



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 15, 2023

Approved October 3, 2023

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

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Kim Rodela

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03pm. 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 Kim Rodela.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Carley Tall, Brian Braithwaite, Doug Cortney, Blaine Hale, Jake Carter, H. Anjalee Taylor, Nathan Woodbury, Eileen Miller, Wesley Warren

1. UNSCHEDULED PUBLIC APPEARANCES

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

Carlee Tall stated that she attended the last City Council meeting during which the matter of amending the City’s alcohol ordinance was discussed. During that meeting she had indicated that she wanted more information about the amendment and so she spoke with the developer of the project that was the subject of the proposed amendment, her neighbors of different ages and faiths, doctors, and public safety officials and she did not encounter one person who was opposed to developing and allowing nice restaurants in the City’s C-1 zone near Timponogas Highway.

She is a member of the Church of Jesus Christ of Latter-Day Saints, and she will never back away from her faith. She is also the daughter of a Police Officer and is aware of horrible things that have happened due to alcohol. However, her morals and values have created safety in her life; alcohol is not a moral issue, but a safety issue and many people who do not drink alcohol do not understand the State’s liquor laws nor the fact that people who drink an alcohol beverage with their meal are not aiming to get drunk. This is safer than going anywhere else to get and consume alcohol. Her husband has a master’s degree in data analytics, and he has reviewed several studies of this issue and found there is no impact on safety when alcohol access points are increased. She noted that there is currently just one place for someone to consume alcohol in Highland and it is reserved for ‘rich people’; adding one more place for someone to consume an alcoholic beverage will not change the safety of the City. It is possible for someone to have a drink with their meal without being considered an alcoholic. She fully supports the amendment and so do her neighbors.

2. 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 – June 20, 2023
- b. **Plat Amendment – Ridgeview Plat G** *Land Use (Administrative) – Jay Baughman, Assistant City Administrator/Community Development Director*
The City Council will consider a request by David Weekly Homes to amend the subdivision located at the corner of North County Blvd and 10100 N for a 3’ lot line adjustment on 7 lots (PA-23-05). The Council will take appropriate action.

Council Member Kim Rodela MOVED that the City Council approve consent item 2a, the approval of meeting minutes from June 20, 2023 and item 2b, Plat Amendment – Ridgeview Plat G

Council Member Scott L. Smith SECONDED the motion.

City Attorney Patterson noted the City received an updated plat today for the Ridgeview project and he highlighted the amendments that have been made.

Council Member Kim Rodela offered an AMENDED MOTION that the City Council approve consent item 2a, the approval of meeting minutes from June 20, 2023 and item 2b, Plat Amendment – Ridgeview Plat G, as updated this afternoon.

Council Member Scott L. Smith pulled his SECOND and asked for further clarification.

Mr. Patterson compared the original plat to the amended plat and noted that lots 702, 705, and 708 were not wide enough and had to be adjusted to comply with lot width and setback standards for the zone in which the property is located. Lots must be at least 30 feet wide and those three lots were just under 30 feet.

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 Kim Rodela</i>	<i>Yes</i>

The motion passed 4:0.

3. ACTION: LONE PEAK FIELDS AGREEMENT *General City Management – Jay Baughman, Assistant City Administrator/Community Development Director*

The Council will hold a public meeting to consider the proposal by Utah Surf Soccer Club (Surf) for priority access to Lone Peak Fields and take appropriate action based on the information provided and the discussion thereof.

Assistant City Administrator/Community Development Director Baughman explained on March 21, 2023, Council requested that staff provide all organizations and leagues that use the Lone Peak Recreation Fields along with any other interested parties with the opportunity to provide a proposal for priority access and use of the fields. Discussions have occurred for some time between the City and Utah Surf Soccer Club regarding an offer/request to provide the City with a sum of money in exchange for priority use of playing fields. At one point, the fields in question were the new ones to be constructed at Mountain Ridge Park. More recently, the discussion has been concerning the Lone Peak Recreation Fields for a term of ten years. In order to provide an equitable opportunity for other organizations and leagues that use the fields, the Council requested that that staff solicit proposals from all interested parties through a request for proposals (RFP) process. After a request for proposal (RFP) document was developed by staff, the RFP was posted on the City’s website and emailed to the list of organizations that have utilized the field in the past. The RFP was open from April 20 to May 11 and posted on the City’s website and sent directly to Lone Peak High School administrators, Utah Arsenal Football Club, Surf, North Utah County Soccer, Cedar Hills Parks and Recreation, as well as other regular users of the Lone Peak Recreation Fields in the City’s records. The City received no responses to the RFP. After the original deadline had passed, there was a comment from Surf that in order for its original proposal to work, the timeframe for the contract needed to be at least 10 years. The original RFP outlined a 5-year timeframe as staff felt that Council wanted as short of a timeframe as possible. Staff chose to reissue the RFP with a minor change, stating that the City would entertain contract periods longer than five years if the proposal made a compelling argument to do so. The RFP was again sent to the organizations listed above. The City received one response to the RFP reissue. That response is from Surf, the same organization that made the original proposal that initiated this item. Their proposal entails the following responsibilities for Surf and for the City:

Surf Responsibilities:

- Maintain the fields during the lease (mowing, fertilizer, sod repair)
- Make improvements to the turf quality for competitive soccer.
- Work with city parks team on maintaining/repairing the sprinkler heads.
- Provide temporary “port-a-potty” facilities during their soccer season
- Surf has the option at its discretion to do the following:
- Place a large equipment shed that can hold maintenance equipment such as mowers, fertilizers, etc. as well as soccer equipment
- Install fencing to some or all areas of the fields
- Place Surf gear, goals, etc. on fields
- Proposal for other Highland City recreational sports to be played on the fields –Surf is open to working with the city for some times utilized by Highland Recreation organizations during “Surf priority time” – to be determined in final lease agreement
- Other items to be determined in the final lease

Highland City responsibilities:

- Supply water to Surf specifications and timing (what is required to maintain a high-level playing Surface and field)
- Maintain water system functionality and sprinkler costs

- Priority access to park land for use by Surf
- From the start of the Alpine School District first day of school in fall through November 30 and March 1 through end of ASD school year.
- Monday through Friday from end of school day (earliest Alpine school district school out) until Dark
- All Saturdays from 8 am until 6 pm.
- Summer (out of school)
- Monday- Saturday 7 am until 12 pm and 5 pm until dark.
- Repair damage caused by vandalism
- Maintain and enforce priority usage
- Other items to be determined in the final lease

Council Member Ball asked for an example of other items that could be determined in the final lease. Mr. Baughman stated he does not foresee other items and reiterated that language was proposed by Surf; the City will only work to ensure that the City is made whole and not adversely impacted by any responsibilities assigned to the City. City Administrator Wells stated that some other items she could foresee including in the contract are an exit or termination clause as well as clear definitions of the types of uses and activities that would be prohibited at the park.

Council Member Smith inquired as to the number of soccer fields in the City. Mr. Baughman stated that all open space fields throughout open space neighborhoods are now available for public use, so the number of fields has increased. Ms. Wells noted there are at least 10 fields, but possibly 11. Council Member Smith stated that he has noticed soccer fields being used and it is very interesting to him that no other club or professional organization responded to the RFP. He asked where the high school teams practice. Mayor Ostler stated that the Lone Peak High School soccer and lacrosse teams practice at Mountain Ridge Park; additionally, a Northern Utah County Soccer (NUCS) team practices there as well as the Lone Peak Junior Lacrosse team. He asked if the Surf proposal only includes two fields or if it encompasses the total area. Mr. Baughman stated that it encompasses the entire area. Ms. Wells added that two of the soccer fields are full size, but younger teams do not need such a large field so one field can often be broken into smaller fields for practices and games of younger teams. Mayor Ostler asked if Surf would maintain the entire area; he noted that in the proposal from Surf, sprinkler repair is the City's responsibility as is repairing any vandalism. Mr. Baughman stated that he spoke with the City's parks crews and sprinkler repairs are not concerning because using the space for soccer will not have increased wear and tear on the sprinkler equipment.

Council Member Smith stated that he is surprised the high school did not respond to the RFP. Ms. Wells stated that the high school recently installed a new turf field and all teams have started using that facility.

Mayor Ostler stated that in the past, NUCS has had priority use of field space and he asked for assurance that they were aware of the RFP and the Council's discussion of this item. Mr. Baughman stated they are aware of this matter and both RFP documents were emailed directly to them. Mayor Ostler asked if the same is true for Lone Peak Junior Lacrosse, to which Mr. Baughman answered yes.

Council Member Smith asked how many of Surf's players are from Highland City.

Mayor Ostler stated that he would like for an agreement between the City and Surf to include an exit clause as well as time designated for public use of the facilities.

Council Member Bills stated that she is concerned that the City will be responsible for repairing vandalism. She is also concerned about the City enforcing priority use of the park and she would like an explanation of how that will be handled by the City. Council Member Rodela stated she shares the same concerns as Council Member Bills. She is also concerned about Surf's plans to fence the area and increase water usage in a time when water restrictions are being imposed on other property owners in the City.

Mayor Ostler invited input from a Surf representative and asked them to address the concerns raised by himself and the Council.

Blaine Hale, Surf Soccer, stated that there has never been any intent to give Surf exclusive access to the field space and there will be nothing to stop families from using the field space at the parks. The only intent was to limit damage to the park, similar to what has occurred at Harvey Park; he wants to use preventative fencing in certain areas of the park to prevent inappropriate usage of the field space such as heavy use by football, lacrosse, or other teams that do not have permission to use the field space. Additionally, ATVs and other equipment should be kept off the field.

Mayor Ostler stated he understands the need to keep ATVs off the field spaces, but asked if the City is expected to restore a field to its previous condition if an ATV does get onto the field and causes damage. Mr. Hale stated that Surf will work with the City to help repair vandalism, unless there is not sufficient enforcement or prevention as requested by Surf. This includes the request for fencing. Mayor Ostler asked Mr. Hale to share his expectation of enforcement on the City's part. Mr. Hale stated that would fall under the category of other items to be included in the lease agreement.

Council Member Smith stated that a barrier fence makes sense to him, but he asked if a fence will be locked to keep people out of the field space. Mr. Hale stated he would prefer a fence that is sufficient to keep equipment off the field, but would have an opening wide enough to allow people to get into the space. Council Member Smith stated that is a good idea and he feels there are advantages to the fence. Council Member Smith asked if security cameras will be installed at the park. Mr. Hale stated he thinks security cameras are a good idea as well. Mayor Ostler asked if that would be at the City's cost or Surf's cost. Mr. Hale stated that is another item to be determined in the agreement as well.

Jake Carter, Surf Soccer, addressed Council Member Smith's earlier question about the number of Surf participants that are from Highland City; he noted that number fluctuates every year, but Highland always has the highest participation rate among other cities in the area. He estimated there are at least 100 to 120 kids from Highland.

Council Member Smith asked if maintaining the fields to the standard requested by Surf will make them safer, to which Mr. Carter answered yes. Discussion among Surf representatives and the Mayor and Council centered on field spaces in other communities that are used by other clubs and organizations, with Mr. Carter noting that he expects the reason the City did not receive responses to the RFP from other groups is that they want to continue to use field space at no cost.

Council Member Smith then referenced the three options listed in Mr. Baughman's staff memo; option three provides a 10-year lease with \$200,000 paid by Surf; he asked how far that money will go in developing the new soccer fields at Mountain Ridge Park. Mr. Carter referenced the City's Parks and Recreation budget and noted that the Mountain Ridge space is five percent of the 187 acres of park space that the City maintains; if Surf is paying \$20,000 per year for a 10-year lease, that is a significant percentage of the City's maintenance budget for just nine acres of space. In addition, Surf will provide a free recreation soccer league for Highland kids only, ages 5 to 7. He emphasized that he feels the value to Highland is great; one of the reasons it is important for Surf to have a lease term of greater than five years is that they want to put time and money into making the fields nice and the need to be able to amortize the investment over a longer period of time.

Mayor Ostler asked if Surf is comfortable negotiating an exit/termination clause in the agreement, to which Mr. Carter answered yes, but noted that the clause must be beneficial to both parties of the agreement. It would be hard for Surf to agree to an exit clause that would result in them forfeiting their entire investment in the property if the agreement is terminated. He then addressed fencing again; he noted that fencing along the street is very important to Surf because that is the area from which the park could be most easily vandalized by someone driving a vehicle or ATV onto the property. Surf would be willing to use something as simple as a vinyl rail fence that would deter 90 percent of potential vandalism.

Council Member Bills asked City Administration if they have had problems with people showing up to a field without a reservation. Ms. Wells answered yes but noted that City staff has not actively enforced that issue. Council Member Rodela indicated the biggest issue has occurred when groups are using a public space in a manner that neighbors are not comfortable with, without a reservation. Mayor Ostler agreed and noted that the fields at Lone Peak Park are not surrounded by homes and there has not been a great deal of damage or vandalism. Chief Gwilliam agreed and stated that there has been less damage/vandalism because the area is located on a busy road. Vandalism more commonly occurs in areas that are secluded. He stated he would like to know who will enforce priority usage of the park space. Mr. Carter stated that his concern is that if Surf makes the fields nice, they will be attractive to other users and Surf needs to be guaranteed priority usage. He would like for the City to communicate to other users that Surf has priority access to the fields. Mayor Ostler stated that Surf has priority access to other facilities, and he asked how often they have encountered a situation where enforcement is needed. Mr. Carter answered never; if a recreation team shows up to other parks, Surf will try to share with them; however, he thinks that there will be a greater demand for the Lone Peak space because it will be nicer. He added that eventually other teams and clubs will get the message and it will not be a persistent problem, but enforcement will be necessary for a time. He added Surf will install a sign communicating Surf's priority usage of the space and will look into installing a security camera system as well. Chief Gwilliam stated that the Police Department is happy to respond to a conflict at the park, but he does not want to forcibly remove someone from a field because those are the types of situations that are exploited to make law enforcement officials look bad. Mr. Carter stated that Surf has never needed to call the Police for assistance; if an issue escalates and becomes more serious, Surf will leave the space. Ms. Wells stated she believes enforcement will be more of an administrative function than a law enforcement function.

Council Member Smith asked Ms. Wells to address the manner in which the \$200,000 can be used to cover costs of soccer field construction. Ms. Wells stated the City's most recent bid for two soccer fields at Mountain Ridge Park was \$414,000, but that bid is now a year old. Council Member Smith stated that this donation will pay for approximately half of the cost of those fields. Council Member Smith asked if the Fire Department will still be allowed to use the fields at Lone Peak for their frisbee games, to which Mr. Carter answered yes.

Council Member Rodela asked if the water allocations for this space will be exceeded. City Engineer/Public Works Director Spence stated the water usage at the park is not metered; the area is very porous and water seeps through, and he is confident that the allocation will be exceeded. Excess water will essentially come from the City's water rights portfolio, but he would suggest language in the agreement that will require Surf to conserve water in years when restrictions are imposed on other users in the City. Council Member Rodela suggested that the agreement include sufficient language to require Surf to conserve water when others in the City are required to conserve; additionally, if they exceed water allocations, they should be required to pay for excess water just as other users are required to pay. She added she is still concerned about the enforcement mechanism and would like for the agreement to clearly address that issue.

Council Member Smith stated he shares the concerns about water usage; however, the fields are some of the greenest in the City and he is not sure why excess water will be needed. He then concluded he supports the arrangement and is comfortable with option three included in the staff memo. He would support fencing and the installation of a security system.

Mayor Ostler suggested a motion from the Council include conditions such as negotiating an exit clause, priority use of the field, meters and water usage, enforcement, fencing, and cameras. Council Member Smith asked if staff has clear enough direction from the discussion or if it is necessary to include those items in the motion. City Attorney Patterson stated staff can work from the direction given throughout the discussion of this item, but including them in a motion would also be helpful. He added that the final agreement, once it is negotiated with Surf, will be presented to the Council for approval.

Council Member Bills asked if the City can grant a private group access to footage from security cameras installed on public property. Mr. Patterson stated that anyone can record a public area; the City can grant permission for private use of a public facility and for use of cameras to monitor that use. Mr. Carter noted Surf is comfortable

granting the City control of the cameras and the footage collected and they would only want access to view activity that violates the agreement.

Council Member Scott L. Smith MOVED that City Council authorize staff to draft an agreement with Utah Surf Soccer Club for Option #3, which is a 10-year lease, beginning 5/20/2024 to 6/10/2034, with \$200,000 total paid for the lease. Staff will look into the following stipulations, and for that agreement to be brought back to Council at a later date for approval and discussion.

1. *Water Usage*
2. *Fencing*
3. *Concerns About Vandalism*
4. *Enforcement*
5. *Exit Clause*
6. *Use Of Fields For Others*
7. *Cameras*

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

The motion passed 3:1.

4. RESOLUTION: REORGANIZATION OF TIMPANOGOS SPECIAL SERVICE DISTRICT *General City Management - Erin Wells, City Administrator*

The City Council will hold a public meeting to consider approving the resolution supporting the reorganization of the Timpanogos Special Service District (TSSD) in becoming an Independent Service District separate from Utah County. The Council will take appropriate action.

City Administrator Wells explained Brian Braithwaite was reappointed to represent Highland on the Timpanogos Special Service District (TSSD) Board on February 18, 2020. In 1976, Utah County established TSSD as a special service district and subsidiary agency of Utah County. As a part of the establishment, the County created an Administrative Control Board and delegated all operations of TSSD to the Board. The boundaries of TSSD have shifted over the years based on development patterns and now include all of Alpine, American Fork, Lehi, Pleasant Grove, Cedar Hills, Saratoga Springs, and a portion of Eagle Mountain, Vineyard, and Draper. Because TSSD does not service all of Utah County and the County itself has minimal operational dealings with TSSD, both Utah County and the Administrative Control Board of TSSD are recommending that TSSD become independent of Utah County as an Independent Service District. For TSSD to be reorganized as an Independent Service District, every City within TSSD's boundaries must consent. As such, the County has drafted a resolution asking Highland City for its consent in the reorganization. Should the reorganization be approved, Highland City would still keep its seat on the newly created board of trustees. Current appointee, Brian Braithwaite, plans to continue serving on the board and would be appointed to either a 4 or 2-year term. (Half of the terms will be staggered to ensure a majority of the Board doesn't rotate off at the same time.) There is no limit on how many terms a member can be appointed to. She concluded staff recommends that the Council approve the proposed resolution to reorganize the TSSD.

Council Member Smith stated it is his understanding the County Commission no longer wants to be involved with the District, yet they are appointing four members to the Board, one of which is from the County. He noted that some cities will have less representation in the District.

Mayor Ostler asked Mr. Braithwaite for his input about the proposed reorganization and some information about long-term projects in the District. Mr. Braithwaite discussed the budget of the District, which will continue to grow due to growth in the county over the next 30 years. The District is building a treatment plant for the entire service area, which encompasses Saratoga Springs, Lehi, Eagle Mountain, Alpine, American Fork, Cedar Hills, Pleasant Grove, most of Vineyard, and Highland. He noted the Board membership is going to be adjusted in the near future to ensure proper representation for all the City members, with a reduction in membership from the County. All nine cities will have a member appointed to represent them; at present, some cities have appointed an elected official while others have appointed staff or other representatives like himself. He noted he is the Chair of the Finance Committee for the District, which is responsible for making recommendations on bonding and other financing mechanisms for projects in the District. The annual revenue of the District is \$18 million, but over the next 10 years the District will spend close to \$800 million to \$1 billion for large infrastructure projects responsive to Federal regulations and growth. Impact fees will be evaluated and adjusted on a regular basis to ensure that new development pays for a large portion of the costs of the projects.

In conclusion, there was a brief discussion about the discharge of sewer from Eagle Mountain and other areas of the District.

Council Member Scott L. Smith MOVED that City Council approve Resolution Consenting to Reorganization of the Timpanogos Special Service District to be known as the Timpanogos Special District.

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 Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 4:0.

5. EXPEDITED ITEMS

a. RESOLUTION: Update to the Lone Peak Interlocal Agreement *General City Management - Erin Wells, City Administrator*

The City Council will hold a public meeting to consider updates to the Lone Peak Interlocal agreement. The Council will take appropriate action.

City Administrator Wells explained on July 18, staff and Council discussed the pending amendments to the Lone Peak Interlocal agreement. There was some discussion regarding potentially changing the rotation of the Board Chair, but no final direction was given. In recent Lone Peak Public Safety District (LPPSD) Board meetings, confusion has arisen regarding procedures for alternates, chairing the meeting, and voting procedures. Staff was directed to review the interlocal agreement and clarify those items. Attached is a track change and clean version of the proposed updated interlocal agreement with those clarifications. A summary of changes are below:

- Clarifies the number of board members who have to vote in certain situations.
- Clarifies that the chair is entitled to vote if they are only chairing because the normal chair is absent.
- Clarifies that alternate board members can only fill in if a board member from their respective city is absent.

- Establishes that a quorum must include at least one member from each City.
- Removes the requirement that the Management Committee approve the Executive Director doing staff performance evaluations. The Fire and Police Chief are part of the Management Committee and receive their evaluations from the Executive Director.
- Outlines that Highland City employees outside of the Management Committee work on District functions. This is already taking place.
- Adds in contract possibilities for employees other than the Police and Fire Chief such as the Deputy Fire Chief who already has an employment agreement.
- Replaces the word “fund” with “department” as the District Budget operates like a General Fund with Departments instead of different Funds.

Staff previously incorrectly reported that the current interlocal did not outline that the Board chairmanship rotated between Alpine and Highland City each year. The current agreement does in fact outline that provision and given an absence of direction, staff has made no changes to that setup. If Council approves the agreement, Alpine City Council will consider it on August 22. If adopted by both entities, the agreement will then go into effect. She concluded staff recommends Council review the draft interlocal agreement and, if supportive of the changes, approve the Resolution. If Council would like to see additional changes to the drafted interlocal, staff recommends that the Council continue the item and coordinate a discussion with Alpine City Council regarding potential additional changes.

Council Member Smith stated he would like to hear from the City’s appointed members to the LPPSD about their feelings about the proposed changes. Mayor Ostler stated that he is a member of the Board, as was former Council Member Peterson. One of the reasons that this matter has arisen is that if there was a time that the appointed Chair of the Board was not able to attend a meeting, there was confusion about who should serve as the Chair. He feels that the proposed resolution clarifies that matter as well as some other issues in the Interlocal Agreement that were unclear.

Council Member Scott L. Smith MOVED that City Council approve the Resolution Approving and Adopting Amendments to the Interlocal Cooperation Agreement Between Alpine City and Highland City Governing the Lone Peak Public Safety District.

Council Member Kim Rodela 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 Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 3:0.

Council Member Scott L. Smith MOVED that City Council recess the City Council meeting and convene as the Board of Directors for the Highland City Open Space Special Service District. Council Member Kim Rodela SECONDED the motion.

All voted in favor and the motion passed unanimously.

b. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments For Open Space Special Service District *General City Management - Tyler Bahr, Finance Director*

The City Council will consider amendments to the FY 2023-2024 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 explained on June 20, 2023, the Board approved the FY2023-2024 budget, including operations related to the Highland Open Space Special Service District (Open Space District). The Board also approved elimination of the open space fee and directed staff to evaluate dissolution of the Open Space District. With the removal of the open space fee, operations previously funded by the Open Space District can be consolidated within the Parks division of the General Fund. Detail of the recommended budget adjustments are shown on the attached spreadsheet. The attachment shows the current adopted budget (in grey) side by side with the proposed changes in white to indicate where the expenses and revenues from the various line items are being reallocated. With regard to formally terminating the Open Space District, the City's legal counsel has advised that Under state law, an "active" district (one that has collected funds or provided services within the last 3 years) can only be dissolved by way of a petition signed by at least 33% of owners of property within the district. Utah Code 17B-1-1303(2). Without a petition from owners of property in open space subdivisions, the easiest mechanism to dissolve the City's open space district is to allow it to become an "inactive" district. An "inactive district" is a district that has not provided any service, received taxes or fees, or expended any funds for a period of at least 3 years. Utah Code 17B-1-1301(4). Once a district becomes inactive (no money or services provided/collected within 3 years), the governing body can dissolve the district by simply adopting a resolution. Accordingly, staff recommends having Highland City formally take over all services and funds that the open space district previously had, so that the district will no longer provide any services or collect or expend any more funds, allowing it to become inactive and eventually be dissolved by resolution. When the year-end closeout of FY2023 is complete, staff plans to bring a budget adjustment to the Council to transfer the remaining Open Space fund balance from the sale of Open Space property to the Parks Capital fund (or another fund Council directs) per Council's previous direction to be able to spend the funds on all City parks. The recommended adjustments eliminate a transfer from the General Fund to the Open Space District and consolidate the associated expenses with the Parks division of the General Fund. Staff recommends that the Board hold a public hearing and approve the resolution adopting adjustments to the FY2023-2024 budget.

Board Member Bills stated she would be willing to wait to approve these budget amendments until the City has finalized the study about speed bumps for the View Pointe area since there has been consideration of using Open Space revenues to pay for speed bumps. She is concerned about reallocating that money to the General Fund, even though it has been set aside for another purpose. She also asked if there are other expenses to be funded from the Open Space fund that have not been completed. Mr. Bahr stated that the fund balance for the Open Space fund is not part of the action that has been proposed tonight; the money will not be reallocated to the General Fund until the budget is completely closed out. Council Member Smith stated he is supportive of moving the open space monies to the General Fund, but if something has been voted on in the past, he wants to ensure that direction is satisfied. Mayor Ostler stated it may be helpful to direct staff to research the motion that was made to be sure the Council understands what should be done with the open space money. Council Member Bills stated she believes the motion was to set aside money for the speed bumps, but if staff needs to research that issue, she is willing to wait to make a final decision on the open space funds. Mr. Bahr reiterated that matter would come back to the body before a final action is taken to move the open space funds. Staff can bring back information about expenses that have been approved and are pending in the open space fund. This led to a high-level discussion of general traffic calming efforts throughout the City; Board Member Smith stated that the City has discussed traffic calming for some time, but no real action has been taken. The City continues to hear complaints from neighborhoods throughout the City and it is necessary to consider what can be done with the funding available to address safety concerns. Chair Ostler agreed.

Chair Kurt Ostler opened the public hearing at 8:37 p.m.

There were no public comments.

Chair Kurt Ostler closed the public hearing at 8:37 p.m.

Board Member Kim Rodela *MOVED* that the Board approve the resolution adopting the adjustments to the Open Space Special Service District FY2023-2024 budget.

Board Member Timothy A. Ball *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

Board Member Scott L. Smith *MOVED* to adjourn the meeting of the Highland City Open Space Special Service District and reconvene the Highland City Council meeting. All voted in favor and the motion passed unanimously.

- c. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments** *General City Management - Tyler Bahr, Finance Director*
The City Council will consider amendments to the FY 2023-2024 budget. The Council will take appropriate action.

Finance Director Bahr referenced the previous agenda item and action by the Open Space Special Service District Board; he noted that the action proposed for the City Council to take are the same as was requested of the Board.

Mayor Kurt Ostler opened the public hearing at 8:39 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 8:39 p.m.

Council Member Timothy A. Ball *MOVED* that City Council approve the resolution adopting the adjustments to the FY2023-2024 budget.

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 Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion passed 4:0.

6. 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. City Council Vacancy – Erin Wells, City Administrator

City Administrator Wells discussed the process the City must follow to fill the vacancy created by the resignation of former Council Member Sarah Peterson; the vacancy has been advertised and the City will accept applications until September 5. Candidates will be interviewed publicly during the September 12 meeting and the decision will be made by the Council following those interviews; a tie will be broken by the Mayor, if necessary. Thus far, the City has received applications from six individuals: Allie Carlson, Doug Cortney, Landon Densley, Kevin Greene, Sherry Kramer, and Wesley Warren. The items for which staff needs direction from the Council include the interviewing and voting methodology. She provided examples for the Council to consider from State law, and vacancy processes from Alpine City, American Fork, and Cedar Hills. She facilitated discussion among the Mayor and Council regarding their desires for interview and voting methodologies and indicated the feedback provided by the Council will be used to develop a resolution that can be presented to the Council at their September 5 meeting to communicate the process to the public. Council Members Rodela, Smith, and Bills communicated support for the process used in Cedar Hills; Mayor Ostler agreed, and added that he likes the ability of the Council to use a secret ballot in the initial rounds of voting. Continued discussion centered on the ability of the Council to ask different questions to each candidate, with City Attorney Patterson noting that the most important thing for the Mayor and Council to consider is that the process must be fair to all applicants.

Ms. Wells concluded that the person selected will complete former Council Member Peterson’s term and the seat will be included in the City’s election ballot in 2025. Council Member Smith asked if it is too late in the year to include the seat on the 2023 ballot, to which Mr. Patterson answered yes.

b. Alcohol Communications Plan – Erin Wells, City Administrator

City Administrator Wells explained City Administration has been working on a communication plan regarding the proposal to amend the City’s alcohol ordinance to allow alcohol sales in restaurants in the C-1 zone. Starting next week, the City will begin publicizing information to help the public to understand current State and City laws regarding alcohol sales and to advertise the publication of a survey and the date of the public meetings to be held regarding the issue. An informational session will be held September 14 at Mountain Ridge Junior High and will include a staff presentation, a presentation from the applicant, fielding of written questions, and a reminder of the survey and the upcoming Council meeting where a decision on the application will be made. Staff would like to deliver surveys to the public by September 15; each survey will have a random and unique identification code for respondents. There will be an instruction sheet included with the survey to provide basic information about the matter and a link to the video that will be taken at the informational session. Items of consideration include whether one survey should be sent to each household or if multiple surveys are appropriate. Additionally, staff needs to know if the Council wants to tie responses to a household or if the surveys should be anonymous. Proposed survey questions include the following:

- Should Highland allow some commercial business to sell alcohol?
 - If yes, should alcohol sales be allowed for off-premise consumption?
 - If yes, beer in grocery stores?
 - If yes, higher content alcohols in State Liquor stores?
 - If yes, should alcohol sales be allowed for on-premise consumption?
 - If yes, choose which type(s) of licenses should be allowed: limited service, full-service, bar, tavern

Surveys will be due September 30 and staff will compile data from the survey until October 5 with plans to present the findings to the Council on October 17.

Council discussion of the survey question centered on whether to gather responses on a matter that the Council is not currently considering, i.e., off-premise consumption alcohol sales. Ms. Wells stated staff believes that it would be appropriate for the Council to address the matter of alcohol sales on a broader basis, but if the Council only wants to get responses about the pending application, staff can adjust the survey. This led to debate of the matter among the Council, and they ultimately concluded that would like to keep the survey brief, but to only ask questions that pertain to on-premise restaurant alcohol sales, but to remove the reference to bar or tavern because that may sway responses to the survey.

Council Member Smith stated that he is tired of the argument that alcohol sales are permitted because they have not been explicitly prohibited in the City Code; he stated that no City Council in Highland has ever voted to allow alcohol sales and he is not pleased by the actions of past Council's being twisted.

Discussion then centered on the manner in which surveys should be distributed to the citizenry; the Council concluded to mail two per household and include language asking that only those over 18 years of age complete the survey. Households with more than two individuals over 18 years of age can contact the City for additional copies of the survey. Ms. Wells asked if the Council wants to include unique identifiers on the surveys to ensure that people are not completing multiple surveys. The Council also debated this matter and concluded that in order to have confidence in the results of the survey, they want to include unique numbers on the surveys. Ms. Wells stated she will finalize the draft of the survey and provide it to the Council.

c. PI Meter Project Update – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer provided an update on phase one of the Pressurized Irrigation (PI) meter installation project and communication efforts of the City regarding the project, including:

- City wide informational letter
- Door hanger (week prior to installation)
- Door hanger following installation
- Project website: highlandpimeters.com
- Phone numbers: Hydrovac, Jacques and Associates
- Public outreach/calls ~ approximately 20 per week

There was brief discussion about public feedback the City has received from those that whose property has been impacted by the project; there has been both positive and negative feedback and Mr. Spencer stated that residents are encouraged to reach out for assistance in resolving any problem they are having after the installation of the meter is completed on their property. He then discussed phases two and three of the project, noting costs have increased by 10 percent when compared to phase one; work will be done in the winter to avoid difficult valve areas and accomplish a quicker installation timeline. Staff would like to discuss PI rates with the Council in the spring and summer of 2025 after the project is fully completed, with hopes to have a rate structure adopted for Fiscal Year (FY) 2027.

d. General Plan RFP Review – *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman discussed statutory requirements for the City to have a General Plan; the last time the General Plan was updated was 2008 and the decision has been made that it is time to update the document. City staff has drafted a request for proposals (RFP) to help evaluate and choose a partner to aid the City in updating the Plan; the RFP should be published by the end of this month. He discussed recent State Law changes that have increased the requirements for including more information in a city's General Plan, including plans for water conservation, transportation planning, and a moderate-income

housing element. Staff plans to have strong community involvement and will also include the Planning Commission in the process. The project should be well underway by the end of this calendar year.

City Administrator Wells indicated City Administration would like to have a few Planning Commissioners and Council Members involved in the review of the responses to the RFP. Council Members Bills and Rodela, and Mayor Ostler, volunteered to participate in that step of the process.

e. Parks Maintenance Building Update – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented an updated site plan and renderings for the Parks Maintenance Building project; the current cost estimate for the project is \$2 million and the budget that was approved for the project was \$1.85 million. He discussed efforts to reduce the cost of the project in order to get it done under budget. He feels that the estimate is close enough to the budget that the City can proceed with obtaining bids.

Mayor Ostler stated he wants to make sure there is enough money to complete Mountain Ridge Park and he does not want this Parks Maintenance Building project to impact the Mountain Ridge Park project. Mr. Spencer agreed.

Council Member Smith stated that the Community Center needs to get new paint and carpet. City Administrator Wells stated that City Administration is moving forward with that project.

f. Pressurized Irrigation (PI) Long Term Financial Obligations– *Andy Spencer, City Engineer/Public Works Director & Tyler Bahr, Finance Director*

This item will be discussed at the September 5th meeting

g. David Stewart Grant Update – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer reported on his work with David Stewart to complete an application package for a water grant. Mr. Stewart is confident he will be able to secure \$1 million for needed water project.

Council Member Rodela asked if the City has extended the contract with Mr. Stewart, to which Mr. Spencer answered no, but indicated staff has informed Mr. Stewart that funding for his contract has been included in the budget and he was willing to continue working for the City with that understanding.

h. Mountain Ridge Basketball Court Striping – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented a park plan to highlight the location of pickleball and basketball courts at the park; the idea was presented to paint the basketball court to function as a futsal court as well. This will optimize the use of the facility, but it may lead to the need to fence the court to keep futsal balls contained. There is no funding for the fence at this time, but that can be discussed in the future. The Council supported the idea of painting futsal lines on the basketball court.

i. American Fork Irrigation Company Cameras – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer stated the City has received a request from American Fork Irrigation Company to install cameras at their facilities throughout the City to help deter vandalism. The cameras will only be focused on water apparatus and will not capture any private property. He asked if the

Council is comfortable allowing them to move forward with the installation on 5600 West, American Fork Canyon, and other locations as necessary. There were no objections from the Council.

j. Future Meetings

- August 29, Planning Commission Meeting, 7:00 pm, City Hall
- September 5, City Council Meeting, 7:00 pm, City Hall
- September 12, Special City Council Meeting, 6:00 pm, City Hall
- September 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 19, City Council Meeting, 7:00 pm, City Hall
- September 26, Planning Commission Meeting, 7:00 pm, City Hall

Council Member Smith discussed the feedback he received from residents during the Highland Fling, including a great deal of gratitude to City staff involved in flooding prevention measures, suffering landscaping on City roads, the fence along Alpine Highway, trees damaged by road salt on Timpanogos Highway, and reprioritization of the City’s road improvement project schedule to ensure that 5320 West is repaired/improved.

7. CLOSED SESSION

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

At 10:42 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

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

The CLOSED SESSION adjourned at 11:18 pm.

ADJOURNMENT

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

The meeting adjourned at 11:19 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 August 15, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

A handwritten signature in blue ink, appearing to read 'Stephannie Cottle', with a stylized, cursive script.

Stephannie Cottle, CMC
City Recorder