HIGHLAND CITY COUNCIL MINUTES
Tuesday, October 15, 2019
Approved November 12, 2019

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Dani Cepernich, and City Recorder Cindy Quick Chief Gwilliams and Thompson

OTHERS: Ellen Burns, Patrick Topus, Doug Cortney, Brittney Bills, Claudia Stillman, Elisabeth Luntz, Robert Lee, Natalie Ball, Robert Valentine, Mike Bready, Joan Jansen, Tim Ball, Wesley Warren, Rena Barfuss, Ruth White

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)
Call to Order – Mayor Rod Mann
Invocation – Robert Valentine
Pledge of Allegiance – Council Member Kurt Ostler

The meeting was called to order by Mayor Rod Mann as a regular session at 7:00 p.m. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Robert Valentine and those assembled were led in the Pledge of Allegiance by Council Member Kurt Ostler.

1. UNSCHEDULED PUBLIC APPEARANCES

Ms. Susan Blind and Mr. Mike Townsman invited the Council and everyone else to the Highland City Arts production of Wait Until Dark.

Mr. Robert Valentine, Highland Resident, said he was concerned about the traffic on Highland Blvd. He noted it was so bad that they could not get out onto Wild Rose Road when high school was in session. He suggested a roundabout or a stop light on Kady Lane to address safety concerns.

2. 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
   Regular City Council Meeting September 17, 2019
b. **ACTION:** Approval of a Construction Bid with M&M Asphalt Services for the Crack Seal Work of the 2020 Road Preservation Projects for a Price Not to Exceed $43,002.30

The City Council will consider a request to approve a construction bid with M&M Asphalt Services for the crack seal work of the 2020 Road Preservation Projects for the amount of $43,002.30 and authorize the Mayor or City Administrator and City Clerk to execute the necessary contract documents for the project. The Council will take appropriate action.

c. **ACTION:** Amendment to Residential Solid Waste Collection and Recycling Agreement

The City Council will consider a request by Republic Services’ to amend the solid waste collection contract in relation to Christmas tree removal and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

d. **ACTION:** A Request by the Utah Department of Transportation (UDOT) to Replace the Existing Statewide Utility License Agreement (SULA)

The City Council will consider a request by the Utah Department of Transportation (UDOT) to replace the existing Statewide Utility License Agreement (SULA) with a new agreement. The Council will take appropriate action.

Council Member Brian Braithwaite MOVED to approve the consent agenda as listed on the agenda. Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

3. **PUBLIC HEARING/ORDINANCE: APPROVAL OF A REQUEST FROM MCKAY CHRISTENSEN TO REZONE AND ALLOW RESIDENTIAL AND NON-RESIDENTIAL MIXED-USE DEVELOPMENT, APPLE CREEK, UNDER THE PLANNED DEVELOPMENT (PD) DISTRICT. THE PROPERTY IS APPROXIMATELY 5.80 ACRES LOCATED AT 10786 N 5320 W (PD-19-03) (20 minutes)

City Administrator Nathan Crane oriented the City Council with a request by McKay Christensen to rezone 5.8 acres from Town Center Retail and Town Center Flex Use to Planned Development (PD) District and to allow for a mixed-use development with 121 residential units and a 10,000 square foot commercial space. He explained that it was located by Utah Credit Union site. The zoning of the property in question was Town Center with a sub-district for flex use and commercial retail along Alpine Highway.

Mr. Crane provided a brief background of the property. He explained that this process would require a legislative action through the Development Code to approve the rezone of the Town Center. The original proposal was considered by the Planning Commission in August 2019 and they recommended approval.

Mr. Crane then displayed the original proposal and the revised proposals. He explained the changes that were made and noted that staff was concerned with the amount of parking available. He continued by discussing open space, noting that the requirements were either met or exceeded. There were three primary
access points that shared access with other commercial properties. Staff was concerned with these access locations. Mr. Crane then explained that the proposed architecture included modern farmhouse, twin, and townhome styles. Lastly, he stated that the overall density was appropriate for the location. However, as a Council they needed to discuss if townhomes were appropriate for the location. Additionally, they also needed to discuss the setbacks, the location and quality of open space, access points, the office space, and several other items.

Council Member Scott L. Smith asked about the access with Ace Hardware. Mr. Crane responded this parking lot had always planned to include another access point.

McKay Christensen, representing the applicant, explained that he had met with several Council Members in advance to find out what was appropriate for this area. He said they planned to adopt everything that was suggested. He then explained how they planned to incorporate the townhomes into the development.

Mr. Christensen continued by showing the changes between the original plan and their revised plans. He began by showing how they reduced the number of residential units and their amenities. He then showed the plans for the office spaces. Mr. Christensen explained there was enough parking available for the developments. He discussed the open space and noted they were exceeding the requirements. He noted the amenity space was smaller due to the changes they had made. Mr. Christensen said they were working on removing anything that conflicted with the code. They would make any adjustments to meet the requirements or needs of the community.

Council Member Ed Dennis asked if they had any occupancy projections for the office space, to which Mr. Christensen responded in the negative. He noted they would need 70% of the space occupied to be profitable. He then explained other necessary projections for ensuring they would be profitable.

Spencer Holmes, resident of Highland, stated that he and his brother owned Holmes Homes. They had built 300-500 homes per year and prided themselves in building high quality homes. He said these homes would be a good addition to the City and the area.

Mayor Mann opened the public hearing at 7:39 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Sara McGill, resident, thanked the Council and the Planning Commission. She also thanked the applicant for making the adjustments. She stated that the traffic would increase in this area, affecting hers and the adjacent neighborhood. She suggested they discuss this at the Planning Commission level before approving the development.

Mike Brady, resident, said this development was too dense and he was also concerned about the traffic. He said he understood the valley was growing but the parking and congestion was increasing.

Dan Stratten, resident, was also concerned about the traffic and noise. He asked that they remove the medians for safety.

Brady Mather, resident, commented about the traffic on Alpine Highway. He was concerned it would increase with the high-density project. He asked if the commercial would be viable; if not, he asked if they would still allow the residential portion.

Elizabeth Luntz, resident, asked how the high-density housing benefitted the residents’ quality of life.
Robert Lee, resident, requested that they include a traffic study and make it available to the residents. Staff directed Mr. Lee to the web address to acquire a copy.

Wesley Warren, resident, expressed concerns about the density and said he also wanted a copy of the traffic study. He was in favor of the proposal because of the changes that were made.

Jamie Wright, resident, said she did not think this would be a benefit to the town center as the area was already crowded. They City needed to preserve large lots and the bedroom community, and this proposal conflicted with that vision.

Mayor Mann closed the public hearing at 7:52 PM.

Mayor Mann thanked those present for their comments.

McKay Christensen understood there had been concerns over the last three years. He felt that they had tried to make everyone happy and he reiterated that the proposal should be a good benefit to the City. He noted a couple of restaurants were planned with retail space and outdoor patios. He agreed traffic was a concern and an issue. They had made a preliminary application with UDOT and they would provide a full-service access where they could turn left, thereby eliminating the U-turn option. They suggested taking out the median or pulling it back. Mr. Christensen also noted they had reduced density to 70 units. Residential development had less of a footprint than commercial. He explained the entire length of the eastern border would have 75-foot pine trees which would help reduce light and noise.

Council Member Scott L. Smith asked what they would do if they did not sell the commercial space. Mr. Christensen stated that they would build an additional 25 condos instead of retail. They were confident the commercial space would be utilized.

Council Member Kurt Ostler asked if their executive offices in Alpine had been successful, to which Mr. Christensen responded in the affirmative. He noted there were a lot of executives in Alpine and Highland that would utilize this space.

Council Member Kurt Ostler asked about the parking requirements not being met. Mr. Christensen responded 50% of the twin homes and the townhomes had driveways which were not accounted for in the parking. Council Member Kurt Ostler commented there were parking concerns at another development that were similar. Mr. Christensen explained that the parking problems would be in the evening. This would not be a problem because the office park would not be used at night.

Council Member Kurt Ostler continued to express his concerns about parking and density. Mr. Christensen responded they had tried to make changes so that the development fit with the area. He shared the design plans for the development and green spaces.

Council Member Scott L. Smith asked Chief Thompson whether he had concern for emergency access. Chief Thompson responded they required 28 feet of asphalt access. He said if there was no parking on the roadway through the access, they would have adequate space.

Council Member Brian Braithwaite thanked Mr. Christensen for the presentation. He said this was closer to the vision of the Town Center. He gave a brief history of the area and the changes. He noted there were parking and traffic concerns. He addressed the concerned relating to how this would benefit the community. He responded that the land value would rise, and they would be able to collect revenue from taxes.
Council Member Brian Braithwaite continued by stating he was confident in Holmes Homes. He was concerned mostly about parking and traffic. He said he wanted the office space to be utilized and built correctly to benefit the community.

Mr. Christensen stated that the parking would be built prior to the buildings being finished. This would give them an idea of the available space for the parking.

Council Member Brian Braithwaite stated the several issues raised by the Council and residents were enough to not approve the application. He suggested they work with staff to address these concerns. He said he would rather have retail in the development. Mr. Christensen said he was willing to work with staff.

Council Member Kurt Ostler suggested the Planning Commission also review the application.

Counsel Member Scott L. Smith MOVED that the City Council continue application PD-19-03 to allow staff to complete a thorough review of the application and that it be forwarded to the Planning Commission for their deliberation. Council Member Kurt Ostler SECONDED the motion.

Council Member Brian Braithwaite asked for further clarification from the Council regarding what the Planning Commission could add. Council Member Scott L. Smith noted his main concerns were with parking issues and the architectural design. He felt very uncomfortable with having access through someone else’s parking lot for the development. SR74 and SR92 were very congested and labeled as an “F”, and the extra density would make it a “G.” He said he was still concerned about the density in the back and not sure it was a good road plan for fire access. Council Member Kurt Ostler wanted them to address the density, parking, and open space for the entire area. He said they also should address the need for sprinklers in the residential buildings due to the poor fire access.

Council Member Ed Dennis asked that the traffic study be updated.

Council Member Scott L. Smith MOVED that the City Council continue application PD-19-03 to allow staff to complete a thorough review of the application and that it be forwarded to the Planning Commission for their deliberation. Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

- Council Member Brian Braithwaite  Yes
- Council Member Ed Dennis  Yes
- Council Member Tim Irwin  Yes
- Council Member Kurt Ostler  Yes
- Council Member Scott L. Smith  Yes

The motion passed.

Mayor Mann recommended that they schedule home tours.

4. PUBLIC HEARING/ORDINANCE: AMEND THE MODERATE-INCOME HOUSING (MIH) SECTION AND QUALIFIED SUBSECTION OF THE GENERAL PLAN (GP-19-01) (15 minutes)

John Jensen oriented the Council with a request to amend the General Plan relating to Moderate Income Housing requirements as outlined in recently adopted legislation. He explained that this was a requirement from the 2019 General Legislative session. They found areas throughout the plan that discussed housing issues and suggested they be stricken from the plan.
Mr. Jensen explained their objective was to create a goal for Moderate Income Housing. There were four strategies for accomplishing this: senior housing, mixed use zones, partnership with MAG, and examining regulations in the ADU ordinance for potential modification.

Council Member Tim Irwin said this was an exercise in futility. He suggested they restrain growth rather than encourage the growth. Mr. Jensen explained that the legislation allowed each community to work on this problem differently. Council Member Tim Irwin stated that the traffic problems were growing, and they would have more problems by including more Moderate-Income Housing. There was subsequent discussion regarding accessory units.

Council Member Scott L. Smith agreed this was an exercise in futility. He noted the benefit would be linked to the transportation funds. UDOT would only do projects in areas that met the Moderate-Income Housing requirements. Mr. Jensen noted it was important to comply because the State could potentially take more power away from the local governments.

Council Member Kurt Ostler asked if they were required to approve the plan every year. Mr. Jensen said he was unsure.

Council Member Ed Dennis noted there were inconsistencies in the report, pointing out that they were using utility information from 2015. Mr. Jensen said the information came from State reporting and he would double check the figures. There was subsequent discussion on senior housing.

*Council Member Brian Braithwaite MOVED that the City Council continue the time to the next meeting and gather all input from Council Members and staff regarding issues and concerns and take final action at the next meeting. Council Member Scott L. Smith SECONDED the motion.*

Mayor Mann opened the public hearing at 9:05 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

**Citizen Comments:**

Elisabeth Luntz, resident, asked about the minimum requirements set by the State. Mr. Jensen responded there were minimum standards.

Mayor Mann closed the public hearing at 9:06 PM

*Council Member Brian Braithwaite MOVED that the City Council continue the time to the next meeting and gather all input from Council Members and staff regarding issues and concerns and take final action at the next meeting. Council Member Scott L. Smith SECONDED the motion.*

The vote was recorded as follows:

- Council Member Brian Braithwaite Yes
- Council Member Ed Dennis Yes
- Council Member Tim Irwin Yes
- Council Member Kurt Ostler Yes
- Council Member Scott L. Smith Yes

The motion passed 5:0.

**5. ACTION: A REQUEST BY DEVIRL BARFUSS ON BEHALF OF THE COTTAGES ON THE GREEN SUBDIVISION FOR A REDUCTION IN THE PRESSURIZED WATER DEDICATION REQUIREMENT (15 minutes)**
City Engineer Todd Trane oriented the Council with a request by Devirl Barfuss on behalf of the Cottages on the Green Subdivision (Cottages) to reduce the pressurized irrigation (PI) water dedication requirement from three acre-feet per acre to two acre-feet per acre. He further explained that when Cottages came in, they looked at other ways to provide watering. The culinary system was getting overburdened; therefore, they looked at creating a private system. They provided water that went to the golf course and the Alpine Country Club and they provided water back to the cottages on the greens for outdoor watering. This meant they were no longer on the culinary system. The developments now were required to provide adequate water.

Highland City Code requires the three-acre feet per acre be adopted from the State. This was not received during drought years. The Cottages on the Green were now asking for a reduction. He noted they were cut off from water during a portion of the summer and assistance. Mr. Devirl Barfuss was then asked to discuss the subdivision. He stated they required a reduction of the PI requirement due to extenuating circumstances. He noted the unusual nature of the development and displayed the statistics of the development’s water use. Mr. Barfuss continued by explaining their circumstance and history justified having PI reduction. He then reviewed an appeal for providing the reduction. He noted they had implemented a serious water conservation program and had reduced the amount significantly. They anticipated to be under 20-acre feet by next year. In summary, Mr. Barfuss explained they would continue to save water and set the bar for the rest of the City.

Council Member Scott L. Smith asked what it would cost if the City continued to require more acre feet. Mr. Barfuss responded $5,000 per resident. He noted five of the residents would be forced to sell their homes. Council Member Scott L. Smith asked what happened with the Country Club Agreement. Mr. Barfuss responded they were connected to the Country Club in 1989. Through the years the water system changed, and the Country Club was able to change this agreement.

Council Member Scott L. Smith commented this request was reasonable because they were not a new neighborhood. He said it was appropriate to grant this request.

Council Member Kurt Ostler asked for clarification on the history of the irrigation system. It was clarified the City required three-acre feet for new connections. The Cottage on the Green subdivision was metered from the Country Club. There was subsequent discussion on the water provided to the subdivision. There was concern if they could provide enough water during a drought.

Council Member Brian Braithwaite stated that monitoring helped the City to provide water more efficiently. City Engineer Todd Trane said it was the City’s plan to monitor water more carefully. He noted there was a finite amount of water to use.

Council Member Brian Braithwaite asked why the subdivision did not opt into the City system in 1996. Mr. Barfuss responded that he did not know. Mr. Barfuss recommended that the City take open space from their subdivision. There was discussion about additional connections to the PI system. Council Member Tim Irwin suggested a lien on each home when they were sold in order to pay back the City.

Council Member Brian Braithwaite suggested staff discuss this issue and return with a plan. Council Member Tim Irwin agreed. City Attorney Dani Cepernich commented the Council needed to decide whether they would grant an exception.

Council Member Brian Braithwaite MOVED that the City Council direct staff and Mr. Barfuss with several options coming back, including requiring the 3-acre feet as well as other options. Council Member Tim Irwin SECONDED the motion.
Council Member Kurt Ostler commented this was what Mr. Barfuss had already done. Council Member Scott L. Smith asked how this solved anything. Council Member Tim Irwin said staff needed to provide recommendations and costs for the changes.

City Administrator Nathan Crane explained that staff’s recommendation was to deny the request and not reduce the three-acre feet requirement. City Engineer Todd Trane explained that the appeal would be to the detriment of the rest of the City. He said they were not opposed to work with the Cottages. Council Member Kurt Ostler was in favor of keeping the three-acre feet requirement and mitigate the cost, connections, shares, terms, and deeds.

Council Member Brian Braithwaite noted that there was already an exemption made with the LDS Church. If they could meet the same requirements, then they could allow that exemption.

*Council Member Brian Braithwaite MOVED that the item be referred to staff to provide some options for mitigating the cost to the homeowners of the Cottages on the Green, without changing the three-acre feet requirement.*

Council Member Ed Dennis asked if there could be a provision to restrict the amount of shares they received based on what shares they had. Mr. Barfuss said they would do everything they could to limit their usage to what they already had.

Council Member Tim Irwin commented there was no guarantee for anyone to receive the shares. There was little reason for them to spend the extra money. City Engineer Todd Trane said it was important to get more water into the system. He said he did not want other communities in the City requesting the same treatment.

*Council Member Brian Braithwaite MOVED that the request be referred to staff to work with the Cottages on the Green residents to find a solution to help mitigate the impact to the residents and maintain the three-acre feet requirement. Council Member Kurt Ostler SECONDED the motion.*

The vote was recorded as follows:

*Council Member Brian Braithwaite* Yes
*Council Member Ed Dennis* Yes
*Council Member Tim Irwin* Yes
*Council Member Kurt Ostler* Yes
*Council Member Scott L. Smith* No (he felt there should be an exemption made)

The motion passed 4:1.

6. ACTION: A REQUEST TO ADOPT VOTER PARTICIPATION AREAS FOR THE PURPOSES OF INITIATIVES AND REFERENDUMS AS REQUIRED BY UTAH CODE 20A-7-401.3 (10 minutes)

City Recorder Cindy Quick oriented the Council with a request to approve Voter Participation Areas for the purpose of signature collection for initiatives and referendums as required in Utah Code 20A-7-401.3. She explained that during the 2019 Legislative General Session, HB 119 was passed. This bill required certain municipalities to establish Voter Participation Areas by dividing the City into four contiguous and compact voter participation areas of substantially equal population. The County provided the map in the packet to comply with this requirement and for their consideration.

Council Member Tim Irwin asked for clarification with what they were designating. It was clarified they needed four equal areas within the City. Mayor Mann further explained that the signature requirement would now be required from 75% of the proposed areas.
Council Member Scott L. Smith commented that the areas were not equal. Ms. Quick noted they needed to be substantially equal. Mayor Mann commented this would be reevaluated after the 2020 census. Council Member Kurt Ostler asked what class of City they were, to which he was informed they were a City of the fourth class. This meant they were a City over 10,000 but less than 30,000. There was subsequent discussion on the method of dividing the four areas.

_Council Member Kurt Ostler MOVED that the City Council approve the resolution creating Voter Participation Areas as required by Utah Code 20A-7-401.3. Council Member Brian Braithwaite SECONDED the motion._

Council Member Ed Dennis asked to amend the motion and include a requirement that they define what “substantially equal” meant. He thought this map was not substantially equal. City Administrator Nathan Crane explained that in Q1 and Q3 there would be more residents added and it would be much closer to the 3,071 quadrants.

_Council Member Ed Dennis MOVED that the City Council approve the resolution creating Voter Participation Areas as required by Utah Code 20A-7-401.3 contingent upon legal counsel accepting the numbers as substantially equal. Council Member Scott L. Smith seconded the motion._

Attorney Dani Cepernich explained that the term substantially equal was not defined in the code and he did not feel there would be an exact answer.

_Council Member Ed Dennis MOVED that the City Council approve the resolution creating Voter Participation Areas as required by Utah Code 20A-7-401.3 contingent upon legal counsel accepting the numbers as substantially equal. Council Member Scott L. Smith seconded the motion._

The vote was recorded as follows:
- Council Member Brian Braithwaite: No
- Council Member Ed Dennis: Yes
- Council Member Tim Irwin: No
- Council Member Kurt Ostler: No
- Council Member Scott L. Smith: Yes

The motion failed 3:2.

_Council Member Kurt Ostler MOVED that the City Council approve the resolution creating Voter Participation Areas as required by Utah Code 20A-7-401.3. Council Member Brian Braithwaite SECONDED the motion._

The vote was recorded as follows:
- Council Member Brian Braithwaite: Yes
- Council Member Ed Dennis: No
- Council Member Tim Irwin: Yes
- Council Member Kurt Ostler: Yes
- Council Member Scott L. Smith: No

The motion passed 3:2.

7. **ACTION/RESOLUTION: ADOPTING OF COUNCIL PROCEDURES POLICIES (15 minutes)**
Assistant City Administrator Erin Wells oriented the City Council with an updated City Council Procedure Policy. She explained that the update provided clarification to how the Council currently functioned based on State Code, municipal codes and current practice. She hoped to have it approved by the current Council so that new Council would have a fresh start moving forward.

Council Member Scott L. Smith stated that there needed to be more discussion on the changes. He suggested the new Council members also have a chance to provide input on the changes. Council Member Brian Braithwaite agreed.

Council Member Scott L. Smith MOVED to continue the resolution to November 12th and have Council Members provide input and to newly elected candidates as well. Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed.

8. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS
   Can discuss items just not take a final action.

9. FUTURE MEETINGS
   a. Future Meetings
      • October 22, Planning Commission Meeting, 7:00 pm, City Hall
      • November 12, City Council Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

The meeting adjourned at 10:34 PM.

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 15, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder
Welcome to the Highland City Council Meeting

October 15, 2019

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Council Member Brian Braithwaite

Pledge of Allegiance – Council Member Kurt Ostler

UNSCCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to three (3) minutes and state your name and address.

CONSENT ITEMS (5 MINUTES)

• Item 2a. – Approval of September 17, 2019 Meeting Minutes
• Item 2b. – Approval of Construction Bid with M&M Asphalt Services for the Crack Seal Work of the 2020 Road Preservation Projects
• Item 2c. – Amendment to Residential Solid Waste Collection and Recycling Agreement
• Item 2d. – A Request by UDOT to Replace the Existing Statewide Utility License Agreement (SULA)

Item 3 – Resolution

Presented by – Erin Wells, Assistant City Administrator

Summary

• Current
  – Door to door collection scheduled in late January.
  – Issues with missed trees, too long to wait, trees in the street for long periods of time, etc.
• Proposed
  – One drop-off location where residents would bring trees shortly after the new year.
  – Republic would then bring a dumpster and load trees into dumpster and haul away.
  – Staff would be responsible to clean up anything that wasn’t a live, unflocked, and clean Christmas tree.
APPROVAL OF A REQUEST FROM MCKAY CHRISTENSEN TO REZONE AND ALLOW RESIDENTIAL AND NON-RESIDENTIAL MIXED USE DEVELOPMENT, APPLE CREEK, UNDER THE PLANNED DEVELOPMENT (PD) DISTRICT (20 MINUTES)

Item 3 - Public Hearing/Ordinance
Presented by – Nathan Crane, AICP City Administrator/Community Development Director

Vicinity Map

Background

• 2010 City placed a cap on the number of units (342) and maximum density (12 units per acre)
• 2016 City Council removed residential as a permitted or conditional use in the Town Center
  – Specific process included residents and property owners
  – Removed any entitlements for new residential in the Town Center
  – New residential would require a legislative action
• As a follow up to this action, in 2017 City modified the number units permitted in the Town Center to match what was approved in Blackstone and Toscana
• Apple Creek 1 was denied by the Council in 2016
  – 240 units and 10,000 sqft of commercial space

General Plan and Zoning

Request

• Rezone 5.82 acres from Town Center Flex-use and Town Center Commercial to Planned Development District
• Legislative Decision
• Council has the discretion to approve or deny the request

Project Timeline

• Apple Creek 2
  – 121 units and 10,200 square feet of commercial space
• Planning Commission on August 27, 2019
• Scheduled for a City Council Public Hearing on September 17, 2019
  – Continued to October 15, 2019 at the request of the Applicant
• Revised submittal October 8, 2019
Proposal Comparison

<table>
<thead>
<tr>
<th>Original Proposal</th>
<th>Revised Proposal</th>
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<tbody>
<tr>
<td><strong>Project Overview - Density</strong></td>
<td><strong>Parking Overview</strong></td>
</tr>
<tr>
<td>Loft Homes</td>
<td>30 units 9 du/ac 39,800 sqft retail/office</td>
</tr>
<tr>
<td>Town Homes</td>
<td>32 units 19 du/ac 8 units 10 du/ac</td>
</tr>
<tr>
<td>Twin Homes</td>
<td>70 units 12 du/ac 39,800 sqft retail/office</td>
</tr>
<tr>
<td><strong>Parking Overview</strong></td>
<td>Parking Location</td>
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<tr>
<td>Parking Location</td>
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<tr>
<td>• 70 short</td>
<td>• Driveways as visitor parking spaces</td>
</tr>
<tr>
<td>• Location isn’t convenient</td>
<td>• Overlap in hours</td>
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<tr>
<td>• Tuscania Count</td>
<td></td>
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<tr>
<td><strong>Open Space</strong></td>
<td><strong>Open Space</strong></td>
</tr>
<tr>
<td>Location of main amenity</td>
<td>30 loft units vs 40 Town/Twin Homes</td>
</tr>
</tbody>
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Access

Proposed Architecture

Discussion Items

- Is the overall density (12 units per acre) appropriate for the location?
- Is the proposed density of the Town Homes (19 units per acre) appropriate for the location?
- Are the setbacks appropriate for the Town Homes and Twin Homes?
- Is the location and quality of the Open Space appropriate for the residents of the Town Homes and Twin Homes?

Proposed Architecture

Discussion Items

- Is the proposed 33,000 square feet of office space realistic? Based on the recent city study it may be difficult to fill. What happens if that space is not occupied.
- The site has three access points, one of which is only designed to be a secondary access and another that is close to an existing access. Is the proposed access sufficient to support the commercial and residential development. Commercial success is heavily dependent on quality access.
- Do the proposed architecture and development standards represent the quality desired for Highland?
- Do the proposed development standards ensure that the represented product will be constructed?

Discussion Items

- The proposed number of parking spaces is insufficient for the development. It is 70 spaces less than the minimum required.
- Guess spaces are not located in a convenient location for use by the Town Homes and Twin Homes.
- Overlapping hours of commercial and residential uses for parking spaces
Staff Conclusion

- Staff Review focus Main Issues
  - Parking, Access, General Site Layout
- Overall Significant Concerns with the Proposal
  - Parking shortage
  - Location of guest parking and open space
  - Viability of the office space long term
  - Access
  - Architectural compatibility
  - Consistency and implementation issues overall in the document
- To address these changes could result in a major change to the site plan
- Unless these issues can be addressed staff cannot recommend approval now or in the future

Council Options

- Continue the item until November 12 to allow additional time for Council, Resident and Staff review
  - Council could include specific direction to the applicant for revisions – only if that direction would impact the decision
- Remand the item back to the Planning Commission
  - Only of the Planning Commission action would influence the decision
- Approve the proposal with stipulations
- Deny the request for rezoning

AMEND THE MODERATE INCOME HOUSING (MIH) SECTION AND QUALIFIED SUBSECTION OF THE GENERAL PLAN (GP-19-01) (15 MINUTES)

Item 4 – Public Hearing/Ordinance
Presented by – Nathan Crane, AICP, City Administrator/Community Development Director

What is affordable housing?

Federal and State definitions: Affordable housing is any housing unit whose gross monthly rent (including utilities) are equal to no more than 30% of a household’s gross monthly income.

About $1600 for rent per month or a mortgage.

Moderate Income Housing as defined by Utah State Legislature is: housing for households with a gross household income that is 80% of the county’s area median income (AMI).

Workforce Housing is usually defined as housing for police, teachers, firefighters at 60-120% of the AMI.

Plain speak: Essentially, it compares rents and housing prices to average incomes and sets a standard for what is considered too much to pay…

- 80% of the average income in Highland is $103,000
- 80% of the average income in Utah County is $64,000

Federal and State definition: Affordable housing is any housing unit whose gross monthly costs (+utilities) are equal to no more than 30% of a household’s gross monthly income.

• 80% of the average income in Highland is $103,000
• 80% of the average income in Utah County is $64,000

Update the MIHP Housing chapter of your General Plan
We are here as follow up to the 9/10 Joint meeting with the City Council/Planning Commission.

The Planning Commission has reviewed the update to the general plan to ensure compliance with State law in regards to Moderate Income Housing.

The Planning Commission held a public hearing and has forwarded a unanimous positive recommendation.

If so, the City Council is being asked for and adoption of the General Plan amendment.

Process Completion by December 1

Update the MIHP Housing chapter of your General Plan

• Finalize data and gather the appropriate documents (City Ordinance, Resolution # 19018)
• Submit the updated Chapter to State by December 1, 2019

Prior to PC required to hold 1 public hearing, make a recommendation to the City Council, CC then considers adoption.
Tonight’s request is to review the updates to several sections of the 2008 General Plan as follows:

- Executive Summary
- Glossary of Terms
- Community Profile and Demographics
- Land Use Element
- Affordable Housing Element
- Senior Housing

All changes have been identified in legislative format on Attachment 1.

The Suggested Strategies

These become a part of the General Plan!

Based on the joint session meeting with the City Council and Planning Commission the following four strategies are suggested:

- Goal to examine regulations for Senior Housing projects in the land use code and the specific requirements of parking requirements for such.
- Goal to examine the regulations in minimum area in the land use code to provide for a variety of housing types.
- Goal to examine any potential programs or partnerships with the Metropolitan Association of Governments (MAG).
- Goal to examine the regulations in the Accessory Dwelling Unit (ADU) ordinance in the land use code for potential modifications and incentives to encourage a variety of housing options for residents.

Implications for 2020

Progress report due by 12/1/2020

Expectation is that the City will work on the 4 strategies (make some progress)

A REQUEST BY DEVIRL BARFUSS ON BEHALF OF THE COTTAGES ON THE GREEN SUBDIVISION FOR A REDUCTION IN THE PRESSURIZED WATER DEDICATION REQUIREMENT (15 MINUTES)

Item 5 – Action
Presented by: Nathan Crane, AICP, City Administrator/Community Development Director

The Cottages on the Green was recorded prior to the City PI system, 1985 (Outdoor watering was through the drinking water system)

The Cottages on the Green Subdivision elected to provide outdoor watering through a private system (not the City system). This was a benefit to Highland City

Code Requires that all developments provide adequate water for the gross acreage of the development, even though some of the area is dedicated for roads, open space, or parks

Paper Water vs. Available Water

- Historical outdoor watering requirement per acre
  - 1 share of AF or Lehi Irrigation (2.0 acre-feet per share)
  - 1 acre-foot of late season water (stored water)

- Highland City requires 3.0 acre-feet of water shares per acre of developed property for PI.

- 3.0 acre-feet per acre is a number that the state uses and Highland City has adopted as well.

- During drought conditions, the actual available water from shares may be cut in half due to what is available.
A REQUEST TO ADOPT VOTER PARTICIPATION AREAS FOR THE PURPOSES OF INITIATIVES AND REFERENDUMS AS REQUIRED BY UTAH CODE 20A-7-401.3 (10 MINUTES)

Item 6 - Action
Presented by – Cindy Quick, City Recorder

20A-7-501. Initiatives -- Signature requirements -- Time requirements.
(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:
   (h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:
      (i) 11.5% of the number of active voters in the metro township or city; and
      (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township’s or city’s voter participation areas;

REGISTERED VOTERS PER QUADRANT
Q1: 2,117
Q2: 3,071
Q3: 2,435
Q4: 2,420

ADOPT COUNCIL PROCEDURE POLICIES (15 MINUTES)

Item 7 - Action
Presented by – Erin Wells, Assistant City Administrator

Background

• Update based on discussed need and direction from Mayor and Council
• Based on:
  – State Code 10-3 Municipal Government and 52-4 Open and Public Meetings Act
  – Municipal Code 2.12 Mayor and City Council and 2.14 City Administrator
  – Current practice
• Staff hoping to have it approved prior to 2020 to start out with new Councilmembers
MAYOR/COUNCIL AND STAFF DISCUSSION COMMUNICATION ITEMS

FUTURE MEETINGS

- Item 10a. – Future Meetings
  - October 22, Planning Commission Meeting, 7:00 pm
  - November 12, City Council Meeting, 7:00 pm