



## HIGHLAND CITY

# HIGHLAND CITY COUNCIL AGENDA

TUESDAY, AUGUST 6, 2024

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](mailto:council@highlandcity.org)

## 7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Ron Campbell

Pledge of Allegiance: Council Member Brittney P. Bills

### 1. UNSCHEDULED PUBLIC APPEARANCES

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

### 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. 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*  
June 18, 2024 Special City Council Meeting
- b. **Approval of Meeting Minutes** *General City Management*  
*Stephannie Cottle, City Recorder*  
June 18, 2024 City Council Meeting
- c. **Approval of Meeting Minutes** *General City Management*  
*Stephannie Cottle, City Recorder*  
July 2, 2024 City Council Meeting

### 3. ACTION ITEMS

- a. **ORDINANCE: Text Amendment - Home Occupation Code for Homes that Front on SR 92 Municipal Code Update (Legislative)**  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider a request from Bryan Irving/Tile Ram to amend the City's home occupation code to allow homes that front directly onto SR-92 to have non-resident employees.
- b. **ORDINANCE: Fence Regulations - Double-Fronted Lots Development Code Update (Legislative)**  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider the City's fencing regulations relative to double-fronted lots and give staff direction on any desired amendments.

- c. **ACTION: Zoning Approval for Residential Facility for the Disabled** *Land Use (Administrative)*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider a request by Supportive Stay LLC for a residential facility for the disabled.
- d. **RESOLUTION: Smith Annexation** *Land Use (Administrative)*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider a request by Shalynn Larson, representing Trent Smith, to annex approximately 1.13 acres of property located at 7015 W 9600 N. The purpose of this resolution is for the Council to accept or reject the annexation petition for further consideration.
- e. **RESOLUTION: School District Reconfiguration - Approval for Ballot** *General City Management*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider submitting the proposal to split the Alpine School District and create a "central" school district (Alpine, American Fork, Cedar Hills, Draper [Utah County], Highland, and Lehi) to a vote.
- f. **ORDINANCE: Campaign Finance Amendments** *Municipal Code Update (Legislative)*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The City Council will consider amendments to the City's municipal code to restrict donations over \$1,000 from persons who have pursued recent land use applications with the City.

#### 4. EXPEDITED ITEMS

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

- a. **ACTION: Approval of Vehicle Purchases** *General City Management*  
*Jeff Murdoch, Assistant Public Works Director*  
The City Council will consider approving the purchase of (3) 2024 F-150 pickup trucks and (1) 2024 Transit Van for the Public Works Department as approved in the FY25 City Budget.

#### 5. COMMUNICATION ITEMS

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

- a. **Golf Carts on Public Roads** *Brian Gwilliam, Police Chief*
- b. **Flock Cameras** *Brian Gwilliam, Police Chief*
- c. **Accessory Structures Restrictions and Ridgeview PD** *Scott Smith, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*
- d. **Sign Code** *Kurt Ostler, Mayor, Rob Patterson, City Attorney/Planning & Zoning Administrator*
- e. **Council Policies and Procedures & Annual Conflict of Interest Statements** *Erin Wells, City Administrator*
- f. **4800 West MAG Funding Update** *Kurt Ostler, Mayor*
- g. **Community Development Update** *Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator*

#### 6. CLOSED MEETING

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

#### 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](http://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 1st day of August, 2024.

Stephannie Cottle, City Recorder

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



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL SPECIAL MEETING**

**Tuesday, June 18, 2024**

**Waiting Formal Approval**

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

**VIRTUAL PARTICIPATION**

 YouTube Live: <https://www.youtube.com/live/86t3NXYrJs?feature=shared>

 Email comments prior to meeting: [council@highlandcity.org](mailto:council@highlandcity.org)

**5:00 PM SPECIAL MEETING**

- Call to Order – Mayor Mark Johnson, Lehi City
- Invocation - Mayor Brad Frost, American Fork
- Pledge of Allegiance - Mayor Kurt Ostler, Highland City

The meeting was called to order by Mayor Mark Johnson as a special session at 7:02 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Mayor Brad Frost and those in attendance were led in the Pledge of Allegiance by Mayor Kurt Ostler.

**PRESIDING:** Mayor Mark Johnson

**ELECTED OFFICIALS PRESENT:**

- Alpine: Mayor Carla Merrill, Council Members Jason Thelin, Brent Rummeler, Chrissy Hannemann
- American Fork: Mayor Brad Frost, Council Members Ryan Hunter, Ernie John, Clark Taylor, Tim Holley, Staci Carroll
- Draper: (Virtual) Mayor Troy Walker, Council Members Fred Lowry, Mike Green, Tasha Lowery, Bryn Heather Johnson
- Cedar Hills: Council Members Bob Morgan, Kelly Smith, Mike Geddes
- Highland: Mayor Kurt Ostler, Council Members Brittney P. Bills, Ron Campbell, Doug Cortney, Kim Rodela, Scott L. Smith
- Lehi: Mayor Mark Johnson, Council Members Chris Condie, Heather Newall, Paul Hancock, Paige Albrecht, Michelle Stallings

**CITY STAFF PRESENT:**

- Alpine: City Attorney Steve Doxey, City Administrator Shane Sorensen
- American Fork: Finance Director Anna Montoya, City Attorney Cheryl Egner, Assistant City Manager Camden Bird, City Administrator David Bunker
- Cedar Hills: City Attorney Hyrum Bosserman, City Manager Chandler Goodwin
- Draper: (Virtual) City Recorder Laura Oscarson, City Manager, David Dobbins, City Attorney Mike Barker, Chief of Staff Kellie Challburg, City Engineer Scott Cooley, Community Development Director Jannifer Jastremsky, Human Resources Director Malena Murray, Parks and Recreation director Rhett Ogden, Fire Chief Clint Smith, Network Manager Jake Sorensen, Finance Director John Vuyk, Special Event Coordinator Dvid Wilks

Highland: City Attorney Rob Patterson, City Administrator Erin Wells, Assistant City Administrator Jay Baughman, City Recorder Stephannie Cottle, Communications Specialist Brooklyn Wild, Fire Chief Brian Patten, Finance Director David Mortensen  
Lehi: City Attorney Ryan Wood, Management Analyst Sierra Pierson, Communications Manager Jeanteil Livingston, Management Analyst Matt Lee, Deputy City Administrator Beau Thomas

**OTHERS PRESENT:**

Jon Hart, Audra Yocum, Julia King, Skyler Beltran, Wendy Hart, Wendy Jensen, Joylyn Lincoln, Amber Bonner, Molly Barrington, John Barrick, Jesse Riddle, Fred Philpot, Laura Lewis, Mimi Dutton (virtual), Alan Summerhays (virtual)

Lehi Mayor Johnson stated this is an historic event; he cannot recall a time when this type of joint Council meeting has been held. He believes the matter that is being examined tonight is something that is in the best interest of all communities that are party to it. He asked all participants to sign into the sign-in sheet in order for the City leaders to understand the level of participation. He provided an overview of the format of tonight’s meeting as well as identified the future opportunities the public will have to provide input regarding this matter. A website has been created for this project – [www.CentralSchoolDistrict.org](http://www.CentralSchoolDistrict.org). Any questions may be answered through that website. The information provided tonight will also be posted on that website.

The group then discussed public comments and debated whether a City should allow residents from another city to comment during the meeting in which their governing body is considering action on this matter. The Mayors participating in the meeting agreed that it will be up to each City to determine their public comment rules.

**1. PRESENTATIONS – *Lewis Roberts Burningham***

Representatives from Lewis Roberts Burningham will present a Financial Feasibility Report on a possible school district creation involving Alpine, American Fork, Cedar Hills, Draper, Highland, and Lehi.

Laura Lewis of Lewis Roberts Burningham (LRB), Public Finance Advisors, used the aid of a PowerPoint presentation to summarize LRBs School District Feasibility Study; the feasibility study was initiated based on requirements of Utah Code Section §53G-3-102(4)(a)(ii). The scope of the feasibility study was within the discretion of the interlocal legislative bodies and tonight’s analysis focuses primarily on the financial impacts of creating a new district. The analysis focused on the following elements:

- Enrollment and Taxable Value Analysis
- General Fund Financial Analysis
- Capital Projects Fund Financial Analysis
- Debt Service Fund Financial Analysis
- Summary of Tax Impacts

She summarized the base assumptions of the study, which is based upon enrollment in the Alpine School District (ASD) and the new Central District; these base assumptions formed the taxable value of the new Central District. She provided the following conclusions:

- New Central District enrollment and taxable value growth higher than Reorganized District.
- New District has a slightly higher taxable value per student relative to ASD
- Future taxable values will be influenced by actual new growth, new commercial development and any changes to the certified tax rate system.
- Future revenue from property taxes will be affected by establishment or promotion of redevelopment areas which could reduce tax revenues to school districts for a time to promote economic growth.

- Further analysis of these issues would shed additional light on the feasibility of the New District.

General Fund revenues are comprised of local, state, and federal funds:

- Local: New District projected to receive slightly higher local funds per pupil.
- State: New District projected to receive less funds due to higher local revenues and decreased revenues from State support programs.
- Federal: Equalized per pupil.

Base expenditures are based on several key factors: existing FY2024 ASD budget expenditures and growth rates, as well as updated revenue assumptions based on revised State worksheets; and identifying salaries and benefits from duplicated administrative full-time equivalent employees. There are two allocation scenarios based upon enrollment and facilities.

Scenario one expenditures are primarily driven by a percentage of enrollment. Instruction expense accounts for the largest portion of General Fund expenses. Inflation data and the weighted pupil unit (WPU) are used as the growth multiplier, with the following exceptions:

- Operation & Maintenance of Plant - % All Facilities
- District Administrative Functions - % of FTEs
- School Administrative Functions - % of Schools

Ms. Lewis presented a chart illustrating general fund revenues and expenses based upon funding scenario one and stated the conclusions are that the new district is projected to have a fund deficit with expenditures exceeding revenues. This deficit is projected to decrease over time due to higher local revenue generation.

Scenario two expenditures are primarily driven by a percentage of facilities and include inflation plus cost of new facilities with no WPU growth multiplier. Added operations and maintenance expenses are based on the new elementary school and administrative expenses are duplicated. Ms. Lewis presented an additional chart illustrating general fund revenues and expenditures based upon scenario two; the conclusions are that the new district is projected to have a larger fund deficit initially, with expenditures exceeding revenues. The deficit for scenario two is projected to decrease sooner than under scenario one.

Ms. Lewis then discussed capital project funding; the primary funding source for capital projects is local property tax and data indicates that ASD and the new district may be eligible for state support within enrollment programs; however, the ASD, new district, and the reorganized district will not be eligible for foundation programs. The analysis assumes the capital projects fund will have a positive balance, with revenues exceeding expenditures and there will be no tax increase for the Central District. Additionally, 100 percent of the proposed bond recommendations will be allocated to the debt service fund. There is outstanding debt associated with bonds dating back to 2014 and the assumption is that 45 percent of the debt would be allocated to the new district. Start-up costs for the new district include administrative costs, i.e., legal fees, moving costs, and unemployment insurance, as well as the computer/network system costs. The total new district start up costs are \$7.69 million; 41 percent of the unassigned fund balance related to enrollment will be allocated to the new district, leaving a bonding need of \$2.55 million. Ms. Lewis summarized bonding needs based upon data provided for ASD; ASD bonding needs are \$512 million, while the new district and reorganized district would have bonding needs of \$112 million and \$125 million, respectively, and each would have a 20-year term.

She concluded her presentation by summarizing the following financial impacts:

- The General Fund will likely result in a deficit but may overcome the deficit within/beyond the study period.
- There is a surplus possible for capital outlay.
- Debt service will be reduced due to less of a need for new bonding.

- Property tax implications for scenarios one and two fluctuate slightly, but under both scenarios, property owners will likely experience tax savings when compared to taxation for ASD; under scenario one, the tax impact per household slightly increases annually.

Highland Mayor Ostler stated that Ms. Lewis's presentation included start-up costs for the Central District, but not for the reorganized district and he asked for an explanation of that. Ms. Lewis stated the reorganization district is 'already going' so there are no start-up costs for that. Mayor Ostler asked if the current ASD bonds have a term of 10 years rather than 20 and if that is why debt service costs for the new district are lower. Ms. Lewis answered yes to both questions.

Highland Council Member Smith stated Ms. Lewis's presentation indicated the Central District will assume 45 percent of ASD's debt; he asked what that equates to in a dollar amount. Ms. Lewis stated she does not have that information, but will provide it as soon as possible.

American Fork Council Member Holley asked Ms. Lewis if her data was compared to updated ASD data after they recently published financial data. Ms. Lewis answered no.

Alpine Council Member Hammond asked if it is legal for a school district to operate with a deficit or if it will be necessary to immediately raise taxes or perform a reduction in force to eradicate the deficit. Ms. Lewis stated that districts must operate with a balanced budget; she believes ASD will need to correct the deficit before the new district is created. The purpose of reporting the deficit is to provide clear information regarding the financial implications of creating a new district. She clarified that ASD, and the new district could legally draw from their fund balances to cover a deficit.

Lehi Council Member Hank asked if the start-up projections take into consideration the fact that some of ASD's bond debt will be retired very soon after the creation of the new district. Ms. Lewis stated that she will ask for an answer to that question from her colleague, Fred Philpot. Mr. Philpot stated that the financial models account for the retirement of some of the debt; however, he has only performed financial projections through 2029, and the model only includes debt through 2035. The current total debt is \$487 million.

Alpine Mayor Merrill stated that her understanding is that if the interlocal agreement pertaining to the creation of a new district is approved this year, it will take three years to proceed with the creation. Rather than using actual years/dates, it would be more appropriate to list financial implications in terms of year one, year two, and year three. Ms. Lewis agreed.

Lehi Council Member Newell asked if the financial model takes into consideration the option that the new district will not be created and only ASD and the reorganized district will be in place. Ms. Lewis answered no, but models could be created around that scenario.

American Fork Council Member Holley asked if LRB has identified any red flags or reasons that the cities should not proceed with creation of a new district. Ms. Lewis stated she has not discovered any red flags, but personally she feels that a district that is the size of just one city would be too small. In her research on this matter, she recalls hearing that a school district with a population of 45,000 to 60,000 is the best size, but she cannot find data to support that recollection. She did find a study from the University of Chicago that concluded there is no perfect size for a district. She feels that the size of the new district would be good based upon the population of the cities that are working together; there is good geographical alignment and balanced demographics. Mr. Philpot added that the purpose of the LRB study was to examine the financial and tax implications for the cities that would be part of the new district. One consequence that is difficult to quantify is the nature of funding and allocation of costs; there may be an allocation of costs that is skewed to one area of the district versus another and that can create some concerns. However, the entity will be in place for some time and the nature of the capital investment

and debt service will ebb and flow and there will be many changes over time that will influence these matters. Ms. Lewis stated there are some school programming issues to consider, but LRB does not have expertise in house to consider those matters.

Lehi Council Member Stallings asked if the outstanding debt is based upon taxable value. Ms. Lewis answered yes. Council Member Stallings asked if that could change based upon the timing of bond issuance. Mr. Philpot stated he is currently unsure how to interpret the State statute relating to the allocation of debt moving forward; there may be some need to negotiate the debt allocation but based upon his understanding of the statute he arrived at the 45 percent number being assigned to the new district.

American Fork Mayor Frost asked if there was any collaboration with MGT Consulting to determine if their interpretations were different than those of LRB. Mr. Philpot stated he has received some of their data, but he did not collaborate with them directly.

Lehi Mayor Johnson stated it is his and Highland Mayor Ostler's understanding that the hired consultants must offer a recommendation regarding this matter. Ms. Lewis stated it is the recommendation of LRB that it is viable for the Central District to be created based upon LRB's analysis.

Alpine Council Member Hammond disclosed that she was a member of the ASD School Board for eight years; she noted that Ms. Lewis's slide 19 referred to an unrestricted fund balance, which was viewed as a 'rainy day fund' by ASD. Ms. Lewis stated that if the district is divided, it would not be appropriate to leave that 'rainy day fund' with the current school district. The portion that would be allocated to the new district would be allocated to start-up costs.

American Fork Council Member Taylor referenced Mayor Merrill's comment that it can take up to three years to create the new district, but his understanding was that the time frame was actually two years. He asked for a definitive answer on the start-up timeline. The answer that was provided was 32 months from the election.

Mayor Mark Johnson thanked representatives from Laura Lewis and Fred Philpot from Lewis Young Burningham and elected officials for attending the meeting.

## **ADJOURNMENT**

*The meeting adjourned at 6:35 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 June 18, 2024. This document constitutes the official minutes for the Highland City Council Special Meeting.

Stephannie Cottle, CMC  
City Recorder

DRAFT



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL MINUTES**

Tuesday, June 18, 2024

[Waiting Formal Approval](#)

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 Doug Cortney

Pledge of Allegiance: Council Member Scott L. Smith

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:01 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 Doug Cortney and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith.

PRESIDING: Mayor Kurt Ostler

**COUNCIL MEMBERS:**

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

**CITY STAFF PRESENT:** City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, Assistant Public Works Director Jeff Murdoch, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

**OTHERS PRESENT:** Jon Hart, Brad Weber, McKenzie Weber, April Slade, Amy Rogers, Laura Ross

**1. UNSCHEDULED PUBLIC APPEARANCES**

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

April Slade stated that she has recorded the noise levels at Mountain Ridge Park over the last seven nights after 10:00 p.m.; she played the recording to the Mayor and Council. The recording was taken from the home of a resident who lives next to the park. She stated she appreciates the City’s response to the position paper that was written regarding the Park, but noted that the response did not address the current impacts on the residents; the Park is unlike any other in Highland and the effects on adjacent residents are much more severe. It appears there has not been much understanding on the City’s part regarding the situation of the residents. Making the choice

to live next to a park did not prepare the residents for the reality of this particular park. The meetings that have been held over the past couple of years seem to overlook the significance of the impacts the residents are experiencing. The primary concern is the impact the west side of the park is having on adjacent homes; final adjustments were made to the location of the ninja course without consulting the residents or addressing the impacts the amenity would have on residents. This must be looked at to ensure that the concerns of the residents are adequately addressed; the residents are expected to comply and accept these impacts simply because they live near a park, but they can demonstrate that they had no idea the park would be like it is. It is unique in size and shape and residents should not have been expected to endure such impacts. The residents accept the City's offer to meet regarding the park and would like for the meeting to occur in the next two weeks; the meeting will not be to discuss safety concerns, as was suggested in the City's response to the position paper, but would be to address the significant impact the park has had on the lives and homes of the residents. They are being forced to call the police nightly, and endure noise, stress, and other issues. The residents need clarity and detailed information regarding the City's response to these specific impacts and they suggest a mediated meeting with the entire Council, with possibly representation from the Police Department, to allow all involved to be heard and understood.

McKenzie Weber submitted documentation of the noise reports that were made by the Police Department on six different occasions. She found out this week that the cameras that have been installed at the park are not being viewed by the Police Department. She was hopeful that someone would be monitoring the cameras or would have access to the footage that was being collected; but given that is not the case, residents would likely be calling the Police Department more often. Council Member Cortney stated he has spoken with City Administration regarding access to the cameras and was told that the Police Department would be given access to them. City Administrator Wells noted the cameras were previously monitored by employees of the Public Works Department, but efforts are underway to give on-duty Police Officers access to the cameras.

Laura Ross stated she has a question about the \$108,000 pressurized irrigation cost and the idea of rolling that cost into a bond. Doing this would cause the City to be responsible for the initial cost plus interest charges. She argued that the cost should already be programmed in the City's budget under a utility line item and a bond is not necessary. Mayor Ostler stated that this issue will be discussed later in tonight's meeting and Ms. Ross's questions will be answered.

## 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*

May 21, 2024

**b. Appointment of Deputy Recorder** *General City Management*

*Kurt Ostler, Mayor*

The City Council will consider appointing Heather White as Highland City Deputy Recorder.

*Council Member Doug Cortney MOVED that the City Council approve consent item 2a, the approval of meeting minutes from May 21, 2024, and item 2b, Appointment of Heather White as Deputy Recorder.*

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

The motion carried 5:0

### 3. ACTION ITEMS

**a. PUBLIC HEARING/RESOLUTION: FY2023-2024 Final Budget Adjustments General City Management**

*David Mortensen, Finance Director*

The City Council will consider amending the fiscal year 2023-2024 budget for various items as shown in the attached exhibit.

Finance Director Mortensen explained State code allows municipalities to amend their fiscal year budget throughout the year as needed. With the help of administration and other staff, the Finance Department has prepared a list of requested amendments to the budget as follows:

- Revenues:
  - Sales Tax Increased - \$130,000
  - Fee In-Lieu of Property Tax Decreased – (\$35,000)
  - Utility Franchise Tax Increased - \$250,000
  - Court Fines Increased - \$102,000
  - Interest Income Increased (City-Wide) - \$562,220
  - Sale of Fixed Assets Decreased – (\$60,000)
  - Credit Card Processing Revenue Added - \$71,000
  - Garbage Collection Fees Increased - \$45,000
  - Cemetery Lot Sales Increased - \$75,000
  - Building Permits Increased– \$510,000
  - Building Plan Check Fees Increased - \$121,000
  - Parks Capital Fund Transfers In Added – \$720,852
  - Impact Fees Increased (Park & Road) - \$1,046,000
  - Grants Revenue Increased (City-Wide) - \$588,555
  - Park Donations Added - \$50,000
  - Sewer Services Increased - \$125,000
  - Culinary Water Contributions Added - \$110,607
  - Various Smaller Adjustments/Use of Fund Balance to Balance Budgets
- Expenditures:
  - Reallocated 25% of Building Wages to General Fund - \$80,418
  - Traffic Control Toolbox - \$35,000
  - Garbage Hauling Contract Increased - \$50,000
  - Building Fund Credit Card Fees - \$52,000
  - Third-Party Plan Reviews - \$25,000
  - Third-Party Building Inspection - \$75,000
  - Mountain Ridge Park Phase II - \$660,000
  - Williams View 11200 North Participation - \$159,980
  - 6800 West Project - \$156,415
  - Exaction Fee Transfer to Parks Capital - \$100,000
  - TSSD Collection & Disposal Fees - \$350,000
  - Water Share Assessments - \$30,000
  - Williams View Culinary Project - \$120,000
  - Various Smaller Adjustments to Ensure Compliance with State Budgeting Laws.

In addition, the proposed resolution allows staff to make a transfer from the General Fund to a Capital Fund including Parks, Building, and Roads if needed to keep the fund balance below the 35 percent State statutory limit. Mr. Mortensen concluded staff recommends adoption of the resolution amending the Highland City fiscal year 2023-2024 budget as shown in the attached exhibit and presented by staff.

There was brief discussion among the Council and staff regarding adjustments to operations City-wide that have led to the proposed budget amendments. Council Member Smith expressed some concern regarding the causes for the increased expenditures and the general description associated with some of the expenditure adjustments. Mr. Mortensen stated that specific to wage overages, there are many different reasons for the proposed amendments; some relate to required overtime for City employees or if there was turnover for a given position and the replacement employee was paid a different wage than the person that left the City. City Administrator Wells agreed but noted that Administration can possibly do better to more accurately project actual expenditures in the budget in order to avoid some of these amendments in the next Fiscal Year.

Council Member Cortney asked about the entries in the proposed budget amendment that are listed as a decrease in wages due to the market wage study. Mr. Mortensen stated the tentative budget included a flat five percent market increase for all employees, but that was adjusted for employees based upon the outcome of the market study and each employee had a specific formula assigned to their wage.

*Council Member Ron Campbell MOVED that City Council adopt the resolution amending the Highland City fiscal year 2023-2024 budget as shown in the included exhibit and as presented by staff.*

Mayor Kurt Ostler opened the public hearing at 7:36 p.m.

Laura Ross asked that the Council address her question regarding the \$108,000 amount associated with pressurized irrigation. Mayor Ostler stated that question will be answered later as part of the discussion of the next Fiscal Year budget. Ms. Ross stated that she would like to know why the amount is being 'rolled into' a bond. Mr. Mortensen stated that he is curious to understand where Ms. Ross read that the amount was being 'rolled into' a bond; he stated that the City is transferring money from the Pressurized Irrigation Fund to the General Fund. Mayor Ostler stated that the parks are using pressurized irrigation water and the City's General Fund has subsidized that cost; the action will ensure that the Pressurized Irrigation fund be used to pay for the cost of the service. He stated there is no bonding action related to the Pressurized Irrigation fund and the bond issued in the past is actually paid off.

Ms. Ross then addressed the City's watering schedule; she does not believe the City nor churches should water on Saturday and Sunday because these entities do not have employees working on the weekends to respond to issues with any irrigation system that may be malfunctioning. This led to discussion among the Mayor, Council, and staff regarding on-call practices and options for residents to report an issue to the City. Ms. Ross then noted that she would also suggest that the City convert additional landscaped areas to xeriscape in order to conserve water and money used to maintain landscaping. Mayor Ostler stated the City regularly considers such opportunities and is also encouraging residents to use xeriscape when installing new landscaping.

Mayor Kurt Ostler closed the public hearing at 7:45 p.m.

Council Member Smith referenced the action included in the proposed resolution to transfer money from the General Fund to a capital fund when necessary to keep the fund balance below 35 percent. He stated that he cannot determine how much was transferred out of the General Fund in Fiscal Year 2023-2024. Mr. Mortensen stated that the specific amount is not included in the resolution; rather, adoption of the resolution gives staff the authority to make the transfers when necessary. The dollar amount will not be available until the audit of Fiscal Year 2023-2024 is complete.

Council Member Ron Campbell restated his MOTION that City Council adopt the resolution amending the Highland City fiscal year 2023-2024 budget as shown in the included exhibit and as presented by staff.

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 Doug Cortney	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion carried 5:0

**b. RESOLUTION: Fee Schedule General City Management**

*Candice Linford, Treasurer*

The City Council will consider the new rates proposed in the FY2025 Fee Schedule.

Treasurer Linford reported that the City's fee schedule is reviewed annually to ensure that the fees being charged to the public conform to industry standards and regulations, and covers foreseen costs for products and services the City provides. She used the aid of a PowerPoint presentation to identify the proposed fee adjustments as follows:

- Building
  - Updated name to International Code Council (ICC)
  - Residential Construction Refundable Cash Bond \$2,500
  - Solar Deposit \$90
  - Culinary Water Meter varies depending on size
  - PI Water Meter varies depending on size
- Business Licenses
  - Private Clubs w/ Liquor License - \$300
  - Administrative Fee (printed license) – no charge
  - Food Trucks only require a temporary use permit
  - Business License Appeal Fee \$50
- Cemetery
  - Three percent annual increase for burial plots
- Rentals
  - Residents increase to \$25
  - Non-residents increase to \$50
  - Non-profit increase to \$10
  - Government increase to \$10
  - Food fee increase to \$100
  - Piano use increase to \$20
  - Projector fee increase to \$20
- Events
  - Baby Celebration increase to \$15
  - Baby Celebration late increase to \$17
  - Swapped disc golf tournament with trilogy and without pricing (they were backwards)
- Planning and Zoning
  - Conditional use permit (CUP) amendment \$250

- Non-conforming Use/Structure application \$100
- Zoning letter \$100
- Public Works
  - Hydrant meter rental refundable deposit \$2,200
  - Hydrant meter water charges will match residential rates
  - Right-of-way: non-excavation
  - Road cuts
  - Utility charges for garbage/recycle and miscellaneous charges increase per Waste Management increase
  - Special Events
  - Application fee \$25
  - Fees based on event activities assessed by public safety department and/or Parks Crew \$50/hour; Streets Crew \$50/hour
  - Refundable deposit if renting a facility \$500 (takes place of any other refundable deposit)
  - Late fee (if a quick turnaround is requested) \$25

Discussion among Ms. Linford and the Council centered on the justification for the proposed fee adjustments as well as the types of services/products that specific fees are related to; Council Member Cortney stated that there is a discrepancy relative to the zoning letter – the meeting packet indicates the fee will be \$50, but the presentation states \$100. He asked which fee is accurate, to which Ms. Linford answered \$50. Council Member Cortney then discussed his concerns regarding certain fee adjustments in the proposal; he discussed the differences in fees for county and city users of water and suggested that the rates be adjusted to ensure those located in the county are paying at least as much as those who live in Highland City.

Council Member Cortney then noted that in his conversation with Ms. Linford, they discovered that a few fees had been omitted from the fee schedule in error and he asked Ms. Linford to identify which fees should be added back in as part of the motion to adopt the fee schedule. Ms. Linford cited the hobby breeder renewal fees and fire reinspection fee under business licensing. Ms. Linford then concluded by noting the Police and Fire Departments both have their own fee schedules through the Lone Peak Public Safety District (LPPSD).

*Council Member Doug Cortney MOVED that City Council adopt the FY2025 Fee Schedule with the following changes:*

1. *County culinary water rate changed to match the residential water rate*
2. *Add the Hobby breeders renewal fee*
3. *Add the Business License fire department reinspection fee*

*Council Member Ron Campbell SECONDED the motion.*

Council Member Smith asked that City Administration provide the Council with a clean copy of the fee schedule once the document is finalized. He added he would also like to understand the revenue that is generated in each fee category. Mr. Mortensen stated he can include that information in the quarterly financial reports that are provided to the Council.

*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. RESOLUTION: Certified Tax Rate General City Management**

*David Mortensen, Finance Director*

The City Council will consider adoption of the Fiscal Year 2024-2025 Certified Tax Rate.

Finance Director Mortensen explained each year, the City Council must choose to either adopt the certified tax rate for the new fiscal year as set by Utah County, or begin the process of Truth in Taxation if there is a desire to increase the property tax rate above the calculated certified rate. The certified tax rate for Highland City general operations was 0.000690 for Fiscal Year 2023-2024. The Library operations certified rate was 0.000104. Overall, property values in the City increased very slightly, which has the effect of decreasing the certified rate. For Fiscal Year 2024-2025, the calculated certified tax rate for Highland City is 0.000689 for general City operations, and 0.000104 (no change) for Library operations, for a combined rate of 0.000793. Property tax revenues remain relatively level when there is no growth within the City. Highland has had some residential and commercial growth since the last certified tax rate was calculated, resulting in an increase in certified rate revenue of \$67,374 for general operations, and increase of \$10,611 for Library operations. Staff recommends approval of the resolution adopting the Fiscal Year 2024-2025 Certified Tax Rate of 0.000793, which includes 0.000689 for City operations and 0.000104 for Library operations.

Council Member Campbell asked why the city rate changed, but the library rate did not. Mr. Mortensen stated that the change recommended by the County was small enough that it did not warrant the library rate being rounded up to the next number.

*Council Member Kim Rodela MOVED that City Council approve the resolution adopting the Fiscal Year 2024-2025 Certified Tax Rate of 0.000793, which includes 0.000689 for City operations and 0.000104 for Library operations.*

*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*

**d. PUBLIC HEARING/RESOLUTION: Pressurized Irrigation Fund Transfer General City Management**

*David Mortensen, Finance Director*

The City Council will consider a transfer of funds from the Pressurized Irrigation Fund to the General Fund.

Finance Director Mortensen explained State code allows the City to transfer funds from an enterprise fund into another fund, such as the General Fund, only after required public noticing and a public hearing where the residents of the City can give their input. In the past, Highland City has transferred an amount from the Pressurized Irrigation Fund equal to the estimated amount that the General Fund pays to the Pressurized Irrigation Fund for the use of irrigation water on park space throughout the city. The proposed transfer, in effect, reimburses the

General Fund for the cost of the used irrigation water. The fiscal impact of the proposed transfer is as follows:

- General Fund - \$108,000 Revenue - Included in the Fiscal Year 2024-25 Budget.
- Pressurized Irrigation Fund - \$108,000 Expenditure - Included in the Fiscal Year 2024-25 Budget.

Mr. Mortensen concluded the transfer represents 1.35 percent of the Fiscal Year 2024-2025 budgeted expenses in the Pressurized Irrigation fund. He also presented a screenshot of the public hearing notice regarding the transfer that was included in the City’s newsletter.

Mayor Kurt Ostler opened the public hearing at 8:29 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 8:29 pm.

Council Member Cortney stated he is not personally in favor of the transfer; it seems that the General Fund is the appropriate funding source, but this transfer will result in schools and churches paying to water City parks rather than residents paying for that need. He stated he will be voting against the transfer for that reason.

Mayor Ostler asked for a discussion of the purpose of the pressurized irrigation fund. Mr. Mortensen stated the purpose of this action is for the City to pay for the water it uses and to reimburse itself for that payment from the pressurized irrigation fund. This frees up money in the General Fund for other needs. The transfer is a policy decision for the Council to make. In some jurisdictions, there is some controversy about transfers from enterprise funds to the general fund in order to subsidize government operations. Highland’s transfer is minor, but the amount could be further analyzed to determine that it covers the actual costs of watering public spaces.

Mayor Ostler asked if City water will eventually be metered, to which Mr. Mortensen answered yes, but the meter readings will not be used to bill the City for water used.

The Council engaged in brief philosophical discussion about the appropriateness of the transfer, ultimately concluding to proceed with the transfer.

*Council Member Scott L. Smith MOVED that City Council approve the resolution authorizing a transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 4:1*

**e. PUBLIC HEARING/RESOLUTION: Officer Compensation General City Management**  
*David Mortensen, Finance Director*

The City Council will consider adopting an ordinance enacting budgeted compensation increases for specific City officers for fiscal year 2024-2025.

Mayor Ostler reported that during the 2024 Legislative Session, Senate Bill 91 was passed and signed into law. The bill amended Utah Code Section 10-3-818 regarding City employee salaries. The new requirement is that a public notice be sent out, and a public hearing be held to consider the approval of any budgeted increases in compensation for City officers. Included in this ordinance for Highland City are the City Administrator, Assistant City Administrator/Community Development Director, Public Works Director/City Engineer, City Attorney/Planning Administrator, Finance Director, Library Director, and Assistant Public Works Director. The proposed budgeted increases are all included in the proposed Highland City Fiscal Year 2024-2025 Budget and the Fiscal Year 2024-2025 Pay Plan. The budgeted increases proposed include a market/inflationary component, a merit component, and for any URS Tier II employees, a one-time bonus meant to offset the additional cost of URS retirement contributions for this fiscal year. For those employees eligible for a car allowance and use their vehicle frequently for City business, the amount has been increased by \$100 per month to account for inflationary adjustments. For the market/ inflationary component, that increase will be given to employees at the beginning of the fiscal year. For the merit increase, while all employees are eligible for this increase, it will only be given to those who earn it based upon the results of their annual evaluation. Based on the City Administrator's employment contract, the inflationary portion of the budgeted increase will be awarded at the same time as other employees. Any market and merit adjustment the Elected Body may choose to grant to her will be determined at the time of her annual review.

City Attorney Patterson reviewed the section of Utah Code that identifies the employment positions in the City that are subject to this new law.

Council Member Smith expressed his concern about significant compensation increase based upon market studies for the City; he is worried that if employee costs continue to increase at such high rates, it will be difficult to fund those ongoing costs from year to year. This led to general discussion among the Mayor, Council, and staff regarding the definition of a market increase and the difference between market and merit increases. Council Members expressed concerns regarding the increasing costs of providing services across the entire City and spoke to the impact that ever-increasing wage costs has on the City's budget. Council Member Campbell stated he would like to discuss the matter of employee compensation – including any governing policies – in a closed session in order for all Council Members and the Mayor to speak freely without offending any City employees. Following a closed session, the public hearing regarding this matter could be held. City Attorney Patterson stated he understands the value of being able to speak frankly in a setting such as a closed session; however, employee compensation for all City employees is not an item for which a closed session can be held. The Council concluded they could have discussions about compensation policies in small groups that do not need to abide by the Open and Public Meetings Act; Mayor Ostler noted the City's compensation policies should be discussed and acted upon in an open meeting.

Mayor Kurt Ostler opened the public hearing at 9:00 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 9:00 p.m.

Council Member Smith stated this is an uncomfortable position for the Council to be in, but as elected officials, they are responsible for handling their business in public. He stated that during times like these where inflation is having an impact on all households, it is difficult to explain to the public that the Council has approved anywhere from a six to 10 percent increase for City employees. He stated the market analysis data and subsequent compensation increase recommendations should have been provided to the Council well before tonight to provide sufficient time for the Mayor and Council to analyze that data. He stated he appreciates staff, but he is uncomfortable with the action that has been proposed tonight. Mayor Ostler stated he understands that position, but the fact is that employees can go to another City and receive higher compensation. Council Member Bills

supported increases for public safety employees, but the requested amount for those employees was not approved this year. She would be uncomfortable giving higher raises to general City employees when public safety salaries were not fully increased. Council Member Cortney disagreed; public safety salaries have increased dramatically over the past several years and general employee compensation has not kept pace with that growth. Failure to approve increases based upon market data would create a serious morale issue for City employees. This led to general discussion of the timing of actions taken on public safety wages versus wages for general City employees, after which City Administrator Wells noted that City employee compensation increases cannot be given unless action is taken on this matter tonight.

Council Member Rodela asked if benefits that are unique to Highland City – such as a vehicle allowance – are considered in the benchmarking process conducted by the City. Ms. Wells answered no.

*Council Member Ron Campbell MOVED that City Council adopt the ordinance enacting compensation increases for specific City officers for fiscal year 2024-2025.*

*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*

**f. PUBLIC HEARING/ORDINANCE: Adoption of the Fiscal Year 2024-25 Budget General City Management**

*David Mortensen, Finance Director*

The City Council will consider adoption of the Highland City Fiscal Year 2024-25 Budget.

Finance Director Mortensen explained changes to the budget since the tentative budget that was adopted on May 7, 2024 include revenues and expenditures in multiple funds. In the General Fund, property tax revenue was increased by \$65,557 because the certified tax rate and certified revenue amount were obtained from Utah County. Garbage collection revenues were also increased by \$50,000 as a result of a proposed garbage can rate increase that is needed due to increased costs assessed by Waste Management for garbage collection services. The use of beginning General Fund balance reserves was increased by \$421,542 in order to transfer funds to the Building Capital Improvement Fund for the use of helping pay for a parks maintenance building and a maintenance building at Mountain Ridge Park. Expenditures in the General Fund increased by \$374,655, primarily due to the already mentioned transfer to the Building Capital Projects Fund, and increase to the garbage contract with Waste Management. Another part of the increase is due to adjustments made to wages based on our recently completed market wage study. The tentative budget included a five percent market increase for each employee, but upon completion of the market study, it was determined that some employees needed a larger increase, while others needed a smaller increase. At a minimum, all employees are receiving an inflationary adjustment. Those adjustments have been made. A one percent merit increase was also added to each employee at the Council's direction from the work session on June 4. This merit increase will only be available to employees based on their annual evaluations. Increases and decreases to wages and benefits as a result of the wage market study also impacted multiple other funds of the City including Cemetery, Library, Building and Development, Sewer, Pressurized Irrigation, Storm Sewer, and Culinary Water. In the Parks Capital Improvement Fund, the \$200,000 budget that was intended for the Mountain Ridge Park maintenance building was moved to the Building Capital

Improvement Fund to be used for that same purpose. \$30,000 was also added to the Parks Capital Improvement Fund for the purpose of improving Wildrose Park.

Mr. Mortensen presented a chart containing the ‘all funds summary’ to illustrate the fiscal impact of the proposed budget on each individual fund in the City. City wide, total revenues, including the use of prior year fund balance, total \$40,048,038. Total expenditures, excluding depreciation, total \$37,728,092. Net Revenue, including the use of prior year fund balance and excluding depreciation, totals \$2,319,946. The City-wide planned use of prior year fund balance to complete various projects totals \$6,614,010. Items that have been discussed during the budget review process, but which were not included in the proposed budget are a sewer rate and revenue increase (this item is pending the completion of a rate study), the Alpine Highway Fence project, additional amenities at Mountain Ridge Park, and the Emergency Manager position. If the Council wishes to include these items in the budget at a later date, a budget amendment can be considered during the Fiscal Year.

Council Member Campbell addressed the \$5,000 reduction in the library budget and asked if that had a significant impact on the library. Library Director Cardon answered yes; her budget is so small already, so a \$5,000 reduction is very impactful. Mr. Mortensen stated that the revenues for the library were significantly overestimated, and the reduction was a result of the City having an understanding of the actual revenues to which the library was entitled. Ms. Wells added that Administration is working to find other monies that could be transferred into the library budget to help them throughout the coming Fiscal Year. This led to general discussion regarding the formulas used to determine revenue projections for the budget; the Council concluded they want to appropriately fund the library, but there was some hesitation relative to subsidizing the library through the General Fund.

Council Member Smith then stated he appreciates Mr. Mortensen’s efforts to improve the format of the budget in order to increase transparency of the City’s finances. Council Member Cortney agreed and added that he appreciates Mr. Mortensen’s conservative approach to budgeting and revenue projection.

Mayor Kurt Ostler opened the public hearing at 9:39 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 9:40 pm.

Ms. Wells asked the Council if they would like to consider an amendment to the budget document relative to the library. Council Member Rodela stated she would like to address the issue with the mid-year budget adjustments; this will give the Council time to understand if revenues are exceeding expenses at the library. This included any adjustments to library staff salaries.

*Council Member Ron Campbell MOVED that City Council approve the ordinance adopting the Highland City Fiscal Year 2024-25 Budget.*

*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*

**g. PUBLIC HEARING/ORDINANCE: Fence Regulations: Trail Corridors, Collector Roads, and Retaining Walls** *Development Code Update (Legislative)*

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will hold a public hearing and consider potential amendments to the City's fencing and retaining wall regulations.

City Attorney/Planning & Zoning Administrator Patterson explained on May 7, 2024, the City Council discussed whether to make additional changes to fencing and retaining wall regulations, based on issues that have arisen with enforcing fencing regulations and directed staff to prepare a proposed code amendment for consideration. On June 11, 2024, the Council took a site tour of various fences and trail areas within the City and discussed options to allow privacy fencing in different trail corridor situations. The proposed code amendment proposes several changes to the City's fencing regulations. Many of the changes are clarifications to existing regulations, rather than substantive changes. These clarifications include the following:

- Consolidating definitions
- Removing redundant regulations
- Clarifying the approval process and the ability of the City to approve fence permits with conditions
- Clarifying that theme walls and screen walls remain subject to all standard fence regulations and are generally privacy fences except along trails and open space.
- Using more consistent language for privacy fencing and open-style fencing
- Clarifies that fences and walls are to be located on the applicant's property unless they have the neighbor's written permission. This also applies to construction near City property.
- Clarifies that the distance requirement between retaining walls is measured from back of the lower wall to the front of the higher.
- Clarifies fence height for fences on retaining walls:
  - Privacy fences are limited to a combined wall/fence height of 8 feet from the lower property, with the fence portion still limited to 6 feet from the higher property
  - Open style fences have no combined wall/fence height restriction, but are still limited to 6 feet from the higher property.

The following are more substantive changes:

1. Allows fence posts and monuments to exceed normal fence height by six inches.
2. Modifies the definition of finished grade to exclude improvements that raise the grade only immediately next to a fence/wall (e.g., planters, garden areas)
3. Adds a definition for retaining walls that require the retaining wall to be designed in accordance with engineering practices, building code requirements, or manufacturer specifications, and that portions of a retaining wall not used to retain material are subject to fence regulations (e.g., height). This would address situations where a two-foot retaining wall was constructed with a six-foot fence on top, but there was only one foot difference in grade.
4. Revises when building permits are required for retaining walls to align with current building code.
5. Allows public entities and public utilities to also use chain link fencing and have some greater flexibility in fencing requirements, as with Highland. However, there is a new proposed requirement that public entities and utilities may be required to use open style fencing adjacent to trail corridors that are less than 30 feet wide. School districts are exempt from City fencing regulations.
6. Changes when fences are allowed to be full six feet of privacy fencing along certain trail corridors (discussed further below).

The Planning Commission held a public hearing to consider the proposed amendments on May 28, 2024. Three residents/property owners attended the hearing. Two of them asked the Planning Commission to consider changing fence regulations to allow fences alongside property lines to be privacy fencing, rather than requiring

that the fence either be setback 14 feet from curb or be an open-style fence. The other participant requested the ability to install 8-foot fences along busy roads. A majority of the Commission was supportive of the first resident-proposed change, but not the second. The Planning Commission voted 6 to 1 to recommend approval of the proposed changes, with three additional changes.

1. The Commission recommended modifying the definition of "fence" to remove vegetation. The Commission expressed that they did not feel that the concerns behind fence height and privacy regulations were not as applicable to vegetation, especially because the City has not had a practice of requiring property owners to cut down or remove fence-like vegetation along property lines that grew above permitted fence heights, though the Commission wanted the City to be more proactive about clearing vegetation that overhang or grow onto trail areas. As recommended by the Commission, subsection 2(a)(ii) would be amended as follows: "Fences, walls, hedges, and any other combination of plants, shrubs, trees, barriers, structures, or objects that act as a visual or physical screen or barrier."
2. The Commission recommended allowing privacy fencing to be installed alongside/rear lot lines, even when adjacent to a public street, if the street is classified as a major collector. As recommended by the Commission, subsection 3(a)(ii) would be amended as follows: "A fence shall be set back a minimum of fourteen (14) feet from the back of curb on all sides that abut a street. This setback may be reduced to be on the property line if the fence is 66% open and is at least six (6) feet from the back of the curb, or if the abutting street is classified as a major collector."
3. Commission supported allowing privacy fences along trail corridors where the property on the other side was publicly owned (Freedom Elementary example), but the Commission also recommended requiring school districts to install vinyl-dipped chain-link fencing along those corridors. However, upon review after the Commission meeting, staff confirmed that the City cannot regulate school district fencing on school property; accordingly, no language is proposed for consideration.

The vote against the recommendation was due to the Commissioner's objection to the change allowing privacy fences to be on side property lines along collector roads. The Commissioner preferred the current standard (open style fencing alongside property lines and privacy fencing being setback at least 14 feet from back of curb). The Commissioner was agreeable to all other proposed changes. After the Planning Commission Review, staff suggests some minor modifications in order to clean up the revisions based on staff's re-review of the proposed changes:

- 2(a)(vi): Add "or primarily" in phrase, "A fence that is constructed to be fully or primarily opaque throughout the vertical surface area of the fence," to help avoid arguments regarding whether a partially open fence is a privacy fence.
- 3(a)(ii): Remove addition of "side" in phrase, "This side setback may be reduced to be on property line ...." because the setback may also be a rear lot line setback.
- 3(c)(iii): Add "up to the maximum allowed fence height" in phrase: "Privacy fences higher than four (4) feet in height along the side or rear lot lines that are adjacent to a trail or open space are permitted, up to the maximum allowed fence height, ...." to avoid confusion on whether this avoids maximum fence height regulations.
- 5(a)-(b): Re-add "minimum" in phrase: "provide a screen wall with a minimum height of six (6) feet," because certain commercial zones require 8-foot screen walls to buffer residential zones from commercial uses.
- 6(d)(i): Re-add "vertical" in phrase, "Privacy fences are permitted to be on the same vertical plane as a retaining wall ...." The removal of "vertical" was unintentional in relocating this phrase.

On June 11, 2024, the City Council toured several areas of the City with trail corridors and fencing to discuss regulations for fences along trail corridors. As part of the Council's discussion during that site tour, the Council indicated that it would like to consider the following changes to the proposed amendments:

1. Establish a maximum width for post/columns and caps in addition to allowing the 6-inch height increase and establish a minimum distance between posts/columns (to avoid allowing 6.5-foot-high fences). Staff

proposes a maximum width of 2 feet, with minimum spacing of 4 feet (to allow for gates) with the following proposed language: "Fence posts, columns, and monuments and caps thereon may exceed the otherwise required fence height limit by no more than six (6) inches if the width of the post, column, monument, or cap does not exceed two (2) feet with a minimum spacing between posts, columns, and monuments of four (4) feet."

- 2. Potentially allow more ability to install privacy fences along shorter trail corridors and connections.

The Mayor, Council, and staff discussed the properties they visited on their site tour as well as potential implications of amendments to fence heights and setbacks. Council Member Courtney stated that he would like to table this item and have additional time to consider the broad implications of the changes. Council Members Campbell and Smith agreed; Council Member Campbell suggested the proposed amendments be broken into four pieces to make it easier to consider the changes. Mr. Patterson acknowledged this is a very complex issue and he supports a decision to table this matter with the plan to address the proposal at a later date.

Mayor Kurt Ostler opened the public hearing at 9:56 pm.

There were no public comments.

The public hearing was left open to give the Council the opportunity to continue the public hearing during a future meeting.

*Council Member Kim Rodela MOVED to CONTINUE the item amending Section 3-612 of the Highland Development Code keeping the public hearing open, and direct staff to bring back the item in separate motions according to the proposed amendment changes.*

*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*

*Council Member Scott L. Smith MOVED to extend the meeting to 10:10 pm. Council Member Kim Rodela SECONDED the motion. All voted in favor, except Council Member Brittney P. Bills. The motion passed.*

#### **4. EXPEDITED ITEMS**

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

- a. **EXPEDITED: Culinary Meter Reading Technology** *General City Management*  
*Andy Spencer, City Engineer/Public Works Director, Jeff Murdoch, Assistant Public Works Director*  
The City Council will consider purchasing the proper amount of MXU radios for the Culinary Drinking water system to replace the older "R" radios that do not have the capability to communicate with the Sensus AMI tower system with new "M" radios that have the capability to communicate with the recently installed Sensus AMI tower system.

Assistant Public Works Director Murdoch explained this item was presented to the City Council as a discussion item on April 16, 2024. Council recommended staff to explore grant funding options to assist with the cost of the replacements. He provided an overview of the scope of the project:

- Purchase of 4300 “M” Radios to replace the older “R” radios (\$776,000).
- Most of the original “R” Radios were installed in 2007-2009. (20-year life of battery).
- Long lead time on radios.
- Staff will continue to pursue grant funding, anticipated purchase in FY2026.
- Connectivity to Sensus AMI Tower System.

He concluded staff recommends the Council approve the purchase of 4,300 MXU type "M" radios to be installed in the City’s Culinary Water System.

*Council Member Doug Cortney MOVED that City Council APPROVE the purchase of 4,300 MXU's for our Culinary Water meter reading system in the amount up to \$776,000 and AUTHORIZE the City Administrator to sign the necessary purchase agreements.*

*Council Member Kim Rodela SECONDED the motion.*

Council Member Smith inquired as to the funding source for the project in the event the City is not successful in securing a grant. Ms. Wells stated if the grant is not awarded, it may be necessary to consider increasing culinary water rates. Council Member Smith asked when that decision would need to be made, to which Ms. Wells answered FY2026; rate studies are currently being conducted. Council Member Cortney wondered if a decision on this matter should be tabled for six months until the City knows if the grant has been awarded. Mr. Murdoch stated there is a great deal of demand for the radios and he is concerned it may not be possible to get the radios if they are not ordered at this time.

*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*

## **5. DISCUSSION ITEMS**

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

- DISCUSSION: Campaign Finance Regulations Municipal Code Update (Legislative)**  
*Ron Campbell, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The Council will discuss the potential for additional regulations related to municipal candidate campaign financing.

This item will be discussed in a future meeting.

## **6. COMMUNICATION ITEMS**

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

- Community Development Update** *Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator*

City Attorney/Planning & Zoning Director Patterson provided an update regarding items currently being considered by the Planning Commission; the Council will soon be receiving a recommendation from the Planning Commission regarding a minor amendment pertaining to pool setbacks and pool gates given that the City's regulations are stricter than the national building code.

**b. Accessory Structures Restrictions and Ridgeview PD** *Rob Patterson, City Attorney/Planning & Zoning Administrator*

This item will be discussed in a future meeting.

**7. CLOSED SESSION**

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

*At 10:09 pm Council Member Ron Campbell MOVED that the City Council recess to convene in a closed session to discuss pending or 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 Doug Cortney MOVED to adjourn the CLOSED SESSION and Council Member Ron Campbell SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The CLOSED SESSION adjourned at 10:26 pm.*

**ADJOURNMENT**

*Council Member Doug Cortney MOVED to adjourn the regular meeting and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously.*

*The meeting adjourned at 10:30 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 June 18, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC  
City Recorder



**HIGHLAND CITY**

**HIGHLAND CITY COUNCIL MINUTES**

Tuesday, July 2, 2024

Waiting Formal Approval

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 Brittney P. Bills

Pledge of Allegiance: Mayor Kurt Ostler

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:01 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:**

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

**CITY STAFF PRESENT:** City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Communications Specialist Brooklyn Wild, Library Director Donna Cardon

**OTHERS PRESENT:** Jon Hart, Amber Gardiner, Shauna Roberts, Catherine Hundley, Jared Cook, Wendy Cook, Kenna McCracken, Sarah Wood, Wendy Hart, Rachelle Smith, McKenzie Weber, Brad Weber, Claire Brown, Ashley Sorensen, Nate Woodbury, Pam Redman, John Redman, Neil Schwendiman, James Porter, Molly Barrington, Nicki Brammer, Brady Brammer, Greg Slade, April Slade, Megan Slade

**1. UNSCHEDULED PUBLIC APPEARANCES**

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

There were no public comments.

**2. PRESENTATIONS**

**a. North Pointe Solid Waste Special Service District - Neil Schwendiman**

The City Council will hear a presentation from North Pointe Solid Waste Special Service District including the history of the district, services provided, and potential growth and expansion.

Neil Schwendiman, North Pointe Solid Waste Special Service District, used the aid of a PowerPoint presentation to discuss the history of the District, the service area of the District, services provided, and data pertaining to waste collection for 2023. He also discussed the Master Plan for the District, which includes the following findings/recommendations:

- Installation of new stormwater infrastructure and paving repairs.
- Replace damaged siding to the transfer station buildings.
- Repair structural issues in transfer station buildings.
- Engineering assessment of concrete tipping floor is needed.
- Site operational improvements to improve workflow & customer services.
  - Relocate HHW facility on-site;
  - Relocate compost bunker; and
  - Add push wall in public building.
- Two viable options exist to expand current facility to handle projected volumes for the next 25 years.
- Expanding the current site remains the most cost-effective option.

He presented images of what the new District transfer station could look like and concluded the estimated costs of the transfer station expansion is in the range of \$10 to \$15 million dollars. The District Board is in process of evaluating timing for expansion improvements and working with the County to obtain bonding authority. Bayview landfill's capacity allows NUERA to control disposal rates for the foreseeable future - \$10.50/Ton, which are some of the lowest rates in the State of Utah. He thanked Highland City staff for their support and partnership, namely Council Member Smith who serves on the District Board. He also extended the offer to the Mayor, Council, and City staff to host a tour of the District's facilities.

Council Member Campbell asked how and where the landfill is lined. Mr. Schwendiman stated there are several different materials that are layered on the property; the land is excavated to ensure there are no rocks in the ground before a fabric mat and 16-millimeter layer of plastic is laid on the ground, overlapped on itself and welded with a pressurized welding tool. A mesh fabric layer is then placed on top of the plastic, before 18 inches of clay soil is placed on top.

Council Member Smith thanked Mr. Schwendiman for the information provided; he also added his input regarding the different buildings that have been demolished and the construction and demolition waste delivered to the District's facilities. He also emphasized there are no immediate plans to raise taxes by the District due to the fact that fees have been monitored and increased appropriately to cover the cost of providing services.

**3. 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. Library Board Appointments** *General City*

*Management Kurt Ostler, Mayor, Donna Cardon,  
Library Director*

The City Council will consider reappointing existing Library Board members whose seats expire this year.

*Council Member Kim Rodela MOVED to approve consent item #3a Library Board Appointments.*

*Council Member Ron Campbell SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 5:0*

#### **4. ACTION ITEMS**

**a. PUBLIC HEARING: School District Public Hearing** *General City Management*

*Brittney Bills, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will conduct a public hearing regarding the proposal to create a "central" school district (Alpine, American Fork, Cedar Hills, Draper, Highland, Lehi) from Alpine School District.

Council Member Bills used the aid of a PowerPoint presentation to discuss the concept of creating a "central" school district consisting of Alpine, American Fork, Cedar Hills, Draper, Highland, and Lehi cities. This would cause the named cities to disconnect from the Alpine School District. She emphasized that this presentation is intended to present factual information only. For the perspectives of proponents of and opponents to the creation of the proposed central school district, the public can visit [centralschooldistrict.org](http://centralschooldistrict.org). She then noted the Central School District (CSD) is the temporary name for a potential new school district in Northern Utah County. If voters approve of the new school district, the future school board will select the final name. CSD is coordinated through an interlocal agreement signed by the cities of Alpine, American Fork, Cedar Hills, Draper, Highland and Lehi. The cities within the potential new Central School District boundaries conducted a feasibility study to assess the financial impacts of a new district. The study analyzed the following:

- Enrollment and Taxable Value
- General Fund
- Capital Projects Fund
- Debt Service Fund
- Taxes

The following assumptions have been made based upon the analysis that has been performed thus far:

- The final tax impact would depend on decisions of a potential future school board.
- The Central School District has a slightly higher taxable value per student compared to the existing Alpine School District.
- Future taxable values will be influenced by actual growth, future development and property tax changes.
- Future property tax revenues could be impacted by the potential establishment of redevelopment areas.

The study analyzed two scenarios to forecast the expenditures and revenue of the potential CSD. The first scenario used the percentage increase in student enrollment and the second scenario used the percentage of facilities costs. The study found that the CSD is a viable alternative and property owners could experience less of a future tax burden if they separated from the Alpine School District.

Council Member Bills then presented a chart illustrating the public process for this decision; on April 29, the cities voted to create an Interlocal Agreement to study the issue. The public comment period on the matter opened on June 18 and will close on August 2; each city will hold public hearings during that public comment period. On August 6, City Councils will decide whether to put the question on the ballot. Voters can vote on November 5 to

decide whether to create the new CSD. Administrative decisions regarding funding and financing, educational programs, personnel benefits and compensation, facilities operations and maintenance, etc. would be made by a future school board elected directly by voters in the six CSD cities. No commitments will be made at this time regarding these future board decisions. If voters support the creation of the CSD on November 5, an additional election will be held in November 2025 to choose school board members; elected members will take office in January 2026 and work will commence to make the split in February of 2026. The new Board would start their operations in July of 2027. Council Member Bills concluded by providing contact information/public input opportunities for the public:



 [centralschooldistrict.org](http://centralschooldistrict.org)

 [contact@centralschooldistrict.org](mailto:contact@centralschooldistrict.org)

 [bit.ly/CentralSchoolDistrictComment](https://bit.ly/CentralSchoolDistrictComment)

Council Member Smith asked what it means that the CSD will have a slightly higher taxable value per student compared to the Alpine School District. City Administrator Wells reported school districts are funded by property tax revenue and the six cities that would make up the CSD have a higher taxable value than the current taxable value of the cities that make up the Alpine School District. Council Member Smith stated it is important to make that clear to the public so that it is not misconstrued, and people believe their taxes may increase or decrease as a result of the creation of the new CSD. He then stated that it seems that the Alpine School District administrative building would be located in the boundaries of the CSD, and he asked if there are some advantages to having that building in the CSD. Council Member Bills stated that the legislation regarding the division of a school district provides direction regarding how district assets will be divided. If there is a two or three way split of the current Alpine School District, the assets that are within the former District will remain in that area, but the new districts will be given credit for those assets. This prevents a scenario where a disproportionate amount of the former district's assets being given to one of the new districts. City Attorney Patterson stated there will be a long process whereby the current School Board will analyze the division of assets among the new districts. Additionally, existing bond debt will be split proportionally between the new districts.

Mayor Ostler stated he understands concerns that are being expressed regarding the impact this issue could have on students, administrators, and teachers; he emphasized that teachers are very important and key to providing the best education to children.

Mayor Kurt Ostler opened the public hearing at 7:35 pm

Pamela Sue Redman applauded the City for taking on this issue; the Alpine School District has been unaccountable and financially deft to the concerns of the constituents and parents in the District, especially those with special needs. The superintendent seems to be overpaid and seems to be unresponsive to both citizens in the State School Board and Legislature. She hopes that no one that is currently employed by the Alpine School District will be hired by the new CSD, including members of the Alpine School Board. The Board has misused taxpayer monies to produce a video to influence teachers to support a single district; they are using scare tactics on employees and causing them to believe they will lose their salaries and benefits. In order for the CSD initiative to be successful, it will be necessary to convince teachers that it is in their best interest to support it. The cities are working against unfair influences and officials that are ignoring their constituents. She hopes the issue will continue moving forward and receive voter support in November.

Amber Gardiner discussed her background in volunteering in local schools in the Alpine School District. Her kids have received an excellent education from the District. Over the past five years she has worked in an area

dealing with finances of the District and at no time has she been shown a video trying to influence her on the matter. She wished to express her support for keeping the Alpine School District intact; she is proud of the School District and the job they do. They have worked to reduce costs for taxpayers while also providing quality facilities and programs to students. She has serious concerns about the infrastructure needs involved in a three-way split. A two-way split has been in the works for years, and this has included building new facilities and planning for improved technology in the Districts. However, there has been no preparation for a three-way split and, as an employee, she is not in favor of it. The risk to the students is far greater than people understand.

James Porter stated he resides in Pleasant Grove, and he also believes there are many educational and community benefits in keeping Alpine School District as a single entity. He is saddened that there is so much emphasis on reducing taxes over what is best for the students. He does not believe the District will be able to push for a bond for any of the three areas immediately after the split and this means that it will take years for either of the districts to pursue facility or infrastructure improvements. He is worried that this issue may be moving forward too quickly without sufficient information on the feasibility of the split; this is the biggest decision that will have been made in this area in decades and it has been done in a very short time. His next worry is that large businesses that move into the community for tax breaks will have even more leverage over the smaller school Districts; they may also not be as willing to donate to the school system because of reduced influence. He is also worried about reduced legislative influence due to the creation of three smaller districts. He encouraged everyone involved in the decision-making process to be more focused on educational opportunities for children in the community, versus the taxes and costs associated with education.

Molly Barrington stated her son attends Highland Elementary School, but she lives in Lehi. She cannot say enough good about Highland Elementary; the staff there truly cares for their students, and she wants that to continue. She has studied this issue and has been attending School Board meetings for the past three years; she is very well versed in this matter, and she is very much in support of the three-way split. Not only will each of the Districts have more local control, but kids will no longer be 'lost' in the Alpine School District due to its size. Oversight is currently not what it should be, especially in the realm of special education needs. Some progress has been made in the past three years, but the focus on special needs is not where it should be. Regardless of the outcome of the vote in November, she hopes that residents will become informed about the issue. She stated the School Board is currently not working well together and those living on the outskirts of the District are not getting the resources they need. She does not think this will be easy, but not splitting will only allow serious problems to persist.

Wendy Hart stated she had the honor of serving as Highland's representative on the Alpine School Board from 2011 to 2018 and she is personally in favor of splitting the District. She stated that it has always been the case that at some point, the District would get so large that a split would be necessary in order to increase local control. One benefit of the split would be greater financial accountability, especially when a bonding action is approved. For example, Highland taxpayers paid approximately nine percent of the debt service for a past bond but receive just one percent of the bond proceeds for improvements in facilities in Highland City. She stated that Utah has an equalized funding system for schools, which will benefit each of the new Districts in terms of funding per student. She stated that local control is important in meeting the needs of the students living in the community.

Nicki Brammer stated she is the president of the Utah Association for Gifted Children and has served in several different capacities in local schools for the past several years. She stated that this issue has been coming for a long time and each study of the matter has concluded that the split is feasible. She stated that the question remains how to appropriately divide a district the size of Alpine School District, but she is happy there will be more local representation of children in the community. Local leaders are much more in tune with the needs of their students than the Alpine School Board is. Additionally, she is concerned that the Alpine School District will not be able to secure future bonds because it is too large, and bonding is the primary funding mechanism for capital building projects. She respects the wisdom behind the three-way split because each District will have a significant high school rebuild, and that seems very equitable to her. She concluded that most important is to

recognize that employees are opposed to the split, but that is because of the information that has been provided about the impact his split could have on their salaries and/or benefits. She believes those concerns can be addressed. She noted she has more input to provide but will do so via email to the Mayor and Council.

Mayor Kurt Ostler closed the public hearing at 7:54 p.m. and announced an additional public hearing will be held on this issue on July 16, 2024.

**b. PUBLIC HEARING/ORDINANCE: Fence Regulations: Trail Corridors, Collector Roads, and Retaining Walls Development Code Update (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will hold a public hearing and consider potential amendments to the City's fencing and retaining wall regulations.

City Attorney/Planning & Zoning Administrator Patterson explained on May 7, 2024, the City Council discussed whether to make additional changes to fencing and retaining wall regulations, based on issues that have arisen with enforcing fencing regulations and directed staff to prepare a proposed code amendment for consideration. On June 11, 2024, the Council took a site tour of various fences and trail areas within the City and discussed options to allow privacy fencing in different trail corridor situations. On June 18, 2024, the Council opened a public hearing to consider the proposed amendments and continued the item for further consideration, directing staff to break down the proposed amendments into separate items for more specific review and decision. Mr. Patterson stated the proposed code amendments, broken into six ordinances, propose several changes to the City's fencing regulations; many of the changes are clarifications to existing regulations, rather than substantive changes. These clarifications include the following:

- Consolidating definitions.
- Removing redundant regulations.
- Clarifying the approval process and the ability of the City to approve fence permits with conditions.
- Clarifying that theme walls and screen walls remain subject to all standard fence regulations and are generally privacy fences except along trails and open space.
- Using more consistent language for privacy fencing and open-style fencing.
- Clarifies that fences and walls are to be located on the applicant's property unless they have the neighbor's written permission. This also applies to construction near City property.
- Clarifies that the distance requirement between retaining walls is measured from back of the lower wall to the front of the higher.
- Clarifies fence height for fences on retaining walls:
  - Privacy fences are limited to a combined wall/fence height of 8 feet from the lower property, with the fence portion still limited to 6 feet from the higher property.
  - Open style fences have no combined wall/fence height restriction but are still limited to 6 feet from the higher property.

*Mayor Kurt Ostler opened the public hearing at 7:59 pm.*

*There were no public comments.*

*Mayor Kurt Ostler closed the public hearing at 7:59 pm.*

Ordinance #1:

*Council Member Ron Campbell MOVED that the City Council ADOPT and APPROVE the amendments to Section 3-612 of the Highland Development code as set forth in Ordinance 1: General Amendments and authorize staff to make non-substantive typographical and grammatical corrections to Section 3-612, as amended.*

*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*

Mr. Patterson stated that ordinance #2 deals with the definition of a fence. The current ordinance includes the following language for the definition of a fence: “Fences, walls, hedges, and any other combination of plants, shrubs, trees, barriers, structures, or objects that act as a visual or physical screen or barrier.” The Planning Commission has recommended that the ordinance not regulate vegetation and to change the language to: “Fences, walls, and any other combination of barriers, structures, or objects that act as a visual or physical screen or barrier.”

Council Member Campbell stated that his only concern regarding the proposed amendment recommended by Planning Commission is whether this could create problems with vegetation in the sight triangle. Mr. Patterson stated that the City has an ordinance that regulates anything located in the sight triangle that would obstruct clear view at an intersection; that ordinance can be used to regulate hedge heights in the sight triangle on a corner lot. He then stated that Council Member Cortney has provided recommendations that he would like to incorporate into the ordinance dealing with the definition of a fence:

- Definition of Fence from Lehi: “A man-made barrier of any material or combination of materials erected to enclose or screen areas of land”.
- Restrict the definition of “fence” to something that is not all or part of a main or accessory building.
- Eliminate interior “fences” by specifying that a fence is “not enclosed within a fence of at least the same height”.
- Avoid pulling in (more or less) strictly ornamental structures by defining a fence as “extending at least 3 feet above grade”.

Using Council Member Cortney’s recommendations, staff has developed the following proposed language for the definition of a fence: “A man-made structure of any material or combination of materials, extending at least three (3) feet above finished grade, erected to enclose, screen, or provide a barrier to areas of land. ‘Fence’ does not include buildings or portions thereof, retaining walls, or interior fencing enclosed within a fence of at least the same height.”

He also noted that the following matters should be considered and addressed by the Council:

- “Man-made” implies the definition does not apply to vegetation.
- Does the definition apply to interior pool fencing or animal enclosures.
- Does the definition apply to front yard fencing.

The Council discussed and debated the three outstanding issues and determined to adopt ordinance two with Council Member Cortney’s recommended definition of a fence.

**Ordinance #2:**

*Council Member Kim Rodela MOVED that the City Council ADOPT and APPROVE the amendments to the definition of a “fence” as proposed by Council Member Doug Cortney.*

*Council Member Ron Campbell SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion carried 5:0*

Mr. Patterson asked for clarification that the Council understands that their motion to adopt ordinance number two indicates that the City will not regulate fencing under three feet in height. The Council acknowledged that fact.

Mr. Patterson then summarized ordinance #3; the current ordinance requires that all privacy fences be set back at least 14-feet from curb on all sides that abut a street (side and rear), and that open fences be allowed on the property line. One variance has been granted, with two pending fence variances, to allow privacy fencing on double-fronted lots. He presented photographs to illustrate current street-side fencing scenarios in the City and indicated the Planning Commission's recommendation is to allow privacy fencing along major collectors (Canal Blvd., 11800 North, 4800 West). Some Commissioners indicated they would allow privacy fencing on lot lines adjacent to any road and one Commissioner voted against the recommendation because she preferred the current rules regarding privacy fencing along roads. For major collectors versus arterial roads, all fences must be set back at least 30 feet, or per parkway detail from any arterial (SR-92, Highland Boulevard., North County, Alpine Highway, lower portion of 4800 West). He presented a diagram to illustrate how privacy fencing could appear along major roads, which will essentially narrow the corridor and make the pedestrian access feel tighter. The current rules for privacy fencing along major roads are to set back fences 14 feet from all roads, except arterials, which have a 30-foot setback requirement. The Planning Commission's recommendation is to allow privacy fences along major collectors, but further consideration is needed for double-fronted lots and arterial roads. The Council discussed the matter and determined they do not want to allow privacy fencing along major roads because doing so will essentially narrow the roads and make them less safe for motorists and pedestrians.

Ordinance #3:

*Council Member Doug Cortney MOVED that the City Council REJECT the amendments to regulations of side and rear fence setbacks as set forth in Ordinance 3: Fence Setbacks Along Roads.*

*Council Member Ron Campbell SECONDED the motion.*

City Administrator Wells clarified that the ordinance also addresses double-fronted lots. Mr. Patterson stated that is correct and noted that there has been some indication that some rear lot fences could be privacy fences. Council Member Rodela stated that she would like to have more discussion about that issue and see photographic examples of privacy fences on double fronting lots before making any amendments to that section of the City Code.

*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*

Mr. Patterson then discussed ordinance #4 dealing with privacy fencing along short sections of City trails; the current rules are as follows:

- If the corridor is less than 30 feet and not adjacent to public right of way, or greater than 30 feet, but not visible from two public places, the fence is limited to four feet of privacy, and two feet of open fencing (55%).
- Otherwise, six-foot full privacy fence is permitted.

The Planning Commission has recommended allowing six-foot full privacy fencing on corridors less than 30 feet in width if the corridors are less than 200 feet, or one lot deep, and connects public areas. He presented an aerial image of Spring Creek Park to illustrate how the Planning Commission’s recommendation would impact fencing of residential property adjacent to the Park. He noted the City Council participated in a site tour of this area to consider expanding the exception to allow more privacy fencing for certain corridors; staff’s understanding of the direction provided by the Council during that tour was to allow privacy fencing if the ‘entire area is visible from a public area, such as a street or park within 300-feet’. Adding this language to the ordinance will help to determine when privacy fencing should be permitted.

Ordinance #4:

*Council Member Ron Campbell MOVED that the City Council ADOPT and APPROVE the additional amendments to privacy fence regulations along short trail corridors as set forth in Ordinance 4 with the Site Tour Option (300 ft visibility).*

*Council Member Kim Rodela SECONDED the motion.*

Council Member Smith asked for the definition of public view areas/spaces. Mr. Patterson referenced the rendering of Spring Creek Park and stated that as long as the corner is visible within 300 feet of a public area, which is defined as a park or road – or some other public open space – privacy fencing would be permitted. This led the Council to discuss specific properties in the City for which residents may desire privacy fencing along a trail.

*The vote was recorded as follows:*

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

*The motion carried 3:2*

Mr. Patterson summarized ordinance #5. The current rules are to limit privacy fencing to four-feet for areas where the corridor is less than 30 feet wide and not adjacent to a public right of way, or greater than 30-feet but not visible from two public places. Otherwise, six-foot full privacy fence is permitted. The Planning Commission recommendation is to allow six-foot full privacy fence on corridors less than 30 feet if the corridor is adjacent to public entity/utility property that has no/open fencing and require school district to have open fencing. He clarified that the City cannot impose fencing requirements on the school district.

Council Member Smith asked if the school district would be allowed to install a solid fence along the trail corridor. Mr. Patterson stated that privacy fencing is only allowed if the other side of the trail is open or has open fencing; however, the school district is exempt from complying with City land use ordinances, including those regulating fencing.

Council Member Cortney referenced Section 3.c(2)(a) and asked if the City runs the risk of having that section invalidated due to failure to exclude school districts from the regulations. Mr. Patterson answered no.

**Ordinance #5**

*Council Member Ron Campbell moved that the City Council ADOPT and APPROVE the amendments as set forth in Ordinance 5 specifically related to fencing trails near property of public entities and utilities.*

*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>No</i>

*The motion carried 4:1*

Mr. Patterson then addressed ordinance #6; the current ordinance limits privacy fencing along narrow trails, but the Planning Commission’s recommendation is to allow privacy fencing along narrow trails if they are adjacent to public/utility property that has no fencing or open fencing. Council Member Cortney has suggested allowing an eight-foot fence on properties adjacent to athletic complexes, such as Mitchell Hollow, Beacon Hills, Spring Creek, and Mountain Ridge Parks.

Council Member Bills asked if the term ‘athletic complex’ is defined in the land use code, to which Mr. Patterson answered yes and read the definition for the record of the meeting. Council Member Smith asked what will happen in instances when the developer of a project has already installed a fence that is six-feet tall. Mr. Patterson stated that some fences can be added upon to increase the height by two feet, or the fence could be reinstalled.

**Ordinance #6**

*Council Member Scott L. Smith MOVED that the City Council ADOPT and APPROVE Ordinance 6: Athletic Court Fencing.*

*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 Smith thanked Mr. Patterson and other members of City staff for their work on this complicated issue. Council Members Campbell and Cortney echoed the gratitude expressed.

**c. PUBLIC HEARING/ORDINANCE: Swimming Pool Regulation Amendments *Land Use (Legislative)***

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will consider amendments to swimming pool regulations related to setbacks and fencing requirements.

City Attorney/Planning & Zoning Administrator Patterson explained in 2022, the City Council considered a request by a resident to change the code to not have enclosed swimming pools count against accessory structure lot coverage limitations. The Planning Commission unanimously voted against that amendment, and then the City Council voted to deny the amendment. On June 18, 2024, staff informed the City Council that these proposed amendments would be heard by the Planning Commission on June 25, 2024. The current land use code provides pool regulations for each zoning designation but does not specifically address pools allowed in the PD zone. Staff and the Planning Commission recommend consolidation of pool regulations into a single-code that applies City-wide, similar to fencing regulations. Additionally, the current code does not provide regulations for pool accessory buildings; staff has proposed regulating pool accessory buildings only if they are over 120 square feet or 14-feet in height. The Planning Commission recommended all pool accessory buildings meet accessory structure setbacks. The current swimming pool setback is six feet from the main dwelling, but the code is unclear on where the setback is measured to; staff and the Planning Commission recommend removing main dwelling setback and proposed that setbacks are measured to the outside of the pool structure disregarding walkways. The Planning Commission also recommends setbacks be measured one foot from inside the pool wall (water line). Additionally, the current code requires pools be setback 30-feet from the front yard, 10-feet in the side yard, and 10-feet in the rear yard. Staff and the Planning Commission recommend clarifying the front setback to be 30-feet or in line with the main dwelling. The Planning Commission also recommends allowing pools up to five feet from the side/rear property line if no easement is present and, based on the Planning Commission's recommendation, staff has proposed alternate side/rear setbacks that maintain the 10-foot setback except in certain circumstances. Staff has recommended the following alternate amendments regarding side/rear setbacks:

Pool must meet 10' side/rear setback unless applicant shows each of the following are satisfied:

- No utility easements or such easements are vacated.
- Property and setback lines are surveyed.
- No structures, walls, utilities, sensitive lands, or other feature within 10 feet of either side of the property line that may be affected.
- No work on neighboring property without written authorization.
- No pool accessory between the pool and the property line.
- Any pool equipment or utilities set back at least 10 feet.
- Soil stabilization plan required to prevent soil collapse.

Finally, there are proposed amendments pertaining to pool barriers; the current code provides for a fence with self-closing/locking gates and pool covers required. Staff proposes requiring fence and either gates or automated pool cover. The Planning Commission recommended conforming to International Building Code (IBC) and allowing either fencing or an automated pool cover.

Mr. Patterson engaged in high level discussion with the Mayor and Council regarding the manner in which setbacks are measured; there was also a brief focus on the reasoning behind requiring safety measures that either prevent access to the pool or cover the pool. Staff agrees with the Planning Commission that it is important for the City's code to conform with the International Building Code (IBC). Council Member Smith wondered if the City would have any liability if the requirement for a pool cover and self-closing/locking gates are removed from the City Code and a child subsequently drowns in an uncovered pool. Mr. Patterson indicated the City will not have liability if it is following the IBC relative to pools and spas.

Mayor Kurt Ostler opened the public hearing at 9:04 p.m.

Catherine Hundley stated that her family needed a pool for health reasons, but she was disheartened to learn of the City's 10-foot setback requirements. She researched other cities and found that almost all have smaller setbacks, ranging between three and six feet, which is in accordance with the IBC and other pool codes. She believes the City's 10-foot setbacks mirror utility easements throughout the City, but she is fully supportive of a change that would allow her to decrease the setback in her yard from 10 to five feet.

Mayor Kurt Ostler closed the public hearing at 9:06 p.m.

*Council Member Kim Rodela MOVED that the City Council adopt and APPROVE the proposed amendments to the pool regulations. as recommended by Planning Commission with additional changes to side and rear setbacks as proposed by staff, with fencing to follow state pool and spa code.*

*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*

**d. PUBLIC HEARING/ORDINANCE: Residential Conditional Use Amendments Land Use (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will consider amendments to conditional uses within residential zones and general conditional use requirements.

City Attorney/Planning & Zoning Administrator Patterson explained that on May 7, 2024, the City Council reviewed and approved the conditional use permit for a pavilion on the church site. As part of that discussion, the Council discussed the need for a conditional use permit for a simple accessory structure and whether the conditional use process should be reviewed. On May 21, 2024, the City Council specifically discussed whether changes should be made to the conditional use process and requirements. There was generally a consensus to change the code to allow accessory uses within residential zones without a conditional use permit. The Council also discussed whether there should be a change in the approval process (whether the Commission should make the decision, whether public hearings were necessary), and whether to make different conditional use processes for residential vs non-residential uses, though there was no consensus on those items. He then offered background information regarding conditional uses:

- Conditional uses and conditional use permits (CUPs) are uses that are generally appropriate within a zone but require special review and conditions to mitigate detrimental impacts.
- CUPs are administrative, meaning that they generally must be approved, even if undesired, so long as there are reasonable conditions that can be imposed to mitigate detrimental impacts.

Residential conditional uses include:

- Public schools and grounds
- Churches, church grounds, and non-temporary accessory buildings associated with maintenance.
- Libraries, museums, art galleries
- Funeral homes (R-1-40 only)
- Non-profit country clubs (except R-1-30)
- Communication towers (except R-1-30)
- Drilling wells for water

The proposed amendments do the following:

1. Clean-up and reorganization of language
2. Remove "school grounds," "church grounds," and church accessory maintenance buildings as conditional uses, in order to allow them to be permitted without a CUP.
3. Add communication towers as conditional uses within the R-1-30 zone to be consistent with the other zones and to specify that communication towers in all residential zones remain subject to other applicable city, state, and federal law.
4. Add a new section to the general conditional use section that authorizes accessory and minor changes to a conditional use site or building without a CUP (so no Planning Commission or City Council review) if the change does not have a material impact on the site or neighbors and otherwise complies with City regulations. This would allow the following changes without a CUP or CUP amendment:
  - a. Accessory structures
  - b. Tenant improvements
  - c. Signs
  - d. Landscaping changes, especially to incorporate xeriscaping
  - e. Reconstruction of damaged structures
5. Add a new section to the general conditional use section that allows CUPs to be amended to address changed circumstances on a property or more significant changes to a CUP. The proposal is for the amendment to be heard directly by the City Council without prior Planning Commission review.
6. Clarify that changes in ownership do not require a new CUP.
7. Clarify that notice of public hearings requires a minimum 7-day notice (currently no specific notice standard for the public hearings).

Council Member Smith asked for clarification that cell-phone towers would still require a CUP and that the City Council would be the approval authority for that application. Mr. Patterson stated that communication towers are major CUPs and would require Council approval. Council Member Smith added that in the past, residents have sought to install tall windmills in their yards, and he asked if that would require a CUP. Mr. Patterson stated that he believes a windmill would fall under the accessory structure category and so long as it conforms to height restrictions, it could be approved by staff. Council Member Cortney stated that if the windmill is associated with a drilling function, it would require other approval steps. Mr. Patterson agreed.

Mr. Patterson then noted that other Council considerations include whether the Council or the Commission should be the final approval body and whether public hearings should be required. The current conditional use process is as follows:

- Submission of an application
- Review by staff for completeness and potential submission of additional information by the applicant in order to address City standards.
- Public hearing, review, and recommendation by Planning Commission as to approval/denial and conditions on the use
- Public hearing, review, and final decision by City Council as to approval/denial and conditions on the use

Because this process is defined entirely by City Code, the Council can consider changes to the conditional use approval process, such as:

- Eliminating or reducing the number of public hearings (Commission only, Council only, no public hearings, or public hearings at both as currently required)
- Changing the land use authority, such as by making the Planning Commission the land use authority for all or some CUPs and amendments (such as CUPs and amendments within residential zones but leaving the City Council as the land use authority for CUPs and amendments in non-residential zones).

Council Member Campbell stated that most CUPs are administrative in nature; if an applicant can meet certain conditions related to the proposed use, their CUP must be approved. For this reason, he feels that most CUP applications can be handled by City staff rather than the Planning Commission or City Council. Mayor Ostler noted that the only problem with that process would be that residents may not feel they have any recourse in disputing or opposing a CUP application. The Council engaged in philosophical discussion and debate regarding the appropriate approval authority for CUP applications.

Mayor Kurt Ostler opened the public hearing at 9:20 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 9:20 pm.

*Council Member Scott L. Smith MOVED that City Council adopt and APPROVE the proposed amendments to the conditional use regulations, provided that minor amendments require staff written approval.*

*Council Member Kim Rodela SECONDED the motion.*

Council Member Cortney stated that his reading of the Property Rights Ombudsman’s advice regarding public hearings is that a public hearing should not be held for a CUP application. He stated that would be his preference and he does not believe that anyone would be prevented from speaking to the City Council about an application. The only way it makes sense to eliminate a public hearing requirement would be to notice consideration of a CUP application. Council Member Campbell agreed. Council Member Smith disagreed and stated he feels there is value in holding a public hearing; he appreciates public input, and, in many cases, it is very helpful.

Mayor Ostler asked Council Member Cortney if he wished to offer an alternative motion to remove the public hearing requirement for CUP applications. Council Member Cortney answered no and indicated he does not feel there is sufficient support for such a motion.

*The vote was recorded as follows:*

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>No</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 4:1*

- e. ACTION: Mountain Ridge Park - Phase 2 Amenities General City Management**  
*Andy Spencer, City Engineer/Public Works Director*

The City Council will consider authorizing the following items for the Mountain Ridge Park Improvements: Ninja course, Stage Foundation, Shades for Baseball Bleachers, Futsal Fence, 5600

West Fencing, Additional Security Cameras, Conduits for Future Lighting, Baseball Field Maintenance Building, and the associated landscape repairs.

City Engineer/Public Works Director Spencer explained on December 5, 2023, the Council approved the use of \$1.3M in Parks Impact fee funds for Mountain Ridge Phase 2 in addition to the \$700,000 left over from Phase 1 construction. The Council subsequently provided direction relative to priority items for the Phase 2 potential items that could be added to the park. On April 16, 2024, the Council approved the contracts for the balance of all planted areas (topsoil, sprinklers, grass, trees, shrubs, rock) to Stratton and Bratt; a contract for to asphalt trail to Eckles Paving; and a contract for the baseball field to S & L. On May 7, 2024, the Council approved the updated design of the park which included a new location for the Ninja Course and modified the western trail to allow for more trees west of the trail. Subsequently, on June 4, 2024, the Council discussed the available funding and potential improvements. On June 11, 2024, Council and staff did a walking tour of Mountain Ridge Park to discuss amenity locations. He presented images of the approved master plan for the park as well as the ninja course that has been selected for the site, after which he presented an image of other optional locations for the ninja course. Additional phase two amenities/improvements that have been contemplated for Mountain Ridge Park total \$1.2 million. The cost for each of the presented items can be funded through the use of parks impact fees in the Parks Capital fund. The amenities that the Council opts to proceed with will require budget adjustments that will be included in the mid-year budget adjustments. As previously presented to Council, there are sufficient funds available for all currently contemplated improvements if the Council would like to proceed with all improvements. The currently provided totals do not include any further sound mitigation for the adjacent residents above the added trees previously approved. As such, any additional mitigation efforts would result in additional costs. Mr. Spencer facilitated discussion among the Mayor and Council regarding the items included in the list of optional amenities; the list included:

- Ninja Course
- Stage Foundation
- Shades and Bleachers for Baseball Area
- Futsal Fence
- Additional Security Cameras
- Conduits for future lighting
- Baseball Field Maintenance Building
- 42" Tall Fence along 5600 West
- Drinking Fountain by Baseball Fields

Mr. Spencer asked that a motion from the Council on this item include the list of amenities they would like to fund in phase two of the project. Council Member Cortney suggested the Council could quickly consider a motion to fund everything but the ninja course and the stage, since those are the only two amenities that need additional discussion. Council Member Smith stated that he wants a discussion about all amenities and make just one motion. Council Member Rodela agreed.

The Mayor and Council debated the pros and cons of each amenity and whether the amenity is desired by the residents of the City. This included optional locations for the stage (alternative parks) if the ninja course is moved to another location at the site; support for a permanent stage versus a movable/temporary stage; conflicts between the basketball and futsal courts; trail alignment; the types of trees that will be planted between the park and the adjacent residential areas; and additional sound mitigation options for adjacent residential areas.

Council Member Cortney stated he does not want to fund the ninja course at this time; he is concerned about over-programming the park at this time, and he is concerned about traffic and parking in the short-term. He is not opposed to the amenity, but he is opposed to installing it right now. Mayor Ostler polled the Council to determine if there are others that share Council Member Cortney's position. Other Council Members expressed support for the ninja course and focused on the appropriate location for the amenity; they ultimately decided to locate the ninja course on the west side of the Park.

Council Member Kim Rodela *MOVED* that City Council *APPROVE* the construction funding for the following amenity improvements for Mountain Ridge Park, Phase 2 - all the amenities, excluding the stage foundation, and *AUTHORIZE* the City Administrator to sign the appropriate contract documents with the companies and per the expenses associated with the improvements as provided in the Council packet materials and staff report, authorizing staff to administer a ten-percent (10%) contingency for unforeseen construction expenses.

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

Council Member Smith stated that he understands the concerns of the residents who live on the west side of the Park and noted that he had the same concerns about the east/west corridor that was built near his home. He misses the quiet he used to enjoy at his home, but he uses the road all the time and acknowledges the important benefit it provides for the common good. When he is in his home, he does not hear the noise of the corridor. His feeling is that the Council has tried to mitigate many of the issues caused by the Park, but it is a public park, and it is important that includes amenities for all ages. A curfew has been imposed and the Police Department is increasing patrol of the areas surrounding the park, but most important to keep in mind is that the area was always meant to be a public park and use of the area should not be eliminated based upon concerns from one neighborhood.

Mayor Ostler stated that he has reached out to elected officials from other cities that have ninja courses to learn of their experience with the amenity; he has heard a great deal of positive feedback and most cities have included the ninja course in their larger regional parks that include many other amenities and field space. People like the ninja course because it is a unique element that cannot be found at all parks.

*The vote was recorded as follows:*

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

*The motion carried 4:1*

Mr. Spencer then asked for clarification of the motion; it is his understanding the Council voted to support all amenities except the stage foundation and to construct the ninja course in the approved location on the west side of the park. Mayor Ostler stated that was the motion. City Administrator Wells asked the Mayor and Council if they would like staff to bring back a future agenda item regarding additional sound mitigation for the residential areas surrounding the park. The Mayor and Council answered yes.

Council Member Campbell then stated he wished to echo Council Member Smith's comments about the Park; this has not been an easy decision for the Council, but it is the right decision for the entire community.

Council Member Doug Cortney *MOVED* to extend the meeting to 11:00 pm.

Council member Ron Campbell *SECONDED* the motion.

*All voted in favor, except Council Member Kim Rodela. The motion passed.*

- f. ACTION: 6000 W Pump Station Road and Trail Improvements** *General City Management*  
*Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving the additional roadway and trail improvements associated with the 6000 West Pressurized Irrigation (PI) Pump Station project.

City Engineer/Public Works Director Spencer explained on June 4, 2024, Council approved Schedule A (Pump Station) and awarded a contract to Nelson Bro. Construction Company in an amount up to \$3,127,381 for the construction of a new PI pump station along with the installation of a Culinary Pressure Reducing Valve (PRV) to be installed in the 6000 West roadway in an amount up to \$127,915, for a maximum authorized contract amount of \$3,255,296. The PRV was a portion of Bid Schedule B, which includes all improvements outside the pump station fencing and aqueduct connections including frontage work, street repair, and the trail crossing. The Council provided staff direction to evaluate the improvements outside the approved pump house fencing area (Schedule B) to determine if the entire scope of work should be awarded to Nelson Brothers Construction Company. The Council also requested that the Mayor contact Utah County to identify if the County would participate in the costs of the trail improvements. Mr. Spencer presented an aerial image of the project area and indicated the remaining improvements can be broken into three areas:

1. The frontage of the PI pump station, including landscaping, sidewalk, curb and gutter and road improvements: approximate cost of \$107,800
  - *The frontage is an item that staff would strongly recommend completing as a part of this project to bring the area up to current standards and be consistent with what would be required of a private party building a similar site.*
2. Road rebuild, which would rebuild this section of roadway, which has been skipped over from previous improvement projects: approximate cost of \$122,000.
  - *The road rebuild does not have to be completed at this time. There are approximately 5~8 years of life remaining in the road. It is just advantageous to do the work while crews are in the area and will be disturbing the road as a part of the project. If the road rebuild is not done, the ride quality will diminish due to the number of trenches that will be placed with the pump station. In addition, this will create a high-quality road along 6000 West from 10400 North to 9600 North, this project area is one of the last remaining pieces that is in need of higher levels of repair.*
3. Trail related items, which will reconstruct the existing Murdock Trail to create a safer crossing for trail users along with adding traffic-calming features for motorists traveling on 6000 West: approximate cost of \$286,000.
  - *Staff would recommend doing some work to improve the safety of the trail crossing in this area. However, the scope could be scaled back. The design currently includes curb on all sides and a center protected island. The curb and islands are intended to frame the crossing thereby clearly identifying the pedestrian crossing point and slow the vehicular traffic. Staff could redesign to something less expensive with push-button activated flashing signs and a different textured crosswalk. This level of improvement would be in the \$20,000 ~ \$30,000 range.*

Mr. Spencer concluded the Council can choose to do all, none, or a combination of the three items. There could be some outstanding issues if the trail crossing is not improved with traffic calming features, but there have not been a significant number of accidents in the area in recent years.

Council Member Cortney asked if damage will be caused if the Council chose to fund item three, but not item two. Mr. Spencer stated that could be done, but the finished project will not be as nice as desired.

Council Member Smith asked if the County has indicated whether they would offer some funding for maintenance of the trail. Mayor Ostler stated that he reached out to the County Commission; they are open to considering assisting the City, but they were not willing to commit a definitive funding amount at this time. Mr. Spencer stated that he believes they will contribute approximately \$15,000, so the City will still be paying \$275,000 for the project. This led to a brief review and discussion of funding sources for the project, with Mr. Spencer noting that it would be more appropriate to complete the project correctly the first time rather than delaying certain elements of the project with plans to retrofit it at a later date.

Council Member Cortney stated he wants to be sure that the City is prioritizing projects like this based upon safety concerns; he asked if this is truly the most dangerous location in the City in which to spend \$400,000. Mr. Spencer stated that there are definitely other dangerous areas for pedestrians, especially kids walking to and from school; however, of the City-controlled intersections, this is one of the top two most dangerous in the City.

Council Member Bills asked if there is a less expensive way to make the area safer. Mr. Spencer stated that the decision was made to not use raised elements on this road; a less expensive option would be a concrete crosswalk, or a textured crosswalk, as well as flashing lights to indicate the crossing area. The best option would be an under-crossing, but that is very expensive. The mid-range option is the option that has been presented for consideration tonight.

Council Member Campbell asked if staff would like the Council to approve all three elements of the project. Mr. Spencer answered yes, that would be ideal.

*Council Member Scott L. Smith MOVED that City Council APPROVE a contract with Nelson Brothers Construction Company for the remaining Bid Schedule B items in an amount up to \$567,380 and AUTHORIZE the City Administrator to sign the necessary contracts.*

*Council Member Kim Rodela SECONDED the motion.*

Council Member Campbell asked if the amount included in the motion includes a 10 percent contingency, to which Mr. Spencer answered yes.

*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*

## **5. 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. ACTION: Alpine Highway Fence Replacement Program** *General City Management*  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The City Council will consider options for a fence design and contractor to replace the Alpine Highway fence and consider approving the creation of a reimbursement/grant program for the replacement of the Alpine Highway fence.

Council Member Smith stated that the staff materials regarding this item referenced a two-year program, but he thought that the Council had reached a consensus to spread the program across three years to reduce the stress on the budget. City Attorney/Planning & Zoning Administrator Patterson stated that three years is definitely an option; he developed his proposal based upon his reading of the Council's discussion of the program, but he is open to a decision of the Council. He asked if the Council still wants to require three-home clustering in order for residents to be eligible for funding. He then facilitated discussion among the Council regarding other elements of the fence reimbursement program, including the cost per linear foot, specification of design, material, and contractor, and the fact that a resident is required to repair damage to City or UDOT property.

Council Members Rodela and Bills indicated they would like to require a five-home clustering in order for residents to be eligible to receive funding. Council Member Smith stated that he can support that as well.

Council Member Cortney stated he would like to select a fence material to be required. Council Member Smith stated that he would like to delay action on that element of the project for a few weeks. City Administrator Wells stated it would be helpful for the Council to decide on fencing material to make it easier for staff to get bids from which residents can choose. Mr. Spencer stated the current material options/contractors are:

- Best Vinyl - PVC: \$34,096 (\$85.24/lf) includes demo, requires code change.
- Rhino Rock - Foam-core: \$43,125 (\$107.81/lf) includes demo of wood only – brick columns separate cost.
- Olympus - Pre-cast concrete: \$46,000 (\$115/lf) no demo included.

Council Member Smith asked if the residents have a preference, to which Mr. Spencer answered precast concrete. Council Member Campbell stated that precast concrete is the most expensive option, and it will be difficult for residents to get five homeowners to agree to cluster in order to proceed with a project. He stated he would prefer that a three-home clustering be required, rather than five. Council Member Cortney agreed. Council Member Smith switched his vote and stated he will support three. This led to additional discussion of the durability of the three different material options. Council Member Bills stated that if the goal of this project is beautification of the City, it makes more sense to support the mid-range project and require five homes to cluster in order to receive funding.

Mayor Ostler invited input from the resident in attendance regarding this matter.

Nate Woodbury stated he is open to the idea of the mid-range product so long as it is durable and will last for a long time. If the product requires less excavation for the footings, that would be a positive aspect.

Council Member Smith stated that he can support the mid-range product.

Mr. Patterson summarized the Council's discussion to this point; they want a three-year funding program with \$80,000 allocated per year, require a five-home clustering, and will support the foam-core product. Council Member Smith specified that the bidder for the foam-core product will perform demolition of the wood only.

*Council Member Doug Cortney MOVED that the City Council adopt and APPROVE the ordinance establishing the Alpine Highway fence replacement program at 80,000 per year for 3 years requiring 5-property clustering, and designate Rhino Rock concrete foam core fencing to be used for the replacement fence and direct staff to execute the grant program as outlined.*

*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*

**b. ACTION: Vehicle Purchase General City Management**  
*Andy Spencer, City Engineer/Public Works Director*

The City Council will consider approving the purchase of two vehicles, one for the parks division and one for the community development department.

City Engineer/Public Works Director Spencer explained the Fiscal Year (FY) 25 budget included the purchase of two trucks. The parks truck will be used by 17-year-old drivers, who due to insurance restrictions relating to the weight of vehicles, cannot drive the other vehicles in our current fleet. The community development truck will mainly be used for code compliance but could also be used for more general planning work by the Community Development Director or the Planning and Zoning Administrator. The cost for each of these vehicles is \$31,290.00. Funding for the parks truck expense is included in GL 10-70-75, Parks and Recreation Capital Equipment Purchase. Funding for the community development truck expense is included in GL 24-52- (specific account number still to be assigned), Building and Development Capital Outlay Equipment. The final cost of the trucks did come in slightly higher than had been anticipated in the budget preparation. The cost of the trucks had been anticipated at \$29,000. Staff will evaluate other department expenses through the first half of FY25 and may recommend a minor mid-year budget adjustment to allow for the additional \$2,290 expenses for each truck.

Council Member Smith asked if the trucks are badly needed, to which Mr. Spencer answered yes.

*Council Member Scott L. Smith MOVED that City Council approve the purchase of the 2 vehicles for the parks division and community development department in the amount of \$62,580.*

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

Council Member Cortney asked how the budget overage will be handled. City Administrator Wells stated she believes the overage amount can be absorbed in the budget, but if it becomes necessary to formally amend the budget, that issue will be brought back to the Council.

*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*

## 6. DISCUSSION ITEMS

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

- a. **Campaign Finance Regulations** *Municipal Code Update (Legislative)*  
*Ron Campbell, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*  
The Council will discuss the potential for additional regulations related to municipal candidate campaign financing.

This item will be discussed at a future meeting.

## 7. COMMUNICATION ITEMS

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

- a. **Urban Deer Program** *Stephannie Cottle, City Recorder*

City Recorder Cottle used the aid of a PowerPoint presentation to discuss the urban deer program, which was implemented in 2013 with the goal of reducing the number of deer on the roads and to assist residents who were

having issues with deer destroying their landscaping and gardens. Data regarding the number of deer on the road is inconclusive, but the program has made a difference in the lives of the residents who have had deer in their neighborhoods. She presented a graph illustrating the number of deer harvested per year since 2013 as well as a graph from UDOT regarding the number of deer on the road, which fluctuates broadly year after year. She noted the contractor the City has used in the past to harvest deer is no longer able to provide his service and she asked if the Council would like to consider other options for continuing the program. The Council answered yes and indicated they would like to discuss other options in a future meeting.

**b. Right of Way Permit Regulations and Driveway Connections** *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer stated that he needs direction from the Council about whether to add a permit type for driveway connections on rights of way. He presented images of current driveway conditions in the City that have posed a problem for the City in terms of road cuts and expansion of driveways for accessory structures. The Council indicated they would like a future agenda item regarding this matter.

*Council Member Doug Cortney MOVED to extend the meeting to 11:05 pm.*

*Council Member Ron Campbell SECONDED the motion.*

*All voted in favor, except Council Member Scott L. Smith. The motion passed.*

**c. Officer Residency Requirement** *Rob Patterson, City Attorney/Planning & Zoning Administrator*

City Attorney/Planning & Zoning Administrator Patterson stated the current City Code indicates that certain officers must live in Highland City; they have 60 days to move to Highland City once they are hired. Currently, no officers live in Highland City and Administration would like to propose that the Council repeal the ordinance in a future meeting. The Council offered support for repealing the ordinance in a future meeting.

**d. DR Horton - Highland Blvd Improvements** *Andy Spencer, City Engineer/Public Works Director*

This item will be discussed at a future meeting.

**e. Accessory Structures Restrictions and Ridgeview PD** *Scott Smith, Council Member, Rob Patterson, City Attorney/Planning & Zoning Administrator*

This item will be discussed at a future meeting.

**f. Sign Code** *Kurt Ostler, Mayor, Rob Patterson, City Attorney/Planning & Zoning Administrator*

This item will be discussed at a future meeting.

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

This item will be discussed at a future meeting.

**h. Council Policies and Procedures & Annual Conflict of Interest Statements** *Erin Wells, City Administrator*

This item will be discussed at a future meeting.

- i. **Community Development Update** *Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator*

This item will be discussed at a future meeting.

## 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.

*At 11:01 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, 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 Doug Cortney MOVED to adjourn the CLOSED SESSION and Council Member Ron Campbell SECONDED the motion. All voted in favor and the motion passed unanimously. The CLOSED SESSION adjourned at 11:15 pm.*

## ADJOURNMENT

*Council Member Ron Campbell 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 11:16 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 July 2, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC  
City Recorder



# CITY COUNCIL AGENDA REPORT

## ITEM #3a

---

**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Text Amendment - Home Occupation Code for Homes that Front on SR 92  
**TYPE:** Municipal Code Update (Legislative)

---

### **PURPOSE:**

The City Council will consider a request from Bryan Irving/Tile Ram to amend the City's home occupation code to allow homes that front directly onto SR-92 to have non-resident employees.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Council consider the proposed amendment, receive and consider comments from the applicant, discuss whether to adopt the amendment and any additional conditions to limit the impact of home occupations on adjacent properties, and either approve or deny the amendment.

### **PRIOR COUNCIL DIRECTION:**

On July 16, 2024, the applicant addressed the City Council regarding this proposed amendment during unscheduled public appearances and provided the Council with his contact information. In addition, staff briefly informed the Council that this amendment would be presented to the Council for consideration during the August 6, 2024. There was no significant discussion of the amendment.

### **BACKGROUND:**

Brian Irving, owner of Tile Ram, owns the home located at 4922 W Timpanogos Highway. This home faces directly onto SR-92 and is accessed solely from SR-92. After Mr. Irving purchased the home, he began using it for his business. To staff's knowledge, one of Tile Ram's employees lives in the home, and several other non-resident employees come to the property to pick up/drop off equipment. Work is performed off-site, and the home is used as a residence and for coordination of work.

City staff became aware of the business use of the home and began a code compliance process, as the business was operating without a business license. After the applicant submitted a business license, staff informed him that the City could not approve the home occupation because of the non-resident employees. Mr. Irving then applied for a text amendment seeking to amend that code limitation. The business license has not yet been issued, and to staff's knowledge, currently Mr. Irving is not operating the businesses out of the home, pending the Council's decision regarding the proposed code amendment.

The City's regulations regarding home occupations can be found in both [municipal code 5.08.050](#) and [development code 3-614](#). In particular, Highland City Municipal Code 5.08.050(A) provides, "Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee." This section prohibits any home occupation from having non-resident employees. The two exceptions to this rule are for daycare and in-home instruction, which do allow for non-resident

employees to also work at the home occupation, though the business must still be carried on by a resident of the property.

Mr. Irving has proposed, based on staff's general direction, that the City's code could be amended as follows:

"Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee, provided that, for residential properties that front directly onto SR-92, the home occupation may employ non-resident employees. All parking for such employees must be located on the residential property and must be screened from view of any public street."

By staff's count, there are approximately 52 homes that this amendment would affect, the vast majority of which are east of Alpine Highway along the golf course.

Staff has considered additional conditions or stipulations that could be imposed to limit the impact of the additional employees, which the Council could consider. The only condition that Staff strongly recommends if the Council is amenable to the proposed text amendment is the requirement that UDOT approval be obtained. All other proposed conditions are presented for Council consideration, and Council can adopt all, some, or none of them.

- A. Applicant must obtain UDOT approval of the business access, and the applicant must perform all UDOT-required improvements prior to issuance of a license.
- B. Applicant must specify the total number of non-resident employees, which may be limited [Council could impose a specific number].
- C. Applicant must obtain a fire inspection and comply with fire occupancy limitations.
- D. A home occupation that employs non-resident employees may not have customers visit the home. [Employees or customers, but not both]
- E. No on-street parking is permitted for any person associated with or visiting the home occupation.
- F. Notice must be given to adjacent property owners within 300' if non-resident employees are employed by the home occupation.
- G. Proof of residential occupancy is required.

**FISCAL IMPACT:**

No anticipated fiscal impact.

**MOTION:**

Motion to Approve:

I move that City Council APPROVE and ADOPT the proposed amendments to Highland Municipal Code 5.08.050(A). [Council may also direct the adoption of any or some of the proposed conditions A through G or additional or different conditions.]

Motion to Deny:

I move that City Council REJECT and DENY the proposed amendments to Highland Municipal Code 5.08.050(A).

**ATTACHMENTS:**

- 1. Ordinance
- 2. Irving Handout Showing Tile Ram Property

Highland City, Utah

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING HIGHLAND CITY MUNICIPAL CODE RELATED TO RESIDENCY REQUIREMENTS FOR APPOINTED CITY OFFICERS**

WHEREAS, Highland City is authorized to regulate and license businesses within Highland City, including home occupations, subject to the limitations of Utah State law;

WHEREAS, Highland City currently regulates home occupations and prohibits the employment of non-resident employees within a home occupation, with limited exceptions;

WHEREAS, the Highland City Council desires to amend such regulations to allow for certain home occupations to employ non-resident employees, on certain terms and conditions;

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

SECTION 1. Highland Municipal 5.08.050(A) is amended as follows:

"Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee, provided that, for residential properties that front directly onto SR-92, the home occupation may employ non-resident employees. All parking for such employees must be located on the residential property and must be screened from view of any public street."

SECTION 2. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this ordinance and to the City codes referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 3. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Recorder

**COUNCILMEMBER**

**YES**

**NO**

Brittney P. Bills

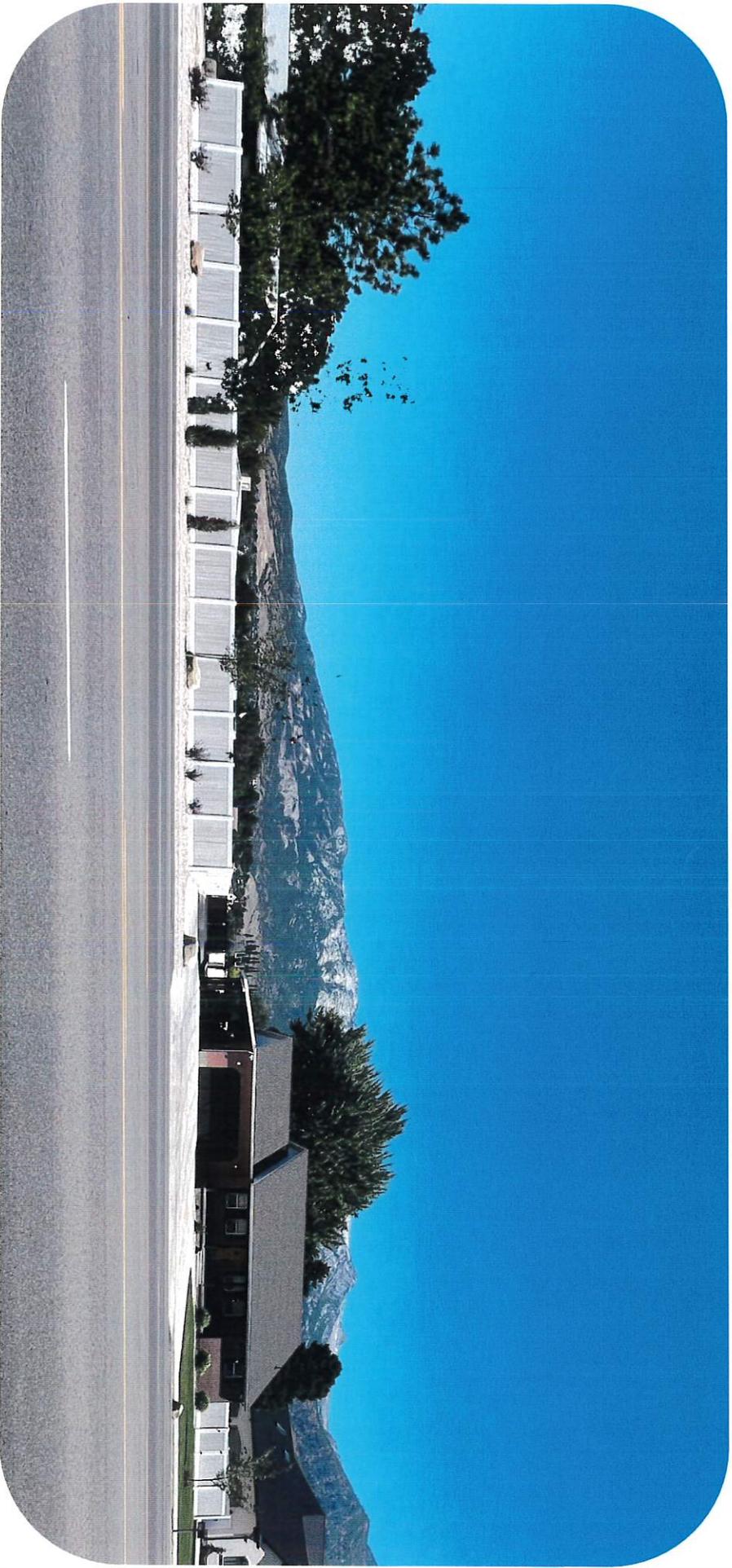
Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith


**4922 W 11000 N (SR92)  
Highland UT 84003**



**Bryan Irving  
801-652-3499  
Bryan@TileRam.com**



# CITY COUNCIL AGENDA REPORT

## ITEM #3b

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**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Fence Regulations - Double-Fronted Lots  
**TYPE:** Development Code Update (Legislative)

---

### **PURPOSE:**

The City Council will consider the City's fencing regulations relative to double-fronted lots and give staff direction on any desired amendments.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Council consider whether to further amend the City's fencing regulations relative to double-fronted lots and give staff direction on any desired amendments.

### **PRIOR COUNCIL DIRECTION:**

June 18, 2024, and July 2, 2024, the City Council held public hearings and considered numerous amendments to the City's fencing regulations. As part of those amendments, the Council discussed whether to amend the regulation that requires fences along side and rear property lines that are adjacent to roads to either be (1) open style or (2) privacy, but set back at least 14 feet from the top back of curb. The Council unanimously voted to reject the proposed amendments that would remove this setback requirement for all privacy fences along side/rear lot lines adjacent to roads. However, as part of that motion (and as clarified on July 16), the Council continued part of that amendment in order to allow the Council additional time to consider amendments for privacy fence setbacks specific to lots that are double-fronted (have a road on the front and rear lot line).

### **BACKGROUND:**

Highland City fencing regulations currently require fences along side and rear property lines that are adjacent to roads to either be (1) open style or (2) privacy, but set back at least 14 feet from the top back of curb. In most cases, this regulation affects corner lots, which have a side lot line adjacent to a street. Most lots in Highland can have a full privacy fence along their rear property line. However, there are lots in Highland where some or all of the rear property line backs onto a street - a double-fronted lot. This regulation restricts these double-fronted lots from having a full privacy fence on their rear property line. Instead, a privacy fence must be set back at least 14 feet from top back of the curb of the street behind the home or an open fence could be on their property line.

Staff have worked with several residents in this situation. One resident was able to obtain a variance, because the street behind their lot was not a proper cul-de-sac and resulted in an unusual configuration that affected the property owners' right to enjoy their property. Another resident has been the subject of ongoing code and criminal enforcement processes because of their privacy fence along their rear property line. There are not many cases like this, but enough to warrant a decision either way.

Below are some options that staff have thought through as to how to handle privacy fencing along double-fronted lots. These are not the only options available to the Council:

- A. No change: Keep requiring that all fences along a side or rear property line must either (1) be open or (2) be set back 14' from top back of curb.
- B. Rear property line privacy. Amend the code to allow double-fronted lots to have property line privacy fences along the rear property line. This can result in a street having neighbors with an uneven mix of some privacy fences adjacent to a sidewalk (double-fronted lot) and some privacy fences being set back 14' from top back of curb (corner lots/street-side property line)
- C. Limited exception. Amend the code to allow double-fronted lots to have property line privacy fences along the rear property line up to 50% of the rear fence/property line length. This would resolve some of the one-off circumstances where a property partially backs onto a cul-de-sac or similar situation, without allowing full privacy fencing along rear property lines near a street. This would result in a lower impact with privacy fences.

If the Council desires to amend the City's regulations regarding fencing on the rear property line of double-fronted lots, staff will prepare the ordinance according to the Council's direction and bring it back as an expedited or consent item on a future agenda.

**FISCAL IMPACT:**

No anticipated fiscal impact.

**MOTION:**

No Amendment:

I move that City Council not amend the City's fencing regulations relative to double-fronted lots.

Amendment:

I move that the City Council direct staff to prepare an amendment to the City's fencing regulations and bring that amendment back to the Council for final approval as an expedited item. [Council will need to give direction on the desired amendment.]

**ATTACHMENTS:**



# CITY COUNCIL AGENDA REPORT

## ITEM #3c

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**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Zoning Approval for Residential Facility for the Disabled  
**TYPE:** Land Use (Administrative)

---

**PURPOSE:**

The City Council will consider a request by Supportive Stay LLC for a residential facility for the disabled.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council grant zoning approval to Supportive Stay based upon their submitted application materials.

**PRIOR COUNCIL DIRECTION:**

No prior council review.

**BACKGROUND:**

Supportive Stay, LLC, sought a business license from the City to operate an adult daycare as a home occupation within a residence. The property is located at 9992 N. Dorado Way, within Ridgeview. The residence is one unit of a 5-unit multi-family building.

The applicant requires a business license in order to be licensed by the state. This business is operated by Alma and Imeila Fonua, who are brothers. The Fonuas stated that there would be only one client in the home at a time, and usually they would provide all client transport as the clientele for the daycare are not able to drive. While the City permits daycare as home occupations, the City's definition of "daycare" is specific to caring for children, not adults. Accordingly, the Fonuas seek approval of the daycare as a residential facility for the disabled, as the clients who will be visiting the home are considered persons with disabilities under state and federal law.

Under Utah State and Federal Law, it is illegal to discriminate against persons with disabilities, which generally requires cities to allow integrated, community-based, residential facilities that allow persons with disabilities to reside and work within communities on an equal footing as persons without disabilities. This does not necessarily require more favorable treatment for persons with disabilities, but rather requires cities to allow residential facilities for persons with disabilities that allow similar family-type living arrangements as other residences and requires reasonable accommodations be made to zoning regulations to facilitate such living arrangements.

Highland City allows "residential facilities for persons with a disability" as a permitted use in all residential zones. HDC 3-4102(8). These residential facilities must meet the following requirements

under Development Code 3-4102(8) and (10):

1. Be licensed/certified by applicable state agencies. The applicant is seeking state approval for the facility, which is dependant on issuance of a City business license. Staff will require documentation of state approval.
2. Be occupied by resident staff and persons with a disability. The facility will be occupied by the owners of the home (the Fonuas) and their clients, who are persons with disability.
3. Have no more than 4 unrelated individuals. The Fonuas have indicated there will generally be one client at a time, in addition to the two Fonuas, for a total of three. They could have an additional client an still comply with this requirement.
4. Have adequate personal space for each resident. The residence is approximately 2,000 square feet (not including a 460 sqft two-car garage and an 860 sqft unfinished basement), has 4 bedrooms, a kitchen, dining room, great room, three bathrooms, and a two-car garage with a two-car driveway.
5. Residents must be there voluntarily. The facility will operate as a daycare, which is voluntary.
6. Residents must not pose a direct threat to the health or safety of persons or property. There is no known threat from any of the clients.
7. Comply with all building code, city ordinance, and state and federal law requirements. The building was constructed in 2024 with a valid building permit, passed all inspections, and received a certificate of occupancy. It will comply with state and federal licensing requirements, as applicable. The applicant has signed an affidavit confirming that the facility will comply with state laws, licenses, and regulations, will admit only residents that are disabled, and will comply with the approved safety and site plan.
8. Obtain final site plan approval from the City Council. The site plan is attached. The applicant has signed an affidavit confirming that the facility will comply with state laws, licenses, and regulations, will admit only residents that are disabled, and will comply with the approved safety and site plan.
9. Provide a safety plan that addresses parking, traffic circulation, security and surveillance, and visitation hours. The applicant has provided a safety plan. The applicant has signed an affidavit confirming that the facility will comply with state laws, licenses, and regulations, will admit only residents that are disabled, and will comply with the approved safety and site plan.
10. Maintain a residential character in harmony with adjacent residences without structural or landscaping alterations that would change the residential nature of the property. The property will remain similar to other Ridgeview residences in the area.
11. Provide at least six parking spots, though the city's code indicates that parking may be "based upon one parking stall per individual occupying the home over the age of sixteen (16) including staff and at least 0.5 parking stalls per individual occupying the home for visitors." While the site does not have 6 on-site parking spaces, it does have the parking spaces required for the residents between the two-car garage and two-car driveway: 2 spaces for the Fonuas and 2 extra spaces for the residents and visitors (exceeds the 0.5 parking space required for the single client resident).
12. 3/4 mile separation of other Highland residential facilities. Staff is not aware of another Highland residential facility within 3/4 mile.
13. Have insurance. The applicant has provided copies of home and auto insurance, with endorsements for operating a business on the property.
14. Obtain and maintain business license. The applicant has sought a business license, which is pending this zoning approval.

Based on the above, staff believes the facility should receive zoning approval. While the parking is less than the standard 6 spaces required for a residential facility, it exceeds the parking required by the calculation in City code. In addition, because this property is part of Ridgeview, which has restrictions

on lot size and modifications to property/common areas, it is impossible for the property owner to provide additional, on-site parking. Because this is an allowed use within the residential area of Ridgeview, and because city, state, and federal law require the City to provide accommodations on City ordinances to allow these facilities to operate on an equal footing as other similar residences, staff does not believe that the lack of parking should disqualify the facility.

As required by City Code, staff mailed a notice of this meeting and the residential facility to all property owners within 500' on July 18, 2024. Three communications were received:

- A. One Ridgeview resident was opposed because, in the resident's opinion, "it would take away from a family wanting to move into that location," would remove the opportunity for more permanent residents in the community, and was not a good fit for the community. In staff's view, the opposing comment misunderstands that a "family"--the Fonuas--will live at the residence.
- B. One Ridgeview resident has inquiries regarding allowable signage, operating hours, parking, total number of occupancy, and security measures. No specific opinion regarding the facility was expressed. As stated above, the business can not change the home in a manor that would change the residential nature of the neighborhood.
- C. One Ridgeview resident expressed appreciation for this type of facility, though expressed concern regarding parking, as that is an ongoing issue within Ridgeview. They would prefer that all parking be located on-site (garage/driveway) and not on the street. As stated above, the Fonuas meet the parking calculation requirement.

**FISCAL IMPACT:**

No anticipated fiscal impact.

**MOTION:**

I move that City Council GRANT zoning approval for Supportive Stay LLC for the residential facility located at 9992 N. Dorado Way.

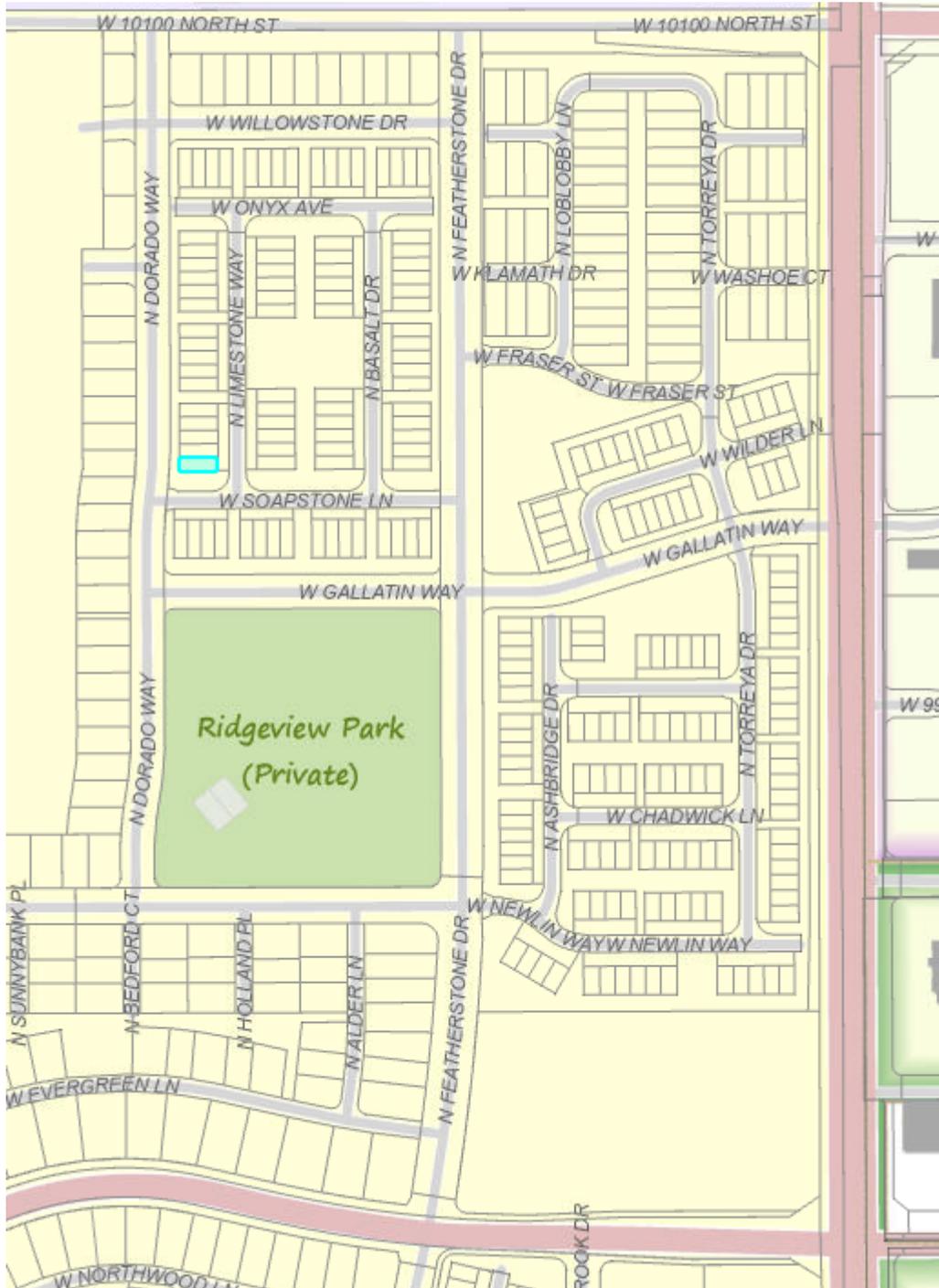
**ATTACHMENTS:**

- 1. Vicinity Map
- 2. Home Site
- 3. Site Plan
- 4. Safety Plan
- 5. Affidavit of Compliance

## Vicinity Map

Address: 9992 North Dorado Way

Parcel: 51:734:0643







## Site Plan

### Property Overview:

- Address: 9992 N Dorado Way, Highland UT, 84003
- Acreage/Property Size: 0.03 acres/2004 square feet/ 4 bed 3 bath
- Existing Structures: The property includes a residential building that will house the facility which would just be one room upstairs

### Parking and Accessibility:

- Parking Spaces: The site plan includes five dedicated parking spaces for staff and visitors. Two of these spaces are designated for individuals with disabilities.
- Ingress/Egress: The driveway provides easy access to Dorado Way, ensuring smooth traffic flow.

### Internal Vehicle Circulation:

- Drop-off Zone: A designated drop-off zone near the entrance allows for safe and convenient loading and unloading of residents.
- Pedestrian Pathways: Clearly marked pedestrian pathways connect the parking area to the main entrance, ensuring safe access for residents and visitors.

### Building and Facilities:

- Residential Building: The main building includes bedrooms, common areas, and administrative offices. No structural alterations will change the residential character of the neighborhood.
- Outdoor Areas: The property features a backyard equipped with recreational facilities for residents. Landscaping is maintained to ensure safety and aesthetic appeal.

### Utilities and Compliance:

- Utilities: All buildings and utilities are installed and constructed per approved building permits and in accordance with all building, safety, fire, and health codes.
- Compliance: The facility complies with all state and local regulations, ensuring a safe and supportive environment for residents with disabilities.

## Safety Plan

### Introduction:

The Safety Plan for Supportive Stay is designed to ensure the safety and well-being of residents and the surrounding community. This plan outlines the measures in place to provide adequate supervision, security, and emergency response for the facility located at 9992 N Dorado Way, Highland UT, 84003.

### Parking and Traffic Circulation:

- **Dedicated Parking:** The facility provides dedicated parking spaces for staff and visitors, ensuring no obstruction to neighboring properties.
- **Traffic Flow:** The driveway allows for smooth ingress and egress, preventing any traffic congestion on Dorado Way. Signage will direct visitors to appropriate parking areas.

### Security and Surveillance:

- **Surveillance Cameras:** Security cameras will be installed at all entry and exit points to monitor activities around the clock.
- **Controlled Access:** The facility employs a controlled access system to ensure that only authorized personnel and visitors can enter. Visitors must check in at the front desk.
- **Emergency Protocols:** Regular drills are conducted to ensure that both staff and residents are prepared for emergencies. Emergency exits are clearly marked and accessible.

### Visitation Hours:

- **Designated Hours:** Visiting hours are from 9:00 AM to 7:00 PM daily to ensure minimal disruption to the residents' routine.
- **Visitor Log:** All visitors must sign in and out, providing identification to maintain a record of all individuals entering the facility.

For any questions or concerns, please contact either:

Alma Fonua (801) 680-3999 [alma@supportivestay.com](mailto:alma@supportivestay.com) or  
Imeila Fonua (801) 615-3699 [imeila@supportivestay.com](mailto:imeila@supportivestay.com)



HIGHLAND CITY

AFFIDAVIT OF COMPLIANCE

Date: 7/11/24 Project Name: SUPPORTIVE STAY

Address/Legal Description of Property:

9992 N DORADO WAY, HIGHLAND UT 84003

I (we) IMEELA FONUA, certify that I (we) am the owner or authorized operator of the facility and property described in the application for the operation of a residential facility for the disabled for the above-described property, and do hereby affirm the that the I (we) will ensure that the facility complies with the following requirements:

1. The facility and all staff and residents therein will comply with all applicable state laws and regulations for the treatment facility.
2. I (we) will obtain, maintain, and comply with all required state licenses to operate the facility.
3. I (we) will only admit residents that are disabled, as defined by federal law and city code.
4. I (we) will comply with the approved safety and site plan

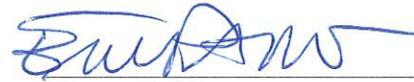
OWNER / OPERATOR Signature: 

State of UTAH

County of UTAH

Subscribed and sworn to (affirmed) before me this 3 day of July, 20 24.



  
Notary Public



# CITY COUNCIL AGENDA REPORT

## ITEM #3d

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**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Smith Annexation  
**TYPE:** Land Use (Administrative)

---

### **PURPOSE:**

The City Council will consider a request by Shalynn Larson, representing Trent Smith, to annex approximately 1.13 acres of property located at 7015 W 9600 N. The purpose of this resolution is for the Council to accept or reject the annexation petition for further consideration.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council APPROVE the Resolution indicating the intent of Highland City to consider the proposed annexation subject to the proposed annexation agreement.

### **PRIOR COUNCIL DIRECTION:**

On June 6, 2023, the City Council tentatively approved an annexation petition for this same property subject to an annexation agreement that required, among other things, payment of impact fees, improvements to 9600 North, construction of a half-road on the east of the property, and extension of utilities. Completion of the annexation was subject to the property owner's execution and recordation of that annexation agreement. The property owner failed to execute or record the annexation agreement within one year after the Council's decision. This caused the original annexation application to expire.

### **BACKGROUND:**

This property was tentatively approved for annexation over one year ago. However, that annexation petition expired as untimely. The property owner who is now represented by a new anticipated future developer of the property, has again filed to annex the property on the same terms and conditions as the original annexation, namely, R-1-20 zoning (allows 2 lots), development of 9600 North and the City property to the east, and utility improvements. The decision to annex and under what circumstances the Council will approve an annexation are legislative decisions. The Council has complete discretion in making these decisions. This means that the Council can approve the annexation on the same or different terms as before.

### **Annexation Process**

#### *Further Consideration*

After an annexation petition is filed, the Council adopts a resolution indicating intent to consider annexing the property. Accepting the petition for further consideration does not approve the annexation. Rather, it allows the applicant and staff to complete the notification and review requirements outlined in State Code. After adoption of the resolution, Staff has 30 days to review the annexation and certify that the annexation follows State code requirements. Once the annexation is certified, the City will send a

notice to the County, City Council, and the sponsor of the petition of the certification.

#### *Action*

After the petition is certified, and notice has been provided, the legislative body or affected entities have 30 days to protest the annexation. If an annexation is protested, the item is heard by the Boundary Commission. If no protest is filed, a public hearing is held and the City Council approves or denies the ordinance for the annexation. Notice of the public hearing will be completed as required in Utah Code.

#### **Highland City Annexation Policy Expansion Plan**

The subject property is included in the Highland City Annexation Policy Expansion Plan. The planned zoning for the southwest area is R-1-20. If the City Council allows the property to be annexed and zoned R-1-20, the subject property would have enough square footage to be subdivided into two (2) lots, if the Highland City parcel to the east of the subject property is developed as a public right-of-way.

#### **Proposed Annexation Agreement Terms**

As part of the previous annexation attempt for this property, the City Council approved the annexation subject to an annexation agreement prepared by staff. Staff would still support and recommend annexing the property subject to a similar annexation agreement, as it provides for road and utility improvements in 9600 North and the Highland City parcel to the east, utility improvements for the existing home on the property, impact fees being paid, irrigation water dedicated, and the old American Fork irrigation ditch piped or removed.

That agreement essentially required the property owner to improve the property and adjacent rights of way to City standards. The only exception approved by the Council previously was to allow the right-of-way improvements along the City parcel to the east to be improved with only 20 feet of asphalt, rather than requiring the City's standard 26 feet of asphalt (1/2 of the normal asphalt width [32 feet] plus 10 feet). Council can give direction as part of approving the resolution that the annexation will require a similar annexation agreement as previously approved.

#### **FISCAL IMPACT:**

Approval of the resolution is not anticipated to have a fiscal impact. The anticipated impact of the overall annexation, if approved on similar terms as before, would result in new impact and other development fees being paid to the City for the development and subdivision of the property into two lots.

#### **MOTION:**

I move that City Council ADOPT and APPROVE the resolution accepting the Smith annexation petition for further consideration.

#### **ATTACHMENTS:**

1. Resolution - Accept Further Consideration
2. Resolution Exhibit A
3. Annexation Application
4. 2024 Annexation Narrative
5. 2023 Applicant Narrative
6. Annexation Agreement - Smith - 24.07.31.1
7. Smith Annexation Agreement ExB

Highland City, Utah

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION ACCEPTING THE SMITH ANNEXATION PETITION FOR FURTHER CONSIDERATION, AUTHORIZING FURTHER PROCEEDINGS, AND RELATED MATTERS**

WHEREAS, Title 10, Chapter 2, Part 4 of the Utah Code, as amended (“Act”) establishes procedures to annex real property;

WHEREAS, Highland City has received an annexation petition (“Petition”) from Trent Smith, trustee of the Lesco Irrevocable Trust Dated February 17, 2011 (“Property Owners”), owners of property located contiguous to Highland City, which property is currently within the unincorporated area of Utah County (“Property”), as shown in the diagram attached as Exhibit A;

WHEREAS, Property Owners desire to have their Property annexed into the corporate limits and jurisdiction of Highland City;

WHEREAS, the Highland City Council desires to accept Property Owners’ Petition for further consideration to determine whether and on what terms and conditions the Property may be annexed.

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

SECTION 1. Pursuant to Section 10-2-405 of the Act, the Highland City Council hereby accepts for further consideration Property Owners’ Petition regarding the Property, located approximately at 7015 W 9600 N, Highland, UT 84003, consisting of 1.13 acres of unincorporated territory in Utah County, State of Utah. Said parcel is more particularly described as set forth in Exhibit A, attached hereto.

SECTION 2. The Highland City Council directs the city recorder and other city staff to review the Petition for compliance with the Act, in accordance with the provisions thereof.

SECTION 3. The Highland City Recorder is further directed, if the Recorder certifies the Petition as complying with the requirements of the Act, to publish notice of such certification, the process and timing for filing protests thereto, and other related information, as set forth in the Act.

SECTION 4. The Highland City Recorder is further directed, if no protests are filed, to schedule and provide notice of a public hearing regarding the Petition, as set forth in the Act.

SECTION 5. This resolution shall take effect immediately upon its.

ADOPTED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Recorder

**COUNCILMEMBER**

**YES**

**NO**

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith






**HIGHLAND CITY**

# ANNEXATION PETITION

OWNERS REQUEST FOR ANNEXATION  
FOR  
Trent Smith

(Annexation Name)

We the undersigned hereby certify that we are the owners of said real property to be annexed, and that said land is contiguous to the Corporate limits of Highland City, and we do hereby request that Highland City consider annexation of said land by resolution. The requested zoning is R20. Total number of acres Phyllis B. And Trent Lynn Smith

Name: Trent Smith Address: 7015 W. 9600 N. Highland, Ut 84003  
Phone: \_\_\_\_\_ Tax I.D./Parcel #(s): 12:054:0025 Proposed Zone District Assignment: R20  
Acreage: 1.13 Value: \$581,900 Signature: 

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Tax I.D./Parcel #(s): \_\_\_\_\_ Proposed Zone District Assignment: \_\_\_\_\_  
Acreage: \_\_\_\_\_ Value: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Tax I.D./Parcel #(s): \_\_\_\_\_ Proposed Zone District Assignment: \_\_\_\_\_  
Acreage: \_\_\_\_\_ Value: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Tax I.D./Parcel #(s): \_\_\_\_\_ Proposed Zone District Assignment: \_\_\_\_\_  
Acreage: \_\_\_\_\_ Value: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Tax I.D./Parcel #(s): \_\_\_\_\_ Proposed Zone District Assignment: \_\_\_\_\_  
Acreage: \_\_\_\_\_ Value: \_\_\_\_\_ Signature: \_\_\_\_\_

Each owner and signer for himself says: I have personally signed this Application; I am aware of the request for Annexation and understand the terms and conditions of this Application; I am an owner of a portion of the property above mentioned and located at or near Highland, Utah County, State of Utah, and my post office address is correctly written after my name.

(Attach additional sheets as necessary)



**HIGHLAND CITY**

**PROPERTY OWNERS AFFIDAVIT**

I (we) Trent Smith, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon personal knowledge.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner, if any)

State of Utah

County of Utah

Subscribed and sworn to (affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AGENT AUTHORIZATION AFFIDAVIT**

I (we), Trent Smith, owner(s) of the real property located at 7015 W. 9600 N. Highland, Ut 84003, in Highland City, Utah, do hereby appoint Shalynn Larson, as my (our) agent to represent me (us) with regard to this application affecting the able described real property.

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner, if any)

State of Utah

County of Utah

Subscribed and sworn to (affirmed) before me this 8 day of July, 2024.

[Signature]  
Notary Public





**HIGHLAND CITY**

5400 West Civic Center Drive - Suite 1  
Highland, UT 84003  
Phone 772-4515 Fax 756-6903  
Community Development Department

## ANNEXATION APPLICATION

### STAFF USE ONLY

Application Date: \_\_\_ / \_\_\_ / \_\_\_ Application Number: \_\_\_\_\_ Fee Owed: \$550.00  
Received by: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Cash/Card/Check (Check #: \_\_\_\_\_)  
Planning Commission Meeting Date: \_\_\_\_\_ City Council Meeting Date: \_\_\_\_\_  
Application: Approved/Denied Staff Comments: \_\_\_\_\_

### PROJECT INFORMATION

Name: Trent Smith  
Address: 7015 W. 9600 N. ,Highland Ut 84003  
Acreage/Property Size: 1.13 acre  
Annexation by Resolution (*Utah Code Section 10-2-418*) \_\_\_\_\_  
Annexation by Petition (*Utah Code Section 10-2-403*) \_\_\_\_\_

### APPLICANT INFORMATION

Name: Shalynn Larson  
Mailing Address: 1264 W. 1300 N. , Lehi, Ut 84043  
Phone #: 801-472-1559 Fax #: \_\_\_\_\_  
Email Address: Shalynn.blackbarn@gmail.com



# Notice of Intent to File Annexation Petition

Name of Annexation: Phyllis Smith

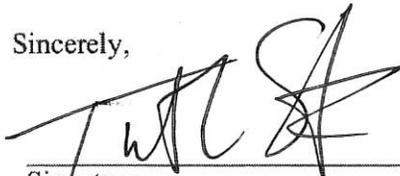
Petitioner Representative Name: Shalynn Larson  
Mailing Street Address: 1254 W 1300 N  
City, State, Zip: Lehi, Ut 84043  
Phone: (801)472-1559  
Email: Shalynn.blackbarn@gmail.com

Date: June 17, 2024

Dear Representative of Affected Entities:

Pursuant to Utah State Code Section 10-2-403, we, the undersigned and real property owner(s), respectfully notify you, as an Affected Entity, that I (we) intend to file a petition to annex certain real property depicted in the attached exhibit, into Highland City, Utah.

Sincerely,



Signature

TRENT SMITH  
Name

Shalynn Larson

1264 W 1300 B

Lehi, Ut,84043

Shalynn.blackbarn@gmail.com

801-472-1559

Highland City Council  
5400 West Civic Center Drive  
Highland, UT 84003

Dear Members of the Highland City Council,

I am writing to formally request the annexation of my property, located at 7015 W. 9600 N. Highland, Ut 84003, into Highland City. This property is currently an island of county land, surrounded entirely by the jurisdictions of both Lehi City and Highland City.

The unique position of my property, isolated within a predominantly urban area, creates several challenges. As the sole county property in the vicinity, I am unable to fully benefit from the services and infrastructure that Highland City provides to its residents. This includes but is not limited to, more efficient emergency services response times, better utility connections, and enhanced community amenities.

Annexing my property into Highland City will not only address these challenges but also promote a more cohesive urban development plan for the area. It will facilitate more efficient planning and service delivery, contributing to the overall well-being of the community.

Additionally, this annexation aligns with the vision of Highland City to manage its growth responsibly and sustainably. Integrating this property into the city limits would streamline administrative processes, reduce jurisdictional confusion, and enhance the quality of life for current and future residents.

Thank you for considering my request. I am hopeful that the Highland City Council will recognize the mutual benefits of this annexation and approve my petition. I look forward to your positive response.

Sincerely,

Shalynn Larson

# Annexation Information:

1. **In general, what are the topography, vegetation, and other natural feature present on the property proposed to be annexed?**
  - a. The proposed property to be annexed has the following site conditions/features. The site topography is considered flat with little to no elevation change. The north half of the site has been improved by residential landscaping. They have well developed Kentucky Bluegrass, small to large shrubs, pines, oak, and quaking aspen trees. The southern half of the property remains unimproved and vacant.
2. **What is the existing land use(s) of the property proposed for annexation and those requested by the owners.**
  - a. This parcel is currently a residential lot that is part of Utah County. The owner is requesting that it remains residential and be zoned R1-20 in Highland City, Utah.
3. **What is the current and potential (if the property were developed) population and residential density of the proposed area?**
  - a. The current population is one female adult. The proposed population for this property will be altered slightly by an additional lot. We anticipate that the annexed property's population will increase to two average sized families. The residential density of the proposed area is Low Density Housing in the R1-20 zone.
4. **How will the proposed annexation comply with and achieve Highland City's land use(s), goals and policies outlined in the Highland City General Plan?**
  - a. The proposed Phyllis Smith Annexation will remain a low-density residential property. This property sits adjacent to many properties on the north and east that retain the same future low-density land use as described in the Highland City General Plan.
5. **What are the current and potential (if the property were developed) demands for City provided facilities and services to the area proposed for annexation, including culinary, irrigation water, wastewater, transportation facilities, drainage, fire protection, solid waste, parks and recreation, and police protection.**
  - a. With the annexation and development of this property service connections will need to be made to sewer, culinary, and irrigation water services for the existing house, and for the future house on the second lot. To the best of our understanding through conversations with city officials the addition of two additional residential lots should have no other significant impacts to current city provided facilities and services.

On December 6<sup>th</sup>, 2022, we went before city council to get their thoughts on the potential of being granted a waiver of the city standard of ½ street public improvements + 10' of asphalt with the addition of our 2 lots (See attached City Council Agenda #13a).

Due to the circumstances presented to the council, at this time, we would request that the city standard of ½ street public improvements + 10' of asphalt be waved. Allowing the current asphalt road and road width to remain. In turn Mrs. Smith offers to pay the costs to have the sewer and water main installed that will run south from 9600 North along the private roadway

to the lot line approximately 400 ft, along with all other associated connections, and site work. Allowing for future connection of the property to the south

- 6. Are the water rights necessary for annexation, found in Section 5-8-112 of the Highland City Development code available for dedication to Highland City upon annexation?**
  - a. Yes, this property does have water rights that are available for dedication to Highland City upon annexation.

When Recorded, Return to:  
Highland City  
5400 West, Civic Center Dr  
Highland, UT 84003

## ANNEXATION AGREEMENT

The parties HIGHLAND CITY (“the City”), a Utah municipality and a political subdivision of the State of Utah, and TRENT LYNN SMITH, trustee of the LESCO IRREVOCABLE TRUST DATED FEBRUARY 17, 2011, (the “Petitioner”), enter into this Annexation Agreement (this “Agreement”), effective as of the date it is executed by the parties following the approval of the City Council (the “Effective Date”).

### RECITALS

**A.** Petitioner owns certain real property located within Utah County that is adjacent to the municipal boundaries of the City, described as Utah County parcel 12:054:0025 and more particularly described in **Exhibit A** attached hereto (the “Property”).

**B.** Petitioner has requested annexation of the Property, totaling approximately 1.13 acres, into the City (the “Annexation”), in order to access City utilities and facilities to facilitate the development or subdivision of the Property.

**C.** Adjacent to the Property is certain real property owned by Highland City (the “City Parcel”), described as Utah County Parcel 12:054:0069, more particularly described as: COM E ALONG SEC LN 1185.9 FT & S 16.5 FT FR NW COR, SEC 10, T5S,R1E, SLM; S 341 FT; W 54.5 FT; N 341 FT; E 54.5 FT TO BEG.

**D.** The approval and authorization of the Annexation is a legislative decision to be made by the appropriate city bodies and officials, to which approval Petitioner has no entitlement or vested right.

**E.** The City has adopted codes, ordinances, regulations, drawings, standards, specifications, policies, and resolutions (collectively, “City Code”) that govern the development of land, the construction of private and public infrastructure and buildings, and the connection to and use of City facilities and utilities.

**F.** Petitioner has requested certain waivers or modifications of City Code requirements that would normally apply to the development or subdivision of the Property, in connection with the Annexation.

**G.** The parties desire to enter into this Agreement to establish the terms and conditions by which the City approves of the Annexation of the Property and to determine the specific regulations and requirements of the City that will apply to the subdivision or development of the Property once it is annexed into the City.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

**1. City Obligations.** All obligations of the City are subject to the reserved legislative powers of the City described in Section 5 *below*.

**1.1. Annexation Approval.** The City shall, to the extent permitted by Utah law and without waiving its right or duty to take the procedural steps and analyze the substantive considerations required by Utah law, grant Petitioner’s annexation petition and annex the Property into the City, which approval is subject to and conditioned on Petitioner’s execution of this Agreement and Petitioner’s recordation of this Agreement against title to the Property.

**1.2. Annexation Protest.** If Annexation is protested and goes before the Utah County Boundary Commission, the City may, in its discretion, deny the Annexation or seek to obtain from the Boundary Commission approval for the Annexation. If the City decides to seek to obtain approval, the City shall coordinate its efforts with Petitioner.

**1.3. Zoning.** Upon successful Annexation, the Property shall be zoned R-1-20.

**1.4. City Parcel Use.** Petitioner shall be entitled to access, enter, and construct public street and utility improvements and related facilities upon the City Parcel, and the City agrees that City Parcel may be used by Petitioner to determine the frontage of new and additional lots within the Property, subject to and conditioned on the Petitioner’s compliance with City Code regarding the any subdivision or development of the Property and Petitioner’s obligations in this Agreement. Petitioner shall be entitled and required to include the City Parcel within any future subdivision plat for the Property, in order for the City Parcel to be dedicated and platted as a public right of way and public street.

**2. Petitioner Obligations.** Petitioner shall comply with the following obligations, as the same are described below and as depicted in the concept plan attached as **Exhibit B**, which Exhibit is incorporated herein by reference.

**2.1. Recordation.** Petitioner shall be required, as a condition of approval of the Annexation, to record this executed Agreement against title to the Property and to ensure that no other interests, mortgages, liens, or other encumbrances have priority or precedence over this Agreement.

**2.2. Existing Home.** There is an existing home on the Property (the “Existing Home”), which is, as of the Effective Date, not connected to any City utilities, namely the City’s culinary water, pressurized irrigation, or sewer system (collectively, “City Utilities”). If the Annexation is approved, Petitioner shall have the following obligations regarding the Existing Home and Property:

**2.2.1. Utilities.** Petitioner may or shall be required to connect the Existing Home to City Utilities as set forth herein.

**2.2.1.1.** Petitioner shall bear all costs and be responsible for the extension and connection of any utility mains, lines, and other facilities required to connect the Existing Home to City Utilities, if such connection is required or requested. All work, mains, lines, connections, and other facilities shall conform to the requirements of City Code.

**2.2.1.2.** Petitioner may connect the Existing Home to the City Utilities without subdividing or developing the Property. If at any time Petitioner desires to connect the Existing Home to the City's culinary water system, Petitioner shall also be required to connect the Existing Home to the City's pressurized irrigation system. Petitioner may, however, connect the Existing Home to the City's pressurized irrigation system without connecting the Existing Home to the City's culinary water system.

**2.2.1.3.** Petitioner shall connect the Existing Home to the City pressurized irrigation and sewer utilities at the time Petitioner subdivides or develops the Property. Petitioner shall also connect the Existing Home to the City culinary water system at the time Petitioner subdivides or develops the Property, unless Petitioner demonstrates that Petitioner has an adequate and safe source of culinary water that can serve the Existing Home, which source has been approved by and complies with all relevant City, Utah County, and State of Utah regulations, laws, and requirements.

**2.2.2. Impact Fees.** Prior to the effectiveness of the approval of the Annexation, Petitioner shall pay all impact fees for the Existing Home, as if the Existing Home were being built at the time of Annexation. If Petitioner fails to do so, the approval of the Annexation shall be void.

**2.3. City Utilities.** Petitioner shall complete, construct, install, assure, and warranty, according to City Code the improvements described below, and comply with the following obligations related to the use and connection of the Property to the City Utilities:

**2.3.1. Culinary Water.**

**2.3.1.1.** Petitioner shall not be required to dedicate water shares or rights to the City or to pay a fee in lieu of such dedication in order to connect the Existing Home or any new lot created within the Property to the City's culinary water system.

**2.3.1.2.** In the event Petitioner subdivides or develops the Property, Petitioner shall be required to extend a culinary water main and/or line and to install, construct, and provide all other facilities within 9600 North, the City Parcel, and the Property required to connect the Existing Home (unless such connection is not required as set forth in Section 2.2.1.3 *above*) and the new lot created within the Property to the City's culinary water system. In all such work, Petitioner shall comply with City Code regarding culinary water facilities and connections.

**2.3.2. Pressurized Irrigation.**

**2.3.2.1.** Petitioner shall be required to provide secondary water shares to the City as required by City Code for the Property. Such shares shall be provided when the Existing Home connects to the pressurized irrigation system or when Petitioner subdivides or develops the Property, whichever comes first. The amount of shares to be provided shall be based on the total acreage of the Property, regardless of any subdivision.

**2.3.2.2.** In the event Petitioner subdivides or develops the Property, Petitioner shall be required to extend a pressurized irrigation main and/or line and to install, construct, and provide all other facilities within 9600 North, the City Parcel, and the Property required to connect the Existing Home and the new lot created within the Property to the City's pressurized irrigation system. In all such work, Petitioner shall comply with City Code regarding pressurized irrigation facilities and connections.

**2.3.3. Sewer.** Petitioner shall be required to extend a sewer main and/or line and to install, construct, and provide all other facilities within 9600 North, the City Parcel, and the Property required to connect the Existing Home and the new lot created within the Property to the City's sewer system. In all such work, Petitioner shall comply with City Code and any regulation, code, or standard adopted by the Timpanogos Special Service District regarding sewer facilities and connections.

**2.3.4. Stormwater/Storm Drainage.** Petitioner shall provide stormwater facilities, such as storm drain inlets and sumps, in connection with all required street improvements and facilities, including those set forth in Section 2.4 *below*, as required by City Code.

**2.4. Streets and Related Facilities.** Petitioner shall comply with the following obligations related to the improvement, dedication, and construction of street and street facilities:

**2.4.1. 9600 North.**

**2.4.1.1.** Petitioner shall complete, construct, install, assure, and warranty, according to City Code, the following improvements along the frontage of the Property adjacent to 9600 North (collectively, "9600 Improvements"): sidewalk, park strip, curb, gutter, and the remaining asphalt and road base required for 9600 North to comply with the City's 66-foot, two lane minor collector street cross-section, set forth in the Highland City Standard Drawings and Design Criteria for Public Improvements and City Code. Petitioner shall also dedicate to the City the areas within the Property required for the 9600 Improvements.

**2.4.1.2.** Petitioner shall complete the 9600 Improvements in connection with the subdivision or development of the Property or within four (4) years from the Effective Date, whichever occurs first.

**2.4.1.3.** In the event that Petitioner fails to timely complete the 9600 Improvements, the City shall, in addition to any other remedy, be entitled to withhold any land use approval related to the Property until Petitioner completes the 9600 Improvements.

**2.4.1.4.** At any time, the City may elect to complete the 9600 Improvements. If the City does so elect, Petitioner shall be responsible to reimburse the City for the City's costs (including administrative, legal, engineering, labor, and material costs) related to the 9600 Improvements upon the City's issuance of a demand for reimbursement, which demand shall describe in reasonable detail the incurred costs. The City may also require such reimbursement in connection with any other fee or charge assessed against or levied upon Petitioner or the Property, and the City may also condition any future approval related to the Property or the Existing Home (including approval of utility connections, building permits, and other land use applications) on Petitioner's payment of such reimbursement costs.

**2.4.2. City Parcel Improvements.** Petitioner shall complete, construct, install, assure, and warranty, according to City Code, the following improvements within the City Parcel and the portion of the Property dedicated to the City described in Section 2.4.3 *below*:

**2.4.2.1.** Petitioner shall provide half-street improvements, consisting of curb, sidewalk, gutter, road base, and asphalt, according to the City Code and the City's 56-foot standard subdivision street cross-section, set forth in the Highland City Standard Drawings and Design Criteria for Public Improvements, provided that Petitioner shall only be required to provide 20 feet of asphalt in connection with such half-street improvements, rather than the typical 27 feet of asphalt otherwise required by City Code.

**2.4.2.2.** Petitioner shall extend the sidewalk beyond the City Parcel, within the Property, to the south property line of the Property, to align with a future cul-de-sac.

**2.4.3. Petitioner Dedication.** Petitioner shall dedicate to the City an approximately 1.5-foot wide area of the Property south of the existing home on the Property and adjacent to and fronting on the City Parcel, as a public right of way, such that the combined City Parcel and dedicated portion of the Property is able to contain the City's 56-foot standard subdivision street cross-section, set forth in the Highland City Standard Drawings and Design Criteria for Public Improvements and City Code. This dedication and the City Parcel shall be included within any subdivision plat related to the Property in order to dedicate the same as a City-owned public right of way.

**2.5. American Fork Irrigation Ditch.** Petitioner shall work with the American Fork Irrigation Company to pipe or fill the American Fork Irrigation ditch located on the northwest corner of the Property. The decision of whether to pipe or fill the ditch shall be

made by the American Fork Irrigation Company. Petitioner shall complete all work related to the American Fork Irrigation ditch in connection with the improvements to 9600 North, and Petitioner shall be subject to and shall comply with the conditions, timing, and reimbursement terms that apply to 9600 North described in Section 2.4.1 *above*.

**2.6. Waiver of Rights.** By consenting to the conditions of approval of the Annexation and by executing this Agreement, Petitioner waives and releases any right Petitioner may have had to challenge the reasonableness, lawfulness, or appropriateness of the City's requirements regarding the utility, street, and American Fork Irrigation Ditch improvements set forth herein, which right Petitioner may have otherwise had pursuant to Utah Code § 10-9a-703. This includes any claim that the construction of all such improvements and the dedication of any related property were unlawful or unreasonable exactions, pursuant to Utah Code § 10-9a-508, or any challenge to the assessment or payment of impact fees required by this Agreement, pursuant to Utah Code §§ 11-36A-701, -703. Petitioner further agrees that the City may withhold approvals of subdivision plats, building permits, certificate of occupancy, utility connections, and other permits, applications, or licenses, in order to enforce and compel compliance with this Agreement, despite any provision to the contrary under Utah Code §§ 10-9a-509, -603(3)(a), -604.5, -802(2).

**3. Fees.** Petitioner agrees to pay all applicable fees of the City, Timpanogos Special Service District, Lehi Irrigation Company, and any other applicable government entity, as such fees exist on the applicable date when payment is due, including but not limited to utility fees, hookup fees, impact fees, inspection fees, construction and excavation permit fees, and application fees.

**4. Infrastructure Costs and Standards.** Petitioner is required, at Petitioner's sole expense and effort, to construct all infrastructure, project improvements, and system improvements required by this Agreement and City Code and to construct the same in the size, scale, location, magnitude, and capacity required by this Agreement and applicable provisions of the City Code.

**5. Reserved Legislative Powers.**

**5.1.** This Agreement, or any part of this Agreement, will not limit the exercise of the police powers of the City to enact ordinances, standards, or rules regulating development, zoning, subdivision, growth management, transportation, annexation, municipal services, and other land use matters, or to determine the necessity and wisdom of the approval of any legislative matter related to this Agreement, including the Annexation and the zoning of the Property.

**5.2.** Both Parties understand that any legislative action by the City Council, including the approval of this Agreement and the approval of the Annexation, is subject to initiatives, referral, or challenge by individuals or groups of citizens. Petitioner agrees that the City may respond to, approve, or reject any initiative, referral, or challenge as the City deems appropriate in its discretion, guided by the standards in Utah law. Petitioner agrees that the City shall not be found to be in breach of this Agreement due to the City's response to, approval of, or rejection of any initiative, referral, or challenge or due to the success of an initiative, referendum, or challenge, so long as the initiative, referendum, or challenge

relates to any legislative act contemplated or undertaken in connection with this Agreement. In the case of a successful initiative, referendum, or challenge, this Agreement and the approval of the Annexation shall voided.

**6. Compliance with City Requirements and Standards.** Unless otherwise expressly provided in this Agreement, Petitioner acknowledges that nothing in this Agreement will be deemed to relieve Petitioner from its obligations to comply with all applicable requirements, standards, specifications, drawings, regulations, policies, resolutions, and ordinances of the City for development of the Property and recordation of subdivision plats, including those related to the payment of unpaid fees, the approval of site plans or plats, the approval of building permits and construction permits, the construction and installation of public infrastructure, and the providing of completion and warranty assurances.

**7. Covenants Running with the Land.** The provisions of this Agreement will constitute real covenants, contract and property rights and equitable servitudes, which will run with all of the land subject to this Agreement. The burdens and benefits hereof will bind and inure to the benefit of each of the Parties hereto and all successors in interest to the Parties hereto. Each successor in interest will succeed only to those benefits and burdens of this Agreement, which pertain to the portion of the Property to which the successor holds title.

**8. No Agency, Joint Ventures or Partnership.** City and Petitioner are not agents of each other, and this Agreement creates no agency relationship, joint venture, or partnership between City and Petitioner.

**9. Representations.** The parties represent and warrant that the person signing this Agreement on behalf of each party is authorized to so sign and to bind the party to the obligations set forth herein, and that all steps and procedures required by a party to execute and enter into this Agreement have been completed.

**10. Incorporation of Recitals, Introductory Paragraphs, and Exhibits.** The Recitals contained in this Agreement, the introductory paragraph preceding the Recitals and all Exhibits referred to or attached hereto are hereby incorporated into this Agreement as if fully set forth herein.

**11. Default and Remedies.** Unless otherwise provided in this Agreement, in the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party must, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within 30 days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within the 30-day period, the Party receiving such notice must, within the 30-day period, take reasonable steps to commence the cure or remedy of such default or breach, and must continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:

**11.1.** Cure or remedy such default or breach, such as proceedings for injunctive relief, to compel specific performance by the Party in default or breach of its obligations, or declaring a material breach by the Party; and/or

**11.2.** In the case of a material uncured breach by Petitioner, the City may change the zoning designation for the Development, as determined by the City Council, or withhold any land use application approval, including the approval of any building permit, certificate of occupancy, or subdivision plat, until the breach is cured. If the remedy of a zone change is pursued, the Petitioner agrees not to contest the City's action to rezone.

## **12. Other Miscellaneous Terms.**

**12.1. Certain Meanings.** The singular will include the plural; the masculine gender will include the feminine; "shall" and "will" and "must" are mandatory; "may" is permissive.

**12.2. Severability.** If any provision of this Agreement or application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement will continue in full force and effect.

**12.3. Construction.** This Agreement has been reviewed and revised by legal counsel for Petitioner and the City, and no presumption or rule that ambiguities will be construed against the drafting Party will apply to the interpretation or enforcement of this Agreement.

**12.4. Further Assurances, Documents, and Acts.** Each of the parties agrees to cooperate in good faith with the other, and to execute and deliver such further documents, and to take all further acts reasonably necessary in order to carry out the intent and purposes of this Agreement and the actions contemplated hereby. All provisions and requirements of this Agreement will be carried out by each party as allowed by law.

**12.5. Assignment.** This Agreement, any portion of the Property, and any of the provisions, terms or conditions hereof cannot be assigned or transferred by Petitioner to any other party, individual or entity, without likewise assigning the obligations of the Petitioner under this Agreement to such Party. The rights of the City under this Agreement will not be assigned.

**12.6. Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the State of Utah.

**12.7. Attorney Fees.** If any Party hereto is required to engage the services of counsel by reason of default of another party, including in connection with the default procedures set forth in Section 11 *above*, the non-defaulting party will be entitled to receive from the defaulting party the non-defaulting party's costs and reasonable attorney's fees, both before and after judgment, including any appeals thereof, and whether or not suit be filed or if the provisions of this Agreement are enforced through arbitration.

**12.8. Mediation.** In the event of a dispute concerning the terms or conditions of this Agreement or arising out of this Agreement the parties may but shall not first be required to seek resolution of the dispute via mediation.

**12.9. Notices.** Any notice, demand or document which any party is required to be in writing, and may be personally delivered or given or made by United States registered or

certified mail, return receipt requested, by overnight delivery service (e.g., Federal Express), addressed as follows:

To the City:

Highland City  
Attn: Mayor and City Administrator  
5400 W Civic Center Dr. Ste. 1  
Highland, UT 84003

To the Petitioner:

**13. Term.** The term of this Agreement shall be a period commencing on the Effective Date and expiring on December 31, 2070.

~~SIGNATURE PAGE TO FOLLOW~~



**Exhibit A**

*Legal Description of the Property*

**Commencing at a fence intersection East along the Section line 1006.40 feet and South 16.50 feet from the Northwest corner of Section 10, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence East 125.00 feet along a fence line; thence South 392.04 feet; thence West 125.00 feet; thence North 392.04 feet to the point of beginning.**

**Area 1.125 AC**

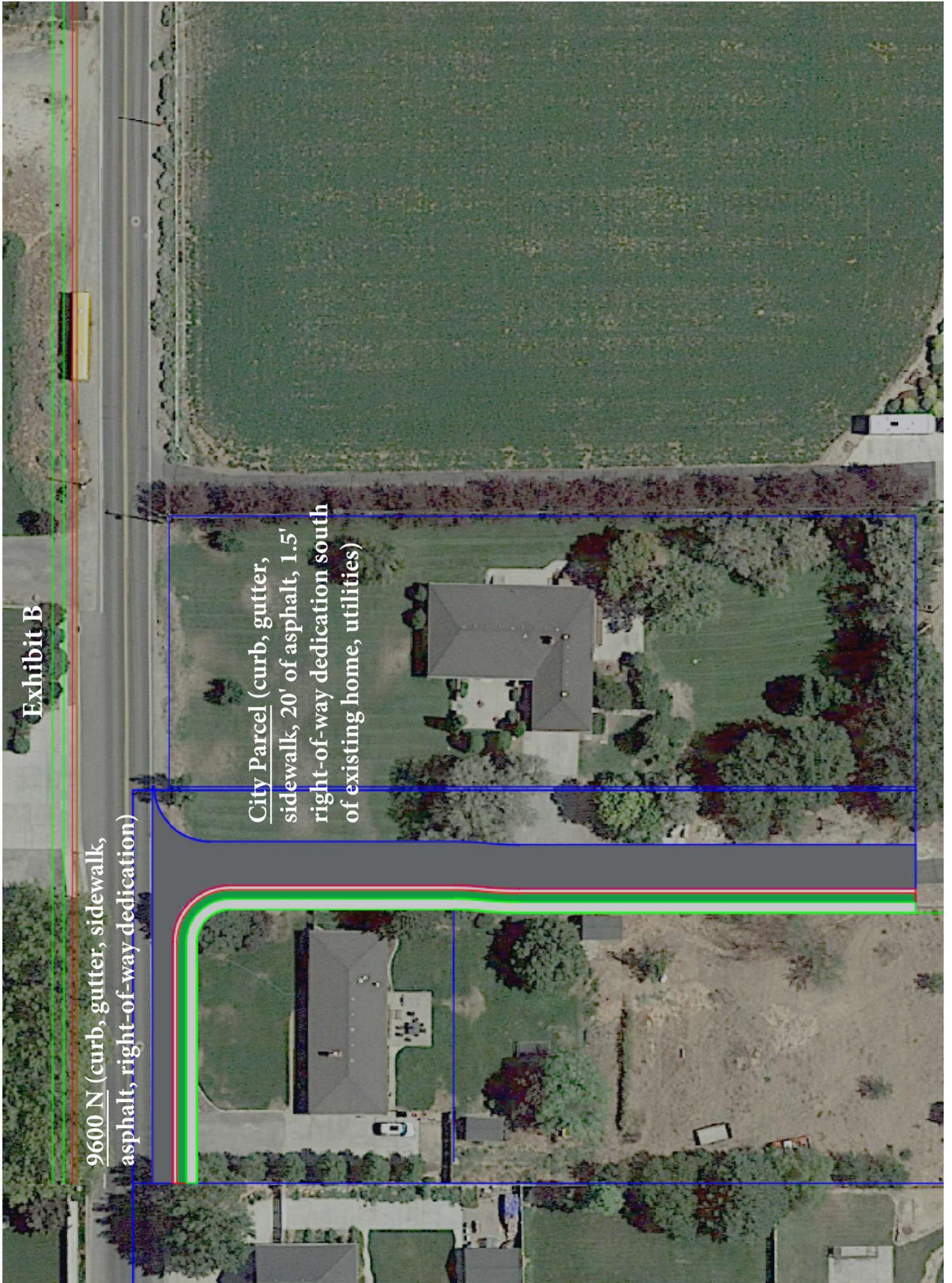


Exhibit B

9600 N (curb, gutter, sidewalk, asphalt, right-of-way dedication)

City Parcel (curb, gutter, sidewalk, 20' of asphalt, 1.5' right-of-way dedication south of existing home, utilities)



# CITY COUNCIL AGENDA REPORT

## ITEM #3e

---

**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** School District Reconfiguration - Approval for Ballot  
**TYPE:** General City Management

---

### **PURPOSE:**

The City Council will consider submitting the proposal to split the Alpine School District and create a "central" school district (Alpine, American Fork, Cedar Hills, Draper [Utah County], Highland, and Lehi) to a vote.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Council consider the comments received through the public hearing process and the online platform and make a decision as to whether Highland City will approve submitting the proposal to create a "central" school district to a vote.

### **PRIOR COUNCIL DIRECTION:**

On April 16, 2024, the City Council briefly discussed the then-ongoing discussions by the western north Utah County cities (Eagle Mountain, Saratoga Springs, Fairfield, Cedar Fort) to potentially create a new school district from Alpine School District, and the possibility that the central north Utah County cities (Alpine, American Fork, Cedar Hills, Draper, Highland Lehi) would do the same.

On April 29, 2024, the City Council met to receive a report regarding the potential impacts and feasibility of creating a new school district with the central north Utah County cities. This report was based on the study performed at the request of Alpine School District, and it presented multiple feasible options for splitting and reconfiguring Alpine School District, including the possibility of a three-way split with the western cities and central cities each forming a new school district. After receiving and discussing this report, the City Council voted to enter into an interlocal agreement with the other central cities to pursue the potential of a new, central school district. The City Council discussed that the primary reason for doing so was to give Highland residents the most options possible. Because it is very likely that the western cities will form a new district, the remaining question was and is whether the central cities will remain with Alpine School District or form a third school district. The only way to allow the residents of Highland and the other central cities to vote on that issue was to proceed with the interlocal agreement. The Council voted to enter into the interlocal agreement.

Each of the other central cities also voted on April 29, 2024, to enter into the interlocal agreement

On April 30, 2024, the central cities filed a formal proposal with the Utah County Clerk to create a new school district. This proposal does not mean that the decision to create the district has been made. The filing of the proposal simply started the process of putting the creation of the third school district on the ballot for a vote.

After April 30, 2024, the central cities worked together to hire a consultant to perform a feasibility analysis. The cities hired LRB Public Finance Advisors (formerly Lewis Young Robertson Burningham) to perform that analysis.

On June 18, 2024, the city councils of each of the six central cities met in the Highland City council chamber to receive a report and recommendation from LRB. After discussing the supporting data and the two methodologies for analyzing the data, LRB made the recommendation that the creation of the central school district was financially viable. The conclusion of the report provides, "In conclusion, based on this analysis, we are of the opinion that the new school district is a viable alternative to the existing school district, providing the following benefits: • Potential tax savings relative to ASD. • The opportunity for more localized control. • Allow the Central District greater control to meet the needs of students in the New District."

That meeting and the presentation can be watched online here: [https://www.youtube.com/watch?v=\\_86t3NXYrJs](https://www.youtube.com/watch?v=_86t3NXYrJs). The full feasibility study is attached to this report, and both the study and the presentation given to the cities can be found online here: <https://centralschooldistrict.org/resources/>.

On July 2 and July 16, 2024, the City Council conducted public hearings regarding the proposed school district split and reorganization. Additional public comments were received through the [centralschooldistrict.org](https://centralschooldistrict.org) website and sent to the City Council for consideration. The public hearings and the online comments demonstrated that many residents and others had strong feelings regarding the potential for a district split, as there were comments both for and against a district split presented to the Council.

## **BACKGROUND:**

Under Utah State law, cities can join together by way of an "interlocal cooperation agreement" to propose the creation of a new school district. The central north Utah County cities, consisting of Alpine, American Fork, Cedar Hills, the portion of Draper within Utah County, Highland, and Lehi, have entered into an interlocal agreement and started the process of creating a new school district. Before the district can be created, however, there are many steps that the cities must follow.

Many of those steps have now been completed. A 30-day public comment period was held, and the cities that are part of the interlocal cooperation agreement have each held two public hearings. The next step in this process is for each of the cities in the interlocal cooperation agreement to vote on whether to put the creation of the central school district on the ballot. Importantly, the cities do not directly decide whether to create the district. That decision is left to the voters to decide. So if Highland and each of the other cities approve the proposal, then the voters within the proposed school district's boundaries will vote on whether to create a new, central school district in the November 2024 election. The new school district will only be created if a majority of the voters as a whole within the central cities vote in favor of it. If the voters do not, then the central cities will remain within Alpine School District.

If the new school district is formed, a new school board would be elected in November 2025, and that new board would, beginning July 2027, take over the education of the students in the central district. The new school board would ultimately make decisions related to program offerings, staff wage and benefits, district funding, facilities, and all other district functions. There would be many discussions held between the new board and the existing Alpine School District board regarding district assets, liabilities, debts, and funds, because all of those would need to be divided between the new and reconfigured districts in an equitable and fair manner and to have as smooth a transition as possible

during the reconfiguration. In addition, state law does outline this process.

Accordingly, the question before the Highland City Council (and each of the city councils for the cities of Alpine, American Fork, Cedar Hills, Draper, and Lehi) is whether to approve submitting this school district reconfiguration and split issue to a vote. Again, the cities are not deciding whether to create the new district or not. The public comments received by the cities had comments both in support of and in opposition to a district split. Many supported having the item be voted on. Of note, the reconfiguration feasibility study and outreach effort performed by MGT on behalf of Alpine School district related to this proposed district reconfiguration contains the following finding and recommendation:

- MGT Study, April 2024, p. 353: "As a group, respondents from community engagement endorse a potential vote on reconfiguration. All but one of the subgroups polled, employees, indicated their support for initiating the voting process. The employees, as a group, would prefer the question not to be brought forward."
- MGT Study, April 2024, p. 354: "It is evident from the community engagement respondents there is strong sentiment to put the reconfiguration question to a community-wide vote, even though most of those respondents indicated they preferred to remain as one consolidated district."

While Highland and the other interlocal participant cities are not relying on the MGT study (as they had a separate, independent feasibility study performed as part of this process), the MGT study does indicate that the population generally supports holding a vote on whether to divide Alpine School District, regardless of the outcome of that vote.

**FISCAL IMPACT:**

Each of the interlocal cities have incurred costs related to the feasibility study and the communications efforts for this interlocal agreement. If the question does move forward to ballot, the cities would also have costs related to the election itself. Highland City has budgeted \$35,000 this fiscal year in 10-47-22 Election. To date, the City has spent or encumbered a little over \$11,000 on the feasibility study and communications efforts.

**MOTION:**

I move that City Council ADOPT and APPROVE the resolution approving the proposal.

**ATTACHMENTS:**

1. Resolution Approving School District Creation on Ballot

Highland City, Utah

**RESOLUTION NO. 2024-\_\_**

**A RESOLUTION OF THE HIGHLAND CITY COUNCIL APPROVING THE REQUEST PROPOSING THE CREATION OF A NEW SCHOOL DISTRICT AND AUTHORIZING THE CITY RECORDER TO SO NOTIFY THE UTAH COUNTY COMMISSION AND THE UTAH COUNTY CLERK**

**WHEREAS**, on or about April 29, 2024, Highland City entered into an interlocal agreement with the cities of Alpine, Lehi, Cedar Hills, American Fork, and Draper (collectively, the “*Interlocal Participants*”) for the purpose of submitting for voter approval a measure to create a new school district;

**WHEREAS**, on or about April 30, 2024, the Interlocal Participants submitted a request (the “*Request*”) to initiate the process of creating a new school district to the Utah County Clerk;

**WHEREAS**, on or about May 7, 2024, the Utah County Clerk acknowledged receipt of the Request and certified the Request;

**WHEREAS**, the Interlocal Participants held a joint public meeting on June 18, 2024, to receive the results of a feasibility study conducted by LRB Public Finance Advisors (the “*Feasibility Study*”) which concluded the creation of a new school district is feasible;

**WHEREAS**, after receiving the Feasibility Study, Highland City entered a public comment period in which the City Council held public hearings on July 2 and July 16, 2024, to receive public comment regarding the Feasibility Study and comments both for and against the creation of a new school district;

**WHEREAS**, the City Council has also considered written public comment submitted to an online public survey commissioned by the Interlocal Participants;

**WHEREAS**, the public comment period has ended;

**WHEREAS**, Highland City has complied in all respects with the procedural requirements of Utah Code 53G-3-301.4;

**WHEREAS**, the City Council finds it to be in the best interest of the City and its residents to approve the proposal to create a new school district in accordance with the Request of the Interlocal Participants; and

**WHEREAS**, if the legislative bodies of the Interlocal Participants approve the proposal, the proposal will be submitted to the voters residing within the proposed new school district boundaries for approval or rejection.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HIGHLAND CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Approval of Request Proposing the Creation of a New School District.** The Highland City Council hereby approves the request by the Interlocal Participants proposing to create a new school district that includes the municipal limits of Highland City.

**Section 2. City Recorder.** The City Recorder is directed to send a copy of this Resolution to the Utah County Commission and the Utah County Clerk within five days of its adoption.

**Section 3. Severability.** If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor Kurt Ostler

ATTESTED:

\_\_\_\_\_  
City Recorder

<b>COUNCILMEMBER</b>	<b>YES</b>	<b>NO</b>
Brittney P. Bills		
Ron Campbell		
Doug Cortney		
Kim Rodela		
Scott L. Smith		



# CITY COUNCIL AGENDA REPORT

## ITEM #3f

---

**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SUBJECT:** Campaign Finance Amendments  
**TYPE:** Municipal Code Update (Legislative)

---

### **PURPOSE:**

The City Council will consider amendments to the City's municipal code to restrict donations over \$1,000 from persons who have pursued recent land use applications with the City.

### **STAFF RECOMMENDATION:**

Staff recommends that the Council consider the proposed campaign finance donation restrictions and disclosure requirements and either adopt the regulations or direct staff on what regulations, if any, the Council would like to consider for adoption.

### **PRIOR COUNCIL DIRECTION:**

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.

On May 21, 2024, the City Council discussed a draft amendment to the City's municipal code that would restrict campaign donations from certain entities and individuals with current or recent land use applications before the City. After discussing the draft amendment and related issues, the Council voted to table the item for further discussion and to consider additional options.

On July 16, 2024, the City Council again discussed what type of restrictions on donations are desired. The discussion focused on donations over \$1,000, and the Council generally indicated interest in further discussion, though some councilmembers were not supportive of additional regulations.

### **BACKGROUND:**

Utah State law specifically authorizes cities to adopt regulations related to campaign finance disclosures and conflicts of interest. [Utah State law 10-3-208](#) specifically authorizes municipalities to adopt ordinances that restrict anonymous contributions beyond that required by state law, require greater disclosures of campaign contributions or expenditures (such as additional reporting and filing of campaign finance statements), and that impose additional penalties on candidates for failure to comply with City ordinances related to campaign finance and disclosure requirements.

Utah State law also generally allows municipalities to adopt regulations that promote and protect the general welfare, and the Utah Supreme Court has upheld the right of municipalities to impose campaign

finance regulations beyond those specifically authorized by state law. Ordinances that enhance campaign and election transparency and protect against conflicts of interest are regulations within the City's authority to adopt. 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 any Utah cities with limits on donations specific to on-going developments and similar activities. There are examples from other states of such limits and restrictions, however. The Utah State Legislature also has laws prohibiting donations to legislators while they are convened in session.

Based on early council discussion, staff prepared proposed amendments to address campaign donations from persons and entities who have or had a recent land use application pending before the City. After additional discussion, staff has modified these amendments so as to not fully prohibit certain donations, but rather limit the amount of donations from certain persons or entities. Currently, the proposed amendments would accomplish the following:

- Require candidates to comply with general City officer conflict-of-interest regulations, though filing specific conflict-of-interest disclosures is optional.
- Restricts donations to candidates over \$1,000 from person or entity who has had a pending land use application (subdivision, CUP, code amendment, rezone, planned development application, or annexation) within the year of the election.
- Requires candidates to correct excessive donations by returning the excess amount to the donor or disbursing it to the City.
- Provides enforcement mechanisms wherein city staff can progressively inform, warn, and then enforce these donation requirements, including by criminal penalties and disqualification for election.

There was also discussion by the council regarding additional campaign finance disclosures. Currently, candidates must file a campaign finance statement 7 days before the primary (if any), 28 days before the election, 7 days before the election, and 30 days after the election. After discussing these requirements with councilmembers who expressed interest in additional disclosures, they indicated they did not feel a need to propose additional disclosures.

**FISCAL IMPACT:**

No anticipated fiscal impact.

**MOTION:**

I move that City Council ADOPT and APPROVE the proposed amendments related to campaign donations.

**ATTACHMENTS:**

1. Ordinance - Campaign Finance Regulations

Highland City, Utah

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING HIGHLAND CITY MUNICIPAL CODE  
REGULATING MUNICIPAL ELECTION CANDIDATES' STANDARDS OF  
CONDUCT AND CAMPAIGN FINANCES**

WHEREAS, Highland City is authorized to adopt rules and regulations regarding campaign finances, candidate conflict of interest standards, and other measures related to municipal elections and candidates;

WHEREAS, the Highland City Council finds that there is a compelling government interest in ensuring that all candidates seeking election to municipal office adhere to the standards of conduct expected of elected officers, including all conflict of interest requirements and the avoidance of gifts and payments that may improperly influence the candidate to depart from the faithful and impartial discharge of public duties or that may reward or induce official action;

WHEREAS, the Highland City Council finds that requiring candidates to comply with elected officials' standards of conduct and to avoid receiving excessive in-kind or monetary donations from persons who have recently sought or are actively seeking City approval for private activity or development is narrowly tailored to accomplishing the government interests set forth above because it avoids potential conflict of interests and appearances of a conflict of interest wherein a candidate appears to receive donations of substantial value or benefit in exchange for special privileges, that may improperly influence the candidate to depart from the faithful and impartial discharge of the candidate's public duties, or that may primarily be for the purpose of rewarding the candidate for official action taken;

WHEREAS, the Highland City Council finds that it will protect the public welfare and enhance the quality and integrity of municipal elections adopt the regulations set forth herein.

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

SECTION 1. Title 2, Chapter 12 of the Highland Municipal Code is amended as follows:

**Chapter 2.12.250 Candidates for Mayoral and Council Office**

**A. Definitions: "Candidate," "contribution," "in-kind contribution," and related terms shall have the meanings set forth in Title 10, Chapter 3, Section 208 and Section 209 of the Utah Code, as amended.**

**B. Conflicts of Interest.**

- 1. Except as provided herein, all candidates shall adhere to the standards of conduct set forth in Section 2.04.070 upon the filing of their declaration of candidacy until they withdraw their candidacy, are disqualified, are eliminated during a primary or general municipal election, or take office after being elected.**

2. Candidates may but are not required to file disclosures related to conflicts of interest. Such disclosures may be filed in conjunction with campaign finance statements.

#### C. Certain Contributions Prohibited.

1. Candidates shall not accept contributions or in-kind contributions over \$1,000 from any person or entity who has filed or is otherwise seeking approval of an application with Highland City for a subdivision, conditional use permit, municipal or development code amendment, rezone or zoning map amendment, planned development, or annexation, if such application was filed or was pending approval in the same calendar year as the deadline for declaration of candidacy.
2. Within 10 business days after being notified that a contribution or in-kind contribution violates this section, candidates and officeholders shall correct the violation through the following methods:
  - a. Return the excess contribution to the donor or reimburse the donor the excess value of the in-kind contribution; or
  - b. Disburse the excess contribution or an amount equal to the excess value of the in-kind contribution to Highland City.
3. Contributions in violation of this section that are received and corrected shall be reported in the candidate's or officeholder's campaign finance statements as required by governing law.

#### D. Donation Enforcement and Penalty

1. The city's election official shall notify each candidate at the time the candidate files a declaration of candidacy and at other times required by governing law of the restrictions, requirements, and penalties of this section.
2. Upon discovery of a contribution that violates this section, the city's election official or the city attorney shall notify the candidate of the violation, the methods of correcting the violation, and the deadline for correction.
3. Additional time to correct a contribution violation may be approved by the city's election official if the candidate requests additional time and demonstrates good cause for why the candidate cannot correct the violation within the normal time period.
4. If the candidate fails to correct a contribution violation as required herein, the candidate shall be guilty of an infraction, shall pay a fine equal to \$750 or 50% of the amount of the contribution, whichever is less, and shall be required to return, reimburse, or disburse the contribution as set forth in this section.
5. If a candidate is convicted of two violations of this section within one calendar year, the candidate shall be disqualified as a candidate for election in addition to other penalties.

SECTION 2. This ordinance shall take effect immediately upon its adoption and publication, as required by law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Recorder

**COUNCILMEMBER**

**YES**

**NO**

Brittney P. Bills

Ron Campbell

Doug Cortney

Kim Rodela

Scott L. Smith




# CITY COUNCIL AGENDA REPORT

## ITEM #4a

---

**DATE:** August 6, 2024  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Jeff Murdoch, Assistant Public Works Director  
**SUBJECT:** Approval of Vehicle Purchases  
**TYPE:** General City Management

---

### **PURPOSE:**

The City Council will consider approving the purchase of (3) 2024 F-150 pickup trucks and (1) 2024 Transit Van for the Public Works Department as approved in the FY25 City Budget.

### **STAFF RECOMMENDATION:**

Staff recommends the purchase of the (3) 2024 F150 pickup trucks and (1) 2024 Transit Van to add to our current fleet of vehicles. The pickup trucks will be added to our rotation of public works trucks and the van will be used in our parks department for our sprinkler repair vehicle.

### **PRIOR COUNCIL DIRECTION:**

On June 18, 2025, Council approved the FY25 budget. The budget allocated \$220,000 for the purchase of these 4 vehicles for the Public Works Department.

### **BACKGROUND:**

It is part of the City's fleet management objectives to keep the fleet in good condition with updated trucks. As we introduce new trucks into the fleet, older trucks will be sold as surplus once the new trucks are in the fleet.

The van will be a new addition to the fleet specifically designed to be used by the sprinkler repair technician, so that they can have better access to the tools needed for their work.

### **FISCAL IMPACT:**

The cost of this purchase is \$222,218. Each of the F-150 vehicle purchase prices is \$55,380 and the purchase price for the Transit Van is \$56,078. Funding for this expense is included within the FY25 budget as follows:

#### 2024 F-150 Pickup Trucks

- \$33,000 in 53-40-59 PI Capital Equipment Purchases
- \$33,000 in 52-40-59 Sewer Capital Equipment Purchases
- \$33,000 in 55-40-51 Water Capital Outlay Equipment
- \$33,000 in 54-40-59 Storm Drain Capital Equipment Purchases
- \$33,000 in 10-60-74 Streets Capital Outlay Equipment

## 2024 Transit Van

- \$55,000 in 10-70-75 Parks Capital Equipment Purchases

As this purchase slightly exceeds the budgeted amount of \$220,000, staff will monitor the pertinent budgets and if needed, a mid-year budget adjustment in the amount of \$2,218 will be included, unless otherwise directed by the Council.

### **MOTION:**

I move that City Council APPROVE the purchase of three 2024 F-150 pickup trucks and a 2024 Transit Van and AUTHORIZE the City Administrator to sign the associated contracts.

### **ATTACHMENTS:**

1. Transit Van Quote
2. F-150 Pickup Quote

CNGP530

VEHICLE ORDER CONFIRMATION

07/29/24 13:20:45

==>

Dealer: F56557

2024 TRANSIT NA

Page: 1 of 2

Order No: U066 Priority: G1 Ord FIN: QS050 Order Type: 5B Price Level: 440  
 Ord PEP: 101A Cust/Flt Name: HIGHLAND PO Number:

R2X	HR CARGO AWD	RETAIL	20H	9150# GVWR	RETAIL	NC
	148" WHEELBASE	\$55375	219	2W D/P EB CLT		NC
YZ	OXFORD WHITE		425	50 STATE EMISS		NC
C	CLOTH		43B	BACK UP ALARM		150
B	EBONY		43R	REVR SENS SYSTM		295
101A	PREF EQUIP PKG		53B	HD TRLR TOW PKG		485
	.XL TRIM		57B	MANUAL A/C		NC
998	3.5L PFDI V6		63E	DUAL BATTERIES		NC
44U	.10-SPEED TRANS					
TC8	.235/65R16C BSW			TOTAL BASE AND OPTIONS		59810
X4L	4.10 LS	NC		TOTAL		59810
	JOB #2 ORDER			*THIS IS NOT AN INVOICE*		
	FLEET SPCL ADJ	NC		* MORE ORDER INFO NEXT PAGE *		
	FRT LICENSE BKT	NC		F8=Next		
16E	VINYL F/R FLOOR	245		F3/F12=Veh Ord Menu		
	F1=Help			F2=Return to Order		

S006 - MORE DATA IS AVAILABLE.

QC08254

V1DP0456

2,6

\$ 56070

CNGP530  
 ==>

VEHICLE ORDER CONFIRMATION

07/29/24  
 Deale  
 Pag

2024 TRANSIT NA

Order No: U066 Priority: G1 Ord FIN: QS050 Order Type: 5B Price L  
 Ord PEP: 101A Cust/Flt Name: HIGHLAND PO Number:

RETAIL

RETAIL

655	EXTD FUEL TANK	\$285
67D	BRAKE CONTROLER	405
67E	LARGE CNTR CNSL	NC
90D	PWR OUT (400W)	475
98F	FLEX FUEL CAPBL	NC
	SP DLR ACCT ADJ	
	SP FLT ACCT CR	
	FUEL CHARGE	
B4A	NET INV FLT OPT	NC
	DEST AND DELIV	2095

TOTAL BASE AND OPTIONS 59810  
 TOTAL 59810

\*THIS IS NOT AN INVOICE\*

F1=Help

F2=Return to Order

F7=Prev

F3/F12=Veh 0

S005 - INQUIRY IS COMPLETE.

V1DP0456

CNGP530  
==>

VEHICLE ORDER CONFIRMATION

07/29/24  
Deale  
Pag

2024 F-150

Order No: U067 Priority: H3 Ord FIN: QS050 Order Type: 5B Price L  
Ord PEP: 301A Cust/Flt Name: HIGHLAND PO Number:

		RETAIL				RETAIL
W3L	F150 4X4 CREW	\$56030		425	50 STATE EMISS	NC
	157" WHEELBASE			47R	FLOOR LINER	200
YZ	OXFORD WHITE			50M	MOBILE OFFICE	1045
7	CLTH 40/CON/40				.FOLD FLAT STORG	
B	BLACK			53T	TOW/HAUL PKG	785
301A	EQUIP GRP				.TRL BRAKE CONTR	
	.XLT SERIES				18" CHROME-LIKE	
998	3.5L V6 GTDI	NC			EXT RANGE TANK	
44G	ELEC 10-SPDAUTO					
	275/65R-18				TOTAL BASE AND OPTIONS	60055
XL9	3.55 ELEC LOCK	NC			TOTAL	60055
	7200# GVWR				*THIS IS NOT AN INVOICE*	
	JOB #2 ORDER				* MORE ORDER INFO NEXT PAGE *	
	FLEET SPCL ADJ	NC			F8=Next	
	FRT LICENSE BKT	NC			F3/F12=Veh 0	
	F1=Help		F2=Return to Order			

S006 - MORE DATA IS AVAILABLE.

V1DP0456

\$ 54895 x 3  
+ 485 Bed Liner

CNGP530

VEHICLE ORDER CONFIRMATION

07/29/24 13:18:01

==>

Dealer: F56557  
Page: 2 of 2

2024 F-150

Order No: U067 Priority: H3 Ord FIN: QS050 Order Type: 5B Price Level: 450  
Ord PEP: 301A Cust/Flt Name: HIGHLAND PO Number:

RETAIL

RETAIL

SP DLR ACCT ADJ

SP FLT ACCT CR

FUEL CHARGE

B4A NET INV FLT OPT NC

DEST AND DELIV 1995

TOTAL BASE AND OPTIONS 60055

TOTAL 60055

\*THIS IS NOT AN INVOICE\*

F1=Help

F2=Return to Order

F7=Prev

F3/F12=Veh Ord Menu

S005 - INQUIRY IS COMPLETE.

QC08254

V1DP0456

2,6