



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, April 21, 2020

Approved June 2, 2020

Meeting held electronically via 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 (arrived late)

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), City Recorder Stephannie Cottle, Police Chief Brian Gwilliam (electronically), Fire Chief Reed Thompson (electronically), Civic Events Planner Corrine Prestwich (electronically)

OTHERS:

7:00 P.M. REGULAR SESSION *(Meeting held electronically)*

Call to Order – Mayor Rod Mann

Invocation – Council Member Timothy A. Ball

Pledge of Allegiance – Council Member Kim Rodela

The meeting was called to order by Mayor Rod Mann as a regular session at **7:08 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 Timothy A. Ball and those in attendance were led in the Pledge of Allegiance by Council Member Kim Rodela.

1. UNSCHEDULED PUBLIC APPEARANCES

There were none.

2. CONSENT ITEMS

- a. **ACTION: APPROVAL OF MEETING MINUTES** *Administrative*
Regular City Council Meeting March 17, 2020 and March 31, 2020
- b. **ACTION: APPROVAL OF A CONTRACT WITH M&M ASPHALT SERVICES FOR THE CRACK SEAL WORK FOR THE 2020 ROAD PRESERVATION PROJECT NOT TO EXCEED \$27,592.50** *Administrative*
The City Council will consider a request to approve a bid with M&M Asphalt Services to proceed with the crack seal work for the 2020 road preservation project, and authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.
- c. **ACTION: ACCEPTANCE OF SOLID WASTE SERVICES AGREEMENT** *Administrative*
The City Council will consider approval of the Solid Waste Services Agreement with Waste Management. The Council will take appropriate action.
- d. **ACTION: APPROVAL OF A CONTRACT WITH RINO EXCAVATING FOR THE KNIGHT AVE. 12" WATER LINE PROJECT NOT TO EXCEED \$499,377.50** *Administrative*
The City Council will consider a request to approve a bid with Rino Excavating to proceed with the Knight Ave. 12" water line project and authorize the City Administrator and City Clerk to execute the necessary contract documents for the project. The Council will take appropriate action.
- e. **ACTION: APPROVAL OF A CONTRACT WITH STAKER & PARSON COMPANIES FOR CONSTRUCTION OF THE 2020 ROAD REHABILITATION PROJECT NOT TO EXCEED \$1,025,925.00** *Administrative*
The City Council will consider a request to approve a bid with Staker & Parson Companies to proceed with the construction of the 2020 Road Rehabilitation Project and authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.
- f. **RESOLUTION: FINALIZING AN AGREEMENT WITH JASON MATHENY TO USE PRESSURIZED IRRIGATION ON .57 ACRES OF PROPERTY OUTSIDE CITY LIMITS** *Administrative*
The City Council will consider a resolution finalizing an agreement with Jason Matheny to use pressurized irrigation resources on 0.57 acre of property outside of City limits for one watering season. The Council will take appropriate action.

g. ACTION: APPROVAL OF A ONE-YEAR LEASE AGREEMENT WITH HORSEPOWER FLEET LEASING, LLC FOR THE LEASE OF A FORD F-150 FOR THE AMOUNT OF \$5,000 *Administrative*

The City Council will a request for the approval of a one-year lease agreement with Horsepower Fleet Leasing, LLC for a F-150 Truck for \$5,000 and authorize the City Administrator and City Recorder to execute the necessary contract documents for the purchase. The Council will take appropriate action.

h. ACTION/RESOLUTION: ADOPT RESOLUTION TO AMEND THE SECOND AMENDED INTERLOCAL AGREEMENT FOR JOINT AND COOPERATIVE ACTION OF CENTRAL UTAH 911 *Administrative*

The City Council shall consider adopting a resolution to amend the Second Amended Interlocal Agreement for Joint and Cooperative Action of Central Utah 911. The City Council will take appropriate action.

Council Member Kurt Ostler asked that item 2e be pulled off the consent agenda for further discussion.

Council Member Timothy A. Ball asked that item 2f and 2g be pulled off the consent agenda for further discussion.

Council Member Kurt Ostler MOVED to approve consent items a, b, c, d, and h as listed on the agenda. Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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 4:0.

Item 2e discussion:

Council Member Kurt Ostler said a resident was concerned about the safety of the medians in Highland Boulevard in front of the new Latter-day Saint church building. Council Member Kurt Ostler wanted City Engineer Todd Trane’s input on this issue. City Engineer Todd Trane said one of the access points was covered which was intended. He wanted to sit down with the resident to find out what their specific concern was. He would contact them personally. Council Member Kurt Ostler clarified that this decision would be approving a bid for about \$1 million. He wondered if City Engineer Todd Trane anticipated more projects coming in towards the end of May. City Engineer Todd Trane said this did not include all of 9600 North projects. They saved money from last year in the Road Fund, and he would be back to Council in the next month or two with an update about the project.

Mayor Mann asked if the seal coats were listed as a separate bid. City Engineer Todd Trane said a contractor was looking at the seal coats as well as trails.

Council Member Kurt Ostler asked how soon the trail bid would happen, and if it would be later in the summer or sooner in May. City Engineer Todd Trane said probably first part of June or July.

Item 2f (Matheny item) discussion:

Council Member Timothy A. Ball asked if Mr. Matheny was present. It was noted that he was not. Council Member Timothy A. Ball asked what Mr. Matheny would do when the provision expired: what his source of irrigation would be. City Administrator Nathan Crane said he was planning on annexing and connecting into Lehi.

Item 2g discussion:

Council Member Timothy A. Ball asked why the Council was opting for a short-term lease. City Administrator Nathan Crane said the company offered one-year leases and renewal every year for \$5,000. They wanted the chance to try out the company and did not have funding in Culinary Water Fund for the truck at this time, and this was therefore the least impactful solution. When the utility rate study update came in later this year, they could evaluate whether the City could purchase a vehicle for the meter reading, or if they wanted to continue with this strategy. The company might allow them to buy, but they could not afford the purchase now.

Council Member Kurt Ostler asked if there was a buy-out option after one year, or if the City would need to return the vehicle. Nathan Crane said a buy-out option and early termination were both possible. The buy-out option was based on value of the vehicle at the time. Most people chose the lease option. It cost approximately \$34,000 for a new vehicle.

Council Member Kurt Ostler MOVED to approve items e, f, and g. Council Member Timothy A. Ball and 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 4:0.

3. PUBLIC HEARING/ORDINANCE: A REQUEST BY ROY HUNTSMAN TO AMEND CHAPTER 5 SUBDIVISION OF THE DEVELOPMENT CODE TO ALLOW FLAG LOTS (TA-20-01)
Legislative (10 minutes)

The City Council will hold a public hearing to consider a request by Roy Huntsman to amend Chapter 5 Subdivision of the Highland City Development Code to allow flag lots. The City Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill presented the item: the applicant was part of the Stone Ridge subdivision (5451 West 11200 North). She showed a map of the area in question and discussed the current criteria for proposed flag lots. The majority of other neighboring cities allowed some type of flag lots; however, most cities did not allow them often and had restrictions on creating additional lots.

Police Chief Brian Gwilliam and Fire Chief Reed Thompson had concerns regarding public safety on flag lots.

There were approximately 117 potential flag lots throughout the City based on their current requirements. Planner & GIS Analyst Tara Tannahill showed a map with one flag lot that existed in Highland and showed a map of Pleasant Grove with their flag lots marked. She showed the same images from a street view to demonstrate the difficulty in emergency response access for public safety.

Staff notified the City residents through the Herald Journal and City postings regarding this issue. They received two correspondences from residents which were not in favor of the flag lots. The Planning Commission voted unanimously to deny flag lots. Their primary reasons were emergency response time, potential impacts to surrounding properties, and their opinion that it would not be a quality design for Highland City.

Staff recommended that City Council should discuss if the change was appropriate for all of Highland City. They also generated some potential questions to help with this discussion (included in the packet), along with proposed motions. The applicant was also present to discuss specific questions.

Council Member Kurt Ostler asked how long the one flag lot in Highland existed and how it was approved originally. Planner & GIS Analyst Tara Tannahill said the applicant applied for a variance and it was approved.

Nathan Crane said this was the Lund Property. The owner approached the City to build a detached accessory building for their disabled son in the back. The appeal authority at the time granted accommodations for them. After their son passed away, they approached the Council to allow the lot to continue. This original action was completed prior to 2010, and the Council action was within the last three or four years.

Roy Huntsman said a number of people in Highland had property that could be put to better use. He thought it would be useful to approve this. This property had not been used for forty years, and there was excess property in the back of the home. He felt he would be compliant with code to put a flag lot there even without a statute, but they wanted City's approval so other people in the future could benefit from their precedented decision. The three things that the City identified as issues (neighbors not liking it, etc.) could be addressed on case-by-case

basis. As far as emergency response times, some of the examples demonstrated from other Cities did not have clearly marked addresses on the curbs which is a change that could be an added provision eliminating this issue. He felt there would not be too many lots, and therefore the emergency personnel should be familiar with the existing flag lots and their addresses. These issues could be overcome with a little consideration. He wanted to beautify his property and felt that two houses on one and a half acres was not too crowded. He mentioned the Highland Town Center had higher density. He felt that with R-1-40, if it worked maybe this was something that could be expanded and did not think it was a bad thing.

Mayor Mann opened the public hearing at 7:35 p.m. and called for any citizens who would like to speak on the item to state their name for the record.

Citizen Comments:

Brian Braithwaite was concerned about a couple of things. He felt this was a huge decision for the City, and the issue needed to be looked at holistically and be addressed in the City's General Plan. They needed input from the residents because there was a high potential for unintended consequences. This example was actually a detached apartment and was never intended for another family to permanently live there. From his standpoint, this had a potential to impact other homes, and therefore, if the City wanted to move forward with this, they must have public input because it will impact several lots. There were unintended consequences, zoning issues, density, etc., that the City just really needed a broad view from the Highland public. He thought it would be best to bring this item back when they looked at the General Plan.

Wesley Warren was concerned about the street facing part of the flag lot. It was often unattractive and unkempt. He asked if there was a way to have standards requiring the flag lot to be aesthetically pleasing on the street facing areas.

Planner & GIS Analyst Tara Tannahill responded that it was possible to make stipulations such as 70% of the front yard required to be landscaped.

Mayor Mann closed the public hearing at 7:45 p.m.

Council Member Brittney P. Bills said there were so many other lots that would be affected by this decision: 265 lots and surrounding lots. This could be expanded beyond what the people of Highland were comfortable with; the public wanted larger lots. The primary aspects she considered were that Public Safety and the Planning Commission were unanimously opposed.

Council Member Kim Rodela said that she and Council Member Brittney P. Bills met with Roy Huntsman and walked the lot in question. It would be a great way to beautify the area, to have the mother-in-law house in the back, and she was excited about the possibility. Her primary concern was about opening up a can of worms because of the 265 other properties that could come after them. Public Safety, Planning Commission, and Staff felt that when the City reviewed the General Plan, they could go back and discuss this item then. For the time being, the City could not approve this case-by-case.

Council Member Kurt Ostler lived on a flag lot at one time and liked the private drive. However, the neighbors did not like it. Twenty-six of the homes that could potentially have a flag lots were in the neighborhood next to his current home. He talked to property owners in this area. Property owners liked the idea of options, but when he talked with neighbors directly behind the possible flag lots they were opposed. The reason residents did not like this idea was that they felt it was taking away the privacy and space of large lots. When the Planning Commission voted it was a unanimous decision. They also had a letter of concern for public safety (including depth of lots, fire hydrants, turning vehicles around, etc.). Staff gave them a recommendation to deny. He was strongly not in favor of flag lots.

Council Member Kim Rodela asked if there was a better option for the applicant than to put two houses on the lot. Council Member Kurt Ostler suggested that this question be deferred to City Engineer Todd Trane.

Planner & GIS Analyst Tara Tannahill said to access the back he would need to purchase property from the church next to him and apply to amend the plat and then add road width on the side to make it accessible.

Council Member Kurt Ostler felt property owners were aware of what they purchased. He felt they were not harming property owners by limiting expanding that lot.

Council Member Timothy A. Ball said he was from Los Angeles and did not think it was good for the City to set the precedent. They could not go on a case-by-case basis for approval. This needed to be amended in the General Plan, but as it was then, it was not in accordance with the plan or the City.

Council Member Kurt Ostler MOVED that the City Council DENY case TA-20-01 a request for a text amendment to allow flag lots based on the following findings. Planning Commission gave denial, there was public safety concerns and we did not believe it met with the current code or the setting of Highland. Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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 4:0.

4. PUBLIC HEARING/ORDINANCE: A REQUEST BY HIGHLAND CITY STAFF TO AMEND TABLE 3-47A OF THE DEVELOPMENT CODE RELATING TO TABLE OF USES (TA-20-05) *Legislative (5 minutes)*

The City Council will hold a public hearing and consider a request by Highland City Staff to amend Table 3-47a of Highland City Development Code. The Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill reviewed this table's connection with the Town Center overlay zone. She proposed that all the other uses for the other zones were removed under this table because it was never formally adopted under those zones. The zone, as such, circumvented land use listed under Table 3-47A. This only pertained to the Town Center Overlay zone.

Mayor Mann said this was an example of Code-cleanup.

Planner & GIS Analyst Tara Tannahill said for citizen participation, they notified the Planning Commission and City Council in the *Daily Herald* and City website postings. Staff had not received any written correspondence on this issue. The Planning Commission did review the agenda item on March 24, 2020 and voted unanimously to recommend approval due to the current code having sections contradicting each other and the land use was not formally adopted as listed in Table 3-47A. For the Council, Staff recommended that the City Council discuss at public hearing and then discuss the issue on their own, followed by a motion.

Mayor Mann opened the public hearing at 7:57 p.m. 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 7:58 p.m.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve the proposed amendment based on the following findings. The amendment was needed to update the Development Code. Council Member Kurt Ostler 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 4:0.

5. PUBLIC HEARING/ORDINANCE: A REQUEST BY MAYOR ROD MANN TO AMEND SECTION 3-712 AND SECTION 3-714 OF THE

DEVELOPMENT CODE TO PROHIBIT TEMPORARY SIGNS ON PUBLIC PROPERTY (TA-20-06) *Legislative (15 minutes)*

The City Council will hold a public hearing and consider a request by Mayor Rod Mann to amend Section 3-712 and Section 3-714 of the Highland City Development Code to prohibit temporary signs on public property. The City Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill read the proposed wording: To remove temporary signs on public property. The first reason to remove this was because they could not restrict based on content (so this item would then update that wording). It would also add that temporary signs shall not be permitted on public property (3712.6). An additional amendment exception was added: under 3.714, temporary signs for City sponsored events would be placed in areas designated by the City for such purposes and approved by the zoning administrator. This wording was compared with other cities. The previous attorney recommended removal of temporary signs to Council because other case studies determined that the placement of signs on public property conflicted with the Constitution. Having temporary signs and political signs on public property also created maintenance issues for Staff, by having to remove the signs during mowing for example. They notified the public for City Council through the *Daily Herald* and on the State and City websites. There were two comments received in favor of this amendment, and one comment not in favor of not being able to place signs in the mow strip in front of their home. The Planning Commission at their March 24, 2020 meeting voted unanimously to recommend approval because of maintenance issues and because it incentivized candidates to have a conversation with residents to be able to place political signs on their property. She proposed recommending the approval to the City Council.

Nathan Crane said addressed two items that would be added to the proposed text amendment:

- 1) 3-712.6e: Political signs shall not be permitted in the park strips directly in front of the home, without the permission of the occupant of the adjacent home.
- 2) 3.712: Temporary signs shall not be permitted on public property including all parkway easements or rights of way owned or controlled by public entities.

Mayor Mann opened the public hearing at 8:05 p.m. and called for any citizens who would like to speak on the item to state their name for the record.

Citizen Comments:

Brian Braithwaite felt that public signs turned into a mess; however, it facilitated participation and engagement from residents and candidates. He proposed that the City Council have three specific locations for placing signs: SR92, SR74 and North County Boulevard. He suggested limiting the signs to a physical location and to limit the square footage of signage. This eliminated the problem of having signs everywhere. He wanted to see more signs on personal property because it meant candidates actually went and talked to residents. A parkway strip restriction should be removed because no one was enforcing it. Most people felt that the parking strip in front of their home was part of their property.

Mayor Mann said the Council received one positive phone call and one negative email about this issue.

Mayor Mann closed the public hearing at 8:10 p.m.

Mayor Mann said this was a request based on information he received from residents. The difficulty they had with restrictions on places or times was influenced by the fact they could not restrict content. If the City allowed this for political signs, for example, they would need to allow this for all signs. Having signs on public property was problematic in general. It would reduce the cost of campaigns; political campaigns might feel the pressure to do mailers instead. Signs did not apply to just political speech, but it applied to all speech. Candidates from outside of Highland, from general or State offices for example, could list their signs and be difficult to control if the City did not have set regulations.

Council Member Timothy A. Ball asked why the City could not distinguish between political and private business activity signage. Private business activity was primarily what the City was all about as a municipality. An attended said a Supreme Court case ruled that a City could not differentiate based on content.

Council Member Kurt Ostler asked if they could allow for political signs in certain areas and then not allow other signs in that area, and if there could be a specific time certain signs were allowed (for example, only during City elections). He asked if the City attorney could provide advice on this.

City Attorney Rob Patterson said the concern with political signs was that they were protected for free speech reasons. A City could limit signs due to maintenance, aesthetics, etc. The problems came when a city tried to single out different kinds of speech. For example, he would not recommend saying “city municipal elections can have signs, but no other political conversation...” This was picking and choosing based on the content of the speech. The Council could designate certain areas for signs, but the discretion involved was worrisome. If the sign posters needed City approval, or if there was a challenge by a resident, an individual could easily argue the City was trying to limit their free speech through undo restrictions.

Council Member Kurt Ostler asked if the City designated an area along a certain road (maybe 50 yards) and only one campaign sign per area (32 square feet) if that would violate the law. He suggested it could be any level of political sign. He wondered if that would meet the legal requirement, or if businesses also had to have signs in that same space.

City Attorney Rob Patterson said it would still be limiting speech. He asked how the City justified where signs could be placed. He said it made senses as a whole if the City considered maintenance or aesthetics.

Mayor Mann asked how the City was going to enforce this. It seemed simpler just to say no.

Council Member Brittney P. Bills asked if it mattered if the signs were on a State road, County road, City road, etc.

Council Member Kurt Ostler asked if all roads needed to be mentioned in the wording. City Attorney Rob Patterson explained that “parkway detail or easements owned by public entity” would be the wording. The Council wanted the wording to be broad enough so that they were hitting these issues, for both the temporary and political sign clauses.

Council Member Kim Rodela asked about park strips on sides of houses. He asked if a resident could use the park strip on the side of their home for signs since the language said in front of the home. City Attorney Rob Patterson said that the Council could write “the adjacent home” because the resident would then have two park strips that were adjacent to a corner lot.

Mayor Mann said the change in the EU would then read “political signs would not be permitted on areas adjacent to a home unless permitted by the homeowner or occupant.”

Brian Braithwaite said that they had the ability to mark time, place, and manner: the three main pieces from a legal standpoint. He thought it might be good to try and limit to a smaller area or a specific place designated for signage. There was an ability for the Council, based on time, manner, and place, to amend this, but they had to be careful about how they did it. He did not like the free for all sign posting. He wanted a space for residents to talk to candidates. There could be minimal impacts with County or State candidates.

The comment was made that making exceptions created enforcement problems.

Brian Braithwaite said it was hard on maintenance and was a balancing act. He was interested in helping staff. Mayor Mann disagreed.

Council Member Kim Rodela remembered driving around Orem and they did not have signs anywhere except for designated areas. They had signs only in front of City Hall. She hated having her political signs everywhere. It was a waste of money. She was in favor of having a designated location. She said a political race should not be about who had the most money to pay for signs.

Council Member Kurt Ostler said one concern he had was having signs removed. He would be in favor of finding areas where they could post signs (SR92 maybe). He wanted to find an area this could work and come up with criteria where it was only during a certain time and in a certain place, and limit posting to one sign per person.

Police Chief Brian Gwilliam said the enforcement issues were a problem and waste of time and resources regarding this issue.

Council Member Timothy A. Ball thought the Council should accommodate signs in designated areas.

City Attorney Rob Patterson said if they allowed certain signs in an area, they must allow all types of signs. If they designated a certain area, that worked, but cautioned the Council to think through why a certain area would be appropriate for all signs. The City could place a

sign on City Hall buildings, but residents cannot place signs on City Hall buildings. They could not advocate for positions, but they could have a sign.

Council Member Kurt Ostler asked if this also possibly involved Arts Council. There were other signs for plays, etc. but he did not want to shut of parts of public speech.

Mayor Mann said Highland was one of the few cities that allowed signs on public property anyway. He asked if there were the other cities harmed because they did not allow signs. He felt they were not harmed. City Attorney Rob Patterson was not aware of any cities that had a designated a space for signage.

Nathan Crane said this put staff in a difficult situation, because there were only certain prime spaces for signs. When people put a lot of signs in one area, it did not help parks crew maintenance.

Council Member Kim Rodela would prefer doing nothing about this issue. She would like to get rid of signs all over Highland City. She wanted to let people vote based on signs in people's yards, rather than large signs or how many signs a candidate could afford.

Council Member Brittney P. Bills said she agreed that if the vote was all or nothing, then she would vote nothing. Campaign flyers were more effective than signs.

Council Member Kurt Ostler said signs were about noticeability. Candidates could not knock on every door. Signs did help. If they were an incumbent, however, they had a direct advantage in the election because they were better known.

Mayor Mann said other cities did not allow signs and he did not hear complaints from those cities.

Council Member Timothy A. Ball thought this was an infringement of first amendment rights. He liked Brian Braithwaite's idea. The Council could execute this in an orderly way.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve the proposed amendment based on the following findings:

- 1. The amendment is needed to update the Development Code.*
- 2. Political signs shall not be permitted in the park strips directly in front of the home, without the permission of the occupant of the adjacent home.*
- 3. Temporary signs are not permitted on public property including all parkway easements or rights of way owned or controlled by public entities.*

Council Member Brittney P. Bills 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>

Council Member Scott L. Smith *ABSENT*

The motion passed 4:0.

Council Member Kurt Ostler MOVED TO AMEND the motion to include that City staff establish 4 areas of 50 ft. each along SR92, SR74, North Utah County Blvd, and 11800 N in Highland in which one sign, up to 32 sq. ft., per candidate per area, with a maximum of 4ft. x 8 ft. Signs are permitted to be posted up to 45 days before the primary elections up to 45 days before the general elections. Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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 4:0.

After additional discussion, at the end of the meeting the City Council voted to CONTINUE the decision regarding the amendment to Section 3-712 and Section 3-714 of the Development Code to prohibit temporary signs on public property. See additional discussion and the motion on page 21 of this document.

6. ACTION/ORDINANCE: A REQUEST BY HIGHLAND CITY STAFF TO AMEND SECTION 13.52 OF HIGHLAND CITY MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION (TA-20-09) Legislative (10 minutes)

The City Council will consider a request by Highland City Staff to amend Section 13.52 of the Highland City Municipal Code relating to flood damage prevention. The City Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill noted that on November 20th, 2001 City Council adopted the Flood Damage Prevention Ordinance to enroll in the National Flood Insurance Program. This allowed citizens to purchase flood insurance for their homes. In 2019, FEMA sent a letter to Highland City requiring the City to update the ordinance to continue in this program. They also noted that number of definitions needed updating. The proposed amendment was also under 13.52.20 and essentially removed the decision from October 15th, 1982 and would change the date to June 15th, 2020, which was the effective date. Staff made these recommendations at this time.

Council Member Kurt Ostler MOVED that the City Council accept the findings and adopt the ordinance approving the amendment to Section 13.52 of the Highland City Municipal Code pertaining to Flood Damage Prevention. 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 4:0.

7. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

a. Discussion Items

- 2020-2021 Budget – Gary LeCheminant, Finance Director

Finance Director Gary LeCheminant showed a slide of the Highland Tax Revenue from June 2005 and June 2008. Their revenue went down to \$1.5 million and did not fully recover until 2014. There was a question as to how the pandemic was going to affect the budget. April, May, and June would be about 50% lower in sales tax. They already had a loss of \$240,000 in the General Fund this year.

Next year's budget included 0% salary increase and Finance Director Gary LeCheminant forecasted property taxes as flat, which was conservative, even though the certified tax rate would likely build more revenue. He showed a 10% decrease in sales tax collection than his estimate before COVID-19 came in.

General Fund Revenue: \$9,757,816

Expenses: \$10,024,440

Net income: \$266,624; based on how much would be lost from sales tax revenue.

Mayor Mann clarified that in these numbers, Finance Director Gary LeCheminant presumed there was no loss in property tax. Finance Director Gary LeCheminant said this was correct. Property taxes went up from 2008 to 2009, but there could be a delay in collecting the money. The fluctuation of the economy was anybody's guess at this point. There was a huge drop in sales tax. The City needed more information by middle of May, and then the final budget might be adjusted more accurately for the future.

Council Member Scott L. Smith arrived 8:52 p.m.

Finance Director Gary LeCheminant said the City paid for the 401K and retirement contributions: the total cost was \$386,000 and would remain unchanged. He explained that property taxes should not change for next year. The Certified Tax Rate would be about \$1.81 million in May and depending on how difficult personal taxes were, there might not be a big difference in the future.

Sales Taxes: Finance Director Gary LeCheminant shared the history of sales taxes from 2016 to 2020. Before COVID-19, there was a 6% increase for 2020, and after COVID-19 he

estimated a 10% decrease. He did not know if they would lose more than 10%, but that was what sat in the budget at this time.

Regarding impact fees, the City may need to pay from the General Fund to make the bond payments because building permits were estimated at 75 permits and after COVID-19 there was an estimated 40 permits.

Other Permits (housing, solar, building, fence, etc.): In 2016 Highland had \$571,000 in revenue with 543 permits. It went down from 2016 and added in a placeholder of \$280,000 budgeted as revenue for 340 permits in 2021.

Regarding enterprise funds, the Sewer Fund had a net loss of \$2.2 million. Pressurized Irrigation had a net loss of 1.85 but had \$2.5 million in capital expenditures scheduled for next year. Storm Sewer had a loss of \$64,000. Culinary had a loss of \$451,000, plus another \$55,000 in system repairs.

For April 2020, Highland collected \$3,000 lower February sales tax compared to the data from April 2019 (which was not a huge drop, yet). There was usually 25% that came from Highland City and 75% from the State.

Council Member Scott L. Smith said it seemed like businesses in Highland were busy, so the loss of sales tax did not seem as big of a concern.

Finance Director Gary LeCheminant said this was the unknown. Grocery stores were not going to take a hit. Restaurants sales tax was going to drop. Sales tax on the whole going to drop. He was not sure how much it would drop.

Nathan Crane said the State reported that grocery stores were doing well. Car sales were not doing well at all, however. He tried to work with the Tax Commission to get projections hopefully by end of the month as far as sales tax revenues went. Highland should be ok. Most of their revenue came from grocery stores. The 75% loss on the State side was going to hurt much more. The high unemployment rate (5,000 people per day applied) indicated that even when businesses opened again, the economy would not come back over night. Sales tax already started dropping even before lockdown began in March, because people were nervous to go out in public. He discussed this with other cities; some projected a reduction of 30% in sales tax revenue, some 7%-15% for next year overall in reduction. They were trying to be conservative because it was easier to add then subtract. The 10% that Finance Director Gary LeCheminant mentioned was based on what they believed their actuals would be this year.

Finance Director Gary LeCheminant said he talked to UDOT about the B&C road funds. The City got the B&C road money every other month, so they got March and April's payment in May. They were only expecting a 3% decrease. But in regard to the May and June collections they received in July, they had no clue what kind of drop there would be and were therefore not forecasting. The Road Construction Fund would lose money. The General fund would be whole if the B&C were greater than \$280,000, which paid for tasks such as road striping, snow removal, a portion of salaries, etc.

City Engineer Todd Trane said if B&C road money came in lower, Highland City did not have as much money for their preservation projects, such as seal coat and road rehabilitation.

Council Member Kurt Ostler asked if they still had road repair funds from residents. Finance Director Gary LeCheminant said they collected about \$1.2 million a year in road fees (which was not from the B&C funds).

Council Member Scott L. Smith asked if the new County .25% tax that would have been used for roads and trails would change. Finance Director Gary LeCheminant said Highland had about \$160K in that fund. He left that item flat for next year's budget. He did not know if that would drop more the next year or not.

- Construction Project Update – Todd Trane, City Engineer

City Engineer Todd Trane gave an update on a few of the projects currently in design or construction. Broad Leaf Channel said this channel was located just below 11800 N. Council reviewed it a few times. It had some erosion issues. They needed to wait until the runoff was done, and then have it constructed in the late summer or fall.

Regarding Viewpoint Flood Control, the design was complete, and they had funding through NRCS, and would be completed this summer.

Regarding Knight Avenue Water Line, this would start as soon as possible now that school was out due to COVID-19. They will give the applicant their Notice of Award tomorrow and let them start construction earlier.

Regarding Canal Boulevard, UDOT's bid process takes about four weeks. Next Tuesday the Council would know about the total costs. All the property was acquired. They worked with the ombudsman with the State who was working on the final proposal with the HOA property. He would like to have the property done before they started the project.

Council Member Kurt Ostler clarified that all property was acquired except with HOA for Canal Boulevard. City Engineer Todd Trane said yes, but HOA had an agreement to let the City on property and then they would work on the price of the property. The appraisal, as outlined through in agreement, was almost complete. Council Member Kurt Ostler asked who determined the price. City Engineer Todd Trane said the ombudsman hired Phil Cook, an appraiser. He looked at appraisals and had experience with UDOT. They took either the average or the lower cost of the two appraisals that came in. There was no negotiation; it was a set price through the UDOT process.

It was noted that 6800 West was almost complete. They hoped to have final plans and move on to advertisement shortly. COVID-19 made it difficult to visit to some on-site locations to survey impacts. He created individual sheets for each property which he would send out via email to the public and hoped to have conversations with residents from that. 9600 North

Sewer was a priority with Boyer Company, but it was pushed off until the fall and winter because Boyer slowed down.

Council Member Kurt Ostler asked why Boyer was slowing down. Nathan Crane said Boyer was originally starting a strong effort late fall 2020, but this was pushed to winter or spring. They discussed trying to coordinate and complete the Murdock Connector. They were very positive on the site. This was based on the economy slowing at the time. Some of the development still had unknowns.

City Engineer Todd Trane continued with Road Projects: \$1.2 million was approved today, and his estimate was about \$1.3 million. He asked if there were questions. 11800 North, Highland Blvd, 9800 North were listed.

Council Member Kurt Ostler asked if costs went down because oil prices went down. City Engineer Todd Trane was impressed with their bid. Oil bids were lower across the board, as was labor. Some contractors were up near his estimate. He thought the City would see fairly good prices over the next few months. He was a bit worried about the Canal project but was now seeing great prices.

Council Member Kurt Ostler noted that the Dry Creek Lake was going pretty heavy. He asked if Lehi asked about the connection trail over the pipe. City Engineer Todd Trane said yes, and he did not include it in the list originally because he did not have anything to tell the Council. He walked the alignment with Warren Powell (Lehi), and they were not happy with pipe alignment. Warren Powell would change that and give Highland an updated plan.

Regarding the Sewer Lining Project, these lines were located in Pheasant Hollow and the Country Club. One small section was completed in Pheasant Hollow, the rest were in Hidden Oaks. The same company that did the sewer line last year would be doing this year's project, too.

Regarding the Victor View Lift Station, the screen they added seemed to be working. They met with residents to get property easements. He hoped to have a plan for Council soon.

Regarding the Culinary Well #2, Timpanogos Highway at mouth of canyon was almost complete. July 1st was the completion date, but it would probably be up and running by June 1st.

Regarding the 11800 North Well, Pressurized Irrigation Well; they saved some money by tearing down the corner of the building. They would be installing the pump back in vault this week.

Regarding the Park Works Building, The Salt building was almost complete. It would be completed in next couple of days, then they would begin landscaping.

Regarding the Parks Maintenance Building, they were looking at other options because the bids were too high for the Council.

Council Member Scott L. Smith asked if they had given up totally on Mountain Ridge Park for the Park Maintenance Building. City Engineer Todd Trane did not think the City had the money. The bids came back at about \$1 million and presently they had \$300,000. Council Member Scott L. Smith asked what the storage options were then. He suggested the mouth of the canyon. City Engineer Todd Trane said they were looking into something temporary to cover equipment. They would bring that back to Council.

Council Member Kurt Ostler wanted to know if there was an update with the Spring Creek Park. City Engineer Todd Trane said Josh was helping with inspections at that location.

Nathan Crane said he was out there a few days before, and they brought some fill in. They did not have an update from the contractor recently but were still planning on substantial completion by June.

City Engineer Todd Trane added that there was a lot of money in the budget for trails. Planner & GIS Analyst Tara Tannahill put together a plan a plan similar to the plan for the roads. They were categorizing trails, arterial trails, neighborhood trails, and the condition of trails. They also were working to get data on trail usage with trail counters, which would dictate what trails required what treatments and when. This was an engineering-based plan, which should be completed in the late summer. He worked with Parks, Trails, and Tree Commission. This would not be completed until the next fiscal year. He asked Planner & GIS Analyst Tara to identify “good” trails with minimal issues and they would provide surface treatments. They spent close to \$100,000 on seal coats and crack seal. They would bring this back to Council once they received bids, and the residents would see how the Council was spending money and doing the best they could.

Council Member Kurt Ostler sent him an email about the weed abatement, and he noted that City Engineer Todd Trane responded stating they did not have any budget for weed killer or staff. City Engineer Todd Trane said what they did in the past for weed control was minimal. Essentially, two to three times per year they weed-wacked. As he saw it, there was no budget for a weed killer. The budget for weed killer was for maintained area only, not for open space area. In regard to manpower, it was hard to find seasonal employees only. This year might be easier than others. Council Member Kurt Ostler said they had about \$135,00 in the budget for trail maintenance and that they could maybe put some of that funding towards weed abatement. City Engineer Todd Trane said the Council needed to be careful. The funding from the .25% tax had to be used for transportation specific things. He asked if they could use the B&C road money toward trails. Finance Director Gary LeCheminant said no they could not.

Council Member Scott L. Smith discussed the possibility of asking resident volunteers to maintain parts of the trail. City Engineer Todd Trane said they picked up trash when they mowed. When it was only two or three times per season it was difficult.

Nathan Crane said they tried to create a formal adopt a trail program and it did not take off. City Engineer Todd Trane said a lot of residents of Highland did take care of their section of the trail by their property.

- Happy Trails Highland PTTC Activity Report – Kim Rodela, Council Member

Council Member Kim Rodela said with everyone home she started an adopt a trail program with the Parks and Trails Commission. The project was called Happy Trails Highland, and people posted pictures of themselves cleaning up trails. They created chalk art on the trails. There were three winners of the contest who submitted their artwork and kids cleaning up trails: Angie Smith, Ashley Sorensen, and Amy Grenie-Fredrickson, who won bags of Costco candy and gift cards. One of the greatest things about this was that people were getting out on the trails and seeing what needed to be done. It took the community to clean up the trails, and they needed to come together.

Council Member Scott L. Smith said he and his wife walked along the trail by Caddie Lane near the Cedar Hills golf course and noticed homes with rock walls. People had taken rocks and painted slogans and uplifting messages. He asked if that was part of this project. Council Member Kim Rodela said it could have been.

- Fling 2020 – Corrine Prestwich, Civic Events Planner

Assistant City Administrator Erin Wells said they were getting mixed messages from the State. In the 2.0 plan from State of Utah, the recovery stage was estimated to end in September. They could not do events in the typical manner without physical distancing. The State said to not cancel summer plans yet, however. The State Committee was working on how to handle City events. They needed to start working on a plan to reduce contact and social distance during events. A magazine needed to be printed late May or early June. Sponsorships were difficult to get without a plan. They had about \$16,000 budgeted from past experience. They spent about \$60,000 on the Fling, but the revenue covered many of the costs.

Civic Events Planner Corrine Prestwich said they needed to think about scaling back the week of the Fling and hold Friday and Saturday events only. Drive-in movies were popular recently. Maybe these could expand throughout the week but keep people in their cars. Some events would be moved to the Fall. They could, for example, combine the fireworks with Pumpkin Walk in October if they were not able to gather together as a City in August. They could possibly even hold a Back-to-School City party in mid-August. They could also have virtual events: a virtual 5K, virtual talent show, classic car parade that drove through neighborhoods, virtual food drive, etc. Events were meant to unite people.

Council Member Kim Rodela loved the classic car parade and drive-in movie ideas. Wesley Warren wanted a fall Fling. They needed community and to help hold the City together.

Council Member Scott L. Smith asked what other cities were doing. Lehi moved their festival into August. He felt that in the summer there would be a drop in virus infection rates. Fall's infection rate could worsen, so keeping small events in the fall was preferable. People would likely not just stay in their cars. The summer months would be different than now. He cautioned about the possible increase of infections in the fall, because a second wave could come out before the vaccine.

Civic Events Planner Corrine Prestwich said some cities had outright cancelled their activities and moved to virtual activities. They were all hoping for an early recovery phase. Orem and Pleasant Grove both cancelled events. It took three months of planning to pull off a City event.

Mayor Mann asked if businesses would be able to sponsor or sponsor as many funds as they had before. Council Member Kurt Ostler said they raised about \$30-35,000 last year for the magazine. Civic Events Planner Corrine Prestwich added extra revenue from the magazine helped pay for other events related to the Fling.

Council Member Kurt Ostler said Eagle Mountain and Orem cancelled all summer events, and the American Fork Fun Run was also cancelled. If everyone was waiting for August, the City would then compete for parade participants and entertainment with other cities. A drive-in movie would do well. One night with a big firework show could work.

Civic Events Planner Corrine Prestwich said their budget was \$16,000 out of the City budget, plus whatever they raised through sponsorships. They operated at about \$60,000 last year. Fireworks and entertainment on Saturday were a big part of the budget, so if they cut out some of the all-day entertainment on Saturday, that took about \$8,000 out of the total budget. The drive-in movie was a big hit, so instead of Monday movie in the park, they could have a family night, a teen night, etc. She worried that people would not come to traditionally held events because of their individual comfort levels. Council Member Kurt Ostler said people could stay in their cars. The City could host drive-in movies once per month in June, July, and August. People were starting to move a lot more as it warmed up.

Assistant City Administrator Erin Wells said Civic Events Planner Corrine Prestwich would get creative and keep planning. They were in a holding pattern and would have more information in two or three weeks from the State. They would let the Council know how things progressed.

Council Member Brittney P. Bills also suggested that they needed to use the money the City had in the best way possible. Fireworks were more expensive than a movie for example, so they should stay on a fiscally conservative end. Council Member Kim Rodela agreed. Some of these ideas were pretty inexpensive already. Council Member Kurt Ostler was concerned about buying licenses for certain movies. Residents wanted to see the City as financially responsible.

Mayor Mann had a conversation with Brad Frost, the Mayor of American Fork, who allowed residents to hold marriages and funerals in City buildings. Groups of no more than ten for

now, but this could change as they progressed to normalcy. Residents were required to sanitize afterwards. He thought Highland could use their Community Center for something like this.

Assistant City Administrator Erin Wells had concerns with this but thought it was doable. Ensuring that no more than ten people attended, and that proper cleaning happened afterward, was difficult. If the City did not charge, but required a staff person to be present, then they were losing money.

Council Member Kurt Ostler noted that the City was heading into warmer weather. People could hold these events inside. This was a unique situation, and the City needed to show they were supporting the people. Funerals and weddings trumped piano recitals. Costs and clean up concerned him. City Attorney Rob Patterson had no concerns over giving preference to weddings and funeral and to not allow other activities.

Council Member Brittney P. Bills thought it was okay to have a fee to clean. She asked if this was temporary and would end when social distancing orders ended. She also said Wes Warren offered to help to the Parks and Trees Trails Commission do their inventory of open space and trails for trail maintenance.

Council Member Brittney P. Bills wanted to return back to the sign motion (*previously discussed on page 14 of this document*). She asked that City Attorney Rob Patterson look at the sign motion and noted that the Council just threw out some numbers. She felt they made that decision in a hurry without a lot of research and wanted to check numbers on the square footage of signs and spaces. Council Member Kim Rodela asked to add research from other cities on this issue to the list for City Attorney Rob Patterson.

Council Member Kurt Ostler supported that wholly. Another way to rephrase his proposal could be to add permits as a connection to an application brought to City Council.

Council Member Brittney P. Bills wanted to improve the situation, so the location was aesthetically pleasing and was not possible to place fifty signs crammed in one area.

Nathan Crane asked if Council wanted to continue the item and bring back report. Council Member Scott L. Smith noted that he was not involved in the earlier discussion. He did not like the clutter, but it was still a free speech issue. He wanted to go back to continue and have Staff provide more research.

Council Member Kurt Ostler said they reviewed a portion of the previous motion for Council Member Scott L. Smith's information. They wanted to clean it up correctly so they could do it right.

Council Member Brittney Bills MOVED to reconsider and continue the discussion of Item 5 to allow for more research. Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

b. Future Meetings

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

8. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

At 10:25 p.m. Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation; strategy sessions to discuss the purchase, exchange, or lease of real property as provided by Utah Code Annotated § 52-4-205. Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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.

ADJOURNMENT

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

The CLOSED SESSION adjourned at 12:07 a.m.

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 12:08 a.m.

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 April 21, 2020. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder