



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 20, 2024

Approved September 17, 2024

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Scott L. Smith

Pledge of Allegiance: Council Member Ron Campbell

The meeting was called to order by Mayor Pro Tem Brittney P. Bills 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 Scott L. Smith and those in attendance were led in the Pledge of Allegiance by Council Member Ron Campbell.

PRESIDING: Mayor Pro Tem Brittney P. Bills (Mayor Kurt Ostler - via Zoom)

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, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Wesley Warren, Nate Woodbury

1. 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 11, 2024 - Site Tour

b. Approval of Meeting Minutes General City Management

Stephannie Cottle, City Recorder

July 16, 2024

c. Amended Reimbursement Agreement for Millhaven Development (Pressure Reducing Valve and Canterbury Trail Connection) General City Management

Jeff Murdoch, Assistant Public Works Director

The City Council will consider approving an amended contract with Millhaven Development LLC to reimburse them for the increased cost of installing a Pressure Reducing Valve (PRV) and the Canterbury trail connection.

Council Member Cortney asked to remove item 2c from the consent agenda; he then cited one requested change in the July 16, 2024 meeting minutes, which he has provided to City Recorder Cottle. It was a typographical error that does not change the content of the minutes.

Council Member Doug Cortney MOVED that the City Council approve consent item 2a, the approval of meeting minutes from July 11, 2024 and 2b, amended meeting minutes from July 16, 2024.

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

Regarding agenda item 2c, Council Member Cortney stated he believes there was a change to the amount in the agreement. Assistant Public Works Director Murdoch indicated the agreement was amended to state the actual cost of the improvements and to remove the 10 percent contingency.

Council Member Smith stated that the Council approved \$106,000 for this project, with a 10 percent contingency. He expressed concern regarding the new contract amount exceeding the original approval plus the contingency. Mr. Murdock stated he understands the concern, but the original approval was based on estimates and not solid bid numbers.

City Attorney/Planning & Zoning Administrator Patterson stated that Administration analyzed whether it would be possible to approve the new contract amount without Council input but felt that would defeat the purpose of requiring Council approval of these types of contracts/budget matters.

Council Member Cortney stated that one other clarification is that the agreement included in the packet for this meeting does not make any reference to being an addendum or superseding a previous agreement, but it is the case that the original agreement was never executed by Millhaven Development. Mr. Murdoch stated that is correct.

Council Member Scott L. Smith MOVED that the Highland City Council approve consent agenda 2c, Amended Reimbursement Agreement for Millhaven Development (Pressure Reducing Valve and Canterbury Trail Connection) in the amount of \$120,273.42.

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

2. UNSCHEDULED PUBLIC APPEARANCES

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

Nate Woodbury stated he wanted to provide an update on the fencing quotes for Alpine Highway. He stated the initial quote for precast fencing for the length of six houses was \$105,000, and the bid for the other fencing material option was \$90,000. He stated that he wishes to spend the additional money on the precast fence since it is not a significant price difference. He shared his thoughts on the precast fencing material; it has the longest life span since it is the most durable. In talking with former Mayor Adamson, he learned that the reason the City chose the fencing style it did was that the area was the ‘gateway’ to Highland City. He thinks it can become that again but requiring clustering has actually hindered some from proceeding with the fence replacement. If the goal is to achieve a theme wall, that will be difficult if clustering is required. He stated that he knows there are eight households that are ready to move forward, but two houses that are not and that is holding the area up because it does not comply with the clustering requirement. He asked that the Council consider approving the same parameters as were discussed a month ago, but for precast concrete fencing through Olympus Fencing, and removing the requirement for clustering. He stated another concern is the potential for ‘hodge-podge’ fencing along the corridor; he feels that requiring a certain fencing material and offering a \$50 per linear foot incentive will be the best option for ensuring a theme wall. Removing the clustering requirement will leave gaps in the precast fencing, but he believes those will be filled in during the coming years as people are able to move forward with the expense.

3. ACTION ITEMS

a. ACTION: Alpine Highway Fence - Program Terms and Fence Material and Contractor *General City Management*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider modifying the approved Alpine Highway Fence Reimbursement Program related to program terms and approved fence material and contractor.

City Attorney/Planning & Zoning Administrator Patterson summarized the fence reimbursement program based upon action taken by the Council during their July 2, 2024 meeting:

- \$240,000 over 3 years (FY25, FY26, FY 27)
- \$80,000 available per year
- \$50 per linear foot as reimbursement
- Rhino Rock/foam-core concrete fence
- 5-home clustering required
- Resident required to repair damage to City/UDOT property

He presented the design and color palette the Council supported and summarized the quote provided by Olympus fencing on August 16, 2024:

- Base \$131.40 per linear foot

- May increase based on scale and property
- Does not include demolition of existing fence
 - Estimated at ~25 per linear foot
- Does not include restoration of sidewalk/landscape
 - Estimated at ~30 per linear foot
- Total estimated cost: ~\$186 per linear foot

The Council has considered other fencing options but rejected vinyl and foam core concrete. Replacing, repairing, or upgrading the wood would reduce the cost of demolition and restoration. A CMU/cinderblock material may be more expensive than pre-cast concrete and there are more contractor options; this option may have a lesser impact to landscaping/sidewalks along the corridor.

Council Member Smith stated there is a similar fence in Timp Cove. It has pillars very similar to the pillars used along Alpine Highway and he would like to consider the CMU/cinderblock wall between the existing pillars because of the reduced impact on landscaping/sidewalks. Mr. Patterson stated that staff can further explore that option, including soliciting bids from contractors, in order to give the Council additional options to consider. Council Member Campbell stated he would like to have more information about the CMU material but would like to consider changes to the clustering requirement.

Mr. Patterson stated that relative to clustering, the Council originally approved a five-lot clustering requirement to encourage greater uniformity in appearance with a fence change. Residents have indicated the five-lot clustering is hindering the project. Reducing clustering to three or less would increase the costs of the fencing due to the loss of economy of scale, according to Olympus Fencing.

Council Member Campbell stated he does not want to impose a clustering requirement and he feels that the matter will be resolved by neighbors who want to reduce their fencing costs by participating with their neighbors on the fence replacement. Council Member Smith agreed.

Council Member Rodela stated that the purpose of this project is to beautify the City; she feels that clustering is appropriate because she wants to avoid a patchwork outcome relative to the fencing, which defeats the purpose of the project. Council Member Smith stated that the clustering requirement does not change the cost to the City. Council Member Rodela agreed and stated that is not her concern; she is more concerned about beautification along Alpine Highway. Council Member Smith stated that the existing fence is ugly, and he would rather see some sections replaced to beautify as much of the area as possible, but this will be hindered if the clustering requirement remains in effect. Council Member Bills stated she agrees with Council Member Rodela, and she would support a clustering requirement of three homes. Council Member Cortney stated he also agrees with Council Member Rodela based upon the purpose of the project being the beautification of the City. However, Mr. Woodbury's argument is convincing to him in that there are several households near one another that want to proceed with the fence, but there are one or two between them that cannot proceed at this point. If clustering is required, that section of fencing will be delayed one or two years, and the program may be expired at that time. Removing the clustering requirement will allow replacement of certain sections of the fence to proceed sooner. This led to philosophical discussion and debate among the Mayor and Council regarding whether to uphold the clustering requirement and the appropriate use of tax dollars for this project.

Council Member Bills wondered why this item was placed on the agenda again after the Council had already voted on the program. Council Member Campbell stated he believes the Council can correct a mistake that was previously made, and he believes that requiring a five-home cluster was a mistake. Mr. Patterson stated that there were some unresolved issues relative to the fence replacement program and staff felt it appropriate to provide additional information regarding optional fencing materials and costs; additionally, there will be a policy discussion later in tonight's meeting regarding when it is appropriate to bring an agenda item back to the Council

after a vote has been taken. Council Member Smith stated that the Council did not have good information regarding the costs of demolition and repairs to landscaping; he feels it is important for the Council to have the opportunity to discuss new information and to consider whether the clustering requirement is appropriate.

The Council continued to discuss whether CMU/cinderblock fencing would be appropriate as a theme wall along Alpine Highway; Council Members Cortney, Rodela, and Smith indicated they want information regarding the cost of using CMU rather than precast concrete, including the potential impact to landscaping and sidewalks associated with using CMU. Council Member Rodela stated she also supports reducing the cluster requirement from five homes to three.

Council Member Kim Rodela MOVED that City Council ADOPT and APPROVE the ordinance repealing and replacing the previous reimbursement program, and establishing a new Alpine Highway Fence reimbursement program, changing the clustering from 5 consecutive homes to 3, and request staff to explore different fence materials.

Council Member Brittney P. Bills SECONDED the motion.

Council Member Doug Cortney AMENDED the motion to change the clustering from 3 consecutive homes to 1.

Council Member Scott L. Smith SECONDED the amended motion.

Vote on amendment:

The vote was recorded as follows:

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

The motion carried 3:2

Vote on motion as amended:

The vote was recorded as follows:

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

The motion carried 4:1

The Council requested that Nate Woodbury send a video of his findings regarding materials and costs to the City Council.

b. ACTION: 6400 West Culinary Pipe Connection *General City Management*
Jeff Murdoch, Assistant Public Works Director

The City Council will consider approving a contract with Skip Dunn & Sons Excavation connecting a 10' Culinary water main in 6400 West that is necessary for proper looping and system connectivity.

Assistant Public Works Director Murdoch provided an aerial image to orient the Council to the location of the project, after which he provided background information and discussed the need for the project. The City's water model plans for the proposed connection as it provides increased connectivity and looping which is necessary for the City's water system to function properly. While the system has thus far functioned adequately without this connection, the installation of the upcoming pressure regulating valve (PRV) makes this connection vital. The cost of this project is \$62,777.04 with a 10 percent contingency. Funding for this expense is included in account number 55-40-41, system repairs in the culinary water fund.

Council Member Cortney asked if there is a short answer as to why the PRV project makes this connection vital. Mr. Murdoch stated that the proximity of PRVs to the location of this project makes the connection vital in order to adequately supply water to the southern portion of the City.

Council Member Smith asked if staff are sure that the existing pipe is compatible, and that connection will be possible as planned. Mr. Murdoch answered yes; potholing has been performed to determine the current conditions of the line and to determine where the connection must be made.

There was a brief discussion regarding the bids that were obtained for the project and whether there is potential for the project cost to increase in the coming months. Mr. Murdoch stated he does not foresee any increase in the project cost.

Council Member Kim Rodela MOVED that City Council APPROVE a contract with Skip Dunn & Sons Excavating to add a 10" Culinary water main connection in 6400 W. and AUTHORIZE the City Administrator to sign the necessary contract in an amount of \$62,777.04 with a 10% contingency.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

4. EXPEDITED ITEMS

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

a. ORDINANCE: Fencing Setbacks for Double-Fronted Lots Land Use (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider amending the City's fencing regulations related to double-fronted lots.

City Attorney/Planning & Zoning Administrator Patterson explained on August 6 the Council directed staff to prepare an ordinance amendment to allow a limited exception to privacy fencing setbacks for double-fronted lots. The proposed exception allows a 14-foot from curb setback to be reduced if less than half of the rear property line is immediately adjacent to a street. The proposed amendment also directs staff to create, update, and

incorporate fencing diagrams, of which he provided an example.

Council Member Smith stated it seems there are many fencing exceptions in the Code, and he asked if that is difficult for the staff to enforce. Mr. Patterson stated that the exceptions that are being considered actually provide property owners with greater flexibility, but it does mean that staff needs to be aware of all exceptions and rules allowed. He stated that he believes that the exceptions will only apply to a small number of lots in the City. Council Member Smith stated that he is uncomfortable with allowing a fence to be located right up against a sidewalk. Mr. Patterson stated there will be areas where a fence may only be set back a few inches and he understands the safety concerns associated with this condition. Council Member Cortney stated he understands and agrees with the concern, but the condition should only exist on a very small number of lots that are double fronting.

Council Member Kim Rodela MOVED that City Council ADOPT and APPROVE the ordinance amending section 3-612 of the Development Code related to double-fronted lots.

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>No</i>

The motion carried 4:1

5. DISCUSSION ITEMS

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

a. Verizon Cell Tower Lease General City Management

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will discuss the potential to lease property within Mitchell Hollow Park to Verizon for a new cell tower.

City Attorney/Planning & Zoning Administrator Patterson explained Verizon has contacted City staff regarding potential sites for a new cell tower located generally between 6400 West and 6800 West along 10400 North. As part of those discussions, staff discussed the option of locating a tower on City property within Mitchell Hollow park near the City's well. Staff reviewed the site internally and determined that there were two locations near the well site that would be acceptable, as they would not interfere with the well or operations, are on non-landscaped ground, and would not directly impact any park facilities or the trail. Verizon has reviewed the proposed locations and determined that they may be suitable for their purposes. Attached to this report is a site map showing the two proposed locations. He presented images of the site to orient the Council to the potential location(s) of the towers. Staff is seeking feedback from the Council to determine whether to pursue a lease with Verizon and/or any stipulations to include in a lease agreement. The Mayor and Council engaged in discussion of the matter, with a focus on the public sentiment regarding cell phone tower projects, ultimately concluding to direct staff to continue exploring a lease option with Verizon and bring a proposal back to the Council.

b. Personnel Policies Update - Administrative Comp Leave & City Property When An Employee Leaves Employment General City Management

Erin Wells, City Administrator

The City Council will consider recommended edits and clarifications to the City Personnel Policies related to Administrative comp leave and how the City is allowed to charge for City property an employee retains when they leave employment.

Human Resource Generalist Andra explained administrative comp leave time is paid leave commonly provided by government employers to exempt, salaried employees who frequently work more than 40 hours per week, but due to their exempt status, are not eligible for overtime. For at least the past 11 years, Highland has been providing administrative comp leave to its exempt employees. These employees currently include the City Administrator, Assistant City Administrator, City Attorney, Finance Director, City Engineer, Assistant Public Works Director, and Library Director. While this leave is mentioned twice in the personnel policies, it is currently not fully defined and there has recently been some confusion about how it is intended to function. To provide clarity on the City's intention for the leave, staff has drafted a policy addition that fully defines administrative comp leave time. In summary, admin comp leave is 80 hours of paid leave per employee's anniversary year and is "use it or lose it" each year. The leave can be used for any purpose, and it is not eligible to be paid out to an employee if they separate employment with the City. Staff is also requesting a separate personnel policy amendment having to do with how the City can charge employees for items that are owned by the City and are not returned upon departure of the employee. The City's current policy states that the City cannot withhold pay if an employee retains City-owned equipment (such as tools or a computer) unless the employee has agreed to withholding payment in writing. To this point, the City has not required any kind of agreement, which subsequently puts the City at financial risk. As such, staff is recommending that the section requiring written approval to withhold pay be repealed. The City would still follow any state and federal law requirements related to withholding wages. To staff's knowledge, the City has not had any incidents with City staff where this has been an issue. It is simply an area of policy that was identified as something that should be corrected to prevent potential issues in the future.

Ms. Andra and City Administrator Wells engaged in discussion with the Council regarding different types of leave offered to employees as well as the number of paid holidays an employee receives. Council Member Smith stated that he does not recall the Council discussing or acting on the current leave policy that is being discussed tonight; this is a significant benefit, and he was not aware the City was offering it. Ms. Wells indicated a willingness to research the matter to determine if and when the Council took action to approve the current policy; she added that exempt employees earn some types of leave at a higher rate because they are not eligible to earn overtime pay, though they regularly work more than 40 hours per week.

Discussion then shifted to the policy regarding equipment issued to a City employee; Council Member Courtney stated that he would only be comfortable imposing a requirement to return equipment if the check-out of the equipment has been properly documented and the employee has signed to acknowledge they are in possession of the equipment.

In closing discussion regarding the policy related to administrative leave, the Council suggested some changes to the titles of the different types of leave available to employees to eliminate confusion; they also asked that the staff research leave benefits offered to employees in other municipalities.

Council Member Courtney stated it is his understanding there has been some discussion about performing a complete rewrite of the City's personnel policy manual and he would be supportive of that.

6. COMMUNICATION ITEMS

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

a. Naming of the New Park Kurt Ostler, Mayor, Erin Wells, City Administrator

Mayor Ostler stated that he has reached out to a couple of residents regarding naming the new City park, which has been referred to as Mountain Ridge Park. He stated that at one time, the Council indicated a willingness to

give naming rights to someone who donates \$1 million, and he asked if that is still the case. There is a person who wants to meet with him in the near future about the name and he wanted to know how the Council feels about the level of donation needed to provide naming rights. The Council engaged in high level discussion of the matter, expressing willingness to be flexible, but indicating that the City has had one donation of \$500,000, so the naming rights donation would need to be higher than that amount. There was a brief focus on the manner in which donated money is encumbered to ensure that it will be allocated to the park.

b. Sign Code Staff Enforcement Practice *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman stated the City's development code section 3-705.8 provides regulations for political signs placed in the City; additionally, campaign signs do not need to be permitted by the City and may be placed in park strips in front of a private property with permission of the property owner. They may not be placed on public property or park strips in front of public property or placed so as to block a sight triangle; a sign could be removed even if it has permission to be placed on private property if it is placed within a sight triangle.

The Council engaged in high level philosophical debate regarding appropriate regulations for campaign signs; the manner in which the current ordinance is enforced; and opportunities for improving communication to candidates regarding the City's campaign sign rules. There was some debate about whether the City should contact a candidate to inform them that their sign is placed illegally and give them an opportunity to retrieve it, or simply collect and dispose of a sign that is illegally placed. The Council concluded a candidate can be provided notice when one of their signs is illegally placed, but one notice per election season is sufficient and candidates should educate themselves on the campaign regulations before locating their signs in the City.

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

City Administrator Wells explained the State Municipal Officers' and Employees' Ethics Act and City Standards of Conflict require elected officials and City employees to complete conflict of interest statements. Currently, City Administration relies on employees and Elected Officials to disclose conflicts as they arise, but State law has changed recently, and an annual disclosure is required beginning January 2025. City Attorney/Planning & Zoning Administrator Patterson provided information regarding items that could be considered a conflict of interest and the penalties for violating the State law.

Ms. Wells then used the aid of a PowerPoint presentation to provide the Council with a refresher regarding policies and procedures that govern City Council meetings and agenda/packet preparation; there was a focus on policies regarding presentations and reports provided by someone other than City staff and the process that must be followed for reconsideration of an item.

Council Member Scott L. Smith left the meeting at 9:20 pm.

Ms. Wells stated that in the past, when Administration has received a request from someone wishing to provide a presentation regarding an item on the agenda, there has not been a clear policy regarding whether a presentation should be allowed and/or the order of agenda items, including a presentation. She is asking for clarification from the Mayor and Council to avoid situations in the future that could become contentious. She indicated she will send the full policy manual to the Council for their own personal review and submittal of recommended edits.

d. 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 and City Attorney/Planning & Zoning Administrator Patterson provided the Council with a community development update. Mr. Patterson reported the City’s first alcohol license is being issued to Little India very soon; it is a limited-service restaurant that will be serving beer and wine.

Mr. Baughman provided a high-level overview of the process Administration will be following to launch the General Plan update project, including the first open house on Wednesday, September 18th. He also provided an overview of the upcoming annual citizen survey and discussed questions that have been asked in past surveys. Optional questions to be included in the 2024 survey are:

- Would you support the City raising property taxes for the following categories?
- Would you support the City raising the Public Safety Fee to raise wages for police officers and fire fighters to help with recruitment and retention?
- Which of the following after-school programs would someone in your family be interested in?

7. 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.

At 9:45 pm Council Member Doug Cortney MOVED that the City Council recess the regular City Council meeting to convene in a closed meeting in the executive conference room to discuss pending or reasonably imminent litigation.

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>Absent</i>

The motion carried 4:0

Council Member Ron Campbell MOVED to adjourn the CLOSED MEETING and Council Member Doug Cortney SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED MEETING adjourned at 10:18 pm.

ADJOURNMENT

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

The meeting adjourned at 10:19 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 20, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

A handwritten signature in blue ink, appearing to read 'Stephannie Cottle', with a stylized, cursive script.

Stephannie Cottle, CMC, UCC
City Recorder

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Fence Reimbursement Program

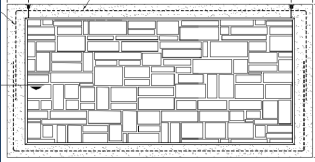
Per July 2, 2024, Council approval:

- \$240,000 over 3 years (FY25, FY26, FY 27)
- \$80,000 available per year
- \$50 per linear foot as reimbursement
- Rhino Rock/foam-core concrete fence
- 5-home clustering required
- Resident required to repair damage to city/UDOT property

7

Fence Reimbursement Program

Right: Approved color/style
Below: Olympus fence



8

Pre-Cast Concrete Fence Option

Olympus quote, as updated from 8/16/24

- Base \$131.40 per lf
 - May increase based on scale and property
- Does not include demolition of existing fence
 - Estimated at ~25 per lf
- Does not include restoration of sidewalk/landscape
 - Estimated at ~30 per lf
- Total estimated cost: ~\$186 per lf

9

Other Fencing Options

- Vinyl – Rejected
- Foam-core Concrete - Rejected
- Replace, repair, or upgrade wood (trex, aluminum)
 - Reduces cost of demolition and restoration
- CMU/cinderblock
 - May be more expensive than pre-cast concrete (footing)
 - More options in contractors – specific style/contractor not as necessary if materials and colors are specified
 - May be less impact to landscaping/sidewalks

10

Clustering

- Original approval required 5-lot clustering to encourage greater uniformity in appearance with fence change
- Resident indicates that 5-lot clustering is difficult, especially with more expensive fencing
- Reducing clustering (below 3) for expensive fencing may increase cost (loss of scale)

11

Motion to Approve

I move that City Council ADOPT and APPROVE the ordinance repealing and re-establishing the Alpine Highway fence reimbursement program. (Staff will adjust the ordinance based on Council direction.)

12



6400 WEST CULINARY PIPE CONNECTION

General City Management

Item 3b - Action
Presented by - Jeff Murdoch, Assistant Public Works Director

13

Project Location 6400 W.

14

Background

- During development review, staff requested Foxwood make their water connection in 6400 West to allow for easier maintenance of the lines long-term
- At the time, staff believed that this line was existing from previous development (2006 with Hyde Estates)
- In trying to connect, Foxwood and City staff discovered the missing section of the line

15

Need for Project - Entire

- Our City water model plans for that connection as it provides increased connectivity and looping which is necessary for the City's water system to function properly.
- While the system has so far functioned adequately without this connection, the installations of the upcoming PRV project (grant funded), makes this connection vital.

16

Motion to Approve

I move that City Council APPROVE a contract with Skip Dunn & Sons Excavating up to \$62,777.04 to add a 10" Culinary water main connection in 6400 W. and AUTHORIZE the City Administrator to sign the necessary contract.

17



FENCING SETBACKS FOR DOUBLE-FRONTED LOTS

Land Use (Legislative)

Item 4a - Expedited: Action/Ordinance
Presented by - Rob Patterson, City Attorney/Planning & Zoning Administrator

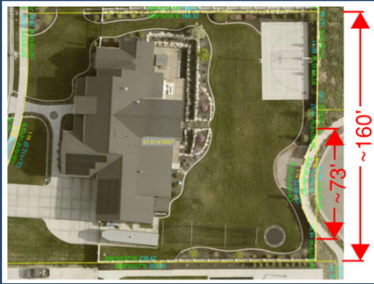
18

Double-Fronted Lot Fencing

- Council on August 6 directed staff to prepare an amendment to allow a limited exception to privacy fencing setbacks for double-fronted lots
- Proposed exception allows 14' from curb setback to be reduced if the less than half of the rear property line is immediately adjacent to a street
- Proposed amendments also directs staff to create, update, and incorporate diagrams

19

Example of Newly Allowed Fencing



20

Motion to Approve

I move that City Council ADOPT and APPROVE the ordinance amending section 3-612 of the Development Code related to double-fronted lots.

21



VERIZON CELL TOWER LEASE

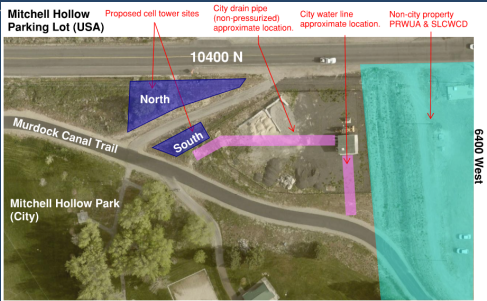
General City Management

Item 5a - Discussion

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

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Sketch Site Plan

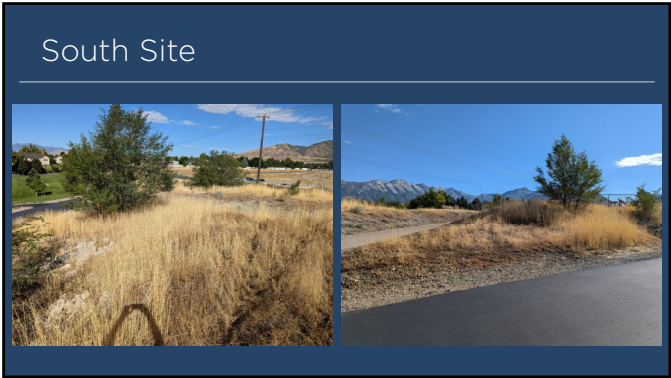


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North Site



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Council Direction

- Is the Council interested?
- Concerns with site or impact?
- Terms of lease? Final terms to be negotiated and presented to Council for approval
 - Standard terms include rent/revenue sharing, location, rules on use and interference, access, term length, renewal terms
 - Stealth requirement? (optional in City code)
 - Height? (80 ft. standard)
 - Fencing? (general standard is now vinyl-coated chain link)
 - Ground equipment? (City code requires screening or brick or stone buildings)

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**PERSONNEL POLICIES UPDATE -
ADMINISTRATIVE COMP LEAVE & CITY
PROPERTY WHEN AN EMPLOYEE LEAVES
EMPLOYMENT** *General City Management*

Item 5b - Discussion
Presented by - Jess Andra, Human Resource Generalist

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Topics

- Admin Comp Leave
- City Property When an Employee Leaves Employment

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Leave Types Overview

- Vacation:
 - Accrued each pay period at a rate based on the number of years the eligible employee has worked for the city
 - Has a cap
 - May be donated to other eligible employees in need (qualifying circumstances)
 - The balance is paid out to an employee who separates from employment for any reason
 - Must request to use leave time a min of three days in advance (approval process)
- Sick:
 - Eligible employees accrued 3.69 hours of sick leave each pay period
 - Has a cap
 - May only be used for illness, Er. Visits, or procedures
 - Qualifying eligible employees at retirement, may convert 10% of their sick leave to vacation for payout

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Leave Types Overview

- Compensation Time:
 - Eligible (non-exempt) employees, with appropriate approval, may bank 1 ½ hours worked over the required 40 hours a week in lieu of getting paid 150% of hourly wage
 - Has a cap
 - Must be paid out to employee upon separation of employment for any reason
- Administrative Compensation Time (Proposed Policy/Clarification):
 - Eligible (exempt) employees are granted 80 hours during their new hire process and annually at anniversary
 - Max of 80 hours annually
 - May be used for any absence from work, Vacation, Sick, Personal, Family obligations etc.
 - Must be used before anniversary or employee forfeits remaining hours (use it or loose it)
 - Will not be paid out during any type of separation of employment

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Admin Comp Time Proposed Policy

- Administration and Human Resources would like to present a policy for approval by the Mayor and Council in hopes to document city practice and create parameters to protect the City and its' employees.
 - Outlined policy follows practice and general understanding
- Admin Comp Time has been practiced as far back as 11 years that we can see in Caselle
- It is intended to be used to make sure the City's exempt employees are being treated fairly for the time they dedicate to the city
- Likend to an eligible non-exempt employee who works over 40 hours a week may opt to take those hours as comp time; an exempt employee may trade the time spent at meeting and events after work hours for admin leave time used at a later date

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City Property When an Employee Leaves Employment

- Current policy states employees must sign a document for the City to withhold pay if an employee retains City-owned equipment when leaving employment
- Recommendation would be to remove the document signature requirement
- Could better define what the City would withhold pay for
 - Tools, computers, phones vs. clothing

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NAMING OF THE NEW PARK

Item 6a - Communication
Presented by - Kurt Ostler, Mayor
Erin Wells, City Administrator

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SIGN CODE STAFF ENFORCEMENT PRACTICE

Item 6b - Communication
Presented by - Jay Baughman, Assistant City Administrator/Community Development Director

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Campaign Signs and City Code

Development Code 3-705.8

Political Signs shall be permitted as follows:

1.

Political signs are **allowed in all zoning districts**.

2.

The maximum sign area for any political sign shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.

3.

Political signs are **not permitted on private property or in a park strip** fronting on private property **without the private property owner's permission**. Signs may be taken down by the private property owner.

4.

Political signs are **not permitted on public property or in a park strip fronting on public property**.

5.

Political signs shall not be permitted in the **clear vision triangle**.

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Campaign Signs and City Code

- Do not need to be permitted by the City

- May be placed in park strips in front of private property with permission by the property owner

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Campaign Signs and City Code

- May not be placed on public property or park strips in front of public property

- May not be placed so as to block a sight triangle (a sign could be removed even if it has permission to be placed on private property if it is placed within a sight triangle)

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COUNCIL ANNUAL CONFLICT OF INTEREST STATEMENT & POLICIES AND PROCEDURES

Item 6c - Communication

Presented by - Erin Wells, City Administrator

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Annual Conflict of Interest Statements

• State Municipal Officers' and Employees' Ethics Act

• City Standards of Conflict; Conflict of Interest Municipal Code (Elected Officials)

• Currently rely on employees and Elected Officials to disclose as items comes up

• State law has changed so annual disclosures are required beginning January 2025

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City Council Procedures and Policies Topics

• Presentations and reports besides staff presentations

• Reconsideration of Items

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Presentations and reports besides staff presentations

- Outlines how those are managed when Council/Mayor/public requests the item
- Nothing about presentations from those who did not request the item
 - Public, Councilmember(s), the Mayor

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Item Order Process

1. Presiding Officer calls the item;
2. Staff gives a brief report and recommendation;
3. *The individual who requested the item presents (Mayor, Council, applicant, etc.);*
4. The Presiding Officer opens a public hearing and allows public comment if the item requires a public hearing;
5. *Requester may, if invited by the Presiding Officer, give a response;*
6. The City Council discusses and may request clarification or additional input from the staff or applicants through the Presiding Officer
7. City Council takes action on the issue.

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Potential Clarifications

- Should the policy allow the Mayor to approve presentations from members of the public who are not the requesters?
 - Should the policy allow them more than 3 minutes to present for a "group"?
- Should the policy allow the Mayor to approve presentations from Elected Officials when they are not the requester?
- Should there be a time cutoff for submitting presentations ahead of the meeting?
 - Should the presentations be shared ahead of time with the City Council?
- Should we change the process order?

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Reconsideration of Items

- Current policy only contemplates reconsideration of items in the SAME meeting.
- Any two (2) Council Members, one of which voted in the majority on a motion approved by the City Council, may request a reconsideration of the action at the same meeting. Reconsideration shall follow the two-step process below:

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Process

- A. A Council Member makes and another seconds the motion to reconsider. One of these must have voted in the majority on the motion approved by the City Council earlier. The Council may discuss whether to reconsider the item. A motion to reconsider must be approved by a majority vote.
- B. Motion on the Item: When the majority vote to reconsider the item, the discussion and subsequent vote on the item may only take place at the same meeting as the original action. Otherwise, the item must become a new item on a future agenda with appropriate public notice.

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Adding Items to the Agenda - Requests by Elected Officials

- The Mayor
- Councilmembers
 - 2 for Action Items
 - 1 for Discussion Items

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Potential Clarifications

- Should the requirement rule for reconsideration be extended to a longer period of time than just in the same meeting?

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COMMUNITY DEVELOPMENT UPDATE

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

50

Annual Survey Questions - Examples

Please rate the following City services.

Please rate the following personnel groups on their overall job performance.

What are the TOP 3 priorities should Highland City focus on during the next two years?

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Annual Survey Questions - Examples

Would you support the City raising property taxes for the following categories?

Would you support the City raising the Public Safety Fee to raise wages for police officers and fire fighters to help with recruitment and retention?

Which of the following after-school programs would someone in your family be interested in?

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FUTURE MEETINGS

- 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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Motion to Adjourn to Closed Meeting

I move that City Council recess the regular City Council meeting to convene in a closed meeting in the executive conference room to discuss pending or reasonably imminent litigation.

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CLOSED MEETING

The Highland City Council has recessed the regular City Council meeting to convene in a closed meeting 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 meeting.