



HIGHLAND CITY COUNCIL MINUTES

Tuesday, May 21, 2024

Approved June 18, 2024

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Scott L. Smith

Pledge of Allegiance: Council Member Ron Campbell

The meeting was called to order by Mayor Kurt Ostler 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 Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Ron Campbell.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

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

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Steven Dowdle, Jennie Dingus, Nancy Zundel, Barry Zundel, Russell Lewis, Camille Lewis, Rhett Weller, Amy Jones, Travis Phelps, April Slade, Chace Jones, Joseph Adams, Marcia Peterson, Christopher Tay, Travis Stringham, Paul Adams, Daria & Liz Stevenson, Kevin & Leslie Farnsworth, Brandon & Rebecca Bates, Carley Tall, Cheree, Daley, Brad Weber, McKenzie Weber, Steve Hogan, Nate Woodbury, Brent Sanford, Ryan Rich, Vanessa Moody, Cody Campbell, Dustin & Jackie Eaton, Cody Dingus, Hillary Gardner, James Thomas, Brad Eldridge

1. UNSCHEDULED PUBLIC APPEARANCES

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

Carly Tall stated that the new Mountain Ridge Park is amazing, and her family uses it frequently. She thanked the City for building it and hopes that the Mayor and Council know how grateful so many residents are for the

park. Her experience with the Mayor and Council has been that they are interested in and concerned about how residents feel; she has been able to share her thoughts and she hopes others will feel comfortable doing the same. She then noted that the latest plans and renderings for completion of the Park are different than what have been previously posted; she hopes someone on the Council can explain to her why the ninja course has been added to the park. She is concerned about safety, privacy, funding, parking, traffic, and ongoing maintenance, but she does not want to share all of those concerns until she has all pertinent information about the changes to the project.

Mayor Ostler stated that these issues could be discussed in greater detail under agenda item 3a, consideration of adjustments to park hours. Ms. Tall stated her only concern is that the opinions of some residents could change if they are able to hear the explanation she requested regarding the ninja course. Mayor Ostler then provided an overview of the history of the design of the park, dating back to 2008 when the property was initially purchased for the park. The early plans included pickleball courts, but plan evolved to include several different park elements and amenities. In 2021, a ninja course was first mentioned, and the Council carefully considered the type of playground equipment to be included in the park as well as the construction of a park maintenance facility. City Administrator Wells noted that in July of 2022 the Council expressed support for a ninja course assuming that funding could be secured for that element; however, the renderings of the park that had been publicly posted on the City's website were never updated to include that amenity. Mayor Ostler then discussed the City's exploration of funding options for all elements of the park, noting a purchase order was issued for the playground equipment in November of 2022. A ninja course was included on the park plans at that time, but the Council still determined to place that element of the park on hold until they were certain of the funding source. Council Member Smith added that one thing he feels the residents should appreciate is that the City has not gone into debt to build the park. Mayor Ostler agreed, and this led to continued discussion of the evolution of the plans for the park, as well as other park projects in the community. At this time, the ninja course is planned for phase two of the park, which also includes the baseball diamond, soccer field, trails, and landscaping. The ninja course will be similar to the Eagle Mountain project and children of all ages can use it. The Council voted two weeks ago to determine the location of the ninja course and directed Administration to proceed with identifying a funding source for the project; the most likely source of funding will be park impact fee revenue.

Council Member Smith discussed efforts of the Council to mitigate the impacts the ninja course could have on the residents living around the project; this includes increasing the distance between the ninja course and residential fences to provide more space for a landscaping buffer. Additionally, the ninja course has been shifted to another location to provide for additional buffering opportunities. Mayor Ostler stated that some elected officials have knocked on doors of residents living near the park to listen to their concerns and solicit feedback on the types of trees that could be planted to create a sufficient buffer. Council Member Smith noted that there is currently \$7,000 available for trees, which will cover 14 mature trees to be planted in the area.

Council Member Rodela stated that she has been involved in planning the park for the last three years and the ninja course was a suggestion from a resident who lives in the neighborhood surrounding the park; this resident was a member of the committee that was created to focus on the park project. The committee wanted the park to be accessible for all ages and abilities and one reason the ninja course was suggested is that it is something that can be enjoyed by young children, teenagers, and even adults. She stated that the ninja course has been broadly discussed and publicly advertised at many special events in the community, even though it may not have been advertised on the website. She stated that mental health issues have increased dramatically in recent years and if the City can do anything to get youth outside and away from electronic devices, she supports those efforts.

The Mayor and Council then discussed changes to the plans for a park maintenance facility at the park; residents have complained about that element of the project, so the facility was moved to another location. However, if the facility can serve as a buffer, it can be moved back to the park. Council Member Campbell stated that it is his perspective that if the ninja course is truly not wanted or supported by the neighbors, the City should revert back to the original plan, which includes the park maintenance facility. Council Member Smith stated they also

did not want the maintenance facility; in fact, the matter was litigated.

Council Member Rodela stated that the Council truly wants to take the steps necessary to ensure that the park is not a bother to residents; there is an item on the agenda regarding park hours. She would like to hear if there have been any recent instances of vandalism or other illegal activities. Police Chief Gwilliam stated that there have been no substantial vandalism events; he has learned of kids tossing rocks on the soft pad park surface, which could cause damage. Council Member Rodela stated that she has actually been pleased by the manner in which teenagers have used and respected the park; she is aware of significant damage and vandalism at parks in other cities and she has not seen that same activity here.

Council Member Bills also discussed the history of the design of the park; the committee that was created brainstormed many different design themes and elements, including an equestrian park, splash pad, or sports facility. The group started talking about the ninja course in July of 2021 and she has reviewed past City Council meeting minutes and found that it was discussed at least 10 times since then. The Council has not tried to hide this element of the project, but it is hard to notify every resident of everything that is happening in the City. The Council is not ignoring residents' concerns or trying to hide actions they are considering.

Mayor Ostler stated the Council has considered if the park may be overprogrammed and they have been very careful to consider including elements in the park that will cater to people of all ages, abilities, and needs. A significant investment has been made in the park and the City is very cognizant of the need to maintain it while also helping to address public concerns.

City Engineer/Public Works Director Spencer provided a report on the function of the security cameras/system at the park and the manner in which they communicate any unauthorized activity to City staff in order for enforcement of park rules and a curfew. Police Chief Gwilliam added that the blue light that has been at the park will be temporary in nature, but has been found to be very effective in deterring undesirable behavior.

Nate Woodbury stated that he is familiar with the ninja warrior world due to his children competing in the sport and participating in tournaments throughout the country; it is such a good sport, and the community is amazing. His heart was touched when he learned the City would be providing a ninja course because it is something that has positively impacted his family and something that can be used by youth and adults alike. He wants the sport to grow. He supports moving the course to another location in the park, but he is hopeful the course will proceed. He added that lighting is necessary during the evening hours, so if the City wants to keep people off the course after a certain time, turning off the lights will accomplish that. He then discussed the fencing along Alpine Highway; this issue has been discussed for nearly a year and the biggest worry he has is that there is not sufficient funding to maintain a theme wall along the roadway. One reason he moved to Highland is because of the beauty of the community; the theme wall along Alpine Highway, which is one of the main arteries of the City, is beautiful and he would like the City to consider adequate funding for beautification. If the theme wall is not maintained, the beauty of the City will be impacted. He looks forward to the Council's discussion of that matter later in tonight's meeting.

Vanessa Moody thanked the Mayor and Council for listening to residents; she does not believe the City has tried to hide anything in terms of the plans and designs for the park, but she is still concerned about liability associated with the park. When people visit private facilities that have things like a ninja course, they are required to sign a waiver. Many kids go to Mountain Ridge Park unsupervised, and she wondered what would happen if they were injured. The residents who live right next to the park will be placed in a stressful situation where they will feel responsible to watch out for the young kids playing at the park and potentially rescue them if they become injured. She added that the neighbors are also concerned about the amphitheater at the Park, and she hopes the Council will listen to those concerns as well.

Steve Hogan addressed the Aline Highway fencing matter; recently he learned that the fence is not owned by the City. He recently spoke with a friend who comes to play golf in Highland City, and he asked him when the City would be taking action to repair the fence. He stated this shows that not just the residents notice the disrepair of the fence, but also visitors who come to the City. He stated that the condition of the fence is worsening each day and safety continues to be a concern as traffic increase due to increased development of the City. He asked if there will still be a requirement for a theme wall along Alpine Highway; he also asked about an extended area for a bike path closer to the property line on the east side of the Highway and he asked if there may be a possibility of providing residents with matching funds to improve their fence along that pathway. He has appreciated the many discussions the Mayor and Council has had regarding this matter, and he implored them to consider all of the input from residents over the past two years, including concerns about safety and beautification of the area.

Brad Weber urged the Council to pause any action to add other amenities to Mountain Ridge Park; the City should 'take a minute and let the park breathe'. Over the past weekend, the park was getting close to creating a nuisance for neighbors as defined by Utah Law and Highland City Code due to the volume of noise emanating from the park and into the properties on its western boundary. He and his neighbors were tracking decibel levels at their property boundaries, and he has a document that includes that data. This is an issue the City has not been cognizant of. Over the past weekend, he and his neighbors called the police on both Friday and Saturday night because people were in the park past 11:00 p.m. and the volume exceeded approved levels per City Code 8.16.100; cities are supposed to abate nuisances and not create them. He and his neighbors will do their part to monitor and mitigate the nuisances, but the City needs to do its part and conduct studies before moving forward with more amenities that will only increase the noise. He urged the Council to take Council Member Cortney's recommendation made during the last discussion of this matter and 'allow the park to settle in after the baseball fields, soccer fields, and walking paths are installed'. This 'wait and see' approach will allow the City to collect data and explore options for mitigating issues like noise, parking, overcrowding, and vandalism. Now is the time to get a hold on these issues before the park is done. As a steward of public trust, it would be irresponsible to move forward with adding amenities when the City has no way of knowing how the addition of the soccer and baseball facilities will exacerbate the existing issues. Everyone expects park use to taper over time, but that is just an expectation that will only be realized with the passage of time. He asked the City to be prudent, take a 'wait and see' approach, and collect real data from citizens before approving funds for the ninja course. For example, there has not even been a summer season with the new park and residents may prefer a water feature or snack shack over a ninja course. If the project is finalized now, the City will lose its flexibility. He requested the City reconsider its decision about the location of the ninja course; the cities that have been used as examples of ninja courses do not have their parks located adjacent to residential neighborhoods. He then submitted documentation of the decibel readings at the property line between the park and the residential properties.

Amy Jones thanked the City for the efforts to improve security at the new park. She recently attended a soccer game at Art Dye Park on the south field; there were two kindergarten baseball and soccer games underway at the same time. Each team had seven to eight players. If the fields are installed at Mountain Ridge, they will accommodate full size games with 14 to 16 players per team. She conducted a ratio comparison with the activities at Art Dye; at Art Dye there were 96 cars, and if there were the same ratio of cars per player at Mountain Ridge, there would be approximately 144 cars. Her children play soccer for the SURF club, and they are required to be at the facility 45 minutes before their game time. If there are 144 cars already parked at the facility, this will make the parking and traffic issues worse; She then referenced amphitheaters in Sandy, Murray, Sundance, Draper, Lehi, and American Fork and in all of those locations, the sound is not directed towards homes. She asked the Council to look at what other cities are doing and how they are being considerate of their residents and then reevaluate whether this is truly the right location for the amenity and the right thing for the City in general. She loves the arts, but feels the location that has been selected is inappropriate. She then noted that the American Fork amphitheater is rented for 19 out of 31 days each July, and if the same becomes true of the Highland amphitheater, there will be even more parking issues. He reiterated the suggestion that has been made to 'pause' this project for some time; the park is being overprogrammed and the City should evaluate how things work over the course of the coming summer months before adding anything more.

Barry Zundel echoed Ms. Jones statement about over-programming the park. He stated that the amount of traffic that is already present is too high. He asked the Mayor and Council to consider the true purpose of the park; is it to serve the City of Highland or is it to be a destination that draws residents from all surrounding cities. He asked if the goal is to bring more people into the City, which will lead to parking and traffic issues. He hopes the Council will take some time to evaluate the park before packing more in. It is harder to remove amenities than it is to slowly add amenities as needed.

Cheree Daley stated she has only lived in Highland for three years and she does not think the Mayor and Council are trying to hide anything. She previously lived in Draper near a park where there was a small farmer's market. Eventually they added a 'thriller park' on two acres and it brought so many people from all cities and counties and the surrounding neighborhoods were inundated by vehicles and on-street parking and this led to theft and other undesirable activities. She echoed Mr. Zundel's question about the purpose of the park and asked the Council to carefully consider that. The neighbors that originally moved to the neighborhood near the park believed that the City property was slated for a park maintenance building; this was later replaced with plans for a park that included obstructions and amenities that will generate noise and if she were one of the original residents, she would be very frustrated. She understands that the ninja course project will cost \$350,000 and she asked why that money can't instead be used to add more trees and some sort of sound barrier to improve privacy for the neighbors. One of the reasons she loves Highland is her neighbors and she does not want them to leave. This could be something that could drive them out of the community.

Steven Dowdle stated that the blue light that was placed at the park to deter illegal activity was shining right in his home last night; it was as if squad cars were sitting in his backyard the entire night and he has asked the Public Works Director to see that it is shut off or relocated tonight as it felt like a form of harassment. He also agreed that the park is being overprogrammed and this will lead to parking and traffic issues. Parking at the property and on-street is already nearing capacity and the park is not even halfway finished. He also asked the Council to take a 'wait and see' approach before making these final decisions. He realizes that funding has been found for the ninja course, but he wondered why funding has not been found for the trees that will be used to buffer the use from residential properties. This feels unfair to him and other residents. The stage area could be used for a ninja course if the determination is made that an amphitheater is not right for this park or if there is really a need for a ninja course in the City, there may be parks that are better suited to house it in order to spread the impact of these types of projects throughout the City.

Cody Dingus stated that he would echo the comments that have been made regarding the problems with the park; he is a graduate of the University of Utah Architecture Program and one of the first things students learn is that trees do not block sound, even though they may help with the view. However, trees only have leaves for six months out of the year and it takes them years to grow and mature. He agreed the park is overprogrammed and there are other parks that are vacant on a daily basis that have plenty of space for the ninja course. There are also parks that are not surrounded by residential areas that would be better suited for an amenity that will increase parking and noise levels in the surrounding area. He added that he has appreciated the work that has been done to help remove people from the park when they are there after 10:00 p.m.; in the past seven days, he has called the Police Department five times after 10:00 p.m. He concluded the park has definitely become a nuisance for residents.

Hillary Gardner reiterated the concerns about overprogramming the park and the suggestion that other parks could be used for the ninja course or the amphitheater. It is important for the Council to listen to the concerns from residents as they are intimately familiar with traffic and parking issues in their own neighborhoods. There have been two near accidents involving children playing in their own front yard. She asked for temporary speed bumps or speed tables in her neighborhood. Mayor Ostler advised Ms. Gardner to complete an application online on the City's website through the traffic calming toolbox program.

James Thomas also asked that the park be left as is; he appreciates the work that has been done at the park and the baseball and soccer facilities are a perfect fit for Highland. His own boys have gone to the park, and they have reported vandalism. The newness of the park has created a great deal of interest and he does believe that will subside over time, but he asked that it be left alone because there is no need to do more. He addressed Ms. Gardner's comments about speed bumps; he noted that he would not support a speed bump on Canal Boulevard, but they may be appropriate in residential neighborhoods where small children are playing.

April Slade also implored the Council to take time and let the park settle down before adding more. This is a complex problem, and the Council should take time to carefully consider all issues and concerns that have been voiced. She stated that she heard the cameras are being used on a trial basis; she is curious as to what will be done instead if the problems with the cameras cannot be resolved. She wondered what other options there are to increase security of the park. She has been advised to call the Police Department and she will continue to do that, but she wondered if the Police force has the resources to spend time on these nuisance issues as opposed to the bigger issues happening in the City.

Chace Jones thanked the Mayor and Council for their efforts thus far. He also echoed Mr. Weber's and Ms. Jones' comments about gathering more data and taking time to consider the implications of the decisions that they are considering making. He stated the park is beautiful how it is right now, and no changes should be made until the current park is tested and data supports more amenities.

Brad Eldridge stated he has lived in Highland for 21 years and he lives about a half-mile from the Park. He does not hear the noise that others have spoken of, but he is sympathetic to what the other residents are going through. However, his concern is the parking issues that he has noticed at the park; people are parking everywhere because the park is a draw for people outside of Highland. That will only become a bigger issue when the soccer and baseball fields are completed. The parking lots are already 65 to 70 percent full and people are already parking on the street and that is just with phase one having been completed.

Brandon Bates voiced objection to the ninja warrior course – not to move it, but to scrap it entirely until he can see compelling evidence that unsupervised children that frequent the park will not find it irresistible. He stated he has reviewed statistics of injury rates for ninja course participants and found concussion rates 3.6 times of those participating in football. These stats are for adults, and he can only imagine that the rate of concussion will be much higher for unsupervised children. Private ninja gyms in the area have implemented best practices requiring adult supervision and limiting the number of participants on a course at a time. He also believes that case law suggests that when a city knows of a hazard that provides foreseeable injury, the city cannot claim sovereign immunity. The current cap for lawsuit amount per incident is \$827,000; given the likely rate of life changing injuries the City may see, that is a risk in liability that he does not believe residents are willing to accept. Finally, he echoed the recommendation that the Council 'let the park breathe'; the City does not need to pack in as much as it can into what is a limited space. Rather, residents should be allowed to enjoy the open space. The parking issues need to be addressed as does the vandalism that is occurring at the park; he does not want his children to find graffiti.

2. CONSENT ITEMS

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

- a. Approval of Meeting Minutes *General City Management***
Stephannie Cottle, City Recorder
April 29, 2024 and April 30, 2024

Council Member Doug Cortney pulled this item from the consent agenda. He provided his suggested edits to the minutes to Ms. Cottle and the City Council; when discussing salaries during the April 30 meeting, the second

paragraph reads that ‘increases are performance related and not all employees will receive a five percent increase’. He stated it was his understanding that the five percent increase was actually a market increase rather than a merit increase. He asked that the text be corrected to read ‘increases are related to median market salaries and not all employees will receive a five percent increase’.

Council Member Doug Cortney MOVED that the City Council amend the minutes from April 30, 2024, to strike the text "performance related" and replace it with the text "related to median market salaries" in the second text paragraph on page 9 of the agenda packet and that the Highland City Council adopt the amended minutes from April 30, 2024, and the minutes from April 29, 2024.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

3. EXPEDITED ITEMS

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

a. ORDINANCE: Adjustments to Park Hours Municipal Code Update (Legislative)

Rob Patterson, City Attorney

The Council will consider a proposed amendment to the municipal code related to park operating hours.

City Administrator Wells explained on May 7, 2024, the City Council discussed various methods to help protect park property (particularly Mountain Ridge Park), discourage vandalism and misuse of park property, and reduce the impact of noise and park activities on adjacent residents. Among other things, the Council directed staff to adjust the park hours of operation for all parks other than Highland Glen to 5:00 a.m. to 10:00 p.m., with sports activities not beginning earlier than 6:00 a.m. The Highland City Municipal Code Section 12.24.010 establishes park and cemetery hours of operation. Currently, for the cemetery and all parks except Highland Glen, those hours are 5:00 a.m. to 11:00 p.m., with Highland Glen operating from dawn to dusk. The proposed code amendment accomplishes the following:

- Establishes general cemetery and park operating hours to be from 5:00 a.m. to 10:00 p.m. (one hour earlier in the evening), with no sport practice, games, training, or play--such as pickleball or organized field usage--beginning earlier than 6:00 a.m. (one hour later in the morning).
- Leaves Highland Glen's operating hours from dawn to dusk.
- Clarifies that operating hours do not apply to city uses and maintenance
- Clarifies that parking vehicles at parks, trails, and the cemetery is not permitted after 10:30 p.m., to allow people time to leave after the parks close at 10:00 p.m.
- Relocates the penalty language regarding curfew violations to the curfew section of the City code

Council Member Rodela stated she would like to know what Cedar Hills does in terms of hours of operation for pickleball courts and lighting. Ms. Wells stated she can look into that issue and feels administration of the lighting of the park could be handled independent of this action.

Mayor Ostler stated the assumption is that there are issues with teenagers being in parks in the late evening hours, but he wondered if there is an issue with people being in the parks too early in the morning. Chief Gwilliam stated that the City was recently made aware of people using pickleball courts at 5:00 a.m. and they brought their own lights with them. He stated that he feels the way this ordinance has been crafted will help those enforcing it to delineate between activities that are creating a nuisance versus those that are not. There was brief discussion of recent enforcement activities of the Police Department relative to reported nuisances at parks throughout the City.

Council Member Cortney stated he would like to make a change to the ordinance; in Section 12.24.010.A.1.d, it says no parking shall be permitted in the parking lots for City parks, trails, and cemetery past 10:00 p.m. and he would like to change that to read ‘between 10:30 p.m. and 5:00 a.m.’. Council Members Smith and Rodela stated they support that change.

Mayor Ostler asked if this will be the first instance that a violation of this ordinance will be a Class C misdemeanor. Chief Gwilliam stated that repeat offenses will become a Class C misdemeanor; the first violation is an infraction. Mayor Ostler stated he feels this ordinance is timely given that school will be out soon, and children will be out in the community later in the evening.

Council Member Kim Rodela MOVED that the City Council ADOPT the ordinance amending curfew enforcement and park hours and operations, with operation for all parks, other than Highland Glen, from 5:00 am to 10:00 pm, with sports activities not beginning earlier than 6:00 am, and parking from 5:00 am to 10:30 pm.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

Ms. Wells stated that Administration’s intention was to have a more thorough discussion of Mountain Ridge Park and its amenities at the June 4 meeting. Mayor Ostler reported that when the City sold the spring creek property, the proceeds could only be used for park purposes. Park impact fees cannot be used for other infrastructure projects in the community. He stated that when impact fees are charged, they are connected to a new improvement project. This led to philosophical discussion of the purpose of impact fee revenues and other enterprise funds, with Council Member Smith noting that it is important for the City to carefully define funding sources and planned amenity terms when advertising future discussions of Mountain Ridge Park; it is his understanding that the park included a stage for Highland Fling performances, and that is very different than an amphitheater, so the City must clearly define and communicate its intentions to the public. Council Member Campbell agreed.

b. ORDINANCE: Campaign Finance Regulations *Municipal Code Update (Legislative)*

Rob Patterson, City Attorney

The City Council will consider a proposed amendment to the municipal code related to candidates for election and campaign finances.

City Administrator Wells explained on February 20, 2024, the City Council discussed options for additional regulations of campaign finances. After discussing different options and methods of potential regulations, the Council directed staff to prepare regulations that were focused on campaign contributions from persons or entities with active projects and pending applications with the City. Utah State law specifically authorizes cities to adopt regulations related to campaign finance disclosures and conflicts of interest. Utah State law also generally allows municipalities to adopt regulations that promote and protect the general welfare. In accordance with these authorizations, and based on Council's direction, staff have prepared a draft ordinance regulating candidates and campaign finances related to municipal elected office. These regulations accomplish the following:

- Require candidates for office to adhere to the same conflict of interest standards as elected city officials, though filing conflict of interest disclosures is currently optional.
- Prohibit any donations from any person or entity who has a land use or code amendment application that was filed or was pending approval within the same calendar year of the election.
- Allows candidates to correct prohibited donations by refunding them or paying them to the City after receiving notice.
- Imposes an infraction penalty and fine for candidates that fail to correct a prohibited donation, with a second infraction within a year also disqualifying the candidate from election.

By way of additional background, several Utah cities have adopted requirements related to increased financial disclosures or have imposed maximum contribution limits for anonymous contributions, cash donations, and non-cash donations, though staff did not find limits specific to on-going developments and similar activities. The Utah State Legislature also has laws prohibiting donations to legislators while they are convened in session.

There was discussion among the Mayor, Council, and Ms. Wells regarding the types of applications that would fall under the second bulleted item, with Mayor Ostler noting there is an item later on tonight's agenda that would change the conditional use permit process and cede approval authority to the Planning Commission or staff, and he wondered if a conditional use permit applicant would be barred from donating to a campaign. Ms. Wells indicated the intent of the proposed ordinance language was to prevent an individual, developer, or corporation that is pursuing a large project in the City from donating to any municipal political candidate. The Council participated in philosophical discussion and debate regarding the language, with Council Member Rodela noting that no other city includes this type of regulation in their campaign finance rules and she is always concerned when a proposed City ordinance has not been compared with ordinances in other cities. She feels the State's campaign finance regulations are adequate for Highland to rely upon. Council Member Campbell argued there is at least one other city that has a similar regulation, but it is located in California. He stated that he recommended the language in question and his intent was to prevent developers from donating to campaigns. Council Member Rodela stated that she is concerned when there is a small perceived problem and an entity attempts to address or prevent that problem by enacting new rules or regulations, but those new rules or regulations create more problems than they solve. Council Member Campbell agreed and noted that he would like to table action on the proposed ordinance tonight and he will conduct further research into similar regulations in other entities.

Council Member Ron Campbell MOVED that City Council CONTINUE consideration of the ordinance regulating municipal election candidates' standards of conduct and campaign finances.

Council Member Scott L. Smith SECONDED the motion.

Council Member Cortney stated that based upon the conversation that has happened this evening, he does not believe the proposed ordinance can withstand constitutional scrutiny. He agrees that increased or improved reporting would be helpful, but he is concerned about prohibiting a candidate from accepting donations from certain individuals.

Ms. Wells stated that staff has expressed concerns about requiring more campaign finance reports because the penalty for failing to file a report could be for a candidate to be disqualified from the election.

Mayor Ostler asked the Council what additional information they would like to have in order to make a decision on this issue. Council Members indicated they would like to compare with other cities in Utah. Council Member Campbell stated he would like to have additional information about State campaign finance regulations and the manner in which they are enforced.

The vote was recorded as follows:

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

The motion carried 5:0

c. ACTION: School District Reorganization Interlocal Board Member Appointment *General City Management*
Kurt Ostler, Mayor

The City Council will consider appointing City Administrator Erin Wells as the City's representative to the board administering the interlocal agreement related to the creation of a new school district with Alpine, American Fork, Cedar Hills, Draper, and Lehi.

Mayor Ostler explained on April 29, 2024, the City Council approved the execution of an interlocal agreement with Alpine, American Fork, Cedar Hills, Draper, and Lehi to begin the process of allowing for the creation of a new school district within the respective cities. Section 2.4 of that agreement provides, "the Parties shall create a joint board with representation from each Party having equal voting power. All decisions regarding the acquiring, holding, and disposing of real and personal property in furtherance of this Agreement shall be made pursuant to a vote of the joint board." Accordingly, the Council needs to appoint a representative to serve on this board. The school district interlocal agreement requires that each city appoint a representative to serve on the board that will administer the interlocal agreement. The cities recently informally discussed the makeup of this board and agreed to have each city's manager/administrator be the representative. The goal was to form a board that can quickly communicate, collaborate, and make scheduling and implementation decisions while also being responsive to the cities' respective councils. Accordingly, staff recommends that the Council appoint City Administrator Erin Wells to serve as Highland City's representative on this board.

Council Member Cortney asked if the Council is appointing Ms. Wells as the City's representative or if the Mayor is appointing her and the Council is consenting to that appointment. Mayor Ostler stated that the Council is being asked to confirm his appointment of Ms. Wells.

Council Member Kim Rodela MOVED that City Council confirm the appointment of City Administrator Erin Wells as school district creation representative.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

4. DISCUSSION ITEMS

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

a. Alpine Highway Fence Replacement Program General City Management

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Council will discuss options for a grant/reimbursement program for the Alpine Highway fence. City Administrator Wells explained the Council has discussed the Alpine Highway fence situation on numerous occasions. On March 19, 2024, the Council considered a bid from a contractor to repair the current fence, which was approximately \$250,000. The Council directed staff to not proceed with the bid and to present information on a potential grant/reimbursement program to help the homeowners with the fence. On April 16, 2024, the Council discussed options for the reimbursement program. Based on the Council's April 16, 2024, staff has prepared three fence replacement program options for the Council to consider. These terms are not set, and any term can be adjusted by the Council. The intent of providing these options is to give the Council a jumping-off point for discussion. Once Council tentatively agrees on an option (with any changes), staff will prepare the item for formal approval at a future Council meeting. She then summarized the three options as follows:

- Option 1:
 - \$120,000 over two years (\$60k each), \$25.80 per linear foot (LF), ~18 lots per year.
 - No clustering, allow current or council-approved fence.
- Option 2:
 - \$186,000 over two years (\$93k each), \$40 per LF, ~18 lots per year.
 - 3-lot clustering, allow only new council-approved fence.
- Option 3:
 - \$240,000 over three years (\$80k each), \$51.61 per LF, ~12 lots per year.
 - 3-lot clustering, allow only new council-approved fence.

Ms. Wells then noted an additional discussion point for the Council is a proposal from a resident to allow for a more affordable fence design that still gives a precast type of look; this would require a change to the City's theme wall code and the Council would need to decide if the change would apply to the Alpine Highway Fence only, or to all future theme walls.

Council Member Campbell stated that he learned late this afternoon that the type of fence recommended by the resident will not be as durable as previously believed and he can no longer support that option. Ms. Wells thanked Council Member Campbell for that information.

Ms. Wells then noted that any funding for this project would need to come from General Fund Fund Balance; if the Council chooses to proceed, questions that must be answered include:

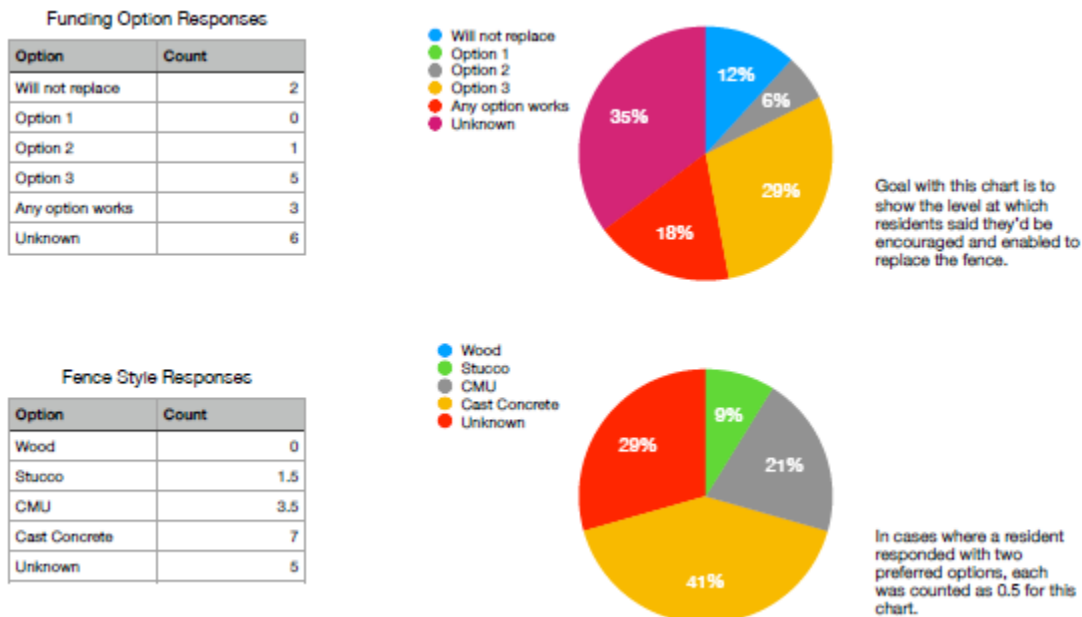
- Total grant amount
- Number of years for grant program

- Fence type required for grant/ update theme wall
- Require clustering/ groups of homes

Once these questions are answered, staff will prepare a final grant program for future consideration/action of the Council.

Ms. Wells and Mayor Ostler facilitated discussion among the Council in an attempt to gather feedback and answer the questions listed by Ms. Wells. The discussion focused on consistency of the wall design in an effort to preserve the theme wall; and the cost of the different design options.

Council Member Cortney stated that he canvassed the neighborhood to poll homeowners who will be impacted by this project; he created a graph to categorize the responses from the residents, which he reviewed as follows:



Council Member Campbell stated that he wants to avoid a patchwork look along Alpine Highway; if a property owner chooses a fence other than what the City approves, they should not be eligible to receive any grant money from the City. For that reason, he is leaning towards option three because he believes a higher grant amount will encourage more residents to participate in creating a theme wall.

Council Member Cortney asked if the Council could eliminate the option of replacing the fence with something similar to the current fence style. Ms. Wells stated she will ask for legal advice from City Attorney Patterson. Mayor Ostler stated his understanding is that any new fence must comply with the new ordinance with updated design criteria. Council Member Smith expressed his opinion that the City should participate in the fence replacement because the residents have been told for the past 20 years that the fence is City-owned. He supports option three for that reason. Council Member Bills stated she leans toward option two; she feels the City should contribute to the project, but must also leave funding available for other beautification projects in the City. Council Member Rodela agreed; the City needs to prioritize all needed beautification projects in the community. She likes the idea of clustering a minimum of five lots together.

Council Member Cortney stated it is his personal judgement that everyone has the opportunity to make their own moral judgements regarding these types of issues. He stated that it was an honest mistake on the part of the City to communicate over the years that the fence was owned by the City and not residents; however, that communication was still made, and it is wrong to wait until the fence is literally falling down and then communicate to the residents that they own it and are responsible to fix it. The right thing for the City to do is hand over the fence to the residents in good repair.

The City has examined the cost to do this and determined it would cost approximately \$250,000. He stated he does not think that anyone wants to keep the existing fence, however, so repairing the existing fence and then turning it over to the residents is not desired. He does support allocating \$250,000 to the grant program because that is the amount that would have been spent to repair the existing fence.

Council Member Campbell agreed and stated he supports option three, with an increase in the grant fund from \$240,000 to \$250,000. Mayor Ostler stated that he understands Council Member Cortney and Council Member Campbell's position, but from the perspective of the general taxpayer in the City, he asked why the City would be contributing more than 50 percent to the fence replacement costs. Council Member Campbell stated that doing so will increase the probability of achieving the desired outcome; there are some residents who cannot afford to replace the fence unless the City allocates a meaningful amount of funding to the program. He stated he would like to impose design and construction requirements in order to preserve the theme wall design. He added that it will be difficult to extend a program longer than two years because future elected officials cannot be committed by the current Council. Council Member Campbell stated he would be willing to agree to a two-year program to avoid binding future Councils. Council Member Rodela stated it will be difficult for her to support \$250,000 for a beautification project in the same year that the Council did not fully fund pay increases for public safety employees. She is willing to compromise, but she cannot prioritize this project over public safety of the community. Council Member Smith stated he also supports public safety, but this project is a 'drop in the bucket' when compared to the public safety budget. He stated this project will truly beautify the City and will not jeopardize the City's ability to adequately fund public safety. Mayor Ostler reiterated that he understands all viewpoints, but it will be necessary to vocalize why the Council supports allocating \$250,000 to this project, but likely will not consider funding other beautification projects that involve private property.

Discussion among the Council then centered on clustering fence replacement projects and the amount per linear foot they are willing to fund in the grant program. They settled on \$50 per linear foot with a program over a three-year term.

Council Member Bills stated that while she supports option two over option three, she commended the affected residents for their persistence; she will be happy to vote to support the decision of the Council so the residents can proceed with the fence replacement project.

Council Member Campbell stated he would like to get input from residents regarding the clustering concept.

Nate Woodbury stated he understands the idea behind clustering, but asked what will happen if some residents are able to proceed, but they cannot get a third property owner to join with them for clustering purposes. Steve Hogan agreed and stated he shares the same concern of Mr. Woodbury. Mayor Ostler stated that those residents could still proceed with the fence replacement without financial support from the City. Council Member Smith agreed and noted that would preserve the grant funding for others in the future.

Council Member Smith stated he supports a three-property clustering requirement. Council Members Campbell and Cortney stated they can reluctantly support the three-home cluster. Mayor Ostler stated that the Council can approve including a cluster requirement and adjust the program later if the determination is made that the clustering requirement is preventing residents from proceeding.

Discussion then shifted to the design criteria for the fence. City Engineer/Public Works Director Spencer noted that if the City Council wants to ensure that the entire length of the fence looks the same, it will be necessary to use the same manufacturer. If multiple manufacturers are used, the fence will look similar, but not identical.

Council Member Campbell stated he would like for staff to provide options and recommendations based upon cost. Mr. Spencer stated the residents have solicited some prices from different vendors, but it is important to

ensure that all contractors are bidding on the same specifications. Council Member Bills stated she would like for staff to present options to the Council at their next meeting for a final vote on the matter. Council Member Cortney agreed; he added that in his canvass of the neighborhood, he heard from one resident who wanted the ability to include a gate in their fence and another who wanted to sign a contract with the City to ensure the City will reimburse him for a portion of the cost of the fence. Mayor Ostler stated he feels an agreement would benefit both parties. Ms. Wells added that the City has typically not allowed gates on theme walls. Mayor Ostler stated he is not in favor of allowing gates; Council Members Smith and Campbell agreed.

Mayor Ostler asked Ms. Wells if she had enough information to formulate a final proposal for the Council to consider at their next meeting, to which Ms. Wells answered yes.

b. Personnel Policy FMLA Updates *General City Management*

Jess Andra

The City Council will consider and discuss proposed amendments to the City's personnel policies related to FMLA and similar federal laws.

City Administrator Wells indicated that in the first quarter of 2021, the City Council discussed amendments to the City's personnel policies related to maternity leave and Family Medical Leave Act (FMLA) leave. After discussing different options, the Council voted to approve allowing a more flexible option to use FMLA leave on a modified, part-time basis for maternity leave. FMLA generally requires covered employers to provide FMLA leave to eligible employees when the employee or close family members of the employee experience certain situations:

- Birth of a child or placement of a child with the employee for adoption or foster care
- Caring for a child, spouse, or parent with a serious health condition
- The employee's inability to work due to a serious health condition
- Reasons related to a family member's service in the military

Generally, FMLA requires employers to provide eligible employees with up to 12 weeks of unpaid leave during a 12-month period for a qualifying situation. FMLA requires the employer to continue to provide health care benefits and to protect the employee's job and position during that 12-week period. FMLA allows (but does not require) employers to require that employees use accrued leave time as part of FMLA leave and allows employees to elect to use any leave time not required to be used in order to be paid during the FMLA leave. FMLA leave for medical/military reasons (for the employee or employee's family member) can be used either in a 12-week block or on an intermittent basis, depending on the needs of the employee. However, FMLA leave for birth/placement of a child, where there is no medical necessity, does not need to be offered by an employer on an intermittent basis. In other words, an employer can require that employees use their FMLA leave for the birth/placement of a child in a single, continuous block, rather than spacing out the FMLA leave on a part-time basis. Highland City's current policies are as follows:

- Require employees using FMLA leave to use all accrued vacation and sick leave for the duration of the FMLA leave.
- Parental leave (called maternity leave in the current policy) allows the 12 weeks of FMLA leave to be taken in one of two forms:
 - 12-week block of continuous leave, or
 - 8-week block of continuous leave, with the remaining 4 weeks of FMLA leave spread out over 8 weeks, allowing a part-time use of FMLA.

Since the Council last considered FMLA leave, FMLA regulations have been updated to allow bonding with a newly born/placed child (separate from childbirth or placement of a child for fostering/adoption) as a basis for FMLA leave. In addition, staff have discussed whether to allow for more flexibility with the use of FMLA leave on a part-time/intermittent basis, subject to City and department needs, and whether it makes sense to require the exhaustion of all accrued leave, when an employee may have sick or other family needs after FMLA leave.

Finally, staff proposes updating the policies to reference the new Pregnant Workers Fairness Act, which requires ADA-like accommodations for pregnant employees. The proposed amendments to the policies are summarized as follows:

- Adds a specific statement regarding the City's compliance with all state and federal employment and anti-discrimination regulations
- Reduces the amount of accrued leave that is required to be used for FMLA leave; all admin and comp leave must be used, and all vacation and sick leave beyond 40 hours each must be used, though employees may choose to use that time
- Clarifies maternity is parental leave, as it applies to all parents
- Allows FMLA leave for parental leave to be used in any of the following methods:
 - As a continuous block of time (up to 12 weeks)
 - On any schedule as required by the medical needs of the parent/child
 - Where not medically required, on a part-time/intermittent basis on a schedule that is submitted by the employee and reviewed and approved by the employee's supervisor, the human resource generalist, and city administrator. This may include work-from-home options. Not all requested schedules may be accommodated, but are based on the employees' responsibilities and needs of the City and the employee's department.

Staff believes that these changes will provide for a more family friendly work environment for employees which will help the City attract and retain quality employees while still balancing the needs of the organization.

Council Member Smith stated that he supports the proposed changes as he feels that it will contribute to the retention of quality employees; he added that as a clinician that is frequently asked to complete FMLA paperwork, it would be helpful for the City to provide a clear explanation of the purpose of the paperwork to the employee and the care provider. Many patients are not familiar with the purpose of the form, so they are confused when discussing the matter with their care provider.

Council Member Bills stated she also supports the changes; she asked what would happen if the City Administrator needed to take FMLA leave. Ms. Wells stated approval of the leave would be considered by the Human Resources Division and the Mayor.

Council Member Campbell stated he also supports the changes. Council Member Cortney agreed and suggested that the proposed amendments be included on the consent agenda for the next meeting since it has already been discussed.

c. Conditional Use Permit Code Requirements *Development Code Update (Legislative)*

Ron Campbell, Council Member, Rob Patterson, City Attorney

The City Council will discuss current conditional use permit regulations and procedures and identify any desired changes.

Council Member Campbell stated he requested this item because he feels it is reasonable to assign approval authority of conditional use permit (CUP) applications to the Planning Commission. He stated he understands that the Planning Commission is appointed, not elected, but the Council should feel comfortable assigning CUP approval to them based upon the fact that the Council has selected individuals they trust to fulfill the role of a Planning Commissioner. He stated he served as a member of the Planning Commission for five years and felt as though the body could have handled several different types of applications without requiring an action by the City Council.

Council Member Smith stated that he understands Council Member Campbell's position, but noted there have been many CUP applications in the past that have been very controversial. He is nervous about taking authority over those types of applications away from the Council. He wondered if CUP applications can be broken into multiple categories and only those that may not be controversial could be assigned to the Planning Commission.

Council Member Campbell stated he feels CUP applications of a residential nature could easily be assigned to the Planning Commission.

City Administrator Wells used the aid of a PowerPoint presentation to identify the differences between conditional uses and permitted uses; she also identified current residential conditional uses and current commercial conditional uses:

Residential conditional uses:

- Public schools and school grounds
- Churches, church grounds, and accessory buildings associated with maintenance
- Libraries, museums, and art galleries
- Country clubs for golf with limits on sale of food and equipment
- Communications and other towers or masts
- Drilling wells
- Funeral homes

Commercial conditional uses:

- C-1:
 - Gas station and convenience stores
 - Drive-thru restaurants
 - Minor auto repair including lubrication, tires, washing, brakes, and other minor maintenance
- Town Center Commercial:
 - Hotel
 - Nail salon, pedicure, day spa
 - Therapeutic massage
 - Farmers markets
- Residential-Professional/Professional Office:
 - Professional offices (architects, engineers, CPAs, insurance, lawyers)
 - Medical offices (doctors, dentists, pharmacy, psychiatrist)
 - Banks and financial institutions
 - Daycares/preschools
 - Art and craft galleries and studios

The Council engaged in discussion and debate of the types of CUP applications that could be assigned to the Planning Commission for approval and whether public hearings should be held for CUP applications. They concluded all commercial CUPs should come to the City Council for approval and to develop a land use table in the City Code to identify the approval authority. Residential CUP applications can be referred to the Planning Commission for action.

Council Member Doug Cortney MOVED to extend the meeting to 10:30 pm. Council Member Kim Rodela SECONDED the motion. All voted in favor. The motion passed unanimously.

5. COMMUNICATION ITEMS

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

a. Police Data Report *Brian Gwilliam, Police Chief*

Chief Gwilliam provided a report of monthly enforcement activities for 2024 to date; the report was broken down by criminal activity category. The top five criminal activities in Highland are fraud, sex offenses, driving under the influence (DUI), assaults, and child abuse. Over the first four months of 2024, the Police Department has responded to 3,134 calls, or 783 calls per month and 70 percent of the Department's time was spent in Highland. The Council thanked Chief Gwilliam for this information; they also participated in a brief high-level discussion of the citation statistics for both

Highland and Alpine cities and the trends in wages for other public safety agencies.

Mayor Ostler stated he feels it would be beneficial for the Council to receive a similar report from the Fire Department.

b. Update on Traffic Calming Toolbox Implementation *Andy Spencer, City Engineer/Public Works Director*

This item will be discussed at a future meeting.

c. School District Boundary Reorganization Update *Rob Patterson, City Attorney*

City Administrator Wells explained there is the potential for an interim legislative session to clarify many issues relating to the school boundary reorganization process. There is also an ongoing feasibility study being performed by Lewis Roberts Burningham (LRB) pertaining to the financial implications of a potential district realignment. She added there will be public hearings on July 2 and 16.

Mayor Ostler stated that LRB plans to present the findings of their feasibility study on June 18 at 5:00 p.m.; representatives of the City Councils of other participating cities will also attend.

Council Member Bills asked that the City Attorney provide the Council with some counsel regarding their role in the process and what they are allowed to do or not do in terms of advocating for the boundary adjustment. Ms. Wells stated she will ask City Attorney Patterson for that information. She added that the City Attorneys have been asked to develop proposed code language to address any outstanding or unclear items in the State legislation.

Other items to be addressed in the interim legislative session or via interpretation from the Lt. Governor's Office include:

- Can both the interlocal and Alpine School District proposals go on the ballot?
- What communications abilities do cities have?
- Who is the election official over the item?
- What election code is this running under?

d. Short Term Rental Owner Occupancy Code *Kim Rodela, Council Member, Rob Patterson, City Attorney*

City Administrator Wells stated there is a possible gap in the City Code regarding short term rentals; the Code states that 'all short-term rental properties must be owner occupied' and she asked if the intent was for the owner to be present during all rentals, or that they live in the home 50 percent of the time and can be gone at the time of a rental.

Council Member Rodela stated that the loophole must be closed to avoid a scenario where any residential property in the City could be rented as a vacation rental property for six months out of the year. She would prefer for owners to be present during a rental; they would live on a portion of the home and the other portion could be rented as a vacation rental. Council Member Smith agreed and relayed a situation in his own neighborhood where a family rented their home for half of the year using a property management company. The home became a nuisance to the neighborhood and many other homeowners were concerned.

Council Member Cortney showed support for Council Member Rodela's recommendation that the homeowner be present at the property during a rental.

e. Accessory Structures Restrictions and Ridgeview PD *Scott Smith, Council Member, Rob Patterson, City Attorney*

This item will be discussed at a future meeting.

- f. Right of Way Driveway Connections** *Andy Spencer, City Engineer/Public Works Director*
This item will be discussed at a future meeting.
- g. Council Policies and Procedures & Annual Conflict of Interest Statements** *Erin Wells, City Administrator*
This item will be discussed at a future meeting.

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.

At 10:25 pm Council Member Ron Campbell MOVED that the City Council recess to convene in a closed session to discuss reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

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

The CLOSED SESSION adjourned at 11:10 pm.

ADJOURNMENT

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

The meeting adjourned at 11:11 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 21, 2024. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder

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Prior Council Direction

- May 7 - Council directed staff to adjust park hours of operation for all parks other than Highland Glen to 5:00 am to 10:00 pm, with sports activities not beginning earlier than 6:00 am.

7

Current City Code

- Municipal code 12.24.010: Park and cemetery hours of operation
- 5:00AM – 11:00PM
 - Dawn to dusk at Highland Glen

8

Proposed Change

- Establishes general cemetery and park operating hours to be from 5:00 am to 10:00 pm (one hour earlier in the evening),
 - No sport practice, games, training, or play--such as pickleball or organized field usage--beginning earlier than 6:00 am (one hour later in the morning).
- Leaves Highland Glen's operating hours from dawn to dusk.
- Parking vehicles at parks, trails, and the cemetery is not permitted after 10:30 pm
- For enforcement, would need proper signage

9

Alternative Change

- Make all general park operating hours 6:00 am to 10:00 pm
 - one hour earlier in the evening
 - one hour later in the morning
- Early morning walkers could be present, but no enforcement would be carried out unless police were called relative to nuisance activities

10

Additional Discussion Point

- Timing of pickleball lights or any future field lighting
 - Park hours ordinance as determined by Council
 - 5:00 or 6:00AM until 10:00 or 11:00PM
 - Light/ noise ordinance
 - 7:00AM - 10:00PM

11

Motion to Approve

I move that the City Council ADOPT the ordinance amending curfew enforcement and park hours and operations.

12



CAMPAIGN FINANCE REGULATIONS
Municipal Code Update (Legislative)

Item 3b - Expedited: Ordinance
Presented by - Erin Wells, City Administrator

13

Prior Council Direction

- February 20 - Council directed staff to prepare potential code amendment focused on campaign contributions from persons or entities with active projects and pending applications with the City

14

Proposed Change

- Requires candidates for office to adhere to the same conflict of interest standards as elected city officials, though filing conflict of interest disclosures is optional
- Prohibits any donations from any person or entity who has a land use or code amendment application that was filed or was pending approval within the same calendar year of the election
- Allows candidates to correct prohibited donations by refunding them or paying them to the City after receiving notice
- Imposes an infraction penalty and fine for candidates that fail to correct a prohibited donation, with a second infraction within a year also disqualifying the candidate from election

15

Comparison of Other Entities

- Increased financial disclosures
- Maximum contribution limits for anonymous contributions
- State Legislature prohibits donations to legislators while they are convened in session

16

Motion to Approve

I move that City Council ADOPT the ordinance regulating municipal election candidates' standards of conduct and campaign finances.

17



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

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

18

Prior Council Direction

- April 29 - City Council approved the execution of an interlocal agreement with Alpine, American Fork, Cedar Hills, Draper, and Lehi to begin the process of allowing for the creation of a new school district within the respective cities

19

Background

- Agreement requires cities to appoint a representative to serve on this board
- Other cities have suggested City Managers/ Administrators be appointed to quickly execute the administrative needs relative to potentially putting the district split on the ballot.
- All legislative decisions will ultimately be made by the Cities Council's

20

Motion to Approve

I move that City Council APPROVE the appointment of City Administrator Erin Wells as the School District Creation Board representative

21



ALPINE HIGHWAY FENCE
REPLACEMENT PROGRAM

General City
Management

Item 4a - Discussion

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

22

Options for Discussion
(Reimbursement options)

- Option 1:
 - \$120,000 over two years (\$60k each), \$25.80 per LF, -18 lots per year
 - No clustering, allow current or council-approved fence
- Option 2:
 - \$186,000 over two years (\$93k each), \$40 per LF, -18 lots per year
 - 3-lot clustering, allow only new council-approved fence
- Option 3:
 - \$240,000 over three years (\$80k each), \$51.61 per LF, -12 lots per year
 - 3-lot clustering, allow only new council-approved fence

23

Other Discussion Points

- Proposal to all for a more affordable fence design that still gives a precast type look
 - Would require a change to our theme wall code
 - Just this area or all future theme walls?
 - Long-term durability
 - Would likely result in a more uniform look
- Funding would need to come from General Fund Fund Balance

24

Core Questions to Be Answered

- Total grant amount
- Number of years for grant program
- Fence type required for grant/ update theme wall
- Require clustering/ groups of homes
- Staff will then prepare a final program for future approval

25



26

Nearby CMU Design



27

Precast Concrete Designs in Highland



28

Precast Concrete Designs in Highland



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Precast Concrete Designs in Highland



30



PERSONNEL POLICY FMLA UPDATES

Item 4b – Discussion
Presented by – Jess Andra, Human Resources Generalist

31

Background

- In recent years the Council has shown a tendency towards flexibility for FMLA use for maternity leave.
- Due to federal changes to FMLA and prior situations with staff members, staff recommends revising FMLA to come into compliance and to provide additional flexibility for staff members with paternity needs.

32

FMLA 101

- Birth of a child or placement of a child with the employee for adoption or foster care.
- Caring for a child, spouse, or parent with a serious health condition.
- The employee's inability to work due to a serious health condition.
- Reasons related to a family member's service in the military.

33

FMLA 101 Continued

- Employers must provide employees with 12 weeks unpaid leave per year for FMLA qualifying reasons
- Employees may use leave time to still receive payment
- For medical or military reasons, FMLA leave can be used intermittently depending on the needs of the employee
- Where there is no medical necessity, employer can require employee to use leave in a continuous block

34

Recent Federal Changes

- Now allows for bonding time with a newly born/ placed child (fostering and adoption)
- Pregnant Workers Fairness Act
 - ADA-like accommodations for pregnant employees

35

Current City Policy

- Requires employee using FMLA to use ALL vacation and sick leave
- Maternity leave (for no medical necessity) can be taken in two forms
 - 12-week continuous block
 - 8-week continuous block and then 4-weeks spread out part-time over 8 weeks

36

Proposed Changes

- States City’s compliance with all state and federal employment and anti-discrimination regulations
- Reduces the amount of accrued leave that is required to be used for FMLA leave
 - All admin and comp leave must be used
 - All vacation and sick leave beyond 40 hours each must be used, though employees may choose to use that time
- Clarifies maternity is paternal leave, as it applies to all parents

37

Proposed Changes Parental Leave Options

- Continuous block of time (up to 12 weeks)
- On any schedule as required by the medical needs of the parent/child
- Where not medically required, on a part-time/intermittent basis on a schedule that is submitted by the employee and reviewed and approved by the employee’s supervisor, the human resource generalist, and city administrator.
 - May include work-from-home options.
 - Not all requested schedules may be accommodated, but are based on the employees’ responsibilities and needs of the City and the employee’s department.

38

Benefits of Changes

- Allows employees to preserve some leave time in case of other needs while still protecting the organization from excessive leave beyond FMLA
- Allows for a more family-friendly work environment which benefits recruitment and retention while still balancing the needs of the organization with its employees
- Allows employees in paternity situations who want to do an intermittent schedule to return to work earlier than 8-weeks

39



CONDITIONAL USE PERMIT CODE REQUIREMENTS

Item 4c – Discussion
Presented by – Ron Campbell, City Council Member & Rob Patterson, City Attorney/Planning & Zoning Administrator

40

Prior Council Direction

- May 7 – While approving a church pavilion as a CUP, Council requested a future discussion on the conditional use process to determine if any changes make sense.

41

Zoning/Use 101

- Prohibited
- Permitted
 - Use allowed so long as requirements in City’s code are met.
- Conditional
 - Generally permitted, but require special consideration and conditions to mitigate potential impacts
 - Allows City flexibility in crafting conditions not already outlined in code.

42

Current CUP Process

- Application submission
- Staff review/comments/application resubmittal
- Planning Commission review with staff recommendation
 - Public hearing held and recommendation sent to Council
- Council review with staff and Planning Commission recommendation
 - Public hearing and final decision

43

Potential Areas to Amend

- Land Use Authority: who approves the CUP?
 - State law does not direct who should approve CUPs.
- Public Hearings: whether and how many public hearings should be held.
 - State law does not require public hearings for CUPs.
 - State Ombudsman recommends against public hearings, to avoid allowing public clamor guide a decision on an administrative CUP.
- Types of Uses: what uses should be conditional uses and what uses should simply be permitted
 - State law does not direct which uses are conditional vs permitted, but many trainings recommend against conditional uses and recommend sticking to permitted or prohibited.
 - Like church pavilion, there may be types of uses that have minimal impact that could be made permitted, rather than conditional.

44

Current Residential Zone Conditional Uses

- Public schools and school grounds
- Churches, church grounds, and accessory buildings associated with maintenance
- Libraries, museums, and art galleries
- Country clubs for golf with limits on sale of food and equipment
- Communications and other towers or masts
- Drilling wells
- Funeral homes

45

Current Commercial Zone Conditional Uses

- C-1:
 - Gas station and convenience stores
 - Drive-thru restaurants
 - Minor auto repair including lubrication, tires, washing, brakes, and other minor maintenance
- Town Center Commercial:
 - Hotel
 - Nail salon, pedicure, day spa
 - Therapeutic massage
 - Farmers markets
- Residential-Professional/Professional Office:
 - Professional offices (architects, engineers, CPAs, insurance, lawyers)
 - Medical offices (doctors, dentists, pharmacy, psychiatrist)
 - Banks and financial institutions
 - Daycares/preschools
 - Art and craft galleries and studios

46



POLICE DATA REPORT

Item 5a - Communication
Presented by - Brian Gwilliam, Police Chief

47



SCHOOL DISTRICT BOUNDARY
REORGANIZATION UPDATE

Item 5c - Communication
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

48

Current Status

- Potential interim legislative session in June to fix issues with new code
 - Attorneys working on draft language
- Ongoing feasibility study by LRB to look at financial cost of potential split
 - Presentation meeting for ALL cities in our chambers Tuesday, June 18. 5:00 or 6:00?
- June 18 – August 2: 45-day public hearing comment period for 2 public hearings
 - July 2 and July 16
- August 6: Cities vote on whether to put the item on the ballot

49

TBD Pending legislative changes and interpretation by the Lt. Gov's Office

- Can both the interlocal and ASD proposals go on the ballot
- What communications abilities do cities have?
- Who is the election official over the item?
- What election code is this running under?
- Etc.

50



SHORT TERM RENTAL OWNER
OCCUPANCY CODE

Item 5d - Communication
Presented by – Kim Rodela, City Council Member & Rob Patterson, City Attorney/Planning & Zoning Administrator

51

Potential Code Gap

- 5.24.060 A “All short-term rental properties shall be owner occupied.”
 - What does “owner occupied” mean?
 - Gone at the time of rental, but still live in the house more than 50% of the year
- Was Council's intent for the owners to be there at the time of the rental?
 - If so, a code amendment will be prepared

52



FUTURE MEETINGS

- May 28, Planning Commission Meeting, 7:00 pm, City Hall
- June 4, City Council Meeting, 7:00 pm, City Hall
- June 12, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- June 18, School District Study Presentation, 5:00 pm, City Hall
- June 18, City Council Meeting, 7:00 pm, City Hall
- June 25, Planning Commission Meeting, 7:00 pm, City Hall

53



CLOSED SESSION

The Highland City Council has recessed the regular City Council meeting to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated §52-4-205.

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

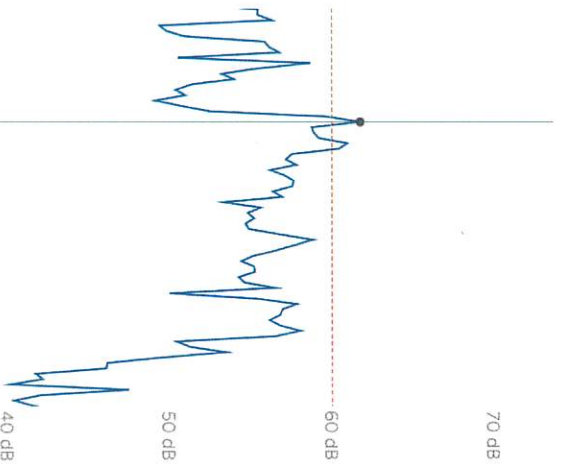
54

Friday, May 17th

Noise monitoring

[Done](#)
80 dB

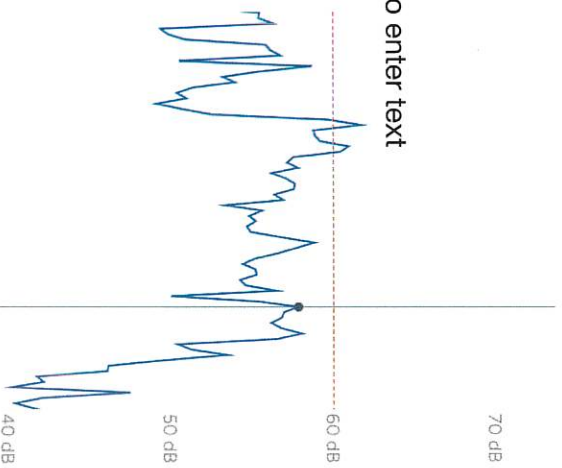
62 dB 51 dB-74 dB
14:15 - 14:30, May 17



Noise monitoring

[Done](#)
80 dB

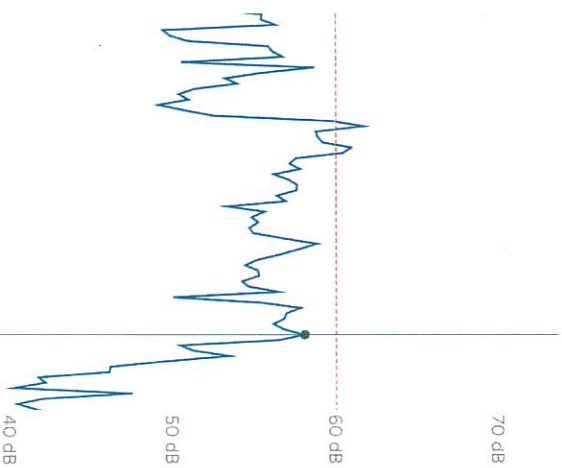
58 dB 49 dB-69 dB
22:45 - 23:00, May 17



Noise monitoring

[Done](#)
80 dB

58 dB 47 dB-73 dB
00:00 - 00:15, May 18



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May 17 May 18

2:15pm

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May 17 May 18

12:00am

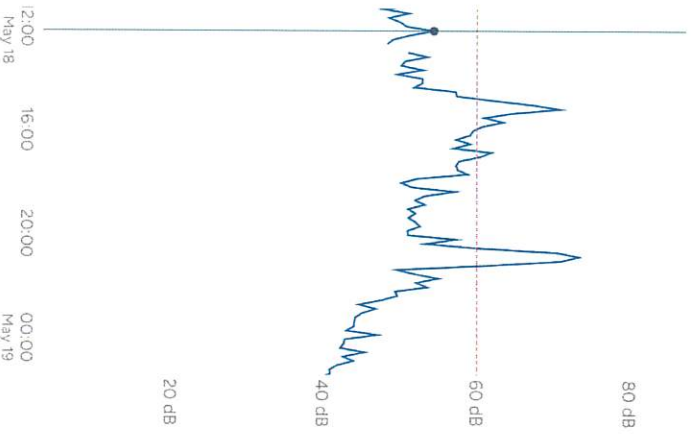
The dark line is the average sound for the 15 min period. The lighter line is the high and low dB measured within the time period.

Saturday May 18

Noise monitoring

[Done](#)
100 dB

54 dB 50 dB-61 dB
12:00 - 12:10, May 18

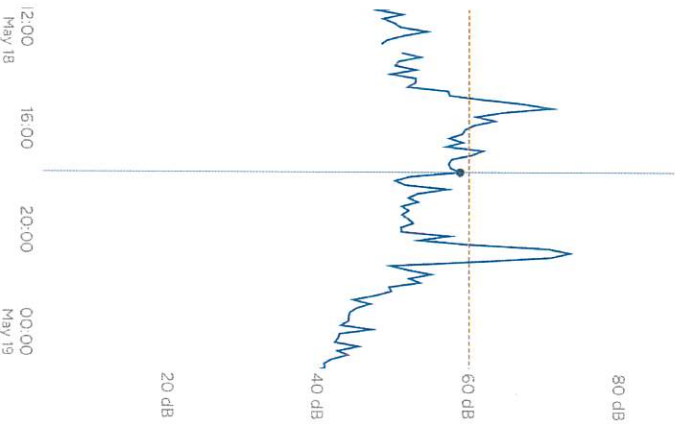


12:00pm

Noise monitoring

[Done](#)
100 dB

59 dB 51 dB-64 dB
17:30 - 17:40, May 18

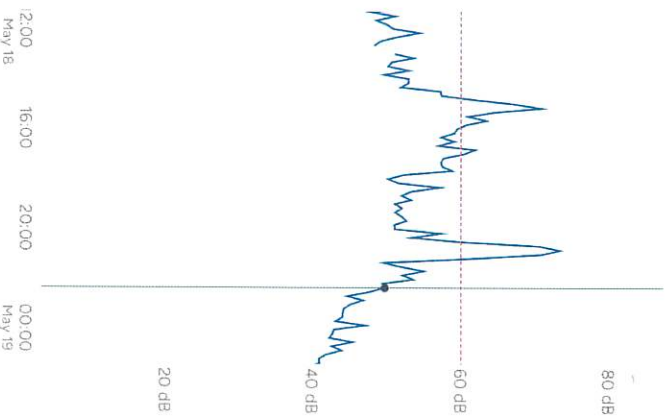


5:30pm

Noise monitoring

[Done](#)
100 dB

50 dB 46 dB-59 dB
22:10 - 22:20, May 18



10:00pm

The dark line is the average sound for the 15 min period. The lighter line is the high and low dB measured within the time period.

Canyon Park
Washington, Utah



Smith Ranch Park
Eagle Mountain, Utah
(under construction)

