NEXT

HIGHLAND CITY COUNCIL AGENDA
Tuesday, October 17, 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

6:00 PM WORK SESSION – ROAD FUNDING

7:00 PM REGULAR SESSION
Call to Order – Mayor Kurt Ostler
Invocation – Council Member Ron Campbell
Pledge of Allegiance – Council Member Jon Lefrandt

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

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
Regular City Council Meeting – September 5, 2023

b. Board Appointments *General City Management*
Mayor Kurt Ostler
The City Council will consider the Mayor's request to appoint Ron Campbell to serve on the Parks, Trails, and Tree Commission and Jon Lefrandt to serve on the Highland City Arts Council.

3. ACTION: BID AWARD - CONSTRUCTION OF 6000 W PI CONNECTION TO PROVO RIVER AQUADUCT (PRA) *General City Management*
Andy Spencer, City Engineer/Public Works Director
The Council will consider awarding a contract with COP Construction for a connection to the Provo River Aquaduct (Murdock Canal).

4. ACTION: BUILDING USE POLICY UPDATE *General City Management*
Jay Baughman, Assistant City Administrator / Community Development Director

The City Council will discuss draft updates to the City's Building Use Policy in order to align the policy with necessary changes in practice. The Council will take appropriate action.

5. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. **Alpine Highway Fence** – *Mayor Kurt Ostler*

b. **Alcohol Law Update** – *Erin Wells, City Administrator*

c. **Mountain Ridge Park** – *Andy Spencer, City Engineer/Public Works Director*

d. **Cemetery Maintenance Building** – *Erin Wells, City Administrator & Andy Spencer, City Engineer/Public Works Director*

e. **PI Long Term Financial Obligations** – *Tyler Bahr, Finance Director & Andy Spencer, City Engineer/Public Works Director*

f. **Lehi/DR Horton Future Development** – *Andy Spencer, City Engineer/Public Works Director*

g. **TSSD Water Re-Use Update** – *Andy Spencer, City Engineer/Public Works Director*

h. **Future Meetings/Events**
- October 24, Planning Commission Meeting, 7:00 pm, City Hall
- October 26, Candidate Debate, 7:00 pm, City Hall
- October 30, Trick or Treat Street, 5:00 pm, Splash Pad
- November 7, City Council Meeting, 7:00 pm, City Hall
- November 8, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- November 18, Tree Lighting Ceremony, 6:00 pm, Heritage Park
- November 21, Election Day, 7:00 am to 8:00 pm, Voting Center at City Hall
- December 5, City Council Meeting, 7:00 pm, City Hall

7. 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.

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION
Members of the City Council may participate electronically during this meeting.

CERTIFICATE OF POSTING
I, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (http://pmn.utah.gov), and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the City Council, staff and the public.

Posted and dated this agenda on the 12th of October, 2023 **Stephannie Cottle, CMC, City Recorder**

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

AGENDA NEXT

HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 5, 2023
Waiting Formal Approval

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

6:00 PM WORK SESSION – TRAFFIC CALMING TOOLBOX

The meeting was called to order by Mayor Kurt Ostler as a work session at 6:08 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS PRESENT: Timothy A. Ball, Brittney P. Bills, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Doug Cortney, Elizabeth Rice, Shawn Seager, Jeremy Searle

Shawn Seager, Wall Consultant Group (WCG), used the aid of a PowerPoint presentation to summarize the draft version of the proposed Highland Traffic Calming and Pedestrian Safety Manual. He reviewed the following components of the documents;

- Table of contents.
- Executive summary.
- The process for considering traffic calming requests consistently.
- Goals for the traffic calming manual.
- Goals for pedestrian safety manual.
- Crash data.
- Traffic calming options/roadway classifications.
- Measures that would be inappropriate for Highland City.

High level discussion among the Mayor, Council, staff, and representatives of WCG centered on the application process for a resident to follow if they are interested in working with the City to have a traffic calming measure installed, with a focus on the scoring criteria that would be used to evaluate an application; the minimum time frame for a City response to an application; prioritization of applications based upon the number of complaints the City has received, which may not be in line with the recommendations of the policy; the importance of regular status reports from the staff about active applications or decisions that have been made regarding past applications; cost estimates for temporary traffic calming measures; differences between temporary and permanent traffic calming tools; appropriate application fees; consideration of a private/public effort to install a traffic calming tool in a certain neighborhood or if individuals can install a traffic calming tool for an area that does not warrant a tool based upon the City's policy and scoring criteria.

City Administrator Wells indicated that she would use the feedback to work with staff and WCG to further modify the document for continued review in the next work session meeting.

The Work Session adjourned at 6:49 pm.

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler
Invocation – Rajan Zed, President, Universal Society of Hinduism
Pledge of Allegiance – Council Member Kim Rodela

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:06 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Rajan Zed, President, Universal Society of Hinduism, and those in attendance were led in the Pledge of Allegiance by Council Member Kim Rodela.

PRESIDING:	Mayor Kurt Ostler
COUNCIL MEMBERS PRESENT:	Timothy A. Ball, Brittney P. Bills, 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, Cemetery Sexton Trever Aston, Communications Specialist Brooklyn Wild, Police Chief Brian Gwilliam, Fire Chief Brian Patten
OTHERS PRESENT:	Jon Hart, Shaun Seager, Jeremy Searle, Doug Cortney, Jeremy Meldrum, Mark S. Greenwood, J. Weaver, Ryan Warnick, Shauna Larson, Aislynn Tolman-Hill, Daymar Swenson, Jason Garrett, Nicole M. dela Vega, Matt N. Neill, Rich Farr, Allie Carlson, Daniel Alldredge, Brandon Balkman, Sherry Kramer, Kurt Nelson, Nick Nelson, Suzanne Mann, Wesley Warren, Robin Wise, Cary Wise, Elizabeth Rice, Ron Campbell

1. UNSCHEDULED PUBLIC APPEARANCES

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

Wesley Warren stated that he walks his dog on the Highland Glen trail and there is a path that students from Lone Peak have made to connect to the trail and he wondered if it would be possible to install steps on that trail to make it safer/easier to navigate the slope. He stated he is willing to look into options for having the school provide labor to help complete the project if the City is willing to consent to it. He asked if the City owns the land, to which

Council Member Smith answered yes, noting the City purchased the land. Mr. Warren stated he will look into options for installing steps in the area.

Brandon Balkman discussed the matter of allowing alcohol sales in Highland City; he suggested that the City's decision be based on preserving residents' freedom of choice. He noted some are more concerned about the commerce aspect of the decision, but he feels choice is the most important. He then addressed the Beacon Hill park trail that is missing one small section of paving. He suggested that the paving be installed to complete the trail.

Rich Farlan stated he is the head coach of the Lone Peak Lacrosse Team; prior to coaching at the high school, he ran the local youth lacrosse club. He stated that the City's decision to potentially lease the Lone Peak fields to SURF soccer is a horrible decision that will be very damaging to youth sports and opportunities in this area. There are other soccer groups and many other sports groups that need access to field space. The high school also uses the fields occasionally for other sports. The value that is being put on the fields for an exclusive lease is about $200,000 for 10 years, which equates to just $20,000 per year. This is catastrophically low and if the City wanted to make revenue off of the fields, it would be better to get rid of the property and sell it for several million and place the money in an endowment. He noted, however, that was not the purpose of the fields, and they were developed using taxpayer dollars for the benefit of the community and leasing them to one singular organization is contrary to that purpose. Youth lacrosse players pay $150 per season, and they are coached by unpaid coaches and volunteers and the goal is to make this sport and other sports available to youth and the fields should be used for those purposes. Also, high school sports will need to find another place to practice.

Daniel Aldridge stated he is the current director of the youth lacrosse program, which is not a club program that pays coaches. It is as close to a recreation sport as possible for the sport of lacrosse in the State of Utah, but the reason it is not managed by the City is that there are not enough teams to host a city league. The teams travel to play recreation teams in other cities and of the $150 each player pays, the majority of those funds are allocated to paying for field reservations. If the program is forced to move to high school fields, the costs would increase. He has appreciated the City working with the lacrosse program in the past and would like to continue operating in that same fashion.

Council Member Smith stated it is his understanding the City contacted Lone Peak High School at least twice during a recent request for proposals (RFP) period regarding renting the fields that have been referenced by Mr. Farland and Mr. Aldridge; he is surprised to now hear that those groups want to continue using the fields. City Administrator Wells stated that the City did reach out Lone Peak High School about the matter. She noted she has received multiple emails today regarding this issue and she sent a response back to each sender to inform them of the process to date; the only proposal the City received was from SURF soccer. Council Member Smith then asked if Lone Peak High School was paying to use the fields for their sports events. Ms. Wells stated that the City does have a field rental policy and a rate specifically for non-profit entities or school groups; if the High School was actually renting the fields, they would have paid, but if they were just showing up to use the fields they would not have been paying.

Council Member Rodela asked who from the High School communicated with the City. Ms. Wells stated that she received an email from the school principal as well as the vice principal that is over athletics; she also had a verbal conversation with that same principal. Mayor Ostler then summarized the agreement the City has reached with SURF soccer, after which Assistant City Administrator/Community Development Director Baughman noted that SURF has not asked for exclusive rights/access to the fields, but they have asked for priority access. Council Member Rodela asked if the High School lacrosse team can still practice on the fields, to which Mr. Baughman stated that it may be possible to negotiate those terms with SURF soccer, but they were hoping for less intense uses of the field when they were not using it.

Doug Cortney expressed concerns about item six on tonight's agenda, the pressurized irrigation (PI) well modification project; on its face the project seems reasonable, but he is concerned about the need to conserve culinary water and not drain local aquifers more than absolutely necessary. He does not see an emergency need for PI water and is concerned about creating a system that allows using culinary water for PI purposes.

Sherry Kramer echoed the comments of made by the coaches who spoke about use of the sports fields; the fields near the high school have been used for many years and the process that was set up to allow for their use has worked well. She has an issue with public land that has been paid for by residents being subject to an exclusive lease with one particular club. The City should be interested in making the land open to the public or available for reservation on a first come, first served basis. She has spoken with another resident who has a child that plays for another soccer club, and they use the fields all the time; it would be detrimental to other users for the City to sign an agreement with SURF soccer.

2. PRESENTATIONS

a. Health Department – *Aislynn Tolman-Hill, Public Information Officer*

The Council will hear a presentation regarding contaminants in secondary water.

Mayor Ostler noted this item has been added to the agenda due to the recent E. coli outbreaks in Lehi City; the City's water sources and ponds are tested regularly for E. coli and the Highland Glen pond regularly has the bacteria present. The City has posted "no swimming" signs at the pond due to this issue. He has invited representatives of the Utah County Health Department to address concerns regarding E. coli.

Aislynn Tolman-Hill, Lisa Garrett, David Swenson, and Jason Garrett of the Health Department, used the aid of a PowerPoint presentation to discuss concerns regarding E. coli, which is a bacteria found in the environment, foods, and intestines of people and animals. E. coli are a large and diverse group of bacteria and although most strains of E. coli are harmless, others can make people sick. Some kinds of E. coli can cause diarrhea, while others cause urinary tract infections, respiratory illness and pneumonia, and other illnesses. There are six different strains of e. coli and the one that has been found recently is the Shiga toxin-producing E. coli and this is the most common pathotype heard about in the news related to foodborne outbreaks. They discussed the most common way that people encounter e. coli, but indicated that the source of the recent outbreak has not been identified. Ponds and irrigation waters are untreated and unregulated. Recreating in these water sources can be harmful and dangerous when bacteria is present. Choosing to recreate in these bodies/water systems are essentially "use at your own risk." In terms of prevention, people should not use pressurized irrigation water for drinking or play and they should avoid swallowing water when swimming or playing in lakes, ponds, streams, swimming pools, and backyard 'kiddie' pools. Additional prevention methods include washing of hands, cooking meats thoroughly, and preventing cross contamination of food preparation areas.

High level discussion between the Mayor, Council, and Health Department residents centered on the use of local ponds as swimming facilities/recreation areas; educational materials that should be distributed to the public; and treatment of bodies of water throughout the County for e. coli.

b. Highland Fling – *Robin Wise, Civic Events Coordinator*

The Council will hear a presentation on the 2023 Highland Fling "Our Slice of Paradise". The presentation will include a recap of events and a financial report.

Robin Wise, Civic Events Coordinator, thanked the Mayor and Council for their participation in various Highland Fling events; there were 26 total events and over 2000 hours were donated to make the celebration a success. She reviewed the calendar of events during the Fling and recognized the members of the Highland Fling Committee that made each of the events a success. She also thanked City staff that provided support for the events, as well as the Youth Council for their participation and support. Recommendations for 2024 include working to develop a theme for the next celebration and mail out the magazine that includes the schedule of events two weeks earlier than this year.

Mayor Ostler thanked everyone who was involved in making the celebration a success. Council Member Rodela stated one of her favorite events of the Fling is the senior citizens dinner and she thanked the events staff for their efforts to continue that tradition.

3. 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*
Regular City Council Meeting – July 18, 2023

b. **ACTION/RESOLUTION: Lone Peak Public Safety Board Appointment** *General City Management – Kurt Ostler, Mayor*
The City Council will consider the appointment of Kim Rodela as an alternate to the Lone Peak Public Safety District Board of Directors. The Council will take appropriate action.

c. **RESOLUTION: Update to the Lone Peak Interlocal Agreement** *General City Management – Rob Patterson, City Attorney*
The City Council will hold a public meeting to consider updates to the Lone Peak Interlocal agreement. The Council will take appropriate action.

d. **RESOLUTION: Reorganization of Timpanogos Special Service District** *General City Management – Rob Patterson, City Attorney*
The City Council will hold a public meeting to consider approving the resolution supporting the reorganization of the Timpanogos Special Service District (TSSD) in becoming an Independent Service District separate from Utah County. The Council will take appropriate action.

Council Member Smith asked to pull items 3b and 3c from the consent agenda for further discussion.

Council Member Kim Rodela MOVED that the City Council approve consent item 3a, the approval of meeting minutes from July 18, 2023 and 3d Reorganization of Timpanogos Special Service District.

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

The motion passed 4:0.

Council Member Smith stated that item 3b is an action to appoint Council Member Rodela to the Lone Peak Public Safety Board and he discussed past activities of the Board, which Council Member Bills also serves as a board member.

He then addressed item 3c, an update to the Lone Peak Interlocal Agreement, and asked if the main changes are grammatical and if the members of the Safety Board are comfortable with the changes. City Attorney Patterson stated that the Interlocal Agreement calls for a management committee for the District and this committee consists of administrators from both Highland and Alpine cities, but it did not include the Finance Director; one amendment to the agreement will be to clarify that the Finance Director will be part of the management committee. Mayor Ostler asked if the amendments would give either city increased oversight of the District. Mr. Patterson answered no and indicated that the amendment clarifies that the Finance Director of Highland handles budgetary matters and provides financial reports to the Board. Council Member Smith asked Council Member Bills if she is comfortable with the changes, to which Council Member Bills answered yes.

Council Member Scott L. Smith MOVED that the City Council approve consent item 3b appointing Kim Rodela as alternate to LPPSD board of directors and 3c to approve the update to the Lone Peak Public Safety Interlocal Agreement.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SENSITIVE LANDS *Development Code Update (Legislative) – Rob Patterson, City Attorney*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend certain sections of the Development Code and to adopt a new chapter 8 in the Development Code related to the regulation of development on sensitive lands. The City Council will take appropriate action.

City Attorney Patterson explained that during the May 16, 2023, City Council meeting, City staff discussed whether the City Council would be interested in adopting more specific and detailed sensitive land regulations. The Council expressed support for the ordinance to reduce the City's liability and protect current and future residents. On June 27, 2023, City staff had a similar discussion with the Planning Commission. The Planning Commission likewise supported the preparation of a sensitive lands ordinance. The Commission gave direction that the ordinance should encompass a variety of ground and soil issues (faults, soils, etc.), and that the ordinance should, to the extent practicable, provide fewer hard limits on development and more direction on mitigating unsafe or dangerous land and development conditions. Based on the feedback from the City Council and Planning Commission, City staff prepared a draft sensitive lands ordinance. The proposed amendment imposes regulations on the development of and construction on sensitive lands as follows:

1. Incorporates the sensitive lands ordinance into existing City review procedures.
2. Defines “sensitive lands” as land currently or historically subject to geologic hazards, environmentally sensitive areas, flood hazards, and/or steep slopes.
3. Requires an applicant for any subdivision on or development of property containing sensitive lands to perform a sensitive lands analysis, which identifies, delineates, and proposes mitigation efforts to manage and mitigate the development’s impact on affected sensitive lands.
    a. Sensitive lands analysis may require certain maps (topographical maps showing slopes, flood plain identification, wetlands delineation) and reports and studies (soil investigation, geotechnical reports, hydrologic reports)
    b. City staff will review the sensitive lands analysis and provide a staff report that confirms the permissible development areas and required mitigation for the sensitive lands within the proposed development
4. Regulates development related to geologic hazards and slopes:
    a. No development land subject to landslides/geologic hazards without appropriate studies, engineering, and other documentation of mitigation of danger or on slopes greater than 25%
    b. Regulations and restrictions on cut/fills, grading, erosion control/revegetation, and fill areas
    c. Limitations on road slopes and roads on steep slopes
    d. Requirements to regrade disturbed slopes to conform to adjacent property and manage affected drainage channels
5. Regulates development related to environmentally sensitive areas
    a. Wetlands, streams, rivers, and irrigation channels must be identified, and new setbacks imposed (15’ wetlands, 50’ streams/rivers, 10’ irrigation)
    b. Regulation of increased runoff and drainage to wetlands, streams, rivers, and irrigation channels
    c. Protection of identified and threatened wildlife and wildlife habitat
    d. Requires flood plain and flood-prone areas to comply with existing City regulations on floods
6. Standard appeal and variance process, with the addition of a special appeal process managed and decided by experts for geological hazards.

Mr. Patterson then engaged in dialogue with the Council regarding the history of the ordinance and similar ordinances employed in other communities; subdivision layout regulations; preservation of conservation areas and drainage channels; specific areas of the City that would be subject to the proposed ordinance; the importance of preventing any liability the City could incur by allowing developers to build in unstable areas; and the process a developer will be required to go through if they are pursuing development of sensitive lands. Council requested that the language on 5-8-104 be clarified replacing “other than dedicated open space or conservation areas” with “other than lots or parcels designated as non-buildable or dedicated for open space, conservation, drainage areas, or similar purposes”.

Mayor Kurt Ostler opened the public hearing at 8:44 pm.

Elizabeth Rice stated she supports this proposal and would recommend taking it a step further by approaching the State of Utah to prevent developers from doing whatever they want on sensitive lands. In the City of Draper, a developer built homes in an area that the City told them was unstable and there was a land slide and homes were destroyed. She recently watched a home built in her neighborhood on 9600 North in the hollow, but she thought that area was ‘off limits’ for development.

There were no additional public comments.

Mayor Kurt Ostler closed the public hearing at 8:45 p.m.

Council Member Kim Rodela MOVED that the City Council ADOPT the proposed ordinance amending certain sections of the Development Code and adopting a new chapter 8 in the Development Code related to the regulation of development on sensitive lands, with clarification on 5-8-104 replacing "(other than dedicated open space or conservation areas)" with: "(other than lots or parcels designated as non-buildable or dedicated for open space, conservation, drainage areas, or similar purposes)"

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

The motion passed 4:0.

5. ACTION: PRELIMINARY PLAT – MAGNOLIA ESTATES *Land Use (Administrative) - Jay Baughman, Assistant City Administrator/Community Development Director*

The City Council will consider a request by the developers for preliminary plat approval of an 8-lot subdivision in the R-1-40 Zone located south of 4697 W. 11200 N. The City Council will take appropriate action.

Assistant City Administrator/Community Development Director Baughman explained the applicant is requesting preliminary plat approval of eight (8) single-family residential lots located on 7.82 acres at approximately 4697 W. 11200 N. The lot sizes meet the requirements of the R-1-40 Zone by having only one (1) lot that is less than 30,000 square feet. The north side of lot two will not provide access to 11200 North Street except by private drive. There will be no connection from Manor Drive/Magnolia Drive to Snowflake Drive due to concerns that connecting those roads would provide a dangerous thoroughfare. There will be a 10-foot pedestrian access inside of a 35' PUE between the two roads. The 10' pedestrian access will be dedicated to and owned by the City. The Planning Commission held a public hearing on August 29, 2023. Several citizens and other interested parties turned out at the hearing to voice their opinion on the matter. A resident that lives adjacent to the development on the West participated in the public hearing, stating that when she and her husband built their house nine years ago, they wanted to put in a cul-de-sac but were told by the City they could not because they lacked the required space in relation to their desired lot size. At the time, a short-term turnaround bulb was put in as a temporary solution. Now that the street is not going through, the resident expressed concern that the temporary solution is now a permanent one. Other comments were questions about the development, neither for nor against, including questions as to a potential future access north to 11200 North. Some commenters spoke in regard to safety concerns on Manor Drive while construction vehicles would be in the area.

The Planning Commission voted seven to zero to recommend approval of the preliminary plat and staff recommends the City Council accept the findings, and approve of the proposed preliminary plat with the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat received July 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. Staff will coordinate with the developer regarding a reimbursement agreement for sewer extension in Manor Drive.
5. Parcel A shall be shown as a dedication/conveyance to Highland City, all indication that Parcel A is also public utility easement shall be removed from the plat.

Council Member Smith provided background information regarding this application for the benefit of the public in attendance; the City held an open house two years ago and it was heavily attended by residents along Manor Drive. There were concerns expressed by the residents and he feels the City and the developer have addressed many of the concerns regarding the road configuration and the increase in traffic through neighborhoods if certain road connections were made. He stated he feels the current proposal is a good compromise and the new lots and homes will be beautiful and will benefit the area. Council Member Rodela agreed. Council Member Bills agreed the plan is an improvement when compared to past applications for development of the property. However, she feels it is important to acknowledge the problems on Snowflake Drive and she feels the City needs to come up with a solution; she recommended finding a way to make the temporary turnaround not look so temporary. City Engineer/Public Works Director Spencer discussed the incorporation and improvement of areas of the cul-de-sac; which would help to improve the appearance of the area.

Mayor Ostler stated that the staff report regarding this item indicates the City will reimburse the developer for certain improvements, but he would like to know the exact cost of such reimbursements to ensure that the costs are competitive and fair. Mr. Spencer stated that the improvement work will be competitively bid to ensure that costs are fair. He briefly explained the sewer improvements to be completed in the project and noted that the City will have the ability to reject any costs and direct the developer to only proceed with the improvements that are necessary for the subject property. City Attorney Patterson added that any reimbursement agreement will be presented to the Council for approval.

Mayor Kurt Ostler opened this item for public comment at 9:04 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public comment at 9:04 p.m.

Council Member Kim Rodela MOVED that the City Council accept the findings and APPROVE the preliminary plat for the Magnolia Estates subdivision subject to the following stipulations recommended by Staff and the Planning Commission and work with residents on Snowflake drive to come up with solution.

1. *The final plat shall be in substantial conformance with the preliminary plat received July 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. *Staff will coordinate with the developer regarding a reimbursement agreement for sewer extension in Manor Drive.*
5. *Parcel A shall be shown as a dedication/conveyance to Highland City, all indication that Parcel A is also public utility easement shall be removed from the plat.*

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 Kim Rodela	*Yes*

Council Member Scott L. Smith Yes

The motion passed 4:0.

6. ACTION: CHANGE ORDER #1 WITH VANCON, INC. FOR PI WELL MODIFICATIONS *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider a change order with VanCon Inc. at Well #4 to facilitate a connection to the pressurized irrigation system from the existing culinary well. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on March 21, 2023, the Council approved a construction contract with VanCon, Inc. in an amount up to $1,522,535 for the construction of the new well house for Well #4. With the drilling and development of the new Well #4, staff realized the opportunity to use the current well at this site for a backup source for the City's pressurized irrigation (PI) system. The purpose of this change order would be to disconnect the piping from the old well previously connected to the culinary system and reconnect it to the PI system with necessary backflow prevention. This would provide an additional source of water in drought years or failure of other PI wells. The existing well is a $1M~2M asset to the City. This change order allows the City to make use of that asset rather than entirely abandoning it. The primary use of the well site #4 would remain to provide Culinary water to the residents of Highland. This reuse of the old well for PI would only be utilized in emergency situations if all other options have been exhausted. At the time the existing well was used for PI, the new culinary well would be turned off to prevent problems in the PI well in the event the culinary well drew down the water level too low. Staff would operate another culinary well to maintain sufficient culinary water to residents while the PI well is being used. Both wells would not be operated at the same time under any circumstances. The cost of this project is $100,825 with a 10% Contingency. Funding for this expense was not included in the FY24 budget. As this expenditure was not included in the budget, it will need to be funded by the pressurized irrigation enterprise fund and may be included as part of the mid-year budget adjustments unless otherwise directed by the Council. However, there are $2,132,699 in funds allocated in GL53-40-60, PI Capital Expenses/Projects in the FY2024 budget. These funds have been allocated for the 6000 West pump station. That pump station is currently in design and will be bid this winter. If bids come in less than the budgeted amounts, there may not need to be a budget adjustment. Additionally, in the PI rate studies, the City expenses for the PI meter project were anticipated to be larger than is currently forecasted. As such, there are funds available for this expense. Staff recommends approving a Change Order with Van Con Inc. in the amount of $100,825.79 including a 10% contingency for the project at Well #4 to facilitate a connection to the pressurized irrigation system from the existing culinary well.

Council Member Smith noted he is supportive of this proposal; the aquifer is replenished in good water years and wells are only used to supplement PI in very dry years. Mr. Spencer stated that is correct and the City does not regularly rely upon these wells for PI.

There was brief discussion about arrangements Highland City has with other cities for trading water in drought years, with Mr. Spencer noting that such trades are only considered in very dire conditions and the cities work together to strike an appropriate balance of trading.

Council Member Smith asked if the City has sufficient water supply to serve the City at its projected buildout population. Mr. Spencer stated that all master planning projects are based upon buildout projections and the City also participates with the Northern Utah County Aquifer Council to monitor aquifer recovery and the capacity of the water supply in this area. He considers this project to be like an insurance policy for the City and making use of an asset that the City has at its disposal.

Council Member Scott L. Smith MOVED that City Council APPROVE change order #1 with Van Con Inc. for the connection of the existing well #4 to the pressurized irrigation system in an amount up to $100,825 and AUTHORIZE the City Administrator to sign the documents.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

7. ACTION: CONSTRUCTION CONTRACT WITH ECKLES PAVING FOR 11830 N *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving a construction contract with Eckles Paving for the removal and replacement of the asphalt for a cul-de-sac located at approximately 6023 W. 11830 N. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the Council has not previously been advised of the issue as an unforeseen water leak is the catalyst for the consideration. Earlier this summer in July, a leak was called in by a resident reporting water surfacing up through the roadway in the 11830 Cul-de-sac. Crews responded and repaired the leaking water line. It appeared the line had been leaking for some time resulting in significant damage to the asphalt extending outside the area that was removed for the repair of the waterline. The existing asphalt within this area is in poor condition with much of the area severely cracked and settling possibly resulting from the leaking water line. It appears more appropriate to replace the entire cul-de-sac and waterway instead of placing a patch in what otherwise is a very poor condition road. The cost of this project is $75,319, including a 10% contingency. Funding for this expense is included in GL 56-40-70, Road Fee Projects within the FY2024 budget. Staff recommends the removal and replacement of the asphalt located at approximately 6023 W. 11830 N. This is a cul-de-sac that needs asphalt replacement following a water leak that disturbed the existing asphalt.

Council Member Scott L. Smith MOVED that City Council APPROVE a construction contract with Eckles Paving in an amount up to $75,319 and AUTHORIZE the City Administrator to sign the contract documents.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

8. EXPEDITED ITEMS

a. RESOLUTION: Vacancy Voting and Appointment Procedures *General City Management – Rob Patterson, City Attorney*

The City Council will consider the adoption of an amendment to establish procedures for the interviewing, voting, and appointment of candidates to fill a council office vacancy. The City Council will take appropriate action.

City Attorney Patterson stated that the Council discussed appointment procedures during its meeting on August 15, 2023. The Council reviewed several options from other cities and directed staff to prepare procedures that allowed for a short presentation from candidates, limited questions from the council, a process to narrow the number of candidates before voting to appoint, and to have council votes/ballots be confidential. Staff has developed a proposed resolution that provides formal procedures that can be provided to all applicants; the resolution establishes:

1. Two-minute introduction from a candidate, followed by one question to the candidate from each of the council members, including the mayor.
2. Each council member other than the mayor nominates, by secret ballot, 2 candidates to be considered for appointment, resulting in 2 to 8 final candidates.
3. The final candidates will be brought to the council again, and each council member, including the mayor, can ask one additional question to each final candidate.
4. The council then votes to appoint a candidate from among the final candidates by secret ballot.
5. All ballots and nominations will be collected and counted by the city recorder, with the city attorney observing and assisting.
6. Ties will allow the mayor to vote, and if ties remain after the mayor votes, they will be broken according to the coin-toss procedures set out in state law.
7. Once voting begins (after the nomination process), any candidate that receives 3 votes is appointed to fill the vacancy.

Staff recommends the City Council consider the resolution and ADOPT the proposed resolution, with any changes desired by the City Council, so the Council has established policies prior to the special meeting to fill the council vacancy on September 12, 2023.

Council Member Bills asked if the order of candidates will rotate during the question-and-answer phase of the process. Mr. Patterson stated that the candidates will appear in alphabetical order; after their two-minute introduction, they will engage in a question-and-answer period with the Council. The Council can ask the same questions of all candidates or ask each candidate different questions.

City Administrator Wells noted that the meeting during which the new Council Member will be selected has been advertised to start at 6:00 p.m.; she added that one of the applicants has indicated that they cannot attend in person, and they have asked if they can participate via electronic means and that is not addressed in the policy. Council Member Smith stated he would lean to require them to appear in person. Mayor Ostler stated he feels electronic participation would be a disadvantage for the candidate. Council Member Ball stated that he would like to understand the circumstances surrounding the applicant’s inability to attend in person before making a decision. Council Member Rodela indicated she would be comfortable allowing the applicant to participate via electronic means, but agreed that it would be a disadvantage. Council Member Bills agreed. Council Member Ball stated that he is willing to allow electronic participation. Mayor Ostler stated there was another individual who expressed interest in applying for the position, but they chose not to because they could not physically attend the September 12 meeting; given that the Council is willing to allow electronic participation, he feels it would be appropriate to reach out to that individual and give them the opportunity to still apply if they would like to. The Council supported allowing the individual to apply.

Council Member Timothy A. Ball MOVED that the City Council ADOPT the proposed resolution adopting procedures governing the appointment, interview, and voting process for filling vacancies in city council offices, including the zoom option and allowing the individual who had been rejected to reapply.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	*Yes*
Council Member Brittney P. Bills	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*No*

The motion passed 3:1.

Mayor Ostler acknowledged the applicants who were present and invited them to introduce themselves; this included: Ron Campbell, Patrick Springer, Allie Carlson, Landon Densley, Nicole de la Vega, Doug Cortney, Ryan Warnick, Sherry Kramer, John Weaver, Elizabeth Rice, and Wesley Warren.

b. ACTION: PI Meter Construction Contract change order for continuation of PI meter installation with Hydro Vac Excavation, LLC *General City Management – Andy Spencer, City Engineer/Public Works Director*
The City Council will consider approving a change order to the construction contract with Hydro Vac Excavation, LLC for the continuation of the Pressurized Irrigation Meter installation project. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on February 7, 2023, City Council approved a construction contract with Hydro Vac Excavation, LLC for the first phase of the PI meter installation project. The bid documents provide at the City's option for an extension of the contract for the ensuing years of meter installation. The bid from Hydro Vac includes a 10% increase for the installation of meters in 2024 and 2025. The City determined at that time to evaluate Hydro Vac's performance in 2023 before making decisions relative to future years. City Council has previously accepted grant funding through the Bureau of Reclamation and Utah State Department of Water Resources the funding for the PI meter project. On August 15, 2023, City Council gave staff direction to continue moving forward with Hydro Vac for next year's work and to allow them to install over the winter months. The cost of this change order including a 10 percent contingency is $2,314,206. Funding for the PI meter project is included in GL 53-40-50, PI Grant Expenditures, within the FY2024 budget. Pending the timing billing (FY24 vs FY25) for parts and installation, it may be necessary to adjust the end of year budget for the PI Grant Expenditures; however, sufficient funds are available due to the grant reimbursements that are available as the City pays the expenses of the project. Staff recommend a continuation of the installation construction contract with Hydro Vac Excavation, LLC to continue installing PI meters throughout the winter 2023/24 months in anticipation of completion of the residential installations in all areas of the City by October of 2024. City staff are pleased with the installation of the meters thus far and recommend continuing working with Hydro Vac for future phases of the project.

There was brief discussion regarding Hydro Vac's ability to perform the work.

Council Member Scott L. Smith MOVED that City Council APPROVE the change order to the construction contract with Hydro Vac Excavation, LLC in an amount up to $2,314,206 and AUTHORIZE the City Administrator to sign the necessary contracts.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion passed 4:0.

9. DISCUSSION: CEMETERY MAINTENANCE BUILDING *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will discuss the installation of a cemetery maintenance building. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the City Council approved within the FY2024 budget for the Cemetery Perpetual Fund, Capital Outlay line item 21-43-74 with the amount of $48,000 to be used for Cemetery Improvements. In 1999 Highland City began the construction of the cemetery. In 2004-05 the expansion of the cemetery was contracted. During the planning and construction phases of the cemetery there has been a location designated for a maintenance/storage area for excess dirt and equipment to be placed and for operations and maintenance purposes. Currently, there is a Conex on site to store some of the equipment. The equipment and drive mats are all stored outside. The combination of dirt and equipment can create an unsightly area of the cemetery. The adopted budget included money for a second Conex and roof structure between the Conex containers to create a carport. Staff feels that a building as suggested will be a better appearance and allow for more security for the equipment than the previously contemplated option. The purpose for constructing a maintenance building on this site is to house the trucks, skid steer, mini-ex and other equipment needed to operate and maintain the cemetery. The building will also allow the dirt to be screened from view in the cemetery. Currently most of the larger equipment is being stored outside in the elements causing unnecessary ageing and distress of equipment. Staff have researched potential building options and suggest the City move forward with the building concept provided. Council input is requested to ensure the building is acceptable and is in harmony with the aesthetics of the cemetery. Staff recommends the installation of a maintenance building to be installed in the designated cemetery maintenance area for storage of equipment related to operations of the cemetery.

Mayor Ostler facilitated discussion among the Council and staff regarding the idea of building a cemetery maintenance building; there was a focus on materials to be used and the Council directed Mr. Spencer to obtain three bids for the Council to consider before making a decision. Mr. Spencer stated that he also things it would be good for residents living near the cemetery to provide input.

10. 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.

e. Folkman Angel – *Stephannie Cottle, City Recorder*

City Recorder Cottle presented images of an angel statue, which represents a young lady buried in the cemetery. The family approached the City about placing the statue in the cemetery; they originally wanted to use it as her headstone, but that was not approved because the base requirements could not support the weight and size of the angel. They ultimately chose to place the angel near the pavilion and the family has volunteered to install landscaping in that area as well. City Engineer/Public Works Director Spencer stated that staff would like to pursue an agreement with the family regarding maintenance of the landscaping.

Council Member Timothy A. Ball MOVED to extend the meeting to 10:30 pm. Council Member Scott L. Smith SECONDED the motion. All voted in favor and the motion passed unanimously.

Mayor Ostler recessed the meeting at 10:11 p.m. The meeting reconvened at 10:20 p.m.

a. Alcohol Information Session – *Erin Wells, City Administrator*

City Administrator Wells provided the Council and Mayor with a draft of the summary document regarding a public survey and information about the MNG Highland Development proposal and amendments to the City's ordinances allowing alcohol sales. She invited feedback from the Mayor and Council about appropriate changes to the document. The Mayor and Council offered suggested edits intended to clarify the information provided in the document; condense/shorten the document; clear up confusing or conflicting information; offering an explanation on the differences between State law and City law; and the importance of the City taking a neutral position on the matter. Relative to the MNG narrative, feedback from the Mayor and Council centered on the importance of communicating that the information is from MNG and not the City; and shortening the document to get it to fit on one page. Ms. Wells indicated she will adjust the documents to reflect the feedback provided by the Council and send it to the Mayor and Council for continued review.

b. PI Long Term Obligations – *Andy Spencer, City Engineer/Public Works Director & Tyler Bahr, Finance Director*

This item was not discussed.

c. Financial Report -*Tyler Bahr, Finance Director*

This item was not discussed.

d. David Stewart Contract – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer explained the City's current contract with David Stewart expires on September 30, 2023; the contract price was $100,000 and during the contract period, Mr. Stewart secured $1 million in grant funding for the City. The Fiscal Year (FY) budget includes another $100,000 for similar services. Mr. Stewart submitted a grant application for GOEO funding and will provide legislative assistance regarding the following:

- Address any affordable housing, land-use control, building and development revenue restriction legislation.
- Address any legislation seeking to eliminate Justice Courts
- Transportation Utility Fee - Work with legislator that will be sponsoring bill and ensure parameters are favorable

Mr. Spencer concluded staff needs feedback from the Council to determine if they would still like to proceed with executing the FY24 contract at their next business meeting. The Council discussed the work to be performed by

Mr. Stewart and how that differs from the services provided by the Utah League of Cities and Towns (ULCT). Mr. Stewart stated that his service is unique as it can be targeted to the cities that he represents; the ULCT considers advocacy that would serve all its city members and the end solution may not be something that actually benefits all communities. He cited the use of transportation fees as an example and noted that not all cities have those types of fees so the ULCT may not have as great a focus on that issue as he will.

Mayor Ostler polled the Council to determine if they would still like to contract with Mr. Stewart; Council Member Smith stated he is supportive of contracting with Mr. Stewart again this year. Council Member Rodela stated she needs to think more about the issue because $100,000 is a large amount. Council Member Bills stated she does not like that cities must use lobbyists to secure funds; she has a fundamental concern with this type of contract, and she will also need to think more about it. Council Member Ball agreed but noted that the City needs grant funding, and he is supportive of contracting with Mr. Stewart in order to secure that funding. Mayor Ostler stated he is supportive of bringing the contract back to the Council at their next business meeting for action.

f. **Day of Service** – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer explained the next day of service will be this Saturday at Highland Glen Park; work to be performed includes pruning trees by the south bathroom, painting benches on the southeast side of the park, clean up the shore, and pick up trash around the lake. He invited residents to participate in the clean up and encouraged residents to attend the breakfast at the Fire Station at 7:00 a.m.

g. Alpine Highway Fence

Council Member Smith stated he would like to have discussion about this issue at the next business meeting; he still feels the City needs to help residents with this issue.

Council Member Bills asked if the City has already collected all of its expected cell tower revenue. Finance Director Bahr stated that the City has hit a quarter of its anticipated revenue.

h. Future Meetings

- September 12, Special City Council Meeting 6:00 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

11. CLOSED SESSION

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

There was no closed session.

ADJOURNMENT

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

The meeting adjourned at 11:37 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 5, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #2b

DATE: October 17, 2023

TO: Members of the City Council

FROM: Kurt Ostler, Mayor

SUBJECT: **ACTION:** Board Appointments

TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider the Mayor's request to appoint Ron Campbell to serve on the Parks, Trails, and Tree Commission and Jon Lefrandt to serve on the Highland City Arts Council.

BACKGROUND:

With the resignation of Council Members Sarah D. Petersen and Timothy A. Ball, it is necessary to fill the positions on the boards on which they were serving. Sarah D. Petersen was serving on the Highland Arts Council and Timothy A. Ball was serving on the Parks, Trails, and Tree Commission. It is recommended that Ron Campbell serve on the Parks, Trails, and Tree Commission, and Jon Lefrandt serve on the Highland City Arts Council.

FISCAL IMPACT:

None

MAYOR RECOMMENDATION:

Mayor Kurt Ostler recommends that Ron Campbell serve on the Parks, Trails, and Tree Commission, and Jon Lefrandt serve on the Highland City Arts Council.

MOTION TO APPROVE:

I move that Ron Campbell be appointed to serve on the Parks, Trails, and Tree Commission, and Jon Lefrandt be appointed to serve on the Highland City Arts Council.

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #3

DATE: October 17, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Name, Title

SUBJECT: **ACTION:** Bid Award - Construction Of 6000 West PI Connection To Provo River Aquaduct (PRA)

TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider the award of a contract to COP Construction for a connection to the Provo River Aquaduct (Murdock Canal). The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends award of the contract to COP Construction.

PRIOR COUNCIL DIRECTION:

Approved FY24 budget includes funding in PI Capital Expenses/Projects in the amount of $2,132,699 for the construction of the 6000 West pump station. This is the first step in that project.

BACKGROUND:

Staff is currently working to prepare plans to bid the full scope of the pump station project this winter with anticipation of construction in spring and early summer. While those plans are being finalized, staff would like to move ahead with a portion of the project including the connection to the Provo River Aquaduct (PRA) as it is imperative that the connection be done in the winter while the pipe is not in use. Once this connection is made, work associated with the full project scope can take place in the spring.

Lindon City recently awarded a construction contract to COP Construction for a similar connection to the PRA. COP has agreed to make a connection for Highland City concurrent with the Lindon City work. Their bid for this work was $158,807. To ensure competitive pricing, a second bid was solicited from VanCon which came in at $159,116.

FISCAL IMPACT:

The cost of this work by COP Construction is $158,807 + 10% contingency = $174,688. The City Council approved funding in the FY24 budget for PI Capital Expenses (53-40-60) for the construction of the 6000 West Pump Station. This will be considered an appurtenant contract to that work and funded from this account.

MOTION TO APPROVE:

I move that the City Council APPROVE a contract with COP Construction for the 20" turnout connection on the Provo River Aquaduct in an amount up to $174,688 and AUTHORIZE the City Administrator to sign the contract documents.

ATTACHMENTS:

1. Vicinity Map – 6000 West Pump Station
2. COP Construction Bid
3. Turnout Connection Scope of Work
4. PRA – Canal Pipe

6000 WEST PI PUMP STATION
10150 North
10100 North
Pump
Station
Location
6000 West
10050 North
Murdock Canal Trail

Commitment - Opportunity - People

Proposal

Project:	Highland City PRA Turnout @ 6000 West and 10150 North		Date:	**2-Oct-23**
Client:	Highland City		Contractor:	COP
Attention:	Tavis Timothy		Contact:	Justin Broshear
Phone:			Phone:	801-884-3145
Email:			Email:	jsbroshear@copconstruction.com
			Proposal Number:	

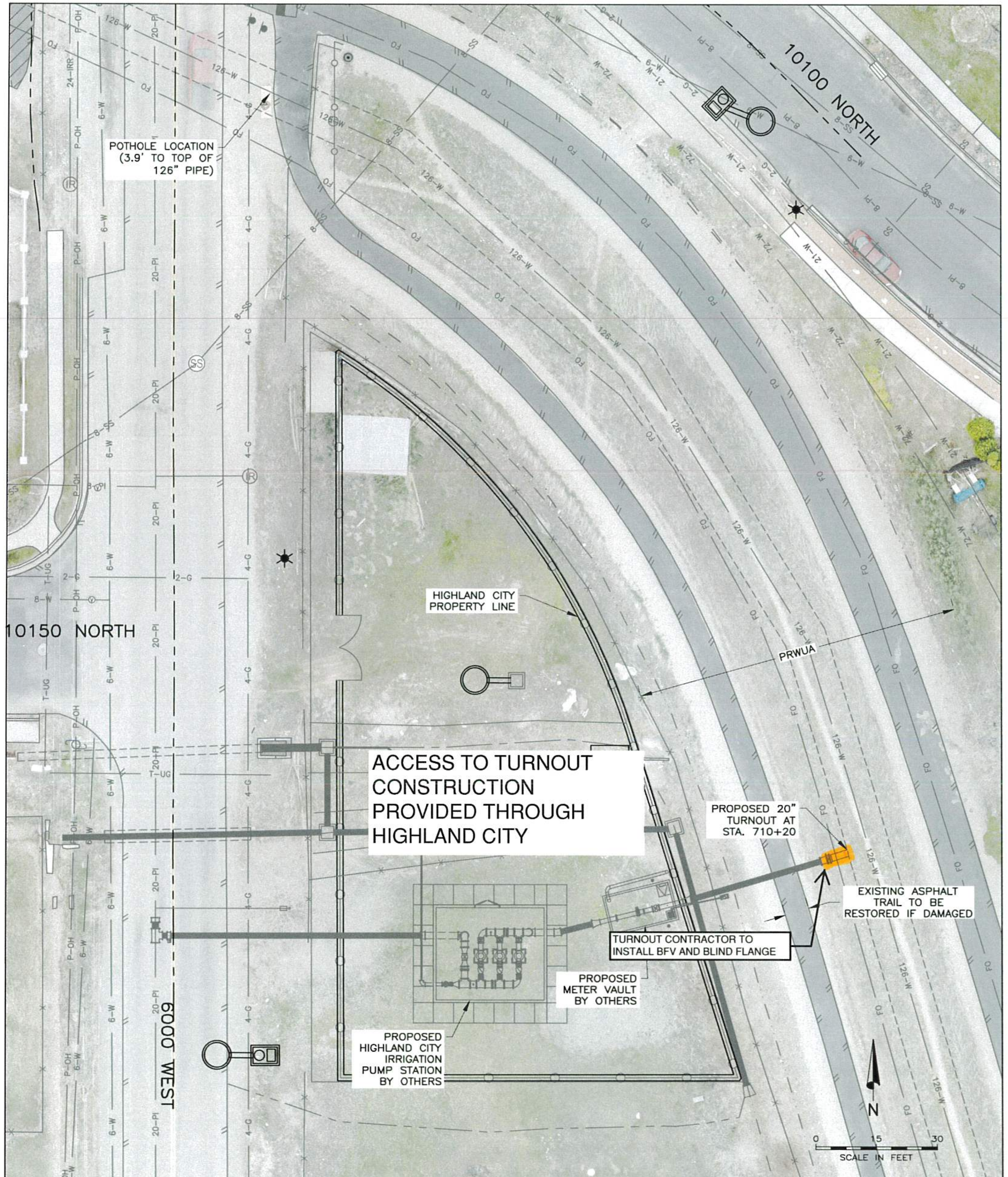
Bid Item #	Bid Item Description	Quantity	Unit	Unit Price	Total Price
1	Mobilization	1	LS	$49,000.00	$ 49,000.00
2	QC Testing	1	LS	$ 3,307.00	$ 3,307.00
3	WSP PRA Outlet, Coatings and Lingings	1	LS	$93,000.00	$ 93,000.00
4	20" WSP Valves	1	LS	$13,500.00	$ 13,500.00
					$ -
					$ -
					$ -
				Bid Total	$ 158,807.00

** Notes **

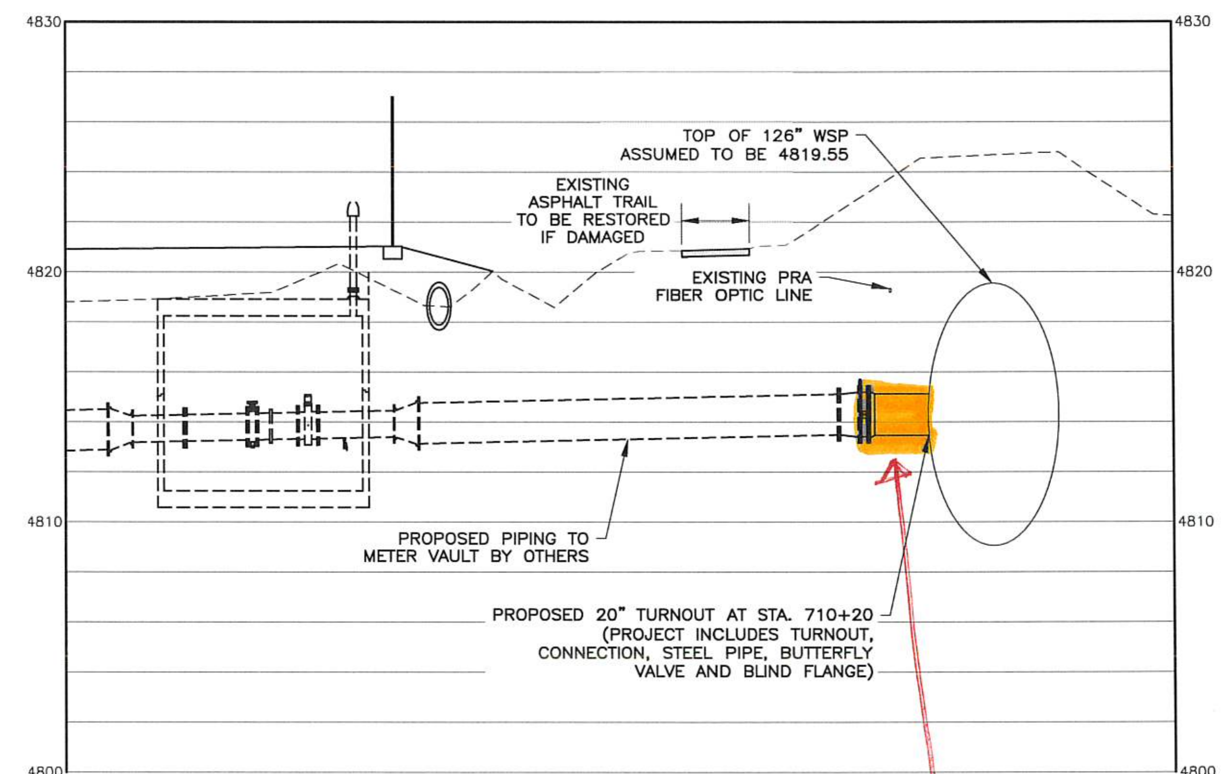
Bid Includes: 20" WSP Outlet Connection, 20" Avtek Dbl Accentric Valve, Coatings, Lingings, Excavation and Backfill

Bid Exludes: Seeding/Restoration, Asphalt Installation, Survey, Dewatering or Traffic Control.

Bid Assumptions: Existing 120" Line not more than 10 feet in depth, SWPPP will not be required, access to pipeline be within 100 feet from connection, and that Hansen Allen Luce specifications from City of Lindon 400 Turnout project will be applied to this project.



METER VAULT AND PIPING TO BE PROVIDED AT A LATER DATE TO PRWUA FOR REVIEW AND COMMENT



SECTION VIEW

COP Scope of work

BT ENGINEERING

FOR:
HIGHLAND CITY
5400 W CIVIC CENTER DR
HIGHLAND, UT 84003

CONTACT:
ANDY SPENCER
801-772-4508

HIGHLAND CITY
6000 WEST IRRIGATION PUMP STATION
PRWUA TURNOUT

PROGRESS PRINT
10.4.2023
DATE
Not to be used for construction.

NO.	DATE	REVISION	BY

PROJECT NO.: 001.23.001	DATE: JUNE 2023
DRAWN BY: JB	CHECKED BY: TT
PROJECT MANAGER: T. TIMOTHY	

FILE NAME: USERS\BRADF\DROPBOX\HIGHLAND CITY\6000 WEST PI PS\PRWUA\TURNOUT FIGURE.DWG
FILE DATE: 10.4.2023 08:14:27 (JEB)

AGENDA

CITY COUNCIL AGENDA REPORT
ITEM #4

HIGHLAND CITY

DATE: October 17, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Jay Baughman, Assistant City Administrator / Community Development Director

SUBJECT: **ACTION:** Building Use Policy Update

TYPE: **GENERAL CITY MANAGEMENT (LEGISLATIVE)**

PURPOSE:
The City Council will discuss draft updates to the City's Building Use Policy in order to align the policy with necessary changes in practice. The Council will take appropriate action.

STAFF RECOMMENDATION:
Staff recommend approving the proposed changes to the Highland City Building Use Policy.

PRIOR COUNCIL DIRECTION:
Council approved the most recent changes to the Building Use Policy on October 2, 2018.

BACKGROUND:
Highland City has a Building Use Policy (the Policy) that regulates the use of City buildings that are available to be rented by the public for non-commercial use. As circumstances, policies, uses and technology have changed, it is necessary that the Policy be updated to conform with changes in:

- Use priority – Priorities have been simplified based on current practice and practical feasibility.
- City financial policies – Current Highland City financial policies (per state regulation) require that once a check is received, it must be deposited in a timely manner. Previous practice was to simply hold the check and only cash it if the deposit was not to be refunded.
    - Information is also provided that explains the City's use and storage of credit card information.
    - The Policy also now references the City Fee Schedule for the rental deposit amount, rather than having the amount listed in the Policy itself. This is so that the Policy does not have to be changed if the rental deposit fee amount changes.
- Legal requirements – Some language has been inserted to protect the City from potential legal liability.
- Wireless internet availability – The Highland Community Center has recently had

a wireless internet system installed. A section has been inserted in the Policy to discuss the City's limitations and liabilities related to that service.
- **Readability** – General changes have also been made to the document for clarity in language and correctness in grammar.

FISCAL IMPACT:
None

MOTION TO APPROVE:
I move that the City Council approve the suggested changes to the Highland City Building Use Policy.

ATTACHMENTS:
1. Attachment 1 – Highland City Building Use Policy Draft - Redline
2. Attachment 2 – Highland City Building Use Policy Draft - Clean

HIGHLAND CITY BUILDING USE POLICY

POLICY

Highland City ("City") supports making the Community Center and City Hall Council Chambers ("Buildings") available to the public for certain types of meetings as set forth below.

All applications for the use of the Buildings shall be approved or denied by the Building Supervisor, who shall be a person so designated by the City Administrator. The administration of this Use Policy shall be vested in the Building Supervisor.

The ~~Requested~~ requested use of the Buildings must be for a lawful and ~~for a~~ non-commercial purpose~~, which shall not include~~except performances and recitals as determined by the ~~b~~Building ~~s~~Supervisor, and ~~p~~Priority ~~1~~One and ~~2~~Two uses. Any permissible use must be in compliance with this Policy, the Utah State Open and Public Meeting Act, and may not conflict with any official City or governmental business.

The City shall not discriminate in the use of the Buildings on the basis of race, creed, color, national origin, sex, religion, or disability.

The r~~R~~ental of the Buildings does not constitute an endorsement from Highland City.

USE PRIORITY

1. Classification of Use Types

    a. Priority One: Highland City ~~Government~~ government and ~~E~~events.

    b. Priority Two: Highland City Arts Council (HCAC)

    - HCAC is a Standing Committee of Highland City as well as a nonprofit, 501(c)3 corporation which is subject to the same regulatory procedures and laws as a municipal corporation.
    - ~~HCAC is an organization that will continue the development of the cultural and arts programs for Highland City and for others as the opportunity arises.~~

        ~~i. HCAC is expected to submit their requests in a timely manner, at least three (3) months in advance. HCAC is expected to only use the facility when necessary for official HCAC events or classes.~~

        i.

    ~~b.~~ Priority Three~~Two~~: ~~Highland Residents for non-commercial purposes.~~

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~~d. **Priority Three:** Other governmental agencies, including cities, counties, the State of Utah, regional governments, school districts, and other similar organizations. Political meetings or election education for the residents of Highland City.~~

~~f. **Priority Four:** 501(c)(3) tax-exempt organizations.~~

~~h.~~c. ~~**Priority Five:** Non-Highland Residents for non-commercial purposes.~~All other ~~non commercial~~non-commercial groups or individuals.

2. Use Priority Policy

   Priority One meetings shall have priority over all other uses. ~~If there is a scheduling conflict, Priority One meetings will have priority.~~ Any other ~~meeting~~ reservation will be cancelled or rescheduled to accommodate ~~the~~ a Priority One meeting.

   In the event of a conflict, the Building Supervisor shall contact the group or individual whose meeting conflicts with the Priority One meeting as soon as possible and attempt to reschedule the conflicting ~~meeting~~event.

   Except under extenuating circumstances, Priority One and Two groups will submit their reservations at least three (3) months in advance. HCAC will only use the facility when necessary for official HCAC events or classes.

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RESERVATION PROCEDURES

1. Application

Any authorized group wishing to reserve an available area of the Building shall contact the Building Supervisor in advance of the proposed reservation date and complete a reservation application form.

2. Confirmation

If the Building is available on the date and times requested and the Building Supervisor determines that the proposed use is compliant with the Use Policy, the Building Supervisor shall notify the applicant that the meeting has been scheduled and make all the appropriate arrangements.

3. Payment of Fees and Deposits

A Security Deposit~~s~~ and any applicable fees are required within five (5) business days following approval. If not received, the approval is withdrawn and the reserving party loses their confirmed reservation.

a. Security Deposit: The use of the Building will require a security deposit ~~as~~in an amount stated in the Highland City Fee Schedule. The Deposit may be secured as outlined below.

i. Credit Card on File

A valid credit card may be kept on file in lieu of providing a security deposit. Any credit card information kept on file shall be taken through the City's approved reservation software. Highland City does not store credit card information but utilizes a secure third-party site.

ii. Deposits paid via cash or check~~: a~~

After an inspection if there is no ~~Deposit checks are held and not cashed unless there is~~ damage or added cleaning costs as a result of the rental, then~~ checks~~ deposit amount is ~~are~~ refunded.~~.~~ ~~If cleaning costs or repair of damage to the City facilities or its contents exceeds the deposit, the party renting the facility at the time damage was incurred must pay the total costs of such cleaning or repairs.~~

Deposit check refunds shall be mailed within~~g~~ 14 days of the Building Supervisor's approval of the post-event condition of the property.

~~i.~~ If damage or mistreatment of the premises have occurred, charges will be made to the credit card on file or deductions will be made from the deposit to reimburse the City for cleaning costs and/or Building repairs. If insufficient, a charge will be assessed to the individual and/or group.

~~Card on File~~

~~Any credit card information kept on file shall be inputted ontaken through the City's approved reservation software. Highland City does not store credit card information but utilizes a secure third-party site.~~

~~The deposit, if any remains, shall be shredded (or mailed to the applicant if a self-addressed and stamped envelope was provided) within 14 days of the Building Supervisor's approval of the post-event condition of the property.~~

b. Inspection:

~~b.~~ An inspection may be in person by the building supervisor or other designated Highland City employee, OR an inspection may be completed by the individual(s) who rented the facility through before and after pictures submitted ~~via~~ electronically. If a picture inspection appears to show damage to the facility, a physical inspection will take place by a Highland City employee.

~~If Damages or Mistreatments Occur~~

~~Credit Card on File~~

~~A valid credit card may be kept on file in lieu of providing a security deposit. If damage or mistreatment of the premises have occurred and there is no~~

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~~security deposit to deduct from, or costs exceed the amount of the security deposit this card may be charged for the remaining balance.~~

~~Or Security Deposit~~

~~The use of the Building will require a security deposit as stated in the Highland City Fee Schedule. If damage or mistreatment of the premises have occurred, deductions will be made from the remaining deposit to reimburse the City for cleaning costs and/or Building repairs. If insufficient, a charge will be assessed to the individual and/or group.~~

~~Credit Card on File~~

~~A valid credit card may be kept on file in lieu of providing a security deposit. If damage or mistreatment of the premises have occurred, or costs exceed the amount of the security deposit this card may be charged for the remaining balance.~~

~~in lieu of providing a security depositThe use of the Building will require a security deposit as stated in the Highland City Fee Schedule. If damage or mistreatments of the premises have occurred, deductions will be made from the remaining deposit to reimburse the City for cleaning costs and/or Building repairs. If insufficient, a charge will be assessed to the individual and/or group.~~

4. Refunds for Cancellation

A refund of one hundred percent (100%) will be made if the reservation is cancelled more than seven (7)~~5~~ business days prior to the event. No refund will be given if cancelled less than seven (7)~~5~~ business days prior to the scheduled event.

USE REGULATION

1. Conduct While in the Building

    a. Any individual or group using the Building shall always conduct themselves in a lawful and orderly manner. Nothing in this Use Policy shall be interpreted by the City to restrict otherwise lawful expressive conduct.

    b. No use of tobacco, vaping, possession of or use of illegal drugs, or drinking of alcoholic beverages will be permitted at any time.

    c. Open flames, lighted candles, glitter, rice, confetti, graphite, paint, hay, straw, corn stalks, grass, palm fronds, feathers and other similar materials ARE NOT allowed in the Building.

    d. Tables and chairs are provided in the Building. Heavy items are to be carried when moved to avoid damage to the floor. Tables, chairs and other equipment are not to be taken from the Building for any reason.

    e. Hallways, exits, restrooms and other traffic areas are to remain free of tables, chairs, boxes, and other items at all times.

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f. No nails, tape, or tacks may be used on the walls. No item may be strung or attached to the walls. Painter's tape may be used for hanging light objects, such as paper decorations, upon the approval of the Building Supervisor.

g. Participants and guests are to remain in the appropriate area(s) of the Building. Playing in halls or restrooms is prohibited. Children attending meetings in the Building must be supervised at all times by a responsible adult who is present. The party reserving the facility is responsible for the conduct of the participants and guests.

h. Meetings shall end on time. Sufficient time shall be scheduled for cleanup within the scheduled room at the conclusion of the activity.

i. Lights should be turned off in the Building at the conclusion of the meeting.

j. Pets or animals are not allowed in the Building except for service animals as defined in the American with Disabilities Act.

k. Portable electrical appliances, i.e. ovens, hot plates or space heaters will not be allowed. Special lighting, sound and other non-standard equipment will be allowed with the approval of the Building ~~supervisor~~Supervisor. Computers and ~~Projectors~~ projectors are allowed.

l. Gambling in any form is prohibited.

m. Use of the Community Center piano will be allowed if requested for an additional fee in advance.

n. Use of the City Hall projector will be allowed if requested for an additional fee in advance. City computers are not available for rental use.

o. All materials for the meeting must be contained to the meeting space and cannot be placed in hallways, entryways, etc.

2. Cleaning Responsibility

a. It shall be the responsibility of the individual or group using the Building to clean up the area used.

b. The Building Supervisor will verify cleaning has been adequately performed.

c. If cleaning has not been adequately performed, or if any damage has occurred, the Building Supervisor shall make a written list and take photographs to document the damages in case the security deposit is forfeited or other damages are sought.

d. Highland City assumes no responsibility for any belongings left unattended. Patrons are expected to keep all personal belongings in their possession at all times. Personal belongings left unattended for extended periods of time may be subject to removal and/or disposal. Unattended items may be inspected and/or removed in order to preserve a safe and clean environment. Lost property is defined as property not owned by Highland City or its congruent as determined by the Building Supervisor, ~~S~~shall be held for a ~~aof~~ maximum of thirty days. After this time the property may be donated, sold, destroyed, or otherwise disposed of.

e. These standards are applicable to all priority groups.

3. Serving Food

   a. The Community Center is equipped with a kitchen strictly for the use of clean up and preparation of events. ~~City Hall is not equipped with a kitchen.~~ Refreshments and catered meals are allowed provided the food can be prepared and served lawfully without the use of kitchen facilities. ~~Red and orange based~~ Colored punch, grape juice, or other strong colored liquids, sauces, toppings, or foods which would stain carpets are not allowed (i.e., strawberry, raspberry, blueberry). City Hall is not equipped with a kitchen. No food is allowed in Highland City Council Chambers, unless approved by the ~~b~~Building ~~s~~Supervisor.

   b. Chairs and/or tables need to be set up and taken down by the applicant making the reservations. City staff will not perform any setup or preparation. When food is served, it will be the responsibility of those renting the Building to provide table coverings.

4. Rules Violation

   Reservations may be cancelled on-site due to failure to follow the Building Use Rules. The applicant's privilege to make ~~Future~~ reservations in the future may also be put in jeopardy.

5. Building Hours

   a. **Community Center**
   The Building will generally be available for use during the following times:

Monday - Saturday	8:00 a.m. – 10:00 p.m.
Sunday	CLOSED
Official City Holidays	CLOSED

   b. **City Hall**
   No activities that would disturb the Library, City Council Room, or City Offices will be allowed. City Hall is only available for use by Priority One, ~~and~~ Priority ~~Three~~ ~~Priority~~ Two, and ~~O~~other governmental agencies, including cities, counties, the State of Utah, regional governments, school districts, and other similar organizations. Political meetings or election education for the residents of Highland City~~.~~ and ~~G~~governmental groups or organizations may not use the Council Chambers if Highland City is ~~running~~ acting as a Voting Center at the same time. ~~groups~~ Organizations or individuals may only rent City Hall once per calendar month. The Building will generally be available for use during the following times:

Monday - Thursday	8:00 a.m. – 8:00 p.m.
Friday	10:00 a.m. – 4:00 p.m.
Saturday	12:00 p.m. – 4:00 p.m.
Sunday	CLOSED
Official City Holidays	CLOSED

6. Wireless Internet ~~WiFi~~ Use
    a. The wireless network service is provided completely at Highland City's discretion. Your access to the network may be blocked, suspended, or terminated at any time for any reason.
    b. The wireless network shall not be used for any purpose that is unlawful or otherwise prohibited and you are fully responsible for your use.
    c. The wireless network is provided "as is" without warranties of any kind, either expressed or implied.

7. Hold Harmless

   Those who use the Buildings agree to hold the City harmless from any and all harm, loss, damages or liability, and also agree to indemnify the City for harm incurred by third-parties arising from their use of the building.

8. Use Policy Subject to Change

   Rules or regulations will be established as necessary by the governing body~~. Rules or regulations pertaining to sections, *Reservation Procedure*, *In the Event of Additional Costs*, and *Use Regulation*, will be established as necessary by the City Administrator or designee~~. All -sections shall be enforced by the Building Supervisor, City Administrator, Mayor, or designee.
   ~~Any other rules or regulations pertinent to the effective an efficient operation and preservation of the Building will be established as necessary by the governing body and enforced by the City Administrator, Mayor, or designee~~

   The City's governing body reserves the right to amend and terminate the Use Policy, related rules, fees, and deposits at any time when deemed necessary or desirable by the governing body.

HIGHLAND CITY BUILDING USE POLICY

POLICY

Highland City ("City") supports making the Community Center and City Hall Council Chambers ("Buildings") available to the public for certain types of meetings as set forth below.

All applications for the use of the Buildings shall be approved or denied by the Building Supervisor, who shall be a person so designated by the City Administrator. The administration of this Use Policy shall be vested in the Building Supervisor.

The requested use of the Buildings must be for a lawful and non-commercial purpose, except performances and recitals as determined by the Building Supervisor, and Priority One and Two uses. Any permissible use must be in compliance with this Policy, the Utah State Open and Public Meeting Act, and may not conflict with any official City or governmental business.

The City shall not discriminate in the use of the Buildings on the basis of race, creed, color, national origin, sex, religion, or disability.

The rental of the Buildings does not constitute an endorsement from Highland City.

USE PRIORITY

1. Classification of Use Types
    a. Priority One: Highland City government and events.
    b. Priority Two: Highland City Arts Council (HCAC)
        i. HCAC is a Standing Committee of Highland City as well as a nonprofit, 501(c)3 corporation which is subject to the same regulatory procedures and laws as a municipal corporation.
    c. Priority Three: All other non-commercial groups or individuals.

2. Use Priority Policy

    Priority One meetings shall have priority over all other uses. Any other reservation will be cancelled or rescheduled to accommodate a Priority One meeting.

    In the event of a conflict, the Building Supervisor shall contact the group or individual whose meeting conflicts with the Priority One meeting as soon as possible and attempt to reschedule the conflicting event.

Except under extenuating circumstances, Priority One and Two groups will submit their reservations at least three (3) months in advance. HCAC will only use the facility when necessary for official HCAC events or classes.

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1. **Application**

   Any authorized group wishing to reserve an available area of the Building shall contact the Building Supervisor in advance of the proposed reservation date and complete a reservation application form.

2. **Confirmation**

   If the Building is available on the date and times requested and the Building Supervisor determines that the proposed use is compliant with the Use Policy, the Building Supervisor shall notify the applicant that the meeting has been scheduled and make all the appropriate arrangements.

3. **Payment of Fees and Deposits**

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      ii. Deposits paid via cash or check
         After an inspection if there is no damage or added cleaning costs as a result of the rental, the deposit amount is refunded. Deposit check refunds shall be mailed within 14 days of the Building Supervisor's approval of the post-event condition of the property.

      If damage or mistreatment of the premises have occurred, charges will be made to the credit card on file or deductions will be made from the deposit to reimburse the City for cleaning costs and/or Building repairs. If insufficient, a charge will be assessed to the individual and/or group.

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   a. The wireless network service is provided completely at Highland City's discretion. Your access to the network may be blocked, suspended, or terminated at any time for any reason.

   b. The wireless network shall not be used for any purpose that is unlawful or otherwise prohibited and you are fully responsible for your use.

   c. The wireless network is provided "as is" without warranties of any kind, either expressed or implied.

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