



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, February 1, 2022

Approved March 1, 2022

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Brittney P. Bills

Pledge of Allegiance – Mayor Kurt Ostler

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:00 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Brittney P. Bills and those in attendance were led in the Pledge of Allegiance by Mayor Kurt Ostler.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Sarah D. Petersen, 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 Smith, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Elaine Roundy, Jay G. Roundy, Lane Stevens, Doug Cortney, Joe Ham, Trent Thayn, Stephen Roberts, Chris Howden, Carley Tall, Alan Rencher, Vanessa Moody, Todd Berry, Sherri Berry, Rick Louder, Hilary Gardner

1. UNSCHEDULED PUBLIC APPEARANCES

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

Alan Rencher expressed concerns about high rates of speed on the roads in his neighborhood – specifically Yorkshire Court and Yorkshire Drive; there are 27 children under the age of 14 who live within 300 feet of a dangerous curve in the road in his neighborhood; he and his neighbors are present tonight to respectfully request that the City install speed bumps or

other traffic calming devices in their neighborhood to slow people down as they are navigating the curve. He has heard feedback from the City about the concern about speed bumps for snowplow drivers; he has also been advised to contact the Police Department to address dangerous habits. However, law enforcement cannot be everywhere all the time and he and his neighbors feel that another action is warranted. He invited the Mayor and Council to visit his neighborhood to personally witness dangerous driving habits on the roads.

Carly Tall addressed the same issue as Mr. Rencher; she spoke to the high rates of speed and two curves on the same roadway. The conditions are problematic for families with small children and she and her neighbors are requesting appropriate action from the City to provide the needed protection.

Hilary Gardner spoke to the same matter as Mr. Rencher and Ms. Tall; she feels that a speed bump in front of her home is necessary. She has had kids nearly be hit by speeding vehicles. Her home seems to be a central location for many children in the neighborhood to congregate and the community mailboxes are very close to her home and the dangerous curve. She knows that the City has indicated that speed bumps create problems for snowplows, but it must be possible to mitigate those issues because other cities, such as Cedar Hills, have speed bumps at several locations. She stated that she believes all her neighbors feel the same about the dangerous conditions. She added there are other roads throughout the City where there are similar conditions, and she suggested the Council consider a speed bump policy that could be applied City-wide.

Vanessa Moody echoed the comments of those who spoke before her; she discussed different types of speed bumps that could be installed to address speeding, but that are also not problematic for snowplows. She noted her neighborhood has used social media to encourage safe driving habits in their neighborhood, but more needs to be done to make everyone aware of the presence of pedestrians, especially children, along City streets.

Steven Roberts stated that he lives directly in the line of sight of Canal Boulevard, and he referenced a recent traffic accident that resulted in his neighbor losing three trees and half of their fence. This was accident number six or seven in this location. He stated that he lives in Cedar Hills for 23 years and the traffic calming mechanisms used there are called 'speed tables'; they are very effective in reducing speed while allowing vehicles with wider wheelbases – such as snowplows – to navigate them. He thanked the Council for entertaining the concerns of residents and for considering the topic of traffic calming; there is a great deal of pedestrian traffic throughout the City and a solution must be considered to help to prevent further traffic accidents or tragedies.

Chris Howden stated he lives north of State Road 92 and 6000 West, and he is grateful for the Police presence and their efforts to address dangerous speeding behaviors. He referenced a traffic accident that resulted in one girl being paralyzed and his daughter suffering permanent nerve damage; the highest speed he is aware of to date is 107 miles per hour and that was recorded at 8:00 a.m. He asked for an action from the City to address this issue.

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 – November 9, 2021 and January 11, 2022
- b. **Planning Commission Appointments** *Administrative*
The Council will consider the Mayor’s request to ratify the appointment of Jay Roundy, Boyd Draper, Tracy Hill, and Trent Thayn to the Planning Commission. The Council will take appropriate action.
- c. **Plat Amendment: Mid-Town Highland Marketplace Amended (PA-22-02)** *Legislative*
The City Council will consider a request petitioned by Joe Ham representing MNG Highland Development LLC. The petitioner is requesting approval to adjust internal property boundaries located at approximately 5300 W 11000 N. The City Council will take appropriate action.

Kurt Ostler asked to pull item 2b.

Brittney P. Bills asked to pull item 2a.

Council Member Scott L. Smith MOVED to approve consent item 2c.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Item a:

Approval of Meeting Minutes: Council Member Brittney P. Bills asked for a correction to the 1/11/2022 minutes. The water tank on the equestrian property will belong to Lehi City not Highland City.

Item b:

Planning Commission Appointments: Mayor Ostler stated that he is recommending that Jay Roundy be appointed to fill Mino Morgese’s unexpired term, Tracy Hill to fill a vacant seat that will expire in 2026, and Trent Thayn to serve as an alternate in a vacant position that will expire in 2026. He then asked Dr. Roundy and Mr. Thayn to introduce themselves.

Dr. Roundy provided information regarding his personal and professional background; he is looking forward to this opportunity after having served as an alternate Commissioner in Highland and other cities. He has witnessed poor planning and good planning in the past and he hopes to contribute to good planning efforts in Highland City. He has witnessed great work performed by many City employees and he is grateful to the residents for their willingness to provide input regarding matters that impact their daily life.

Trent Thayn provided information regarding his personal and professional background and noted that he is interested in becoming more involved with the City and its future growth. He has participated as a member of other City committees in the past and feels that has provided him with valuable experience.

Mayor Ostler stated that Mr. Hill was unable to attend tonight, but he has lived in Highland for six years and works as a physician and is a faculty member of the new Noorda College of Medicine.

Council Member Scott L. Smith MOVED to approve consent item 2a approval of meeting minutes, as corrected, and consent item 2b, Planning Commissioner appointments.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Mayor Ostler then asked that the Council consider moving to item eight on the agenda given there several residents in attendance to hear discussion of pedestrian crossings and speed limit signage. There were no objections voiced by the Council.

8. DISCUSSION: PEDESTRIAN CROSSING WARNING AND SPEED LIMIT SIGNS *Administrative*

The City Council will discuss the use of pedestrian crossing advance warning signs at select trail crossings and flashing ‘Your Speed’ speed limit signs. This item is being presented for discussion and direction only. No formal action will be taken.

City Engineer/Public Works Director Spencer reported there are a number of trails that cross roads not at a formal intersection. For example: The American Fork Canyon Ditch Trail, also known as the Highland City Main Trail, bisects the City between Town Center East and 6400 West. This trail is 1-1/4 mile in length and is used daily. While most of the trail is behind private properties and internal to subdivision blocks, it does cross collector class roads such as 6000 West and 5600 West and local roads such as 5720 West and 6250 West. Another example of a trail that crosses local and collector roads is the Murdock Canal Trail. Currently, on busier streets the crossings are identified by a “pedestrian crossing sign” and on street striping. He presented photographs of the optional pedestrian crossing locations throughout the City as well as the types of signs that would be used to notify motorists of a designated crossing location. The Rectangular Rapid Flashing Bar (RRFB) style solar pedestrian crossing light is a user activated LED warning sign. The lights are linked via Bluetooth and are activated when the user pushes a button on either side of the road. The LED light bar will flash in a rapid wig-wag pattern which is easily seen in daytime hours as well as at night. UDOT as well as some of our neighboring communities are using these devices at similar mid-block crossings. The cost per location (as of January 2022) is \$7,084.22 excluding time and materials for installation. The City has received a request for a RRFB sign on 6000 West where the Main City Trail bisects with 6000 West.

He then discussed flashing speed limit signs, which inform motorists of ‘their speed’ when they pass the sign. These signs are frequently installed on roads where excessive speed is perceived or shown through a traffic data

report. These signs show the vehicle speed and blink with a bright white strobe when the posted speed is exceeded by five miles-per-hour of the posted speed limit. The sign powers down when there is no traffic present. Current locations of these signs include Angels Gate, Country Club Drive, The cost per location (as of November 2021) is \$6,198 excluding time and materials for installation. The initial purchase includes a free one-year courtesy cloud data provision that can be utilized to track vehicle volume and speed. If this information is deemed valuable, a data package can be purchased on an annual basis to continue the service. Order time is approximately 4 to 6 weeks. Staff recommends that the City Council consider implementing policies that define the conditions that these types of signs will be considered for installation. The concept behind development of this criteria is justification for both the initial cost and the ongoing maintenance costs. A traditional, non-flashing, pedestrian crossing signage will cost approximately \$300 in materials. As such, the cost of a flashing sign crossing is approximately 23 times the cost. The flashing signs also require a more intensive maintenance effort than traditional signage. Examples of determining criteria for these types of signs may be:

“Flashing Pedestrian Warning Signs: Number of daily vehicles on the roadway being crossed, roadway classification, location of signs (intersection or mid-block), number of users on the trail or pedestrian sidewalk, accident history.”

“Flashing Speed Limit Signs: Roadway classification (collector, local road, etc.) Percentage and severity of daily cars driving over speed limit, roadway geometry, accident history.”

Council Member Peterson asked if staff is recommending the installation of the RRFB sign on 6000 West where the Main City trail bisects 6000 West, and then working to develop a policy including criteria that must be met in order to install future signs. Mr. Spencer answered yes. Council Member Peterson inquired as to the funding source for the RRFB sign. Mr. Spencer stated it can be paid for from the City’s streets maintenance budget; if a policy is created by the Council, it would be appropriate to consider an annual funding amount for any future signs to be installed throughout the City.

Council Member Bills inquired as to the expected costs for ongoing maintenance of RRFB signs or speed limit signs. Mr. Spencer stated he is not sure of a definitive cost, but he would estimate just a few hundred dollars per year for replacement of lights or electrical infrastructure. Council Member Bills suggested that a potential policy include a provision for neighborhoods to raise the money for a sign; she also asked Mr. Spencer to address the requests made during the public comment period for speed tables to be installed on roadways throughout the City. Mr. Spencer stated that speed tables could be considered on a broad policy governing traffic calming measures for the City; he advised that the Council should be willing to consider speed tables in all areas of the City upon approval of a speed table in one neighborhood of the City. The City has a fixed amount of resources and conflicting needs or demands on roads throughout the City and it is necessary to strike a balance and objective way of addressing speed control.

Council Member Rodela stated she is supportive of considering a collective policy or program that can be used to evaluate any type of request for a speed calming or safety measure at specific locations in the City. This led to high level philosophical discussion among the Council regarding necessary components of a traffic calming policy; citizen involvement in identification of appropriate locations for traffic calming tools – including speed tables;

Mayor Ostler then stated that the Council needs to determine if they are comfortable proceeding with the installation of the RRFB sign on 6000 West near the trail crossing or if they want to wait to develop a policy that considers traffic calming measures for the entire City. Council Member Ball stated that he would like to proceed with the installation of the light in advance of creating a City-wide policy; he emphasized that the main role of the City is to protect its residents and helping to curb dangerous activities on City roadways is part of that role. He indicated he is very supportive of prioritizing the creation of a policy that will govern the installation of traffic

calming measures in the future. Council Member Smith agreed but noted that it is important for the City to carefully examine funding sources for these types of future improvements.

Mayor Ostler facilitated discussion among the Council regarding the process they would like to employ to create a policy; they determined to assign two Council members to work with staff to identify optimal traffic calming tools and present those items to the entire Council in a work session setting for broad discussion of a City-wide policy.

Council Members Smith, Rodela, Ball, and Peterson offered support for installing the RFFB sign on 6000 West where the Main City Trail crosses the road. They indicated that it would be helpful to gather data from the sign that can be used to inform the creation of a City-wide policy. The Council then discussed the idea of also installing a flashing speed limit sign at State Road 72 and 6000 West in advance of the development of a City-wide policy; they offered their support for installing the sign now for the same reasons as approving the installation of the RFFB sign at this time.

Council Member Peterson then addressed the residents who spoke during the public comment period and indicated she has heard their concerns about speeding on Yorkshire Court and Yorkshire Drive; she would like comprehensive traffic data for those roads in order to appropriately respond to the concerns of the neighborhood. Mr. Spencer stated he will place traffic counting devices in that area that will capture vehicle counts and speeds throughout the day.

3. PUBLIC HEARING: TEXT AMENDMENT - FREESTANDING SIGNS

Legislative

The City Council will hold a public hearing to consider a request by Joe Ham to amend Sections 3-707 and 3-710 of the Development Code relating to commercial freestanding signs. The City Council will take appropriate action.

Planner & GIS Analyst Smith reported applicant, Joe Ham, is the representative for MNG Highland Development LLC, the developer for the commercial property in the Highland Marketplace subdivision. The applicant explains in the attached narrative that because of the size and depth of the project, retailers and users need identification along the street fronts to draw customers into the development. The site has the potential for up to 22 businesses that would be at a disadvantage as their building signage may not be visible from the street. She summarized the specific text amendments the applicant is requesting as follows:

1. Location: The proposed amendment allows a freestanding sign to be constructed within 300 feet from the intersection of SR-92 and SR-74 and within 80 feet of a residential zone. The applicant is requesting the decrease in distance from the intersection because the existing requirement of 400 feet from the intersection lines up with the Blue Lemon property, which is owned by a separate property owner. They are requesting 300 feet from the intersection to allow them to put the freestanding sign in front of their property with Treehouse Dental.
2. The request to decrease the distance from a residential zone is a result of the residential zone on the other side of Alpine Hwy. The Development Code currently requires a freestanding sign be no closer than 150 feet from a residential zone. 150 feet from the residential zone across the street goes into the Blue Lemon parking lot. It is assumed that when the Code was written, the distance requirements were imposed only taking the residential zones to the north and the west into consideration. The request is to decrease the distance to 80 feet to allow the developer to put a sign in the parkway detail.
3. Size: The applicant is requesting to increase the maximum height of 18 feet to 40 feet for a commercial freestanding sign.

4. Material: The proposed amendment adds painted aluminum as an acceptable material for commercial center freestanding signs. The amendment also adds,
 - a. “Lettering and logos may also be created using solid aluminum faces with routed out graphics displaying backlit “push-through” or “back-up” acrylic with 1st surface vinyl.”
5. Lighting: The amendment allows the sign to be internally illuminated through acrylic or polycarbonate faces.
6. Landscaping: The applicant is requesting to remove minimum requirements for plant types (perennials, annual vegetation, and evergreen type landscaping). The requirement to incorporate a minimum of 2 square feet of landscaping for every linear foot of sign length around the base of the sign will still remain.

Ms. Smith noted table 3-707A that identifies the overall height, size, frontage, location, and material requirements for each type of sign in each commercial zone would also be updated to reflect these changes. The Planning Commission held a public hearing on January 25th, 2022 and there was one resident that objected to the request. They raised concerns regarding Highland’s residential nature and the community design element of the General Plan. The Planning Commission’s general concerns were the height and location of the signs. The Commission discussed possibly continuing the item, but the applicant preferred to forward the request on to the City Council, as there are leasing deadlines they are hoping to meet. The Planning Commission voted to recommend denial of the proposed text amendment due to concerns with the proposed height and depth of the signs. They did make clear that they were in favor of the proposed lighting and letter style, and the landscaping changes. Each Commissioner shared their preferences for the amendment:

- Commissioner Howden favored a 20-foot height maximum and to keep the existing location requirements.
- Commissioner Moore approved of a 25-foot height maximum and decreasing the 7-foot-tall rock base to a 3-foot base.
- Commissioner Morgese agreed with Commissioner Moore’s recommendation.
- Commissioner Abbott favored a 20-foot height maximum and had concerns with the location for the residents across Alpine Hwy.

Ms. Smith noted that subsequent to the Planning Commission meeting the applicant has revised the proposal to address the Planning Commission’s concerns. The revised proposal is as follows:

- Size: The applicant is requesting to increase the maximum height of 18 feet to 25 feet for a commercial freestanding sign. The revised proposal also includes a decrease to four (4) feet in depth rather than the originally proposed five (5) feet.

She then summarized staff’s analysis of the application, citing several sections of the General Plan and Development Code of the City; she also noted that staff researched the freestanding sign requirements in commercial zones of neighboring cities and found the following:

- American Fork: 35’
- Cedar Hills: 30’
- Pleasant Grove: 35’
- Orem: 26’ average (dependent on distance between the sign and right-of-way)
- Provo: 35’

The proposed amendment is to allow a maximum height of 40’. The proposed amendment appears to meet the following findings:

- The amendment is consistent with goals and policies in the economic element of the General Plan.

- The proposed amendment is consistent with the purpose stated in the Development Code of regulating overall sign design and location.
- The proposed amendment exceeds the typical height of freestanding commercial signs in neighboring cities.

Ms. Smith concluded staff recommends that the City Council hold a public hearing, discuss the maximum height and the location discrepancies in the Code, and determine whether or not the amendment is appropriate.

Mayor Ostler invited input from the applicant.

Joe Ham, MNG Development, reviewed the site plan for the project and indicated it has been designed in a way that is different from most other shopping centers; he has created somewhat of a plaza inside the development after finding it impossible to attract a big-box retailer to the area. Tenants that are considering locating in the project have expressed the need to advertise along Timpanogos and Alpine Highways and in order to do that, it is necessary to increase the height of the sign. He is hoping the Council will support a 25-foot sign height, as that is the amount he needs to be able to provide adequate advertising for 22 tenants.

Council Member Bills stated she listened to the Planning Commission's discussion of the application and appreciates their thorough analysis of the application. She feels that Mr. Ham has been very responsible with their design for this project and in attracting quality tenants to the project; when also considering that this amendment would apply just to the zoning designation that has been assigned to this project, she is comfortable approving the current proposal. Mayor Ostler asked if the amendment will only apply to the CR zone. Ms. Smith stated it will apply to the CR, C1, and Commercial Town Center. She added there is already a commercial freestanding sign in the C1 zone, so the maximum number of signs has already been installed for that zone.

Council Member Rodela echoed Council Member Bills' comments and indicated she feels it is appropriate for the Council to consider amendments like this one in order to help businesses that have invested in Highland City be successful. Council Member Smith agreed and indicated he is glad to see this subject property develop as it will provide much needed revenue for the City. He is willing to approve the 25-foot sign height and thanked Mr. Ham for compromising on his original request for a sign height of 40 feet. Mayor Ostler agreed with the comments about the importance of helping businesses locating in Highland be helpful; it is clear that it is necessary to increase the visibility of signage for the subject project.

Mayor Ostler opened the public hearing at 8:26 p.m.

Doug Cortney stated that he originally spoke against the amendment during the Planning Commission public hearing, but that was based upon a concern about a sign that would be 40 feet in height; he appreciates the compromise the applicant has made, and he is no longer opposed to the request. However, he does have some technical concerns about the proposal; first is related to Section 3.7.10, which states that commercial center freestanding signs shall be similar in design, color, and material throughout Highland. This seems to preclude approval of the intended signs for those project as they clearly are not similar in design, material, or color to other existing commercial freestanding signs. As such, the code text should probably be amended as part of this action. Additionally, the proposed sign appears to have size in excess of 300 feet per side, but section 3.7.07 limits the size to 275 feet per side. That text should also likely be amended before approving the sign request. Sections 3.7.07 and 3.7.10 describe height requirements differently in a way that he thinks is confusing and these discrepancies should be corrected or clarified. Also,

the term 'light pollution' found in Section 3.7.10 does not appear to be defined in the City's development code. In the case of a sign with external lighting, light pollution can be clearly defined, but in the case where the sign is lit internally, this matter should be defined. Finally, for the C1 and Town Center Zones, the proposed 3.7.07 and 3.7.010 have conflicting requirements for freestanding signs; one lists a maximum height of 15 feet while the other lists a maximum height of 25 feet. He stated that he is encouraging the Council to approve the proposal, but feels it is necessary to address the conflicts in the code.

There being no additional persons appearing to be heard, Mayor Ostler closed the public hearing at 8:30 p.m.

Council Member Rodela asked that City Attorney Patterson respond to the comments made by Mr. Cortney. Mr. Patterson stated he is not surprised that there are some inconsistencies in the Code that need to be rectified but handling those tonight may be difficult. It would be more appropriate to take action on the application tonight and then refer the other issues to the Planning Commission for a recommendation.

Mayor Ostler then asked the Council if they are comfortable with applying the amendments to all commercial zones or just the CR zone; he also asked them to weigh in on the proposed location of the sign. Council Member Peterson stated she is supportive of the proposed sign location and is in favor of applying the change to all commercial zones in the City; many businesses in the City are hard to identify based upon signage alone.

Council Member Bills asked if the amendment would extend to The Boyer Company project. Ms. Smith answered no as that project has the PD zoning designation. She stated that the code specifies that the amendment would apply to the C1, CR, and Town Center zones and also that the minimum project size for a freestanding sign is four acres. City Administrator/Community Development Director Crane added that the PD zone references back to the zoning ordinance, so if The Boyer Company project meets the defined standards, there could potentially be a similar sign in that project.

Mr. Patterson advised that it would be good for the Council to clarify the maximum square footage for freestanding signs; this could be accomplished by an adjustment to 3-707a regarding commercial freestanding signs in the CR zone to increase the maximum square footage for signs commensurate with the dimensions the Council is approving.

Council Member Brittney P. Bills MOVED that the City Council approve this proposal to amend sections 3-707 and 3-710 of the Development Code, with an amendment to Table 3-707A for the CR commercial freestanding signs to increase the maximum square footage to be in line with dimensions discussed.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

4. ARCHITECTURAL REVIEW: HIGHLAND MARKETPLACE PHASE 2 *Administrative*

The City Council will consider a request by Joe Ham, representing MNG Highland Development LLC, for approval of the architecture of three (3) buildings in the Highland Marketplace. The City Council will take appropriate action.

Planner & GIS Analyst Smith the applicant is requesting architectural approval for three of the eight buildings in the Highland Marketplace site plan:

- Building A includes 5 main entrances with awnings over each of the facades. Canopies of different heights extend over 3 of the units. The building has display windows along the east and south sides.
- Building B has 3 main entrances. Display windows extend all across the south and east sides, and there is one on the west. The south side will face the plaza area, and the north will face the parking lot. This building also includes the awnings/canopies over the entrances and display windows. Signage will be on the north side facing the parking lot as well as the south facing the plaza.
- Building C has 3 main entrances with awnings over each. Display windows are shown on the north and east elevations. The north elevation will face the plaza. The south will face the existing parking lot and commercial buildings in Highland Marketplace. Signage will be placed on both the north and south elevations.

The proposed architecture of the retail building is comprised of stucco, cultured stone, and cement with a painted wood texture. The materials reflect a color theme of greys, browns, and beige.

The Planning Commission reviewed the request on January 25, 2021 and shared their appreciation for the updated elevations. The Commission recommended approval of the proposed architectural plans subject to the two (2) stipulations recommended by staff:

1. All signage shall require a separate permit and meet the requirements of the Development Code.
2. The roofline shall be adjusted to meet the requirements in the Development Code.

Subsequent to the Planning Commission approval, the applicant has provided updated elevations to comply with the roofline requirements in the Development Code, therefore the second stipulation recommended by the Planning Commission has been removed.

Ms. Smith then discussed staff's analysis of the application and its conformance with the Development Code and development agreement for the project; with the recommended stipulations, the proposed architectural elevations appear to meet the following findings:

- It is consistent with the Highland City Development Code.
- It is compatible with existing and future development within the CR Zone.
- It is consistent with the intent of the Development Agreement for Highland Marketplace.

Staff recommends that the City Council approve the proposed architectural plans subject to the following stipulations:

1. All signage shall require a separate permit and meet the requirements of the Development Code.

2. The architectural elevations of the three (3) buildings shall comply with the building elevations date stamped January 27, 2022.

Mayor Ostler invited input from the applicant.

Joe Ham, MNG Highland Development, LLC, stated the change is intended to comply with staff's recommendations regarding the elevations for the project.

Council Member Smith asked if each building will have multiple businesses located in it. Mr. Ham answered yes, noting one will contain a full-service restaurant.

Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the architectural plans for Building A, Building B, and Building C in Highland Marketplace subject to the following two (2) stipulation recommended by Planning commission and Staff.

1. *All signage shall require a separate permit and meet the requirements of the Development Code.*
2. *The architectural elevations of the three (3) buildings shall comply with the building elevations date stamped January 27th, 2022.*

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

5. ORDINANCE AND POLICY AMENDMENT: AMENDMENT TO HMC 2.28, GOVERNMENT RECORDS ACCESS AND MANAGEMENT; ADOPTION OF RETENTION SCHEDULE *Legislative*

The City Council will consider a request by staff to update and revise the City's municipal code related to Government Records and to adopt a new retention schedule policy for City records. The City Council will take appropriate action.

City Attorney Patterson reported that the City Code is out of date and conflicts with Utah State Code, Title 63G, Chapter 2, which provides mandatory state standards regarding the right of the public to access government records and the responsibility of government entities, including Highland City, regarding record access, maintenance, and retention. He noted that code also allows municipalities to enact or establish codes or policies regarding fees, appeals from denials of fee waivers or access to record, and policies regarding the retention of public records. Highland City's code (Municipal Code 2.28) and policy regarding government records were adopted in 1992 and have not been substantively or officially updated since then. This request seeks to bring the City's code and records retention policy up-to-date with current state standards and city practices. The proposed code changes streamline the City's code to meet current state law and City practices:

- a) Removed redundant language regarding definitions and record classification, as these are governed by state law
- b) Incorporated state law for procedures and timeframes for individuals who submit records requests and for the City's response to those requests
- c) Updated the appeal process to clarify that appeals are heard by the city's "chief administrative officer"—the city administrator—rather than the city council, as required by state code
- d) Updated fee provisions to match the City's current practice and to clarify how the City will handle fees and fee waiver requests to ensure that people do not submit multiple requests to avoid fees, to clarify that fee waivers are granted for only up to 2 hours of staff time except in extraordinary circumstances, and to establish guidelines for when a request is in the public interest, which are:
 - 1. Whether the individual requesting the record is the subject of the record; or the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
 - 2. Whether the records relate to issues that impact all city residents, such as utilities or taxes;
 - 3. Whether the issue has been published or reported in the news in the previous six months;
 - 4. Whether the issue has been on a public meeting agenda of a Highland City public body in the previous six months; and
 - 5. Whether the requester is a member of or affiliated with a media or news outlet or requests a record to obtain information for a story or report for publication or broadcast to the general public.
- e) Matched violation/penalty section to state code

Staff also recommends updating the City's retention schedule policy—the policy that determines how long different kinds of records are kept on file. The officially adopted retention policy from the City was adopted in 1992 and incorporated the State Archives' default, general retention schedules.

Council Member Bills inquired as to the definition of 'media' or 'news' items that are subject to GRAMA; she asked if a post made on a social media outlet could be considered 'news' and subject to GRAMA. Mr. Patterson stated that may be based upon the intent of the published item, however the City would not limit access to social media records; however, a fee waiver request for a social media record would be evaluated at the time it is submitted. Any denial of a fee waiver request is an appealable action.

Council Member Smith asked if the City Administrator would be the appeal authority for the denial of a records request or fee waiver. Mr. Patterson answered yes. Council Member Smith stated that is fine, but in the case that the records that have been denied are related to the City Administrator, it may be appropriate to consider another appeal authority. He wondered if it may be appropriate to discuss the proposed code text amendment in a work session meeting; the changes are fairly complex, and he personally would like additional time to consider the amendments and discuss the proposal with the City Recorder and City Administrator. Mayor Ostler stated he is comfortable with that recommendation but asked that Mr. Patterson be given time to finish his presentation this evening.

Mr. Patterson concluded by reviewing the appeals process included in the proposed ordinance. He then engaged in high level discussion with the Council regarding examples of records that are public and subject to GRAMA; fees associated with a response to a GRAMA request; retention schedules; and the appeal process. The Council concluded they are supportive of Council Member Smith's recommendation to table the proposed ordinance and discuss the matter further in a work session before taking formal action on the matter.

Council Member Scott L. Smith MOVED to CONTINUE the item regarding Title 2 Chapter 28 of the Municipal Code and the resolution establishing the Highland City Retention Schedule Policy for further discussion.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

6. ACTION: ENCROACHMENT AGREEMENT WITH UNITED STATES BUREAU OF RECLAMATION ASSOCIATED WITH THE MURDOCK PRESSURIZED IRRIGATION PUMP STATION *Administrative*

The City Council will discuss an encroachment agreement with the United States Department of the Interior Bureau of Reclamation (BOR) regarding the access across the Central Utah Project Jordan Aqueduct Reach 4 and Alpine Aqueduct Reach 3.

City Engineer/Public Works Director Spencer explained that as a part of the permits for the Murdock Pump Station, the City is required to enter into an Encroachment Agreement with the BOR. The agreement is for the piping that leads to the pump station from the turnout of the Murdock Canal and for a driveway that will cross the easement. Staff recommends approval of the agreement.

Council Member Sarah D. Petersen MOVED that the City Council approve the Easement Encroachment Agreement with the United States Department of the Interior Bureau of Reclamation and authorize the Mayor to sign the agreement.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

7. DISCUSSION: OPTIONS TO CONNECT TRAIL SYSTEMS *Administrative*

The City Council will review and discuss options to connect Highland City trails to Alpine and Draper. The Council will take appropriate action.

Planner & GIS Analyst Smith explained the City Council directed staff to look at possible routes to connect the Highland City trail system to Alpine and Draper. The goal is to make public connections to the Bonneville Shoreline, Pfeifferhorn, and Hogs Hollow trails. She presented four different options for the Council to consider: PI Pond, Beacon Hills Plat I, Twin Bridges Trail, and Beacon Hills Park. She engaged in discussion with the Council regarding the pros and cons of each option, some of the constraints on the properties that are subject to each option, and the potential costs associated with each option. At the conclusion of the discussion, City Administrator/Community Development Director Crane stated that Administration is seeking direction from the Council, but it may be necessary to take action on this matter in two parts. It may be that the Council needs to select one of the optional routes for a temporary option for now, and then explore other permanent options. With the weather improving, it would be nice for the City to be able to advertise trail access that provides connectivity to the areas people want to get to.

Council Member Smith asked if Alpine City is willing to consider participating financially in improving the Pfeifferhorn trail. Mr. Crane stated that he can reach out to determine if they are willing to participate. Council Member Bills indicated she can reach out to the Mayor of Alpine to discuss the matter with her; there have also been discussions with Alpine and Draper as part of the Mountainland Association of Governments (MAG) meetings about trail connectivity.

Mayor Ostler then invited public input regarding the matter.

Lane Stevens stated he is an Alpine resident, and he is seeking clarification on how any of the options would provide connectivity to the Draper trail system; he would like to understand plans for future connectivity.

Rick Louder stated he lives at the base of Hogs Hollow and stated that he has strong opinions as to why fencing has been installed to restrict access to certain areas along the trail; he has been part of organizing a Limited Liability Corporation (LLC) with a goal of saving trails. They have raised \$20,000 and hired an attorney to address access issues and any collaboration or involvement from the City would be welcome at this point.

Lane Stevens re-approached and stated that the local high schools have mountain biking teams, each with 700 riders; Hogs Hollow represents a main artery from which riders can be pushed into the hills and that type of connectivity is not available, that is problematic. He stated there are many thousands of other hikers, bikers, and equestrians that are using the hillsides and ensuring access to the area is vital.

Chris Howden stated he uses the trails every day, even in the wintertime. He also rides his horses in the area. His recommendation is to provide multiple access points to disperse users of the trail system. Parking is an issue as the current access point is off of a residential street. Access from the pond or from Alpine would be brilliant as well.

Todd Richie asked what would trigger legal action on this matter. He then stated he has talked with Perry Homes about access through their property near the gulley and he asked if the City has looked into that.

Mayor Ostler stated that the City wants to try to keep all of its options open before pursuing any type of legal action; however, if negotiations are unsuccessful, legal action will be considered. He stated that the City can get through the Perry Homes property, but there are other private property owners in that area that have not approved access through their property for trail connectivity.

There were no additional members of the public appearing to be heard.

In response to Mr. Stevens' comments, Ms. Smith presented the Alpine master trails plan to identify planned future connections as well as the private and public properties that the trail would need to pass through.

Council Member Bills asked if there are costs associated with employing options three or four as temporary options. Mr. Crane answered the only cost would be associated with public notification of that decision. Council Member Peterson stated she would be interested in understanding the potential impact of those temporary solutions, such as trail user parking on public streets or encroachment by trail users on private property. Mr. Crane stated that the City would need to have further discussion on encroachment matters if any of the options are pursued as permanent options and he is happy to bring residents into conversations of that issue. Mayor Ostler suggested that the City formalize its encroachment policy before approaching residents about a public trail encroaching on their private property.

The Council continued with high level philosophical discussion and debate about the optimal options for the City to pursue at this time; they ultimately determined to support option four as a temporary solution while taking additional time to pursue negotiations aimed at implementing option one as the permanent solution. Council Member Smith encouraged City Administration to coordinate with Alpine City officials regarding joint participation in improving the trail head and building adequate parking facilities for the trail.

9. 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. Hobby Breeders Ordinance Update – Code Compliance Officer Brent Wallace

Code Compliance Officer Wallace provided background information regarding 'hobby breeders' in the community; most of his enforcement activities regarding this matter are complaint driven. The City Code is unique in that it provides for a 'hobby breeders' license; this is not a license that is available in surrounding cities. The license gives the resident the ability to keep five dogs at their property, but in other cities this would constitute a kennel and this a use that is not allowed in residential areas. He is recommending that the City ordinance be amended to be similar to ordinances in place in American Fork, Cedar Hills, Draper, and Lehi. He suggested the City allow just three dogs and one litter up to four months of age; remove the 'hobby breeders' license completely; remove transient and show dog exemptions; and update vaccination requirements. He stated that it is difficult to enforce a code that is vague or ambiguous; people do not care how many

dogs someone has, but they care if they are creating a nuisance by constantly barking. He asked for feedback from the Mayor and Council regarding the types of ordinance amendments they would support.

Council Member Rodela indicated that she likes the text from Lehi's ordinance. Council Member Peterson agreed and added she likes their mention of 'barking dogs' and the requirement to secure complaints from two separate residents to avoid situations where the City is getting involved in a dispute between two neighbors. She added that she has noticed many loose animals, specifically dogs, in her neighborhood.

Mr. Wallace then added that the City needs a dedicated animal control officer; the former officer retired, and the City needs to determine how to fill the vacancy created by her retirement. An officer can pick up loose dogs or any cats that are in traps.

Mayor Ostler facilitated discussion among the Council regarding the changes they would support in the ordinance. Mr. Wallace indicated he will use the feedback provided to draft an ordinance for the Council to consider in a future meeting.

b. 2022 Citizen Survey – Assistant City Administrator Erin Wells

Assistant City Administrator Wells reviewed the draft survey that was created using the feedback provided by the Council at their last meeting; she facilitated discussion among the Council regarding the questions included on the survey, after which she noted she would like to send the survey to residents at the beginning of March. Surveys will be due March 31, 2022 and one survey response can be submitted per adult. There will also be space at the end of the survey for residents to provide feedback regarding any topic. Council Member Rodela stated she feels it would be good to cut down the length of the survey as people will be more likely to complete the survey if they know it will not take too much time. Ms. Wells agreed and stated she would like to reduce the number of questions to 20, which means five questions will need to be eliminated. There were no objections voiced to reducing the number of questions, though Mayor Ostler indicated that it is important for the Council to consider what they are going to do with the information they gather through the survey.

9c. Highland Glen Ducks

City Engineer/Public Works Director Spencer stated that at the end of last summer the City posted a sign at Highland Glen Pond about water quality because of the lack of water. Hopefully there will be more water this year and it will be possible to fill the pond with fresh water, but ducks are a problem at the pond. The City is working with the Department of Wildlife Resources (DWR) to help remove those ducks that are not migratory in nature. However, ducks are attracted to the pond by people who are feeding them. If the residents desire a pond that they can swim in, it is vital to reduce the number of ducks at the pond. He asked the Council if they would like to leave the ducks alone or engage DWR to remove the ducks.

There was discussion among the Council regarding the number of ducks at the pond; the appropriate number to keep at the pond to keep the water clean; and what DWR does with the ducks once they are removed from the pond. Council Members Bills, Rodela, and Smith indicated they are in favor of engaging DWR to remove the ducks in order to improve the water quality at the pond.

d. Future Meetings

- February 8, City Council Work Session, 7:00 pm, City Hall
- February 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- February 15, City Council Meeting, 6:00 pm, City Hall
- February 22, Planning Commission Meeting, 7:00 pm, City Hall

Mr. Crane asked if the Council could meet in a work session on February 15 at 6:00 p.m., before their business meeting. The Council answered yes.

Council Member Smith then stated there is growing concern about increased burglaries in the City; he asked if the reports he has received are anecdotal or if there has been an increase in Police reports associated with burglaries. Council Member Peterson stated that she has heard of an increase in burglaries in her neighborhood as well. Police Chief Gwilliam stated there does not seem to be an increase in the number of Police reports filed for burglary; however, discussion of these occurrences has increased on social media, so more people are hearing about it. Mayor Ostler added that some people have been posing as solicitors and they are knocking on doors of residences throughout the City. Assistant City Administrator Wells added that residents contacted the City to see if the solicitors were legitimate and they were not; the City issued a press release about the issue informing residents that solicitors must have a badge after being licensed by the City.

ADJOURNMENT

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

The meeting adjourned at 10:40 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 February 1, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder

Welcome to the Highland
City Council Meeting

February 1, 2022


HIGHLAND CITY

1


7:00 PM REGULAR SESSION

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

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:
November 9, 2021 and January 11, 2022
Administrative

2b. Planning Commission Appointments
Administrative

2c. Plat Amendment: Mid-Town Highland
Marketplace Amended (PA-2022-02)
Legislative

4

Seat	Name	Term Expiration	Notes
1	Audrey Wright-Moore	2023	Appointed to fill Chris Kemp's term
2	Claude Jones	2023	
3	Tracy Hill	2026	
4	Chris Howden	2025	
5	Jay Roundy	2025	Appointed to fill Mino Morgese's unexpired term
6	Jerry Abbott	2024	Appointed as Commission Chair in 2021
7	Tyler Standifird	2024	Appointed to fill Seth Barrus' unexpired term
Alternate	Trent Thayne	2026	

5

Proposed Motion

I move that the City Council ratify the Mayor's appointment of Tracy Hill to serve a four-year Term and Jay Roundy to serve a three-year term on the Planning Commission. Also, Trent Thayne to serve a four-year term as an alternate on the Planning Commission.

6



TEXT AMENDMENT - FREESTANDING SIGNS

LEGISLATIVE

Item 3 - Public Hearing/Ordinance
Presented by - Kellie Smith
Planner/GIS Analyst

7

Commercial Center Freestanding Sign



8

Background

- Highland Marketplace – Site Plan update approval December 7, 2021
- Because of the size and depth of the project, tenants need identification along street fronts
 - Their signage may not be visible from the street

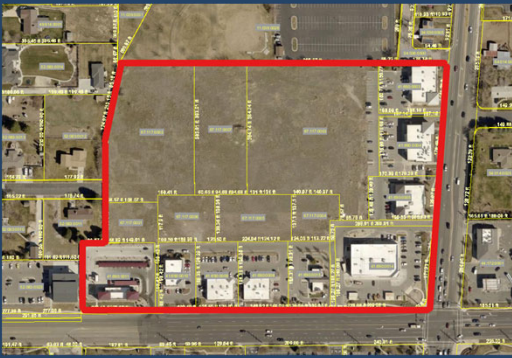
9

Planning Commission Action

- The Commission held a public hearing January 25th
- Voted to recommend DENIAL due to concerns with proposed height & depth
- The Commission made clear they were in favor of the proposed lighting and letter style, and the landscape changes.

10

Highland Marketplace



11

Proposed Amendment

- Location - blue = existing; red = proposed



12

- One Commissioner expressed concern with how close the sign could be to the residents across the street.
- One Commissioner was in favor of keeping the existing location requirements.

13

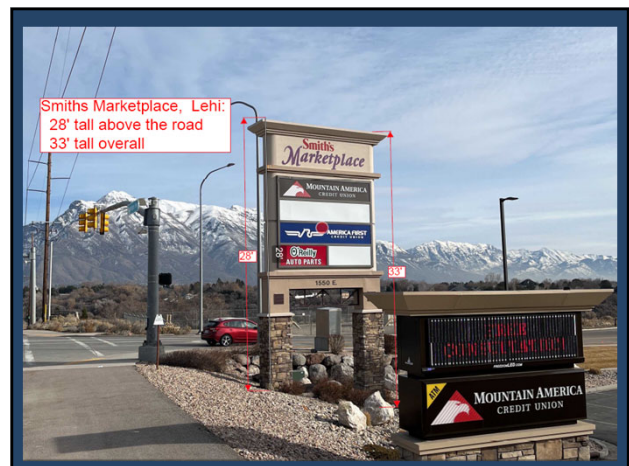
- Size
 - Height: 18' → 25'
 - Width: 13.5' → 16'
 - Depth: 3' → 4'
- Planning Commission
- Concerned with 40' height proposal;
 - 2 commissioners in favor of 20';
 - 2 commissioners in favor of 25'
 - Thought 5' depth was too much



14



15



16



17

- Freestanding Sign Height Max
 - American Fork: 35'
 - Cedar Hills: 30'
 - Pleasant Grove: 35'
 - Orem: 26' average (dependent on distance between sign and ROW)
 - Provo: 35'

18

Proposed Amendment cont.

- Materials
 - Stone, brick, architectural concrete, wood (trim only), EIFS, and **painted aluminum**
 - Lettering and logos may also be created using solid aluminum faces with routed out graphics displaying backlit "push-through" or "back-up" acrylic with 1st surface vinyl.**
- Staff recommendation to add "The identification of the development name and tenant names on the sign shall be in the form of individual pan channel lettering, aluminum routed lettering with acrylic background, or other high quality sign design characteristics. Removable tenant panels made completely of acrylic or Plexiglas materials are prohibited."

Planning Commission expressed support for these changes.

19

Proposed Amendment cont.

- Lighting
 - Internal illumination through acrylic or polycarbonate faces

Planning Commission was in favor of this change.



20

Proposed Amendment cont.

- Landscaping
 - Request to remove minimum requirements for plant types (perennials, annual vegetation, evergreen type landscaping)
 - The requirement to have a min. of 2 sq ft of landscaping for every linear foot of sign length around the base of the sign will remain.

Planning Commission expressed a recommendation of approval of this change.

21

General Plan

- Economic Element
 - Adopting "business friendly" processes and rules
 - Maintain fiscal health and stability by maintaining a healthy balance of sales and property tax revenue
- Community Design Element
 - 7 design ideas
 - "preserve and enhance the unique visual qualities that make Highland City a special place."
 - To maintain and enhance the scenic backdrop to the north and east "where feasible".

22

Development Code

- Goals for CR Zone
 - Create an attraction to non-residents
 - Allow individual business to clearly identify itself in a proper manner
 - Safeguard and enhance property values

23

Citizen Participation

- Public hearing noticing posted:
 - 3 public places
 - State website
 - City website
 - Daily Herald
- 1 resident participated during public hearing

24

Recommendation

Staff recommends that the City Council hold a public hearing, discuss the maximum height and the location discrepancies in the Code, and determine whether or not the amendment is appropriate.

25

Proposed Motions

Approval
I move that the City Council accept the findings and **APPROVE** of the proposal to amend Sections 3-707 and 3-710 of the Development Code relating to commercial freestanding signs with the addition to the materials section recommended by staff (The Council will need to draft a height maximum and location requirements).

Denial
I move that the City Council **DENY** case TA-22-01 a request to amend Sections 3-707 and 3-710 of the Development Code relating to commercial freestanding signs based on the following findings: (The Council will need to draft appropriate findings.)

26



HIGHLAND MARKETPLACE PHASE 2 ADMINISTRATIVE

Item 4 – Architectural Review
Presented by – Kellie Smith
Planner & GIS Analyst

27

Vicinity Map



28

Background

- Development Agreement – April 24, 2007
 - Master site plan, architecture, landscaping, lighting, signage, etc.
- PC and CC Approval – January/February, 2021
 - Master site plan
 - Architectural approval – different theme than Development Agreement
- CC Approval of update – December 7, 2021

29

Development Agreement



30



31



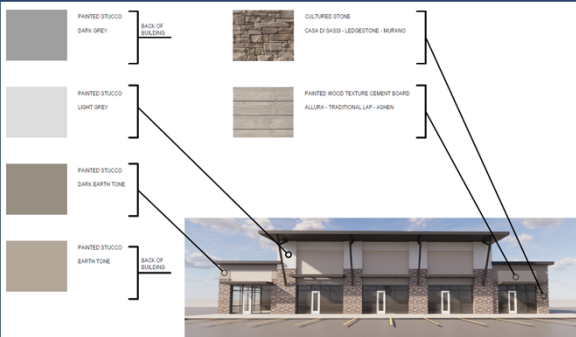
32

Summary of Request

- Architectural approval for 3 retail buildings
- Materials – stucco, cultured stone, cement with a painted wood texture
- Colors – greys, browns, and beige

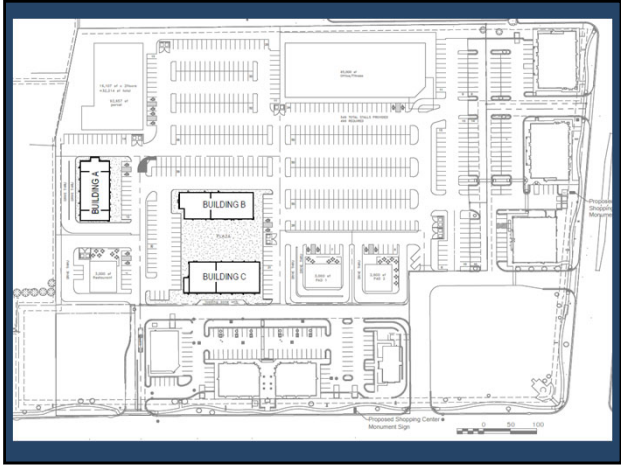
33

Materials Board



Material	Color
PAINTED STUCCO	DARK GREY
PAINTED STUCCO	LIGHT GREY
PAINTED STUCCO	DARK EARTH TONE
PAINTED STUCCO	EARTH TONE
CULTURED STONE	DASH D/ DASH - LEONESTONE - BURNED
PAINTED WOOD TEXTURE CEMENT BOARD	ALLURA - TRADITIONAL LAP - ADHES

34



35



36



37



38

Planning Commission Action

- January 25th
- The Planning Commission recommended **APPROVAL** of the proposed architectural plans subject to 2 stipulations:
 - All signage shall require a separate permit and meet the requirements of the Development Code.
 - The roofline shall be adjusted to meet the requirements in the Development Code.

39

Recommendation & Proposed Motion

Staff recommends that the City Council **APPROVE** the proposed architectural plans subject to the following stipulations:

- All signage shall require a separate permit and meet the requirements of the Development Code.
- The architectural elevations of the three (3) buildings shall comply with the building elevations date stamped January 27th, 2022.

I move that the City Council accept the findings and **APPROVE** the architectural plans for Building A, Building B, and Building C in Highland Marketplace subject to the two (2) stipulation recommended by staff.

40

**AMENDMENT TO HMC 2.28,
GOVERNMENT RECORDS ACCESS
AND MANAGEMENT; ADOPTION OF
RETENTION SCHEDULE
LEGISLATIVE**

Item 5 – Ordinance/Policy Amendment
Presented by – Rob Patterson
City Attorney

41

GRAMA – State Law

- Provides state-wide standards for access to, classification of, and retention of governmental records
- 63G-2-701(2)
- (a) Each political subdivision may adopt an ordinance or a policy applicable throughout its jurisdiction relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records.
- (b) The ordinance or policy shall comply with the criteria set forth in this section.
- (c) If any political subdivision does not adopt and maintain an ordinance or policy, then that political subdivision is subject to this chapter

42

Highland City GRAMA/Records

- Highland Municipal Code 2.28 City Records
- Originally adopted in 1992 based on a generic template and not substantively amended since then.
- Original retention schedule (never official updated): “The retention schedule of this municipality is the schedule promulgated by the Utah Division of Archives and Record Service for local governments.”
- State Archives has repealed and replaced the referenced municipal retention schedules with general retention schedules

43

Code Changes - General

- Utah Code 63G-2-701
 - The City is subject to state law regarding governmental records, except for the limited areas where state law expressly allows the City to develop its own standards
- Proposed Changes to City Code:
 - Removed the vast majority of City-specific definitions and point to state law for definitions HMC 2.28.030
 - Added two city-specific definitions
 - “Act” means the state GRAMA
 - “Records officer” means the city recorder

44

Code Changes - Access

- Utah Code 63G-2-701(2)(d), -701(3)(a), -701(3)(b)
 - City is subject to state law on classification of records, right of the public to access records, and denials of records requests
- Proposed Changes to City Code:
 - Streamline City Code on the right to access by stating that the City will follow state law regarding the right of access rather than repeat state law, New HMC 2.28.040, 2.28.070
 - Remove City-specific classification standards for records (private, controlled, protected) and point to state law Old HMC 2.28.100 - .120, New HMC 2.28.040

45

Code Changes - Fees

- Utah Code 63G-2-701(3)(c) –
 - City must “provide guidelines for establishment of fees in accordance with Section 63G-2-203”
- Utah Code 63G-2-203
 - City can only charge the actual costs of providing records
 - City can charge actual costs to manipulate records into format requested by requestor
 - City can charge the cost of staff time based on the salary of the lowest paid employee who has the skill and training, with the first 15 minutes of staff time being free
 - City cannot charge for inspecting a record or reviewing a record to determine whether it is subject to disclosure

46

Code Changes – Fees Cont.

- Old HMC 2.28.060
 - Repeated state law but did not address when a waiver was in the public interest or other current practices for waivers
- Proposed Changes to City Code: New HMC 2.28.050
 - Repeat state law on how to calculate fees (15 minutes free, lowest wage, no fee for review for disclosure, etc.)
- Add provision allowing City to treat multiple requests as a single request if the requester seeks to avoid a fee
- Add provision that City can request upfront payment if there are prior unpaid charges or the fee exceeds \$50

47

Code Changes – Fees Cont.

- Utah Code 63G-2-203(4)
 - City may waive fees and is encouraged to do so if it determines that
 - Releasing the record primarily benefits the public rather than a person
 - The requester is the subject of the record (or parent/guardian)
 - The requester’s legal rights are implicated by the record and the requester is impecunious
- Utah Code 63G-2-204(5)
 - Someone who requests a record for publication or broadcast is presumed to be benefiting the public

48

Code Changes – Fees Cont.

- Old HMC 2.28.060
 - Repeated state law but did not address when a waiver was in the public interest or other current practices for waivers
- Proposed Changes to City Code: New HMC 2.28.060
 - Repeat state law on when fee waivers are appropriate
 - Add provision that a fee waiver operates to waive up to two hours of staff time except in extraordinary circumstances
 - Add provision that burden of fee waiver is on requester and can be appealed through the appeal process

49

Code Changes – Fees Cont.

- Old HMC 2.28.060
 - Repeated state law but did not address when a waiver was in the public interest or other current practices for waivers
- Proposed Changes to City Code: New HMC 2.28.080
 - Add section to give guidance on when a request is in the public interest (fees waived, expedited responses)
 - Issues that impact all city residents (taxes, utilities)
 - Issues in news within past 6 months
 - Issues on a City meeting agenda within past 6 months
 - Requester is affiliated with media/news and seeks to broadcast/publish information to public

50

Code Changes - Access

- Utah Code 63G-2-701(5)
 - City must establish an appeals process that allows a person to appeal “to a person designated ... as the chief administrative officer.”
- Proposed Changes to City Code:
 - Change appeal body from mayor and city council and/or mayor (Old HMC 2.28.160) to city administrator
 - Otherwise follow state law regarding appeals process

51

Request and Appeals Process

- City Recorder receives GRAMA request with or without request for fee waiver, that identifies requester and records sought
- City Recorder determines fee waiver, provides all responsive public records, withholds or segregates non-public records/information pursuant to denial letter
- Requester appeals denial/fee waiver to City Administrator
- Requester appeals City Administrator decision to State Records Committee
- Requester appeals Records Committee decision to court

52

Retention Schedules

- Govern how long the city holds onto records
- General policy is that state archives schedules apply unless the City adopts more specific schedules
- Proposed administrative record retention schedules focus on high level administrative records, documents, and communications based on State Archives schedules
 - Some records retained permanently (incorporation)
 - Some records retained for years (financial declarations)
 - Some records retained for 1 year (drafts, working docs)
 - Some records retained until need ends (transitory communications that do not document decisions)

53

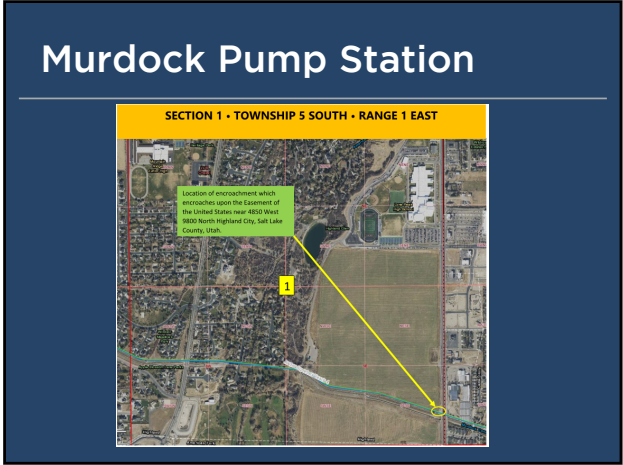


**ENCROACHMENT AGREEMENT WITH
UNITED STATES BUREAU OF
RECLAMATION ASSOCIATED WITH THE
MURDOCK PRESSURIZED IRRIGATION
PUMP STATION ADMINISTRATIVE**

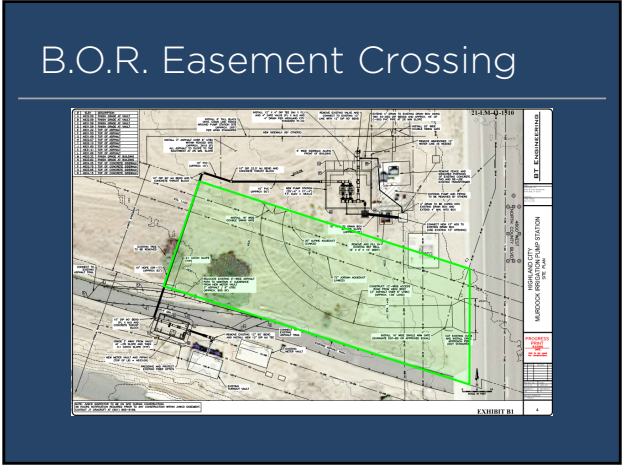
Item 6 – Action

Presented by – Andy Spencer
City Engineer/Public Works Director

54



55



56

Proposed Motion

I move that the City Council **APPROVE** the Easement Encroachment Agreement with the United States Department of the Interior Bureau of Reclamation and **AUTHORIZE** the Mayor to sign the agreement.

57


HIGHLAND CITY

OPTIONS TO CONNECT TRAIL SYSTEMS ADMINISTRATIVE

Item 7 – Discussion
Presented by – Kellie Smith
Planner & GIS Analyst
Nathan Crane
City Administrator/Community Development Director

58

Purpose

- Review and discuss options to connect Highland City trails to neighboring cities
- Identify restrictions on public access to trails

Staff met with MAG, Alpine City, Draper City December 9th, 2021

- Alternative Transportation Plan – MAG project

59

MAG TransPlan40

MOUNTAINLAND METROPOLITAN PLANNING ORGANIZATION

Project Number: 1144-000

City Core Bike Network

Ped Crossing

Bike/Ped Projects

Vision Bike/Ped Projects

Existing Bike/Ped Facilities

Map Produced by Amy Mason, Chief Cartographer, Mountainland Metropolitan Planning Organization, March 5, 2017

60

PI Pond

- Constraints
- Potential easement or property purchase
 - 6-foot fence
 - Steep area w/erosion; retaining would be necessary
 - Would need a plan approved by Dam Safety - fence would need to be 10-25' from the toe of the embankment



61

Beacon Hills Plat I

Constraints -- Encroachment



62



63

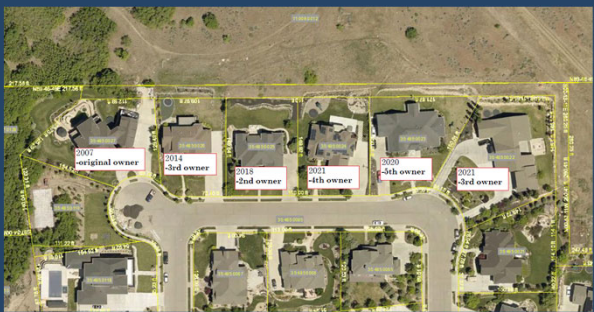


64



65

Ownership



66

Twin Bridges Trail



67

Beacon Hills Park



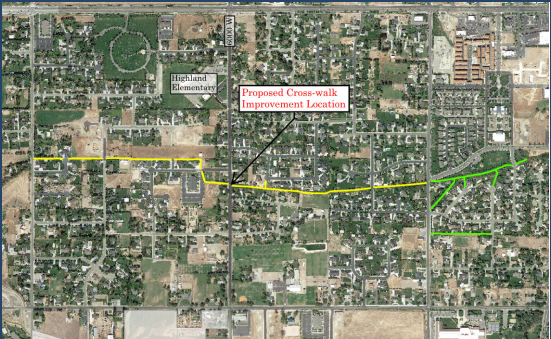
68

**PEDESTRIAN CROSSING
WARNING AND SPEED LIMIT
SIGNS** *ADMINISTRATIVE*

Item 8 – Discussion
Presented by – Andy Spencer, PE
Public Works Director/City Engineer
JoAnn Scott
Planning/Public Works Technician

69

Town Center Trail



70

Rapid Flashing Beacon



71

Radar Speed Sign



72



MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

9a. Hobby Breeders Ordinance Update

9b. 2022 Citizen Survey

9c. Future Meetings

- February 8, City Council Work Session, 7:00 pm, City Hall
- February 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- February 15, City Council Meeting, 7:00 pm, City Hall
- February 22, Planning Commission Meeting, 7:00 pm, City Hall

73



HOBBY BREEDERS & DOG LICENSE DISCUSSION

Item 9a – Discussion

Presented by – Brent Wallace
Code Compliance Officer

74

Review of Current Ordinances

6.12.010, 6.12.020, 6.12.030, 6.12.050

Concerns/issues in the Municipal Code:

1. Requires that animals be registered purebred dogs.

2. Allows a five-dog limit versus a two-dog limit for everyone else.

3. Gives an exception to “Show Dogs”.

4. Vaccination Requirements are not current or supported by the veterinary community.

With the popularity of “designer breeds”, this ordinance is both unenforceable and not in the best interest of Highland City.

75

Neighboring Cities

• American Fork

2 dogs, 1 litter, no limit on cats

• Cedar Hills

3 dogs, 1 litter, 4 cats

• Draper

3 dogs, 1 litter, 3 cats

• Lehi

2 dogs, 3 cats

76

Possible Solutions

• 3 dogs, 1 litter up to 4 months of age, ? Cats

• Remove Hobby Breeders License completely

• Remove Transient & Show Dog exemption

• Update vaccination requirements

ENFORCE DISTURBING THE PEACE
ORDINANCE

People don't care about how many dogs you have; they care if they are barking (complaints must come from 2 people from separate households).

77



RESIDENT SURVEY

ADMINISTRATIVE

Item 9b – Discussion

Presented by – Erin Wells
Assistant City Administrator

78

Instructions

- *Surveys are due March 31, 2022. Please only submit one per adult. If you don't have an opinion or are unsure about any question, please skip it. There is space at the end of the survey to provide feedback regarding any City topic.*

79

Address Check

1. What is your street address? (This information WILL NOT be used to track your responses. It is used to ensure responses are limited to Highland residents.)

80

Annual Ratings

2. What would you say is the overall quality of life in Highland City? (Mark one oval.)
 - a. Poor to Excellent 4-point scale

81

Annual Ratings

3. Please rate the following City services. (Poor to Excellent 4-point scale) (Mark one oval per row.)
- a. Building, Field, or Pavilion Rental
 - b. Building Permitting
 - c. Business Licensing
 - d. Cemetery Arrangements
 - e. City Hall Hours
 - f. City Library
 - g. Code Enforcement
 - h. Communication with Residents
 - i. Development/Engineering Services
 - j. EMS/ Paramedic Services
 - k. Fire Services
 - l. Garbage/Recycling
 - m. Highland Arts Council
 - n. Highland Filing
 - o. Other City Events and Programs
 - p. Natural Vegetation Open Space Maintenance
 - q. Police Crime Prevention
 - r. Police Traffic Enforcement
 - s. Quality of Parks
 - t. Quality of Trails
 - u. Records Request Services
 - v. Road Maintenance/ Quality
 - w. Snow Removal
 - x. Utility Billing

82

Annual Ratings

4. Please rate the following City personnel groups on their professionalism. (Poor to Excellent 4-point scale) (Mark one oval per row.)
 - a. Elected Officials
 - b. General City Staff
 - c. Library Staff
 - d. Public Works Field Staff

83

Taxes/ Fees

5. How likely would you be to support the City raising property taxes for following categories? (Very Likely to Very Unlikely 4-point scale) (Mark one oval per row.)
 - a. Construction and operation of an Arts Center
 - b. Construction and operation of a Library
 - c. Construction and operation of a Recreation/Fitness Center
 - d. Keeping up with inflation in operations costs and raise wages for general city employees to help with recruitment and retention
 - e. New trail construction and ongoing maintenance
 - f. Raise wages for police officers and fire fighters to help with recruitment and retention
 - g. Re-landscaping of natural vegetated Open Space areas and trail corridors
6. Would you support the City raising the Public Safety Fee in order to raise wages for police officers and fire fighters to help with recruitment and retention?
 - a. Definitely
 - b. Probably
 - c. Probably Not
 - d. Definitely Not

84

Fiber

7. How satisfied are you with your current home internet options?
- a. Very Dissatisfied
 - b. Dissatisfied
 - c. Satisfied
 - d. Very Satisfied
8. Would you support the City pursuing a fiber project knowing the project will require a financial commitment for the City that may not be offset by revenue received from the project?
- a. Definitely
 - b. Probably
 - c. Probably Not
 - d. Definitely Not

85

Parks

9. What types of recreation elements would you like to see added in Highland parks? (Check up to three boxes.)
- a. All Abilities Activities
 - b. Baseball/Softball Fields
 - c. Basketball Courts
 - d. Bocce Ball Court
 - e. Dog Park
 - f. Equestrian Facilities
 - g. Grass Fields
 - h. Pickleball Courts
 - i. Sand Volleyball Courts
 - j. Skatepark
 - k. Swings
 - l. Tennis Courts
 - m. Walking Paths
 - n. Other _____
10. What playground elements would your family most like to see at Highland playgrounds?
- a. Climbing structures
 - b. Fitness Challenge Course
 - c. Slide Towers
 - d. Spinning Structures
 - e. Swings
 - f. Other _____

86

Open Space

11. Some residents who live adjacent to City owned natural vegetation Open Space have, without City permission, landscaped or placed private property on the Open Space. If the City is not going to sell the property, do you support the City in requiring those residents to remove their private property and landscaping?
- a. Definitely
 - b. Probably
 - c. Probably Not
 - d. Definitely Not

87

Density

12. In general, what do you think is the proper density for Highland outside of City Center?
- a. 1 home per acre (average 35,000 square foot lots) or R-1-40 zoning
 - b. 1.5 homes per acre (average 25,000 square foot lots) or R-1-30 zoning
 - c. 2 homes per acre (minimum 20,000 square foot lots) or R-1-20 zoning
 - d. Other: _____

88

Priorities

13. What are the TOP 3 priorities Highland City should focus on during the next two years? (select up to three)
- a. Addressing Issues with Open Space
 - b. Bringing Additional Internet Options to Highland
 - c. Creating Recreation Programs
 - d. Developing New Parks and Trails
 - e. Economic Development
 - f. Improving and Repairing Roads
 - g. Improving Existing Parks and Trails
 - h. Improving Public Safety
 - i. Increased Communication and Transparency
 - j. Increased Communication on City Finances
 - k. Preserving Large Lot Zoning
 - l. Staff Recruitment and Retention
 - m. Water Conservation
 - n. Zoning Changes to allow smaller lots, apartments, senior communities, condominiums/town homes, etc.
 - o. Other: _____

89

Recreation

14. Would you support the City in partnering with a private athletic organization to construct sports fields knowing that there will be some limitations on public usage?
- a. Definitely
 - b. Probably
 - c. Probably Not
 - d. Definitely Not
15. Would you support the City in using City funds to begin recreation programs such as soccer, baseball, basketball, etc.?
- a. Definitely
 - b. Probably
 - c. Probably Not
 - d. Definitely Not

90

Library

16. If the Library was able to get a grant to expand services without additional cost to taxpayers, which service would you most be interested in? (Choose one)
- a. Audio-visual editing workstation (with photoshop, video editing software, document camera, slide scanner etc.)
 - b. Music composition workstation (with music composition software, attached keyboard, headphones, etc.)
 - c. Electronic equipment check-out (cameras, photo scanner, photo printer, microphones, go-pro, etc.)
 - d. Recreational equipment check-out (pickleball set, foosball net and rackets, baseballs and bats, horseshoe game sets, etc.)
 - e. A large format printer for making signs or posters. (there would be charge for printing to cover cost of paper and ink)
 - f. Premium board game check-out (Ticket to Ride, Settlers of Catan, Azul, Pandemic, etc.)
 - g. 3-D printer (there would be a charge for printing matrix)
 - h. Other _____

91

Library

17. Which of the following after-school programs would someone in your family be interested in? (mark any that apply)
- a. Lego Club
 - b. Kid's Book Club
 - c. Homework Help
 - d. Science Explorations
 - e. Weekly D&D Club (teens)
 - f. ACT Test Prep (teens)
 - g. Kid's Coding
 - h. Kids Crochet or Knitting
 - i. Kid's Creative Writing
 - j. Arts and Crafts
 - k. Geography Kids (learn about different cultures)
 - l. Other (specify)

92

Demographics

18. How many years have you lived in Highland? (Mark one oval.)
- a. 0-5
 - b. 6-10
 - c. 11-20
 - d. 21+
19. How many years do you anticipate continuing to live in Highland? (Mark one oval.)
- a. 0-5 years
 - b. 6-10 years
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 - d. 21+ / Remainder of life
20. What is your gender?
- a. Female
 - b. Male
21. What area of Highland do you live in? (Mark one oval.)
- a. North of Timpanogos Highway (S.R. 92) and west of Alpine Highway (5300 W)
 - b. North of Timpanogos Highway (S.R. 92) and east of Alpine Highway (5300 W)
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93

Demographics

22. Do you live in an Open Space subdivision and pay a \$20 monthly Open Space Fee on your utility bill? (Mark one oval.)
- a. Yes
 - b. No
23. Do you have any children living at home under the age of 19? (Mark one oval.)
- a. Yes
 - b. No
24. What is your age? (Mark one oval.)
- a. 18-24
 - b. 25-34
 - c. 35-44
 - d. 45-54
 - e. 55-64
 - f. 65 or Older

94

Open Ended

25. If there is any topic regarding Highland City that you would like to comment on, please do so here. If you do not have enough space, please attach additional paper.

95

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25. If there is any topic regarding Highland City that you would like to comment on, please do so here. If you do not have enough space, please attach additional paper.

Dog & Cat Ordinance Review

What other cities are doing.

American Fork 2 dogs, 1 litter, no limit cats

Cedar Hills 3 dogs, 1 litter, 4 cats

Draper 3 dogs, 1 litter, 3 cats

Lehi 2 dogs, 3 cats

6.12.010 Dog License

A. License Required

B. Number of Dogs ---- Two ---- Hobby breeders License ---- five

6.12.020 Exceptions

A. Transient & Show Dogs

B. Seeing Eye, Hearing & Law enforcement Dogs.

6.12.030 Hobby Breeders License

A. Registered purebred ----- five dogs

3. Proof of registration (AKC, UKC,)

4. Fencing requirement

5. Six dogs over six months, 5 dogs over twelve months

6. Inspected by animal control officer

7. Home Occupation requirements

B. License Fee required annually

C. Inspection Procedures

3. Measures taken related to health of animals, control of noise and odors

6.12.050 Dogs Vaccinations Required

All dogs kept, harbored or in the custody of any person in the City of Highland, shall be vaccinated at (six) four months of age with an approved rabies vaccine produced under U.S.D.A. license and thereafter revaccinated one year later. Adult dogs should be vaccinated thereafter every three years.* with low egg passage chicken embryo origin (LEP-CEO) flury type vaccine shall be revaccinated every two years. If rabies vaccine other than the LEP-CEO

type is used, revaccination shall be annually. Rabies vaccines, because of species limitations, techniques, and tolerances, shall be administered only by a qualified veterinarian.

6.12060 Cats Vaccinations Required

6.12.070 Dogs Proof of Vaccination Required

*Source material

Banfield Pet Hospital – Draper

VCA Timpanogos Animal Hospital

North Utah Valley Animal Shelter

Lehi

6.04.060: BARKING DOG ORDINANCES AND NUISANCE ANIMALS:

Any animal which does any of the following shall be deemed a nuisance animal:
Barks, whines, or howls or makes other disturbing noises in an excessive, continuous or untimely fashion.

Highland

6.08.050 Disturbing The Peace Prohibited

No person shall own or harbor an animal in such a manner that the peace and quiet of the public is unreasonably disturbed. The written affirmation by two persons, having separate residences, that violation of Section 6.08.010D and E, 6.08.020, 6.08.030 or 6.08.060 disturbs the peace and quiet of said persons shall be prima facie evidence of a violation of this section. The keeping or maintenance, or the permitting to be kept or maintained, on any premises owned, occupied or controlled by any person, of any animal or fowl which, by any frequent or long-continued noise, shall cause unreasonable annoyance or discomfort to any person of normal sensitivity in the vicinity, shall constitute a violation of this section.