



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL MINUTES**


**Tuesday, January 3, 2023**

**Approved February 7, 2023**

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

**VIRTUAL PARTICIPATION**

 YouTube Live: <http://bit.ly/HC-youtube>

 Email comments prior to meeting: [council@highlandcity.org](mailto:council@highlandcity.org)

**7:00 PM REGULAR SESSION**

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03 pm. 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 Council Member Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

**PRESIDING:** Mayor Kurt Ostler

**COUNCIL MEMBERS**

**PRESENT:** Brittney P. Bills, Timothy A. Ball, Kim Rodela, Sarah D. Petersen, Scott L. Smith

**CITY STAFF PRESENT:** City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Fire Chief Brian Patten, Police Chief Brian Gwilliam, Communications Coordinator Lina Cosa Olsen

**OTHERS PRESENT:** Jon Hart, Terry Cutler, Corey Jones, Darin Juncker, Jeremy Searle, Brady Brammer

**1. UNSCHEDULED PUBLIC APPEARANCES**

Please limit comments to three minutes per person. Please state your name.

There were no public appearances.

**2. PRESENTATIONS**

**a. Legislative Updates** – *Brady Brammer*

Representative Brady Brammer will discuss upcoming legislation which may affect Highland City.

Representative Brammer indicated he is grateful for the opportunity to meet with the Mayor and Council to discuss pieces of legislation that will be discussed in the upcoming 2023 Legislative Session, specifically those that will impact Highland City. He used the aid of a PowerPoint presentation to discuss the stewardship of the Legislature, which includes water, energy, and land management; there have been significant investments in water and energy initiatives in the past few years and he expects increased investment in future years. Relative to land management, there has been a focus on housing affordability in the State of Utah. House Bill (HB) 462 was adopted last year and there will be a continued focus on the goals of that legislation in the upcoming session. There has been dialogue regarding plat approvals and zoning changes and which tasks should be administrative in nature; there will be adjustments to HB462 relative to funding restrictions or financial penalties for cities that are not complying with the legislation. He is working with the Utah League of Cities and Towns (ULCT) regarding opportunities for negotiating changes to the bill and he encouraged Highland leaders to pay attention to the debate regarding the bill because there is little appetite for certain types of housing developments in Highland and surrounding cities. He stated there will also be a focus on State-wide regulations for short term rentals.

Representative Brammer then discussed investment and taxes; he will be part of the leadership of the Tax and Revenue Committee for the Legislature and they anticipate setting aside \$400 million for tax cuts. The State has been running with a \$1 billion surplus for several years, for a total budget of \$26 billion; some Legislators want a flat rate cut while others want an immediate reimbursement and a rate cut, but the details of tax adjustments will be yet to be determined. The State will continue to invest heavily in transportation and education. Utah County is prime for increased growth, much more than Davis and Salt Lake Counties, and the Legislature will work to develop a formula that will tie investment directly to population growth, which requires transportation improvements. He concluded by discussing the general budget; he provided a graph illustrating the State's revenue sources and the manner in which funding is allocated between public education, social services, debt service, law enforcement, higher education, capital facilities, general government, and transportation.

Council Member Smith asked Representative Brammer to provide his definition of affordable housing. He stated Highland has some areas of high-density housing, but they do not seem to meet the State's definition of affordable. It seems that regardless of density, home prices and rental rates are high, and cities need some clear guidance on how to comply with affordable housing legislation. Representative Brammer stated this is a debate among the Legislature and there is also a discussion about whether the State should provide subsidies to make housing affordable. Some measures have been taken to increase supply with the thought that increased supply will reduce housing costs. He stated he understands the frustration of cities and noted that many legislators share in that frustration; his biggest concern is removing barriers that make housing more expensive. One of the biggest barriers is the land that is available for development; most development is being concentrated along the Wasatch Front, but there is a great deal of land in the State that is inaccessible or unavailable for desired zoning designations. He briefly discussed the relationship between corridor preservation and land planning; in areas of high growth, the State is unable to obtain the land needed for corridor preservation until it is too late, which means increased cost and reduced efficiency. The role of government is to build infrastructure to provide for increased supply; the role of the government is not to subsidize housing to reduce housing costs or force developers to build low-income housing. That would be a horrible manipulation of the market.

Council Member Smith stated it seems there is a real focus from the State Legislature on economic growth, but it seems that focus has been on quantity and not quality; he wished that there were foresight about the impact that decisions will have on residents' quality of life in the long term. He stated that it feels as if the Wasatch Front is turning into California and many residents are not comfortable with that change. Representative Brammer agreed; he noted the State has shifted its focus on economic growth from one of incentivization to accommodation. Many businesses are now moving to Utah because of the increased population rather than financial incentives from the

State. The State is concerned about quality of life, but it is hard to determine how to achieve high quality of life when growing at the rate that Utah is.

Mayor Ostler referenced HB 462; there has been a focus on increased housing stock rather than quality. He noted that over the last three years, the City has approved 17 percent more density, but each year the State is asking for more. He stated he feels Highland was too responsive to the legislation, and is now being punished. The City's housing affordability plan was rejected by the State, even though densities have been increased, and he is confused as to what the State wants from cities. Representative Brammer stated the Legislature legislates with a hammer rather than scalpel; some cities are worse than others in terms of approving affordable housing units or increased density and that has resulted in the State being punitive towards all cities. His personal opinion is that HB 462 should be given time to 'rest' before the State responds and tries to enforce or punish those that are not complying. Mayor Ostler agreed; he noted that Highland has approved many new units, but it will take six to eight years for developers to build them; he asserted that Highland does not have a housing shortage. Representative Brammer stated that many have taken a philosophical approach to the issue and that has been harmful to some cities. This led to brief high level discussion regarding the factors that control the housing market, after which Mayor Ostler asked if the State Legislature is considering legislation that would impact General Plan planning processes for cities. Representative Brammer stated that Legislators have discussed whether a land owner or developer would have a right to zoning that is identified in the General Plan without having to follow a lengthy zone change process. Mayor Ostler stated he feels this is an attempt to avoid public clamor; he noted that Highland's General Plan has not been updated since 2008 and he hopes the Legislature will give cities time to update their plans before making a law that entitles someone to zoning that is identified in an outdated plan. Representative Brammer stated he has not heard much about the Legislature's ideas for regulating the General Plan process for municipalities, but he advised Highland City should update its General Plan.

Council Member Rodela stated the Governor's budget was released a few weeks ago and she asked Representative Brammer how he aligns with the Governor's budgetary goals, specifically the recommended tax cuts. She stated that he has recommended tax cuts that total \$1.3 billion over the next three years. Representative Brammer stated that one branch of the State's government holds the 'power of the purse' and it is not the Governor; however, he believes the Legislature is in agreement with the proposed property tax adjustment, rate cuts, and adjustments to food sales tax. He discussed hesitance to adjust the general fund for the State and noted tax credits are cumbersome and not good policy. He stated he will not support a straight rate cut, but would support a phased cut over a two year period.

Mayor Ostler thanked Representative Brammer for the information he provided tonight and for his representation of the community.

**b. Employee Introduction** - *Lina Costa Olsen, Communications Coordinator*

Lina Costa Olsen will introduce herself at the new Communications Coordinator for Highland City.

Communications Coordinator Costa Olsen introduced herself to the Council; she stated she is a second-year Masters of Public Administration (MPA) student at Brigham Young University (BYU) and she is excited to help with social media and administrative communication for the City.

Council Member Smith inquired as to the number of hours per week Ms. Olsen will be working for the City. Ms. Olsen stated that through March she will only be able to work seven hours per week, but after March, she will increase to 30 hours per week until November.

City Administrator Wells clarified the difference between the City's Events Coordinator and Communications Coordinator; events coordination will be handled by another individual.

### 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. **Approval of Meeting Minutes** *Administrative - Stephannie Cottle, City Recorder*  
Regular City Council Meeting – November 1, 2022

*Council Member Scott L. Smith MOVED that the City Council approve consent items 3a Meeting Minutes from November 1, 2022.*

*Council Member Timothy A. Ball SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

### 4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PARK OR PLANTER STRIPS *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Section 3-621 Park or Planter Strips to require xeriscaping in park strips and update the permitted tree list in park strips. The City Council will take appropriate action.

Planner and GIS Analyst Smith explained on October 18, 2022, Commissioners Howden and Moore presented to the City Council. They proposed that new developments be required to xeriscape park strips, parkway detail, and planters. Councilmembers emphasized they like xeriscaping designs that include a certain amount of vegetation rather than 100 percent rock/hard surface. She summarized the details of the request and noted staff recommends the Chapter 10 definition of xeriscape be amended as follows:

*Xeriscape. Xeriscape is interpreted to be landscaping in a manner that reduces the need for supplemental irrigation, conserves water and enhances the beauty of the property. ~~At least 25% of the xeriscape area within the front setback of a residence must contain plants, trees and shrubs.~~ Residents should be conscientious of utilizing plants, trees and shrubs appropriate to the climate to avoid losing water to evaporation and run-off. Xeriscape ~~areas~~ shall consist of an attractive mix of plantings, rocks and other landscaping materials. ~~For front yards and park strips, at least 25% of any xeriscape must contain plants, trees and shrubs.~~*

The proposed amendment requires xeriscape or water-wise landscaping methods in park strip areas of new subdivisions; it also removes the outdated tree list and refers to Section 2.36.160 (J) Tree Class Divisions in the Highland City Municipal Code for the permitted Class I trees. She concluded staff recommends the City Council hold a public hearing and approve the proposed amendment as recommended by the Planning Commission, with the additional amendment to the definition of xeriscape, based upon the following findings:

1. The amendment eliminates inconsistencies between the Development and Municipal Codes.
2. The amendment clarifies the definition of xeriscaping.

Council Member Smith asked if the updated tree list applies to park strips only. Ms. Smith stated that the ordinance identifies class one trees, but also several other types of trees that are allowed based upon area and width of the planting location. Residents do not always get informed regarding the types of trees that are allowed and staff will work on public education materials to help address this matter. Council Member Smith stated that the ordinance language is somewhat confusing, and a reader may not understand the differentiation between park strips and front yard for purposes of the types of trees that can be planted. Ms. Smith stated she understands and she noted that class one trees are specific to park strip and planter areas.

Council Member Peterson asked how the ordinance will be enforced. Ms. Smith stated that the City is typically made aware of a violation when a tree is planted that is too big and it causes sidewalks to buckle. A resident calls the City asking to have the sidewalk fixed, and the City informs them that their tree caused the problem and needs to be removed. Most of the City's code enforcement is complaint driven.

Council Member Rodela asked if information regarding allowed trees are given to those performing new construction projects in the City. Ms. Smith stated the City does not typically review landscaping plans for residential park strips; it is the responsibility of a homeowner to be proactive in determining the types of trees they are allowed to build. Mayor Ostler clarified that builders typically do not handle landscaping; it is more common for a resident to perform landscaping after they move into a home. Ms. Smith agreed; the City can advertise the ordinance amendments through the City's newsletter, website, and social media.

Mayor Ostler opened the public hearing at 7:53 p.m.

There were no persons appearing to be heard.

Mayor Ostler closed the public hearing at 7:53 p.m.

*Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE the proposed amendment that requires new park strips to be xeriscape, updates the tree list, and revises the definition of xeriscape.*

*Council Member Scott L. Smith SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

## **5. ACTION: SELECTION OF A CONSULTANT FOR THE TRAFFIC CALMING AND PEDESTRIAN SAFETY MANUAL** *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will review the selection of a consultant engineer for the Traffic Calming and Pedestrian Safety Toolbox manual. (This was previously referred to as Traffic Control Toolbox). The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained that responsive to direction of City Council, the City is seeking a consultant to prepare a Traffic Calming and Pedestrian Safety manual and process. The purpose of this manual is to have a “toolbox” that the City can rely upon and a process to follow when adjustments to travel speed, signage, pedestrian safety, or other road conditions are requested by citizens. The intended result will be to adopt a process whereby citizens can raise traffic related concerns to the City and have those concerns evaluated in an unbiased manner. When an item is determined actionable, the manual will stipulate a predetermined process for obtaining neighborhood consensus, selecting acceptable traffic-calming or pedestrian-safety devices, implementation, and provide a recommended annual funding to allow for implementation. Mr. Spencer summarized the Request for Proposal (RFP) process for the service and indicated Wall Consulting Group (WCG) complied with the requirements outlined in the RFP. City staff finds WCG to be well qualified to complete the project and recommends award of the Traffic Calming and Pedestrian Safety Toolbox manual to the firm.

Council Member Smith inquired as to reasoning this project cannot be performed in-house by City staff. Mr. Spencer stated that it is important for the toolbox to be developed in a very public and impartial manner in order to avoid a public perception that the City has ‘taken a side’ on the matter of traffic calming or pedestrian safety. He would like for the manual to be developed impartially. He added that he is unsure City staff has the time to complete the project and that is cause for concern.

Mayor Ostler asked what information the City will gather through a private consultant that is not already available internally. Jeremy Searle, WCG, stated that Highland is not alone in struggling with this issue; there are many complaints in many other communities about speeding and/or pedestrian safety. WCG will implement a project that will be customized for Highland City that will be used to determine when and where to perform traffic calming measures. It is important to develop a manual that allows for data driven decisions; he will meet with Public Safety and Public Works officials to determine traffic calming measures that will or will not be successful in the City. This information will be used to create an official policy. He stated this type of process and manual will take pressure off City officials and staff when dealing with the public about a traffic and pedestrian safety issue.

Mayor Ostler asked for an example of a City that has undertaken a similar project and has achieved success. Mr. Searle stated WCG has worked most recently with the Utah Department of Transportation (UDOT) and Mountainland Association of Governments (MAG); the results of their work has been shared with some cities for traffic calming purposes. Additionally, WCG has most recently worked with American Fork, Salem, and West Point cities to develop traffic calming procedures. Mayor Ostler asked if the manual would provide a breakdown on different road classifications. Mr. Searle answered yes, and it will provide information about the types of roads for which certain traffic calming measures are not appropriate. Mr. Spencer added that the manual will also be a tool to help ascertain whether there is community consensus regarding a requested traffic calming device.

Mayor Ostler stated the intent of this agenda item is to determine if the Council wants to commission a study to inform traffic calming decisions, or if they feel they can work with staff to identify appropriate traffic calming projects at certain areas of the City responsive to the public. Council Member Rodela stated she believes the City needs to utilize an independent consultant to develop a traffic calming manual; one of the hardest things City Councils are asked to do is come up with policies and plans for matters they have no expertise in. This is an opportunity for the City to utilize a third party that can provide appropriate research and propose an appropriate plan/manual for the City. Council Member Ball stated that the Council’s main function is to ensure safety and he feels the proposed cost for this study is reasonable; he agreed the City needs the expertise of a third party.

*Council Member Timothy A. Ball MOVED that City Council approve a contract with Wall Consultant Group for the Traffic Calming and Pedestrian Safety Toolbox Manual in the amount of \$34,397 and authorize the City Administrator to sign the appropriate contract documents. In addition, direct staff to defer all action on traffic calming until the manual is completed and requests can be evaluated through the adopted process.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>No</i>

*The motion passed 4:1.*

**6. ACTION: PURCHASE CONTRACTS FOR STORAGE AND SECURITY IMPROVEMENTS FOR THE PI METER PROJECT** *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider the approval of two contracts, Northwest Fence in the amount of \$33,000 and Rugged Containers in the amount of \$28,995.98 for the purpose of providing a storage facility to house the materials for the PI meter installation project. The combined cost of these improvements is \$61,995.98. The Council will take appropriate action.

City Engineer/Public Works Director Spencer stated that in November 2022, the Council approved the purchase of meters and brass parts for the pressurized meter project. There may be as much as \$5 million in parts in storage at the beginning of the project and staff recommends that the valuable items be stored in one place that is secure. Staff proposes the storage site be at well #2, which is out of sight for traffic on Timponogos Highway and surrounding areas. Storage containers and fencing will not be obtrusive to the neighbors and will have a minimal impact on adjacent properties. Staff proposes replacement of the existing chain-link fence and extension of the fenced area to the east to create a larger secure area. The new fencing will be black vinyl coated, chain-link fence and will have added barbed wire assembly on the top for security purposes. The total cost of the improvements is \$61,995.98 and staff recommends use of funding from GL 53-40-50, PI Meter Grant, within the Fiscal Year (FY) 2023 budget.

Council Member Smith asked if this proposal meets the City's ordinances regarding fencing and storage containers. Mr. Spencer stated that the chain link fencing is existing, so it is grandfathered; the shipping containers will be hidden. He added that most of the City's facilities are secured with chain-link fence, and it may be appropriate for the Council to consider the City's compliance with a recent action to prohibit chain link fencing. Council Member Smith asked if the facility will be secured. Mr. Spencer answered yes, there are security cameras that provide alerts if someone is seen in the compound area around the well. Additionally, the shipping containers will be locked and lighted. He then discussed staff's evaluation of other optional locations for the storage containers; there is no perfect solution, but he feels that the area is a fair distance away from other properties and the presence of the storage containers should not be disturbing.

Council Member Peterson asked how long the storage containers will be needed. Mr. Spencer stated the project has an expected timeframe of three years; after the containers are no longer needed, they can be sold or relocated.

There was brief discussion about the type of security systems, with Mr. Spencer reiterating that an alert will be sent to City staff if someone is seen on the property inside the fenced area.

Council Member Bills asked why staff is not using the land near the Public Works building for the storage. Mr. Spencer stated that there will a discussion later in this meeting regarding the appropriate use of that property; if the Council would like to delay action on this matter for two weeks, that would not be problematic. This led to high level discussion about other optional locations for the shipping containers and ultimately concluded to

discuss the parks maintenance facility agenda item before making a decision on this matter. Mayor Ostler stated that this item will be discussed further after discussion of agenda item 10a.

Discussion of this matter resumed at 9:50 p.m.

Mr. Spencer stated that this location would not be a good side for the Parks Maintenance facility, and he is comfortable reiterating his recommendation to locate storage containers and additional fencing at the Well #2 site.

*Council Member Scott L. Smith MOVED that City Council APPROVE the purchase of additional fencing and storage containers to be placed at Well #2 site in the amount of \$61,995.98 and AUTHORIZE the City Administrator to sign the necessary contracts.*

*Council Member Brittney P. Bills SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

## **7. ACTION: PRELIMINARY PLAT - ABBIES ACRES** *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request by Peak Real Estate & Development LLC for preliminary plat approval of a 6-lot subdivision located at approximately 4943 W 11200 N. The City Council will take appropriate action.

Planner and GIS Analyst Smith summarized the application as follows:

1. The applicant is requesting preliminary plat approval of six (6) single-family residential lots located at approximately 4943 W 11200 N.
2. Drive and utility access to the site will be from 11200 N. One (1) of the lots will face S.R.92 using an existing driveway access.
3. The subdivision includes one 21,151 square foot lot. The rest of the lots are greater than 30,000 square feet.

Ms. Smith reviewed staff's analysis of the application specific to zoning, density, access and utilities; staff found that with proposed stipulations, the preliminary plat meets the following findings:

- The preliminary plat is consistent with the General Plan.
- The preliminary plat is compliant with R-1-40 Zoning requirements.
- The proposed subdivision meets the applicable requirements in Article 5-8 General Requirements of All Subdivisions in the Development Code.

She noted the Planning Commission held a public hearing on December 13, 2022. One resident that lived adjacent to the development participated in the public hearing. The resident requested that a wall or fence along the border of the subdivision be considered. The resident also expressed concern regarding traffic on 11200 N. The applicant



was also present and shared that he would be more than happy to talk with the resident to see if they could come to a private agreement. The Planning Commission voted five to zero to recommend approval of the preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received November 16, 2022.
2. The existing ditch along the east side of the property be abandoned by the Lehi Irrigation Company and filled by the developer.
3. All public improvements shall be installed as required by the City Engineer.
4. The civil construction plans shall meet all requirements as determined by the City Engineer
5. Right of way along 11200 N must be dedicated and improved to match the city standard park strip and sidewalk configuration as approve thy the city engineer.

Council Member Smith stated there is an existing home on lot six and he asked if the owner of that home owns all of lot six. Ms. Smith deferred to the applicant to answer that question.

Corey Jones, applicant’s representative, stated that the property owner does own all of lot six; the plan is to keep the home on that property with a remodel. The owner has allowed a refugee family to live in the home for the last six to eight months and he is not sure how the home will be used moving forward. There will be a wall installed between the back two lots and lot six.

Council Member Smith stated that lots four and five are of an unusual shape and lot three is fairly small; he asked if that is dictated by the use of a cul-de-sac and regulations imposed by the City. Mr. Jones stated that when the applicant began working with planning on this project, they desired a longer cul-de-sac, but that would have required a development agreement and support from another property owner in the area; the other property owner refused to participate, so the cul-de-sac was shortened, which influenced the lot sizes and shapes.

Mayor Ostler asked Ms. Smith if the current version of the plat complies with the City’s R-1-40 zoning ordinance, to which Ms. Smith answered yes.

Mayor Ostler invited public input on the item. There were no persons appearing to be heard.

*Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE the preliminary plat for the Abbies Acres subdivision subject to the five (5) following stipulations recommended by Staff and the Planning Commission.*

1. *The final plat shall be in substantial conformance with the preliminary plat received November 16, 2022.*
2. *The existing ditch along the east side of the property be abandoned by the Lehi Irrigation Company and filled by the developer.*
3. *All public improvements shall be installed as required by the City Engineer.*
4. *The civil construction plans shall meet all requirements as determined by the City Engineer*
5. *Right of way along 11200 N must be dedicated and improved to match the city standard park strip and sidewalk configuration as approve thy the city engineer.*

*Council Member Sarah D. Petersen SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

**8. ACTION: APPROVAL OF DONATION AND NAMING RIGHTS AGREEMENTS FOR MOUNTAIN RIDGE PARK** *General City Management - Rob Patterson, City Attorney*

The City Council will hold a public meeting to consider approving the form and template contracts that will be used to record donations made to the City for Mountain Ridge Park, as well as the granting of naming rights for large donations. The Council will take appropriate action.

Mayor Ostler stated that he will not participate in discussion of this item due to a conflict of interest.

City Attorney Patterson explained the City Council has been pursuing and planning Mountain Ridge Park for a long time. As part of the process of budgeting for the park, the Council has generally approved of seeking and accepting donations from residents and others, including some larger potential donations from particular residents. On August 16, 2022, the Council indicated general support for a particular design for a large monument to recognize donors. No firm budget has been set for the monument yet. Staff has prepared forms to be used to record the names to be honored, provide a record to donors of their gift, and to provide a means by which the City can record the names that people would like to have honored as part of the donor monument. A template donation form has been prepared by staff to handle this for donations to the City. This is not meant to limit donations made to the Foundation, but just to ensure that if the City ever directly receives donations, we can appropriately record them. Donors in this category will be eligible for naming rights whether they donate directly to the City or through the Foundation. The form provides a space for individuals to describe what kinds of facilities they would like to donate for (e.g., a bench), a space to provide the name that will be added to the donor monument for the donation, and states that the City reserves the right to remove/alter a name if necessary to avoid inappropriate names and to protect the reputation and integrity of the City. In addition, for large donations, regardless of how they are received by the City, the Council has discussed providing special recognition and naming rights, such as naming a pavilion. In order to facilitate this, a separate agreement is recommended in order to establish the terms and conditions of those naming rights. The draft agreement provides, in short:

1. The donor describes what facility they are donating for (e.g., pavilion)
2. The donor can pick a name or statement to be honored, subject to city review for appropriateness.
3. That name or statement will be included on the general donor monument, in a plaque or other visible memorialization with the facility, and used on the City's website and other places to describe the facility (e.g., for reserving the pavilion)
4. The name or statement will continue with that facility for its useful life, and upon deconstruction/reconstruction/remodeling in the future, the donor has a first right of refusal to make another donation to obtain naming rights for the new/remodeled facility.

Mr. Patterson stated that the City Council may make any changes desired to these template forms. Further, the council should decide what the donation threshold is for special naming rights. Such threshold may be for donations of \$10,000 or more or higher. Staff recommends making the threshold higher (in the thousands at least) so as not incur too much administrative burden regarding naming rights for specific facilities.

Council Member Smith asked why someone would make a donation through the Foundation rather than directly to the City; he wondered if there was some misunderstanding about the purpose of the Foundation at the time it was created. Mr. Patterson stated that the City cannot accept funding for general fund purposes; if a specific purpose of project has been identified, a donation can be accepted. It is less common for a City to receive direct cash contributions and it is easier for a charitable organization, like the Foundation, to receive them and then work

with the City regarding the manner in which the donation will be used. City staff cannot accept money on behalf of the Foundation. Council Member Smith stated that it is complicated and can be confusing when advertising different donation methods for different projects or purposes. Mr. Patterson stated that it may be easier for smaller donations to go to the foundation rather than the City; then the Foundation can make one large lump sum donation to the City for the Mountain Ridge project.

*Council Member Kim Rodela MOVED that City Council APPROVE the use of the Donation Form and the Special Recognition and Naming Agreement, with naming rights being granted for donations of \$10,000 or greater, with donor's selected names to be approved by the Council in the future.*

Council Member Smith asked for additional discussion of the matter; he asked for more details about the donations relating to naming rights. He stated that some people may make a donation between \$1,000 and \$5,000 and it would be appropriate to recognize them; he asked how that will be handled. City Administrator Wells stated these are policy issues for the Council to determine; she stated recognition on a donor wall can be given for anyone who donates above a certain amount. However, naming rights are different, and staff feels that a bigger donation would be needed in order to secure naming rights. Additionally, donors who are seeking naming rights would be given the right of first refusal to make a future donation if and when the item with their name on it needs to be replaced.

Mayor Ostler asked the Council if they would like to allow people to donate tangible items, such as benches or trees, for the project and if they should be recognized for those donations. Council Member Ball stated he would like to allow that; he would also like to identify specific donation benchmarks, what those donations will provide for in the park project, and how the donor will be recognized.

Council Member Smith asked where the \$10,000 donation threshold for naming rights came from. Mr. Patterson stated that he selected the \$10,000 amount; smaller donations would be reduced if the City is purchasing plaques to recognize each donation.

Mayor Ostler stated staff is looking for an action on the special recognition agreement and donor form and he asked the Council if they would like to adjust the amounts that are included in the drafts of these documents.

Mr. Patterson stated that everyone who makes a donation will be recognized on the donor wall, but staff needs feedback regarding the donation level that will secure naming rights. Council Member Bills stated that Council Member Rodela has worked with the Parks, Trails, and Tree Committee to develop a process pertaining to donation levels and recognition; she suggested that information be discussed along with this current proposal to ensure a more holistic approach. Ms. Wells stated that would be appropriate, but it may be necessary to update costs for certain improvements.

*Council Member Rodela withdrew her motion.*

The Council discussed whether to approve the donation form before them this evening or to delay action on that matter until previously completed work can be reviewed along with this matter. Mr. Patterson suggested the Council approve the contract and forms if they are comfortable with their layout and intent; the donation numbers can be plugged in at a later date following action of the Council. Council Member Smith asked if the City is able to solicit donations for the project, similar to the manner in which the Foundation is soliciting donations. Mr. Patterson answered yes; the City can advertise in its newsletter or through other advertisement methods.

*Council Member Kim Rodela MOVED that City Council APPROVE the use of the Donation Form and the Special Recognition and Naming Agreement, subject to Council approving the threshold for use of naming rights.*

*Council Member Scott L. Smith SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

## **9. EXPEDITED ITEMS**

### **a. RESOLUTION: Designating the Value of Orphan Parcels for 2023** *General City Management - Kellie Smith, Planner & GIS Analyst*

The City Council will consider a resolution designating the value of orphan parcels for 2023. The Council will take appropriate action.

Planner and GIS Analyst Smith explained in 2021, the City Council discussed the process and procedures for the disposal of orphan property. The City Council adopted an orphan property disposal policy via Resolution No: 2021-15. Additionally, resolution No: 2021-09 was approved by the City Council on June 1, 2021. This resolution describes how the cost per square foot is determined in detail. That same process to determine the cost for purchases in 2021, was completed for 2022. The proposed resolution describes the same formula and solidifies the calculated cost for orphan parcels in 2023. Based upon determined methodology, the value for orphan parcels for 2023 is \$4.71 per square foot.

Council Member Smith asked if these numbers are based upon property values determined in last year's property assessment process. Mr. Smith answered yes. City Administrator Wells clarified that some parcels are in the middle of the property acquisition process; the intention would be to honor the 2022 prices if a purchase contract has already been signed.

There was brief discussion among the Mayor, Council, and staff regarding the timing of annual property valuation and a property owner's ability to dispute a value assigned to their property. At the conclusion of this discussion, the Council concluded that it is important to be consistent in applying the same method for determining property value per square foot, even though there may be a big increase or decrease from year to year.

*Council Member Kim Rodela MOVED that City Council ADOPT the Resolution designating the valuation of orphan parcels for 2023 at 4.71 sq ft. and if they are currently under contract, it will be at the contract value.*

*Council Member Sarah D. Petersen SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 5:0.*

## 10. DISCUSSION ITEMS

### a. **Parks Division Operation Building - Bid Results** *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will discuss the proposed City Parks Division operations building (parks building) and the recently received bids. The Council will take no action as this will be a discussion item only.

City Engineer/Public Works Director Spencer explained in the FY23 approved budget, the Council funded \$900,000 for the parks building planned to be located at the Community Center. As a part of the discussion on Mountain Ridge Park funding, the Council reaffirmed a commitment to the parks building construction. Currently the selected and planned location is at the Community Center to build a new 4,000 sq. ft. facility. This construction will include the new 4,000 sq. ft. building, a covered downstairs entry connecting to the kitchen of the Community Center, a fuel building where two above ground fuel tanks will be stored, and a trash enclosure. The parking lot will be completed and will extend near the northerly property boundary. There will be precast concrete fencing on the east and northern side of the enclosed yard, and a tube-steel (wrought-iron appearance) fence on the west side of the enclosed yard. Staff recently bid out the construction of the facility at the Community Center. The project bids were received on December 21, 2022. The lowest bid is \$989,362.38. Bidders were asked to provide a time of completion along with their bid. The lowest bidder provided 150 calendar days as their time of completion. The average time of completion from all bidders is 230 days. Mr. Spencer reiterated the FY23 Budget included \$900,000 in GL 42-40-67, Building Capital. Of that funded amount, \$885,500.00 is available for construction as \$15,000 has been spent on the plan preparation. For this funding analysis, the lowest bid of \$989,362.38. With a 15 percent contingency of \$148,404.36, the likely maximum total construction cost is \$1,117,766.74. The City would need to designate additional funds in the amount of \$252,766.74 to fund this construction total. As the construction is likely to not be completed until early FY24, the additional funds could be designated in the FY24 budget year.

Mayor Ostler noted the original site for this project as at Mountain Ridge Park; the City solicited bids for that project about three years ago. Council Member Smith added that this project has been discussed for the past 10 years; there has been discussion of placing the facility at Highland Glen, Mountain Ridge, and at the Community Center. He acknowledged the increased cost of moving the facility to the mouth of the canyon, but there are four parks on 10400 North Street and there are advantages to locating the facility near those parks that require maintenance. The Arts Council is concerned about sharing their space, which he understands, but he wondered if there is a compromise that can be reached to provide for appropriate use of City facilities by all parties.

Mayor Ostler stated it has been difficult to decide where to locate the Parks Maintenance Facility; one of the concerns he has relates to traffic at the access point of the site. He also highlighted the concern from the Arts Council about usage of their space. He wondered if the proposed location is a 'band-aid' and if the layout of the facility is suitable. He stated there are other locations to consider. Mr. Spencer agreed there are other locations, but each of them are more expensive, especially the locations near well houses because the City would be required to keep all chemical storage a certain distance from well sites and basins would need to be buried to allow for well-wash out activities. He concluded that the cost would be approximately 30 to 40 percent higher at the other locations. He also discussed activities that will occur at the Parks Maintenance Facility that are not complimentary to other municipal uses or in close proximity to residential neighborhoods.

Council Member Bills stated the City also needs a Public Works Facility; she supports locating the Parks Maintenance Facility at the proposed location and would like to find a way to provide additional room instead of taking a portion of the Community Center. She is interested in a solution that utilizes this property, but also does not take away from the Community Center. Mr. Spencer stated the building can be enlarged, but that will reduce the amount of space for parking.

Council Member Peterson stated that she supports the construction of a Parks Maintenance Facility, but she does not like this location because it is in the middle of residential neighborhoods and across the street from a park. She does not feel people would enjoy visiting the park because they will be disturbed by the noise and dust generated at the Parks Maintenance Facility. She is also concerned about the impact to the Arts program and the Community Center; they use the facility during the day and these are not compatible uses. She stated she feels the solution up the canyon is a good option and would provide for room for growth.

Council Member Rodela agreed with Council Members Peterson and Bills; she agreed that the Parks Maintenance Facility needs to be constructed, but it is important to find the best location that will make it possible for the Parks Division to do all they need to do. She stated she wants to explore all options to make sure the correct decision is made the first time.

Council Member Ball stated he agrees with preserving the Arts Council's space; he supports exploring all options available as this is a decision that will impact the City and the Arts Council for many years to come.

This led to high level discussion and debate among the Mayor, Council, and staff regarding the best location for the facility; Mayor Ostler asked Mr. Spencer to identify his top three locations for the facility. Mr. Spencer stated that his answer will be based upon his belief that it will be hard to find a location in the City that does not result in a great amount of protest from residents and neighboring property owners; this will skew his answer. He feels a long term solution would be at the mouth of the canyon near the existing facility because industrial use of that area has already been accepted by the community. The use in that area could be expanded and good things could be done, but the cost will be higher. He noted that from a maintenance efficiency perspective, another good location would be the site on 10400 North, or somewhere in the heart of the City near the areas that the City is responsible for maintaining. Debate among the Council continued, with the majority agreeing that the most important criteria is long-term functionality; once the criteria that makes up long term functionality has been identified, a cost benefit analysis should be performed.

Council Member Peterson stated that spending money at the Community Center location is a short-term band aid and the project will need to be revisited again in the future. She supports finding a long term solution and indicated no dollar amount can be placed on a project that will help to create a sense of community.

City Administrator Wells summarized the discussion of the Mayor and Council; it is her understanding they would like to identify the site that will provide for the best long-term functionality of the facility and then perform a cost benefit analysis. She agrees with Mr. Spencer that the best long-term solution would be to expand the Public Works facility and add the Parks Maintenance facility there. However, if that is not a real possibility that will be supported by the Council, she is hesitant to solicit proposals and bids because this is a costly endeavor that will detract from the amount of funding that has been set aside for the project.

Council Member Smith stated that he can support locating the facility near the Public Works facility, but he would like an estimate of the annual increased costs associated with travelling to and from the facility to the parks that are maintained by the City.

Council Member Bills asked if staff could develop estimates about the long-term operational costs associated with locating the facility near the mouth of the canyon. Mr. Spencer stated that he can work on developing that information and can also work on other options identified by the Council. He noted that the current bid is only good for 30 days; he can gather enough information to provide for a general discussion among the Council at the next meeting before informing the bidder whether the Council will proceed with the project.

*The Mayor moved back to item #6 on the agenda at 9:50 p.m.*

## **11. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS**

The City Council may discuss and receive updates on City events, projects, and issues from the Mayor, City Council members, and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

**a. Alpine Food Storage** – *Kurt Ostler, Mayor*

Mayor Ostler summarized past discussions of the Council regarding Alpine Food Storage’s efforts to relocate; the Council agreed to extend their conditional use permit until the end of December. They have informed him that the lease was not finalized by the end of December, but they are still engaged in negotiations to secure their lease or find a new location.

Council Member Rodela stated this has been an ongoing situation for years and the City was kind enough to give them an extension. Council Member Smith asked if the Council should impose a penalty on Alpine Food Storage for each day they are without a license or in non-compliance with the terms of their license. City Attorney Patterson indicated staff has extended the license once and the Council also extended it an additional time; this is now a decision for the Council to make. Revocation of the license is up to the Council and if they continue to operate without a license, fees and penalties can be imposed.

Council Member Rodela stated it would be her recommendation that the City follow through with past commitments made and declare the license as expired; the operation is taking a toll on neighboring property owners and the Council needs to send the message to the community that they take these issues seriously.

Council Member Bills stated that she would be willing to give Alpine Food Storage a hearing in two weeks and to inform them that some members of the Council may not be supportive of extending their license. This will give them some additional time to secure a lease. She stated that she would not support extension of the license at this time.

Council Member Peterson agreed with Council Member Rodela; residents have an understanding that the City does not enforce its ordinances or decisions and while she wants to be flexible, she feels it is important to make a difficult decision on this issue. Council Member Ball agreed with Council Members Rodela and Peterson.

Mr. Patterson stated that a decision was already made by the Council and the license is essentially expired; the Council can decide whether to ask Alpine Food Storage to appear before them for continued discussion or a hearing. City Administrator Wells stated that she feels it would appropriate to give Alpine Food Storage a time frame to stop their operations; she suggested 30 days and noted it is unrealistic to expect them to cease operations tomorrow. She stated she feels there will be public backlash from the community responsive to the City deciding to shut down a business they love.

Mayor Ostler stated that assuming Alpine Food Storage is able to secure a lease, they will not be able to move until the new space is built out. He stated that it will likely be another six months until they can move. However, Alpine Food Storage should have known that this would be the case and they seem to be testing the decision making of the City. The Council agreed; they indicated support for sending a letter giving Alpine Food Storage 30-days to move or cease operations. Mr. Patterson stated he can draft a letter communicating the City’s position to Alpine Food Storage.

**b. Mountain Ridge Baseball Field** – *Erin Wells, City Administrator*

City Administrator Wells indicated that if a donor is going to dedicate \$1.5 million to build a baseball field at Mountain Ridge Park, he will want that area secured and available to others through reservation only. She stated that he may be amenable to restricting a reservation program to only the first three years after the improvements are completed. She noted that it would be hard to walk away from the amount of money the donor is willing to

contribute to the project; there are two other baseball fields that would be publicly accessible and just this field would be subject to a reservation program. She added if there is no agreement with SURF soccer for Mountain Ridge park, there will be additional space for baseball practices and other public access.

The Council discussed optional parameters for a field reservation program, after which they concluded that they understand the need to secure a very nice facility to protect from vandalism or misuse that will damage the field space. Ms. Wells stated she and Mr. Spencer will work with the donor to reach an agreement about a reservation program and the length of time after completion of the field that reservations will be required.

**c. Encroachment/Purchase Update: Highland Hollow** – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith provided an update on encroachment/property purchases in the Highland Hollow area; she presented a map identifying properties for which plans have been approved, plans are being developed, and meetings are scheduled with staff in the coming month. She noted there are other properties on which encroachment has occurred and staff continues to work toward communicating with these property owners. The Council may be asked to consider maintenance agreements for some of the properties in this area.

Mayor Ostler stated the next area of focus will be to the east and south of Highland Hollow near the trail; he wondered if there are utilities located in the areas in which encroachment has occurred. Ms. Smith presented a map to identify other encroachments and indicated she will gather information about the improvements that have been done in the areas of encroachment.

**d. Update on Wimbledon Sales and Purchase Requests** – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith presented a map to identify the six properties that are subject to sales and purchase requests; some property owners are not interested in purchasing the property and staff is waiting for more residents to reach out to express interest in purchasing. City Administrator Wells stated that some residents want to buy more property than what has been designated by the Council. Staff's preference is to go subdivision by subdivision rather than considering piece meal purchase requests. There are reasons that other areas have not been made available for sale, but she asked if the Council wants to reconsider their decision on the areas for sale in Wimbledon to determine if other space can be made available to those interested in purchasing. Council Member Smith stated that he is willing to discuss the issue again and consider whether other property should be sold. Council Member Peterson stated she wants to stick with the decision that has already been made and move from subdivision to subdivision as mentioned by Ms. Wells. The Mayor and Council discussed the two options and concluded to hear additional requests for property purchase in the Wimbledon subdivision.

**e. Sign Code Update** – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith explained that the catalyst for this update is the Ridgeview project; over the past year a great deal of temporary promotional signs have been placed in Ridgeview and there have been complaints about this activity. She has contacted builders and realtors about violations and many of them indicated that it is difficult to comply with the current version of the City ordinance. She then provided a comparison of the current code and the proposed code amendments and asked the Council if they would like to move forward with considering action on the proposal. The Council provided feedback about the need to consider regulations that are appropriate, but still provide business support.

**f. Financial Report** – *Tyler Bahr, Finance Director*



Finance Director Bahr provided the financial report; five months of Fiscal Year (FY) 2023 have lapsed and he has the following observations:

General Fund (page 1)

- Tax revenue at 23.9% includes property taxes that will come mainly in December and January; sales tax is on target with projections.
- Licenses and permits revenue is at 48.7%, slightly higher than projection due to building permits.
- Council expenditures show credit balance of \$9,212.41 due to funds received for the connection road near Meier's to offset some of the cost of this project.
- Transfers from the General Fund at 74.5% of budget include those the Council authorized for Mountain Ridge Park

Open Space (page 2)

- Property sales revenue YTD of \$22K has already met the projected budget of \$10K.

Library (page 4)

- Property tax is received in December & January
- Fee revenue, including non-resident cards, is at \$21K (53.1%)

Road Capital (page 8)

- Expenditures include work on 6800 West that will be reimbursed by MAG, the County, & Lehi City this fiscal year

Culinary Water (page 15)

- Service charges adopted budget based on prior rates; mid-year budget adjustment anticipated, consistent with new rates approved in June.

Impact Fees (Capital and Enterprise Funds)

- Variance from budgeted projections due to shifts in development activity – evaluating possible budget adjustments and changes to project timelines.

He then noted the sales tax projection in the Fiscal Year (FY) 2023 budget is \$3.6 million; \$333,714 was collected in November, with \$957,624 collected year to date. At this time last year, the sales tax collections were \$874,345, so this year the City has seen a 9.5 percent increase.

**g. Future Meetings**

- January 5, Budget Work Session, 6:30 pm, City Hall
- January 11, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- January 17, City Council Meeting, 7:00 pm, City Hall
- January 24, Planning Commission Meeting, 7:00 pm, City Hall

**12. CLOSED SESSION**

The City Council may recess to convene in a closed session to discuss items, as provided by Utah Code Annotated §52-4-205.

There was no closed session.

**ADJOURNMENT**

*Council Member Kim Rodela MOVED to adjourn the regular meeting and Council Member Scott L. Smith SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The meeting adjourned at 10:46 pm.*

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 3, 2023. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC  
City Recorder