



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES


Tuesday, May 2, 2023

Approved June 20, 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

6:00 PM WORK SESSION - PARKS IMPACT FEE - Lewis, Young, Robertson, & Burningham

The meeting was called to order by Mayor Kurt Ostler as a work session at 7:07 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: Brittney P. Bills, Timothy A. Ball (arrived at 6:34 pm), 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, Fred Philpot

Fred Philpot, Lewis Young Robertson Burningham (LYRB) provided a brief introduction to the Impact Fee Act and requirements of cities that are seeking to impose an impact fee. Entities must prepare an Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA), upon which their fees will be based. Highland City’s City-wide impact analysis was updated in March of 2022 and the Park Impact Fee was focused on a ‘buy-in’ basis. LYRB now feels that it would be best for the City to shift to a Level of Investment approach for its Park Impact Fee, that this can only be accomplished by amending the 2022 analysis. He presented a chart illustrating the impact fee development process and all noticing required to proceed with an impact fee amendment. The proposed amendment includes the following:

- Revised demand assumptions (updated to include 2023 estimates);
- Existing facilities inventory refreshed;
- Level of Investment established;
- Buy-in removed; and
- Fee recalculation.

Tables 8.6 and 8.7 are being revised based upon the estimate of the impact fee value per capital and the park impact fee schedule. LYRB recommends that the impact fee for a single household be set at \$6,301, which is an eight percent increase, and \$4,904 for a multi-family unit, which is a two percent increase. These increases closely resemble the inflation rates of the past few years.

Mayor Ostler stated that the costs to build park facilities have increased much more than eight or two percent. Mr. Philpot agreed, but the impact fee increases are based upon the value of the City's park assets and land and a change in methodology for which impact fees will be calculated and charged. He then noted that the Council can proceed with approval of the amendment after holding a public hearing and considering the modified impact fees. Once adopted, there will be a 90-day waiting period before the new fees can be assessed.

Discussion among the Council and Mr. Philpot centered briefly on the use of impact fee revenue for debt service purposes. Finance Director Bahr noted that the City's budget already includes funds to be used for debt service and the City has been cautioned against using impact fee revenue for those purposes. Mr. Philpot stated that the Council can make policy decisions regarding the issuance of debt and repayment sources and there is some opportunity for using impact fee revenues for those purposes, but annual collections of impact fee may not be sufficient to cover certain debt and that could create problems for the City. It can be problematic to commit future impact fee revenue for expansion of infrastructure and/or debt service.

Mayor Ostler asked if the Council is comfortable moving to agenda item 14 on the business meeting agenda at this time. The Council expressed willingness to move to communication items.

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. Water Conservation Ordinance - *Kellie Smith, Planner & GIS Analyst*

Planner & GIS Analyst Smith explained the City has been contacted by a couple of residents who were concerned about information they received from the Central Utah Water Conservancy District (CUWCD) that they did not qualify to participate in the "flip your strip" program. She reminded the Council that the City received information from the CUWCD about certain regulations the City could need to impose in order for its residents to be eligible to participate in the program. The Council chose not to adopt the proposed regulations, but instead chose to focus on park strip maintenance rather than regulating the entire front yard of a home. Staff moved forward with xeriscape regulations for park strips and the Council did not adopt requirements to be eligible to participate in the "flip your strip" program. The Mayor noted that about 30 cities have adopted the regulations recommended by their local water conservancy district and their residents are eligible to receive a rebate for replacing their park strip with xeriscape materials. He asked if the Council wished to reconsider its decision on the matter. The Council indicated they are committed to the decisions they made last year regarding the CUWCD rebate program. This led to brief discussion about the rebate program and other offerings of the CUWCD.

c. North Pointe Solid Waste Special Service District - *Council Member Scott L. Smith*

Council Member Smith stated that the North Point Solid Waste Special Service District (NPSWSSD) follows a calendar year for its fiscal year, and they have adjusted some fees that will impact the City and its residents. The Master Plan is also being considered by the District Board and this could also result in additional fee increases in the future.

Council Member Timothy A. Ball arrived at 6:34 pm.

Council Member Smith then discussed changes to participate fees for the North Pointe Animal Shelter; these fees are assessed to the Lone Peak Public Safety District (LPPSD), which includes Alpine and Highland together. Fee increases were based upon needed work on the Animal Shelter. Highland's share of the participation fees should be \$25,887, but if licensing revenue can be increased, the City's participation fees could be reduced. He encouraged residents to get their dogs licensed and for anyone making a complaint about a dog to recommend that licensure be required. He added that he could not find the City's dog licensing ordinance on the website, and he asked if the City imposes a fine for no license. City Administrator Wells answered yes, all dogs over six months old must be licensed and if a dog is found not to be licensed, the owner can be assessed a fine. However, due to staff turnover issues, the ordinance has not been consistently enforced and she will follow up with that issue.

d. Flooding Update - *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer provided a flooding update; the river levels can be handled by existing facilities, but he continues to monitor the levels of waterways in the City. He is grateful to Public Works staff for their efforts to make immediate repairs to a bridge that was in danger of being damaged or ruined by flooding. The river is now under control, but as the water level rises it will be difficult to keep it under control and within its banks. Crews continue to fill sandbags and advise citizens of the importance of protecting their property. Once the runoff is done, he would like to focus on improvements and changes that could help to reduce flooding risk in future years. The upside is that there should be plenty of water for pressurized irrigation this year. This led to discussion of water restrictions or enforcement of watering schedules; Mr. Spencer stated that his staff will not be strictly enforcing the restrictions and schedules, but those policies are still in effect and citations can be issued in the event of wasteful behavior.

Mayor Ostler inquired as to the number of pressurized irrigation meters that will be installed this year. Mr. Spencer stated that he hopes to install 1,000 meters this year, 2,000 next year, and 1,500 the following year.

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

Mayor Ostler read a statement from Chirine Wadsworth regarding the progress of the Alpine Food Storage buildout; they have passed their fire and building inspection and are waiting for the business license from American Fork City. They are installing refrigeration equipment and the painting is done. The point-of-sale system is being shipped, they are looking for shopping carts to purchase, and there is a lot of product on the floor. Customers have been informed that Alpine Food Storage will begin operating from their new address in the beginning of June and they will use Memorial Day weekend to move from Highland City to American Fork. He stated the statement concluded with the following: "Thank you again for being so great to work with; we have told people what a great City Council Highland has." He stated that it appears that the business will be moved, and current operations will cease in accordance with the action taken by the Council.

Council Member Smith stated that after the Council is done with its work on the annual budget, it would be good to begin looking at other business infractions. Mayor Ostler agreed.

The work session adjourned at 6:53 pm.

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Sarah D. Petersen

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:04 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered

by Council Member Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Sarah D. Petersen.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Brittney P. Bills, Timothy A. Ball, 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, Fire Chief Brian Patten, Building Inspector Jason Nelson

OTHERS PRESENT: Jon Hart, Doug Cortney, Scott Oldroyd, Janet Kuennemann, Eck Kuennemann, Troy Harris, Dawn Harris, Linda & Bret Petersen, Tasha & Ken Jankowski, Wolf & Julie Muelleck, Dennis Kave, Wendell Jung, Leslie Neilson, David Neilson, Halladays, Adam Harrod, Garon Larsen, Jacqui Howden, Chris Howden, Randy Banks, Iris Miller, Christine Oldroyd, Kristen Chevrier,

1. UNSCHEDULED PUBLIC APPEARANCES

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

Dennis Kave referenced a news article regarding a water efficient new construction landscape ordinance; neighboring cities, Alpine and Lehi, have adopted this type of ordinance and he is wondering if Highland City has decided not to adopt the same ordinance.

Mayor Ostler stated that this item was discussed briefly during the work session meeting earlier this evening; Highland City had the opportunity to opt into a rebate program with the Central Utah Water Conservancy District (CUWCD) for a ‘flip your strip’ program, but they chose not to participate in the program because the City has already adopted an ordinance providing for xeriscaping in front yard park strips. In order to participate in the District’s program, the City would have needed to agree to requiring xeriscaping in the rest of the front yard and the Council did not want to dictate what a property owner could do in their front yard behind the right-of-way. Planner & GIS Analyst stated that is correct; the District’s ordinance had heavier regulations for front yards. It mandated certain types of sprinklers and the amount and type of sod that could be planted, and the Council determined they did not want to restrict front yard landscaping and only focus on park strips. Mr. Kave stated that it is his understanding that the ordinance would have only applied to new construction. Ms. Smith stated that it would have also been applied when an owner of an existing home wished to replace their existing landscaping. Mr. Kave stated that the City’s failure to participate in the program means that residents are not eligible to receive funds from the State of Utah or the District. Mayor Ostler stated the Council does understand that and they have decided they do not wish to revisit the matter; there were about 30 cities of the 220 in Utah that decided to opt in, and Highland City chose not to participate.

2. PRESENTATION/DISCUSSION

- a. Parks Division Operations Building** - *Alan Shurtliff and Chad Poulson, Pontis Architectural Group/Andy Spencer, City Engineer/Public Work Director*
Alan Shurtliff and Chad Poulson will present options for the construction of the Parks Maintenance Building. The City Council will discuss the architectural concept options

for the Parks Maintenance Building. The Council will take no action as this will be a discussion item only.

City Engineer/Public Works Director Spencer explained on March 7, 2023, the Council approved the architectural contract for the Parks Division Operations Building to Pontis Architectural Group. Council requested that the two concept designs be brought for review before moving forward with the next phase of the project design. With the direction of City Council, staff moved forward with the design contract with Pontis to prepare designs for the Parks Maintenance Building at the selected site. The design is now at the concept phase and needs Council direction before moving forward to the next phase of the project. He introduced Alan Shurtliff and Chad Poulson of Pontis and invited them to provide information about the two options they have developed.

Mr. Poulson stated option one is a design that matches the design of the existing building on the site; it includes custom timber, brick, and stucco. The estimate of this option is \$2.43 million, but it may be possible to reduce the costs for this option.

Council Member Smith asked Mr. Spencer to explain, for the public's benefit, the reason that this building is needed and why it has taken 10 years to get to this point. Mr. Spencer stated that the building is needed to store equipment that is currently being stored outside or at various storage facilities throughout the community. It has taken 10 years to get to this point because the Council has taken the position that they did not want to take on additional debt for this type of project and they were endeavoring to save money. Additionally, no determination had been made regarding the best location for the facility, but that has now been done.

Mr. Poulson then provided an overview of design of option one, focusing on architecture, site layout, the relationship between the existing community center building and the new building, traffic ingress/egress points, shared parking, and landscaping. Option two is a pre-manufactured metal building, the estimated cost of which is \$2.16 million; he presented renderings of this option as well, focusing on the same characteristics as for option one.

Council Member Smith stated that the main differences between the two buildings are the exterior architecture and aesthetics; option one is very architecturally pleasing, while option two looks like a warehouse. He inquired as to the durability of both options and maintenance requirements of the two different options. Mr. Poulson stated there will be different maintenance requirements, metal buildings typically are more durable and maintenance costs are lower than for brick or stucco.

Council Member Bills asked if the heating and cooling costs of the metal building would be higher and if users would experience more noise inside the metal building. Mr. Poulson stated that each building would be insulated sufficiently to provide adequate heating and cooling and noise reduction; he can look into the costs of insulating for each of the options.

Mayor Ostler inquired as to the current amount of funding the City has available for this project, to which Finance Director Bahr answered \$900,000 in the capital building fund and plans to include an additional \$900,000 in the Fiscal Year (FY) 2024 budget. Mayor Ostler stated that is not sufficient to cover the cost of either option so the project could not start for another two years. Mr. Spencer stated that it may be possible to save money on either of the estimates in an effort to narrow the gap between the initial estimates and the amount of funding currently available. He is concerned about waiting too long because costs will only increase further. He is seeking direction from the Council about whether to spend design money on the custom building or the metal building. This led to high level discussion among the Council regarding the best option to pursue, with an ongoing focus on longevity/expected life of either option and maintenance costs; Mr. Spencer stated that he would choose the custom option because the property upon which the building will be located is a major focal point of the community and he believes building a metal building on that site would diminish the perception of Highland City. He feels option one has the appearance of a municipal building. The Council thanked Mr. Spencer and the

representatives of Pontis for their input and they ultimately agreed to support option one. Mr. Shurtliff briefly noted that either building is very durable and will have a life cycle of at least 50 years and possibly 75 years depending on how well they are maintained.

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 21, 2023, City Council Work Session - March 14, 2023, and Regular City Council Meeting - March 21, 2023
- b. **ACTION: Final Plat - Abbies Acres** *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*
The City Council will consider a request by Corey Jones, representing Bon-Co Real Estate, LLC for final plat approval of a 6-lot subdivision located at approximately 4922 W 11000 N. The City Council will take appropriate action.

Council Member Scott L. Smith MOVED that the City Council approve consent item 3a, the approval of meeting minutes of February 21, 2023, March 14, 2023, and March 21, 2023 and item 3b, Final Plat – Abbies Acres.

Council Member Sarah D. Petersen 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. PUBLIC HEARING/ORDINANCE: PLANNED DEVELOPMENT MAJOR AMENDMENT - APPLE CREEK/TEN700 *Planned Development Update (Legislative) Kellie Smith - Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Todd Amberry representing Hillwood Homes at Ten Seven Hundred LLC to create an encroachment allowance allowing for a roof overhang and other similar encroachments onto adjacent private lots in the Apple Creek Planned Development. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained a building permit was applied for to build a villa on Lot 2 of the Ten Seven Hundred Subdivision. The construction plans submitted by the developer only included roof eaves on one side of the building; the other side of the building was set on the zero-lot line without any proposed construction (roof eaves or other materials) crossing over the zero-lot line property line, as permitted in the Apple Creek PD. The building permit plans were reviewed and approved by the Building Official with comments reiterating that

there could not be any eave or soffit projecting out over the zero-lot line side of the building. When the developer proceeded to construct the building, a 12” roof eave was constructed over the property line with the zero-lot line setback. The next inspection failed as the building did not comply with the approved construction plans and building code. The developer, home builders, and staff met to discuss this issue. Staff made clear that the way the building was constructed does not meet the International Residential Code (IRC) for fire separation requirements. In order to meet the IRC fire separation minimums, changes would be required to be made in the PD by either adjusting lot lines or adding easements. The developer requested that the issue be considered a minor amendment and be approved by staff so they could continue construction. Staff determined that the request to allow a building to encroach over a property line required a major amendment, as it would entail a modification from Development Code requirements, and would be required to go through the legislative process. Article 5 Planned Development (PD) District in the Development Code requires that “All PD Districts shall comply with the development standards in the Development Code. However, based upon a recommendation of the Planning Commission, the City Council may approve modifications from standard Development Code requirements.” At this time, the applicant is requesting a major amendment to the Apple Creek Planned Development to allow the roof eaves and other similar projections to encroach over the adjacent private property lines in the Ten Seven Hundred Subdivision. The following wording is proposed to be added to the setbacks and lot dimensions section for the Villas:

“Roof overhangs, exhaust vent terminations, utility meters and other projections on the zero lot line side of the Villas may extend into the adjacent lot (including any setback areas on such adjacent lot) by up to three feet. A recorded declaration shall contain a prohibition on any structures or ignition devices being placed within 5 feet of the Villa wall on the abutting zero lot line of any lot, which prohibition shall not be amended without the written consent of Highland City. Highland City has determined that the permitted projection of roof overhangs, exhaust vent terminations, utility meters and other permitted projections, when combined with the prohibition in the previous sentence complies with the International Residential Code’s distance requirements for fire separation distance for Villa projections.”

Staff has reviewed the application to determine compliance with the development code and compliance with the International Residential Code (IRC). If the City desires to allow the projections across the zero-lot-line, this appears to be an appropriate ways of allowing such projections. Staff recommends that the “other projections” be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically. Staff also recommends the encroachment allowance be reduced to 2 feet instead of 3 feet.

“A recorded declaration shall contain a prohibition on any structures or ignition devices being placed within 5 feet of the Villa wall on the abutting zero lot line of any lot, which prohibition shall not be amended without the written consent of Highland City.”

In order to maintain the minimum fire separation required by the fire code, a minimum of 2 feet of clearance is required beyond any projection. With projections allowed up to 3 feet, a minimum of a 5-foot clearance area would be required, as this proposed language would provide. Alternative means of providing for a similar clearance area could be to require a recorded, 5’-wide easement for each affected lot or to require a plat amendment to show the restriction on all lots, instead of recording the 5-foot-wide prohibition solely within the CC&Rs. Staff’s recommendation, if the City Council decides to recommend approval of the amendment, is to require that an easement be recorded. The applicant may decide to either have the easements recorded through the plat amendment process (this process requires City Council approval), or have individual easements be recorded to each individual lot (this process requires staff approval). A stipulation has been added to the staff recommendation to address this.

“Highland City has determined that the permitted projection of roof overhangs, exhaust vent terminations, utility meters and other permitted projections, when combined with the prohibition in the previous sentence complies with the International Residential Code’s distance requirements for fire separation distance for Villa projections.”

If something along these lines is desired, staff would prefer something to the effect of, “Compliance with the maximum projection distance, and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC.”

Ms. Smith noted staff has concerns regarding enforcement of the prohibition of structures or ignition sources in the 10’-wide private side yards. It is not typical for a resident to look at a recorded plat, easement, or code to determine what types of yard activities they are permitted to do. With the encroachment issues throughout the City and the Council’s recently adopted encroachment policy, it has become apparent how difficult it can be to enforce things of this nature. This easement could be more difficult to enforce than City property encroachment, as the residents may only understand where their property boundaries are and may not understand the prohibition easement nor the reasoning behind it. The only other Planned Development Zone in Highland that has zero-lot line setbacks for detached structures is Ridgeview. The homes built in Ridgeview have met the referenced International Residential Code requirements. There are some that were submitted with projections too close to the property line (not over the property line). When the Building Official raised the issue, the builder decided to remove the roof overhangs. Because of Highland’s limited experience with high density projects and zero-lot-line setbacks, staff reached out to other cities in Utah County to understand their experience; feedback from Draper, Lehi, and Saratoga Springs was included in the staff report.

She then explained the Planning Commission held a public hearing on April 25, 2023. There was no resident participation. The Commissioners asked questions and received answers relating to the following:

- If the builder were to cut off the eave it would fix the issue;
- One would need to go into the neighbor’s fenced private yard in order to access the utility meter box;
- Roof drainage will be directed back toward the property on which the home is located;
- The builder will identify the easements to the buyer at closing;
- It would be the homeowner’s responsibility to notify renters of the easements;
- The builder stated that a roof overhanging the property line is allowed everywhere and that other cities have had no issues with it.
 - According to staff’s research, what has been permitted in other cities are Condominium Plats, where the homeowner only owns the building footprint, and the yards and other property surrounding the home is owned by the HOA. Roof overhangs are not permitted over private property lines.

She concluded that if the City Council decides to approve the requested amendment, staff recommends the following stipulations be included:

1. The 5’ prohibition of structures or ignition devices on the side yards adjacent to the zero lot line of the Villa lots be recorded by easement in addition to the stipulation being outlined in the CC&R’s. The easements shall be approved by the City through the plat amendment process.
2. The allowance of “other projections” be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically.
3. The encroachment allowance of up to 3’ be reduced to 2’.
4. The encroachment allowance shall be recorded as an easement on each property where there is encroachment onto that lot. These easements shall also be approved by the City through the plat amendment process.
5. The last sentence in the proposed amendment be changed to say the following: Compliance with the maximum projection distance, and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC.

Mayor Ostler asked if there could be a scenario where two neighboring units have five-foot overhangs and neither unit would be allowed to have a barbeque grill on their property. City Attorney Patterson answered no and indicated there are no villas with shared walls.

Council Member Smith stated this is the first time he has realized that someone could build a home right on a property line with no setback; if there is an eave overhanging another property, would the owner of that structure be required to ensure their storm water stays on their property. Ms. Smith answered yes; each property owner is responsible for the drainage from their own roof and the applicant has indicated that gutters will direct drainage to the correct private property. Council Member Smith then asked how something like prohibiting a grill in a backyard with insufficient distance between two structures will be enforced; the City does not have sufficient code enforcement staff to monitor these types of issues. Ms. Smith stated the project is governed by covenants, codes, and restrictions (CCRs) and the homeowner's association (HOA) will be responsible for enforcement. Mr. Patterson added that private property owners within the HOA will also be able to take enforcement action. Council Member Smith stated that it may be appropriate to review the Planned Development (PD) ordinance to determine whether some changes are necessary to prevent issues with zero lot lines in the future.

Mayor Ostler invited input from the applicant.

McKay Christensen stated it is important to understand what a zero lot line means; one side of the home will be located directly on the lot line, but there will be a 10-foot setback and yard on the other side. He added that Apple Creek PD is predominantly an HOA maintained community and there is just one small portion that is privately owned and there should be no instances where an ignition source will be located on the zero lot line side of a home. The International Building Code (IBC) requires a two-hour fire rating and calls for a five-foot setback; the homes in this project have a 10-foot setback and they are all appropriately fire rated. Only one eave could overhang a lot line due to the manner in which setbacks are imposed. He added that his attorney worked with the City Attorney, and they disagreed slightly on the classification of this amendment; his attorney believes it is a minor amendment while the City has classified it as a major amendment. However, he is comfortable with the solution recommended by the Planning Commission; he does not believe the plat amendment is necessary, but he is willing to work on a plat amendment so long as he can continue to process building permits while he is waiting for the plat amendment to be finalized and recorded. It has taken him 60 days to get through the process to this point and he is not sure how much longer it will take to get a plat amendment approved; he cannot afford to completely stop the development because he has a waiting list of buyers who have placed deposits on units. City Administrator Wells stated that Administration has negotiated a memorandum of understanding (MOU) with Mr. Christensen whereby he acknowledges the risk of proceeding with his project before the plat amendment is finalized, but that is an option to the Council if they choose to approve Mr. Christensen's proposal.

Mayor Kurt Ostler opened the public hearing at 8:15 pm.

Doug Cortney stated he is recommending the Council deny this application; he has spent a great deal of time thinking about this issue since it was discussed by the Planning Commission, and he feels approval of the amendment would set a bad public policy and would create a bad perception for the City. He stated that lots should fully contain the structures built upon them; it is one thing to allow zero lot line construction, but allowing 'negative two-foot' lot line construction is a very different thing and should not be permitted. He stated that approval will create a bad perception that the City is willing to ignore violations simply because a structure has already been built. The PD ordinance did not permit the encroachments and the building permit application did not include information about the encroachments. The approved building permits specifically reiterated that the encroachments were prohibited, and the builder constructed them anyway. This appears to be a case of a builder willfully ignoring zoning regulations after concluding that forgiveness would be easier to acquire than permission. He does not believe it would be in the City's best interest to provide this forgiveness. The Planning Commission unanimously approved the request, and that should give the Council pause when considering denial, but the Council is not bound to accept the Planning Commission's advisory vote. The Planning Commission is not the

land use authority for this type of situation, the City Council is. If the Commission makes a recommendation for which the Council has a substantive disagreement, they have a right and duty to vote differently. He reiterated this request would create bad public policy and he hopes the Council will find substantive reason to disagree with the Planning Commission. He encouraged the Council to protect Highland and deny the request.

There were no additional persons appearing to be heard.

Mayor Kurt Ostler closed the public hearing at 8:18 pm.

Council Member Bills referenced the opinion written by Mr. Patterson, wherein he states “The developer then proceeded to construct the villa with roof eaves along the zero-lot-line contrary to the construction plans and the requirements of the City’s building’s official. No explanation has been given as to why the construction plans do not show the roof eaves or why the builder did not build the villa pursuant to the approved construction plans.” She asked Mr. Christensen to respond to that statement. Mr. Christensen stated that when the PD plans were approved, three of the five building elevations did not have eaves, but the other two did. There were several different architectural styles contemplated with the project was approved, some being more modern with no eaves or protrusions, but others with eaves and protrusions and he assumed that there was an understanding that the eaves would protrude over the zero lot line. He is unsure why the builder did not include the eaves in the building plans, but he believes that is likely the result of a miscommunication between the developer and the builder. He stated that in talking with building inspectors, he learned they were comfortable with a rain gutter protruding, but they were not aware that the eave would protrude. He reiterated that the project still complies with the IBC and does not create any kind of hazard and the issue is truly whether this is a minor or major amendment and if the Council is comfortable allowing the eave to overhang. He stated that this is a very common situation and something that many cities currently allow.

Council Member Smith stated that Ms. Smith mentioned that this type of issue arose in Ridgeview, but the developer chose to comply with direction from the City rather than pursue an amendment; he asked if approval of this current application would apply to the Ridgeview project as well. Ms. Smith answered no; Ridgeview would need to pursue their own amendment. Mr. Patterson stated that is correct; each PD is essentially its own zoning district, and the Council can determine specific rules for each PD project. Ms. Wells noted that the situation in Ridgeview was not exactly the same as the Apple Creek issue; the eaves were not crossing over property lines, but the units were getting too close to one another.

Council Member Rodela stated that she has already spoken with Mr. Christensen about this issue and she and Council Member Bills toured the townhomes to get an understanding of how the project will look and feel if the amendment is approved; she is comfortable following the recommendation from the Planning Commission based upon the conditions recommended by staff and she is also comfortable approving the MOU to allow Mr. Christensen to proceed with his project while he is waiting for the plat amendment to be finalized.

Council Member Peterson disagreed; she believes that Mr. Christensen had other options available to him and she is not in favor of approving the amendment. Council Member Smith agreed with Council Member Peterson and stated that approval of the amendment will set a bad precedent for the City. He understands the applicant’s position and believes the development will be very nice, but he is disturbed that development has occurred that is contrary to the approvals that were given.

Council Member Kim Rodela MOVED that the City Council APPROVE the proposed amendment to the Apple Creek Planned Development relating to building encroachments onto adjacent private properties with the five (5) following stipulations recommended by staff and the MOU is agreed to between applicant and staff to allow building to continue subject to stipulations being met and plat amendment process.

1. *The 5' prohibition of structures or ignition devices on the side yards adjacent to the zero lot line of the Villa lots be recorded by easement in addition to the stipulation being outlined in the CC&R's. The easements shall be approved by the City through the plat amendment process.*
2. *The allowance of "other projections" be removed and only allow roof overhangs, exhaust vent terminations, and utility meters specifically.*
3. *The encroachment allowance of up to 3' be reduced to 2'.*
4. *The encroachment allowance shall be recorded as an easement on each property where there is encroachment onto that lot. These easements shall also be approved by the City through the plat amendment process.*
5. *The last sentence in the proposed amendment be changed to say the following: Compliance with the maximum projection distance, and the recordation and enforcement of the prohibition on structure and ignition sources, as described in the previous sentences, shall be required to satisfy fire separation distance requirements under the IRC.*

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion failed 3:2.

Ms. Wells stated that unless the Council considers another motion, the applicant will be required to abide by the development agreement for the PD.

Council Member Bills stated that she did participate in a tour of the project with Council Member Rodela and at that time she was comfortable with the proposal, but since reading the staff report and Mr. Patterson's opinion, she is bothered by the sequence of events that led to this point. She added that it was interesting to hear that other cities are not allowing this type of situation as regularly as has been communicated. She wondered if there is some other option that could be considered as a compromise, but she wants to enforce the rules that have been created for this type of project.

Ms. Wells noted that the applicant does have the option of filing an appeal with the authority that would consider an appeal of this type of land use decision; they have already filed an appeal, but they were awaiting the outcome of tonight's meeting before proceeding with that appeal.

Mayor Ostler asked if the building must have an eave on the side where it would overhang the lot line. Mr. Christensen stated that the eave on one side of the home could be cut off, but that would be contrary to the architectural standards that were approved for the project, which were the result of a great deal of time and effort on his part and the part of the City. He stated that due to the 10-foot setback on one side of the home, he cannot move the house to accommodate the eave, so he is 'stuck' in this position with no alternative. He stated he believes all that needs to be done is recordation of an easement that allows the eave to overhang the lot line, and this is a simple solution. He stated that his attorney disagrees with staff's assessment of how this issue arose and he could proceed with a lawsuit and litigation of the matter.

Council Member Peterson asked how many homes had been built when Mr. Christensen first became aware of this problem, to which Mr. Christensen answered one. Council Member Peterson asked how many homes have been built since then, to which Mr. Christensen answered zero. He stated that he still owns all of the land and

could easily record an easement between each home to provide for the eave overhang; once the lots are sold, he cannot record the easement. Council Member Peterson asked why the homes cannot be shifted to accommodate the eave overhang. Mr. Christensen stated that shifting the home would make it impossible to provide the 10-foot setback on one side, unless the City is more interested in reducing the side yard setback. He stated he feels that what he has recommended is a very reasonable solution to a very simple problem and he would like to move forward with the project.

Council Member Smith stated that he appreciates Mr. Christensen's frustration, and he believes the project will ultimately be very nice, but he is still concerned that some things were not done correctly with the assumption that the City would forgive those errors. He stated that as an elected official, he gets disturbed when people who do not get their way threaten to sue the City. Mr. Christensen stated that he is not threatening to sue, but he will proceed with an appeal that will ultimately be handled in court. He stated that he has six buyers waiting for their homes to be built, but the project has been shut down over this issue. The City approved a zero lot line development and he wants to proceed with what was approved. He understands the Council was disturbed by the information included in the staff memo and the City Attorney's opinion, but he could also send all of his attorney's opinions to balance that out. He reiterated that this is a simple solution to a simple problem; it is so meaningful to him because denial of this application will essentially shut down the development.

Mayor Ostler asked Mr. Christensen why he cannot remove the eaves on the side of the zero lot line. Mr. Christensen asked if the City would like him to build houses with no eaves. Mayor Ostler stated that one side of the home could have no eave. Mr. Christensen stated that will damage his ability to sell the homes; no one wants to see a home with eaves on just one side. Mayor Ostler stated that is a decision Mr. Christensen has the ability to make, or he can proceed with his appeal and the appeal authority can issue a ruling.

Mayor Ostler asked Mr. Patterson if this decision was administrative or legislative. Mr. Patterson stated the decision before the Council tonight was a legislative decision and is not 'appealable'. The decision that could be appealed would be the staff decision as to a major amendment.

5. ACTION: ZONING APPROVAL - BLISS BEAUTY LOUNGE, LLC *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request by Garon Larson to allow Bliss Beauty Lounge, LLC—a business offering facials, makeup, and hair styling services—as a permitted use in the Residential Professional Zone. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained the applicant is requesting the Planning Commission and City Council allow for an esthetician practice that offers salon type services (hair styling and makeup) to be a permitted use in the Residential Professional Zone. Section 3-4501 of the Development Code outlines that the purpose and intent of this Zone is to provide for various professional office, private education, and related uses which do not deal in merchandising, retailing, warehousing or manufacturing. Further, it is the intent of this zone to protect and buffer residential neighborhoods from retail commercial encroachment and influence. Uses should serve as a transition between residential zones and other more intensive uses or zones. The purpose of this ordinance is to define a range of goods and services which may be offered by Residential-Professional entities within the community and to establish guidelines for the physical development of such Residential Professional entities. The proposed use is not a general retail use, which would be prohibited. Its medically related services does not violate any restriction of the zone and appears compatible with the other uses in the building.

The Planning Commission reviewed the request on April 25, 2023; they voted to recommend approval of the proposed use in the Residential Professional zone based on the findings presented by staff with the additional finding that it is compatible with the uses of adjacent properties. The proposed amendment meets the following findings:

1. It is compatible with the purpose and intent of the Residential Zone.
2. It is compatible with the uses of adjacent properties.
3. The use does not create any prohibited nuisances.

Ms. Smith concluded staff recommends the City Council review the allowed Residential Professional uses in the Development Code, accept the findings, and approve the proposed use in the Residential Professional Zone.

Mayor Ostler asked if haircutting/coloring will be performed at the business. Ms. Smith answered no; the applicant has indicated they will provide hair styling services and facial services.

Council Member Peterson inquired as to how many employees will work at the business and how many customers they will serve. The applicant, Garon Larson, indicated there will be seven hair styling stations, meaning that seven customers can be served at one time.

Council Member Brittney P. Bills MOVED that the City Council APPROVE the proposed use in the Residential Professional Zone.

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.

Council Member Brittney P. Bills requested a break in the meeting. The meeting recessed at 8:41 pm and reconvened at 8:53 pm.

6. ACTION: PRELIMINARY PLAT - WILLIAMS VIEW Land Use (Administrative)
- Kellie Smith, Planner & GIS Analyst

The City Council will hold a public meeting to consider a request by Chris Howden for preliminary plat approval of a 14-lot subdivision in the R-1-40 Zone located at approximately 11240 N 6000 W. The City Council will take appropriate action.

Mayor Ostler asked for clarification on the relationship between this application and the road width of 11200 North, or decisions on building that road. City Attorney Patterson stated that the decision on this application and the preliminary plat will not impact the Council’s authority on determining the width of 11200 North or the timing of that project. Mayor Ostler stated that the City has been collecting impact fees for that project, but the timing of the project has not been finalized; the application before the Council tonight is for a subdivision, but the Council has received emails from the public specifically regarding the road.

Planner & GIS Analyst Smith summarized the request; the applicant is requesting preliminary plat approval of fourteen (14) single-family residential lots located at approximately 11240 North 6000 West. The lot sizes meet the requirements of the R-1-40 Zone by having only three (3) lots that are less than 30,000 square feet. Road and utility access to the site will be from 11200 North and 6000 West; however, it has been stipulated on the plat that lots 1 and 4-7 will not be permitted drive access from 6000 West. The sewer will connect to the existing 18-inch Timpanogos Special Service District (TSSD) sewer main in 6000 West. The applicant is working with TSSD to

reroute the TSSD sewer line that goes through the project to be in the public right-of-way. This will provide improved access to the sewer manholes in the project and all the widening of 6000 West at the northwest side of the project. Notice of the public hearing held at the Planning Commission meeting was sent to all residents within 500' of the subject property. Notice of this public hearing was also posted on the state and city websites on April 13, 2023. Ten (10) emails were received from residents relating to the potential 11200 North connection a couple of blocks east of the proposed subdivision. Some of these comments expressed support for the development and some indicated not wanting the flared intersection stipulation.

Ms. Smith summarized staff's review of the application to ensure compliance with the zoning ordinance, General Plan, Transportation Master Plan, Trails Master Plan, access and utility standards, and theme wall/retaining wall standards. Relative to the Transportation Master Plan, staff has recommended a 66-foot-wide flared intersection on the north side of 11200 North that provides for greater turn-lane capacity, while providing a logical connection to Highland Peak Estates. An additional potential stipulation would be for no drive access to be permitted on 11200 North within 150 feet of the intersection on 6000 West; however, this stipulation has not been included in staff's recommended conditions of approval and if the Council wishes to include this stipulation, they should indicate such in the motion regarding the application.

Ms. Smith noted the Planning Commission held a public hearing on April 25, 2023. Three residents participated in the public hearing, in addition to the applicant. Two residents spoke in opposition to the 66-foot-wide flared intersection at 6000 West and 11200 North. One resident asked a question regarding the Trail Master Plan. The Planning Commissioners asked questions regarding the Lehi Irrigation piping project. The Commissioners then discussed the 11200 North flared intersection proposal. The Commissioners discussed the option of requiring the 66 feet of right-of-way, but then constructing the road as if it were 56 feet wide to prevent having to purchase property in the future if the City ever needed to widen the road. The Commissioners asked what the risk to the City could be if they allowed 56 feet of right-of-way. The City Attorney explained that the risk would be that someone could challenge the approval saying the City should have required more. Dedicating the 66 feet of right-of-way would solve this issue. Commissioner Thayn shared that he did not want to leave the City with a strip of property to maintain and that the staff's recommendation was a reasonable solution. On a three to one vote, the Commission recommended approval of the preliminary plat without the stipulation regarding the 66 feet of right-of-way and allow 11200 North to be 56 feet of right-of-way. With the proposed stipulations, the preliminary plat meets the following findings:

- The preliminary plat is consistent with the General Plan while still being context-sensitive to the existing neighborhood to the east.
- The preliminary plat is consistent with the aforementioned Active Transportation Plan.
- The preliminary plat is compliant with R-1-40 Zoning requirements.
- The proposed subdivision meets applicable requirements in the Highland City Design Criteria for Public Improvements.

Staff recommends the City Council accept the findings, and approve the proposed preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. The developer shall coordinate with Timpanogos Special Service District (TSSD) and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.
5. The developer shall work with staff to come up with a 66' wide flared intersection on the north side of 11200 N that provides for greater turn-lane capacity, while providing a logical connection to Highland Peak Estates. The developer shall coordinate with staff on a potential property swap of the City-owned triangle on the north side of the property along 6000 W in order for the City to acquire the right-of-way

for this 66' wide flared intersection. The property lines on Lots 6 and 7 shall extend to the back of the sidewalk along 6000 W.

6. Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

Council Member Ball stated that according to what he has heard about this application, if at any time in the future the thoroughfare is required according to the Transportation Master Plan, the City would need to widen the non-flared section and encroach upon the properties in that area; if the lots in that area lose ten feet to accommodate the widening, the lot sizes will no longer comply with the zoning of the property. Ms. Smith stated that under those circumstances, the property would be grandfathered and considered to comply with zoning. Council Member Ball stated that he is concerned that there would be insufficient setbacks on those properties if they lose 10 feet. Ms. Smith stated that there is a 30-foot setback requirement; the road width requirement would be measured from the center line of the road and properties on both sides of the road would be impacted. Council Member Ball stated he is concerned that people would be allowed to build permanent structures or improve their yards and those improvements could be lost if the City needs to take five or 10 feet of their property to accommodate the road widening. City Attorney Patterson stated that approval of this preliminary plat has nothing to do with the decision on the road width; the road width could be determined at some point in the future. Council Member Ball stated that the Transportation Master Plan calls for a certain width and he wondered if approval of that Plan supersedes this application. The sizes of the lots in that area could be impacted in the future. Mr. Patterson stated that if the City decides the width needs to be different in the future, the City would use eminent domain to acquire five feet of land on each side of the road and those properties will not be deemed non-compliant. The process to acquire that property will be very public and transparent. Council Member Ball stated he wants to be sure that the people that buy those lots are very aware of the potential for the road to be widened in the future and for some of their property to be taken. City Administrator Wells stated that the Council can choose to follow the Transportation Master Plan and require a 66-foot road width; however, further to the east, the road is just 56 feet wide, and staff took that into consideration and recommended the flared intersection that will be 66 feet wide. Staff stated that the recommendation does not strictly follow the directive of the Transportation Master Plan, but that the flared intersection is a good compromise.

Council Member Peterson stated she drove through the area and felt that a 66-foot flared intersection is adequate, and she does not believe there is any need to make the road go through in the future. She asked both the Police and Fire Chiefs if they are concerned about any risk created by not extending the road. Chiefs Gwilliam and Patten both stated they are not concerned about the road not going through. Council Member Peterson stated that it would be appropriate to amend the Transportation Master Plan to remove the road because she does not feel it needs to be extended. Mayor Ostler agreed; this was a surprise to him, and he did not know this was a concern. Council Member Smith stated that the Transportation Master Plan identifies 11200 North as a collector road, but the problem with collector roads is that the wider they are, the higher the speeds are. Even though speed limits are posted, people drive faster on them if they are built more like a minor arterial road. In order to preserve the feel of Highland, he feels that the widths should be narrower; he is supportive of the 56-foot road width with the flared intersection to provide turning lanes. City Engineer/Public Works Director Spencer stated that staff has analyzed the Transportation Master Plan along with the current application and they made an effort to replicate function by widening the intersection, but reflecting the current development of the area, which includes 56-foot road widths. He feels the recommendation preserves safety of motorists and residents that live in the area. This led to brief discussion about the traffic in the area and accommodation of equipment that will be used to maintain the right of way. Council Member Ball stated that he feels the recommendation serves two purposes; it provide safety and security of those using the road and provides direction to buyers of the properties that the road should not be widened in the future. Mr. Spencer agreed. Mayor Ostler stated that he feels that the 66-foot width at the intersection increases safety, and he asked Chief Gwilliam if that is correct. Chief Gwilliam stated he cannot speak to the safety, but he agreed that the wider width increases mobility for vehicles.

Mayor Ostler invited input from the applicant.

The developer, Chris Howden, stated that he noticed that the level of detail in the staff report regarding this item was very high; the Planning Commission's deliberations and the making of motions was more detailed than he has seen for past items, and he suggested this sets a precedent that residents will expect for all future land use applications. He then noted that he has been very detailed and deliberate in the design of this project; he offered to pay for a speed table to slow down traffic on 6000 West, but the answer he received from staff was that he should wait for the City to complete its traffic calming toolbox study. He has been 'waiting with bated breath', but he has low expectations. He is here to respectfully ask the Council to remove stipulations five and seven, and to clarify stipulation six. Regarding stipulation five, if he were a developer outside of Highland, he would have no objection; however, he does live here and the people who will live in this development will be his neighbors. He noted that a project was recently approved across the street on 6000 West, and he approved that as a member of the Planning Commission. However, there was no extended discussion about a flared intersection for that project and he wondered why that is if safety is truly the motivating factor. He read from an email that many of his neighbors have received regarding the project: "the proposal does not include or require any road widening where the Harris's existing garage is located, nor involves the 11200 North planned connection." He stated the first part is technically correct, but the last part cannot be. He asked how stipulation five can be required because of the planned connection, but, at the same time, not involve the planned connection. Stipulation five is the proverbial 'camel's nose in the tent' that will pave the way for the planned connection. The sole reason that has been provided to him for the 66-foot flared intersection is because of the planned connection and nothing to do with traffic flow or safety. With regard to the planned connection, 11200 North is one block of State Road 92 and attracts traffic that attempts to skip the traffic lights on that road; in his opinion, the residents do not need an artery through a subdivision when there is already a large arterial road just one block south of the area. He again requested that the Council remove stipulation five and not endorse the Planning Commission's recommendation. He stated that he is not just concerned about his neighborhood; there is a similar situation through Highland Glen Park, and he would also suggest a similar solution in that area. With regard to stipulation six, the plan is for the pipe to come down 6000 West and terminate outside his property rather than connect it through to Dry Creek. He would not like to wake up one morning like citizens in other communities to find that the City is using a pipe to route millions of gallons through their property. He does not want to pay for engineering and construction of that pipe, and he does not feel it should be part of his construction bond requirement. He concluded he would like to pay for a speed table and traffic calming lights on 6000 West, have stipulation five removed, and have stipulation six clarified.

Mayor Ostler asked staff to identify the location of lot number one on the plat and he asked Mr. Howden how he envisions the layout of that property and how the residents will exit their driveway. Mr. Howden identified the property and the manner in which he feels the owner can get in and out of their property. Mayor Ostler asked where the recommendation for the drive access to be 150 feet from the intersection came from. Mr. Spencer stated that has not been a requirement the City has imposed to date, but it was provided at the request of residents who are concerned about safety near intersections. One of the requests of the consultant who is working on the traffic calming toolbox was to address the site distance and driveway access recommendations to provide clear guidance in City Code.

Council Member Smith stated that if the goal is not to connect 11200 North, why is a road being built on the south side of lot 14 in the project. Mayor Ostler stated that 11200 North already exists in that area, but the connection in that area is 56 feet. Council Member Smith asked if it already exists on the south side of lot 14. Mr. Spencer stated the road exists, but there is no curb, gutter, and sidewalk. Council Member Smith stated that he needs to drive through the area again.

Mr. Patterson stated this is an administrative decision and it may be a good idea to realign driveways; however, the City Code does not require that stipulation, but it does identify a 66 foot right of way for the road.

Mayor Ostler opened the public hearing at 9:28 p.m.

Troy Harris, asked how lot one is different than lot four; he has lived in his home for 15 years and there is already direct access in the area to provide adequate access for residents and City vehicles that need to maintain the area. He suggested that the Council's action could set a precedent and essentially solidify the decision to bring the road through in the future. His goal was to put this entire thing to rest and when this came up initially in 2009, he put a vinyl sign on his fence and sent out flyers and many people came to the meeting where the road was being discussed. People that drive through the area do not follow the speed limit and extending the road will put the lives of residents that live there at risk; if the road is put through, the only people that will use it are the residents of Alpine. People like living in the area, but that will change if the road is put through and people are allowed to drive at 60 miles per hour in front of their homes. He indicated he would like to put a proposition before the Council; he has heard that the City may be willing to sell the property and as the person who has maintained the land, he would be willing to buy it and continue to maintain it.

Mike Halladay stated that he agrees with everything Mr. Harris said; he can attest to the fact that every vehicle that drives on the road goes at least 40 miles per hour and any increase in traffic will only impact the residents that live there. If residents had more notice of this application, there would be at least 200 people here to speak about their concerns. He stated that extension of the road would only serve residents of another city while negatively impacting Highland residents. He also would prefer some speed bumps or other traffic calming measures.

Adam Harral stated that he lives north of the subject property, but he is very cognizant of his neighbors and their concerns; he knows that the use of 6000 West will increase as development occurs, but hopes that Mr. Howden's proposals will be accepted to ensure congruency with the existing development of the area. He likes that it is not convenient to drive through the neighborhood because neighborhoods should serve the residents, not through traffic.

Scott Oldroyd stated there are just seven homes that will use the flared intersection to get in and out of their neighborhood; the other seven will use another access point. He asked if it is necessary to build an additional lane just for seven more vehicles; if the road is never going to be widened, it is not necessary to require a 66-foot road easement or build the wider intersection.

Leslie Nielsen stated there are no parks in the neighborhood and she is not sure why the City needs the wider road to accommodate maintenance equipment. She added that McKay Christensen's easement was not approved, but the Council is going to make this neighborhood widen its road. She also noted that the Police Department is very familiar with 11200 North from 5650 West to the Alpine Highway; she asked Chief Gwilliam if there is a problem with speeding on that street. Chief Gwilliam stated that anyone would say there is a problem with speeding. Ms. Nielsen stated that vehicles drive 45 to 50 miles per hour in the morning hours when kids are going to school or to the bus stop. Under no circumstances should the road be continued from a safety perspective.

Randy Banks stated the Police Department used to use an electronic speed sign on 11200 North that seemed to help people slow down a bit, but now people drive 40 to 50 miles per hour and if the road is extended, that will increase to 60 miles per hour.

Kristen Chevrier stated that if someone needs to get through the neighborhood in an emergency, they can come through 6000 West and get through the area in a minute or two; she does not see any need to put the road through to help on the occasion that there is an accident on State Road 92.

Iris Miller stated she agrees with all that has been said by her neighbors. She also would support Mr. Harris's acquisition of the land that he mentioned.

Tasha Jankowski stated that she would also like the Council to consider that whenever there is an accident on State Road 92, which is almost daily, the traffic trying to get around the accident comes through her neighborhood. So, trying to get in and out of driveways is difficult. In the last six months, three animals on the street have been hit and a tree has been taken out of a parking strip due to speeding vehicles.

Christine Oldroyd stated she agrees with all that has been said and that requiring Mr. Howden to build the flared intersection will set a precedent in the City, which she disagrees with. She stated that she has been told that the road is on the City's Transportation Master Plan and that the City has been collecting impact fees for it, but she suggested those fees be used for the maintenance facility that was discussed earlier in the meeting.

There were no additional persons appearing to be heard.

Mayor Ostler stated that the City has contracted with an engineering firm for a traffic calming toolbox, and they are currently working on that project. He stated the Council was interested in tools that could be applied City-wide to address speeding and increased traffic. There has been concern about many areas of the City, not just this neighborhood.

Council Member Smith stated that in his opinion, the citizens have spoken about this issue; he supports Mr. Howden's subdivision and feels it complies with the R-1-40 zone. There is a big issue with speeding throughout the City and he has been encouraging Lone Peak Public Safety District (LPPSD) to enforce speed limits now that they are fully staffed. There are two major arterials in the City that move traffic: North County and Timponogos Highway, and there is a tendency for arterial roads to become bigger and this encourages higher speeds. He indicated all citizens have the responsibility to follow traffic laws, but those laws also need to be enforced. The residents are saying they do not want the road to connect, they do not want it to be 66 feet wide, and they do not want a 66-foot intersection. He noted that Mr. Spencer is an excellent Engineer, and he works with and listens to residents; however, in this case he feels it is appropriate to make a decision that will preserve the rural feeling of Highland and it is difficult to do that with unnecessary roads that are too wide.

Council Member Ball asked Council Member Smith how he feels about stipulations five and six. Council Member Smith stated he would eliminate both of them. Mr. Spencer stated that item six is important because the City needs a long-term route for the water in that area. The City is not asking Mr. Howden to pay for that improvement, but he is asked to provide a route for the line. In order to prevent the need to tear up roads and private property in the future, it makes sense to complete those improvements in conjunction with this project. Mr. Howden stated that he will accept the stipulation based upon the conversations he has had with Mr. Spencer.

There was a brief discussion about the trade of property; Mr. Spencer stated that City staff felt it is a good idea to part with the property if the road were going to be widened or finished, but if that is not going to happen the City can dispose of the property. Mr. Howden stated that he is willing to work through those issues with the City as he also is not anxious to own the retaining walls.

Council Member Timothy A. Ball MOVED that the City Council accept the findings and APPROVE the preliminary plat for the Williams View subdivision subject to these five (5) following stipulations recommended by Staff.

- 1. The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*
- 4. The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.*

5. *Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.*

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.

City Council agreed to extend the meeting beyond the 10:00 pm adjournment time.

Council Member Scott L. Smith MOVED that the City Council recess the regular City Council meeting to convene as the Highland City Open Space Special Service District Board.

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.

7. PUBLIC HEARING: FY2023-2024 OPEN SPACE TENTATIVE BUDGET

General City Management - Tyler Bahr, Finance Director

The City Council will consider the FY2023 tentative budget for the Highland Open Space Special Service District. The Council, acting as Highland Open Space Special Service District Board, will take appropriate action.

Finance Director Bahr reported on March 30, 2023 staff presented the Mayor's FY2024 draft budget which incorporated the budget for the Open Space District. Based on previous direction from the Council, the budget anticipates the Open Space fee (\$20 per month paid by some residents) being discontinued. On April 24, the Council held a work session and the changes to the Open Space budget from the Mayor's draft budget were limited to salary increases being set at 4 percent. The Highland Open Space Special Service District was created in September 2000, establishing the City Council as the governing board of the District. The City Council, acting as the Board, must consider the budget for the Open Space Special Service District separately from the rest of the City's budget. A tentative budget must be approved no later than the first regularly scheduled Council meeting in May ahead of adopting the final budget no later than June 22. Approval of the tentative budget does not preclude the Board from making changes to the final budget. The Open Space budget is included in the full City budget for reference and the following highlights are worth noting:

- Revenue for open space totaling \$761K is generated primarily through a transfer from the General Fund (\$742K), with an additional \$10K from interest earnings and sale of property, each.

Expense of the District include:

- Salary increases for full-time positions are budgeted at 4 percent.
- Seasonal wages are budgeted at \$220,000.
- Benefit cost increases are budgeted at 10%, pending renewal bids.

As it is anticipated that the Open Space fee will be discontinued, the proposed tentative budget for the Open Space District relies almost exclusively on a transfer from the General Fund. Staff recommends the Board hold a public hearing, approve the FY2023-2024 tentative budget, and set the time and place of a public hearing to consider its adoption in accordance with State code.

Mayor Ostler noted that the proposed budget does not include any revenue from the Open Space Fee and ongoing expenses will be funded via a transfer from the General Fund. Mr. Bahr stated that is correct.

Board Member Kurt Ostler opened the public hearing at 10:22 pm.

There were no public comments.

Board Member Kurt Ostler closed the public hearing at 10:22 pm.

Mayor Ostler noted that four Council Members live in an OSSSD neighborhoods, and he would be interested to hear from them as to why they feel elimination of the open space fee is important.

Council Member Smith stated that the open space fee has exceeded its usefulness and has generated a lot of contention. The City has grown, and no additional open space neighborhoods have been approved since 2010; many neighborhoods are being built adjacent to parks, but the residents there do not pay an open space fee for maintenance of those parks. It makes good sense to eliminate the fee to resolve contention.

Council Member Bills agreed that the fee is no longer useful; she agreed with the points made by Council Member Smith about newer neighborhoods next to open spaces and indicated all residents benefit due to the presence of open and public spaces.

Council Member Peterson agreed with Council Members Smith and Bills; she has heard from many residents who believe the fee should be eliminated.

Council Member Rodela agreed and stated that parks and trails should be open and public, and elimination of the fee will eliminate contention.

Council Member Ball also agreed; the fee has outlived its usefulness. Everyone should be responsible to contribute financially to the maintenance of parks and preservation of open space.

Mayor Ostler stated that he can argue both the side of eliminating the fee and preserving the fee; he likened it to the elimination of student debt on the national level. He then noted that when the open space fee was first initiated, it was a great idea, but moving forward it has created some injustices. He discussed the Council's deliberation of this issue and elimination of the open space fee was high on their list of budget priorities. He would have personally moved to try to resolve some of the points of contention surrounding the fee, but he is supportive of the Council's decision. He noted this has been discussed for several months and the Council has been open and transparent about their intentions.

Board Member Scott L. Smith *MOVED* that the Board approve the FY2023-2024 tentative budget for the Highland Open Space Special Service District and schedule a public hearing on Tuesday, June 20, 2023 at 7:00 pm in Highland City Council Chambers to consider its adoption.

Board Member Kim Rodela *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Board Member Kim Rodela *MOVED* to adjourn the meeting of the Highland City Open Space Special Service District and reconvene in Highland City Council meeting.

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

The vote was recorded as follows:

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

The motion passed 5:0.

8. ACTION: APPROVAL OF FY2024 LONE PEAK PUBLIC SAFETY DISTRICT BUDGET *General City Management - Tyler Bahr, Finance Director*

The City Council will consider the FY2024 tentative budget for Lone Peak Public Safety District (“the District”). The Council will take appropriate action.

Finance Director Bahr explained this item is presented to the Council following the District Board’s approval of the same tentative budget on April 12, 2023. The District is governed by an interlocal agreement between Alpine and Highland, last amended in March 2020, for provision of EMS, fire, and police services. The agreement stipulates: “The annual budget increase or decrease for the District shall not exceed the average property tax revenue increase or decrease of both Cities’ budgets of the previous year, excluding any new revenue increases, without the majority vote of each City Council. Said vote of each City Council shall occur prior to the adoption of the final budget.” As the District’s tentative budget represents an increase that exceeds the average property tax revenue increase between Alpine and Highland from FY2022 to FY2023, the requirement above for approval of both city councils is triggered. The memorandum to the District Board summarizing the proposed tentative budget is attached to this report. The proposed tentative budget included wage increases of 6 percent for the Police Department and a step plan plus 1 percent (roughly 6.3 percent on average per employee) for the Fire Department. The Board ultimately approved 4 percent for Police and the step plan (5.3%) for Fire. For more detail on the tentative budget, please see the attached staff report memo and budget document. Once Alpine and Highland City Councils have considered the District’s budget, the District is then scheduled to adopt the final budget during

its May 10th meeting, which will allow the cities to then incorporate their assessments into their city budgets for approval by June 22. The cost of funding public safety is budgeted within Highland’s General Fund, with a portion coming from the \$15.25 monthly public safety fee charged to each utility customer (anticipated at a total of approximately \$900,000 in FY2024) and the rest from other General Fund sources including property tax and sales tax revenues. He provided a chart illustrating the adjustment to the assessments charged to both Highland and Alpine for Fire, Police, and Administration of the District; the assessments include wage increases of three percent for Administrative staff, which was the direction to staff at the time the District’s tentative budget was prepared. The budget and assessments to Alpine and Highland will adjust slightly dependent on the wage increase Highland City Council ultimately arrives at for City staff, which impacts the Administrative assessment for the District. The Administrative assessment also includes an increase in charges from Central Utah 911 (CU911), from \$140K in FY23 to \$176K in FY24. The District Board also approved an increase in the allocation of Administrative costs that the District reimburses to Highland City. Although the overall assessment to both cities for Administration is increasing, the reimbursement to Highland will also increase. Net of wage and CU911 changes, Highland will realize additional revenue of approximately \$24K from the Administrative staffing reimbursement change. Mr. Bahr concluded staff recommends that the Council approve the FY2024 tentative budget for Lone Peak Public Safety District.

Council Member Smith stated he is aware that discussions have occurred with Alpine City, and they have agreed to the reallocation of each city’s share of costs for Administrative staff; if the Council decides to increase the costs each city pays for Administrative staff, that could cause a problem for Alpine. Mayor Ostler stated that is not what this proposal does, and Mayor Merrill of Alpine seems to be agreeable to the data in the tentative budget.

Brief discussion among the Mayor, Council, and staff centered on the formula that is used to determine the assessment each city pays to fund the District.

Council Member Kim Rodela MOVED that City Council approve the FY2024 tentative budget for Lone Peak Public Safety District as the Board approves.

Council Member Scott L. Smith SECONDED the motion.

Mayor Ostler noted this is tentative approval and the Council will have the opportunity to vote on the final budget for the District. City Administrator Wells stated that is not correct; the LPPSD Board will vote on their own final budget, but the Council will get the opportunity to consider the assessment funding included in the City’s budget.

Board Member Bills stated that at the last District meeting, there was some discussion about the function of alternate members and their ability to vote on certain issues. City Attorney Patterson stated that there are two alternate members on the Board, one from each City; the agreement is unclear about whether Alpine’s alternate could step in for an absent member from Highland. The agreement will be amended to provide clarification on voting rights. Council Member Bills stated she has heard a similar conversation among the Planning Commission. Mr. Patterson agreed and stated that was an issue of quorum versus majority voting in order for an item to pass; the City Code does not address the issue, so the default is that a majority of those present is needed in order for an item to pass rather than a majority of the total makeup of the Commission. The Council briefly discussed the issue and communicated that an amendment to the Code is appropriate to ensure clarity on the number of votes needed for a motion to pass.

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>

The motion passed 5:0.

9. PUBLIC HEARING: FY2023-2024 (FY2024) TENTATIVE BUDGET *General City Management – Tyler Bahr, Finance Director*

The City Council will consider the FY2024 tentative budget. The Council will take appropriate action.

Finance Bahr explained on January 5, 2023, the Council held an initial budget work session and provided direction to staff on priorities for the FY2024 budget. On March 30, 2023 staff presented the Mayor's FY2024 draft budget. On April 24, 2023, the Council held a work session and directed staff to make changes that are incorporated in the proposed tentative budget. The City is required by State law to consider a tentative budget no later than the first regularly scheduled Council meeting in May ahead of adopting the final budget no later than June 22. Approval of the tentative budget does not preclude the Council from making changes to the final budget. State Law requires the tentative budget to be approved at least 10 days prior to the final budget. He then summarized highlights from the budget:

Significant Revenues:

- Sales tax (General Fund) estimated at \$4,000,000, 9% higher than the \$3,662,461 received in FY2022 and the amount anticipated for FY2023 if year-to-date trends hold through the end of the fiscal year.
- Property tax (General Fund) estimated at \$2,056,387, \$100,000 more than projected for FY2023 due to volume of new building permits pulled in calendar year 2022.
- Impact fees (various funds) estimated at 50% of revenue received in the 12 months ending December 2022
- Debt service transfers from the General Fund in FY21 and FY22 related to pressurized irrigation will be transferred back to the General Fund, totaling \$841,000 and available for one-time use.

Significant Expenses:

- Eliminate the open space fee.
- Additional funding for parks maintenance building
- General plan update
- Mountain Ridge Park maintenance
- Payroll processing software
- Cemetery connexes for equipment storage
- Contract fire marshal for building department

Other ongoing projects and significant requests funded in the budget:

- Mountain Ridge Park construction
- Enterprise fund capital projects identified in master plans.
- Two-way texting system
- Three (3) public works vehicles
- Seasonal employee increases
- Legislative consultant contract – final three months of current contract to be paid in FY2024.
- New plotter printer
- City's portion of Safe Routes to School grant
- Snowplow blades
- Library carpet replacement
- New playground

- Water share assessment increases
- General culinary water projects
- Snowplow purchase
- Additional community garden boxes - \$500 increase to prior budget of \$500
- Repurpose \$3,500 from American Fork Chamber of Commerce to economic development efforts.
- Heritage Park Christmas lights
- Staff wage increases of 4 percent - market adjustments with distribution among staff to be determined by the City Administrator following a wage study.
- Public safety wage increases approved by the Lone Peak Public Safety District Board
- Mayor and Council appropriations
- Increase Mayor and Council wages to prior levels.

Council Member Smith referenced the bullet item highlighting four percent staff wage increases and stated that during the last discussion of this issue, the Council concluded to approve a two percent merit adjustment and two percent market adjustment. City Administrator Wells stated she has thought a lot about this issue; she feels strongly about implementing merit increases, but after considering the preliminary results of the market study, she does not feel that a merit increase will be sufficient to address market deficiencies. She asked for the Council to provide leniency for her to apply the four percent as she sees fit.

Mr. Bahr continued his review of budget highlights;

Other priorities that were previously discussed, but not funded in the tentative budget include:

- Dog park by Town Center
- Increased funding for trail maintenance and expansion
- Phase 1 on fence repair along Alpine Highway – pending further Council direction.
- Additional funding for park improvements – playgrounds, added amenities, other improvements.
- Capital facilities plan creation.
- Contracted tree replacement
- General fund study update
- Update to 2016 transportation utility fee study
- A second replacement snowplow
- Legislative consultant contract – beyond three months already contracted.
- Additional public safety wage increases
- Staff COLA's separate from merit increases
- Add Mayor and Council to medical and dental benefits.

The City is also expecting cost increases from Waste Management that will be determined in May and likely necessitate garbage rate increases in order to avoid absorbing costs of this service in the General Fund. The changes associated with the Waste Management contract will be presented to the Council once they are available and presented along with the rest of the City's fee schedule for formal approval in June. Per previous Council direction, staff intends to set rates with the goal of the service breaking even on its costs. The proposed tentative budget makes use of various ongoing and one-time revenues, as well as fund balances derived from prior year's revenues. In addition to the full budget, a summary is attached that identifies the total revenues and expenses in each fund. It also highlights the fund balances to be used where applicable. Projected revenues and fund balances are sufficient to fund the proposed expenses, with some funds projected to realize net revenue after expenses. The culinary water and pressurized irrigation funds are of particular note as they have received grants that were not anticipated in the FY2023 budget, increasing the balances available for use in those funds sufficient to cover planned projects.

Mr. Bahr concluded staff recommends the Council hold a public hearing, approve the FY2024 tentative budget, and set the time and place of a public hearing to consider its adoption in accordance with State code.

Mayor Kurt Ostler opened the public hearing at 10:59 pm.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 10:59 pm.

Council Member Smith stated he appreciates the emails from City staff summarizing the employee benefits and salary costs. He would like a ‘citizens budget’ to be included on the City’s website for public review. He suggested that pie graphs and charts be used to provide the public with a big picture of the revenues and expenses of the budget. Mr. Bahr stated he will be working on that.

Council Member Scott L. Smith MOVED that the Council approve the City’s FY2023-2024 tentative budget and schedule a public hearing on Tuesday, June 20, 2023 at 7:00 pm in Highland City Council Chambers to consider its adoption.

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.

Council Member Scott L. Smith MOVED to continue the meeting until 11:15 pm.

Council Member Sarah D. Petersen SECONDED the motion.

All voted in favor and the motion passed unanimously.

10. PUBLIC HEARING/ORDINANCE: HIGHLAND/LEHI BOUNDARY ADJUSTMENT *Land Use (Legislative) - Stephannie Cottle, City Recorder*

The City Council will hold a public hearing and consider the adoption of an ordinance adjusting the common boundaries between Highland City and Lehi City. The Council will take appropriate action.

City Recorder Cottle explained on February 21, 2023, the City Council adopted Resolution No: R-2023-06 stating Highland City’s intent to adjust its common boundaries with Lehi City. She presented a map to orient the Mayor and Council to the shift of the common boundary with Lehi; in March of 2020, the boundary line was adjusted to establish the center line through the middle of the reservoir as directed in the agreement. However, the newly acquired property from Autumn Ridge Farm, LLC was not included in that boundary line adjustment. acquired by Highland City from Autumn Ridge Farm, LLC, into Highland City boundaries. Parcel 11:036:0227, which was acquired by Highland City in 2007 will also be moved into Highland City boundaries as a matter of cleaning up the boundary lines between Highland and Lehi cities. Boundary line adjustments are a multi-step process outlined in state code. This is the final step requiring City Council action. A summary of those steps is as follows:

- City Council adopts a Resolution of Intent. Completed on 2/21/2023.
- Staff is required to meet several noticing requirements advertising the day of the public hearing and allowing for protests to be accepted. Completed on 3/30/2023.
- City Council holds a public hearing and considers the adoption of the Ordinance to adjust the boundaries.
- Staff works with adjacent affected city, County Surveyor, Lt. Governor’s Office, and County Recorder to record the new boundary line.

Ms. Cottle concluded staff recommends adopting the ordinance to adjust the common boundary of Highland City and Lehi City, per the cooperative agreement regarding Dry Creek reservoir and the surrounding properties.

Mayor Kurt Ostler opened the public hearing at 11:06 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 11:06 p.m.

Council Member Brittney P. Bills MOVED that City Council adopt the ordinance adjusting the common boundaries between Highland City and Lehi City.

Council Member Sarah D. Petersen 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.

11. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - FENCES

Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Chapter 3-612 Fences, Retaining Walls, Theme and Screen Walls in the Development Code relating to municipal fencing, how fence height is measured, and adjusting fence design requirements adjacent to trail corridors. The City Council will take appropriate action.

There was no staff presentation for this item.

Mayor Kurt Ostler opened the public hearing at 11:06 pm.

Council Member Brittney P. Bills MOVED that the City Council CONTINUE the item and the public hearing on the proposed amendments to Section 3-612 of the Development Code relating to municipal fencing, how fence height is measured, and adjusting fence design requirements adjacent to trail corridors to the May 16, 2023 meeting.

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.

12. RESOLUTION: INTERLOCAL AGREEMENT FOR EVERBRIDGE MASS NOTIFICATION SYSTEM *General City Management - Erin Wells, City Administrator*

The City Council will hold a public meeting to consider approving the interlocal agreement with Utah County and several cities within Utah County regarding the use of the Everbridge mass notification system.

City Administrator Wells explained that in 2015, the City Council entered into an agreement with Utah County to partner for the Everbridge Mass Notification system. The previous agreement has expired and as such, it is time to renew the agreement. Everbridge is the tool Highland City uses to send out mass notification alerts through text and email. In the event of emergencies, the tool also allows for phone calls as well. Typical non-emergency uses for the City include job alerts, information about events, happenings at the Library, City Council agendas and meeting brief distribution, etc. Currently 1,922 individuals are subscribed to receive topic specific alerts from the City through Everbridge. In total, there are 3,780 contacts in the Everbridge system who are reported to live in Highland who could be notified during an emergency. By partnering with Utah County on this project, Utah County cities are able to obtain a substantial discount in comparison with normal pricing. In addition, in the event of an emergency, the City can work with the Dispatch center to send out an alert on our behalf. While Utah County is the ultimate administrator on the system, Highland maintains much of the ability to administer its own alerts and contacts. As a part of the City Open House, staff plans to promote emergency preparedness including signing up for Everbridge notifications. The City’s cost of the Everbridge contract is \$3,477.75 annually. Funding for this expense is included in GL 10-43-30 Mass Notification System within the FY23 Budget as well as the FY24 Tentative Budget. Staff recommends the Council approve the resolution for the interlocal agreement.

Council Member Kim Rodela MOVED that the City Council approve the Resolution for the Mass Notification Interlocal Cooperation Agreement.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

13. EXPEDITED

a. PUBLIC HEARING/ORDINANCE: Text Amendment - Storm Drainage Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Section 5-9-105 Storm Drainage in the Development Code to update regulations regarding drainage being directed toward the right-of-way. The City Council will take appropriate action.

There was no staff presentation for this item.

Mayor Kurt Ostler opened the public hearing at 11:08 pm.

Council Member Brittney P. Bills MOVED that the City Council CONTINUE the item and the public hearing on the proposed amendments to Section 5-9-105 Storm Drainage in the Development Code to update regulations regarding drainage being directed toward the right-of-way.

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.

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.

b. Fiber Next Steps Discussion - Rob Patterson, City Attorney and Jay Baughman, Assistant City Administrator/Community Development Director

This item was moved to the May 16, 2023 meeting.

f. Future Meetings

- May 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- May 10, Budget Open House, 5:00 pm, City Hall
- May 16, City Council Work Session & Regular Meeting, 6:00 pm, City Hall
- May 17, Community Budget Presentation, 6:00 pm, City Hall
- May 23, Planning Commission Meeting, 7:00 pm, City Hall

The following additional meetings were announced by Mayor Ostler:

- May 9, Joe Ham meeting 2:00 pm.
- May 20, Cookie company grand opening 10:30 am
- May 5-6, Courage reins have fundraiser dinner this weekend.
- May 20, Elevated Dentistry – offering free dental services.

