



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, October 15, 2024

Approved December 3, 2024

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

6:00 PM WORK SESSION

2025 Sewer Rate Fees Study - Consultant Fred Philpot; Lewis, Robertson, & Burningham

The meeting was called to order by Mayor Kurt Ostler as a work session at 6:11 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS:

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| Brittney P. Bills | Present |
| Ron Campbell | Present |
| Doug Cortney | Present |
| Kim Rodela | Present - via Zoom |
| Scott L. Smith | Present |

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Recorder Stephannie Cottle, Finance Director David Mortensen, City Engineer/Public Works Director Chris Trusty, Assistant Public Works Director Jeff Murdoch, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Liz Rice

Fred Philpot, representing Lewis, Young, Burningham, participated via Zoom and used the aid of a PowerPoint presentation to summarize the Sewer Utility Rate study. The financial plan objectives include financial ratios relating to revenue sufficiency, cash reserves, and debt service coverage ratio. Additional objectives include ensuring ease of implementation and equity and reviewing rates for a five-year period. Highland City last updated its rates in 2022 and LRB was engaged to complete an update to the sewer rates responsive to an increase from Timpanogos Sewer Service District (TSSD). He presented two spreadsheets detailing operations and maintenance costs and capital improvement projects; these spreadsheets were relied upon to update the sewer fee model. He presented a graph illustrating the days of cash on hand and days of working capital with no new rate increase.

Scenario one includes a rate increase to maintain the two percent annual adjustment targets; the rate increase will maintain the days of working capital target as well as the days of cash on hand. Finally, he presented a chart illustrating the true impact to rate payers; the 2024 combined base rate and usage bill is \$53.32 and in 2026, it will

increase to \$62.11. This is a 16.5 percent increase, or \$8.79 per month. He concluded by discussing the next steps in making the adjustment.

Council Member Cortney stated it is his understanding that the reason for the rate increase is that TSSD increased the amount it charges to Highland City. However, the rate increase is being applied to the City portion of the utility bill, rather than the TSSD portion and he asked for an explanation of that decision. Mr. Philpot stated that is because there is currently an imbalance in the rates; the TSSD rate currently proportionally generates enough revenue to cover TSSD expenses; this adjustment is an attempt to correct the imbalance in the City and TSSD rates. City Administrator Wells added that the manner in which the rate is being adjusted is the most transparent; the City passes through the amount needed for TSSD to operate and retains the amount the City needs to cover City costs.

Council Member Smith stated he understands the rationale behind the rate adjustments, but the bottom line is that this is a 60 percent mid-year increase and a 20 percent increase six months later and as an elected official, there is no way he will support that type of increase in one year. He would be more supportive of incremental adjustments.

Mayor Ostler stated it is his understanding the City was overbilling for the TSSD portion of the utility bill, and the excess revenue was allocated into a City fund. He asked if that is correct. Mr. Philpot stated that the combined rate was intended to cover all operational expenses, but it appears the TSSD portion of the bill generates more revenue than is needed to cover expenses, so it is subsidizing the City's enterprise fund. This is an attempt to make the TSSD amount a full pass through. Mayor Ostler inquired as to the justification for the TSSD increase. Mr. Philpot again presented a table illustrating the TSSD operational and capital expenses. In 2024, the City's expense to TSSD increases from \$1 million to \$1.5 million, and there is another increase planned for 2026. This is a significant increase to the amount the City pays to TSSD. This led to review and discussion of the manner in which the City's utility bill is formatted to communicate to residents how much they are paying to TSSD and how much they are paying to the City; there was also a focus on the history of the utility bill and the percentage that has historically been allocated to TSSD versus the City.

Council Member Smith stated that people do not understand that the money they pay is given to other service districts or taxing entities; rather, when they hear that their utility bill is increasing, they believe the City is the beneficiary of that increase. It will be difficult for elected officials to communicate the rationale behind these increases to their constituents; he again recommended an incremental increase rather than 80 percent in one year. Council Member Cortney agreed and stated he would prefer that City Administration and Mr. Philpot provide other options for the Council to consider. Mr. Philpot stated that the options are based on the utility models that have been decided upon; however, he can prepare additional scenarios for the Council to consider. Mayor Ostler asked Mr. Philpot to provide two additional scenarios that contemplate a reduction of the days of cash on hand associated with the utility fees. The entire Council concurred they need additional options to consider. Ms. Wells stated Administration will work with Mr. Philpot to provide additional options to consider; there will be another discussion on November 12, with potential action on rate adjustments at the December 3 meeting.

Council Member Smith then reported that the North Pointe Solid Waste Special Services District met recently and reported that the base tipping fee is increasing from \$34 to \$36 per 1,000 tons of garbage dumped at the facility. This is an additional increase that will impact residents, and it is important to consider all of these matters when acting on any rate increase.

Mayor Kurt Ostler closed the work session at 6:50 pm.

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Ron Campbell
Pledge of Allegiance: Council Member Doug Cortney

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Council Member Ron Campbell and those in attendance were led in the Pledge of Allegiance by Council Member Doug Cortney.

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| PRESIDING: | Mayor Kurt Ostler |
| COUNCIL MEMBERS: | |
| Brittney P. Bills | Present |
| Ron Campbell | Present |
| Doug Cortney | Present |
| Kim Rodela | Present - arrived at 7:15 pm |
| Scott L. Smith | Present |

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Recorder Stephannie Cottle, Finance Director David Mortensen, City Engineer/Public Works Director Chris Trusty, Assistant Public Works Director Jeff Murdoch, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild, Library Director Donna Cardon

OTHERS PRESENT: Jon Hart, Liz Rice, Ivan Shelton, Wesley Warren, Amy Brinton, Eric Brinton, Doug Malm, Elizabeth Vanlangeveld, Jessica Anderson, Kevin Tams, Mark Vanlangeveld

1. UNSCHEDULED PUBLIC APPEARANCES

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

Liz Rice addressed the discussion during the work session regarding sewer utility rates; she stated that an 80 percent increase in one year is outrageous. She is assuming that the Timpanogos Special Service District (TSSD) is increasing rates for all cities across their service area, and she asked why Highland City is being impacted at a much higher rate. Council Member Campbell clarified that there are 10 cities in the service area. Ms. Rice then referenced the City's use of surveys to poll residents about certain issues that arise in the City; she noted that the City needs to consider the number of residents who are retired or who are nearing retirement age because residents who fit that demographic are being taxed out of living in Highland City.

Ivan Shelton provided the Council with a document detailing a recent air rifle incident in the City; on Tuesday, October 8, he was sitting in his front yard with his young grandchild and they heard multiple popping sounds and heard something striking his home. He went to investigate and found children in the backyard of the neighboring property who were shooting a high-powered air rifle. This was extremely upsetting to him, and he yelled at the children to stop and told them that he was calling the police. The police arrived and spoke with him as well as his neighbors, after which they told him that they could do nothing because the incident occurred on private property. He stated this is upsetting to him because they were shooting towards his home. He encouraged the City to consider some type of regulation that would prohibit discharging a high-powered air gun in a residential area. He referenced the document that he provided to the Mayor and Council, noting it includes a diagram of his property and the neighboring property, and illustrates where the bullets hit his home. He also cited statistics regarding the dangerous range of high-powered air guns, which can be deadly. He also provided the police report he received from the Police Department. He concluded that he has found evidence of deaths resulting from BB guns. He also provided State Law regarding dangerous weapons and included that the City does have the authority to prohibit these types of guns in residential areas of the community or in areas where

animals are kept within City limits.

Council Member Kim Rodela arrived at 7:15 pm.

Doug Malm stated he is concerned about agenda item 4a, a plat amendment for lot 312 of Dry Creek. He stated that he lives on the neighboring property and has concerns about how it is to be amended. His driveway is adjacent to the rear property line of the subject property and there is just 2.5 feet of grass between his driveway and the area in which the foundation and retaining wall will be installed, upon which a fence will be installed. This will create a life-safety issue for he and others that are trying to get out of his driveway, or for a pedestrian who is walking on the sidewalk approaching his property. The fence will obstruct the line of sight, and he is very worried about it. He asked the Council to consider this when taking action on this plat amendment; he suggested it may be more helpful for them to visit the property to gain a real understanding of the implications of the installation of the fence.

Mayor Ostler concluded the public comment period by introducing Chris Trusty who was recently hired as the City Engineer/Public Works Director. The Council welcomed Mr. Trusty to the City.

2. PRESENTATIONS

a. Library Board Annual Report *Donna Cardon, Library Director*

Library Board Chair, Amy Brinton, and Library Director Donna Cardon used the aid of a PowerPoint presentation to summarize the 2024 Highland City Library Annual Report. The presentation discussed physical updates at the Library; Library statistics pertaining to patrons, library items, and circulation; budgeting for the Library, including grants and Foundation fundraising; collaboration between the Library and Highland staff; educational resources for children and adults; and community events held at the Library. Ms. Brinton and Ms. Cardon thanked the Mayor and Council for their continued support of the Library, which they consider to be the “Heart of Highland”. The Mayor and Council recognized the efforts of Ms. Cardon and the entire Library Board for their passion for the Highland Library and for their efforts to continually improve the services and materials offered to the residents of the community.

b. Recent Employee Certifications and Anniversaries *Erin Wells, City Administrator*

City Administrator Wells recognized the following individuals for receiving certifications that are vital to the job they perform in the City:

- Candice Linford - Certified Business License Official
- Stephannie Cottle – Utah Certified Clerk
- Grant Jones – Residential Building Inspection Certifications

She also recognized the following employees for reaching significant anniversary marks in their careers:

- Terry Biggs – 18 years
- Josh Castleberry – 18 years
- Roy Bond – 14 years
- Tayson Arnoldson – 13 years
- Brad Herzog – 13 years
- Heather White – 10 years
- Erin Wells – 9 years
- Candice Linford – 8 years
- Weldon Nielson – 8 years
- Jayden Yates – 8 years

- Trever Aston – 7 years
- Donna Cardon – 6 years
- Gretchen Homer – 6 years
- Evan Scott – 6 years
- Braden Weiss – 6 years
- Callie Olsen – 5 years
- Wayne Tanaka – 5 years
- Larena Hill – 4 years
- Blade Flanders Johnson – 3 years
- Curtis Lund – 3 years
- Jason Nelson – 3 years
- Scott Townsend – 3 years
- Brent Wallace – 3 years
- Jose Cortes – 2 years
- Kiersten Leavitt – 2 years
- McKay Mecham – 2 years
- Rebecca Rellaforde – 2 years
- John Ricks – 2 years
- Aiden Smith – 2 years
- Chandler Bennett – 1 year
- Shellee Bond – 1 year
- Sonia Degriselles – 1 year
- Angela Nielsen – 1 year
- Libby Owen – 1 year
- Brooklyn Wild – 1 year

Finally, she welcomed the following new employees to the City:

- Chris Trusty – City Engineer and Public Works Director
- Brenda Armstrong – Civic Events Coordinator
- Annie Reed – Code Compliance
- Jacob Hess – Code Compliance
- Russell Bybee – Fire Inspector
- Emma Kitchen – Library Page
- Iryna Melnyk – Substitute Library Assistant

Mayor Ostler acknowledged the value each employee contributes to Highland City.

Mayor Ostler then acknowledged Police Chief Gwilliam and asked him to address the comments made by Mr. Shelton regarding the discharge of an air rifle in his neighborhood. Chief Gwilliam stated that the Highland City Code does address the discharge of these types of firearms and indicates they cannot be discharged in a public area. He stated that the incident referenced by Mr. Shelton did not occur in a public area; rather, it occurred on private property. There has been some discussion over the years about regulating air rifles and BB guns and if the Council does want to consider these types of regulations, he is willing to engage in discussions about possible regulations. Council Member Campbell stated he would like to learn if other cities regulate these types of firearms on private property. Mayor Ostler stated that would be wise.

3. CONSENT ITEMS

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

- a. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
 September 3, 2024
- b. **Approval of Meeting Minutes General City Management**
Stephannie Cottle, City Recorder
 September 17, 2024

Council Member Cortney provided corrections to both sets of minutes; for the September third meeting, in the discussion regarding the Alpine Highway Fence, which was held during the public comment period, the statement was that only one or two residents were not supportive of the concrete block option. However, the minutes should read that only one or two residents were supportive of the option. For the September 17 meeting, during the discussion of the contract with DLS Consulting, Inc., the minutes read that the City received a \$1 million grant for pressure regulating valves (PRVs) and chlorination of two wells, but the grant was actually to prepare for the chlorination of the wells.

Council Member Doug Cortney MOVED that the City Council approve consent item 3a, the approval of meeting minutes from September 3, 2024, with distributed amendments, and 3b, meeting minutes from September 17, 2024, with distributed amendments.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

4. ACTION ITEMS

- a. **ACTION: Plat Amendment: Lot 312 Dry Creek - Vanlengveld Land Use (Administrative)**
Jay Baughman, Assistant City Administrator/Community Development Director

The City Council will consider a request to amend plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a 14-foot street-side setback on lot 312 instead of the currently required 30-foot street-side setback.

Assistant City Administrator/Community Development Director Baughman provided background information regarding the Dry Creek subdivision; the phase three plat contains the following plat note: "1. Fencing for lots 312 and 315 to be installed at a 30-foot setback from Sunset Hills Drive and Sunset Hills Court ROW's." The effect of this note is to restrict street side lot fencing for two lots beyond what is normally required. Current City fencing regulations require a 30-foot front setback, but not a 30-foot side setback. Side lot fencing along streets are permitted to be on property line if the fence is open style. Privacy fencing for side lot lines along streets must be located 14 feet from back of curb. The plat note for Dry Creek Phase 3 is more restrictive than City code. The applicant, owner of lot 312, desires to install a fence and other improvements on the property, and the 30-foot setback requirement is hindering her ability to use her property as she would like. Staff is uncertain as to why lot 312 is restricted more than other similarly situated corner lots. The minutes from the approval of the Dry

Creek Phase 3 Plat, on October 5, 2004, reflect the following: “Kathryn Schramm inquired on lot 312 as it is basically on two cul-de-sacs and wondered where the lot would be entered. Brad Mackay [the developer] indicated the developer could provide a side entry garage and front it in either direction. He indicated he would be willing to hold the fence back 30' on both frontages.” The Council then approved the plat with several conditions, one of which was, "lot 312 be required to have a 30' fence setback on both street sides." There is no further discussion of why lot 312 and 315 were singled out for unique fence setbacks. Based on staff's review, there does not appear to be a need to continue to impose a 30' street-side setback on fences for this property. However, because the restriction is in the form of a plat note, the only way to remove the restriction is to amend the plat for lot 312. Highland City Development Code 5-7-101(3) provides, "A 'plat amendment' means any change or alteration to a recorded plat. The change may be...a change or removal of a condition, note, or other restriction described on the plat...." Staff recommends that the City Council approve the proposed plat amendment to plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a typical fence setback on lot 312 instead of the currently required 30-foot street-side setback; this recommendation is based upon the following findings:

1. Neither the public interest nor any person will be injured by the proposed plat amendment. The only parties even potentially affected are the applicant and the adjacent 6 or so lots that front onto the two cul-de-sacs that may see the fence being located as permitted by the City's Development Code. There is no harm in the amendment.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop and fence their property as desired in accordance with generally applicable fencing regulations. It will allow the applicant to fence her yard in the same way as other corner lots in Highland.
3. All easements are maintained without alteration.
4. No public right of way needs vacating for this amendment.
5. The proposed fence setbacks conform to the City's fencing regulations, which generally permit privacy fences along streets to be located 14 feet from back of curb. The additional recommended stipulation from staff would allow greater flexibility in fencing, while still conforming to City code.

Staff has also proposed the following stipulation: “The amended plat note be adjusted to read, "Fencing for amended lot 312 to be installed at a 14' setback from Sunset Hills Drive and at a 30' setback from Sunset Hills Court Right-of-Ways, or as otherwise permitted by Highland City ordinances." Staff recommends this adjustment (as opposed either to the applicant's proposed language or to just removing the fence plat note altogether) so that the amended plat addresses the fence setbacks, making it clear that the original plat note has been amended, but with the addition of allowing future fencing to conform to generally applicable city ordinances, if those are less stringent than the plat note.

Mayor Ostler invited input from the applicant.

Elizabeth Vanlengveld stated she appreciates the concerns expressed by her neighbor regarding this plat amendment and noted she shares his concerns; she has tried to address these concerns in the design of her side yard, and she stated that her contractor has provided a copy of her site plan to the City. She stated that on the north side of her property, Mr. Malm's driveway runs along her property line. Setbacks are measured from the back of curb, and she will take the fence 23 feet from the back of the curb, but due to the slope of the property, the retaining wall will increase in height. However, at the point that the retaining wall is two-feet tall, the fence height will reduce to four-feet. The angle of the fence will occur at 14-feet from the back of the sidewalk. This will preserve the line of sight for pedestrians on the sidewalk as well as people trying to enter or exit Mr. Malm's driveway.

Mayor Ostler invited additional input from Mr. Malm.

Doug Malm stated that he has not received communication about the changes to the design discussed by Ms. Vanlengveld; however, based upon her explanation, he no longer has objections to the proposed plat amendment as it addresses his safety concerns.

Council Member Scott L. Smith MOVED that City Council adopt the findings and APPROVE the proposed plat amendment to plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a typical fence setback on lot 312 instead of the currently required 30-foot street-side setback with the following ONE stipulation recommended by staff.

- 1. The amended plat note be adjusted to read, "Fencing for amended lot 312 to be installed at a 14' setback from Sunset Hills Drive and at a 30' setback from Sunset Hills Court Right-of-Ways, or as otherwise permitted by Highland City ordinances."*

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

b. ACTION: Plat Amendment: Lots 4-6 Hidden Oaks Plat B - Berry Land Use (Administrative)
Jeff Murdoch, Assistant Public Works Director

The City Council will consider a request from Robert Berry to combine lots 4 and 5 of Hidden Oaks Plat B and to adjust the boundary line between lots 5 and 6 of Hidden Oaks Plat B.

Assistant Public Works Director Murdoch explained that the Berry’s own lots 4, 5, and 6 of Hidden Oaks Plat B. They would like to combine lots 4 and 5 into a single lot and adjust the boundary of lot 5 and lot 6 to align with the long-standing fence-line that has marked the boundary between the two lots. This would reduce the overall density in the area by one lot. It would also reduce the size of lot 6 by approximately 1,500 square feet, making lot 6 27,178 square feet (0.624 acres). While this property is currently zoned R-1-40, the Hidden Oaks development is a PUD - Planned Unit Development. It was specifically approved as a master-planned development, like Ridgeview or Skye Estates. Accordingly, staff believes that it is appropriate to evaluate this plat amendment under the standards of the PUD, rather than the R-1-40 zone, as we would do for a plat amendment for an open space subdivision. The Hidden Oaks PUD was approved March 14, 1979. While the exact details and terms of the PUD are not fully clear from City records, it is clear that the PUD is similar to the City's open space subdivision concept, in that the PUD allows density to be calculated based on a 1 unit per acre basis (for a maximum of 70 lots over 69.9 acres), but does not require lots to meet normal R-1-40 size standards, and the developer was required to improve common areas and park spaces to offset the smaller lot sizes. The original PUD ordinance adopted by the City Council on March 14, 1979, immediately prior to the approval of the Hidden Oaks PUD, provides that the minimum lot size for lots in a PUD was "to be approved by Planning Commission and City Council." The Hidden Oaks PUD allows for a variety of lot sizes, ranging from 18,000 square feet (0.414 acres) to 60,800 square feet (1.397 acres), as long as the total number of lots in the PUD do not exceed 70. Accordingly, the approved minimum lot size is 18,000 square feet, though most lots are in the 20,000 to 30,000 square foot range. There was a somewhat similar plat amendment in 1994 to four lots within the PUD (lots 9-12 of Plat C), wherein the property owner shifted lot lines between the lots to reduce three of

the lots down to 20,000 square feet and increase the size of the fourth lot to 21,500 square feet. The Council in 1994 approved the amendment, finding that the applicant was "not changing the number of lots, and none of the lots are less than 20,000 sq. ft." Staff believes that a similar approach is appropriate with the present plat amendment.

The proposed plat amendment will reduce the size of lot 6 slightly, but it will remain over 27,000 square feet, which is well over the minimum of either 18,000 or 20,000 square feet allowed in the Hidden Oaks PUD, and the amendment will decrease density, rather than increasing it. In addition, at the request of staff, the Berry's are dedicating a 20' wide pressurized irrigation easement along the southwest boundary of lot 6. The City has an existing PI main that runs through this lot that was installed with the buildout of the PI system, and this easement will allow the City to have a property right to protect, maintain, and access that main. Staff recommends that the City Council approve the proposed plat amendment, based upon the following findings:

1. Neither the public interest nor any person will be injured by the proposed plat amendment. The Berry's own the affected properties and support the amendments.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop and use their property as desired and as they have historically used their properties, per the existing fence-line boundary.
3. All easements are maintained without alteration. The Berry's are also granting the City a new, 20-foot wide PI easement, protecting an existing water facility.
4. No public right of way needs vacating for this amendment.
5. Because these lots are part of the Hidden Oaks PUD, which primarily regulates lots based on total number and density, rather than particular size, the adjustment to the lots will not cause the lots to become nonconforming under the PUD. While lot 6's size will be decreased, it will remain at least 20,000 square feet, the minimum size allowed by R-1-40 and the general lower limit of the Hidden Oaks PUD. This amendment will not substantially alter the use or status of lot 6. The proposed plat amendment will not increase the number of lots within Hidden Oaks, but rather reduce overall density below the maximum approved by the Council.

Staff does not propose any stipulations for this approval.

Council Member Campbell asked how large lot 6 was before the proposed plat amendment. Mr. Murdoch answered the lot size is only changing by about 1,500 square feet.

Council Member Cortney stated that one item of note is that in the PD zone, when a lot consolidation is allowed, a lot subdivision will be allowed in the future because a certain number of lots have been approved in the subdivision. City Administrator Wells stated that this project is actually a Planned Urban Development (PUD) with its own special requirements, however it complies with the minimum standards of an R-1-40 development.

Council Member Rodela asked if consolidation of the lots also results in consolidation of water shares. Mr. Murdoch stated there is a water connection on lot six and he would assume there is already a sewer connection as well. However, he was unsure of any utility connections on lots four and five, which were previously combined. Ms. Wells added that the number of water shares that must be dedicated to the City is based upon acreage, not the number of lots. Council Member Rodela stated she simply wants to be sure there is sufficient water dedicated to cover the intended use of a property; if the purpose of combining lots is for the owner to have a larger yard, which would likely increase the area that is landscaped and must be watered, she wants to be sure the owner has dedicated enough water to irrigate that area. This led to whether it is necessary to include a condition of approval requiring elimination of a utility connection on one of the lots, if both lots subject to the amendment have their own connections.

There was brief discussion among the Mayor, Council, and staff regarding whether a condition is needed to address the potential subdivision of lot six at some point in the future. The Council determined it was not appropriate to address that matter in the motion to approve the plat amendment.

Council Member Doug Cortney MOVED that City Council adopt the findings and APPROVE the plat amendment combining lots 4 and 5 of Hidden Oaks Plat B and adjusting the boundary line between lots 5 and 6 of Hidden Oaks Plat B with the stipulation that staff ensure that one of the water connections is eliminated if there is more than one on a lot due to the consolidation.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

c. ACTION: Plat Amendment: Sunrise Farms-Dry Creek Lot Line Adjustment and Conservation Easement Vacation Land Use (Administrative)

Jay Baughman, Assistant City Administrator/Community Development Director

The City Council will consider a request to amend lot 105 of Sunrise Farms and lot 6 of Dry Creek Phase 1 to adjust their mutual boundary line and to vacate a portion of a private conservation easement.

Assistant City Administrator/Community Development Director Baughman explained Israel Patterson seeks to amend the corner property lines between his property (lot 105 Sunrise Farms - new lot 202) and his neighbor's property (lot 6 Dry Creek - new lot 203). The proposed amendment will shift approximately 1,700 square feet of property from Dry Creek lot 6 to Sunrise Farms lot 105. It will also adjust the existing public utility easements to follow the new lot lines. The area proposed to be shifted out of the Dry Creek subdivision is encumbered with a "private conservation easement." This private conservation easement is defined on the Dry Creek plat as follows: "These areas have been deemed to include land features which are either environmentally or historically unique, and which if modified or altered, would alter the nature and character of the community in an adverse manner. These conservation areas include natural water courses, old growth wooded areas, and topographically unique land features, which should be preserved for their inherent beauty and value. The conservation areas are to remain in their natural state. Vegetation in these areas cannot be removed or modified except to remove dead fall of diseased or dying plants. Additional planting of indigenous plants which will enhance the conservation areas shall be allowed. No permanent structures may be constructed in the Conservation Areas. Owners of Lots encumbered by the Private Conservation Areas shall take title to their Lots subject to these the Private Conservation Area restrictions. The area in the Private Conservation Areas shall not be subject to public access and shall be owned in fee simple by the Lot Owner."

Staff's primary concern with the proposed amendment is that it vacates a private conservation easement. This easement was established by the developer of the Dry Creek subdivision with the approval of the City to protect the natural landscape, vegetation, and slopes of those areas. Because this is a private, rather than a public,

conservation easement, it is regulated and enforced through the private covenants, conditions, and regulations (CC&Rs) of Dry Creek subdivision. Because of this, staff is comfortable approving the plat amendment and vacating a portion of the private conservation easement, so long as the applicant obtains the approval of the other affected lot owners within Dry Creek in accordance with their CC&Rs. Staff would not recommend splitting the conservation easement between the lots, because it would make a portion of lot 105 in Sunrise Farms be subject to the CC&Rs of a different subdivision. Staff would support either denying the plat amendment request, if Mr. Patterson cannot get the support of Dry Creek to vacate the conservation easement or approving the plat amendment request subject to the approval of the affected Dry Creek lot owners. At the time of writing this report, the applicant has not yet been able to provide documentation that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs. Because the next City Council meeting is approximately one month away, staff felt it appropriate to still put this item on the agenda and provide this recommendation as a stipulation of approval. If the approval cannot be obtained, the proposed amended plat will not be recorded, effectively resulting in the denial of the application. The final concern that staff has with this request is that staff has not received the approval of the utility companies for the relocation of the public utility easements. However, this is a relatively minor issue that can be resolved prior to plat recordation. If the conservation easement is vacated, staff does not have concerns with the Council approving the plat subject to the utility companies approving the PUE adjustments.

Staff recommends that the City Council either deny the proposed plat amendment or approve the proposed plat amendment subject to the applicant submitting documentation, to the City Attorney's satisfaction, that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs and the utility companies have approved the adjustment to the PUEs. This recommendation is based upon the following findings:

1. Neither the public interest nor any person will be injured by the proposed plat amendment, provided that the other owners of lots within the Dry Creek who may have an interest in the enforcement and preservation of the private conservation easement agree to the partial vacation of that conservation easement. If the approval of the other lot owners cannot be obtained, this amendment does harm the public interest and those other lot owners--who share in the conservation easement's benefits and burdens--by allowing a portion of property that was meant to remain in a natural, undisturbed state to have its protection and conservation status removed.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop their property as desired, provided that the other owners of lots within the Dry Creek who may have an interest in the enforcement and preservation of the private conservation easement agree to the partial vacation of that conservation easement. If this approval is not obtained, however, there is not good cause for this amendment, because (a) granting the amendment would negatively impact adjacent property owners, (b) amendment is a matter of preference by the property owners, not a matter of need, and (c) each lot remains a legal, developable, and beneficial zoning lot without the amendment.
3. The proposed amendment adjusts public utility easements. Approval of the utility companies is required prior to plat recordation to ensure that desired public easements are preserved.
4. No public right of way needs vacating for this amendment.
5. The two lots, as amended, will meet size, frontage, and other zoning requirements set forth in the Development Code.

Staff also recommends the following stipulations:

1. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs.
2. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the utility companies have approved the adjustment to the public utility easements.

Staff recommends these stipulations, because they require the applicant to complete the final steps to obtain third party approval of the adjustments to the conservation and public utility easements before recording the plat. Again, if those third-party approvals cannot be obtained, then the proposed amended plat will not be recorded, effectively resulting in the denial of the application.

Council Member Smith stated he believes City staff should have required the applicant to secure the third-party approvals and support from the other owners in the development before presenting this application to the City Council; if the City Council approve the plat amendment, that may put undue pressure on others to feel they must support the amendment as well. Mr. Baughman stated he understands that position, but it would be burdensome for the applicant to obtain support from third-party agencies and from all their neighbors and they did not want to expend that effort if the City Council intends to deny the application.

Council Member Rodela stated she is comfortable acting on the application so long as the applicant understands and agrees to the stipulations of the approval. The Council briefly discussed the options before them regarding the application and how many other property owners the applicant must receive support from in order to proceed with the lot amendment. A majority of the Council concluded they need more information before acting on the application rather than approving the application with the recommended stipulations.

Council Member Doug Cortney MOVED that the City Council CONTINUE this item until the next meeting.

Council Member Kim Rodela SECONDED the motion.

Mayor Ostler communicated that his understanding of the council discussion is that if the applicant is able to communicate to the Council that they have support and the plat amendment does not violate the CC&Rs for their neighborhood, the Council will likely approve the plat amendment.

The vote was recorded as follows:

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

The motion carried 5:0

5. EXPEDITED ITEMS

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

- a. ACTION: Hogs Hollow Drainage Project General City Management**
Jeff Murdoch, Assistant Public Works Director

The City Council will consider awarding Baker Construction the 2024 Hogs Hollow Drainage Project.

Assistant Public Works Director Murdoch explained this project aims to assist with flood mitigation efforts following the 2023 improvements made to the City-owned property directly south of the Hogs Hollow Pressurized Irrigation (PI) pond. After an intense spring runoff event, staff built a swell to divert drainage away from the downhill residents. Currently, overflow water from the hillside now flows down Angels Gate in the street. This project will redirect the water to empty into the Hogs Hollow drainage. The City received a total of two bids for this project, although four contractors were invited to bid. Baker Construction possesses the required

Utah Contractors License to perform this type of work and was the lowest bid. The City has worked with Baker construction on previous projects and has been pleased with their work. Staff recommends that Baker Construction be awarded the 2024 Drainage Improvement Project. The cost of this project is \$36,792.80, which includes a 10 percent contingency.

There was brief discussion among the Council and staff regarding the scope of work for the project and the effect the completed project will have on future flooding potential of the area.

Council Member Kim Rodela MOVED that City Council APPROVE the 2024 Hogs Hollow Drainage Project to Baker Construction in an amount up to \$36,792.80.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

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

The motion carried 5:0

- b. ACTION: Culinary Pressure Reducing Valve (PRV) Installations** *General City Management*
Jeff Murdoch, Assistant Public Works Director
The City Council will consider awarding Noland and Son Construction Co Inc. the 2024 PRV Vaults installation project.

Assistant Public Works Director Murdoch explained Council and staff have discussed the needs for Pressure Regulating Valves (PRVs) in the City's culinary system in recent months. Further, in 2024, the City's legislative consultant was asked to focus on obtaining a grant for various culinary water projects, including PRV installation. He was ultimately successful in assisting the City in obtaining that grant. This proposed PRV project is a continuing component of the water resource grant initiative that has been in progress since 2013. Highland City has considered this upgrade to the culinary system for many years and included it in the capital facilities plans, knowing the water pressures in the south and western portions of Highland are extremely high. This project will not only prolong the life of the system in these areas, but also increase the safety of our crews by reducing the line pressure in the event of a leak. High pressures also cause increased stress on homeowners' systems. Noland and Son Construction Co Inc. possess the required Utah Contractors License to perform this type of work and were the low bid on the project. They are known as reputable contractors who provide high quality work. Staff recommends the 2024 PRV project be awarded to them, at a cost of \$190,850 with a 10 percent contingency.

There was brief discussion among the Council and staff regarding the impact that the PRVs could have on culinary water pressures in residences.

Council Member Cortney then asked why there is a cost for SCADA for well #3, but not in Pheasant Hollow. City Engineer/Public Works Director Trusty explained different data is needed for a well than for a PRV, which is why SCADA is only needed on the well. Council Member Cortney asked if there is already a SCADA system in well #3, which is why the cost is required. Mr. Trusty answered yes. Pheasant Hollow does not have a SCADA system.

In closing, there was brief discussion about the water lines that will be impacted by this project, specifically the lines in the private Pheasant Hollow development.

Council Member Doug Cortney MOVED that the City Council APPROVE the 2024 PRV vault project and award the contract to Noland and Son Construction Co Inc in the amount up to \$190,850 and AUTHORIZE the City Administrator to sign the contract documents.

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

6. DISCUSSION ITEMS

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

a. Timpanogos Library Consortium General City Management

Donna Cardon, Library Director

The City Council will consider the Library's future participation in the Timpanogos Library Consortium.

Library Director Cardon explained in April 2024, the directors of the American Fork and Pleasant Grove libraries approached the Highland Library Director about a proposed collaboration they were considering. The collaboration (which has tentatively been named the Timpanogos Library Consortium, or TLC) would involve these key points:

- The three libraries would establish a courier system to deliver materials between the libraries weekly.
- The three libraries would establish a common catalog.
- Patrons from each library would be able to request items from one of the other libraries and have them delivered to their home library for checkout. Likewise, patrons could return materials from other libraries to their home library, which would then deliver them to their library of origin.

Instituting the consortium would require making some changes to the Highland circulation policy. Highland would have to charge the same nonresident fee of \$90 as the Pleasant Grove and American Fork libraries, and Highland would be required to eliminate overdue fines to match the policies of the other two libraries. The library would still be able to charge fees for lost or damaged items. Ms. Cardon discussed the need for the consortium; joining the TLC would be an economical way of meeting a growing need in the library. Since 2018, when the library reached its current physical size, library usage has increased due to the increase in the population of Highland and the increased popularity of the library. Circulation of physical materials increased from 159,000 in 2018 to 195,00 in 2024. During that same time, however, the number of physical items in the collection decreased from 45,668 to 43,430. This decrease has been due to budget constraints, physical space constraints, and a renewed effort to weed books to provide space for quality and in-demand books. The amount spent on print materials has decreased from \$41,600 to \$36,900 because the demand for eBooks has caused the library to spend more money on electronic materials. Ideally, the library would increase its collections to try to meet demand. The library’s physical capacity is about 50,000 books. If the library were to purchase 6,570 more books

to reach capacity, the cost would be about \$125,000. By joining the TLC, Highland patrons would gain access to 141,600 additional physical items that they could check out from our location. There would be costs to joining the TLC. The organization would eventually acquire a vehicle to transport library items depending on demand. In the interim, staff members would drive their own vehicles and be reimbursed for mileage based on standard rates. There would also be a loss of income from overdue fines/fees. Finally, there would also be a cost of staff time to manage the holds and transport library items. Despite these costs, participation in TLC would be much less expensive than expanding the collection to meet the growing demand. Ms. Cardon discussed the fiscal impact of the TLC, including staff time and shared vehicle costs, for a projected annual cost of \$2,200 to \$5,700. Staff recommends the Council consider the information provided regarding potentially joining the TLC and provide feedback.

Mayor Ostler facilitated discussion among the Council and Ms. Cardon regarding the proposal; there was a focus on any anticipated benefits of joining with the other larger libraries. Council Member Smith expressed support for joining the TLC, because doing so will give Highland patrons access to more products and services. Council Member Campbell expressed support for eliminating late fees for library materials, based upon the explanation he has received from Ms. Cardon.

7. COMMUNICATION ITEMS

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

a. Removing Commercial Requirement in Planned Developments *Jay Baughman, Assistant City Administrator/Community Development Director*

Assistant City Administrator/Community Development Director Baughman explained on October 22, 2024, the Planning Commission will review the Highland City Development Code, Chapter 3, Article 5, related to planned developments, with the proposal from staff to remove the requirement that planned developments include a commercial aspect as part of the development. This amendment is being proposed to accomplish one of the City's moderate income housing strategies and goals.

Council Member Smith expressed concern about the amendment; he does not want to sacrifice commercial uses, which would ultimately reduce the City's sales tax revenue, especially since the only reason for the change is to comply with an affordable housing mandate from the State of Utah. This led to high level philosophical discussion and debate among the Council and staff regarding the implications of the code amendment. City Administrator Wells clarified that commercial uses will not be prohibited in PDs; the amendment will eliminate the requirement for a certain percentage of the project area to consist of commercial use. Council Member Smith stated that he believes most developers will opt for high density residential development over including a commercial component in the project.

Council Member Campbell stated that he supports the amendment on the basis that it will not eliminate the Council's right to require a commercial development in any future PD project.

b. Political Activities *Erin Wells, City Administrator*

City Administrator Wells invited the Council and Mayor to ask questions about allowed political activities for elected officials. There were no questions, though Council Members complimented staff on the direction they provided regarding political activities. There was a brief review of the election calendar up to and following the November 5, 2024 Election Day. City Recorder Cottle invited elected officials to share her contact information with any resident who has a question about their ballot or elections in general.

In closing, there was a brief discussion about upcoming special events in the community and holiday parties, as

well as the need to replace the City's Christmas lights that are no longer under warranty.

ADJOURNMENT

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

The meeting adjourned at 9:16 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 15, 2024. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC, UCC
City Recorder



PUBLIC
FINANCE
ADVISORS

HIGHLAND, UTAH

SEWER UTILITY RATE STUDY REVIEW

OCTOBER 2024

AGENDA

- Review Financial Plan Objectives
- Review Timeline
- Evaluation of Needed Updates
- Scenario Analysis
- Recommendations

FINANCIAL PLAN OBJECTIVES

- Financial Ratios
 - Revenue Sufficiency – Each Utility Pays its Own Way
 - Cash Reserves – Goal to Maintain a Minimum of 365 Days of Cash on Hand
 - Debt Service Coverage Ratio – 1.25 Times Minimum
- Ensure Ease of Implementation and Equity
- Review Rates for Five-Year Period

TIMELINE

- City Last Updated Rates in 2022
- LRB was Engaged to Complete an Update to the Sewer Rates Due to Increases from TSSD

UPDATES TO MODEL

▣ Operations & Maintenance

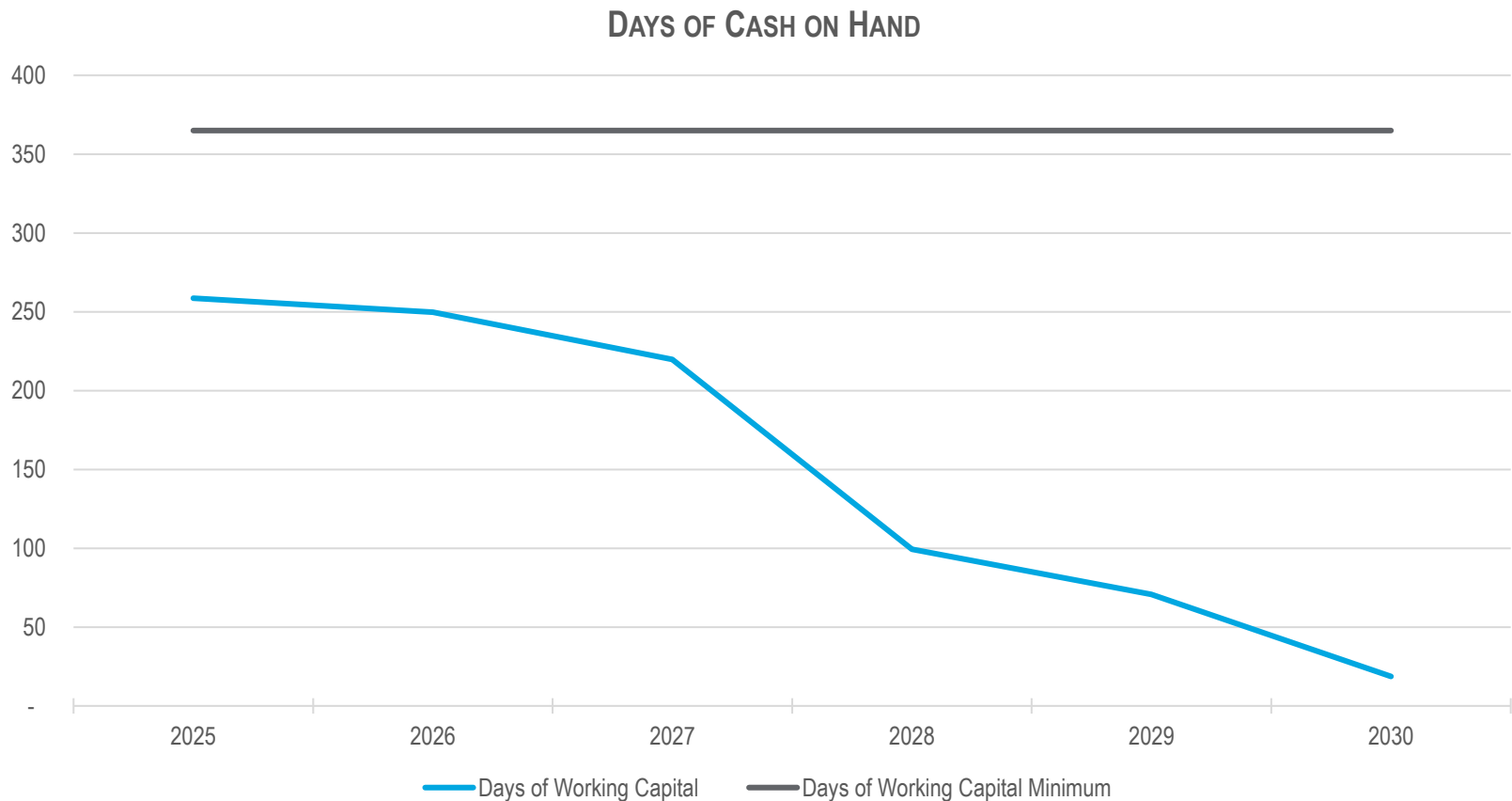
| | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|--------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Operating Expense | | | | | | | | |
| Salaries and Benefits | (288,411) | (214,468) | (264,775) | (283,309) | (303,141) | (324,361) | (347,066) | (371,361) |
| City Operations | (2,000,752) | (233,865) | (272,047) | (280,208) | (288,615) | (297,273) | (306,191) | (315,377) |
| TSSD Operations | (968,300) | (1,500,000) | (1,652,813) | (2,073,288) | (2,184,603) | (2,301,894) | (2,425,483) | (2,585,686) |
| Depreciation Expense | (488,998) | (401,553) | (500,000) | - | - | - | - | - |
| Total Operating Expense | (\$3,746,461) | (\$2,349,886) | (\$2,689,635) | (\$2,636,806) | (\$2,776,358) | (\$2,923,528) | (\$3,078,740) | (\$3,272,424) |

▣ Capital Improvements

| | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|------------------|------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Total CIP | | (\$452,828) | (\$675,853) | (\$375,964) | (\$317,887) | (\$974,024) | (\$193,569) | (\$433,498) |

SCENARIO ANALYSIS

■ Baseline – No New Rate Increase



SCENARIO ANALYSIS

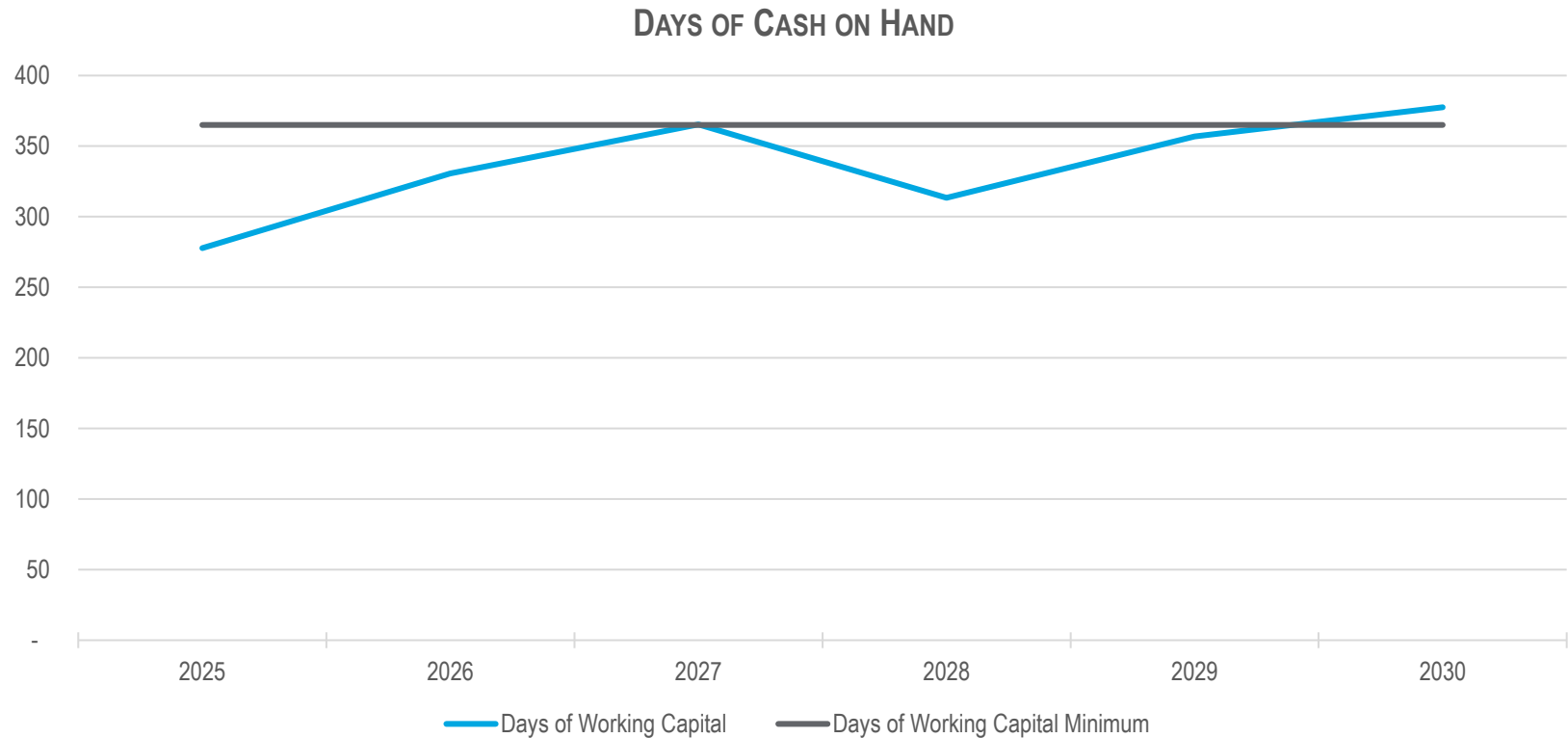
■ Scenario 1 – Rate Increase to Maintain Target

| City Rate Adjustments | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|-------------------------------|------|-------|--------|--------|-------|-------|-------|-------|
| Residential | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Commercial | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| County Resident | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Dairy, Mink, Stock | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Institutional | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| None | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Schools (per Student) | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Production Rate Increase | | 0.00% | 60.00% | 20.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| TSSD Rate Adjustments | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
| Residential | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Commercial | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| County Resident | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Dairy, Mink, Stock | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Institutional | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| None | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| Schools (per Student) | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |
| TSSD Production Rate Increase | | 0.00% | 0.00% | 0.00% | 2.00% | 2.00% | 2.00% | 2.00% |

* Assumes the first-year rate increase is adopted mid-year. Thus, the utility fund realizes the increase for half the year.

SCENARIO ANALYSIS

■ Scenario 1 – Rate Increase to Maintain Target



*** Assumes the first-year rate increase is adopted mid-year. Thus, the utility fund realizes the increase for half the year.**

SCENARIO ANALYSIS

■ Scenario 1 – Proposed Rates

| City Base Rate | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Residential | \$7.15 | \$7.15 | \$11.44 | \$13.73 | \$14.00 | \$14.28 | \$14.57 | \$14.86 |
| Commercial | \$8.68 | \$8.68 | \$13.89 | \$16.67 | \$17.00 | \$17.34 | \$17.69 | \$18.04 |
| County Resident | \$7.15 | \$7.15 | \$11.44 | \$13.73 | \$14.00 | \$14.28 | \$14.57 | \$14.86 |
| Dairy, Mink, Stock | \$7.15 | \$7.15 | \$11.44 | \$13.73 | \$14.00 | \$14.28 | \$14.57 | \$14.86 |
| Institutional | \$8.68 | \$8.68 | \$13.89 | \$16.67 | \$17.00 | \$17.34 | \$17.69 | \$18.04 |
| None | \$7.15 | \$7.15 | \$11.44 | \$13.73 | \$14.00 | \$14.28 | \$14.57 | \$14.86 |
| Schools (per Student) | \$0.1163612 | \$0.1163612 | \$0.1861779 | \$0.2234135 | \$0.2278818 | \$0.2324394 | \$0.2370882 | \$0.2418300 |
| Production Rate (per 1,000 Gal) | \$0.48 | \$0.48 | \$0.77 | \$0.92 | \$0.94 | \$0.96 | \$0.98 | \$1.00 |
| TSSD Base Rate | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
| Residential | \$32.77 | \$32.77 | \$32.77 | \$32.77 | \$33.43 | \$34.09 | \$34.78 | \$35.47 |
| Commercial | \$39.95 | \$39.95 | \$39.95 | \$39.95 | \$40.75 | \$41.56 | \$42.40 | \$43.24 |
| County Resident | \$32.77 | \$32.77 | \$32.77 | \$32.77 | \$33.43 | \$34.09 | \$34.78 | \$35.47 |
| Dairy, Mink, Stock | \$32.77 | \$32.77 | \$32.77 | \$32.77 | \$33.43 | \$34.09 | \$34.78 | \$35.47 |
| Institutional | \$39.95 | \$39.95 | \$39.95 | \$39.95 | \$40.75 | \$41.56 | \$42.40 | \$43.24 |
| None | \$32.77 | \$32.77 | \$32.77 | \$32.77 | \$33.43 | \$34.09 | \$34.78 | \$35.47 |
| Schools (per Student) | \$0.6593838 | \$0.6593838 | \$0.6593838 | \$0.6593838 | \$0.6725715 | \$0.6860229 | \$0.6997434 | \$0.7137382 |
| TSSD Production Rate | \$2.20 | \$2.20 | \$2.20 | \$2.20 | \$2.24 | \$2.29 | \$2.33 | \$2.38 |

* Assumes the first-year rate increase is adopted mid-year. Thus, the utility fund realizes the increase for half the year.

Scenario Analysis

■ Scenario 1 – Calculation of Actual Increase

| | 2024 | 2026 | % Increase | \$ Increase |
|------------|---------|---------|------------|-------------|
| Base Rate | \$39.92 | \$46.50 | 16.5% | \$6.58 |
| Usage Bill | \$13.40 | \$15.61 | 16.5% | |
| Combined | \$53.32 | \$62.11 | 16.5% | \$8.79 |

* Assumes 5 Units of Use

NEXT STEPS

- ❑ Finalize Rate Analysis and Preferred Alternative
- ❑ Adopt or Reject Proposed Increases

QUESTIONS

Fred Philpot | Vice President/COO


LRB Public Finance Advisors

O 801.596.0700 | **C** 801.243.0293

lrbfinance.com

Lewis Young Robertson & Burningham is now **LRB Public Finance Advisors**





**6:00 PM WORK SESSION – 2025
SEWER RATE FEES STUDY**
Fred Philpot – LRB Public Finance Advisors

Call to Order – Mayor Kurt Ostler

1

**Welcome to the Highland
City Council Meeting**
October 15, 2024

Please Sign the Attendance Sheet

Scan for Agenda





2



7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler
Invocation – Council Member Ron Campbell
Pledge of Allegiance – Council Member Doug Cortney

3



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.

4




PRESENTATIONS

a. Library Board Annual Report – *Donna Cardon, Library Director*
b. Recent Employee Certifications and Anniversaries – *Erin Wells, City Administrator*

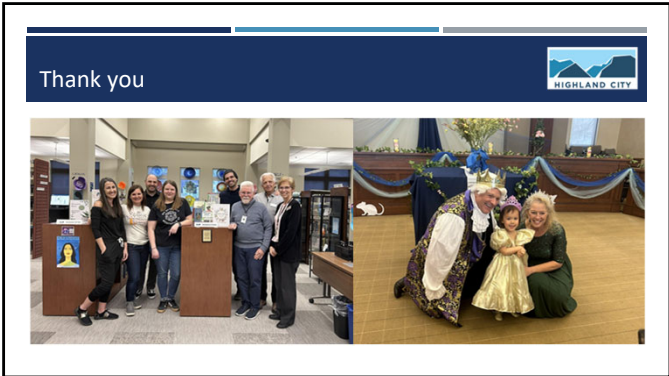
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2024 HIGHLAND CITY LIBRARY ANNUAL REPORT

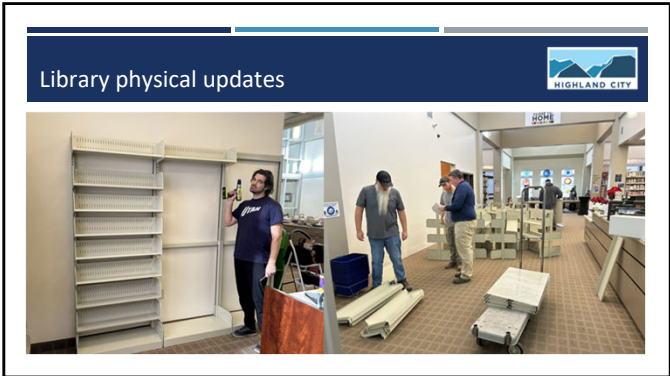
2023 – 2024 FISCAL YEAR
PRESENTED BY LIBRARY BOARD CHAIR AMY BRINTON AND LIBRARY DIRECTOR DONNA CARDON



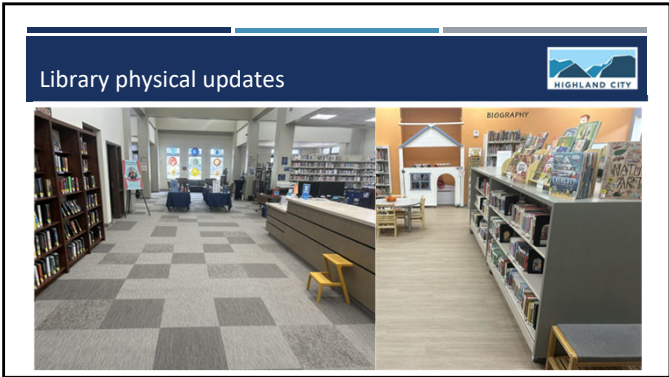
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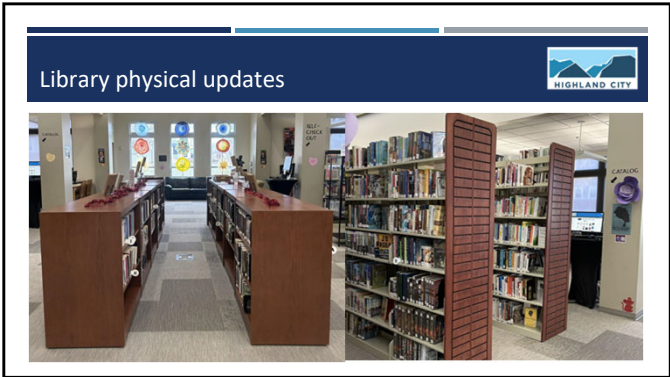
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8




9




10

Library Statistics–Patrons, Items, Circulation




- 62% of Highland households are library patrons
- Total Patrons: 6,758
- Total Physical Items: 42,547
- Physical Circulation: 195,004
- Digital Circulation: 90,258




11

Balanced Budget
Grants and Foundation Fundraising–\$23,000



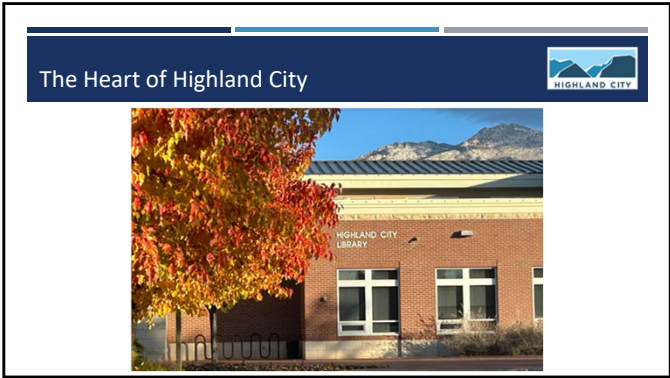
- Balanced Budget
- \$4,320– LSTA (Digital Empowerment instruction and equipment)
- \$4,818 – CLEF grant (print material)
- \$3,927 Friends donation (books and Summer Reading prizes)
- \$10,091 Foundation donation for new shelves.



12



13



14



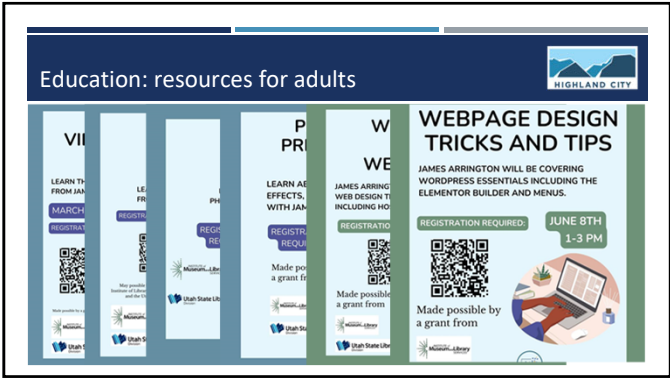
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16



17




18

Education: resources for adults



19

Education: resources for adults



- Study room is now reservable in 2-hour sessions
- 30–40 reservations are made per month
- Common activities include video calls, testing, meetings, and working

20

Education: resources for adults



- 25 adult programs
- 534 attendees


21

Connection: Family



22

Connection: Family

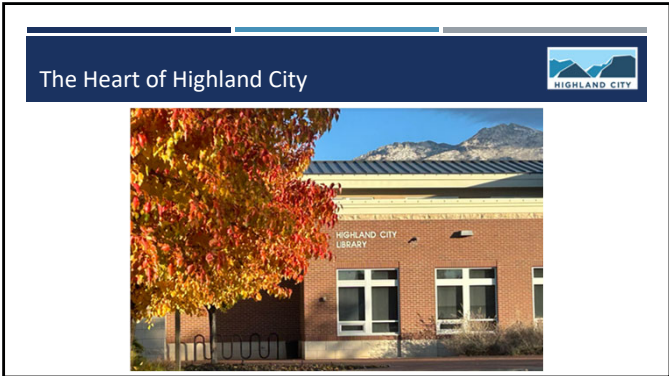


23

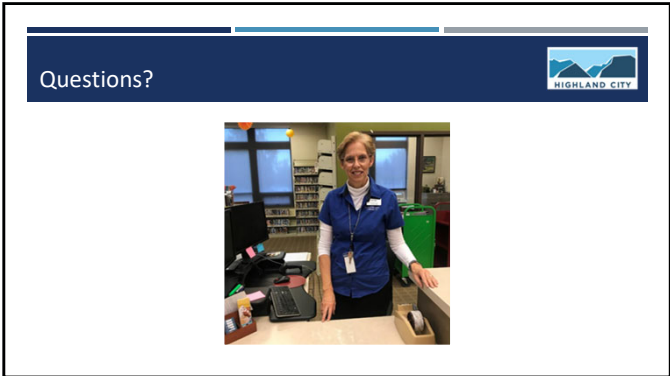
Connection: Community



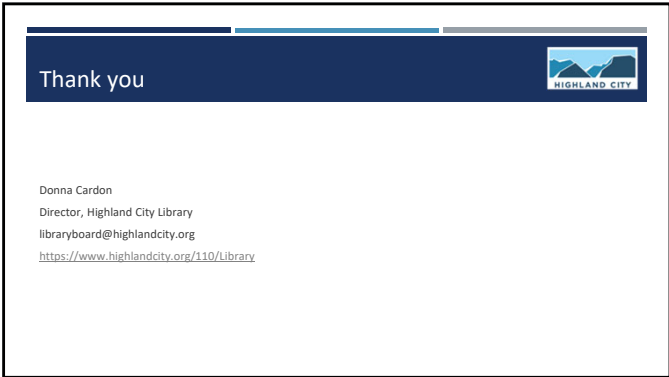
24



25



26



27



28



29



30

Anniversaries

• Blade Flanders Johnson – 3 years

• Curtis Lund – 3 years

• Jason Nelson – 3 years

• Scott Townsend – 3 years

• Brent Wallace – 3 years

• Jose Cortes – 2 years

• Kiersten Leavitt – 2 years

• McKay Mecham – 2 years

• Rebecca Rellaford – 2 years

• John Ricks – 2 years

• Chandler Bennett – 1 year

• Shellee Bond – 1 year

• Sonia Degriselles – 1 year

• Angela Nielsen – 1 year

• Libby Owen – 1 year

• Brooklyn Wild – 1 year

31

Welcome

• Chris Trusty – City Engineer and Public Works Director

• Brenda Armstrong – Civic Events Coordinator

• Annie Reed – Code Compliance

• Jacob Hess – Code Compliance

• Russell Bybee – Fire Inspector

• Emma Kitchen – Library Page

• Iryna Melnyk – Substitute Library Assistant

32

CONSENT ITEMS (5 minutes)

3a. Approval of Meeting Minutes: September 3, 2024
General City Management

3b. Approval of Meeting Minutes: September 17, 2024
General City Management

33

Motion to Approve

I move that the City Council approve consent item 3a, the approval of meeting minutes from September 3, 2024, and 3b, meeting minutes from September 17, 2024.

34



PLAT AMENDMENT: LOT 312 DRY CREEK – VANLENGEVELD

Land Use (Administrative)

Item 4a – Action

Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

35

Background

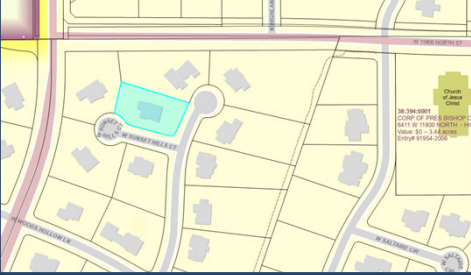
• Vanlangevelds own lot 312 in Dry Creek Phase 3

• When plat was approved, council required developer to restrict fencing for lot 312 and 315 with a 30-foot setback from all streets, rather than the standard 30-ft front setback and 14'/9' setback on the side (privacy and open fencing, respectively)

• Vanlangevelds are requesting a plat amendment to allow fencing on their lot according to City Code, the same as other corner lots in Highland.

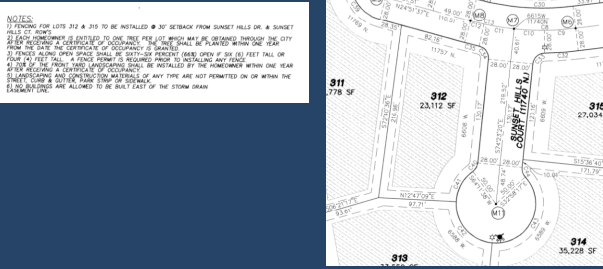
36

Vicinity



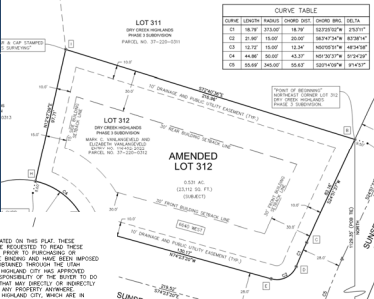
37

Current Plat



38

Proposed Amended Plat



39

Standard

- Under City and State Code, the Council can amend a plat if:
 - Neither the public interest nor any person will be materially injured;
 - There is good cause for the amendment;
 - All easements for water and sewer facilities are preserved;
 - No public right of way is being vacated; and
 - The amendment meets all requirements of the Development Code.
- Staff believes conditions are met, with staff's review and proposed findings in staff report, with no concerns.
- Notice mailed to owners within 500 feet on October 3, 2024
- Staff received no objections

40

Summary of Staff Review

- Staff has no objections to allowing fencing on this lot to be the same as other corner lots
- Minutes from original approval do not explain the concern regarding fencing, other than the fact that the lot was on two cul-de-sacs.
- In staff's view, the fact that the lot is on two cul-de-sacs actually reduces potential conflicts, as there are fewer people who use this intersection.

41

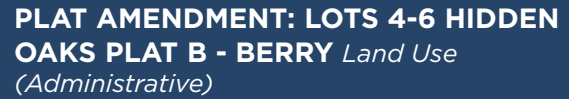
Proposed Stipulations

- Staff recommends clarifying the amended plat note to allow for all fencing per city ordinances with either of the following options:
 - (amend applicant-proposed note): "Fencing for amended lot 312 to be installed at a 14' setback from Sunset Hills Drive and at a 30' setback from Sunset Hills Court Right-of-Ways, or as otherwise permitted by Highland City ordinances."
 - (replace applicant-proposed note): "Fencing for lot 312 may be installed in accordance with Highland City ordinances."

42

I move that City Council adopt the findings and APPROVE the proposed plat amendment to plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a typical fence setbacks on lot 312 instead of the currently required 30-foot street-side setback with the ONE stipulation recommended by staff.

44



- Berrys own lots 4-6 of Hidden Oaks Plat B
- Hidden Oaks was approved as a Planned Unit Development that allowed 70 lots over 69.9 acres, with varied lot sizes (18,000 to 60,800 sq ft) and required open space/common area
- Berrys are requesting a plat amendment to reconfigure the lots to combine lots 4 and 5 and adjust the lot line of 5 and 6, reducing density by 1 and the size of lot 6 by ~1,500 sqft.

[illegible][illegible]

8

Standard

- Under City and State Code, the Council can amend a plat if:
 - Neither the public interest nor any person will be materially injured;
 - There is good cause for the amendment;
 - All easements for water and sewer facilities are preserved;
 - No public right of way is being vacated; and
 - The amendment meets all requirements of the Development Code.
- Staff believes conditions are met, with staff's review and proposed findings in staff report, with no concerns.
- Notice was mailed to owners within 500 feet on April 4, 2024
- Staff received no objections

49

Summary of Staff Review

- Benefit to City: New PI easement on lot 6 (lot 2 of amended plat) to protect existing PI line
- Lot 6 size remains over 27,000 square feet, above minimum of Hidden Oaks PUD (18,000 – 20,000) and minimum of R-1-40 (20,000)
- Combination of lots 4&5 reduces density
- Staff believes plat amendment meets all requirements of development code and amendment standard and recommends approval without stipulations

50

Motion to Approve

I move that City Council adopt the findings and APPROVE the plat amendment combining lots 4 and 5 of Hidden Oaks Plat B and adjusting the boundary line between lots 5 and 6 of Hidden Oaks Plat B.

51



**PLAT AMENDMENT: SUNRISE FARMS-
DRY CREEK LOT LINE ADJUSTMENT
AND CONSERVATION EASEMENT
VACATION** *Land Use (Administrative)*

Item 4c – Action
Presented by – Jay Baughman, Assistant City Administrator/Community Development Director

52

Background

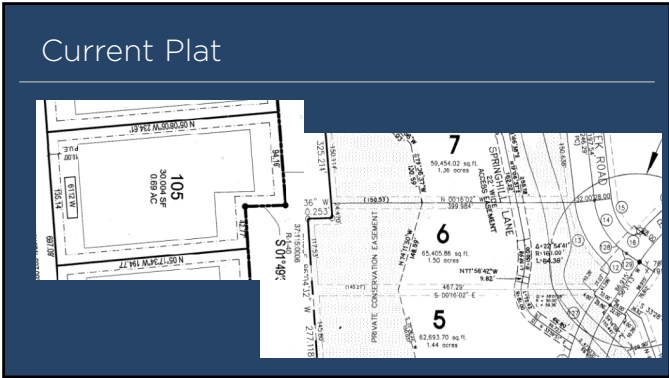
- Israel Patterson owns Lot 105 of Sunrise Farms and wants to square off the lot by incorporating property from Lot 6 of Dry Creek
- The corner area of Lot 6 is encumbered with a “private conservation easement,” regulated by private CC&Rs, that restricts building and landscaping to protect natural vegetation and slopes
- Patterson wants the amendment to clear the conservation easement and shift the property from Lot 6 Dry Creek to Lot 105 Sunrise Farms

53

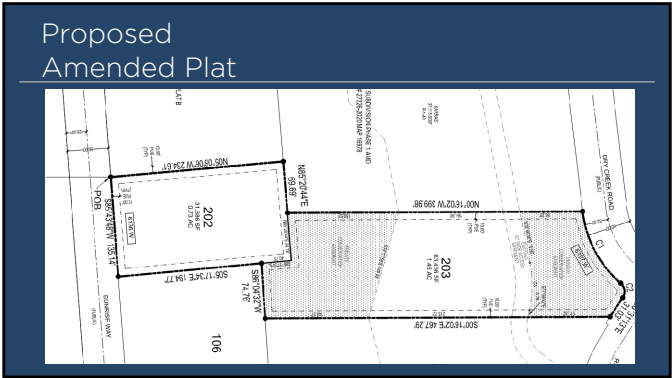
Vicinity



54



55



56

Standard

- Under City and State Code, the Council can amend a plat if:
 - Neither the public interest nor any person will be materially injured;
 - There is good cause for the amendment;
 - All easements for water and sewer facilities are preserved;
 - No public right of way is being vacated; and
 - The amendment meets all requirements of the Development Code.
- Staff believes conditions could be met in certain conditions, but there are concerns with the amendment as per the report.
- Notice was mailed to owners within 500 feet on October 3, 2024
- Staff received no objections

57

Summary of Staff Review

- Staff is concerned about the removal of the private conservation easement, but the easement is private, rather than public, so the City does not have any interest in maintaining the easement. Staff believes that the decision should be left to the lot owners
- Staff supports the amendment IF the other lot owners in Dry Creek that have an interest in the easement approve the vacation of the easement in accordance with their CC&Rs
- If the lot owners do not approve, staff believes that the amendment should be denied

58

Summary of Staff Review

- Because the plat amendment would affect public utility easements, approval from public utilities is required. This is minor and routine, but takes time to complete.
- PUE adjustment approval should be complete before amended plat is recorded.

59

Proposed Stipulations

- Staff recommends approving the amendment with two stipulations, which if not met, the plat would not be recorded (effectively denying the request) :
 - 1. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs.
 - 2. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the utility companies have approved the adjustment to the public utility easements.

60

Motion to Approve

I move that City Council accept the findings and APPROVE the proposed subdivision plat amendment subject to the TWO stipulations recommended by staff.

61



HOGS HOLLOW DRAINAGE PROJECT
General City Management

Item 5a - Expedited
Presented by - Jeff Murdoch, Assistant Public Works Director

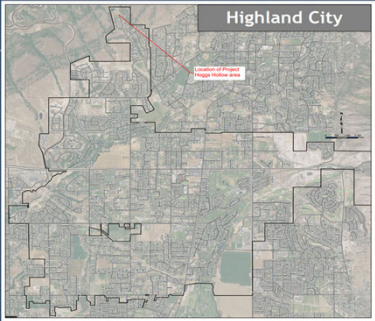
62

Hoggs Hollow Drainage Project

- Project aims to assist with flood mitigation efforts following the 2023 improvements
- This will direct the runoff from the swell that was created on City owned property to the Hoggs Hollow drainage

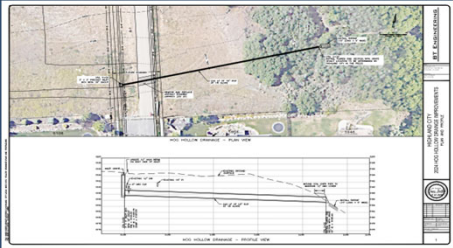
63

Location



64

Scope of Work




65

Motion to Approve

I move that City Council APPROVE the 2024 Hogs Hollow Drainage Project to Baker Construction in an amount up to \$36,792.80

66



CULINARY PRESSURE REDUCING VALVE (PRV) INSTALLATIONS

General City Management

Item 5b - Expedited
Presented by - Jeff Murdoch, Assistant Public Works Director


67

PRV Project

- Project funded through the Water Resource Grant initiative (Highland City's Legislative Consultant)
- The southern portions of Highland experience pressures exceeding 100 psi with areas up to 150 psi, the intent is to lower pressure by 50-60 psi
- Increase safety for our staff in the instance of a water leak
- Reduces unnecessary stress on Homeowners systems

68

Locations




69

Motion to Approve

I move that City Council APPROVE the 2024 PRV vault project and award the contract to Noland and Son Construction Co Inc in the amount up to \$190,850 and AUTHORIZE the City Administrator to sign the contract documents.

70



TIMPANOGOS LIBRARY CONSORTIUM

General City Management

Item 6a - Discussion
Presented by - Donna Cardon, Library Director


71



TIMPANOGOS LIBRARY CONSORTIUM

- Establishes a common catalog that would allow patrons to request items from any of the three libraries.
- Patrons could request items from any of the three libraries and have them delivered to their home library within a few days. Likewise, patrons could return items from any of the libraries to their home library and have them delivered to their library of origin.
- Creates a courier system between Highland City, American Fork, and Pleasant Grove Libraries.

72



BENEFITS

- Increase access to physical materials at the Highland Library to meet the increased demand.
- Less expensive than increasing the Library's collection.

73



FINANCIAL IMPACT

- Highland would have to raise nonresident fees and eliminate overdue fines to match the policies of AF and PG libraries as part of the agreement to join the Consortium.
- There would be a relatively small annual cost in staff time and resources to maintain participation.

74



REMOVING COMMERCIAL REQUIREMENT IN PLANNED DEVELOPMENTS

Item 7a - Communication
Presented by - Jay Baughman, Assistant City Administrator/Community Development Director

75



PLANNING COMMISSION 10/22/24:

Highland City Development Code, Chapter 3, Article 5, related to planned developments

Remove the requirement that planned developments include a commercial aspect as part of the development.

Amendment is being proposed to accomplish one of the City's moderate income housing strategies and goals.

76



POLITICAL ACTIVITIES ACT

Item 7b - Communication
Presented by - Erin Wells, City Administrator

77



CHRISTMAS LIGHTS

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

78



FUTURE MEETINGS

- October 22, Planning Commission Meeting, 7:00 pm, City Hall
- November 12, City Council Meeting, 7:00 pm, City Hall
- November 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- November 19, Planning Commission Meeting, 7:00 pm, City Hall
- December 3, City Council Meeting, 7:00 pm, City Hall
- December 10, Planning Commission Meeting, 7:00 pm, City Hall
- December 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall



N89°44'14"E 190.00

N89°44'14"E 257.62

65:354:0002
DEHASS, RICK J and LORIANNE...
10991 N 5750 WEST - HIGHLAND
Value: \$763,300 -- 0.94 acres
Entry# 59167-2005 (MORE)

S61°09'52"E 163.50
S61°09'52"W 163.51

163.46 ft

6:602:0001
PADDS PROPERTIES LLC...
745 W 11000 NORTH - HIGHLAND
Value: \$537,200 -- 0.75 acres
Entry# 94024-2016 (MORE)

N89°44'21"E 147.44 S89°44'21"W 147.44

S85°39'53"E 114.06

65:354:0001
BUHLER, DON W and KAYE (ET AL)...
10971 N 5750 WEST - HIGHLAND
Value: \$1,059,500 -- 0.93 acres
Entry# 112005-2017

N89°44'14"E 170.00

N10°00'52"E 181.50

N89°44'14"E 189.16 S89°44'15"W 209.16

34:282:0013
CORP OF PRES BISHOP CHURCH OF
- HIGHLAND
Value: \$0 -- 3.03 acres
Entry# 107695-1998

LEHI CITY CORPORATION
- HIGHLAND
Value: \$0 -- 0.61 acres
Entry# 22584-1986

N89°43'37"E 445.47

N89°43'08"E 198.48
S89°33'35"W 198.48

S89°33'06"W 196.75

S89°45'00"E 331.23

N89°47'35"W 331.27

N89°44'14"E 130.00

N89°44'14"E 257.62

52:102:0005
CLUBHOUSE 2185 WEST E 1st AVE. LEHI
10992 N 5750 WEST - HIGHLAND
Value: \$763,300 -- 0.94 acres
Entry# 12-2005

65:354:0002
DEHASS, RICK J and LORIANNE
10991 N 5750 WEST - HIGHLAND
Value: \$763,300 -- 0.94 acres
Entry# 59167-2005 (23 RE)

2.19 acre

N89°44'21"E 147.44

65:354:0001
BUHLER, DON W and KAYE (ET AL)...
10971 N 5750 WEST - HIGHLAND
Value: \$1,059,500 -- 0.93 acres
Entry# 12005-2005

S89°44'14"W 130.00

S89°50'06"E 127.5

S89°44'15"W 203.16

65:416:0016
ELEG, SPENCER
10931 N 5750 WEST - HIGHLAND
Value: \$1,003,200 -- 0.95 acres
Entry# 17740-2021

N0°09'54"E 145.42

S0°09'53"W 145.42

N89°50'08"W 132.54

N0°09'54"E 134.46

N0°09'53"E 320.72

S89°55'56"W 86.31

S89°55'56"W 150.00

S89°55'56"W 140.78

CB=S10°24'41"W
CL=188.16

CB=S14°44'30"E
CL=42.07

S0°09'54"W 78.65

N0°09'54"E 121.46

Dakoda Kinser
Patrol Officer



5400 W Civic Center Dr. Ste 3
Highland, Utah 84003
Phone: 801.756.9800
dkinser@lonepeakpolice.com

LONE PEAK
POLICE
SERVING *Highland & Alpine*

Case # 24AHO 4547

BB Guns Can Kill Small Children

Injury seems believable enough; but do BB guns honestly *kill*?


They can. And sadly, they have.

In March of 2010, 11-year-old Dallas Barnes and his 16-year-old uncle were playing with their BB guns in Louisville, Kentucky. Barnes died after a single BB fired by the older boy pierced his chest and heart. It was called a tragic accident, and no charges were filed; but it's a somber reminder of the damage these [dangerous toys](#) can really inflict.

The gun in question was a Daisy Pump BB Rifle.

"I don't think anyone realized the nature of what this rifle could do," said Louisville Metro PD Detective Barry Wilkerson. "They were playing all day."

Barnes' young age contributed to his death. In an older person, the sternum would have been harder, and a greater thicknesses of fat and muscle would have stood between ammunition and heart. But for a small, still-developing child, a single pellet proved deadly.

The effective range of a CO2 pellet gun depends on the brand of pellet, the conditions of the day, and your shooting stance, but it can be dangerous at close range and can cause permanent disability or death: 

- Effective range: A .177 air rifle can shoot around 40 to 60 yards, up to 100 yards. 
- Danger: Pellet guns can reach speeds of up to 1,000 feet per second and can cause tissue damage similar to that inflicted by powder-charged bullets. If hit in the right spot, an air gun can be deadly.

As of 1995, the CDC stated, "3.2 million non-powder guns are sold in the United States each year; 80% of these have muzzle velocities greater than 350 feet per second and 50% have velocities from 500 fps to 930 fps... At close range, projectiles from many BB and pellet guns, especially those with velocities greater than 350 fps, can cause tissue damage similar to that inflicted by powder-charged bullets fired from low-velocity conventional firearms. Injuries associated with use of these guns can result in permanent disability or death."

- (c) is certified by the curator of a municipal, state, or federal museum that exhibits firearms to be a curio or relic of museum interest;
 - (d) derives a substantial part of its monetary value:
 - (i) from the fact that the firearm is:
 - (A) novel;
 - (B) rare; or
 - (C) bizarre; or
 - (ii) because of the firearm's association with an historical:
 - (A) figure;
 - (B) period; or
 - (C) event; and
 - (e) has been designated as a curio or relic firearm by the director of the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.
- (6) *Title 76 Chapter 10 Part 5 sec 501 - 6 - Dangerous Weapon*
- (a) "Dangerous weapon" means:
 - (i) a firearm; or
 - (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
 - (b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
 - (i) the location and circumstances in which the object was used or possessed;
 - (ii) the primary purpose for which the object was made;
 - (iii) the character of the wound, if any, produced by the object's unlawful use;
 - (iv) the manner in which the object was unlawfully used;
 - (v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
 - (vi) the lawful purposes for which the object may be used.
 - (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-10-306.
- (7)
- (a) "Dating relationship" means a romantic or intimate relationship between individuals.
 - (b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
- (8) "Dealer" means a person who is:
- (a) licensed under 18 U.S.C. Sec. 923; and
 - (b) engaged in the business of selling, leasing, or otherwise transferring a handgun, whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.
- (9) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (10) "Enter" means intrusion of the entire body.
- (11) "Federal Firearms Licensee" means a person who:
- (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and
 - (b) is engaged in the activities authorized by the specific category of license held.
- (12)
- (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
 - (b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an antique firearm.

Effective 7/1/2023

76-10-508 Discharge of firearm from a vehicle, near a highway, or in direction of specified items -- Penalties.

- (1)
- (a) An individual may not discharge a dangerous weapon or firearm:
 - (i) from an automobile or other vehicle;
 - (ii) from, upon, or across a highway;
 - (iii) at a road sign placed upon a highway of the state;
 - (iv) at communications equipment or property of public utilities including facilities, lines, poles, or devices of transmission or distribution;
 - (v) at railroad equipment or facilities including a sign or signal;
 - (vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or
 - (vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
 - (A) a house, dwelling, or any other building; or
 - (B) any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
 - (b) It is a defense to any charge for violating this section that the individual being accused had actual permission of the owner or person in charge of the property at the time in question.
- (2) A violation of any provision of Subsection (1) is a class B misdemeanor.
- (3) In addition to any other penalties, the court shall:
- (a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
 - (b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
- (4) This section does not apply to an individual who:
- (a) discharges a firearm when that individual is in lawful defense of self or others;
 - (b) is performing official duties as provided in Section 23A-5-202 and Subsections 76-10-523(1)(a) through (f) and as otherwise provided by law; or
 - (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
 - (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).

Amended by Chapter 34, 2023 General Session

Effective 5/1/2024

76-10-509.4 Possession of a dangerous weapon by a minor -- Penalties.

- (1) As used in this section, "responsible adult" means an individual:
 - (a) who is 18 years old or older; and
 - (b) who may lawfully possess a dangerous weapon.
- (2) An actor who is under 18 years old may not possess a dangerous weapon.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
 - (i) a class B misdemeanor for a first offense; and
 - (ii) a class A misdemeanor for each subsequent offense.
 - (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
 - (i) a handgun;
 - (ii) a short barreled rifle;
 - (iii) a short barreled shotgun;
 - (iv) a fully automatic weapon; or
 - (v) a machinegun firearm attachment.
- (4) For an actor who is younger than 14 years old, this section does not apply if the actor:
 - (a) possesses a dangerous weapon;
 - (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
 - (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the actor has the dangerous weapon in the actor's possession; and
 - (d) does not use the dangerous weapon in the commission of a crime.
- (5) For an actor who is 14 years old or older but younger than 18 years old, this section does not apply if the actor:
 - (a) possesses a dangerous weapon;
 - (b) has permission from the actor's parent or guardian to possess the dangerous weapon; and
 - (c) does not use the dangerous weapon in the commission of a crime.

Amended by Chapter 301, 2024 General Session

Highland City Council

October 15, 2024

Proposed amendments to minutes

September 3

- On the top of page 2 of the minutes (page 5 of the agenda packet), it reads, "his findings were that only one or two residents were not supportive of that option" when it should read "his findings were that only one or two residents were supportive of that option" (removing the word "not"). I have confirmed this in the YouTube video (at [location 0:03:30](#)).

the concrete block option in his survey regarding the matter, to which Council Member Cortney answered yes; his findings were that only one or two residents were not supportive of that option.

September 17

- On page 10 of the minutes (page 21 of the agenda packet), it reads, "another \$1 million grant for pressure regulating valves (PRVs) and chlorination of two wells in the City's culinary water system." I confirmed on the YouTube video, and what Erin said was "preparing the last two wells in our system to be chlorinated" rather than actually chlorinating the wells. (See [1:21:30 of the video](#).)

by Council funds a continuation of this contract. Ms. Wells stated in FY2023, Mr. Stewart secured a \$1 million grant for culinary well rehabilitation projects and in FY2024 he secured another \$1 million grant for pressure regulating valves (PRVs) and chlorination of two wells in the City's culinary water system. In discussing

I therefore propose amending the minutes as follows:

in FY2024 he secured another \$1 million grant for pressure regulating valves (PRVs) and ~~chlorination~~preparation of two wells in the City's culinary water system for chlorination.

- Since I already have a change to the 9/17 minutes, I'd also like to correct a typo. On page 9 of the minutes (page 20 of the agenda packet), Mr. Warren is reported as wondering "if lowing the naming rights donation threshold" would be useful. This should read "lowering."

large park and had difficulty getting large donors. Mr. Warren stated he likes the name "Highland Family Park", but wondered if lowering the naming rights donation threshold to \$600,000 in order to possibly secure such a donation. Mayor Ostler stated that he feels the Council should make a decision on the name; he does not believe