



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 2, 2022

Approved September 20, 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 7:01 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 Mayor Kurt Ostler.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: Interim City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Planner/GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Deputy Fire Chief Jake Beck, Code Compliance Officer Brent Wallace, PI Superintendent Tayson Arnoldsen

OTHERS PRESENT: Jon Hart, Ernie John, Brian Kane, Morian Eberhard, Roger & Deanne Dixon, Carol & Jan Pearson, Mark S. Thompson, Kathryn Schramm, Holly Dixon, Cary Wise, Robin Wise, Liz Dixon, Eric Dixon, Eric Davenport

1. UNSCHEDULED PUBLIC APPEARANCES

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

Morian Eberhard discussed the City's fencing ordinance; he lives on Caddie Lane close to a tee box for the golf course and he has serious concerns about golf balls hitting and penetrating his home. He has met with a contractor about options they would recommend, and they have suggested using tall poles and golf netting to screen his property. This will protect his home and playground where his grandchildren play. He stated he has found cases where young children have been killed after being struck by a hockey puck, which would be very similar to a golf ball. He has been working in his yard and has been scared of golf balls hitting him directly or ricocheting off his

home. He would like the Council to consider an exception to the current fencing ordinance that would provide additional options for him and the neighboring six homes. He provided a packet of materials to Interim City Administrator Wells for her to provide to the Mayor and Council.

Council Member Smith stated he is familiar with the area and Mr. Eberhard's concerns, and he asked him if he has spoken with the Cedar Hills Golf Course. Mr. Eberhard answered yes and indicated they have set aside some money to patch homes damaged by golf balls, but they instructed him to call the City about his questions about fencing. He noted he is willing to bear the cost of installing the fence if he can simply get approval from the City. He stated he feels the net is unintrusive. He stated the contractor has installed the poles and he thought he had obtained a permit, but he has not. He needs approval before the net can be hung.

There was brief discussion among the Council, Mr. Eberhard, and City Attorney Patterson about any liability the golf course or a golfer has for causing damage to private property located off the golf course. Mr. Eberhard presented photographs of his home and the tee box that is aimed at his home to orient the Council to the issue concerning him.

Eric Davenport introduced himself as the applicant for the minor subdivision plat under agenda item eight; he thanked City staff for their assistance thus far in navigating the City's land use ordinances and application process.

2. PRESENTATIONS

a. Interim City Administrator – Mayor Kurt Ostler

Mayor Kurt Ostler will present Assistant City Administrator Erin Wells as the Interim City Administrator.

Mayor Ostler reported that the City's long time City Administrator has been released from his position, though not for cause. He reported Assistant City Administrator Wells will be the Interim City Administrator and the position will be advertised soon. He thanked former City Administrator/Community Development Director Crane for his service after starting his employment as a City Planner. He also thanked Ms. Wells for stepping into the role at this time.

b. Service Recognition for Roger Dixon – Council Member Kim Rodela

Council Member Kim Rodela will present a special recognition award to Roger Dixon for his service on the Library Board.

Council Member Rodela stated that she is grateful to be the Council Member with the opportunity to recognize Roger Dixon; she spoke of her personal friendship with Roger and Deann Dixon and stated that Roger can be considered one of the founding fathers of the Highland City Library. He served on the City's Planning Commission and the Library Board when the new City Center was being planned. After a brief hiatus to serve a LDS Mission, he came back to the Library Foundation and to the Library Board; he served a second term as Chair from 2017-2021 and oversaw the creation of the children's room and the acceptance of the library as full member of the Northern Utah County Library Cooperative. He has worked diligently to create the Library Board bylaws and procedural documents. He has been an advocate and a voice of reason, and she thanked him for his service. She asked the Mayor and Council to join her in presenting Mr. and Mrs. Dixon with a token of the City's gratitude.

Mr. Dixon stated he has loved serving and he thanked the Mayor, Council, City staff, and his family for supporting him.

Council Member Smith stated that Mr. Dixon has always been a voice of reason for the Library and for the City at-large.

c. Beautification Committee Report – Chairperson Cary Wise

Chairperson Cary Wise will report on the recent activities of the Beautification Committee.

Beautification Committee Chair Cary Wise provided a report of the recent activities of the Committee relative to the community garden; there are 17 garden plots at the garden, and all are rented. The Committee has managed a ‘yard of the month’ program and the monthly winners are given a \$25 gift card to Ace Hardware and two bags of mulch. He presented photographs of most recent ‘yard of the month’ award recipients. He also noted back-yard tours will be conducted during the Highland Fling celebration, on Thursday from 6:00 to 8:00 p.m.

Council Member Smith stated that in the past the beautification committee has managed weeding projects in the community, and he asked if that is still being done. Mr. Wise answered yes; there is a group that takes care of Larsen Park and the also work with the City’s Parks Superintendent to identify areas in need.

Mayor Ostler thanked Mr. Wise for the information provided and thanked the beautification committee for their efforts and service to the community.

d. Water Presentation – Pressurized Irrigation Superintendent Tayson Arnoldsen

Pressurized Irrigation Superintendent Tayson Arnoldsen will give a brief update on current water conditions in Highland City.

Pressurized Irrigation Superintendent Arnoldson provided an update regarding current water conditions; he compared discharge rates for the last several months dating back to July 2021 and indicated that river flows are at 40 percent of normal levels. He stated the City has done a good job at conserving water; he presented a graph that identifies the reduction in water usage in 2022 when compared to 2020 and 2021. To date, residents have used 14 percent less water than in 2021 and 23 percent less than in 2020. With continued conservation, surface water and well water should be sufficient for 2022. Continued strategies for increasing public awareness of the drought and the need to reduce consumption include:

- Updating residents that their efforts are appreciated and have had tremendous results;
- Newsletter/website advertisements;
- Text/email/social media advertisements;
- Referring residents to water conservation websites.

There was brief discussion among the Council and staff regarding future projections regarding the drought conditions and things that individual property owners can do to assist in water conservation efforts.

3. CONSENT ITEMS (5 minutes)

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes Administrative – Stephanie Cottle, City Recorder
Regular City Council Meeting – June 7, 2022

Council Member Scott L. Smith *MOVED* that the Council approve consent item meeting minutes from June 7, 2022.

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 Sarah D. Petersen	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion passed 5:0.

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - DEFINITION OF MAIN DWELLING *Legislative - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Section 10-102 Definitions to revise the definition of a Main Dwelling and what constitutes attached to or part of a Main Dwelling as compared to accessory structures. The City Council will take appropriate action.

Planner and GIS Analyst Smith reported on June 21, 2022, the City Council gave staff direction to amend the Development Code to address what constitutes attached to or part of a Main Dwelling as compared to accessory structures. The Highland City Development Code requires that in order for an addition to be considered part of the Main Dwelling, it shall include a connecting roof line, connecting foundation, at least four connecting walls, uninhibited interior access within the structure, and at least 60% of one common wall with the existing dwelling. However, it includes an exception for structures connected by a breezeway:

“Structures connected by a breezeway with a common roof line, common footing and foundation, a minimum width of 6’, and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.”

This breezeway exception allows for additions connected by a roofline with no square footage maximum and a height of 35’ as long as setbacks for the dwelling are met. Several residents and Elected Officials have expressed concerns with the allowance of the breezeway connection being considered part of the Main Dwelling. The proposed amendment updates the definition of a Main Dwelling with the following (underlined text are proposed additions to the code, strikethroughs are deletions):

Dwelling, Main Dwelling. The main dwelling on a property shall include a connecting roof line, connecting foundation, at least four (4) connecting walls, and uninhibited interior access within the structure. An underground walking path is excluded in counting as a connection to the main dwelling unit between unattached structures.

1. To be considered part of the main dwelling, any addition to the original dwelling shall include the previous requirements defined described above in 10-102(16)(a) and shall include at least sixty percent (60%) or more to be attached and in common with the original dwelling. The connection shall be sixty percent (60%) of the length of the portion of the addition that faces the main dwelling. of one common wall.
2. Structures connected by a breezeway shall not be considered part of the main dwelling. with a common roof line, common footing and foundation, a minimum width of 6’, and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.
3. Covered decks and patios shall be considered part of the main dwelling.

4. Residential construction that does not meet the criteria above shall meet all requirements for an accessory structure ~~(see 3-4104, 3-106 and 3-4109, 3-4110; and 3-4204, 3-4206 and 3-4209, 3-4210 in this Code).~~

The Planning Commission held a public hearing on July 26, 2022. There was no public comment on the proposed amendment. The Planning Commission voted 6-0 to recommend approval of the proposed text amendment with the following stipulations:

1. Visual drawings for compliant and noncompliant be included to make it self-explanatory.
2. 60% be replaced by “majority of”.

The proposed amendment has been updated to address the stipulations recommended by the Planning Commission. The proposed amendment clarifies the meaning of “one common wall” in the current code. It also requires that any addition have a connecting roof line, connecting foundation, at least four connecting walls, uninhibited access within the structure, and a connection that is a majority of the length of the portion of the addition that faces the Main Dwelling. The proposed amendment addresses the concerns of the Elected Officials and residents. Based on the Planning Commission’s recommended stipulation, staff has created visual aids that can be included in the ordinance to provide illustrative examples for readers. The visual aids identify layouts that would be permitted and not permitted.

Council Member Ball asked if it is correct that the ordinance amendment does not apply to perimeter measurements, but exclusively to parallel lines. Ms. Smith answered yes and clarified the manner in which measurements will be taken.

Council Member Smith asked if the proposed code change is a result of an accessory building that was built in his neighborhood; he assumes that the owner of that property is using the ‘breezeway’ stipulation to build an accessory building that is twice as big and tall as their home. This project has caused a great deal of stress in the City, but he has yet to see where and how the breezeway is attached. Ms. Smith stated that the City’s building inspector has visited that property and found the footings have been poured for the breezeway that will connect the primary structure and accessory structure. There was brief discussion about the property referenced by Council Member Smith and the allowed maximum building height that will be imposed for future accessory structures.

Mayor Ostler opened the public hearing at 7:48 p.m.

There was no public comment.

Mayor Kurt Ostler closed the public hearing at 7:48 pm.

Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE the proposed amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling with the two (2) stipulations recommended by the Planning Commission:

1. *Visual drawings for compliant and noncompliant be included to make it self-explanatory.*
2. *60% be replaced by “majority of”.*

Council Member Sarah D. Petersen 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>

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - NEWSPAPER NOTICES *Legislative - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend several sections of the Development Code relating to removing newspaper noticing requirements for public hearings. The City Council will take appropriate action.

Planner and GIS Analyst Smith explained as part of the 2021 Utah Legislative Update, newspaper noticing requirements were removed for General Plan amendments, annexations, and adoptions of land use regulations. The Highland City Development Code still requires the newspaper noticing. There are two versions of the proposed amendment:

1. This amendment only updates what was mentioned by the City Council.
 - a. This proposed amendment removes newspaper noticing requirements from text amendments, rezones, and annexation requests.
 - b. This amendment adds the requirement for a 500' radius notice for rezones.
2. This amendment addresses the concerns of the City Council, removes repeated codes, and references to Utah State Code for certain noticing and annexation requirements.
 - a. This proposed amendment removes Section 3-617 Amendments to Zoning Code, as it is a repeat of Chapter 9 Amendments to Title and Zone Map.
 - b. The amendment removes newspaper noticing requirements from text amendments, rezones, and annexation requests.
 - c. This amendment adds the requirement for a 500' radius notice for rezones.
 - d. The proposed amendment also eliminates requirements for annexations that are not consistent with Chapter 2 Part 4 Annexation in Utah Code.

The Planning Commission held a public hearing on July 26, 2022 and there was no public comment on the proposed amendment. The Planning Commission voted six to zero to recommend approval of version two of the proposed amendment. She then noted that the annual cost over the last four calendar years to Highland City for newspaper notices is as follows:

- 2019: \$3,852.98
- 2020: \$5,601.38
- 2021: \$4,992.61
- 2022: \$686.80 to date

There are several regulations that have changed in the Utah State Code over the years. Some of the Highland City Development Code noticing requirements are not compliant with State Code. The proposed amendment addresses these inconsistencies.

Council Member Smith inquired as to the origination of the 500-foot radius measurement. Ms. Smith stated State Code requires cities to establish a radius for purposes of noticing for various types of land use applications; the City's radius has been 500 feet in the past, though other cities have established other wider radius measurements. Council Member Smith stated that the noticing radius has been a point of contention in the past as some have felt broader noticing would be more appropriate. He stated that if one of the noticing methods is being removed, it may be appropriate to expand the radius to ensure that more residents receive direct notification of a land use application that would impact them. He suggested a noticing radius of 750 or 1000 feet. Ms. Smith stated that she understands the concern, but she provided a demonstration of the County's website, which is used to determine noticing requirements based upon the 500-foot radius; while 500 feet may sound small, it usually results in noticing of upwards of 20 property owners. Council Member Smith stated that would be in the case of a more dense residential area. Mayor Ostler agreed and stated that fewer people would be noticed in a more rural area. The Mayor, Council, and Ms. Smith experimented with the County's website to determine noticing impacts in rural areas of a 750- or 1000-foot radius were used. Council Member Ball suggested employing other notification methods, such as email notification, for certain types of land use applications. Ms. Smith stated that residents can

sign up for email or text notifications for various types of notices in the City, but the matter before the Council applies to mailed notifications of land use applications. The Council debated the appropriate noticing radius and Council Members Smith and Rodela both communicated support of a 750-foot noticing radius.

Mayor Ostler opened the public hearing at 8:02 p.m.

Kathryn Schramm referenced a recent land use application for the Johnson house and property; she has visited with her neighbors and has found that those that did receive the letter threw them away and she does not think that letters are helpful. She would appreciate an email notification of a land use application, it seems as if people do not read hard copy documents that are sent to them.

Mayor Ostler stated that Ms. Schramm has served on the City Council in the past and he asked her opinion about the proper noticing radius for land use applications, to which Ms. Schramm answered 330 feet; she stated that if people are interested in a matter, they will provide input regardless of whether they receive a written letter .

Eric Davenport stated he serves on the Utah Housing Gap Coalition, and they are exploring opportunities for improving housing affordability and access. There are findings that some fees charged in municipalities are increasing home costs by several thousand dollars and he cautioned the Council against making any changes that will further increase costs for developers. He stated that he supports transparency and open communication with residents, but if noticing requirements will increase overall costs associated with a development, those costs will be passed on to home buyers.

Mayor Ostler closed the public hearing on 8:09 p.m.

Council Member Smith stated that the City does not have much high-density development and developers have not experienced increased costs for sending more notices to impacted property owners in a more dense area; however, he has heard many complaints in the past about a lack of transparency when residents are not notified of a land use application that could impact them. He would still like to increase the radius to 750 feet, and he does not think the cost associated with that change is too drastic.

Council Member Scott L. Smith MOVED that the City Council accept the findings and approve Version 2 of the proposed amendment—as recommended by the Planning Commission—to several sections of the Development Code to remove newspaper noticing requirements for certain public hearings as well as increase the radius from 500’ to 700’ for notification and transparency.

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: IMPACT FEE AGREEMENT WITH KANES & WILY *Administrative – Rob Patterson, City Attorney*

The City Council will consider a request from the Kane family regarding the calculation of the pressurized irrigation impact fee requirement for their property located at 11224 North Tamarack Drive. The Council will take appropriate action.

City Attorney Patterson explained this request comes from Brian Kane, who is in the process of building a home in the Bull River subdivision, on lot 10b, parcel number 35:075:0002, 11224 North Tamarack Drive; the lot is approximately two acres in size. When the Kanes submitted a building permit application, the City imposed its normal water dedication and impact fee requirements. The Bull River subdivision is subject to covenants, conditions, and restrictions (CC&Rs) that restrict the types and amount of landscaping that is allowed. Due to these restrictions on landscaping, the Kanes will not be landscaping or irrigating the entire lot, and a large portion of the lot will remain with natural vegetation and landscaping. The Kanes accordingly requested that the City adjust the amount of water required to be dedicated and the amount of the pressurized irrigation (PI) impact fee charged because their actual usage is far less than a fully landscaped, two-acre lot. Under the City's PI impact fee enactment, "The Council may adjust either up ... or down the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system." This is consistent with state law, which requires the City to have a mechanism by which impact fees can be adjusted in individual cases based on unique or individual circumstances. Utah Code § 11-36a-402(1)(c) - (d). Staff has prepared an Impact Fee Agreement that, if approved, will be recorded against the property, which Agreement contains the following terms:

1. The PI impact fee for the Kanes will be \$6,243.60, which was calculated based on the 2021 formula in place at the time of the Kanes' building permit application (\$0.43 per square foot, multiplied by 14,520 square feet of irrigated property).
2. The Kanes must provide proof to the City that the HOA has approved their landscaping plan, and any changes to that plan that increase the impact on the City's PI system require written City approval.
3. If the Kanes or any other owner of the property changes the landscaping in a way that increases impacts to the City's PI system, additional impact fees and water dedication will be required according to the City requirements in place at the time of exaction.

Mr. Patterson concluded the agreement conforms to the requirement under State and City Code to allow for adjustments to impact fees to respond to individual circumstances, while still retaining the City's right to charge impact fees in the future, at future rates, if there are additional impacts that warrant additional impact fees. This decision will result in the City collecting approximately \$26,800 less in PI impact fees than originally assessed for this property.

Council Member Ball asked how the agreement would be tracked and enforced. Mr. Patterson stated it would be similar to the enforcement of other encroachment agreements in the City. This led to high level discussion among the Council and staff regarding the difficulty in enforcing encroachments and landscaping agreements in the future.

Council Member Smith stated that he supports the exception and reduction of the impact fee, but he would like for the applicant to develop a more sophisticated and detailed landscape plan. Brian Kane stated that the HOA for his subdivision is very restrictive, and his plan abides by those restrictions, but he never intended for the current landscape plan to be publicly viewed as it was for example purposes only. He stated that he will be working with a landscape professional to create a landscape plan that will be submitted to the HOA Board for approval. This is the last lot in the Bull River area and the back portion has a stream with quite a bit of land on the other side of the stream. Council Member Smith stated he understands Mr. Kane's position and noted that his comments were based on the fact that there have been residents who have 'pushed the limits' of existing ordinances and policies; he is apprehensive based upon past experiences. Mr. Kane stated he understands that but indicated he has negotiated the agreement in good faith and fully intends to abide by the agreement.

Continued discussion among the Mayor, Council, staff, and the applicant centered on past precedent that has been set for this type of issue, with a focus on the need to thoroughly document these types of agreement and record the documents against the property to ensure that a future owner is aware of and will abide by the agreements that have been made.

Council Member Sarah D. Petersen MOVED that City Council approve the Impact Fee Agreement for Lot 10b of the Bull River Subdivision.

Council Member Kim Rodela SECONDED the motion.

Council Member Smith stated he is comfortable voting to approve the impact fee reduction and agreement based upon the fact that the applicant has agreed to stipulations that will provide buffering for landscape improvements and costs.

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. AGREEMENT: 2022 DEBRIS BASIN PROJECT INTERLOCAL COOPERATION AGREEMENT *Legislative - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider an interlocal agreement with American Fork City and Cedar Hills City pertaining to the pending reconstruction of the outlet structure and bridge for the jointly owned and managed American Fork Canyon Debris Basin. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained On June 7, 2022, the Council tabled consideration on this item to allow for more information and background on the debris basin. The supporting information relative to the Debris Basin Administrative Board, and ownership was subsequently distributed to the Council on June 8, 2022. On October 15, 2013, the Council approved the interlocal agreement that established the Debris Basin Administrative Board and agreed that maintenance expenses would be shared evenly between the three Cities. The 2022 agreement is in harmony with the 2013 interlocal agreement which stipulates the cost sharing for necessary maintenance of the facility. As a part of acquiring the basin from the County, the City agreed to facilitate the long-term operation of the debris basin to prevent flooding. The structure has deteriorated, and the gates do not function properly. The reconstruction will address identified operational and safety concerns and preserve the life span of the debris basin. The Fiscal Year (FY) 2023 adopted budget under 54-40-41 (Storm Sewer System Debris Basin Annual Maintenance) includes \$245,200 which has been allocated to fund this project. The recently updated utility fees also take into account this project. The City Council may request additional information as necessary to provide assurance that the recommendations from the Debris Basin Administrative Board are in harmony with the maintenance objectives and operational necessities for the basin. If all is found to be in harmony, the Council may approve the agreement with the provided motion to approve. If the Council finds that agreement is not in harmony with the operational objectives, the Council may deny the agreement with the provided motion to deny.

Ernie John, President and Water Master of the American Fork Irrigation Company, spoke to the work done by the Debris Basin Committee and efforts to secure funding to facilitate groundwater recharge.

Council Member Smith stated that it seems that this arrangement is sensible in a dry year, but given recent dramatic inflation, he is apprehensive about the bids that will be submitted for this project. Additionally, there has been discussion about creating a secondary recharge area near the mouth of the canyon and this is the first he has heard of the need to recharge the aquifer. He suggested expanding the recharge area rather than building a

new one. Mr. John stated the money that is allocated is for a different location and that funding cannot be commingled with other sources. He added that all recharge areas will be needed if the service area is going to continue to develop. A study that has been done to identify ongoing needs to keep pace with growth. Mr. Spencer added information about the difference between recharge areas and wells; two facilities are needed to operate differently and independently from one another. The facilities are complimentary of each other but serve different functions.

High level discussion among the Mayor, Council, staff, and Mr. John centered on past projects that have been completed and the basis for those projects. Mr. John expounded on ongoing planning efforts for additional projects that are needed responsive to the rapid growth of the area. Mr. Spencer and Pressurized Irrigation Manager Murdoch discussed historical water events that have created a great deal of debris that has created safety concerns for the City. This project will allow for effective and clearing of the debris basins.

Council Member Rodela asked if American Fork and Cedar Hills have already approved and signed the agreement. Mr. Spencer answered yes. Council Member Rodela stated that the Council has heard that the project is needed for the safety of residents and City staff; additionally, the Council has included funding for the project in the City budget and she is comfortable proceeding. Council Member Smith stated he is concerned about the cost estimate, and he does not feel that \$240,000 per City will be sufficient. Mr. Spencer stated that the initial estimate came from the design engineers for the project; they have already revised their original estimate to take inflation into account. Language can be included in the bid document indicating an escalation/de-escalation clause will be included in the agreement document. Mayor Ostler added that the agreement identifies an administrative board that will evaluate bids for the project; Mr. Spencer serves as the City's representative on that administrative board and will report back to the Council if bid amounts exceed the amount that has been identified for the project. Mr. Spencer stated that is the intent; he will come back to the Council if the bid amounts are excessive.

Council Member Scott L. Smith MOVED that City Council approve the 2022 Debris Basin Project Interlocal Cooperation Agreement and authorize the Mayor to sign the document with the following stipulation that any cost overruns be brought to the Council for discussion and approval.

Council Member Bill suggested that a specific percentage of cost overrun be specified in the motion language. Interim City Administrator Wells clarified the City's purchasing policy indicates that any cost overrun of 10 percent, or \$10,000, whichever is less should be presented to the Council for consideration. Council Member Smith stated he would like any cost overrun to be presented to the Council for this project.

There was no SECOND. Motion withdrawn.

Council Member Sarah D. Petersen MOVED that City Council approve the 2022 Debris Basin Project Interlocal Cooperation Agreement and authorize the Mayor to sign the document and allow for the normal overage following the City's purchasing policy.

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.

8. MINOR SUBDIVISION FINAL PLAT: HHC HIGHLAND *Administrative – Kellie Smith, Planner & GIS Analyst*

The City Council will consider a request Holmes Homes Custom LLC for approval of a proposed 2-lot subdivision located at approximately 6386 W and 6390 W 10400 N. The City Council will take appropriate action.

Planner and GIS Analyst Smith explained the property is 2.49 acres and is located at approximately 6386 W and 6390 W 10400 N. The property is designated as Low Density Residential on the General Plan Land Use Map and the site is zoned R-1-40. The property is not in a recorded subdivision. A 2-lot subdivision is classified as a minor subdivision in the Development Code. The Minor Subdivision Option's intent is to allow for small subdivisions to be processed as quickly as possible. Minor subdivisions include developments of three or fewer lots. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined. The Minor Subdivision Option found in Section 5-4-300 of the Development Code requires a public hearing at the Planning Commission meeting, a recommendation from the Planning Commission, and approval from the City Council. The applicant is requesting approval of a 2-lot subdivision to split the property into two (2) 1.25-acre parcels. Access to the site will be from 10400 North. Parkway detail will be required. A 20' landscape easement is included on the final plat. The theme wall along parkway detail will not be required as the homes will front the collector street. The Planning Commission held a public hearing on July 26, 2022. There was no resident comment. The applicant was present. The Commissioners asked the applicant what their willingness was to add more xeriscaping. The property owner believed they had a substantial amount of xeriscaping. The Planning Commission voted 6-0 to recommend approval of the HHC Highland subdivision plat subject to the following stipulations:

1. The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.
2. The civil construction plans shall meet all requirements as determined by the City Engineer.
3. All public improvements shall be installed as required by the City Engineer.
4. The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD).

Council Member Scott L. Smith MOVED that the City Council accept the findings and approve the HHC Highland subdivision plat subject to the four (4) stipulations recommended by the Planning Commission.

1. *The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.*
2. *The civil construction plans shall meet all requirements as determined by the City Engineer.*
3. *All public improvements shall be installed as required by the City Engineer.*
4. *The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD).*

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.

9. ACTION: HIGHLAND TOWN PLAZA PARKING CONFIGURATION

Administrative – Kellie Smith, Planner & GIS Analyst

The City Council will consider a request from WPI to adjust the parking configuration for the Highland Town Plaza site. The Council will take appropriate action.

Planner and GIS Analyst Smith explained the City Council reviewed the Site Plan, Final Plat, and declaration of property surplus in relation to this property on March 30, 2021. Concerns were raised regarding traffic flow in the overall Highland Town Plaza subdivision. These items were continued to the April 20, 2021 City Council meeting to allow the developer to address these issues.

On April 20, 2021, the developer provided the City Council a detailed traffic study with a concept that shows the best way to configure the parking lot. The City Council approved the Site Plan and Final Plat with a stipulation that states: The developer will install a new parking configuration south of Wendy's with striping only for parking stalls and south-end landscaping islands. South-end landscaping islands will be installed when Pad 3 is constructed. WPI is requesting to adjust the parking configuration that was presented to the Council on April 20th, 2021. The following are options provided by WPI:

1. Original proposal
2. Restripe existing with additional striped islands
3. Stripe the southern half of the original proposal
 - a. This proposal will act as Phase 1 of the original proposal. The rest of the configuration, along with the landscaped islands, will be added when the pad to the east is constructed.

WPI is requesting the adjustment to delay removing the landscaped island near Wendy's and save costs as they incurred more than planned in the road connection to 5600 West and with recent landscaping upgrades along their property on Town Center Boulevard.

Ms. Smith noted staff believes option two provides more parking than option three. However, as option three is phase one of the final parking layout, it would get visitors used to the final planned flow and configuration in that area. If the City Council is amenable to allowing a change, staff would recommend option three.

Council Member Peterson asked if option three is a temporary option, to which Ms. Smith answered yes and noted the work to be completed eventually will be the same as the original approval.

Mayor Ostler noted that the Council is expecting option one eventually, but he asked why the necessary work cannot be completed now to provide that option at this time. Dan Schmidt of WPI stated that there are specific stipulations surrounding traffic flow and parking configuration for the Wendy's restaurant. He is working with that entity to address reconfiguration to ensure that option one is eventually completed. Ms. Smith added that staff's recommendation is based on the idea that phasing the improvements will help drivers to adjust to the changes incrementally. This led to high level discussion among the Mayor, Council, staff, and Mr. Schmidt regarding parking and driving habits in the project area; they ultimately concluded to support staff's recommendation and encouraged WPI to proceed as quickly as possible with complying with option one and the original approvals for the project.

Council Member Kim Rodela MOVED that the City Council approve Option 3 for the parking configuration south of Wendy's.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes

<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>No</i>

The motion passed 4:1.

Mr. Schmidt then reported on leases that he has been working on for the spaces in the project; this included retail/commercial users, medical users, and office space users.

10. ACTION: PRIORITIZATION OF ENCROACHMENT POLICY ENFORCEMENT *Legislative – Kellie Smith, Planner & GIS Analyst*

The City Council will consider which neighborhoods or areas should be prioritized when enforcing the encroachment policy adopted by the City Council on July 19th, 2022. The Council will take appropriate action.

Planner and GIS Analyst Smith explained the City Council has discussed private encroachments on City property on numerous occasions. The Council previously established a committee with Councilmembers Bills and Petersen to provide suggestions to the Council regarding a formal encroachment policy. On July 19, 2022, the City Council adopted an Encroachment Policy and Maintenance Agreement. The City Council directed staff to bring the item back to the Council at the August 2 meeting for staff to receive direction on which areas to begin with enforcing encroachment. The City Council may consider the following when prioritizing certain neighborhoods with encroachments:

- Most egregious encroachments.
- Encroachments in conservation easements.
- Encroachments along trails.
- Encroachments in parks or other City-owned land.

Once staff has prioritization direction from Council, staff will carry out the Encroachment Policy and “...mail a written Notice of Encroachment to the responsible property owner, or to all adjacent owners and residents when the responsible party is not apparent, when the City determines that an encroachment exists. The Notice shall summarize the circumstances and type of encroachment, explain the compliance options and timeframes, contain a copy of this policy, and provide City contact information.” Mayor Ostler has indicated he would like to be the signatory of these Notice of Encroachments.

Mayor Ostler stated he has spoken with staff at length about this issue and he wants to address each subdivision individually and move slowly with this process. He asked if the Council has ideas about which subdivision should be addressed first and noted he recommends the Highland Hollows Subdivision because it has a great deal of conservation easement space and several areas have been landscaped.

Council Member Smith stated he has suggested that those areas that will be easier to deal with are focused upon first; this will give staff the opportunity to learn what is working best in areas where there may not be as much contention as others. The Mayor and Council then engaged in high level philosophical discussion and debate regarding prioritization of encroachment enforcement; they concluded to direct Council Member Bills to work with Interim City Administrator Wells to identify a prioritization list, starting with the Highland Hollows Subdivision.

City Attorney Patterson noted he has spoken with the County about the issue, and they will not charge the City for recording maintenance or encroachment agreements against properties. Administration needs direction from the Council regarding whether maintenance agreements will terminate when someone sells their property or if

they will continue through transfer of the title. Council Members Smith, Rodela, and Ball indicated that they would like the agreement to be continuous and transfer with title for a property.

Council Member Kim Rodela MOVED that the City Council direct staff to prioritize the following encroachments: Highland Hollows and then continuing with Council Member Bills providing a prioritization list to staff.

Council Member Sarah D. Petersen 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.

Interim City Administrator Wells explained the Municipal Code outlines encroachment policies and there will be amendments to those ordinances to ensure they are in line with policy amendments. Such recommendations will be provided to the Council in future meetings.

11. CONSTRUCTION CONTRACT: HIGHLAND GLEN PARK PAVILION IMPROVEMENTS *Administrative - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider entering into a contract with LGL Construction for improvements at the pavilion at Highland Glen Park. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained that in a prior City Council meeting while discussing improvements at Highland Glen Park, Councilman Smith asked the question as to what can be done to address the missing rocks that have fallen off the pavilion wall. In an effort to find solutions, City staff reached out to several masons to attempt to locate a source for rocks that would match the structure. A source for the same rocks has not been located. In working with LGL Construction, we were informed this type of rock is no longer available. They proposed a solution to remove the wall located on the south portion of the pavilion and replace it with smaller pillars joined with a steel railing. The removal of the wall will allow for the rocks that are currently adhered to the wall to be salvaged. The rocks will be placed on the new pillars to match the existing structure. The lower rocks visible from the exterior would remain and the railing would provide a safeguard for the falling hazard as the floor elevation is approximately 2-feet above the exterior grade at the wall location. Given the lack of stone availability, the solution proposed by LGL appears to be the best solution to keep the integrity of the original construction by using the rock resources that are available. Other potential solutions include replacing all rock at the pavilion with a newer stone or replacing the rock with another material such as stucco. Other options could include removal of the wall entirely and changing of the adjacent grade and improvements to limit the fall hazard. The cost of this proposed project is \$16,995.00. Funding for this expense was not included in the FY23 Budget. As this expenditure was not included in the Budget, it will need to be funded by the Parks Capital Fund (Highland Glen Park Improvements) and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council. Using \$16,995 from the Parks Capital Fund for this project would still allow enough funds for the Parks Bond payment as well as the planned funding for Mountain Ridge Park.

Council Member Smith thanked staff for their response to his request; there has been discussion about fixing this pavilion for years and he likes the option that has been identified.

Council Member Scott L. Smith MOVED that City Council approve a construction contract with LGL Construction in the amount of \$16,995.00 for the repairs of the Highland Glen Park Pavilion.

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.

12. 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. Trail Maintenance Plan – Andy Spencer, City Engineer/Public Works Director

City Engineer/Public Works Director Spencer facilitated a review of the City’s Trail Maintenance Plan, which was adopted in 2021, but is based upon 2020 prices and trail conditions. Some maintenance has been done, but it would be appropriate to update the plan to include new pricing and trail conditions.

b. Dry Creek Circle – Andy Spencer, City Engineer/Public Works Director

City Engineer/Public Works Director Spencer reported on the status of the Dry Creek Circle sewer project, which has been very impactful. He would like to communicate to residents that the City understands how impactful the project has been and will continue to be for them and thank them for their patience and willingness to be flexible with the City as the project continues.

c. Highland Fling Update – Mayor Kurt Ostler

Mayor Ostler provided an update on the upcoming Highland Fling celebration; he reviewed the schedule of events, with a brief focus on those events that require Council involvement.

d. Fee for Highland Glen Park – Scott L. Smith

Council Member Smith stated that there are many non-residents who are using the Highland Glen Park and he asked the Council to consider establishing a fee for non-resident usage. The revenues generated by the fee could be used to upgrade and maintain the park. The Mayor and Council briefly discussed the proposal and concluded they would like to know what other cities are doing with similar situations. Council Member Smith stated that he will conduct some research on that matter.

e. Future Meetings

- August 10, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 16, City Council Meeting, 7:00 pm, City Hall
- August 23, Planning Commission Meeting, 7:00 pm, City Hall
- September 6, City Council Meeting, 7:00 pm, City Hall

- September 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 20, City Council Meeting, 7:00 pm, City Hall
- September 27, Planning Commission Meeting, 7:00 pm, City Hall

13. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

At 10:20 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

Council Member 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 unanimously.

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

The CLOSED SESSION adjourned at 12:03 am.

ADJOURNMENT

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

The meeting adjourned at 12:03 am.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 2, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder

Welcome to the Highland
City Council Meeting

August 2, 2022



HIGHLAND CITY

1

Please sign the
attendance sheet and fill
out a comment card if
you wish to speak to the
Council



HIGHLAND CITY

2



HIGHLAND CITY

7:00 PM REGULAR SESSION

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

3



HIGHLAND CITY

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.

4



HIGHLAND CITY

PRESENTATIONS

a. Interim City Administrator – *Mayor Kurt Ostler*

b. Service Recognition for Roger Dixon – *Council Member Kim Rodela*

c. Beautification Committee Report –
Chairperson Cary Wise

d. Water Presentation – *Pressurized Irrigation Superintendent Tayson Arnoldsen*

5

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Cary Wise

Paul and Jill Fulton's yard as the Yard of the Month for
June, 2020



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Lorreta coordinates the box rentals. She also collects the fees and signed rental agreements. Her help and enthusiasm is very much appreciated.

Currently there are 17 grow boxes. All 17 of the boxes are being utilized.



7

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The August Yard of the Month belongs to the Prowse family's yard. Brinn Prowse has a beautiful and unique yard. Please let her know that you appreciate all of the work and creativity involved in this yard. You can see this yard at 11242 North Park Drive. The yard of the month winners receive a \$25 Ace Hardware gift card and 2 bags of Oakdell Egg Farm Compost, courtesy of Oakdell Egg Farms.



9

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Darren and Shawntele McGary own this beautiful yard. It was featured as the Yard of the Month for April of 2021. They have a beautiful yard, and both work very hard to make it look so good. Please let them know that you appreciate all of the work that they put into making their yard beautiful. You can see this gorgeous yard at 6823 W. 10205 N. This yard was featured in April of 2021



10

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Please join us for this year's Back Yard Tours on Thursday the 4th from 6:00 to 8:00 pm.



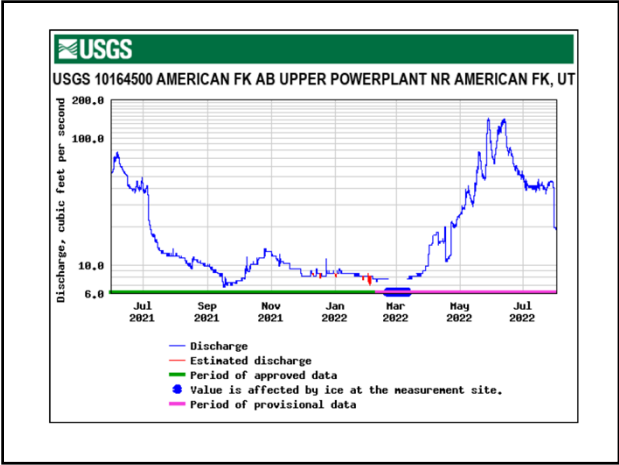
11

HIGHLAND CITY
PRESSURIZED IRRIGATION 2022
August 2, 2022

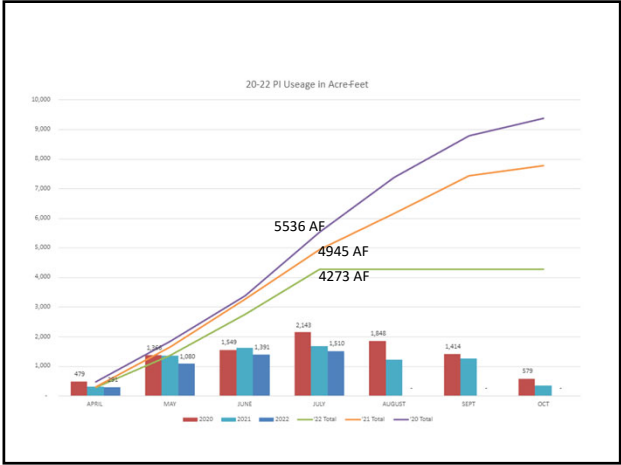


HIGHLAND CITY

12



13



14

2022 IRRIGATION SEASON

- To Date Use – 4,273 AF
 - 14% Less than 2021 & 23% Less than 2020
- American Fork River Status – Much better than last year, will be declining now.
- Provo River Status – Similar to last year allocation
 - Saved from 2021 – +/- 1,205 AF
 - Approximate 2022 Allocation – 3,300 AF
- With Continued Conservation the Surface Water and Well Water Should be Sufficient for 2022
- Continued Strategies for Public Awareness
 - Update residents that their efforts are appreciated and have made a tremendous result
 - Newsletter/Website – On-going
 - Text/Email/Social – On-going
 - Referring residents to Conservation Water Websites

15

CONSENT ITEMS *(5 minutes)*

3a. Approval of Meeting Minutes: June 7, 2022 *Administrative*

16

HIGHLAND CITY

TEXT AMENDMENT –
DEFINITION OF MAIN
DWELLING *LEGISLATIVE*

Item 4 – Public Hearing/Ordinance
Presented by – Kellie Smith
Planner & GIS Analyst

17

Prior Council Direction

- June 21st, the City Council directed staff to amend the Development Code to address what constitutes attached to or part of a main dwelling as compared to accessory structures

18

Background

- Addition to be considered Main Dwelling
 - Connecting roof line
 - Connecting foundation
 - Four connecting walls
 - Uninhibited interior access
 - 60% of one common wall with existing dwelling
 - *Exception: Structures connected by a breezeway with a common roof line, common footing and foundation, a minimum width of 6', and a foundation separation of less than 10 feet between unattached structures shall be considered part of the main dwelling.*

19

Proposed Amendment

- 60% **or more to be attached and in common with the original dwelling. The connection shall be sixty percent (60%) of the length of the portion of the addition that faces the main dwelling.**
- Structures connected by a breezeway **shall not be considered part of the main dwelling.**

20

Citizen Participation

- Public Hearing Notices
 - Daily Herald
 - State and city websites
 - 3 public places
- No resident correspondence received.

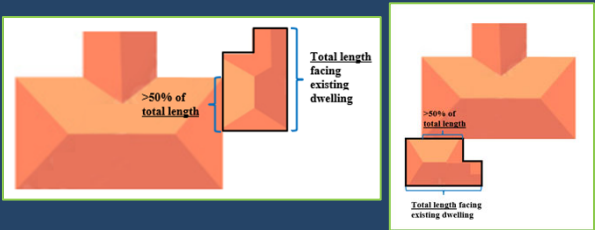
21

Planning Commission Action

- Public hearing held July 26, 2022
 - No public comment
- The Planning Commission voted (6-0) to recommend **APPROVAL** of the proposed amendment with the following stipulations:
 1. Visual drawings for compliant and noncompliant be included to make it self-explanatory.
 2. 60% be replaced by “majority of”.

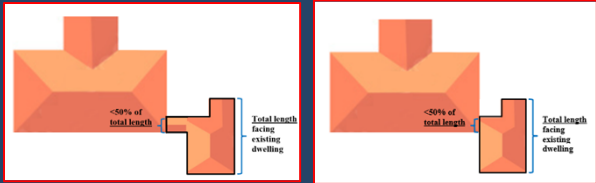
22

Illustrations - Permitted



23

Illustrations - Not Permitted



24

Motion to Approve

I move that the City Council accept the findings and **APPROVE** the proposed amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling with the two (2) stipulations recommended by the Planning Commission:

1. Visual drawings for compliant and noncompliant be included to make it self-explanatory.
2. 60% be replaced by "majority of".

25

Motion to Deny

I move that the City Council **DENY** case TA-22-10 a request for a text amendment to Section 10-102 Definitions to revise the definition of a Main Dwelling based on the following findings: (The Council will need to draft appropriate findings.)

26



TEXT AMENDMENT – NEWSPAPER NOTICES *LEGISLATIVE*

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

27

Prior Council Direction

- On June 21st, 2022, the City Council expressed support for removing newspaper public noticing requirements.
- The Council also indicated that they wanted the 500’ radius notices sent out to the public for applications that impact neighboring properties.

28

Background

- 2021 Utah Legislative Update – newspaper noticing requirements removed for the following:
 - General Plan amendments
 - Annexations
 - Adoptions of land use regulations (text amendments and rezones)

29

Proposed Amendment (Version #1)

1. Only updates what was requested by the Council:
 - a) Removes noticing requirements
 - b) Adds the 500’ radius requirement for rezones

30

Proposed Amendment (Version #2)

2. Addresses the concerns of the City Council, removes repeated codes, and references Utah State Code for certain noticing and annexation requirements:
- a) Removes Section 3-617 Amendments to Zoning Code (repeat of Chapter 9 Amendments to Title and Zone Map).
 - b) Removes newspaper noticing requirements from text amendments, rezones, and annexation requests.
 - c) Adds the requirement for a 500' radius notice for rezones.
 - d) Eliminates requirements for annexations that are not consistent with Chapter 2 Part 4 Annexation in Utah Code.

31

Citizen Participation

- Public Hearing Notices
 - Daily Herald
 - State and city websites
 - 3 public places
- No resident correspondence received.

32

Planning Commission Action

- Public hearing held July 26, 2022
 - No public comment
- The Planning Commission voted (6-0) to recommend **APPROVAL** of Version 2 of the proposed amendment.

33

Staff Review

- Annual Cost (calendar year):
 - 2019: \$3,852.98
 - 2020: \$5,601.38
 - 2021: \$4,992.61
 - 2022: \$686.80 to date
- Some of the Highland City Development Code noticing requirements are not compliant with State Code. The proposed amendment addresses these inconsistencies.

34

Motion to Approve

Version 1
I move that the City Council accept the findings and **APPROVE** Version 1 of the proposed amendment to several sections of the Development Code to remove newspaper noticing requirements for certain public hearings.

Version 2
I move that the City Council accept the findings and **APPROVE** Version 2 of the proposed amendment—as recommended by the Planning Commission—to several sections of the Development Code to remove newspaper noticing requirements for certain public hearings.

35

Motion to Deny

I move that the City Council **DENY** case TA-22-11, a request for a text amendment to several sections of the Development Code relating to newspaper noticing based on the following findings: (The Council will need to draft appropriate findings.)

36



IMPACT FEE AGREEMENT WITH KANES & WILY ADMINISTRATIVE

Item 6 - Action
Presented by - Rob Patterson
City Attorney

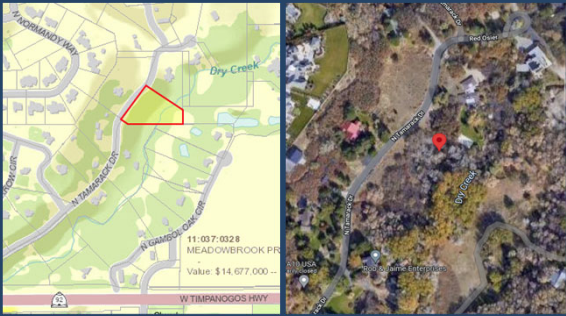
37

Background of Request

- Zachary Wily (owner) and the Kane family (future owners/builders) seek adjustment to their PI impact fee requirements for a single family home in the Bull River subdivision, parcel number 35:075:0002, 11224 North Tamarack Drive
- Lot is 2 acres, but the entire lot is not being landscaped due to HOA restrictions
- Normal PI impact fee is \$33,105.27

38

Vicinity Map



39

Impact Fee Code Requirements

- Utah Code 11-36a-402(1)
 - Cities must provide a mechanism “to adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases” or to adjust “the amount of the impact fee based upon studies or data submitted by the developer.”
- City impact fee ordinances provide that the council can make these adjustments

40

CC&Rs

- Bull River HOA and CC&Rs require HOA approval of landscaping plan and encourage natural vegetation
 - “As much of the natural landscape as possible should be preserved. ... Large areas of lawn extending out to the roads are discouraged.”
 - “Each owner should submit a landscape plan for approval by the committee.”

41

Landscaping Plan

- F. Yard 5,000 sq. ft.
- B.Yard 3,000 sq. ft.
- Landscaping will be mostly grass with some planters in the front and some trees.



42

Agreement Terms

- Uses 2021 PI impact fee of \$0.43/sq. ft. for 14,520 sq. ft., for a total fee of \$6,243.60 (down from 76,989 sq.ft./\$33,105.27)
- Any changes to landscaping that result in more landscaping/water use require additional water exactions and impact fees, assessed per future requirements
- Recorded against property

43

Motions

- Motion to Approve:
 - I move that the City Council APPROVE the Impact Fee Agreement for Lot 10b of the Bull River Subdivision.
- Motion to Deny:
 - I move that the City Council DENY the Impact Fee Agreement for Lot 10b of the Bull River Subdivision.

44



2022 DEBRIS BASIN PROJECT INTERLOCAL COOPERATION AGREEMENT *LEGISLATIVE*

Item 7 – Agreement
Presented by –Andy Spencer
City Engineer/Public Works Director

45

Prior Council Direction

- On June 7, 2022, the Council tabled consideration on this item to allow for more information and background on the debris basin. The supporting information relative to the Debris Basin Administrative Board, and ownership was subsequently distributed to the Council on June 8, 2022.
- On October 15, 2013, the Council approved the interlocal agreement that established the Debris Basin Administrative Board and agreed that maintenance expenses would be shared evenly between the three Cities.
- Reconstruction funds are included in the FY 2023 Budget and were considered in the May 2022 Storm Drain Utility Fee Study

46

Existing AF River Conditions



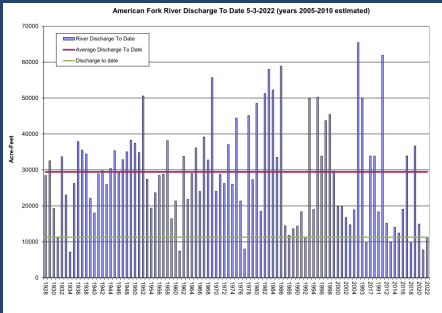
47

Existing AF River Conditions



48

AF River Historic Flow Data



49

Debris Basin



50

Debris Basin – 2019 Conditions



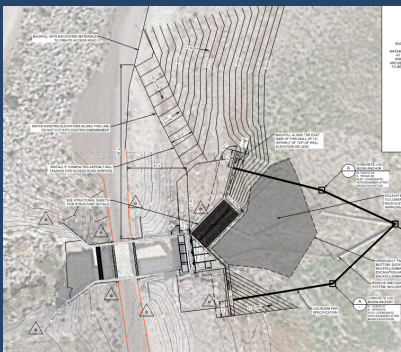
51

Debris Basin – 2022 Conditions



52

Debris Basin – Reconstruction



53

Motion to Approve

- I move that City Council APPROVE the 2022 Debris Basin Project Interlocal Cooperation Agreement and AUTHORIZE the Mayor to sign the document.

54

Motion to Deny

- I move that City Council DENY the 2022 Debris Basin Project Interlocal Cooperation Agreement (City Council to provide appropriate findings and provide further direction to City Staff.)

55



HHC HIGHLAND ADMINISTRATIVE

Item 8 – Minor Subdivision Final Plat
Presented by – Kellie Smith
Planner & GIS Analyst

56

Vicinity Map



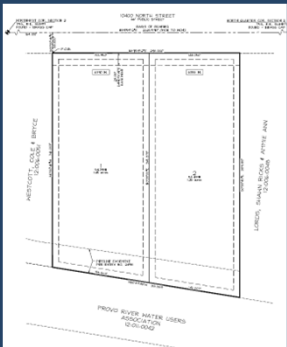
57

Minor Subdivision Process

- Minor – 3 or fewer lots
- Process for preliminary and final plats are simplified and combined
 - Planning Commission – public hearing
 - City Council

58

Proposed Plat



- 2-lot subdivision (1.25 acres each)
- Access from 10400 N
- Parkway Detail – 20' landscape easement

59

Staff Review

- Consistent with R-1-40 & General Plan
- Easements
 - Public Utility Easements
 - Jordan Valley Water Conservancy District
 - United States Bureau of Reclamation
 - Central Utah Water Conservancy District

60

Citizen Participation

- Public Hearing Notices for Planning Commission
 - State and city websites
 - 3 public places
 - 500’ radius notification letters
- No resident correspondence received.

61

Planning Commission Action

- Public hearing held July 26, 2022.
 - No public comment
- Discussion on xeriscaping
 - City Standard allows parkway detail to be “sod, planted grass, or xeriscape.”
- The Planning Commission voted (6-0) to recommend **APPROVAL** of the proposed plat subject to the following stipulations:
 1. The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.
 2. The civil construction plans shall meet all requirements as determined by the City Engineer.
 3. All public improvements shall be installed as required by the City Engineer.
 4. The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD).

62

Motion to Approve

I move that the City Council accept the findings and **APPROVE** the HHC Highland subdivision plat subject to the four (4) stipulations recommended by the Planning Commission.

1. The recorded plat conforms to the final plat date stamped July 5, 2022, except as modified by these stipulations.
2. The civil construction plans shall meet all requirements as determined by the City Engineer.
3. All public improvements shall be installed as required by the City Engineer.
4. The plat shall meet all requirements as determined by the Jordan Valley Water Conservancy District (JVWCD), the United States Bureau of Reclamation (USBR), and Central Utah Water Conservancy District (CUWCD).

63

Motion to Deny

I move that the City Council **DENY** the HHC Highland subdivision plat based on the following findings (The Council will need to draft appropriate findings).

64



HIGHLAND TOWN PLAZA PARKING CONFIGURATION ADMINISTRATIVE

Item 9 – Action
Presented by – Kellie Smith
Planner & GIS Analyst

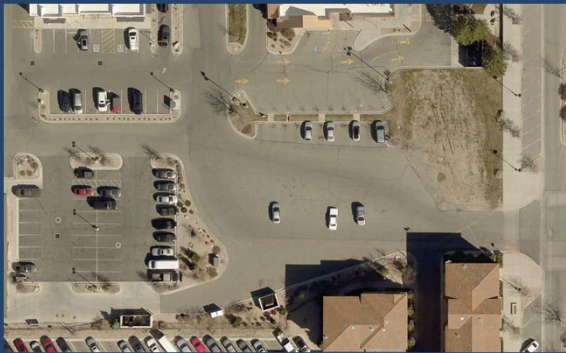
65

Prior Council Direction

- March 30, 2021 – Site Plan, Final Plat, and property surplus continued
- April 20, 2021 – Site Plan and Final Plat approved with this stipulation:
 - *The developer will install a new parking configuration south of Wendy’s with striping only for parking stalls and south-end landscaping islands. South-end landscaping islands will be installed when Pad 3 is constructed.*

66

Existing Parking Lot



67

Discussion

- WPI is requesting to adjust the parking configuration presented to the Council

68

Option 1 – original proposal



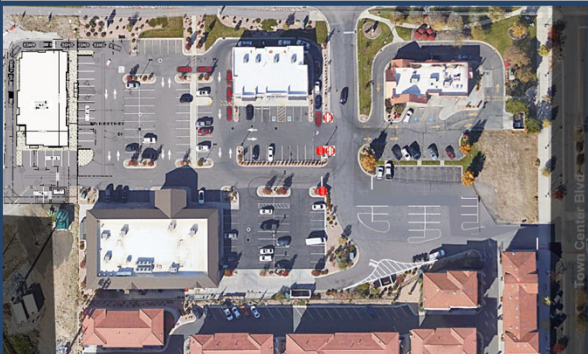
69

Option 2 – restripe existing



70

Option 3 – stripe southern half of original



71

Motion to Approve

I move that the City Council **APPROVE** [Option 2, or Option 3] for the parking configuration south of Wendy's.

72

Motion to Deny

I move that the City Council **DENY** the request to modify the approved parking configuration as presented in Option 1.

73



PRIORITIZATION OF ENCROACHMENT POLICY ENFORCEMENT *LEGISLATIVE*

Item 10 – Action
Presented by – Kellie Smith
Planner & GIS Analyst

74

Prior Council Direction

- July 19, 2022 – City Council adopted an Encroachment Policy and Maintenance Agreement.
 - The Council directed staff to bring the item back to the Council at the August 2nd meeting for staff to receive direction on which areas to begin with enforcing encroachment

75

Encroachment Types

- Most egregious
- Conservation easements
- Along trails
- Parks/other City-owned land

76

Motion

I move that City Council direct staff to prioritize the following encroachments: (The Council will need to determine whether to prioritize by neighborhood, encroachment type, or specific encroachments).

77



HIGHLAND GLEN PARK PAVILION IMPROVEMENTS *ADMINISTRATIVE*

Item 11 – Construction Contract
Presented by – Andy Spencer
City Engineer/Public Works Director

78

Prior Council Direction

- In a prior City Council meeting while discussing improvements at Highland Glen Park, Councilman Smith asked the question as to what can be done to address the missing rocks that have fallen off the pavilion wall.

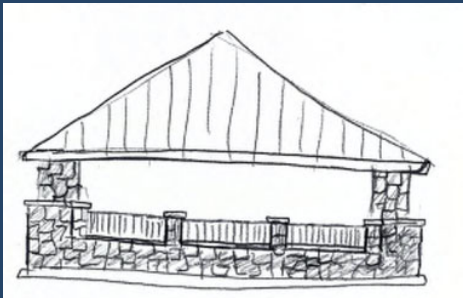
79

Existing Conditions



80

Proposed Solution



81

Funding

- The cost of this proposed project is \$16,995.00. Funding for this expense was not included in the FY23 Budget. As this expenditure was not included in the Budget, it will need to be funded by the Parks Capital Fund Balance GL 40-40-80 (Highland Glen Park Improvements) and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council. Using \$16,995 from the Parks Capital Fund for this project would still allow enough funds for the Parks Bond payment as well as the planned funding for Mountain Ridge Park.

82

Motion to Approve

- I move that City Council approve a construction contract with LGL Construction in the amount of \$16,995.00 for the repairs of the Highland Glen Park Pavilion.

83

Motion to Deny

- I move that City Council DENY the construction contract with LGL Construction. and City Council will provide City Staff with further direction for the repairs of the Highland Glen Park Pavilion

84



MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

12a.

Trail Maintenance Plan – *Andy Spencer, City Engineer/Public Works Director*

12b.

Highland Fling Update – *Mayor Kurt Ostler*

12c.

Future Meetings

- August 10, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 16, City Council Meeting, 7:00 pm, City Hall
- August 23, Planning Commission Meeting, 7:00 pm, City Hall
- September 6, City Council Meeting, 7:00 pm, City Hall
- September 14, Lone Peak Public Safety District, 7:30 am, City Hall
- September 20, City Council Meeting, 7:00 pm, City Hall
- September 27, Planning Commission, 7:00 pm, City Hall

85



CLOSED SESSION

The Highland City Council has recessed the regular City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

The regular City Council meeting will adjourn immediately following the ending of the closed session.

86



HIGHLAND CITY

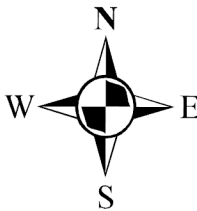
Open_Space_Encroachment Maintenance_Agreement

- Expired & Encroaching
- Not Expired & Encroaching
- Expired & Not Encroaching
- Not Expired & Not Encroaching
- Encroachment

TaxParcles_3_19_20

TaxParcles_3_19_20

1. North





Maintenance_Agreement

- Expired & Encroaching
 - Not Expired & Encroaching
 - Expired & Not Encroaching
 - Not Expired & Not Encroaching
 - Encroachment

 TaxParcles_3_19_20

2. Northeast





HIGHLAND CITY

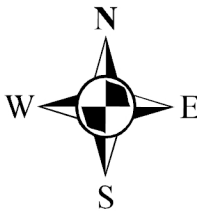
Open_Space_Encroachment
Maintenance_Agreement

- Expired & Encroaching
- Not Expired & Encroaching
- Expired & Not Encroaching
- Not Expired & Not Encroaching
- Encroachment

TaxParcles_3_19_20

TaxParcles_3_19_20

3. Southeast





HIGHLAND CITY

Open_Space_Encroachment

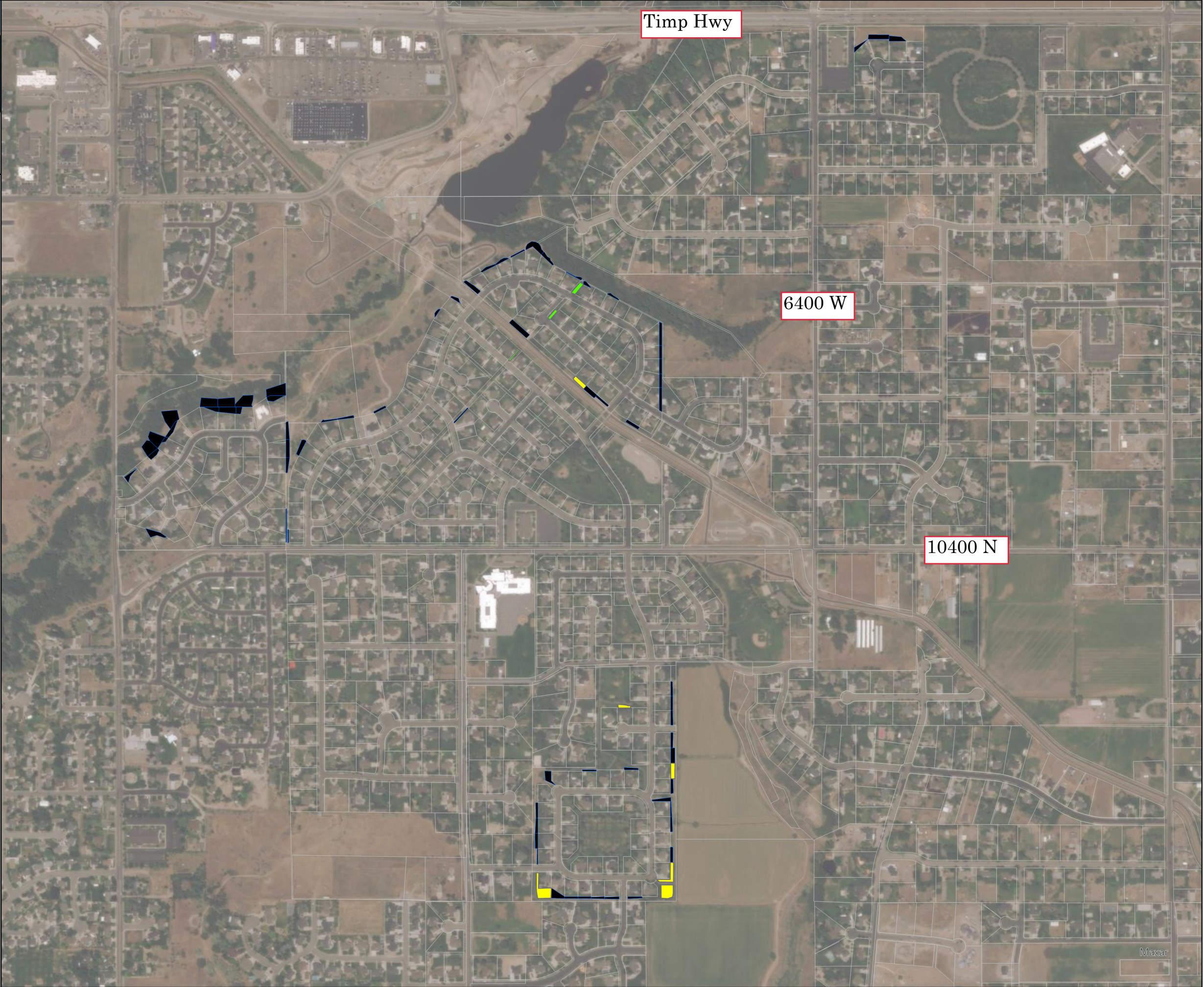
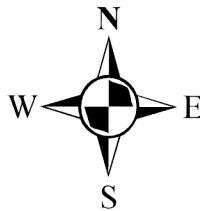
Maintenance_Agreement

- Expired & Encroaching
- Not Expired & Encroaching
- Expired & Not Encroaching
- Not Expired & Not Encroaching
- Encroachment

TaxParcles_3_19_20

TaxParcles_3_19_20

4. Southwest



Open Space Maintenance Agreements (not encroachments)

Subdivision	Lot No	Address	Contracted Owner	Date Entered Into	Renewal Application	Date Expire	Location of Open Space	Can't Be sold Reason	Description of Improvements	Notes	Square Footage of Lot (to PI Lot Size (Casselle)	Present owner	Renewal Notice Sent
Beacon Hills Subdivision													
Beacon Hills	4	12306 Timberline Drive	Doug & Michelle Cunningham	10/6/2008	N/A	05/01/16/14	East of property		Grass and trees/bushes	Agreement states grass will be removed when trail is improved	36 acres=15,6816 sq ft	18,717 sq ft	
Beacon Hills	12	12412 Timberline Drive	Michael Jermolait	6/14/2009	N/A	05/01/16/16	east of property		Grass and trees/bushes	Agreement states possibility an asphalt trail will be in this location	379 acres=16,509,24 sq ft	18,717 sq ft	
Beacon Hills	12	12532 N Timberline Drive	Daniel & Susan Gies	6/10/2009		05/01/16/16	East of property		grass		4 acres=16,424 sq ft	18,717 sq ft	
Beacon Hills	613	12379 N Light House Dr	Thad & Sara Abbott	7/7/2020		7/7/2030	West of property	Main City Water Line	Grass, Sprinkler, and Garden Beds	Stipulations: 1) conforms to plan submitted 5/26/20 2) No trees in open soa	1970 sq ft		
Beacon Hills	304	5995 W Highland View Dr	LaMarr	7/7/2020		7/7/2030	West of property	Main City Water Line	Grass and Sprinkler	Stipulations: 1) conforms to plan submitted 7/2/20 2) installation of the sprinklers approved by parks super 3) no trees permitted 4)city shall identify the placement of the			
Canterbury Circle													
Canterbury Cir	1	0646 N 6000 W	Brian Sargent	5/4/2011	N/A	05/01/16/16	East of property		grass & planter boxes	Agreement -tramp must be on private prop. & garden flush w ground	31 acres=13,503.6 sq ft	13,547 sq ft	Brian Sargent c/o
Canterbury Cir	4	5947 W 9700 N	Kenneth Mardock	9/27/2011	N/A	05/01/16/16	South of property		grass	Now owns this open space -13 acres=5,662.8 sq ft -still paying \$20 fee	21 acres=9,147.6 sq ft	9,278 sq ft	
Canterbury Cir	5	5943 W 9700 N	Christopher Taylor	3/15/2011	N/A	05/01/16/16	South of property		grass & trees		29 acres=9,562.2 sq ft	9,562 sq ft	Ronald Lindsay
Canterbury Cir	2	5932 W 9700 N	Michael Beck	05/01/16/16	N/A	05/01/16/16	South of property		grass&tree&garden&concrete		29 acres=9,562.2 sq ft	9,562 sq ft	
Canterbury Cir	6	5873 W 9700 N	Joseph Allen	12/4/2010	N/A	05/01/16/16	South of property		grass,tree&garden		204 acres=13,242.24 sq ft	13,242 sq ft	
Canterbury Cir	3	0712 N Canterbury Park Cir	Stan Phillips	3/7/2011	N/A	05/01/16/16	South of property		flowerbed&tree&garden	Looks like no improvements have been made - shed and cart	3 acres=13,068 sq ft	13,242 sq ft	
Canterbury Cir	10	0728 N Canterbury Park Cir	Dwight Hansen	2/14/2010	N/A	05/01/16/16	SE of property		grass	0801 N 6520 WEST	2 acres=12,068 sq ft	12,107 sq ft	Richard Henderson
Canterbury Cir	11	0748 N Canterbury Park Cir	Dave Hall	2/7/2011	N/A	05/01/16/16	East of property		playarea&garden&tree&shed	agreement states no play equipment	28 acres=12,106.8 sq ft	12,107 sq ft	
Canterbury Cir	12	0766 N Canterbury Park Cir	Gamille Saari	4/12/2011	N/A	05/01/16/16	East of property		tree&playarea&garden	agreement states no play equipment or concrete	278 acres=11,030 sq ft	11,030 sq ft	
Canterbury Cir	13	5845 W Canterbury Park Cir	Tracy Worthington	3/15/2011	N/A	05/01/16/16	East of property		tree&garden&grass		339 acres=14,312.4 sq ft	14,331 sq ft	David Johnson
Canterbury Cir	14	5845 West Canterbury Park Cir	Doug Johnson	N/A	N/A	05/01/16/16	NE of property		grass&tree				
Canterbury North													
Canterbury N	68	6683 W Canterbury Lane	Scott & Jennifer Hansen	5/6/2021		5/6/2031	South of property	Asphalt trail	trees (one tree died and was removed)		29=12,632.4 sq ft	12632 Sq Ft	3/3/2021
Canterbury N	138	6756 West Canterbury Lane	Randy & Kerry Stenson	11/4/2017		11/4/2027	NE of property	Asphalt trail	cobble, trees				
Canterbury N	173	6696 W Avery Ave.	Russell & Debbie Skousen	6/14/2010		4/15/2031	NW of property	Asphalt trail	grass, trees	need to maintain area between curb&trail,repair damage to sprinklers	24=10,454.4 sq ft	10,629 sq ft	3/31/2021
Canterbury N	156	6666 W Canterbury Dr.	Jarrod & Karen Hunt	2/20/2018		2/20/2028	W of property, trail section	Water line	grass, bark or cobble stone, sprink	Agreement states that there shall be no berm.	3707.74 sq ft		
Canterbury N	187	6649 W Avery Ave	Theodore H Sir III	12/15/2018		12/15/2018	SW of property	CAN BE SOLD	grass	slated for future trail, no structures allowed on location	319 =13,895.64 sq ft	13896 sq ft	8/22/2018
Canterbury N	189	6673 Avery Ave	Richard Farr	1/14/2019		1/14/2019	SW of property	CAN BE SOLD	grass, trees		32=13,939.2 sq ft	13,896 sq ft	8/22/2018
Canterbury N	398	6602 W Avery Ave	Bryon & Jenny Stinson	10/12/2008		10/12/2018	SW of property		grass&tree		28=12,022.2 sq ft	14,332 sq ft	8/22/2018
Canterbury N	398	6749 Canterbury Dr.	Jeff & Marcee Kitchen	12/15/2008		12/15/2018	South of property	12064 n granob	grass, trees	slated for a trail, so trees could be removed etc.	44=19,166.4 sq ft	19,166 sq ft	8/22/2018
Chambers Fields													
Chambers F.	110	6075 W Chambers Way	Aaron Searle	3/31/2021		3/31/2031	South of property	RMP Lines - future trail	Grass, flower bed, tress		2,625 sq ft		
Chambers F.	111	6059 W Chambers Way	Shane & Kaylee Manwaring	7/7/2020		7/7/2030	South of property	RMP Lines - future trail	Grass, Trees, oradino the propert	Stipulations: 1) conforms to plan submitted 5/25/2020. 2) installation of the	6,156 sq ft		
Chambers F.	115	12034 N Grenoble Way	Chris & Amy Cottle	5/2/2017		5/2/2027	East of property	Water line	garden, trees,stone pathway	structures are in open space area,also a trampoline	301=13,111.56 sq ft	13,112 sq ft	Chris and Amy Cottle
Chambers F.	116	12024 N Grenoble Way	Robert & Jennifer Scott	9/20/2011		9/20/2021	East of property	Water line	grass,trees		3=13,068 sq ft	13,068 sq ft	
Chambers F.	117	12010 N Grenoble Way	Milton & Violet Brown	8/4/2011		8/4/2021	East of property	Water line	grass,trees, sprinklers		312=13,590.72	13,590 sq ft	
Chambers F.	118	6037 W Chambers Way	Adam Stevenson	9/29/2011		9/29/2021	South of property	RMP Lines - future trail	grass, trees		39=19,988.4	17,163 sq ft	
Dry Creek Bench													
Dry Creek Bench	5	6337 W Bull River Road	Garrett Lyman	3/30/2008	9/27/2018	9/27/2028	South of property		grass&tree	improved before contract	424=18,469.44	18,469 sq ft	8/22/2018
Highland Hills													
Highland Hills	55	18862 Jupiter Cir	Nathan & Brionne Ellison	9/30/2007	N/A	05/01/2018	East of property		grass		014=6,008	6,220 sq ft	8/22/2018
Highland Hills	45	18805 Athens Drive	Colby & Morgan Sudmore	9/24/2007		9/23/2017	West of property		grass		15=6,524	6,528 sq ft	8/22/2018
Highland Hills	17	18669 N Athena Drive	Leo & Maryanda Tomasas	7/7/2007	10/2/2018	10/2/2028	SW of property		grass		147=6,403.32	6,403 sq ft	8/22/2018
Viewpoint													
Viewpoint	219	11266 N Shoreline Drive	Steven & Kathryn Davis	3/19/2017		3/19/2017	East of property		grass	property abuts federal land,no waste material on fed. Land	21=9,147.6	9,191 sq ft	8/22/2018
Dry Creek Bench	549	4188 W Park Drive	Andrew & Deborah Ryan	4/26/2007		4/26/2007	South of property		grass&tree&bushes	abuts to federal land	2=8,712	8,720 sq ft	8/22/2018
Viewpoint	405	4232 W Park Drive	Ginger Ford	6/10/2010		6/10/2020	South of property		grass, trees		2=8,712	8,712 sq ft	3/31/2021
Viewpoint	119	4071 W Park Cir	Robert Boyer	6/8/2010		6/8/2020	South of property	Open Space/park	grass, trees,flower bed	flower beds not allowed	26=11,325.6	11,195 sq ft	3/31/2021
Wimbleton													
Wimbleton	4	6608 W 10200 N	Marilyn Quimette	5/31/2011		5/31/2021	North of property	Open Space/trail	grass	grass	32=13,939.2	13,939 sq ft	
Wimbleton	21	6705 W 10050 N	Boyd Timothy	3/29/2011		3/29/2021	SW of property	Detention Basin	grass & trees		278=12,109.68	12,110 sq ft	
Wimbleton	28	6581 W 10030 N	Rob&Ginger Harris	3/28/2011		3/28/2021	S&E of property	Detention Basin	grass,trees, garden		28=12,196.8	12,110 sq ft	
Wimbleton	29	10036 N 6580 W	Mark&Lois Ricks	5/4/2011		5/4/2021	East of property	Trail	grass&trees		3=13,068	13,199 sq ft	3/31/2021
Wimbleton	48	10142 N 6580 W	Ed&Laurel Dennis	5/31/2011		5/31/2021	West of property	Trail	grass&trees	There is a structure on the open space-looks like a garden	32=13,939.2	13,809 sq ft	
Windsor													
Windsor	203	9878 Coventry Court	Russell Johnson	6/17/2007		6/17/2017	East of property	Open Space/trail	grass&trees		28=12,196	12,066 sq ft	8/22/2018
Windsor	212	9912 N Yorkshire Court	Kurt Forsberg	4/23/2007		4/23/2017	East of property	Open Space/trail	grass&trees		37=15,117.2	16,074 sq ft	8/22/2018
Windsor	215	9897 N Yorkshire Court	Matthew Walbrugh	9/23/2018		9/23/2018	South of property		grass&trees		3=13,068	13,199 sq ft	8/22/2018
Windsor	31	5568 Kensington Circle	Mark & Karen Pugmire	7/12/2007		7/12/2017	West of property		grass&trees				8/22/2018

Green
Yellow
Orange
Red
Strikethrough

Not expired & NOT encroaching
Expired & NOT encroaching
Not expired & encroaching
Expired & encroaching
SOLD