



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 3, 2021

Approved September 7, 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: 850 9265 9069



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

**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, Planner & GIS Analyst Kellie Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer/PW Director Andy Spencer, Fire Chief Brian Patten, Parks Superintendent Josh Castleberry

**OTHERS PRESENT:** Jon Hart, Manuel Bueno, Trevor & Amy Lucas, Mark Bergquist, Andrew Patterson, Wesley Warren, Duane Chase, Todd Trane, Suzanne Mann, Kathy Harding, Eileen Miller, Sarah Petersen, Sara Sandburg, Adri Sandburg, Eric Valgardson, Jared Oldham, Dennis Packard, Sandy Packard

### 7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann

Invocation – Manuel Bueno

Pledge of Allegiance – Mark Bergquist

The meeting was called to order by Mayor Rod Mann as a regular session at 7:05 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 Manuel Bueno and those in attendance were led in the Pledge of Allegiance by Mark Bergquist.

### 1. UNSCHEDULED PUBLIC APPEARANCES

Mayor Rod Mann opened the floor to those wanting to make a public comment. Statements were limited to three minutes per person.

Sandy Packard asked if the property making up the minor Chase subdivision is entirely the Chase property or if it included the Millhaven property as well. City Administrator/Community Development Director Nathan Crane replied that it is entirely the Chase property. Next, she asked if the proposal to add to the backs of lots was a

separate amendment needing to be approved separately. City Attorney Rob Patterson noted that the final plat is being amended, but there are a few changes to some of the lots. He clarified that the only issue is about the lots and not the entire plat. She asked if a re-appeal would be necessary should they approve the changes tonight. Mr. Patterson said there shouldn't be a challenge to this.

Dennis Packard raised concerns regarding the amendment affecting the Millhaven subdivision. He stated that a prior mayor did not approve of the Millhaven final plat because of the culs-de-sac that were not linked together. Mr. Packard emphasized that landowners had a right to sell their property while general citizens asked the City to follow the general plan. He said that public use must conform to general plan and have no other use. He noted the general plan states culs-de-sac must be avoided unless they are no longer than 200 feet. It was stated that the Millhaven plan is technically illegal; the City attorney advised to the contrary.

Trevor Lucas stated that his backyard faces the hidden pond trail, so he had concerns over the augmenting of lots and limiting the existing open space. He expressed frustration as he cannot build a fence. He asked what requirements the City plans to implement to protect the open space. Mayor Mann noted they are following the process of laying out the plat. Mr. Lucas asked if there are any arguments being made on behalf of open space. Mayor Mann responded that they have donated six acres to the City, and Mr. Lucas expressed frustration as it seems like Millhaven can do what they want. Mayor Mann said there are still setbacks for fences.

Mr. Mark Bergquist noted he also lives in the Hidden Pond area. He was initially opposed to building the subdivision; however, he asked the Council to consider holding off the vote. He felt it seemed rushed given the amendment's scope.

## **2. 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 – July 6, 2021

- b. **RESOLUTION: Approval for Surplus and Disposal of Personal Public Property and Equipment** *Administrative*  
The City Council will consider a request to surplus two trucks from the Highland City Public Works fleet. The Council will take appropriate action.

- c. **CONTRACT: Change Order to the 2021 Road Rehabilitation Contract with Black Forest Paving** *Administrative*  
The City Council will consider a request to approve a change order to the 2021 Road Rehabilitation contract with Black Forest Paving to add the reconstruction of approximately 1,000 feet of Canal Boulevard and authorize the City Administrator and City Recorder to execute the necessary contract documents for the project. The Council will take appropriate action.

- d. **ACTION: Condominium Plat - Sunset Mountain Plat F** *Administrative*  
The City Council will consider a request by Patterson Development for condominium plat approval for three office buildings in Highland Business Park located at approximately 11235 N Highland Blvd. The City Council will take appropriate action.

Council Member Kurt Ostler voiced that he had not had any discussions with the Pattersons for over one and a half years and thus would not recuse himself from voting.

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

### **3. PUBLIC HEARING AND ORDINANCE: SITE PLAN AND CONDITIONAL USE PERMIT – HIGHLAND BUSINESS PARK – BUILDING ‘C’** *Administrative*

The City Council will hold a public hearing to consider a request by Patterson Development for a Site Plan and Conditional Use Permit for a general office building located at approximately 11235 N Highland Blvd. The City Council will take appropriate action.

Mayor Mann began by expressing concern over the word “condominium” though clarified that the word refers to a building that has been divided and is up for sale unit by unit. The building in question is up for office units.

Planner and GIS Analyst Kellie Smith began by clarifying that the condominium plat has been approved, and Patterson is requesting more information. She showed the vicinity map and noted they’re discussing the building along Highland Blvd. The building is in the PO zone and was created back in 2003 along with the zone district. She noted on the map buildings 7 and C and noted that C is 4,572 square feet with a 1600 footprint, the overall sight has 54 parking stalls, the proposed hours of operation are Monday through Saturday from 8 AM to 6 PM, the access points are at Sunset Dr. and Normandy Way, the building itself is setback about 140 feet from Highland Blvd, and is roughly 270 feet from the nearest residential property. She looked to box C and noted they have stipulated that the building must be fully completed before the certificate of occupancy is given. She walked through the elevations on the slides and noted it had been approved. The materials of the building include natural wood, stone veneer, and a black tone which have all met the architectural guidelines for the district.

Council Member Ostler asked about the warehousing next to it and expressed frustration with the inconsistency of the architectural feel. Planner & GIS Analyst Kellie Smith noted that discrepancies usually occur with roofing, and the look met the requirements. Council Member Ostler reiterated that he didn’t understand how this was allowed. Planner & GIS Analyst Kellie Smith said the requirements were met in her review and the Council is allowed to make changes. Development Director Nathan Crane clarified that the area is for pure office use while it was previously used for a mix of office and warehouse use. He stated the idea was to address the past use and try to get the look to blend in more. He went on to state that residents did not take issue with the look. Planner & GIS Analyst Kellie Smith confirmed that this was not a concern.

Council Member Smith noted that Building A and B were closer to the residential area, and all residents were notified with minimal concerns. Planner & GIS Analyst Kellie Smith noted that residents in her contacts were more concerned with the median versus the actual building. She clarified that they have mailed out notices to property owners within a 500 feet radius both from the Planning Commission and City Council. Planner & GIS Analyst Kellie Smith also clarified that there were originally two buildings. Mayor Mann asked if anything

prevented them from utilizing the space. City Administrator/Community Development Director Nathan Crane noted that the council requested they separate the building architecturally though nothing would prohibit this.

Mayor Mann opened the public hearing at 7:36 pm

Mr. Manuel Bueno noted there were several participants in the original meeting. He felt the meetings had been pushed. Planner & GIS Analyst Kellie Smith clarified that between 15-20 letters which originally went out, and that one building was closed. Mr. Bueno also expressed frustration that the design style did not match, and asked the Council to take more time on this project.

Mayor Rod Mann closed the public hearing at 7:41 pm.

Council Member Scott L. Smith asked them to explain the State laws to the public and elaborate on why this was listed as an administrative action versus legislative action. City Attorney Rob Patterson noted that there were state law changes that required more exacting standards in defining conditional uses. He said that the City largely needs to double check these stipulations and assess things beyond project by project. He also said that the Council amended the public hearing and Planning Commission process which resulted in this meeting being more “scrambled.” He assured the body that requirements were being met (including environmental impact) and the Council will ultimately be able to make the necessary recommendations. Council Member Smith then asked if they had the license to go back and reassess building requirements. City Attorney Patterson said they couldn’t really and much of this was dependent on the classification of the area. He also noted that aesthetic choices fall under Planning Commission review.

Mr. Bueno commented that the original governing body declined the initial design. He noted the Planning Commission should review the design, but this is not what happened. City Attorney Patterson clarified that flat roofs are not prohibited under current requirements. Council Member Rodela then asked if the Planning Commission could re-review these plans with their concerns. City Attorney Patterson noted that they could not technically do that without appealing their initial decision; all they could do is change the zoning requirements for the area.

Mayor Mann asked City Attorney Patterson if they have been abiding by the code correctly. City Attorney Patterson stated that the code was in flight when changed. Planner & GIS Analyst Kellie Smith noted that notices were sent out in an appropriate time frame. Council Member Brittney P. Bills asked if anyone from Patterson was here to speak on the issue and had concerns about the building. Mr. Andrew Patterson came up and Council Member Bills asked if he had specific concerns and if the building appearance was up for negotiation. Mr. Andrew Patterson clarified that the building was smaller and had an easement thereby making it more tailored for an office space. He stated he believed this was designed with that specific intention. Council Member Bills asked if this was the design he was set on. He noted that this was the design he was given and could see what they could consider. Council Member Smith commented that medians are expensive to landscape, and clarified that this landscaping would come at personal expense. Mr. Andrew Patterson said he would be talking with landscapers and get the medians done. Council Member Smith felt his company had bent over backwards with building A and B and said he appreciated these efforts. Council Member Rodela asked if he knew what kind of specific landscaping would go into the medians to which Mr. Andrew Patterson said he did not.

Mr. Bueno pointed out that the original park strip was supposed to be finished by now. He clarified that they were not finished because Patterson had the Council agree on not finishing this until both sides of the street were completely finished.

Council Member Bills clarified that this was administrative and City Attorney Rob Patterson said yes, and they could not wholly change decisions made by the Planning Commission. She then asked if Mr. Andrew Patterson was willing to discuss colors and schemes to which he said yes, though he could not change the concept of the general structure.

*Council Member Kurt Ostler MOVED that the City Council adopt the ordinance approving the site plan and approve the conditional use permit for Highland Business Park Building 'C' subject to the following five (5) stipulations recommended by staff.*

- 1. Development of the site shall comply with the site, elevations, and landscape plan date stamped June 2, 2021 require a separate permit and comply with the Development Code requirements.*
- 2. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer and the Fire Marshall.*
- 3. All signage shall require a separate permit and comply with the Development Code requirements.*
- 4. In accordance with Section 4-109, the Conditional Use Permit will expire if a building permit is not issued within one year of approval by City Council.*
- 5. The landscaping in the islands along Highland Blvd be completed as approved by the Parks Superintendent before a Certificate of Occupancy is given.*

*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 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: DISPOSAL OF PUBLIC PROPERTY** *Legislative*

The City Council will hold a public hearing to dispose of 38,736 square feet of publicly owned property in the Pebble Lane Estates subdivision not needed for right of way for Canal Boulevard. The property will be sold for residential use. The Council will take appropriate action.

Planner & GIS Analyst Kellie Smith began by noting last July 20<sup>th</sup>, the Council declared the property up for discussion as surplus. She clarified the second step to dispose of public property is to hold a public hearing on the item. Planner & GIS Analyst Kellie Smith went through and showed the property. She noted the portion on the south end will be sold to the property owner of lot one, and they will be combining original lots. She noted the City originally purchased these lots for Canal Blvd and its boundary would be on the north side of the existing fence line with two separate sections equally 3,190 square feet. Mayor Mann asked about pricing and City Administrator/Community Development Director Nathan Crane noted they would go through real estate to get that figure. City Engineer/PW Director Andy Spencer noted they would list the lot with an agent.

Mayor Rod Mann opened the public hearing at 8:07 pm.

Mr. Jared Oldham clarified that the lot would be one whole lot and not split into two.

Mayor Rod Mann closed the public hearing at 8:08 pm.

*Council Member Scott L. Smith MOVED that the Highland City Council direct City staff to proceed with surplusing the property and real estate sale. 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 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. PLAT AMENDMENT: PEBBLE LANE ESTATES PLAT B** *Administrative*

The City Council will consider a request by Highland City to amend Pebble Lane Estates subdivision to adjust the property lines of lots 1 and 4. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Smith showed the vicinity map around Pebble Lane Estates. Mayor Mann noted current lot lines are in yellow while red denotes the fence line. Planner & GIS Analyst Kellie Smith went on to note the original plat was approved in 2006, and lot one was split into two separate lots. She also noted the purchase contract will come to Council for approval. Council Member Smith stated the original plat had to be adjusted to build the road, and without taking out most of lot two, they could not build the road.

*Council Member Kim Rodela MOVED that the City Council accept the findings and approve Pebble Lane Estates Plat B. 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.*

## **6. RESOLUTION: PLACING RECREATION, ARTS, AND PARK TAX ON 2021 MUNICIPAL BALLOT** *Administrative*

The City Council will consider whether or not to place a question to implement a Recreation, Arts, and Parks (RAP) Tax on the 2021 General Municipal Ballot. The Council will take appropriate action.

Assistant City Administrator Erin Wells explained that this is a 0.1% sales tax which would generate between 135 and 164 thousand dollars for the City. She noted this must be put on the ballot and be approved by voters. If approved, the tax will go for ten years and the City can reauthorize if they so choose. She noted Utah County was not interested in this tax at a larger level so it falls on the City. The tax can be applied toward recreational facilities, cultural, zoological, botanical facilities. If approved, she noted they must send out a voter information pamphlet and hold a public meeting. She noted the election, if approved, would go into effect next April. She reminded the body to remain neutral and the heart of their decision tonight is if they put this on the ballot as listed.

Council Member Rodela asked about the recreational facilities distinction as she thinks of buildings. Assistant City Administrator Erin Wells noted by State definition this includes parks and trails. She expressed openness to expanding the language though reminded them they must stick to state code.

Council Member Ostler asked if they could do a dollar for dollar initiative and Assistant City Administrator Erin Wells said they must strictly adhere to state code. Council Member Ostler asked how they would justify the tax increase if they're ultimately walking away with a budget surplus. Council Member Rodela responded that they are a proactive City Council and the money gained would give them opportunities for more long term solutions.

Mayor Mann noted their budget surplus is limited to planned expenses, but they could easily expand it on parks, trails, and roads. Council Member Bills asked for clarification if they could use the surplus for operational expenses. Assistant City Administrator Erin Wells said yes, and clarified that, in her opinion, this would be better used for capital.

Council Member Ostler asked for clarification on which account this money would go to, and Finance Director Tyler Bahr responded that it would have to be separated in one form or another. Council Member Ostler asked that this 130,000 a year be earmarked and not slipped into the general fund. Council Member Rodela asked if the RAP tax subcommittee decides where it goes and Assistant City Administrator Erin Wells responded no. Council Member Smith chimed in and asked they not raise taxes but emphasize that for every \$100 they could take out ten cents. With that said, he ultimately supported this because of the sales tax angle, their payments to other cities, and the fact that citizens would get to vote on this. Mayor Mann agreed with these points largely because residents will decide and because they could make capital improvements. Assistant City Administrator Erin Wells reminded the body that this approval would lock in the City for ten years should it be voted for by the public.

*Council Member Kim Rodela MOVED that the City Council approve the resolution as presented. 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 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.*

## **7. MINOR SUBDIVISION FINAL PLAT: CHASE SUBDIVISION** *Administrative*

The City Council will consider a request by Millhaven Development for approval of a proposed 1-lot subdivision located at approximately 6418 West 10250 North. The City Council will take appropriate action.

Duane Chase was noted as the property owner though Millhaven is representing Duane. Planner & GIS Analyst Kellie Smith went through the general vicinity map. She clarified that there is a dividing line through this subdivision. She explained the proposal is to relocate the trail to be on some property which will better highlight the dedication to the City. She went through the lot details as follows: It is a one lot subdivision. On left side – north 10250 N, 125 square feet dedicated to public right of way. The R-140 zone is based on acres and meets requirements. 1.48 acres, access is from 10250 N. Planner & GIS Analyst Kellie Smith noted there was both a public hearing and planning commission meeting scheduled for this lot on July 27, 2021. The property must meet

several trail, wetlands, and landscaping requirements as it is City property. The top area is where the trail is currently located though it may move to the south end on City property lining with the sidewalk. Via the vicinity map, Planner & GIS Analyst Kellie Smith noted the wetlands' locations and that property owners in the lot will need to meet subsequent fencing requirements - four feet solid and two feet open.

Mayor Mann asked about the positioning of the sidewalk along the road to which Planner & GIS Analyst Kellie Smith noted the positioning of the driveway and that the sidewalk will be widened. She clarified that this is pending approval from the Fire Marshal. Mayor Mann clarified that Mr. Chase cannot subdivide the property but could sell the lot as long as it meets requirements. Council Member Rodela asked who would be paying for the City trail, and Planner & GIS Analyst Kellie Smith said it would be on the developers and the fence could be right along the property line; however, she would need more information for surveyors before confirming. She also stated that the portions of the subdivision do have some wetland areas.

Trevor Lucas stated that their CC&R's stated they cannot have fences because a chunk of their backlot is wetlands. He stated fences are banned on the west side of the property.

Duane Chase stated that he did not understand complaints because wetlands did not encompass a large portion of the property.

Council Member Smith then asked about fence placement along wetland boundaries to which Planner & GIS Analyst Kellie Smith said they cannot be within the wetland boundary. Council Member Ostler noted they allow individuals in other subdivisions to build up to the trail. Planner & GIS Analyst Kellie Smith clarified that the only regulation is in the design of the fence as there are already setbacks. Council Member Ostler asked if engineering has assessed this and Mr. Spencer elaborated on the flatness of the lot. Council Member Ostler then reiterated that they needed to make sure the lot fit existing stipulations and safety standards. Mr. Spencer said they could ensure these regulations are met during their final review. Mayor Mann reiterated that they could not make this decision tonight, and Mr. Spencer said they could still look at requirements to ensure things are in their safest location.

A representative from Millhaven, Todd Trane, noted that Millhaven met with Mr. Chase, and they gave him an easement to accommodate the lot. He noted that if Mr. Chase had not developed with him, the lot would be too skinny because of regulations. They signed an agreement to run through engineering together. Council Member Smith asked for clarification on the existing trail. Mr. Trane noted the existing trail is owned by the City though the intent is not to have a trail as is and they plan on reconstructing the trail to fit within the sidewalk. He noted the hope is to abandon the easement. Council Member Ostler asked what Millhaven's plan is to account for the trail droppage. Mr. Trane said he wanted to keep it around five percent grade, build it up, and make it safe. Council Member Ostler asked what the value was receiving from the easement to which Mr. Trane noted that it will help the value as landlocked property hinders that. Council Member Ostler expressed concern that the changes would make this an unbuildable lot. There was further discussion on the matter.

Amy Lucas addressed the other track of property and how the easement will hurt the open space. She asked for a setback so they cannot build up to the line. Development Director Nathan Crane said this is not in their code and would be a concession the builder makes. Council Member Smith asked if they could stipulate the setback as a Council. Council Member Rodela said it was a safety issue while Development Director Nathan Crane said their code does not allow it.

Council Member Smith clarified that this would not just be a six foot wall; rather, it would be a thirty foot property line. Mr. Chase noted the history of the trail and how he gave part of the property, including the trail, to the City to allow his property to meet requirements. Council Member Ostler confirmed that Mr. Chase was trying to

maintain open space. Council Member Ostler and Mr. Chase discussed requirements for fence lines to keep the space open.

Council Member Smith asked about compromising the foot requirements with setbacks as Mr. Chase has a minimal legal case for his setback requests. Council Member Ostler advocated for removing the easement for value's sake. Mr. Trane noted they would ask the property owner to give up ten feet of property where not required by code though this would create fighting among residents. Mayor Mann noted that there are different responsibilities people have in building trails on public versus private property. He felt this was creating an issue. Mr. Crane noted there is no basis in code for the specific setback requirements Mr. Chase is bringing up and the City has already made decisions on this. Mr. Patterson noted that if the plat is approved then it would record over the easement and effectively abandon it.

Mr. Spencer noted the developer would pay for the trail and the easement. Council Member Smith felt this was an unproductive conversation as they are all debating on what the problem even is and how to solve said problem. Ultimately, Mr. Rob Patterson noted they do not deal with CC&R's as they are a private concern. Mayor Mann stated that property owners could build a fence yet within this subdivision, there will be no changes to code today.

*Council Member Kim Rodela MOVED that the City Council accept the findings and approve the Chase Subdivision plat subject to the following three (3) stipulations recommended by staff.*

- 1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.*
- 2. All public improvements, including the City trail, shall be installed as required by the City Engineer and City Fire Marshall.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*

*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 Kurt Ostler</i>       | <i>Yes</i> |
| <i>Council Member Kim Rodela</i>        | <i>Yes</i> |
| <i>Council Member Scott L. Smith</i>    | <i>No</i>  |

*The motion passed 4:1.*

*During the discussion of item 8, Council Member Kurt Ostler MOVED to revisit the motion made previously on item 7. Council Member Kim Rodela SECONDED the motion. All voted in favor. The motion passed unanimously.*

*Council Member Kurt Ostler MOVED to AMEND the motion that the City Council accept the findings and approve the Chase Subdivision plat subject to the following three (3) stipulations recommended by staff and one (1) additional stipulation added by Council.*

- 1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.*
- 2. All public improvements, including the City trail, shall be installed as required by the City Engineer and City Fire Marshall.*

3. *The civil construction plans shall meet all requirements as determined by the City Engineer.*
4. *The driveway site distance on the plat be a safe condition as approved by the City Engineer.*

*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 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.*

## **8. PLAT AMENDMENT: THE HOLLOW SUBDIVISION** *Administrative*

The City Council will consider a request by Millhaven Development to amend The Hollow Subdivision to add a total of approximately 1.53 acres of property to the backs of lots 20, 21, 24, and 31. The City Council will take appropriate action.

Planner & GIS Analyst Kellie Smith discussed the lots and went through the map prepared for the body. She noted this was the rest of the Duane Chase property. For background, she noted this was assessed by the Council back in February. Mr. Patterson expressed trepidation over the legal issues that could come given the fact the preliminary plat was challenged and appealed. He noted the appeal authority and court were withholding judgments with no final decision.

Council Member Smith asked why lot 31 is behind 25. Mr. Trane responded that the same person owns both lots and plans on building a smaller home for their mother-in-law. Council Member Scott L. Smith expressed concern over any future problems to which Mr. Trane stated that the property is not as valuable because it's positioned on a slope. Mr. Trane then noted all his properties have been sold.

*Council Member Kurt Ostler MOVED that the City Council accept the findings and approve The Hollow plat amendment subject to the following two (2) stipulations recommended by Staff.*

1. *The recorded plat shall be in substantial conformance with the final plat received June 23, 2021.*
2. *Prior to recording, the recorded plat shall be revised as required by the City Engineer.*

*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 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.*

## **9. DISCUSSION: AMERICAN RESCUE PLAN ACT (ARPA) FUNDING**

### *Administrative*

Staff is requesting that the City Council review American Rescue Plan Act (ARPA) funding and its allocation, including the potential to receive matching funds from the State of Utah. This item is being presented for discussion and direction only.

Finance Director Tyler Bahr discussed potential uses for ARPA funding. He noted the total allocation received is approximately \$2.3 million, and they have received the first half and anticipate the second coming next year. He said that funding passes through the State and reduces reporting to the federal government, and the ensuing funds must be obligated by the end of 2024 and spent by the end of 2026. The specific purposes he outlined included addressing negative impact, replacing revenue, investing in infrastructure, and more. He noted there will be weekly updates and flexibility. Moreover, it would improve outdoor spaces and parks.

Council Member Ostler asked if this could be used for parks and Finance Director Tyler Bahr confirmed it could. He noted there are also opportunities for State matching grants (\$50 million set aside) and this could specifically address housing, public health, infrastructure (water and sewer), and any other purpose authorized through ARPA. He then relayed the timeline noting that the online application portal opened two weeks from yesterday and will be open through mid-September. GOPB and ULCT will review and report to ULCT executive committee, and decisions and money would be dispersed in Mid-November.

Council Member Ostler asked him to elaborate on criteria and Finance Director Tyler Bahr noted they are ultimately looking for a return on investment and it will be County specific. Council Member Smith outlined other ways of getting money for these projects including CARES. He advocated for using this money to clean park restrooms. Finance Director Tyler Bahr said he would follow up on that as the funds are related to Covid-19 health concerns though there is potential to use the money for parks.

Council Member Bills asked if there were any more basic things they could spend the money on like water. Mayor Mann advocated for having this money distributed to rural communities and suggested their best shot might be water meters. Finance Director Tyler Bahr said he felt this was a possibility though he wanted to be mindful of fund allocation because some of these costs could come from the general fund. Other potential uses were then discussed.

## **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. Garbage Cans and Doggie Bags in City Parks – Council Members Kim Rodela and Brittney P. Bills**

Council Member Rodela discussed the lack of garbage cans in bathrooms and pavilions and how this is resulting in overflowing garbage cans. She requested the City do better. Parks Superintendent Josh Castleberry answered her concern and noted that they are fulfilling the minimum requirement for the City, and much of this is because the bathrooms themselves are small and cannot fit more trash receptacles. He noted that the City recently purchased \$3,000 in garbage bags, though having more help working would make a huge difference. Parks Superintendent Josh Castleberry noted that their employment fluctuates with school, and that it currently takes two and a half hours to get garbage cans picked up. Parks Superintendent Josh Castleberry said they would need more funding for the cans, and it would be 1,200 each. Moreover, he said they cannot reserve the pavilion.

Rather, it is public use which means it is difficult to regulate and many use these cans as their personal garbage cans.

Council Member Ostler asked about pet waste to which Parks Superintendent Josh Castleberry noted they are adverse to supplying pet waste bags because of the extra problems they create. Council Member Ostler then asked how he would like to tackle staffing. Council Member Bills asked Assistant City Manager Erin Wells if there is a solution with Waste Management. Assistant City Manager Erin Wells said they could add more dumpsters where there is room, though they could switch to a toter. Council Member Ostler felt toters may be better for deterring people from using public park waste receptacles as their personal trash. Mayor Mann said they could try using a toter as an experiment, and Parks Superintendent Josh Castleberry mentioned being open to the idea but expressed concern that kids may try to steal it. Council Member Rodela then asked Parks Superintendent Josh Castleberry about the Mitchell Hollow Park mud hole. Parks Superintendent Josh Castleberry suggested fencing it off and having sprinklers divide the area.

Mayor Mann asked Council Member Rodela and Council Member Bills about how they followed up with the parents of children with disabilities. Council Member Bills noted she sent out a message with the TLC classes at Highland Elementary. She had received suggestions from several mothers and was waiting until she had more concrete information before setting up a meeting. Mayor Mann suggested having an open house. Council Member Bills was open to this, but wanted a work session before an open house. Council Member Smith said he wanted more input on the all-abilities park as well. Council Member Bills felt that while the parks are good, she wanted more of an all-inclusive park. There was further discussion on the matter.

Mayor Mann noted the Arbinger Day workshop is down to two days: September 9 and 23. Council Member Ostler also shared some reminders on the upcoming parade. He noted it starts at 10 AM and is traditionally walked. He suggested limiting candy and having folks walk fast. He said to meet by Highland Elementary at 9:30 AM and they will have boards indicating where to park and have an email to sign up for times.

**b. Future Meetings**

- August 17, City Council Meeting, 7:00 pm, City Hall
- August 24, Board of Canvassers Meeting, 6:00 pm, City Hall
- August 24, Planning Commission Meeting, 7:00 pm, City Hall
- September 7, City Council Meeting, 7:00 pm, City Hall
- September 8, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- September 21, City Council Meeting, 7:00 pm, City Hall
- September 28, Planning Commission Meeting, 7:00 pm, City Hall

## **ADJOURNMENT**

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

*The meeting adjourned at 11:06 pm.*

I, Stephanie 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 3, 2021. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle  
City Recorder

## Welcome to the Highland City Council Meeting

August 3, 2021



1



## 7:00 PM REGULAR SESSION

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

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

## CONSENT ITEMS *(5 minutes)*

- Item 2a. Approval of Meeting Minutes – Regular City Council Meeting – July 6, 2021 *Administrative*
- Item 2b. Resolution: Approval for Surplus and Disposal of Personal Public Property and Equipment *Administrative*
- Item 2c. CONTRACT: Change Order to the 2021 Road Rehabilitation Contract with Black Forest Paving *Administrative*
- Item 2d. ACTION: Condominium Plat – Sunset Mountain Plat F *Administrative*

4



## SITE PLAN AND CONDITIONAL USE PERMIT – HIGHLAND BUSINESS PARK – BUILDING ‘C’ *ADMINISTRATIVE*

Item 3 – Public Hearing & Ordinance  
Presented by – Kellie Smith  
Planner & GIS Analyst

5

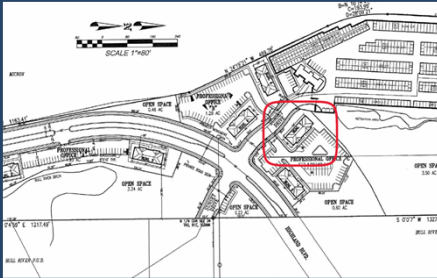
## Vicinity Map



6

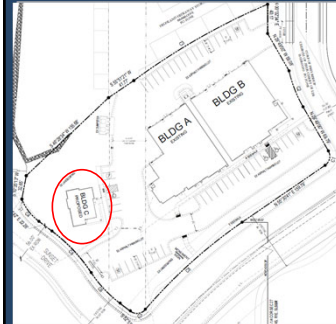
## Background

- PO District approved in 2003



7

## Site Plan



- 4,572 sq. ft (1,632 building footprint)
- 54 parking stalls (3 handicap)
- Hours of Operation: Mon-Sat 8am-6pm
- Sunset Dr and Normandy Way
- Set back approx. 140' from Highland Blvd & approx. 270' from nearest residential property line

8

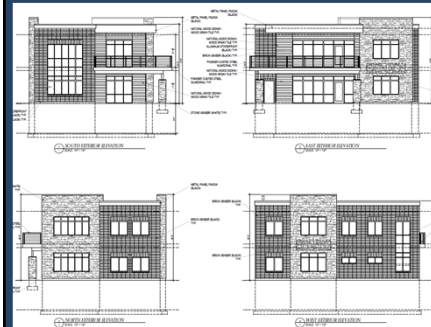
## Landscape Plan



- 35% Landscaping (32,360 sq ft)
- Stipulation added requiring landscaping in medians on Highland Blvd
- Consistent with 3-4911 Landscaping

9

## Elevations



- Materials – natural wood, stone veneer, brick veneer
- 4-sided architecture
- Meets guidelines in Sections 3-4922 Architectural Design and 3-4919 Roof Design

10

## Citizen Participation

- Public Hearing Notice
  - Mailed to property owners within 500'
  - Daily Herald
  - State and City websites
- Two correspondences have been received.

11

## Planning Commission Action

- The Planning Commission **APPROVED** the architectural plans
- Public hearing held on July 27 – no citizen comments
- The Planning Commission voted 5-0 to recommend **APPROVAL** of the site plan and conditional use permit

12

## Recommendation & Proposed Motion

The Planning Commission recommends that the City Council **APPROVE** the site plan and the conditional use permit subject to the following stipulations:

1. Development of the site shall comply with the site, elevations, and landscape plan date stamped June 2, 2021 require a separate permit and comply with the Development Code requirements.
2. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer and the Fire Marshal.
3. All signage shall require a separate permit and comply with the Development Code requirements.
4. In accordance with Section 4-109, the Conditional Use Permit will expire if a building permit is not issued within one year of approval by City Council.
5. The landscaping in the islands along Highland Blvd be completed as approved by the Parks Superintendent before a Certificate of Occupancy is given.

I move that the City Council **ADOPT** the ordinance approving the site plan and **APPROVE** the conditional use permit for Highland Business Park Building 'C' subject to the five (5) stipulations recommended by staff.

13



## DISPOSAL OF PUBLIC PROPERTY

### LEGISLATIVE

Presented by – Kellie Smith  
Planner & GIS Analyst

14

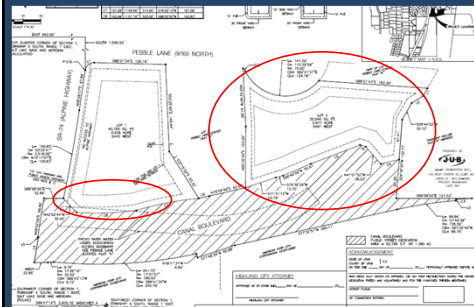
## Discussion

## Disposal of Real Public Property

1. Declaration of Surplus Property – declared at the July 20<sup>th</sup> City Council
2. Hold a Public Hearing
3. Approval of a Purchase Contract

15

## Discussion Cont.



- Parcel 1:  
3,190 sq  
ft
- Parcel 2:  
35,546  
sq ft

16

## Recommendation

Staff recommends the Council hold a public hearing.

17



# PEBBLE LANE ESTATES PLAT B

## ADMINISTRATIVE

## Item 5 – Plat Amendment

Presented by - Kellie Smith  
Planner & GIS Analyst

18

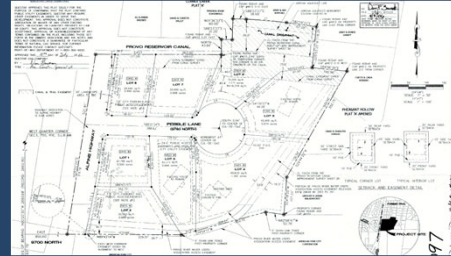
## Vicinity Map



19

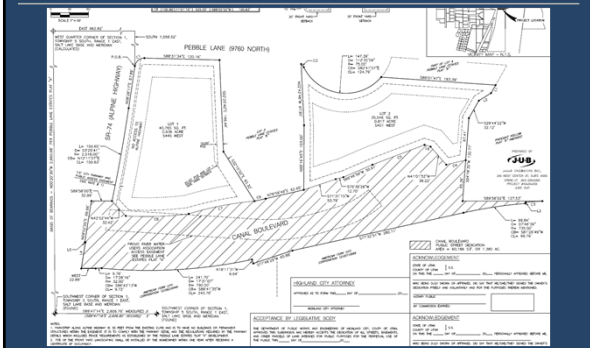
## Background

- Original plat approved by the City Council on June 6, 2006



20

## Plat Amendment



21

## Recommendation & Proposed Motion

Staff recommends the City Council accept the findings and **APPROVE** the final plat amendment.

I move that the City Council accept the findings and **APPROVE** Pebble Lane Estates Plat B.

22



## PLACING RECREATION, ARTS, AND PARK TAX ON 2021 MUNICIPAL BALLOT ADMINISTRATIVE

Item 6 – Resolution  
Presented by – Erin Wells  
Assistant City Administrator

23

## Overview

- 0.1% sales tax
- Estimated collection: \$135,000-164,000
- State law outlines funding potentials
- Must be approved by voters
  - Authorized for 10 years. Can be reauthorized every 10 years.
- County declared intention not to do County-wide tax

24

### Sub-Committee Use Proposal

- Limit to parks and trails so community understands where funds will be spent
- Examples:
  - Park capital improvement/repair list
  - Park employee costs for Mountain Ridge Park-\$80,000
  - Maintenance costs for Mountain Ridge Park-\$22,000
  - Move more quickly on 5-year trail plan
- Specific uses can be finalized after election, but based on ballot question

25

### Proposed Ballot Question

- Shall Highland City, Utah, be authorized to impose a 0.1% sales and use tax to help fund recreational facilities in Highland?"

26

### Potential Ballot Question Additions

- Cultural and zoological facilities
- Botanical, cultural, or zoological organizations

27

### Next Steps if Resolution is Approved

- August 4: Provide public notice and opportunity for Voter Information Pamphlet (VIP) argument submission
  - Already in newsletter
- Mid September – October: Public Meeting
- October: VIP Distributed
- November: Election
- April 2022: Tax would go into effect

28

### Reminders

- City communication must be neutral and provide equal opportunity for both sides (if there are two sides)
  - Fling booth
- Council can advocate using their own time and resources
- Council would need to lead engaging any special interest groups

29

### Potential Motions

I move that the City Council **APPROVE** the resolution as presented.

I move that the City Council **APPROVE** the resolution with the following amendments....

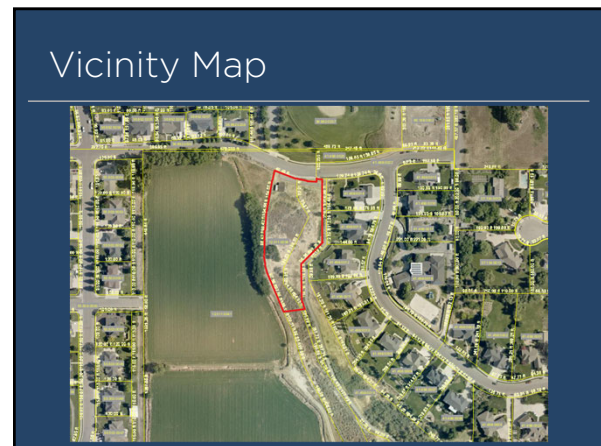
30



## CHASE SUBDIVISION ADMINISTRATIVE

Item 7 – Minor Subdivision Final Plat  
Presented by – Kellie Smith  
Planner & GIS Analyst

31



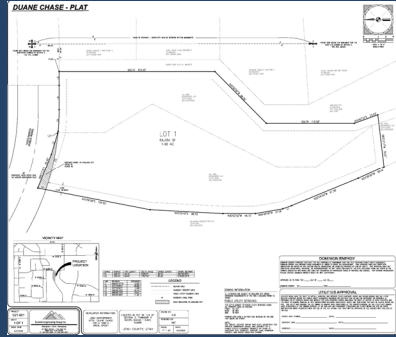
32

### Background

- Property not in a recorded subdivision
- Minor Subdivision – Preliminary/Final plat approval
- Trail easement over the private property dedicated to the City in 2002; relocating the trail to be on City property

33

### Plat



- R-1-40 Zone
- 1.48 acres
- 1-lot subdivision
- Access from 10250 North

34

### Citizen Participation

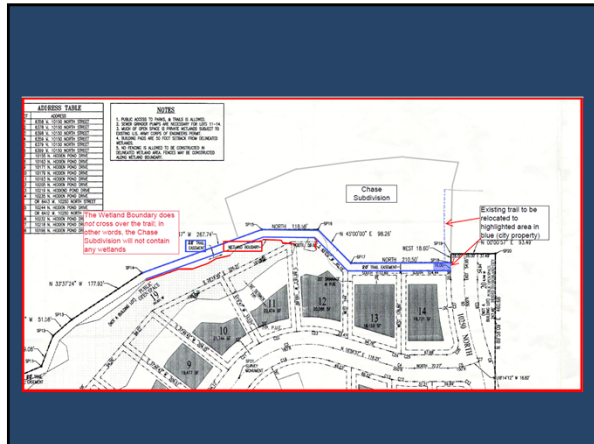
- Public Hearing Notice
  - Mailed to property owners within 500'
  - Daily Herald
  - State and City websites
- No correspondence has been received.

35

### Planning Commission Action

- Held a public hearing on July 27<sup>th</sup>, several citizen comments
  - Relocation of the trail
  - Wetlands/required landscaping
- The Planning Commission voted 5-0 to recommend **APPROVAL** of the proposed 1-lot subdivision

36



37

## Recommendation & Proposed Motion

The Planning Commission recommends that the City Council accept the findings and **APPROVE** the proposed plat with the following stipulations:

1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.
2. All public improvements, including the City trail, shall be installed as required by the City Engineer and City Fire Marshall.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

I move that the City Council accept the findings and **APPROVE** the Chase Subdivision plat subject to the three (3) stipulations recommended by staff.

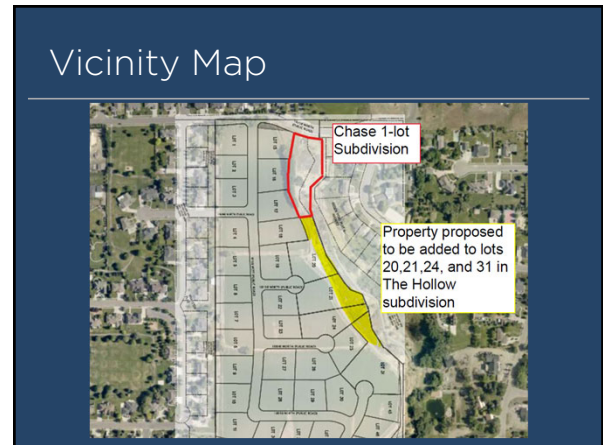
38



## THE HOLLOW SUBDIVISION ADMINISTRATIVE

Item 8 - Plat Amendment  
Presented by - Kellie Smith  
Planner & GIS Analyst

39



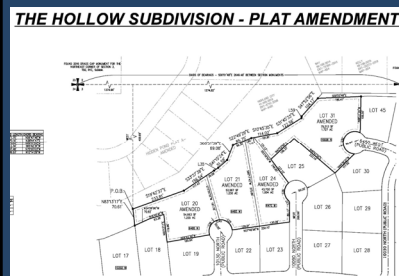
40

## Background

- Hollow Subdivision approved by City Council - February 16, 2021
- *Legal Note - Rob Patterson (City Attorney)*

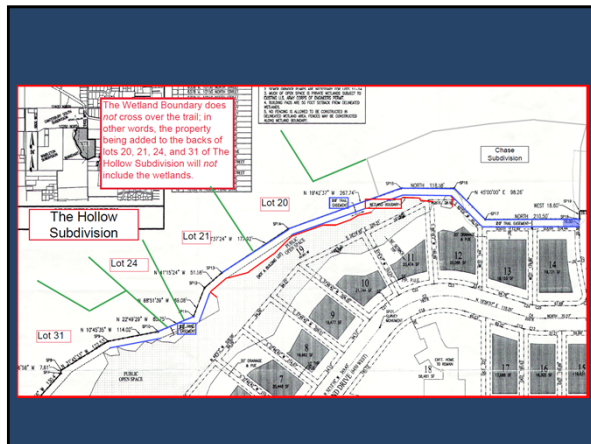
41

## Plat Amendment



- Original plat - 68 lots
- R-1-40 Zone
- Adding 1.53 acres to the overall subdivision
- Does not change any infrastructure or public improvements of the approved Hollow plat.

42



43

## Citizen Participation

Radius notices mailed to property owners within 500'

- No correspondence or disputes have been received

44

## Recommendation & Proposed Motion

The City Council accept the findings and **APPROVE** the final plat amendment subject to the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received June 23, 2021.
2. Prior to recording, the recorded plat shall be revised as required by the City Engineer.

I move that the City Council accept the findings and **APPROVE** The Hollow plat amendment subject to the two (2) stipulations recommended by Staff.

45



## AMERICAN RESCUE PLAN ACT (ARPA) FUNDING ADMINISTRATIVE

Item 8 - Discussion

Presented by - Tyler Bahr  
Finance Director

46

## Purpose of This Discussion

1. Provide summary of latest ARPA developments
2. Determine potential uses for Highland's allocation
3. Staff will research ARPA guidance and feasibility to discuss in future Council meetings

47

## Background

- Total funding = \$2,269,373
  - Highland received \$1,134,687 in July
  - Second installment of \$1,134,687 in one year
- Based on population, Highland is considered a non-entitlement unit (NEU):
  - City's funding passes through the State;
  - Reduces reporting requirements
- Funds must be obligated by the end of 2024, spent by end of 2026

48

## Criteria – Federal Government

- Support **public health** expenditures
- Address **negative economic impacts** caused by the public health emergency
- Replace **lost** public sector **revenue**
- Provide **premium pay** for essential workers
- Invest in **water, sewer, and broadband infrastructure**

49

## Local Match Grant

- \$50 million
- Criteria
  - Projects or services that address the economic impacts of the COVID-19 emergency on **housing insecurity, lack of affordable housing, or homelessness**;
  - Costs incurred in addressing **public health challenges** resulting from the COVID-19 emergency;
  - Necessary investments in **water and sewer infrastructure**; or
  - Any other purpose authorized under the American Rescue Plan Act

50

## Local Match Grant Timeline

- August 16 to September 15 – Online **application portal opens**
- September 15 to October 15 – **Committee reviews** and evaluates applications
- October 19 – Committee reports **selections to Executive Committee**
- Mid-November – **Applicants notified** of project funding
- Mid-November – **Funds dispersed** to local entities

51

## Discussion

Staff recommends Council begin discussing possible uses of the City's ARPA allocation.

Staff will then research any questions and report back on August 17 and September 7, when we will ask Council to make a decision on how to use the funds

If the Council decides to apply for the State matching funds, application to be submitted by September 15

52



## MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

Item 10a. – Garbage Cans and Doggie Bags in City Parks – *Council Members Kim Rodela and Brittney P. Bills*

Item 10b. – Future Meetings

- August 17, City Council Meeting, 7:00 pm, City Hall
- August 24, Board of Canvassers Meeting, 6:00 pm, City Hall
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53