



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, March 2, 2021

Approved March 30, 2021

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 852 5632 5615

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Ryan Bazzelle

Pledge of Allegiance – Sophia Bazzelle

The meeting was called to order by Mayor Rod Mann as a regular session at 7:01 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 Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Engineer Todd Trane, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Reed Thompson, Library Director Donna Cardon, Planning Commission Secretary Heather White

OTHERS PRESENT: Scott Hart, Isaac Patterson (*electronically*), Guy and Marilyn Masters, Kilger Family (*electronically*), Ryan Bazzelle, Sophia Bazzelle, Camilla Bradshaw, Brian Braithwaite, Eric King

1. UNSCHEDULED PUBLIC APPEARANCES

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

Mr. Kilger said that on Page 94 of the minutes there was some discussion of the orphan space purchase. He said that he lived in Viewpoint, and he and several of his neighbors were interested in that topic. He understood that the price was not firm yet, and while it was better than the last price listed, he did say that he would like it to be

lower. He also spoke about a list of properties that the town had agreed met the criteria to be sold, and requested to view the list as soon as it was made available to the public. He noted that there was a section which stated land could not be sold if it would create more orphan spaces, and asked for clarification about what that meant. Mayor Rod Mann replied that any property that was not contiguous and created inaccessible parcels of land was considered to be “orphan space.” Mayor Rod Mann also clarified that the discussion which would take place that night would not be about specific properties, but would focus on the creation of a policy that would be long lasting. He added that the City Attorney will go over more details during that discussion.

2. RECOGNITION ITEMS

a. Mayor’s Award – Mayor Rod Mann

The Mayor and the City Council will recognize Highland students for their acts of service and kindness to fellow students.

Mayor Rod Mann introduced student Ryan Bazzelle. He reported that his eighth-grade teacher had asked his class if they would rather be a marigold or walnut tree, and Ryan Bazzelle had chosen to be a marigold, and this had inspired him to order 1000 flowers and give them out to all the students at the school. He continued this tradition into high school, and as a sophomore student he had raised the money to order and give out 1,300 flowers. Mayor Rod Mann said that the world needed more kind acts, and awarded Ryan Bazzelle with a certificate for Highland Hero, as well as a pin. He told Ryan Bazzelle that he would be forever part of Highland’s story. Mayor Rod Mann also presented the Highland hero pin to both of his parents, and told them that they had raised a fine young man.

3. PRESENTATIONS

a. Highland City Youth Council – Youth Council Representative

Highland City Youth Council Representative will report on any recent and upcoming activities involving the Youth Council.

Camilla Bradshaw reported that their last activity had been to make cards for the nursing home, and said that there had been a great turnout. She stated that their next activity would be an Easter egg extravaganza, and explained that people could sign up online for a time slot if they wanted to participate. She reported that Chick-Fil-A, Little Caesars, and Texas Road House had all donated coupons and gift certificates, and that the Youth Council would fill the baskets and make sure the event ran smoothly. Mayor Rod Mann thanked the Youth Council for the projects that they worked on.

Council Member Kim Rodela asked how people would be able to register to get an Easter basket, and Assistant City Administrator Erin Wells replied that a link would be released on their social media channels on March fourth, and people would be able to register until it was full.

4. CONSENT ITEMS (5 minutes)

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

a. Approval of Meeting Minutes Administrative

Regular City Council Meeting – February 2, 2021 and February 16, 2021

Council Member Brittney P. Bills MOVED that the Council approve consent items which consisted of approval of the minutes from February 2 and February 16 meetings.

Council Member Scott L. Smith *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - STORAGE FACILITIES IN THE PROFESSIONAL OFFICE ZONE *Legislative*

City Council will hold a public hearing to consider a request by Isaac Patterson to amend Section 3-4929 in the Development Code to allow the leasing of moving vehicles in storage facilities in the Professional Office Zone. The City Council will take appropriate action.

Council Member Kurt Ostler recused himself due to his personal negotiations over the last year with Patterson Construction on an easement issue.

Planner & GIS Analyst Kellie Bronson explained that this was a request for a development code amendment in the professional office zone, and she reviewed the details of the amendment. She said that the professional office zone had been adopted in 2003, and the purpose had been intended to accommodate Highland Hideaway Storage facilities, as well as a number of office buildings nearby. She stated that the applicant's property included the referenced office park, and showed where the affected lot was located on a map. She explained that the amendment would allow for the leasing of moving vehicles as a part of storage facilities in the zone. She added that a storage facility was considered to be "conditional use," and there was a section in the professional office zone that outlined what was allowed in storage facilities, and this was the section that would be altered. The amendment would allow for two moving vehicles to be displayed outside, and four could be stored inside, away from public view. In the Planning Commission meeting, it had been clarified that the two vehicles that could be out front were for ease of pick up and drop off, and when not in use, the vehicles would be stored away with the others. She shared some photographs of the moving vehicles. She said that the Planning Commission meeting had been held on February 23rd, and there had been no resident participation, and the Planning Commission had recommended approval of the text amendment. On behalf of the City staff, she said that there would be little to no impact, and the staff recommended that the proposal be approved. She said that Isaac Peterson was in attendance electronically.

Isaac Patterson noted that Planner & GIS Analyst Kellie Bronson had explained the issue well, and said that he would be happy to answer any questions.

Mayor Rod Mann opened the public hearing at 7:19 PM, and asked for public comments. There were none, and he closed public hearing at 7:20 PM.

Council Member Scott L. Smith wondered why there would be a need to have two vehicles out in the parking lot if they already had six vehicles that were covered, and Isaac Peterson reiterated that they were not meant to be left out full time, and they would be allowed to park out front only for drop off and delivery. He said that this would allow people to leave a moving vehicle out overnight. He added that the six additional vehicles would be stored on the east side of the storage facility, which had been marked as a spot for the storage of construction

equipment, and explained that it did help with ease of use. He said that the roads would be asphalted, and the parking spots for the two vehicles would be clearly marked.

Mayor Rod Mann called for a motion.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve the proposed amendment to allow the leasing of moving vehicles in storage facilities in the PO Zone based on the following findings: it is consistent with the purpose and intent of the PO zone and it is consistent with the general plan.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>No</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Recused</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>No</i>
<i>Mayor Rod Mann</i>	<i>Yes</i>

The motion passed 3:2.

6. PUBLIC HEARING/ORDINANCE: GENERAL PLAN AMENDMENT - NEIGHBORHOOD OPTION TRAILS *Legislative*

The City Council will hold a public hearing to consider a request by the City Council to amend the General Plan to reclassify Neighborhood Option Trails to Neighborhood Trails in the Trails Master Plan. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Bronson presented the details of the General Plan amendment. She said that in 2013, the City had updated the Trail Master Plan, and had added a classification called “neighborhood option trails.” This gave residents the right to petition to have trails in their neighborhood altered or removed, without going through a General Plan amendment process. There had since been confusion and many complaints about the maintenance of the trails, and so in 2020, the City Council had placed a one-year moratorium on the removal of neighborhood trail option trails, to give them a year to come up with a plan to remove the Neighborhood option trails. She spoke about how much money had been spent on the trail maintenance, and said that they were going through the process of determining how their current budget would be spent. Planner & GIS Analyst Kellie Bronson recalled that the City Staff had been given direction from the Council in the fall of 2020 to determine how to eliminate the option of the Neighborhood Option trails, and in February 2021, the draft of the Trail Maintenance Plan had been presented to the Council.

Mayor Rod Mann asked what the difference was between the neighborhood option trails and neighborhood trails, and Planner & GIS Analyst Kellie Bronson explained this would make it more of a public process to have a trail removed. She added that updates to the Trail Master Plan should be done when the General Plan was also updated. She showed the current Trail Master Plan, and highlighted where the Neighborhood Option Trails were located, as well as a map with the proposed updates that would make them Neighborhood Trails.

Council Member Kurt Ostler asked if there were any Neighborhood Option Trails that had since been removed that were still on the map, and Planner & GIS Analyst Kellie Bronson said that they were, and the map had not yet been updated. Mayor Rod Mann confirmed that the map was out of date, and pointed out a specific trail that

was shown on the map, although it had been removed. Council Member Scott L. Smith clarified that the trail in question was a dual trail, and actually began in Alpine.

Mayor Rod Mann directed the City Staff to update the map if the resolution passed. City Administrator Nathan Crane clarified that the map would be updated as part of the motion.

Planner & GIS Analyst Kellie Bronson reported that the Planning Commission had recommended approval, and the meeting had been held with no public comments. She reiterated that this would fix the current hole in their code, and this change would make things more consistent with what was in their code. She said that the City Staff recommended that a public hearing be held, and that the Staff recommends approval of the proposed change.

Mayor Rod Mann opened the public hearing at 7:34 PM. Hearing no comments, he closed the public hearing at 7:35 PM.

Council Member Scott L. Smith said that while many trails were paved, some were not. He asked how they would delineate between proposed, paved, and unpaved roads. He said he was confused by the classifications, and asked for clarification. He specifically asked about the trails around the Viewpoint area. There was a short discussion about what trails had been surplussed, and what areas had not been surplussed. Mayor Rod Mann pointed out that a part of the map was incorrect, and asked the staff to correct the map, and Council Member Scott L. Smith agreed that the map was confusing.

Council Member Scott L. Smith said that he had been on the Council when they had designated Neighborhood Option trails, and gave some background as to why they had made that decision. He recalled that they had met with open space residents, who were upset that trails were not being maintained, and the Council had surplussed some of the contentious areas. He spoke Highland Hills, and mentioned the ongoing Wimbledon situation. He said that he supported the change, but wanted to explain why the City had made the designation in that place. He pointed out that the City had more funds now than they had at the time the designation had been put into place, and said that they needed to maintain the trails and keep them safe. He commented that he loved trails, and reiterated that the City had to have to have resources to maintain them.

Council Member Brittney P. Bills asked if the new process would be more or less rigorous than the old one. City Attorney Rob Patterson said it would be more rigorous, and explained that now, if a trail was proposed to be removed, they would have to hold a public hearing, which was not required with the old process. Council Member Scott L. Smith clarified that they would also have to go through a Planning Commission meeting as well as the public hearing, and City Attorney Rob Patterson said that was correct; it would be a more City-managed process, rather than having residents bring a petition before the Council.

City Administrator Nathan Crane noted that the Council had made a decision not to remove paved trails, and so if someone wanted to remove a paved trail they would have to go through a different process. City Attorney Rob Patterson agreed, and noted that only trails that were marked on the map would have to go through that process. City Administrator Nathan Crane added that it would be easier for the Council to dispose of trails.

Council Member Kim Rodela commented that she liked the new process. Council Member Timothy A. Ball agreed with her, and spoke about his own personal negative experience in his neighborhood about the signature gathering process for the petitions for the Neighborhood Option Trails. He said that it had pitted the neighborhood against each other, and he had even withdrawn from some social activities that he was involved in. He thought it was better to put the trails back in the control of the City.

Council Member Kurt Ostler asked for some clarification of the process, and asked if residents would still be able to approach the Council about the addition of a trail, to have the item placed on a future agenda. Mayor Rod

Mann said that they were essentially changing yellow to brown on the map for the current discussion, and that they would discuss the situation in which a resident came before the Council later that evening in a different discussion.

Council Member Scott L. Smith said that they needed to look at the Trail Master Plan carefully because they had a lot of outlines for potential trails, and asked if there were current plans to develop those trails. City Engineer Todd Trane noted that there are still trails that were not connected, and their current focus was to connect some existing trails, mainly in the northwest area. Council Member Scott L Smith asked where the money came from to make those changes, and City Engineer Todd Trane replied that it would be a mix of the Trail Maintenance fund, and larger amounts could be funded through grants from MAG.

Council Member Kurt Ostler MOVED that the City Council accept the findings and approve the proposed General Plan amendment to reclassify Neighborhood Option Trails to Neighborhood Trails in the Trails Master Plan. It is consistent with the goals and policies found in the Park and Recreation Facilities and Trails section of the General Plan. City staff instructed to update the trails master map.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

7. RESOLUTION: COUNTRY FRENCH SUBDIVISION NO BUILD POLICY AMENDMENT *Legislative*

The City Council will consider a request by Guy and Marilyn Masters to amend the no build resolution for the Country French Subdivision. This amendment would allow below grade and ground-level structures, such as pools and sport courts, provided there is a 42-foot setback from the rear property line. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Bronson said that the final plat had been approved in 2005, and part of the plat was an 80-foot “no build” easement, to provide a density buffer between the Country French Subdivision with the neighboring subdivision. In 2017, the Council had denied a request to remove the easement, and there had been three main parties in that issue: The City, the Bowmans, who were homeowners in the Country French subdevelopment who had requested that the easement be removed, and the Bull River HOA. As part of an agreement between the three parties, the City had passed a resolution to define the no build zone, and had clarified that no vertical structures could be built in the easement. The three parties had also signed a development agreement for the Bowman’s lot, which allowed them to build a pool and some landscaping in their backyard. Planner & GIS Analyst Kellie Bronson said that the Masters lived next to the Bowmans, and would also like to build a pool in their backyard. She reported that City staff had given the Masters a background of the area, and the Masters had requested to have a similar development agreement to what the Bowmans had. It was the opinion of the City Staff and City Attorney that the best way to move forward would be to revise the resolution that had been written in 2017, and amend the setback. She then resented the plans for the Master’s pool, and noted that the Bowmans had been allowed up to 30 feet, contingent on the fact that they followed the rules of the development agreement.

Council Member Scott L. Smith pointed out that the Bowmans also had a pergola in their background, which was not permitted per the development agreement as it was vertical. Planner & GIS Analyst Kellie Bronson confirmed that pergolas did need to have a permit if they were over 200 square feet, and to her knowledge the Bowmans had not received a building permit for the pergola. Council Member Scott L. Smith added that it was not supposed to be above ground, and voiced his surprise that the pergola had been built. Mayor Rod Mann recalled that the process of the formation of a development agreement with the Bowmans had not been pleasant, but said that there were some things, such as fences or trampolines, that were allowed to be above ground without a permit. Council Member Scott L. Smith remembered that there had been a lot of discussion at the time of the development agreement about what was above and below ground. Mayor Rod Mann said that they could not regulate anything that did not require a permit. City Administrator Nathan Crane added that if a resident built something on their own, the City would never know, and that sometimes people did not get building permits for their structures. If no residents complained about, the City would likely be unaware that it existed.

Planner & GIS Analyst Kellie Bronson reported that the average pool size was 40 by 20 feet, and the average pool size in Highland was 45 by 20 feet. She showed a rough drawing of the location of the 80-foot restriction, and explained there would need to be about 75 feet between the home and the pool in order to stay in-keeping with the setback requirements of the subdivision. She added that nearly all the lots in the subdivision were able to fulfill that spacing requirement, with the exception of lots seven and nine; lot seven being the Master's lot. She also said that while this was not a public hearing, they had sent out a courtesy notice to all residents within a 500-foot radius. She said that City staff recommended that a public discussion be held.

Mayor Rod Mann invited the Masters to share their thoughts. Marilyn Masters introduced herself, and said that she had moved to Highland a year and a half ago, and that they wanted to have a pool for their children, who were water polo players. She said that if they could place the pool anywhere else, they would. She reported that they had spoken with their neighbors and the HOA, and that they did not intend to build any structures, retaining walls, or anything else on their property besides the pool. She said that their next-door neighbors wanted the pool to be half on their property, so she knew that they were in support of the idea. She also added that most of her neighbors had pools already, so she did not imagine that there would be many more pools built in the future, and she felt that the 50-foot setback was a good compromise.

Mayor Rod Mann said that the last revision to the development agreement had been very heated, with lawyers involved on both sides. He said that they had ended with a good compromise which had mitigated a lot of issues. He congratulated the Masters for having spoken with their neighbors, and said that he had not seen any input that would not be in support of 42 feet.

Council Member Kurt Ostler asked why the 80 foot no build easement had been put in place. City Administrator Nathan Crane said that based on records from 2004, the original proposal for the Country French subdivision had been an open space subdivision with increased density. One of the concessions proposed by the developer was a transition between Bull River and the Country French property from larger to smaller lots. The developer later changed to another zone, but had chosen to keep that restriction.

Council Member Scott L. Smith thought the developer had agreed to plant trees, and City Administrator Nathan Crane said that he knew a trail had been eliminated by the Council at the time, but he was not sure of the details of what had happened, and did not know what had happened in regards to the trees either.

Council Member Scott L. Smith recalled that in 2017, many residents of the Bull River subdivision had been opposed to Bowman's proposed pool, and asked if there was dissent from the Bull River residents this time. Marilyn Masters replied that she had her husband had actually met with Brad Walton, the HOA president of Bull River that previous Sunday, and he should have sent an email to the Council that voiced his support of the

Master's pool. She said that since they had a sloping lot, the Bull River residents would not be able to actually see the pool. Mayor Rod Mann confirmed that he had heard from Brad Walton.

Council Member Kurt Ostler reported that he had called and spoken with Mark Fisher, who was a Bull River resident that lived behind the Masters. He said that until he called, Mark Fisher had been unaware of the proposed pool, and was not in favor that the setback size be changed. He said that Mark Fisher was concerned that the setback would continue to decrease, since the setback had already been changed to 50 feet, and the current proposal was 42 feet. He also reported that Mark Fisher had suggested that there be hedges or some other landscaping to hide the pools from the view of the Bull River residents. Council Member Kurt Ostler said that he had also spoken with Brad Walton of Bull River, who had informed him that they had not made any official decisions as an HOA in regards to the issue, although his personal opinion was that the pool would be okay.

Mayor Rod Mann asked if the City would be able to mandate landscaping requirements. City Attorney Rob Patterson replied that the reason that the City was addressing the issue as a no build was because the City had received the property right as an easement, and it was undefined and City had been able to define what it meant. They could not mandate because they were not an HOA. City Attorney Rob Patterson's opinion was that the City should avoid a mandate. He said that they should set the broad rules, and allow people to make more specific rules within those parameters.

Council Member Kurt Ostler reiterated the concerns of Mark Fisher in regards to the proposed pool. He added that another property owner of Bull River, Ann Hansen, had emailed him earlier that day to say that she thought the issue had already been resolved in 2017.

City Attorney Rob Patterson said that part of the original development agreement had discussed third party rights, and it had been decided that the City would not grant any third party a building permit for any structure in the area without Bull River's prior consent. He said again that it would be better to amend the original resolution that existed, rather than choosing to enter into another one-off agreement. He clarified that that meant they could not issue a building permit in violation of the resolution without the consent of Bull River.

Council Member Kurt Ostler asked for clarification. City Attorney Rob Patterson explained that they would not amend the development agreement, but would change the resolution's definition of the 80-foot easement. Council Member Kurt Ostler asked why the Bowmans had been allowed to have a 30-foot setback, and asked how that had been negotiated. City Attorney Rob Patterson replied that he was not entirely sure as he had not been there, but said that there had been two separate resolutions, one between the City and Bull River, and another one between the City, Bull River, and the Bowmans.

Council Member Kurt Ostler asked if that was the case, why could they not do that same process again for the Masters. Mayor Rod Mann replied that by doing so, they would set a precedent that while there was a general agreement, anyone could be a special case. He thought it would be better to make a broad change that would cover everybody, and he felt that making an amendment to the resolution was the most efficient and consistent option for them to take.

Council Member Scott L. Smith confirmed that they would move the setback line from 50 to 42 feet for all residents. City Attorney Rob Patterson said that was correct, and recommended that if they were going to do a development agreement, they should also have Bull River sign off on it, as they had done in 2017. He said that the City had agreed to limit what they could do in the future without the consent of the Bull River subdivision in the 2017 development agreement, and so they should involve Bull River in any updated agreements. Council Member OstlerMe did not understand how the City would be able to change the wording about the setbacks in the resolution without the approval of the Bull River subdivision.

Council Member Scott L. Smith commented that he had sat in the meetings from 2017, before he had been on the Council. He said that he personally supported the Masters, and he did not like big easements. He went on to say that he was concerned that of the Bull River residents that he had spoken with, many were adamant that the setback should not be changed, and several others had not even been aware of the issue at all. He wanted the Bull River residents to be comfortable with the change, and suggested that they have the residents vote on the issue. City Attorney Rob Patterson agreed that would be a more conservative approach, given how contentious the issue had been in 2017 as well as the fact that the HOA of Bull River had not given an official decision on the matter. Council Member Scott L. Smith reiterated that he thought it would be nice to have a vote as many residents seemed unaware that the matter was up for debate again, and City Administrator Nathan Crane replied that they had done the notifications for the residents as what they had done last time. Council Member Kurt Ostler said that Mark Fisher had not heard about the setback change, even though he was the back yard neighbor of the Masters. Mayor Rod Mann noted that there was no way to confirm that residents received the notices that the City sent out in the mail.

Council Member Kim Rodela was confused why Bull River got to have a say in what a separate plat could build and not build on their property. City Attorney Rob Patterson replied it was due in part to the way it had been written on the original plat, as well as the way the development agreement had been formulated in 2017.

Council Member Brittney P. Bills asked how much of the development code was enforceable. She thought it was strange that they would allow someone who did not go through the correct process to build a pool, but not allow someone who did go through the proper process. City Attorney Rob Patterson said that the City only issued a building permit for certain sized structures. He further explained that no build was never clearly defined. For instance, although the no build rule applied to any structures above ground, fences were allowed, or something like a basketball hoop or trampoline. Council Member Kurt Ostler asked why City Attorney Rob Patterson had suggested that they include Bull River in the new agreement. City Attorney Rob Patterson said that they had notified the Bull River HOA about the matter, and there had been a general indication that the HOA was okay with the change, although they had not given an official rejection or acceptance.

Council Member Kurt Ostler asked if the City had noticed the residents. Planner & GIS Analyst Kellie Bronson replied that she had sent out a 500-foot radius notice to residents near the Master's property. It was clarified that they had not specifically reached out the HOA of Bull River, however. Council Member Kurt Ostler stated that he had spoken with the HOA president of Bull River, who had told him that there had not been an official vote or discussion with the HOA.

Council Member Brittney P. Bills asked the Masters what the timeline of the pool construction was, and Marilyn Masters said that while April fifth was their intended start date, she would be okay if it had to change. Council Member Brittney P. Bills asked if she would be amenable to waiting until they had received approval from the Bull River HOA. Marilyn Masters replied that it would put them behind schedule, but she understood that it was important to get the opinion of the HOA.

Council Member Scott L. Smith and Council Member Kurt Ostler agreed that they needed to officially notify the HOA of Bull River and solicit their feedback.

Council Member Kurt Ostler MOVED to continue the business item and discussion for the resolution regarding the Country French Subdivision no build policy agreement until the next meeting on March 16, and ask that staff contact the Bull River HOA for the purpose of receiving input from them before the March 16th City Council meeting.

Council Member Scott L. Smith SECONDED the motion.

Mayor Rod Mann asked for any other public input, and Eric King introduced himself as a new resident of Highland. He stated that he had been a Council Member for eight years while living in California, and he thought that while they should reach out to Bull River, it did not make sense to not approve the Master's plan for the pool. He pointed out that if they were not approved at the current time, they might lose their slot, and because there was about a two-year pool backlog in the area, it would be a long time before they would be able to build their pool. He suggested that they be approved, and then have the City follow up with the Bull River HOA.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>No</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 3:2.

8. ORDINANCE: CHANGING PARK HOURS OF OPERATION *Legislative*

The City Council will consider a request by City Staff to amend Section 12.24.010. Hours of Public Use for Parks and Cemetery from 5:00 am to 11:00 pm to Dawn to Dusk. The Council will take appropriate action.

City Administrator Nathan Crane presented the details of ordinance, and spoke about the vandalism issues that Highland had faced recently in their parks. He said that after having met with the police and other parties, the City staff felt that one solution would be to change their hours to dawn to dusk, rather than 5 AM to 11 PM. He believed that the change would be appropriate because the parks were adjacent to residential areas, and he showed a chart that outlined what general times would constitute dawn to dusk for each month. City Administrator Nathan Crane also talked about how they took reservations for the park and pavilions, and noted that they would have to make some changes with their programs. He summarized that he felt it would be in the long-term best interest of the City to change the park hours to dawn to dusk.

Police Chief Brian Gwilliam also stated that there had been a lot of vandalism in the parks, and it seemed that was done during the evening hours of the park. He agreed that it would be best to close the parks at dusk, as it kept all the parks consistent, and made it easier for law enforcement to ask people to leave the parks after dark.

Council Member Scott L. Smith asked Police Chief Brian Gwilliam how he defined dusk, and Police Chief Brian Gwilliam replied that he would instruct his officers to remove people from the park when the sun was no longer visible. There was a short discussion about the definition of dark. City Administrator Nathan Crane concluded that if headlights were needed to drive into the park, it was dark enough to be considered dusk. Police Chief Brian Gwilliam acknowledged that the exact time would change daily.

Council Member Kurt Ostler asked when the park gates were locked, and Police Chief Brian Gwilliam replied that they did not actually lock the gates. He said that on the weekend, the police spend an inordinate amount of time finding and chasing people out of the park, since that was when the damage, destruction, and vandalism occurred. He felt that it was important for them to be able to secure Highland Glen Park after hours in order to stop the vandalism.

Council Member Scott L. Smith asked if Police Chief Brian Gwilliam thought there should not be lights in the park, and Police Chief Brian Gwilliam replied that he thought there should be lights, but thought that there should not be lights specifically in Highland Glen park. City Administrator Nathan Crane noted that they had debated if

they should instill rules specifically for Highland Glen park, or apply the rules to all their parks. He added that regional parks had a different policy.

Council Member Kim Rodela asked if her children would still be able to play games at night in the parks, and Police Chief Brian Gwilliam said they could keep playing; and this policy was intended to stop kids that loitered in the park with the intent to vandalize. He reiterated that their goal was to stop the damage. He said that if they had a group that did something productive, the officers would not push them out unless the neighbors took issue with the group.

Council Member Brittany P. Bills asked if the City had a curfew, and Police Chief Brian Gwilliam said that they did, and it depended on your age, as well as what day it was. Council Member Scott L. Smith said that he would like to see a concrete definition of what dusk meant. He said that he would like to support the motion, but noted that they had already outlined several exceptions. He thought they should only apply the rule for Highland Glen park since that was the one that had the vandalism issue. Police Chief Brian Gwilliam recommended that they be consistent with all the parks, as it was easier for the officers.

Council Member Kim Rodela asked what other cities did for their hours, and City Administrator Nathan Crane replied that it was a mix of both set hours and the dawn to dusk rule.

Brian Braithwaite suggested that they only apply the dawn to dusk policy for Highland Glen park, since that was the main park that they had a vandalism problem with. He thought they should try it out for a while and see how it worked. Police Chief Brian Gwilliam replied that he would be okay if they chose to only apply the rule to only Highland Glen park as a trial run. Council Member Kurt Ostler asked if there was vandalism in any other parks, and Police Chief Brian Gwilliam replied that there was on occasion, but the problem was primarily with Highland Glen park, and he was not entirely sure why the problem was so focused on that park in particular. He said that kids from all over the county were involved in the vandalism, and imagined that the increase in vandalism was due to COVID-19, as kids now had more free time.

Council Member Brittney P. Bills asked if Alpine had set hours for their parks, and Police Chief Brian Gwilliam answered that they did, and they had the same hours as what Highland currently had. He said that he would be okay with using Highland Glen as a trial run for the dawn to dusk rule, and added that they could get a gate put up in the park as well.

Council Member Scott L. Smith noted that the policy would not apply to cemeteries, and asked if people held burials at night. City Administrator Nathan Crane said he was unsure, and that cemeteries had been included since did not want to run into an issue in case someone did need to hold a funeral at night.

Council Member Kurt Ostler commented that sometimes people walked in the cemetery at night as they felt it was safe.

Council Member Scott L. Smith MOVED that the City Council adopt the ordinance amending the park and cemetery hours of operation for the Highland Glen Park only from 5:00 am to 11:00 pm to Dawn to Dusk.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

9. DISCUSSION: ORPHAN PROPERTY DISPOSAL AND VALUATION PROCESS *Legislative*

The City Council will discuss a policy for the disposal of orphan property and for determining the valuation of said property. This item is being presented for discussion and direction only.

City Attorney Rob Patterson spoke about what the policy does, and stated that the policy determined which properties should be disposed of, the price of the property, as well as the ways that the City Council could revisit the policy. The policy also laid out the parameters of how properties were chosen, and he explained that there were six criteria that could determine if a property should be marked as surplus. He said that the City had determined the value of surplus land to be \$2.74 per square foot, and he wanted to make sure the Council was comfortable with the way that the policy had been presented.

Council Member Scott L. Smith asked what the definition of “associated with trail” was, if it only applied to the property around the trails, or if it applied to the trail as well. City Attorney Rob Patterson explained that they could make the wording in the document more specific, but it referred to an extra five feet on either side that could be disposed of. He asked the Council if they wanted it to refer to planned trails or paved trails. Council Member Scott L. Smith wondered if there would be a need to delineate different trails, and he also asked how they would dispose of anything if it added to the feel of an open space area. He thought the wording seemed vague and hard to define. City Attorney Rob Patterson agreed that it was entirely subjective, and said that the Council could find a way to define it further.

Council Member Brittany P. Bills asked if there were no parameters about how an open space neighborhood needed to be maintained, and asked if there were any limitations for someone who bought a home in an open space neighborhood as to how much open space had to remain. City Attorney Rob Patterson replied that when someone bought into an open space subdivision, they would only see the recorded plat, which would note where the open space areas had been designated. The City retained the discretion how to maintain the open space. He explained that it was up to the Council’s judgement, and they could choose to remove open space or keep it.

Mayor Rod Mann felt that there should be some subjectivity to the rules of open space, to allow the Council to use their discretion as they evaluated plats. He thought there was value in flexibility.

Council Member Scott L. Smith commented that ultimately, it was the prerogative of the Council rather than the residents of open space developments, and asked if there was a way that they could tighten that up a little bit. Council Member Kurt Ostler suggested that they consider the wording of “impacting the character of the open space,” and pointed out that would also be subjective to how the current Council felt. City Attorney Rob Patterson said that they could get more input from the residents about what open space areas that they liked and did not like before the Council made a decision.

Council Member Scott L. Smith asked about the process for a neighborhood to come before the Council and propose to buy or sell a piece of land. Council Member Kurt Ostler suggested that the process be similar to having an item put on the Council agenda. He pointed out that they did not want to stop the public from bringing certain areas to the attention of the Council, but they might not have a buyer for the land.

City Attorney Rob Patterson spoke about the current policy. He said that the Council would review the policy on an annual basis, as well as any time that someone came before the Council with a proposal for the sale or purchase of land.

Council Member Kurt Ostler recalled that they had spoken about this issue last year, and he thought that they had come to the consensus that each year in November, they evaluated the pool of properties that were up for discussion, as well as the price. Mayor Rod Mann agreed that it should be done annually, since if it was open-ended then people could come in at any time. He said that he could see this potentially changing over time, and pointed out that they would probably not create more orphan parcels in the future.

Council Member Scott L. Smith commented that it was a difficult thing to decide, and that he had thought about the issue for over ten years. He asked if they would approach the owners once they had picked a property that they wanted too surplus, and too what extent they would involve the rest of the neighborhood. City Attorney Rob Patterson said that since they were classified as “insignificant properties” they did not have to have a whole process; it could just be an agenda item in which the Council would approve the sale between the City and the property owner. The Council could choose to make it more of a process with a public hearing, if they chose, but they did not have to do this. Council Member Scott L. Smith asked how they would let people know about the sale, and City Attorney Rob Patterson replied that they could choose to hold a public meeting, or they could have an annual meeting in which they reviewed all of the properties. He suggested that they could list the properties that were being considered by the Council in the newsletter on a semi-regular basis.

Council Member Kurt Ostler said that he envisioned that the Council would let the residents know that they had the opportunity to buy land near them. Council Member Kim Rodela agreed, and thought that they should inform neighbors that lived close to a surplus parcel of land that it was up for sale.

Council Member Scott L. Smith commented that most of the surplus properties would not be big enough to build on. City Attorney Rob Patterson agreed that the lots would be small, and it would be unlikely that someone would want to build on land that they could not access.

City Attorney Rob Patterson summarized that the Council wanted him to reconsider the wording of “designated trails” and to put more parameters on how to determine if the removal of land would change the “feeling of open space.”

Council Member Kurt Ostler asked about section 2C, and said that he did not think that the appraisal value should automatically be the cost of the land. He thought that the Council should be able to factor in the appraisal value of a parcel of land into their own evaluation, and City Attorney Rob Patterson doubted that there would be many appraisals for the tiny parcels of land, but agreed that the wording could be changed.

City Attorney Rob Patterson asked the Council about what the review period should be, and if they wanted it to be more specific. Council Member Kurt Ostler and Council Member Scott L. Smith both thought that an annual review period would be good.

Assistant City Administrator Erin Wells read online questions, and reported that someone had asked if the price point was determined. Someone else had asked if there would be a rule that if there were multiple lots in a row with orphan land behind them, would it be okay if only one household wanted to buy it, or would all households have to buy the orphan land.

Mayor Rod Mann answered the second question, and explained that in the case of continuous properties, depending on the side that the City would have access to, they could not create a dead spot that the City could not have access to. He said that it would depend on the configuration of the land, and said that the City could not create more parcels of orphan land. He gave an example to illustrate his point.

Council Member Kurt Ostler said that if one neighbor decided not to buy a section of orphan land, then the other neighbor would have the option to buy it. Mayor Rod Mann said they could choose to do so, but he did not want

to mandate that. Mayor Rod Mann also said that in regards to the valuation, they had determined the cost would be 25% of the County's appraisal of the land. He felt that was fair.

Council Member Kurt Ostler thought it was important to put on record that the City had obtained an appraisal that showed that an orphan parcel to be 25% of the assessed County value. Mayor Rod Mann said that they did not want to prejudice small lots, in order to be fair for everyone.

The Kilger family introduced themselves electronically, and said that they had contacted five different appraisers about 18 months ago, and none of them had been willing to do an appraisal on their orphan property, which they said was located in Viewpoint. Mayor Rod Mann thought that was not surprising, since it was difficult to find a precedent for orphan parcels. He said it was tedious to find records of sales of orphan parcels of land.

Council Member Kurt Ostler said that generally, the appraiser would look for what the property's value was, and what they had sold for in the past. He explained the process of how the appraisal was done, and said that the County had 26 appraisers, one of whom specifically dealt with the sale of orphan parcels of land. He spoke about the process that the Council had gone through in order to determine what they should charge for the lots, and mentioned that they had wanted to find the average value across the City, so that all the sales would be for the same price.

A member of the Kilger family replied that they did not intend to challenge the Council's decision; they only wanted to comment that it was unlikely that the Council would find an appraiser who would challenge the number that they had come up with, since it was so difficult to find an appraiser in the first place.

Council Member Scott L. Smith asked what they wanted to accomplish, and what the reasons for the surplus properties were. He asked what the benefit was, and voiced a concern that they would create more problems. Mayor Rod Mann replied that they had asked City staff about properties that the City owned that were sellable, and staff had compiled a big list. Of the properties that they had listed, they then specified the ones that could be sold without a negative impact on the City. Mayor Rod Mann explained that one of the problems that they had was that the City owned properties in places that they did not use or go to very often, and the people who lived near those properties complained that they were not well taken care of. He added that the sales of these lots would also reduce the workload of their staff. Council Member Scott L. Smith asked if it addressed problems in their open space neighborhoods, and Mayor Rod Mann said that it was not specific to open space.

Council Member Brittany P. Bills asked to discuss where the revenue goes from the sale of the land at some point in the future. Council Member Kurt Ostler thought that the Council should formalize where the money went. Mayor Rod Mann thought that if it was a sale of open space land, it should stay in the open space fund. Council Member Kurt Ostler agreed that they should have a more in-depth discussion about the revenue in the future. Assistant City Administrator Erin Wells clarified that the revenue would go to open space in general, and not the subdivision that it had come from. She said that there was no rule that the revenue from a sale of land did not have to be put back into the neighborhood that it was from. Council Member Scott L. Smith suggested that the revenue from parcels of land that were not open space could go into the general fund.

Council Member Kurt Ostler reiterated that they needed to understand why they would sell certain properties, and asked if it was only due to complaints from people that land was not well maintained. Council Member Kim Rodela said that there were various reasons to sell City property, but pointed out that in her experience, many people were upset that City-owned property was not well maintained, and so that was not an insignificant point. She said that there needed to be a process in place for when people asked the City if they could buy land from them.

Council Member Scott L. Smith mentioned that they had picked the properties themselves, and asked if people would be able to come in and ask to buy parcels of land beyond what the Council had designated. Council Member

Kurt Ostler said that residents could ask the Council to place certain properties on the agenda for discussion during the annual review.

Council Member Kim Rodela thought they had gotten ahead of the curve, and thought it was important to have a process and guidelines in place. She hoped that this would resolve miscommunications in the future. Mayor Rod Mann agreed.

*** After City Administrator Nathan Crane gave the Council Committee Report.

Council Member Brittney P. Bills mentioned that she had looked over the minutes of the tennis court approval from 2019, and said that it had been determined that it would be completed with funds that had been collected from the specific neighborhood that it was for. She said the Council had had the residents go through a petition process to determine if that was how residents wanted to spend it. and she thought it was an expectation that the City should use funds collected from a given area for only that area.

10. 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. Timpanogos Special Sewer District Report - *Brian Braithwaite*

Brian Braithwaite reminded the Council that at the end of last year, they had stopped composting, and this had increased their operational cost by \$2 Million. He said that they had to change the way that they processed wastewater, and reported that the facility was working to process more water, and would go from the ability to process 30 million to 45 million gallons per day, due to the projected growth of Highland. Currently, he said that they were looking at the addition of operation pieces that would change the structure and help decrease their cost, but he clarified that it would take about ten years to go through the full property acquisition. He said that the projected increase of Highland would be about 9 Million gallons per day by 2030, and so they would have to have the new plant operational by that time in order to accommodate the anticipated volume.

Brian Braithwaite also gave an update on Utah Lake, and said that there was an ongoing discussion that water treatment plants put their effluent into the lakes, but he said that in reality there were many lakes that did not have effluent put in, and still had problems. He said that there was a regulation that was currently being considered that he felt would not actually be effective. He said that the proposed regulation would increase their costs, and would only be a cosmetic fix that would not functionally change anything. He spoke about the need to make changes that were real, and said that they should share the cost of those changes. He reported that they had gotten funding from the State of Utah, and they had proposed some of the things that they wanted to do studies on. They had tested some ideas last year, and this year they would begin testing to determine what things made an actual impact on the lake.

Council Member Scott L. Smith asked what was wrong with an algae bloom. Brian Braithwaite said that there was no problem with an algae bloom, but said that if it was consumed it could make someone sick. He added that there were companies that actually sold capsules of algae bloom. He also said that in the last five years, he had not heard of a case in which a person or animal had been harmed by an algae bloom, yet the lake had been shut down several times. Brian Braithwaite conceded that there were outbreaks of algae bloom that could be harmful, but there had not been any cases of that at Utah Lake.

Brian Braithwaite also reported that they were in the process of a fee study, and said that fees would increase in about two years, as they would need make adjustments as their operational costs increased. Council Member

Kurt Ostler asked if the fees would go up, and Brian Braithwaite said that the impact fee had gone up as of that February, but the user fee would not increase for about two years.

b. Council Committee Reports – Nathan Crane

City Administrator Nathan Crane explained that they used to have the Council Members give reports on the committees that they served on, and he said that they would begin to do that again. He said that the Council Members would be notified when it was their turn to give an update, so they had time to prepare a report. He listed some of the committees that would be included, and asked the Council Members to keep their updates concise.

c. Future Meetings

- March 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- March 16, City Council Meeting, 7:00 pm, City Hall
- March 23, Planning Commission Meeting, 7:00 pm, City Hall
- March 30, City Council Meeting, 7:00 pm, City Hall

ADJOURNMENT

Council Member Kurt Oster 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 9:53 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 March 2, 2021. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder