NEXT

HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, July 16, 2019

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

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Mayor Rod Mann
Pledge of Allegiance – Council Member Scott L. Smith

1. UNSCHEDULED PUBLIC APPEARANCES

Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

2. PRESENTATIONS *(10 minutes)*

a. PUBLIC MEETING TRAINING – *City Attorney Tim Merrill*

3. CONSENT ITEMS *(5 minutes)*

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. ACTION: Approval of Meeting Minutes
Regular Meeting June 4, 2019 and June 18, 2019

4. ACTION/RESOLUTION: DECLARING HIGHLAND CITY'S SUPPORT FOR PROTECTING ALL HUMAN LIFE *(20 minutes)*

The City Council will consider approving a resolution showing support for all human life. The Council will take appropriate action.

5. ACTION: FINAL MASTER PLAN AND BUDGET FOR SPRING CREEK PARK *(10 minutes)*

The City Council will consider approving the final master plan and budget for Spring Creek Park. The Council will take appropriate action.

6. ACTION/RESOLUTION: COOPERATIVE AGREEMENT BETWEEN LEHI CITY AND HIGHLAND CITY REGARDING DRY CREEK RESERVOIR AND SURROUNDING PROPERTIES *(15 minutes)*

The City Council will consider approving an agreement between Lehi City and Highland City regarding Dry Creek Reservoir and surrounding properties. The Council will take appropriate action.

NEXT

7. ACTION: APPROVE A CONTRACT WITH PLANNING SOLUTIONS FOR THE PREPARATION OF THE MODERATE INCOME HOUSING ELEMENT OF THE GENERAL PLAN *(10 minutes)*

The City Council will consider approving a contract with Planning Solutions for a not to exceed price of $10,000 for the preparation of the Moderate Income Housing (MIH) element of the General Plan. The Council will take appropriate action.

8. ACTION/ORDINANCE: AMENDING SECTION 6.10 CREDIT CARDS AND SECTION 7 DISCIPLINARY ACTION IN THE HIGHLAND CITY PERSONNEL POLICIES AND PROCEDURES MANUAL RELATING TO THE PASSAGE OF HB163 *(10 minutes)*

The City Council will consider approving the proposed amendments to Section 6.10 and Section 7 of the Highland City Personnel Policies and Procedures Manual relating to HB 163. The Council will take appropriate action.

9. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

10. FUTURE MEETINGS

a. Future Meetings

- August 6, City Council Meeting, 7:00 pm, City Hall
- August 27, Planning Commission Meeting, 7:00 pm, City Hall

11. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

CERTIFICATE OF POSTING

I Cindy Quick, the duly appointed City Recorder certify that the foregoing agenda was posted in three public places within Highland City limits. The agenda was also posted at the principal office of the public body, on the Utah State website (http://pmn.utah.gov) and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the City Council, staff and the public.

Posted and dated this 11th day of July, 2019

Cindy Quick, MMC
City Recorder

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

HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, June 4, 2019

***Agenda Amended June 3, 2019**

Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Ed Dennis (via phone), Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, Fire Chief Reed Thompson, and City Recorder Cindy Quick

EXCUSED: Council Member Brian Braithwaite

OTHERS: Doug Cortney, Jason Bartholomew, Penny Kilger, Dylan Higginbottom, Tim Ball, Carri Jenkins, Lora Beth Brown, Brandon Grover, Wayne Tanaka, Briawna Hugh, Darin Mano, Brittney Bills, Lisa Bartholomew, Ryan Bartholomew, Megan Bartholomew, Krissy Greening, Kim Rodela

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7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Fire Chief Reed Thompson
Pledge of Allegiance – Council Member Tim Irwin

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 p.m.** 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 Fire Chief Reed Thompson and those assembled were led in the Pledge of Allegiance by Council Member Tim Irwin.

1. UNSCHEDULED PUBLIC APPEARANCES

Wayne Tanaka, representing Friends of the Library, explained that the Summer reading program had begun. He said there were 50 children signed up. One incentive was to provide rewards if they meet their accomplishments, of which he described several examples. He reported that the library would be participating in the Cedar Hills parades and marketplace. Additionally, there would be a book sale on Saturday.

2. CONSENT ITEMS *(5 minutes)*

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council Members may pull items from consent if they would like them considered separately.

a. ACTION: Approval of Meeting Minutes

Regular City Council Meeting May 7, 2019

b. ACTION: Approval to Purchase a Pickup Truck for the Building Department
The City Council will consider approving the purchase of a Ford Ranger pickup truck in the amount of $29,304.47 for the Building Department. The Council will take appropriate action.

Council Member Tim Irwin MOVED to approve consent items a. and b. as listed on the agenda.
Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

3. ACTION: APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN FOR PROFESSIONAL OFFICE BUILDINGS IN THE PROFESSIONAL OFFICE ZONE *(20 minutes)*

Planner & GIS Analyst Tara Tannahill presented the staff report, explaining that this was a request from Eternal Springs for a Site Plan approval and Conditional Use Permit of professional office buildings located at 10298 North 4800 West (SP-19-01 and CU-19-01). She displayed the vicinity map and site plan and provided a brief outline of the project. She explained that the Council needed to determine the fencing and noted that the landscaping and architecture requirements were met. She also displayed the floor plan as well as the dumpster relocation plan which she noted met the new requirements. There were ten stipulations recommended by Planning Commission, as listed in the motion below.

Darin Mano, representing the owner, asked if the one-foot candle requirement was for every property line. Ms. Tannahill explained that this was required for the residential side only. Mr. Mano said the owner preferred no fence if the neighboring property was not residential. Ms. Tannahill explained that the Planning Commission recommended the lighting not to exceed one foot on the development side and not to exceed two feet on the parking lot side.

Council Member Smith asked about the trail near the development. Ms. Tannahill stated that staff had not received any landscaping trails. Council Member Smith asked if they would need to include a fence along the trail for safety. It was noted that there was no longer any residential zoning bordering this development. There was subsequent discussion on the merits of building a fence between the property and the trail.

Council Member Ostler asked about the lighting requirements. Mr. Merrill, legal counsel, explained that the purpose of a conditional use permit for this development was that it would not set a precedent for other sites.

Mr. Mano suggested they light the trail. Mayor Mann agreed.

Council Member Irwin said he noticed a change in the architecture of a building and asked if this was directed by the City. Ms. Tannahill responded in the negative.

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Council Member Ostler stated that the roof venting was visible and suggested it be placed on the opposite site to be hidden. Mr. Mano explained they did not know what the tenants wanted, and the venting would be determined based upon the building's use.

Mayor Mann asked if there were any additional comments. There were none.

Council Member Tim Irwin MOVED that the City Council approve the conditional use permit and site plan for Eternal Springs and give them the option of installing the wrought iron fence and restrict the one-foot candle requirement to the residential side and subject to the ten stipulations recommended by the PC.
Council Member Scott L. Smith SECONDED the motion.

Stipulations:

1. *Development of the site shall comply with the site plan January 2, 2018 and building elevations dated May 6, 2019 except as modified by these stipulations.*
2. *All signage shall require a separate permit and comply with the Development Code requirements.*
3. *The light levels shall not exceed one-foot candle ~~at the south and~~ on the east property line.*
4. *The refuse container shall be revised to meet the requirements of the Development Code.*
5. *The monument sign shall be revised to meet the requirements of the Development Code.*
6. *Prior to Council consideration, the second-floor setback shall be provided to staff to review.*
7. *A six-foot wrought iron fence ~~shall~~ may be installed on the south side of the property.*
8. *All utility and mechanical equipment shall be screened.*
9. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*
10. *Final civil engineering plans shall be reviewed and approved by the Fire Marshall.*

The vote was recorded as follows:

Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

4. ACTION: RECONSTRUCTION OF THE EXISTING TENNIS COURT IN THE CANTERBURY CIRCLE SUBDIVISION *(30 minutes)*

Planner & GIS Analyst Tara Tannahill oriented the City Council regarding a request to fund the reconstruction of the existing tennis court in the Canterbury Circle subdivision with proceeds from the sale of open space property. She reviewed the costs to reconstruct the courts.

Council Member Irwin asked if they would remove or resurface the courts. Todd Trane, City Engineer, responded they had two options: (1) remove the asphalt or (2) totally reconstruct the court. Ms. Tannahill shared the costs associated with these options. Council Member Irwin asked if this would be a cement court, to which Mr. Trane responded in the affirmative. It was noted the residents wanted more detail before they gave a final price. Ms. Tannahill indicated that the cost would be about $91,000.

Council Member Irwin said a meeting was held with the contractor that was proposing the installation of a surface over the asphalt. He noted that this would potentially cost $85,000 and stated that this was a good product and another option. There were a lot of different choices the City could make on this item.

Council Member Ostler asked why they did not make the residents choose the best option. Ms. Tannahill explained that there was no process or procedure for this issue. She then reviewed the following:

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- Council has discussed three options previously:
  - Use these funds only within the open space subdivision from which they were generated.
  - Use these funds for improvements within existing parks in other open space subdivisions.
  - Use these funds for creating new parks.
- Are projects considered by
  - A formal petition process spearheaded by residents
  - Prioritized list of all needed open space improvements

Council Member Ed Dennis stated that the proceeds of the sale of the open space property should stay with the property that was sold because this was the proper use of these funds. Council Member Irwin agreed, adding that the funds should be used for the facility that was deteriorating.

Mayor Mann agreed the funds should be used for the courts because they were a safety hazard. Mr. Trane said the courts needed to be completely reconstructed. He noted the reason they reached out to residents was because this park would create traffic; they had the right to determine its future.

Council Member Irwin said he did not think the petition process was not needed. Mayor Mann agreed. He suggested they have the Parks and Recreation Department make the determinations in the future.

Council Member Ostler said they needed to determine if the funds should be used for maintenance of capital improvements or to create new improvements. He suggested they maintain what they had rather than build more. Council Member Irwin asked if this should be reconstructed. Ms. Wells said this would set the precedent for the future. Their decision on this park would determine how they would proceed with these types of projects in the future.

Council Member Smith said the court was currently in disrepair and needed attention. He asked if there would be more than tennis courts installed. Ms. Tannahill responded in the affirmative, explaining that there would be pickle ball, basketball, and tennis courts as well.

Council Member Ostler stated that the cracks in the tennis courts were a safety issue. Council Member Irwin agreed they needed to do something with the courts.

Sherry Kramer stated that the bid did not include lights. Mr. Trane explained that the lights were currently installed. Ms. Kramer said the lights were older and upgrading them would cost another $10,000. Mr. Trane said public policy required the City to bid out these jobs. The City would consider upgrading the lights once they knew how much the park was used.

Ms. Kramer stated that the trail paths also had cracks and needed repaired. She thanked the Council for considering the courts and the trails to be repaired. She expressed the preference of the City choosing to install new concrete more than installing a surface over the cracked courts.

Council Member Tim Irwin MOVED that the City Council authorize staff to fund the reconstruction of the existing tennis court in the Canterbury Circle subdivision with proceeds from the sale of open space property and direct staff to prioritize future projects.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Ed Dennis *Yes*
Council Member Tim Irwin *Yes*

Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *Yes*
The motion passed.

5. ACTION/RESOLUTION: INVOCATION POLICY FOR PUBLIC MEETINGS *(15 minutes)*

City Attorney Tim Merrill oriented the City Council with a written policy relating to prayers at public meetings. Prayer had been upheld as constitutional; however, when cities had opening prayers, they needed to be done on a non-discriminatory basis per a Supreme Court ruling.

In response to a comment from Mayor Mann, Mr. Merrill stated that a part of the policy would prohibit nonresidents from praying in a Highland City meeting. Council Member Irwin added that there was also a time limit included in the policy. Mr. Merrill added that per the ruling prayers should be brief: between three to five minutes.

Council Member Tim Irwin MOVED that the City Council approve the resolution and adopt the invocation policy for public meetings with a change to three minutes as opposed to five.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Ed Dennis *Yes*
Council Member Tim Irwin *Yes*
Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *Yes*
The motion passed.

6. *ACTION/RESOLUTION: ADOPT RESOLUTION FOR COMMON BOUNDARY ADJUSTMENT WITH AMERICAN FORK CITY *(15 minutes)*

City Engineer Todd Trane oriented the City Council with a resolution indicating the intent of Highland City to adjust a common boundary with American Fork City. On 9600 North there was a property belonging to the Chidester family; the existing home faced 9600 North. Mr. Trane displayed the map outlining the current boundary and explained that they tried to keep all homes fronting 9600 North in Highland. Anything south of that location they could not provide sewer utilities. The Chidesters wanted to develop, but Highland could not provide utilities. The plat for the boundary change was shown and it was noted that the existing home would stay in Highland.

Mr. Berg explained that they were avoiding making residents pay dual taxes.

Council Member Scott L. Smith said he would vote against the item because American Fork had annexed parts of Highland a lot over the last ten years. American Fork had developed these areas as high density and did not want to help resurface 9600 North.

Council Member Tim Irwin MOVED that the City Council adopt the resolution indicating the intent of Highland City to adjust a common boundary with American Fork City.
Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:
Council Member Ed Dennis *Yes*
Council Member Tim Irwin *Yes*

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Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *No*
The motion passed 3:1.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

a. Community Open House Report - *Assistant City Administrator Erin Wells*

Assistant City Administrator Erin Wells provide an updated regarding the Community Open House events that had recently taken place for the budget increase. They had 74 people respond to survey. 80% of the people were in favor of the fire proposal and 73% for the Police proposal. At the budget open house, they were asked only about the property tax increase because of direction from Council. 62% supported the fee option and 31% supported the tax option. Ms. Wells explained that there would be additional discussion at the June 18th meeting. They would bring an adjustment for the increase and the Council would determine how to implement the funding. Council Member Ostler asked if the fee would start on January 1st and Ms. Wells said it would start on July 1st.

Mayor Mann and Ms. Wells thanked everyone involved in the budget.

City Recorder Cindy Quick updated the Mayor and Council regarding candidates who declared candidacy and reminded those attending that the declaration period ended on Friday, June 7 at 5:00 pm. Mayor Mann reported that the website would be updated daily with any declarations.

Council Member Smith stated that there had been a discussion on same day rentals. He said the only problem was with garbage, explaining that this was a growing issue as people used them for partying. He suggested that as a City they review the ordinance. Council Member Irwin stated that the problems these rentals caused could be solved by following the current City ordinances. Mayor Mann suggested the matter be added to the agenda in July. Council Member Ostler agreed. Council Member Smith noted the current ordinances could not prevent these rentals from having partying and drinking.

Council Member Smith reported there was a flyer that was passed out on Thursday stating residents could not use water or flush toilets for eight hours. He said this was too restrictive for only two days' notice. Mr. Trane explained that eight hours was a worst-case scenario; staff hoped it would only last for four hours. Mr. Trane noted that the process would save the City thousands of dollars. Council Member Smith asked staff to provide more than a two days' notice.

Council Member Ostler asked about notices for road reconstruction. Mr. Trane stated that staff put the notices in the City newsletter and hung flyers at the homes affected.

Lora Beth Brown, resident, asked about the public notice for Atlas and Dawn and the open space property. Ms. Tannahill stated that they would discuss the item June 18th for the open space funding. The applicant requested to change it to June 18th. They needed to change the sign on the property regarding the date.

Fire Chief Reed Thompson reported on a chlorine leak. They transported 26 patients to the hospital by ambulance others arrived by themselves. Injuries were not life threatening, but it was a burden on resources for about an hour and a half.

8. FUTURE MEETINGS

a. Future Meetings

- June 18, City Council Meeting, 7:00 pm, City Hall
- June 25, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

*The meeting adjourned at **8:15 PM**.*

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 4, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick

Cindy Quick, MMC

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HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, June 18, 2019

Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, City Recorder Cindy Quick, Fire Chief Reed Thompson, and Police Chief Brian Gwilliam

OTHERS: Tyler Smith, Doyle Byers, Lori Summers, Brad Scott, Kathy Scott, Jennie Robbins, Debbie Ostler, Colleen Bennett, Craig Bennett, Allison Larson, Joe Larson, Troy Dyches, Pen Anderson, Zandra Anderson, Mike Bond, Payslie Jackson, Joe Jackson, David Lay, Blake Stevens, Barbara Stevens, Paul Burgon, Ladell Burgon, April Sullivan, Michael Cook, Pam Cook, Angela Contino, Tracy Contino, Doug Cortney, Lora Beth Brown, Sherry Kramer, Diane Bigler, Tina Grundmann, Tyrell Gray, Ken Hanna, Chris Evans, Lars Anderson, Susan Snell, Emily Strack, Peter Strack, Derek White, David John Redman, Pam S. Redman, Jamie Johnson, Wesley Warren, Mark Lay, Katrina Van Cott, Leslie Hill, Jeff Hill, Leah Higginbotham, Roy Martin, Christina Martin, Tim Ball, Julie Rockwell, Porter Rockwell, Colby Gibson, Natalie Ball

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Lori Summers
Pledge of Allegiance – Council Member Tim Irwin

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 p.m.** 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 Lori Summers and those assembled were led in the Pledge of Allegiance by Council Member Tim Irwin.

1. UNSCHEDULED PUBLIC APPEARANCES

Derek White, resident, thanked the Mayor and Council Members for their service. He wanted to address the traffic surge across southern Highland caused by the Murdock connection between North County Boulevard and Alpine Highway. There were an expected 6,200 trips along that road, with numbers potentially rising to 8,500 per day. He explained that a lot of traffic would flow through Highland subdivisions, thereby significantly increasing traffic along 9600 North Canal Boulevard, and if connected, Madison Avenue. He listed several other roads that would be affected as well. He had asked residents to send in letters and emails, assuring his neighbors that their voices would be heard. In meeting with City officials for the first time, he was given assurance that his friends and neighbors would, in fact, be heard. However, during the next three follow-up meetings, the City's

representatives showed that they had little to no concern for the traffic surge with which Mr. White had presented them. Rather, the residents' emails and letters were dismissed. He then quoted specific comments from Council that were alarming. He asked the Council if they, the residents, had a voice. He formally asked to have a public hearing to discuss traffic issues. The majority of the audience showed support for Mr. White's remarks by standing.

Alan Rencher noted that he had been critical in the past; however, tonight he wanted to thank the Council for its outreach regarding the public safety fee. He noted a situation in another town when a City Council chose not to increase budget for fire and police. As a consequence, his father's home owner's insurance went up 2000%, along with most of his neighbors. Mr. Rencher stated that the cost of not properly funding public safety in that city was tens of millions of dollars over the course of three or four years. Mr. Rencher voiced his support for the fee.

Mayor Mann asked to move Item 8 above Item 9 and have staff provide a presentation for all three options together. Members of Council agreed with his request.

Mayor Mann took the opportunity to commend City Engineer Todd Trane and staff for excellent work done over the last couple of weeks to remove trees in Bull River. Josh Castleberry had been working extra hours mowing lawns and today he was given a Highland Hero pin. Lastly, Mayor Mann mentioned that City Engineer Todd Trane and his family recently helped clear the debris basin as well.

Council Member Kurt Ostler complimented staff and recognized Lehi City for their generosity in bringing up their equipment to help with cleanup around the City. He said they were a good neighbor.

Council Member Scott L. Smith thanked City Engineer Todd Trane and staff. He was nervous about the sewer pipeline but noted that everything went well.

2. CONSENT ITEMS *(5 minutes)*

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council Members may pull items from consent if they would like them considered separately.

a. ACTION: Approval of Meeting Minutes

Regular Meeting May 21, 2019

b. ACTION: Appointment of New Library Board Members

The City Council will consider ratifying the appointment of Briawna Hugh, Edgar Tooley, and the reappointment of Roger Dixon to serve on the Highland City Library Board for a term of three years from July 1, 2019 – June 30, 2022. The Council will take appropriate action.

c. ACTION: Beautification Committee Appointment

The City Council will consider ratifying the appointment of Cary Wise to serve as the Chair of the Beautification Committee. The Council will take appropriate action.

d. ACTION: Millhaven Development Final Plat Approval

The City Council will consider approving the final plat for Millhaven Development, approximately 12 acres of property located approximately at 10029 North 6300 West (FP-19-03) and subject to the five stipulations recommended by staff. The Council will take appropriate action.

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Mayor Mann requested those appointed to stand. Edgar Tooley was present and then recognized. Mayor Mann thanked him for being willing to serve.

Council Member Ed Dennis MOVED to approve consent items a., b., c. and d. as listed on the agenda. Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

3. ACTION: ACCEPTANCE OF OPEN SPACE IMPROVEMENT FUNDS FROM MERCER HOLLOW ESTATES SUBDIVISION RESIDENTS *(30 minutes)*

Planner & GIS Analyst Tara Tannahill oriented the City Council Members with the item, explaining that they would consider accepting the open space improvement funds donation from the Mercer Hollow Estates subdivision. Additionally, they would review funding the difference for the proposed landscaping project with proceeds from the sale of open space property. She presented an aerial map of the location and provided some background information regarding the history of open space.

In 2017 and 2018, the City Council approved a sale of open space property. Planner & GIS Analyst Tara Tannahill presented a landscaping plan and noted that the document also included cost estimates. By landscaping the area, the hope was that illegal dumping would decrease or stop. Residents were donating $70,000 in funds to go towards this landscaping project. Planner & GIS Analyst Tara Tannahill explained that the cost estimate the petitioners provided was outdated; therefore, Staff provided an updated estimate of $89,309 based on today's market. She subsequently broke down the various components of the landscaping plan. Petitioners were requesting funds to make up the difference in cost. Staff would budget $20,000 in the 2019-2020 FY Budget and would have to bid the project according to City procurement procedures. Mayor Mann remarked that the amount of donations made by the residents was impressive.

Council Member Scott L. Smith asked how much acreage was included with this plan, specifically. He wondered if the proceeds from any open space subdivision could be used in different subdivisions, thus making them available to other areas as well. Planner & GIS Analyst Tara Tannahill was unsure. Council Member Ed Dennis recalled that the Council approved the funds to be used in any open space area, including in other subdivisions. City Administrator Nathan Crane said this was his recollection as well. Council Member Ed Dennis explained that some of the spaces couldn't use all of the funds. Mayor Mann agreed. Council Member Ed Dennis commended the residents for their efforts.

Lars Anderson, resident, explained that they had been working on this with staff for about a year and a half. The key component to the project was that the residents wanted to donate money and make this a City project. He noted there were power lines over the open space. Signs were posted stating not to dump in the area, and while dumping was reduced it still remained a common dump spot.

Council Member Kurt Ostler asked how many residents donated the money. A member of the audience explained that the donations hadn't been made yet, only pledges. He wanted to give all residents a chance to donate what

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they could and that the petitioner would cover the difference. Mr. Anderson explained that the estimate was old and the residents wanted some cooperation with the City.

Council Member Kurt Ostler clarified that the City would maintain grass with pressurized irrigation. Mr. Anderson said this was correct as the land was still owned by the City.

Council Member Brian Braithwaite said this was an awesome proposal. Mr. Anderson concurred. There was brief discussion regarding the language of the motion.

Council Member Brian Braithwaite MOVED that the City Council accept the open space improvement funds from Mercer Hollow Estates residents and that the difference be covered by the open space funding available, contingent upon receiving $70,000 from the residents with the difference covered by the City. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

4. PUBLIC HEARING/RESOLUTION: ADOPTING FINAL AMENDMENTS TO THE HIGHLAND CITY 2018-2019 FISCAL YEAR BUDGET *(20 minutes)*

Finance Director Gary LeCheminant oriented the Council with final amendments to the Highland City 2018-2019 Fiscal Year budget. He explained that when the budget was approved on July 1, 2018, the General Fund revenue was $9 million and expenses were $8.9 million. Mid-year budget adjustments and final adjusted budget numbers were shown and described. The total revenue from taxes was going up, court fines had increased by $48,000, the interest income from the budget increased by $74,000, and the prior year carryover was down $375,000.

Finance Director Gary LeCheminant explained that on the expense side, building maintenance went from $54,000 to $60,000. The Planning budget was reduced by $70,000, most of which was attributed to the planned expenditure for the General Fund plan. Additionally, a truck was purchased for the City's Building Inspector for $30,000. In the transfers to the Capital Fund, the City was over by 25% per the auditor's assessment. Therefore, $150,000 was transferred from the last fiscal year from the General Fund to the Capital Fund to cover the costs of the salt shed and the maintenance building. The salary expenses in the General Fund were adjusted down by $33,000. Finance Director Gary LeCheminant then reviewed the following line items:

- Salary Expense Adjusted up by $32,000
- Sewer TSSD from $1.4 million to $1.25 million
- Depreciation Expense Adjusted up by $116,000
- Accena Group Adjusted up by $16,000
- Interest Income Adjusted up by $268,000
- Impact Fees Adjusted down by $100,000

The Council was provided an adjustment spreadsheet. General Fund Balances were subsequently presented as follows:

- Ending Balance FY 2018—$2,605,387

- Est. Net Loss FY 18/19—$83,000
- Est. Ending FY 18/19 Fund Balance—$2,522,387
- Estimated FY 18/19 Revenue—$8,995,773
- 25%—$2,248,943
- Amount over 25%—$273,444

Finance Director Gary LeCheminant explained that with the potential 25% overage, there was a resolution being drafted to transfer the excess funds towards the salt storage or 6800 West projects next year.

Council Member Kurt Ostler asked if the City had an obligation to the east/west corridor. City Engineer Todd Trane answered in the negative, explaining that the corridor was grandfathered in 2009 when Utah County MAG went ahead and allocated that project and funded it by 100%. Until the bid went out, the City would not know how much the project would cost, exactly. However, MAG guaranteed that Highland City would not have a matching fund balance.

Council Member Brian Braithwaite asked if the City would have to pay for any fencing installed along the corridor. Finance Director Gary LeCheminant said at this point everything in the design had been included and would therefore be bid as such. The only items for which the City would pay were all of the utility improvements; currently, the plan was to match the costs of these improvements through the City's enterprise funds. Mayor Mann asked how much construction would cost. Finance Director Gary LeCheminant said there was $300,000 in the budget but the bid might come back higher.

Mayor Mann opened the public hearing at 7:34 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:34 PM.

Council Member Scott L. Smith MOVED that the City Council adopt Resolution R-2019-11 Amending the Fiscal Year 2018-2019 budget. Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

5. PUBLIC HEARING/RESOLUTION: APPROVAL OF AN INTERFUND TRANSFER FROM THE PRESSURIZED IRRIGATION FUND TO THE GENERAL FUND FOR BUDGET FISCAL YEAR 2019-2020 *(10 minutes)*

Gary LeCheminant oriented the Council with a recommendation to adopt a resolution allowing a transfer of $108,000 from the Pressurized Irrigation Fund to the General Fund for fiscal year 2019-2020. He explained that

these subsidy transfers were allowed if the City provided public notice and met all of the necessary requirements. This would authorize the transfer to make the General Fund whole and reviewed the following:

- Amount of transfer—$108,000
- Exp. before transfer—$2,201,596
- Exp. after transfer—$2,309,596
- Percent of expenses—4.7%
- PI Customers—4,358
- Subsidy per month—$2.07

Council Member Tim Irwin stated that these transfers were confusing. Finance Director Gary LeCheminant explained that some of Staff's salaries, including part of his own, were charged like general administrative expenses towards the enterprise funds. There was subsequent discussion on the matter and Council Member Brian Braithwaite said this practice came from the State Auditor. Finance Director Gary LeCheminant stated that most cities liked to leave as much money in the General Fund as possible and this was a way to do it.

Mayor Mann opened the public hearing at 7:40 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:40 PM.

Council Member Kurt Ostler MOVED that the City Council adopt the Resolution R-2019-12 authorizing the transfer of $108,000 from the Pressurized Irrigation Fund to the General Fund for the fiscal year 2019-2020 budget. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

6. PUBLIC HEARING/RESOLUTION: ADOPTING THE HIGHLAND CITY COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2019-2020 *(15 minutes)*

Finance Director Gary LeCheminant oriented the Council with a resolution for the City's Comprehensive Fee Schedule for Fiscal Year 2019-2020. He noted the changes to the fee schedule and outlined the following:

- Cemetery plot, resident, from $1,045 to $1,076
- Cemetery plot, non-resident, from $1,458 to $1,502
- Garbage—1st Can from $9.35 to $9.40
- Garbage—Recycle Can from $4.45 to $5.10
- Library Non-Resident Fee from $40 to $70

- No changes in Planning and Zoning Fees

Finance Director Gary LeCheminant explained that the City had been subsidizing recycling cans per the Council's approval. He noted that the schedule did not include a public safety fee or park fee, which would be discussed next. Mayor Mann asked if the room and field rental fees were included, to which Finance Director Gary LeCheminant answered in the affirmative.

Council Member Kurt Ostler asked when the contract for the City's recycling service would be renewed. Assistant City Administrator Erin Wells said Staff planned to work on an RFP this fall.

Mayor Mann opened the public hearing at 7:44 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:44 PM.

Council Member Brian Braithwaite MOVED that City Council approve Resolution R-2019-13 the Comprehensive Fee Schedule as changed for the fiscal year 2019-2020. Council Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

Mayor Mann explained that the budget items would be presented and discussed together.

7. ACTION/ORDINANCE: ADOPTION OF A PUBLIC SAFETY FEE *(20 minutes)*

9. ACTION/RESOLUTION/ORDINANCE: CREATION OF A PARK FEE, REMOVAL OF THE OPEN SPACE FEE, AND REALLOCATION OF FUNDS *(20 minutes)*

City Administrator Nathan Crane oriented the Council with three options. He explained that they were aware of the request from LPPSD for increase to Highland City's allocation of $701,000. The following information was subsequently reviewed:

- $701,000 – Increase to Highland City Portion of Lone Peak Fire & Police Budgets
    - Fire – Maintaining Level of Service
    - Cedar Hills exit
- Revenue loss
    - Fixed costs
    - Eight firefighters/EMT on duty at a time
    - Police – Recruitment and Retention
    - 401K match, increased base salary, Tier II change

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Option 1: Item 7.

- $12.57 per month Public Safety Fee
    - Paid per home and billed on utility bills
    - $150.89 per year
    - Would be in the General Fund but tracked like B & C road money

Council Member Scott L. Smith said he thought the funds would be dedicated. City Administrator Nathan Crane confirmed this would be the case and that a special revenue fund would be established. Council Member Brian Braithwaite said there would be transparency on the matter, and City Administrator Nathan Crane said this was correct. He then presented Option 2, as follows:

Option 2: Item 8.

- Increase the certified tax rate
- Current
    - General Operations Rate—0.001090
    - Revenue—$1,757,778
    - Library Rate—0.000164
    - Revenue—$264,473
- Potential Increase
    - Added Public Safety Rate—0.000435
- Revenue—$701,000
    - 35% increase
- Truth in Taxation Process
    - Noticing
    - Final decision would be made on August 6

COSTS would be as follows:

- Median Highland Home—$554,300
- Current
    - $382.30 per year ~ $31.86 per month
- Increased Rate
    - Additional $132.50 per year ~ $11.04 per month
    - Average Highland Home - $604,000
- Current
    - $416.58 per year ~ $34.71 per month
- Increased Rate
    - Additional $144.38 per year ~ $12.03 per month

Council Member Tim Irwin asked if there is there a range. Assistant City Administrator Erin Wells said this information was on the City's website.

Option 3: Presented by Council Member Ed Dennis & Council Member Scott L. Smith

- $8 per month Park Fee for all utility accounts
- $8 per month Public Safety Fee for all utility accounts
- $20 per month Open Space Fee eliminated
- $116,500 General Fund Surplus used
- $138,500 by eliminating the transfer from General Fund to Open Space Fund
- $446,000 from $8 per month Public Safety Fee

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- $116,500 from Previous Year's Fund Balance
- Same amount of money spent on Parks and Open Space
- ½ sales tax was proposed for open space trails.

Option Summary is as follows:

1. Public Safety Fee (Item 7)
   - $12.57 per month for all utility accounts

2. Raise Property Tax Rate (Item 8)
   - $12.03 per month increase (Average Highland Home)

3. Public Safety Fee/ Parks Fee/ Open Space Fee Elimination (Item 9)
   - $16.00 per month increase for non-open space residents
   - $4.00 per month decrease for open space residents

Other Options / Considerations
- Budget Cuts
  - Over the past 10 years, inflation adjusted spending has decreased 1.6% and population has increased 31%
  - Any additional cuts mean a reduction in level of service
  - Unfunded needs: open space maintenance, playground and fleet replacement, general plan updated, cemetery fence, etc.
- Using Reserves
  - Ongoing Costs vs. One Time Revenue (Nathan explained this)
  - Lewis & Young General Fund Study (shows need for additional funding)
- Fully Vetting Options/ Public Communication

Assistant City Administrator Erin Wells explained that the lower side of the cost of a home in Highland was $300,000 home, which meant an increase of $71/year or $6/month. The high end of the cost of a home in Highland was a $1 million home, which meant an increase of $239/year or $20/month. Council Member Tim Irwin asked about homes that were not within this range. He said the language was misleading and felt a specific range was needed. There was further deliberation on the matter.

Council Discussion:

Council Member Scott L. Smith read a statement regarding Option 3. He said he was the only one on the Council who had ever lowered taxes. In 2010, he voted for a property tax decrease that was still in effect. He did not like raising taxes or fees. However, he supported public safety being fully staffed and he wanted the money to stay in the community because there was great accountability. He remarked that the City was well run, noting that there were almost 20,000 residents who lived there. Concerning the size of the City, everything ran smoothly. However, there were times when more revenue was needed in order to provide basic services. The citizens of Highland spoke loudly to have large lots and have a bedroom community. Therefore, some sacrifices were needed. In holding open houses, Council Member Scott L. Smith had been disappointed with the turnout. He described several scenarios in which slower response times impacted an emergency. He supported Option 3 and felt it was time to address the two-tier system.

Regarding open space, Council Member Scott L. Smith noted that the neighborhood concept was developed over 20 years ago. When he was on the Council previously, they had eliminated the open space ordinance because of

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all the complaints submitted by residents. The developer sold smaller lots to use open space and the residents in those developments paid $240/year to help maintain it. From the beginning, they had been clear that all parks and trails were public as well. The Council felt it was good to surplus the land but received some pushback on the matter. He believed they could implement a City-wide park fee, have a smaller public safety fee, and use some of the City's reserves to keep the fee to a minimum.

Council Member Ed Dennis explained that in looking at the reserves, there were two action items in the audit in relation to the excess funds. Last year, the issue was resolved by transferring funds to the Capital Fund. In reviewing the past four years, the City had exceeded its statutory limit of reserves within the General Fund. He felt it was reasonable to put those funds towards public safety to go towards an increase in the 2019-2020 budget. If interested, the park fee would generate $138,500 that could be used for public safety within the General Fund. He noted that they were transferring $160,000 from the General Fund to the Open Space Fund. However, some of it was restricted to the County sales tax and had to be used for roads and trails. This left an extra $21,500 for future use in the General Fund for other trail maintenance and over $250,000 in additional funds. The impact of the park fee totaled an additional $4.20 for each resident. Council Member Ed Dennis favored Option 3.

Council Member Brian Braithwaite supported pursuing a revenue increase for parks and trails. However, he felt there were several issues with the perception of residents' expectations. Staff had held open houses and spent a lot of time with residents. Staff put together a five year plan based on input given by the residents. We modified it brought it back and residents felt they could trust city council to handle the issue. We did this again this year when going through the public safety process. He said There shouldn't be any question whether you want it or don't want it and the reasons behind those opinions. He was concerned because We have spent zero time talking about these types of things. He asked What does manicured trail mean – we don't know what that looks like and yet it is a critical detail. The due diligence needs to be gone through.

Council Member Brian Braithwaite explained that the proposal presented tonight for the parks and trails fee did not reflect information presented to the residents. He did not feel the fee made sense and that the public had sufficiently involved in the process. He suggested that they pass something in the near future instead passing it tonight. This would allow for more time to vet options.

Council Member Brian Braithwaite said the difference with public safety was that the fiscal year began now and would directly impact the next fiscal year. The 25% reserve amount accounted for three months of City revenue. The problem was that the City currently did not have money in the budget for this building and the funds they were setting aside were for major disasters. After about ten years, repairs would need to be made as it was at this point that things started falling apart. When that happened, the reserve money would need to go towards upkeep. He compared the City's reserves to a home mortgage. The current proposal included pulling from savings every year, which was not an efficient revenue source because the funds would eventually run out. Council Member Brian Braithwaite said that in initially presenting this to the residents the proposal had an ongoing revenue source; therefore, that was what they should do. He stated that when it came to residents not feeling like they could trust City officials, their first course of action was to create referendums. If the City were to do something radically different than what it said it would do, there was the possibility of a referendum which could shut down the public safety fee and have a real impact.

Council Member Tim Irwin agreed with Council Member Brian Braithwaite that this topic should be discussed. He said there were two kinds of citizens in Highland: those that were near open space and those that were not. He felt that all of the citizens in the City should be paying for a resource that everyone could use. He agreed that the process of implementing fees and involving the public was important. A Citywide fee affected all other subdivisions that were not currently paying the fee, which caused trust issues. A fully vetted process that involved the public should take place. Council Member Tim Irwin believed there was an opportunity to use some of the

excess funds to offset the public safety fee. He disclosed that he lived in an open space development and again stressed the need for a fully vetted process for the parks and trails fee.

Council Member Ed Dennis stated that a two-tier system for the parks and trails fee had been an ongoing discussion for several years. There had been a few windows of opportunity to present a proposal to eliminate it. The fee would impact the entire City. He stated that residents gave money to the City, and therefore these funds belonged to them. These were surplus funds in excess of what was allowed by State law and the City needed to make sure it was a good steward of the money. He explained that the expectations of the maintenance for the open space had been determined in a budget process. The money that they were talking about with this item generated enough to fund open space maintenance exactly as the staff funded it. There was not hidden agenda to change the level of maintenance. He stated that the revenue within the City was not static; with the development center and several subdivisions coming in there would be more money generated in the next seven to eight years that the City could absorb and save. He said this was a window of opportunity with a minimal impact.

Council Member Kurt Ostler was concerned with transparency and trust. He stated that for the last six weeks the City had been pushing for a public safety fee, which included putting a video together that had been viewed by 2,800 individuals. He wanted to go through a more thoroughly vetted, public process for the parks and trails fee before deciding on the matter.

Council Member Scott L. Smith said the issue in open space neighborhoods was that they had been vetting this for ten years and still had not resolved anything. He stated that there had been pushback for not selling open space. He lived on the east side of Highland where there were three parks; his neighbors did not pay to subsidize those parks. He believed transparency was important, but the open houses had been poorly attended. He plead to address the issue and said the City no longer needed a tiered system.

Council Member Tim Irwin agreed; however, he pointed out that they had not invited non-open space people to present their views on this issue. He had heard from several people who were concerned over the fee. He said he would like this issue to be resolved by the end of the year.

Finance Director Gary LeCheminant said in 2008 they experienced a downturn and the City lost about $150,000 in revenue. If something similar were to occur, the City could lose even more revenue. Based on the City's growth, he estimated that in another downturn they could lose around $240,000 to $250,000 per year which would add up over the span of a couple years or more. Council Member Ed Dennis inquired as to the basis of Finance Director Gary LeCheminant's claim. There was subsequent deliberation on the matter.

Mayor Mann called for public comment asking for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Doug Cortney agreed with Council Member Brian Braithwaite's comments.

Jerry Tettar, resident, said he paid $20/month and had been doing so for the past 17 to 18 years. He loved living in Highland, noting that his home backed Alpine Highway. When he bought his home, he was told that there would be grass, berms and trees in his area. However, this had never happened. Neighbors then got together about building a fence which was approved, and now he saw a fence instead of weeds. He stated that the weeds got mowed down two to three times a year. Mr. Tettar congratulated Council Member Ed Dennis and Council Member Scott L. Smith for trying to solve the problem which had been ongoing for a long time. He stated that this was a matter of fairness because the whole City benefitted from the parks.

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Natalie Ball stated that fairness went both ways on this issue. There were people who had a larger yard and paid a fee to have it mowed. She also paid an open space fee and had a larger lot, which was a lot more expensive to maintain. In theory, the property taxes were higher in these instances. She said she understood that 75% of the residents were not in an open space neighborhood. She further discussed the expenses of living in a non-open space neighborhood versus an open space neighborhood. She agreed with Council Member Brian Braithwaite in that she would like the City to go ahead with a public safety fee so that the residents did not have to file a public safety referendum. She continued that many residents felt that their attendance did not matter, which was why open house attendances were low. She felt that the parks and trails fee needed more vetting and that it should be considered separate from the public safety fee.

Kelly Savatka said he did not live in open space neighborhood but was glad to pay a monthly fee for parks. He explained that the citizens had voted but were not being listened to by the City's representatives. The citizens voted to be bedroom community and that they did not want retail in Highland. However, citizens did not understand that since they did not have retail, fees were needed in order to fund services. He reiterated his willingness to pay fees.

Grant Chandler, a Wimbleton resident, said he believed public safety personnel needed to get paid more and there was no shame in asking for these funds. He noted that he would be willing to pay even more than what was being asked. Mr. Chandler said he was most frustrated anytime he paid money for a service or project and nothing got accomplished, such as paying extra money for roads but still having bad roads. He agreed with Council Member Brian Braithwaite that the issue of the park fee was not discussed. He stressed the importance of identifying a solution and moving forward in solving these problems.

Colby Gibson stated that the Council Members were trying to make something happen that had not happened for over a decade. He felt Option 3 was the only option because otherwise nothing was going to change. He said they needed to take care of this issue quickly.

Tina Grundmann agreed with Council Member Brian Braithwaite's comments. She said those who purchased the property knew about the fee; these resources come with shared expenses and responsibilities. She supported the public safety fee.

Mark Thompson said he lived in Highland his entire life and had worked on this issue for a long time. He believed that City needed to keep a fee associated with open space. However, passing it as is tonight would not be a good thing. He gave an overview of his history as an elected official in the City, noting that open space had been a pet project of Former Mayor Jess Adamson. He said the reality was that something needed to be done but additional funds were needed. He said a ditch was meant to be piped on the east line of the Wimbleton property, but that didn't get done because the developer was sued. He added that with regards to the public safety fee, more revenue was needed to fund this area of the City. He concluded by encouraging the City's officials to be careful with money.

Carrie Bushman mentioned that she had sent emails the Mayor and Council. She explained that most residents in the open space developments were told they would have beautiful landscaping; however, they were sold a bill of goods they did not get. She said the residents paid for land donated to the City. The entire City owned the open space, but only a percentage of the residents were paying for it. She explained that the idea of creating open space first occurred in 1920 in New York as a healthy way of creating community in a condensed area. Highland needed to assess its open space and determine how much was needed for the citizens to be healthy and happy. They also needed to assess how a fee would affect various households in the community.

Sherry Kramer, resident, said she was passionate about parks and open space which was why many Highland residents saved for years to be able to live there. She was in favor of a Citywide fee; however, agreed that more

analysis was needed to determine an appropriate amount. She felt that the parks and trails fee and public safety fee were separate issues. She wanted to see the Council decide on the public safety fee tonight and decide on the parks and trails fee in the near future. She thanked Council Member Ed Dennis and Council Member Scott L. Smith for thinking out of the box.

Wesley Warren stated that Option 3 was an innovative, great idea. He felt the issue of funding public safety needed to happen now. However, he also believed that any proposal needed vetting. The parks and trails issue wasn't new but the fee was new. He stated that Option 3 wasn't discussed during the open house but could have been popular during those meetings. He agreed with previous remarks about the public safety fee and parks and trails fee being separate issues. He believed that the City could gain a lot support for getting rid of the $20 fee for just the open space residents. Everyone in the City used the open space; therefore, he agreed that the fee should be paid by everyone. He concluded by stating he was happy to pay to live in Highland.

Kendal Bushman said his biggest concern was the slippery slope. Since this particular Council was elected, several taxes and fees were implemented: a road tax, a public safety fee, and a park fee. He stated that his fees had gone up approximately $700 per year. People needed to understand how much they would pay in property taxes in Highland. He concluded by stating that any new tax or fee needed to be voted upon by the public.

Natalie Ball preferred to have a fee as opposed to tax, because a fee could have a sunset date.

Colby Gibson stated that when he bought his first home he never would have questioned whether or not there was a fee that most of Highland City wasn't paying. There were a lot of other people who were upset over this issue. Over time, if nothing was done lawsuits could start getting filed, thus costing the City even more money.

Carrie Bushman stated that the public safety fee was a little high. She asked that the Council research the fee more rather than making a decision tonight.

Wesley Warren explained that Alan Rencher had mentioned his father in Oklahoma and how one of the unintended consequences of not funding the public safety was affecting the home owner's insurance. He thought this was a compelling aspect and he wondered if staff had any additional info on this specific point.

Council Member Brian Braithwaite said he would talk to Chief Thompson on the matter.

Mayor Mann closed public comment.

Council Discussion:

Council Member Brian Braithwaite said if the $8 open space fee only maintained the status quo then that would not fix the problem. The right solution needed to be vetted thoroughly. The fee had been discussed by open space residents but it had not been discussed with the majority of residents. It was mistake implementing the fee without gaining input from everyone.

Council Member Ed Dennis said the proposal for a parks and trails fee, as well as supplementing the public safety fee, was something that he proposed early on in the budget process. Therefore, this was not a new discussion within the current budget cycle. Several Council Members had expressed interest in the proposal, but unfortunately it did not gain any traction. He appreciated the fact that residents had expressed a need for further discussion. He suggested looking at Option 1 for the public safety fee, but felt strongly that the City should use some of the reserves to fund the fee given the fact that they were forecasting reserve funds in excess of the statutory limit. He said they could have a discussion about the parks and trails fee moving forward. They owed it to residents to use the money in an appropriate way and not to charge more than was needed.

Mayor Mann asked what uses were planned with the City's excess reserve funds. Finance Director Gary LeCheminant said this depended upon final costs on a couple of projects. City Engineer Todd Trane noted that the general contracting for the salt storage building was done in-house to save money. The parks maintenance building was underfunded at this point, but staff did not know by how much.

Council Member Brian Braithwaite stated that the City paid $20,000 to $30,000 for a General Fund study, and per that study the City would run out of money in 2022 if they were to gradually withdraw funds from the reserves. He said this was particularly concerning since they were talking about pulling money from that account. Council Member Tim Irwin said the City was not discussing pulling money from the reserves. Rather, they were discussing using money in excess of the 25% statutory limit. There was further deliberation on the matter.

Council Member Tim Irwin MOVED that City Council implement a Public Safety Fee of $10/month and utilize $150,000 from the excess over 25 percent from reserves and that there be a five-year sunset. Council Member Ed Dennis SECONDED the motion.

Council Discussion:

Council Member Scott L. Smith stated that as a City they needed to move forward in finding a resolution on the open space fee. He agreed with Council Members Irwin and Dennis that the excess beyond the 25% ought to be used. He said the predictions of the study were overly conservative.

Council Member Brian Braithwaite made a substitute motion and MOVED that the City Council approve a $12.57 per month Utility Fee as was proposed to residents and have a sunset of 2028 year budget. Council Member Kurt Ostler SECONDED the motion.

Further Council Discussion:

Council Member Ed Dennis asked what the forecast fund balance was for the end of 2019 in the economic study. City Administrator Nathan Crane was unsure but could find it. Council Member Ed Dennis felt it went down fairly steep. However, they were seeing excess balance. He felt the forecast was overly pessimistic. City Administrator Nathan Crane reminded Council Member Dennis that the forecast did not include the increase requested. Council Member Ed Dennis disagreed with the model for residential cost. He felt it was more optimistic than what the forecast presented.

Tim MOVED the Question on Council Member Brian Braithwaite's motion.

Mayor Mann said he preferred that the Council pass either Option 1 or 2 and assess the open space fee further. The City could change the fee next year based on the revenues generated this year. There was further deliberation on whether or not to use the excess funds to lower the fee, and the percentage of reserve to maintain moving forward.

Council Member Brian Braithwaite made a substitute motion and MOVED that the City Council approve a $12.57 per month Utility Fee as was proposed to residents and have a sunset of 2028 budget year. Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*No*
Council Member Tim Irwin	*No*

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Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *No*

The motion failed 3:2.

Mayor Mann asked for the Council to vote on the original motion by Council Member Tim Irwin—that the City Council should implement a public safety fee of $10 per month and utilize $150,000 from funds exceeding the 25% statutory limit, and that there be a five-year sunset.
Council Member Ed Dennis SECONDED the motion.

Council Member Scott L. Smith made an additional substitute motion and MOVED that the City Council implement an $11.50 Public Safety Fee per month and utilize $60,000 from the excess reserves and that there be a sunset date of 2028 budget year. Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite *Yes*
Council Member Ed Dennis *No*
Council Member Tim Irwin *Yes*
Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *Yes*

The motion passed 4:1.

Council Member Ed Dennis explained his no vote by stating that he felt there was room to lower the fee.

8. ACTION/RESOLUTION: ADOPTING THE CERTIFIED TAX RATE FOR FISCAL YEAR 2019-2020 *(20 minutes)*

Finance Director Gary LeCheminant oriented the City Council with the certified tax rate for fiscal year 2019-2020. The certified tax rate for Highland City would be set to 0.001254 of the assessed value of property. The rate would be assigned as follows:

- 0.001090 for Highland City General Operations with anticipated collections of $1,757,778.
- 0.000164 for the Highland City Library with anticipated collections of $264,473.

Mayor Mann clarified that these rates were basically the same as last year, plus growth. Finance Director Gary LeCheminant confirmed this to be the case. Council Member Brian Braithwaite explained that the certified rate fluctuated based on the value of the properties, so the City would always get the same amount of revenue.

Council Member Tim Irwin MOVED that the City Council adopt the Certified Tax Rate for the fiscal year 2019-2020 as 0.001254. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite *Yes*
Council Member Ed Dennis *Yes*
Council Member Tim Irwin *Yes*
Council Member Kurt Ostler *Yes*
Council Member Scott L. Smith *Yes*

The motion passed 5:0.

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10. PUBLIC HEARING/ACTION: ADOPTION OF FINAL HIGHLAND CITY BUDGET FOR FISCAL YEAR 2019-2020 *(20 minutes)*

Finance Director Gary LeCheminant oriented the Council with the Final Highland City Budget for Fiscal Year 2019-2020. He presented the following numbers:

- 3% Potential Salary Merit Increase
  - $21,661
- Dental Premiums—0% increase
- Medical Premiums—4.9% increase
  - $6,838
- $200K from county ¼% sales tax
  - $100,000 to major road fund
  - $50,000 to Open Space trails
  - $50,000 to General Funds Parks Dept. for trails

Council Member Kurt Ostler asked if they were increasing the trail budget by $100,000, to which Finance Director Gary LeCheminant responded in the affirmative. He continued reviewing the following budget line items:

- Transfer $108,000 from PI for watering park grass and park strips
- $701,000 revenue increase from either a property tax increase or a fee for LPPSD
- $701,000 increase in LPPSD expenses
  - $5,600 for Admin
  - $535,900 for Fire
  - $159,300 for Police
- Bond Payments from $834,000 to $972,000
- Park and Public Safety Impact Fees
  - FY 2018—$472,000
  - FY 2019—$295,000
  - FY 2020—$301,000
- Building Permits
  - FY 2018—96 Permits
  - FY 2019—53 Permits
  - FY 2020—55 Permits

Final Numbers for General Fund Budget FY2020

- Total Revenue—$9,656,476
- Total Expenses—$9,655,824
- Net Revenue—$652
- Current Cash Balance—$2,038,389
- Forecasted FY 2019 Exp.—$8,954,996
- Avg. Exp. Per month—$746,000
- Cash Coverage—2.7 months
- FY19 Revenue Budget—$8,995,773
- FY19 Expense Budget—$8,995,773
- Net—0
- FY19 Revenue Forecast—$8,913,890
- FY19 Expense Forecast—$8,954,996
  - Net ($41,106)

DRAFT

- FY20 Revenue Budget—$9,656,476
- FY20 Expense Budget—$9,655,824
  - Net $652

LIBRARY FUND

- Revenue—$358,621
- Expense—$355,397
- Indirect Overhead Charge—$8,838
- Insurance Charge—$1,175
- Part Time Staff—$131,013 (up $16,275 from current year budget)

SEWER FUND

- Sewer Fund Budget FY 2020
- Revenue—$2,272,690
- Expense—$2,368,832
- Current Cash Balance—$4,278,000
  - $449,000 is impact fee collections
- Planned Projects:
  - Lift station capital projects
  - Pipe rehabilitation & replacement
  - American Fork lift station
  - Forcemain

PI FUND

- Press. Irrigation Fund Budget FY 2020
- Revenue—$2,470,194
- Expense—$2,309,596
- Current Cash Balance—$3,497,000
  - $656,000 is impact fee collections
  - Planned Projects (next 2-5 years):
    - Upper and Lower Pond Expansions
    - CUP/Murdock Canal Connections
    - Zone Modifications (PRVs)
    - Water meters

STORM SEWER

- Storm Sewer Fund Budget FY 2020
- Revenue $542,822
- Expense $537,251
- Current Cash Balance—$1,361,000
  - Planned Projects:
    - Mercer Hollow Drainage Realignment and Lining
    - Country French Detention Reconstruction

CULINARY WATER

- Culinary Fund Budget FY 2020
- Revenue $951,464
- Expense $1,230,107

DRAFT

- Current Cash Balance – $2,924,000
    - Planned Projects:
        - Major well maintenance
        - Pipe for southeast area

UTILITY TRANSPORTATION FUND

- Transportation Fund Budget FY 2020
- Revenue—$1,027,000
- Expense—$1,019,155
    - 6400 West, 5870 West, 10500 North, 6000 West
    - Current Cash Balance – $786,000
    - Money collected from September to May and spent June to August.

Mayor Mann opened the public hearing at 9:48 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were no comments.

Mayor Mann closed the public hearing at 9:49 PM.

Council Member Brian Braithwaite MOVED that the City Council adopt the Final Highland City Budget for fiscal year 2019-2020 with the adjustment in the Public Safety Fee being lowered and the difference coming from the reserve. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*No*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:1.

Council Member Ed Dennis explained the reason he voted no because he disagreed with the public safety fee, the use of excess reserves, and the method of funding.

11. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

Mayor Mann reported that he recently met with a community group in American Fork as well as representatives from the park service. There were currently discussions about the indoor agency building to be built west of the LDS stake center on SR92. The group wanted to propose an additional outlet in case North County Boulevard plugged up. At the meeting, City Engineer Todd Trane made several points about how this would help provide better services in the area. City Engineer Todd Trane presented an aerial map of the County to the Council and discussed the proposal. There was further discussion on the matter.

Council Member Brian Braithwaite asked for an update with potential flooding. City Engineer Todd Trane said staff had been watching flows out of American Fork canyon for the past three to four weeks. Highland City and

DRAFT

American Fork City staff were taking turns monitoring the area, and would continue to do so for the next couple of weeks. Flooding should no longer by a threat by the first part of July. He hiked up Silver Lake and reported that it was still frozen and snowy. He reported that the City was using 100% of what was coming out of the canyon from last year; all of that storage water will be replaced this year.

12. FUTURE MEETINGS

a. Future Meetings

- June 25, Planning Commission Meeting, 7:00 pm, City Hall
- July 2, City Council Meeting, 7:00 pm, City Hall

There was a quick discussion about whether or not the Council would meet on July 2nd. Mayor Mann also asked about the Candidate Open House to which City Administrator Nathan Crane responded that it would be on July 18th. He further explained that they were planning to create a voter information pamphlet based on responses to common questions from residents.

13. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

Mayor Mann stated that the Closed Session had been cancelled.

ADJOURNMENT

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

*The meeting adjourned at **10:00 PM**.*

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 18, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick

Cindy Quick, MMC
City Recorder

DRAFT

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT
ITEM #4

DATE: July 16, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Rod Mann
Mayor

SUBJECT: **RESOLUTION** – Declaring Highland City's Support for Protecting all Human Life *Administrative*

STAFF RECOMMENDATION:
The City Council approve the resolution as proposed.

BACKGROUND:
Ginger DeHart, a Highland resident, approached me with a simple resolution relating to unborn life. The Declaration of Independence, the founding document of the United States of America, states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness".

It is within the purview that I felt it would be important for us to adopt a resolution showing our support for all human life.

FISCAL IMPACT:
The proposed resolution does not have an impact on this fiscal year's expenditures.

ATTACHMENTS:
1. Proposed Resolution

RESOLUTION NO. R-2019-16

A RESOLUTION DECLARING HIGHLAND CITY'S SUPPORT FOR PROTECTING ALL HUMAN LIFE

WHEREAS, the Declaration of Independence, the founding document of the United States of America, states, "We hold these truths to be self -evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, human life begins at the moment of conception and continues, uninterrupted, until the moment of natural death; and

WHEREAS, each and every human life is unique, precious, and worthy of fundamental protections; and

WHEREAS, it is within the purview of the Highland City government to address the health, safety, and wellbeing of all human life within the county; and

WHEREAS, the protection of human life is important to the people of Highland City.

NOW THEREFORE, BE IT RESOLVED by the City Council of Highland, Utah, that:

1. We declare that all human life, regardless of age or circumstance, must be protected by the laws of society.
2. We support legislation on the state and national levels that protects human life from its earliest stages, and we oppose lessening existing restrictions on abortion and euthanasia.
3. We honor the rights of healthcare providers to object on moral grounds to performing abortions or euthanasia, and we oppose any regulation or law seeking to violate that right.
4. We support the promotion of adoptions as an alternative to abortion, we encourage the State and Federal governments to support adoption at higher levels, and we support the enactment of legislation to ease the adoption process.
5. We support efforts to educate and support parents in choosing life-affirming options for their unborn children.
6. We recognize and support those who have to make the difficult decision as to whether to terminate a pregnancy in cases of rape, incest, or when the mother's health is endangered.

7. Highland City declares itself a safe haven for all of its citizens, including the unborn, the elderly, and the mentally and physically impaired.

This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the City Council of Highland City, Utah, this 16th day of July, 2019.

HIGHLAND CITY, UTAH

_____

Rodney W. Mann
Mayor

ATTEST:

_____

Cindy M. Quick, MMC
City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	☐	☐
Ed Dennis	☐	☐
Tim Irwin	☐	☐
Kurt Ostler	☐	☐
Scott L. Smith	☐	☐

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #5

DATE: July 16, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

SUBJECT: **ACTION** – Approval of the Final Master Plan and Budget for Spring Creek Park. *Administrative*

STAFF RECOMMENDATION:
City Council should approve the final master plan and budget for Spring Creek Park.

BACKGROUND:
In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300 W from Alpine School District. At that time, it was the City's intent to develop this property as a park. Unfortunately, due to budget constraints, traffic, type of park, and access to the park for that neighborhood the park was not developed.

The proceeds from selling this property would be used for the development of the Mountain Ridge Park property. The Mountain Ridge Park property is located on 10400 North, west of the Junior High and is approximately 17 acres in size. The proposed future development of Spring Creek will include a 2.32-acre park and 10 single-family building lots.

A purchase contract with Millhaven Homes for the property was approved by the Council in January of 2019. The price was $1,915,000 minus the cost of the park. The Council approved a Conditional Use Permit for the park on April 2, 2019. The final plat for the subdivision was approved on June 18, 2019. A preconstruction meeting for the project was held on July 10, 2019. Closing and the beginning of construction is scheduled to occur by the end of the month. The park will be constructed first. The project will include a home in next year's Parade of Homes.

Staff has included the park plan and budget that was included as part of conditional use permit. Staff met with applicant earlier this month. The park plan is being revised and will be provided on Monday. The budget for the park is $500,000.

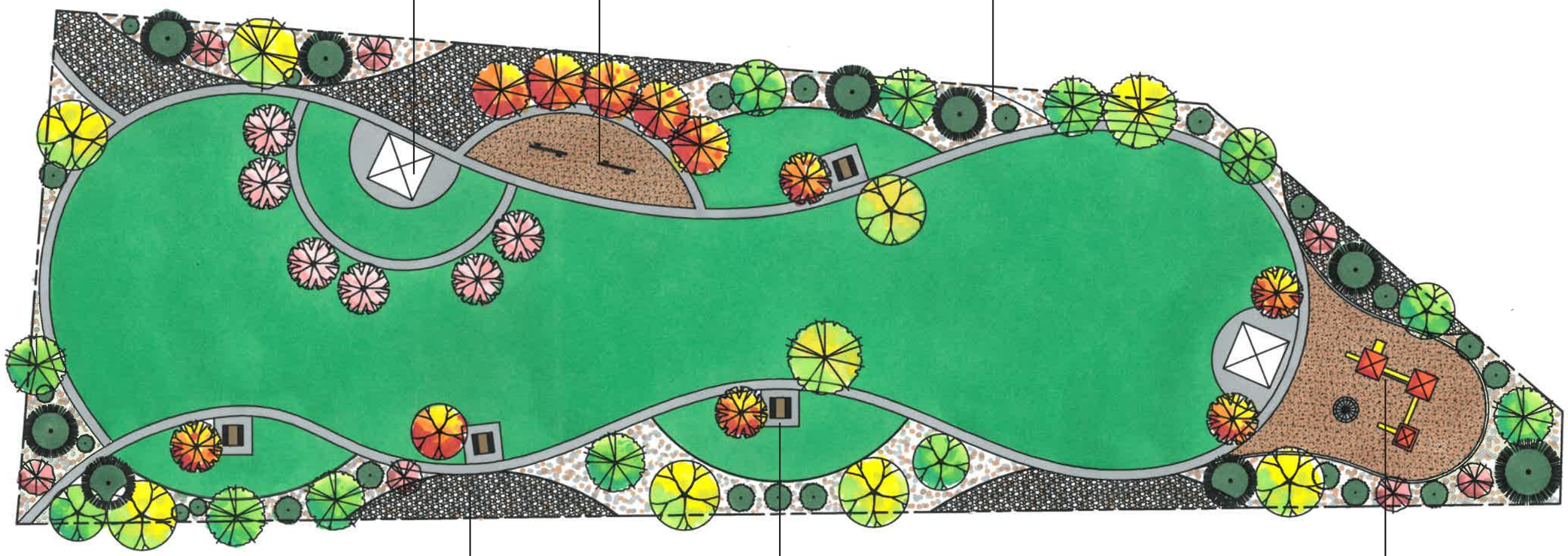
FISCAL IMPACT:

The City will receive $1,415,000 upon closing. The Council will need to determine the appropriate use of the funds as part of a budget amendment in the future. Use of the funds is restricted to park expenditures due to the property being purchased with proceeds from the park bond.

ATTACHMENTS:

1. Proposed Park – April 2019
2. Proposed Park – July 2019 (to be provided)

1 1/2”- 2”
Crushed Rock



4”- 6”
Crushed Rock

DECORATIVE LANDSCAPING
design | build | sustain

N

MAPLETON PARK

0 45 90 135

SHEET TITLE:
LANDSCAPE CONCEPT

SCALE:
1”=45’

DESIGNER:

ADDRESS:
MAPLETON, UT

DATE:
3/12/19

SHEET NUMBER:
1.0 - 11x17

DECORATIVE LANDSCAPING

1584 S. 580 E.
American Fork, UT 84003 O: 801.796.7739 F: 801.756.8340

ESTIMATE

Date	Estimator
3/13/19	kn-5833

Kyle 801.885.4338
kyle@decorativeinc.com

CONTACT INFORMATION

Name: Mapleton Park Concept C/O Millhaven Development — Phone: 801-636-0604

Full Address: Mapleton City — Email: tyrell@millhavendevelopment.com

DESCRIPTION	QTY	RATE	TOTAL
LANDSCAPE COMPONENTS:			0
TRACTOR WORK-grading and shaping and clearing	1	13650	13650
COMMERCIAL GRADE IRRIGATION SYSTEM : Includes drip for all bed areas: **POC AND PUMP TBD**	1	81252	81252
SCREENED TOPSOIL (YARDS) FOR SOD AREAS (40K sqft) AND BERMING BED AREAS 19000 sqft	1100	25	27500
PREMIUM GRADE SOD INSTALLATION and FINAL RAKE/PREP	62500	0.56	35000
FINISH GRADE LEVELING AND SHAPING AND HAND LABOR	1	11565	11565
ONSITE PROJECT MANAGEMENT AND PRODUCT SELECTION MANAGEMENT	1	6175	6175
2-4" COBBLESTONE BLEND, w/ 4" BEEF HALLOW CURSHED ROCK ACCENTS in BEDS (incl. fabric)	19000	3	57000
MIXED VARIETY OF LARGE CALIPER TREES : 2-2.5" Deciduous, and 6-7' Evergreen	77	395	30415
MIXED VARIETY OF PLANTS/SHRUBS 5 GAL	75	42.5	3187.5
MIXED VARIETY OF PLANTS/SHRUBS 10GAL	50	95	4750
DRAINAGE AND SUMP AREAS BUDGET	1	3250	3250
SOIL TREATMENT AND ROOT BOLSTER MIX ($25.00/tree) 3/shrub	1	3575	3575
CONCRETE CURBING 6" FLAT NON COLOR	300	5.5	1650
HAUL OFF (Truck Loads) *$110/hr trucking $125/hr loading.	20	250	5000
TRAVEL:	1	2150	2150
EXCAVATION AND COMPACTION CLEARING EXISTING SURFACE Budget 20hrs	1	2500	2500
MOBILIZATION AND JOB SITE LOGISTICS: INCLUDING ONSITE TOILET	1	3250	3250
			0
		TOTAL	**$ 291,869.50**
HARDSCAPE COMPONENTS:			0
PUMP TRUCKS IF NEEDED (750/truck)	0	750	0
4' WIDE CONCRETE WALKWAYS: 1800 LF INCLUDES BASE GRAVEL PREP AND FORM	7200	7.5	54000
PARK BENCH CONCRETE LANDINGS: 15x15 (4) STANDARD EXPANSION JOINTS	4	1350	5400
PAVILION CONCRETE PICNIC AREAS: (2 @ 2000 sqft) SAW CUT WITH REBAR	4000	8.5	34000
PLAYGROUND 12" CONCRETE SURROUND WALL FOR PLAYSET WOOD CHIPS	1	4250	4250
		TOTAL	**$ 97,650.00**
visit us online at: www.decorativeinc.com	**TOTAL**		$ 389,519.50

ACCESSORIES AND OPTIONAL ITEMS			
LOW VOLTAGE LED LIGHTING: UPLIGHTS FOR TREES, PATH LIGHTS AND BENCH LIGHTS	50	240	12000
OLYMPUS PRECAST CONCRETE FENCE: 6' TALL 465 LF	465	90	41850
6' WOOD LOOK VINYL FENCING 515 LF	515	45	23175
20x20 TIMBER PAVILIONS WITH ROOF SYSTEM AND FACIA: BUDGET 18-30k	2	25000	50000
COMMERCIAL PARK ADA STEEL 8' PIC NIC TABLES WITH BENCHES (budget 1000 each)	8	1000	8000
POWER RUN TO PAVILIONS? TBD2500-3500 $2500 budget	1	2500	2500
COMMERCIAL PARK PLAYSET and SWING SET Playground Depot budget 25k installed	1	25000	25000
PLAYGROUND SOFT FALL: RUBBER MULCH 60 cubic yards $12500 WOOD Chips $ 4950	1	4950	4950
			0
			0
		OPT. TOTAL	**$ 167,475.00**
	TOTAL PROJECT		**$ 556,994.50**

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT
ITEM #6

DATE: July 16, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Todd Trane, PE
City Engineer

SUBJECT: **RESOLUTION –** Cooperative Agreement between Lehi City and Highland City Regarding Dry Creek Reservoir and Surrounding Properties.

STAFF RECOMMENDATION:

The City Council approval of an agreement between Lehi City and Highland City regarding Dry Creek Reservoir and surrounding properties.

BACKGROUND:

Staff has been working with Lehi City for several months and through several drafts of the attached agreement. The purpose of the agreement is to exchange properties between Lehi City, Highland City, and Autumn Ridge Farm LLC in an effort to create better access to Highland open space, as well as, create a corridor for a Lehi City pipeline. Lehi City will also acquire much needed right-of-way from Autumn Ridge Farm for 1200 East road improvements. Lehi City is also requesting a municipal boundary adjustment through the Dry Creek Lake with this agreement. The new municipal boundary will split the lake down the middle, Lehi City on the west and Highland City on the east.

FISCAL IMPACT:

This action will agree to accept, from Lehi City, a $400,000 payment. This payment is compensation for Highland City property deeded to Autumn Ridge Farms.

PROPOSED MOTION:

I move that the City Council adopt the resolution approving a cooperative agreement between Lehi City and Highland City regarding Dry Creek Reservoir and surrounding properties.

ATTACHMENTS:

1. Resolution
2. Cooperative Agreement

ATTACHMENT 1

RESOLUTION NO. R-2019-17

A RESOLUTION OF HIGHLAND CITY COUNCIL APPROVING A COOPERATIVE AGREEMENT BETWEEN LEHI CITY AND HIGHLAND CITY REGARDING DRY CREEK RESERVOIR AND SURROUNDING PROPERTIES

WHEREAS, the Utah Interlocal Co-operation Act, Title 11, Chapter 13, Utah Code Annotated (1953), as amended, permits local governmental units including cities, counties, inter-local agencies and political subdivisions of the State of Utah to make the most effective use of their powers by enabling them to cooperate with other public entities on the basis of mutual advantage and to exercise joint cooperative action for the benefit of their respective citizens; and

NOW, THEREFORE BE IT RESOLVED by the City Council of Highland, Utah, that the attached cooperative agreement be approved.

This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 16th day of July, 2019.

HIGHLAND CITY, UTAH

_____

Rod Mann, Mayor

ATTEST:

_____

Cindy M. Quick, MMC
City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	☐	☐
Scott Smith	☐	☐
Tim Irwin	☐	☐
Ed Dennis	☐	☐
Kurt Ostler	☐	☐

COOPERATIVE AGREEMENT BETWEEN LEHI CITY AND HIGHLANDCITYREGARDING DRY CREEK RESERVOIR AND SURROUNDING PROPERTIES

THIS COOPERATIVE AGREEMENT is made this ____ day of _____, 2019 between Lehi City (hereinafter "Lehi"), a municipal corporation of the State of Utah, and Highland City (hereinafter "Highland"), also a municipal corporation of the State of Utah, referred to singly as "each City" or together as "the Cities."

Recitals

WHEREAS, Northern Utah County Water Conservancy District (District) is the owner of the Dry Creek Dam (hereinafter "Dam") and Debris Basin, a portion of which is situated in or abuts Lehi and Highland, and the District is rehabilitating the Dam to meet current engineering standards and minimum dam safety requirements; and

WHEREAS, Lehi desires to convert the Debris Basin into a permanent water storage facility (Reservoir) to be used with Lehi's secondary water system and to add recreational facilities to the Reservoir to be made available to the general public (the Project), and has entered into a Cooperative Agreement with District to accomplish the same; and

WHEREAS, Highland owns property southwest of the Dam as shown in the attached Exhibit A that needs parking and access to 1200 East; and

WHEREAS, Lehi needs to build a 42-inch irrigation pipeline from the Reservoir along the north side of Dry Creek to 1200 East Street to serve its secondary water system; and

WHEREAS, Lehi and Highland desire a trail along Dry Creek connecting 1200 East to the Murdock Canal Trail; and

WHEREAS, Lehi needs to improve 1200 East to meet current standards and better serve the public; and

WHEREAS, Autumn Ridge Farm LLC owns property along 1200 East needed for Lehi to make the 1200 East Street improvements; and

WHEREAS, the Cities desire to address their responsibilities and understandings regarding the Project, pipeline, trail, access, 1200 East Street, and the Cities' mutual boundary through the reservoir;

NOW, THEREFORE, subject to the recitals, terms, and conditions of this Agreement, the Parties agree as follows.

1. **Reservoir Operation and Maintenance:** Lehi shall be responsible for operating, maintaining the reservoir and the trail and dry ground around the Dry Creek Reservoir to

the wood fence on the east side, but not including the wood fence, which will be maintained by property owner. If signage is provided wherein the Districts and Utah Department of Natural Resources name appears, Lehi is not opposed to the District including Highland City name on the sign. If at any time a park entrance or usage fee is instituted, Highland residents will be treated the same as Lehi resident pertaining to entrance or usage fee for use of the Reservoir or Project area.

2. **City Boundaries:** Lehi and Highland agree to establish the center line, starting at middle of inlet to Reservoir and continuing through middle of Reservoir to the middle of Dam of existing outlet the length of the reservoir as the common boundary between the Cities, as shown on the attached map in Exhibit B. Lehi also agrees to establish their city boundary pertaining to newly acquired property from Autumn Ridge Farm LLC deeded property to Highland, to now have newly acquired Highland property be in Highland boundaries. It is understood that each City will need to hold public hearings on the issue and prepare resolutions and documentation for recording for the common boundary to be finalized.

3. **Deeding of Property**: In exchange for Lehi obtaining a warranty deed from Autumn Ridge Farm LLC in favor of Highland City for 1.46 acres for possible future use as a parking area for a Highland City park, Highland will deed 3.127 acres to Autumn Ridge Farm LLC.

4. **Easement for Pipeline, Trail, and Access Road**: Highland agrees to execute a 30-foot permanent non-exclusive easement (hereafter "Easement") and an adjacent 20-foot temporary construction easement in favor of Lehi with 20-foot temporary easement expiring December 31, 2021. Lehi agrees to execute a permanent non-exclusive easement in favor of Highland over Utah County parcel 41:672:0326(see Exhibit #A) Lehi will construct a 42-inch irrigation pipeline (hereafter "Pipe") from the Dam to 1200 East Street. The Pipe and 10-foot asphalt trail (Hereafter "10-foot Trail") will be built and paid for by Lehi. 10-foot Trail will be designed as to not hinder Highland building a 28-foot road, possible future parking area, road, utilities or other park amenities needed by Highland from 1200 East Street. Lehi will submit construction drawing as to placement of Pipe, Easement and 10-foot Trail to Highland engineer for review, with Highland signing in agreement of placement. Highland agrees to maintain 10-foot Trail after it is built by Lehi. Lehi agrees to build 10-foot Public Trail on top of Pipe within Easement, with 10-foot Trail being installed by December 31, 2021, with Highland thereafter owning the 10-Foot Trail. Lehi will limit its removal of Highland trees when constructing and installing Pipe and 10-foot Trail. Lehi is not opposed to granting Highland a road curb cut off of the paved road, from Reservoir access road going up to 3200 North, allowing Highland to access the south side of the Dam area, by the Murdock trail. Highland understands that it needs to be granted access over District property, wherein Highland will do with separate agreement with District.

5. **Cash Payment**: Lehi agrees to pay Highland four hundred thousand dollars ($400,000.00) at closing.

6. **Closing**: All documents and money shall be held at a mutually agreed upon title company until such time as all the property transfers are complete and satisfied. Upon closing, the deeds and property transfers shall be recorded at the county recorder's office.

7. **Interlocal Act Provisions**: The Cities agree that this Agreement does not create aninterlocal entity.

8. **Responsibility and Indemnification:** Lehi shall be responsible for the maintenance and upkeep of the features it installs at the Reservoir, including the trail surrounding the Reservoir, and Pipe, from Dam to 1200 East Street. Lehi shall indemnify and hold Highland harmless from any and all claims arising from Lehi's negligent, reckless, or intentional conduct.

9. **Emergency Response:** Even though the municipal boundary between the communities will be in the center of the reservoir, Lehi City shall be primarily responsible for providing emergency response services up to the wood fence on the east side of the reservoir.

10. **Binding Agreement:** This Agreement shall be binding upon the parties and may not be assigned without prior written approval of the other party.

11. **Captions:** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

12. **Counterparts:** This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

13. **Severability:** The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable, or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provisions of this Agreement.

14. **Waiver or Breach:** Any waiver by any Party of any breach of any kind or character whatsoever by the other, whether such be directed or implied, shall not be construed as a continuing wavier of, or consent to, any subsequent breach of this Agreement.

15. **Amendment:** This Agreement may not be modified except by an instrument in writing signed by the Parties.

16. **Interpretation and Enforcement:** The laws of Utah shall govern interpretation of this Agreement. If any term of this Agreement is deemed unenforceable, the remainder of the Agreement shall stay in full force and effect. Whether or not suit is filed, if services of an attorney are required by any party to secure performance under this Agreement, the non-defaulting Party shall be entitled to reasonable attorney's fees and costs.

17. **Notice:** Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received:

    a. Upon personal delivery or actual receipt thereof; or
    b. Within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the Parties at their respective addresses.

18. **Exhibits and Recitals:** The Recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of the Agreement.

19. **Agreement:** This Agreement contains the entire agreement between the Parties and no statements, promises, or inducements made by any Party that are not contained in this written agreement shall be binding or valid.

20. **Performance:** Each Party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of this Agreement at the request of the other Parties.

21. **Compliance:** The failure of any Party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release another Party from any obligations arising under this Agreement.

22. **No Joint Venture:** This Agreement does not create any type of agency relationship, joint venture, or partnership between the Parties.

23. **Authority:** Each Party represents that it has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

LEHI CITY

Attest:

_____	_____
Title: City Recorder	Title: Mayor
Date: _____	Date: _____

HIGHLAND CITY

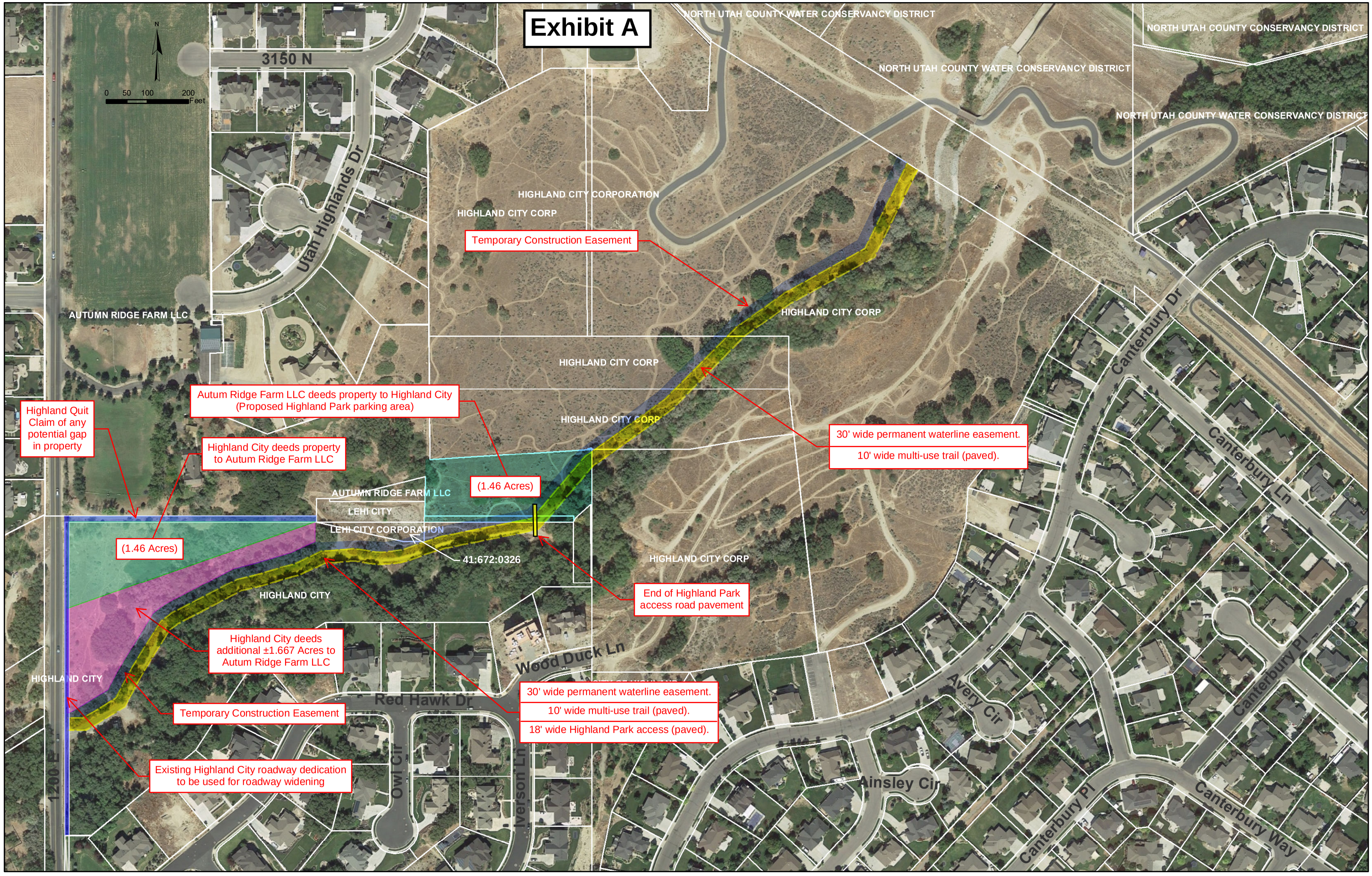
Attest:

_____	_____
Title: City Recorder	Title: Mayor
Date: _____	Date: _____

APPROVED AS TO FORM

_____	_____
Ryan Wood, Lehi City Attorney	Highland City Attorney

Exhibit A


N
0 50 100 200 Feet
3150 N
Utah Highlands Dr
NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT
NORTH UTAH COUNTY CONSERVANCY DISTRICT
NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT
NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT
HIGHLAND CITY CORPORATION
HIGHLAND CITY CORP
Temporary Construction Easement
HIGHLAND CITY CORP
AUTUMN RIDGE FARM LLC
HIGHLAND CITY CORP
Canterbury Dr
Canterbury Ln
Canterbury Pl
Canterbury Way
Autum Ridge Farm LLC deeds property to Highland City
(Proposed Highland Park parking area)
HIGHLAND CITY CORP
30' wide permanent waterline easement.
10' wide multi-use trail (paved).
Highland Quit Claim of any potential gap in property
Highland City deeds property to Autum Ridge Farm LLC
(1.46 Acres)
AUTUMN RIDGE FARM LLC
LEHI CITY
LEHI CITY CORPORATION
(1.46 Acres)
41:672:0326
HIGHLAND CITY CORP
End of Highland Park access road pavement
HIGHLAND CITY
Highland City deeds additional ±1.667 Acres to Autum Ridge Farm LLC
Wood Duck Ln
HIGHLAND CITY
Red Hawk Dr
30' wide permanent waterline easement.
10' wide multi-use trail (paved).
18' wide Highland Park access (paved).
Temporary Construction Easement
Avery Cir
Existing Highland City roadway dedication to be used for roadway widening
1200 E
Owl Cir
Iverson Ln
Ainsley Cir
Canterbury Pl
Canterbury Way

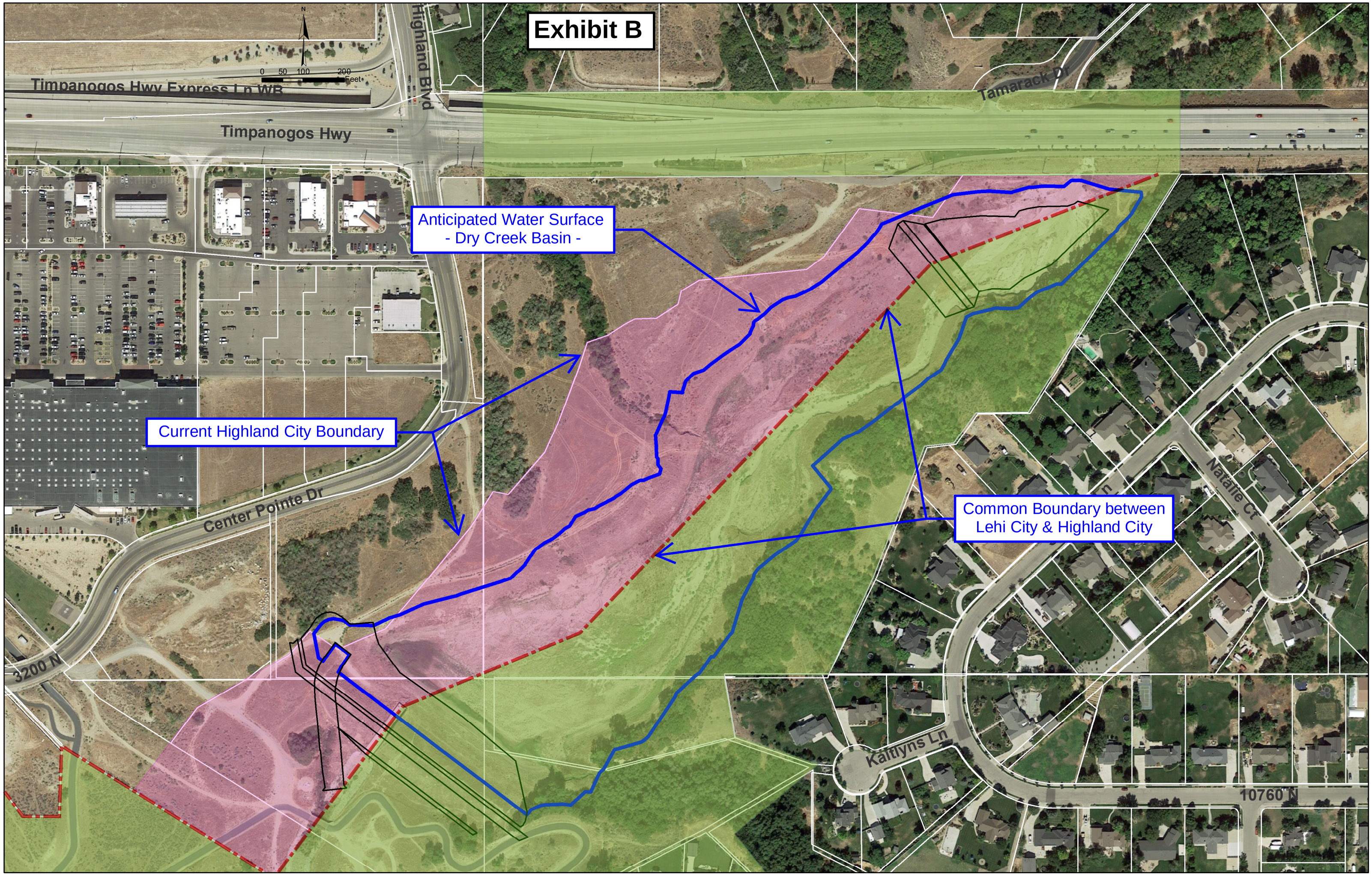


Exhibit B
N
0 50 100 200
Feet
Timpanogos Hwy Express Ln WB
Timpanogos Hwy
Highland Blvd
Tamarack Dr
Anticipated Water Surface
- Dry Creek Basin -
Current Highland City Boundary
Common Boundary between
Lehi City & Highland City
Center Pointe Dr
3200 N
Natalie Ct
Kaitlyns Ln
10760 N

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #7

DATE: July 16, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

SUBJECT: **ACTION**– Approval of a Contract with Planning Solutions for the Preparation of the Moderate Income Housing Element of the General Plan. *Administrative*

STAFF RECOMMENDATION:

City Council review and approve the contract with Planning Solutions for a not to exceed price of $10,000 for the preparation of the Moderate Income Housing (MIH) element of the General Plan.

BACKGROUND:

Two bills the Legislature passed (and ULCT supported) in the 2018 session provide the foundation for SB 34 – HB 259 (Moderate Income Housing Amendments) and SB 136 (Transportation Governance Amendments).

In 2019, the Legislature passed SB 34 which added to the foundation of HB 259 and SB 136 in two main ways: (1) adding elements that reinforce transportation-efficient land use into cities' general plans; and (2) providing specific strategies cities must consider adopting in their MIH plans.

The MIH element must include an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing, within the next five years. SB 34 requires cities to include at least three of the following strategies in their general plan as shown on Attachment 1.

Cities must be up-to-date on the MIH plan and reporting requirements in order to be eligible for Transportation Investment Fund (TIF) and Transit Transportation Investment Fund (TTIF) money. The TIF was $702 million last year, and 65 out of 81 (80%) of cities that are subject to the MIH requirements either have funds currently programmed or are in phase 1 of the TIF process. Cities are required to incorporate their MIH plan into their general plan by December 1, 2019. Legislative bodies must now review the MIH plan annually, rather than biennially, and the MIH plan must include a revised estimate of the need for MIH in the municipality over the next five years.

This element was originally going to be updated as part of the General Plan update. When the funding for that project was needed elsewhere, Staff had planned to update the MIH element in house with the assistance off the Mountainland Association of Governments (MAG). Upon further review, it quickly became apparent that the update would require assistance in order to be able to effectively explain the options to the Council and residents and meet the required deadline.

As a result, staff approached Planning Solutions for a proposal as the City has contracted with the company in the past for various projects. Staff worked with Planning Solutions to develop a scope of work (Attachment 2) targeted on assisting the Council in selecting the appropriate strategies for the City and assisting the City through the review adoption process. Staff has prepared a preliminary schedule for the project (Attachment 3). The proposal also includes preparation of the report to the state that is required.

Planning Solutions is made of John Janson and Meg Ryan. John Janson is a former Planning Director in Utah with 30 years of experience. He has drafted MIH as a consultant and staff for communities in Utah. He has worked with Highland before and is familiar with the General Plan and the vision for the Community. Meg Ryan has over 30 years of experience in land use planning and currently assists the Utah League of Cities and Towns in land use trainings and the management of the Land Use Academy of Utah. She was involved in the State Committee that drafted the legislation as part of her employment for the League. Cities in which they have worked include Heber, Millcreek, Park City, and West Valley.

The current procurement policy does not require multiple bids for services less than $50,000. Staff believes that the team qualifications are best suited to assist the City through this process. In addition, based on the tailored proposal, staff believes the proposed price is fair for the services provided.

FISCAL IMPACT:

The maximum cost is $10,000. This item has not been budgeted. Funding will need to come from previous years' revenue. Costs for the project will be accounted for in GL Code: 10-52-25 Special Projects in the Planning and Zoning Department.

ATTACHMENTS:

1. New MIH Strategies
2. Proposed Contract and Scope of Work
3. Preliminary Project Schedule

ATTACHMENT 1

MIH STRATEGIES
(choose at least 3)

A. rezone for densities necessary to assure the production of moderate income housing;
B. facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
C. facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;
D. consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city;
E. create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;
F. allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;
G. encourage higher density or moderate income residential development near major transit investment corridors;
H. eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
I. allow for single room occupancy developments;
J. implement zoning incentives for low to moderate income units in new developments;
K. utilize strategies that preserve subsidized low to moderate income units on a long-term basis;
L. preserve existing moderate income housing;
M. reduce impact fees related to low and moderate income housing;
N. participate in a community land trust program for low or moderate income housing;
O. implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;
P. apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;
Q. apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;
R. apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;
S. apply for or partner with an entity that applies for programs administered by an association of governments;
T. apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;
U. apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides

technical planning assistance;

V. utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

W. any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income.

ATTACHMENT 2

CONTRACT AND SCOPE OF WORK

INDEPENDENT CONTRACTOR AGREEMENT

THIS AGREEMENT is effective July 17, 2019, by and between **Highland City,** and **JOHN M. JANSON**, **and MEGAN RYAN** as individuals, who are for the purposes of this agreement considered "**Independent Contractors**".

RECITALS:

A. Highland City is in need of consultant planning services.

B. Independent Contractors have experience in providing planning services as consultants.

C. Highland City desires to enter into a service contract with Independent Contractor for such services.

D. The parties have determined that it is mutually advantageous to enter into this services contract ("**Agreement**").

AGREEMENT:

NOW, THEREFORE, in consideration of the premises, mutual covenants, and undertakings, the parties hereby agree as follows:

1. ***Employment of Independent Contractors***. Highland City agrees to engage the Independent Contractors, and the Independent Contractors agree to furnish all services and materials necessary or desirable to provide Highland City with the following planning services, including but not limited to, (1) Complete a Moderate Income Housing Plan as an addition to the City's General Plan 2) Provide educational presentations concerning the new State Law, SB34, for staff, Planning Commission, and the City Council 3) attend Highland City Planning Commission and City Council meetings, as requested 4) provide required reports as needed and;(5) as requested by the County from time-to-time provide other planning related services. (All such services are collectively referred to herein as the "**Services**"). In the event of conflicts and/or inconsistencies within or among, this Agreement, and applicable statute, rules, regulations, or standards, Independent Contractors shall (1) provide the better quantity or greater quality or (2) comply with more stringent requirements or standards, either or both, in accordance with Highland City's reasonable interpretation.

2. ***Fees for Services***. Highland City shall pay the Independent Contractors according to the attached exhibit A. Billings shall occur monthly but generally relate to the phase suggested in exhibit A ("**Fee**"). Fees shall not exceed $10,000, unless additional work is agreed to by all parties. Each month the Independent Contractors shall provide

Highland City with a detailed hourly invoice. Provided the invoice is in a form acceptable to Highland City and the Services have been performed to the satisfaction of Highland City then Highland City shall pay such amount within ten days of receipt of the invoice.

3. ***Expenses and Costs.*** The Fee includes all expenses, taxes, and costs related to the performance of the Services.

4. ***Services Performed in a Professional, Reasonable Manner***. The Services shall be provided by the Independent Contractors in a professional manner in compliance with all applicable laws, ordinances, rules, regulations, and applicable standards of performance, including, but not limited to, the status verify system requirements for contractors of Utah Code Ann. § 63G-12-101, *et seq*. Subject to the foregoing, the exact nature of how the Services are to be performed and other matters incidental to providing the Services shall remain with the Independent Contractors.

5. ***Public Information***. Independent Contractors understand and agree that this Agreement and related invoices, etc., will be public documents, as provided in Utah Code Ann. § 63G-2-101, *et seq*.

6. ***Confidentiality***. Independent Contractors agree (1) to hold confidential information in strict confidence; (2) not to disclose confidential information to any third-party, except upon Highland City's prior written consent; and (3) to use reasonable precautions and processes to prevent unauthorized access, use, or disclosure of Highland City confidential information; provided, however, that Independent Contractors may disclose confidential information if and only to the extent required to do so by applicable law (in which case, Independent Contractors shall advise Highland City as soon as practicable and prior to disclosure, if practical, and cooperate and assist Highland City at Highland City's cost and expense, if Highland City seeks a protective order or other relief from such disclosure requirements). As used in this Agreement, confidential information means all information material that constitutes a private, controlled, or protected record or document, or is exempt from disclosure as referenced in Utah Code Ann. § 63G-2-101, *et seq*. Independent Contractors also agree to obligate their employees to the same obligations imposed on the Independent Contractors as provided in this section.

7. ***Alcohol and Drug-free Work Place***. All personnel during such time that they provide Services shall not be under the influence of alcohol, any drug, or combined influence of alcohol or any drug to a degree that renders the person incapable of safely providing the Services. Further, all personnel during such time that they provide Services shall not have sufficient alcohol in his body, blood, or on his breath that would constitute a violation of Utah Code Ann. § 41-6a-502 (without giving any consideration to or establishing the requirement of operating or being in physical control of a vehicle) or any measurable controlled substance in his body that would constitute a violation of Utah Code Ann. § 41-6a-517 (without giving any consideration to or establishing the requirement of operating or being in physical control of a vehicle).

8. ***Equipment and Facilities***. For purposes of performing the Services, the Independent Contractors shall furnish and supply at its sole cost all necessary labor, supervision, equipment, tools, and supplies necessary and incident to performing the

Services, except for, projection systems, printing, and advertising costs.

9. ***Indemnity***. Independent Contractors shall defend, protect, indemnify, save, and hold harmless Highland City, including its elected and appointed officials, employees, agents, and contractors from and against any and all demands, liabilities, claims, damages, actions, or proceedings, in law or in equity, including reasonable attorneys' fees and costs of suits, relating to or arising from the Independent Contractors providing the Services to Highland City. Nothing herein shall be construed to require the Independent Contractors to indemnify Highland City against Highland City's own negligence.

10. ***Term***. This Agreement shall be effective as of the date hereof and unless terminated earlier shall terminate on December 30, 2019 provided, however, upon the consent of the parties hereto and subject to the right to terminate as provided herein, this Agreement may be renewed for successive one (1) year terms.

11. ***Assignment and Delegation***. Independent Contractors will not assign or delegate the performance of its duties under this Agreement without the prior written approval of Highland City.

12. ***Employment Status***.

a. Official Status. Independent Contractors shall have complete control and discretion over all personnel providing Services hereunder. All such personnel shall be and remain employees of the Independent Contractors and shall be considered to be independent contractors. Independent Contractors have no authority, expressed or implied, to bind Highland City to any agreement, settlements, or liability whatsoever.

b. Salary and Wages. Highland City shall not have any obligation or liability for the payment of any salary or other compensation to personnel providing Services hereunder.

c. Employment Benefits. All personnel providing Services hereunder are and shall remain employees of the Independent Contractors. All personnel providing Services shall have no right to any Highland City pension, civil service, or any other Highland City benefits pursuant to this Agreement or otherwise.

13. ***Termination***. Either party may terminate this Agreement upon thirty (30) days' prior written notice to the other party.

14. ***Notice***. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the parties as set forth below:

Highland City:	Cindy Quick, City Recorder
with a copy to:	Independent Contractor: John M. Janson and Megan Ryan

15. ***Claims and Disputes***. Claims, disputes, and other issues between the parties arising out of or related to this Agreement shall be decided by litigation in the Fourth District Court in and for Highland City, Utah. Unless terminated pursuant to provisions hereof or otherwise agreed in writing, the Independent Contractors shall continue to perform the Services during any such litigation and Highland City shall continue to make payments to Independent Contractor in accordance with the terms of this Agreement.

16. ***Counterparts***. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

17. ***Product of Services Patents, Copyrights, Etc.*** The results of Services shall constitute "work made for hire" for Highland City. Highland City shall be considered the author of such work for all purposes and the exclusive owner of all rights comprised in the copyright of such work and shall have the right to exploit any or all of the foregoing in any and all media, now known or later devised. If the results of any Services are not determined to be "work made for hire," or if Highland City is not considered the owner of all such rights, the Independent Contractors hereby assign to Highland City without reservation, all right, title, and interest (including, but not limited to, the copyright and any extension or renewal thereof) in and to all sculptures, models, photographs, and other expressions created by the Independent Contractors pursuant to this Agreement. Highland City, in return, hereby grants to the Independent Contractors a nonexclusive license to reproduces drawings and photographs of expressions created by the Independent Contractors for marketing materials. No other copyrights are included in this grant of nonexclusive license to the Independent Contractors. The Independent Contractors shall, upon request, execute, acknowledge, and deliver to Highland City such additional documents as the Independent Contractors may deem necessary or advisable to evidence and effectuate the assignment and Highland City's rights under this Agreement. The Independent Contractors will indemnify and hold Highland City, its officers, agents, and employees harmless from liability of any kind or nature, including the Independent Contractor's use of any copyrighted or un-copyrighted composition, secret process, patented or unpatented invention, article, or appliance furnished or used in the performance of the Services.

18. ***Titles and Captions***. All section or subsection titles or captions herein are for convenience only. Such titles and captions shall not be deemed part of this Agreement and shall in no way define, limit, augment, extend, or describe the scope, content, or intent of any part or parts hereof.

19. ***Pronouns and Plurals***. Whenever the context may require, any pronoun used herein shall include the corresponding masculine, feminine, or neuter forms, and the singular form of nouns, pronouns, and verbs shall include the plurals and vice versa.

20. ***Applicable Law***. The provisions hereof shall be governed by and construed in accordance with the laws of the state of Utah.

21. ***Entire Agreement and Modification of Agreement***. This Agreement and exhibit attached hereto constitute the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior agreements and understandings pertaining thereto. No subsequent alteration, amendment, change, or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by the parties.

22. ***Force Majeure***. Neither party to this Agreement will be held responsible for delay or default caused by fire, riot, acts of God, and/or war which is beyond that party's reasonable control.

23. ***Time***. Time is the essence hereof.

24. ***Survival***. All agreements, covenants, representations, and warranties contained herein shall survive the execution of this Agreement and shall continue in full force and effect throughout the term of this Agreement.

25. ***Waiver***. No failure by any party to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term, or condition. Any party may, by notice delivered in the manner provided in this Agreement, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation, or covenant of any other party. No waiver shall affect or alter the remainder of this Agreement, but each and every other covenant, agreement, term, and condition hereof shall continue in full force and effect with respect to any other then existing or subsequently occurring breach.

26. ***Rights and Remedies***. The rights and remedies of the parties hereto shall not be mutually exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provisions hereof.

27. ***Severability***. In the event that any condition, covenant, or other provision hereof is held to be invalid or void, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant, or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

28. ***Exhibits and Recitals***. The recitals set forth above and all exhibits to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of this Agreement.

29. ***Injunctive Relief***. Notwithstanding anything to the contrary in this Agreement, the Independent Contractors acknowledge that the unauthorized use or disclosure of confidential information would cause irreparable harm to Highland City.

Accordingly, the Independent Contractors agree that Highland City will have the right to obtain an immediate injunction against any breach or threatened breach of section 6 of this Agreement, as well as the right to pursue any and all other rights or remedies available at law or in equity for such breach.

30. ***Conflicts of Interest***. The Independent Contractors represent and certify that it has not offered or given any gift or compensation prohibited by law to any officer or employee of Highland City to secure favorable treatment with respect to being awarded this Agreement.

IN WITNESS WHEREOF, Highland City caused this Agreement to be signed by it's Mayor and attested by its City Recorder and delivered, and the Independent Contractors has caused the same to be signed and delivered.

HIGHLAND CITY

By:_____
Rod Mann, Mayor

ATTEST

_____
Cindy Quick, City Recorder

APPROVED AS TO FORM

_____
City Attorney

Megan Ryan

_____

John M. Janson

_____

Exhibit A
Highland Moderate Income Housing Plan (MIHP) Proposal

Phase One - Research

Ryan and Janson will gather the required data as per State Law:

UCA 10-9a-408(2)(c)(i):

• A current estimate of the city's rental housing needs for the following income limits:
80% of the county's adjusted median family income _____
50% of the county's adjusted median family income_____
30% of the county's adjusted median family income_____

UCA 10-9a-103(41)(b):

• An updated projection of 5-year affordable housing needs, which includes:
Projected growth of households (housing demand)
Projected housing stock (housing supply)
Projected median housing costs
Projected median household income

This information will provide the basis of the analysis, as per State Law. This phase will also explore any current programs or policies that are barriers to affordable housing or may be supportive of affordable housing.

Phase Two – Educational Presentations to the PC and CC

PowerPoint presentations will provide the needed background for your elected and appointed officials, the consequences of not doing the MIHP, and lead to the selection of at least three strategies. Budget includes two meetings.

Phase Three – Strategies selection – at least three of the following strategies will need to be selected (from the list below), then modified to fit the community, including implementation programs:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county;

(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;

(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

(G) encourage higher density or moderate income residential development near major transit investment corridors;

(H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential

development near major transit investment corridors or senior living facilities;

(I) allow for single room occupancy developments;

(J) implement zoning incentives for low to moderate income units in new developments;

(K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;

(L) preserve existing moderate income housing;

(M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate income housing;

(N) participate in a community land trust program for low or moderate income housing;

(O) implement a mortgage assistance program for employees of the county or of an employer that provides contracted services for the county;

(P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;

(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;

(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;

(S) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;

(T) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;

(U) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

(V) consider any other program or strategy implemented by the county to address the housing needs of residents of the county who earn less than 80% of the area median income.

Phase Four Document Preparation

The MIHP is required to become a part of your General Plan. This could mean replacing the relevant chapter or adding to a chapter. Our write-up will use the style of your current General Plan.

Phase Five – adoption (optional)

Depending on the City's preference, we can shepherd the MIHP through the public process or staff can. Budget is for two meetings (PC and CC).

Phase Six – preparation for the Department of Workforce Services (DWS)

We will complete and help submit the MIHP by December 1, 2019, as required by State Law. In addition, we will help you prepare/layout a progress plan and reporting form, which is required for 2020.

Proposed Budget

Phase 1 - $3000
Phase 2 - $1500
Phase 3 - $500
Phase 4 - $3000 **Total without Phase 5 - $9000 (phases 1-4 and phase 6)**
Phase 5 - $1000 **Total with Phase 5 - $10,000**
Phase 6 - $1000

Timeline – need to start as soon as possible to meet the December 1 deadline. The process would require a PC meeting and CC meeting for adoption since it is amending the General Plan.

ATTACHMENT 3

Tentative Timeline

- September 19th or 26th Planning Commission and City Council Work Session Educational Presentation and Strategy Selection (Phase 2 – an additional meeting will be scheduled if needed)
- October 22nd – Planning Commission – Final Approval (Phase 5)
- November 12th – City Council Final Approval (Phase 5)
- November 27th – Report Due to State

AGENDA

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT
ITEM #8

DATE: July 16, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

SUBJECT: **ORDINANCE** – Amending Section 6.10 Credit Cards and Section 7 Disciplinary Action relating to the passage of HB 163. *Administrative*

STAFF RECOMMENDATION:

The City Council approve the proposed amendments to Section 6.10 and Section 7 of the Highland City Personnel Policies and Procedures Manual relating to HB 163.

BACKGROUND:

HB 163 was passed as part of the 2019 Legislative Session. The bill is the result of a 2017 state audit that found public property purchased with public money that was used almost exclusively for personal use.

The bill clarifies that misuse of public property is a similar crime to misuse of public money and defines "authorized personal use" as use of public property for a personal matter if the public servant is authorized to use the property by a public entity's policy. The statute contemplates a degree of personal, incidental use of public property as authorized by a public entity. Personal use that goes beyond the entity's policy could be prosecuted as a felony, similar to misuse of public money. The bill took effect on July 1, 2019.

To address this bill, staff worked with our Human Resource Attorney to updated the Cities Personnel Policies and Procedures Manual. Staff is proposing two changes to the Manual to address this new law. These changes are shown in Attachment 1 and outlined below:

- Replace Section 6.10 Credit Cards is replaced with a section titled Public Funds and Public Property
- Add Using public funds for personal use expenditures or other unauthorized uses and Using public property (a) for an employee's unauthorized personal benefit or the benefit of the employee's family, friends or associates; or (b) for other unauthorized uses to Section 7.A.

FISCAL IMPACT:

The proposed amendment does not increase the fiscal liability of the City to the District.

ATTACHMENTS:

1. Proposed Ordinance
2. Current Policies

ORDINANCE NO. O-2019-11

AN ORDINANCE REGARDING THE ADOPTION OF PERSONNEL POLICIES AND PROCEDURES SECTION 6.10: PUBLIC FUNDS AND PUBLIC PROPERTY, SECTION 7: DISCIPLINE. A STATEMENT, DATED JULY 11, 2019 FOR HIGHLAND CITY, UTAH.

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, the purpose of the manual is to provide guidance regarding the fair and consistent administration of city personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the City Council deems it in the best interest of the employees of Highland City to formally adopt them;

NOW, THEREFORE be it ordained by the City Council of Highland, Utah, that the Highland City Personnel Policies and Procedures Manual is hereby amended as follows:

Section 1. Adoption. The Personnel Policies and Procedures Manual Section 6.10 Credit Cards is hereby replaced with Section 6.10 Public Funds and Public Property as shown on Exhibit A and Section 7.A is hereby amended as shown on Exhibit A attached hereto and incorporated herein, are hereby adopted.

Section 2. Grammatical Corrections. The City Council authorizes staff to make the necessary grammatical corrections in Section numbering in the existing Manual as required by these revisions.

Section 3. Effective Date. This ordinance shall take effect July 17, 2019.

ADOPTED by the City Council of Highland City, Utah, this 16th day of July, 2019.

HIGHLAND CITY, UTAH

_____
Rodney W. Mann
Mayor

ATTEST:

_____
Cindy M. Quick, CMC
City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	☐	☐
Ed Dennis	☐	☐
Tim Irwin	☐	☐
Kurt Ostler	☐	☐
Scott L. Smith	☐	☐

ATTACHMENT 1

EXHIBIT A

(July 11, 2019)

Section 6.10 PUBLIC FUNDS AND PUBLIC PROPERTY:

A. Definitions:

1. For the purpose of this policy, "public funds" means money, fund, or accounts that are

   (i) owned, held, or administered by the City (or an interlocal entity, local district or special service district affiliated with the City); or

   (ii) in the possession of the City (or an interlocal entity, local district or special service district affiliated with the City) that are for the purpose of performing a public function; or

   (iii) in the possession of an independent contractor of the City (or an interlocal entity, local district or special service district affiliated with the City) that is for the purpose of providing a program or service for, or on behalf of, the City (or an interlocal entity, local district or special service district affiliated with the City).

2. For purposes of this policy, "personal use expenditure" means an expenditure made without authority of law that is not directly related to the performance of an activity as an employee of the City (and that primarily furthers a personal interest of the employee, the family, friend or associate of the employee.

3. For purposes of this policy, "public property" means anything of value, including, without limitation, real estate, tangible property and intangible property that is owned by, held by, or in the possession of the City (or an interlocal entity, local district or special service district affiliated with the City).

B, Public funds are to be used solely for the purpose of performing authorized public functions. Public funds may not be used for a personal use expenditure. Highland City credit cards shall be used for official business only and shall not be used for the personal use expenditures. An employee shall not (i) appropriate public funds for the employees use or the benefit of another without authority of law; (ii) loan or transfer public funds without authority of law; (iii) unlawfully deposit public funds in a bank or with another person; (iv) knowing keep a false account or make a false entry or erasure in an account relating to public funds; or (v) handle public funds in any other manner prohibited by law. In addition to disciplinary action being taken against an employee for misuse of public funds, an employee may be subjected to prosecution for any crimes committed.

C. Public property is to be used solely for the purpose of fulfilling the employee's duties as an employee of the City or performing authorized public functions. Public property shall not be used for an employee's personal use or benefit, or the benefit of the employee's family, friends or associates, unless pre-authorized in writing by the City Administrator. An employee shall not disburse or transfer any public property without authority of law. In addition to disciplinary action being taken against an employee for misappropriating public property, an employee may be subjected to prosecution for any crimes committed.

…

Section 7. Discipline

…

7. Using public funds for personal use expenditures or other unauthorized uses.

8. Using public property (a) for an employee's unauthorized personal benefit or the benefit of the employee's family, friends or associates; or (b) for other unauthorized uses.

ATTACHMENT 2

Current Polices

Section 6.10 (Replace this entire section)

10. CREDIT CARDS. Highland City credit cards shall be used for official business only, and shall not be used for the personal convenience of an employee.

Section 7. A (Add Items 7 and 8 at the bottom)

A. Statement
This Chapter applies to all. Any action that reflects negatively upon the Highland City will be considered good cause for disciplinary action against any officer or employee.
As way of example only, the following are the types of behavior that constitute grounds for disciplinary action up to and including termination. These examples are simply that, and do not constitute an all-inclusive list:

1. Incompetency, inefficiency or in attendance to, or dereliction of duty.
2. Dishonesty, intemperate conduct, insubordination, discourteous treatment of the public or of fellow employees, any act or commission or omission tending to injure the public service, any failure on the part of the employee to properly conduct himself or herself, or violations of the Utah Statutes, City ordinances, or other rules and regulations applicable to the employee.
3. Any violation of the City's substance abuse policy.
4. Conviction of any felony or misdemeanor that involves dishonesty, scandal, or in any other way may bring disrepute to the employee or the City.
5. Arrest for any matter that makes it impossible and/or impractical to properly complete his/her duties.
6. Any violation of the policies contained in this manual, departmental rules, supervisory instructions, any other City rules/policies, or any other conduct that may bring discredit to the City.