



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 1, 2021

Approved July 6, 2021

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

VIRTUAL PARTICIPATION

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

 Zoom: Call 1-346-248-7799 Meeting ID: 846 2415 9787

 Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Kathy Harding

Pledge of Allegiance – Andy Spencer

The meeting was called to order by Mayor Rod Mann as a regular session at 7:02 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Kathy Harding and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Engineer EIT Mike Burns, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer Andy Spencer, PI Water Superintendent Jeff Murdoch

OTHERS PRESENT: Jon Hart, Kathy Harding, Kristen Giles, Peter & Penny Kilger, Neil Schwendiman, Tavis Timothy, Kris Johnson, Brandon Nish, Braydon Giles, Aaron Welcher

1. UNSCHEDULED PUBLIC APPEARANCES

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

Council Member Ball stated he wished to make some comments about the Fire, Police, and Emergency Services. He mentioned that he had never thought he would be in need of their services but stated that he took care of his 95-year-old elderly father. His father had an issue at 2:00 a.m. and Council Member Ball had to call the EMS.

He explained that the EMS had been courteous, respectful, fast, and treated his father like a prince. He continued that they deserved an 11/10 rating. He thanked the EMS for their work and service.

Brandon Nish: thanked the Council for their service to the City. He mentioned wanting to discuss the disposition of open space currently being contemplated by the City. He explained that he was excited to hear that this was an opportunity. He shared his personal thoughts to help refine options. He explained that he used to live in the ViewPoint area and had a 35 foot space between his backyard and that of his neighbors. He explained that because of the nature of the piece of space, the land was not used. He added that a fence had been required and created a wasted space. He added that grass was dead in the summer and weeds began coming through. While his own yard was well maintained, on the other side of the fence, the City's land was unattractive. He added that he had now moved and was faced with another piece of land between his backyard and that of his neighbor. This created a similar issue with a piece of land that provided no benefits to the community. He explained that he wanted to leave the land natural but added that sometimes, weeds had to be destroyed as they ruined nearby yards. He continued that he wished to express that this was a great thing for the City to do and that each case had be looked at individually. He stated out that neighbors should be allowed to give input and consent. He went on to mention that the pricing of the land could be prohibitive and that no one would purchase at that price.

Braydon Giles explained that he had emailed the Mayor. He thanked him for responding. He added that he seconded exactly what Mr. Nish had stated.

2. PRESENTATIONS

a. North Point Solid Waste Special Service District – *Neil Schwendiman*

Neil Schwendiman presented a new software program which would help educate residents regarding solid waste.

Mr. Schwendiman explained that the software could help residents know their waste schedules and what waste went where. He presented Recollect and Recycle Coach, which was used by the City of Orem. The first software he presented had an imbedded widget for a city's webpage. He explained the options for users to check their My Schedule tab or to figure out what went where. Mr. Schwendiman typed in an address which pulled up a calendar and showed what days garbage and recycling were collected with optional text reminders, phone call reminder, or Twitter reminder.

Council Member Ostler explained that he had received a text from waste services that they would be off on Monday. He asked whether the app was tied to Waste Management and was answered that it was not. Mr. Schwendiman stated that in Washington County, waste was picked up by Republic Services and continued pointing the different features offered. He added that one could put other events such as household waste events. He stated that the site allowed to select a specific material and find out where it should be discarded with every option to discard. After discussing the basic features of both apps, Mr. Schwendiman showed the City of Orem's app. He mentioned that further questions about what should be thrown away could be answered through these apps. He explained that the district had looked into several options, and the cost for the district would be \$15,000 for the entire year. Mr. Schwendiman explained that broken down by population for each city, without the District's participation, Highland would have to pay \$500 in total. He concluded that the Council should decide if that was something they would like to see done and report back to the Board. He stated that if there was enough interest in the district, the app would be pursued. He added that he would leave some information if the City wanted to go out on its own to find similar programs.

Council Member Smith said that he always had to ask his wife for what to recycle. He mentioned that it would be nice to have this program and that it was not excessive in terms of cost. He asked whether the District would contribute a portion of the cost. He was told that the amount the District would contribute had not been decided.

Mr. Schwendiman explained that in the case of Washington County, all the cities were under the same contract for the collector. He continued that he managed this system and could pull a lot of statistics to know the data. In the case of Highland, because there were several contracts, someone would need to be designated to manage the information. He stated that the set up required in the beginning took the most amount of time.

Mayor Mann said that he would like a reminder on recycle day.

Council Member Rodela explained that she had daughter who had a business taking garbage out and would love that reminder.

b. Water Update – Jeff Murdoch

Jeff Murdoch will present the current water situation as it relates to pressurized irrigation for Highland City.

Mr. Murdoch provided an update on Pressurized irrigation. He stated that the water was very low because of the dry year. Mayor Mann had requested residents to postpone the irrigation season until the 1st of May. He stated that it had been helpful. The first graph showed that the area was in exceptional to extreme drought. He stated that the mountains were already quite bare. Mr. Murdoch showed a flow chart of a testing station in the canyon: the flow meter read every ½ hour. He showed data from 2015 to 2021 and stated there had been some good years and some bad years. He further explained that the area was in the worst year ever and continued that the area was not experiencing any high runoff. He stated that some years the City had 350 cfs in the canyon which meant there was flooding and stated that the City was at 1/3 of what it had had last year.

Mr. Murdoch's next graph showed the month of May with median. The following graph was list of sources showing how the City had used each of them in the past, and what wells the City needed to use. The year prior, the City had used stored water from Jordanelle and Deer Creek though he mentioned that the prior year had been mild.

Council Member Ostler asked whether the irrigation from the canyon served American Fork/Lehi. He was told it was the case. He continued stating that CUP/Deer Creek should come out of the Canal or other diversion plans in the City. Mr. Murdoch explained that the total acre feet came from all sources combined. Council Member Ostler stated that the City was using more water than the year prior despite the conservation messages.

Mr. Murdoch explained that smart meters had been helpful in the past as it helped people pay attention and cut back on their water consumption.

Council Member Ostler asked whether a forecast had been done for 2021. He added understanding this would merely be a guess but added that it was important as the City was having only 30% of what it got in prior years. He continued that the irrigation should be lowered and asked whether the City would be okay. Mr. Murdoch stated that he anticipated 3000-acre feet from Lehi irrigation in 2021. He continued that if the flow continued its trend, there would be a difference of 5000-acre feet to make up for. He added that this could come from storage and wells.

Mayor Mann stated that another option was to use less water.

Mr. Murdoch moved to the storage and allocation, which he referred to as the bank. He explained that these were the water shares the city held: Provo full, Provo late, Highland Conservation, CUP. These stored sources could be brought in. He mentioned that the water could be carried over for a certain number of years and added that the reservoir could not diminish. The allocation for the year was 4,374-acre feet. He continued that having talked with some of the Provo River Water Users members, there would be only 80% of that. And added that he had shot for 75% and mentioned that the 2021 goal was to not use any of the holdover water which amounted to 868-

acre feet. He explained that Highland had used some of their holdover water but stated that most cities around Highland had used all their holdover water the year prior. He also added that 2018 had been a drought year, and Highland had used 4,826 that year.

Mr. Murdoch moved on to the irrigation application rate for the State of Utah water users. The data had been collected from cities that were monitoring their users. He stated Saratoga Springs had the least usage and went to Hurricane which had a much hotter climate and higher water usage. He added that some test meters had been installed throughout the town. These meters had helped compile the application rate which was at 6.2. He added that compared to the rest of the cities, this rate was high. He acknowledged that Highland used a lot of water and stated that some conservation would show a decrease in consumption.

Mr. Murdoch discussed a conservation strategy. He explained that holdover water needed to be preserved in the event that the City did not have a good winter in 2021-2022: the water would be needed. He continued that the City was considering a 25% reduction which seemed reachable.

Mr. Murdoch explained that some studies had shown that even with such a reduction, there could be green lawns, flower, and trees. He explained that any brown spots could be hand watered and that instead of 30 minutes of watering, 22.5 minutes would suffice. He stated that though this was not a big change, it could have an impact. Mr. Murdoch continued that this would be pushed to the public and that the City had handed out flyers regarding pressure issue. They had done the same the year prior and had seen a 15% decrease in usage. He added that the “Slow the Flow” website was a great resource as well. .

Council Member Ostler mentioned that residents were encouraged not to water between the hours of 8 a.m. to 8:00 p.m. and asked whether there were any savings to be had when not watering during these hours. Mr. Murdoch explained that the myth had often been that watering during the hottest hours meant the water evaporated. He stated that while this was true, it also depended on the sprinkler systems and heads used: mists would evaporate, but larger water heads would not evaporate as much. He did agree that watering during cooler hours and on days with less winds was better.

Council Member Smith stated that the City had spent a lot of its culinary water reserves. He explained that he was of the opinion to encourage residents not to use culinary water for brown spots. He asked whether the culinary water supply was that secure that people could use it for brown spots. He was told that some used the PI system for brown spots. Mr. Murdoch explained that this recommendation to water brown spots by hands was intended for people to use PI water. Council Member Smith stated that he knew a lot of people who used culinary water for the brown spots in their lawns.

Council Member Smith stated he had a friend who worked for CUP. He explained that his friends had been planning for years to have a drought year that if residents conserved water, things would be okay. He continued that if there were two or three more years as dry as this one, there would be issues.

Mr. Murdoch explained that the City was planning in order to get ahead of the game. He continued that the City had holdover water and was in a good situation. If there was a reduction through conservation, the City would be fine for three to four years.

Council Member Rodela stated that she appreciated all the planning and mentioned that the City Council supported conservation strategies suggested by Staff. She added that these were all great strategies and that the Council could post on social media as well as.

Council Member Ostler stated that there was a lot of inertia and stated American Fork who had attempted the 25%. He continued by stating that Lehi recommended residents to only water their lawn twice a week. He stated that the Council did not know what would happen in the future.

c. Legislative Updates – Brady Brammer

Representative Brady Brammer discussed with the Council state level issues affecting Highland City.

Mr. Brammer explained that this had been a very difficult year for law enforcement but stated that Chief Gwilliam was doing a great job. He continued that the department had done well on the budget and that even without the stimulus funding, the department would have come above the line. He mentioned that Utah was the only state who had increased education funding. He stated that ARPA funds would take some time to be available because regulations were being created as cities were receiving money. He explained that the City had created buckets for areas they knew could receive those funds and then created grant programs to fund the items. He explained that one of the largest programs was water infrastructure and stated there would be significant investment in water conservation infrastructure state-wide, waste, and water treatments programs which had been underfunded.

Mr. Brammer stated that he knew the Council had been receiving emails regarding Blue Bison. He explained that if Blue Bison continued to run up against city councils that were not cooperating with their developments, it may make a run to the State. He continued that if the Council faced such a situation, they should contact him. He stated that this was a common tactic for larger developers.

Mayor Mann asked about ARPA money and whether the grant programs were intended for cities to apply. Mr. Brammer stated that some of the programs were meant for cities but added that the buckets had been created and grant programs would be set up by administrative bodies as they could. He added that the grant programs were still evolving, and that Staff was receiving regulations from the Federal Government. He explained that it was important to use these for infrastructure since our children were going to be paying for it regardless.

Mr. Brammer explained that Staff was still working on water groups regarding Utah Lake Authority bill. He continued that the City did not have an entity that was authorized to act on behalf of the lake wholly. Council Member Rodela stated that for water conservation, the City had applied for meters and that it planned to apply for meters again. She further asked whether Blue Bison would come to the State when facing an issue, and whether the State would back up the City. She continued that there were some bills that she was passionate about. In these cases, she would contact Mr. Brammer who followed up in ways that were amazing and transparent. She added that he had a newsletter and should be followed on social media.

Council Member Ostler discussed road fees and usage fees. He stated that there was a bill going through that seemed to have been stalled. Mr. Brammer explained that he had talked to Cameron Diehl, who represented the Leagues of Cities and Towns, and had asked him not to run that bill. He mentioned that he disagreed with the path the League had taken but would not force a solution. The bill was on hold. He continued that if the Council saw legislative needs that needed to be addressed at the State level, they should contact him during the summer as it was a better choice than in the Fall. He stated that one could only get a certain number of bills drafted. As a result, there were bills that would never get drafted unless they were submitted early enough. He continued when it came to City needs, earlier was better. He mentioned that his Staff had left 200-300 bills undrafted the past two to three years. He added that 1/3 of the bills requested never became drafted.

Council Member Ostler asked whether there had been anything new regarding affordable housing as the City had tried addressing the issue with accessory apartments. Mr. Brammer stated that there was nothing new there. He mentioned that there might be additional attempts to address affordable housing as there had been increases in the amount of laborers that can work on a home. He also added that the State had gained a lot of population. Mr. Brammer mentioned the Accessory Dwelling Unit issue. He explained that he had contacted the bill sponsor early to address the parking component. If not handled correctly, it would kill the neighborhoods due to safety hazards created by on-street parking. Mr. Brammer explained that this bill was not popular with city councils. He mentioned that in 1980 the average was 4.3 persons per household but dropped to 3.8. The ADU legislation

would take it to 4.2. He stated that when thinking about a common employee trying to find housing, this would be a band-aid.

Council Member asked how the City could respond to Blue Bison. Mr. Brammer explained that he had not seen anything come through, though he had seen a few developers make that play. He explained that often times, this was meant as a warning to councils. He explained that this would depend on how good the developer's lobbyist was and how they structured their plan. On the last day of the 2020 session, a developer was able to obtain an annexation. He continued that this particular annexation got through though it should not have and added that the legislation had come back in special session and repealed the annexation. He mentioned that this was the kind of play the City should watch for.

Mayor Mann asked whether, in the instance Blue Bison, legislation would be passed requiring cities to connect roads and sewers. Mr. Brammer stated that thus far, the City had been able to say no as it could not support that infrastructure. He mentioned that he did not want to be forced by Blue Bison. Council Member Smith asked about water conservation, issues of pressurized irrigation and added he was concerned about long-term culinary water needs. He stated that another developer had purchased property around Micron and wanted to build 2400 residences, which was the equivalent to half the current population. He asked what was happening at the legislative level to make sure cities had enough culinary water. Mr. Brammer stated, in regard to water rights, you had to use your water rights to maintain them. He continued that some cities had farming water rights and used them to make sure they were not taken away. He explained that a couple of years ago, a bill had been passed regarding water banking. He explained that this was a different approach to handling water and one of the good compromises he had seen in the State. He added that water was a complicated system that ran counter to how one thought it should: take some water, bank it, and allow others to use it. He went on to say that the majority of water was for agricultural uses and that engineers could pull extra water down to cities if needed. The structural issue was the Colorado River Water Compact which had been overestimated by 15M cubic feet. Consequently, 7.5 had been allocated to the upper and 7.5 to the lower basin states. There now was a re-negotiation. The Colorado River Water Authority had been formed the year prior to provide tools to negotiate and maintain water rights. He continued that the negotiation was almost like a piece of litigation. He argued that it was too bad this had not been started years ago as it would pay out in protecting water. He further mentioned that the water community had been active, but there was maintenance required to ensure growth.

Council Member Bills stated that we needed to continue to watch out for times when state told cities what to do in terms of billboards, housing, voting, etc. She added that it would be helpful to receive specific legislative updates early in the session and stated that she believed most decisions should be made at the local level. She explained that she had been caught off guard by the Utah Lake Authority bill and that better advocacy could be done if the Council knew ahead of time. Mr. Brammer explained that he would come back at the beginning of the session to discuss what he was planning to run. The first week of January, he went on, was dedicated to caucus meetings which was the time when he could see the structure of where things were going. He continued that by this point, the House Leadership had seen all the bills and knew what the hot issues were. The week before the session would be a good time to meet with the Council. He stated that there often were late bills and added that the Utah Lake Commission, had not provided the drafted bills until 2-3 weeks into the session.

Council Member Bills thanked Mr. Brammer for all he did.

d. Introduction of New City Engineer - Andy Spencer

Andy Spencer will be introduced as the new City Engineer/Public Works Director.

Mr. Spencer introduced himself and explained that it was his second week. He mentioned that he had graduated from BYU as a Civil Engineer and was licensed in the state of Utah. Initially, he had worked as a consultant engineer and had then worked for American Fork. Subsequently, he had joined a private development firm. He stated that he was excited to be here and explained that he had grown up in North Utah County. He went on to

say he was learning quickly about Highland and had a substantial familiarity with cities, agencies, and water boards. Council Member Rodela asked whether Mr. Spencer was a Cougar fan. He answered that he was a Cougar fan though he loved all the universities.

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*

Regular City Council Meeting – May 4, 2021 and May 18, 2021

b. Construction Contract: HA5 and Bonded Matrix Road Treatment *Administrative*

The City Council will consider a request to approve a bid with Holbrook Asphalt Co. to proceed with the application of HA5 (High Density Mineral Bond) to 722,833 square feet of road surface and the application of Bonded Matrix sealcoat to 117,186 square feet of road surface throughout Highland for a total of \$219,829.63. The City Council will also authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

c. Construction Contract: ONYX Sealant Treatment *Administrative*

The City Council will consider a request to approve a bid in the amount \$63,905.74 to Morgan Pavement for the placement of 336,345 square feet of ONYX Frictional Mastic Sealant as a part of the 2021 Road Rehabilitation Project. The City Council will also authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

Council Member Scott L. Smith MOVED that the City Council approve consent items 2a b, and c.

Council Member Kim Rodela SECONDED the motion.

City Engineer Andy Spencer explained that Staff would have a small award during the next council meeting. He added that seal coating and preservation would happen over the summer while trail maintenance would take place in the Fall around the Highland Glen Park area.

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

The motion passed 5:0.

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - NUISANCES *Legislative*

The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code relating to the nuisance of noise in commercial zones. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Bronson explained that the amendment was meant to bring the Development Code into compliance with Municipal Code. She continued that the meeting had taken place on May 4th with the City Council which had approved the municipal code amendment. Planner & GIS Analyst Bronson mentioned that the amendment aimed at separating properties into type a, b, and c properties. She stated that decibel levels for each type had been designated as well as defining what a nuisance was. She mentioned that this would create the ability to enforce noise complaints and that development code in every commercial zone now had a section describing the details. She stated that the threshold was 65 decibels for all commercial zones but that in the town center zone, that number was measured at the source. She stated that this had been an issue and that the amendment had taken all the declared decibel levels out and referenced the section of the municipal code. The Planning Commission held a public hearing and recommended approval with minimal concerns about enforcement. She mentioned that the appropriate notices had been sent out regarding this public hearing.

Council Member Ball asked whether measurements were instantaneous or over a period of time. At the source, a baby could cry at 90 decibels and an anonymous neighbor could call in and subject care takers to fine or prosecution. Planner & GIS Analyst Bronson explained that there was no measurement at the source, only at the receiving property. The maximum was 60 decibels in residential, she added. She continued that the ambient sound would also be taken into consideration, with 10 extra decibel level above the ambient noise. Council Member Ball explained that he did not like this part of the amendment. City Attorney Rob Patterson explained that the definition of noise was tied to what was unreasonable and added that a baby crying was not unreasonable. He continued that the Police would have to enforce which was not simple. He explained that the amendment would provide some standards. Mayor Mann mentioned that the measurement would not be instantaneous, because a noise would need to be repeated to be verified. City Attorney Rob Patterson provided the example of people speeding to illustrate the amendment. He stated that the noise generated by a part would be enforceable. Council Member Ball explained that he understood the necessity of the ordinance and was comforted by the addition of the word reasonable. Council Member Rodela stated that she was fine with the ordinance. She did not imagine that this would be enforced with a decibel reader, but rather would be used as a backup. Chief Brian Gwilliam stated that the police did not have any decibel meters and that the issue with noise was that it was subjective: enforcement would be by report only. When it came to compliance, he added, an ongoing issue would be brought to the Council.

Council Member Ostler explained that some residents had complained about motorcycles jumps in a backyard, which created dust and noise. He asked whether the police would get notified and whether there would be a warning or ticket. Chief Gwilliam stated that this was progressive starting with the least amount of enforcement, doing something like talking to offenders followed by more involvement. Council Member Ostler asked what would happen if there were complaints about fireworks. Chief Gwilliam stated that this would depend on circumstances. Council Member Smith asked what fines would be imposed if things escalated. Council Member Ostler stated that the ordinance did not specify a particular penalty, therefore, the default was a potential Class B misdemeanor. City Administrator Nathan Crane explained that zoning enforcement was all about compliance. The police were not there to issue citations. There was enforcement when needed, but 90% of cases did not even make it to city prosecutor. The goal, he went on, was to achieve compliance and to work with property owners which was much better than handing out tickets. Dealing with noise, the Police looked for patterns of behavior. Council Member Smith explained that the changes in noise ordinances were due to some facilities having dances and stated that this ability would be taken away. He continued that the City had, however, big exemptions for schools. He added that one extreme had been taken away and that he wanted to know the steps to enforce. Council Member Bills explained that the City did not intend to be heavy-handed but wanted to have consequences when noise became a problem. She stated she was in favor of the amendment.

Mayor Rod Mann opened the public hearing at 8:23 pm

Peter Kilger explained that decibels were in logarithmic scales. Consequently 40 to 50 was not a 20% increase, it was 3 times as loud.

Zfullthrottled (online): Mr. Z. stated that the individual was allowed to know their accuser, and that the Council should not make arbitrary laws that were stupid. Mr. Z was informed that the City of the accuser became the accuser in code enforcement. Zfullthrottled stated that if an individual filed a complaint, the person had a right to face their accuser. Mr. Z. added that if the penalty was a misdemeanor, a person definitely had the right to face their accuser. He was concerned about more laws were being created that could not and would not be enforced. He was told that the update would help the City Council enforce when it became necessary. Mr. Z. stated that he was on his way to the meeting as this was inappropriate. Mayor Mann stated that the City would never take an action until it had witnessed the problem. At which point, the City became the accuser.

Mayor Rod Mann closed the public hearing at 8:26 pm

Council Member Brittney P. Bills MOVED that the City Council accept the findings and approve the proposed amendment to several sections of the Development Code relating to the nuisance of noise in commercial zones as recommended by the Planning Commission.

Council Member Kim Rodela SECONDED the motion.

Tim: Regarding commercial zones, but just discussing residential zones, this amendment is just for dev code pertaining to commercial zones. As long as it precludes residential.

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

The motion passed 5:0.

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SPORTS AND FITNESS *Legislative*

The City Council will hold a public hearing to consider a request by Highland City Staff to amend Chapter 10 Definitions in the Development Code to clarify permissible uses in the C-1 Zone, CR Zone, and Town Center Overlay relating to sports, fitness, and social dances. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Bronson explained that the amendment specified that sports and fitness centers were permitted in zones C-1, C-4, and the town center overlay. She stated that because of resident complaints and participation in Council meetings, the definition of sports and fitness centers had to be revised and the intent of permitting these centers in these commercial zones clarified. She added that one use had been prohibited, that of social dances. She also mentioned that the proposed amendment defined social dances and social dance facilities. She continued that in the C-1 zone, the definition had been changed from fitness center to sports and fitness centers. She went on to say that social dance facilities were defined as anything that was not organized

instruction as a fitness activity. She finished by explaining the definition of sports and fitness as training, conditioning, exercising, and sport activities. This had been presented to Planning Commission on May 25, 2021, with a public hearing. The Planning Commission recommended approval and Staff had not received any correspondence.

Mayor Rod Mann opened the public hearing at 8:31 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 8:31 pm.

Council Member Ostler explained that the City was doing a Footloose ordinance. The City Council was banning dances.

City Attorney Rob Patterson explained the prohibition did not apply to residential zone.

Council Member Rodela clarified that the ordinance did not include schools and churches and asked if this was some form of discrimination. There were exceptions for schools and churches even though they were not zoned for this use and no other facility was being provided with an exception.

City Attorney Rob Patterson explained that based on the Council's discussion, it sounded like this was the direction to take. He mentioned that part of the process had been to define what sports and fitness centers were, what dances were, as well as where dances would be allowed. Council Member Rodela asked whether there were any legal issue allowing dances in some places and not others. City Attorney Rob Patterson stated that as long as the City was not discriminating against a certain person or protected class of people, there should not be.

Mayor Mann observed that school and churches were typically in residential zones and stated that the City did not necessarily need to create this exclusion because of schools.

Council Member Ostler stated that there was a facility called Just Dance on SR 92. He explained that they taught dance but might also have dances. He stated there was a social aspect and discussed the difference with commercial zones. He asked about a dance at the assisted living center and whether the space would be violating the ordinance.

City Attorney Rob Patterson explained that if that space decided to host a public dance that anyone could join in an unstructured, "clubesque" way, there would be a violation, unless the space was in a residential zone. He explained that the City already prohibited uses that were not specifically allowed. Dances were already not a permitted use. He concluded that the amendment was meant to clarify the ordinance, not change it.

Council Member Bills stated that a few months prior, someone had applied to open a reception center and added that the Council had refused based on allowed uses. She asked about the definition of reception centers versus a facility calling itself something else but doing receptions. She added this seemed inconsistent as the Council was letting a different facility that called itself something else hold the same type of event.

Council Member Smith explained that The Pointe, a dance instruction studio in the commercial zone, could have performances. He asked about the possibility of a social dance. He was answered that they can have performances of their dances, but not a social dance. City Attorney Rob Patterson asked whether the studio had been opened for social dances. He stated those performances were not social dances: they were an organized event which made them a permitted use.

Council Member Bills stated that she was concerned about receptions centers and the required parking as well as social dances and the noise issues.

Council Member Rodela explained that the ordinance made more sense with the clarifications about what could be done in residential zones.

Planner & GIS Analyst Kellie Bronson explained the zones as CR-C1 and Town Center. She stated that sports and fitness centers were not allowed in the PO zone or the residential and professional zone. They were only permitted in the three aforementioned commercial zones.

Mayor Mann clarified the zones. He added that when it came to compliance, Staff should be talking with them. As an example, Norton, to check if there were things that had been scheduled. Council Member Ostler explained that since the ordinance would affect them, their events could be grandfathered in until the end of the year. He added that some of these issues were brought on by the situation created by the pandemic as dances and schools were shut down.

Council Member Smith stated that there had been complaints about businesses having social dances. He added that there were also issues of parking and stated that there had been consideration of banning the business being banned from doing social dances. He explained that he would have a difficult time banning social dances.

Council Member Ostler explained that the noise ordinance was trying to address some of these issues. He asked whether during performance dancing the issue was the dance, or the noise. He continued understanding that parking would be an issue and asked whether the issue was the type of clientele renting the facility.

Mayor Mann stated that the complaints included noise, things happening in parking lot, and destructive behavior. When the Council had approved a sports and fitness center, it was not a reception center or a social dance center. The ordinance, he went on, clarified the uses that were allowed. The problem had persisted and unfortunately, the facility had not been told this use was not allowed, the scheduled activities had been allowed to continue. When the Council approved a sports and fitness center, it did not approve a dance hall, a restaurant, or a repair shop. The amendment was meant to clarify what was exclusively allowed.

Council Member Bills asked whether it was better to allow reception centers or whether it was a different use than that. She added that the amendment was inconsistent. Council Member Smith stated that he was not opposed to a reception center if there was enough parking. He stated that the proposed reception center had been on the border of residential and thus caused concerns about parking and noise. He added that there were lovely reception centers throughout the City and that maybe the Council should work with the business a little and not go to the point of banning. He stated that there were no other places big enough for social dances.

Mayor Mann stated that if the Council wanted a social reception center, it was possible to prevent it from going in any of the three aforementioned zones. He added that the code could be amended to allow that reception center. However, the ordinance being discussed stipulated that a sports and fitness center was not a dance hall.

Council Member Ostler stated he understood that dance centers should not be in town center because of residential use but continued he was not sure about adding the other zones.

City Administrator Nathan Crane listed several businesses and the zones in which they were. He explained the PO Zone and PD District. He was asked what the zone was next to the Quick Quack and was told that it was a CR and PO. The reception center had had to deal with amending the code to allow reception centers in PO district.

Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE of the proposed amendment to Chapter 10 Definitions in the Development Code to clarify the permitted use of sports and fitness

centers in the C-1 Zone, CR Zone, and Town Center Overlay as recommended by the Planning Commission, if it becomes an issue to work with the owner for enforcement.

Council Member Brittney P. Bills *SECONDED* the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	No
Council Member Brittney P. Bills	Yes
Council Member Kurt Ostler	No
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	No

The motion failed 3:2.

6. RESOLUTION: ADOPTION OF THE ORPHAN PROPERTY DISPOSAL POLICY *Legislative*

The City Council will consider the adoption of the Orphan Property Disposal Policy. This policy outlines the process and procedures to designate parcels as orphan and the valuation of said parcels. The Council will take appropriate action.

City Attorney Rob Patterson gave an overview of the next three items on the agenda: General criteria designating surplus orphan parcels; Annual review and price and process; Concerns on language on criteria. He mentioned that nothing was set in stone and that the Council could consider different factors as this was a legislative policy decision.

The first portion, he explained, concerned the designation of orphan parcels, the cost, and the window of time residents could come and comment or ask for parcels to be designated. He stated that the entire process was outlined as both a resolution and a policy. The language and criteria had been updated or added. Each decision to sell property owned by the City was a legislative one.

Mayor Mann clarified that this was why the language “meets the following non-exclusive criteria” had been added.

City Attorney Rob Patterson explained that eight factors had been listed regarding what property could be sold. He added that the Council had discussed them though the Council might want to add others. The document was also meant for residents to know the criteria. He stated that it did not bind the City but was policy.

Council Member Ostler stated that in the past the process had been resident-led and that residents were supposed to gather signatures. Once gathered, the signatures were brought to the Council and had to amount to represent 70% of residents in the plat.

City Attorney Rob Patterson explained that at the time it was proposed, the Council had wanted the decision to reflect the wish of the majority and came down as the subdivisions became larger. Council Member Ostler stated that if neighbors wanted to buy a parcel, they should be notified to give them the opportunity to purchase.

City Attorney Rob Patterson explained there was no strict requirements going forward. He continued that once several parcels became available and someone applied, there would be a requirement of checking with other neighbors. Each case would then be considered one at a time. He explained that the point was to remove the petition process which was divisive. He explained that this was not an exclusive process, and that the Council

could instruct Staff to put out a notice. Leaving the process open-ended, would allow the Council to examine each case based on its own merits.

Council Member Ostler mentioned that one of the concerns brought up in comments was plat amendments. He stated that when a person came in a subdivision, they could go on the Utah County Web site and find a plat that had been dedicated as open space. He explained that there was a concern about creating liability issues as the plat recorded had been amended and would not look like a plat that could be purchased.

City Attorney Rob Patterson explained that the open issue was plat amendments, generally, going to open space. He continued that when the City sold a plat, it sold the lot. Residents could ask the Council to approve the amendment so their lot encompassed the open space, otherwise it would be two parcels with the same owner. The second issue, he went on, was what would happen if the City sold property that had been given in order to induce the City to approve a lot. He stated that this was a policy matter and remained the Council's decision. An application had to meet city code at the time during which it came in. In terms of legality, this was not an issue that the City had sold off lands that had been set up as open space. Open space, that is not usable could be handled differently.

Council Member Ostler started from the assumption that the City had space that was usable behind residents' backyards. If used as open space and the Council agreed to sell, would there be issues of legality?

City Attorney Rob Patterson stated cities could sell off parks and open spaces as long as they got reasonable consideration and exchange for said property. The decision, he added, was a policy matter.

Council Member Bills stated she agreed with their policy. She stated that as requests had come in over the last few weeks, most had gone through the criteria and explained why their property met those criteria. She continued those residents seemed to like when criteria were more objective as a lot of them were subjective. She continued that over the last months she had realized that the criteria needed to be refined. She asked whether it would be possible to talk about these criteria when talking about individual properties. The Council had some discretion but needed to be consistent and transparent.

Council Member Rodela explained that property should not be disposed of if it added to the open space feel of the subdivision. She stated that the specific property being looked at did not add to the open space feel. She added that this was subjective when it needed to be as objective as possible.

Council Member Smith stated he agreed with both Council Member Bills and Council Member Rodela. He liked the process but had trouble with the criteria. He mentioned criteria 1a. trail corridor. He explained that he was not sure what trail was being discussed. He stated that the criteria needed to more specific and add clarifications about who determined the feel of the open space neighborhood. He added that criteria A and F were closely related and could be combined. Criteria D, he went on, unduly restrained the system with irrigable acres. He concluded that objective decisions could not be made with subjective criteria.

City Attorney Rob Patterson stated that the sale of property was an inherently subjective decision though an objective list could be created. He went on to say that the Council could list specific factors but stated that there might still be a property that met the criteria and that the City did not want to sell.

Council Member Bills asked whether the Council could work on an approval on price and process and subsequently have a work session dealing with the first batch of properties. She continued that the criteria might then become clearer. It made sense when looking at the property not as a list alone.

Council Member Ostler stated that he liked the idea of a work session. He explained that it helped to go see a property. He added that each council would be able to change the criteria.

Council Member Rodela explained that without looking at the properties in person and talking to the residents she did not want to make a blanket approval. She added that a work session would help and mentioned that this was a once-a-year process and that it required time and focus as it really affected residents.

Council Member Ostler stated that the Council could set some criteria and added that this was hard to pull back. He continued that one of the main concerns was how fast the Council wished to proceed. He concluded that the Council could try with a couple of parcels because it needed to know if the criteria was helping or not.

Council Member Rodela explained that this would be why it was important to be more subjective than objective.

Council Member Bills explained that the Council did not want to create more work for Staff. She added that she also did not want to frustrate residents more. She recommended that the Council go visit properties over the next couple of weeks and discuss them during a work session. She continued that there could be a Phase 1 and Phase 2 and stated that she wanted to give residents the right answers.

Council Member Smith stated he needed the list of the properties. He was reminded that the Mayor had sent it that day.

Mayor Mann explained that the criteria were meant as a guide. The issue with transparency, was that residents would have expectations that the criteria was specifying exactly how things would work. He added that it was sometimes necessary to talk in private before anything became public, though he did err on the side of being public. He continued that these were not objective criteria exclusively and that other things might be taken into consideration such as conservation easement which would block a sale. He added that in some properties, there might be issues such as a collection basin for water. If the Council started selling property, it might be difficult to stop.

Council Member Rodela explained that she agreed with the Mayor as this helped see that there were things to be added to the criteria.

Mayor Mann added that every sale was subjective and that it was almost impossible to write a set of rules. He continued he expected the Council to make judgment calls. He mentioned that the Council was trying to be transparent but stated that he hoped expectations had not been set to have residents thinking that if the property met the criteria, then they could buy, as this was not necessarily the case. He concluded that it was possible that the list needed to be shorter and add that there might be exceptions.

Council Member Smith stated that when setting a criterion, things needed to be defined. He asked about the definition of a trail corridor as an example.

Mayor Mann provided the definition of a trail corridor. Council Member Smith requested a more specific definition of a trail corridor and asked that the criteria be tweaked.

Council Member Rodela asked whether this should be passed and later tweaked as the Council met for a work session or whether it would be more logical to table the item. Council Member Smith recommended that the Council have a work session to look over some of the criteria and discuss the specific properties

Mayor Mann stated that the Council might have up to thirty properties to deal with.

Council Member Bills explained that the process should be a hybrid at this time. She mentioned that she agreed with all points made. There was validity in listing fewer criteria but that had to be replaced with a discussion. She recommended passing everything with the exception of the criteria and look at that when the Council looked

at properties in the next two weeks. She continued that the Council could take their list and start with the properties they were in favor of or those who were an obvious “no”. She concluded that they could vote on this and then discuss the process and the properties in two weeks.

Council Member Ostler stated that some properties would be easier to decide on than others. He provided the example of the conservation easement or the general fit in the subdivision. He reiterated that the decision was subjective to how the Council felt about the subdivision and concluded stating that the Council should start with the low-hanging fruit.

Mayor Mann asked whether the work session was meant to refine the criteria list. He asked whether this would be passed, and the Council would then vote on properties. He mentioned that this process would take until the end of July.

Council Member Bills explained that the work session would happen before the next meeting and that the Council would look at the properties listed by the subcommittee as most likely to be sellable. She continued that the Council could pass everything but have a work session to apply the criteria to each property. The work session would help provide clarity on the criteria.

Council Member Smith stated he was in favor of the suggestion and in favor of surplus properties the City could not maintain. He stated that he believed the language needed to be clarified

Council Member Smith stated that he would choose to table this and pass it in two weeks.

Mayor Mann asked whether the Council wanted to just table the item.

Council Member Kim Rodela MOVED that the City Council CONTINUE the Orphan Property Disposal Policy and discuss in two weeks.

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 Kurt Ostler</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.

It was decided that the Council would meet in a work session at 5:30 pm on 6/15/2021. Council Member Bills stated she felt confident that they could do things quickly when they wanted to.

7. ORDINANCE: AMENDMENT TO THE MUNICIPAL CODE RELATING TO THE DISPOSAL ORPHAN PROPERTY *Legislative*

The City Council will consider an amendment to Chapter 2.44 Disposal of Public Property relating to the process for the disposal of orphan property and repealing Chapter 12.32 Designation of Open Space Property For Disposal. The Council will take appropriate action.

City Attorney Rob Patterson explained that State law mentioned that the City had to define what a significant parcel of real estate was. City law stipulated that everything was a significant parcel and had procedures, appraisal, and notices which, he added, seemed unduly burdensome. The amendment, he explained, excluded orphan parcels as significant parcels and simplified the process. It would allow the Council, by resolution, to designate certain parcels as orphan parcels.

Council Member Ostler asked about the approval of an open space that took place a year and a half prior. He stated that this would be on the ballot in November 2021 and asked if the amendment would have any impact. City Attorney Rob Patterson stated that this was going forward but added that the process would be changed from now on.

Council Member Bills stated that she was in favor. Council Member Smith explained that he appreciated and supported the amendment. He stated, however, that on the noise ordinance, some sections had been crossed out. He added that some sections would be crossed out though there was no reference to this.

City Attorney Rob Patterson stated that Section 1 of Staff exhibit referenced an attachment showing that Section 12.32 was repealed in its entirety.

Council Member Smith stated that there had been some confusion. City Attorney Rob Patterson stated that Staff tried to keep their reports as short as possible. Council Member Smith stated that removing engineering specifics on wells was one thing but added that ordinances and their details should not be removed. Mayor Mann stated that Council could look up ordinances.

Council Member Kim Rodela MOVED that the City Council ADOPT the ordinance amending Section 2.44 Disposal of Public Property and repealing Chapter 12.32 Designation of Open Space Property for Disposal.

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

The motion passed 5:0.

Council Member Smith questioned whether the Council had voted on Item #6. It was clarified that the Council had taken a voice vote. Council Member Smith stated he had voted “yes”. Council Member Ball stated he had voted “yes”.

8. RESOLUTION: DESIGNATING THE VALUE OF ORPHAN PARCELS FOR 2021 Legislative

The City Council will consider a resolution designating the value of orphan space parcels for 2021. The Council will take appropriate action.

Mayor Mann stated he wondered whether the Council should table this resolution to be considered after the work session. Council Member Smith stated that there were no doubts that the property was being sold and added that the vote should take place so residents knew what price to expect. Mayor Mann stated that there would be 20,000

square feet of property encroached on by an adjacent property. He added that significant improvements had been made and asked whether the Council would want to charge more. He stated that such a discussion should take place in the work session. Council Member Ostler mentioned that if the Council passed this item on June 15, it could still vote to dispose of the property that same night.

City Attorney Rob Patterson stated that the properties had been split into three resolutions so the Council could have one overarching policy. Each year, they determined the properties and price. Council Member Ostler asked whether there would be problem if the resolution at hand was approved that day. He stated that this was a settled question. He was told the Council was free to do this.

Council Member Smith stated that there might be a change in the classification of surplus property at any time. City Attorney Rob Patterson stated that this was possible: a property could be designated as surplus and stated that despite the overarching policy, one property would be valued at a different price. Council Member Ostler stated he would prefer to see a set price. He continued that the Mayor had aptly brought up that some parcels might need a different valuation. City Attorney Rob Patterson stated the resolution was non-binding. It was not a contract.

Council Member Brittney Bills explained that the way the Mayor had come up with the price was smart and added that she agreed. Mayor Mann stated that the resolution could be passed and later tweaked if necessary, as had happened in previous instances. Council Member Ball asked whether it would be advisable to add an addendum indicating the Council reserved the right to modify the pricing structure for special circumstances. City Attorney Rob Patterson stated that this could be added as an amendment. He further asked how much discussion the Council wished to have.

Council Member Smith explained he believed it was better to have one set price, not several different prices changing each year. Council Member Ball stated that the Mayor had made a good point regarding the price changes. They might be necessary because of presumptive ownership based on structures. Council Member Smith stated that exceptions could be made. He asked whether someone could build a swing on the property and change the value of the land. The Mayor added that if improvements had been made; the value would increase. Mayor Mann stated that in Cedar hills, someone had built a pickleball court on public property and now wanted to claim it as theirs.

Aaron Welcher explained that he had purchased his house in 2019. Previous owners, he added, had encroached and put-up fence. He had not encroached but he had improved the space. He continued that the City was supposed to maintain the land but did not: the grass was high, and despite being charged \$20/month for the maintenance of the space, nothing was done to it. He told of a time when a city employee had tried to come and mow the lawn, but because of all the rocks getting caught in the mower, he had had rocks thrown and broke several windows. The employee had then abandoned the task. Aaron Welcher then explained that the Council should speak to property owners first. He mentioned that the price was too high and that the Council should take the encroachment issue with a light hand as some people were thrown into the issue. He mentioned that he would like to purchase the property behind him.

Council Member Ostler explained that Council did not know who had encroached on a property in the first place.

Council Member Kurt Ostler MOVED that the Council ADOPT the resolution establishing the value for orphan space parcels.

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

The motion passed 5:0.

9. DISCUSSION: UTAH STATE AUDITOR'S FRAUD RISK ASSESSMENT

Administrative

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 Tyler Bahr thanked the Council. He explained that the item was for review, discussion, and considering. This fulfilled the annual requirement to present this information to the Council. He added that this was the 2nd year of the assessment and described the assessment was meant to identify best practices for fraud prevention. He explained that one new aspect was that the assessment was now considered in Utah by the Trust in insurance underwriting. Completing the assessment made the City compliant. He added that Staff was making every effort to improve. Once done with the presentation to the Council, Staff would submit completion to the State Auditor within six months of the end of the fiscal year, which would be done very soon, he noted. Finance Director Tyler Bahr mentioned that there were 20 questions in the assessment with points awarded for each criterion. Basic separation of duties covered more than half the points, he explained. He noted that the current score was 245 points which was up 55 points from the prior year. He continued that the City was no longer in very high risk, but had crossed into the high risk level. He added that the City was a few changes away from being in the moderate range. Finance Director Tyler Bahr added that the City was improving in separation of duties and that in the upcoming year, all Council members would have the opportunity to take the auditor training, which was required once per term. He concluded that additional policies would be identified as needed and that an ethical behavior statement would be formulated. A fraud hotline was also being promoted: the hotline was the state auditor's hotline. He added that risk could not be eliminated. He clarified the scores. The auditor's office top score 355+ with 276 being the next moderate level. Council Member Smith confirmed that if all council members completed the training, this would add 20 points to the score.

10. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. Future Meetings

- June 15, City Council Meeting, 7:00 pm, City Hall
- June 22, Planning Commission Meeting, 7:00 pm, City Hall
- July 6, City Council Meeting, 7:00 pm, City Hall
- July 14, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- July 20, City Council Meeting, 7:00 pm, City Hall
- July 27, Planning Commission Meeting, 7:00 pm, City Hall

Brian Patten stated that if American Fork, Alpine, and Lehi had banned fireworks, Highland would become the city of fire and stated that the Council needed to consider this. He explained that the year prior, the consideration had been to ban everything North of SR 92. Council Member Ostler stated that the Council had been getting good reports about Mr. Patten. He thanked him for the recommendations.

b. RAP Tax Committee

Mayor Mann stated that the City needed 3 people to be on the RAP tax subcommittee. Mayor Mann, Council Member Bills, and Council Member Rodela.

Council Member Smith stated he was curious about statistics on road citations. He continued that since the east/west corridor had opened up, he had not seen any officers patrolling. He added that he tried to drive the speed limit and had seen individuals speeding. Moreover, when going West, drivers could not see the brink of the hill with what was at the top. He mentioned that it would be nice to have a patrol person there to help educate people. He also stated that this looked like a great revenue generator. Brian Gwilliam stated that he knew officers had been there though he did not have the statistics with him. He added the department would make a more concerted effort, especially with school out and stated that this was a commuter roadway.

Mayor Mann explained that a posted a sign, big billboard sign, or sign that flashes a car's speed would be helpful and stated that it was one the city had. He continued that it was especially important on the west side as the speed limit had changed.

Council Member Ostler asked whether there had been an uptick in car burglaries?

Brian Gwilliam stated that the Police Department had not seen an uptick in these activities but stated that they had seen an increase in social media reporting. The department was seeing more from public than from law enforcement. He added that they had noticed a rash of burglaries with crimes of opportunities. In the instance of home invasion, there had been instances of people catching burglars upon coming home. He added that a lot of this was posted on social media and helped people remember to take precautionary steps.

Council Member Smith stated that a widow lived next to his house. He explained that he had seen a man pull up in a red car, walking in her garage and her shed. It was the woman's youngest son, who was a police officer.

11. CLOSED SESSION

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

At 10:02 pm Council Member Kurt Ostler MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

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 Kurt Ostler</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 Scott L. Smith MOVED to adjourn the CLOSED SESSION and Council Member Timothy A. Ball SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 11:12 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 11:12 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 1, 2021. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder

Welcome to the Highland City Council Meeting

June 1, 2021



1



7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann
Invocation – Council Member Kim Rodela
Pledge of Allegiance – Council Member Brittney P. Bills

2



UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non-agenda items. Please state your name and limit your comments to three (3) minutes.

3



PRESENTATIONS

- North Point Solid Waste Special Service District – Neil Schwendiman
- Water Update – Jeff Murdoch
- Legislative Updates – Brady Brammer
- Introduction of New City Engineer – Andy Spencer

4

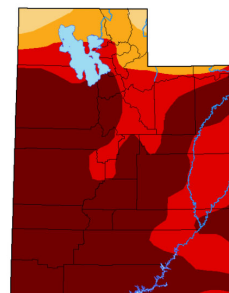
HIGHLAND CITY PRESSURIZED IRRIGATION UPDATE



5

U.S. Drought Monitor Utah

May 25, 2021
(Released Thursday, May 27, 2021)
Valid 6 a.m. EDT



	None	D0	D1	D2	D3	D4
Current	0.00	100.00	100.00	97.82	96.16	82.14
Last Week (5/18/2021)	0.00	100.00	100.00	97.84	96.20	88.83
3 Months Ago (3/23/2021)	0.00	100.00	100.00	98.13	96.20	87.20
Start of Calendar Year (1/1/2021)	0.00	100.00	100.00	97.38	96.11	88.56
Start of Water Year (10/1/2020)	0.00	100.00	98.62	83.20	87.20	12.80
One Year Ago (5/24/2020)	0.44	98.58	98.73	95.08	0.00	0.00

Intensity

None	D0 Abnormally Dry	D1 Moderate Drought	D2 Severe Drought	D3 Extreme Drought	D4 Exceptional Drought
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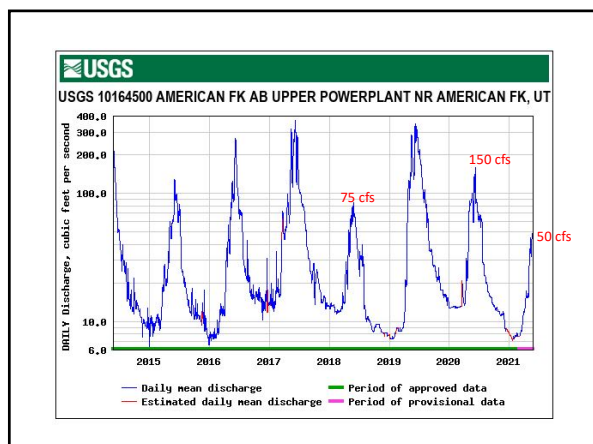
The Drought Monitor focuses on broad scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu>

Author:
Adam Hartman
NOAA/NWS/CI/CPC

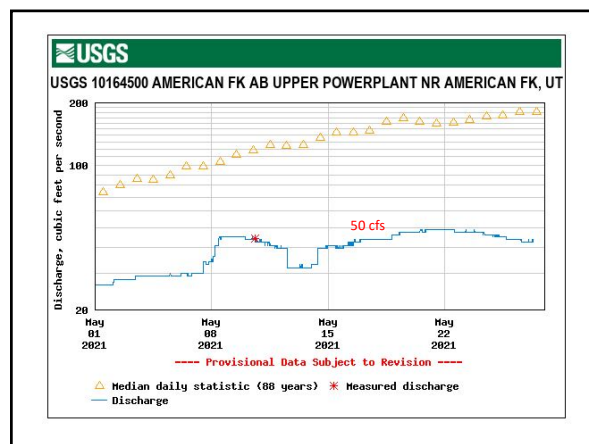


droughtmonitor.unl.edu

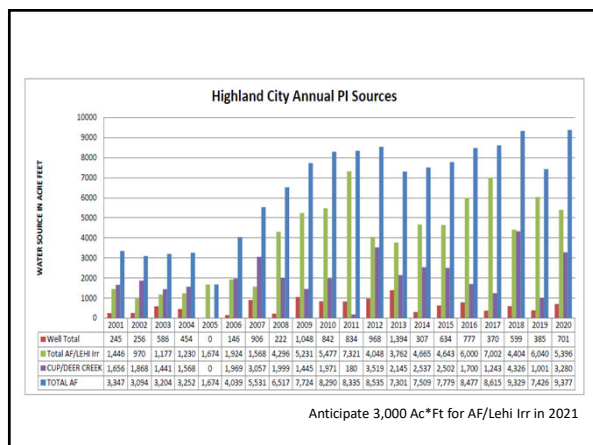
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7



8



9

Storage Allocation & Use

- Typical Yearly Share Allocation -
 - Highland Conservation – 2,275 Acre Feet
 - Provo Reservoir Full – 1,009 Acre Feet
 - Provo Reservoir Late – 675 Acre Feet
 - Central Utah Project – 415 Acre Feet
 - Total – 4,274 Acre Feet (plus previous year hold over)**
- 2021 Allocation has not been provided – Assume 75% - **3,200 Acre Feet**
- 2021 Goal, not to use holdover by Conserving 25%
- 2020 Holdover - **868 Acre Feet**
- 2018 Drought use - 4,326 Acre Feet
- 2021 Goal – 3,200 Acre Feet of stored water**

10

Irrigation Application Rates

City	Irrigated Area ¹ (ac)	Outdoor Use ² (ac-ft)	Application Rate (ac-ft/ac)
Saratoga Springs	995	2,547	2.6
Clinton	1,012	3,086	3.0
North Salt Lake	680	2,640	2.9
Midvale	680	2,400	3.5
Herriman	990	3,338	3.4
Roy	1,306	4,594	3.5
Washington Terrace	302	1,048	3.5
Keams	1,210	3,922	3.2
Wool Jordan	1,706	10,788	3.7
Spanish Fork	1,290	5,004	3.9
Springville	1,269	5,058	4.0
Orem	2,759	11,729	4.3
Intuit	198	957	4.8
Hurricane	896	4,327	4.8
HIGHLAND	1,301	8,616	8.2

State of Utah Water Use Data Collection Program Report
January 2018
STATE OF UTAH DIVISION OF WATER RESOURCES

11

Conservation Strategy

- Conserve so that City has hold over next year
- A 25% reduction in Overall Water Use (30% as a Goal)
 - Previous studies shows that the use would maintain green lawns as City over waters
 - Relative to other Cities in the area use would be high (~4.5 Ac*Ft/Irrigated Acre)
 - Instead of 30 minute sprinklers down to 22.5 minute
 - Hand water brown spots
- A 15% reduction has been attained with simple flyers
- Strategies for Public Awareness
 - Mailing postcards every 3 weeks
 - Reduce watering after cooler weather and rain storms
 - City newsletter
 - Social media
 - Door to Door Flyers where necessary (Hot spots)
 - Slow the Flow website

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CONSENT ITEMS *(5 minutes)*

- Item 3a. Approval of Meeting Minutes – City Council Meeting– May 4, 2021 and May 18, 2021 *Administrative*
- Item 3b. Construction Contract: HA5 and Bonded Matrix Road Treatment *Administrative*
- *Item 3c. Construction Contract: ONYX Sealant Treatment Administrative*

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TEXT AMENDMENT – NUISANCES *LEGISLATIVE*

Item 4 – Public Hearing/Ordinance
Presented by – Kellie Bronson
City Planner

14

Background

- May 4th City Council – Approved Municipal Code Amendment
- Section 8.16.100 Nuisance Of Noise And Light
 - Type A Property* (Residential):
Daytime: 10 dBA above ambient sound not to exceed 60 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 50 dBA.
 - Type B Property* (Conditional use in Residential):
Daytime: 10 dBA above ambient sound not to exceed 65 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 55 dBA.
 - Type C Property* (Commercial):
Daytime: 10 dBA above ambient sound not to exceed 70 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 60 dBA.

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Proposed Amendment

- Updating each 'Nuisance' section of each commercial zone article to reference to the section in the Municipal Code

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Planning Commission Action

- Public hearing on May 25th
- Recommended APPROVAL *(6-1 vote)*

17

Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.

18

Recommendation & Proposed Motion

Staff recommends that the City Council accept the findings and **APPROVE** the proposed amendment.

I move that the City Council accept the findings and **APPROVE** the proposed amendment to several sections of the Development Code relating to the nuisance of noise in commercial zones as recommended by the Planning Commission.

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TEXT AMENDMENT – SPORTS AND FITNESS *LEGISLATIVE*

Item 5 – Public Hearing/Ordinance
Presented by – Kellie Bronson
Planner & GIS Analyst

20

Background

- Sport & fitness centers are permitted uses in the C-1, CR, and Town Center Overlay zones.
- Resident complaints have created the need to clarify the definition of a sport & fitness center.

21

Proposed Amendment

- Change of wording from “Fitness centers” to “Sports and fitness centers” in C-1 Zone
- Social dance facilities listed as a prohibited use in the C-1, CR, and Town Center Overlay zones.

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Proposed Amendment – cont.

- Definitions
 - Social dance facilities:
Buildings or portions thereof kept or used for social or recreational dancing not part of an organized instruction or training program. Does not include dance studios, nor does it include schools or churches if the use of the school or church as a social dance facility is occasional and incidental to the primary use of the building.
 - Sports and fitness centers:
Facilities used for physical instruction, training, conditioning, exercising, and sport activities.

23

Planning Commission Action

- Public hearing on May 25th
- Recommended APPROVAL (6-1 vote)

24

Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.

25

Recommendation & Proposed Motion

Staff recommends that the City Council accept the findings and **APPROVE** the proposed amendment.

I move that the City Council accept the findings and **APPROVE** of the proposed amendment to Chapter 10 Definitions in the Development Code to clarify the permitted use of sports and fitness centers in the C-1 Zone, CR Zone, and Town Center Overlay as recommended by the Planning Commission.

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ADOPTION OF THE ORPHAN PROPERTY DISPOSAL POLICY *LEGISLATIVE*

Item 6 - Resolution

Presented by - Rob Patterson
City Attorney
Nathan Crane, AICP
City Administrator/Community Development Director

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AMENDMENT TO THE MUNICIPAL CODE RELATING TO THE DISPOSAL OF ORPHAN PROPERTY *LEGISLATIVE*

Item 7 - Ordinance

Presented by - Rob Patterson
City Attorney
Nathan Crane, AICP
City Administrator/Community Development Director

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DESIGNATING THE VALUE OF ORPHAN PARCELS FOR 2021 *LEGISLATIVE*

Item 8 - Resolution

Presented by - Rob Patterson
City Attorney
Nathan Crane, AICP
City Administrator/Community Development Director

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UTAH STATE AUDITOR'S FRAUD RISK ASSESSMENT *ADMINISTRATIVE*

Item 9 - Discussion

Presented by - Tyler Bahr
Finance Director

30

Background

- State Auditor initiative
 - New to FY2021: Assessment now considered in insurance underwriting
- Identifies best practices for fraud prevention
- Not a replacement of annual audit done by financial auditors

31

Requirements

- Complete assessment – measures recommended, but not required
- Presented to Council by June 30, 2021
- Submitted to State Auditor within 6 months of fiscal year end



32

Assessment Structure

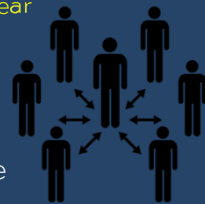
- 21 questions
- Points awarded for each criteria met
 - Higher points = less risk
- Primary focus is Basic Separation of Duties – weighted more than half of the assessment



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Current Status

- 245 points (High Risk)
 - Up from 55 points last year (Very High Risk)
- Separation of duties – Payroll, A/P, treasurer, reconciliation duties are handled by different positions



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Future Consideration

Further best practices to consider implementing include:

- Council members complete State Auditor online training
- Establish written policies as needed
- Implement ethical behavior statement
- Establish or promote a fraud hotline

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MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

Item 10a. – Future Meetings

- June 15, City Council Meeting, 7:00 pm, City Hall
- June 22, Planning Commission Meeting, 7:00 pm, City Hall
- July 6, City Council Meeting, 7:00 pm, City Hall
- July 14, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- July 20, City Council Meeting, 7:00 pm, City Hall
- July 27, Planning Commission Meeting, 7:00 pm, City Hall

Item 10b. – Rap Tax Committee

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CLOSED SESSION



The Highland City Council has recessed the regular City Council meeting to convene in a closed session to discuss pending or reasonable imminent litigation, as provided by Utah Code Annotated §52-4-205

The regular City Council meeting will re-convene immediately following the ending of the closed session.