



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, March 31, 2020

Approved Minutes

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003
Electronic Meeting hosted on ZOOM

PRESIDING: Mayor Rod Mann (electronically)

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant (electronically), City Engineer Todd Trane (electronically), Planner & GIS Analyst Tara Tannahill, City Attorney Rob Patterson (electronically), Police Chief Brian Gwilliam, (electronically), Fire Chief Reed Thompson (electronically) and City Recorder Stephannie Cottle

OTHERS (electronically): Reese DeMille (Republic Services), Blake Leonelli (Waste Management)

7:00 P.M. REGULAR SESSION (CITY COUNCIL CHAMBERS)

- Call to Order – Mayor Rod Mann
- Invocation – Council Member Kim Rodela
- Pledge of Allegiance – Council Member Kurt Ostler

The meeting was called to order by Mayor Rod Mann as a regular session at **7:02 p.m.** The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Kim Rodela and those assembled were led in the Pledge of Allegiance by Council Member Kurt Ostler.

1. UNSCHEDULED PUBLIC APPEARANCES

There were none.

2. CONSENT ITEMS

- a. ACTION: Approval of Meeting Minutes** *Administrative*
Regular City Council Meeting February 18, 2020 and March 10, 2020
Emergency City Council Meeting March 12, 2020
- b. RESOLUTION: ADJUSTING COMMON BOUNDARY WITH ALPINE CITY**
Administrative

The City Council will hold a public meeting to consider a request by Millhaven Development to adjust the common boundary with Alpine City at approximately at 6000 West Evergreen Way. The City Council will take appropriate action.

c. ACTION: APPROVAL OF A BID WITH ECKLES PAVING FOR THE 2020 ROAD PATCHING PROJECTS *Administrative*

The City Council will consider a request to approve a bid with Eckles Paving in the amount of \$71,724 for the 2020 Road Patching Projects, and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

d. ACTION: APPROVAL OF A BID WITH INSITUFORM FOR THE 2020 SANITARY SEWER PIPE LINING PROJECTS *Administrative*

The City Council will consider a request to approve a bid with Insituform for the amount of \$97,338 for the 2020 Sanitary Sewer Pipe Lining Projects, and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

e. RESOLUTION: COVID-19 EMERGENCY LIMITATIONS, POLICIES AND PROCEDURES RESOLUTION *Legislative*

The City Council will consider an Emergency Limitations, Policies and Procedures Resolution related to personnel management and policies related to the COVID-19 Emergency. The Council will take appropriate action.

Council Member Kurt Ostler requested that item 2b and 2d be pulled from the consent agenda for further discussion.

Council Member Kurt Ostler MOVED to approve consent items a, c, e. as listed on the agenda. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Absent</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Absent</i>

The motion passed.

Discussion on Item 2b.

Council Member Kurt Ostler stated that he had received an email from Lon Lott explaining that some Alpine residents had a concern regarding an irrigation ditch that supplied some properties west of the subject property. The water in that irrigation ditch belonged to Alpine, and they were concerned that it would be cut off with development. There was another ditch farther north and residents were concerned about what would happen if both ditches went into Highland.

City Engineer Todd Trane stated that there were multiple ditches throughout the property. The intent was to pipe the ditches. The developer and engineer on this property reached out to Alpine City to work through the issues and ensure that they continue to receive their water.

Council Member Kurt Ostler had concerns about the roads. He asked about the road connections for Evergreen and 630 West. City Engineer Todd Trane replied that they were working on a concept plan. They did not intend to connect Evergreen with 550 West because that was a difficult intersection. They were only showing a trail through sewer connection at that location. Alpine City had not expressed any concerns with this issue.

Council Member Kurt Ostler commented that Lon Lott was a City Council member in Alpine and there was a concern about connecting with another city's road.

City Administrator / Community Development Director Nathan Crane had discussed the issue with Shane Sorensen, City Administrator in Alpine, and their attorney. Various developers had been working on the subject property for the past six months. They didn't have concerns about this connection because the development would have local street action, whereas Blue Bison was more of a collector street, which would need to meet Fire Code requirements. Alpine City was requesting the connection.

Council Member Timothy A. Ball asked how far this property was from the proposed Blue Bison development. Mayor Mann recalled that it was quite far on the north side of the City.

Council Member Kurt Ostler MOVED to approve item 2b. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Absent</i>

The motion passed.

Discussion on Item 2d.

Council Member Kurt Ostler stated that the sewer lining project only affected two subdivisions in Highland: Pheasant Hollow and Hidden Oaks. Both of these locations had a low water table. A sewer lining project here would only affect a small number of residents in Highland. There was a discussion going on about Victor View, which was another subdivision with concerns about the sewer lift station. Victor View residents had concerns with regards to spending extra money for a specific subdivision.

City Engineer Todd Trane clarified that this was a very old sewer pipe that had worn out its use and that was being lined because there was a lot of infiltration. Once the pipe was lined, they could address the Victor View pump issues. A slide from the PowerPoint presentation was referenced which showed a map that identified the areas that were already lined. The cost of lining versus replacing the pipe was pennies on the dollar, and to open dig would be much more expensive.

There was a 100-year guarantee on the product itself, which was basically a pipe within a pipe. This method had saved the City quite a bit of money on pumping and TSSD cost. The lining costs would pay for itself in three to five years.

NOTE: Council Member Scott L. Smith arrived at 7:17 pm.

Council Member Scott L. Smith commented that Highland City had done lining in his neighborhood and that it worked very well. He supported the project.

Council Member Kurt Ostler MOVED to approve item 2d. Council Member Tim Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

3. PUBLIC HEARING/RESOLUTION: REVIEW FEE FOR ACCESSORY DWELLING UNITS *Legislative (10 minutes)*

The City Council would hold a public hearing to consider a request by Highland City Staff to adopt an application review fee of \$25.00 for accessory dwelling units. The City Council would take appropriate action.

Planner and GIS Analyst Tara Tannahill stated that on February 18, 2020 the City voted to adopt an amendment to accessory dwelling units that used to be based on apartments. As part of that amendment, the owner was required to complete an application that would be reviewed by the Community Development Department. Staff requested that the Council consider requiring an application fee consistent with other application fees. There would be two different applications for accessory dwelling units, each with a fee of \$25.00. One application would be for homeowners who were registering an existing accessory dwelling unit, and the second would be for properties which were building a new accessory dwelling unit or going through the building permit process. The building permit process would not be included in the application fee, but it would be a separate fee. She stated that they had reviewed what other cities were doing, and they found that Pleasant Grove required a \$25 application fee, Cedar Hills required a \$40 fee, and Orem and Alpine required a \$50 fee. Staff confirmed that notice was given for this resolution, and they received no public communications.

Council Member Scott L. Smith asked why they weren't charging a higher fee if the city to the north was charging \$50.00. He suggested a \$35.00 fee cover cost and make a little extra money. Planner and GIS Analyst Tara Tannahill explained that the application fee for a fence permit was \$25, and staff believed that it would take the same amount of time to review each application. The Council could choose to charge a higher fee. City Administrator / Community Development Director Nathan Crane explained that fees could only cover the costs to issue the permit, not to generate revenue. Council Member Scott L. Smith asked why it cost other cities more to cover their costs to which City Administrator / Community Development Director Nathan Crane responded he did not know. They wanted people to register their accessory dwelling units, and owners would be less inclined to register if the fee was too high.

Planner and GIS Analyst Tara Tannahill clarified that this fee would cover the time it took to review the application. Mayor Rod Mann asked if there would be a separate review by the Building Department, and staff said it would depend of it the unit already existed or not. If an owner previously applied with the Building Department, they would only need to register their unit. Those who had not previously applied with the building department needed to comply with building codes and then apply for an accessory dwelling unit building permit.

Mayor Mann opened the public hearing at 7:27 PM and called for any citizens who would like to speak on the item to state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:27 PM

Council Member Scott Smith *MOVED* that the City Council accept the findings and **ADOPT** the resolution approving the fee for the Accessory Dwelling Unit application. Council Member Kim Rodela *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

4. PUBLIC HEARING/ACTION: AMENDMENT TO THE RUBY ESTATES SUBDIVISION LOCATED AT 10245 N. 5950 W. Administrative (10 minutes)

The City Council would hold a public hearing to consider a request by Cory Taylor to amend the Ruby Estates Subdivision Plat to combine two lots into one single lot. The City Council would take appropriate action.

Planner and GIS Analyst Tara Tannahill stated that on December 15, 2017 the Council voted to approve the final plat for Ruby Estates, which included 16 single-family lots in the R-140 zone. The area under consideration was identified on a map. Cory Taylor, the applicant, had requested to combine Lots 9 and 10 to make one single-family lot. He proposed to maintain the setback and frontage requirements of the R-1-40 zone, and the lot would access a public road. The item was properly noticed and staff did not receive any correspondence from the public. Staff recommended approval of the application, including stipulation three included in the staff report.

Cory Taylor, the applicant, did not have any comments to add to the presentation.

Mayor Mann opened the public hearing at 7:32 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:33 PM.

Council Member Kim Rodela *MOVED* that the City Council approve Ruby Estates Plat 'B' Amended subject to the two stipulations recommended by staff, as follows:

1. The final plat shall be in substantial conformance with the final plat received on March 11, 2020.
2. Prior to recording, the final plat shall be revised as required by the City Engineer.

Council Member Scott Smith *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5. ACTION: PRESSURIZED IRRIGATION RESOURCE USE OUTSIDE CITY LIMITS FOR PROPERTY ADJACENT TO A RESIDENTIAL LOT AT 10147 N 6960 W *Administrative (10 minutes)*

The City Council would consider a request by Jason Matheny to approve the use of pressurized irrigation resources on property outside of City limits. The Council would take appropriate action.

City Administrator / Community Development Director Nathan Crane stated that this was a request to allow for the watering of 0.57 acres that was currently in Utah County but would be part of a future annexation into Lehi. The property was landscaped in 2009 as part of a backyard to an existing home in Highland. He stated that 1.5 acre-feet of water would be required if the motion was passed, which would be a \$200 annual increase to the homeowner. A map was presented and staff identified the subject property. The area in red was the lot, which was about .78 acres, with an existing home and an existing accessory building. The area in blue was the landscaped area added in 2009. It was currently in unincorporated Utah County.

City Administrator/Community Development Director Nathan Crane stated that the owner planned to develop the land in the future in Lehi by extending the road to the south with water, sewer, etc. at which time the backyard landscaping would be removed and the lots would be developed. There were currently three users being served through Pressurized Irrigation that were outside of the City, which were originally part of the Highland Water Company (Buhler, Degelbeck, and Shock) that had provided water for the property. There were a number of codes in the Pressurized Irrigation section of the Municipal Code which addressed this issue, one of which prohibited wasting water. There were also two sections of the code that addressed pressurized irrigation outside of City limits, and providing pressurized irrigation to a separate lot. However, the present issue was a different situation than they had had in the past. The Council had placed a moratorium on agricultural users to connect to the Pressurized Irrigation system; however, staff felt that this was a residential use rather than an agricultural use.

Applicant Jason Matheny said he was looking to expand his home by adding five feet onto the garage. As he was going through the expansion process, he discovered that he wasn't paying for the pressurized irrigation water used on the back property. He wanted to correct the problem with the City. He had spoken to the staff of Lehi City about annexing the property into Lehi so that he could tap into their irrigation water, but the annexation wouldn't be finalized for a few months. He asked that Highland City allow him to continue using Highland irrigation water at least through the season.

Mayor Rod Mann asked for clarification on the potential connection to Lehi. Applicant Jason Matheny said that he would be able to connect into the Lehi irrigation system once his property was in Lehi City. He was looking for something to tide him over until then.

Council Member Scott L. Smith was confused about why Mr. Matheny would want some of the property in Highland when all the property was going to be annexed into Lehi. Applicant Jason Matheny explained he was going to extend his house through his garage which would require another five feet on the setback for a living dwelling into a non-living dwelling. When the property was pulled up on Google maps they noticed irrigation on the back property. That was when he realized the problem and made the petition request.

Mayor Rod Mann asked if he would still wanted to annex the small parcel into Highland. Applicant Jason Matheny answered affirmatively and said he had the paperwork but hadn't submitted it yet.

Council Member Scott L. Smith asked if he would make amends for irrigating the property for so many years with Highland irrigation water. Applicant Jason Matheny said that he would. He would make restitution, and continue watering his property for the year before he could annex into Lehi.

Council Member Kim Rodela said that they needed to figure out how the applicant would backpay for the ten years he had been using the water, and at what price he would continue to use the water until the annexation was complete. City Administrator/Community Development Director Nathan Crane said that if they used current rates it would be \$198 per year times ten years.

Mayor Rod Mann commented that there were no shares for that water so he could either buy shares and give them to the City or lease them from the City for a season. City Administrator/Community Development Director Nathan Crane stated that the Council would need to decide on a cost for shares or leasing for a year.

Mayor Rod Mann stated that he had just signed several lease agreements where the City leased unused water from residents to supplement to the City's shares. He presumed they could do the same with Applicant Jason Matheny.

Council Member Kim Rodela asked if they would charge a different rate for this property because it was going to be annexed into Lehi eventually. Council Member Brittney P. Bills thought they should, because they would essentially be subsidizing the applicant. The property was outside of the residency, so it should be a higher rate. There should be backpay as well. Council Member Kim Rodela asked for clarification on the wording of Applicant Matheny's initial letter. He replied that the letter was written before he had researched a potential solution. He would prefer to lease the water shares because once he annexed into Lehi, he would have to purchase water shares there. If he purchased shares through Highland, he would have to sell them again.

Council Member Kurt Ostler stated that the City Code stipulated that they were not supposed to be watering property with other connections. Mayor Rod Mann asked staff if they had discussed this with the City Attorney. Council Member Scott L. Smith asked if they could make a short-term exemption for a one-year agreement because Applicant Matheny was trying to make amends. They didn't want the property to die from drought. This was one of the reasons they needed metering. Council Member Scott L. Smith would support an exemption for leasing water shares and the five feet extension on the lot. Mayor Rod Mann asked if he would need a separate connection or if he could keep the one he already had. City Administrator/Community Development Director Nathan Crane replied that since it was temporary he could probably keep the connection he had.

Council Member Brittney P. Bills agreed that they should let the applicant keep watering, but they needed to determine the rate for the year and for back pay. Mayor Rod Mann asked if this was something they could determine in the formal resolution at the next meeting. City Administrator/Community Development Director Nathan Crane replied that they would need stipulations from the Council that they would like included in the resolution, and staff would write the resolution and put it on the consent agenda.

Council Member Kurt Ostler commented that the temporary agreement would only go to October 15, 2020, and the back charge for the ten years would be \$198 per year times ten. They could also lease the water shares until October 15, 2020.

Council Member Kurt Ostler MOVED to approve the temporary connection of pressurized irrigation to the residential lot at 10147 N 6960 W. Highland City will allow a temporary lease on water shares until October 15, 2020. The applicant will lease water shares from Highland City to adequately water the extra area at non-resident rate to be determined by City staff. This is subject to approval of the resident paying back for ten years of the pressurized irrigation water he has used which is estimated at \$198/year for 10 years. Also, the applicant must pay the cost for the leased shares over the last 10 years. Council Member Scott Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes

Council Member Brittney P. Bills Yes

Council Member Kurt Ostler Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed unanimously.

6. ACTION: GARBAGE AND RECYCLING SERVICES PROPOSAL APPROVAL

Administrative (10 minutes)

The City Council would consider approving a proposal by Waste Management for City Wide Garbage and Recycling Services beginning July 1, 2020. The City Council would take appropriate action.

Assistant City Administrator Erin Wells stated that this had been under discussion for quite some time and she wanted to provide a review for those who were unfamiliar with the issue. The current contract was with Republic Services expired in July of the current year. The City had entered into a contract with Republic Services in 2005 and had done two five-year extensions. In January, the Council had elected to go out to bid rather than re-extending with Republic Services. Last year \$522,000 was spent on the hauling contract with 9500 cans throughout the City, including garbage cans, second garbage cans (which were billed at a different rate) and recycling cans. Three proposals were received from the major haulers in the area. Ace proposed \$713,000, Republic Services proposed \$596,000, and Waste Management proposed \$585,000. These bids included the toters, collection, hauling and disposing of waste, the annual spring cleanup, picking up trash from City facilities and parks, and the annual Christmas tree collection. All bids were for a 5-year contract. All three companies had agreed to try to move away from Friday collection which had become an issue because staff was not in the office on Fridays, and all three companies were able to do proper bonding and insurance for the City. The City would still pay tipping fees, which was the cost to dispose of the garbage to North Pointe and the companies had agreed to pay the cost for the disposal of recycling. Staff was recommending Waste Management. They were the largest company and their proposal emphasized the high level of training for their employees and their customer service. There were able to track real-time information and would provide expense reports on any issues. Waste Management also had their own recycling facility, which was unique. She stated that all three bids would mean an increase to the garbage budget, but Waste Management was the lowest bid by \$63,000. The Council would need to determine a rate-per-can so that staff could see how much it would impact the budget. Staff was considering a \$20 increase per year for residents with two garbage cans and one recycling can. According to State Code, the City would need to have a reason for rejecting bids if they wanted to reject all the bids, and the bids could not be altered once they had been submitted. The Municipal Code was even more restrictive, stating that they could cancel all the bids, but they would have to reissue the RFP. The City had already agreed not to extend their contract with Republic Services, and their service would end in July. It was important that the Council made a decision as soon as possible.

Council Member Scott L. Smith asked if there had been concerns about Christmas tree pickup last year. Assistant City Administrator Erin Wells said that they had received one complaint from a resident last year, but in 2018 there had been a lot of issues with trees being left until the end of January or beginning of February. This concern was expressed in the RFP, which is why all three of the bids specified Christmas tree removal.

Council Member Scott L. Smith expressed concerns regarding transfer stations and commented that Republic Services had planned to start using a transfer station other than North Pointe. He asked if Waste Management would be hauling to North Pointe. He also wanted to know how green waste would be affected with Waste Management. Assistant City Administrator Erin Wells stated that the City would dictate where their garbage went. Republic Services mentioned that they had an alternate option, which was a transfer station in Pleasant Grove, and they had a shared partnership through Ace. Waste Management did not have a transfer station in the area, so North Pointe worked great for them; however, they would haul wherever the City requested. Waste Management had no plans of building a transfer station.

Council Member Timothy A. Ball asked what the cost would have been if they had chosen to extend their agreement with Republic Services. Mayor Mann said that the contract was for \$566,000. Council Member Timothy A. Ball commented that this was still an increase from what they were paying before. Mayor Mann agreed. Assistant City Administrator Erin Wells stated they were offered an extension of \$566,000, which was still an increase. The current budget was \$522,000.

Council Member Timothy A. Ball asked if they could put this back out to bid. Assistant City Administrator Erin Wells replied that the Municipal Code stated that they could put it back out to bid if they rejected all the bids, but they would have to go through another RFP process, which would be time consuming. It made staff nervous because their contract with Republic Services was almost over. City Administrator/Community Development Director Nathan Crane stated that they would need a reason to reject the bids, per State Code.

City Attorney Rob Patterson stated that the way the current City Code was written, they could go out to bid again, but they would have to go through the RFP process again. Mayor Rod Mann stated that that was not a practical option. Council Member Kim Rodela stated that they needed to make a decision tonight because of the time frame.

Council Member Kurt Ostler commented on the missed garbage cans the previous week. He stated that one of the reasons they had gone out to bid was because they had been having some service issues with the current provider. The lowest bidder, Waste Management, also did Cedar Hills and Lehi City, which meant that they would be in the area more often so they might be able to get missed cans. He wanted to hear their plan for missed cans and service calls. He had called Cedar Hills and Lehi about Waste Management and Cedar Hills had high regards; however, Lehi had had some service issues. He wanted to hear more about the customer service from the two providers.

Blake Leonelli, with Waste Management, stated that they were in the area five days a week. Highland City was very important to them, which is why they had expressed such an interest. They could address concerns like missed pickup on a daily basis. Council Member Kurt Ostler asked about the tracking software and what the app would do to help the residents. Blake Leonelli replied that the app showed what was picked up, what was recycled, specific items that could and could not be recycled, and which routes were picking up that day. Mayor Rod Mann asked if the app was for residents or staff, to which Blake Leonelli replied both.

Reese DeMille, with Republic Services, responded that the area that was missed happened to be the area of the State Auditor's home. He stated the driver that day was filling in for the usual driver and missed the turn for that whole street. They went back out and corrected the problem as soon as they knew about it. He stated they serviced American Fork, Lindon, and Pleasant Grove. Their office was also in Pleasant Grove, so they were close to Highland City every day. Each of their trucks had a PVD device and were tracked so they could tell where the trucks were at any time.

Council Member Kim Rodela commented that they had two great options with similar services, but one bid was lower than the other. It made more sense to go with the lower bid. Council Member Scott L. Smith commented that in the 15 years that he had used Republic, he never had a complaint; but that he agreed with Council Member Kim Rodela that they should go with the lower bid to be fiscally responsible.

Council Member Scott L. Smith MOVED that City Council accept Waste Management's Proposal for Residential Curbside Solid Waste & Recycling Collection, Transportation, and Disposal Services and direct staff to work with Waste Management to draft a contract reflective of the proposal for Council approval at a later time. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

7. ACTION: LONE PEAK PUBLIC SAFETY DISTRICT INTERLOCAL AGREEMENT AMENDMENT *Legislative (15 minutes)*

The City Council would consider a request by the Lone Peak Public Safety District Board to amend the Interlocal Agreement related composition of the Board and operation of the District. The City Council would take appropriate action.

City Administrator/Community Development Director Nathan Crane explained that the purpose of the amended agreement was to address the departure of Cedar Hills from the district. Currently, Cedar Hills was participating with fire, and Alpine and Highland with police. The board structure existed as two members from Highland and Alpine on police, three members from Highland for fire, and two from both Cedar Hills and Alpine on fire. He commented that one of the biggest changes was that the Board would consist of two representatives from Highland and two representatives from Alpine, with each city having an alternate. The alternates from each city would be appointed as the chair and would run the meeting, but would only vote when there was a tie. The chair would alternate between the cities annually. Alpine was concerned about being overrun by Highland in representation. This issue had been debated with previous and current Boards. A minimum of three votes would be required for any action. Under the current agreement, administration of the District rotated annually, which was a challenge. The Board had decided that Highland would provide all of the administrative support for the District. Some of the language was also revised to include specified chiefs that were at-will employees, and allowed Highland City to assign duties within staff to create checks and balances for financial review and approvals. The funding of the District would remain the same. There was an added provision that the annual budget increase or decrease for the district should not exceed the average property tax value increase or decrease. If there was a proposed major expenditure, it would have to go back to each Council for approval rather than just the Board.

Mayor Rod Mann commented that this was a reasonable compromise with regards to the approval for increases. He said that for years they had been running police two-and-two, and he had never seen an issue, even though he wanted something different. He commented that this was a fair compromise that needed to happen before the next budget year started. He supported the changes.

Council Member Kurt Ostler referred to line 224-227 of the agreement, which talked about the annual budget increase or decrease. He thought the budget should be approved by the City Council, but the agreement referred to property tax. When he voted on this, he thought that the budget had to be approved by City Council. City Administrator/Community Development Director Nathan Crane replied that this was what the Board approved. Council Member Kurt Ostler was concerned about a 3-2 vote in favor of the City of the chair. City Administrator/Community Development Director Nathan Crane replied that there was always that risk. The purpose of this provision was to try to eliminate this as much as they could. Council Member Kurt Ostler expressed more concern about the Council not voting before final approval.

Council Member Scott L. Smith shared Council Member Kurt Ostler's concern. He understood the importance of equal representation, but that Highland City was twice as big as Alpine and would be paying two-thirds of the budget. He would like to see the budget taken back to the City Councils for their approval before it went to the Board.

City Administrator/Community Development Director Nathan Crane clarified that if they proposed a budget and the increase in the District budget was greater than the average property tax revenue increase in both cities, the Councils would see it. Finance Director Gary LeCheminant said that the average property tax revenue increase was \$60,000, which was a 3-3.5% increase. City Administrator/Community Development Director Nathan Crane stated that any increase above 3.5% would have to go to the Council. Police Chief Brian Gwilliam commented that they had a nearly flat budget on the fire side of a .03% increase. City Administrator/Community Development Director Nathan Crane commented that if the average property tax increase was 3% between the two cities, then they could increase their budget by 3%, but anything above that would go to Council.

Council Member Kurt Ostler had concerns over the allocation of equipment purchased within the budget and the ruling 3-2 majority. City Administrator/Community Development Director Nathan Crane stated that the expenditures would be approved by the Board. The Board would try to make the best decision possible for the district overall. Expenditures would only go to the City Councils if the total exceeded that average increase of tax revenue.

Council Member Kurt Ostler asked what the agreement was last amended. City Administrator /Community Development Director Nathan Crane said there had been some minor changes to the agreement four years ago.

Council Member Brittney P. Bills said that they were paying 67% of the bill, but they were giving up their third vote half of the time. Alpine was a reasonable partner, but they shouldn't assume that they had the same interests. Mayor Rod Mann agreed. Council Member Kim Rodela stated that they had been partners with Alpine for a while and they wanted to stay on good terms. If she was on Alpine's side, she would want to make it fair and equal.

Council Member Brittney P. Bills asked why the Lone Peak Public Safety District was set up this way instead of having Highland run it and Alpine simply pay to be a part of their district. Mayor Rod Mann said that Alpine didn't want it that way.

Council Member Scott L. Smith shared Council Member Kurt Ostler's concerns, but he knew Alpine was opposed to the unequal representation. He supported the agreement and the changes made to it.

Council Member Kurt Ostler asked if they could pull out of the agreement if they found that it didn't work for the City. City Administrator/Community Development Director Nathan Crane replied that they could always dissolve the District based on the last paragraphs of the agreement. He explained their options for altering the agreement or dissolving the District.

Council Member Kurt Ostler commented that they had always had a good partnership with Alpine. If they had major issues, they could give notice and be out in 24 months.

Council Member Kurt Ostler MOVED that City Council accept the amendments to the 2020 Interlocal Agreement for Lone Peak Public Safety. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

8. DISCUSSION: LOCAL MANDATES FOR SOCIAL DISTANCING

Administrative (15 minutes)

Mayor Rod Mann stated that he had had questions from residents about what kind of mandates could be imposed on businesses in Highland relative to the virus. There was a discussion with the attorney and the conclusion was that the County Health Department was who had the authority in the area to deal with health-related issues. The City had emergency powers, but those revolved mostly around infrastructure and/or evacuations. If an emergency was declared based on health issues, it wouldn't be on very solid ground so his preference was to defer to the County and State on mandates. However, the City could encourage people and businesses to follow good practices. He had written a letter and emailed it to the Council for review. He had also received feedback from Assistant City Administrator Erin Wells about including the Lone Peak Business Alliance as a resource for businesses. His intent was to send out the letter to local businesses the following day. If there was any additional feedback it needed to be submitted that evening.

Council Member Timothy A. Ball asked the City Attorney about other municipalities across the country imposing certain types of emergency regulations. City Attorney Rob Patterson replied that each State and City adopted different codes. The State of Utah divided emergency powers between the State Government and the County Health Departments. The City powers were fairly circumscribed. The Mayor could order evacuations, but mostly the Mayor was empowered to enforce the County or Governor's orders. If the Governor said to stay at home, it was more of a suggestion than a mandate. If it was a mandate, it could be enforced through criminal penalties. Council Member Timothy A. Ball asked if the prohibition of congregating in groups of ten or more was a mandate from the Governor. City Attorney Rob Patterson replied that the Governor had given directives but not orders. If he had given orders then they could enforce it.

Council Member Scott L. Smith read from the Deseret News that as of that night there had been 888 positive cases of Covid, 73 people hospitalized, 5 deaths, and over 18,000 tests done in the state. There were many more tests available, so the parameters for testing were expanded a bit. If a person was over 50 year of age and had any type of respiratory illness, they were to be tested. The hope was that more people would be tested to find out what was going on in the community because some people were asymptomatic. The problem they were facing was that the state was not reporting the people who had recovered very well. Unfortunately, people were ignoring social-distancing and people were panicking. They needed to find a way to encourage good hygiene and social-distancing without making people anxious. Mayor Rod Mann supported this. Council Member Kim Rodela agreed and stated that she thought that the Governor had put out directives to keep people safe and not to panic. As Council Members, they were to be examples and by following the Governor's directives and encourage residents to do the same.

Council Member Timothy A. Ball disagreed. The City decided safe speed limits and Highway Patrol cited tickets to remind people that they didn't have the right to endanger other people's lives and health. They could do the same with this situation. If a group was congregating with more than ten people, it would not be outrageous to give the police the ability to issue a warning and/or ticket.

Fire Chief Reed Thompson described how the Fire Department was responding to calls. When there was an emergency, residents were instructed to meet responders outside. When this was not possible, one responder was sent in first to conserve PPE and address the situation appropriately. Authorization from the Division of Emergency Management and the Utah Department of Health through the Bureau of Emergency Medical Service and Preparedness was given and they had a Corona Virus plan in place which had a color-coded level. Currently, the State of Utah was at the yellow level. If there was a small area that increased, they could handle the situation differently as far as their response. They had transported a positive patient, but staff had been prepared to handle this. He and Chief Gwilliam spoke daily about how to address these concerns and confirmed there were positive cases in the Highland area.

Council Member Kim Rodela asked if the Health Department was good about contacting them about transporting positive cases. Fire Chief Reed Thompson replied that they received information directly from the hospital via a secure email. Council Member Kim Rodela asked about the turnaround time for the test results. Fire Chief Reed Thompson replied that it had been anywhere from 24 hours to 6 days. Council Member Scott L. Smith commented that the most recent tests had much shorter turnaround times than the initial tests that were used.

Council Member Kurt Ostler asked how they were protecting the responders and if they had to go into quarantine. Fire Chief Reed Thompson replied that responders wore masks and eye protection with all patient contact. If it was a certain risk category, then they wore a full gown and face shield and all of the appropriate PPE. After the call, ambulances were being decontaminated outside of the bay before returning to service. Responders had the option to wear a mask at work. They were practicing work-distancing and instructed part-time employees in all locations to report if they were experiencing symptoms. The public was not allowed into the station, temperature checks were performed on staff throughout the day, and there was one door allowed for entering and exiting. Council Member Kurt Ostler asked if they had enough masks. Fire Chief Reed Thompson replied that they had a supply of masks that would last for 90 days based on normal call volume. If there was a call volume spike, there were methods that would be implemented to adjust their ability to order or replace masks. It was being recommended that the masks be reused or repurposed if they were decontaminated. Council Member Kurt Ostler asked what they needed from the community. Fire Chief Reed Thompson responded that they just needed people to follow the recommendations, isolate themselves and not interact with large groups, and to wash their hands regularly. The biggest concern was to protect those in the community with compromised immune systems and preexisting conditions.

Council Member Brittney P. Bills thanked both the Police Chief and the Fire Chief for their work.

Council Member Kurt Ostler asked Police Chief Brian Gwilliam what officers were doing if they saw large groups of people together. Police Chief Brian Gwilliam replied that there was nothing that could be done by force of law, but people were pretty good to disperse upon suggestion. They had seen an increase in juveniles congregating but it seemed to be a select few individuals. They were getting a few calls about it but not many. From the law enforcement front, they had seen a decrease in calls overall because most people were staying home, but there had been an increase in domestic violence calls. Fire Chief Reed Thompson and his staff had been good with communication and providing PPE equipment. Officers had been instructed not to respond to medical calls unless they were absolutely needed. Access to the Police Department had been limited and all non-essential personnel were working from home. The essential personnel that were still working in the station were following the directives given by the Health Department.

9. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

a. Future Meetings

- April 14, City Council Budget Work Session, 7:00 pm, City Hall
- April 21, City Council Meeting 7:00 pm, City Hall
- April 28, Planning Commission Meeting, 7:00 pm, City Hall
- May 5, City Council Meeting 7:00 pm, City Hall
- May 12, City Council Budget Work Session, 7:00 pm, City Hall

It was noted that the April 14th meeting could become City Council meeting, if necessary.

Scott L. Smith commented that they needed an update on the sewer lift station in the neighborhood since everyone was home. Mayor Rod Mann stated that the catch basin was working, but that there were so many wipes and other stuff stuck in it that the pump couldn't flow the water. The Victor View lift station was working but still struggling with a lot of wipes. City Engineer Todd Trane stated that the screen wall that was manufactured and put in was working but was only a temporary solution. The filter in the pump truck got completely filled with flushable wipes.

b. Future Meeting Filming

Assistant City Administrator Erin Wells commented that this item was intended for Scott Hart doing YouTube live for the Council before they made the decision to use ZOOM. There was an option to send the Zoom to YouTube live, so they were doing both at the same time. The plan was to continue to use Zoom. She would work out some kinks and they would get the information published more ahead of time. She commented that Scott Hart could still be valuable for filming other items, and they could consider using YouTube Live after the COVID-19 pandemic was over.

Council Member Kim Rodela stated that she very much liked YouTube Live. It was great to see people on and there and making comments during the meeting. The two-minute Tuesday summaries were amazing.

Council Member Kurt Ostler asked how Zoom was being recorded and if their faces would be shown. Assistant City Administrator Erin Wells replied that there were different options and that the one she had selected recorded just the screen not their faces. There was an option to record faces, but she didn't think that made sense to do so. The recording made that night would be uploaded to YouTube the following day. She had noticed a difference in sound quality between Zoom and YouTube Live.

10. ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

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

The meeting adjourned at 9:35 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 31, 2020. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder