



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, August 16, 2022

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

6:00 PM HEARING: ALPINE FOOD STORAGE

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Council Member Timothy A. Ball

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

a. Youth Council Report – Youth Council Representative

A member of the Highland City Youth Council will provide a brief report on their involvement with the Highland Fling and upcoming activities.

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. [Approval of Meeting Minutes](#) Administrative – Stephannie Cottle, City Recorder Regular City Council Meeting – June 21, 2022

b. [Final Plat: Dorado](#) Administrative – Kellie Smith, Planner & GIS Analyst The City Council will consider a request by Boyer Ridgeview Commercial, LC for final plat approval for 1.81 acres for the purpose of building Dorado Way located west of Featherstone Drive connecting 10100 N to Elmfield Way. The Council will take appropriate action.

c. [Action: Library Board Appointments](#) Administrative – Donna Cardon, Library Director The City Council will consider the appointment of Wesley Warren and the reappointment of Kevin Tams to the Library Board.

4. **AGREEMENT: PARK IMPACT FEE ANALYSIS AMENDMENT** *Administrative - Tyler Bahr, Finance Director*
The City Council will consider a proposal from Lewis, Young, Robertson & Burningham, Inc. (LYRB) to review the Park Impact Fee Facilities Plan and Impact Fee Analysis completed in 2020. The Council will take appropriate action.
5. **ACTION: PURCHASE CONTRACT FOR A SKID STEER** *Administrative - Andy Spencer, City Engineer/Public Works Director*
The City Council will consider the purchase of a skid steer for use in the Highland City Cemetery. The Council will take appropriate action.
6. **RESOLUTION/AGREEMENT: INTERLOCAL AGREEMENT WITH UTAH COUNTY REGARDING ELECTION BALLOT DROP BOXES** *Administrative - Stephannie Cottle, City Recorder*
The City Council will consider entering into an interlocal agreement with Utah County regarding election ballot drop boxes. The Council will take appropriate action.
7. **ACTION: PURCHASE OF SECURITY CAMERAS FOR CITY HALL AND SPLASH PAD** *Administrative - Andy Spencer, City Engineer/Public Works Director*
The City Council will consider the purchase of new security cameras in the City Hall building and at the splash pad. The Council will take appropriate action.
8. **ACTION: MAINTENANCE AGREEMENT - COUNTRY FRENCH** *Administrative - Kellie Smith, Planner & GIS Analyst*
The City Council will consider a request by Todd Trane, representing resident David Urien, to enter into an open space Maintenance Agreement with the City for property adjacent to 6671 W Normandy Way in the Country French subdivision. The Council will take appropriate action.
9. **DISCUSSION: MODERATE INCOME HOUSING ELEMENT OF THE GENERAL PLAN - IMPLEMENTATION PLAN** *Legislative - Kellie Smith, Planner & GIS Analyst*
The City Council will provide input regarding an amendment to the Moderate Income Housing element of the General Plan to update strategies and include an implementation plan. This item is for discussion and direction only.
10. **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. **Mountain Ridge Park Update** - Erin Wells, Interim City Administrator & Andy Spencer, City Engineer/Public Works Director
 - b. **Mountain Ridge Donor Monument** - Erin Wells, Interim City Administrator
 - c. **PI Meters Update** - Andy Spencer, City Engineer/Public Works Director
 - d. **Upgrade Options for the Sewer Lift Station at Caddie Lane** - Andy Spencer, City Engineer/Public Works Director

- e. **Council Committee Reports: North Utah Valley Animal Shelter** – *Council Member Scott L. Smith*
- f. **Fiber Options for Highland City** – *Mayor Kurt Ostler*
- g. **Future Meetings**
 - August 23, Planning Commission Meeting, 7:00 pm, City Hall
 - September 6, City Council Meeting, 7:00 pm, City Hall
 - September 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
 - September 20, City Council Meeting, 7:00 pm, City Hall
 - September 27, Planning Commission Meeting, 7:00 pm, City Hall

11. 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, 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, 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 agenda on the 11th day of August, 2022.

Stephannie Cottle, City Recorder

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

Council Projects Table

Description	Owner	Due Date	Status
Park Use Policy – 8/17/2021	Erin Wells	Fall 2022	Creating policy based on 2/17 Council Direction. Need direction regarding Open Space parks.
Playground equipment for Highland Glen Park: look at different vendors – 9/21/2021	Erin Wells, Josh Castleberry	October 2022	Playground ordered. Anticipated install Fall 2022
Community Center Carpet and Paint - 9/21/2021	Erin Wells	Fall 2022	Painting and upstairs carpet to be done.
Policy on encroachment and maintenance agreements	City Council	Summer 2022	Staff beginning enforcement based on policy and Council prioritization.
Work with agreement with USAC for soccer fields – 10/19/2021	Mayor & PTTC	July 2022	Define exit clause and bring back to Council.
Deferred Open Space sale properties	Kellie Smith & Council	Summer 2022	Sale approved. Neighbors have determined dividing lines. Survey being undertaken.
Traffic Calming Toolbox	Andy Spencer	FY2023	Approved in budget.
Field Rental Policy Improvements	Erin Wells	Fall 2022	Researching new system. Reviewing MOU with LPYB and CH. Fees under review. Dependent on Council's direction on Open Space property.
Add meters to Councilmembers homes and share water usage data	Jeff Murdoch	Summer 2022	Meters to be installed this summer.
Hogs Hollow Trail Work	Andy Spencer		Contract being signed by AJV then fence construction will begin.
AF Canyon Debris Basin	Andy Spencer	Summer 2022	Moving forward with Council's approval.
Discount for low-income on utility bills	Tyler Bahr	Summer 2022	Working on MOU with HEAT program
Adding surcharge for credit card fees	Tyler Bahr	Summer 2022	Approved with fee schedule. Staff finalizing legalities and process.
Dry Creek Trail Work	Jeff Murdoch	Summer 2022	Forrest service type trail nearly complete.



HIGHLAND CITY

HIGHLAND CITY COUNCIL AND HIGHLAND CITY OPEN SPACE SPECIAL SERVICES DISTRICT MINUTES

Tuesday, June 21, 2022

Waiting Formal Approval

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 Kurt Ostler

Invocation – Council Member Scott L. Smith

Pledge of Allegiance – Council Member Sarah D. Petersen

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:02 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Council Member Kim Rodela and those in attendance were led in the Pledge of Allegiance by Council Member Brittney P. Bills

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Timothy A. Ball (via phone), Brittney P. Bills, Sarah D. Petersen, Kim Rodela, Scott L. Smith

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Library Director Donna Cardon, Planner/GIS Analyst Kellie Smith, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Deputy Chief Jake Beck

OTHERS PRESENT: Jon Hart, BJ Ryan, Karma Campozano, Dan Milliron, Kelly Smith, Jorge S. Campozano, Joe Silverzveig, Linda Littlefield, Doug Holladay, Mark Hafen, Keri Bushman, Cynthia Pedersen, Trent Pedersen, Brian Braithwaite, Mike Jarema, Helene Pockrus, Melanie Dodge, Robyn Garvin, Wesley Warren

1. UNSCHEDULED PUBLIC APPEARANCES

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

Council Member Bills indicated there are several Viewpoint residents concerned about the potential road connection through Alpine and she requested a discussion item on the next agenda regarding that matter. Council Member Smith echoed the request.

Linda Littlefield discussed the Highland Fling Art Show; she provided a flier including information regarding the event, which will be held at the Community Center. There will be art available for purchase as well as just for viewing.

Karma Campozano stated that when she moved into the Viewpoint project there were only 10 houses. She noted that she feels it would be unsafe to connect Park Drive to Alpine City. This will allow people living on the ridge to come through her neighborhood and this will create safety issues for those living there.

Jorge Campozano stated he has lived in Viewpoint for 16 years and he believes the road will cause harm to the area due to increased traffic flow and accidents. He is concerned about the safety of children who live in the project and increased pollution associated with all-terrain vehicles (ATVs) travelling into the canyon. The new road is planned to be 50 feet wide, but the existing road is only 33 feet wide; it will create an access point for people outside the community and will bring crime and theft to the area. He noted that real estate desirability in the area will be diminished and the only solution he sees is to stop the road; additionally, he would like a locked access gate at the end of Park Drive. He knows there has been discussion about installing speed bumps and stop signs, but he does not believe that will solve the problem.

Dan Milliron stated he is also concerned about road to Alpine; the Viewpoint neighborhood currently enjoys seclusion as to other neighborhoods in the area. The existing streets are narrow and winding and the only reason this road connection project is being considered is to satisfy developers.

Keri Bushman stated she performed an analysis of the City's open spaces to determine the cost per square foot some residents paid to buy their lot in a subdivision that had designated open space. She emphasized residents have paid a premium to live in these areas and the City charges these residents \$20 per month for open space maintenance. She noted that Park City has bonded for parks and trails and residents are paying a fee to provide \$209,000 per year for open space maintenance; the rest of the money needed to fund maintenance comes from that city's general fund. She stated the City's general fund is made from taxes paid by residents, so the City is essentially 'double-dipping' and charging some residents double for open space maintenance. She stated that every citizen uses trails and open spaces, and she suggested reconsideration of the City's current method to ensure equality among residents. She asked that the Council consider a resolution intended to create equality regarding this matter.

2. PRESENTATIONS

a. **Comcast** – *Joe Silverzweig, Government Affairs*

Joe Silverzweig will give a presentation to Council on Comcast internet services.

Joe Silverzweig, Comcast Government Affairs, used the aid of a PowerPoint presentation to discuss residential internet connectivity and speeds in Highland City. His presentation focused on Comcast's technology and

capabilities, community impact, Comcast’s commitment to Highland City, and internet projects that have been completed in the community.

Council Member Smith relayed his own personal experience with Comcast customer service, which was lacking. Mr. Silverzweig indicated that Comcast has made efforts to improve customer service and hire more representatives, which has resulted in significant changes. He asked Council Member Smith to contact him directly if he has problems in the future.

Mayor Ostler indicated that many cities are moving towards fiber infrastructure for internet service; he asked if Comcast would pursue fiber or if the addition of new options will create competition and lower Comcast prices. Mr. Silverzweig indicated the private market should address competition and pay for fiber infrastructure; some providers are completing the projects on their own without seeking participation from cities. Comcast will continue to invest in their infrastructure to improve capacity and speeds and he would like to partner with the City to close that gap.

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. Approval of Meeting Minutes** *Administrative – Stephannie Cottle, City Recorder*
Regular City Council Meeting – May 3, 2022
- b. Final Plat: Ridgeview Plat F** *Administrative – Kellie Smith, Planner & GIS Analyst*
The City Council will consider a request by Lennar Homes of Utah Inc. for final plat approval for 9.66 acres for a 99-lot subdivision of townhomes and cottage lots located at approximately Willow Bank Drive and Featherstone Drive. The Council will take appropriate action.
- c. Final Plat: Ridgeview Plat G** *Administrative – Kellie Smith, Planner & GIS Analyst*
The City Council will consider a request by CND – Ridgeview North LLC for final plat approval for 8.15 acres for a 57-lot subdivision of carriage lots located at approximately 10100 N and North County Blvd. The Council will take appropriate action.

Council Member Smith requested to pull items b and c.

Council Member Brittney P. Bills MOVED to approve consent item 3a.

Council Member Kim Rodela 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 Sarah D. Petersen</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.

Regarding item 3b and c:

Council Member Smith declared a conflict of interest; he has been appointed by the Governor to the Utah State Development Center (USDC) Governing Board and the properties upon which the developments will be built are on former State land that was managed by the USDC. As a whole, he has been supportive of the project because when the property was sold to The Boyer Company, the revenue was placed in a fund to benefit disabled. There was a lot of interest in annexing the property into American Fork as the density could have been 37 to 40 percent higher. He added that those who are moving into the neighborhood will be in his religious ward. He then stated that when considering the project from his position as a City Council Member, he is concerned about the roads on the plat; the roads that service the number of homes in the project areas seem to be very narrow and there are many little stub roads that do not connect to anything. The Council has had many discussions about cul-de-sacs and the ability for the Fire Department to respond to public safety needs. He asked if the Fire Department has reviewed these plans. Planner and GIS Analyst Smith answered yes; Fire Chief Patten and the City's Engineering Division has reviewed the plats; the narrow streets are private rights of way, and they are 28 feet wide, which is narrower than the City's standard right of way. However, these rights of way were established upon adoption of the Planned Development (PD) zone. The road widths are sufficient, and the stub roads provide the ability to backup and turnaround a fire truck. Chief Patten added that any road that is 20 to 26 feet in width must be marked for 'no on-street parking' on both sides of the road. The roads in this project are 28 feet wide, so on-street parking will be allowed on one-side and it will be necessary to address this issue and install proper signage. He stated that he has reviewed the plat and has determined the project will be accessible and he will be able to get fire apparatus in and out of the project.

Spencer Moffat, representative of the developer, indicated that the private roads in the project will be owned by the Homeowners Association (HOA) and parking enforcement will be handled by the HOA. He stated that there is generally not a problem with on-street parking due to this strict enforcement mechanism. This led to high level discussion of on-street parking issues in other areas of the City, after which Mr. Moffat noted that all units in the project have a two-car garage and sufficient parking for two vehicles in their driveway. There are also several off-street community parking spaces for visitor parking. He then discussed the share of homes that will be constructed by The Boyer Company and Lennar Homes; he also indicated that each unit will be a for-sale unit and rental will be discouraged. In closing, there was brief discussion about street names and configuration in the project.

Council Member Scott L. Smith MOVED that the City Council approve consent item 3b the final plat for Ridgeview Plat F and consent item 3c the final plat for Ridgeview Plat G.

Council Member Kim Rodela 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 Sarah D. Petersen</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.

4. ACTION: ADOPTION OF THE DESIGNATION OF DISPOSABLE PROPERTIES: WIMBLETON *Legislative – Kellie Smith, Planner & GIS Analyst*

The City Council will consider the adoption of a resolution designating specific parcels of real public property as orphan parcels that may be disposed of in the Wimbleton Subdivision. The Council will take appropriate action.

Planner and GIS Analyst Smith explained over the last year the City Council has been discussing the disposal of orphan property. On April 19th, 2022, the City Council discussed potential open space disposal in the Wimbleton subdivision. During the discussion, the City Council agreed and offered support for considering the Wimbleton subdivision in advance of all other encroachment issues in the City. As this appears to be similar to orphan parcels that the Council has disposed of in the past, Staff recommends the process outlined in Resolution No: 2021-15 be followed regarding property criteria and determining valuation. Under the direction of the City Council, staff has prepared an attachment that shows the potential disposal of property along the borders of the Wimbleton subdivision. The total square footage of sellable open space is approximately 45,806 square feet. The area designated as sellable in the exhibit maintains a minimum of a 20' trail corridor, consistent with the Council's policy and past open space sales next to trails. The map also shows areas for potential maintenance agreements. Staff does not recommend these areas be designated as orphan parcels. The parcels on the southernmost corners are designed for retention. The northwest corner contains a City sewer line. If the City Council decides to sell any property on the east side of Wimbleton, both the Wimbleton and The Hollow residents will not be able to have a 6' solid fence. The top two feet will need to be 55 percent open to comply with the Development Code as the trail corridor will become less than 40 feet wide. The south and west sides of the neighborhood will also be required to have fences with the top two feet 55 percent open. Staff recommends the Council review the policy and determine whether or not to sell certain open space in the Wimbleton Subdivision as appropriate. If the City Council decides to sell, Staff recommends the following stipulations:

1. The sales be all or nothing by section to prevent checkerboarding.
2. The property be sold in a straight line to guarantee straight fence lines along the trail.

Council Member Smith asked if the assumption is that people who buy orphan properties will fence those properties; he asked what will happen if they do not want to install a fence. Ms. Smith stated there is no requirement to install a fence, but she has had residents ask about fencing. Council Member Smith then noted the trail was resurfaced a few years ago but needs to be entirely rebuilt in a few locations. He asked if it may be possible to straighten the trail rather than adjust property lines and sell orphan properties to residents. He then stated that if the properties are sold, he would recommend the proceeds be used to improve the trail corridor to reduce the burden of maintenance on the City or adjacent residents. When residents pay an open space fee, they expect the trail and open space to be maintained. He then noted that the existing ditch near the trail is creating problems and he asked if it will be possible to remove it in the future. Mayor Ostler stated that the City is actively negotiating for the removal of that ditch; it is owned by Lehi Irrigation Company and if they will agree, the ditch can be abandoned. Council Member Smith then referenced corner parcels that will not be purchased by an adjacent property owner, and he asked who will maintain those parcels. Ms. Smith stated that currently the City has maintenance agreements with the two adjacent property owners to maintain the detention basins. Council Member Bills stated that the City is in the process of re-working the existing maintenance agreement and she advised that the City not enter into a maintenance agreement until that process is completed. Mayor Ostler agreed but noted that the existing maintenance agreement should remain effective until a new agreement is executed. Council Member Bills then noted that she can support Council Member Smith's recommendation to rebuild and realign the trail in existing areas, but she would be interested to know the cost of those adjustments before considering formal action.

Discussion among the Mayor, Council, and staff centered in the maintenance expectations for the five-foot gap between residential property and the trail corridor and the manner in which those expectations will be documented and communicated to current and future property owners. The Council also expressed concern about 'checkerboarding' that would result from some property owners purchasing the orphan parcel and others not purchasing; Mayor Ostler recommended that the City pursue a maintenance agreement for those who do not

purchase the property but have planted grass or installed other improvements that must be maintained. The Council indicated they are comfortable with that concept, but they would like to wait until a new maintenance agreement is completed and agreed upon by the Council.

Council Member Smith stated there are residents who are interested in purchasing an orphan parcel; he would like to take action on those properties now with the knowledge that the maintenance agreement for unpurchased properties will be finalized and an encroachment policy will also be finalized. Council Member Bills agreed, after which she noted that she would recommend that the proceeds of the land sales be split 50/50 between Wimbleton and other areas of the City.

Mayor Ostler invited public input at 8:35 p.m.

Mark Hafen inquired as to the basis for the five-foot setback from the trail. Mayor Ostler stated that decision was made with the intent to preserve a 20-foot trail corridor. Mr. Hafen stated that behind his property there is 40 to 45 feet of open space with the trail in the middle and the property is consumed by weeds; if a five-foot strip is preserved, it will still be consumed by weeds. He stated that he has called the City in the past and they have cleaned it up, but the area is never proactively maintained. He would like to be allowed to get as close to the trail as possible to address this issue. He is concerned about entering into a maintenance agreement due to past difficulties and essentially the City has not been a good neighbor. He does not trust the City to uphold the commitments communicated in former maintenance agreements; he is hesitant to install thousands of dollars' worth of improvements and continue to maintain it if the City will have the option to reclaim the property and require him to remove his improvements.

Keri Bushman stated that it appears to her that the residents actually paid for the land that is being discussed tonight and the developer then donated the land to the City; the City received \$1.55 million in excess revenue from the extra lots in the subdivision. She stated that it seems wrong for the City to be reselling the property to the residents who have already paid for it. This is essentially creating a new problem. She added she loves the idea of installing a fence because it provides greater privacy and protection on the north side of her home. She stated that she does want to find a solution, but if the City received the property via donation and then decides to try to resell it to private property owners, this seems to be a violation of the constitutional rights of those property owners. She asked the Council to consider if this action is truly the right thing. She concluded by cautioning the City against planting grass or placing sod on the property during severe drought conditions.

Brian Braithwaite stated there are no water rights associated with the property in question; if the property is sold, he wondered where the water will come from to maintain it. Residents should not be able to legally use water on the property; if they install grass, it will need water. Weeds grow on the land because residents are watering the grass on their adjoining property. The City needs to figure out how to properly maintain the property and decide how to be a good neighbor to residents.

Mayor Ostler closed the public comment period at 8:44 p.m.

Council Member Smith stated he feels this is a complex issue and there are flaws in the concept of using an open space policy and fee. He added there are always issues with water and these are matters that must be addressed in the future.

Council Member Scott L. Smith that the City Council APPROVE the Resolution to designate parcels of public real property as orphan parcels in the Wimbleton Subdivision, as shown in Exhibit A, subject to the following stipulations recommended by Staff.

- 1. The property be sold in a straight line to guarantee straight fence lines along the trail.*

2. *At least 50% of proceeds of these sales be used to improve the trail in Wimbledon.*
3. *Residents can purchase property individually.*
4. *The cost will stay at 3.14/sq ft. until June 21, 2023.*

Council Member Kim Rodela 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 Sarah D. Petersen</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 Bills stated that when this issue is discussed again in the future, she would like continued discussion of the allocation of land scale proceeds. Mayor Ostler agreed and stated he feels that each neighborhood should be considered separately and the manner in which revenues should be allocated can vary depending upon needs.

5. PUBLIC HEARING & RESOLUTION: FY2022 FINAL BUDGET AMENDMENTS *Legislative – Tyler Bahr, Finance Director*

The City Council will consider final amendments to the FY 2021-2022 Budget. The Council will take appropriate action.

Finance Director Bahr explained that the City is required to keep expenditures within budget. As the Council is aware, accurately forecasting all revenue, expenditures and needs of the community is difficult; therefore, budget amendments are generally necessary to comply with State requirements. The FY2021-2022 budget was adopted in June 2021 and Council approved mid-year adjustments in January, early this year. Staff has identified the following adjustments for Council approval that will be necessary to close out the fiscal year:

Multiple funds:

- Microsoft Licensing – increase in assessments to various funds to pay for Microsoft licensing, which has increased due to changes in the way Microsoft is charging for its software products – \$10,985

General Fund:

- Road access agreement with Rocky Mountain Power; unplanned Council projects including radar speed trailer, resident fence, and consulting analysis – \$48,800
- State-mandated update to Court AV equipment – \$7,500
- Building inspector vehicle – \$41,000
- Additional cost on 10200 North project as per Millhaven agreement – \$3,431
- Transfer to Building Capital of unused Council Appropriations to be used for Community Center improvements – \$6,000

Parks Capital Fund:

- Spring Creek retainage (5%) paid at the end of warranty period and replacement of dead trees – \$19,587
- Highland Glen Playground - \$149,634

Road Capital Fund:

- Reimbursement to County for East/West Corridor, offset by \$527K received in MAG grant – \$503,000
- Millhaven reimbursement for Hollows – \$1,406,059

Town Center Exaction:

- Reimbursement to developers for prior financial participation in infrastructure improvements – \$62,141.

In addition, staff recommends that any amount in the General Fund Balance in excess of thirty-five percent (35%) of the estimated revenues be transferred to the Highland City Capital Roads Fund, Capital Park Fund or Capital Building Fund as specified in Utah Code Annotated section 10-6-116. Staff recommends that Council approve the resolution adopting the final adjustments to the FY2021-2022 budget.

Council Member Petersen asked if all budget amendments are debits rather than credits, to which Mr. Bahr answered yes.

Council Member Smith stated the Spring Creek Park project was completed two to three years ago and he asked if there is some reason that the City is unable to keep the trees in that park alive. Public Works Director Spencer stated trees are harmed by road salt that is plowed into the grass area; additionally, there have been issues with the sprinklers. He has spoken with the contractor for that project, and he has already replaced several trees, but the warranty period has expired, and the City is now responsible to replace trees.

Council Member Smith then discussed the State's action to increase the limits on a city's general fund reserve fund to 35 percent of total budget; he stated the Council discussed this change in the past, but he does not recall acting on a matter to increase Highland's general fund reserve to 35 percent; he recalls deciding upon a cap of 25 to 28 percent. City Administrator/Community Development Director Crane stated that the Council never took formal action on that matter. Mayor Ostler stated that the reserve fund was at 35 percent last year. Mr. Bahr added that the Council has the authority to determine their reserve fund amount so long as it is greater than five percent of the total budget.

Mayor Ostler opened the public hearing at 8:59 p.m. There were no persons appearing to be heard and the public hearing was closed at 8:59 p.m.

Council Member Smith asked if the proposed resolution would finalize the City's general fund reserve at 35 percent of total budget. Mayor Ostler stated the resolution contemplates a \$4.2 million general fund reserve balance, but that amount can be adjusted by the Council throughout the year as they see fit. This will provide for the transfer of up to \$700,000 to other areas of the budget.

Council Member Petersen stated she is concerned that the budget year is nearing an end on June 30, yet the final budget adjustment is still too vague and broad; she would like to get to a point where there is not such a large gap in the final budget transfer this close to the end of the budget year. Mayor Ostler and Council Member Smith agreed. Council Member Smith added that the Council had a spirited debate a few weeks ago about the implications of eliminating the open space fee, yet there is \$300,000 to \$700,000 available in excess revenue that could have been used to cover the lost revenue associated with eliminating that fee. He looks forward to discussing that issue further. Mayor Ostler stated that will be discussed in the fall of the coming FY.

Council Member Kim Rodela MOVED that City Council approve the resolution adopting the final adjustments to the FY2021-2022 budget.

Council Member Sarah D. Petersen 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 Sarah D. Petersen</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.

Mayor Ostler called for a recess at 9:05 p.m.; the meeting reconvened at 9:16 p.m.

Mayor Ostler stated staff brought an issue to his attention during the break regarding agenda item four, the Wimbleton open space action; the area between lots 21 and 23, which is used for storm water retention, is not available to purchase and it is necessary to make a motion to adjust the action taken and clarify that property is not up for sale.

Council Member Scott L. Smith MOVED that lot 22 cannot be purchased as it is part of the storm detention basin.

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Absent</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Sarah D. Petersen</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 4:0.

Mayor Ostler moved to item #13 at this point in the meeting.

13. PUBLIC HEARING & RESOLUTION: FY2022-2023 (FY2023) BUDGET ADOPTION *Legislative – Tyler Bahr, Finance Director*

The City Council will consider the FY2023 budget for adoption. The Council will take appropriate action.

Mayor Ostler used the aid of a PowerPoint presentation as an introduction to the discussion of the Fiscal Year (FY) 2022-2023 final budget; he started with a review of the General Fund reserve balance of \$4.8 million. There has been a great deal of discussion about anticipated revenues for the coming FY, including revenues associated with building permits; considering a building revenue of \$578,000 and expenses of \$362,000, there should be \$216,000 available in the General Fund. The City has received an audit alert from the State Auditor's Office, so this money should be left alone until that matter is resolved. He stated that the building permit forecast in the tentative budget was \$900,000, but after discussing actual building projects with developers, the forecast has been reduced to \$578,000. He then discussed cemetery lot sales; Administration is projecting lot sales revenue of \$400,000. There is a carryover of \$122,954 from FY 2021-2022 so the total revenue for FY 2022-2023 is

\$523,454. Considering expenses associated with the cemetery, the total funding available is \$252,044 and this money will be transferred back to the General Fund to pay back for land purchase. The land purchase will be repaid in two to three years and the transfer will no longer be necessary at that time. He briefly discussed sales tax projections; the sales tax revenue in the 2021-2022 budget was \$3,325,000 and the projection in 2022-2023 is \$3.6 million, which is an 8.3 percent increase. He then discussed the budget surplus; there is \$891,000 available; this number can be adjusted by removing budget increases associated with sales tax revenue projections, cemetery sales, Mountain Ridge Park labor, and public safety; this would leave a budget surplus of \$135,000. If extra building permit revenue from planning, zoning, and engineering is allocated, the surplus would be \$225,381.

Council Member Smith asked Mayor Ostler if he is advocating for not increasing the public safety fee. Mayor Ostler stated that he feels that this information can be used to explain the reason for the public safety fee; the City will be impacted by inflation just as regular residents are impacted. He stated he feels transparency is important and most cities pay for their public safety costs from their general fund.

Council Member Rodela stated that it is true that most cities pay for public safety in their general fund, but those cities are considering property tax increases this year to cover increased costs; many Highland residents have indicated that they prefer a fee over a tax increase to ensure transparency.

Council Member Petersen stated that the City has heard feedback from residents regarding the state of the cemetery. Additionally, the City has promised that it will address the condition of many sections of trails in the City. It is true that several residents have indicated they would like for the public safety fee to be separate from the rest of the budget to provide transparency. She stated it makes sense this year to consider the fee increase, but it may be that it becomes necessary to raise property tax rates next year to cover other needs, such as the cemetery and trails. Finance Director Bahr added that the City has experienced a \$665,000 increase in public safety fees that must be addressing in the coming budget year.

The Council discussed the impact that inflation is having on most households in the community; Council Member Smith stated he is not sure he can support a public safety fee increase given that the City has over \$800,000 available in excess revenue. Mayor Ostler stated that revenue amount should be adjusted downward to consider transfers of building permit and cemetery sales revenue. Council Member Petersen stated there are many needs in the City that have been deferred for several years; she suggested increasing the public safety fee to cover actual public safety costs and utilizing excess revenues to cover those other needs.

Council Member Bills expressed frustration that the budget proposal has changed from meeting to meeting; the Council has participated in several budget meetings, at the conclusion of which certain decisions have been made. Yet, those decisions are altered at the next meeting, and it is difficult to keep pace with those changes. She stated she feels that impacts transparency for the Council and the residents. Mayor Ostler stated that the \$891,000 revenue dollar amount was presented two months ago. Council Member Bills stated she has seen that number, but she is frustrated that the Council reached consensus about the public safety fee increase amount at that last meeting and now the matter is being discussed again. Mr. Bahr clarified that the \$891,000 dollar amount actually was not included in the tentative budget; it is a result of the Council's direction to consider an increase of the public safety fee to \$17. He agreed there has been a great deal of movement in the budget and it has been hard to keep track of. Council Members Rodela and Petersen echoed Council Member Bills' frustration and noted they have made budget cuts based upon information that has been provided over the course of several budget meetings. Mayor Ostler apologized. Council Member Smith thanked Finance Director Bahr for his efforts and indicated that the Council's comments should not be interpreted as criticism of his efforts.

Mayor Ostler then moved to agenda item six. Item #13 is continued later in the meeting.

6. RESOLUTION: ADOPTING THE FISCAL YEAR 2022-2023 CERTIFIED TAX RATE *Legislative – Tyler Bahr, Finance Director*

The City Council will adopt the Certified Tax Rate for the FY 2022-2023 budget. The proposed rate does not include a tax increase. The Council will take appropriate action.

Finance Director Bahr explained the Certified Tax Rate is the rate calculated by Utah County for Highland to receive the same amount of property tax revenue as last year with growth added. According to State Code, local governments should receive their Certified Tax Rate by June 8. State Law requires cities to adopt the certified tax rate by June 22 and the final budget on June 30. Last year, the certified tax rate for Highland City was set to 0.001122 with total estimated revenue of \$2,127,161. The rate assigned was as follows:

- 0.000975 for Highland City General Operations with anticipated collections of \$1,848,469
- 0.000147 for the Highland City Library with anticipated collections of \$278,692.

The FY2023 proposed certified tax rate for the City is .000817 with total estimated revenue of \$2,251,223. The rate is assigned as follows:

- 0.000710 for Highland City General Operations with anticipated collections of \$1,956,387
- 0.000107 for the Highland City Library with anticipated collections of \$294,836.

Mr. Bahr noted that if the Council were to hold the current certified tax rate, the City would receive approximately \$800,000 in additional revenue for a total of \$2.7 million in collections.

Council Member Smith stated that it is important to stress to residents that the certified tax rate does not capture growth in property values. Mr. Bahr stated that is correct; the City has grown and will receive additional revenue based upon actual population growth – approximately \$106,000, but it is not possible to capture inflated property values without advertising a property tax rate increase. He concluded staff recommends that the Council approve the resolution adopting the Certified Tax Rate consistent with the rate proposed by Utah County.

Council Member Scott L. Smith MOVED that the City Council approve the resolution adopting the 2023 Certified Tax Rate for Highland City as .000817.

Council Member Kim Rodela 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 Sarah D. Petersen</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.

7. PUBLIC HEARING & RESOLUTION: INTERFUND TRANSFER FROM THE PRESSURIZED IRRIGATION FUND TO THE GENERAL FUND *Legislative – Tyler Bahr, Finance Director*

The City Council will hold a public hearing to consider the adoption of a resolution allowing a transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund for Fiscal Year 2022-2023. The Council will take appropriate action.

Finance Director Bahr reported that accounting principles and the State Auditor allow the General Fund to charge the Enterprise Funds for an overhead charge for services provided to manage the Funds. At the same time, Enterprise Funds are allowed to charge the General Fund for services provided to it. The State Auditor also allows for subsidy transfers from an Enterprise Fund to the General Fund. The Office of the State Auditor's State Compliance Audit Guide outlines the procedures for doing an Interfund Transfer from an Enterprise Fund to the General Fund in what is called a subsidy transfer. The City Council must hold an Enterprise Fund hearing, explaining the intention of transferring the money to another fund, the amount of money transferred, and the percentage of the total Enterprise Fund expenditures represented by the transfer. Currently the General Fund pays the Pressurized Irrigation Fund \$108,000 a year to water the estimated 181 acres of park, open space, and park strip land owned by the City. This resolution would allow the Pressurized Irrigation Fund to transfer the \$108,000 back into the General Fund. The \$108,000 transfer represents approximately two percent of the Pressurized Irrigation expenses. The transfer back to the General Fund means that each customer is subsidizing the General Fund approximately \$2.00 per month to water the City's parks, open space and park strips. This transfer leaves additional money to pay for general government services out of the General Fund. Staff recommends the Council hold a public hearing and approve the resolution authorizing the proposed transfer.

Council Member Smith stated it is important to communicate that the City has already paid for these costs and the pressurized irrigation (PI) fund is simply repaying the General Fund. He noted that most people are paying into the PI fund to cover the water they receive, and it seems that the General Fund should pay for water used in parks instead of adding another fee to pay for parks and open space. He stated that the funds should be distinct, and the City should pay their share for things like this. He stated that residents are essentially subsidizing the General Fund through actions such as this.

Mayor Kurt Ostler opened the public hearing at 10:04 p.m.

There were no persons appearing to be heard and the public hearing was closed at 10:04 p.m.

Council Member Kim Rodela MOVED that the City Council adopt the Resolution authorizing the transfer of \$108,000 from the Pressurized Irrigation Fund to the General Fund for the fiscal year 2022-2023 budget.

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 Sarah D. Petersen</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 4:1.

8. RESOLUTION: ADOPTION OF NEW UTILITY RATES *Legislative – Tyler Bahr, Finance Director*

The City Council will consider a request to increase utility rates. The Council will take appropriate action.

Finance Director Bahr explained the City's utility rates were reviewed by Lewis, Young, Robertson, and Burningham, Inc. (LYRB) and culinary water rates were adjusted in 2021. In response to rising construction costs,

the Council authorized a contract with LYRB to again review the utility rates. LYRB included the following in their analysis:

- Cost of service – future operating and maintenance costs, contracts, repair and replacement, capital expenditures, funding for current system deficiencies and bond service coverage ratios
- Revenue growth and sufficiency – ability of each utility to pay its own way
- Cash reserves – goal to maintain a minimum of 365 days of cash on hand

The primary focus of this review was to capture capital project costs that have increased since the 2021 study was completed. Preliminary findings and recommendations were presented to the Council in a work session on May 17, 2022. Staff has discussed with LYRB the possibility of a one-time transfer of \$500K from the General Fund to the Culinary Water Fund for the purpose of replenishing funds depleted to pay for urgent work on two wells in 2021 and allow capital improvement projects to move forward. The source of these funds is FY2023 projected net revenue in the General Fund, or existing fund balance if necessary. Making this transfer would allow the City to increase the culinary water rates 20% instead of the 45% previously identified. For example, the base rate for residential connections would increase from \$15.91 to \$19.09 per month, instead of the \$23.07 previously identified (a savings of \$3.98 per month). Commercial base and consumption rate adjustments would also see a similar proportional savings. The other results and recommendations now presented for Council consideration remain unchanged from the information presented in the previous work session. The proposed changes will improve the fiscal health of the utility funds, increase the number of days of cash on hand, and allow critical capital projects to move forward. Without these rate adjustments, critical projects would be delayed, putting at risk the City's ability to maintain utility services. Staff recommends that the City Council discuss and determine if a \$500,000 transfer should be made from the General Fund to the Culinary Water Fund; and hold a public hearing and adopt the recommended increases to the utility rates.

Council Member Petersen asked if the proposal is for a one-time or annual transfer. Mr. Bahr stated this is a one-time proposal. Mayor Ostler added that this action is essentially a 'buy-down' of water rates. Council Member Petersen wondered if it is necessary to consider an appropriate rate increase rather than considering one-time fixes from year to year. Public Works Director Spencer stated that the City's costs continue to rise; the idea of a one-time transfer was interesting to him and will allow the City to reduce the impact on residents this year, while still allowing the City to proceed with needed capital projects. It may be necessary to consider ongoing fee increases next year. Enterprise funds are dedicated to the respective enterprise that this type of transfer is legal. The City can spend tax revenue on any need in the City, which is why the transfer from the General Fund to an enterprise fund is allowed. If the transfer were from the enterprise fund to the General Fund, there would be problems or a requirement to repay that transfer with interest.

High level discussion centered on the need for clarity in all budget matters rather than separate discussions of multiple budget issues. Mr. Bahr added that without the transfer of utility rate changes, the culinary water fund balance will drop below zero; this means that it will be necessary to push off needed projects for several years. The proposed transfer will make it possible for the fund to have a positive balance and provide for the completion of needed projects.

Council Member Scott L. Smith MOVED that the City Council approve the resolution adopting the recommended utility rate increases \$15.91 to a \$19.09 instead of \$23.00 consistent with a transfer of \$500,000 from the General Fund to the Culinary Water Fund.

There was no SECOND. The motion failed.

Council Member Rodela indicated the culinary water fund is intended to be an independent fund and she is concerned about the transfer; the transfer from the general fund will 'muddy' the accounting and she would rather

consider decreasing the public safety fee and augmenting that fund with general fund monies. Council Member Petersen agreed.

Council Member Brittney P. Bills MOVED that the City Council approve the resolution adopting the recommended utility rate increases as presented in May.

Council Member Kim Rodela SECONDED the motion.

Council Member Smith stated that if the transfer is not made, the Council will be increasing the culinary water rate by \$48. He stated he is uncomfortable with that increase. Council Member Petersen agreed it is uncomfortable to raise rates by that amount, but the Council has no control over increased costs the City is paying for infrastructure projects; she feels that a fee increase is transparent while a one-time transfer is less transparent. She would rather keep the enterprise fund clean and clear for transparency for residents. Council Member Smith stated that it is hard to raise fees and taxes when carrying a larger budget surplus; the surplus could be used to keep fees and taxes lower.

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 Sarah D. Petersen</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 4:1.

9. RESOLUTION: PUBLIC SAFETY FEE *Legislative – Tyler Bahr, Finance Director*
The City Council will consider a proposed increase to the public safety fee. The Council will take appropriate action.

Finance Director Bahr explained in June 2019, the City Council instituted City Ordinance O-2019-10 allowing for assessment of a monthly public safety fee to utility customers in Highland City. The fee was set at \$11.50 per month and has remained the same since. As Police and Fire/EMS to the City are projected to increase by approximately \$665,000 in FY2023, the City Council has provided direction to set the public safety fee at \$17.00. The increase in the fee will offset \$311,000 of the \$665,000 public safety cost increase. The increase of the monthly public safety fee from \$11.50 to \$17.00 is anticipated to generate a total of \$961,000, \$311,000 more than budgeted in FY2022. The remaining public safety cost increase will be funded by other ongoing revenue sources such as property and sales taxes in the General Fund. Staff recommends that the Council approve the resolution adopting the increase of the public safety fee to \$17.00 per month.

Council Member Smith stated the Council also discussed increasing the fee to \$15.25 per month rather than \$17. Mayor Ostler inquired as to the amount of revenue that increase would generate. Mr. Bahr stated it would have generated an additional \$212,000.

Council Member Bills stated that considering the discussions that have taken place tonight regarding the amount of budget surplus the City has, she would rather consider the increase to \$15.25 rather than \$17. Council Member Rodela agreed and noted that is why she voted against the transfer from the General Fund to the Culinary Water

Fund; she would like to increase fees to the amount needed to cover costs and if there are additional needs, the Council can consider support from the General Fund. Council Member Petersen agreed.

Council Member Smith stated that if the Council is not going to fully fund the Public Safety needs with a fee, it may be inappropriate to consider any fee increase at all. Council Member Bills stated that a smaller fee is easier for the public to accept in one year; this will leave general fund monies available for other needs in the City. It is not possible to fully fund public safety from the General Fund as doing so would make it impossible to meet other needs in the City. Council Member Petersen agreed and noted that if the fee were not used for public safety, it would be necessary to dedicate 60 percent of the general fund budget to public safety. Council Member Ball added that smaller incremental increases are easier for residents to accept, and he is supportive of the increase to \$15.25.

Council Member Kim Rodela MOVED that the City Council approve the resolution adopting the increase of the public safety fee to \$15.25 per month.

Council Member Sarah D. Petersen 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 Sarah D. Petersen</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 4:1.

10. RESOLUTION: GARBAGE & RECYCLING RATES *Legislative – Tyler Bahr, Finance Director*

The City Council will consider updating the garbage and recycling can rates due to contract increases with Waste Management. The Council will take appropriate action.

Finance Director Bahr reported that in March 2020, the City Council selected Waste Management from among three different companies who submitted proposals for Highland's garbage and recycling pickup. Of the three bidders, Waste Management's proposal was the lowest overall cost. Garbage revenue is derived solely from the monthly fees paid by residents on their utility bills. Garbage expenses are mainly composed of direct garbage costs from our hauler – Waste Management and the garbage transfer station – North Pointe. There are also some other costs that go into the total expenses including salaries and billing expenses. Previous direction from City Council has established that the revenue generated from monthly fees cover the cost of garbage collection costs so that the General Fund does not have to otherwise subsidize this function. As per the service contract, Waste Management has determined it is necessary to increase charges to the City based on market conditions such as labor, equipment, and fuel costs. As a result, the following rate changes are necessary to sustain current service levels:

	Current Monthly	Proposed Monthly	Monthly Difference
1st Garbage Can	\$9.61	\$10.75	\$1.14
2nd Garbage Can	\$6.76	\$7.49	\$0.73
Recycling Can	\$6.27	\$7.18	\$0.91
TOTAL	\$22.64	\$25.42	\$2.78

Council Member Sarah D. Petersen MOVED that the City Council approve the resolution adopting the new garbage collection fees.

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 Sarah D. Petersen</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. PUBLIC HEARING & RESOLUTION: ADOPTING FY2023 FEE SCHEDULE

Legislative – Tyler Bahr, Finance Director

The City Council will hold a public hearing and consider adopting the FY2023 Consolidated Fee Schedule. The Council will take appropriate action.

Finance Director Bahr reported each year as a part of the budget process, staff works to update the fee for the upcoming budget year. Attached you will find the proposed fee schedule and fees that staff is recommending adjusting are in red text. He summarized key changes as follows:

- Public safety fee – \$15.25
- Credit card processing fee (non-utility payments) – 2.25% to 3.00% of transaction, dependent on card type used
- Building permits
 - Lot infrastructure bond – \$4,000.00
 - Reinspection fee – \$100.00
 - Solar valuation – \$2.76 per watt
- Impact fees
 - Pressurized irrigation – \$.51 per square foot of permeable surface
 - Sewer, multi-family – Central \$1,581.00, Southeast \$2,773.00

- Building Miscellaneous Fees
 - Culinary water meter – \$546.18
 - Pressurized irrigation meter – \$607.51
 - SWPP inspection (single family) – \$1,500.00
 - SWPP inspection (multi-family) – \$50.00 per unit
- Fire Department Reinspection Fee (Business licenses) – \$100.00
- Cemetery
 - Burial plot fees – resident rate increases to \$1,175.00 and non-resident rate increases to \$1,641.00; based on the Cemetery Perpetual Care Fund Study, these costs increase 3% every year in order to help build a perpetual care fund reserve that the City can use in the future for the maintenance costs of the cemetery when plots are no longer being purchased.
 - Temporary grave marker – \$25.00
- Civic Events
 - Youth fishing (resident) – \$30.00
 - Youth fishing (non-resident) – \$35.00
- Pavilion rental
 - Resident, half-day – \$20.00
 - Resident, full day – \$40.00
 - Non-resident, half-day – \$70.00
 - Non-resident, full day – \$100.00
- Highland Fling – various changes and additions related to events, parade entries, and sponsorships
- Library – late e-reader return fees at \$1.00 per day (same as movies)
- Planning & zoning
 - Various application fee changes
 - Public utility easement vacation – \$25.00
- Garbage & recycling
 - Garbage can – \$10.75
 - Additional garbage can(s) – \$7.49
 - Recycle can(s) – \$7.18
 - Various miscellaneous fee updates
- Utility charges – various rate changes based on recent utility rate study.

The fiscal impact of these proposed changes is dependent on the demand for particular items. Staff does not anticipate a large impact to the City's budget with any of these changes. Staff recommends the Council hold a public hearing and adopt the resolution approving the revised consolidated fee schedule.

There was brief high-level discussion among the Council and Administrative staff regarding the basis for a few of the fee adjustments and how the proposed fees compare with similar fees charge in other cities.

Mayor Ostler opened the public hearing at 10:55 p.m.

Keri Bushman asked if the City has fees for short term rentals as she feels that it would be beneficial to capture increased revenues associated with those types of land use. Mayor Ostler stated that the City only assesses property taxes for residential uses and the owner of a short-term rental will pay those property taxes.

Brian Braithwaite thanked the Council for their efforts to capture real costs and fund those appropriately in separate areas of the budget. He then noted he does not believe the City is capturing all costs due to the lack of a capital improvement program that would project future capital costs. The lack of long-term planning for future costs will eventually be detrimental to the City when it becomes time to make major purchases or complete major

projects. The City may have a large surplus now, but the Council should be considering future needs and save available surplus for those future needs. He stated that residents should pay real costs and he feels the Council has done a good job of considering appropriate fees and taxes to that end.

Mayor Ostler then discussed the Visa fees on utility fees; for non-utility payments, the fee can be higher, and the City will need to notify Chase of those increases. However, they have veto power over a decision made by the Council, or they could raise the fee charged to the City. Mr. Crane agreed and noted that one of the reasons the City's credit card fees are low is that fees that can be paid by a credit card are capped at \$500, with the exception of the purchase of a cemetery lot.

There were no additional persons appearing to be heard.

Mayor Ostler closed the public hearing at 11:01 p.m.

Council Member Smith stated that the City has been putting money away for future needs and purchases; he added that the City recently ordered snowplows and will receive two this year and two more in 2024. He added the City's general fund reserve has been increased to 35 percent, so there will be more money available to the City in future years than in past years. Mayor Ostler stated he feels the point being made by Mr. Braithwaite was that the City does not have a formal long term planning document for future capital needs. Council Member Rodela agreed and stated she is supportive of being proactive rather than reactive as suggested by Mr. Braithwaite. Council Member Smith suggested establishing a fund for future needs.

Council Member Kim Rodela MOVED that the City Council approve the resolution adopting the 2023 consolidated fee schedule, with the \$15.25 public safety fee and approval of Chase credit card processing fee.

Council Member Sarah D. Petersen 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 Sarah D. Petersen</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 4:1.

12. PUBLIC HEARING & RESOLUTION - FY2022-2023 OPEN SPACE BUDGET *Legislative - Tyler Bahr, Finance Director*

The City Council will consider the FY2023 budget for the Highland Open Space Special Service District. The Council, acting as Highland Open Space Special Service District Board, will take appropriate action.

Finance Director Bahr reported the Highland Open Space Special Service District was created in September 2000, establishing the City Council as the governing board of the District. The City Council, acting as the Board, must consider the budget for the Open Space Special Service District separately from the rest of the City's budget. The Open Space budget is included in the full City budget for reference and the following highlights are worth noting:

- Revenue for open space totaling \$577K is generated primarily from two sources:

- Open space fees estimated at \$295K
- Transfer from the General Fund at \$270K
- Expenses
 - Personnel
 - Salary increases are budgeted at 6%
 - Seasonal wages are again budgeted at \$140,000, along with an increase of \$20,000 to \$100,000 in the General Fund seasonal wages to address recruitment and retention needs
 - Benefit costs include a 7% renewal rate increase for medical and 1% for dental
 - Overall, salaries and benefits are decreasing compared to FY2022 as the prior year included a temporary position to train a replacement for the sprinkler technician who retired
- Fertilizer and weed killer increasing by \$30,000 due to rising chemical costs
- Other expenses have been held generally consistent with prior years to allow for personnel increases.

The proposed budget makes use of anticipated ongoing revenue increases as well as a transfer from the General Fund. Staff recommends the Board hold a public hearing and adopt the resolution approving the FY2022-2023 budget.

Council Member Smith stated that this budget is essentially a subcategory of the General Fund; in 2010 the City prohibited the creation of additional open space neighborhoods, and he asked if that eliminated the need for the special service district. City Attorney Patterson answered no; the City would need to follow a defined process for eliminating the district. The action taken in 2010 simply prevented additional properties from joining the District. Council Member Smith asked if the District could be eliminated if the Council chooses to eliminate the open space fee and fund the expenses from the General Fund. Mr. Patterson stated that there would no longer be a need for the District at that point in time, but that is a policy decision for the Council to make.

Council Member Rodela indicated that the revenue amounts of \$295,000 and \$270,000 only add up to \$565,000 and she inquired as to the source of the remaining \$12,000 in revenue. She also asked where the revenues for park reservations are deposited within the budget. Mr. Bahr stated that is placed in the General Fund.

Council Member Smith asked if he is voting to support the open space fee as it exists if he chooses to vote in support of the proposed resolution. Mr. Patterson answered yes, but the true action is a vote on the budget for the Special Service District.

Mayor Ostler opened the public hearing at 11:19 p.m.

Keri Bushman stated she would like to see the City publish a chart that would help her visualize the processes and procedures the Council follows to develop formal budgets. She stated the information that has been discussed tonight is very confusing and that is problematic.

Mayor Ostler closed the public hearing at 11:21 p.m.

Council Member Smith asked how feasible it would be to create a chart as suggested by Ms. Bushman. Mr. Bahr stated it would likely be necessary to hire additional staff for that purpose. Mayor Ostler stated that there have been several meetings regarding the budget and staff has done a great job of keeping track of all the changes that have occurred throughout the budget review process. He commended staff for being so responsive and adjusting quickly upon receiving feedback from the Council.

Council Member Kim Rodela MOVED that the Board adopt the resolution approving the FY2022-2023 budget for the Highland Open Space Special Service District.

Council Member Brittney P. Bills *SECONDED* the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	Yes
Council Member Brittney P. Bills	Yes
Council Member Sarah D. Petersen	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	No

The motion passed 4:1.

Council Member Smith specified he voted against the action because he believes the City should eliminate the open space fee.

13. PUBLIC HEARING & RESOLUTION: FY2022-2023 (FY2023) BUDGET ADOPTION *Legislative - Tyler Bahr, Finance Director*

The City Council will consider the FY2023 budget for adoption. The Council will take appropriate action.

Finance Director Bahr reported the City is required by State law to adopt its budget no later than June 30. The Council has discussed preliminary budget proposals in various meetings and work sessions since the end of March, including adoption of the tentative budget on May 17. Consistent with the tentative budget, the proposed budget for adoption maintains or reduces most areas of spending, except for critical items, to address staff wage and benefit needs. Based on Council direction related to the tentative budget, the attached proposed budget for adoption includes the following changes:

- Public safety fee – increased to \$15.25 per month to offset some of the \$665K increase in public safety costs in the General Fund
- Items for consideration – reduction, removal, or reallocation of various items
 - Reduce budget for Council Chambers AV replacement from \$100K to \$50K
 - Remove \$75K for specialty grave excavation equipment in the Cemetery Fund and reallocate \$77K for skid steer from the General Fund to the Cemetery Fund (results in net \$77K savings to the General Fund)
 - Remove \$20K for a second variable message sign in the General Fund
 - Remove \$18K for Council appropriations in the General Fund
 - Remove \$75K for the General Plan update in the General Fund
 - Remove \$150K for playground replacement in the Open Space Fund
- Employee benefits – renewal bids for medical came in at 7% and dental at 1%

Following the changes above, net General Fund revenue is estimated to be approximately \$895,000. Much of these revenues are short-term, meaning that they are not recurring and are anticipated to decrease significantly in future years. The Council should, at some future point once current projections can be reevaluated with actual revenue trends, decide how to allocate these funds, whether in a transfer to a capital fund or to another one-time, non-recurring purpose. Mr. Bahr then highlighted general fund revenue highlights, garbage collection adjustments, the library budget, and utility enterprise funds. He also provided the following information about salaries and benefits:

- Salaries – An increase of 6% is included for salaries, which will be administered through cost-of-living adjustments

- Benefits – As noted above, renewal bids for medical came in at 7% and dental at .99%

He then noted that a number of capital projects will begin or be completed in FY2023 including Mountain Ridge Park, streets maintenance packages, and 6800 West Reconstruction. The proposed budget anticipates net General Fund revenue of \$895,000. Expenses in the enterprise funds will make use of both revenue generated in FY2023 as well as fund balances accumulated in prior years. Staff recommends the Council approve the resolution adopting the FY2022-2023 budget.

Council Member Rodela inquired as to the reason for the increase in prosecutor fees and indicated that this is the first she has seen that dollar amount in the budget. Mr. Crane reported that the prosecutor requested an increase since the Council's last budget discussion; he noted that the amount charged by the prosecutor has not increased since 2016.

Mayor Ostler opened the public hearing at 11:31 p.m.

Helena Pockrus asked if the City's Police and Fire Departments are being fully funded. Mayor Ostler answered yes; the City will use General Fund monies as needed to cover costs that are not covered by the public safety fee of \$15.25. Ms. Pockrus then asked if residents are able to pay their utility fees with a credit card. Mayor Ostler answered yes and noted residents are not charged a fee for paying utility bills with a credit card. The same is not true for other fees in the City.

Mayor Ostler closed the public hearing at 11:34 p.m.

Council Member Smith then noted that City staff will receive a six percent increase in their wages upon adoption of the budget; he noted that the City Council has not increased their own pay, and, in fact, they reduced their pay a few years ago. He stated it is important for the citizenry to understand that. Mayor Ostler agreed and thanked the Council for being fiscally responsible.

Council Member Kim Rodela MOVED that the City Council increase the prosecutor budget to \$27,000 and otherwise approve the resolution adopting the FY2022-2023 budget for Highland City, including a public safety fee of \$15.25.

Council Member Sarah D. Petersen 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 Sarah D. Petersen</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 4:1.

14. CONSTRUCTION CONTRACT: HIGHLAND GLEN PARK TRAIL PAVEMENT OVERLAY *Administrative – Andy Spencer, Public Works Director/City Engineer*

The City Council will consider approving a contract with Eckles Paving for the asphalt Trail Overlay at Highland Glen Park. The Council will take appropriate action.

Public Works Director/City Engineer Spencer reported that as part of the City annual trail maintenance program, Highland Glen Park trails have been identified as the top priority this year. In years past some areas of this trailway system have been overlayed. This project is intended to complete the remaining portions of the trail system to improve the uneven surfaces and increase safety by eliminating trip hazards. Approximately 3,400 linear feet of trail will be resurfaced at the park. Associated with this project it will be necessary for City crews to widen out the trailway width and height by removing the overgrowth. Our crews will clear a 10-foot wide/10-foot-high corridor from the vegetation to make it possible for the paving crews to access these areas with their machinery. Work on this project will occur in June and July of 2022 and thereby will span two fiscal years (FY22 and FY23). The invoices for this work will likely be received in FY23. As such, FY22 funds will be transferred to the roads capital account and then spent in FY23. The funding totaling \$117,128.70 for this project is included in the budget as follows:

- \$45,238 in 10-70-38 (Parks)
- \$65,000 in 20-43-22 (Open Space)
- \$6,891 in 40-40-76 (Trail Capital)

Staff recommends City Council approve the contact with Eckles Paving for the Highland Glen Park Trail Pavement Overlay project for FY22 and FY23 for \$106,480.64, allocating a 10% contingency of \$10,648 to be administered by staff, for a total authorized project construction amount of \$117,129 and authorize the City Administrator to sign the necessary documents for the project.

Council Member Smith asked if this project is for existing trails or new trails. Mr. Spencer stated it will be used for existing trails. Council Member Smith asked if there are plans to expand the trail system into the area in which tailings are being removed. Mr. Crane stated that has not yet been discussed; the Council did approve \$20,000 in funding to rehabilitate that area.

Council Member Petersen asked if the City has a list of all trail projects with ranking assigned. Mr. Spencer answered yes and noted that the top ranked trail is the Highland Glen Trail. This is based upon usage and the current condition of the trail.

There was brief discussion about the funding sources for the project with Mayor Ostler clarifying funding will come from the current year budget; the funding will be transferred to the FY23 road capital project to pay for the costs.

Council Member Bills asked if there will be a drinking fountain along the trail. Mr. Spencer stated there will be a new fountain installed at the beach.

Council Member Scott L. Smith MOVED that the City Council approve the contract with Eckles Paving and authorize a contact amount up to \$117,129 for the Highland Glen Park Trail Pavement Overlay and authorize the City Administrator to sign the necessary contract documents.

Council Member Sarah D. Petersen 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 Sarah D. Petersen</i>	<i>Yes</i>

Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion passed 5:0.

15. CONSTRUCTION CONTRACT: KAITLYN LANE PAVING PROJECT

Administrative – Andy Spencer, Public Works Director/City Engineer

The City Council will consider approving a contract with Eckles Paving for the asphalt replacement of Kaitlyn Lane. The Council will take appropriate action.

Mayor Ostler recused himself because this project is located in his subdivision. He asked Council Member Bills to conduct this portion of the meeting.

Public Works Director/City Engineer Spencer reported work has been completed recently for the Victor View Gravity Sewer Line Project to eliminate the sewer lift station that was located at the end of Kaitlyn Lane. As part of the project, it was necessary to enter into the road and excavate to intercept the sewer line to make the proper connections. While the sewer project includes the repair of the asphalt, given the condition of the existing road, staff recommends that the road be repaved completely to avoid multiple large new patches on a roadway that needs replacement. The asphalt will be removed from Newman construction contract for the sewer project and those funds will be applied to the full road reconstruction. The City received a bid from Eckles Paving to complete this roadway work concurrent with the other paving they are currently doing in the city. The bid includes the removal and hauling away of the three-inch-thick asphalt that is currently in place. They will regrade the existing road base to correct the crown of the roadway to ensure the long-term performance of the road. As previously indicated, a reconstruction of the roadway is an ultimate necessity given the roadway condition. As such, money spent on patching now will be wasted when the roadway reconstruction is undertaken. For this reason, the staff feel it is better to reconstruct the pavement now. The approximate cost of only patching the roadway is \$15,000. This is the amount that is saved by reconstructing the pavement now in lieu of a future date. Funding totaling \$45,057.38 for this project is included in the FY23 tentative budget as follows:

- \$33,793.04 (75% of the total) in 41-40-71 (Road Capital, Major Road Maintenance)
- \$11,264.34 (25% of the total) in 52-40-73 (Sewer Capital Expense/Projects)

Staff recommends the City Council approve the contract with Eckles Paving for the Kaitlyn Lane paving project in the amount of \$40,961.25, allocating a 10% contingency of \$4,096 to be administered by staff, for a total authorized project construction amount of \$45,057 and authorize the City Administrator to execute the necessary documents for the project.

Council Member Scott L. Smith MOVED that City Council approve the contract with Eckles Paving and authorize a contact amount up to \$45,057 for the Kaitlyn Lane Paving Project and authorize the City Administrator to sign the necessary contract documents.

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 Sarah D. Petersen	Yes
Council Member Kim Rodela	Yes

The motion passed 5:0.

16. 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. Attached Accessory Buildings – Kellie Smith, Planner & GIS Analyst

Planner and GIS Analyst Smith reported that Chapter 10 of the City Code provides a definition of a main dwelling. Main dwelling consists of subsection with details, including breezeway requirements, covered decks. There is a building at the corner of Alpine Highway and Canal Boulevard that technically meets the definition referenced, but there are some concerns about the property because an accessory building has essentially been attached to the main dwelling using the breezeway. She stated that staff has been discussing the potential need to adjust the definition to prevent a similar situation from occurring in the future. She facilitated discussion among the Council regarding the matter and the Council concluded to direct staff to consider appropriate definition amendments and work to make a recommendation to the City Council.

b. Newspaper Noticing – Kellie Smith, Planner & GIS Analyst

Planner and GIS Analyst Smith reported on the types of actions that require newspaper noticing; in 2021 the State Legislature amended State Code to eliminate some newspaper requirements and staff would like to default to those adjustments. The City would need to adjust the City Code to eliminate some noticing requirements in accordance with State law. The Council supported the proposal and directed staff to work with the Planning Commission to formulate a recommendation.

c. Future Meetings

- June 28, Planning Commission Meeting, 7:00 pm, City Hall
- July 5, City Council Meeting, 7:00 pm, City Hall
- July 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- July 19, City Council Meeting, 6:00 pm, City Hall
- July 26, Planning Commission Meeting, 7:00 pm, City Hall

d. Business License Fire Inspection – Brian Patten, Fire Chief

Fire Chief Patten discussed the Department's recent action to send self-inspection forms to businesses who are renewing their licenses; there was some confusion and the City received complaints, but he discussed the purpose of the changes. He stated that improved communication in the future will be helpful in addressing the concerns that have been expressed.

e. Thank you – Brian Gwilliam, Police Chief

Police Chief Gwilliam thanked the Mayor and Council for their action on the budget and for their support of the City's Public Safety Departments.

ADJOURNMENT

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

The meeting adjourned at 12:05 am.

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 21, 2022. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle
City Recorder

DRAFT



CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **FINAL PLAT** - Dorado Way
TYPE: **ADMINISTRATIVE:** The City Council is the Land Use Authority for Final Plats and is subject to Section 5-4-315 of the Highland City Development Code. Final plats are an administrative process. Review is limited to compliance to the Development Code and the Ridgeview PD Zoning District.

PURPOSE:

The City Council will consider a request by Boyer Ridgeview Commercial, LC for final plat approval for 1.81 acres for the purpose of building Dorado Way located west of Featherstone Drive connecting 10100 N to Elmfield Way. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

On November 9th, 2021, the City Council approved the preliminary plat for Ridgeview Pod B subject to nine stipulations. The preliminary plat included 424 residential units, two roads (Featherstone Drive and Dorado Way), and the park.

BACKGROUND:

The property is approximately 1.81 acres and located west of Featherstone Drive. The road connects 10100 N to Elmfield Way in Ridgeview Pod A Plat B.

The property was rezoned as a Planned Development (PD) district on May 21, 2019. Dorado Way was not a master-planned road in the PD Narrative.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of 1.81 acres for the purpose of building Dorado Way. Dorado Way will be a public road.
2. The Dorado right-of-way will be 56' wide, following the City's standard local right-of-way regulations.
3. A 4-way stop with pedestrian cross walks will be at the intersection of Dorado Way and Willowbank Drive. A crosswalk to the park is included in line with a trail connection from the Ivory phases.

4. The landscape plan shows street trees and shrubs along the road with a xeriscape park strip with south town cobble.

STAFF REVIEW:

- The plat is needed to provide the public right-of-way for Dorado Way.
- The landscaping will be installed by the developer and maintained by the HOA.
- The pressurized irrigation line in 10100 N needs to be built with Dorado construction. A stipulation is included to address this.
- If the City Council decides to approve the proposed plat, staff recommends the following stipulations:
 - 1) The recorded plat shall be in substantial conformance with the final plat dated July 11, 2022, except as modified by these stipulations.
 - 2) The final plat and final civil engineering plans shall be reviewed and approved by the City Engineer. The final plat and construction plans shall meet all requirements of the City Engineer.
 - 3) All required public improvements shall be installed as required by the City Engineer and shown on the approved construction plans.
 - 4) The pressurized irrigation line in 10100 N, west of Dorado, and the pressure reducing valve (PRV) must be installed with the construction of Dorado.

FINDINGS:

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

- It is consistent with the Ridgeview PD Zoning District
- It conforms to the Development Code as applicable.
- It conforms to the Highland City Engineering Design Standards.

CITY COUNCIL ACTION:

The City Council will consider approval or denial of the item.

MOTION TO APPROVE:

I move that the City Council **APPROVE** the Dorado Way Final Plat subject to the four (4) stipulations recommended by staff.

- 1) The recorded plat shall be in substantial conformance with the final plat dated July 11, 2022, except as modified by these stipulations.
- 2) The final plat and final civil engineering plans shall be reviewed and approved by the City Engineer. The final plat and construction plans shall meet all requirements of the City Engineer.
- 3) All required public improvements shall be installed as required by the City

Engineer and shown on the approved construction plans.

- 4) The pressurized irrigation line in 10100 N, west of Dorado, and the pressure reducing valve (PRV) must be installed with the construction of Dorado.

MOTION TO DENY:

I move that the City Council **DENY** the Dorado Way Final Plat based on the following findings: (the City Council will need to draft appropriate findings).

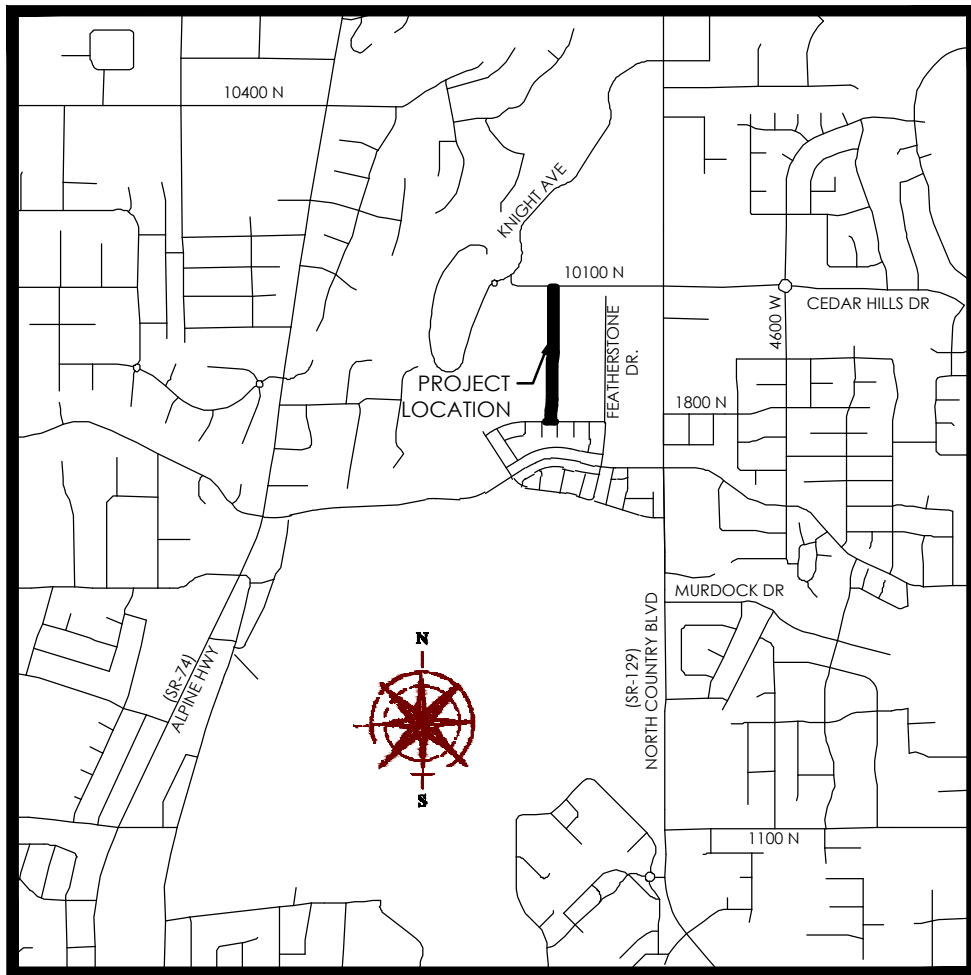
FISCAL IMPACT:

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

ATTACHMENTS:

1. Vicinity Map
2. Final Plat
3. Signage and Striping Plan
4. Landscape Plan

ATTACHMENT #1:



VICINITY MAP

N.T.S

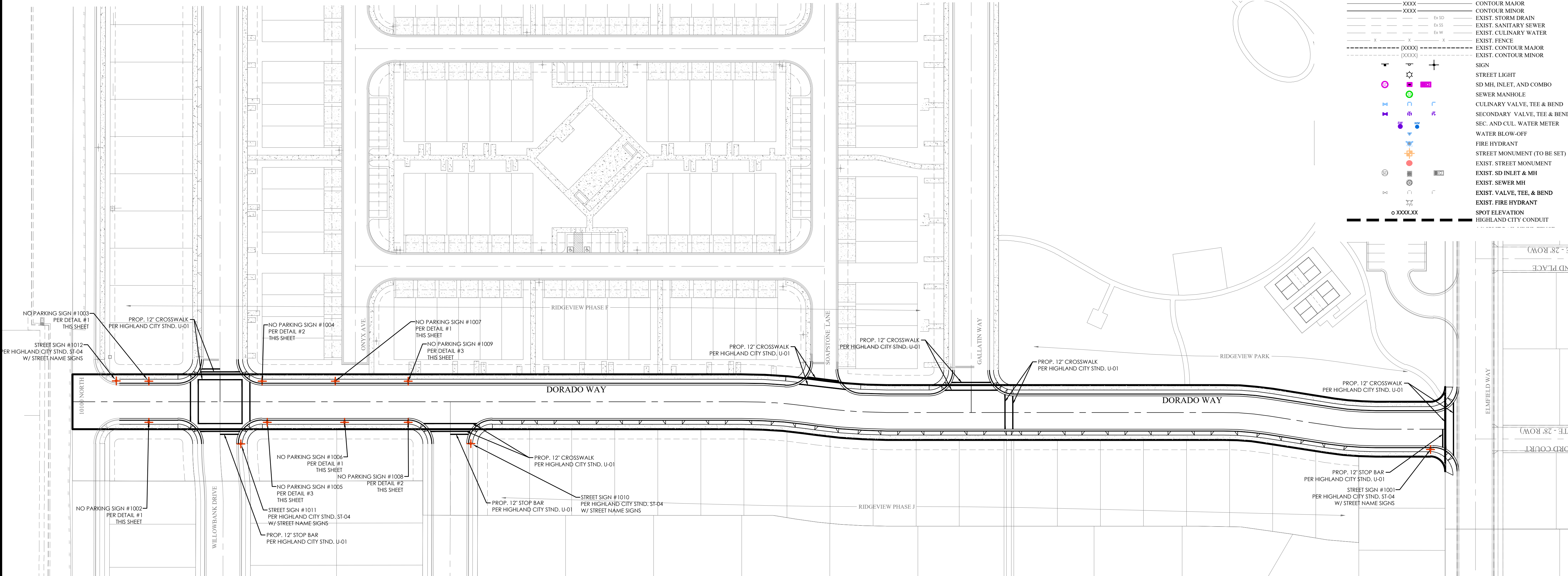
FOR
REVIEW
ONLY

DORADO WAY
HIGHLAND CITY, UTAH COUNTY, UTAH
STRIPING AND SIGNAGE PLAN

REVISION BLOCK		DESCRIPTION
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1	07/11/22	
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STRIPING AND SIGNAGE PLAN	
Scale: 1"=50'	Drawn: CSA
Date: 07/11/22	Job #: 21-0604
Sheet:	C3.1

- LEGEND**
- BOUNDARY
 - ROW
 - CENTERLINE
 - LOT LINE
 - EASEMENT
 - 15" STORM DRAIN
 - 8" SANITARY SEWER
 - 8" CULINARY WATER
 - 8" SECONDARY WATER
 - CONTOUR MAJOR
 - CONTOUR MINOR
 - EXIST. STORM DRAIN
 - EXIST. SANITARY SEWER
 - EXIST. CULINARY WATER
 - EXIST. FENCE
 - EXIST. CONTOUR MAJOR
 - EXIST. CONTOUR MINOR
 - SIGN
 - STREET LIGHT
 - SD MH, INLET, AND COMBO
 - SEWER MANHOLE
 - CULINARY VALVE, TEE & BEND
 - SECONDARY VALVE, TEE & BEND
 - SEC. AND CUL. WATER METER
 - WATER BLOW-OFF
 - FIRE HYDRANT
 - STREET MONUMENT (TO BE SET)
 - EXIST. STREET MONUMENT
 - EXIST. SD INLET & MH
 - EXIST. SEWER MH
 - EXIST. VALVE, TEE, & BEND
 - EXIST. FIRE HYDRANT
 - SPOT ELEVATION
 - HIGHLAND CITY CONDUIT



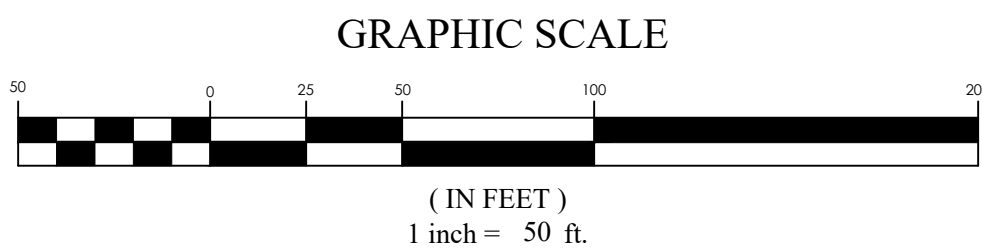
NO PARKING
SIGN #1

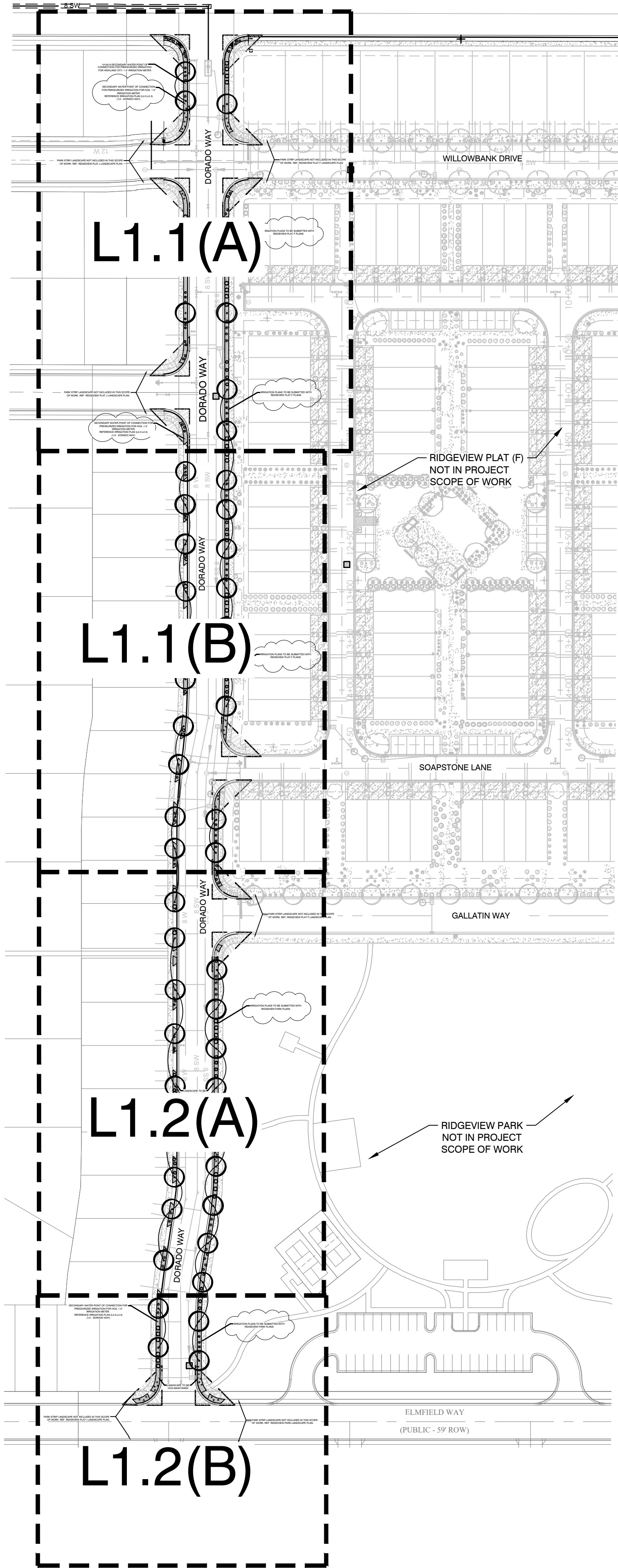


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SIGN #2



NO PARKING
SIGN #3





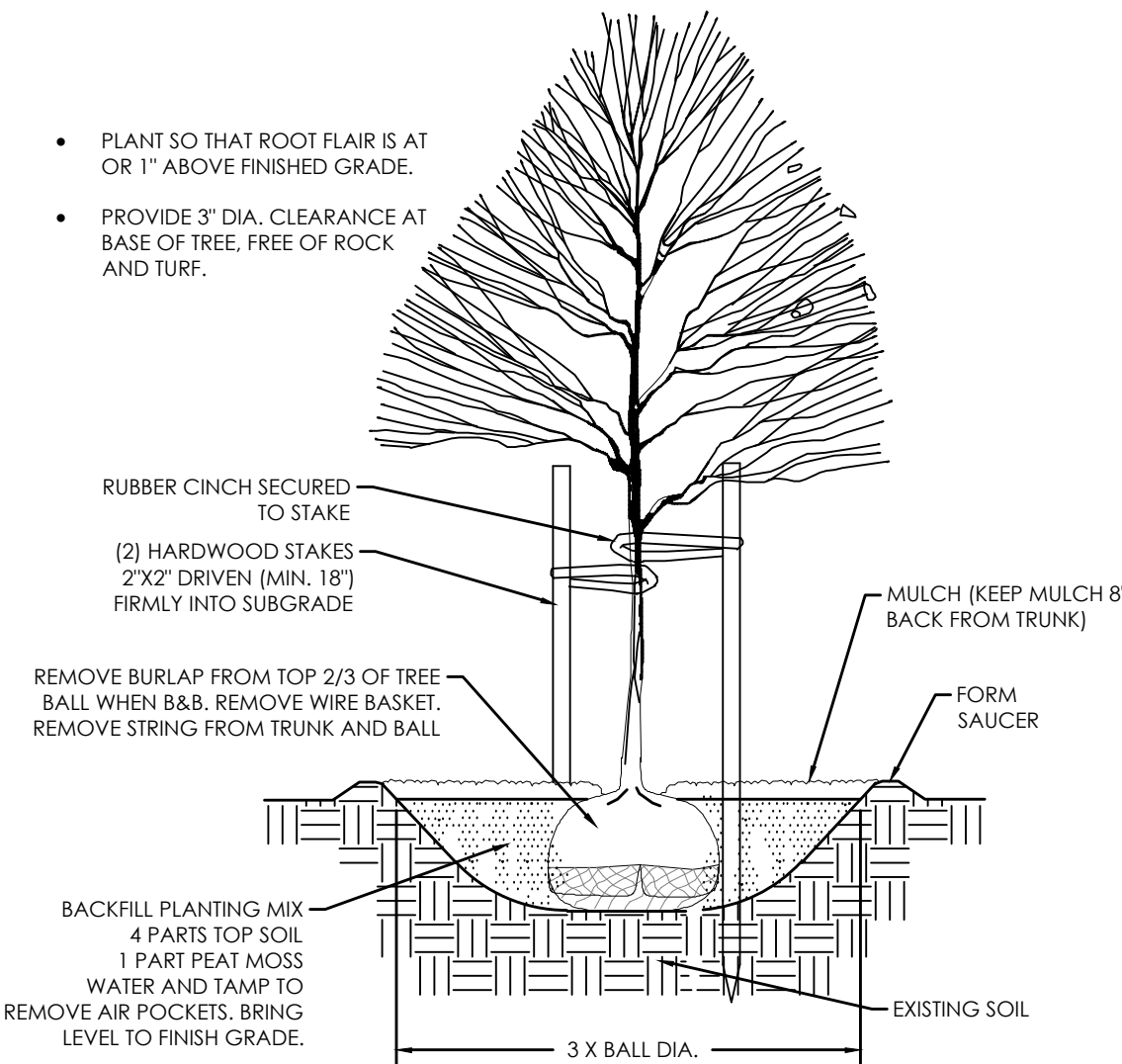
PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	CF	Cercis canadensis 'Forest Pansy'	Eastern Redbud	2" Cal.	50	
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	BTP	Berberis thunbergii 'Crimson Pigmy'	Crimson Pigmy Barberry	5 gal.	37	Waterwise
	POL	Physocarpus opulifolius 'Donna May' TM	Little Devil Ninebark	5 gal.	42	4'x4' (Waterwise)
ORNAMENTAL GRASSES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	HSS	Helictotrichon sempervirens 'Sapphire'	Sapphire Blue Oat Grass	1 gal.	43	
	PVR	Panicum virgatum 'Rotstrahibusch'	Rotstrahibusch Red Switch Grass	1 gal.	42	
PERENNIALS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	HBP	Hemerocallis x 'Buttered Popcorn'	Buttered Popcorn Daylily	1 gal.	38	
	SNE	Salvia nemorosa 'East Friesland'	East Friesland Meadow Sage	1 gal.	49	

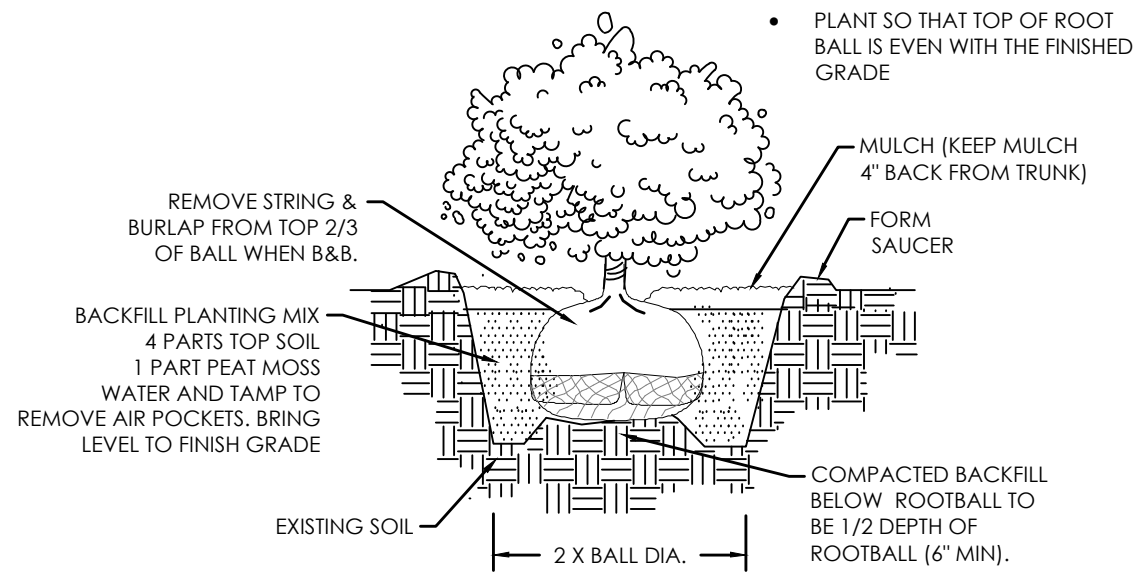
LANDSCAPE NOTES

1. ALL PARK STRIPS TO RECEIVE ROCK MULCH WITH 4" DEEP OF 2" TO 4" SOUTH TOWN COBBLE ROCK FROM UTAH LANDSCAPING ROCK IN NEPHI, UTAH OVER DEWITT PRO-5 WEED BARRIER FABRIC. FABRIC SHALL BE INSTALLED AFTER PRE-EMERGENT HAS BEEN APPLIED.

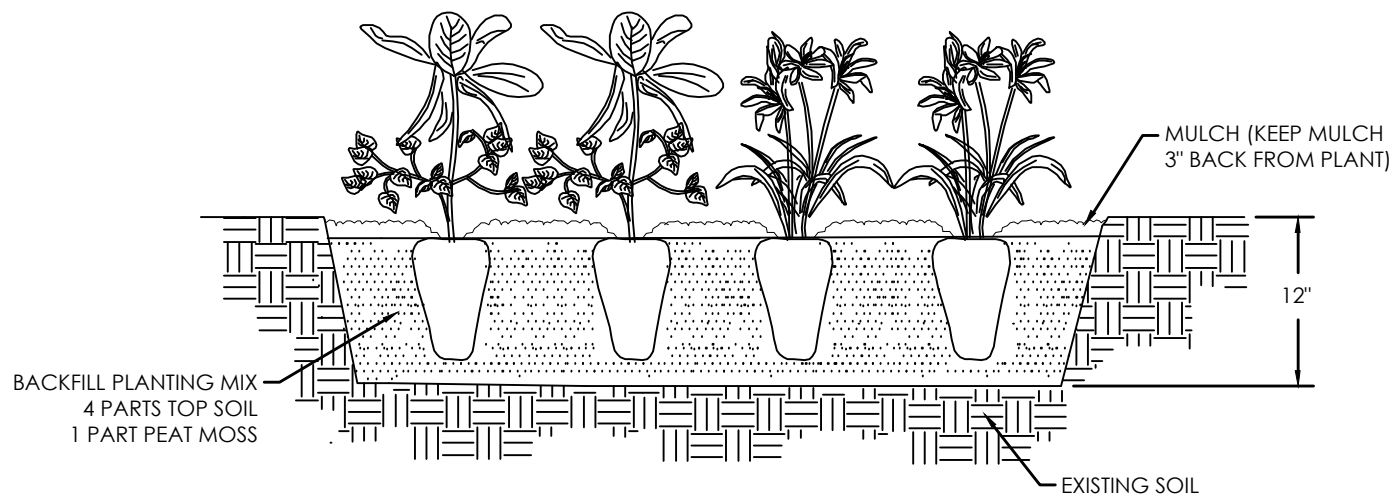
- PLANT SO THAT ROOT FLAIR IS AT OR 1" ABOVE FINISHED GRADE.
- PROVIDE 3" DIA. CLEARANCE AT BASE OF TREE, FREE OF ROCK AND TURF.



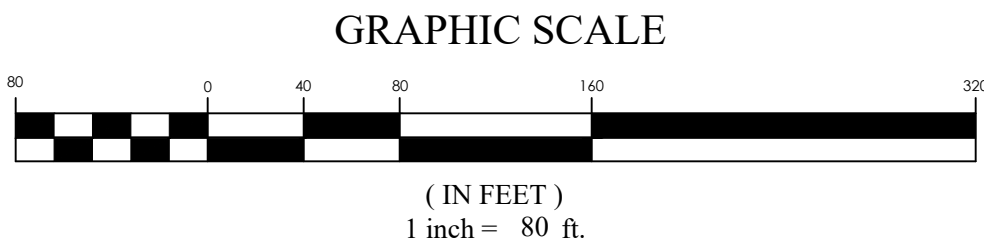
A TREE PLANTING & STAKING
NOT TO SCALE



B SHRUB PLANTING
NOT TO SCALE



C PERENNIAL PLANTING
NOT TO SCALE



RIDGEVIEW DORADO WAY
HIGHLAND CITY, UTAH
OVERALL LANDSCAPE PLAN

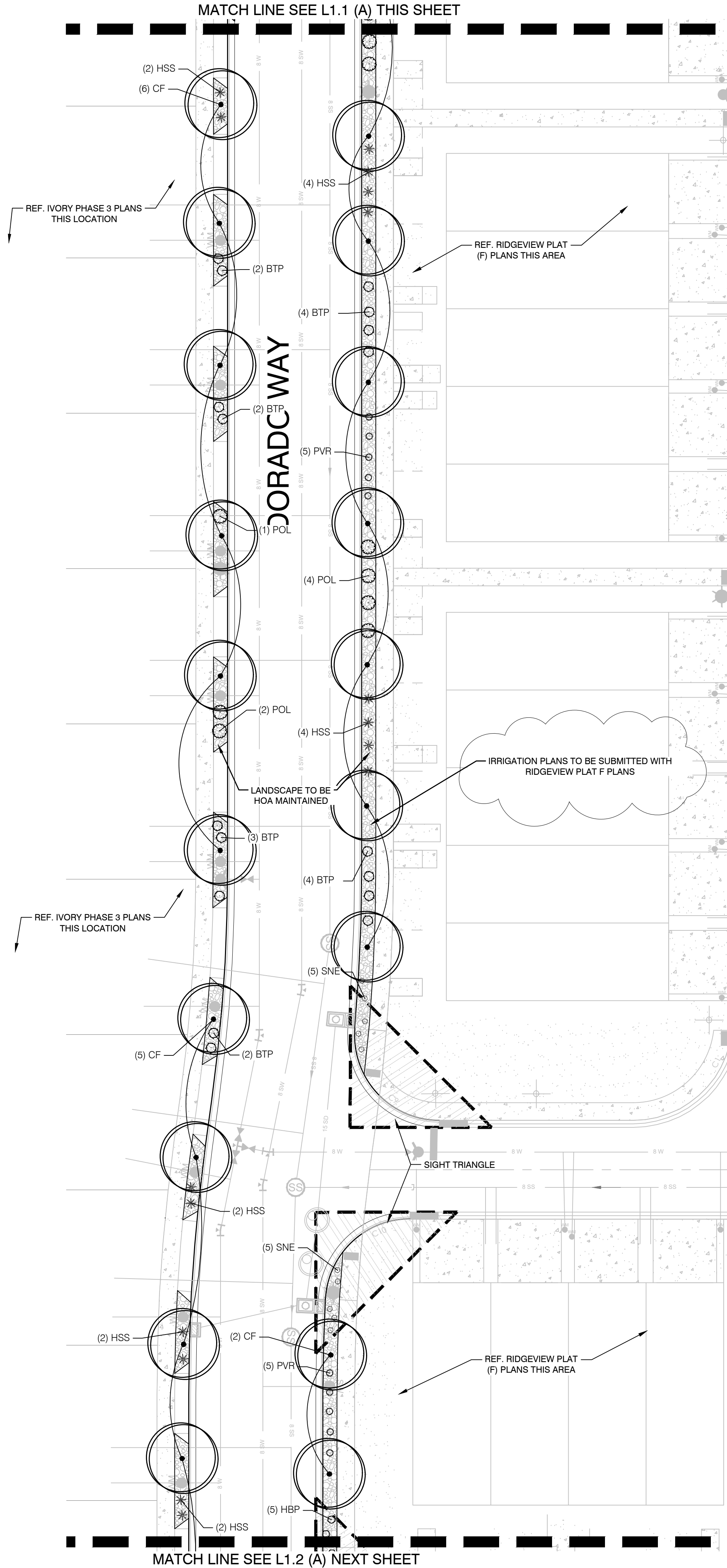
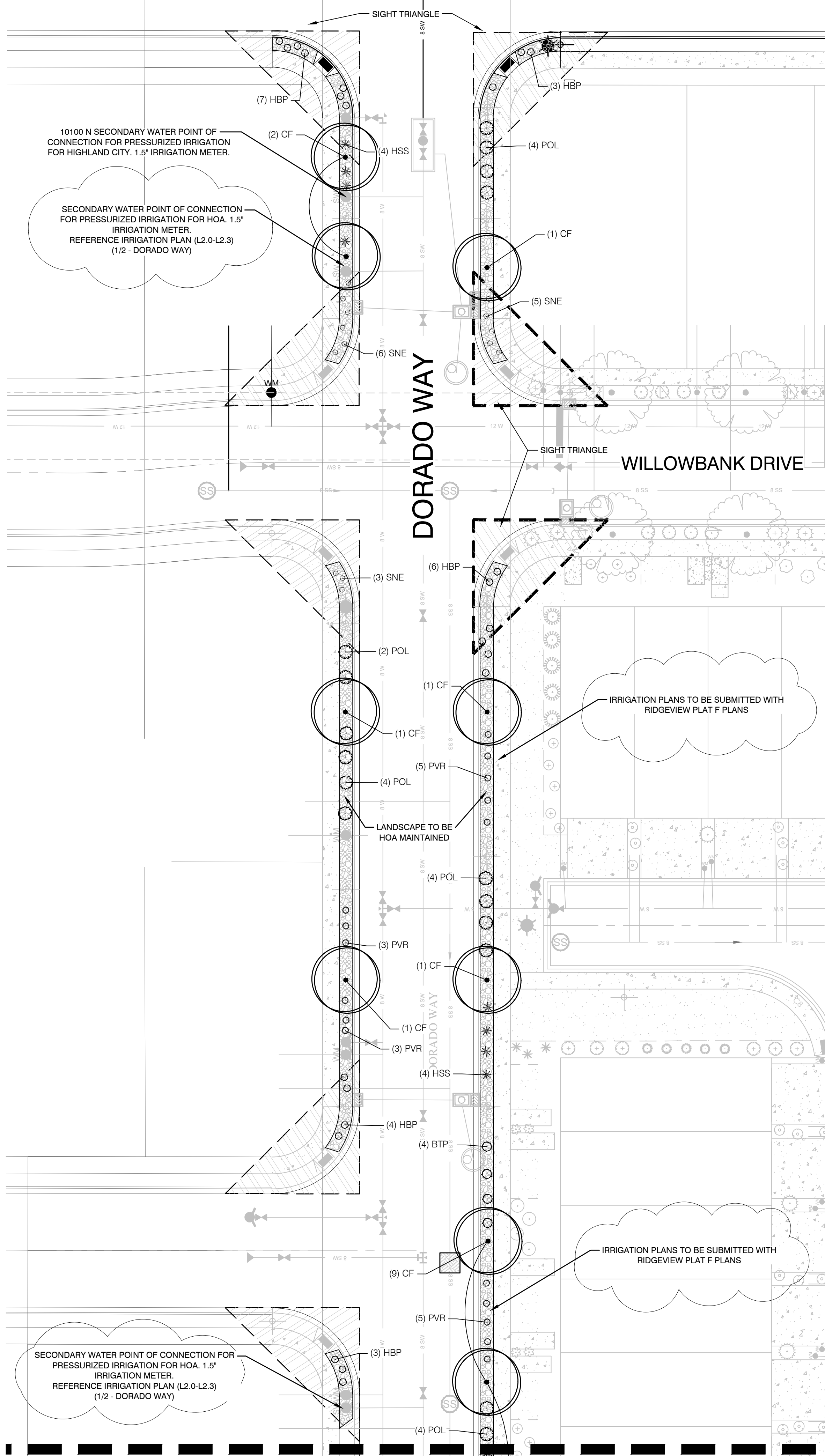
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OVERALL LANDSCAPE PLAN

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Sheet: L1.0

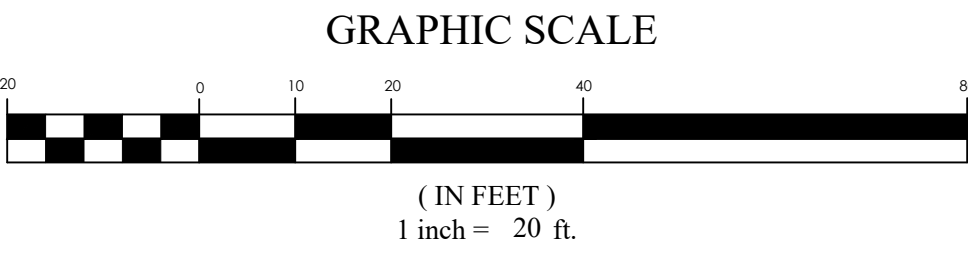
Drawn: BW
Job #: 21-0604

FOR
REVIEW
ONLY



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME
	CF	Cercis canadensis 'Forest Pansy'	Eastern Redbud
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME
	BTP	Berberis thunbergii 'Crimson Pigmy'	Crimson Pigmy Barberry
	POL	Physocarpus opulifolius 'Donna May' TM	Little Devil Ninebark
ORNAMENTAL GRASSES	CODE	BOTANICAL NAME	COMMON NAME
	HSS	Helictotrichon sempervirens 'Sapphire'	Sapphire Blue Oat Grass
	PVR	Panicum virgatum 'Rotstrahlbusch'	Rotstrahlbusch Red Switch Grass
PERENNIALS	CODE	BOTANICAL NAME	COMMON NAME
	HBP	Heimerocallis x 'Buttered Popcorn'	Buttered Popcorn Daylily
	SNE	Salvia nemorosa 'East Friesland'	East Friesland Meadow Sage



RIDGEVIEW DORADO WAY
HIGHLAND CITY, UTAH
LANDSCAPE PLAN

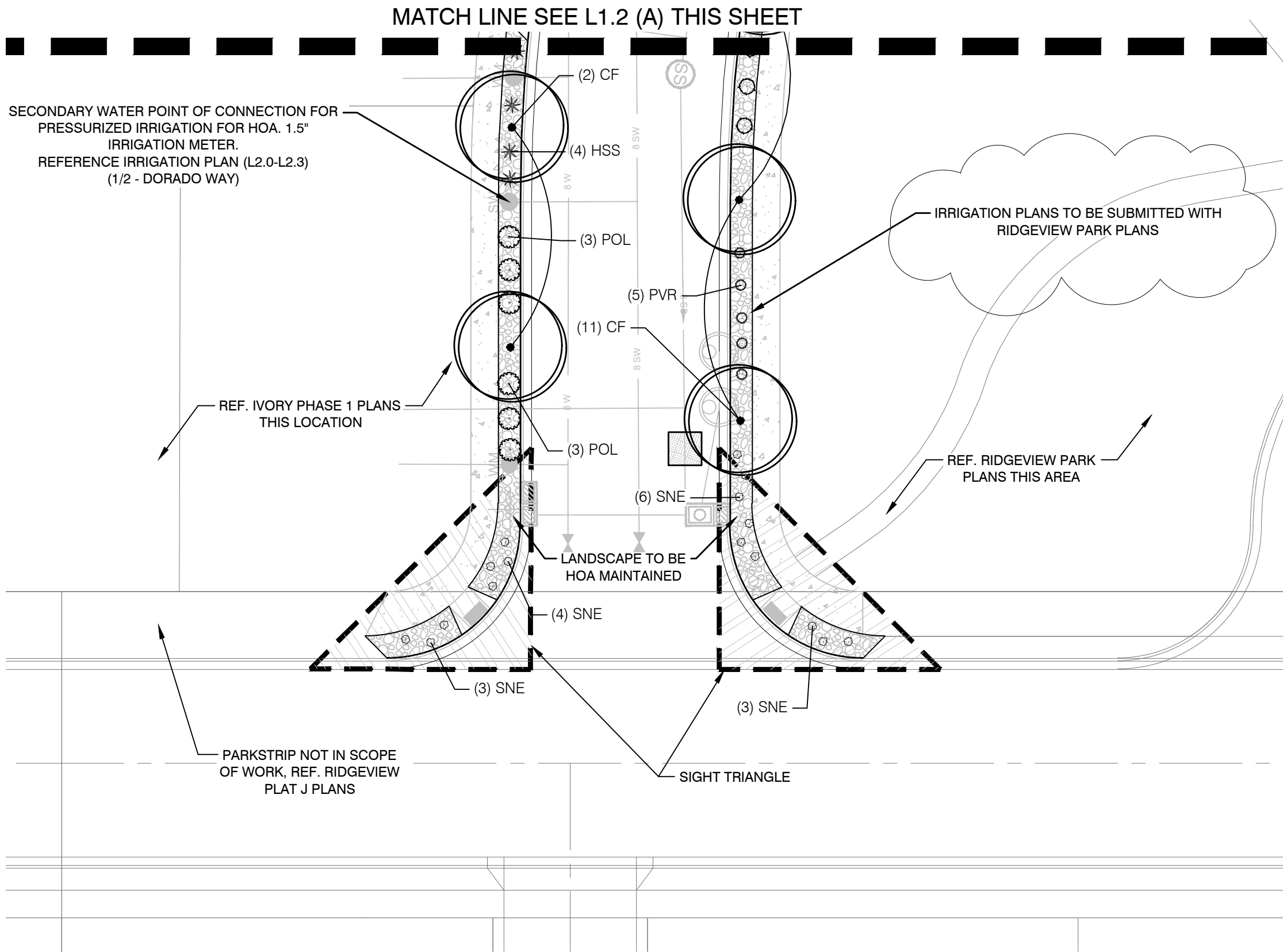
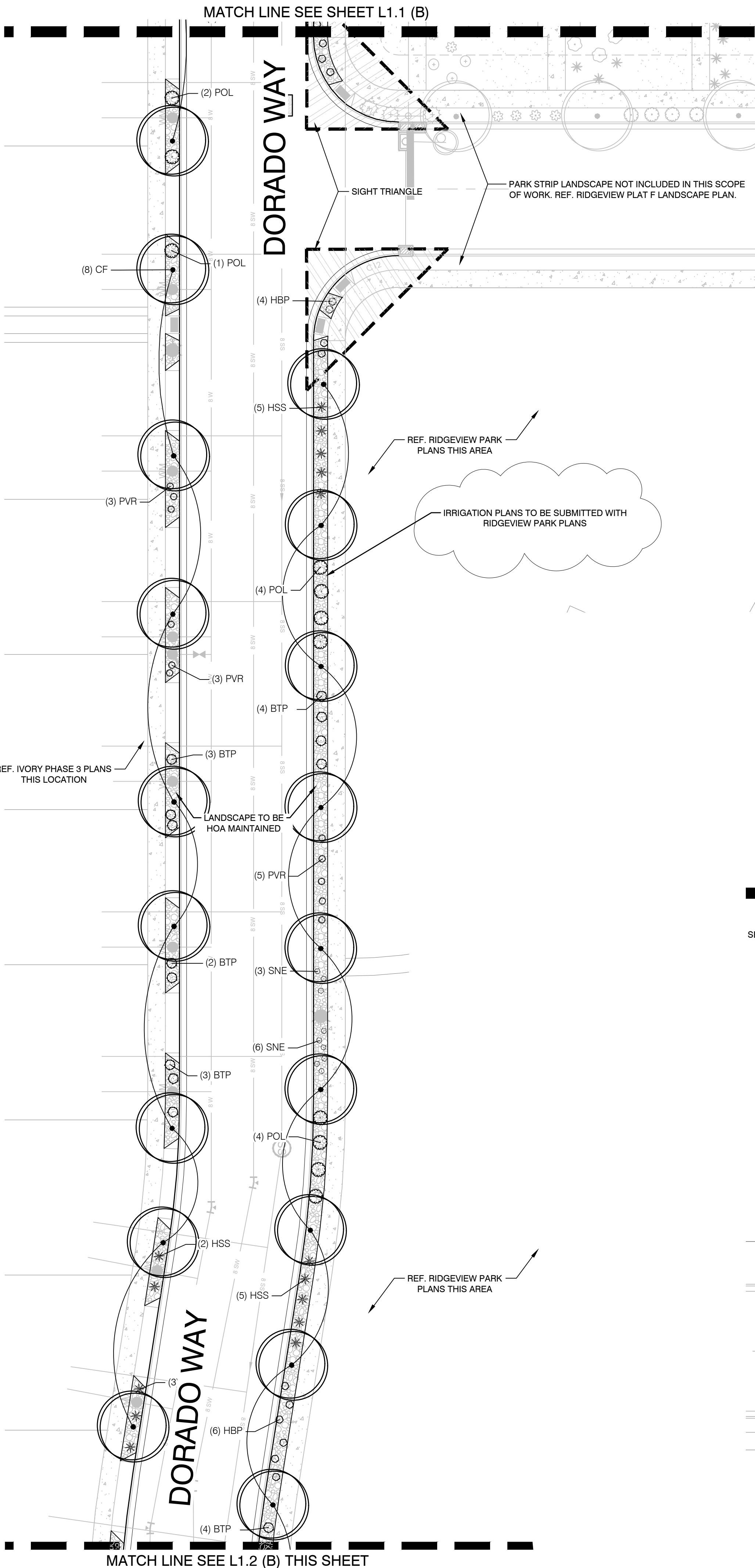
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LANDSCAPE PLAN

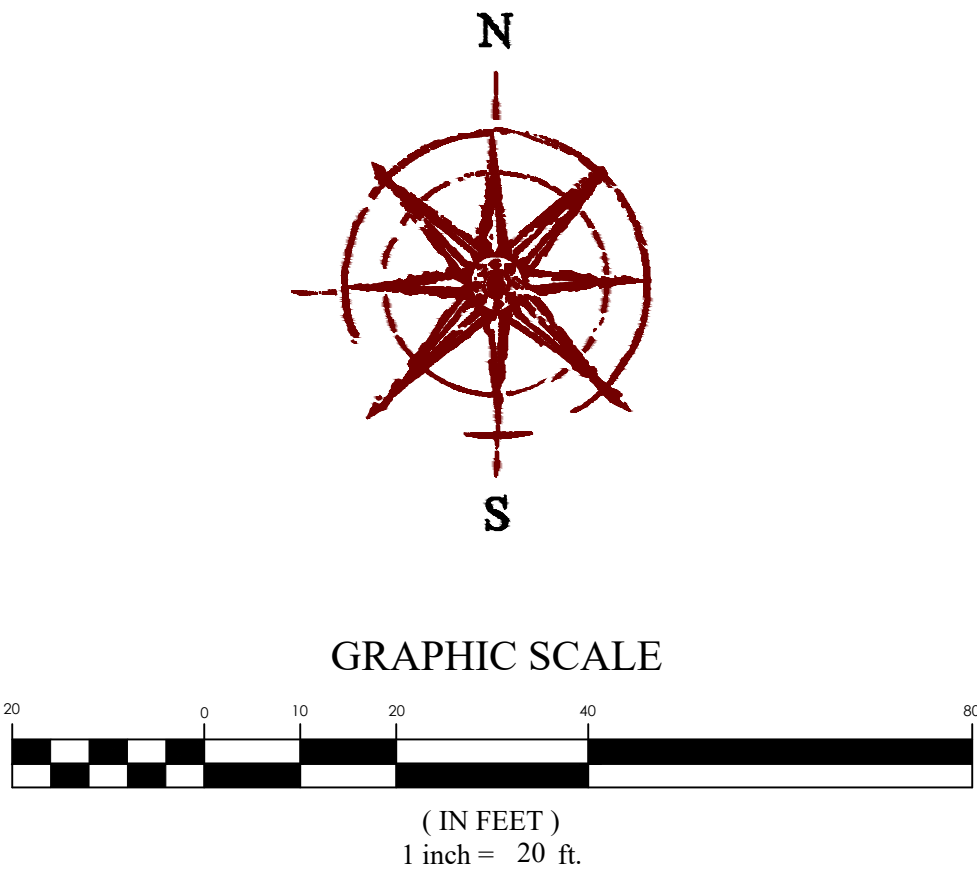
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FOR REVIEW ONLY



PLANT SCHEDULE			
TREES	CODE	BOTANICAL NAME	COMMON NAME
	CF	Cercis canadensis 'Forest Pansy'	Eastern Redbud
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME
	BTP	Berberis thunbergii 'Crimson Pigmy'	Crimson Pigmy Barberry
	POL	Physocarpus opulifolius 'Donna May' TM	Little Devil Ninebark
ORNAMENTAL GRASSES	CODE	BOTANICAL NAME	COMMON NAME
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	PVR	Panicum virgatum 'Rotstrahlbusch'	Rotstrahlbusch Red Switch Grass
PERENNIALS	CODE	BOTANICAL NAME	COMMON NAME
	HBP	Hemerocallis x 'Buttered Popcorn'	Buttered Popcorn Daylily
	SNE	Salvia nemorosa 'East Friesland'	East Friesland Meadow Sage



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CITY COUNCIL AGENDA REPORT ITEM #3c

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Donna Cardon, Library Director
SUBJECT: **ACTION:** Library Board Appointments
TYPE: **ADMINISTRATIVE:** The Council is acting in its capacity to give advice and consent to the Mayor to appoint members to the Library Board.

PURPOSE:

City Council will consider the appointment of Wesley Warren and the reappointment of Kevin Tams to the Library Board.

BACKGROUND:

The Highland City Library Board consists of seven members who serve for a three-year term. Each year at the end of June some of the terms expire. Last June, three terms expired: Seat 2 held by Briawna Hugh, Seat 3 held by Kevin Tams, and Seat 6 held by Roger Dixon. Roger Dixon has already filled two consecutive terms, so is ineligible for reappointment. Kevin Tams has been fulfilling a term vacated last February and is eligible to be reappointed this year and will be eligible for a second full term after that. Briawna Hugh has decided not to reapply for another term of service.

The Library Board received a Volunteer Statement of Interest from Wesley Warren. Mr. Warren has served on several Highland City committees in the past, including the Parks, Trails and Trees committee and the Open Space committee. He has a degree in English, works in advertising and as an engaged parent. On his application Mr. Warren wrote "I love Highland and want to help it flourish."

On August 27, 2022, the Library Board considered Mr. Warren's application and decided to recommend him to the Mayor and City Council for appointment to the Library Board to fill Seat 6. The Board also decided to recommend Kevin Tams, who has served for the past six months with distinction, for reappointment to Seat 3. Seat 2 will remain vacant for the time being until a suitable applicant can be found. The Mayor has interviewed Mr. Warren and agreed to recommend appointment.

FISCAL IMPACT:

None

MOTION TO APPROVE

I propose that Wesley Warren be appointed to fill Seat 6 and that Kevin Tams be reappointed to fill Seat 3 on the Highland City Library Board.

ATTACHMENTS:

1. Kevin Tams Volunteer Statement of Interest.
2. Wesley Warren Volunteer Statement of Interest
3. Library Board Members June 2022



HIGHLAND CITY

5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town. In order to encourage this participation, the Mayor is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor will review the statements, conduct interviews and make selections. If you are interested in serving as a volunteer within Highland City, please submit this statement of interest to the City Offices.

Name: Wesley Warren

Date: 7/13/2022

Residence address: _____

Phone number: _____

Email: _____

Please fill out the following or attach a resume listing expertise, experience, interests, etc.

How long have you resided in Highland City? 10 years

Occupation: Advertising / stay at home dad

Education: BA degree in English from the University of Utah (double-minor in film and creative writing)

Are you able to meet in the evenings? Yes Semi-monthly: Yes Monthly: Yes

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: I already curate a growing library of books in our home, including a "to read" stack that gets cycled through but never shrinks. My wife (who minored in English) and I share a love for the same diverse genres, with one exception: my equally growing collections of comic books graphic novels. My degree in English made a professional leap into marketing and advertising unexpectedly natural. Thinking analytically, finding creative solutions, and communicating efficiently are essential, practical skills that I've been lucky to employ and grow.

Please state why you would like to serve: I derive a great amount of satisfaction and pleasure from volunteering in Highland City. I attend most city council meetings, co-chair the Parks, Trails, Trees, and Open Space Committee with Brian Braithwaite, am the de facto resident liaison for the new Mountain Ridge Park, and probably wear the city council down with my near-constant meddling. I love Highland and want to help it flourish.

If not selected for an immediate opening, do you wish to be considered for the next opening? Yes

Additional comments: I tend to silently stay in my own lane, listening and absorbing when involved in something I'm not familiar with or qualified to act upon. But I believe I'm qualified (and eager) to participate in and serve on the Library Board.

Please select which committee(s) you are interested in serving on: *(submittal of this form does not guarantee an appointment)*

Standing Committees

- ☐ Arts Council
- ☐ Friends of the Library
- ☐ Highland Fling
- ☐ Historical Society
- ☐ Library
- ☒ Library Board
- ☐ Parks, Trails & Tree Commission
- ☐ Planning Commission
- ☐ Youth Council

Ad Hoc Committees

- ☐ Beautification Committee
- ☐ Inclusivity Committee



HIGHLAND CITY

5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town. In order to encourage this participation, the Mayor is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor will review the statements, conduct interviews and make selections. If you are interested in serving as a volunteer within Highland City, please submit this statement of interest to the City Offices.

Name: KEVIN TAMS

Date: 1/31/2022

Residence address: [REDACTED]

Phone number: [REDACTED]

Email: [REDACTED]

Please fill out the following or attach a resume listing expertise, experience, interests, etc.

How long have you resided in Highland City? 12 YEARS

Occupation: DIRECTOR SOFTWARE ENGINEERING

Education: MASTERS DEGREE, INFORMATION SYSTEMS MANAGEMENT BYU

Are you able to meet in the evenings? YES Semi-monthly: YES Monthly: YES

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: NO

Please state why you would like to serve: I WANT TO HELP MY COMMUNITY IN A MEANINGFUL WAY & MY FAMILY LOVES THE LIBRARY.

If not selected for an immediate opening, do you wish to be considered for the next opening? _____

Additional comments: _____

Please select which committee(s) you are interested in serving on: (submission of this form does not guarantee an appointment)

Standing Committees

- ☐ Arts Council
- ☐ Friends of the Library
- ☐ Highland Fling
- ☐ Historical Society
- ☐ Library
- ☒ Library Board
- ☐ Parks, Trails & Tree Commission
- ☐ Planning Commission
- ☐ Youth Council

Ad Hoc Committees

- ☐ Beautification Committee
- ☐ Inclusivity Committee

<i>Highland City Library Board Seats and Expiration Dates</i>				
<i>Seat</i>	<i>Current Board Member</i>	<i>Appointed</i>	<i>Term Expiration</i>	<i>Notes</i>
1 (City Council)	Kim Rodela	01/14/2020	06/30/2023	Appointed to fill the seat vacated by Ed Dennis.
2	Briawna Hugh	06/18/2019	06/30/2022	Filled the expired term of Nancy Passaretti.
3	Kevin Tams	2/15/2022	06/30/2022	Filled the seat left by Edgar Tooley
4	Claude Jones	07/17/2018	06/30/2024	Serving his second full term
5	Lynn Lonsdale	9/7/2021	06/30/2024	Serving first full term
6	Roger Dixon	06/18/2014	06/30/2022	Completed a vacated term for one year from September 2018 to June 2019 and then served two full terms.
7	Jessica Anderson	09/18/2018	06/30/2023	Filled the expired seat of Claudia Stillman. Appointed to a 2-year term to even out the term lengths.



CITY COUNCIL AGENDA REPORT

ITEM #4

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Tyler Bahr, Finance Director
SUBJECT: **AGREEMENT:** Park Impact Fee Analysis Amendment
TYPE: **ADMINISTRATIVE:** Entering into a contractual agreement is an administrative action.

PURPOSE:

The City Council will consider a proposal from Lewis, Young, Robertson & Burningham, Inc. (LYRB) to review the Park Impact Fee Facilities Plan and Impact Fee Analysis completed in 2020. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

During the June 6 work session, the Council directed staff to assess park impact fee revenue and revenue sufficiency to address the remaining balance of the Park Bond.

BACKGROUND:

In 2020, LYRB performed a review of the City's impact fees. As a result of this review, a number of impact fees changed including park impact fees that increased to \$5,854 per single-family residence. Park impact fee revenue collected since then has been dedicated entirely to new development's buy-in to existing park facilities that have previously been funded through a bond, the general fund, and other sources.

In addition to repayment of the Park Bond, impact fee revenue may also go towards reimbursing the City for other investments in park infrastructure. The purpose of the proposed Park Impact Fee Analysis Amendment is to validate the fee amount given recent development activity and confirm the amount of future impact fee revenue that can reimburse other funding sources.

STAFF REVIEW:

LYRB has provided the attached proposal in response to the Council request.

FISCAL IMPACT:

The cost of the proposed assessment is not to exceed \$3,500. Funding in the amount of \$8,500 is allocated in 10-41-61 (Council, Misc. Supplies & Expenses) in the FY23 budget for projects such as this.

COUNCIL ACTION:

The Council will determine whether to proceed with the Park Impact Fee Analysis Amendment.

MOTION TO APPROVE:

I move that City Council approve the proposal for a Park Impact Fee Amendment.

MOTION TO DENY:

I move that City Council deny the proposal for a Park Impact Fee Amendment.

ATTACHMENTS:

1. Proposal

Attachment 1

PROPOSAL FOR:
**HIGHLAND CITY
PARK IMPACT FEE AMENDMENT**

JULY 2022

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.





LYRB presents our scope and fee to assist in the process of amending and updating the Highland Park Impact Fee Facilities Plan and Impact Fee Analysis completed in 2020. **Our fee to complete the proposed scope of services is a not-to-exceed fee of \$3,500. Details related to our proposed scope and fee can be found below.**

The following represents the proposed cost to update the above-mentioned document for the City. This scope does not include a full revision of the impact fees as it relates to demand, excess capacity, or level of service assumptions. If additional analysis is required for these components of the analysis, LYRB will provide an updated cost and scope to complete the additional work.

	Parks IFFP & IFA Amendment	Cost	Hours
Task 1	Coordinate with Staff	\$600	3.00
Task 2	Update Impact Fee Models with Revised Assumptions	\$800	4.00
Task 3	Update Financing Structure for Future Capital Project Needs	\$200	1.00
Task 4	Identify Proportionate Share of Impact Fee Eligible Capital Facilities	\$400	2.00
Task 5	Amend Revised Impact Fee Schedules	\$400	2.00
Task 6	Preliminary Findings Meeting (1 Meeting)	\$400	2.00
Task 7	Assist with Noticing Process	\$100	0.50
Task 8	Provide Final IFA Amendment	\$600	3.00
	Total Hours		17.50
	Cost Estimate		\$3,500

If this proposal is acceptable, please sign and date below.

Thank you for your consideration,

Fred Philpot
Vice President/COO
Lewis Young Robertson & Burningham, Inc.

Acceptance

Date



CITY COUNCIL AGENDA REPORT

ITEM #5

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer
City Engineer/Public Works Director
SUBJECT: ACTION: Purchase Contract for a Skid Steer
TYPE: ADMINISTRATIVE: The City Council is acting in an administrative body as outlined in the Municipal Code.

PURPOSE:

PRIOR COUNCIL DIRECTION:

With the approval of the FY2023 budget, Council authorized the purchase of a skid steer to be used associated with the operations and maintenance of the cemetery.

BACKGROUND:

Recently residents have voiced their concern about the damage to the grounds at the Cemetery caused by the equipment used to perform the necessary duties. The damage is especially prevalent during the wet months of the year and in areas of high burial frequency such as the center hill area.

Staff working with Mayor Ostler, considering the comments from residents, have put in place a new standard of operations for the cemetery. One example of this is the City purchased several additional drive mats to be placed on the grass when conditions warrant to limit damage. These mats are used at the discretion of the sexton. The skid steer is another improvement identified that will lessen the impact of the accessing and excavation. The skid steer will have tracks instead of wheels which distributes the weight across a broad area thereby minimizing damage to the grass. The skid steer will be utilized to assist crews in transporting and placing the drive mats, used to access grave areas that cannot be accessed with the new cemetery truck, as well as other maintenance tasks. The purchase of the skid steer will eliminate the need to excavate and haul soil with a backhoe. The backhoe tires cause substantial damage in the wet conditions.

In addition to the purchase option sought by staff, a price was also provided by the supplier for a three-year lease option. This option is \$13,750 per year for the three-year lease period. At the conclusion of the lease period, it is presumed that a new lease would be signed. Given that the budget included the full purchase amount, staff has recommended the purchase. Another significant factor in recommending the purchase is

the lifespan of this equipment. Cemetery use will be far less intense use than a daily construction crew. We anticipate that the skid steer will last well beyond the 6.5-years in which the lease rate would be advantageous. The skid steer should have a minimum 10-year lifespan. As such, the City will be financially ahead to purchase in lieu of leasing.

FISCAL IMPACT:

The cost of this Skid Steer is \$83,840 + \$1,025 (for lifting forks) = Total: \$84,865. Funding for this expense was included in the FY2023 budget under GL 21-43-74 Cemetery Capital Outlay int an amount of \$77,000. The basis of the \$77,000 was a bid provided to the City when budgets were being compiled. The cost has increased since that time. As \$7,865 of the cost increase was not included in the budget, it will need to be funded by decreasing the transfer from the Cemetery Fund to the General Fund (21-90-90) and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council.

COUNCIL ACTION:

The City Council may approve the purchase, direct staff to implement the lease option lieu of the purchase, deny the purchase, or table the item to investigate additional options.

MOTION TO APPROVE:

I move that City Council **APPROVE** the purchase of a skid steer for \$84,865, direct staff to include the \$7,856 budget overage in the mid-year budget adjustments, and **AUTHORIZE** the Interim City Administrator to sign the necessary purchase documents.

MOTION TO DENY:

I move that City Council **DENY** the purchase of the Skid Steer. (City Council to provide further direction.)

ATTACHMENTS:

1. Skid Steer Bid – State Contract Pricing



137618-01

August 2, 2022

HIGHLAND CITY

5400 W CIVIC CENTER DR 1
HIGHLAND, UT84003

Attention: Roy Bond



Machine pictured may not reflect specifications quoted.

Roy Bond,

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to quote the following for your purchase consideration.

One (1) New Caterpillar Model: 289D3 C3H2 Compact Track Loaders with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: **SERIAL NUMBER:** 0JX909454 **YEAR:** **SMU:**

Thank you for your interest in Wheeler Machinery and Caterpillar products for your business needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Trevor Shuman
Machine Sales Representative
tshuman@wheelercat.com
801-209-1882

One (1) New Caterpillar Model: 289D3 C3H2 Compact Track Loaders with all standard equipment in addition to the additional specifications listed below:

STANDARD EQUIPMENT

MACHINE SPECIFICATIONS

289D3 COMPACT TRACK LOADER	512-4289	TRACK,RUBBER,450MM(17.7IN)BLCK	372-5790
HYDRAULICS, PERFORMANCE, (H2)	512-4318	RIDE CONTROL, NONE	556-5898
CONTROL, ISO, PROP, WT	512-4115	BATTERY,EXTRA HD,DISC,1000 CCA	568-5603
LIGHTS, LED	495-1671	REAR LIGHTS	356-6082
RUBBER BELT, 2 SPD, TF IDLERS	357-0240	SEAT BELT, 2"	542-6994
ROPS, ENCLOSED WITH A/C (C3)	512-4195	PRODUCT LINK, CELLULAR PL243	566-7115
DISPLAY, ADVANCED, LCD, CAMERA	416-9265	CERTIFICATION ARR, P65	563-1163
FAN, COOLING, DEMAND	486-6957	INSTRUCTIONS, ANSI, USA	512-3745
QUICK COUPLER, HYDRAULIC	512-3404	SERIALIZED TECHNICAL MEDIA KIT	421-8926
SEAT,AIR SUSPENSION,CLOTH,HEAT	536-9738	FILM, SELF LEVEL, ANSI	435-9238
FILM, TWO SPEED	568-4700	HEATER, ENGINE COOLANT, 120V	345-3556
STANDARD RADIO(12V),BLUETOOTH	345-6180	COUNTERWEIGHT,MACHINE,EXTERNAL	345-5148
CAB PACKAGE, PRO PLUS	588-9132	LANE 2 ORDER	0P-9002
DOOR, CAB, GLASS	539-8060	BUCKET-GP, 80", BOCE	279-5377

State Contract MA3383

SELL PRICE	\$83,840.00
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WARRANTY & COVERAGE

Standard Warranty: 2 Year / 2000 Hour Premier

F.O.B/TERMS:

Highland city

PAYMENT TERMS

Lease Terms

HOURS PER YEAR	TERM	PERIOD PAYMENT
300	(3 Annual)	\$13,750.00

The above lease is based on the following:

- Taxes are extra on the monthly payments and the buy-out
- If the machine is not purchased at the end, then it must be returned in average condition with normal wear-and-tear
- The customer is responsible for all maintenance and repairs on the machine using genuine Cat parts only
- Tires, undercarriage, and all ground engaging tools (i.e. teeth, cutting edges) must be at 50% remaining, minimum, if the unit is not purchased at the end of the lease
- The above is subject to approval by Caterpillar Finance



CITY COUNCIL AGENDA REPORT

ITEM #6

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Stephannie Cottle, City Recorder
SUBJECT: **RESOLUTION/AGREEMENT:** Interlocal Agreement with Utah County Regarding Election Ballot Drop Boxes
TYPE: **ADMINISTRATIVE:** The City Council will be acting administratively to enter into an interlocal agreement.

PURPOSE:

The City Council will consider entering into an interlocal agreement with Utah County regarding election ballot drop boxes. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

On Thursday, May 26, 2022, City Council received an email from Stephannie Cottle explaining the necessity to install the camera, the price, as well as the specifications of the camera.

BACKGROUND:

During the last legislative session, HB313 passed which required every municipality to have a ballot drop box and to maintain 24/7 camera surveillance of that drop box. This legislation took effect for the primary election in June. Staff worked with Verkada and CVE Technologies to install a camera to ensure compliance with this new legislation. The camera was installed on Thursday, June 2nd to meet the deadline for the primary election.

The camera is an outdoor dome camera with 1TB of storage space. Video surveillance can be stored for up to 120 days. The camera is placed on the north side of the building by the library entrance. It allows surveillance of not only the ballot drop box, but also the utility drop box, library drop box, and the USPS boxes. The camera is on the same system as the cameras at Highland Glen park, and one camera inside City Hall, which are currently being used on a trial basis. Video footage is stored in the cloud and can be accessed through the Verkada website with an authorized login. It is also available through Verkada's mobile app for authorized users.

On June 23, 2022, Highland City paid the initial cost and installation of the camera, which was \$5,683.81. This includes the camera, 5-year license, and installation. Utah County will reimburse Highland City \$2,413.36, which is the cost of the camera only, as stipulated in the agreement.

The interlocal agreement states that the parties recognize the benefit of providing an election drop box for voter ease and convenience and stipulates the responsibilities of the County and the City regarding maintaining the ballot box and the camera with its

associated footage. The agreement also addresses the reimbursement cost of the camera.

STAFF REVIEW:

Staff and Legal Counsel have reviewed the interlocal agreement and prepared the necessary resolution for your consideration.

FISCAL IMPACT:

The cost of the camera and installation is \$5,683.81. Funding for this expense was taken from 10-47-22 Elections, within the FY2022 budget.

MOTION TO APPROVE:

I move that the City Council approve the resolution to enter into an interlocal agreement with Utah County regarding election ballot drop boxes.

MOTION TO DENY:

I move that the City Council deny the resolution to enter into an interlocal agreement with Utah County regarding election ballot drop boxes.

ATTACHMENTS:

1. Resolution
2. Interlocal Cooperation Agreement Between Utah County and Highland Regarding Election Ballot Drop Boxes
3. Invoices from CVE Technologies

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE
INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND
HIGHLAND CITY REGARDING ELECTION BALLOT DROP BOXES**

WHEREAS, Utah Code § 20A-5-403.5 imposes requirements on Highland City regarding the security and management of ballot drop boxes, including a requirement that the City provide 24-hour surveillance of each unattended ballot drop box;

WHEREAS, Utah County has agreed to assist Highland City with certain responsibilities regarding the security and management of the City's ballot drop box, including providing the camera necessary to provide 24-hour surveillance of the ballot drop box;

WHEREAS, the City desires to enter into an interlocal agreement with Utah County to describe and provide for the parties' various responsibilities regarding these obligations;

WHEREAS, the City Council finds that the execution and performance of the interlocal agreement will help the City satisfy its obligations under state law and provide benefits and security during elections for the benefit of the voters of Highland City;

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

1. The City Council approves of Highland City entering into the Interlocal Cooperation Agreement Between Utah County And Highland Regarding Election Ballot Drop Boxes, which agreement is attached hereto as Exhibit A.
2. The City Council authorizes the Mayor and City Staff, as necessary, to execute and carry out the Interlocal Agreement according to the terms set forth therein.
3. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2022.

Kurt Ostler, Mayor

ATTESTED:

Stephannie Cottle, City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	☐	☐
Brittney P. Bills	☐	☐
Sarah D. Petersen	☐	☐
Kim Rodela	☐	☐
Scott L. Smith	☐	☐

**INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY
AND HIGHLAND
REGARDING ELECTION BALLOT DROP BOXES**

THIS IS AN INTERLOCAL COOPERATION AGREEMENT (Agreement), made and entered into by and between Utah County, a political subdivision of the State of Utah, and Highland, a Utah municipality and political subdivision of the State of Utah, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (“Act”), Title 11, Chapter 13, Utah Code, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Act, the parties desire to work together through joint and cooperative action that will benefit the residents of both Utah County and CITY; and

WHEREAS, the parties to this Agreement are public agencies as defined in the Act; and

WHEREAS, Utah County and CITY, in an effort to effectively and efficiently administer elections, desire to provide voters within Utah County and CITY a convenient ballot drop box as an option for the voters to submit ballots during elections; and

WHEREAS, it is to the mutual benefit of both Utah County and CITY to enter into an agreement providing for the parties’ joint efforts to provide for the election ballot drop box.

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

This Agreement shall become effective and shall enter into force, within the meaning of

the Act, upon the submission of this Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this Agreement. The term of this Agreement shall be from the effective date hereof until the cooperation agreement is terminated but is no longer than 50 years from the date this agreement is effective. This Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney and the attorney for CITY. Prior to becoming effective, this Agreement shall be filed with the person who keeps the records of each of the parties.

Section 2. ADMINISTRATION OF AGREEMENT

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code, Utah County, by and through the Utah County Clerk/Auditor Elections Division, shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as Utah County shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times. Except as specifically provided for herein, the parties agree that they will not acquire, hold nor dispose of real or personal property pursuant to this Agreement during this joint undertaking.

Section 3. PURPOSES

This Agreement has been established and entered into between the parties to provide voters within Utah County and CITY a convenient election ballot drop box as an option for voters to submit ballots during elections.

Section 4. RESPONSIBILITIES

The parties agree to fulfill the responsibilities and duties as contained in Exhibit A which is attached hereto and by this reference is incorporated herein for the provision of an election ballot drop box(es).

Section 5. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of section one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate the Agreement sixty days after providing written notice of termination to the other party. Should the Agreement be terminated prior to the end of the stated term, the Parties agree to bring current, prior to termination, any financial obligation contained herein.

Section 6. INDEMNIFICATION

The parties to this Agreement are political subdivisions of the State of Utah. The parties agree to indemnify and hold harmless the other for damages, claims, suits, and actions arising out of a negligent error or omission of its own officials or employees in connection with this Agreement. It is expressly agreed between the parties that the obligation to indemnify is limited to the dollar amounts set forth in the Utah Governmental Immunity Act, Section 63G-7-604.

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT

Signed copies of this Agreement shall be placed on file in the office of the County Clerk/Auditor of Utah County and with the official keeper of records of CITY and shall remain on file for public inspection during the term of this Agreement.

Section 8. ADOPTION REQUIREMENTS

This Agreement shall be (a) approved by Resolution of the governing body of each of the

parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5, Utah Code, and (d) filed in the official records of each party.

Section 9. AMENDMENTS

This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-205.5, Utah Code, and (d) filed in the official records of each party.

Section 10. SEVERABILITY

If any term or provision of this Agreement or the application thereof shall to any extent and for any reason be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 11. NO PRESUMPTION

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agents prepared the same, it being acknowledged that each of the parties have participated in the preparation hereof.

Section 12. HEADINGS

Headings herein are for convenience of reference only and shall not be considered in any interpretation of the Agreement.

Section 13. BINDING AGREEMENT

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

Section 14. NOTICES

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties at the addresses of the City Mayor or County Commission, or at such other addresses as may be designated by notice given hereunder.

Section 15. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 16. GOVERNING LAW

All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below:

-- Signature Page to Follow --

Interlocal Cooperation Agreement – Election Ballot Drop Boxes

UTAH COUNTY

Authorized by Resolution No. 2022 - ____, authorized and passed on the ____ day of
____ 2022.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____
Thomas K. Sakievich, Chair

ATTEST: Joshua Daniels
Utah County Clerk/Auditor

By: _____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF UTAH:
DAVID O. LEAVITT, Utah County Attorney

By: _____
Deputy County Attorney

CITY

Authorized by Resolution No. ____, authorized and passed on the ____ day of
____ 2022.

By: _____
Office:

ATTEST:

By: _____
CITY Recorder

APPROVED AS TO FORM AND COMPATIBILITY WITH THE LAWS OF UTAH
CITY Attorney

By: _____

Exhibit A

Ballot Drop Box

In order to accomplish the Parties' common obligation to administer elections (general and municipal) in compliance with Utah law, the Parties agree to provide the following services in relation to utilizing a ballot drop box: Services CITY will provide include, but are not limited to:

- Permanently secure the ballot drop box(es) (bolted in concrete) in a location approved by both City and the election division of the County Clerk's Office.
- If City desires to relocate a ballot drop box, City will obtain the approval of the election division of the County Clerks Office for the new location and secure it as provided above.
- Access ballots from the drop box(es) only as authorized by the election division of the County Clerk's Office.
- If City accesses election ballots from the drop box, after receiving authorization as provided above, ensure there are 2 people engaged in administering the duties associated with the election ballots.
- Provide 24-hour video surveillance of each ballot drop box and retain all recordings in compliance with CITY policy and any applicable retention schedule.
- Post and maintain a sign on or near each ballot drop box indicating that the ballot drop box is under 24-hour video surveillance.
- Provide County with the surveillance recording upon request.

Services the County will provide include, but are not limited to:

- Purchase and maintain ownership of the ballot drop box(es).
- Inspect, clean and maintain the ballot drop box(es) regularly.
- Provide reasonable authorization and access to City to use the ballot drop box(es) for official and reasonable purposes.
- Provide CITY with one video surveillance camera that is mutually acceptable to the parties. **Reimbursement amount for camera to Highland City is \$2,413.36.**
- Provide CITY with one sign per ballot drop box in CITY that is to be posted on or near each ballot drop box indicating that the ballot drop box is under 24-hour video surveillance.



CVE
Technologies

CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ73458

Date 05/19/22

Sales Rep Greg Page

Phone:

Email :

greg.page@cvetech.com

Quote To:

City of Highland
Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland
Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Qty	Part Number	Description	Price	Ext. Price
1	Camera Install for Ballot Box Cameras	Install and wiring for Ballot box cameras	\$2,569.23	\$2,569.23

Authorization:

Name: Greg Page Date: 5/20/22

Signature: [Signature] P.O # _____

Total \$2,569.23

Total \$2,569.23

Currently, we are experiencing significant price increases and shipping delays from material and equipment due to market conditions outside of our control, CVE can only guarantee prices for no more than 30 days.

There is an additional 3% processing fee for Credit Card orders TAX and SHIPPING CHARGES will be billed on the invoice, and may not be reflected on the quote.

This quote represents a formal contract when signed and dated by an authorized party.

PRODUCTS MUST BE RETURNED WITHIN 30 DAYS OF DATE OF PURCHASE

All product returns require prior manufacturer authorization. A return to manufacturer authorization (RMA) must be requested, completed, and approved before a return is authorized. Many items are not returnable after 30 days or if the manufacturer box has been opened.



CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ73457
Date 05/19/22
Sales Rep Greg Page
Phone:
Email :
greg.page@cvetech.com

Quote To:

City of Highland
Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland
Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Qty	Part Number	Description	Price	Ext. Price
1	CD52 - 1TBE-HW	CD52 E Outdoor Dome Camera, 1TB, 120 days MAX	\$2,413.36	\$2,413.36
1	LIC-5y	5 year Camera License	\$701.22	\$701.22

Authorization:

Name:

Signature:

[Handwritten Signature]
Nathan Crane

Date:

P.O #

5/26/22
1/26/22

Total \$3,114.58

Total \$3,114.58

Currently, we are experiencing significant price increases and shipping delays from material and equipment due to market conditions outside of our control, CVE can only guarantee prices for no more than 30 days.

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CITY COUNCIL AGENDA REPORT ITEM #7

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer
City Engineer/Public Works Director
SUBJECT: **ACTION:** Purchase of Security Cameras for City Hall and Splash Pad
TYPE: **ADMINISTRATIVE:** The City Council is acting in an administrative body as outlined in the Municipal Code.

PURPOSE:

The City Council will consider the purchase of new security cameras in the City Hall building and at the splash pad. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

With the various vandalism events that have occurred around the City including the splash pad, the Council has expressed a general desire to increase the security using cameras.

BACKGROUND:

Recently, the City was required by Utah County to install a security camera that monitors damage or any tampering with the ballot box. That camera is now installed and functioning. In coordination with that effort, staff requested a quote to replace the existing cameras at the splash pad, add a camera to the exterior entry to City Hall, and replace cameras in four locations within the lobby area and customer interface area of City Hall.

Staff feels that it is critical that the area where payments are received and cash is stored be continuously monitored. The existing cameras that monitor the cash area are not functioning. The City was given a trial-period camera from Verkada. This camera has proved effective. As such, the City Treasurer has requested that this camera be purchased and a second one added to fully address the customer interface/cash area.

Additionally, the existing splash pad cameras are also not functioning. Due to the amount of vandalism that has occurred at the splash pad over the recent years, the Parks staff would recommend cameras be purchased and installed.

The proposed cameras will also provide coverage for the primary entries and general public access areas of City Hall. A map has been included in the attachments attempting to generally show the locations where cameras are proposed.

Staff has been using the cameras on a trial basis and have found them to be very effective and useful. The cameras have 1TB of storage space. Video surveillance can be stored for up to 120 days. Video footage is stored in the cloud and can be accessed through the Verkada website with an authorized login. It is also available through Verkada's mobile app for authorized users.

The cameras were discussed with the Lone Peak Police Department. They indicated that if cameras were to be installed, they needed to be of sufficient quality to identify facial features to be useful in apprehending any perpetrators. The Verkada cameras appear to meet this requirement; however, they have not yet been used by Lone Peak Police on any law enforcement action.

FISCAL IMPACT:

The cost of the 8-cameras with installation, , and a 5-year service and licensing fee is \$25,570.14. This expense was not specifically identified with the budgeting. However, there is \$70,000 in Building Maintenance (10-43-34) and \$5,000 in Water Park Maintenance (10-70-22) from which funds can be taken. These accounts can be used to fund the purchase, however, these accounts generally are fully used in the course of a year caring for the City facilities. As such, if the purchase moves forward, a budget adjustment using previous year General Fund revenues may need to be made to cover the overage.

At the end of 5 years if the City decided to continue using the Verkada cameras, the City would need to pay for an additional licensing fee.

COUNCIL ACTION:

The City Council may approve the purchase, direct staff to implement fewer cameras, deny the purchase, or table the item to investigate additional options.

MOTION TO APPROVE:

I move that City Council **APPROVE** the purchase of eight security cameras for City Hall and the splash pad in the amount of \$25,570.14 and **AUTHORIZE** the Interim City Administrator to sign the necessary purchase documents.

MOTION TO DENY:

I move that City Council **DENY** the purchase of security cameras for City Hall and the Splash Pad. (City Council to provide further direction.)

ATTACHMENTS:

1. Camera bid
2. Map of potential camera locations.



CVE
Technologies

CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ74601

Date 07/21/22

Sales Rep Greg Page

Phone:

Email :

greg.page@cvetech.com

Quote To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Qty	Part Number	Description	Price	Ext. Price
1	City Hall and Spalsh pad install quote	Camera install for Splash pad and City Hall.	\$12,300.00	\$12,300.00

Total \$12,300.00

Authorization:

Name: _____ Date: _____

Signature: _____ P.O # _____

Total \$12,300.00

Currently, we are experiencing significant price increases and shipping delays from material and equipment due to market conditions outside of our control, CVE can only guarantee prices for no more than 30 days.

There is an additional 3% processing fee for Credit Card orders TAX and SHIPPING CHARGES will be billed on the invoice, and may not be reflected on the quote.

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CVE
Technologies

CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ74602

Date 07/21/22

Sales Rep Greg Page

Phone:

Email :

greg.page@cvetech.com

Quote To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Splash PAD CAMERAS

Qty	Part Number	Description	Price	Ext. Price
3	CB51-30 TE HW	Outdoor bullet camera 128 GB 30 day max	\$1,169.22	\$3,507.66
3	lic-5yr	5 year camera lincense	\$701.22	\$2,103.66

Authorization:

Name: _____ Date: _____

Signature: _____ P.O # _____

Total \$5,611.32

Total \$5,611.32

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CVE
Technologies

CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ73660

Date 05/31/22

Sales Rep Greg Page

Phone:

Email :

greg.page@cvetech.com

Quote To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

OUTdoor city HALL cameras

Qty	Part Number	Description	Price	Ext. Price
1	ACC-MNT-3	L Brack Mount	\$100.62	\$100.62
1	CD42-256E-HW	CD42-E Outdoor Camera 256 GB 30 day max	\$935.22	\$935.22
1	LIC-5Y	5 Year Camera License	\$701.22	\$701.22

Total \$1,737.06

Authorization:

Name: _____ Date: _____

Signature: _____ P.O # _____

Total \$1,737.06

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CVE
Technologies

CVE Technologies Group, Inc
1338 Gustin Rd
Salt Lake City UT 84104
(801) 908-6666
FAX (801) 880-3144

QUOTE

Quote # CVEQ73662

Date 05/31/22

Sales Rep Greg Page

Phone:

Email :

greg.page@cvetech.com

Quote To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Ship To:

City of Highland

Candice Linford
5400 Civic Center Dr,
Highland, UT 84003
United States

Indoor cameras City Hall

Qty	Part Number	Description	Price	Ext. Price
4	CD42-256-HW	CD42 Indoor Dome Camera, 256GB, 30 day max	\$779.22	\$3,116.88
4	LIC-5Y	5 Year camera License	\$701.22	\$2,804.88

Authorization:

Name: _____ Date: _____

Signature: _____ P.O # _____

Total \$5,921.76

Total \$5,921.76

Currently, we are experiencing significant price increases and shipping delays from material and equipment due to market conditions outside of our control, CVE can only guarantee prices for no more than 30 days.

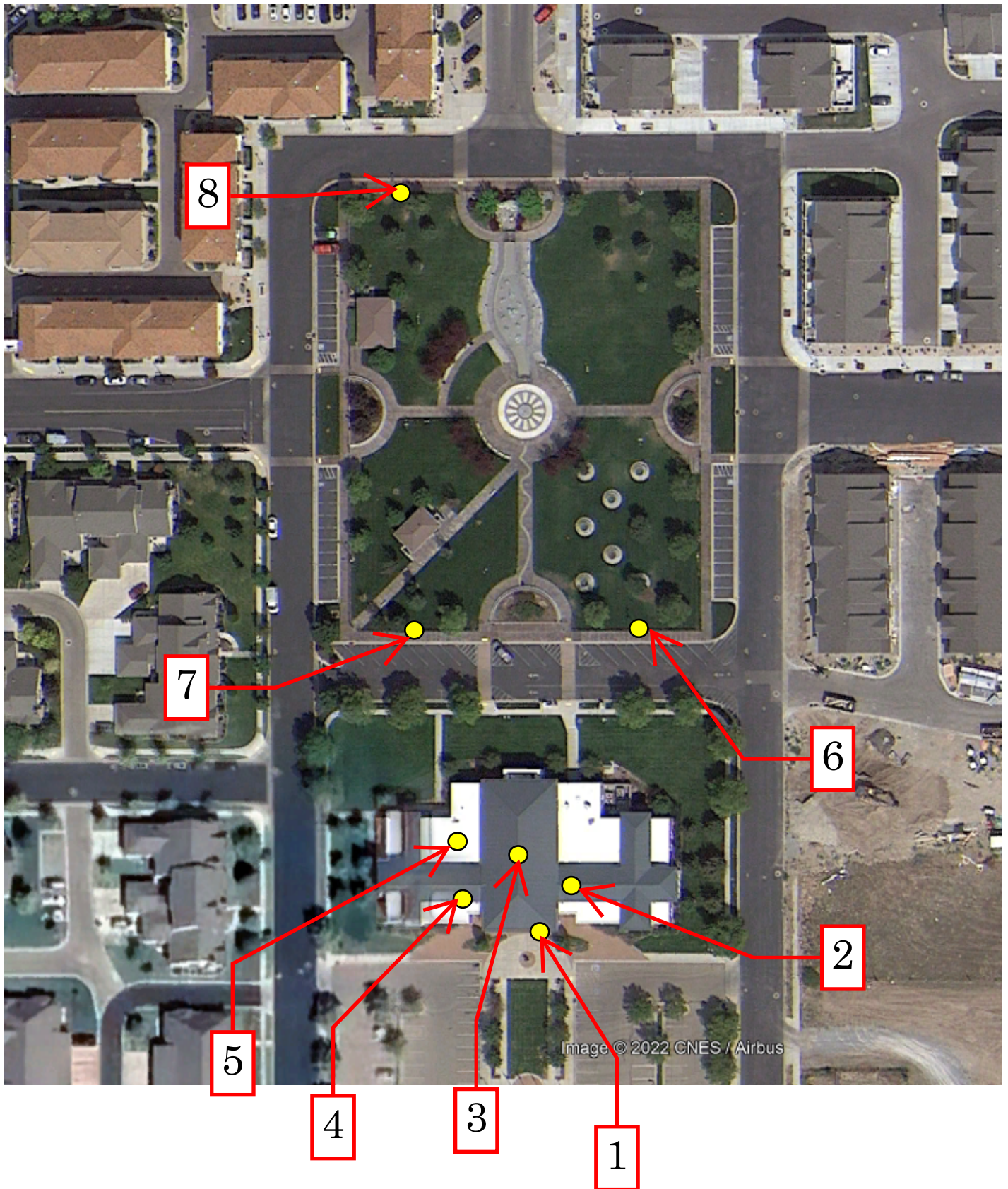
There is an additional 3% processing fee for Credit Card orders TAX and SHIPPING CHARGES will be billed on the invoice, and may not be reflected on the quote.

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Proposed Security Camera Locations





CITY COUNCIL AGENDA REPORT

ITEM #8

DATE: August 16, 2022
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **ACTION:** Maintenance Agreement – Country French
TYPE: **ADMINISTRATIVE:** The City Council may approve a Maintenance Agreement based on property circumstances and City needs as defined in the Highland City Encroachment Policy.

PURPOSE:

The City Council will consider a request by Todd Trane, representing resident David Urien, to enter into an open space Maintenance Agreement with the City for property adjacent to 6671 W Normandy Way in the Country French subdivision. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

On July 19, 2022, the City Council approved a resolution that adopted the Highland City Encroachment Policy and Maintenance Agreement that detailed the approval process and requirements for maintenance agreements.

BACKGROUND:

Property owners surrounding open space land that is eligible for private maintenance may submit a maintenance plan to city council. The city council shall then approve, approve with conditions, or deny the maintenance plan. The maintenance plan shall identify the property which is eligible for private maintenance, the type and level of landscape improvements, and any conditions associated with private maintenance of the property.

Once a maintenance plan has been approved by city council, each individual property owner must enter into an open space maintenance agreement on a form approved by the city council prior to installation or construction of any improvements. The agreement shall allow the city to access and maintain the property as needed for public infrastructure installation and maintenance. Said agreement shall be maintained in the office of the city recorder. In addition, notes on the agreement shall be made in the utility account of the property owner and the agreement will be recorded on the private property with the County. Ownership of property remains with the city and the agreement does not imply any transfer of ownership or control of the land. Property should be considered and treated like “common area” for the enjoyment of all Highland citizens. Resident is responsible for

the care, maintenance, upkeep, repairs, and condition of the property.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of an open space maintenance agreement for approximately 980 square feet.
2. The plan consists of 660 square feet of rock mulch in the storm drain easement/open space, and 320 square feet of grass in the park strip.

STAFF REVIEW:

The proposed maintenance plan meets the requirements of the Encroachment Policy and Maintenance Agreement approved by the Council on July 19th, 2022. Public Works has reviewed and expressed no concerns with the proposed maintenance plan.

FISCAL IMPACT:

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

COUNCIL ACTION:

The City Council will consider approval or denial of the item.

MOTION TO APPROVE:

I move that the City Council authorize staff to execute an open space maintenance agreement with David Urien subject to the following stipulations:

1. All improvements shall comply with the proposed maintenance plan dated August 9, 2022.
2. The grassed park strip be added to the maintenance plan.

MOTION TO DENY:

I move that the City Council deny the open space maintenance plan.

ATTACHMENTS:

1. Highland City Encroachment Policy adopted July 19th, 2022
2. Vicinity Map
3. Narrative and Plan
4. Open Space Maintenance Agreement

HIGHLAND CITY ENCROACHMENT POLICY

I.BACKGROUND AND PURPOSE

Highland City has been a sought-after place to live for years, and it is the goal of the Mayor, Council, Planning Commission, and staff to support the continuation of Highland being a great place to live and raise families. Part of the attraction of Highland is its low density and beautiful natural landscapes. In order to attain and preserve these benefits, the City has acquired a large amount of property throughout the City.

The primary purpose of this public land is to benefit all Highland residents. Some of these parcels are small slivers of natural non-manicured open space land that provide spacing in residential neighborhoods; others are multi-acre properties reserved for parks and trails. Some of this land is immediately needed and used for a specific benefit to the residents of Highland, other property is reserved for future needs, while yet other property is kept solely for open space, aesthetic, and buffering purposes. Regardless of the size of the property, the City acquired and preserved those properties in order to protect the Highland way of life.

The Highland City Council, Mayor, and other City staff, officers, and representatives serve as stewards of this public property and must be vigilant in the protection of tax dollars and city property. Highland City officials and staff recognize and appreciate the time, effort, and resources spent by many residents in voluntarily maintaining and beautifying open space areas for the benefit of their neighbors. Unfortunately, there has been an ongoing and increasing issue in Highland related to encroachments by private citizens onto public property for the purpose of benefitting the citizen but not the residents of Highland at large.

These types of encroachments are unlawful and do not benefit the residents of Highland City. These encroachments convert public property—acquired and supported by taxpayer dollars—into a private benefit without recompense to the City and its residents. Encroachments may increase the City's expenses and utility service and maintenance costs, to the detriment of taxpayer dollars and resident fees.

While many residents unintentionally encroached or unknowingly continued an encroachment started by a previous owner, a resident's intention does not change the City's responsibility to its citizens, nor does it change the ownership of the property in question. Under the Utah Constitution, the City is prohibited from giving away taxpayer property. As such, regardless of the timing, past action or inaction, or source of the encroachment, the City has a constitutional obligation to protect City property and to require that unauthorized private encroachments be prohibited and removed.

Great cities are founded on principles of accountability, respect, and a desire to work together to create a beautiful city. The purpose of this policy is to outline how Highland City officers and staff will support these principles by providing procedures for the removal of illegal encroachments and protection of public property. It is the Mayor and City Council's hope that all residents, including those who encroached unknowingly, are willing to help protect City property for all current and future residents of this wonderful city.

II. PERMITTED AND PROHIBITED ENCROACHMENTS

1. Definitions and Examples

- a. “Encroachment” refers to circumstances where a person extends their private property or private uses onto public property or when a person modifies public property without authorization. An encroachment is treating public property as private property. Most encroachments involve extensions of residential yards, landscaping, and structures into public parks, open space areas, and trail corridors. The only allowed encroachments are those that received prior written authorization from the City by way of a written agreement.
- b. “Public property” refers to property owned by the City. Property being “public” means that it kept by the City for the benefit and use of the public. It does not mean that members of the public have the right to unilaterally or exclusively modify or use the public property for personal purposes. Public property includes parks, trails, city buildings and yards, roads, sidewalks, park strips, and open space areas and remains public even if it is not accessible to or used by most residents.
- c. Private use of public property is regulated by the City in order to ensure that the property remains useful and beneficial for the public. Just as a resident cannot use their neighbor’s yard without their neighbor’s permission, neither can a resident use the City’s property without the City’s permission. The following is a non-exhaustive list of the types of illegal encroachments on City-owned property:
 - i. Building accessory structures such as garages and sheds or installing retaining walls and fencing;
 - ii. Installing above- and below-ground pools, play structures, trampolines, sports equipment, and other recreational equipment or facilities;
 - iii. Installing sprinklers, irrigation lines, sodding, landscaping, grading, curbing, and paving;
 - iv. Planting trees, shrubs, hedges, creating gardens or planters, and creating or extending yard-like spaces;
 - v. Restricting access to or across public property by other members of the public.

2. Maintenance Agreements

- a. The only encroachments that are permitted are those that are specifically authorized by way of a duly authorized Maintenance Agreement.
- b. Maintenance Agreements – Prior to 2022
 - i. Highland City has authorized Maintenance Agreements for many residents to allow those residents to encroach onto certain areas of public property. Those

residents were required to obtain City approval of “Improvement Plans” that detailed the type and extent of the allowed encroachment. These agreements do not give residents any property interest or exclusive right in or to the public property, nor do they allow residents to exclude others members of the public from the property.

- ii. Highland City will no longer approve or extend Maintenance Agreements initially approved prior to 2022. All such currently existing Maintenance Agreements in good standing will continue to be honored; however the Agreements will not be renewed or extended except through a new Maintenance Agreement (see below) that contains terms and requirements in accordance with this policy. All existing Maintenance Agreements will be terminated when their term expires. If the resident has not complied with the terms of the Maintenance Agreement or Improvement Plan, then the Agreement will be terminated and revoked.

c. Maintenance Agreements – 2022 and Beyond

- i. Any property owner or resident who desires to improve, beautify, landscape, maintain, or otherwise encroach upon public property for the benefit of Highland residents as a whole must apply for a new Maintenance Agreement. This includes any person who previously had a Maintenance Agreement that expired or was terminated. The applicant will be required to show and explain how the proposed encroachment benefits the City, rather than just benefitting the applicant.
- ii. Maintenance Agreements may be approved by the City Council based on property circumstances and City needs. The Council may condition Maintenance Agreements on payment of application fees, increased water charges, limitations on allowable uses, and other terms and conditions as the City Council finds are appropriate. No person shall have any right to obtain or enter into a Maintenance Agreement, and the City Council shall have the right, in its sole discretion, to approve or deny a Maintenance Agreement. This Agreement must be recorded with the Utah County Recorder.
- iii. Maintenance Agreements will not grant any person any property right or interest in the public property, nor will the Agreements allow any person to exclude any member of the public from the public property.
- iv. Maintenance Agreements approved by the City Council after adoption of this policy shall have a term of 5 years. Such Agreements may be renewed for additional 5-year terms by city staff upon application by the property owner or resident on the same terms and conditions as the previously authorized Maintenance Agreement, plus any new terms or conditions that are generally required for all Maintenance Agreements, so long as the property owner or resident has complied with all terms and conditions of the Agreement. City staff may refer any request for renewal to the City Council for review and approval.

- v. Any dispute or conflict regarding compliance with the terms and conditions of a Maintenance Agreement, the approval of an improvement plan or remediation plan, the renewal of a Maintenance Agreement, or any other matter regarding Maintenance Agreements shall be referred to the City Council for review and decision.

III. ENCROACHMENT REMOVAL PROCEDURES

1. Voluntary Compliance

The preferred method for rectifying illegal encroachments is voluntary compliance. Highland City encourages all residents to review their property information and boundaries to ensure that they have not encroached on public property. The Utah County Parcel Map, found online at maps.utahcounty.gov/ParcelMap/ParcelMap.html is available for residents to check their property boundaries. City staff are available to help people understand their boundaries and to come up with a plan to remove encroachments and restore public property to its original state.

2. City-Enforced Compliance Procedures

- a. Notice of Encroachment. The City shall mail a written Notice of Encroachment to the responsible property owner, or to all adjacent owners and residents when the responsible party is not apparent, when the City determines that an encroachment exists. The Notice shall summarize the circumstances and type of encroachment, explain the compliance options and timeframes, contain a copy of this policy, and provide City contact information.
- b. Compliance Options
 - i. Removal and Remediation.
 - 1. Resident shall be required to remove all encroachments and restore property to its original or natural state, unless otherwise authorized by the City Council. The resident must submit and obtain City staff approval of resident's plan for remediating the property within thirty (30) days after receipt of the notice of encroachment or denial of a Maintenance Agreement application.
 - 2. Restoration must be completed within one (1) year after receipt of the notice of encroachment. Resident shall schedule with the City an inspection of the property after completing the remediation plan. Resident may request an extension as part of their plan for remediating the property, which extensions may be granted by the Mayor for good cause.
 - ii. Maintenance Agreement. Resident applies for a Maintenance Agreement within thirty (30) days after receipt of the notice of encroachment. The Agreement may or may not be approved with or without conditions, based on a review of the property at issue and the resident's proposed encroachment, as set forth in this

policy. If the Maintenance Agreement is denied, the resident must remove the encroachment and restore the property to its original or natural state.

- iii. Existing Agreement. Resident provides a written copy of their approved Maintenance Agreement and Improvement Plan authorizing the encroachment. So long as the resident has complied with the approved Agreement and Plan, the encroachment shall be permitted to continue for the remaining term of the Agreement. After the Agreement expires, Resident shall be required to remove the encroachment and remediate the property or apply for a new Maintenance Agreement.

3. No Waiver of Rights

It is each resident's responsibility to understand this policy, review their property, and ensure that their landscaping, sprinklers, sheds, pools, and all other private improvements and features are located entirely on their own property and not on City property. The City's failure to send a written notice regarding an encroachment, or the City's failure to follow-up on a written notice regarding an encroachment, does not waive the City's rights to enforce this policy or governing law. The only authorized encroachments are those that have been approved in writing by agreement with the City. All other encroachments are illegal and constitute a trespass on public property. No resident or other person shall interpret or rely on the City's omission, inaction, or failure to exercise any right as approval of an encroachment or as a waiver of any right that the City may have. The City retains and reserves the right at all times to enforce its property rights and any other rights granted under this policy, City Code, and Utah law.

ATTACHMENT #2:



Open Space Maintenance Agreement Narrative

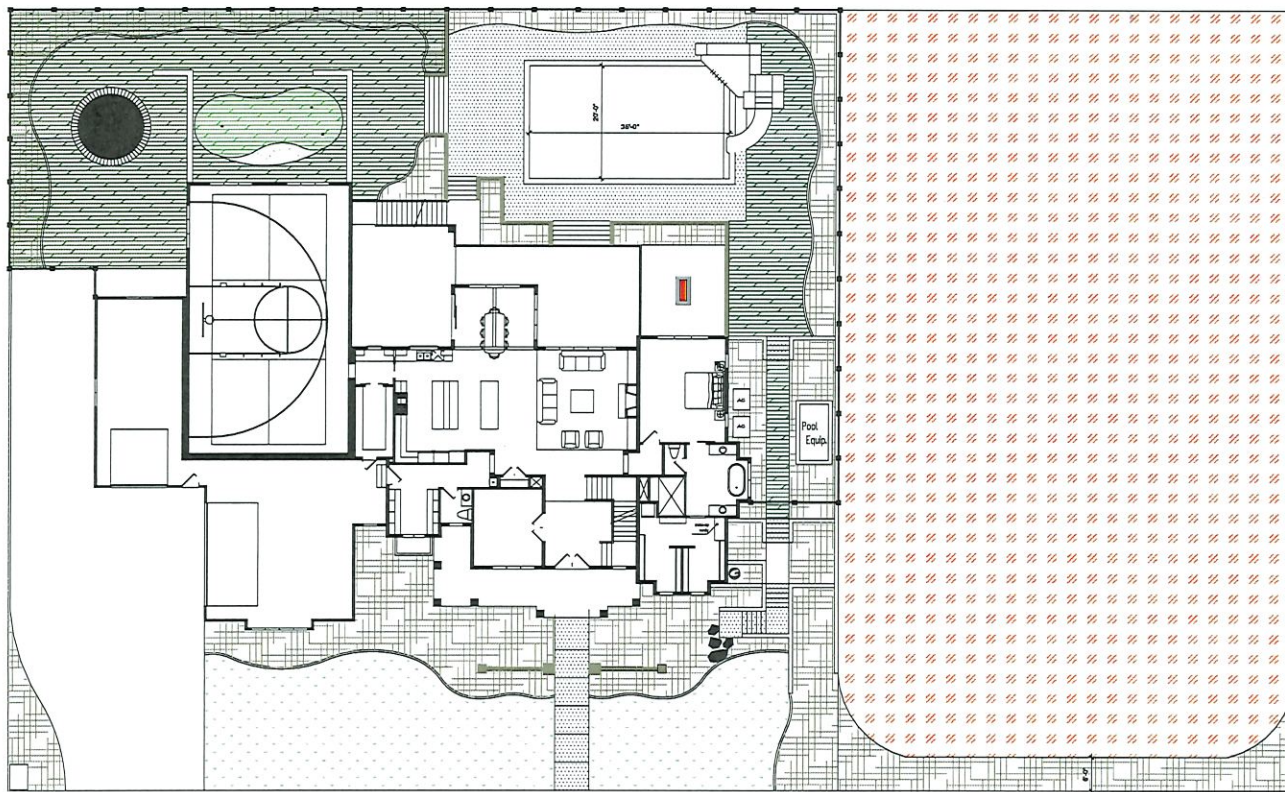
6655 West Normandy Way (11350 North)

David Urien lives at 6671 West Normandy Way, and Jackson Emery lives at 6641 West Normandy Way. There is an open space area owned by Highland City between them that they would like to help clean up and maintain. Here are a few pictures of the proposed maintenance area:



This is a historical drainage channel that Normandy Way was built over and a culvert has been constructed under Normandy Way. The City reconstructed the detention pond, as a city funded project, a few years ago because of the many complaints and the difficulty to maintain the pond. The pond was lined with rock mulch as part of that project. Both David and Jackson would like to install and maintain rock mulch for 6 feet behind the sidewalk along the frontage of the Highland City property across the street from the detention pond. This would not impact any of the drainage or function of the channel. The end of culvert is down at the bottom of the fill. The proposal would be to place fabric and rock mulch for 6' behind the sidewalk and stay on the top flat area behind the walk. Future maintenance would include occasional weeding and/or spraying.

GENERAL & KEYED NOTES



Emery Residence

Highland City

Urien Residence

LEGEND AND TAKEOFFS			
	LAWN K&C		BRUSHED CONCRETE
	ROCK MULCH		SIDE YARD GRAVEL PATH
	ARTIFICIAL TURF AND PUTTING GREEN TURF		NATURAL VEGETATION

Addition of 600 sq. ft. of Rock Mulch



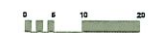
PROJECT TITLE

Emery Residence

600 V Barnyard Hwy

Hyland, Utah

DRAWING SCALE



All dimensions and site designations given are subject to verification on the job site and adjustment to fit site conditions. Designer is not an architect or engineer.

Job # 2010-055
August 9th, 2022
1" = 20'-0" on 12"x18"
1" = 10'-0" on 24"x36"



MAINTENANCE AGREEMENT

Highland City
5400 W. Civic Center Dr., Ste. 1
Highland, Utah 84003

RESIDENT

DAVID R. URIEN, OD.
6671 W. NORMANDY WAY
HIGHLAND, UT. 84003

WHEREAS, Highland City ("City") owns certain property ("Property") that that is adjacent to Resident; and

WHEREAS, Resident desires to improve and maintain Property for the public good; and
WHEREAS, City has determined that it is in the public interest to enter into this Agreement;

THEREFORE, in consideration of the promises, covenants, and conditions contained herein, and other good and valuable consideration, the parties agree as follows:

TERMS

1. **PROPERTY.** The Property associated with this Agreement is the city owned property adjacent to Resident's property, specifically described and set forth in Exhibit "A". Property's boundaries shall be established by the City.
2. **AUTHORIZATION TO IMPROVE AND MAINTAIN PROPERTY.** City authorizes Resident to make certain improvements as described herein ("Improvements") and to maintain the Property in a manner that contributes to the beautification of the City. Resident understands that Improvements and maintenance costs are the responsibility of Resident. City shall not be responsible to reimburse, repair, or maintain any Improvements made by Resident, or to indemnify or otherwise compensate Resident for any damage, loss, or injury caused by the City's or the public's use of the Property. Resident understands the purpose of this agreement is to benefit the city as a whole, not to advantage individual homeowners. Resident agrees and acknowledges that the authorization granted herein is sufficient consideration for this Agreement, and that Resident is not entitled to any other consideration or right pursuant to this Agreement.
3. **DUTIES OF RESIDENT.** Resident is responsible for the care, maintenance, upkeep, repairs, and condition of Property, and agrees to comply with all laws and City Ordinances in maintaining Property. Resident shall not allow any nuisance, hazard, or unsightly debris upon Property.
4. **USE OF PROPERTY.** This Agreement does NOT convey any easement, interest, lease or property right to Resident. No use shall interfere with Property's primary purpose as open space or other public uses and purposes, as determined by the City. Property should be considered and treated like "common area" for the enjoyment of all Highland citizens. No Highland residents can be barred from using the property, and any attempt by Resident to exclude other residents shall constitute a material breach of this Agreement. Resident's use of Property is non-exclusive. Any uses of Property shall be consistent with a residential character. No commercial uses of the Property are permitted.
5. **COVENANT TO RUN WITH THE LAND.** This Agreement is intended by the parties to run with the land, and its benefits and obligations, including in particular the obligation to remove improvements after termination of this Agreement, shall inure to and bind the successor-owners of Resident's property. Resident shall record this Agreement with the county recorder's office as against Resident's property to notify future owners and shall pay all fees associated therewith, or Resident shall reimburse the City's cost to record the Agreement against Resident's property, if Resident does not record the Agreement.

6. TERM. The term of this Agreement is for five (5) years from the date Resident pay the applicable fee, the Agreement is approved by the City, the Agreement is executed by both parties, and the Agreement is recorded. The Agreement shall automatically terminate, without notice or recourse, after this initial term, unless Resident or the owner of Resident's property requests that the Agreement be renewed. A request for renewal shall require a processing fee, will be reviewed by the City, and may be approved on the same or different terms, as determined solely by the City.
7. TERMINATION. This Agreement may be terminated at any time for any reason by either party, upon written notice to the other party. Upon termination, Resident or the owner of Resident's property shall be responsible for removing without compensation any and all improvements installed by Resident that the City requests be removed. If Resident or the owner of Resident's property fails to remove any such improvements, Resident agrees, for themselves and their successors in interest, that the City may remove the improvements and charge the costs of doing so to Resident or the owner of Resident's property. If the city initiates the termination of the agreement, Resident or the owner of Resident's property shall remove the encroachment within 30 days or as authorized by the City, or have the City remove the same as set forth above.
8. IMPROVEMENT PLAN. Resident agrees not to install Improvements upon encroached Property until it has submitted an Improvement Plan, paid the processing and application fee set by the City Council, and obtained written approval from the City. The Improvement Plan shall show with reasonable detail the planned Improvements and landscape plan. City has the ability to approve or deny any Improvement at its discretion (for general guidelines, *see* 'Permitted and Prohibited Improvements' below). Improvements must be made within 90 days of approval by the City, unless a longer time is expressly granted. If Resident does not follow the approved Improvement Plan, such is considered a material breach of this Agreement and may cause this Agreement to be terminated by City. Resident shall obtain prior City approval of any desired amendments, additions, or changes to the Improvement Plan according to the process set forth in this Agreement.
9. PERMITTED AND PROHIBITED IMPROVEMENTS. The intent of this Agreement is to encourage private initiative and to incentive Resident efforts to beautify City's open space. Both Resident and City benefit from this mutual cooperation. However, City does not want to foster a sense of entitlement on the part of Resident, who does not own or control the Property. To balance these objectives, City has created guidelines to assist all parties in determining what Improvements are appropriate for public open space when it is maintained by a private party. In that spirit, Resident acknowledges that Improvements are intended for the public good, and should not convey the impression that Property is an extension of Resident's own parcel.

Subject to City approval of Improvement Plan, the following Improvements are generally consistent with the character described above; however, each Plan will be reviewed on a case-by-case basis:

- A. The maximum irrigatable space cannot be more than 2500 square feet. Anything over 2500 square feet must be improved and maintained without requiring irrigation or sprinklers. Grass and sprinkler systems may only cover up to 2500 square feet of the Property, and any sprinkler or irrigation system may require a heightened water bill as a consequence of their extra water usage
- B. Grass, small vegetation, flowers and bushes, provided they are not be planted in a manner that "fences" off the space from other users.
- C. Desert landscaping
- D. Small gardens
- E. Trees where they will not obstruct, interfere with or encroach upon Property's unique characteristics, utilities, easements or encumbrances

The following items are not consistent with the character described above:

- A. Decks
 - B. Landscape boulders
 - C. Structures or sheds
 - D. Swimming pools
 - E. Curbing
 - F. Fire pits
 - G. Storage of personal belongings, tools, equipment, vehicles or trailers
 - H. Trampolines, children's play structures, swings, or attractive nuisances
 - I. Any improvement which restricts or limits access to Property
 - J. Digging other than for sprinkler installation (Resident agrees to not dig unless the Property has been blue staked)
 - K. Any grading of Property unless approved by City in writing
 - L. Any Improvement not expressly authorized and approved by City as part of an Improvement Plan
 - M. Animals or animal enclosures
10. CITY'S RIGHTS UNAFFECTED. Nothing in this Agreement limits the City's or the public's right to and enjoyment of the Property, including access to and right of entry upon Property at any time. City may conduct its own infrastructure and trails maintenance on Property and use Property according to City's needs. City shall not be required to notify Resident prior to entering onto or using the Property.
11. ASSUMPTION OF RISK; HOLD HARMLESS. Resident assumes all responsibility for its use, maintenance, or improvement of Property and agrees to indemnify City for any claims arising out of its use, maintenance or improvement of Property.
12. NOTICES. Any written notice hereunder to Resident shall be deemed to have been given when delivered personally or deposited in the United States mails, postage prepaid, addressed to Resident at its address set forth above or at such other address as may be last known to City.
13. SEVERABILITY. The unenforceability or invalidity of any one or more provisions hereof shall not render any other provisions herein contained unenforceable or invalid and each term, covenant and condition hereof shall be enforced to the fullest extent permitted by law.
14. INTERPRETATION AND ENFORCEMENT. The laws of the State of Utah shall govern the validity, construction, performance and enforcement of this Agreement.

HIGHLAND CITY

Attest:

CITY ADMINISTRATOR
DATE:

CITY RECORDER

RESIDENT

David R. Vrien

NAME:

DATE: 8-3-22

STATE OF UTAH)

: ss.

COUNTY OF UT)

The foregoing instrument was subscribed and sworn to before me this 3rd day of August 2022, by David R. Vrien.

Stephanie B. Cottle

Notary Public

RESIDENT



NAME:

DATE:

STATE OF UTAH)

: ss.

COUNTY OF _____)

The foregoing instrument was subscribed and sworn to before me this ____ day of _____ 20____, by _____.

Notary Public



CITY COUNCIL AGENDA REPORT

ITEM #9

DATE: August 16, 2022
TO: Honorable Mayor and Members of the Council
FROM: Kellie Smith
Planner & GIS Analyst
SUBJECT: **DISCUSSION:** Moderate Income Housing Element of the General Plan – Implementation Plan
TYPE: **LEGISLATIVE:** The City Council is acting in their capacity as a legislative body to adopt or approve an amendment to the General Plan as outlined in Section 10-9a-404 of State Code. This item is being present for discussion only. No action will be taken.

PURPOSE:

The City Council will provide input regarding an amendment to the Moderate Income Housing element of the General Plan to update strategies and include an implementation plan. This item is for discussion and direction only.

PRIOR COUNCIL DIRECTION:

Not applicable.

BACKGROUND:

The Highland City General Plan was adopted in 2008 and included a Moderate Income Housing (MIH) element. During the legislative session in 2018, HB 259 provided specific strategies cities must consider adopting in their MIH plans. In 2019, the City Council updated the General Plan to be consistent with this update.

In 2022, HB 462 updated those strategies from HB259 in 2018 and required implementation elements that include a timeline that has specific benchmarks for each chosen strategy, but provides flexibility for the municipality to make adjustments. Municipalities are required to update their general plans by October 1, 2022.

DISCUSSION:

HB 462 requires that a municipality include a minimum of three (3) of the 24 strategies listed in Utah Code. Municipalities that select at least five (5) strategies would qualify for enhanced prioritization of state TIF/TTIF (Transportation Investment Fund/Transit Transportation Investment Fund) and ARPA (American Rescue Plan Act) local match program funds.

To be compliant with Utah Code, the City Council should determine relative timelines with benchmarks for each implementation measure for the MIH element in the General Plan.

The Department of Workforce Services provided a writing guide for the recent legislative updates. “An implementation plan sets out a clear course of achievable, measurable actions that can be taken within a given time period. While the implementation plan should set the guidance, it should also be flexible to allow the jurisdiction to modify timing or actions based on changes over time.”

Below are the moderate income strategies for municipalities from HB 462 as outlined in Utah Code. The bolded strategies are those that are related to implementation measures in the existing General Plan.

- A. rezone for densities necessary to facilitate the production of moderate income housing;
- B. demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- C. demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
- D. identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;
- E. create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;**
 - *Implementation Measure: Review and update the regulations for the Accessory Dwelling Unit (ADU) within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents.*
- F. zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;**
 - *Implementation Measure: Review and consider updating the regulations in mixed-use zones in the land use code to provide for a greater variety of housing types.*
- G. amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- H. amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential**

development near major transit investment corridors or senior living facilities;

a. Implementation Measure: Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.

- I. amend land use regulations to allow for single room occupancy developments;
- J. implement zoning incentives for moderate income units in new developments;
- K. preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;
- L. reduce, waive, or eliminate impact fees related to moderate income housing;
- M. demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- N. implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- O. apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;**
 - Implementation Measure: Explore potential programs or partnerships with the Mountainlands Association of Governments (MAG).*
- P. demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- Q. create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- R. eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- S. create a program to transfer development rights for moderate income housing;
- T. ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income

housing;

U. develop a moderate income housing project for residents who are disabled or 55 years old or older;

- *Implementation Measure: Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.*

V. develop and adopt a station area plan in accordance with Section 10-9a-403.1;

W. create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

X. demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;

FISCAL IMPACT:

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

COUNCIL ACTION:

The City Council will discuss and provide input for the following:

1. Add or remove specific implementation measures in the Moderate Income Housing element of the General Plan. To be compliant with Utah Code the General Plan must include at least three (3) of the specific strategies. To qualify for prioritization in certain State funding, the General Plan must include at least five (5).
2. Determine implementation plans for each of these implementation measures. The implementation plan should include achievable, measurable actions that can be taken within a given time period.

ATTACHMENTS:

1. Existing MIH Goals and Implementation Measures
2. HB462 Housing Affordability Amendments Summary prepared by ULCT and WFRF

Goals and Policies

With the zoning pattern already established and a mostly infill expectation for new development, support for alternative housing types is a difficult goal to achieve. The City can still find creative ways to make a reasonable allowance for affordable housing types that would be acceptable and even welcomed by residents. The City may choose to focus on solutions, such as basement accessory dwelling units, senior housing (some of which may include deed restrictions to maintain affordability) and multi-family housing mixed-use developments. The goals, policies, and implementation measures below build on these ideas.

Goal: Support for alternative housing type.

Policy: Proactively encourage the development of moderate income and senior housing as follows:

Implementation Measure: Examine regulations for Senior Housing projects in the land use code with the specific examination of parking requirements for such.

Implementation Measure: Review and consider updating the regulations in mixed-use zones in the land use code to provide for a greater variety of housing types.

Implementation Measure: Explore potential programs or partnerships with the Mountainlands Association of Governments (MAG).

Implementation Measure: Review and update the regulations for the Accessory Dwelling Unit (ADU) within the land use code for potential modifications and incentives to encourage the creation of additional housing options for residents.

Policy: Maintain quality housing stock and the current aesthetic style of Highland City.

Implementation Measure: Adopt design guidelines for medium and higher density housing based on residents' opinions and perceptions of the community character. The guidelines should not be cost prohibitive to affordable housing.

HB462 Housing Affordability Amendments
(Rep. Waldrup / Sen. Anderegg)

The bill is a collaborative effort among numerous stakeholders, including the Commission on Housing Affordability, the Utah League of Cities and Towns, Wasatch Front Regional Council and Mountainland Association of Governments, Property Rights Coalition, Division of Housing and Community Development, the Utah Transit Authority, and various other public and private sector organizations, to help Utah to address its significant challenges on housing availability and affordability.

This summary breaks down bill changes into the following sections:

1. Moderate Income Housing Plan Changes (update to SB34 from 2019)
2. Station Area Plan Requirements
3. Changes to Internal Accessory Dwelling Units
4. Changes to Point of the Mountain
5. Changes to the Olene Walker Board
6. Other Changes and Appropriations

Moderate Income Housing Planning Changes (update to SB34 from 2019) (lines 571-819, 1053-1262; 1893-2409 (counties)):

Although all municipalities, metro townships, and counties are encouraged by law to plan for moderate income housing plan (MIHP); Senate Bill 34 (2019) created specific criteria that certain cities had to adopt in a plan and penalties for non-compliance. HB 462 makes changes to these criteria.

Highlights of MIHP Changes:

- Modifies and expands the menu items and requires that municipalities review their moderate income housing plans and update items with implementation elements by October 1, 2022. The December reporting period no longer applies.
- Reporting forms will change and the reporting period will be tied to the municipal fiscal year with subsequent reports due by October 1.
- Implementation elements must include a timeline that has specific benchmarks for each chosen strategy, but provides flexibility for the municipality to make adjustments.
- Increases the number of menu strategies from which municipalities may select, including creating an HTRZ, creating a station area plan, creating a program for transfer of development rights, eliminating certain ADU impact fees, promoting “missing middle” housing, etc..
- Menu items remain at 3 for cities without fixed guideway transit and 5 for those with fixed guideway transit (one of which is required to be the adoption of Station Area Plan). If a city selects 5 (or 6 for fixed rail cities), then those cities would qualify for enhanced prioritization of state TIF/TTIF and ARPA local match program funds.

- The Department of Workforce Services shall be responsible for creating a moderate income housing database and be responsible for providing housing data to municipalities, metro townships and counties. DWS is hiring a new staffer to manage the database and will work with ULCT on building a new form for reporting and other specifics.

Report components

SB 34 (2019) required applicable municipalities, metro townships, and counties to submit an annual report to the Department of Workforce Services annually on December 1. HB 462 updates the reporting process. Instead of requiring reports on December 1 of each year, reports will be due on October 1st of each year. The reporting period will be tied to a city's fiscal year. The initial year (2022) submittal must include a description of each adopted MIHP strategy selected by the municipality and a specific implementation timeline for each strategy.

Subsequent reports must include for each fiscal year period:

- MIHP strategies and implementation plans;
- A description of each action, one time or ongoing, taken by the municipality during the previous fiscal year (or past years if applicable) to implement the MIHP strategies.
- A description of each land use regulation or decision made by the municipality during the previous fiscal year (or past years if applicable) to support their MIHP strategies.
- A description of any barriers encountered by the municipality during the previous fiscal year (or past years if applicable) in implementing MIHP strategies.
- A description of how the private sector and market have responded to the selected MIHP strategies, including the number of entitled residential units and other relevant data.
- Information regarding the number of accessory dwelling units located within the municipality issued a business license or construction permit.
- Recommendations on how the state can support the municipality in implementing MIHP strategies.

This updated data collection and report should help cities complete the narrative on land use planning and housing policy.

Report review

HB 462 requires DWS to approve the reporting form each year and make the form available on or before July 1 of each year the report is required. Reporting jurisdictions are then required to submit their reports to DWS on or before October 1 of that same year. HB 462 removes the requirement for reporting entities to submit their reports to their AOG or MPO. Within 90 days of DWS receiving a report, the division must post the report on their website; send a copy to UDOT, GOPB, the jurisdiction's AOG and (if applicable) MPO; and review the report to determine compliance with the updated list of menu items. HB 462 states that a jurisdiction's report complies with the requirement if the report:

- Includes the stated information required in the report
- demonstrates to DWS that the municipality made plans to implement MIHP strategies
- includes a reasonable timeline for the selected strategies.
- meets the requirement of incorporating one of the transit sub-menu items if the city has a fixed guideway public transit station.

- Is completed in the form provided by DWS.
- Provides sufficient information for the division to:
 - Assess the municipality's progress in implementing strategies,
 - Monitor the municipality's compliance with their implantation timeline,
 - Identify a clear correlation between the municipality's land use decisions and their efforts in implementing selected strategies, and
 - Identify if and how the market has responded to the municipality's MIHP strategies.

Prioritization and penalties

If DWS reviews the report and determines the municipality complies with the minimum requirements (5 strategies for cities with fixed guideway transit, 3 for cities without fixed guideway transit) and the municipality has adopted two additional menu item strategies, the municipality may receive priority consideration for funding from the Transportation Investment Fund (TIF), Transit Transportation Investment Fund (TTIF), and the COVID-19 local assistance matching grant program. If the municipality only complies with the minimum number of strategies (5 or 3), their requests for TIF projects, TTIF projects, and local matching grant funding will not be prioritized, but they are still eligible to be funded.

If DWS determines the municipality's MIHP fails to comply with the requirements, they must send a notice to the municipality, UDOT, and GOPB. The notice shall include that municipality is ineligible to receive funds, which funds they are ineligible to receive, the fiscal year that the municipality is ineligible for, and the basis for DWS' determination. The SB 34 provision that UDOT may not program TIF or TTIF funds on projects within municipalities that fail to comply with reporting requirements still applies. HB 462 adds ineligibility for the COVID-19 Local Assistance Matching Grant Program as a consequence for noncompliance.

HB 462 does provide municipalities with an opportunity to correct reporting deficiencies and come into compliance. In the notice given to the municipality, DWS must provide a description of each deficiency in the report and the actions needed to cure each deficiency. The legislative body of the municipality will be given 90 days from the day the notice is sent to cure the identified deficiencies, or they will lose eligibility for TIF/TTIF funding.

(TIF/TTIF provisions are at lines 3583-3844)

Station Area Planning Requirements (lines 820-1052):

Objective: Advance shared goals by maximizing development potential in appropriate areas through a collaborative city-led planning approach, allowing cities to determine how best to meet shared objectives without mandating a specific approach or zoning.

Overview

- If a city has a fixed-guideway public transit station (rail or brt), it is required to develop a Station Area Plan (SAP) for that station and update its general plan and zoning to implement the Station Area Plan.
- Station area plans are intended to promote shared objectives such as housing availability and affordability, access to opportunities, sustainable environmental conditions, and transportation choices and connections. Plans are reviewed by the relevant Metropolitan Planning Organization (MPO), and are incorporated into the MIHP review architecture.
- Adopting a Station Area Plan is one of the actions a municipality may take to qualify for enhanced prioritization for state transportation and local match program funding. Funding from the state Industrial Assistance Account through the Governor's Office of Economic Opportunity (GOEO) will be provided to Metropolitan Planning Organizations to provide technical assistance to assist cities in developing their plans.
- Zoning changes within the Station Area will have increased referendum thresholds.

Plan Objectives (lines 949 - 981)

Station Area Plans shall promote the following objectives:

1. Increasing the **availability and affordability of housing**, including moderate income housing. The municipality may consider actions including:
 - a. Aligning SAP with MIHP element of general plan
 - b. Providing for densities necessary to facilitate the development of moderate income housing
 - c. Providing for affordable costs of living in connection with housing, transportation and parking
2. Promoting **sustainable environmental conditions**. The municipality may consider actions including:
 - a. Conserving water resources through efficient land use
 - b. Improving air quality by reducing fuel consumption and motor vehicle trips
 - c. Establishing parks, open space, and recreational opportunities
3. Enhancing **access to opportunities**. The municipality may consider actions including:
 - a. Maintaining and improving the connections between housing, employment, education, recreation, and commerce
 - b. Encouraging mixed-use development
 - c. Enabling employment and educational opportunities in proximity to the transit station
 - d. Encouraging and promoting enhanced broadband connectivity
4. Increasing **transportation choices and connections**. The municipality may consider actions including:
 - a. Supporting investment in infrastructure for all modes of transportation
 - b. Increasing utilization of public transit
 - c. Encouraging safe streets through the designation of pedestrian walkways and bike lanes
 - d. Encouraging manageable and reliable traffic conditions
 - e. Aligning the SAP with the MPO-adopted regional transportation plan.

Plan Requirements

1. Cities with “fixed guideway public transit” are required to plan ½ mile radius around a rail (FrontRunner, Trax, Streetcar) station, and ¼ mile radius around a bus rapid transit (which uses a separate right-of-way) station, and adopt any appropriate land use regulations to implement the station area plan. (864-868, 851-859)
 - a. SAPs may also be developed for multiple stations through an integrated process. If a station area covers more than one municipality each shall develop a SAP for their area, or coordinate together to develop a shared SAP. (933-941)
 - b. The radius is calculated from the center of the public transit station platform.
2. Station area plans shall include the following components (993-1023):
 - a. A **Station Area Vision** that is consistent with the station area plan objectives (described above), and which includes:
 - i. Constraints and opportunities for the development of land given existing conditions
 - ii. The city’s objectives, and description for the future transportation systems, land uses, public and open spaces, and the use and development of land in the station area.
 - b. A **Station Area Map** that depicts the areas within the municipality and station area subject to the plan, and where actions are needed to implement the plan (*i.e.*, the actual implementation plan may be for selected portions of the area, and vision and plan can be greater than ½ or ¼ mile radius).
 - c. An **Implementation Plan** that identifies and describes actions over the next five years the city intends to take, and action needed by others, needed to implement the station area plan, including:
 - i. modifying land use regulations;
 - ii. making infrastructure and public space improvements;
 - iii. modifying deeds or other relevant legal documents;
 - iv. securing funding or developing funding strategies;
 - v. applying applicable design standards for development; or
 - vi. providing environmental remediation.
 - d. A **statement of how the Station Area Plan promotes the plan objectives** (see above).
3. Development of a SAP must include public outreach and community engagements, and involve relevant stakeholders, including impacted landowners, other impacted communities, MPOs, UDOT, UTA, residents and business owners. (1029-1037)
4. The requirements to develop a station area plan and appropriate zoning can also be satisfied if the municipality adopts a resolution demonstrating that (869-887, 1024-1028):
 - a. Fulfilling some or all of the SAP objectives or required components are **impracticable**, due to conditions including existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions.
 - b. The city has already satisfied the Station Area Plan requirements – in whole or in part – based on **prior actions** taken before June 1, 2022, such as prior public and stakeholder engagement processes, market assessments, visioning, planning, implementation activities, capital programs, or adopted land use regulations or other actions.

5. The bill updates station area plan references in UTA's code. (2497-2686)

City Development and Approval Timeline, and MPO certification

1. Municipalities are required to adopt a station area plan for existing public transit stations and adopt any appropriate land use regulations no later than December 31, 2025. (864-868; 888-903)
 - a. Cities with more than four existing stations shall complete the plan requirements for four stations by Dec. 2025, and complete no less than two plans each year thereafter.
 - b. A city with a new station (that is not yet under construction by May 2022) must adopt a station area plan before the station opens for service.
2. A “**qualifying land use application**” received by a city can trigger a one-year timeline for completion of a station area plan. (904-918)
 - a. A qualifying land use application (836-850) is one that:
 - i. involves land located within a rail-based station area;
 - ii. involves land located within a station area for which the municipality has not yet satisfied the requirements of station area plans;
 - iii. proposes the development of an area greater than five contiguous acres;
 - iv. would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;
 - v. would require a higher density than the density currently allowed by the municipality;
 - vi. proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and
 - vii. the applicant requests the initiation of a station area plan development process.
 - b. If a municipality receives a qualifying land use application *on or before* July 1, 2022, the municipality must satisfy the SAP requirements by July 1, 2023.
 - c. If a municipality receives a qualifying land use application *after* July 1, 2022, the municipality must satisfy the SAP requirements no later than 12 months after the first day of the month after the land use application is submitted.
 - d. If multiple qualifying land use applications are received, municipalities are not required to satisfy SAP requirements for more than two station areas in a 12-month period.
3. The required time period for completion of a station area plan and appropriate zoning may be extended once for a 12-month period if the municipality demonstrates to the applicable MPO that conditions exist that make doing so **infeasible** despite the good faith efforts of the municipality, and the MPO certifies such extension. (925-932)
4. A station area plan is to be adopted and submitted to the Metropolitan Planning Organization (WFRC or MAG) and UTA. The MPO, in consultation with UTA, shall review whether the plan satisfies the statutory conditions and if it does, shall certify such compliance. (1038-1052)
 - a. The MPO may certify a SAP based on *prior actions* taken by the municipality or the *impracticability* of completing elements of the SAP due to impediments.
 - b. Following adoption of the plan, and certification by the MPO, the municipality shall submit evidence of the plan adoption to DWS as part of the MIHP reporting requirements.

- c. The MPO is not responsible for reviewing the zoning changes made by the city to implement the SAP. Steps taken by the city to implement the SAP, including zoning changes, would be incorporated into the regular annual MIHP reporting process.
- 5. The municipal general plan land use and transportation elements must consider and coordinate with the municipality's station area plans and the regional transportation plan developed by the MPO (781 - 790).

Technical Assistance (942-948)

- 1. Municipalities required to develop and adopt a station area plan may request technical assistance from their relevant MPO. (This technical assistance may include consultant or staff time, model ordinances, analyses, etc.)
- 2. Funding will be provided to the MPOs from GOEO through the Industrial Assistance Account to provide this technical assistance (lines 3503 - 3520). Technical assistance from MPOs funded through the Industrial Assistance Fund shall give priority consideration to station area plans developed pursuant to the receipt of a qualifying land use application.

Station Area Developments Will Be Propelled

- 1. Within a station area where a municipality has complied with the station area plan requirements, a $\frac{2}{3}$ approval by the legislative body of a land use law would make the legislative action non-referable (consistent with state law about legislative acts that are non-referable) (lines 2842-2884).
- 2. The signature thresholds are increased for a referendum for zoning to adopt a station area plan, or for zoning changes within a station area, after the city adopts the SAP or the resolution demonstrating that the SAP requirements are satisfied (lines 2688-2841).
 - a. *Note: By adopting a Station Area Plan and updated General Plan and Zoning, it reduces the likelihood that a subsequent specific development proposal will be subject to referendum.*
- 3. If a residential development application that would require the municipality to change a zoning designation for the land use application to be approved is within an area for which the SAP requirements have not yet been satisfied, the city will process the completed application for the residential development within the SAP on a first priority basis. (lines 919-924)

Changes to Internal Accessory Dwelling Units (IADU) (1353 - 1409)

Prohibits local governments from charging impact fees to IADUs constructed within an existing dwelling.

Changes to Point of the Mountain (lines 1410 - 1446):

HB 462 requires the Point of the Mountain State Land Authority to incorporate housing affordability into their strategic planning, and report to the Unified Economic Opportunity Commission.

Changes to The Olene Walker Board (lines 2885 - 2956)

HB 462 modifies the Olene Walker housing board to specify:

- One of the two members from local governments shall be a local elected official residing in a county of the first or second class. The other local government member shall be a locally elected official residing in a county of the third, fourth, fifth, or sixth class.
 - One of the two members from the mortgage lending community shall have expertise in single family mortgage lending than the other shall have expertise in multifamily mortgage lending.
 - One of the two members from home builder interests shall have expertise in single family residential development and one member shall have expertise in multifamily residential development.
 - One of the two members from housing advocacy interests shall reside in a county of the first or second class; and one member shall reside in a county of the third, fourth, fifth, or sixth class.
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Other Changes & Appropriations:

Rural Housing Fund Changes

HB 462 makes several changes to the rural predevelopment grant program created in SB 164 (2021). The bill makes technical changes and caps the grant amount that a single project may receive at \$50,000. HB 462 also creates a rural housing fund with legislative appropriations, private contributions, donations or grants from public and private entities and money returned to the department from 35A-8-512(3)(b). Funds can be used to make loans for projects that:

1. Are located within a county of the third, fourth, fifth, or sixth class or a municipality within a county of the second class with a population $\leq 10,000$.
2. Include moderate income housing units for households whose income is no more than 80% AMI for households of the same size in the county or municipality where the project is located

Housing affordability data and methodology (lines 3229 - 3277, 3366 - 3403)

The DWS Division of Housing and Community Development is required to establish and maintain a database of moderate income housing units located within the state.

It is also required, by December 1, 2022, to develop and submit to the Subgroup on Housing Affordability (SHA, formerly known as CHA) a methodology for determining whether a municipality or county is taking sufficient measures to promote moderate income housing in accordance with municipal moderate income housing plans.

Granting Real Property for Affordable Housing (lines 3459 - 3503)

HB 462 expands the 'Grant of Real Property for Affordable Housing' provision created in SB 164 last year to clarify that government entities may grant real property to an entity that for the development of one or more affordable housing units, when $\geq 20\%$ of the housing units meet the definition of moderate income housing units (housing affordable to households earning $< 80\%$ of county area median income).

Public transit hub (lines 2134-2137, 3578-3582)

HB462 requires a county that has created a transit district by January 1, 2022 (i.e., Summit County), and which has a bus hub in unincorporated areas serving more than four routes (i.e., Kimball Junction) to create a Housing and Transit Reinvestment Zone (HTRZ) at that hub by December 31, 2022.

Appropriations (lines 3845 - 3900)

- \$500,000 to the Dept. of Workforce Services for the development of a statewide database for moderate income housing units.
- \$750,000 to the Dept. of Workforce Services to provide assistance to landlords under the DWS Section 8 landlord incentive program for two years of funding (\$375,000 each year).
- \$132,000 to the Dept. Workforce Services to hire one additional FTEs.
- \$250,000 to the Dept. Workforce Services to appropriate to a non-profit entity for the purpose of education on regional land use training workshops for local officials and policymakers on housing issues.
- \$250,000 to the Dept. Workforce Services to appropriate to a nonprofit entity that engages in efforts to increase housing affordability.

HB462 has an effective date of June 1, 2022