HIGHLAND CITY COUNCIL MINUTES
Tuesday, October 19, 2021
Approved December 7, 2021

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

VIRTUAL PARTICIPATION
YouTube Live: http://bit.ly/HC-youtube
Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION
Call to Order – Mayor Rod Mann
Invocation – Alan Rencher
Pledge of Allegiance – Paul Adams

The meeting was called to order by Mayor Rod Mann as a regular session at 7:03 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Alan Rencher and those in attendance were led in the Pledge of Allegiance by Paul Adams.

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, City Engineer Andy Spencer, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Library Director Donna Cardon, Code Compliance Officer Brent Wallace
OTHERS PRESENT:	Scott Hart, Jerry Abbott, Cody Dingus, Sarah Petersen, Derric Rykert, Jennie Hare, Terese Hansen, Wesley Warren, Alan Rencher, Paul Adams, Carley Tall, Brian Braithwaite, Sherry Kramer, Hillary Gardner, Blaine Hale

1. UNSCHEDULED PUBLIC APPEARANCES
Please limit comments to three minutes per person. Please state your name.

Alan Rencher stated he is thrilled that Mountain Ridge Park will be completed and offered his services to the City by way of fundraising for the project. He encouraged the Council to be wise stewards of the City's resources and encouraged them to hold off on executing the agreement that is before the Council tonight until more funding is available. As the City negotiates the contract, it is important to be mindful of its stakeholders, namely the City's residents. He stated that a 15-year term is very long, and it will restrict the City from doing other things with the park, such as renting it out to recoup some of the money spent on the project.

Carly Tall also referenced Mountain Ridge Park, which is seven acres in size and the Council is considering an agreement that would dedicate five of those acres to a soccer club for exclusive use over the next 15 years. She stated the land is prime real estate located in the middle of the City where open space has been greatly diminished; the land is worth millions of dollars and will only continue to increase in value and the decision the Council will make on this issue matters very much and is connected to large sums of money. It has become clear to her that this is a land grab, and she finds it offensive; giving up land like this should be considered very cautiously, with the primary concern being the benefit for residents, not a third party. The City has had this land for 14 years and has yet to see the potential benefit of it and she understands that is discouraging; however, it is important to realize that the land was purchased about a decade before the homes were built around it and there is now an established group of neighbors who are very interested in what is happening in their back yard. The challenge is no longer getting people to care about park development but keeping neighbors well informed and organized and helping them work together. She stated that since she has been monitoring this project, she has seen two really expensive design concepts for the space, and it is now time for the City to decide upon a design and refer the project to the Parks Committee or create a committee to address this park project specifically. A final plan is needed so that fundraising can begin. If given a reasonable timeframe for fundraising, and the residents fail to produce, the City can then begin negotiating deals with other clubs and organizations. The project is still in the early design stage, and it is not necessary to give up such a large part of it for such a long time. She is of the opinion that a good deal today is a good deal tomorrow, and if the residents fail to fundraise, the soccer club or another organization like them will still be willing to enter into this type of agreement.

Paul Adams echoed the comments made by Mr. Rencher; he actually purchased his home because of the possibility of having a park right next door. He stated that 15 years is a very long time for the type of agreement the Council is considering for exclusive use of the park. He coaches youth teams in the area and practice space is scarce and as a private citizen with a vested interest in the park, he is also willing to fundraise for the project. He and his wife are willing to start fundraising for the park with $500,000 for naming rights. Many others would also be willing to donate for similar rights and to fund common park amenities.

Wesley Warren stated he is the Co-Chair of the Parks, Trails, and Open Space Committee. He stated that the idea of partnering with Surf Soccer Club is exciting as it gives the City the ability to get a larger portion of the park paid for. However, he has a lot of reservations and many of the terms of the agreement need to change in order for it to be beneficially to the City. Subletting and severely restricting public land is not good-government and is a bit of government overreach. There is a committed contingency of residents that are heavily invested in the success of the park as a whole and dedicating three-quarters of the overall park area and restricting its use for at least 15 years without giving the residents a full chance to fundraise for the project, is unfair. The residents have an attachment to the project and not validating their desires would disincentivize them and cause them to lose interest. He stated he will send the Council a list of specific concerns he has. He concluded he does love the idea of partnering with another organization, but he is opposed to the current version of the agreement as it is too restrictive.

Sherry Kramer echoed the comments made by Mr. Warren and read a written statement she emailed to the Council before the meeting. "I hope Highland does not decide to lease the fields to Surf Soccer. This is not the best use of the land for the residents of Highland in my opinion. This gives exclusive rights to our public park land to a private club, which I am opposed to at this park. Let's be creative and take the time to actively reach out to our community for donations for this park so that it can be a beautiful open space park that all residents have the opportunity to enjoy and use, and not a park where only a private club has access to some of the fields all of the time. Many of our residents are members of the American Fork Recreation Center and they are always looking for fields to rent or reserve for the residents of American Fork and Highland that are involved in their programs. Please do not tie the City down to a contract with one organization when many other organizations who also benefit Highland residents would like the opportunity to use these fields as well. Everyone should have a fair shot at reserving the fields in a public park in my opinion." She then reiterated this is a beautiful piece of ground and it would be a shame to give exclusive rights to one organization when there are many others that would benefit from it. Fundraising for this type of project can be done; the City could assemble a committee of dedicated people that could focus on the project and she thinks they would be successful.

Hillary Gardner stated she lives in the same neighborhood as others who have already spoken and is excited about the park as well; it would be a shame to see it be dedicated exclusively to Surf Soccer for 15 years. This is a long time and many residents who were excited to live near a park have young children who will be grown by the time the contract expires. This is a plan that does not make sense for the City and if the citizens could have the chance to fundraise, a better solution could be reached.

Terese Hansen stated she attended the meeting tonight because she is retired and wants to become more invested in the City she has lived in for 40 years. She retired from Alpine School District three years ago as a building and field rental employee. She will do more research on the agreement, but from her professional perspective, she would never take land and give it to one sole group. There were many problems when the District was asked to dedicate land to one group; the arrangement only lasted a short period of time before the District chose to reclaim the park space to manage on its own. Groups like Surf Soccer are in business to make money and these types of arrangements are all about money and control for them.

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*

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b. Purchase Contract: 5401 West Pebble Lane *Administrative*

The City Council will consider a Real Estate Purchase Contract (REPC) to the residential lot located at 5401 West Pebble Lane to David Hodges for $550,000. The Council will take appropriate action.

Mayor Mann explained that money generated by this property transaction will be deposited back into the Corridor Preservation Fund managed by the county; the money is retained for cities or the county to use for corridor preservation in the future.

Council Member Kurt Ostler asked to pull item 2b from the consent agenda.

Council Member Kim Rodela MOVED to approve consent item 2a.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

2b. Council Member Ostler referenced the purchase agreement and noted that there was no agent on the buyer's side. He asked if that means the City will save the buyer's commission. City Administrator/Community Development Director Crane stated there is an addendum that identifies the buyer's agent, though that document was not included in the meeting packet. Council Member Ostler asked if the commission to both agents is three percent. Mr. Crane stated the seller's agent will earn three percent commission, but he will need to verify the amount of commission for the buyer's agent.

Council Member Kurt Ostler MOVED to approve consent item 2b.

Council Member Scott L. Smith SECONDED the motion.

Council Member Smith stated he remembers when this property was purchased for approximately $200,000; based upon the sales price, the County will make more than was spent on the property.

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.

3. PUBLIC HEARING: DISPOSAL OF PUBLIC PROPERTY *Legislative*

The City Council will hold a public hearing to dispose of 31,226 square feet of property surplus for the purpose of adjusting the boundaries of existing building lots in the Pheasant Hollow subdivision. This is associated with the Canal Boulevard project and the intent is to sell the property for residential use. The Council will take appropriate action.

Planner and GIS Analyst Kellie Smith reported State Law defines the decision to sell public property as legislative in nature; the Council has followed this process a number of times in the past. Action to approve the disposal of property can be taken after a public hearing is held. The subject property is 31,226 square feet and is located in the Pheasant Hollow subdivision. Staff recommends the Council hold a public hearing and approve the disposal of the property.

Mayor Rod Mann opened the public hearing at 7:29 pm.

There were no public comments.

Mayor Rod Mann closed the public hearing at 7:30 pm.

Council Member Smith addressed City Attorney Patterson, noting a legal standard has been set in the past in regard to conflicts of interest and ethical standards. He lives in the Pheasant Hollow Subdivision and, while he has no intent to purchase the property, the HOA fees paid by the buyer of the property could potentially benefit him. He also referenced agenda item four and noted that he paid the legal fees for the Highland Foundation. He is concerned about having a conflict that does not meet the legal standard for declaration, but that could handicap the Council. He asked if he should recuse himself even though he does not truly stand to benefit financially from the action to be taken by the Council. Mr. Patterson explained that an officer of the City cannot use their official position to further their own economic interest or receive special benefits. As a resident of the Pheasant Hollow Subdivision, Council Member Smith may benefit in an indirect way as a result of this action, but that does not meet the definition of a special benefit. As such, there is no strict requirement for recusal as he does not see a conflict of interest. He stated that there are instances where property must be sold and the Council adopts rules to govern that process.

Council Member Ostler referenced 2.04.070 of the Highland City Code; this Section provides standards of conduct for Council Members and Council Member Smith's relationship to this agenda item does not rise to the level of being a conflict of interest as he is not personally benefitting and is not securing a personal benefit for another.

Council Member Kim Rodela MOVED that the City Council approve the property disposal and direct city staff to proceed with the real estate sale.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

4. ACTION: ADDITIONAL FUNDING FOR ADONIS DRIVE STREETSCAPE PROJECT *Administrative*

The City Council will consider a request to approve additional funding for the construction of the Adonis Drive streetscape project and of the bid from Decorative Landscaping for

$129,180.21 and authorize the Mayor and City Recorder to execute the necessary documents. The Council will take appropriate action.

City Administrator/Community Development Director Nathan Crane stated on June 18, 2019 the City Council approved a request from residents in the Mercer Hollow Estates subdivision to improve the streetscape along Adonis Drive. The estimated cost of the project was $89,309. The residents committed to raise $70,000 towards the cost of the project and the City cover the remaining costs. The $70,000 has been donated to the Highland Foundation. On August 4, 2020, the City Council approved a bid from Wasatch Lawn and Landscape for $89,884.67. The Council included a provision that allowed the city to go with the second bidder, Decorative Landscaping ($99,988 plus an additional $15,000 to meet city specifications for sprinklers). In the event Decorative Landscaping was chosen the extra cost was to be divided equally between the city and residents.
In Spring 2021, both the city and the residents were informed by Wasatch Lawn and Landscape that the cost of the project had increased to $113,306.56. The cost increase was covered by a resident. In May 2021, the City paid Rocky Mountain Power $10,740.56 to provide power to for the project. This cost was not included in the original estimate. Unfortunately, since the spring of 2021, Wasatch Lawn and Landscape has been unresponsive and despite the best efforts of staff and the residents we have not been able to get the contract completed and signed. As a result, at the request of the residents, new bids were obtained. Three companies were contacted for bids and two companies were responsive: Decorative Landscaping was the low bidder at $129,180.21 and ACE at $147,062.90. Initially the City's cost was not going to change so additional Council action was not required. However, the residents are now requesting that the City provide additional funding using open space capital funds that have been generated by property sales; as of January 2021, the City has collected $69,000 with and additional $11,553 to be collected from approved purchased in the Mercer Hollow Subdivision.

Council Member Bills inquired as to the difference between administrative and legislative actions. Mr. Crane stated that administrative actions relate to the implementation of policy decisions. Mayor Mann added that administrative decisions cannot be referred to the residents for a vote. Mr. Crane stated that is correct; classic examples of legislative decisions include many land use actions. City Attorney Patterson added that administrative actions are typically related to day-to-day operations of the City. Council Member Bills then stated that residents are often confused by the difference between legislative and administrative functions. She then noted that she feels that the process for determining the use of open space sales proceeds is somewhat unclear.

Council Member Ostler stated that it is his understanding that the money generated by property sales are used for general open space improvements and are not necessarily dedicated back to the subdivision in which the property was sold. He stated that it is his understanding the money must stay in the open space service district. Mr. Crane stated that is correct. Council Member Bills stated that either way, the City needs to prioritize open space projects; such a prioritization document would be helpful as the City sells more open space.

Council Member Smith stated that he personally believes it is amazing that the neighborhood has contributed to a project that will benefit so many people; he is the Council liaison to the Highland Foundation and the residents donated $70,000 to the Foundation, and that money was directed to the City for this project specifically. He asked if the City still has that funding in reserve for this project, to which Mr. Crane answered yes; the request for funding tonight is to cover a shortfall in the budget for the project due to increased costs.

Council Member Bills stated she also thinks it is amazing that residents have supported this project by way of financial support. Council Member Rodela agreed.

Council Member Scott L. Smith MOVED that the City Council approve the additional funding and authorize the Mayor to sign a contract with Decorative Landscaping to proceed with the construction of the Adonis Drive streetscape.

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.

5. ACTION: REPAIR & MAINTENANCE OF WELL #1 AND WELL #5

Administrative

The City Council will consider a request by staff to pursue work on culinary Well #1 and Well #5 to optimize their pumping functions. The Council will take appropriate action.

City Engineer Spencer provided the Council with information regarding Wells #1 and #5, noting that staff would like to perform routine maintenance of the casing of Well #1 and lengthen the supply pipe by several hundred feet; the estimated cost of this work is $120,000. Well #5 is experiencing a problem commonly referred to as 'cascading' where water is introduced from areas outside of the main pumping zone. While this does not compromise the water quality, it does introduce a lot of air into the water giving it a cloudy appearance. Work on this pump will increase the pumping depth from 440 feet to 520 feet. Repairs made to the casing should resolve the cascading problem and allow use of the well more effectively. Costs for these improvements are also estimated at $120,000. Staff recommends that City Council approve work to proceed on Well #1 in advance of Well #5 with Rhino Pumps at a cost not to exceed $120,566.60. Once work is completed and Well #1 is functioning, staff will approach the City Council for approval to proceed with work on Well #5.

Council Member Smith asked if the City is proceeding with work to drill Well #4 deeper, to which Mr. Spencer answered yes; the project will go to bid in the next few weeks, but it could take about 18 months to complete the work. Council Member Smith asked if the majority of the culinary water system in the City is being supported by Wells #2 and #3, with plans to get five functioning wells that are deep enough to serve the demands of the City. Mr. Spencer answered yes. Council Member Smith asked if the water system would still operate in a power outage situation. Mr. Spencer answered yes, the City has a mobile generator that could run the culinary water wells. He stated that Wells #2 and #3 are the current work horses of the City and Administration has chosen to focus on Well #1 to provide needed redundancy. Eventually, all five wells will be fully functioning and reliable.

Council Member Kim Rodela MOVED that the City Council approve the work associated with Well #1 by Rhino Pumps and ID Electric not to exceed $120,566.60 and authorize the City Administrator to execute any necessary agreements.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

6. DISCUSSION: PUBLIC/PRIVATE PARTNERSHIP WITH USAC

Administrative

The City Council will review a proposed lease agreement with Utah Surf Athletic Club (USAC) for a Public/Private Partnership for the construction and use of the soccer fields at Mountain Ridge Park. This item is being presented for information and direction only.

Chairman of Parks, Trails and Tree Commission Brian Braithwaite provided a brief overview of the background of this matter; Highland City purchased the subject land for a community park in 2009, but due to the size of the property, a park to be built there cannot meet all the activity needs of Highland residents. Current design includes an all-abilities element, pavilion, parking areas, sports fields, restrooms, etc. There has been a great deal of discussion about options for developing the park and the possibility of leasing a portion of the ground to aid in funding the project as the City does not have sufficient money to complete the park development. He referenced the comments made by residents earlier this evening about the option of fundraising for the project, but noted that fundraising will likely be needed in addition to leasing the land because the lease revenue will not cover all development costs. He indicated the tenant would pay the majority of the lease revenue at the onset of the agreement, which benefits the City; the tenant would then pay yearly maintenance fees. The proposed lease agreement was not negotiated by the Council, Mayor, the Parks, Trails, and Tree Commission, or any City employee; it is based upon a lease agreement currently in place in Lehi City, and the lease scenario in that city has been very positive and beneficial to both parties. He believes a similar lease agreement could work in Highland City if it is designed correctly. He stated that Blaine Hale, President of Utah Surf Athletic Club (USAC) is present this evening to answer questions about the proposed agreement. He advised the Council to ask questions about the details of the project and then think about those items over the coming weeks. The Council does not need to make a decision tonight and all terms and conditions in the agreement are up for negotiation. He stated the Council represents all residents of Highland City and this agreement should create a positive scenario for them as well as USAC. He noted a large portion of the participants in USAC, a non-profit, are Highland residents. There are differences between the Lehi City agreement and the proposed Highland City agreement; the Lehi agreement was based upon all park land being exclusively used for soccer while only a portion for the Highland property would be leased. Additionally, the initial term for the Lehi agreement was 10 years, while the initial term proposed for the Highland agreement is 15 years. Surf would have control of 80 percent of the park area and Highland would have control of the other 20 percent, compared to the Lehi lease, which was a 70-30 split. The most important components of the agreement for the Council to focus on include the length of the agreement, pre-paid lease revenue (or cash required up front), the exclusivity of the land being leased, the size of the land being leased, and ongoing maintenance requirements. He reiterated the lease term is 15-years, but renegotiation of the agreement after seven years. The pre-paid lease amount is $1.58 million and should be dedicated to capital improvements. He added there has been discussion about fencing at the park, but the Council needs to get clarity on those plans from USAC. He stated that it is his understanding that ongoing maintenance includes mowing, watering, and fertilizing the field areas. He then provided a preliminary cost estimate for the initial capital outlay for the project; he reviewed the breakdown, noting the total estimated cost of $1.58 million includes a $200,000 contingency. He also provided the City's policy regarding field rental costs and noted in 2020-2021 the City realized $10,962 in facility rental revenue.

Mayor Mann then invited input from Mr. Hale of USAC. Mr. Hale stated he is excited about the possibility of partnering with Highland City on this project and looks forward to discussing the matter further with the Council.

Council Member Smith first asked about the concept of fencing around the park; there is a trail that runs behind the field areas, and he wondered how fencing would impact access to the trail. He added there has been a great deal of debate in the City regarding building a park maintenance building on a portion of the park property, but it was ultimately built near the community center. Yet, the agreement includes a maintenance building on the park that includes some bathroom facilities. However, there will already be a restroom facility on the north end of the park. He stated that his third question relates to the 80-20 ratio mentioned by Mr. Braithwaite; he has been told that there will be three soccer fields, but one of them would always be open and available for public use. This means the split should be closer to 70-30. Mr. Hale stated the fencing in the agreement was just part of the agreement that he copied from Lehi City; if there is no need for a fence, he will remove that from the agreement. He is also willing to remove the maintenance building from the project; he expects that USAC will be maintaining the sprinklers and sod at the park and it would be nice to store maintenance equipment on site. Perhaps that can be accomplished with the placement of a small shed. He stated that the ratio of control can be re-evaluated and re-defined in the agreement. The 80-20 split was only intended to apply to the field space, not the entire park area.

Council Member Rodela inquired as to the type of usage that will be allowed on the 20 percent of the field space that is not controlled by USAC. Mr. Hale stated that residents could use the public field space for any recreation activities they desire; the reason he would like to control a certain amount of the field space is to ensure that it is not being overused and damaged. It may be possible to simply close off the soccer goal areas as that is the area of a soccer field that is damaged most by overuse.

Mayor Mann suggested that a possible outcome of tonight's discussion could be to select one or two Council Members to continue detailed negotiation of the agreement with Mr. Braithwaite and Mr. Hale; the intent was not to determine all details and take possible action on the agreement this evening.

Council Member Ostler asked if activities other than soccer would be permitted on the public field space. Mr. Hale stated that he would suggest that certain sports, such as football teams, use another facility because that sport can be very hard on a sports field. He expects other soccer teams to use this facility and repairs and maintenance responsible to that use should not be too burdensome. Council Member Ostler asked if USAC needs control of the fields year-round or just at certain times of the year. Mr. Hale suggested that usage ratios be broken down on a quarterly basis. Percentage usages will shift throughout the year. Council Member Ostler asked Mr. Hale if he is flexible on the number of fields needed at the park. Mr. Hale answered yes; his participation in the agreement could be based on a reduced number of fields. Council Member Ostler also asked if he is flexible on the term of the agreement, perhaps a reduction from 15 years to 10 years, to which Mr. Hale answered yes.

Council Member Smith stated he appreciates when private parties are willing to partner with the City on projects like this and he appreciates Mr. Hale's flexibility. He addressed the matter of potential vandalism of the park and structures therein and asked Mr. Hale if he would participate in remediation of vandalism. Mr. Hale stated that he would like to include language in the agreement that addresses the manner in which that responsibility would be fairly split between the City and USAC; he is not willing to take full responsibility for vandalism remediation unless he is able to fence the area that he is responsible for. Council Member Smith asked how usage restrictions would be enforced. Mr. Hale stated that he could erect signage that communicates restrictions on public access to certain areas of the park. This led to brief discussion about the manner in which the City currently handles reservations of field space at City parks and the manner in which usage conflict is resolved.

Council Member Bills asked Mr. Hale for information about the field space he will develop at the park. Mr. Hale stated that the grass will be the same as the rest of the grass at the park, but watering systems may be different, and it will be necessary to designate rest periods for the play surface to ensure that is does not fall into disrepair due to overuse.

Council Member Rodela inquired as to the heaviest usage periods, to which Mr. Hale answered May and June and usage during those months is typically very heavy. The fields will also be used each Saturday, nearly all day, in the spring and fall months.

Council Member Ostler inquired as the percentage of USAC's participants that are from Highland. Mr. Hale stated that 40 to 50 percent of his participants are from Highland; he has a total of 800 participants. Council Member Ostler asked Mr. Hale if he will secure a contractor to develop the field space. Mr. Hale stated he will work with the City to determine appropriate specifications and to select a contractor for the project. He is willing to negotiate further on those issues with the City.

Council Member Smith asked if there is adequate parking and spectator space for the planned use of the facility. Mr. Hale answered yes; he will manage the schedule of the field space in a way that does not overwhelm parking and spectator accommodations.

There was then brief high level discussion about the average number of participants and spectators that would be at the facility at each time, whether there will be concessions, potential noise nuisances generated by usage of the facility, and signage advertising access to the fields, after which Mr. Hale stated he feels this is a good fit for both USAC and the City and he wants to continue discussions of the proposed arrangement and try to find a way to make it work.

Council Member Ostler stated that Mr. Hale seems to be very flexible and he is willing to continue discussions with him, while keeping in mind the concerns and suggestions that have been expressed by residents. Council Member Bills agreed; what has been presented this evening seems to be different than the draft agreement that was presented to the Council.

Council Member Smith stated that he is still very concerned about the placement of a maintenance building at the park; the residents have expressed a great deal of concern about that component of the project. Council Member Bills suggested that an open house be held to give residents the ability to provide more detailed input regarding continued negotiation of the agreement. Mayor Mann stated that is a good idea.

Mayor Mann facilitated discussion among the Council to determine who is interested in working with Mr. Hale and City Administration to further negotiate the terms of the agreement. Council Member Ostler volunteered to be involved. He suggested that two citizens be involved in negotiations as well.

Mr. Braithwaite stated the purpose of this discussion is to cover the expense of the capital improvements at the land. Mr. Hale has shown some flexibility in his willingness to adjust the scope of his involvement in the project, but there is a great deal of difference between three fields and two fields. The financial contribution will be based upon the number of fields to be developed and dedicated to USAC. He needs some direction from the Council regarding the manner in which the agreement should be crafted. Mayor Mann polled the Council regarding the number of fields they would like to see and the level of exclusivity they are willing to give to USAC. Council Member Rodela stated she is very concerned about exclusivity. Council Member Ostler stated that he is unsure whether the City can move forward with development of any portion of the park due to funding limitations. Mr. Braithwaite agreed; the City does not have sufficient funding to complete the remainder of the park aside from the sports fields. This led to high level discussion about past fundraising endeavors for other recreation projects, including the recent pickleball project.

Council Member Ostler inquired as to the estimated cost for three fields, with Council Member Smith inquiring as to the total cost of developing all 17 acres. Mr. Crane stated that the total cost is $7.96 million and USAC is offering $1 million. The $7.9 million does not include upgrades to the all-abilities playground.

Council Member Bills referenced fundraising; she asked if a contract with USAC would change the minds of the residents who offered to fundraise. She encouraged the residents who spoke tonight to send her an email with their feelings on that subject.

Mayor Mann stated that he feels that continued negotiations with USAC are worth pursuing based solely on the fact that the City does not have sufficient funds to complete the project. He again asked for Council Members to volunteer to participate in those discussions. Council Members Ostler and Smith indicated they will work with Mr. Braithwaite and Mr. Hale to further negotiate the agreement.

Concluding dialogue then centered briefly upon the amount of programmable field space that is available in the City, the increase in recreation participants, and the types of sports fields that are in highest demand. There was also a brief focus on the likelihood of the success of a fundraising campaign for this type of project, with the Mayor and Council acknowledging the generosity of the residents who spoke tonight and expressed a willingness to facilitate a fundraising campaign for this project.

7. DISCUSSION: FUND ANALYSIS *Administrative*

The Council will discuss a summary of Highland City's fund balances, including major sources of revenue and intended uses. This item is being presented for discussion only, formal action will not be taken.

Finance Director Bahr used the aid of a PowerPoint presentation to provide a fund analysis; financial statements include budgeted revenue and expenses for each fiscal year, as well as actual revenue and expenses year-to-date. The purpose of financial statements is to summarize available cash balances in each fund, identify major sources of the balances, and specify intended uses of the balances. Observations are that the Council prefers the use of cash assets versus debt, sound financial management, and Council discretion over spending. For consistency, balances included in the fund analysis are taken from the audited financial statements at the end of fiscal years 2015 and 2020. He then presented the fund analysis document and identified the use of color coding to group commonalities and uses; the breakdown was as follows:

- General Fund, Open Space, and Library;
- NW Annexation and Town Center;
- Utilities;
- Pass-through and Restricted; and
- Capital Improvement;

Council Member Smith asked when the Council will have current fund balances. Mr. Bahr stated that the annual audit will be completed near the end of the year, and fund balances can be updated with current information.

Council Member Rodela stated that the Capital Improvement Fund had a balance of $3.4 million in June 2020 and $1.9 million has since been dedicated to the Mountain Ridge Park project. She asked if the remaining fund balance will be dedicated to debt service on the outstanding bond. Mr. Bahr stated that impact fee revenues are forecasted to be sufficient to cover bond debt service through until it matures.

High level discussion among the Council, Mayor, and Mr. Bahr centered on various accounts that contribute to the fund balances included in Mr. Bahr's presentation; there was a brief focus on adjustments to utility rate structures, projects identified in impact fee analysis documents, ongoing debt service payments, and large capital infrastructure projects that will be completed in the coming years.

Council Member Smith complimented Mr. Bahr on his efforts to prepare this summary document; it contains a lot of great information and is evidence of the City's efforts at developing conservative and reasonable budgets from year to year. He added it is also fun to use this type of information to compare Highland's expenditures with those in other cities. For a small City, Highland is very efficiently run.

Council Member Ostler asked if the City's funds are maintained in one account or separate accounts. Mr. Bahr stated they are segregated in the accounting software, but the actual funds are located in a few different bank accounts at Wells Fargo and in the State's Public Treasurer's Investment Fund (PTIF).

8. 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. Short Term Rentals – *City Administrator/Community Development Director Nathan Crane*

City Administrator/Community Development Director Crane referenced an email he sent to the Mayor and Council regarding complaints about short term rentals in the City. The purpose of this discussion is to determine if the Council wants to pursue an ordinance amendment to either prohibit short term rentals or include a owner occupancy requirement for the land use. This would require an owner to live at the home in order to use a portion of the home or an accessory structure as a vacation or short-term rental.

Council Member Bills inquired as to how the owner occupancy requirement would be enforced. Mr. Crane and City Attorney Patterson stated it can be very difficult to enforce, specifically because State law indicates the City cannot review short term rental listings to aid in enforcement of a City ordinance. Assistant City Administrator Erin Wells added that the City receives a lot of complaints about rentals of accessory dwelling units (ADUs) for short-term or long-term purposes.

There was high level philosophical debate regarding the concept of restricting the rental of residential properties in the City; Council Member Smith stated that he does not feel the problem is too great at this point to warrant tighter restrictions. He suggested that the City wait to see if there are more complaints before taking action. Council Member Ostler stated that there may be increased problems in certain areas of the City based upon the prevalence of certain types of residential units that are better suited as a rental property.

Council Member Bills stated that she would be interested in hearing about ordinances in place in other cities to govern short term rentals.

Code Compliance Officer Brent Wallace briefly summarized the rules that he must follow when visiting a property to determine if the use is allowed; he noted he can send an email to the Council to provide more detailed information, but noted that restrictions on short term rentals or the rental of an ADU on a property can be very difficult to enforce. It is difficult to identify if a property is being used for a short-term rental and if the owner is occupying the property.

Mayor Mann stated he likes the idea of pursuing an owner occupancy requirement for short term rentals. Council Members Rodela and Bills agreed.

b. Christmas Lights – *Assistant City Administrator Erin Wells*

Assistant City Administrator Erin Wells stated that last year the City spent $8,300 for Christmas lights. The current year's budget includes $4,500 for light installation. The City is planning a tree lighting ceremony for the weekend before Thanksgiving, but lights will not be turned on until after Thanksgiving. There are three options for the Council to choose from using their discretionary funds: additional trunk wraps ($200 per tree), more pine trees ($1,500 per tree), and more trees of life ($3,000 per tree). Council Members Ostler and Smith noted they have already committed their discretionary funds to the Community Center. Council Member Rodela stated that she will dedicate her discretionary funds to the lighting display for an additional tree of life. Council Member Bills added she will contribute some of her funds as well for a pine tree.

c. Future Meetings

- October 20, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- October 26, Planning Commission Meeting, 7:00 pm, City Hall
- November 9, City Council Meeting, 7:00 pm, City Hall
- November 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- November 16, Board of Canvassers Meeting, 6:00 pm, City Hall
- November 16, Planning Commission Meeting, 7:00 pm, City Hall
- December 7, City Council 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 9:59 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 October 19, 2021. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

Welcome to the Highland City Council Meeting

October 19, 2021

1

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann
Invocation – Council Member Timothy A. Ball
Pledge of Allegiance – Council Member Scott L. Smith

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)*

2a. Approval of Meeting Minutes: September 7, 2021 *Administrative*

2b. Purchase Contract: 5401 West Pebble Lane *Administrative*

- *Administrative = Implements the previous legislative decision of property disposal*

4

DISPOSAL OF PUBLIC PROPERTY *LEGISLATIVE*

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

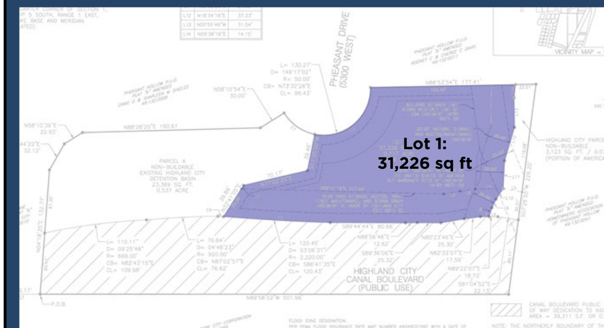
5

Discussion

- State Law defines the decision to sell public property as legislative.
- Disposal of Real Public Property
  1. Declaration of Surplus Property – declared at the September 21st City Council
  2. Hold a Public Hearing
  3. Approval of a Purchase Contract

6

Property Surplus



7

Recommendation

Staff recommends the Council hold a public hearing and approve the disposal of the property.

I move that the City Council **APPROVE** the property disposal and direct city staff to proceed with the real estate sale.

8

HIGHLAND CITY

ADDITIONAL FUNDING FOR ADONIS DRIVE STREETSCAPE PROJECT *ADMINISTRATIVE*

Item 4 – Action

Presented by – Nathan Crane, AICP
City Administrator/Community Development Director

9

Background

- Administrative – Change Order
  - Implementation of the legislative action of budget approval
  - Use of Open Space Disposal Funds
- June 18, 2019, Council Approval
- August 4, 2020, Council Approved
  - $89,309 Wasatch L&L
  - Residents provide $70,000
  - City fund the rest from proceeds from sale of open space property

10

Background

- Spring 2021
  - Price increased to $113,306
  - Cost covered by residents
- May 2021
  - RMP - $10,740.56 for power pedestal
- Contract with Wasatch L&L not completed
- New bids
  - Decorative Landscaping: $129,180.21
  - ACE: $147,062.90
  - Third company did not respond

11

Project Costs

Project Cost	
Item	Cost
Decorative Landscaping	$129,180.21
Rocky Mountain Power	$10,740.56 (already expended)
Total	$139,920.77

Existing/Approved Funding	
Item	Amount
City Approved Funding	$19,884.67
Resident Funding	$93,421.89
Total	$113,306.56

Project Shortfall	
Project Cost	$139,920.77
Existing Funding	$113,306.56
	($26,614.21)
Monies already expended (RMP)	$10,740.56
Total Deficit Remaining	($15,873.65)

12

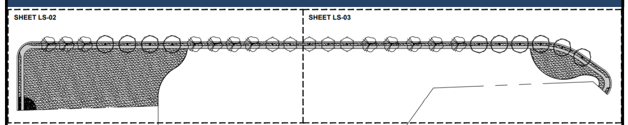
Proposed Funding

Proposed Funding	
Item	Amount
City Approved Funding	$46,498.79 (increase of $26,614.12)
Resident Funding	$93,421.89
Total	$139,920.77

As approved by the Council, the costs will be covered by the proceeds from the sale of open space property in the Mercer Hollow Subdivision. As of January 2021, the city has collected $68,842.18 with $11,553.80 to be collected from approved purchases in the subdivision.

13

Plan



14

REPAIR & MAINTENANCE OF WELL #1 AND WELL #5 *ADMINISTRATIVE*

Item 5 – Action

Presented by – Andy Spencer, PE
Public Works Director/City Engineer

15

Recommendation

Staff recommends the Council approve the work associated with Well #1.

I move that the City Council **APPROVE** the work associated with Well #1 by Rhino Pumps and ID Electric not to exceed $120,566.60 and authorize the City Administrator to execute any necessary agreements.

16

PUBLIC/PRIVATE PARTNERSHIP WITH USAC *ADMINISTRATIVE*

Item 6 – Discussion

Presented by – Brian Braithwaite, Park Committee Chairman

17

FUND ANALYSIS *ADMINISTRATIVE*

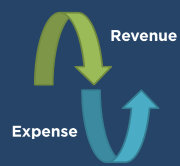
Item 7 – Discussion

Presented by – Tyler Bahr
Finance Director

18

Financial Statements

- **Budget** – projected revenue and expenses for a fiscal year, as well as actual revenue & expenses year-to-date
- **Balance sheets** – assets (including cash) & liabilities at a specific point in time



19

Purpose

- Summarize available **cash balances** in each fund;
- Identify **major sources** of the balances; &
- Specify **intended uses** of the balances

20

Observations

- Cash preference vs. debt
- Sound financial management
- Council discretion

**For consistency, balances are taken from audited financial statements as of the end of fiscal years 2015 & 2020*

21

General Fund, Open Space & Library

FUND NAME	CASH BALANCE (6/30/15)	CASH BALANCE (6/30/20)	INCREASE (DECREASE)	MAJOR SOURCES & INTENDED USES of BALANCE
General Fund	$1,577,585	$2,660,006	$1,082,421	FY16-FY20: Actual tax revenue exceeded approved budget projections by an average of $240K each year, a total of $1.2MM over the 5-year period Fiscal management & budget capacity allowed for critical equipment purchases while surplus revenue retained to provide for 3 months of operating cash - 25% of annual GF revenues
Highland Open Space SSD	$21,707	$157,853	$136,146	Sale of property, net of expenses ($142K)
Library	$0	$37,735	$37,735	Change in cross-charge accounting in FY2019

22

NW Annexation & Town Center

FUND NAME	CASH BALANCE (6/30/15)	CASH BALANCE (6/30/20)	INCREASE (DECREASE)	MAJOR SOURCES & INTENDED USES of BALANCE
NW Annexation Cap Project	$105,062	$114,292	$9,230	No activity in past 5 years other than interest income Transfer to enterprise funds
Town Center Exaction Fee Cap	$387,693	$179,243	($208,450)	Infrastructure development participation Balances owed developers: $23K Tippetts, $63K Knight West, $83K WPI Transfer net to capital fund

23

Utilities

FUND NAME	CASH BALANCE (6/30/15)	CASH BALANCE (6/30/20)	INCREASE (DECREASE)	MAJOR SOURCES & INTENDED USES of BALANCE
Sewer	$1,370,573	$4,188,399	$2,817,826	Capital projects, maintenance, and expenses as identified in impact fee & utility rate studies
Pressurized Irrigation	($72,376)	$3,484,475	$3,556,851	
Storm Sewer	$426,916	$1,349,485	$922,569	
Culinary Water	$1,781,450	$2,283,424	$501,974	
Utility Transportation	$0	$1,186,150	$1,186,150	Road maintenance & reconstruction - existing facilities only Revenue collected for following year's expenses

24

Pass-through & Restricted

FUND NAME	CASH BALANCE (6/30/15)	CASH BALANCE (6/30/20)	INCREASE (DECREASE)	MAJOR SOURCES & INTENDED USES of BALANCE
Cemetery Perpetual Fund	$0	$13,992	$13,992	$202K transferred to GF (FY18 & FY19)
Debt Service	$3,579	$10,898	$7,319	Bond payments pass through from the General, Building Capital, and Parks Capital funds
Internal Service IT Fund	$0	$14,856	$14,856	Assessments to departments to avoid IT expenses hitting all at once
Bonds (Fund 70)	$89,024	$679,068	$590,044	Development performance guarantees - all refundable to owners

25

Capital Improvement

FUND NAME	CASH BALANCE (6/30/15)	CASH BALANCE (6/30/20)	INCREASE (DECREASE)	MAJOR SOURCES & INTENDED USES of BALANCE
Capital Improvement Fund - Parks	$951,824	$3,474,464	$2,522,640	Sale of Spring Creek property - FY20 $1.5MM Sale of Drycreek property to Lehi - FY20 $400K $1.9MM for Mtn Ridge Park $4.6MM in bond payments thru 9/2027
Capital Improvement Fund Road Projects	$9,145	$1,668,690	$1,659,545	Road construction City's portion of Madison Ave/Canal Blvd ($1.3MM)
Capital Improvement Fund Building	$13,124	$891,397	$878,273	$300K from sale of property to WPI (FY20) Transfers from GF: FY18 $150K, FY19 $307K, FY20 $274K Intended for Parks Bldg and other capital needs as per Council direction

26

Observations & Discussion

- Cash preference vs. debt
- Sound financial management
- Council discretion

**For consistency, balances are taken from audited financial statements as of the end of fiscal years 2015 & 2020*

27

HIGHLAND CITY

MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

8a. Short Term Rentals– *City Administrator/Community Development Director Nathan Crane*

8b. Christmas Lights – *Assistant City Administrator Erin Wells*

8c. Future Meetings
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HIGHLAND CITY

CHRISTMAS LIGHTS *DISCUSSION*

Item 8b – Communication

Presented by – Erin Wells
Assistant City Administrator

29

Background and Current Status

- 2020 – Utah Light Co
  - $8,300 using leftover funds from cancelled/reworked City events and Fling
- FY22 Budget
  - Added $4,500 for light installation costs
- Lights to be installed soon
- Tree lighting ceremony weekend before Thanksgiving

30

31

32

Potential Additions

- Trunk Wraps
- Pine Trees
- "Tree of Life"

33

34

35

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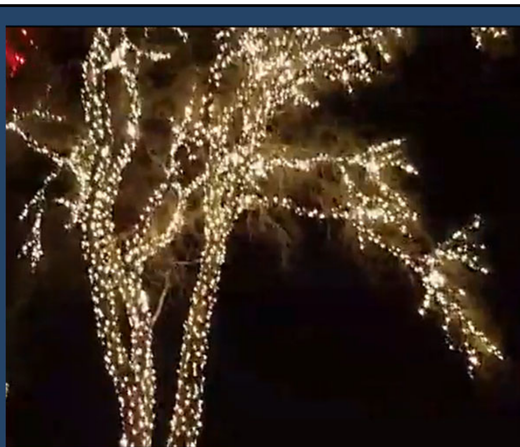

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Potential Additions Summary

- Trunk Wraps ~ $200 per tree
- Pine Trees ~ $1,600 per tree
- "Tree of Life" ~ $3,000
  - Boom lift and power costs ~ $800
- About half one-time costs and half ongoing costs

- Council Discretionary Funds
  - $3,000 per Elected Official

- Current budget $700 over expenses

38

Fund Analysis - Highland City

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**Note: Due to aggregation in audited financial statements, figures for Bonds are taken from unaudited financial statements dated 4/30/2015 & 6/30/2020 to show these funds independently. All other balances are taken from FY2015 and FY2020 audited financial statements.*

Legend:

Old funds to be terminated	Utilities	Capital	Pass-through or restricted

MOUNTAIN RIDGE PARK - Fields

The total construction costs shall be broken down into the categories indicated below to provide the Owner and engineer with a

PRELIMINARY COST ESTIMATE

Item	Description		Unit	Original	Quantity	Unit Cost	Total Cost	
1.	Demolition							
	d.	Clear and Grub	sq. ft.	568,796		$ 0.15	$ -	85,319.40
	Sub Total Demolition						$ -	
2.	Utilities (Including all trenching, backfilling, etc.)							
	f.	Storm Drainage (Combo Box and Sump Combination)	each	1		$ 37,500.00	$ -	37,500.00
	g.	Irrigation Box	each			$ 4,000.00	$ -	
	h.	24" RCP Irrigation Pipe	lin. Ft.			$ 50.00	$ -	
	Sub Total Utilities						$ -	
4.	Site Grading and Excavation (Include sub-grade prep for all concrete,							
	a.	Site Rough Grading	cu. yd.	21067		$ 30.00	$ -	632,010.00
	b.	Clean Import	cu. yd.	111		$ 17.50	$ -	1,942.50
	d.	Erosion Control/SWPPP	lump	1		$ 2,500.00	$ -	2,500.00
	Sub Total Site Grading and Excavation						$ -	
7.	Landscaping and Irrigation							
	a.	Irrigation System - per Drawings (to include everything from connection to water service after meter)	lump		1	$ 770,842.50	$ 770,842.50	
	b.	4" Imported Topsoil - Sod	cu. yd.		6,268	$ 25.00	$ 156,700.00	
	c.	12" Imported Topsoil - Shrub Beds	cu. yd.			$ 22.00	$ -	
	e.	Bluegrass Sod	sq. ft.		512,806	$ 0.75	$ 384,604.50	
	f.	Deciduous Tree including Planting Backfill (2" Cal.)	each	50		$ 425.00	$ -	
	g.	Evergreen Tree including Planting Backfill (6-8' Ht.)	each	5		$ 425.00	$ -	
	h.	Ornamental Tree including Planting Backfill (2" Cal.)	each	10	-	$ 350.00	$ -	
	i.	Shrub Beds	sq. ft.			$ 4.00	$ -	
	m.	Landscape Boulders	each			$ 300.00	$ -	
	Sub Total Landscape and Irrigation						$ 1,312,147.00	$ 759,271.90
							$ 1,312,147.00	$ 759,271.90
		MOBILIZATION =					$ 65,607.35	$ 37,963.60
		PROJECT SUB-TOTAL =					$ 1,377,754.35	$ 797,235.50
		15% Contingency =					$ 206,663.15	$ 119,585.32
		TOTAL ESTIMATED COST =					$ 1,584,417.50	$ 916,820.82

Highland Policy		15 yr	10 yr	Yearly fee	Qty	15 year	10 years
						$ 105,627.83	$ 158,442
				Per Fields	3	$ 35,209.28	$ 52,813.92
Practice / Hr	$ 15	$ 17,605	$ 26,407	$30 / Hour	30	1,174	1,760
Game/Clinic / hr	$ 30	$ 35,209	$ 52,814	5 hrs / day	8	147	220
Field/day	$ 225	$ 33,009	$ 49,513	M-S # of Mont	24	6.11	9.17
		$ 35,209	$ 52,813.92				

2020-2021	Total Facility Rental Revenue- 10-38-83	$10,962