HIGHLAND CITY COUNCIL MINUTES

Tuesday, October 5, 2021

Approved November 9, 2021

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

VIRTUAL PARTICIPATION

YouTube Live: http://bit.ly/HC-youtube

Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann
Invocation – Edgar Tooley
Pledge of Allegiance – Jessica Anderson

The meeting was called to order by Mayor Rod Mann as a regular session at 7:03 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Edgar Tooley and those in attendance were led in the Pledge of Allegiance by Jessica Anderson.

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, City Engineer Andy Spencer, Planner & GIS Analyst Kellie Bronson, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Library Director Donna Cardon

OTHERS PRESENT: Scott Hart, Brian Cropper, Stephen Babb, Sarah Petersen, Kelli Chynoweth, Janet Wadsworth, Edgar Tooley, Cheryl Tooley, Jessica Anderson, Craig Shields, Brian Hanson, Briawna Hugh, Lance Rodela, Wesley Warren, Pam Muir, Chad Christopherson

1. UNSCHEDULED PUBLIC APPEARANCES

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

Kelli Chynoweth, Homeowners Association (HOA) Board Member for Toscana Townhomes, indicated that the HOA has been trying to improve landscaping in the project, but there is confusion about the parties that are responsible for certain aspects of landscaping and irrigation; she asked for a future agenda item and discussion regarding those matters. Mayor Mann advised Ms. Chynoweth to speak with City Engineer Andy Spencer, who can provide her and the HOA with guidance on the matter.

Craig Shields expressed his gratitude to the City for mowing the weeds on a parcel he has referenced in the past. The area looks much better, and he is very appreciative.

Lance Rodela referenced the agenda item dealing with parks with baseball fields were on agenda; as the Council considers opportunities for improving the parks, he asked that they take into account safety issues throughout the City. He noted he has coached Lone Peak and Super League teams, which play at fields all over the state and he has found the facilities in Highland to be in the worst condition, not just from an appearance and playability perspective, but also from a safety perspective. He stated that during the regular season, many of the kids that play at Heritage Park are afraid to slide when stealing bases for fear of getting cut or scraped by the ground due to the terrible condition of the dirt. Additionally, there has been vandalism of fencing of the parks, which is a great safety hazard. He stated he would love to meet with the appropriate staff member or elected official and noted he has photographs of the conditions he has cited, but at a minimum, he would like for the Council to consider core safety issues. Mayor Mann advised Mr. Rodela to speak with City Engineer Andy Spencer, but he agreed that it is important to consider core safety issues as he would hate for conditions referenced by Mr. Rodela to lead to a serious injury.

Brian Cropper stated he is the most recent Past-President of Lone Peak Youth Baseball; he was the President for 15 years and a Board Member for two years before that. He has coached baseball in this community for many years and he asked that the Council consider an opportunity to partner with the Lone Peak Youth Baseball League to address some of the safety issues that have happened and to secure funding for improvements. Many of the changes that led to insufficient maintenance of the fields happened in conjunction with the City's decision to increase rates for field rental; this also coincided with the action taken by Alpine School District regarding the rental of their facilities. He feels that if it were possible to re-open dialogue about a partnership aimed at use and maintenance of the fields, he feels that the League can assist in fundraising that could be used to maintain Heritage Park.

2. PRESENTATIONS

a. Bird Scooters – *Mike Butler*

Mike Butler from Bird Scooters will present a proposal to furnish scooters for use within Highland City.

Mike Butler of Bird Scooters used the aid of a PowerPoint presentation to discuss his proposal to introduce a scooter business into Highland City; the goal of the program is to improve communities and the lives of the people living in community through an additional transportation option that employs shared electric vehicles (scooters). Mr. Butler provided information regarding the background of his company, which is the most trusted electric scooter provided in world with over 100 million rides. Bird Scooters provides services to big and small cities; it is an application-based business that allows users to find vehicles throughout the subject city. Riders use the application to sign a user agreement and pay for the scooter rental; the base rate is $1.00, plus $.30 per minute, with the average ride being $7.00. Discounts are offered for government employees, veterans, and senior citizens; healthcare workers ride free. The application teachers the rider how to ride and park their scooter. Bird Scooters will engage a local partner who will handle the scooter rental business in Highland and the application will be used to harvest data regarding operation of the program; vehicles are traced using GPC and if a rider goes into a certain zone where it is not allowed, the vehicle can slow down, or stop entirely. Riders are given direction through the application and the fleet manager is the person who will run the operation locally. He proposed that the Council authorize the program in Highland and indicated he is not seeking any monetary

investment from the City. He proposed that the number of scooters be 75 and that the program launch in 2022; in order to proceed, he would like to enter into a memorandum of understanding (MOU) with the City.

Council Member Rodela and Mayor Mann engaged in conversation with Mr. Butler regarding the number of scooters and factors for determining whether to increase the total number at any point in the future; Mr. Butler indicated that he would start with either 50 or 75 scooters and that number could be increased in increments of 25.

Council Member Ball inquired as to the City's liability for the scooter rental operation. Mr. Butler indicated that each individual rider assumes risk associated with riding a scooter and Highland City would not be held responsible for any damages unless they are the direct result of gross negligence by the City, such as a pothole or severe sidewalk damage. City Attorney Patterson indicated that he does not believe the operation will increase the City's liability; risks may be increased because more people will be riding an electric vehicle throughout the City, but many riders already utilize City sidewalks.

Council Member Rodela asked how the Fleet Manager will make sure that vehicles are parked in a location where they are not blocking pedestrian activity. Mr. Butler stated that the Fleet Manager cannot maintain constant control of the scooters, but he will be checking on scooters throughout the day and if one is found to be located in an area where it is creating a nuisance, the person that notices it can contact the Fleet Manager to report it.

There was a brief high-level discussion regarding the manner in which Bird Scooters differs from the scooter business that is operated in Salt Lake City; Mr. Butler noted that his vehicles are fifth generation – new models of scooters are launched each year. He noted that his business model includes fleet improvement each year.

Council Member Ostler inquired as to if there is a revenue sharing model for the program. Mr. Butler stated that the program will be a pilot program for the first year and there will be no revenue sharing; that is an issue that could possibly be negotiated if the MOU is extended beyond the first year. Any commission yielded to the City would only be available after the trial period.

Council Member Ostler then inquired about the storage location of scooters throughout the City, what happens if a scooter is left on the sidewalk, what other cities are currently allowing the scooter rental program, and what types of accidents – including deaths – have occurred. Mr. Butler stated that Utah cities that have allowed the program include Price, Midvale, Farmington, Kaysville, and Syracuse; he is in discussions with other cities about the program. He then noted that the application teaches riders how to ride the scooters and where to store them when they are finished using them; they are explicitly instructed not to ride scooters on sidewalks, but scooters will be stored on sidewalks awaiting the next rider. He concluded that there have been no deaths as a result of scooter use, but an average of eight accidents per year.

Council Member Smith inquired as to the methods employed by Bird Scooters to deter or prevent vandalism. Mr. Butler stated that certain cities have higher levels of vandalism than others, but the partner city has no responsibility for theft or vandalism of scooters.

Police Chief Gwilliam added that he has spoken to Police Chiefs in other jurisdictions about this program; they have communicated that a scooter rental business provides a valuable service to the community, but there are concerns about the scooters being parked/stored on sidewalks.

Mayor Mann noted that if the Council wants to proceed with allowing the scooter rental business in Highland City, they must approve the MOU mentioned by Mr. Butler; however, that cannot be done tonight because that action was not noticed on the meeting agenda. He will email the draft MOU to the Council for their review, and he invited them to reach out to Mr. Butler regarding additional questions or any items that need to be clarified in the MOU.

Council Member Rodela commented that she rode a scooter in St. George, and it was a fun experience; she stated that scooters could be placed at parks or trails in Highland, and she believes they would be used by residents and visitors.

b. Annual Library Report – *Library Director Donna Cardon*
Library Director Donna Cardon will present to the City Council the Annual Library Report.

Edgar Tooley, Chair of Highland City Library Board, reported the Board is governed by Utah State Code and Highland City Code. This report satisfies the requirements of those codes to provide an annual report. He then introduced other members of the Board present, after which he used the aid of a PowerPoint presentation to summarize the annual report. He reported on library statistics and offered a comparison of the Highland City Library statistics with statewide averages per capita. The library was able to secure grant funds aimed at addressing the impacts of COVID-19; these grants were used for new technology, digital collections, pilot programs, and circulating materials. He reported on innovative ways the library used new technology to keep people engaged in reading. In addition, new materials were acquired through budgeted purchases and book donations; donated books that are not usable on library shelves are sold by Friends of the Library. He then discussed highlights of programs over the past year, including a summer reading program for all ages; a winter reading program for youth; March book madness through social media; reach for the magic; and after school programs. He also provided photos taken at the many in-person and virtual events. In planning for the future, the Board has commissioned a program space feasibility study; this analysis will make it possible for the City Council to develop policy guiding library funding for the coming years through the City's buildout. Under current tax revenue funding models, the library could become financially unviable in five to 10 years. He then concluded by thanking Donna Cardon, Library Director, for the fantastic job she does at the library; she is excellent and managing the operations of the library and seeking additional funding sources for the facility and its programming.

Council Member Smith inquired as to the total dollar amount of grants the library has received. Ms. Cardon stated that in the past year the library has received over $20,000 in grant funding; this includes funding from the State of Utah, American Rescue Plan Act (ARPA), and the National Institute of Museum and Library Services.

Council Member Ostler referenced the section of the report regarding total card holders, and he asked how many households that represents in Highland City. Ms. Cardon stated that there are approximately 4,200 cards, but about 600 are non-residents. She has information regarding the number of households that represents and can email that to the Council at a later date. Council Member Ostler inquired as to the cities that the non-resident card holders live in and whether those cities are paying proportionate fees to Highland City for their residents to use the library. Ms. Cardon stated that the majority of non-residents come from Cedar Hills and Alpine and the library receives a non-resident fee for those card holder families and Cedar Hills and Alpine pay a

portion of those fees. The income the library receives from non-resident cards is a significant revenue source.

Council Member Smith referenced the library's membership in the Northern Utah County Library Association (NUCLIC) and asked if that has been beneficial. Ms. Cardon stated that patrons enjoy having access to materials at other libraries in the system; it has been a positive partnership for the library and its patrons.

Council Member Ostler inquired about the feasibility study that was commissioned last year to evaluate the concept of a library/community center project. Ms. Cardon stated that she has provided each council member with a copy of that feasibility study and noted there are other options for expanding the library that the Council could consider. She indicated she is happy to provide a more extensive report about that concept at a future date if the Council wishes.

Council Member Rodela indicated she is a member of the Library Board, and she echoed the sentiments of Mr. Tooley regarding Ms. Cardon's leadership at the library.

3. PLAT AMENDMENT: PHEASANT HOLLOW PLAT C *Administrative*

The City Council will consider a request by Highland City to amend the Pheasant Hollow Plat A subdivision to adjust the property lines of lots 9 and 10 to create one lot and two parcels. The City Council will take appropriate action.

City Attorney Rob Patterson provided a historical overview of the property subject to this application dating back to 1978; the original plat was approved by the City Council on November 15 of that year and in 2009 the City acquired two residential lots within the Pheasant Hollow HOA, previously owned by the Walkenhorst's and the Jensen's. From 2019-2020, Highland negotiated and finalized acquisition of Pheasant Hollow Homeowners Association (HOA) common area/park for the Canal Boulevard project. In June of 2020, the Pheasant Hollow HOA recorded amendments to the Covenants, Conditions, and Restrictions (CC&Rs) to address allocation of funds from City's acquisition of HOA common area/park. As part of the amendment to CC&Rs, the HOA removed all "property originally included within [the HOA] but later deeded or dedicated to Highland City or any other entity." This removed the Walkenhorst and Jensen lots and the acquired common area property from the HOA boundaries and HOA CC&Rs. The proposed plat amendment before the Council this evening is solely focused on the previous Walkenhorst/Jensen lots and does not address the common area property. The common area property acquisition is, from the City's perspective, resolved and does not require further action by the city. The HOA Board has formally approved the proposed plat, subject to some minor clarifications that staff is working to resolve. The primary goals of this proposed plat amendment are:

1. Realign the previous boundaries of the lots to provide for one buildable, residential lot that can be sold to a private owner and one lot that contains the City detention basin that will be kept by the City.
2. Describe utility and right of way easements on all property in the area and clarify the City's right to access the basin and utilities.
3. Reincorporate the new buildable, residential lot into the Pheasant Hollow HOA so that the future owner of that lot will have all the rights and be subject to all of the conditions and requirements of the HOA.

Mr. Patterson presented the plat to identify the areas subject to the amendment and he specifically referenced the HOA signature block on the plat aimed at providing clarity to the HOA and any current/future property owners in the project. He also identified the utility easements in the

project area to orient the Council to the areas that are unbuildable, after which he concluded staff recommends the City Council accept the findings and approve the final plat amendment.

Council Member Smith disclosed that he lives in the Pheasant Hollow neighborhood and asked if he needs to recuse himself from voting on this matter. Mr. Patterson answered no and indicated that Council Member Smith does not stand to benefit financially from this amendment and, therefore, recusal is not required. Council Member Smith stated that he has spoken with residents in the subdivision as well as the HOA president; initially he believed that there was wide support for this plat amendment, but when he arrived at the meeting tonight, he learned of some remaining concerns. He stated it is his understanding that for the property lines that border the river, the property lines extend to the middle of the riverbed, and he asked why the City wants to retain ownership of that property when it is actually part of a private property. City Engineer Spencer stated that there is a new bridge structure on the river and the City needs to retain ownership of the riverbed to ensure that there is adequate access to maintain the bridge. If the City needs to access the bridge, they will seek approval to drive along the storm drain corridor that is located on the southern portion of the new lots. Council Member Smith asked what the owners of that property can do within the easement. Mr. Spencer stated there are restrictions on permanent structures that would restrict access to the easement, but they can landscape the area or place a cement pad for a movable shed. Council Member Smith then referenced the adjustment to the side of the two lots; they were previously much larger, but the buildable area has been reduced to 31,000 square feet and he wondered if that is due to the easements. Mr. Spencer stated that the detention basin area and the portion of the property in the river were previously part of those lots, but they have been removed from the lots. Council Member Smith asked who will maintain the detention basin area. Mr. Spencer stated the City will maintain it initially but may pursue a maintenance partnership agreement with an adjacent property owner for ongoing maintenance. The area will be covered in landscape rock initially and the need for the City to access the area will be minimal and it may be that the future owner of the adjoining lot may be interested in incorporating the area into their lot. Council Member Smith then asked if it is necessary to make additional adjustments to the plat in reference to the manner in which the plat was registered. Mr. Patterson stated that the HOA name initially recorded on the plat was incorrect and will be corrected on amended 'plat c'. Council Member Smith then referenced water shares associated with the property, which are part of a privately owned irrigation company and he asked if it is necessary to address the use of that water on this property. Mr. Patterson stated that the City will not use any private water for the City parcels; no water shares have been secured for those properties. There are rules in the State of Utah regarding beneficial use of water; water that is not being used productively will revert to State ownership, and in theory the fact that the total area of the subdivision is being reduced and the same amount of private water is no longer needed, but he is not sure the impact will be major. Mr. Spencer agreed and noted that he feels the private irrigation company can make the argument that no shares should revert to the State as the company is still watering a majority of the property that was previously watered within the project. Council Member Smith asked for clarification as to whether the City has purchased any private water shares for the property it will retain ownership of, to which Mr. Patterson answered no. Council Member Smith asked for additional information about improvements of the detention basin. Mr. Spencer reiterated it will be landscaped with rock and there will be a pre-cast concrete fence erected around the basin.

Council Member Ostler inquired as to the funding source for the detention basin. Mr. Spencer stated it will be funded using the project construction funds. Council Member Ostler asked if the lots that will be owned by the City will be part of the HOA and if the City will pay HOA fees. Mr.

Patterson stated that parcels a and b are not subject to any HOA regulations or fees. Council Member Ostler inquired as to the location of the future pressurized irrigation line that will be run to the area. Mr. Spencer stated that when the City constructed Canal Boulevard, there was a stub placed in the road wherein the pressurized irrigation line would be extended. However, there is not a present need for the pressurized irrigation line and the private irrigation water is sufficient to maintain the property within the subdivision.

Mayor Mann asked Mr. Patterson if the proposed motion language makes it possible for staff to make the edits discussed by Council Member Smith, to which Mr. Patterson answered yes.

Council Member Kim Rodela that the City Council accept the findings and approve Pheasant Hollow Plat C, subject to the City Engineer and City Attorney addressing any necessary technical edits.

Council Member Timothy A. Ball 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.

Mayor requested that the Council consider item seven out of order in order to accommodate the individual in the audience to hear discussion of the matter.

7. DISCUSSION: MITCHELL HOLLOW PARK AND HERITAGE PARK BASEBALL FIELD PARTNERSHIP *Administrative*

The City Council will review the Mitchell Hollow Park Baseball Field Partnership with a possible expansion to include improvements to the baseball field at Heritage Park. This item is being presented for information and direction only.

City Administrator/Community Development Director Crane noted City Administration is requesting direction from the Council on this matter; he invited input from Chad Christopherson regarding the facilities. Mr. Christopherson reported on the history of his partnership with the City to improve Mitchell Hollow; he used his construction company to convert the grass infield to a high school quality dirt infield, but throughout the summer there has been damage to the field caused by dirt bikes and other use of the infield in wet conditions. The infield had to be regraded and repaired and Mr. Christopherson requested that the field be enclosed and that the use be potentially restricted. There are several proposed remaining improvements, including include a pitching mound, GPS grading, another layer of special infield dirt, batters eye blackout, fencing, moving the backout further back (this will allow the field to accommodate different age groups), and a new storage shed. Mr. Christopherson stated he is also willing to add special dirt to the Heritage Park Fields and do other field improvements, but due to vandalism, there is a reluctance to invest in additional improvements.

There was high level discussion among the Council and Mr. Christopherson about options for securing the field and permitting appropriate access by those that have reserved the facility. Mr. Christopherson stated that he understands the City's need to use the facility, but he needs to secure the facility for a set time for three days each week.

Council Member Smith asked how many baseball diamonds there are in Highland City. Mr. Crane stated there are just three City-owned diamonds, but others owned by local churches. Council Member Smith asked Mr. Christopherson if it is his opinion the City is devoid of baseball opportunities. Mr. Christopherson answered yes; there have been good plans for improvements and expansion in the past, but they never came to fruition. Council Member Smith thanked Mr. Christopherson for the great deal of work he has completed to improve the facilities and he noted he supports efforts aimed at deterring vandalism of the improved Mitchell Hollow facility. Mr. Christopherson stated that his team will use the facility for practice, but not for games. The improvements to the infield area have made it possible for his team to practice on the same types of fields they play games on.

Council Member Ostler stated there is a hillside at the park that people use for sledding or ice-blocking and the proposed fence would cut along that hillside. Council Member Rodela agreed, but that is an issue that could be monitored and addressed if needed. However, she likes the idea of fencing the field, but leaving an opening to allow people to use the facility. If the fence does not deter vandalism – specifically damage caused by dirt bikes – the opening could be gated.

Council Member Rodela asked Mr. Christopherson his opinion on Heritage Park. Mr. Christopherson stated he received an email from someone who represents a baseball league who indicated that they just replaced the dirt at the park, and they did not want anything done to it. He stated he did not realize there was a league using that facility or that the City had an arrangement with them.

Council Member Ostler then referenced Strasburg Park, which is owned by the Church of Jesus Christ of Latter-Day Saints and inquired as the terms of the use agreement for that facility. Mr. Crane stated he was not aware of an agreement for use of that facility. Council Member Ostler stated that he is aware there are teams that practice there and wondered if the City had an agreement with the Church for that. Mr. Crane stated that any agreement is likely rumor based.

Mayor Mann stated that an action item will be included on the next meeting agenda to allow the Council to consider the proposed Park Use and Improvement Agreement. He communicated his understanding of the terms the Council would like to include in the agreement, including allowing fencing, but maintaining openings at dugouts to be evaluated for future gate closure if necessary.

Council Member Rodela stated that she would also like for staff to look into any agreement for Heritage Park.

Council Member Ostler inquired as to the term of the agreement desired by Mr. Christopherson, to which Mr. Christopherson answered two to three years.

4. A TRI-PARTY AGREEMENT BETWEEN HIGHLAND CITY, LEHI CITY, AND DR HORTON INC. *Administrative*

The City Council will consider a request for approval of a tri-party agreement between Lehi City, Highland City, and D.R. Horton for the development of property currently located in Utah County. The City Council will take appropriate action.

Mayor Mann reported on the major components of the proposed agreement between Lehi City, Highland City, and D.R. Horton for the development of property currently located in Utah County. DR Horton owns approximately 109 acres generally located at the northwest corner of Highland Boulevard and 11800 North. This property has been included in the Highland City annexation policy plan. DR Horton has petition Lehi City for annexation of the property. In exchange for Highland City not protesting the annexation, the attached agreement is being proposed. The highlights of the agreement include:

1. Highland shall continue to own and maintain the Highland Boulevard Section, and Lehi shall be responsible for fifty percent (50%) of the cost (the "Lehi Maintenance Contribution") incurred by Highland to maintain and repair the Highland Boulevard Section in accordance with Highland's roadway standards and requirements (as the same may be modified from time to time) and Highland's bidding and contracting procedures.
2. As part of the development of the Horton Property following final approval of the Annexation Petition, Horton shall install an additional traffic light or other traffic control measure along the Highland Boulevard Section at the intersection 11800 North (the "Additional Traffic Control"). The total cost for the Additional Traffic Control shall be shared by the Parties as follows: (a) Lehi and Highland shall each be responsible for thirty-three percent (33%) of such costs; and (b) Horton shall be responsible for thirty-four percent (34%) of such costs.
3. Develop the Horton Property substantially in accordance with the Concept Plan, subject to the following density limitations for each pod of development shown on the Concept Plan (each, a "Pod"): (which Horton may increase by no more than ten percent (10%) depending on the final location and layout of proposed open spaces and roads):
    a. No more than seventy-seven (77) single family lots located the forty-five (45)-acre Pod designated on the Concept Plan as "Estate";
    b. No more than ninety-five (95) single family lots located on the thirty-six (36)-acre Pod designated on the Concept Plan as "Emerald";
    c. No more than one hundred seventy-four (174) single family lots located on the forty (40)-acre Pod designated on the Concept Plan as "Horton Plus";
    d. No more than two hundred forty-nine (249) units located on the thirty-nine (39)-acre Pod designated on the Concept Plan as "Active Adult"; and
    e. No more than two (2) total clubhouses (one for the single-family residences and one for the active adult units).
4. Notwithstanding the foregoing, Horton may increase the total number of lots or units permitted in any Pod by up to ten percent (10%) so long as the total density of the Horton Property as a whole does not exceed five hundred ninety-seven (597) units.
5. Incorporate the recommendations set forth in that certain Traffic Study, dated Aug 18, 2021, prepared by Horrocks Engineers, with respect to Highland Boulevard.
6. Set the minimum lot size of any subdivision of the Horton Property directly adjacent to the boundary with Highland shown on the Concept Plan to be no less than one-half (1/2) an acre.
7. Include a trail connection to the Dry Creek area of Highland as part of the development of the Horton Property so long as the intervening landowner(s) have granted an easement to Highland for trail purposes.

Mayor Mann concluded Lehi has already approved the agreement; Highland City's approval of the agreement will not have any fiscal impact on the current fiscal year budget. He added if the City opposes the annexation and loses that argument, Highland City's leverage in the project will be lost. He noted that he has heard support for the project since the original design was amended responsive to concerns expressed by the City and the public.

Council Member Smith asked how enforcement of the terms of the agreement and the subdivision approval requirements will be handled once the property is officially annexed into Lehi. City Attorney Patterson stated there is nothing in the agreement itself regarding enforcement, but the City will rely upon normal contract rules and land use law; if Lehi approves a plat that is wildly different than what has been agreed upon, the City would have the right to challenge the approval based upon land use laws. The agreement also provides the City with leverage over DR Horton and the matter could be litigated to require DR Horton to comply with the terms of the agreement. However, the City cannot enter into an agreement that would restrict future public bodies; he referenced a previous agreement with another city that attempted to control legislative matters and that type of agreement would not be held up in court. This proposed agreement is not that type of agreement. Council Member Smith then discussed the different parcels of property that DR Horton has acquired and their plans to annex those properties into Lehi to build additional apartment buildings. He is uncomfortable with those plans given the lack of adequate transportation infrastructure. Mr. Patterson stated that is a valid concern. Council Member Smith stated that he understands that DR Horton plans to build an additional 1,700 units in that area and he wondered if they have made any agreements to extend existing roads to the west. Mayor Mann stated that he understands that plans approved by Lehi do include an additional 1,700 homes on about 1,800 acres and they have been in discussions with the Utah Department of Transportation (UDOT) and Lehi to build connector roads. He concluded they have also expressed interest in annexing an additional 40 acres in Draper.

There was a brief discussion regarding annexation and disconnection laws in the State of Utah, after which Council Member Smith asked if it is necessary to vote on this proposed agreement tonight. Mayor Mann stated he desires action of the Council before the General Election. Mr. Patterson added that if the Council is not going to agree to the agreement and instead pursue a protest of the annexation, Administration needs to know while the protest period is still open.

Council Member Rodela indicated she feels the agreement contemplates all different angles of this proposal and the Mayor and Administration has done an excellent job negotiating. She stated that she feels that the land will eventually be annexed into Lehi and the City will not be able to stop it, so it is appropriate to consider this agreement to give Highland City some leverage in the agreement. Council Member Ostler agreed and stated he feels a great deal of analysis has been performed to display that the annexation into Lehi is appropriate; if the property remains in Highland and is developed, there would be great burdens placed on City staff and City infrastructure. The Mayor and Council have been passionate about protecting the residents of Highland via the negotiation of this agreement.

Mayor Mann stated he has spoken with the County Attorney and the County Surveyor who both indicated that they do not believe the City can meet the standards for securing a successful protest of the annexation.

Council Member Ostler stated that the agreement binds the property owner to certain terms, and he agreed that the City's control of those issues will be lost if the City chooses to protest the

annexation; additionally, the City will lose good will with Lehi City and, for those reasons, he will vote in favor of approving the agreement.

Council Member Smith stated he will be voting in opposition to the agreement as he would rather pursue the protest of the annexation. He noted that the Mayor and Administration have done a good job negotiating the agreement, but he is concerned with the long-term implications of the agreement, which may be hard to predict. He feels that the area is being overbuilt, which is taxing the local schools and roads. He feels the agreement with DR Horton is good but will create an opportunity for Lehi to approve further annexations and build over the top of Highland with additional high-density developments.

Council Member Rodela stated that she will support the agreement; this is not an issue of 'letting' Lehi annex the property. Rather, it is an acknowledgement that Lehi has the right to annex the property and a clear explanation of the City's legal rights. She stated if the City opposes the annexation, it will lose all leverage and negotiating power; additionally, the protest would result in legal costs. She feels the agreement is the best deal for Highland City. Council Member Bills agreed; DR Horton made it very clear that they do not want to be in Highland City, and it is not the best position for the City to take to force them to stay in a location they do not want to be in.

Council Member Ball stated he does not think this agreement is in Highland's best interest; previous agreements made regarding these types of issues have not been upheld. However, he will be begrudgingly voting yes because the terms that have been negotiated in the agreement will yield the best possible outcome considering the entire situation the City is in.

Council Member Ostler declared a potential conflict of interest; he engaged in private business negotiations with DR Horton last year, but a final agreement never came to fruition. He has not engaged in discussions with DR Horton about that land purchase in the last 11 months. He noted he will be voting on this matter.

Council Member Kurt Ostler MOVED that the City Council approve the Tri-Party Agreement between Highland City, Lehi City, and DR Horton.

Council Member Kim Rodela 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	*No*

The motion passed 4:1.

The meeting recessed at 9:21 pm and reconvened at 9:38 pm

5. OPEN SPACE PURCHASE AGREEMENTS *Legislative*

The City Council will consider a purchase contract template for the open space purchases approved by the Council on June 15th, 2021. The Council will take appropriate action.

Planner and GIS Analyst Kellie Smith provided background information on the subject matter; earlier this year, the Council voted on a valuation for orphan parcels of $2.74 per square foot for purchases made during 2021. They also developed an orphan parcel policy and designated 54 parcels as orphan parcels. Surveys were completed by a consultant and at this time a plat amendment is needed if any adjoining property owner wants their setbacks on their original property boundary to change in order to construct an accessory structure or pool on the orphan parcel. Those interested in purchasing an orphan parcel will be required to enter into a purchase agreement and must pay for the cost of the property in full; they will also pay all surveying fees and title company/closing costs. Additional special conditions regarding sprinkler and fencing plans will be imposed. Staff's goal is to contact all residents who own property abutting an orphan parcel within two weeks to inform them that the property is available for purchase. Staff recommends the Council approve the purchase agreement template.

Mayor Mann mentioned the need to include language in the agreement regarding retaining walls on orphan parcels. Ms. Smith stated that staff can add text to the agreement specifying that no retaining walls can be built on the orphan parcel.

City Attorney Patterson asked for direction from the Council on how to handle sprinkler plans. Council Member Ostler suggested that sprinklers must be in place before the property transaction can be closed. Council Member Smith stated that would mean the City would need to give the buyer authority to make improvements on the orphan parcel before they own it. Ms. Smith suggested that the City simply require a sprinkler plan approved by the Parks Department before the transaction closes. She asked if the Council wants to impose a timeline for completing sprinkler improvements after the transition closes. The Council suggested sprinkler plans should be completed within one year of the new owner acquiring the property. There was high level discussion among the Council regarding the areas along the corridor that the City will maintain ownership and the future use of that area. Ms. Smith stated there is a strip of land running south/north that the City will need to maintain access to.

Discussion refocused on appropriate terms of the agreement specific to escrow timeline and completion of sprinkler work upon closure of the property transaction. Council Member Ostler suggested a 90-day escrow period and a timeline of 12 months after closing for the owner to complete the irrigation work.

Ms. Smith then asked if the Council has any recommendations regarding the best way for the City to communicate the availability of the properties for purchase. She noted she will send letters to those for which she has mailing information. Council Member Ostler suggested that the City find mobile phone numbers for those property owners as they may be more likely to respond to text messages or a phone call on that number. Mayor Mann agreed and noted that the Caselle contact information may be outdated with old land-line phone numbers.

Council Member Bills asked Ms. Smith to display the aerial image of the orphan parcels; there is a triangle portion of property in View Point that touches five different properties and she asked if the purchase agreement stipulates that all five property owners must purchase the property. Ms. Smith answered no, but it is her understanding that all five owners are interested in purchasing. City Attorney Patterson stated that there is no vested right for any of those five owners to purchase the property and the action before the Council this evening is approval of the contract template.

Council Member Ostler asked if all potential purchasers are willing to close on the transactions at the same time. Ms. Smith answered yes, though she has not been able to contact one of the residents and she still needs to take care of that.

The Council thanked Ms. Smith for her efforts in carrying out the orphan property policy adopted by the Council.

City Attorney Patterson then noted that if the Council plans to approve the agreement template, they should modify the document to include a 90-day escrow period and require buyers to complete irrigation work within 12 months. Any buyers purchasing an orphan parcel as a group cannot close until all buyers have signed the purchase agreement.

Council Member Kim Rodela that the City Council approve the purchase contract template for the sale of the properties designated as sellable in Resolution 2021-16 with the following two stipulations:

1. *For properties with sprinkler plans, they don't close until they complete the sprinkler realignments, and they have 12 months to do so.*
2. *Properties cannot close until they comply with the Council's previous conditions regarding south to north purchases as stated in Resolution 2021-16, and they have 90 days to do so.*

Council Member Smith asked if the second stipulation will cause problems for buyers purchasing as a group. Mr. Patterson stated this is simply a previous condition the Council imposed on the orphan parcels that are available for group purchase. He stated that the motion could be amended to state that closure will not be allowed until buyers comply with the previous stipulation approved by the Council.

Council Member Kurt Ostler 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.

Mayor Mann then stated that he was approached by a resident during the break who was very displeased that she was not allowed to provide public input regarding the agenda item dealing with the tri-party agreement with Lehi City and DR Horton. He stated that he did not allow public comment because public input was allowed at the beginning of the meeting and if he had been made aware that she wanted to provide input, he would have likely allowed it. He added that the multiple attorneys have advised him not to do that as doing so could imply that a speaker has a right to influence an item when they do not.

Council Member Ostler asked if there is a point in the annexation process when there will be a public hearing or if there is another time that a public hearing should be allowed. Mr. Patterson stated there is no requirement for the City to hold a public hearing regarding its involvement in the annexation process. Lehi City would be required to hold a public hearing. Mayor Mann added that any resident can contact any member of the Council or himself at any time. There have been

open houses and the City has heard from residents. At every Council meeting, the agenda includes an opportunity for public comments. Council Member Ostler stated that it may be a good idea at the beginning of each meeting to inform visitors when there will not be an opportunity for public comment on later agenda items and encourage them to speak at the beginning of the meeting. Mayor Mann agreed.

6. MOUNTAIN RIDGE PARK *Administrative*

The City Council will consider the process for the future construction of Mountain Ridge Park. The City Council will take appropriate action.

City Administrator/Community Development Director Crane introduced the item and reviewed the City's bidding process for this type of project. Construction plans have been completed. Phase 1 of the park includes parking, pickleball courts, a restroom, an all-inclusive playground, and road improvements along 10400 North and 5600 West. Council Members Bills and Rodela are working on a design plan and fundraising for the all-inclusive playground. They led a work session discussion on the playground at the September 21, 2021, Council Meeting. The purpose of this item to determine the next steps on Mountain Ridge Park. The fiscal impact will be determined if a contract for construction is awarded. The estimated cost for Phase 1 is $2.35 million.

Council Member Rodela asked why the plan does not include eight pickleball courts, to which Mr. Crane indicated that number of courts is cost prohibitive. He stated that the Council can determine menu items to be included in phase one and provide Administration with direction regarding any adjustments.

There was a brief discussion about the funding sources for this project, after which Council Member Smith stated that he would like to see this park project come to pass, but that other parks need some attention and every cent spent on Mountain Ridge Park cannot be dedicated to other parks, like Highland Glen. Mr. Crane stated the Council has allocated $2.46 million in existing monies and there is an additional $1.3 million of American Rescue Plan Act (ARPA) monies available, for a total of $3.76 million. Council Member Ostler agreed there are other parks that have maintenance needs. This led to high level discussion regarding master planning directives for various parks throughout the City, including Beacon Hills, which is a park with five phases and only two phases have been completed.

Finance Director Bahr stated that in order to use ARPA funds for this project, the space is being identified as a permissible use with elements for all abilities. If ARPA funds are going to be redirected to other parks, it will be necessary for staff to evaluate whether that is an allowed use. There is some flexibility, but the City needs to be careful in observing ARPA guidelines.

Mayor Mann inquired as to the balance of the City's open space fund. Mr. Bahr stated the current balance is $464,000. This money comes from sales of property.

Council Member Rodela stated she would like to entertain an alternative bid that includes eight pickleball courts. Council Member Ostler agreed and noted he does not feel the residents will be happy with four pickleball courts, a bathroom, and a giant parking lot. Mayor Mann added that staff is awaiting information regarding a possible Surf Soccer component in the park.

Council Member Ostler recommended the City use ARPA funding, plus the $2.5 million previously approved by the Council, but use open space funding for other parks. Council Member Rodela

agreed. She and Council Members Ostler and Smith voiced support for the phase one alternative bid. Mr. Crane asked if that is direction from the Council to solicit bids for phase one, alternative concept. The Council answered yes. Mr. Crane asked if the Council wants restrooms and a pavilion, to which the Council answered yes. Council Member Ostler suggested that there not be a great deal of grass in the landscaping, except in areas where necessary. Mr. Crane stated that xeriscaping will be completed along 10400 North. Council Member Ostler asked if the City would be required to go through an additional RFP process if the decision were made to include soccer fields at the park. Mr. Crane stated they City would either need to solicit additional bids or negotiate a change order with the contractor that is awarded the project.

Council Member Kim Rodela MOVED that the City Council direct staff to go out to bid for the phase 1 alternate design.

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.

8. DISCUSSION: ETHICAL BEHAVIOR STATEMENT *Administrative*

The Council will discuss implementation of an ethical behavior statement as recommended by the State Auditor's Fraud Risk Assessment. This item is being presented for discussion only to fulfill requirements of the State Auditor's Office, formal action will not be taken.

Finance Director Bahr explained that the State Auditor's Fraud Risk Assessment program requires that City officials be reminded of ethics standards contained in State and City Codes, including

- Improper use of official position
- Accepting gifts or loans
- Disclosing privileged information
- Retaining a financial or beneficial interest in a transaction
- Nepotism
- Misuse of public resources or property
- Outside employment
- Political activity
- Fair and equal treatment

This is an opportunity for City officials to reflect and recommit to ethical standards and staff recommends the Mayor and Council individually sign the Ethical Behavior Statement. The Statement will also be presented to the Lone Peak Public Safety District Board and staff of both Highland City and the District.

Council Member Smith stated that many of the standards are more pertinent to City staff. Mr. Bahr agreed, but the Council needs to be aware of any conflicts they may have with their private

employment or other community involvement; they do not need to take dire actions such as quitting their private job to resolve the conflict, but disclosure is important. City Attorney Patterson agreed; conflicts of interest must be disclosed to the Mayor and if there is an agenda item for which an elected official has a conflict of interest, they should again declare that conflict during the meeting and recuse themselves from discussing or voting on item if appropriate. The Council is simply being asked to sign a form acknowledging ethics rules in the State of Utah.

Council Member Ostler inquired as to the types of outside employment that could be a conflict of interest for an elected official. Mr. Patterson stated he is aware of another City where a Council Member is a contractor for the City's garbage service. This type of conflict must be disclosed. Council Member Ostler inquired as the type of political activity that could be a conflict. Mr. Bahr stated that standard is more applicable to staff; City staff must be neutral in political issues of the City. This led to Governing Body involvement in past political matters, such as election propositions. Mr. Patterson stated that the Mayor or City Council Members have the ability to endorse certain election issues, such as propositions.

9. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

The City Council may discuss and receive updates on City events, projects, and issues from the Mayor, City Council members, and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Staff Project List – *City Administrator/Community Development Director Nathan Crane*

City Administrator/Community Development Director Crane reviewed the staff project list, noting that items marked with a green star have internal deadlines and items with a yellow star have the potential to go to a Council meeting. There was a brief high-level discussion about various items included on the list and the status of certain projects. Council Members expressed their appreciation to Mr. Crane for developing this informational project list, it is very helpful for the Council in addressing questions from City residents.

b. Future Meetings

- October 19, City Council Meeting, 7:00 pm, City Hall
- October 20, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- October 26, Planning Commission Meeting, 7:00 pm, City Hall
- November 9, City Council Meeting, 7:00 pm, City Hall
- November 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- November 16, Planning Commission Meeting, 7:00 pm, City Hall

10. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

At 11:13 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

Council Member Kim Rodela 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 unanimously.

Council Member Scott L. Smith MOVED to adjourn the CLOSED SESSION and Council Member Timothy A. Ball SECONDED the motion. All voted in favor and the motion passed unanimously. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 11:55 pm.

ADJOURNMENT

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

The meeting adjourned at 11:55 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on October 5, 2021. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle
City Recorder

Welcome to the Highland City Council Meeting

October 5, 2021

HIGHLAND CITY

1

HIGHLAND CITY

7:00 PM REGULAR SESSION

Call to Order – Mayor Rod Mann
Invocation – Mayor Rod Mann
Pledge of Allegiance – Council Member Kim Rodela

2

HIGHLAND CITY

UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non-agenda items. Please state your name and limit your comments to three (3) minutes.

3

HIGHLAND CITY

PRESENTATIONS

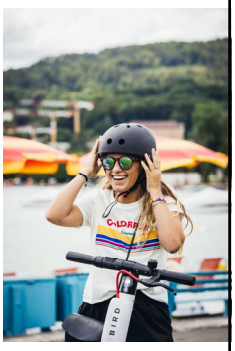
2a. Bird Scoters – *Mike Butler*
2b. Annual Library Report – *Library Director Donna Cardon*

4

BIRD

Hello, Highland

2021



5

BIRD

Why:

Improve our communities and the lives of those around us.

2

6

What is Bird?

A micromobility company with a focus in shared electric vehicles.

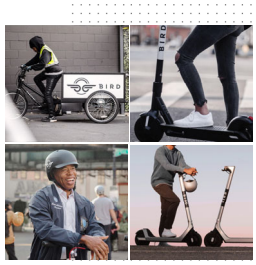


BIRD

7

Bird's Story

- Founded in 2017, Bird saw instant success as a pioneer in the space.
- Most-trusted micromobility provider in the world.
- Over 100M rides.
- 5 Continents. 25 Countries. 300+ Cities.



BIRD

4

8

Cities, Big & Small



City	Population
Fort Scott, KS	7,700
New Ulm, MN	12,200
Hermiston, OR	18,700
Elko, NV	20,300
Mason City, IA	27,200
Russellville, AR	29,100
Tooele, UT	34,500
Coachella, CA	45,100
Enid, OK	50,300
Pueblo, CO	110,000

5

9

How it works

- Download the Bird app
- Sign user agreement & verify age (18+)
- Add credit card
- Complete educational tutorials & enjoy the ride!



BIRD

Confidential and proprietary information 6

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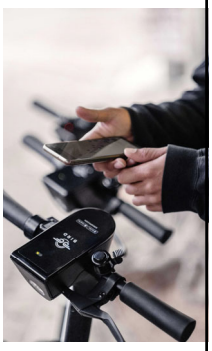
Pricing

Standard Pricing

$1+ a per minute fee. Averaging ~$7 a ride.

Equitable Pricing Options

Discounts available to those in government assistance programs, veterans, senior citizens, healthcare workers, students with pell grants, etc.

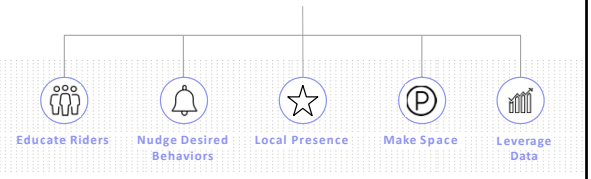


BIRD

11

Focus on Reducing Clutter

Bird's future relies on properly integrating dockless micromobility into our communities



BIRD

8

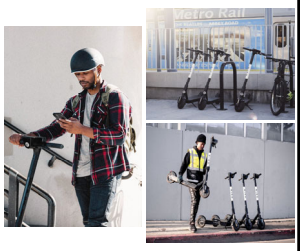
12

The Dockless Model

Freedom to choose where to pick up and drop off.

Available for use within the designated 'operating zone'.

Vehicle waits for next rider or is moved by the 'Fleet Manager'.



BIRD

9

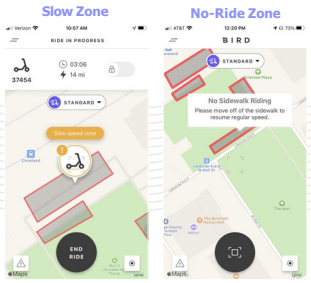
13

Geo-Zone Technology

All vehicles are tracked with GPS.

When riders enter a designated geo-zone, vehicles follow set rules.

Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.



14

Fleet Manager

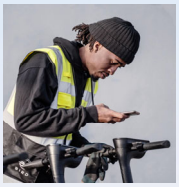
A local business who is responsible for managing a fleet including charging, repairs, and various performance tasks.

Local Touch:

- Deep community ties, and local knowledge
- Fast issue resolution
- Economic Opportunity
- Aligned incentives

Back by the Industry Leader:

- World-class technology & compliance tools
- Operational know-how
- Industry's Safest Vehicles



"Being a fleet manager has enabled me to take care of my family, and provide employment opportunities in a time where we all need help."

- Chris, Atlanta, GA.

BIRD

Confidential and proprietary information 11

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Proposal

- **No Investment Required**
- **Dedicated Account Manager**
- **Data Dashboard**
- **# of Vehicles:** 75
- **Launch Date:** 2022
- **Approval Documentation:** MOU (to be reviewed by city attorney)



BIRD

Confidential and proprietary information 12

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Thank you

BIRD

17

HIGHLAND CITY

LIBRARY BOARD REPORT TO THE HIGHLAND CITY COUNCIL

2020 – 2021 Fiscal Year

Presented By Edgar Tooley, *Chair of the Library Board*

18

Annual Report 2019-2020 Fiscal Year

Utah Code § 9-7-406(1)

"The Library Board of directors shall provide an annual report to the city governing body on the condition and operation of the library, including a financial statement."

19

A few highlights from the statistical snapshot

- Average patron visits per hour: 17 patrons
- Average circulation per hour: 74 items
- Number of Children's live programs: 147
- Teen program participants: 140
- Summer Reading Registrants: 1611
- New physical items acquired: 3064
- Exclusive digital items acquired: 147



20

A few highlights from the statistical snapshot

Compared to the State Average (per capita)

- Local revenue is 50%
- Collection expenditures are 33%
- Library size (sqft) is 20%
- Staff cost as a percent of expenses is 114%
- Circulation is 108%



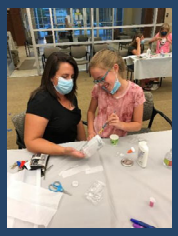
21

Pandemic related and other grants

Most grant money this year was in reaction to the pandemic.

Grants were used for

- new technology,
- digital collections
- pilot programs
- circulating materials



22

Digital Offerings

Innovative ways the library uses technology

- Tablets that include books for grandparents and stories for grandchildren.
- Kindles that include a collection of related books for youth (Battle of the Books)
- Monitoring hold times on items in the state library Overdrive collection and adding copies for Highland residents when needed.



23

Physical Collection

New materials acquired through

- Budgeted purchases
- Some book donations

Donated books that are not useable on library shelves are sold by Friends of the Library.



24

Staff Live and Online Programing

- Some grant funding for audio/video tech
- Some grant funding for pilot programming
- Programming for every age group



25

Staff Live and Online Programming

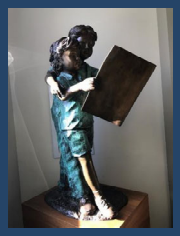
Highlights from this year's programs
- Summer Reading Program (all ages)
- Winter Reading Program (youth)
- March Book Madness (Social Media)
- Reach for the Magic (Highland Fling)
- After School Programs (some Zoom, mostly live)



26

Planning for the Future

- Program Space Feasibility Study
- Financial Audit and Forecast



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28



29



30



31

Thank you

Edgar Tooley
Chair, Highland City Library Board
libraryboard@highlandcity.org
https://highlandcity.org/128/Library-Board

32

HIGHLAND CITY

PHEASANT HOLLOW PLAT C
ADMINISTRATIVE

Item 3 – Plat Amendment
Presented by – Rob Patterson
City Attorney

33

Vicinity Map



34

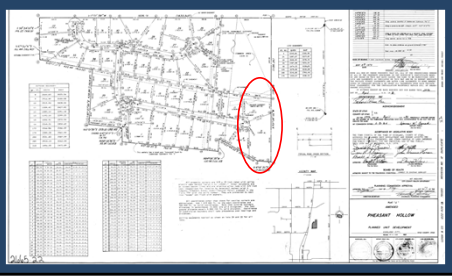
Abbreviated History

- 2009 – City acquired two residential lots within the Pheasant Hollow HOA, previously owned by the Walkenhorsts and the Jensens.
- 2019-2020 – Highland negotiates and finalizes acquisition of Pheasant Hollow HOA common area/park for Canal Boulevard project.
- June 2020 – Pheasant Hollow HOA records amendment to CC&Rs to address allocation of funds from City's acquisition of HOA common area/park. As part of the amendment to CC&Rs, the HOA removes all "property originally included within [the HOA] but later deeded or dedicated to Highland City or any other entity." This removed the Walkenhorst and Jensen lots and the acquired common area property from the HOA boundaries and HOA CC&Rs.

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Background

- Original plat approved by the City Council November 15th, 1978.



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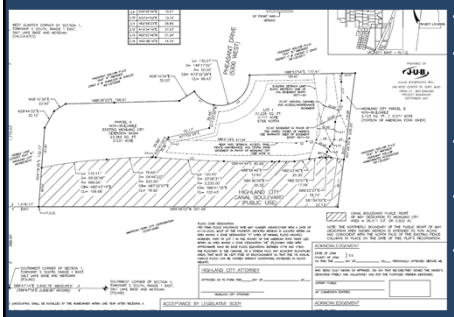
Goals of Plat Amendment

The proposed plat amendment is solely focused on the previous Walkenhorst/Jensen lots and does not address the common area property. The common area property acquisition is, from the City's perspective, resolved and does not require further action by the city. The HOA Board has formally approved the proposed plat, subject to some minor clarifications that staff is working to resolve. The primary goals of this proposed plat amendment are:

1. Realign the previous boundaries of the lots to provide for one buildable, residential lot that can be sold to a private owner and one lot that contains the City detention basin that will be kept by the City.
2. Describe utility and right of way easements on all property in the area and clarify the City's right to access the basin and utilities.
3. Reincorporate the new buildable, residential lot into the Pheasant Hollow HOA so that the future owner of that lot will have all the rights and be subject to all of the conditions and requirements of the HOA.

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Plat Amendment



- Lot 1 – 31,226 sq ft
- Parcel A: Highland Detention Basin - 23,369 sq ft
- Parcel B: AF River – 3,123 sq ft
- Right of way: Canal Blvd – 39,311 sq ft
- Pheasant Hollow HOA President signature

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HOA Signature Block

HOMEOWNERS ASSOCIATION ACCEPTANCE

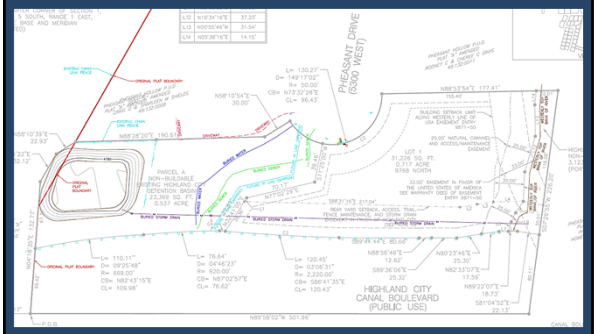
I / WE, THE UNDERSIGNED PRESIDENT / REPRESENTATIVES OF PHEASANT HOLLOW HOMEOWNERS ASSOCIATION (HOA) DO HEREBY ACKNOWLEDGE AND ACCEPT THE FOLLOWING:
1. LOT 1 WILL BE PART OF SAID HOA WITH FULL RIGHTS AND IS SUBJECT TO ALL BYLAWS, DECLARATIONS, COVENANTS, CONDITIONS, AND RESTRICTIONS THEREOF.
2. HIGHLAND CITY MAY ACCESS PARCEL "A" VIA THE EXISTING HOA PRIVATE ROADWAY SYSTEM.
3. PARCEL "A", PARCEL "B", AND THE HIGHLAND CITY CANAL BOULEVARD PUBLIC RIGHT OF WAY ARE NOT PART OF SAID HOA, NOR SUBJECT TO ANY BYLAWS, DECLARATIONS, COVENANTS, CONDITIONS, OR RESTRICTIONS THEREUNTO BELONGING.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____,20___

PRESIDENT

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Utilities/Easements



40

Recommendation & Motions

Staff recommends the City Council accept the findings and **APPROVE** the final plat amendment.

Proposed Motion:

I move that the City Council accept the findings and **APPROVE** Pheasant Hollow Plat C subject to the City Engineer and City Attorney addressing any necessary technical edits.

Alternate Motion:

I move that the City Council **CONTINUE** Pheasant Hollow Plat C to allow for technical edits for review and action at the next City Council meeting.

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HIGHLAND CITY

A TRI-PARTY AGREEMENT BETWEEN HIGHLAND CITY, LEHI CITY, AND DR HORTON INC.
ADMINISTRATIVE

Item 4 – Action
Presented by – Mayor Rod Mann

42

OPEN SPACE PURCHASE AGREEMENTS *LEGISLATIVE*

Item 5 – Action
Presented by – Kellie Smith
Planner & GIS Analyst

43

Background

- R-2021-09: Valuation of Orphan Parcels
  - $2.74/sq ft (for purchases during the year 2021)
- R-2021-15: Orphan Parcel Policy
  - Criteria
  - Process determining valuation
  - Overall process (review requests & valuation annually, 30 days to submit requests, etc.)
- R-2021-16: Designation of Orphan Parcels
  - 54 properties approved

44

Surveying Update

- All surveys completed
- **Plat Amendment is needed to be completed by the property owner if the property owner wants any easements/setbacks from the original property boundary to change, or to put an accessory structure or pool on the orphan parcel.

45

Purchase Contract

- Must be paid in full (no financing)
- Resident pays all surveying (flat fee) and title company/closing costs
- Special conditions
  - Sprinkler plan to be approved by Parks Superintendent before purchase contract can be signed (becomes an exhibit of contract)
  - No fences or accessory structures until sprinklers are addressed?
  - Cannot close until sprinklers are completed?

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Contacting Residents

- Goal is to contact all residents (that we have contact info for through requests, Caselle and the County) in 2 weeks.
  - Email, letter, or phone call (depending on contact info)
  - Send copy of purchase contracts
  - Post announcement on City Website

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Recommendation & Proposed Motion

Staff recommends the City Council consider the purchase agreement template.

I move that the City Council **APPROVE** the purchase contract template for the sale of the properties designated as sellable in Resolution 2021-16.

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HIGHLAND CITY

MOUNTAIN RIDGE PARK
ADMINISTRATIVE

Item 6 – Action
Presented by – Council Members Brittney Bills and Kim Rodela

49

Bid Process – Phase 1

- Advertise on State Procurement Website – 2-3 Weeks
- Pre-bid meeting
- Open and Evaluate Bids
- Present to Council
  – Approve or Reject Bids
- Notice of Award
- Contract
- Pre-construction

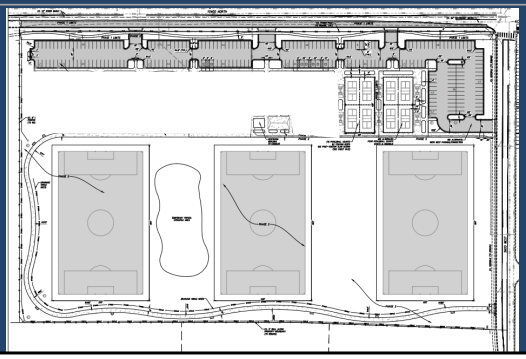
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Design Process – All Inclusive Playground

- Design Firm/RFP
- Public Involvement
- Final Design
- Construction Plans
- Bid/Change Order

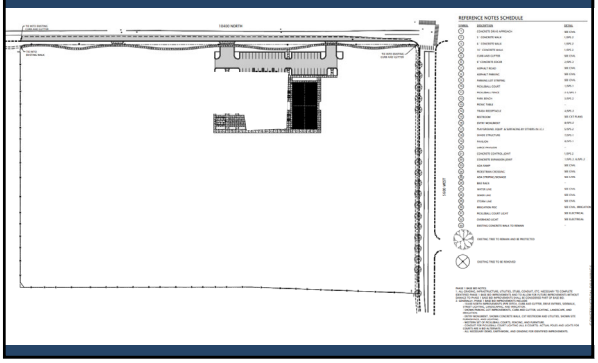
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Mountain Ridge Park



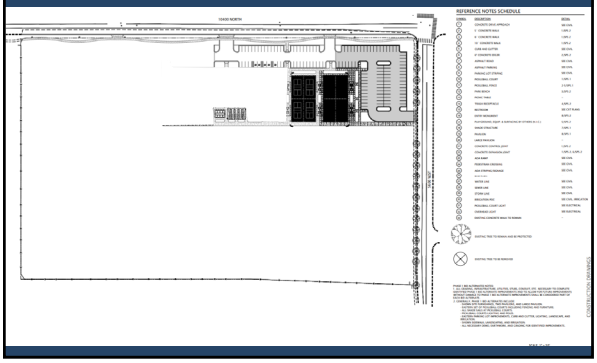
52

Phase 1 - Goal



53

Phase 1 – Alternative Bid



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MITCHELL HOLLOW PARK AND HERITAGE PARK BASEBALL FIELD *ADMINISTRATIVE*

Item 7 – Discussion
Presented by – Nathan Crane, AICP
City Administrator/Community Development Director

55

ETHICAL BEHAVIOR STATEMENT *ADMINISTRATIVE*

Item 8 – Discussion
Presented by – Tyler Bahr
Finance Director

56

Purpose

- Recommended in the State Auditor's Fraud Risk Assessment
- Reminds officials and staff of ethics standards contained in State and City Code including…

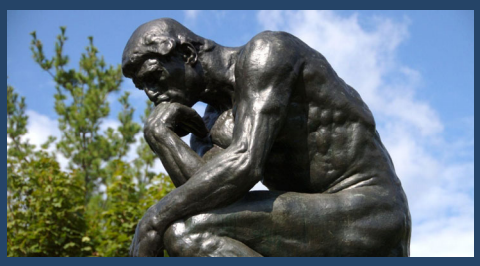
57

Purpose (continued)

- Improper use of official position
- Accepting gifts or loans
- Disclosing privileged information
- Retaining a financial or beneficial interest in a transaction
- Nepotism
- Misuse of public resources or property
- Outside employment
- Political activity
- Fair and equal treatment
- Conduct after leaving office or employment

58

Reflect & Recommit



59

Reflect & Recommit



60

Recommendation

Staff recommends the Mayor and Council individually sign the Ethical Behavior Statement.

The Statement will also be presented to the Lone Peak Public Safety District Board and staff of both Highland City and the District.

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MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS

9a. Staff Project List – *City Administrator/Community Development Director Nathan Crane*

9b. Future Meetings

- October 19, City Council Meeting, 7:00 pm, City Hall
- October 20, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- October 26, Planning Commission Meeting, 7:00 pm, City Hall
- November 9, City Council Meeting, 7:00 pm, City Hall
- November 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- November 16, Board of Canvassers Meeting, 6:00 pm, City Hall
- November 16, Planning Commission Meeting, 7:00 pm, City Hall

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CLOSED SESSION

The Highland City Council has recessed the regular City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.

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

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Highland City Library Statistical Snapshot
FY 2021

Service Summary

Library visits	45,941
Average patron visits/hour	17
Physical item circulation	199,910
Average circulation/hour	74
E-book/audiobook use (Overdrive and Tumblebooks)	63,204
Total physical collection	40,772
Public computer usage	2419
Number of new physical items acquired	3064
Number of exclusive e-book/audiobooks purchased	147
Total card holders	4947
Highland resident cards	4229

Program Summary

Kind of program	**Number of programs**	**Number of participants/views**
Children's Live Programs	147	1189
Children's Virtual Programs	33	215
Children's Take and Make	35	455
Teen Programs (all types)	9	140
Adult Programs (all types)	10	308
Family Programs (all ages)	17	4428
Winter Reading Participation	1	346
Summer Reading Registration	1	1611*
Summer Reading Completion	1	464*
Total Programs	**254**	**9165**

*some of total from the FY 2022

Comparison to Utah State Averages for Libraries

	Highland	State
Local revenue per capita	$ 20.43	$ 40.50
Expenditures per capita	$ 19.09	$ 38.44
Staff as percent of expenditures	73%	64%
Collection expenditures /capita	$ 1.58	$ 4.73
Library size per capita (in sq ft)	0.21	1.11
Library visits/capita	3.03	4.79
Registered Users/capita (2019)	0.33	0.57
Circulation /capita (2019)	12.40	11.46

Potential Highland City Community Center or Library Expansion

Community Center: estimated $14 million

Phase 1: estimated $6 million
A 2700 sq ft multipurpose room that opens onto a patio, a warming kitchen, 2 smaller meeting rooms, storage, and a lobby with display space.

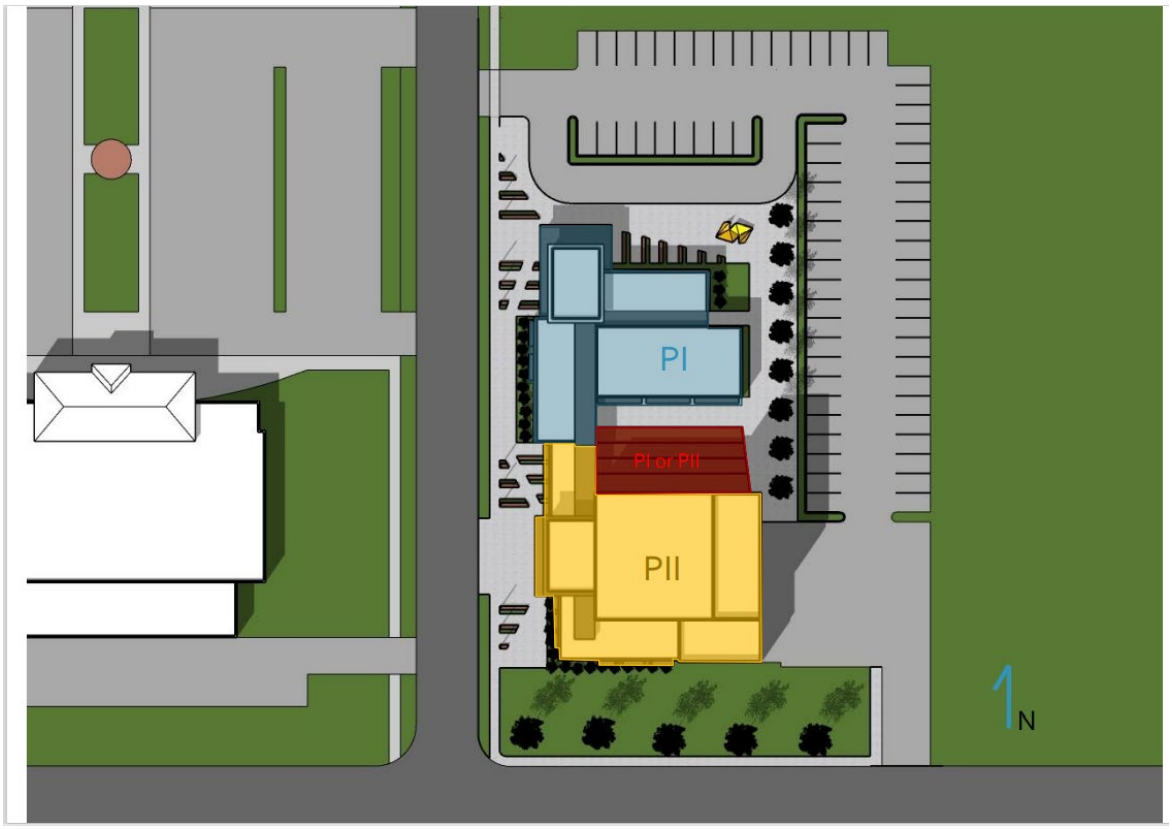




Phase 2: estimated $9 mil

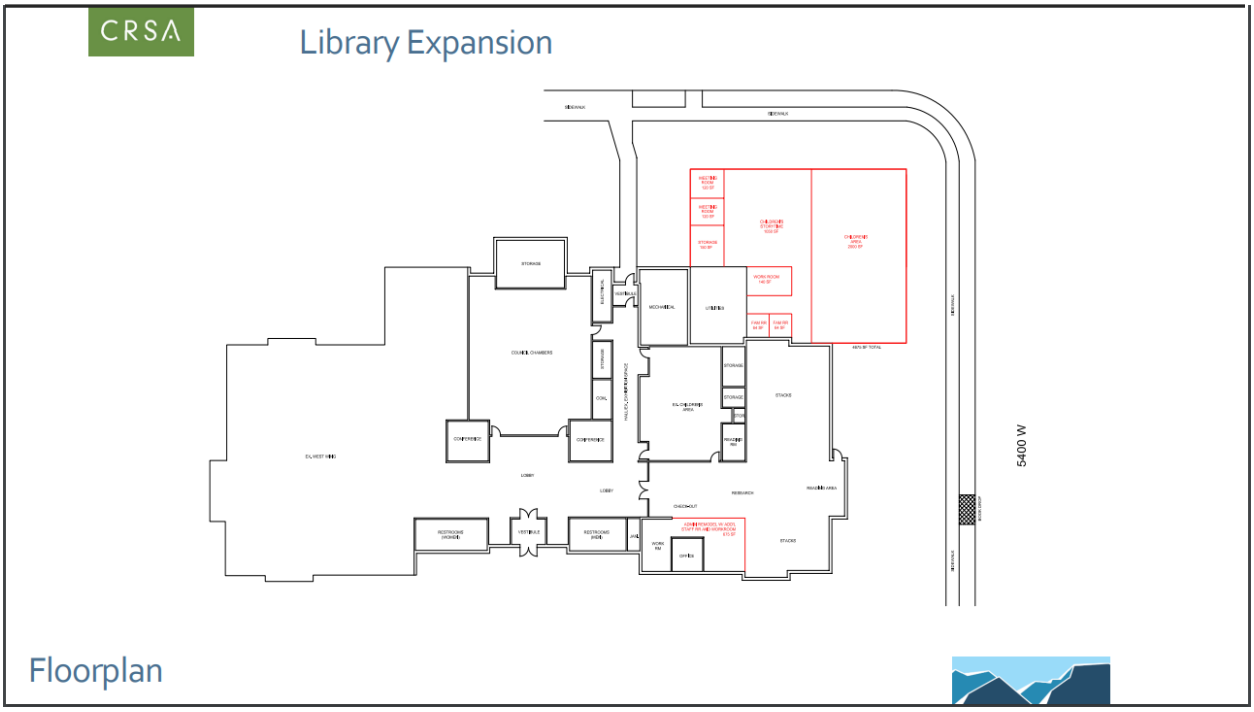
Add a theater with fixed seating, a full stage with a fly loft, ticket and concessions areas, dressing rooms, staff rooms, and storage. An outside tiered amphitheater can be included in either phase 1 or 2.





Library Expansion: estimated 1.9 mil.

5,755 square feet, with a children's room, story room, work area, storage and two study rooms.



Highland City Library: Long-Range Strategic Plan
2021-2026

Introduction

Public libraries have long been an important aspect of American life. From the early days of the Republic, libraries were valued by Americans. Benjamin Franklin founded the first subscription library in Philadelphia in 1732 with fifty members to make books more available for citizens of the young nation. From that time to the present, public libraries have been valued because they allow equal access to information and educational resources regardless of social or economic status.

Library service has long been important to the residents of Highland. From 1994 to 2001, residents of Highland and Alpine were served by a joint-use facility at Mountain Ridge Junior High School. That arrangement was eventually terminated and in 2001 the entire library collection was relocated to the old Highland City building for storage. In 2008, Highland City built a new city hall and dedicated a portion of the building for a city library. In 2016, the Library received permission to convert a public meeting room into a Children's Room for the Library. The new Children's Room was opened in spring of 2018.

The Library joined the North Utah County Library Cooperative (NUCLC) on April 1, 2012 as an associate member. NUCLC is a reciprocal borrowing system that allows library card holders from participating libraries to check out materials from other participating libraries. It is not a county library system. Each participating library maintains its own policies, budget, administration, non-resident fees, etc. In 2018, the Library reached the required collection size and was accepted as a full NUCLC member.

The Library is supported by three constituent bodies: the Library Board, the Friends of the Library, and the Library Foundation.

1. The Library Board oversees the operation of the Library. It consists of seven persons: six volunteers appointed for three-year terms, and a representative from the City Council. All meetings are held in the Highland City Hall or electronically using a video meeting platform. Records of the Library Board meetings are available on the City website.
2. The Friends of the Library is an independent non-profit organization that supports the library in the following ways: raising funds through used book sales and other endeavors, creating community connections through programs and events, and increasing volunteerism to support and supplement Library resources.
3. The Library Foundation is a nonprofit, tax-exempt foundation dedicated to assisting the Highland City Library with fund-raising and additional support. The Foundation administers larger donations, particularly those targeted at capital improvement.

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Vision Statement
The Highland City Library seeks to be a valued resource in the community that evolves with changes in society while meeting learning, information, and entertainment needs.

Mission Statement
The Highland City Library provides materials, programs, tools, and space that strengthen the community by informing, educating, and entertaining community members of all ages.

Long-Range Strategic Plan, 2021-2026
The elements of the Strategic Plan support the goals and values expressed in the Library Mission Statement. Most of the goals listed below are expected to be accomplished within the current annual budgets for the Library. Capital improvement goals involve fundraising by the Library Foundation.

Materials:

Plan	Value	Metric	Date Initiated/ Completed	Responsible Party
Grow physical collection back to 50,000 items	Provide Materials	Simple count of physical materials	Ongoing/ December 2026	Collection Development Team
Expand picture book section	Provide Materials	Add additional shelving to accommodate up to 8,000 picture books	Ongoing/ December 2026	Collection Development Team
Improve book displays in the Children's Room	Inform	Add shelf top and shelf end book displays to the Children's room	Winter 2021	Collection Development Team, Children's Services Manager

Programs

Plan	Value	Metric	Date initiated/ Completed	Responsible Party
Continue providing educational programs for each age group	Educate	Offer weekly children's programs, and monthly adult/teen programs	Fall 2021-ongoing	Programming Team

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Maintain working relationship with all local schools	Inform/ Educate/ Community	Quarterly contact with representative from each school	August 2021-ongoing	Public Relations Team/ Library Director
Increase number of current library card holders	Inform	Number of card holders will increase 10% the first year and 5% each subsequent year	August 2021-December 2025	Library Director/ Public Relations Team
Maintain Summer Reading participation and increase completion	Educate/ Entertain	Have 1000 + participants and 35% completion each year	Summer 2022-Summer 2026	Library Director/ Public Relations Team/ Programming Team
Improve Adult Programing	Educate/ Inform	Hold an in-person adult program quarterly	Fall 2022-onward	Library Director/ Public Relations Team/
Continue programs for special needs	Educate/ Inform/ Entertain	Hold monthly story time for HIVES	Fall 2021- onward	Library Director/ Programming Team
Establish a quarterly bilingual story time	Educate/ Entertain	Hold four bilingual story times in one year	Fall 2022-Fall 2023	Programming Team/ Library Director
Hold a Senior Services Fair annually (?)	Inform	Hold a trial event and then consider continuing	Spring 2022	Public Relations Team/ Library Director

Tools and Technology

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Acquire security gates	Provide Materials	Apply for a grant to get security gates	Fall 2021-Winter 2022	Library Director

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		and have them installed		
Increase e-book use by purchasing most held items	Inform/ Entertain	E-book use increases by 10% each year	Fall 2021-Fall 2026	Collection Development Team
Set up AV maker space computer(s)	Tools	Apply for grant to purchase a computer loaded with digital editing software for the public	Spring 2024	Library Director
Replace public access computers with laptops	Tools	Using funds allocated to replace the public access computers, purchase a set of laptops patrons can check out for use in the Library	Spring 2025	Library Director

Training

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Send at least one staff member to a national conference each year	Train	Staff member attends a national conference	Spring 2022, and continuing forward	Library Director
Send at least three staff members to state training sessions	Train	Three staff members attend state training each year	Fall-2021, and continuing forward	Library Director
Have a staff member complete "Uplift Training"	Train	Staff member receives Uplift Training Certificate	Already initiated/ Fall 2023	Library Director/ Participating Staff Member

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Space

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Replace Library carpet	Community Space	Get a bid, figure out funding, contact a vendor, have carpet installed	Bid by June 2023 / Jan 2024	Library Director
Replace Library upholstered furniture	Community Space	Purchase 2 love seats and 6 chairs	Jan 2024/ Dec 2025	Library Director
Conduct a survey about public interest in an addition to the Library	Space	Question added to the City's annual survey about the interest in an addition to the Library	Spring 2025	Library Director

Financial Oversight

Plan	Value	Measure	Date initiated/ Completed	Responsible Party
Conduct a financial audit of the Library Fund	Community Resource	Engage a professional financial audit of the Library Fund	Fall 2021/Winter 2022	Library Director
Investigate eliminating overdue fines	Community Resource	Do a study of nearby libraries and their success going fine-free	April 2022	Library Director

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Statement of Ethical Behavior

The City of Highland and Lone Peak Public Safety District are committed to fostering ethical behavior among elected officials and employees, consistent with requirements contained in the Utah Code, Municipal Code, and personnel policies.

Officers and employees are directed to review and abide by the *Municipal Officers' and Employees' Ethics Act* (https://le.utah.gov/xcode/Title10/Chapter3/10-3-P13.html).

Furthermore, the Highland Municipal Code addresses standards of conduct and conflicts of interest relating to elected officials – see *Highland City Municipal Code 2.04.070*, *https://highland.municipalcodeonline.com/book?type=ordinances#name=2.04.070_Standards_Of_Conduct;_Conflict_Of_Interest*.

Employees should also be aware of and adhere to standards of conduct as outlined in the personnel policies for their respective organizations.

Acknowledgement – Required Annually

Print Name Signature Date

Lead Department	Project	August		September		October		November		December		Janaury		February		March	
		First	*Second*	*First*	*Second*	*First*	*Second*	*First*	*Second*	*First*	*Second*	*First*	*Second*	*First*	*Second*	*First*	*Second*
Administration	Referendum/Normal (due 8/19)																
	RAP Tax																
	2021 Election																
	Second Debate - Youth Council																
	Open Space Deferred Areas																
	Purchase of Sellable Areas																
	Open Space Fund Study/Creation																
	Open Space Encroachment																
	Water Conservation																
	Mountain Ridge Park Bid																
	Mountain Ridge Park Playground																
	Jordan Valley Well Easement																
	Meiers Road Issue - RMP																
	Water Shares/Boyer Issue																
	DR Horton - Annexation																
	Blue Bision																
	Howard Bangerter Agreement																
	Highland Hollows Appeal Litigation																
	Highland Hollows Trail																
	Canal Blvd Parcels - Subdvision and Sell																
	City Parcel Selling (Thurgood)																
	New Council Memember Orientation																
	Council Code Enforcement Presentation - General																
	Development Review Fees - Update																
	Hire Building Offical - FTE and Restructure Building Dept.																
	Hire Building Inspector - FTE	Under Analysis															
	Hire Code Enforcement Officer - PTE																
	Restructure/ Train Code Enforcement																
	Council Packet Software																
	Buisness Welcome and Newsletter Insert																
	LPPSD Website																
	2022 Council Goal Setting																
	Report Back on New Personnel - 6 Months (BI, ZCE)																
	IT Internal Service Fund Analysis																
	Cemetery Care Fund Update																
	Cities Work Communication																
	Legislative Tracking and Engagment																
	Cemetery Code Overhaul																
	Boyer Minor Amendment																
	LPPSD Personnel Policies																
	Update Misc City Personnel Policies																
	Library Financial Planning																
	Citizen Survey																
Library	Annual Report																
Finance	ARPA Funds/Grant																

Lead Department	Project	August		September		October		November		December		Janaury		February		March	
	Refine Council Financial Reporting																
	Financial Audit																
	Workers Comp Audit																
	Assess Lone Peak Admin Staff Structure/Costs																
	State AARPA Grants																
	Payroll Backup																
	Individual Fund Analysis																
	Invoice Cloud/Xpress Bill Pay																
	LPPSD Call Data Analysis																
	Purchasing Process Highland/LPPSD																
	2023 Budget Preparation																
	Hire Utility Billing Clerk - PTE																
	Report Back on New Personnel - 6 Months (UBC)																
Engineering/Public Works																	
	Trail Maitenance Master Plan - Final																
	2021 Road Projects																
	2021 Sewer Lining Projects																
	FY 2022 Trail Maintenance Projects																
	PI Meter RFP																
	PI Grant																
	6800 West																
	Broadleaf Channel																
	Final Checklist Items Canal Blvd																
	Highland Glen Pond Water Quailty																
	11800 Well House New Pump																
	Victor View Lift Station Bypass																
	Boyer Murdock Canal PI Connection																
	Pheasant Hollow Lift Station																
	Culinary Well #3 - Construction																
	Dead Tree Replacement																
	Parks Maintenance Bldg.																
	Mercer Hollow Park Strip																
	Well #3 SCADA																
	Highland Glen Park Trail																
	Murdock Canal Trail @ Canal Blvd																
	Country Club and Dry Creek Circle																
	DWSPP Update - State Requirement																
	Well #5 Production Improvements																
	Well #4 - Bid documents (1-2 yr project)																
	UPDES Update and Annual Report																
	Report Back on Open Space Maintaineance																
	Playground Equipment Replacement Plan																
	Report Back on New Personnel - 6 Months																
Developments																	
	Ridgeview Phase 2																
	Ridgeview Commercial																
	Sunrise Farms (Longhorn) (10 units)																
	Maddox Subdivision (3 units)																
	Pheasant Hollow Plat Amendment (2 units)																

Lead Department	Project	August		September		October		November		December		Janaury		February		March	
	Aberlour Subdivision (14 units)																
	Highland Marketplace																
	Highland Business Park																
	Highland Vista - Phase 4&5 (85 units)																
	Spruces Plat G (4 units)																
	Ridgeview Plat A (265 units)																
	Beacon Hills Plat E (35 units)																
	The Hollows (68 units)																
	Lone Peak Village Office 2																
	Highland Town Plaza																
	Ten Seven Hundred (Apple Creek) (42 units)																
	Duane Chase Subdivision (1 unit)																
Other Projects																	
	Fire Hydrant Failure Map																
	Highland Glenn Park Gate																
	GIS/CAD updates																
	Updates to City Design Standards and Specs																
	Highland Glenn Park Security Cameras																
	Anderson Fence																
	Collector Road Speed Limit Plan																
	Rotating Traffic and Trail Counting Plan																
	GRAMA Policies																
	Anderson Fence																
	Emergency SOP's																
	4800 West Study																
	Public Works Shop Site improvements																
	North Utah County Transportation Study																
	Country Club Dr/N County Blvd Intersection ICE Project																
	Draper Drainage Study																
	Water Reuse Study - TSSD																
	Public Works Shop Site improvements																