



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES


Tuesday, March 21, 2023

Approved May 2, 2023

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Sarah D. Petersen

Pledge of Allegiance – Council Member Timothy A. Ball

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:02 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 Sarah D. Petersen and those in attendance were led in the Pledge of Allegiance by Mayor Kurt Ostler

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam,

OTHERS PRESENT: Jon Hart, Debra Maughan, Kristen Giles, Steve Hagan, Aaron Davidson, Rozan Mitchell, Maggie Stout

1. UNSCHEDULED PUBLIC APPEARANCES

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

Steve Hogan stated he is trying to establish ownership and responsibility for the wood fence/brick pillars running along the east side of the Alpine Highway. His neighbors believe the fence belongs to the City and that they cannot perform repairs or improvements; he has spoken with everyone who owns property that touches the fence, and they all agree that it has been the City’s practice to maintain the fence, but he has heard some conflicting

stories about ownership. He asked for the Mayor and Council to consider that the Alpine Highway is one of the main corridors through the City and people can see the current state of the fence and if the fence becomes the ownership of the people living along the road, it will become a ‘hodge-podge’ of different types of fencing and maintenance levels. He also asked that the Governing Body consider the safety and value the fence provides. There have been instances in the past several years where motorists have been injured or killed when striking a fence along a major highway. It is obvious that the fence has met its useful life and it is due to be replaced; he suggested it be replaced with something that will be long-lasting with little to no maintenance, as well as something that the City can be proud of.

Mayor Ostler stated that others have inquired about this same issue, and he has asked staff to research whether there are minutes of any discussions about the fence being installed as development occurred along the Alpine Highway corridor. He asked City Administrator Wells to share her findings. Ms. Wells stated there is some confusion about ownership of the fencing and the City has on several occasions helped with maintenance. In January, Administration began discussing whether the fence is owned by the City and, if so, the need to identify funding sources to replace it since it has reached its useful life. She found minutes from 1995 where it is clearly stated that the City owns and maintains everything from the back of the curb to the edge of the fence and that the fence is the homeowners’ responsibility in terms of maintenance, replacement, or repair. She stated there are different options for the City to consider and it is correct that if the City allows residents to replace the fence that abuts their property, there could be several different types of fence along the Alpine Highway. Another major corridor in the City, 10400 West, is an example of this same type of situation; homeowners have installed their own fencing and there are varied types of fencing along that road. If the Council desires a uniform look, it would be necessary to change the land use ordinance to require a certain type of fence along Alpine Highway.

Council Member Smith stated that this matter was discussed during 2010 and the decision was made that the homeowners were responsible for the fence, but that has not been clarified to the homeowners. He would support a hybrid option where the City could work with residents to ensure a consistent fencing appearance along the road. Mayor Ostler stated that would need to be a policy decision; if the City chooses to take on the fencing along Alpine Highway, other residents living along other major corridors may expect the same partnership with the City. He suggested the Council discuss the issue further since there are many implications to consider. The Council indicated they would like to discuss the issue further. Ms. Wells clarified that the fence along Alpine Highway would be classified as a ‘theme wall’, so there are different fencing standards that would be imposed, but that can be part of the future discussion with the Council.

Maggie Stout stated she attends Mountain Ridge Junior High, and she asked the Mayor what the number one thing he wished people her age knew about government. Mayor Ostler stated that the top thing for residents to know is the importance of their voice and input for their local government.

Mayor Ostler then introduced the City’s new Assistant City Administrator/Community Development Director, Jay Baughman. He invited Mr. Baughman to address the Council. Mr. Baughman provided a brief overview of his professional and personal background and indicated he is excited for this opportunity with Highland City.

2. PRESENTATIONS

- a. Alpine School District** – *Rob Smith, Sarah Beeson, David Stephenson*
Representatives from Alpine School District will present information on Alpine School District as it relates to Highland City.

Alpine School District Business Administrator Smith introduced School Board Member Beeson and Executive Director of External Relations and Communications Stephenson, who is also a Highland resident. He then stated that he will be retiring at the end of his current term, which concludes in January of 2024. He thanked the

members of the City Council for their service and the great working relationship he has enjoyed with them. He provided a single page handout that included brief facts about the schools in Highland City and the surrounding community, including school populations, planned capital improvement projects, and graduation rates.

Discussion among the Mayor, Council, and District representatives centered on long range planning for new school construction; conversion of existing schools to STEM schools; changes to school boundaries; the School District's property tax rate; legislation that will impact the District; planned developments in Highland City and the schools that new residents from those developments will attend; concerns about the size of the School Board and adequate representation of the growing population; and past bonding attempts of the District and any plans for future bond elections.

The Mayor and Council thanked District representatives for their attendance this evening and for the information they provided.

3. CONSENT ITEMS

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

a. **Approval of Meeting Minutes** *General City Management - Stephannie Cottle, City Recorder*
Regular City Council Meeting – February 2, 2023

b. **ACTION: Planning Commission Appointments** *General City Management - Kurt Ostler, Mayor*
The City Council will consider the Mayor's request to ratify the appointment of Debra Maughan as an Alternate Planning Commissioner. The Council will take appropriate action.

Mayor Ostler asked for Council support for his appointment of Debra Maughan as an alternate member of the Highland City Planning Commission; he invited Ms. Maughan to provide the Council with a brief overview of her professional and personal background. Ms. Maughan indicated she has lived in the City for 33 years and has participated with many different City committees for the past several decades.

Council Member Smith stated that at the last City Council meeting there were several items that were forwarded to the Council with a vote of four to zero; however, there are more than four members on the Commission, and he inquired as to when alternate members are allowed to vote. Planner & GIS Analyst Smith stated that so long as there are no more than seven votes on an item, alternate members can vote. Council Member Smith asked Ms. Maughan if she is able to attend Planning Commission meetings each month; he indicated he would like more members to attend and vote on items that are being forwarded to the Council. Ms. Maughan answered yes; she will not miss a meeting unless she is ill. Council Member Smith thanked Ms. Maughan for her willingness to serve.

Council Member Kim Rodela MOVED that the City Council approve consent item a, the approval of meeting minutes of February 2, 2023 and item b, action: planning commission appointments.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Absent

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

The motion passed 4:0.

4. RESOLUTION OF INTENT: PHYLLIS SMITH ANNEXATION *Land Use (Legislative) – Kellie Smith, Planner & GIS Analyst*

The City Council will hold consider a request by Shaun Athey, representing Phyllis and Trent Smith, to annex approximately 1.13 acres of property located at 7015 W 9600 N. The purpose of this resolution is for the Council to accept or reject the application for further consideration. The Council will take appropriate action.

Planner & GIS Analyst Smith explained Shaun Athey, representing Phyllis and Trent Smith, is seeking annexation of approximately 1.13 acres of property located at 7015 W 9600 N. The purpose of this resolution is for the Council to accept or reject the application for further consideration. On December 6, 2022, the City Council discussed the potential of waiving specific code requirements as part of the annexation request. Two Council Members mentioned that they would like more time to consider the request and determine whether approval of it would create a problematic precedent for the City. Other Council Members shared that they were leaning toward waiving the public improvement requirements. The Council indicated that they were comfortable with the applicant proceeding with the annexation petition and communicated a willingness to formally consider Phyllis Smith’s requested exception. Ms. Smith reviewed the City’s annexation process and Annexation Policy Plan; she noted the subject property is included in expansion plan along with a zoning recommendation. Because this property is south of 9600 North, the planned zoning is R-1-20. To subdivide, the property has enough square footage, but not enough road frontage; the applicant has requested that the City-owned parcel to the east count as road frontage. Relating to public improvement requirements, staff’s recommendation is that all the Development Code and City engineering regulations be required with the annexation meaning no standard requirements are waived. This ensures that all those who develop in Highland are treated the same and helps to prevent future problems when homeowners are seeking standard City services and when the City is working to maintain those services. If the City Council decides to approve the resolution of intent, the annexation will include an annexation agreement that will detail all improvements that the Council would decide to require or waive. She then provided a summary of the public improvements that would typically be required for any subdivision in Highland City:

- Utilities:
 - Culinary;
 - Pressurized irrigation;
 - Sewer;
 - Storm drain;
 - Lehi irrigation ditch.
- Street improvements:
 - 9600 North:
 - Right-of-way dedication + curb, gutter, sidewalk, and additional asphalt as needed.
 - Highland City parcel – 12.054.0069:
 - Half-street improvements + 10’ of asphalt along the portion that abuts the Smith’s property; proposed additional sidewalk requirement along future cul-de-sac.
 - Dedication –to be included in subdivision plat; additional 1.5’ be dedicated to meet standard 56’ (south of the home); also propose to require additional ROW for future cul-de-sac.

Ms. Smith concluded the decision to annex and under what circumstances are legislative decisions. The Council has complete discretion in making these decisions. Staff recommends the City Council consider the staff analysis

below and potential impacts from not requiring the City's standard regulations. After taking these issues under consideration, Staff recommends the City Council approve the Resolution indicating the intent of Highland City to consider the proposed annexation and give Staff direction on what to include in the annexation agreement.

Council Member Smith inquired as to the location of the sidewalk if the Council were to approve the applicant's proposal to allow the City-owned parcel to be counted towards their frontage. Ms. Smith presented a map to identify optional locations for the sidewalk as well as improvements to the City parcel.

Ms. Smith concluded the applicant is asking for approval of the R-1-20 zone, connecting to sewer, culinary, and pressurized irrigation lines through the City-owned parcel, and preservation of the current asphalt road without a requirement to add curb, gutter, and sidewalk to that road.

Council Member Smith asked if that means that the applicant would not be required to widen the road by 10 feet to include curb, gutter, and sidewalk. Ms. Smith stated the asphalt currently does not extend to the applicant's property as it is currently only approximately 10 to 12 feet wide. Public Works Director/City Engineer Spencer stated that the City's standards would require half of a normal street width, plus 10 feet of asphalt and curb, gutter, sidewalk on the development side of the street. If the applicant's request is approved, this standard would not be met. There was brief discussion about potential future development in the area that could be the catalyst for continued road improvements near the subject property.

Mayor Ostler asked how the Council could approve the requests before them this evening without setting a precedent for other property owners to ask that the City waive requirements that are typically imposed when a property is annexed into the City or developed. City Attorney Patterson stated that because this is an annexation application, which is a legislative decision, the Council has broad discretion to approve, deny, or place conditions upon the application. If the Council is interested in approving a waiver of common requirements, it would be necessary to do that via an annexation agreement. If the property were to be annexed without an annexation or development agreement, the property would then be required to follow development standards. Mayor Ostler asked if other property owners could ask for the same consideration. Mr. Patterson answered yes, but noted that any action on the current annexation application will not set a legal precedent.

Council Member Petersen inquired as to the reasoning behind the applicant's request. Ms. Smith deferred to the applicant to answer that question.

Council Member Smith inquired as to the number of City-owned parcels throughout the City that have been used to provide access to another subdivision that may never be developed. Ms. Smith stated this is a rare situation; the parcel was created in the 1980s and most of the City's Public Works employees were unaware that it was owned by the City.

Randy Rindlesbacher approached the Council to represent the annexation petitioner; he noted Phyllis Smith is his mother-in-law. He addressed Council Member Petersen's question and noted that the reasoning behind the request is that the required improvements are a great burden for one lot owner to bear. The Miners have an agreement with the City dating back to the 1980s and they have agreed to assume ownership and the responsibility to improve the lane at the point in time that they decide to subdivide their 4.5-acre property. He stated that he feels that the burden would be better distributed between his mother-in-law and the Miners in the future.

Mayor Ostler asked if the City has a copy of the agreement with the Miner family. Ms. Smith stated there is not a formal document with signatures, but during the City Council meeting when the Miner annexation was approved, the motion included language to the effect that when the subdivision is build, the public improvements will be completed. She stated that the City-owned parcel was previously owned by the Miners and that transaction is evidence of the agreement that was made at the time of the annexation. Mayor Ostler asked if the Miners would be required to build the full right-of-way if they choose to subdivide, or if they will be allowed to build half of the road width plus 10 feet. Mr. Spencer stated that they will be required to build the full road width because it will be used to service a cul-de-sac. However, because the City restricts the maximum length of a cul-

de-sac to 600 feet, it would be difficult to fully maximize the property to the south due to a lack of frontage. Council Member Rodela asked how many lots could be built on that property. Mr. Spencer stated he is unsure, but it will be limited by the cul-de-sac standards and frontage requirements. Mayor Ostler asked if the Miner property is already located in Highland City. Ms. Smith stated that one parcel is in Highland and the other is still unincorporated.

Council Member Petersen agreed that Ms. Smith should not bear the burden of building all public improvements near her property, but she suggested there may be a happy medium where the City can achieve the construction of curb, gutter, and sidewalk, but deferring other improvements to the point in time when the Miner property is annexed and developed. Mr. Spencer stated that the Council has discretion to determine the development standards that should be imposed at this time; he noted there are several improvement options that could be required, but most scenarios will result in noncompliance with public improvement requirements. Council Member Petersen asked if some form of road widening could be accomplished that could eventually be extended or built upon in the future when other properties develop. Mr. Spencer answered yes; the property running along the applicant's frontage could be improved at this time and those improvements could be continued as the areas to the east develop. He stated it would be wise for the Council to solicit input from Fire Chief Patten regarding any concerns he has about fire apparatus access to the area. Chief Patten stated that the minimum road width requirement for emergency access purposes is 20 feet; he is also concerned about the depth and turnaround capabilities if the road length exceeds 150 feet. Mr. Rindlesbacher stated that problem already exists; there are two homes on the 12-foot-wide lane with no fire turnaround at the end of the lane. Chief Patten answered yes. Mayor Ostler stated that regardless of current conditions, the Council must consider the application before them, which would result in construction of another home on that lane. Mr. Spencer stated that there are actually two street frontage issues for the subject property; the property fronts 9600 North as well as the private lane running north and south. Council Member Smith asked Mr. Rindlesbacher if he is concerned about the required improvements to 9600 North. Mr. Rindlesbacher stated that tonight is the first time he has heard of public improvements to 9600 North, and he will need to evaluate the costs of those improvements. Mayor Ostler stated that he understands the burden that will be placed on one property owner, but that should not be the primary concern; requirements should be upheld, and the property owner can make a business decision about whether to proceed. He is concerned about making an exception to development requirements, which he believes will lead to future similar requests. He asked Mr. Rindlesbacher if he is aware of any plans the Miners have for the development of their property. Mr. Rindlesbacher stated that Mr. Miner has not communicated a timeframe for the development of his property; he has also indicated that he is not concerned about his mother-in-law's plans to develop her property. He added he agrees this is a business decision for his family, but they are the only party that is assuming any of the burden associated with these improvements; if one additional lot is created, his family will assume a portion of the burden and the remainder will be deferred to a time when the Miners choose to develop their property. He stated he feels his family's request is reasonable.

Mayor Ostler invited public input. There were no persons appearing to be heard.

The Council debated the appropriate public improvements to be required of the petitioner; Council Member Petersen suggested that the petitioner be required to widen the lane to a point that is safe for emergency access as well as the improvements along their property frontage. Council Member Smith asked Council Member Petersen if she feels that they should be required to improve the frontage on 9600 North, to include curb, gutter, and sidewalk. Council Member Petersen answered yes. Mayor Ostler stated this would result in 9600 North being fully improved. Council Member Smith inquired as to the compromise, if any, Council Member Petersen is suggesting. Council Member Petersen stated that she would recommend the lane be widened to 20 feet, with the understanding that the additional seven feet will be constructed when the Miner property develops. Council Member Smith stated that means the Smiths would be responsible for two-thirds of the cost of the road and the Miners would only be responsible for one-third, even though their development potential is greater. Council Member Petersen stated that ideally the properties could develop at the same time and the two parties could fairly distribute the costs of improvements. Mayor Ostler agreed and stated that the Smiths have the choice to wait to subdivide at the same time as the Miners, but they are choosing to move forward at this time.

Council Member Rodela stated that she is willing to accept the property into the City, but she is concerned about making exceptions to the City Code; she would prefer to impose public improvement requirements that have been communicated by staff because she is concerned about setting a problematic precedent for the City. Council Member Bills agreed with Council Member Rodela, but indicated she can support the compromise that has been suggested by Council Member Petersen. Council Member Smith stated that he feels this a unique situation and he does not believe the City will encounter anything similar to it in the near future; he understands the need to enforce City Code, but he is willing to compromise because he would prefer for the property to be annexed into Highland rather than Lehi. He believes that the curb, gutter, and sidewalk is needed on 9600 North, but he believes that the 20-foot road width on the east side, without curb and gutter, would be acceptable. The curb, gutter, and sidewalk on the east side of the public property could be built at the time that the Miner property is developed.

Council Member Bills asked if the applicant can be compelled to participate in the cost of future improvements on the east side of the property if those improvements are deferred to a point in time when the Miner property is developed. Mr. Patterson stated such a stipulation could be included in the annexation agreement, but it would be necessary to identify a 'trigger date' for those improvements to be completed. He then briefly summarized the position of each of the Council Members, after which Council Member Petersen expressed a willingness to make a motion, though the entire Council is not in agreement about the exceptions, if any, that should be offered to the petitioner.

Council Member Smith stated that for the property owners to the south, the City purchased a small sliver of property 40 years ago to provide a pathway for them to eventually annex into the City; if those property owners never annex, the entire burden of public improvements will be placed on other property owners and that is concerning to him. Mayor Ostler stated that a portion of the Miner property is already located in Highland; the property to the east as well as the lane are both located in Highland. The property that is the subject of the annexation petition is not in Highland and that is the reason for this discussion. Council Member Petersen agreed; she responded to Council Member Smith by stating that the current City Council has no control over the actions that were taken 40 years ago by former elected officials and the current Council should not be making decisions based on the thought processes of those that were making decisions in the past. She is trying to make the best decision with the information available to her today. She believes that requiring the 20-foot road width as well as curb, gutter, and sidewalk improvements will serve to improve the safety and beautify the road and will be usable for another 40 years. She does not want to put the entire burden on the Smith family; rather, she is trying to strike a balance.

Council Member Sarah D. Petersen MOVED that City Council APPROVE the Resolution indicating the intent of Highland City to consider the proposed annexation, and as part of that only require 20' road with all curb, gutter, sidewalk improvements and all other requirements per code.

Council Member Brittney P. Bills SECONDED the motion.

Council Member Kim Rodela MOVED to AMEND the motion to have the road be 27' wide.

There was no SECOND to the motion to amend the original motion.

The vote on the original motion was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Absent</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 3:1.

5. ACTION: AGREEMENT WITH DAVID AND BRITTNEY MEYER FOR A SEWER EASEMENT LOCATED NEAR THE HIGHLAND HOLLOW SEWER LIFT STATION *Land Use (Legislative) - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider entering into an agreement with David and Brittney Meyer for a sanitary sewer easement on Highland City property to allow for a sewer connection from their property to the City sewer system. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on February 7, 2023, this Agreement was discussed as a Communication Item with Mayor Ostler and City Council. Discussion was had on the future of this area, including Park access, a large PI main to serve Lehi City and a potential trail to be placed on top of the water line. Future development of this area is still unknown. Highland City sold property near the Highland Hollow lift station to 1316 E. Autumn Ridge Dr. which is a Lehi property. The Meyer Family purchased this property with the intention of building a home. Seeing that this is property in Highland City boundaries it will be necessary for them to connect to the City infrastructure to serve the home. There are no city utilities in 1200 E. which will require them to hook to the gravity sewer line entering the Highland Hollow sewer lift station. To facilitate this, they will need to receive an easement crossing Highland City property to make the sewer connection. The City Attorney has drafted an agreement for both parties to review, approve, and sign. As part of the agreement, it will be at the cost of the property owner to make the proper connection with the understanding that if the lateral ever needs to be moved for future use of the City property this will be at the expense of the property owner. Staff recommends the City Council approve the agreement for an easement to serve the Meyers.

Council Member Smith stated he is uncomfortable saying that the Meyers will be required to pay to relocate the sewer line if such a project is ever required in the future; the Meyers have a lack of control over the location of the sewer line since that will likely be a result of a decision made by Lehi City. Mr. Spencer stated that the City is aware of one major underground sewer improvement project and the City has granted Lehi an easement for that project; however, it is unlikely that the sewer line will ever need to be relocated. He attempted to draft an agreement that provides flexibility with the understanding that no party to the agreement understands all events that may occur in the future that could potentially impact this sewer line. Council Member Smith stated it seems as if it will be very expensive for the Meyers to connect to the sewer line and it is his proposal that the City split the cost with the Meyers for any future cost to relocate the line, if necessary. Mayor Ostler stated that he does not believe the taxpayers of the City should take on that burden; he would prefer to deny the connection than to enter into an agreement that could impact all taxpayers in the future. Council Member Smith stated that the Meyers are taxpayers as well and they are paying a lot of money to connect to the sewer system. Mayor Ostler argued that their property was never considered to be a buildable lot. Council Member Smith stated that he is simply trying to identify some safeguards that would make the City think more seriously about relocating the line at any point in the future. Mayor Ostler stated that the City has already given Lehi the easement for their project; he asked if that line will be deep enough to provide room for the Meyers' connection. Mr. Spencer stated that he has not had those discussions with Lehi City, but he believes there is adequate room to allow for the lift station, the sewer line, and Lehi's line. He will have a coordination meeting with Lehi to try to plan for all potential situations that could arise. He added that he tried to talk the Meyers out of buying the lot before they purchased based upon the difficulty and expense of connecting to the sewer line. He stated that they were aware of these matters at the time they purchased the lot. Council Member Smith stated he understands that the Meyers were aware of the implications of purchasing the lot, but

he does not believe it is unreasonable to consider splitting the cost of any future relocation of the line if the need arises; when the City takes care of individual residents, they are taking care of all residents.

Mayor Ostler asked if the Meyers have the ability to subdivide the property into three lots. Mr. Spencer answered no; there is not adequate frontage and the ability to connect to utilities. Mayor Ostler asked if the Meyers will improve the frontage in front of their home. Mr. Spencer stated that it already has curb, gutter, and sidewalk due to a past agreement relating to the road widening project and property trade for Highland acquisition of park land. Mayor Ostler stated that he feels the agreement should be approved as written and that any future expense to relocate the sewer line will be the responsibility of the property owner. Council Members Bills and Rodela agreed.

Council Member Brittney P. Bills MOVED that City Council APPROVE the agreement with David and Brittney Meyer for a sewer connection easement, allowing them to install a sewer lateral across city property and connect to the Highland Hollow sewer lift station facilities and AUTHORIZE the Mayor to sign the easement agreement.

Council Member Smith asked if they should add in the motion that the property owners will have to pay to have the sewer line moved in the future if necessary. Attorney Patterson stated that it is already stipulated in the agreement.

Council Member Sarah D. Petersen SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

6. ACTION: MAINTENANCE AGREEMENT - BEACON HILLS PLAT I *Land Use (Legislative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public meeting to consider a request by Brady and Kristen Giles to enter into an open space maintenance agreement with the City for property adjacent to 12303 N Timberline Dr in the Beacon Hills Plat I subdivision. The Council will take appropriate action.

Planner & GIS Analyst Smith explained on July 19, 2022, the City Council approved a resolution that adopted the Highland City Encroachment Policy and Maintenance Agreement that detailed the approval process and requirements for maintenance agreements. Any property owner or resident who desires to improve, beautify, landscape, maintain, or otherwise encroach upon public property for the benefit of Highland residents as a whole must apply for a Maintenance Agreement. The applicant will be required to show and explain how the proposed encroachment benefits the City, rather than just benefiting the applicant. Maintenance Agreements may be approved by the City Council based on property circumstances and City needs. The Council may condition Maintenance Agreements on payment of application fees, increased water charges, limitations on allowable uses, and other terms and conditions as the City Council finds are appropriate. No person shall have any right to obtain or enter into a Maintenance Agreement, and the City Council shall have the right, in its sole discretion, to approve

or deny a Maintenance Agreement. This Agreement must be recorded with the Utah County Recorder. Maintenance Agreements will not grant any person any property right or interest in the public property, nor will the Agreements allow any person to exclude any member of the public from the public property. Maintenance Agreements approved by the City Council after adoption of this policy shall have a term of 5 years. Such Agreements may be renewed for additional 5-year terms by city staff upon application by the property owner or resident on the same terms and conditions as the previously authorized Maintenance Agreement, plus any new terms or conditions that are generally required for all Maintenance Agreements, so long as the property owner or resident has complied with all terms and conditions of the Agreement. City staff may refer any request for renewal to the City Council for review and approval. The Maintenance Agreement Policy adopted by the City Council on July 19, 2022 allows for the following improvements:

- The maximum irrigatable space cannot be more than 2500 square feet. Anything over 2,500 square feet must be improved and maintained without requiring irrigation or sprinklers. Grass and sprinkler systems may only cover up to 2500 square feet of the Property, and any sprinkler or irrigation system may require a heightened water bill as a consequence of their extra water usage.
- Grass, small vegetation, flowers and bushes, provided they are not planted in a manner that “fences” off the space from other users.
- Desert landscaping.
- Small gardens.
- Trees where they will not obstruct, interfere with or encroach upon Property's unique characteristics, utilities, easements or encumbrances.

Ms. Smith summarized the request; the applicant is requesting approval of an open space maintenance agreement for approximately 1,600 square feet. The plan consists of crushed rock or other appropriate xeriscape material such as mulch, three (3) drought resistant trees, a temporary drip system to water the trees, and a metal or hard plastic edging around the perimeter of the rock or mulch. The applicant is planning on installing a fence with a gate along the property line, and then maintaining the open space as described on the other side of the fence. Staff recommends the City Council determine if the proposed maintenance plan is consistent with the intent of Council policy regarding open space maintenance agreements. The Council should also provide appropriate direction if additional restrictions are to be addressed in the Open Space Maintenance Agreement. After these items are determined, Staff recommends the City Council authorize Staff to execute an open space maintenance agreement with Brady and Kristen Giles subject to the following stipulation: All improvements shall be consistent with the proposed maintenance plan dated March 14, 2023.

Council Member Rodela stated that she loves the plan that has been proposed; she feels that the proposed improvements take into consideration the need to conserve water. Council Member Petersen agreed and stated that Mr. and Mrs. Giles have been great to work with and they never encroached on the City’s property illegally; rather, they completed all improvements through the proper channels. Mayor Ostler agreed; this is an applicant that worked with the City and neighboring property owners once they were informed of the encroachment issue. He invited input from the applicant.

Kristen Giles stated that she needs to understand the required distance the City will impose between the scrub oak and the trail; currently, the distance is about 10 to 12 feet. The Council indicated they are comfortable with that distance.

Council Member Smith referenced the properties that have been surplussed by the Council; he asked if all eligible property owners have purchased a portion of the surplussed property, to which Ms. Smith answered yes.

Ms. Giles then asked if the City will stipulate the types of trees that can be planted near the trail corridor. She would like to plant something that will be congruent with the scrub oak. Mayor Ostler advised Ms. Giles to work with City staff, which includes a horticulturist. Ms. Giles stated that she will also get advice from her landscaping

contractor. Mayor Ostler suggested that the motion include direction that the Giles' work with City staff regarding the types of trees to be planted.

Council Member Sarah D. Petersen MOVED that City Council authorize staff to execute an open space maintenance agreement with Brady and Kristen Giles subject to the following stipulations:

- 1. All improvements shall be consistent with the proposed maintenance plan dated March 14, 2023.*
- 2. Homeowners will choose the trees.*

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

7. RESOLUTION: ILA WITH UTAH COUNTY FOR 2023 ELECTIONS *General City Management – Stephannie Cottle, City Recorder*

The City Council will consider adopting a resolution to enter into an interlocal agreement with Utah County to assist with the administration of the 2023 Municipal Elections.

City Recorder Cottle explained in prior years, City Council has considered the feasibility of running elections in-house as opposed to contracting with Utah County and has determined, after much consideration, that the County option is most viable for the purposes of personnel time management due to the state regulations surrounding elections and restrictions surrounding signature verification. In addition, due to economies of scale, the County is able to run a more cost-effective election than the City. The Council has expressed their desire to run a traditional election and not use the rank-choice-voting method. As such, staff is planning a traditional election. Highland City has contracted with Utah County to assist with municipal elections since 2017 and has found their process to be effective in election administration and timely in delivery of election results. This year, Highland City elections will include three City Council seats. The candidate filing period is June 1–7, 2023 from 8:00 am to 5:00 pm (Monday – Friday). The primary election, if needed, will be Tuesday, August 15, 2023, and the general election will be held on Tuesday, November 7, 2023. The interlocal agreement outlines the responsibilities of both Utah County and Highland City along with estimated costs. The estimated cost is a not to exceed \$2.25/voter/election. Highland City currently has 12,730 registered voters. Based on the number of registered voters, the total estimated cost for both the primary and general election is \$57,285.00. As a part of the election, the County will facilitate voting centers throughout the County. Staff has requested the County to consider Highland as one of those locations. If the County does not select Highland, the Council may consider paying for the cost of the County to add an additional voting center at City Hall. The approximate cost for a voting center is \$2,500 per election. Ms. Cottle concluded staff recommends adopting the resolution and directing the Mayor to sign the interlocal agreement with Utah County to assist with the administration of the 2023 Municipal Elections.

Mayor Ostler invited input from the Utah County Clerk's Office representatives. Aaron Davidson stated he is the Utah County Clerk, and he introduced the Election Coordinator, Rozan Mitchell. He indicated a willingness to answer any questions the Mayor and Council may have.

Council Member Smith asked if the security footage for the ballot drop box is a public record or can be reviewed by the City Council. Ms. Mitchell indicated she will need to review the State's Government Records Access and Management Act (GRAMA) to determine if the footage is a public record. Ms. Cottle added that the City has installed its own camera near the ballot box; it is a different view than what is captured by the County's camera, but she is able to show the Council the footage from that camera at any time. Ms. Mitchell noted that during the last election cycle, the camera footage was posted on the County's site every day, so it would be a public record. Mr. Davidson added that the State Legislature recently adopted legislation that speaks to how the record can be used and his staff will research that issue before providing a definitive answer regarding public accessibility for the recordings.

Council Member Smith stated there are many citizens in Highland City that would prefer to vote in person rather than by mail; he asked why it will cost an additional \$2,500 per election to provide a voting center. Ms. Mitchell stated that during the last municipal election cycle, there were less than 200 people from Highland, Alpine, and Cedar Hills that voted in person. Depending on the requirement for any of the three cities to hold a primary election, the County will determine where the vote center will be located in 2023. Mayor Ostler asked if Highland City can request a vote center in Highland. Ms. Mitchell stated the County is happy to provide that service if the City pays the cost of the service. Mayor Ostler asked when the City needs to make the decision about whether to have a vote center in Highland. This led to discussion of the logistics that determine the location of a voting center that serves multiple cities; Ms. Cottle noted that in the 2021 General Election, there were 39 Highland residents who voted in person. Mr. Davidson added that election was held during the height of the COVID-19 pandemic and people were reluctant to visit public spaces.

Council Member Bills asked if a voting center located in Highland during the primary election would only be accessible to Highland residents. Ms. Mitchell answered no; she cannot program equipment to only handle one city.

Mayor Ostler stated that the City is considering placing a bond opinion question on the 2023 ballot; he asked when the City must make that decision. Ms. Mitchell stated she will provide the code citation that governs that issue, but noted that a decision must be made no later than August.

Council Member Bills asked if the County allows tours of the election center. Ms. Mitchell answered yes and suggested that people take tours during an election when the facility is very busy. Council Member Bills stated she would like for the Youth Council to tour the facility.

Mayor Ostler invited public input.

Mayor opened for public comment at 9:14 pm.

Debra Maughan stated she has been a poll worker in the City for 27 years and she is very proud of the manner in which the City and Utah County conduct local elections. She also encouraged residents to become familiar with the County's process and tour the election center. However, the problem with participating in a tour during an actual election is that so many documents related to an election must be kept private and visitors are not able to see everything that is happening. She concluded that she wants everyone to know that the County's elections are very secure and done right.

There were no additional persons appearing to be heard.

Council Member Smith asked City Attorney Patterson if the Council should include language in their motion to indicate a preference for a voting center in Highland City for the 2023 General Election. Mr. Patterson answered yes; he can amend the agreement accordingly before it is sent to the County.

Council Member Bills stated that she is supportive of contracting with the County for election support, but only because that is basically the only option due to legislation from the State that has made it difficult for individual cities to administer their own elections. She added she is supportive of increasing funding for the election by \$2,500 to provide an in-person voting center in Highland City for the General Election because she feels that elections are the most important thing that a City funds. Council Member Petersen agreed; she wants to make voting as accessible as possible to residents. Council Member Smith agreed.

Council Member Kim Rodela MOVED that City Council adopt the resolution and direct the Mayor to sign the interlocal agreement with Utah County to assist with the administration of the 2023 Municipal Elections, and also approve a voting center for the general election for \$2,500.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

8. ACTION: CONTRACT WITH RHINO PUMPS FOR WELL #4 PUMP AND MOTOR *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving a contract with Rhino Pumps for the purchase and installation of new well components (pump, motor, and associated components) at Well #4. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on December 7, 2021, the City Council approved a contract with Lang Construction to drill a new well at the Well #4 site. On January 17, 2023, the Council approved grant funding from the State of Utah in the amount of \$1,000,000. As part of the adopted Utility Rate Study Capital Improvement Plan, the culinary water system has allocated \$1,838,478 for the improvements funded in the grant of the culinary system in FY23 and FY24. Since the initial drilling of Well #4 in 1978, the water level in the aquifer has experienced a 100-foot drop, as measured in 2022. Due to the declining water levels in the aquifer and the current condition of the existing Well #4, the City opted to abandon the existing well and drill a new well within the current property. The drilling and development of the new well was completed in 2022. The next step is to construct the pump house and install the necessary pump equipment and components. This item is strictly to award the pump and motor as it will save the City money to award the pump and motor directly separate from the pumphouse construction. Awarding the pump separately also ensures that the pump is installed and warrantied through the company that services all the City wells. The award equips the new well with the necessary components, discharge head, motor, pump, and column. Rhino Pumps provides and services the City's well houses and pumps. They have provided a bid for the project of \$192,221.25. The bid includes materials and labor, the price including a 10% contingency for this portion of the project is \$211,443; funding for this expense has not yet been included within the FY23 budget. However, the total funding for the collective GOEO water related grant has been allocated with the combination of grant funding of \$1,000,000 and the Utility Rate Study of \$1,838,478; total available funds for the project equals \$2,838,478. The City has already received the \$1,000,000 from the State and staff anticipates that the FY23 expenses will be less than \$1,000,000. Funds will be expensed from 55-40-78, Water Grants Capital Outlay.

There will need to be an end of year FY23 budget adjustment to account accurately for the portion of the project that is paid within FY23. The balance will be completed and paid in FY24. Staff recommends approving the contract with Rhino Pumps to furnish and install the pump, motor, and associated components at Well #4.

Council Member Scott L. Smith MOVED that City Council APPROVE a contract with Rhino Pumps for the improvements associated with Well #4 in an amount up to \$211,443 and AUTHORIZE the City Administrator to sign the contract documents.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

9. ACTION: WELL #4 CONSTRUCTION CONTRACT *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider awarding a construction contract with VanCon, Inc. for the construction and improvements at Well #4 site. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on January 17, 2023, Council approved grant funding from the State of Utah in the amount of \$1,000,000. As part of the adopted Utility Rate Study Capital Improvement Plan, the culinary water system has allocated \$1,838,478 for the improvements funded in the grant of the culinary system in FY23 and FY24. The City has already received the \$1,000,000 from the State. The Well #4 site is located at 5100 West 11200 North. The City completed drilling the new well casing in February of 2022. The adopted Utility Rate Study Capital Improvement Plan in FY23 calls for the construction of a pumphouse at Well #4 including facilities for chlorination. Bids for the pumphouse were solicited from six prequalified contractors, as well as advertising for additional qualified contractors. To give the Council a choice in fencing materials, staff solicited bid alternates for different types of fence materials. Three bids were received for the project with VanCon, Inc. being the low bidder for the project under most bid alternatives. The other bids we received were from FX Construction and Corio Construction. The lowest cost of each bid alternative follows:

- Black Vinyl-Coated Chain Link Fence: \$1,404,122.34 * (VanCon)
- Wrought Iron Appearance Fence: \$1,451,552.34 (VanCon)
- Precast Concrete Fence: \$1,553,296.84 (FX Construction)

As noted under agenda item eight, the construction of the pumphouse at Well #4 is part of the larger culinary system upgrades for which the State awarded grant funding. The total costs for the low bid award for Well #4 with the pump assemblies to be provided by Rhino Pumps, and contingencies is \$1,783,126. This total is \$133,126 above what had been planned for that line item. Between the grant award and budgeted money from the Utility Rate Study, there is \$2,838,478 total revenue available for these projects. With the overall budget at \$2,510,000, there is approximately \$323,478 in programmed funding available in excess of what was planned for the grant project. As such, there are funds available for the recommended award. Staff recommends awarding a construction contract with VanCon, Inc. for Well #4 pumphouse and site improvements, including the black vinyl coated chain link fencing.

Council Members Rodela and Petersen stated they are comfortable with the black vinyl coated chain link fencing. Council Member Smith stated he also is not opposed to black vinyl coated chain link, but he finds it ironic that earlier in tonight's meeting the Council considered two resident driven applications and concluded that those residents must adhere to the City's land use code and development standards, but the City can ignore similar codes for City projects. He stated that the City needs to be consistent; if the City is going to be allowed to use chain link fencing on its property, residents must also be allowed to use chain link fence. City Administrator Wells indicated the Council can amend the City Code to allow chain link fencing at City facilities. Mayor Ostler stated that he believed that government entities were exempt from the fencing requirements. Council Member Smith disagreed. Planner & GIS Analyst Smith stated that residents are allowed to use vinyl coated chain link up to 12 feet tall for sports courts uses. She noted that well pump houses will not typically be located on residential lots and it may be appropriate to provide an exemption to fencing requirements for government uses.

Council Member Rodela stated that she does not think that Council Member Smith's comparison is reasonable; certain fencing materials are appropriate for certain uses, such as a pump house and a sports court. Council Member Smith stated he was simply communicating that the Council has been very insistent that residents follow the City Code, and he also believes the City should follow its Code; double standards are problematic. Mayor Ostler indicated that he feels it is appropriate to consider the use of the property; the City is building a new public facility, not a residential structure and he feels that vinyl coated fencing is appropriate. Ms. Smith added that the City does have a public utilities zoning designation, but there are also several public utilities structures that are located in residential zones.

Council Member Bills stated that she is comfortable with using vinyl coated chain link, but she agrees with Council Member Smith about the need to follow City Code; she is supportive of a code amendment that would provide for chain linked fencing at City facilities. The Council supported that direction.

Mr. Spencer revisited the funding for the project; the cost of the Well#4 pumphouse construction project is \$1,544,535 with contingency. Funding for this expense has not yet been included within the FY23 budget. However, the total funding for the collective GOEO water related grant has been allocated with the combination of grant funding of \$1,000,000 and the Utility Rate Study of \$1,838,478. Total available funds for the project \$2,838,478. The City has already received the \$1,000,000 from the State. It is anticipated that the FY23 expenses will be less than \$1,000,000. Funds will be expensed from 55-40-78, Water Grants Capital Outlay There will need to be an end of year FY23 budget adjustment to account accurately for the portion of the project that is paid within FY23. The balance of the project will be budgeted, completed, and paid in FY24.

Council Member Smith referenced the inclusion of a 10 percent contingency in the project budget; he asked how often those contingencies are used. Mr. Spencer stated that contractors do not have access to contingency funding without approval of the City; however, he has never had a project that has been completed without use of some contingency funding because it is difficult to perfectly design and estimate any project. Council Member Smith asked if it is common to use the full 10 percent of contingency funding. Mr. Spencer stated that the average of contingency funds used is between four and six percent. Council Member Smith asked if the suggested motion includes funding for vinyl coated chain link, to which Mr. Spencer answered yes.

Council Member Scott L. Smith MOVED that City Council APPROVE the construction contract with VanCon, Inc. for the construction of Well #4 and associated site improvements in an amount up to \$1,544,535 and AUTHORIZE City Administrator to sign the contract documents.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>

Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

10. CONSTRUCTION CONTRACT: ROADWAY CRACK SEALING *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider a request to approve a bid with Kilgore Contracting to proceed with the application of asphalt crack seal products to several roads throughout Highland. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the City Council approved the FY23 budget including line items within the General fund and Capital Improvement fund road projects. Funding for the 2023 Crack Seal project will be allocated through the following line items:

- GL10-60-31 Rep. Potholes, Crack Seal, etc.: \$100,000.
- GL41-40-71 Major Road Maintenance: \$750,000.

Staff solicited bids for the 2023 Road Crack Sealing projects. The project is a treatment to help preserve and prevent accelerated deterioration of these roadways. Approximately 179,314 linear feet of road surface throughout the city will be crack sealed. Three companies responded to the solicitation:

- M&M Asphalt services: \$104,002.
- Kilgore Contracting: \$90,600.
- Morgan Pavement: \$99,048.

Based on the bid results, staff is recommending that the Council approve the Kilgore Contracting bid. Staff recommends that the City Council approve a contract with Kilgore Contracting for \$90,600, allocating a 10% contingency of \$9,060 to be administered by staff, for a maximum authorized project construction amount \$99,660 and authorize the City Administrator to execute the necessary contract documents for the project.

Council Member Kim Rodela MOVED that City Council APPROVE the contract with Kilgore Contracting in the amount up to \$99,600 for the 2023 Crack Seal Treatment project and AUTHORIZE the City Administrator to execute the contract documents.

Council Member Smith asked Mr. Spencer if he has been pleased with Kilgore Contracting's work in the past. Mr. Spencer answered yes, noting they are one of the larger asphalt contractors in the State of Utah.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

11. CONTRACT: CONTRACT WITH GENEVA ROCK FOR 6800 WEST ROADWAY PAVING *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider award of a contract to Geneva Rock Products, Inc. for roadway paving on 6800 West from 9600 North to 9673 North. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained that with the completion of the new portions of 6800 West, the poor condition of the asphalt immediately north of 9600 North has become abundantly clear. Geneva Rock will be replacing the intersection asphalt as a part of the 6800 West project. It is recommended that the asphalt also be replaced for approximately 625-feet north of the intersection. This will replace the asphalt from where the road narrows southward to the intersection. This section needs to be contracted and paid for separately because it is outside the scope of the MAG funded project. The cost of the overlay project is \$108,644. The total contact cost is \$119,508 which includes a 10% contingency. Funding for this expense is included in GL 41-40-71, Major Roads Maintenance within the FY23 budget. Staff recommends approval of the contracts with Geneva Rock for 6800 West asphalt replacement.

Council Member Smith referenced the map of the project area and asked if the road will eventually be widened in other areas. Mr. Spencer answered yes, but he is not sure when the widening will be necessary, and it is appropriate to repair this section of road at this time as part of the 6800 West project.

Council Member Sarah D. Petersen MOVED that City Council APPROVE the contract with Geneva Rock Products, Inc. for paving on 6800 West in an amount up to \$119,508 and AUTHORIZE the City Administrator to sign the contract documents.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

12. ACTION: AUTHORIZATION OF USE OF FUNDS FOR MOUNTAIN RIDGE PARK *General City Management - Erin Wells, City Administrator*

The City Council will hold a public meeting to consider approving the use of General Fund Fund Balance for Mountain Ridge Park.

City Administrator Wells stated the Council has previously authorized the use of several revenue sources for the construction of Mountain Ridge Park, as well as preliminary approval to use a portion of General Fund fund balance, which would reduce the fund balance to 27.5 percent of total annual General Fund revenues. Now that the FY22 audit is complete and FY23 Mid-Year Budget Adjustments have been approved by the Council, staff is prepared to give Council information regarding estimated fund balance for FY23. The FY22 audit put the General Fund fund balance at \$3,487,158. With mid-year budget adjustments that were just approved, the FY23 fund balance is estimated to be at \$4,174,182 at the end of the fiscal year (June 30, 2023). The higher fund balance comes largely from the change in methodology required by the state auditor regarding development related expenses. By state law, City entities must have a fund balance equal to between 5 and 35 percent of their

revenues for the year. In FY23, revenue is budgeted to be approximately \$14.3 million. 27.5 percent of that amount would be \$3.9 million. FY23 revenue is inflated with American Rescue Plan Act (ARPA) grant money. With it removed, revenue would be approximately \$12 million and 27.5 percent of that is \$3.3 million. The City is likely to return to closer to \$12 million in revenue in FY24. Given the extra ARPA money in FY23, staff feels it would be appropriate for the Council to authorize \$800,000 in General Fund fund balance for the use of Mountain Ridge Park. \$800,000 is the difference between the estimated fund balance of \$4.1 million compared to the \$3.3 million needed to achieve 27.5 percent Fund Balance for \$12 million in total revenue. Ms. Wells concluded, approving the \$800,000 transfer of General Fund Balance would bring the fund balance to approximately \$3.3 million. This would bring the total authorized funds for Mountain Ridge Park construction to \$8,556,424 (excluding the \$500,000 playground donation).

Council Member Scott L. Smith MOVED that the City Council authorize the use of \$800,000 of General Fund Fund Balance towards the construction of Mountain Ridge Park.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

13. CONSTRUCTION CONTRACT: MOUNTAIN RIDGE PARK ENTRY MONUMENT AND GAP 4 RIBBON LANDSCAPING *General City Management - Andy Spencer, City Engineer/Public Works Director*

The Council will consider approving a change order to Stratton & Bratt for the construction of an entry monument and sign for Mountain Ridge Park and a ribbon of landscaping within Gap #4 area. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on September 6, 2022, Council approved the use of various funding sources for the development of Mountain Ridge Park. To date, we show that \$7,643,270 has been spent or is contractually obligated for the park. This amount includes funds spent in prior years. Change Order #5 includes the park entry monument and a ribbon of landscape within gap #4. Early in the planning of Mountain Ridge Park, an entry monument was proposed, and the City Council discussed the design and funding of the structure. Stratton & Bratt has provided a cost estimate for this work in the amount of \$81,273. The monument would be constructed as designed by Blu Line Design and feature granite stone monoliths with a flat side to cut in park donor names. The ribbon of landscaping within gap #4 (south of the playground area) would be constructed after the playground is installed. This landscaping will act as a buffer between the playground and the future soccer field. Stratton & Bratt have provided a cost estimate of \$147,044. for this additional work. The total cost of Change Order #5 would be \$228,317 (\$251,149 with 10 percent contingency). The approval of Change Order #5 would bring the contractual cost of the park to \$7,871,587. With a 10 percent contingency, the contracted park budgeted expenditures will be \$8,658,746. As Council approved the Fund Use Balance from the previous agenda item, the current funding projection is \$8,556,424. This does not include the \$500,000 private donation to the playground, as the check has not yet come, but is anticipated in the next two weeks. Funding for the change order will be expensed from 40-40-78, Mountain Ridge Park.

Council Member Smith inquired as to the timeline of construction of the baseball diamond that is being donated by a local group. Council Member Rodela stated that plans are being finalized and work can commence fairly soon. Council Member Smith then addressed additional funding from the Foundation (\$15,000), a donation from Adobe (\$7,000), and a donation from Patterson (\$7,000); he noted he would like a large flagpole to be erected at the Park. Mr. Spencer stated that can be added.

Mayor Ostler then clarified that the costs discussed tonight do not include a soccer field or baseball diamond. Ms. Wells reviewed the map of the park and noted it does not include the soccer or baseball fields as well as other areas of the park that are highlighted in the color blue.

Council Member Smith stated that the cost of the park has dramatically increased; he understands the baseball field will be donated and he hopes other donations will be received, but he believes the City will ultimately be responsible to build the soccer fields and the trail around the park and he wondered if there is an estimate for those improvements. Ms. Wells stated that the areas that are not currently in the budget add up to approximately \$1.4 million; however, this estimate is based upon old bids and there is additional information about the scope of certain aspects of the project that will likely increase the costs. She feels additional funds can be raised and noted there are additional funding sources that have not yet been discussed with the Council. Council Member Smith stated it is important to communicate to the public that the Council is funding this project without bonding, which is quite an accomplishment.

Council Member Sarah D. Petersen MOVED that the City Council APPROVE the change order with Stratton and Bratt Landscapes, LLC, and authorize a contract amount of up to \$251,149 for Mountain Ridge Park, Change Order #5 and AUTHORIZE the City Administrator to execute the contract documents.

Council Member Kim Rodela SECONDED the motion.

Mayor Kurt Ostler clarified that this change order includes the monument signs.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Scott L. Smith MOVED to extend the meeting to 10:30 pm.

Council Member Kim Rodela SECONDED the motion.

All voted in favor and the motion passed unanimously.

14. 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. Mountain Ridge Soccer Fields - Erin Wells, City Administrator

City Administrator Wells stated that SURF Soccer has made a proposal for a 10-year lease of the City's Lone Peak soccer fields. They would pay \$200,000 at the beginning of the lease, maintain the fields, upgrade the

quality of the fields, and have priority field access for the duration of the lease. Staff has considered other users of the Lone Peak fields, which includes:

- North Utah County Soccer (NUCS)
 - Spring and Fall: Monday thru Friday evenings and Saturday
- Lone Peak High School (soccer, lacrosse, and band)
 - Spring: Monday – Friday afternoons
 - Summer: morning and Fall band
- Jr. Lacrosse Club
 - Spring and Fall
- Cedar Hills Flag Football

Council Member Smith asked if any of the above-mentioned users pay to rent the field space, to which Ms. Wells answered yes; all but Cedar Hills pay a rental fee, but even with those rental fees being paid, the City would not collect \$200,000 in a 10-year period from the other users.

Additionally, the following groups use the Beacon Hills field space:

- Jr. Lacrosse Club
 - Spring and Fall
 - Monday thru Frida
- NUCS
 - Spring and Fall
 - Saturdays for games

Administration is looking for direction from the Council regarding whether to pursue an agreement with SURF, which would require relocation of the current users of the field space. She also asked if the Council would like to invite proposals from other clubs, or only deal with SURF Soccer.

Council Member Bills asked if SURF has defined the term ‘priority field access’ for the Lone Peak fields. Ms. Wells stated it is her understanding that SURF would like to be the only athletic team using the fields, but the fields would be open to casual users when they are not being utilized by SURF. Council Member Bills stated she considers that to be exclusive use rather than priority use. Mayor Ostler agreed, but noted that SURF soccer will also maintain the field space.

Parks, Trails, and Trees Committee Chair Brian Braithwaite stated that maintenance is defined as mowing and fertilizing the turf at the fields, which is also very costly. An additional offering of SURF would be to make the field space available for Highland City’s recreation program use. They do want to have control of the space, but they are open to considering other potential uses. Mayor Ostler asked if SURF has indicated willingness to take care of the two fields at the park. Mr. Braithwaite stated they have indicated they will maintain all of the grass area at the park; this includes two soccer fields and a smaller grass area at the park. Council Member Bills asked if they want to fence the parks. Mr. Braithwaite stated they would like to fence the fields, but that is not a requirement for the agreement to move forward.

Council Member Smith wondered where the high school teams can relocate to if they are no longer able to use Lone Peak. Mr. Braithwaite stated that he is unsure where they will relocate to, but noted they are not paying to use the field space and their activities are causing damage to the turf. He stated they can easily use their own field space or other school properties. Council Member Smith stated that he would like to move forward with negotiation of the agreement with SURF Soccer. Council Member Rodela stated she would like to publish a formal request for proposals (RFP) to allow other groups to provide a proposal for a similar agreement; however, she is not opposed to working with SURF after that process has been completed. She is concerned about providing exclusive access to one group for a public space. Council Member Petersen stated she is supportive of continued negotiation with SURF, but she feels that \$200,000 for a 10-year period is too low. She is not as

concerned about publishing a formal RFP because this matter has been discussed publicly several times and the Council has not heard from any other group or club that is interested in this type of arrangement. Council Member Bills asked Council Member Rodela if she believes there are other organizations that would be interested in submitting a proposal, to which Council Member Rodela answered yes. Council Member Ball agreed and stated that he prefers the City publish a RFP. Council Member Bills stated it does not hurt to solicit formal bids from other interested parties. She inquires as to how long that process would take. Ms. Wells stated the process can be somewhat informal and it is not necessary to keep the RFP period open for too long. Council Member Petersen stated this arrangement has been discussed for a very long time and she does not want to keep SURF waiting too much longer; she asked that the RFP process be fairly short so that the City can provide SURF with an answer as soon as possible. Mr. Braithwaite agreed it would be best to provide SURF with an answer as soon as possible. He provided suggestions for criteria to be included in the RFP document in order to ensure that all responders have the same direction.

b. Trail Corridor Fencing Code – *Kellie Smith, Planner & GIS Analyst*

This item will be discussed at the next meeting.

c. GRAMA and Retention Schedule – *Rob Patterson, City Attorney*

This item will be discussed at the next meeting.

d. Bereavement Leave – *Brittney P. Bills, Council Member*

Council Member Bills stated she would like for the Council to amend the City’s bereavement leave policy to give City employees bereavement leave in the case of a miscarriage or stillbirth. Council Member Petersen stated she is supportive of such a change and noted that she also believes that someone who experiences a stillbirth should have extended leave similar to maternity leave; this is because someone who experiences a stillbirth still goes through labor and needs time to recover. The Council expressed a willingness to discuss and consider the suggested policy amendments.

e. Flood Preparation – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer provided photographs of the result of two separate flooding events that occurred on Wednesday, March 15. The City has pursued community outreach through several channels to let residents know that sand and sandbags are available to pick up at Highland Glen and in other locations throughout the City; there will also be a community sandbag filling day on April 15 where residents can fill sandbags for their own home or to assist the City in stockpiling sandbags. He presented a map to identify the priority locations where sand will be delivered, and sandbags can be filled. He stated that he is grateful to other departments of the City as well as many residents who came together to help respond to the flooding emergencies.

Council Member Smith stated that he believes that there will be ongoing flooding throughout the spring and summer months; but this may be a good opportunity to increase the level of Great Salt Lake over the course of the 2023 watering season.

Council Member Rodela asked if Highland City is able to provide support to neighboring cities that do not have the same resources as Highland. Mr. Spencer answered yes; he is willing to provide support and knows the same would be offered in return if Highland were in need.

Mayor Ostler stated the City has worked closely with the LDS Church on this issue because they have an emergency preparedness specialist, and they can communicate with residents throughout the City regarding the

importance of preparedness. He then thanked staff and the community for their response to the flooding; it was very difficult work, and many homeowners were overwhelmed.

Council Member Rodela stated that the Governor of Utah has issued an executive order offering State employees up to eight hours of leave to help contribute to flood mitigation or response.

f. Welcome to Highland Signs - *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented a map to identify the locations of seven newly installed 'Welcome to Highland' signs; he also presented photographs of each of the signs, after which he indicated that two additional locations have been identified for similar signs. He noted one of those locations is the Ridgeview pump building, which is at one of the natural entrances into the City; the sign would be located on a homeowner's association (HOA) owned property and they have asked for a sign that will compliment the architecture in their project.

Council Member Smith stated that the current Ridgeview sign is too small to read, and it is not aesthetically pleasing; he suggested that it be constructed using the red brick rather than river rock.

g. Alpine Food Storage Update - *Kurt Ostler, Mayor*

Mayor Ostler provided an update on the relocation of Alpine Food Storage by reading an email from Ms. Wadsworth. She communicated that the designer is working to furnish the space, a point-of-sale system has been installed, internet service is being installed tomorrow, they are working with the Fire Marshall on his demands, the kitchen can now be used, most painting is done, and lighting is being updated. He then noted they are still trying to move by the middle of April, but the date agreed to by the Council is the end of June 2023.

h. Budget Calendar - *Erin Wells, City Administrator*

City Administrator Wells reviewed the schedule of upcoming budget meetings.

i. Future Meetings

- March 28, Planning Commission Meeting, 7:00 pm, City Hall
- March 30, City Council Work Session, 6:00 pm, City Hall
- April 12, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- April 18, City Council Meeting, 6:00 pm, City Hall
- April 24, City Council Work Session 7:00 pm, City Hall
- April 25, Planning Commission Meeting, 7:00 pm, City Hall

14. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss items, as provided by Utah Code Annotated §52-4-205.

ADJOURNMENT

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

The meeting adjourned at 10:48 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 21, 2023. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder