



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, October 6, 2020

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

This meeting will be held as outlined by the State of Utah's guidelines for the Low Risk phase for the COVID-19 pandemic. Individuals, especially those in a high-risk category, are strongly encouraged to participate in the meeting virtually via YouTube live at <http://bit.ly/HC-youtube>. If individuals participating electronically would like to make a comment during the Unscheduled Public Appearances section of the agenda or during one of the Public Hearings, they may call 1-346-248-7799 and use the Meeting ID: 820 9712 2418. Comments may also be emailed to council@highlandcity.org prior to the meeting.

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

- a. **Annual Library Presentation** - *Library Director Donna Cardon*
- b. **Waste Management Presentation** - *Blake Leonelli*
- c. **Highland City Youth Council Presentation** - *Youth Council Representative*

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** *Administrative*
City Council Work Session – September 8, 2020 and Regular City Council Meeting – September 15, 2020
- b. **ACTION: Millhaven Development is requesting Final Plat Approval for a 10-lot subdivision. The property is approximately 10.21 acres and is located at 6000 W Evergreen Way** *Administrative*
The City Council will consider a request by Tyrell Gray representing Millhaven Development for final plat approval for a 10-lot subdivision to be known as Evergreen Farms Subdivision. The Council will take appropriate action.

4. RESOLUTION: APPROVAL TO AWARD A CONTRACT WITH ROD LEWIS CONSTRUCTION FOR \$46,376 FOR THE CITY HALL FRONT COUNTER AND COURT CLERK REMODEL *Administrative*

City Council will consider a request to approve a bid with Rod Lewis Construction for the City Hall Front Counter Remodel. The Council will take appropriate action.

5. ACTION: APPROVAL OF THE OFFICER INVOLVED CRITICAL INCIDENT PROTOCOL *Administrative*

The City Council will consider a reconsider a request to approve minor amendments to The Utah County Officer Involved Critical Incident Task Force (OICI Protocol). The Council will take appropriate action. Administrative.

6. ACTION: APPROVING THE IMPLEMENTATION OF THE FISCAL YEAR 2021 BUDGETED MERIT INCREASES *Administrative*

The City Council will consider authorizing administration to begin implementing the merit increases that were budgeted for City Staff for Fiscal Year 2021. The Council will take appropriate action.

7. DISCUSSION: ALLOCATION OF REMAINING CARES ACT FUNDING *Administrative*

The City Council will review CARES Act expenditures and discuss allocation of remaining funding. The Council will take appropriate action.

8. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

a. Cemetery Contract Error Issue – Erin Wells, Assistant City Administrator

b. Future Meetings

- October 13, City Council Work Session, 7:00 pm, City Hall
- October 20, City Council Meeting, 7:00 pm, City Hall
- October 27, Planning Commission Meeting, 7:00 pm, City Hall
- November 10, City Council Meeting, 7:00 pm, City Hall
- November 17, Planning Commission Meeting, 7:00 pm, City Hall
- December 1, City Council Meeting 7:00 pm, City Hall
- December 8, Planning Commission Meeting, 7:00 pm City Hall

9. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, 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, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, 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 2nd day of October, 2020

Stephannie Cottle, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL WORK SESSION MINUTES

Tuesday, September 8, 2020

Waiting Formal Approval

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

This meeting will be held as outlined by the State of Utah's guidelines for the Low Risk phase for the COVID-19 pandemic. Individuals, especially those in a high-risk category, are strongly encouraged to participate in the meeting virtually via YouTube live at <http://bit.ly/HC-youtube>.

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Kurt Ostler, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Todd Trane, City Recorder Stephannie Cottle, Finance Director Tyler Bahr

OTHERS PRESENT: Brian Braithwaite, Wesley Warren, Robert Donigan

PRESENT ONLINE: Fred Philpot

7:00 PM WORK SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

The meeting was called to order by Mayor Rod Mann as a work 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 Council Member Timothy A. Ball.

Council Member Scott L. Smith arrived at 7:02 pm.

Mayor Rod Mann noted that the purpose of the meeting was high-level discussion. He asked that the Council not spend time digging and reminded the Council that they had agreed to leave by 10:00 p.m. He thanked staff for their work.

1. IMPACT FEES

City Council discussed the ongoing impact fee study for culinary water, parks, public safety, and storm drain.

Fred Philpot, Vice President of Lewis Young Robertson & Burningham Inc., explained that he would provide an update on the impact fee analysis for parks, public safety, transportation, and water and then would inform the Council of next steps in the process. Staff were considering updating the parks and public safety impact fees, as well as amending the transportation and water impact fees. There was not as much engineering analysis for transportation and water, but some changes to the historic documents that needed to be made in the form of an amendment.

Fred Philpot first explained that in regard to process, impact fees were governed by the impact fee statute or act. Cities were required to have an impact fee facilities plan (IFFP) or impact fee analysis (IFA). In the case of transportation and water, staff intended to amend the previous documents, but for parks and public safety there was a combined impact fee facilities plan and impact fee analysis that staff will present when the City moves into the adoption phase.

He continued that each impact fee analysis is governed by similar methodologies that impact the calculation of the impact fee. These elements include demand, level of service, the combination of existing facilities and potentially new facilities to serve that level of service or demand. He noted that facilities intended to raise residents' level of service cannot be included in the impact fee equations. In addition, staff consider financing elements such as existing bonds or new bonds. All of these factors come together for what is called a proportionate share analysis. The proportionate share analysis essentially divided all of the costs amongst the tenure or demand horizon considered.

Mr. Philpot noted that in terms of the process, the City was in the middle stage, presentation to the City Council in a work session. The next steps would include noticing for a public hearing and then a public hearing and approval of impact fee enactment. He noted that an impact fee enactment that has an increase does not take effect until 90 days after approval. However, if there was a decrease in impact fees, which would be the case on some items, those decreases go into effect immediately.

Parks & Recreation:

Fred Philpot began to focus on the details of the different impact fees affected and started with Parks and Recreation. He explained that for all of the impact fees staff look at a city-wide service area. This means that new developments were required to maintain the same level of investment on a dollar basis per person as the City has provided to current residents as opposed to defining the investment based on the amenities per 1000 or acreage. Basing the level of investment on a per capita basis gives the Council more flexibility in the expenditure of those funds.

Mr. Philpot said that the City had outstanding debt in association with the construction of facilities. He said that it was the City's intent to use impact fees to pay the debt service. As a result, staff included that element in the buy in of the analysis. He said that the actual cost of that debt was included in the calculations. He said that they just make sure that they are not double counting those assets when the inventory other facilities.

Based on the level of investment per capita and an estimate of the projected population growth, staff identified the need to invest an additional \$1.8 million in future facilities to maintain the level of investment in park infrastructure.

Mr. Philpot explained that the calculated fee and fee per household was also on a per capita basis. Currently, the value per capita of all assets for the debt service payments totals \$870 per capita and a buy-in fee of \$490 per capita (the value associated with the bond and the infrastructure funded with it), in addition there was some professional expense associated with the impact fee analysis totaling \$5 per capita making the total value per capita \$1,365. This is then multiplied by Highland's average household size for both single and multi-family.

The result is a fee of \$5,790 (a 32 % increase above the current fee) for single families and \$4,752 for multi-family (a 12% increase above the current fee). He said that the changes were not uniform because the household sizes were adjusted based on more recent census data. He said that the reason why the fees were changing so much since their previous analysis was because the value of non-buy in services on today's dollars have resulted in the increase. He noted that while this fee was going up, other fees were going down with the cumulative change in the fees being a decrease.

Police and Fire

The second area that Fred Philpot outlined impact fee changes to was Police and Fire. The police impact fees were evaluated on a city-wide services area with the level of service determined by the calls per unit. (A unit is defined either per household or per non-residential square foot.) He said that staff looked at a buy-in for existing facilities and did not include any new police infrastructure in the 10-year horizon. He said that there were about \$2.3 million of existing facility costs and \$1.0 million in remaining financing costs (the interest paid to construct the existing facilities). Staff spread the costs out over a belled-out scenario, to account for the facilitates that would service a 10-year demand. The existing facilitates, financing and impact fee analysis costs amounts to a \$292 cost per call. That cost was then multiplied by the calls per unit that staff geocoded across the City and matched those to parcel and land use data to produce the impact fee per unit (single family, multi-family, or private non-residential per 1,000 square feet). The proposed impact fee of \$245.02 per call was going down by 54% for single family dwellings, but the impact fee of \$138.05 for multi-family dwellings was going up 83% from \$75.32. That was a result of the updated call analysis. There was also a slight decrease for the non-residential dwellings from \$336.24 to \$259.58 per unit. Overall, this is a decrease in police impact fees.

The fire impact fees, however, would have a net increase. A similar analysis was conducted looking at a city-wide service area that analyzed call data from different dwelling types. Like with police the company looked at the cost of existing facilities (\$3.2 million), their financing costs (\$1.4 million) and the cost associated with the analysis (\$11,000). Evaluation of the call data resulted in both an increase and re-distribution of costs. The single-family cost would go up 157% from \$200.59 to \$515.67 per dwelling unit. Multi-family family costs would go up 104% from \$200.59 to \$409.05. Assisted Living/Senior living would see the most dramatic increase of 2642% from \$104.67 to \$2,870.45 per unit. Commercial would also see an increase of 232% from \$104.67 to \$347.71.

Mr. Philpot noted that the company added the additional category of assisted living/senior living because those facilities typically have a high call ratio per unit. He said that the call data shows a large volume of calls going towards that type of land use. He said that the commercial fee was being skewed by calls actually from assisted living and senior facilities. He said that in the event that future assisted living or senior facilities were built, a separate fee assessment could be done for that type of development because it was likely they would produce a much larger demand for fire services. He furthered, however, that it was not required to break out those types of facilities from other commercial spaces, however, that could cause the commercial impact fee to increase to account for the additional calls.

Transportation

Fred Philpot said that the biggest changes to fees were seen in the transportation and culinary areas. He went over transportation next.

He emphasized that the transportation fees were an amendment; the company did not go back and go through a full level of service analysis or a road infrastructure analysis. The simply evaluated the capital improvement plan and identified projects that still required funding or projects that were removed from the equation as a result of changes in funding and construction costs. The amendment only considered two new projects related to growth

over the next 10 years. This totaled \$1.5 million in costs associated with growth in the planning horizon. The cost was applied on a per trip basis and allocating the cost per trip (\$108) to each of the land use types. Mr. Philpot displayed a table of 11 different land uses and noted that it was not an exhaustive list. When looking at the trips per land use and the cost per trip, there was an 82% decrease in the fee across all land use types.

Water

Evaluation of water costs showed a similar decrease. For water they evaluated a specific service area, the south east service area, in the City. Like with transportation this would be an amendment. The level of service was defined as the peak day source flow rate (GDP) of 0.55 and a distribution minimum operating pressure of 50 PSI (20 PSI for fire suppression). There were no existing service buy-ins because most of the infrastructure was built by Highland Water Company. The 10-year project list was re-defined based on updates and the current understanding of what was needed and resulted in \$420,000 in new facility costs with-in the 10-year planning horizon. These costs are evaluated based on equivalent residential connections (ERC), a way to convert both residential and non-residential connections into a single demand variable. This produced a fee of \$603 per ERC which was multiplied by the different connection sizes. Based on those re-calculations, water will see a 64% decrease.

Mr. Philpot said that a typical single family has a $\frac{3}{4}$ -inch meter. Currently those residents are charged \$1,653.00. The revised schedule would impose a \$603.00 fee, a savings of \$1,000.

Summary of Fees

Fred Philpot summarized that despite an increase in parks and fire, when all of the fees were added together they resulted in a -20% decrease in the single-family category, a -23% decrease in the multi-family category and a -68% decrease in the commercial category.

Mr. Philpot said that what was important to note was that the impact fee act requires that a city account for all impact fees and show where those fees are going to be spent. If projects were not removed, the City would continue to collect this higher amount, but wouldn't have any projects to expend those funds on that could cause the City to face some litigation for developers to get money back or would have to reimburse those funds voluntarily.

Mr. Philpot also wanted to point out that in the police and fire category, the City was collecting about \$7,035 per dwelling. The company was proposing that the City still collect that same amount, but that the redistribute how much of that fee was allocated to each department based on the call analysis.

When these fees were compared to other cities, specifically the impact fees for single-family residential, Highland's impact fees were not the highest or the lowest. They were comparable to Spanish Fork. From an economic standpoint Highland fell in line with other communities across the state. Mr. Philpot said that what looking at just the economics fails to consider was level of service issues. He said that other communities have other fees they are assessing. He, however, just compared the fees that Highland was implementing.

In regard to moving forward with the process, following this meeting the company would finalize the impact fee analysis documents and amendments and prepare the documents for noticing. In addition, Lewis Young Robertson & Burningham, Inc., would provide the certification for the documents. From there they would move forward with the noticing process. Cities are required to provide at least 10 days' notice to the public hearing. Once the noticing was complete, Highland could hold the public hearing. At the public hearing, the Council has the option to adopt, modify or reject the impact fees. There would be a 90-day wait period for any increases to take effect, but decreases would take place immediately.

Council Member Scott L. Smith asked why the proposed fire impact fees were higher than other communities. Fred Philpot said that a lot of it had to do with the level of service Highland provided relative to what other communities provide. He said there were probably some economies of scale factors, too. In addition, Highland still had financing costs to pay off where other communities did not. He said that having remaining financing can double the impact fee for a city. Mr. Philpot explained the different cities (Logan, Brigham, Salt Lake) different situations and why their costs are lower.

Council Member Scott L. Smith summarized that the difference was because of facility costs and that Highland was trying to pay down debt. Mr. Philpot said that one other element that he failed to mention was something that City Administrator Nathan Crane highlighted; there were two components to the park impact fee: (1) the city had a component of the impact fee that could go towards paying off debt and (2) a component of the impact fee that is for new infrastructure. Impact fees cannot go solely towards paying off debt but have to have some investment in the future to provide maintenance of level of service. If increasing level of service was not Highland's intent, then the parks impact fee might need to be reevaluated.

Mayor Rod Mann asked if Highland had been using all of their park impact fees in recent years to pay the bond, did they create an obligation that needs to be funded with new money for capital improvement projects for new parks. Fred Philpot said that this analysis, despite an increase in impact fees, did include a self-correction because it considered the level of investment now as the basis of the calculation for the impact fee. He said that he did not want to perpetuate that because the impact fee, when accounting for the time value of money, would actually decline over time rather than going up based on continued investment in infrastructure. Mayor Rod Mann said that the new fees are how the impact fees need to be allocated moving forward. Essentially, what happened in the past was water under the bridge. Fred Philpot said that from year to year, the City just needs to account for those funds and make sure that they were proportionate. He said that in previous correspondence there was indication that the City wanted to use impact fees to pay off debt. At some point, however, there needed to be some investments in additional infrastructure. He said that he was simply re-stating that the existing and proposed impact fee was a combination of buy-in and investment. Mayor Rod Mann asked if the City should be tracking how the money was spent so that the City knew how much it needed to spend on improvements. Fred Philpot said that he wasn't a municipal accountant, but from an impact fee standpoint he would evaluate the buy-in component and funnel that into one fund and use the future facilities component to invest in additional improvements to the City's infrastructure. He said that did not have to be acquiring land all the time but could be putting in a new playground in an existing park.

Mayor Rod Mann asked if adding a restroom, pavilion or playground to an existing park counted. Mr. Philpot said yes. City Administrator Nathan Crane asked if the \$1.8 million outlined on one of Mr. Philpot's slides was the target investment for future improvements.

Fred Philpot confirmed this to be the case. He explained that it was based on an estimate of the population growth. In reality that number could fluctuate if growth slowed. He said that the number was calculated with the \$870 per capita investment amount and accounted for an additional 2,000 people. To maintain the same level of investment with that population growth an additional \$1.8 million would need to be invested. Those same 2,000 people would also pay \$490 towards existing debt service.

City Administrator Nathan Crane said that was the investment over the next 10 years, not necessarily the amount that had to be allocated to build out. Fred Philpot said that Highland was beginning to run out of land. He said that the increase in population by 2,000 people might happen in ten years, or if growth slows, it might take 15-20 years. A city never really achieves true build out as there is always redevelopment.

Mayor Rod Mann said that the Boyer project alone would result in an increase in population by 2,000 in just a couple of years.

Council Member Kurt Ostler had a question about the public safety impact fees regarding the police. He wondered if only a building constituted a future facility or if additional officers, equipment, or vehicles were also considered. Fred Philpot said that only brick and mortar buildings could be included, unless it was a fire apparatus valued above \$500,000. Generally speaking, equipment or personnel cannot be considered under the impact fee facility component.

City Administrator Nathan Crane informed the Council that staff were updating that capital improvements plans for sewer and pressurized irrigation (PI) fees. He said that staff should have drafts of those IFFPs near the end of October for their review in November.

Fred Philpot repeated the process moving forward and told the Council about his future involvement and when they could expect to see him again.

2. MOUNTAIN RIDGE PARK

The City Council reviewed and discussed the Mountain Ridge Park Master Plan.

Assistant City Administrator Erin Wells explained that she and Rob Donigan of Blu Line Design would review the current plan, provided a brief overview of the history for how staff got to the plan, and addressed the projects costs, financing, and phasing. She said that she hoped that the Council could provide direction on (1) the park elements they wanted prioritized, (2) how they would like the development of the park phased and (3) what funding sources they wanted to utilize. Following that initial direction, staff would be able to come back before the Council to provide a final phasing proposal and spending plan.

Assistant City Administrator Erin Wells explained that there were several public meetings held in 2018-2019 regarding the development of Mountain Ridge Meetings. During that time period, although there was a previous plan, staff went through multiple park iterations, one of which included a 27-tournament level pickleball court plan. In April of 2019, the Council at the time directed staff to revise the plan away from that level of pickleball courts to accommodate feedback from residents from a variety of open houses and a resident survey. People wanted fields, pavilions, playgrounds, pickleball courts and walking paths. One of the findings of the 2019 survey was that 62% of residents did not want large sports tournaments in Highland. A more recent survey showed that the top five park elements desired by residents were dog parks, general playgrounds, open fields, pickleball and walking paths.

Mayor Rod Mann asked if the new park in Cedar Hills was considered an all-abilities playground. Council Member Kim Rodela said yes.

Rob Donigan, Landscape Architect with Blu Line Designs, presented the updated designs for Mountain Ridge Park. He displayed the revised plan for the park. He noted that there were several similarities between previous plans and the plan now. On the north east side of the park, the designers kept a significant amount of parking as part of the current plan. There were still pickleball courts on the north east corner, but there were eight as opposed to 27. West of the pickleball courts was an all-abilities playground. The location of the playground was changed to put it closer to the parking lot for better accessibility. South of the playground would be a pavilion and restroom. The design of this amenity will have to be finalized based on how the City want the space to be utilized. It could still be a large facility that could be reserved. In addition, there were two medium sized pavilions as well. These could be used for families or multiple groups that want shade around the playground in case the large pavilion was reserved and being used. On the south end of the park there would be the multi-use fields providing open space that can be programmed for soccer and lacrosse, or football, etc. To the west of playground is a multi-use open lawn space for times when the larger fields might be in use. Mr. Donigan said that one of the top

amenities that people mentioned wanting was walking paths. Because of this, the revised plan features a walking path from parking lot, to the playground and around the fields for pedestrians. He said that it could be marked for distance. According to Mr. Donigan, eight pickleball courts is good number for neighborhood use. He was excited about the all-abilities playground and indicated that there was a lot of need for that type of amenity. He noted that there were funding sources that could assist in getting the playground constructed.

Rob Donigan, Landscape Architect with Blu Line Designs, then talked about the cost of the different park elements. These elements and associated costs were as follows:

- (1) Construction plans & bidding: \$104,000.
 - a. These could be completed in 2021 if they began the process immediately.
- (2) General site improvements: \$179,000
 - a. Sidewalk, roadway, grading, utility improvements, etc.
- (3) Parking lot & roadway: \$900,000
- (4) Playground area: \$1.54 million
 - a. This would include the pavilions.
- (5) Pickleball courts: \$778,000
- (6) Fields and walkway: \$1.95 million
 - a. This was a more expensive item because of the size of the fields and the cost to put in irrigation and the walkway that encompassed the space.
- (7) TOTAL: ~ \$5.5 million
 - a. This includes full buildout: lighting, parking lot, trees, and other landscaping.

Mr. Donigan presented a slide that should how the part could be divided and developed into three or four chunks so that the park could be built in phases as funding allowed. He then outlined two different phasing strategies: (1) amenity by amenity, or (2) multiple amenities at a time. Blu Line Designs also presented two specific phasing options for the park.

Phasing Option 1

For this phasing option the different areas were identified as:

- Area A: parking
- Area B: playground and pavilions
- Area C: pickleball courts
- Area D: fields

It was recommended that the City make sure that there was parking and then could develop the different amenities based on their priorities.

Phasing Option 2

The second phasing option was more of a mixed amenities approach. The different areas for development were identified as:

- Area A: northern parking, playground, and pavilions
- Area B: pickleball courts, north eastern parking, and south eastern field
- Area C: middle and south western fields

Mr. Donigan said that there were pros and cons to each phasing option. The pro for the mixed approach was that you get a little parking with some other amenities providing variety. Any amenities that are put in up front will want some parking and access. Mr. Donigan said that was all he had to present.

Assistant City Administrator Erin Wells said that she was going to address more specifics related to funding but asked if the Council had any questions for Rob Donigan, Landscape Architect for Blu Line Designs, before she transitioned to a new topic.

Council Member Kim Rodela asked how the all-abilities playground compared to the size of Harvey Park. Staff did not know the answer.

Council Member Kurt Ostler also asked about the size of the playground. Rob Donigan said that the design was very high-level. The final size of the playground would be dependent on how much the City wanted to spend. Council Member Kurt Ostler asked about other parks that Blu Line Design had helped develop. He asked if they had worked on parks in Spanish Fork. Mr. Donigan said that they had worked on the Spanish Fork Park with the ballfields and pickleball courts. He said, however, that they were not involved in the design of the all-abilities park in Spanish Fork.

Council Member Kurt Ostler asked if there were other parks in the area that they could visit to compare to. He said that the Council was impressed by the Harvey Park, particularly that it was busy both during the day and in the evenings, but with vastly different demographics. He said that he had not physically gone to the Spanish Fork park. He asked if there were other park elements that Highland had not considered that other cities had put in looking towards the future. Rob Donigan, Landscape Architect from Blu Line Design, said that was a difficult question because different communities like different things. However, he said that pickleball courts are popular. He shared a personal anecdote of going to play pickle ball with City Administrator Nathan Crane the previous week at a facility they helped design that had 16 courts.

Council Member Kurt Ostler said that Spanish Fork had 16 courts and the Lehi was considering putting in the competition courts at the pack park. He wanted to know if in putting in eight courts if Highland was being a little too shy and should look to have 12 courts. Rob Donigan of Blu Line Design said that from a community standpoint eight courts were a good number. He said that the complex in Clearfield has 16 courts and it was a lot of courts. Every court was full, however. He said that Blu Line Designs was working on a park that was in construction in Herriman that had unique elements such as gaga ball. Mapleton was building futsal courts. He said that in reality, sports are cyclical and that they come and go. In the end it is important to have core elements. He noted that the survey emphasized that people want walking paths, multi-use spaces, and playgrounds. He advised that the Council do not get hung up on the trend. He said that the elements you have here are good for the community.

Mayor Rod Mann said that they had seen an increased use in basketball at parks. He realized that this might have been because all of the church buildings were closed because of COVID-19.

Rob Donigan of Blu Line Design said that if the City does put in pickleball courts to make sure that they also installed lights.

Council Member Scott L. Smith said that when the park was reviewed by the previous Council it was his understanding that there were already nine to eleven soccer fields in the City. He acknowledged that soccer was popular but wondered why they were putting in three more fields when they do not really have any baseball diamonds in the City. He wanted to know if Highland's emphasis in the City had just become soccer. He said that he would be more likely to support two soccer fields and a baseball diamond in one corner.

Council Member Kim Rodela said that he would back up Council Member Smith. She said that her kids play both soccer and baseball and that there was always a lack of baseball diamonds. She said that it was interesting, though. There was a nice baseball field at Mitchell Hollow Park. However, it was unusable by the baseball league because of ill maintenance.

Mayor Rod Mann said that the soccer teams provide funds for the fields that they rent from the school. He wanted to know if baseball just did not contribute to the field maintenance. Council Member Kim Rodela said that she did think that they contributed to field maintenance, but that it just needed a complete overhaul. According to Alpine, it would cost \$8,000 to bring in new dirt.

Council Member Kurt Ostler said that there were also two baseball fields at Heritage Park. He asked if the City owned both diamonds. Assistant City Administrator Erin Wells said that the City owns one and the school owns the other. She said that Lone Peak Baseball, a local league, utilized the field.

Council Member Kurt Ostler said that although the fields were described as soccer fields, he could also see lacrosse and football using the fields. Council Member Brittney P. Bills agreed with the point that there was no place in the City to play lacrosse. She said that her family had to drive all the way to Riverton and Bountiful to play lacrosse.

Brian Braithwaite said that the idea for the park design was for that area to be fields, not necessarily soccer even though that is what it looked like on the drawing. to be fields, o necessarily soccer. The intent is that we can make this anything we want. He said that the 2nd issue was that the City could not provide everything for everybody in one park. He did note that baseball was popular in the area. One of the positives was that Alpine had a lot of fields, as well as in American Fork. He said that one of the reasons why they moved away from the baseball fields was that would mean the park would only serve one sport, whereas grass was more versatile for multiple sports.

Mr. Braithwaite said that there were soccer teams who wanted the fields to be exclusively for soccer. If the fields were just for soccer, they were willing to pay more to take over the maintenance. He said that there were organizations willing to pay for some of the infrastructure, mowing, etc. He also explained that different sports have different desires/needs in regard to the quality of turf. Soccer wants nice grass because the ball is on the ground a lot, whereas football tends to tear up turf because of the cleats. There were organizations who were willing to pay for additional maintenance to have the exclusivity from May until October. People could go out and throw a frisbee or play a pick-up game, but there could not be other organized sports.

Mayor Rod Mann clarified that the City could have some fields be exclusive to a particular organization and other fields could remain open to the public. Brian Braithwaite said that depending on the cost savings to the City they could decide how many fields to make exclusive. He said that this could not only provide upfront funding but could support continued maintenance.

Council Member Scott L. Smith said that in a City of limited means a cost-sharing arrangement was appealing but were hard to explain to people that there was a public park that only certain people could use. He said that is one of the issues with the open space parks. He said while that was appealing, he wanted to hear strategies for how to explain to people that there is this nice amenity and the City was able to save a lot of money, but you can't use it.

Brian Braithwaite said that there would not be City police or employees at the parks, so how is an arrangement like this managed. He said that people recognize that when soccer games are going on, that the field is not available. In addition, signs can be posted that indicate that a field is not supposed to be used for any organized sports (i.e. the field cannot be rented our used for practice.) If a team has been identified as using a field, city

staff can inform a couch that the field cannot be used and redirect them to another space. However, pickup games of football and soccer, etc. would be okay.

Council Member Kurt Ostler said that Lehi was making Peck Park. They were sourcing their soil from Dry Creek Lake. He said that there were soccer leagues coming to put in soccer fields for a big portion of the park and were negotiating to put in competition pickleball courts. He said that in five years he thinks that there will be a lot of competition pickleball available that will take use from each other.

Brian Braithwaite said that the soccer leagues signed a 10-year contract with Lehi. For the ten years that they are funding the infrastructure the soccer leagues have some level of exclusivity. The City was responsible for the restroom facilities and maintenance. However, after the 10 years, because the property is owned by the City, they could either renegotiate with the soccer leagues or say that they wanted to return the fields to a more public space.

Council Member Scott L. Smith asked about the price of the pickleball courts. He questioned if the true cost of a pickleball court was \$100,000. Assistant City Administrator Erin Wells said the estimates reflected full buildout with additional amenities such as shade structures and lights.

Rob Donigan of Blu Line Design said that the cost of the eight courts for the courts themselves would be between \$200,000 - \$250,000. When factoring in the \$150,000 for the lights, and costs for surrounding concrete and landscaping, the cost increases.

Council Member Kurt Ostler said that he found the field cost of \$1.95 million surprising, but he understood that the cost reflected all of the infrastructure needed to support the fields' use. Rob Donigan of Blu Line Design provided for reference that the development of the fields with the walks and trees comes out to be about \$4 per square foot.

Mayor Rod Mann asked if that rate was in line with what the City paid for Spring Creek. City Administrator Nathan Crane said that at Spring Creek the City paid \$5 per square foot.

Council Member Kurt Ostler addressed possibilities for a dog park. He said that a dog park might be particularly popular near Boyer and the town center. He said that he was not sure if trying to put a dog park in at Mountain Ridge was best, but that the City did need to look into putting a dog park in somewhere.

Mayor Rod Mann suggested that there was a scrub brush area at Highland Glen that, if cleared out, could be a potential dog park area and would be closer to Boyer.

Council Member Kurt Ostler said that was a totally unused part of Highland Glen.

Assistant City Administrator Erin Wells redirected the Council back to discussing funding for Mountain Ridge. She reminded the Council that the estimated cost for the entire park was \$5.5 million. She outlined the different places that the City could get funding.

Unallocated Revenue Sources

The following funds did not have legal ties to them:

1. Remaining funds from the sale of Spring Creek: \$1.4 million
2. Patterson Storage Property Sale: \$360,000
3. Dry Creek Property Sale: \$400,000
4. Street Tree Account: \$97,000

- a. The City was previously collecting fees from residents to put in trees. While the City collected the money, they did not actually put in trees. Because of this, they feel the money should be used for landscaping and beautification.
5. Sale of Open Space: \$275,000
 - a. She said that she forgot to pull out Mercer Hollow so the amount would be less than \$275,000.

These funds combined total \$2.53 million.

Assistant City Administrator Erin Wells provided a couple of caveats pertaining to the figures. She said that when the Mountain Ridge Park first became an agenda item in 2018-19 there was a vote taken that 60% of proceeds from Spring Creek park would be used. In addition, there was a little bit more money from the sale of open spaces that the City was waiting to collect.

Other Revenue Sources:

Assistant City Administrator Erin Wells said that there were also some funds already included in the City budget that could be re-allocated for the park. These included:

1. The Enterprise Funds: \$75,000
 - a. Site improvements would be the qualifying amenity
2. B & C Road Money: \$76,000
 - a. 10400 N Curb and gutter would be the qualifying amenity. Site Improvements
3. Quarter Cent Sales Tax: \$27,600
 - a. 10400 N Sidewalk could be funded because it was a long a corridor that kids travel to get to school.
4. General Fund Trail Maintenance: \$70,000
 - a. This could fund the trail traveling along the perimeter of the field.

The total funds from these four sources totals \$250,000 from the current City budget.

Assistant City Administrator Erin Wells said that she was just outlining different funding options from the budget. It was true that if the money were spent on the park it would not be spent on other projects, so the Council would have to weigh what improvements and developments they wanted to prioritize.

Council Member Scott L. Smith said that in the Highland Foundation there was about \$6,000 that has been raised for all-abilities and an additional \$15,000 for pickleball courts. Assistant City Administrator Erin Wells said that information was good to know. She said that she thought some of the money was tied specifically to Highland putting in the 27 competition pickleball courts, so she did not know if there were still funds available. She said that the Asher Corporation donated the \$15,000 for pickleball courts in the City.

Unknown funding:

There were three areas that staff intended to pursue additional funding:

1. Grants
 - a. Assistant City Administrator Erin Wells said that one thing that was important to consider in regard to phasing were which park elements Highland wanted to pursue grant money for. There was a good possibility of being able to get grant money for the all-abilities

playground. She wanted to be strategic about what they put City funds towards versus what they sought grant funding for.

2. Fundraising
 - a. In regard to funding raising, while staff could be a part of fundraising Assistant City Administrator Erin wells felt that they could not be the driving force. Fundraising would fall to the Council, Park Commission, and Highland Foundation.
3. Public private partnership
 - a. This funding would come from what was discussed by Brian Braithwaite: partnerships with soccer leagues to help put in fields and cover the cost of continued maintenance in exchange for exclusivity
4. Reserves
 - a. Staff does not recommend this, but reverse could be utilized.

Council Member Kurt Ostler said that he was curious to know how successful Highland could be at fundraising. There was discussion between Council Member Ostler and Council Member Smith about how funds raised were allocated such as how one donation was moved to the pavilion at Spring Creek. Council Member Kurt Ostler said that the Spanish Fork all-abilities park was paid for with a grant. He felt as though they could pursue a private partnership to cover the cost of the soccer fields.

Assistant City Administrator Erin Wells said that staff have been able to identify about \$2.78 million in City funds if the Council wanted to include all possible funding options in towards the Mountain Ridge Park.

Mayor Rod Mann said that if staff needed a council member as a fundraising representative that he would suggest Council Member Scott L. Smith given his ties with the Highland Foundation.

Council Member Kurt Ostler asked the Mayor if he could engage Brian Braithwaite, a former council member who engaged in fundraising, for some information and advice. He asked if there were any lessons that he could pass on to the current council.

Brian Braithwaite, Parks, Trails & Tree Commission Chair, said that finding passion is what drives us. He said that in Spanish Fork the had 35 families who contributed as part of the design and fundraising for the all-abilities park. He said that Wing Enterprises contributed a significant amount of money because he had a soft spot for all-abilities. Essentially, Mr. Braithwaite suggested finding the people with the passion. He echoed Assistant City Administrator Erin Well's comment to be strategic about knowing what to spend City funds on and what projects align with people's passions that they might be willing to contribute to. He emphasized that it was important to show that the project is moving forward and then people will be exited to get involved.

Mayor Rod Mann recalled that Brian Braithwaite had found a group that had helped Pleasant Grove get funding for their all-abilities park. He asked if that was someone who specialized in getting funding. Brian Braithwaite said that one of the key individuals of NOVEL (neuro-ophthalmology virtual education library) put money into the park and had a foundation that they were able to use, as well as family members that had a personal interest in the all-abilities park. He said the situation in Pleasant Grove was one where there were key community people who brought other individuals in to funding the project. He said that for a lot of grants or large donors, they want the community to contribute a certain amount and then a foundation will match it.

Council Member Kurt Ostler said that he felt as though there were organizations in Highland that would support an all-abilities park such as Courage Reins, the LDS Special Needs Mutual, and the Developmental Center. He said that he felt that there was some inertia that Highland could utilize and demonstrates that the City values those communities. We believed Highland could paint a good picture.

Brian Braithwaite said that was good because grants always require matching. He said that all-abilities parks and even pickleball for recreation were areas where there were known grants that could be pursued. He said that he felt comfortable that we can push for grants. He added that when there is an existing park, requesting individuals tend to get more grants because organizations granting money can see that a project is already in motion and they want to show off their grant program.

Council Member Scott L. Smith said that based on previous experience he did not think that this park design was going to generate the controversy that the tournament size pickleball courts did. He said that one of the problems that they had in the past with fundraising was that there was so much opposition to the idea of that many pickleball courts that contributors didn't want to contribute because they didn't think that the park was going to happen. He said that he felt that if there was a more solid commitment and City funds allocated toward the project that they would get more contributions. All the Highland Foundation did last year to raise funds for the all-abilities park was send out one flyer. This raised \$6,000. He said that he felt that between grants and a fundraiser the City could generate the funds for the all-abilities park.

Brian Braithwaite said that a significant piece was having a foundation involved because there was always a higher interest in the donations could be tax deductible.

Council Member Scott L. Smith said that the Highland Foundation was meeting in the next month and that they could focus on fundraising, especially with Christmas coming. He said that it was his sense that people wanted to see things happening because they were tired of COVID and all the negativity in the media and would be glad to support something positive like the park.

Council Member Kurt Ostler asked Mr. Braithwaite from his experience, who were the most important people to be leading fundraising initiatives. He asked if it was council members, the parks commission, or other individuals. Brian Braithwaite said that it was his belief that when a granting organization or the public can see that the City is behind a project it doesn't have as much requirement from elected officials because the fact that a project is moving forward indicates that elected officials are behind the project. He said it is always nice to have a mayor or city council member to rub shoulders with, but not required when the project is moving forward.

Assistant City Administrator Erin Wells asserted that she put together a table to identify the different amenities and how they could be paid for.

Amenity Section	Cost	Qualifying Revenue Source	Amount	Remaining
Construction & Bidding	\$104,000	TBD	---	\$104,000
Site Improvements	\$179,000	Enterprise Funds; B&C Road Funds, County Trail Transportation Funds	\$179,000	\$0
Parking Lot & Roadway	\$900,000	TBD	---	\$900,000
Playground Area	\$1.54 M	TBD	---	\$1.54 million
Pickleball Courts	\$778,000	TBD	---	\$778,000
Fields	\$1.88 M	General Fund Trail Maintenance	\$70,000	

She said that there was about \$5.1 million dollars that required direction from the Council for where the funding would come from. The City had about \$2.5 million in unallocated resources that could go to the project. This left a \$2.6 million gap. In summary the City had about half of the money needed to make the park happen. Assistant City Manager Erin Wells said that she needed the Council to provide direction on the prioritization for phasing and what funding sources they were comfortable with staff using.

Council Member Kurt Ostler said that he was nervous about pulling out of the general fund for trail maintenance. He said that the Council hears from a lot of residents about the need for trail maintenance and that seemed to be a priority for the Council. The \$76,000 from the B&C road funds seemed to be reasonable to him for use for 10400 N curb & gutter, as well as the \$27,000 quarter cent money. He then asked about the street tree account. He wanted to know when that money was intended to replace trees.

City Administrator Nathan Crane said that way back when, developers had to install two street trees per house. There was a street tree fee. Then there was a question what the City should do with the money. In 2010 staff looked at four or five different programs and could never really make the programs where people got tree vouchers work. Because of that staff stopped collecting the tree planting fee and thought the park would be a good place to spend that money.

Council Member Kurt Ostler asked where the funds came to replace trees in Highland's open spaces or roadways. City Administrator Nathan Crane said that the trees come from different funding sources. The City often uses left over trees from the tree sales. He said that he was not exactly sure where the funding came from. Council Member Kurt Ostler said he was wondering because he had heard comments about having dead trees on one's park strip. City Administrator Nathan Crane explained that these trees would have been allocated towards putting trees in the park strips of new housing developments.

Council Member Brittney P. Bills said that something that confuses her is when money is allowed to be moved around and where it is allowed to be spent. On one hand she hears that there's not enough money for park maintenance or to purchase a needed weed spray or to pay for additional staff, but then there is a fund that has \$95,000 in it for trees despite the fact that the City paid an outside company to update Highland's medians. She also wondered about the money gained from the sale of open spaces. She said that she remembered the neighbors of some of those open spaces coming in and saying that the money was collected specifically to serve their community and they were going to allocate those funds for the tennis courts that went in at Canterbury. Because of this, she wanted clarification of where and how open space money was spent. She said that before she felt comfortable using open space funds for the park, she would want there to be a policy about where open space money would go generally so that the Council knows down the road.

Council Member Scott L. Smith said that Council Member Bills brought up some valid concerns as there had been several discussions about the fact that when the City sells open space that the profits should stay in open space neighborhoods. He said that he leaned towards that concept. He said that in the \$1.4 million from the open space sales there was a commitment that 60% would be used for Mountain Ridge Park. He said that it was his impression that the remaining profits from the sale were intended to go to Beacon Park, which was an open space park. He said that he would prefer to see all the open space funding go to Mountain Ridge to get some initial projects done. He said that there was some nice phasing.

Council Member Brittney P. Bills said that she was not opposed to using the open space money. She just felt that the Council needed a plan or policy so that they could be consistent in how they allocated those funds.

Council Member Kim Rodela said that she was in agreement with Council Member Bills and Smith; she felt that there did need to be a plan about if open space money was going to be just for open space or could it be used for City parks as well. She said that it was hard to have a situation like Beacon Hills neighborhood, whose park was

never finished and were promised a pavilion that they never got, to take open space funds and put them elsewhere. She said that one of her main concerns was the fact that Highland has such a hard time maintaining its parks as it is, that before she would want to proceed with the development of the Mountain Ridge Park she would want for a maintenance schedule to be established that included repairs, a 10-year plan for replacing equipment, and keeping up with baseball fields, etc. We need to have a plan with open space, or can it be used for other things as well. Lastly, in terms of direction from City Council on priorities for phasing, she thought that staff should start with the all-abilities park, through private fund-raisers and grants.

Council Member Scott L. Smith said that Area A only required \$1.5 million. He thought that with the holidays coming up, they could easily raise some money.

Council Member Kim Rodela said that although they did have the \$1.5 million, she felt that Area A was the primary area that they could get grants and fundraisers. Because of this, she felt that they should set aside the \$1.5 million of city funds for Areas A, B, and C.

Council Member Kurt Ostler said that he was comfortable with most of the funding sources with the exception of the \$275,000 from open space. He said that he felt that there would be other needs in open space parks that the \$275,000 would be more appropriately allocated to. Because of this, he would pull that money out of the Mountain Ridge Park funding.

Assistant City Administrator Erin Wells said that she doesn't disagree that a plan for the open space money would create more clarity. However, she informed that there was not a specific vote about if the money stayed in open spaces or was used in other areas. In fact, if a vote had occurred, each Council could make a different vote. The issue surrounding open space money came down to two questions: (1) does it make sense to keep it in the neighborhood, or (2) does it make sense to use it in the best way possible. For example, in regard to Canterbury Circle, the City sold about \$255,000 worth of land and once the sports court was removed, there would be an additional \$100,000 in profits. She wanted to know if there was an additional \$100,000 worth of desired investments at that park.

Mayor Rod Mann said that his memory of discussions about open space money was that it should stay in open space communities, but that it did not need to stay in the specific community it was generated, but could be distributed to any open space park. not necessarily in the neighborhood where it was generated. He then noted that the Mountain Ridge Park was quasi open space because someone got a bonus for selling the City land at an exorbitant price. He said that he did not have a problem with where the money was spent but did acknowledge that there were some specific problems in open space, like Beacon Hills, that did need to be addressed.

Council Member Kurt Ostler said that there seems to be a difference in opinion as to if Beacon Hills Park was finished or not. It seemed that some residents wanted additional amenities like restrooms and a pavilion and others did not. He felt that it was important that they did continue to set aside funds to repair and address some of Highland's trails. Adding to Council Member Rodela's comment, Council Member Ostler said that there were two issues to be considered: utilizing capital to build and making sure that there were enough funds for maintenance. If the Council approved the park, he wanted to know what they were committing to in long term maintenance. He said that if they do not have funds to support the park's maintenance, they are just taking funds from other parks that could have better upkeep. He felt that Area A, the parking lot, would not be an area they could fundraise for. The all-abilities park in Area B was a place he thought he could fundraise. He did not think that they could raise Might get fundraising in all-abilities, probably not for parking lots. Area C, the pickleball courts, did seem to have public support. For Area D, the soccer fields, he liked the idea of dedicating one field to a private sponsorship. He thought that they could put lights in later on. He said that he was not interested in bonding for the project or in raising taxes to fund the park.

Council Member Scott L. Smith said that originally when the Beacon Hills park was designed, there were four or five phases. He said that what he thought what was developed was phase 1.5. He said that there were several other elements that were intended to be completed. The master plan was still available through City records.

Council Member Kurt Ostler said that he felt that reviewing the plan would be important. He asked how many acres Beacon Hills entailed. It was his impression that only a few acres of the entire park had been improved. City Engineer Todd Trane guessed that the total park was 20 acres total, of which 10 acres were improved with grass.

Council Member Kurt Ostler also noted that there was some money allocated for a bathroom. He agreed with Council Member Smith that Beacon Hills was a park that the City needed to keep an eye on. An additional problem he noted was that there were several other parks in Highland with aging playground equipment that would need to be updated soon.

Assistant City Administrator Erin Wells summarized what she heard from the Council. She said that it seemed the Council was not comfortable using the General Fund trail maintenance money or the sale of open space property money. In addition, if staff use some of the quarter cent sales tax money, the Council would like to make sure that they save some funds for sidewalk repairs that funds were recently allocated to.

In regard to phasing, Ms. Wells heard that in looking at the four-part phase map, the Council would like staff to focus on areas A, B, & C. Council Member Scott L. Smith said that he would look at the three-phase plan and would focus on areas A & B because the City might be able to get some funds from the soccer leagues. He which phasing option Brian Braithwaite favored.

Brian Braithwaite said that there was current interest from soccer leagues. He said again that there was an issue of momentum. He said that as people see the park coming together, they become more willing to contribute. He said that the City would have to show a plan that demonstrated the park was moving forward to be able to get good fundraising for all-abilities playground and pickleball courts. He said that it was possible that the City could put the soccer fields in to show that the park was moving forward and then get more interest in the all-abilities because people could see the park was moving forward as opposed to focusing on a smaller portion of the park.

Council Member Kurt Ostler said that he was concerned that if area C was estimated to cost \$1.5 million, but the Council did not forecast having the funds to complete the project for another ten years, he felt that it might be better to enter into an agreement with the soccer leagues so that the fields could just get put in even though the space would be tied up for ten years. He felt it might be good to enter into the agreement first so that the fields looked green and like a nice park versus an undeveloped field.

Council Member Scott L. Smith asked if Brain Braithwaite was suggesting that they do all the phases at once. Brian Braithwaite said no, he suggested that they complete phases in a way that drives interest. He said that that the different phases could be partially completed. For example, they could focus on completing tow of the fields and leaving the piece on the southwest side undeveloped. In addition, the City could leave the portion next to the all-abilities park that was intended to be an open grassy area undeveloped as well. He said that the momentum was important. Decisions about what to be developed would have to be driven based on available funding at different times.

In response to a comment from Council Member Kurt Ostler, Brain Braithwaite said that pursuing commercial supports such as Qualtrics or Adobe was not a bad idea. They could have an Adobe day where employees come up to play pickleball.

Council Member Scott L. Smith said that the parking lot would need to be completed right up front. Brian Braithwaite said that the parking lot did not have to be asphalt right away, it could just be gravel. The sidewalks and street would need to be installed first, but the surface type of the parking lot was negotiable to create initial savings.

Mayor Rod Mann asked if the parks committee could come up with their ideal phasing plan. Brian Braithwaite said that the phasing plan would have to come in conjunction with conversations with staff and with available funds. He said that once the Council communicates what is available then staff and the parks committee can come back with a plan of what can be done with the available funds.

Mayor Rod Mann asked if Assistant City Administrator Erin Wells was clearing on funding and phasing. Assistant City Administrator Erin Wells said that she was clear on funding and it seemed to her that there was less interest on the part of the Council in the fields and more interest on the other parts of the park. Council Member Scott L. Smith said that to him it looked like staff had about \$2.2 million in funds to start with.

Council Member Kurt Ostler said that for him with the fields he just wanted a realistic estimate of when the City would be able to fund them. If the fields could not be developed for 10 years, he felt that the City might well enter into an agreement with one of the soccer leagues for private funding to get the fields developed sooner rather than later.

It was noted that the park bond came up in 2027. Council Member Ostler said that they needed to be aware of when their next cash event would come up to decide about the best way to get the fields done. If they went with a private funding source, the City would just need to educate the public about why that choice was made: to get the fields in without raising taxes.

City Administrator Nathan Crane asked Rob Donigan of Blu Line Design when they needed to get the construction plans done. Rob Donigan of Blu Line Design said that he could get them done by early next year.

It was noted there had been an open house on the current plan and the feedback was good. Council Member Scott L. Smith said that he recognizes that staff work really hard on a lot of projects and often get more flack than praise. Because of this, he wanted to pass on that he received a call from a resident who was often critical of Highland who was thrilled to death about the improvements made to the park on 9600. He wanted to let the staff know that there were happy residents for the road repairs.

3. GENERAL FUND STUDY

The City Council reviewed and discussed future General Fund Revenues and Expenditures.

Finance Director Tyler Bahr presented on staff's evaluation of the General Fund. He provided some background. He said that there was a General Fund study commissioned with Lewis Robertson and Burningham that was completed in January 2019 that covered the time period of fiscal years 2019-2023. The focus was to project where the reverse balance funds would end each year for the general fund. It was projected that reverse would be exhausted in 2022 with a negative general fund unrestricted balance of \$1.9 million, or -20% at the end of FY2023. The study presented five different scenarios to address that projected shortage.

Mr. Bahr noted that as governed by the Utah Municipal Code there were requirements that the City maintain ending balance between 5% minimum and 25% maximum of the annual general fund revenues. As dollar amounts that is about \$500,000 to \$2.5 million. These values were calculated with annual revenues of roughly \$10 million. In context to operations, 25% of annual general fund revenues is about three months of operation.

Mr. Bahr said that a few considerations and assumptions to keep in mind were that revenue growth was projected conservatively with a 4% sales tax and a 3% franchise tax. The annual expenditure growth was projected at 4%. Also factored into the study were a number of operational, maintenance and capital improvement needs estimated at about \$1.5 million.

Mr. Bahr stated that the City Council does not budget or plan simply based on that study. However, he displayed the year to year anticipated fund balance based on the study and how that performance actually played out. The table showed that the actual general fund revenues were significantly higher in FY20 and FY21 than were projected. The projected fund balance in FY21 was \$467,817 (5% of General Fund revenue) when in reality the FY21 fund balance was \$2,021,285 (21% of General Fund revenue).

Council Member Scott L. Smith asked if the projections included consideration for the impacts of COVID-19. He talked about how the current budget factored in a decrease in sales taxes as a result of COVID, but that Highland has actually seen an increase. He said that Highland tends to budget conservatively.

Council Member Kurt Ostler asked if the if the FY21 number included merit increases. Assistant City Administrator Erin Wells said that it did. The Council made the decision to leave the merit increases in the budget but wait until after the first quarter to implement them.

Finance Director Tyler Bahr then explained some of the changing variables. These included: revenues that were exceptionally higher than the projections, an acceleration in development, conversations going on at the legislature and other groups regarding the assessment of fees versus taxes, building permit fees that would change revenues as the City approached build out, the proportion of general fund money allocated to public safety and the departure of Cedar Hills that wasn't projected, and an increased interest in retaining open space.

Mayor Rod Mann said that the discussion regarding fees versus taxes was trending negatively for cities. He said that there was a current court case whose ruling could affect the outcome of the discussion. However, there were several legislators who would like to eliminate the ability for cities to levy fees against anything but what can be measured such as utilities. He said that he felt as though they were being unreasonable, but there was not a lot that the City could do about it.

Council Member Kurt Ostler asked if there were legislators who were favorable to the City's position or if there was legislation that the City could support. City Administrator Nathan Crane asked if the Council and staff could have a detailed conversation about the fee and tax issue at a later time. He said that there were a lot of moving parts and it warranted its own agenda item.

Council Member Kurt Ostler asked if staff had any projects about reaching build out. He cited that there were 700 units from Boyer and that there were the Rhinehart and Apple Creek developments. He wanted to know if there were projections about how that might help Highland's revenue. Mayor Rod Mann and City Administrator Nathan Crane said that staff were currently working on those projections.

Finance Director Tyler Bahr said that other elements to consider also included inflation and an increased cost of living, the utility rate increase, the public safety impact fees compared to the bond or the cost of the buildings, sunset clauses on road and public safety fees, public safety costs in general, and a continual question about the unmet needs and priorities of the Council in regards to maintenance and capital improvement projects. Mr. Bahr said that the study addressed those elements appropriately at the time but that each of these elements needed to be revisited on a regular basis.

In terms of next steps and recommendations, Finance Director Tyler Bahr said that staff were looking for guidance and consensus from the Council about what reserve targets ought to be. He said that 1% equates to approximately \$100,000. In addition, staff would like to consider updating the General Fund study with particular focus in public safety, fee and tax legislation, parks and open space, operations and maintenance, capital improvements and contingency planning. He said that staff would like outside help to model the impact of multiple factors on the overall budget.

Mayor Rod Mann asked what it would cost to get outside help. Finance Director Tyler Bahr said that he would have to look into that number.

Council Member Kurt Ostler expressed doubt on the value of spending money on outside help to make projections. He said that it seemed as though their forecasts were often incorrect. He wanted to know how the forecasting from outside agency actually helped the Council make an informed decision and if pursuing outside help was money well spent.

Finance Director Tyler Bahr said that the reason why the forecasting ends up being off is because circumstances do change. The value in getting outside eyes was to help the Council make decisions about the here and now to manage current spending in relation to the future. He said that it is just not the reality to have a plan that can be followed exactly five years down the road. However, the plan does give staff a good direction about what the City needs to spend their money on.

Mayor Rod Mann said that one area that was not reflected in the original plan that forecasted being negative in FY22 was that the public safety fee had not been passed at the time the plan was conducted. He said that had the City not passed the public safety fee there would have been a big dent in the budget.

City Administrator Nathan Crane said that when a forecasted budget indicates a negative, it assumes that the City executed every operational, maintenance and capital expense that staff had identified. Staff had acted on some of those expenditures like purchasing two snowplows or trail maintenance, but many others were deferred.

Council Member Kurt Ostler said that it seemed that there were small sales that happen such as the Patterson Warehouse that the City can tap into for improvements. In addition, it seems that expenses have always come under what was budgeted each year.

Council Member Scott L. Smith said that it was good to be conservative. At the same time, Highland had some positive opportunities like the \$1.3 million of CARE money. He said that the Council was concerned that COVID was going to hurt Highland bad, but in the end COVID has helped the City. There were new trucks and new bathrooms that could not have been paid for without that money. He said that these variables were hard to predict. He voiced that they could hire studies, but he was not sure they have helped.

Council Member Kurt Ostler said that was the root of his question: how the studies helped the Council and staff make decisions about the General Fund. Mayor Rod Mann said that an outside group conducted a utility rate study that informed those rate changes. City Administrator Nathan Crane said that he did not know that he could point to one decision apart from needing to take a better look at the City's long-term expenses be it building maintenance, capital IT projects, etc. Council Member Kurt Ostler said that one of the topics that keeps coming up that the Council will have a future work session on was parks. The Council knew that the City was still struggling with parks.

City Administrator Nathan Crane said that over the last couple of years the City had gotten better at projecting revenue from items such as sales and property taxes. However, there were a couple of years where the projections were way off and were very conservative. In addition, staff would like to look at expenses and know if the City

ended up spending less than what was budgeted and if so why. He said that open space was a good example. Staff want to know why they might have spent \$30,000 less than budgeted one year on fertilizer. Was that because the previous year we had gotten a heck of a deal on fertilizer at the end of the year, or, did they end up spending less on salary or wages one year because there was an employee who worked for the City for 30 years and retired. Mr. Crane said that looking at those types of scenarios helped the City to determine if there were resources that they could be spending that they were not to get be able to get more projects done.

Council Member Kurt Ostler said that there is a lot of fear regarding the market. He explained various financial situations that the Council could not have predicted and the importance for keeping a reserve.

Council Member Kim Rodela said that there was a General fund study a few years ago that showed exactly the areas that the City needed to work on. However, if the City did not have an action plan to implement the study. She said that if they were going to do another study, she would want an action plan to provide financial results. She said that there were several times when discussing items that Council Member Bills has suggested that the Council consult the General Fund study and if the Council just looked at it the decision would be clearer.

Council Member Kurt Ostler said that one of the problems he saw with the General Fund study was that although it showed what the City's deficiencies were, often times the only way he saw them being funded was through raising taxes. He was the first to admit that this made him squirm.

Council Member Brittney P. Bills wanted to know how the proposed General Fund study would be different than the one conducted in 2019. Finance Director Tyler Bahr said that it was the same idea with updated variables and revenue projections. He said that all of the variables outlined in the presentation had changed since the study was conducted.

Council Member Scott L. Smith asked why staff could not take the study and plug in the different variables to get their own projections. He wanted to know why they needed to spend money on a study that might be erroneous when Mr. Bahr seemed to have a lot of experience in this area.

Finance Director Tyler Bahr said that the number of variables were pretty complex. He said that he was not an actuary. Because these were dealing with economic assumptions, he wanted to have multiple eyes on it.

Council Member Scott L. Smith said that he was not sure of the value of the recurrent studies if there was not an action plan. He said that one of the big lingering variables was if Highland was going to have to change their fee schedule and go to property taxes for their funding. He said that he felt that there were too many things up in the air to fund another study that was going to erroneous in a couple of years.

City Administrator Nathan Crane said that there were two things that he felt the Council should consider. He provided the example of when the City looked previously at capital and O&M. The staff was looking to the Council for guidance and the Council was looking to staff for guidance so there was not a lot of in-depth discussion on how to solve the larger problem. The action taken ended up just being a band aid. The second thing to consider was that the City really needed to hone in on public safety and understand it. On the flip side, if and when the Council decides to do a tax increase, it needs something to show the public. It is a lot easier for the public to accept a report from an independent company than something produced by staff because it alleviates a conflict of interest.

Council Member Brittney P. Bills said that it made more sense to wait to do the study until after the legislature decides about fees and taxes. She also noted that there had not been an in-depth discussion of priorities. She wondered if it would make more sense to an update to the General Plan before updating the budget and projections.

City Administrator Nathan Crane said that the general fund plan does not give the Council its capital or O & M priorities.

Council Member Brittney P. Bills she said that it would provide direction though and was something that needed to be done anyway.

City Administrator Nathan Crane said that the general plan was written in 2008 and was 12 years old. He said that it was a two-year process to amend a general plan and will not give people a sense of certain priorities.

Council Member Kurt Ostler said that they would need to put \$100,000 in the budget for consulting to update the general plan and then outlined the timeline for a general fund plan update.

Mayor Rod Mann clarified that the general plan was focused primary on land use as opposed to where and how the City was spending money. He added that the tax versus fee situation would not be resolved anytime soon, but the net money that the City needs would not be impacted based on the result of that discussion. Because of this, he said that was good information to know for an action plan moving forward, but that it was just as important to understand the City's financial needs. He did not think the City needed to wait for that.

City Administrator Nathan Crane said that when they went into the October work session on open space and the Council says that it wants to spend \$10 million a year to improve it. The question becomes where the City gets that money.

Council Member Scott L. Smith said that the City needs to have its priorities so that the City has a sense of what it wants to spend money on and how much it will cost before spending money on another general fund study. Council Member Kim Rodela said that she agreed; if you do not have priorities you do not know what to spend money on.

City Administrator Nathan Crane said that given quite a bit of time staff could set priorities for open space, trails, building maintenance, IT, fleet replacement, but it will be a significant amount of money.

Council Member Kim Rodela cited the last feasibility study that showed all of the projects that needed to be funded that will not be funded.

City Administrator Nathan Crane said that those projects were just band aids, short term fixes that were staff priorities. Essentially because the City was constantly responding to emergencies and being reactive, they could be proactive in hiring an additional staff person for open spaces, etc. He said that as staff they were happy to do the work to come up with projects and priorities, but if ultimately those projects were not going to be funded, he questioned why they were doing that work.

Council Member Brittney P. Bills said that it felt so many times that what the City's priorities ended up being were those of whoever had the loudest voice. Sometimes residents' biggest priorities are not really the biggest priorities because they do not see some of the other infrastructure that makes the City function. The Council needed to put residents' priorities in their appropriate place on the list. Maybe it is not funding tennis courts but replacing broken down snowplows.

Mayor Rod Mann said that the Council should not request staff to make a priority list that they say upfront they are going to say no to. They should only ask for a list if they are going to consider it.

Mayor Rod Mann summarized that staff were going to come back to the Council with a priority list. Once the Council considered this, they would go ahead and move forward with the general fund study when they knew what they wanted to spend money on.

ADJOURNMENT

Council Member Scott L. Smith MOVED to adjourn the work session and Council Member Kurt Ostler SECONDED the motion. All voted in favor and the motion passed unanimously.

The meeting adjourned at 10:00 p.m.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 1, 2020. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

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, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, 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 2nd day of September 2020

Stephannie Cottle, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 15, 2020

Waiting Formal Approval

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

This meeting will be held as outlined by the State of Utah's guidelines for the Low Risk phase for the COVID-19 pandemic. Individuals, especially those in a high-risk category, are strongly encouraged to participate in the meeting virtually via YouTube live at <http://bit.ly/HC-youtube>. If individuals participating electronically would like to make a comment during the Unscheduled Public Appearances section of the agenda or during one of the Public Hearings, they may call 1-346-248-7799 and use the Meeting ID: 839 0515 0725. Comments may also be emailed to council@highlandcity.org prior to the meeting.

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS

PRESENT: Timothy A. Ball, Brittney P. Bills, Kurt Ostler, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Reed Thompson

OTHERS PRESENT: Glade Holman, Bruce Tucker, Jennifer Tucker, James Holman, Lucie Holman, Dennis Packard, Kevin Pace, Becky Lewis, Jeremy Ackley, Robert Loosle, Lisa Loosle, Derek White, Lori White

PRESENT ONLINE:

7:00 PM REGULAR SESSION (CITY COUNCIL CHAMBERS)

Call to Order – Mayor Rod Mann

Invocation – Ken Pace

Pledge of Allegiance – Police Chief Brian Gwilliam

The meeting was called to order by Mayor Rod Mann as a regular session at **7:05 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 Highland Resident Kevin Pace and those in attendance were led in the Pledge of Allegiance by Police Chief Brian Gwilliam.

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.)

Council Member Brittany P. Bills thanked City Engineer Todd Trane for completing the flood plain project in the ViewPoint area.

Mayor Rod Mann thanked City Planner Tara Tannahill for her service to Highland City. Tonight would be her last night working for the City as she had accepted a position outside the City.

Mayor Rod Mann requested that Item 10 be discussed after the Consent Agenda.

2. PRESENTATIONS

a. Waste Management – *Blake Leonelli (Due to windstorm, this item will be brought back at a future meeting)*

b. 2020 Fling Review – *Corrine Prestwich, Civic Events Coordinator*

Civic Events Coordinator Corrine Prestwich provided a report on the recent Highland Fling. Due to COVID-19, some of the events of the Highland Fling had to be altered, but everything went smoothly and she received nothing but positive feedback. The disc golf tournament, which normally had less than 80 participants, had 198 players. She thanked Brandon Balkman for running that tournament. The Highland Games saw fewer participants this year, but the reverse parade far surpassed expectations. She reported that 326 cars came through the parade and donated to the food drive. They were able to donate eight pallet-sized cubes of food and supplies to Tabitha's Way. The garden tours were more successful than last year, with over 70 visitors to each home. The music for the fireworks show was broadcast over the radio, so residents were able to watch the show from many different locations in the City. The following numbers were reported:

- Sponsorships: 7,755
- Budget: \$16,000
- Registration and Vendor Fees: \$7,055
- Total Income: \$14,805
- Total Expenditures: \$23,266.93
- Net Expenses: \$8,461.93

It was noted that there was some savings because they didn't have to hire as many event helpers this year. Civic Events Coordinator Corrine Prestwich gave a few examples of how the Highland Fling positively impacted the residents and citizens who attended.

Council Member Kurt Ostler commented that the drive-in movie was well attended this year. His only suggestion was to make sure that the driveway was clearly marked next year.

Civic Events Coordinator Corrine Prestwich noted that there would be a Senior Citizens Appreciation Dinner on Thursday. They had received more than 100 RSVPs so far.

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** *Administrative*
Regular City Council Meeting - August 18, 2020 and September 1, 2020
- b. **ACTION: James Loveland is requesting Preliminary Plat Approval for a 14-lot subdivision. The property is approximately 15.215 acres and is located at 11020 N 5500 W** *Administrative*
The City Council will consider a request by James Loveland for a Preliminary Plat approval for property located approximately at 11020 N 5500 W. The City Council will take appropriate action.

Council Member Kurt Ostler asked to pull Item 3b from the Consent Agenda for further discussion.

Council Member Kurt Ostler MOVED to approve Consent Item 3a on the agenda. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

Council Member Kurt Ostler noted that the plan showed some open space off of Alpine Highway, and he asked who would be responsible for maintaining that property. City Engineer Todd Trane stated that the open space would remain natural. The property wasn't large enough for a buildable lot. This would be similar to other natural open space properties along the Highway. Council Member Kurt Ostler stated that the City wouldn't be able to maintain the property, because they already had a difficult time maintaining all of the existing open space. City Engineer Todd Trane assured the Council that the City would not maintain this property, because it would remain natural.

The Council discussed the possibility of this property becoming a buildable lot in the future.

Council Member Kurt Ostler asked about the location of the sewer connection for this subdivision. City Engineer Todd Trane explained that the original developer of this property showed utilities connecting into Alpine, but Highland wouldn't allow that. The newest plans submitted have all utilities within Highland, with no connections going through Andes Drive. All utilities will go out west and then up the highway. Council Member Kurt Ostler identified a note on document C.404 of the application, which showed a sewer manhole connecting into Alpine. City Engineer Todd Trane said that this note must have been missed. There would be no sewer connection in that location.

Council Member Kurt Ostler commented that Alpine had expressed concerns about roads connecting into their City. City Engineer Todd Trane said he had spoken to the Alpine City engineer, and they were currently doing a study with UDOT and MAG regarding such road connections. The property in this subdivision plat was a difficult piece, which was why it hadn't been developed until now. He noted the many easements going through the property.

Council Member Scott L. Smith thought that the Salt Lake Metropolitan Water District owned a portion of the subject property. He asked how that would affect the road going across this area. City Engineer Todd Trane explained that the Water District had seen the proposed plans and made their own comments. This is why the plans had been revised so many times. Because they own some of the property here, the developer was required to enter into an agreement for the utility and road crossings. There were other locations like this in the City.

Council Member Scott L. Smith asked who would pay for the required piping, and City Engineer Todd Trane said that would be the responsibility of the developer.

Council Member Kurt Ostler MOVED that the City Council accept the findings and APPROVE case PP-20-02, a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the seven stipulations recommended by Planning Commission. Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

City Administrator Nathan Crane noted that there were eight stipulations and requested that the motion be amended.

Council Member Kurt Ostler MOVED to amend the motion that the City Council accept the findings and APPROVE case PP-20-02 a request for preliminary plat approval for Aberlour Subdivision located at 11020 N 5500 W, subject to the eight following stipulations recommended by Planning Commission.

- 1. The final plat shall be in substantial conformance with the preliminary plat received July 9, 2020*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*
- 4. Final easement location and restrictions shall be approved by Lehi Irrigation, Salt Lake Metropolitan Water District, and Rocky Mountain Power before final plat approval. Any applicable restrictions shall be noted on the final plat.*
- 5. The applicant will need to work with Lehi Irrigation Company to determine if the ditch needs to be abandoned or piped. If the ditch is piped the easement shall be demonstrated on the final plat as determined by the City Engineer.*
- 6. A note shall be put on the final plat that says "Any building or roads next to or under the powerline must have prior approval from Rocky Mountain Power before start of construction"*
- 7. The road shall be reviewed and approved by Rocky Mountain Power and Salt Lake Metropolitan Water District before start of construction.*
- 8. The planning of the swell located west of lot 11 shall be approved by Salt Lake Metropolitan Water District and the City Engineer*

Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes
Council Member Brittney P. Bills Yes
Council Member Kurt Ostler Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

10. APPOINTMENT OF NEW LIBRARY BOARD MEMBER *Administrative*

City Council will consider approving the appointment of Becky Lewis to the Highland City Library Board.

Mayor Rod Mann asked Becky Lewis to come forward and introduce herself to the Council. Ms. Lewis was a retired Provo City Library employee and is thrilled to be back working with books. She hopes to get to know all of the Highland City Council and serve the community. Kim Rodela, who serves as a member of the Library Board stated that she is excited to work with Ms. Lewis. The library has a great board and Ms. Lewis will be an asset. Council Member Scott L. Smith asked if Ms. Lewis knew Donna Cardon from her days working at the Provo Library to which she replied yes. Ms. Lewis stated that she was open to any ideas for the library. She stated that the library is the absolute center of the community.

Council Member Kim Rodela MOVED that City Council approve Becky Lewis as a member of the Highland City Library Board to serve in seat nine through June 2021. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball Yes
Council Member Brittney P. Bills Yes
Council Member Kurt Ostler Yes
Council Member Kim Rodela Yes
Council Member Scott L. Smith Yes

The motion passed 5:0.

4. PUBLIC HEARING/ORDINANCE: A REQUEST BY HIGHLAND CITY STAFF TO AMEND SEVERAL SECTIONS IN THE DEVELOPMENT CODE RELATING TO NONCONFORMING USES (TA-20-15) *Legislative*

The City Council will hold a public hearing and consider a request by Highland City Staff to amend several sections of the Highland City Development Code relating to Nonconforming Uses. The City Council will take appropriate action.

City Planner Tara Tannahill explained that staff had been working with the City Attorney to amend multiple sections of the development code relating to non-conforming uses in order to be consistent with State Law and modern practices. The current code had all non-conforming uses lumped together, and the updated code would break the categories into non-conforming buildings, lots, and uses. She briefly explained each category and gave a few examples. The Planning Commission held a public hearing for this item on August 25, 2020, and no public comments were made. The Planning Commission unanimously recommended approval of the amendments. Staff had received no written correspondence regarding this proposal.

Council Member Scott L. Smith asked what precipitated the need for the update. City Administrator Nathan Crane explained that they were having some issues with standards requiring road improvements when homeowners chose to add onto their houses. Staff believed that putting an addition on a home did not have an impact on the roadway; therefore, the resident should not be required to make those street improvements. While making those amendments, staff decided to update the code to meet State standards.

Mayor Rod Mann opened the public hearing at 7:35 pm. There were no public comments. Mayor Rod Mann closed the public hearing at 7:36 pm.

Council Member Scott L. Smith MOVED that the Highland City Council accept the findings and approve the proposed amendment to the Highland City Development Code Chapter 3 Article 2 Nonconforming uses, which encompasses Section 3-615, Section 10-102, and Section 11-102, to update the language to be consistent with State Code. Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

5. ACTION: MILLHAVEN DEVELOPMENT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR A 69 LOT SUBDIVISION. THE PROPERTY IS 64.46 ACRES AND IS LOCATED AT 10250 NORTH 6531 WEST *Administrative*

The City Council will consider a request by Jeremy Ackley representing Millhaven Development for Preliminary Plat approval for a 69-lot subdivision known as The Hollows located approximately at 10250 N 6531 W. The City Council will take appropriate action.

City Planner Tara Tannahill presented a background of the application and showed the location of the property. The current zoning of the property was R-1-40. In a previous application, the developer requested a rezone of the property. When the Planning Commission recommended denial of the rezone, the applicant chose to withdraw their application. The current proposal utilized the R-1-40 zoning, and the applicant was legally allowed to develop according to those standards. The Planning Commission held a public hearing regarding this proposal on August 25, 2020. There were 14 public comments made during the meeting, and nine written correspondences had been received by staff since that time. The Planning Commission unanimously recommended approval of the application with 11 stipulations. Subsequent to the Planning Commission meeting, the applicant provided an updated plat for the Council to consider. The new plat dropped one lot and shifted a few properties to preserve the wetlands. Those wetlands would be dedicated to the City as open space. The total area of the dedicated wetlands would be 5.78 acres. The roadway was also shifted slightly to provide for the wetlands and a trail. The proposed plat met all R-1-40 zoning standards for setbacks, frontage, and minimum lot size. Twenty-six lots are between 20,000 and 30,000 square feet, which goes against the development code allowance of 25%. However, staff felt that this was acceptable due to the dedication of the wetlands. In response to this new plat, staff recommended the removal of stipulations 5, 8, 9 and 11 from the Planning Commission.

City Engineer Todd Trane stated that the connection at 10250 North had been a concern brought up by many residents. The City had always been concerned about the lack of connections to the east and west. Because of the hollow and the wetlands, it was never proposed to have a road going east to west. Staff required the developer to include the connection to 10250 North, and a traffic study recommended that connection. Staff would like to have as many connections as possible to give residents more access points to and from the neighborhood. While the connection was shown on the proposed plat, it had not been formally designed yet. That would be done prior to final plat approval. Staff would ensure that the intersection was designed according to City standards, and that it would be safe. He noted that the connection could not be pushed down the road because the developer didn't own that property. The concern from residents was primarily with safety. He thanked the developer for making changes to the plan with respect to staff comments and resident input.

Council Member Scott L. Smith commented that there was concern with the sightlines at the top of the hill because of the curvature of the road. He asked if there was a stipulation regarding trees along the roadway, which could inhibit vision even further. City Engineer said that staff would ensure that they had proper sight distance at this intersection. If necessary, they can put in a restriction for those lots prohibiting vegetation. That would be determined at final approval. Preliminary approval was simply the general layout of the subdivision.

There was a discussion regarding the traffic study that was conducted, and City Engineer Todd Trane clarified that the study examined the impact that the subdivision would have on the surrounding roadways. It was determined that the subdivision would not have a great impact on any of the local roads.

Council Member Kim Rodela asked if there was a concern where the road T's in front of the lot. City Engineer Todd Trane said that there were many situations like that throughout the City. Once the development goes in, the City never hears any complaints. He noted that the road would have to be graded here, so the headlights would be pointing downward as the cars drove toward the home.

Council Member Scott L. Smith commended the developer for wanting to preserve the wetlands. He was concerned about the section of property east of the wetlands, because the City wouldn't have the resources to maintain it. City Engineer Todd Trane said that this area would remain natural with native vegetation. Council Member Scott L. Smith was concerned about the location of the trail, which was proposed to run behind the existing homes. He asked if the trail could be moved to the west, and if the property could be graded to provide more privacy. City Engineer Todd Trane noted that they moved the trail to this location to be closer to the wetlands and have less impact on the residents.

Council Member Kim Rodela asked if there were any safety concerns with the trail. Police Chief Gwilliam said that more secluded trails create more problems. With other trails in the City, there had been instances of vandalism, but no reports of crimes against persons. The Police Department would get calls about people looking into homes along trails.

Council Member Scott L. Smith asked if the proposed roadway and connection allowed for fire access. Fire Chief Reed Thompson said that they felt comfortable with the proposal. It would be difficult to get emergency vehicles through if cars were parked on both sides of the road, but they face that in many parts of the City.

City Engineer Todd Trane noted that 10200 North was not built to current road standards and was quite narrow. He had met with the resident on the south side to see if they could negotiate a road widening. That roadway was not currently wide enough to park cars on both sides of the road.

Fire Chief Reed Thompson commented that the trail would provide as a fire break between the wetlands and the residential homes in the case of a wildfire.

There was a brief discussion regarding the recommended changes to the stipulations. Mayor Rod Mann invited the applicant to come forward and speak with the Council.

The applicant, Tyrell Grey, expressed gratitude for staff and the neighbors for providing their comments. He felt that they had come up with a good compromise.

Council Member Kurt Ostler said that there was a property owner at 10250 North that had a long, narrow property. He asked if there was any concern about landlocking the property with this development. Tyrell Grey commented that that was a strange piece of property. He had spoken to the property owner about this, but the only thing he could do would be to develop a lot facing 10250 North, and he hadn't expressed interest in that.

Mayor Rod Mann opened the floor for public comment at 8:09 pm.

Robert Loosle, a resident along the hollow, expressed appreciation to the developer for listening to their concerns. He had concerns about the state of existing trails in the City, which were unkempt and there was some vandalism on the trail and fences. He requested that the City consider making this an unpaved trail and try to keep the trail on the west side of the green space to allow for a safer connection. Mr. Lacely offered to help design the trail.

Dennis Packard, a resident of 10250 North, said that his two concerns were with the safety of the pathways and proposed connection at 10250 North. An independent engineer could do safety test for \$1,000, which would determine whether there was a safety hazard based on the speed of cars on that road. The citizens need safety assurances before something like this is approved. Mr. Packard commented that the City Code requires that a sign be placed on the subject property to advertise public hearings. The residents did not see such a sign on the property, although they did receive notice via mail.

Derek White, a resident, said that he sent an email to the Council earlier that day. He appreciated that the developer was dedicating the wetlands to the City, and the trail would be a nice addition. He was concerned about the trail going behind the existing homes and suggested that the trail be moved to the west side.

Kevin Pace, a resident, requested more information about the phasing of the development, and requested that the connection with Madison Ave and Canal Blvd be completed with Phase 1.

Clay Holman, a resident, said that he purchased his property with the expectation that the trail would be on the west side of the wetlands, because that was the location of the trail on the City's trail masterplan. Also, when the plat was presented to the Planning commission, it was on the west side. He hoped that they could move the trail back to its original location.

City Engineer Todd Trane said that the plat was altered because of the dedication of the wetlands. There was no way of putting the trail back on the west side because it would be on private property. The proposed location of the trail would create the least amount of impact.

City Attorney Rob Patterson addressed the issue of noticing. There was some concern raised about notice not being posted for the Design Review Committee meeting for this application. The developer confirmed that they had posted a sign, but that sign has since been taken down. The Design Review Committee meeting was preliminary, and not technically a public meeting. If notice wasn't given, it's unfortunate but too late to challenge at this point. Since that time, the residents have been given several opportunities to make comments.

Council Member Scott L. Smith commented that when development occurs in the City, the Council needed to listen to the residents that would be directly impacted, while at the same time respecting property rights. That's where compromise happens. This developer had compromised by freeing up the wetlands, and he believed they

could make some kind of compromise on the trail. He was not fond of having trails behind homes, but the compromise here would be to put the trail on the east side of the wetlands to provide a buffer. Regarding the connection at 10250 North, he said that Council would need to see some strong engineering to be sure that their concerns were addressed. He was glad that the development was in keeping with the R-1-40 zoning, which was consistent with they like to see in Highland City.

There were no further public comments. Mayor Rod Mann brought the discussion back to the Council and staff.

City Engineer Todd Trane addressed some of the concerns raised about the connection to 10250 North. Moving the connection further toward the Chase property would put the road on the steepest part of the road. In the proposed location, the road would intersect at the crest of the hill, which would actually be the safest location. He welcomed Mr. Packard to come to his office and discuss the intersection in more detail. Regarding the suggested traffic safety study, he explained that this was essentially a speed study. He assured the Council that staff would design the intersection to be as safe as possible.

Council Member Kurt Ostler asked if the trail would be eligible for funding from MAG. City Administrator Nathan Crane said that it would be eligible, but it would take four to six years to obtain funding. Council Member Kurt Ostler stated that he would prefer to have the trail along the wetlands on the west side. There was some further discussion about the trail location and trail safety.

Council Member Kim Rodela MOVED that the City Council accept the findings and approve case PP-20-05 a request for preliminary plat approval for The Hollow Subdivision located at 10250 N 6531 W subject to the nine following stipulations recommended by Planning Commission and staff.

- 1. The final plat shall be in substantial conformance with the preliminary plat received September 10, 2020*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*
- 4. No access hall be provided from Madison Avenue / Canal Boulevard (10000 N). A one-foot NVAE easement shall be added to both sides of the road and a note shall be placed on the plat*
- 5. The final plat for lots 58, and 48-55 shall include a conservation easement and shall not be recorded until the wetland delineation has been approved by the US Army Corp of Engineers.*
- 6. Lots containing a conservation easement shall have a two railed fence along the western edge of the conservation easement.*
- 7. The open space property on the east side of the site shall be dedicated to Highland City.*
- 8. The irrigation ditch shall be abandoned as determined by the Lehi Irrigation Company.*
- 9. The Developer may include the wetlands as part of calculating lot sizes for lots 47-54 for purposes of plat approval, subject to developer entering into a development agreement with the City that provides that the wetlands and adjacent buffer property be dedicated to the City at or before final plat recordation and lots 47-54 will not include any delineated wetlands.*

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

6. ~~RESOLUTION: DECLARING THE INTENT TO ANNEX 36.95 ACRES LOCATED APPROXIMATELY NORTH OF 6204 W SUTHERLAND DRIVE (ANNEX-20-03)~~ *Legislative*

The City Council will hold a public meeting to consider a request by Gordon Crofts of GCII LLC, to annex approximately 36.95 acres of property located approximately North of 6204 W Sutherland Drive. The City Council will take appropriate action. **Applicant has withdrawn this item.**

City Administrator Nathan Crane briefly explained why the applicant had withdrawn the item.

7. ORDINANCE: A REQUEST BY MAYOR ROD MANN TO AMEND SEVERAL SECTIONS OF THE DEVELOPMENT CODE TO PROHIBIT TEMPORARY SIGNS ON PUBLIC PROPERTY (TA-20-06) *Legislative*

The City Council will consider a request by Mayor Rod Mann to amend to amend several sections of the Highland City Development Code to prohibit temporary signs on public property. The City Council will take appropriate action.

Mayor Rod Mann explained that he had received many residential complaints about political signs. He reached out to staff and asked what it cost for staff to move and remove signs, and they said that the average cost was \$9,000 per year. Many of the neighboring cities don't allow signs on public property. If the City allows signs on public property, they cannot discriminate against content. It seemed simpler to disallow signs altogether. He noted that residents would still be allowed to post signs in the park strips in front of their homes.

Council Member Scott L. Smith asked if property owners could put signage on the sides of their property, because the ordinance references the front of the property. City Attorney Rob Patterson said that "front" means the areas fronting onto a public street.

There was a question about property along State roads, and City Attorney Rob Patterson said that the City only had jurisdiction over City property. Nothing would be allowed in medians.

Council Member Timothy A. Ball asked if the content of a sign could be restricted according to decency, similar to the radio. City Attorney Rob Patterson said that the FCC had special regulations, but the City cannot limit free speech.

Council Member Kim Rodela felt that it was appropriate to approve this amendment. Many other cities have this restriction.

Council Member Scott L. Smith said that he supported free speech. He felt like there could be a compromise in this situation. He could see the importance of signage for new candidates. Making oneself known in the community when running for office can be difficult. Passing this amendment could put an undue hardship on people who want to run. However, he understood that excessive signage on public property was a problem for staff. He suggested designating just a few pieces of public property for signage during political campaigns.

Council Member Brittney P. Bills thought it would be wise to be consistent with other cities. People shouldn't be elected because they're "sign kings".

Council Member Kim Rodela said that according to a Dan Jones poll, campaign signs were only 2% effective. Based on her experience in running for office, she agreed with that finding. There was a discussion regarding the experience of the newest Council Members' with signage in the City. The Council agreed that they didn't like the clutter of having so many signs on public property.

City Attorney Rob Patterson said that there were concerns with limiting political signs to certain locations and times. It would be difficult to regulate while being fair to each candidate. If the Council did choose to designate a time and place for signs, there would have to be findings to support that decision. Mayor Rod Mann added that the City would still have to move signs to maintain those areas.

Council Member Brittney P. Bills commented that political campaigns have changed with the accessibility of the internet. Individuals can research candidates with relative ease. Council Member Scott L. Smith said there was still the issue of getting one's name out there. There was continued discussion regarding the importance or unimportance of signage during a campaign.

Council Member Timothy A. Ball said that this amendment would limit any signage on public property, including signs for things such as window washing or advertising a school play. Those signs are part of the community. He was inclined to vote against the amendment. He would rather lean on the side of promoting free speech.

The Council discussed maintaining sign and potential signage areas. It was suggested that they choose locations that didn't have sprinklers, and didn't have to be mowed, and limiting the number of signs each candidate can post. Regarding time limits, some cities have designated a time by which a sign has to be taken down. However, setting a specific number of days a sign can be out would be difficult to monitor.

Kevin Pace, a resident, said that he liked seeing campaign signs because they created name recognition. Unless an individual has a personal interest in politics, they don't usually take the time to research every candidate. He thought they should be allowed on public property.

Mayor Rod Mann reminded the Council that if they allow signs on public property, that meant all signs.

Council Member Kim Rodela MOVED that the City Council approve case TA-20-06 a request for a text amendment for Section 3-712 temporary signs based on the following findings: the amendment is needed to update the development code. Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>No</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>No</i>

The motion passed 3:2.

The Council took a brief recess at 9:48 pm. The meeting reconvened at 9:56 pm.

8. RESOLUTION: APPROVAL TO PURCHASE WINDOW REPLACEMENTS TO ADDRESS VENTILATION NEEDS ASSOCIATED WITH PANDEMIC MITIGATION *Administrative*

The City Council will consider the purchase of window replacements and repair services to address ventilation needs associated with pandemic mitigation at three City facilities: City Hall, Justice Center, and Public Works. The Council will take appropriate action.

Tyler Bahr explained that they had been presented the opportunity to utilize COVID funds to replace the windows in various City facilities, which would increase ventilation. The proposed facilities were City Hall, the Justice Center, and Public Works. The objective was to incorporate windows which could be opened. Staff engaged three firms, and two provided estimates. The estimate from Jones Paint and Glass was over \$21,000, and the estimate from Glass Doctor was over \$34,000. Staff recommended that the City Council move forward with the bid from Jones Paint and Glass.

Council Member Kurt Ostler wanted to be sure that the new windows didn't cause a security risk. Tyler Bahr said that the windows would not open enough for a person to get through. City Administrator Nathan Crane said that Police Chief Gwilliam and Lieutenant Brooks looked at the windows and found them satisfactory. Tyler Bahr added that the windows will have multiple locking mechanisms when they are closed.

Council Member Kurt Ostler MOVED that City Council adopt the Resolution approving window replacement and repair at three City facilities and accepting the bid from Jones Paint & Glass. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

9. RESOLUTION: APPROVAL TO AWARD A CONTRACT WITH ROD LEWIS CONSTRUCTION FOR \$46,376 FOR THE CITY HALL FRONT COUNTER AND COURT CLERK REMODEL *Administrative*

City Council will consider a request to approve a bid with Rod Lewis Construction for \$46,376 for the City Hall Front Counter and Court Clerk Remodel. The Council will take appropriate action.

City Administrator Nathan Crane explained staff was proposing a remodel of the Court Clerk desk and front counter. He provided a rendering of the potential front counter remodel and noted the changes. They were proposing to replace the Plexiglass with tempered glass, and to install a door on the right to keep people from accessing the employee areas. In Conference Room A, they were planning on installing a computer and television, as well as provide barriers and signage to encourage social distancing. There were safety concerns with the current court clerk area. They were proposing to install tempered glass with an opening to exchange payments with customers. Staff had been working with Rod Lewis, LLC to design the remodel. It was challenging to find another contractor for this work. The proposed remodel would be \$46,376.

Mayor Rod Mann asked if the court clerk had received threats, and Administrator Nathan Crane confirmed that there had been.

Council Member Scott L. Smith thanked staff for their work on this. He understood the need for protection during the pandemic, but he wasn't sure this level of protection was needed when the pandemic was over. He was concerned that the proposed changes would turn the City Offices into a fortress. He wanted citizens to feel comfortable coming into the City Offices. City Administrator Nathan Crane confirmed that he had concerns beyond COVID-19. Individuals walk back behind the counter and into offices without permission all the time, and they have had threatening people come to the front counter. The proposal may seem impersonal, but there are safety needs to address.

Council Member Brittney P. Bills asked if the tempered glass could be changed to cover half of the opening. It was also suggested that they install a sliding glass door instead of just one small opening for exchanges.

Council Member Kurt Ostler thought that this design was very uninviting. Council Member Scott L. Smith added that it gave the impression that staff was afraid of the public.

City Recorder Stephanie Cottle said that she would appreciate the extra security at the front counter. She felt that the rendering that was presented to Council made it appear more closed off than what it really would be once constructed.

City Planner Tara Tannahill said that she works in Code Enforcement, and there have been some threatening situations in that department. Even the temporary Plexiglass has helped her to feel safer.

Assistant City Administrator Erin Wells stated that she did not like the fortress look of the design.

The Council agreed that the proposed doors were necessary. There was continued discussion on how to increase security while maintaining an open and inviting feel at the front desk. Council Member Kurt Ostler asked if they could make the glass removable.

Fire Chief Reed Thompson said that the proposal does create some challenges aesthetically, but the world in which they live is becoming unrestful. Their intention was not to create a feeling of "us versus them", but to keep their employees safe. City Administrator Nathan Crane said that when he moved here from Arizona, he was surprised by the lack of security.

Council Member Scott L. Smith said that the pandemic has instilled a sense of fear. He was optimistic that they would overcome this, and he hoped that people would stop being afraid of each other. He was uncomfortable with the office becoming a fortress.

City Administrator Nathan Crane showed a video of South Jordan City Hall and noted that their tempered glass had an opening in the middle horizontally. He asked if the City Council was open to something like that. There was some discussion, and Council Member Kim Rodela asked if staff had time to research more options. City Administrator Nathan Crane said that they needed to be under contract by October, and the project finished by December to use CARES Act funding.

There was continued discussion. The Council agreed that the doors were acceptable, but they generally disliked the desk looking like a fortress. City Administrator Nathan Crane reminded the Council that there were security concerns beyond COVID-19.

Police Chief Brian Gwilliam said that the society as a whole was moving toward protecting themselves. They were seeing similar changes in schools. Mass shootings were almost a common occurrence before the pandemic. The City could choose to ignore it, or they could prepare for the worst.

Council Member Kurt Ostler MOVED that the City Council ADOPT the Resolution approving bid with Rod Lewis Construction, LLC in the amount of \$46,376 for the front counter and court clerk remodel with the following change. The City goes out under the 46,376 bid with the city looking at the picture from South Jordan which has an open area in the middle of it to allow for a more open feel on that bid moving forward. There was no SECOND.

Mayor Rod Mann asked for clarification on the motion. Council Member Kurt Ostler said that he would like the front counter redesigned to reflect the discussion, such as opening up the middle area. Council Member Timothy A. Ball said that he would like to see something that maximized openness, provided protection from COVID-19, and made the staff feel safe.

Council Member Scott L. Smith MOVED to approve the court clerk door and CONTINUE the City Office front remodel, asking staff to come back with another option consistent with the discussion.

Council Member Brittney P. Bills showed a picture of a building in Cottonwood Heights and asked if this design would be more agreeable. Council Member Kim Rodela said that having more glass and less frame would seem more inviting.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

11. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

a. Future Meetings

- September 22, Planning Commission Meeting, 7:00 pm, City Hall
- October 6, City Council Meeting, 7:00 pm, City Hall
- October 13, City Council Work Session, 7:00 pm, City Hall
- October 20, City Council Meeting, 7:00 pm, City Hall
- October 27, Planning Commission Meeting, 7:00 pm, City Hall

b. Council Meeting Broadcast

Assistant City Administrator Erin Wells explained that there were three options for broadcasting City Council meeting. The first was to have the City purchase equipment and live stream the meetings from the City Council Chambers. Currently, the meetings are streamed onto YouTube, but the visual was only what was seen on the screen. It was difficult to know who was speaking, because the chambers weren't shown. For this option, there would be a one-time cost of \$2,300 from the CARE Act fund for equipment, and an ongoing cost of \$1,750 for

an additional staff member to work the equipment. Assistant City Administrator Erin Wells said that it would be too much for her to navigate all aspects of the meeting on her own. Prior to the pandemic, Jon Hart had been using his equipment to stream the meetings, then the meetings transitioned to ZOOM. She confirmed that the meetings were still being live streamed onto YouTube, but the visual was limited to the PowerPoint on the computer screen.

The second option was to hire Jon Hart to stream the meetings. Assistant City Administrator Erin Wells wasn't sure that this was an option, since she hadn't approached him yet. If he was agreeable, the ongoing cost would be \$4,800 annually. He would be able to stream all City Council meetings, provide two bonus films per year, and film/photograph the Highland Fling.

Council Members Kim Rodela and Scott L. Smith were in favor of this option, if it was available.

Assistant City Administrator Erin Wells said that the third option was to keep the status quo and continue with ZOOM meetings streaming to YouTube.

After some discussion, the Council agreed to have staff reach out to Jon Hart. If he was unwilling or unavailable, they would pursue the first option.

d. Public Works Expansion (item moved up to accommodate staff)

City Engineer Todd Trane presented photographs of the Public Works shop and explained how equipment was being stored. Previously, the equipment was stored in two homes, but that option no longer exists. Staff had done some preliminary designs for a Parks Maintenance Building, which was estimated to be \$1.3 million. The City doesn't have that kind of money right now. Staff was proposing improvements to the existing Public Works building by constructing a lean-to to accommodate the equipment. Staff hoped this would be a temporary solution. Site improvements and the building would be approximately \$80,000 to \$100,000. The Council supported moving forward with this plan.

c. CARES ACT Funding Update

City Administrator Nathan Crane reviewed the first report to the County, which showed all of the spending between March and June. The Council thanked staff for their work on this.

Prior to adjournment, the Council discussed some traffic concerns on 6400 West, and the potential cause of the increased congestion. They suggested adjusting the speed limit.

ADJOURNMENT

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

The meeting adjourned at 11:26 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 15, 2020. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

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, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, at the Lone Peak Fire Station and Lone Peak Police Station, 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 14th day of September, 2020

Stephannie Cottle, City Recorder

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



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #3b

DATE: September 15, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane
City Administrator and Community Development Director
SUBJECT: ACTION – Millhaven Development is requesting Final Plat Approval for a 10-lot subdivision. The property is approximately 10.21 acres and is located at 6000 W Evergreen Way. *Administrative*

PURPOSE:

The City Council will consider a request by Tyrell Gray representing Millhaven Development for final plat approval for a 10-lot subdivision to be known as Evergreen Farms Subdivision located at approximately 6000 W Evergreen Way. The Council will take appropriate action.

BACKGROUND:

On June 2, 2020 the City Council approved a boundary adjustment with Alpine City for 4.09 acres to come into Highland City. This put the total acreage of the property at 10.21 acres.

On July 7, 2020, Highland City Council approved the preliminary plat subject to six stipulations. The five stipulations are:

1. The final plat shall be in substantial conformance with the preliminary plat received February 27, 2020
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. A six-foot (6') fence shall be installed along the trail and fencing shall comply with all of Highland City fencing standards.
5. The 20' public utility and trail will need to be a dedicated parcel to Highland City.

Final Plat review and approval is an *administrative* action. Review is limited to compliance to the Development Code.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a 10 single-family residential building lots located approximately at 6000 W Evergreen way.

2. Access to the site will be from Evergreen Way and 630 West.
3. There will be a 20' public utility and emergency vehicle access property to the west that will be owned by Highland City.
4. Requesting lot 5 to be allowed smaller frontage to accommodate the 20' PU and Trail property dedicated to Highland City.

CITIZEN PARTICIPATION:

No notice is required for the City Council meeting.

ANALYSIS:

- The General Plan designation for this property is Low Density Residential. The surrounding properties are zoned R-1-40 and the current zoning designation is R-1-40. The proposed subdivision is in conformance with the General Plan and compatible with the surrounding uses.
- Access to the site will be from Evergreen Way and 630 West.
- The standard ten (10) feet public utility easements have been included on the plat.
- The setbacks for each lot meets R-1-40 standards for setbacks of 30' for the front, 30' for the rear, and 15' for the sides.
- Lots 1-4 and 6-10 are demonstrating 130' frontage which meets the R-1-40 standards. Lot 5 is demonstrating 118' of frontage. This is not compatible with Section 3-4103 of the development code.
- Lot 5 frontage was decreased to give Highland City the 20' emergency access and public utility property. Staff requested this instead of having a 20' easement on lot 1. Other easements on private property throughout the City make access in an emergency harder for staff and can cause property damage to the property owners landscaping that may be placed over the easement.
- The plat is demonstrating 10 lots which is compatible with the number of allowed lots in the R-1-40 zone. 1 lot is between 20,000 square feet and 30,000 square feet and this is compatible with section 3-4103 of the development code.
- The irrigation ditch on the northside of the property will be piped.
- The 20' utility and emergency property will be a natural trail for residents to utilize. The trail will not be asphalted. The property is currently demonstrating as an easement on the plat and will need to be a dedicated parcel. A stipulation has been created for this.
- Residents have expressed concerns about removing all the trees on the property. Millhaven has confirmed that they intend on leaving as many trees as possible.

FINDINGS:

With the proposed stipulations, the proposed Preliminary Plat meets the following findings:

- It conforms to the Highland City General Plan.
- It conforms to the Development Code as applicable.

RECOMMENDATION & PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** case FP-20-04, a request for approval of the Evergreen Farms final plat, subject to the three (3) stipulations recommended by staff.

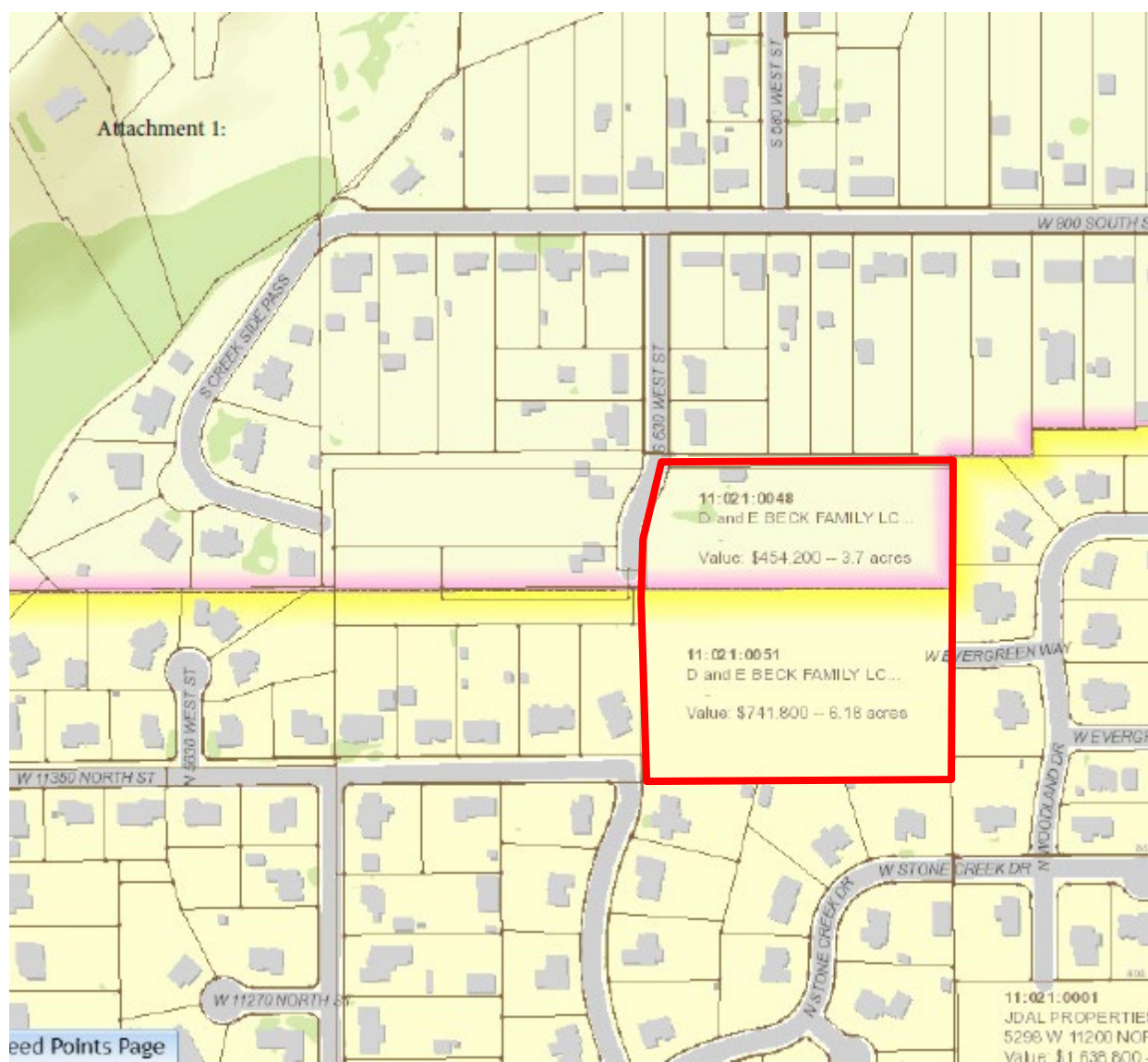
- 1) The recorded plat shall be in substantial conformance with the final plat received September 1, 2020.
- 2) The final plat and final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
- 3) All required public improvements shall be installed as required by the City Engineer.

FISCAL IMPACT:

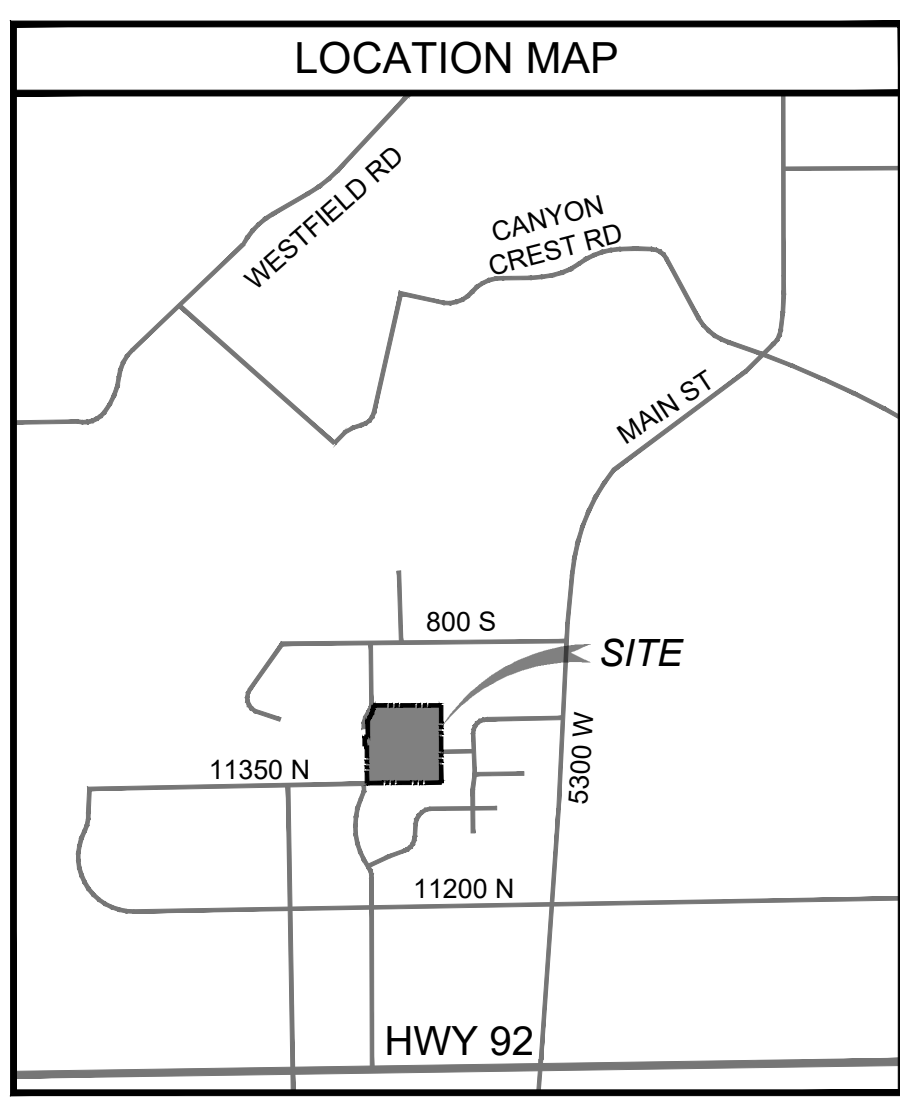
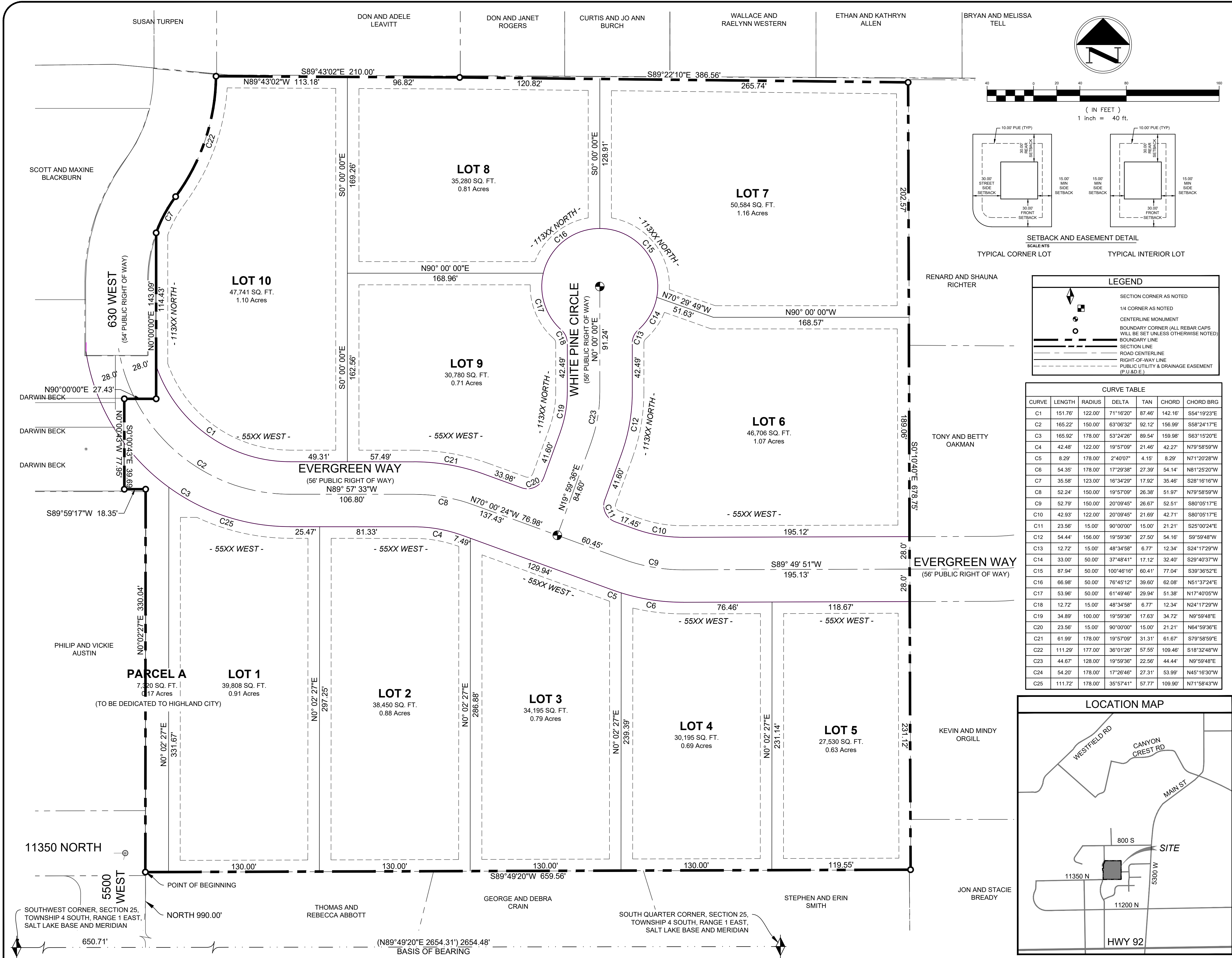
This action will not have a financial impact on this fiscal year's budget expenditure.

ATTACHMENTS:

1. Vicinity Map
2. Final Plat



P:\Shared Files\Projects\2383 - Evergreen Subdivision\05-Cadd\05-Basis Base.dwg Aug 31, 2020 - 4:03pm



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED USING THE STATE PLANE BEARINGS. PUBLISHED BY THE UTAH COUNTY SURVEYORS OFFICE, ALONG THE QUARTER SECTION LINE COMMON TO SECTIONS 25 AND 36, FROM THE CORNER COMMON TO SECTIONS 25, 26, 35 AND 36 TO THE QUARTER CORNER COMMON TO SECTION 25 AND 36.

SURVEYOR'S CERTIFICATE

I, MICHAEL WANGEMANN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6431156 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS **EVERGREEN SUBDIVISION** AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

MICHAEL WANGEMANN, PLS

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 89°48'20" EAST 650.71 FEET ALONG THE SECTION LINE AND NORTH 990.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°02'27" EAST 330.04 FEET ALONG A BOUNDARY LINE AGREEMENT ENTRY NO. 70796-1995; THENCE SOUTH 89°59'17" WEST 18.35 FEET ALONG A VINYL FENCE LINE; THENCE EAST 27.43 FEET; THENCE NORTH 143.09 FEET; THENCE ALONG A STREET DEDICATION PLAT FOR 650 WEST THE FOLLOWING TWO COURSES 1) NORTHEASTERLY 35.59 FEET ALONG THE ARC OF A 123.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16°34'38" (WHICH LONG CHORD BEARS NORTH 28°16'18" EAST 35.46 FEET); 2) NORTHEASTERLY 111.29 FEET ALONG THE ARC OF 177.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 36°01'28" (WHICH LONG CHORD BEARS NORTH 18°32'47" EAST 109.46 FEET TO A CHAIN LINK FENCE CORNER; THENCE SOUTH 89°43'02" EAST 210.00 FEET ALONG A CHAIN LINK FENCE LINE; THENCE SOUTH 89°22'10" EAST 386.56 FEET ALONG A 8 FOOT WIRE FENCE LINE TO A METAL FENCE POST; THENCE SOUTH 00°10'40"EAST 678.75 FEET ALONG THE WEST LINE OF HIGHLAND MEADOW ESTATES PLAT "A"; THENCE SOUTH 89°49'20" WEST 659.56 FEET ALONG THE NORTH LINE OF STONE CREEK PLAT "A" TO THE POINT OF BEGINNING.

CONTAINS 10.196 ACRES

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT _____, THE _____ UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

EVERGREEN SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. OWNER(S) HEREBY AGREE TO WARRANT AND DEFEND AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCE ON A DEDICATED STREET WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE, AND OPERATION OF THE STREET. IN WITNESS WHEREOF _____ HAVE HEREUNTO SET _____ THIS _____ DAY OF _____, 20____

SIGNATURE

ACKNOWLEDGEMENT

LIMITED LIABILITY COMPANY

STATE OF UTAH)
COUNTY OF)

ON THIS _____ DAY OF _____, IN THE YEAR 20____, BEFORE ME, _____, WHO DULY ACKNOWLEDGED TO ME THAT (S)HE PERSONALLY APPEARED _____, [MEMBER WITH MANAGEMENT AUTHORITY] [MANAGER] OF IS A _____, A UTAH LIMITED LIABILITY COMPANY, AND IS AUTHORIZED TO EXECUTE THE FOREGOING AGREEMENT IN ITS BEHALF AND THAT HE OR SHE EXECUTED IT IN SUCH CAPACITY.

NOTARY SIGNATURE

UTILITIES APPROVAL

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITIES EASEMENTS IDENTIFIED ON THE PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE SUCH STRUCTURES AT THE OWNER'S EXPENSE. AT NO TIME ANY PERMANENT STRUCTURE BE PLACED WITHIN THE PIE OR ANY OTHER OBSTRUCTIONS WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

ROCKY MTN POWER _____ DATE _____
CENTURYLINK _____ DATE _____
COMCAST _____ DATE _____

QUESTAR GAS

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICES. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT OF WAY DEPARTMENT.

APPROVED THIS DAY _____ DAY OF _____, 20____
DOMINION ENERGY BY: _____ TITLE: _____

EVERGREEN SUBDIVISION

PRELIMINARY PLAT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HIGHLAND CITY, COUNTY OF UTAH, STATE OF UTAH

SURVEYOR SEAL

NOTARY PUBLIC SEAL

HIGHLAND CITY ENGINEER SEAL

HIGHLAND CITY RECORDER SEAL

RECEIVED
By Tara Tannahill at 3:49 pm, Sep 01, 2020

infinity
CONSULTANTS
2975 Executive Parkway, Suite 300
Lehi, Utah 84043 • Tel: 801.541.3040

DATE: 2/27/20
DRAWN: RL
CHECKED: MW

SHEET
1 OF 1

OWNER CONTACT INFORMATION
MILLHAVEN HOMES
TYRELL GRAY
TYRELL@MILLHAVENDEVELOPMENT.COM
272 W 200 N #100, LONDON, UT 84042
(801) 443-6540

PROPERTY ADDRESS
APPROXIMATELY 900 SOUTH 630 WEST
HIGHLAND CITY, UTAH

PROJECT INFORMATION
CURRENT ZONING R-1-40
FEMA FLOOD AREA ZONE X
NUMBER OF LOTS: 10

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____
BY THE HIGHLAND CITY ATTORNEY.

HIGHLAND CITY ATTORNEY

HIGHLAND CITY COUNCIL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____
BY THE HIGHLAND CITY COUNCIL.

HIGHLAND CITY MAYOR

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE HEBER CITY PLANNING COMMISSION

CHAIRMAN, PLANNING COMMISSION



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT ITEM #4

DATE: September 15, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: RESOLUTION: Approval to award a contract with Rod Lewis Construction for the City Hall Front Counter Remodel. *Administrative.*

PURPOSE:

City Council will consider a request to approve a bid with Rod Lewis Construction for the City Hall Front Counter Remodel. The Council will take appropriate action.

PRIOR REVIEW:

The Council discussed this item at the September 15, 2020 meeting, approved the remodel for the Court Clerk and directed staff to bring back options for the City Hall Front Counter. Two options are being presented.

BACKGROUND:

Guidelines published by the Center for Disease Control (CDC) for mitigating COVID-19 risks include appropriate distancing between employees and the public. This was further emphasized during the audit performed by Dr. Kennedy.

Staff is proposing to replace the temporary barriers with a permanent barrier similar to other city halls.

Under the Highland City Municipal Code bidding for construction projects are governed by Utah State Code. State Code requires competitive bidding for projects over \$66,113.91. We have struggled to find qualified contractors for the work and as result we were only able to procure one formal bid for the work. However, Rod Lewis Construction, LLC completed the remodel in the Justice Center and did quality work and were the low bidder for that project.

Funding for the projects will be provided through CARES Act funds. Utah County is requiring that funds that are not used be returned in November unless an extension is granted and that all work be completed by the end of the year.

Staff has reviewed several options for City Hall to address the Council concerns. There are two major challenges associated with the project. First is providing an accurate rendering. Staff did not believe it was worth the expense or time to hire an architect to prepare an accurate rendering. Second is due to the length of the counter, and glass that is used needs to have a structural or frame element. The following options are presented:

Option 1:

Is similar to the option considered during the last meeting but is consistent with what is at South Jordan and Cottonwood Heights City Hall. This provides the highest form of protection and security. The cost of option 1 would not exceed \$29,009.

Option 2:

Would remove the glass and just use doors and the two entrance points. The cost of this option is \$21,909. Staff would propose to lower the doors to the height of the countertop.

Justification of the use of CARES Act monies for could include the following:

- Allows for social distancing to be maintained by reducing chance encounters.
- Reduces the high touch public areas thereby reducing deep cleaning and areas that need to be sanitized.
- Allows for more efficient contact tracing by knowing where individuals are within the building. Within the recent past we have had the public use the kitchen uninvited.
- Need for distancing and keeping the public from private areas.

FISCAL IMPACT:

The cost of the remodel would not exceed \$29,009 and will come from the \$1.3 million the City received in CARES Act funding depending on the option the Council chooses.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the bid with Rod Lewis Construction, LLC in the amount not to exceed \$XXXX for the front counter remodel for Option XXX.

PROPOSED MOTION:

I move that City Council **ADOPT** the Resolution approving bid with Rod Lewis Construction, LLC in the amount of \$XXX for the front counter remodel for Option XXX.

ATTACHMENTS:

1. Resolution
2. South Jordan and Cottonwood Heights City Hall
3. Option 1 Construction Rendering
4. Option 2 Staff Rendering
5. Rod Lewis Construction, LLC Bid

RESOLUTION NO. 2020-XX

A RESOLUTION APPROVING CERTAIN EXPENDITURES OF CARES ACT FUNDING

WHEREAS, earlier this year the United States of America began battling a public health emergency known as Coronavirus Disease 2019 (“COVID-19”). On March 27, 2020 and in response to COVID-19, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”);

WHEREAS, Highland City has received funds from the CARES Act;

WHEREAS, the CARES Act provides that payments from CARES Act funds may only be used to cover costs that: (1) are necessary expenditures incurred due to the public health emergency with respect to COVID–19, (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

WHEREAS, this expenditure will help Highland City, its affiliated public agencies, and its residents respond to, handle, mitigate, and address the COVID-19 health emergency;

NOW THEREFORE, BE IT RESOLVED by the Highland City Council as follows:

1. The City Council finds that the expenditure described in Exhibit A attached hereto is reasonably necessary for the City to address, mitigate, or handle the COVID-19 health emergency, is being incurred in response to the COVID-19 health emergency, and is a permissible use of CARES Act funding pursuant to the CARES Act.
2. The expenditure described in Exhibit A attached hereto is hereby approved, and City Council directs that all actions, contracts, and documents necessary to effectuate the expenditure be executed and implemented.
3. The expenditure authorized by this resolution is made pursuant to and in accordance with the interlocal agreement between Highland City and Utah County dated June 15, 2020.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF
HIGHLAND CITY, UTAH, this 6th day of October, 2020.

Rod Mann, Mayor

Stephannie Cottle, City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Kurt Ostler	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

Exhibit A

(Rod Lewis Construction, LLC Bid)

Sample City Hall Photos

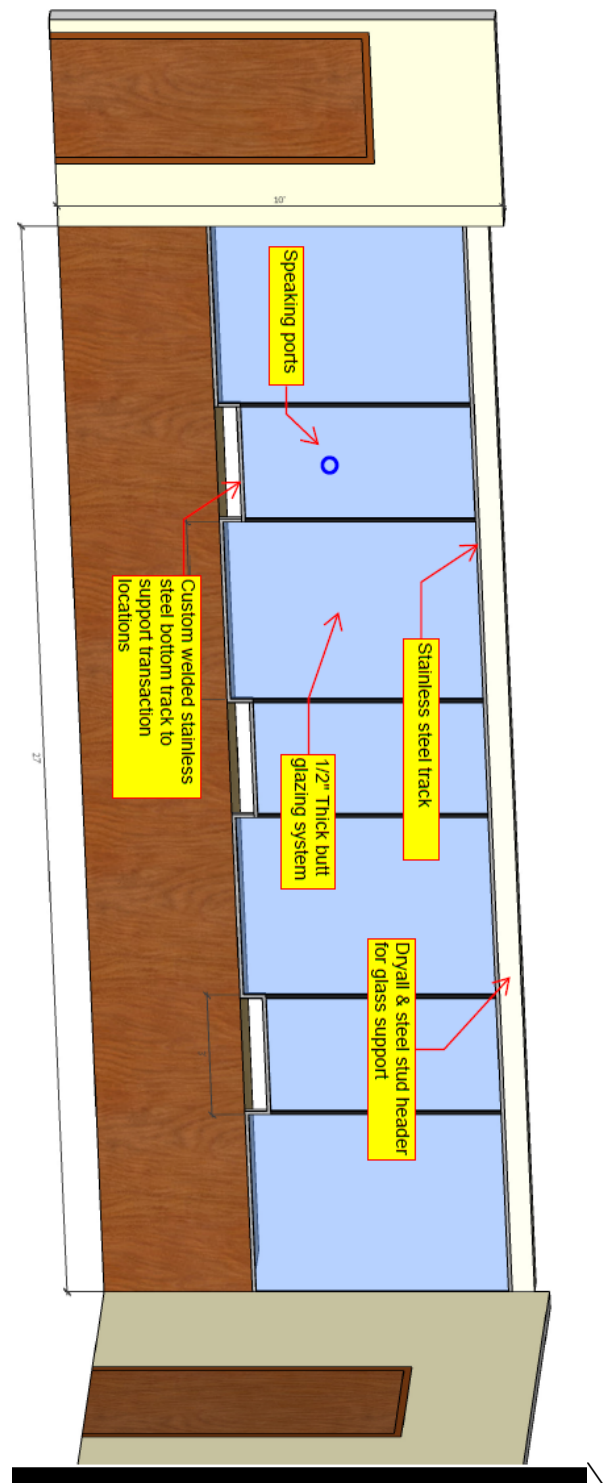


This is as close to real life to Option 1 that we could find. Our current rendering shows a speaker whole instead of the opening.

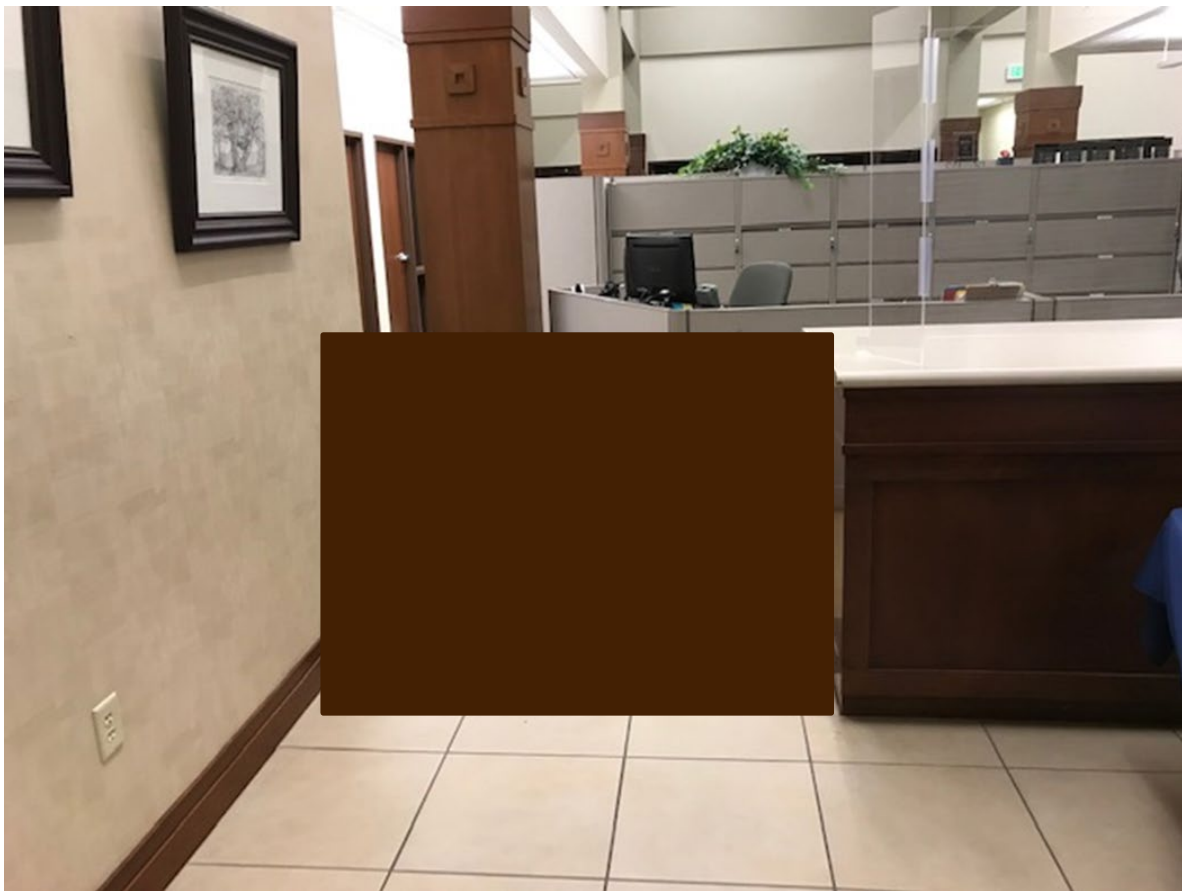


This is the current configuration at Cottonwood Heights. They will be installing 3'-4' glass panels with a 6" gap between the counter and the bottom of the glass and a couple of feet of opening above the top of the panels as well. An option would be to have a similar permanent glass panel as their temporary panel. Some type of frame would need to be installed for support.

OPTION 1 CONTRACTOR RENDERING



OPTION 2 ENTRANCE SECURITY



This would have an electronic door. The reason for the shorter height is so you can see when entering and exiting.



An additional attempt to illustrate the concept.



September 29, 2020

Highland City c/o Joann Scott
801-319-3199
JoAnn@highlandcity.org
Security upgrades

Highland city Administration area upgrades

Ms. JoAnn Scott

Please find below a description of proposed work to be performed

1 - Admin area:

a- Frame 10' high walls to the south of the existing patron counter and on the north tying into the existing conference room. Also frame a 6" steel stud/gypsum header from the new wall connecting to existing East-West header. Includes new door frames and hardware including card reader access system compatible with the existing system. Installation of owner provided door.

b- New Single plane 3/8" Tempered Butt glazed window system with aluminum top and bottom track and speaker holes

Lead time on the glass system is 4-6 weeks from approval of shop drawings

Price Summary:

		<u>Cost</u>	<u>Days</u>
1	Administration area	\$29,009.00	10
Total		\$29,009.00	

Only the items listed above are included in our price and will be completed. If you feel that something has been left off or should be included that is not listed please bring it to my attention before work starts so that it may be addressed. This pricing is good for 15 days after which time a new quote would be required.

Either this proposal signed or a signed change order is required to begin work. Payment for work is due upon completion of work.

Appreciatively,

Rod Lewis

Rod Lewis
Partner
801- 592-4634 cell
385-204-5060 office
801-418-9403 fax
Rod@RodLewisConstruction.com

Customer signature of acceptance

*If all items are not included cross out
excluded items and initial next to
those approved.*

Date

151 West 255 South Orem, Utah 84058 -- 801-592-4634 Cell -- 801-418-9403 Fax

****Price is reduced by \$7,100 if no glass is used.****

LONE PEAK POLICE

Chief Brian J. Gwilliam

**Memorandum**

Date: September 21, 2020

To: Mayor & Council

From: Chief Brian J. Gwilliam

A handwritten signature in black ink, appearing to read 'Brian J. Gwilliam', is placed next to the 'From' field.

Subject: Officer Involved Critical Incident Protocol

Purpose:

In January of this past year (2020) the Mayor and Council were presented with The Utah County Officer Involved Critical Incident Task Force (OICI Protocol) document for the mayor to sign as a participating city/agency. Since that time a few minor revisions have been made to the document. The document provided lists those changes in red. I will briefly describe them here.

- 1) Gathering and Storage of evidence has been standardized. One unit and one storage facility will be used as opposed to the venue agency where the incident occurred.
- 2) GRAMA Requests shall be the responsibility of the venue agency and the Utah County Attorney's Office. (This is a new addition to the document)
- 3) A small fee of \$20 annually will be collected from participating agencies to be used for training purposes.
- 4) Minor modifications that do not change the intent of the agreement (such as those listed above) can be handled by a majority vote as opposed to gathering signatures from each participating entity.

As the document has changed, signatures are required from a city official agreeing to continue participation. Once all signatures have been gathered, this document will be published to the Lone Peak Police Department webpage.

Recommendation:

I recommend that the City Council approve the Mayor to sign the document allowing participation in the Utah County Officer Involved Critical Incident Task Force.

Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol



Revised June 2020

TABLE OF CONTENTS

TOPIC	PAGE
CONTRACTUAL AGREEMENT AND RECITALS	4
1. General Purpose	5
2. Definitions	5
a. Actor	
b. Administrative Investigators	
c. Advisory Board	
d. Case Officer	
e. Crime Scene Supervisor	
f. Criminal Investigators	
g. Employee	
h. Employer Agency	
i. Incident Manager	
j. Injured	
k. Interview Supervisor	
l. Investigative Agency	
m. Office Involved Critical Incident	
n. OICI Protocol	
o. Protocol Member Agency	
p. Task Force Command	
q. Task Force Manager/Commander	
r. Utah County Forensic/Evidence Unit	
s. Venue Agency	
3. Utah County OICI Task Force Jurisdiction	7
4. Property Acquisition	7
5. Consideration	7
6. Counterparts	7
7. Binding Agreement	7
8. Captions, Recitals	7
9. Severability	7
10. Interpretation	8
11. Notice	8
12. Governmental Immunity	8
13. Ethical Standards	8
14. Assignment	9
15. Responsibility for Task Force Members	9
16. Insurance	9
17. Effective Date	9

18. Term	9
19. Termination by Any Party	9
20. Claims and Disputes	10
21. Integration	10
22. Rights and Remedies	10
23. Modification	10
24. Additional Parties	10
25. Invocation of the OICI Protocol	10
26. Investigative Agencies, Formats and Responsibilities	11
27. Criminal Investigation	11
28. Venue Determination	12
29. Scene Security	12
30. Notifications	15
31. Appointment of Investigators by Member Agency	15
32. Transporting, Sequestering, and Interviewing of Involved Officers in an OICI	16
33. Video Evidence	16
34. Reports	17
35. Equipment	17
36. Autopsy	17
37. County Attorney's Office	18
38. Employer Agency Administrative Investigation	18
39. Evidence	19
40. Report Writing	19
41. GRAMA Requests	20
42. News Media Relations	20
43. Reporting to Board and Training	20
44. Protocol Organizational Flow Chart	21
45. Callout Flow Chart	22

UTAH COUNTY
OFFICER INVOLVED CRITICAL INCIDENT TASK FORCE
CONTRACTUAL AGREEMENT

THIS CONTRACTUAL COOPERATION AGREEMENT (“Agreement”) is entered into this 2, day of March 2020, by and between the following higher education, municipal, and government entities for and on behalf of their respective law enforcement agencies: Alpine City, American Fork City, Brigham Young University, (solely for and on behalf of University Police, the remainder of the university being a private entity), Highland City, Lehi City, Lindon City, Mapleton City, City of Orem, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County for the purpose of facilitating the establishment of the Utah County Officer Involved Critical Incident Task Force hereby now referred to as OICI Task Force. The parties to this Agreement are sometimes referred to collectively as the “Parties” or individually as a “Party.”

RECITALS:

- A. UTAH CODE ANN. §76-2-408 (the “OICI Statute”) sets forth requirements for the Investigation of Officer Involved Critical incidents (“OICI”) delineated in the statute.
- B. The OICI Statute requires every law enforcement agency to adopt and post by December 31, 2015, (1) the policies and procedures the agency has adopted to select the investigating agency that will investigate an OICI that occurs in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI; and (2) the protocols the agency has adopted to ensure that every OICI investigation conducted in its jurisdiction is conducted professionally, thoroughly, and impartially.

- C. The Parties have determined that the formation of a Utah County OICI Task Force (hereinafter referred to as “Utah County Task Force” or “OICI Task Force”) that will serve as the investigating agency for OICI’s that occur in Utah County will ensure that any investigation of an OICI will be conducted professionally, thoroughly and impartially.
- D. The Parties have determined that the Utah County OICI Task Force will be governed by the Utah County OICI Protocol established to provide uniform procedures for the investigation of OICI’s.
- E. The utilization of a Utah County OICI Task Force to investigate OICI’s is beneficial to the Parties, the citizens of Utah County and the officers who are involved in OICI’s.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings of the Parties hereto, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. **General Purpose.** The purpose of this Agreement is to form a Utah County OICI Task Force to meet the requirements set forth in the OICI Statute and to provide improved OICI investigations while avoiding conflicts of interest. The Parties declare that there is a county-wide need for a Utah County OICI Task Force.
2. **Definitions.**
 - a. Actor. Any person whose act or actions result in an Officer Involved Critical Incident as defined herein.
 - b. Administrative Investigators. Those investigators assigned by the Employer Agency to conduct an administrative investigation of the incident.
 - c. Advisory Board. The Advisory Board that shall govern the administration of the OICI Protocol shall include the County Attorney or designee thereof, two City Attorney’s from Protocol Member Agencies who have been nominated and agreed upon by a majority of the members of the Advisory Board, and a designee from each Protocol Member Agency.
 - d. Case Officer. The OICI Task Force investigator assigned by the incident manager to organize and supervise the collection of reports, and write a comprehensive incident report of the incident and investigation.
 - e. Crime Scene Supervisor. The OICI Task Force investigator assigned by the Incident Manager to supervise the crime scene(s).
 - f. Criminal Investigators. Those investigators assigned by the County Attorney’s Office and the Venue Agency, to conduct a criminal investigation of the incident.
 - g. Employee. Unless otherwise indicated the word “employee” as used herein refers to the following employees of those agencies participating in this OICI Protocol:

- i. Full-time, part-time, and hourly sworn peace officers, whether on or off-duty and acting for a law enforcement or private purpose at the time of the incident.
- ii. Reserve peace officers who, at the time of the incident, are on-duty or are acting actually, apparently, or purportedly for a law enforcement purpose.
- iii. Temporary employees and volunteers, paid or unpaid, who, at the time of the incident are on-duty or are acting actually, apparently, or purportedly for a law enforcement purpose.
- iv. Informants: This OICI Protocol does not intend to create an employer-employee relationship between an informant and any agency participating in this OICI Protocol. For the sole purpose of determining when an Officer Involved Critical Incident has occurred and whether the incident will be investigated, informants are considered employees when they are working under the immediate direction, control, and supervision of a peace officer.
- h. Employer Agency. The agency by whom the police employee involved in the OICI is employed or with which he/she is affiliated. In many cases the Venue Agency will also be the Employer Agency.
- i. Incident Manager. The OICI Task Force investigator assigned by the Task Force Manager/Commander and the Venue Agency Chief to manage the investigation of the incident.
- j. Injured. Any person who is injured by the act or actions of the actor which results in an Officer Involved Critical Incident. When used in this OICI Protocol, the word injured does not imply the existence or commission of a crime or inference of any liability, but is used simply to designate the person or persons injured.
- k. Interview Supervisor. The OICI Task Force investigator assigned by the Incident Manager to organize and supervise the interviews of witnesses and officers involved in the OICI.
- l. Investigating Agency. The OICI Task Force is composed of officers/employees from multiple law enforcement agencies.
- m. Officer Involved Critical Incident. An incident which occurs in any city, town, or unincorporated area of Utah County and involves any employee of the Protocol Member Agency and includes but is not limited to the following:
 - 1) The use of a dangerous weapon by an officer against a person that causes injury to any person;
 - 2) Death or serious bodily injury to any person, except the Officer, resulting from the use of a motor vehicle by an officer while on duty, or use of a government vehicle while the officer is off duty;
 - 3) The death of a person who is in law enforcement custody, but not including deaths that are the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death.
 - 4) Death or serious bodily injury to a person resulting from the efforts of an officer attempting to prevent a person's escape from custody, make an arrest, or otherwise gain physical control of a person; and

- 5) The use of deadly force by an officer against a person that causes damage to property but not death or serious bodily injury. However, in this situation, unless the Venue Agency Chief or the County Attorney request an investigation, none will be performed.
- n. OICI Protocol: the procedure and rules governing the Protocol Member Agencies' responses to OICI's as outlined in this Agreement.
 - o. Protocol Member Agency. Any law enforcement agency operating in Utah County and which has committed to participation in this OICI Protocol.
 - p. Task Force Command. Advisory Board and designated Task Force Manager/Commander.
 - q. Task Force Manager/Commander. The command level OICI Task Force investigator assigned to manage/supervise an OICI Task Force investigation. This/these person(s) is/are nominated and voted on by the Advisory Board. ~~There may be up to three OICI Task Force Manager/Commanders.~~
 - r. Utah County Forensic/Evidence Unit. ~~Employees of the Utah County Forensic/Evidence Department trained in the gathering and processing of possible crime scenes or other areas of interest.~~
 - s. Venue Agency. The agency or agencies within whose geographical jurisdiction the incident occurs.
3. **Utah County OICI Task Force Jurisdiction.** The OICI Task Force shall have jurisdiction throughout Utah County to investigate OICI's. Each Party to this Agreement hereby expressly consents to allow the OICI Task Force to investigate OICI's that occur in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI.
4. **Property Acquisition.** No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.
5. **Consideration.** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.
6. **Counterparts.** This Agreement may be executed in counterparts by the Parties. All signed counterparts shall be deemed to be one original.
7. **Binding Agreement.** This Agreement shall be binding upon and shall insure to the benefit of the successors and assigns of the respective Parties hereto.
8. **Captions, Recitals.** 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. The recitals form an integral part of this Agreement and are hereby incorporated.

9. **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.
10. **Interpretation.** This Agreement shall be interpreted, construed and enforced according to the substantive laws of the state of Utah, without giving effect to any choice or conflict of law provision or rule (whether of the state of Utah or any other jurisdiction).
11. **Notice.** All notices and other communications provided for in this Agreement shall be in writing and shall be sufficient for all purposes if: (a) sent by email to the address a Party may designate, or by fax to the fax number a Party may designate, and concurrently sent by first class mail to the Party and the Party's legal office; (b) personally delivered; or (c) sent by certified United States Mail addressed to the Party at the address the Party may designate, return receipt requested. 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.
12. **Governmental Immunity.** All Parties, or their respective law enforcement agencies or departments are governmental entities under the Governmental Immunity Act of Utah, UTAH CODE ANN. §§ 63G-7-101 to -904 (2011), as amended (the "Act"). Subject to and consistent with the terms of the Act, each Party, or their respective law enforcement agencies or departments shall be liable for its own negligent acts or omissions, or those of its authorized employees, officers, and agents while engaged in the performance of the obligations under this Agreement, and no Party shall have any liability whatsoever for any negligent act or omission of any other Party, its employees, officers, or agents. No Party, or their respective law enforcement agencies or departments waives any defenses or limits of liability available under the Act and other applicable law. All, or their respective law enforcement agencies or departments Parties maintain all privileges, immunities, and other rights granted by the Act and all other applicable law.
13. **Ethical Standards.** The Parties to this Agreement each represent that they have not: (a) provided an illegal gift or payoff to any officer or employee, or former officer or employee, or to any relative or business entity of an officer or employee, or

relative or business entity of a former officer or employee of any of the Parties; (b) retained any person to solicit or secure participation in this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute; or (d) knowingly influenced, and hereby promise that they will not knowingly influence, any officer or employee or former officer or employee of any Party to breach any of the ethical standards set forth in State statute.

14. **Assignment.** No Party may assign any of its rights or delegate any performance under this Agreement. Any attempt to assign any rights or delegate any performance under this Agreement shall be void.
15. **Responsibility for OICI Task Force Members.** Each Protocol Member Agency shall fund all salaries, benefits, and other obligations for its employees assigned to the OICI Task Force.
16. **Insurance.** Each Protocol Member Agency shall be solely responsible for providing workers' compensation and benefits for its own employees who provide services under this Agreement. Each Protocol Member Agency shall obtain insurance, become a member of a risk pool, or be self-insured to cover the liability arising out of negligent acts or omissions of its own personnel rendering services under this Agreement.
17. **Effective Date.** This Agreement shall become effective when at least two Parties named above each execute an original or copy of the Agreement as required by law.
18. **Term.** The term of this Agreement shall be three (3) years from the effective date, unless the Parties agree in writing to terminate the Agreement prior to the expiration of the initial term of the Agreement. Renewals shall occur automatically thereafter every three (3) years, for a period of up to fifty (50) years, unless the Parties agree in writing that the Agreement shall not be renewed.
19. **Termination by Any Party.** Any Party to this Agreement may terminate its involvement with the OICI Task Force and this Agreement at any time prior to the expiration of the term of the Agreement. Such termination shall be provided via written notice to the Advisory Board in care of the Utah County Attorney, 100 East Center Street, Suite 2100 Provo, Utah 84606. and shall be effective upon delivery to the Advisory Board. Notwithstanding such termination, any terminating Party will agree to complete its involvement in any investigations that are open at the time that written notice to terminate is delivered.

20. 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 Judicial District Court of Utah County, Utah. Unless otherwise terminated pursuant to the provisions hereof or otherwise agreed in writing, each of the Parties shall continue to perform its obligations hereunder during the pendency of such dispute.

21. Integration. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings concerning the subject matter of this Agreement.

22. Rights and Remedies. The rights and remedies of the Parties 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 provision(s) hereof.

23. Modification. ~~This Agreement may be modified only by a writing signed by all parties hereto.~~ This Agreement may be modified in the following manner:

- a. When modifying the intent of any part of this Agreement it shall be done by a writing signed by all parties hereto.
- b. When making minor modifications that do not change the intent of the Agreement it shall be done by majority vote. Notification to all parties hereto will be made of the minor modification.

24. Additional Parties. Any entity within Utah County which is subject to the provisions of the OICI Statute, and who is not an original party to this Agreement, may apply in writing to become a Party to this Agreement. The applicant shall become a Party to this Agreement upon (a) the approving vote of at least seventy-five (75) percent of the members of the Advisory Board; and (b) the approved applicant's execution and delivery of a counterpart of this Agreement whereby under the approved applicant agrees to be bound by all of the terms and conditions of this Agreement. Subject to the foregoing, the Parties' formal amendment to this Agreement for the purposes of admitting an applicant as an additional Party shall be unnecessary.

25. Invocation of the OICI Protocol.

This protocol is effective immediately upon the occurrence of an Officer Involved Critical Incident.

- i. In the event of an Officer Involved Critical Incident as defined by UCA 76-2-408, this OICI Protocol is automatically effective.
- ii. The Venue Agency Chief shall immediately notify the County Attorney's Office of an Officer Involved Critical Incident.
- iii. The Venue Agency is required to immediately contact the Task Force Manager/Commander indicating the OICI Protocol has been invoked.
- iv. The Venue Agency Chief, the Utah County Attorney, and the Task Force Manager shall:

- 1) Jointly designate the task force personnel to investigate the Officer Involved Critical Incident; and
- 2) Designate which law enforcement agency is the lead investigative agency, if the Officer Involved Critical Incident involves multiple investigations.
- v. The lead investigating agency may not be the law enforcement agency employing the officer who is alleged to have caused or contributed to the Officer Involved Critical Incident.
- vi. Optional: Each Protocol Member Agency, when acting in the capacity of a Venue Agency or Employer Agency, may request activation of the OICI Protocol upon the occurrence of any Officer Involved Critical Incident involving an employee. The Task Force Command will consider the circumstances of the incident when determining whether or not to invoke the OICI Protocol. Upon this optional invocation, the matter will be investigated under the provisions of the OICI Protocol.
- vii. This section does not preclude the Employer Agency from conducting an internal administrative investigation.

26. Investigative Agencies, Formats and Responsibilities. To properly recognize and accommodate the various interests and the various rules of law which may be involved in an incident, investigations may be performed under two separate investigative formats: the criminal investigation and the administrative investigation.

27. Criminal Investigation.

- a. A criminal investigation that commences pursuant to the invocation of this OICI Protocol has priority over any parallel administrative investigation and will begin immediately following the incident for which this OICI Protocol is invoked.
- b. The criminal investigation of an Officer Involved Critical Incident commences with the invocation of this OICI Protocol, whether that invocation occurs automatically or at the direction of the Venue Agency Chief. Upon the invocation of this OICI Protocol the Venue Agency Chief and the Task Force Manager will select an Incident Manager. Such selection will be from a list of investigators constituted and maintained by Protocol Member Agencies. The selection of an Incident Manager may be made without respect to the rank or title of other investigators on the list who may also be asked to participate in the investigation.
- c. The Venue Agency Chief or his/her designee and the Task Force Manager/Commander shall inform the Incident Manager of the facts of the Officer Involved Critical Incident. The Incident Manager shall then assemble a task force of additional investigators of sufficient numbers to thoroughly and properly investigate the incident for which the OICI Protocol has been invoked. The selection of additional investigators by the Task Force Manager/Commander and the Incident Manager shall also be from the list of specifically designated employees constituted and maintained by Protocol Member Agencies.

- d. Among those investigators selected to constitute the OICI Task Force conducting the criminal investigation there shall be one representative of the Employer Agency. The Incident Manager shall not be from the Employer Agency. One Deputy Utah County Attorney shall also be designated a member of the OICI Task Force by the Incident Manager as well an investigator from the Utah County Attorney's Office.

28. Venue Determination.

- a. When an Officer Involved Critical Incident occurs in part in two or more jurisdictions, each of those jurisdictions is a Venue Agency and the respective Venue Agency Chiefs shall jointly appoint the Incident Manager.
- b. When an Officer Involved Critical Incident occurs on the boundary of two jurisdictions, or under circumstances that make determination of the Venue Agency difficult or places venue in dispute the Venue Agency shall be:
 - i. The Employer Agency if the Actor is employed by either boundary agency;
 - ii. Both boundary agencies if Actors are employed by both; or
 - iii. The agency which has the greater interest in the case by virtue of having the predominant police involvement in the incident or by virtue of having had the majority of acts leading up to the incident occur within its jurisdiction.
 - iv. The Advisory Board shall be the authority to resolve any Venue Agency investigative issues.
- c. Custodial deaths:
 - i. A subject who dies in police or corrections custody falls under the Protocol. If the death was anticipated and the result of a medical condition under the care of a physician, it will be considered an attended death and the OICI Task Force should not respond in accordance with UCA §76-2-408.
 - ii. If the death occurred at a correctional facility, police agency building, or holding area, the Venue Agency is the agency having control of the facility, building, or holding area.
 - iii. If the death occurred outside a correctional facility, the agency having jurisdiction in the area will act as the Venue Agency. The Employer Agency would be the agency that had custody of the subject. Using this scenario, the Venue Agency and employer agency could be the same.
 - iv. Custodial Death Scenes: When an incident occurs in a correctional facility, holding facility or other location and other inmates may be witnesses, those inmates should be identified, and if possible, separated, pending interviews by OICI Task Force investigators.

29. Scene Security.

- a. The Venue Agency is responsible for immediately securing the scene of an Officer Involved Critical Incident. This responsibility includes the preservation and integrity of the scene(s) and its contents, access, control, and the identification and sequestration of witnesses. Responsibility for scene security

may change as the investigation continues and the Incident Manager assumes responsibility for the criminal investigation. If, in the judgment of the senior representative of the Venue Agency, weather, or other factors make it imperative that evidence collection begins prior to the designation of the Incident Manager and constitution of the investigative team, such steps may be taken at the direction of and under the supervision of that representative of the Venue Agency.

- i. The following crime scene procedures and priorities will be observed as fully as circumstances permit:
 - 1) The scene shall be controlled to prevent further injury or criminal activity.
 - 2) Emergency life saving measures have first priority.
 - 3) Injured persons transported to a hospital will be accompanied, in the same vehicle if possible, by a police officer from the Venue Agency who will:
 - (a) Identify, locate, preserve, and take custody of physical evidence which may leave the scene with the injured person.
 - (b) Note and record as accurately as possible any spontaneous or excited utterances or statements which would describe the person's previous mental or physical state or any dying declaration.
 - (c) Maintain custody of the injured person if that person has been arrested.
 - (d) Provide information as may be known, which is necessary for the medical treatment of the injured person.
 - (e) Coordinate and communicate as necessary with investigators at the scene.
 - (f) Provide all information acquired to the Crime Scene Supervisor or Incident Manager.
 - 4) If a firearm or other deadly instrument was used in the Officer Involved Critical Incident, procedures at the scene shall be as follows:
 - (a) If the area is secure, loose firearms or other deadly instruments shall be left in place and undisturbed until removal is directed by the Crime Scene Supervisor or Incident Manager.
 - (b) If the area is not secure the senior representative of the Venue Agency shall decide whether any loose firearms or deadly instruments can be safely left in place or whether immediate removal is necessary. If it is determined that the item or items must be removed immediately all efforts shall be made to photograph the item in place and establish its location with reference to other fixed points.
 - (c) If any officer still has personal possession of a firearm discharged in the course of an Officer Involved Critical Incident, the senior representative present of the Venue Agency shall assign a peer support officer to the officer that discharged his/her firearm to insure the evidentiary value of the weapon is not compromised. When appropriate as deemed by the Venue Agency, and for safety and

evidentiary purposes, the firearm, holster/case and duty belt may be taken as a unit without removing the firearm from the holster/case. As deemed appropriate by the Employer Agency, the involved officer may be given a replacement firearm and duty belt as soon as practical. The items taken shall be immediately secured in a manner consistent with their preservation as items of evidence. The items shall be so maintained until further disposition is ordered by the Crime Scene Supervisor or Incident Manager. The Venue Agency representative to whom the firearms are surrendered shall document facts pertinent to the collection of the items, specifically the make and caliber of the firearm, the person from whom it was received, the item's location at the time it was received, the condition of the item and an indication of how it was used in the incident under investigation. Unless necessary for safety, no attempt shall be made to change the condition of the firearm at the time of its surrender. It shall not be unloaded nor cleared of a jam. The firearm may be made safe to handle by lowering the hammer or putting on the safety so long as those actions taken to make the firearm safe are documented fully by the person taking the actions.

- 5) Law Enforcement Employee Clothing: As deemed appropriate by the Incident Manager, Crime Scene Supervisor, or Interview Supervisor, any officer who discharged a firearm during the course of an Officer Involved Critical Incident, may be required to surrender his or her uniform and any outer-wear worn during the time of the incident.
- 6) Recording Devices (any device designed to capture audio, video or photographic data or images, including but not limited to body cameras, dash cameras, video cameras, cameras, cell phones, audio recorders, etc.) shall be handled in accordance with the following:
 - (a) If any involved or witness officer(s) has personal possession of a recording device during the course of an Officer Involved Critical Incident, the on-scene supervisor or senior representative of the Venue Agency, will insure the recording device is made available to the Incident Manager or his/her representative upon arrival or as soon as practical.
 - (b) The supervisor or senior representative of the Venue Agency will not review any recordings made on the device unless necessary for the safety of others (any review of a recording device may change the recording's metadata).
 - (c) At a minimum the supervisor or senior representative of the Venue Agency shall document the collection of the recording device, including the make and model of the recording device, the person from whom it was received, the time and location it was received, the condition of

the device and an indication of how it was used in the incident under investigation.

- (d) The supervisor or senior representative of the Venue Agency, prior to reviewing or downloading the device's contents, will release the device to the Incident Manager or his/her representative. The Incident Manager (or his/her designee) will download or oversee the download of the contents of the recording device and will provide a copy of the downloaded contents to the Venue Agency as soon as practicable. When practical the recording device will be maintained by the Incident Manager until further disposition is ordered by the County Attorney or his/her designee.

7) Other evidence and the identity of all witnesses shall be preserved.

30. Notifications. Upon identification of an Officer Involved Critical Incident, the Venue Agency shall make the following notifications as promptly as possible:

- a. Intra-department officers as required by the agency's procedures;
- b. The Employer Agency, if applicable and if not yet aware;
- c. The ~~Task Force Manager and the~~ County Attorney or designee; and
- d. The Medical Examiner or designated Investigator upon confirmation of a fatality consistent with the requirements of Utah Code.

31. Appointment of Investigators by Protocol Member Agency.

- a. Each Protocol Member Agency shall designate at least one of its most experienced criminal investigators to be available to participate in the investigation of an Officer Involved Critical Incident. A list of those officers so designated shall be maintained by the Task Force Manager/Commander and be updated semi-annually. A copy of the list shall be provided to each Protocol Member Agency and it is from this list that the Venue Agency Chief and Task Force Manager/Commander shall designate the Incident Manager and from which the task force conducting the criminal investigation of any Officer Involved Critical Incident shall be assembled.
- b. When assembling the OICI Task Force Investigative team for an OICI, the Venue Agency and the Task Force Manager/Commander will, in an effort to avoid creating too much work load for any one agency, take into consideration the number of investigators assigned from any one Protocol Member Agency.
- c. In designating investigators to be listed as available to participate in an Officer Involved Critical Incident investigation, Protocol Member Agencies should consider the following qualifications, characteristics, and attributes of those designated:
 - i. Experience in homicide investigations as well as other crimes against persons.
 - ii. The ability to effectively interview people of various backgrounds including police officers.

- iii. Good working knowledge of physical evidence collection and preservation techniques and an appreciation of the use and limitations of scientific evidence.
- iv. Good knowledge of police operational procedures and the criminal justice system.
- v. Excellent report writing and communication skills.
- vi. Good organizational and supervisory skills.
- vii. Respected professionally by those whom he or she works for being competent, thorough, objective, fair, and honest.
- viii. Ability to both participate in and direct a complicated investigation.

32. Transporting, Sequestering, and Interviewing Officers in an OICI.

- a. Officers who were present at the scene at the time of an Officer Involved Critical Incident, whether as Actors or witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sequestered at their own police station unless other suitable and agreeable arrangements are made for them. Officers from the Venue Agency not involved in the OICI shall be assigned to accompany officers involved in the OICI and remain with them to ensure their privacy, accommodate their needs, and preserve the integrity of each witness officer's report as they may be gathered later. It is highly recommended that certified peer support officers be used during this time.
- b. If circumstances prohibit the removal of all officers involved in the OICI from the scene at one time, those officers who can be identified as Actors as defined herein should be relieved first.
- c. OICI Task Force investigators, witnesses and officers involved in the OICI should be allowed to contact spouses and family members and should be encouraged to relax. Officers involved in the OICI are allowed legal assistance and/or representation prior to and during interviews.
- d. Generally speaking, involved officers will not be interviewed for at least forty-eight hours after the incident in order to provide the best opportunity for recall (two sleep cycles). The involved officer's interview will be transcribed and serve as the officer's report.

33. Video Evidence.

- a. If an Officer Involved Critical Incident is captured on video, the review of this video by the officer is permitted prior to any report writing or interviews. Prior to the involved officer reviewing the video, the task force investigator will read the following advisory:
 - i. Video Advisory:

“You are about to view a camera recording of a use-of-force event. Understand that while this recording depicts visual information from the scene, the human eye and brain are highly likely to perceive some things in stressful situations differently than a camera records

them, so this photographic record may not reflect how the involved officer actually perceived the event.

The recording may depict things that the officer did not see or hear. The officer may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than the officer could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from an officer's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions. And, of course, the camera did not view the scene with the officer's unique experience and training.

Hopefully, this recording will enhance your understanding of the incident. Keep in mind, though, that these video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded."

34. Reports.

- A. Inasmuch as Officer Involved Critical Incidents are of intense interest to the public, expeditious and thorough investigation and resolution of these matters is necessary. Prompt completion and distribution of reports is essential.
- B. A Spillman Report Management System Case number will be obtained by the Case Officer, Incident Manager or the Task Force Commander. All reports will be referenced or written directly under the obtained case number.
- C. Agencies involved in the OICI Task Force investigation will submit reports to the Incident Manager or his/her designee as soon as possible after an Officer Involved Critical Incident.
- D. The Case Officer will assemble all individual reports making sure all reports are tied to the Spillman Case number obtained and write a comprehensive incident report and submit this report and case file to the Incident Manager for approval.
- E. The Incident Manager will then submit this report and the case file to the Utah County Attorney or his/her designee.
- F. Upon request the County Attorney's Office will provide copies of the complete case file to the heads of all agencies having officers involved in an incident as Actors or witnesses.

- 35. Equipment.** Each member of an OICI Task Force will provide equipment as requested by the Incident Manager whether or not officers from that department are involved in either the criminal or administrative investigation. Officers from the department providing equipment may retain custody and operation of the equipment if it appears the interests of the investigation will be served.

36. Autopsy.

- a. At least one member of the OICI Task Force shall be assigned by the Incident Manager to attend the autopsy. Protocol Member Agencies investigators involved in the OICI, including the administrative investigators, may also attend.
- b. The OICI Task Force investigator assigned to attend the autopsy will brief the medical examiner prior to the post mortem examination. This briefing will be as complete as possible.

37. County Attorney's Office.

- a. The County Attorney's Office has the following roles in Incident Investigations:
 - i. With the Venue Agency Chief and the Task Force Manager/Commander jointly designate the task force personnel to investigate the Officer Involved Critical Incident.
 - ii. Assign at least one attorney from the Utah County Attorney's Office and at least one investigator from the Utah County Attorney's Office to the OICI Task Force.
 - iii. Participate co-equally with other members of the OICI Task Force performing the criminal investigation.
 - iv. Assist and advise the task force on the various criminal law issues which may arise during the investigation.
 - v. The County Attorney's Office will strive to complete its report and findings within two weeks of the completion of the Protocol Investigation. However, this cannot be guaranteed, depending on the complexity of the incident.
 - vi. Upon completion of the criminal investigation, analyze the facts of the incident as well as the relevant law to determine if criminal laws have been violated. If so, prosecute as appropriate or arrange for a special prosecutor.
 - vii. The County Attorney has his or her own independent investigative authority. When deemed appropriate, the County Attorney may conduct an independent investigation of an Officer Involved Critical Incident separate but simultaneous with any other investigation.

38. Employer Agency Administrative Investigation.

- a. This OICI Protocol recognizes the need of the administrative investigators to acquire information about the Incident for the following non-criminal purposes:
 - i. Internal Affairs and determination of whether or not employees have violated department policy or regulation.
 - ii. Agency improvement and determination of whether or not department policies, procedures, programs, equipment, and training are adequate.
 - iii. Acquiring sufficient information concerning an Officer Involved Critical Incident to appropriately inform its parent governmental body and be responsive to the public and the news media.

- iv. To adequately address claims for damages and prepare for civil litigation that may be initiated by or against the Employer Agency.
- b. While both the criminal and administrative investigations are important and should be aggressively pursued, investigative conflicts between the two formats shall be resolved by allowing the criminal investigation to have priority. It is intended that this prioritization will preclude competition between the two investigative formats for access to witnesses, physical evidence, and the involved parties and will prevent the criminal investigation from being compromised by an untimely exercise of the Employer Agency's control of the scene, evidence, or witnesses.
- c. The initiation of an administrative investigation and the extent of that investigation is solely the responsibility of the Employer Agency. If an administrative investigation is being conducted, the Employer Agency should immediately assign administrative investigators upon being notified of the Officer Involved Critical Incident. Administrative investigators will be identified to the Incident Manager at the earliest possible opportunity. In addition to gathering information for the Employer Agency, it is anticipated that administrative investigators will act as a liaison between the Incident Manager and the Employer Agency even if no actual investigation is being conducted by the Employer Agency.
- d. Interview statements, physical evidence, toxicology test results, and investigative leads which are obtained by administrative investigators by ordering police employees to cooperate shall not be revealed to criminal investigators without the prior approval of the County Attorney following a determination of need and evaluation of the applicable law.
- e. The Incident Manager will periodically brief the administrative investigators on the progress of the criminal investigation. The administrative investigators will have access to briefings, the incident scene, physical evidence, and witness statements. Unless, for good reason it is determined otherwise, the County Attorney's Office will provide to the Employer Agency his or her findings of fact and a complete copy of the case file prepared by the task force investigators. A copy of the County Attorney's findings of fact will also be provided to the Incident Manager.

39. Evidence.

- a. Evidence gathered at the scene will be booked and held at the Utah County Sheriff's Evidence facility by the Utah County Forensic/Evidence Unit. Booking procedures outlined by Utah County Forensic/Evidence staff shall be followed.

40. Report Writing.

- a. The Incident Manager will decide which investigator is responsible for a particular report. OICI Task Force investigators should not write more than one report on an interview or event, regardless of the number of interviews involved. OICI Task Force investigators are responsible for the final report of the Task Force

investigation. Prior to submitting a law enforcement (employee) interview report, the interviewed employee should have the opportunity to review the report. All OICI Task Force investigators shall coordinate with the Task Force Manager/Commander to write a final report which documents their participation in the investigation.

- b. Prompt completion and distribution of reports is essential. All agencies and investigators will strive for report completion and distribution as soon as possible while ensuring all information is obtained accurately prior to completion.

41. GRAMA Requests.

- a. GRAMA requests as a rule should not be filled until the investigation is concluded. GRAMA requests shall be the responsibility of the Venue Agency and the Utah County Attorney's office. The Venue Agency and the County Attorney's office should consult with one another prior to fulfilling any GRAMA requests. GRAMA rules and regulations shall be followed.

42. News Media Relations.

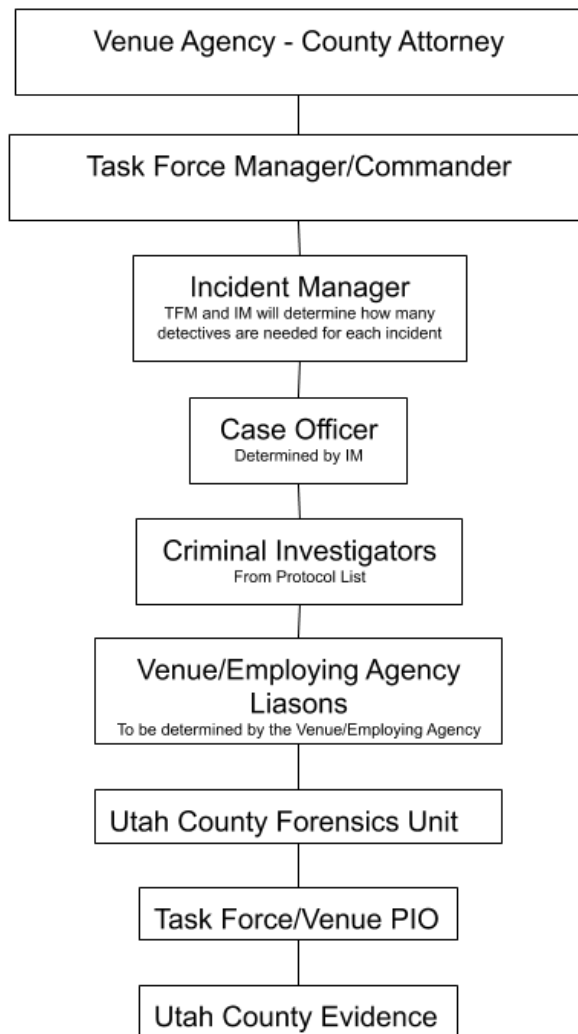
- a. The interests of the news media must be balanced with the requirements of the investigation and with the rights of the involved individuals.
- b. While any agency cannot be prohibited from making statements to the news media about an incident, these guidelines are established:
 - i. The Venue Agency Chief or designee has the responsibility for making press releases about the Incident and its investigation until such time as the matter is referred to the County Attorney's Office.
 - ii. The Incident Manager will provide the Venue Agency with information from which a press release can be made.
 - iii. Other participants in the investigation should refrain from making separate press releases or discussing the investigation with the press. If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to information which has been cleared for release by the Venue Agency.

43. Reporting to Board and Training.

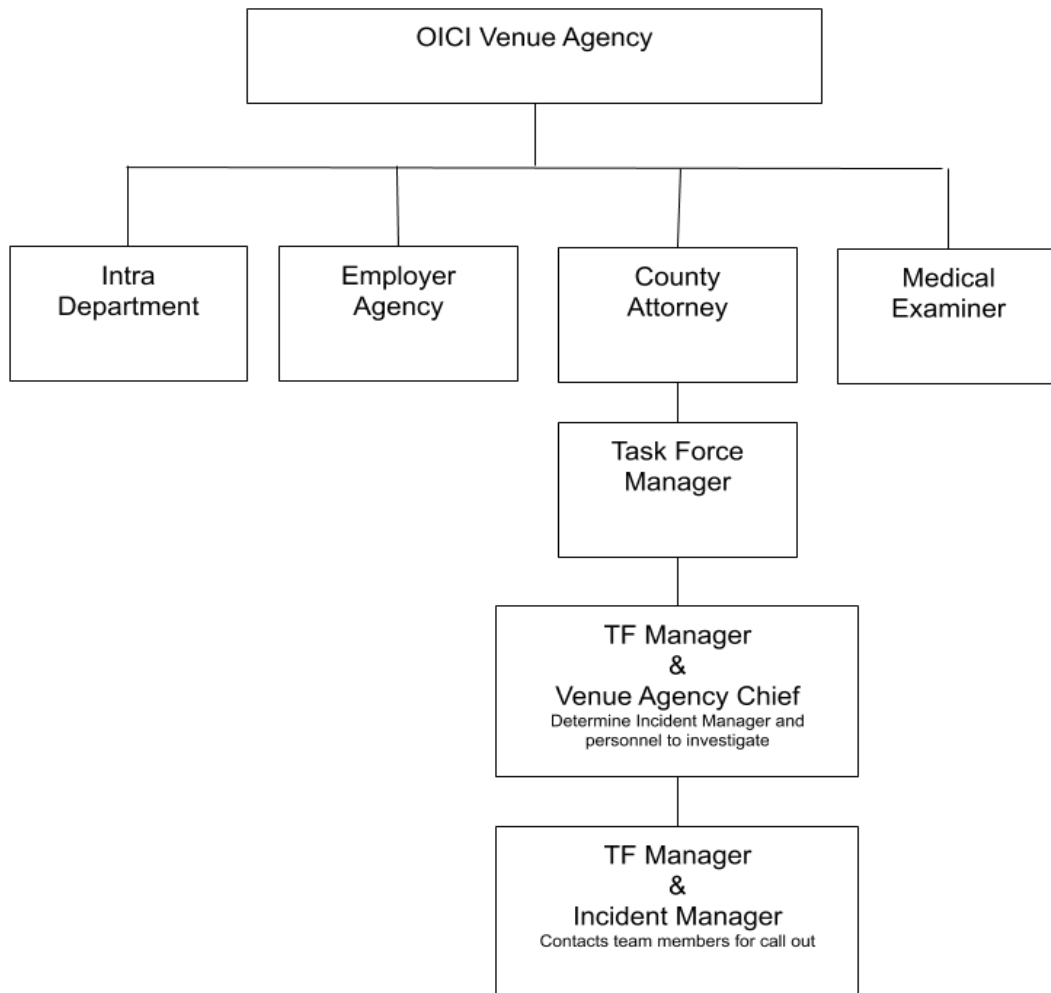
- a. The Task Force Manager/Commander(s) will report to the Advisory Board once per quarter at the monthly Chief Law Enforcement Executives meeting. This report will include but not be limited to, ongoing investigations, training held and to be held for team members, personnel issues and other needs.
- b. The Task Force Manager/Commander(s) will hold quarterly training for OICI Task Force members on; policy, investigative techniques, best practices, court findings and other necessary matters.

- c. OICI Task force members are required to attend two of the four trainings, however it is preferred that 100% attendance is maintained.
- d. The OICI Board by vote, may require participating agencies to pay an agreed amount of \$20.00 annually into a fund to be used for training purposes. If there is a vote to collect funds the OICI Board will vote on a participating agency to invoice and hold the monies in an agreed account. An annual accounting of these monies collected and used will be documented and shared with the OICI Board by a Task Force Manager/Commander during a board meeting.

44. OICI Protocol Organizational Flow Chart



45. Callout Flow Chart



IN WITNESS WHEREOF, each Party has caused this Agreement to be executed on its behalf by its duly authorized representative.

[Remainder of page intentionally left blank - SIGNATURE PAGES of Parties follow]

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Alpine

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of American Fork

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Brigham Young University

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Highland

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Lehi

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Lindon

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Mapleton

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Orem

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Payson

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Pleasant Grove

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Provo

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Salem

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Santaquin

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Spanish Fork

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Saratoga Springs

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

City of Springville

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah County Attorney's Office

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah County Sheriff's Office

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah Highway Patrol

By_____

Its_____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah Transit Authority

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah Valley University

By _____

Its _____

Signature Page pertaining to the **“Utah County Law Enforcement Executives Contractual Agreement for Officer Involved Critical Incident Protocol”** between Alpine City, American Fork City, Brigham Young University, Highland City, Lehi City, Lindon City, Mapleton City, Orem City, Payson City, Pleasant Grove City, Provo City, Salem City, Santaquin City, Spanish Fork City, Saratoga Springs City, Springville City, Utah County, Utah Highway Patrol, Utah Transit Authority, Utah Valley University, Utah Department of Corrections/Adult Probation and Parole or any Police Department or Department of Public Safety of any city or town located in Utah County

Utah Department of Corrections/Adult Probation and Parole

By_____

Its_____



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #6

DATE: October 6, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, Assistant City Administrator
SUBJECT: **ACTION** – Approving Implementation of the Fiscal Year 2021 Budgeted Merit Increases. *Administrative.*

PURPOSE:

The City Council will consider authorizing administration to begin implementing the merit increases that were budgeted for City Staff for Fiscal Year 2021. The Council will take appropriate action.

BACKGROUND:

For the past number of years, the City has budgeted for 3% merit increase for employees based on their performance over the previous year. On June 16, 2020, the City Council approved the Fiscal Year 2020-2021 (FY 21) Budget with the condition that the budgeted 2% merit increase for employees would not be implemented until further City Council approval. The concern was that the City may see a revenue decrease due to the economic impact of COVID-19. The Council asked staff to bring the item to Council after the first quarter of FY21.

The FY21 budget planned for a decrease in tax revenue of \$143,720 (or about 5%) in comparison to the previous fiscal year due to economic concerns with the COVID-19 pandemic. To date, the City has not seen the revenue decrease in sales tax that was included in the budget. See the table below for the sales tax collection data since the beginning of the COVID pandemic compared to the previous year. As a reminder, sales tax distribution is about two months behind collection. For example, sales tax that was paid in March is booked to the City's budget in May and so on. Due to the delay, the most up-to-date sales collection data we have is from July.

Month Sales Tax Collected	2019	2020
March	\$227,203	\$255,970
April	\$182,662	\$210,230
May	\$212,128	\$223,270
June	\$237,921	\$277,114
July	\$214,394	\$247,500

Considering March - July, the City has seen a year over year increase in sales tax dollars of \$139,776 or 13% since the COVID-19 pandemic began. As we have not seen the economic downturn expected, staff believes that it is appropriate for Council to authorize the implementation of the FY21 employee merit increases.

If Council approves the implementation, each employee will be eligible for an up to 2% merit increase based on their performance for the past year. If an employee has already had their annual review this year and earned a merit increase, the increase will be given retroactively back to the time of their anniversary.

As a part of the conversation on merit increases, on June 9 Council indicated their interest in the City updating its salary comparison study to ensure that all employees are compensated fairly and paid within an acceptable range. Staff is in the process of completing that project and will bring the findings back to Council shortly.

FISCAL IMPACT:

The employee merit increases add up to a total of approximately \$80,208 with \$19,076 coming from Enterprise Funds and \$61,132 coming from the General Fund. Of the \$61,132 in the General Fund, \$18,916 is for City staff and \$42,216 is for Public Safety employees. Whether the Public Safety merit increases are implemented will be decided by the Lone Peak Public Safety Board at their upcoming meeting. As the merit increases were previously budgeted for, there will be no fiscal impact to the City if Council chooses to authorize their implementation. The current FY21 budget does include the use of \$45,000 of previous year's revenue. If the revenue trends continue to be positive, that may be able to be lessened or eliminated.

RECOMMENDATION:

Staff recommends that the Council approve the implementation of the FY21 employee merit increases.

PROPOSED MOTION:

I move that the City Council approve the implementation of the FY21 employee merit increases.

ATTACHMENTS:

1. June 9, 2020 Minutes - See Highlighted
2. June 16, 2020 Minutes

economic recovery and the remaining 80% would be split between the counties and the cities. The cities could choose to get their entire allocation of their amount as soon as the indemnification letter had been signed that acknowledged that they would use the money in accordance with the guidelines set by the federal government. They also had the option to not take the money and send expense reports to the federal government for reimbursement. The amount allocated for Highland was about 1.3 Million, and Mayor Rod Mann advised that they take the money rather than send in reports. They had until October first to use or earmark the money for use, or the funds would be given back to the County. Mayor Rod Mann said that the indemnification letter they needed to sign should come soon and there were no specific parameters, but the money was intended to help recover costs that had been incurred by COVID-19. The fund covered PPE, salaries, and sick time, among other things and the City Attorney would be able to assist in finding ways the funds could be used. There would need to be receipts or written explanations of how the funds were used. The County was compiling a list of recommendations of how to use the funds, and an auditor had been hired for this specifically to evaluate the usage of funds.

The Council discussed what other items might qualify as valid uses for the money, such as testing the residents of the City for COVID-19 or installing cameras in the Council meeting room to facilitate Zoom meetings. Mayor Rod Mann said once they had the list of recommended uses from the County they could brainstorm further, and they would vote on how to use the money next week. It was clarified that proactive fixes such as renovating restrooms or trails in anticipation of higher usage would not be covered by the CARES money. It was meant to be retroactive aid to revenue lost by the COVID-19 crisis. Mayor Rod Mann added that 20% of the funds had been set aside for community development.

1. 2020-2021 HIGHLAND CITY BUDGET

City Council will review the budget for Fiscal Year 2020-2021. This item is for discussion and information. No actions will be made during this meeting.

City Administrator/Community Development Director Nathan Crane gave a quick overview of the agenda and discussed some of the changes made to the preliminary budget. He said there had been many updates as a result of COVID-19.

He stated the goals for the budget this year emphasized the needs of the staff, and it was a priority to make sure there would be no pay cuts. He acknowledged the negative impact that COVID-19 would continue to have on the budget for the rest of the year. His goal was to not be forced to decrease the level of service being provided to residents, although he said it would be difficult to achieve that goal due to inflation. He also wanted to maintain their fiscal health and ensure they would be ready to appropriately respond to emergencies, such as earthquakes and unforeseen maintenance costs.

City Administrator/Community Developer Nathan Crane presented a slide showing how the General Fund was allocated for discretionary and non-discretionary funds. The non-discretionary funds included things like capital improvements, contracts, and revenue earmarked for specific items. That left a remaining \$1.7 Million for discretionary funds, which was distributed among different departments such as Parks, Streets and Roads, and Administration. It also included money for City Council events. When evaluating the budget, City Administrator/Community Developer Nathan Crane said he first took money out to fulfill the City's contractual obligations and services that had to be provided and then evaluated how to best distribute what was left over.

City Administrator/Community Developer Nathan Crane gave a history of the General Fund budget and said the majority of fund increases received had gone to Public Safety. He also said they had tended to prioritize merit increases and manager benefits over the last three years, and the cost of doing business took a lot of the fund as well. They were trying not to impact the level of service and keep their reserves full. He then showed a budget history spreadsheet from the year 2008 to 2011 that showed that out of all the departments, emergency services and policy had seen the highest increase. Last year there had been a \$700,000 increase in Public Safety, which

had impacted the rest of the budget by decreasing the amount that was available to be spent elsewhere. According to City Administrator/ Community Developer Nathan Crane they normally stayed flat with limited inflation growth except for increases in salaries and operated within what was assigned by the Council. He added that they had not been very proactive in terms of maintenance to parks, trails, and open space, although they had improved the streets. He reiterated that the focus was to maintain the level of service provided to the community.

City Administrator/ Community Developer Nathan Crane recalled that the Council had commissioned an analysis of the General Fund and shared two results from their research. He showed their budget from last year and stated that there were some items that could not be funded in the current year as there was no room in the existing budget due to inflation and an increase in costs. He presented a chart to illustrate his point, including a list of the items that would not be funded. He also shared that in March, most cities had decided not to do employee increases due to COVID-19, but that now there were a number of cities planning on increases, including cities that competed with Highland for employees. Other cities intended to re-evaluate mid-year. Given the changes that had been made to the budget, City Administrator/ Community Developer Nathan Crane felt it would be worth it to consider a 2% merit increase for employees. He mentioned that there had been a time in the past when Public Safety employees had been given raises but other employees had not, and this time around he felt it would be more fair to see raises across the board. He referenced a slide that showed that impact to the General Fund for the 2% raise would come to \$61,132. The impact to the Enterprise Fund would come to \$19,076 and \$42,216 from Public Safety. City Administrator/ Community Developer Nathan Crane said there would be an option to give the raises halfway through the year, as a one-time bonus or throughout the year.

City Administrator/ Community Developer Nathan Crane then detailed some of the items that had been listed as unable to be funded. He showed their estimated costs and said that he and his staff felt that these items had been more “band-aid” solutions rather than long term fixes, and that the priority had shifted away from them to other things. The unfunded items mentioned were the replacement of the fire station driveway, Parks & OS Seasonal Hourly Increase, Parks & OS Maintenance Equipment Replacement Fund, and the replacement of old playground equipment.

City Administrator/ Community Developer Nathan Crane addressed the General Plan update, which included adding officers and Vehicle Replacement Funds.

City Administrator/ Community Developer Nathan Crane next spoke about the Lone Peak Public Safety District and said the overall assessment was down \$55,945. The overall budget with the fire department was down \$125,307. They had conducted an audit of salaries and wages and compared what was budgeted with what was actually needed and they concluded that they had too much in the budget for salaries. City Administrator/ Community Developer Nathan Crane stated that the police department was up \$8,587 and Administration was up \$8479, including dispatch fees. Discounting the dispatch fees, the Administration budget would actually be down about \$18,000. He proposed using the budget for a new ambulance, which had an estimated cost of \$265,000. He proposed they pay cash using additional revenue from salary savings coming from vacant positions.

Council Member Scott L. Smith asked for clarification about what Administration encompassed, and City Administrator/ Community Developer Nathan Crane said the allocated budget included a percentage of the salaries for employees who held administration roles in the Public Safety department, as well as miscellaneous supplies and attorney fees, and added that it was a relatively small budget compared to the budget for dispatch fees. Council Member Kurt Ostler discussed the possibility of consolidating the administrator for the fire department to the City Hall offices. City Administrator/ Community Developer Nathan Crane explained that the fire department wanted to keep the administrator at the station as she had many duties there, including acting as the receptionist when the public visited. He also restated that the dispatch fees took the majority of the budget, accounting for \$167,000 of the total \$235,000.

City Administrator/ Community Developer Nathan Crane discussed the Public Safety Fee. The Council had previously voted to use \$60,000 from reserves to subsidize Public Safety. The preliminary budget for Public Safety did not include that amount, so the budget showed a loss of about \$24,000 to \$25,000. The Council absorbed the loss of \$60,000 in revenue from the General Fund budget. They would need to take \$24,000 to \$25,000 out of General Fund Reserves in order to balance the budget, and according to City Administrator/ Community Developer Nathan Crane they were looking at a lean budget for the year.

Finance Director Gary LeCheminant stated that last year the fee for Public Safety was \$12.57 and for the current year was \$11.50, which totaled to a loss of \$60,000 in revenue. He explained that this did not mean that they had spent an additional \$60,000, only that they would make \$60,000 less than they had last year. He added that the amount came out of additional revenue. Council Member Kim Rodela wanted to know if the negative \$60,000 had factored in the new salary increases for the staff, and City Administrator/ Community Developer Nathan Crane responded that it did include the 2% staff increase.

Finance Director Gary LeCheminant listed the budget changes. He showed the General Fund Revenue for Version 10 was about 10 Million, and expenses were less than that and came to a net difference of \$739. He said Version 8 of the budget did not include the 2% salary increase and Version 10 did, so salaries were higher in Version 10 for all full-time Highland employees. To summarize the changes, Finance Director Gary LeCheminant said \$30,000 was added to salaries, \$2,300 was added to the 401k fund, and \$5,400 added to the retirement fund.

Finance Director Gary LeCheminant also said that the property tax rate was \$1.78 Million, which he anticipated would be voted on by the Council next week. This was \$31,000 higher than last year's certified rate revenue. He was unsure exactly how much would be collected in December because the collection rate might change as a result of fluctuations in the economy.

Finance Director Gary LeCheminant said Sales Tax Revenue was \$2.4 Million, and collections from May of the current year were \$30,000 higher than collections from the previous year which indicated that there was additional spending in the current year. He was waiting for June 22 to get the number for sales tax revenue, which was after the date that the budget would be approved. He added that they would not have to wait until mid-year to do budget adjustments and could do an adjustment in July or August if the collections were coming in lower than projected. For now, he had added \$30,000 to the revenue for sales tax for the Version 10 budget since they had collected \$30,000 more than what they had projected for the original budget.

Finance Director Gary LeCheminant moved on to Building Permits Revenue. He said the budget was \$280,000 and so far, that year they had already collected \$390,000. In the past they had never collected less than \$300,000 and so he and City Administrator/ Community Developer Nathan Crane had decided to increase Building Permits Revenue to \$300,000, even given the state of the economy.

Finance Director Gary LeCheminant discussed the previous year's reserves and stated in Version 8 of the budget they had used \$100,000 of prior year's fund reserves, and he had found that currently, they were down by \$24,000. He explained that the Council only had to use \$25,000 of previous year's reserves to make the budget balance. He noted it was a decrease of use of revenue from previous years and that was a positive thing.

Finance Director Gary LeCheminant referenced a slide which showed that they had decided to increase B&C Road Revenue from \$715,000 to \$750,000. Once the final payments from May and June were reported in July, another budget adjustment could be done if need be. He also noted that the garbage contract had gone from \$910,000 to \$985,000 as garbage collection fees had increased since the original estimates had been made.

Finance Director Gary LeCheminant indicated for the Council to reference page two of the budget document and look at account 10-34-50. He showed that for the current year the budget for the Public Safety Fee was \$641,000. He explained that if the Council had approved the fee to be \$12.57, the total revenue would have come

to \$701,000 and the loss that was showing was the difference between \$701,000 and the actual projected revenue of \$641,000. If the fee remained at \$11.50 there would be a deficit every year going forward.

Finance Director Gary LeCheminant also stated that they had adjusted the police salaries, which yielded an increase of \$25,000 for the police department and \$16,000 for the fire department to the budget.

Council Member Kurt Ostler asked if these figures assumed that there was no sales tax loss in April or May. Finance Director Gary LeCheminant explained they actually were projecting April, May, and June to be 75% less in sales tax, but they had increased it by \$30,000 because they had projected March to be down but it had actually come in up. Finance Director Gary LeCheminant said the overall decrease in sales tax was projected to be \$2.4 Million, which was \$130,000 less than last year. He said that he would have forecasted about \$2.6 Million for sales tax revenue but anticipated they would fall short of that now due to COVID-19.

Finance Director Gary LeCheminant went over account 10-70-38, which was Trail Maintenance in the General Fund and account 20-43-22 which was Trail Maintenance in the Open Space Fund. The budget this year was \$70,000 in the General Fund and \$65,000 in the Open Space Fund and so far in the year only \$882 had been spent from the two accounts. Since it was uncertain how and if the remainder of those budgets would be spent, at the request of City Administrator/ Community Developer Nathan Crane \$130,000 had been moved into the Capital Parks Trail Maintenance Fund, in addition to what was already in that account.

Council Member Kurt Ostler stated that the sales tax projection made by Finance Director Gary LeCheminant was a 5% reduction, but sales tax loss statewide was at 3% so the estimate was very conservative.

Finance Director Gary LeCheminant said he would address the General Fund Budget and said the only other change he had made was an adjustment to depreciation in the Enterprise Funds because he felt it was too high originally.

Council Member Scott L. Smith referenced the third page which discussed the Highland Foundation. He acknowledged that he was personally involved with the foundation and pointed out that they had donated \$25,000 in the fiscal year to the City which was reported in miscellaneous revenue. Council Member Scott L. Smith said that the Foundation had another \$60,000 that had been allocated for the Mercer Hollow Project that could be dispersed in the next year. City Administrator/ Community Developer Nathan Crane responded that he had actually met with the primary owners and was looking at bids to move forward with the project. Council Member Scott L. Smith said that there was another \$16,000 in the foundation that could be used for Mountain Ridge Park and asked if that could be moved forward. City Administrator/ Community Developer Nathan Crane said the last time Mountain Ridge Park had been discussed the decision had been made to wait until there was more money, and so they would need to revisit that conversation and get direction from the Council on what should be done next with the park.

Council Member Kurt Ostler asked if Finance Director Gary LeCheminant had a slide that showed all the different capital accounts and he responded there was not one. Council Member Kurt Ostler said to Council Member Scott L. Smith said the Foundation was not part of the city fund, and Council Member Scott L. Smith said that people had donated to the Highland Foundation for those projects and that he would like to see the funds go to the projects for which they were designated. Council Member Scott L. Smith and Council Member Kurt Ostler concurred that they should see the last year's revenue from the Foundation and how it went to the City more specifically than only including it just in miscellaneous revenue.

Council Member Kurt Ostler said there were many capital accounts and it was important for the Council to know how much money was in them and where it had come from, so that when the accounts were being discussed they had a sense of exactly what they had. Council Member Kurt Ostler said it was frustrating to not be able to see all the capital accounts as he felt there were high balances in a lot of them that the Council was unaware of.

Finance Director Gary LeCheminant listed off the amount balances in some of their capital accounts, including that there was about \$3.5 Million in the Parks capital account, and acknowledged that he should have included a page detailing all of the capital accounts.

Council Member Kim Rodela asked about Enterprise Funds. Finance Director Gary LeCheminant said that since they had gone over the Enterprise Funds in their last meeting, he had not included it in the slides, but was willing to go over it again. He said the Sewer Fund had \$4 Million in cash and \$4 Million in reserves, and reminded the Council that he had shown them that there was enough money in the account to finance all the projects planned for that year and next year.

Council Member Kurt Ostler asked what other capital accounts the City had. Finance Director Gary LeCheminant responded there were three: The Capital Parks, Capital Roads, and Capital Building funds. He said the Capital Road fund covered all major expenses of the roads and road projects outside of the ones that came out of the Road Fee Fund. Finance Director Gary LeCheminant said \$500,000 is transferred into the fund each year from the General Fund and usually about 1.5 Million is spent.

City Administrator/ Community Developer Nathan Crane explained that when the road fee was approved, the Council had committed \$500,000 to be put towards preservation and 1 Million for capital. He said because the funding sources were different, for accounting purposes they had to track the amounts going into the Fund differently.

Council Member Kurt Ostler asked which capital account park improvement projects would come out of, and City Administrator/ Community Developer Nathan Crane said it would be the prerogative of the Council, but his suggestion would be the Park capital account.

Council Member Scott L. Smith agreed with Council Member Kurt Ostler that it would be nice to have a summary of what was in the accounts and City Administrator/ Community Developer Nathan Crane said he could compile one for the Council.

Finance Director Gary LeCheminant referenced account 41-40-71 on page 23 of the budget document, which showed out of a budget of \$600,000 about \$438,000 had been spent from the Capital Roads Fund so far that year. He said this amount was in addition to what would be spent on the Road Project Fee Fund.

Council Member Kim Rodela asked how much money was in the Open Space Fund. Finance Director Gary LeCheminant responded that there was \$3.5 Million in the Parks fund, but he was not sure how much was in the Open Space fund.

Council Member Scott L. Smith said that he thought there was about \$420,000 in the Open Space Fund, and that included \$137,000 for the tennis courts and Mercer Hollow as well.

Council Member Kurt Ostler asked where Mercer Hollow was. Council Member Kurt Ostler and City Administrator/ Community Developer Nathan Crane briefly discussed some areas of Highland as Council Member Kurt Ostler said he knew of several areas called Mercer Hollow. Council Member Kurt Ostler mentioned there had been a Mr. Anderson who donated \$70,000 to the Highland Foundation to improve the ground of the side of his property. The City would complete the project with money from the Open Space Fund, but the exact amount was still to be determined. City Administrator/ Community Developer Nathan Crane said the City had agreed to spend \$20,000 on the improvement project and the original bid had come back at \$135,000, which was too high for them so he was talking to Mr. Anderson to get lower pricing. The Capital Park account also needed to fund Spring Creek, but City Administrator/ Community Developer Nathan Crane and Finance Director Gary LeCheminant were also unsure of the exact amount that would be needed for that.

Council Member Kim Rodela asked if aid for City Engineer Todd Trane had been calculated into the budget. City Administrator/ Community Developer Nathan Crane said there were no additional expenditures in the General Fund, but there were some funds from a vacant position in Enterprise Funds. Council Member Kim Rodela clarified that money could come out of Enterprise Funds. City Administrator/ Community Developer Nathan Crane said the money would come from an existing position that was currently unfilled, and so he would just need to determine where the money would come from and then would bring the issue back before the Council for approval.

Council Member Scott L. Smith clarified that with the revisions and projections for increased revenue projected by Finance Director Gary LeCheminant, they would be able to give a 2% raise across the board and only use \$25,000 out of the reserves. Finance Director Gary LeCheminant confirmed this and agreed with Council Member Scott L. Smith and that because it was a conservative estimate, they might not have to use any money out of the reserves at all.

Council Member Kim Rodela recalled that they had recently given a raise to Public Safety in the last year. She patched in FC on Zoom. FC said that they had increased benefits for police officers last year to match benefits received by the fire department and had done a salary adjustment for all employees and increased the starting wage to \$21.90 an hour. FC said he increased all salaries by \$2.50 for all employees in the Police Department to make them competitive with surrounding areas and to increase recruitment and retention.

City Administrator/ Community Developer Nathan Crane said there were no cuts made to the preliminary budget, so there would be funds for things like maintenance accounts. He said they were able to absorb the 5% reduction in sales tax. He said they were able to maintain level of service and maintain their reserves as well.

Council Member Kurt Ostler asked about line item 10-31-30, which estimated a loss of \$130,000 in sales tax revenue. Council Member Scott L. Smith asked what percentage of sales tax came from internet sales. Finance Director Gary LeCheminant said he had not calculated that amount. Council Member Scott L. Smith asked how it was determined, and if it came from a general state fund. Council Member Kurt Ostler said he had looked at large internet companies like Amazon and Wayfair to see how much sales tax was coming in and he believed the increase in sales tax they had seen had come from internet sales. Council Member Scott L. Smith added that he had spoken with UPS employees who were reporting higher volumes than normal. Council Member Kurt Ostler and Council Member Scott L. Smith briefly discussed how they had worked with the tax commission and the post office because they were concerned about leakage with online sales. They confirmed that online sales tax came out of a shared pool.

Council Member Kurt Ostler moved on to 10-33-56 and asked why class C roads were stated to be down \$40,000. Finance Director Gary LeCheminant said it was B&C road money, and revenue was decreased due to COVID-19. Fewer people were driving and so there was less gas tax to collect.

Council Member Kurt Ostler asked about line item 10-33-58 about state liquor. Finance Director Gary LeCheminant said that a percentage of the state liquor fund was turned in to the police department, who used it for increased DUI surveillance and drug busts. He added that the amount had increased because Alpine's share had been going to the county but had come to the City this year. \$16,103 had been collected that year which was more than last year's collection of \$11,467.

Council Member Kurt Ostler asked about 10-38-18, which discussed the public works inspection fee. He noted that they had skipped a year and now were back to \$25,000 and questioned why that was. City Administrator/ Community Developer Nathan Crane said when someone does a subdivision, City Administrator/ Community Developer Nathan Crane visits them for a pre-construction meeting and the developer pays a fee for

inspections. Finance Director Gary LeCheminant said that although nothing had been collected so far that year, they would collect some from the Boyer project later that year or earlier in the next year.

Council Member Kurt Ostler next addressed line item 10-38-87, sidewalk bond revenue, which had \$5000 in it. He asked where the money came from for that and Finance Director Gary LeCheminant replied that people must pay a \$1000 bond if they damage the sidewalk.

Council Member Kurt Ostler spoke about the Highland Fling, in line item 10-38-95. He said it showed an income of \$50,000 and asked what they would do for the Fling that year. Council Member Kim Rodela replied that they were planning on a short version of the Fling, which would be on July 31 – August 1st. She knew the revenue would not be \$50,000 as it had been in previous years, but that their expenses would also be lower and since they were unsure what actual revenue would be, they had left the estimate at \$50,000.

Council Member Kim Rodela asked about 10-38-40 which was Sale of Fixed Assets. Finance Director Gary LeCheminant and City Administrator/ Community Developer Nathan Crane replied it referred to property and was distinct from Open Space. There was further discussion of what properties it referred to specifically.

Council Member Kim Rodela also asked about 10-38-83 which covered facility rentals. Finance Director Gary LeCheminant said it included the fees for renting fields, pavilions, and areas in the community center. Council Member Kim Rodela replied she wanted the fees to be increased so that they covered expenses sufficiently.

Council Member Kurt Ostler moved on to Council Expenses, listed under 10-41. He said he wanted to understand all the Council Fees. He clarified that the salaries referenced were the salaries for the Council Members and the Mayor, and that their benefits included retirement. They discussed the \$25,000 allotted to membership fees to professional organizations. They mentioned Utah League of Cities and Towns (ULCT), Mountainland Association of Governments (MAG), Utah Lake Commission, and the Lone Peak Business Alliance as some of the organizations included in the organizations, they paid fees to. Council Member Kim Rodela asked if there were any unnecessary organizations in that list, to which staff indicated it was the prerogative of the City Council if they wanted to remove any. Council Member Kurt Ostler asked Mayor Rod Mann his opinion on the Lone Peak Business Alliance, and Mayor Rod Mann said they were helpful and had been accommodating. He added they would have been able to help bring in revenue for the Fling if it would have happened as planned that year. Mayor Rod Mann said the Lone Peak Business Alliance covered the cost of their fee by generating revenue for the magazine.

Council Member Kurt Ostler added that they had actually been more active during COVID-19 and mentioned they had distributed information about PPE loans.

Council Member Brittney P. Bills asked Mayor Rod Mann what the value of the Utah Lake Commission was. Mayor Rod Mann said the biggest benefit Utah Lake Commission had for the Council was that they conducted research on the lake which determined if special accommodations from the sewer district were necessary. The studies gave the Council leverage to push back if accommodations for the sewer district were made, which would then impact the sewer rates. Mayor Rod Mann said they gave a platform to stay informed on those issues.

Council Member Brittney P. Bills also inquired about Professional Services in line item 10-41-31. Finance Director Gary LeCheminant said he thought that was the allotment for IT fees. Council Member Brittney P. Bills said City Administrator/ Community Developer Nathan Crane would check. Council Member Kurt Ostler interjected to ask about \$400 that was allotted for mileage and asked what that was for. City Administrator/ Community Developer Nathan Crane said it was reimbursement if the Council drove to meetings or conferences. Council Members would have to submit an expense report to be reimbursed. They discussed some

of the conferences that they attended annually. Council Member Kim Rodela explained that if a Council Member wanted to attend a conference, they would have to email SC to register them and pay their fees.

Council Member Kurt Ostler asked Finance Director Gary LeCheminant about Miscellaneous Supplies and Expenses. He replied it covered a one-time amount of \$500 to purchase electronic equipment. Council Member Kurt Ostler also asked what Council Appropriations was for and Finance Director Gary LeCheminant replied he would have to look it up. It was noted that the funds for Council Appropriations had been spent.

Council Member Scott L. Smith added that they give money to the Historical Society and the Arts Council each year as well.

Council Member Kurt Ostler moved on to Court Expenses and asked about Administration, discussed in line item 10-43-11. Assistant City Administrator Erin Wells said it included the 2% salary increase that had been discussed and would also cover 25% of her salary that had previously come from the library.

Council Member Kim Rodela discussed the newsletter in line 10-43-27 and the possibility of taking it digital. There was \$6,000 budgeted to print the newsletter and Council Member Kim Rodela said they had talked about how to get people to move to digital. Assistant City Administrator Erin Wells replied they were doing the fee schedule the next week and that could be discussed further then. She said it was about 47 cents per household each month to print the newsletter. She said a fee could be instituted that would charge an additional \$1.00 for people who received paper copies. Mayor Rod Mann spoke up to voice concerns that the system was not set up in a way that was intuitive, and that people would not be able to easily switch from paper to digital, especially older demographics. Council Member Scott L. Smith said he typically does not read things that come in emails because of how inundated he was with emails already, but when he receives things in the mail, he tended to read them more thoroughly. Council Member Kurt Ostler mentioned that a survey had been conducted to see how much mail was sent back. Mayor Rod Mann said 40% of electronic correspondence and 60% of paper was sent back to the City. They voiced surprise that electronic was so low since everyone was home due to COVID-19. City Administrator/ Community Developer Nathan Crane said they would need to upgrade their online systems so that a user could set up an account to pay online. He said once it was an easy process for the user to pay bills online, and a smooth transition to change the system, then they could offer people the option to opt-out of electronic.

Assistant City Administrator Erin Wells circled back to the discussion about what was covered under Miscellaneous Supplies and Expenses. She said it included funds to send flowers to staff when their family members passed away. It also covered food for special meetings, name plates for Council Members, Christmas parties, and the \$500 technology equipment fee that Council Members received every four years.

Assistant City Administrator Erin Wells also overviewed line item 10-41-62. She said it encompassed special projects and was a “catch all” fund. She said it influenced the fees to have pictures taken when Council Members were sworn in, and other small projects throughout the year.

Finance Director Gary LeCheminant asked Assistant City Administrator Erin Wells about 10-41-31. She listed some of the things paid for by that fund, which included the Donor Program, an electronic voting subscription, HR training expenses, and fees for outside legal counsel.

Council Member Kurt Ostler asked Finance Director Gary LeCheminant if 10-43-28 referred to phone lines. Finance Director Gary LeCheminant said they were telephone charges for landlines. Council Member Kurt Ostler asked if it was a lease and Assistant City Administrator Erin Wells said that they paid month to month. She explained that they were mandated to have a few hardlines in their buildings, but most lines were VOIP. She added they switched providers about a year ago to CentraCom and she liked their service better and the cost was about the same.

Council Member Kurt Ostler asked about the Safety Committee discussed in line item 10-43-39, which had \$5600 in it. GLG said there was a safety program where the Public Works department was divided into three teams of five people and they were rewarded with a \$20 gift card if they went a month without an accident. It allowed them to satisfy requirements from the Utah Local Governments Trust which gave them a 5% discount on their liability insurance. Finance Director Gary LeCheminant also listed some items bought with the fund, such as safety vests, fire extinguishers, and handheld devices.

Council Member Kurt Ostler said there were a lot of charges for internal IT expenses. He asked why IT was spread out throughout the accounts, and specifically asked about 10-43-82. Finance Director Gary LeCheminant said it had to do with cost allocation and was divided by departments. GLG said it was the first year they were allocating the money in that way.

Council Member Scott L. Smith then asked how 10-43-82 was different from 10-43-38. Assistant City Administrator Erin Wells said that 10-43-38 was a set amount that was spent on an IT service each month, and that 10-43-82 was money set aside for new technology equipment. City Administrator/ Community Developer Nathan Crane elaborated that the last time they had upgraded their computers, it had been very expensive to do all at once so they were now trying to rotate the upgrade schedule for the computers to save money over time.

Council Member Kim Rodela asked what the Car Allowance discussed in 10-43-11 referred to. City Administrator/ Community Developer Nathan Crane said instead of providing fleet cars, there were some employees who got a car allowance to perform City business.

Council Member Kurt Ostler questioned Attorney fees and why it was being increased by \$15,000. City Administrator/ Community Developer Nathan Crane said the increase was because the Council had spent a lot of money on attorneys. He said there was an increase in hourly wage and in the amount that the Council was using the attorney. City Administrator/ Community Developer Nathan Crane said in the past they had kept the attorney separate from the Council, but the Council has wanted the attorney to be at the City Council Meetings. City Administrator/ Community Developer Nathan Crane said he and Mayor Rod Mann met with the attorney once a week. Mayor Rod Mann spoke to say that the price for the attorney was worth it to avoid the risk of the Council having any kind of legal trouble. He added that the cost of not using one would be more expensive in the long run. City Administrator/ Community Developer Nathan Crane said they had set aside \$50,000 for the current budget year, at 433 hours of \$125 an hour. To increase to a rate of \$150 an hour for the same number of hours it would come to \$60,000 and then they had added an additional \$5,000 to that amount to anticipate the extra workload. Council Member Scott L. Smith commented that the total \$65,000 was still less than what they had paid over previous years.

When asked if cell phone reimbursement in 10-47-29 was for all employees, Finance Director Gary LeCheminant said it depended on the employee, and that they actually bought phones for some employees in Public Works. He said department heads and Corrine received a full reimbursement of \$90 a month. Assistant City Administrator Erin Wells said some people received a partial reimbursement depending on the duties of the job and how often they would have to be called.

Council Member Kurt Ostler asked about 10-60-31. He said about \$200,000 from that quarter's percent sales tax had been designated for trail maintenance. He noted that currently, they were working on transportation trails only and said about 36% of trails in the City were not classified as transportation and wanted to know some of the \$200,000 from sales tax could be moved into 10-60-31. GLG replied he was not sure. Council Member Kurt Ostler asked if the \$200,000 from sales tax revenue was going towards trail maintenance in different funds. GLG said they had divided the amount to allocate \$50,000 for the Open Space Fund, \$50,000 for Trails in the General Fund, and \$100,000 in the Major Road Fund.

Council Member Kurt Ostler brought up that 10-60-37 for sidewalk repair. He explained he was concerned since the trails had to be classified as transportation and so he was trying to find another transportation fund to move money out of. City Engineer Todd Trane explained that 10-60-31 was a B&C road fund, and they were encumbered funds which meant the money in it had to be used for its designated purpose and could not be moved. Finance Director Gary LeCheminant said 10-60-37 was also B&C and so money there had to be used for things like sidewalk repair, snow removal, and crossing guard maintenance.

City Engineer Todd Trane agreed with Finance Director Gary LeCheminant and explained that some of the items had to be paid for with B&C money. Council Member Kurt Ostler asked what the \$100,000 coming from sales tax could be spent for, and if there was a risk that the funds would not be spent. City Engineer Todd Trane said they were hoping to use the \$100,000 to begin working on curb, gutter, and sidewalk projects instead of only focusing on asphalt. City Administrator/ Community Developer Nathan Crane said the funds had restrictions on them. City Engineer Todd Trane added that for that year, the only maintenance they had done on the trails was surface treatments and that next year they could focus on more extensive projects and rebuilding.

Council Member Kurt Ostler commented it was similar to how they had gone about renovating their roads. City Engineer Todd Trane said that over the next two to three years they would spend the \$100,000 on their trails. Council Member Kurt Ostler asked again about how the 36% of non-transportation trails in the City would be maintained. City Administrator/ Community Developer Nathan Crane said there was a budget specifically for non-transportation trails. Council Member Kurt Ostler said they could use money from the fund to build a sidewalk in Mountain Ridge Park. Finance Director Gary LeCheminant said for the B&C funds, if there were any encumbered funds left over they would roll over into the next year, but if the funds were spent then they would have to prove the money was spent on qualifying expenditures.

Council Member Kurt Ostler moved on to 10-70-31 which discussed Parks Contracts. He asked if that was the money for installing medians. City Administrator/ Community Developer Nathan Crane said no, it was from when the City had hired M&D Property management sometime before 2010. Council Member Kurt Ostler asked why the amount had increased and City Administrator/ Community Developer Nathan Crane said it was to build a median, but if they ended up having the staff to do that work internally then they would avoid spending the money.

Council Member Kurt Ostler asked what 1-70-75 was for and Finance Director Gary LeCheminant said it was for a truck they had bought.

Council Member Kim Rodela asked if there was a schedule for Highland Glen Park Improvement in item 10-70-44. Council Member Kim Rodela said there should be more dumpsters and trash receptacles in the park and wanted to know what the timeline for improvements was. City Engineer Todd Trane said they had built a wall along the east side of the park two years ago and last year had added more parking. He discussed how he planned to use the \$15,000 to take parking further south and build a culvert over the summer. City Engineer Todd Trane said it was his understanding that there was money set aside that had to be used specifically at Highland Glen Park. Council Member Scott L. Smith said that before they had been spending about \$30,000 a year to fix the park even before City Engineer Todd Trane was on the Council and asked if park impact fees could be used to maintain the park. City Administrator/ Community Developer Nathan Crane replied that park impact fees were earmarked for new investments, so hypothetically if they did something like turn Mountain Bike Park into a grass park the money could go for that. Council Member Scott L. Smith asked if Mountain Ridge Park could be built up with impact fees and then the remaining amount could go towards Highland Glen. He said it seemed like the park that would be used the most was Highland Glen, yet there was no money going towards it. City Administrator/ Community Developer Nathan Crane said Council Member Scott L. Smith raised a good point, and there was a short discussion about how park impact fees were distributed.

They also discussed the bond payments that had been used to pay for the parks. Council Member Kurt Ostler asked if they would have enough money from only the park impact fees to pay off the bonds, and Finance Director Gary LeCheminant said they also had to pull money out of the General Fund as well to pay off the bonds. City Administrator/ Community Developer Nathan Crane said they primarily used the park impact fees to buy the properties. Council Member Scott L. Smith said he anticipated that the usage of Highland Glen would increase once the neighboring sub development was built.

Council Member Kurt Ostler asked if there were any questions about the Arts Council Fund covered in 10-72-59 and summarized what the fund was used for.

Finance Director Gary LeCheminant explained that the Debt Service in 10-90-90 was money from the General Fund that was transferred to the Capital Roads fund. 10-90-91 was money transferred from the General Fund to the Debt Service for bond payments, specifically the park bond and the PI bond. He said that the more impact fees collected, the less money would have to be taken of the General Fund.

Finance Director Gary LeCheminant also said that fees did not cover everything in the 10-90-96 Open Space Fund and there was also money that came out of the General Fund for the Open Space Fund.

Council Member Kim Rodela asked about 10-90-98 Transfer to Cemetery Perpetual Fund and Finance Director Gary LeCheminant explained that it had been agreed that the General Fund would cover 10% of operating expenses for the cemetery, which was estimated to be about \$12,000. However, the money would be transferred back to the General Fund because the cemetery owed money back for its original construction. Assistant City Administrator Erin Wells said the remaining amount would be paid off in about six years and once it was, the transfer back to the Fund would stop.

Council Member Kurt Ostler asked if 20-34-10 was specifically from open space sales. Finance Director Gary LeCheminant said yes, it was for people who were making payments on properties. He said the money coming from these sales could be used had no restriction and the Council could use it at their discretion. Mayor Rod Mann added that previous Councils had earmarked it for the Open Space Fund, but the Council could vote to change that. Council Member Kim Rodela asked how many people were making payments and for how long they could do it for. Finance Director Gary LeCheminant said there were many people and they had budgeted about \$20,000 for the next year. Assistant City Administrator Erin Wells said there were about five people and it was no interest, but they could choose to charge interest if they wanted. Mayor Rod Mann recommended not to charge interest.

Council Member Kurt Ostler noted that in 20-43-14 Seasonal Employees had \$90,000 budgeted which was a significant increase from last year. Finance Director Gary LeCheminant said the salaries of some of the workers were higher than he had calculated for last year. City Engineer Todd Trane added that there was also a policy to give a slight increase to workers who returned as they were more valuable to the City. He said it was the best year so far to get seasonal workers, and currently they were fully staffed which also meant more had to be budgeted. Council Member Kurt Ostler asked why they had budgeted \$90,000 for next year when they had already spent more than that in the current year. City Engineer Todd Trane said the projection was based on trends and was pragmatic based on what he knew they would be able to get. Council Member Kurt Ostler asked for feedback from the Council, and Council Member Scott L. Smith and Council Member Kim Rodela agreed it should be increased. Council Member Kim Rodela added that she had advertised in her neighborhood but did not get a good response because people could make more at a Wendy's. City Administrator/ Community Developer Nathan Crane said they start their employees at \$11 an hour and they had been unable to have that increased in the past. Finance Director Gary LeCheminant any increases in revenue had gone to Public Safety, and the focus in the past had not been on increasing salaries. Council Member Brittney P. Bills also voiced agreement that they should increase the amount for seasonal workers.

Council Member Brittney P. Bills brought up the General Fund study that was done in the last fall and asked what the purpose of it was, and how it would be used. Council Member Kim Rodela said the purpose was to show the Council that they had to reevaluate how they used their budget and their revenue sources. Council Member Brittney P. Bills agreed and said the high priority items in the study came under the jurisdiction of City Engineer Todd Trane.

Council Member Kurt Ostler asked Finance Director Gary LeCheminant what the study recommended them to do. Finance Director Gary LeCheminant said that property taxes should be raised to cover costs, either by 13% for four years or by 22% every other year beginning in 2022. Council Member Brittney P. Bills again voiced her opinion that since the study was so expensive, they should take it into higher consideration as they planned the budget.

Council Member Kurt Ostler asked if the Boyer project was factored into the study and City Engineer Todd Trane said they had. City Engineer Todd Trane elaborated that once the Boyer project came to fruition, they had not considered that they would need more equipment like snowplows or additional staff as the City grew bigger. Council Member Kurt Ostler said they needed to do more long-term planning as the size of the City increased, but that because of COVID-19 they were forced to make short-term decisions. He added that he had spoken with several developers and he felt there were many people who were now buying property. There was further conversation about the growth of the City and how the growth had increased costs. City Engineer Todd Trane said it was a problem that they never raised the budget to account for the growth of the City.

Council Member Kim Rodela pointed out that the departments had compiled a list of wants in the past, but that the items on the list had not been possible to pay for without increasing their revenue growth. City Engineer Todd Trane said the staff was reactive, but not proactive because they did not have the money to be proactive. He added that they needed to save for new equipment and said that they had lost a Grasshopper that year that now needed to be replaced. In his opinion they should have reserves get replacements that rather than constantly doing repairs.

Council Member Scott L. Smith discussed 20-43-21 Fertilizer and Weed killer which had \$60,000 allocated. Finance Director Gary LeCheminant said so far, they had only spent about \$25,000 of the budgeted amount. City Engineer Todd Trane explained that the weed killer was bought in May and June, so when Finance Director Gary LeCheminant had created the budget the fertilizer had not been bought yet and the exact amount to be spent was uncertain. The forecasted budget was based off of previous years and the amount had fluctuated between \$35,000 and \$60,000 in the past.

Council Member Kurt Ostler asked about Credit Card Fees in line item 20-43-45. Finance Director Gary LeCheminant explained that when bills were mailed out, there was a percentage charged to process the credit cards that people used to pay the bill. Council Member Kurt Ostler asked how much was earmarked for the expense and Finance Director Gary LeCheminant said it came to about \$20,000. Council Member Kurt Ostler proposed that they could charge a fee for credit cards and give people an option to pay with debit instead. Council Member Kim Rodela asked what the processing rate was and Finance Director Gary LeCheminant replied he was uncertain, but stated that there were only about 400 people who had authorized the City to debit their accounts rather than do Xpress Bill Pay online or send checks. Council Member Kurt Ostler and Finance Director Gary LeCheminant discussed the logistics of charging people a credit card fee.

Council Member Kurt Ostler highlighted 20-32-01 Cemetery Lot Sales and asked how many lots were left to sell. Assistant City Administrator Erin Wells replied they had about three fourths of the lots left to sell, and there was a section of the cemetery that was still unplotted. Council Member Scott L. Smith asked how much the lots sold for and Recorder Stephannie Cottle replied it was \$1,076 for residents and \$1,502 for non-residents, and these amounts would be gradually increased starting in June. Council Member Kurt Ostler, Council Member Scott L. Smith and Assistant City Administrator Erin Wells and Recorder Stephannie Cottle had a brief

conversation about buying lots and then selling them back to the City. Council Member Kurt Ostler asked Finance Director Gary LeCheminant if he forecasted the revenue for the cemetery and if it would be okay in the coming years. Finance Director Gary LeCheminant replied that forecasting was a guess but that he had projected gaining revenue from the cemetery. Assistant City Administrator Erin Wells added the purpose of the Cemetery Perpetual Care Fund was to ensure the cemetery would be financially secure once the lots were sold.

Council Member Kurt Ostler moved on to line item 22-32-11, which discussed the Non-Residents card for the library. Library Director Donna Cardon noted that it was \$70 for a non-resident card, and that after changing the rate they had actually seen an increase in sales. Council Member Kurt Ostler asked how that compared to nearby cities and Library Director Donna Cardon replied it was on the lower end. Library Director Donna Cardon said they did have a smaller collection than other libraries, so they had set a lower rate. Council Member Kurt Ostler asked why her grant revenue was lower than last year. Library Director Donna Cardon replied that she had asked for a larger grant than normal last year in order to install self-checkout stands, but that currently she did not have a project of a similar scale upcoming. Council Member Scott L. Smith asked how much she would get from the state library, and Library Director Donna Cardon said she was anticipating a special COVID-19 grant for \$16,000 and the regular annual grant for about \$4,800. Library Director Donna Cardon said she had not submitted the COVID-19 grant number and so it was not factored into the budget.

Council Member Kurt Ostler also asked Library Director Donna Cardon why there was an increase for the part time employees when the hours of operation had decreased. Library Director Donna Cardon replied that when she had started her position, she had implemented an across the board raise. She said the wages for the librarians were generally low and the highest paid employee was paid \$17 an hour. Finance Director Gary LeCheminant said the library is only charged for their property insurance and was not charged for rent and utilities. Council Member Scott L. Smith pointed out they had \$40,000 less in expenses than previous years. Library Director Donna Cardon replied that the budget seemed lower because they no longer had to pay for their overhead costs, so although the number seemed significantly different their operating budget was actually about the same as it had been before.

Council Member Kurt Ostler asked to review 30-30-90, 91, and 92. Finance Director Gary LeCheminant explained that 30-90-90 was the Transfer from Capital Building Project, and referred to the impact fees collected from the Capital Building Fund that were used to pay off their bond payments. Finance Director Gary LeCheminant said they got about \$60-70,000 a year from Public Safety impact fees, and about a third of that amount was transferred over for bond payments so that the entirety of that cost did not have to be taken out of the General Fund. Council Member Kurt Ostler then clarified that 30-90-92 was the impact fees that came from the parks and Finance Director Gary LeCheminant confirmed. Council Member Kurt Ostler asked why Finance Director Gary LeCheminant had forecasted less for 30-90-92 for that year and Finance Director Gary LeCheminant said the number he had come up with was based off of 40 building permits, whereas last year there had been 60. He added that there would likely be more building permits once the Boyer project was underway. City Administrator/ Community Developer Nathan Crane said that the Boyer project had been delayed but people would probably start building by the end of that year or next spring.

Council Member Kurt Ostler asked what the \$1.5 Million designated in 40-40-78 Mountain Ridge Park was for. Finance Director Gary LeCheminant said it was his estimate of what would be spent on the park that year but that it had not actually happened. Council Member Kurt Ostler asked if the fund for Spring Creek was taken out of that amount and Finance Director Gary LeCheminant said no. Council Member Kurt Ostler then asked where the \$37,000 for Spring Creek was reserved from then and City Administrator/ Community Developer Nathan Crane elaborated that for Spring Creek they were getting money from the developer. Council Member Kim Rodela then clarified that the money that was not spent just went back into the Capital Fund. Council Member Scott L. Smith then asked about 40-40-73 which discussed Spring Creek and City Administrator/ Community Developer Nathan Crane said the amount was a dollar-for-dollar expenditure and that it would be around mid-June when the park would be completed.

Council Member Kurt Ostler brought up 41-40-71, Major Road Maintenance, and Finance Director Gary LeCheminant said it was B&C road money that went into that account.

Council Member Kurt Ostler next asked about 42-40-67, Parks Maintenance Building. Finance Director Gary LeCheminant said they had planned on constructing a new Parks Maintenance building and had budgeted \$300,000 for it, but the bid had come back at \$1 Million. The costs were the design costs for the building, but it was uncertain if it would actually be constructed. Council Member Scott L. Smith said the money would stay in the Capital Account until they found a way to use it. City Administrator/ Community Developer Nathan Crane said they were planning on building a shed to the east of the Public Works building. City Engineer Todd Trane said he wanted to build a new Park Maintenance building but they could not afford the bid, but the problem was that they had two homes that stored Parks equipment on Canal Boulevard that were going to be demolished in the next week. They had moved the Parks equipment into a Smith home in Utah County temporarily. City Engineer Todd Trane said they had been considering different short-term options for storage until they could get a building. Finance Director Gary LeCheminant said he had transferred \$300,000 into the 42-40-67 from the town center fees, so the fund balance was up by \$300,000. Council Member Scott L. Smith asked why they could not use the money from the park maintenance fees. City Engineer Todd Trane said this would be a temporary fix and ultimately, they needed to have a parks maintenance building, and that the space they currently had was not enough to contain their snowplow fleet. City Engineer Todd Trane said there had been backlash from residents about constructing a steel building, but when they had considered other building materials the bid was still too high. Council Member Kurt Ostler asked if both homes had to be taken down and City Engineer Todd Trane said both homes had problems and needed to come down. City Engineer Todd Trane said one of the biggest issues with Public Works was that they did not have enough space to store all of their equipment and he needed another location for Parks. Council Member Kurt Ostler asked if they could use a storage unit to hold equipment in the off season, and City Engineer Todd Trane said that some of their larger machinery would not fit in a storage unit. Council Member Scott L. Smith asked if the park impact fees could be used to construct a new Park Maintenance building, and City Administrator/ Community Developer Nathan Crane explained it could not because it counted as a maintenance cost and not capital, and technically the building was not a park even though it was inside one. They discussed if there was an area farther away from residential homes that could be used, and City Engineer Todd Trane said that he had done site visits for about 5 or 6 locations but everyone nearby had been opposed to having the building in their area.

Council Member Kurt Ostler asked if there was a Northwest Annexation fund. Finance Director Gary LeCheminant said there was one but there was no money in it and the fund had been dormant for a while. Council Member Kim Rodela asked what part of town the Northwest area referred to and City Administrator/ Community Developer Nathan Crane said it included Beacon Hills and Highland Hills. Council Member Kurt Ostler said a fund had been set up for impact, and asked City Administrator/ Community Developer Nathan Crane if he had been in office when the park was set up. City Administrator/ Community Developer Nathan Crane said he had been and would explain further where the money had come from to Council Member Kurt Ostler.

Council Member Kurt Ostler asked why there was a different fund for City Center impact fees. City Administrator/ Community Developer Nathan Crane explained it was a City Center Infrastructure Reimbursement fee. When the City was built, they had asked developers to help contribute to the infrastructure of the City. As developers built, the money was returned to them gradually. Council Member Kurt Ostler asked if there was a fund set up for that and Finance Director Gary LeCheminant said there was, and he had transferred \$300,000 into it. City Administrator/ Community Developer Nathan Crane said they needed to make a payment to an area that Blackstone was developing because they owed a payment to the previous owner.

Council Member Kurt Ostler asked where the interest income in line item 44-36-10 came from. Finance Director Gary LeCheminant said all the interest in the PTIF fund of \$20 Million was allocated to each fund depending on how much cash they had in their accounts.

Council Member Kurt Ostler agreed with Council Member Scott L. Smith and said he also thought that revenue and expenses should be on the same page. Council Member Kurt Ostler and Council Member Scott L. Smith discussed the layout of the pages further. Council Member Kim Rodela pointed out that there were some accounts that had no revenue. City Administrator/ Community Developer Nathan Crane said Finance Director Gary LeCheminant spent a lot of time on the budget sheets already and to arrange the data in the way Council Member Kurt Ostler suggested would take more time.

Council Member Kim Rodela asked City Administrator/ Community Developer Nathan Crane if there would be increases or adjustments to salaries. She asked if there had been a salary range report done to determine if their salaries were on par with other cities. City Administrator/ Community Developer Nathan Crane replied that they had thought about hiring someone to do that report from the outside but the chiefs in Public Works had wanted to do their own internal report. City Administrator/ Community Developer Nathan Crane for City staff, the last compensation study had been done in 2017. He said they had hired someone externally named Mike Swallow. City Administrator/ Community Developer Nathan Crane said they paid him a yearly fee to see the data from other cities to use as a point of comparison. He said when they had hired Mike Swallow they had started from scratch and evaluated job descriptions. When positions become open, they do an analysis to make sure the salary for the position is still in range.

Assistant City Administrator Erin Wells named some of the cities that the chiefs had compared with Highland and said that the list of cities was fairly expansive. She said they evaluated salaries and benefits. Council Member Brittney P. Bills asked the chiefs how they determined the size of the staff that they would need.

Police Chief Brian Gwilliam said they evaluated the overall compensation packages of neighboring cities, and considered benefits such as 401k, tuition reimbursement, or distributing take-home vehicles. He referenced his report, which showed that Lehi and some other cities did not have a tier two contribution although they had it in their budget to do so. He said the \$21.90 an hour was the average at the time they conducted the study, although during the time they were doing research other cities were also doing wage increases, so although it appears the department is on the higher end of the wage scale in the report, other cities had increased their wages since the study was completed.

Police Chief Brian Gwilliam addressed the question Council Member Brittney P. Bills had posed about how to determine what the size of the police force should be. Five years ago, he had attended a symposium to discuss that topic and said the determination was based on many factors, including anything from cost allocation to police-citizen ratios. He said an old standard was to have one police officer for every 1,000 citizens, and now it was based on workload and call volume. He explained a 60/60 rule, which stipulated that 60% of the workforce should be dedicated to patrolling, and not more than 60% of their time should be set aside for their workload so that at least 40% of their time they would be able to respond to calls for service. He said when they had conducted the study, they had found the officers were busy over 60% of the time so they had added another officer to decrease the percentage. As the City grew in population, the percentage of time that officers were unable to respond to calls was increasing again so it would probably be time to hire another officer soon.

Police Chief Reed Thompson said that the old standard of one officer per thousand residents was used for the fire department as well, but that it was overly simplistic and did not account for other factors that would impact the amount of staff needed. He said they had considered a three-pronged approach when they evaluated their staff size, and he then discussed how they used regulatory compliance for OSHA as guidelines. He added that there was a rating system and an audit done each year from ISO that determined how many firefighters were needed to put out a fire sufficiently. He said the audit for that year had determined that 15 firefighters would be needed to put out a fire, in a 2,000 square foot home, and that as they only had five firefighters at the Highland station and the Alpine station they relied on firefighters from neighboring cities. He said staff was crossed trained on medical aid, as the majority of their calls had a medical demand. They staffed five full-time employees and three part-

time employees, and the compensation package for full time employees was much more comprehensive than for part time employees, who only received an hourly wage. Police Chief Reed Thompson said he would welcome a comprehensive study that evaluated their compensation and he felt they were on the low end compared to other cities along the Wasatch front. He said they should be compared to similar size cities, such as Provo, Saratoga Springs, or Sandy. He said Salt Lake City would pay higher than anyone else so they should be excluded from the comparison. He also said they were fully staffed at the moment.

Council Member Scott L. Smith asked if a compensation study had been conducted for the rest of the City staff. He thought doing a study for the rest of the staff was a great idea and that he liked the idea of a 2% raise for all the staff.

Council Member Kim Rodela liked that they had gotten data from an outside source and thought it would be a good idea to have Mike Swallow return to conduct a new study every five years to make sure information was current. She said Public Safety should be treated the same way as the rest of the staff, and have an outside source evaluate how they were compensated. She said it would be wise to have the data collected by an external source, and then they could determine how to adjust wages internally once the data had been compiled. She also said that she liked the idea of the 2% increase but wanted to focus first on employees who were significantly below and ensuring that they were compensated fairly before giving a raise across the board. City Administrator/ Community Developer Nathan Crane said everyone met their minimums. Assistant City Administrator Erin Wells said they had needed to raise starting salaries occasionally.

Council Member Brittney P. Bills asked where in the budget things like Victor View, boilers, and air conditioning were accounted for. Finance Director Gary LeCheminant said there was about \$70,000 in the Building Maintenance Fund that went towards air conditioning and boilers. For unforeseen expenses, it had to come out of reserves. There was money in the Sewer Fund allocated for Victor View. Council Member Brittney P. Bills said she was concerned that there was not enough money for them to take large amounts out of the reserves. City Administrator/ Community Developer Nathan Crane said the reserves were set aside for one-time expenses and they were conservative in their budgets so that they were able to absorb unexpected expenditures.

City Administrator/ Community Developer Nathan Crane reminded them that the Council had told them to do \$60,000 for the and there would have been an extra \$35,000 if it had been higher. They segued into a conversation about the unemployment rate and the uncertainty of the economy, and Council Member Kurt Ostler said they needed to be conservative with the budget as the increasing unemployment rate would impact how much revenue they were able to generate.

Council Member Scott L. Smith said that although it was important to be conservative with the budget, he felt that they would be able to afford the 2% increase. He pointed out that they had lost some good employees recently, and it was important that they treated their employees fairly to avoid high staff turnover.

Council Member Kim Rodela agreed with both Council Member Scott L. Smith and Council Member Kurt Ostler and said there was a lot of uncertainty during this time. She said there should be a 2% increase, but that they should evaluate in the second quarter. Mayor Rod Mann said they should do budget reviews on a different schedule than normal, and expected to see budget reviews in September as soon as they saw the numbers began to come in. Council Member Kim Rodela said that would give Assistant City Administrator Erin Wells time to take in the numbers from the study Mike Swallow did to determine if salaries were below the average. Council Member Scott L. Smith clarified that these were merit raises and that the timing of the raise was dependent on the date they were hired. Assistant City Administrator Erin Wells said they can retroactively apply raises to the anniversary of an employee's start date if the Council voted on the 2% raise in September. Council Member Kim Rodela said they should use an external source to determine wages for Public Safety before giving out raises. Council Member Kurt Ostler agreed and added that waiting on distributing raises gave them some

flexibility if there were significant changes to their revenue that would hinder their ability to allocate money for raises.

Council Member Kim Rodela and Council Member Scott L. Smith said they needed to show that they appreciate the staff and decrease turnover.

Assistant City Administrator Erin Wells clarified that it would still have to be budgeted so that they would not have to adjust later. She said that they would hold the money but would wait on the Council's decision to apply the raises. Council Member Scott L. Smith clarified that it would be put in the budget, but they would wait to see what happened in the economy in terms of COVID-19 before actually giving out raises.

Council Member Kurt Ostler thanked Finance Director Gary LeCheminant for his work and the Council expressed their appreciation for his analysis and said that they would miss him once he left.

ADJOURNMENT

Council Member Scott L. Smith MOVED to adjourn the work session and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously.

The meeting adjourned at 10:25 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 9, 2020. This document constitutes the official minutes for the Highland City Council Work Session.



Stephannie Cottle
City Recorder

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

10. PUBLIC HEARING/RESOLUTION: ADOPTION OF THE FINAL HIGHLAND CITY BUDGET FOR FISCAL YEAR 2020-2021 (Legislative)

That City Council will hold a public hearing to consider approval of the Fiscal Year 2020-2021 Highland City budget.

Mayor Mann requested that the record show that Brian Brathwaite just walked into the room.

City Administrator/Community Development Director Nathan Crane noted one change to the budget, which was an increase in \$20,000 in open space seasonal wages. As requested, staff looked at funding a staff engineer which would replace the operations and maintenance manager. Total compensation would be \$81,000 and would be split between enterprise funds, with additional money coming out of the general fund. It was noted this amount included the total compensation package.

Council Member Kurt Ostler asked what the staff engineer what do. City Administrator/Community Development Director Nathan Crane stated that this person would review plans for development, create drawings for road plans, and for infrastructure projects. By having a staff engineer this would allow City Engineer Todd Trane to spend more time in public works. Council Member Kurt Ostler asked if they had looked into contracting some of these projects out.

City Engineer Todd Trane stated that they would still need consultants to help design bigger infrastructure projects. Right now, staff was overtaxed and projects that needed to be done were not getting done. He noted that the work he was currently doing used to be done by three people.

City Administrator/Community Development Director Nathan Crane presented a list of capital projects being planned for next year. This list would be revisited after the impact fee and utility studies. City Administrator/Community Development Director Nathan Crane stated that the 2% merit increase would not be awarded until Council approval. The City currently was in the negative by \$45,000 and without the 2% raise they would be close to neutral.

Council Member Scott Smith stated that in the past the City had been very conservative in revenue projections and he wondered if this was still the case. City Administrator/Community Development Director Nathan Crane said that the State was projecting a 6% decrease in sales tax, amounting to \$131,000 less than what was anticipated for Highland. Additionally, Highland had a reduction of \$68,000 in other tax revenue. Staff would know more in a few days when they received the sales tax numbers for June, but that represented a four to five percent reduction and the State ran at about 3%.

Mayor Mann opened the public hearing at 10:17 pm and called for any citizens who would like to speak on the item to state their name for the record.

Colby Gibson asked through YouTube Live: “What does the \$20,000 increase in open space seasonal wages go towards? I’d love to hear what projects are being worked first. Do we have a City plan map for what is going to be done and when?”

Mayor Mann explained that when the Council went through the work session, they looked at the previous year budget and saw that it was \$20,000 short. Therefore, the Council was just trying to be realistic. This did not put any extra money in the system, it was just covering costs. Open space projects included seal coats, crack seal, and extra weed abatement along trails. By fall, they hoped to have a five-year plan for trails, similar to what already existed for roads.

Mayor Mann closed the public hearing closed at 10:21 pm.

Council Member Scott Smith noted that the fire department dropped its budget by \$50,000 and he asked what was cut. Fire Chief Reed Thompson explained that changes were made with personnel and medical benefits.

Council Member Kurt Ostler MOVED that the City Council ADOPT the resolution approving the Final Budget for Fiscal Year 2020-2021 subject to the following changes:

- 1. The 2% merit increase will not be allocated until the Council provides authorization.*
- 2. The inclusion of a Staff Engineer.*

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Kurt Ostler</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 5:0.

11. RESOLUTION: APPROVAL OF AN INTERLOCAL AGREEMENT WITH UTAH COUNTY REGARDING THE USE OF CARES ACT FUNDS (Administrative)

Utah County is requesting approval of an Interlocal Agreement regarding the use of CARES Act Funds.

City Administrator/Community Development Director Nathan Crane explained that the County had received federal money as part of the CARES Act Funds for COVID-19 relief. The cities negotiated with counties and came up with the plan of having 40% allocated to cities and 20% to an economic improvement plan to be administered by the County for all businesses. Highland City would be receiving \$1.3 million. The County was willing to allocate that money right now upon signing the agreement. Any funds used for non-related COVID expenses would have to be paid back to the County. Any unused funds or funds not earmarked for use by October 31 will have to be sent back at the first part of November. Staff was looking at different items for which the money could be used. This was off the books, so it did not accrue to the City’s reserve. The County was going to put together an economic plan for small businesses and the plan would be developed and implemented by a committee comprised of seven people from all over the County.

The Council asked for examples for which the funds could be used. City Administrator/Community Development Director Nathan Crane noted that it be used for PPE expenses, cleaning expenses, sneeze guards, improved



HIGHLAND CITY

CITY COUNCIL AGENDA REPORT

ITEM #7

DATE: October 6, 2020
TO: Honorable Mayor and Members of the City Council
FROM: Tyler Bahr, CSM, Finance Director
SUBJECT: **DISCUSSION:** Allocation of remaining CARES Act funding.
Administrative.

PURPOSE:

City Council will review CARES Act expenditures and discuss allocation of remaining funding.

BACKGROUND:

Highland City received \$1,367,336 of CARES Act funding in June 2020. These funds were distributed from the Federal Government through Utah County, and the County has some oversight over how the funds are used. Based on previous City Council direction, the following CARES Act expenses have been incurred:

Spent	Amount
City (PPE & miscellaneous supplies)	\$ 27,670
LPPSD (through June)	\$ 50,000
Schools	\$ 14,298
HVAC Justice and City Hall	\$ 13,685
Restrooms	\$ 589,901
Trucks	\$ 115,349
HVAC Motors Justice and City Hall	\$ 7,900
Building Disinfection System	\$ 22,000
Windows	\$ 21,131
Library Shelves	\$ 3,480
Court Clerk	\$ 18,674
<i>Subtotal - Spent</i>	<i>\$884,088</i>

The following expenses are planned, but not yet incurred:

Planned	Amount
Front Counter/Court Clerk	\$ 27,702
PPE	\$ 10,000
Restroom Site Prep	\$ 75,000
Library Books + Shelves	\$ 5,000
Library Sliding Door	\$ 15,000
Furniture	\$ 20,000
PW Shower/Laundry	\$ 200,000
IT Upgrades (remote working, virtual collaboration)	\$ 50,000
<i>Subtotal - Planned</i>	<i>\$402,702</i>
<i>Remaining Unallocated</i>	<i>\$80,546</i>

The U.S. Department of Treasury recently reiterated guidance allowing CARES Act funding recipients to, “as an administrative accommodation... presume that public health and public safety employees meet the substantially dedicated [to COVID-19 mitigation] test,” and to cover public health and public safety payroll expenses. Utah County has also issued a concurring statement that, “any human resource (ie payroll) costs for public health and safety between March 1 and December 30 may be covered by CARES CRF without any documentation supporting the idea that a difference in task need be supplied for auditors.”

Based on this recent guidance, the City may choose to reallocate CARES Act funding to cover public safety salaries. Staff is seeking input from City Council on how remaining funds should be spent.

FISCAL IMPACT:

As noted above, Highland City received \$1,367,336 of CARES Act funding in June 2020. If the Council decides to use CARES Act funds to cover public safety payroll expenses, the resulting budget savings may be allocated to other purposes. Any CARES Act funds not spent or encumbered by November 2, 2020 must be returned to the County.

ATTACHMENTS:

Attachment 1 – Email from Utah County dated September 22, 2020

Attachment 2 – US Treasury Guidance dated September 21, 2020

Email From Peter Brown
 CARES Act Finance Manager
 Utah County

From: Peter Brown <PeterB@utahcounty.gov>

Date: September 22, 2020 at 11:38:42 PM CDT

To: Commission <Commission@utahcounty.gov>, Danene Jackson <DANENEJ@utahcounty.gov>, Amelia Powers Gardner <AmeliaP@utahcounty.gov>, Josh Daniels <JoshD@utahcounty.gov>, "Aaron Shirley - Santaquin" (AShirley@santaquin.org)" <AShirley@santaquin.org>, Anna Montoya - American Fork City <amontoya@afcity.net>, "Brandon Nelson - Orem" (bcnelson@orem.org)" <bcnelson@orem.org>, "Bruce Riddle - Springville" (briddle@springville.org)" <briddle@springville.org>, "Bryce Oyler - Mapleton" (boyler@mapleton.org)" <boyler@mapleton.org>, "Cathy Jensen - Payson" (cathyj@payson.org)" <cathyj@payson.org>, Charl Louw Cedar Hills <clouw@cedarhills.org>, "Chelese Rawlings - Saratoga Springs" (crawlings@saratogaspringscity.com)" <crawlings@saratogaspringscity.com>, "Chris Helvey - Woodland Hills" (chris@woodlandhills-ut.gov)" <chris@woodlandhills-ut.gov>, "Dan Follett - Provo" (dfollett@provo.org)" <dfollett@provo.org>, "Dean Lundell - Lehi" (dlundell@lehi-ut.gov)" <dlundell@lehi-ut.gov>, "Denise Roy - Pleasant Grove" (DRoy@pgcity.org)" <DRoy@pgcity.org>, "Jacob McHargue - Vineyard" (jacobm@vineyardutah.org)" <jacobm@vineyardutah.org>, "Kent Clark - Spanish Fork" (kent@spanishfork.org)" <kent@spanishfork.org>, "Kristen Colson - Lindon" (kcolson@lindoncity.org)" <kcolson@lindoncity.org>, "Laurie Adams" (laurie@highlandcity.org)" <laurie@highlandcity.org>, Lucinda Thomas <genolaclerk@gmail.com>, Owen Jackson <OJackson@saratogaspringscity.com>, "Paul Jerome - Eagle Mountain" (pjerome@Emcity.org)" <pjerome@Emcity.org>, Rachel Carreno - Goshen City <goshentown@gmail.com>, Royce Swensen Elk Ridge City Recorder <royce@elkridgecity.org>, Shane Sorensen <ssorensen@alpinecity.org>, Tyler Bahr <tbahr@highlandcity.org>

Cc: Kristie Bayles <KristieB@utahcounty.gov>, Christy Hood <ChristineH@utahcounty.gov>, Sean Faeber <SeanF@utahcounty.gov>

Subject: re: Updated information on OIG Audit guidelines.

Dear all,

In the midst of the bad news we've had this week with spikes in case counts, I'd like to deliver some news most will seem as positive that will help jurisdictions be able to apply their CARES CRF dollars in a way many had hoped.

The OIG Auditors have revised their audit guidelines to remove any need for documentation supporting Covid-19 tasks for personnel deemed "significantly dedicated" to mitigating Covid-19. The requirement that these personnel be performing tasks that would be different than what was budgeted remains an ideal, but for administrative convenience it may be applied for all public health and safety personnel.

The County now agrees that any HR costs for public health and safety between March 1 and December 30 may be covered by CARES CRF without any documentation supporting the idea that a difference in task need be supplied for auditors. All such documentation guidelines have been removed. The only documentation needed is the documentation that supports salary and payroll expenses for those employees chosen to be covered.

For more information, please see the attached letter from the OIG's office, lines 63, 69-71 respectively.

The implication of this change is that it gives a broader and frankly easier application for these grant dollars that will both allow for expenditures of all funds for most jurisdictions, but could mitigate auditing costs in terms of time and documentation of other smaller costs as compared to larger HR costs that are easier to frame out. You still may want to review which expenditures make the best sense to cover with these funds according to your best administrative judgement.

If you have any questions, do not hesitate to reach out.

Peter Brown

(801) 851-8222

CARES Act Finance Manager

Office of Amelia Powers Gardner



OFFICE OF
INSPECTOR GENERAL

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 21, 2020

OIG-CA-20-028

**Department of the Treasury Office of Inspector General
Coronavirus Relief Fund Frequently Asked Questions Related to Reporting and
Recordkeeping (Revised)**

The Department of the Treasury (Treasury) Office of Inspector General (OIG) is responsible for monitoring and oversight of the receipt, disbursement, and use of Coronavirus Relief Fund (CRF) payments as authorized by Title VI of the Social Security Act, as amended by Title V of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).¹ Treasury OIG was also assigned authority to recover funds in the event that it is determined a recipient of a CRF payment failed to comply with requirements of subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)). Recipient reporting and record retention requirements are essential for the exercise of these responsibilities, including our conduct of audits and investigations.

Beginning September 1, 2020, the prime recipient of CRF payments will begin reporting Coronavirus Disease 2019 (COVID-19) related costs incurred from March 1, 2020 to December 30, 2020 in the GrantSolutions portal. This document addresses frequently asked questions (FAQ) from CRF prime recipients regarding their reporting and record keeping requirements and supplements Treasury OIG's memorandums *Coronavirus Relief Fund Recipient Reporting and Record Retention Requirements* (OIG-CA-20-021; July 2, 2020)² and *Coronavirus Relief Fund Reporting Requirements Update* (OIG-CA-20-025; July 31, 2020).³

A. Prime Recipients

1. Who is a prime recipient?

A prime recipient is an entity that received a CRF payment directly from Treasury in accordance with the CARES Act, including:

- All 50 States,
- Units of local governments with populations over 500,000 that submitted required certifications to Treasury,
- The District of Columbia,

¹ P. L. 116 136 (March 27, 2020)

² <https://www.treasury.gov/about/organizational-structure/ig/Audit%20Reports%20and%20Testimonies/OIG-CA-20-021.pdf>

³ <https://www.treasury.gov/about/organizational-structure/ig/Audit%20Reports%20and%20Testimonies/OIG-CA-20-025.pdf>

- U.S. Territories, and
- Tribal Governments

2. *Who is a sub-recipient?*

For purposes of reporting in the GrantSolutions portal, a sub-recipient is any entity to which a prime recipient issues a contract, grant, loan, direct payment, or transfer to another government entity of \$50,000 or more.

3. *The definition of a sub-recipient provided by Treasury OIG is different than the definition of a sub-recipient in the Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal, 2 CFR Part 200 (Uniform Guidance). Which definition is a prime recipient expected to comply with?*

The prime recipient must comply with the Treasury OIG definition. For purposes of reporting in the GrantSolutions portal, a prime recipient is to report on sub-recipients, as defined in Question 2 above. In addition, Treasury has issued guidance as described in Treasury's *Coronavirus Relief Fund Frequently Asked Questions* (FAQs),⁴ noting that prime recipients are to monitor and manage sub-recipients as defined in 2 CFR sec. 200.330 through 200.332.

4. *Who is responsible for reporting in the GrantSolutions portal, the prime or sub-recipient?*

Only the prime recipient is required to report COVID-19 related costs in the GrantSolutions portal.

5. *If the prime recipient distributes funds to an agency or department within the prime recipient's government, is the agency or department considered the prime recipient or a sub-recipient when funds obligated are \$50,000 or more?*

The agency or department is considered part of the prime recipient as they are all part of the same legal entity that received a direct CRF payment from Treasury. Obligations and expenditures that the agency or department incurs with the CRF proceeds must be collected by and reported in the GrantSolutions portal by the prime recipient as if they were obligated or expended by the prime recipient.

⁴ <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

- 6. *If the prime recipient obligates funds to an entity that provides a public service on behalf of the prime recipient but the prime recipient is not financially accountable of, is the entity considered the prime recipient or a sub-recipient when funds obligated are \$50,000 or more (e.g., discreetly presented component unit, quasi agency, etc.)?***

The entity is considered a sub-recipient of the prime recipient when funds obligated are \$50,000 or more. The prime recipient must report its obligations and expenditures related to the sub-recipient, including associated projects and expenditure categories, in the GrantSolutions portal. If the prime recipient obligated less than \$50,000, the prime recipient must report its obligations and expenditures related to the sub-recipient entity in aggregate in the GrantSolutions portal.

- 7. *If a prime recipient enters into multiple obligations with an entity, each obligation being less than \$50,000 with no agreement (i.e., contract, grant, or loan), however, the total obligations to the entity is above \$50,000, is the entity considered a sub-recipient?***

The entity is considered a sub-recipient, however since the obligations are below \$50,000, the prime recipient must report the multiple obligations to the entity and related expenditures in the aggregate section of the GrantSolutions portal.

- 8. *If a unit of local government received funds as both a prime recipient and as a sub-recipient do they have to track and report obligations and expenditures separately?***

Yes. For purposes of reporting in the GrantSolutions portal, the unit of local government is the prime recipient and must report obligations and expenditures related to the funds received directly from Treasury. As a sub-recipient of funds, obligations and expenditures related to the funds received from another prime recipient must be reported by the prime recipient in the GrantSolutions portal. It is recommended that the unit of local government, as a sub-recipient, report obligations and expenditure information to the prime recipient for its reporting purposes.

- 9. *If a third party is hired to review and approve sub-recipient reimbursement requests and supporting documentation, can the prime recipient place reliance on the reviews performed by the third party or is the prime recipient still required to review and approve 100 percent of all costs?***

It is up to the prime recipient on how much it relies on third-party review of reimbursement requests. However, the prime recipient is responsible for maintaining documentation to support the use of CRF proceeds. Per Treasury's *Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments*, the direct

(or prime) recipient is ultimately responsible for compliance with the limitation on the use of payments from the CRF.⁵

B. System for Award Management (SAM.gov) Registration

10. *Treasury OIG's memorandum, Coronavirus Relief Fund Reporting Requirements Update, states that "each prime recipient should ensure that any current or potential sub-recipients are registered in SAM.gov." Are all sub-recipients required to register in SAM.gov?*

No, all sub-recipients are not required to register in SAM.gov. This statement is a recommendation to help reduce the reporting burden on the prime recipient when entering sub-recipient details in the GrantSolutions portal. SAM.gov registration allows sub-recipient identifying and demographic details to be automatically populated in the portal after the prime recipient inputs a valid Data Universal Numbering System (DUNS) number assigned to the sub-recipient.⁶

11. *What are the identifying and demographic data elements that automatically populate in the GrantSolutions portal if a sub-recipient is registered in SAM.gov with a valid DUNS number?*

The following identifying and demographic data elements will automatically populate in the GrantSolutions portal if a sub-recipient is registered in SAM.gov with a valid DUNS number:

- Legal Name
- Address Line 1
- Address Line 2, if applicable
- Address Line 3, if applicable
- City Name
- State Code
- Zip + 4
- Congressional District
- Country Name
- Country Code
- Organization Type

⁵ <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

⁶ A DUNS number is a unique nine-character number used to identify an organization.

12. If a sub-recipient does not have a DUNS number, can another unique identification number be used in the GrantSolutions portal to automatically populate sub-recipient details (e.g. Federal Employment Identification Number, Federal Tax Identification Number, etc.)?

No. The DUNS number is the only unique identification number that the GrantSolutions portal can associate with a SAM.gov registration in order to automatically populate sub-recipient details.

13. Where does a prime recipient direct a sub-recipient to obtain a DUNS number?

If a sub-recipient does not already have a DUNS number, they can call 1-866-705-5711 or access <http://fedgov.dnb.com/webform> to get a DUNS number assigned for free.

14. Where does a prime recipient direct a sub-recipient to register in SAM.gov?

Refer the sub-recipient to <https://sam.gov>.

15. What if a sub-recipient is not registered in SAM.gov?

For each sub-recipient that is not registered in SAM.gov, the prime recipient will be responsible for manually entering the following data elements in the GrantSolutions portal:

- Legal Name
- Address Line 1
- Address Line 2, if applicable
- Address Line 3, if applicable
- City Name
- State Code
- Zip Code
- Country Name (selection menu)
- Organization Type (selection menu)

16. If a sub-recipient is registered in SAM.gov, are they required to report any information on a quarterly basis in SAM.gov?

No. There are no reporting requirements for a sub-recipient; the prime recipient is required to report in the GrantSolutions portal on behalf of the sub-recipient.

17. *Is an entity that a prime recipient obligates a contract, grant, loan, direct payment, or transfer to another government entity of less than \$50,000 recommended to register in SAM.gov?*

No. Detailed information of an entity that the prime recipient obligates less than \$50,000 to will not be reported in the GrantSolutions portal. The obligations and related expenditure(s) to entities that the prime recipient obligates less than \$50,000 to will be reported in the aggregate.

18. *Is an individual that a prime recipient obligates a contract, grant, loan, or direct payment recommended to register in SAM.gov?*

No. Detailed information of an individual that the prime recipient obligates any amount to will not be reported in the GrantSolutions portal; the obligations and related expenditure(s) to individuals will be reported in the aggregate.

C. Terminology

19. *What is an obligation?*

For purposes of reporting in the GrantSolutions portal, an obligation is a commitment to pay a third party with CRF proceeds based on a contract, grant, loan, or other arrangement.

20. *What is an expenditure?*

For purposes of reporting in the GrantSolutions portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity). As outlined in *Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments*, performance or delivery must occur between March 1 and December 30, 2020 in order for the cost to be considered incurred; payment of funds need not be made during that time (though it is generally expected that payment will take place within 90 days of a cost being incurred).

21. *What is a project?*

A project is a grouping of related activities that together are intended to achieve a specific goal (e.g. building a temporary medical facility, offering an economic support program for small businesses, offering a housing support program, etc.)

22. *What is a contract?*

A contract is an obligation to an entity associated with an agreement to acquire goods or services.

23. *What is a grant?*

A grant is an obligation to an entity that is associated with a grant agreement. A grant agreement is a legal instrument of financial assistance between the prime recipient and entity that is used to enter into a relationship to carry out a public purpose and does not include an agreement to acquire goods or services or provide a loan.

24. *What is the primary place of performance for a contract or a grant?*

The primary place of performance is the address where the predominant performance of the contract or grant will be accomplished.

25. *What is the period of performance start date and end date for a contract or a grant?*

The period of performance start date is the date on which efforts begin or the contract or grant is otherwise effective. The period of performance end date is the date on which all effort is completed or the contract or grant is otherwise ended.

26. *What is a transfer to another government entity?*

A transfer to another government entity is a disbursement or payment to a government entity that is legally distinct from the prime recipient. See the list of government entities in Question 26 below.

27. *For transfers to another government entity, what type of entity is considered another government entity?*

The following organization types are considered another government entity:

- State government
- County government
- City/Township Government
- Special District Government
- US Territory or Possession
- Indian/Native American Tribal Government (Federally Recognized)
- Indian/Native American Tribal Designated Organization

28. *What is a direct payment?*

A direct payment is a disbursement (with or without an existing obligation) to an entity that is not associated with a contract, grant, loan, or transfer to another government entity. If the direct payment is associated with an obligation, then the obligation and expenditure should be reported. If the direct payment does not

involve a previous obligation, the direct payment will be recorded when the expenditure is incurred.

D. Reporting

29.If a prime recipient received CARES Act funding from different Federal agencies, are all costs incurred related to CARES funding to be reported in the GrantSolutions portal, regardless of the funding source?

No. The GrantSolutions portal is only for the reporting of costs incurred related to CRF proceeds received from Treasury. Financial assistance that a prime recipient may have received from other sources are not to be reported in this portal.

30.Will CRF proceeds be subject to Federal Funding Accountability and Transparency Act (FFATA) reporting requirements? If so, what general information are recipients expected to report?

No, FFATA reporting is not required since CRF payments are not grants.

31.Are prime recipients required to report on an accrual or cash basis?

The prime recipient should report on an accrual basis, unless the prime recipient's practice is traditionally to report on a cash basis for all its financial reporting.

32.Are the reporting requirements different for lump sum payments versus payments made on a reimbursable basis?

No. Reporting of obligations and expenditures related to lump sum payments and reimbursed payments are the same.

33.How should a reimbursable payment to a sub-recipient be reported?

The prime recipient should first report the total obligation to the sub-recipient. As reimbursements are made to the sub-recipient, the prime recipient should report the reimbursements as expenditures to the obligation by expenditure category.

34.How should a lump sum payment to a sub-recipient be reported?

The prime recipient must report the total obligation for the lump sum payment to the sub-recipient. As the sub-recipient uses the funds it received, the prime recipient is responsible for collecting and reporting on the uses as expenditures to the obligation by expenditure category.

35. *What level of sub-recipient data will prime recipients be required to report?*

The prime recipient is required to report on the first sub-recipient level only. For example: The prime recipient enters into a grant with Entity A to provide assistance to small businesses. For reporting purposes, the prime recipient must report the details of the grant with Entity A as an obligation. As Entity A provides assistance to small businesses, the prime recipient must report the assistance provided as expenditures to the obligation. However, details of the small businesses that received funding is not required.

36. *Is every obligation and expenditure required to be associated with a project?*

No. We understand that not all uses of funds will be associated with a project. If an obligation or expenditure is not associated with a project, in the GrantSolutions portal, the recipient would select “No Associated Project”.

37. *How did Treasury OIG determine the \$50,000 reporting threshold?*

Sec. 15011 of the CARES Act states that any entity that receives large covered funds (or funds more than \$150,000) is considered a covered recipient. All prime recipients of CRF proceeds are covered recipients as no prime recipient received payment less than \$150,000. Sec. 15011 further requires that each covered recipient (in this case, prime recipient) should submit a report that contains, among other items, detailed information on subcontracts or subgrants awarded by the covered recipient allowing for aggregate reporting on awards below \$50,000.

38. *Is the \$50,000 threshold on a project basis?*

No. The \$50,000 threshold dictates the specific sub-recipients that must be identified by the prime recipient on a detailed basis rather than in an aggregate total for related obligations and expenditures, regardless of any projects.

39. *What is the reporting structure?*

The reporting structure is as follows:

- A. Projects
- B. Obligations of \$50,000 or more and related expenditures
 - a. Contracts of \$50,000 or more
 - i. Obligations (individually reported) and links to projects, if applicable
 - ii. Related expenditures (individually reported) and link to projects, if applicable
 - b. Grants of \$50,000 or more
 - i. Obligations (individually reported) and link to projects, if applicable

- ii. Related expenditures (individually reported) and link to projects, if applicable
- c. Loans of \$50,000 or more
 - i. Obligations (individually reported) and link to projects, if applicable
 - ii. Related expenditures (individually reported) and link to projects, if applicable
- d. Transfers to other government entities of \$50,000 or more
 - i. Obligations (individually reported) and link to projects, if applicable
 - ii. Related expenditures (individually reported) and link to projects, if applicable
- e. Direct Payments of \$50,000 or more
 - i. Obligations (individually reported) and link to projects, if applicable
 - ii. Related expenditures (individually reported) and link to projects, if applicable
- C. Aggregate obligations and expenditures of contracts, grants, loans, direct payments, and transfers to other government entities below \$50,000 (reported in total by obligation type)
- D. Aggregate obligations and expenditures to individuals, regardless of the amount (reported in total)

40.If a prime recipient obligates funds to another government entity in the form of a grant, are the obligated funds to be reported as a transfer to another government entity or as a grant?

If a grant agreement in place, the obligation should be reported as a grant.

41. *Treasury OIG's reporting timeline indicates six reporting cycles with three cycles for reporting periods of January 1, 2021 through September 30, 2021. If costs related to CRF proceeds must be incurred by December 30, 2020, why are there reporting cycles after December 30, 2020?*

Treasury's *Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments* addresses the concept of incurred costs. Specifically, "for a cost to be considered to have been incurred, performance of services or delivery of goods must occur during the covered period (March 1, 2020 through December 30, 2020) but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred)." As a result, we determined to allow reporting through September 30, 2021 to ensure that the prime recipient has sufficient time to capture and report all expenditures incurred that were covered with CRF, including loan repayments, the related obligations of which must have occurred, and been reported, during the covered period. In addition, any final close out reconciliations and adjustments should occur during the time period before September 30, 2021.

42. *Are forgivable loans to be reported as a grant or loan?*

The forgivable portion of a loan should be reported as a grant. If the forgiving of the loan is conditional, then the loan will originally be reported as a loan for the total amount. At the time that the conditions are met, the portion of the loan that is forgivable, will be removed from the loan section of the GrantSolutions portal and reported as a grant at that time.

43. *For each reporting period, should a prime recipient report all costs that are eligible to be covered with CRF proceeds or only report costs for which the prime recipient has made a final determination to cover with CRF proceeds?*

The prime recipient should only report eligible costs for which obligations have been made with CRF payments or specific determinations have been made related to using CRF funds.

44. *Do the expenditure categories apply to aggregate reporting?*

No. The only information collected during aggregate reporting are obligations (in total) and expenditures (in total) by obligation type (contract, grant, loan, transfer to another government entity, and direct payments) and for individuals.

45. For aggregate reporting of obligations to individuals, what information is required to be reported about the individuals?

None. The only information collected during aggregate reporting are obligations (in total) and expenditures (in total).

46. Where can recipients and sub-recipients access training tools or archived training sessions to assist with reporting?

The only entity responsible for reporting in the portal is the prime recipient. Training on the GrantSolutions portal will be provided to prime recipients by September 1, 2020.

E. Reporting Corrections

47. If a prime recipient submitted information in its interim report of costs incurred as of June 30, 2020 and some information has changed, can we correct this information in the portal?

Yes. Keep in mind that for purposes of meeting the interim reporting requirement, reporting estimated costs incurred was allowed. For the first quarterly reporting period (March 1, 2020 through June 30, 2020) beginning September 1, 2020, the prime recipient must report actual obligations and expenditures in the GrantSolutions portal. The amounts reported in the GrantSolutions portal and certified will be considered the official reporting.

48. If an error is identified or an addition/modification needs to be made, is there an ability to amend the previous submitted data?

Yes, if a prime recipient determines corrections or additions are necessary, the current GrantSolutions submission may be recalled, corrected, and resubmitted within the first 10 days after the quarter end. Also, changes to a previous quarterly submission may be made in a current reporting submission. If a Treasury OIG reviewer determines corrections or additions to the quarterly submission may be required, feedback and the submission will be returned to the prime recipient for resolution. The prime recipient is ultimately responsible for certifying that the quarterly submissions are true, complete, and accurate in the GrantSolutions portal. If an error is identified or a modification needs to be made after a report is already approved by the Treasury OIG, the prime recipient will need to make the modification or correction in the next quarterly reporting cycle.

49. *For forgivable loans originally reported as a grant, in a subsequent reporting period, if the recipient has not met the terms of forgiveness, should this obligation be changed to a loan in subsequent reporting period?*

See question 41 above. The loan should be recorded as a loan in total until the condition is met. Only at that time will the forgivable portion of the loan be removed and recorded as a grant.

50. *Is there a process to modify prior quarter numbers that change significantly due to the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Public Assistance reimbursement?*

Yes, if a prime recipient determines corrections or additions to a quarterly submission are necessary and the quarterly submission has already been approved by Treasury OIG, changes to a previous quarterly submission may be made in the subsequent reporting submission. The prime recipient will not be able to re-open the previous quarter, but instead will make necessary adjustments in the open quarter. The prime recipient is ultimately responsible for certifying that the quarterly submissions are true, complete, and accurate in the GrantSolutions portal.

51. *If a prime recipient reports a cost allocated to the CRF in one reporting cycle, but subsequently determines to allocate that cost to a different funding source, can the prime recipient remove the obligations and related expenditures from its CRF reporting submission?*

Yes, if a prime recipient determines corrections or additions to a quarterly submission are necessary and the quarterly submission has already been approved by Treasury OIG, changes to a previous quarterly submission may be made in the subsequent reporting submission. The prime recipient will not be able to re-open the previous quarter, but instead will make necessary adjustments in the open quarter. The prime recipient is ultimately responsible for certifying that the quarterly submissions are true, complete, and accurate in the GrantSolutions portal.

Keep in mind, if a prime recipient has not used funds it has received to cover costs that incurred between March 1, 2020 and December 30, 2020, as required by the statute, those funds must be returned to the Treasury.

52. *Do we need a budget set up for FEMA Cares Act monies received or just to track and report monies used?*

The prime recipient is required to report obligations and expenditures of CRF proceeds. It is at the discretion of the prime recipient to determine a budget setup related to CRF payments.

F. Reporting Deadline

53. Can the CRF reporting submission deadline be modified to 30 days, opposed to 10 days, after the quarter end?

We do not have the authority to change the quarterly recipient reporting deadline. Section 15011 of the CARES Act requires CRF reporting within 10 days after the end of each calendar quarter. Prime recipients' GrantSolutions data will be reported to the Pandemic Response and Accountability Committee (PRAC) for display on its website.

54. Can a prime recipient request extensions in filing their quarterly reports?

Yes, requests to extend the quarterly reporting deadline should be sent to Treasury OIG at CARES@oig.treas.gov for extension approval/disapproval. These decisions will be made on a case-by-case basis and consider extenuating circumstances.

55. If a prime recipient does not close its records by 10 days after the reporting period ends, how should these costs be reported?

Record closing times vary and may not align with the GrantSolutions reporting deadlines. If a prime recipient is not able to report within 10 days after the reporting period ends, the prime recipient is responsible for submitting the missing data in the GrantSolutions portal as part of the next quarter's reporting cycle.

G. GrantSolutions Portal

56. Is the portal still on schedule for becoming available on September 1, 2020?

Yes for most users. An upload feature will be available for select very high volume prime recipients. The upload feature will be available after September and timing of that schedule will be communicated to those select recipients.

57. If a prime recipient's designated users already have accounts with GrantSolutions, does the prime recipient still need to submit each user's name, title, email address, and phone number to Treasury OIG?

Yes.

58. Can portal access be granted to users if they share the same email address?

No. In order to grant portal access, each user must have a unique email address; users cannot have the same email address.

59. *Can a prime recipient designate more than two preparers?*

No. The GrantSolutions portal can only sustain up to three users per prime recipient: two preparers and one authorizing official.

60. *Can the authorizing official also be one of the preparers?*

No. The authorizing official cannot be both a designee/preparer and an authorizing official.

61. *What is the best way to import data from a large number of sub-recipients?*

Only the prime recipient is required to report CRF related obligations and expenditures in the GrantSolutions portal. We are currently working with GrantSolutions regarding a data upload feature. The upload feature will be available for certain prime recipients with the most sub-recipient activity. See question 55.

62. *Will the portal provide a cumulated view of obligations and expenditures a prime recipient has reported?*

Yes.

H. Record Retention/Audit

63. *According to Treasury's FAQs, for administrative convenience, a State can presume that all payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency and, thus, can be covered by CRF. Will Treasury OIG or the PRAC ever question the applicability of this presumption in the audit context? If so, under what circumstances?*

During its reviews and audits, Treasury OIG will allow the use of the administrative accommodation made in accordance Treasury's FAQs. See responses to related questions 69, 70, and 71.

64. *How far down will the audit cascade?*

The CARES Act provides that Treasury OIG is responsible for monitoring and oversight of the receipt, disbursement, and use of CRF payments. As such, all CRF payments received by the prime recipient are subject to audit. In this regard, an audit will be at the prime recipient level and may involve reviewing the prime's sub-recipients. In the event that it is determined the prime recipient failed to comply with requirements of subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), those funds will be recouped by Treasury OIG.

65. *If providing Small Business Assistance, do we have to receive actual documentation of the expense or business interruption? If we provide thousands of grants to small businesses and are audited, what would be need to provide to satisfy an audit?*

The prime recipient of CRF payments must maintain and make available to Treasury OIG upon request, all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended (42 U.S.C. 801(d)). Records include, but are not limited to, general ledger and subsidiary ledgers used to account for (a) the receipt of CRF payments and (b) the disbursements from such payments to meet eligible expenses related to the public health emergency due to COVID-19. The prime recipient is responsible for determining the level and detail of documentation needed from the sub-recipient of Small Business Assistance to satisfy these requirements, however, there would need to be some proof that the small business was impacted by the public health emergency and was thus eligible for the CRF funds.

66. *Is there an audit plan at this point? For example, will there be interim audits, or only after Dec 30 or final reporting? Also, do you have criteria upon which you will decide which awards to audit?*

Treasury OIG will perform monitoring of the prime recipient's receipt, disbursements, and uses of CRF payments and has developed procedures for this purpose. There are procedures for monitoring, reviewing, and approving prime recipient's quarterly GrantSolutions submissions. Treasury OIG will also conduct desk reviews, for which other procedures have been developed, to further evaluate the prime recipient's documentation supporting the reported uses of CRF proceeds, as well as, results of other audits (i.e. Single Audit), among other things. The desk review may result in a site visit to the prime recipient for a more in-depth review. Based on results of the quarterly monitoring, desk reviews, site reviews, and our risk assessments, Treasury OIG will determine the need for a more in-depth audit. In addition to ongoing monitoring, Treasury OIG will initiate audits as deemed necessary based on other referrals and ongoing risk assessments of the prime recipients.

67. *Will Treasury OIG audit the sub-recipient as part of its prime recipient audit?*

Treasury OIG may audit the sub-recipient as part of its audit of the prime recipient.

68. *What cost principles will Treasury OIG be applying to determine allowability of costs during audit if Subpart E of 2 CFR 200 is not applicable to this funding?*

The CARES Act and the Treasury guidance and FAQs will be used as criteria for allowability of costs. According to Treasury's FAQs, provisions of the Uniform

Guidance, 2 C.F.R. sec. 200.303 regarding internal controls, 2 C.F.R. sec. 200.330 through 200.332 regarding sub-recipient monitoring and management, and subpart F regarding audit requirements are applicable to CRF payments. Subpart E is not applicable.

69. *How does the CRF audit relate to Single Audit?*

CRF payments are considered to be Federal financial assistance subject to the Single Audit Act (31 U.S.C. sec. 7501-7507). The related provisions of the Uniform Guidance, 2 C.F.R. sec. 200.303 regarding internal controls, sec. 200.330 through 200.332 regarding sub-recipient monitoring and management, and subpart F regarding audit requirements provides detailed information. The results of a prime recipient's Single Audit will be evaluated as part of the Treasury OIG's desk reviews and any audits initiated.

70. *To what level of documentation will a government be held to support the reimbursement of public health and safety payroll that was "presumed" to be substantially dedicated to mitigating the emergency?*

The recipient of CRF payments must maintain and make available to Treasury OIG upon request, all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended (42 U.S.C. 801(d)). Documents/records include payroll records for the covered period March 1 through December 30, 2020. Records include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses. Please refer to the Treasury OIG memorandum, Coronavirus Relief Fund Reporting and Record Retention Requirements (OIG-20-021; July 2, 2020). These document requirements apply to supporting payroll reimbursement amounts using CRF proceeds and not to support the presumption that public health and safety payroll is substantially dedicated to mitigating the emergency.

a. *Will a government have to demonstrate/substantiate that a public health or public safety employee's function/duties were in fact substantially dedicated to mitigating the emergency?*

No, the government will not have to demonstrate/substantiate that a public health or public safety employee's function/duties were substantially dedicated to mitigating the emergency but must maintain records and documentation supporting payroll amounts reimbursed using CRF proceeds. As indicated in Treasury's Guidance, as an administrative accommodation, governments may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or

equivalent) of the relevant government determines that specific circumstances indicate otherwise. Treasury's FAQs add that entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020.

- b. For payroll that was accounted for in the FY2020 budget but was then "presumed" to be substantially dedicated to mitigating the emergency, will the government have to demonstrate/substantiate that a public health or public safety employee's function was a substantially different use?***

No, the government will not have to demonstrate/substantiate that a budgeted public health or public safety employee's function was a substantially different use. As stated in Treasury's Guidance, within the category of substantially different uses, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency. The Treasury OIG does require the government to maintain budgetary records to support the fiscal years 2019 and 2020 budgets.

- 71. Is the government required to perform any analysis or maintain documentation of the "substantially dedicated" conclusion for payroll expenses of public safety, public health, health care, and human service employees?***

No, the government is not required to perform an analysis or maintain documentation of the substantially dedicated conclusion for payroll expenses of public safety, public health, health care, and human service employees. As indicated in Treasury's Guidance, as an administrative accommodation, governments may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. Please refer to response to question 69.

- 72. Treasury's FAQs indicate a "State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise."***

- a. What level of documentation needs to be maintained to indicate the chief executive did not determine "specific circumstances indicate otherwise?"***

No documentation of the negative assurance of the chief executive (or equivalent) is required.

- b. Is the absence of documentation indicating “specific circumstances indicate otherwise” sufficient, or does an affirmative decision need to be documented?***

See previous responses.

***73. Are CRF funds required to be accounted for in a separate fund of the government?
At least one state thinks it should be.***

These are individual management decisions, however, the documentation required above should be easily understandable by the auditors.