



# HIGHLAND CITY

## HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 2, 2020

Approved July 7, 2020

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

This meeting will be held as outlined by the State of Utah's guidelines for the Low Risk phase for the COVID-19 pandemic. Individuals, especially those in a high-risk category, are strongly encouraged to participate in the meeting virtually via YouTube live at <http://bit.ly/HC-youtube>. If individuals participating electronically would like to make a comment during the Unscheduled Public Appearances section of the agenda or during one of the Public Hearings, they may call 1-346-248-7799 and use the Meeting ID: 839 5020 4142. Comments may also be emailed to [Council@highlandCity.org](mailto:Council@highlandCity.org) prior to the meeting.

**PRESIDING:** Mayor Rod Mann

### COUNCIL MEMBERS

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

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

**OTHERS PRESENT:** Brian Braithwaite, McKay Christensen, Zane Muhlestein, Cristy Henshaw, Stephen Christensen, Daniel Hancock, Marsha Gustafson, Tavis Timothy, Steve Jackson, Aaron Murdock, Stephen Babb, Harry Thomas, Brent Wallace

**PRESENT ONLINE:** Mark and Debbie Whittington, Earl Simmons

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

Call to Order – Mayor Rod Mann

Invocation – Cristy Henshaw

Pledge of Allegiance – Daniel Hancock

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 p.m.** The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Highland City resident Cristy Henshaw and those in attendance were led in the Pledge of Allegiance by City Youth Council Representative Daniel Hancock.

## **1. UNSCHEDULED PUBLIC APPEARANCES**

Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

Mayor Rod Mann announced that it was time for unscheduled public appearances, but first wanted to thank the residents of Highland for being kind and civil during discussions over the last week in light of public events and civil unrest across the country. He mentioned how upsetting he had found the video of George Floyd and expressed gratitude to Highland residents for their ability to hold a difference of opinion and express different viewpoints without becoming angry towards one another.

Brian Braithwaite, Chair of Parks, Trails, and Trees Commission spoke next. He had been asked by the Council to work with the Wildrose Park subdivision and Fairfield Cove PD to improve the Wildrose Park. He asked for feedback on the project, and specifically for parameters in regards to the budget. He stated that he was intending to spend \$60,000 and wanted the Council's opinion if this was an appropriate amount. After a brief discussion, it was decided that the matter would be debated further by the Council and the issue would be placed on the next agenda for a more formal discussion.

Cristy Henshaw introduced herself as a Highland resident of 13 years. She mentioned that she was usually more politically involved, but as of late had been busy with kids. She said that as she looks at the events happening in the world she looks for areas where she might have some control at the local level. She discussed how panic has brought out what people hold dear, and she hopes that at a local level people can discuss things they value and credits Highland as she has never had to come to the City Council with an issue before. She was glad that people were getting more involved in government and, on a broad scale, hopes to broach a conversation about personal and property rights. She mentioned that she might want to pass a resolution from the City or the County about what residents collectively feel about the issues currently going on in the country. She wants to have a more in-depth conversation about what residents of Highland feel are important to protect.

## **2. PRESENTATIONS**

### **a. YOUTH COUNCIL PRESENTATION - *Highland City Youth Council Representative***

Daniel Hancock from Highland City Youth Council spoke next and said he was glad that despite the uncertainty in the world the committee was still able to hold events. On May 7<sup>th</sup> they hosted a Kahoot game night and had prizes for 7-12 graders in Highland. He mentioned that although he did not attend that event, he did go to a City cleanup on the previous Saturday and was glad to be back with fellow Council members and serve his community again. He was unsure exactly what events can be held next due to COVID-19 but hoped that there would be more soon.

### **b. VICTOR VIEW LIFT STATION - *Steven Jackson, Jackson Engineering***

City Engineer Todd Trane introduced Steven Jackson and stated that the Council had asked Mr. Jackson to look at the lift station and give a presentation about it, as they had been having issues with it for some time. City Engineer Todd Trane said that Steven Jackson was an expert on the subject and had been a civil engineer for 29 years.

Steven Jackson said that the station was at the end of a cul-de-sac and was built in 1995, providing service to 52 homes. He said that the 20 years that the station had been around was the expected lifespan of some of the parts in the station. He mentioned that the sewer had flooded in 2007 and that check valves had been installed in the last homes of the cul-de-sac. He referenced a photo of a pump on the screen that showed the manhole cover on the floor that led to what was called a wet well. He stated that a partition had been installed by public works to keep out wipes and rags. He showed another photo that demonstrated how many rags had accumulated in the well after a span of two days. He shared a video of how the pumps worked, and explained the pump spun to

create a vacuum that caused sewage to be sucked out of the well into a discharge pump where it eventually reached the sewer line and was taken away by gravity. He stated that rags and wipes could obstruct the ability of the pump to spin and create suction, and so there was no force to propel sewage out of the well.

Council Member Kim Rodela mentioned that the problems had only been prevalent since last October and asked if the issue was pump failure or a result of excess materials being thrown down the toilet. Steven Jackson responded that excess debris was likely the cause of recent issues and that a shallow wet well, like the one in the lift station, could also reduce the life of the pump. Steven Jackson recommended installing a grinder, which was a device with interlocking teeth that could help to break apart debris before it entered the pump.

Steven Jackson showed records of the October to February labor hours at the station which showed a disproportionate amount of time had been spent by the staff before the addition of the partition. Since the installation of the partition, the staff visits to the lift station had dropped from every day to about once or twice a week. Mr. Jackson mentioned that it was uncommon to have to visit a station so frequently. City Engineer Todd Trane said that staff visited every site daily and only cleaned out the station in its entirety about one to two times annually. Steven Jackson responded that to clean the station with a vacuum truck was about five hours of labor and a two-hour roundtrip to Fairfield to dispose of the material. He suggested that the time could be better spent, and that this specific location had an unusually high level of material and debris entering the wet well.

On the next slide, Steven Jackson highlighted some options that could fix the issue. He first showed a device called an eradicator insert, which had serrated teeth that would chop apart any material that needed to be broken down. He mentioned that the pumps had difficulties with fibrous materials, such as disposable wipes as they coagulate into a ball as they broke down which then got stuck. The insert would prevent things like this from getting stuck in the pump. A question was raised if the insert was the same as a grinder and Steven Jackson replied that its purpose was to keep materials from moving into the pump and so was slightly different from how a grinder worked. He said the device would sit on top of the wet well. The inserts were \$35,000 each and so to get one for each of the pumps the cost would come to \$70,000.

Steven Jackson discussed a vertical auger as the next option. He stated that it captured solids that would not pass through the pump and raised them up to the top of the well where the material would be discharged into a chute that could then be collected and disposed of. He stated that he had received a quote of \$91,000 for the equipment alone. To install the auger, he said there would need to be a concrete slab cut to support the chute and that the area around the well would have to be reconfigured and electrical work redone, bringing the total cost to around \$156,000. The public works staff would be responsible for disposing of the materials projected out of the auger.

Steven Jackson also showed a vertical auger monster, which was an auger combined with a grinder attachment. He stated that waste would come through the grinder and would tear materials apart before passing to the auger. There was a bagging system that could be added to any of the proposed systems which would discharge materials out on top of the wet well and deposit it into a plastic sleeve which could then be tied off and the bag disposed of. He stated that to mount the auger they would lose storage area because they would have to install concrete supports which would make the well shallower. Council Member Scott L. Smith asked if these systems would be very noisy since they would be in a residential area, to which Steven Jackson replied that they were quiet and would not be a disturbance, although they would be visible. City Engineer Todd Trane said that these options to fix the issue would still require maintenance and they would discuss more dramatic issues next. Council Member Scott L. Smith was concerned about losing prime and Steven Jackson responded that material would still be lifted, just in a shorter window and pumps would turn on and off more frequently. He stated that the equipment would cost \$137,000 and with installation the cost would come to \$203,000.

Steven Jackson also brought up the possibility that they could start over entirely and rebuild. He said it was referred to as a dry-pitt submersible rebuild and would be the most extreme solution. In the rebuild, pumps would be placed in dry ground, which would allow them to go deeper in the wet well and have a longer cycle time.

There would be a vertical shaft to access the pumps for maintenance purposes. He referenced a picture on the screen that showed the sewer and stated that there might be a similar issue with the amount of material that was coming into the system and that an auger might still be necessary. He estimated the cost of this to be \$750,000 for installation.

Lastly, Steven Jackson proposed a gravity sewer line alteration and stated that there would be impact to the Robert's property near the station since a shed on their property would have to be moved. He thought that there might not be a need for a manhole since the distance from the line to the station would be shorter than the typical 400-foot distance for maintenance, and that a utility bridge would run across the gorge and would connect to an existing sewer in the road. He presented two options, one with just a bridge for utility and another option with a red line. The first option would run \$350,000 for construction and the second option would be \$330,000.

Steven Jackson said the main consideration would be landscaping as a fence between the two properties that would have to be taken down for the installation. Council Member Kurt Ostler asked if there were any property rights that would need to be considered as the proposed line would run across the Workman's property as well, to which City Engineer Todd Trane responded that he was unsure and that the Council would have to work with them to get a utility easement through the property. He said that there was already an easement on their property but that they would be coming in from another angle from the existing one and so could not use it.

Steven Jackson referenced the next slide about the elevation that showed that it would be about a 12 to 15 foot increase. Steven Jackson added that the existing easement could be abandoned, as it would not be needed with the gravity sewer line.

Council Member Scott L. Smith asked about safeguards in regard to the bridge and what options there were to stop kids from walking across. Options such as a gate or a circular fence were discussed. Costs for the safeguards were included in the overall cost estimate. Council Member Scott Smith asked if the proposals were the most cost-effective way to solve the issue. Tavis Timothy was noted by Steven Jackson as being instrumental in calculating the estimated costs of the various proposals for fixing the station.

The Council thanked Steven Jackson for his presentation and Tavis Timothy for his estimates. They noted that they would not decide that night and would take in the information.

**c. APPLE CREEK DEVELOPMENT - McKay Christensen**

McKay Christensen, a representative of the Apple Creek development, referenced his previous visits to the City Council, and announced that he had created a new cooperative plan for the proposed development. He had been working on the project for four years and stated that he had been resistant to change originally but felt that they had come a long way since the beginning. His original plan was for 54 units, and Mr. Christensen noted that Council Member Kurt Ostler and several others felt that was too dense after visiting the site and had recommended that Mr. Christensen do away with the condo aspect of the plan. He and his team were now at 44 units, primarily single-family homes. He expressed his appreciation of the Council's help over the last several years and especially in recent months. He went on to say that although it was not the original plan that he wanted, he expressed his opinion that the community will love the development and that he felt it was consistent with what the Council wanted. He referenced a slide that showed the 44 total units mainly to consist of single-family homes, and eight twin homes. On the north end he showed there would be 12 townhomes. The 24 single family homes were big, 3300 square feet, and so the intended price point was high. On the north side, the development borders Ace Hardware and Highland Vistas and so price point would be lower. He said this was the area that Council Member Ostler had requested they decrease the density. Additionally, he showed there would be 25,000 square feet of commercial offices. He compared the size of a new commercial space being built in Alpine in order to give a sense of scale to the Council. In response to a question from the Council, he said he intended there to be a medical office included in the commercial space.

McKay Christensen referenced a slide from the presentation which outlined the parking lot and said that each unit had a two-car garage and that his goal was to have three stalls per unit to include space for visitors that would be adjacent to the unit. Each single-family unit had a stall directly next to their unit. In response to an inquiry about the size, he replied that the stalls were a standard 18 x 9 feet. The townhomes would have two car garages. He proposed that the 75 stalls designated for the commercial area could be used by visitors of townhome residents after 6 PM as they would not have parking spaces next to their units. He went on to state that they currently had 15 extra parking spaces. Per the code requirement for the commercial area, there must be three stalls per thousand square feet, which multiplied by 25,000 square feet would come to 75 required stalls. The development had 85 at the moment, but he was worried he might lose some stalls as he converted from a concept plan to actual construction. Therefore, if he lost some stalls then he might be a little bit short and have some townhome parking spaces be used for the commercial area.

Mayor Rod Mann asked if the size of the commercial space would sell well, to which McKay Christensen replied that it would, although he acknowledged that the market had changed dramatically due to the COVID-19 crisis and it was difficult to project demand. He did say that his team were researching what the office market was doing over the last three months by speaking with CEOs and businesses to find out what they were doing. He mentioned Unique and Jane, companies that were online or able to work from home and said he had spoken with business owners who were looking for smaller office spaces since many people were now working from home. He said overall he thinks there will be a contraction in the marketplace with a lot of vacancies. He thought that the appeal of his commercial area was that they are smaller office spaces which would cater to the demand in coming months as business owners downsize. He said the offices would be executive office buildings, which was a different segment of the market and, in his opinion, would actually be compatible with market demands during COVID. They would finish the space and then offer executive suites geared towards individuals. When asked about if there would be shared administrative services, he responded that there would be, and there would also be shared conference rooms and potentially shared restrooms, although he was considering installing private bathrooms in each suite. The office style was compared to WeWork by a Council Member Kim Rodela, and McKay Christensen agreed, although he added the disadvantage of WeWork was that they lease their buildings and this would be owned and operated by his own group, so they would not have the slim margins that WeWork operates on.

Council Member Kurt Ostler asked if there would be any retail space included, and also extended his thanks to McKay Christensen for his flexibility in adapting the plan and for his time and effort. He said he felt the plan was getting a lot closer to the vision of the Council. Council Member Kurt Ostler said the Council would like to see some retail space but understood it was dependent on the demands of the market. McKay Christensen replied he had some concerns about retail space since he was currently working on improving a 20-acre space in Pleasant Grove, which had commercial space. He said they had converted each space to have a drive through, and that in today's market a commercial space without a drive through was not going to be successful. He referred to drive-throughs as "land-hogs" and also stated that there were difficulties regarding traffic, as it was difficult to configure the queue and getting in and out of the area. He knew the Council has had previous concerns about traffic and that the current plan of single-family homes would have a small traffic footprint. He stated that in today's market it would be difficult to bring in a retail space such as a restaurant.

Council Member Scott L. Smith stated that the vision of the Council in the past was that there would be retail space and not only offices. He was concerned that there was only one exit that went into the Ace Hardware parking lot, which was busy. He expressed his concern that there would be no retail, but all cars would have to exit through one of the busiest retail spaces in the City, which would cause issues. He said he wanted to see that exit eliminated and expressed again that he wanted retail.

McKay Christensen responded that there were two exits, which, in his opinion, was all that was needed. He also stated that he felt the exit through Ace Hardware would not be used as often and that he expected most people

would use the exit on the south side. He discussed pulling the median back to make a full access inlet into the office space.

Council Member Kurt Ostler agreed with Council Member Scott L. Smith that he would like to eliminate the exit by Ace Hardware. He said Ace had a unique parking lot since it backed up to a credit union and so was hard to access. He proposed they speak to the fire department about potentially installing a crash gate should they need access and clarified that Mr. Christensen was open to the elimination of the exit as drive access for the residents.

McKay Christensen said that he was okay with adding a crash gate but would have to consult his team. He said his team had concerns about how to go about phasing. If his team wanted to put in an office building before the loop road was connected, they would have to have a secondary temporary entrance put in. Once the loop road was connected a crash gate could be added to the temporary entrance. but added that phasing the property was important. He said he did not think the exit was necessary if the Council felt it needed to have a crash gate or be eliminated.

Council Member Kurt Ostler said he would like to have Public Safety give their opinion on the exit roads and how they moved. McKay Christensen responded that he would be open to having Public Safety evaluate the exits.

Council Member Scott L. Smith asked about a section where the road curves and what the property lines were. Mr. Christensen referenced a slide that showed the circulation road would be 26 feet wide, and that he had expanded it from 22 feet per the Council's previous requests. He stated that the road would be wide enough to accommodate fire trucks.

Council Member Kim Rodela asked McKay Christensen if the front doors faced outwards, to which McKay Christensen responded that they did and that he did not want a scenario like Highland Vistas where the back of the townhomes faced a 10-foot concrete wall as it feels unpleasant. He recognized that the development was off a highly trafficked road and wanted to ensure that if and when something was built on it that it worked well with the development. He said that it was important to him that everything had the same vibe and that people live off the front of the homes. Council Member Kim Rodela replied that she liked that as it gave a more open feel to the area. McKay Christensen added that there were to be periodic breaks between the homes and the single-family homes are 3300 with option to 4300 square feet if the residents opted to put in a basement.

Council Member Kurt Ostler clarified that the garages were along the road. McKay Christensen confirmed and showed that the balconies all faced outwards so that as people drove by it was pleasant to look at. McKay Christensen showed a conceptual floor plan of the units, which showed there was a 10-foot side setback at its narrowest point in between the units to allow space for grills or firepits, for example. He showed there was a bedroom on the main floor that could be converted to a guest room or an office. Council Member Kurt Ostler asked about the distance from the property line to the front door and McKay Christensen said it was about 10 feet although there would be areas where it was more generous than that. He said there would be a sidewalk with trees planted intermittently. He showed a road that might have to be moved over a couple feet depending on how everything comes together, which would give another 20 feet of space, and that there would be a big area of about 150 feet of space from the front door to the street parking. He assured the Council that although it was hard to gauge scale on the map that there would be a generous amount of open space. He specified that these were estimates based on his own scale, but it was his goal to maintain that amount of open space. He wanted the units to face off of the open space.

Council Member Brittney P. Bills referenced Council Member Scott L. Smith's earlier point about wanting to have retail spaces. She asked about an earlier study about economic development in the area she had read in the fall and asked City Administrator/Community Development Director Nathan Crane if he could remind the

Council about the possibility of having restaurants and retail in the area. Mr. Crane responded that the study was concerned with the Meadows area where the Home Depot was located.

Mayor Rod Mann recalled that there were seven acres of retail available and 30 acres of professional office. City Administrator/Community Development Director Nathan Crane added that there had been a follow up conversation about the area and the concern had been access, as it relies on the neighborhood to support the commercial sites and so there would be concerns in the long term sense.

Council Member Kurt Ostler added that they need to consider what they would be able to support and said that now, for instance, the numbers show that they would not be able to support another grocery store. He believed the numbers showed support for more restaurants. However, because of COVID-19, he acknowledged the need to have a drive-thru for restaurants as their sales had been lower than normal and ones with drive-thru had fared better.

Council Member Scott L. Smith stated that they would not have to deal with COVID-19 forever and that eventually there would be a cure within the next year. He said not all decisions should be based on the pandemic and that he would like to see a nice sit-down restaurant in Highland. He mentioned Blue Lemon restaurant was doing well during this time.

Council Member Kurt Ostler asked if there was a median in the middle, and McKay Christensen said that there currently was, although he anticipated having to pull back a portion of the median. UDOT was okay with having a full access turn allowing people to make a left turn into it. He added that it was a challenge to turn out of there. There was a brief discussion that traffic had been increasing in the area.

Council Member Kim Rodela voiced her opinion about having office space as opposed to retail space. She said that the smaller office spaces were in high demand, even before COVID-19, and so she liked the commercial vision McKay Christensen presented. She thought it was a good area for it.

Council Member Brittney P. Bills said that if she could choose she would pick a restaurant to be in the area, although she was unsure how to make that feasible since there were restaurants that were sitting empty in the surrounding area. She stated that ideally, she would like to see a restaurant and asked if there was a way to make that a possibility as McKay Christensen moves along in the development.

Council Member Scott L. Smith said that during COVID-19 the small retail areas in Highland had actually done great and so he did not want to give up on retail. He said again that he would very much like to see a restaurant in the space and said that the area had always been set up for retail and not only office space and homes. He felt that the Towne Center concept had failed them, and that he wanted to see more direct sales tax from the City, which he acknowledged was his personal bias.

Council Member Brittney P. Bills agreed and said she felt that there was little they could do about the loss of sales tax. She asked Council Member Scott L. Smith what he felt about the housing component, and he replied that it was much better than it had been in the past.

Council Member Timothy A. Ball was still concerned about density. He clarified that it was still at 10 units per acre. Council Member Timothy A. Ball said he had done a site visit the other day and was concerned about adding 44 units and that he was also looking at Blackstone and Toscana. He wanted to conduct a traffic survey after the configuration of the road.

Mayor Rod Mann said that he would be reticent to tell a developer to do something that was not going to be viable since it was their money and not the Council's that was going to be funding the development. Council Member

Kim Rodela agreed and said that she wanted an economist to give their professional opinion on what would be financially viable and that she did not want to require something from a developer that would not work.

Council Member Kurt Ostler said that he was a property investor and from an economic perspective this was not the best location for a restaurant. He brought up the fact that a restaurant would take up a lot of parking space. He concurred with McKay Christensen that the site was a hard location for retail. He added that he would love to see restaurants go up at the Boyer area by North County Boulevard, which they were trying to keep commercial. He dissented with the view that retail does not work in Highland and said he did not think that was true. He mentioned that 25 years ago the Council had not allowed a Taco Amigo to come in although it does well in surrounding areas, and that the Council had vetoed it back then because they did not want to allow the drive-through. There was a brief discussion about Taco Amigo.

McKay Christensen agreed with Council Member Scott L. Smith's earlier point that the effects of COVID-19 would not last forever and that people were looking forward to resuming life as normal. He said his concern for the location was that demand was increasing for drive-thrus. He mentioned restaurants in the area had noticed their revenue increase by 25% once they added a drive-thru, and this has only increased with COVID-19. He said in Pleasant Grove he had had commitment for two restaurants from the local restaurant group Heirloom, but they were boutique style and so were able to open a flagship. He was concerned that if the commercial area were unable to get a national chain as a tenant then there would be no staying power and the smaller business in the development would go under. Then, according to McKay Christensen, the businesses go back to the landlords who then have the responsibility to get them lower rent and economic health. He says this becomes a challenge for them to get financing. He said when the area was more dense, the goal was to create a place with vibrant energy that people wanted to come to and that due to a conflict of vision that they had moved away from this idea into a quieter area of single-family homes that would be more pedestrian. He was concerned about putting a restaurant right next to a \$650,000 home and cited the potential for noise disturbances. He referenced Council Member Timothy A. Ball's question regarding density and asked if he would support the idea of going down to 42 units and introducing a duplex that would be smaller than the ones already there. He added that he wanted to get to specific number by the end of the meeting. Council Member Timothy A. Ball responded that he would want more information, but liked the idea of a duplex more than townhomes. Mr. Christensen said that there would be five-foot gaps in between the homes, and they would be three-stories and sold at a lower price point, but a higher price than Highland Vistas. He anticipated selling them somewhere in the low fours. He said there would be duplexes all in a row and add side doors and they would be a little wider. He said he might be able to sell the duplexes for slightly more than the townhomes since there would only be one shared wall in the duplexes as opposed to two for the townhomes, but that overall he would be losing income by getting rid of two units. He restated that the duplexes would be totally different than the townhomes.

Council Member Kurt Ostler asked City Administrator/Community Development Director Nathan Crane about Coventry and if he knew what the setbacks and overall density for the area was. Mr. Crane said he would have to look it up. Council Member Kurt Ostler said to McKay Christensen that he viewed this meeting as a work session and that the Council would be unable to vote on it that night; however, he felt they were getting closer with the idea of two units. He said he felt there should be more space in between the units in the development. He said that he had been to Toscana and Blackstone and driven through the Coventry area and mentioned the setbacks. Council Member Kurt Ostler said that in Highland people love to have frontage and space in between their homes and mentioned that he did not like how Blackstone felt confined due to a lack of space between units. He said he would love to see 10 to 15 feet in between the buildings in Apple Creek. In a meeting in February, he had asked to see four to six units an acre and stated he was willing to compromise up to eight units.

McKay Christensen acknowledged that the meeting was a work session but said that he had been hoping to have a final number of units from the Council. He said they had come a long way and taken the input from the Council seriously and had gone from 44 to 42. He asked for direction so that he would be able to plan.

Council Member Kurt Ostler responded that the Council would be able to give direction and began to speak about the units. McKay Christensen interjected that he was being penalized by the Council because he was not giving them the commercial space that they wanted. He said he had 25,000 square feet of commercial and Blackstone had none, and that in his development it came to seven units per acre. Council Member Kurt Ostler responded that his calculations were incorrect because he was counting his commercial space as well as residential.

Council Member Scott L. Smith said he felt the presentation was great, and Council Member Brittney P. Bills concurred. Council Member Scott L. Smith said he would be unable to provide direction at that time, and Council Member Brittney P. Bills contributed that she was feeling comfortable with 42 units. Council Member Scott Smith reiterated that it was a better plan and that the commercial was there because it was along Alpine Highway. He said he would probably be able to support 42 as well, and thanked McKay Christensen for his patience.

**3. CONSENT ITEMS (5 minutes)**

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

**a. ACTION: Approval of Meeting Minutes (Administrative)**  
Regular City Council Meeting April 21, 2020 and May 5, 2020

**b. ACTION: Boyer Ridgeview Residential LLC is requesting Final Plat approval for 3.66 acres for the purpose of building Canal Boulevard located approximately at 9900 N North County Blvd (Administrative)**  
The City Council will consider a request by Spencer Moffat representing the Boyer Ridgeview Residential LLC for final plat approval for 3.66 acres for the purpose of building Canal Boulevard located at approximately 9900 North and North County Blvd. The Council will take appropriate action.

**c. ACTION: Approve and authorize the Mayor to sign a contract with BD Bush Excavation for construction of the 9600 North Sewer and Road Improvement Project not to exceed \$1,461,383.00 (Administrative)**  
The City Council will consider a request to approve a bid with BD Bush Excavation to proceed with the construction of the 9600 North Sewer and Road Improvement Project, and authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

**d. ACTION/ORDINANCE: A request by Highland City Staff to amend Section 13.52 of the Municipal Code relating to Flood Damage Prevention. (TA-20-09) (Legislative)**  
The City Council will hold a public meeting to 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.

Mayor Rod Mann read through the items and asked the Council if any of the members wanted to pull any of the items from the agenda. Council Member Scott L. Smith said he had questions about 3b. but they had been answered. However, he did want to pull 3c. and ask a question about it. He said he was fine with the rest of the items.

*Council Member Scott L. Smith MOVED to approve consent item 3a, b, d as delineated on the agenda. Council Member Timothy A. Ball 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.*

3c. Council Member Scott L. Smith stated that he supported the motion and that the question he had was how much of 9600 North was going to be paved. City Engineer Todd Trane said that when they go in to redo the sewer main, there would be a section of asphalt, about 15 to 20 feet, that would be destroyed by pulling out the old sewer main and replacing it with a new one. City Engineer Todd Trane said the sewer fund would cover that portion of the project. The additional cost comes from what they were doing to redo all of the asphalt. Since 9600 North was on the plan last year, they had held off until the sewer project could be done as well to save money. The sewer project itself was doing a large portion of the road project, according to City Engineer Todd Trane. The total cost to redo 9600 North, from where the project was ended last year to the highway would be roughly \$600,000 to \$700,000. City Engineer Todd Trane added that based on calculations, the sewer project was covering \$5,000 to \$6,000 of that cost. He clarified that all of the asphalt was being redone, but that because they were doing it with the sewer project that the costs would be covered by the sewer fund. Council Member Scott L. Smith asked how much curb and gutter and sidewalk there would be, to which City Engineer Todd Trane replied little. He said that when he and Street Superintendent Ty Christensen look at a project, they walk every road and if they see a safety or drainage issue, they address those problems. He explained that the road fund does not cover any widening of the roads or additional curb, gutter, sidewalk projects. He also said there were minor drainage and safety issues that were being addressed.

Council Member Scott L. Smith pointed about that the south side was in American Fork and inquired as to whether American Fork was also participating in the project and had done their share with Robertson property. City Engineer Todd Trane replied that they were not, and that Highland was responsible for maintaining 9600 since the majority of the road was in their jurisdiction.

Council Member Scott L. Smith said that he was not on the Council when they had approved the road fund and wanted to understand why they had not considered curbs, gutters, and sidewalks in the fund. City Engineer Todd Trane explained that they had, but it came down to cost. He said at the time the Council had voted on it, he had not yet a full-time employee, but helping as a consultant. He said the dollar amount that would be required to widening of the roads and things like the sidewalks would have been extreme, and that at the time they did not have the support from the residents to charge more than the fee they were already paying just for asphalt.

Council Member Kurt Ostler asked where the project was extending to from SR 74, and City Engineer Todd Trane said it reached to 6350 through Mitchell Hollow, and would go to the top on the other side of the hill. He added that the sewer project would actually end before Mitchell Hollow because that was where the line extended to.

Council Member Kurt Ostler then asked when the rest of 9600 would be completed, and City Engineer Todd Trane replied that last year they had gone in with a process called a bonded matrix, where they had patched the road and then put down a seal coat. He added that they were doing the same process this year on 10400 and 11800 North.

Council Member Kurt Ostler noted that during this construction, some homes would be hard to access and thanked City Engineer Todd Trane for an email he had sent notifying the Council of that fact. Council Member Kurt Ostler then asked when 6800 West would go under construction, and City Engineer Todd Trane replied that at the earliest it would begin in July and he was still working on right-of-way issues they had encountered. He said

he hoped to advertise in the coming weeks and had been meeting with residents in the area. Council Member Kurt Ostler clarified that they would be able to tell residents that 9600 North would be completed this year, and City Engineer Todd Trane agreed.

City Engineer Todd Trane apologized to the Council because with all of the projects going on, the entire City was going to be under construction and that he anticipated getting complaints. He said he would do his best to make sure he and his contractors communicated.

*Council Member Kurt Ostler MOVED to approve consent item 3c. Council Member Scott L. 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.*

#### **4. PUBLIC HEARING/ORDINANCE: ADJUSTING THE COMMON BOUNDARIES BETWEEN ALPINE CITY AND HIGHLAND CITY (*Legislative*)**

The City Council will hold a public hearing 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.

Mayor Rod Mann introduced Planner & GIS Analyst Tara Tannahill, who presented the issue. She stated that it was a boundary line adjustment of 4.02 acres, proposed by Millhaven Development. Planner & GIS Analyst Tara Tannahill referenced a slide that showed a map, where a highlighted portion in pink was what was proposed to move over to Highland. She said that the proposed adjustment was for the purpose of building 10 lots in the area.

Mayor Rod Mann said this item had come to Council before, and Planner & GIS Analyst Tara Tannahill concurred. She added that in March the Council had adopted a resolution indicating their intent to adjust the intended boundary.

**Mayor Mann opened the public hearing 9:00 pm and called for any citizens who would like to speak on the item to state their name for the record. There were no public comments. Mayor Mann closed the public hearing at 9:01 pm.**

*Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the boundary adjustment with Alpine City. 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.*

*Council Member Kim Rodela MOVED that the City Council accept the findings and adopt the ordinance indicating the intent of Highland City to adjust a common boundary with Alpine City. 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.*

**5. PUBLIC HEARING/ORDINANCE: A REQUEST BY COLE PECK TO AMEND MULTIPLE SECTIONS OF THE DEVELOPMENT CODE RELATING TO SIZE AND SQUARE FOOTAGE ACCESSORY BUILDING. (TA-20-12) (Legislative)**

The City Council will hold a public hearing to consider a request by Cole Peck to amend multiple sections of the Highland City Development Code relating to accessory buildings. The City Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill spoke and showed on a map that the applicant's address was on Highland City by a church and reminded the Council that the development code amendment would be for all of Highland City. To give background, Planner and GIS Analyst Tara Tannahill said the subdivision was created on February 2, 2020 and was in the R140 zone. On May 26, 2020, the Planning Commission held a public hearing to discuss revised wording, which she said would be discussed later. She said they had voted 4:2 to amend the wording.

Planner and GIS Analyst Tara Tannahill stated that Mr. Peck requested the amendment because he wanted to build a 35-foot tall, 10,000 square feet building to use as an accessory garage to park trailers on his property. Planner and GIS Analyst Tara Tannahill added that it was at 2.9 acres that "shall not go more than 8% of the total gross area," per the wording, which she reiterated the Planning Commission had recommended revising. She also said for 2.9 acres there was a 35-foot maximum height as well, and for every foot past 25 feet there was an additional two-foot side setback.

Planner and GIS Analyst Tara Tannahill stated that when they considered just doing acreage, there were 117 properties that would be impacted, and reminded the Council that those properties could later be developed or subdivided. To give a visual, she showed a slide that had a map of the City to illustrate that most other buildings the size of the proposed garage were commercial. She highlighted an animal shelter, a performance center, and some office buildings that were similar in height and square footage to the proposed garage.

Planner and GIS Analyst Tara Tannahill said that she and the Planning Commission had taken the appropriate measures to notify the public and they had not received any written correspondence. She stated again that the Planning Commission had voted 4:2 in the public hearing on May 26 to recommend revising the wording, and that City staff was not supportive of the amendment due to the impacts on the City overall. The wording would be a 25-foot average height and 8% total gross area as well. For help with the discussion, she showed a slide with proposed questions and proposed amendments, dependent on what the Council decided to do.

Cole Peck spoke next and mentioned that the Council had come to his property to look at what he was proposing. He thanked the Council for their work, and said they had a tough job. He said he did not want a 25-foot building with a square top; he said that did not make sense to him or his wife. He said that the current code stated a property owner could build 10 feet off of the property line, and that he had tried to get input from staff and Council on the matter. He felt it was a better solution to have even bigger setbacks than what had been proposed because

he believed his property should be 125 feet set back from his back lot, and 30 feet back from his side lot. He said he was trying to make it possible for more residents to use and he got the sense from the staff that they did not want it to be used as much. Cole Peck said that in his opinion, he liked what Jerry had come up with, which was to have an average of 25 feet tall with a maximum height of 35 feet. Mr. Peck acknowledged that his lot was unique, and he knew the Council had to make decisions for other applicants, and that he was amenable to their recommendations. He said the Planning Commission was concerned about eave heights, and he said it was actually well under 25 feet. Cole Peck said that he did not want his yard to be cluttered and addressed concerns he had received that he was going to work from home, to which he said in his line of work was not realistic. He said he wanted the garage to be big because he had trailers parked all over his lawn and he and his wife did not want it to look messy and they needed a space that would accommodate all his machinery. He wanted the high pitch to complement the home that he and his wife trying to build and stated that he liked the barn look. Mr. Peck said he had owned the property for over 20 years and wanted it to look nice and added that he had spoken with neighbors who approved of the idea. He said that he did not need 10,000 square feet and so it would be less than 8%. He explained that if it were 10,000 square feet it would require a sprinkler system which he did not want to have. He said he would appreciate a solution.

Council Member Scott L. Smith asked how much space Mr. Peck would like, if not 10,000 square feet. Cole Peck replied that he liked the height more than anything and did not like the look of a square roof. Mr. Peck added if he got denied, he would have to connect it to part of the home and thought that would be better for all the residents of Highland to not be able to build 10 feet off their property lines, even though the ordinance had been around. He said he was really wanting to make it look nice and that his wife wanted a multi-story home.

Council Member Brittney P. Bills said she did not understand the average height concept. Cole Peck used a sheet of paper to demonstrate how average square footage is impacted by changes in height and pitch. Council Member Brittney P. Bills said she did not understand the math and Cole Peck and City Engineer Todd Trane discussed how to measure average height further.

Mayor Rod Mann interjected to ask if there were other questions for Cole Peck. Council Member Scott L. Smith voiced concerns of the Council that if they allowed big buildings that people would run their businesses out of the buildings, and looked for clarification that it was not Cole Peck's intention to do that. Cole Peck responded that no, it was not. In fact, his wife wanted nothing to do with his construction business. He added he owned another plot of land where he had a landfill and stored equipment there. He said he did not take his machines home unless he was using it to work in his yard. He said of the 117 properties who would be impacted would build, but if they did, he felt it would actually add value to the City and increase property value. Mr. Peck elaborated that he had trailers, snow mobiles, and razors in the yard now, and that when left outside the tires rotted and they were even vandalized. He said again how much he did not want to have clutter.

Council Member Kim Rodela asked why he wanted it to be 35 feet high, to which Cole Peck responded that it was primarily to do with looks. Mr. Peck said he would like to have a space that he could host family and friends and have it be a "party barn" style where he could have a loft.

**Mayor Mann opened the public hearing at 9:23 pm and called for any citizens who would like to speak on the item to state their name for the record.**

Mark and Debbie Whittington introduced themselves as neighbors to this property directly to south and extended their support of the changes Mr. Peck had proposed. They felt that it would force the City to improve the look of buildings being constructed in the area. Mr. Whittington stated that he did not like the flat top buildings and that in the current ordinance builders were still allowed to construct flat roof buildings.

Earl Simmons also spoke and stated he was the property owner to the east of Cole Peck's property. He seconded what Mark Whittington had said and said he believed it was a good idea to change the ordinances. He said the higher pitch would improve the look of buildings in the area.

**Mayor Mann closed the public hearing at 9:25 pm.**

Mayor Rod Mann reminded the Council that the subsequent discussion would have to be about the Highland as a whole and not Cole Peck specifically. Mayor Mann voiced his opinion that they should establish a max square foot because if it were left at percentage only someone could potentially build something huge if they had a large property. It was Mayor Rod Mann's opinion that the Council set a maximum size.

Council Member Kurt Ostler agreed with Mayor Rod Mann and said the Council needed to make sure they are not spot zoning. He mentioned a property close to Cole Peck's and said they had four acres and so would be able to build something similar. He also pointed out an empty lot nearby that was for sale at three acres and that if the proposal passed someone would be able to build something bigger on that lot. He agreed with the Mayor that there should be criteria on the square feet and thought that would be a good way to mitigate concerns. Council Member Kurt Ostler noted that he actually appreciated someone trying to keep a larger lot since people typically try to make lots smaller, but there was a concern that in the future the large lots might be divided. Council Member Kurt Ostler stated that since they were in a R-140 zone so there was a potential for the large lots to be subdivided and urged the Council to think about what the end result might be if the proposal passed. He said he was concerned that 10,000 square feet was more commercial than residential to him and that it would be enticing for business if it were allowed. Council Member Kurt Ostler said he personally had an 1800 square foot garage near his home, and he had other trailers stored on another property so that he did not have clutter. He said 35 feet was too tall and 10,000 square feet was too large for a residential area, and it was important to consider the intent of users who might buy the properties later on.

Council Member Scott L. Smith asked for clarification about the phrasing of the ordinance. He expressed confusion that the ordinance stated that if a person had less than 2.9 acres then an accessory building could not be more than 5% of the gross lot, and if above 2.9 acres it could be 8% of the gross lot. However, in other places the ordinance says 7% if you were at 2.49 acres or less, and so that if a property was between 2.49 and 2.9 then it had to be 5%, but a property less than 2.49 could have a building take up 7% of the gross area. He said he did not understand why it could not just be one percentage, not dependent on size of the lot.

Planner and GIS Analyst Tara Tannahill explained that R-130 and R-120 zones had different percentage rules, which is why the ordinance read the way it did. She said it was 7% only in the R-120 and 130 zones, and it was 5% in the R-140 zone. Council Member Scott L. Smith then replied that he liked Mayor Rod Mann's earlier point about having a cap on percentages.

City Administrator/Community Development Director Nathan Crane and Council Member Scott L. Smith had a brief discussion regarding different rules for different zones. Council Member Scott L. Smith thought it was confusing that there were different percentages for different zones and City Administrator/Community Development Director Nathan Crane elaborated on the math of how to calculate the size of accessory buildings. Council Member Kurt Ostler also voiced concerns that lots could subdivide which would then circumvent rules regarding maximum size of accessory buildings. He also clarified that there were not currently restrictions on the size of the home that could be built on a lot, to which City Administrator/Community Development Director Nathan Crane replied that no, there was not and anyone could build an attached building to their home, as long as it met code requirements.

Council Member Brittney P. Bills asked questions about storage of equipment. City Administrator/Community Development Director Nathan Crane spoke about having issues with contractors storing equipment on lots and referenced a construction company that had bought a lot just to store their machinery. He said that when this

happens, there were complaints from the neighbors. Council Member Brittney P. Bills also said that neighboring cities do not allow this and that besides the basketball facility, this would be the tallest structure in Highland. She circled back to Council Member Kurt Ostler's point that if the Council tried to zone just for Mr. Peck then they would be spot zoning and so she said it could be hard to figure out what to do.

Council Member Scott L. Smith asked Cole Peck exactly where the accessory garage would be and Cole Peck replied that it would be about 50 to 60 feet away, but that he had not totally laid out his plan for the accessory garage or agreed to an exact plan because he was unsure if he would have to attach it to his house. He said that each proposal did have a maximum percentage, that there was not an unlimited amount for any of the zones. He acknowledged that he had a unique lot and elaborated on the proposal further, saying that for each foot he went above 25 he was giving up an additional two feet. If there was an eave height of 15 to 20 feet it would limit people from building too big, and that it would allow the buildings to look nicer. He said that his proposal would actually be good for the residents. Council Member Scott L. Smith said that was helpful to know and that while he personally did not have a problem with the proposal, he explained the Council members were concerned about setting a precedent for people who might not be as mindful as Mr. Peck. Cole Peck said that he appreciated that and found it odd that 7% was used for a smaller lot, and he would even be okay with 7%. Council Member Scott L. Smith said he would like to see 7% as a blanket rule for the whole City. Cole Peck said he felt the largest issue was the look of the accessory building and how close it was to the neighboring house.

Council Member Brittney P. Bills asked if his property backed up to a Patterson property, and Cole Peck replied that the property behind his had been a Patterson development, but had since been sold. Cole Peck said he had talked with all of his neighbors to get their feedback and they were in support of his plan to build.

Mayor Rod Mann suggested that the maximum square footage of an accessory building could be 8,000, regardless of percentage. Council Member Kurt Ostler clarified that this would be in the R-140 zone and the Mayor said yes. Council Member Kurt Ostler implied that would still allow people to construct buildings that would be too big and would look unsightly. Mayor Rod Mann and Council Member Kurt Ostler discussed setbacks briefly. Mayor Rod Mann reiterated that he would like there to be a cap on square footage size.

Cole Peck said that based on discussions he had held with the Planning Commission, they were intending that it would be set at 5% and anything larger would have to be built 60 feet off the back and 30 feet off the side.

Council Member Kim Rodela was concerned that they had switched from a residential to commercial building. She said near where she lived, she could see an animal shelter that had been mentioned earlier in the presentation as being a similarly sized building to the proposed garage, and said that they needed to take into consideration if it was a residential property or a residential area with a commercial building attached. Council Member Scott L. Smith agreed with her concerns but said it was a residential zone and so when permits were applied for, it would then be for residential use and not commercial.

Council Member Kurt Ostler asked if the request to go above 5% in the R-140 zone was an anomaly or if it was more frequent. Tara Tannahill replied that there were requests occasionally. Usually people just ask how much square footage they could get rather than the size of the building. This specific instance was unique.

Mayor Rod Mann said he liked the idea that if the building was over the 5%, then there would be more setbacks and a cap on the roof height.

Council Member Kurt Ostler said that while he understood that the Pecks were trying to move machinery into a garage to make the lot more presentable, that they did not have to do it on their property. He again mentioned that he personally stored excess equipment on another property and not at his home. He said that since Cole Peck had other properties, he could store his equipment there and not in a residential area. Council Member Scott L. Smith said he supported the Mayor with having a limit on size in the R-140 area. The Council would have to be

careful with telling people that they could have a big lot, but they would not be allowed to build anything on it other than a home. He also added that he did not think if they allowed this that everyone would then go build on their properties as that has a lot of costs involved.

Council Member Brittney P. Bills felt that it was fair to go over 5%, since Planner and GIS Analyst Tara Tannahill had previously had other requests to do so. She said 10,000 is a really big building and so not to go to 8%, and asked Tim to come up with the numbers. She said that she would support Council Member Timothy A. Ball coming up with the numbers.

Council Member Timothy A. Ball said that in the R-140 zone, it was 5%, and about 3 acres. He calculated that at 5%, it would come to 6500 square feet. He said there could not be variance in height or size of building because that would be spot zoning and would set a precedent for everyone in the City that they could come to the Council and petition to overrule the ordinance. He voiced hesitation about changing the code for everyone in the City as he felt it opened up the potential for more people to ask for changes to the code.

Council Member Scott L. Smith asked Council Member Ball to calculate what it would be if set to 6%, which was calculated to be 7840 square feet. Council Member Kurt Ostler said that was an almost 8000 square foot building which to him was still too large. Council Member Ball said he liked that the setbacks had been made larger but still did not like the height of the building. Council Member Kurt Ostler said he would like to see the maximum set to 6,000 square feet.

Cole Peck said that he really wanted to make it work. He did not like the look of a flat roof, and so if the accessory building was restricted in size by the Council, he was going to just build it attached to his house, with a 35-foot tall roof. He said he had property rights and was getting irritated as he felt they were being overruled by the Council. He said the current code was bad, and that if people were willing to spend the money to make their property look nice, he did not understand how that hurt the City. He said he had a 40-foot trailer that took up a lot of space and so he really would need the garage to be as big as he was proposing to accommodate all of his equipment. He said he did not want to have to drive to another town to go get all of his machinery and equipment as it was a hassle.

Council Member Scott L. Smith said that he supported his property rights and did not have a problem with the height of 35 feet as long as there were setbacks. He asked if 8,000 square feet would be amenable, and Cole Peck said he would be happy with that. Council Member Kurt Ostler again voiced his concern that people in the future would subdivide and that would create issues going forward.

City Administrator/Community Development Director Nathan Crane spoke and gave some calculations. He said in the R-140 zone, lots range from 20 to over 30,000 square feet, and so for a lot that was 25,000 square feet at 5%, an accessory building would be 1250 square feet and 2000 square feet at 8%. For a 30,000 square foot lot, an accessory building could be 1500 square feet at 5% and 2400 square feet at 8%. For a 35,000 square foot lot, buildings could come to 1750 square feet at 5% and 2800 square feet at 8%. He also calculated for a 40,000 square foot lot, which would allow buildings to be 2000 square feet at 5% and 3200 square feet at 8%.

Council Member Kurt Ostler said there would be a 130-foot setback and that most properties would be able to meet that requirement easily. He added that the structure would still be 35 feet tall and he did not like that. He said there should be a maximum on the size. He said he lived in a R-140 zone and knew people with 20-foot accessory buildings that he felt were large, and so wanted to set the maximum where the buildings would not be too large.

Tim asked City Administrator/Community Development Director Nathan Crane what the required pitch change have to be to meet the 30-foot requirement. He said he had seen in Alpine when people were willing to do the

setback adjustments they were rewarded with an increase in height and felt that was reasonable. He asked what the change would have to be if the maximum was 30 feet and the average was 25 feet.

City Engineer Todd Trane responded that Mr. Peck did not have a design yet, and he wanted a 180 by 120-foot building. He said the design depended on where the eave height was and that depending on how high the building was, it would come to about 18 to 20 feet. Council Member Ball said he was concerned about the aesthetic of the property and shared Cole Peck's concern about property rights. He acknowledged the concessions Mr. Peck had made in terms of the setbacks. He said there would be benefits of pushing the buildings farther back from the property line since the biggest issue he saw was smaller setbacks. He added the biggest concern he has gotten from staff over the years is that people had built without permits and so commended Mr. Peck for coming out to the Council and going about it in the right way.

In response to a question about the height of church steeples in the City, City Engineer Todd Trane responded that he was unsure of the exact height but said there were a lot of large homes in Highland, and many were over 30 feet tall with steep pitches.

Mayor Rod Mann commented that property rights were important. He thought it was important to consider how to make big buildings look better. He said a 10,000 square foot building looked big up close but not when viewed from the road. He did acknowledge there may be issues in the future, but he was sympathetic to Mr. Peck wanting a place to store his machinery.

Council Member Timothy Ball asked what the Council felt would be a reasonable balance between property rights and maintaining the code. Council Member Scott L. Smith replied that he believed in property rights and knew they should not spot zone and supported the Mayor's opinions. He agreed with the proposed idea of 7%, and the 8,000 square foot maximum. He stated he did not have an issue with the 35-foot roof and liked the idea of a 30-foot side setback and 60-foot back setback. He mentioned that he would only change the code for the R-140 zone, and that the R-130 zone was already at 7%. Planner and GIS Analyst Tara Tannahill confirmed that the R-120 and R-130 zones were at 7% already.

Council Member Kurt Ostler said he was okay with the R-140 zone being at 7% but was still concerned with the 8,000 square feet.

Council Member Timothy Ball said he liked how nearby cities such as Alpine had rewarded people for extra setbacks by allowing them additional height. He felt the current code was pointless because if Mr. Peck wanted, he could build a garage that was 35 feet and just connect it to the house with a breezeway to circumvent the code. He proposed that for every foot in setback there should be a reward of a foot in height.

Cole Peck spoke about the setbacks that he was prepared to have on his property. He said that based on what the Planning Commission had proposed, for every foot above 25 feet he would have to give two more feet of setback. Per the Planning Commission, if he went to 8% of the total lot, he would have to give a minimum of 60 feet in the back and 30 feet on the side. He said it mitigated his ability to subdivide since buildings would have to be so far in from the property line. He thought what had been proposed was good for the City and would be okay with 7%. The Planning Commission's maximum height was 35 feet.

Council Member Timothy Ball said he felt that was a reasonable compromise because the farther back the buildings were, the less it impacted the view of the neighbors. Council Member Kurt Ostler said he liked the idea of the reward for the accessory buildings. He said he was warming up to the idea of 7% but they still needed to consider what was best for the City and not only Mr. Peck.

Mayor Rod Mann discussed the Alpine code. He said they start at 20 feet and had a cap at 30 feet tall. He liked the idea that if a property were at 7%, it would then have to have a 60-foot setback. Planner and GIS Analyst

Tara Tannahill said that currently the setback requirements for accessory buildings were 10 feet on the side and 30 feet for the front.

Nathan City Administrator/Community Development Director Nathan Crane pointed out if height is the issue, they could choose to approve the height and keep the size the same at 5%. In response to a question about if the staff were concerned about increasing the height, he said if they increased the size to 7% then they would get bigger buildings.

Council Member Kurt Ostler said for the R-1-40 zone he was okay going to 7%. He said since a person can build a home to 35 feet it made sense to him to allow a 35-foot accessory building, too. It was pointed out that having a roof of 35 feet with an average height of 25 feet would force the building to have a pitched roof.

Council Member Timothy Ball clarified that the current requirement for the length of a breezeway is 10 feet, so Mr. Peck could choose to build a 10,000 square foot building with a 35-foot roof and attach it to his house. He asked if that would look nice, to which Council Member Kurt Ostler replied, it would be Mr. Peck's prerogative if it looked nice or not. It was agreed it would look nicer if the buildings were separated.

Council Member Timothy Ball said that he did not think they were ready to decide since everyone had different opinions on what do. He acknowledged Mr. Peck's property rights and the need for change in the code but asked if they knew of all the changes that they might want to make. Council Member Scott L. Smith replied that they did, the changes would be the height, setbacks, and the percentage of the lot that an accessory building could be and maximum size.

Council Member Kurt Ostler asked Council Member Scott L. Smith if he would want to add a three-foot setback for every foot added to the building's height, and he was worried 30 feet off the lot might still be too close. He said the building would look smaller if it could be farther off the property line.

Council Member Scott L. Smith commented that to build an accessory building at 35 feet, one would have to have a lot of property in order to comply with the amount of setback required. He said the current code allowed the buildings to be up to 25 feet high. He also liked the idea of an average height that would force the roof to be pitched.

Council Member Kurt Ostler said he liked the idea that for every foot over 20 feet, there would be additional setbacks. He also said he was okay with 7% and wanted to get a maximum size established.

Mayor Rod Mann asked if a 55-foot setback were reasonable, and Council Member Kurt Ostler said the buildings would not be 35 feet high; they could be shorter and have a smaller setback.

Cole Peck discussed side setbacks briefly. Council Member Kurt Ostler said that they would make the code read that for every foot over 20 feet, there would have to be additional setbacks. Mayor Rod Mann said the only instance in which a person could build over 5% was if the property was at 2.9 acres.

Council Member Kurt Ostler said they would adopt the Alpine code, accept 7% across the board, and include that for every foot over 20 feet there would need to be two additional feet of setback.

Council Member Scott L. Smith expressed support for a 35-foot roof with an average of 25 feet to have a pitch. Council Member Kim Rodela said she liked that as well.

Council Member Kurt Ostler asked if everyone was okay with 7%, to which the response was yes. He asked again what the maximum should be. Council Member Scott L. Smith said he supported a maximum between 8,000 to 8,500. Council Member Kurt Ostler said he would like 6,000 to 6,500. Council Member Scott Smith

proposed they compromised at 8,000. Council Member Kurt Ostler asked Council Member Brittney P. Bills what maximum she liked, and she replied she would accept 7,500 ft.

*Council Member Timothy A. Ball MOVED that the City Council **AMEND** the code to 7% of the acreage. The maximum height of accessory buildings at 35 feet, assuming they comply with the setbacks, which would be increasing for each foot above 20 feet would increase the setback by two feet. Twenty feet height requires 10 foot setback. Maximum square footage capped at 8,000 sq ft. In addition, a max height of 35 feet with an average height of 25 feet. Council Member Scott L. Smith SECONDED the motion.*

Mayor Rod Mann asked if the Council wanted to put a minimum lot size to go from 5% to 7% in the R-140 zone. He said currently it was at 2.9 acres. Council Member Scott L. Smith replied that he would like it to be 7% across the board, regardless of lot size.

Council Member Scott L. Smith asked if the staff had concerns about moving down to 7% and said they would be on the front lines of the change.

City Administrator/Community Development Director Nathan Crane anticipated receiving a lot of complaints about the size of building and about code enforcement. Council Member Scott L. Smith interjected that the complaints were about setbacks, which was a problem they were addressing. Mr. Crane said that was part of it. He mentioned a 20,000 square foot lot on Canal Boulevard that had given them trouble in the past.

City Attorney Rob Patterson read the proposed changes, which were that an accessory building may be increased beyond 5% up to 7% of the total gross lot area, and up to 8000 square feet as long as there was a back setback of 60 feet and a side setback of 30 feet. The 25-foot average height would still apply.

*Staff and City Attorney Rob Patterson will write an ordinance reflecting these amendments and bring to Council for adoption at a later meeting.*

*Note: There was a brief technical error with the audio.*

*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>No</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 4:1.*

## **6. PUBLIC HEARING/RESOLUTION: SETTING FY21 GARBAGE AND RECYCLING RATES (Legislative)**

City Council will consider updating the garbage and recycling can rates for FY21 relative to the new contract with Waste Management. The Council will take appropriate action.

Assistant City Administrator Erin Wells explained the background of the garbage revenue management. All revenue comes from the utility bills sent to residents monthly. Expenses were broken into three categories: hauling fees paid to waste management, tipping fees to the North Point Transfer station at \$30.50 per ton, and other miscellaneous costs such as salaries and billing costs. There has typically been revenue over expenses for the garbage department in the last five years although it was acknowledged that the exact reason for this was unclear. She stated it was roughly \$55,000 in revenue over expenses.

Assistant City Administrator Erin Wells referenced a packet given to the Council, which showed the current and proposed monthly rate figures as well as propped monthly and annual differences. She stated the proposal was to add a fee of 21 cents per month for the first garbage can. Based on her projections, revenue would be 985,000 and expenses would be \$930,000. She said it allowed for fluctuations throughout the year and would allow them to not have to change rates mid-year. She said it also provided a cushion for the general fund to provide for unanticipated changes. She said the revenue would be 20,500.

Mayor Rod Mann asked if they were paying fees for recycling, and Assistant City Administrator Erin Wells explained it was built into the rate that Waste Management charged them and that they took recycling to their own facility.

It was discussed that the rate would decrease if one did not recycle and if there was a second garbage can. Assistant City Administrator Erin Wells stated that she was hoping it would be cheaper to recycle than to have another can in order to incentivize recycling, and that there was a standard surcharge on all the cans.

Council Member Kurt Ostler asked how many homes there were, and Assistant City Administrator Erin Wells replied that there were 4,500 homes which was around 11,000 to 12,000 cans. Assistant City Administrator Erin Wells was thanked for doing the research on this issue and she replied that it was important since residents needed to have their garbage picked up.

**Mayor Mann opened the public hearing at 11:15 pm and called for any citizens who would like to speak on the item to state their name for the record. There were no comments. Mayor Mann closed the public hearing at 11:15 pm.**

*Council Member Kurt Ostler MOVED that City Council approve corrected Resolution R-2020-16 (as of June 2, 2020 at 11:15 pm) Fee Schedule Amendments for the Garbage & Recycling Can Rates. 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 5:0.*

**7. PUBLIC HEARING/ORDINANCE: A REQUEST BY HIGHLAND CITY STAFF TO AMENDING SECTION 3-621 AND SECTION 10-102 IN THE DEVELOPMENT CODE RELATING TO XERISCAPE LANDSCAPING. (TA-20-13) (Legislative)**

The City Council will consider a request by Highland City Staff to amend Section 3-621 and Section 10-102 of the Highland City Development Code relating to Park or Planter Strips and Xeriscape Landscaping. The City Council will take appropriate action.

Planner and GIS Analyst Tara Tannahill gave a high-level background and stated that section 3-621 removed 50% living material and non-water wise plants and added xeriscape as permitted use in the park strip. In the original it had been written that trees, shrubs, and canopy above 22 inches would be removed but since it was pointed out the wording was confusing, it was proposed to remove “trees.” She stated that the intent of the wording was mainly for improving visibility at the site triangle. For the definition section, xeriscape was added in the landscaping section as an allowed method and their proposed change to a section that spoke about both “grass”

and “lawn” to refer only to “grass” for clarity. For citizen participation, Planner and GIS Analyst Tara Tannahill reported she had sent out the necessary notifications and had not received any written correspondence.

Mayor Rod Mann questioned a slide that showed there could not only be pavers in the parkway without plants. Planner and GIS Analyst Tara Tannahill explained that there needed to be 25% living material. Mayor Rod Mann said he thought he had read it could be less than 25%, and Nathan City Administrator/Community Development Director Nathan Crane stated he was familiar with the 25% rule. Mayor Rod Mann asked if that included the growth of the living material as well and it was clarified that it did include growth and not just what was planted in the ground. Mr. Crane said he understood the 25% to refer to the ground cover of living material. Planner and GIS Analyst Tara Tannahill said that the ordinance includes trees, plants, and shrubs.

Nathan City Administrator/Community Development Director Nathan Crane explained further that the intent was for there to not be an area with only rocks. He said trees do not break the rocks up the way that a shrub would. Xeriscape does not necessarily mean no plants.

Council Member Scott L. Smith stated that American Fork Hospital was a good example of xeriscaping. Their xeriscape had low maintenance and low water usage and, in his opinion, looked nice.

**Mayor Mann opened the public hearing at 11:23 pm and called for any citizens who would like to speak on the item to state their name for the record.**

Brent Wallace stated that the Water Advisory Board had asked Planning Commission and City Council to do away with park strips completely. He said he had done a study that showed there was a lot of water waste in park strips and asked the Council to reconsider their decision. He felt park strips were antiquated and should be done away with. He spoke of Steeple Chase neighborhood that had extra wide sidewalks with curbs and gutters, making park strips unnecessary. He said if everyone eliminated one station from their sprinkler systems, they could save about 10% in water. He mentioned that the last April and May had been among the worst on record for drought conditions. In his opinion, the practice of mitigating water usage should not only be allowed but encouraged. Mr. Wallace said he would forward the report from the Water Advisory Board meeting and encouraged the Council not to decide until they have considered the idea of doing away with park strips entirely.

**Mayor Mann closed the public hearing at 11:26 pm.**

Council Member Timothy A. Ball said he approved of xeriscape. He agreed with Mr. Wallace’s comments that the park strips were antiquated and felt that xeriscape would be an appropriate solution to change the way park strips were formatted.

Council Member Kim Rodela said she liked xeriscape as well but would want to return to the issue at a later date so she to come back at a later date and think about the park strips. She recalled that during her campaign she had spoken with a landscaper who had also felt the park strips should be removed as they used a lot of water and were high maintenance.

Council Member Scott L. Smith inquired if the intent was to go through the City and remove existing park strips, or just to omit them from new development. Brent Wallace replied that it would be relevant for new developments or in areas that were going under reconstruction. He added it would be optional for existing areas and they should be encouraged to do away with their park strips in order to save water, but that he was not intending to go through the City and remove all existing strips.

Council Member Brittany P. Bills talked about native vegetation and weeds briefly. Council Member Scott L. Smith said he felt they should return to Mr. Wallace’s comments at a later date.

*Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the proposed amendment based on the following findings supporting the 25% live vegetation up to 75% xeriscape, including all the proposed amendments. 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.*

## **8. DISCUSSION: UTAH STATE AUDITOR'S FRAUD RISK ASSESSMENT**

Finance Director Gary LeCheminant spoke to the Council and reminded them that three weeks ago they had discussed the state auditor's fraud risk assessment report and the point system. He reported that he had reached out to CPA firms that were on an approved list and had sent them items that would be necessary to have should they be audited. He said a part of the agenda tonight was to confirm that those records had been sent to the CPA firms. He requested that a list of all vendors be scanned and have it confirmed that all vendors on the list were legitimate. He further stated that employers needed to ensure they were following fraud risk requirements. He requested that a random sample of employees be evaluated for fraud risk and finding sent to members of the City Council. He said this could be done in 10 to 15 hours a quarter and reported being quoted about \$3,000 a quarter by Squire CPA, which would come to \$12,000 annually. Another quote from Gilbert and Stewart was for \$2,025 a quarter. He specified that for both, CPAs would be the same each quarter, and would have five or more years' experience. He stated an internal audit would get them to 20 points from the state auditor.

Council Member Scott L. Smith asked if raising 20 points would put them into another risk category, and Finance Director Gary LeCheminant said no, they would stay in the moderate category. He said other cities would likely not use an external auditor.

It was clarified that this was a discussion item.

Council Member Scott L. Smith asked if other cities were doing this, and Finance Director Gary LeCheminant responded other cities he had spoken with were too small to audit quarterly. He said Salt Lake County had three internal auditors and reports were turned in directly to the board of directors.

In response to a question from Council Member Scott L. Smith if the work had to be done by a CPA necessarily or if reconciliation could be done by people from another City, Finance Director Gary LeCheminant said there could be a finance director, mayor, and city council member from another city come in to help but it was best to have a CPA from an approved list perform the audit.

Assistant City Administrator Erin Wells spoke up to add a note she had forgotten to deliver in her presentation. She said she had meant to share that on June 15 new cans would be delivered, and that they would be sending out a post card the next week with information. She also added that Waste Management would also be sending out a mailer, so people were aware of the change.

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

### **a. Future Meetings**

- June 9, City Council Budget Work Session, 7:00 pm, City Hall
- June 16, City Council Meeting, 7:00 pm, City Hall

- June 23, Planning Commission Meeting, 7:00 pm, City Hall

## 10. 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, as provided by Utah Code Annotated §52-4-205.

*At 11:44 PM Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss pending or reasonably imminent litigation as provided by Utah Code Annotated § 52-4-205. 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>Yes</i>

*The motion passed unanimously.*

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

*The CLOSED SESSION adjourned at 12:23 AM.*

## ADJOURNMENT

*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 12:23 AM.*

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 2, 2020. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder