# HIGHLAND CITY COUNCIL MINUTES

Tuesday, May 20, 2025

Approved July 15, 2025

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

## 6:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler
Invocation: Mayor Kurt Ostler
Pledge of Allegiance: Council Member Kim Rodela

The meeting was called to order by Mayor Kurt Ostler as a regular session at 6:07 p.m. 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 Kim Rodela.

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| PRESIDING: | Mayor Kurt Ostler |
| | |
| COUNCIL MEMBERS: | |
| Brittney P. Bills | Present |
| Ron Campbell | Present |
| Doug Cortney | Present |
| Kim Rodela | Present |
| 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

OTHERS PRESENT: Jon Hart, Logan Johnson, Mark Coombs, Deann Coombs, Isaac Day, Liz Rice, Wesley Warren, Sgt. Ryan Albers

## 1. UNSCHEDULED PUBLIC APPEARANCES

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

Isaac Day stated that he is working to create a service organization that would accept donations at various locations in the City, and he distributed a handout detailing his organization and identifying the proposed donation/service sites. He stated he would like to work with the City to begin his project as soon as possible and asked for feedback from the Mayor and Council regarding his proposal.

Mayor Ostler thanked Mr. Day for his efforts and provided information regarding the types of signs that are permitted on public properties. Mr. Day stated he has chosen certain areas of the City that he feels need attention soon; he would install signs similar in quality to those that are used in national parks and on public trails. Each sign would have a QR code and donors will be assured that their donation will go to that specific project, rather than into a larger fund. Council Member Smith suggested Mr. Day could run the funds through the Highland Foundation to ensure donors can make a tax-free donation. Mr. Day stated he is not sure which foundations or charitable organizations he will be working with; he wants his organization to benefit cities throughout the State, not just Highland. Mayor Ostler indicated that Mr. Day will need to work with the City to secure approval of his signs; he thanked Mr. Day and noted his goal to get the parks cleaned up is great. He encouraged Mr. Day to reach out to him and the City's Parks Department outside of this meeting.

Wesley Warren referenced the communication items on tonight's agenda, specifically the item related to the baseball field; he was unaware there may be an opportunity for Highland to sign a long-term contract with a league/club/team for upkeep and maintenance of the facility. He stated he was not aware of the implications of the agreement in terms of exclusive use and maintenance of the field, and he is interested in hearing the discussion regarding that topic. He added that he also noticed an item regarding e-bikes and stated that he is an avid user of e-bikes and hopes to be able to keep riding them in the City and on the trail system.

## 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*
April 15, 2025

**b. Approval of Meeting Minutes** *General City Management*
*Stephannie Cottle, City Recorder*
May 1, 2025 - Site Tour

**c. Approval or Ratification of Large Purchases** *General City Management*
*David Mortensen, Finance Director*
The City Council will consider approval or ratification of large purchases.

**d. Adding Closed Session Exception to R-2025-07** *General City Management*
*Rob Patterson, City Attorney/Planning & Zoning Administrator*
The City Council will consider adding an exception to its meeting end time policy to exclude closed meetings from meeting end time restrictions.

*Council Member Scott L. Smith pulled item 2c, Approval or Ratification of Large Purchases.*

*Council Member Kim Rodela MOVED that the City Council approve consent item 2a, the approval of meeting minutes from April 15, 2025; 2b, the meeting minutes from May 1, 2025; and 2d, Adding Closed Session Exception to R-2025-07.*

*Council Member Scott L. Smith SECONDED the motion.*

*The vote was recorded as follows:*

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|---|---|
| *Council Member Brittney P. Bills* | *Yes* |
| *Council Member Ron Campbell* | *Yes* |
| *Council Member Doug Cortney* | *Yes* |
| *Council Member Kim Rodela* | *Yes* |
| *Council Member Scott L. Smith* | *Yes* |

*The motion carried 5:0*

Council Member Smith stated that in regard to item 2c, he was confused because the resource material has a lot of blank spaces in it and it also includes many projects that have already been approved. He stated he was not sure the Council ever changed the purchase threshold for items that must be presented to the Council. Finance Director Mortensen stated that is correct; the policy has never been changed and anything over $25,000 must be approved by the Council. He stated there has been some inconsistency in the past in terms of items that have been presented to the Council, so the intent of tonight's agenda item was to present any purchase in the last month that exceeded $25,000 to the Council, including some that have already been approved by the Council by way of a contract approval. Council Member Smith stated he would like to continue to see these purchases presented to the Council, but perhaps not as a consent item.

The Mayor, Council, and staff briefly discussed some items listed on the documentation regarding the purchases exceeding $25,000; Mr. Mortensen noted that the item regarding sewer treatment fees was noted as being said February 2025, where it should have said March 2025.

*Council Member Doug Cortney MOVED that City Council ratify the large purchases under item 2c on the agenda.*

*Council Member Scott L. Smith SECONDED the motion.*

*The vote was recorded as follows:*

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|---|---|
| *Council Member Brittney P. Bills* | *Yes* |
| *Council Member Ron Campbell* | *Yes* |
| *Council Member Doug Cortney* | *Yes* |
| *Council Member Kim Rodela* | *Yes* |
| *Council Member Scott L. Smith* | *Yes* |

*The motion carried 5:0*

## 3. ACTION ITEMS

**a. ACTION: Maintenance Agreement Review** *General City Management*
*Jay Baughman, Assistant City Administrator/Community Development Director*
The City Council will consider approving Maintenance Agreements as allowed in Resolution R-2022- 27 for: Joshua Otteson, Scott and Summer Dunn, and David and Laurie MacKay

Assistant City Administrator/Community Development Director Baughman provided background information regarding the Council's adoption of an encroachment policy; the policy states "private use of public property is regulated by the City in order to ensure that the property remains useful and beneficial for the public. Just as a resident cannot use their neighbor's yard without their neighbor's permission, neither can a resident use the City's property without the City's permission." The Maintenance Agreement document is the tool developed by the Council to orderly track and manage instances where a resident(s) desires to improve and maintain public property for mutual benefit and the City has determined that it is in the public interest to allow them to do so, subject to terms and agreements defined by the property owner, which is the City of Highland. Mr. Baughman then noted there are three pending maintenance agreement requests for Joshua Otteson, Scott and Summer Dunn, and David and Laurie McKay. He shared an aerial view of each of the properties, summarized the applicant's narrative regarding the justification for the encroachment/maintenance agreement, and staff's recommendation for each application. Staff have recommended denial of the Otteson application, approval of the Dunn application, and approval of the McKay application. The two applications for which staff recommends approval are consistent with the restrictions defined by the Highland City Maintenance Agreement resolution adopted on July 19, 2022. Relative to the Otteson application, staff finds that the application does not meet the requirements of the policy because the shed on the west side of the property and its placement on public land does not provide a benefit for anyone but the resident. The City needs to protect its access to water, sewer, and groundwater drainage infrastructure in the area and that could be undermined by improvements in the area.

Council Member Smith stated he does not understand staff's concerns about the reduced access to water, sewer, and groundwater drainage and he asked if staff would be willing to investigate that matter further before the Council is asked to vote on the application. Council Member Cortney agreed; he would like additional time to reach out to the applicant to discuss the matter. Mr. Baughman stated the applicants were informed the item would be on tonight's agenda and he only received a response from the Dunns.

Council Member Rodela stated she feels the Otteson application should be denied if it does not meet the policy. Council Member Campbell agreed. Council Member Smith stated that it may be true that the Otteson's should not have built the shed in its current location, but he would still like to understand the location of the drainage infrastructure and whether the shed was built before the encroachment policy was adopted. Mayor Ostler stated he understands both points of view, but it may also be helpful to understand whether selling the property to the Otteson's would be appropriate. Council Member Smith agreed.

Council Member Bills stated that she agrees with Council Members Rodela and Campbell that the application should be denied given that it does not comply with the encroachment policy; however, she would also be willing to consider selling the property in the future and that matter should be handled independent of this matter.

Otteson Application
*Council Member Ron Campbell MOVED that City Council deny the open space maintenance agreement with Joshua Otteson, due to the following:*
*1. The shed/structure on public property is not consistent with the guidelines in section 9 Permitted and Prohibited Improvements of an MA (maintenance agreement) and the improvements are not for the benefit of the public.*

*Council Member Kim Rodela SECONDED the motion.*

Council Member Cortney stated he does not disagree with the basis for denying the maintenance agreement, but he will be voting in opposition to the motion because it has been so long since the application was originally submitted to the Council and he would like to be sure that the Otteson's were informed that this matter would be heard tonight and that they would have had a chance to speak.

Council Member Campbell stated he understands that perspective, but he is not sure the Otteson's could have offered any information that would cause the Council to approve the maintenance agreement.

*The vote was recorded as follows:*

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

*The motion carried 3:2*

Council Member Cortney commented on the quality of the landscaping installed by the Dunns; he is not concerned about the proposal as it does not impact public use, and the improvements have beautified the section of the trail that the property sits along.

Council Member Rodela asked if curbing is allowed according to the maintenance agreement, to which Mr.

Baughman answered no. This led to high level discussion among the Council and staff regarding the reasons curbing was prohibited in the policy. City Attorney Patterson added that staff have investigated the ownership of the entire length of the property and has found that the portion upon which the curbing and gravel is located may be owned by another individual/entity. Council Member Rodela stated she does not want to provide any exception to the maintenance agreement policy given that the Council spent such a significant amount of time developing the policy.

Council Member Smith stated he feels the Council may need additional information regarding the ownership of the property before making a decision. City Administrator Wells stated that may be appropriate; she thought the ownership of the property had been determined.

Council Member Rodela recalled a past decision to require property owners in this area to buy the property that was declared surplus by the City and that if they refused to buy it, they would not be granted a maintenance agreement. Council Member Bills stated she recalls that as well. Council Member Smith stated he would like to research that matter as well.

Dunn Application
*Council Member Doug Cortney MOVED to CONTINUE the Dunn Application.*

*Council Member Ron Campbell SECONDED the motion.*

*The vote was recorded as follows:*

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|---|---|
| *Council Member Brittney P. Bills* | *Yes* |
| *Council Member Ron Campbell* | *Yes* |
| *Council Member Doug Cortney* | *Yes* |
| *Council Member Kim Rodela* | *Yes* |
| *Council Member Scott L. Smith* | *Yes* |

*The motion carried 5:0*

Council discussion centered on potential problems with the trees planted on the property and whether roots of the trees may cause problems on City property in the future. The Mayor and Council determined that future direction regarding the trees should be managed by the City's arborist.

MacKay Application
*Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with David and Laurie MacKay subject to the following stipulations:*
*1. All improvements shall be consistent with the proposed maintenance plan submitted with the application.*

*Council Member Scott L. Smith SECONDED the motion.*

*Council Member Doug Cortney requested to add two additional stipulations:*
1. *The trees be trimmed to 8-feet so they are not impinging on the trail; and*
2. *If the trees begin damaging the trail, they should be removed.*

Council Member Rodela stated she is not sure why 8-feet is necessary; she does not want the City to be dictating the manner in which trees are trimmed. Council Member Cortney stated he is comfortable removing the height stipulation but would like for the requirement to trim trees to remain, as well as the requirement to remove the trees if they cause damage to be included in the motion.

*The two additional stipulations read as follows:*
1. *The trees be trimmed so they are not impinging on the trail; and*
2. *If the trees begin damaging the trail, they will need be removed.*

*Council Member Kim Rodela agreed to the amendment.*

*Council Member Scott L. Smith SECONDED the amended motion.*

*The vote was recorded as follows:*

| | |
|---|---|
| *Council Member Brittney P. Bills* | *Yes* |
| *Council Member Ron Campbell* | *Yes* |
| *Council Member Doug Cortney* | *Yes* |
| *Council Member Kim Rodela* | *Yes* |
| *Council Member Scott L. Smith* | *Yes* |

*The motion carried 5:0*

## 4. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. No final action will be taken.

**a. Daycare Development Agreement** *Land Use (Legislative) Rob Patterson, City Attorney/Planning & Zoning Administrator*
The City Council will give direction on whether the Council is amenable to a legislative development agreement to facilitate the construction of a daycare facility within the PO zone on the Professional Office "B" site.

City Attorney/Planning & Zoning Administrator Patterson explained the Council has discussed the City's professional office (PO) zone on several occasions recently. On April 15, 2025, the City Council formally rejected a proposed text amendment for the PO zone from Patterson Homes but gave staff direction to begin working on staff-led code changes. Since the April 15 meeting, the City has been approached by a potential daycare developer seeking to develop a PO zone site on the west side of Highland Boulevard south of the storage units. The site and building as proposed by the daycare client would be for a single building on the site, one story, 10,200 square feet, with pitched roofs and more traditional residential architecture. This would be a larger footprint than the original two planned buildings on the site (6,800 square feet vs 10,200 square feet), but overall, the massing would be smaller (18,800 square feet vs 10,200 square feet). Staff is seeking feedback from the Council as to whether the City would entertain this type of project on the PO site.

Council Member Campbell stated he has some questions for the applicant; he asked if they have operated this type of facility elsewhere. Logan Johnson, Wright Development Group, stated that he would build the project and lease it to a daycare facility; he currently has two other daycares along the Wasatch Front, with four others under construction. The potential tenant is a national daycare operator, The Learning Experience, and they operate thousands of facilities throughout the country. Council Member Campbell stated he would be concerned about parking and traffic flow for this type of operation. Mr. Johnson stated that he has worked with the potential tenant on parking recommendations, as well as pick-up, drop-off procedures. This led to high level discussion among the Mayor, Council, and Mr. Johnson regarding these procedures and how they would differ from those of a traditional school. The group also discussed the City's current parking regulations and whether the application in its current form would comply with the requirements of the PO zone. Mr. Patterson added that a legislative development agreement could be considered that would provide proper restrictions but abide by the PO zone. The Council concluded they are supportive of the proposal, but encouraged architectural design adjustments to help ensure the building will have more of a residential feel as has been requested by the residents living nearby.

Council Member Cortney stated he is a bit concerned about traffic on Highland Boulevard given that more homes will be built in the area and any increase in traffic will have an impact on the area. However, he is supportive of the proposal and feels it could benefit the area. Council Members Rodela and Bills agreed.

Council Member Campbell asked if the median on Highland Boulevard will be built in conjunction with this project. Mayor Ostler stated Patterson Development is supposed to be completing that improvement. Mr. Patterson agreed; it may be something that needs to be worked out between Patterson and Wright Development.

**b. Dry Creek Lift Station Property and Generator Purchase** *General City Management*
*Chris Trusty, City Engineer/Public Works Director*
The City Council will discuss the purchase of a generator and additional land for the Dry Creek lift station.

City Engineer/Public Works Director Trusty explained on June 18, 2024, the Council approved the Fiscal Year (FY) 25 City budget which included $250,000 for the purchase of a generator and additional property for the Dry Creek lift station. The Dry Creek lift station is the only lift station in the city which does not currently have an onsite generator. There is a natural gas-powered motor that could service the building should there be a loss of power, but the motor gets very hot during operation and relies on a battery to be turned on in the event of a power outage. Having a generator provides a more reliable backup system for the lift station and related systems should there be a loss of power. Additionally, the motor can only operate one of the two lift station pumps, so this limits the lift station's capacity and redundancy. The lift station currently sits on a permanent easement, but the existing easement is not sufficiently large enough to also accommodate a generator. An additional 800 square feet is needed to place the generator. In order to install the generator, the City could either purchase an expansion of the permanent easement or purchase the needed property along with the current permanent easement outright. The area is currently already in a conservation easement and is across the creek from the main residence, but he presented an aerial image and identified options for extending the easement or purchasing property to secure adequate space for the station.

Discussion among the Council and staff centered on options for powering the generator and any noise disturbances that could be caused by the generator; the structure that will house the lift station; and the pros and cons of an easement versus property ownership. The Council concluded they are comfortable moving forward with the project but would favor acquiring the property rather than relying on the easement.

## 5. COMMUNICATION ITEMS

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

**a. Baseball Field Rental Follow-up** *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman explained he has worked with Council Member Rodela and Derric Rykert, Highland City resident/American Fork Parks and Recreation Director, regarding the development of a policy that would regulate the rental and use of the new baseball fields and batting cages. Council Member Rodela stated she and Mr. Baughman will meet with Mr. Rykert a week from today to finalize the proposed policy and it will be presented to the Council soon.

There was brief discussion among the Council and staff regarding the comments made by Mr. Warren at the beginning of the meeting; Council Member Rodela indicated that a local baseball club has entered into an agreement with the City that provides for them to receive field use in return for them maintaining the Mitchell Hollow baseball field. They have dramatically improved the condition of the field, and it may be an option to consider something similar for the other fields in the City. Council Member Smith asked if others are able to use the field, to which Council Member Rodela answered yes; the baseball club does not have exclusive access to the Mitchell Hollow field. Additionally, the arrangement gives young athletes the ability to learn what it takes to maintain an athletic facility and they take pride in the field that they play on. Council Member Smith asked that any new policy to be presented to the Council includes rental and use fees that have been compared to what other cities are charging for premium facilities. Council Member Rodela stated that is what she and Mr. Rykert will be working on.

**b. Ordinances related to E-bikes** *Rob Patterson, City Attorney/Planning & Zoning Administrator*

City Attorney/Planning & Zoning Administrator Patterson reviewed current City and State laws regulating e-bikes as a motor driven cycle. The City Code can be amended to be more specific to help law enforcement officers regulate the use of e-bikes on public property. Mayor Ostler facilitated a high-level discussion among the Council, Mr. Patterson, and Police Chief Gwilliam regarding appropriate amendments to the City Code pertaining to e-bikes. Chief Gwilliam indicated he will use the feedback provided by the Mayor and Council to work with Mr. Patterson on recommended amendments to the City Code to improve the Police Department's ability to take enforcement action on e-bikes.

**c. Code Amendment - Parking of Trailers on City Streets** *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman stated the City has dealt with some code compliance issues recently related to parking of large trailers on City streets; residents are able to move their trailers to comply with the letter of the law by moving the position of their trailer slightly in a 24-hour period, but this is violating the spirit of the law. He and City Attorney Patterson are working on a code amendment that will address the matter. The Council discussed the loophole in the current ordinance and expressed a willingness to address the matter.

**d. Budget Direction - Lone Peak Budget Change** *David Mortensen, Finance Director*

Finance Director Mortensen used the aid of a PowerPoint presentation to summarize the Lone Peak Public Safety District (LPPSD) Board's recent action to approve their Fiscal Year (FY) 2025-2026 budget; the Board added back in two full time and one part time Fire positions as well as an animal shelter fee increase. These two changes result in an increase in the Highland City assessment of $141,083 and the City Council needs to determine how fund that increase. He noted the City's tentative budget has a general fund surplus of $41,950. He noted the tentative budget includes a transfer of $250,000 to the roads capital for 10400 North and 6000 West sidewalk and crosswalk phase one project, but that project was a late addition to the budget and could be amended to provide additional funding for the assessment increase. Staff is looking for direction from the Council on this budget issue.

Council Member Smith noted he sits on the Animal Shetler Board, and he was informed that Pleasant Grove and Lindon plan to fight the animal shelter fee increase; the Board will meet a week from Thursday and if there is strong enough opposition to the fee increase, it may be delayed and that would save Highland City $20,000.

Council Member Cortney asked if the City is obligated to pay the increased assessment. City Attorney Patterson stated that the interlocal agreement for the District provides a formula for budget increases compared with growth in the cities that are part of the District; each City Council must approve budget increases, but once the District passes its final budget, the cities must determine how to pay for any increased assessment. Mayor Ostler stated that the City Council approved the District's tentative budget, but the budget increased before the final version was adopted. He asked if the City Council has any ability to reject that increase. Mr. Patterson stated that the interlocal agreement indicates that the District cannot increase its budget in excess of the growth of the cities that are part of the District without consent; the situation that has occurred this year is unique and has not happened in the past, but Highland City should ratify the change because the increase is beyond the growth of the cities.

Council Member Cortney asked if the increase is beyond the City's growth, in addition to what has already been approved. Mr. Patterson stated that is not clear. This led to philosophical discussion among City Administration, the Mayor, and City Council regarding any authority the City Council has to reject the increase in the District budget; Mayor Ostler noted that he has asked that the Board consider an amendment to the interlocal agreement and the additional staffing positions will not be filled until the interlocal agreement has been reviewed and possibly amended to address the concern that the assessment charged to Highland City is unfair and Highland is essentially subsidizing fire protection in Alpine City.

Continued high level discussion centered on opportunities for the District to reduce their expenses to help offset the proposed budget increases, after which Mayor Ostler asked for feedback from the Council regarding how to fund the assessment increase. The Council concluded to reduce the funding for the 10400 N. and 6000 W. sidewalk and crosswalk project by $100,000 and combine that amount with general fund surplus to fund the assessment increase. City Administrator Wells noted that City staff is working to apply for grant funding that could help to pay for the sidewalk project as well.

e. **Hanover Way Sewer Repair** *Chris Trusty, City Engineer/Public Works Director*

City Engineer/Public Works Director Trusty provided background information regarding the Hanover Way sewer repair; Recently, city staff became aware of a sewer line on Hannover Way with a "belly" or low spot in the line. After investigating, it appears that this is the result of infiltration from a 30-inch culvert built to convey water in the existing seasonal wash. To rectify, approximately 40 feet of sewer line and another 40 feet of 30-inch concrete culvert will need to be removed and replaced. Preliminary costs are estimated at $75,000 to $100,000 and Mr. Trusty presented a map to identify the location of the sewer repair project.

Council Member Cortney asked Mr. Trusty if he plans to place a sleeve lining in the repaired line to prevent this type of issue in the future. Mr. Trusty answered yes; slip lining is not a bad idea for large sewer lines in general.

f. **Central Utah Water Conservancy Recharge Basin Plans** *Chris Trusty, City Engineer/Public Works Director*

City Engineer/Public Works Director Trusty provided information regarding the Central Use Water Conservancy District (CUWCD) recharge basin plans; the District will drill three monitoring wells in the summer of 2025 and begin a pilot recharge in October of 2025. He presented a map identifying areas identified for the possible well areas and noted the District is interested in swapping land with Highland City for the project; this land swap would benefit both entities. The Council discussed the proposal and the potential impacts of the drilling activities; they also discussed the potential uses of the land in question and asked Mr. Trusty to investigate the matter further before presenting a formal recommendation to proceed with the land swap. They also asked if the City has any ability to dictate the appearance of the project sites, to which Mr. Trusty answered he and Mr. Patterson will review the contracts that have governed the projects to this point to determine the City's authority.

g. **Community Development Updates** *Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator*

Assistant City Administrator/Community Development Director Baughman provided the Mayor and Council with an update on the work underway to update the City's General Plan; the next joint meeting of the Planning Commission, City Council, and the project consultant will be held June 10.

Council Member Smith stated that according to a new State law, many items are no longer being presented to the City Council for approval, such as zoning amendments. He stated he was not aware of the plans for a new veterinary clinic as a result of the law change. He stated that it would be nice for staff to include information at the bottom of City Council agendas to provide an update on applications that have been approved by the City's

Design Review Committee (DRC). City Attorney/Planning & Zoning Administrator noted that information is included on the City's website under 'current projects', but he can provide other updates as well. He clarified that the veterinary clinic has not been formally approved yet and will still be presented to the Planning Commission and City Council. CityAdministrator Wells added that the purpose of this agenda item is for staff to provide the Council with information about recent land use items that are no longer submitted to the Council for approval.

Mr. Patterson then provided a brief update regarding the reclassification of 11200 North as part of the General Plan updates; that item will be submitted to the Planning Commission next week and to the Council in June.

City Engineer/Public Works Director Trusty reported that the 6800 West road maintenance project will begin next week. He is unsure of the timing of the project as it is being managed by the Timpanogos Special Service District (TSSD), but they have assured him that it will be complete by the end of July in advance of the City starting work on 6400 West.

**h. School District Updates** *Kurt Ostler, Mayor*

Mayor Ostler encouraged Council Members to stay informed about the school district. Board Members will be elected at the upcoming election.

Mayor Ostler then reviewed the schedule of upcoming meetings of the City Council.

Council Member Cortney noted the municipal candidate filing period is the first week of June. City Recorder Cottle stated that is correct and she will be posting information about the filing period on the City's website. There was a brief discussion about all documents that must be filed as part of the candidate filing process.

**i. Highland Fling** *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman stated the purpose of this discussion is for City Administration to receive direction from the Mayor and Council regarding the purpose and goals of the Highland Fling event. He and Mayor Ostler facilitated discussion among the Council about options for adjusting the offerings of the event to attract greater participation from City residents. They also discussed opportunities for increasing advertising of the event schedule.

Council Member Smith then reported on his participation with the North Point Waste Management District and Utah County Public Health Board and recent events/activities of both entities.

## 6. WORK SESSION

Staff will report on encroachment enforcement efforts and seek feedback from Council on which subdivision to move forward with next.

The meeting recessed at 8:55 p.m.

The meeting resumed at 9:10 p.m.

Assistant City Administrator/Community Development Director Baughman used the aid of a PowerPoint presentation to provide historical information on the City's efforts to address encroachment issues; Resolution R-2022-27 was adopted in July 2022 with the purpose of providing the City with the ability to enter into Maintenance Agreements (MA) with residents when their improvements on public land provide a benefit to the public (and not just themselves). The policy also established procedures for removing any private encroachment onto public property if a MA cannot be reached. He then discussed the procedures City staff follows to identify encroachment issues and take enforcement action. The areas of the City that are currently being focused on by City staff are Highland Hollows and Canterbury North; options for the next area of focus include Windsor Meadows, which has 10 encroachment issues, and Beacon Hills, which has 35 encroachment issues. He presented maps of the two areas and identified some of the properties upon which encroachment has occurred. Throughout the presentation, Mr. Baughman heard feedback from the Council regarding a desire for restoration of natural areas in Beacon Hills, rather than maintenance agreements to allow for the preservation of the private improvements; they also encouraged speedy action of the City when an encroachment issue has been identified – otherwise, residents do not believe the City is serious about the matter. The Council suggested that Beacon Hills is the most appropriate area to start on next in terms of encroachment.

## 7. 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.

*At 9:21 pm Council Member Scott L. Smith MOVED that the City Council recess the regular meeting to convene in a closed meeting in the Executive Conference Room to discuss the character, professional competence, or physical or mental health of an individual, and pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.*

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

*The vote was recorded as follows:*

| | |
|---|---|
| *Council Member Brittney P. Bills* | *Yes* |
| *Council Member Ron Campbell* | *Yes* |
| *Council Member Doug Cortney* | *Yes* |
| *Council Member Kim Rodela* | *Yes* |
| *Council Member Scott L. Smith* | *Yes* |

*The motion carried 5:0*

*Council Member Doug Cortney MOVED to adjourn the CLOSED SESSION and Council Member Brittney P. Bills SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The CLOSED SESSION adjourned at 10:55 pm.*

## ADJOURNMENT

*Council Member Doug Cortney 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 10:55 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 May 20, 2025. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC, UCC
City Recorder

# Welcome to the Highland City Council Meeting

**May 20, 2025**

**Please Sign the Attendance Sheet**

Scan for Agenda

HIGHLAND CITY

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HIGHLAND CITY

## 6:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler
Invocation – Mayor Kurt Ostler
Pledge of Allegiance – Council Member Kim Rodela

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HIGHLAND CITY

## UNSCHEDULED PUBLIC APPEARANCES

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

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

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## CONSENT ITEMS *(5 minutes)*

2a. Approval of Meeting Minutes: April 15, 2025
*General City Management*

2b. Approval of Meeting Minutes: May 1, 2025
*General City Management*

2c. Approval or Ratification of Large Purchases
*General City Management*

2d. Adding Closed Session Exception to R-2025-07
*General City Management*

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## Motion to Approve

I move that the City Council approve consent item 2a, the approval of meeting minutes from April 15, 2025; 2b, the meeting minutes from May 1, 2025; 2c, Approval or Ratification of Large Purchases; and 2d, Adding Closed Session Exception to R-2025-07.

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## MAINTENANCE AGREEMENT REVIEW

*General City Management*

Item 3a – Action
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

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## Otteson Application

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## Otteson Application

Nature of Encroachment:
- Sod
- Shed
- Curbing

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## Otteson Application

"I have improved the property (the "Property") which consists of a significant slope that was full of noxious weeds, tumbleweeds, etc. by planting grass and other native flowers and shrubs. The sprinklers that water the grass, flowers, and shrubs are on my property and do not encroach on the Property. The Property is open and is used almost daily by the neighborhood kids to access 10400 (the road Freedom Elementary is on). I hope the City understands that the improvements I have made have decreased the **potential for fire risk from the hill improved the look and feel of the slope and provide safe passage for our local elementary school aged kids**. I understand the City's interest in its land, I am respectful of it, and I am willing to work with the City in order to make it a safer environment for my family and our community. I understand the obligations of the Maintenance Agreement and will assume liability for the property."

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## Otteson Application

Nature of Encroachment:
- Sod
- Shed
- Curbing

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## Otteson Application

Reduction of Fire Danger:

With the exception of some paths, there has been no alteration or improvement of the hillside from its wild state.

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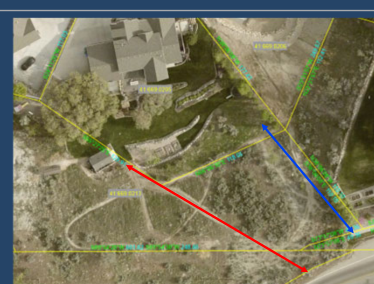
## Otteson Application

10400 Access:



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## Otteson Application

10400 Access:

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## Motion to Deny (Otteson Application)

I move that City Council deny the open space maintenance agreement with Joshua Otteson, due to the following:

1. The shed/structure on public property is not consistent with the guidelines in section 9 Permitted and Prohibited Improvements of an MA and the improvements are not for the benefit of the public.

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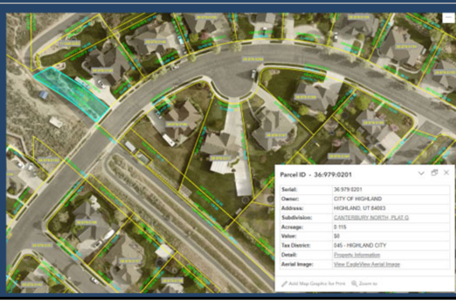
## Dunn Application

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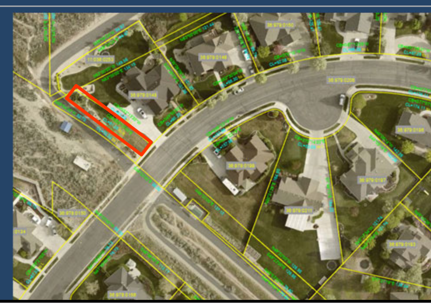
## Dunn Application



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## Dunn Application

"As the owner of the property, we are sensitive that our landscaping has encroached onto City property and intend to work with the City to find a good solution. The City property related to this submittal was landscaped in 2011. At the time, we were aware of other properties in the area that had similar open spaces that had not been used or maintained by the City and others had proceeded to landscape the property. At which time, we were not aware of any options to purchase or otherwise reach an agreement with the City to maintain the property. Prior to the landscaping in 2011, **this specific City property was a dumping ground for grass, branches, rocks, concrete and other debris. When we landscaped our property - we cleaned up and landscaped the City open space. The improvements beautified the space, which has been appreciated by us and users of the Murdock Trail.** We have invested our own money and time to ensure good use of the City property. We have not limited access in any way. Because of this - we propose to leave the existing landscaping, ensuring that it meets the minimum requirements for the City Maintenance Agreement OR purchase the property from the City as we are aware that our other Canterbury neighbors have purchased the same type of property from the City."

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## Dunn Application

Nature of Encroachment:

- Sod
- Curbing
- Trees

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## Motion to Approve (Dunn Application)

I move that City Council authorize staff to execute an open space maintenance agreement with Scott and Summer Dunn subject to the following stipulation:

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

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## Mackay Application

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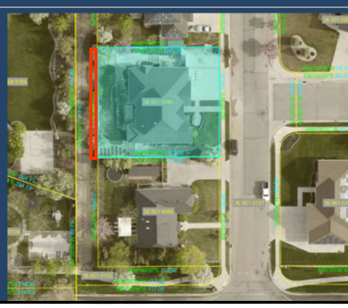
## Mackay Application



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## Mackay Application

"The City property in back of …. Canterbury Dr Highland Utah will be **landscaped to increase the beauty of the city trail** running in back of … Canterbury Drive Highland Utah. The landscaping to be maintained consists of the existing 5 trees: 2 spruce trees, 1 lantern tree, 1 tree suspected of being a flowering plum tree, and another tree suspected of being a flowering pear tree. **The owners of … Canterbury Drive will provide sufficient watering/irrigation to maintain these 5 trees. Grasses growing along this strip will be trimmed to be less than 6 inches tall at all times."**

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## Mackay Application

Nature of Encroachment:

- Sod
- Trees

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## Motion to Approve (Mackay Application)

I move that City Council authorize staff to execute an open space maintenance agreement with David and Laurie MacKay subject to the following stipulation:

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

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# DAYCARE DEVELOPMENT AGREEMENT

*Land Use (Legislative)*

Item 4a – Discussion
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

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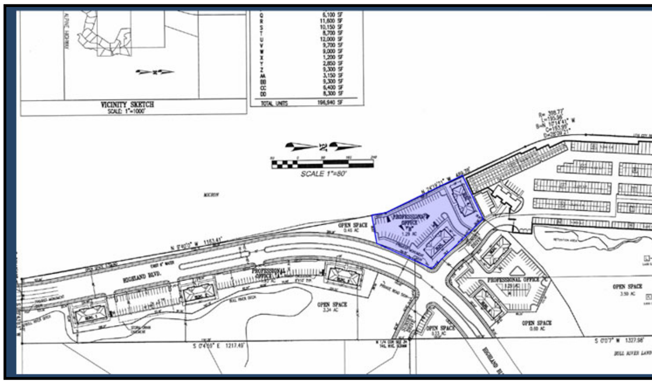

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## Background

- Staff is still working on amendments to PO zone
- One tricky issue in the amendments is how to handle the original master site plan and building-specific design requirements
- One site, "Professional Office 'B'" was planned for two buildings (4 & 6), each 2 stories
  - During recent PO zone amendment, Commissioners and residents expressed concern with this site and the number, size, and location of planned buildings
- Approached by potential daycare developer seeking to develop that PO zone site

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## Background

- Applicant is asking for a legislative development agreement that overrides the current plan for this site and replaces it with a new site plan and building concept
- Legislative development agreements are procedurally handled like zoning changes – public hearings, Commission review and recommendation, Council makes ultimate decision
- Legislative development agreements are useful when a city wants to grant specific rights for a specific development, but avoid changing zoning throughout
- Legislative development agreement would not hamper proposed amendments to PO zone, could be processed simultaneously, and may actually help resolve issues with current master site plan

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## Current Plan/Zone

- Professional Office "B" site
  - 6800 sf building footprint coverage, 18,000 sf of buildings
- Building 4 – Two-story building
  - 3400 sf main, 3000 sf upstairs, 3000 basement
- Building 6 – Two-story building
  - 3400 sf main, 3000 sf upstairs, 3000 basement

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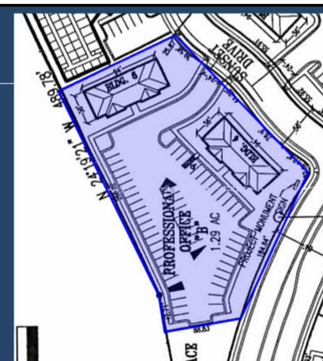
## Current Plan/Zone

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## Current Plan/Zone- Building 4

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## Current Plan/Zone- Building 6

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## Proposal

- 10,200 sf, single building, single-story daycare facility
  - ~112 children, drop-off
  - Peak traffic 7-9 am, 4-6 pm, anticipated ~50 trips/hour during peak
- Override the previously plans/design requirements for Professional Office "B" and buildings 4 & 6
- Replace those with new preliminary site plan and building design/elevation concepts
- Design appears to align with current PO zone requirements and style and potential future PO zone amendments

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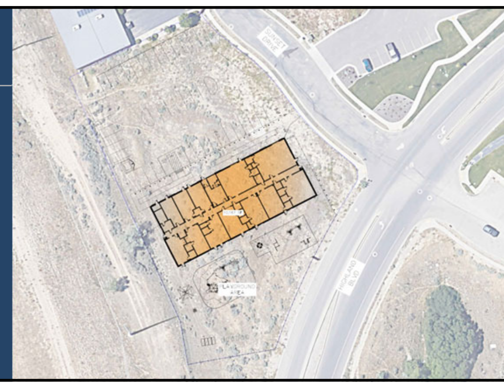

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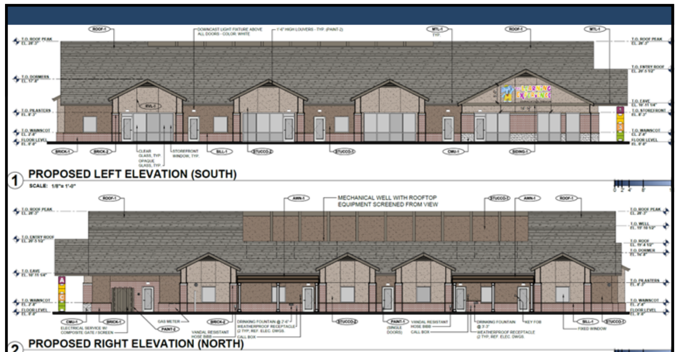


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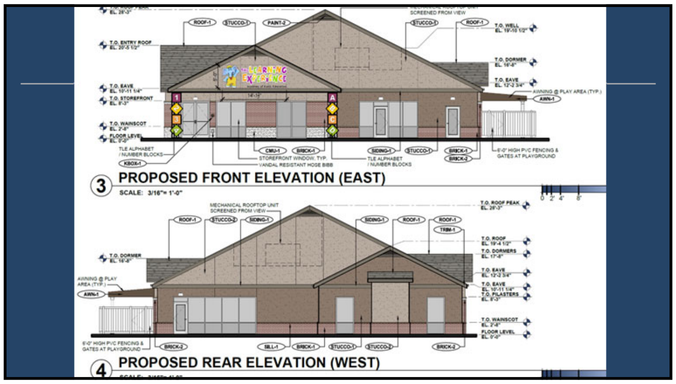


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## Options

- Staff and daycare client are looking for direction
- Wait for PO zone amendments
  - Staff anticipate bringing amendments to June meeting, but amendments will be easier to draft if this site is handled separately
  - Depending on feedback and revisions, adoption of PO zone amendments may take longer to complete than adopting site-specific legislative development agreement, and client wants fast entitlement
- Legislative Development Agreement
  - Commission in June, Council in July (maybe with PO zone amendments)

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## DRY CREEK LIFT STATION PROPERTY AND GENERATOR PURCHASE

*General City Managment*

Item 4b – Discussion
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

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## Background

- Highland City FY25 budget includes approximately $250,000 for the purchase of land and a generator for the dry creek lift station
- The current lift station is the only lift station in the city without a generator although it does have a backup natural gas-powered motor
- The motor can only power 1 pump, reducing capacity and redundancy
- Anticipated cost for generator and install is $150k

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## Dry Creek Lift Station Site Plan


- There is an existing private conservation easement
- This would extend the existing city easement
- City could consider purchasing property outright along with existing easement

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## BASEBALL FIELD RENTAL FOLLOW-UP

Item 5a – Communication
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

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## ORDINANCES RELATED TO E-BIKES

Item 5b – Communication
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

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## Current Laws

- HMC 10.08.010 Operation Of Motor-Driven Cycles In City Parks : No person shall operate motor or motor-driven cycles or snowmobiles in Highland City parks.
- Utah Code 41-6a-102 – State Traffic Code
- (50) "Motorcycle" means: a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or an autocycle.
- (51) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:
  - (i) an engine with less than 150 cubic centimeters displacement; or
  - (ii) a motor that produces not more than five horsepower.
- (b)"Motor-driven cycle" does not include:
  - (i) an electric personal assistive mobility device;
  - (ii) a motor assisted scooter; or
  - (iii)an electric assisted bicycle.

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## Current Laws

- HMC 12.24.020 Parking - 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.
- HMC 12.24.030 Unlawful Activity - A person within Highland City boundaries may not conduct unlawful acts upon public parks, public trails or public open space. Unless otherwise authorized by the City in writing, unlawful acts include … any other activity which may harm or have intent to harm public property or public activity; or conducting any other illegal activity.

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## CODE AMENDMENT – PARKING OF TRAILERS ON CITY STREETS

Item 5c – Communication
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

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**BUDGET DIRECTION – LONE PEAK BUDGET CHANGE**

Item 5d – Communication
Presented by – David Mortensen, Finance Director

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## Change to Lone Peak Budget

- Added back in 2 FT and 1 PT Fire positions
- Animal Shelter fee increase
- Increases Highland Assessment by $141,083
- Highland City Tentative Budget General Fund Surplus was $41,950
  - Includes transfer of $250,000 to Roads Capital for 10400 N & 6000 W Sidewalk and Crosswalk Phase I

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**HANOVER WAY SEWER REPAIR**

Item 5e – Communication
Presented by – Chris Trusty, City Engineer/Public Works Director

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## Background

- Recently, city staff became aware of a sewer line on Hannover Way with a “belly” or low spot in the line
- After investigating, it appears that this is the result of infiltration from a 30-inch culvert built to convey water in the existing seasonal wash.
- To rectify, approximately 40 feet of sewer line and another 40 feet of 30 inch concrete culvert will need to be removed and replaced.
- Preliminary costs are estimated at $75-$100k

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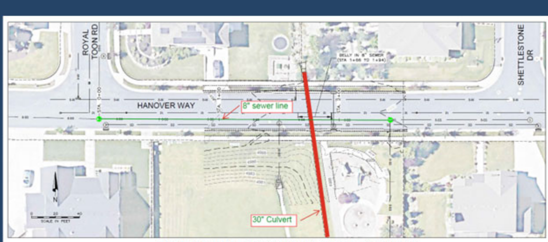
## Hannover Way sewer repair




HANOVER WAY SEWER REPLACEMENT - PLAN VIEW

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**CENTRAL UTAH WATER CONSERVANCY RECHARGE BASIN PLANS**

Item 5f – Communication
Presented by – Chris Trusty, City Engineer/Public Works Director

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## CUWCD Recharge Basin Plans

- Drill 3 monitoring wells summer of 2025
- Begin pilot recharge October 2025
- CUWCD is willing to swap land with Highland City
- Area A was purchased with ARPA funds and can only be used for water projects

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## CUWCD Recharge Basin Plans

- The existing mining operations have a lease through 2028, although they are likely to be mined out in the next year or two
- CUWCD could buy out lease early if desired
- After mining operations have ceased, Kilgore will be required to revegetate with native plant materials
- CUWCD would be concerned from a liability standpoint of allowing any property for recreational purposes, although could consider selling a portion of Area B depending on the pilot program results

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## COMMUNITY DEVELOPMENT UPDATES

Item 5g – Communication
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director
Rob Patterson, City Attorney/Planning & Zoning Administrator

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## SCHOOL DISTRICT UPDATES

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

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## DIRECTION ON PURPOSE OF FLING

Item 5h – Communication
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

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## WORK SESSION – ENCROACHMENT

Item 6

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## Encroachment Enforcement - History

Resolution R-2022-27 established July 2022
- Background and purpose for encroachment enforcement
- Allows for Maintenance Agreements (MA) with residents when their improvements on public land provide a benefit to the public (and not just themselves)
- Establishes Encroachment Removal Procedures

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## Encroachment Enforcement - Procedures

Identification of Encroachment Issues:
1. Review aerial maps of Highland City open space on a regular basis
   - Utah County Parcel Maps, which shows boundary lines
2. Reports from Public Works staff
3. Review encroachment and determine if it is suitable for an MA or restoration (Voluntary Correction)

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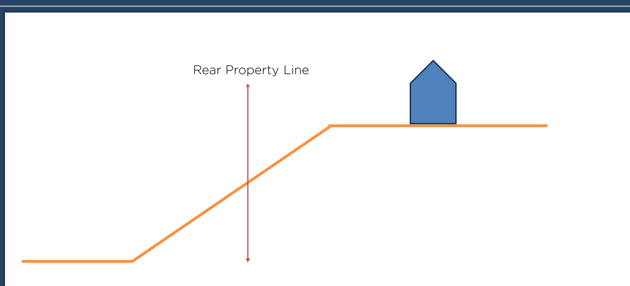
## Encroachment Enforcement - Procedures

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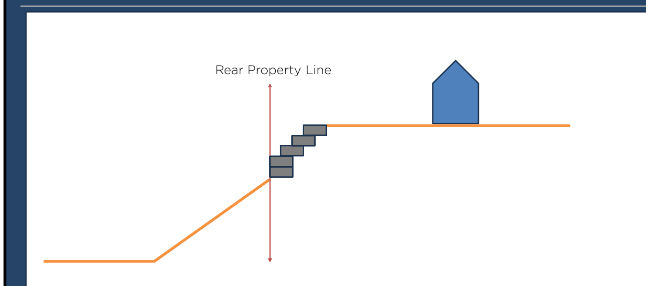
## Encroachment Enforcement - Procedures

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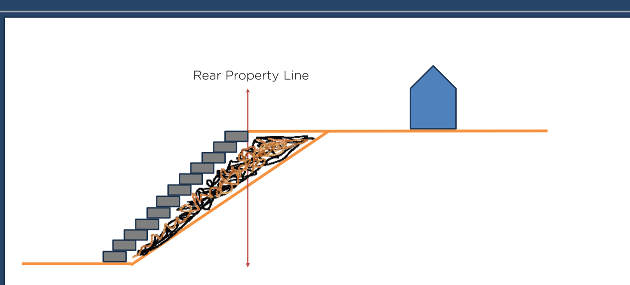
## Encroachment Enforcement - Procedures

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## Encroachment Enforcement - Procedures

Encroachment Removal Procedures:
1. Notice of Encroachment via letter
   - Code Compliance Officer prepares letters
   - Mayor or Community Development Director Signs
2. Letter will indicate Voluntary Correction Agreement or Maintenance Agreement

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## Encroachment Enforcement - Procedures

Encroachment Removal Procedures (continued):

1. Restoration must be completed within a year of receipt of Notice of Encroachment

2. Maintenance Agreement needs to be reviewed by Council for approval
   - Renewable by staff every five years

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## Next Steps

Current Focus:

- Highland Hollows
- Canterbury North

Options for Next Focus:

- Windsor Meadows – 10 encroachment issues
- Beacon Hills – 35 encroachment issues

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## Windsor Meadows

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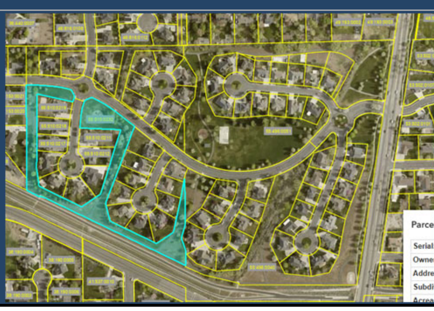

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## Windsor Meadows

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## Beacon Hills

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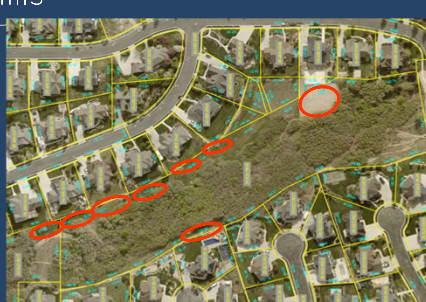

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## FUTURE MEETINGS

HIGHLAND CITY

- May 21, Community Budget Meeting, 6:00 pm, City Hall
- May 27, Planning Commission Meeting, 7:00 pm, City Hall
- June 3, City Council Meeting, 6:00 pm, City Hall
- June 10, City Council/Planning Commission GP Meeting, 7:00 pm, City Hall
- June 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- June 17, City Council Meeting, 6:00 pm, City Hall
- June 24, Planning Commission Meeting, 7:00 pm, City Hall

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## Motion to Adjourn to Closed Meeting

I move that City Council recess the regular City Council meeting to convene in a closed meeting in the executive conference room to discuss the character, professional competence, or physical or mental health of an individual, and pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

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HIGHLAND CITY

## CLOSED MEETING

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

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

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Deer Creek Greenway
Shady Grove &
Deer Creek Confluence
Lorraine Davis Park
Barnickel Park
Deer Creek Park


Rock Creek Trail
Trail continues
on street


This
Trail
is open to
CLOSED TO
MOTOR
VEHICLES AND
MOTORIZED
EQUIPMENT
VIOLATIONS
PUNISHABLE