



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 4, 2020

Approved 9/1/2020

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: 856 2422 1970. 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 Crane, Assistant City Administrator Erin Wells, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Fire Chief Reed Thompson

**OTHERS PRESENT:** Marsha Gustafson, Stephen O'Hearn, Natalie Ball, Zandra Anderson, Per Anderson, Sarah Ostler, Lars Anderson, Tanya Colledge, Wesley Warren, Nicki Brammer, McKay Christensen, Paul Atkinson, E. D. Barfuss, Steve Allred, Dyanne Law, Stephen Christensen, Jeannie Hodges, Willard Spykes, Wesley Warren, Christy King, Steven Ovard

**PRESENT ONLINE:** Diane Stratton, Dan Sorensen

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

Call to Order – Mayor Rod Mann

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Council Member Timothy A. Ball

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

## **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 the public to express their ideas, concerns, and comments. He added that speakers should limit their comments to three minutes per person. He asked them to state their name and address and said that if they wanted to speak about an item on the agenda to wait until that item was discussed in the meeting. He reminded speakers that per the rules of the Council, no personal attacks or rudeness would be allowed.

Youth City Council Member Sarah Ostler spoke about the Highland Fling. She said that the Youth City Council had helped with the baby celebration, Wizard School, the golf tournament, teen movie night, the parade, and the backyard garden tour.

Mayor Rod Mann added that they had also collected four large bins for the homeless, and that the Wizard School had been completely booked.

## **2. PRESENTATIONS**

### **a. Introduction of New Finance Director - *Tyler Bahr***

Finance Director Tyler Bahr stood and introduced himself. He said it was a pleasure to be there and that he appreciated the warm welcome he had received. He said that he began his career in banking and finance working with a smaller credit union, and then accepted a position with Zions Bank. He said that he had many stories about the repossession of cars and lost airplanes, and even had stories about the collection of cows off the back of trucks as collateral. He said that he had joined the public sector seven years ago, and had moved to San Antonio, Texas to work in finance and risk management. He worked for the Office of Innovation in San Antonio and had worked on projects that helped save the City money and helped residents get what they needed faster. He said that he loved local business and local government, and felt that when the private sector was unable to meet the needs of the community that there was an opportunity for the local government to step in and meet the needs of the public.

Finance Director Tyler Bahr said that he was excited to be working for Highland and listed his goals for the finance department. He said that he wanted to encourage transparency and facilitate systems that allowed information to flow freely. He wanted to manage the budget, and to cultivate resiliency by making wise financial decisions. He said another goal was to allow for opportunities to pivot, and to enhance and continue professional development. He said that the community deserved the best public service.

Finance Director Tyler Bahr gave some personal background and stated that he had grown up in Orem. He said that his wife, Missy, was a swim coach, and had recently gotten her master's degree in Sports Management. They had five children, three girls and two boys. He said that he had a passion for boating and wanted to begin boating again now that he was back in the area. He reiterated that he looked forward to working with the Council and said that he would address any questions that they had.

Council Member Kim Rodela welcomed Finance Director Tyler Bahr and said that she was excited that he had experience both in the private and public sector. She also asked if he would take her boating once he bought another boat.

Council Member Kurt Ostler also welcomed Finance Director Tyler Bahr. He said that he wanted to name a pet, and asked Finance Director Tyler Bahr if he knew of any financial terms that would make a good pet name. Finance Director Tyler Bahr said that Accrual could be a good option.

Council Member Scott Smith said that he had looked into seven City budgets over the years and asked if Finance Director Tyler Bahr would look at the way that other cities had formatted their budgets. He said that the way that Highland formatted their budgets was difficult for even him to understand, so he imagined that the public had a hard time reading it. He asked Finance Director Tyler Bahr if he could organize the budget in a way that was easier to read and understand.

### 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 – June 16, 2020

b. **ACTION: Ratification of a Change Order with Staker & Parson Companies for Construction of the 2020 Road Rehabilitation Project for \$56,568.96**  
*Administrative*

The City Council will consider a request to approve a change order with Staker & Parson Companies on the 2020 road rehabilitation project and authorize the Mayor or City Administrator and City Clerk to execute the necessary documents for the work. The Council will take appropriate action.

*Council Member Scott L. Smith MOVED to approve consent item 3a and b on the agenda. Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>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: MCKAY CHRISTENSEN IS REQUESTING TO REZONE 5.8 ACRES FROM TOWN CENTER RETAIL AND TOWN CENTER FLEX USE TO PLANNED AREA DEVELOPMENT. THE PROPERTY IS APPROXIMATELY 5.8 ACRES AND IS LOCATED APPROXIMATELY AT 10786 N 5320 W (PD-19-03)** *Legislative*

The City Council will consider a request by McKay Christensen to rezone 5.8 acres from Town Center Retail and Town Center Flex Use to Planned Area Development to allow for a mixed-use development with 42 residential units and 23,000 square feet commercial space. The City Council will take appropriate action.

Planner & GIS Analyst Tara Tannahill said that the property was located at 10786 North 5320 West. She said that the land use was currently zoned under the General Plan as mixed-use development, and that it was flex use and commercial retail space. For the PD district, land has to be in a mixed-use zone in order to qualify for a request to rezone. For prior review, she said that the Planning Commission had made a motion on November 19th, 2019 to pass the proposed PD district. The Planning Commission was a seven-body government, so there had to be at least four votes in order to pass. She reported that there had been a three to two vote. On December third of 2019 the City Council had voted to continue and addressed some concerns. On June second, 2020, the City Council had held a work session to discuss the updated PD district plan.

Planner & GIS Analyst Tara Tannahill said that the major changes that had been made since December 3, 2019 were the reduction of residential units from 70 down to 42, and the reduction of parking stalls to 209 from 346

originally, and some for the recreational amenities had been changed, and she said they would review all the changes in detail.

Planner & GIS analyst Tara Tannahill showed the updated PD district for the Council to consider. There were three residential districts: villas, twin homes, and Brownstones, for a total of 42 maximum units. The commercial space was proposed to be 23,000 feet maximum.

Planner & GIS Analyst Tara Tannahill reported that there were three proposed access sites to the property. One would be located at 10700 North that was 30 feet. Another access was located at Alpine Hwy and was currently 26 feet, but she noted that the staff had requested for that to be increased to 36 feet. The third access site was shared and was located at Ace Hardware and was 24 feet.

Planner & GIS Analyst Tara Tannahill stated that the developers had four phases planned for residential, and two phases planned for commercial. The first residential district was the villas, which had a total of 16 homes, and the minimum lot size was 2800 square feet. The homes would be detached and have a lot width of 35 feet. The villas would be broken into the four phases. The villas would have a private yard that would be maintained by the homeowners, and the other yards would be maintained by the HOA. She stated that the villas would have a two-car garage, with an additional space adjacent to the home.

Planner & GIS Analyst Tara Tannahill said that the twin homes were two attached units and would follow the same phasing plan of all four phases. She said that the twin homes would have a two-car parking garage with an additional space adjacent to the home. There were 16 total homes proposed, with a 20,800 square foot lot size. There was a 40-foot height restriction and 35-foot frontage per unit.

Planner & GIS Analyst Tara Tannahill said that the Brownstones would have two attached units as well. There were 10 units proposed, with a 40-foot height maximum, and the frontage was 25 feet for each. The Brownstones would only be in phase four of the residential district. The Brownstones would have a two-car garage, although there were no designated adjacent parking spots. The residents of the Brownstones could utilize ten stalls in the commercial space for visitors to park. The ten stalls would be installed when the Brownstones were constructed in the case that the development of the commercial space was delayed.

Planner & GIS Analyst Tara Tannahill listed the architectural requirements and stated that no more than 40% of a building could be one material, and that 60% of the building had to be two or more materials. She reported that the developers planned to construct the Grand Lawn and the pergola once all the homes on the site had been sold, although the staff had recommended that they both be installed once 50% of the units had a certificate of occupancy. The staff also recommended that the Tot Lot be installed once 80% of the units were sold.

Planner & GIS Analyst Tara Tannahill said that for the commercial recreational area, the developers had proposed a pedestrian hardscape, which would be 21% of the total space. She said that percentage exceeded the PD requirement of 10%. For the residential area, there was a requirement that least 20% of the net developed area be for recreation, and Planner & GIS Analyst Tara Tannahill said that the Grand Lawn, pergola, and Tot Lot counted for the recreational area. In the commercial district, the recreational requirement was 10%, and the pedestrian refuge areas in the commercial space constituted the recreational requirement.

Planner & GIS Analyst Tara Tannahill explained the fencing plan. She referenced a slide that showed a red outline that represented an existing six-foot solid wall, and there was a blue outline that showed a proposed private wall. The developers had requested that there be no fencing along the western perimeter and had instead provided a landscaping plan. The staff had requested that there be a theme wall be built due to a vacant lot adjacent to the area, although Planner & GIS Analyst Tara Tannahill stated that it was not a development code requirement that one be built.

Planner & GIS Analyst Tara Tannahill reported that the developers had provided a circulation plan, which was 26 feet throughout the property. She said that the Fire Chief had requested the curb be marked in red, and that “no parking” signs be posted alongside the curb. Another stipulation was that the access from Alpine Highway be increased to 36 feet. The staff also requested that Alpine Highway median be removed during phase one to allow for access from both sides of the highway.

Planner & GIS Analyst Tara Tannahill gave the parking analysis and said that 209 stalls would be provided in total. She explained that based on the number of spots available for the Brownstones for visitor parking would be dependent on what the uses for the commercial space were to be. She said that if the commercial space were for retail, that 92 parking stalls would be required, and that the developers currently had 93 stalls.

Mayor Rod Mann clarified that if the commercial space were used for offices, there would be 13 additional stalls and Planner & GIS Analyst Tara Tannahill confirmed this.

Planner & GIS Analyst Tara Tannahill gave the density comparisons. She said that the current proposal was 9.6 units per acre for the residential district. For reference, Toscana was demonstrated at 17.3 units per acre and Highland Vista was at 10.3, which made Apple Creek below the other developments.

Council Member Kurt Ostler said that the City Council had been unable to approve the density of Toscana and Highland Vista. He recalled that one of the developers had taken legal action to ensure the density of the development.

City Administrator/Community Development Director Nathan Crane explained that the Toscana development had been based on meeting standards and parking requirements, and that there had been no unit cap or density cap. At the time that Highland Vista was developed, a max density and unit capacity had been established.

Mayor Rod Mann said that Coventry’s density was 8.8 acres per unit, and the density of Highland Village was about four or six units per acre. City Administrator/Community Development Director Nathan Crane explained that they were in two different zoning districts.

Planner & GIS Analyst Tara Tannahill reviewed the noticing requirements and citizen participation. She reported that they had notified all property owners within received 500 feet of the proposed development. She said that so far, they had received seven written correspondences from the public, and that the majority of the letters were not in favor.

Planner & GIS Analyst Tara Tannahill reviewed a slide that showed the required findings for the PD district.

Planner & GIS Analyst Tara Tannahill said that the staff had recommended 16 stipulations, and the Council told her she did not need to list them.

McKay Christensen of the Apple Creek development spoke in response to the stipulations. He said that he was in favor with almost all of them. He said he saw the value of increasing the length of the entrance at SR 74 to 36 feet, but noted that that would push the buildings back, and they would lose about 10 feet of open space. He added that they had included the hardscape to ensure there was quality outdoor space in the development, with plenty of trees and outdoor seating. He said that the Council seemed to understand the parking situation, and said he was happy to answer any questions that they might have. He clarified that there were 10 stalls of visitor parking for the Brownstones, and said staff had recommended that in the case that phase two was not built before the commercial space that the additional 10 stalls would be installed in advance to ensure that the Brownstones had sufficient visitor parking spaces.

McKay Christensen said that there were only two points that he hoped that the Council would consider. One was the fence on the western boundary. He said that they could install a fence on that boundary, but that there was also a sidewalk, which he felt would help the City with weed abatement and improvements. He said that the design of the development was intended for people to live off the front of their homes, and if there was a full wall, he was concerned that it would not look good from an aesthetic standpoint. He mentioned there was a similar problem at Highland Vista, where the homes backed up a large wall. He said that if they had to put a fence in, he would like it to be a three-foot aluminum wall so that the layout was still open and inviting, and interactive with the community. He felt it would be a shame to have a large fence that would block the view of the homes, since they had invested so much money into the design of the front of the homes. The other item that McKay Christensen said he would like the Council to reconsider was their request that the entrance off of SR 74 be installed during phase one. He said that he would like to have a temporary turnaround off of 10700 North, and he would like to include the commercial entrance in phase two of construction.

Mayor Rod Mann asked if there would still be a crash gate installed at the entrance by Ace Hardware, and McKay Christensen said that he was still happy to have that done. He added that in phase one there should be no problems in getting in and out from a fire access standpoint. In phase two, they would pull back the median and install a 36-foot-wide road, so that they would not need access through Ace Hardware and so could remove the crash gate at that point.

Council Member Scott Smith clarified that McKay Christensen wanted the access for construction purposes. McKay Christensen explained that the access by Ace Hardware was not for construction purposes, and that they could discuss that issue more in depth at a later point. McKay Christensen also stated that when his team had calculated the density of the development that they had come up with 7.2 units per acre and not 7.6. He said that they excluded the commercial acreage or the accesses in their calculations.

Council Member Kurt Ostler said that the commercial area took 1.4 acres.

Mayor Rod Mann opened the Public Hearing at 7:42 pm and said that each speaker would have three minutes to talk.

Steven Ovard introduced himself and asked about if a traffic study had been conducted. He said that cars would turn out onto Alpine Highway and said that since there were no traffic signals it could be dangerous.

Mayor Rod Mann said that there had been a traffic study done, and the conclusion of the study had been that there was not enough traffic to justify the installation of traffic lights at that location.

Steven Ovard said that he was concerned about traffic by Ace Hardware and Meier's. He said that crossing that street was dangerous already.

Mayor Rod Mann said that there were roughly 12,000 to 13,000 trips made per day on that road, and 15,000 on SR 92. He said that the numbers did not warrant more traffic signaling.

Jeff Allred introduced himself and Steve Ovard as the owners of Ace Hardware. He said that the access road that ran through Ace Hardware concerned them. There was already a lot of traffic in the parking lot, and he said that the parking spots by Ace Hardware were limited, particularly since the Norton Athletic Center had been built. He said that people used the Ace Hardware parking lot when they went to the athletic center, and he reported that he had to ask people to move their cars. He voiced concerns about the size of the buildings.

Council Member Kurt Ostler asked Jeff Allred if, as a business owner, he would prefer to have no entrance into the property, and then have it added at a later date if there was a need.

Jeff Allred replied that it was dependent on what the commercial space was used for. He said that if it was a retail space, then they would be less inclined to have the entrance since there would be many people in and out over the course of a day. If the commercial area was used for office space, then there would be less people there on the weekends or in the afternoons, so it might actually benefit Ace Hardware to have overflow parking. He said that he had safety concerns over people backing out of the lots. He acknowledged that more businesses were great for the City in terms of sales tax, but said that he felt as though his business was being “squeezed” to allow for more business to be put in.

Paul Atkins introduced himself as the president of Alpine Credit Union. He was concerned that it was a through street. He said that the peak hours of the credit union were different from Ace Hardware. He said that the parking lot was not well designed, and that fender benders were a frequent occurrence because of how compact the lot was. He said that the drive-through exit was narrow, and he did not feel that the amount of traffic could be supported by the infrastructure that was in place.

Sarah McGill spoke, and said that she lived across the street and had attended most of the meetings that were in regard to the Apple Creek development. She thought that 42 units was much better than the original plan of over 200 units. She reported that she was not opposed to the plan anymore but said that she was concerned about parking and traffic on 10700 North. She asked if parking would be allowed on Alpine Highway, and Mayor Rod Mann said that it was. Ms. McGill said that if the median were removed, people would use her neighborhood as a turnaround in order to drive north. She thought that the median removal was a good idea, but there needed to be a “no U-turn” sign in order to avoid accidents. She also said that Toscana was 40 feet high, and that Apple Creek would be five feet higher than that. She clarified that it was a 40-foot height maximum for the residential districts and said that she wanted to make sure there the cap on height was enforced. She also wanted to make sure the lighting was downward facing and did not shine into the homes in her neighborhood. She said that she was concerned about the parking lot at Ace Hardware and agreed with Paul Atkins that parking was tight. She acknowledged that McKay Christensen had done a lot of work to address the concerns that had been brought to his attention and she reiterated that she was not opposed to the development.

Tanya Colledge spoke, and said that she was still confused about the density. She said that the Council had discussed in the past that they had overloaded the density in the area, and she felt that commercial space should go in the town center. She pointed out that the City made pennies on the dollar from residential areas, compared to the potential revenue that they could make from commercial. She acknowledged that it was more difficult to find a buyer for commercial space but felt that it had better long-term potential to make revenue for the City. She said that she had an office that was not in Highland City, simply because she could not find the office space that she needed in Highland. Ms. Colledge said that she would prefer to give her tax money to Highland, and that she would love it if there was more office space in the City that would enable her to be able to work in Highland. She also raised some safety issues and said that there would be more people driving through, and that with traffic parked on both sides of the street that the risk of accidents would be greater. She said that if the intent had been to limit the density, then they should have developed an avenue to sustain more cars coming through the area. She reiterated that she was in favor of commercial space or would be in favor of residential space if it were something along the lines of a senior center. Ms. Colledge said that if she had not read the agenda, she would not have known that the Council had planned to revisit issues in regards to the Apple Creek development, and voiced her concern that the nearby residents were overall unaware of the changes that were to be made. She said that as a resident, she wanted to know that the Council was doing the right thing, regardless of if the public were aware or not. She said that residents like her had opinions, and the Council needed to be transparent going forward.

Planner and GIS Analyst Tara Tannahill read comments received on YouTube. She read a comment from Dan Stratton, who wrote that he agreed that there should be downward facing light, as he was concerned about light pollution.

Planner and GIS Analyst Tara Tannahill read another comment from YouTube from Diane Sorensen, who wrote that she loved the plans, and felt that it was a great compromise with not too many houses or too much commercial space.

Christy King spoke and said that she did not usually attend the Council meetings but wanted to speak because she was concerned about the traffic through Ace Hardware. She was concerned that they were not building the access first, so that it did not have to go through the Ace Hardware parking lot. She said it had become difficult to make a left-hand turn out of the parking lot, especially without a traffic signal, and that during peak times of the day it was hard to make the left turn due to the amount of traffic. She said that it was dangerous for the teenagers who had to make that turn in order to get to school. She said that she was also concerned that there was not space for reservoirs, and there was already a lack of water in the area. She said that she felt there would not be enough water to maintain the green space within the development. She also was concerned about the types of trees that would be planted. She mentioned that she had to remove some sycamore trees that were in front of a house she moved into because the roots of the tree pushed up the sidewalk. She said that in 10 to 15 years that they might have a problem with road bulges from tree roots. Ms. King also brought up that she felt that the map was confusing, and she wanted a map that gave a better sense of where the development would be located. She summarized her concerns and said that she was primarily concerned about the traffic, how much water would be available, and the types of trees that would be planted. Mayor Rod Mann replied that there were tree standards for the City.

Steve Allred of Ace Hardware said that 12 years ago, the vision for the City Center was for it to become more developed. He said that he had been out of the country for a while, and that a lot had changed in the time he had been gone. He said that he was not opposed to development but hoped that it would be more commercial and retail development, and it seemed as though the development in the City Center was primarily residential. He reiterated that he was concerned about the limited amount of parking available in the Ace Hardware parking lot. He asked if there were any other ways that future problems with parking could be alleviated.

Wesley Warren introduced himself as a Highland resident. He said that he was in support of the Apple Creek development, but that he also felt that more commercial development space would bring a higher amount of traffic and congestion. Mayor Rod Mann pointed out that retail spaces generated more traffic. Mr. Warren said that he was confused by the people who had advocated for more commercial development, since he felt that commercial development would generate more traffic than residential. He also pointed out the General Plan did not stipulate that the town center overlay was for commercial and high-density housing. He closed with the comment that each time he came to a meeting, that he learned something new and gained new perspectives on issues and stated that there was not any one solution that would wipe the slate of concerns.

Fire Chief Reed Thompson commented on the access between Ace Hardware and the credit union. He stated that he was opposed to the installation of a crash gate between the developments, because it would limit access to both. Ace Hardware was a target hazard occupancy business due to some of the chemicals that they had in stock, and so it was important that the fire department was able to easily access the store. He said that currently, they had access issues just north of Ace Hardware due to the placement of the median that was there, and that if a crash gate were installed that it would compound those access issues.

Council Member Kurt Ostler asked what the maximum height was that the fire trucks could reach with the apparatuses that they currently had, and Fire Chief Reed Thompson said that they could access up to the fifth story of a building with the ladders on their trucks, and up to the third story with a ground ladder.

Council Member Scott Smith said that if there was a fire that the Fire Department would most likely access Ace Hardware from Parkway East, and if the parking lot was full of cars he did not see how they would be able to get a fire truck into the parking lot. He said that he did not think that they needed access between Ace Hardware and

the Apple Creek development and said that he did not understand the logic behind the choice to not install the crash gate.

Fire Chief Reed Thompson responded and said that it had to do with the commercial and residential occupancy tenants of their fire code. If there was a fire, they had to have three fire engines, the fire chief, and two ambulances on the site. He said that they were required to have corner access, which was why they would need to utilize the drive-through area between the development and the Ace Hardware parking lot. He added that they had to have a certain amount of distance between where the trucks were and the building in the event that the structure were to collapse.

Council Member Kurt Ostler asked what would happen if that access to Ace Hardware was not available, and if the fire department would be able to move through the development adequately if the access point was not there. He asked if it met the code requirement even if the access through Ace Hardware was not there.

Fire Chief Reed Thompson said that if there was any access point that extended beyond 100 feet, then they were required to have a turnaround. He said that to meet the code, they would have to have a hammerhead or a cul-de-sac if they did not have access through the Ace Hardware parking lot.

Mayor Rod Mann asked what the opposition to the crash gate was, from the perspective of the fire department.

Fire Chief Reed Thompson said that the time would take to crash through the gate would delay the response time, and that it would be safer and more time-effective to have a straight through way. He said that he was concerned with their ability to suppress fire in an area where they had limited access.

Jeannie Hodges introduced herself as a resident of Timp Village and added that she had served on the Planning Commission prior to the development of Toscana. She said that she had lived out of the country for two years and so she had not been at the previous meetings in regard to Apple Creek. She was concerned that only residents who were within 500 feet of Apple Creek had been informed about the development, since in her opinion the residents that lived outside of that radius would be the most impacted, as it was near the splash pad, the park, and the library. She asked the Council to expand the 500-foot rule. Ms. Hodges said that she lived off of 10700 North, and the traffic there was already a problem there. The development of Apple Creek would compound the traffic issues where she lived. She said that she wanted the Council to retain the option to revisit this before they began phase two and three, since a lot could change within that time period. She thought that the Council should retain their ability to make changes before each phase of construction began. She also brought up that a house on an acre of land would use a lot of water, and 50 houses would use even more water. She said that the consumption of water by the residents would greatly impact the resources of the City. She said that they needed to consider the water resources that Highland had, and that landscaping would only have a small part of the water usage.

Council Member Kurt Ostler asked Paul Atkins of the Alpine Credit Union about the option of a one car lane that would come out of the drive through of the credit union. Paul Atkins replied that there might be some hazards that could come of the creation of a drive through lane, but said that he was not opposed to the idea and would be willing to have a discussion to find a way to make it work for both him, Ace Hardware, and Apple Creek. He said that he appreciated the points that Fire Chief Reed Thompson had brought up, and that he had not considered that the access between the development and Ace Hardware's parking lot might be necessary for safety purposes.

Willard Spykes spoke, and said that the street north of Ace Hardware used to be a county street before Highland was incorporated. He said that his property was next to that street, and that the street had been moved at the behest of the property owners that lived off of it. He said that in the agreement, that the street was to be a right-of-way and not just an access. Mr. Spykes said that there was to be permanent access through that road, and the back  $\frac{3}{4}$  acres of his property had been subdivided before he bought it, so the City had built a right-of-way there as well to allow him to access the sewer. When Blackstone developed the area, a right of way had been established

behind Ace Hardware, and later the road had been moved. He said that the City records showed that the road was a right-of-way and not an access road. He reported that on his earnest money and on his title, it stated that he would have access to the back  $\frac{3}{4}$  of his property. He said that in 1979, a lawyer had said that “the Spykes would not get their right-of-way.” He asked if that was true, or if the lawyer had been incorrect. He said that the street had been moved illegally, and that he was entitled to his right-of-way. He said that he should have brought paperwork to show this but did not think that the Council and the Fire Department would have made an issue of the access road.

Council Member Kurt Ostler clarified that Mr. Spykes felt that he should have a right-of-way road along the entire northern boundary of his property. Mr. Spykes responded that the street had been moved by the City because they wanted to have access on both sides of the street. He said that Utah County records showed where the right-of-way street had been established originally. Mayor Rod Mann said that he was unclear how this issue was related to the development. McKay Christensen explained that the piece of land that Mr. Spykes had referenced was a long, narrow stretch of land and that it had been divided into two parcels. Along the northern boundary of one of the parcels, there was supposed to be a road that would have created a subdivided lot. The City had chosen to move it and left one of the parcels of land landlocked. Due to this, the City had deeded Mr. Spykes the north-south right-of-way road as a trade-off. Mr. Spykes said that the street parcel used to be twice as wide as the map that Mr. Christensen had shown on the screen. He said that it used to be 54 feet wide, and it was now half that. He reiterated that he wanted to know if he had the right-of-way or not.

Mayor Rod Mann closed the public hearing at 8:33 pm and opened the discussion to the Council Members.

Council Member Scott Smith said that he was concerned about the request for 40-foot height maximum in the residential areas. He said that of the three residential districts, only the Brownstones were three stories tall, so he did not understand why 40 feet would be needed for the villas or twin homes.

McKay Christensen clarified that they would not need a 40-foot height restriction for the villas or twin homes, and that 35 feet should be sufficient.

Planner and GIS Analyst Tara Tannahill said that there was not a height restriction in the PD district. Council Member Kurt Ostler replied that the Council could decide the height restrictions.

Mayor Rod Mann asked if there was a mixed-use height. Mr. Christensen replied that his team had used what was in the existing zoning.

Council Member Scott Smith pointed out that a problem that they had had with the Toscana development was that it had never went to City Council for final approval in regard to accessory buildings. He said that the Council would not have approved what had been built there, and that now other developments used Toscana as a standard. He said that while the development looked good from the outside, there were many small alleyways that did not make sense. He commented that he wanted to see a thriving commercial district but felt like the residential space mitigated that opportunity. He mentioned that the Council had approved the Norton Athletic Center near Ace Hardware, but that he wished that the parking lot had been put in front. He then said that that was the reason he was opposed to the access between Ace Hardware and Apple Creek, since he felt that people would misuse the parking spaces and that would lead to congestion in the parking lots. He reiterated his earlier opinion that the fire department did not need access through Ace Hardware and pointed out that the construction of an access road would bring traffic congestion to their parking lot, which would disadvantage Ace Hardware.

Mayor Rod Mann said that he felt that the installation of a crash gate would be good for Ace Hardware. He said that the northeast corner of the development was professional office spaces, and so in the evenings or weekends, when the parking lot was not in use for the office workers, it could be used for overflow parking for Ace Hardware customers. They delved into a brief discussion of that possibly.

McKay Christensen suggested that they install bollards, which could be moved by the fire department if need be. He also said that he liked the idea proposed by Council Member Kurt Ostler to connect the road with the Alpine Credit Union drive through.

Council Member Scott Smith asked why they needed the access through Ace Hardware. He said that there were issues with parking because the parking lot for the Norton Athletic Center was in the back of the building, rather than the front and that the intersection there was busy. He said that the density would need to be lowered to mitigate traffic issues. He also commented that the philosophy behind development in that area was for it to be commercial development, and that he hated to sacrifice the commercial space. He said that he would rather see more retail rather than office space go in.

McKay Christensen said that his latest plan had commercial space. He said that the plan had retail spaces and restaurants on the bottom floor. He added that this was the reason that he wanted the 40-foot-high height maximum, because the additional 5 feet would be used to cover the mechanical units that would be installed on the roofs of the buildings. He said he did not want the mechanical units to be visible.

Council Member Kim Rodela commented that she appreciated the Highland residents and appreciated the opinions that they had voiced during the public comments section. The two main concerns that she had heard from them the most was the potential for traffic issues, and the amount of commercial space, and she said that those were her main concerns as well. She initially had wanted to see commercial development but said that she appreciated the fact that residential space would be more financially viable in the area. She recalled that Fred Philpot had done an economic analysis, and the results had been that commercial would not work there. He had found that they did not have the rooftops to support it, and he thought that there would not be enough drive-by traffic. She said that they needed to think about what would be best for Highland residents and recalled that the development had gone down from 112 to 42 units. She said that commercial would have more excess traffic than residential units, and she gave some traffic statistics. She pointed out that they could not advocate for both less traffic in the area as well as more commercial development because commercial increased traffic flow. She noticed that people often treated high-density housing as a community, and that one thing she liked about Toscana was that they had 80% owner-occupied and 20% rental units. She felt that when the homes were owned people tended to take better care of them. Mr. Christensen stated that he did not have a problem with having his units be primarily owned rather than rented. Council Member Kim Rodela commented that there was a waiting list in Toscana to qualify to rent out the houses. Council Member Scott L. Smith commented that he thought it was an HOA that had set those rules. Mayor Rod Mann stated that an HOA can set rules, but they can evolve over time. Mayor Rod Mann stated that some of the rules were hard to change because of voting requirements. Mr. Christensen stated that that was what had happened in Toscana, that it started with a high percentage of rentals, but had gotten lower based on rules set by the HOA.

Council Member Brittney P. Bills stated that she agreed with Council Member Kim Rodela and said that she would also like to see more commercial space but had seen that it would not be viable based on the study. She said that she wanted to be consistent with the General Plan and to listen to the residents more. She had read the General Plan, which said that the town center was supposed to be mixed-use development and that higher density housing should be considered. She stated that a few years ago, the Council had agreed to hold off on the construction of residential units in the town center, but she thought it could be time to reevaluate that decision. She said she listened to what residents had said that they wanted and said she had looked over comments that had been made in the past in regard to the development. She said that some of the main things that people had concerns about were density. People had said they would be most comfortable with 10-12 units per acre and that they were uncomfortable with nightly rentals and commercial. She reported that they did not like the top floor balcony, and that some people were unhappy with the setbacks. The residents were worried about commercial not doing well there, as well as the increased traffic. She thought they needed to be good neighbors with Ace Hardware. She felt like she was being true to what she stood for and to the General Plan.

Council Member Timothy A. Ball stated that the City plan was low density, and that the City center overlay called for higher density. He said that originally, it had been capped at a certain level and that Toscana and other developments had taken up that allocation of higher density housing and that consequently, the Council had removed the ability to build additional high density housing units. He asked for the numbers, to which Mr. Christensen replied that there were 342, and of that there were 118 left. He said that between Toscana and Blackstone there were 118 units left, and so they were down to 42 totals. Council Member Kurt Ostler asked for clarification if their development code said 228, and City Administrator/Community Development Director Nathan Crane stated that they disagreed on how many units were left.

Mayor Rod Mann stated that they had eliminated the extra units so that the Council would have more influence on if they were to eliminate the residential units altogether. They had held three public work sessions about the issue, and he recalled that no members of the public had come and so they had set a moratorium. Rather than having the same problem that they had had with Blackstone where they did not have much control over the amount of units, the Council had decided that it would all be commercial so they had more opportunities to make decisions going forward. Mayor Rod Mann stated that most of the Council had not wanted to approve Blackstone, but after meeting with five different attorneys they had realized that they did not have much say and had to go along with the plan of the developer.

Council Member Timothy A. Ball asked if there were still criteria in place for the developer to change the mix of commercial and residential based on the initial occupancy of the commercial units. Mr. Christensen replied that it was capped at 42 units with a max of 23,000 square feet of commercial space, so he could not change the commercial area into residential. Mayor Rod Mann stated that they could go lower than those numbers for both.

Council Member Kurt Ostler asked if they had considered putting in more restaurants and said that he felt that residents wanted more restaurants. He thought they could support more restaurants in that area, although he recognized that office and retail would be a good fit. He asked about the parking around the northern commercial buildings and asked if they would have to have 51 parking spaces. He had only seen 41 parking spaces. Mr. Christensen replied that it would not be a 14,000 square foot building, just 12,000 square feet and so they would not need 51 spaces. Council Member Kurt Ostler stated that the Brownstone units were short by ten spaces and that he wanted to make sure they did not have the same issue there. He asked how many parking spaces were in the northern commercial area, to which Planner and GIS Analyst Tara Tannahill replied 41. Mr. Christensen stated that there were 51 on the south and 41 spaces to the north, and that he could probably squeeze in some more stalls and if they got rid of the access to Ace Hardware that he could probably fit in another four or five stalls. Council Member Kurt Ostler suggested they talk to the property owners about widening that entrance on the UCCU side. Council Member Scott L. Smith stated that he could not bring all that traffic through the Ace Hardware parking lot.

Mayor Rod Mann said that he understood Fire Chief Reed Thompson's concern, and that if there was a major problem at Ace Hardware that they might want to set up a command center in the north parking lot. Council Member Scott L. Smith stated that Ace Hardware had been there for 12 years without access from the south, and asked why it was so critical now. Mayor Rod Mann stated that if there was a mechanism to block other traffic then it did not matter if there was a crash gate or not. Council Member Scott L. Smith replied that gates were often left open and boards disappeared. He said that the General Fund got most of its money from sales tax, and that they should not make it more difficult for businesses to make money since it would impact their sales tax revenue. Mayor Rod Mann stated that he saw the barrier as a benefit to Ace Hardware since they could use the office parking for overflow. They discussed the advantages and disadvantages of the barrier further.

Council Member Kurt Ostler stated that the City was low on parking everywhere, and that parking was a big issue for him. He wanted this development to meet code and that it was important to get PD district zoning approval. He listed the four criteria for the PD zoning standards and discussed how the development met each

criterion. He asked about the height of the roofs of the commercial units, and clarified that Mr. Christensen was asking for 40 feet with an additional five feet to cover the mechanical units. He asked about parking and said that they were short 10 spaces. Mr. Christensen replied that they had met the requirements and clarified sizes of the buildings. Council Member Kurt Ostler clarified the difference about residential and commercial parking.

Council Member Kurt Ostler stated that this area was all zoned commercial, and if it were part of the PD application that he would not be interested in trying to limit the commercial. He wanted to meet the development code and the General Plan. He said that if they made an exception once then it would open the doors for other developers to come to the Council and ask for exceptions to be made for them. In a PD zone it was important that there were the recreational amenities and that they were meaningful. He listed that Mr. Christensen had proposed a Tot Lot, a barbeque area, a Grand Lawn, some trails, a parking lot, and a pavilion. He said that he did not like the idea of a pergola and wanted to stipulate that there was a pavilion. He thought that they needed to look at the phasing and determine at which phase the amenities would be added. He was nervous about the amenities being pushed to the last phase and was worried about the design standards and wanted to consider what materials would be used.

Council Member Scott L. Smith stated that he would like to ensure it was consistent with the surrounding buildings. Council Member Kurt Ostler stated that they had been seeing many different designs and asked if they could have preview as a Council. Council Member Kim Rodela asked how they could require a developer to match the designs of buildings that were about 10-20 years old so that the designs of the buildings in the area were consistent. Council Member Scott L. Smith replied that he did not think they should be exactly the same, but that they should be compatible so it would be pleasing to the eye. Council Member Kim Rodela agreed. Council Member Kurt Ostler asked if it should go to the Planning Commission or Council. Council Member Scott L. Smith stated that he would like to see it and have some input, but they did not need to vote on it. Mr. Christensen stated that the architecture type was called Mountain Contemporary, and that was the same as what other buildings in the area were using. Council Member Kurt Ostler asked where the western boundary was going to be. Council Member Kim Rodela stated that she did not want a fence there because it would be right in their front yards, and she liked the more open feel. Council Member Kurt Ostler asked if the City would have to pay for a fence at a later date after more development had occurred. Council Member Scott L. Smith stated that he supported putting a sidewalk there as a barrier. Mr. Christensen stated that he loved the idea of a more open layout, because people walked around the office buildings often and he thought that would look nicer.

Council Member Kurt Ostler asked about the Brownstones and clarified that the Brownstones were the ones with 10 missing parking spots. He said that they were three-story buildings that were 40 feet in height. He stated that he thought there would be some residents that would not like that height. Toscana was 40 feet as well, but he was not in favor of Brownstone homes that high in Apple Creek. Mr. Christensen clarified that they had switched to duplexes. There were only ten of them, and the reason they needed three stories was that there was no northwest elevation to them, and as they backed up to Ace Hardware they would not be seen. He said that the problem was that they were not as deep as the other residential spaces. He said that there would be an office on the bottom floor and living room on the top floor. If they went down to 36 feet, then they would lose ceiling height.

Council Member Kurt Ostler asked about a sewer connection with the property owner to the east of the development. There was discussion about the sewer setup in the area. Mr. Christensen stated that they did not want them to be landlocked, but they also did not want a sewer easement.

Council Member Brittney P. Bills stated that the City had approved fire access to Ace Hardware, and so it seemed strange to her that they were asking Mr. Christensen to fix the access. Council Member Scott L. Smith said that he was concerned about the installation of another fire access. City Engineer Todd Trane stated that there was an existing joint access easement that had been recorded to provide access to the property. City Attorney Rob Patterson stated that it had been required to build out the stub and it would make sense to connect it through. City Administrator/Community Development Director Nathan Crane stated that this issue went back to providing

access for the Spykes and said that it was a joint access easement. Fire Chief Reed Thompson stated that section five of the 2018 fire code required the fire trucks were able to have access within 150 feet of all sides of the structure. He explained the layout of the Ace Hardware parking lot and explained why it was necessary to have access there. He said that if the road connected, it improved the ability to address fires within the development as well as clean up a problem that currently existed with the fire code. Council Member Scott L. Smith asked for further clarification from Fire Chief Reed Thompson about their firefighting strategy in the area.

Council Member Brittney P. Bills stated that she was not as interested in the firefighting aspect, and that she was more concerned about the legal aspect of it. It seemed unfair to her that they asked Mr. Christensen to fix the problem at Ace Hardware. Fire Chief Reed Thompson stated that the access was proposed to go through and that if they had access then it would allow them to meet code. Council Member Kurt Ostler asked if Ace Hardware had a sprinkler system, to which Fire Chief Reed Thompson replied that he did not believe that they did. City Attorney Rob Patterson stated that it was common for one development to have an access road and then to require another development that came in later to use that same road. He asked how the City had dealt with similar issues in the past, and Mayor Rod Mann said that access had been granted to the benefit of the original owner.

Council Member Kurt Ostler said that this application was unique because it had both residential and commercial space in the development. McKay Christensen reiterated that he would be willing to install bollards, and that he felt the bollards would accommodate the needs of both the fire department and the needs of Ace Hardware.

Council Member Kurt Ostler contended that since the road came through the Alpine Credit Union that it could cause more problems with traffic congestion. Mayor Rod Mann pointed out that the drive through ran west to east. Council Member Kurt Ostler asked if it would be acceptable to have a stipulation that said the easement must be left open, since Fire Chief Reed Thompson had said that he needed to have 150 feet of access in each direction.

Fire Chief Reed Thompson said that the installation of removable bollards was acceptable to him. He said it seemed like a good compromise that would still allow him to meet the code.

Council Member Kim Rodela said that she agreed with the compromise, and that she was happy with what they had come up with.

Mr. Christensen said that he would like to have a landscape strip across the border with the bollards located in the middle. The Council delved into a conversation in regard to the fence on the western border. Council Member Kim Rodela advocated for the open feel and said she did not want the fence to block it off, and Mayor Rod Mann agreed.

Council Member Kurt Ostler said that the access to Ace Hardware from Apple Creek would still be drivable with the bollards in place. The Council then discussed the issue of parking again in regard to the Brownstones. Council Member Kurt Ostler pointed out that the Brownstones did not have enough parking and said that he wanted everything to meet the code. They discussed that each unit had three spots, and that there were ten stalls for visitor parking allotted to the Brownstone homes. Council Member Kurt Ostler said that those spots should always be reserved for visitor parking and should not have a shared use. Mr. Christensen suggested that he could take 10 stalls out of the 93 stalls that were allocated for commercial use and make them strictly for residential. Council Member Scott Smith suggested that Mr. Christensen put parking spaces by the Tot Lot.

Council Member Kurt Ostler said that the Council was not trying to inhibit access, but that they had to make sure that they met the code. He said that he wanted to mitigate problems for the City in the future. He added that he would share the plans with the Planning Commission and that they would ensure that everything was up to code.

Mayor Rod Mann said that if there was a professional office, then the total area was 83.5 square feet. He said that since more retail and restaurants had been added that he now needed more spaces. He recalled that Mr. Christensen had said that he could create a couple more parking spaces earlier in the meeting.

City Attorney Rob Patterson said that the stipulation that the homes be 80% owned and 20% rented had to be a part of the HOA rules, and not part of the re-zone stipulations. He said that the Council could request that, but that it could not be enforced by the City.

McKay Christensen said that he did not want to install the second access until phase two began. He said that they could build up to 16-17 units with just the temporary turn around. He asked the Council to allow them to get to phase one, and then connect the access road to SR 74 in phase two. City Administrator Nathan Crane said that it would be okay to install the access in phase two.

*City Council Member Kurt Oster MOVED that the City Council accept the findings and ADOPT the ordinance approving Application PD-19-03, a request for a Planned Development (PD) district, subject to the sixteen (16) following stipulations:*

- 1. Development shall comply with the Apple Creek Plan and Narrative date stamped July 27, 2020 except as modified by these stipulations:*
- 2. All public improvements shall be installed as required by the City Engineer and City Fire Marshall.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*
- 4. Signed and painted red curbing shall be installed on both sides of the 26' and 24' road.*
- 5. The grand garden with the pergola shall be completed prior to 50% of the residential units being issued a certificate of occupancy. The tot lot shall be installed prior to 80% of the residential units being issued a certificate of occupancy.*
- 6. Trash and recycling containers are to be stored in garage or behind a side yard screen wall. They shall be placed behind curb lines in a designated location for each unit. The location shall be a concrete pad. The location where the containers are to be stored shall be shown on the site plan. If the containers are stored on the garage, the garage shall be enlarged to accommodate the containers.*
- 7. The entrance from Alpine Highway shall be installed as part of the first phase of development.*
- 8. The main entrance onto the site from Alpine Highway shall be 36' asphalt access.*
- 9. SR-74 intersection median removal should be completed when the access onto Alpine Highway is installed.*
- 10. A theme wall shall be installed along the western perimeter along the Town Center Civic District.*
- 11. Ten (10) visitor parking stalls shall be installed near the brownstone district from the commercial district as part of the improvements for the brownstone district.*
- 12. A minimum of 20% of the net developable area of the recreational area shall be developed as recreation areas.*
- 13. A minimum of 10% of the net developable area of the commercial areas shall be developed as commercial recreation area.*
- 14. The maximum number of residential units is 42 and the maximum commercial space is 23,000 square feet.*
- 15. The maximum number of attached units in anyone building shall be two.*
- 16. Restaurant uses shall meet the same parking standards as retail uses.*

*One of the stipulations being modified to access to SR 74 during phase 2 as recommended by staff. As well as the following stipulations: In the commercial zone, it will meet the PD district parking requirements. Access between applicant and Ace Hardware property and Alpine Credit Union is landscape drive-able access with bollards which are removable. Height would be 40' at the max of the building with an extra 5' for mechanical equipment. Also, required to be set back from the view so as not to be seen from the road. There will also be required in the commercial zone, that at least one building be retail on the bottom floor, meaning retail use, such as a restaurant use. The parking would be planned as if that retail use was a restaurant.*

Residential maximum height will be 35'. It also will meet the Development Code for parking requirements with 3 parking stalls per residential unit. Recreational Amenities are as stipulated in the plan which has been presented being a BBQ with a tot lot, which is a playground; however, being a pavilion and adding a fireplace in the grand lawn, similar to the picture. The pavilion has the fireplace in it. The fireplace is part of the pavilion unit. For the design on the residential developer must bring back designs for input from City Council. No fence on the western boundary, but there will be a sidewalk. Work with City staff to be determined by the City engineer for access to sewer to the Apple Springs property. Recommendation that HOA require 80% owner occupied. Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	No
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 4:1

The Meeting recessed at 10:13 pm and reconvened at 10:22 pm.

**5. ACTION/ORDINANCE: A REQUEST BY HIGHLAND CITY STAFF TO ADD CHAPTER 12.08.050 OF THE MUNICIPAL CODE (TA-20-08) Legislative**

The City Council will consider a request by Highland City Staff to add section 12.08.050 New Roads Serving Property Outside Highland City Corporate Limits to the Municipal Code. The City Council will take appropriate action.

Planner and GIS Analyst Tara Tannahill stated that the staff was proposing a tax amendment to the municipal code for roads that served outside of the Highland City corporate limits. This meant that Highland would not need to construct any roads that served properties outside of Highland City. She stated that the Council could allow the extension and construction of roads that served outside of the City, but they did not have to unless it was already under their general transportation plan.

Council Member Kim Rodela MOVED that the City Council adopt Ordinance No. 2020-22 adding chapter 12.08.050 of the Municipal Code relating to new roads serving property outside Highland City Corporate Limits. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

**6. ACTION: IMPROVEMENT AGREEMENT WITH BOYER RIDGEVIEW LLC REGARDING INFRASTRUCTURE IMPROVEMENTS FOR THE RIDGEVIEW DEVELOPMENT Administrative**

The City Council will consider a request by Spencer Moffatt from Boyer Ridgeview, LLC for an Improvement Agreement regarding infrastructure improvements for the Ridgeview Development and authorize the Mayor and City Recorder to execute the agreement. The Council will take appropriate action.

City Administrator/Community Development Director Nathan Crane stated that they had many offsite improvements associated with the Ridgeview development. Offsite improvements were typically outside of the boundaries of the development. This was important because it identified responsibilities on when projects were to be completed but it also identified how many certificates of occupancy could be issued before such improvements were done. In the past, the public infrastructure projects could lag and then there would be pressure to use extraordinary measures to have infrastructure so people could move in. From the finance side, there were some projects that existing residents had helped pay for with their utility fees and that was not a part of the former utility rate structure, so he said that that needed to be addressed in the update, the rest would be covered by impact fees. The City would be up fronting those costs and reimbursed as projects were completed.

City Administrator/Community Development Director Nathan Crane discussed the costs of the projects. He stated that all but two were currently under construction, and they had worked closely with the developer to make sure the dates were attainable, and they had plenty of comfort in meeting these dates. One was the Knight Avenue water line, which was under construction and nearing completion. The Pheasant Hollow sewer line and lift station was under construction. The sewer line at 9600 North was also under construction, as was Canal Boulevard and the Murdock Canal pump station. He reported that they would install a T-line from the main line after the irrigation season, and they were getting the land for that for free from the developer. There were PI line improvements, one with Canal Boulevard that was being upsized from 8 feet to 12 feet, and they would reimburse the developer for that upsizing.

Mayor Rod Mann asked if they had the money for the sewer projects to which City Administrator/Community Development Director Nathan Crane replied that yes, they had the money and it would come out of the sewer fund and that Boyer had already agreed to this.

Council Member Scott L. Smith asked if there was a representative from Boyer present, and stated that because of his association with the Utah Development Center he would recuse himself from discussion and voting on this topic.

City Engineer Todd Trane mentioned that there was a problem that they needed to address, and stated that under the culinary water line from Knight Avenue it read that the Boyer Company would extend the waterline through their development prior to C of O's which needed to be before building permits because they would need fire protection during construction. He stated that C of O's needed to be changed to building permits in that line.

*Council Member Kim Rodela MOVED that the City Council approve the Improvement Agreement with Boyer Ridgeview LLC. with the revision on 2b that the City will not issue building permits until both Parties complete their respective portions of the Knight Avenue Line improvement. 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>Recused</i>

*The motion passed 4:0*

**7. ACTION: APPROVAL OF A BID WITH WASATCH LAWNS AND LANDSCAPE IN THE AMOUNT OF \$89,884.67 FOR THE CONSTRUCTION OF THE ADONIS DRIVE STREETScape** *Administrative*

The City Council will consider a request to approve a bid with Wasatch Lawns and Landscape for the construction of the Adonis Drive streetscape and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract for the project. The Council will take appropriate action.

City Administrator/Community Development Director Nathan Crane stated that they had been working on this project for a while and in June of 2019 the Council had given the initial approval. The project was to do a streetscape project along Adonis Drive, and had an initial estimate of \$89,000. The residents had committed to provide \$70,000 and the Council committed to pay for the rest with the money from the sale of open space properties in the subdivision. In February, in an attempt to get the best pricing, it was included as part of the bidding with Spring Creek. The lowest bid came in at \$135,000, which City Administrator/Community Development Director Nathan Crane said was a high bid, so the City had been working with residents in an effort to lower that cost. They had solicited three different bids, and they had Wasatch Lawn and Landscape at \$89,884, Decorative Landscaping at \$99,988, and LE Corporation at \$125,000. He requested approval for formal funding of the project. He also wanted the Council to require Wasatch Lawn and Landscape to sign the appropriate City contracts and if they were not willing to do so then they wanted to go to Decorative Landscaping and accept their bid.

Council Member Kurt Ostler asked what was in the City agreements that would deter Wasatch Lawn and Landscaping from signing the contract. Lars Anderson stated that he had done the plan for the park improvements. The issue was that in the bids when they had come back, the terms and conditions on the Wasatch bid indicated that they wanted 50% of the money up front and if any of the quantities were to change this he was concerned for residents. They wanted the contractor to agree to the City's terms and conditions, and if the contractor was not willing to do this they should move to the next contractor.

Council Member Kurt Ostler asked which fund the \$70,000 from residents was in. Council Member Scott L. Smith stated that there was \$60,000 in the Highland Foundation, and \$10,000 had already been given to Highland because of the rules of the foundation, so they already had most of the funding for this project. City Administrator/Community Development Director Nathan Crane stated that they had collected about \$68,000 for the project and if they had to go with Decorative instead of Wasatch, the residents would have to pay an additional \$5,000 as would the City. A resident asked if the City would maintain this and stated that he had worked with Wasatch before and they were good to work with.

*City Council Member Kurt Ostler MOVED that the City Council approve and authorize the City Administrator to sign a contract with Wasatch Lawn and Landscape to proceed with the construction of the Adonis Drive streetscape for \$89,884.67, with 70K provided by residents, and if we need to go to Decorative Landscaping the City agrees to split the difference 50/50 with the nearby neighbors and the 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>

The motion passed 5:0.

## **8. ACTION/RESOLUTION: CREATION OF AN AD HOC INCLUSIVITY COMMITTEE** *Legislative*

City Council will decide whether to create an Ad Hoc Inclusivity Committee.

Mayor Rod Mann gave background on the creation of the committee. In late June, Nicky Brammer had come to Mayor Rod Mann and stated that he wanted to do something to improve the relationship between the community and the police. Ms. Brammer had a friend, Ronnell Hugh, who was a soccer coach and a minority member of the community, and they had invited him and the chief of police to have a meeting. Mayor Rod Mann reported that on June fourth, they had a wonderful discussion that lasted for two hours and he said by the end of it, they all wanted to hug one another. He said that they met to discuss the YouTube channel, and then followed up on the idea to create a program where people could learn more about others from different racial backgrounds.

Mayor Rod Mann stated that they would like to create a committee that would encourage residents to get to know each other and have them report in six months. They had come up with a logo that they felt was representative of what they wanted to do, and he called the committee Learn, Feel, Act. He said that they wanted to create awareness and provide opportunities to learn. In his experience, systems could not eliminate bias, and he found that people's hearts changed with personal experience. He wanted people to learn about others who were different from themselves and experience a positive change. He showed a slide from the presentation with some quotes and read them. One of the quotes was from Frederick Douglass in March of 1860, and Mayor Rod Mann gave some background on Frederick Douglass.

Mayor Rod Mann stated that they were about positive change and listed the people involved with the project. There had been applications, and he said that many of the people on the list were Council members. He said that some of the other members were Nicky Brammer, Ronnell Hugh, Greg Hazard who was an Alpine resident, and himself. He stated that after he had worked with the Developmental Center three years ago that his attitude towards disabled people had changed. He had received some flak from people for creating this committee and commented that they would evolve, and that while they would make some mistakes that the intent was to be positive.

Council Member Scott L. Smith commented that he appreciated Mayor Rod Mann for spearheading this and was honored to be asked to be on the committee. His son-in-law was African American and said that his son-in-law had been excited when he had told him about the committee and thought it was a positive thing. He commented that he had love for people that were different than him because his family was diverse. He commented that this committee was a wonderful way to reach out to everyone and help them feel like a part of the community.

Council Member Kim Rodela asked what groups would be included, and who determined the groups that would be included. Mayor Rod Mann replied that would be part of their discussion. The group could discuss racial bias, disabled people, and members of the LGBTQ+ community. The committee would decide what would be next and how they would proceed. Council Member Kim Rodela asked if there would be an expert behind the way things were communicated to the City. She wanted to make sure that this did better than harm and that there were experts to help guide discussions. Mayor Rod Mann commented that Dr. Joel Perkins would be on the board and that there would be a certain element of expertise on the board.

Ronnell Hugh stated that he had spent seven years in a professional setting dealing with racial inequality. He said that he had helped his corporation with inequality and had worked with ways to incorporate that into the community. He said it was a different experience in communities because these discussions started at home. He

said that his expertise was partly from living through his experiences, and partly from working with corporations. He could not say he was an expert on disabilities but added that others with that background had that expertise.

Mayor Rod Mann stated that the committee did not have any power to make mandates or force people to do anything, so the risk of creating harm was low. Council Member Kurt Ostler commented on the video the Mayor had created in June and asked what the Mayor envisioned. Mayor Rod Mann stated that at the next meeting they would include people of color and elect chairs and vice chairs.

Nicky Brammer commented on Council Member Kim Rodela's question. She stated that this was a committee for citizens to come together and be good neighbors. It was heartbreaking for her to watch the riots in Salt Lake over Memorial Day, and she cared deeply about the people that were rioting. She did not think these problems could be solved on a national or state level but that they could be solved at a City level. Mr. Hugh had been her daughter's soccer coach and they were friends on Facebook, and she had seen that he had shared his thoughts about things that were going on in the country. She had been concerned that he might feel unsafe in the City of Highland, and this started her desire to open communications about the issue. She felt that it was important for the residents of Highland to understand their relationship with the police in Highland. She stated that she was not a professional, she was just a normal citizen and she thought that everyone ought to be professional about caring for each other as neighbors. They lived in a majority-run, religious City and she thought that maybe if people were not religious then they did not feel included. There was a homogenous racial makeup in the City and there were a lot of areas where people might feel left out. She hoped the committee would encourage people to reach out and raise awareness. She stated that they would bring in professionals to lead discussions and start conversations and that there were professionals that they could utilize.

Mayor Rod Mann stated that Susan Madsen was willing to come to a meeting with him about unconscious bias. She had just published an article in Forbes on the topic, and she was willing to participate. He commented that Mr. Hugh had met with the LPPD and a couple of officers who had been in the force for over 20 years. He said it was the best meeting they had ever had.

Ronnell Hugh stated that he had been born in Germany and lived there for seven years. He then lived in North Carolina where he had his first racial experience, and then he had lived in England. His early years were spent learning how to learn in different places. He said that he wanted to see how they could create something unique in Highland. He did not think the police were the issue that they were facing, but that they had systemic issues across the country that they needed to create positive conversations about. He had four kids and when they moved to Highland, he recalled that someone had gone up to his daughter on the playground and told her that black kids were ugly. He wanted to work on creating an environment in the community that encouraged positive attitudes towards diversity and get to a point where people just saw people as people. He thought they could do something unique with this committee.

Steven Ovard stated that he was not sure that this was the right vehicle and approach. He had seen efforts of this kind that had been politicized and created divisiveness. Mayor Rod Mann stated that this would be a civilian committee. Mr. Ovard stated that the church was the better path for something like this. Mayor Rod Mann stated that this would be an ad hoc committee and he could dissolve it if it got out of hand.

Council Member Timothy A. Ball commented that Utah was a great place to do this because they had a unique demographic of a high percentage of people that had lived in other parts of the world. His experience had been that they were typically accepting of other cultures. He thought that the homogenous society was an advantage because the predominant religion taught them that everyone was equal and had infinite worth in the eyes of God and he thought it was a great idea. They had to be careful when consulting curriculum, so it did not get politicized, and he said that they needed to stick with the core mission of what the committee was.

Council Member Kurt Ostler commented that there would be three members of Council on the committee so they would have to put out a notice of quorum. Council Member Kurt Ostler asked if it would become a City meeting and if it would be a concern. City Attorney Rob Patterson stated that they would have to notice it but if they wanted to avoid any issues, they could remove a Council member. Mayor Rod Mann stated that he wanted them all to be a part of it.

Council Member Scott L. Smith stated that there were a lot of autistic people in Highland, and that he was on the governing board of the USDC and could bring their expertise to the committee. They could draw on expertise and see what they could do to help people feel included. Mayor Rod Mann commented that allowing people to understand what parents who had children with disabilities went through would help them to empathize with them.

Council Member Kim Rodela appreciated getting skilled people with expertise. She hoped that they included this with all the groups they addressed and did not exclude any groups because of the diversity in Highland.

*Council Member Scott L. Smith MOVED that the City Council approve Resolution 2020-24 – Creation of an Ad Hoc Inclusivity Committee and Appointment of the identified Members, which were named in the agenda. Council Member Timothy A. Ball SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **9. DISCUSSION: CARES ACT FUNDING**

Cares act provided funds to cover costs that are necessary expenditures related to Covid-19, that were not accounted for in the budget, incurred between march – December 31. Signed interlocal agreement with county for these funds.

City Administrator/Community Development Director Nathan Crane stated that the Cares Act provided funds to cover costs that were necessary expenditures related to Covid-19 that were not included in the budget that occurred between March first and December 31st. They had signed an interlocal agreement with the county for these funds. He clarified what a necessary expenditure was and commented there had been a lot of back and forth on what qualified. They needed additional PPE and more staff, but it was not designed to include normal operating costs or cover lost revenue. However, it did cover costs directly associated with the response to the pandemic. For example, it covered expenses for communication and enforcement of public health order, expenses for PPE, disinfection of public areas, technical assistance for mitigation of threats to public health and safety, expenses relating to quarantined individuals, payroll expenses related to people staying home while tested, and the facilitation of distance learning were all included under this act. Currently the LPPSD had spent around \$41,000 on police and fire, and approximately 65% of that was Highland's responsibility. Since the funds had come to the City the District would bill the City and the City would reimburse the district. Most of those costs were for PPE. Highland had spent almost \$10,000 on things like hand soap, plexiglass, and gloves. They had been allocated around \$1.3 million, and over the past couple of weeks they had discussed what they wanted to use the funds for. Some of the ideas included:

- Increase on-hand PPE, the purchase of a disinfection machine
- Three trucks to add to the fleet that would allow them to separate public works employees
- A front counter remodel instead of using plexiglass
- An HVAC assessment and air scrubbers
- Replacing cloth furniture, touchless water fountains, and windows in the City buildings for air flow
- Redoing the library doors
- Court improvements
- School district assistance
- Decontamination showers at public works
- Industrial washers and dryers for public works
- At-home education materials
- Stainless steel restrooms in the parks
- Increasing the City's online presence
- Fire department upgrades
- Improved A/V for web-based meetings
- Automatic sliding doors
- Glass partitions at customer windows
- Vehicles

Council Member Scott L. Smith stated that statistically speaking, there would be some staff members who got Covid-19, and that it would be helpful to make sure that they were immune after they had it which would have a cost associated with that test. He thought it would be nice to have money to supplement that test to check immunity.

Council Member Kurt Ostler asked if there would be a way to put cameras into Council Chambers so they could broadcast video of meetings. Mr. Crane stated that the problem would be that they were taxed, and so they would have to pay someone to manage the equipment; however, they could look into it. Council Member Kurt Ostler commented that there would be costs associated with some of these things after the fact.

Mayor Rod Mann stated that Dr. Mike Kennedy had been hired to help cities and governments to go through and make recommendations for the City. Council Member Kurt Ostler asked about security issues with measures such as leaving doors and windows open. Council Member Scott L. Smith commented that a lot of these measures would also help with influenza during flu season as well as other illnesses, so it would be beneficial in the long run. Mayor Rod Mann commented that there would be a lot of benefits for the community.

Council Member Brittney P. Bills asked how they were to proceed. City Administrator/Community Development Director Nathan Crane stated that they would go get bids for larger items and bring them to Council.

Mr. Brammer stated that there were opportunities for the City to mitigate what the citizens were feeling. The way this had been structured was for cities and counties and none of the money was explicitly allocated to schools. He commented that if the schools got into trouble, there was a high value to prioritizing helping the schools mitigate infection and cases so that they could remain open. He encouraged Council to keep the schools as a high priority because this was the first-time people had experienced the heavy hand of government, and if the schools were affected it would be very oppressive.

Mayor Rod Mann stated that if they could not use the funds that they would be sent back to the county. Mr. Brammer stated that the schools were not included in the CARES Act but could be included in an indemnity agreement; the school would have to be willing to take that risk on. Council Member Kim Rodela asked if they had been able to meet with schools and see what their needs were. Mayor Rod Mann stated that he had met with Rob Smith who had come back to him with the idea of touchless water fountains and HVAC upgrades.

Fire Chief Reed Thompson stated that the Department of Health had a bi-weekly meeting, and the Alpine area had been listed as a hotspot area the week before. They had given no indication of what constituted a hot spot area, but he warned that they should be mindful of that and wear masks, wash hands, and be safe.

City Engineer Todd Trane stated that people would soon receive a flyer on their door and reported that they had been blanketing the City with conservation flyers. They were pulling from every source for PI water because of the lack of rain, and with that and the Alpine connection at the mouth of the canyon that they could run into trouble. He said that they had met with superintendents the day before and were looking at bumping up some projects. With the hot weather, the culinary system was also having a hard time keeping up. He said that they would be back to Council soon with some new projects on some of the wells that they were not utilizing. Council Member Kurt Ostler asked how much was being pulled out of the river. City Engineer Todd Trane replied that they were pulling 12CFS from American Fork Canyon and were using 34CFS as a City, so they were pulling 20 CFS from other sources. He wanted to notify the Council about the flyers, and also stated that they had applied for grants for PI meters. Council Member Kim Rodela asked if they could send the information out through texts or emails. City Engineer Todd Trane replied that they had been doing so, and that Assistant City Administrator Erin Wells had been helping with that. He said that he would get new verbiage for a text put together and have Assistant City Administrator Erin Wells send it out.

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

### **a. Future Meetings**

- August 18, City Council Meeting, 7:00 pm, City Hall
- August 25, Planning Commission Meeting, 7:00 pm, City Hall
- September 1, City Council Meeting, 7:00 pm, City Hall

## **11. CLOSED SESSION**

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

## **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 1:20 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 August 4, 2020. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

**ELECTRONIC PARTICIPATION**

Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

**CERTIFICATE OF POSTING**

I, Stephanie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website ([www.highlandcity.org](http://www.highlandcity.org)).

Please note the order of agenda items are subject to change in order to accommodate the needs of the City Council, staff, and the public.

Posted and dated this 30<sup>th</sup> day of July 2020

Stephanie Cottle, City Recorder

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**