HIGHLAND CITY COUNCIL AGENDA

TUESDAY, DECEMBER 5, 2023

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

VIRTUAL PARTICIPATION
YouTube Live: http://bit.ly/HC-youtube
Email comments prior to meeting: council@highlandcity.org

6:00 PM BOARD OF CANVASSERS - CANVASS OF 2023 MUNICIPAL ELECTION

6:05 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler
Invocation: Council Member Scott L. Smith
Pledge of Allegiance: Council Member Ron Campbell

1. CLOSED SESSION

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

2. UNSCHEDULED PUBLIC APPEARANCES

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

3. PRESENTATIONS

a. Employee Years of Service *Erin Wells, City Administrator*
The City Council will hear a presentation showing Highland City employees and their years of service to the City.

4. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes *General City Management*
Stephannie Cottle, City Recorder
City Council Meeting Minutes - September 19, 2023 and October 3, 2023.

b. ORDINANCE: 2024 Meeting Schedule *General City Management*
Stephannie Cottle, City Recorder
The City Council will consider approving the City Council Regular Meeting Schedule for 2024.

c. Library Long-Range Strategic Plan *General City Management*
Donna Cardon, Library Director
The City Council will consider approving the Library's 2023-2028 Long-Range Strategic Plan

5. ACTION ITEMS

Items in this section are to be acted upon by City Council.

a. RESOLUTION: Fee Schedule - Bonds for Lots on Private Roads *Land Use (Legislative)*
Rob Patterson, City Attorney
The City Council will consider an amendment to the City's fee schedule to allow for a reduction in the bond amount required for a building permit for lots accessed by private roads.

b. ACTION: Mountain Ridge Park Phase II Authorization *General City Management*
Erin Wells, City Administrator
The City Council will consider the construction of Mountain Ridge Park Phase II and authorizing the use of parks impact fee funds for the construction costs.

c. RESOLUTION: Timpanogos Special Service District Impact Fee Amendment *General City Management*
Candice Linford, Treasurer
The City Council will consider the fee schedule amendment related specifically to Timpanogos Special Service District (TSSD) Impact Fees.

d. ACTION: Contract Approval: Culvert Lining Under 11800 North On Broadleaf Hollow *General City Management*
Andy Spencer, City Engineer/Public Works Director
The City Council will consider the award of a contract to rehabilitate a culvert that crosses under 11800 North on the Broadleaf Hollow channel.

e. RESOLUTION: Recertification of the Justice Court *General City Management*
Rob Patterson, City Attorney
The City Council will consider a resolution requesting re-certification of the Highland City Justice Court.

6. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. The City Council will not take any formal action.

a. DISCUSSION: Timpanogos Special Service District Legislative Letter of Support *General City Management*
Erin Wells, City Administrator
The City Council will provide direction on Timpanogos Special Service District's request for a letter of support for a legislative change they are seeking.

7. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. Text Amendment - Alcohol Sales *Rob Patterson, City Attorney*

b. Development Code Changes *Rob Patterson, City Attorney*

c. Volunteers for General Plan RFP Review Group *Jay Baughman, Assistant City Administrator/Community Development Director*

d. Planning Commission Text Amendment Proposal - Accessory Dwelling Units *Rob Patterson, City Attorney*

e. PO Zone Design Standards *Rob Patterson, City Attorney*

f. **Landscaping in Development Code** *Jay Baughman, Assistant City Administrator/Community Development Director*

g. **Water Meter Sizing with Lot Combinations** *Andy Spencer, City Engineer/Public Works Director*

8. CLOSED SESSION

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

ADJOURNMENT

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

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

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

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

Posted and dated this agenda on the 30th day of November, 2023 Stephannie Cottle, City Recorder

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

HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 19, 2023

Waiting Formal Approval

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

VIRTUAL PARTICIPATION

YouTube Live: http://bit.ly/HC-youtube

Email comments prior to meeting: council@highlandcity.org

6:30 PM SWEARING IN CEREMONY FOR RON CAMPBELL

Brittany Bills welcomed the newly appointed member of the City Council, Ron Campbell. He invited Gretchen Homer, Notary Public, to administer the Oath of Office to Mr. Campbell.

7:00 PM REGULAR SESSION

Call to Order – Mayor Pro-Tem Brittney Bills
Invocation – Council Member Kim Rodela
Pledge of Allegiance – Council Member Scott L. Smith

The meeting was called to order by Mayor Pro-Tem Brittney Bills as a regular session at 7:03 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith

PRESIDING: Mayor Pro-Tem Brittney P. Bills (Mayor Kurt Ostler attending virtually)

COUNCIL MEMBERS PRESENT: Brittney P. Bills, Ron Campbell, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney Rob Patterson, Finance Director Tyler Bahr, City Engineer/Public Works Director Andy Spencer, Communications Specialist Brooklyn Wild, Fire Chief Brian Patten, Secretary Heather White, Civic Events Coordinator Robin Wise, Assistant Civic Events Coordinator Brenna Dobbins

OTHERS PRESENT: Jon Hart, Liz Rice, Mark Hafen, Doug Cortney, Wesley Warren, Jeremy Meldrum, Shawn Seager, Nate Woodbury, Bill Haines, Linda Haines, Brenda Ball, Kalista Buchanan, Jason Ball, Eileen H. Miller

1. UNSCHEDULED PUBLIC APPEARANCES

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

Doug Cortney addressed item four on the agenda, the request for an impact fee adjustment for Brandon Neish. He stated that he does not find the situation to be sufficiently rare to constitute unusual circumstances. If the owner were to record a conservation easement on the property, as is referenced in the staff report for the item, that would seem sufficiently outside the norm to constitute an unusual circumstance and he would support the adjustment in that case. If the Council chooses to adjust the impact fee, he strongly encourages a conservation easement be recorded. He then noted that with regard to agenda item seven, he sees some benefit to postponing the decision on that item until after the municipal election; he discussed the process for appointing an additional member to the Council and discussed the perception of voting on the controversial item when there is turnover on the Council. Postponing the issue until after the new year allows for the majority of the Council to be elected after having campaigned regarding the issue. The Mayor has told him that he did not think the developer could wait that long and appears that is the case since it is included on the agenda tonight. It is his understanding that the applicant will suffer material harm if the issue is not decided on their planned timeframe; the perception is that pushing the decision until the next year is tantamount to denying the request. With that being the case, he feels the City owes the applicant a decision; the request was made so late in the process because the applicant promised the applicant that alcohol sales would be allowed. This is due to confusion on the City's alcohol laws. He stated that while there are legitimate reasons for postponement, he urged the Council to vote tonight.

Wesley Warren stated he feels much the same at Mr. Cortney regarding the matter of alcohol sales; he agreed there are many good reasons to push the decision on alcohol sales, but it his observation that many unfortunate things have happened lately in the movement of government, but he does not feel the applicant should be denied an action on their application. If the City passes upon the opportunity to receive the development the applicant is pursuing, that opportunity will be gone and cannot be regained. He urged the Council to fulfill their duties to respond timely to pending applications. He stated he knows that it is difficult to take action on applications given the recent vacancies on the Council, and there is a temptation to discount people who are serving a short term on the Council due to the process of filling those vacancies, but that is demeaning to the office and those that are seated on the Council should have their votes weighted the same.

Brandon Neish also addressed item seven; his family moved to Highland because it is a unique and special City that is different from towns nearby. If higher end restaurants wanted to serve alcohol in this area, but prohibition of alcohol sales on Sunday was what was keeping them from being successful, there would be rows and rows of restaurants sitting right on the border of Highland. However, that is not the case, and the Council must really ask themselves if this is a great deal of effort and time wasted on something that will not really matter in the future. He thinks this is a 'lose-lose' situation for the City; if the alcohol sales are approved and the business is successful, there will be increased traffic in the City, and some of those new motorists will be driving after consuming alcohol. Or, the development will fail and there will be vacant buildings that will detract from the City. He stated the optics of the situation are problematic as well; it will appear that the Council 'moved heaven and earth' to allow the developer to maximize profits on a speculative investment. He concluded that if the law is changed, he is extremely confident there will be a citizen's referendum on the matter and that seems like a lot of work for something that may not be positive for the City in the end.

Liz Rise stated she has conducted research on the logos that were posted by the developer applying for the alcohol amendment. One is for a restaurant called "Black Sheep" and she found a Black Sheep Bar and Grill in West Jordan and Holliday, and a Black Sheep Café in Provo that did not serve liquor. The Black Sheep Bar and Grill offers a 'drag night' event; if the City is going to allow liquor sales, it is necessary to consider what else that brings to the community. The other logo looks like that for the Blue Lemon, which has failed in its other locations.

She is worried about the manner in which the developer has represented himself; she has conducted research and cannot find evidence that either of them ever lived in Utah. The younger gentleman lives in Las Vegas and the older lives in California and that should be made clear to the people of Highland.

Jeremy Meldrum stated a couple of things from Ms. Rise's statement need to be corrected; the younger developer lives in San Diego, and he did live in Lehi a few years ago and still owns a rental property there. The older developer does live in California. He stated that he knows both of them well, but he is also against the change to the City's ordinance; he thinks it is naïve to think that a business will ask for an ordinance change to sell alcohol, but that they will agree to be closed on Sunday. He asked how the City can tell certain businesses they can sell alcohol, but others that they cannot, and the issue will only spread and will eventually lead to a request to be open on Sunday. He stated he feels the same as Mr. Neish about the issue; his family moved to Highland for a reason and because of the feeling it had. It is a special and different place and that is largely due to the City's laws on alcohol. It is crazy to mess with a good thing only in hopes of attracting a nice restaurant to the community.

2. PRESENTATIONS

a. Appreciation Award for Timothy A. Ball – *Kurt Ostler, Mayor*
Mayor Kurt Ostler will present an appreciation award to Timothy A. Ball for his service on the Highland City Council.

Mayor Pro-Tem Bills stated the Mayor and Council wished to honor Council Member Ball for his dedication and service to the City of Highland. She stated she will really miss Mr. Ball as a member of this body, and she thanked him and his family for all they have done for Highland. Mayor Ostler added that Council Member Ball has been a good friend to him, and many others and he will be sorely missed.

Mr. Ball cited a quote from Calvin Coolidge: "What we need is not more federal government, but better local government". He stated that he believes that members of Highland's government have accomplished something extraordinary, and he has grown to love, appreciate, and admire everyone he had the chance to serve with. He moves on from Highland with a heavy heart, but also with a happy heart because he knows he has developed lifelong friendships.

Mayor Pro-Tem Bills then stated that Mayor Ostler has asked that the agenda be rearranged, and that item six be considered next.

6. CONTRACT: AUTHORIZATION OF A CONTRACT WITH LEGISLATIVE EXECUTIVE CONSULTING, LLC *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider a contract with Legislative Executive Consulting, LLC for consultant services focused on grant and legislative support for a one (1) year term. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on September 5, 2023 the Council discussed authorizing another year of contract with Legislative Executive Consulting, LLC. No final decision was made, but staff was directed to bring the contract to the Council for discussion and vote. He summarized the terms of the contract as follows:

- Legislative Executive Consulting will:
  - Assist the City in seeking an additional $1 million in water grant funding.
  - Assist the City with additional funding opportunities.

- Assist the City in potential legislative issues including: State land-use control, excessive development revenue restriction, parameters around Transportation Utility Fees.

Mr. Spencer concluded staff recommends approval of the contract based upon the perceived ability of Mr. Stewart of Legislative Executive Consulting, LLC to secure funding needed by the City.

Council Member Campbell inquired as to the likelihood of the City receiving any of the grant funding mentioned in the staff report without the assistance of Mr. Stewart. Mr. Spencer stated that the City has a current grant application submitted to the Governor's Office of Economic Opportunity (GOEO) and it would be very hard for the City to separate itself from other applicants without Mr. Stewart's assistance; because of Highland's median income, it is difficult to score high on grants that are income based or demographic based, but Mr. Stewart is able to help the City stand out.

Council Member Rodela stated that her private employment is with the Governor's Office of Planning Budget where she is a fiscal grants manager, and it is her job to determine how to get cities and counties across the State to take advantage of the many State and Federal grant programs available to them. There are many resources that city governments can take advantage of, and she is not a strong believer in hiring a consultant and paying him $100,000 when there are already resources available to the City. She stated that Mr. Spencer is correct in his assessment of the City's income and demographics being a potential hinderance in terms of grant awards, but there are many grants that the City is eligible to receive without the support of a lobbyist.

Mayor Pro-Tem Bills asked Council Member Rodela if she believes there are any grants besides the grant through GOEO that Mr., Stewart could assist the City in securing. Council Member Rodela stated that she feels that the City would have a high chance of getting grants that it applies for. She asked if the City used Mr. Stewart to apply and lobby for the water meter grant, to which Mr. Spencer answered no. Mayor Pro-Tem Bills asked which City staff member is usually responsible for grant applications. Mr. Spencer stated it is typically him and one of the challenges he has faced is being aware of all grant programs. He is pro-grant funding, but without Mr. Stewart's assistance, he would not have known of the grant that the City received last year. He has also indicated that he has a 'plan B' if the City is not successful in receiving the grant, but he does not know the details of that plan.

Council Member Smith stated that when he was first elected to the Council, the City had a lobbyist, but that contract was terminated during tough financial times. In recent years the City has secured millions in grant funding and that has been very helpful in completing critical projects. However, he understands Council Member Rodela's concerns and needs to think more about the issue. He wondered if it is a conflict of interest for Council Member Rodela to discuss this issue given her employment with the Governor's Office.

Council Member Campbell stated that he respects Council Member Rodela's position and concern, but he also leans heavily on staff's recommendations, and he is supportive of extending the contract for that reason.

Mayor Ostler stated he had nothing to add.

Council Member Campbell MOVED that City Council APPROVE a contract with Legislative Executive Consulting, LLC in the amount of $100,000 and AUTHORIZE the Mayor to sign the contract.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

Mayor Kurt Ostler *Yes*

The motion passed 3:2.

7. ACTION: POSTPONING THE ALCOHOL SALES TEXT AMENDMENT

Development & Municipal Code Update (Legislative) - Erin Wells, City Administrator on behalf of Mayor Kurt Ostler

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

City Administrator Wells explained on August 1, 2023, Council approved continuing this item for two months in order to garner public feedback. On August 15, 2023, staff and Council discussed a communications plan for this topic including an information session September 18, survey due date of September 30, and the item coming back to Council on October 17. On September 5, 2023, staff presented draft communications pieces to Council for feedback. The matter has been somewhat impacted by the resignation of two Council Members and the need to follow the process defined by State Law to fill those vacancies. Staff recommends Council weigh the options, current circumstances, public perception, currently publicized plans, and applicant process expectations when deciding whether or not to continue this item until January 2023 when the municipal election changes will be finalized. If Council chooses to postpone the item, staff requests direction on changes to the City's communications plans including the survey. With the uncertainty of final timing on the item, staff and the Mayor have decided to wait on printing the mailer and survey until after the decision on this item. As such, the soonest the item could now come back to Council is November 7.

Council Member Smith stated he wished to apologize to Council Member Rodela for questioning whether her private employment created a conflict of interest pertaining to the previous agenda item. Council Member Rodela stated no apology is necessary and she has previously confirmed that her employment did not constitute a conflict of interest. Council Member Smith then stated the matter of alcohol sales is controversial; he was ready to vote on the matter tonight, but he has also considered the fact that action on the matter could lead to a citizen's referendum. He referenced the resignation of Council Member Peterson and the fact that the City could not list her position on the municipal election ballot this year and noted that the City is only following State Law; however, sometimes State Law seems incorrect to residents, and he sympathizes with that. When something important is being considered, it is best to have those who have been elected by the residents vote on those changes; if the matter is postponed until the new year, there will be four elected officials and one appointed official voting on the matter. Since he has been a member of the Council, there have been four referendums and all of them have been successful; if this is referred, the matter will be placed on hold until it can be voted upon next November. He feels that delaying until January will not 'kill the development'; it will actually be worse for the development if citizens are able to gather enough signatures to pursue a referendum. He likes to hear what the residents have to say about issues such as this before making a decision.

Council Member Campbell stated that he sees his appointment as a legitimate process because he was voted into his position by Council Members who were elected by the people. This process has yielded many different appointments, including the appointment of a United States President. The City followed the process to a tee. Council Member Smith noted that the appointment included a coin toss.

Council Member Rodela stated that she has spoken with the developers about the issue; she explicitly asked them what will happen if the decision is postponed until January 2024, and they told her that they will 'go back to the

drawing board' and this development will likely not happen. Since the Council told the developer that a vote would be taken on October 17, the developer notified all of their contractors and potential lessees that they could move forward by November 1. If the Council decides to delay the matter until January, the project will be lost. The reality is that the City has been working with these developers for two years and they have been told they would be allowed to serve alcohol in restaurants. They had that understanding and the commitment of the Council and Mayor when their plat was approved. However, there was a misunderstanding on the part of the Council that there is an exception to the law for the area in which the property is located. She stated this is sad and it should not be that way. She believes in the election process as well, but she also believes that when someone is appointed to the Council, they are appointed by people who were elected by the people to make these types of decisions for the City. They are no less than someone who has been elected and Council Member Campbell's vote is just as good as the vote of those that have been elected. The same will be true for whoever is selected to fill Council Member Ball's spot. She has received so many emails from people who expected the matter to be voted on by October 17 and she is a bit disheartened that the surveys were not mailed out as promised in order for the Council to understand the opinions of the residents. The developers understood that the surveys were going to be mailed and that should not have changed because one person decided to add this item to the agenda tonight. She stated that people should have faith in the City Council that they will evaluate the results of the public survey and do what the majority of the public wants; the threat of the referendum was the whole reason the Council had supported a public survey. She does not think the vote should be postponed and she wants to follow the process that was previously defined.

Mayor Pro-Tem Bills asked if the applicant has been given due process on this matter. City Attorney Patterson stated the applicant filed an application for a code amendment; they were entitled to have a presentation before the Planning Commission and City Council, and they are entitled to a decision from the Council. The Planning Commission and Council heard the presentations of the applicant and there was even a motion made to approve what the applicant was asking for, but the motion did not carry. In his mind, that satisfies due process; however, that does not satisfy all the concerns of the developer and whether they should be afforded other considerations based upon expectations is a valid concern. However, the fact that the developer did not get the outcome they desired should not be interpreted as deprival of due process.

Mayor Ostler referenced Council Member Rodela's comments and offered an explanation as to why the public survey was not printed and sent out. He asked what percentage of resident responses the Council would need in favor of or against the changes in order to make a decision or change the ordinance. Council Member Rodela stated that she does not think that is an appropriate question for the Mayor to ask; she cannot make that decision right now. She would like to see how many people would respond to the survey or how many would attend a public meeting. She needs to be able to take into account what the majority of residents feel about the issue. She has not thought about the percentage she would need in order to make a decision, but she has thought about following the election process and putting off a vote so that a new Council can be elected is not something that any City Council should do. Mayor Ostler asked if the Council is concerned about receiving claims from residents that a person who is appointed to fill a vacancy should not vote on this issue; there is the potential for one of those people to just be a member of the Council for four meetings. Council Member Rodela stated she is not concerned about that; each applicant that applied for the vacancy is also applying to run for office, so each of them is accountable. She also knows each member of the Council and their desire to appoint someone who is able to jump into the situation, have an open mind, and look at the results of the survey and make a decision that is best for all Highland residents. The Council will not appoint someone who is only interested in being involved in one issue; she has faith in her fellow Council Members.

Council Member Smith stated he appreciates the concerns of Mayor Ostler as well as the comments made by Council Member Rodela. He stated it is impossible for him to know what percentage of survey responses he would need in order to vote on issue; he thinks surveys are great, but elections are better, and elections are the way the founding fathers gave people the opportunity to give their input in the constitutional republic. He

suggested a survey because he wanted more information, but the election is so close, and he does not feel that postponing will be as problematic as was stated. The only thing that is being considered is if alcohol can be sold in restaurants and he does not think two months will make a big difference. He reiterated that if the Council makes a decision tonight, and that decision is referred, it will delay everything for at least a year until a special election can be held. He feels the best way to do it is through the election process. Oftentimes people are running for office or seeking appointment based on a single issue. Council Member Rodela asked Council Member Smith if he has spoken with the developer, to which Council Member Smith answered no, but indicated that the developer is only interested in one thing and that is making money and they will say anything to get their application passed. He stated the developer has misled the City regarding some of the restaurants that are interested in locating in the development and what they offer, and people need to have time to do their own homework. He stated that if people want to have input on the matter, they can do so through the survey and the election, and he feels that the vote should be postponed for two months until after the election is held.

Mayor Pro-Tem Bills recognized an individual in the audience with a raised hand; she noted that there is no intent to accept public comment during this time regarding this item, but the Council did receive an email from the individual, Don Ruzika. Mr. Ruzika stated that he came to the meeting according to the Council's public meeting schedule. City Administrator Wells stated that the agenda for this item does not state that there will be a public hearing for this item. City Attorney Patterson agreed; unscheduled public appearances were noticed on the meeting agenda and that would have been the time for individuals to provide public input. Mayor Pro-Tem Bills stated she does not feel that public input would be appropriate at this time. She then addressed Mayor Ostler's question about the percentage that she would need to see in the survey results in order to influence her decision. She stated she agrees with Council Member Rodela and indicated she has not made a decision about the percentage she would need to see, because she feels it is appropriate to take into consideration all factors and all public comment the Council has received. One thing she feels very strongly about is that she feels each Council Member and the Mayor are acting very much accordingly to what they feel is the right thing to do. She noted that one of the comments that was made is that postponing the decision would be a slight to the applicant. She stated she is more concerned about slighting the residents of the City and if she will always defer to what she feels is best for the residents. She agreed the developer has been told a lot of things by City staff and the Council, but at the end of the day, the decisions that are made are not solely made by the Council and the developer has some responsibility for the final decision that is made. She noted the developer had full access to City Code before designing his project or proceeding with an application. There have been multiple situations recently where the claim has been made that incorrect information was provided by City staff or elected officials and while she would hope that it is always possible to provide complete and accurate information to residents, that will not always be the case and the final responsibility is upon each person to understand the rules and implications of the rules. She appreciates Council Member Rodela's comments that she does not believe a single Council Member would choose to appoint a 'single-issue' candidate to appoint to fill the vacancy and she thinks that is true as well. She does not wish to diminish Council Member Campbell's appointment, but there is a difference in the election to a position that has a term of at least two years versus an appointment for a very short term during which there may be just one controversial issue. It is very clear that this is an issue for the public and for candidates; before this application was filed, there were only four people who filed to run for three seats. However, there were 17 applicants for the vacancy and even more write-in candidates have filed to run. It is clear this is a dividing issue, and the Council should not ignore that. Because of that, she feels the right decision is to postpone the decision until January, with the understanding that the consequences may be negative.

Council Member Campbell stated that his concern is that the developers have proceeded based upon the information they received from staff; the development arena is very complex, and assurances have been given that they could serve alcohol. Following the discovery that the information provided by staff was not correct, the Council gave the developer assurances that the matter would be resolved by a certain date, but that continues to be delayed. He honestly believes that if the Council does not act on this issue quickly, the project will be lost. He also believes that if alcohol sales are not permitted, the project will not include a high-end restaurant. He feels the

City has an obligation to keep its word relative to the timing of an action on this matter. Council Member Smith stated that the City has a great staff, but they are not elected and there has never been a Council in the history of Highland City that has approved alcohol sales; he is unsure why the applicant was told that he would be able to sell alcohol. The State of Utah changed their liquor laws, and Highland did not update its ordinances accordingly, so there became and issue of 'what is not prohibited is permitted', but he does not believe that is the case and he is disappointed that any member of staff told the developer they would be able to serve alcohol. He is sorry a mistake was made, and he apologized to those impacted, but staff does not make the laws and did not check the Code. The Council is not obligated due to mistakes that are made, but they are obligated to follow the Code and the Code does not allow alcohol sales in that area. He reiterated it is his feeling that the decision should be postponed until the election is over and until a public survey can be sent and the results provided to the Council. He would be comfortable voting on the matter at the first Council meeting in January. Council Member Campbell stated he wished to be clear that he does not believe the Council owes the developer approval of alcohol sales; he is simply stating that the Council owes them a decision because this issue has been put off for several months. He believes the developers were genuine in the information they shared with him, and he feels the Council owes them a vote.

Council Member Rodela asked the Council to consider if they are willing to take on the burden of knowing that the decision made tonight will essentially keep them from voicing their thoughts and opinions on whether they want this project. She stated that a vote to delay will kill the project and that burden will be on those that voted to delay, and she will let the people know that. Council Member Smith asked if that is a threat. Council Member Rodela stated she will be transparent; she will let the people know the vote that was taken and the consequences of that vote. She stated that the majority of the people that have approached her have indicated this is something they want in the community, and she will let those people know that the vote that was taken killed the project.

Mr. Ruzika asked again for an opportunity to speak. Mayor Pro-Tem Bills asked if he has a comment about the process or about alcohol sales; she indicated she does not want to invite public input on alcohol sales. Mr. Ruzika indicated he wished to comment on the process to which he was allowed to speak. Council Member Smith alluded to the fact that this is a republic, not a democracy or bureaucracy. A republic means the people decide. A survey and a Council Member's decision based on that survey is concerning; if a Council Member is leaning towards voting yes on the issue if 51 percent of the respondents are supportive, that is a democracy. In a democracy, majority rules; in a republic that is not the case. The Council Members were elected to represent the residents and there are very unusual circumstances this year; as it stands, if the Council proceeds with a vote on this project, one-third of the City Council is unelected. The Council has the right to appoint someone to fill a vacancy, but that person is not an elected representative.

Mayor Pro-Tem Bills indicated she will accept additional public input about the process, but not about the issue of alcohol sales.

City Administrator Wells stated that the public survey and mailer is ready to go out; it was finished on Thursday evening last week, but there was discussion among the Governing Body about delaying the delivery of the survey. The intent was to send the survey to be printed on Friday and it would have taken a week to complete the printing and mailing process. Because there was some uncertainty about when this decision was going to be made, she and the Mayor jointly decided to hold off on sending the survey because she was not sure about what due date to include in the survey. If the decision was going to be put off until January, she was concerned the Council would worry about the validity of the survey results because they would have been three months old by then. The survey is ready to be sent to print tomorrow if that is the direction provided by Council tonight. She appreciated Council Member Smith's comments about the excellency of City staff; however, they do make mistakes and she feels badly when that happens. She takes personal responsibility for those mistakes and is always trying to do better. She believes what happens is that staff focused on the Municipal Code, which states beer sales are not allowed;

staff and the developer had not looked at the development code, which states no alcohol sales are allowed in the area where the project is located.

Wesley Warren stated that elections are absolutely very important and elected officials are just as important. The Council is elected to make decisions that will impact the residents for decades and one of those decisions is to handle circumstances surrounding a vacancy on the Governing Body; the ramifications of that decision is not more or less than any other decision they have been elected to make.

Mayor Pro-Tem Bills stated she wished to respond to Council Member Rodela's comments; it would be much easier for her to suggest a decision on the matter of alcohol sales be made in order to prevent that issue from becoming an election issue. However, she is not willing to do that. She stated that Council Member Rodela indicated that she will tell people that the decision of the Council killed a project, but what she will tell people when they ask her who they should vote for is that she and Council Member Rodela have always worked well together, though they have not always agreed on everything. She stated Council Member Rodela has approached issues with integrity and made decisions based on what she feels is best for the City. It is her hope that Council Member Rodela would say the same about her and not turn this into a single-issue election. She stated when she met with the developer last spring, she told him that this issue will turn Highland residents against each other and that saddens her. She stated that Council Member Rodela can tell people that the Council's vote cost the residents a nice restaurant, but she does not feel she has a responsibility to the developer at this point, but she does have a responsibility to the Highland residents. She stated that she feels all Council Members have the residents' best interests in mind and there are many issues that will need to be addressed by the Council and assuming this is the only important issue is a mistake.

Council Member Rodela referenced Mayor Pro-Tem Bills' comments about having the residents' best interests in mind and asked her if she has read her emails. Mayor Pro-Tem Bills stated that she has read every single email and has tried to respond to all of them. Council Member Rodela stated that every email she has received leading up to tonight's meeting is a request that the Council not delay this decision any further.

Council Member Smith MOVED that City Council table the alcohol sales text amendment until first meeting in January 2024 and to give staff direction to print the survey, with a request that it be delivered to residents in October before the election.

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 Kim Rodela	*No*
Council Member Scott L. Smith	*Yes*
Mayor Kurt Ostler	*Yes*

The motion passed 3:2.

Mayor Pro-Tem Bills moved to item 11a on the agenda.

11a. Council Candidacy Vacancy Update – Erin Wells

City Administrator Wells indicated the Council has been asked why they are appointing individuals to fill vacancies on the Council rather than utilizing the upcoming election to select new Members. She noted the process for filling a vacancy is dictated by State Law and that City Attorney Patterson sent an email to the entire Council detailing that Law. She summarized the appointment process as follows:

- State law requires the City Council to appoint replacements after a vacancy: Utah Code 20A-1-510(1)(b): "...the Municipal Legislative Body shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered voter in the municipality who meets the qualifications for office ... to fill the unexpired term of the vacated office."
- If the Council does not appoint someone, the City Recorder notifies the Lt. Governor, who orders the council to appoint someone.
- Special elections are elections other than the normal municipal elections in November in odd-numbered years
- Special elections can be held only for specific reasons, including referenda, bonds, or city-provided internet or cable
- A vacancy cannot be filled by a special election.
- An election for a vacancy only occurs if the vacancy occurs prior to the candidate declaration period during a municipal election year. Then the council appoints someone to serve until the end of the year, and the appointee is replaced by the elected council member.

She then reviewed the list of names of those who have applied to be considered for appointment to fill the vacancy created by Council Member Ball's resignation; additionally, three individuals have filed to be considered as write-in candidates in the 2023 Municipal Election: Jon Lefrandt, Elizabeth Rice, and Wesley Warren.

Council Member Smith stated he knows the City followed State Code in appointing members to the Council, but he would like to encourage the State Legislature to consider Election Law amendments that would allow a City to fill a vacancy through an election, especially when the vacancy occurs in a municipal election year. He stated he is not disparaging Council Member Campbell and indicated he was legally appointed to fill the vacancy.

Council Member Campbell stated the type of law change Council Member Smith is suggesting can only be considered by the State Legislature and the City has no option but to follow current regulations. City Administrator Wells agreed and stated that the City could refer the matter to its lobbyist.

2b. Fling Budget – *Robin Wise, Civic Events Coordinator*

Robin Wise, Civic Events Coordinator, will report on the 2023 Highland Fling budget.

Robin Wise, Civic Events Coordinator, provided a report on the expenses and revenues for the 2023 Highland Fling celebration; revenues were lower than in 2022 and expenses were $3,685 higher than in 2022. This is due to increased rental costs and sponsorship donations being lower than estimated. She thanked the Mayor and Council for their support and for spending a day in a booth at the Fling to answer questions from residents. The Council thanked Ms. Wise and the volunteers that supported the event; it was a great success.

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes *General City Management – Stephannie Cottle, City Recorder*

b. ACTION: Reimbursement Agreement with Williams View Development *General City Management – Andy Spencer, City Engineer/Public Works Director*
The City Council will consider authorizing a reimbursement agreement associated with the Williams View development. The Council will take appropriate action.

Council Member Smith stated inquired as to the reason that it is going to cost $50,000 to pipe an irrigation ditch, which is the purpose of agenda item 3b. City Engineer/Public Works Director Spencer stated the length of the ditch to be piped is 1,400 feet and runs from 11200 South to Dry Creek; the cost is expensive, but is within the engineering estimate that was outlined for the project.

Council Member Smith MOVED that the City Council approve consent item 3a, the approval of meeting minutes from August 1, 2023, and item 3b, Reimbursement Agreement with Williams View Development.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

4. ACTION: IMPACT FEE ADJUSTMENT FOR BRANDON NEISH *Administrative – Rob Patterson, City Attorney*

The City Council will consider a request from Brandon Neish regarding the calculation of the pressurized irrigation impact fee requirement for his property located at 5944 West Chatham Circle. The Council will take appropriate action.

City Attorney Patterson explained this request comes from Brandon Neish, who owns a lot within Beacon Hills located at 5944 West Chatham Circle, Lot 3 Plat L, Beacon Hill, parcel number 35:731:0003. The lot is approximately 0.63 acres in size, or 27,526 square feet, and is adjacent to his home. Over one year ago, City staff became aware that the property at issue had been landscaped with sod and that an irrigation system had been installed. It appears the landscaping was installed between May and September of 2020. The irrigation system was connected to the PI line at Mr. Neish's adjacent property and home to the southeast. No impact fees or meter/hookup fees were paid for the undeveloped lot prior to this landscaping or irrigation extension, and no approval from the City for this connection was requested or granted. City code requires each property to pay impact fees and have its own PI connection and meter. Staff sent notices to Mr. Neish regarding the need to correctly connect the lot with its own PI meter and the need to pay the meter fee and impact fee. Staff worked with Mr. Neish through the end of 2022 and informally agreed to resolve the meter, connection, and impact fees in the spring of 2023. The meter has been installed, but other issues are still outstanding; Mr. Neish has not yet paid the PI meter fee, disconnected the lot from the neighboring property's irrigation system, or paid the PI impact fee. The meter fee is $607.51. Mr. Neish did begin paying the monthly charge for PI water usage of $48.86 in October of 2022. The standard PI impact fee that would normally be assessed for a 27,526 square foot lot is $14,038.26 (square footage multiplied by 0.51). Mr. Neish states that he does not want to landscape the northeast corner of the property, consisting of approximately 8,750 square feet of existing scrub oak, and he asks that the

impact fee be reduced accordingly. This would reduce the impact fee by approximately $4,475.76, for a total PI impact fee of approximately $9,562.50. The final calculation of the impact fee would depend on the square footage of irrigable/non-irrigable property as determined by a survey. Under the City's PI impact fee enactment, "The Council may adjust either up ... or down the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system." This is consistent with state law, which requires the City to have a mechanism by which impact fees can be adjusted in individual cases based on unique or individual circumstances. Utah Code § 11-36a-402(1)(c) - (d). This means the Council reviews the request for an adjustment to the PI fees as follows:

1. Determine whether Mr. Neish has demonstrated unusual circumstances.
2. Determine whether Mr. Neish has submitted "studies or data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system."
3. If the request is approved, determine what conditions on approval are needed to protect the City.

Mr. Patterson noted this does not appear to be that unusual of a case. The lot is similar to many other lots and properties in Highland. Many lots in Highland have variations in elevation, topography, and remaining natural vegetation. Virtually all lots within Highland have paid the full impact fee when they connected to the City's PI system, which entitles them to fully use and landscape their lot. Impact fees are not based on the desires of the property owner, but the impact on the system. The City has previously approved adjustments to PI impact fees only where private bylaws or recorded restrictions on the plat or other instrument restricted the ability of the owner to landscape their property, and a private entity like an HOA would monitor the use of the property to ensure the landscaping was not expanded. No such restriction is present here. There is no plat restriction, conservation easement, CC&R, or HOA bylaw that restricts the landscaping or irrigation of any portion of the lot. There is no private entity that would monitor the use and landscaping of the property. The entire property is permeable ground. Nothing currently prevents Mr. Neish from landscaping and expanding his irrigation system in all portions of his property, which would result in new impacts to the City's PI system not compensated for by an impact fee. If the Council determines that the adjustment to impact fees should be approved, the City Council can impose conditions on the approval, such as the following:

A. Mr. Neish apply for and pay all costs to survey the property and complete a plat amendment that records a conservation easement or other similar restriction on the lot that permanently prohibits all future development and landscaping of the portion of the lot claimed as non-irrigable. Such restriction be able to be removed only pursuant to a subsequent plat amendment, which would require City approval and payment of impact fees.
    a. As a note, this would require a Mr. Neish to pay a $550 plat amendment fee, the cost of the survey, and any additional recording fees Utah County may impose.
B. Mr. Neish pay the meter fee, and the PI impact fee for the portion of the lot being landscaped.

Staff recommends the Council review the information provided by Mr. Neish and determine whether the property and circumstances justify a deviation from the City's normal impact fee assessment. If Council approves the deviation, staff recommends that the approval be conditioned on payment of all outstanding fees and a plat amendment that restricts future landscaping of the lot.

Council Member Smith stated that the City has been working hard to install PI meters throughout the City and he asked if meters have been installed in this area previously. City Engineer/Public Works Director Spencer answered yes, Mr. Neish has a meter on both of the properties in question, but the meters are not being used at this time because the City is waiting on finalization of the system to enable residents to view live meter readings for their PI usage.

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Council Member Cambell asked if any approval granted to Mr. Neish relative to the percentage of the lot that will be landscaped will be carried forward if the property is sold to a new owner in the future. Mr. Patterson answered yes and indicated that requirement will be recorded on the plat for the property.

Council Member Rodela stated that the staff report indicates Mr. Neish began paying the monthly PI charges in October of 2022, but she asked if he was supposed to be paying monthly PI charges before that time. Mr. Patteson stated that it is his understanding that irrigation of the property began in September of 2020 when the landscaping was installed on the property, but he was not paying usage charges until October of 2022. Council Member Rodela asked if the City should also be trying to collect past due charges. Mr. Patterson stated the City has not assessed any past due charges; they started charging when the issue came to the City's knowledge.

Mayor Pro-Tem Bills stated the reason that he made this application is that the total cost the City has tried to assess is $14,000; he was not aware he would be charged that fee. He bought the lot, which was an unsightly weed patch and he thought he was doing a great service by landscaping the lot and improving it and he later learned of the fee. The fee is designed to cover permeable land, which is typically impacted by a house and other structures being located on the lot, but because he did not develop the lot, the fee is high. He stated he wishes to abide by the spirit of the law; he noted that he does not plan to touch the scrub oak and asked that be deducted from the lot size to determine permeable land, and charge the fee based upon the area that is being irrigated. This would still be a $10,000 fee. He stated that Mr. Patterson's summary was excellent, but it is important to clarify that there was already a meter on the property and piping had been installed to allow for future connectivity of irrigation. Because that infrastructure was present when he bought the property, he assumed the fees had been paid and he was not aware that the fees had not been paid until the City brought it to his attention.

Council Member Smith asked Mr. Neish if he bought both lots at the same time, to which Mr. Neish answered yes. Council Member Smith asked if the former owners communicated whether they had or had not paid PI impact fees, to which Mr. Neish answered no and indicated that matter was not discussed. He stated that he has owned two homes in Highland previous to this property purchase, but those homes were already built, and the impact fees were paid as part of the building permit process. He stated if there had not been a meter on the property, he would have contacted the City and learned of the issue much sooner.

Mayor Pro-Tem Bills stated the difference between what the City has charged Mr. Neish and the amount that Mr. Neish is asking to pay is $4,475. Mr. Neish stated that is correct. He noted that if he is required to perform a technical survey of the property to determine the permeable space, he would rather just pay the $14,000 fee; but, if he is allowed to perform a GPS survey, which costs $1,000, and use that for the purpose of the City, he is asking for the impact fee reduction. He stated that he would like the Council to consider rounding the permeable space of the land up to 19,000 square feet and base the impact fee on that; if a future owner wants to increase the irrigation area over 19,000 square feet, they could be required to pay the difference in the impact fee. However, it is likely that the permeable space would decrease if someone builds a home and other improvements on the site.

Council Member Smith asked Mr. Patterson if it would be allowed for someone to encroach into the conservation area that covers the scrub oak area. Mr. Patterson stated that the conservation area will be indicated on the plat and construction will be restricted in that area per the City's building permit process. However, there are a number of conservation easements on various lots throughout the City that have been inadvertently or intentionally encroached upon and the only safeguard against that type of activity is to regularly inspect those properties.

Mayor Pro-Tem Bills asked if the City would consider the scrub oak area in the calculation of a PI impact fee if this were a typical home construction situation. Mr. Spencer stated the City considers the total square footage of the lot and subtracts the impervious area from that amount and assesses the impact fee on the balance.

Council Member Campbell inquired as to the circumstances that should be present in order for the Council to decide to reduce the impact fee cost. Mr. Patterson stated the City is required by City and State Law to make adjustments to impact fees "in order to respond to an unusual circumstance in specific cases and to ensure the fees are imposed fairly". To approve the request the Council would need to find: Mr. Neish has demonstrated unusual circumstances with the property or the impact of the development activity; of Mr. Neish has provided studies or data that an adjustment is needed to ensure the impact fee is commensurate with the actual impact. Council Member Campbell stated he is having a hard time seeing this situation as an unusual circumstance; he asked how Mr. Patterson would define the term 'unusual circumstance'. Mr. Patterson stated that State Law does not provide a clear definition of that term; he stated an argument can be made on both sides. On Mr. Neish's side, perhaps it is unusual in that the City does not have many lots that are landscaped, but do not contain a home. Additionally, Mr. Neish is willing to agree to a conservation restriction, which would be an unusual characteristic for a lot without a home. However, on the City's side, this is not unusual because it is much like any other lot in Highland in that it is not deed restricted, does not contain wetlands, and does not have any conditions present that are restricting the development or landscaping of the lot.

Council Member Rodela asked if the meter fee has been paid. Mr. Patterson answered yes. Mayor Pro-Tem Bills then asked if this is an administrative decision; if it is administrative, the Council typically does not have much leeway in granting approval of something that deviates from the City Code. Mr. Patterson stated that legislative decisions must be based upon policy decisions and administrative decisions are governed by the Code; however, this is not administrative in the way of a typical land use code application. The Code does not dictate the unique circumstances that must be present in order for the Council to grant approval of the application and that is left for the Council to determine.

Council Member Smith stated he does believe this is an unusual situation; if he were buying this lot and found there was a pressurized meter present, he would have believed that impact fees had been paid just as Mr. Neish did. He stated he can understand where Mr. Neish is coming from. Mr. Patterson agreed; the Council could find that to be an unusual circumstance in order to approve the impact fee adjustment. City Administrator Wells added that the City installs connections to every lot when development occurs but does not necessarily charge the impact fee at the time that connection is installed. Council Member Smith stated that the City usually does not change impact fees until someone builds a home on a lot; he asked why the City is charging impact fees for this lot. Mr. Patterson stated that the PI impact fee is the only impact fee that tis not directly related to building; the impact fee is charged in the event the City's PI system is being used to irrigate an area of land.

Council Member Smith asked when the City told Mr. Neish he was required to pay the impact fee. Mr. Patterson stated that the City learned of the issue in October of 2022 and informed Mr. Neish of the requirement at that time. Ms. Wells noted the issue was discovered when staff was preparing to install meters in the area surrounding the subject property.

Mr. Neish stated he is happy to pay the past due irrigation fees; he noted, however, that the impact fees were lower in 2020 when he purchased the lot, and he asked if the City could calculate the impact fee based upon the lower fee that was in place in 2020. Council Member Campbell stated that he would be willing to approve that adjustment if Mr. Neish is willing to pay for past due irrigation usage. Mr. Patterson stated that the impact fee calculation in 2020 was $.43 per square foot; the total impact fee could be calculated based upon that fee. The plat amendment would need to come back to the Council for approval, unless Mr. Neish is willing to pay the impact fee for the entire lot. Mr. Patterson stated the total impact fee for the entire lot would be $11,836,18 and that would not require any plat amendment or survey.

Council Member Ron Campbell MOVED that the City Council impose the impact fee rate to be paid at the rate charged in September 2020 and that the monthly PI usage fees be paid by the applicant back to September 2020.

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Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

5. ACTION: APPROVAL OF THE HIGHLAND TRAFFIC CALMING AND PEDESTRIAN SAFETY MANUAL *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving the Highland Traffic Calming and Pedestrian Safety Manual. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on January 3, 2023, the Council directed City Staff to proceed with a contract with Wall Consulting Group (WCG) in preparing a Traffic Calming and Pedestrian Safety Manual. Throughout this past year, the Council and City staff have worked with WCG, with input received through public, toward the goal of adopting a manual and policy concerning traffic calming and pedestrian safety. The manual has been refined based upon this input and is now ready for implementation. On June 6, 2023, the Council held a work session to discuss the manual and to provide the Wall Consulting Group (WCG) with further directions and information. On September 5, 2023, the Council held a follow-up work session to discuss the changes to the manual following direction provided on June 6 and in subsequent one-on-one meetings with the Council. Staff recommends the approval and implementation of the Highland Traffic Calming and Pedestrian Safety Manual.

Council Member Smith thanked Mr. Spencer and the individuals from WCG that worked closely with the Council to craft a Manual that takes their concerns into account; he feels the final product is very good and will assist the City in addressing the concerns of residents.

Mayor Pro-Tem Bills asked the status of the neighborhoods that have already applied for some form of traffic calming. Mr. Spencer stated that once this manual is adopted, the City will begin working with them. There are two temporary speed bump projects underway, and they should be completed within a month.

Council Member Campbell referenced one of the manual highlights: "Provides an evaluation criteria through which concern areas can be scored. Areas with the highest scores will receive the improvements ahead of lower scoring areas." He asked if staff will take into consideration the thousands of dollars that could be spent on evaluation for a request for something that may only cost a few hundred dollars. Mr. Spencer stated that the scoring criteria in the manual considers the highest needs; City staff wants to use the budget available to accomplish the most needs possible. There will be some ability of the staff to consider the scenario presented by Council Member Campbell.

Mayor Pro-Tem Bills asked if any of the funding from the Open Space Fund will be appropriated to traffic calming. City Administrator Wells stated staff is currently evaluating funding remaining in the Open Space Fund and will present a budget amendment to the Council in the future.

Council Member Kim Rodela MOVED that City Council APPROVE the resolution adopting the Highland Traffic Calming and Pedestrian Safety Manual and the associated $25 application fee.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

8. RESOLUTION: CANCELLATION OF MUNICIPAL ELECTION *General City Management – Rob Patterson, City Attorney*

The City Council will hold a public meeting to consider the cancellation of the 2023 municipal general election. The Council will take appropriate action.

This item was removed from the agenda as there are now write-in candidates for the election.

9. EXPEDITED ITEMS

a. PUBLIC HEARING/RESOLUTION: Sale of Additional Wimbleton Open Space Property *Legislative - Andy Spencer, City Engineer/Public Works Director*

The City Council will hold a public hearing and consider the approval for disposing of additional open space owned by Highland City in the Wimbleton subdivision. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained that following the Council direction on July 18, 2023, the City hired a surveyor to survey all utilities that run through the open space throughout the Wimbleton subdivision. Based on these surveys, the public works, engineering, and planning departments have come up with recommendations for what the Council should not sell if the Council decides to dispose of additional open space. Staff's recommendations are based on the policy criteria that states, "property should not be disposed of if there are potential future City needs for the property" and "if property adjacent to a trail is disposed of, the City must be able to maintain ownership of the trail with a five-foot buffer on both sides of the trail". These final recommendations are largely consistent with the direction given by Council in the July meeting and the City staff understands the individuals purchasing the property are satisfied with the options presented. Staff recommends the approval of land disposal in the Wimbleton subdivision based upon Council direction provided on July 18, 2023. The sale of property will have a minor positive impact on the City's revenues for the current fiscal year. The sale price will be per the Council's established square foot purchase price. Mr. Spencer provided a clarification regarding the property being purchased by Mr. Hafen; the Council voted to allow the purchase of the property directly abutting Mr. Hafen's backyard, but when staff met with him, he requested to combine that parcel with the additional parcel to the north of his property into one legal description. He stated the Council has essentially approved half of parcel four, but the total of parcel four is part of the recommendation before the Council tonight.

Council Member Rodela inquired as to the purchase price. Mr. Spencer stated the cost per square foot is $4.71 as approved by the Council in January of 2023. This cost was based on the value of average sample properties.

Mayor Pro Tem Bills opened the public hearing at 9:24 pm.

Mark Hafen stated that he applied to buy his property in December of 2022 and the price per square foot at that time was $3.14. The total area that he is interested in purchasing at this time was not available in 2022. He asked that his purchase be grandfathered under the previous value in 2022, he noted he is surprised the price per square foot increased so dramatically.

Council Member Smith stated he would support the purchase price of $3.14 per square foot because Mr. Hafen intended to purchase at that price.

Council Member Rodela stated she would be interested to know when the other property owners expressed the intent to purchase their properties as well. Mr. Spencer stated he does not believe he could find that information in a timely manner this evening. City Administrator Wells stated that the purchases before the Council tonight are essentially new property purchase transactions; she understands the argument for Mr. Hafen's property, but she believes the other property transactions should be based upon the 2023 price. Council Member Smith stated that the price per square foot increased dramatically from 2022 to 2023.

Mayor Pro Tem Bills closed the public hearing at 9:32 pm.

Mr. Spencer stated he knows that Mr. Timothy also expressed the intent to purchase in 2022, but the others applied in 2023. The Council indicated they are comfortable approving the transactions with purchase price based upon the year that the buyers expressed the intent to purchase. City Attorney Patterson suggested that the motion include a deadline for the purchase agreement to be executed in order for them to access the prices approved tonight.

Council Member Kim Rodela MOVED that City Council APPROVE the resolution designating the specified parcels as orphaned properties within the Wimbleton subdivision thereby allowing for the sale of the properties to the adjacent property owners, noting that as it pertains to Parcel 4, the City will retain the sewer easement shown on the survey as an encumbrance to the land as a condition of the property sale, with two additional stipulations:

1. *The purchase fee is determined by the date that the applicant submitted an application*
2. *Applicant has 6 months to execute the purchase agreement*

Council Member Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

10. DISCUSSION: GENERAL PLAN UPDATE REQUEST FOR PROPOSAL DOCUMENT *General City Management - Jay Baughman, Assistant City Administrator/Community Development Director*

The City Council will discuss the Request for Proposals (RFP) document that will be issued to solicit bids from qualified firms to partner with Highland in updating its General Plan. The Council will take appropriate action.

Assistant City Administrator/Community Development Director Baughman explained funding was allocated in the FY 2024 budget for a General Plan update; the City will be partnering with a firm that specializes in General Plan updates, selected through an open bidding process. A Request for Proposals (RFP) document has been prepared by staff and the Planning Commission has reviewed the document and provided feedback. The purpose of this agenda item is to give the Council an opportunity to provide feedback on the document; he invited feedback tonight or via email before September 26. The RFP will be posted on September 28 on the Utah procurement website until November 1. He briefly discussed the creation of a selection committee to review the RFP responses.

The meeting recessed at 9:39 pm and reconvened at 9:49 pm.

11. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

b. Alpine Highway Fence – *Council Members Brittney P. Bills and Scott L. Smith*

City Administrator Wells reported on a proposal to create a City grant fund for the Alpine Fence project:

- $100,000 City grant fund available
  - ~25% of a bid received by homeowners
  - Homeowners eligible for $21.78 per linear foot of fence
  - Reimbursement grant
- In order to receive funds:
  - Homeowner contract or do work themselves
  - Do a survey prior to installation
  - Obtain a fence permit
  - Acknowledge it's the homeowners fence moving forward
  - Installed by December 2024

Council Member Smith reviewed the history of the Alpine Fence, including questions about ownership of the fence, for the benefit of the write-in candidates who were present at the meeting. He feels that the City is responsible to help the residents because they have been somewhat misled by the City regarding their ability to replace or repair sections of the fencing on their property.

Ms. Wells indicated that the matters yet to be resolved include:

- Adopt a unified Theme Wall standard for Alpine Highway?
- Which side of the fence to work from?
  - City side
    - UDOT Traffic control/bonding needed
    - Would likely need to repair City landscaping
  - Homeowner side
    - Potential damage to homeowner landscaping
- Any changes to proposal?

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The Council engaged in high level discussion with staff regarding their ideas and suggestions responsive to the questions asked by Ms. Wells.

Mayor Pro-Tem Bills invited input from a representative of the neighborhood impacted by the Alpine Fence, Nate Woodbury.

Mr. Woodbury stated there is a discrepancy on the cost of the fence; the neighborhood committee spoke with the Council about the large cost of the project and suggested that it be broken into thirds; one-third could be done each year for the next three years. The $100,000 from the City would go towards the first third. Council Member Smith stated he does not believe the City has the money to dedicate $100,000 each year for three years. Mr. Woodbury stated that $100,000 is only 20 percent of the total project cost if the intent is for all homes to be completed in one year. He stated that it was Council Member Smith's proposal to phase the project over three years. Mayor Pro-Tem Bills indicated that the Council cannot commit future City Council's for these types of projects.

The Council, Mr. Woodbury, and staff engaged in high level discussion and debate regarding the appropriate level of commitment for the City on this project and the type of fencing that should be installed to replace the existing fence; Ms. Wells indicated she feels she has enough information to proceed with developing a recommendation for fencing that will meet the definition of a theme wall to the Council at a future meeting.

Mayor Ostler stated that he is concerned about deciding on a project scope that will place a heavy financial burden on the homeowners. Mr. Woodbury stated that the bid that he obtained includes a precast concrete fence, digging to install the fence, and installation of the fence. It does not include hauling away the old fence or the dirt that is excavated as part of the installation of the new fence. He stated he and others would be comfortable with a stucco fence rather than a precast fence. Mayor Pro-Tem Bills indicated she would love to hear other ideas for the new fence. The Council agreed and indicated they would like more discussion at a future meeting.

The City Council then determined the following items will be discussed in the next meeting rather than tonight.

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

d. PI Long Term Financial Obligations – *Tyler Bahr, Finance Director*

e. Graffiti – *Erin Wells, City Administrator & Andy Spencer, City Engineer/Public Works Director*

f. Lehi DR Horton Agreement - *Andy Spencer, City Engineer/Public Works Director*

g. Building Use Policy – *Jay Baughman, Assistant City Administrator/Community Development Director*

h. Future Events & Meetings

- September 26, Planning Commission Meeting, 7:00 pm, City Hall
- October 3, City Council Meeting, 7:00 pm, City Hall
- October 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- October 17, City Council Meeting, 7:00 pm, City Hall
- October 24, Planning Commission Meeting, 7:00 pm, City Hall
- November 7, City Council Meeting, 7:00 pm, City Hall
- December 5, City Council Meeting, 7:00 pm, City Hall

Council Member Smith stated he has been approached by a Mr. Armstrong who is looking to move into the neighborhood near the golf course; when he was looking into options of expanding his home, he discovered a corner of his property is owned by the City. There are no utilities in the area, and he is asking for a sponsor from the City Council to recommend that the City sell the property. City Attorney Patterson stated that he has heard of this situation, and he asked if the Council wishes to proceed with considering this property independent of other areas of the City. Council Member Smith stated he is willing to consider it on its own. City Engineer/Public Works Director Spencer provided a bit of information on the Armstrong property and suggested that a formal survey is needed to determine actual boundary lines and the impact of selling the land. He stated he is willing to meet with Mr. Armstrong to review any survey work he has already had performed.

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 10:19 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 19, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder

DRAFT

HIGHLAND CITY COUNCIL MINUTES

Tuesday, October 3, 2023

Waiting Formal Approval

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

VIRTUAL PARTICIPATION

YouTube Live: http://bit.ly/HC-youtube

Email comments prior to meeting: council@highlandcity.org

6:00 PM SPECIAL SESSION - APPOINTMENT OF COUNCIL MEMBER

Call to Order – Mayor Kurt Ostler

The meeting was called to order by Mayor Kurt Ostler as a special session at 6:05 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS PRESENT: Brittney P. Bills, Ron Campbell, Kim Rodela, Scott L. Smith

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

OTHERS PRESENT: Jon Hart, Wesley Warren, Doug Cortney, Liz Rice, Melissa Nay Ghandour, Kellie H. Anjalee Taylor, Brent Wallace, Jon Lefrandt

Mayor Kurt Ostler welcomed those in attendance and explained the process which will be followed for the appointment of the new City Council Member. He invited each candidate to introduce themselves to the Council, after which the Council will have an opportunity to ask them questions. Voting will occur after the interview phase of the process.

Helen Annie "Anjalee" Taylor stated she lives in Highland in the Viewpoint development; she has been interested in politics her entire life. Her mother worked for North Salt Lake and Centerville cities and that is how she learned about the role of the City Council. She believes that the Highland City Council is doing a great job at managing the City; her son was having a birthday party a few years ago and she noticed there was a clogged storm drain near her home and she invited the City's Public Works Department to come and vacuum the drain out on his

birthday because he loves that kind of thing. They were super helpful and kind and a photograph of the event was on the front page of the Highland Gazette. She stated that she has gotten to know many City workers and she feels they are doing a great job. This is evidence of the good leadership of the City, and she would like to be part of that. She has hosted many political events in the County and is great at fundraising. She has been referred to as a super-delegate and she has organized debates for the school board, and she just finished her term as Vice President on the Highland Elementary Student Community Council.

Council Member Campbell asked Ms. Taylor if she has filed as a write-in candidate for the upcoming election, to which Ms. Taylor answered no. Council Member Campbell asked Ms. Taylor what she has done to prepare herself in the event she is selected to fill the vacancy on the Council. Ms. Taylor stated she has spoken with Council Members about the biggest issues facing the City right now, which include the application to change the City's alcohol ordinance for a large development in the City and the agreement with SURF soccer for exclusive use of a City park. She added she recently began working with the Arts Council as a member of their Board.

Council Member Bills asked Ms. Taylor what she believes are the three biggest things that will be happening in Highland over the next year. Ms. Taylor stated the decision on the City's alcohol regulations, the decision on the SURF soccer agreement, secondary water metering, and continued fundraising for the large park in the City.

Council Member Smith stated that if Ms. Taylor is chosen to fill the vacancy, she will be acting as a Council Member in the Council's business meeting later tonight; he asked her to identify one item that is included on the agenda for that meeting. Ms. Taylor mentioned the alcohol regulations and the SURF soccer agreement.

Mayor Ostler asked Ms. Taylor to name a few things she in the City for which she feels the focus should be greater. Ms. Taylor stated that she is most familiar with the things close to her home; she would like to see an adjustment to the bus stop in her neighborhood. The Council recently voted to not allow a road to connect to Alpine through the View Pointe development. The bus stop was meant to be temporary, but it puddles with water and ice during the winter and is a mess for the kids that wait there for the bus. She asked that it be repaved and made safer for the kids.

Council Member Rodela asked Ms. Taylor to discuss her feelings about the SURF soccer agreement and how she would vote on that issue. Ms. Taylor stated that the initial request was for SURF soccer to have exclusive use of the field near Lone Peak High School; there has been discussion about maintenance responsibilities, fencing of the park, and security of the facility. She would not support giving SURF soccer exclusive use of the field, she does not feel that is the right decision.

John Lefrandt stated he enjoyed the last process of selecting a person to appoint someone to fill a vacant seat on the Council; he lost by the coin toss in the last occurrence. He stated that he has enjoyed getting familiar with City issues and getting to know the Council Members. Recent events have made him more passionate about serving the City and since last month he did a great deal of research on the City's General Plan, which was initially drafted in 2006. A lot has changed since that time and he wants to be sure that Highlands founding values are able to stay intact, but for the City to also change with the times. The world has changed so much and there are many things that the Council should be considering. One issue is the water supply in the State of Utah; there was a massive drought last year and that should be taken into consideration in Highland, which is a bedroom community with requirements for one-acre lots that require a lot of water. He also has a development background and would like to explore issues surrounding development, including the City's alcohol regulations. He went to every person who wrote a letter of recommendation for him for the vacancy process in September and told them that he was not appointed; they were still very supportive of him and had a great deal of energy and enthusiasm for him and that is why he decided to apply again.

Council Member Bills stated that one of the items on tonight's agenda is the use of Flock Cameras in the City; she asked Mr. Lefrandt if he has an opinion on the use of Flock Cameras. Mr. Lefrandt stated he does not know what a Flock Camera is. Council Member Bills stated they are used by Police Departments to capture license plates in an effort to prevent criminal activity or catch criminals. Mr. Lefrandt stated it is an interesting question; many people love that Highland is safe and the Flock Cameras likely help to preserve or improve safety. He believes there are opportunities to work with Alpine City to secure funding for the cameras and use technology to improve efficiencies.

Council Member Smith asked Mr. Lefrandt how much he pays for the City's road fee each month and what the revenues generated by that fee are used for. Mr. Lefrandt stated he does not know the amount, but he imagines the purpose of the fee is to generate funding for ongoing street maintenance in the City.

Mayor Ostler asked Mr. Lefrandt where he would recommend more money be focused in the City. Mr. Lefrandt stated he is very passionate about the way the City gathers feedback and he believes there are things that can be put in place to improve the feedback solicitation process. Another big issue that is mentioned in the General Plan is a recreation center of some type in the City. He has thought a lot about that since the last vacancy process and he feels strongly that the City needs a facility that is accessible all seasons of the year for people involved in different sporting events to practice. A recreational/civic center would be a great benefit and contribution to the City.

Council Member Rodela stated there are commercial aspects of the General Plan and she asked Mr. Lefrandt to identify his commercial vision for the City and how it would align with the General Plan. Mr. Lefrandt stated his father was a commercial real estate developer and he always has commercial development on his mind. He does not believe the current commercial offerings in Highland are representative of the vision of the General Plan. He would focus on community commercial development and providing a place for the community to gather, especially indoors during the winter months. People are leaving the City to find those opportunities in other communities.

Council Member Campbell asked Mr. Lefrandt to explain the thought process he would use when considering the Highland Mains project and the request to amend the City's alcohol regulations. Mr. Lefrandt stated that he would continue down the path the City Council has already started; feedback from the residents is of the utmost importance and he looks forward to analyzing the feedback that will be provided through the survey that has been sent to residents. There are many creative ways for 'meeting in the middle' regarding this project; he loves safety and does not go shopping on Sunday; he also does not drink alcohol, but he understands why people would want restaurants that serve alcohol to locate in Highland. He stated that there are many options, such as dictating hours of operation for the restaurants that serve alcohol, alcohol volume, and architectural guidelines. He feels there are many options for the City to consider, but it is most important to dive in and listen to the voice of the people.

Brent Wallace stated he has served on the Planning Commission for four years, the Water Advisory Board for four years, and has worked in Code Compliance for two years; he has lived in Highland for 19 years and he has been very involved in Mayors and different City Council Members during that time. When he got involved with Code Compliance, he changed it from what was often described as the worst job in Highland to one of resolution and improvement. In all that he does, he recognizes the importance of compromise and giving the other party the benefit of the doubt in an effort to problem solve. He does not have an agenda and is not planning to run during the next election; he feels this is a unique opportunity for someone to serve for a short time and he feels he is a good fit based upon his experience and his ability to 'hit the ground running'. If there is someone that is better qualified or better suited for the position, he would support the Council's selection of that person.

Council Member Smith stated he appreciates Mr. Wallace's service to the City, especially as a member of the Planning Commission and in the area of Code Compliance; if Mr. Wallace is chosen, he will participate in the

business meeting tonight and he asked Mr. Wallace to explain his interpretation of the controversy surrounding the City's cemetery. Mr. Wallace stated that two different building options have been presented, a large building and a small building. He does not think the City would ever regret building the larger building because it will last and meet the City's needs for the next 50 years. He would support building the larger building rather than something that will be outgrown in 20 years.

Mayor Ostler stated that at the last City Council meeting, there were two items he had to vote on in order to break a tie; he asked Mr. Wallace how he would have voted on those two items. Mr. Wallace stated that waiting to make a decision on the application to change the City's alcohol regulations is the right thing to do because it will eliminate some of the controversy associated with someone who is only serving for a few months as a Council Member being part of that decision. Regarding the extension of the agreement with the City's lobbyist, he is not familiar with the background on that issue.

Council Member Rodela asked Mr. Wallace if he has an opinion on the Alpine Highway fence. Mr. Wallace stated there is an individual who is now a resident of American Fork who was involved in the initial installation of the fence, and it has been made very clear that the fence is not owned by the City; if that is the case, the City should not be responsible for replacing or repairing it. Many times, people make the claim that someone from the city has told them something, but if that communication is not in writing, the City is not legally obligated to abide by that communication.

Council Member Campbell asked Mr. Wallace to think of a scenario where he may have studied an issue and is very educated and familiar with it, but voting a certain way may upset residents and even his neighbors. He stated that it may be that the vote is the correct vote, but it will still be upsetting, and he asked Mr. Wallace what he would do; he asked if he would go with the popular vote, or the right vote based upon extensive studying of the issue. Mr. Wallace stated that if he were serving on the Council for an extended term, he would vote in the way that would benefit all of the residents of Highland, not just the way his neighborhood wanted him to vote on. If the vote is not popular, he would try to educate the residents so that they understand why he voted a certain way.

Council Member Bills asked Mr. Wallace if there is a decision he feels the City Council got wrong. Mr. Wallace referenced a decision to close several trails in Highland City in the past; it was very controversial and divisive, and some people even moved out of the community because of the issue. When the matter was finally put to a vote of the people, they decided that trails were a valuable asset to the community, and they wanted to keep them open. There were some small sections of the City that were very vocal and convinced the City to close certain areas of the trail, but the City as a whole was supportive of keeping the trails open.

Wesley Warren stated that it is his opinion that one thing that is different about this appointment from the process conducted in September is that the person appointed will only serve for three months. This appointment is a bit more tantalizing to him than the two-year term was; it seems like a low risk, but also an opportunity for someone that has been very involved to serve and make an impact. He stated he has also familiarized himself with the City's General Plan and reading that document is what drew him into participating in local government and the decision-making process. He stayed involved as he got to know the previous Mayor and City Council and he has learned a lot and become familiar with issues that have caused him to stay involved.

Mayor Ostler asked where the City should focus more funds. Mr. Warren cited traffic abatement and making the City more walkable and bike-friendly. The City has done a good job with Alpine Highway and the Murdock Canal Trail, but there are other improvements that can be made to transform the City to promote walking, cycling, and other outdoor activities.

Council Member Rodela asked Mr. Warren's thoughts on the SURF soccer issue. Mr. Warren stated it has been a very difficult issue; at this point he leans towards leasing the land to SURF and that is because the City has been

very deliberate in the discovery process and informing the High School and the public about the issue. Some of the details that have been raised are not entirely accurate.

Council Member Campbell stated that the City's bonded debt will be paid off in 2027 and he asked what types of things Mr. Warren would be willing to bond for in the future. Mr. Warren stated bonds are an important tool that cities can utilize tackle important projects; he would be interested in expanding the library into a community arts center to the east. He would also be supportive of bonding for a recreation center, and he would perhaps be interested in placing a bond question on the ballot for the citizens to weigh in on.

Council Member Bills stated one thing the Council has talked a lot about over the past few years is encroachment issues; she asked what Mr. Warren thinks should be done if a homeowner has made private improvements on public property. Mr. Warren stated that the City Code should be adhered to; the Council should 'lean in' to the City Code and enforce it. He knows that it can be a hard issue to handle, but he cannot help but wonder if there is some way to engage in communication with the homeowner and 'game plan' a solution.

Council Member Smith thanked Mr. Warren for the service he has given to the community, namely helping to fundraise for Mountain Ridge Park. He noted there are several other parks in the City that need improvements and he asked Mr. Warren what improvements he would recommend for Beacon Hill Park. Mr. Warren stated that there is an issue with the restroom at Beacon Hill Park, trail repairs are needed, and a repair to one of the playground components is also needed. He would love to see each park become its own entity with neighborhoods voluntarily participating in maintenance and ownership of the park.

Elizabeth Rice stated she taught in the Alpine School District for 33 years, retiring in 2017. She also served an LDS Church mission for two years as a historian working on the Joseph Smith Papers. She loves history. She has four sons and is a widow; she served on the Planning Commission for four years, the Open Space Committee for several years, and the Highland Park Foundation Board. She has been a resident for 24 years and loves it here. She is a write-in candidate for the upcoming election.

Council Member Rodela asked Ms. Rice to consider a scenario where three-quarters of meeting attendees have voiced support for an agenda item; she asked how she would vote in that situation. Ms. Rice stated that she would not come to a meeting with a decision already made. She is a great researcher and feels that research is very important; sometimes the Council will make a decision that the crowd may not be supportive of.

Council Member Campbell thanked Ms. Rice for her service on the Planning Commission; he asked her if she sees a need for senior housing and affordable housing and where she would locate it in Highland. Ms. Rice stated that she has talked to many people over the last few days and there is a concern about senior housing. She feels that it could be located on the bench areas of the City, but she would consider all the properties that are available and listen to recommendations from developers who are working on those kinds of projects.

Council Member Bills stated that one point of controversy regarding the requested change to the alcohol regulations is who should be making the decision. She asked if there are instances where a citizen's referendum or initiative are important or if all decisions should be made by the elected body. Ms. Rice stated that there have been four referenda in the City in the last 12 years and they have all passed; a referendum is needed when someone does not agree with a decision made by the City Council, but she still thinks the City Council should make a decision based on the facts at hand. A referendum is a constitutional right, but as towns get larger, a referendum gets harder to get on the ballot because so many signatures are needed from each voting district.

Council Member Smith stated there are some people on the City Council who have lived in Highland for a short time, and that is great because they bring a fresh perspective. However, it has been mentioned that tradition is important, and some philosophies have been developed by original citizens over the years. When he moved to

Highland 35 years ago, there were 5,000 residents and there are now over 20,000. As she has been knocking on doors as part of her campaign, what are the two issues she has heard of most and that she feels the Council needs to address. Ms. Rice stated that it is hard to say that one part of Highland is old, and another is new, and she has never thought that anyone should be allowed to move to a city and shut the door behind them. She wants to make people feel welcome in the City. One person she spoke to suggested that Highland be divided into four quadrants and that each quadrant have representatives assigned to them to ensure equal representation. She stated she does not disagree because sometimes she feels the southern end of the City is not always equally represented.

Mayor Ostler asked if there was a decision Ms. Rice made a decision on as part of the Planning Commission that she later regretted or wished had been different. Ms. Rice referenced the Tuscany homes project; the Planning Commission recommended approval of two-level units, but the City Council approved three-level units. It ended up with some fire access issues, though she is sure things have changed since then. The other is the irrigation pond partly on American Fork land and partly on Highland land; she was pushing for a 99-year lease with American Fork City, for them to pay Highland. She was not successful, but she wished she had pushed harder.

Melissa Ghandhour stated she is a newer resident to Highland, but she found she loves living here. She was called to live in the area because it is very community oriented and rural. She is from Utah, but lived outside of the State for 15 years, and when she came back, Highland was exactly what she was looking for. She loves the trails, arts, parks and recreation, and good infrastructure. Her background is with non-profit organizations in the arts, culture, and military family advocacy. She currently works for the city of Vineyard in the finance department as a grant writer and she has experienced a lot of growing pains in that city, which will give her a great perspective as a member of the City Council. She also teaches part time for Brigham Young University (BYU). She concluded her background includes a passion for education, civic service, and non-profit. She stated she would love to be a member of the Council, even for a short term, because she knows that local representatives have the opportunity to make the most impact on their local community.

Council Member Campbell asked how Ms. Ghandhour feels about the City providing a pool or recreation center as referenced by other candidates. He asked if she would be willing to bond for that type of project. Ms. Ghandhour stated that as the City's demographics are rapidly changing, she would like to understand if there is public support for that type of project. She would also want to be sure that the civic center could be largely self sufficient and that the uses included in the facility are actually desired and needed. She would love a civic center but understands that she would be representing the citizens, and their feelings would contribute to her decision.

Council Member Bills asked Ms. Ghandhour her three favorite parks in Highland. Ms. Ghandhour stated she loves the area south of Smith's that ties into the Murdoch trail, the Beacon Hill Park – even though there are issues with the disc golf component of that park, and she is excited about the progress of the Mountain Ridge Park.

Council Member Smith asked where Highland gets its culinary water and if it is chlorinated. Ms. Ghandhour stated she is not an expert on water, though she knows it is very important. She knows the City has water shares in a certain water company, but she would need to research that issue to become familiar with it. She knows that water is key and should be considered carefully as the City's infrastructure development continues. Council Member Smith stated the City's culinary water comes from wells and it is not chlorinated.

Mayor Ostler asked Ms. Ghandhour to name two or three things she would like to see changed in Highland. Mr. Ghandhour stated that she would continue to keep an eye on sustainable development; land is being consumed and the City needs to work with developers to ensure that the voices of residents are heard, and that development is smart. She would like to see City funds be used to bridge the gap that tax revenue does not cover, and for the City to fund parks and trails, as well as youth and family programs.

Council Member Rodela stated that at the last City Council meeting, the Council voted to extend the agreement with the City lobbyist. She asked Ms. Ghandhour's views on using a lobbyist and how she would have voted on that issue. Ms. Ghandhour stated that lobbyists can be very effective, but there is a risk associated with it as well. In dealing with State offices through her employment with Vineyard, she knows that oftentimes smaller voices are not heard or considered, and she understands the decision to contract with a lobbyist to help Highland secure needed funding. Deciding if the outcome is good for Highland is the job of the City Council.

Doug Cortney stated that he has strong feelings about the City's General Plan; the introduction of the document states that 'Cooperation is a cornerstone of the City, a characteristic that is on par with its scenic setting, which is highly valued'. He stated that recently, he has seen that cooperation waning and coming apart at the seams and that saddens him. He stated he is not pointing the finger at anyone, because he is as guilty as anyone else, but as a member of the Council he would do his level best to try to remedy that situation because Highland deserves better.

Council Member Bills stated that when making decisions, the Council must consider input from the residents, personal bias, information from staff, and information derived from research, and she asked how Mr. Cortney would balance those four factors. Mr. Cortney stated it depends on the nature of the decision that is being made; there are some issues that are more technical, and it is prudent to rely upon the input from staff and experts, and less on resident input. Generally speaking, he feels that resident input is important, and he would be inclined to weigh all four factors fairly evenly in his decision-making process.

Council Member Smith thanked Mr. Cortney for all the service he has given to the City. He referenced Mr. Cortney's mention of a sense of cooperation and noted that his experience as a Council Member has been that each Council Member has accepted their colleagues as good friends, even though they have engaged in heated debates with one another. He stated there is a sense of cooperation, but it is also ok to disagree. He asked Mr. Cortney how he would create a sense of cooperation and community if he were a member of the Council. Mr. Cortney stated relationships are key; it is relatively easy to maintain relationships in a small group, like the City Council, but it can be harder to maintain cooperation in larger groups or more participants. He offered an example from his own private work experience; he was frustrated when his company's CEO did not engage with or even know the line workers. He decided to invite him to lunch to meet with workers on an annual basis and that has helped to address his concerns.

Mayor Ostler asked Mr. Cortney if there are decisions that the Council has made that he feels were mistakes or on which he would have voted differently. Mr. Cortney stated there are three that immediately come to mind; he would have voted differently on the open space issue, the SURF soccer lease agreement, and delaying the vote on the change to alcohol regulations.

Council Member Rodela asked Mr. Cortney why he is running for City Council and what inspired him to get involved in local politics. Mr. Cortney stated he has always enjoyed municipal government as he feels it is the most interesting level of government and it has the biggest impact on residents' daily lives. He decided to run because of that interest and also because there are a few things he cares about moving forward; this includes the City's water supply in the long run and long-term infrastructure matters in the City.

Council Member Campbell stated he and Mr. Cortney have had some conversations about the difference between a democracy and a republic in representative government. He asked Mr. Cortney if he were faced with a vote that was not popular, but that he felt was the right decision for the community, how would he justify his vote. Mr. Cortney stated that he was working with a community college in California, he had a sign over his desk that read 'what is popular is not always right, what is right is not always popular' and he truly believes that. Ultimately, elected officials are elected to make policy decisions for the people who elected them. He cited a specific example:

extending Canal Boulevard was an absolutely necessary thing for the security and safety of the City and he would still believe that if every other person in the City disagreed with him.

Mayor Ostler then advised the Council Members to use the ballots they have been provided with to conduct the first round of voting; there was some debate about the process being followed tonight and if it should differ from the process used during the September 12 meeting. The Council decided to follow the same process, which involved Mayor Ostler also voting for two individuals to move to the next round. Each Council Member and the Mayor voted for two candidates and the votes were tabulated by City Recorder Cottle and City Attorney Patterson. The following applicants were selected to move to the next round: Elizabeth Rice, Wesley Warren, Brent Wallace and Jon Lefrandt.

Elizabeth Rice:

Council Member Smith stated that Ms. Rice is a write-in candidate for the upcoming election; he asked how she will get her name out to the voters. Ms. Rice stated that she has placed many signs and has delivered flyers door to door; she has had good conversations – and some bad ones – with people and hopes that her name will be spread by word of mouth. She is also raising funds for her campaign. Council Member Smith then asked Ms. Rice her opinion on how the City generates revenue; he asked if she supports fees or taxes. Ms. Rice stated that fees can go away, but property tax will be permanent. She feels the fees charged in Highland are reasonable, especially when compared to other cities.

Mayor Ostler stated there has been a great deal of discussion about bonding and he asked Ms. Rice's feelings about issuing a bond for a recreation center, the library, or other needs in the community. Ms. Rice stated that bonding is a bit scary to her; the City bonded for capital needs in the past, but it lowered the City's credit score. It is always a worry to bond because it causes the City to incur a great deal of debt, but she believes the City will need to bond in the next few years for infrastructure. She is not talking about the roads, because the City has a road fee for those needs, but she believes the underground infrastructure needs attention. On a mass level, to get a contractor to replace infrastructure, the City would need to bond. As far as a recreation center goes, she has considered the liability; she does not believe the City has a population to support a recreation center and she views it as very risky and high end. Bonding is a very serious decision. Mayor Ostler asked Ms. Rice if she would bond for the library expansion or to install fiber. Ms. Rice stated that she taught for 33 years, and it is her belief that a library will create readers, and reading creates an educated population. She loves the library, and it is amazing what the City has done in a short time; she would consider bonding for the library.

Council Member Rodela referenced Ms. Rice's mention of campaigning door to door; one of the things she encountered during her campaign was who it was appropriate to take fundraising money from and who should be avoided. She asked Mr. Rice's views on raising campaign funds. Ms. Rice stated that if she feels someone is trying to buy her support, she would turn their campaign donation down; she is not for sale. She stated that she has accepted donations from people for which she is sure there are no strings attached. Council Member Rodela asked Ms. Rice if she would support a property tax increase or fee increase to raise money for public safety needs. Ms. Rice stated that the City already has a public safety fee. Council Member Rodela asked if she would raise that fee or increase property taxes to give more money to public safety. Ms. Rice stated she would need to consider the needs before making a decision, but she does not think public safety should ever go without having their needs met. She would prefer a fee, but if a great deal of money is needed, she would consider a tax increase. She would conduct a great deal of research and lean on expertise from other Council Members.

Council Member Campbell referenced Ms. Rice's mention of bad conversations she has had while campaigning and he asked how she navigated those conversations. Ms. Rice stated that she kept asking the other person to stay positive and ask questions that she could answer based on her experience and stance. Council Member Campbell stated if Ms. Rice is selected, she will be voting on items on tonight's agenda, and he asked what she has done to

prepare for that situation. Ms. Rice stated she has reviewed the agenda, and she has attended Council meetings recently. She is familiar with the discussion about the maintenance shed project and she is anxious to hear from the contractor for that project. Council Member Campbell asked Ms. Rice her thoughts about the maintenance shed project. Ms. Rice stated that it depends on how much money the City has; she does not want to overspend. She knows the City is growing and the larger one may be needed, but tonight she would rely on others' opinions.

Council Member Bills asked Ms. Rice about the agenda item related to fertilizer. Ms. Rice stated she did not read the information on that item, and she would need to lean on other Council Members. Council Member Bills stated that when there is an agenda item that will cause a significant expenditure, but in an area that the Council may not be very familiar with, how would Ms. Rice make a decision. Ms. Rice stated she would hope that staff has conducted research and has given information to the Council prior to the meeting so that they can conduct their own research. Council Member Bills stated another item that is on the agenda is related to graffiti in the community; this is a growing problem and she asked how Ms. Rice would deal with that. Ms. Rice stated she dealt with eighth graders for 33 years and if something is well lit, there will be fewer problems. More patrol would also be helpful.

Wesley Warren:

Mayor Ostler asked Mr. Warren to share his thoughts on the Alpine Highway fence and what he feels the best solution would be. Mr. Warren stated the Council has approached that issue very methodically and thoughtfully; residents have been told something for a very long time, but there are conflicts in the City ordinances. He feels that the residents are getting very close to an equitable solution, and he does feel there is some responsibility on the part of the City for reaching a solution. He thinks it is important to repair the fence and relationships. Mayor Ostler referenced North County Boulevard going into Alpine; there are some fairly significant traffic and safety issues and many residents have spoken on both sides of widening the road. He asked Mr. Warren what he would have done in that situation. Mr. Warren stated he would do what the Council did; he thinks the Utah Department of Transportation (UDOT) does a good job, but they handle many problems with the same solution and that is not always the right thing to do. He stated widening the intersection and encouraging more traffic would have been the wrong decision. There is nothing wrong with safe and slow traffic. There was a great deal of quality public input during the meeting when that vote was taken, and he feels the Council did the right thing.

Council Member Rodela stated one of the discussion items on tonight's City Council meeting agenda is graffiti; she asked Mr. Warren his suggestions for combatting that issue. Mr. Warren stated he has always thought strategically placed cameras are a good deterrent to that type of activity, but he has often wondered if it would be a good idea to erect a large cinderblock wall to be used by graffiti artists. It would not cost much but may be successful at diverting youthful energy and budding artfulness into something productive. Council Member Rodela asked Mr. Warren why he has chosen to run for a seat on the City Council as a write-in candidate. Mr. Warren stated it feels as if there is a natural next step of involvement; there are a few reasons he was not able to declare to run for office in June, but the vacancy process gave him an opportunity to learn more about City government and campaigning and it has also been good to get to know a couple of the people that are in the same position he is in now.

Council Member Campbell asked Mr. Warren what factors he would take into consideration regarding the SURF soccer issue. Mr. Warren stated that first he would turn to the City to learn what it is able to handle and what it needs help with in terms of maintaining the land SURF soccer is interested in leasing. He would also like to know the current uses of the land. He was involved in the process of planning Mountain Ridge Park and SURF soccer wanted the City to install fields at that park; he was pleased the City was willing to push back and shift them to another location and then to push back on the amount of time they will have access to the park and how much time it will be available for public access. He stated that working as a group to make a decision is the best solution. Council Member Campbell asked Mr. Warren where he would place senior housing in the community. Mr.

Warren stated the property near Wal-Mart is a good location and R-1-30 is a good zone for that type of development.

Council Member Bills asked Mr. Warren what he thinks about the City's traffic calming toolbox – the money that was spent on the study, the conclusions of the study, and how the toolbox should be used moving forward. Mr. Warren stated he learned some things throughout that process, but he wondered if a 'Google deep-dive' could have yielded the same results as the study. At this point, is a matter of applying the toolbox; there will be a trial-and-error process and it may be possible for the City to test different solutions for different areas of the City. Council Member Bills asked Mr. Warren what he thinks about allowing some neighborhoods to donate money to provide some traffic calming elements to address their specific concerns. Mr. Warren stated that may be great, but he would not want residents to feel that is their last resort. He likes initiative from the residents but would be hopeful that it would not be the result of negligence to a certain area of the community on the part of the City Council.

Council Member Smith also referenced senior housing and affordable housing; the Council has heard from developers who have voiced plans to build senior housing or affordable housing, but in the end the projects turn out to be high density housing and it is often not affordable. He asked Mr. Warren how the City can truly provide senior housing that is actually affordable. Mr. Warren acknowledged there is only so much control the City has over land development, but there may be different ways to incentivize developers to build the types of housing that are in demand in the community. When updating the General Plan, the City can set aside areas specifically for senior housing and this would provide for the creation of attractive communities that will accommodate seniors who want to remain in Highland. Most city centers are dense, but the development there can also be high quality.

Brent Wallace:

Council Member Rodela asked Mr. Wallace how he would get rid of graffiti. Mr. Wallace stated that vandals should not be rewarded by the graffiti staying in place for any length of time. He suggested that it be removed as soon as possible, with the hope that it will not even be in place for a 24-hour period. He noted there are new materials that can be placed on the exterior of a building to make it easier to remove graffiti. He stated Mr. Warren had a good suggestion to provide a clean slate for artists that are truly wanting to express themselves, but those painting gang signs, or other negative works of art should not be allowed. Council Member Rodela stated this week she got a phone call from a friend who said they got a letter from the City offering them a maintenance agreement, removal of the landscaping they have installed, or to purchase the property from the City. They do not have the funds to buy the property or remove the landscaping and she asked Mr. Wallace how he would handle that situation. Mr. Wallace stated he did not know there was an option to buy the land; residents can either get a maintenance agreement if their property is along a trail or remove their landscaping. He stated he would suggest a reasonable amount of time be given to the individual to remove the landscaping.

Council Member Campbell asked Mr. Wallace how he feels about the encroachment issue in general. Mr. Wallace stated that he feels the City has made the issue 'black and white'; there are neighbors of his that have encroached on the Dry Creek area and the land behind them is on a 45-degree slope and will never be use as any type of meaningful park space. He feels the City should consider some exceptions because there are situations where it would be beneficial for the City to allow a maintenance agreement to ensure that these types of properties are well-maintained. Some of these residents have a lot of money and at some point, someone told them they could use the property as they have. He would like to see something written in the City Code to allow some types of encroachment, so long as the improvements that are made are not permanent. Council Member Campbell asked Mr. Wallace how he feels about bonding and what types of improvements he would support using bonding for. Mr. Wallace stated he does not necessarily believe it is government's responsibility to provide recreation, so he would only support bonds for true needs, such as sewer, water, or roads.

Council Member Bills asked what things the City could do better in its General Fund of the budget and how the City could raise additional revenue. Mr. Wallace stated that property tax is one of the most unfair taxes; an elderly widow could be on a fixed income, but their property taxes could increase year after year because of a decision of a local City Council. He noted fees are a hidden tax, but they do have an expiration date. There are sections of roads in the City that are undermaintained and need attention and he thinks that more money could be allocated to roads and other infrastructure needs. Council Member Bills asked if the City should prioritize building a new park or making improvements to existing parks in the City. Mr. Wallace asked if there will be a major soccer field in the new park, to which Council Member Bills answered yes. Mr. Wallace stated that should be a centerpiece for the City and the priority should be the new park.

Council Member Smith stated that if Mr. Wallace is appointed tonight, he will participate in three or four meetings before the end of the year and the expiration of his term. He noted there are disagreements among the Council or individuals may not particularly like one another; there have been more than one occasion where Mr. Wallace has expressed his disagreement with Council Member Smith and he asked him how he would deal with that and how he would work with people he disagrees with. Mr. Wallace stated that if he is going to disagree with someone, it will be over policy and not personality; it would be fact based and it is a sign of mental maturity if individuals can disagree in a respectful manner with the best interest of Highland residents in mind. He stated he can put aside any past minor differences he has had with Council Member Smith. Council Member Smith stated that in the next few months the Council will be discussing finances for the General Plan revision project; he asked Mr. Wallace one area the Council should focus on improving in the City. Mr. Wallace stated that clear zoning lines are important and senior and affordable housing should be taken into account when drawing those zoning lines. He suggested senior housing be located near shopping centers and other services.

Mayor Ostler stated that there are a few items he feels will come before the Council in the next four months, including SURF soccer. He asked Mr. Wallace to share his opinion on that issue. Mr. Wallace stated that 10 years seems like a long time for an agreement with SURF soccer. He stated that he as previously president of a HOA that entered into a 10-year agreement with Comcast for the neighborhood. The HOA thought it was a great deal, but Google Fiber later offered the same service to the area for free, but the HOA was locked into the deal. He stated that if the agreement includes a reasonable exit clause, it can work, but 10 years is a long time. He stated that the $200,000 payment term seems favorable to the City, however, Mayor Ostler stated that residents have asked the City to help fund the replacement of the Alpine Highway fence and he asked Mr. Wallace's opinion on that. Mr. Wallace stated that it is a very visible fence and is at the entrance into Highland, so the City has a 'dog in the fight' in terms of wanting to preserve the beauty of the fence, but a compromise could be made given that there is no commitment of the City in writing. Mayor Ostler referenced the Flock Camera item on tonight's agenda and asked Mr. Wallace his opinion on that. Mr. Wallace stated that privacy has already been surrendered to the internet and the various social media outlets; any tool that can be used to help the Police do their job, is a good tool.

Jon Lefrandt:

Council Member Campbell asked Mr. Lefrandt what drives him to want to be a member of the City Council. Mr. Lefrandt stated that in high school he served on the Youth City Council and that is when the seed of community service was planted for him. The city he grew up in is a phenomenal example of a well-run city where everyone felt part of the community. He first lived in Lehi when he moved to Utah and he has seen the massive amount of growth in that area, but he never felt the sense of community he desired. He later moved to Highland and has observed the changes in demographics, multi-generational housing, and the senior housing problems and it has reinforced for him that community should be at the core of everything regardless of religious beliefs, educational background, or employment. He often thinks of his children – his oldest is turning 16 and his youngest turning 8 – and he wants to raise them here and remain a member of the community for many years after that. He wants to help solve problems rather than just complain about them and being able to impact the place in which he lives is

the best thing he can do. Council Member Campbell asked Mr. Lefrandt for his thoughts on the encroachment issue. Mr. Lefrandt stated that it is a very difficult issue and one that is surrounded by a lot of confusion. Some property owners were told something incorrect by previous owner or neighbors; he understands the need to have agreements or commitments documented, but the City can consider each situation on a case-by-case basis in order to make the best judgement.

Council Member Bills referenced the transportation element of the General Plan and one specific project the Council will be considering in the future is North County Boulevard; she asked Mr. Lefrandt what he thinks about that road, particularly the section that goes into Alpine, which is often backed up with traffic. Mr. Lefrandt stated that something definitely needs to be done given that is the scariest intersection in Highland; his daughter will be getting her drivers license soon and will drive through that area to get to high school and improvements are needed, though he is not sure exactly what the right solution is. Council Member Bills noted that in some cases, part of the solution may be to acquire private property in order to make needed improvements and she asked Mr. Lefrandt how he would make that kind of decision. Mr. Lefrandt stated that would be a very difficult issue, but he would carefully weigh the safety of the entire community against one private property. He would hope that a creative solution could be reached. Council Member Bills again referenced the General Plan and asked Mr. Lefrandt what he envisions for the area referred to as Longhorn Field. Mr. Lefrandt stated senior housing is a viable option there, but the General Plan is a bit myopic, and he would like to pursue creative solutions to provide diverse housing in terms of age and demographics.

Council Member Smith stated he has been a member of the Council for a while, but over the past two years he has heard more complaints about traffic issues in the community; speeding, in particular. The City spent some months developing a traffic calming toolbox and he asked Mr. Lefrandt's opinion of the three things that can be implemented to slow traffic on some of the roads in the City. Mr. Lefrandt stated traffic studies are important and should inform decisions like widening roads, installing speed bumps and signals, or other measures. He noted that community involvement and feedback is also important; most citizens value that Highland is the safest City in the State, and they want to keep it that way, so if they were made aware of a dangerous area of the City, they may be incentivized to get engaged in helping to find a solution. Council Member Smith asked Mr. Lefrandt what role law enforcement play in addressing traffic concerns. Mr. Lefrandt stated that may be more of a budgeting question; he thinks the Police Department is doing their job, but it may be possible for them to utilize new technology to help them increase efficiencies.

Mayor Ostler stated that many times tonight, there have been suggestions for negotiation and compromise; he asked Mr. Lefrandt to list some types of situations in which Mr. Lefrandt would be willing to simply say no instead of negotiating. Mr. Lefrandt stated that he absolutely would be willing to say no, but only after studying an issue in detail, listening to the voice of the people, and assessing any available data or facts. Mayor Ostler asked Mr. Lefrandt to name some instances in his life when he has said no. Mr. Lefrandt stated that he owns several businesses and in that role he surveys many different types of issues before making a decision. Relative to employee health and wellness, there are many different types of programs that can be offered to improve the life of an individual, but 'the buck must stop somewhere' and he has had to say no to proposals that have come forward. Mayor Ostler asked Mr. Lefrandt one thing he would want to change in the General Plan. Mr. Lefrandt stated he would want more representation of the community at large; when he read the document, he felt a bit empty given that it only represents one demographic. It mentions the senior population, but not much has been done for them since 2006. There is no mention of the youth and getting them involved in generating ideas for solutions.

Council Member Rodela referenced Mr. Lefrandt's write-in candidacy for the upcoming election and asked him what he is doing to promote himself and actively campaign. Mr. Lefrandt stated that he has mostly been dialoguing with people to determine if this is a good use of his time, energy, and resources. He informed his supporters that he was not appointed to fill the vacancy on the Council in September, and he was humbled at the reception he

received from them and their support for him to run as a write-in candidate. He did not realize the impact he had been able to have in a short amount of time. This meeting has been very informative for him, and he is still assessing the entire situation. Council Member Rodela asked what types of conversations Mr. Lefrandt has had with people about representing the City. Mr. Lefrandt stated there has been a focus on the need to represent the younger demographic of the community, the application to change the alcohol regulations, and to also help to find suitable locations for senior housing.

Mayor Ostler then advised the Council Members to use the ballots they have been provided with to conduct the second round of voting; each Council Member should select one candidate; if one candidate receives three votes, they are the selected appointee. If there is a tie, there will be a coin toss before the next round of voting commences. If there is a tie in the final round of voting, the Mayor will break the tie. The votes will be tabulated by City Recorder Cottle and City Attorney Patterson. There was a brief discussion and debate about the role of the Mayor in breaking a tie in the appointment process.

At the conclusion of the vote, there was a tie between Elizabeth Rice and Brent Wallace, with Jon Lefrandt as the other applicant moving forward. The tie was settled by a coin toss and Elizabeth Rice won the coin toss. The Mayor then instructed the Council to vote for Elizabeth Rice and Jon Lefrandt. Jon Lefrandt was selected as the appointee to fill the vacancy.

Mayor Ostler announced there will be a candidate debate on October 26, and the write-in candidates will be allowed to participate in that debate. The election ballots should be mailed on October 31 and will be due by November 21, Election Day.

City Recorder Cottle then administered the Oath of Office to Jon Lefrandt.

Council Member Smith thanked everyone who applied to be considered to fill the vacancy; this was a difficult process, and he appreciates everyone who participated.

The meeting adjourned at 8:15 p.m.

7:00 PM REGULAR SESSION

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

The meeting was called to order by Mayor Kurt Ostler as a regular session at 8:29 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Brittney P. Bills and those in attendance were led in the Pledge of Allegiance by Mayor Kurt Ostler.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS PRESENT: Brittney P. Bills, Ron Campbell, Jon Lefrandt, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator Erin Wells (attending virtually), Assistant City Administrator/Community Development Director Jay Baughman, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City

Engineer/Public Works Director Andy Spencer, Communications Specialist Brooklyn Wild, Police Chief Brian Gwilliam

OTHERS PRESENT: Jon Hart, Wesley Warren, Doug Cortney, Liz Rice, Melissa Nay Ghandour, Kellie Campbell, H. Anjalee Taylor, Greg Carter, Michael Andersen, Ramona Andersen, Jen Ashcraft, Natalie Ball, Brent Wallace

1. UNSCHEDULED PUBLIC APPEARANCES

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

Jen Ashcraft stated she has some questions about the Highland Mains project; she thinks what has been proposed is a great idea and will help to improve the class of services offered to residents in this community. The area does not need any more cookie/drink shops, drive-through restaurants, or quick serve establishments; a nice sit-down restaurant is desired and will be a great draw for Alpine, Cedar Hills, Lehi, and Highland. She asked if there is a potential to reduce taxes as a result of the tax revenue to be generated by Highland Mains. She stated she has been telling people that allowing this type of business development could reduce the burden on private residents and she wanted to be sure this is correct. She is also curious as to where each member of the Council stands – do they want a nicer product or are they supportive of the original plan that was approved. Aside from the survey that was sent out last week, she wondered if there is more being done to get the word out about the project. If the City were to send a text to residents with a link to the survey, they may be more apt to respond. The people who take the time to complete a lengthy survey are those with a great deal of time on their hands, but there are many others who do not have that time and a quicker survey would be more beneficial.

Mayor Ostler stated the public comment period is not a time for questions and answer back and forth between the Council and the public; he suggested that Ms. Ashcraft send an email to the entire Council with those questions, and they can answer her directly. Additionally, there is an agenda item about the survey, and he suggested that Ms. Ashcraft stay to listen to that portion of the meeting for answers about the survey format.

2. CONSENT ITEMS *(5 minutes)*

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. Approval of Meeting Minutes *General City Management*
Stephannie Cottle, City Recorder
Regular City Council Meeting – August 15, 2023

Council Member Scott L. Smith MOVED to approve the meeting minutes from August 15, 2023.

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

3. ACTION: CEMETERY MAINTENANCE BUILDING CONSTRUCTION AWARD *General City Management*

Andy Spencer, City Engineer/Public Works Director

The Council will consider the award for a maintenance building to be constructed in the City cemetery.

City Engineer/Public Works Director Spencer explained The City Council approved within the FY2024 budget for the Cemetery, in the Capital Outlay line item (GL 21-43-74) an amount of $48,000 to be used for cemetery storage improvements. On September 5, 2023, a discussion item was presented to the City Council in which the Council provided the direction for staff to receive bids for a storage building with doors and concrete that would exceed the budgeted amount and asked that this information be brought back to the Council for review of potential options for the construction. The purpose of constructing a maintenance building on this site is to house the trucks, skid steer, mini-excavator, and other equipment needed to operate and maintain the cemetery. The 40'x40' building would also potentially allow for a future small office for Sexton to place maps and provide a place to meet with residents inquiring about plots and locations. The maintenance building proposed will be a garage-style building similar in appearance to the sample photo provided in the attachments. The original concept at the time of the budget was to purchase another storage container and place a common roof over the enclosures to create a covered storage. This concept has been eliminated due to aesthetic concerns. The project was bid without the concrete floor in an attempt to find an option that would allow a building to be built and remain in budget. Staff recommends the 40'x40' building with a concrete floor. While it is possible to add the floor in the future, the most inexpensive time to add the floor will be with the initial construction. It will be more costly at a later date to place the floor because it will require concrete pumps. The smaller 30'x40' building will not allow for all equipment storage and the future office.

In preparation for this discussion by the Council, the City distributed the attached informational flyer to the adjacent residents. A comment was received from Kristen Lee, a resident who lives adjacent to the building pad area, requesting that the building be recessed into the existing pad area to allow the roof peak to be lower when viewed from the adjacent parcels. This could be accomplished; however, it will require additional expenses. The City would need to rent a large excavator (approximately $6000) and staff time and fuel expenses would be incurred to haul the material. The excavated material would be taken to the BMX track area at Highland Glen. It is unknown what the use of the material would be, beyond providing material for future track repairs and expansion. The City currently takes the excess soil from the cemetery to the BMX track area.

At the Council meeting, staff would also appreciate the opportunity to discuss the architectural style of the building to ensure that the finished aesthetic is what the Council envisions for the cemetery. Mr. Spencer then reviewed the options available to the Council for consideration:

- Option #1
  - 30X40 Building with Doors without a Concrete Floor
  - The cost of this project is $47,101. Funding for this expense is included in GL 21-43-74 Capital Outlay within the Cemetery Perpetual Fund Expenditures within the FY24 budget.
- Option #2
  - 30X40 Building with Doors and with a Concrete Floor
  - The cost of this project is $56,201. Funding for this expense was included in the FY24 budget under GL21-43-74 Capital Outlay within the Cemetery Perpetual Fund Expenditures at an amount of $48,000. As the cost increase was not included in the budget, it will need to be funded by the current year's net revenue or cemetery fund balance and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council.
- Option #3
  - 40X40 Building with Doors and with a Concrete Floor

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- The cost of this project is $67,294. Funding for this expense was included in the FY24 budget under GL21-43-74 Capital Outlay within the Cemetery Perpetual Fund Expenditures at an amount of $48,000. As the cost increase was not included in the budget, it will need to be funded by the current year's net revenue or cemetery fund balance and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council.

Mr. Spencer concluded staff recommends the City Council award the bids from S&S Barns & Buildings, Powell Quality Door Services and High-Country Concrete for the construction of the 40' x 40' maintenance building with the concrete floor.

Council Member Rodela asked Mr. Spencer which option he prefers, to which Mr. Spencer answered option three because it is the best option in terms of long-term planning for the City.

Mayor Ostler asked if there is a funding source for the additional $20,000 that would be needed for option three. Finance Director Bahr stated that the City could use cemetery revenues or fund balance. Mayor Ostler asked if the cemetery has available funding, to which Mr. Bahr answered yes.

Council Member Campbell inquired as to the life expectancy of the building. Mr. Spencer stated he has obtained pricing for metal and wood buildings, and both have a comparable life expectancy, but staff preferred the metal option, and he expects it will have a useful life of up to 30 years. Council Member Campbell stated that in 1972 he built a metal building on school property; the user just celebrated their 50th anniversary and the building is nowhere near needing to be replaced. He asked Mr. Spencer if there is potential for this building to have a similar useful life. Mr. Spencer stated that the metals used on pole barns are lighter gauge metal and he is doubtful that the life expectancy would be near 50 years. Council Member Campbell asked if this is a stop gap measure or a long-term solution for the City. Mr. Spencer stated it is a stop gap measure; for a long-term solution, the City would need to consider something more architecturally ornate with permanent facilities, such as a restroom and office space. It is certainly a step up from the current structure, which is a storage container with a garage door cut into the side of it.

Council Member Bills stated she is supportive of this proposal and using money from the cemetery fund to pay for option three; she understands it is a stop gap measure, but the City is also working on the Parks Maintenance Building and the City does not have a great deal of extra money for this project.

Mayor Ostler stated he would be supportive of adjusting the plan somewhat to address feedback from the residents about the aesthetics of the facility; he feels landscaping can be used to soften the look of the facility. Mr. Spencer agreed; he is trying to accomplish many significant tasks at the same time, and this may be an interim option for the site until more funding is available for a more high-end facility.

Council Member Smith stated that some efforts have been made to establish a standard for Highland facilities. He would be more supportive of a permanent solution rather than a metal building that would likely detract from the cemetery. He likes other buildings that are a reddish-brown block building with a green roof that signals that it is in Highland. He would like to look into a nicer, more permanent option. Council Member Campbell agreed; he would like to go back to the drawing board and find something more permanent. He agreed that a metal building does not fit the cemetery setting. He feels that a nicer building could be built if just another $40,000 can be found in the budget.

Council Member Rodela asked if a budget of $120,000 would fund the type of building Council Members Smith and Campbell are talking about. Mr. Spencer answered no; something comparable to what the City has built in other locations would be at least $200,000. This led to high level discussion among the Council and staff regarding other needs of the cemetery that would be delayed if the Council chose to use revenue from the cemetery to build a facility upwards of $200,000 and the importance of building a nice, more permanent facility in the cemetery. They ultimately concluded they would like a firm cost estimate for a more durable, permanent option for the site.

Mr. Spencer stated he can obtain bids for a facility similar to the pump stations that have been built throughout the City and present that information to the Council in a future meeting.

Council Member Scott L. Smith MOVED to CONTINUE the item and direct staff to back other options with a building that will be durable and aesthetically pleasing.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Jon Lefrandt	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

4. ACTION: FERTILIZER PURCHASE *General City Management*

Andy Spencer, City Engineer/Public Works Director

The City Council will consider the purchase of fertilizer for the fall and spring park applications. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the approved FY2024 budget includes $144,000 for fertilizer and weed control treatments. The expenditure of $72,214.84 in fertilizer is a normal expenditure for the City. With the combination of the open space and parks funding sources, the single account expenditures for the fall fertilizer exceed the City Administrator's authorized amount for single expenditures. As such, the item is brought to the Council for authorization. For expediency, the fall and spring fertilizer orders have been combined into one Council authorization. Ewing does not have the state contract for this particular fertilizer; however, they are honoring the state contract price as shown in the quote. The quote has expired, but they will grant the pricing as stated in the quote as provided. The cost of this fertilizer is $72,214.84. Funding for this expense is included within the FY2024 budget as follows:

- $9,823.80 in GL 21-43-21, Cemetery - Fertilizer & Weed Killer; and
- $62,391.04 in GL 10-70-39, Parks & Recreation - Fertilizer & Weed Killer.

Mr. Spencer concluded staff recommends the Council authorize the purchase of $72,214.84 in fertilizer for the City parks and cemetery.

Council Member Rodela stated some residents in her area have asked about the condition of grass in some park spaces; there is a soccer field in Mitchell Hollow Park, but the grass is so tall that it is hard for the kids to run on. Some people have asked if the City can reduce fertilizer treatment to keep grass from growing so tall. Mr. Spencer stated that all grass in the City is cut at the same height and longer grass handles the heat better. The City could fertilize less, but grass would not be as green and would be weedier. He reviewed the fertilizer schedule in the City and noted that cutting the fields shorter would require increased staff time and more water. Council Member Rodela noted that people are taking their children to other cities to play sports because they believe the shorter fields are safer.

Mayor Ostler asked if the fields are mowed every seven or 10 days, to which Mr. Spencer answered seven when there is sufficient staffing available, and they are fertilized three times each year. The recommendation is six times per year, but the City opts for three treatments per year to save money.

Council Member Campbell asked if the fertilizer is spray or powder type. Mr. Spencer stated it is granular, but broadleaf pre-emergent weed control is also used in a spray form. Council Member Campbell stated that he has started using Green Ground to spray his own property and the result is much better than with granular fertilizer. Mr. Spencer agreed that uniform coverage can be achieved with spray. Council Member Campbell asked if the City has considered moving from granular to spray. Mr. Spencer stated it would be difficult due to restrictive conditions and the City does not have the equipment needed to spray.

Mayor Ostler asked if the City is buying in bulk to have all fertilizer needed for the entire year. Mr. Spencer answered no; he will order fall fertilizer now and order spring fertilizer in the spring.

Council Member Kim Rodela MOVED that the City Council approve the purchase of fertilizer from Ewing Irrigation and Landscape Supply in the amount of $72,215 and authorize the City Administrator to execute the necessary documents for the purchase.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	*Yes*
Council Member Ron Campbell	*Yes*
Council Member Jon Lefrandt	*Yes*
Council Member Kim Rodela	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

5. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

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

a. **Alcohol Law** – *Brooklyn Wild, Communications Specialist*

Communications Specialist Wild used the aid of a PowerPoint presentation to summarize the response to the survey regarding the City's alcohol regulations. So far, there have been 1,608 online responses and 180 physical responses; the survey is scheduled to close on October 18, and she is hopeful there will be 3,000 responses by the deadline. She summarized the methods staff has used thus far to advertise the survey, but she would like the Council to consider extending the deadline for survey responses. She was under the impression that return envelopes would be included with the mailed survey, but that did not happen so she has been telling people they can return their survey with their utility bill; however, utility bills are not due until October 20, and she asked if the Council is comfortable extending the survey deadline to October 20 rather than October 18. The Mayor and Council briefly discussed the matter and concluded they are comfortable extending the online and by mail survey to October 20.

Continued high level discussion among the staff and the Council centered on situations such as residents asking for additional surveys; the need to verify residency of survey respondents; a resident's ability to obtain a replacement survey if they damage their original survey; additional advertisement opportunities; and the amount of time it takes for someone to complete the survey.

Mayor Ostler thanked staff for their efforts to ensure a fair and equitable survey process. Ms. Wild thanked the Mayor and Council for working with her and encouraged them to continue to urge residents to complete the survey.

b. Financial Report – *Tyler Bahr, Finance Director*

Finance Manager Bahr used the aid of a PowerPoint presentation to summarize the financial report for the first two months of Fiscal Year (FY) 2024. He offered the following observations:

Interest Earnings
- Other Revenue in the General Fund is at 67.9% of the annual projection due to substantial interest earnings – $50K of $75K budget realized in just two months.
- Interest earnings in other funds are also higher than projected.

Open Space
- Expenses moved to the General Fund consistent with budget adjustments approved by the Council.
- Open Space expenditures currently show a credit of $8,124.02 due to a voided check (accounts payable) that will be paid out in the coming months.

The FY24 budget included a $3.9 million sales tax revenue projection; the total sales tax revenue in FY23 was $3,662,461, which was a 7.5 percent increase over FY22. The rolling 12-month sales tax revenue total is $3,937,400. There was a brief discussion regarding how Highland's sales tax revenue compares to revenues in other cities, given recent projections that sales tax revenues would be dipping due to a forecasted recession. Mr. Bahr presented a chart highlighting tax revenue history dating back to 2001, which included the recession that started in 2008. He feels the City has been fiscally conservative in order to compensate for potential shifts in revenue.

Mr. Bahr then discussed building and development, the budget for which has long been part of Highland's General Fund. Revenue associated with building and development is irregular and the timing of expenses is not tied to revenue. On any given property, building permits are pulled and fees received upfront, while City inspections may continue for a number of years until completion. The Office of the State Auditor issued the following requirement in June 2022:

1. Report development-related revenues and expenses to the Transparent Utah website using the applicable function code beginning at the end of June 2022
    a. Highland implemented immediately – some cities yet to comply
2. Restrict unspent development-related fees beginning FY2023, **although early implementation is encouraged**
    a. Highland will be compliant as FY2023 is closed out
    b. Estimated net revenue to be restricted = $279K

The Mayor and Council engaged in high level discussion with Mr. Bahr regarding the potential for the State Legislature to consider legislation that would address municipal building fees and processes, as well as other areas of the budget. Mayor Ostler indicated it will be important for the City to closely monitor legislation in the upcoming session to understand how any changes could impact Highland City.

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

Finance Director Bahr discussed long term financial obligations associated with pressurized irrigation. The long-term debt associated with the Murdoch Canal Enclosure will be repaid in 2035; the total outstanding principal is

$1,300,823, with the total including interest currently being $1,498,855. A question has arisen regarding staff's current practice relative to dedication of water shares:

- Current practice for developers dedicating shares with enclosure debt encumbrances:
  - Allow developer to bring in 10% extra water
    - OR
  - Allow developers to give City cash to pay off the encumbrance.
    - Water groups do not take early payment, so extra money goes into PI fund
  - Either way, additional long-term liabilities will be added to the City's balance sheet as there is very limited water available that is not encumbered; these new liabilities will also be satisfied in FY2035

Administration would like to know if the Council would like to see changes to this practice. Mr. Bahr facilitated discussion among the Council regarding the implications of the current practice and the liability the City is assuming due to the current practice. City Engineer/Public Works Director Spencer provided an explanation of the role of Highland Water Conservation in the current practice and their determination that the shares that are being dedicated are only worth 90 percent of a share. Council Member Smith stated he does not feel the City should continue to accrue liability and developers should be required to dedicate unencumbered shares needed for their developments. Mr. Patterson stated that if the City shifts its policy to require developers to dedicate shares along with cash needed to pay off the debt, the liability will still show on the City's books until 2035. The Council discussed the recommendation made by Council Member Smith and asked that staff develop a formal policy document for the Council to consider at a future meeting; they asked City Attorney Patterson and Mr. Spencer to evaluate the pros and cons of a policy change and present that information to the Council along with the potential policy change.

d. **Flock Cameras** – *Brian Gwilliam, Police Chief*

Police Chief Gwilliam reviewed the history of installation of Flock Cameras by Alpine City nearly a year ago; since the installation of those cameras, the Police Department has been aided in solving crime in the community that would have otherwise been difficult or impossible to solve. He recently reported to the Lone Peak Public Safety District (LPPSD) regarding these cases and the Board wondered if it would be beneficial to install additional cameras in the District. He noted that each camera costs $3,000 and installation is between $150 and $350 depending on the location of the cameras. He recommends placing the cameras on Utah Department of Transportation (UDOT) poles/roadways, but the permitting process for that way forward would be difficult and more costly.

Discussion among the Council and Chief Gwilliam regarding the life expectancy of the cameras and ongoing maintenance costs. Council Member Rodela inquired as to the funding source for the additional cameras. Chief Gwilliam stated that Alpine purchased their own cameras, and he would recommend that additional cameras be purchased by Highland City. The Police Department (LPPSD) has paid for the software needed for the cameras, so Highland City would just purchase an additional four to six cameras and they can be served with the existing software. He stated that he would come back to the Council with more detailed information about the UDOT permitting process and recommendations for specific locations for the new cameras.

e. **Graffiti** – *Erin Wells, City Administrator & Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer discussed the increase in vandalism and graffiti on City property; he presented a map to identify recent occurrences of graffiti on trail underpasses noting there has been citizen outreach indicating that there is an expectation that the graffiti should be cleaned up within 24 hours. This is a

very quick turnaround, and it would be difficult for staff to meet that expectation and he would like to understand the Council's expectations.

Discussion among the Council centered on the need to prevent vandalism rather than responding to it using security measures; allowing murals to be painted as a means of preventing graffiti; and using the group called "Teens Against Graffiti" to aid in removing graffiti.

Council Member Smith stated that for future preventative measures, he would like to install security cameras at City parks, namely the Mountain Ridge Park that the City is spending $9 million on. Mr. Spencer agreed and stated that the scope of phase two of the park includes a security system and signage advertising that cameras are in use.

Continued high level discussion centered on the characteristics of the areas that have recently been tagged with graffiti; the Council supported using Teens Against Graffiti to remove future graffiti, unless tagging is done on the weekend when they do not offer service and, in those cases, the City will attempt to respond within 48 hours, or sooner if possible and especially when the graffiti is offensive.

f. Resident Survey – *Erin Wells, City Administrator*

City Administrator Wells discussed the upcoming resident survey; previous annual surveys were done in March, but Administration planned to switch to fall so the feedback can be helpful in the upcoming budget cycle beginning January. Two to three months are needed for survey coding and October would be ideal moving forward, but the survey was not done for this October because the alcohol regulation issue derailed progress on the annual survey. The survey could be done in November and preliminary results would be available, but there are some conflicts including the Thanksgiving holiday, elections every other year. She also referenced the history of the Wimbleton and pickleball surveys and noted that General Plan public engagement is also upcoming. Standard question topics include service ratings, personnel rating, top priorities, support for raising taxes and fees, and library services. Possible topics for this year include priority of future road or trail projects, Flock Cameras, SURF soccer contract, or other ideas.

Council Member Smith stated that conducting a survey during the winter holiday season is a bad idea and conducting another survey immediately after the alcohol regulations survey will not be good; surveys are helpful, but he is not sure how much they impact the Council's decisions on the budget. He stated that in most years, he feels the survey is good in January. Council Members Bills, Rodela, and Campbell agreed. Ms. Wells stated she will come back to the Council in January for continued discussion of the matter.

g. Library Carpet – *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman stated the Fiscal Year (FY) 24 budget includes funding for carpet replacement at the Library. Staff are working to get three bids for the project, and he hopes to be ready to take action on the project by the third week in December.

Council Member Smith asked if there are also plans to recarpet and repaint the Community Center because it looks worse than the Library. City Administrator Wells stated that staff is also working to obtain bids for that project. Council Member Smith stated that the issue of alcohol regulations has caused several other priorities to be delayed, including fundraising for Mountain Ridge Park; near the end of the calendar year is when people make charitable contributions, and he suggested that the donation letter be sent out at least by the beginning of November. Mayor Ostler agreed. Ms. Wells stated that Administration has assembled a list of potential donors,

and the letter is ready to be sent to them. Council Member Bills stated she would like to see the list of potential donors and she hopes the Council can add other donors to the list.

h. Building Use Policy - *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman stated the City's Building Use Policy needs to be updated to square with current City financial policies; proposed updates include:

- Allow for keeping a credit card on file for damages.
- Revising language regarding security deposits.
- Receipt of and cashing of checks for deposits.
- Referencing the fee schedule.
- Detailing Wi-Fi use policy.

Mr. Baughman stated that the proposed policy amendments will be presented to the Council in a future business meeting.

i. Future Meetings

- October 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- October 17, City Council Meeting, 7:00 pm, City Hall
- October 24, Planning Commission Meeting, 7:00 pm, City Hall
- November 7, City Council Meeting, 7:00 pm, City Hall
- November 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- December 5, City Council Meeting, 7:00 pm, City Hall

6. CLOSED SESSION

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

There was no closed session.

ADJOURNMENT

Council Member Brittney P. Bills 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 10:57 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 3, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder

DRAFT

CITY COUNCIL AGENDA REPORT
ITEM #4b

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Stephannie Cottle, City Recorder
SUBJECT: 2024 Meeting Schedule
TYPE: General City Management

PURPOSE:
The City Council will consider approving the City Council Regular Meeting Schedule for 2024.

STAFF RECOMMENDATION:
Staff recommends the Council approve the 2024 Regular Meeting Schedule

PRIOR COUNCIL DIRECTION:
N/A

BACKGROUND:
Utah Code Annotated (UCA) 10-3-502(1) requires the City Council to approve, by ordinance, a time and place for holding regular meetings and hold regular meetings at least once each month.

Highland City Municipal Code 2.12.080 requires the City Council to hold regular meetings on such a schedule as it may establish from time to time.

UCA 52-4-202 requires all public entities which hold regular meetings that are scheduled in advance over the course of a year to provide a notice of their Annual Meeting Schedule.

Staff proposes that the City Council continues to hold their regular meetings on the first and third Tuesday of every month at 7:00 pm with the following exceptions:

- No meeting on April 2nd, due to Alpine School District spring break.
- Only one meeting in November, on the 14th, due to the holiday season.
- Only one meeting in December, on the 3rd, due to the holiday season.

The City Council may modify the schedule to delete or add any meetings as desired. Any work sessions and special meetings may still take place, as needed. Meetings are typically held at Highland City Hall, Council Chambers at 7:00 p.m.

FISCAL IMPACT:
N/A

MOTION:
I move that the City Council ADOPT the ordinance approving the 2024 Regular Meeting Schedule.

ATTACHMENTS:
1. Ordinance - 2024 Meeting Dates

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL ADOPTING AN REGULAR MEETING SCHEDULE FOR 2024

WHEREAS, the City Council of Highland, Utah, has deemed it appropriate to adopt a meeting schedule for the year 2024; and

WHEREAS, per Utah Code 10-3-502(1), the City Council shall by ordinance prescribe the time and place for holding its regular meeting and the Council shall hold a regular meeting at least once each month; and

WHEREAS, per Utah Code 52-4-202 the Utah State Legislature has further required public bodies which hold regular meetings scheduled in advance over the course of a year to give public notice of the annual meeting schedule, and to include the date, time and place of such meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Highland, UT that the 2024 Regular Meeting Schedule for City Council be as follows:

Regular Meeting	Date
January	16
February	6, 20
March	5, 19
April	16
May	7, 21
June	4, 18
July	2, 16
August	6, 20
September	3, 17
October	1, 15
November	12
December	3

PASSED by the Highland City Council this 5th day of December, 2023.

HIGHLAND CITY, UTAH

_____
Kurt Ostler
Mayor

ATTEST:

_____
Stephannie Cottle
City Recorder

COUNCIL MEMBER	YES	NO
Brittney P. Bills	☐	☐
Ron Campbell	☐	☐
Jon Lefrandt	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

CITY COUNCIL AGENDA REPORT
ITEM #4c

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Donna Cardon, Library Director
SUBJECT: Library Long-Range Strategic Plan
TYPE: General City Management

PURPOSE:
The City Council will consider approving the Library's 2023-2028 Long-Range Strategic Plan

STAFF RECOMMENDATION:
The staff recommends approving the Library's Strategic Plan

PRIOR COUNCIL DIRECTION:
According to the Library Board bylaws, one of the responsibilities of the Library Board is to "Develop and maintain a long-range strategic plan and submit the plan to the City Council for approval." (G.2.h) On November 7, 2023, the Library Board presented their annual report to the City Council. As part of the report, the Library Board gave the Council a draft of a Long-Range Strategic Plan to review and invited the Council to send any suggestions for revision. No suggestions have thus far been received.

BACKGROUND:
This year the *Standards for Utah's Public Library Recertification* includes new provisions that strategic plans must include a community assessment element (Standard 3) and a technology plan (Standard 16b). These have been included in the proposed Strategic Plan. There are some items from the previous year's Plan that have been completed and there are some other new items that have been suggested by the staff and Library Board. Here is a summary of the proposed changes.

Completed since last year:
- Add Science Kits: Completed with funding from an Library Services and Technology Act (LSTA) grant in February 2023.
- Have a staff member complete UpLift Training: Kim Bergeson completed UpLift Training in September 2023.
- Create Biography Nook: The staff removed dividers in the children's room and used the space to create a puppet house. That allowed them to discard the puppet theater that had been in the room and in its place install a new shelf for Juvenile Biography.

Added this year:
- Technology Plan: The proposed technology plan meets *State Recertification* requirements.
- Community Assessment Plan: Many of the items in this section the Library is doing already. We are including it in this year's Strategic Plan to meet *State Recertification* requirements.
- Support local businesses by providing business related classes: This will be accomplished with the

help of this year's LSTA grant.

- Meet state *Quality Unit* levels for staff training: I have removed the requirement to send a "staff member to a national conference each year" and replaced it with a requirement that we meet state *Quality Unit Standards* for staff training. This will be a more effective way to use staff training budget. Instead of sending one staff member to a national conference with travel and lodging costs, several staff members can attend state and virtual training events.
- Install accessible doors: The main doors of the library do not have automatic openers required by ADA standards. The Library has compensated by leaving them propped open during work hours, but this violates fire code. The library needs to rectify this problem.
- Replace static bookshelves in the center of the Library with moveable bookshelves; This change was suggested by the City to allow easier access for equipment that is needed to service the lights in the building. This would also give the library more flexibility with how it uses the central space in the library. The Library Foundation has agreed to fund this project.

FISCAL IMPACT:

The Library Fund currently has approximately $103,000 in unallocated funds from previous years' carryover. Plans to replace the carpet in the library were included in the Library's FY 2024 budget using about $18,400 of previous years' carryover funds to supplement current year revenue to pay for this improvement. Replacing the central bookshelves with moveable bookshelves will cost about $10,000 and will be funded by the Library Foundation. It is yet to be determined how to fund the installation of accessible doors. It is estimated that the cost will be around $6,000 which could be covered by previous year carryover.

MOTION:

I move that City Council approve the 2023-2028 Library Long-Range Strategic Plan.

ATTACHMENTS:

1. Library Long-Range Strategic Plan 2023 Draft for Council

Highland City Library: Long-Range Strategic Plan
2023-2028

Introduction

Public libraries have long been an important aspect of American life. From the early days of the Republic, libraries were valued by Americans. Benjamin Franklin founded the first subscription library in Philadelphia in 1732 with fifty members to make books more available for citizens of the young nation. From that time to the present, public libraries have been valued because they allow equal access to information and educational resources regardless of social or economic status.

Library service has long been important to the residents of Highland. From 1994 to 2001, residents of Highland and Alpine were served by a joint-use facility at Mountain Ridge Junior High School. That arrangement was eventually terminated and in 2001 the entire library collection was relocated to the old Highland City building for storage. In 2008, Highland City built a new city hall and dedicated a portion of the building for a city library. In 2016, the Library received permission to convert a public meeting room into a Children's Room for the Library. The new Children's Room was opened in spring of 2018.

The Library joined the North Utah County Library Cooperative (NUCLC) on April 1, 2012 as an associate member. NUCLC is a reciprocal borrowing system that allows library card holders from participating libraries to check out materials from other participating libraries. It is not a county library system. Each participating library maintains its own policies, budget, administration, non-resident fees, etc. In 2018, the Library reached the required collection size and was accepted as a full NUCLC member.

The Library is supported by three constituent bodies: the Library Board, the Friends of the Library, and the Library Foundation.

1. The Library Board oversees the operation of the Library. It consists of seven persons: six volunteers appointed for three-year terms, and a representative from the City Council. All meetings are held in the Highland City Hall or electronically using a video meeting platform. Records of the Library Board meetings are available on the City website.
2. The Friends of the Library is an independent non-profit, tax exempt organization that supports the library in the following ways: raising funds through used book sales and other endeavors, creating community connections through programs and events, and increasing volunteerism to support and supplement Library resources.
3. The Library Foundation is a nonprofit, tax-exempt foundation dedicated to assisting the Highland City Library with fund-raising and additional support. The Foundation administers larger donations, particularly those targeted at capital improvement.

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Vision Statement
The Highland City Library seeks to be a valued resource in the community that evolves with changes in society while meeting learning, information, and entertainment needs.

Mission Statement
The Highland City Library provides materials, programs, tools, and space that strengthen the community by informing, educating, and entertaining community members of all ages.

Long-Range Strategic Plan, 2022-2027
The elements of the Strategic Plan support the goals and values expressed in the Library Mission Statement. Most of the goals listed below are expected to be accomplished within the current annual budgets for the Library. Capital improvement goals involve fundraising by the Library Foundation.

Materials:

Plan	Value	Metric	Date Initiated/ Completed	Responsible Party
Grow physical collection back to 50,000 items	Provide Materials	Simple count of physical materials	Ongoing/ December 2026	Collection Development Team
Expand picture book section	Provide Materials	Add additional shelving to accommodate up to 6,000 picture books	Ongoing/ December 2026	Collection Development Team
Update Juvenile Nonfiction Section	Provide Materials	Purchase at least 150 books each year for 5 years.	Fall 2023-Fall 2027	Collection Development

Programs

Plan	Value	Metric	Date initiated/ Completed	Responsible Party
Continue providing educational programs for every age.	Educate	Offer weekly children's programs, and monthly teen and adult programs	Fall 2023-ongoing	Programming Team
Increase number of current library card holders	Inform	Number of card holders	August 2023-December 2028	Library Director/ Public

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		will increase 5% each year		Relations Team
Maintain Summer Reading participation and increase completion	Educate/ Entertain	Have 1000+ participants and 35% completion each year	Summer 2024-Summer 2028	Library Director/ Programming Team
Improve Adult Programing	Educate/ Inform	Hold an in-person adult program quarterly	Fall 2024-onward	Library Director/ Public Relations Team/
Continue programs for special needs.	Educate/ Inform/ Entertain	Hold monthly story time for HIVES	Fall 2023- onward	Library Director/ Programming Team
Support local business through providing business related classes	Educate/ Inform	Hold evening classes on web design, photo editing, and video editing	Winter/Spring 2024	Program Team/ Library Director

Training

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Meet state Quality Unit levels for staff training each year	Train	Reach the number of training hours required by the state's Quality Unit status annually	2024 and continuing forward	Library Director
Send at least three staff members to state training sessions	Train	At least three staff members attend a state training each year	Fall-2023, and continuing forward	Library Director

Space

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Replace Library carpet	Community Space	Get a bid, figure out funding, contact a vendor, have	December 2023	Library Director

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		carpet installed		
Replace Library upholstered furniture	Community Space	Purchase 2 love seats and 6 chairs	Jan 2024/ Dec 2025	Library Director
Install accessible doors	Space	Install electronic accessible doors.	Fall 2024	Library Director
Replace center bookshelves with moveable bookshelves to improve flexibility in use of library space.	Space	Replace the attached book shelves in the center of the library with moveable bookshelves	Fall 2024	Library Director
Conduct a survey about public interest in an addition to the Library	Space	Question added to the City's annual survey about the interest in an addition to the Library	Fall 2025	Library Director

Financial Oversight

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Conduct a financial audit of the Library Fund and investigate need for an increase in the dedicated tax rate	Community Resource	Engage a professional financial audit of the Library Fund	Fall 2027	Library Director
Hold one major fund raiser each year with Library Foundation.	Community Resource	The Foundation with work with the Library to do one major fundraiser event each year	Winter 2024 and onward.	Library Foundation and Library Director

DRAFT

Technology Plan

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Create a technology inventory	Resource	Complete an inventory of all Library technology with expected replacement dates	Fall 2024/Spring 2025	Library Director
Conduct a technology community needs assessment	Community	Conduct a community needs assessment and report findings to the Library Board	Spring 2024 and annually afterward	Library Director
Replace catalog computers with Raspberry pi's	Resource	Replace the three library catalog computers with less expensive alternatives	2025	Library Director
Set up an audio/visual editing station with a color printer	Resource	With LSTA grant money set up an AV editing computer, screen, and a quality printer.	Spring 2024	Library Director
Using the Technology inventory, replace aging technology according to accepted replacement schedules	Resource	Budget each year to replace items that are going past recommended age including items not covered by the city's IT contract.	2024 and going onward	Library Director

Community Assessment Plan

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Conduct surveys to inform programing and collection	Community	Conduct at least two independent surveys each year about library	Fall 2023 and onward	Library Director/Program Team

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development decisions		programing and/or collection development		
Include questions in the annual city survey	Community	Include questions about general library services in the annual city survey each year	Fall 2023 and onward	Library Director
Attend and participate in community committees.	Community	Attend at least one PTA and one Arts Council meeting quarterly	Fall 2023 and onward	Library Director

DRAFT

CITY COUNCIL AGENDA REPORT
ITEM #5a

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney
SUBJECT: Fee Schedule - Bonds for Lots on Private Roads
TYPE: Land Use (Legislative)

PURPOSE:
The City Council will consider an amendment to the City's fee schedule to allow for a reduction in the bond amount required for a building permit for lots accessed by private roads.

STAFF RECOMMENDATION:
Staff recommends the City Council review and adopt the resolution amending the fee schedule related to lot infrastructure bonds.

PRIOR COUNCIL DIRECTION:
No prior council direction.

BACKGROUND:
Highland City Development Code 3-615 requires applicants for a building permit to provide the City with a bond to cover any damage that may occur to public infrastructure (sidewalks, curb, streets, water meters, etc.) in the process of construction. If damage to public infrastructure occurs, the City requires the applicant/builder to repair the damage. The bond provides protection to the City in case the applicant/builder fails to complete any repairs, giving the City a source of money to use to correct any damage. The current bond amount is $4,000.

City staff received a request from a home-builder in Ridgeview asking for a reduction in the building permit bond because the homes they will be building are all accessed from private roads, where there is less risk of damage to City infrastructure (no public sidewalks, curbs, or roads surfaces). In this circumstance, city staff agrees that there is less risk to the City, and so the bond amount does not need to be $4,000. However, the current fee schedule does not allow staff to adjust the required bond amount.

Staff requests that the City Council consider amending the fee schedule relative to the lot infrastructure bond to allow City staff to adjust the amount and type of the bond in circumstances where the lots are access from private roads. The proposed amendment is as follows, with proposed additions underlined and in red:

Lot Infrastructure Bond (including but not limited to sidewalk, curb, pavement, meter boxes) $4,000.00*
*For lots accessed by private roads, bond amount and type may be adjusted with approval of

building official and public works director or designees commensurate with measure of risk to public infrastructure.

FISCAL IMPACT:
No anticipated budget or fiscal impact.

MOTION:
I move that City Council adopt the resolution amending the Highland fee schedule related to lot improvement bonds.

ATTACHMENTS:
1. Resolution Amending Fee Schedule for Lot Improvement Bonds

Highland City, Utah

RESOLUTION NO. 2023-_____

A RESOLUTION AMENDING THE HIGHLAND CITY FEE SCHEDULE RELATED TO LOT IMPROVEMENT BONDS

WHEREAS, Highland City Development Code 3-615 provides, "The Building Inspector shall require, prior to issuance of the building permit, that the applicant post with the City a Bond for the protection of the cities offsite improvements. Said bond will be released after occupancy and an inspection has been conducted to insure that no damage is evident in the improvements";

WHEREAS, the current amount of the bond described by Development Code 3-615 established in the City's fee schedule is $4,000;

WHEREAS, the Highland City Council have determined that it is to the best interests of Highland City to allow for an adjustment to the bond described by Development Code 3-615 in circumstances where there is lesser risk to public infrastructure and facilities;

WHEREAS, the Highland City Council desires to amend the Highland City fee schedule accordingly.

NOW THEREFORE, BE IT RESOLVED by the Highland City Council as follows:

1. The City Council hereby amends the Highland City Fee Schedule as follows:

   Lot Infrastructure Bond (including but not limited to sidewalk, curb, pavement, meter boxes) $4,000.00*

   *For lots accessed by private roads, bond amount and type may be adjusted with approval of building official and public works director or designees commensurate with measure of risk to public infrastructure.

2. All other portions of the Highland City Fee Schedule not specifically amended herein shall not be deemed to be repealed or amended, but shall remain in full effect and force.

3. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

_____
Mayor

ATTESTED:

_____
City Recorder

CITY COUNCIL AGENDA REPORT
ITEM #5b

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, City Administrator
SUBJECT: Mountain Ridge Park Phase II Authorization
TYPE: General City Management

PURPOSE:
The City Council will consider the construction of Mountain Ridge Park Phase II and authorizing the use of parks impact fee funds for the construction costs.

STAFF RECOMMENDATION:
Staff recommends the Council direct staff to prepare construction documents for Mountain Ridge Park phase II and authorize up to $1.3 million of parks impact fee revenue for its construction.

PRIOR COUNCIL DIRECTION:
On March 21, 2023, Council set the budget for Phase I of Mountain Ridge Park at $8,556,424 using a variety of funding sources. On April 18, 2023, the City received a $500,000 donation from the Paul and Rachel Adams Family for $500,000 bringing the total available budget for the park to $9,056,424.

On May 16, 2023, Council adopted an updated Parks Impact Fee Facilities Plan and Impact Fee Analysis that allows for the use of impact fee money on new parks capital items. The new fee of $6,301 for single-family homes went into effect on August 14, 2023.

On August 1, 2023, City Council and staff discussed the possibility of using Parks Impact Fee funds to pay for the construction of Phase II of Mountain Ridge Park.

BACKGROUND:
Parks Revenue and Spending
The funding for Mountain Ridge Park has come from a variety of sources summarized below.

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

Phase I of Mountain Ridge Park is nearly complete. Staff estimates that the total expense for Phase I will be approximately $8.3 million. That leaves approximately $700,000 of allocated revenue unspent.

Phase II Costs and Construction
The major components remaining to be completed in Phase II include two full-sized soccer fields, one full-sized baseball field, a walking path, and if funding is sufficient, a ninja warrior type course and permanent stage structure.

When bids were last obtained over a year ago for the soccer fields, walking path, and ninja course, the total cost was approximately $1.4 million. Note, this does not include the baseball field as a resident has pledged to donate the field; nor does it include a permanent stage as that was only recently contemplated. With the stage addition and recent inflation, staff is estimating Phase II will cost approximately $2 million (assuming that the baseball field is donated).

Given the nature of the remaining amenities of the park, staff believes the best approach would be for the City to contract out the various amenities of the project. Any contract over $25,000 would need to be brought to City Council for approval.

Parks Impact Fees
The estimated Parks Capital Fund Balance after all the Mountain Ridge Phase I expenses are made is $3,085,822. The total amount owed on the remaining payments on the parks bond is $2,563,565. The City has already collected enough to pay off the park bond, however there is no option for pre-payment.

If the City were to use $1.3 million of Parks Capital Fund Balance on the construction of Phase II of Mountain Ridge Park, the City would need to collect an additional $777,743 of impact fee money over the next three and a half fiscal years to be able to make the bond payments. This would require permits to be pulled for approximately 148 new homes or 42 homes per year.

Building Permit Trends & Forecast
Over the past 20 years, the average number of new home permits per year is 129. In the worst 5-years

over that 20 year period, the average number of new home permits was 52 per year.

There are approximately 350 lots yet to be permitted in the Ridgeview subdivision. Boyer recently completed their pre-construction meetings with the City and plan to imminently pull 125 permits for townhomes.

There are approximately 25 lots yet to be permitted in the Ten700 subdivision.

Summary

- Staff estimates construction of Phase II of Mountain Ridge Park will cost approximately $2 million.
- There is approximately $700,000 in remaining funds from Phase I construction.
- If $1.3 million were allocated from Parks Impact Fee funds to pay for Phase II, a total of 148 or an average of 42 new homes would have to be permitted each year in Highland for the next three and a half years in order to have sufficient funds for the Parks Bond payment.
- Even over the worst 5 years of the past 20 years, the average number of new permitted homes has exceeded 42.
- Two of the larger ongoing developments have approximately 375 remaining homes to be permitted in the two developments, which exceeds the total number of permits needed to make the bond payment. These developments are actively seeking permits.
- Staff believes there are sufficient funds to move ahead with Phase II of Mountain Ridge Park. If the City were to obtain donations to help fund the construction, not as much Parks Impact Fee money would be necessary, which would free it up for other new capital parks projects.

FISCAL IMPACT:
The estimated cost of Phase II of Mountain Ridge Park is $2 million. Funding for this expense was not included in the FY24 budget. As this phase was not included in the budget, it will need to be funded by remaining parks funds, donations, and parks impact fees and will be included as part of the budget adjustments unless otherwise directed by the Council.

MOTION:
I move that City Council direct staff to prepare construction packages for Phase II of Mountain Ridge Park and authorize the use of up-to $1.3 million of parks impact fee revenue to be used on its construction.

ATTACHMENTS:
1. Park Master Plan



Mountain Ridge Park

HIGHLAND CITY

blū

blū line designs
8719 S. Sandy Parkway
Sandy, UT 84070
p 801.679.3157

Master Plan

08.03.2023

0 20 40 80 120

CITY COUNCIL AGENDA REPORT
ITEM #5c

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Candice Linford, Treasurer
SUBJECT: Timpanogos Special Service District Impact Fee Amendment
TYPE: General City Management

PURPOSE:
The City Council will consider the fee schedule amendment related specifically to Timpanogos Special Service District (TSSD) Impact Fees.

STAFF RECOMMENDATION:
Staff recommends the adoption of the increase from $3,559 to $4,981 per equivalent residential unit (ERU). This is a pass-through cost assessed by TSSD.

PRIOR COUNCIL DIRECTION:
On December 6, 2022, Council approved the fee schedule amendment regarding the TSSD impact fee increase from $1,785/ERU to $3,559/ERU.

BACKGROUND:
At its September 21, 2023 board meeting, the Administrative Board of the Timpanogos Special Service District ("District") approved the 2022 Impact Fee Facilities Plan (the "Plan"), the 2023 Technical Memorandum to the Plan ("2023 TM"), and the 2023 Impact Fee Analysis ("2023 IFA"). These materials were prepared for the District by Bowen, Collins and Associates (2023 TM) and Zions Bank (2023 IFA). The 2023 IFA results in an increase in the amount currently assessed for the District's Sewer Impact Fee.

The fee will increase from $3,559/Equivalent Residential Unit (ERU) to $4,981/ERU. The impact fee charged for each unit in a residential multi-unit development is $4,981/ERU. The new fee will be effective January 1, 2024. The new fee applies to all permits current under review and those moving forward, and the new fee shall be assessed based on the date the applicant pays the impact fee. The new impact fee of $4,981/ERU shall be assessed on any development for which the impact fee for a building permit applicant is paid on or after January 1, 2024.

FISCAL IMPACT:
Ultimately, Highland acts as a simple pass-through for the impact fee from builders to TSSD and as such there is no net fiscal impact to the City. The revenue and expense is not even shown in the City budget.

MOTION:
I move that City Council adopt the amended fee schedule to include TSSD's new impact fee.

ATTACHMENTS:

1. Resolution
2. 2024 Impact Fee Notification Letter
3. TSSD Impact Fee Form 01012024
4. FY2024 Highland City Fee Schedule amended 11.1.23 (TSSD Impact Fee)

Highland City, Utah

RESOLUTION NO. 2023-_____

A RESOLUTION AMENDING THE HIGHLAND CITY FEE SCHEDULE RELATED TO LOT IMPROVEMENT BONDS

WHEREAS, Highland City collects impact fees for the Timpanogos Service District as a pass-through cost, and the City lists the District's impact fees on the City's fee schedule;

WHEREAS, the Timpanogos Service District has completed an impact fee study, impact fee analysis and facilities plan, and has enacted a new impact fee of $4,981 per ERU (equivalent residential unit);

WHEREAS, the Highland City Council desires to amend the Highland City fee schedule to reflect the updated and amended impact fee from Timpanogos Service District accordingly.

NOW THEREFORE, BE IT RESOLVED by the Highland City Council as follows:

1. The City Council hereby amends the Highland City Fee Schedule as follows:

   Timpanogos ~~Special~~ Service District $~~3,559.00~~ 4,981.00

2. All other portions of the Highland City Fee Schedule not specifically amended herein shall not be deemed to be repealed or amended, but shall remain in full effect and force.

3. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

_____
Mayor

ATTESTED:

_____
City Recorder

Timpanogos Special Service District

Alpine • American Fork • Cedar Hills • Eagle Mountain • Highland • Lehi • Pleasant Grove • Saratoga Springs • South Valley • Vineyard

Re: Impact Fee Notification -- 2023 Amendment, effective January 1, 2024

Dear Mayor,

At its September 21, 2023 board meeting, the Administrative Board of the Timpanogos Special Service District ("District") approved the 2022 Impact Fee Facilities Plan (the "Plan"), the 2023 Technical Memorandum to the Plan ("2023 TM"), and the 2023 Impact Fee Analysis ("2023 IFA"). These materials were prepared for the District by Bowen, Collins and Associates (2023 TM) and Zions Bank (2023 IFA). The 2023 IFA results in an increase in the amount currently assessed for the District's Sewer Impact Fee.

The fee will increase from $3,559.00/Equivalent Residential Unit (ERU) to $4,981.00/ERU. The impact fee charged for each unit in a residential multi-unit development is $4,981.00/ERU. The new fee will be effective January 1, 2024. The new fee applies to all permits currently under review and those moving forward, and the new fee shall be assessed based on the date the applicant pays the impact fee. The new impact fee of $4,981.00/ERU shall be assessed on any development for which the impact fee for a building permit applicant is paid on or after January 1, 2024.

The District formulas for calculating the new impact fee is provided in the Excel file – "TSSD Impact Fee Form 01012024" which has been emailed to you and to members of your staff. This is the formula that is to be used for all development for which a TSSD impact fee is paid on or after January 1, 2024. Please do not use the previous District provided formulas, as they will not be honored by the District.

Please inform the appropriate individuals in your City of this change and of the January 1, 2024 effective date.

Please do not hesitate to contact the District with any questions. Inquiries may be directed to the District as follows:

Richard Mickelsen
District Manager
(801) 756-5231
email: richard.mickelsen@timpssd.org

or

Shannon Hansen
Administrative Manager
(801) 756-5231
email: shannon.hansen@timpssd.org

Sincerely,

Sullivan Love
Chair, TSSD Administrative Board

TIMPANOGOS SPECIAL SERVICE DISTRICT

Monthly Impact Fee

Impact Fee per ERU	$ 4,981.00	Collection Period:	Collection Period: January
Gallons per ERU	228.70		

RESIDENTIAL CONNECTIONS

Include the name of each developer and homeowner, address (if known), and County Lot Number, use additional sheet if necessary. Residential single family units are 1 ERU.

Property Information	Permit #	Date Permit Paid to City	No. of Connections	Amount
			-	$ -
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
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			-	-
Additional (attach sheet)			-	-
Total Residential			-	$ -

COMMERCIAL

These connections are calculated by determining the total potential gallons per day (GPD) and dividing the GPD by 228.7. One ERU is equal to 228.7 GPD. For help in determining GPD, please contact the TSSD District office to ensure the calculation is correct.

Name	Permit #	Date Permit Paid to City	GPD	ERU's	Amount
			-	-	$ -
			-	-	-
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			-	-	-
			-	-	-
			-	-	-
			-	-	-
			-	-	-
Additional (attach sheet)			-	-	-
Total commercial			-	-	$ -
Total Impact Fees Collected					$ -

Remit to TSSD by the 15th of the following month.
Include a completed copy of this form with your payment. PO Box 923, American Fork, UT 84003

Revised 10/30/2023

TIMPANOGOS SPECIAL SERVICE DISTRICT
Monthly Impact Fee
Additional Sheet (if needed)

RESIDENTIAL - ADDITIONAL SHEET 1

Name	Permit #	Date Permit Paid to City	No. of Connections	Amount
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Additional (attach sheet)			-	-
Total additional connections			-	$ -

Remit to TSSD by the 15th of the following month.
Include a completed copy of this form with your payment. PO Box 923, American Fork, UT 84003

Revised 10/30/2023

TIMPANOGOS SPECIAL SERVICE DISTRICT
Monthly Impact Fee
Additional Sheet (if needed)

RESIDENTIAL - ADDITIONAL SHEET 2

Name	Permit #	Date Permit Paid to City	No. of Connections	Amount
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Additional (attach sheet 3)			-	-
Additional (attach sheet 4)			-	-
Total additional connections - sheet 2			-	$ -

Remit to TSSD by the 15th of the following month.
Include a completed copy of this form with your payment. PO Box 923, American Fork, UT 84003

Revised 10/30/2023

TIMPANOGOS SPECIAL SERVICE DISTRICT
Monthly Impact Fee
Additional Sheet (if needed)

COMMERCIAL:

Name	Permit #	Date Permit Paid to City	GPD	ERU's	Amount
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Total additional connections			-	-	$ -

Remit to TSSD by the 15th of the following month.
Include a completed copy of this form with your payment. PO Box 923, American Fork, UT 84003

Revised 10/30/2023

TIMPANOGOS SPECIAL SERVICE DISTRICT
Monthly Impact Fee
Additional Sheet (if needed)

RESIDENTIAL - ADDITIONAL SHEET 3

Name	Permit #	Date Permit Paid to City	No. of Connections	Amount
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Total additional connections - sheet 3			-	$ -

TIMPANOGOS SPECIAL SERVICE DISTRICT
Monthly Impact Fee
Additional Sheet (if needed)

RESIDENTIAL - ADDITIONAL SHEET 4

Name	Permit #	Date Permit Paid to City	No. of Connections	Amount
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Total additional connections - sheet 4			-	$ -

Drainage Fixture Units - Based on International Plumbing Code 2018

Fixture Type	Unit Value	Number of Units	Total Fixture Units
Bathroom group, Flush tank	3.60	0.00	0.00
Bathroom group, Flushometer valve	8.00	0.00	0.00
Bathtub, Faucet	1.40	0.00	0.00
Bathtub, Faucet	4.00	0.00	0.00
Bidet, Faucet	2.00	0.00	0.00
Comb1nat.10n ftxture, Faucet	3.00	0.00	0.00
DIshwashing machine, Automatic	1.40	0.00	0.00
Drinking fountain, 3/8" valve	0.25	0.00	0.00
Kitchen sink, Faucet	1.40	0.00	0.00
Kitchen sink, Faucet	4.00	0.00	0.00
Laundry trays (1 to 3), Faucet	1.40	0.00	0.00
Lavatory, Faucet	0.70	0.00	0.00
Lavatory, Faucet	2.00	0.00	0.00
Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
Washing machine (8 lb), Automatic	3.00	0.00	0.00
Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
Water closet, Flush tank	2.20	0.00	0.00
Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

Conversion to gallons per day:

Gallons per day per drainage fixture unit (DFU)	8.47
Total gallons per day (GPD)	-

1. A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.
2. A showerhead over a bathtub or whirlpool bathtub attachment does not increase the drainage fixture unit value.
3. For fixtures added to a dwelling unit bathroom group, add the dfu value of those additional fixtures to the bathroom group fixture count.

Drainage Fixture Units - Based on International Plumbing Code 2018

Fixture Type	Unit Value	Number of Units	Total Fixture Units
Bathroom group, Flush tank	3.60	0.00	0.00
Bathroom group, Flushometer valve	8.00	0.00	0.00
Bathtub, Faucet	1.40	0.00	0.00
Bathtub, Faucet	4.00	0.00	0.00
Bidet, Faucet	2.00	0.00	0.00
Comb1nat.10n ftxture, Faucet	3.00	0.00	0.00
DIshwashing machine, Automatic	1.40	0.00	0.00
Drinking fountain, 3/8" valve	0.25	0.00	0.00
Kitchen sink, Faucet	1.40	0.00	0.00
Kitchen sink, Faucet	4.00	0.00	0.00
Laundry trays (1 to 3), Faucet	1.40	0.00	0.00
Lavatory, Faucet	0.70	0.00	0.00
Lavatory, Faucet	2.00	0.00	0.00
Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
Washing machine (8 lb), Automatic	3.00	0.00	0.00
Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
Water closet, Flush tank	2.20	0.00	0.00
Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

Conversion to gallons per day:

Gallons per day per drainage fixture unit (DFU)	8.47
Total gallons per day (GPD)	-

1. A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.
2. A showerhead over a bathtub or whirlpool bathtub attachment does not increase the drainage fixture unit value.
3. For fixtures added to a dwelling unit bathroom group, add the dfu value of those additional fixtures to the bathroom group fixture count.

Drainage Fixture Units - Based on International Plumbing Code 2018

Fixture Type	Unit Value	Number of Units	Total Fixture Units
Bathroom group, Flush tank	3.60	0.00	0.00
Bathroom group, Flushometer valve	8.00	0.00	0.00
Bathtub, Faucet	1.40	0.00	0.00
Bathtub, Faucet	4.00	0.00	0.00
Bidet, Faucet	2.00	0.00	0.00
Comb1nat.10n ftxture, Faucet	3.00	0.00	0.00
DIshwashing machine, Automatic	1.40	0.00	0.00
Drinking fountain, 3/8" valve	0.25	0.00	0.00
Kitchen sink, Faucet	1.40	0.00	0.00
Kitchen sink, Faucet	4.00	0.00	0.00
Laundry trays (1 to 3), Faucet	1.40	0.00	0.00
Lavatory, Faucet	0.70	0.00	0.00
Lavatory, Faucet	2.00	0.00	0.00
Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
Washing machine (8 lb), Automatic	3.00	0.00	0.00
Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
Water closet, Flush tank	2.20	0.00	0.00
Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

Conversion to gallons per day:

Gallons per day per drainage fixture unit (DFU)	8.47
Total gallons per day (GPD)	-

1. A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.
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Drainage Fixture Units - Based on International Plumbing Code 2018

Fixture Type	Unit Value	Number of Units	Total Fixture Units
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Bathroom group, Flushometer valve	8.00	0.00	0.00
Bathtub, Faucet	1.40	0.00	0.00
Bathtub, Faucet	4.00	0.00	0.00
Bidet, Faucet	2.00	0.00	0.00
Comb1nat.10n ftxture, Faucet	3.00	0.00	0.00
DIshwashing machine, Automatic	1.40	0.00	0.00
Drinking fountain, 3/8" valve	0.25	0.00	0.00
Kitchen sink, Faucet	1.40	0.00	0.00
Kitchen sink, Faucet	4.00	0.00	0.00
Laundry trays (1 to 3), Faucet	1.40	0.00	0.00
Lavatory, Faucet	0.70	0.00	0.00
Lavatory, Faucet	2.00	0.00	0.00
Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
Washing machine (8 lb), Automatic	3.00	0.00	0.00
Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
Water closet, Flush tank	2.20	0.00	0.00
Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

Conversion to gallons per day:

Gallons per day per drainage fixture unit (DFU)	8.47
Total gallons per day (GPD)	-

1. A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain or both. Such fixtures are located together on the same floor level.
2. A showerhead over a bathtub or whirlpool bathtub attachment does not increase the drainage fixture unit value.
3. For fixtures added to a dwelling unit bathroom group, add the dfu value of those additional fixtures to the bathroom group fixture count.

Drainage Fixture Units - Based on International Plumbing Code 2018

Fixture Type	Unit Value	Number of Units	Total Fixture Units
Bathroom group, Flush tank	3.60	0.00	0.00
Bathroom group, Flushometer valve	8.00	0.00	0.00
Bathtub, Faucet	1.40	0.00	0.00
Bathtub, Faucet	4.00	0.00	0.00
Bidet, Faucet	2.00	0.00	0.00
Comb1nat.10n ftxture, Faucet	3.00	0.00	0.00
DIshwashing machine, Automatic	1.40	0.00	0.00
Drinking fountain, 3/8" valve	0.25	0.00	0.00
Kitchen sink, Faucet	1.40	0.00	0.00
Kitchen sink, Faucet	4.00	0.00	0.00
Laundry trays (1 to 3), Faucet	1.40	0.00	0.00
Lavatory, Faucet	0.70	0.00	0.00
Lavatory, Faucet	2.00	0.00	0.00
Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
Washing machine (8 lb), Automatic	3.00	0.00	0.00
Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
Water closet, Flush tank	2.20	0.00	0.00
Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

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Service sink, Faucet	3.00	0.00	0.00
Shower head, Mixing valve	4.00	0.00	0.00
Shower head, Mixingva!ve	1.40	0.00	0.00
Urinal, 1• flushometer valve	10.00	0.00	0.00
Unnal, 314° flushometer valve	5.00	0.00	0.00
Urinal, Flush tank	3.00	0.00	0.00
Washing machine (8 lb), Automatic	1.40	0.00	0.00
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Washing machine (15 lb), Automatic	4.00	0.00	0.00
Water closet, Flushometer valve	6.00	0.00	0.00
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Water closet, Flushome\er valve	10.00	0.00	0.00
Water closet, Flush tank	5.00	0.00	0.00
Water closet, Flushometer tank	2.00	0.00	0.00
For fixtures not list above use drain or trap size			0.00
1.25 inches	1.00	0.00	0.00
1.5 inches	2.00	0.00	0.00
2 inches	3.00	0.00	0.00
2.5 inches	4.00	0.00	0.00
3 inches	5.00	0.00	0.00
4 inches	6.00	0.00	0.00
Total		-	-

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3. For fixtures added to a dwelling unit bathroom group, add the dfu value of those additional fixtures to the bathroom group fixture count.

Highland City
Comprehensive Fee Schedule
Fiscal Year 2024



Building Permit, Impact Fees, Miscellaneous Fees

Building Permits

Lot Infrastructure Bond (including but not limited to sidewalk, curb, pavement, meter boxes) $4,000.00
Permit Fee ..... As set forth in the International Building Code
Plan Check Fee ..... As set forth in the International Building Code
Reinspection Fee $100.00
Same-day Inspection Cancellation Fee $65.00
Solar Valuation ..... $2.76 per watt
State Tax ..... 1% of total building permit fee

Building Permit Deposits

Accessory Structure, Solar, Remodel, Addition, or Basement $45.00
Commercial $500.00
Home $500.00
Swimming Pool $100.00

Commercial Impact Fees

Fee schedule as set forth by current impact fee study

Residential Impact Fees

Single Family

Culinary Water Impact Fee (southeast) $603.00
Parks (before August 14, 2023) $5,854.00
Parks (after August 14, 2023) $6,301.00
Pressurized Irrigation ..... $0.51 per square foot of permeable surface of lot
Public Safety
- Police $245.02
- Fire $515.67

Roads $538.00
Sewer per ERC .....
- Central $1,581.00
- Southeast $2,773.00

Timpanogos Special Service District $4,981.00

Multi Family

Culinary Water Impact Fee (southeast) $603.00
Parks (before August 14, 2023) $4,804.00
Parks (after August 14, 2023) $4904.00
Pressurized Irrigation ..... $0.51 per square foot of permeable surface of lot
Public Safety
- Police $138.05
- Fire $409.05

Roads
- Attached 6-8 units per acre ..... $328.00-$376.00
- Senior Restricted Housing $194.00

Sewer per ERC
- Central $1,581.00
- Southeast $2,773.00

Timpanogos Special Service District $4,981.00

Miscellaneous Fees

Culinary Water Meter

Residential 3/4 inch $567.71
Commercial 1 1/2 inch $938.12
Commercial 2 inch $1,152.92
Flat Lid Meter Upgrade $47.20

Infrastructure Reimbursement (only applicable to the subdivisions listed below)

- Skye Estates $390.00
- Highland Oaks $627.00

Pressurized Irrigation Meter

3/4 inch $467.46
1 inch $532.85
1 1/2 inch $2,616.61
2 inch $2,905.73
3 inch $3,403.92
4 inch $5,229.23

Sewer Connection Fee $500.00

SWPP Inspection

Single Family $1,500.00
Multi Family (Attached Dwelling Units) ..... $50.00 per unit, $1,500.00 minimum
Subdivisions & Other Developments $2,500.00

Business Licensing & Solicitors

Commercial Business Licenses

Business License Filing Fee (unless specifically noted below) $90.00
Business Renewal Fee (unless specifically noted below) $60.00
Auto Repair/Mechanical $230.00
Auto Repair/Painting $300.00
Mobile Paint Services $230.00
Gasoline/Propane Dispensing (gas stations) $230.00
Dry Cleaners $160.00
Large Retail (grocery stores) $300.00
Tobacco-Smoke Shop $275.00
Secondhand Dealers
- Pawnbrokers $325.00
- Used/Exchanges/Coin $175.00

Hotel/Motel/Rooming House $375.00
Short-term Rentals $90.00

Fireworks - Indoor Sales/Outdoor Sales $225.00
Hospitals $300.00
Private Clubs w/Liquor License $420.00
Wholesale/Bulk Oil Dispensing $300.00
Mineral Extraction $400.00
Hazardous Materials
- Storage Only $230.00
- Mixing/Dispensing/Use $300.00
- Large $375.00

Home Occupation Licenses

Filing Fees

Home Occupation *(unless specifically noted below)* $60.00
Home Occupation with no off-site impact $0.00
Administrative Fee *(printed license for exempt businesses)* $10.00
Home Daycares, Preschools and Dance Studios $90.00
Home Occupation with Hazardous Materials $90.00
Hobby Breeder $60.00

Renewal Fees

Home Occupation *(unless specifically noted below)* $25.00
Home Occupation with no off-site impact $0.00
Administrative Fee *(printed license for exempt businesses)* $10.00
Home Daycares, Preschools and Dance Studios $60.00
Home Occupation with Hazardous Materials $60.00
Hobby Breeder $25.00

Business License Penalty Late Fees

Monthly rate ..... 10.00% of renewal fee

Temporary Use Permit

Permit $25.00

Business is also required to have a Highland City business license.

Solicitors

Solicitor Fees (group of 2 or more) $125.00
Solicitor Fees (single) $50.00

Miscellaneous

Business License Fire Department Reinspection Fee $100.00
Replacement/additional copy of Business License $10.00

Cemetery

Burial Plot

Resident $1,210.00
Non-Resident $1,690.00

Single Burials
Weekday $600.00
Weekend or Holiday $950.00

Double Burials
Weekday $750.00
Weekend or Holiday $1,150.00

Burials for Cremains and Caskets 36' or less
Weekday $500.00
Weekend or Holiday $850.00

Disinterment
Weekday $650.00
Weekend or Holiday $1,080.00

Disinterment of Cremains and Caskets 36' or less
Weekday $435.00
Weekend or Holiday $755.00

Burial Lot Transfers
Fee $25.00

Temporary Grave Marker
Fee $25.00

Headstone Setting Fee
Fee $50.00

Civic Events (Non-Fling Related)
Youth Fishing Resident $30.00
Youth Fishing Non-Resident $35.00
Fishing Pole Rental $5.00
Movie in the Park Sponsorship $750.00
Other Events ..... TBD

Vendors (3 hours)
Food Vendor $25.00
Food Vendor Electricity Outlets $10.00/outlet
Non-Food Vendor $10.00
Non-Food Vendor Electricity Outlets $10.00/outlet

Facility Rentals
Building
Council Chambers, Community Center
Resident ..... $15.00 per hour
Non-resident ..... $30.00 per hour

Non-profit organization ..... $5.00 per hour
This is the only fee non-profits are subject to.
Government organizations ..... $5.00 per hour
This is the only fee governments are subject to.
Food Fee $50.00
Piano Use Fee $10.00
Projector Fee $10.00
Refundable Room Deposit $150.00

Fields

Beacon Hills Lower, Beacon Hills Upper, Lone Peak East, Lone Peak West, Mitchell Hollow, Wimbleton South, Canterbury PI, Heritage Park, Town Center

Cedar Hills City Recreation League ..... $2 per Highland resident per sports season
Other governmental agencies ..... $5.00 per hour
Portable Toilet Maintenance ..... divided equally between the City and renting organization
Baseball Field Marking Fee $25.00
Refundable Deposit $150.00

Non-profit entities
Practices ..... $5.00 per hour
Competition or Clinics ..... $10.00 per hour
Day Rental $75.00

For-profit entities
Practices ..... $15.00 per hour
Competition or Clinics ..... $30.00 per hour
Day Rental $225.00

Pavilion

Highland Glen, Heritage, Town Center Meadows, Merlin B. Larson, and Mitchell Hollow
Resident
Half-Day Rental $20.00
Full Day Rental $40.00
Non-resident
Half-Day Rental $70.00
Full Day Rental $100.00
Government organizations ..... $0.00 per hour
Refundable Pavilion Key Deposit (Highland Glen) $50.00

Campground

Canyon Oaks
Resident ..... $25.00 per 24 hours
Non-Profit or Government Organizations ..... $25.00 per 24 hours
Non-resident ..... $50.00 per 24 hours

Highland Fling

Magazine Ad (Non-sponsor)

Full page	$600.00
One-half page	$350.00
One-third page	$225.00
One-quarter page	$150.00
One-eighth page	$100.00

Ad Design

Full page (simple)	$80.00
Full page (complex)	$120.00
One-half page (simple)	$40.00
One-half page (complex)	$80.00
One-third page (simple)	$30.00
One-third page (complex)	$60.00
One-fourth page (simple)	$20.00
One-fourth page (complex)	$40.00
One-eighth page (simple)	$20.00
One-eighth page (complex)	$40.00

Events

5K Early Registration	$15.00
5K Late Registration	$25.00
5K On Site Registration (no shirt guaranteed)	$30.00
1 Mile Fun Run Early Registration	$10.00
1 Mile Fun Run Late Registration & On Site Registration	$15.00
Baby Celebration	$12.00
Baby Celebration Late Registration	$15.00
Car Show with shirt	$20.00
Car Show without shirt	$10.00
Disc Golf Tournament without Trilogy Set	$40.00
Disc Golf Tournament with Trilogy Set	$15.00
Disc Golf Tournament – Youth without Trilogy Set	$25.00
Disc Golf Tournament – Youth with Trilogy Set	$10.00
Family Adventure Race	$25.00
Strong Man Competition	$38.00
Utah State Hammer Championship & Highland Games	$43.00
Strong Man Competition & Utah State Hammer Championship & Highland Games	$68.00
Hot Air Balloon Ride (tethered)	$5.00
Hot Air Balloon Ride (flight)	$50.00
Kid's Zone Pre-Registration	$20.00
Kid's Zone Day Of	$22.00
Kid's Zone Per Ride	$1.00-$5.00

Parade Entry

Non-Highland Business	$200.00
Highland Business	$100.00
Non-Resident	$100.00
Politicians	$25.00
Sports/Cheerleading Teams	$25.00
Non-Parade – handing out flyers along parade route	$25.00
Sponsor/Church Group/School Group/Non-Profit/Government/Highland Resident	$0.00

Sponsor

Title Sponsor	$4,000.00
Diamond Sponsor	$2,500.00
Platinum Sponsor	$1,500.00
Gold Sponsor	$1,000.00
Silver Sponsor	$750.00
Bronze Sponsor	$350.00
Friend of Highland Fling	In-kind donations

Vendor (All Day)

Non-Food Vendor Resident	$50.00
Non-Food Vendor Non-Resident	$100.00
Non-Food Vendor Electricity Outlets	$25.00/outlet
Non-Food Vendor Non-profit	$25.00
Food Vendor Resident	$100.00
Food Vendor Non-Resident	$150.00
Food Vendor Electricity Outlets	$50.00/outlet

Vendor (Evening only)

Food Vendor	$25.00
Food Vendor Electricity Outlets	$10.00/outlet
Non-Food Vendor	$10.00
Non-Food Vendor Electricity Outlets	$10.00/outlet

Justice Court

Fee schedule set by Utah State Legislature.

Library

Late Book Return	$0.10 per day
Late Movie, Kit or E-reader Return	$1.00 per day
Black and White Copies/Printing (1 side)	$0.10 per page
Color Copies/Printing (1 side)	$0.50 per page
Annual Non-Resident Library Fee	$70.00
Item Replacement Processing Fee	$5.00
Proctoring Service	$10.00
Interlibrary Loan Request	$5.00

Miscellaneous

Returned Payment Fee $20.00
Candidate Filing Fee $35.00
Campaign Financial Disclosure Late Fee $50.00
Surplus Equipment ..... Cost determined by Staff
Community Garden Annual Box Rental (full growing season) $40.00
Community Garden Annual Box Rental (after June 15) $30.00
Community Garden Annual Box Rental (after August 1) $20.00
Collection Fee 18%
Credit Card Processing Fee (non-utility payments) 3.00%

Planning and Zoning

Development

Accessory Dwelling Unit Application $25.00
Annexation Application $550.00
Conditional Use Permit $485.00
Co-locate Antenna Application $280.00
Architectural Approval $575.00
Development Code Amendment Application $1,000.00
Municipal Code Amendment Application $500.00
General Plan Amendment Application $1,000.00
Group Home Review $485.00
Reasonable Accommodation Application $25.00
Planned Development District Application $1,000.00
Plat Amendment Fee $550.00
Lot/Parcel Combination $200.00
Parcel Boundary Adjustment $200.00
Right-of-way Vacation Application $200.00
Re-zoning Application $1,000.00
Site Plan Application $725.00
Variance Application $500.00
Appeal Authority Application $1,500.00
Town Center Exaction Fee ..... $1.50 per square foot
Subdivision Extension Application ..... $62.50 per plat sheet plus $12.50 per lot
Sign Permit ..... Based on Uniform Building Code
Temporary Sign Permit $25.00

Subdivision Review and Engineering Base

Less than 10 Lots

Preliminary Plat Review – Engineer (2 reviews) $2,250.00
Preliminary Plat Review – Staff (2 reviews) $795.00
Final Plat Review & Recordation – Engineer (2 reviews) $450.00

Final Plat Review & Recordation – Staff (2 reviews) $779.00
Civil Review Fee – Engineer (2 reviews) $2,938.00
Civil Review Fee – Staff (2 reviews) $1,156.00
Construction Inspection Fee (up to 185 hours) $6,753.00

11-50 Lots
Preliminary Plat Review – Engineer (2 reviews) $4,125.00
Preliminary Plat Review – Staff (2 reviews) $795.00
Final Plat Review & Recordation – Engineer (2 reviews) $450.00
Final Plat Review & Recordation – Staff (2 reviews) $779.00
Civil Review Fee – Engineer (2 reviews) $4,750.00
Civil Review Fee – Staff (2 reviews) $1,156.00
Construction Inspection Fee (up to 185 hours) $6,753.00

51-100 Lots
Preliminary Plat Review – Engineer (2 reviews) $5,500.00
Preliminary Plat Review – Staff (2 reviews) $795.00
Final Plat Review & Recordation – Engineer (2 reviews) $450.00
Final Plat Review & Recordation – Staff (2 reviews) $779.00
Civil Review Fee – Engineer (2 reviews) $8,000.00
Civil Review Fee – Staff (2 reviews) $1,156.00
Construction Inspection Fee (up to 185 hours) $6,753.00

101+ Lots
Preliminary Plat Review – Engineer (2 reviews) $7,250.00
Preliminary Plat Review – Staff (2 reviews) $795.00
Final Plat Review & Recordation – Engineer (2 reviews) $450.00
Final Plat Review & Recordation – Staff (2 reviews) $779.00
Civil Review Fee – Engineer (2 reviews) $10,625.00
Civil Review Fee – Staff (2 reviews) $1,156.00
Construction Inspection Fee (up to 185 hours) $6,753.00

Subdivision Additional Reviews and Inspections

Less than 10 Lots
Preliminary Plat Review (2 reviews) $3,045.00
Final Plat and Engineering Review (2 reviews) $1,229.00
Civil Review Fee (2 reviews) $4,093.00
Construction Inspection Fee Hourly Rate $36.50

11-50 Lots
Preliminary Plat Review (2 reviews) $4,920.00
Final Plat and Engineering Review (2 reviews) $1,229.00
Civil Review Fee (2 reviews) $5,906.00
Construction Inspection Fee Hourly Rate $36.50

51-100 Lots

Preliminary Plat Review (2 reviews)	$6,295.00
Final Plat and Engineering Review (2 reviews)	$1,229.00
Civil Review Fee (2 reviews)	$9,156.00
Construction Inspection Fee Hourly Rate	$36.50

101+ Lots

Preliminary Plat Review (2 reviews)	$8,045.00
Final Plat and Engineering Review (2 reviews)	$1,229.00
Civil Review Fee (2 reviews)	$11,781.00
Construction Inspection Fee Hourly Rate	$36.50

Miscellaneous

Fence Permit	$25.00
Retaining Wall Application	$25.00
Public Utility Easement Vacation	$25.00
Open Space Purchase	To be determined by City Council
Open Space Purchase Survey Costs	To be paid by resident
Open Space Purchase Title Company Fees	To be paid by resident
Maintenance Agreement Application	$25.00

Public Works

Tree Sale Trees	Actual cost to City
Sandbags	$0.20 per bag
Hydrant Application	$25.00
Hydrant Water Charge	$1.00 per 1,000 gallons
Right-of-way Application	$250.00

Records Requests

Copy of record	$0.15/printed page
Postage	Actual cost to City
Other costs allowed by law	Actual cost to City
Miscellaneous copying	$0.15/printed page
Copy of reports	$0.15/printed page
Electronic Copies (Tapes) of Meetings	$30.00 per meeting
Interest charged on unpaid obligation due Highland City	18% on unpaid balance

Utility Charges

All fees are billed monthly except for Miscellaneous category

Garbage & Recycling

Garbage Can $10.98
Additional Garbage Can(s) $7.72
Recycle Can(s) $7.18

Culinary Water

Residential

Base (0-5,999 gallons of water) $23.07
Overage (6,000-15,999 gallons of water) .....$1.47 per thousand gallons
Overage (16,000+ gallons of water) ..... $3.85 per thousand gallons

Commercial

Base (0-5,999 gallons of water) $48.07
Overage (6,000+ gallons of water) .....$1.92 per thousand gallons

Churches and Schools

Base (0-5,999 gallons of water) $48.07
Overage (6,000+ gallons of water) .....$1.92 per thousand gallons

County Residents

Base (0-5,999 gallons of water) $23.07
Overage (6,000+ gallons of water) .....$1.45 per thousand gallons

Industrial

Base (0-5,999 gallons of water) $72.00
Overage (6,000+ gallons of water) .....$2.47 per thousand gallons

Stock Watering

Base (0-5,999 gallons of water) $23.07
Overage (6,000+ gallons of water) .....$1.47 per thousand gallons

10,000 rate

Base (0-5,999 gallons of water) $48.07
Overage (6,000+ gallons of water) .....$1.47 per thousand gallons

Pressurized Irrigation Water

Base $24.14
Square Footage Rate ..... $0.000797 per square foot of lot
Non-Residential PI Rate ..... $0.000797 per square foot of permeable surface
Irrigation Water Purchase ..... $0.000814 per square foot of lot

Sewer

Residential

Gallon rate for sewer is calculated once a year based on an average of culinary water consumption from October - April.

City Maintenance Base (9,999 gallons of water) $7.15

City Maintenance Overage (10,000+ gallons of water) .....$0.48 per thousand gallons
Timpanogos Special Service District (TSSD) Base (9,999 gallons of water) $32.77
TSSD Overage (10,000+ gallons of water) .....$2.20 per thousand gallons

Businesses and Churches
Gallon rate for general commercial is calculated once a year in May based on an average of culinary water consumption from October - April. Gallon rate for car washes is calculated once a year in May based on an average monthly consumption for previous year.
City Maintenance Base (9,999 gallons of water) $8.68
City Maintenance Overage (10,000+ gallons of water) .....$0.48 per thousand gallons
Timpanogos Special Service District (TSSD) Base (9,999 gallons of water) $39.95
TSSD Overage (10,000+ gallons of water) .....$2.20 per thousand gallons

Schools
Rate is calculated once a year in September based on student enrollment.
City Maintenance Base ..... $0.1163612 per student
Timpanogos Special Service District (TSSD) ..... $0.6593838 per student

Storm Drain
Residential $9.76
Commercial ..... $0.00190 per square foot of the non-permeable surface

Other
Transportation (Road Fee) $18.50
Public Safety Fee $15.25

Miscellaneous
Utility Sign-up Processing Fee $25.00
Late Fee 3%
Shut-off Fee..... $80.00
Risk Account Deposit Fee $250.00
Lien Fee $100.00
Can Retrieval Fee (terminating service earlier than 12 months) $10.00
Can Exchange Fee $51.59
Can Overage Fee (after 2 written warnings) $28.67
Service Reactivation Fee $28.67
Container Re-Delivery Fee $28.67
Replacement Container Fee $86.00
Contamination Fee (can used inappropriately) $28.67

Notes

It is not intended by any fee schedule Resolution to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. The most recent Resolution imposing a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of that resolution shall control.

CITY COUNCIL AGENDA REPORT
ITEM #5d

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: Contract Approval: Culvert Lining Under 11800 North On Broadleaf Hollow
TYPE: General City Management

PURPOSE:
The City Council will consider the award of a contract to rehabilitate a culvert that crosses under 11800 North on the Broadleaf Hollow channel.

STAFF RECOMMENDATION:
Staff recommends awarding of the culvert rehabilitation to Cardinal Infrastructure Services.

PRIOR COUNCIL DIRECTION:
As a part of the FY2024 Budget approval, the Council approved $358,156 in funds for Storm Sewer System Repairs and Maintenance. The rehabilitation of this culvert is one of the identified projects in the budget documents and utility rate studies.

BACKGROUND:
The culvert crossing 11800 North is a metal pipe that has begun to rust and deteriorate, especially on the bottom of the pipe. The proposed project will rehabilitate the pipe before it has a chance to further degrade and require a more significant repair or cause failure of the roads and water pipes which are above the culvert. As there are several different technologies available for rehabilitation, staff solicited proposals from 3 different companies. The methodology proposed by Cardinal is to spray a geopolymer lining in the pipe which creates a 1 1/2-inch thick liner in the existing pipe. This will extend the life of the pipe and preserve the integrity of the facility to pass runoff water. It will also protect the critical infrastructure above the pipe within 11800 North.

The spray in liner was selected because it was significantly less cost than the other options. Staff is content that it will provide an additional life span of at least 20 years.

FISCAL IMPACT:
The contractor's bid for the work is $124,570. The cost of this project is $137,027 including a 10% contingency. Funding for this expense is included in GL 54-40-41 within the FY2024 budget.

MOTION:
I move that City Council APPROVE a contract with Cardinal Infrastructure Services in an amount up to $137,027 to rehabilitate the 11800 North culvert and AUTHORIZE the City Administrator to sign the contract documents.

ATTACHMENTS:

1. 11800 N Pipe Photo
2. 11800 N Pipe Photo 2
3. 11800 Culvert Location Map
4. Cardinal Bid Proposal
5. 11800 N Bid Tabulation







HIGHLAND CITY

HIGHLAND CITY
11800 NORTH CULVERT

FIGURE
1

CARDINAL
INFRASTRUCTURE SERVICES

To:	Highland City	**Contact:**	Ty Christensen
Address:	5400 W Civic Center Drive Highland, UT 84003	**Phone:** **Email:**	801-756-5751 TyC@highlandcity.org
Project Name:	2023 60" CMP Culvert Rehabilitation	**Project Number:**	#91323
Project Location:	Highland, UT	**Bid Date:**	9/13/23

Item #:		Item Description:	Estimated Qty:	Unit:	Unit Price:	Total Price:
1		Supply & Install 1.5" Geopolymer Liner on 60" Dia. Culvert	133.00	LF	$ 790.00	$ 105,070.00
2		Traffic Control, Bypass, and Support Equipment	1.00	LS	$ 9,500.00	$ 9,500.00
3		Mobilization / Demobilization	1.00	LS	$ 10,000.00	$ 10,000.00
					BID TOTAL:	**$124,570.00**

Scope of Work Performed by Cardinal Infrastructure Services LLC:

Includes all costs for furnishing and handling all required labor, equipment, and materials for the rehabilitation of the existing 60" CMP stormwater culvert as indicated by the Owner.

Includes all costs associated with the surface preparation of the existing 60" CMP stormwater culvert, traffic control, and bypass to receive the fully-structural, spray-applied geopolymer mortar liner at a 1.5" thickness creating a monolithic liner throughout.

Mobilize all equipment and personnel necessary to complete the culvert rehabilitation scope.

Proposal does NOT include following:

Disposal or dump fees
Infiltration control or chemical grout
Prevailing Wage Rates
Dust/Erosion Control
Furnishing bid, performance, or payment bonds
Site clearing, excavation, or restoration
Permits, Fees or Taxes (local, state or Federal)

General Notes & Conditions:

Quantities and Infrastructure specific details including structure shape, depths, and dimensions relative to design inputs and installed material thickness are subject to change following field verification.

Owner to provide access to the 60" diameter stormwater culvert. Site access to be determined by physical inspection.

Owner to provide potable water supply (i.e. hydrant & meter in place) at no cost to Cardinal Infrastructure Services LLC project team.

Traffic control (Cardinal Infrastructure Services LLC requires a 20' x 50' (or 10' x 100') working area at primary access point and a 10' x 10' working area at the secondary access during all lining operations.) NOTE: This proposal assumes equipment can be left on location overnight.

Non-weather related delays (may include, but NOT limited to: Owner requested changes; Road closures due to community, city or private events; Utility conflicts or relocations not within our scope, any work stoppages outside the control of Cardinal Infrastructure Services LLC) will result in additional fees of $5,000/day.

Invoices Paid Net-30 days

Bid Proposal is good for 60 Days

PREPARED BY: Cardinal Infrastructure Services LLC.	Date: _____

Received By:	Date: _____

COMPANY	TYPE	BID
Cardinal	Spray-in Liner	$ 124,570.00
Insituform	Resin-Sock Liner	$ 225,310.00
Nix Construction	Slide-in pipe liner	$800,000-$1,000,000.00

CITY COUNCIL AGENDA REPORT
ITEM #5e

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney
SUBJECT: Recertification of the Justice Court
TYPE: General City Management

PURPOSE:
The City Council will consider a resolution requesting re-certification of the Highland City Justice Court.

STAFF RECOMMENDATION:
Staff recommends that the Council adopt the resolution requesting recertification of the Highland City Justice Court.

PRIOR COUNCIL DIRECTION:
Once every four years since at least August 1991, the Highland City Council has adopted a resolution requesting recertification of the City's Justice Court and affirming the Council's commitment to provide funding and other necessary support to the Justice Court. The most recent resolution was adopted on October 1, 2019.

BACKGROUND:
Utah State Code 78A-7-103 requires that every justice court continues for a four-year term, and that the justice court must be re-certified at the end of the term in order to continue. The City's Justice Court's current term will expire in January 2024, after previously being re-certified in January 2000. The process for recertification requires City staff to review and update (as necessary) the Justice Court's operations to ensure it meets minimum standards, the justice court judge to provide an affidavit certifying that the operational standards for the justice court are being met, and the City Council to adopt a resolution requesting recertification.

City staff, including the city administrator Erin Wells and city attorney Rob Patterson worked with Court staff to review the current operations, staffing, needs, and funding of the Justice Court to determine whether any changes needed to be made. Based on that review, it appears that the Justice Court is functioning appropriately and has the materials, funding, and staffing necessary to continue operations in accordance with the requirements of state law and the regulations of the state judicial council. City Attorney Rob Patterson has provided an opinion letter summarizing the minimum operational requirements for the Justice Court and opining that the Justice Court meets those minimum requirements and can continue operations in accordance with governing laws and regulations. The justice court judge will also be providing her affidavit.

FISCAL IMPACT:

Single source – budgeted
The cost of funding the Highland Justice Court and related expenses are included within the FY2024 budget. GL Account #10-35, -10 through -33; and #10-42, -11 through -75. Budgeted costs are approximately $265,000, and budgeted revenues are approximately $146,500.

MOTION:
I move that City Council adopt the resolution requesting recertification of the Highland Justice Court.

ATTACHMENTS:
1. Resolution Requesting Recertification of Justice Court
2. Highland Attorney Court Recertification Opinion
3. State Recertification Packet and Application

Highland City, Utah

RESOLUTION NO. 2023-_____

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE HIGHLAND CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. § 78A-7-103 require that Justice Courts be recertified at the end of each four-year term;

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024;

WHEREAS, the Highland City Council has received an opinion letter from Robert Patterson, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same;

WHEREAS, the members of the Highland City Council have determined that it is to the best interests of Highland City to continue to provide for a Justice Court.

NOW THEREFORE, BE IT RESOLVED by the Highland City Council as follows:

1. The City Council hereby requests recertification of the Highland Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

2. The City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Highland Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

3. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

_____
Mayor

ATTESTED:

_____
City Recorder

JOHNSON, PATTERSON & YELLOWHORSE
ATTORNEYS AT LAW

P.O. BOX 831
PLEASANT GROVE, UTAH 84062
rob@publicprivatelaw.com

ERIC TODD JOHNSON
ROBERT A. PATTERSON
JOEL YELLOWHORSE

TEL (801) 895-4364
CELL (801) 200-5910

November 29, 2023

Highland City Mayor and Council
5400 West Civic Center Drive, Ste. 1
Highland, UT 84003

Re: Recertification of Highland City Justice Court, City Attorney Opinion

Respected City Officials:

This letter concerns the Highland City Justice Court recertification procedure. I was asked to advise you of the minimum requirements and standards for operating a justice court, and to provide you with my opinion as to the feasibility of maintaining it.

The City's justice court is a class III justice court, with 61-200 case filings per month. The requirements Highland City must meet to maintain a qualified, class III justice court are found in the Utah State Code, in particular sections 78A-7-103, 78A-7-201, 78A-7-212, and 78A-7-213, as well as the Utah Code of Judicial Administration, in particular chapter 9. In summary, the Highland City Justice Court must meet the following minimum standards:

A. The justice court judge must meet minimum qualifications and ongoing training requirements, including having a law degree, being at least 25 years old, being a resident of Utah and Utah County, and being a qualified voter.

B. Adequate courtroom and auxiliary office space for the courtroom, judge, and staff. This space does not need to be dedicated solely for the justice court if existing public facilities (such as the City offices) adequately serve the purposes of the justice court. The courtroom must have proper facilities for the judge, clerk, jury, witnesses, attorneys, and public, and there must be judicial chambers and non-court space for clerical staff, storage, and records.

C. Sufficient funding to provide adequate numbers of prosecutors and indigent defense services and attorneys for all required cases, as well as associated witness and jury fees where required by law.

D. Sufficient number of peace officers to provide security and attend the justice court.

E. Sufficient funding to provide sufficient clerical personnel and supplies and to pay the judge's salary.

F. Sufficient funding to cover travel and training costs for judges and clerical personnel.

G. Provision of a current copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual created by the state, the City Code, and other necessary legal reference materials.

H. A digital audio recording system that can maintain audio recordings for at least 1 year

I. The justice court must be open, and the justice court judge or clerk physically present or immediately available remotely to transact judicial business five days per week. The judge does not need to be available at all hours so long as a clerk is available, provided that the judge is holding court at regularly scheduled times, subject to the needs and availabilities of the parties, attorneys, and support staff. The justice court must be open at least 3 hours per day, with the hours of operation appropriately posted at the court and online.

J. All fines and other revenues must be collected, allocated, and disposed of according to Utah Code sections 78A-7-120 and 78A-7-121.

K. The justice court must have a security plan in place that complies with rule 3-414 of the Code of Judicial Administration.

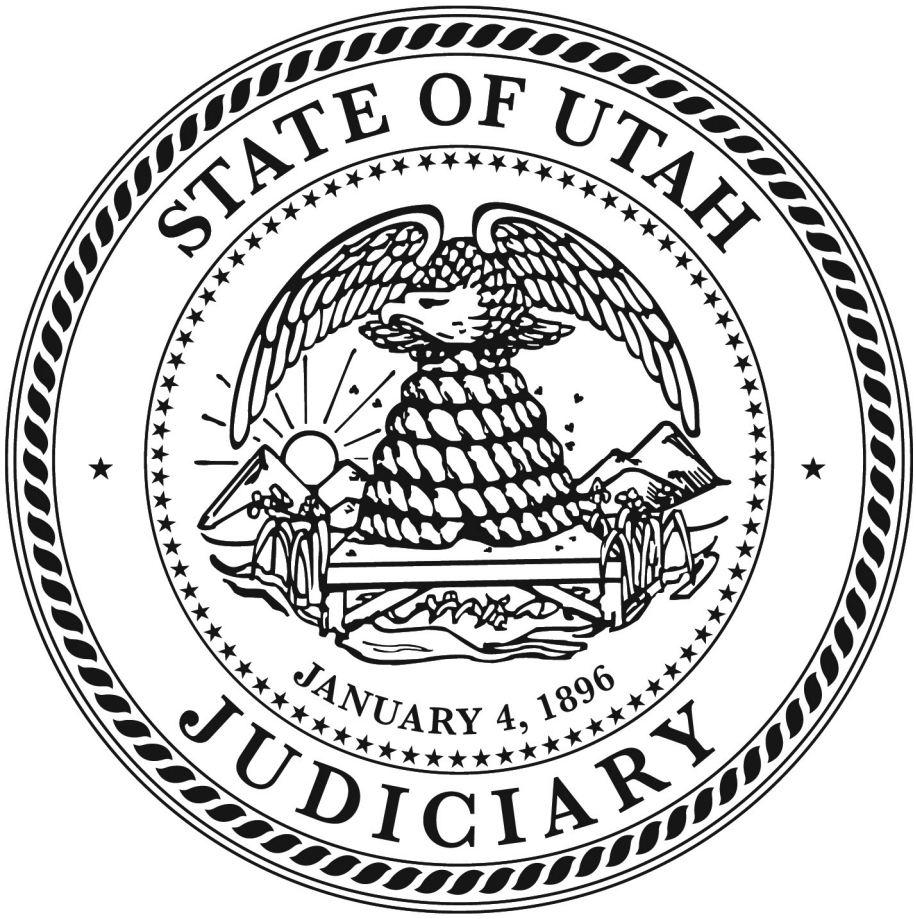
L. The justice court must provide a monthly report to the state court administrator of the court's caseload and other judicial business by the 10th day of the following month, and comply with state regulations on case management and reporting.

In reviewing these requirements, the City's budget and allocation of funds to the justice court, and the City's current justice court operations, it is my opinion that Highland City is providing sufficient funding and operational support to meet or exceed the minimum State requirements. I believe that it is feasible for Highland City to continue to maintain and operate its justice court consistent with the State's requirements in the future. I am not aware of any deficiencies that require changes to the justice court's operations at this time.

Best regards,

Robert A. Patterson
Highland City Attorney

APPLICATION
FOR RECERTIFICATION
OF EXISTING JUSTICE COURTS



OCTOBER 2023

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of justice courts. ***These requirements now include changes to Appendix B of the Code of Judicial Administration which took effect on May 1, 2023***.

In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operation of the justice court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a justice court, and the feasibility of maintaining a justice court. ***This opinion must address all requirements for operating a justice court, including those which took effect earlier this year***. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for, and operation of, the court during the period of certification. ***A copy of the attorney's opinion and the resolution must accompany the application.*** Please use the checklist on page 24 of this packet.

(1) **Statutory Requirements**. Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

(1)(A) All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

(1)(B) Each court shall be open and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206).

(1)(F) The entity operating a justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A-7-205).

(1)(G) The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-103).

(1)(H) The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-103).

(1)(I) The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-103).

(1)(J) The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-103).

(1)(K) Witness and jury fees as required by law shall be paid by the entity which operates the court (Sections 10-7-76 and 17-50-319).

(1)(L) Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Sections 78A-7-120 and 78A-7-121).

(1)(M) Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (Section 78A-7-206).

(1)(N) Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).

(1)(O) The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (Section 78A-7-103).

(1)(P) All required reports and audits shall be filed as required by law or by rule of the Judicial Council (Section 78A-7-215).

(1)(Q) All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (Section 78A-7-213).

(2) **Judicial Council Minimum Requirements**. In addition to those requirements which are directly imposed by statute, the Judicial Council has established additional requirements for the creation and ongoing certification of justice courts, as follows:

(2)(A) A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.

(2)(B) The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(D) The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and

defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.

(2)(E) Office space for the judge and clerk shall be appropriate. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.

(2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.

(2)(G) The entity shall have at least one peace officer (which may be contracted).

(2)(H) A current court security plan shall be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration.

(2)(I) Each court shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.

(2)(J) Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in Section (2)(I) above.

(2)(K) Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.

(2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.

(2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.

(2)(N) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.

(2)(O) The court shall accept credit and debit cards through a system that integrates with CORIS.

(2)(P) The court shall have access to UCJIS.

(2)(Q) An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).

(2)(Q)(i) For Class I and Class II justice courts, the system must:

(a) be a stand-alone unit that records and audibly plays back the recording;
(b) index, back-up and archive the recording and enable the record to be retrieved;
(c) have at least four recording channels;
(d) have a one step "on" and "off" recording function;
(e) have conference monitoring of recorded audio;
(f) have external record archiving from the unit with local access;
(g) be capable of being integrated with the courts public address system; and

(2)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:

(a) be a stand-alone unit that records and audibly plays back the recording;
(b) index, back-up and archive the recording and enable the record to be retrieved; and
(c) have at least two recording channels.

(2)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

In establishing minimum requirements, the Judicial Council has determined that justice courts with higher case filings require greater support services. To accommodate the great differences in judicial activity among justice courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification.

Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see Class III minimum requirements below), and court must be scheduled at least twice per month.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see Class II minimum requirements below), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be

provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see Class II minimum requirements below), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any justice court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the legislature (i.e. requirements (1)(A)-(1)(Q) above). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the justice courts. The needs of a particular court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual justice court judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a court is determined at creation and is subject to review and possible reclassification twice per year. While the standards for some areas of court operation are uniform for all classifications of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:
501 or more citations or cases filed per month

- HOURS:
Court Open: Full time
Judge: Full time

- FACILITY:
Dedicated Courtroom (with juror deliberation room)
Judge's Chambers
Clerk Office
Co-located in the same facility
(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:
At least three full-time clerks

- PROSECUTION:
Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:
The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Other legal resources as required under 78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open:

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)
Judge's Office
Clerk Office
(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

201-275 filings	At least one full-time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open
61-150 filings At least 2 hours a day
151-200 filings At least 3 hours a day
Judge available as needed. Trial calendar set at least twice per month.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's /clerk office
(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's/clerk office (can be a shared resource but court has priority when needed.)
(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the justice courts. In many instances, this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that justice courts convey a sense of justice, dignity and concern for the citizens who interact with them. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and justice courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for district courts apply to justice courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, justice court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to justice courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the justice courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.

2. The judge's bench should be elevated at least one riser (six inches) above the well floor level. As in the district court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers (18 inches). It is recognized however, those low ceiling heights in some justice courts do not allow for three-riser elevation. Benches elevated l8 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the dimensions of the room permit. Sufficient

space should be provided on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.

4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

   The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

   A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

   A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the clerk and the judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators, and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.

6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.

7. A jury room no smaller than 150 square feet should be integrated into each justice court. This space can serve as a conference room for attorneys and clients or as flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

   The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

   A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

   Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- <u>CLERICAL/SUPPORT SPACE</u>:

The clerical and support space listed in the general court standards can also be applied to the justice courts. Actual justice court staff will vary widely depending on location, workload and county support.

COURT CERTIFICATION AFFIDAVIT

Justice Court: _____

Judge: _____

Address: _____

_____

Telephone: _____

Court's Website: _____

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: _____

Daily Court Hours: _____

Number of Full-time Clerks: _____
Hours Worked Per Week Per Clerk: _____

Number of Part-time Clerks: _____
Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

- -

Comes now Judge _____,

Justice Court Judge for _____,

and, except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. _____

2. Court is open daily. _____

3. The hours of court operation are posted conspicuously. _____

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. _____

5. The judge is compensated at a fixed rate, within the statutory range. _____

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. _____

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. _____

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. _____

9. The responsible governmental entity provides the Court with:

   a. Sufficient prosecutorial support _____

   b. Funding for attorneys for indigent defendants, as appropriate _____

   c. Sufficient local law enforcement officers to attend court as provided by statute _____

   d. Security for the court as provided by statute _____

   e. Witness and juror fees _____

   f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials _____

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. _____

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

_____

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

_____

13. A record of all court proceedings is maintained by an appropriate digital recording system.

_____

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. _____

2. Hours during which a clerk is available are posted on the court's website. _____

3. The judge is available to conduct court business as needed. _____

4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. _____

5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. _____

3. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge _____

   b. A six-inch riser _____

   c. Desk and chair for the court clerk _____

   d. Chairs for witnesses _____

   e. Separate tables and appropriate chairs for plaintiffs and defendants _____

   f. A new Utah State flag that will be on display no later than March 9, 2024 _____

   g. A United States flag _____

   h. A separate area and chairs for at least four jurors _____

   i. A separate area with appropriate seating for the public _____

   j. An appropriate room for jury deliberations _____

   k. An appropriate area or room for victims and witnesses which is separate from the public _____

   l. A judicial robe _____

m. A gavel _____

p. Necessary forms and supplies _____

q. Office space for the judge _____

r. Office space for the court clerk _____

s. Secure filing cabinets _____

t. Appropriate office supplies _____

u. A cash register or secured cash box for each clerk performing cashiering duties __

v. At least one computer with word processing software and internet access _____

w. Access to a scanner and copy machine _____

4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. _____

5. Does the applicant have a law enforcement department? _____

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:_____
_____
_____

7. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. _____

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. ____

9. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. _____

10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. _____

11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023.
_____

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. _____

13. The court accepts credit and debit cards through a system that integrates with CORIS. _____

14. The court has access to UCJIS. _____

15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. _____

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. If the court is a **Class I** court:

a. Judge is employed on a full-time basis ____

b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council ____

c. Court has a jury deliberation room ____

d. Judge's chambers, clerk's office, and courtroom are in the same building ____

e. Judge has his or her own private chambers ____

f. Clerk's office is separate from any other entity ____

g. Court is open during normal business hours ____

17. If the court is a **Class II** court:

a. Court is open (check one)

____ 201-300 average monthly filings: at least 4 hours/day
____ 301-400 average monthly filings: at least 5 hours/day
____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly ____

c. Courtroom configuration is permanent ____

d. Courtroom, judge's chambers, and clerk's office are within the same building ___

e. Judge has his or her own private chambers ____

18. If the court is a **Class III** court:

a. Trial calendar is set at least twice per month ____

b. Court is opened (check one):

____ 61-150 average monthly filings: at least 2 hours/day
____ 151-200 average monthly filings: at least 3 hours/day

19. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly ____

b. Court is open at least 1 hour per day ____

20. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

_____
_____
_____
_____
_____
_____
_____

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this _____ day of _____, 2023.

_____
Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of _____, 2023.

C H E C K L I S T

Please be sure that your application for recertification includes each of the following:

1. ____ Court Certification Affidavit completed and signed by the judge.

2. ____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.

3. ____ A copy of a duly passed resolution of the sponsoring governmental entity that

   a. requests recertification of the court, and

   b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.

4. ____ A copy of your court security plan, as required by Rule 3-414 of the Code of Judicial Administration.

5. ____ A copy of any interlocal agreement(s) relating to court operations, as amended to date.

ALL OF THESE DOCUMENTS MUST BE RECEIVED BY THE ADMINISRATIVE OFFICE OF THE COURTS BY:
DECEMBER 15, 2023.

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241
jamesp@utcourts.gov

SAMPLE RESOLUTION

A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE _____ JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024; and

WHEREAS, the members of the _____ City Council have received an opinion letter from _____, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ City Council have determined that it is to the best interests of _____ Municipality to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the _____ (name of Council or Board) of Municipality hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 2023.

_____

Municipality

by _____

(Title)

ATTEST: _____

CITY COUNCIL AGENDA REPORT
ITEM #6a

DATE: December 5, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, City Administrator
SUBJECT: Timpanogos Special Service District Legislative Letter of Support
TYPE: General City Management

PURPOSE:
The City Council will provide direction on Timpanogos Special Service District's request for a letter of support for a legislative change they are seeking.

STAFF RECOMMENDATION:
Staff recommends Council provide feedback to the Mayor on this issue.

PRIOR COUNCIL DIRECTION:
On September 5, 2023, Council approved a resolution supporting the reorganization of the Timpanogos Special Service District (TSSD) to become an Independent Service District separate from Utah County.

BACKGROUND:
TSSD has recently been undergoing the process to become an Independent Service District separate from Utah County. The last city that needs to consent to the switch is Eagle Mountain City. Their Council will be meeting to discuss this issue on Tuesday, December 5.

One concern that Eagle Mountain has had is that this reorganization would mean that they may lose their appointment authority as the County Commission would be the entity to appoint the board member that would represent their City. This is due to the fact that a portion of Eagle Mountain City is not serviced by TSSD, but rather a city-owned treatment plant and Utah State Code only allows for "included municipalities," whose boundaries are entirely within the boundaries an Independent Service District to make an appointment to the board.

Despite only a portion of its City being serviced by TSSD, Eagle Mountain's TSSD population is the third largest of any City serviced by TSSD. As such, the TSSD organization understands Eagle Mountain's concerns.

To fix the issue, TSSD is proposing a legislative change during the 2024 session that would amend state code so that if TSSD provides services to a non-included municipality that has at least as many residents served as the smallest included municipality, the non-included municipality is entitled to make a direct appointment to the board. TSSD has asked that Mayor Ostler sign a letter indicating Highland's support for this legislative change. Mayor is seeking Council feedback on this issue. Attached is the proposed draft legislation and template letter of support.

FISCAL IMPACT:
This will not have an impact on the Highland City budget.

MOTION:
Not applicable. Council will provide direction only.

ATTACHMENTS:
1. Draft Proposed Legislation
2. Letter of Support Template

17B-2a-404 Improvement district board of trustees.

(1) As used in this section:

(a) "County district" means an improvement district that does not include within its boundaries any territory of a municipality.

(b) "County member" means a member of a board of trustees of a county district.

(c) "Electric district" means an improvement district that was created for the purpose of providing electric service.

(d) "Included municipality" means a municipality whose boundaries are entirely contained within but do not coincide with the boundaries of an improvement district.

(e) "Municipal district" means an improvement district whose boundaries coincide with the boundaries of a single municipality.

(f) "Regular district" means an improvement district that is not a county district, electric district, or municipal district.

(g) "Remaining area" means the area of a regular district that:

(i) is outside the boundaries of an included municipality; and

(ii) includes the area of an included municipality whose legislative body elects, under Subsection (5)(a)(ii), not to appoint a member to the board of trustees of the regular district.

(h) "Remaining area member" means a member of a board of trustees of a regular district who is appointed, or, if applicable, elected to represent the remaining area of the district.

(i) "Remaining area qualifying municipality"[1] means a municipality:

(i) that does not qualify as an included municipality for the reason that its boundaries are not entirely contained within and do not coincide with the boundaries of a regular district;

(ii) that receives services for a portion of the municipality from an improvement district whose total population exceeds 250,000; and

(iii) the number of residents of the municipality receiving services from the improvement district is equal to or greater than the population of an included municipality within the improvement district.

(2) The legislative body of the municipality included within a municipal district may:

(a) elect, at the time of the creation of the district, to be the board of trustees of the district; and

(b) adopt at any time a resolution providing for:

(i) the election of board of trustees members, as provided in Section 17B-1-306; or

(ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

(3)

[1] Question for the team: is there a better term to be used here? e.g., "Qualifying non-included municipality"

(a) The legislative body of a county whose unincorporated area is partly or completely within a county district may:

(i) elect, at the time of the creation of the district, to be the board of trustees of the district, even though a member of the legislative body of the county may not meet the requirements of Subsection 17B-1-302(1);

(ii) adopt at any time a resolution providing for:

(A) the election of board of trustees members, as provided in Section 17B-1-306; or

(B) except as provided in Subsection (4), the appointment of board of trustees members, as provided in Section 17B-1-304; and

(iii) if the conditions of Subsection (3)(b) are met, appoint a member of the legislative body of the county to the board of trustees, except that the legislative body of the county may not appoint more than three members of the legislative body of the county to the board of trustees.

(b) A legislative body of a county whose unincorporated area is partly or completely within a county district may take an action under Subsection (3)(a)(iii) if:

(i) more than 35% of the residences within a county district that receive service from the district are seasonally occupied homes, as defined in Subsection 17B-1-302(2)(a)(ii);

(ii) the board of trustees are appointed by the legislative body of the county; and

(iii) there are at least two appointed board members who meet the requirements of Subsections 17B-1-302(1), (2), and (3), except that a member of the legislative body of the county need not satisfy the requirements of Subsections 17B-1-302(1), (2), and (3).

(4) Subject to Subsection (6)(d), the legislative body of a county may not adopt a resolution providing for the appointment of board of trustees members as provided in Subsection (3)(a)(ii) (B) at any time after the county district is governed by an elected board of trustees unless:

(a) the elected board has ceased to function;

(b) the terms of all of the elected board members have expired without the board having called an election; or

(c) the elected board of trustees unanimously adopts a resolution approving the change from an elected to an appointed board.

(5)

(a)

(i) Except as provided in Subsection (5)(a)(ii), the legislative body of each included municipality <u>and, if applicable, the legislative body of a remaining area qualifying municipality</u> shall each appoint one member to the board of trustees of a regular district.

(ii) The legislative body of an included municipality may elect not to appoint a member to the board under Subsection (5)(a)(i).

(b) Except as provided in Subsection (6), the legislative body of each county whose boundaries include a remaining area shall appoint all other members to the board of trustees of a regular district.

(6) Notwithstanding Subsection (3), each remaining area member of a regular district and each county member of a county district shall be elected, as provided in Section 17B-1-306, if:

(a) the petition or resolution initiating the creation of the district provides for remaining area or county members to be elected;

(b) the district holds an election to approve the district's issuance of bonds;

(c) for a regular district, an included municipality elects, under Subsection (5)(a)(ii), not to appoint a member to the board of trustees; or

(d)

(i) at least 90 days before the municipal general election or regular general election, as applicable, a petition is filed with the district's board of trustees requesting remaining area members or county members, as the case may be, to be elected; and

(ii) the petition is signed by registered voters within the remaining area or county district, as the case may be, equal in number to at least 10% of the number of registered voters within the remaining area or county district, respectively, who voted in the last gubernatorial election.

(7) Subject to Section 17B-1-302, the number of members of a board of trustees of a regular district shall be:

(a) the number of included municipalities within the district, if:

(i) the number of included municipalities is greater than nine or is an odd number that is not greater than nine; and

(ii) the district does not include a remaining area;

(b) subject to Subsection (7)(e), the number of included municipalities plus one, if the number of included municipalities within the district is an even number that is less than nine; and

(c) subject to Subsection (7)(d), the number of included municipalities plus two, if:

(i) the number of included municipalities is an odd number that is less than nine; and

(ii) the district includes a remaining area;

(d) the number of included municipalities and remaining area qualifying municipalities if the total number of such municipalities is greater than nine or is an odd number that is not greater than nine; and

(e) the number of included municipalities and remaining area qualifying municipalities plus one,[2] if the total number of such municipalities is an even number that is less than nine.

(8)

(a) Except as provided in Subsection (8)(b), each remaining area member of the board of trustees of a regular district shall reside within the remaining area.

(b) Notwithstanding Subsection (8)(a) and subject to Subsection (8)(c), each remaining area member shall be chosen from the district at large if:

(i) the population of the remaining area is less than 5% of the total district population; or

(ii)

(A) the population of the remaining area is less than 50% of the total district population; and

(B) the majority of the members of the board of trustees are remaining area members.

(c) Application of Subsection (8)(b) may not prematurely shorten the term of any remaining area member serving the remaining area member's elected or appointed term on May 11, 2010.

(9) If the election of remaining area or county members of the board of trustees is required because of a bond election, as provided in Subsection (6)(b):

(a) a person may file a declaration of candidacy if:

(i) the person resides within:

(A) the remaining area, for a regular district; or

(B) the county district, for a county district; and (ii) otherwise qualifies as a candidate;

(b) the board of trustees shall, if required, provide a ballot separate from the bond election ballot, containing the names of candidates and blanks in which a voter may write additional names; and

(c) the election shall otherwise be governed by Title 20A, Election Code.

(10)

(a)

(i) This Subsection (10) applies to the board of trustees members of an electric district.

(ii) Subsections (2) through (9) do not apply to an electric district.

(b) The legislative body of the county in which an electric district is located may appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.

[2] The mechanism for appointment of the "plus one" member is to be determined by the County's resolution. See subsections (3)(a)(i) by election and (3)(a)(ii) County appointment.

(c) After the initial board of trustees is appointed as provided in Subsection (10)(b), each member of the board of trustees of an electric district shall be elected by persons using electricity from and within the district.
(d) Each member of the board of trustees of an electric district shall be a user of electricity from the district and, if applicable, the division of the district from which elected.
(e) The board of trustees of an electric district may be elected from geographic divisions within the district.
(f) A municipality within an electric district is not entitled to automatic representation on the board of trustees.

Amended by Chapter 112, 2018 General Session

DRAFT

[on City letterhead]

November __, 2023

Re: Timpanogos Special Service District
Reorganization as an Independent Special District & Amended Legislation

To Whom it May Concern:

The undersigned is the Mayor of _____ City (the "City"). I write this letter for two reasons: first, to express the City's strong support for Timpanogos Special Service District's ("TSSD") reorganization as an independent special district; and second, to support legislation that would enable the governing bodies of Eagle Mountain and Vineyard to each appoint a member to the new special district board of trustees. The City has previously adopted a resolution giving its formal consent to the reorganization of TSSD as a special district.

The reorganization and proposed amendments to existing laws make complete sense. The number or residents currently served by TSSD exceeds 250,000. With the exception of a small portion of Vineyard, and the western and southern portions of Eagle Mountain, TSSD provides wastewater treatment to all residents and businesses in northern Utah County.

The City understands that under the current law, our sister cities, Eagle Mountain and Vineyard, do not qualify as "wholly included municipalities" because a portion of each city receives wastewater treatment from other agencies. As a result, under current statutes, any representation of those cities on the new Timpanogos board of trustees would be made by appointment from the Utah County Commission. Notably, the number or Vineyard residents Vineyard served by TSSD (12,000+ residents) exceeds the total population of the smallest city within TSSD's boundaries. Moreover, the population of Eagle Mountain served by TSSD (40,000+) is the third largest within TSSD's boundaries.

The City has reviewed proposed legislation to be considered during the 2024 general session of the Utah State Legislature and wholeheartedly supports the same. The proposed legislation will allow the city councils of both Eagle Mountain and Vineyard to appoint a qualifying member to the new Timpanogos board of trustees. The City believes this change will ensure that the new special district will be more responsive to the needs and challenges of its constituent cities and their residents.

The City expresses its hope and trust that when presented with the referenced legislation, you will vote "yes".

Sincerely,

_____ City

_____, Mayor