



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 15, 2021

Approved July 20, 2021

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 847 1026 1799

 Email comments prior to meeting: council@highlandcity.org

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 Crane, Assistant City Administrator Erin Wells, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer Andy Spencer, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Scott Smith, Kyle Poll, Jerry Abbott, Peter Kilger, John Pinette, Reed Bromley, Rhonda Bromley, Sharleen Shields, Craig Shields, Kris Johnson, Scott Sumner, Titan Sumner, Kandyce Coston, Kristen Giles, Kathy Harding, Colby Gibson, Brady Giles

5:30 PM WORK SESSION - OPEN SPACE

Mayor Rod Mann called the meeting to order as a work session at 5:38 p.m. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Mayor referred to Aesop's tale "The Miller, his Son, and the Donkey. He explained that the moral of the story was that when trying to please everyone, you please no one.

Mayor Mann explained that he would consider the questions that had been formulated as they would help to get to better answers. He added that any questions deemed important should be marked with A, otherwise they could be marked with B or C in order of interest.

Questions:

1. What is the purpose of the Highland City Council?
2. How does our purpose as a Council guide what we should do with open space?
3. Do we see the current open space situation as a problem? If yes, what is the problem? If yes, is it a problem the City Council should attempt to solve?
4. How do you balance competing interests? For example, if a sale would benefit one family a lot, but would minorly bother ten other families, is that OK?
5. How do we balance the individual interests vs. community interests?
6. Is there any real harm to other residents when property is sold? Or is it perceived harm?
7. Why would we want to sell any property?
8. How would selling property benefit the city generally?
9. How would selling property benefit neighborhoods?
10. How would selling property impact individual homes?
11. Why would we NOT sell the property?
12. What impact does not selling have on neighborhoods, residents, and the city?
13. Are we selling something more than square footage for people? For example, are we selling a way of life? Privacy?
14. Should we begin from a default position of yes or a default of no?
15. Will the sale harm anyone in any real meaningful way?
16. Why do people choose to live in open space neighborhoods? What is it they think they are getting?
17. Will residents actually lose anything if open space in their neighborhood is sold?
18. What are resident's expectations of living in open space?
19. What do residents understand about open space? How can we help them better understand the problem at large?
20. What do residents think their \$20 open space is for, and will selling open space affect attitudes towards this \$20?
21. What regrets could we have if we sell property?

Mayor Mann shared a story. He explained that there was a piece of property that the Council had not sold. In the next few weeks, the property would be used to help alleviate another issue. He mentioned that if the Council had sold this property, it would have been much more difficult to buy it back later, especially if it had been fenced.

22. Is what we are selling any value to anyone besides the property owner? For example, lowering maintenance costs for the city.
23. In its current state, does the land benefit anyone other than the adjacent homeowner?
24. What is the real harm of selling property?
25. Would it actually change home values of the home purchasing the property?
26. Would it have any real tangible impact on other homeowners?
27. What land do people recognize as belonging to the city? Does how this land is used currently make it seem like it already belongs to the homeowner?
28. What about "fair?"
29. What about encroachment?
30. Are there different degrees of encroachment?
31. What about maintenance agreements?
32. How much do we worry about precedence for future councils?
33. What would be the unintended consequences of selling? Or not selling?
34. What liability issues are we currently facing, and what would liability look like after a sale?
35. What are we comfortable asking residents to do? For example, do we feel comfortable requiring maintenance agreements if some residents don't want to purchase?
36. What are we legally allowed to ask them to do?
37. Are we actually still creating issues between neighbors?

38. What if we sold off all the open space?
39. Why now?
40. What promises were actually made regarding open space neighborhoods, and what is urban legend?
41. Water, water, water.
42. I've heard comments that some requests are "land grabs." If that is true, what is problematic about it?
43. Does selling this create a narrow trail corridor?
44. How to adjudicate the sale of property when it is adjacent to more than one other property?

Mayor Mann stated that before starting the 30-day period, the Council had agreed on specific areas that they believed would be good to sell. He explained that Staff had presented 116 slides showing all the properties the City owned.

Mayor Mann described a slide with a cul-de-sac North of SR92. He stated that there was a sewer in there and that the Council would be comfortable if the landowner would like to buy. It was stated that the property belonged to Steve Brock and was a trail easement that had become redundant. Mayor Mann stated that along the area, there were other entities that had easements such as Jordan Valley which had a district facility easement and Provo River as well as any other facility that needed it at the County level. Council Member Bills stated that a survey should be done to see exactly where the City had its easement, and only sell up to that easement. Council Member Ostler explained that another connection was coming through the North, therefore the easement was not sellable. Mayor Mann stated that if there was an existing trail, the Council would not sell.

It was stated that #35 was another portion along the road. Council Member Ostler stated that there were other buildings on the west end. Planner & GIS Analyst Kellie Bronson mentioned that this was inside the easement. Council would stay outside the easement when selling. Mayor Mann clarified that most of requestees were outside what was already approved. He stated that he believed Council Member Ostler was talking about the Southeast side by the trail easements as well. He added that property # 108 and the bottom property were on sale.

#108: Council Member Smith stated that there been requests for this parcel. that there was the potential for a road to be developed off the hill on the Westside of Viewpoint and function as collector road. He stated that this would be a benefit to the neighborhood and added that the Council did not know how much of that property we would be needed for the road. Currently, the road was a dead end and there would be property developed: as a result, it would be beneficial to have a second exit for Viewpoint. Council Member Ostler explained that there was an emergency access road. Mayor Mann stated that one of those roads was steep and challenging for a regular car. He added that he did not want to sell this parcel and then have to come back.

Council Member Bills stated to the house that had had an open house and was located on the corner of the area discussed. She explained that she did not think the owners had submitted a formal request because when they saw this in the document, they had assumed they had been included. She added that they wanted to purchase. Mayor Mann explained that for areas approved by the Council would not require a request. Council Member Bills explained that the parcel had to be contiguous east to west and also west to east. Mayor Mann stated that this was the interpretation but that, more importantly, it was the interpretation of the Council that mattered. This was a legislative matter and thus entirely discretionary. Council Member Bills stated that she only wanted to let the Council know that the property owners had not submitted a request.

Mayor Mann explained that during the work meeting, the Council had talked about contiguity. Council Member Bills stated that she knew what the property owners' understanding was, even though they had not submitted a formal request. Looking at properties that went over the hill, Council Member Ostler mentioned that they were supposed to come from the east going west in order to avoid a gap. Council Member Bills explained that it was challenging to have this discussion without talking in some way about maintenance agreements and encroachments. She added that there was a lot of room with no chance that anyone would use the space except

those homeowners. She mentioned that she understood the idea of contiguity but argued that this particular parcel did not make any sense for the City to own.

Council Member Ostler explained that there were 7-8 homes in the area. He asked whether when it came to the homes coming from the East, it was the first 4 which had applied to buy. He was told this was the case. This left 3 homes without applications, one being the home on the end. He stated that each parcel was unique and explained that if the Council sold 4, skipped 3, and sold another, there was no reason for the other 3 to buy.

Council Member Rodela explained that these owners might not want to buy but added that property value would increase. Council Member Ostler explained that he believed there would be an incentive and stated that the area was not accessible to any other homeowners. Council Member Smith asked whether the City could enter into a maintenance agreement. Council Member Bills explained that the mowing took place biannually.

Council Member Ostler reminded the Council that some residents had complained because when the City mowed, they kicked up rocks. Council Member Bills explained that if 4 owners bought while 3 did not, there could be a discussion to not offer a maintenance agreement to those who did not wish to purchase. Mayor Mann stated that the policy was that maintenance agreement were only available for the properties the City would not dispose of. Council Member Bills stated that the Council should sell the 4 properties, and the next 3 would see their properties taken which would cause individuals on the other end to not be able to purchase either. Council Member Ostler stated that the 3 properties encroaching City property had the option to buy: if they refused to purchase, however, they could not encroach on City property.

Council Member Bills stated that some owners already had encroached and asked whether their improvements would be taken out. She was told that they would. Council Member Ostler stated that there were 220 properties that had encroached and stated that not all would be sellable. He added that the 4 properties should be sold and added that the remaining 3 did not have to buy. If they did not buy, they could not enter a maintenance agreement. He asked whether, in the event that the property did sell, it would go with the property or the owner.

Tim Ball arrived at 6:05 pm.

Council Member Smith asked whether the owners were adamant they would not buy and why they chose not to.

Council Member Bills said that one encroaching property owner was merely amused by the situation; the next would be forced to move the swing set they had added. The last was an elderly couple who would not buy because they did not want to spend the money.

City Administrator/Community Development Director Nathan Crane explained that maintenance agreements ran with the land.

Council Member Ostler explained that if an owner did not want to purchase, they should not be forced. But with that they should also not encroach. At the moment, these owners were getting the benefit of encroaching and the encroachment did add value.

Council Member Smith stated that if the 7 parcels were surplus, the 3 homes that did not buy but encroached would need to have the encroachment rules enforced. He added that the City would not maintain the property either.

Council Member Ostler suggested that 4 parcels be sold, not 3. He added that if owners had encroached, they had to move back or buy. City employees maintained these properties sometimes not knowing which properties the City owned. He added that the City should stop maintaining any of the aforementioned properties.

Council Member Bills asked whether residents who were maintaining the properties would be asked to stop.

Council Member Ostler explained that they could not encroach or take water: they did not have the right to irrigate the area encroached.

Council Member Bills asked what would happen if a resident could not afford to purchase as opposed to one refusing to purchase. She stated that there was value in purchasing vs not purchasing. Mayor Mann asked whether Council Member Bills was suggesting that if residents had encroached, they not be asked to tear the grass away. Council Member Bills stated she would have a difficult time asking residents to tear away the grass they had planted. This was an issue of ownership vs maintenance agreement.

Mayor Mann explained that these residents were watering grass at the City's expense. He added that this would amount to letting residents continue to water with the City's water and enjoy that property even though they had no maintenance agreement and had not purchased the land.

Council Member Rodela emphasized that a maintenance agreement could be crafted. She stated that it would be hard to tell residents to tear out the grass and have weeds. She further added that sometimes people could not afford the purchase. Mayor Mann stated that these residents had been able to afford landscaping. Council Member Ostler explained that it was the residents' action that had caused their grass to go past the boundary line. He stated that some residents might have a fixed income, which would be why they chose not to buy.

Council Member Smith explained that he had been restoring his parents' home in Pleasant Grove. He added that he had some neighbors who had wanted to move the fence so they could store their trailer. He explained that he had chosen not to sell as he wanted to keep the area contiguous and had subsequently decided to fence the area. He stated that property owners encroaching into a conservation area was inappropriate and that if they wished to use an area as private property, they needed to pay for it. Council Member Ostler asked whether those with financial concerns could be given time to plan for the purchase, time during which they would not be asked to move anything. He suggested giving them a year.

Council Member Bills stated that the Council knew the first 4 homeowners want to purchase. She asked whether it would be possible to put the other parcels aside and have another work session in October to have the conversation about encroachment and maintenance agreements. Council Member Rodela stated this was a good idea as she had not had enough time to go check all the properties listed and making a yes or no decision. Council Member Smith stated that there were 4 properties that were a yes. Mayor Mann stated that he believed it would be acceptable to give the residents who were uncertain a year to decide to buy or quit watering area that had been encroached upon. Council Member Bills asked about the way the encroachments would be monitored. Mayor Mann stated that the City knew where there were encroachments. Mayor Mann asked whether all the properties should be surplus, that the solution would be put everything in the surplus and give residents some time. He stated that the policy stipulated that the first 4 properties could be bought. He added that the discussion about the remaining 3 contiguous parcels should be put on hold.

Council Member Smith asked why the Council should not let the last 2 buy the parcels. Council Member Ostler stated that the first four were of no concern but added that there would be a gap of 2 or 3. He added that all the parcels should be put in surplus while giving residents notice that if they did not purchase, they would no longer be able to maintain the encroachment. If they had encroached, they would have a year to either buy or take out encroaching landscaping. Because City employees could not easily access those properties, they would not maintain the parcels.

Council Member Smith stated that it would be good to surplus the whole area. Council Member Ball stated that he liked the idea of giving residents a year. After the year was over, the contiguous neighbors should be provided with the opportunity to purchase those remaining properties. Mayor Mann stated that he felt this was fair.

Council Member Bills explained that the Council needed to decide as to whether they wanted to surplus all the parcels or just the first four and added that as long as they were on the topic of Viewpoint, they needed to hold off on the parcels which had the possibility of a road. She further stated that there were 3 others requests in Viewpoint, including one in the middle of the neighborhood.

Council Member Ostler asked whether the Council agreed about selling to all the neighbors who wanted to buy. Council Member Smith stated that this was the case and that the area could be surplused. Council Member Ostler stated that the area could be surplused up to the trail. Council Member Bills mentioned that there were 10 properties which were required to be held as the Council was waiting on a road. She also pointed to a parcel in the middle of the neighborhood which she did not believe the City could sell. It was located by the basketball court corner. Finally, there was one parcel in the corner. She stated that this had been a late request and that residents had already encroached and would like to go up to the trail and beyond. She mentioned that she felt this was a no as the City could not sell parcels which would have a trail in their backyard. Council Member Ostler explained, in jest, that there was a parcel for which he wished to provide preferential treatment as they had a BYU basketball court. Council Member Bills stated that she agreed with that one as long as it did not go past the row of trees into the area used as a neighborhood park.

Council Member Bills explained that in past policy, the City had paid for half of surveying costs. She suggested that the surveyor be given a total list of homes and to then divide the cost between all the property owners so that the total cost of the surveyor was covered. Council Member Ostler and Council Member Bills agreed.

Mayor Mann pointed to the Per & Susan Anderson property and mentioned that the 3 neighbors had determined how they would like to buy the property. Planner & GIS Analyst Kellie Bronson stated that the drainages were recognized by Army Corp but added that they did not have jurisdiction because they were not perennial streams, merely a major drainage. Council Member Ostler asked whether this was a conservation easement. Ms. Bronson stated that it was not and added that this Highland City parcel was not part of the subdivision plat and was not designated as conservation, it was part of natural drainage.

Mayor Mann stated that to be consistent, the City could sell the trail easements though he stated that it might not happen, as the City had already sold off property further South. He added that it was possible to go South as long as homeowners bought up to the North of the road on the way up.

Council Member Ostler stated that Braden Nish wanted to buy the property inside the area mentioned. Mayor Mann explained that the City could say the property for sale was the trail corridor if purchased contiguously from South to North. He stated that this was similar to the discussion regarding Viewpoint where there was surplus behind 8 homes.

Council Member Ostler stated that the City ought to be careful with these properties as they did not want to leave a gap. Council Member Smith asked whether there was drainage in the square and reminded the Council that Braden Nish was interested: Mr. Nish had been told it was City owned and part of the drainage. Mayor Mann stated that the City needed to protect the trees as it helped keep the soil together.

Council Member Smith stated that the City did not want to take the trees out. Council Member Ostler stated he approved of the trail corridor. Mayor Mann mentioned that this last parcel could be excluded while others along the trail corridor could be sold. Council Member Bills asked for clarifications regarding the Nish home. It was stated that it was a vacant property and that the property owner owned the adjacent home. Mayor Mann stated that for that home and the one next to it, the City had already sold the trail easement. Council Member Smith stated that the City had sold this portion but had not continued it. He asked why the little peninsula was not being sold: was it because of the drainage and trees? Mayor Mann explained that if the City started carving out parts of what they owned, there would not be a natural stopping point and the City would be cutting corners.

Council Member Ostler asked why the City would sell to one homeowner and not another. Council Member Smith asked whether anything was done for maintenance on these parcels. Council Member Ostler asked about the bike trails leading up to the Hog Hollow area. Mayor Mann explained that this was a more complicated question and added that the Council might figure out an option and allow a sale but added that he would prefer to have this done thoughtfully with some understanding of the reasoning. Council Member Bills stated that she felt good about just doing parcels around trail corridor and addressing the rest later. Council Member Rodela stated that she was okay with the trail corridor and believed the Council should look at each property later when these parcels were to be looked at division by division.

Scott Smith's property (not the Council Member): 12283 Timberline Dr.

Council Member Ostler stated that the property owners had not grassed over because they had gone to the City and asked for a maintenance agreement. It had been denied, and the residents had then been given a fire hazard notice by the Fire Department. Planner & GIS Analyst Kellie Bronson stated that this was an open space and drainage area.

Council Member Ostler stated that there were trails which, had they not been encroached upon, might have been used for mountain biking. Council Member Smith stated that residents could buy up to 5 feet to the trail. Council Member Rodela stated that bikers could not ride their bikes on those trails as there was just sage brush. Council Member Ostler stated that the City did not want to get too close to the trees. Council Member Smith stated that residents were in trouble whether they maintained or did not maintain and added that the City should let them buy. Council Member Rodela asked what would happen to the neighbors who had encroached if Brady bought the parcel.

Council Member Ostler stated that the City should let all neighbors work out issues amongst themselves. Council Member Rodela explained that maybe this parcel could not be decided at the moment. Council Member Ostler explained that there were issues with where exactly the property lines were.

Council Member Bills stated that the Council should come back to this later. She added that it opened the question of what to do if a homeowner thought they owned something when they did not.

City Administrator/Community Development Director Nathan Crane reminded the Council that there were water issues: adding a lot of square footage added demand on the water system. He added this was one of the reasons for not adding these parcels to Staff recommendations. When metering was brought up, he answered that regardless of metering, water that was not originally intended for watering grass would still be required. Council Member Bills asked whether it would make sense to charge for maintenance agreement. Council Member Ostler explained that this would mean making residents bring water shares into the City. Council Member Rodela asked whether these particular areas had water issues. City Administrator Crane explained that this was one of the City's worst areas. Council Member Ostler explained that this was the most expensive area with the most expensive irrigable water being pumped. City Administrator Crane explained that the cost was both that of the water but also the delivery of water. People were using too much water this area.

Council Member Ostler stated that when the City had sold ¼ acre, there had not been requests for more water shares, but added that the Council could discuss that if a residents bought a percentage of property: they could be asked to bring more water shares. Mayor Mann stated that typically, in a subdivision, the water was brought as a gross not a share. He added that the delivery system was also important: a pipe like the one currently used would not suffice and there would be a need for a bigger pipe. City Administrator Crane reminded the Council that Tavis had done a presentation about selling all this turf and the impact on the PI system. Council Member Smith asked about the options available. He stated that the City did not want to sell because of water, fire hazard, and stated that if encroached neighbors stopped watering, then fire hazard would increase. that he could see both neighbors and the City's concerns and stated that this was a catch 22. He mentioned that the City could provide

appropriate breaks. City Administrator Crane stated this could come in the form of watering adjacent to the property line. Council Member Rodela stated that she wished to defer. Council Member Smith mentioned that there should be another work session by the Fall.

12458 N Angels Gate – Kyle Poll

Planner & GIS Analyst Kellie Bronson stated that there was a 50' wide easement along the back of the lots. She added that there was a water transmission line easement. Mayor Mann added there was a water line and recommended deferring on this property along with the Giles property.

10667 N Canterbury Drive

Mayor Mann stated that the Council had agreed to this property. Planner & GIS Analyst Kellie Bronson explained that the plat said Highland City open space and added there was nothing around it. She added that the land around it was regulated by Jordan Valley. The Council agreed to sell this.

12074 N 6050 W:

Planner & GIS Analyst Kellie Bronson stated that this property had a significant water main line. Mayor Mann explained that the Council had said no to selling but yes to maintenance agreements. It was stated that the only thing the Council should allow in the maintenance agreements was grass. A future trail was also planned with building to the North. Mayor Mann concluded that these and similar properties should receive a no with only maintenance agreements, which was what residents were currently doing.

Zach – 6134 Lausanne St:

Planner & GIS Analyst Kellie Bronson stated that this lot was different as it was part of the detention basin. Mayor Mann stated that the trails had previously been sold between East and West: the residents wanted the parcels on the side. He stated that this was a trail easement for a trail the City was not going to build and asked if the parcel served another purpose on the drainage side. Planner & GIS Analyst Kellie Bronson stated Staff did not know. Mayor Mann stated that this would be a yes, depending on what Staff came back with in terms of purpose.

6337 W Bull River Rd.

It was stated that this was a parcel by the Mendenhall property and that the previous homeowner had landscaped it. The current landowner was trying to correct the situation. Planner & GIS Analyst Kellie Bronson stated to the property on the screen and the Council recommended a yes.

John Bursell 6189 Sunrise Dr

Mayor Mann explained that Staff recommended no on this property as it was along a detention basin. He added that the City was maintaining the property and that the homeowner had stated that, during maintenance, City employees were knocking off caps. Mayor Mann continued that he had asked Staff look into the situation and recommended a no. The Council agreed.

Skidmore – 11885 N Athena Drive

Council Member Ostler stated that the parcel was needed for drainage. It was mentioned that the City could not sell on the east side because of the drainage issues. Mayor Mann suggested a maintenance agreement and recommended deferment.

The Work Session was adjourned at 7:00 pm.

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Kurt Ostler

The meeting was called to order by Mayor Rod Mann as a regular session at 7:05 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Kurt Ostler.

1. UNSCHEDULED PUBLIC APPEARANCES

Comments were limited to three minutes per person and participants had to state their name.

John Pinnett stated he was concerned about the dry conditions and fireworks ordinances. He mentioned that while some areas were limited and/or banned, he wished to encourage the City to consider a ban on aerial fireworks. He went on to say that this was the driest the grasses had been in decades and stated that fields were crisp brown. Having been in the area for 33 years, he noted that since the approval of aerial fireworks, he had picked up several rockets off his lawn. Aerial fireworks were not controllable, he concluded.

Charlene Shields asked about the plan for the property with the two homes removed for Canal Blvd. She stated that cars were speeding on that road, but that the project was not done. There was a huge mess next to her home. If Council Members had not been on that road since it had opened, they should come down and walk by the catch basin. They would see the weeds, dirt, and mess that had been left. She asked how long it would take to finish and what the plan was to resolve these issues and finish the project. Mayor Mann stated that the City was working with Pheasant Hollow to combine those two lots and planned on selling the property; however, he did not know what the schedule was for the area. Ms. Shields mentioned that she would love to see a privacy fence around the catch basin as it was an eyesore. She finally explained that, after the entirety of the 2020 summer, she was still left with dust blowing in her home and stated that she was tired of it.

2. RECOGNITION ITEMS

a. Certificates of Appreciation

Mayor Rod Mann recognized Larry and Lori Mendenhall, Scott Sumner, and Rhonda Bromley for their many years of service to the community.

Mayor Mann presented certificates and pins to Larry and Lori Mendenhall, Scott Sumner, and Rhonda Bromley.

Mayor Mann also presented the Grand Marshalls.

3. PRESENTATIONS

a. Highland City Youth Council

A Youth Council representative presented an update of events in which the Youth Council had been involved.

Camilla Bradshaw stated that she was the government chair. She explained that in the prior month, for the arbor day tree planting, Youth Council members, City Staff, and about 20 citizen volunteers planted 8 trees in and around the town center and Meadows' Park. On May 15th, Youth Council members helped with crowd control, traffic directing, and holding banners on Canal Blvd. The Youth City Council had staffed a gate at the City Cleanup. She mentioned that the upcoming Thursday would bring a meeting as well as the summer party. Youth Night would be a chalk party for 7th to 12th graders, on August 6th.

4. 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. CONSTRUCTION CONTRACT: Crack Sealing *Administrative*

The City Council considered a request to approve a bid with Morgan Pavement to proceed with the application asphalt crack seal products to several roads throughout Highland. The City Council also authorized the City Administrator and City Recorder to execute the necessary contract documents for the project.

b. ACTION: North County Boulevard Right of Way Dedication *Administrative*

The City Council considered a request by the Utah Department of Transportation (UDOT) for the dedication of remnant parcels of right of way for North County Boulevard. The Council took appropriate action.

Council Member Ostler asked to pull 4a.

Council Member Scott L. Smith MOVED that the City Council approve consent items 4b

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.

4a. Council Member Smith stated that as the Council had looked at crack sealing, a resident had reached out. He explained that in some of the asphalt, there was alligatoring, which was the asphalt breaking up and having lots of cracks. He asked whether when this happened, it was better to seal cracks, or remove the asphalt. He was told that the first project the Council had ordered was the patching project: cracked sections were removed and replaced and then coming behind with the crack sealing project, fixing cracks, curbs, and removing weeds. It was stated that there was an order of operations: the road crews filled in first, removed bad sections, sealed cracks, and then sealed the coat. Council Member Ostler asked who determined what was fixed. City Engineer Andy Spencer stated that Ty Christensen would work with a patching contractor. He added that if Staff had missed any section, they could be informed to remedy the situation. He stated that there was a schedule of repairs for the year. He explained he felt confident that the road crew had addressed all the failure points. Mayor Mann explained that the repair schedule was online. City Engineer Andy Spencer stated that the repairs would start in

the next couple of weeks. Council Member Ostler asked whether there were issues such as buckling with the intense heat. City Engineer Andy Spencer stated that he had not heard of any such issue, yet.

Council Member Kurt Ostler MOVED that the City Council approve consent item 4a

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.

Mayor requested that the Council discuss items 10 and 11 as there were people in the audience who were present for those items.

10. RESOLUTION: ADOPTION OF THE ORPHAN PROPERTY DISPOSAL POLICY *Legislative*

The City Council considered the adoption of the Orphan Property Disposal Policy. This policy outlined the process and procedures to designate parcels as orphan and the valuation of said parcels. The Council will take appropriate action.

The mayor stated that in the Work Session, the Council had covered a lot. Mayor Mann proposed that the Council continue going down the list and note additional stipulations.

Council Member Smith asked whether the Council was going to discuss the policy. Mayor Mann apologized that he had jumped ahead to item 11 instead of item 10.

Council Member Ostler asked whether the policy was going to stay consistent as Council went through the policy.

Mayor Mann stated that it would stay the same unless there were things to change. He stated that the policy was a non-exclusive list. City Attorney Rob Patterson stated that the policy was the same with revisions from the prior Council meeting. Council Member Smith stated that there had been requests to surplus the property. He stated that most people had used the existing criteria which had worked properly. He stated that, consequently, he was withdrawing his objection. The criteria were clear enough for residents to understand. He added that often, applications met the surplus criteria. He concluded he was in support and would like to vote.

Council Member Kurt Ostler MOVED that the City Council adopt the Orphan Property Disposal Policy.

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>

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

The motion passed 5:0.

11. RESOLUTION: ADOPTION OF THE DESIGNATION OF DISPOSABLE PROPERTIES *Legislative*

The City Council will consider the adoption of a resolution designating specific parcels of public real property as orphan parcels that may be disposed of. The Council will take appropriate action.

Mayor Mann asked the Council to keep going through the list of properties. Council Member Bills stated that as Council looked at the list, one of the issues was that this was very complicated. She felt it was more complicated than she had believed it would be. She stated that the initial thought had been to go through the list and find these properties where there caused a unanimous agreement, and properties with questions would be revisited at a later date.

Council Member Ostler stated that the properties would need to be decided on during the current year as the price would change the next year. Council Member Smith stated that if the properties were looked at later in the year, the price would not be changed. The Council was not trying to push properties into the next year when the price had gone up. He added that the Council could look at each parcel and clarify why they had said no. Council Member Ostler stated that the subcommittee was concerned about the policies regarding open space. He stated that the City had started discussing the idea of open space subdivisions in 1999. He added that this had been accomplished with an R-140 or an opt into the Highland open space special service district. He went on to say that the first open space subdivision in Highland required that every property parcel had open space around it. He explained that because of this policy, the Council was seeing different requests. In Beacon Hill, the policy changed. In Viewpoint, every home had to have open space. You could see the development policies change depending on the development or subdivision.

Michael Spears – 11832 N 6260 W

Planner & GIS Analyst Kellie Bronson stated that this property had no easements. Council Member Ostler stated that the request was to take the property all the way across the back, which jogged into existing open space. He asked whether the Council wished to take the property where other properties were and square off as opposed to going into another open space. Mayor Mann stated that another option would be to go corner to corner. Council Member Smith stated that he liked the corner-to-corner option as it would make the property line smoother. He added that this would be a yes with some changes to the boundary. Council Member Rodela stated that she was fine with this while Council Member Bills stated she was a yes.

11839 N 6260 W

Council Member Ostler stated the property was behind the homeowner's homes and that the parcel was a parkway detail. He mentioned that this parcel would take away from the open space feel along road. Council Member Smith mentioned that he did not think that the Council should sell parkways. The property was listed as a no.

11914 Apollo way

Council Member Ostler stated that the parcel was at the back of the park with a playground. He mentioned that it had been surplused a couple years back. Mayor Mann explained that it was the parcel below that had been

sold and that it was where the Council had stopped. He added that the owners were asking the Council to continue. City Administrator/Community Development Director Nathan Crane explained that he did not think this was the intent of the request. Council Member Ostler mentioned that this used to have a park area. The Council chose to defer the decision.

Apollo Way Proposal

It was noted that there were 5 parcels and one outlier. Council Member Smith explained that the letter from the applicants asked whether the area had been surplused in 2018. He added that, having been on the Council at that time, he knew that this had gone up in January, 2018. He further stated that the roadblock for these parcels was all the homes on the south side of the trail which wished to purchase up to 5 feet of the trail while the owners on the North side of the trail did not. This created a problem as it required moving the irrigation line. He went on to say that most people did not want to purchase, except the people on the end. They wished to purchase up to 5 feet on the trail. He mentioned that they did not think they would need to move the irrigation.

Mayor Mann stated that the whole area was watered by the City's sprinklers system. Consequently, the system would need to be moved.

Kandyce Costen stated that, back then, owners had been approved. She explained that one of the issues was the cost of landscaping but that there had been some movement as a landscaper had been brought in. She had learned that the main line would not need to be moved because it would stay on City property. She went on to say that this would require cutting a few lines and making sure that the 5 feet on each side received water. She stated that there was a piece on the top house where the main line punched through. The issue was that owners would have 5-10 ft of private property while others had 25 ft of private property, which was uneven.

Council Member Smith asked whether the City maintained the property and how the property was accessed. Kandyce Costen explained that the City still had to come into mow. With the surplus behind the home, there would be less to maintain. She concluded that while this was correct, the City would need to maintain the strip next to the house on the North.

Mayor Mann asked whether the fences were solid. Kandyce Costen stated that 4-6 fences on the north side as well as those on her side were solid. Council Member Ostler stated to the 5 feet on each side and asked whether the Council would be closing the corridor with the higher fences. He added that Ridgeline Elementary was on the back side. Council Member Smith stated that the fences were supposed to be 6 feet, with the top 2 feet being open lattice. Council Member Ostler asked whether, in the event of the City going in for maintenance, the irrigation would be done by the City or professional company. Ms. Costen stated that the plan was to find and hire their own landscaper who would draw up plans and receive City approval. This service would be paid for by residents.

Mayor Mann mentioned that there were existing fences without lattice. If the parcels were sold, he went on, the fences would need to be open fences. He added that if the trail became a corridor, it would not be a nice space anymore. Council Member Smith stated that no one wanted to sell on the north side. He also recommended the 4' fence with 2' of lattice. Council Member Ostler stated that making the trail into a corridor would really change the character.

Council Member Rodela stated that Canterbury south and north had trail with the 4' fence and an added 2' feet of lattice. She mentioned that the field was beautiful and had been planted with trees, making it so the trail did not feel enclosed.

Council Member Bills stated that selling open space 40-50' wide trail corridor would allow 6' fences but added that at less than 40', the fence had to be 4' solid with 2' open, with the exception being if a property was next to

a public road. She added that the Council was permitted to allow special circumstances. Council Member Ostler explained that the Development Code had already addressed this. Planner & GIS Analyst Kellie Bronson mentioned that there were existing solid fences which made the corridor less than 40' feet: these fences would be grandfathered in. She stated that the Council should keep that in mind.

Council Member Smith stated that when this had been approved several years ago, Kandyce Costen and neighbors had struggled for a long time as they wanted more than a 5-foot backyard. He mentioned that he was in support of this.

Council Member Ostler stated that the main line was closer to the trail and asked what the plan would be if residents came across the main line somewhere else. City Administrator/Community Development Director Nathan Crane mentioned that Staff would have to plot accordingly.

Council Member Ostler asked whether sprinklers needed to be moved. It was stated that the contractor would have to pay for it. Council Member Smith mentioned that the one parcel lumped with the other five was isolated. He explained that he approved a yes on the five parcels. Council Member Bills stated the Council should agree to the five parcels while deferring on the extra one.

11869N Cyprus Drive – Johnson

The owners were proposing to buy corner to corner between north and the adjacent property owners' north corner. Council Member Ball stated that in the spirit of consistency, the Council should approve. Mayor Mann stated that the different circumstance here was that this property butted up to trees. He added that this was more like Beacon Hills.

Council Member Ostler stated that the concern was the open area of trees. Council Member Ball asked whether the concern was that the trees would be removed. Mayor Mann stated that the issue was caused by the fact that the request had been created because of the problem caused by a pool being installed. There was not enough setback to put the structures in. He added that he was not sure whether the triangle mitigated the problem.

Kris Johnson, property owner, stated that this could resolve an impasse on the potential setback issue. He mentioned that, looking at the adjacent properties, there was the same amount of trees. He stated that the satellite view showed that a lot of the trees were overhanging.

Mayor Mann asked why putting the line towards the trees would fail to solve the owner's problem. Planner & GIS Analyst Kellie Bronson asked whether the trees went up to the property line with the waterfall. Mr. Johnson stated that they were one foot away. He added that there would be a vault containing pool equipment that would measure 200 square feet, as per City Code. The code was not specific on how to measure the dimensions of an accessory structure. As a result, he had used internal dimensions. Mayor Mann asked whether there were two structures next to each other. He was told this was the case.

Council Member Smith stated that he approved of the request as it seemed to solve the property owner's issue. He stated, however, that he would like to leave the trees in place. Mr. Johnson stated that he would leave the trees. He added that he wished to place a fence for the pool as he was trying to even out the fence line but stated that he had no intention of placing a fence in the back.

Council Member Ostler asked whether the decision being made concerned the property or the pool. He added that a unique decision could be asked for every property owner. Council Member Smith explained that he supported this and stated that the fence line would not go into the trees. Council Member Ostler explained that any subsequent property owner could remove the trees and asked whether this would create a precedent.

Mayor Mann stated that the Council was doing a boundary line adjustment to fix a problem that the property owner had created. He added that future property owners who created problems could argue that since this was done for this one property, they should be accommodated. The property owner explained that there was an intent to get the property before the structure was built. He was trying to comply with code. Council Member Smith explained that the property owner had not encroached and stated that the property owner tried to do things right.

Council Member Bills stated that she did not know what good that property would do for the Council to keep. Council Member Ostler asked whether the Council was setting a precedent, some might equate the area as an open space, or an area of foliage, or some kind of easement area. Council Member Bills asked about what would be missed if the area no longer belonged to the City. The property owner stated that when there were no leaves, there were little trees in there. Council Member Bills stated she believed no one else would benefit. Council Member Ball stated that this did not set a precedent as it was merely the connecting of property lines. The Council opted for yes.

11939 N Cyprus Drive

Mayor Mann stated to the area which was a grassy area on the right. He stated that the property owners wished to make some improvements. Council Member Ostler explained that he wished to hold off and approve after the Council knew more. Planner & GIS Analyst Kellie Bronson showed the Council the plans. She explained that Rocky Mountain had sent a list of what would be allowed: sports courts and landscaping without structures. Council Member Bills asked whether this resident wished to build an indoor facility. The Council chose to defer.

10075 N 6300 W

Council Member Ostler stated that this area was the frog pond. Mayor Mann stated that the pond had already dried up quite a bit. The Council chose to defer.

5587 W 10030 N – Shumway's

Council Member Ostler stated that this was not part of an open space and that the property owner was trying to buy one side of the trail. He had been told this parcel was behind. Mayor Mann stated those four main lines went through the space. There were code enforcement issues and pointed to an area of overgrowth. City Administrator/Community Development Director Nathan Crane stated that there were 3 utility lines and added that one of the challenges was trying to abandon one side and not the other. The property owner to east was looking to buy, but there was a water line in that location. He mentioned the driveway and space needed for garbage trucks to turn around. Furthermore, the water line went across the ditch and was the location used to maintain the ditch. Council Member Smith stated that if the City did not sell, something would need to be done to improve the area, especially when it came to the cars and trailers parked there. Mayor Mann stated that enforcement would have to happen. Council Member Ostler stated that there were utility easements and issues with the garbage truck. He added that if there were easements, there was no reason for the City to sell. The Council opted for no.

4022 Shoreline Drive

Council Member Bills stated that there could not be a City trail going through a backyard and thus supported a no. Council Member Smith asked about what should be done regarding the encroachment. Mayor Mann stated he disagreed and added that there should be a maintenance agreement or a sale of the space 5' from trail. He added that there could be a request to do both sides, but that, when reviewed, the choice should be deferment. The parcel could be later reviewed with the properties going east to allow for something similar to be done for all. Council Member Bills stated that she agreed with this and that the maintenance agreement should also be revisited.

Council Member Smith asked about the maintenance agreements. Council Member Bills stated that maintenance agreements were a problem that was bigger than what the Council wanted to deal with at the moment.

11231 N Park Drive

The Council opted for no.

4194 Elk cove Cir – Howes

Mayor Mann stated that there had been an update on the parcel the very day of the meeting. Council Member Bills stated that Council Member Ostler liked this property because it had a BYU Basketball court. Council Member Bills stated that the parcel should go straight up as to keep the trees are on the City's side. Council Member Smith stated he was in support. Council Member Bills stated she supported a yes.

5488 W Kensington Circle

Mayor Mann stated those 3 owners had applied but that 2 in middle did not and had not encroached. One owner was on the end. Council Member Smith stated that this had been brought up to the Council a while ago. At the time, there had been concerns about how wide the corridor would be as well as issues of cost. He added that these were no longer issues. This was similar to the part on Viewpoint and stated that there still was a nice trail corridor. He argued that this parcel was really hard for the City to maintain. He further stated that the owners were willing to pay the higher price and added that he supported surplusing this property. He went on to say that the City would stop maintaining this part. Council Member Rodela agreed and added that this was an eyesore. She mentioned the space was not being used and could be better maintained by residents. Council Member Ostler stated that the City could sell the parcels to three and give the remaining owner one year to purchase. Council Member Bills asked whether the City could ask these residents to hold off on installing irrigation for one year. It was stated that there would be water delivery issues and that the property owner had talked about putting solar panels there. Mayor Mann stated that the NW corner was right up to the trail and that if the City chose to sell, they would need to make sure that there were 5' up to the trail. Council Member Ostler asked about a property swap. Mayor Mann directed the Staff to explore this option.

Council Member Ostler restated the survey costs would be split between all residents.

The Council opted to defer.

9873 Coventry Ct – Amy Thomas

It was stated that this parcel might be eligible for maintenance agreements. Council Member Ostler stated that if the Council agreed to this corner, there were others in this subdivision who would request surplus and sale. He added that years ago, most of these people did not want to buy. He stated that he would prefer to defer.

Mayor Mann explained that there had been 3 fires along the road by Murdock Canal. Council Member Ostler stated that there were not a lot of encroachments along these properties though Mayor Mann stated out that there were a few encroachments.

Council Member Rodela stated that a deferment only meant the Council needed more time and that owners would know by the end of the year.

Council Member Smith added that the Council loved opens space but added that design was a problem in some neighborhoods. The Council was trying to solve problems and mentioned that money from these sales would

help parks and trails. Council Member Ostler clarified that if a property was sold as an open space, it would stay this way and would be serviced.

Council Member Brittney P. Bills MOVED that the City Council adopt the resolution to designate the specified list of parcels as identified on the Highland Sellable Land Document, as disposable. Buyers will use same surveyor and 100% of the costs of the surveyor will be paid by buyers. Surveying will be through a process determined by city staff. There will be no asphalt trails sold. Properties with Jordan Valley easements will not be sold.

Council Member Kurt Ostler 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.

Brady Giles asked whether properties not discussed during the current meeting would be discussed at a different time. Council Member Rodela stated that the Council wanted to discuss each subdivision and talk to neighbors. Council Member Smith stated the Mr. Giles' property had been deferred.

Peter Kilger mentioned that he had not been present for the work session. He added that he had been under the impression that the Council would summarize the property decisions.

Mayor Mann went through the list of the properties that had been talked about. Council Member Bills stated that Mr. Kilger's property had been a yes.

Council Member Ostler stated that there had not been issues with neighbor against neighbor. He added that this might be because the process no longer required for signatures to be collected.

Mayor Mann suggested that those with properties that had been surplussed receive an email. Council Member Smith stated that he would like to have the list posted on the City website, so it was available for the public to see. Mayor Mann stated that he would email the applicants himself and stipulate the constraints for those who had the opportunity to buy.

5. PUBLIC HEARING & RESOLUTION: ADOPTING FINAL AMENDMENTS TO THE HIGHLAND CITY 2020-2021 FISCAL YEAR BUDGET *Legislative*

The City Council held a public hearing to consider the final amendments to the FY 2020-2021 Budget. The Council would take appropriate action.

Tyler Bahr stated that there had been final amendments made to the current budget. He stated that there were personnel items that impacted both the general and enterprise funds. He stated to a couple of parks positions (\$32K) which had been approved in February. He mentioned that Staff was about to onboard a sprinkler repair staff member to replace an individual who was retiring. He added that an arborist was also being added. Council Member Ostler stated that an arborist looked at weeds, as well. Mr. Bahr stated that this would add \$14K to the

general fund and \$17K to the enterprise funds. He also mentioned that vacation payouts had been given to the departing engineer.

Mr. Bahr continued that the enterprise funds amendment was as followed: road fee projects (\$180K) to start projects earlier; bond payment adjustment was \$500 higher than previously planned. He also stated to the Mercer Corner Improvements which was \$40K (City's portion). Finally, for information technology, the server software was \$15K.

General Fund:

- Professional Services and Blu Line (\$13K)
- Covid Expenses through Fire Department expenses shared with Alpine (\$60K)
- North Pointe tipping (\$30K)

When it came to the CARES funds, Staff had a consultation to find a simpler way to manage money. These adjustments were for balance sheet purposes.

Council Member Ostler stated that he would like to see how much money the City had brought in compared to expenses. He also stated that he wanted to know more about new Covid money. Mr. Bahr stated that this would be provided at the end of the year.

Mayor Rod Mann opened the public hearing at 9:04 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 9:05 pm.

Council Member Smith stated that there was an additional construction at Spring Creek Park amounting to \$65,000. He asked what these funds would entail. Nathan Crane stated that this item had gone into two fiscal years. Council Member Ostler asked for the total cost which Mr. Crane responded that it was over \$500K.

Council Member Kim Rodela MOVED that the City Council adopt the Resolution amending the fiscal year 2020-2021 budget.

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.

6. PUBLIC HEARING & RESOLUTION: INTERFUND TRANSFER FROM THE PRESSURIZED IRRIGATION FUND TO THE GENERAL FUND *Legislative*

The City Council held a public hearing to consider the adoption of a resolution allowing a transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund for Fiscal Year 2021-2022. The Council took appropriate action.

Tyler Bahr stated that spending from enterprise funds needed to be for the purpose intended and added that the transfer had a process. He mentioned that watering parks was funded by users in the PI system which cost \$2/month per customer. If the Council did not make this transfer, he, went on, the general fund would bear this expense. He added that this was a typical transfer done on an annual basis. Council Member Smith asked whether the general fund was paying money into the PI system for irrigating parks. He was told this was the City paying itself and stated that this was a transfer from PI to general fund. This was just an accounting entry. Mayor Mann stated that this way, this money would not come out of general fund revenue sources. Residents were paying for this. He added that this was not a permissible use unless Council approved it.

Mayor Rod Mann opened the public hearing at 9:09 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 9:10 pm.

Council Member Ostler asked why the general fund was due the \$108K. Mr. Bahr answered that this was the cost of watering the parks and that the fund was now getting it back.

Council Member Scott L. Smith MOVED that the City Council adopt the Resolution authorizing the transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund for the fiscal year 2021-2022 budget.

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>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

7. PUBLIC HEARING & RESOLUTION: ADOPTING FY2022 FEE SCHEDULE

Legislative

City Council held a public hearing and considered adopting the FY2022 Fee Schedule. The Council took appropriate action.

Treasurer Candice Linford provided an overview of changes in the fee schedule. She stated that everything remained with a few exceptions.

Ms. Linford explained that there was a \$500 deposit fee for commercial. Based on an impact fee study, she explained that the fees included changes for parks, pressurized irrigation, as well as breaking out Police and Fire separately. She added that the fees separated out single family from multifamily, specifically when dealing with Ridgeview.

Council Member Ostler asked why the sewer was listed as central and southeast. It was stated that there were two service areas. Southeast was Ridgeview because there were very specific capital projects. Mr. Crane stated that Central was the rest of Highland. He explained that impact fees were consistent with what had previously

been approved and that if the Council wanted to reassess, it would be an extensive process which could not be done quickly.

Based on the \$18.50 road fee, Council Member Ostler asked whether there was senior restricted housing who paid a lower fee. He also stated to the road fee and asked if this was only for Ridgeview. Mr. Crane stated that Council Member Ostler was talking about impact fee.

Ms. Linford went over the changes:

- Culinary meter flat lid increased from \$40 to \$47.20
- \$90 for short term rentals in business licensing
- Cemetery: 3% increase to take care of the perpetual care fund
- Highland fling – various changes
- Library – late Kindle return to make it equivalent to movies
- Planning – Development Review Committee fee had been eliminated
- Group home review fee at \$485

Ms. Linford recommended a public hearing and adoption of the 2022 fee schedule

Council Member Ostler asked whether the vendor fee and the 3 hours was specific for Highland Fling. Ms. Linford stated it was for any City events. Council Member Smith stated that embedded in this was the culinary water fee. He explained that he had never had anyone thank him for raising a fee but stated that someone had thanked him for raising this fee.

Mayor Rod Mann opened the public hearing at 9:20 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 9:20 pm.

Council Member Brittney P. Bills MOVED that the City Council approve the Resolution adopting the Fiscal Year 2022 Fee Schedule.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

8. RESOLUTION: ADOPTING THE CERTIFIED TAX RATE FOR FISCAL YEAR 2021-2022 *Legislative*

The City Council looked into adopting the Certified Tax Rate for the FY 2021-2022 budget. The proposed rate did not include a tax increase. The Council took appropriate action.

Tyler Bahr stated that the County was delayed in publishing the certified tax rate. He added that the code required a process where the County assessor provided information to the County auditor. This was where the delay had originated.

Mr. Bahr stated that the rates for general operations were .000975 with an anticipated revenue of \$1,848,469.

The rate for the library was .000147 with an anticipated revenue of \$278,692.

Mr. Bahr stated that combined the rates would be .001122, dropped from .001216 with an anticipated revenue of \$2,127,161

Council Member Smith stated that property values had gone up and the CTR had gone down so that property taxes collected stayed the same. Council Member Bills stated out that the Council was not keeping up with inflation. Mayor Mann explained that inflation was going up but added that the Council was not taking citizens' money. Seventy percent (70%) of the City's revenue came from sources that did not adjust for inflation.

Council Member Ostler explained that the difference occurred through growth and mentioned that the City had growth coming. He went on to say that if the certified tax was \$1M and no growth was added, the City would only receive the \$1M. He stated that the City was forecasting into the future and might have 150-200 building permits coming. He stated that the next year might require a tax increase, or that it might be necessary 5 years down the road. Finance Director Tyler Bahr stated that at the moment, the City had one-time money, Covid-related, ARPA, sales tax, but added that ultimately, there would come a point when the building revenue would decrease and/or disappear.

Council Member Ostler stated the previous 2 years, the Council had thought they would need a tax increase. Nathan Crane explained that this was more complicated than that. Building permits were a one-time revenue which did not allow any fund operations and maintenance. This discussion should be done separately and stated that there needed to be some real projections done. Mayor Mann stated that the City could not project. He added that one study showed that after 10-20 years, every subdivision started losing money as they had to repair roads, etc.

Council Member Bills stated that it was the general fund study that talked about the future. Council Member Ostler explained that the projections had not accounted for CARES money or the Public Safety fee. Mr. Crane stated that none of the CARES money had been managed as if it would keep coming. It had been used for expenditures at that time. Council Member Ostler stated he was nervous about adding new employees as it increased set cost. He added that he hoped to see some growth in engineering and public works, though this growth came with some fixed cost. Still, he stated he was grateful for the growth. Council Member Smith asked whether the CTR had been published in time for notification to happen. City Attorney Rob Patterson stated that the City had to certify the tax rate by June 22, 2021 and stated that there needed to be a notice with increased taxes. Mr. Bahr stated that there was a requirement to notify via publication and by having a public hearing. He added that the motion needed from the Council was to certify the CTR even though it had not been in the packet.

Council Member Scott L. Smith MOVED that the City Council adopt the Certified Tax Rate for Highland City as 0.001122 and for general operation 0.000975 and for library 0.000147 for 2021-22 certified tax rate.

Council Member Kim Rodela SECONDED the motion.

Mayor Rod Mann opened the public hearing at 9:25 pm

There were no public comments.

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

There was a discussion regarding whether a public hearing was necessary. It was determined that it was not necessary.

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.

9. PUBLIC HEARING & RESOLUTION: ADOPTION OF FINAL HIGHLAND CITY BUDGET FOR FISCAL YEAR 2021-2022 *Legislative*

The City Council held a public hearing to consider approval of the Fiscal Year 2021-2022 Highland City budget. The Council took appropriate action.

Mr. Bahr presented a summary by fund and capital projects. Council Member Ostler stated that \$150K was going to parks for playground equipment. Nathan Crane stated that this was just out of the general fund. One idea that had been explored with Fred Philpot, was to have a perpetual fund to help fund playground replacements based on money from open space sales. This would be an amendment, he added. He mentioned that this would just cover funding for non-open space parks.

Council Member Ostler asked whether expenses came to the Council. He was told that this was the case. Council Member Smith explained that there were \$150K for playground as well as \$150K for tree replacement and asked whether there was enough in reserve for these repairs. Mr. Bahr stated that lowering the amount of reserves had allowed for these repairs to happen sooner than later.

Council Member Rodela stated that when it came to playground equipment, she could volunteer to be on the committee. Council Member stated that a parks study had been done several years prior for playground equipment. Nathan Crane explained that the City could spend as much as it wanted.

Nathan Crane stated that overall rates in employee benefits had stayed the same. This had resulted in a savings of \$41K compared to the tentative budget. He mentioned that this included expense for the Mitchell Hollow Trail at \$167K. Council Member Ostler asked whether there was an open space special service fund. Hidden Hollow was not an open space special service district fund but rather came from the general fund, as Hidden Hollow was not open space. Tyler Bahr stated that some funds had been included for the Lone Peak business alliance, PI meters, and PW trucks, most of which came from enterprise funds.

Council Member Ostler stated he was anticipating each truck to cost \$40K. He also stated that he was anticipating \$160K total. He also asked about the building inspector already having trucks. He was told this was for the second building inspector. Council Member Ostler stated that the city had bought a lot of trucks or updated Public Works vehicles.

Council Member Bills asked whether Public Works could get rid of the truck that had been in an accident. Nathan Crane stated that for some of the positions in PW, there might be an option to lease trucks. Council Member Ostler asked whether in the instance of an employee getting into an accident, if the City had collision insurance on its own vehicles. He was told this was the case but that employees were incredibly careful with the vehicles.

Tyler Bahr listed the different expenses for Capital projects: culinary \$2,637,987; sewer \$3,772,037; PI \$8,692,379; storm sewer \$285,043. After factoring in the Council requests for trees and playground equipment, the budget was at \$248k net revenue after expenditures. He went on to say the Council could allocate those funds to expenses or allow them to go to fund balance which would be 27%. He mentioned that Staff was reviewing the sources and intended uses of capital funds and that the Council would receive that information in the Fall.

Council Member Smith stated that when he was reading through the details of the budget, he had noticed that lines 10-34-18 (PW Inspection fee) where the actual YTD was \$74,000 when there was only \$25K. He asked why there was such a large drop. He added that he had the same question about the final and preliminary reviews. Nathan Crane stated that the City had collected more than what it had budgeted for. He explained that lines 10-34-15, 10-34-18, and 10-34-21 was PW inspection fees when someone came into a new subdivision. He stated that Millhaven and Ridgeview had already been collected and added that Ridgeview was in the next phase which would have to go through within the year from the current date. He added that these fluctuated each year and were therefore impossible to guess. Council Member Smith added that the budget had been conservative. Nathan Crane mentioned the reimbursement cost.

Council Member Smith asked about should the City anticipate less fines despite growth? He added that it seemed fines would increase. Nathan Crane stated that the trend in fines might stay the same but added that there might be changes because of Covid. Fines might come back up. Council Member Smith stated that staff tended to budget conservatively. He explained that it was wise budgeting and explained that the budget allowed him to have a better concept of what was in the reserves.

Mayor Rod Mann opened the public hearing at 9:51 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 9:52 pm.

Council Member Kim Rodela MOVED that the City Council adopt the Resolution approving the Final Budget for Fiscal Year 2021-2022.

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 5:0.

12. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

Council Member Rodela stated she had a question regarding open space fees which had been passed the fee schedule. She stated that there needed to be a change on the fee schedule regarding open space fees as discussed by Council.

a. Mitchell Hollow Baseball Field Use Policies

Nathan Crane explained that this had been first discussed in October of 2020. He added that a generous resident was donating and reconstructing the infield. The field was turning into dirt but this had been removed and built back up. He went on to say that this would be one of the better fields in North Utah County. He stated that Phase 1 would consist of enclosing and locking the field. He stated that there already had been damage done to the field; graffiti in the bathroom and dirt bikes into the in-field as well as hoses and connections stolen. The hope was that somebody would donate turf to create a batter's box and pitching mound. He went on to say that the person donating and reconstructing the field was affiliated with Clutch Baseball. He stated that the City would be responsible for mowing the outfield and maintaining the infield. Furthermore, he added, the shed would be replaced and a GPS would be used to make sure the infield was graded correctly. He further mentioned that there would be a reservations-based system. Mr. Crane explained that the benefactor's teams would use the field 3 days a week from 6-9. The remainder of the time would be open to reservations. He went on to say that the first reservations would be made in the Fall.

Council Member Ostler asked about the length of time. Nathan Crane stated that they did not have that. When it came to the surrounding cities, Mr. Crane went on, Lehi charged \$27/hour with 4 hour blocks, a \$40 prep fee and a \$30/hr deposit; Provo charged \$35/hr and \$150 for a full day with field prep included; Pleasant Grove charged \$100/4 hrs and \$150 for a full day with a deposit of \$100 and a discount of 25% for residents; Spanish Fork charged \$25/hr with \$125 for a full day and the total due at time of reservation.

Nathan Crane listed the City's prices:

- Non-profits \$5
- Non-profit competitions and clinics \$10/hr
- Non-profit field rentals \$75/day
- Non-profit striping fee \$25
- For-profit \$15/hr for practice, \$30/hr for competitions and clinics, with \$225/day.

Nathan Crane stated that one of the challenges had been legitimate people coming in and paying their fees only to find the field busy at their reserved time. There could be a locked gate with a code. He added that he had had several conversations with some council members about fees and asked whether some things should be changed. He mentioned that the field should be completed about one week from the present day and added that a big sign would be posted stating that the field was by reservation only.

Due to the fact that the field had been completed with personal funds, Council Member Smith asked whether there would be some kind of plaque or acknowledgement. Nathan Crane stated that he was working with a business partner to do something nice.

Council Member Smith asked whether the fees would be discussed. He was told that this was mostly a report. He added that the City was suffering monetary losses due to vandalism. He stated that as a Council, ideas needed to be discussed to prevent, punish, or deter vandalism. He mentioned that every underpass on the trail had been tagged and that restrooms had been graffitied. He reminded those in attendance that this maintenance came out of tax money. He asked whether a neighborhood watch could be a solution.

Council Member Ostler asked whether there were cameras around parks and restrooms? Nathan Crane stated that Staff was working on cameras in Highland Glen Park. He added that power had been a limitation but that this had been resolved. He added that the cameras ran off Wi-Fi and that the choice had to be to use a closed circuit. Nathan Crane explained that with cameras, resolution was an issue: license plates had to be legible and individuals

identifiable. He mentioned that a surveillance company had given the City a bid which had been too high. He went on to say that Staff was putting a gate at Highland Glen but had had troubles with the concrete.

Council Member Bills asked about anti-graffiti paint on restrooms walls. She asked if it would be possible for murals to be painted in tunnels as there would be less likeliness of graffiti being an issue. It was stated that there were public safety issues all through the County. Council Member Smith stated that there was a giant pornographic image going down Highland Glen Park. He added that an assessment ought to take place to see how much this was costing the City.

Council Member Rodela restated that this field would be enclosed and locked. She went on to clarify that the field was an open space park and asked whether there would be a fee for the open-space neighborhood. Mayor Mann stated that the field had been designated as a non-open-space park.

Mayor Mann stated that because the space was reservable and used for anything, they would not factor into the fee. He added that the cost was more than \$20. He went on to say that this factored playgrounds, but did not include new parks person, improved maintenance, etc. Council Member Bills asked whether there was any point at which the City could sell enough space to generate enough money.

Mayor Mann stated that the parcels sold thus far had been a big factor in the cost. It was stated that the City reserved the town center which was an open space park and charged everybody the same price. There had not been a distinction made between open-space and non-open-space residents. Council Member Ostler stated that the grounds could be considered open spaces while improvements could come from the general fund.

Council Member Rodela stated that finance wise, some of the parcels were now outside of open space expenses. She asked if this had been changed.

Mayor Mann explained that the City was subsidizing open spaces by 35% to 45% and that this came out of the general fund.

Council Member Rodela stated that she wished to see what the expenses of open space were since the Council had those parks out and said they were city parks.

Council Member Ostler asked about the revenue generated by open space and what it was maintaining. He added that this was a 1/3 out of general fund.

Council Member Bills asked whether open space was working. Was this costing what the Council had assumed it would?

Council Member Smith stated he was surprised the Council had worked through this so fast.

b. Future Meetings

- June 22, Planning Commission Meeting, 7:00 pm, City Hall
- July 6, City Council Meeting, 7:00 pm, City Hall
- July 14, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- July 20, City Council Meeting, 7:00 pm, City Hall
- July 27, Planning Commission Meeting, 7:00 pm, City Hall

13. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss pending or reasonable imminent litigation, as provided by Utah Code Annotated §52-4-205.

At 10:14 pm Council Member Kurt Ostler MOVED that the City Council recess to convene in a closed session to discuss pending or reasonable imminent litigation, as provided by Utah Code Annotated §52-4-205.

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 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 11:41 pm.

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 11:41 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 15, 2021. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder