



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL MINUTES

Tuesday, February 18, 2020

Amended February 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, City Recorder Cindy Quick, Police Chief Brian Gwilliam, Fire Chief Reed Thompson

**OTHERS:** Dan Reeve, Wesley Warren, Tavis Timothy, Chris Howden, Shane Stone, Jared Davis, Harry T. Hansen

### **7:00 PM REGULAR SESSION** (*CITY COUNCIL CHAMBERS*)

Call to Order – Mayor Rod Mann

Invocation – Council Member Timothy A. Ball

Pledge of Allegiance – Council Member Kim Rodela

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 Corrine Prestwich and those assembled were led in the Pledge of Allegiance by Jack Hill a local scout.

## **1. UNSCHEDULED PUBLIC APPEARANCES**

There were none.

Mayor Mann noted that item 4 regarding flag lots was continued at the request of the applicant.

Council Member Kurt Ostler moved to continue item 4. Council Member Scott L. Smith seconded. All in favor and the item was continued.

## **2. PRESENTATIONS** (*10 minutes*)

### **a. AED PRESENTATION – Fire Chief Reed Thompson**

Chief Thompson began the presentation by thanking the Council. He took the opportunity to provide Automated External Defibrillators (AEDs) in each vehicle. This was important because sudden cardiac arrest was the leading cause of death in the USA, with only a 5-7% chance of survival without AED assistance. He explained the time between call processing and an ambulance was on scene was between

four and eight minutes, and the survival rate of cardiac arrest went down 10% per minute. With Patrol Officers in vehicles nearby, having an AED in their vehicles allowed for that reduction of time between getting an AED to the patient. Officers often arrived before Fire services and he felt it was imperative to have AEDs on hand. This was a four-piece process; they received a grant for medical equipment. One was from Rocky Mountain Power Foundation (RMP) which covered costs for about two devices and another almost \$5,000 came from Quaker. Six were purchased with grants all together. Overall, all fifteen AEDs were placed in vehicles.

Chief Gwilliam spoke about the training for the AEDs. On the first of February, Thompson provided training to each officer for how to apply the apparatus and equipment. The AEDs were user friendly and self-explanatory. Pictures and instructions were easy to use. Chief Gwilliam was able to have hands on training with a mannequin. All officers on patrol had one in each of their vehicles. He promised they would be used, and items replaced as needed. This provided a better service to residents of Highland.

Chief Thompson explained that these will be fitted with better cases and were all-weather durable. This AED was user friendly and had pads inside device. He showed the Council the unit. The intent was that the various units had compatible equipment with the AEDs provided to officers.

Council Member Scott L. Smith noted that this was the most important thing to carry. He had a neighbor who was still alive because one of these units. He felt it was marvelous to have officers equipped with AEDs.

Chief Gwilliam appreciated the thoughtfulness of this opportunity.

Council Member Kurt Ostler asked how the officers would determine when it was necessary to use an AED.

Chief Thompson said when there was an unresponsive patient, the protocol was to remove clothing, place pads, and turn the machine on and the machine itself would determine if there was a shockable rhythm. It would not deliver a shock if it sensed the rhythm. The machine provided up to 2,000 shocks without battery replacement, and their recommendation was that it was functional for a five-year window. When they replaced pads, the officers would look at battery life for about a five-year rotation. The total cost was about \$200 per replacement.

Council Member Kurt Ostler asked how often through the year were the AEDs utilized. Fire Chief Reed Thompson said they would be used around forty to fifty times per year, which was about once a week. They were not always applying a shock in every case, but if they could reduce the down time between the information from the dispatcher and law enforcement providing defibrillation, they hoped to have a 25-35% survival rate, which was significantly higher than the national average.

**b. 2020 FLING THEME - *Civic Events Coordinator Corrine Prestwich***

Corrine Prestwich said she had the opportunity to meet with the volunteer committee on the 6<sup>th</sup>. The theme this year was “Our Story Unfolds.” This gave a nod to 43 years of Highland homesteaders and to the story of Highland that was unfolding. The story of Highland was turning a page and rapidly developing. She was excited to welcome that transition. July 25<sup>th</sup> was the kickoff, which would include a family dinner at Heritage Park. Some of the favorite activities included: art show, kids’ night with a twist: The Library was helping them host a Harry Potter kids night. There would be a 5k, rodeo, Highland games, fireworks and everything Highland citizens had come to love. The Service Project connected to this theme was a book drive. They would be donating to the foster care program in Utah

County. There was an essay contest for people to share their Highland story. The Title Sponsor will be Highland Hideaway Storage, and more fundraising were in the works. She invited Council to as many things as they could attend. August first was an all-day event, including a parade, etc. There will be a “Chase the Council Woman” aspect to the 5k: Council Member Kim Rodela will be the one being chased. She asked for suggestions and wanted to hear about potential volunteers.

Council Member Scott L. Smith thanked Corrine. He mentioned that she was working with the Arts Council and asked if she was also working with Friends of the Library or other City organizations. The Historical Society was working with Library as well. The Beautification Society was doing backyard tours this year as well. The Library was hosting a Harry Potter night.

### 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 were intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Mann stated that there were two Planning Commission member appointees present and he wanted them to stand and be recognized.

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

Regular City Council Meeting January 14, 2020

**b. ACTION: Ratifying the Mayor’s Appointments on the Planning Commission**

*Administrative*

The Council will consider the Mayor’s request to ratify the appointment of Jerry Abbott, Ron Campbell, Chris Howden, and Mino Morgese to serve on the Planning Commission. The Council will take appropriate action.

**c. ACTION/RESOLUTION: Changing the Hearing Date for the Sales and Franchise Tax Revenue Refunding Bonds** *Legislative*

City Council will consider adopting the resolution changing the hearing date for the Highland City Council’s approximately \$3,800,000 Sales and Franchise Tax Revenue Refunding Bonds and ratify the publication of the revised notice with regard to such hearing and related matters. The City Council will take appropriate action.

**d. \*ACTION: Ratifying the Mayor’s Appointment on the Timpanogos Special Service District (TSSD)** *Administrative*

The City Council will consider the Mayor’s request to ratify the appointment of Brian Braithwaite to continue serving on the Timpanogos Special Service District (TSSD). The City Council will take appropriate action.

Council Member Scott L. Smith asked that item 2a. be pulled off the consent agenda for further discussion.

*Council Member Scott L. Smith MOVED to approve consent items as listed on the agenda.*

*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.*

**4. PUBLIC HEARING/ORDINANCE: AMENDING CHAPTER 5 SUBDIVISION OF THE DEVELOPMENT CODE TO ALLOW FLAG LOTS (TA-20-01)** (15 minutes) *Legislative*

This item was continued at the request of the applicant.

**5. PUBLIC HEARING/ORDINANCE: AMEND SECTION 10-102 OF THE DEVELOPMENT CODE RELATING TO THE DEFINITION OF “FAMILY” (TA-20-03)** *Legislative (10 minutes)*

Planner and GIS Analyst Tara Tannahill oriented the City Council with a request by Highland City Staff to amend Section 10-102 of the Highland City Development Code relating to the definition of a family.

Background information was shared for this requested amendment. The current wording would not allow multi-family dwelling units in each home.

She read the suggested change:

- a) One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, and no more than two adults and their children who are unrelated to the residing family; or
- b) A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household.

Council Member Scott L. Smith provided a historical perspective about this issue. It was discussed at length on December 11<sup>th</sup>, 2010, January 18<sup>th</sup>, 2011 and again on February first. There was a lot of discussion around definition of a family. Council Member Butler in 2010 (during the Recession). The City had this strict ordinance for basement apartments. There needed to be a separate entrance, extra parking, etc. They found that there were many people circumventing this ordinance. At the time, City Administrator Nathan Crane was the permit authority, and asked him how many Conditional-Use Permits were granted in regard to this and there was only one. Council Member Butler thought if they redefined “family” they could rent out the basement without going through a hassle. This was a struggle for three Council meetings, and he supported the changes that would be made to it today. He thought of several people who rented their basement out to people who were not family. He hoped to make a better way to allow for it.

Mayor Mann said the definition from item b was from State Code.

**Mayor Mann opened the public hearing at 7:26 p.m. 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:**

There were none.

**Mayor Mann closed the public hearing at 7:26 p.m.**

*Council Member Kim Rodela MOVED that the City Council accept the findings and adopt the ordinance approving the amendment to Section 10-102 of the Highland City Development Code pertaining to the definition of “family”.*

*Council Member Kurt Ostler SECONDED the motion.*

Council Member Scott L. Smith asked if there were multi-families renting out basements. Ms. Tannahill said she had received phone calls from neighbors that stated multiple families lived in a single house. She could send a request for explanation.

Council Member Scott L. Smith asked for clarification. It was confirmed that there were situations where people rented out their basement to a different family.

*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. PUBLIC HEARING/ORDINANCE: AMEND SEVERAL SECTIONS OF THE DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS (TA-20-02) Legislative (15 minutes)**

Planner and GIS Analyst Tara Tannahill oriented the City Council with a request by Highland City Staff to amend several sections of the Highland City Development Code related to requirements for accessory dwelling units.

- 2008 City Council voted to allow basement apartments in the basement portion of the home.
- A conditional use permit process, providing separate utilities, two parking stalls, homeowner reside in the main dwelling.
- 2019 City Council updated the moderate-income housing element in the General Plan to comply with SB 34.
- One element was to review and update Accessory Dwelling Units (ADUs) to encourage ADUs throughout the City.

They would still require parking stalls and separate utility connections which would be costly. They wanted to make an application made available through the Community Development Department and the Building Department to review the applications. The front of home shall not be modified to look like separate units. It could be done on the side, but only if covered by landscaping or fencing. The key issue here was that it had to be part of the main dwelling unit, which could include an attachment to an attached garage, or an addition to the home. It still needed to be owner occupied.

- November 12, 2019 Highland City updated the Moderate Income Housing Section to comply with SB 34. This text amendment would satisfy one requirement in SB 34.
- Removed the request to be a Conditional-Use Permit.
- Removed the requirement to have separate utilities.

No correspondence was received after proper publishing. The Planning Commission unanimously recommended approval. One citizen comment was received but it was cleared up quickly. This was considered a recommended motion.

Council Member Scott L. Smith asked if the basement apartment needed a separate door on the side or back but not on front. There was a minimum of two parking spots. Any basement apartment needed to meet all of the building and fire codes. He asked what some of the main things a person would have to do to modify to meet those codes were.

A separate furnace and stairwell were required, and any shared fire-resistant areas (ceiling and stairwell) should be separated.

Chief Thompson said that this would normally look like an additional layer of drywall, sheet rock with double thickness, or to apply additional layer.

Council Member Kurt Ostler asked about the separate furnace.

Chief Thompson would address climate control and had the ability to control climate within that space. Ms. Tannahill said it also had to do with air circulation. It was a Building Code requirement. They also needed CO2 detectors; it had height restrictions. They created in the application a series of questions that they had to address as part of building code.

Council Member Kurt Ostler asked if the homes would be inspected by the Fire Department. No, for the moment but they were in the process of completing them for the short-term rentals but not for accessory apartments. Clint did the inspections.

Council Member Kurt Ostler asked why the wording was changed. Ms. Tannahill explained that it would allow for other types of units.

Chief Thompson said there could be a scenario of second floor with no basement where this would apply. Mayor Mann added that a second floor of a garage would also fit this scenario.

Council Member Scott L. Smith said the main part of the house needed to be owner occupied, and the accessory part could be rented to whomever. He asked what if they rented it to a family member, and if they would they still need to meet these requirements. Ms. Tannahill said no, if it was a family member, they did not need to comply with this.

City Administrator Nathan Crane said that the federal law was that if a person was related by blood parent or adoption, it would not apply with family relation.

Council Member Scott L. Smith said if they had separate furnaces, the owner worked out a deal to for how to pay for it.

City Administrator Nathan Crane gave an example of renting a room to their college kid and charging them rent and stated that these requirements would not matter. Council Member Scott L. Smith asked how they would monitor this. City Administrator Nathan Crane wanted to educate the public, which explained the zoning clearance. When a home was up for sale, a relator would ask if there was a permit. They would keep the zoning clearance for each house and tell them if that permit was issued or if they had a clearance for basement apartment.

Council Member Kurt Ostler asked if the permit was for home or for homeowner. City Administrator Nathan Crane said the clearance was for the person applied for it and next owner needed to apply again for it. New owners needed to reapply for the same permit.

Council Member Kim Rodela had an enforcement question. She asked that if a resident were turned in and asked if they had a renter and they said no, what were the next steps. City Administrator Nathan Crane said this was a challenge because it required proof, which could be obtained before a judge. They could collect their own evidence through a witness, they could also use a proactive complaint to ask them to get their home into compliance. It came down to the integrity of the owner. To enforce this, they needed evidence. It was much like a barking dog or a speeding ticket.

Council Member Kurt Ostler asked if there was an application fee. City Administrator Nathan Crane said fees could be charged to recover the service. They would bring back the resolution to adopt a fee.

Council Member Kim Rodela asked about the minimum requirements of the two off street spaces. She wondered if this could be separated from the driveway, and if they could they require it on the side or an RV pad. Ms. Tannahill said they could make it part of their motion.

Council Member Kurt Ostler was concerned with two- or three-car garages and driveways being counted, even if they could not properly utilize it. City Attorney Rob Patterson said regardless of the parking requirement, this could be an enforcement issue. Three cars in front of home could be blocking more areas.

City Administrator Nathan Crane added that this would exclude the existing driveway. He said to add the language “excluding the existing driveway.”

Ms. Tannahill said that as part of the application, applicants were asked to draw the spaces.

Council Member Scott L. Smith asked if there was any application fee on this. City Administrator Nathan Crane said not now. The Building Department charged per square footage of a Building Permit.

Council Member Brittney P. Bills asked if there was a situation where the owner lived in the basement and rented the upper part of the property. She was given an affirmative answer; it just had to be owner occupied.

Council Member Kurt Ostler asked what would happen if someone had a breeze way before a garage. He asked if it was classified as the same dwelling unit. Ms. Tannahill said they had a definition that said a 10 foot or less breeze way or covered patio was considered part of main dwelling unit.

**Mayor Mann opened the public hearing at 7:44 p.m. 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:**

There were none.

**Mayor Mann closed the public hearing at 7:44 p.m.**

Council Member Kurt Ostler asked where the definition was. Under the Development Code, Chapter 10: said it was part of the main dwelling unit. A garage and a breeze way less than 10ft from the property could be rented out. Ms. Tannahill pointed out the requirement of the common roof line and foundation for a breeze way. Definition found on 21b: “structures connected by a breeze way with a common roof line, common footing, and foundation and a foundation separation of less than 10ft between unattached structures shall be considered part of the main dwelling.”

*Council Member Scott L. Smith MOVED that the City Council accept the findings and adopt the ordinance approving the amendment pertaining to Accessory Dwelling Units.*

*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.*

**7. PUBLIC HEARING/ORDINANCE: AMEND SECTION 5-8-101 OF THE DEVELOPMENT CODE RELATING TO SUBDIVISION LAYOUT (TA-20-04)**

*Legislative (5 minutes)*

Planner and GIS Analyst Tara Tannahill oriented the City Council with a request by Highland City Staff to amend Section 5-8-101 of the Highland City Development Code.

She started with the amended Section 5-101-(2):

Where trees, groves, waterways, scenic points, historic spots, other City assets, and landmarks, environmentally sensitive areas such as wetlands, or other features or land subject to State, Federal, or other

special regulations, as determined by the City, are located within a proposed subdivision, the subdivider shall identify and provide the means to preserve these features as part of the proposed subdivision.

The purpose of this change was to modernize the language and to be consistent with State law and modern practices as far as environmentally sensitive areas.

For citizen participation, proper noticing took place and no citizen comments were received. The vote for recommended approval was unanimous at the Planning Commission's public hearing from 1-18-2020.

Council Member Scott L. Smith asked if they were to look at these issues, there would be areas where there were water districts and things, but still there would be subdivisions, roads and things that went through the wetlands. Was the purpose of this just to relook at the wetlands and make sure they had approval from the appropriate agencies, but it did not mean that they would not be building something there, correct?

Ms. Tannahill said they would still need to go with Federal regulations and go through the appropriate channels of whomever reviewed their project. This helped clarify more of what they were looking for the subdividers, so they did not continue forward without demonstrating that.

Council Member Scott L. Smith wondered what a builder would have to do to get approval to build in this area.

City Administrator Nathan Crane said it depended on the issues. Army Corp had jurisdiction and required a lengthy process and regulations. They had to obtain a permit from the Army Corp and would be required to get followed. The City was there to ensure proper permits. These were the environmental issues that should be addressed as part of the review process. There were different levels of addressing the issues. The City needed to make sure they were not allowing buildings on top of wetlands. It was the developer that was responsible for the work. State code already prohibited cities from treating anything as a wetland that was not designated by the Army Corp of Engineers as a wetland – that was a State code issue.

City Attorney Rob Patterson explained the national App for finding the wetlands in a given area. They wanted to make sure they were handling those areas appropriately.

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

There were none.

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

*Council Member Kim Rodela MOVED that the City Council accept the findings and adopt the ordinance approving the amendment to Section 5-101 of the Highland City Development Code.*

*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.*

## **8. ACTION: MEMORANDUM OF UNDERSTANDING FOR ROAD AND UTILITY**

### **ACCESS** *Administrative (15 minutes)*

City Administrator Nathan Crane oriented the Council with a request by GCII, LLC, Robert and Connie Strang, Divecha Family Limited Partnership, and Perry Land Investments, LLC for a Memorandum of Understanding regarding road and utility access for approximately seventy acres located between Beacon Hills Boulevard and Cyprus Drive north of Southerland Drive.

City Administrator Nathan Crane explained the Memorandum of Understanding. This pertained to an area known as Section 23. The General Plan did not have a land use designation everything around the area was low density residential. When areas were shown for annexation, there should be a land use designation for it. In 2008, the choice was made not to do that for this land. He pointed out the surrounding zoning areas on the map of the area.

The Annexation Policy Plan was required by State law. The purpose of this was to work with other cities, analyze infrastructure needs etc. They looked these areas for future areas to serve as infrastructure. Areas highlighted in pink were identified for potential annexation in the City. One dark blue line in the middle was another. The pink area in the Northwest was called "Northwest Area Annexation." There were agreements with Lehi for this area. It was interesting to compare what happened based on the plan and what actually happened in real life. The black outline showed the actual boundary of the City. Micron and Blue Bison were noted on the map.

The Existing Conditions map was shown and described, and it went from Blue Bison from Draper to Highland. There was a diagonal line which was to indicate the Jordan aqueduct. Contours showed the steepness down the middle, which created challenges. There were specific rules to cross the aqueduct.

Council Member Timothy A. Ball asked if the proposed roads counted as transgressing Blue Bison. City Administrator Nathan Crane said no, it was all internal to the site and would not provide connections to Alpine Adventure. All connections were internal, and none extended City limits or access.

Council Member Scott L. Smith thought the pipe was Alpine aqueduct and thought there were many crossings over the area. City Administrator Nathan Crane said it could cross, it just needed to abide by the requirements to do it.

City Engineer Todd Trane said the roads that crossed the area had an application process. There were places where the people in the City actually owned the property and others where there was an easement. Ultimately no structures and utilities needed to be cased. The area could be crossed. There was an application process. Owned areas and easements were pointed out on the map.

City Administrator Nathan Crane pointed out one existing stub at Beacon Hills Plat E. An overview of the agreement was shown on Exhibit B. Connections between Northern points, Plant E, Grant Blvd., and Highland Hills, and a few others were pointed out. This allowed multiple owners to know where the access for utilities would be and therefore determine who paid for what. They could then approach the City for future developments in the area.

Council Member Kurt Ostler noted that none of the roads here connected to a main road. City Administrator Nathan Crane said the only main road was through Beacon Hills and a local street connection.

Council Member Scott L. Smith asked if this was adequate for northern area. City Engineer Todd Trane said this as what the City was left with. They needed some connectivity across the aqueduct.

Council Member Kurt Ostler asked if when a resident submitted an application, it they would be required to submit a traffic study. He was given an affirmative answer; they wanted the whole application to come in all at once. Whoever came in first would be required to show connectivity and show how it impacted local roads.

Council Member Scott L. Smith was curious why there was no access from Highland Boulevard. He said a person would have to cross Lehi land to get there. Chief Thompson said the topography would not allow this easily.

Fire Chief Reed Thompson added that any time an area exceeded the number of units, multiple access points were required, and the proposal would meet it.

Mayor Mann clarified what was asked by this item. City Administrator Nathan Crane gave an approval of memorandum of understanding. He said there might be annexation issues as it related to compliance with State law, but they would be dealt with in the future.

Mayor Mann said the Memorandum of Understanding (MOU) would simply let them move forward with negotiations.

Council Member Timothy A. Ball asked what their intention was with zoning.

The property owners were present to respond: Dan Reed and Perry Homes. Mr. Reed's part was to provide access from the Southeast and North. They did not have zoning intentions for their land not annexed. They owned plat E, which was already zoned in Beacon Hill NBA. There was no proposed zoning.

Mayor Mann encouraged the other owners to approach and explain.

Shawn Dixon, representing the landowners, explained that the group tried to bite off the first chunk of the elephant and get utility and road access and then later deal with density at a different time.

Council Member Scott L. Smith Beacon Hills said the Beacon Hills area was done through a development agreement not just R-1-40 and was not just straight open space. It was denser than a standard open space subdivision.

Council Member Kurt Ostler said that all of Beacon Hills was classified as open space service district. This area was not part of Beacon Hills or open space; it was a new application. City Administrator Nathan Crane said yes in County; it was similar to Viewpoint.

Council Member Kurt Ostler said he was struggling with Northwest irrigation. They tried to get better production. He asked what would happen if they were not successful. He wanted to know what would happen if they added seventy homes, and how this would that effect utilities and snow removal.

City Engineer Todd Trane said this property was incorporated into pressurized irrigation plan it was accounted for. If Highland City residents irrigated properly, they could accommodate it. The problem was that Highland City residents tended to double water what they needed, and it will be a huge impact they would have to account for.

Council Member Scott L. Smith said that any new development would be metered. Staff confirmed this but clarified that they were not billed that way. City Engineer Todd Trane said the City had not adopted a metered use fee; it would be tackled in the future.

Council Member Timothy A. Ball said they were operating under the assumption of seventy to eighty homes which was R-1-40, but they may seek two to three R-1-20 zoning. He asked if that would not over-tax the infrastructure. City Engineer Todd Trane stated that bigger lots had more landscaping. Some high-density developments had little landscaping and needed less water per acre. Council Member Timothy A. Ball said if they did not know the density, it was not easy to plan for it. City Engineer Todd Trane said the MOU just provided access points. It was hard to develop without that understanding and make sure roads worked. It would be nice to know but they were not far enough along in the process. Council Member Timothy A. Ball said he would vote no if they were seeking R-1-20, so they did not proceed with large expenses. City Engineer Todd Trane said this was just saying these were the connections and they would need to tie into them.

Mayor Mann said nothing was being constructed.

Council Member Timothy A. Ball clarified that this was not binding, and not an implicit yes. City Attorney Rob Patterson confirmed it was not addressing zoning. City Council had discretion for setting a zone. This was only a connection layout. This MOU did not bind City Council's hands and was not a promise from City Council.

Council Member Scott L. Smith felt that they needed to be forward thinking about this. They should be welcoming to people who wanted to come into Highland. PI was not surmountable. The area above Beacon Hills was offered from Draper to the City. If it was not annexed to Highland where they had some say about the compatibility with surrounding neighborhoods, it could be annexed into other cities with much higher densities. They were trying to work through things intelligently and in calculated ways.

Council Member Kurt Ostler said they should be workable, but they did not need to lay down. This area did not look like Highland. It looked more like Draper and was different from what their residents wanted.

Council Member Scott L. Smith said they should work with these people to keep them in Highland.

Mayor Mann said this was only about the MOU and said to approve this and help them plan.

*Council Member Scott L. Smith MOVED that the City Council approve the Memorandum of Understanding. 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.*

## **9. DISCUSSION: PRESSURIZED IRRIGATION AND AGRICULTURAL USES**

*Administrative (20 minutes)*

Todd Trane, City Engineer, and Tavis Timothy, Engineering Consultant, presented information to the City Council regarding the impact of serving agricultural uses on the City's pressurized irrigation system. This item was presented for discussion only.

The main purpose of the presentation was to provide an overview and let the Council know what the plan was.

This was an overview of irrigation system in the City. The highlighted areas indicated pressure zones. The mouth of the canyon was noted because this was the site where they removed surface water out of the canyon into a pond to provide water at their lower zone at gravity feed. The pump station was noted. There was a pressurized water to zone with pumps. The feed line to 11800 Well was to be rehabilitated to have water flow better. Hoggs and Canterbury ponds were noted. The system was designed to take water out of the canyon early in the year and they also had water rights from the Provo reservoir. They also had wells which were pumped. He outlined how the City took water and how they used it. It was a burden on the system because they watered during the night to eliminate evaporation and it helped also during the day to catch back up and fill up ponds. He invited Tavis Timothy to attend this meeting and share their concerns.

Mr. Timothy reviewed the slide outlining metered water systems.

**Irrigation Application Rates**

City	Irrigated Area <sup>1</sup> (ac)	Outdoor Use <sup>2</sup> (ac-ft)	Application Rate (ac-ft/ac)
Saratoga Springs	995	2,547	2.6
Clinton	1,012	3,086	3.0
North Salt Lake	680	2,668	3.9
Midvale	680	2,408	3.5
Herriman	990	3,338	3.4
Roy	1,306	4,594	3.5
Washington Terrace	302	1,048	3.5
Kearns	1,210	3,922	3.2
West Jordan	3,206	10,283	3.2
Spanish Fork	1,290	5,004	3.9
Springville	1,269	5,058	4.0
Orem	2,759	11,729	4.3
Ivins	198	957	4.8
Hurricane	896	4,327	4.8

Highland used a lot of secondary water in their system. Recently a Master Plan was completed. They looked at water use now as compared to use at build out.

Pressure Zone	Current IA	Future IA	Buildout Total IA	Buildout Peak Day Demand (gpm)	Peak Inst (gpm)	Buildout Storage (Gal)	Buildout Storage (AF)
Beacon Hills Lower Pressure Zone	124.4	16.8	141.2	1,412	2,825	1,200,506	3.7
Beacon Hills Upper Pressure Zone	100.4	60.4	160.8	1,608	3,215	1,366,528	4.2
Hog Hollow Pressure Zone	25.4	0.0	25.4	254	508	215,900	0.7
Lower Pressure Zone	883.6	307.0	1,190.6	11,906	23,811	10,119,777	31.1
Upper Pressure Zone	241.6	89.2	330.8	3,308	6,615	2,811,494	8.6
View Pointe Pressure Zone	16.1	0.0	16.1	161	322	136,850	0.4
<b>Total</b>	<b>1,391.5</b>	<b>473.3</b>	<b>1,864.8</b>	<b>18,648.3</b>	<b>37,296.6</b>	<b>15,851,055.0</b>	<b>48.6</b>
Peak Day = 10gpm/irrig acre							
Peak Inst = 2 x PD							
Storage = 8500 gal/irrig acre							

Larger undeveloped areas were shown and outlined. City Engineer Todd Trane said some of the areas were developing, such as the Peck property.

Mr. Timothy said with the Master Plan, they used software to look at different demands. The software was run over extended time. They checked pressures at different elevations, and it was noted that pressures were better further south. They made sure velocities were not over or used too much pressure.

Typical Water Source outlined:

- Typical Late June Sources –
  - 2.5 CFS 11800 N. Well
  - 12 CFS AF Flume
  - 18 CFS Lehi Flume
  - Total of 32.5 CFS that day
- August 2018 (Drought) Sources –
  - 11 CFS through the CUP Pipelines
  - 8 CFS through the Murdock at Canterbury Pond
  - 2.5 CFS from 11800 N. Well
  - 2.5 CFS from Submersible Well

5.9 CFS from Lehi Flume (Portion in trade with Lehi Irrigation for Provo Well)

2.4 CFS from AF Flume

Total of 32.5 CFS that day

City Engineer Todd Trane clarified that “CFS” meant “Cubic Feet per Second” which showed a flow rate. The amount of water they usually used was around 32.5 CFS per day. In June they used 30 CFS. They pulled from a lot of different sources for this water.

Mr. Timothy explained that the certain areas had more expensive water. They were able to utilize water shares through a specialized pipeline. A few wells were used. Lehi and American Fork flumed at the Mouth of the Canyon.

City Engineer Todd Trane said the reason they showed this was because agricultural uses would impact the City throughout different times of the year. During certain times they used every source they could and had a difficult time keeping up with their levels.

Council Member Scott L. Smith noted there was a large well next to Lone Peak high school that was used to irrigate the alfalfa fields. He asked if they would they have access to that well in the future. City Engineer Todd Trane said not yet. They were proposing to give surface and Highland Conservation water, which was a Stored Water Right. Council Member Scott L. Smith wondered why they would not gain access to that big well. City Engineer Todd Trane said they would continue utilizing that for the alfalfa fields that they owned. That should be part of the discussion.

Mr. Timothy said over the last few years they were asked to look at agricultural connections. Looking at the model, they were almost maxed out. The hours between two and six a.m. pushed their water pressures down significantly. They could not sustain large water use during the day. They would look at it during the day. It compressed the time for residents to water. Alfalfa and turf had similar water requirements. Watering an agricultural field in development, they needed two to three times the amount of water they would need otherwise.

- Increased Demand on the System – Demands would be 2-3 times more than when developed.
- The system does not have excess capacity during peak watering times (10 PM to 8 AM).
- Utilizing Murdock Canal shares would decrease ability to fill ponds during the day.
- Reduced system pressures in the day may decrease pumping at the 11800 Well.
- Additional costs will be required to operate the pumping portion of the system. Pumping may need to begin earlier in the year.

Council Member Scott L. Smith asked if Beuhler’s used more or less water than a residential area with a drip system. City Engineer Todd Trane said yes, far less water.

City Engineer Todd Trane said sprinkling alfalfa was extremely different from drip system. They used a lot more water. It had similar application rates to grass. Alfalfa was two to three times more water to produce the alfalfa. Beuhler property used much less volume and frequency of water.

Mr. Timothy said that when the system was originally built it would have been ok, but different standards were looked at then compared to now.

Council Member Kurt Ostler walked through an example of large water use. Council Member Kurt Ostler stated that he used to have five acres and was not allowed to put a two-inch line for sprinklers; it had to all be kept to one inch. City Engineer Todd Trane said based on approval, larger than one inch was allowed; typically, a two to three-inch connection. Peck’s was about three to four inches, but they were still working on estimations.

City Engineer Todd Trane wanted to bring it up and said the Council would have a lot of projects that needed to be addressed.

Council Member Kurt Ostler asked if the Council needed twelve months in advance to complete applications. The Council needed more time to decide these. They did not have the money to enlarge a pond, for example, and would therefore need more time.

City Administrator Nathan Crane said they already had two users ask about this. There was another user asking. If they expanded, they needed to have an official policy.

Council Member Scott L. Smith said he only heard problems and no solutions. City Engineer Todd Trane said they had solutions in the Master Plan. There were projects planned. The Canterbury Pond would be reconstructed in two years, the Mouth of the Canyon Pond was scheduled to be reconstructed in the next five years. Council Member Scott L. Smith said it was nice to know what the solutions were. They needed to accommodate this because the City will continue to grow.

City Engineer Todd Trane said water shares that the new residents brought required the City to bring pumps on sooner. By taking properties on, they started to take water earlier and the operating costs went up. He wanted to know if the Council was charging for this proportionally. The Council was worried questions were coming at the Council all at once. They needed to know how to handle these issues.

Council Member Scott L. Smith asked what was happening with metering. City Engineer Todd Trane said a half a million dollars set aside each year for the next three years for this project. This was possible through the Enterprise Fund. They were applying for a grant to get matching funds and were off and running to start the process. About two thirds of the City they would get on meters. Council Member Scott L. Smith said that would make a big difference. City Engineer Todd Trane said they were tackling this issue.

Mayor Mann asked for schedules again from the Master Plan from a few years ago.

Council Member Kurt Ostler remembered the Dry Creek plan and looked at the Irrigation Master Plans to refer to because there were concerns about flooding.

City Engineer Todd Trane said he was working to be as proactive as he could. Funding needed to be matched, and this was later additions of the Irrigation Master Plan. He went to a conference recently and listened to other Engineers and found that they were not as proactive as this Council was. This City was ahead of the game.

Council Member Brittney P. Bills suggested that they looked carefully at proposals for agricultural uses. Council needed to do a massive civic education exercise with residents on usage. They were using too much water. Council Member Scott L. Smith suggested xeriscaped areas as well. They should set the example.

Mr. Timothy saw a 15% reduction in water use when flyers were sent out to residents. This went on for a year and because of the City growth they were bad at overusing water again.

Mayor Mann called forward Mark Thompson. Mark Thompson explained that the soul source of the water use was from a well and not producing what it was designed to do. The City created a hole in the system. They needed to share their responsibilities. When they asked to share water for agricultural ground, it created issues. This was not a one-sided argument. They needed to ask if they had capability to meet short term requirements because it would become a development. They could not responsibly require people to meter and then charge more. They dedicated a certain amount of water for that property. Some exceptions were made; churches for example, should have to provide as much water if they had a large parking lot, etc.

Council Member Scott L. Smith said they came with water. Mr. Thompson said there was still a responsibility to provide that from the source to where it needed to be utilized, which was the struggle. The reality was that people were skeptical. It was hard to sell people on a system to sell a 40-inch line when they could maybe do it with a 30-inch line. They knew they could not. It was a matter of the funding. For example, when a city ran out of drinking water they dealt with a lot of oversight and penalties because they were not providing for these issues. What they were dealing with now was secondary water use, and not nearly as difficult as low drinking water.

Council Member Scott L. Smith said culinary was okay and Mr. Thompson concurred. He added that the City needed to build more into the secondary water system.

Council Member Brittney P. Bills wanted to go on a ride-along with police and wanted to look at water use, which was so interesting that she wanted to go again. Council Member Kurt Ostler added that he went on a shoot-out, and he favored the simulator.

City Engineer Todd Trane would like to bring this to the Council, so they had an idea of the issues they were facing.

Council Member Scott L. Smith asked how he could go on a ride-along.

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

### **a. Referendum Calendaring**

City Recorder Cindy Quick informed the Council that they were at Step four out of five of the referendum timeline, meaning that the sponsors were collecting signatures. The petition packets were due to the County by February 20. The County then had 30 days to verify the signatures. The verification of signatures will be provided to the City Recorder by March 23, 2020, at which time the City Recorder will review the petition packets and determine if they were sufficient or not.

They would update the Council with the remaining steps as they proceeded through the process.

### **b. Victor View Lift Station**

City Engineer Todd Trane informed the Council of the issues with the Victor View Lift Station on Stephens Lane. There was no way for the sewer to get out of there because of a road slope in each area. This was originally developed in the 90s. This lift station was designed to help the sewage situation. There was a serious problem with cleaning (wipes, feminine hygiene wrappers and plastics, pill bottles, metal wires etc.) in the lift station. There were serious costs for the City going into cleaning this space, and something needed to be done about it (about \$50,000 spent a year just on this lift station). They tried everything else to fix this.

Survey results taken to help this situation:

- Made sure a gravity line could make it to Canterbury Drive.
- A utility bridge would be required over the drainage.
- This would require additional easements and also required sharing an easement with a Lehi City waterline.
- Estimated costs for a sewer bypass would be in the \$250,000-\$300,000 range.

This was an unforeseen expense; the City did not anticipate this. They really did not have another option.

Council Member Kurt Ostler said his sewer flowed here. City Engineer Todd Trane said they were doing their best to determine where these issues were coming from.

Council Member Scott L. Smith said if they came up with this amount of money to solve the problem, the folks in this neighborhood would have a special fee to help pay for this.

City Engineer Todd Trane said they did not charge for people in a lift station. Other cities did charge, however. It was a large price tag for the City (roughly \$5,000 per home). Council Member Scott L. Smith said if they threatened the residents with this cost, it might be worth a try.

City Engineer Todd Trane said there were other lift stations in the City, and this needed to be fixed because it cost the City so much money to maintain and it could cause infrastructure damages. It was one specific lift station that was the real problem.

Council Member Kurt Ostler said it was hard as a Council. He recused himself because all his neighbors lived here. If they could stop the damage, they would not need to pay an extra fee, or build a new station.

City Engineer Todd Trane said this was the oldest lift station and everything had a life span. Eventually this will be replaced if they did not have this problem, it would last a little longer. At the time, it was about twenty-five years old. They did not have a schedule for replacement, which was never part of the Sewer Master Plan.

Council Member Kurt Ostler asked if it was common to replace lift stations. He asked if replacing the lift station would take care of the issue even if it was replaced.

City Engineer Todd Trane said he wanted a direction moving forward with design work. Anytime they could remove a lift station, they should. The City would be looking at the same price tag in the future to replace it and then they would still have a lifelong maintenance on the lift. These lift stations were checked every day. It was noted that rebuilding the lift station did not get rid of wires and other dumping items.

City Engineer Todd Trane said flushable wipes were an issue nationally. There was a 1000% increase since October.

Council Member Kurt Ostler asked if there was a way to put screening to narrow it down.

City Engineer Todd Trane looked at videos about fixing this, but the problem with putting things up the lines is that it created more opportunity for flooding. Their maintenance crew tried to be proactive, and they built a basked down for the well, and this was within hours. They had pumped out this drain more times since October than in the twenty-five-year life span of the lift. They just needed to fix the problem.

Jared Danis said his home was right next to this lift and he was next to it. His kids knew about the issue. The first home was flooded twice from that same pump. It caused him anxiety. He was trying to figure out how to add a back-water valve. The lift station had issues as long as he had been here. He was always talking to City Staff about issues. He was blasting information to their ward and to their neighbors. It seemed like it was only one individual. He would help drop the money to get the problem fixed. He would love to have Council push this through.

Harry Thomas had been here since 1999. City Engineer Todd Trane mentioned that he thought he might know the problem but was hesitant to say. He wanted to hit every neighbor to figure out what the problem was. He asked for City Engineer Todd Trane's idea about the issue.

City Engineer Todd Trane said he was an engineer and had to have data. They were working on ideas to isolate the problem area. He would get there eventually, but this change was a permanent solution and

eliminated the lift station and any maintenance issues. The new station called them on their cell phones. They were constantly thinking about it. They would like to eliminate the lift if they could, but if not, they will nail down the source of the issue.

Harry Thomas thought he might know who the problem was so he could personally minimize the problem. In the last six months they had a huge increase in the last twenty years.

Council Member Scott L. Smith said this would come out of the Sewer Enterprise. City Engineer Todd Trane said yes because they did not have funding. Those moneys were already set aside for future projects in the Sewer Master Plan.

**c. \*Review of Court Ruling on Pleasant Grove Transportation Utility Fund**

City Attorney Rob Patterson informed the Council of an update on this fee. The case did not directly involve Highland City. Pleasant Grove proposed a fee for use of their roads. The fee was challenged as an illegal tax. They could legally have the fee or tax but in this case the fee should have been done as a tax. This did not impact Highland City. They just wanted the City to be aware of it as Pleasant Grove moved forward.

Council Member Scott L. Smith asked how the Pleasant Grove road fee differed from theirs.

Mayor Mann said the way they charged was different from Highland. Their view was the residents were given choice for tax or fee. He attended a meeting and it was a discussion item. The thinking was that Pleasant Grove will appeal. Between now and next year, the legislatures will work on a bill. Brady Brammer volunteered to help with it. It was not a guarantee, but the league was expecting.

Council Member Scott L. Smith asked if the appealed legislature did not fix it and they lost, if it would affect other cities.

City Attorney Rob Patterson said yes it would. A challenge to a fee could be easily made, and the same for XYZ reasons and the judicial support would be there to say the particular tax (in this case the fee was determined to be a tax) was improper. Each case would be case by case; however, it was binding in a way a district court ruling was not. There was very little guidance in the code and supreme court. Fees were imposed for specific services and the spectrum between taxes and fees was not specific. Test cases were pushing it forward. Transportation fees were legal. But the question was about why the City would make something a fee rather than a tax.

Council Member Scott L. Smith said a lot of cities had fees. There was some risk in the interim.

City Attorney Rob Patterson said there was risk by charging fees. Taxes were difficult as well, but somewhat safer because of the regulations in place. He restated the issue above.

Mayor Mann said it was too short to get anything done this year in legislature.

Council Member Scott L. Smith said perhaps they should be careful about new fees.

Mayor Mann shared a flyer regarding a seminar with Dr. Scoresby teaching parents how to raise and do things to help children be emotionally resilient and self-reliant. He encouraged the Council to attend.

**d. Future Meetings**

- March 3, City Council Meeting (Cancelled due to Elections)
- March 10, Special City Council Meeting, 7:00 p.m., City Hall
- March 17, City Council Meeting, 7:00 p.m., City Hall

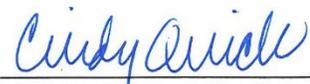
## **ADJOURNMENT**

Mayor Rod Mann called for a motion to adjourn.

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

*The meeting adjourned at 9:27 p.m.*

*I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 18, 2020. This document constitutes the official minutes for the Highland City Council Meeting.*



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Cindy Quick, MMC  
City Recorder