



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, October 18, 2022

Approved December 6, 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 Timothy A. Ball

Pledge of Allegiance – Council Member Scott L. Smith

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 Timothy A. Ball and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Wesley Warren, Mike Kennedy, Gordon Cottle, Jackie Nostrom, Audrey Moore, Chris Howden, Sophia Thompson, Blake Leonelli, several members of the Highland City Youth Council

1. UNSCHEDULED PUBLIC APPEARANCES

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

There were none.

2. PRESENTATIONS

a. Youth Council Report - *Youth Council Representative*

A member of the Youth Council will report on their recent and upcoming activities.

Sophia Thompson, Government Chair of the Youth Council, reminded the Mayor and Council of the Trick or Treat street event next week. She then noted that applications are now being accepted to be a part of the Youth Council next year; the deadline to submit an application is October 27. She concluded the Youth Council is getting ready for its retreat in January.

b. Waste Management Presentation to Youth Council – *Blake Leonelli, Waste Management*

Blake Leonelli from Waste Management will present a special award to the Highland City Youth Council.

Blake Leonelli presented an award to the Youth Council Mayor, on behalf of the entire Youth Council, for their work in the community. He presented the Youth Council with a \$2,500 check.

c. Certified Municipal Clerk Recognition – *UMCA President Jackie Nostrom*

UMCA President Jackie Nostrom will recognize City Recorder Stephannie Cottle for achieving the Certified Municipal Clerk designation.

Jacki Nostrom, President of the Utah Municipal Clerks Association (UMCA), presented Highland City Recorder Cottle with a plaque signifying Ms. Cottle's Certified Municipal Clerk (CMC) designation. In order to achieve the CMC designation, Ms. Cottle has undergone 240 hours of in-class course work and earn an additional 50 experience points. The CMC is considered to be the equivalent of earning an associate's degree in the field. Ms. Cottle could not have earned this certification without the support of Highland City leadership.

Ms. Cottle thanked the Mayor, City Council, and City Administration for their support and allowing her to pursue training. She feels the education she has received is very important and will benefit Highland City.

d. Legislative Updates – *Senator Mike Kennedy*

Senator Kennedy will present information on current legislation which may have an impact on Highland City.

Senator Kennedy provided the Mayor, Council, City staff, and those visitors in attendance with information about the lawsuit against Pleasant Grove relating to that city charging fees rather than taxes for municipal services. The case is currently with the supreme court, and he does not know what the outcome will be; if the decision is made that the fee is a tax, that decision could have impacts on other municipalities in the State. He then discussed land use issues, with a focus on recent legislation that has contemplated land use regulation being handled by the State rather than local cities. He finds it to be very disturbing that the state and even federal government agencies are seeking to control local land use and he is deeply invested in protecting cities' rights to make their own decisions. He invited the Mayor, Council, and public to provide any feedback they have regarding legislation that the Utah Legislature will be considering in the upcoming legislative session. He stated his main focus in healthcare and human services, but he is willing to get involved in researching any type of bill that will be presented to the legislature.

Assistant City Administrator Wells stated that one thing she has been talking with the City's Justice Court Judge about is the recommendation to add a division court, which would eliminate much of the work performed by justice courts; she noted she would be interested in hearing Senator Kennedy's ideas on that matter. Senator Kennedy stated that he has not heard any information on that matter, but he will look into it and would like to hear the opinion of City Administration. Ms. Wells stated that Justice Courts provide service to local residents, and she would hate to see that service shifted to another court level, which could create a burden for residents.

Council Member Smith referenced Senator Kennedy's comments about land use; Highland has been very interested in limiting extensive high-density housing in the community, but many at the state level are being urged to place mandates on cities to require even more high-density housing. He asked for Senator Kennedy's support in helping Highland to get the state legislature to 'back off' on that matter. He and many others are concerned about the unintended consequences of allowing too much high-density housing in the community. Senator Kennedy agreed; he feels that northern Utah County has its share of high-density housing, even though developers want more, and they have the means to hire lobbyists that will continue to push the legislature. This led to high level discussion among the Mayor, Council, and Senator Kennedy about the various types of land uses already permitted in Highland; Highland City is trying to address the demand for housing through providing multiple types of housing products, not just high density.

Council Member Smith asked about the billion-dollar surplus in the State's budget this year. Senator Kennedy stated a majority of that is related to the State's receipt of American Rescue Plan Act (ARPA) funds, but there are many regulations attached to that money. He noted that while the State currently has a budget surplus, it is projected that the economy will flatten out and the surplus will not be available for long. He stated he feels it is appropriate to begin to prepare for an economic downturn.

Council Member Rodela referenced the Pleasant Grove lawsuit and asked if there is anything Highland should be doing in terms of evaluating its fees and taxes. Senator Kennedy stated that when implementing fees, it is important to ensure that the product or service received is harmonious with the fee charged. He stated it does not make sense to institute a road fee because it is not easy to communicate the amount of road that can be built or maintained with the fee paid by each household. The formula used to determine the Pleasant Grove fee was complicated that is likely what has led to this lawsuit. He stated that if cities are going to levy fees for services, he feels that should be done through taxation because it is more transparent. He stated he knows that taxation is difficult and increasing tax rates is painful, but he prefers taxes over problematic fees.

Mayor Ostler thanked Senator Kennedy for always being so responsive and representing Highland City. Senator Kennedy thanked the Mayor and Council for their time and stated he looks forward to seeing them throughout the upcoming legislative session.

e. Xeriscaping and Waterwise Code – *Chris Howden, Planning Commissioner & Kellie Smith, Planner & GIS Analyst*

Chris Howden, Planning Commissioner, will present a proposal for an amendment regarding xeriscaping in the City. Kellie Smith, Planner & GIS Analyst, will present an update on communications with Central Utah Water Conservancy District.

Planning Commissioner Howden discussed the Commission's recent focus on landscaping regulations for park strips throughout the City; currently the City allows either grass or xeriscaping in park strips, but the Commission is proposing that xeriscaping be mandatory in park/planter strips and in parkway details in all zones.

Council Member Smith asked if this would apply to new development or existing landscaping as well. Commissioner Howden stated that the mandate would only apply to new construction, but existing homeowners would also have the choice to rip out their grass/landscaping and install xeriscaping instead. He then presented examples of xeriscaping projects that have been completed in the community, after which he noted that along with amending the City's landscaping ordinance, it would be necessary to amend the City's General Plan as well. This led to high level philosophical discussion among the Mayor, Council, Commissioner Howden, and Commissioner Moore regarding whether an exemption to such a xeriscaping mandate should be provided; the importance of xeriscaping design to avoid 100 percent rock xeriscaping; input from the Central Utah Water Conservancy District (CUWCD); including some vegetation/greenery in a xeriscape design; opportunities for encouraging or incentivizing landscape conversions rather than issuing a mandate. The Mayor and Council

indicated they desire for the City to lead by example by using xeriscaping in public spaces where possible; they concluded they do not want to issue a strict mandate but would like to consider ordinance amendments that encourage and provide for developers or individual homeowners to install xeriscaping in their park strips. They emphasized they like xeriscaping designs that include a certain amount of vegetation rather than 100 percent rock/hard surface. City Administrator Wells indicated City Administration will work with the Planning Commission to prepare a recommendation for the Council to consider.

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** *General City Management - Stephannie Cottle, City Recorder*
Regular City Council Meeting – September 6, 2022
- b. City Administrator Contract** *General City Management - Mayor Kurt Ostler*
The City Council will consider an employment contract for City Administrator Erin Wells. The Council will take appropriate action.
- c. ACTION: Amendment of Encroachment Policy** *General City Management - Rob Patterson, City Attorney*
The City Council will consider an amendment and update to the City's existing Encroachment Policy in order to remove the requirement to mail the policy with notices of encroachment. The Council will take appropriate action.

Mayor Ostler asked to pull item 3b from the consent agenda; he noted that the agenda item will be brought back before the Council at their next meeting. He stated that the City has chosen Interim City Administrator Erin Wells to serve as the City Administrator, but negotiations regarding her employment contract have not yet been completed.

Council Member Smith asked to pull item 3c from the consent agenda.

Council Member Kim Rodela MOVED that the City Council approve consent items 3a approval of meeting minutes.

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.

Council Member Smith addressed item 3c; he does not want to send the entire encroachment policy to residents, but he is concerned that the letter about the policy is confusing. Before more letters are delivered, he would like

for the Council to have the opportunity to look at a City map again to consider prioritization of open space/areas of encroachment for which the City will send letters to residents in the future. Planner and GIS Analyst Smith stated the letter was sent to the Highland Hollows area only. Council Member Smith stated he understands but asked if the new policy totally eliminates a resident's ability to purchase property. Mayor Ostler stated that is the case in Highland Hollows area; there are only 10 homes that are encroaching, and those residents have the option of entering into a maintenance agreement with the City to continue to encroach on the property. However, there are two properties in that area that he feels could be sold at the benefit of both the City and the residents.

Council Member Smith then read a paragraph from the letter that was sent to Highland Hollows to communicate the reason that he feels the letter is confusing; he does not feel that the options available to residents are clear and it appears there are contradictions within the letter regarding maintenance agreements. The Council and staff discussed plans for existing and future maintenance agreements and the term of those maintenance agreements.

Council Member Kim Rodela MOVED that the City Council approve consent item 3c.

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.

Mayor Ostler asked to move to Communication Item 5a on the agenda.

a. Report on Encroachment Policy Enforcement – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith reported that letters were sent to nine Highland Hollows residents on September 29. The subdivision plat for Highland Hollows includes conservation easements on private property, but residents were specifically asked to address encroachment onto City property. She met with City Engineer/Public Works Director Spencer as well as Parks Superintendent Castleberry to discuss remediation plans and expectations of residents and an outline of those expectations was included in the letter. She has since had communications with three residents and staff have met with two of them on-site to help them understand how to mitigate the encroachment. She then reported on lessons learned through this process:

- The replacement of grasses/shrubs/trees may take several years;
- The growth will need water (sprinklers);
 - Option 1: have residents remove the sprinklers; seed would take approx. 4 years to grow
 - Option 2 (preferred): allow residents to keep sprinklers until seed is established (approx. 1 year); Staff would follow-up annually until seed is established and then cut and cap the lines
- Finances/cost of removal;
- Equipment that needs to be used to take out improvements; do we let them use the city property to access. Possible trail option to access the property;
- Remove ALL improvements? What's the goal?

She then stated the next steps are to attempt to communicate with the other six residents that have not yet responded to the initial letter; after October 29, the City will send a follow-up letter and perform site visits.

The Mayor and Council engaged in discussion with staff regarding individual properties in the Highland Hollows subdivision, with a focus on the types of improvements that have been completed in the encroachment areas; some properties contain permanent structures while others only contain grass/minor landscaping improvements. Mr. Spencer discussed potential liability on the part of the City if some improvements, such as stairs that have been installed from a private property to the public trail, are allowed to remain. Council Member Smith stated that he understands that it is important to prevent and address illegal encroachment, but he is concerned about the financial burden of requiring some residents to remove costly improvements. He stated he wants to try to strike a compromise whenever possible. Mr. Spencer stated he believes City Administration agrees; some of the properties where encroachments have occurred are very beautiful and pleasing to any member of the public who may be viewing the property from a public open space area. Council Member Petersen agreed that encroachments should not have happened, but she wants to try to be flexible and work with residents to help achieve mitigation of the encroachments. She suggested that properties be considered on a case-by-case basis and noted she is willing to consider any recommendation from staff. She stated that it is difficult to put staff in the position of making a decision about what improvements benefit the City and should be allowed to stay. She noted that she thinks it is appropriate to consider a penalty that can be imposed against those who are unwilling to engage with the City in response to the encroachment letters that have been sent. Mayor Ostler engaged City Attorney Patterson in discussion about the method of penalizing a resident who fails to respond. Mr. Patterson stated that the City could issue administrative citations or utilize City resources to correct the encroachment and bill the property owner for that work. If the City wants to force the resident to remove the improvements, a lawsuit may be necessary. Council Member Petersen stated that she supports administrative fines before taking legal action. She would like to be fair and impose the same regulations to all properties from which encroachment has occurred.

Council Member Smith asked if a Code Enforcement Officer can handle this issue or is it necessary for Ms. Smith, Mr. Spencer, and Mr. Castleberry to be engaged in site visits. Ms. Smith stated that Mr. Spencer and Mr. Castleberry have been involved because of their expertise in modifying and designing landscaping and other property improvements. She added that the Code Enforcement Officer was asked not to engage in enforcement in the Highland Hollows subdivision because he lives there and that could be a sensitive issue for him. She stated that in the future, the matter will be handled through Code Enforcement.

City Administrator Wells attempted to summarize the direction given by the Council; she understood they would like for the City to be flexible in working with residents who will need to pursue major costly adjustments to their property to correct encroachments. Additionally, sprinklers can be left on the property to provide a water source to establish new seed on the City property; and, improvements that benefit the City will be allowed to stay. Additionally, encroachment issues will be handled by Code Enforcement in the future and if residents fail to respond, the City will begin to assess fines, the nonpayment of which would lead to collection and other legal options.

Discussion shifted briefly to whether this type of process could be applied to other types of damage done to City property, namely vandalism/graffiti or driving motorized vehicles in open spaces. Council Member Petersen recommended that the City erect signs that prohibit four-wheelers and other types of off-road vehicles on City open space. Mayor Ostler stated he wants to follow up with the Police Department to determine their ability to respond to these kinds of instances when they are noticed by residents.

Council Member Ball asked if there is any type of opportunity for a resident to assert they have a prescriptive easement for property upon which they have encroached. Mr. Patterson stated he does not believe that would be a valid claim, but someone has done so in the past and it had to be litigated. The resident who made the claim received a favorable outcome, but the City did not believe it was a good claim. He noted that most important in protecting the City from legal recourse is to be fair and consistent in terms of code enforcement and addressing encroachments.

Ms. Smith then indicated there are four different types of maintenance agreements in place in the City:

- **Type 1** – No expiration; 90-day notice
- **Type 2** – Renews automatically every 2 years; 12-month notice before anniversary date of the agreement
 - Sent out expiration notices
- **Type 3** – 10 years; expires upon notice
- **Type 4** – 5 years; expires upon notice

Administration feels an appropriate goal is to transition all existing maintenance agreements to type four; those with type two maintenance agreements have been sent a letter to communicate the expiration date of their agreement and asking the resident to communicate any additional improvements to the property that should be addressed in a new maintenance agreement. She added that based upon the Council's adoption of a new policy, if residents enter into a new agreement, they will need to meet requirements of the new policy, which includes a limit of 2,500 square feet of irrigable space. Mayor Ostler stated that some residents have existing maintenance agreements that have allowed more than 2,500 square feet of irrigable space; some residents have spent extra money on these improvements. Council Members Rodela and Smith indicated they feel these improvements should be grandfathered under a new agreement. Council Member Petersen stated she is comfortable grandfathering so long as the resident met their original agreement. Council Member Ball agreed with Council Member Petersen.

Mayor Ostler then wondered if the Council needs to consider amendments to the policy based upon tonight's discussion. Mr. Patterson stated that Administration can consider that question after the meeting; he believes that the policy allows for exceptions to be made based upon special terms or conditions. All Council Members indicated they are comfortable amending the policy to include a grandfathering clause for those moving to a new maintenance agreement.

4. ACTION: FINAL PLAT UPDATES - RIDGEVIEW PLAT F, PLAT G, AND PLAT J *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public meeting to consider a request by Lennar Homes, Ivory Development, and David Weekley Homes for an adjustment to Ridgeview Plats F, G, and J to dedicate the property along 10100 N as Highland City right-of-way. The Council will take appropriate action.

Planner and GIS Analyst Smith explained on May 21, 2019, the property was rezoned as a Planned Development (PD) district. On November 9, 2021, the City Council approved the preliminary plat for Pod B subject to nine stipulations. The preliminary plat included a total of 424 residential units, two roads (Featherstone Drive and Dorado Way), and the park. The City Council approved the final plats for Plat F and Plat G and June 21, 2022. Ridgeview Plat J was approved on September 20, 2022. Highland City is maintaining the landscaping along North County Blvd and 10100 N. All interior landscaping and landscaping along Canal Blvd will be maintained by the HOA. During the civil review process, it was brought to staff's attention that the property between the Development's fence on 10100 N and the sidewalk was reflected as HOA owned on each of the final plats approved by the City Council. The property from the sidewalk north is City right-of-way. She then summarized the request:

1. The proposed adjustment to the plats is to include the property between the HOA's fence and the sidewalk as City right-of-way.
2. A cross-section was added to each plat clarifying that the fence along 10100 N is HOA maintained.

Staff has found that the subdivision plat is consistent with the Ridgeview PD Zoning District, and it conforms to the Development Code as applicable. It is staff's preference that the property we maintain be City right-of-way rather than privately owned. Staff recommends the City Council accept the findings and approve the final plat adjustments to Ridgeview Plats F, G, and J subject to the following stipulations:

- The recorded plat shall be in substantial conformance with the final plat dated October 11, 2022, except as modified by these stipulations.
- All stipulations of the original final plat approvals be met.

Council Member Smith addressed the landscaping on North County Boulevard, specifically the areas with grass that will need to be mowed by the City. He asked for City Engineer/Public Works Director Spencer's opinion on that design; there will be patches of grass and it will be labor intensive for the City to maintain it. Mr. Spencer stated that the blended landscaping plan matches the existing aesthetic in the area and there is some thought that the existing aesthetic should be continued. However, from the maintenance perspective, it will be difficult to maintain. Council Member Smith stated that landscaping has not been installed from Canal Boulevard to the north and he wondered if there is an opportunity to develop a new aesthetic to decrease the maintenance burden on the City. Ms. Smith stated she believes The Boyer Company may be open to that type of recommendation.

Council Member Petersen asked why the City cannot require the HOA to maintain the landscaping. Ms. Smith stated that she reviewed the development agreement for the project and landscape maintenance is not outlined in that agreement; for this reason, the City has not attempted to require them to maintain the property. Mayor Ostler stated the City does not own the property. The HOA owns it and even though the agreement does not specify such, they should maintain it. He wondered why the City would be so willing to take on that maintenance burden. City Administrator Wells stated that there is no agreement that calls out who is responsible maintaining the property; one thing the applicant has pointed out is that the area is the entrance to the Highland Glen Park, and it may be beneficial and more cohesive for the City to handle the maintenance of landscaping on both sides of the street. Mayor Ostler stated that the City owns the park strip in front of his home, but the City does not maintain it; the same is true for all other properties in the City and he wondered why this particular property owner is being treated differently.

Council Member Smith stated the developer is installing the park strip between the street and sidewalk as well as other improvements up to the fence; the developer wants to the City to maintain everything from the fence to the street. Ms. Smith stated that is correct. Council Member Smith asked if the City requires other property owners to maintain that area. Ms. Smith stated that technically everything inside a fence is maintained by the private property owner and the City maintains the area on the other side of the fence; this is why the City maintains the park strips along North County Boulevard. Mayor Ostler asked if that is the case because the property is a planned residential unit development (PRUD). Ms. Smith stated that a development agreement was written to hash out these details; both parties have agreed to the development agreement for Ridgeview, but some items were missed, and the City has learned lessons from this process. Mayor Ostler suggested the City may have been taken advantage of by the developer in this case.

Council Member Smith stated that if the City is required to maintain the area, the City should have some control over the design to ensure that it is easier to maintain. Council Member Petersen agreed. Mayor Ostler stated that he would like to explore whether there is an option to have the developer maintain the area. Mr. Patterson stated that the City may be able to negotiate with the developer, but the matter is not addressed in the development agreement. The developer had the understanding that the City would be maintaining the area, but staff is not sure where that understanding came from.

Council Member Smith reiterated that if the City is going to be responsible to maintain the area, the City should have influence over the landscaping to be installed. Mr. Spencer suggested the Council provide such guidance in a motion to approve this application. Parks staff can then communicate with the developer about appropriate adjustments to the streetscape. Council Member Petersen stated she would like to pursue xeriscaping in the area.

Council Member Sarah D. Petersen MOVED that City Council APPROVE the adjustment to Ridgeview Plats F, G, and J relating to City right-of-way subject to the two (2) following stipulations recommended by Staff.

1. *The recorded plat shall be in substantial conformance with the final plat dated October 11, 2022, except as modified by these stipulations.*
2. *All stipulations of the original final plat approvals be met.*
3. *Entire section along 10100 N is xeriscaped with trees and bushes and the plan will come back to Council for final approval.*

Mayor asked for clarification that it is the entire section.

Council Member Kim Rodela SECONDED the motion.

Council Member Smith stated he likes the idea of xeriscaping, but he feels that contrast in the landscaping would be appropriate. Mr. Spencer stated he would prefer uniformity; if the Council wants xeriscaping, the entire area should be xeriscaped. He wants to avoid a patchwork design that is difficult to maintain.

Council Member Smith asked if the curving sidewalks will be used in this area, to which Mr. Spencer answered no. Ms. Wells noted the area between the park strip and the fence is five feet; this narrow space will create issues with watering landscaping. She suggested the Council task staff with developing a landscape plan for the area and bring that back to the Council before final approval. Council Member Petersen stated that was the intent of her motion above.

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. 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. Report on Encroachment Policy Enforcement – Kellie Smith, Planner & GIS Analyst

This item was discussed after the consent agenda items.

b. Sewer Lift Station Code Amendments – Andy Spencer, City Engineer/Public Works Director

City Engineer/Public Works Director Spencer explained in FY2022-2023 the City spent \$2.3 million on sewer lift stations. Staff is proposing a code amendment that would ensure that all new subdivisions shall operate via gravity flow means without introducing, or causing to be created, additional lift or pumping systems. He stated if the Council is supportive of such an amendment, staff will prepare an ordinance for consideration in a future Council meeting.

The Council briefly discussed the proposal and indicated they are supportive of formally considering the proposal in the future.

c. Park Strip Code Update – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith stated that staff found a gap in the City Code; the Code does not specify that the landowner adjacent to a park strip must maintain the park strip area. Staff would like to include language in the Code to make clear that property owners must maintain all park strips abutting their property. Parkway detail would be different and that will be specified in the ordinance. Mayor Ostler asked if the amendment would apply to snow removal as well as landscape maintenance. Ms. Smith stated she will research that issue.

d. Council Policies & Procedures – *Erin Wells, City Administrator & Rob Patterson, City Attorney*

City Administrator Wells provided brief information regarding the City's form of government; Highland is governed by the Six-Member Council form of government. She invited City Attorney Patterson to provide brief training regarding the roles and responsibilities of each elected official as well as City staff under this form of government.

Mr. Patterson stated that under the Six-Member Form of Government, the Mayor (is/will):

- CEO to whom all employees report
- Enforce and carry out ordinances and resolutions
- Report the condition and needs of the city
- Recommend measures to Council
- Appoint officers with advice/consent of Council
- Chair of council (procedural processes)
- Votes on ties, administrators, and mayor powers
- Budget officer

He noted the City Council (is/will):

- Legislative body – adopt, amend, and repeal ordinances, laws, policies, budget
- Adopt policies for regulation and administration
- Prescribe duties and powers of officials
- Administrative body – all duties and powers not given to mayor or administrator
- Adjust mayor/administrator powers and duties

He added the City Administrator is not governed by State statute, but is regulated by City Code:

- Chief administrative officer to whom all employees report (taken away from mayor powers)
- Supervise operations, projects, and property
- Assist with establishing and administering budget
- Execute, enforce, and carry out all laws, rules, regulations, contracts, permits, policies, programs
- Prepare and submit ordinances, resolutions, plans, programs, and policies to mayor/council for approval
- Review claims before presentation to council
- Has right to participate but not vote during meetings
- Mayor keeps power to appoint/remove city officers

He further expounded on the roles and duties of the Mayor and City Council; the Mayor presides as chair over City Council meetings. The City Council may pass all ordinances and rules and make all regulations. The City Council may require from every officer of the City at any time a report in detail of all transactions in his office or any matters connected therewith. And, two City Council members or Mayor can call special meetings on any topic.

Staff would like direction from the Mayor and Council regarding whether to consider adjustments to the City's Rules of Order and Procedure; the Council briefly discussed changes they feel may be appropriate and directed staff to prepare for continued discussion of the matter at a future work session meeting. Ms. Wells indicated staff will be prepared to discuss the matter further during the November 29 work session.

e. Future Meetings

- October 19, 2022, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- October 25, 2022, Planning Commission Meeting, 7:00 pm, City Hall
- November 1, 2022, Work Session & City Council Meeting, 6:00 pm, City Hall
- November 9, 2022, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- November 15, 2022, Planning Commission Meeting, 7:00 pm, City Hall
- November 29, 2022, City Council Work Session, 6:00 pm, City Hall

Mayor Ostler also announced a few upcoming events, such as the Trunk or Treat and the City's Christmas party. An official invitation for the Christmas Party will be forthcoming.

6. CLOSED SESSION

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

There was no closed session.

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 10:03 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 18, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder

Welcome to the Highland
City Council Meeting

October 18, 2022



HIGHLAND CITY

1

Please sign the
attendance sheet



HIGHLAND CITY

2



HIGHLAND CITY

7:00 PM REGULAR SESSION

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

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 clearly.
- Limit your comments to three (3) minutes.

4



HIGHLAND CITY

PRESENTATIONS

a. Youth Council Report – *Youth Council Representative*

b. Waste Managements Presentation to Youth Council – *Blake Leonelli, Waste Management*

c. Certified Municipal Clerk Recognition – *UMCA President Jackie Nostrom*

5



HIGHLAND CITY

PRESENTATIONS

d. Legislative Updates – *Senator Mike Kennedy*

e. Xeriscaping and Waterwise Code – *Chris Howden, Planning Commissioner & Kellie Smith, Planner & GIS Analyst*

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XERISCAPING AND WATERWISE CODE

Item - Presentation

Presented by – Chris Howden, Planning Commissioner & Kellie Smith, Planner & GIS Analyst

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CUWCD Update

- The City Council and Planning Commission both agreed that the requirements in the CUWCD amendment were too strict
- Inquired about leniency; CUWCD wants to at least see 35% maximum turf/lawn percentage for new development (landscaped area includes front and side yards, not backyards)

8

Background

- Lead by example. Do something/anything to limit unnecessary water use in highly visible park strips/Planning commission has been discussing this on/off for 12 months+

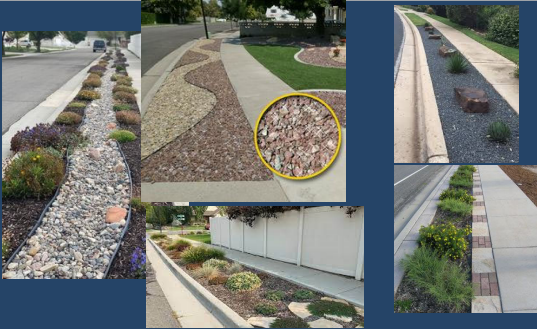
9

Development Code

- Existing
 - Current code & General plan allows developers to choose either grass or xeriscaping (3-621 Park Or Planter Strips/parkway detail).
- Proposed
 - Make xeriscaping mandatory in park/planter strips & parkway detail (all zones)
 - Allow individual homeowners the choice to implement xeriscaping if they want to

10

Examples



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Examples



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Engineering Detail

- Parkway Detail (along Alpine Hwy, North County Blvd, 10400 N, etc.)
 - Existing: “The length of the parkway will be sod or planted grass.”
 - Proposed: Remove grass requirement and require xeriscaping methods

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General Plan

- Existing
 - Grass or xeriscaping (optional)
- Proposed
 - All park strip areas, the area between the sidewalk and the curb, shall be landscaped using xeriscape methods only. This applies to all Highland City zones (including but not limited to residential and commercial zones){3-621 Park Or Planter Strips}.

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Questions/Thoughts?

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CONSENT ITEMS (5 minutes)

- 3a. Approval of Meeting Minutes: September 6, 2022 *General City Management*
- 3b. City Administrator Contract *General City Management*
- 3c. ACTION: Amendment of Encroachment Policy *General City Management*

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FINAL PLAT UPDATES - RIDGEVIEW PLAT F, PLAT G, AND PLAT J *Land Use (Administrative)*

Item 4 - Action
Presented by - Kellie Smith
Planner & GIS Analyst

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Prior Council Direction

- May 21, 2019 - Planned Development approval
- November 9, 2021 - Preliminary Plat approval for Pod B
- June 21, 2022 - Final Plat approval for Plats F and G
- September 20, 2022 - Final Plat approval for Plat J

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Vicinity Map



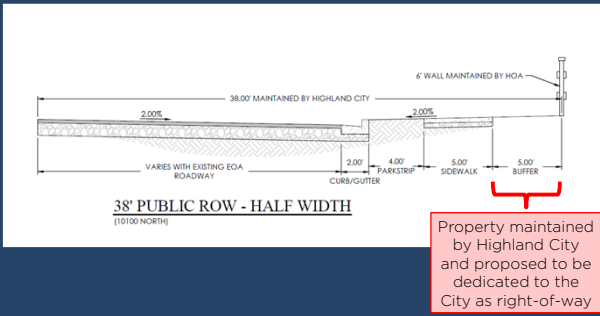
19

Background

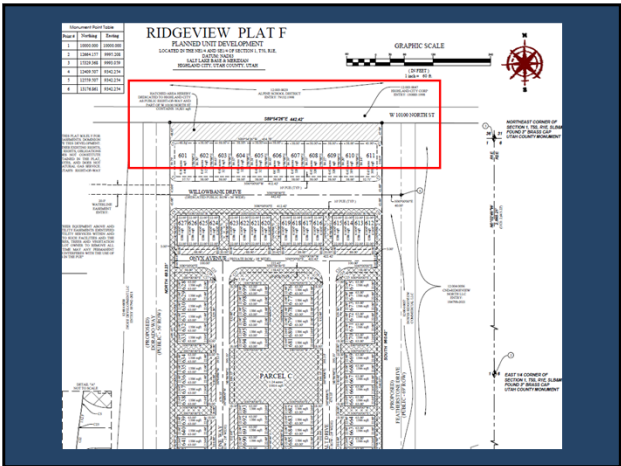
- Landscaping maintained by the HOA
 - All interior landscaping
 - Featherstone Dr, Dorado Way, Canal Blvd, Elmfield Way
 - Park and all internal open space areas
- Landscaping maintained by the City
 - Parkway detail along North County Blvd
 - Park strip and property between the sidewalk and the fence along 10100 N

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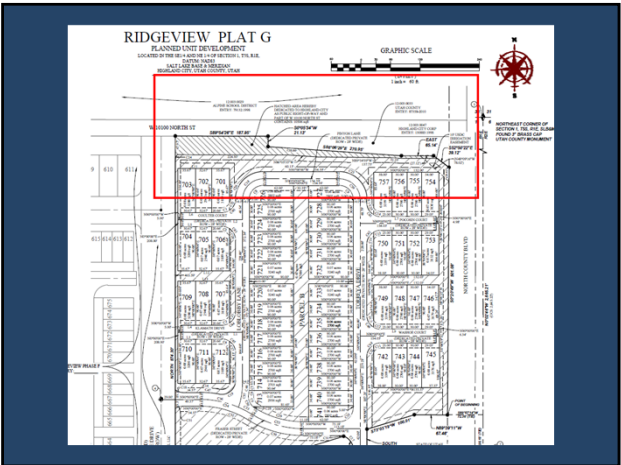
10100 N Cross-section



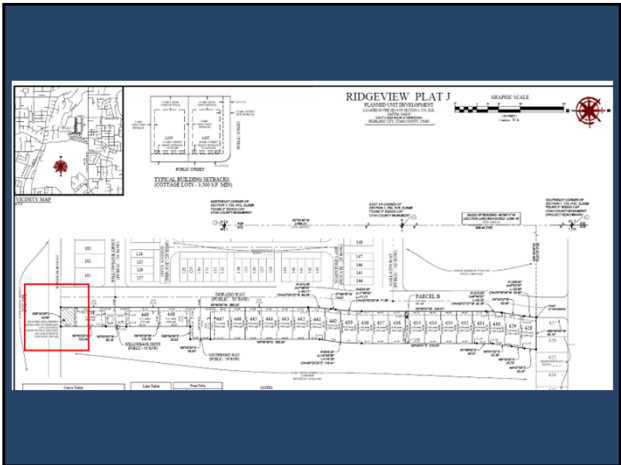
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Motion to Approve

I move that City Council APPROVE the adjustment to Ridgeview Plats F, G, and J relating to City right-of-way subject to the two (2) stipulations recommended by Staff.

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REPORT ON ENCROACHMENT POLICY ENFORCEMENT

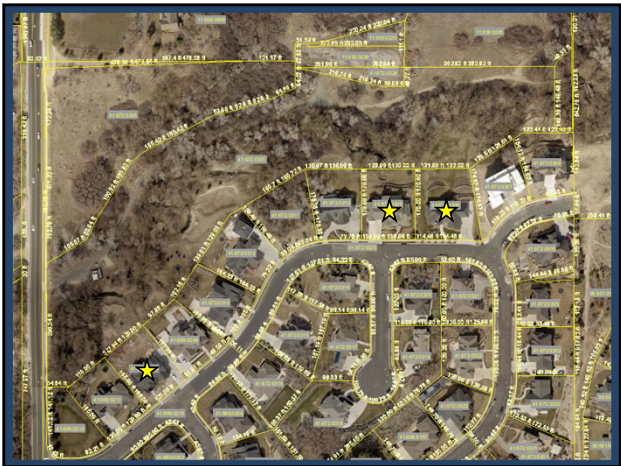
Item 5a - Communication
Presented by - Kellie Smith
Planner & GIS Analyst

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Encroachment Letters

- September 29 - Sent to Highland Hollow residents (9) along Dry Creek
 - Enforcing on City property and notifying of the easement on private property (not enforcing)
 - Included remediation plan requirements in letter (specific trees, shrubs, and seeds)
 - Residents were given 30 days to respond (Oct 29)
- Staff met with two property owners on site to discuss remediation plans

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Lessons Learned

- The replacement of grasses/shrubs/trees may take years to be established
- The growth will need water (sprinklers)
 - Option 1: have residents remove the sprinklers; seed would take approx. 4 years to grow
 - Option 2 (preferred): allow residents to keep sprinklers until seed is established (approx. 1 year); Staff would follow-up annually until seed is established and then cut and cap the lines
- Finances/cost of removal
- Equipment that needs to be used to take out improvements; do we let them use the city property to access? Possible trail option to access the property
- Remove ALL improvements? What's the goal?

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Next Steps

- 3 out of the 9 residents have communicated with staff
- After October 29 (30 days)
 - Follow-up letter
 - Door knocking

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Maintenance Agreements

- **Type 1** – No expiration; 90-day notice
- **Type 2** – Renews automatically every 2 years; 12-month notice before anniversary date of the agreement
 - Sent out expiration notices
- **Type 3** – 10 years; expires upon notice
- **Type 4** – 5 years; expires upon notice

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Updating Maintenance Agreements

- Residents with existing maintenance agreements
 - Address along with the subdivision-by-subdivision process for encroachment
 - If they enter into the new maintenance agreement, they will need to meet the requirements of the newly adopted agreement
 - 2,500 irrigatable square footage

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SEWER LIFT STATION CODE AMENDMENTS

Item 5b - Communication

Presented by – Andy Spencer
City Engineer/Public Works Director

33

Sewer Lift Stations

- FY2022/2023 City Lift Station Construction Cost: \$2,280,000 (Victor View, Pheasant Hollow, Greens)
- Proposed amendment (Section 5-9-107): 4. City owned and maintained sanitary sewer pipelines for all new subdivisions shall operate via gravity flow means without introducing, or causing to be created, additional lift or pumping systems.
- Where would this text amendment impact? Locations yet to develop?

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PARK STRIP CODE UPDATE

Item 5c - Communication

Presented by – Kellie Smith
Planner & GIS Analyst

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COUNCIL POLICIES & PROCEDURES

Item 5d - Communication

Presented by – Erin Wells, City Administrator
Rob Patterson, City Attorney

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State Law Background

- 6-member Council Form of Government
- Mayor
 - CEO to whom all employees report
 - Enforce and carry out ordinances and resolutions
 - Report the condition and needs of the city
 - Recommend measures to Council
 - Appoint officers with advice/consent of Council
 - Chair of council (procedural processes)
 - Votes on ties, administrators, and mayor powers
 - Budget officer

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State Law Background

- Council
 - Legislative body – adopt, amend, and repeal ordinances, laws, policies, budget
 - Adopt policies for regulation and administration
 - Prescribe duties and powers of officials
 - Administrative body – all duties and powers not given to mayor or administrator
 - Adjust mayor/administrator powers and duties

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City Administrator

- No state statute – all set by city code
 - Chief administrative officer to whom all employees report (taken away from mayor powers)
 - Supervise operations, projects, and property
 - Assist with establishing and administering budget
 - Execute, enforce, and carry out all laws, rules, regulations, contracts, permits, policies, programs
 - Prepare and submit ordinances, resolutions, plans, programs, and policies to mayor/council for approval
 - Review claims before presentation to council
 - Has right to participate but not vote during meetings
 - Mayor keeps power to appoint/remove city officers

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City Code – Mayor and Council

- Mayor presides as chair over city council meetings
- The city council may pass all ordinances and rules, and make all regulations.
- “The city council may require from every officer of the city at any time a report in detail of all transactions in his office or any matters connected therewith.”
- 2 City Council members or Mayor can call special meeting on topic

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Next Steps

- Leave as-is vs establish new/clarified policies
- Schedule discussion for future
- Work session
- Committee

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The logo for Highland City features a stylized mountain range in blue and white, with the words "HIGHLAND CITY" in a bold, sans-serif font below it.

FUTURE MEETINGS

October 19th Lone Peak Public Safety District Meeting, 7:30 am, City Hall
October 25th Planning Commission Meeting, 7:00 pm, City Hall
November 1st Work Session & City Council Meeting, 6:00 pm, City Hall
November 9th Lone Peak Public Safety District Meeting, 7:30 am, City Hall
November 15th Planning Commission Meeting, 7:00 pm, City Hall
November 29th City Council Work Session, 6:00 pm, City Hall

Item 5e - Communication

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MAINTENANCE AGREEMENTS

Subdivision	Lot No	Address	Contracted Owner	Date Entered Into	Maintenance Agreement	Date Expire	
Beacon Hills Subdivision							
Beacon Hills	613	12379 N Light House Dr	Thad & Sara Abbott	7/7/2020	3	7/7/2030	
Beacon Hills	304	5995 W Highland View Dr	LaMarr	7/7/2020	3	7/7/2030	
Canterbury Circle							
Canterbury North							
Canterbury N.	68	6683 W Canterbury Lane	Scott & Jennifer Hansen	5/6/2021	3	5/6/2031	
Canterbury N.	138	6756 West Canterbury Lane	Randy & Kerry Stenson	11/14/2017	3	11/14/2027	
Canterbury N.	173	6696 W Avery Ave.	Russell& Debbie Skousen	6/14/2010	3	4/15/2031	
Canterbury N.	156	6666 W Canturbury Dr.	Jarrold & Karen Hunt	2/20/2018	3	2/20/2028	
Canterbury N.	187	6649 W Avery Ave	Theodore H Siri III	12/15/2008	1		
Canterbury N.	189	6673 Avery Ave	Richard Farr	1/14/2009	1		
Chamberry Fields							
Chamberry F.	110	6075 W Chamberry Way	Aaron Searle	3/31/2021	3	3/31/2031	
Chamberry F.	111	6059 W Chamberry Way	Shane & Kaylee Manwaring	7/7/2020	3	7/7/2030	
Chamberry F.	115	12034 N Grenoble Way	Chris & Amy Cottle	5/2/2017	3	5/2/2027	
Chamberry F.	116	12024 N Grenoble Way	Robert & Jennifer Scott	9/20/2011	2	10/12/2023	Sent Expiration Notice 10/4/2022
Chamberry F.	117	12010 N Grenoble Way	Milton & Violet Brown	8/4/2011	2	8/31/2025	Sent Expiration Notice 10/4/2022
Chamberry F	118	6037 W Chamberry Way	Adam Stevenson	9/29/2011	2	11/8/2023	Sent Expiration Notice 10/4/2022
Country French							
Country French	28	6671 W Normandy Way	David R. Urien	8/24/2022	4	8/24/2027	
Dry Creek Bench							
Highland Hills							
Highland Hills	17	11869 N Athena Drive	Leo & Maryanda Tomaras	7/17/2007	1		
Viewpoint							
Viewpoint	219	11266 N Shoreline Drive	Steven & Kathryn Davis	3/19/2007	1		
Viewpoint	405	4237 W Park Drive	Ginger Ford	6/10/2010	1		
Viewpoint	119	4071 W Park Cir	Robert Boyer	6/8/2010	1		
Wimbleton							
Wimbleton	4	6608 W 10200 N	Marilyn Ouimette (new property own	5/31/2011	2	7/26/2026	Sent Expiration Notice 10/4/2022
Wimbleton	21	6705 W 10050 N	Boyd Timothy	3/29/2011	2	4/19/2025	Sent Expiration Notice 10/4/2022
Wimbleton	28	6581 W 10030 N	Rob&Ginger Harris	3/28/2011	2	4/25/2025	Sent Expiration Notice 10/4/2022
Wimbleton	29	10036 N 6580 W	Mark&Lois Ricks	5/4/2011	2	5/4/2025	Sent Expiration Notice 10/4/2022
Wimbleton	48	10142 N 6580 W	Ed&Laurel Dennis	7/11/2011	2	7/11/2025	Sent Expiration Notice 10/4/2022
Windsor							
Windsor	203	9878 Coventry Court	Russell Johnson	6/17/2007	1		
Windsor	212	9912 N Yorkshire Court	Kurt Forsberg	4/23/2007	1		
Windor	215	9897 N Yorkshire Court	Matthew Walbruch	9/23/2008	1		
Windsor	31	5568 Kensington Circle	Mark & Karen Pugmire	7/12/2007	1		
	1	No expiration; 90 day notice					
	2	Renews automatically every 2 years; 12 month notice					
	3	Lasts for 10 years; expires upon notice					
	4	Lasts for 5 years; expires upon notice					