>
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<tr>
<td>Brian Braithwaite</td>
<td>Yes</td>
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<td>Ed Dennis</td>
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<td>Tim Irwin</td>
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<td>Kurt Ostler</td>
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<td>Scott L. Smith</td>
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The motion passed.

5. ACTION: APPROVAL OF A TEMPORARY USE PERMIT FOR AN AQUA PARK

Aaron Jones, applicant, oriented the Council with a request from Elevate Aqua Park for a temporary use permit at Highland Glen Park located at 4800 Knight Avenue. They were interested in doing a private-public partnership with the City, in which the City would receive 10% of the gross revenue from the whole season. The season would extend from Memorial Day to Labor Day, and they expected to generate $500,000 in revenue. Mr. Jones said that the Highland Glen Park was the best location for the Aqua Park because it was already zoned for recreation. He would be working with Patrick Pinacus, his mentor, who had been running successful water parks for 20 years. Mr. Jones explained that the Aqua Park was an inflatable playground that would be anchored to the bottom of the lake.

Council Member Tim Irwin suggested having a public hearing for this request and asked about the applicant’s timeline. Mr. Jones said that ideally, they would like to have the permit two months before Memorial Day.

Council Member Tim Irwin explained that Mr. Jones had reached out to each Council Member to discuss his proposal, and some questions had arisen from their conversation. He asked Mr. Jones if they were still considering the other location. Mr. Jones said that the irrigation pond would be a more difficult location for a few reasons. Council Member Tim Irwin was concerned about the negative affect the Aqua Park would have on Highland Glen Park.

Council Member Scott L. Smith said that there had been recent efforts to make the bottom of the lake sandy, but there was still a rocky section to the south. He asked if there would be any chance of someone jumping off the floating park and hurting themselves. Mr. Jones said that all participants would be required to wear life jackets, so they would not go into the water very far if they did jump or fall in. The goal of the activity is to stay on the floating park. There was a minimum depth requirement of nine feet, six inches.

Council Member Smith asked how they intended to protect the floating park from vandalism, and Mr. Jones explained that there would be surveillance cameras and sensors on the facility that would alert the owners of any trespassing after hours.

Council Member Brian Braithwaite was concerned about parking and said that it didn’t make sense to utilize the parking for the park. If they approved the temporary use permit, they should require parking at a separate location.

NOTE: Library Director Donna Cardon left the meeting at 7:47 p.m.
Council Member Brian Braithwaite asked if there were any issues getting appropriate insurance, and Mr. Jones said that there were no issues.

Regarding parking, Mr. Jones reported they had decided to provide dedicated parking on the south side of the park near the school, which was roughly a three-minute walk to the location of the Aqua Park. There was also extra parking available on the west side off the park. They would not utilize parking for Highland Glen Park. Council Member Brian Braithwaite asked Mr. Jones to continue to work with staff to ensure they could provide adequate parking.

There was continued discussion regarding parking on City and State property. They also discussed how this use could create a burden on the restrooms at Highland Glen Park. Mr. Jones noted that the Aqua Park would be closer to the south restrooms than the north restrooms. He was willing to have his own employees help maintain the bathrooms. The Council suggested that he consider providing a few Honey Buckets as well.

Council Member Kurt Ostler expressed concerns about being able to control the parking, the overuse of the restrooms, and potential complaints from the residents. He did not think that 10% would cover the costs that the City would incur from this use. He was also concerned about the City’s liability if anything should happen at the park.

Mr. Jones explained that he had been doing parks like this for six years and they have been successful. There had never been a liability claim filed against any of his or his partner’s parks. He agreed that some kind of agreement needed to be in place.

Council Member Tim Irwin again suggested a public hearing.

Council Member Ed Dennis expressed his concern about gross revenue or profit.

Council Member Ed Dennis MOVED that the Council continue the discussion to a public hearing on March 19, 2019.
Council Member Scott L. Smith 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.

6. ACTION/ORDINANCE: AMENDING HIGHLAND CITY MUNICIPAL CODE SECTION 8.12.010 REGARDING THE DISPOSAL OF ANIMAL WASTE
City Administrator Nathan Crane presented the staff report regarding an amendment to the Highland City Municipal Code 8.12.010 regarding the disposal of animal waste. The proposed amendment would add language to clarify that “animal waste” did not include the waste of small pets. Staff believed the intention of the code was to address the waste of livestock.

Council Member Tim Irwin MOVED that City Council approve the revisions to Municipal Code 8.12.010 as proposed.
Council Member Brian Braithwaite 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. ACTION: Approval of Mayor Pro-Tempore for 2019
Mayor Mann asked for a nomination for a Mayor Pro-Tempore for 2019 to preside over City Council meetings in Mayor Mann’s absence. The Council briefly discussed who the prior Mayor Pro-Tempore had been.

Council Member Scott L. Smith nominated Ed Dennis as Mayor Pro-Tempore for 2019.
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.

8. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
a. Legislative Policy Committee Update – Mayor Rod Mann
Mayor Mann provided an update from the Legislative Policy Committee and pending legislation. There were currently over 1,000 bills before the legislature, and four of them would have a large effect on Highland City. As of now, it looked like HB 441 would pass, and it would change sales tax in the State of Utah. Overall, sales tax for products would be reduced, but sales tax for services would increase. There was no data available to determine how much tax Highland City would receive with this change.

Council Member Brian Braithwaite thought that this change would not be very good for Highland City, because a lot of that money would go to the school district. No one knew how much revenue would come into the cities because there was no data. The residents would not see much of an impact, but the cities would. The reason for the change was because there was a decrease in people buying products and an increase in people buying services. The Council discussed the proposed tax percentages.

Council Member Kurt Ostler thought that Highland City might actually benefit from the change because they have less commercial. Council Member Braithwaite thought that the change should be implemented, but it was hard to know how it should be implemented.

Mayor Mann stated that 100% of income tax was going to the school districts. Over time, the percentage of income tax had gone up and the other taxes had gone down. This bill was an attempt to balance that out.
Mayor Mann then addressed HB 115, which would provide clarity on what a city can say in regards to a referendum. The City should be able to say why they pass the laws that they pass. He felt this was important to have that clarified, and Council Member Brian Braithwaite agreed.

Mayor Mann addressed SB34 regarding modifications to the affordable housing laws. This would impact Highland City because there would be additional requirements that they needed to address in their General Plan, and they would need to report more often. There would also be a requirement that cities in a transit corridor funded by the State need to comply with a stricter set of rules. Mayor Mann clarified that Highland was not in a transit corridor, but the bill would still affect their General Plan.

Mayor Mann addressed SB52 regarding secondary water. The bill would establish a deadline of 2039 for cities to install meters on all secondary water lines. Cities need to have a plan in place for meter installation by the year 2020, which would need to include funding sources. Staff confirmed that they were currently working on getting grants. City Engineer Todd Trane explained that the Smart Water Grant would be a 50/50 match up to $1.5 million. He was currently putting together a proposal for that grant. He confirmed that all new developments had been required to install meters for the past few years. That was only about 2% of the City.

Council Member Brian Braithwaite commented that they were almost at capacity for gray water. It would be more beneficial to cut consumption than to re-pipe the City to carry more water.

There was a discussion regarding the estimated cost to install new meters and to retrofit meters. Staff estimated a total of $4.8 to $4.9 million to do the entire City. They would be underfunded even with the Smart Water Grant.

Council Member Brian Braithwaite commented on SB129 regarding public safety, which was also likely to pass. This would give cities a little bit of wiggle room on what contributions are made toward the police retirement funds. There was a discussion regarding police and fire.

**c. Lone Peak Public Safety District Update – Council Member Tim Irwin**
Council Member Tim Irwin presented an update from the Lone Peak Public Safety District. He said that funding was always difficult for governmental entities. Currently, the fire department was proposing a significant overall increase. He reported on staffing levels, equipment, and the impact of Cedar Hills leaving the District. The Council needs to decide how to fund the increase or ask the Chief to sharpen his pencil and cut expenses.

The Council agreed that they currently get great service from the Lone Peak Public Safety District, and the crime rate in Highland was quite low. It was noted that if they determined to implement a public safety fee, it would be $15 per household per month. The Council felt it was important to get public input on this issue.

**b. Mountain Ridge Park Fundraising Update – Council Member Brian Braithwaite**
Council Member Brian Braithwaite provided an update regarding the fundraising for Mountain Ridge Park and the pickleball courts. He explained that the courts would be owned by the City and the tournaments would help fund maintenance of the courts. They had agreed to a March 1st deadline for fundraising because that would give them sufficient time to build the courts before the national tournament in August. In January, the Planning Commission postponed the discussion regarding the park because of their concerns for noise and traffic. To complete a traffic study, they would not be able to have a decision by March 1st. The City already sold the land at Spring Creek but could not receive the funds from that sale until after June. The Council now needed to set another date or go with another option.
Council Member Kurt Ostler asked for an update on the fundraising efforts. Council Member Brian Braithwaite said that most of the fundraising from big donations have backed off. They had $431,000, with most of that being committed specifically to the pickleball courts. If the pickleball courts were not built, that money would be given back to the donors. The City could still choose to do something else with the park. There were also some tentative contributors.

Council Member Brian Braithwaite noted that there was a perception that the pickleball organization was only in this for the pickleball courts. There was also a perception that only people outside of Highland wanted the courts. Both of these perceptions were not true. There were many Highland residents that had spent hundreds of hours helping this plan move forward. Their intention was to bring something good into Highland City, including the portion of the park that did not have pickleball courts. It was unfair to trash the name of people who were putting their time and effort into realizing a vision. It was fine for everyone to have different opinions, but they should do so respectfully.

Mayor Mann said that he had had many interactions with non-residents regarding their opinions, but he did not think their opinions were relevant as to what goes into a Highland City park. Those people would not have to deal with the impacts of noise and traffic in their everyday lives.

After continued discussion, Council Member Brian Braithwaite asked for the Council’s opinion on whether they continue to move forward with the pickleball courts or pursue another option. If they do not move forward with pickleball, the big donations would go away.

Council Member Kurt Ostler said that he, and many residents, were fine with a small number of courts being built. Residents were more invested in the park than the pickleball courts.

Council Member Brian Braithwaite noted that there had never been a discussion about having only pickleball courts. The intention had always been to have grass and other amenities surrounding the courts. They could choose to have only eight pickleball courts, but the City would pay for those. There would be traffic and noise associated with the park, no matter what amenities the park included. He felt that it would be beneficial to have traffic and noise studies done.

Council Member Kurt Ostler argued that soccer and baseball uses would bring in a different type of traffic than tournament level pickleball courts. He asked the Council if they were in favor of moving forward with something else.

Mayor Mann commented that they would have final estimates in a couple of weeks, and they still had survey forms to enter.

Council Member Brian Braithwaite said that there was value in having a discussion with the residents. There was a misperception of the amount of people that would be coming to Highland for a tournament. They would experience the same amount of traffic with soccer or baseball fields, and they would have the same number of non-residents coming to the park to use those fields. The impact would be the same, so it was more of a question of what the residents would prefer.

Council Member Scott L. Smith said he had favored pickleball because it was a sport that could be enjoyed at any age. Softball and soccer was really limited to younger kids. He believed that the pickleball courts would be used on a daily basis.

City Administrator Nathan Crane reported that they had received two proposals for the traffic study, and they were currently evaluating those proposals. The City had worked with both firms previously, and they were confident that both would do a credible job. They had also received a few proposals for noise studies, and
those firms said that they could collect data in the spring in American Fork or Alpine with their pickleball courts. Looking at case studies, staff found that there were legitimate concerns. He reported on the potential cost for each study. Staff was seeking direction from the Council on whether to move forward with those studies or not.

Council Member Brian Braithwaite wanted to see a study showing the noise and traffic impacts of the current plan and any other options. Council Member Kurt Ostler agreed.

Council Member Scott L. Smith recommended that staff move forward with the studies.

City Engineer Todd Trane explained how the studies would be conducted, and whether they would include a public meeting or not. The studies would show the impact of traffic and noise, and they would give mitigating recommendations.

There was a discussion regarding the cost to construct the pickleball courts and the park, and estimates that they had received.

Council Member Brian Braithwaite addressed that accusation that the City had not delivered on their promises with the other City parks. He admitted that they would love to do more with all of their parks, but he was not aware of any promises that had not been fulfilled. The Beacon Hills park was beautiful, even if it was not everything that the Beacon Hills residents wanted right now.

Council Member Tim Irwin agreed that there was nothing expected that had not been delivered. Beacon Hills would like more things, but other neighborhoods have similar desires for their parks. The Council had not made any other commitments beyond what they had already done. No matter what they do, someone will be unhappy. Regarding pickleball, he liked the idea of having some courts, but not 27 courts.

Council Member Kurt Ostler suggested giving them another deadline.

Council Member Ed Dennis recommended moving forward with noise and traffic studies. Council Member Brian Braithwaite added that they should give the consultants direction to study other options as well.

9. FUTURE MEETINGS
   a. Future Meetings
      • March 19, City Council Meeting, 7:00 pm, City Hall
      • March 26, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

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

The meeting adjourned at 9:34 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 March 5, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder/
DATE: April 2, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, Assistant City Administrator
SUBJECT: ORDINANCE—Applicant Background Checks

STAFF RECOMMENDATION:
Council approve the new ordinance for Applicant Background Checks.

BACKGROUND:
About two years ago, Highland was approved to run background checks using the Bureau of Criminal Investigation (BCI) System for our volunteer and employee applicants. This system allows us to check national, regional, and state databases for criminal activity using fingerprint and name searches. In addition, those names and fingerprints are retained and continually run through the system to see if any criminal instances occur while they are volunteering or are employed by us.

During a routine audit of how we are using the system, BCI informed us that in order to use the system as extensively as we are (for every potential hire in the City), we need to adopt our own ordinance and not just rely on Utah State Code as it only outlines BCI system use for employees or volunteers who deal with money or minors (USC 53-10-102(19) (b) & (c) and 53-10-108(2) (e)).

State Code 53-10-108 2(d)) allows municipalities to adopt an ordinance allowing them to use the BCI system for whatever use they set. I believe it is in the best interest of the City to use the databases to check all potential hires. City employees work with or deal in areas where great harm could be inflicted such as in our public utility systems. In addition, there are many employees who work with minors or money.

If the ordinance is not approved, the City could still continue to use the BCI system for our volunteers or employees who deal with money or minors. For any other employees we want to background check, we have two options. First, we could either ask that they submit for their own background check to the State and FBI. This process is arduous and could take 10-12 weeks. Second, we could contract with one of many private agencies who will do a search for the individual’s name in court documents. This method does not use fingerprint searches and does not continually monitor records. It is a one-time search.
**FISCAL IMPACT:**
BCI charges us $30.75 to run background checks for volunteers and $32.00 for employees. This amount will continue whether or not this ordinance is adopted.

**PROPOSED MOTION:**
I move that City Council approve the Applicant Background Check Ordinance.

**ATTACHMENTS:**
1. Proposed Ordinance
ORDINANCE NO. O-2019-05

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY, UTAH
ADOPTING SECTION 2.040.130 APPLICANT BACKGROUND CHECKS FOR EMPLOYEES, VOLUNTEERS, AND APPLICANTS

WHEREAS, Highland City employees and volunteers have responsibilities over areas where high trust is necessary including care of minors, fiduciary trust over money, and access to utility systems including drinking water; and

WHEREAS, Utah State Code 53-10-108 2(d) authorizes cities to enact ordinances allowing them to conduct background checks using state and national databases.

NOW, THEREFORE be it ordained by the Highland City Council as follows:

SECTION 1: The Highland City Municipal Code 2.04.130 Background Check is hereby adopted as follows:

Section 2.04.130 Applicant Background Checks

All current employees and volunteers or applicants for such positions with Highland City may be background checked using criminal history records, fingerprint checks, name checks, and warrant of arrest information in the “FBI Rap Back System”, “Rap back system”, and “Win Database” as defined in Utah State Code 53-10-108.

SECTION 2. That the Mayor, the City Administrator, the City Recorder, and the City Attorney, and their designees are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council this 2\textsuperscript{nd} day of April, 2019.

HIGHLAND CITY, UTAH

________________________________
Rodney W. Mann
Mayor
ATTEST:

___________________________
Cindy M. Quick, MMC
City Recorder

<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>YES</th>
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<tr>
<td>Brian Braithwaite</td>
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<td>Ed Dennis</td>
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<tr>
<td>Kurt Ostler</td>
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<tr>
<td>Scott L. Smith</td>
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STAFF RECOMMENDATION:
The City Council approve Vaugh Pickell as the Highland City Appeal Authority

BACKGROUND:
The Mayor, with the advice and consent of the City Council appoints a person to serve as the Highland City Appeal Authority. The Appeal Authority is responsible to hear and make decisions on requests for variances and appeals for application of the Development Code. Mr. Vaughn Pickell has been serving as the Appeal Authority since January 2015. Since that time he has heard three different cases.

Mr. Pickell is a licensed attorney with specialization in land use, zoning, development, and local government. He is currently the City Attorney for the City of Bluffdale and the past Community Development Director for Bluffdale. He currently resides in Alpine.

RECOMMENDATION:
Mayor Mann is recommending that Vaughn Pickell be re-appointed to serve as the Highland City Appeal Authority.

FISCAL IMPACT:
The City Budget includes $1,000 for the Appeal Authority in GL Code 10-51-31. In addition, there is an application fee of $300 for an appeal or variance. In the past, these two revenue sources have covered the expenses.

ATTACHMENTS:
1. Contract
AGREEMENT RELATING TO SERVICES OF APPEAL AUTHORITY

WHEREAS, Highland City ("City") and Vaughn Pickell ("Appeal Authority") desire to enter into a Agreement whereby the terms of service are outlined for the Appeal Authority; and

WHEREAS, City is required to have an Appeal Authority pursuant to its ordinances; and

WHEREAS, in 2013 the City previously appointed Vaughn Pickell as its Appeal Authority and he has acted as such since that time; and

WHEREAS, the Appeal Authority’s term has lapsed and the parties wish to enter into a new term; and

WHEREAS, the City has benefited from Appeal Authority’s expertise in rendering decisions relating to land use and has determined that it is in the public interest to enter into this Agreement based on the consideration it receives hereunder;

THEREFORE, in consideration of the promises, covenants, and conditions contained herein, and other good and valuable consideration, the parties agree as follows:

TERMS

1. APPEAL AUTHORITY REAPPOINTED. Upon the Mayor’s nomination and the advice and consent of the City Council, Vaughn Pickell is hereby reappointed as the City’s Appeal Authority and agrees to continue to serve in such capacity in accordance with Highland Development Code Chapter II Article III.

2. TERM. The term of office shall begin April 2, 2019 and be for two (2) years, which term is subject to resignation, removal pursuant to City ordinance and state law, or disqualification. It is the parties’ intent that the Appeal Authority continue to serve without interruption, and therefore at the end of the term this Agreement shall automatically renew for successive two-year terms unless either party gives 30-day written notice of termination to the other party.

3. REMUNERATION. The City shall pay the Appeal Authority for his time at the rate of $125.00 per hour, which time shall be detailed in a monthly billing statement and submitted to the City for payment. The hourly rate includes the required retirement payment ($115.62 with $9.38 being paid for retirement).

4. STATUS. The Appeal Authority shall be treated as a part-time city employee.
5. SEVERABILITY. The unenforceability or invalidity of any one or more provisions hereof shall not render any other provisions herein contained unenforceable or invalid and each term, covenant and condition hereof shall be enforced to the fullest extent permitted by law.

6. INTERPRETATION AND ENFORCEMENT. The laws of the State of Utah shall govern the validity, construction, performance and enforcement of this Lease.

HIGHLAND CITY: Attest:

____________________________________
MAYOR ROD MANN
DATE: _____________________________

____________________________________
CITY RECORDER

APPEAL AUTHORITY:

____________________________________
DATE: _____________________________

VAUGHN PICKELL
The City Council approve an Amended Interlocal Agreement with Utah County for the 4800 West Project.

Staff worked with MAG (Mountainland Association of Governments) to complete the widening of 4800 West at SR-92 to create a right turn lane for southbound traffic. The initial project cost was estimated at $328,000 of which MAG funded $305,794 with a local match of $22,206 to reach the initial project total. Highland and Alpine split the local match costs.

As is part of projects of this nature, unexpected cost over runs were experienced in both construction costs and land acquisition. Staff approached MAG and Utah County requesting additional funding of project contingency monies in the amount of $32,800. Utah County and MAG have authorized this request and will contribute an additional $30,579 with a local match of $2,221 to be split between Highland City and Alpine City.

As a part of receiving the additional funds, we are required to enter into an amended Interlocal Agreement with Utah County.

FISCAL IMPACT:
This action will agree to contribute an additional $1,110.50 as Highland City’s portion of the local match for the 4800 West project.

ATTACHMENTS:
1. Amended Interlocal Agreement
2. 4800 W Right Turn Lane Project Financial Spreadsheet
FIRST AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND HIGHLAND CITY FOR A PROJECT KNOWN AS “4800 WEST RIGHT TURN LANE” IN HIGHLAND CITY, UTAH

THIS IS THE FIRST AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT (“Amendment”), made and entered into by and between UTAH COUNTY, a political subdivision of the State of Utah, hereinafter “Program Manager,” and HIGHLAND CITY, a political subdivision of the State of Utah, hereinafter “Project Sponsor.”

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (“Act”), Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of Program Manager and Project Sponsor; and

WHEREAS, all of the parties to this Amendment are public agencies as defined in the Act; and

WHEREAS, it is to the mutual benefit of both Program Manager and Project Sponsor to enter into this Amendment to facilitate the above desires of Program Manager and Project Sponsor; and

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. PURPOSE

Program Manager and Program Sponsor entered into the Utah Program Manager Agreement No. 2017-477 (“Agreement”) concerning the Project Known as “4800 West Right
Turn Lane” in Highland City, Utah executed the 18\textsuperscript{th} day of July, 2017. This Amendment is meant to amend the terms of the Agreement by and between the Program Manager and the Project Sponsor.

Section 2. AMENDMENTS

In accordance with Section 8 of the Agreement, and Section 11-13-205.5, Utah Code Annotated, Program Manager and Project Sponsor do hereby amend the terms of the Agreement as follows:

1. Section 4 of the Agreement is hereby amended to read as follows:

   Section 4. EFFECTIVE DATE; DURATION.

   This Agreement shall become effective and shall enter into force within the meaning of the Interlocal Cooperation Act, upon the submission of this Agreement to, and the approval and execution hereof by the governing bodies of the County and City. The term of this Agreement shall be from the date of execution hereof until the terms and obligations identified herein are completed, but in no event longer than 2 years from the execution date.

2. Subsection 6.8.b of the Agreement is hereby amended to read as follows:

   Section 6. TERMS is amended to read:

8. Total Project Cost: Both Project Sponsor and Program Manager acknowledge that this Approved Project has been authorized by the Mountainland Metropolitan Planning Organization Regional Planning Committee to be funded at an amount not to exceed $360,800 (Total Project Cost) for the direct costs of the Approved Project.

   * * *

   b) Reimbursement: The Project Sponsor, if desiring reimbursement for the direct costs of the Approved Project, will provide the Program Manager with one monthly itemized invoice detailing actual costs for the ROW acquisition, design, utility relocation, construction, or other approved elements of the Approved Project. Appropriate backup materials shall also be supplied. The Program Manager agrees to reimburse the Project Sponsor within 30 days of receiving acceptable itemized invoices establishing the validity of the direct costs of the Approved Project. The maximum amount of reimbursement from the Program Manager to the Project Sponsor shall not exceed $336,373 (Total Project Cost less Matching Funds). Any costs which exceed $336,373 shall be the sole responsibility of the Project Sponsor. The Program Manager will review and approve monthly each itemized invoice and will reimburse the total invoice amount less the required matching funds.
3. The remaining provisions of Agreement No. 2017-477 shall remain in full force and effect and are incorporated in this Amendment as if fully set forth herein.

UTAH COUNTY

Authorized by Resolution No. 2019-___, authorized and passed on the _____ day of __________________ 2019.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By:_____________________________________
WILLIAM C. LEE, Chairman

ATTEST: AMELIA A. POWERS
Utah County Clerk/Auditor

By:__________________________
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
DAVID O. LEAVITT, Utah County Attorney

By:__________________________
Deputy County Attorney
HIGHLAND CITY

Authorized by Resolution No. _____, authorized and passed on the _____ day of
_______________ 2019.

HIGHLAND CITY, UTAH

By: ________________________________

Mayor

ATTEST: ____________
City Clerk/Auditor

By: ________________________________

Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
_______________, HIGHLAND City Attorney

By: ________________________________
## Funding Sources

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<td>Net difference</td>
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**VanCon Construction** $278,835.00  
Change Order #1 $1,930.00  
Change Order #2 $2,924.00  
Project over runs $19,380.60  
**Total Amount Authorized** $303,069.60

**Other contracts:**  
JUB $32,375.25  
Land Acquisition costs $23,707.00  
Miscellaneous Items $450.30  
Utah State - signal light hardware $9,309.92  
**Total** $65,842.74

**Project total** $368,912.34

**Project Excess/Deficit** $-

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Ut Co Inv #1 $127,016.24 Rec'd 9/4/18  
Ut Co Inv #2 $178,777.76 Rec'd 11/12/18 Ck#239879  
Ut Co Inv #3 $30,579.00 Billed 3/14/19  
**Total** $336,373.00

Alpine City $16,269.67  
Highland City $16,269.67  
**Total** $368,912.34

---

Amount represents matching costs and project overruns for each of the participating cities.

**Original match** $11,103.00  
**Contingency match** $1,110.50  
**Residual Costs** $4,056.17
The City Council should hold a public meeting and approve the preliminary plat subject to the four stipulations recommended by the Planning Commission.

BACKGROUND:
In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300 W from Alpine School District. At that time, it was the City’s intent to develop this property as a park. Unfortunately, due to budget constraints, there have not been sufficient funds to allow for its development.

On November 13, 2018, Highland City Council decided to surplus the property for residential development and the proceeds generated from the sell would be utilized to develop the Mountain Ridge Park property.

The proposed property is 12 acres located at approximately 10029 North 6300 West. The proposed development includes a 2.32-acre park and 10 single-family residential building lots.

The property is designated as Private Recreation & Mini Park on the General Plan Land Use Map. The current 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.

Parks are permitted in the R-1-40 District subject to approval of a conditional use permit. The City of Highland will be applying for the Conditional Use Permit (CU-19-04).

Preliminary Plat approvals are an administrative process.

SUMMARY OF THE REQUEST:
1. The applicant is requesting approval of a preliminary plat approval for 10 single-family residential building lots and a 2.32-acre park located approximately at 10029 N 6300 W.

2. The City will be responsible to provide culinary and pressurized irrigation water shares for the subdivision.

3. Access to the site will be from Mountain View Drive. The road matches up with 9960 north cul-de-sac across Mountain View Drive road.

4. A masonry entry monument sign will be placed at the entrance of the subdivision on Mountain View Drive.

CITIZEN PARTICIPATION:
The City of Highland held a neighborhood meeting on November 1, 2018. The purpose of the meeting was to inform the neighboring residents that the property would be sold. The City of Highland and Millhaven Development held a Design Review Committee (DRC) meeting on March 7, 2019. No residents attended the meeting.

Notice of the Planning Commission public hearing was published in the March 10, 2019 edition of the Daily Herald and mailed to all property owners within 500 feet on March 7, 2019. We have not received any comment from adjacent property owners expressing concern of the potential development.

Notification is not required for City Council.

ANALYSIS:
• The property is designated as Private Recreation & Mini Park on the General Plan Land Use Map.

• The surrounding properties are zoned R-1-40 and are single family homes. Properties to the south of 9600 N are zoned R-1-20 and are single family homes.

• Utilities currently exist in Mountain View Drive.

• The property has ten (10) single-family residential lots with three (3) of those lots being 30,000 square feet or less. The R-1-40 District allows thirteen (13) single-family residential lots with three (3) of those lots being 30,000 square feet or less. The proposed plat meets the requirements of the R-1-40 District.

• Each lot has 130 feet of frontage demonstrated with a 10-foot utility easement on each property. This meets the requirements of the R-1-40 District.

• The setbacks are 30 feet from the front and rear property line with 15 feet for the side property lines. This meets the requirements of the R-1-40 District’s setbacks.

• A masonry theme wall is not required along Mountain View Drive.
FINDINGS:
With the proposed stipulations, the preliminary plat meets the following findings:

- It complies with all zoning requirements as set forth by the Development Code.

PLANNING COMMISSION ACTION:
The Planning Commission held a public meeting on March 26, 2019. There were comments from the public regarding the proposal. The Commission voted unanimously to recommend approval of the final plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer.
   The site shall meet all requirements of the City Engineer.
4. A note shall be included on the final plat stating: Highland City Ordinances currently permit larger animals on surrounding properties.

RECOMMENDATION AND PROPOSED MOTION:
I move that the City Council recommend APPROVAL of Spring Creek Highland Plat ‘A’ Preliminary Plat subject to the four stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:
I move that the City Council recommend DENIAL of the Spring Creek Highland Plat ‘A’ Preliminary Plat subject to the following findings: (Council should state appropriate findings).

FISCAL IMPACT:
The City will pay for the park which is estimated to cost $556,994.50. The City will provide culinary and pressurized irrigation water shares. The City will be responsible to maintain the landscaping in the park.

ATTACHMENTS:
1. Vicinity Map
2. Preliminary Plat Map
3. Entry Monument Sign
4. Narrative
UTILITY NOTES
1. All construction to be done according to Highland City Standards and Specifications.
2. Culvert underw - 48" wide, depth to top of pipe 8' ductile iron type "A" wrapped.
   Pressure irrigation main - 24" - 26" depth to top of pipe C900 DR-16 Purple Pipe.
3. 6" C 60-B 10 PVC pipe as per specifications.
4. All main services and stubouts to be located in park strip with chase conduit under sidewalk.
5. (3) 4" electrical conduits to be installed at every intersection and cul-de-sac entrance.

DRAINAGE NOTES
1. All construction to be done according to Highland City Standards and Specifications.
2. Street drainage will be directed to the SW at the intersection of Mill North and Mountain View Drive.
   All lots will be required to maintain storm water on lot in defined retention areas.
Spring Creek Narrative
Millhaven Development

January 2018
Executive Summary

Project Description

Spring Creek will consist of 10 lots conforming to the R-1-40 zoning for Highland city. There will be an additional 2.3 acre park as designed by the city. Millhaven Development proposes an initial purchase price of $1,915,000 million dollars USD, minus the cost of the park which is estimated at approximately $500,000 hundred thousand dollars.

It is the intention of Millhaven development to develop and build homes on this project in a manner that will be pleasing to both the city of Highland and the surrounding neighborhood. Millhaven has established itself as the premier builder of high quality homes throughout Utah valley and we are excited to help enhance the rich history of high quality sub-divisions and homes that Highland has become known for.

Management

Management of Millhaven development is being handled by:

Jeremy Ackley, Jeremy is the current owner of Millhaven homes, the premier custom homebuilder in Utah and Millhaven Development. Under his direction Millhaven has grown from a start-up in 2008, at the height of the Realestate downturn, to the number one custom home builder across the Wasatch front. With award winning homes in the previous, 6 parade of homes shows, multiple home builder of the year and performance awards, Millhaven has become the “go-to” builder for any homeowner desiring a high quality home. With his outstanding business acumen and over 20 years of construction experience, Jeremy has established Millhaven for unprecedented growth.

Tyrell Gray, Tyrell has been involved in the Real Estate industry for two decades. With experience involving, home loans, title work, custom home building and Land Development, Tyrell brings a unique perspective to the development arena. Tyrell has been an independent Land Developer and joined forces with Jeremy to expand Millhaven Development as the premier land developer in a strategic manner, lowering overall risk with thorough due diligence and a conservative approach. Each Millhaven Development project has created significant returns due the companies philosophy of organized and strategic processes.
Example Homes
DATE: Tuesday, April 2, 2017
TO: Honorable Mayor and Members of the City Council
FROM: JoAnn Scott
SUBJECT: Motion: Approval for Surplus and Disposal of Personal Public Property and Equipment

STAFF RECOMMENDATION:
City Council approve the surplus and disposal of Personal Public Property and Equipment.

BACKGROUND:
Highland City currently has several items that have been replaced or updated over the past several years. This outdated / replaced equipment has been stored within the Highland City office and Public Works facility and is taking up valuable storage space. Staff would like to surplus these items and place them on the Public Surplus website for sale. All electronic devices, copies, printers, etc. will be cleaned of all city information and software by our IT personnel prior to surplus.

Pursuant to Municipal Code 2.44.040: Once the City Council approves the disposal of Personal Public Property a reasonable notice of at least 14 days prior to disposition shall be placed on the City Website. After the notice period the City will then dispose of personal public property by means of auction, sealed bid or other method designed to best serve the interests of City residents. Property valued below $300 may be disposed of under the direction of the City Administrator in accordance with City Ordinance. Those items that have no economic value shall be donated to a charitable organization or destroyed.

Disposal/Donation of property will not take place until after April 17, 2019.

FISCAL IMPACT:
No impact on the budget

ATTACHMENTS:
1. Highland City Asset disposal Sheet
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<th>Number</th>
<th>Quantity</th>
<th>Asset Type Description</th>
<th>Original Purchase Price</th>
<th>Current Value</th>
<th>Method of Disposal</th>
<th>Third Party Detail (New Owner)</th>
<th>Disposal Price Received</th>
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Remarks:

Department Head

Finance Director

City Recorder

City Administrator

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<th>Number</th>
<th>Quantity</th>
<th>Asset Type Description</th>
<th>Original Purchase Price</th>
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**Remarks:**

_____________________________  ________________________________
Department Head                        Date

_____________________________  ________________________________
Finance Director                     Date

_____________________________  ________________________________
City Recorder                      Date

_____________________________  ________________________________
City Administrator                  Date


D:\Surplus\2019 Asset Disposal Sheet
The City Council should discuss the request and determine if the action should be reconsidered.

On February 19, 2019, the City Council held a public hearing regarding a request to dispose of open space property between lots 62 to 68, leading to Canterbury North Park. The proposal is to purchase the neighborhood optional trail. The total area is approximately 8,712 square feet. After a public hearing, the Council voted 3-2 to deny the request.

Council members Ed Dennis and Scott Smith are requesting that the City Council reconsider their action. If the Council chooses to reconsider this item, it will be brought back for action at a future Council meeting after the request has been noticed for a public hearing.

This action will not have a financial impact on this fiscal year’s budget expenditures.

1. Excerpt of the Minutes from the February 19, 2019 City Council Meeting.
EXCERPT OF THE MINUTES  
FEBRUARY 19, 2019 CITY COUNCIL MEETING  

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

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 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 backyard 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 backyards. The trail itself was full of potholes 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 a portion of the quarter cent sales tax from the County should be used to help maintain the 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.
City Council should provide staff with direction regarding the Master Plan for Mountain Ridge Park.

Background:
Mountain Ridge Park is an approximately 17.6-acre park located at the southwest corner of 5600 West and 10400 North. The park has been classified as an Athletic Complex in the General Plan. Athletic parks include open play fields, picnic areas, trails, play structures, and formal sports facilities such as basketball courts, baseball fields, and volleyball courts.

On November 20, 2018, the City Council approved a contract with BlueLine Design, Inc. for the preparation of the master plan and construction documents.

On January 8, 2019, the City Council approved the final master plan. The final master plan included the following:

- 27 pickleball courts with a 3 court center court
- 2 Multi-use play fields which have been placed between the pickleball courts and the existing residential homes to the south
- All Accessible Playground
- Large Pavilion and Restroom Building
- Parks Department Operation and Maintenance Building
- Looped Walking Path
- 180 Parking Spaces

The original intent was that the pickleball complex would primarily be funded by private donations and to be constructed and opened for a tournament in the fall. The rest of the funding of the park would come for the proceeds of the sale of the Spring Creek property and other one-time revenue sources.

The pickleball courts were supposed to be constructed and opened for a tournament in the
fall. The deadline to begin discussion to meet this deadline has been missed.

On March 5, Councilmember Braithwaite reported on the fundraising amounts for Mountain Ridge Park to this point. He reported that the Foundation has raised approximately $24,000 in cash, $407,000 in non-cash contributions, and $225,000 in tentative donations. The majority of the funds have been committed to the construction of the pickleball courts.

In that meeting the, Council directed staff to continue ahead with the traffic and noise studies. They reaffirmed that the City will only build what it can afford and will not raise taxes or bond in order to build the park. Staff has hired the appropriate consultants and the studies have begun.

On March 19, 2019 staff reported the results of the 2019 Community Survey. Two of the questions in particular related to Mountain Ridge Park. The results are as follows:

- 62% of respondents said they did not want to see large sports tournaments in Highland.
- In terms of what recreation elements people want to see in parks, the top answers were: 32% for walking paths; 28% for general playground equipment; 25% for an all abilities playground; 24% for open fields for soccer, football, or other use; and 17% for pickleball.

At the April 2, 2019 meeting, the Council will consider a request for preliminary plat approval for the Spring Creek Subdivision. This is consistent with closing on the sale of the property in June 2019.

At the direction of the City Council, sixty percent construction drawings have been completed. These drawings do not include the construction plans for the pickleball complex.

Based on the results of the 2019 Community Survey and the current fundraising, staff is requesting direction for the Council regarding the park master plan. Staff has identified the following options to be considered.

1) Proceed as previously planned.
2) Start a new master plan design process for the park.
3) Using the input from the previous community meetings and survey, modify the existing master plan and present it to the residents for input. For example, some of the changes that could be made include but are not limited to: revise the master plan to make the playground and pavilion the focal point of the park, reduce the number of pickle ball courts, create three multiuse fields, etc.

There are pros and cons for each approach.
ATTACHMENTS:
   1. Sample Park Design Process
The City Council should hold a public meeting and approve the conditional use permit subject to the three stipulations recommended by the Planning Commission.

BACKGROUND:
In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300 W from Alpine School District. At that time, it was the City’s intent to develop this property as a park. Unfortunately, due to budget constraints, there have not been sufficient funds to allow for its development.

On November 13, 2018, Highland City Council decided to surplus the property for residential development and the proceeds generated from the sell would be utilized to develop the Mountain Ridge Park property. The Mountain Ridge Park property is located on 5600 W 10400 N, west of the Junior High, and is approximately 17 acres in size. On January 22, 2019, City Council sold Spring Creek Park to Millhaven Development for $1,915,000.

The proposed development includes a 2.32-acre park. Parks are permitted in the R-1-40 District subject to approval of a conditional use permit.

The property is designated as Private Recreation & Mini Park on the General Plan Land Use Map. The current zoning is R-1-40.

Conditional Use Permits are an administrative process.

SUMMARY OF THE REQUEST:
1. The applicant is requesting approval of a 2.32-acre park located approximately at 10029 N 6300 W.

2. Access to the site will be from Mountain View Drive and a path between lot seven and eight.
3. The park is estimated to cost $556,994.50. The City will also be responsible to maintain the landscaping in the park.

4. The park will provide two pavilions, one playground, two swing sets, four park tables, a walking path, and a grass field.

5. The park will have a 6-foot masonry fence along the rear property line of the properties that abut the park in this subdivision. There is currently a 6-foot vinyl fence for the properties that abut the park in the Willow Ridge Subdivision.

6. The applicant will provide culinary and pressurized irrigation water shares.

CITIZEN PARTICIPATION:
The City of Highland held a neighborhood meeting on November 1, 2018. The purpose of the meeting was to inform the neighboring residents that the property would be sold. The City of Highland held a Design Review Committee (DRC) meeting on March 7, 2019. No residents attended the meeting.

Notice of the Planning Commission public hearing was published in the March 10, 2019 edition of the Daily Herald and mailed to all property owners within 500 feet on March 7, 2019. We have not received any comment from adjacent property owners expressing concern of the potential development.

Notification is not required for the City Council meeting.

ANALYSIS:
- The property is designated as Private Recreation & Mini Park on the General Plan Land Use Map.
- The surrounding properties are zoned R-1-40 and are single family homes. Properties to the south of 9600 N are zoned R-1-20 and are single family homes.
- Utilities currently exist in Mountain View Drive.

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 properties are zoned R-1-40 and R-1-20. The current zoning is R-1-40. The proposed use is compatible with the existing land use.

2. The use complies with all applicable regulations in the Development Code.
   Parks are permitted in the R-1-40 District subject to approval of a conditional use permit.
   The park has a 6-foot masonry theme wall on the rear property line for the properties
that abut the park in this subdivision and there is currently a 6-foot vinyl fence for the properties that abut the park in the Willow Ridge Subdivision.

3. Conditions are imposed to mitigate any detrimental effects.
The Council should include any stipulations which are deemed necessary to mitigate any potential impacts. Staff has provided draft stipulations.

PLANNING COMMISSION ACTION:
The Planning Commission held a public meeting on March 26, 2019. There were comments from the public regarding the proposal. The Commission voted unanimously to recommend approval of the final plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the concept plan and plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer.
   The site shall meet all requirements of the City Engineer.

RECOMMENDATION AND PROPOSED MOTION:
I move that the City Council accept the findings and recommend APPROVAL of the conditional use permit subject to the three stipulations recommended by the Planning Commission.

ALTERNATIVE MOTION:
I move that the City Council recommend DENIAL of the conditional use permit subject to the following findings: (Council should state appropriate findings).

FISCAL IMPACT:
This property was previously purchased with Park impact fees. The City sold the park to Millhaven Development on January 22, 2019 for $1,915,000. Sixty percent of the net proceeds will be placed in the account Park Capital Fund 40-40-78 Mountain Ridge Park and the remaining forty percent will be placed in account Park Capital Fund 40-40-71 Major Park Construction/Repair. The park impact fee will need to be adjusted accordingly.

The City will pay for the park which is estimated to cost $556,994.50. The City will provide culinary and pressurized irrigation water shares. The City will be responsible to maintain the landscaping in the park.

ATTACHMENTS:
1. Vicinity Map
2. Spring Creek Subdivision Preliminary Plat
3. Park Concept Plan
4. Park cost estimate
ATTACHMENT 1:

Park Location

12:005:0022
HIGHLAND CITY...
10029 N 6300 WEST - HIGHLAND
Value: $0 -- 12 acres

12:005:0063
TITERA, WILLIAM R and DOROTHY J...
Value: $924,200 -- 7.7 acres
## CONTACT INFORMATION

Name: Mapleton Park Concept C/O Millhaven Development  
Phone: 801-636-0604  
Email: tyrell@millhavendevelopment.com

**DESCRIPTION** | **QTY** | **RATE** | **TOTAL**
--- | --- | --- | ---
LANDSCAPE COMPONENTS: | 0 | | 
TRACTOR WORK-grading and shaping and clearing | 1 | 13650 | 13650
COMMERCIAL GRADE IRRIGATION SYSTEM : Includes drip for all bed areas: POC AND PUMP TBD | 1 | 81252 | 81252
SCREENED TOPSOIL (YARDS) FOR SOD AREAS (40K sqft) AND BERMING BED AREAS 19000 sqft | 1100 | 25 | 27500
PREMIUM GRADE SOD INSTALLATION and FINAL RAKE/PREP | 62500 | 0.56 | 35000
FINISH GRADE LEVELING AND SHAPING AND HAND LABOR | 1 | 11565 | 11565
2-4" COBBLESTONE BLEND, w/ 4" BEEF HALLOW CURSHED ROCK ACCENTS in BEDS (incl. fabric) | 19000 | 3 | 57000
MIXED VARIETY OF LARGE CALIPER TREES : 2-2.5" Deciduous, and 6-7' Evergreen | 77 | 395 | 30415
MIXED VARIETY OF PLANTS/SHRUBS 5 GAL | 75 | 42.5 | 3187.5
MIXED VARIETY OF PLANTS/SHRUBS 10 GAL | 50 | 95 | 4750
DRAINAGE AND SUMP AREAS BUDGET | 1 | 3250 | 3250
SOIL TREATMENT AND ROOT BOLSTER MIX ($25.00/tree) 3/shrub | 1 | 3575 | 3575
CONCRETE CURBING 6' FLAT NON COLOR | 300 | 5.5 | 1650
HAUL OFF (Truck Loads) $110/hr trucking $125/hr loading. | 20 | 250 | 5000
TRAVEL: | 1 | 2150 | 2150
EXCAVATION AND COMPACTION CLEARING EXISTING SURFACE Budget 20hrs | 1 | 2500 | 2500
MOBILIZATION AND JOB SITE LOGISTICS: INCLUDING ONSITE TOILET | 1 | 3250 | 3250

**TOTAL** | **$ 291,869.50**

HARDSCAPE COMPONENTS:

PUMP TRUCKS IF NEEDED (750/truck) | 0 | 750 | 0
4' WIDE CONCRETE WALKWAYS: 1800 LF INCLUDES BASE GRAVEL PREP AND FORM | 7200 | 7.5 | 54000
PARK BENCH CONCRETE LANDINGS: 15x15 (4) STANDARD EXPANSION JOINTS | 4 | 1350 | 5400
PAVILION CONCRETE PICNIC AREAS: (2 @ 2000 sqft) SAW CUT WITH REBAR | 4000 | 8.5 | 34000
PLAYGROUND 12" CONCRETE SURROUND WALL FOR PLAYSET WOOD CHIPS | 1 | 4250 | 4250

**TOTAL** | **$ 97,650.00**

visit us online at: www.decorativeinc.com

**TOTAL** | **$ 389,519.50**

ACCESSORIES AND OPTIONAL ITEMS:

LOW VOLTAGE LED LIGHTING: UPLIGHTS FOR TREES, PATH LIGHTS AND BENCH LIGHTS | 50 | 240 | 12000
OLYMPUS PRECAST CONCRETE FENCE: 6' TALL 465 LF | 465 | 90 | 41850
6' WOOD LOOK VINYL FENCING 515 LF | 515 | 45 | 23175
20x20 TIMBER PAVILIONS WITH ROOF SYSTEM AND FACIA: BUDGET 18-30k | 2 | 25000 | 50000
COMMERCIAL PARK ADA STEEL 8' PIC NIC TABLES WITH BENCHES (budget 1000 each) | 8 | 1000 | 8000
POWER RUN TO PAVILIONS? TBD2500-3500 $2500 budget | 1 | 2500 | 2500
COMMERCIAL PARK PLAYSET and SWING SET Playground Depot budget 25k installed | 1 | 25000 | 25000
PLAYGROUND SOFT FALL: RUBBER MULCH 60 cubic yards $12500 WOOD Chips $ 4950 | 1 | 4950 | 4950

**OPT. TOTAL** | **$ 167,475.00**

**TOTAL PROJECT** | **$ 556,994.50**
Adopt an ordinance regulating short-term rental properties in Highland.

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.

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

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

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

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY, UTAH
ADOPTING SECTION 5.24 SHORT TERM RENTALS WHICH WOULD
REGULATE 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 2nd day of April, 2019.

HIGHLAND CITY, UTAH

________________________________
Rodney W. Mann
Mayor

ATTEST:

COUNCILMEMBER    YES    NO
Brian Braithwaite  □     □
Ed Dennis          □     □
Tim Irwin          □     □
Kurt Ostler        □     □
Scott L. Smith     □     □

Cindy M. Quick, MMC
City Recorder
The City Council should conduct a public hearing and adopt the 1% Municipal Transient Room Tax for short term rentals.

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 October 1, 2019.

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

Attachments:
1. Resolution R-2019-05
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 October 1, 2019.

THIS RESOLUTION APPROVED AND ADOPTED, this 2nd day of April, 2019 by the City Council of Highland, Utah.

HIGHLAND CITY, UTAH

__________________________
Rodney W. Mann
Mayor

ATTEST:

__________________________
Cindy M. Quick, MMC
City Recorder

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