



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES


Tuesday, March 1, 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

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:00 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: 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, Planning Secretary Heather White, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Natalie Slemboski, Lance Miller, Deborah Schrock, Erik McDonald, Spencer Robison, Lois Christensen, Wesley Warren, Rachel Miller, Marilee Christofferson, Ann Beyle, DaNae Peterson, Noah Peterson, Shelli Biesele, Stan Biesele, Doug Cortney, David Christensen, Rochelle Broadhead, Chad Broadhead, Scott Fuller, Swanny Makin, McCall Alldredge, Liz Mojo, Bryson Nelson, Katie Nelson, Jake Shoff, Jed Robinson, Deborah Gardner, Shane Davenport, Tatiana Lindsey, Chelsea Chen, Marcus Blair, Lindsay Bago, Steven Stowe, Chris Howden, Richard Tomlinson, Jane Tomlinson, Devon Bybee, Aimee Olsen, John Ort, Matt Peterson, Daniele Brown

1. UNSCHEDULED PUBLIC APPEARANCES

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

Swaney Makin addressed a recent proposal to allow a rehabilitation center in the community; her career path and passion is in-home day care, and the proposed rehabilitation center would be next door to her home. She expressed concern about the safety of the children she cares for. She knows this type of service is important, but it may be appropriate in another location. She understands that there are rights afforded to rehabilitation centers, but she would also like the Council to consider the rights of daycare providers and young children.

Spencer Robinson addressed the agenda item dealing with amendments to the General Plan; it is envisioned that the Plan will be a vital living document that will serve the City for up to 10 years. It is recommended that no General Plan amendments be considered for a period of one year following the date of adoption of the Plan. Amending the Highland City General Plan should not be taken lightly; a great deal of effort, time, consideration, and commitment has gone into the creation of the current Plan for it to be a trusted document, all proposals to amend it should be reviewed and evaluated from the perspective of how it will impact the greater community. He recommended that General Plan amendments only be considered semi-annually at special meetings devoted entirely to that process. This will assure that sufficient time is afforded to consideration of the proposal and that the General Plan will not be compromised due to haste or inadequate information.

Lance Miller stated he works with the Lone Peak Mountain Bike Team and other teams in the area; he knows the Council is working on issues relating to access of bike trails in the community and advised that there are about 800 to 900 kids that will begin practicing on June 1. They need access to the trail so that they are not forced to ride on dangerous roads. He offered a temporary solution to gaining access to the trailhead that is located on Highland City property; this could be accomplished by moving fences or extending the trail. He indicated Draper City has expressed they are willing to grant access to Highland if something can be done to get around the Blue Bison property. He stated that the bike team and those that support it would be willing to help make improvements to the trail system. Mayor Ostler asked that Mr. Miller leave his contact information with staff to follow up on those offers of help.

Ricky Tomlinson also addressed a recent proposal to build a rehabilitation center in the City; he is also opposed to the project and would not feel comfortable with the use being located in his neighborhood.

Jane Tomlinson stated she lives two houses away from the property where the rehabilitation center would be located; she understands that those living in the home would not be required to submit to a background check, which means that there may be people with violent tendencies living there. She stated that she is not discriminating against the use; rather, she feels that the use violates City Code as there are not safety controls in place to regular operation of a rehabilitation center in Highland City. She added that the City Code explicitly states that no more than eight children are allowed in a home day-care, and she wondered why nine adults would be allowed for a rehabilitation center. She added she feels that this business would put Ms. Makin's day care out of business and the City should compensate her for that impact. She added that the City should also pay for her home so she can relocate away from the rehabilitation center. She stated that there are great concerns related to parking associated with the use.

Doug Courtney addressed the agenda item dealing with changes to title six of the City Code relating to animals; he is totally in favor of changing vaccination standards and eliminating the puppy license, but he would like to encourage the Council to reduce the total number of cats and dogs residents can have in their home; at present, someone living in a 1,000 square foot townhome to have three large dogs and three large house cats, but someone living in a 3,000 square foot detached home would not be able to keep four small dogs. He stated that makes no sense to him; zoning regulations recognize that different lot sizes can support a different number of animals, but

it does not provide an appropriate ratio for dogs. It would be easier to consider complexity that takes into consideration the appropriate number of animals for dwellings of different square footages.

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 - Stephanie Cottle, City Recorder*
Regular City Council Meeting – February 1, 2022

- b. **Final Plat: Featherstone Drive** *Administrative - Kellie Smith, Planner & GIS Analyst*
The City Council will consider a request by Boyer Ridgeview Commercial, LC for final plat approval for 2.19 acres for the purpose of building Featherstone Drive located west of North County Blvd connecting 10100 N to Canal Blvd. The Council will take appropriate action.

- c. **Resolution: 2022 Mountainland Pre-Disaster Hazard Mitigation Plan** *Administrative - Nathan Crane, City Administrator/Community Development Director*
The City Council will consider the approval of a resolution adopting the 2022 Mountainland Association of Government Pre-Disaster Hazard Mitigation Plan for Summit, Utah, and Wasatch Counties. The City Council will take appropriate action.

Mayor Ostler indicated item C needs to be pulled from the consent agenda as the Plan was not completed prior to tonight’s meeting.

Council Member Kim Rodela MOVED to approve consent items 3a and 3b.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

5. ARCHITECTURAL APPROVAL: BANK OF AMERICA *Administrative - Kellie Smith, Planner/GIS Analyst*

The City Council will consider a request by Judy Yam on behalf of MNG Highland I LLC, for architectural approval for a remodel of a retail building located at approximately 5384 W 11000 N. The City Council will take appropriate action.

Planner/GIS Analyst Smith reported a Development Agreement for the Highland Marketplace subdivision was entered into on April 24, 2007. This agreement outlines architecture, landscaping, lighting, and signage of

Highland Marketplace. The development agreement established an architectural theme for the site. The proposed architectural plan is for a 2,748-square foot retail building located at approximately 5384 W 11000 N. The property is designated as Mixed Use on the General Plan Land Use Map and the site is zoned Commercial Retail (CR). In the CR Zone, the City Council is the approval body for an architectural plan, after receiving a recommendation from the Planning Commission. Consideration of the architectural elevations is limited to compliance with existing development standards and regulations found in Article 4.35 of the Development Code and the applicable development agreement. She summarized the applicant's request as follows:

1. The applicant is requesting site plan and architectural plan approval for a 2,748- square foot retail building. The remodel adds approximately 415 square feet to the existing building.
2. The architectural plan includes a color theme of greys, white, and brown. The materials being proposed are metal with 3 different finishes, and painted stucco.
3. No changes are being proposed to vehicular access, the drive-thru, parking, or hours of operation.

The Planning Commission considered the request for architectural approval on February 22, 2022. The interpretation of "earth tones" as stated in the Development Code was discussed. The majority of the Commissioners agreed that arctic white is not considered an earth tone. There was also concern regarding the possible reflectiveness of the metal siding. The Planning Commission voted 5:2 to recommend approval of the proposed architectural plans with the following stipulations:

1. Development of the site shall comply with the building elevations dated February 1, 2022 except as modified by these stipulations.
2. All signage shall require a separate permit and meet the requirements of the Development Code.
3. Final building plans shall be reviewed and approved by the Building Official. The site shall meet all requirements of the Building Official.
4. The arctic white satin finish be changed to an earth tone.
5. The siding be a non-reflective surface.

Staff has found that with the recommended stipulations, the proposed architectural elevations appear to meet the following findings: it is consistent with the Highland City Development Code, and it is compatible with existing and future development within the CR Zone.

Council Member Smith noted current development trends include a modern farmhouse theme and he asked if the applicant is objecting to using earth tones rather than white in their project. Ms. Smith answered no but indicated that they would like to use the signature colors that are considered part of their corporate branding. Council Member Rodela indicated she feels that white can be considered an earth tone and she wants to allow development that is in line with current trends; she is comfortable approving the applicant's request.

Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the proposed architectural elevations subject to the five (5) following stipulations recommended by the Planning Commission.

1. *Development of the site shall comply with the building elevations dated February 1, 2022 except as modified by these stipulations.*
2. *All signage shall require a separate permit and meet the requirements of the Development Code.*
3. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*
4. *The arctic white satin finish be changed to an earth tone.*
5. *The siding be a non-reflective surface.*

No second. Motion failed.

Council Member Sarah D. Petersen *MOVED* that the City Council accept the findings and *APPROVE* the proposed architectural elevations subject to the first three (3) following stipulations recommended by the Planning Commission.

1. *Development of the site shall comply with the building elevations dated February 1, 2022 except as modified by these stipulations.*
2. *All signage shall require a separate permit and meet the requirements of the Development Code.*
3. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*

Council Member Kim Rodela *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 4:1.

2. PRESENTATIONS

a. **Legislative Updates** – Senator Mike Kennedy

Senator Kennedy will provide information and updates regarding bills and issues which may affect Highland City.

Senator Kennedy provided the Mayor, Council, and all others in attendance with updates regarding legislation currently being considered by the Utah State Legislature; the session will end this Friday, but there are still some pieces of legislation to be considered. His update included a focus on education funding, affordable housing, vaccine mandates, the Utah Lake, and voting methods.

Senator Kennedy engaged in high level discussion with the Council regarding topics such as the process a legislative bill must follow before it can be acted upon; the need to adjust affordable housing laws from community to community; the ranked choice voting method compared with other voting models; and other actions taken by the State Legislature that remove authority from municipal elected officials; metering secondary water; the Hope Scholarship program; and public safety retirement benefits legislation.

The Mayor and Council thanked Senator Kennedy for the information provided this evening and for the amount of time he and his family dedicate to his position as a State Senator. Senator Kennedy also thanked the Mayor and Council for their public service.

4. **PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT – TRANSPORTATION ELEMENT OF THE GENERAL PLAN** *Legislative - Kellie Smith, Planner/GIS Analyst*

The City Council will hold a public hearing to consider a request by City Staff to amend the Transportation Element of the General Plan to update 4800 West from three lane major collector to a five-lane arterial. The City Council will take appropriate action.

Planner/GIS Analyst Smith provided background information regarding the adoption of the City's current General Plan, which includes a transportation element; In January 2022, Mountainland Association of Governments (MAG), Utah Department of Transportation (UDOT), Alpine City, Highland City, and Lehi City commissioned a study "to evaluate traffic operations and connectivity for the eastern portion of State Route 92 (Timpanogos Highway)." The study considered major intersections from Lehi Center Street to Canyon Road as well as off-corridor locations. By 2050 the major intersections from Highland Boulevard to North County Boulevard are all projected to operate at a level of service (LOS) of E or F. Three travel lanes in each direction will be needed on SR92 from the Commuter lane through the 5300 West (SR74) intersection. The study concluded that "there will be a need to widen one of the two primary roads into Alpine (5300 West or 4800 West/Canyon Crest Road). The study team determined that the widening should be done on 4800 West/Canyon Crest Road due to slightly higher future volume projections and better regional connectivity." The recommendation from the study is to widen 4800 W to include two northbound and southbound through lanes. Subsequently, the current proposal is to amend the General Plan to recommend a change to the Transportation Network Map by moving 4800 West, north of Ste Road 92, from a three-lane major collector road to a five-lane arterial road. She then introduced Ivan Hooper of Avenue Consultants, the entity hired by MAG to prepare the study and its findings.

Mr. Hooper summarized the work performed throughout the study, the purpose of which was to analyze State Road 92 and the needed improvements to accommodate traffic demands in the year 2050, as well as to identify potential connections to improve overall connectivity and traffic flow. The study includes several concept designs for the five-lane roadway with a turn lane including several connections. The different designs use standard cross-sections and adjusted cross sections to aid in making the construction more affordable. The project has been broken into three segments and cost estimates have been prepared for each.

Discussion among the Council and staff centered on population growth and projected buildout of cities in the County, with Council Member Smith noting he worries that there is always a focus on building bigger and faster without a great deal of thought for the neighborhoods that are directly impacted by the growth; he asked what population data was used as a basis for the findings of the study. Mr. Hooper stated that it is correct that the projected growth for this area is relatively modest in comparison with the rest of the County, but delay in congestion is not linear and once an area reaches a 'tipping point', there will be a dramatic increase in congestion.

Mayor Ostler asked why the decision was made to propose the widening of 4800 West instead of the Alpine Highway. Mr. Hooper stated that higher volumes were shown on 4800 West, approximately 70 percent higher. Council Member Bills suggested it is likely the higher volumes are related to school traffic during peak commute hours. Mr. Hooper stated that may be true; the traffic study was conducted when school was in session, but the counts were adjusted slightly to take into consideration the COVID-19 pandemic and the fact that many people were not commuting to and from work.

City Engineer Spencer then provided a video taken this morning by a drone during the latter part of the school commute time; he identified the congestion points that would be addressed by the proposed amendments. He added that the reason the amendments are being proposed at this time is for the City to be able to submit grant applications to MAG to assist in funding the project. He then noted he understands that many people who live along the corridor are very concerned, and he agrees with those concerns as he can recall the previous conditions and configuration of the road; however, there are problems on the road and the City is seeking to solve those problems for all residents. Unfortunately, based upon only having concept studies at this point, it is difficult to determine exact impacts that residents can expect to experience. There is still a great deal of discussion that needs to take place and he is hopeful it will be possible to make the right decision that will make it possible to do enough to address the problems, while minimizing the impact for existing residents.

Mayor Ostler asked if the proposed road width is 106 feet, to which Mr. Spencer answered no and indicated the right-of-way will be between 80 and 90 feet. A concept for this width would be less invasive for existing residents and will not include a significant road shoulder. However, there are a fair number of bikers in the area, and it would be beneficial to include a multi-use trail along the roadway. Mayor Ostler inquired as to the amount of the project cost that the City will be responsible for. Mr. Spencer stated that the City's match for MAG funds would be 6.77 percent. He has approached UDOT about them participating in the local match costs, but if they are unable to, the matching funds would be split between Alpine and Highland.

Brief high-level discussion among the Council centered on other transportation projects in the community and traffic counts/population projections that contributed to the findings of the study. The Council indicated they would like to educate students at schools in the area about other transportation options, the importance of carpooling, and different driving routes. They also indicated they would like to obtain current and future school enrollment numbers to ensure that actions are not being taken to build a road that may not be used heavily as school populations decrease over time.

Mayor Kurt Ostler opened the public hearing at 9:01 pm.

Stan Biesele stated he lives at the corner of 4800 West and 11000 North and 20 years ago when he moved his family there it was a quaint two-lane highway; over the years, that has changed dramatically, and the area now consists of increased housing and businesses as well as four-lane highways. He feels he can speak for everyone when he says the reason he came here was because of wide-open spaces, unobstructed views, and low-density housing, but that is all disappearing. He does not see that widening the road will benefit Highland in any shape or form; instead of spending millions of dollars to widen the road, the City should make it less convenient for people to use it. This project will only benefit the rampant growth in Alpine. It will not benefit Highland at all, and he likened the road project to 'paving paradise'. He stated that people who want high-density residential development and a bunch of shopping areas, they should move to West Valley City. He stated that he knows that the decision has already been made, is not sure who in Highland will benefit from this project, unless the City 'has its hands in the pockets of developers'.

Council Member Bills emphasized that no decision has yet been made regarding this proposal; all Council Members continue to receive emails about this issue, and they are carefully considering it. She has a stake in Highland City as a resident of the community and she wants to make decisions that benefit the entire City. Council Member Peterson agreed.

Scott Fuller stated he lives on Stoney Brook Lane and noted that this topic has clearly touched a nerve in the community. In listening to the presentation tonight, something struck him and that is that the primary considerations for the proposal to widen 4800 West are volume and connectivity; not once was safety discussed. The Mayor mentioned the optional cross-sections for the road, but it is important to keep in mind the area this section of the roadway is travelling through. It is nothing like the area to the south, which is commercial development, a golf course, and school; the northern portion of 4800 West is exclusively residential, and the City needs to consider safety of children and animals. The Highland City General Plan indicates that one of the top priorities is safety when considering any project to be completed in the community; he reiterated that has not been discussed much yet, but the residents hope that will be a primary focus for the Council. He then noted the traffic study that informed this proposal considered southbound traffic; there is a 'mad rush' of traffic heading south to the school in the morning, but traffic patterns are likely very different in the afternoon. The Council needs to consider many different approaches to solving the perceived problems on 4800 West, including the recommendation made by Mr. Biesele to force different traffic routes for motorists in the area.

Ann Boyle stated she is also very concerned about safety on the road; she has two granddaughters that live in the residential area along the roadway. This project will not impact home values for her family and she is not concerned about sound; her top concern is safety. She indicated the traffic counts on Alpine Highway and Canyon Crest roads are nearly the same as 4800 West, yet the City is focused on this project even though it may not be safe. Very young drivers use the road at the present time and if it is widened, more traffic will use it and that will

increase the danger of the roadway. She does not understand why the City would consider widening the road to five lanes when the Alpine Highway is already wide enough to add an extra lane to handle traffic. She also suggested that intersections be improved to add two south bound lanes to the high school and that UDOT be contacted about adjusting the timing of the traffic signals. She likened the proposed project to ‘using a bomb to kill a mosquito’.

McCall Aldredge stated she recently moved to Stoney Brook and her sister lives very nearby; she indicated she is a mother of two and her oldest daughter is autistic. While she was living in her sister’s home, her daughter wandered from the home and nearly got struck by a vehicle. She stated there are many children who live in this area and sidewalks are so important. She shared data from the National Highway Traffic Safety Administration (NHTSA) regarding the number of children who are hit and killed by vehicles every year; five percent are killed if the vehicle speed is 32 miles per hour or less, but that number increase to over 40 percent if speeds are higher. She stated children are important and it is necessary to consider transportation projects with lower speeds and fewer lanes, and possibly a median with trees. There are studies that show that adding trees closer to the roadway actually serves to calm traffic. She added she is a real estate agent and she knows that this project will deeply impact the values of homes along the roadway.

Marilee Christopherson stated she is building a home on Stoney Brook Lane. When she learned of this proposal, she immediately contacted her sister who is a Professor at Brigham Young University (BYU), teaching classes on transportation planning. She stated her findings were that the proposal does not appear to consider anything but vehicular traffic; it is prudent to plan with all transportation modes in mind, including cars, pedestrian, cyclists, public transportation, and even equestrian. She emphasized that the project will traverse a residential area and not including sidewalks in the project is very concerning. She added she was attracted to the area because it is very peaceful, but this project will dramatically change that. It has been proven that decreasing the size of the road in an attempt to decrease traffic has the opposite effect and if 4800 West is widened, people that were previously using Alpine Highway will move to 4800 West to get to school because it will be faster. She stated that today she was driving on SR92 and there are many areas along that road that are five lanes in width; that is the same width that is being proposed for 4800 West and she asked the Council to envision that and determine if that is what they truly want for this area of the community.

Deborah Gardner stated she lives on Stoney Brook Lane; she noted at present there are only sidewalks on one side of 4800 West. She wondered if there will be enough room for sidewalks on both sides of the road if it is built to be a five-lane road. She stated all the homes along that road are within the boundaries for Highland Elementary School and this is a terrible idea in terms of safety for those school children. She asked if children will be forced to cross the road to get to bus stops. More lanes mean more traffic and that does not make sense to her in terms of safety. All of the roads on the east side of 4800 West are dead end streets and there is no way for busses to turn around on those streets; this means that the bus stops must be on the side of the road or across the road where there are turnaround opportunities. She stated these issues should have been considered when the Planning Commission was evaluating the recommendation to amend the General Plan.

Rochelle Broadhead stated she lives on Stoney Brook Lane, and she has emailed the entire Council about this issue. She stated that she is a developer and when seeking a building permit for a project in Highland City, she understands she must follow land use regulations and guidelines; however, the proposal being made by the City does not comply with those same guidelines as the road widths and improvements do not comply with the current requirement for a 106-foot road width. The proposal to build an 83-foot road is well under the requirement. She added that when she is seeking a conditional use permit, she must notify hundreds of residents; yet the City is able to consider this type of project without notifying the public. She encouraged the Council to review the project and determine whether it complies with the City’s current development regulations; she cannot see how the proposed project will enhance the City.

Jake Shoff stated he lives on Stoney Brook Court, and he concurs with everything that has been said tonight; he moved to Highland from South Jordan just two years ago because he was looking for an area with less traffic, a larger lot, and open space for his kids to play. He stated that this project is very irresponsible when considering the safety of the community. He noted from 11200 North to the Highland City entrance, there is no turn lane on

the road; he hopes there are plans to add a turn lane as that would help to address traffic issues, especially around school areas.

Eric McDonald stated that he has lived in Highland for 20 years; he lives on 4800 West in one of the homes that will be most significantly impacted. There is no sidewalk in front of his home and his driveway is only 30 feet wide. He asked the Police Chief if it is easier to patrol an area with or without a road shoulder; under the current proposal, there is no road shoulder. The road is very dangerous, especially for pedestrians and cyclists and it is possible that the addition of a sidewalk will help address those issues, but the fact that the road will be five lanes wide will override those improvements. He urged the Council to consider the safety of the residents who live along the road and the safety of those that will use the sidewalks. He believes the current proposal is based upon a desire to minimize the width of the road in order to make the project more economically feasible, but it is appropriate to widen it to a width that is more appropriate at this time, rather than deferring additional improvements to the future. He added the sound generated by the road is so problematic, to the point that he wears headphones when he is in his front yard. If the City is going to proceed with the project, they need to do it right the first time, which means widening it to the appropriate width, include sidewalks and possibly a sound wall. This could mean that his home will be taken, but the City should do those things if the project is truly warranted.

Spencer Robinson stated the project will directly impact him. Currently the road is safer than it will be if the City proceeds with the proposal; traffic backs up, but when it is backed up it moves slower through the residential areas. If the road is widened, those living on the street will be forced to back out of their property into the street and this is very concerning. If the road is widened, speeds will increase and those living there will no longer have a rural feel and it will be dangerous for them to get in and out of their properties.

Amy Olsen stated she lives on the corner of 4800 West and Jonathon Road, and she would be impacted by the proposed project, namely the increased noise generated on the roadway. She contacted UDOT to understand the methods they use to abate noise and they indicated this is a type one project, which means construction of a highway, or substantial horizontal or vertical alteration of an existing highway, or addition of through traffic lanes. UDOT defines 67 decibels at the exterior of a residential area as the trigger point for pursuing noise abatement. She stated her neighbors have already indicated the noise level on the existing road is 100 decibels. She stated she really likes the idea of two lanes to the south and one lane to the north, but if that request is not honored by the Council, the City really needs to consider similar noise abatement, which means the installation of noise walls making is possible for residents to have some enjoyment of their outdoor spaces.

Shane Davenport stated he also lives on 4800 West, and he agrees with the comments that have been made; less than a year ago, Mayor Ostler called him and asked for his input about the roadway. He had the chance to share his frustrations at that time and he thanked the Mayor and Council for now taking the time to listen to concerns of the residents. He stated that he is also very concerned about safety; the project will remove the park strip from the sides of the road, narrow travel lanes, and add two lanes. His home is one of the closest to the roadway and he will need to cross two travel lanes just to get out of his driveway. That is very dangerous. He has been working from home for the past two years due to the COVID-19 pandemic; many people have been doing the same and will likely not return to in-person work. This means that traffic should be reduced in the long term. He added his home office is at the front of his home, which gives him a view of the bus stop; each day when the bus stops to gather elementary aged school children, the high school drivers refuse to stop and pass it at high rates of speed; he believes the current proposal will result in a dangerous roadway and if the City does decide to proceed, it should be with modifications to ensure the project is done right the first time.

Tyler Hart stated he is from Alpine and the residents from that community were not informed of the project. The Alpine City Council has already voted to support the project before any residents were made aware of it. He stated that he called his Mayor who quoted scripture in response by saying 'it is better that one die that 99'. He stated that his home will be greatly impacted as he will lose 80 feet of his property. He stated it is admirable that the Highland City Council is at least listening to their residents before making a decision on this project.

Tatiana Lindsey stated she lives on Carlisle Avenue, which is one road north of Healey Boulevard; the roadway in that area will be just 83 feet wide and the sidewalk will be just three feet wide. She stated these are bare

minimums in terms of adequate widths; in the three years she has lived here, her stroller has been clipped twice. She and her neighbors submitted a referendum petition to Alpine City yesterday because the Council voted on this project without informing its residents. At the Planning Commission meeting two weeks ago, it was said that Alpine's population at build out will be 14,500; there is a study on the UDOT website that includes traffic counts for Canyon Crest and Alpine Highway. The counts are very similar and those two roads are also fairly balanced; there truly is not a need to expand the roadways as they are adequate to handle the current and projected buildout populations of the area.

Chad Broadhead stated he agrees with those who have spoken in opposition to the project; he stated that it makes no sense to proceed with this project at this time just because there is available grant funding for the project.

Ms. Lindsey reapproached and added that an additional thing she learned at the Planning Commission meeting is that this is an 'all or nothing' project; the City would not be able to complete just a portion of the roadway and, instead, would be required to complete the entire project whether it takes five or 25 years. She added that Alpine City has indicated they are not willing to consider taking homes for the project, but the MAG agreement indicates that if a City takes money for the project, they must be willing to condemn homes and land for the project.

John Ort stated his backyard abuts 4800 West and he agreed with those who spoke about current noise levels generated on the roadway; there is noise throughout the day as drivers push on their accelerator when driving by his home. The congestion only actually occurs between 7:00 a.m. and 9:00 a.m. Both issues need to be addressed, but they are separate issues; safety could be addressed by reducing speed limits on the road. There is no sound problem when cars are backed up, but there is a congestion problem. He stated that a connector road from the north could be stubbed from Alpine to reroute traffic into industrial areas and keep the residential areas intact. If the City is going to do anything, it would be something like widening the road at the points of congestion, but he does not believe a five-lane highway is appropriate; this would turn the area into a nonresidential space.

Chelsey Chen stated that Stoney Brook alone has 18 lots, which means there are 18 families with multiple vehicles trying to make a left turn onto a five-lane road. She already fears for her children's safety when walking along the street as there are no traffic calming measures, such as stop signs, crosswalks, or speedbumps. She has a good view of the road and once a week there is a traffic accident. She is supportive of the concept of creating two south bound lanes and one north bound lane.

Wesley Warren stated that he has been following this issue for quite a while and from an outsider's perspective, congestion is not good, but it does keep traffic moving slower. It seems there are more creative options for solving the issues the City is considering; if he were a high school student, he may be enticed by an incentive for carpooling or other methods of reducing school traffic.

Deborah Shrock stated she lives on the corner of 4800 West and Timpanogos Highway. She is very much opposed to the project because her property will be severely affected. She will likely lose her block fence and mature trees on her property. She thanked the Mayor and Council for listening to the residents; she also thanked Mr. Spencer and indicated that she believes his position regarding the project has been somewhat changed after listening to the residents' concerns during the Planning Commission meeting. Until that point, she did not think the residents had been listened to. She feels that the Council is being forced to make a quick decision on this project in order to get a grant application submitted by March 17, but does not think that is appropriate. In the past there were regular traffic accidents near her home, but UDOT has taken measures to calm the traffic in that area and prevent accidents. She feels the City should explore those types of alternatives as well. She agreed with those that have said people moved to Highland for the way of life and they do not want a five-lane freeway running through the middle of their neighborhood and only to serve people travelling to Alpine.

Marcus Blair stated he also lives on Stoney Brook, and he is concerned about the safety of the kids in his neighborhood. He echoed the suggestions to reroute traffic to try to reduce the number of traffic accidents that occur in this area on a regular basis; he has seen accidents near the Chevron almost daily and many of them have been horrific. He is concerned about widening the road and increasing speeds in an area that is predominantly used by high school students; this will lead to increased traffic accidents and the danger presented to pedestrians

and cyclists that are always out in the area. He appreciated the responses that have been given by many members of the Council when they have been contacted by their constituents and he urged them to consider whether there is really a need for more than one north bound lane. He also asked if any experimentation has been done to determine if adjusting traffic signals in the area will have an impact on traffic.

Lindsey Nagle stated she lives on Carlisle Avenue; she is concerned about how difficult it will be for her to get in and out of her own driveway, but she is more concerned about the increase in speeds if the road is widened to 83 feet. She asked if all these proposals are based on just one hour of congestion on the roadway. It seems like a project is being crafted simply because there is money available to fund it, but it is her opinion that the project is not warranted at this time.

Jerry Robinson stated he is representing those that live in the Snowflake Drive cul de sac and he agrees with the comments that have been made by those who spoke before him. He does not understand why the City is trying to push this project through so quickly when there is not one person arguing in favor it. He asked the Council to question why they would be supportive of the project.

Steven Stow stated he lives on SR92 near the Bieseles and his mother lives across the street; he moved to Highland 53 years ago. There has been much change since that time, but he has not complained once. However, last week he was very disappointed by the discussions that were taking place regarding this project. He was told that a decision has already been made regarding this project, but that he should speak in an effort to minimize the impacts of the project. He stated that the Alpine Highway was in place when he moved here 53 years ago; it was designated as a highway in order to handle the traffic load in the area. He has adjusted to changes since moving here, but he hopes that whatever decision is made regarding the current proposal is based upon safety. Last night he left his home on SR92 at 6:00 p.m.; he got into the turn lane on the road without waiting. This morning, he left his home later than usual to go to work; it was 7:30 a.m., but there was a great deal of high school traffic on SR92. He chose to drive to the west to the Alpine Highway to avoid that traffic and he feels that things could be done to encourage others to choose other routes. He thanked the Council for their time and consideration and indicated he understands they are in a difficult position regarding this project.

Chris Howden stated last Tuesday he voted yes for this project, but since reflecting on that decision, he would not have voted yes. His reason for voting yes last week was that he understands the need to respond to growth and in the spirit of being good neighbors. However, since reflecting on that decision, he recalled traffic conditions in other small towns he has lived in and he realized that maybe it is not a bad thing to have to deal with heavy traffic levels and that it may be possible to consider other options, such as installing speed tables on busy roads in the City to reduce speed limits.

Bryce Nelson stated he just finished construction of his home at the corner of Stoney Brook Lane and 4800 West; he does not think he would have built his home there if he knew that there would be a five-lane highway there. He does not think anyone can dispute that this type of project will impact the value of homes in that area. He understands the world does not revolve around him, but he feels that there is a great deal of data that is missing from this discussion and decision-making process. The Council has only been presented with information regarding funding options and traffic flow, but there is no connection between the two; there is consensus that most of the traffic is associated with the high school and this project would save them about 10 minutes per day on their daily commute, which translates to 45,000 minutes per year. This does not warrant the negative impact to property values. The payback period based on time savings for students is about 90 years and in the private sector that would not be enough to warrant a project of this cost. He understands the City may be able to access grant money, but it is important to recognize that grant money is also taxpayer money.

Devon Bybee stated that it also seems to him that the main goal of this project is to address a 20-minute period of congestion each morning where those who are most impacted are high school students. Otherwise, the road is not that busy. He believes that parents of high school students driving to school would prefer that the traffic be slower.

Mayor Kurt Ostler closed the public hearing at 10:01 pm.

Each Council Member expressed their gratitude to residents for speaking tonight and for sending emails to the Council to express their opinions and concerns; they emphasized their appreciation for the civil and respectful manner in which citizens have been able to discuss this issue and provide their feedback. They also indicated they feel they need additional time to digest the information presented by City staff and consultant and the feedback provided by the residents.

Council Member Rodela asked if Council acceptance of the current proposal and the funding request that would be submitted to MAG would provide any flexibility for considering other transportation improvement projects. Mr. Spencer stated that if the City applies for MAG funding, any funding awarded would be restricted for use on the project for which it was applied. Council Member Rodela then briefly addressed the comments made about the lack of focus on safety; she communicated that safety is the foundation of all decisions of the Council, but maybe it would be helpful to mention that more in discussions of these types of projects. She then stated that in the future she would like to consider an adjustment to the process that makes it possible for the Council to receive information from staff and hear public input regarding this, but with no action item listed on the agenda. This would add a default time period for the Council to contemplate the matter and digest any public input they receive regarding an item such as this.

Council Member Smith spoke to the growth of the City since he has lived here; it has always been important to him to maintain the quality of live that draw residents to live in this area. He appreciates the work done by staff and the expertise of the individuals that are monitoring important growth issues in the City, but he feels that often quality of life is sacrificed for quantity or growth. It is important to strike a balance that will preserve the quality of life and constructing a five-lane road does not make that possible; he thinks that, at the most, the road should be improved to three lane with a sidewalk or trail and traffic calming measures. He wondered why the City does not simply work with the high school or school district to develop a program that would provide for an issuance of a defined number of parking permits at the school and those students who do not have a parking permit will be required to carpool or use public transportation. He is not sure why every student in Highland and Alpine needs to drive their own vehicle to school every day; it is necessary to look at the root cause before spending millions of dollars to solve the symptom of the problem.

Council Member Brittney P. Bills MOVED to continue this item for the proposed amendment the Transportation Element of the General Plan to update 4800 West from three lane major collector to a five-lane arterial to the March 15 City Council meeting to allow time to explore other options.

There was a brief discussion regarding the implications of the motion; Mr. Spencer indicated that if the Council chooses not to amend the transportation element of the General Plan, the MAG funding application should be withdrawn; the deadline for submitting the final MAG application is March 17, but even if the Council feels uncertain about amending the General Plan, MAG will likely advise that the City withdraw their application in order to finalize the General Plan.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

The Mayor called for a brief recess at 10:21 p.m.

The meeting reconvened at 10:32 p.m.

6. RESOLUTION: VOTER PARTICIPATION AREAS *Administrative - Erin Wells, Assistant City Administrator*

The City Council will consider a request to approve Voter Participation Areas for the purpose of signature collection for initiatives and referendums as required in Utah Code 20A-7-401.3. The Council will take appropriate action.

Assistant City Administrator Wells explained that Utah Code 20A-7-401.3(1)(a)(ii) states: “a city of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the City into four contiguous and compact voter participation areas of substantially equal population.” The requirement of establishing voter participation areas will affect the signature requirements for Initiatives and Referendums and are outlined in Utah Code 20A-7-501 and 20A-7-601. Beginning in 2020, an eligible voter seeking to have an initiative submitted to a vote of the people or refer a local law passed by the legislative body for a city of the fourth class shall obtain legal signatures equal to 11.5 percent of the number of active voters in at least 75 percent of the City's voter participation areas. Due to a delay in the census numbers, the 2022 Voter Participation Areas were not available to adopt before the deadline of January 1, 2022. As a short-term solution, on December 7, 2021, the City Council adopted a resolution reaffirming the 2020 Voter Participation Areas with the intention to adopt new Voter Participation Areas when the census data was available. The 2020 census data is now available, and City Staff has worked with Utah County to establish the 2022 Voter Participation Areas. The four voter participation areas are similar in population size, with the exception of Voter Participation Area #4 which has a smaller current population to allow for the growth expected with the Boyer Ridgeview Project. The County has provided a proposed Voter Participation Area map in order to comply with this requirement and for Council consideration.

Council Member Scott L. Smith MOVED that the City Council approve the Resolution creating Voter Participation Areas as required by Utah Code 20A-7-401.3.

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.

7. ORDINANCE: MUNICIPAL CODE TITLE 6 ANIMALS *Legislative - Brent Wallace, Code Compliance Officer*

The City Council will consider a request by Highland City Staff to amend several sections in Chapter 6.08 Animal Control Regulations and Chapter 6.12 Licensing and Registration in the Municipal Code. The City Council will take appropriate action.

Code Compliance Officer Wallace indicated clarification is needed on Animal Control Regulations to make them more understandable, enforceable and in line with current veterinary standards. The current codes related to Animal Control Regulations are ambiguous, unenforceable, and not current with accepted vaccination standards. There are three main areas where changes are needed: vaccinations, allowable numbers, and disturbing the peace. These changes are needed to update the Municipal Code for clarification so that violations can be reasonably explained, and violators brought into compliance. Relative to vaccinations, the proposed amendment includes changes to align with current vaccination standards. Staff contacted the following veterinarians: Banfield Pet Hospital Creekside in Draper, VCA Timpanogos Animal Hospital in Pleasant Grove, and the North Utah Valley Animal Shelter in Lindon. The current generally accepted timeline for rabies vaccinations for both dogs and cats is:

- First at 4 months
- Second at one year after first
- All boosters at three-year intervals after second

Highland's current code allows for two dogs unless an individual obtains a "Hobby Breeder's License" at which time they can have up to five dogs. This license is unique to Highland as most cities require a kennel license if an individual has more than the allowable number of dogs. In addition, it is difficult to enforce, as breeders must be limited to American Kennel Club registered breeds. Finally, it has unintended consequences as you don't actively have to be breeding your dogs to get a Hobby Breeder's License. In looking at neighboring cities, their allowable dog/cat quantities are as follows:

- American Fork 2 dogs, 1 litter, no limit on cats
- Cedar Hills 3 dogs, 1 litter, 4 cats
- Draper 3 dogs, 1 litter, 3 cats
- Lehi 2 dogs, 3 cats

Staff recommends the Hobby Breeder's License allowance be removed and residents be limited to three dogs. Highland's current code does not put a limit on the number of cats. Staff is also recommending a limit of three be added. Finally, changes to the section regarding disturbing the peace were made for the purpose of clarifying existing regulations. Staff recommends that the City Council approve the proposed ordinance amendments based upon the findings that the amendment is needed to update the Municipal Code and is consistent with standard current vaccination practices.

Mayor Ostler asked if these proposed amendments were publicly noticed. Assistant City Administrator Wells indicated there is no requirement for a public hearing relating to this issue.

Discussion among the Council and Mr. Wallace centered on the types of complaints he receives about animals throughout the City, with Mr. Wallace noting that he typically receives complaints about nuisance animals rather than the number of animals residents are allowed to keep. He added that the ordinance amendments include a requirement for the City to have two complaints about the same issue before taking enforcement action.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve the proposed amendment to several sections in Title 6 Animals of the Municipal Code with addition of the proposed amendment regarding litters.

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>

ADJOURNMENT

Council Member Scott L. Smith 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 12:02 am.

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 March 1, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder