



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, January 7, 2025

Approved February 4, 2025

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Mayor Kurt Ostler

Pledge of Allegiance: Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:04 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 Mayor Kurt Ostler and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

Brittney P. Bills	Present
Ron Campbell	Present
Doug Cortney	Present
Kim Rodela	Absent
Scott L. Smith	Present

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, City Engineer/Public Works Director Chris Trusty, Police Chief Brian Gwilliam, Fire Chief Brian Patten

OTHERS PRESENT: Jon Hart, Wesley Warren, Liz Rice, Joseph Pavia, Catherine Pavia, Thomas Lehnardt, Corey Freeze

1. UNSCHEDULED PUBLIC APPEARANCES

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

There were no public comments.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

a. Approval of Meeting Minutes *General City Management*

Stephannie Cottle, City Recorder

December 3, 2024

Council Member Doug Cortney MOVED to approve the consent agenda.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

3. ACTION ITEMS

a. PUBLIC HEARING/ORDINANCE: Text Amendment: Town Center Commercial Setbacks Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider a request from Highland Town Plaza, LP/WPI to amend the maximum setback requirements of the Town Center Commercial Retail District to allow for a pickup/drive thru lane along Town Center Blvd for lot 3 of the Town Center development.

City Attorney/Planning & Zoning Administrator Patterson provided background information regarding the Town Center Commercial Center; the applicant is seeking to develop the last lot, Lot 3, within the Town Center Commercial District and the potential tenant, Mo'Bettahs, desires to have a pick-up window lane. The Town Center zoning imposes a maximum 15-foot building setback and a maximum 10-foot entrance setback from Town Center Boulevard. These maximum setbacks prohibit the proposed site plan with a pick-up window lane and the applicant is seeking a code amendment changing the setbacks from 15-foot building/10-foot entrance to 25-foot building/25-foot entrance. Mr. Patterson presented an aerial diagram to orient the Council to the location of lot three in the project area; he also provided the conceptual plan submitted by the applicant. Staff has found that the current setback limits only apply to lot three because there is an exception for lots that front onto State Road (SR92); additionally, the setbacks were not applied to the lot where Meier's is located. The reason for this is unknown. Commercial lots east of lot three also front onto Town Center Boulevard but have 40-to-80-foot minimum setbacks under the C-1 zone, rather than the maximum setbacks listed in the ordinance. The proposed pickup lane may fit within the 15-foot setback, but the lane would be constricted, and the landscape buffer would be eliminated. Ultimately, staff is not concerned about the code amendment requested by the applicant. He presented the ordinance text proposed by the applicant and noted the applicant has indicated they would be amenable to a stipulation on the site plan approval that the lane be limited to use for pickup only, and that changing the lane to a traditional drive-thru would require a site plan amendment, which would allow for additional review of traffic impacts and circulation for changed use.

Council Member Cortney stated that if staff cannot provide any reason for why the maximum setback language is included in the current ordinance, and if the setback does not apply to any other lot in the project area, he believes it should be removed entirely rather than simply adjusted. Mr. Patterson stated that staff did discuss that option, but the applicant chose to proceed with a proposed text amendment. He stated that he would support removal of the requirement since it only applies to one lot. Council Member Cortney then noted that the meeting packet materials for this item do indicate that the applicant is looking for feedback on their concept plan, building elevations, and architectural design and he hopes the applicant is open to the Council and the public commenting on that matter tonight as part of the public hearing.

Mayor Ostler invited input from the applicant.

Thomas Lehnardt, WPI, stated he is excited to move forward with this project and the tenant that is seeking to lease the space is also eager to secure this approval. He expressed a willingness to answer questions the Mayor and Council has. He is also open to any feedback regarding the concept plan for the site. He has met with a traffic engineer as well who will study the site and provide his suggestions and opinion on the proposed development.

Council Member Campbell stated that his main concern relates to delivery truck parking for this site; there is currently a major concern related to delivery trucks servicing other properties in the project area because they do so in a way that they block drive aisles, other parking spaces, and amenities used by those with disabilities. He asked if an area can be carved out and designated for delivery truck parking. Mr. Lehnardt stated that he can identify an area for delivery trucks. He can also ask the tenant to communicate with the delivery companies to only visit the site during low traffic times. This led to high level discussion among the Council and Mr. Lehnardt regarding options for identifying delivery truck parking areas on the site; this discussion also extended to traffic circulation on the site.

Mayor Ostler opened the public hearing at 7:30 p.m.

Liz Rice stated she attended the Planning Commission meeting when this application was discussed; she is also excited about this project, but the traffic circulation on the site is already very problematic. She avoids Wendy's during lunchtime because traffic in the drive-thru lane is so long, and it impedes traffic flow. She is also concerned about the manner in which delivery trucks park in the project area and she added that businesses need to use ice melt during the winter months to keep their patrons safe. She noted that Chick-Fil-A restaurants were forced to remodel because their drive-thru lines were so long. She advised the Council to consider all of these issues before approving a traditional drive-thru lane.

Joseph and Catherine Pavia stated they are the owners of Fiiz Drinks in the Town Center; they have gone through a similar process of trying to identify appropriate site layout for ideal traffic flow. One thing for the Council to consider is that the further the building is away from the parking area, the less people will park there because it will extend their walk to the building. They have dealt with constant complaints from their customers about the traffic and parking in the project area and they feel traffic flow needs to be considered for existing businesses as well as new businesses. Adding another stream of traffic to exit onto 5500 West is problematic because the line of traffic is already so long. Approving another access point seems to be asking for more problems. They suggested adding curbing to prevent cars from exiting the pick-up lane into the areas where there are already existing traffic issues; the vehicles should be directed to exit onto Town Center Boulevard. Educating tenants about appropriate delivery times is not realistic; businesses have contracts with national vendors, and it is not possible to tell them when they can and cannot deliver product to the businesses. Drivers change all the time, and it will not be feasible to communicate with drivers about these issues. They have seen delivery drivers simply not knowing what to do because of the amount of traffic in the project area.

Wesley Warren stated that the Planning Commission's decision to recommend the text amendment was not necessarily based upon the concept plan; rather, they focused on the need to eliminate a requirement that only applies to one property. He then addressed the concept plan; he does not know why a pick-up lane is being considered, but if it is approved, it should be a 'left turn only' lane to limit options for vehicles when they are exiting the site. The Council must consider the kind of experience it wants to create in the Town center; he asked them to consider if they want more vehicles, especially more idling vehicles. He feels the developer has the opportunity to eliminate the pick-up lane and create a front-facing experience with a business that faces Town Center Boulevard. A walk-up window could be used rather than a drive-through lane, and the experience would

be much better for customers. He emphasized that approving a pick-up lane will only exacerbate the problems that currently exist at the site; many people are already parking illegally, including delivery trucks, and promoting more walkability may help to address these issues.

Mr. Pavia re-approached and added that the parking lot south of Wendy's is not always used by customers of that business; rather, many of the parking spots are being used by tenants of the townhomes nearby and he suggested the installation of signage that advertises that the parking spots are designated for business traffic. He has not seen WPI do anything to help to regulate this issue.

Mayor Kurt Ostler closed the public hearing at 7:43 p.m.

Council Member Bills agreed that the text amendment is a separate issue from the site plan; she supports the development of lot three and is excited about the tenant that will occupy the property, but she asked Mr. Lenhardt to consider some of the suggestions that have been provided by staff, the Planning Commission, the Mayor and Council, and the public regarding the current problems at the site. Mr. Patterson stated that he can review the land use code to determine if the City can require WPI to install signage regulating residential and business parking on the site; that is a matter that can be addressed when the site plan application is submitted.

Council Member Cortney stated that the text amendment is a legislative action and he suggested that a requirement for signage could be considered as part of the text amendment application. Mr. Patterson stated that the Council could add signage regulations to the zoning ordinance, but staff has not prepared any language that would accomplish what has been discussed tonight. Council Member Cortney then stated that one of his concerns is that the west side of the building on lot three is characterized as the front elevation and if the code is changed to require a 25-foot maximum setback, that change applies to the front of the building; for a 37.5 foot building, the 25-foot minimum setback is not possible. Mr. Patterson stated that the restaurant basically has two fronts; he disagreed with Council Member Cortney's assessment because there are two entrances that look virtually identical and the zoning code does not clearly define which entrance should be considered the 'front' for purposes of imposing the setbacks. This led to discussion about opportunities for determining which entrance should be classified as the front door.

Council Member Bills asked what will happen to the drive-thru lane if the text amendment is not approved. Mr. Patterson stated that the developer and tenant will need to decide if adjustments can be made to the site plan to include a drive-thru that complies with the current setback requirements, possibly without a landscape buffer. If that is not possible, they may need to consider eliminating the drive-thru lane from the site.

Council Member Smith asked if the drive-thru could be located on the west side of the building, with an entrance and exit onto Town Center Boulevard. Mr. Patterson stated that is what the applicant initially proposed, but Wendy's would not allow that because it would require shared use of their access.

There was continued high-level discussion among the Mayor, Council, and Mr. Patterson regarding various design options for the drive-thru lane on lot three, with the Council ultimately concluding that there will never be a solution for addressing all traffic impacts in the project area. They indicated they want to be supportive of businesses interested in locating in the area, but also be responsive to concerns expressed by other tenants and patrons of the businesses. Council Member Bills asked the developer to take the concerns expressed tonight under advisement before submitting his site plan application.

Council Member Doug Cortney MOVED that City Council ADOPT the ordinance amending the Town Center Commercial District setbacks, except in Exhibit A strike 3-4713, 5(d)(3) and 5(d)(3)(1) entirely.

Council Member Ron Campbell SECONDED the motion.

Mr. Patterson stated that striking sub-item three in the section mentioned by Council Member Cortney will eliminate setbacks in the commercial zone; he clarified that the proposed text amendment only applies to a town center overlay and only applies to lot three in the town center.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

b. PUBLIC HEARING/ORDINANCE: Text Amendment: Lot Combination Zoning Standards Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider a request from staff to amend the City's lot combination code to allow the City to treat approved combinations of property as a single property for zoning purposes.

City Attorney/Planning & Zoning Administrator Patterson provided background information regarding lot combination zoning standards; in 2022, State law changed to allow lots to be combined without requiring a plat amendment. The Highland City Council amended the land use code to allow staff to approve combinations without plat amendment and without Council approval. Staff has approved and recorded approval of several combinations of properties (combining parcels or adding open space areas to existing lots); however, the County refuses to combine properties in their records unless a plat amendment has been formally approved. He provided illustrations to serve as an example of how plat maps should be amended to commemorate lot combinations and noted current city regulations are based on County property lines (lot size, setbacks, etc.), so combined properties do not get the benefits of combination. Staff proposes an amendment to allow the City to treat property as combined for City zoning purposes; the proposed text amendment reads as follows:

HDC 5-7-104:

5. Effect of Notice of Approval.

- a. Property for which a Notice of Approval of a lot or parcel combination has been approved and recorded pursuant to this section shall be treated as a single, combined lot or parcel for all purposes under this Code, including the following:
 - i. The property line to which setbacks may be measured shall be the property line of the combined property furthest from the structure; and
 - ii. Property coverage regulations shall be calculated based upon the size of the combined property.
- b. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect any public utility easements, municipal utility easements, or other easements or the applicability of plat notes or other restrictions that may apply to any of the properties that are the subject of the Notice of Approval.
- c. Unless otherwise approved by the Zoning Administrator in writing, any restriction applicable to one of the properties being combined shall apply to the entire combined property upon the approval and recording of a Notice of Approval of a lot or parcel combination.

- d. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect the applicability of any building or fire code regulations.

Mr. Patterson concluded the Planning Commission conducted a public hearing regarding the proposed amendments on December 10, 2024. Notice of the hearing on the proposed text amendment was published and mailed to affected entities on November 27, 2024. No written comments were received. During the public hearing, a resident spoke regarding the amendments to raise concerns that having the City approve combinations and treat property as combined, when the County does not recognize the combination, may cause issues for residents, especially when combined property is sold to new owners. Discussion regarding how to address these concerns was held, which highlighted the fact that the City's approval of a combination was recorded at the County, so future owners would be on notice of the combination. The Commission also believed that staff should ensure that applicants were aware of the plat amendment option, so that applicants could choose to do a plat amendment if they desired in order to clean-up the combination and property line issue, as an administrative/application matter. Language explaining the options (plat amendment vs. lot combination) will be added to the lot combination application. After discussion, the Planning Commission unanimously voted six to zero to recommend adoption of the proposed amendments. Staff believes that the proposed amendments will allow those Highland residents that own adjacent properties to be enabled to effectively combine properties without needing to go through an expensive plat amendment process. The proposed amendments also conform to state law, which allows for properties to be combined without a plat amendment.

Council Member Smith asked if some property owners receive two property tax notices every year since the County has refused to recognize lot combinations. Mr. Patterson answered yes, but noted there is a process the property owner can utilize to combine their tax notices. He stated that there is a significant cost associated with preparing a plat and it does not always make sense to pay those costs when doing something as minor as combining two lots owned by the same property owner.

The Council discussed the City's current plat amendment process and associated costs and agreed that this process and costs seem burdensome for something as minor as a lot combination. Council Member Smith expressed a willingness to discuss the issue with County Commissioners to determine if there is some resolution that can be identified to ensure that the County Recorder complies with State law and allows recordation of a lot combination without a formal plat amendment. Mr. Patterson stated that he feels that type of meeting would be appropriate, and it could help to address issues that are occurring in other cities as well.

Mayor Ostler opened the public hearing at 8:19 p.m.

Liz Rice stated she understands decisions were made in the past to make certain processes easier for staff, but clean property titles are very important for property owners. If the County is only going to recognize a lot combination if a plat is amended, the City should require that. She suggested options for proper record keeping of lot combinations without a plat amendment but ultimately concluded that it is better to require the plat amendment process for clear record keeping and clean property titles.

Mayor Kurt Ostler closed the public hearing at 8:22 p.m.

There was continued discussion among the Mayor, Council, and staff regarding the State law that was adopted in 2022 and why the County is not abiding by that law. Council Member Cortney stated it is his recollection that the law gave cities and counties the option of deciding whether to go with the expedited process; the current situation is that the City of Highland has chosen to go with the expedited process, but the County has not. Mr. Patterson stated that is one way to interpret the law and that may be the reason the County is not following the law; however, they County should recognize that the City has chosen to abide by the law and record lot combinations accordingly. The Council supported Council Member Smith's idea of pursuing a meeting with

County Commissioners to determine if they are willing to record lot combinations.

Council Member Campbell asked if a plat amendment would be required if someone desires to sell property that they own that has been subject to a lot combination approved by the City. Mr. Patterson stated that is not something the City requires, but it may be something a title company or title insurance company would require. Council Member Campbell stated that he supports preservation of the decision made by the Council to allow lot combinations without a plat amendment; this is easier for a property owner and the City, and much less expensive for the property owner and this is something the Council should care about.

Council Member Ron Campbell MOVED that City Council ADOPT the proposed amendments to Chapter 5, Article 7 of the Highland Development Code.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

c. ACTION: Secondary Vehicle Access for Corey Freeze General City Management

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider whether to grant permission for Mr. Freeze to use the City's Highland Glen/ Murdock Canal Trailhead parking lot near Ridgeview as a secondary vehicular access to his property.

City Attorney/Planning & Zoning Administrator Patterson explained this item was continued from the December 3, 2024 meeting to allow for Mr. Freeze to be present at the Council meeting. He explained as a general rule, the City Council decides—whether by ordinance, policy, or decision—how property owned by the City may be used or may not be used by the public. Under state law, UCA 10-8-1, the City Council has “the power to control the finances and property of the corporation.” The Council has given direction on how the public may connect to City streets, how the public may use parks, trails, and open space, and how the public may use city buildings and facilities, which staff implements and enforces. But for other properties, where the Council has not given direction, City staff generally will not permit the public to use or access the property in an atypical way, absent Council direction. Mr. Freeze has requested that he be allowed to have a secondary vehicular access to his lot connecting to the eastern Highland Glen and Murdock Canal Trailhead parking lot near Ridgeview. Neither the parking lot nor the interior roads in that area have been specifically dedicated as public right of way. This means that, without specific direction from Council, City staff have treated Mr. Freeze’s access to the parking lot generally in accordance with the City’s general park and open space regulations and have not permitted a permanent vehicular access: HMC 9.13.020 – prohibiting damage to public property and HMC 12.24.020 “No unauthorized person may park, drive upon or across, or store a vehicle, trailer, boat, motor home, camper, ATV or motorcycle upon public open space, public trails or within public open space.”

Staff did allow Mr. Freeze temporary construction access through the parking lot as an accommodation but always informed him or his contractors that permanent access would not be permitted. When Mr. Freeze first applied for a building permit for his accessory pool house, staff noted on the plans that the driveway access/connection was not permitted. Mr. Freeze or his contractors revised his plans to remove the driveway connection, and as such, the approved set of plans do not show a

driveway connection. Despite this, Mr. Freeze's contractors built a driveway access connecting to the parking lot. Mr. Freeze was also required to submit a fence permit for his fence built in connection with the home, which he has not done (though neighbors did so). Had he done so, staff would have reiterated, just as with the pool house plans, that a driveway access and gate was not permitted. Staff believes that allowing Mr. Freeze's requested vehicular access has the potential to interfere with the normal use of the parking lot by the general public who should have the expectation of being able to park cars throughout the lot, including in a manner that would block Mr. Freeze's requested access. In addition, Mr. Freeze's access could make the City staff feel that they couldn't alter or even use the parking lot in such a way that would interfere with his access, despite the City being the property owner of the lot. For example, the City has used the area adjacent to Mr. Freeze's property as a storage area at times. Further, there is currently no curb cut access, so Mr. Freeze would be driving over the curb, potentially damaging it. Another concern staff has with this request is that, while granting Mr. Freeze access to the parking lot as a secondary access does not establish a right for other residents to use this or other City parking lots to access their properties, it does provide an example that such other residents may use in asking for such access. And while the concern and impact may be minor in Mr. Freeze's situation, it has the potential to be greater in other areas of the City in similar situations. In summary, staff does not see any general public benefit from allowing this connection and does see some negative impacts to City operations. Staff recommends against granting a one-off authorization. If the Council desires to allow residents to have driveways connecting into parking lots, then staff would recommend making such authorization pursuant to a code or policy that establishes the specific circumstances under which these types of connections may be permitted. If the Council desires to pursue this option, staff will prepare a draft ordinance for Council consideration. If the Council were to grant permission for Mr. Freeze to use the City's parking lot as a secondary access as a one-off circumstance, staff would recommend that the permission be granted with the following stipulations:

1. Mr. Freeze is responsible for any damage done to the City's curb by his use of the secondary access
2. The City will not ensure or guarantee the secondary access is clear. Mr. Freeze understands that the access may be obstructed at times by parked vehicles, public works equipment, or other obstacles, and Mr. Freeze will not have the right to have those obstructions removed.
3. The authorization is subject to the City's right to own and control City property, including the right to permanently alter the property in such a way that Mr. Freeze's access is permanently cut off, without notice or compensation to Mr. Freeze.

Mr. Patterson concluded that he met with Mr. Freeze earlier today and he indicated he is willing to accept the proposed stipulations. He added Mr. Freeze is present tonight and wishes to provide his own brief presentation regarding this matter.

Council Member Smith stated Mr. Freeze is his neighbor, and he walks this area frequently; he asked Mr. Patterson to clarify the previous discussions between the City and the original developer and engineer of the property. Mr. Patterson stated that the initial building permit application for the pool house included a driveway or access point, and staff indicated the access was not allowed. Mr. Freeze or his contractor revised the plans to remove the driveway, and the approved plans do not show a driveway connection; however, the contractors built the access connecting the pool house to the parking lot. Mr. Freeze was also required to apply for a fence permit in connection with the construction of his home, but he has not done this. Had he done so, staff would have been able to reiterate the driveway access and gate was not permitted. He noted Mr. Freeze has indicated all of the requirements of the City were not communicated to him by his contractor, but the City must only consider the current conditions with the understanding that Mr. Freeze is responsible.

Council Member Campbell stated that the curbing at Heritage Park is six inches in height and he does not feel it is an issue to allow an access over that curb; he noted that Mr. Freeze has indicated that any damage he causes to the park area will be fixed.

Mayor Ostler invited Mr. Freeze to address the Council. Mr. Freeze used the aid of a PowerPoint presentation to present images of his property to orient the Council to the current conditions and the implications of his request for an access from the City park. He will only use the access a few times each year and is not asking the

City for anything that will cost any money or burden the taxpayers. He is willing to agree to all of the stipulations discussed by Mr. Patterson and understands that the City can revoke his access at any time. He stated he was not aware of any of the conversations between his developer and the City and if he had known, he would have designed his property differently to provide access to the backyard from the front of his property. He is not asking for a right-of-way or an easement and the gate from the park will open inward to his property. He is willing to post a bond to cover any future damages, or pay for damages as they occur, though he does not believe there will be any damages to the City's property. He concluded he is simply asking for reasonable access to his backyard to store his trailer and has no intention of using his property for a business purpose, such as an auto garage.

Council Member Smith stated he wants to be a good neighbor to Mr. Freeze but asked if there was an assumption made by Mr. Freeze or his contractor that the City was going to allow the access. He is only concerned about what will happen in the future if the City finds a need to increase use of the parking lot area and this use impacts Mr. Freeze's ability to access his gate. He also noted there are at least three other properties that abut the parking lot and he is concerned that those other property owners will request the same type of access that Mr. Freeze is asking for. He is concerned about setting that precedent and noted that the parking lot was never intended to be used as a back entrance for the residential properties. He stated he understands the reasons behind Mr. Freeze's request but indicated Mr. Freeze should have made sure he could use the parking lot to access his property before making design decisions for his lot. He stated he typically votes in favor of actions that will benefit citizens, but is concerned about the precedent set by approving Mr. Freeze's request.

Council Member Campbell stated he understands Council Member Smith's concerns, but given that Mr. Freeze is willing to accept all the limitations suggested by City staff, he is willing to support Mr. Freeze's request. He added he feels that Council Member Rodela may also be supportive of Mr. Freeze and he suggested that this item be continued until Council Member Rodela is present. Mayor Ostler stated that the City Council can take action without the presence of all members; this item has already been tabled once, and he suggested the Council make a decision.

The Mayor and Council engaged in high level philosophical discussion and debate staff about how the agreement between the City and Mr. Freeze would be policed and regulated; whether it would be appropriate to amend the City Code to allow these types of arrangements rather than consider them on a case-by-case basis; whether these types of arrangements should only be approved if there is a clear public benefit associated with the arrangement; whether approval of Mr. Freeze's request would set a negative precedent; fencing rules for private properties abutting a public parking lot; and the viability of a lease agreement for use of the property versus simply granting Mr. Freeze an access to his property through the public parking lot. Council Member Campbell emphasized that it is the role of the Mayor and City Council to take actions that will help a resident or even a developer, unless a dangerous precedent will be set or there is a compelling reason to deny the request. In this case he cannot see a compelling reason to deny the request. Mayor Ostler disagreed; he appreciates Mr. Freeze's position and his willingness to agree to stipulations that would protect the City, but he feels allowing private access through the parking lot could eventually hinder the City's use of the parking lot as it was intended to be used. Council Member Cortney stated that the only way he would be willing to approve Mr. Freeze's request is if the Council were willing to consider a future action to codify language that would provide this type of benefit to other private property owners in the future. Council Member Smith stated his position remains unchanged; he believes that the current situation is a result of a naïve mistake on the part of Mr. Freeze, but approving the request will set a precedent that he is uncomfortable with wherein the Council is approving something that staff previously denied.

Council Member Bills inquired as to the City's standards for a gate that is installed in a fence that abuts a parking lot. Mr. Patterson stated the City does not have any such standards; if a fence permit were applied for in this situation, staff would have reiterated that the gate could not be used for vehicular access to the private property, but it would have been granted.

Council Member Doug Cortney *MOVED* that the City Council deny Mr. Freeze's request for a secondary vehicular access to the Highland Glen parking lot.

Council Member Brittney P. Bills *SECONDED* the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	Yes
Council Member Ron Campbell	No
Council Member Doug Cortney	Yes
Council Member Kim Rodela	Absent
Council Member Scott L. Smith	Yes

The motion carried 3:1

The Council called for a 5-minute recess at 9:20 p.m.

The meeting resumed at 9:31 p.m.

d. ACTION: Budget Adjustment for Safe Routes to School Project General City Management

Chris Trusty, City Engineer/Public Works Director

The City Council will consider a budget adjustment for the funding for the Highland Elementary Safe Routes to School Project.

City Engineer/Public Works Director Trusty explained on June 6, 2023, the City Council approved an agreement with the Utah Department of Transportation (UDOT) for the Highland Elementary area Safe Routes to School grant. On February 6, 2024, Council approved \$100,000 in funding for this project. The Grant funding received from UDOT for this project is \$130,000 with a City match minimum of \$9,440. It was anticipated that the project expenses were estimated to well exceed \$140,000, and as such Council approved the FY2024 budget with \$100,000 for City expenditures associated with the project in GL 10-60-37 Streets and Roads Sidewalk Repair and Maintenance. Ultimately, the project was not completed in FY24, and funding was not carried over to FY25. After completing the preliminary design for this project, the estimate is for \$445,275.39 in total. Because of the high costs, city staff asked for the project to be broken into three phases consisting of improvements along 6000 West, 6150 West, and 10680 North. The most vital phase is considered to be along 6000 West with a cost estimate of \$215,000 and \$87,000 in engineering and project management, totaling \$302,000. With the UDOT funding \$130,000, the City's portion would be \$172,000, which would require an additional \$72,000 above what has already been approved. Additionally, the City has had to purchase right of way for this project, which has already been completed using funds in the budget account. City staff proposed using fund balance from the Roads Capital Fund to cover the gap. Per Council approval as a part of the final budget adjustments for FY24, staff transferred \$660,000 from the General Fund Fund Balance to the Road Capital Fund in order to maintain a General Fund Fund Balance of no more than approximately 35% of the total revenues. Because the project wasn't completed in FY24, part of the transfer monies to Road Capital is already approved money for this project, so effectively Council would only be authorizing the additional \$72,000 needed. In the future, staff will come back to Council to discuss uses for the additional money transferred to the Road Capital Fund including the possibility of doing more road projects in 2025 and updating our road repair priority plan. The Safe Routes project will go out to bid including additive alternates for all three phases of the project, so if prices come in lower than estimated, there would still be the opportunity to expand to include the additional improvements. Otherwise, City staff will seek additional future funding to complete these at a future date. The cost to Highland City for this project is \$172,000. Funding for this expense was not included in the FY25 budget. Staff is recommending that funding come from

the Roads Capital Fund and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council. Staff recommends approving a budget adjustment of \$172,000 to fully fund phase one of the project.

Mayor Ostler asked if UDOT may be willing to grant the City additional money given the impact that inflation has had on the cost of this project since it was initially applied for. Mr. Trusty stated that UDOT will not grant additional funding unless the City applies for future grants; they are not willing to extend the funding.

Council Member Smith stated that inflation has had a significant impact on the cost of this project and he believes the City will eventually be spending more than \$172,000. He asked Mr. Trusty to explain the scope of the project and how it improves safety for the community. Mr. Trusty presented a map and stated that the funding will be used to install sidewalks along streets that currently do not have sidewalks; these streets are common routes to school for children in the community. He explained that the sidewalk along 6000 West is more expensive because it will be necessary to rebuild the driveways of existing residences along that road. Council Member Smith asked Mr. Trusty if he believes the final cost will be more than \$172,000. Mr. Trusty stated he actually believes the City may be able to realize some cost savings; the engineer that prepared the cost estimate for the project was very conservative and estimated the cost on the high side.

Council Member Cortney asked if the City has already acquired the property needed for this project. Mr. Trusty answered yes.

Mayor Ostler inquired as to the grant program criteria if the City applies for future phases of this project. Mr. Trusty stated that this is an established project and the City can apply for additional phases under the same criteria.

Council Member Smith asked if the City is approving a budget amendment of \$172,000 or \$72,000. City Administrator Wells stated the budget amendment is for \$172,000.

Council Member Ron Campbell MOVED that City Council approve a \$172,000 budget adjustment to the Highland Elementary Safe Routes to School Project Funding from Fund Balance in the Road Capital Fund.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

- e. ORDINANCE: Cross Connection Control Authority Statement Municipal Code Update (Legislative)**
Chris Trusty, City Engineer/Public Works Director
The City Council will consider the implementation of a Cross Connection Control Authority Statement as an ordinance in Highland City. This ordinance aims to protect our public water supply by preventing contamination through cross-connections. Under this ordinance, property owners would be required to install, maintain, and regularly test backflow prevention devices to safeguard our drinking water.

City Engineer/Public Works Director Trusty explained this item was continued from the November 12, 2024 meeting for further refinement. He noted a cross connection control program is vital to ensure a safe culinary water system. A cross connection occurs when a culinary water line is connected to a non-culinary line, usually an irrigation line. Contamination could be introduced into the culinary system without proper backflow prevention devices. Inspections on connections would be conducted by contractors during the installation process and must be submitted to the City. The proposed ordinance will do the following:

- Define terms associated with the Cross Connection Control Program
- Establish responsibility of City and Consumer
- Require an Authorized Backflow Preventer or Assembly to ensure safe drinking water for city residents

Consumers in violation of this ordinance will need to install an Authorized Backflow Preventer or Assembly and provide documentation to the City to verify. The City may shut off non-conforming connections should it be deemed a high risk as a public health hazard. Staff recommends that Highland City implement a cross-connection control authority statement and make it an ordinance.

Council Member Cortney stated consumers who need to install an authorized backflow preventer or assembly are not necessarily in violation of the ordinance; they are only in violation if they fail to install the device after receiving notification from the City. Mr. Trusty stated that is correct.

Council Member Campbell asked if this ordinance would apply to new construction only, to which Mr. Trusty answered yes. Council Member Campbell asked how the City will know if a homeowner is disconnecting their backflow prevention device. Mr. Trusty stated that the City could learn of a disconnection as a result of a water test, but employees will not be actively monitoring backflow connections.

Council Member Smith discussed the history of the pressurized irrigation system and homes that were built prior to that system being implemented. Mayor Ostler asked what would happen if the City discovers an older home that has a cross-connection. Mr. Trusty stated the City would ask them to install a backflow preventer and if they do not do so, they will be considered in violation of the proposed ordinance.

Council Member Scott L. Smith MOVED that Highland City Council approve an amendment to Chapter 13 of the Highland Municipal Code as it relates to cross connection prevention, as discussed as well as including the changes that Council Member Cortney suggested.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

Council Member Cortney thanked Mr. Trusty and Mr. Patterson for working with him on this ordinance; he has suggested some non-substantive edits to the ordinance, and he thanked staff for considering his input.

f. ACTION: School District Reorganization Interlocal Board Member Appointment General City Management

Kurt Ostler, Mayor

Update Highland's appointment on the School District Reorganization Interlocal Board.

Mayor Ostler summarized State laws governing school district reorganization; Highland City must appoint a member to the School District Reorganization Interlocal Board. He discussed the individuals that have already been appointed by other entities and the selection of two members of the public that will participate. He also discussed the work that will be done by the Board, including selection of a name for the new District. He added that City Administrator Wells is currently participating, and the Council can decide if they would like to appoint someone else to the Board. He suggested that the Council also briefly discuss possible names for the District and inform the selected representative of their desires.

Discussion among the Mayor and Council centered on the original appointments to the Board; duties of the Board; deadlines for certain decisions to be made; and the appropriate representation for Highland City. The Mayor expressed a willingness to represent the City on the Interlocal Board and indicated he feels the City needs to have a strong voice on matters handled by the Board before all decision making is eventually turned over to a School District Board. The Council voiced support for appointing the Mayor as the City's representative on the Board, but indicated they do not lack confidence in Ms. Wells' ability to represent the City. They do not want to put Ms. Wells in an awkward position in terms of representing the City on issues for which the Council and Mayor have not provided direction.

Council Member Brittney P. Bills MOVED that City Council APPROVE the appointment of Mayor Kurt Ostler as the School District Reorganization Interlocal Board Member representative for Highland.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:1

Council Member Doug Cortney MOVED to extend the meeting to 10:30 pm.

Council Member Scott L. Smith SECONDED the motion.

All voted in favor. The motion passed unanimously.

4. EXPEDITED ITEMS

Items in this section are to be acted upon by City Council. These items have been brought before Council previously. The report and presentation may be abbreviated.

b. ACTION: Amendment to Fee Schedule: TSSD Impact Fee General City Management

David Mortensen, Finance Director

The City Council will consider amending the Fiscal Year 2025 Highland City Comprehensive Fee Schedule due to an increase in the Timpanogos Special Services District impact fee increase approved by the TSSD Board.

Finance Director Mortensen explained Highland City currently collects a TSSD impact fee of \$4,981.00 for both single-family and multi-family residential buildings. The fee is then passed on to TSSD to be used to pay for TSSD's impact fee facility plan projects. On September 19, 2024, the TSSD Board approved a resolution revising the 2023 Impact Fee Enactment of Timpanogos Special Service District. Staff recommends that the Council approve the resolution adopting an amendment to the fiscal year 2025 Highland City Comprehensive Fee Schedule changing the TSSD impact fee amount to be equal to the current TSSD Board approved fee.

There was brief discussion regarding the Council’s lack of control over the fees adopted by the TSSD Board.

Council Member Doug Cortney MOVED that City Council approve the resolution adopting an amendment to the fiscal year 2025 Highland City Comprehensive Fee Schedule changing the TSSD impact fee amount to be equal to the current TSSD Board approved fee.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:0

Council Member Cortney stated that the City needs to consider a proactive approach to updating fee and application documents; each January 1, the City will need to update its fee documents to include the annual increases that have already been adopted by the TSSD Board.

- c. RESOLUTION: Sales Price Calculation for City Owned Land** *General City Management*
Jay Baughman, Assistant City Administrator/Community Development Director
The City Council will consider a resolution designating the value of orphan parcels and other City-owned land for 2025. The Council will take appropriate action.

Assistant City Administrator/Community Development Director Baughman explained in 2021, the City Council adopted an orphan property disposal policy (Resolution No: 2021-15). The policy declares the following:

- The City Council declares that it is the policy of Highland City to determine the valuation of surplus orphan parcels as follows:*
- 1. The City Council shall review the county assessed value of different lots in different areas of the City;*
 - 2. The lots will be chosen based on location, open space subdivision status, diversity, and size in order to obtain a reasonable, average, per square foot valuation;*
 - 3. The City Council shall calculate the average price per square foot for the sample lots and apply a multiplier to the average in order to account for the fact that the property being designated as surplus are not buildable lots, have issues that impede development or access, and/or have a limited number of potential buyers.*
 - 4. The City Council shall then adopt by separate resolution the current valuation for orphan parcels. The resulting square foot value shall be used as the basis for the sale of surplus orphan parcels.*

The potential buyer may, at their own cost and expense, conduct an appraisal to challenge such a valuation, which the City Council shall consider in deciding whether and on what terms to sell the parcel.

Resolution Number 2021-09 was approved by the City Council on June 1, 2021. This resolution describes how the cost per square foot is determined in detail. The same process to determine the cost for purchases in 2021 has been used every year since using a multiplier of 25 percent. The proposed resolution describes the same formula and solidifies the calculated cost for orphan parcels in 2025. Based on the methodology discussed above, the value for orphan parcels for 2025 is \$4.93 per square foot. The value for 2024 was \$4.49, but an average increase in the assessed value of the sample lots has increased the value for 2025. Approving this new rate does not obligate the Council to sell any property. It just sets a rate for 2025 if the Council decides to do so.

Council Member Campbell asked how many years the current rates have been used to determine the value of orphan parcels, to which Mr. Baughman answered since at least 2021.

Council Member Smith asked how the value of a property will be determined if a property transaction spans two years' time. Mr. Baughman stated that the price that is in place at the time a transaction is initiated should be included in any purchase agreement. This led to high level discussion of historical property transactions and the actions that have been taken to determine property values. Council Member Cortney stated he believes the City is wildly undervaluing property; he would like to revisit the issue to determine if property values are appropriate. Council Member Bills agreed. Mayor Ostler provided an explanation of how the property valuation calculation was determined and indicated that the calculation was a compromise. The Council consciously made a decision to not set property values so high that it would deter people from purchasing open space abutting their property. Council Member Smith stated that there has been extensive debate regarding the issue of selling open space parcels and whether the former open space fee was an exaction. Council Member Cortney stated that the City is not actively trying to sell the parcels.

Council Member Smith stated he would prefer to adopt the valuation orphan parcels for 2025 and wait to revisit the broader policy issue later in the year. Council Members Bills and Campbell supported that idea.

Council Member Brittney P. Bills MOVED that City Council adopt the Resolution designating the valuation of orphan parcels for 2025 of \$4.93 sq ft.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>No</i>
<i>Council Member Kim Rodela</i>	<i>Absent</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 3:1

5. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

a. School District Update Kurt Ostler, Mayor

Mayor Ostler referred to agenda item 3f regarding this matter.

b. Legislative Update *Kurt Ostler, Mayor, Ron Campbell, Council Member, Kim Rodela, Council Member*

Mayor Ostler noted there are several bills Administration is monitoring regarding land use and school district matters. He then briefly reviewed the legislative calendar and other City Council calendar items.

6. CLOSED MEETING

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

There was no closed meeting.

ADJOURNMENT

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

The meeting adjourned at 10:34 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 January 7, 2024. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC, UCC
City Recorder

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Scan for Agenda

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3

HIGHLAND CITY

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WELCOME TO THE HIGHLAND CITY COUNCIL MEETING

JANUARY 7, 2025

PLEASE SIGN THE ATTENDANCE SHEET

2

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3

HIGHLAND CITY

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3

7:00 PM REGULAR SESSION

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

3

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3

HIGHLAND CITY

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UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non-agenda items.

1

2

3

Please state your name clearly.

Limit your comments to three (3) minutes.

4

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HIGHLAND CITY

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CONSENT ITEMS (5 minutes)

2a. Approval of Meeting Minutes: December 3, 2024
General City Management

5

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HIGHLAND CITY

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Motion to Approve

I move that the City Council approve consent item 2a, the approval of meeting minutes from December 3, 2024.

6

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HIGHLAND CITY

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TEXT AMENDMENT: TOWN CENTER COMMERCIAL SETBACKS Development Code Update (Legislative)

Item 3a – Public Hearing/Ordinance
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

Background

- Applicant is seeking to develop the last lot (Lot 3) within the Town Center Commercial District (south of Wendy's) and the potential tenant (Mo'Bettahs) desires to have a pick-up window lane
- Town Center zoning imposes a maximum 15-foot building setback and a 10-foot entrance setback from Town Center Blvd
- These maximum setbacks prohibit the proposed site plan with a pick-up window lane
- Applicant seeks a code amendment changing the setbacks from 15'/10' to 25'/25'

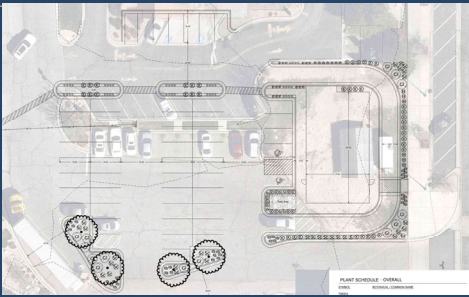
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Vicinity



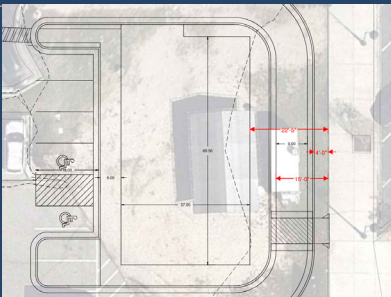
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Concept Site Plan Lot 3



9

Setback Issue



10

Staff Review

- The 15'/10' setbacks only apply to Lot 3, because there is an exception for lots that front onto SR-92 (Cubby's, UPS, and Wendy's buildings) and they were not applied to Meier's (unknown why)
- Commercial lots east of Lot 3 also front onto Town Center Blvd, but have 40'-80' minimum setbacks under the C-1 zone, rather than maximum setbacks
- The pickup lane may fit within 15' setback, but it would constrict the lane and remove landscaped buffers
- Staff is not concerned about code amendment

11

Proposed Text Amendment

- HDC 3-4713(5)(d)(iii)
 - Location. Any portion of all buildings within the Commercial Retail District shall be a maximum of ~~fifteen (15)~~ twenty-five (25) feet from an existing right-of-way, and the building front and front door shall be a maximum of ~~ten (10)~~ twenty-five (25) feet from Parkway East or Town Center Boulevard except as follows:

12

Feedback on Site Plan and Elevations

- Pickup window/drive-thru
 - Applicant indicated they would be amenable to stipulation on site plan approval that lane be limited to pickup window, and that changing to drive-thru would require site plan amendment (allow additional review of traffic impacts and circulation for changed use)
- Parking
- Setback issue
- Building look/materials

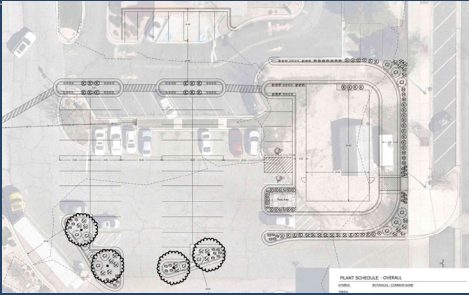
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Planning Commission Action

- Public hearing after due notice held 12.10.2024
- No public comments other than from applicant
- Commission discussed site options and traffic circulation issues with the proposed pick-up window lane. Commission indicated that current concept was likely best, though they wanted a traffic circulation/impact study with the site plan
- Unanimously (6-0) recommended approval

14

Concept Site Plan Lot 3



PLANT SCHEDULE - OVERALL
DATE: 08/01/2024

15

Concept Building Elevations



Building Plan Scale: 1/8" = 1'-0"

Front Elevation (West) Scale: 1/8" = 1'-0"

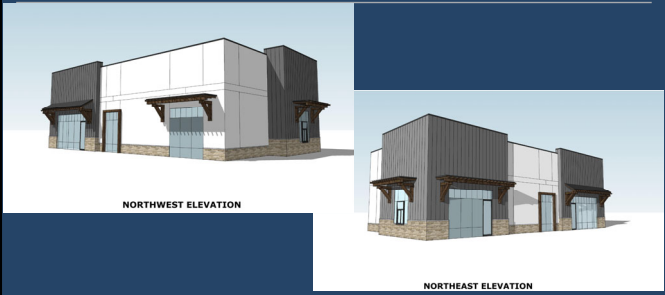
Left Elevation (North) Scale: 1/8" = 1'-0"

Back Elevation (East) Scale: 1/8" = 1'-0"

Right Elevation (South) Scale: 1/8" = 1'-0"

16

Concept Building Elevations



NORTHWEST ELEVATION

NORTHEAST ELEVATION

17

Staff Recommendation

- Staff recommends that the City Council hold a public hearing, consider the proposed amendments, and ADOPT the amendments.

18

Motion to Approve

I move that City Council ADOPT the ordinance amending the Town Center Commercial District setbacks.

19

**TEXT AMENDMENT: LOT COMBINATION ZONING STANDARDS**
General City Management

Item 3b - Public Hearing/Ordinance
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

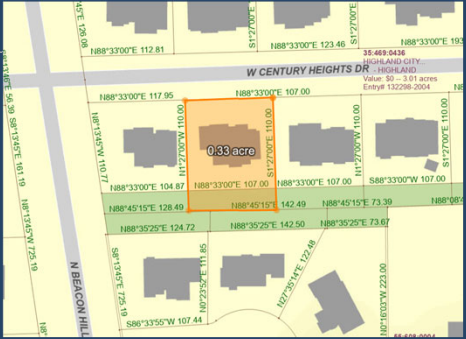
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Background

- 2022 state law changed to allow lots to be combined without requiring a plat amendment
- City amended its code to allow staff to approve combinations without plat amendment and without Council approval
- Staff have approved and recorded approval of several combinations of properties (combining parcels, or adding open space areas to existing lots)
- County refuses to combine properties in records

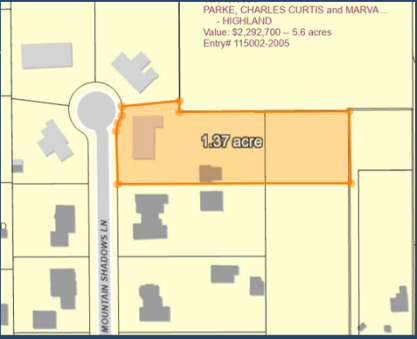
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Example



22

Example



23

Reason for Amendment

- Because the County will not combine properties without a plat amendment, the properties still show as separate parcels
- Current city regulations are based on County property lines (lot size, setbacks, etc.), so combined properties do not get the benefits of combination
- Staff proposes an amendment to allow the City to treat property as combined for City zoning purposes

24

Proposed Text Amendment

- HDC 5-7-104 – new subsection (5)
- 5. Effect of Notice of Approval.
 - a. Property for which a Notice of Approval of a lot or parcel combination has been approved and recorded pursuant to this section shall be treated as a single, combined lot or parcel for all purposes under this Code, including the following:
 - i. The property line to which setbacks may be measured shall be the property line of the combined property furthest from the structure; and
 - ii. Property coverage regulations shall be calculated based upon the size of the combined property.

25

Proposed Text Amendment

- b. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect any public utility easements, municipal utility easements, or other easements or the applicability of plat notes or other restrictions that may apply to any of the properties that are the subject of the Notice of Approval.
- c. Unless otherwise approved by the Zoning Administrator in writing, any restriction applicable to one of the properties being combined shall apply to the entire combined property upon the approval and recording of a Notice of Approval of a lot or parcel combination.
- d. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect the applicability of any building or fire code regulations.

26

Planning Commission Action

- Public hearing after due notice held 12.10.2024
- Public comment received from resident raising concerns with title/property records (especially at transfer) if properties are not combined per County
- Commission agreed with the resident's concern.
- Commission supported the amendments, but asked that staff give direction to residents on options (plat amendment vs lot combination)
- Unanimously (6-0) recommended approval

27

Staff Recommendation

- Staff recommends that the City Council hold a public hearing, consider the proposed amendments, and ADOPT the amendments.

28

Motion to Approve

I move that City Council ADOPT the proposed amendments to Chapter 5, Article 7 of the Highland Development Code.

29



SECONDARY VEHICLE ACCESS FOR
COREY FREEZE

General City Management

Item 3c - Action

Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

30

Background

- Freeze owns lot within Ridgeview that backs onto the southeast Highland Glen/Murdock Canal trailhead parking lot
- Freeze/contractors were informed that secondary access through the parking lot would not be permitted, but secondary driveway was constructed regardless
- Freeze now requests permission for secondary access. The Council considered this 12.03.2024, and continued the item to allow Mr. Freeze to participate

31

Legal Standard

- Council controls the use of public property
 - No specific policy or code regarding use of City parking lots for secondary access
 - City code generally prohibits driveways across parkway details and open space and prohibits driving across parks
- Staff have historically prevented residents from using park/trail areas for secondary accesses
- Council would need to either grant a one-off authorization or direct staff to prepare a policy or code to authorize the access

32

Staff Concerns

- Parking lot is used by the public for parking
- Parking lot is used by staff for storage. Parks crew typically store materials in the parking lot that cannot be located on gravel (playground chips, wood mulch, etc.), which occupies the access area for months at a time
- Currently no driveway/curb-cut for access on City property, so Freeze would be driving over curb and ~4' park strip

33

Staff Concerns

- Staff do not want conflict with a resident, so if access is granted, staff asks for clarification on the following:
 - Does approving the access mean that staff cannot use that area of the lot for storage of materials and equipment?
 - If City storage use continues, how should staff handle Freeze's access? Do staff need to give notice before storing materials/equipment and prohibiting access in/out for extended periods of time?
 - How should staff handle conflict between public parking and Freeze's access? Normally, parking in front of driveways is prohibited, but this is not a normal driveway.
 - Should the curb be red-striped to prevent parking in the parking lot to protect Freeze's access?

34

Other Areas

- Granting a one-off access for Freeze does not establish an easement for Freeze nor establishes a legal precedent for others to also have access
- It would establish an example that others could use to request similar access from park areas, open space, or other City property

35

Other Areas - Highland Glen



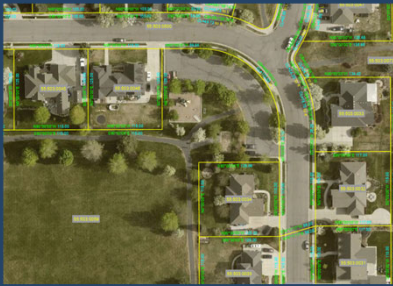
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Other Areas - Hogs Hollow/Angels Gate



37

Other Areas - Wimbleton



38

Other Areas - View Pointe



39

Other Areas - Canterbury



40

Other Areas - Highland Hollow



41

Other Areas - Highland Family Park



42

Other Areas – Community Center



43

Staff Recommendation

- Staff sees no public benefit and only negative impacts to normal use of parking lot and recommends denial
- If access is granted, staff recommends that the Council adopt a policy or code that allows similar requests to be treated similarly
- If access is granted, staff recommends approval with stipulations:
 - Freeze is responsible for damage to City property by use of the access
 - City will not ensure or guarantee clear access. Access may be obstructed by parked vehicles, public works equipment, stored materials, and other obstacles, and Freeze cannot remove or prevent obstructions
 - Access is subject to the City's right to own and control City property, including the right to permanently alter the property in such a way that the access is permanently cut off, without notice or compensation

44

Motion to Deny

I move that the City Council deny Mr. Freeze's request for a secondary vehicular access to the Highland Glen parking lot.

45

Motion to Approve Accesses of this Type Throughout the City

I move that City Council authorize the secondary vehicular access to the Highland Glen parking lot for lot 409 of the Ridgeview PUD and direct staff to prepare a code amendment or policy that establishes the specific circumstances under which these types of connections may be permitted.

46

Motion to Approve Only this Access

I move that City Council authorize the secondary vehicular access to the Highland Glen parking lot for lot 409 of the Ridgeview PUD (with the stipulations recommended by staff or with other stipulations as the Council determines are appropriate).

47



BUDGET ADJUSTMENT FOR SAFE ROUTES TO SCHOOL PROJECT
General City Management

Item 3d - Action
Presented by - Chris Trusty, City Engineer/Public Works Director

48

Safe Routes Improvements



The map shows the Highland Elementary School area with a highlighted project area for safe routes improvements. A label 'Project Area & Detail Map' is visible in the top right corner of the map.

49

Background

- City Council previously authorized \$100,000 for project
- Total project costs including engineering is estimated at \$445k
- Project was phased to reduce costs; Phase 1 estimate is \$302k
- UDOT commitment is \$130k
- Staff is seeking to increase city commitment by \$72k (\$172k total)
- Because the project wasn't completed in FY24, part of the \$660,000 transfer monies to Road Capital was approved money for this project, and those monies are what would be used to fund this project
- Project will be bid and final approval will require Council approval
- City can resubmit other phases for future grants

50

Motion to Approve

I move that City Council approve a \$172,000 budget adjustment to the Highland Elementary Safe Routes to School Project Funding from Fund Balance in the Road Capital Fund.

51



CROSS CONNECTION CONTROL AUTHORITY STATEMENT

Municipal Code Update (Legislative)

Item 3e – Ordinance
Presented by – Chris Trusty, City Engineer/Public Works Director

52

Cross Connection Control Authority

- A cross connection control program is vital to ensure a safe culinary water system
- A cross connection occurs when a culinary water line is connected to a non culinary line, usually an irrigation line. Contamination could be introduced into the culinary system without proper backflow prevention devices.
- Inspections on connections would be conducted by contractors during the installation process and must be submitted to the City.

53

Cross Connection Control Authority

- This Ordinance will
 - Define terms associated with the Cross Connection Control Program
 - Establish responsibility of City and Consumer
 - Require an Authorized Backflow Preventer or Assembly to ensure safe drinking water for city residents
- Consumers in violation of this ordinance will need to install an Authorized Backflow Preventer or Assembly and provide documentation to the City to verify
- City may shut off non-conforming connections should it be deemed a high risk as a public health hazard

54

Motion to Approve

I move that Highland City Council approves an amendment to Chapter 13 of the Highland Municipal Code as it relates to cross connection prevention.

55



**SCHOOL DISTRICT REORGANIZATION
INTERLOCAL BOARD MEMBER
APPOINTMENT**
General City Management

Item 3f - Action
Presented by - Kurt Ostler, Mayor

56

Current Interlocal Board

- Mayor Mark Johnson- Lehi
- Erin Wells, City Administrator- Highland
- Chandler Goodwin, City Manager- Cedar Hills
- Camden Bird, Assistant City Administrator- American Fork
- Mayor Carla Merrill- Alpine
- Council Member Bryn Johnson- Draper

57

Motion to Approve

I move that City Council APPROVE the appointment of [Council to decide on an individual] as the School District Reorganization Interlocal Board Member representative for Highland.

58



**SALES PRICE CALCULATION FOR CITY
OWNED LAND**
General City Management

Item 4a - Expedited/Resolution
Presented by - Jay Baughman, Assistant City Administrator/Community Development Director

59

Prior Council Direction

- The City Council adopted Resolution 2021-09; establishing how the cost per square foot would be determined.
- Based on the methodology in the adopted resolution, the value for orphan parcels for 2025 is **\$4.93** per square foot.

60

Calculation Methodology 2025

Parcel Code	Open Space	Address	Acreage	Sq. Ft.	2024 Value	\$/acre	\$/sq. ft.	25%	% Change Over Prior Year
Avery									
26-930-0072	Yes	6638 W CANTERBURY DR	0.3900	16,988	\$371,100	\$951,538	\$21.84	\$5.46	+10%
26-979-0198	Yes	6748 W CANTERBURY DR	0.5343	23,399	\$336,000	\$640,836	\$14.71	\$3.68	+10%
41-699-0004	No	6541 W AVERY AVE	0.6932	30,337	\$579,600	\$836,098	\$19.19	\$4.80	+10%
Engleview									
12-000-0004	No	6248 W 9600 NORTH	0.5000	21,780	\$321,000	\$643,000	\$14.76	\$3.69	+10%
12-104-0001	No	9639 N 4220 WEST	0.5990	46,363	\$391,400	\$654,177	\$9.32	\$2.33	+10%
22-104-0003	No	6255 W 9600 NORTH	0.5170	22,521	\$318,900	\$616,826	\$14.16	\$3.54	+10%
11350 N									
41-400-0001	No	11339 N 5835 WEST	1.0590	46,130	\$738,700	\$697,545	\$16.01	\$4.00	+8%
26-627-0004	No	5876 W 11350 NORTH ST	1.2580	54,711	\$846,200	\$674,358	\$12.54	\$3.14	+10%
26-627-0004	No	5856 W 11350 NORTH ST	1.0900	47,480	\$738,700	\$677,706	\$15.56	\$3.89	+8%
View Pointe									
54-195-0101	Yes	4031 W PARK CIR	0.2170	9,453	\$309,900	\$1,428,111	\$32.78	\$8.20	+10%
54-195-0104	Yes	4087 W PARK CIR	0.2080	9,049	\$304,800	\$1,471,154	\$33.77	\$8.44	+10%
54-192-0004	Yes	4151 W VIEW POINTE	0.2250	9,801	\$313,300	\$1,382,444	\$31.57	\$7.99	+10%
Average	41.87%		0.6349	27,655	\$450,108	\$858,981	\$19.72	\$4.93	+10%
Previous year's price (2024)								\$4.49	

61



62

Motion to Approve

I move that City Council adopt the Resolution designating the valuation of orphan parcels for 2025.

63



**AMENDMENT TO FEE SCHEDULE:
TSSD IMPACT FEE**
General City Management

Item 4b - Expedited/Resolution
Presented by - David Mortensen, Finance Director

64

Background

On September 19, 2024, the TSSD Board of Directors adopted a plan to increase their impact fee incrementally on January 1 of each year through 2029. The planned fee amounts are as follows:

- 2024 - \$4,981 (Highland City fee schedule is at this amount)
- 2025 - \$5,931
- 2026 - \$6,081
- 2027 - \$6,227
- 2028 - \$6,371
- 2029 - \$6,512

65

Staff Recommendation

Staff recommends that the Highland City Comprehensive Fee Schedule be amended to change the TSSD impact fee amount to be “equal to the current TSSD Board approved fee”. Replacing a specific dollar amount in the fee schedule with this language will save staff time and work, eliminating the need for future fee schedule amendments related to this fee and ensure that we are always able to collect the full amount we are required to remit to TSSD. Failing to update the fee amount each year by the correct amount in the fee schedule would have a negative fiscal impact on Highland, where the City would have to cover the difference between what we collect and what we remit to TSSD with City funds until the fee schedule could be corrected.

66

Motion to Approve

I move that City Council approve the resolution adopting an amendment to the fiscal year 2025 Highland City Comprehensive Fee Schedule changing the TSSD impact fee amount to be equal to the current TSSD Board approved fee.

67



SCHOOL DISTRICT UPDATE

Item 5a – Communication
Presented by – Kurt Ostler, Mayor

68



LEGISLATIVE UPDATE

Item 5b – Communication
Presented by – Kurt Ostler, Mayor
Ron Campbell, Council Member
Kim Rodela, Council Member

69

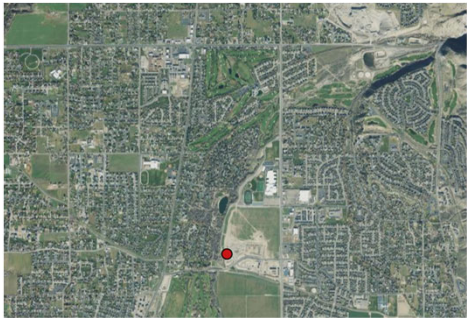


FUTURE MEETINGS

- January 8, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- January 21, City Council Meeting, 7:00 pm, City Hall
- January 23, Budget Retreat 9:00 am, Alta Bank, American Fork
- January 28, Planning Commission Meeting, 7:00 pm, City Hall

70

Highland City location – Freeze Residence



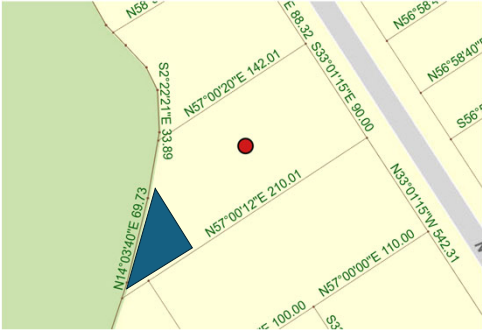
1

Freeze Residence next to Highland Glen/Murdock Canal Lot



2

Resident has odd Shape Residencial Lot – great use of lot rear triangle

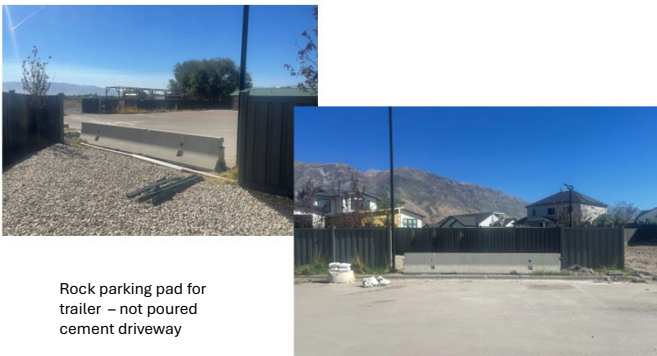


3

Goal is to park owner camper trailer – similar to other residents



4



Rock parking pad for trailer – not poured cement driveway

5



Highland Glen Lot Views

Highland Glen Lot

6



7

Highland City Council ask

I would like access a few times a year

Highland City can revoke access any time, for any reason – without notice

Highland City does not need to promise or commit to me anything –

I understand and accept that during the year, the city may need to / choose to place materials outside the gate that will block access. I would have no - expect no recourse regarding this.

Not asking for: Right of Way, Easement, No parking sign or red curb, etc

The gate will open inward/inside of the property

I will pay potential damage to curb now – place a bond - no cost to Highland City

City does not need to change any behaviors – using the parking lot as the city does including piles of mulch, rock, as needed, even in front of gate

I will sign " hold harmless" agreement with city protecting city from any issues

Fence gate will look " invisible" from afar - identical solid fencing used

Just asking for reasonable access to store trailer. No intention of using as an auto garage.

Clear Confidential

8