



## HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 18, 2024

Approved August 6, 2024

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

### 7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member 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*

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

*The motion carried 5:0*

### **3. 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:*

<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. 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:*

*Council Member Brittney P. Bills      Yes*

<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 Courtney 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>	Yes
<i>Council Member Ron Campbell</i>	Yes
<i>Council Member Doug Courtney</i>	Yes
<i>Council Member Kim Rodela</i>	Yes
<i>Council Member Scott L. Smith</i>	Yes

*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 along side/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 Cortney 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 Courtney 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 Courtney 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 Courtney</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.

##### **a. 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.

**a. 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 Courtney 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 Courtney</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 Courtney 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 Courtney 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.



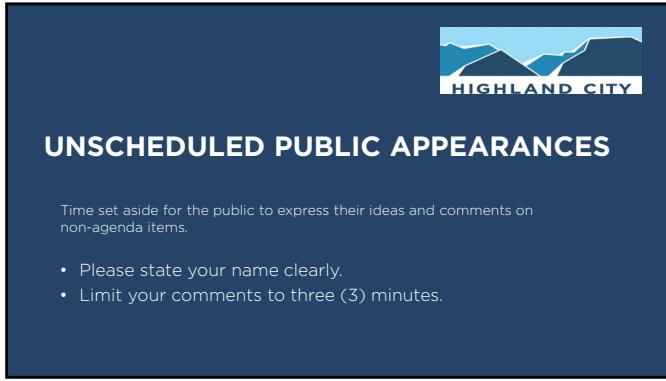
Stephannie Cottle, CMC  
City Recorder



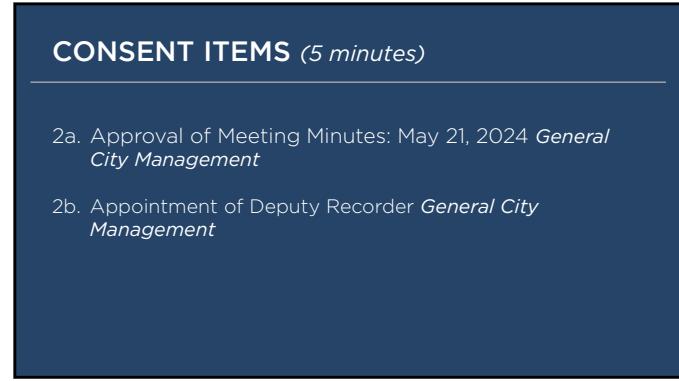
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5



6

### Adjustment Highlights - Revenue

- 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

7

### Adjustment Highlights - Revenue cont.

- 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

8

### Adjustment Highlights - Expenditure

- Reallocation 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

9

### Adjustment Highlights - Expenditure cont.

- 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.

10

### Motion to Approve

I move 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.

11



### **FEE SCHEDULE** General City Management

Item 3b - Resolution  
Presented by - Candice Linford, Treasurer

12

## Prior Council Direction

- Each year the Council approves the fee schedule for the coming fiscal year.
- Fees are reviewed annually to ensure that what we pass on to the public conforms to industry standards and covers foreseen costs for products and services the city provides.

13

## Highlighted Changes

8	Building	F
7	• Updated name to ICC	Y
6	• Residential Construction	2
5	• Refundable Cash Bond \$2,500	0
4	• Solar Deposit \$90	2
3	• Culinary Water Meter varies depending on size	5
2	• PI Water Meter varies depending on size	
1		

14

## Highlighted Changes

8	Business Licenses	F
7	• Private Clubs w/ Liquor License - \$300	Y
6	• Administrative Fee (printed license) - no charge	2
5	• Food Trucks only require a temporary use permit	0
4	• Business License Appeal Fee \$50	2
3		5
2		
1		

15

## Highlighted Changes

8	Cemetery	F
7	• 3% annual increase for burial plots	Y
6		2
5		0
4		2
3		5
2		
1		

16

## Highlighted Changes

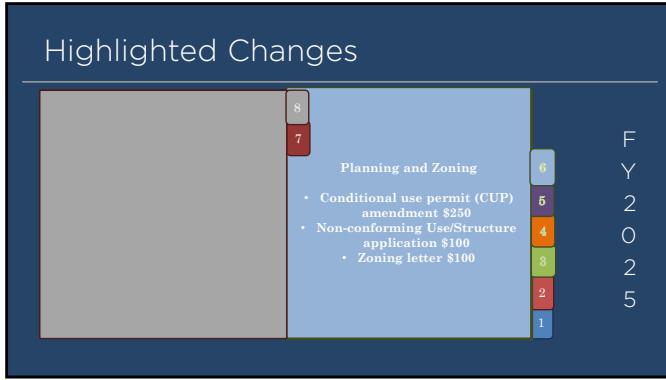
8	Rentals	F
7	• Residents increase to \$25	Y
6	• Non-residents increase to \$50	2
5	• Non-profit increase to \$10	0
4	• Government increase to \$10	2
3	• Food fee increase to \$100	5
2	• Piano use increase to \$20	
1	• Projector fee increase to \$20	

17

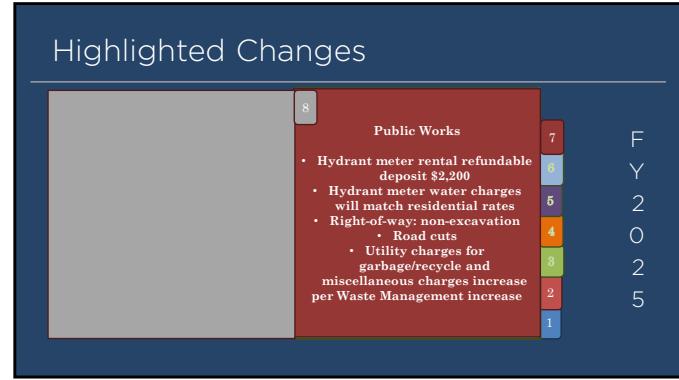
## Highlighted Changes

8	Events	F
7	• Baby Celebration increase to \$15	Y
6	• Baby Celebration late increase to \$17	2
5	• Swapped disc golf tournament With trilogy and without pricing (they were backwards)	0
4		2
3		5
2		
1		

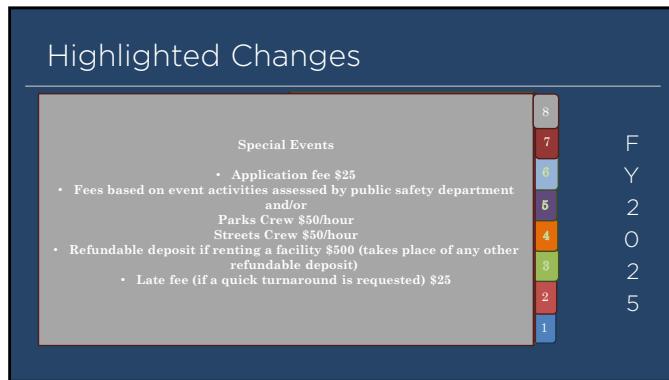
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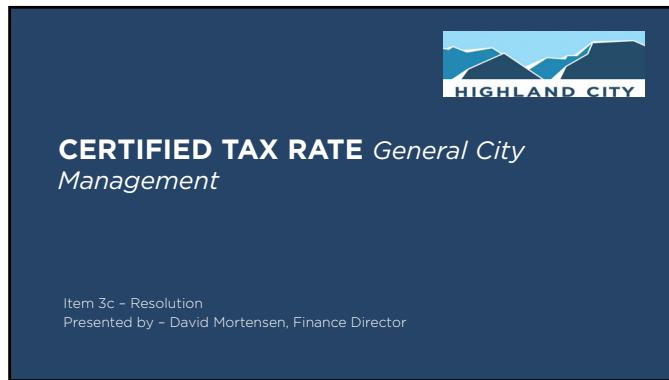


21

### Motion to Approve

I move that City Council adopt the FY2025 Fee Schedule.

22



23

### Certified Tax Rate - FY24

Proposed Tax Rate Value: \$ 2,924,902,953								
Budgeted Revenue / Proposed Tax Rate Value = Proposed Tax Rate								
(1) Budget Code	(2) Budget Name	(3) Election Date	(4) Voted Rate Limit	(5) Usual Annotated Code	(6) Maximum By Law	(7) Calculated Tax Rate	(8) Auditor's Certified Tax Rate	(9) Auditor's Certified Rate Revenue
10	General Operations			\$11-6-133	.007	0.000960	0.000960	2,018,183
30	Library			\$99-7-501&10-6-133.5	.001	0.000104	0.000104	304,190
				Total Tax Rate		0.000794	0.000794	2,322,373

24

**Certified Tax Rate - FY25**

**Proposed Tax Rate Value: \$ 3,026,933,067**  
Budgeted Revenue / Proposed Tax Rate Value = Proposed Tax Rate

Budget Code	Budget Name	Election Date	Voted Rate Limit	Utah Annotated Code	Maximum By Law	Calculated Certified Tax Rate	Auditor's Certified Tax Rate	Auditor's Certified Tax Rate Revenue
19	General Operations			§11-6-133	.007	0.000689	0.000689	2,085.007
30	Library			§§9-7-501&10-6-133.5	.007	0.00104	0.00104	314.807
Total Tax Rate						0.000793	0.000793	2,400.388

25

**Motion to Approve**

I move 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.

26



**PRESSURIZED IRRIGATION FUND TRANSFER** *General City Management*

Item 3d – Public Hearing/Resolution  
Presented by – David Mortensen, Finance Director

27

**Enterprise Fund Transfer to General Fund**

**Public Hearing - Pressurized Irrigation Enterprise Fund**  
**Tuesday, June 18, 7:00 PM at City Hall**

The General Fund pays the Pressurized Irrigation (PI) Fund \$108,000 per year to water the approximately 179 acres of parks, park strip grass, and vegetation owned by the City. It is proposed that the PI Fund transfer funds back into the General Fund in the amount of \$108,000 to make the General Fund whole for this cost. The purpose of this hearing is to notify the public of this proposal. The \$108,000 represents 1.35% of the Fiscal year 2024-2025 budgeted expenses of the PI Fund.

28

**Motion to Approve**

I move that City Council approve the resolution authorizing a transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund.

29



**OFFICER COMPENSATION** *General City Management*

Item 3e – Public Hearing/Ordinance  
Presented by – David Mortensen, Finance Director

30

## Prior Council Direction

Title	Total Proposed FY2024-2025 Increase	
	2024-2025 Increase	2023-2024 Increase
City Administrator	9.31%	
Assistant City Administrator/Community Development Director	5.70%	
Public Works Director/City Engineer	5.85%	
City Attorney/Planning Administrator	5.70%	
Finance Director	5.00%	
Library Director	4.70%	
Assistant Public Works Director	5.00%	

31

## Motion to Approve

I move that City Council adopt the ordinance enacting compensation increases for specific City officers for fiscal year 2024-2025.

32

## ADOPTION OF THE FISCAL YEAR 2024-25 BUDGET General City Management

Item 3f – Public Hearing/Ordinance  
Presented by – David Mortensen, Finance Director

33

## All Funds Summary

Fund	Estimated Beginning Fund Balance	Budgeted Revenue	Budgeted Expenditure	Net Revenue (Including PY Expenditure & Use of PY Fund Depreciation)		Estimated Ending Fund Balance
				Fund Balance	Use of PY Fund Depreciation	
General Fund	\$ 5,620,507	\$ 14,172,201	\$ 13,701,811	\$ 308,490	\$ 1,061,542	\$ 4,918,424
Open Space Fund	\$ 5	\$ 4,612,421	\$ 3	\$ 3	\$ 3	\$ 3
Enterprise Partnership Fund	\$ 252,521	\$ 495,424	\$ 347,710	\$ 114,900	\$ 76,012	\$ 109,215
Library Fund	\$ 93,371	\$ 447,301	\$ 447,301	\$ 0	\$ 20,000	\$ 68,371
Parks Tax Fund	\$ 219,459	\$ 108,600	\$ 175,000	\$ 0,600	\$ –	\$ 220,457
Building & Development Fund	\$ 208,426	\$ 1,190,000	\$ 1,177,694	\$ 26,306	\$ –	\$ 234,731
Debt Service Fund	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ –	\$ –	\$ 2,100,000
Parks Capital Improvement Fund	\$ 5,706,948	\$ 2,604,870	\$ 2,608,870	\$ –	\$ 1,740,876	\$ 3,957,064
Roads Capital Improvement Fund	\$ 726,538	\$ 900,000	\$ 905,000	\$ –	\$ –	\$ 726,919
Buildings Capital Improvement Fund	\$ 2,100,000	\$ 2,441,642	\$ 2,441,642	\$ –	\$ 1,807,300	\$ 209,818
Storm Drainage Fund	\$ 5	\$ 1,000	\$ 1,000	\$ –	\$ 0	\$ 0
Sewer Fund	\$ 2,637,537	\$ 3,122,675	\$ 2,727,675	\$ 500,000	\$ 92,675	\$ 3,049,482
Precipitated Irrigation Fund	\$ 4,617,506	\$ 7,069,746	\$ 7,400,746	\$ 520,000	\$ 1,481,740	\$ 3,459,766
Storm Sewer Fund	\$ 1,799,516	\$ 1,000	\$ 1,000	\$ 0	\$ 520,000	\$ 1,379,516
Garbage Hauling Fund	\$ 1,151,544	\$ 2,911,000	\$ 2,444,890	\$ 520,000	\$ 1,416,664	\$ 1,631,544
Utility Transportation Fund	\$ 139,598	\$ 1,151,000	\$ 1,151,767	\$ 0	\$ 2,321	\$ 140,827
Internal Service IT Fund	\$ 2,613	\$ 46,700	\$ 46,700	\$ 0	\$ 0	\$ 2,613
<b>TOTAL - ALL FUNDS</b>	<b>\$ 24,956,446</b>	<b>\$ 48,043,695</b>	<b>\$ 37,755,001</b>	<b>\$ 2,310,946</b>	<b>\$ 6,654,009</b>	<b>\$ 20,302,401</b>

34

## Use of General Fund Balance Reserve

- Hogs Hollow Trail - \$20,000
- Highland Blvd Matching Funds - \$420,000
- Parks Maintenance Building - \$321,541
- Mountain Ridge Park Maintenance Building - \$200,000
- Mountain Ridge Park Field Light Conduits - \$100,000
- Total - \$1,061,541
- Estimated Fund Balance Reserve - \$4,918,424 (38.2%)
  - Based on current revenues, 35% State allowed maximum is \$4,508,616 (additional transfer to Capital Improvement Fund may be needed).

35

## Changes From 5/7 Version

- Increased General Fund Property Tax Revenue - \$65,557
- Increased use of General Fund Balance (Parks) - \$421,542
- Increased Garbage Revenue (Rate Change) - \$50,000
- Decreased Library Fund Property Tax Revenue - (\$5,199)
- Wage/Benefit Adjustments for Market Wage Study and Merit - \$32,454 City-Wide
- Increased Garbage Hauling Expenditure - \$28,576
- Added Wildrose Park Improvements - \$30,000
- Increased Parks Maintenance Building - \$321,542

36

## Items Discussed - Not Included

- Sewer Rates and Revenue Increase
  - Pending Completion of Rate Study
- Alpine Highway Fence
- Additional Amenities at Mountain Ridge Park
- Emergency Manager Position

37

## Motion to Approve

I move that City Council approve the ordinance adopting the Highland City Fiscal Year 2024-25 Budget.

38

## FENCE REGULATIONS: TRAIL CORRIDORS, COLLECTOR ROADS, AND RETAINING WALLS *Development Code Update (Legislative)*



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

39

## Prior Council Direction

- May 3, 2005: Council requires fencing along trails to be limited to 4' open/privacy or 5' open
- Nov 3, 2010: Council modified code to allow 6' privacy fencing along trail corridors over 40'
- May 16, 2023: Council reduced privacy fencing restrictions along trail corridors from 40' to 30'
- May 7, 2024: Council discussed fence code changes and allowing more privacy fencing on trail corridors
- June 11, 2024: Council site tour of trail fencing areas

40

## Planning Commission Discussion

- Hearing held May 28, 2024, with three residents/property owners present
- Two property owners asked the Commission to allow privacy fencing on property lines along busy streets (specifically Canal Blvd.)
- Other property owner requested permission to have 8-foot fence along busy streets (specifically 6000 W)

41

## Planning Commission Discussion

- Commission supported all general cleanup items
- Recommended removing vegetation from definition of fence (allowing hedges), but wanted City to better clear trail/sight corridors of vegetation
- Recommended to allow privacy fencing on property line adjacent to streets on major collectors
- Recommended allowing privacy fencing along trails near public/school property if public entity/school were required to install open, vinyl-coated chain link

42

## Proposed Amendments - Categories

1. General clean-up
2. Definition of fence (vegetation, C. Cortney's concerns)
3. Privacy fencing along major roads
4. Privacy fencing along short trail corridors
5. Privacy fencing along trails near public property
6. Other issues

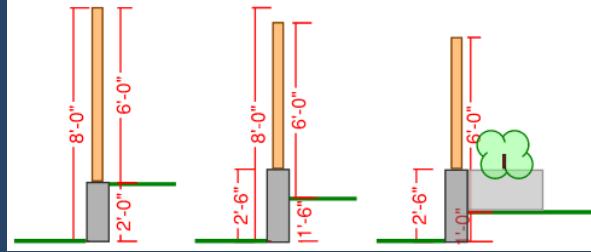
43

## General Cleanup

- General Clean-up
  - Consolidate and update definitions
  - Clarify retaining wall definition and regulations
    - Construct per IBC or engineering/manufacturer specs
    - Retaining walls must retain something or count as fence
    - Does not count non-“ground” within 5’ (planter boxes)
    - Wall separation measured back of wall to front of wall
    - Building permits required only if 4’ separation grade-to-grade or supports surcharge, per IBC amendments

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## General Cleanup



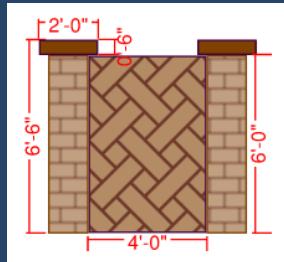
45

## General Cleanup

- General Clean-up
  - Fence/wall must be on applicant's property unless the applicant has permission (including City property)
  - Fence post/caps can exceed height max by 6 inches
    - Post-site tour, added clarification on post width (2 feet) and post separation (min 4 feet)
  - Theme/screen walls are subject to trail fence regulations
  - Public entities/utilities can have chain-link and exceptions
  - Post-site tour minor clarifications

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## General Cleanup



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## General Cleanup

- General Cleanup items do not address:
  - Definition of fence (vegetation, C. Cortney's concerns)
  - Privacy fencing along major roads
  - Trail corridor privacy fencing along short corridors
  - Trail corridor fencing along schools/public property
- Questions or concerns about general clean-up items?

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## Definition of Fence

- Current Rules: "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."
- PC Recommendation (do not regulate vegetation): "Fences, walls, and any other combination of barriers, structures, or objects that act as a visual or physical screen or barrier."

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## Definition of Fence

- C. Cortney: Incorporate the following ideas:
  - 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"

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## Definition of Fence - Options

- Current definition
- PC Recommendation: Remove vegetation
- C. Cortney's suggestions: "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."
  - "Man-made" implies it does not apply to vegetation
  - Interior pool fencing or animal enclosures?
  - Front yard fencing?

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## Privacy Fencing Along Major Roads

- Current Rules:
  - All privacy fences must be set back at least 14' from curb on all sides that abut a street (side and rear)
  - Open fences allowed on property line
- One variance has been granted (with two pending fence issues) to allow privacy fencing on double-fronted lots

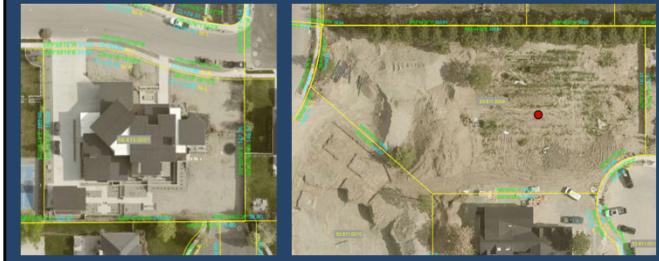
52

## Street-Side Fencing



53

## Privacy Fencing Along Major Roads



54

## Privacy Fencing Along Major Roads



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## Privacy Fencing Along Major Roads

- PC Recommendation:
  - 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
  - One Commissioner voted against the recommendation because she preferred the current rules regarding privacy fencing along roads

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## Privacy Fencing Along Major Roads

- Major Collectors vs. Arterials
  - All fences must be set back at least 30' or per parkway detail from any arterial (SR-92, Highland Blvd., North County, Alpine Highway, lower portion of 4800 West)

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## Privacy Fencing Along Major Roads



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## Privacy Fencing Along Major Roads - Options

- Current Rules: Privacy fences set back 14' from all roads except arterials, which have 30' setback
- PC Recommendation: Allow privacy fences along major collectors
- Other considerations:
  - Double-fronted lots
  - Arterials

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## Privacy Fencing Along Short Trails

- Current Rules:
  - Corridor is <30' and not adjacent to public right of way, or >30' but not visible from two public places, then fence is limited to 4' privacy, 2' open (55%)
  - Otherwise, 6' full privacy fence is permitted
- PC Recommendation: Allow 6' full privacy fence on corridors <30' if the corridor is less than 200' or one lot deep and connects public areas

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### Privacy Fencing Along Short Trails

- PC's new exception
- Spring Creek Park
- ~170 ft long
  - Less than 200'
  - One lot deep
  - Connects public areas



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### Privacy Fencing Along Short Trails

- CC Site Tour: Expand exception to allow more privacy fencing for certain corridors
- Staff's synthesis: Allows privacy fencing if the "entire area is ... visible from a public area such as a street or park within 300 feet."
  - No one-lot deep restriction
  - Focuses on whether the corridor is visible from public areas

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### Privacy Fencing Along Short Trails



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### Privacy Fencing Along Short Trails - Options

- Current: limited privacy fencing along narrow trails
- PC Recommendation: Allow privacy fencing along narrow trails if under 200 feet/one lot deep
- CC Alternate: Allow privacy fencing along narrow trails if the trail is visible from public places within 300 feet

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### Privacy Fencing Along Public Property

- Current Rules:
  - Corridor is <30' and not adjacent to public right of way, or >30' but not visible from two public places, then fence is limited to 4' privacy, 2' open (55%)
  - Otherwise, 6' full privacy fence is permitted
- PC Recommendation: Allow 6' full privacy fence on corridors <30' if the corridor is adjacent to public entity/utility property that has no/open fencing and require school district to have open fencing

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### Privacy Fencing Along Public Property

- Freedom Elementary
- ~920 ft long



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## Privacy Fencing Along Public Property

- City cannot regulate fencing on school district property
- As part of general cleanup and prior council direction, staff proposed allowing all public entities and public utilities to use chain-link fencing and be granted exceptions from fencing regulations where necessary

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## Privacy Fencing Along Public Property - Options

- Current: limited privacy fencing along narrow trails
- PC Recommendation: Allow privacy fencing along narrow trails if adjacent to public/utility property that has no/open fencing

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## Other Fencing Issues?

- C. Cortney: Allow 8' fences along "Athletic Complex"
  - Park designation from general plan
  - Mitchell Hollow, Beacon Hills, Spring Creek, Mountain Ridge
- Current Rules: 6' fence restriction, though 8' total wall/fence permitted with grade difference and retaining wall

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## Motion to Approve

I move that the City Council adopt and APPROVE the ordinance amending Section 3-612 of the Highland Development code, incorporating the amendments and changes approved by the Council during discussion.

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## CULINARY METER READING TECHNOLOGY General City Management



Item 4a - Expedited  
Presented by - Andy Spencer, City Engineer/Public Works Director  
Jeff Murdoch, Assistant Public Works Director

71

## Prior Council Direction

- 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.

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## Overview

- 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

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## Motion to Approve

I move 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.

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## COMMUNITY DEVELOPMENT UPDATE

Item 6a - Communication  
Presented by - Jay Baughman, Assistant City Administrator/Community Development Director  
Rob Patterson, City Attorney/Planning & Zoning Administrator

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## FUTURE MEETINGS

- June 25, Planning Commission Meeting, 7:00 pm, City Hall
- July 2, City Council Meeting, 7:00 pm, City Hall
- July 10, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- July 16, City Council Meeting, 7:00 pm, City Hall
- July 23, Planning Commission Meeting, 7:00 pm, City Hall

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## CLOSED SESSION

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

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

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**Subject:** Agenda Item 3g: Fences  
**Date:** Sunday, June 16, 2024 at 9:18:46 AM Mountain Daylight Time  
**From:** Doug Cortney  
**To:** council  
**Attachments:** image001.jpg, image002.jpg, image003.jpg, image004.jpg, image005.png, image006.png, image007.png, image008.png

There are two things I'd like to change wrt the Fence Regulations item on our Tuesday agenda.

1. Fences adjacent to Athletic Complexes
2. Definition of a fence

The four proposed changes below are more or less "off the top of my head" wording and are intended to serve as a starting point for discussion. I'll bring printed copies of this to the council meeting.

#### **Fences adjacent to Athletic Complexes**

Currently, it is permissible to have an 8-foot fence (from the perspective of adjacent property) if the bottom 2+ feet is a retaining wall. We saw this at east end of Spring Creek park. From the perspective of the park, it's impossible to tell whether it's an 8-foot fence or a 6-foot fence atop a 2-foot retaining wall; it simply looks like an 8-foot fence.

When we stopped by Mt. Ridge park, it was noted that residents could add two feet to their current fence height if they built up the grade behind the fence.

I maintain that – from the perspective of the park – it doesn't matter if there is a grade increase on the other side of the fence or not. Because Athletic Complexes are larger and generally more intrusive on neighbors than other types of city parks, I propose to allow residents to install an 8-foot fence (measured from the park grade) without needing to re-work their landscaping to increase the grade on their side.

Perhaps language something like this:

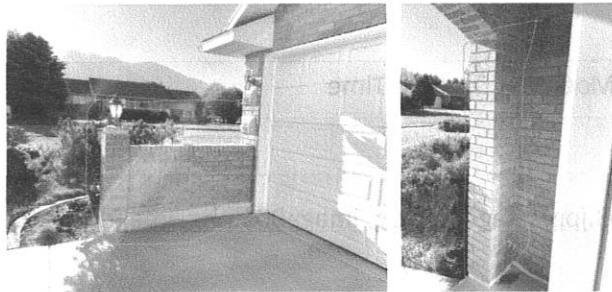
Notwithstanding any other provision of this section, land sharing a linear boundary with an Athletic Complex may have a fence along said boundary that extends up to eight feet above the grade of the Athletic Complex immediately adjacent to the fence.

#### **Definition of a Fence**

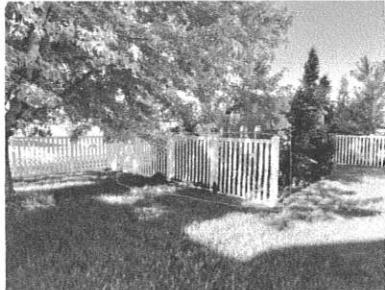
I'm concerned about our definition of a fence; I think it's wildly broad and needs to be reined in. This is partly because it encompasses things for which (I think) we don't want to require a fence permit and partly because it encompasses silly things.

I'm not sure, for example, that we want to regulate (under our fence code) and require permits for the following types of structures. Maybe we do, but I think we need to discuss it and be sure that's the case before moving forward with a definition that includes them.

- "Fences" that are part of a house (and hence already permitted)



- “Fences” that are entirely within a fenced yard



- “Fences” that screen a backyard sitting area

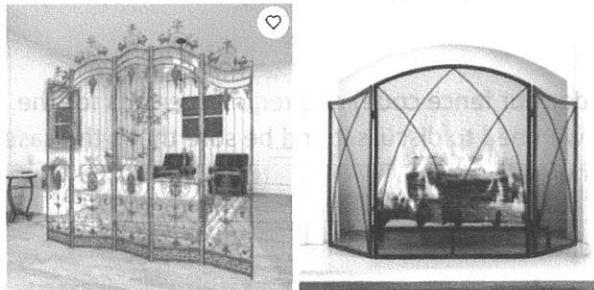


I'm very confident that we don't want to regulate and require permits for the following “silly” cases (which fall within my reading of our current & proposed definition):

- Short, decorative borders



- Inside “fences”



I like that Lehi's definition clearly omits inside-the-house structures (although it does still technically include the house itself as a fence).

**Fence** - A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

I propose the following changes:

1. Restricting the definition of "fence" to something that is not all or part of a main or accessory building
2. Eliminate interior "fences" by specifying that a fence is "not enclosed within a fence of at least the same height"
3. Avoid pulling in (more or less) strictly ornamental structures by defining a fence as "extending at least 3 feet above grade" – basically, if it's something you could put in a Clear Vision Area, it is by definition not a fence.

--  
Doug Courtney, Council Member  
Highland City, Utah  
801-380-9133

**Subject:** Agenda Item 3b: Fee Schedule

**Date:** Tuesday, June 18, 2024 at 9:12:20 AM Mountain Daylight Time

**From:** Doug Cortney

**To:** council

There are two changes I intend to propose this evening to the fee schedule (item 3b on the agenda):

1. On page 16 of the fee schedule (page 54 of the packet), it lists a Hydrant meter water charge matching the residential rates. For residential use, the city has received dedicated water shares to cover this usage, but this is not the case for extra-residential uses such as this. Because of this, I propose charging 150% of the residential culinary water rate instead of 100%.
2. On page 18 of the fee schedule (page 56 of the packet), it shows county residents paying less for water overages than Highland residents pay. This seems wrong. I propose changing the "County Residents" rates to match the "Residential" rates.

I will bring printed copies of this to the meeting.

--  
Doug Cortney, Council Member  
Highland City, Utah  
801-380-9133