



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL MINUTES**

**Tuesday, April 19, 2022**

**Approved June 7, 2022**

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

**VIRTUAL PARTICIPATION**

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

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

**6:00 PM WORK SESSION - FY2022-2023 BUDGET**

The City Council will discuss the FY2022-2023 budget.

The meeting was called to order by Mayor Kurt Ostler as a work session at 6:06 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

**PRESIDING:** Mayor Kurt Ostler

**COUNCIL MEMBERS**

**PRESENT:** Timothy A. Ball (arrived at 6:18 pm), Brittney P. Bills, Sarah D. Petersen, Kim Rodela, Scott L. Smith

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, City Engineer Andy Spencer, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Fire Chief Brian Patten, Library Director Donna Cardon

**OTHERS PRESENT:** Jon Hart

**FISCAL YEAR (FY) 2022-2023 BUDGET**

Finance Director Bahr used the aid of a PowerPoint presentation to facilitate discussion of the tentative Fiscal Year (FY) 2022-2023 budget; the budgeting approach that has been employed this year is a ‘bare bones’ approach, with one priority: maintaining qualified staffing. He addressed public safety wages, for which there has been a 21% Police and 27% Fire increase proposed. For general highland staff, a 6% increase is proposed, and benefits costs will increase by approximately 10%. He then discussed significant capital project items in the proposed budget:

FY2022

- Victor View Gravity line – Lift station elimination
- Well #4 – Drilling of Well
- Broadleaf Channel
- Streets Packages

### FY2023

- Another Phase of PI Meters
- 6000 West Pump Station
- Streets Maintenance Packages
- Trail Maintenance Packages
- Alpine Joint Venture

### FY2022 & Carry Over to FY2023

- Murdock Pump Station
- Pheasant Hollow Lift Station
- Country Club and Dry Creek Sewer Line Replacement
- Highland Glen Trail Project
- PI Meters – First 300 meters
- 6800 West Reconstruction
- Mountain Ridge Park

He noted that culinary projects were delayed in FY2023 due to minimal fund balance and a utility rate study has commenced to assess revenue needs. Additionally, the parks building project was unbudgeted and is pending final budget determinations. He then presented and reviewed three charts listing significant items that are unbudgeted. The grant total of these unbudgeted items is \$1.7 million.

There was brief discussion about grant programs from which the City can request funding; Council Member Smith asked if City Administration is considering all grant opportunities, especially for unfunded public safety items. Fire Chief Patten answered yes and added that the purchase of some needed equipment has been delayed until a future year given the other needs in the Public Safety District.

Council Member Smith referenced the purchase of 23 garbage cans for City parks; the Council has indicated support for placing cans in parks and he asked why that is listed as unfunded rather than being included in the budget. Mayor Ostler stated that given inflation in many other areas, he thought it would be responsible to continue discussion of that matter to ensure the Council wants to include it in the budget. Council Member Smith stated he understands; he added that he would also like to proceed with the parks building project. This is a project that has been discussed since 2013 and delaying it any further will only result in increased costs.

Council Member Bills referenced the playground replacement project at Mitchell Hollow Park and noted that she does not think that project is necessary; rather, the sand at the park needs to be replaced. City Manager/Community Development Director Crane stated that when the City conducted the public survey aimed at ranking all playgrounds, that was the highest ranking in an open space subdivision and that is why it was included in the list.

Mr. Bahr then discussed revenues versus expenses; preliminary estimates indicate that it is necessary to generate an additional \$650,000 to fund public safety. The draft budget includes this additional funding by way of a Public Safety Fee increase from \$11.50 to \$23 per month. He then referenced the General Fund and ongoing revenues versus expenses, presenting the following three scenarios:

1. Include all unbudgeted items = needing an additional \$471,000 in revenue, plus a public safety fee of \$19.25 per month.
2. Include no unbudgeted items = net revenue of \$188,000, or a public safety fee of \$11.50 per month.
3. Include \$400,000 for decided upon unbudgeted items = needing an additional \$223,000 in revenue and a public safety fee of \$15.25 per month.

He then concluded that key milestones in the budget process are as follows:

- April 13 – District approved its tentative budget
- By April 30 – Cities approve District’s tentative budget
- May 3 – City approve its tentative budget
- May 11 – District adopts its final budget
- June 21 – City adopts its final budget (law requires no later than June 22)

Staff is seeking direction from the Council regarding unbudgeted items to be included in the FY 2022-2023 budget.

Council Member Timothy A. Ball arrived at 6:18 pm.

Mayor Ostler facilitated discussion among the Council regarding the items listed in each of the three scenarios presented by Mr. Bahr; he solicited feedback from the Council regarding items be included or struck from the budget. There was a focus on the difference between fees and property taxes as a funding source for the City. Several Council Members expressed concern about increasing taxes and/or fees given the impact that inflation is presently having on City residents. They also expressed concern about increasing or establishing fees that may be legally challenged in the future. City Attorney Patterson noted that both fees and taxes are subject to a citizens’ referendum, but fees can be legally challenged. A road fee charged in Pleasant Grove City has been legally challenged, but there has been no threat of litigation for the City’s public safety fee. However, he indicated that the more legally sound way of increasing revenue is to increase the City’s property tax rate. Mayor Ostler stated the City Council could decide to maintain or even increase the public safety fee but wait to spend any revenues associated with the fee until a court ruling is issued. Council Member Smith stated that another option would be to not increase the fee until the court ruling is issued. Mr. Bahr noted that the revenue estimates included in his three scenarios are based upon 12 months of revenue generation; if the Council decides to delay a fee increase, those estimates will need to be adjusted accordingly. Mayor Ostler added that there are an additional \$600,000 in budget requests for public safety and the fee increase would be effective July 1. Council Member Smith stated that the fee could be increased to \$15.25 as a \$3.00 per month increase is not as concerning as other options that have been recommended. He stated funding for public safety is a compelling argument for increasing the fee, but if the City loses the road fee next year, it will be necessary to make some difficult funding decisions. Mayor Ostler agreed but noted that it is necessary for the Council to make a decision on the public safety fee as soon as possible. He asked if there is consensus to increase the fee effective July 1. The Council reached consensus to increase the fee effective July 1 according to the information communicated under scenario three.

The work session ended at 7:10 pm.

**7:00 PM REGULAR SESSION**

- Call to Order – Mayor Kurt Ostler
- Invocation – Council Member Timothy A. Ball
- Pledge of Allegiance – Council Member Scott L. Smith

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:19 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 Timothy A. Ball and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith.

**PRESIDING:** Mayor Kurt Ostler

**COUNCIL MEMBERS**

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

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, City Engineer Andy Spencer, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Library Director Donna Cardon

**OTHERS PRESENT:** Jon Hart, Charlie Thurston, Stephen Stowe, Lindsey Skidmore, Spencer Robison, Meagan Skidmore, Rick Maloy, Savannah Petersen, Steve Maddox, Travis Maddox, Rochelle Broadhead, Brady & Kristen Giles, Darci Brunson, Jen Wakeland, Roger Michelson, Tatiana Lindsley, Todd Trane

## 1. UNSCHEDULED PUBLIC APPEARANCES

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

There were no public comments.

## 2. PRESENTATIONS

### a. Youth Council – Youth Council Representative

A Youth Council representative will present a report to City Council on their recent activities and upcoming events.

Lindsay Skidmore reporting on the City’s Easter Egg Hunt, which was a great success. She added that there will be an event this Thursday where the community can hear from Senator Mike Kennedy and members of the City’s Governing Body. Mayor Ostler briefly summarized the format of that event.

### b. Central Utah Water Conservancy District – Rick Maloy, Water Conservation Manager

Rick Maloy will provide a presentation to City Council on conservation and the programs Central Utah Water Conservancy District offers.

Rick Maloy, Water Conservation Manager, navigated the Central Utah Water Conservancy District’s website to identify resources available to residents relative to water conservation. He then used the aid of a PowerPoint presentation to discuss programs, rebates, and tools available to residents to help in saving water. Throughout his presentation, he engaged in high level discussion with the Mayor and Council regarding eligibility for various grant and rebate programs, such as the “flip your strip” program; waterwise landscaping classes; and landscape leadership grant, which is open to commercial and residential users. Mr. Maloy then discussed the District’s recommendations for water efficiency standards, or water-efficient ordinances for new development. The area continues to grow rapidly, and it is expected that the demand for water will exceed the existing reliable supply and potential future supply if conservation is not a priority. The purpose of water efficiency standards is to conserve the public’s water resources by establishing conservation standards for indoor plumbing and outdoor landscaping. The District recommends WaterSense labeled indoor fixtures and low flow rates for plumbing fixtures. Outdoor landscaping standards and irrigation requirements should be imposed on new and rehabilitated landscaping, including smart controllers; mulch; reduced percentages of lawn, moving in the direction of functional turf. Localscapes requirements for residential landscapes include the following:

- Designed central open shape using lawn, hardscape, groundcover, gravel, or mulch
- Gathering areas – constructed out of hardscape and placed outside the central open shape
- Activity zones – located outside the central open shape and surfaced with material other than lawn
- Paths – made from material that does not include lawn such as hardscape, mulch, or groundcover

- Lawn areas shall not exceed the greater of 250 square feet or 35% of the total landscaped area

There shall also be consideration for small lots; small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement of the landscaping requirements, are exempt from the 8 feet minimum width lawn area requirement. For commercial, industrial, and multi-family, common area landscapes shall not exceed 20 percent of the total landscaped area outside of active recreation areas.

Mr. Maloy then invited any City representative or resident to reach out to him if they need any assistance navigating any of the District's programs or gaining an understanding of recommended waterwise ordinances.

Council Member Smith thanked Mr. Maloy for the information provided tonight and for the resources the District has created for residents. He then asked Mr. Maloy if the District has made any projections regarding future water availability or continuing drought conditions. Mr. Maloy stated that the District has examined sites throughout the Valley and the drought continues to impact all reservoirs. Aquifers in the area can be viewed as unseen reservoirs, but it is difficult to understand the health of those aquifers. The District is considering sites for new reservoirs and/or using water sources to recharge the aquifers. Council Member Smith asked if it is possible to stop the flow of rivers in order to recharge aquifers. Mr. Maloy stated if there were no environmental restrictions on the rivers, there could be a benefit to stopping the flow to recharge aquifers. Mayor Ostler asked if different wells that are dug at different depths are tapping different aquifers. Mr. Maloy stated that could be the case; a shallow well could be tapping a shallow aquifer, but a deeper well for culinary water would be tapping a different aquifer. The State of Utah has performed ground water studies to determine drawdown and health of the supply; this information can be used to project resource availability for future development.

Council Member Rodela encouraged each Council Member to work with the District to modify their own yards in order to lead by example. Mr. Maloy stated he would love to help the Council with that kind of initiative.

Council Member Ball asked how the District arrived at their water savings estimates based upon landscaping conversion suggestions. Mr. Maloy stated that the standard is to apply 40 inches of water for a regular lawn, but most people with a quarter-acre or larger lawn use 250,000 to 500,000 gallons of water per year. He stated that some assumptions have been made regarding turf a 90 percent turf reduction for commercial properties and a 50 percent turf reduction for residential. A study in the Jordan Valley Water Conservancy District is underway by which a new development with waterwise landscaping is being monitored; at the end of the study, there will be two years of data available to determine the reduction of water. Council Member Ball asked what will happen if the State continues to experience current growth rates as well as drought conditions. Mr. Maloy stated that some growth is built into water availability calculations, but for some cities, lack of water will be a limiting factor for future development. Council Member Ball stated that there are some conflicting mandates from the State Legislature; the State is requiring some high-density development in each City but is also encouraging water conservation. Mr. Maloy stated there will be some natural conservation associated with high density development because there will be smaller area of landscaping; indoor water usage in high density is similar to in single-family residential development, but there is a tipping point when considering outdoor watering. Council Member Ball stated that he is concerned that there is a maximum amount of water available in the State, yet people continue to move here, and that drastic growth is taxing available resources. Mr. Maloy agreed; sustainable growth and water conservation are key for the State of Utah. Council Member Smith agreed; he noted that culinary water in Highland is provided through wells and the demand for culinary water increases in high density development.

### **3. CONSENT ITEMS** (5 minutes)

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

- a. **Approval of Meeting Minutes** *Administrative – Stephanie Cottle, City Recorder*  
Regular City Council Meeting – March 15, 2022
- b. **Capital Purchase: Approval To Purchase A Jacobsen Lawn Mower** *Administrative – Andy Spencer, Public Works Director/City Engineer*  
City Council will consider the purchase of a Jacobsen Lawn Mower from RMT to be added to our parks maintenance equipment fleet. The mower will be used by the City parks staff to perform daily parks maintenance.
- c. **Final Plat: Minor Subdivision - Maddox Subdivision** *Administrative – Kellie Smith, Planner & GIS Analyst*  
The City Council will consider a request by Travis Maddox for Final Plat approval for Maddox Subdivision, a proposed 2-lot single family minor subdivision with a remnant parcel for future development located at approximately 4764 W 11200 N. The City Council will take appropriate action.
- d. **Plat Amendment: Mercer Hollow Estates Lot 11 Amended (PA-22-03)** *Legislative – Kellie Smith, Planner & GIS Analyst*  
The City Council will consider a request petitioned by Kristian and Jamie Johnson. The request is to combine the existing lot located at 11869 N Cyprus Drive with property that the applicant purchased from the City. The City Council will take appropriate action.

*Council Member Kim Rodela MOVED to approve consent items a, b, c, and d.*

*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.*

**4. ACTION: FY 2022-2023 LONE PEAK PUBLIC SAFETY DISTRICT BUDGET**

*Administrative – Tyler Bahr, Finance Director*

City Council will consider Lone Peak Public Safety District’s tentative budget, including an increase in Highland City’s assessments to fund the District. The Council will take appropriate action.

Finance Director Bahr reported that staff is requesting Council consideration of the Lone Peak Public Safety District (LPPSD) 2022-2023 budget. The District’s Board adopted its tentative budget on April 13, including salary increases as well as estimated benefit cost increases. Upon approval of both the Highland and Alpine City Councils, the Board is scheduled to adopt the District’s budget on May 11. The Fiscal Year (FY) 2023 budget includes expenditures totaling \$8.1 million and areas of focus include:

- Retention and recruitment of employees via wage increases and improved benefits;

- Administration:
  - Dispatch (assessed directly to each City)
  - Budget reflects three-percent increase in Admin wages – now six percent.
- Police:
  - Purchase four new vehicles.
- Fire:
  - Uniforms;
  - Vehicle maintenance;
  - Insurance.

Chiefs Gwilliam and Patten then provided a summary of services provided by both the Police and Fire Divisions of the District.

Council Member Smith stated he has noticed an increase in certain traffic violations and bad behavior at a specific intersection in the City; he asked if the Police Department has stepped up enforcement in some of those areas. Chief Gwilliam stated that he has not increased patrol in those areas at certain times as there are other things that have taken priority and his staffing levels are decreased. He has had a hard time filling many positions, including crossing guard positions. He stated that this is a problem that is occurring in all cities and there are certain intersections where there is dangerous activity. Council Member Smith disagreed; there is one very bad intersection, and the City is contemplating a widening project that would be very disruptive to residents and motorists. It seems that one way to resolve the problems at the intersection would be to increase enforcement during school hours. He disagreed that enforcement at that intersection is not important, especially when the Police Department is asking for increased funding. Chief Gwilliam stated he is not saying that it is not important; rather, he is saying he does not have the staff to increase enforcement at the intersection. Council Member Smith asked if Police Officers are ever at the intersection other than when responding to an accident. Chief Gwilliam answered yes, though there may not be a patrol vehicle stationed at the intersection. Truthfully, there are not a lot of places for a patrol vehicle to park where they would not be obstructing traffic; it is difficult to watch that intersection.

Mayor Ostler stated that the problem is not necessarily that there is no police vehicle stationed at the intersection; rather, the problem may be distracted driving and motorists getting on their cell phones when waiting in a long line of traffic at the intersection. He asked if there are opportunities for educating drivers about the impacts of that behavior. Chief Gwilliam answered yes; there are even distracted driving shifts offered by the State of Utah and Departments are reimbursed for patrolling and citing for distracting driving, but his Department has been unable to participate in those activities due to inadequate staffing. Mayor Ostler asked what can be done to improve the intersection other than having an officer present. Chief Gwilliam stated there is nothing he is aware of.

Council Member Smith stated that students park illegally on 9<sup>th</sup> Avenue rather than in school parking lots; he asked if Police Officers can issue parking citations for that activity. Chief Gwilliam answered yes and indicated that his officers have been doing that, but students continue to park there. He stated the City needs to work with school administration to educate the students on these issues.

Council Member Rodela indicated that the presentation materials for this item indicate that 73 percent of Police calls are from Highland, and she asked if the District knows what percentage of those calls are associated with State Road 92. Chief Gwilliam answered no but indicated he can get that information and report back.

Council Member Smith then stated that the Police Department has requested a 21 percent increase in order to be competitive; he understands the request to increase salaries but wondered why benefits are also be increased by double digits. Chief Gwilliam stated that retirement benefits are mandated by the State of Utah. Council Member Smith stated that most residents are not experiencing a 30 percent increase in their retirement benefit, and he

needs a better understanding of the justification for that increase in order to communicate with residents. Chief Gwilliam stated that the benefit that employees will be receiving is not going to increase; rather, the cost of providing that benefit is increasing and that is the dollar amount the District is paying to the State of Utah. Mr. Bahr agreed. He added that the costs for medical benefits are increasing due to changes in the medical package that employees are subscribing to; this is a matter that is out of the District's control.

Council Member Smith then asked for information about replacement vehicles; when the public safety fee was implemented in 2019, the District acquired new vehicles at that time, and he asked why it is necessary to buy more vehicles this year. Chief Gwilliam stated the vehicles included in the tentative budget are replacement vehicles; patrol vehicles must be replaced every five years or every 120,000 miles. There are four vehicles that meet those criteria and are starting to cost the District a significant amount of money in maintenance costs. Council Member Smith asked if Officers are allowed to drive vehicles home, to which Chief Gwilliam answered yes. Council Member Smith asked if all Officers live outside of the District service area, to which Chief Gwilliam answered yes. Council Member Smith noted that activity adds to mileage and wear and tear on the vehicles. He then asked where revenue generated by citations is deposited. Mr. Bahr stated that the revenue is collected by the State court system and is then delivered to Highland City. Council Member Smith asked for an explanation of the court revenue item included in the budget. Chief Gwilliam stated that when an officer is subpoenaed to attend court, they receive a nominal stipend for appearing in court; they can either take that money or forgo it and claim the time they spent in court. Council Member Smith asked additional questions regarding line items related to Government Records Management Act (GRAMA) requests handled by the District; grant programs for the purchase of pistols; and beer tax revenues. He then asked if the increases being requested this year will be sufficient to sustain the District for several years or if this type of request will be made each year going forward. Chief Gwilliam stated he feels the proposed adjustments will sustain the Department for the next three to four years. Mayor Ostler added that the market that controls the public safety field has shifted dramatically, and it has become very difficult for police departments to be competitive. Chief Gwilliam agreed and stated that it has become impossible for him to be competitive; he is down seven officers after five have moved to other agencies and he has been unable to backfill those positions.

Council Member Smith then addressed Chief Patten and asked him to summarize the benefits of having six full-time fire fighters in each station. Chief Patten stated that his overall staffing numbers will not change based upon the shift from part-time to full-time. However, the District has greater control over full-time employees versus part-time employees. When relying upon part-time employees, it is harder to be fully staffed around holidays. His staffing proposal will guarantee that he can always have six employees.

Mayor Ostler asked Chief Patten to explain the purpose of the holiday pay benefit that will be offered to Fire Fighters. Chief Patten stated that in January he proposed that for employees who do not use any of their holiday time, they will receive a pay out at the end of the calendar year. If an employee works on a holiday, they receive an additional day in leave to use throughout the year. They can use that time for regular leave, but others are accruing it at higher rates. He would rather pay those employees for their unused leave rather than having them 'burn' large amount of leave at one time forcing him to bring in part-time employees and paying both. He stated the holiday pay benefit should actually result in cost savings for the District.

Council Member Smith then stated that the District provides fire service up American Fork Canyon with compensation from Utah County for that service. Chief Patten stated that service is for structure fire protection only and he is currently negotiating to receive reimbursement or compensation for medical response. Council Member Smith stated there were 73 calls for service in American Fork Canyon last year; when looking at revenue, he noticed \$2M comes from Highland and \$1.1M is from Alpine, but the District only received \$5,300 in reimbursement from the County. He asked if that is correct. Chief Patten stated that reimbursement is for structure protection, and he has asked that the assessment be reevaluated so that can be adjusted to allow for reimbursement for all service response. Council Member Smith stated it is imperative that formula be adjusted to ensure that the District is being fairly compensated for response up the canyon. Mayor Ostler and Chief Patten agreed.

Council Member Rodela asked if the District is making money on wildland fire response; she noted that she could not find a revenue estimate for that service in the tentative budget. Chief Patten stated that there is a revenue expectation, but it is difficult to project what that will be. Mayor Ostler asked how wildland revenue is being used. Chief Patten stated that it is typically used for equipment and apparatus for wildland response, though it has been used to supplement other areas of the budget for one-time purchases.

Chief Gwilliam then re-approached and answered Council Member Rodela’s question about the percentage of calls associated with State Road 92; in 2021, there were 378 calls on Timpanogos Highway, which accounted for 3.8 percent of all Highland City calls.

Mr. Bahr then discussed the funding sources for the District:

**Ongoing**

Alpine School District Contract (Police) – \$72K  
Charges for Services (EMS) – \$400K  
Utah County Contract – \$5,300 (renegotiating)  
Other – \$22,875

**One-time**

Wildland deployment – varies significantly, depends on occurrence of fires out of state  
Grants (Fire/Police) – \$12,800

**Assessments**

Population based  
Equivalent Residential Unit (ERU) based

Highland’s combined assessment was \$4,274,565 in FY2022 and the proposed combined assessment for FY2023 is \$4,955,512. This represents an increase of \$680,947 – or 16 percent – over the prior year. The District has identified savings in the following:

- Part-time wages
- Dues, subscriptions
- Station supplies
- Postage, printing
- Professional & technical services
- Protective clothing

Additionally, charges for services (revenue) increased from \$325,000 to \$400,000. Mr. Bahr concluded by reviewing the timeline for budget adoption, noting staff recommends the Council approve the LPPSD FY2022-2023 tentative budget.

*Council Member Sarah D. Petersen MOVED that City Council approve Lone Peak Public Safety District’s FY2022-2023 tentative budget.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

*Council Member Timothy A. Ball                      Yes*

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

*The motion passed 5:0.*

**5. ACTION: AUTHORIZATION TO PROCEED WITH A REVENUE INCREASE (FEE OR TAX) FOR THE FY23 FISCAL YEAR BUDGET** *Administrative - Nathan Crane, City Administrator/Community Development Director*

The City Council will discuss authorizing staff to prepare for a revenue increase (fee or Property tax) for the FY23 Fiscal Year Budget. The Council will take appropriate action.

City Administrator/Community Development Director Crane stated there is a need to address additional revenue generation for the City; City Administration is looking for direction from the Council regarding the direction in which to proceed in preparing messaging material that will be sent to citizens regarding either a property tax or fee increase in Fiscal Year (FY) 2023.

Mayor Ostler stated that during tonight's work session, there were three scenarios communicated to the Council and he facilitated discussion among the Council regarding the direction they would like to provide to City Administration. Council Member Smith stated he is leaning towards increasing the fee as communicated in option three; it is important to keep in mind the impact that inflation is having on residents at this time. He would like to wait on increasing property taxes until a time in the future when court decisions are made on certain fees charged by municipalities.

Mayor Ostler clarified that option three included a recommendation to increase the current \$11.50 per month public safety fee to \$15.25.

Council Members Petersen and Bills agreed with Council Member Smith. Council Member Rodela also agreed; she noted that the City will be considering a property tax increase next year and she does not want to increase taxes two years in a row. She added, however, that she has concerns about the fact that fees are not as transparent as taxes. She supports option one, which would increase the public safety fee to \$19.25 per month; she feels that fee increase has been justified and she would prefer to make the correct decision the first time rather than increasing the fee to \$15.25 now, only to increase it again next year.

Council Member Ball agreed with Council Member Rodela; he is concerned about the legal ramifications of certain fees being imposed, but he is reluctant to consider multiple tax increases year after year. Council Member Petersen agreed that it will likely be necessary for the City to increase taxes next year; that is why she supports a lower fee this year. If the City raises the fee to \$19.25 and then increases taxes next year, that will be very impactful to residents.

Mayor Ostler then invited public input on the three scenarios that have been presented. There was no public comment.

Mr. Crane stated that this matter will be included on the May 3 agenda for continued discussion and possible action.

## **6. ACTION: SAFETY IMPROVEMENT PROJECT AT THE INTERSECTION OF NORTH COUNTY BOULEVARD AND TIMPANOGOS HIGHWAY**

*Administrative – Andy Spencer, Public Works Director/City Engineer*

The City Council will consider proceeding with a funding application with Mountainland Association of Governments for an intersection safety improvement project at North County Boulevard and Timpanogos Highway.

Public Works Director/City Engineer Spencer stated that per the discussion in the April 12, 2022 City Council work session, the project that has been recently discussed at the corner of North County Boulevard and Timpanogos Highway has been revised to focus the design on those elements necessary to address safety concerns at the intersection. He presented an updated conceptual drawing of the intersection improvements, identifying the following adjustments aimed at improving safety:

- Lanes align through intersection for safety.
- Roadway shoulders for safe driveway exits and bicycle lanes.
- Completing center two-way left turn lane for safe turning movements.
- Multi-use trail on the east side to allow for safe pedestrian passage to City border.
- Safe pedestrian crossings.

Council Member Smith stated that last week the Council heard from a representative of the Utah Department of Transportation (UDOT), and he indicated there could be one north bound and one south bound lane, but he asked if the updated drawing represents that. Mr. Spencer stated that in that meeting, there was discussion of the north and south bound lanes and aligning the lanes through the intersection. Council Member Smith asked if the drawing includes a center turn lane. Mr. Spencer stated there is presently a center turn lane. Council Member Smith asked if the width of the road will be increased. Mr. Spencer stated that the width will not be increased beyond what has already been envisioned; improvements will include the trail and pedestrian facilities on the east side and aligning the lanes through the intersection. Council Member Smith inquired as to the amount of land the City will need to acquire on the east side to facilitate those improvements. Mr. Spencer stated he is not sure, but he does not expect it will be necessary to acquire much more than 15 feet. He stated that this concept could be submitted to the Mountainland Association of Governments (MAG) for a funding decision and once that decision is made, the City will have time to determine design details for the project.

Council Member Bills asked if there will be an impact to properties on the west side of the road. Mr. Spencer answered no, all improvements within Highland City will take place on the east side of the road. Council Member Bills thanked staff for the amount of work they have done to adjust the plans for this project responsive to citizen feedback the Council has received.

Mayor Ostler then discussed the timing of the application for MAG funding; UDOT has identified this area as one of the top 20 most dangerous intersections in Utah County and he made the decision to add this item to the agenda to give the Council the opportunity to provide direction on proceeding with application for MAG funding. He discussed his understanding of the improvements at the intersection and noted they primary reason for the improvements is to improve safety at the intersection. Mr. Spencer stated that is correct.

Council Member Rodela stated it is important to communicate to residents that this is not the final concept plan for the project; rather, this is draft plan that can be provided to MAG to accompany an application for funding. Once funding is awarded, the City will have the opportunity to proceed with final design of the project. Council Member Smith stated that the only concern would be for MAG to respond to the City's application with a directive that five-lane road be constructed. Mr. Spencer stated that UDOT has indicated they will not force a solution on a community that the community does not desire; MAG is in the same position and if the local entity does not want to proceed with a project, MAG can not require such a project. Mayor Ostler added that the City's

transportation plan does not include a five-lane road project; MAG has indicated they cannot and will not make recommendations on a project that is not included in that plan.

Mayor Ostler then invited public input at 9:17 p.m.

Stephen Stowe stated he is concerned about the potential for changes to the scope of the project once it is submitted to MAG for consideration. He stated he is concerned about the lack of notification the residents who live on the roadway have received regarding this agenda item. He acknowledged that the intersection does not align properly and there have been efforts to address that issue in the past. He addressed Police Chief Gwilliam's comments earlier about the lack of room on the roadway for patrol officers to park for enforcement purposes. He stated there is sufficient room because people gather on the road shoulder to panhandle. He offered his property as a space for police officers to park. He then noted that last week, UDOT indicated that the problems with the road are structural, not safety related. He stated that he and his family want the road to be safe, but he is not sure how the Council can take a vote based on the information that has been presented tonight; it seems that this issue has been rushed. After the meeting last week, he asked the UDOT representative which project option he supported, and that individual did not have an answer. He stated that he feels that the current concept plan is a step in the right direction, but he is concerned that it is not set in stone before being sent to MAG for consideration. He stated that he is concerned that the City is turning this matter over to another entity that could take control and make a decision that does not benefit the City.

Rochelle Broadhead stated that when residents are working on a project, they must have a firm plan that they submit to the City before being issued a permit. He stated that the same should be true for the City and MAG funding; Cottonwood Heights lost control of a project in their City because MAG has taken over. She stated that she will send a media article to the City Council regarding that matter. She stated that she feels there are alternate solutions for the Council to consider, including automatic traffic cameras and distracted driving cameras. Increasing enforcement of these issues could increase revenue for the City. She then added that in Alpine, the speed limit is 35 miles per hour, and she suggested that the speed limit be lowered in Highland as well. She stated she is concerned about the potential for future development along the roadway and she feels that it is necessary to consider another entrance/exit point in Alpine to accommodate growth.

Spencer Robison thanked the Mayor and Council for listening to residents' concerns and supporting a three-lane road rather than a five-lane road.

Tatiana Lindsley stated she is an Alpine resident and she also thanked Highland City for their efforts on this project. She stated that decisions have been made too quickly in Alpine City. Residents understood that the deadline for applying for MAG funding had passed and that they had a year to 18 months to research other solutions to the issues both Highland and Alpine are dealing with. However, the City is still able to proceed with applying for funding and it still feels rushed. She understands there is a safety issue on the roadway, but she would prefer that residents have a clearer understanding of what is being considered before another entity is given control of the project.

There were no additional persons appearing to be heard and the Mayor closed the public comment period at 9:28 p.m.

Mayor Ostler asked Mr. Spencer to respond to the concerns about the ability for MAG to take control of the project. Mr. Spencer stated that MAG is not the administer of the project; they fund projects at a city's request and after funding is awarded, the respective city hires a designer and administers the project. The City will be in the driver's seat on this project and MAG and UDOT will not drive projects that are not supported by communities. Mayor Ostler then summarized the manner in which the subject project has changed over the last several months; he asked if the Council wants to proceed with applying for funding to help address safety concerns or if they want to wait two years to finalize the concept plan for the project and reapply for MAG funding.

Council Member Smith referenced the Canal Boulevard project; it was designed by the City and UDOT built it using MAG funds. He is confident the City will be in charge of design of this subject project, not MAG. But MAG will have some input on the design as has been in the case in past projects. Mr. Spencer stated that is correct; the City will take all comments from the public and the Council and use that information to inform the design. MAG will have some input, but the City will be in the driver's seat. He stated he feels this project identifies a core need in the City and he does not believe the Council will lose control of the design. City attorney Patterson added that the City will be in control of the process to acquire property needed to facilitate the project.

Council Member Rodela stated she is in favor of proceeding with applying for funding, especially after hearing from UDOT that the intersection is in the 20 most dangerous in Utah County. Council Member Bills agreed and noted that she appreciates the concern about government changing its mind frequently; she acknowledged that government revisits certain items frequently, but she feels this project has come full circle and it is important to proceed based upon the desire to improve safety of the intersection. She feels that the road is currently very dangerous for drivers and pedestrians, and she does not want to make a decision that will result in the City waiting for two years to apply for MAG funding again.

*Council Member Kim Rodela MOVED that the City Council APPROVE the updated intersection concept drawings presented and proceed with the Mountainland Association of Governments application for funding of necessary safety improvements at the intersection of North County Boulevard and Timpanogos Highway.*

*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.*

## **7. CONSTRUCTION CONTRACT: MOUNTAIN RIDGE PARK – PHASE 1 IMPROVEMENT PROJECT** *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider entering into a construction contract with Stratton and Bratt Landscapes, LLC for the construction of Mountain Ridge Park – Phase 1, including the two bid alternates. The Council will take appropriate action.

Public Works Director/City Engineer Spencer stated that as directed by the Council, staff has obtained bids for the first phase of Mountain Ridge Park. This project includes the construction of the primary parking lot and utility infrastructure along 10400 North in preparation for the forthcoming phases of the Mountain Ridge Park construction. The base bid includes the center portion of the parking lot, the primary utilities, and the 10400 North improvements. The parking lots to the east and west were included as bid alternates. The bids also include the associated landscaping between the parking lots and 10400 North for each portion. At the April 12, 2021, Council meeting, the Council directed staff to prepare the bid award for three portions of phase one. Bids for the remainder of the park improvements will be solicited in the future. Staff recommends that the City Council approve the contract with Stratton and Bratt Landscapes, LLC for \$1,904,932.58 allocating a 5% project contingency of

\$190,492 to be administered by staff, for a maximum authorized project construction amount of \$2,095,416 and authorize the City Administrator to execute the necessary contract documents for the project.

Council Member Smith stated that he is close to the Bratt family, who founded Stratton and Bratt Landscapes, LLC firm; he will recuse himself from voting on this matter given that personal relationship. He then stated that he hopes the City will pursue some private funding/donations for the project. City Administrator/Community Development Director Crane indicated City Administration will continue to work on those matters.

*Council Member Timothy A. Ball MOVED that the City Council APPROVE the contract with Stratton and Bratt Landscapes, LLC and authorize a contract amount up to \$2,095,416 for the Mountain Ridge Park – Phase 1 project including bid alternates 1 and 2 and AUTHORIZE the City Administrator to execute 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>Recused</i>

*The motion passed 4:0.*

Mayor Ostler then moved to item nine and indicated item eight will be considered at the end of the meeting.

## **9. DISCUSSION: ENCROACHMENT POLICY** *Legislative - Rob Patterson, City Attorney*

The City Council will review and discuss an encroachment policy prepared by Highland City staff. The Council will take appropriate action.

City Attorney Patterson explained the City Council has discussed issues regarding encroachment onto City-owned property. The Council directed staff to draft an encroachment policy addressing existing encroachments as well as maintenance agreements. He then provided a short outline of the draft policy as follows:

1. Background and Purpose
2. Permitted and Prohibited Encroachments
  - a. Definitions of ‘encroachment’, ‘public property’, and examples of private use of public property.
  - b. Encroachment and maintenance agreements
3. Encroachment Removal Procedures
  - a. Voluntary compliance
  - b. City-enforced compliance procedures
  - c. No waiver of rights

He noted the goal of tonight’s agenda item is to discuss the draft policy, no action is necessary at this time.

Council Member Bills discussed incidents that have occurred recently where the City has needed to access City-owned property but has been unable to because of encroachment issues. There are several areas of the City where private residents are using taxpayer owned property for their own benefit. The letter that was sent to residents

about this issue generated public discussion of the matter, and it is important to communicate to the residents the City's intentions. The main goal of the policy should be to protect City property for the benefit of the public.

Mayor Ostler thanked Council Members Bills and Petersen for their work on this issue. The Council will need to make difficult decisions regarding an encroachment policy and how to handle individual properties where encroachment has occurred. Council Member Petersen stated it will be necessary to consider each property on its own merits to determine if encroachment agreements will be considered. Council Member Ball agreed and asked if the group working on this issue has identified criteria or a methodology upon which the decision to allow an encroachment agreement will be based. Council Member Petersen stated that has not been done yet, but it is important; criteria for allowing an encroachment agreement should be based upon whether the public benefit of the property is preserved even if the encroachment is allowed to continue. She stated that this will be a very emotional issue and the Council should be prepared to deal with that emotion.

Discussion among the Council then centered on the difference between maintenance agreements and encroachment agreements, with Council Member Smith noting he prefers to use the term 'maintenance agreement' and suggesting that the language in the agreement be softened to address the concern that the agreements are punitive rather than positive. Council Member Bills agreed but noted that in some cases where residents have used City property as their own, they are using water that they should not have access to. She acknowledged that on some properties where encroachment has occurred, the City's abutting property, such as trails, has been beautified.

Mayor Ostler asked that the Committee evaluate the current language in the maintenance agreements and come back to the Council for continued review and discussion. Council Member Petersen asked if the Committee should look at each property individually and make a recommendation to the Council. Council Member Rodela stated that consideration of a policy is more important before each property is considered.

The Council engaged in general discussion of the important components of an encroachment policy; they ultimately concluded that they would like to consider all items relating to encroachment during the same meeting. Council Member Smith thanked Council Members Bills and Petersen for their participation with the committee that was tasked to consider this complicated issue.

**8. ACTION: CONSIDERATION OF AMENDMENT #1 OF THE DEVELOPMENT AGREEMENT WITH MILLHAVEN DEVELOPMENT, LLC.** *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider approving modifications to the development agreement with Millhaven Development, LLC for the reimbursement of roadway and trail costs. The Council will take appropriate action.

Public Works Director/City Engineer Spencer explained that in April 2021, the City entered into a development agreement with Millhaven Development, LLC for the costs associated with the completion of Madison Avenue, 10200 North, and to install the trail in Mitchell Hollow. At the time of the agreement, there were a few costs that had yet to be finalized, additionally unforeseen inflation in construction costs have caused the final costs to exceed what was anticipated at the time. On August 17, 2021, the Council authorized the expenditure of up to \$167,438 for the construction of the trail between the existing homes to the east of the development and three of the new lots. Following meetings with the adjacent residents, the only portion of the trail that will be constructed by Millhaven was the earthwork to create the primary grading for the trail. Additional contractors were hired to complete the balance of the work. As such, the developer's costs related to the trail are significantly less than had been contemplated. As a result of these circumstances the agreement should be modified as follows:

- An increase of \$142,70.75 for Madison Avenue construction
- An increase in \$ 3,431 for 10200 North construction
- Trail reimbursement of \$13,410.

Staff recommends the Council approve the amendment to the existing agreement.

Mayor Ostler invited input from a representative of Millhaven Development.

Todd Trane provided a status report for the project; he hopes to pave next Monday and Tuesday, but the road may not be opened until landscaping on the roadsides is completed. He reiterated that when the agreement was signed, the bidding process had not been fully completed and the engineering for the bridge was not done. Some adjustments have been made to the scope and design of the project, but the main reason for the cost changes is the dramatic inflation that has occurred since the contract was signed.

Mayor Ostler asked Mr. Trane to summarize the reason the City is reimbursing the developer for the construction of the road. Mr. Trane stated that the road is on the City’s Transportation Master Plan as a major collector. Millhaven has dedicated the right-of-way for the road, as well as a great deal of open space and trail property, and the City has used transportation impact fees to pay for the road.

There was brief examination of the overage amounts in advance of a Council motion on the action item.

*Council Member Kim Rodela MOVED that the City Council approve Amendment #1 to the Development Agreement with Millhaven Development, LLC and authorize the Mayor to execute the document.*

*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.*

## **10. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS**

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

### **a. Open Space Disposal – Wimbleton Subdivision**

Mayor Ostler presented an aerial image of the Wimbleton area to identify properties that are subject to an open space disposal request from residents. He identified the properties that he would recommend be handled by a maintenance agreement. He also identified properties that he would be supportive of selling, so long as the City maintains a 20-foot corridor behind those properties. Council Member Smith asked how wide the trail corridor would be if this proposal is approved. Assistant City Administrator stated the corridor would be no narrower than

20 feet, but there will be some areas that would be 35 feet wide. The City’s standard trail width is 10 feet, with a five-foot buffer on each side, for a total 20-foot-wide corridor.

The Council discussed the recommendation, with Council Member Petersen stating she would like additional time to consider the proposal and she believes it would be appropriate to consider all encroachment properties at the same time as a potential encroachment policy.

Council Member Smith stated that many property owners in this area have encroached on the City property because they desired to beautify the property that is adjacent to theirs. This has served to beautify the trail area and has also reduced the maintenance burden on the City. There is some interest in purchasing the property and he does not want to dismiss that entirely; perhaps the revenue generated by selling the property could be used for other train maintenance needs.

Mayor Ostler asked the Council if they would like to direct the encroachment committee to consider this area. Council Member Bills stated that she feels that this area must be considered separate of other encroachment issues. The Council agreed and offered support for considering this matter in advance of all other encroachment issues in the City.

**b. Future Meetings**

- May 3, City Council Meeting, 7:00 pm, City Hall
- May 11, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- May 17, City Council Meeting, 7:00 pm, City Hall
- May 24, Planning Commission Meeting, 7:00 pm, City Hall

Mayor Ostler recommended an additional meeting dedicated to a discussion of fees versus a property tax increase.

**11. CLOSED SESSION**

The City Council may recess to convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

*At 10:48 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.*

*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 unanimously.*

*Council Member Sarah D. Petersen MOVED to adjourn the CLOSED SESSION and Council Member Kim Rodela 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 12:01 am.*

## **ADJOURNMENT**

*Council Member Sarah D. Petersen MOVED to adjourn the regular meeting and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The meeting adjourned at 12:01 am.*

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 April 19, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder