



HIGHLAND CITY

# HIGHLAND CITY COUNCIL MINUTES

Tuesday, February 15, 2022

Approved March 29, 2022

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)

## 6:00 PM WORK SESSION – OPEN SPACE AND PARKS FINANCIAL PLAN

Fred Philpot with Lewis, Young, Robertson & Burningham (LYRB) will present the results of the study regarding open space and parks.

Fred Philpot, LYRB, used the aid of a PowerPoint presentation to review the preliminary results of the City's open space study. He discussed the cost of service and expenditure evaluation, noting the current open space budget is \$754,605, with the combined open space and general fund allocation being \$1.7 million. He summarized unfunded needs in terms of personnel and equipment for years one through 10, after which he provided an illustration of cost allocation methodologies that informed the analysis. Proportional and weighted expenditures are based on acreage type methodologies and weighted methodologies are based on maintenance type frequencies. He presented several charts illustrating the manner in which the methodologies play out for both open space and non-open space. The unfunded personnel and equipment needs analyses are also based on the methodologies. He then discussed expenditure projections, which are based upon a 10-year open space budget forecast with a three percent growth/inflation rate for years 2022 through 2031. The budget in 2022 is \$878,586 with unfunded needs of \$410,945 for a total of \$1.2 million; this amount increases to over \$1.5 million in 2031. The City's current open space fee is \$20 per month, per lot and there are 1,236 lots currently paying the fee. The approximate yearly revenue is \$300,100 and the 2022 budgeted interest earnings on this revenue is \$8,500. He then presented an outcome summary and preliminary scenario for open space. This included a budget forecast to fund open space including unfunded needs from 2022 to 2031. In 2022, open space expenditures are \$1.2 million, and revenues are \$305,140, for a negative balance of \$984,391. The net total minus unfunded needs is (\$578,446) and this amount increases to (\$838,625) in 2031. He then concluded additional scenarios for consideration including transferring trail acreage to the General Fund, transferring specific park acreage to the General Fund, allocating open space cost percentages to the General Fund, and modifications to the Open Space Fee.

Throughout his presentation, Mr. Philpot engaged in discussion with the Council regarding the data that has been used in the survey; the amount of open space that the City actually maintains; and staff time allocated to open space issues.

The work session adjourned at 6:48 pm.

## 7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler  
Invocation – Council Member Sarah D. Petersen  
Pledge of Allegiance – Council Member Timothy A. Ball

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:02 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 Sarah D. Petersen and those in attendance were led in the Pledge of Allegiance by Council Member Timothy A. Ball.

**PRESIDING:** Mayor Kurt Ostler

**COUNCIL MEMBERS**

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

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Andy Spencer, Planner & GIS Analyst Kellie Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Parks Superintendent Josh Castleberry

**OTHERS PRESENT:** Jon Hart, Fred Philpot, Spencer Foster, Lisa Bartholomew, Danielle Bement, Ryker Bement, C. Wright, Taryn Jones, Wesley Warren, Mel Cook, Amy Needham, Sophia Thompson, Jordan Harris, Ryan Chriswell, Mibi Bradshaw Harp

**1. UNSCHEDULED PUBLIC APPEARANCES**

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

Amy Needham referenced Highland Glen Park and indicated that the space has been used as a drop-off area for pets/domesticated animals, which is an illegal activity according to the Utah Criminal Code. She stated most of the animals that are being dropped off are pet ducklings, cats, and roosters. These domesticated animals cannot survive alone in the wild and many of them die. She personally removed 40 animals last year and she recently helped Brigham Young University (BYU) design signs about dropping domesticated ducks at local ponds. She believes that Highland can use the same signage at the Highland Glen Park. She stated that this issue was discussed last year, and the minutes of a City Council meeting indicate that the City was going to contact the Department of Wildlife Resources (DWR) to perform a cull of the ducks at the park. However, she would like to prevent culls as they are very costly to taxpayers; she believes signage could help to inform and educate the public about dropping domesticated animals at the park, which will reduce the burden on the taxpayers.

Mayor Ostler thanked Ms. Needham for the information provided and indicated that the Council received her email with examples of the signage she is recommending.

**2. PRESENTATIONS**

**a. Youth Council – Youth Council Representative**

A member of the Youth Council will report on recent activities as well as upcoming events.

Sophia Thompson stated she is the Government Chair of the Youth Council, which just held its first meeting last week. The Youth Council made cookies and delivered them to residents in need and to the Police Station.

She stated many activities are planned for the upcoming year and she looks forward to reporting on those items to the Council.

- b. 2020/2021 FY Audit** – *Steve Rowley, Keddington & Christensen*  
Steve Rowley, Keddington & Christensen will present the results of the 2020-2021 FY Audit for Highland City.

Mayor Ostler reported this item has been pulled from the agenda and will be included on a March agenda.

**3. 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. Approval of Meeting Minutes** *Administrative – Stephannie Cottle, City Recorder*  
Regular City Council Meeting – January 18, 2022
- b. Library Board Appointment** *Administrative – Donna Cardon, Library Director*  
The City Council will consider the appointment of Kevin Tams to the Library Board. The Council will take appropriate action.

*Council Member Scott L. Smith MOVED to approve consent item 3a Approval of Meeting Minutes from January 18, 2022 and 3b Library Board Appointment of Mr. Kevin Tams to the Library Board.*

*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>Yes</i>

*The motion passed 5:0.*

**4. ZONING APPROVAL/ REASONABLE ACCOMMODATION: ROCK SOLID RECOVERY** *Administrative – Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request by Jordan Harris for zoning approval for a 9-patient residential rehabilitation/treatment facility with one (1) live-in staff member located at 5159 W 11000 N. The City Council will take appropriate action.

Planner & GIS Analyst Smith presented a map to orient the Council to the location of the subject property, which is located in the Alpine Country Club subdivision and is zoned R-1-40. This same property received zoning approval from the City Council for a residential facility for elderly persons on March 10, 2020. The property has since been sold and the new owner is requesting a change in use, which requires a new zoning approval from the Council. She then provided a summary of the request as follows:

1. The applicant is requesting zoning approval to operate a “residential facility for the rehabilitation and treatment of the disabled” in an existing residence. The proposed site is a two story, 3,688 square foot

home with seven to eight bedrooms, three baths and a two-car garage. The lot is 12,196 square feet in size. The backyard is fenced. No exterior modifications will be made to the house.

2. The proposed facility will provide private and semi-private rooms for nine (9) patients and one (1) staff member. The home has six off street parking spaces available for staff and visitors.
3. The applicant aims to secure state licensing to, according to the applicant's narrative, "provide secure housing to recovering addicts who are in need of supervised living, a safe and secure environment with controlled curfew, rules and set programs assisting in recovery." The applicant submitted an application to the Bureau of Health Facility Licensing and Certification per State requirements.
4. Ryan Chriswell is the owner of the home. The treatment facility will be run through Rock Solid Recovery Inc.
5. The applicant has requested a reasonable accommodation to allow nine (9) patients and one (1) live-in staff member, a total of ten (10) unrelated individuals.

She reported that notices of the zoning application were mailed to all property owners within 500 feet of the subject property and no public comments were received. Staff has analyzed the impact of the proposed use and found the following:

- No other facilities have been approved within 3/4 mile of the site. This satisfies the Development Code spacing requirement for group homes. The proposed use will function as a single housekeeping unit. There will be no changes to the exterior of the house. The intensity of the proposed use is similar to that of other single-family residences and will not adversely affect the residential character of the surrounding neighborhood.
- The number of daily vehicle trips will not differ significantly from other single-family residences. Late night events, outdoor activities and noise levels will be similar to or less than other single-family residences. Household refuse will be handled the same way it is handled for other houses. There will be no readily apparent difference between this use and other single-family residences in the neighborhood.
- The Fire Chief has been made aware of this change in use. It was noted that this use on average produces fewer public safety/emergency calls than a group home for the elderly. The Fire Chief has also approved the fire safety plan for the home. A fire inspection will be required as part of the business license application process.
- The applicant has requested to adopt the safety plan that was approved for the previous use that includes visitation hours, parking plan, and security and surveillance operation as per Section 3.4102.12 of the Development Code.
- The applicant has provided six off street parking stalls, which complies with Section 3.4102.12E of the Development code.

Ms. Smith then reported that the City Council adopted a policy for reasonable accommodation for residence for the disabled, residential rehabilitation and treatment facility for disabled and residence for elderly persons. This policy was adopted July 20, 2010 and it includes several criteria for granting or denying a request for a reasonable accommodation. The applicant is requesting a reasonable accommodation to have ten (10) unrelated individuals living in the home. The Development Code states that the "home shall not be occupied by more than four (4) unrelated individuals living in a family type environment consistent with 10-102(12) Common Household."

However, the Code provides an exception to this requirement, where any "group or individual considered disabled may apply for a Reasonable Accommodation per Highland City's Reasonable Accommodation Policy and procedure." The purpose for the request to increase the number of residents living in the home is to provide a "family type environment" to give the patients "more opportunities to socialize and make new friends, provide support systems, help residents feel safe, and attend therapy and group sessions to further assist in the recovery processes". The requested reasonable accommodation appears to meet the following findings:

- The project narrative verifies that the housing will be used by persons with a disability as defined under the acts;

- The request for reasonable accommodation is necessary to make specific housing available to a person with a disability as defined under the acts;
- The requested reasonable accommodation does not impose an undue financial or administrative burden on the City;
- The requested reasonable accommodation does not require a fundamental alteration in the nature of the neighborhood, including but not limited to land use and zoning;
- No change is being proposed to the existing and proposed physical attributes of the property and structures;
- The proposed accommodation or facility complies with the condition of the zone in which it is located;
- The applicant and live-in staff member are responsible to ensure that the facility residents do not pose a direct threat to public safety, as stated in section 3-4102 of this ordinance;
- The proposed safety plan complies with all building, health and safety requirements, including state or local licensing laws where applicable. A fire safety inspection will be required with the business license application;
- The proposed facility provides adequate off-street parking for its residents; and
- Proof of certification and/or licensure from the State of Utah Department of Human Services was provided with the business license application submitted November 11th, 2021.

Additionally, the proposed site plan meets the following findings:

- The parking meets the requirements of the development code.
- The required distance between group homes is greater than  $\frac{3}{4}$  mile.

Ms. Smith concluded staff recommends that the City Council accept the findings and approve the request for zoning approval and a reasonable accommodation subject to the following stipulations:

1. The use shall comply with site plan and project narrative date stamped February 1, 2022 except as modified by these stipulations.
2. The number of residents shall not exceed ten (10).
3. No exterior changes will be made that would alter the residential character of the property.
4. Exterior signage that would identify this site as a group home shall not be permitted.
5. All Fire Code and Building Code requirements shall be met.
6. The applicant shall provide the City with a copy of a valid license from the Bureau of Health Facility Licensing and Certification prior to receiving a certificate of occupancy for the group home.

Mayor Ostler invited input from the applicant.

Jordan Harris and Ryan Chriswell approached; Mr. Harris provided information about the Rock Solid Recovery business model and the programs offered to patients. Mr. Chriswell added that no post-treatment recovery meetings will be held at the home; the home will only be used for in-patient treatment and the licensure of the property will be similar to the previous license granted for assisted living.

Council Member Ball asked if the treatment facility is aimed at voluntary participation or court-mandated treatment, to which Mr. Harris answered the business will serve both types of patients. Council Member Ball asked if the facility may serve individuals that could be considered dangerous, and, if so, if the entrances/exits to the structure will be restricted to ensure safety of the public. Mr. Harris stated that the patients are not considered to be dangerous, though some that are required to attend due to a court order may also be required to meet with a parole officer. Council Member Ball asked if access to the facility is restricted or if patients are able to come and go at their leisure. Mr. Harris answered the latter is the case, but there is a curfew for patients.

Council Member Smith then provided information about his professional background as a primary care physician, noting that he has many patients who have had addiction issues. He asked for information on the total number of treatment facilities operated by Rock Solid Recovery and how many patients they have served; he was unable to

find information about the facility on the internet. He stated he has only found that the business has been operating for one year and four months. There is a high incidence of relapse for those with addiction illness and he would like to know more about the services Rock Solid provides. Mr. Harris stated that the business does not have a great online presence because it does not cater to random patients; rather, he works directly with in-patient facilities that refer patients to his sober living facility. He has two homes in Orem and two in Pleasant Grove, serving male and female patients, respectively. Council Member Smith asked if all four homes have been established since October of 2020, to which Mr. Harris answered yes. Council Member Smith asked why the business is listed as operating in Nevada. Mr. Harris stated that the LLC was simply created in Nevada, but he is not actually operating in Nevada. Council Member Smith asked where patients receive therapy. Mr. Harris stated that each patient returns to their in-patient facility for treatment; the home is simply a place for patients to live following in-patient treatment. Council Member Smith asked if each patient will have a vehicle and if there is enough parking at the site; he noted he only saw six parking spaces included on the site plan. Mr. Harris stated that many patients have lost their driving privileges and parking will not be an issue; he has never had more than four of five vehicles associated with one house at a time. Residents are encouraged to come and go as they please while they are reintegrated into the community; patients have two weeks to find a job, or they are asked to move out of the home. If they relapse, Rock Solid coordinates with their in-patient treatment provider to determine the best plan of action. Council Member Smith then noted that the business is registered as a non-profit entity in Utah, but he suspects that Rock Solid will make a profit for housing its patients. Mr. Harris stated that he makes a minimal profit for the under-market rent charged to residents. Council Member Smith inquired as to the type of court cases some patients are associated with. Mr. Harris stated that patients can have drug related court cases and the court may order them to stay at a group home.

Council Member Peterson asked if the requirement for the owner of the group home to be at the facility at least once a day is truly reasonable. Mr. Harris stated that either he or Mr. Criswell will visit the home in person once a day. Council Member Peterson asked if the facility will ever serve minors, or only adults, to which Mr. Harris answered only adults. Council Member Peterson asked if transportation is provided for those who have lost their driving privileges, to which Mr. Harris answered no, the in-patient facility that is providing treatment will also provide transportation. Council Member Peterson asked if residents are drug tested regularly. Mr. Harris stated that Rock Solid coordinates with the individuals out-patient program to conduct drug test or urine analyses twice each week; random checks are also conducted once a week. Council Member Peterson then asked if Rock Solid conducts a background check to determine if a patient has a history of violent crime. Mr. Harris stated that Rock Solid does not conduct background checks; they accept residents from in-patient facilities or those with a court order. Council Member Peterson stated she has not seen in-patient facilities conduct background checks and she asked if Rock Solid is basically operating on the assumption that a resident does not have a violent history, to which Mr. Harris answered yes. Council Member Smith stated that she believes one of the criteria included in the City Code is that there will no violent offenders at the facility, and she asked what mechanism is in place to ensure that criteria is met. She then inquired as to Mr. Harris's background in the field of recovery and treatment. Mr. Harris stated he worked as a case manager at Cinnamon Hills in St. George; he also worked in physical therapy and management of group therapy sessions. He has a degree from Dixie State in addiction recovery and group outings.

Council Member Smith stated there is a facility with the same name in Costa Mesa, California and he asked Mr. Harris if he is associated with that facility, to which Mr. Harris answered no. Council Member Smith asked how it is possible that both facilities have the same name, to which Mr. Harris answered he is unsure, but he is not affiliated with them; they are just different businesses operating in different states, but with the same name.

Council Member Smith then questioned Mr. Criswell about the layout of the home, after which he asked if the facility will serve males and females. Mr. Harris stated that only males will be served at this location. Council Member Smith asked how they will be supervised and how they will be prevented from leaving the home during the overnight hours to buy drugs. Mr. Harris stated there will be security system that will generate alerts when patients try to leave the home. Additionally, patients will need to use a code to get back into the home and staff

can see when that code was used. Council Member Smith inquired as to the average length of time a resident stays in a group home. Mr. Harris stated that varies, especially for males; some stay less than a month, but some stay up to six months. Council Member Smith asked if there are recreational or outdoor activities available to the residents. Mr. Harris stated there is room in the backyard to engage in some recreation activities, as well as many indoor activities. They can also leave the home to participate in activities in the community and to work. Council Member Smith stated he is concerned about the number of vehicles that can be parked at the home as well as the home's location on a busy highway. Mr. Harris reiterated that he has never encountered a situation where more than five residents had a vehicle and driving privileges.

Council Member Smith stated there is no bus route on the road in front of the home and she asked what transportation options residents will have for getting to a job or to attend school. Mr. Harris stated many patients have bikes or electric scooters they use to get around. Also, many outpatient programs can be done virtually, which is a good option for those who do not have their own transportation.

Council Member Rodela asked Mr. Chriswell what his role is in the business. Mr. Chriswell stated that he will retain ownership of the home and will become part of the business as he will want to be aware of how the business is being operated. Mr. Harris added that he is working to create a partnership entity to include Mr. Chriswell in business documents, but that has not been completed.

Council Member Smith again referenced the business's non-profit status and asked how Rock Solid can afford to expand if they are not generating a profit. Mr. Harris stated there is a demand and need for this type of facility; he does make a small profit and is interested in providing a service. Mayor Ostler asked if it is correct that a non-profit can pay wages of employees and compensate for expenses, to which Mr. Harris answered yes.

Council Member Ball inquired as to Rock Solid's success rate. Mr. Harris stated that addiction recovery is 'a marathon, not a sprint'; he does not have a great deal of data on success rates at this point, but in the industry in general, the recovery rate for a patient that moves from an in-patient facility to a sober living home is 70 percent higher versus moving from in-patient to their own home. Council Member Ball asked if a sober living facility is the modern version of a half-way house, to which Mr. Harris answered yes.

Mayor Ostler then invited public comment.

Mimi Bradshaw Harp stated she lives three houses away from the subject property; her husband is a recovering addict and she had to legally divorce him to send him to get clean/sober and to get mental health treatment. She does not want her husband to have access to addicts or people who are struggling with addiction. She stated that she did what she did for her husband because she refused to have him in her home endangering her community; she is very concerned about a facility that will include nine addicts, which presents a great deal of danger for the community. She stated that she cares most about herself and her husband, whom she fought for 15 years before he was well enough to come back home. He lived in a facility for over a year before he was able to come back home. And now people who have left in-patient facilities less than 24 hours ago will be living in her neighborhood and she is not comfortable with that. She cannot afford to sell her home and relocate; she has a mentally ill husband who cannot work and cannot get services because she makes too much money. She would feel different if this were a facility that requires a track record that residents have been clean for a defined period of time and just need a bit of support, but there are other locations that are well-suited for this type of facility. She has 15-years of personal experience with mental health and recovery and she will provide the Council with any information that will help them make a decision regarding this application.

There were no additional persons appearing to be heard.

Mayor Ostler then addressed City Attorney Patterson and stated that the City Code indicates this type of facility should be occupied by no more than four unrelated individuals; he asked how the City can approve this application

and allow up to 10 unrelated individuals live in the home. Mr. Patterson stated the application before the Council is two-part in nature; the first deals with zoning clearance and staff has determined that a residential treatment facility is an allowed use in the zone, subject to Council approval. The second part of the application is for a reasonable accommodation, which would allow the number of unrelated individuals living in the home to increase from four to 10. Cities must provide for reasonable accommodations under zoning rules, but the Council is the authority that decides if the reasonable accommodation is necessary and will not undermine overall zoning regulations. Normally, 10 unrelated individuals would not be allowed to live in one housing unit, but because this type of use is accessed by disabled individuals, a reasonable accommodation may be granted. Mayor Ostler asked if the Council has the authority to determine the appropriate number of unrelated individuals who can live in the home under a reasonable accommodation. Mr. Patterson answered yes, to an extent; however, the previous approval of a residential facility for the elderly would have allowed for eight residents and one staff member, for a total of nine unrelated individuals. The applicant is not proposing any adjustment to the configuration of the home and under State law, facilities for the elderly and disabled are both considered 'type one' facilities for licensure purposes. If the Council were to reduce the number of unrelated individuals allowed in the facility, it would be necessary to create a finding for that decision to ensure that the applicant is not being treated differently based upon the disability of the residents. Mayor Ostler then stated that the Council can deny the application if they find a threat to public safety, but he asked how that would be defined. Mr. Patterson stated that the City Code defines a person who presents a threat to public safety as someone who 'presents a threat to the health and safety of other individuals...based upon past criminal history and violent acts, and evaluations by a licensed psychiatrist or other licensed individual'. He stated that the appropriate finding for the Council would be that the applicant comply with that requirement. Mayor Ostler asked how that can be determined if no background checks are performed by the applicant. He then stated that the City Code requires the property owner to live on-site, but the applicant has indicated he will not live on-site but will only visit the home once a day. Mr. Patterson stated that requirement may have been miscommunicated; State Code requires that the owner check in on the property daily, while City Code requires the owner of the property to be part of the application for use of their property. However, City Code does not require the owner of the property to live on the property.

Council Member Ball asked if the applicant has an umbrella insurance policy that would insulate the City from liability claims; if there is no background check, but an individual is remanded to the facility by a court, they may have other similar history. If that individual does something that harms someone in the City, he wants to be sure that the City will have no liability. Mr. Patterson stated the applicant will be required to maintain their own insurance, but that insurance will not absolve the City of liability. However, the City does not have any sort of liability for any resident who causes harm to another resident or person in Highland City.

Council Member Peterson referenced the slide in Ms. Smith's presentation that details the criteria for offering a reasonable accommodation; it indicates that the applicant must provide reasons supporting their request for a reasonable accommodation, but some of the reasons listed in the application are not valid. One justification is that the residents will attend group sessions to further assist in the recovery process, but that is done off-site. An additional reason is to help residents find work and allow them to carpool to group sobriety functions, but she is unclear about how living at the facility will help them find work. Mr. Patterson stated that as explained in the staff report, it is the applicant's responsibility to show why a reasonable accommodation is needed, and those reasons cited by Council Member Peterson were provided by the applicant in their narrative. He deferred to the applicant to expound on those reasons. Council Member Peterson stated she is interested to know why four people living at the home would be less successful than 10. Mr. Harris stated the main reason is that there is strength in numbers; residents can rely upon one another while going through similar situations. If there are just four people in the home, they can isolate themselves easier than if there are 10 who are checking on one another and holding each other accountable.

Mayor Ostler asked Mr. Harris if he has encountered a situation where two people living in a home were not good for each other and their relationship possibly led to relapse. Mr. Harris answered yes.

Council Member Rodela asked Mr. Harris if he has encountered public safety issues at any of the other four facilities in Orem and Pleasant Grove. Mr. Harris stated there have been no public safety issues, but some residents have tried to come back to a home to collect belongings after being kicked out.

Council Member Smith stated he is leaning towards continuing consideration of this application; he did not learn of the other facilities in the other cities until tonight and he would like additional time to reach out to those cities to understand what their experience has been in terms of public safety or other problems. He is supportive of additional programs, but he also knows that addicts struggle in many ways and oftentimes fail, and before he can vote to support this application, he needs to understand the experiences of the other cities. The City Council is responsible to the citizens for the decisions they make, and he wants to perform his due diligence before taking action on this application. He wished that the information about the other locations had been included in the staff report. He stated he does not intend to discriminate against individual with an addiction; he has addiction in his own family and knows it is something that many people deal with.

*Council Member Scott L. Smith MOVED to CONTINUE item 4 until the City Council can perform more research and understand the impacts of Rock Solid facilities in Orem and Pleasant Grove; staff can reach out to officials in those cities, and he will personally reach out to the Police Chief in Pleasant Grove to understand his experience.*

Mayor Ostler asked if other Council Members have direction for staff regarding the application. Council Member Peterson stated she would like to know if it is possible for the facility to conduct background checks on the people who will be living in the facility.

Mr. Patterson stated that the City Code does not address business history, or the liability associated with these types of facilities; while he understands the Council's desire to gather that information, he cautioned them against delaying the application indefinitely as the applicant has a right to ask the Council to take action within a reasonable time frame. Council Member Smith stated he appreciates that counsel, but the City Council has a responsibility to make decisions that will best protect the entire City. This is a complicated application, and he wants to do some additional research to increase his comfort level regarding the proposed use.

Mayor Ostler asked if it would be more appropriate to provide a date certain for Council action on the application. He stated he feels that the Council's hesitance is related to a threat to public safety, and he wondered if it is appropriate to state a finding for the motion to table that reflects that concern. Mr. Patterson answered yes, and noted it would be prudent to include an action item on a future agenda as soon as possible.

Council Member Bills stated the applicant indicated that residents will be at the facility both voluntarily or as required by a court order, but the City Code indicates that any resident should be voluntary and not as a result of a court order. She then stated she has questions about the distance requirement and if that would relate to facilities in other municipalities. Mr. Patterson stated the Council could consider the distance from a facility in another municipality, but that is not an issue for this application. He then addressed Council Member Bills' first question and stated that it is a requirement of the City Code that residents are at the facility voluntarily rather than as a result of a court order. He asked the applicant to address that issue. Mr. Harris stated that residents will be at the facility voluntarily; they may have been at an in-patient facility as the result of a court order, but after that treatment an individual has many options for where they will live. Council Member Smith stated that if a resident is mandated to be in a program at the conclusion of their in-patient treatment, it is still court ordered rather than voluntary. Council Member Peterson stated she supports continuing the application and indicated she would like clarification as to whether the use is compliant with the City Code.

Mr. Harris then stated that all four of his other facilities have been relicensed since January.

*Council Member Brittney P. Bills SECONDED the motion to continue the application.*

Mr. Patterson stated that he will work to provide the additional information requested by the Council within a week. Council Member Smith stated he would like to continue the application for one month.

*Council Member Kim Rodela AMENDED the motion to continue action on the application for one month, or no later than the March 15<sup>th</sup> City Council meeting.*

*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>No</i>

*The motion passed 4:1.*

*The following is the vote on the initial motion to CONTINUE the item.*

*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: AWARD CONTRACTS FOR 6800 WEST RECONSTRUCTION**

*Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider awarding a construction contract to Geneva Rock, a public involvement contract to Jacques & Associates, and a construction management contract to JUB for the reconstruction of 6800 West. The Council will take appropriate action.

Public Works Director/City Engineer Spencer reported that in 2016, Highland City, Lehi City, and Utah County were awarded Mountainland Association of Governments (MAG) grant funds to reconstruct and widen the section of 6800 W. from 9600 N. Highland south to 900 N. Lehi/1120 North American Fork. Interlocal agreements were approved between Lehi, Highland City, and Utah County in 2019 (Attachments 6 and 7). Since that time, as the lead agency, staff has been working on the project including completion of the construction plans and right of way acquisition. Since funding was approved by MAG in 2016, costs have escalated beyond what was anticipated with the original project. On February 3, 2022, MAG awarded additional funds to the project that allow the project to be constructed. As noted, the greatest portion of the work to date has been focused on right-of-way acquisition and project design. The final right-of-way transactions have been signed and much work has been done by both the property owners and staff in negotiating the proper agreements to allow for the right of way access for this project. The title company is currently working to close the final few properties; however, it is allowable per the documents signed by the property owners for the City to proceed with the construction while these transactions

occur. There are also several power poles and other franchise utilities that must be relocated on the corridor. Utility companies have been contacted and involved in the planning of this project. The utility companies have begun to plan for relocation of their facilities. JUB Engineering has played an important role in the design of the plans and will be able to provide professional assistance throughout balance of the project. As the City has regional funding, it is critical that the project quality assurance services are provided in a manner wherein all activities can be properly documented. Citizens of many communities use this route to commute and shop. Providing timely information and a readily answered phone line are key to the success in helping the public navigate the corridor during construction. Jacques & Associates have provided public information services in the past for Highland City. Staff recommends the project incorporate public interaction services as a part of the project team. The City received two bids for the project. Geneva Rock submitted the low bid of \$1,923,678.92. JUB's anticipated contract total is \$129,084. Jacques & Associates anticipated costs are \$29,250.00. The total funding awarded by MAG, including the local match, is \$3,151,880. This funding includes all project related costs and contingency. The project has expenditures in engineering, right-of-way, public involvement, and construction, and other minor miscellaneous items. The project construction budget as bid fits within the total project budget including sufficient contingency. The project is 93.23% funded by a grant administered through MAG. The direct funding comes through an interlocal agreement with Utah County. The City expends the funds and then submits a reimbursement request to the County. As per the interlocal agreement Highland City, Utah County and Lehi City will share in the local entity matching cost of this project which is 6.77% of the total cost. It has been agreed that local match (6.77%) contributed from each entity will be divided as follows: 34.25% Highland, 18.65% Lehi, 47.10% Utah County. Highland City's maximum portion of the local match cost is \$73,083.43. The City has already expended in past fiscal years approximately \$470,000 for engineering and right-of-way. The City will be receiving reimbursement funds from Lehi and Utah County per the interlocal agreement to compensate the City for these past expenses. As such, the project will not affect the current fiscal year budget. The reimbursed monies will be again available for road maintenance. Mr. Spencer concluded staff recommends the awarding of contracts to Geneva Rock, JUB, and Jacques & Associates for construction and services associated with 6800 West. The City is responsible for \$73,083.43. As mentioned previously, the City 's expenses have already exceeded the required match. The City will be reimbursed for all expenditures above the required match.

High level discussion among the Council and staff centered on the City's total fiscal responsibility in the project; Mr. Spencer stated the City has entered into an interlocal agreement with the other partner entities to guarantee that it will be reimbursed for any funds expended over the total responsibility of \$73,083.43.

Council Member Smith inquired as to other construction companies that bid on the project. Mr. Spencer stated that there were six to eight companies that participated in pre-constructing bidding activities, but only the two mentioned above submitted a timely bid. Council Member Smith asked if there were other engineering firms that bid on the project. Mr. Spencer stated JUB was originally selected to perform the design work through a competitive bidding process; for continuity purposes, he prefers to use the same engineering firm for design and construction management.

Mayor Ostler inquired as to the service being provided by Jacques and Associates. Mr. Spencer stated that they will provide public and business outreach services, which is common for a major construction project such as this. Mayor Ostler asked what types of change orders can be considered and approved by staff. Mr. Spencer stated that the City has already expended \$630,000 in right of way preservation and engineering costs; the motion suggested by staff would allow staff to authorize unforeseen changes to work so long as they can be covered in the approved contingency for the project. City Manager/Community Development Director Crane noted that any change to the scope of work will be reviewed by the City Engineer to determine if it is appropriate; anything that exceeds the budget amount will be presented to the Council.

Council Member Smith inquired as to the date the project will commence. Mr. Spencer stated he hopes it will begin by the end of March and the total construction timeframe is seven months. The contractor can close the road entirely for no more than seven days over the total project length. He briefly reviewed alternate routes

available to motorists while the project is underway. Mayor Ostler noted it is very important to keep the public informed of these alternate routes and the status of the project. Mr. Spencer agreed.

*Council Member Kim Rodela MOVED that City Council approve the contracts with Geneva Rock in the amount of \$1,923,678.92, JUB Engineers in the amount of \$129,084, and Jacques and Associates in the amount of \$29,250 for the 6800 West reconstruction and authorize the City Administrator to sign the contracts. Authorizing staff contingency to address unforeseen changes in the work conditions provided the total project expenditures remain within the Mountainland Association of Governments allocated funding.*

*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.*

## **6. 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. Park Usage and Special Event Permits – Erin Wells, Assistant City Administrator and Josh Castleberry, Parks Superintendent**

Assistant City Administrator Wells and Parks Superintendent Castleberry facilitated a discussion among the Council regarding usage of public facilities for special events. There have been several instances of special events being hosted at public parks without approval from the City and staff has spent time over the winter working on a proposed policy that would regulate this issue. The goal of the policy is to identify the types of events that would be considered special events, determine how they should be regulated within public spaces, and limit the liability the City may have associated with usage of public areas for private events. The group identified different City facilities that could be used for special events on a rental basis and communicated they want to ensure that the policy provides for members of the general public to be able to access park space during a special event. Ms. Wells indicated she will use the feedback provided to create a draft policy to present to the Council at a future meeting.

### **b. Parks Garbage Policy and Pavilion Rentals – Erin Wells, Assistant City Administrator and Josh Castleberry, Parks Superintendent**

Assistant City Administrator Wells discussed the concept of providing garbage cans in City parks that have a playground, pavilion and rentable field space. She reviewed the cost structure of different types of cans that can be used and based upon staff's idea of the number of cans needed, the total cost to the City would be approximately \$41,000. This cost could be recouped with fees to rent out five different pavilions in the City to non-residents; residents are not charged a fee, but staff recommends that be changed. She reviewed fee structures employed in other cities and stated staff recommends a rental rate of \$40 for residents and \$70 for non-residents. Based on past usage trends, this would generate about \$10,000 next year; this will not fully pay for the garbage cans but can be used to offset the cost. She facilitated discussion among the Council to determine their level of support for

a rental fee to residents and whether to proceed with the purchase of the garbage cans. The Council asked if it may be possible to lower costs of the garbage cans by using another vendor. Mr. Castleberry stated the cans are so expensive because they must be compliant with the Americans with Disabilities Act (ADA). The Council ultimately offered support for adjusting the fee schedule to include rental fees for the pavilions; they suggested a tiered rate based upon time of day/week of the rental. They also indicated they do feel it is appropriate to include garbage cans in the park spaces.

**c. Financial Statements –Tyler Bahr, Finance Director**

Finance Director Bahr provided a high-level overview of the fund summary report for the six months ending December 31, 2021. He engaged in discussion with the Council to answer miscellaneous questions they had regarding the data included in the report. He indicated he can send the full document and summary to the Council for continued review.

**d. Seasonal Wages - Andy Spencer, Public Works Director/City Engineer**

Public Works Director/City Engineer Spencer reported now is the time of the year the City needs to begin recruiting seasonal employees, which has become increasingly difficult over the past two years. The City needs to increase wages by at least \$2.00 per hour to attract employees. Based upon the number of seasonal employees the City needs, this would result in a budget increase of approximately \$35,000 to \$40,000; that increase can be absorbed in the current year budget, but it will be necessary to adjust the budget in future years to pay for the ongoing increase. He stated the bottom line is that the City needs to increase wages to hire employees that will maintain City parks over the coming growing season. The Council agreed a wage increase is appropriate, but they also asked staff to consider other ways to reduce maintenance needs, such as xeriscaping. They suggested that job opportunities be advertised at local high schools and that the City consider some sort of incentive, in addition to wage, to attract employees.

**e. Additional Legislature Items**

Mayor Ostler then facilitated discussion of pending State legislation that could impact Highland City, including the following:

- Secondary water metering laws, requiring that all secondary water connections be metered by the year 2030.
- Land use laws addressing density limitations in municipalities and a correlation between public transportation and higher density housing projects.
- Transportation improvements encouraging connectivity between cities.
- Public safety legislation aimed at increasing the ability to recruit and retain officers through relaxed limitations on retirement/return to work.
- Government records management legislation that would make it possible to keep employee/Police Officer interviews private to encourage the interviewee to be truthful and unguarded in the information they provide.
- Two bills regarding Utah Lake aimed at protecting the Lake by creating a new tax entity that would be in charge of all decisions made regarding the Lake. This could result in a sewer rate increase and Highland would lose its role in decision making. The Utah Lake restoration project is part of a separate piece of this legislation; dredging the lake would prevent algae blooms and help address evaporation. The Utah League of Cities and Towns (ULCT) has not taken a position on the legislation, and it may be necessary for the Council to consider a resolution similar to those adopted in American Fork and Provo opposing the Utah Lake legislation.

**f. Resident survey**

Assistant City Administrator Wells reviewed the updated draft of the resident survey. She engaged in high level discussion with the Mayor and Council regarding topics addressed in the survey and indicated she will use the feedback provided to further amend the draft document.

**e. Future Meetings**

- February 22, Planning Commission Meeting, 7:00 pm, City Hall
- March 1, City Council Meeting, 7:00 pm, City Hall
- March 9, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- March 15, City Council Meeting, 7:00 pm, City Hall
- March 22, Planning Commission Meeting, 7:00 pm, City Hall
- March 29, City Council Meeting, 7:00 pm, City Hall

**7. CLOSED SESSION**

The City Council may recess to convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

*At 10:04 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.*

*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 unanimously.*

*Council Member Scott L. Smith MOVED to adjourn the CLOSED SESSION and Council Member Brittney P. Bills SECONDED the motion. All voted in favor and the motion passed unanimously. All voted in favor and the motion passed unanimously.*

*The CLOSED SESSION adjourned at 11:44 pm.*

**ADJOURNMENT**

*Council Member Kim Rodela MOVED to adjourn the regular meeting and Council Member Sarah D. Petersen SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The meeting adjourned at 11:44 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 February 15, 2022. This document constitutes the official minutes for the Highland City Council Meeting.

A handwritten signature in blue ink, appearing to read 'Stephannie Cottle', with a stylized, cursive script.

Stephannie Cottle  
City Recorder