



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL MINUTES


Tuesday, March 15, 2022

Approved April 19, 2022

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

### VIRTUAL PARTICIPATION

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

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

### 7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Sarah D. Petersen

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:01 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 Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Sarah D. Petersen.

**PRESIDING:** Mayor Kurt Ostler

### COUNCIL MEMBERS

**PRESENT:** Timothy A. Ball (arrived at 7:06 pm), Brittney P. Bills, Sarah D. Petersen, Kim Rodela, Scott L. Smith

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

**OTHERS PRESENT:** Jon Hart, Trent & Jodi Boggess, Rochelle & Chad Broadhead, Jeri Pace Symmes, Jake & Emily Shoff, Mandy & Matt Wagaman, Tatiana Lindsley, Zachary Boyle, Ann Boyle, Harold Christensen, Lois Christensen, McCall Alldredge, Shaun Alldredge, Daniele Brown, Diane Walton, Alissa Christensen, Todd Christensen, Bryson & Katie Nelson, Todd Nelson, Rachel Miller, Kurtis Nelson, Tracee Nelson, Stan & Shellie Biesele, Garry Pay, Chad Bybee, Elizabeth Damis, Landon Bye, Heather Bye, Stan Shumway, Camile Morris, Eric & Wendy Reynolds, Jim & Emily Denos, Steve Peterson, Steven Gardner, Deborah Gardner, Chelsea Chen, Land & Becky Tomlinson, Darin Edwards, Brenda Edwards, Paige Anderson, Dayton Anderson, Sidnie Anderson, Ambree Anderson, Nick Eaton, Dalton Chadderdon, Jim Boettcher, Aaron Burningham, Kayley Ketch, Chris Howden,

Stephen Stowe, Marcus Blair, Rachelle Bell, Lenore Guest, Spencer Robison, Scott & Angie Fuller, Shane & Shannon Davenport, John Ort, Christina Ward, Shawn Oldroyd, Nannette Guest-Watts, Cameron Gregory Ketch, Roger & Diane Walton, Rob & Camille Gifford, Brenda & Michael Westover, Greg & Karen Ketch, Jed Robinson, Erik McDonald, Branton Richter, Sue Bromley, Karen Allison, Wendy Anderson, Sheay Anderson, Eric Donohue, Wesley Warren, Devin Bybee, Garry Pay, Hiromi McDonald, George Bishop, Bruce Hanks, Jeff Vincent, Amy Nelson, Bryce Nelson, Ryan Gardner, Brady Brammer, Steve Rowley

## 1. UNSCHEDULED PUBLIC APPEARANCES

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

There were no public appearances.

## 2. PRESENTATIONS

### a. Youth Council - Youth Council Representative

A Youth Council Representative will report on their past events and provide an update on upcoming events.

Ryan Gardiner provided a report of the recent activities of the Youth Council, including preparing for the upcoming Easter Egg Hunt.

### b. FY2021 Financial Audit Administrative - Tyler Bahr, Finance Director

The City Council will receive a presentation and briefing on the FY2021 financial audit and financial statements from the City's external auditors, Keddington & Christensen. This item is being presented for discussion and to receive general direction. The Council will not take any formal action.

Steve Rowley of Keddington & Christensen provided an overview of the Independent Audit Report for FY2021; the report renders an unqualified opinion that the City's financial statements present fairly, in all material respects, the financial position of the City. This is known as a 'clean opinion' of the City's finances. He discussed auditing of internal controls and noted the auditor did not find any deficiencies or material weaknesses, but there was a finding that the City did not comply with the requirements regarding budgetary compliance as the City exceeded budgeted expenditures in one of its funds. This is a fairly common finding for municipalities and information regarding this budget overage is summarized in the audit report. He then concluded that his firm worked very well with City staff and there were no other issues identified in the course of the audit.

Council Member Smith stated the audit report indicates that in 2021 the City's capital assets were worth \$66 million and he asked how that determination was made. Mr. Rowley stated that is based upon historical values determined by the County or invoices for the initial cost of the asset. Council Member Smith asked if that takes into account the depreciation or appreciation of the asset. Mr. Rowley stated that the value is determined by considering the original cost and applying an amortization schedule to the asset to determine current value. The value included in the report may not reflect actual market value.

Mayor Ostler asked Mr. Rowley to expound on the material weakness found in the City's Culinary Water Fund. Mr. Rowley stated that this type of situation typically arises when expenses are invoice after a FY has drawn to a close; these costs must be recorded against the appropriate FY budget, but if that is done after the end of the FY, an overage will be included in balance sheets.

Council Member Smith referenced page seven of the report, noting the Public Safety revenue is lagging behind expenditures by \$3.5 million; he asked if that is due to those funds being managed by the Lone Peak Public Safety

District. Mr. Rowley stated that the graph is informed by the chart of accounts included on page six of the report. Finance Director Bahr added that there is a specific Public Safety Fee that covers only a portion of the overall public safety costs of the City; the public safety budget is included in the general fund and the difference between the revenues and expenses for public safety is made up from other revenues. Mr. Rowley stated that it is common for property tax and sales tax revenues to subsidize public safety budgets in municipalities.

**c. Legislative Updates – Brady Brammer**

Representative Brady Brammer will provide an update to the City Council regarding the latest legislative session with emphasis on the bills that effect Highland City.

Representative Brammer provided the Mayor, Council, and others in attendance with a report of the actions taken by the Utah Legislature in the 2022 Legislative Session. His report focused on general budget adjustments for education; Utah Lake legislation; transportation funding; funding for public buildings.

Council Member Smith thanked Representative Brammer for supporting legislation that will facilitate the construction of the new Utah State Development Center (USDC) facility in Utah County; this will provide needed therapy for many residents in the State. Representative Brammer stated that the legislation will also provide increased funding for wages for those working in the facility; this is critical due to current labor market conditions.

Council Member Rodela referenced House Bill (HB) 244 dealing with secondary water and asked how that will impact Highland City. Representative Brammer stated the bill provides a grant program for secondary water metering; cities should submit their applications early to maximize the amount of funding they are eligible to receive. Mayor Ostler stated that it is his understanding the City will only have two years to get meters installed. Representative Brammer stated that the Legislature recognizes there may be a shortage of laborers who can perform the work to install secondary water meters and it will be necessary to evaluate those conditions when determining the level of grant funding for each city; the grant program will be funded with American Rescue Plan Act (ARPA) funds.

Council Member Bills stated that the Utah Supreme Court heard the Pleasant Grove court case this week regarding user fees, and she asked Representative Brammer if he has any insight on that matter. Representative Brammer stated he did not listen to oral arguments in the court, but he does have some opinions on the issue; he believes Pleasant Grove will lose the case as the fee is essentially a tax and should be required to go through the truth in taxation process. He is unsure what the final decision will mean for fee revenues that have been collected to date. There was brief discussion about the implications for other cities who have fees similar to the Pleasant Grove transportation fee.

Mayor Ostler asked Representative Brammer for information regarding the legislation dealing with affordable housing and how it will impact Highland City. Representative Brammer stated that one bill deals with transportation reinvestment zones (TRZ) and would require or provide for higher density/housing affordability along transportation corridors. He does not believe the legislation will dramatically impact Highland, unless State Road (SR) 92 were characterized as a TRZ. The designation should be based upon mass transit rather than traffic flow.

Council Member Ball referenced HB331 and asked why it was defeated so soundly. Representative Brammer stated that legislation dealt with the Hope Scholarship and allocating more funds for those who test poorly in certain areas. There was opposition from the education unions as well as lawmakers because they want funds to be used for all children without too many strings attached. Additionally, the bill was introduced late in the session and there was not enough time to discuss or adjust it responsive to concerns before the session closed.

Mayor Ostler thanked Representative Brammer for his report and his responsible representation of the community.

### 3. CONSENT ITEMS (5 minutes)

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

- a. **Approval of Meeting Minutes** *Administrative - Stephannie Cottle, City Recorder*  
City Council Work Session – February 8, 2022
  
- b. **Action: Amended Interlocal Agreement with Utah County for 6800 W**  
*Administrative - Andy Spencer, Public Works Director/City Engineer*  
City Council will consider an amended Interlocal Agreement with Utah County regarding the additional funding necessary to complete the 6800 West reconstruction project. The Council will take appropriate action.

*Council Member Scott L. Smith MOVED to approve consent items 3a Approval of Meeting Minutes for February 8, 2022 and 3b Amended Interlocal Agreement with Utah County for 6800 W.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

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

The City Council will 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.

Andy Spencer, Public Works Director/City Engineer, reported this item was first heard during the City Council Meeting of March 1; 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. Growth is projected for this area and there are challenges on the roadway, including that the southbound and northbound lanes do not align and there are no sidewalks on the east side of the road. City Administration wishes to find a permanent solution to these problems on 4800 West, including the four intersections at SR74, 6000 West, 6400 West, and Highland Boulevard. Ten percent of all accidents in Highland City occur at the intersection of SR92 and North County Boulevard. He presented photographs taken on October 29, 2021 at 7:30 a.m. and November 2, 2021 at 3:50 p.m. to illustrate the traffic congestion at the intersection of 4800 West and 11200 North. He then noted the initial proposal was to construct a five-lane arterial from SR92 to

the Alpine round-a-bout, but that proposal has evolved through conversations with the public and the Planning Commission; options include building five lanes from SR92 to 11200 North or addressing intersection safety improvements while minimizing the transition – specifically near Snowflake Drive. These adjustments have been considered from the position of being sensitive to the impacts residents will experience. The current proposal includes intersection safety enhancement as follows:

- Adopt an intersection cross-section
- Does not change the street classification and adopt a design cross section for the intersection
- Transition being minimized based on Engineering standards
- Snowflake Drive

Mr. Spencer presented renderings illustrating optional intersection enhancements; this includes a three-lane collector street, 10-foot sidewalks or trails on the east side of the road, a six-foot sidewalk on the west side, continuous road shoulders, and pedestrian crossing areas.

Mayor Ostler clarified the current recommendation is to deny the change in street classification for 4800 West from a three-lane major collector to a five-lane arterial and approve a change at SR92 and 4800 West to include a 10-foot trail on the east side, a five-foot road shoulder, two 12-foot travel lanes on both the north and south bound sides of the road, a 12-foot turning lane, and a 11-foot right hand turn deceleration lane, and a six-foot sidewalk on the west side of the road. Mr. Spencer stated that is correct; the road will transition to wider widths at intersections, and back to three lanes along the longer stretches of the road. The 10-foot trail will run along the roadside all the way to the border of Highland, where it can link to other trail systems as part of the City’s active transportation network. Mayor Ostler stated that the concept also includes pedestrian crossing points at points along 4800 West. Mr. Spencer stated that is correct; there will be a “Z” crossing pedestrian pattern along the roadway. The adjusted recommendation is intended to address core safety needs at intersection and honoring the concerns and requests of residents who live along the roadway.

Council Member Smith thanked Mr. Spencer for listening to the input of residents; he discussed Canal Boulevard, which was designed to accommodate 6,000 to 8,000 vehicles per day and is currently handling over 7,000 vehicles. He asked why it is not possible to shorten the transition area to limit the impact to residences. The transition included on the renderings provided by Mr. Spencer will result in the loss of at least one home and front yards of other homes. Mr. Spencer stated that the recommended transition length will give motorists enough time to signal and merge into traffic. If the transition can be shortened, he will pursue that option, but he has recommended what he feels is appropriate. He believes there will be an impact to nine or 10 properties, and he understands that impact will not be minor. He is simply trying to balance the safety of the area with residential impacts. A difficult decision on the preliminary design must be made by the Council, in order for the City to proceed with seeking funding for the project.

Mayor Ostler stated that if a decision is made by the Council tonight, staff will submit an application to the Mountainland Association of Governments (MAG) for funding; the City will seek public input on the design and pursue right-of-way acquisition before soliciting bids for the project. Mr. Spencer stated that is correct and noted the project could take three to four years to come to fruition.

Council Member Rodela asked if the Council would have additional opportunities in the future to act on the project. Mr. Spencer stated that the City will work with a consultant on the design of the project, and it will be appropriate to bring the recommended design(s) back to the Council for input and approval.

Mayor Ostler opened the public hearing at 8:13 pm

Lois Christensen stated she attended the Planning Commission and City Council meetings regarding this project, and she is glad to hear that the City has listened to public input; she will still be impacted, but she is glad that the overall impact has been reduced.

Spencer Robison addressed the safety of the roadway, noting that from 2017 to 2021 there has been a 46 percent decrease in accidents. This is due to the increase in law enforcement presence on the roadway and the residents are grateful for those enforcement efforts. He stated that he and other residents appreciate the Council's willingness to listen to them and communicate with them via email regarding this project; however, they wished that the communication would have taken place back in November rather than now when the matter is so urgent. He stated that the data that is being used to justify this project only represents a 14 percent increase in movements at the intersection, however the number of lanes will be doubled, and residents feel that change is too dramatic. He suggested the City study the reasons that accidents have occurred rather than overreacting and widening the intersections as has been suggested tonight.

Jeri Symmes stated she grew up in the home at the intersection of 11200 South and 4800 West; her brother now lives in that home and she lives on his east. She believes in growth and applauds everyone who wants to raise their children in Highland, but she believes that as the road is widened, more cars will come. There are many children in the area that are playing and riding their bikes, but a wider road will bring more teenage drivers who are commuting to school, and this will create dangerous conditions for the children already living there.

Shane Davenport also thanked the Mayor and Council for listening to and honoring the concerns expressed by residents. He asked for more study of the timing of the turn signals at the intersections. He added that the photos that were presented by Mr. Spencer were taken during the busiest times of the day; there is truly only an hour in the morning and the hour in the afternoon when traffic is difficult, but the rest of the day the street is not very busy.

Shaun Allredge stated that a lot of work has been done in a short amount of time and the adjusted proposal is an improvement, but he believes that major changes in the timing of the left turn signal could dramatically improve traffic in the area. He wondered if the data that is being considered is current and if decisions are being made too quickly.

Alissa Christensen stated she just moved to Highland from Las Vegas, Nevada and she also expressed appreciation to the Mayor and Council for listening to residents. She stated that she lives on Allegheny Way and her kids cross the street on a regular basis; she also has a high school student who drives to school and she is concerned about increasing traffic in the area. Her neighborhood is located directly between two very busy streets: Alpine Highway and Canyon Crest. School bus routes are already problematic, and many children are dropped in areas where they are forced to cross a busy street to get into their neighborhood. Most of the traffic that comes into the area is from the east side of Alpine and providing connectivity to South High Bench Road that would go around this area would alleviate many of the congestion issues.

Elizabeth Damis stated she lives in Alpine and is also very worried about general safety of road. She is concerned about the Council making a decision tonight that could change in the future and she hopes that all decisions will be based upon safety of residents – especially children – in the area. She stated that widening a road does not necessarily make a road safer and there are other options for addressing traffic issues.

McCall Alldredge stated she sent the Council an email about experiences she has had with her daughter; she has gotten out of her home and crossed a very busy 4800 South. Her biggest concern is the speed limits on the road and the large number of young children. She presented statistics about the death rate for those involved in a pedestrian accident. Ten percent of people impacted by a vehicle traveling at 16 miles per hour died; at 23 miles per hour, the death rate is 23 percent, and at 31 miles per hour, the death rate is 50 percent. She asked that the City take these statistics into consideration when making decisions about this project.

Jeff Vincent stated he is also concerned about the direction of this project; Mr. Spencer indicated that 10 percent of accidents in the City occur on this road, but he asked how many are north/south traffic and how many are east/west traffic. It may be better to address the speed limit of the road approaching the intersection than widening the road around the intersection. It also seems curious to him that the photos taken were from the busiest times of day.

Landon Bye stated he lives on Allegheny Court in Alpine and is very upset that the Alpine City Council pushed this project through in a very secretive way; they did not notify any residents and many have been soured on this issue. Alpine residents are pursuing a referendum on the matter. He stated that he has been to two Alpine meetings and two Highland meetings, but he has yet to hear anyone say that they love the ideas that have been presented. Everyone that has spoken has been generally opposed to the expansion of the road and there are many who have not spoken that share those concerns. He stated that the Alpine Mayor is most concerned that kids cannot get to school in time because of traffic. He agrees with a gentleman who spoke during the March 1 City Council meeting who suggested that the City simply embrace the traffic; it is only busy two times per day during peak commute hours, but there are no backups at the intersections at other times of the day. He rarely sees more than three or four cars backed up towards the east to American Fork Canyon; the backups that do occur could be addressed by resetting the timing of the traffic signals.

Cameron Ketch stated that it seems as if solutions are being proposed before all the necessary data is available. There are a few laws of traffic and congestion that are universal; one is that peak hourly traffic congestion rises to meet capacity and the other is that if you increase the number of vehicles, you will increase the number of accidents. More lanes with more cars equal more accidents so if the City's primary goal is safety, it should look into reducing the number of cars on the road and improving access to other alternatives. He stated he does not feel comfortable having his children cross that road on their own. It is problematic to rush decisions based upon access to funding rather than sound and complete data.

Greg Ketch stated he is also an Alpine resident, and he thinks that the behavior of the high school is problematic; they recently started allowing sophomores to drive and they increased their parking capacity to accommodate more vehicles. He feels that behavior should be addressed before pursuing a project that will be detrimental to a great number of residents in Highland and Alpine. He suggested the City and the high school embrace public transportation options for students. He concluded he appreciates the Highland City Council listening to residents from Alpine as their City Council did not give them a chance to provide input.

John Ort also thanked the Mayor and Council for listening to the input of the residents. He stated he feels the speed limits on 4800 West are too fast; there are no traffic lights or other mechanisms to pause the natural flow of traffic so speed is too high. He asked why the City would consider this road project when the construction on the Alpine Highway has not even been completed. He stated that he has begun counting traffic on 4800 West and has observed that traffic is not a problem for the majority of the day, outside of the heavy traffic hours. He suggested that the speed limit be reduced to 25 miles per hour and that speed bumps be added to the road. Speed control is a better option than widening the road.

Scott Fuller addressed Council Member Smith's background in medicine; there is an axiom in medicine that reads "first do no harm". This means it is appropriate to consider as little intervention as possible when trying to address a problem. He feels the same ideology can be applied to this situation; the City is considering a major project with incomplete data and the Council should not support a project based upon the 'sunk costs fallacy'. He wondered if the Council would be having this conversation if the project were going to be funded entirely by Highland City tax dollars rather than with the aid of 'free money'; he counseled the Council to consider alternatives to what has been presented tonight and to gather complete data before making a decision.

Bruce Hanks stated he is angry with Alpine, and he salutes Highland for accepting public input on this issue. He stated the Alpine Mayor and Council are in the process of destroying their credibility with their citizens and the citizenry is going to do something about it. He thanked Council Member Smith for asking if it is necessary for the widening to extend to Snowflake; he agreed that widening is not appropriate and noted the residents who moved to that area did so for very specific reasons. He advised the City to not create a metropolitan oasis in the area. He suggested that the City fix the intersection, but not widen the road, which will only increase traffic congestion.

Tatiana Lindsley stated she contacted the Utah Department of Transportation (UDOT) Traffic Operations Center and they informed her that the traffic signal at the subject intersection is 'running free', which means that it has no specific timers added to it. They informed her of opportunities to adjust lighting plans responsive to traffic

flow. They also told her that she was the first person to call about this intersection, but that now that they have received her call they could begin working on a light plan. They are running a study and can implement a light plan in two to three weeks; the timing of the light will only be adjusted during heavy traffic. She then noted the house that she and her husband bought was built in 1960 and over the last three years they have been working to update it; she has learned that it is best to consider all options for major improvement projects and the same is true for the roadway that the Council is considering.

Rochelle Broadhead stated that she and her husband own a design build business; they design before building a project. If proper design is not done, mistakes will be made. When projects are rushed, mistakes are made. She noted that Mr. Spencer referred to the proposed adjustments as a permanent solution and once something permanent is done, it cannot be undone. The decision the Council is being asked to make would be very impactful for the residents that live along the roadway. She stated there are only two turn lane signs on SR92 right next to a crosswalk, so no one knows when it is time to turn and that is likely leading to a significant number of the accidents in that area. The road has not been studied well enough. Other things could be done to address traffic and congestion, as well as safety concerns, before a \$10 million decision is made that will take people's homes and change lives. She asked that the Council consider the least impactful options before approving those that are very impactful.

Zachary Boyle stated he is a former UDOT Traffic Engineer, and he has been reviewing the same study data that has been referenced tonight; as residents have said, the traffic studies show that growth and traffic will happen on the Alpine Highway and widening 4800 West to a five-lane road does not make sense and would be a waste of funding. He added that additional lanes typically increase safety problems rather than decrease them. Instead of trying to squeeze in an extra car at the light, the City should consider the types of crashes that are occurring and consider options for addressing those circumstances. He asked that the Council oppose the five-lane road and intersection widening.

Branton Richter stated he lives on Allegheny Court and he and his wife walk in the area regularly; they cross Canyon Crest to walk around a loop before returning to their home. His 14-year-old son crosses the road four times a day and he hopes that it will not become a five-lane road that he is forced to cross. This project, if approved, could be a catalyst for similar projects to creep throughout the community.

George Bishop stated he understands the proposal is to take North County Boulevard up to Snowflake; he lives in the middle of that area, and he understands what occurs in the 'problem area'; he does not think anyone has considered that creating two southbound lanes through the intersection will eliminate the turn-lane onto SR92 from North County Boulevard. This will create so many problems, especially in the morning rush hour. He hopes that the Council will reconsider this issue and not try to fix something that does not need to be fixed.

Harold Christensen stated that given the location of his home, he has had the opportunity to watch traffic and the traffic heading north is amazing at times; in the last six months there have been two major traffic accidents that have ended up in his front yard. One problem is that the roadway is not level and when cars go through too fast, they are out of control. One accident was a result of a truck pulling a trailer with a heavy load, going too fast, and when going through the intersection the trailer was disconnected and he lost his load. He stated that he is not sure how to address that issue given the topography of the area. He then relayed a story from a Brigham Young University (BYU) professor about using different methods for making decisions; many methods are arbitrary and should be avoided. In closing, he relayed stories of a few other tragic vehicle accidents that have occurred in close proximity to his home and stated that he agrees with others about the need to consider serious solutions to the increase in traffic the community has experienced.

Eric McDonald stated he home is very close to the road and the shoulder is not wide enough for a vehicle to park on; he believes it will be necessary for the road to be fully widened eventually and he does not understand why the City would only widen it at Snowflake and create a bottleneck. He asked the Council to consider whether they are just 'kicking the can down the road' and suggested that they carefully evaluate all options before making a quick decision.



Haley Ketch stated she is an Alpine resident and also did not feel heard by her own City Council. She stated there are a few things that stood out to her in the plan that was presented tonight; first is aggressive cyclists and the use of a “Z” pattern sidewalk that will force pedestrians to look toward traffic before crossing. She stated she feels pedestrians and cyclists should be protected from the cars that are travelling at high rates of speed; the speed limits are unsafe and there is not a proper crosswalk on the road. She asked the Council to take into consideration the safety of pedestrians, especially children, who are out trying to use public trails and enjoying the outdoors where they live. The five-lane highway would be a detriment to those who live near it.

Steven Stowe stated he lives on SR92; he attended the Planning Commission meeting and there was a great deal of discussion about whether it would be appropriate to approve the five-lane road if Alpine was not going to approve it. The meeting was stopped and the announcement made that Alpine had approved the road and suddenly everything changed. He attended the March 1 Council meeting and was hopeful after hearing the discussion, but the alternative he has seen presented today is still problematic. It will impact his and his neighbors’ homes. He wondered why anything is being done to begin with because he has not seen a problem; he asked that the Council consider other highway alternatives before moving forward with a project that is not needed.

Nanette Guest-Watts stated that she and her parents have lived in this area for 30 years; she lives on Canyon Crest in Alpine and runs the road on a regular basis. At one point she heard there was consideration of eliminating trails. When the last road widening project was completed, she lost a portion of her property and she had to go to court to address a discrepancy with her boundary line. She has been hit by a teenage driver who was texting, and she is concerned by increased traffic and more lanes that are narrower. She cannot imagine her area taking on any more traffic or losing more homes in the area due to this type of project. She thanked the Mayor, Council, and staff for listening to the residents’ concerns about this issue.

Jim Boettcher stated he also lives in Alpine and he feels that increasing the road to a four-lane road will turn it into a new State Street; next, it will be going further north and may cause people to try to develop the abutting property for commercial uses. He asked the Council to consider the unintended consequences of any decision they make on this matter.

Chad Broadhead stated that he is opposed to both options that have been presented to the Council; as soon as the City hands this project over to UDOT, they will lose all control. He loves the idea of being purposeful and considering projects that are truly depending on needs and growth. If the City proceeds with a three-lane road after Alpine has already voted on a five-lane, he wondered how the road will transition at the City’s boundary.

Garry Pay encouraged the Council to vote in opposition to both proposals; before impacting property values, the City must look for a less intrusive option. As has been pointed out, there are only issues during the morning and afternoon hours when school traffic is greater but adjusting the timing of the traffic signals can help to mitigate those issues. He added that enough time has not lapsed since the left turn lane was built; more time should be taken to evaluate data from that improvement to determine if it will help to solve some of the problems. Future growth will be more impactful on the areas around the Alpine Highway and any expansion should occur there rather than on Canyon Crest Road.

Wesley Warren complimented Ms. Lindsley for contacting UDOT regarding the timing of the traffic signals on the roadway; she may have saved the City hundreds of thousands of dollars with just one phone call. He encouraged the Council to ask more questions and evaluate all data before voting on this type of project; tonight, the Council should vote no on the proposals that have been presented.

Karen Allison stated that it is unknown whether the accidents on the roadway will decrease if the intersections are expanded; more research is necessary to determine the answer to that question before making a decision that will dramatically change people’s lives. She suggested the City erect signage that clearly communicates traffic patterns well in advance of the intersections. She also supported changing the timing of the traffic signal to accommodate increased traffic during the heavy times of day. She concluded that she feels the photographs that were presented are false information; it is interesting to her that they were taken at the heavy traffic times to show a great deal of congestion.

Amy Nelson stated that she has three families that will be greatly impacted by the proposed road projects. She appreciates the Council listening to the concerns that have been expressed and she does not understand why the focus is on this area of the City rather than on Alpine Highway where the road widening would be much easier. She wondered why the Council would consider ruining this neighborhood where there are a great deal of children. She agreed with the sentiment that if the road is widened, the traffic will dramatically increase.

Shellie Biesele echoed the recommendation to adjust the timing of the light at intersection that handles high school traffic. More signage would also be helpful. She stated that her property has been impacted by road projects in the past and she does not think she can handle further impacts associated with this project.

Marcus Blair stated he is also concerned about the photos that were presented; they were not taken randomly, and he feels they are deceptive. He finds it grossly negligent that the City did not first pursue adjusting the timing of the traffic signal before considering such a massive project. This is an example of why people hate government; going into a project of this scope without first attempting the most basic fix is concerning. He acknowledged there are some real safety concerns on the roadway but agreed signage could be improved to try to address those concerns. If the simple improvements are not effective, the issue can be reevaluated to determine if the major road project is truly needed.

Chad Bybee thanked the Council for listening to the input from Highland and Alpine residents. He stated that he operates a landscaping business and used a sprinkler analogy to communicate his concerns about the road project; it would be absurd to rip up an entire yard to fix an issue with one sprinkler and the same is true for this road project. The City should consider adjusting the timing of the traffic signals and install additional signage rather than tearing up the entire roadway and impacting many residences. The residents expect the City to exhaust all resources before moving forward with a project that will be irreversible.

Bryce Nelson referenced the slide in Mr. Spencer's presentation that included traffic data. He stated that the updated proposal is a better solution, but the data is unclear and needs to be reevaluated. He suggested making the easy changes that have been discussed tonight and waiting two years to evaluate the data resulting from those changes. It has not been proven that the proposal would actually reduce accidents; a UDOT Engineer has said tonight that expanding the number of lanes will actually increase accidents. He asked that the Council vote against something drastic; the data does not show that the proposed project would be successful.

There were no additional persons appearing to be heard and Mayor Ostler closed the public hearing at 9:39 p.m.

Council Member Smith asked for a five-minute recess.

The meeting resumed at 9:49 p.m.

Mayor Ostler referenced the comments made during the public hearing regarding the timing of the traffic signal. The City did reach out to UDOT about the traffic signals and UDOT has indicated the signals are 'running free', meaning that the signal is based upon demand at the intersection. The following are the maximum green light times at the intersection, which represents operating times during peak traffic times:

- Northbound left and through lanes – 35 seconds.
- Eastbound left and westbound left lanes – 20 seconds.
- Eastbound and westbound through lanes – 35 seconds.
- Southbound left and through lanes – 35 seconds.

He then referenced the comments made about the photographs presented by Mr. Spencer; he noted he has used his own drone to try to capture photographs of the traffic at the intersection and found reduced traffic levels. He contacted the high school and was told that on Tuesday the juniors were taking their ACT tests and the sophomores and seniors were out of school. He visited the area again on Friday and there was very little traffic that day as well. He stated that Mr. Spencer took photos to help the Council understand when traffic was heavy; he visited

the area on random days, but the time was intentional as he was trying to capture photographs when traffic was heavy. He and the Council recognize there are days when there is little to no traffic and that traffic is heaviest during the peak commute times. He referenced the traffic levels at the intersection of SR92 and 4800 West and he asked Police Chief Gwilliam to discuss traffic and accident data for that area.

Chief Gwilliam stated that the traffic data graph that was provided in Mr. Spencer's presentation was created by the Police Department; it reflects traffic incidents that required a Police Department response over the last five years. They are broken down into categories including traffic stops, accidents, and other calls for service. The report indicates that a significant portion of the total accidents in Highland occur at this intersection; there is just one other intersection in the City where more accidents have occurred. Just this evening at 8:15 p.m., there was an accident with injuries at the intersection. He added does not believe the left turn signals adjustments have been in place for long enough to have an accurate understanding of the impact.

Mayor Ostler asked if 31 percent of the accidents on SR92 occur at the intersection of North County and SR92. Chief Gwilliam stated that the 31 percent number is for all accidents on SR92; 10 percent occur at the referenced intersection.

Council Member Peterson thanked Mr. Spencer and City staff for their efforts on this project; she also thanked residents for the respectful manner in which they have addressed the Council. She stated this is a very difficult decision and she is internally conflicted about the matter.

Council Member Rodela stated two of the issues raised by the public that resonated strongly with her include why the City is not considering expanding Alpine Highway rather than 4800 West, and whether the process is being rushed. She stated it is her understanding that this is the very beginning of a very long process to gathering data, designing alternatives, and working with residents to determine the best option for the road. Mr. Spencer stated that there has been a study performed for the SR92 corridor and that study recommends improvements at five intersections along the roadway; there are improvements planned for the Alpine Highway intersection, but also at 6000 West, 6400 West, and Highland Boulevard. If problems had not been observed at the intersections, the study would have never been completed. He agreed this is a very long process and the City is in the early stages of that process; there is much work and refinement to be done and there will likely be opportunities to optimize the service levels of the road utilizing tools such as timers on the traffic signals. He stated he believes the City's track record shows that staff and elected leaders do listen to the input they receive from residents. The goal is to improve the function and safety of intersections along the roadway.

An unidentified resident in the audience asked if a developer is behind this project.

Mr. Spencer stated that the study was a cooperative effort between UDOT, MAG, Alpine City, Highland City, and Lehi City. He reiterated the study was a response to recognition of problems at the intersections along SR92.

Council Member Smith discussed the growth of Highland and surrounding communities, which has contributed to increased traffic; he cited an article in the Scientific American from several years ago that indicates that building a wider road will increase speed and traffic. Traffic will eventually overrun everything and that has been seen on Interstate 15 on various sections of the road that have been widened throughout the State. He stated that people routinely drive 5 or 10 miles over the speed limit. He discussed speed limits on various roads in the City and asked why it is necessary to have major highways in the City and why higher speeds are allowed. Many moved to Highland because they wanted a neighborhood community that did not have a great deal of commercial development and traffic, yet proposals are regularly made to widen roads and increase speed. Population studies indicate that Highland's build out population will be 25,000 and Alpine's build out population will be 15,000. It is his opinion that the cities should consider all options, one of which being working with the local high schools to limit the number of drivers traveling to and from the schools. Sophomores have been allowed to drive, which has increased traffic and on-street parking. He wondered why everyone is spending millions of dollars to enable kids to drive at an earlier age at the detriment of the community. He personally believes the City does not need a five-lane road and he is leaning towards a three-lane road with wide shoulders and sidewalks on both sides. He feels traffic signalization can be used to address traffic congestion. He appreciates the input from residents of

Alpine and Highland, but as a Highland resident he is concerned by the fact that Highland City always builds larger roads, while partner cities are not doing the same. As an example, American Fork was supposed to connect 700 North to the Alpine Highway to provide another east/west corridor for motorists, but that has not happened and it likely will not happen now that a connection has been provided through Highland. He stated that he is most concerned about moving forward with projects that disrupt Highland citizens while other cities are doing nothing. He concluded by noting that he supports staff and thanked them for their work, but he believes there are alternatives to building major highways through existing neighborhoods.

Council Member Bills stated she disagrees with the point that the proposal would be the same as building a major highway through a neighborhood; she does not believe that adding one extra lane to the road will be the same as building a major highway. She feels she has been listening to and reading the input provided by residents; most said they did not want a five-lane road, but that they are concerned about safety on the road. She believes that the proposal made by Mr. Spencer tonight honors those concerns as it is not a five-lane road. She addressed the resident who spoke about her daughter who wanders from her home; the hardest emails she has had to read are those that claim that a decision made by the Council will result in a child being killed. She stated that is a heavy weight to place on an elected official who earns \$400 per month and tries to make decisions that will benefit the entire community rather than favoring one neighborhood. She stated she lives in View Point and drives through the intersection in question every day and she has seen some very bad accidents there. Some have said that if a certain decision is made, it will prove the Council does not care about safety, but that is not correct as her main focus has been safety. The intersection is dangerous, and people are driving very fast, and she is very concerned about safety. She stated it is important to clarify that the proposal will not include taking any existing homes, but some properties will be impacted. She does not want to minimize that impact and she does not take this decision lightly. This is not the first time the Council has made a hard decision. She noted that many people have commented about their desire for sidewalks, bike lanes, and road shoulders, but those improvements would require the road to be widened as well. She wondered if it is an option to include those improvements on just one side of the road. She is unsure what will make everyone happy.

Council Member Rodela asked if it is an option to gather more data and bring this issue before the Council again in two years for a decision. If it is determined after two years that a major project is needed to improve the safety of the intersection, would the City still be eligible to receive MAG funding. Mr. Spencer stated that in each round of MAG funding decisions, the Board works with the money they have available and prioritizes competing projects to determine funding levels. It is difficult to predict what will happen in two years because there is no way of knowing what other projects the City will be competing against. Mayor Ostler stated that for the current round of funding, the City must submit an application within the coming days; on June 5, the Mayors who make up the MAG Board will meet and rank the projects. Mr. Spencer stated that is correct; in order for the City's application to be accepted by MAG, it must have Council support.

Council Member Peterson inquired as to the latitude the City has over design changes for the project. Mr. Spencer stated that the City has latitude to refine the project scope and design, but it would be inappropriate to ask for funding for a five-lane project and then change the scope to a three-lane project. The project that the City applies for, and the finished product need to resemble one another. There is room for refinement and adjustment, but a 'bait and switch' would be problematic.

Council Member Smith asked if the City would need to wait two years to submit a MAG application if the decision is made to not proceed with the current proposal. He wondered if the City could work with UDOT to adjust the timing of the intersections and evaluate the effectiveness of those changes over the coming months and years. He would like a good road with improved sidewalks and road shoulders, and he would be more supportive of a three-lane road, but he is concerned about rushing a decision when other things can be done to address the current conditions on the road. Mr. Spencer stated that if the Council wants to apply for funding this year, the concept application is due this Thursday. If not, the City cannot apply for funding for another two years.

Council Member Peterson stated she does not want to be forced to make a decision just because there is a funding option; the decision should be based on whether the project is the right thing to pursue at this time.

Mayor Ostler asked if the study completed regarding the roadway will still be valid in two years. Mr. Spencer stated it would be appropriate to update the study to determine the need is still present.

Council Member Bills stated that based on the different proposals that are based upon the same study data, she is comfortable taking additional time to evaluate the issue. Council Member Smith added that the study is intended to project the needs on the roadway to the year 2050, which is when the City is projected to be built out.

Mr. Spencer noted that the one additional option for the Council to consider is that the City could submit an application by the deadline but withdraw it at any point in the process to take additional time to evaluate the project or new data.

*Council Member Scott L. Smith MOVED that the City Council deny the change in street classification for 4800 West from a three-lane major collector to a five-lane arterial and recommend that we instruct staff to pull our application and come up with a more complete study of what we need, listening to the citizens' concerns, and consider making it a three-lane road the full length.*

Mayor Ostler clarified that the motion reflects a denial of the amendment to the Transportation Element of the General Plan. Council Member Smith stated that is correct and he also does not want staff to proceed with submitting the funding application to MAG; he would like to further evaluate the conditions on the road after adjustments are made to the timing of the signal. He feels the City can develop a plan that is less invasive.

Council Member Peterson stated that she likes the idea of keeping the City's options open; she agrees with the notion of slowing down the process relative to this project, but she does not want to close doors on opportunities. She does not want to change the General Plan, but she hates to close the door on funding opportunities until data is available regarding the results of the adjustments to the timing of the traffic signals.

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

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>No</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 4:1.*

## **5. ZONING APPROVAL/REASONABLE ACCOMMODATION: ROCK SOLID RECOVERY** *Administrative - Kellie Smith, Planner/GIS Analyst*

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

Planner and GIS Analyst Kellie Smith provided background information regarding this application; the Council considered it on February 15 and made the decision to continue the application until tonight to provide time to gather additional information regarding the requested use. She then provided a summary of the request as follows:

1. The applicant is requesting zoning approval to operate a "residential facility for the rehabilitation and treatment of the disabled" in an existing residence. The proposed site is a two story, 3,688 square foot home with seven to eight bedrooms, three baths and a two-car garage. The lot is 12,196 square feet in size. The backyard is fenced. No exterior modifications will be made to the house.

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

She then discussed the request for a reasonable accommodation and noted that it appears to meet the following findings:

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

Additionally, the proposed site plan meets the following findings:

- The parking meets the requirements of the development code.
- The required distance between group homes is greater than ¾ mile.

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

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

She noted, however, that If the Council determines that the applicant has not presented sufficient information or support for the requested accommodation, the Council should grant zoning approval to the facility, as it is a permitted use, but deny the request for accommodation on the allowable number of unrelated persons.

Council Member Smith stated that the original request was for nine residents plus one staff member. Ms. Smith stated that is correct and she noted that is the reason for the recommended stipulation that the number of residents in the home shall not exceed 10.

Mayor Ostler invited input from the applicant.

Ryan Criswell and Jordan Harris expressed their willingness to answer any questions the Council may have.

Council Member Smith stated that the additional information provided by the applicant indicates that he has an 80 percent success rate and he asked if he has statistics for his other four facilities to back that up. He noted that in his 40 years of medical practice, he has not seen that type of success rate. Mr. Harris stated he can back up that success rate and noted one of his requirements is that a resident maintain their outpatient status while living at the home. Council Member Smith asked how the facility will police relapsing and how people will be kept out of the facility to sell drugs. Mr. Harris stated there will be a surveillance system and a supervisor on site. All surveillance will be accessible from a remote location. He added that residents are drug tested each week.

*Council Member Sarah D. Petersen MOVED that the City Council approve the request for zoning approval for the residential facility subject to stipulations 1 and 3 through 6 recommended by staff with the additional stipulation that only 4 unrelated persons may reside in the home and deny the request for reasonable accommodation regarding the number of unrelated residents based on findings A through L set forth in the staff report.*

*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.*

**6. ACTION: ROAD ACCESS AGREEMENT WITH ROCKY MOUNTAIN POWER** *Administrative - Nathan Crane, City Administrator/Community Development Director*

The City Council will consider an agreement with Rocky Mountain Power for a perpetual access easement from Highland Town Plaza (Meier's Shopping Center) to 5600 West. The Council will take appropriate action.

City Administrator/Community Development Director Nathan Crane explained Highland Town Plaza is a 4.25-acre shopping center located at the southwest corner of Town Center Boulevard and Timpanogos Highway (SR92). Access to the shopping center is from one driveway on to SR92 and Town Center Boulevard. In April 2021, as part of the review of the final phase and sale of a small portion of City property, the Council directed staff to look at additional access to improve circulation. With the assistance of Mayor Mann, staff was able to work with Rocky Mountain Power to provide an access drive from the shopping center to 5600 West. The easement from Rocky Mountain Power is approximately 30 feet wide by 200 feet long. The cost of the easement

is \$43,800. The cost for construction of the access road will be borne by WPI. The cost of the easement was not included in the FY21/22 Budget as the costs were not known at the time. It is anticipated that up to \$30,000 of the cost of easement will be provided by private parties which would leave the City to cover \$13,800. Funding will need to come from previous years' revenue in the General Fund.

Council Member Smith stated this is wonderful news for the City and he thanked former Mayor Mann, Mayor Ostler, and staff for their efforts.

*Council Member Scott L. Smith MOVED that Highland City Council approve the road access agreement with Rocky Mountain Power and authorize the Mayor to sign the agreement.*

*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.*

Mayor Ostler moved to agenda item eight.

## **8. DISCUSSION: ARPA REVENUE LOSS STANDARD ALLOWANCE**

*Administrative - Tyler Bahr, Finance Director*

Staff will provide an update regarding changes to permissible uses of the City's American Rescue Plan Act (ARPA) funding. This item is being presented for discussion and no formal action will be taken.

Finance Director Tyler Bahr reported in July 2021, Highland City received \$1,134,686.50 in federal grant money authorized by ARPA. This represents the first of two equal payments totaling \$2,269,373, with the second scheduled to be made available at the beginning of FY2023. These funds must be obligated by December 31, 2024 and spent by December 31, 2026. Initial requirements mandated the funds be used for one of the following purposes:

- Support public health expenditures
- Address negative economic impacts caused by the public health emergency
- Replace lost public sector revenue
- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure

Based on these initial requirements, the Council directed staff on September 7, 2021 to use the City's ARPA funding to develop Mountain Ridge Park, with particular attention to inclusive elements to benefit seniors and people with disabilities – populations disproportionately impacted by the COVID-19 pandemic. The Treasury Department issued its Final Rule in January governing use of ARPA funds, including a new provision that allows the City to claim a lost revenue standard allowance of up to \$10 million (or the entire \$2.3 million in the City's case) as a matter of administrative convenience. The City may then use the funds for any government services. Legal counsel has reviewed the Final Rule and validated the opportunity to claim the standard allowance for lost



revenue. Due to requirements to keep the year-end General Fund balance at no more than 35% of annual revenues, it may be necessary to transfer the ARPA funds to the Parks Capital fund unless they are spent by the end of FY2022. The receipt of ARPA funds does not obligate the City to allocate additional resources (i.e., matching funds).

Mayor Ostler thanked Mr. Bahr for this update.

**7. RESOLUTION: UPDATING PAVILION RENTAL FEES** *Legislative - Erin Wells, Assistant City Administrator*

The City Council will consider updating the fees for pavilion rental in Highland parks.

Assistant City Administrator Erin Wells reported the City currently rents 5 pavilions in parks throughout the City: Heritage, Highland Glen, Merlin B. Larson gazebo, Mitchell Hollow, and Town Center Meadows. In 2021, we had 216 rentals by individuals with 170 of them being residents and 46 being non-residents. Our current rental rates are \$50 for non-residents and no charge for residents. As of March 8, there were 38 rentals already booked for 2022. In the February 15 Council meeting, Council directed staff to include in next year’s budget money to purchase garbage cans for many of our parks. The total cost of this project is estimated at \$41,000. As a part of that discussion, the idea was brought up of increasing pavilion rental rates to help offset the cost of the garbage can purchases. In addition to helping to pay for garbage cans, pavilion rental fees would also offset city staff time spent emptying the garbage cans and cleaning the pavilions. At the direction of Council, towards the end of last year, staff began emptying the garbage cans more frequently during high usage times. Finally, pavilion fee rentals would also offset the cost of staff time it takes to process rental reservations. She reviewed the findings of staff research of neighboring communities’ rental fees, noting based upon that research staff is recommending Highland City begin charging rental fees as follows:

- Half Day Rental – Resident \$35, Non-Resident \$70
- Full Day Rental – Resident \$50, Non-Resident \$100.

If the fees listed above were adopted and the rental rate and resident ratios held true from this year to last year, staff anticipates total pavilion rental revenue of approximately \$8,300 which would be an increase of \$5,000 in comparison with what has been collected in previous years. While this revenue would not completely offset added garbage cans or staff time spent on reservations and carrying for pavilions, it would be a partial offset. This increase would go to the General Fund Facility Rentals 10-38-83.

Mayor Ostler reported he and the Council received a letter from former Mayor Jess Adamson; he read the letter for the record of the meeting;

“Dear Mayor and City Council,

I have just read about Item 7 on tomorrow’s CC agenda. I am surprised at the recommendation to begin charging residents for the usage of these facilities. In our history I don’t believe that we have charged residents to use these pavilions in the past. Some of these facilities were funded and constructed by volunteer Highland residents and have provided us a common area to gather. As Highland residents we are already taxed to construct and maintain these pavilions for the usage of those who reside here. If we now start charging our residents to use these facilities it appears to be a form of double taxation.

I have no objection in raising the fees appreciably for non-residents because they have not and do not contribute to the construction, maintenance and administrative costs through our general fund. On the other hand—these facilities have provided a special place for all of our citizens to gather for occasions that may be larger than our homes and lots allow.

As I served our community, I was a promoter and advocate for the addition of many of these facilities to encourage gathering and enhance our sense of community. We need to continue to encourage this type of community activity by not charging a reservation fee to our residents. You may argue that \$35 is a small and reasonable fee but it is enough to discourage many of our own to use these pavilions in the future.

If these new fees are put in place, I'm convinced that you will experience substantial pushback from our residents who have used these pavilions in the past as they make reservations in the future. I'm sure you do not want to deal with that issue.

I am not able to attend the CC meeting. I request that this letter be read in CC meeting and then attached to the minutes. I'd appreciate if one of you on the council would read this letter for me. Please let me know if you are willing to do so.

Thanks so much for your service to our community and for "Taking Pride in Highland".

Best regards,

Jess Adamson"

Ms. Wells stated that former Mayor Adamson is correct in that the City has not charged residents in the past; however, the City has charged non-residents \$50 to rent a pavilion.

Council Member Peterson asked if residents expect to pay a fee for pavilion rental. Ms. Wells stated she cannot answer that question, but staff has reviewed this proposal and felt the fee is justified by the amount of staff time spent to prepare and clean a pavilion after use.

A resident in the audience indicated that he would expect to pay to rent a City pavilion.

Mayor Ostler asked if there is a high rate of 'no-shows' for pavilion rentals. He stated that someone may be less inclined to notify the City of cancellation of an event if there is no penalty or cost for rental/cancellation. Parks Superintendent Josh Castleberry stated that there are some no-shows, but more concerning is that there is no differentiation between half-day and full-day rentals so someone may rent a pavilion and only use it for a few hours. This creates confusion for other users when they show up to use a pavilion and it is posted as rented, but no one is present.

Mayor Ostler facilitated discussion among the Council and staff regarding the number of pavilions located throughout the City and the rate of use of the facilities; many spoke to their experience in other cities relative to fees charged to rent a pavilion.

Council Member Smith stated that he supports charging a non-resident fee, but he does not want to charge residents as he feels their tax dollars should cover the cost associated with maintain the pavilions. He is concerned about the occurrence of no-shows for rentals made by Highland residents .

Council Member Rodela stated that she rents pavilions on a regular basis, and she recognizes that her usage of the facility creates work for the City; she would be willing to pay a \$35 rental fee for a pavilion rental, but she does believe that some people will just try to get access to a pavilion without renting it. Council Member Peterson agreed; she would also expect to pay to use a pavilion and she does not think \$35 for a half-day rental is exorbitant. Discussion centered on the appropriate fee for residents for half-day and full-day rentals; the Council settled on \$10 to \$20 for a half-day rental and \$40 for a full day rental. They voiced support for the non-resident fee schedule included in the staff report.

Council Member Kim Rodela *MOVED* that the City Council approve the Resolution Updating Pavilion Rental Fees with resident half day rate at \$20.00 and non-resident half day rate at \$70.00 and resident full day rate at \$40.00 and non- resident full day rate at \$100.00.

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

The vote was recorded as follows:

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

The motion passed 5:0.

**9. ACTION: HIGHLAND GLEN PLAYGROUND UPGRADE** *Administrative - Erin Wells, Assistant City Administrator*

The City Council will consider the execution of a contract for the purchase and construction of the selected playground equipment for Highland Glen Park. The Council will take appropriate action.

Assistant City Administrator Erin Wells explained that at the direction of the City Council and as a result of voters approving the Parks Tax, staff has been working to implement a playground equipment replacement program. Based on equipment age, condition, and usage, staff recommends that the Highland Glen Park playground equipment should be considered for the first replacement. This playground was installed in approximately 2002. This spring, staff had to close one slide at the playground due to broken equipment and the inability to order replacement parts. This item was first brought to the Council in September of 2021 where Council directed staff to look at alternative design options. Since that time, staff has met with the Council playground subcommittee to discuss their desires for the playground. Options and bids are summarized as follows:

Vendor	Major Elements	Cost	Delivery Time
Big T Recreation	Slide tower, 2 climbing structures, swings	\$142,612	3-4 months
Garrett Parks and Play	Slide tower, climbing structure, spinning structure	\$146,326	4-6 months
Sonntag Recreation	Slide tower, climbing structure, spinning structure	\$158,975	2-3 months

All bids include equipment and installation charges. As a part of the installation, additional bark chip material will be purchased to help replace what has been lost. A transition area will also be created to ensure the park meets ADA requirements. The City has been awarded a reimbursement grant from Utah County for \$9,184.62 to help with the costs of this project. To receive these grant funds this fiscal year, Highland City must make at least initial payment to the selected vendor by April 7. It is the intention of staff to order the selected playground immediately so that installation can occur as soon as possible. Should the City not be able to meet that deadline, the grant funding will rollover and be available next fiscal year for a recreation project. The Council had

previously budgeted \$150,000 in account number 10-70-24 for a playground replacement. This is one of the major budget items that Council directed staff to hold off taking action on due to a budget shortfall staff previously identified. Last fiscal year, the City received unexpected one-time funds of which, \$625,000 was transferred into the Parks Capital account. Staff recommends that the cost of the playground be taken from those funds. This would allow for more flexibility in the General Fund for other needs this fiscal year.

Mayor Ostler inquired as to the source of the \$625,000. Finance Director Bahr noted the money is part of the General Fund balance that exceeds the total fund balance the City is allowed to have. There is a surplus based upon increased one-time revenues and the receipt of ARPA funds.

Council Member Smith stated that he knows that some of the existing equipment is broken and unusable, but there is still a significant amount of equipment that is still in good shape and usable; he asked if that can be sold to residents to generate some revenue. Mr. Crane stated that has been explored in the past and it was found to be cost prohibitive to pull the supports out of the ground rather than demolish the old equipment. Council Member Smith asked if the City would sell the equipment if the buyer agreed to bear the cost of removing it. Mr. Crane stated that may be an option. Mr. Castleberry then reported all damage to the existing structure; this would need to be disclosed to anyone interested in purchasing any of the elements at the park.

Council Member Rodela indicated she showed the different designs to her children, and all supported the design from Garrett Parks and Play. Other Council Members indicated they support that design as well. Ms. Wells stated it is important to recognize that option had the longest lead time, so it may be that the new structure is not installed until the end of the summer. She added that she also needs direction from the Council regarding which funding source they prefer. The Council expressed a desire to use money from the Parks Capital Account.

*Council Member Kim Rodela MOVED that the City Council approve the purchase of the Garret Parks and Play option and authorize the City Administrator to sign a contract with Garret Parks and Play, to proceed with the purchase and construction of playground equipment in the amount of \$146,326 and that the funds be taken from the Parks Capital Account.*

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

Council Member Smith asked staff to inform Garrett Parks and Plan that the other vendors had a sooner delivery time. Ms. Wells indicated she will do that and encourage them to accelerate the project.

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

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

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

a. **Parks Building** - *Andy Spencer, Public Works Director/City Engineer - moved to future meeting.*

b. **Future Meetings**

- March 22, Planning Commission Meeting, 7:00 pm, City Hall
- March 29, City Council Meeting, 7:00 pm, City Hall
- April 12, City Council Work Session, 7:00 pm, City Hall
- April 13, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- April 19, City Council Meeting, 7:00 pm, City Hall

City Administrator/Community Development Director Crane reported that the work session scheduled for March 29 will be spent performing a fund analysis, discuss road bids, and discuss the Country Club sewer project.

**ADJOURNMENT**

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

*The meeting adjourned at 11:26 pm.*

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 15, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder