



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 6, 2024

Approved September 3, 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 Ron Campbell

Pledge of Allegiance: Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:00 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 Ron Campbell and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

Brittney P. Bills	Present
Ron Campbell	Present (arrived at 7:19 pm)
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 Stephanie Cottle, Finance Director David Mortensen, Police Chief Brian Gwilliam, Assistant Public Works Director Jeff Murdoch

OTHERS PRESENT: Jon Hart, Preston Hill, Aaron Davidson, Mark Coombs, Loyd Acrems, Greg Slade, Shalynn Larson, Liz Rice, Bryan Irving, Janeal Irving, Josalyn Irving, Brad Teg Irving, Alma Fonua, Imeila Fonua, Alex Pierson, Sydnie Pierson, Taylor Wilkinson, Thomas Bateman, Joyce Pierson, Ryan Rummens, McRae Trowbridge, Wesley Warren, Aaron Gleave

1. UNSCHEDULED PUBLIC APPEARANCES

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

Liz Rice stated that when listening to the audio of City Council meetings, it is difficult to hear anyone but Council Members Bills, Cortney, Smith, and Mayor Ostler; others who are speaking cannot be heard. She asked each member to speak into their microphone. She addressed item 3f on tonight’s agenda dealing with campaign

finance regulations; she ran for office in the past and was unsuccessful, but people still expect her to appear and participate in City meetings and keep them informed. She stated that restricting candidate funding is appropriate and taking \$1,000 from a developer or project applicant during a campaign is extremely dishonest. She would even be uncomfortable with \$500; a candidate is either a cheater or they are not and that should not be rationalized based upon a campaign donation amount. She does not feel it is right or fair to take any money from any developer and she would also recommend sanctions against developers who offer a great deal of money to candidates. She then stated she has appreciated increased patrol of 9600 North during the evening hours on the weekends. Cars are racing on that road and the increased patrol has help to reduce that activity. She then addressed the placement of temporary speed bumps on a busy road in the City, noting that moving those speed bumps because of the results of a survey is disappointing. The Council has already made a decision about where to place the speed bumps and she supported that decision; changing the direction due to the response to a survey is a waste of public money.

Joyce Pierson stated she is present this evening to support the proposed code change for Tile Ram; the homes along State Road 92 are hard to sell and the change to this code would give property owners in the area a bit more flexibility when and if they want to sell.

Preston Hill referenced agenda item 3c, noting that he can see the property subject to that application from his home. He asked for more information about the rehabilitation facility and noted there are many young children that live in close proximity to the property.

Mayor Ostler stated that application will be discussed in greater detail later in the meeting.

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

Council Members Cortney and Bills offered minor amendments to the minutes, which the Council accepted.

Council Member Doug Cortney MOVED that the City Council approve consent items 2a, the meeting minutes from June 18, 2024 (Special Meeting), 2b, June 18, 2024 (Regular Meeting), and 2c, July 2, 2024 (Regular Meeting), 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>Absent</i>
<i>Council Member Doug Cortney</i>	<i>Yes</i>

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

The motion carried 4:0

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.

City Attorney/Planning & Zoning Administrator Patterson explained 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 meeting. Mr. Patterson offered background information regarding the subject property. 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. Mr. Patterson reviewed the City's regulations regarding home occupations, after which he noted 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." He concluded by discussing staff's analysis of the application; 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.

Mayor Ostler invited input from Mr. Irving. Mr. Irving reviewed the history of his business and its operations and noted he should have taken steps to secure proper approvals before commencing the operation of his business from the home. He has reached out to his neighbors, and they seem to be comfortable with his proposal and the intended use of the property; he asked for the Council's support of his application or some other means of allowing him to operate his business as intended.

Council Member Cortney asked if the home is a primary residence for someone. Mr. Irving answered yes. Council Member Cortney asked Mr. Irving to describe an average workday for Tile Ram and what activities employees will be engaged in at the home. Mr. Irving stated that employees will come to the home around 7:00 a.m. and leave their personal vehicle at the site; they will take a commercial vehicle from the home and be gone the entire day. No work is done at the subject property.

Mayor Ostler asked if any product is stored at the property. Mr. Irving stated that Tile Ram is a demolition company and there are just a few supplies stored in an accessory building on the property.

Council Member Campbell arrived at 7:19 p.m.

Council discussion centered on whether this type of business is appropriate for a residential area; Council Member Smith stated he is surprised that Mr. Irving did not think it was appropriate to reach out to the Utah Department of Transportation (UDOT) about an access onto a State Road from the subject property. Mr. Irving reiterated his apologies for not securing a business license and for coordinating with UDOT, but he is attempting to cure those issues at this time.

Continued discussion between the Council and Mr. Irving centered on the business operations, the types of vehicles and equipment that is stored on the property, and whether this type of business is appropriate for a residential area. Council Member Campbell stated he does not believe this is an appropriate home-based business. Mayor Ostler stated that the Council must consider if the business meets the home-occupation criteria and, if not, would they be willing to consider a zone change to allow a commercial use on the property. Council Member Rodela noted that the Council has received some public input in support of the application. Mayor Ostler stated it is important to try to understand the motives behind that support; it could be that other property owners see this application as a means for them to also secure commercial zoning of their property, which would financially benefit them.

Council Member Bills stated that it is also important for the Council to keep in mind that a text amendment would apply to the entire City, not just the subject property. It makes her nervous to make this type of change because it could lead to the creep of commercial uses into residential areas. Council Member Campbell agreed and stated he would prefer to delay an action on this until the City finishes updating the General Plan.

Council Member Cortney stated he is not necessarily opposed to the use, but he does agree with Council Member Bills and Campbell positions. He does not feel that this is an appropriate home business, or if it were classified as a home-based business, the business owner would need to live there.

The Council concluded they would like to wait until the General Plan update is complete before taking any action related to this property. Mr. Irving asked if he could be permitted to move back onto the property and operate his business from there until the General Plan is complete. Mayor Ostler stated that would be a zoning violation. The Council conferred with Mr. Patterson to determine if any type of temporary use permit could be granted for the property. Mr. Patterson stated the only real option would be to adopt the text amendment and repeal it in six months when the General Plan update project is complete. The Council did not support that option.

Council Member Scott L. Smith MOVED that City Council REJECT and DENY the proposed amendments to Highland Municipal Code 5.08.050(A). with the request that some of these issues be addressed in the general plan with a possible rezone of the area.

Council Member Ron Campbell SECONDED the motion.

Council Member Cortney stated this is a difficult situation; he would like to find some way for Mr. Irving to operate his business on the property, especially given that all neighboring property owners have offered their support. However, he does not see a legal path for doing so 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>

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

The motion carried 5:0

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.

City Attorney/Planning & Zoning Administrator Patterson explained on 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). 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.

Mr. Patterson facilitated discussion among the Mayor and Council regarding the three options presented; there was a focus on whether the City requires a permit for the installation of a fence and whether such a permit offers a resident any protection against future actions from the City, such as a change to a zoning regulation that could require the relocation of the fence; existing conditions throughout the City; and the catalyst for this proposed text amendment.

Council Member Ron Campbell MOVED to amend the code for the limited exception allowing privacy fences on double-fronted lots up to 50% of rear property line length.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 3:2

Mr. Patterson stated he will prepare an ordinance using the direction provided by the Council; the ordinance can be presented for expedited action during the next business meeting.

- 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.

City Attorney/Planning & Zoning Administrator Patterson explained the applicants, Alma and Imeila Fonua, sought a business license (as required by the State) to operate an adult daycare facility as a home occupation. The Highland City Code defines “daycare” as an operation related to children, not adults; however, because adult daycare is for care of a person with a disability, the facility can be approved as a residential facility for the disabled. He presented images of the subject property and the surrounding neighborhood to orient the Mayor and Council to its location and explained residential facilities for the disabled are considered a permitted use in all residential zones of the City. The use is protected by City, State, and Federal antidiscrimination laws; so long as the facility operates as a common household, family-type environment, the facility cannot be treated less favorably, or have greater restrictions, than other residences. The use is regulated by State Law and a State license is required. He reviewed the City Code requirements for the use, emphasizing that no more than four unrelated individuals can live in the home at a given time. The applicant has indicated there will be just one client on-site at a time. Staff believes that all requirements of City Code are satisfied, and that the facility will not be a materially different type or nature of impact or use from other residential uses in the area. Staff recommends that the City Council grant zoning approval to Supportive Stay for the property located at 9992 North Dorado Way.

Council Member Bills asked if this is a legislative or administrative action, to which Mr. Patterson answered it is more of an administrative approval. Council Member Bills stated that means that the City Council does not have the option to deny the application if the applicant is able to meet all requirements. Mr. Patterson stated that is correct. Council Member Bills asked if the City would be required to allow this property to be used as a treatment facility if the zoning approval for a residential facility for the disabled is granted. Mr. Patterson stated that could potentially be the case; such an issue arose for another property in the City, but in that case the applicant requested an exception to the City’s standard rules regulating no more than four unrelated persons in the home at a time. This applicant is not requesting an exception and he is not concerned about approval of this application setting a precedent for other similar future applications. Council Member Bills stated she will support the application given it is administrative in nature, but she would not be in favor of loosening any restrictions for the property in the future. Council Members Rodela and Smith agreed.

Council Member Smith asked how the facility will be monitored to determine that they do not exceed four unrelated individuals in the home. Mr. Patterson stated the City does not actively monitor the facility, but they will be required to annually renew their business license and State license. Any inspection or enforcement of the City Code will be complaint driven.

Mayor Ostler asked if the homeowner must be present and counted as one of the four unrelated individuals, or if a business employee and three additional individuals would be counted as the four unrelated. Mr. Patterson stated that one of the individuals should be a resident of the home. Mayor Ostler asked if the property must be owner-occupied. Mr. Patterson answered yes because the application is for a home occupation license. Council Member Campbell stated he is very concerned about the definition of ‘four unrelated individuals’ and the ability of the City to enforce that definition. He would like to address it in the future. Mr. Patterson noted that under

Federal Law, the definition of a family as four unrelated persons has been upheld. However, Federal Law also requires reasonable accommodations that could extend to zoning ordinances. Council Member Smith stated that he was a member of the Council when the City defined the term ‘family’ as including up to four unrelated individuals; the Council spent hours creating the definition in a manner that would not violate Federal Law but would also provide protection for neighborhoods that have expressed concerns about uses such as group homes being operated in a residential area. Council Member Campbell stated that he understands those concerns, but he disagrees with them because preventing those types of uses from locating in a specific community is not acceptable to him.

Council Member Cortney stated that if the requested use does not fall under the definition of a daycare because the City’s definition references ‘children’, it may be acceptable to remove ‘children’ from the definition to allow an adult daycare as a permitted home occupation in the future.

Mayor Ostler invited input from the applicant.

Alma Finua stated the home is owned by his brother, who is also the co-applicant for this facility; the home will not be used as a group home, and they plan to host just one disabled person at a time in the residence. He stated that it will not be a rehabilitation center and is truly just an adult daycare for adults with disabilities. He does not plan to grow at this location but may pursue other host homes in the community.

Council Member Doug Cortney MOVED that City Council GRANT zoning approval for Supportive Stay LLC for the residential facility located at 9992 N. Dorado Way.

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

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.

City Attorney/Planning & Zoning Administrator Patterson explained 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. 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. 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.

Discussion among the Mayor, Council, and staff centered on the terms of the annexation agreement that was previously considered for this property, with a focus on the appropriate City for the entire property to be located in and to be served by. The Council communicated to staff a preference for utility and road improvements of 9600 North and dedication of the full right of way on both sides of the property.

Mayor Ostler invited input from the applicant, who indicated they had nothing to add to Mr. Patterson's summary of the application.

Council Member Scott L. Smith MOVED that City Council ADOPT and APPROVE the resolution accepting the Smith annexation petition for further consideration.

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>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

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.

City Attorney/Planning & Zoning Administrator Patterson explained 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; 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. 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.

Council Member Bills stated that she appreciates all the effort City staff has dedicated to this issue; she personally loves the Alpine School District and all five of her children have attended schools in the District, where they have received a great education. Her vote on this matter is not an expression of non-support for the Alpine School District. One of the things the Council has learned over the past few months is that residents are strongly supportive of placing this issue on the ballot to allow them to vote on the future of the District. She has full confidence in the residents and their ability to research this complex issue and make a decision on what is best for their children and all children in the area. Residents value education, teachers, and students and that is what they will rely upon when making their own decision on this issue.

Mayor Ostler stated this has been a very long process and he agreed that residents want the opportunity to vote on this matter.

Council Member Ron Campbell MOVED that City Council ADOPT and APPROVE the resolution approving the proposal to submit the proposed new school district to the voters residing within the proposed new school district boundaries for approval or rejection.

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>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. 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.

City Attorney/Planning & Zoning Administrator Patterson reviewed the current State law regulating campaign finance:

- \$50 anonymous donation
- No other general restrictions on donations (except conflict of interests)
- Campaign finance disclosures due:
 - 7 days before primary and 30 days after primary (if eliminated)
 - 28 and 7 days before municipal election

- 30 days after municipal election

Proposed amendments to the City's campaign finance regulations include:

- Candidates must adhere to same conflict of interest standards as elected officials, though filing conflict of interest disclosures is optional.
- Prohibits donations over \$1,000 from any person/ entity with a land use or code amendment application that was filed or pending approval within calendar year of election.
- Allows correction of prohibited donations by refunding them or paying them to the City after receiving notice.
- Imposes an infraction penalty and fine for failure to correct a prohibited donation, with a second infraction within a year also disqualifying the candidate from election.

Mr. Patterson noted he has provided the following additional recital in the proposed ordinance, but indicated the Council can make their own policy decision regarding whether to include the recital in the approved document: "WHEREAS, the Highland City Council further finds that the regulations are narrowly tailored because they do not regulate specific content or candidates; they restrict only large donations (which traditionally are a small number of the total donations for city elections) that are the types of donations most likely to be or give the appearance of a conflict of interest; they restrict only donations from those persons or entities that are most likely to result in a conflict of interest for a candidate; they do not restrict all potential donations but focus on the most egregious cases; and they provide a clear warning and two-strike correction process that avoids harsh and punitive enforcement in favor of voluntary correction and transparency while still providing for fair enforcement that does not depend on how the donations are used."

Council Member Campbell stated that he supports this ordinance in the vein of protecting the City from a potential conflict related to campaign donations that could be interpreted as being large enough to influence a Council Member's position on a certain application. He stated he feels most opportunities for conflict arise from donations from land use applicants.

Council Member Rodela stated that sometimes when a problem is observed, an attempt is made to fix it, but more problems are created. She feels that will be the case with this ordinance. If a developer wants to donate to someone's campaign, but they are prevented from doing so because of the ordinance, they may simply choose to donate as a private individual and their donation could actually be higher than \$1,000. When the donation is recorded, it will be recorded under the individual's name, rather than the developer, and this limits the transparency for residents who review campaign finance reports to determine who a candidate is supported by. She stated there will always be conflicts of interest in campaigns and she is concerned about discriminating between the types of businesses or individuals that can donate to a campaign. The State already has campaign finance regulations and will monitor and enforce those regulations.

Council Member Smith inquired as to the origin of the \$750 penalty proposal. Mr. Patterson stated that is the maximum infraction amount set by State law, but the Council can adjust the penalty downwards if they deem appropriate. Council Member Smith asked what becomes of an illegal campaign donation if it is not returned to the person who made the donation. Mr. Patterson stated that the City could make policy decisions about where the money should be allocated in the City's budget if the candidate is unable to return the donation to its original source.

Council Member Rodela asked what other cities in Utah have regulations similar to what has been proposed. Mr. Patterson stated there is no other similar restriction in Utah; some cities have greater anonymous donation limits, but they do not restrict the amount that can be donated by a developer or land use applicant.

Council Member Cortney asked if the City could mandate that any unreturned illegal campaign donation be

dedicated to the State rather than to the Highland City budget in order to avoid any appearance of impropriety in terms of enforcing the campaign finance ordinance. The Mayor and Council expressed opposition to dedicating any campaign donation to the State; the City regularly enforces its ordinances and collects penalties associated with violations.

The Mayor and Council then discussed the different reasons that any business or individual would donate to a municipal candidate campaign; they participated in philosophical debate about whether it is appropriate to further regulate any type of donation or to rely upon the State's campaign finance regulations. Council Member Rodela stressed her opposition to the proposed ordinance. Mayor Ostler and Council Member Campbell expressed support for the ordinance, indicating they feel that the ordinance will help candidates to be more aware of the potential conflicts associated with accepting a large donation from a land use applicant. Council Member Cortney stated he does not feel strongly that the City needs to expand regulations on campaign finance, but he is supportive of increased transparency. He would like some sort of online platform where any candidate is required to post a campaign donation within 24 hours of receiving it. Council Member Rodela stated she also likes that idea and that could be something for the City to discuss with the State of Utah.

Council Member Smith asked where the \$1,000 campaign donation limit came from, to which Mr. Patterson answered it was a suggestion from Council Member Campbell. He stated that could be changed to any amount. Council Member Cortney reminded the Council that a resident spoke earlier this evening and suggested that number be reduced to \$500.

Council Member Ron Campbell MOVED that City Council ADOPT and APPROVE the proposed amendments related to campaign donations, with the additional recital.

Council Member Doug Cortney SECONDED the motion.

Council Member Doug Cortney AMENDED the motion to set the limit at \$500, rather than \$1000.

Council Member Ron Campbell SECONDED.

The vote for the amended motion 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>No</i>
<i>Council Member Scott L. Smith</i>	<i>Abstain</i>

The motion carried 3:1

The vote for the original motion 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>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:1

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.

Assistant Public Works Director Murdoch explained staff recommends the purchase of three 2024 F150 pickup trucks and one 2024 Transit Van to add to the City’s current fleet of vehicles. The pickup trucks will be added to the rotation of Public Works trucks and the van will be used in the Parks Department as a sprinkler repair vehicle.

Council Member Smith stated there are some areas of the City where the landscaping is struggling and does not look great; he asked if that is due to the City being short staffed or limited in the equipment available for maintaining sprinklers and landscaping. Mr. Murdoch state the City is currently fully staffed, but the sprinkler system is large and difficult to maintain; the budget includes an additional position to improve sprinkler maintenance and repair to address this issue. City Administrator Wells added that some areas have pressure problems and that contributes to dead spots in grass. Council Member Smith stated that the complaint he hears most frequently is that the City spends hundreds of dollars on each tree but lets them die due to insufficient water/maintenance. He would like for the City to prioritize keeping these expensive trees alive.

Council Member Scott L. Smith MOVED 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, noting that the money is already in the budget.

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

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*

City Attorney/Planning & Zoning Administrator Patterson explained that according to State Law, a person may not operate a golf cart on a public street, unless the City authorizes it and regulates safety. Police Chief Gwilliam added that the City is experiencing issues with kids operating golf carts on City streets. Children do not have experience driving and this type of vehicle is not meant to be on a City road. They do not have turn signals, brake lights, or horns, all of which are required for any all-terrain vehicle (ATV) that is allowed to be driven on a City street. Additionally, the lowest speed limit on a City street is 25 miles per hour and golf carts cannot travel at that speed. In July of 2023, Alpine City had a serious accident involving teens operating a golf cart on a public

street; and this July, a 13-year-old child who was operating a golf cart in Roosevelt was killed in an accident. Many cities are experiencing problems with golf carts, and he wanted to discuss the matter with the Mayor and Council to determine what types of regulations they would like to implement and enforce. He facilitated discussion among the Mayor and Council regarding current regulations for ATVs and whether similar regulations would also be appropriate for golf carts; they also discussed whether use of golf carts may be appropriate for private developments, particularly those near a golf course. Council Member Bills stated that Nephi and St. George cities have enacted ordinances regulating golf cart operation in neighborhoods near a golf course. Council Member Campbell stated he would like for staff to look into a similar ordinance to make certain areas of the City golf cart friendly. Council Member Bills stated that she spoke with representatives of Lehi, Cedar Hills, Alpine, and American Fork cities and none of them are considering allowing golf carts based on concerns about safety. They expressed that it would be convenient for all neighboring cities to have the same rules and regulations to avoid confusion. She found Riverton and Pleasant Grove have recently had issues with golf carts; kids as young as eight years old are operating golf carts and they do not understand the traffic laws. Her preference is to keep the City's rules in line with State laws and rather than using staff resources to research the issue, any resident interested in a law change should be charged with that work. Council Member Smith agreed and noted that he has observed safety issues with small, motorized motorcycles or scooters that are being operated on City trails and sidewalks. Council Member Cortney stated he is also concerned about safety, and he is inclined to rely upon the current State laws rather than explore a City ordinance change to regulate golf carts. Mayor Ostler concluded that three Council Members do not want to direct staff to research the issue; if any change is to be considered by the Council it must be citizen driven. Council Member Campbell stated that it is the City Council's role to better the community and he feels that City resources should be used to research the issue. Council Member Bills stated she has done her own research and is also not inclined to consider an ordinance change to allow golf carts on public streets. If a resident performs their own research and reaches a different conclusion, she is happy to consider it, but she does not want to use staff resources to further research the issue.

b. Flock Cameras *Brian Gwilliam, Police Chief*

Police Chief Gwilliam reported on the Lone Peak Public Safety District (LPPSD) use of flock cameras as an increased law enforcement mechanism. He cited specific incidents for which flock camera video has been instrumental in solving a crime and asked for Council consideration of an agreement that would allow for the installation of additional flock cameras in Highland City; the cost would be \$3,000 per year per camera, for three years and the suggestion locations of the cameras are:

- Timpanogos Highway and Mouth of Canyon
- North County Boulevard and Summerfield Drive
- Alpine Highway and 9600 North
- Highland Boulevard and Grant Boulevard
- Timpanogos Highway and 6600 West
- 9600 North and 6000 West
- 9600 North and 6800 West

There was discussion among the Mayor and Council regarding the use and protection of any data collected with the cameras and the hardware and software costs for the service. Chief Gwilliam clarified that the software costs of \$2,500 per year will be paid for by the LPPSD. The Council concluded they are supportive of the agreement to obtain and install flock cameras in the City and Mayor Ostler indicated Administration will present a budget adjustment to the Council to authorize funding for the cameras.

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

City Attorney/Planning & Zoning Administrator Patterson reviewed the City's current accessory structure rules for the different zones allowed in Highland City. Council Member Smith cited a specific accessory structure in the City that overwhelms the lot it is located on and is not appropriate for the zone it is located in. He suspects that it was built to house a rental unit, rather than to serve as a pool house and he wants to consider adjustments to setbacks and lot area the building consumes. Council Member Rodela noted that the City already has regulations to address rental units; she asked if the biggest concern was that the accessory structure may be used as a rental unit or that it was too large. Council Member Smith answered residents are concerned about both. This led to discussion of the difference between an accessory structure and a dwelling unit; Mr. Patterson indicated that allowing bathrooms and kitchens in a building contributes to it being classified as a dwelling unit. Council Member Smith stated that he is interested in a text amendment that would help to prevent an accessory structure from being used as a dwelling unit.

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

Mayor Ostler discussed frustrations that arose during the last election cycle regarding election signage regulations. He asked the Council if there is any appetite to revisit the signage ordinance specific to election signage. City Attorney/Planning & Zoning Administrator Patterson stated that the City could allow a free speech zone where signs of any nature could be placed for a specified length of time; however, content restrictions could not be imposed. Council Members Cortney, Bills, and Rodela indicated they are comfortable with the current signage regulations. Council Member Smith stated he would be interested in having more discussion about the issue in advance of the next election; if there are too many barriers to advertising one's candidacy, people may not run for office.

Council Member Doug Cortney MOVED to extend the meeting to 10:30 pm

There was no SECOND. Motion failed.

Council Member Ron Campbell MOVED to extend the meeting to 10:15 pm

Council Member Scott L. Smith SECONDED the motion.

All voted in favor, except Council Member Brittney P. Bills. The motion carries 4:1

Council Member Smith stated he would like for staff to research the issue for further discussion. The Council debated whether one Council Member has the authority to direct an item to be placed on an agenda for discussion; this led to revisitation of the golf cart issue as City Administrator Wells acknowledged that two Council Members can direct an action item on a certain issue. The Council concluded a discussion item regarding campaign signs can be added to a future agenda at Council Member Smith's request.

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

This item will be discussed at a later meeting.

f. 4800 West MAG Funding Update *Kurt Ostler, Mayor*

Mayor Ostler stated that the City did not receive funding from the Mountainland Association of Governments (MAG) for the 4800 West project. He reported on the discussion of the project during the recent MAG meeting; he stated that a project regarding Provo Airport was added to the list of projects after a deadline for finalizing the list of projects being considered for funding. Many Mayors were concerned with this project, but the

explanation that was provided was that the project is needed due to the fact that the State of Utah will be hosting the Winter Olympics in 2034. He then noted that the City's project is next in line for receiving funding if any of the funded projects do not go forward. He added that a fifth quarter tax was approved in the County, but it appears that the money generated by that tax that should have gone to Utah County was instead given to the Utah Transit Authority (UTA) and it has been deposited into their General Fund; Utah County Mayors are looking into the problem and will work to resolve it.

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

Assistant City Administrator/Community Development Director Baughman provided a community development update, which included the City's receipt of an updated site plan for Highland Mains; submittal of the moderate-income housing report to the State of Utah; the status of the General Plan update project;

City Administrator Wells then referenced the Council's earlier action to place a question on an upcoming election ballot regarding the creation of a new school district. State Law indicates that if the ballot measure is approved, the new district must be named within 30 days. She does not want the City to spend money advocating for any given name for the District, but Administrative staff recommends that the district be called Central School District with the understanding that the future school board can change the name. Council Member Campbell suggested Central School District as a placeholder name for the potential district.

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

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

The meeting adjourned at 10:17 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 August 6, 2024. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder

**Welcome to the Highland
City Council Meeting**

August 6, 2024

Please Sign the Attendance Sheet



1



7:00 PM REGULAR SESSION

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

2



UNSCHEDULED PUBLIC APPEARANCES

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

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

3

CONSENT ITEMS *(5 minutes)*

3a. Approval of Meeting Minutes: June 18, 2024 Special City Council Meeting *General City Management*

3b. Approval of Meeting Minutes: June 18, 2024 Regular City Council Meeting *General City Management*

3c. Approval of Meeting Minutes: July 2, 2024 Regular City Council Meeting *General City Management*

4

Motion to Approve

I move that the City Council approve consent items 2a, the meeting minutes from June 18, 2024 (Special Meeting), 2b, June 18, 2024 (Regular Meeting), and 2c, July 2, 2024 (Regular Meeting).

5



**TEXT AMENDMENT – HOME
OCCUPATION CODE FOR HOMES THAT
FRONT ON SR 92** *Municipal Code
(Legislative)*

Item 3a – Action/Ordinance
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

6

Background

Municipal code text amendment applied for by Bryan Irving / Irving Investments / Tile Ram

- Tile Ram is a demolition business
- July 2023 bought residential lot at 4922 W 1100 N
- Improved property (fence, asphalted parking areas) to park trucks/trailers

7

Vicinity Map

8

Property View

9

Background

- Began operations without communicating with City
- In discussion with code compliance, Tile Ram has applied for business license, which remains pending, and has stopped storing vehicles/equipment on property during code amendment process
- Seeks to amend City municipal code to allow non-resident employees, similar to current exceptions for daycares and preschools, but limited to homes that front onto SR-92

10

Current Home Occupation Regulations

- No non-resident employees, unless daycare or instruction
- Customers permitted, but cannot generate excessive pedestrian or vehicular traffic for zone
- Maintenance/service/advertising vehicles must be stored out of view
- No more than 25% of home allowed to be used

11

Requested Code Amendment

- "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."

12

Potential Limitations

Potential limitations on code amendment for consideration:

- 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]

13

Potential Limitations

Potential limitations on code amendment for consideration:

- 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.

14

Recommendation and Options

- Staff recommends that Council hear from the applicant and determine whether to approve the code amendment and on what conditions
- Legislative decision – approve or deny in discretion
 - Can adopt as presented
 - Can adopt with some or all of proposed limitations
 - Can take alternate approach (make these types of businesses CUPs or require PC/Council approval)

15

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 staff-proposed conditions A through G or additional or different conditions.]

16

Motion to Deny

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

17



FENCE REGULATIONS - DOUBLE-FRONTED LOTS

Development Code Update (Legislative)

Item 3b - Action
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

18

Background

As part of fence regulation amendments considered on July 2, 2024, the Council continued discussion of fencing for double-fronted lots

- Double-fronted lots = lot with a street on front and rear property lines
- Corner-lots = lot with street on front and side property lines (fencing not amended per Council)

19

Fence Regulations

- On side/rear property lines, fences must be either:
 - Privacy fences and set back 14' from the back of curb on all sides that abut a street (leaves -5' of property between sidewalk and fence)
 - Open fences on property line.
- For double-fronted lots, this means that rear property line fences must either be open style or set back 14' from curb

20

Double-Fronted Lot Fence Options

- No change
- Amend code to remove setback requirement for rear lot line privacy fences.
 - May lead to some privacy fences on sidewalk (rear lot) next to privacy fences that were required to be set back (corner lot)
- Limited Exception – allow privacy fences on double-fronted lots up to 50% of total rear fence/property line
 - Facilitates fencing where the lot is not fully double-fronted

21

Example 1 – Double-Front near Corner

22

Example 2 – Complied with Setback

Limited exception wouldn't change

23

Example 3 – Westra Variance

24

Example 3 - Westra Variance

- Westras applied for and obtained a variance allowing them to keep their privacy fence adjacent to the street
- Limited exception option would allow this fence without a variance

25

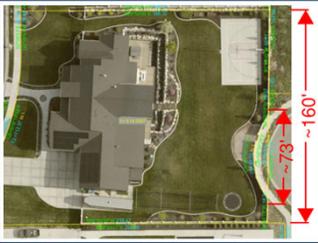
Example 4 - Shipley



26

Example 4 - Shipley

- Limited exception option would allow this fence



27

Double-Fronted Lot Fence Options

- No change
- Amend code to remove setback requirement for rear lot line privacy fences.
- Limited Exception allowing privacy fences on double-fronted lots up to 50% of rear property line
- If council wants to amend, council can give direction and staff will bring it back as expedited item

28

Motion For No Amendment

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

29

Motion For 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.]

30



ZONING APPROVAL FOR RESIDENTIAL FACILITY FOR THE DISABLED *Land Use (Administrative)*

Item 3c - Action
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

31

Background

- Applicant (Alma & Imeila Fonua) sought a business license (as required by the State) to operate an adult daycare facility as a home occupation
- City code defines “daycare” as related to children, not adults
- Because adult daycare is for care of a person with a disability, facility can be approved as a residential facility for the disabled

32

Vicinity Map



33

Residential Facilities for the Disabled

- Permitted uses in all residential zones
- Protected by city, state, and federal antidiscrimination laws - so long as the facility operates as a common household, family-type environment, the facility cannot be treated less favorably (or have greater restrictions) than other residences
- Regulated by state law - requires state license

34

City Code Requirements

- Licensed by state
- Occupied by resident staff and person(s) with a disability
- No more than 4 unrelated individuals
 - Applicant indicated there would be one client at a time
- Adequate personal space
- Voluntary residency

35

City Code Requirements

- No direct threat by occupants to other persons or property
- Comply with building codes and governing laws
 - Building permit issued for building
 - Applicant has signed compliance affidavit
- Obtain approval of site and safety plan (parking, security, circulation, visitation hours)
 - Security plan provided (controlled access, visitor logs, cameras at exits)
 - Visitation hours 9 AM to 7 PM daily

36

City Code Requirements

- Parking Plan –
 - 4 on-site parking spaces (2 garage, 2 driveway)
 - City code generally requires minimum of 6, but has a calculation for total number of parking spaces based on actual occupants, which would require 3 spaces
 - Permitted use in all residential zones, and applicant cannot modify driveway/home (per both Ridgeview PD and City Code limitations) to add more parking
 - Staff believes parking is adequate

37

City Code Requirements

- Must maintain residential character of home without structural or landscaping alterations that would leave property not in harmony with neighborhood
- ¼ mile separation from other Highland facilities
- Carry insurance
- Obtain and maintain city business license
- Notify property owners within 500' (July 18)

38

Staff Recommendation

- Staff believes that all requirements of City Code are satisfied and that the facility will not be a materially different type or nature of impact or use from other residential uses in the area
- Staff recommends that the City Council grant zoning approval to Supportive Stay for the property located at 9992 N Dorado Way

39

Motion to Approve

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

40



SMITH ANNEXATION *Land Use* (Legislative)

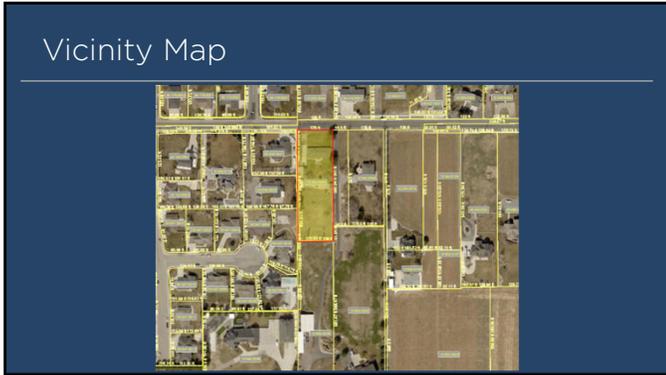
Item 3d - Action/Resolution
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

41

Background

- 2023 annexation that expired after 1 year of non-completion
- Owner of property is working with a developer who desires to complete annexation and subdivision as approved in 2023
- New annexation process must be completed

42



43

Annexation Process

- Notice of Intent - Resolution -- HERE
- Certification of Petition
- Public Protest Period
- Public Hearing
- Action & Annexation Agreement

44

Annexation Policy Expansion Plan

- The subject property is included in expansion plan
- The plan includes planned zoning; because this property is south of 9600 N, the planned zoning is R-1-20
- To subdivide, the property has enough square footage for 2 lots if the applicant can use the city-owned parcel to the east as road frontage

45

Annexation Agreement

- 2023 annexation resulted in the Council tentatively approving the annexation subject to an annexation agreement
 - R-1-20 zoning
 - Road improvements with one concession approved by Council related to City parcel
 - Utility improvements, impact fees, PI water dedication
 - Ditch improvements

46

Public Improvement Requirements - Utilities

- **Culinary** - culinary shares not needed; water line to be extended down to service the new lot; meter fees required with the building permit
- **Pressurized Irrigation** - water share dedication; required to connect both lots to PI; impact fees
- **Sewer** - required to connect both lots to city sewer; will need to pay all applicable impact fees (city sewer & TSSD)
- **Storm Drain** - improvements based on percolation rates; provided by the subdivider with the civil plan application
- **Lehi Irrigation** - abandoned ditch on west side of property; will need to be removed and filled as required by Lehi Irrigation

47

Public Improvements - Street

- 9600 N
 - ROW dedication + curb, gutter, sidewalk, and additional asphalt as needed
- Highland City Parcel
 - Half-street improvements with 20' of asphalt (normally 27' - half + 10') along the portion that abuts the Smith's property; additional sidewalk requirement along future cul-de-sac
 - Dedicated as ROW in subdivision plat; additional 1.5' be dedicated to meet standard 56' and future cul-de-sac
 - Fire marshal recommends requiring temporary turnaround and red-stripping east side of asphalt to ensure access (not previously required)

48



49

Summary of Request

- R-1-20 Zone
- Sewer, culinary, and PI connections to southern lot through the City-owned parcel
- 9600 N improved to city Standard
- New road along City parcel be developed as approved in 2023 (20' asphalt, half-road improvements)

50

Motion to Approve

I move that City Council ADOPT and APPROVE the resolution accepting the Smith annexation petition for further consideration. [Council can give additional direction on changes to annexation agreement]

51

SCHOOL DISTRICT RECONFIGURATION – APPROVAL FOR BALLOT

General City Management

Item 3e – Action/Resolution
Presented by – Rob Patterson, City Attorney/Planning & Zoning Administrator

52



53

Purpose

- City councils of Alpine, American Fork, Cedar Hills, Draper, Highland, and Lehi each decide whether to hold a vote on the creation of a new central school district
- If approved, the ballot proposition will be on November 2024 ballot for voters within the new Central School District
- Cities do not create the district – voters decide

54

Voting Results

- If majority vote against district:
 - New district is not created
 - Cities remain within Alpine School District (as possibly reconfigured due to western cities' vote to split)
- If majority vote in favor of district:
 - New district is created but does not begin operations
 - New school board elected November 2025
 - New school board works with ASD board to reconfigure district assets, property, debts, etc.
 - New district/board begins educational operations July 2027

55

Future Issues

- New school board will ultimately be responsible for decisions regarding funding, school resources, educational services, employment policies, benefits, and decisions

56

Public Comments

- Highland City held public hearings on July 2 and July 16
- Several residents spoke or submitted comments regarding the district split
- Additional public comments received through centralschooldistrict.org
- ASD MGT study found that "there is strong sentiment to put the reconfiguration question to a community-wide vote"

57

Motion to Approve

I move that City Council ADOPT and APPROVE the resolution approving the proposal to submit the proposed new school district to the voters residing within the proposed new school district boundaries for approval or rejection.

58



CAMPAIGN FINANCE AMENDMENTS

Municipal Code Update (Legislative)

Item 3f - Action/Ordinance
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

59

Campaign Finance Regulations

- Current State Law
 - \$50 anonymous donation
 - No other general restrictions on donations (except conflict of interests)
 - Campaign finance disclosures due:
 - 7 days before primary and 30 days after primary (if eliminated)
 - 28 and 7 days before municipal election
 - 30 days after municipal election

60

Proposed Amendments

- Candidates must adhere to same conflict of interest standards as elected officials, though filing conflict of interest disclosures is optional
- Prohibits donations over \$1,000 from any person/ entity with a land use or code amendment application that was filed or pending approval within calendar year of election
- Allows correction of prohibited donations by refunding them or paying them to the City after receiving notice
- Imposes an infraction penalty and fine for failure to correct a prohibited donation, with a second infraction within a year also disqualifying the candidate from election

61

Additional Recital

- WHEREAS, the Highland City Council further finds that the regulations are narrowly tailored because they do not regulate specific content or candidates; they restrict only large donations (which traditionally are a small number of the total donations for city elections) that are the types of donations most likely to be or give the appearance of a conflict of interest; they restrict only donations from those persons or entities that are most likely to result in a conflict of interest for a candidate; they do not restrict all potential donations but focus on the most egregious cases; and they provide a clear warning and two-strike correction process that avoids harsh and punitive enforcement in favor of voluntary correction and transparency while still providing for fair enforcement that does not depend on how the donations are used;

62

Motion to Approve

I move that City Council ADOPT and APPROVE the proposed amendments related to campaign donations. [with the additional recital]

63



APPROVAL OF VEHICLE PURCHASES

General City Management

Item 4a - Expedited
Presented by - Jeff Murdoch, Assistant Public Works Director

64

Truck Purchase

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.

65

Motion to Approve

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.

66



GOLF CARTS ON PUBLIC ROADS

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

67



FLOCK CAMERAS

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

68



ACCESSORY STRUCTURES RESTRICTIONS AND RIDGEVIEW PD

Item 5c - Communication
Presented by - Scott L. Smith, Council Member
Rob Patterson, City Attorney/Planning & Zoning Administrator

69

Accessory Structures - Current Rules

- Accessory Structure: >200 sq ft or perm foundation
- R-1-40: 6' home, 10' rear/side, 5% lot coverage (7% if over 2 acres, limited 8k sqft)
- R-1-30: 6' home, 10' rear/side, 7% lot coverage
- R-1-20: 6' home, 10' rear/side, 7% lot coverage
- Ridgeview: 6' home, 8' rear/side, 10% lot coverage
- Wild Rose: 6' home, 5' rear/side, ?
- Skye Estates: R-1-40

70



SIGN CODE

Item 5d - Communication
Presented by - Kurt Ostler, Mayor
Rob Patterson, City Attorney/Planning & Zoning Administrator

71



4800 WEST MAG FUNDING UPDATE

Item 5f - Communication
Presented by - Kurt Ostler, Mayor

72



COMMUNITY DEVELOPMENT UPDATE

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

73



FUTURE MEETINGS

- August 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 20, City Council Meeting, 7:00 pm, City Hall
- August 27, Planning Commission Meeting, 7:00 pm, City Hall
- September 3, City Council Meeting, 7:00 pm, City Hall
- September 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 17, City Council 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 items as provided by Utah Code Annotated §52-4-205.

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

75