



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, January 14, 2020

Approved Minutes

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Kurt Ostler, Kim Rodela, Scott L. Smith

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

OTHERS:

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

Invocation – Lance Rodela

Pledge of Allegiance – Lt. Dave Boerner

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 Lance Rodela and those assembled were led in the Pledge of Allegiance by Lt. Dave Boerner.

Mayor Mann stated that Doug Courtney was excused from tonight's meeting for family reasons.

1. UNSCHEDULED PUBLIC APPEARANCES

Michael Clay, JRock Construction, presented a packet of information detailing his company's services and capabilities. He explained that JRock Construction was a large company and had worked on many projects. In speaking with Todd Trane, City Engineer, it was explained to him that JRock Construction did not have the capabilities for the City's current needs; however, if they were to team up with another contractor then perhaps they could meet the requirements for building the bridge. Mr. Clay noted that he sought out S&S Electric, a large NSA contractor, and they indicated they wanted to help JRock build the project. Together, he explained, these two companies presented the best price to the City, coming in as the lowest bidder by \$10,000. He explained the nature of the tasks that would be carried out as part of the project and guaranteed a quality performance.

2. CONSENT ITEMS (5 minutes)

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 the Officer Involved Critical Incident Task Force Agreement (Administrative)

City Council will consider approving the Utah County Officer Involved Critical Incident Task Force Agreement. The Council will take appropriate action.

b. ACTION: Approval of a Bid with Widdison Turbine Services, LLC to Proceed with the Rehabilitation of the 11800 North Pressure Irrigation Well (Administrative)

City Council will consider approving a contract with for the rehabilitation of 11800 Well. The City Council will take appropriate action.

c. ACTION: Approval of a Bid with VanCon, Inc. to Proceed with the Reconstruction of Culinary Well House #2 (Administrative)

City Council will consider a request to approve a bid with VanCon, Inc. to proceed with the reconstruction of Culinary Well House #2 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

d. ACTION: Proposal from Lewis, Young, Robertson. and Burningham, Inc. for Preparation of the 2020 Impact Fee Update (Administrative)

City Council will consider a request to approve the proposal from Lewis, Young, Robertson, and Burningham, Inc. (LYRB) for the preparation of the 2020 Impact Fee Update for the not to exceed amount of \$48,900 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

e. ACTION/ORDINANCE: A Request by Andrew Patterson for a Site Plan Amendment of the Professional Office Zone South of 11251 N Sunset Drive (SP-19-02 & CU-19-02) (Administrative)

City Council will consider adoption of an ordinance instituting approval of the Councils December 3, 2019, action approving a site plan amendment for two flex office buildings located at 11251 N. Sunset Drive in the Professional Office zone. The Council will take appropriate action.

f. ACTION/RESOLUTIONS: Ratifying the Mayor's Assignments for Boards and Committees and Adopting Resolutions as Required (Administrative)

City Council will consider ratifying the appointments of Mayor and Council for 2020. The Council will take appropriate action.

Council Member Scott L. Smith asked that items 2a., b, c, d, and 2e be pulled off the consent agenda for further discussion. He felt that the new Council Members may benefit from further explanation of how items were placed on the consent agenda.

Mayor Mann asked for a motion on Item 2f., Ratifying the Mayor's Assignments for Boards and Committees and Adopting Resolutions as Required.

Council Member Kurt Ostler MOVED to APPROVE consent item 2f. as listed on the agenda. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes
Council Member Brittney P. Bills Yes
Council Member Kurt Ostler Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

2a. Approval of the Officer Involved Critical Incident Task Force Agreement

Council Member Scott L. Smith explained that he thought the information was interesting to read about the task force. He wondered when it was last approved and if it was approved for a three-year period. Lt. Dave Boerner confirmed it was scheduled for a three-year renewal and would be automatically renewed every three years for 50 years.

Council Member Scott L. Smith questioned whether they needed to see all the signature pages in the document or if those for other cities could be left out. Council Member Kurt Ostler wondered the same thing. City Attorney Rob Patterson explained that all signature pages were part of the complete contract. He stated that if the Council preferred those pages to be omitted, staff could do so. Council Member Kurt Ostler asked if it was hard to change the contract at this point for any other city. City Attorney Rob Patterson responded that this would be difficult to do at this point in the process.

Council Member Scott L. Smith MOVED that City Council APPROVE the Mayor signing the document allowing participation in the Utah County Officer Involved Critical Incident Task Force. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes
Council Member Brittney P. Bills Yes
Council Member Kurt Ostler Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0

2b. Approval of a Bid with Widdison Turbine Services, LLC to Proceed with the Rehabilitation of the 11800 North Pressure Irrigation Well

Council Member Scott L. Smith explained that this item pertained to the 11800 North Pressurized Irrigation well. He asked City Engineer Todd Trane why the well only produced 1200 gallons per minute when the original goal was 2,500 to 3,000 gallons per minute.

City Engineer Todd Trane explained that several years ago when this well was drilled, well drillers used drilling mud to stabilize the drill hole. While they anticipated 2,500-3,000 gallons per minute, what they ended up getting was approximately 1,000 gallons per minute, which was significantly under the target amount. The City hired a Peterson Brothers, a well rehabilitation company, to come in several years ago to have them redevelop the well. There was some success in this process, and Peterson Brothers was able to get the well to produce 1,200 gallons per minute. City Engineer Todd Trane explained that the well mud would get stuck in the aquifer, thereby restricting the flow. Staff had since consulted with an expert well designer to see what they could do to further rehabilitate the existing well, because the alternative was to drill another well. There were ways to redevelop the well with chemicals in order to break the muds and clean out the system. City Engineer Todd Trane said that while this process did not guarantee that the well would reach its targeted amount, it was likely that it would facilitate improvement. Furthermore, this was a less expensive alternative to simply drilling another well. City Engineer Todd Trane noted that a question and answer document was distributed to the Council for review.

City Engineer Todd Trane showed the location of the well and explained how the existing structure pumped to the pond. The project went out to bid and while four contractors responded, only one submitted a bid. Reason being, there was an access issue with the well and part of the bid included the provision of this access. The process would include building a structure over the top of the well and punching supports. Staff looked at alternatives and a solution was reached to remove the corner of the building temporarily for access on the north side, because the west side had large power lines. Staff wanted to reconstruct the building so the access problem was no longer an issue. City Engineer Todd Trane noted that Widdison Turbine Services was the original builder and they modified their bid to take down the corner of the building. Therefore, instead of spending \$402,000 they could do all of it for \$366,200.

Council Member Scott L. Smith asked what the next step would be if this process was unsuccessful. City Engineer Todd Trane responded that in this case the City would need to drill another well, which he noted was in the master plan. In speaking with experts, the indication was that Widdison Turbine Services was the best in the State. While the treatments were relatively new, they had proven successful in rehabilitating wells over the last 10 years. City Engineer Todd Trane knew it was a gamble, but said he had a good feeling that they would see substantial success. Council Member Scott L. Smith expressed concern about chemicals, to which City Engineer Todd Trane responded that chemicals would not be an issue.

Council Member Timothy A. Ball he asked more clarification on the “good feeling” statement. City Engineer Todd Trane said Widdison Turbine Services provided case examples of this treatment, include best- and worst-case scenarios. He noted that developers with Hansen Allen Luce had also suggested that the City go this route before drilling another well. City Engineer Todd Trane said engineering staff expected a high chance of success. Council Member Timothy A. Ball asked if Widdison Turbine Services provided a range of how much of an increase they could expect to see. City Engineer Todd Trane said no, but the worst-case scenario still yielded a 10% increase. He then noted that the most successful case yielded an increase of 260%. Council Member Timothy A. Ball inquired on buildout, to which City Engineer Todd Trane reported that there was an 80% build out in the area.

In response to a question from Mayor Mann, City Engineer Todd Trane responded that it would cost approximately \$1.5 million for a well. The prices were increasing because there was a lot of work and not competition.

In response to a question from Council Member Kurt Ostler, City Engineer Todd Trane stated that Widdison Turbine Services was very good at what they did and had the equipment for the task; other contractors did not. City Engineer Todd Trane opined that when other contractors found out Widdison was submitting a bid, they simply did not feel they had a chance of winning.

Council Member Brittney P. Bills inquired as to what equipment was needed, to which City Engineer Todd Trane noted they would be using a brush truck. The process would be noisy during the day. He described the process of breaking down the muds and cleaning out the well.

Council Member Timothy A. Ball said the process sounded like fracking. City Engineer Todd Trane concurred, noting that it was like drilling a new well. He further explained that the area would be fenced off during construction. City Attorney Rob Patterson added that all precautions would be enforced to ensure safety.

Council Member Scott L. Smith MOVED that the City Council APPROVE and authorize the City Administrator to sign a contract with Widdison Turbine Service LLC to proceed with the rehabilitation of the 11800 N Pressure Irrigation Well for \$307,800 as well as for C4 Construction to proceed with the building modifications of the well house for \$58,400 and all funds to be used from the Pressurized Irrigation fund. Council Member Kurt Ostler 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 Kurt Ostler</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.

2c. Approval of a Bid with VanCon, Inc. to Proceed with the Reconstruction of Culinary Well House #2

Council Member Scott L. Smith felt that the reconstruction needed to be done. However, he wondered about the need to proceed with chlorinating the culinary water and asked for further explanation. City Engineer Todd Trane noted that the well was located off SR-92 on the east side of town, which he identified on an aerial map. He noted that the well was reliable and worked 90% of the time. The building had a leaking and was not ventilated properly, thereby creating issues with the electrical. The plan was to reconstruct the building, the plans of which were presented to the Council. Additionally, a chlorination room would be added on. It was noted that Highland was probably the last large city that did not chlorinate its water, and the State was encouraging that this be changed. This was part of the City's capital improvement plan and the chlorine would be a low dosage.

City Administrator Nathan Crane added that it was not smart to build a facility without installing a chlorination room. The City would go through an education campaign before implementing the chlorination process. The City had bid out the equipment, however, it won not go inline until other facilities were ready.

Council Member Scott L. Smith mentioned that there were several pages of engineering specs and he wondered if this information could be summarized. City Engineer Todd Trane said staff liked to include documents as a whole because it supported them in what they were asking the Council to do. Staff sought to help the Council make informed decisions. Council Member Scott L. Smith felt the discussion was important. He liked seeing bids and a summary of capital improvements, but not all the pipe fittings.

City Administrator Nathan Crane explained that JRock Construction was the lowest bidder and their letter was included in the staff report. Staff's recommendation, however, was to go with the second lowest bid because of a qualification issue. Either way, staff would support the Council's decision on the matter.

Council Member Kurt Ostler explained that the recommendation from the City's consultant was to go with VanCon for this project. City Engineer Todd Trane explained and read from the letter, explaining that JRock Construction put together a great team. However, the prime contractor was supposed to have certain experience that JRock Construction did not have. For this reason, staff recommended VanCon.

Council Member Scott L. Smith MOVED that the City Council APPROVE and authorize the City Administrator to sign a contract with VanCon Inc. to proceed with the reconstruction of Culinary Well House#2 for \$294,500. 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 Kurt Ostler</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.

2d. Proposal from Lewis, Young, Robertson. and Burningham, Inc. for Preparation of the 2020 Impact Fee Update

Council Member Scott L. Smith stated that he had a good discussion with City Administrator Nathan Crane regarding the proposal and understood that the fees were supposed to be updated every five years. He had concerns with the Ridgeview project densities and the loss of 31 acres. He understood that the Murdock Connector would be funded by MAG, however, the City may have to pay for it. City Administrator Nathan Crane clarified that MAG had a portion and the City had a portion; anything over \$4 million required the City to cover a portion. The impact study included the City’s portion. It was noted that the MAG agreement expired in 2016.

Council Member Kurt Ostler MOVED to APPROVE the proposal from Lewis, Young, Robertson, and Burningham, Inc. (LYRB) for the preparation of the 2020 Impact Fee Update for the amount of \$48,900 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

- Council Member Timothy A. Ball Yes*
- Council Member Brittney P. Bills Yes*
- Council Member Kurt Ostler Yes*
- Council Member Kim Rodela Yes*
- Council Member Scott L. Smith Yes*

The motion passed 5:0.

2e. A Request by Andrew Patterson for a Site Plan Amendment of the Professional Office Zone South of 11251 N Sunset Drive (SP-19-02 & CU-19-02)

Council Member Kurt Ostler reported a conflict of interest and recused himself from discussion and vote on this item.

Council Member Scott L. Smith believed that the warehouses were supposed to be two buildings and he questioned whether there were two buildings or one. City Administrator Nathan Crane said it would be two buildings as approved on December 3, 2019. Council Member Scott L. Smith questioned why there were still plans for one building. City Administrator Nathan Crane explained that it appeared to be a landscape plan that was not updated. The landscape for the site was briefly discussed.

Council Member Scott L. Smith MOVED to APPROVE the proposal by Andrew Patterson for a site plan adjustment for the office on 11251 North Sunset Drive and adopt Ordinance O-2020-01. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

- Council Member Timothy A. Ball Yes*
- Council Member Brittney P. Bills Yes*
- Council Member Kurt Ostler recused*
- Council Member Kim Rodela Yes*
- Council Member Scott L. Smith Yes*

The motion passed 4:0.

3. PUBLIC HEARING/ORDINANCE: ADJUSTING THE COMMON BOUNDARIES BETWEEN LEHI AND HIGHLAND CITY *Legislative (10 minutes)*

City Engineer Todd Trane oriented the City Council with the request to adjust the common boundaries between Lehi and Highland City. He explained that months ago there was an agreement for the Dry Creek

Lake project. One item was to change the boundary in the lake. The current boundary was located on the far west side in Highland City. Lehi was proposing that Highland change the boundary to the center of the lake. Both cities were ready to move forward in the process.

Mayor Mann explained that Highland would return to the original intent of having the boundary down the center of the lake between the different outlets. There was an agreement stating that as properties went in, the entire parcel was annexed rather than surrounding the boundary. Council Member Kurt Ostler added that this area was owned by Utah Water Conservancy District for pressurized irrigation.

Council Member Scott L. Smith stated that when he ran for Council, he didn't want to annex pieces of Highland. He had always thought that the boundary was down the middle of the lake. Highland would also be getting a parking lot and Lehi would build a trail over the pipeline. It would be a nice trail that would run through Highland as well. Lehi was also paying Highland \$400,000, so, this was a big win for Highland.

Council Member Kurt Ostler added that Lehi had been a fair partner to work with.

Mayor Mann opened the public hearing at 7:51 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:

Devirl Barfus noted that City Engineer Todd Trane proposed to fence the east side along near a residential area. Council Member Kurt Ostler wondered if they could get access to the creek which was owned by the North Utah County Conservancy District. There was subsequent discussion regarding access.

Mayor Mann closed the public hearing at 7:52 PM

Council Member Scott L. Smith stated that no motorized boat traffic was allowed which should keep the noise down. He complimented Council Member Kurt Ostler and staff for their efforts in working with Lehi.

Council Member Kurt Ostler MOVED that the City Council APPROVE Ordinance O-2020-02 adjusting the common boundaries between Lehi and Highland City per the cooperative agreement. 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 Kurt Ostler</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: AMENDING SECTION 3-520.5E OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO REQUIREMENTS FOR RECREATION AREAS FOR PLANNED DEVELOPMENTS ON LESS THAN THREE ACRES (TA-19-14) Legislative (15 minutes)

Planner & GIS Analyst Tara Tannahill oriented the City Council with a request by Garret Seely representing SBGS Ridgeline Holdings to amend Section 3-520.5.e of the Highland City Development Code relating to requirements for recreation areas for Planned Developments on less than three acres. She explained that PD Districts had to be in mixed use developments. There were currently sections still available on the map; however, only two were remaining and information background was provided. It was noted that Fairfield

went through the rezone process and that SGBS purchased the property. They felt that an HOA would be too costly for six residential units of that portion of the property. For this reason, they were requesting text amendments. The Council reviewed these meetings during the Council meeting held on December 3, 2019, and at the time had requested further review. Staff found there would be new subdivisions that went into the area. Therefore, the district was created to include six subdivisions for which to provide maintenance.

Mayor Mann asked that if this text amendment was approved tonight rather than at a future date, would the Council have to approve the project based on the amendment. Planner & GIS Analyst Tara Tannahill answered affirmatively. She further explained the Fairfield Cove would be required to go through an amendment to their master plan that was approved last May (2019). This would come back to the Council for review. The properties where this amendment could potentially apply were then identified.

Planner & GIS Analyst Tara Tannahill explained that regarding citizen participation on this item, staff went through all the proper procedures. She said she had not received any written correspondence. However, public comments were made during the respective Council and Planning Commission meetings in which this item was discussed. Assistant City Administrator Erin Wells noted that she received two written correspondence emails against this proposal as of today. Those emails were subsequently forwarded to the Council Members.

Garrett Sealy, applicant, stated that this process was preliminary to any other review processes they'd be required to undergo. Mayor Mann asked Mr. Sealy if they were still okay to participate in the open space district, to which Mr. Sealy answered affirmatively. He noted that they wanted to be good neighbors. There was subsequent discussion regarding the option of either paying a fee or participating in the open space district and why this language wasn't included in the amendment. City Administrator Nathan Crane stated that the Council could include it as part of the motion.

Council Member Kim Rodela asked what the lot sizes would be if the recreation area was removed. Staff noted that the lot sizes would range from 8,200 to 12,000 square feet, whereas before they were 2,800 to 3,000 square feet. The lots were more traditional now. There was continued deliberation regarding the anticipated financial contribution that would be made by the developer.

Mayor Mann opened the public hearing at 8:05 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:

Wade Hadlock noted that he lived in the open space subdivision. He said that while he was in support of the developer's project, he was against the wording of the proposed amendment. Specifically, he did not like that the amendment indicated a developer could opt to pay a fee rather than participate in the open space district. The agreement was that they could annex into the open space district and provide improvements. He stated that it was a good requirement having the developer participate in the open space district, and he did not like that an opt-out option was being provided. He further elaborated on this point.

City Administrator Nathan Crane explained that the open space special service district was only a way to maintain open space. The district required a minimum amount of open space to be dedicated and this requirement needed to be modified due to the current number of lots. The text amendment allowed the Council to collect money within the subdivision under two different zoning districts.

Council Member Kurt Ostler asked how much acreage was included in the open space, to which an answer of 3.7 acres was given. Most of that space was centered in a park, but there were also trails.

Jared Wright said he supported the developer. He noted it was said the City would “perhaps” use the money. If it was not a fee to the City and developer used it, the question then was why the City wouldn’t want it as a fee and then use it in another park. Mr. Wright said the residents would benefit from this. It was an egress and ingress to the neighborhood and through the park; therefore, if there was an improvement to be made then it should be to the park. He stated that any fee would be passed on to those residents anyway.

Laurie Wright said she supported the project because she planned on being there long term. It was noted that there were two parcel lots behind them; in actuality, there were ten lots that just were not for sale yet. Ms. Wright was concerned that five of those lots would not have any open space based on how this amendment was worded. She said Highland was a wonderful place and the residents wanted to keep it that way.

Mayor Mann closed the public hearing at 8:17 PM.

Council Member Kurt Ostler said that no other cities had anything like this; the PD district was what made Highland different. The buy-in was that they would have to pay fair market value, and the estimated cost for the grass and sprinklers would be approximately \$80,000. City Engineer Todd Trane explained that the City needed to sit down and look at the final plan before going with fair market value, which would be between \$40,000 to \$80,000. Currently, there wasn’t a final plan and the developer would still need to go through an additional process to make sure the road and utility designs were complete. The City could then conduct a final cost analysis.

Council Member Kurt Ostler asked if the open space would be 24,600 square feet. Planner & GIS Analyst Tara Tannahill said that was the lot size, not the open space requirement.

Council Member Brittney P. Bills clarified that tonight the decision was simply whether to approve the amendment, to which City Engineer Todd Trane said this was correct. He continued that there would be only a few select locations where this amendment would apply. He said it was better if we put improvements into a local park nearby.

Council Member Scott L. Smith said he lived in Pheasant Hollow which was an R-140 neighborhood. There was a small development just on the north side of their property called Quail Hollow and at the time it was developed, it made the most sense to be combined with Pheasant Hollow. However, the Council had decided against it. This had caused several issues in maintaining the shared utilities and infrastructure between the two developments. He supported the request being made tonight by the applicant, stating that it was common sense and would save a lot of trouble later. There was discussion as to an appropriate motion to make on this item.

Council Member Scott L. Smith MOVED that the City Council accept the findings and APPROVE the proposed amendment that for developments in residential areas of less than two acres, in lieu of providing a recreation area, the City Council may approve the sub divider or developer paying a fee equal to the value of the recreational area. He would also like to add, for clarification and not part of the code, a stipulation that if they are adjacent to another neighborhood park that it be one of the top priorities for use of the funds.

No second was provided and the motion failed. Mayor Mann asked for a substitute or new motion.

Council Member Kurt Ostler MOVED that the City Council accept the findings and APPROVE Ordinance O-2020-03 for the proposed amendment based on the following findings: that for the developments with residential areas less than two acres, in lieu of providing a recreation area, the City Council may approve the subdivider or developer paying a fee equal to the value of the recreational area required by this section in an amount equal to the cost of the fair market value of the land and estimated cost of a playground, grass,

and sprinkler system as determined by the City Engineer and approved by the City Council. Council Member Scott L. Smith *SECONDED* the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	Yes
Council Member Brittney P. Bills	Yes
Council Member Kurt Ostler	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion passed 5:0.

5. ACTION: MORATORIUM ON THE DISPOSAL OF OPEN SPACE AND REMOVAL OF NEIGHBORHOOD OPTION TRAILS *Administrative (15 minutes)*

Council Member Kurt Ostler oriented the City Council with a proposed resolution for a moratorium on the disposal of open space and removal of neighborhood option trails. He explained that there had been a lot of issues regarding the proposals presented. The City could do a one-year moratorium and work to go through the cost of maintaining all parks and trails. They could also determine what constituted a City park as opposed to discussing and evaluating the open space service district fee and determining which trail should be left. Staff reviewed all open space parcels and spelled out criteria to determine a price and approval process for the sale of open space property.

Council Member Scott L. Smith agreed with the proposal. He said that while he didn't live in an open space neighborhood, he had been involved with open space issues since 2009. In 2010, Mayor Ritchie created the committee to address concerns. There were 18 neighborhoods in the City it was a great concept, but he thought there were flawed designs in each of these neighborhoods, and they had become controversial. People hadn't liked the trails behind their homes. They heard from 8 of the 18 neighborhoods that they paid \$20/month and \$240/year. It set an expectation that there would be better maintenance than the City could provide. People wanted more amenities and didn't want to sell off the parks; however, there wasn't enough revenue to maintain them. He provided additional history on this issue and stated that he would support the moratorium, but they needed to make good movement in solving the issue. He asked if the open space fee was fair.

After subsequent discussion, it was determined that maintenance was key and needed to be prioritized. Council Member Kim Rodela also suggested a one-year deadline attached to the moratorium to ensure action was taken. Council Member Scott L. Smith wondered if six months was feasible.

In response to a question from Council Member Scott L. Smith, City Engineer Todd Trane said that over 200 parcels were encroaching on public property.

Council Member Kurt Ostler reviewed the following goals of this moratorium: (1) determine the cost of maintaining all open space parks and city parks/trails; (2) discuss what constitutes a City versus Neighborhood park; (3) develop a multi-year maintenance plan for trails and parks; (4) review the Highland City open space district and fee; (5) create budgets and determine whether or not to keep the fee; (6) review all neighborhood option trails and determine whether or not they remain as such; (7) have staff review which open space parcels should be available for sell; (8) review the process of selling open space parcels and the criteria required for the property by the trails; (9) discuss pricing of open space trails and determine the pricing moving forward; (10) review the approval process for selling open space property and note whether or not the city wants to sell parcels without the requirement to obtain signatures.

City Engineer Todd Trane noted that staff had started some of these processes, some of which were quite long. They were getting close on some of these items, however, next year would be the busiest year for

Highland with various projects. He stressed the need to prioritize projects and requested that the moratorium period be for one year rather than six months, as he didn't want to burden staff with tasks they wouldn't be able to accomplish.

Council Member Kurt Ostler MOVED that the City Council APPROVE the resolution R-2020-04 establishing a one-year moratorium for new applications requesting the disposal of neighborhood option trails or open space property under section 12.30 or 12.32 of the Highland City Municipal Code. 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 Kurt Ostler</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.

6. ACTION/ORDINANCE: AMENDING SECTIONS 4.12.80 AND 2.36 OF THE HIGHLAND CITY MUNICIPAL CODE REGULATING PARK, TRAIL, AND TREE COMMISSION *Legislative (10 minutes)*

Mayor Rod Mann oriented the City Council with a request to amend Sections 4.12.80 and 2.36 of the Highland City Municipal Code replacing the Tree Commission with a Parks, Trails, and Tree Commission (PTTC). He explained that the action accompanied the moratorium and reviewed the two sections that were specifically affected. Section 2.36 would be removed and Section 4.12.80 would establish a Tree Commission with the general objective of helping to maintain parks and trails. The Commission would be a seven-member body appointed by the Mayor and ratified by the Council.

Council Member Scott L. Smith said he liked the idea but was concerned that parks and trails were in open space neighborhoods. He inquired as to the criteria for participation on the Commission. Mayor Mann said names would be presented this week. So far, he suggested Brian Braithwaite as chair, Wesley Warren, Devirl Barfuss, and Ken Afton. Two other Commission members were needed, and he would be asking for recommendations from Brittney and Kim on the matter. Ideally, the Commission would have a mix of representation. Members who participated were expected to have time to do the work. Council Member Scott L. Smith asked if the Commission positions could be publicized, to which Mayor Mann answered affirmatively. Hopefully, the Commission would begin meeting in February.

Council Member Scott L. Smith asked if the Commission members would be paid, to which City Attorney Rob Patterson said no. The differences between the nature of a committee versus commission was then discussed.

Council Member Scott L. Smith MOVED that the City Council APPROVE the proposed amendment to Municipal Code 4.12.080, replace references to the Tree Commission in Municipal Code 2.36, and eliminate Municipal Code 2.36.030 through 2.36.070 and create a Park, Trail, and Tree Commission. Council Member Kurt Ostler 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 Kurt Ostler</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. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

a. Future Meetings

- January 21, City Council Meeting, 7:00 pm, City Hall
- January 28, Planning Commission Meeting, 7:00 pm, City Hall
Mayor short meeting. . . and then work meeting. Budget adjustments and then closed session.

8. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual as provided by Utah Code Annotated §52-4-205

Mayor Mann announced that the closed session was cancelled and would be continued to the January 21, 2020 City Council meeting. It was noted that the Open Space Committee did not expire.

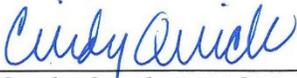
ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Kurt Ostler MOVED to adjourn the meeting and Council Member Scott L. Smith SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 9:19 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 January 14, 2020. This document constitutes the official minutes for the Highland City Council Meeting.



Cindy Quick, MMC
City Recorder