



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL MINUTES**

**Tuesday, March 16, 2021**

**Approved April 20, 2021**

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

**VIRTUAL PARTICIPATION**

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

 Zoom: Call 1-346-248-7799 Meeting ID: 838 5047 0458

 Email comments prior to meeting: [council@highlandcity.org](mailto:council@highlandcity.org)

**6:00 PM REGULAR SESSION**

Call to Order – Mayor Rod Mann

**1. CLOSED SESSION**

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

*At 6:07 pm Council Member Kurt Ostler MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205. Council Member Scott L. Smith SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed unanimously.*

*Council Member Kurt Ostler MOVED to adjourn the CLOSED SESSION and Council Member Scott L. Smith SECONDED the motion. All voted in favor and the motion passed unanimously. All voted in favor and the motion passed unanimously.*

*The CLOSED SESSION adjourned at 6:50 pm*

**7:00 PM MEETING OPEN TO PUBLIC**

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Kurt Ostler

The meeting was called to order by Mayor Rod Mann as a regular session at 7:04 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Kurt Ostler.

**PRESIDING:** Mayor Rod Mann

**COUNCIL MEMBERS**

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

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Todd Trane, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Reed Thompson

**OTHERS PRESENT:** Scott Hart, Kendra Thompson, Matt Thompson, Brannon Patrick, Brandon Grover, Ben Cahoon, Ashton Cahoon, Eric King, Amelia Gardner, Bryan Berrett, Joshua Daniels, Kayson Brown, Daniele Brown, Lynn Ritchie, Pamela Ritchie, Kathy Baum, Robert Olsen, Guy Masters, Marilyn Masters, Brent Reed, Wendy Hart, Jessica Young, Jessica Berrett, Kim Fisher (electronically), Lowell Reed (electronically)

Mayor Rod Mann asked that consent item b be continued to the next meeting because the resident had not posted a sign to give notification to his neighbors.

**2. UNSCHEDULED PUBLIC APPEARANCES**

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

Brent Reed introduced himself as a resident who lived on Manor Drive. He expressed respect and affection for his neighbors, and that he understood that everyone had a different set of needs and wishes. He discussed another issue in regard to the realignment on that night’s agenda. He relayed that he had heard it said by neighbors and to Council that his neighbors across the street, who would also be affected negatively by a cul de sac, had built their house not according to appropriate setbacks. However, the street and sidewalk were created before their house was built. He stated that he had spoken with those neighbors prior to the meeting, and that their house had been inspected and approved for the setback that it was set at, and that it was incorrect to say otherwise.

Brent Reed also mentioned that he had sent an email to Council that afternoon that addressed two issues. The first was that he had heard the biggest concern of a through street was that high school kids from Alpine would use Manor Drive as a shortcut. He explained that he had drove as much of the route as he could that morning, and thought it would be an extremely difficult process to try and save time when they were only four houses away from the intersection. He said that it did not make sense. He further said that although some kids would try it, the only time that would make sense as a shortcut was between 7:30 and 7:45, which was less than 1% of the time. He summarized that there would be some increased traffic, but felt that it would be minimal. He formally requested that before a decision was made by Council that the engineering department take a moment and study it to determine if it would actually be a problem.

Brent Reed also noted that he had heard three options discussed. The first was a cul de sac, the second was a through street, and the third was to do nothing. He said that if they did not take the recommendations of staff and Council ended up looking at a cul de sac, he wanted to suggest the option to move the ball of the cul de sac to

center over the property line. He expressed that this would eliminate the destruction of the Fisher's property and of his own daughter's playground. He stated that a cul de sac would dramatically impact him and his neighbors, and requested that every effort be made to come up with a different solution.

Wendy Hart introduced herself, and informed them that she was there about voting. She expressed that at this point in history, election integrity was one of the single most foundational issues that they had. She said what difference did the rest of it make if they did not have free and fair elections. She expressed the opinion that generalizing and concentrating their elections into higher levels of government did not make for the separation of powers talked about by Jefferson that she felt was foundational for their constitutional republic.

Wendy Hart acknowledged that the legislature had now mandated that the City conduct all elections primarily through mail, which she was disappointed about. She noted that the decision was virtually unanimous, and expressed the opinion that it was sad and surprising that there was no pushback on it. She requested that the City look at what they might be able to do in order to take back that responsibility at the City level. She said that may mean that they simply started to advocate with the legislature to change it in the next year. She expressed the opinion that the City needed to be responsible for City elections, and felt that for that to be abdicated to the County went against James Madison's point of view that each faction held its own. She said that the idea was that the City stood up to the County, who stood up to the State, who stood up to the feds. She expressed that guarding that power and authority was how they maintained freedom and liberty. She reiterated her opinion that they should have in-person elections, and only give absentee ballots to those who requested them.

Bryan Berrett introduced himself, and stated that he lived on Manor Circle and was Brent Reed's neighbor. He commented that he loved mail-in ballots and was all for them. He then stated that in regard to Manor Drive, he and his wife would prefer a cul de sac. He said that it was his understanding that the land in question was already owned by the City or County, which meant there was no need to purchase land. He expressed that in his mind, it meant that it was intended from the beginning to be a cul de sac. He noted that was what was relayed to him by the City Planner. He reiterated that a cul de sac was the preference of his household.

Kathy Baum introduced herself, and she stated that she lived on Manor Circle. She discussed how there had been a meeting 14 years ago to have a through road put in. She informed them that they had determined it was not the right choice. She then informed them that 46 years prior they had bought their lot, and many of the individuals who purchased lots at that time had young children. She expressed that there was concern when young children lived in an area. She said that they had been informed that there would be a cul de sac put in that would keep their kids safe, and that they bought the lot on the premise that it would be safe. She stated that the original plan had it laid out as a cul de sac.

Kathy Baum acknowledged that the Fisher's home was impacted. She noted that 14 years ago they voted to have a cul de sac instead of a through street, and that the whole neighborhood was in accordance then, and most of them were now. She said that there had to be some way to make it work for everyone so that the Fisher's and the Reed's yards would not be destroyed. She expressed that it had been started 46 years ago and had not been finished. She reiterated that there had to be some way to make it a workable thing.

Kathy Baum stated that the Fire Department could come in and go out, as had been done before. She further said that if they did come in, it was always from the west. She reiterated that there had to be a workable way for all of the individuals who had been there for years and have had the luxury of a quiet little area to raise their children and grandchildren. She stated that there must be some way they can make it work together.

Brannon Patrick introduced himself, and stated that he lived in Manor. He expressed that Manor was somewhat unique. It had full grown trees, there were some new builds, but Manor was an established neighborhood. He said that the neighborhood was full of young families with young children and full of people who had been there for decades. He communicated that he had bought his home for the safety, and that he and his neighbors had

bought their homes because they liked the open space and low traffic. He thought that it was important to honor and respect them, and that the way to do that was to either put a cul de sac in or leave it as is. He felt that would help avoid traffic for the families and the young children who lived in Manor, and he urged them to vote for a cul de sac.

Robert Olsen introduced himself as someone who had lived on Manor Drive for 29 years. He revealed that any of the choices would not physically affect his property. However, he expressed the opinion that a through street would affect his quality of life. He said that all of his boys had played street hockey on that street, and had done so in relatively safe circumstances. He noted that when LPHS came in, the traffic had been crazy. He questioned if the City really wanted the liability that the street would incur with the traffic. He was strongly opposed to a through street and felt it should be a cul de sac if anything was done.

Kendra Thompson introduced herself, and stated that her family had lived on Manor Drive for almost six years. She said that they bought in Highland because they loved the tree lined streets. She said that the families that lived there were used to it being a quiet sanctuary, and felt that a through street would devastate them. She stated that they were fine with it as it was or as a cul de sac. She noted that the street next to them was extremely busy, and she was terrified that a through street would bring a lot of traffic through the neighborhood. She reiterated that her family was opposed to a through street, and they would love to have a cul de sac that preferably did not affect their neighbor's properties.

Kayson Brown introduced himself, and said that they lived on 11200 North. He recognized that the Council had to make decisions that were unpopular, and almost every single decision would leave some people happy and some people unhappy. He said that if their decision was based solely on the percentage of people on Manor Drive, they would choose a cul de sac. He further said that if their decision was based on any other criteria, he did not think they would choose to do a cul de sac. He communicated that cul de sacs cost 50-100K of taxpayer's money, versus a through street which would cost the developer and not the City. He reminded them that the fire department preferred a through street, and the City planners felt it was better for utilities. He noted that most people lived on through streets, and expressed that the creation of a through street did not equate to a highway. He reiterated that most of the streets in Highland were through streets. He said that if they chose to put a cul de sac in, it meant that the City would be charged 50-100K for something that could have been done for free.

Kayson Brown said that it also created variances in the code. He informed them that it would not meet code if it became a cul de sac. He explained that the street was too long to legally be a cul de sac. He further explained they would need a variance for setbacks on both the east and west ends of a cul de sac because it would cut into currently existing yards and put the street too close to their front doors. He communicated that right now there was already a curb, gutter, and planter strip and a sidewalk that protected pedestrians. He informed them that a cul de sac would cut it down to only nine feet between the road and their front door. He said that if they took away the planter strip it would take away pedestrian safety. He then explained that on the north side they would have to rezone from R-1-40 to R-1-30. He summarized that if they wanted to save 100K and the need for variances in all four directions, he could not see any other decision made other than a through street, even though it would make some people unhappy.

Lynn Ritchie said that Kayson did not live in Manor, but had a street right of way in front of his house that was on the plan, just like the cul de sac was on the plan. Lynn Ritchie said that plans mattered, and that a cul de sac had always been on the plan. He relayed that he had asked several years ago why they had not moved forward with a cul de sac, and his response was that a particular house in the same neighborhood was built too far forward. He felt that it was obvious that it was too far forward because it aligned with his own house when all the other houses were staggered.

Lynn Ritchie noted that when he moved in he had a conversation about the property line, and after checking the plot plan realized that the home was nine feet over onto his property. Lynn Ritchie expressed the opinion that it

was no case to not put a cul de sac in, especially since the plan had always called for a cul de sac. He noted that the majority of residents wanted a cul de sac in that area. He referred to when they took out the park strips in the past because it was what the residents wanted. He implored that they choose to do a cul de sac because that was what they wanted. He noted that money was not the only issue, and that it should have been a cul de sac in the beginning.

Jessica Young introduced herself as a resident from Manor Drive. She expressed that she was in favor of either a cul de sac or it being left as is. She said that her main concerns were her family's quality of life and her children's safety. She explained that she had grown up on a really busy road, and had seen a lot of terrible things happen. She stated that she had animals, and that they already had a highway and urged that they did not make another one in front of their house. She said that via their doorbell camera they had seen many people who raced through the neighborhood already, and that it was especially a problem in the summer when the stoplight got backed up. She reiterated that safety was her main concern, and hoped that they could find a way that it all worked out.

Kim Fisher said that he was one of the original owners in the subdivision, and that he had built his own home which was still there. He expressed that the rumors that he built his home in the wrong place were false. He made a statement in regard to his home's distance from the road. He reiterated that the earlier claim that he had built his home in the wrong place was bogus and that he set his setback in accordance with the County. He stated that there was an allowance on that development for a through street. He declared that he had never voted for a cul de sac as it would cut into his yard and come within nine feet of his house.

Kim Fisher said that the traffic had very minimal impact. He said that after 45 years it should be left as it is, and if anything had to happen it should be a through street. He expressed extreme disappointment in his neighbors. He said that they did not know what the safety would actually be like, and commented that people also turned around in front of his house all the time. He said that they had to go off of the facts.

Lowell Reed introduced himself, and said that he concurred with his son's statements. He asked that they consider the fact that it would be a huge sacrifice for the Reeds and the Fishers. He stated that the impacts to those two properties were greater than any other properties. He expressed that he wanted to go on record that not all of the property owners were in favor of a cul de sac. He said that if it was satisfactory as it was, and that if they had to do anything a through street was better than a cul de sac. He stated that a cul de sac would destroy the lifestyle for those at the end of the street.

Jessica Berrett introduced herself, and expressed that it was sad that this was so contentious. She communicated that they had bought their home with the understanding that they would live on a cul de sac and that Manor Drive would remain that way. She said that she would choose to have it stay the way it was if possible, and felt that a through street was the last resort for them. She commented that the traffic signal at 4800 and SR-92 was mismanaged, and the fact that the westbound traffic frequently backed up at that light. She said that build up would encourage people to cut through Manor Drive.

### **3. PRESENTATIONS**

#### **a. Community Center Feasibility Study Survey Report - Library Director Donna Cardon**

Library Director Donna Cardon will present the results from the recent Community Center Feasibility Study survey.

Library Director Donna Cardon presented the results from the recent Community Center Feasibility Study survey conducted in January. She explained that last October the Council had approved a library led project to do a feasibility study for a new community center. She relayed the study was being conducted by the CSRA, and was led by a committee. She explained that in January they did a survey to assess public interest in the project. She

noted that she did not include slides on all 17 questions, but that the Council had been given a handout with detailed information.

Library Director Donna Cardon stated that they had about 970 responses, and that 97% of the individuals who responded to the survey were Highland residents. She relayed that most of the people were between 25 and 64, but that there was also a decent chunk in the range of 65 and up. The first question was “do you ever need a workspace outside of your home,” and 79% answered no. She noted that although only 21% said yes, that was still approximately 200 responses of people that needed a workspace.

Library Director Donna Cardon explained that some of the questions were open ended, including one that asked, “what kind of performances do people attend,” and the most common answers were for plays, music, and musical theater. She said that question seven asked what the additional space was needed for. 43% answered community events, 42% answered exercise, and 41% answered family events. For community facilities, people were interested in a gym or rec center, pool, trail system, and maker space. She explained that a maker space was a place where people could arrive and do something, similar to a multipurpose area. She said that some examples of what a maker space could include was a 3D printer or sewing machines that people could come in and use.

Library Director Donna Cardon relayed that some of the responses for desired activities in the community were sports, community activities, plays, and a rec center. When asked what type of space the participants felt were important, she noted that 40% replied that an outdoor amphitheater would be important. Forty percent said a performance stage, and pavilions were desired. The spaces that individuals felt the community lacked in were parks, a rec center, a pool, and community area. Participants were asked what kind of activities their families participated in, and the answers to what was most frequent were community events, large family events, exercise classes, recital and plays, and musical performances.

Library Director Donna Cardon relayed that the average family spent \$534 on tickets, but that the range was from \$0 to \$10K a year. When asked how much they contributed to the arts in ways other than tickets, the average amount was \$628 with a range from \$0 to \$20K a year. Participants were asked if Highland City facilities supported their community center needs. 47% responded that it was favorable, and 53% said unfavorable. 28% of participants supported a new community center with a tax increase. When asked if they would want a new community center, 38% said yes and 62% said no. 26% supported funding through donation. 203 individuals gave their names to receive more information on the topic.

Council Member Scott L. Smith asked if the 970 residents were from 970 different homes. Library Director Donna Cardon replied that the survey allowed multiple responses per home. Council Member Scott L. Smith commented that there were 4700 homes in Highland, and that 970 homes were about one fifth of that.

Assistant City Administrator Erin Wells said that from a statistical standpoint, this was an amazing response, and that they could feel confident that these numbers could be attributed to the general community at large. She noted that they were around that amount for their annual resident survey. She expressed that they tried to get a community response, and sent out postcards to every household.

Council Member Scott L. Smith commented that he was surprised that so many people were opposed to a community center even if it was funded by donations. He said that he was curious to see comments. Mayor Rod Mann said that he looked at the raw data, and he was also surprised by that. He stated that people were really opposed to it being funded through tax dollars. He noted that a community center would still take tax dollars to run it and cover operational costs, which was not noted in the survey question. He said that the survey asked about construction costs being funded by donations or by tax dollars. He said that his guess was that they did not want people to build something for free and then make people pay for it to be operated. He noted that about 25% of people said that they were willing to donate, which roughly correlated with those who wanted more information.

Library Director Donna Cardon communicated that one of the elements with the CSRA feasibility study was that they would meet with a financial person at the end to talk about options for ongoing facility costs.

Council Member Kim Rodela referred to question six which asked what kind of spaces were lacking. She noted that only 12% felt that they lacked a community center, but 38% said yes to a community center. She expressed that there was some discrepancy there. Library Director Donna Cardon commented that she thought the same thing and did not have an explanation. Council Member Kim Rodela asked what the next steps were. Library Director Donna Cardon said that they looked at the survey results and at what type of space would fit the survey responses. She said that the next steps from the feasibility study would be to create some conceptual ideas.

Council Member Kim Rodela asked if there was enough interest in the Community Center at 38% to go towards that next step. She asked what percentage they would go off of to move forward. Library Director Donna Cardon said that it would go forward anyways because it was part of their contract with CSRA. She said that after that they would have to decide.

Council Member Brittney P. Bills noted that it looked like it was not something residents felt was lacking or that residents wanted to support financially through taxes or donations. She asked what part of the study showed them that this was something that residents really wanted.

Library Director Donna Cardon answered that it was still very preliminary and that they were still testing the waters. She noted that people tended to change their mind from their initial reactions to something. She said that she just wanted to investigate the idea.

Council Member Brittney P. Bills said that she did not want to talk residents into something and spend staff time on something that was not feasible. Library Director Donna Cardon said that this was not imminent, and reiterated that it was just to throw the idea out there.

Council Member Kurt Ostler asked how the study was funded. Library Director Donna Cardon replied that the agency had COVID money that needed to be spent, and they offered a feasibility study at a fraction of the price. She explained that they usually cost 25K to 35K, and they gave it to them for 6K. She said that they approached the Library Foundation and they funded the cost.

Council Member Kurt Ostler felt that the community stance was that they did not want to pay or donate to this, and he expressed concern about it being pushed forward. Library Director Donna Cardon reiterated that this was not something that they were going to actively pursue now that a survey was done, and that they would not continue if no one was interested. She said that they would follow through on the contract, and then maybe put it aside if there was not enough interest.

Council Member Scott L. Smith said that a community center would be built east of the police station on the City owned that was originally set aside for a library expansion or a community center.

**b. Utah County Elections Office – *Josh Daniels***

Josh Daniels from the Utah County Elections Office will provide an overview of the scope of work performed by the County Elections Office to facilitate municipal elections, as well as the associated costs.

Mayor Rod Mann introduced Josh Daniels as the deputy assistant of the County clerk. Josh Daniels noted that the handout provided gave a breakdown of the 2019 costs. He explained that the County provided a number of services to outside entities, such as law enforcement patrol for smaller Cities through ILAs. He said that similarly

the County Elections Office had similar ILAs to run elections. He noted that it made a lot of sense now since votes were being required by mail.

Amelia Gardner said that a lot of those services were discounted by volume, and that they could take advantage of some of those. She pointed out that prior to the current year, every year that Utah County had offered the service, they only guessed at how much it cost to run an election. She noted that they faced that when they first came into office in 2019 because they had no historical data at all about how much it actually cost. She said that her predecessor often had to go to the Commissioners during the fourth quarter and ask for more money. Amelia Gardner reiterated that the numbers given in 2019 were their best guess because they could not find any historical data. However, over the last two years they had tracked it very closely and worked hard to come up with actual costs for the election.

Mayor Rod Mann said that the rates had gone up since 2017, and it was a little off putting to look at. He said that something that was outside of the County's control that also created some frustration was that they used to be able to do signature verification through a State provided system. He explained that since the access was eliminated, it meant the County was now the only one who could provide the service, which created a bit of a monopoly.

Josh Daniels noted that prior to mass adoption and commitment to vote by mail, one of the problems was that they had not spent significant time maintaining the voter list to that point. He said that they saw a lot of challenges in 2018, and that they had a lot of mail returned as undeliverable. He explained that one of the services that the City benefited from was a well-maintained voter list. He stated that was not a labor charge that was charged to the City.

Josh Daniels explained that they had done thousands of man hours' worth of work to maintain the voter lists. He said that the State's voter system was not perfect for a vote by mail process. The current process to maintain the voter lists was much more manual. He noted that the State was upgrading to a more efficient system. He reiterated that a great deal of tedious labor had gone into the process. He said that all of that work meant that when ballots were sent out on behalf of Highland City, they were delivered to the recipient and not returned to the post office.

Mayor Rod Mann said that it was a benefit that he really appreciated. He stated that he had been opposed to a vote by mail only, but he acknowledged that it forced a cleanup of the voter rolls. He said he felt confident in their County's election results because of all the hard work they had done. He said that it ended up working out really well.

Amelia Gardner said that it worked out really well because they were right on track to run a good, secure election in their County. She noted that they had been recognized nationwide and received a Clearing House Award from the Federal Elections Assistance Commission, which was the highest honor an election official could receive.

Amelia Gardner said that the last year they had broken down their cost per voter at \$1.50 per voter per election, equipment and supplies was about \$.09, the administration and support was \$.19, and labor was \$.46. She stated that it came to a total of \$2.238 per voter per election for the previous year. She clarified that was their maximum, and that they worked to find efficiencies where they could. She said that if their actual cost came in lower, they would charge less than that.

Mayor Rod Mann stated that the fixed costs were very low and were mostly fixed per election. He expressed that he was disappointed that they did not have voter information pamphlets mailed out. He acknowledged that it added costs, but said that they needed to be done this year.

Council Member Brittney P. Bills stated that she came from Oregon, and understood the vote by mail choice. She said that she appreciated the elections office, and knew that they could trust the results. She noted for the residents present at the meeting that the reason for this presentation was to determine what to do with their elections as they moved forward because of increased vote by mail requirements. Council Member Brittney P. Bills asked what the process was to remove a name from the voter rolls, and also asked if they shared the voter rolls between jurisdictions.

Amelia Gardner explained that it depended on how and why the person was removed from the voter rolls, and that there was also a difference between an individual being removed versus being made inactive. She communicated that on a weekly basis they reviewed the voter rolls and looked for death certificates and obituaries. She explained that in regard to inactive voters, they ran their voter registration through the national change of address database. She said that a person would become inactive if they did not confirm their change of address, if the address provided was not proper, if they had not voted in the last four elections, or if the ballot was returned to sender. Amelia Gardner explained that individuals categorized as inactive would still show up, could still request to vote, but simply did not automatically receive a mailed ballot.

Josh Daniels said that the important thing to understand was that there was a difference between an inactive voter and a removed voter. He said that there was a high standard to be removed. An inactive individual simply meant that they did not get a ballot proactively mailed to them, but they could still show up in person or request a mailed ballot.

Josh Daniels explained that under State law, the voter registration system roster was essentially the responsibility of the County clerk. He further explained that in Utah the voter registration system was a digital technological system hosted and managed by the Lieutenant Governor's office. He said that the Department of Technology managed the login access to the system, and they had updated their policies where the City clerks did not get access. He said that their County had fought hard to provide access to City recorders, but they were unable to make it happen.

Amelia Gardner communicated that voter data could be shared upon request. She said under State law the County clerk was in charge of maintaining it while Federal law required that the lieutenant governor actually managed it. She stated that the Federal law required that every State had a central database housed at the State office, and that State law required that their office to maintain their own section of it.

Mayor Rod Mann stated that they could ask for access.

Amelia Gardner said that in past elections they had allowed Cities to request access to those lists for free. She noted that the voter rolls had been contested in the courts lately. She explained that theoretically they could get their voter lists from the City, and then run their own election, except for signature verification. It was explained that under state laws they could give them voter rolls but could not give them signature information. The signature verification was an automatic process that took pictures of a barcode on the voter envelope, matched the barcode with the voter registration, and compared signatures.

Amelia Gardner explained that only 30% went through the entire process, and that about 70% went through two different levels of signature verification to look for differentiation. She discussed the different nuances that a manual person could see versus an automated system.

Council Member Brittney P. Bills asked if the new State law about mail in ballots defined what the phrase "primarily by mail" meant.

Josh Daniels answered that the code was clear that all City elections must be done by mail.

Council Member Brittney P. Bills noted that one of the ballot issues from the previous year was the increased County property tax. She said that a significant part of it went to the County office, and she asked if that increase was yearly or one time.

Amelia Gardner explained that the increase did not cover them running elections for Cities at all. She said that their commission did not want to supplement Cities with the use of property tax dollars. She further explained that a significant amount of the increase went to the election director and updated equipment. Previously they were completely understaffed, had outdated equipment, and did not have a ballot center. She said that they also acquired multi-purpose rooms to create ballot centers, and they added security systems.

Josh Daniels said that the statute did say primarily by mail. The definition was not necessarily defined, but subsection two stated that an election officer who administered an election had to mail a ballot to each registered voter. He summarized that 'primarily by mail' did not mean that people could not vote in person. However, one of the requirements that election officers had to follow was that they had to send ballots to all the voters by mail.

Council Member Brittney P. Bills commented that elections matter, and it was important to make sure the process was transparent.

Mayor Rod Mann clarified that the cost on the sheet was per election per voter.

Josh Daniels stated that they could eliminate the primary and just have a general and use RCV. He said that reduced their total cost, which eliminated one cycle of the elections and meant that they did not have to mail all the voters that ballot two different times during the year. He noted that the largest costs were to print and mail. He communicated that they would see savings this year, and they did not anticipate it being more than \$2.25. He discussed some of the potential cost saving items, including drop box uses. Amelia Gardner commented that their award was because their drop boxes were secure.

Josh Daniels also discussed how some of the support costs may go down and they may receive reimbursements. Brittany asked if a referendum to the ballot cost more. Josh Daniels replied that it would not if it was on the same ballot as their election.

Council Member Scott L. Smith asked for clarification that the costs of each election, primary or general, would be about \$35K each and not total. Josh Daniels replied that was for the whole of 2019, which was both a general and a primary.

There was a brief discussion about the 2020 election.

Josh Daniels clarified that they were billed at \$35K in 2019 but the cost was \$47K. He said that they anticipated that this year would probably be about \$50K to \$60K for both elections combined.

There was some brief discussion about how cities budgeted for those costs, and how Highland could do it over the next few years.

Council Member Kurt Ostler asked if any Cities planned to run their own elections this year. They had not heard of any yet. There was some discussion about a drop box in Highland, and how that process would work.

Council Member Kim Rodela requested that Item #8 be moved up before #6.

#### 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. Resolution: Public Treasurer’s Investment Fund Access - Legislative**

The City Council will consider providing authorization for Tyler Bahr and Candice Linford to access and/or transact with PTIF, and allow Nathan Crane to retain his previous authorizations functioning in a back-up role capacity, as necessary.

**b. Open Space Maintenance Agreement: Chamberry Fields Plat B Lot #110 Administrative**

The City Council will consider a request by Aaron Searle for an open space maintenance agreement for property adjacent to Lot #110 in the Chamberry Fields Plat B Subdivision. The City Council will take appropriate action.

This item has been moved to the next meeting to be held on March 30, 2021.

*Council Member Scott L. Smith MOVED that the Highland City Council approve consent item 4a. Resolution for Public Treasurer’s Investment Fund Access.*

*Council Member Brittney P. Bills SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

#### 5. **PUBLIC HEARING: PLAT AMENDMENT - CANTERBURY CIRCLE PLAT C LOT 8 Administrative**

The City Council will hold a public hearing to consider a request by Brandon Grover to amend the Canterbury Circle Subdivision to combine Lot 8 located at 5873 W Canterbury Park Circle with previously purchased property. The City Council will take appropriate action.

Planner and GIS Analyst Kellie Bronson gave background on the plat amendment in the Canterbury Circle subdivision. She stated that it was approved in 2000 as an open space subdivision, and in 2016 the open space was disposed of and the plan was approved with that disposal. She reiterated that the request was to combine the lots. She relayed that the proper notifications had been sent out and that they had not received any resident comments. She presented the previously approved plat, and explained that it had a water line easement that was awarded with it. She further explained that part of the amendment was that the easement was added on to the amendment. Staff recommended that the City Council hold a public hearing and approve the final plat subject to the stipulations.

Brandon Grover introduced himself as the applicant, and he explained that an addition and detached garage were being contemplated. He said that the previous owners had purchased the open space, and that they themselves

had purchased both parts. He noted that they had mistakenly understood that both pieces had already been combined, but that they were actually left as separate parcels.

Mayor Rod Mann reviewed that his understanding was that if they built on the second parcel they had to combine them first.

Mayor Rod Mann opened the public hearing at 8:39 pm. There were no public comments. Mayor Rod Mann closed the public hearing at 8:39 pm.

*Council Member Kurt Ostler MOVED that the City Council accept the findings and approve Canterbury Circle Plat C subject to the three following stipulations recommended by Staff.*

- 1. The recorded plat shall be in substantial conformance with the final plat received February 11, 2021.*
- 2. Prior to recording, the final plat shall be revised to include the easement for the water line in accordance with the purchase agreement.*
- 3. Prior to recording, the recorded plat shall be revised as required by the City Engineer.*

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

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **8. ACTION: MANOR DRIVE PLAN** *Legislative*

The City Council will determine the future alignment of Manor Drive. The City Council will take appropriate action.

City Engineer Todd Trane provided some background. He communicated that the subdivision was approved in 1975, and was incorporated into the City in 1977. He explained that it was designed as a cul de sac on the north end, but was not constructed that way for an unknown reason. He said that it was currently shown on the plat as a cul de sac, but the road was not constructed that way. He relayed that the reason this was being addressed was because the property owner to the north wanted to develop.

City Engineer Todd Trane explained that the County gave a variance for the cul de sac length in 1975, but it was never built. An open house was held and two options were presented. He showed a slide that depicted how the right of way was very invasive for the last two lots. If they built the cul de sac as it was intended, it would completely take out the front yards of the two homes. He reiterated that they presented two options. He reviewed that one was a cul de sac that would connect to the north, and the second was a through road. The issues with the cul de sac was in regard to utilities as they did not have proper water pressure for fire suppression. If they connected the road, they would be able to put the utilities right in the road.

City Engineer Todd Trane noted that most of the residents expressed that they wanted a cul de sac. He discussed the benefits for both options. City Engineer Todd Trane stated that staff recommended the through road only because of access for public safety and the need to connect culinary water utilities. He stated that either way they would make it work, but reiterated that his recommendation as the City Engineer was to choose one or the

other. He acknowledged that even though they made the terrible mistake in the past to not construct the cul de sac, they needed to choose one of the options versus it being left as is.

Council Member Brittney P. Bills wanted to see the cul de sac overlay, and asked if the land belonged to the City. City Engineer Todd Trane explained that the yellow line was where the City owned, and it essentially included the homeowners' front yards. Council Member Brittney P. Bills said that it seemed like they could make a case for both sides.

City Engineer Todd Trane expressed that it was a very difficult situation, and that as the City Engineer he tried to take emotions out of it. He said that from the perspective of the residents it was obvious that the through road was not a great thing. However, the cul de sac option was also incredibly invasive on two homes, and the choice would be unfair one way or the other.

Council Member Brittney P. Bills discussed that the four homes were zoned as R-1-40. She inquired whether they could ask the developer to move the cul de sac north a little bit in exchange for the four lots being given at R-1-30. Council Member Brittney P. Bills said that because cul de sacs cost money, was there a way they could then ask the homeowners to purchase their portion of land for the cul de sac.

City Engineer Todd Trane stated that they could make any option work if it was what the City Council wanted to do. He expressed that there would still be negotiations that needed to be worked out with landowners because ultimately it was not the City's property.

There was discussion that summarized Council Member Brittney P. Bills' suggestion to move it to the north slightly and take some of lot three away from the developer. Council Member Scott L. Smith asked if they could move it partially up. City Engineer Todd Trane said that they could ask. Council Member Brittney P. Bills commented that the utilities had to go somewhere, and noted that Fire Chief Reed Thompson was not in favor of a cul de sac. City Engineer Todd Trane confirmed that Fire Chief Reed Thompson was supportive of a through road.

Fire Chief Reed Thompson added that his concern with an extension to the cul de sac was that they were already beyond the recommended distance of a cul de sac. He discussed the specific fire flow issues, and said that if an extension was granted they would have to look at additional ways and means of fire safety. He stated that an even further extension presented problems. He communicated that the fire code was adopted as state statute, and they needed to make sure they adhered to it.

Council Member Scott L. Smith asked if there were other safety issues with either option. He felt that increased traffic from high school students that would use the through street raised some safety concerns.

City Engineer Todd Trane communicated that they already had a study for 4800 West to see what the road needed to become in the future with Alpine, Lehi City, and MAG. He communicated that they had added designated right turn lanes a few years back to make it a little safer. He noted that it backed up into Alpine almost every morning, and the thought was that a through road may cause some kids to try and cut that corner. He stated that would probably happen, and that they had to study the extent of that problem.

Council Member Scott L. Smith asked how traffic from high school kids through a quiet neighborhood increased safety. He noted that City staff recommended a through road, and wondered why.

City Engineer Todd Trane explained that from the City's standpoint they had to take into consideration snowplows, delivery trucks, and fire safety. There was nowhere to turn around, and large vehicles needing to back down that road was much more dangerous.

Council Member Kurt Ostler asked how garbage trucks serviced the area. City Engineer Todd Trane said that he had not talked to garbage, but had talked to his own guys. He stated that there were times that drivers of large vehicles had to back all the way down the street with children. Council Member Kurt Ostler revisited the idea of a plan c where they worked with the developer to move the cul de sac. He asked how much it would cost to construct the cul de sac. City Engineer Todd Trane said it would cost about \$70K to build it where it was currently at, but he noted that if they extended it to the north then they would not have to pay for the property and could save some money.

Mayor Rod Mann reminded them that they still needed easement access for water.

City Engineer Todd Trane said that the water connection was a necessity for fire code regardless of the plan they decided to go with. He said that there would be no double frontage for homes. City Engineer Todd Trane and Council Member Scott L. Smith discussed the reasoning behind it.

Council Member Brittney P. Bills asked if there was a liability issue for the City for either the extra-long cul de sac or to acknowledge safety issues with large vehicles on the road. City Attorney Rob Patterson addressed the liability issue as it currently was. He explained that there were things throughout the City that were not up to code. He further explained that liability came into play when the City became aware of a safety risk and chose not to fix it when they had the chance to. He discussed situations like a snowplow or garbage truck accidentally hitting a car or person. In that scenario there was potential for someone to point out that the City had known and talked about the safety risk and not done anything. He expressed that he never wanted to be in that position to defend the City, or to have something like that happen in general. He said that there was a significant risk. He explained that now that it had come up in numerous meetings and there was a way to resolve it without excessive costs to the City, it was harder for the City to dismiss an issue if it arose.

City Attorney Rob Patterson said that the cul de sac would cost a lot of money to put in and would greatly impact the neighbors. He noted that he was not sure how it would legally work to move the cul de sac further north because the variance was granted by the County and not the City. He expressed that they could not extend the variance since it was not theirs, and the property owner to the north did not need the variance. He explained that this option meant they would take their property to do something that was illegal with the City code. He stated that they could put it in as is, but they could not change it to make something more non-conforming.

Council Member Scott L. Smith acknowledged that a direct road made things safer for utilities and for fire, but at the same time it opened up through traffic. He inquired what the problem was if the City Council voted against the majority of the neighborhood just to have new traffic come through and injure a child in the neighborhood. He asked how that affected the City's liability.

City Attorney Rob Patterson replied that when roads were built to correct City standards, the City was not liable because of reckless driving. He explained that the City was only liable if they built an inherently unsafe road. He stated that in terms of safety there were two considerations. First was safety to the neighborhood and second was safety in terms of fire access. He acknowledged that there would be more traffic, but reiterated that the City was not liable for misuse of public roads.

Council Member Kurt Ostler clarified that they could not extend the cul de sac because a variance was granted.

City Attorney Rob Patterson said yes. He said he was not sure what process the County went through to grant that variance in the first place, but noted that the City could not grant a variance for that. He said that variances were granted based on hardship to the property owner. He reiterated that they could build the cul de sac because they had that right, but he did not recommend an extension.

Council Member Kim Rodela commented that they were down to the first two issues again. Council Member Scott L. Smith asked if there had been any safety issues since the neighborhood was created. City Engineer Todd Trane said that there had not been any safety issues with current staff.

Council Member Kurt Ostler said that now that they knew about the safety concern, they had a responsibility as City Council to address that. He expressed that a through road would present greater safety than not, and he commented that it was not an option to just leave it alone because they now had a solution to a known liability.

Council Member Kim Rodela said that she did not want to take that liability on. She asked City Engineer Todd Trane if the current utilities were laid for a cul de sac or for a through street.

City Engineer Todd Trane said that the utilities extended to the end of it. He said that the water was the only utility he had found that was always intended to go north. He noted that they did not currently have fire flow. He communicated that they would extend water through and that the sewer would go to the east. Mayor Rod Mann and City Engineer Todd Trane discussed the connection for the water.

Council Member Kurt Ostler referred to the fact that the road had originally been constructed without a cul de sac. He asked if there was any history as to why. City Engineer Todd Trane replied that the reason it was probably not created was because of irrigation. He noted that the subdivision had irrigation ditches down the gutters, and he assumed to make it easier they just built it that way whether they understood future connections at the time or not. He recognized that he had seen a lot of information that they had originally planned to build the cul de sac eventually and that the road was not intended to go north.

Council Member Kim Rodela asked how the curb and gutter were built. City Engineer Todd Trane said that it was replaced around 2014.

Council Member Scott L. Smith asked if there was any input from the developer. City Engineer Todd Trane said that the original plan was to connect a road to the north for water. He relayed that when this came up the developer said that they would work with the City Council.

Planner and GIS Analyst Kellie Bronson informed them that the developer called last week and was very compliant with whatever Council decided.

Council Member Brittney P. Bills expressed that if there was no creative option c, that it was pointless to figure out what it was supposed to be in the past. Instead they needed to find what the best thing for Highland City was as they moved forward. She said that she would rather there be a plan c, but could not see one.

City Engineer Todd Trane said that as the City Engineer, he preferred that they had utilities in the roadways. He said that they would try to make it as good as possible with a trail and easy access to the water system.

Council Member Kim Rodela asked if it became a cul de sac, how far it would be from the Fisher's door. City Engineer Todd Trane explained that they would look at options, and could possibly eliminate sidewalks altogether. He said that they would obviously get rid of the planter strip to make it easier on the two properties. He said that if they got rid of the planter strips and just did curb and gutter it would be better. However, the property line currently sat seven feet from the Fisher's front door. He said that if the City Council decided that they did not want a sidewalk, they could push it an additional nine feet to the back of the curb for a total of 16 feet. He informed them that the standard was 39 feet to the back of the curb.

Council Member Brittney P. Bills asked to see what the through street would look like and what type of traffic calming methods they could do. She said that she drove that road almost every day, and she did not anticipate that high school kids would use it.

City Engineer Todd Trane said that he was not discounting the arguments that kids would use the road. He stated that there would be some kids that used it because they thought it would save time. He explained that the problem was that by the time they made it to Snowflake, they would have already waited in line for quite a while.

Council Member Brittney P. Bills expressed that even if she did not see a huge traffic problem to and from the high school, residents had brought up traffic that came from the Canyon who would use that road to get to Alpine. They discussed current traffic backup in the area.

City Engineer Todd Trane stated that he did not know how much of a problem the high school traffic would be, or if it would be an issue at all. He noted that they currently had a problem with a substandard cul de sac that needed to be fixed.

Council Member Kim Rodela summarized that both the City Engineer and Fire Chief felt it should be a through street.

Mayor Rod Mann discussed some traffic data. He summarized that it was relatively low for residential. He noted that 5500 could be a shortcut for individuals who came down from Alpine and headed west. He speculated that traffic counts could be more or less. He noted that canyon traffic got busy, and this would provide a reasonable shortcut for them. He said that the traffic would go up with a through street, but he could not say by how much. He stated that based on data, his opinion was that it would not be that crazy.

Council Member Scott L. Smith commented that it was a really hard decision. He expressed that when he practiced medicine, he had to balance risks versus benefits. He related that to the issue at hand, and said that it was good to look at the big picture and declared what was best for the City. However, he felt that as an elected representative he always tried to balance that as best as he could. He expressed the opinion that the risk of increased traffic in the neighborhood outweighed the benefits of a through road.

Council Member Scott L. Smith said that he would love the third option if possible, but felt it was still good to investigate. He stated that he would personally prefer to leave it as it was because it would cause a lot of friction. He expressed that the best way to reach a common good in the City as a whole was to take care of individual neighborhoods, and the majority of this neighborhood did not want a through road. He communicated that he felt really bad for the Reed and Fisher families. Council Member Scott L. Smith stated that it had always been City property, and he leaned toward the cul de sac option. He strongly believed that they would use it as a shortcut, and he felt that the through road asked for trouble.

Council Member Kurt Ostler said that if they put the cul de sac in, there were a few things that he was stuck on. He stated that they were not sure why it appeared that the cul de sac was not put in originally, and it appeared that the County was okay with the dead end. He was intrigued by the third option until they heard from the City Attorney that it was a bad idea. He acknowledged that they wanted to create some connectivity, but kept thinking about how affected the two homes would be. He said that he also recognized the struggles of the rest of the neighborhood.

Council Member Kurt Ostler mentioned that he had called and talked to the Davenports who lived on 4800 West. He relayed that it took two light turns from their house to get through in morning traffic. He also relayed that it did not appear that kids took their road as an option. Council Member Kurt Ostler said that there would probably be some traffic, and he asked if there was any traffic mitigation that they could use if it becomes an issue. He expressed that he was nervous about the cul de sac because they would have to find funding.

Council Member Kim Rodela seconded the question about traffic mitigations. City Engineer Todd Trane explained that the current road on Manor Drive was 56 feet wide. He said that it was just wide enough that it felt

uncomfortable to drive down. He stated that they did not do speed bumps because of snowplows. He was not sure what else they could do as far as mitigation. He expressed that all of their local roads were not intended to go fast, which was why they allowed parking.

Council Member Kurt Ostler asked if they could put something up if they did start to notice a lot of traffic issues. City Engineer Todd Trane said that there were some other places in the City where they had narrowed the road with concrete. He said that it was an option if they saw a big increase in unsafe traffic.

Council Member Brittney P. Bills said that she did not see a huge backup in the morning when she dropped her kids off in the morning. She asked if kids cut through the neighborhood on the south side of 92. Mayor Rod Mann said that they did not receive many complaints since there was a dedicated right turn. City Engineer Todd Trane stated that 4800 West presented a lot of traffic problems, and it would take time to mitigate it.

*Council Member Scott L. Smith MOVED that the City Council complete Manor Drive as a cul-de-sac, as discussed. There was no second.*

*Council Member Kurt Ostler MOVED that the road from Manor Drive continue through up to Snowflake.*

*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>No</i>

*The motion passed 4:1.*

## **6. FINAL PLAT: BEACON HILL THE HIGHLANDS PLAT E PHASES 1 & 2**

### *Administrative*

The City Council will consider a request by Perry Homes for Final Plat approval for Beacon Hill the Highlands Plat E Phases 1&2, a proposed 35-lot single family subdivision located at approximately 12150 North Beacon Hill Blvd. The City Council will take appropriate action.

Planner and GIS Analyst Kellie Bronson gave some background on the final plat and reminded them that this was not discretionary. The approval was based on how it complied with the development code as well as with the preliminary plat approved on January 5th.

She explained there were eight stipulations with the preliminary plat, and she reviewed the four most notable ones. The open space parcels in both Phase 1 and Phase 2 would be dedicated to Highland City, there would be a ten foot wide asphalt trail constructed as part of the improvements by the developer, the developer needed approval from the Metropolitan Water District, and that Phase 2 and access entries had to be approved before final plat approval for Beacon Hills Plat E. She presented the final plat for Phase 1, and discussed a dry access easement that was included where Phase 2 was but would be recorded with Phase 1. She communicated that staff had discussed it when the developer presented it and concluded it would suffice to fulfill the stipulation. She explained that the reason for the stipulation was because the property to the north was not yet annexed, but that he did own it. This would ensure that any developer who wanted to develop north would have the access easement. She discussed the other accesses to the north and east. She then presented the plat for Phase 2 and

discussed the accesses. She stated that all of that plat would be dedicated to Highland City as well. She reiterated that the property to the North was in their annexation plan.

Planner and GIS Analyst Kellie Bronson confirmed that in the policy plan, and also included in the staff report, there were portions that said general areas. This was approved a long time ago and stated that the area to the north would be R-1-40 Open Space. She stated that it would be established when it was developed and annexed. Phase 2 would be recorded with Phase 1. Staff recommended that City Council consider the request, accept the findings, and approve the proposed final plat based on the stipulations.

Council Member Kurt Ostler asked if anything had changed from the preliminary plat. Planner and GIS Analyst Kellie Bronson said that the only real change was the addition of the access easement per the stipulation.

Council Member Brittney P. Bills asked if they would pay for the \$20 open space fee since it was an open space subdivision. Council Member Kurt Ostler said that because this was an open space subdivision, he thought it would be appropriate for the property owner of each of the lots to disclose the fee.

Council Member Scott L. Smith referred to the parcels that would be dedicated to the City. He asked if it was just an open space patch of weeds. Developer Dan Reeve confirmed that it was not improved native open space.

Mayor Rod Mann asked if there were some improvements for the detention basin. Dan Reeve said yes, there would be weed fabric with cobble per City standards. It would be stone on the bottom and the sides.

Council Member Kurt Ostler asked about the trails. Dan Reeve communicated that there were two trail systems on the east side along the City water line easement. He explained that there would be the ten foot asphalt trail with xeriscape cobble on both sides.

Council Member Kurt Ostler asked if it would be a phased subdivision. Dan Reeve replied that all of the lots were in Phase 1, and that the trail improvements would be done at the same time. He stated that the other trail system was a soft trail of recycled asphalt. Council Member Kurt Ostler asked if it was already a dedicated trail. Dan Reeve said it was an easement.

Mayor Rod Mann mentioned that there was an advantage to soft trails for horse riders. Council Member Kurt Ostler asked if they would be granting access easement to the property to the north. Planner and GIS Analyst Kellie Bronson said that the access easement connected to Southerland and Skye Estates.

Council Member Kurt Ostler asked who improved the road. Dan Reeve answered that it would only go in when it was needed for development to the north. He said that it would either be the developer's expense or an expense to the developer to the north. He stated that they would have a cost sharing agreement with the other landowners.

Council Member Kurt Ostler asked if there was an anticipation that they would not bring the property into Highland. Dan Reeve said that there was no reason for them to not come into Highland.

Council Member Scott L. Smith asked if the Phase 2 on the west with native vegetation created an increased fire risk. He asked how the City would maintain the property and mitigate fire.

City Engineer Todd Trane answered that it would actually be very helpful to them because they already had stub roads into the property, and this would give them more access. He also noted that they had water lines up the road. He said that it was just a matter of not building that one section of road until they knew what would happen with the property up north.

Council Member Scott L. Smith asked how they would maintain the open property and prevent fires. City Engineer Todd Trane answered that they would keep it natural and it would be very similar to all of the other properties in the area. He said that the piece on the eastside was a channel, and they did not want to touch any of the drainage channels. He said that they did not want to own it, but they needed to because of the drainage channel. Council Member Scott L. Smith asked for further clarification if there would be any maintenance or if they would leave it as is. City Engineer Todd Trane said that they would leave it as natural as possible. He explained that once they went in and graded it, it changed the natural feel. They discussed fences and fire suppression. He stated that as far as fire suppression in the area, this would actually help them because it gave them more access into the area.

*Council Member Kim Rodela MOVED that the City Council accept the findings and approve the final plat for Beacon Hill the Highlands Plat E Phases 1&2 subject to the six (6) following stipulations recommended by staff.*

*Council Member Kurt Ostler requested a friendly amendment to add stipulation 7. Council Member Kim Rodela agreed.*

- 1. The recorded plat shall be in substantial conformance with the final plat received March 5, 2021.*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*
- 4. Parcels A, B, C and D in Phase 1 and Parcels A, B and C in Phase 2 shall be dedicated to Highland City.*
- 5. The asphalt trail shall be completed as part of the final infrastructure improvements and meet City construction standards as required by the City Engineer. The asphalted trail shall be in the 30' ROW easement on the east side of the property.*
- 6. The access easement for 6180 West shall be recorded concurrently with the final plat for Phase 1.*
- 7. Notify upon lot sale that these lots are in the Highland Open Space Special Service District and will be charged \$20 open space fee.*

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

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **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 and GIS Analyst Kellie Bronson gave background on the request. She provided the general vicinity map of the original 80 foot no build easement. She communicated that the final plat was approved in 2005 with the 80 foot no build easement. She explained that the intent was for it to act as a buffer between the different

densities. She relayed that in 2017, the Bowman’s request to remove the easement was denied. In a Council meeting they defined what could be allowed in the easement, and it allowed for ground level structures up to 50 feet from the rear property line. It also said not vertical structures up to the 80 foot setback.

Planner and GIS Analyst Kellie Bronson explained that a development agreement was entered into by the City and the Bowmans which allowed them to build a pool up to 30 feet and a 14 foot retaining wall. She noted that they were required to add specific landscaping specified in the development agreement to mitigate the impact on the Bull River residents. She explained that another resident required something similar to a development agreement, but staff concluded it was not a viable option. Instead, they modified the existing resolution that defined the no build easement. She explained that their pool would be brought from a 50 foot no build to 42 feet from the property line.

Planner and GIS Analyst Kellie Bronson communicated that per Council’s request two weeks prior, they sent a letter out to the Bull River HOA president and he sent a response on March 10th. A quote from it was that a majority of responses from Bull River residents was to allow the change and setback from 50 feet to 42 feet. She noted that they sent out radius notices within 500 feet of the property, and sent out the typical City Council notice. They also sent it out to the Bull River HOA. Staff recommended that the City Council hold a public meeting, take public input, discuss the issues, and either approve or deny the request to amend the resolution. She reiterated that to amend the policy a new resolution would need to be adopted.

Council Member Scott L. Smith expressed appreciation for staff having reached out to the Bull River HOA. He commented that it was good communication, and it was important to make sure the neighbors were on board.

Mayor Rod Mann thanked the Bull River HOA for being responsive.

*Council Member Scott L. Smith MOVED that the City Council approve the proposed amendment to Resolution No. R-2017-26 to allow building permits to be issued for below grade and ground-level structures up to 42 feet from the rear property line based on the following findings which have been discussed.*

*Council Member Brittney P. Bills SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **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. 2021 Municipal Election**

City Recorder Stephannie Cottle communicated that there was a House Bill that passed in May of 2020, which required municipalities to run their elections by vote by mail. She explained that they would present a couple different options on County run versus City run elections. She noted that Highland City registered voters were at

12,291. She said that would play into the numbers in regard to costs of elections. She provided some voter history. She communicated that their numbers had jumped since 2013. In 2013 they had 9,139 registered voters, in 2019 they were up to 10,620, and then in 2020 they were now at 12,291. She noted that it was largely due to the presidential election. She also revealed that their turnout jumped significantly in their first year of vote by mail.

City Recorder Stephanie Cottle said that if they did a County run election, they would basically be in charge of all of the City's ballots. She explained that they had people they contracted with who would do the layout, design, printing, and processing. She noted that they actually did an optical scan ballot which made it easier for them to run through the machines and tabulate results. She said that they also included postage to mail out and return postage. They also handled all of the mailing process. She explained that the County was also in charge of testing all the voting equipment and doing all the poll worker recruitment, training, and compensation. They would operate the Countywide voting centers and collect from drop boxes. She noted that another important thing was that they would handle all the signature verification, tabulation, and reporting. They would also provide the City with the final canvas reports.

City Recorder Stephanie Cottle explained that there were still some City responsibilities in a County run election. She mentioned that she liked to call them the human impact portion of the election. She explained that this meant the candidate filing or reaching out to citizens to let them know about the election. She stated that they still had financial disclosures, public notices, ballot language, and any election and candidate education.

Mayor Rod Mann noted that staff had done a really remarkable job for the last election.

City Recorder Stephanie Cottle said that the estimated cost for a County run election was \$27,654.75 per election. She reiterated that it concluded all of the ballot costs, administration of voting centers, signature verification, canvas reports, and poll workers. She reminded them that it was a not to exceed bid, so it would not exceed that amount, and in fact may become lower. She noted that there were always some costs associated with running an election. She said that because this was her first election, she listed lost amounts as TBD.

Mayor Rod Mann mentioned that an additional cost would be if they wanted to mail out an election information packet to voters, and it would be per household. Any additional mailing sent out by the City would be an additional cost. City Recorder Stephanie Cottle noted that they had the referendum, and needed to provide a voter information pamphlet for it.

Council Member Brittney P. Bills asked if the County got to decide how many polling stations and poll workers the City could have since it would be paid for by the County. City Recorder Stephanie Cottle said that she did not know the answer, but noted that they had mentioned there would not be a polling place in every single City because they had found that a lot of people simply dropped off their ballots in a drop box or at the post office.

Council Member Brittney P. Bills asked if they could request that one of the polling locations be located in Highland. City Recorder Stephanie Cottle said that she would ask. Council Member Brittney P. Bills asked for clarification about the election counts. City Recorder Stephanie Cottle explained that the County would give her all of the election results, numbers, and reports. Then the City Council would meet as the board of canvassers and she would present the report to them. Council Member Brittney P. Bills asked if there was a process to have somebody from the City involved in the counting process. City Recorder Stephanie Cottle said that she did not know but she would ask. Mayor Rod Mann did not think they could because a lot of it was electronic. There was a brief discussion about the counting process.

Council Member Brittney P. Bills said that she liked people to have the option to vote in person, and that she preferred to go in. City Attorney Rob Patterson said that he agreed with how primarily by mail was defined. He explained that what it meant was that County's that ran an election could restrict polling places now. He noted

that if the election was run by the City they could choose to have a polling location in Highland. He reiterated that they could do whatever they wanted in terms of polling, but they were required to send out ballots by mail within a certain timeframe.

Mayor Rod Mann noted that they would still have to use the County to help with signature verification, and they would probably charge for that. He expressed that the State created a bit of a monopoly situation.

Council Member Scott L. Smith asked if a County run election made City Recorder Stephannie Cottle's job easier. She said absolutely. Council Member Scott L. Smith and City Recorder Stephannie Cottle discussed soft costs, and how there were some unknown costs at that point.

Council Member Brittney P. Bills expressed that whatever they chose to do with the County, she wanted to make sure they personally felt comfortable with the way their votes were counted in Highland and that it was run according to what they felt comfortable with. Mayor Rod Mann said that it was his understanding that they had to decide by April 15th.

City Recorder Stephannie Cottle discussed challenges in a County run election. The City would not have any say in voting center placements. She said that she could ask, but it was not guaranteed. The other challenge was that the County costs had increased. She noted that they could spread it out over two years.

City Recorder Stephannie Cottle said that if they did a City run election, they would be in charge of everything. This included contracting a printer, all design work, mail postage and return postage, and everything that had to happen to get the ballots from a printer to the residents and then back to the City. She stated that they would be in charge of the voting centers on election day, but were not required by law to have early voting. However, the County offered four days of early voting at their offices. She explained that they would be responsible for poll worker recruitment and training, and she expected the compensation cost to be about \$2.5K.

City Recorder Stephannie Cottle reiterated that they would have to do their own signature verification which meant that they would have to go to the County and be trained on their system. They would then have to do their own signature verification, tabulation, and reporting. She reiterated that those human aspects mentioned before would still be handled by the City.

City Recorder Stephannie Cottle informed them that she had reached out to a printer who they had used in the past for City elections, and the estimate was \$31,572.05 per election. She noted that did not reflect any of the estimated soft costs, and was only the cost of printing the ballot, getting it to voters, and return postage back. She said that the estimated soft costs represented some overtime for staff that would happen, poll worker compensation, training, travel to the County for signature verification, purchase of additional provisional ballots, and other things. The estimated cost was \$6.5K extra per election. City Recorder Stephannie Cottle said it was a pretty conservative guess on the soft costs.

City Recorder Stephannie Cottle discussed the challenges for a City run election. She said that since they had conducted County run elections since 2016, there would be some voter confusion. She mentioned that the drop box had been a big issue, but the County said they would give access to their ballot drop box. She said that another concern was signature verification and tabulation. This could also cause some delay in election results. She mentioned that there would be some extra election duties with the referendum as well.

Council Member Brittney P. Bills asked if there was anyone on staff that felt a City election was preferable to a County election. It was stated that it was very difficult for them to not select a County run election, which was not intentional by the County. They said it was frustrating that they did not have control over the pricing. There was discussion about how they were in a bit of a monopoly situation with the County, but it was the better option. Mayor Rod Mann seconded the fact that the County run election was preferable, but it was frustrating

that there were important factors out of the City's control. The City Council discussed that HB36 was a game changer. Mayor Rod Mann noted that there were some scale advantage printing larger orders, which may give them better pricing.

It was stated that a number of other Cities had expressed the same concerns with the price. Linden, Provo, and Eagle Mountain had all approved the contract to go with the County.

Council Member Kurt Ostler discussed that there was some benefit to a County run election versus City run in the sense that the County was detached from the candidates and did not have any personal bias. There was a little bit more security.

Council members all said that they supported a County run election, and it was added to the consent agenda for the next meeting.

**b. Future Meetings**

- March 23, Planning Commission Meeting, 7:00 pm, City Hall
- March 30, City Council Meeting, 7:00 pm, City Hall
- April 14, Lone Peak Public Safety District Meeting 7:30 am, City Hall
- April 20, City Council Meeting, 7:00 pm, City Hall
- April 27, Planning Commission Meeting, 7:00 pm, City Hall

Mayor Rod Mann thanked the Council for all of their work on the Manor Drive issue, and he thanked the residents of Manor Drive for their civility. He expressed that the decision was not made lightly. Council Member Kurt Ostler seconded appreciation for the residents' civility. Council Member Scott L. Smith mentioned that one thing they did not discuss was that the Reeds and Fishers had been using City property, and asked what they would do with that.

City Attorney Rob Patterson said that there was a specific process related to abandoning right of way. He said that he believed they just had to give it back to the adjacent property owners and did not think they could sell it. He said that if it was just a dedication, then it reverted back to the property owner. He explained that there was a right of way vacation process.

Council Member Brittney P. Bills said that on an agenda sometimes she would like to revisit the policy about where the money collected from sale of open space went. Council Member Kurt Ostler said that he would like to have this as a discussion item. Mayor Rod Mann remembered a discussion where the Council decided that if it came from an open space subdivision, then it would come to an open space pool for open space subdivisions. He did not think there was a vote.

Council Member Kurt Ostler expressed that it was good for the Council to discuss the topic and see if there had been a decision in the past. He said that they still had \$300K-\$400K in an open space sales fund.

City Administrator/Community Development Director Nathan Crane mentioned that they had been working with Blu Line Design to make park improvements, and she suggested that it would be a great time to talk about it.

Council Member Brittney P. Bills said that she wanted to have a discussion on money that had been collected and still needed to be collected. She also wanted an update on Equestrian Park.

Mayor Rod Mann said that he had met with Tony Johns, Lehi Parks Committee and Lehi Mayor and Josh (no last name given). He stated that Lehi had organized that meeting, and that Brian Braithwaite also came.

Mayor Rod Mann explained the current plan and layout. He outlined that there would be the equestrian center with an adjacent parking lot, and then a bigger parking lot to the north. The soccer field would be on one level due east of the equestrian building, and then south of there on another level there would be a second soccer field. The basketball courts would now be inside the building instead of to the north. There would be one pavilion on the north side of the road, and there would be another small soccer field to the west. South of that was another parking lot, a building, and another parking lot to the right of that.

Mayor Rod Mann mentioned that between the two soccer fields there would be a pavilion and a restroom. The other pavilion would be put near the other soccer field. He further reviewed that the soccer field on the north end of the property would be professional grade. The surf soccer club wanted to use it as their home base training field. He relayed that they would put in the soccer fields and maintain them, so the City would not have to worry about those operating costs. He mentioned that they would need to run water. The grass around the pavilions was currently watered with culinary water. He stated that the PI line ended at the entry to the development.

Mayor Rod Mann said that there had been a discussion about what their annual contributions would be. They planned on \$100K for the first year and \$50K for each year after that. It was clarified that this was their contribution to the park fund, and that the park fund would give \$50K a year. Mayor Rod Mann said that he and City Administrator/Community Development Director Nathan Crane had discussed it, and did not know if that was the money being put into the soccer fields or not. He said that the County would have to sell them the property.

Mayor Rod Mann relayed that Tanner Ainge felt that the County should only negotiate with Cities and not commercial entities. Mayor Rod Mann explained however that the process that the County started was an RFP. He said that as of last Friday, expectations would provide them with whatever they were willing to put into it. He said that they had not gotten there yet. Mayor Rod Mann said that there had been some bids on grass costs, but that they did not have a lot of details. He expressed that after they got the information they needed, staff would put together a report that discussed the operating costs of the park. Then they would talk to Lehi and/or American Fork and discuss potential cost sharing.

Mayor Rod Mann said that they had met with two of the people who used the equestrian center. He relayed that they would set up a fund through the Highland Foundation. He discussed some of the uses of that nonprofit. Mayor Rod Mann outlined that there would be a lap pool in the rec center, and they planned on having a second level in the rec center for an indoor soccer field. Council Member Kurt Ostler asked if this was in conjunction with all three Cities. Mayor Rod Mann said that Highland would take the lead because the land should be annexed into Highland. He stated that he had spoken with the other mayors, and the other Cities were willing to work with Highland. He noted that the horse people wanted to keep the outdoor arena and wanted free use of the land for horses, except for the area south of the equestrian center.

Mayor Rod Mann said that they could put in six pickleball courts on the lower level in that space. He discussed some of the desired uses for the center, and noted that the current County policy had been pretty restrictive. The County had told them in the past that people could not come there to make money. The arena could not be used to make money, but they would do it in a way where people could pay rent for the space. Mayor Rod Mann said that they had put together a list of their proposed rules, and they would still have to work out how they could have an umbrella board that would oversee it. He expected that the three Cities could work together to create a board with representatives of each. The Cities would have to determine how costs would have to be allocated. He said that there would need to be some improvements, such as lights in the parking lot.

Mayor Rod Mann said that the thought was that once they had enough information they would have an open house and discuss the possibilities for the space. He stated there was the potential that the County could use a resolution for the process with the expected outcome. He communicated that Bill Lee would host an open house for the County at the equestrian center on March 23<sup>rd</sup> at 7:00 pm. Council Member Scott L. Smith said that he

really liked the idea, and thanked the mayor for all the work he had done. They discussed how it would be good to see this as a tri-City project.

Mayor Rod Mann mentioned that north of that was where Lehi wanted to build a culinary water tank underground, and that they may prefer to purchase that land. Mayor Rod Mann stated that it would not substantially change how the land was used, there would just be a tank there. Mayor Rod Mann also mentioned that the County would put \$35K to make improvements to the equestrian center. Mayor Rod Mann said that the property owners to the North may have the option to purchase the extra property. He said that one of the owners had previously asked to buy the land and been turned down. He discussed the interests of some of the other homes there.

Mayor Rod Mann said that the Tourism Tax Board generally said that if they put a half million in, that the Cities or other entities would need to put that money back in overtime. He said that it could be in kind or hard dollars. He stated that whatever money was spent to put into soccer fields and the money put in by the equestrian center could all count. Mayor Rod Mann noted that one expensive issue was that the property carried no water rights. He said that they would need about 18 shares which were about \$7K each. He thought that they could maybe split it between the three Cities.

Mayor Rod Mann expressed that there was still a lot to work out and there were a lot of unknowns. He said it was uncertain if the County would even sell the property. Even if the property was not sold, he thought that they were still interested in it being annexed into a City and then have the Cities maintain it. Council Member Brittney P. Bills wanted to know if they would pursue this without Tony Johns. Mayor Rod Mann said that he thought the County was pressured to bring it to the Cities and let the Cities manage it. He said that there would need to be a private development agreement for whatever City annexed this property. He asked if that was something that the City Council wanted to work on. Council Member Scott L. Smith liked the idea, but wanted more information. Council Member Scott L. Smith and Mayor Rod Mann discussed some emails they had with a Mr. Alan. They talked about his interests and who he was.

Mayor Rod Mann noted that American Fork did not want a rec center there, and said that he recognized and appreciated that point of view. He said that the counterpoint was that they would put something there that helped put money back into the system to make the park better. He said that when they had more information, they would have an open house. He expressed the opinion that there was a greater than 50/50 chance that the rec center would happen within the next few months. He reiterated that they could not really make any decisions until they saw more definite monetary information.

Council Member Kurt Ostler said that now that they had passed March 15th and seasonal workers would start on April 15th, he was nervous to make sure that they had enough staff.

City Engineer Todd Trane said that they were starting the process. He said that they had to replace a couple of parks employees as well, so they were a little behind. He noted that right now it was very difficult to hire. He explained that first year people started at \$11 or \$12 per hour. He was hopeful that COVID helped staff again this year, but they were anxious to see how it would work out. He said that they did not want to be fully staffed until May, and that they would get the job advertisements out soon.

Council Member Kurt Ostler asked if there were any bids for road projects. City Engineer Todd Trane said that he had met with one vendor that day, and that he would send out Onyx plans the next day. He stated that their construction project had way too many difficult roads in it. He said that with what was shown on their seven year plan, they did not have the funding to do it. He communicated that they had to make some decisions on what we had to push back, and it would come to the Council shortly. Council Member Kurt Ostler thanked City Engineer Todd Trane. City Engineer Todd Trane said that they were a little bit behind because they had a lot going on right now.

Council Member Kurt Ostler asked if 6800 West was on top for that summer. City Engineer Todd Trane said yes, and he stated that the plan was to bid it as soon as possible. He said that they needed the right of way.

Council Member Scott L. Smith if \$1 Billion of the \$1.9 Trillion that was recently passed would go to Cities in Utah. City Administrator/Community Development Director Nathan Crane answered that he had sent an email out from the ULCT. He said that \$2.3 Million would be coming their way. Council Member Kurt Ostler commented that they would get half this year and half next year. Council Member Scott L. Smith asked if it could be used on infrastructure. City Administrator/Community Development Director Nathan Crane replied that when they knew more information, they would have a discussion with the Council about options.

It was reminded that they had an April 13<sup>th</sup> Work Session to go over utility rates and the budget.

Council Member Kurt Ostler asked if the security issues with their server. Assistant City Administrator Erin Wells said it was all taken care of.

## **ADJOURNMENT**

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

*The meeting adjourned at 11:06 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 16, 2021. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder