



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 1, 2023

Approved September 19, 2023

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 Sarah D. Petersen

Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03pm. 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 Sarah D. Petersen and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Briawna Hugh, Chris Howden, Joe Ham, Natalie Ball, Daron Young, Lance Pendleton, Chris Ellingson, Grant Ellingson, Paul Farnsworth, Rachel Farnsworth, Elizabeth Farnsworth, Carley Tall, Lynn Lonsdale, Brian Braithwaite, Jeremy Meldrum, Isabelle Dibb, Christian Mills, Delecia Mills, Allanna Mills, Leena Harral, Adam L. Harral, Elizabeth Rice, Jiovan Melendez, Anna Melendez, Ron Campbell, VaLois Paxman, Wesley Warren, David Beck, Amy Brinton, Barbara Melendez-Rapp, Claudia Stillman, Doug Cortney, David & Sarah Beck, Royce Dewey, Ryan Dewey, Ryan Albers, Steve Holland, Jesse Myrick, Rod Mann, Laura Ross, Winifred Jensen, Jess Adamson, Shelby Arrington, Ed Rusika, Brittney Robertson, Nick Hagas, Robert Williams, Morgan Sharp, Don Rusika, Justin Eaton, Paul Adams, Sarah Sandberg-Pletch, Roberta Harris

1. UNSCHEDULED PUBLIC APPEARANCES

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

Elizabeth Rice stated she was recently walking her dog and it was attacked by a mastiff dog; the police were called. She asked if the fence around the neighbor's property that the mastiff came from was legal and was told that it was; however, the neighbor is an amateur breeder and has a license to perform that activity, but they have three mastiffs who are all over 200 pounds. She asked that the City Council review the City's ordinances to ensure that the ordinance that allows someone to operate a breeding operation from their home is aligned better with the fencing requirements. She provided photos of the fence in question to the Council and highlighted the fact that it is not sufficient to keep a small dog in, let alone three mastiffs. She then noted she was asked by another neighbor to address the Council's consideration of a traffic calming policy and speed tables. She stated she is not as familiar with that issue, but her neighbor would like a speed table on 900 North to deter speeding motorists.

Wini Jensen addressed a safety concern in her neighborhood; there was recently another accident at the corner where her property is located and there was a great deal of property damage, and she is traumatized by witnessing the accidents and worrying about school children that walk in that area frequently. She would like to see lit stop signs to draw a driver's attention to the intersection. The traffic is very heavy on the street and many motorists drive in excess of posted speed limits. A stronger police presence would be appreciated by the residents. She and her neighbors would like on-street parking to be prohibited on 10400 North, an additional crosswalk on Walker Lane, a curfew for the park, requirement for parents to stay at the park with their children, regular street sweeping to remove debris associated with the park. She then concluded that she missed the musical theater that was formerly part of the Highland Fling celebration.

Mayor Ostler recognized Brooklyn Wild, the City's new communications specialist, and Brenna Dobbins, assistant events coordinator. Ms. Wild provided the Council with information about her personal and professional background. Ms. Dobbins was not in attendance as she was attending the Highland Fling car show.

2. CONSENT ITEMS

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*
Work Session & Regular City Council Meeting – June 6, 2023

Council Member Scott L. Smith MOVED that the City Council approve consent item 2a, the approval of meeting minutes for June 6, 2023.

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>

Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

3. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - ALCOHOL SALES

Development Code and Municipal Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst

The City Council will hold a public hearing to consider a request by MNG Highland Development, LLC to amend Section 3-4351 Permitted Uses and Section 3-4352 Prohibited Uses in the Development Code in the CR Zone to allow for alcohol sales. MNG Highland Development, LLC, is also requesting to amend Section 5.12.020 Beer Sales in the Municipal Code. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained MNG Highland Development, LLC—the applicant—owns the majority of the property within the CR Zone. The applicant’s development is known as Highland Mains, or formerly known as Highland Marketplace. MNG Highland Development, LLC was made aware that alcohol sales are specifically listed as a prohibited use in the CR Zone. Because it is not a prohibited use in the C-1 Zone on the other side of Timpanogos Hwy, the applicant decided to meet with the Mayor and two Councilmembers to discuss the potential of allowing on-premise alcohol sales in the CR Zone. After this meeting, the applicant decided to submit a Development Code application to apply for the change. The applicant’s request is summarized as follows:

1. The proposed amendment to the Development Code removes “Alcohol Sales” from Section 3-4352 Prohibited Uses.
2. The proposed amendment to the Development Code also removes the following sentence from Section 3-4351 Permitted Uses: Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.
3. The proposed amendment to the Municipal Code removes the prohibition of the retail sale of beer for on-premise consumption. The applicant is not requesting to allow for the retail sale of beer for off premise consumption.

Ms. Smith summarized staff’s review of the matter:

- The CR Zone and the Town Center Overlay explicitly prohibit alcohol sales, however the C-1 Zone does not (for reference, Macey’s and Harts are located in the C-1 Zone).
- Section 5.12.020 Beer Sales in the Municipal Code prohibits the retail sale of beer for both on and off premises consumption. The applicant is looking at the potential of only prohibiting off premise consumption.
- Ordinance 1977-09 that is referenced to in the Development Code states, “the public retail sale of light beer, in bottles, cans or draft is expressly prohibited within the corporate limits of the Town of Highland.”
 - If the Council chooses to allow the retail sale of alcoholic beverages, staff recommends that this reference be removed as proposed in the amendment.
- Staff recommends the reference to Utah Code 32A-10-101(1)(a) be removed and replaced with a reference to the “State Alcoholic Beverage Control Act”.

Notice of the public hearing held at the Planning Commission meeting was posted on the state and city websites, and three public places on July 13, 2023. Notice of the public hearing to be held at City Council was posted on the state and city websites and three public places on July 20, 2023. At the time of this report, eight (8) comments have been received; seven (7) in favor of the proposed text amendment, and one (1) in opposition. See Attachment #6 for public input.

The Planning Commission held a public hearing on July 25, 2023. Three (3) residents participated in the public hearing; two (2) in favor of the amendment and one (1) spoke in opposition. The applicant was present and shared

the history behind the Highland Marketplace development and the changes that were made to the site plan over the years. The property owner's goal is to have an anchor restaurant tenant in each of the four (4) buildings facing the plaza. The applicant shared that each of the restaurants they had reached out to express the interest or need to be able to sell alcohol. The Commissioners asked questions relating to where alcohol sales, other than beer sales, are permitted and not permitted in Highland. Staff clarified that alcohol sales are not prohibited in the C-1 Zone, though beer is prohibited city wide based on the Municipal Code. Two (2) Commissioners expressed that in order for an amendment to allow alcohol sales in Highland, they felt it was something that should be initiated by residents. One (1) Commissioner expressed that he felt that alcohol sales for off-premise consumption (such as a grocery store selling bottled beer) should be allowed. One (1) Commissioner moved to recommend approval of the amendment, however there was not a second. The Planning Commission voted four to one to recommend denial of the proposed amendment.

Council Member Smith asked if City staff was able to research old City Council minutes and find any instance where the Council has voted to allow alcohol sales; many residents believe the City allows alcohol sales, but not beer sales, but he asked if there is record of such a vote. Ms. Smith answered no; there have been conditional use permits that were approved with the stipulation of no alcohol sales on specific sites. Council Member Smith asked if that means staff believes the Council has voted consistently to not allow alcohol sales, with the exception of the Country Club, which was grandfathered under pre-incorporation land use ordinances. Mayor Ostler noted that in 1977 at the time the City was working on incorporating, there was a meeting held to specifically discuss alcohol sales and an ordinance was adopted banning beer sales in the entire City. In 1996, the first commercial zone was created and the grocery store that was built in that zone did not sell alcohol or beer and was closed on Sunday. Additionally, the Town Center zoning ordinance explicitly prohibits alcohol. Ms. Smith noted that all of the commercial zoning ordinances do not permit alcohol sales, but there are other zones in which certain uses could be allowed, but there is no mention of whether alcohol sales is allowed or permitted in those zones. She stated that the language in those ordinances is somewhat ambiguous, and some have made the argument that alcohol sales could be considered a permitted use because it is not explicitly prohibited.

The Mayor and Council engaged in discussion with staff about communication between City staff and applicants/developers regarding whether beer or alcohol sales would be allowed in certain developments of the City. Council Member Smith stated that he wants to be clear that the Council has not voted to allow alcohol sales in the City. City Attorney Patterson stated that is correct; the issue at hand is that the State has changed its laws regarding alcohol and beer sales and this change left a 'gap' in the City's code that was not addressed.

Council Member Ball asked if the applicant, or others, have been given the impression that they would be able to sell alcohol in the restaurant establishments they planned to build in the City and, if so, is that impression binding. Mr. Patterson stated that unless there is an official application and official approval, communication from staff is not binding. He noted there may have been discussions between the staff and developers in the past, but this is a fully legislative decision for the Council to undertake. Council Member Ball asked if the applicant has any basis for litigation even if staff is not the decision-making authority for this type of issue. Mr. Patterson stated he does not see how there would be any basis for litigation.

Daron Young, applicant, stated he does not plan to be litigious regarding this matter; his firm has made a long-term investment in the community. He discussed his personal background as a member of the community, as well as his career development in the real estate development field. Six years ago, when he was presented with the opportunity to participate in this project, he could not turn it down because he is interested in creating something of lasting value for the community he grew up in. He discussed the evolution of the project area, which was originally approved in there early 2000's; it was originally intended to be a shopping center, but grocers located in other areas likely because of the restrictions on alcohol and beer sales. Since his firm acquired the property, they have reached out to other grocers, such as Harmons, Sprouts, and Trader Joes, but could not sign them as a tenant. Last summer, a new plan for the area was fully approved by the City and it includes six drive-through tenants. Ground was broken last summer, and the spaces were fully leased, but he became concerned about the

long-term value that the project would bring to the community, and he chose to ‘scrap’ it and develop a new concept plan patterned after a retail center in Del Mar, California. Drive throughs have been abandoned in favor of adding more community courtyard gathering space. He presented conceptual images of the new plan and noted the goal is to increase the caliber of tenants at the site and create a community space where families will gather. He then introduced Lance Pendleton, Mountainwest Commercial, and invited him to discuss the retail development market. Mr. Pendleton stated that the energy surrounding this project is astounding; he has been talking with full-service restaurants who are interested in locating on the site, but they need the ability to offer alcohol sales in order to move to Highland. One or two full-service restaurants will truly be the anchor for the site, and they will set the tone for leasing to other tenants.

Mr. Young then expounded on the key points of his application; it does not address the City’s ‘Sunday closure’ law or the ability for any retailer to sell alcohol for off-premise consumption. It also does not enact a blanket approval to allow alcohol sales City-wide. It does remove restrictions on the CR zone that are not in place in the C1 zone. It allows restaurants in the CR zone the same rights to determine their menu as is allowed in the C1 zone. It would also allow restaurants that can already sell wine/liquor to sell lower alcohol content beer. He is also supportive of the City restricting bars and taverns.

Council Member Ball asked if restaurant chains have definitively stated that they will not come to Highland if they cannot sell alcohol. Mr. Young stated there are some that have said that. He stated that there are many fast-food restaurants that would come to the City regardless of its liquor laws, but he has changed the concept for this project to remove the drive through fast food uses. Council Member Ball asked for an example of the type of chain restaurant that would come to Highland under the current liquor laws. Mr. Young stated that he has heard from residents that they do not want chain restaurants; he is trying to build a unique project that includes independent restaurants.

Council Member Rodela stated it is her understanding that the higher end anchor-type restaurants have indicated they will not locate in the project area if they cannot sell alcohol. Mr. Young stated that is correct.

Mayor Ostler wondered if these restaurants have looked at the demographics of the community; most restaurants that serve beer and alcohol indicate that 30 percent of their revenue come from beer and alcohol sales, but that may not be achievable in Highland. Mr. Young stated that this project will be one of the most expensive projects to develop in Utah County and that will require a higher risk for the tenants; these restaurants understand their demographics and they are asking for the freedom to sell alcohol. He added that the community has asked for this type of project.

Council Member Smith stated that the applicant has indicated that retailers in the community are allowed to sell liquor, but not beer; he asked if any of them do sell liquor. City Attorney Patterson stated that the sale of liquor is highly regulated by the State of Utah and grocery stores can only sell alcohol that is less than five percent by volume. Additionally, off-premise sales are prohibited by the City’s current ordinance. Council Member Smith stated the applicant has indicated that alcohol sales are allowed in the CR-1 zone. Mr. Patterson stated that on-premise sale of higher alcohol content liquor is not explicitly prohibited, which means that it is permitted according to State Law. A restaurant in the CR-1 zone could sell higher alcohol content drinks for on-premise consumption, but they could not sell beer. City Administrator Wells stated this is the gap between the City and State Code that Ms. Smith mentioned in her report and staff is looking for direction from the Council. Council Member Smith stated that the current allowances were not intended by the Council, and they are only the result of State law changes that were not mirrored in City Code.

Mr. Young concluded that he is grateful to be building a project in the Highland community and he is committed to building the best possible project with the best possible tenants.

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

Jess Adamson stated he is a member of the Planning Commission and a former Mayor, and he believes strongly in the need to clean up the City's historical record in order to give clear information about what has happened in the past. He discussed the past actions regarding alcohol sales in the City; it has never been the intent of the City Council to allow any type of alcohol sales. The main responsibility of the City Council is to protect the health and safety of citizens and no matter how the issue is manipulated, alcohol sales in any fashion do not and will not positively support those values. Cities have the right, privilege, and obligation to promote and encourage the local values that are held dear, and the Council should 'not give away our birthright for a mess of pottage'. He stated that the City has said no to alcohol sales for nearly 50 years and that stance has served the community well; it should not be changed now. He has always tried to protect the City from unintended consequences and a simple 'yes' to this question may open the City to things that may not be anticipated. Why would the Council invite people to drive through Highland City, park their vehicles and sit down to enjoy a meal and alcohol, and then be allowed to drive on Highland roads. He stressed that today's decisions force tomorrow's policies and it is time to say no to this proposal and yes to maintaining a safe community. He encouraged the Council to listen to both sides of this issue and weigh their decision very carefully. He concluded that in 1978 he was awakened at 10:30 p.m. by a collision outside his front door; two people were killed as a result of someone who was driving under the influence of alcohol. This was an unintended consequence, and the Council should to its best to safeguard the community from things that cannot always be predicted.

Briawna Hugh stated she supports the change to the City's ordinance to allow alcohol sales. She noted the City does not have a true city center and she sees Mr. Young's proposal as a city center. The community does not want more chain restaurants, but it does want sit-down restaurants that will make a positive contribution to the City. Highland is not any better than American Fork or Lehi; it is not morally superior to other communities because it does not allow alcohol sales. Utah already has very strict alcohol laws and this ordinance change will not place the City in danger of having inebriates all over town. Highland is the only 'dry city' with a population greater than 1,000 in the State of Utah. She concluded that it is not possible to legislate morality; people have the right to make choices for themselves. She noted she is an English teacher and has learned of the prohibition era, during which leaders attempted to legislate morality. Prohibition was eventually repealed because it led to organized crime. The City is not in great danger due to the proposed ordinance amendments.

Jiovan Melendez stated he grew up in Highland and loves this community; he also believes that it is worth considering the potential benefits of Mr. Young's proposal. He echoed Ms. Hugh's recommendations to give restaurants the ability to sell alcohol and beer; people should have choices and he believes the community can grow and progress without losing its core values. Progress and tradition are not mutually exclusive.

Shelby Arrington echoed the sentiments expressed by Ms. Hugh and Mr. Melendez about the community's desire for a gathering place; the project proposed by Mr. Young would create that for the citizens of Highland. A City center is needed, and an upscale development would 'fit the City's vibe'; Highland is one of the wealthier communities in the State and that demographic can support the type of project Mr. Young is supporting. Long term value versus short term gain should be considered carefully by the Council when making a decision on this project; many residents currently travel to other communities for a sit-down dining experience, and they are spending their money in those communities. She noted that she does not consume alcohol, but she has tried to consider the community as a whole and would like a healthy, wholesome place for the community to meet and gather.

Gail Ruzika urged the Council to vote to deny the proposed ordinance amendment. Highland is a small community; she loves the idea of a place for families to gather, but when thinking of a place to bring her children, she does not think of a place where alcohol is sold. Restaurants only need to sell alcohol because that is where they make a large percentage of their money. If people in Highland do not drink, why would a restaurant want to locate here, and she believes the answer to that question is because people will drive from other communities to eat and drink here. She stated that there is not a great deal of room in Highland to spread out, but if this ordinance

is amended, more restaurants and commercial centers will be built, and these establishments will be located near churches and neighborhoods and people who drink will be driving through those areas. She asked the Council if that is what they really want. She urged consistent laws and would like to keep all of Highland free of alcohol and beer sales. She has worked on this issue for many years at the State level and she has watched laws change drastically; each year the laws are relaxed, and beer and alcohol can now be sold in areas where it was never allowed before. She encouraged the Council to say no at this time, because a yes will lead to further changes down the road year after year.

Elizabeth Rice stated that she was a member of the Planning Commission 10 years ago and at that time, Smiths and Trader Joes were interested in coming to Highland; they would not come to the City because they could not be open on Sunday and because the City did not allow liquor sales. She stated that what Mr. Young has presented is beautiful; a new retail center just opened in Riverton with high-end shops, but she cannot picture a high-end restaurant. She then noted her husband works for the Division of Alcoholic Beverage Services (DABS) and they heavily regulate liquor and beer sales, including the control of the number of licenses that can be issued State-wide. A change to the City's alcohol laws will increase the demand on the DABS, which she is not in favor of. She stated that the DABS has sent people undercover to grocery stores to monitor illegal sales of beer and liquor and this has been very impactful for local grocers. She then asked if the City would allow beer and liquor in City parks during family nights; changing the law will just lead to a mess that the Police Department does not have the ability to patrol.

Amy Brinton stated she is the owner of a boutique hotel in Springville, and she encounters people from across the country and around the world who are staying at her establishment; the first question they ask when they arrive is where they can get dinner. The amount of money they bring to the community is significant and it would be great if Highland had sit-down restaurant options that she could refer people to. She stated that there are people in Highland who participate in gatherings here or in other cities and these gatherings include beer and/or alcohol. She stated the City needs to be supportive of its residents gathering and choosing to celebrate how they would like. It has been said that the Council is responsible for protecting the morality of the City, but she thinks the Council is actually responsible for protecting freedom and individuals are responsible for making their own moral choices. She stated that most people who drink alcohol are responsible and would not drink and drive. The same is true for most gun owners who practice safe gun ownership. She stated that health is an issue that is raised when discussing alcohol, but there are many other habits that contribute to poor health, such as fast food and soda shops that can be unhealthy for diabetics or individuals who are obese. She concluded the Country Club is allowed to serve beer, wine, and alcohol so a precedent has been set and this should be allowed in other areas of the community.

Brittney Robertson stated the City needs good restaurants and they will not come if they do not have the option to sell alcohol; she feels the arguments in opposition to the proposed amendments are fear-based, but Mr. Young has presented a beautiful concept for the property and one that is extremely respectful of the community's values. She stated the fact that they are agreeing to close on Sunday and only sell beverages for on-site consumption indicates they want to contribute to the City in a meaningful way.

Barbara Melendez Rapp stated that she attended Brigham Young University (BYU Law School and has chosen to raise her family in Highland because it is the perfect halfway point between Salt Lake and BYU; she discussed the intended and unintended consequences of changing the ordinance. She sympathized with the individual who spoke earlier about unintended consequences and having witnessed a vehicle crash related to drunk driving; however, she would like to urge the Council to consider amending the ordinance to allow for alcohol to be served at restaurants in the community so long as the City's ordinance complies with State Law. She stated she attended University of Texas and while there she was struck by a drunk driver; he was not coming from a restaurant, but from his own home and he was driving to a liquor store to buy more alcohol. The unintended consequences are that people are driving outside of Highland to other communities that have nice sit-down restaurants; they are going elsewhere to gather with their families and friends because there is not a true city center for special events.

Using alcohol has a selling point for restaurants, tying it to revenues, is creating fear in the community and that fear is not valid. She noted she and her husband are empty nesters and they would like to stay in their community to enjoy a nice meal, gather with the community to celebrate holidays and events, and enjoy a wonderful development that merits the beautiful City of Highland.

Rod Mann stated that since 2008, Highland has been the number one, two, and three safest City in Utah; if someone were to buy a home in Cedar Hills, they would pay \$100,000 less than in Highland and that is because the City is doing something right. If Highland ends up being like every other community, its home values and safety will be same as every other community. He stated he observed dialogue on Facebook about taxes and fees in the community, but Highland's combined utility and tax rate was eight percent below average; a restaurant will not have an impact on the City's tax base considering the City's general fund budget is \$13 million. He stated the Council's decision should be based upon the values of the residents and what they desire. He urged the Council to take their time and make the best decision for the community. This is a reasonable request by the developer, and they are not the City's enemy; he is sure that whatever decision is made will be the right one. He noted that there may be more public attention to the matter after tonight's public hearing and he suggested that a decision be delayed to allow for more public input and for the Council to think about this issue comprehensively.

David Beck stated that anyone who says that alcohol has little effect on a person is lying and someone can get very inebriated on beer; he has seen many people's lives destroyed by alcohol. When he moved to Highland, he knew it was a 'dry city' and he loves the city and has no interest in changing the ordinance. The City Council will be held accountable for their decision and if anyone is killed by a drunk driver in Highland, it will be the Council's fault.

Nick Hagas voiced his support for the ordinance amendment; the developers have presented a very tasteful concept that would be a great addition to the community. There have been a lot of fear-based arguments presented tonight, but the Council should focus on freedom of choice and what the residents want. The project will bring value to the community and if something like is not approved, the City will be left with more chain restaurants.

Rachel Farnsworth stated she owns many properties in Highland City, she and her husband volunteer and work in the community, and they are fully invested in its future. She came tonight to support the development and she actually feels that an amendment to the C-1 ordinance should apply to the entire City. She has heard people speak about value and tradition in opposition to this proposal, but she thinks that they are using the right word and instead, it is a religious test. She is not aware of any commonly held belief that those who drink a glass of wine with their dinner are bad people who are considered criminals or dangers to the community. She is very concerned about these statements; she is only aware of one predominant religion that has fundamentalist offshoots where people who drink alcohol are deemed bad. She stated that legislating one's religion is against the Constitution of the United States and if the City wants to open themselves to liability, they can expect to be sued by someone with very deep pockets who wants to make sure their community is a very safe place for everyone and not just those who show up at church on Sunday.

Council Member Ball stated that it is false that the Council is trying to legislate morality and the City has the right to determine its fate without being concerned about its laws being unconstitutional. He noted that Ms. Farnsworth's comments were very offensive to him.

Paul Farnsworth stated he is Rachel's father-in-law, and he does not drink and never has; he was a member of BYU faculty for over 30 years. However, he is in favor of the proposed amendment. As part of his work, he attended conferences around the world and there were many dinners in good restaurants where 90 percent of the people had alcohol with their meals. These people did not overindulge and were not driving drunk after their meal, and these are the same types of people who will be enjoying a meal in Highland if this change is approved. Some of these people would go to bars and taverns and get severely drunk, but that is a separate issue. He stated that he does not drink, but he does like to enjoy a nice restaurant. He likes to gather his family together, enjoy

good service, and good food and there is nothing in Highland that serves that desire. He is opposed to more chain restaurants.

Carlee Tall stated she does not envy the Council in making this decision. She stated she is the child of a Police Officer, who zipped up the body bag on her uncle who was an addict. She has questions about this proposal; she asked if the developer is from California and noted she does not want California developers trying to turn Utah into California. She loves that Highland is unique and that it is a 'dry city'. People who want different things can go to different places. She reviewed the City's value statement and noted that Highland is a bedroom community, not a shopping/commercial community. However, the presentation by Mr. Young is a great design and is beautiful, but she wondered who would maintain the gathering space five years from now. She stated she could argue either side and can see the value in all options, but her final comment is that the City Council should continue the discussion and gather more input and information. She would like to see how the project will impact traffic and the potential for increased crime or driving under the influence charges.

Robert Williams stated that yesterday he sent the Mayor and Council a text message communicating his support for this proposal, and after seeing the plans presented by Mr. Young tonight, he is even more excited. As a resident, he would like to talk to the City Administrator and City Attorney because their recommendations to the Council were so convoluted and unclear; if he were a Council Member, he would be upset by the lack of clear information. He appreciates the Council's efforts and knows what a tough job they have, but encouraged them to ask more of their Administration.

Michelle Jensen stated that she has been a Highland resident for 25 years and she did not know there was such a controversy about alcohol. She stated she will echo what is not the popular vote of those attending the meeting tonight, but what she feels is the popular vote in the community at large, which was communicated by Ms. Ruzika. She stated that she loves going to nice restaurants, but she does not mind travelling to other areas to do it and she does not think the Council should change its ordinances to allow alcohol just so that a nice restaurant will come here. She asked the Council to consider their neighbors and the people that voted for them and what their desires are for the future of the community. She would dare to say that most would agree with her that the ordinances should not be changed. The City of Highland has always been a small town with a sense of community and strong values. She stated she is not saying that people who drink alcohol are bad, but the City's property values are high because Highland is different and that is because many people do not come to Highland because it is different. She concluded by thanking the Council for their service.

Delecia Mills stated that she would also like to keep the community dry; she came to Highland because it is different than other communities. The developer has indicated that he would like to bring other high-end businesses into the shopping center, and she believes he can find tenants that would be welcome to the community and would be an asset without having to change City ordinances. She stated she lived in Highland 25 years ago when the first grocery store was being constructed and promises were made that it would be the only store and there would not be expansion, but that promise has not been kept and she believes if the liquor laws are changed, the push will continue, and developers will seek more and more commercial development.

Natalie Ball stated that many people have tried to make this an issue of morality, but it is really about just being different. Most of Highland's residents are not clear on the City's tax system and every time a developer makes a proposal for the community, there is the same discussion about how the City needs tax revenue. Everyone needs to understand that the City also gets tax revenue when they shop in other cities because all tax revenue is pooled and divided among all cities. Highland should not be hurting for tax money, but it does not get the traffic and crime that other communities are dealing with as a result of development. When the City is forced to hire more public safety employees, that is what impacts the budget. She stated that the area is private property, and the City will not be using it for special City events; there will not be a holiday tree lighting on the site and if people think that the City will have control over it, they do not understand commercial real estate. The developer will market the space in order to make their money back; they can say that they want high end restaurants, but if those types

of businesses do not come here, they will be open to allowing other types of businesses that may not be pleasing to the community.

Morgan Sharp stated he is raising his family in this community, and they will take part in this development; he feels it is awesome that a developer is willing to take a chance like this and he indicated he will move forward regardless of the Council's decision on this issue. If the Council does not change its alcohol ordinance, it will limit the types of future tenants that will come to the development and better the community. The focus should not just be on the alcohol, but the quality of the establishment. He does not think this change will have an impact on the quality of the community in general. Other areas have restrictions on their commercial development and that has had an impact on the quality of development that has occurred. Some of his most favorite places to go with his family are commercially owned and they can be great places for families. He would love to see the ordinance changed and for the tenants at the development to reflect the quality of the residents of Highland who have chosen to raise their families here.

Doug Cortney stated he has a liquor cabinet in his home, and he drinks from it from time to time; having alcohol does not make a person a bad person. Having alcohol available does not turn most people into raving lunatics. He stated that he is generally opposed to new laws, but if the Council is considering a ban on alcohol in the City, he would emphatically oppose it. He thinks the developer has put together a wonderful product. He does, however, think this is a decision based on value, not just policy. The City has had long-standing laws and he does not feel sufficient public input has been gathered to warrant a decision on the matter. He encouraged the Council to table this action and hold additional meetings to allow input. He noted that one way to get public input would be to deny the proposal and a group of voters could refer it to the City for a public vote on an upcoming ballot. He concluded that he would love to have a nice restaurant in the community, but he does not think that changing the rule at this time is the right thing to do.

Grant Ellingson stated he has been a resident of Highland for 30 years and he expressed appreciation to the Council for their service and dedication to the City. He stated that he worked as an elementary school teacher in the sixth grade and each year they were visited by a Police Officer who taught the students of the dangers of alcohol and drugs, and he asked the Council to consider the effect this change could have on children; if the City Council thinks it is ok to have alcohol, this could impact the children. He encouraged the Council to vote yes for the development, but no on the issue of whether alcohol can be served because of the message the opposite vote would send to the children of the community.

Steve Holland stated he has never heard a resident threaten the City Council with a lawsuit if she did not get her way; he was appalled by that threat because that is not how citizens are supposed to act. Instead, things should be handled in a democratic way. He stated that he is a huge proponent of Highland City being a dry city; Highland is what it is today because of its history dating back to 1977. The reason that most people have moved to Highland is because of the atmosphere and the fact it is a better City. The citizens do not want the City to become like Lehi, Cedar Hills, American Fork, or Saratoga Springs; they are looking for Highland to remain the City it was when it was incorporated. He stated he volunteers as a member of the Utah County Sheriff's Department, and he participates in patrols of the community and has responded to many calls related to drunk driving; alcohol is an ugly thing in certain respects. In private, people are free to do what they want, but this is about what is best for the City. He stated that the Council should think about what it wants to be in the coming years. Developers often have great plans, but sometimes California values come with those plans. He stated it is possible to maintain the current culture and he urged the Council to keep Highland City dry.

Don Rusika stated he has lived in Highland for 35 years and the real question tonight is whether or not alcohol is wanted in Highland. If not, the Council needs to amend its laws to ensure they are consistent and be done discussing this issue once and for all. He stated he was born and raised in New York City and spent 17 years in southern California and he used to drink, and he has vast experience with the effects of alcohol. He resents the attack on the Council by an individual who made threats about a lawsuit, but he is confused by the comments that

have been made about family values and a desire for meeting places and upscale businesses, equating those things with the sale of alcohol. He stated those types of places are already present and one is not needed for the other to occur. He stated that virtually every night there are reports of deaths on the roads and many of those are related to impaired driving. He is not against people who drink, and this is not an issue of good versus evil or right versus wrong, but it is necessary to consider true unintended consequences of selling alcohol in the City. He stated that in the 35 years he has lived here, the City has grown exponentially and there have never been alcohol sales; he is not sure what was done to incentive people and businesses to locate here, but it must have been right. He encouraged the Council to keep Highland dry.

Allanna Mills stated that as she was listening to everyone speak, she was thinking of the impact that this decision will make on the people who will be coming to the restaurants; she has noticed a difference between Meiers and Macey's, and Walmart and Smiths and that is the fact that they sell different things. When her mother needed something, she was completely willing to go into Meiers or Macey's and grab something for her by herself, but she was scared to go into Walmart and Smiths because they were a different environment that attracted a different group of people. The Walmart in Cedar Hills specifically has a different group of teenagers that hang out there. There are still good people that go to Walmart, but it is a different environment, and she would not want to live near it. She asked the Council to vote in a manner that will keep Highland safe and unique and give additional time for the public to become aware of this issue and get involved.

Justin Eaton stated there are a lot of benefits and values associated with living in Highland and the fact that businesses are closed on Sunday or if the City is dry have no bearing on those things. He supports the proposed development because it will provide things the community wants and will create a sense of community. He has a degree in history and religion, and he was also appalled and concerned about the gaps in the City's laws and State law and suggested those issues be addressed. There is a lack of consistency that is too broad and needs to be addressed. He stated that he finds many of the comments that have been made tonight to be misguided and building upon the same problems human beings continue to make; the human race does not learn from history. People should not distinguish themselves as being different and/or better than others. Looking at actual data, the National Highway and Traffic Safety Administration found that the fatality rates related to alcohol related accidents are 6.8 per 10,000 over a five-year period. In 'wet cities' the rate is actually 1.9 per 10,000. Many of the arguments that have been made tonight are not fact based and the reality is that allowing the development to include restaurants that sell beer will not damage the City's atmosphere and property values. He actually thinks another fast-food restaurant would detract from property values over the long term. He suggested the City approve the project because it is absolutely what the community needs.

David Beck stated one argument that has not been heard relates to morality; it is not that one morality is better than another, but this is a community that values certain things and in the religion he follows has taught him that alcohol is dangerous and generally deleterious to a good society and atmosphere. The community's religion values speak to who the community is and principles matter. He is a schoolteacher, and he tries to teach his students that trading something against one's principles is against their values and beliefs matter. He stated that many arguments that have been made are compelling, but he needs to speak to his own values and ask himself what is best. Sometimes there is a religious element to decision making, even though people fear discussing religion as part of government, but that is the case in this situation and what has made Utah a very nice place to live.

Laura Ross stated she has lived in Highland for over 35 years, and she really likes the development concept that has been presented. She stated it is kind of like Gardner Village, which is a fun place for families to gather and enjoy offerings and the environment. She owns her catering company, and the restaurant business is very hard; one negative thing she heard was a dislike for a chain restaurant, but she wanted to make sure that people understand the value of chain restaurants. She stated that she will not speak negatively about chain restaurants and Olive Garden is a really nice, sit-down affordable restaurant.

Paul Adams stated he actually wanted to ask for Olive Garden. As a business owner and entrepreneur, he is a big proponent of capitalistic opportunities, and he feels good businesses should 'win out' and be given equal opportunities. He stated residents will enjoy this project if it is built and they have the right to choose if they will patronize a business that sells alcohol. If the citizens want this project, they should voice their opinion.

Wesley Warren stated that the comments he planned to make on this issue have changed throughout tonight's meeting; he came to advocate for the proposed amendment and still supports it, but he also thinks the Council should consider the voice of the City's residents. If a certain area has a predominantly cohesive value system, that is what should win. He came here thinking the amendment would be good, but he also believes it may be best for the Council to delay a decision and gather more information and input. He still thinks he is in the majority of Highland voices on this issue; he feels the need to advocate for himself as someone who does consume alcohol. He likes to think that he shares the same values and morals of other Highland residents and the fact that he consumes alcohol has nothing to do with that. It hurts to hear fellow residents say that morals, values, and standards are tied to alcohol because that means others consider him sub-standard. It is necessary to stop equating alcohol with morals and values. He provided a couple of statistics; Highland City, combined with Lehi, American Fork, Cedar Hills, and Alpine have experienced three alcohol related fatalities in the past 13 years. There have been more vehicle accidents, but three deaths.

Brian Braithwaite stated he knows the City Council is thoughtful and listens to its residents; the Mountain Ridge Park is a good example of that process. He noted that a lot of difficult words have been spoken tonight and this issue has brought out some of the worst in the community. The Council needs to listen to its residents, but it feels as if this issue has been rushed and the Council has not had the opportunity to hear all of the residents. It is important for everyone to have input. He stated he loves Mr. Warren and thinks he is one of the best people in this community and he also agrees that public input is important. It is clear the Council's original intent was that alcohol not be sold in the City; whether that is continued or not, it is important that the Council perform adequate research and get input from the residents to provide a basis for the final decision.

Sarah Sandberg-Pletch thanked the Council for their service to the community. She is a mother of six children and appreciates that Highland is a dry city. She is aware of first-hand accounts of the consequences of alcohol. She does not judge people that consume alcohol, but she knows the dangers of it and would encourage the Council to keep Highland a dry city.

There were no additional persons appearing to be heard.

Mayor Ostler then reviewed the options before the City Council; the Council could either close the public hearing, or keep it open and continue it to a future date. The Council could submit a survey to the citizens on this project only. He added if the ordinance is denied, it could be referred to the voters, but that is a very technical and lengthy process. There are many options for gathering public input on this matter. He asked if the proposed code amendment would apply City-wide, or just to the subject property. Mr. Patterson stated that an amendment to the CR zone would only apply to the subject property, but it also addresses the prohibition of on-premise beer sales in the business license ordinance. The amendment to the business license ordinance would apply City-wide.

Council Member Bills stated she would like to keep the public hearing open and continue the item for further discussion. Mayor Ostler polled the Council on whether they would like to keep the public hearing open.

Council Member Smith stated that he would deny the application for alcohol sales; however, he does not think the process on this issue has been transparent and open and he would like to advertise the issue better and give residents additional opportunities to participate and provide input. There is nothing in the newsletter or on the website about this controversial issue and he would recommend that a flier be sent, or a survey be conducted on this issue. His only sibling died of alcohol and substance abuse and that has influenced his stance on this point;

as a physician for 42 years, he has treated many people who have health issues due to alcohol. He knows there are responsible people who drink, but he knows of the negative consequences of alcohol as well.

Council Member Petersen stated she has received a lot of emails and phone calls about this issue, and she tried to tally those for and against the issue; she has concerns about the City's approach to this topic. She is also a medical professional and has personally chosen not to drink alcohol, but she is befuddled by some of the comments that have been made tonight. She and many others frequent restaurants that serve alcohol and she enjoys the atmosphere and food, and she has never felt threatened by the use of alcohol. She stated that people have spoken about the values they hold dear and if their opinions are truly based upon values and they want to prevent the City of Highland's residents from drinking alcohol, those people should never support restaurants in other cities that serve alcohol. She stated that alcohol is legal in the United States and in Utah and there is no part of her that believes that a restaurant that serves alcohol in Highland will make Highland a lesser community or will put the youth at risk. It also does not mean that the message to children is that it is ok to drink; the message should be that people who are different from them have value and everyone can coexist in the world safely and enjoy Olive Garden without having a drink. She added she is befuddled by the comments about Highland being 'dry'; Highland is not a dry city as the Country Club has served alcohol for years. Highland has not 'gone down the drain' even though the Country Club has a full-service bar. She does not think that anyone in Highland is ready to say that Highland should truly be dry as that is defined as zero tolerance for alcohol anywhere in the City.

Council Member Rodela stated she agrees with many of the points made by Council Member Petersen. She noted last night she was visiting with Mayor Ostler about their favorite restaurants; he told her she should go to Hinckley House in Colorado for a steak and ribs. She googled the restaurant, and the front page of the search results included a photo of the bar in the restaurant; she thought that could not be right because the Mayor has said this type of thing should not be allowed in Highland and there is no way he would go to the type of resident that he does not want to allow residents to partake of. She reviewed the menu for that restaurant and found that they only serve wine and beer. She agrees with Council Member Petersen in that many residents have commented that this should be allowed in Highland, but she would be willing to guarantee that every member of the Council and the Mayor support restaurants that serve alcohol. She added that the ordinance would not impact Alpine Country Club, which has a full-service bar. She contacted the manager of the Country Club and he indicated he has not had any incidents in the past six or seven years. She asked the Police Department how many incidents they have been called to at the Country Club in the last 10 years and the answer was none. She stated that her brother also died from an alcohol overdose; he had three DUI convictions and went to prison for it, yet she is 100 percent supportive of this change because her brother never once stepped into a restaurant to drink alcohol because it was heavily regulated. Instead, he got alcohol from a gas station and took it to his home to drink. He drank alcohol because he felt judged and inferior and that is what is happening tonight in this meeting. She will support the amendment because she feels it will keep the City safe and also because it will bring nice establishments to the community; she does not want another chain restaurant. She asked if every member of the Council would be in attendance in two weeks to discuss the matter further and vote. Council Member Smith stated he feels two weeks is too soon; he would like a public survey and other community outreach efforts that take more time. He stated this is a major change for the City. Council Member Rodela argued it is not a major change; alcohol is already allowed in the City. This is an equality issue, and a developer has asked why one property is zoned to allow alcohol, but he is not entitled to those same opportunities. The answer is because the City Council decided 23 years ago to adopt this ordinance to keep Trader Joes from going to the site. Council Member Smith stated that is a misconception; the City Council has explicitly said no alcohol should be sold in the City. Mayor Ostler added that the Alpine Country Club was in existence prior to the time that the City incorporated, and they had a liquor license from the State of Utah; they were grandfathered when the City was created, and they have been allowed to continue. The Council, in 1977, recognized the difference between the Country Club and other establishments.

Council Member Ball stated that past City Councils have made decisions that helped to preserve what makes Highland special; he asked if the current City Council wants to mess with the formula. In regard to constitutional rights, impaired driving truly impinges on the constitutional rights of others. Soda shops are different than

businesses that serve alcohol because consumers will not be impaired. Personal choices that impact others' safety are much different than those that do not and those that are suggesting that the predominant religion is making a judgement call are incorrect. In all of his years as a member of the predominant religion, he has never heard the statement that those who drink are lesser people. They are taught to love, accept, and reach out to those that are different.

Council Member Bills stated she disagrees with most of what has been said on both sides of this issue tonight; the group could argue back and forth about statistics, money, morals, and values but that is not helpful. The issue before the Council deals with the fact that alcohol has not been sold outside the Country Club ever and they must decide whether they want to change that or not. She does not believe anyone knows what the majority of residents think and feel about this issue and for something that has been a law and tradition for several years, the Council should not be expected to make a decision in just one week. She does not want to make a decision tonight; she supports keeping the public hearing open and would actually prefer a citizen driven initiative on the issue to give the public the opportunity to vote. The timing of the issue is unfortunate because the Highland Fling is underway; she does not want to leave the meeting with the threat of a lawsuit or with the claim that she would be responsible if even one person dies in Highland due to the ordinance change. She stated if the decision is made to continue the public hearing and invite more input, she would ask the public to refrain from making comments about someone's character, morals, values, or making threats because everyone is part of the Highland residency, and they should work together to make the best decision for the community.

Mayor Ostler stated that he likes to make decisions based upon data; if a restaurant is built in Highland, it would generate approximately \$11,000 in sales tax each year. It is true that if Highland residents shop or dine in other cities, Highland does get a portion of the sales tax generated by that activity. He would like to have more of a specialty restaurant in the City, but he does not want to 'screw up' the City. Highland is the safest City in the State of Utah and that is due to something. He feels responsible for the safety of the community and this issue comes down to safety for him. He noted that he has reviewed data and found that every person responds differently to alcohol consumption; this could depend on someone's weight, dehydration, medications, the type of food that is consumed with alcohol, and other factors. Even after one drink, someone can be impaired, and this could impact their decision making. He supports slowing down the decision-making process to allow for further public input.

Council Member Rodela stated that she wants to ensure the current City Council will be present if the public hearing is continued and a decision is delayed. Council Member Petersen announced she was laid off her job in February and she recently accepted a new job in Atlanta, Georgia; tonight will be her last meeting as a member of the City Council. Mayor Ostler discussed the process for filling a vacancy on the City Council, and there will be another person on the Council when this decision is made. Council Member Rodela stated she wants to be sure this is not a tactic to delay a decision until there is someone other than Council Member Petersen on the Council. Council Member Bills stated that is not the case. Council Member Rodela indicated that people who care deeply about this issue may apply to fill the vacancy and she does not want to appoint someone that is a 'one-issue' Council Member.

Mayor Ostler stated that there is a greater risk associated with submitting this issue to the public; there have been 32 comments made tonight and they are fairly divided. Council Member Rodela stated the Council received 34 emails and 93 percent of those were supportive of the ordinance amendment. Mayor Ostler wondered how those emails were generated because the entire City did not know about this issue. He is most concerned about being transparent and he wants to slow this process down and gather more information and input.

Mayor Kurt Ostler closed the public hearing at 9:58 p.m.

Council Member Kim Rodela MOVED that the City Council accept the finding that the amendment is consistent with the purpose and intent of the CR Zone and APPROVE the proposed amendment to Section 3-4351 and Section 3-4352 to allow alcohol sales, and direct staff to draft language to limit the alcohol sales to:

The City Council will need to select which types of services would be permitted and/or prohibited:

- A. Limited-Service Restaurants (wine and heavy beer)*
- B. Include in the Municipal Code to allow on-premise beer sales in the CR zone*

SECONDED by Council Member Sarah D. Petersen

Council Member Ball addressed the issue of selecting a new person to fill the vacancy created by Council Member Petersen's resignation; the Council is above selecting someone that would be a single-issue member of the Council. He stated he loves the proposed development, and this discussion has nothing to do with the fact that he thinks it would be an asset to the community.

Ms. Wells noted that the municipal code change would be to allow on-premise beer sales.

There was brief discussion about the implications of a favorable vote or denial of the motion; Mayor Ostler stated that the Council can still direct staff to gather further public input if the ordinance is not adopted.

Council Member Smith stated that it is not equitable to allow beer sales in the CR zone, but not others. Mr. Patterson stated that the public hearing was not applicable to other zones and an ordinance for other zones has not been prepared. The Council can direct staff to explore other ordinance amendments if that is what they desire.

City Recorder Cottle stated her understanding of the motion to ensure she is recording it correctly; the Mayor indicated her understanding is correct.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>No</i>
<i>Council Member Brittney P. Bills</i>	<i>No</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 failed 3:2.

Council Member Timothy A. Ball MOVED to continue the proposed amendment for two months.

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.

The Mayor recessed the meeting at 10:06 p.m.

The meeting reconvened at 10:27 p.m.

8a. Direction on Additional Code Changes Regarding Alcohol - *Rob Patterson, City Attorney*

City Administrator Wells asked the Council what information they need from staff in order to be able to make a decision on the City's code pertaining to alcohol in the next two months. She and City Attorney Patterson facilitated discussion among the Council regarding different options for gathering input, as well as a discussion about the State's initiative and referenda laws. The Council concluded they would like to hold two public open houses and conduct a survey specific to this issue, and also utilize the newsletter and website to communicate with the public about the issue. Ms. Wells indicated staff will draft a survey and bring it back to the Mayor and Council for review and approval.

4. PUBLIC HEARING/ORDINANCE: GENERAL PLAN - ACTIVE TRANSPORTATION PLAN *General Plan Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by City Staff to add an Active Transportation Plan to the General Plan to provide high-level recommendations that allow for an integrated regional and local network of community wide walking and biking facilities. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained at the September 6, 2022 City Council meeting, the City Council approved an interlocal cooperation agreement between Highland City, Alpine City, and Mountainland Association of Governments (MAG) to write an Active Transportation Plan. Out of the five proposals received for the project, Horrocks Engineering was hired to work on the plan. Horrocks worked with Highland City staff to form a Steering Committee to give guidance and suggestions relating to the plan. The Mayor and Councilmember Rodella were part of this Steering Committee and participated in these meetings. On June 20, 2023, a work session was held by the City Council. Horrocks gave a presentation to the Council on the draft Active Transportation Plan in order to receive input. There was discussion relating to additional grant funding sources, as well as designated equestrian trails. Horrocks has since updated the plan to include an equestrian friendly cross section, updated language and expansion on federal grant funding examples, and updated content on partnering with local organizations/non-profits. On June 27, 2023, Horrocks presented the updated draft Active Transportation Plan to the Planning Commission in order to receive input, and give the Planning Commission sufficient time to review the plan before adoption. The Planning Commission asked questions related to how the trails were selected and whether they were viable at this time. It was explained that there were site visits completed by Horrocks and staff as well as input from the Steering Committee and the public. Some might not be feasible now, but would be in a long-range plan. The Planning Commission noted that once both Alpine and Highland have adopted the plan, there should be a joint meeting to discuss prioritization and funding for these projects. The proposed amendment adds an Active Transportation Element to the Highland City General Plan with the following sections:

1. Executive Summary
2. Public Engagement
3. Existing Conditions
4. Design Standards
5. The Network
6. Connecting Land Use and Active Transportation
7. Cross Sections
8. Funding
9. Evaluating for Success

10. Connecting Communities
11. Implementation Plan
12. Conclusion

The plan also includes the following appendices with additional information:

- A. Public Engagement
- B. Existing Conditions
- C. Planning Level Cost Estimates

The Planning Commission held a public hearing on July 25, 2023. Two (2) residents participated in the public hearing and expressed that they were in opposition to the future plan to have a trail along Dry Creek east of 6000 W. One Commissioner shared concern that the plan showed the trail along Dry Creek going through private property. It was noted during the meeting that municipalities cannot exercise eminent domain for a trail alone. A trail through private property would have to be given voluntarily by the property owner. Staff noted that this specific trail is in the existing trails master plan in the Highland City General Plan. Commissioners also shared concern that they were not included in the Steering Committee associated with the Active Transportation Plan. The Commissioners discussed the difference between a conceptual plan and a plan that would go into more detail with feasibility studies. Staff explained that this plan is meant to be conceptual, similar to the rest of the General Plan. Once the Planning Commission and City Council decide to start one of the projects outlined in the plan, staff will then do research to figure out whether the project is feasible or not. One Commissioner pointed out a clerical error that one of the elementary schools is shown on some maps and is not shown on others. Staff will work with Horrocks to fix these maps before they are adopted into the General Plan. The Planning Commission voted five to zero to recommend approval of the proposed active transportation element as a conceptual plan. The Planning Commission wanted to make the City Council aware that they have concerns with the level of practical detail and implementation even at a conceptual level for the trails and safety portions of the plan. They recommend that there be further refining before it is formally added to the General Plan. Ms. Smith concluded staff has found that the proposed amendment meets the following findings:

1. It encourages increasing the level of safety, comfort, mobility, and access to destinations for people of all ages and abilities who wish to travel on foot or on bike.
2. The plan supports the City's efforts to promote trail connectivity.

Mayor Ostler inquired as to the issues the Planning Commission were concerned about relating to the topographical detail of the plan; he asked if they are concerned those details are not accurate. Ms. Smith stated that for the Dry Creek Trail, there are concerns about practicality, the steep grades of the land, and connections across private property. If the Plan is approved and certain projects move forward, staff will analyze the feasibility and practicality of the projects.

Council Member Smith stated he has received a lot of emails about the Dry Creek trail and the fact that it will traverse private property; he asked Ms. Smith to expound on that project. Ms. Smith stated that the General Plan is complicated – similar to the City's development code – and there are some inconsistencies and use of private property to make trail connections. She noted in 2013, the Trail Master Plan was adopted, and certain trails were eliminated from the 2008 Master Plan; the Dry Creek trail was one of those that was to be eliminated, but when the ordinance was adopted, the old trails map was not removed, and it is still part of the General Plan today. The focus of Horrocks was to join communities through trail connections and Dry Creek has been considered as a primary connection. There has been a lot of public input about that project from both Highland and Alpine cities. Council Member Smith asked if there is an alternate for that project. Ms. Smith identified trail easements on the map and different options for connections associated with future development.

Council Member Bills stated that if the trail was supposed to be removed and the City does not own the land, she would like to remove it from this document. Council Member Smith stated he would support that action.

Mayor Kurt Ostler opened the public hearing at 10:57 p.m.

Lenna Harrold referenced the chart in the draft Plan that includes project numbers/locations for the Highland Backbone Network; she is opposed to number 4AH, the Dry Creek Trail from 6000 West to 300 North in Alpine because it is located on private property and there will be an eight-foot elevation change from the creek to 6000 West. It would not be possible to build a trail that is compliant with the Americans with Disabilities Act (ADA) on the land. The area does flood regularly, and she encouraged the Council to remove it from the Plan. She stated she would actually encourage the Council to deny the entire Plan because there are 'too many holes', a lack of clear delineation for how to make it safer for school children to travel from home to school and parks. Further scrutiny is needed to correct the many errors and discrepancies in the document.

Roberta Harris stated there is a proposal to include a trail on her private property; she has put a great deal of work into her yard and having people come through her property is very upsetting to her. Other communities that have extensive trail systems have reported crime, drug use, vandalism, noise, and trespassing onto private property. She does not have the energy to clean up after these things. She also cannot afford the expense of repairing her fence or installing security cameras to deter illegal activity. She has already lost 12 feet of her property due to the current of the creek undercutting the bank each year. It gets worse each year and it is a dangerous area to place a trail. She understands a desire for a trail next to the creek, but it is not safe and will be very costly to maintain.

Delecia Mills agreed the trail will be very dangerous without major work; she does not believe it is right for the City to build a trail on private property. Residents need to be allowed their privacy and just installing a privacy fence will not provide adequate security for the private property and for the trail.

Mayor Kurt Ostler closed the public hearing at 11:04 p.m.

Council Member Bills reiterated she would like to remove the Dry Creek Trail from the Horrocks document and from the General Plan. Council Members Rodela and Smith agreed. Council Member Smith added that more work is needed on the Active Transportation Plan before it is adopted and made part of the General Plan.

City Administrator Wells asked Council Member Smith if he is suggesting referring the item back to the Planning Commission. Council Member Smith stated he would like to hear from Chris Howden, Planning Commissioner.

Mr. Howden stated that adopting an Active Transportation Plan helps the City to secure revenue for trails projects. For that purpose alone, he feels it would be wise for the Council to adopt the document. It is pretty obvious that the State forbids a city condemning private land for a trail and it is not practical for the City to propose a trail that is not practical. He suggested agreeing to adopt the Plan with the understanding that is a guiding document and not a binding document and as specific projects are explored or funding is being secured, certain projects can be tweaked or removed from the General Plan.

Mayor Ostler agreed that individual projects will be reviewed as implementation of the Plan moves forward; adoption of this plan does not mean that the project will necessarily come to fruition. He also agreed that the purpose of the Active Transportation Plan is to help the City gain access to other funding sources for these types of projects.

Council Member Ball asked if the City could exercise imminent domain for a trail project, to which City Attorney Patterson answered no.

Council Member Bills again suggested that the Dry Creek Trail project be removed from the Plan to address the concerns that have been raised about that specific project. Council Member Ball agreed.

Council Member Timothy A. Ball MOVED that the City Council APPROVE the proposed amendment to add an Active Transportation Element to the Highland City General Plan, with the removal of project 4AH.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

5. ACTION: WELL #2 PUMP REPLACEMENT *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider funding the purchase of a new pump for well #2 from Rhino Pumps as well as the rewinding of the associated motor by Sidewinders, LLC.

City Engineer/Public Works Director Spencer explained well #2 is a valuable resource in providing drinking water to the residents of Highland City. Recently, we experienced a failure of the pump within this well resulting in it being taken out of service. The City is currently relying solely on two of our other wells to supply all the culinary needs of our residents. This places additional stress on them, making it expedient that Well #2 be repaired as soon as possible. Staff has received a bid for a new pump from Rhino Pumps for \$63,748.05. Sidewinders, LLC will also service the existing motor for \$6,000.00. Staff requests funding approval up to \$80,000 for the reconstruction work of Well #2.

Council Member Scott L. Smith MOVED that the City Council approve the repair costs associated with Well #2 including a new pump and motor service in an amount up to \$80,000.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Mayor Ostler then announced that items 6, 7c, and 7d will not be heard or acted upon tonight due to the late hour of the meeting.

7. EXPEDITED ITEMS

a. PUBLIC HEARING/ACTION: Final Plat – Williams View & Vacation of Right-of-Way Land Use (Administrative) – Kellie Smith, Planner & GIS Analyst

The City Council will consider a request by Chris Howden for final plat approval of a 14-lot subdivision in the R-1-40 Zone located at approximately 11240 N 6000 W. Staff is also requesting the City Council hold a public hearing to consider a vacation of right-of-way for approximately square feet along 6000 W associated with this final plat. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained staff recommends the City Council accept the findings, and approve the proposed final plat and right-of-way vacation along 6000 West with the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received July 26, 2023, except as modified by these stipulations.
2. The final plat and final civil engineering plans shall be reviewed and approved by the City Engineer prior to recordation.
3. All required public improvements shall be installed as required by the City Engineer and shown on the approved construction plans.
4. Staff will coordinate with the developer for a reimbursement agreement associated with the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

Council Member Smith stated that in past discussion of this development, there was a great deal of discussion about access to 6000 South; he asked if those issues have been resolved. Ms. Smith answered yes; at the preliminary plat state, the City Council voted to keep 11200 North the standard width.

Mayor Kurt Ostler opened the public hearing at 11:18 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 11:18 p.m.

Council Member Scott L. Smith MOVED that the City Council accept the findings and APPROVE the final plat for the Williams View subdivision subject to the six (6) stipulations recommended by Staff and APPROVE the proposed ordinance vacating approximately 190 square feet of right-of-way along 6000 W.

1. *The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.*
2. *All public improvements shall be installed as required by the City Engineer.*
3. *The civil construction plans shall meet all requirements as determined by the City Engineer.*
4. *The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.*
5. *Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.*
6. *If the vacation of right-of-way along 6000 W is approved by the City Council, the jog in property lines behind lots 6 and 7 will be adjusted to be directly adjacent to the sidewalk. This will be adjusted prior to the plat recording.*

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>

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

The motion passed 5:0.

b. ACTION: Maintenance Agreements – Canterbury North & Highland Hollow Land Use (Legislative) – Kellie Smith, Planner & GIS Analyst

The City Council will hold a public meeting to consider four (4) requests by Robert and Tracy Furness, Grant and Brenda Kimball, Richard and Rhonda Miller, and Patrick and Emily Spens to enter into open space maintenance agreements with the City for property adjacent to their lots in the Canterbury North and Highland Hollow subdivisions. The Council will take appropriate action.

Planner & GIS Analyst Smith explained staff recommends the City Council determine if the proposed maintenance plans are consistent with the intent of Council policy regarding open space maintenance agreements. The Council should also provide appropriate direction if additional restrictions are to be addressed in the Open Space Maintenance Agreements. After these items are determined, Staff recommends the City Council authorize Staff to execute open space maintenance agreements with Robert and Tracy Furness, Grant and Brenda Kimball, Richard and Rhonda Miller, and Patrick and Emily Spens subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application.

Council Member Smith stated he has noticed a lot of people watering their trees with a hose and he asked if they are using culinary water or pressurized irrigation. Ms. Smith stated that they should be using pressurized irrigation. She then noted that four different maintenance agreements have been presented and she asked for an individual motion on each agreement.

Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with Robert and Tracy Furness subject to the following stipulation:

1. *All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 19, 2023.*

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with Grant and Brenda Kimball subject to the following stipulation:

1. *All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 17, 2023.*

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with Richard and Rhonda Miller subject to the following stipulation:

- 1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 13, 2023.*

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with Patrick and Emily Spens subject to the following stipulation:

- 1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 16, 2023.*

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

Council Member Bills suggested the Council quickly take action on item six. Council Member Smith agreed action is appropriate this evening.

6. ACTION: AUTHORIZATION FOR PURCHASE OF TEMPORARY SPEED TABLES *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will hold a public meeting to consider the purchase of temporary speed tables. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the Council has funded the creation of the traffic calming and pedestrian safety manual and program. The consideration regarding temporary speed tables originated from discussions regarding that program. As a part of the ongoing traffic calming and pedestrian safety discussions, the Council has indicated a desire to purchase temporary speed tables to allow neighborhoods and those driving the prospective locations to experience the speed tables before permanent installations are considered. As a specific funding allocation has not yet been set aside for traffic calming, the purchase of these speed tables will be taken from the major road maintenance account. This will reduce the funds available for roadway maintenance in FY2024. At this point, staff has only received a bid from Safety Supply & Sign Co. Staff is actively trying to obtain bids from additional manufacturers. To not cause any more delay on this item, staff is asking Council to approve an up-to amount with no specified company. Staff will ultimately select the lowest qualified bidder for the purchase. The cost of this purchase is \$35,844. Funding for this expense will be taken from GL 41-40-71, Major Road Maintenance. There are sufficient funds within the FY2024 budget.

Council Member Sarah D. Petersen MOVED that the City Council approve the purchase of temporary speed tables in the amount of \$35,844 contributing to the safety of Highland.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

7c. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments For Open Space Special Service District *General City Management - Tyler Bahr, Finance Director*

The City Council will consider amendments to the FY 2023-2024 budget for the Highland Open Space Special Service District. The Council, acting as Highland Open Space Special Service District Board, will take appropriate action.

This item will be discussed at the August 15th City Council Meeting.

7d. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments *General City Management - Tyler Bahr, Finance Director*

The City Council will consider amendments to the FY 2023-2024 budget. The Council will take appropriate action.

This item will be discussed at the August 15th City Council Meeting.

8. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

The City Council may discuss and receive updates on City events, projects, and issues from the Mayor, City Council members, and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

b. Mountain Ridge Park Update – *Erin Wells, City Administrator*

Council Member Smith asked when the flyer will be sent for Mountain Ridge Park. City Administrator Wells stated that staff has been working on posters and a QR code for donations that can be displayed during the Highland Fling. Council Member Scott stated he would also like a flyer with that information for the Council to hand out during the Fling.

Ms. Wells then used the aid of a PowerPoint presentation to review the updated timeline, budget, and potential funding sources for phasing of the Mountain Ridge Park project. Phase one will be completed by the end of fall 2023; this includes parking lot and sidewalk, pickleball courts, basketball court, restroom, pavilion, and playground. The estimated budget for phase one was \$8.7 million and the project is on track with the budget; there will be about \$300,000 surplus funding available when the park is completed. The estimated cost of phase two is \$1.4 million, but the bids for that part of the project are one year old. She presented a cost breakdown for the amenities to be included in phase two and suggested the Council consider different funding options for the project. The City has approximately \$130,000 in grants and donations, and \$200,000 from SURF soccer for lease of the soccer fields. The City could use parks impact fee revenues, but staff would like direction from the Council. The Council discussed use of impact fee revenue, but indicated they also believe the City can continue to fundraise to increase the funding available for the project. Mayor Ostler noted he feels it will be easier to raise fund for the park once naming rights are determined. The staff and Council agreed, and Mayor Ostler indicated that should be discussed at the next meeting.

c. PI Meter Project Update – *Andy Spencer, City Engineer/Public Works Director*

This item will be discussed at the August 15th City Council Meeting.

d. Canal Blvd Striping – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented a map to illustrate the proposed restriping of Canal Boulevard. He discussed road widths/number of lanes; extra room for islands at intersections; bike lanes; and use of optical speed bars as a traffic calming measure.

e. Sarah Petersen announcement.

Mayor Ostler referred to the announcement Council Member Petersen made earlier in the meeting about the need to resign from the Council due to relocating out of state for her job. He presented Council Member Petersen with a gift from the City and thanked her for her valuable service.

f. Highland Fling schedule reminder.

Mayor Ostler reviewed the Highland Fling activities.

g. . Future Meetings

- August 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 15, City Council Work Session & Meeting, 6:00 pm, City Hall
- August 22, Planning Commission Meeting, 7:00 pm, City Hall
- September 5, City Council Meeting, 7:00 pm, City Hall
- September 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall

- September 19, City Council Meeting, 7:00 pm, City Hall
- September 26, Planning Commission Meeting, 7:00 pm, City Hall

9. 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.

At 11:49 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 and pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

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 unanimously.

Council Member Scott L. Smith MOVED to adjourn the CLOSED SESSION and Council Member Timothy A. Ball SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 12:16 am.

ADJOURNMENT

Council Member Kim Rodela 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 12:17 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 1, 2023. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder

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TEXT AMENDMENT - ALCOHOL SALES

Development Code/Municipal Code Update (Legislative)

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

7

Staff Recommendation

- Staff recommends the City Council hold a public hearing and act on the application (Approve, Continue, or Deny)
 - Legislative Decision
- Staff recommends the City Council also provide staff direction on any other city-wide changes during the separate communication item.

8

Municipal Code

- Current

5.12.020 Beer Sales

Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for both on and off premises consumption.

- Proposed

5.12.020 Beer Sales

Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for ~~both on and off~~ premises consumption.

9

Development Code - CR Zone

Current

3-4351 Permitted Uses

As noted in the following sections, the only uses allowed within the C-R Zone are as follows:

Retail food stores, grocery and meat markets, bakeries, organic food stores, and other similar food and beverage sales facilities. Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

- Alcohol sales

Proposed

3-4351 Permitted Uses

As noted in the following sections, the only uses allowed within the C-R Zone are as follows:

Retail food stores, grocery and meat markets, bakeries, organic food stores, and other similar food and beverage sales facilities. ~~Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.~~

3-4352 Prohibited Uses

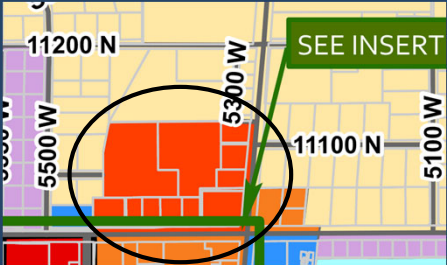
In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

- ~~Alcohol sales~~

10

Background

- CR Zone
- Property owner met with Mayor & 2 Council members to discuss potential amendment



11

Background

- Ordinance 1977-9
 - Prohibited light beer sales in Highland (at this time, the State prohibited restaurant sales of all other types of alcohol - this changed over time (began in the 90s, more thoroughly changed in 2003)
- C-1 - 1993
- Town Center Overlay - 1999 - Alcohol Sales prohibited
- CR Zone - 2006 - Alcohol Sales prohibited

12

Utah State Code

- Limited-Service Restaurants (wine and heavy beer)
- Full-Service Restaurants (liquor, wine, and beer sales)
- Bar Establishments (liquor, wine, and beer sales with limited food requirements)
- Taverns (liquor, wine, and beer sales with no food requirements)

13

Citizen Participation

- Public Notice posted on State & City Websites, and 3 public places
- Total of 22 comments received
 - For - 19
 - Against - 1
 - Comments relating to the development as a whole - 2

14

Planning Commission Recommendation

- July 25, 2023
 - Public hearing held; 3 residents participated (2 in favor, 1 against)
 - Applicant presented and shared that each of the restaurants they had reached out to expressed the interest or need to be able to sell alcohol
 - After questions and discussion, 1 Commissioner moved to recommend approval of the amendment with no second.
 - The Planning Commission voted 4:1 to recommend DENIAL of the proposed amendment.

15

Planning Commission Recommendation

- July 25, 2023
 - Public hearing held; 3 residents participated (2 in favor, 1 against)
 - Applicant presented and shared that each of the restaurants they had reached out to expressed the interest or need to be able to sell alcohol
 - After questions and discussion, 1 Commissioner moved to recommend approval of the amendment with no second.
 - The Planning Commission voted 4:1 to recommend DENIAL of the proposed amendment.

16

Motion to Approve

I move that the City Council accept the finding that the amendment is consistent with the purpose and intent of the CR Zone and APPROVE the proposed amendment to Section 3- 4351 and Section 3-4352 to allow alcohol sales, and direct staff to draft language to limit the alcohol sales to:

The City Council will need to select which types of services would be permitted and/or prohibited:

- A. Limited-Service Restaurants (wine and heavy beer)
- B. Full-Service Restaurants (liquor, wine, and beer sales)
- C. Bar Establishments (liquor, wine, and beer sales with limited food requirements)
- D. Taverns (liquor, wine, and beer sales with no food requirements)
- E. Prohibit bars, taverns, and similar establishments.

17

Motion to Continue

I move that the City Council CONTINUE the proposed amendment and (staff recommends the Council address the following as part of the motion):

- Close *or* continue public hearing
- Timing to bring the item back to the City Council
- Give staff any other direction needed

18

Motion to Deny

I move that the City Council accept the finding that the amendment is not consistent with the purpose and intent of the CR Zone and DENY the proposed amendment.

19



DIRECTION ON ADDITIONAL CODE CHANGES REGARDING ALCOHOL

Item 8a – Communication
Presented by – Rob Patterson
City Attorney

20

Staff Recommendation

- Direction on pursuing any other city-wide changes
- Public comment methodology

21



GENERAL PLAN – ACTIVE TRANSPORTATION PLAN
General Plan Update (Legislative)

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

22

Background

- Highland City, Alpine, & MAG
 - Horrocks Engineering hired to do research, solicit public input, and produce recommendations for a backbone network
- City Council Work Session – June 20th
 - Grant funding sources + equestrian trails; the plan was updated to include equestrian cross section, expansion on federal grant funding examples, updates on partnering w/local organizations/non-profits
- Planning Commission Presentation – June 27th
 - PC given a month after the presentation to become familiar with the plan before adoption
 - Once both Alpine and Highland have adopted the plan, the PC expressed wanting to have a joint meeting to discuss prioritization and funding for the joint projects

23

Citizen Participation – During ATP Process

- Online survey (737 responses – 53% Highland; 39% Highland; 8% other)
- In-person open house
- Online comment map
- Booth at each City's Halloween event
- Key stakeholder interviews
- 4 Steering Committee meetings

24

Citizen Participation

- Public Hearing Notices
 - State & City Websites
 - 3 public places
- 6 emails received in opposition of the Dry Creek trail connection west of 6000 W

25

Planning Commission Recommendation

- July 25, 2023
 - Public hearing held; 2 residents participated - in opposition of the trail along Dry Creek east of 6000 W
 - The Planning Commission voted 5:0 to recommend APPROVAL of the proposed active transportation element as a conceptual plan. The Planning Commission wanted to make the City Council aware that they have concerns with the level of practical detail and implementation even at a conceptual level for the trails and safety portions of the plan. They recommend that there be further refined before it is formally added to the General Plan.

26

Motion to Approve

I move that the City Council APPROVE the proposed amendment to add an Active Transportation Element to the Highland City General Plan.

27



WELL #2 PUMP REPLACEMENT
General City Management

Item 5 - Action
Presented by - Andy Spencer
City Engineer/Public Works Director

28

Prior Council Direction

There has been no prior Council discussion on this item as the failure of the existing pump was unforeseen.

29

Well #2 Location



30

Motion to Approve

move that the City Council approve the repair costs associated with Well #2 including a new pump and motor service in an amount up to \$80,000.

31



**AUTHORIZATION FOR PURCHASE OF
TEMPORARY SPEED TABLES**
General City Management

Item 6 - Action
Presented by - Andy Spencer
City Engineer/Public Works Director

32

Prior Council Direction

The Council has funded the creation of the traffic coaming and pedestrian safety manual and program. The consideration regarding temporary speed tables originated from discussion regarding that program.

33

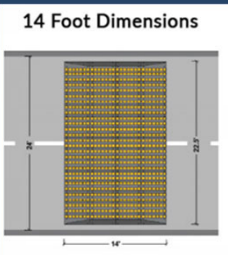
Temporary Speed Tables

- To be placed on streets where this level of traffic calming is anticipated.
- Cannot be placed in the winter (snowplow damage)
- Public feedback will be gathered on temporary placements.

34

Temporary Speed Tables



14 Foot Dimensions


35

Motion to Approve

I move that the City Council approve the purchase of temporary speed tables in the amount of \$35,844.

36



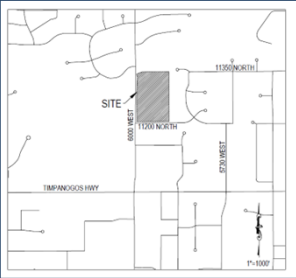
FINAL PLAT - WILLIAMS VIEW & VACATION OF RIGHT-OF-WAY

Land Use (Administrative)

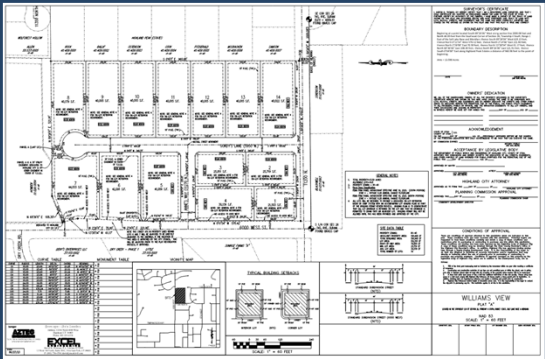
Item 7a - Expedited: Public Hearing/Action
Presented by - Kellie Smith
Planner & GIS Analyst

37

Vicinity Map



38



39

Motion to Approve

I move that the City Council accept the findings and APPROVE the final plat for the Williams View subdivision subject to the six (6) stipulations recommended by Staff and APPROVE the proposed ordinance vacating approximately 190 square feet of right-of-way along 6000 W.

40

Alternative Motion:

move that the City Council accept the findings associated with the final plat and APPROVE the final plat for the Williams View subdivision subject to the first five (5) stipulations recommended by Staff and DENY the proposed ordinance vacating approximately 190 square feet of right-of-way along 6000 W.

41



MAINTENANCE AGREEMENTS - CANTERBURY NORTH & HIGHLAND HOLLOW

Land Use (Legislative)

Item 7b - Expedited: Action
Presented by - Kellie Smith
Planner & GIS Analyst

42

Prior Council Direction

43

Prior Council Direction

- July 19, 2022 – Encroachment Policy and Maintenance Agreement adopted
- April 18, 2023 – Discussion Item
 - Council gave staff direction to allow specific properties to enter into maintenance agreements, and others to remove their encroachments

44

Motion #1 - Furness

I move that City Council authorize staff to execute an open space maintenance agreement with Robert and Tracy Furness subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 19, 2023.

45

Motion #2 - Kimball

I move that City Council authorize staff to execute an open space maintenance agreement with Grant and Brenda Kimball subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 17, 2023.

46

Motion #3 - Miller

I move that City Council authorize staff to execute an open space maintenance agreement with Richard and Rhonda Miller subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 13, 2023.

47

Motion #4 - Spens

I move that City Council authorize staff to execute an open space maintenance agreement with Patrick and Emily Spens subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 16, 2023.

48



MOUNTAIN RIDGE PARK UPDATE

Item 8b – Communication
Presented by – Erin Wells,
City Administrator

49

Discussion Topics

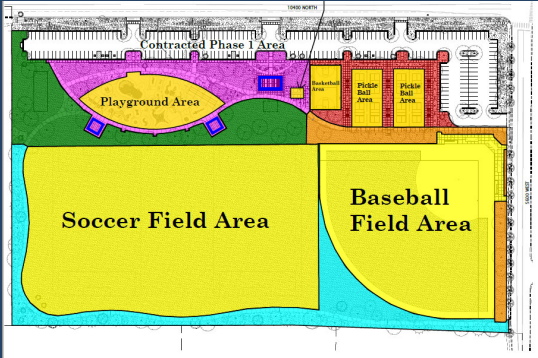
- Updated Timeline
- Budget Update
- Potential Use of Parks Impact Fee Money for Phase II

50

Updated Timeline

- End of Fall - Completion of Phase I
 - Parking lot and sidewalk, pickleball courts, basketball court, restroom, pavilion, and playground

51



52

Phase I Budget Update

- \$8.7 million planned expenses for Phase I
 - On track
- \$9 million in Council approved revenue
 - See details on next slide
- -\$300,000 surplus
- Excludes -\$55,000 for Pickleball Noise Blocking Material

53

Approved & Planned Revenue Sources	
Source	Amount
Remaining from Sale of Spring Creek Park	\$1,402,668
Sale to Patterson Storage	\$358,055
Dry Creek Property Sale	\$400,000
Street Tree Account	\$95,700
Enterprise Fund Eligible Portions	-\$87,300
B&C Road Money Eligible Portions	-\$144,390
Patterson Donation	\$10,000
ARPA Funds	\$2,269,373
General Fund Fund Balance	\$750,000
American Fork Landscaping Escrow Funds	\$104,558
FY2023 Parks Tax	\$160,000
Net Reimbursement for 6800 West Project	\$540,000
Highland Foundation Donations	\$140,000
Remainder from Town Center Exaction Fund	\$250,000
FY22 General Fund Net Revenue	\$1,000,000
Water Conservancy Grant Phase 1	\$44,381
FY23 General Fund Net Revenue (authorized March '23)	\$800,000
Private Donation for Playground	\$500,000
Total Cash	\$9,056,424

54

Phase II Estimated Costs

- ~\$1.4 million
 - Bids are 1 year old
 - Assumes baseball field is being donated

Phase II Cost Breakdown	
Item	Estimate
Gap 4 (Grass south of playground & ninja course)	\$280,000
Gap 5 (Trail and south of fields)	\$596,000
Soccer Field and Sprinklers	\$479,000
Total	\$1,355,000

55

Phase II Other Potential Revenue Sources

- ~\$130,000 – grants and donations discussed, but not finalized
- \$200,000 – maximum SURF lease agreement
- ~\$330,000 – total
- Parks Impact Fee Revenue

56

Parks Impact Fee Revenue

- ~\$3.4 million – impact fee funds available for bond payments
- ~\$3.1 million – total remaining park bond payments

57

Potential Scenario for Mountain Ridge

- If Council authorized **up-to** \$1.7 million for Mountain Ridge Park
 - ~\$1.3 million needed to be collected to cover bond payments
 - Would need an average of 50 new homes per year to collect needed revenue for bond payments (FY24-FY28)

58

New Homes per Year

Year	New Homes
2003	100
2004	240
2005	150
2006	260
2007	180
2008	50
2009	20
2010	80
2011	80
2012	110
2013	110
2014	120
2015	130
2016	150
2017	130
2018	140
2019	70
2020	100
2021	240
2022	150
2023 (110)	100

- 5-year average = 130 per year
- 20-year average = 129 per year
- Average of lowest 5 years = 52 per year

59

Status of Large Developments

- Ridgeview
 - 274 approved lots to go
 - 88 yet to be platted
- 10700 – 29 lots to go
- Total – 391

60

Phase II City Financial Summary

- ~\$1.4 million – estimated expenses*
- ~\$330,00 – potential revenue from grants, donations, and field lease
- ~\$1.7 million – potential use of impact fee funds
 - Would need 50 new homes per year to make up the difference
- \$630,000 surplus

61

Next Steps

- Fundraise push in August/ September
- Finalize commitment from baseball donor
- Update bids for Phase II
- Finalize fund usage – donations and if needed, parks impact fees
- Decide on contractor for next phase

62



CANAL BOULEVARD STRIPING

Item 8d – Communication
Presented by – Andy Spencer
City Engineer/Public Works Director

63

Canal Boulevard Striping



64



SARAH PETERSEN ANNOUNCEMENT

65



FLING SCHEDULE REMINDER

Presented by – Mayor Kurt Ostler

66



FUTURE MEETINGS

- August 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 15, City Council Work Session & Meeting, 6:00 pm, City Hall
- August 22, Planning Commission Meeting, 7:00 pm, City Hall
- September 5, City Council Meeting, 7:00 pm, City Hall
- September 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 19, City Council Meeting, 7:00 pm, City Hall
- September 26, Planning Commission Meeting, 7:00 pm, City Hall

Item 8e - Communication

67



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 and pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

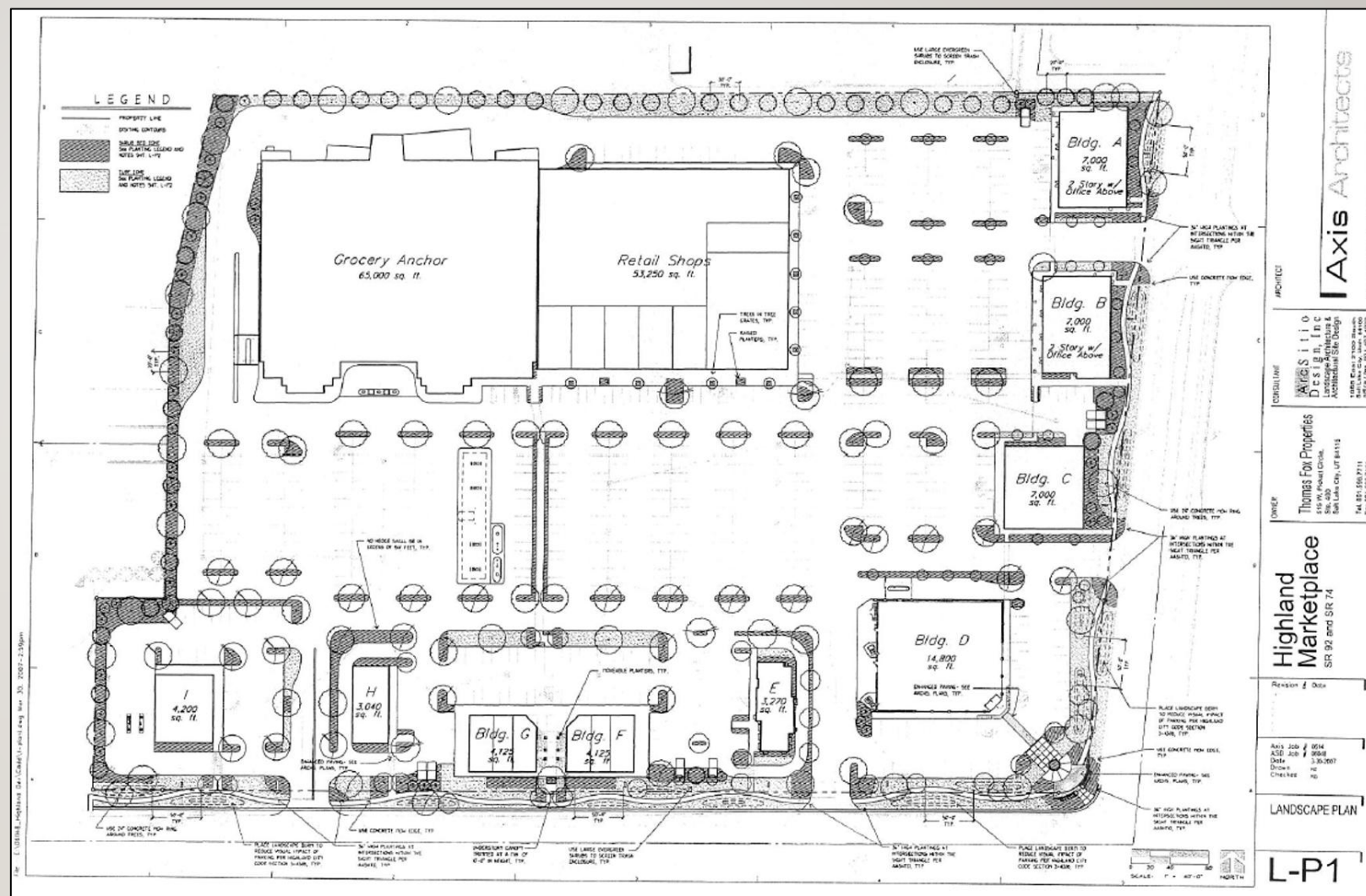
The regular City Council meeting will adjourn immediately following the end of the closed session.

68

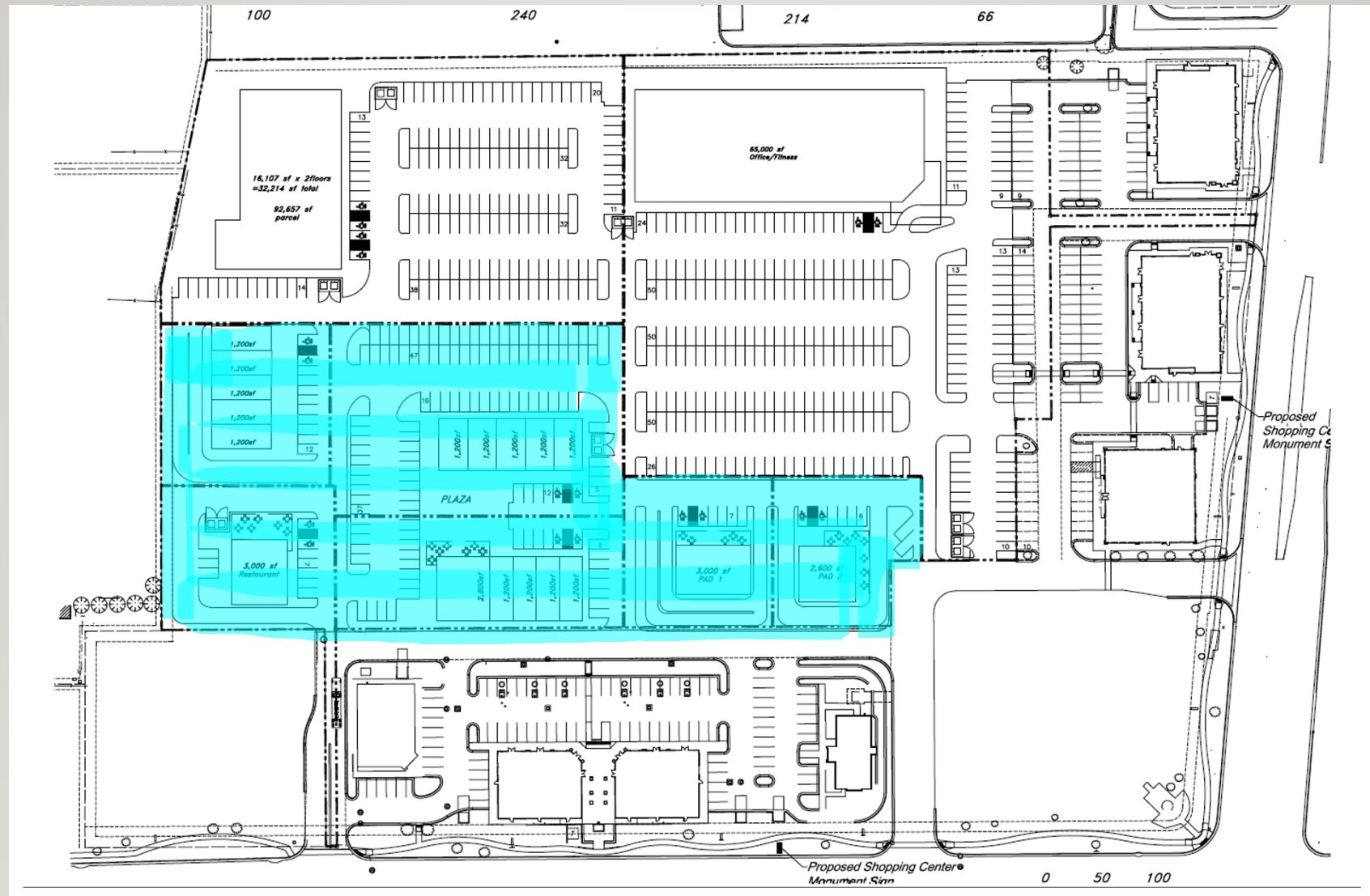


HIGHLAND
MAINS

Project History



2022 SITE PLAN



FINAL 2023 HIGHLAND MAINS SITE PLAN

Vision

- Community gathering
- Family focused
- Pedestrian focused
- Pedestrian Scale
- Outdoor dining
- Enclave from busy road











LOCATION





TENANT INTEREST



TENANT INTEREST



ISSUES

This application does not:

- Address the city's Sunday law
- Address the ability for any retailer to sell alcohol for off-premise consumption
- Enact a blanket approval allowing alcohol sales city-wide.

This application does:

- Remove a restriction on the CR zone that is not in place on the CI zoned commercial properties across the street or in adjacent cities
- Allow restaurants in the CR zone the same rights to determine their menu as restaurants in the CI have.
- Allow restaurants that can already sell wine/liquor/etc the freedom to also sell lower alcohol content beer.
- Allow the city flexibility to restrict bars/taverns

Proposed Code Text Amendments

Municipal Code Section 5.12.020

Current Code Text

5.12.020 Beer Sales

Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for both on and off premises consumption.

Proposed Text Amendment

5.12.020 Beer Sales

*Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for **both on and** off premises consumption.*

Development Code Section 3-4351 & Section 3-4352

Current Code Text

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

4. Alcohol sales

Proposed Text Amendment

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

4. Alcohol sales

PLAN COMPARISON



- Our Commitment
- This Vote

Basic Utah Retail

