



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 7, 2022
Approved August 2, 2022

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

- Call to Order – Mayor Kurt Ostler
- Invocation – Council Member Kim Rodela
- Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Assistant Public Works Director Jeff Murdoch, Planner/GIS Analyst Kellie Smith, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Elizabeth Rice, Eileen Miller, Alan Rencher, Sophia Thompson, Wesley Warren, Dave Hall, Brian Braithwaite, McKay Christensen

1. UNSCHEDULED PUBLIC APPEARANCES

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

Elizabeth Rice stated she is a retired schoolteacher and one week ago she had a fire at her home; she commended the Police and Fire professionals for their response to the fire and noted she is in favor of giving them raises. She has visited with the County Assessor’s Office about the proposed tax increases across the County that will result in her tax bill being increased to \$882 per year. She understands the need for and purpose of tax increases but

noted that the residency of Highland is not able to withstand the ongoing tax increases. She plead with the Council to think of those on a fixed income who will be burdened by the tax increase. She noted there are 62 new homes being built by her and she has some recommendations for the Council to consider; she noted these recommendations are based upon her experience as a former Planning Commissioner. She stated that when she was on the Planning Commission the City reduced ‘hook-up’ fees for new residences, but she is opposed to that and feels that new residents should pay those fees to generate sufficient revenue to cover the increased level of service. She stated that if she were to sell her home, she would owe the Internal Revenue Service (IRS) \$100,000; this is unacceptable to her and many others at this time.

Dave Hall discussed a run club that was started in the City; it initially included 25 members but has rapidly grown to over 100 members. He would like them to move their meeting site to another location in the City due to increased traffic and more on-street parking than expected. He noted that the initial meeting spot was at the end of a dead-end street – Canterbury Circle; he built his home there because of it was a dead-end street with no speeding cars or excessive noise, but last summer he woke up one morning to dozens of vehicles parked on both sides of the street, blocking fire hydrants, and children running everywhere. There was a lady with a blow-horn who was yelling encouraging words to the runners and loud music was playing; he asked that these activities be halted, and the club declined. They indicated that the City told them to locate at that spot. When the season was over, there was a meeting with the residents, the club and the City. The City told them that what was acceptable in neighborhood parks. The summer before, the City had asked a football team that was practicing in that park to find another site the next year because it was too impactful to the neighborhood. The running club packed the meeting because they outnumber the residents and it appeared that everyone was in favor of it. However, his neighbors were happy that the City would direct the club to find a new location for this summer; but, to his surprise, he was awakened the first Monday after school adjourned by the club. He feels that the activity is unsafe for the children who are participating there on a daily basis. He stated that he has four children in the running club, and he will be inconvenienced by the running club moving to another location; he asked that the City follow through and direct the club to move to another location. He stated this has the potential to create a great deal of contention for his neighborhood and he asked that the club relocate to a location that has adequate bathroom facilities, parking, and spacing from residents. The club has a great plan, and they are doing good work, but they need to locate into a reasonable location. He stated he is willing to send correspondence from his neighbors to the City so long as the City will protect their identity.

Mayor Ostler asked if he could protect the identity of the residents if that information is provided to him. City Attorney Patterson stated any document submitted to a government entity would be public. Mr. Hall stated he can communicate the number of residents who have reached out to him to express their opposition as well as those that support, but he will not provide the names of individuals.

Alan Rencher referenced the discussion of the Mountain Ridge Park project; he noted that it is time for the City to move forward with the project after many years of discussion. There has been reasonable and thoughtful discussion and compromise and he is extremely supportive of the plan that has been developed. He thanked the Mayor and Council for their efforts and for listening to their constituents.

2. PRESENTATIONS

- a. Water Update** – *Jeff Murdoch, Assistant Public Works Director*
Jeff Murdoch, Assistant Public Works Director, will provide an update on the current water conditions in Highland City.

Pressurized Irrigation Superintendent Arnoldsen used the aid of a PowerPoint presentation to provide an update on water conditions in the City; he presented graphs that illustrate the amount of water available during the 2021 watering season and so far this year. Extreme drought conditions persist across the entire State of Utah and

Highland City is doing its part to conserve water; efforts will reduce usage 17 percent this year when compared to 2021 and 26 percent when compared to 2020. He summarized the public communication methods that have been used to communicate water restrictions to the residents of the City. Brief discussion among the Council and staff centered on the depth of wells used to supply the pressurized irrigation (PI) system; efforts to recharge aquifers; and partnering with other irrigation companies to utilize unused water in areas of need.

b. Fraud Risk Assessment – *Tyler Bahr, Finance Director*

The Council will discuss continued implementation of the State Auditor’s Fraud Risk Assessment. This item is being presented for discussion only to fulfill requirements of the State Auditor’s Office, formal action will not be taken.

Finance Director Bahr used the aid of a PowerPoint presentation to discuss the City’s annual fraud risk assessment; there were 21 questions in the assessment with points awarded for each criterion that is met. The primary focus on the assessment is to ensure basic separation of duties. The City’s most recent score is 305, which is up from 245 last year. This is due to efforts to further separate duties, promote the State’s fraud hotline, implementing an ethical behavior statement, and completing staff training. An additional 20 points can be achieved if all members of the Council will complete training required by the State Auditor’s Office; it must be completed once each term of office. He then presented the ‘fraud triangle’ to illustrate the importance of separation of duties for elected and appointed officials.

c. Highland City Youth Council – *Youth Council Representative*

A member of the Highland City Youth Council will report on previous and upcoming activities.

Sophia Thompson, Government Chair for Highland City Youth Council, reported on the most recent meeting of the group and efforts to plan special events for the 2022 summer season.

3. CONSENT ITEMS (*5 minutes*)

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

a. Approval of Meeting Minutes *Administrative* – *Stephannie Cottle, City Recorder*
City Council Work Session – April 12, 2022 and City Council Work Session and Regular Meeting – April 19, 2022

b. ACTION: Building Inspector Vehicle Purchase *Administrative* – *Nathan Crane, AICP, City Administrator/Community Development Director*
The City Council will consider a request to authorize purchase of a four-wheel drive vehicle to be used by the Building Department. The Council will take appropriate action.

c. RESOLUTION/AGREEMENT: Utah County Community Development Block Grant Program Interlocal Agreement *Administrative* – *Stephannie Cottle, City Recorder*
The City Council will consider entering into an amended interlocal agreement with Utah County relating to the Community Development Block Grant Program for fiscal year 2023, 2024, and 2025. The Council will take appropriate action.

Mayor Ostler asked to pull item 3b from the consent agenda.

Council Member Scott asked to pull item 3c from the consent agenda.

Council Member Kim Rodela MOVED to approve consent items 3a.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 3:0.

3b. Mayor Ostler asked that item 3b be pulled from the consent agenda in order for the Council and staff to discuss and fully understand the justification for the purchase of a Building Inspector vehicle. Mr. Bahr noted that the City hired a building inspector in February and due to supply chain issues, the delivery of many products, including vehicles, has been delayed. An F-150 matching the City's requirements became available due to another jurisdiction cancelling its order prior to delivery. The cost of the vehicle is \$40,751.51 using the State contract and the source of the funding is Fiscal Year (FY) 2022 building permit revenue. Delivery may occur in FY22 or 2023.

Council Member Scott L. Smith MOVED to approve consent items 3b action on building inspector truck with updated price information.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

3c. Council Member Smith stated that he had questions about the funding of the Community Development Block Grant (CDBG) program; he is concerned about strings attached to the funding. The City has been involved in the program for the last three years but has not received any funding. When he read through the background information, he found a lot of requirements relating to allowing high density or affordable housing. He is not supportive of entering into the agreement if it will force the City to do things that the majority of the residency does not want. Staff provided information about the income and demographic requirements the City must meet in order to secure CDBG funding; if the City does sign the agreement, it will not be necessary for the City to apply for funding. There was a brief discussion about the types of projects that could be funded with CDBG funds.

Council Member Bills asked City Administrator/Community Development Director Crane if he is aware of any projects in the City for which the City may desire to seek CDBG funding. Mr. Crane answered yes but noted that if the Council is concerned about any requirements associated with the receipt of grant funds, they could direct Administration to not apply for funding.

Council Member Kim Rodela *MOVED* that the City Council approve the resolution to participate in the Utah County Community Development Grant Program.

Council Member Sarah D. Petersen *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 3:1.

4. PUBLIC HEARING/ACTION: DECLARATION OF SURPLUS PROPERTY AND PROPERTY EXCHANGE/BOUNDARY LINE AGREEMENT *Legislative - Kellie Smith, Planner/GIS Analyst*

The City Council will hold a public hearing to consider the disposal of 13,374 square feet of public property along the Highland City border in the Beacon Hills Plat H subdivision. The City Council will also review the proposed Property Exchange and Boundary Line Agreement between Highland City and Alpine Joint Venture. The Council will take appropriate action.

Planner/GIS Analyst Kellie Smith explained in January 2022, the City Council directed staff to look at possible routes to connect the Highland City trail system to Alpine and Draper. On February 1, 2022, the City Council discussed and determined that the best option was to connect to Draper property through the Pressurized Irrigation (PI) pond property. The Council directed staff to pursue negotiations aimed at implementing the PI pond option. In order to have a public connection from Highland City property to Draper City property, the City worked with the property owner to the west, Alpine Joint Venture LTD, to negotiate a property swap. Alpine Joint Venture has agreed to trade a 20'-wide strip of property west of the PI pond in exchange for the City's 20'-wide strip of property south of the PI pond. The City would be trading 13,374 square feet for 10,864 square feet to provide the public trail connection to the Hog Hollow trails. Ms. Smith presented a map illustrating the proposed property swap, after which she noted on May 17, 2022, the City Council completed the first step by adopting a resolution to authorize staff to begin the disposal process of the subject property. Staff posted public hearing notices on the State and City websites, and in three public places on May 18, 2022. The purpose of this item is to hold the public hearing and adopt a resolution to approve the disposal of the subject property. Staff recommends the Council approve the proposed resolution.

Council Member Smith stated that he appreciates staff's efforts on this matter but noted that he noticed that the agreement provides for the annexation of property on the west side of Angel's Landing into Draper. Mayor Ostler stated that the property referenced by Council Member Smith is located in unincorporated County area and the agreement indicates that the City would agree to the annexation of that property into Draper. Ms. Smith added that annexation is based upon the City's annexation declaration plan. Council Member Smith stated there has been a great deal of contention surrounding the Blue Bison property and in order to get trail connection, Highland is agreeing to let them annex into Draper City where they could build more high-density housing. He stated that this may create additional problems.

Council Member Timothy A. Ball arrived at 7:46 p.m.

Council Member Bills stated that if the property is annexed into Highland, the City will be required to provide utilities and road connections. Council Member Smith stated that may be the case, but the existing problems are

related to Blue Bison’s high-density development and those problems will only worsen if they are allowed to build more high density on the west side. Mayor Ostler stated that part of the problem was a lack of connectivity in the area; right now, the property is in Utah County, and he is not sure that Highland can stop them from annexing into Draper City. Ms. Smith provided clarification regarding the property that is already located within Highland and Draper City boundaries as well as the property that is still located in unincorporated County property.

Mayor Ostler opened the public hearing at 7:52 p.m.

There was no public comment.

Mayor Ostler closed the public hearing at 7:52 p.m.

Council Member Rodela indicated the Council has been discussing this issue for the past six months and she feels the resolution that has been drafted by staff is beneficial.

Council Member Kim Rodela MOVED that the City Council approve the Resolution disposing of certain open space in the Beacon Hills Plat H subdivision, as shown in Exhibit A, and the Property Exchange and Boundary Line Agreement between Highland City and Alpine Joint Venture.

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>Abstain</i>

The motion passed 4:1.

5. CONSTRUCTION CONTRACT: FENCING FOR HOG HOLLOW TRAILHEAD CONNECTION TO DRAPER TRAIL SYSTEMS *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider the award of a contract for installation of a black vinyl-coated chain link fence in conjunction with the trail realignment on the west side of the Hog Hollow pressurized irrigation pond. The Council will take appropriate action.

Assistant Public Works Director Murdoch said in late 2021 access from the Hog Hollow trailhead to the Draper City trail system was restricted from crossing a parcel of private land by the landowner. City elected officials and staff began exploring alternate routes to allow users to access the Draper trails. Highland City was able to negotiate an agreement with the adjacent property owner, Alpine Joint Ventures, for a land exchange to facilitate the new trail connection. Highland City will receive a 20’ trail corridor adjacent to the west side of the existing pressurized irrigation pond. Alpine Joint Ventures will receive a portion of Highland City land directly south of this location. The agreement requires Highland City to build a 6-foot fence along the new City boundary adjacent to the trail. The fence will prevent trail users from entering the Alpine Joint Venture Property while allowing a route to the Draper trail systems. It also requires the City to relocate the fence along the existing City parcel to the new boundary. The City has received a bid from Northwest Fence to install 560’ of 6’ black vinyl coated chain link fence to be placed along the newly acquired trail corridor and to relocate a small portion of the existing fence at the pond to facilitate a turn in the trail. The bid for the chain link fence and installation is \$19,500.00. The bid to

relocate the 663' of five-strand barb wire fence to define the AJV adjusted boundary to the south is \$5,400.00. Volunteer efforts from residents and the Lone Peak Mountain Bike Club are being arranged to construct the trailway. As such, the City does not expect to pay any additional contractor funds to construct the trail connection. City staff have provided pulverized asphalt millings to the trail location to be spread by the volunteers. The City received a second bid for the chain link fence from Mountain States fence. Northwest was the least expensive bid when the lengths and unit prices were compared. The bid from Mountain States did not include the correct quantity, it was short by 30-feet. When the correct length is included on the Mountain States bid, the bid from Northwest bid is \$1,029.81 lower. A bid comparison is included in the attachments. Mr. Murdoch noted the total cost is \$24,900.00. The approved preliminary budget for FY2023 (GL 10-70-73) contains \$25,000 that is intended for this fencing. The budget is sufficient to fund the fencing portion of the trail relocation project. Staff recommends Highland City enter into a contract with Northwest Fence Co. in the amount of \$24,900.00 to provide and install the fencing portion of the Hoggs Hollow trail connector to Draper City and relocate the existing five-strand barb wire fence to the new boundary location for the exchanged Alpine Joint Venture property.

Mayor Ostler referenced a rendering in the meeting packet that identifies the location of the proposed fencing.

Council Member Smith asked why the fence is needed. Mayor Ostler stated that was part of the negotiation of the land swap agreement.

Council Member Rodela asked if the City has received any donations for the fence. City Administrator/Community Development Director Crane noted the bike club is constructing the trail and the City will pay to install the fence. The bike club has reached out to other cities, and they are helping to cover the cost of building the trail. Council Member Smith stated he would like if the City would try to raise some funding for the fence. Mayor Ostler stated that the City has agreed to pay for the fence. Council Member Rodela stated that she is comfortable funding the fence; the bike club is paying to build the trail and it is important to keep the trail open.

Council Member Smith stated that the Angel's Landing property is part of the defined open space in the City, and he asked if the fence can be funded with open space fee revenues or land sales revenues. Finance Director Bahr noted that funding from the General Fund has been identified for the project. Mayor Ostler inquired as to the open space sales fund balance. Mr. Bahr stated there is approximately \$200,000 in that fund. Council Member Smith stated that he would like to use that account as a funding source for the fence. Council Members Bills and Peterson agreed.

Council Member Scott L. Smith MOVED that the City Council approve the purchase contract with Northwest Fence Company in the amount of \$24,900.00 for areas associated with the Alpine Joint Ventures land exchange to facilitate the Hog Hollow trail connections and authorize the City Administrator to execute the necessary contract documents. The funding comes out of the open space land sale fund.

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.

6. DISCUSSION: ARCHITECTURAL REVIEW - TEN SEVEN HUNDRED BROWNSTONE UNITS *Legislative - Kellie Smith, Planner/GIS Analyst*

The City Council will provide input regarding the architectural elevations for the Brownstone Units in the Ten Seven Hundred subdivision located at approximately 10786 N 5320 W. This item is for discussion and direction only.

Planner/GIS Analyst Smith reported the subject property was rezoned to a Planned Development (PD) district allowing for a mixed-use development on August 4, 2020. The Apple Creek PD District includes architectural design guidelines for both the residential and commercial buildings in the development. One of the stipulations of approval states, "the architectural design shall be reviewed by the City Council for input." On April 20, 2021, along with the Final Plat review for the Ten Seven Hundred subdivision, the City Council was sent three (3) elevation examples for the Villas. There was minor discussion on the design during the meeting (see Attachment #4 for meeting minutes). McKay Christiansen submitted a building permit for one of the Brownstone units. Staff's review of the proposed architectural plans is to assure compliance with the Residential Architectural Design Guidelines and Residential Stylebook established in the Apple Creek PD Narrative. This is an administrative review completed by Staff. The purpose of this item is to give the City Council an opportunity to provide input on the proposed architecture as required by the stipulations. Ms. Smith presented the elevations for the project and briefly discussed exterior materials, window treatments, colors, building height, roof style, and home styles, after which she concluded this item is being presented for information and discussion as required by the stipulations of approval. No formal action is required; however, the Council should provide input on the elevations as appropriate.

Mayor Ostler invited input from the applicant.

McKay Christiansen discussed the proposed architecture for the brownstones and villas; there was brief discussion among the Council and Mr. Christiansen regarding topics such as setbacks, the locations of doors and windows on the units, storage capacity in each of the units, building heights, unit sizes, open/green space in the project area. Council Member Smith and Mayor Ostler expressed concern about the design of the buildings; they indicated the appearance is somewhat industrial rather than residential. Mr. Christiansen stated that he feels when the entire project is complete, it will be cohesive, and the residential units will be set apart from the commercial space. Council Member Smith stated that locating the garages in front of the units creates a warehouse appearance. He also asked if there are any public safety concerns regarding the narrow alleyways between buildings and brownstone units. Police Chief Gwilliam stated he has not had the chance to look at the plans. City Administrator/Community Development Director Crane stated that the design meets setbacks approved for this district in which the project is located.

Mayor Ostler asked what staff needs from the Council at this time. Ms. Smith reiterated this was a discussion item only and the applicant was interested in hearing feedback from the Council. Council Member Smith reiterated his concern about the style of the project. He stated he does not feel that it fits in Highland and with its surroundings.

Council Member Rodela stated she actually likes the design; she feels it is more modern and that Mr. Christiansen has done a good job at tying different uses together. He asked if there is interest from buyers. Mr. Christiansen stated that there are six people who have expressed interest in purchasing the villas.

Mayor Ostler asked when construction will commence. Mr. Christiansen stated that building will start on the Villas in the next 60 days.

Council Member Bills asked how much each unit will sell for. Mr. Christiansen stated that he is not sure of the sales price at this point, but it will be market driven.

Council Member Rodela asked when the office space will be constructed. Mr. Christiansen stated that he will need letters of intent from prospective tenants before he can secure lending for the project. Council Member

Rodela stated that the Council is willing to help to recruit retailers to the project. Mayor Ostler agreed. He then noted he is concerned about the spacing between buildings/units and he somewhat agrees with Council Member Smith's assessment that the project looks industrial. Mr. Christiansen stated the 'arrival experience' is important to him and he will review the design to determine if adjustments are appropriate. Mayor Ostler asked if any of the units in the project area will be used as short-term rentals. Mr. Christiansen stated that is not an allowed use in the project area.

7. AGREEMENT: PUBLIC/PRIVATE PARTNERSHIP WITH USAC
Administrative - Nathan Crane, AICP City Administrator/Community Development Director

The City Council will review a proposed lease agreement with Utah Surf Athletic Club (USAC) for a Public/Private Partnership for the construction and use of the soccer fields at Mountain Ridge Park. The Council will take appropriate action.

City Administrator/Community Development Director Crane explained the Park Committee has been working with USAC regarding a lease agreement for the construction and use of the planned soccer fields at Mountain Ridge Park. He discussed the major elements of the agreement as outlined below:

General:

- Length – 11 years with an option for 5-year renewals. The contract would be renegotiated after seven years.
- Termination – termination occurs if an agreement to renew/extend cannot be reached, either party defaults on the agreement, USAC provides a one-year notice, or the City provides. The City would be responsible to reimburse USAC for the cost of the improvements if the contract is terminated early.

USAC Obligations:

- Within two years build two competition level fields. Sprinklers and other improvements would meet city specifications.
- Maintain the fields.
- Provide a storage shed for maintenance equipment.
- Provide two portable toilets until permanent restrooms are completed.

City Obligations:

- Within one year provide the rough grading of the site.
- Post signage stating that the fields are not to be used for scrimmage or pickup games and provide enforcement.
- Provide parking and utilities for the field. The fields will not be lighted.

He also discussed use of the property as defined in the agreement:

USAC Field Use

March, April, May

M-Th 3:00pm – 9:00pm. (Priority usage)

Friday - None

Sat 7:00am – 2:00pm (Last Game Starts at 2:00)

Sunday Open

June, July, August

M-Th 7:00am – 1:00pm (2 fields)

M-Th 5:00pm-9:00pm (1 field)

1 Field Fri - Sat 8:00am-12:00pm

1 Field Fri-Sat - None

Sunday Open

(Field rest period of 3-4 weeks allowing fields to recover from use by Tenant-TBD each year)

September, October, November

M-Th 3:00pm – 9:00pm. (Priority usage)

Friday - None

Sat 7:00am – 2:00pm (Last Game Starts at 2:00)

Sunday Open

City Use of the Property: Families, individuals, neighbors, friends, and other members of the public who want to play games, recreate, and engage in activities such as, but not limited to: Kite flying, tag, picnics, games of “catch,” frisbee, non-organized field and sports games with family, friends, and neighbors (i.e. occasional pickup games of soccer, football, Lacrosse, etc.), so long as such games are not considered “organized games or usages,” as defined herein, and the Highland Fling. Other activities and uses may be approved with the express written consent of the Tenant, which shall not be unreasonably withheld if such activities and uses do not materially interfere with Tenant’s use of the Property or damage the Property and Facility.

Prohibited uses of Property by Public: Any and all “organized games or usages” which is defined as including games, practices, or scrimmages by individuals or groups where(1) participants paid a fee to participate in the group or organization, (2) participants are part of team with any type of similar attire (uniforms, t-shirt, etc.), excluding individuals or groups that temporarily mark themselves for a single, non-organized game with family, friends, and neighbors, (3) participants have a designated or volunteer coach or trainer; (4) participants practice together as a team or group for other events or games, whether organized or not, (5) participants play games against other organized teams or participate in any organized leagues or scheduled events.

Mr. Crane concluded that the updated agreement has been sent to USAC for their review, but he has not had contact from the organization for a few weeks.

Mayor Ostler stated that the Council has reviewed the agreement a few times, but there has been some concern expressed by a few Council Members; he invited them to share their concerns.

Council Member Rodela indicated the Council has heard received several emails from residents who are opposed to this arrangement. The one that resonated with her the most was from Derrik Rykert of the American Fork Parks Department who has worked with USAC in American Fork. She noted that Mr. Rykert indicated there are parks that are well suited for this type of arrangement, but others that are not; he indicated that this park is not a good location for a private location to have an 11-year lease. She noted that he indicated that it would be appropriate for the City to consider this type of arrangement in a park other than the City’s ‘signature park’. She noted she reached out to other cities as well and they echoed Mr. Rykert’s concerns. She stated that based upon that research and the input she has received, she is opposed to this arrangement.

Council Member Smith stated that he understands those concerns, but he is not sure how the City will pay for the soccer fields at the park if the partnership with USAC is rejected. The City Council has heard for promises of donations for such improvements, but to date the City has only received about \$44,000 in donations. He stated there are many advantages to the arrangement and if the City does not have a partnership with a private entity, he is concerned about allocating City funds for the improvements especially considering the information the Council received regarding the health of the General Fund during their most recent work session. He understands that people are concerned, but they have not offered alternatives for completing the park, short of bonding or other forms of debt, for the project. He stated he is concerned about how the City will pay for ongoing maintenance of the facility, but USAC has agreed to pay for those costs as well. He asked Council Member Rodela if she is

opposed to the baseball diamond improvements as well as the soccer improvements. Council Member Rodela stated that the baseball diamond improvements are being donated. Council Member Smith stated that the soccer improvements are also being donated and that donation is in this proposed agreement. Council Member Rodela stated the two arrangements are different; USAC is asking for nearly exclusive access to the soccer fields for 11 years while the entity that is paying for the baseball diamond improvements has asked for four hours per week. Council Member Smith stated that it is important for the Council to dialogue about other ways to complete the soccer project if they decide to reject the agreement with USAC. Council Member Rodela agreed but noted that she is concerned about why USAC is not present tonight and why they have stopped communicating with the City over the past few weeks. She stated that based upon the input she received from residents, she would rather consider working with USAC to improve another park. She asked Mr. Crane if he has other ideas for funding the soccer improvements at Mountain Ridge Park. Mayor Ostler stated that he reached out to Brian Braithwaite of the Park Committee to see if he was aware that USAC would be willing to donate to complete soccer fields at another park. He asked Mr. Braithwaite to address the Council about his conversations with USAC.

Mr. Braithwaite stated he does not represent USAC, but he has been involved in negotiations with them; they are in the middle of their busy season and that is why they were not able to attend tonight, but they have seen the contract and are aware of the terms. He stated that the agreement will provide the City with the ability to complete the improvements at the park and he is not sure that will be the case if the City changes direction to pursue another location. He stated that it is possible that the City will be able to secure donations for the improvements if the agreement is rejected, but that is an unknown. He reiterated Council Member Smith's comment about the fact that USAC has agreed to pay for ongoing maintenance of the facility. He stated he appreciates the input the Council has received, but the matter before the Council tonight is whether to enter in an agreement that will make it possible to finish the park; the City does not have unlimited funding for these types of improvements or ongoing maintenance, otherwise the park would have been built several years ago. He is concerned about the City walking away from an arrangement that ensures dedicated funding to the improvements and maintenance. He then noted that regardless of where these types of improvements are constructed, the public will not have exclusive access to field space, but residents who border the park have expressed their support for this arrangement. This includes the neighborhood that offered \$500,000 to make the project happen. He stated that it may be that USAC will consider another location, they may be hesitant because they would be agreeing to pay for ongoing maintenance of space that they were not involved in improving.

Council Member Rodela stated she is concerned about giving control of the City's largest park to a private entity; 11 years is a long time, and she would rather keep control of the park and decide who has access to it at all times. Mr. Braithwaite stated that if the City enters into the agreement and finds that it is not working after a certain amount of time, the City can 'buy them out' of the agreement and retain control of the park. He stated he understands the concerns that have been expressed and is not trying to downplay those concerns, but he truly feels this is a good arrangement and the public will still have access to the field space.

Council Member Ball asked if the payback to USAC would be prorated based upon the number of years of the agreement that have lapsed. Mr. Braithwaite answered yes.

Council Member Smith stated he feels the proposed arrangement is the best of both worlds; if the arrangement is successful, the City can allow the term of the agreement to play out. If the arrangement is unsuccessful, the City can buy out the remaining term of the agreement. Mr. Braithwaite agreed; there are some downsides to the agreement, but he believes the benefits outweigh those downsides. This led to brief discussion of the manner in which a buy-out of any remaining term of the agreement would be calculated.

Council Member Rodela asked Mr. Crane to speak to other funding sources for the project if the Council decides against the agreement. Mr. Crane stated that the City has reserve funds available to cover the two soccer fields at a cost of \$500,000 to \$600,000; additionally, the City may receive additional funding from the Mountainland

Association of Governments (MAG) for a project. Mr. Braithwaite stated that it is important to recognize that those funds could be used at other locations in the City.

Mayor Ostler invited input from Wesley Warren.

Mr. Warren stated that when this concept was originally proposed, he was very opposed to it, and he rallied his neighborhood to support that opposition. However, since then he has participated in discussions with USAC and the Park Committee and he felt pretty good about the arrangement. He went back to his neighborhood to discuss the matter further and they now unanimously support the agreement. There has been discussion about access to the park and the overall term of the agreement, but residents feel good about the time of day that they will have access to the park. He believes that for the quality of field that USAC will construct, this is a great deal for Highland City and the residents who live near the park. He asked Ms. Rodela what concerns specifically Mr. Rykert had about USAC's improvements at this park. Council Member Rodela stated he had many concerns; additionally, she spoke to parks staff at Cedar Hills and Pleasant Grove, and all said they would not want this type of field at their parks; they would only support the arrangement in parks that are underutilized and just have field space. They are also concerned about retaining control of the park. Council Member Smith stated those cities have greater access to funding for parks, so they are considering this type of arrangement from a different perspective. He stated he is comforted by the fact that the City can terminate and buy-out the agreement if the arrangement is not successful. He stated he is mostly pleased with the fact that USAC will pay for ongoing maintenance.

The Mayor, Council, staff, and residents then engaged in high level discussion about the history of the negotiations with USAC and residents who live next to the park; opportunities to raise private funding for the park in order to preserve public funding for other needs in the City; and public access to the field space. Mayor Ostler asked that the Council determine whether to proceed with authorizing the agreement or to go in a different direction than what has been presented for consideration this evening.

Council Member Peterson stated she is concerned about the length of the agreement, and she does not feel she can support it tonight.

Council Member Bills stated that the Parks Committee has worked on this project for a great deal of time, and she does not want to disregard that work. She is frustrated that the Council had a discussion about the entire budget and General Fund during a work session last night and this matter was not discussed. It is concerning for the Council to make a decision about alternative funding sources for this park in a vacuum, separate from all other funding priorities in the City. Council Member Peterson agreed.

Council Member Ball referenced the image of the park property and identified an area of the park that is significant in size and will be available for public open space use. Mr. Braithwaite agreed there is a significant amount of space, about 2/3 of an acre, outside of the baseball fields and soccer fields that would be open for public use. Functional use of the space is depending upon the activity that users desire to participate in.

Council Member Smith stated that he supports entering into the agreement tonight and he feels the decision can be justified to the public; the City is raising fees and taxes this year and he is concerned about rejecting an arrangement that would preserve public funding for other needs in the City.

Council Member Scott L. Smith MOVED that the Council approve the Lease Agreement with Utah Surf Athletic Club for the lease of 5.73 acres at Mountain Ridge Park.

Mayor Ostler asked if the agreement includes a clause defining how any buy-out amount would be calculated. Mr. Braithwaite stated that it is not defined in detail, but it is reasonable to assume that fair value would be assigned to the improvements to determine how the buy-out will be calculated. City Attorney Patterson stated

that he would be more comfortable if the buy-out term is included in the agreement, but if the Council does not support entering into the agreement, he does not feel it is appropriate to spend the time and resources of both the City and USAC to determine what the amount will be. Council Member Smith stated he does not believe that the buy-out amount can be calculated until the project is completed and both parties understand the actual costs of the improvements. Mr. Patterson stated that the buy-out clause could be based upon bids for the work to be completed.

Council Member Scott L. Smith amended his motion to include a stipulation that the buy-out term of the agreement will be defined before the agreement is executed.

Council Member Ball stated the Council has new information tonight that was not available last night when the Council was discussing the overall budget for the City. Additionally, there has not been a significant effort to seek corporate funding or sponsorship for the project. He noted that Adobe has a philanthropic branch that is seeking funding opportunities that would give them naming rights for these types of projects, but the City has not reached out to them. He stated that the soccer area of the park is the majority of the park, and he is concerned that the City has not explored new information or other ideas. However, he hates to delay the project further as residents have been asking for it to be completed for several years.

Council Member Bills stated that the City and the Park Committee have looked into those types of funding opportunities. Mr. Braithwaite agreed; he noted that Adobe was contacted, and they indicated they are contributing to other causes, and, more specifically to Ukraine at this point in time. He added there must be momentum behind a project to get corporate donors interested in supporting it. He added that he truly feels that now is the time to move forward on the project. Mr. Warren agreed.

Council Member Rodela asked if the resident survey included a question about this project. Assistant City Administrator Wells stated that the question was “would you support the City in partnering with a private athletic organization to pay for the construction of a sports field knowing that there will be some limitations on public usage?”; 28 percent said ‘definitely not’, 27 percent said ‘probably not’, 27 percent said ‘probably’, 10 percent said ‘definitely’, and 8 percent were ‘unsure’. There was brief debate regarding the effectiveness and reliability of survey responses, with the Council and staff agreeing there is no perfect survey question.

Mayor Ostler then noted Council Member Smith has made a motion and he asked if there is a second for the motion.

Council Member Brittney P. Bills SECONDED the motion.

Council Member Ball asked if the City Council will have the ability to reconsider or reject the agreement when they are provided with the number or value of the buy-out for the agreement. Mr. Braithwaite suggested that the motion indicate that the buy-out amount must be agreed upon by a majority of the City Council as well as USAC. Mr. Patterson stated that he was not planning to include amounts into the agreement, but it would be appropriate for the Council to consider a provision by which the Council and USAC will agree upon the contributions and potential buy-out among. Mr. Braithwaite stated that he feels a fair market value is appropriate given that some of the improvements will be completed by in-kind donations from USAC. This led to high-level discussion about the manner in which a buy-out amount would be negotiated between the City and USAC, with Mr. Crane noting it is hard to define what costs will be six years from now. Mr. Patterson agreed and noted that an estimated value can be included in the contract, and he recommended including a general formula for determining the value in the future. The Council should decide if they want to support the agreement before them tonight and staff will come back with the valuation formula for consideration. If the Council is not supportive of the lease term, they should vote no on the motion; however, if they are comfortable with the lease term, but want additional information on the buy-out provision, they should vote yes, and staff will work with USAC to determine an appropriate buy-out clause to be considered by both parties.

Mayor Ostler called for a vote on the motion.

The vote was recorded as follows:

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

The motion failed 3:2.

Mr. Braithwaite stated that the Council ‘killed the park’ with that motion; he does not want to spend more time on the project if they are not supportive with moving forward or until they can identify funding for the project. The land has been wasted for so many years and he was passionate about finding ways to fund the improvements the public desires, but the vote taken by the Council has killed that passion.

Council Member Ball stated that he does not believe the Council is walking away from the arrangement with USAC; rather, the motion was to wait to approve the agreement until the buy-out terms can be negotiated. Mr. Braithwaite stated that was not the motion the Council voted on; the motion was to approve the terms of the agreement and direct staff to negotiate the buy-out clause with USAC and present that information to the Council at a later date for an additional vote. Council Member Ball stated that he was concerned about making a decision that would not allow the City to get out of the agreement if the two parties are not able to agree upon a buy-out clause. He stated he is willing to make an alternative motion to that affect. Council Member Smith stated that would be appropriate; he feels that the proposed arrangement is in the City’s best interest as he does not feel comfortable dedicating City resources to this type of project in the same year that fees and taxes are being increased. Council Member Peterson agreed, but she does not think the arrangement is in the best interest of the City. This is based upon the feedback the City received through the resident survey. She does not support an 11-year term.

Council Member Ball stated that the City would only be obligated to work with USAC for one year if the buy-out clause can be defined and agreed upon by both parties.

Council Member Timothy A. Ball MOVED that the Council approve the Lease Agreement with Utah Surf Athletic Club for the lease of 5.73 acres at Mountain Ridge Park with the conditions that the contract provide for an agreeable valuation to be placed upon the field and that valuation agreed by City Council and Surf Association in conjunction with the approval of the design of the fields and if an agreeable valuation is not reached regarding design and valuation, the agreement will terminate and neither party will proceed with the lease.

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>No</i>
<i>Council Member Kim Rodela</i>	<i>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 3:2.

Mr. Braithwaite thanked the Council for reconsidering the matter; he wants the park to move forward and will continue to work in that direction.

In closing, there was brief continued discussion among the Council and staff regarding the work that has been done to negotiate the agreement with USAC and consideration of the feedback provided through the resident survey. Council Member Smith stated he is hopeful that the entire Council will work together to further negotiations of the agreement in order for the project to move forward.

Mayor Ostler called for a recess at 10:00 p.m.

The meeting reconvened at 10:13 p.m.

Mayor Ostler then moved to agenda item 12.

12. RESOLUTION/AGREEMENT: AMENDED AGREEMENT WITH TIMPANOGOS SPECIAL SERVICE DISTRICT *Administrative - Stephanie Cottle, City Recorder*

The City Council will review a proposed amendment to the sewer treatment services contract and collection maintenance agreement with Timpanogos Special Services District. The Council will take appropriate action.

City Recorder Stephanie Cottle explained the Timpanogos Special Service District (TSSD) provides sewer treatment services for north Utah County. Highland City's agreement with TSSD expired in July 2019. The District is updating all the member city agreements to be renewed at the same time. This will allow all the cities contracts to be on the same time frame and can provide some financial advantage for the district in financing/bond negotiations. The new agreement addresses the following:

- Impact fee laws and defines a formula Cities will use to calculate impact fees assessed by TSSD
- Combines the previous supplemental Collection System Maintenance Agreement into this agreement
- Identifies TSSD trunk line locations as protected records, as it relates to GRAMA
- Modifying or vacating easements which could impact TSSD ability to perform services

Ms. Cottle then deferred to Mr. Brian Braithwaite to provide additional information the Council may desire.

Mayor Ostler invited input from Mr. Braithwaite.

Mr. Braithwaite stated that he supports the agreement and feels that it clarifies how to handle growth in the District; there is no fiscal impact of entering into the agreement and he feels that all existing fees are very transparent and appropriate.

Council Member Brittney P. Bills MOVED that the City Council approve the resolution and direct the Mayor to execute the amended agreement with Timpanogos Special Service District.

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>

Council Member Scott L. Smith

Yes

The motion passed 5:0.

9. CONTRACT: THREE PAVILIONS FOR MOUNTAIN RIDGE PARK

Administrative - Nathan Crane, AICP, City Administrator/Community Development Director

The City Council will consider a request to approve the purchase contracts with Smith Steelworks, LLC for three pavilions and twenty-four picnic tables for Mountain Ridge Park in the amount of \$203, 261 and authorize the Mayor or City Administrator and City Recorder to execute the necessary contract for the projects. The Council will take appropriate action.

City Administrator/Community Development Director Crane explained that at the April 19, 2022, Council meeting, the Council approved a contract for the first phase of Mountain Ridge Park. Staff has been continuing the work on the remaining phases of the park. Staff is proposing that the Council purchase three pavilions and twenty-four picnic tables. One pavilion will 30' X 52' and have 12 picnic tables. The other two pavilions will be 30' X 28' and have 6 picnic tables under each pavilion. The package also includes lighting. The roof color will be the same as the restrooms that were approved by the Council on May 17, 2022. The bid excludes excavation, concrete pad, site prep and installation. These items will be completed by a separate contractor. The 30' X 28' pavilions and picnic tables are the same as those installed at Spring Creek Park. Smith Steelworks also provides the pavilions for local churches. The cost of the three pavilions and 24 picnic tables is \$203,261 and staff recommends the Council approve the contract for the work.

Council Member Smith asked if the City will be reimbursed for the work if residents donate money for this project. Mr. Crane answered yes.

Council Member Rodela asked if any residents have expressed interest in donating for this cause. Mayor Ostler answered yes, his family foundation has expressed making a donation for the large pavilion and he will need to declare a conflict of interest before that donation is presented to the Council.

Council Member Ball then stated that last night the Council engaged in difficult discussion regarding budgetary considerations and current economic conditions; current trends seem to signal a recession, but the City is buying products and awarding projects at the top of the market. He wondered if it would be prudent to wait to move forward with large expenditures until there is clarity on the predicted recession. This led to philosophical discussion and debate regarding trying to predict what will happen in the market and whether it is appropriate to hold off on desired public improvements based upon uncertainty. Mayor Ostler stated that the City has access to federal American Rescue Plan Act (ARPA) money that must be spent by 2024. Finance Director Bahr stated that while there is some volatility in the real estate market, the City has not seen many changes in pricing of other products and services. The Council agreed there is uncertainty in the market in general, but they ultimately concluded to move forward with this needed project as it is not possible to predict the future and whether there will be a recession that would force construction and materials prices down.

Council Member Kim Rodela MOVED that the City Council approve the purchase of three pavilions and twenty-four picnic tables with Smith Steelworks, LLC for \$203,261 for Mountain Ridge Park.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes

Council Member Brittney P. Bills Yes

Council Member Sarah D. Petersen Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

8. PLAT AMENDMENT: PHEASANT HOLLOW PLAT C AMENDED *Legislative - Kellie Smith, Planner/GIS Analyst*

The City Council will consider a request by Highland City staff to amend the Pheasant Hollow Plat C subdivision to adjust the easement on the south side of Lot 1. The City Council will take appropriate action.

Planner/GIS Specialist Smith explained that on October 5, 2021, the City Council approved a plat amendment to the Pheasant Hollow Plat A subdivision. The plat had an approximately 30'-wide access, trail, fence maintenance, and storm drain easement in favor of Highland City. The location of the existing storm drain line is further south than anticipated. Staff recommends the Council consider a plat amendment to decrease the access, trail, fence maintenance, and storm drain easement to 15 feet in favor of Highland City. City Administrator/Community Development Director Crane stated that making the change will provide the City with greater access to its property for maintenance purposes and will provide flexibility for any potential future sale of the abutting property.

Council Member Smith stated he will recuse himself from voting on this matter as he is a resident of the neighborhood in which the subject property is located.

Council Member Brittney P. Bills MOVED that the City Council accept the findings and approve Pheasant Hollow Plat C Amended.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

10. AGREEMENT: 2022 DEBRIS BASIN PROJECT INTERLOCAL COOPERATION AGREEMENT *Legislative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider an interlocal agreement with American Fork City and Cedar Hills City pertaining to the pending reconstruction of the jointly owned and managed American Fork Canyon Debris Basin. The Council will take appropriate action.

Assistant Public Works Director Murdoch explained several years ago, the American Fork Canyon Debris Basin was purchased by Highland City, American Fork City, and Cedar Hills City from Utah County. The Cities then established a Debris Basin Administrative Board to manage the maintenance and operation of the basin. The

purpose of the basin is to manage the flood risk to homes and properties along the river by containing and removing the debris that comes from high-runoff conditions in the American Fork River. The Administrative Board has been working toward a reconstruction of the outlet structure and a widening of the bridge crossing the outlet structure. The reconstruction will make the operations during flood seasons more effective and safer. In preparation for the project bid, it was recognized that one City would need to take the lead for the project administration. American Fork City has agreed to bid and manage the project. For the project construction funds to be directed to American Fork from the Debris Basin, an interlocal agreement was prepared for authorization by each City to define how contributions will be managed by American Fork City in the project construction administration. The total cost of the project is estimated as \$720,000. Each City will pay \$240,000. The Cities are required by the agreement to each pay one-third of any cost overruns that exceed the budgeted amounts. The project bid will be advertised in the first week of July. It is anticipated that all the Cities will have the agreement approved in June.

Mayor Ostler stated that the debris basin sits above Highland City homes, and he is unclear as the benefit that the other cities will receive. Mr. Murdoch stated that there is a golf course south of the debris basin as well as some homes in Cedar Hills that could be impacted by flooding; however, he agreed that Highland City is more vulnerable than the other cities.

Council Member Smith stated he lives in close proximity to the debris basin; he acknowledged past flooding cases, but he is concerned about proceeding with this project during a time of financial difficulty in the City as well as during drought conditions. The existing basin has been effective, and he wondered if it would be more appropriate to wait until costs for cement are lower and the need is more dire. He feels the project is needed in the long term, but not at this time.

Mr. Murdoch stated he has spent countless nights in the debris basin, and it is very unsafe at present, especially during times of high water. The design makes the basin very difficult and unsafe to clean. Cedar Hills has applied for a grant that could be applied to the project if it is awarded, but that is unclear at this time. Council Member Rodela asked if the grant would apply to the total cost or just Cedar Hills' costs. Mr. Murdoch stated it would be applied to the total cost and the remainder would be split between the three entities. Council Member Smith stated he would prefer to delay action on the project until Cedar Hills is notified of the status of the grant.

City Administrator/Community Development Director Crane stated that the basin is intended to catch debris and it performs that service regardless of water volume; funding for the project will come from the storm drain fund. The agreement would include the maximum amount of the project, but if a grant is awarded for the project, that total amount will be reduced.

Mayor Ostler stated the staff memo refers to an Administrative Board that has been working on the project and he inquired as to the makeup of that Board. Mr. Crane stated it includes representation from all three cities. Mayor Ostler stated he has not seen records for the Board. He then asked who owns the property upon which the debris basin is located, to which Mr. Crane answered Highland City.

Council Member Smith stated he would really like to know whether the grant will be awarded before moving forward with the project. He asked if there is a problem with delaying this action. Mr. Crane stated the project can not be sent for bid until this item is approved and the work can only be completed when there is no water in the basin. Delaying action could potentially delay the project for at least one year.

Council Member Bills stated she feels unprepared to make a decision on this matter; she would feel more comfortable tabling the interlocal agreement until there is an answer on the grant application made by Cedar Hills.

Council Member Brittney P. Bills MOVED that the City Council CONTINUE the 2022 Debris Basin Project Interlocal Cooperation Agreement.

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

The vote was recorded as follows:

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

The motion passed 5:0.

11. CONSTRUCTION CONTRACT: APPROVE CONTRACT FOR HIGHLAND CITY TREE REPLACEMENT PROJECT *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider accepting the bid from Stratton & Bratt Landscapes, LLC to replace 85 city owned trees. The Council will take appropriate action.

Assistant Public Works Director Murdoch reported that with the adoption of the FY2022 budget, the Council allocated monies for a tree replacement program. In preparation for this project, the City Arborists identified locations where trees had died, been previously damaged/removed, and other locations identified by the Parks Department Superintendent and City Arborist where planting of trees would be beneficial. Maps were generated and marked accordingly, identifying the locations and the best tree types suited for each location. On March 22, 2022, the Council made the decision to move forward and implement the tree replacement program. The FY2022 budget contains \$150,000 that was allocated to fund the project. At that time, City staff had prepared a bid package to use the entire \$150,000 in planting of replacement trees. However, the Council opted to proceed with a lesser amount, directing staff to proceed with a \$40,000 contractor-installed tree program and allocate approximately \$10,000 for a volunteer-planted tree program. Funds in the amount of \$50,000 have been included in the FY2023 tentative budget under 10-43-75 for this purpose. Any unused FY2023 funds will be used to purchase trees for volunteer planting program as directed by the City Council on March 22, 2022. The reduced project was placed out to bid. It was decided to bid a sufficient number of trees to gain interest of contractors to bid the project. The bid received will address both the FY22 and FY23 tree program in the same contract. Stratton & Bratt Landscapes, LLC provided a bid of \$79,386.00. Their bid included 85 trees in total. The bid is contingent upon tree availability and the ability for the contractor to change some of the variety of trees with the approval of our Parks Department. The location of the trees to be replaced is shown in Attachment 1. Staff is proposing to fund the contract over two fiscal years. \$40,000 will come from the current (2022) fiscal year and the remaining \$47,325 come from next (2023) fiscal year. \$50,000 has been budgeted in the fiscal year 2023 budget. A second bid for the project from S & L Inc was received in the amount of \$85,030.

Council Member Bills thanked staff for honoring the Council's ideas regarding allowing citizens to plant City trees in the community.

Council Member Smith stated he is concerned about paying \$1,000 per tree under this arrangement; also, the species that have been chosen seem more appropriate for residential lots rather than along streets. He referenced the trees that have been planted on Timpanogos Highway that have been damaged and/or are dying. Mr. Murdoch stated many of those trees have been harmed by road salt used during the winter months. A majority of the trees to be planted will not be planted along Timpanogos Highway and he presented a map illustrating the planting locations; this led to review by the Council and discussion about the proposed locations. Council Members agreed with Council Member Smith's concerns about the cost of the trees and they suggested holding off on the project for a few months to see if prices come down or if there are other opportunities to reduce costs. Council Member

Smith suggested that if the City pushes back on the cost, contractors may get the message that their costs are too high.

Council Member Bills stated that it may be possible to accomplish some of the plantings in conjunction with park improvement projects.

Council Member Scott L. Smith MOVED that the City Council deny the tree replacement contract with Stratton Bratt Landscape, LLC.

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.

13. CONSTRUCTION CONTRACT: TIMBERLINE DR AND WILDFLOWER LN ROAD RECONSTRUCTION *Administrative - Andy Spencer, Public Works Director/City Engineer*

The City Council will consider approving a contract with Geneva Rock for reconstruction of Timberline Drive and Wildflower Lane in the Twin Bridges area as part of the Fiscal Year 2023 (Construction Calendar Year 2022) road improvement program. The Council will take appropriate action.

Assistant Public Works Director Murdoch explained the Twin Bridges neighborhood was constructed in 2006. Since that time, it has been identified that a majority of this northwest area of Highland is primarily a clay type soil and many of the early roads have not provided the anticipated service life. As a result of this finding the city has changed the design standards for road construction in this area. The City now requires a much more substantial road construction in this area of the City. However, those roads constructed prior, require reconstruction. These roads were approved for patching as part of the 2021 road projects. Due to limited construction time at the end of the 2021 construction year, this project was postponed with the intent to include with the 2022 road projects. The revenue to pay for this project will come from prior year savings resulting from not completing the project in 2021. In other words, we are using revenue set aside for this project in 2021 to pay for it in the current fiscal year. The city has received consultation from a roadway reconstruction engineering firm, and it has been recommended that we use a method of a Concrete Treated Road base. This process requires the removal of the existing asphalt. Concrete is then mixed in with the existing road base to be placed, creating a solid surface that bridges the existing soft soils allowing a new asphalt to be placed and the roadway to have a proper service life.

Council Member Scott L. Smith MOVED that the City Council approve the contract with Geneva Rock and authorize a contract amount up to \$445,674 for the reconstruction of Timberline Drive and Wildflower Lane and authorize the City Administrator to sign the necessary contract documents.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

14. ACTION: FY2023 BUDGET DIRECTION *Administrative - Tyler Bahr, Finance Director*

The Council may discuss continued development of the FY2023 budget and may take appropriate action.

Finance Director Bahr explained development of the FY2023 budget continues; the Council met in a work session on June 6, 2022, in which they discussed various aspects of the budget including anticipated increases in utility rates, garbage collection fees, and public safety costs. This item was placed on the agenda in the event that further discussion is necessary for the Council to provide direction with regard to funding these expenses. If sufficient discussion was had and direction was given with regard to funding these expenses, Council may pull this item from the agenda.

Mayor Ostler asked the Council if they would like to provide any different or additional direction to the Administration when considering last night’s meeting. Council Member Smith stated that he and Council Member Bills have been looking at the websites of other cities and the way that they present budgetary considerations and potential fee/tax increases to their residents is transparent. He asked staff to look at those websites to determine what improvements can be made to Highland City’s website.

Mayor Ostler then briefly reviewed the schedule of additional meetings during which budget issues will be discussed with the public.

15. 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. Council Committee Reports: Dry Creek Lake - *Mayor Kurt Ostler*

Mayor Ostler played a video about the Dry Creek Lake project, the main purpose of which is flood prevention, but allows for a large recreation element. The project should be completed in the Spring of 2023, and it includes trail improvements/connectivity.

b. Citizen Survey - *Erin Wells, Assistant City Administrator*

Assistant City Administrator Wells reported on the responses the City received to the citizen survey; she offered a comparison of the 2022 results with those received in 2021 and 2020. She focused on the increased response, areas of improvement, and priorities identified by residents. She indicated she will send the written detailed summary of the survey results to each Council Member for their review and consideration. She added the results will also be posted online for public review.

c. Future Meetings

- June 13, Community Leaders Budget Information Session, 7:00 pm, City Hall
- June 14, Highland City Budget Information Session, 7:15 pm, City Hall
- June 21, City Council Meeting, 7:00 pm, City Hall
- June 28, Planning Commission Meeting, 7:00 pm, City Hall
- July 5, City Council Meeting, 7:00 pm, City Hall

Mayor Ostler facilitated brief discussion among the Council regarding the upcoming meeting schedule and desired agenda items.

ADJOURNMENT

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

The meeting adjourned at 11:38 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 7, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder