



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, February 1, 2022

Approved March 1, 2022

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

- Call to Order – Mayor Kurt Ostler
- Invocation – Council Member Brittney P. Bills
- Pledge of Allegiance – Mayor Kurt Ostler

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:00 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Brittney P. Bills and those in attendance were led in the Pledge of Allegiance by Mayor Kurt Ostler.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Sarah D. Petersen, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Andy Spencer, Planner & GIS Analyst Kellie Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Elaine Roundy, Jay G. Roundy, Lane Stevens, Doug Cortney, Joe Ham, Trent Thayn, Stephen Roberts, Chris Howden, Carley Tall, Alan Rencher, Vanessa Moody, Todd Berry, Sherri Berry, Rick Louder, Hilary Gardner

1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

Alan Rencher expressed concerns about high rates of speed on the roads in his neighborhood – specifically Yorkshire Court and Yorkshire Drive; there are 27 children under the age of 14 who live within 300 feet of a dangerous curve in the road in his neighborhood; he and his neighbors are present tonight to respectfully request that the City install speed bumps or

other traffic calming devices in their neighborhood to slow people down as they are navigating the curve. He has heard feedback from the City about the concern about speed bumps for snowplow drivers; he has also been advised to contact the Police Department to address dangerous habits. However, law enforcement cannot be everywhere all the time and he and his neighbors feel that another action is warranted. He invited the Mayor and Council to visit his neighborhood to personally witness dangerous driving habits on the roads.

Carly Tall addressed the same issue as Mr. Rencher; she spoke to the high rates of speed and two curves on the same roadway. The conditions are problematic for families with small children and she and her neighbors are requesting appropriate action from the City to provide the needed protection.

Hilary Gardner spoke to the same matter as Mr. Rencher and Ms. Tall; she feels that a speed bump in front of her home is necessary. She has had kids nearly be hit by speeding vehicles. Her home seems to be a central location for many children in the neighborhood to congregate and the community mailboxes are very close to her home and the dangerous curve. She knows that the City has indicated that speed bumps create problems for snowplows, but it must be possible to mitigate those issues because other cities, such as Cedar Hills, have speed bumps at several locations. She stated that she believes all her neighbors feel the same about the dangerous conditions. She added there are other roads throughout the City where there are similar conditions, and she suggested the Council consider a speed bump policy that could be applied City-wide.

Vanessa Moody echoed the comments of those who spoke before her; she discussed different types of speed bumps that could be installed to address speeding, but that are also not problematic for snowplows. She noted her neighborhood has used social media to encourage safe driving habits in their neighborhood, but more needs to be done to make everyone aware of the presence of pedestrians, especially children, along City streets.

Steven Roberts stated that he lives directly in the line of sight of Canal Boulevard, and he referenced a recent traffic accident that resulted in his neighbor losing three trees and half of their fence. This was accident number six or seven in this location. He stated that he lives in Cedar Hills for 23 years and the traffic calming mechanisms used there are called ‘speed tables’; they are very effective in reducing speed while allowing vehicles with wider wheelbases – such as snowplows – to navigate them. He thanked the Council for entertaining the concerns of residents and for considering the topic of traffic calming; there is a great deal of pedestrian traffic throughout the City and a solution must be considered to help to prevent further traffic accidents or tragedies.

Chris Howden stated he lives north of State Road 92 and 6000 West, and he is grateful for the Police presence and their efforts to address dangerous speeding behaviors. He referenced a traffic accident that resulted in one girl being paralyzed and his daughter suffering permanent nerve damage; the highest speed he is aware of to date is 107 miles per hour and that was recorded at 8:00 a.m. He asked for an action from the City to address this issue.

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. **Approval of Meeting Minutes** *Administrative*
Regular City Council Meeting – November 9, 2021 and January 11, 2022
- b. **Planning Commission Appointments** *Administrative*
The Council will consider the Mayor’s request to ratify the appointment of Jay Roundy, Boyd Draper, Tracy Hill, and Trent Thayn to the Planning Commission. The Council will take appropriate action.
- c. **Plat Amendment: Mid-Town Highland Marketplace Amended (PA-22-02)** *Legislative*
The City Council will consider a request petitioned by Joe Ham representing MNG Highland Development LLC. The petitioner is requesting approval to adjust internal property boundaries located at approximately 5300 W 11000 N. The City Council will take appropriate action.

Kurt Ostler asked to pull item 2b.

Brittney P. Bills asked to pull item 2a.

Council Member Scott L. Smith MOVED to approve consent item 2c.

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 Sarah D. Petersen</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.

Item a:

Approval of Meeting Minutes: Council Member Brittney P. Bills asked for a correction to the 1/11/2022 minutes. The water tank on the equestrian property will belong to Lehi City not Highland City.

Item b:

Planning Commission Appointments: Mayor Ostler stated that he is recommending that Jay Roundy be appointed to fill Mino Morgese’s unexpired term, Tracy Hill to fill a vacant seat that will expire in 2026, and Trent Thayn to serve as an alternate in a vacant position that will expire in 2026. He then asked Dr. Roundy and Mr. Thayn to introduce themselves.

Dr. Roundy provided information regarding his personal and professional background; he is looking forward to this opportunity after having served as an alternate Commissioner in Highland and other cities. He has witnessed poor planning and good planning in the past and he hopes to contribute to good planning efforts in Highland City. He has witnessed great work performed by many City employees and he is grateful to the residents for their willingness to provide input regarding matters that impact their daily life.

Trent Thayn provided information regarding his personal and professional background and noted that he is interested in becoming more involved with the City and its future growth. He has participated as a member of other City committees in the past and feels that has provided him with valuable experience.

Mayor Ostler stated that Mr. Hill was unable to attend tonight, but he has lived in Highland for six years and works as a physician and is a faculty member of the new Noorda College of Medicine.

Council Member Scott L. Smith MOVED to approve consent item 2a approval of meeting minutes, as corrected, and consent item 2b, Planning Commissioner appointments.

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 Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

Mayor Ostler then asked that the Council consider moving to item eight on the agenda given there several residents in attendance to hear discussion of pedestrian crossings and speed limit signage. There were no objections voiced by the Council.

8. DISCUSSION: PEDESTRIAN CROSSING WARNING AND SPEED LIMIT SIGNS *Administrative*

The City Council will discuss the use of pedestrian crossing advance warning signs at select trail crossings and flashing ‘Your Speed’ speed limit signs. This item is being presented for discussion and direction only. No formal action will be taken.

City Engineer/Public Works Director Spencer reported there are a number of trails that cross roads not at a formal intersection. For example: The American Fork Canyon Ditch Trail, also known as the Highland City Main Trail, bisects the City between Town Center East and 6400 West. This trail is 1-1/4 mile in length and is used daily. While most of the trail is behind private properties and internal to subdivision blocks, it does cross collector class roads such as 6000 West and 5600 West and local roads such as 5720 West and 6250 West. Another example of a trail that crosses local and collector roads is the Murdock Canal Trail. Currently, on busier streets the crossings are identified by a “pedestrian crossing sign” and on street striping. He presented photographs of the optional pedestrian crossing locations throughout the City as well as the types of signs that would be used to notify motorists of a designated crossing location. The Rectangular Rapid Flashing Bar (RRFB) style solar pedestrian crossing light is a user activated LED warning sign. The lights are linked via Bluetooth and are activated when the user pushes a button on either side of the road. The LED light bar will flash in a rapid wig-wag pattern which is easily seen in daytime hours as well as at night. UDOT as well as some of our neighboring communities are using these devices at similar mid-block crossings. The cost per location (as of January 2022) is \$7,084.22 excluding time and materials for installation. The City has received a request for a RRFB sign on 6000 West where the Main City Trail bisects with 6000 West.

He then discussed flashing speed limit signs, which inform motorists of ‘their speed’ when they pass the sign. These signs are frequently installed on roads where excessive speed is perceived or shown through a traffic data

report. These signs show the vehicle speed and blink with a bright white strobe when the posted speed is exceeded by five miles-per-hour of the posted speed limit. The sign powers down when there is no traffic present. Current locations of these signs include Angels Gate, Country Club Drive, The cost per location (as of November 2021) is \$6,198 excluding time and materials for installation. The initial purchase includes a free one-year courtesy cloud data provision that can be utilized to track vehicle volume and speed. If this information is deemed valuable, a data package can be purchased on an annual basis to continue the service. Order time is approximately 4 to 6 weeks. Staff recommends that the City Council consider implementing policies that define the conditions that these types of signs will be considered for installation. The concept behind development of this criteria is justification for both the initial cost and the ongoing maintenance costs. A traditional, non-flashing, pedestrian crossing signage will cost approximately \$300 in materials. As such, the cost of a flashing sign crossing is approximately 23 times the cost. The flashing signs also require a more intensive maintenance effort than traditional signage. Examples of determining criteria for these types of signs may be:

“Flashing Pedestrian Warning Signs: Number of daily vehicles on the roadway being crossed, roadway classification, location of signs (intersection or mid-block), number of users on the trail or pedestrian sidewalk, accident history.”

“Flashing Speed Limit Signs: Roadway classification (collector, local road, etc.) Percentage and severity of daily cars driving over speed limit, roadway geometry, accident history.”

Council Member Peterson asked if staff is recommending the installation of the RRFB sign on 6000 West where the Main City trail bisects 6000 West, and then working to develop a policy including criteria that must be met in order to install future signs. Mr. Spencer answered yes. Council Member Peterson inquired as to the funding source for the RRFB sign. Mr. Spencer stated it can be paid for from the City’s streets maintenance budget; if a policy is created by the Council, it would be appropriate to consider an annual funding amount for any future signs to be installed throughout the City.

Council Member Bills inquired as to the expected costs for ongoing maintenance of RRFB signs or speed limit signs. Mr. Spencer stated he is not sure of a definitive cost, but he would estimate just a few hundred dollars per year for replacement of lights or electrical infrastructure. Council Member Bills suggested that a potential policy include a provision for neighborhoods to raise the money for a sign; she also asked Mr. Spencer to address the requests made during the public comment period for speed tables to be installed on roadways throughout the City. Mr. Spencer stated that speed tables could be considered on a broad policy governing traffic calming measures for the City; he advised that the Council should be willing to consider speed tables in all areas of the City upon approval of a speed table in one neighborhood of the City. The City has a fixed amount of resources and conflicting needs or demands on roads throughout the City and it is necessary to strike a balance and objective way of addressing speed control.

Council Member Rodela stated she is supportive of considering a collective policy or program that can be used to evaluate any type of request for a speed calming or safety measure at specific locations in the City. This led to high level philosophical discussion among the Council regarding necessary components of a traffic calming policy; citizen involvement in identification of appropriate locations for traffic calming tools – including speed tables;

Mayor Ostler then stated that the Council needs to determine if they are comfortable proceeding with the installation of the RRFB sign on 6000 West near the trail crossing or if they want to wait to develop a policy that considers traffic calming measures for the entire City. Council Member Ball stated that he would like to proceed with the installation of the light in advance of creating a City-wide policy; he emphasized that the main role of the City is to protect its residents and helping to curb dangerous activities on City roadways is part of that role. He indicated he is very supportive of prioritizing the creation of a policy that will govern the installation of traffic

calming measures in the future. Council Member Smith agreed but noted that it is important for the City to carefully examine funding sources for these types of future improvements.

Mayor Ostler facilitated discussion among the Council regarding the process they would like to employ to create a policy; they determined to assign two Council members to work with staff to identify optimal traffic calming tools and present those items to the entire Council in a work session setting for broad discussion of a City-wide policy.

Council Members Smith, Rodela, Ball, and Peterson offered support for installing the RFFB sign on 6000 West where the Main City Trail crosses the road. They indicated that it would be helpful to gather data from the sign that can be used to inform the creation of a City-wide policy. The Council then discussed the idea of also installing a flashing speed limit sign at State Road 72 and 6000 West in advance of the development of a City-wide policy; they offered their support for installing the sign now for the same reasons as approving the installation of the RFFB sign at this time.

Council Member Peterson then addressed the residents who spoke during the public comment period and indicated she has heard their concerns about speeding on Yorkshire Court and Yorkshire Drive; she would like comprehensive traffic data for those roads in order to appropriately respond to the concerns of the neighborhood. Mr. Spencer stated he will place traffic counting devices in that area that will capture vehicle counts and speeds throughout the day.

3. PUBLIC HEARING: TEXT AMENDMENT - FREESTANDING SIGNS

Legislative

The City Council will hold a public hearing to consider a request by Joe Ham to amend Sections 3-707 and 3-710 of the Development Code relating to commercial freestanding signs. The City Council will take appropriate action.

Planner & GIS Analyst Smith reported applicant, Joe Ham, is the representative for MNG Highland Development LLC, the developer for the commercial property in the Highland Marketplace subdivision. The applicant explains in the attached narrative that because of the size and depth of the project, retailers and users need identification along the street fronts to draw customers into the development. The site has the potential for up to 22 businesses that would be at a disadvantage as their building signage may not be visible from the street. She summarized the specific text amendments the applicant is requesting as follows:

1. Location: The proposed amendment allows a freestanding sign to be constructed within 300 feet from the intersection of SR-92 and SR-74 and within 80 feet of a residential zone. The applicant is requesting the decrease in distance from the intersection because the existing requirement of 400 feet from the intersection lines up with the Blue Lemon property, which is owned by a separate property owner. They are requesting 300 feet from the intersection to allow them to put the freestanding sign in front of their property with Treehouse Dental.
2. The request to decrease the distance from a residential zone is a result of the residential zone on the other side of Alpine Hwy. The Development Code currently requires a freestanding sign be no closer than 150 feet from a residential zone. 150 feet from the residential zone across the street goes into the Blue Lemon parking lot. It is assumed that when the Code was written, the distance requirements were imposed only taking the residential zones to the north and the west into consideration. The request is to decrease the distance to 80 feet to allow the developer to put a sign in the parkway detail.
3. Size: The applicant is requesting to increase the maximum height of 18 feet to 40 feet for a commercial freestanding sign.

4. Material: The proposed amendment adds painted aluminum as an acceptable material for commercial center freestanding signs. The amendment also adds,
 - a. “Lettering and logos may also be created using solid aluminum faces with routed out graphics displaying backlit “push-through” or “back-up” acrylic with 1st surface vinyl.”
5. Lighting: The amendment allows the sign to be internally illuminated through acrylic or polycarbonate faces.
6. Landscaping: The applicant is requesting to remove minimum requirements for plant types (perennials, annual vegetation, and evergreen type landscaping). The requirement to incorporate a minimum of 2 square feet of landscaping for every linear foot of sign length around the base of the sign will still remain.

Ms. Smith noted table 3-707A that identifies the overall height, size, frontage, location, and material requirements for each type of sign in each commercial zone would also be updated to reflect these changes. The Planning Commission held a public hearing on January 25th, 2022 and there was one resident that objected to the request. They raised concerns regarding Highland’s residential nature and the community design element of the General Plan. The Planning Commission’s general concerns were the height and location of the signs. The Commission discussed possibly continuing the item, but the applicant preferred to forward the request on to the City Council, as there are leasing deadlines they are hoping to meet. The Planning Commission voted to recommend denial of the proposed text amendment due to concerns with the proposed height and depth of the signs. They did make clear that they were in favor of the proposed lighting and letter style, and the landscaping changes. Each Commissioner shared their preferences for the amendment:

- Commissioner Howden favored a 20-foot height maximum and to keep the existing location requirements.
- Commissioner Moore approved of a 25-foot height maximum and decreasing the 7-foot-tall rock base to a 3-foot base.
- Commissioner Morgese agreed with Commissioner Moore’s recommendation.
- Commissioner Abbott favored a 20-foot height maximum and had concerns with the location for the residents across Alpine Hwy.

Ms. Smith noted that subsequent to the Planning Commission meeting the applicant has revised the proposal to address the Planning Commission’s concerns. The revised proposal is as follows:

- Size: The applicant is requesting to increase the maximum height of 18 feet to 25 feet for a commercial freestanding sign. The revised proposal also includes a decrease to four (4) feet in depth rather than the originally proposed five (5) feet.

She then summarized staff’s analysis of the application, citing several sections of the General Plan and Development Code of the City; she also noted that staff researched the freestanding sign requirements in commercial zones of neighboring cities and found the following:

- American Fork: 35’
- Cedar Hills: 30’
- Pleasant Grove: 35’
- Orem: 26’ average (dependent on distance between the sign and right-of-way)
- Provo: 35’

The proposed amendment is to allow a maximum height of 40’. The proposed amendment appears to meet the following findings:

- The amendment is consistent with goals and policies in the economic element of the General Plan.

- The proposed amendment is consistent with the purpose stated in the Development Code of regulating overall sign design and location.
- The proposed amendment exceeds the typical height of freestanding commercial signs in neighboring cities.

Ms. Smith concluded staff recommends that the City Council hold a public hearing, discuss the maximum height and the location discrepancies in the Code, and determine whether or not the amendment is appropriate.

Mayor Ostler invited input from the applicant.

Joe Ham, MNG Development, reviewed the site plan for the project and indicated it has been designed in a way that is different from most other shopping centers; he has created somewhat of a plaza inside the development after finding it impossible to attract a big-box retailer to the area. Tenants that are considering locating in the project have expressed the need to advertise along Timpanogos and Alpine Highways and in order to do that, it is necessary to increase the height of the sign. He is hoping the Council will support a 25-foot sign height, as that is the amount he needs to be able to provide adequate advertising for 22 tenants.

Council Member Bills stated she listened to the Planning Commission's discussion of the application and appreciates their thorough analysis of the application. She feels that Mr. Ham has been very responsible with their design for this project and in attracting quality tenants to the project; when also considering that this amendment would apply just to the zoning designation that has been assigned to this project, she is comfortable approving the current proposal. Mayor Ostler asked if the amendment will only apply to the CR zone. Ms. Smith stated it will apply to the CR, C1, and Commercial Town Center. She added there is already a commercial freestanding sign in the C1 zone, so the maximum number of signs has already been installed for that zone.

Council Member Rodela echoed Council Member Bills' comments and indicated she feels it is appropriate for the Council to consider amendments like this one in order to help businesses that have invested in Highland City be successful. Council Member Smith agreed and indicated he is glad to see this subject property develop as it will provide much needed revenue for the City. He is willing to approve the 25-foot sign height and thanked Mr. Ham for compromising on his original request for a sign height of 40 feet. Mayor Ostler agreed with the comments about the importance of helping businesses locating in Highland be helpful; it is clear that it is necessary to increase the visibility of signage for the subject project.

Mayor Ostler opened the public hearing at 8:26 p.m.

Doug Cortney stated that he originally spoke against the amendment during the Planning Commission public hearing, but that was based upon a concern about a sign that would be 40 feet in height; he appreciates the compromise the applicant has made, and he is no longer opposed to the request. However, he does have some technical concerns about the proposal; first is related to Section 3.7.10, which states that commercial center freestanding signs shall be similar in design, color, and material throughout Highland. This seems to preclude approval of the intended signs for those project as they clearly are not similar in design, material, or color to other existing commercial freestanding signs. As such, the code text should probably be amended as part of this action. Additionally, the proposed sign appears to have size in excess of 300 feet per side, but section 3.7.07 limits the size to 275 feet per side. That text should also likely be amended before approving the sign request. Sections 3.7.07 and 3.7.10 describe height requirements differently in a way that he thinks is confusing and these discrepancies should be corrected or clarified. Also,

the term 'light pollution' found in Section 3.7.10 does not appear to be defined in the City's development code. In the case of a sign with external lighting, light pollution can be clearly defined, but in the case where the sign is lit internally, this matter should be defined. Finally, for the C1 and Town Center Zones, the proposed 3.7.07 and 3.7.010 have conflicting requirements for freestanding signs; one lists a maximum height of 15 feet while the other lists a maximum height of 25 feet. He stated that he is encouraging the Council to approve the proposal, but feels it is necessary to address the conflicts in the code.

There being no additional persons appearing to be heard, Mayor Ostler closed the public hearing at 8:30 p.m.

Council Member Rodela asked that City Attorney Patterson respond to the comments made by Mr. Cortney. Mr. Patterson stated he is not surprised that there are some inconsistencies in the Code that need to be rectified but handling those tonight may be difficult. It would be more appropriate to take action on the application tonight and then refer the other issues to the Planning Commission for a recommendation.

Mayor Ostler then asked the Council if they are comfortable with applying the amendments to all commercial zones or just the CR zone; he also asked them to weigh in on the proposed location of the sign. Council Member Peterson stated she is supportive of the proposed sign location and is in favor of applying the change to all commercial zones in the City; many businesses in the City are hard to identify based upon signage alone.

Council Member Bills asked if the amendment would extend to The Boyer Company project. Ms. Smith answered no as that project has the PD zoning designation. She stated that the code specifies that the amendment would apply to the C1, CR, and Town Center zones and also that the minimum project size for a freestanding sign is four acres. City Administrator/Community Development Director Crane added that the PD zone references back to the zoning ordinance, so if The Boyer Company project meets the defined standards, there could potentially be a similar sign in that project.

Mr. Patterson advised that it would be good for the Council to clarify the maximum square footage for freestanding signs; this could be accomplished by an adjustment to 3-707a regarding commercial freestanding signs in the CR zone to increase the maximum square footage for signs commensurate with the dimensions the Council is approving.

Council Member Brittney P. Bills MOVED that the City Council approve this proposal to amend sections 3-707 and 3-710 of the Development Code, with an amendment to Table 3-707A for the CR commercial freestanding signs to increase the maximum square footage to be in line with dimensions discussed.

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 Sarah D. Petersen</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. ARCHITECTURAL REVIEW: HIGHLAND MARKETPLACE PHASE 2 *Administrative*

The City Council will consider a request by Joe Ham, representing MNG Highland Development LLC, for approval of the architecture of three (3) buildings in the Highland Marketplace. The City Council will take appropriate action.

Planner & GIS Analyst Smith the applicant is requesting architectural approval for three of the eight buildings in the Highland Marketplace site plan:

- Building A includes 5 main entrances with awnings over each of the facades. Canopies of different heights extend over 3 of the units. The building has display windows along the east and south sides.
- Building B has 3 main entrances. Display windows extend all across the south and east sides, and there is one on the west. The south side will face the plaza area, and the north will face the parking lot. This building also includes the awnings/canopies over the entrances and display windows. Signage will be on the north side facing the parking lot as well as the south facing the plaza.
- Building C has 3 main entrances with awnings over each. Display windows are shown on the north and east elevations. The north elevation will face the plaza. The south will face the existing parking lot and commercial buildings in Highland Marketplace. Signage will be placed on both the north and south elevations.

The proposed architecture of the retail building is comprised of stucco, cultured stone, and cement with a painted wood texture. The materials reflect a color theme of greys, browns, and beige.

The Planning Commission reviewed the request on January 25, 2021 and shared their appreciation for the updated elevations. The Commission recommended approval of the proposed architectural plans subject to the two (2) stipulations recommended by staff:

1. All signage shall require a separate permit and meet the requirements of the Development Code.
2. The roofline shall be adjusted to meet the requirements in the Development Code.

Subsequent to the Planning Commission approval, the applicant has provided updated elevations to comply with the roofline requirements in the Development Code, therefore the second stipulation recommended by the Planning Commission has been removed.

Ms. Smith then discussed staff's analysis of the application and its conformance with the Development Code and development agreement for the project; with the recommended stipulations, the proposed architectural elevations appear to meet the following findings:

- It is consistent with the Highland City Development Code.
- It is compatible with existing and future development within the CR Zone.
- It is consistent with the intent of the Development Agreement for Highland Marketplace.

Staff recommends that the City Council approve the proposed architectural plans subject to the following stipulations:

1. All signage shall require a separate permit and meet the requirements of the Development Code.

2. The architectural elevations of the three (3) buildings shall comply with the building elevations date stamped January 27, 2022.

Mayor Ostler invited input from the applicant.

Joe Ham, MNG Highland Development, LLC, stated the change is intended to comply with staff's recommendations regarding the elevations for the project.

Council Member Smith asked if each building will have multiple businesses located in it. Mr. Ham answered yes, noting one will contain a full-service restaurant.

Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the architectural plans for Building A, Building B, and Building C in Highland Marketplace subject to the following two (2) stipulation recommended by Planning commission and Staff.

1. *All signage shall require a separate permit and meet the requirements of the Development Code.*
2. *The architectural elevations of the three (3) buildings shall comply with the building elevations date stamped January 27th, 2022.*

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 Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

5. ORDINANCE AND POLICY AMENDMENT: AMENDMENT TO HMC 2.28, GOVERNMENT RECORDS ACCESS AND MANAGEMENT; ADOPTION OF RETENTION SCHEDULE *Legislative*

The City Council will consider a request by staff to update and revise the City's municipal code related to Government Records and to adopt a new retention schedule policy for City records. The City Council will take appropriate action.

City Attorney Patterson reported that the City Code is out of date and conflicts with Utah State Code, Title 63G, Chapter 2, which provides mandatory state standards regarding the right of the public to access government records and the responsibility of government entities, including Highland City, regarding record access, maintenance, and retention. He noted that code also allows municipalities to enact or establish codes or policies regarding fees, appeals from denials of fee waivers or access to record, and policies regarding the retention of public records. Highland City's code (Municipal Code 2.28) and policy regarding government records were adopted in 1992 and have not been substantively or officially updated since then. This request seeks to bring the City's code and records retention policy up-to-date with current state standards and city practices. The proposed code changes streamline the City's code to meet current state law and City practices:

- a) Removed redundant language regarding definitions and record classification, as these are governed by state law
- b) Incorporated state law for procedures and timeframes for individuals who submit records requests and for the City’s response to those requests
- c) Updated the appeal process to clarify that appeals are heard by the city’s “chief administrative officer”—the city administrator—rather than the city council, as required by state code
- d) Updated fee provisions to match the City’s current practice and to clarify how the City will handle fees and fee waiver requests to ensure that people do not submit multiple requests to avoid fees, to clarify that fee waivers are granted for only up to 2 hours of staff time except in extraordinary circumstances, and to establish guidelines for when a request is in the public interest, which are:
 - 1. Whether the individual requesting the record is the subject of the record; or the requester’s legal rights are directly implicated by the information in the record, and the requester is impecunious.
 - 2. Whether the records relate to issues that impact all city residents, such as utilities or taxes;
 - 3. Whether the issue has been published or reported in the news in the previous six months;
 - 4. Whether the issue has been on a public meeting agenda of a Highland City public body in the previous six months; and
 - 5. Whether the requester is a member of or affiliated with a media or news outlet or requests a record to obtain information for a story or report for publication or broadcast to the general public.
- e) Matched violation/penalty section to state code

Staff also recommends updating the City’s retention schedule policy—the policy that determines how long different kinds of records are kept on file. The officially adopted retention policy from the City was adopted in 1992 and incorporated the State Archives’ default, general retention schedules.

Council Member Bills inquired as to the definition of ‘media’ or ‘news’ items that are subject to GRAMA; she asked if a post made on a social media outlet could be considered ‘news’ and subject to GRAMA. Mr. Patterson stated that may be based upon the intent of the published item, however the City would not limit access to social media records; however, a fee waiver request for a social media record would be evaluated at the time it is submitted. Any denial of a fee waiver request is an appealable action.

Council Member Smith asked if the City Administrator would be the appeal authority for the denial of a records request or fee waiver. Mr. Patterson answered yes. Council Member Smith stated that is fine, but in the case that the records that have been denied are related to the City Administrator, it may be appropriate to consider another appeal authority. He wondered if it may be appropriate to discuss the proposed code text amendment in a work session meeting; the changes are fairly complex, and he personally would like additional time to consider the amendments and discuss the proposal with the City Recorder and City Administrator. Mayor Ostler stated he is comfortable with that recommendation but asked that Mr. Patterson be given time to finish his presentation this evening.

Mr. Patterson concluded by reviewing the appeals process included in the proposed ordinance. He then engaged in high level discussion with the Council regarding examples of records that are public and subject to GRAMA; fees associated with a response to a GRAMA request; retention schedules; and the appeal process. The Council concluded they are supportive of Council Member Smith's recommendation to table the proposed ordinance and discuss the matter further in a work session before taking formal action on the matter.

Council Member Scott L. Smith MOVED to CONTINUE the item regarding Title 2 Chapter 28 of the Municipal Code and the resolution establishing the Highland City Retention Schedule Policy for further discussion.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

6. ACTION: ENCROACHMENT AGREEMENT WITH UNITED STATES BUREAU OF RECLAMATION ASSOCIATED WITH THE MURDOCK PRESSURIZED IRRIGATION PUMP STATION *Administrative*

The City Council will discuss an encroachment agreement with the United States Department of the Interior Bureau of Reclamation (BOR) regarding the access across the Central Utah Project Jordan Aqueduct Reach 4 and Alpine Aqueduct Reach 3.

City Engineer/Public Works Director Spencer explained that as a part of the permits for the Murdock Pump Station, the City is required to enter into an Encroachment Agreement with the BOR. The agreement is for the piping that leads to the pump station from the turnout of the Murdock Canal and for a driveway that will cross the easement. Staff recommends approval of the agreement.

Council Member Sarah D. Petersen MOVED that the City Council approve the Easement Encroachment Agreement with the United States Department of the Interior Bureau of Reclamation and authorize the Mayor to sign the agreement.

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 Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

7. DISCUSSION: OPTIONS TO CONNECT TRAIL SYSTEMS *Administrative*

The City Council will review and discuss options to connect Highland City trails to Alpine and Draper. The Council will take appropriate action.

Planner & GIS Analyst Smith explained the City Council directed staff to look at possible routes to connect the Highland City trail system to Alpine and Draper. The goal is to make public connections to the Bonneville Shoreline, Pfeifferhorn, and Hogs Hollow trails. She presented four different options for the Council to consider: PI Pond, Beacon Hills Plat I, Twin Bridges Trail, and Beacon Hills Park. She engaged in discussion with the Council regarding the pros and cons of each option, some of the constraints on the properties that are subject to each option, and the potential costs associated with each option. At the conclusion of the discussion, City Administrator/Community Development Director Crane stated that Administration is seeking direction from the Council, but it may be necessary to take action on this matter in two parts. It may be that the Council needs to select one of the optional routes for a temporary option for now, and then explore other permanent options. With the weather improving, it would be nice for the City to be able to advertise trail access that provides connectivity to the areas people want to get to.

Council Member Smith asked if Alpine City is willing to consider participating financially in improving the Pfeifferhorn trail. Mr. Crane stated that he can reach out to determine if they are willing to participate. Council Member Bills indicated she can reach out to the Mayor of Alpine to discuss the matter with her; there have also been discussions with Alpine and Draper as part of the Mountainland Association of Governments (MAG) meetings about trail connectivity.

Mayor Ostler then invited public input regarding the matter.

Lane Stevens stated he is an Alpine resident, and he is seeking clarification on how any of the options would provide connectivity to the Draper trail system; he would like to understand plans for future connectivity.

Rick Louder stated he lives at the base of Hogs Hollow and stated that he has strong opinions as to why fencing has been installed to restrict access to certain areas along the trail; he has been part of organizing a Limited Liability Corporation (LLC) with a goal of saving trails. They have raised \$20,000 and hired an attorney to address access issues and any collaboration or involvement from the City would be welcome at this point.

Lane Stevens re-approached and stated that the local high schools have mountain biking teams, each with 700 riders; Hogs Hollow represents a main artery from which riders can be pushed into the hills and that type of connectivity is not available, that is problematic. He stated there are many thousands of other hikers, bikers, and equestrians that are using the hillsides and ensuring access to the area is vital.

Chris Howden stated he uses the trails every day, even in the wintertime. He also rides his horses in the area. His recommendation is to provide multiple access points to disperse users of the trail system. Parking is an issue as the current access point is off of a residential street. Access from the pond or from Alpine would be brilliant as well.

Todd Richie asked what would trigger legal action on this matter. He then stated he has talked with Perry Homes about access through their property near the gulley and he asked if the City has looked into that.

Mayor Ostler stated that the City wants to try to keep all of its options open before pursuing any type of legal action; however, if negotiations are unsuccessful, legal action will be considered. He stated that the City can get through the Perry Homes property, but there are other private property owners in that area that have not approved access through their property for trail connectivity.

There were no additional members of the public appearing to be heard.

In response to Mr. Stevens' comments, Ms. Smith presented the Alpine master trails plan to identify planned future connections as well as the private and public properties that the trail would need to pass through.

Council Member Bills asked if there are costs associated with employing options three or four as temporary options. Mr. Crane answered the only cost would be associated with public notification of that decision. Council Member Peterson stated she would be interested in understanding the potential impact of those temporary solutions, such as trail user parking on public streets or encroachment by trail users on private property. Mr. Crane stated that the City would need to have further discussion on encroachment matters if any of the options are pursued as permanent options and he is happy to bring residents into conversations of that issue. Mayor Ostler suggested that the City formalize its encroachment policy before approaching residents about a public trail encroaching on their private property.

The Council continued with high level philosophical discussion and debate about the optimal options for the City to pursue at this time; they ultimately determined to support option four as a temporary solution while taking additional time to pursue negotiations aimed at implementing option one as the permanent solution. Council Member Smith encouraged City Administration to coordinate with Alpine City officials regarding joint participation in improving the trail head and building adequate parking facilities for the trail.

9. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. Hobby Breeders Ordinance Update - Code Compliance Officer Brent Wallace

Code Compliance Officer Wallace provided background information regarding 'hobby breeders' in the community; most of his enforcement activities regarding this matter are complaint driven. The City Code is unique in that it provides for a 'hobby breeders' license; this is not a license that is available in surrounding cities. The license gives the resident the ability to keep five dogs at their property, but in other cities this would constitute a kennel and this a use that is not allowed in residential areas. He is recommending that the City ordinance be amended to be similar to ordinances in place in American Fork, Cedar Hills, Draper, and Lehi. He suggested the City allow just three dogs and one litter up to four months of age; remove the 'hobby breeders' license completely; remove transient and show dog exemptions; and update vaccination requirements. He stated that it is difficult to enforce a code that is vague or ambiguous; people do not care how many

dogs someone has, but they care if they are creating a nuisance by constantly barking. He asked for feedback from the Mayor and Council regarding the types of ordinance amendments they would support.

Council Member Rodela indicated that she likes the text from Lehi's ordinance. Council Member Peterson agreed and added she likes their mention of 'barking dogs' and the requirement to secure complaints from two separate residents to avoid situations where the City is getting involved in a dispute between two neighbors. She added that she has noticed many loose animals, specifically dogs, in her neighborhood.

Mr. Wallace then added that the City needs a dedicated animal control officer; the former officer retired, and the City needs to determine how to fill the vacancy created by her retirement. An officer can pick up loose dogs or any cats that are in traps.

Mayor Ostler facilitated discussion among the Council regarding the changes they would support in the ordinance. Mr. Wallace indicated he will use the feedback provided to draft an ordinance for the Council to consider in a future meeting.

b. 2022 Citizen Survey - Assistant City Administrator Erin Wells

Assistant City Administrator Wells reviewed the draft survey that was created using the feedback provided by the Council at their last meeting; she facilitated discussion among the Council regarding the questions included on the survey, after which she noted she would like to send the survey to residents at the beginning of March. Surveys will be due March 31, 2022 and one survey response can be submitted per adult. There will also be space at the end of the survey for residents to provide feedback regarding any topic. Council Member Rodela stated she feels it would be good to cut down the length of the survey as people will be more likely to complete the survey if they know it will not take too much time. Ms. Wells agreed and stated she would like to reduce the number of questions to 20, which means five questions will need to be eliminated. There were no objections voiced to reducing the number of questions, though Mayor Ostler indicated that it is important for the Council to consider what they are going to do with the information they gather through the survey.

9c. Highland Glen Ducks

City Engineer/Public Works Director Spencer stated that at the end of last summer the City posted a sign at Highland Glen Pond about water quality because of the lack of water. Hopefully there will be more water this year and it will be possible to fill the pond with fresh water, but ducks are a problem at the pond. The City is working with the Department of Wildlife Resources (DWR) to help remove those ducks that are not migratory in nature. However, ducks are attracted to the pond by people who are feeding them. If the residents desire a pond that they can swim in, it is vital to reduce the number of ducks at the pond. He asked the Council if they would like to leave the ducks alone or engage DWR to remove the ducks.

There was discussion among the Council regarding the number of ducks at the pond; the appropriate number to keep at the pond to keep the water clean; and what DWR does with the ducks once they are removed from the pond. Council Members Bills, Rodela, and Smith indicated they are in favor of engaging DWR to remove the ducks in order to improve the water quality at the pond.

d. Future Meetings

- February 8, City Council Work Session, 7:00 pm, City Hall
- February 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- February 15, City Council Meeting, 6:00 pm, City Hall
- February 22, Planning Commission Meeting, 7:00 pm, City Hall

Mr. Crane asked if the Council could meet in a work session on February 15 at 6:00 p.m., before their business meeting. The Council answered yes.

Council Member Smith then stated there is growing concern about increased burglaries in the City; he asked if the reports he has received are anecdotal or if there has been an increase in Police reports associated with burglaries. Council Member Peterson stated that she has heard of an increase in burglaries in her neighborhood as well. Police Chief Gwilliam stated there does not seem to be an increase in the number of Police reports filed for burglary; however, discussion of these occurrences has increased on social media, so more people are hearing about it. Mayor Ostler added that some people have been posing as solicitors and they are knocking on doors of residences throughout the City. Assistant City Administrator Wells added that residents contacted the City to see if the solicitors were legitimate and they were not; the City issued a press release about the issue informing residents that solicitors must have a badge after being licensed by the City.

ADJOURNMENT

Council Member Scott L. Smith MOVED to adjourn the regular meeting and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously.

The meeting adjourned at 10:40 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 1, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder