



HIGHLAND CITY COUNCIL MINUTES

Tuesday, December 6, 2022

Approved January 17, 2023

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 WORK SESSION – CEMETERY CODE UPDATE

The meeting was called to order by Mayor Kurt Ostler as a work session at 6:06 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

PRESENT: Brittney P. Bills, Timothy A. Ball (arrived 6:19 pm), Kim Rodela, Sarah D. Petersen, Scott L. Smith

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Parks Superintendent Josh Castleberry, Cemetery Sexton Trevor Aston

OTHERS PRESENT: Jon Hart

City Recorder Cottle used the aid of a PowerPoint presentation to discuss proposed code amendments pertaining to the Highland City cemetery. She first discussed the history of the cemetery, which officially opened in 1999. It is 17.25 acres in size with over 10,000 burial plots and room for over 20,000 burials. Approximately one-third of the lots have been sold thus far. She discussed highlights of the City's cemetery and indicated it is popular among residents of other cities as their cemeteries are nearing capacity.

Council Member Bills asked if the City charges a resident and non-resident rate for cemetery plots. Ms. Cottle answered yes; the resident rate is \$1,175 and the non-resident rate is \$1,641. The rates are increased by three percent each July 1st.

Ms. Cottle then stated the goal of the proposed cemetery code amendments is to ensure policy and practice are consistent with one another and to preserve the long-term quality of the cemetery. Topics of discussion tonight include the following:

- Removing Operating Procedures from Code
- Headstones – Size, Setting Fee, Time Frame

- Dates Closed for Burials
- Plot Reservations

Parks Superintendent Castleberry explained that relative to headstone height requirements, Administration recommends a maximum of 36 inches. This is intended to increase safety of the monuments and reduce interference with sprinkler systems and damage to monuments associated with secondary water. Additionally, taller stones are more difficult to work around.

Mayor Ostler inquired as to the number of headstones that currently exceed 36 inches in height. Mr. Castleberry answered he would estimate that one-third of all existing headstones are over 36 inches in height. City Administrator Wells added that the City has received a request for a 10-foot-tall angel grave monument and staff is working very closely with the family to ensure that the monument is safe and properly engineered. Mr. Castleberry then presented a chart offering a comparison of this proposed height recommendation with the maximum heights in other communities; Alpine, American Fork, and Draper all have a 36-inch height restriction. Lehi and Eagle Mountain allow 48-inch monuments, Spanish Fork allows 74 inches, Orem requires flat stones only, and Pleasant Grove has no height restriction. Council Member Smith asked how Administration arrived at a recommendation of 36 inches. Mr. Castleberry stated that Highland's cemetery most closely compares to Alpine and American Fork when considering the slope of the land at the cemetery. Those cities with taller monument height allowances have their cemeteries on very flat ground. Mayor Ostler stated that he would like to walk through the cemetery to view existing headstones and get an understanding of the impact of a height restriction. Council Member Bills stated she would like to do that as well but noted that she thinks that it is reasonable to implement a height restriction.

Cemetery Sexton Aston addressed the issue of setting headstones, Administration recommends that the practice only be allowed between April 1 and October 31; this is due to the potential for the turf to be damaged by heavy equipment during the fall, winter, and spring months. Headstones set after April 1 will be allowed at the discretion of the Cemetery Sexton based upon the condition of the ground. The Council supported the proposed restriction. Mr. Aston then stated the proposed headstone setting fee is \$50 per stone; this will cover the cost of record keeping and marking the grave. The fee will be charged each time the stone is moved. Council Member Rodela asked if \$50 is sufficient to cover staff time associated with scheduling a headstone setting. Ms. Wells answered yes, after which Council Member Smith noted he would like to know if other cities are charging this fee and how the City's total burial fees compare with other cities. This led to high level review of all fees associated with a burial at the Highland City cemetery, with Ms. Wells emphasizing that the fees are based upon actual costs and staff time; charging appropriate fees helps to ensure a high level of care of the City's cemetery.

Mr. Aston concluded by reviewing a proposed list of dates of closure in terms of burials; he noted these are the days that Highland City is closed for business:

- New Year's Day
- Human Right's Day
- Presidents' Day
- Memorial Day (Thursday – Monday)
- Juneteenth
- Independence Day
- Pioneer Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day
- *or the day these holidays are observed

- *Sundays

Ms. Wells noted that the City's cemetery is currently only closed to burials on Sundays, Memorial Day, and Christmas Day. The purpose of this proposed amendment is to provide cemetery workers planned days off work. The Mayor, Council, and staff discussed special circumstances that, if present, would result in the City agreeing to perform a burial on a holiday or Sunday; Mr. Aston presented a chart detailing the cemetery closure dates in other communities and noted that what is being proposed is not unreasonable. Council Member Smith stated he would prefer flexibility, especially in a time of grief for a family that is trying to plan the burial of a loved one. Council Member Peterson stated that it has been her experience that there are many factors that contribute to a decision of when to perform a burial; she does not think it is unreasonable for employees working in the cemetery to expect scheduled days away from work and she supports approving the schedule of holidays. Council Member Rodela agreed with Council Member Peterson but noted that she also agrees with Council Member Smith that some of the holidays are not as widely recognized, and it may be appropriate to allow some flexibility on those dates. Council Member Ball agreed. Ms. Wells summarized the Council's feedback; it is her interpretation that the Council will support the list of observed holidays, with some exceptions allowed when considering burial requests on a case-by-case basis. Mayor Ostler stated he feels that is accurate.

Ms. Cottle then discussed plot reservations; this is a program that would allow residents to pay for a burial plot over time. A family can place 10 percent down for the cost of the burial plot and they must pay the total price within one year of making the deposit. This would be interest free. She stated that she has 10 customers with reservations, for a total of 16 burial plots. She stated this is not a program that is openly advertised, but it is allowed when requested. She discussed the pros and cons of such a program, the biggest con being that the City is acting as a bank with no interest charged for the 'loan'. Council Member Smith stated that he supports the reservation program, but he asked what would happen if the resident defaults on paying the remainder of the plot price. Ms. Cottle stated the 10 percent deposit would be retained and used for ongoing cemetery care. The Council discussed the logistics of managing a reservation program and ultimately concluded to continue to allow plot reservations.

In closing, there was brief discussion about a parcel of ground that is part of the cemetery that may be useful for the construction of a cemetery maintenance facility; Mayor Ostler stated that if Administration would like to pursue that project, it is important to identify the appropriate access to the property. There was discussion about using the ground for sod and trees that could be moved to the cemetery property when needed, but there was a focus on the need to screen the property from adjacent homes in the area.

Mayor Ostler also asked about the transfer fee for burial plots. Ms. Cottle stated a transfer is allowed to a plot owner's heirs. The transfer fee per plot is \$25. There is a discrepancy relative to the definition of heirs. She has allowed transfers within families, but not friends or neighbors. She recommended that a clear definition of "heir" be placed in City Code. Mayor Ostler then stated that he noticed that the term of purchase of a burial plot is just 60 years and that after a 60-year period, the plot reverts to ownership of the City. Ms. Cottle stated that is a requirement of State Code and only applies when it is not possible to identify who owns the plot or if there is no family to make a legal claim to the plot.

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Sarah D. Petersen

Pledge of Allegiance – Council Member Timothy A. Ball

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:11 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 Sarah D. Petersen and those in attendance were led in the Pledge of Allegiance by Council Member Timothy A. Ball.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Fire Chief Brian Patten, Police Chief Brian Gwilliam, Library Director Donna Cardon, Treasurer Candice Linford

OTHERS PRESENT: Jon Hart, Molly Dean, Amber Knecht, David Stewart, Wesley Warren, Abigail Loosle, Joe Ham, Aaron Leach, Pam Redman, Greg Canter, David Bunker, Cary Wise, Robin Wise, Dain Hodson, William Kilgore, Roy Martin, Lisa Watts Baskin, Randy Rindlisbacher, Kyle Pettit, Dan Campbell, Joel Larsen

1. UNSCHEDULED PUBLIC APPEARANCES

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

David Stewart stated that several months ago he approached the Council about the opportunity to pursue an American Rescue Plan Act (ARPA) grant of \$1 million. He has been working with City Engineer/Public Works Director Spencer to identify a project that would be grant eligible and together they submitted the application. Mr. Spencer received notification in the past few days that the City has received the \$1 million grant. He and Mr. Spencer are now working with the State to finalize the grant agreement. Mr. Spencer noted that the grant will fund the culinary water well house on 200 North and additional improvements to the culinary water system; these improvements will make chlorination of water easier when the decision is made to move in that direction. He is very excited that the City has received the grant award. Mayor Ostler and the Council thanked Mr. Stewart for his efforts and indicated they look forward to working with him on other grant opportunities. Mr. Stewart thanked the Mayor and Council for their vote of confidence and taking a risk on him. Council Member Smith stated that the City's General Fund budget is between \$10 and \$13 million, and a \$1 million grant award is significant.

Pam Redmond stated that her property backs up to Canal Boulevard; many people in the audience this evening are concerned about speed and noise on Canal Boulevard. Since it was completed her family and others have been distressed by the road and they are deeply concerned about the safety of the young families who live along the road. She and her husband have spent many hours using a speed gun to determine the average rate of speed on the road; there are many times when the average speed is much higher than posted. Typically this occurs in the morning during typical commute times, and in the afternoon between 1:00 and 5:00 p.m. on the weekends. She stated that she and many others are assaulted by the constant roar of traffic from the rough chip seal pavement behind their home; it is considerably louder than the smooth asphalt area on west Canal Boulevard. Traffic noise is plainly audible from inside her home and is disruptive to her sleep. Her home has the minimal setback from the road, and she does not have the luxury of a soundproof concrete wall between her home and the road. Her neighborhood is residential in nature, but the road has made it feel different and she likened it to the State Road (SR) 92 corridor. Many homes have bedrooms or their front doors abutting the road and the noise, traffic, and danger have reduced their quality of life as well as their property values. They propose decreasing the speed limit to 25 miles per hour, installing new speed signs at Mitchell Hollow, adding raised pedestrian crossing locations at 6180 Mountain View Road and 6630 West. Some would like to see a four-way stop sign at Madison as well. They would also like to see the rough chip seal replaced with smooth asphalt.

John Redmond stated that Ms. Redmond is his wife, and he echoed her comments about Canal Boulevard; the three sections of the road they are most worried about are from North Park Boulevard to Alpine, Alpine to 6000 West, and 6000 West to 6800 West. The new subdivision has noise barriers, but the other two existing subdivisions do not, though they are closest to the road and are abutted by the chip seal referenced by his wife. He referenced the speed study data gathered by he and his wife and indicated the average speed is 33 miles per hour, but 44 percent of drivers are travelling at speeds higher than 35 and 10 percent are travelling at speeds over 40 miles per hour. On Friday and Saturday evenings, 80 percent of motorists are driving over 35 miles per hour. He noted that when driving at 25 miles per hour rather than 30, a driver only loses 26 seconds from 6800 West to 6000 West; so, this is an argument over 26 seconds when discussing reducing the speed limit. He discussed noise generated by traffic on the road; he presented a chart that illustrates decibel levels; ambient noise is approximately 50 decibels at night and 55 decibels during the day (per City ordinance). The noise in his backyard generated by the traffic on Canal Boulevard is 78 decibels. Every car travelling down the road violates the City's ordinance and there are only two ways to address the violation: reducing the speed and changing the road surface to smooth asphalt. He reiterated the recommendations summarized by his wife and indicated he would like to meet with each Council Member during the month of January to answer any questions about the detailed data he has presented regarding this issue.

Dain Hodson also discussed the concerns expressed by Mr. and Ms. Redmond regarding Canal Boulevard. He thanked the Mayor and Council for being willing to discuss these issues with residents and being open to taking steps to address the concerns that have been expressed. He stated that when standing in his front yard, it would be difficult to have a conversation because of the noise generated on the road. He is very concerned about young children who live along the road as well.

Kyle Pettit echoed the comments made about Canal Boulevard; he lives on a corner property and has witnessed two major accidents on Madison. He is in agreement with the recommendations made by the Redmonds and added that he would also recommend speed bumps. He knows that City staff has expressed concern about using speed bumps because they can be problematic for snowplows, but he noted that he has relatives who live in Idaho and in their community, they use portable speed bumps that can be removed during the winter months. He would also like to participate in the meetings with the Mayor and City Council Members about options for addressing the concerns that have been expressed.

Mayor Ostler stated that after all residents have had the opportunity to make public comment, he will ask for input from the City Engineer; he will then discuss options for scheduling meetings with Council Members and himself in the new year. Mr. Pettit stated that many people have not become accustomed to the road, and they are not observing the new traffic patterns and increased traffic in the area.

Dan Campbell stated he has lived in the neighborhood for 17 years; he lives near Mr. Pettit, and he has also seen the two major accidents that he cited on Madison. The first was a few months ago right after the road opened at the choke point near the pedestrian crossing in the hollow. He cited the details and causes of the accidents and noted that both have been catastrophic for the vehicles involved. He is sure that the public safety officials that responded would note that both accidents were the result of driver mistakes. He shares that point of view, but noted the mistakes are exacerbated by the fact that there is no room for error on the road. He walks the road nearly every day and always observes drivers who are crossing the lines on the road because of its design; it is residential in nature and it curves, but it is also wide and inviting to increased speed. The City has a duty to do something to help people who travel the road as well as those that live on the road. At a minimum, the speed limit should be decreased to 25 miles per hour and the striping of the road needs to be completed; there are no stop lines at the intersections where there are currently stop signs. The curbs could also be painted with reflective paint. He hopes to be involved in future discussions with the Mayor and Council.

Abigail Loosle agreed the speed limit on Canal Boulevard should be lowered. She sees the benefit of the new road, but it is important to ensure that it is safe for the people who live there. There is nothing to protect her family from the sound generated by the road; she has a toddler who is frequently awakened by the sound, and it is very difficult for her to go back to sleep. Their backyard is not safe because of the road, and she is scared to let her daughter play in her backyard. The speed sign that was placed on the road does not seem to have deterred speeders. The intersection with Madison Avenue is very dangerous as well and many people do not observe the stop sign. Something needs to be done to address these issues.

Bill Kilgore thanked the Council for listening to the residents' concerns about Canal Boulevard. He has owned a home in Highland for 19 years and he knows that these types of issues have been discussed on a regular basis. He stated that 25 miles per hour is a reasonable speed for the road and he does not feel that speed bumps are inappropriate given that they are used in many surrounding cities. He stated he looks forward to Council and Mayor discussion of the needs of their residents and to an appropriate action being taken.

Joel Larsen stated he lives on Madison Avenue and has almost been involved in two accidents by when pulling out of his driveway. He is worried about the increase in development along Madison Avenue and he asked the Council to address this issue before it becomes worse.

Mayor Ostler asked that Mr. Spencer to discuss the City's efforts to address the issues that have been raised about Canal Boulevard. Mr. Spencer stated that the City has funded a traffic control toolbox program, the intent of which is to study speed control and pedestrian safety throughout the City and develop a guidebook that can be used to respond to these types of concerns. A request for proposal (RFP) for engineering firms to help develop such a program has been published and Administration will be presenting recommendations to the Mayor and Council during their January 3, 2023 meeting. The project is slated to be completed by May 1, 2023. The idea behind the program is to study Canal Boulevard and offer recommendations for traffic calming and speed control. He noted that some studies were performed before the road was opened and traffic counting devices are in place right now to collect data on the number of cars, traffic levels at different times of day, and speed levels. He stated the data from those traffic counters will be available in a couple of weeks.

Council Member Smith stated that he supports reducing the speed on Canal Boulevard to 25 miles per hour; he is personally impacted by the portion of the road between the Alpine Highway and North County as he drives it several times a day to get to and from work. He purposely drives 30 miles per hour to see how many cars will back up behind him because they want to drive faster. He is concerned about the City's ability to enforce a reduced speed limit and he would like to discuss the issue with the Lone Peak Public Safety District (LPPSD); if they do not have enough officers to take enforcement action in the area, reducing the speed limit will have no effect. He understands and sympathizes with the concerns expressed by the residents because he has noticed some of the same issues. He is willing to participate in discussions with the residents and the Mayor, but he feels that LPPSD needs to be part of that discussion. Police Chief Gwilliam and Mayor Ostler agreed; Mayor Ostler stated he will work to schedule a meeting early in the new year.

2. PRESENTATIONS

a. Youth Council Report – Youth Council Representative

A member of the Highland City Youth Council will provide a report on their recent and upcoming activities.

There was no Youth Council representative present and City Administrator Wells reported that the group participated in a retreat last weekend and staff is working towards selecting leadership for the group next year. The Mayor and Council reported on their participation with the Youth Council during their retreat. Ms. Wells then introduced Robin Wise, a long-time friend of Highland City, who has been hired as the new Events

Coordinator for Highland City. She will work closely with the Youth Council to involve them in planning and administration of special events. Ms. Wise stated she looks forward to serving the City in this new capacity.

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 *General City Management - Stephannie Cottle, City Recorder*

Regular City Council Meeting – September 20, 2022, October 4, 2022, October 18, 2022 and City Council Work Session – November 29, 2022

b. ORDINANCE: 2023 City Council Regular Meeting Schedule *General City Management - Stephannie Cottle, City Recorder*

The City Council will consider approving the City Council Regular Meeting Schedule for 2023. The Council will take appropriate action.

Council Member Scott L. Smith MOVED that the City Council approve consent items 3a meeting minutes and 3b 2023 meeting schedule.

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>Yes</i>

The motion passed 5:0.

Mayor Ostler rearranged the agenda and moved to item seven at this point in the meeting.

7. ORDINANCE: TEXT AMENDMENT - DAYCARES, PRESCHOOLS, AND IN-HOME INSTRUCTION *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction. The City Council will take appropriate action.

Planner and GIS Analyst Smith explained on October 4, 2022, a resident spoke during City Council's unscheduled public appearances sharing their concern of Highland's need for affordable childcare. They explained that the use can exist with minimal impact on the neighborhoods they are located in. In addition, the individual voiced that in-home daycares are a much more affordable option than daycares in commercial locations. At the end of the meeting, staff presented to the Council the inconsistencies in approving daycares and preschools under the existing home occupation regulations. Staff briefly reviewed daycare requirements in other cities. The Mayor and Councilmembers were in favor of drafting an ordinance based on Lehi City's code on daycares and preschools

and directed staff to move forward with a text amendment. On November 1, 2022, the City Council discussed the text amendment recommended by the Planning Commission. The Council's discussion included the maximum number of children, possibly removing Type 1 and Type 2 for daycares, potential impacts on surrounding neighborhoods, and whether or not to require background checks. The Council voted four to zero to continue the item with a stipulation that staff would do more research. She summarized the research performed by staff; findings include the following:

- The Utah Department of Health and Human Services regulates the following for all daycares:
 - Children to caregiver ratio;
 - Training hours for caregivers;
 - Background checks for caregivers as well as anyone in the home that is over 12 years old;
 - Safety and injuries;
 - Food;
 - Transportation (if provided); and
 - Medical records
- The State conducts annual inspections to ensure compliance with their regulations.
- Childcare for less than 4 hours does not require State licensing. Staff is proposing to require a background check for instructors that have students under the age of 18 to provide an assurance of protection to the youth and their parents that will be using the services of the instructors.
- The average impact of a daycare or preschool exceeds the allowable impact outlined for home occupations in Highland City. According to the Utah Travel Study (updated January 2013), the State-wide average trips per household is 11.26 (each travel to or from the home is counted as one (1) trip). For a daycare, for example, one child would produce at least 4 additional trips for pick-up and drop-off. Some daycares provide transportation to and from school, which is an additional 4 trips. For a preschool with 12 students, this creates 48 trips. If there are two (2) time blocks available, this could create 96 trips per day. This is well over the expected average of 11.26 trips per day for a household.
- The three (3) types of daycares, and the maximum number of students for a preschool, are from the Lehi City Code. The purpose of adding possible mitigation measures for Type 2 (9-16 children) is to enforce a consistent requirement for this level of impact in a residential zone rather than going through the conditional use process.
- Generally, when land use codes are updated, previous uses that received proper permits are grandfathered so long as the use stays consistent with what was permitted.

Ms. Smith also summarized data pertaining to the City's current number of home occupation for daycares, preschools, and in-home instruction businesses with a business license; the average number of children in a home at one time is 11.33, with the average number of children per day being 18. Staff also conducted research regarding background checks, and she presented a chart illustrating the communities that require background checks and those that do not. She indicated that the Lone Peak Public Safety District (LPPSD) can take fingerprints and do a live scan where the fingerprints are uploaded directly to BCI. The cost for this service is \$10.25 per card; fingerprinting through the BCI office directly costs \$15.00 for up to three cards. The proposed ordinance amendments appear to meet the following findings:

- The proposed update to the Professional Office zone is consistent with existing uses in the zone.
- Clarifications are included to require appropriate State licensing for the care of children.
- The proposed amendment allows for a needed use while appropriately mitigating impact in residential zones.

Staff recommends the City Council review and discuss the new information provided in the Staff report and determine if any changes should be made to the amendment recommended by the Planning Commission. Staff also recommends the City Council consider that the Planning Commission discussed and was in favor of allowing additional teachers or instructors for in-home instruction that are not bona fide residents of the home. This detail was missed when the motion was made.

Council Member Smith stated that in the Council's last discussion of this matter, there was a heavy focus on the number of children that would be allowed in a home at any given time; he wondered how the proposed amendments will impact preschools. Most preschools hold two sessions per day and the maximum number of children allowed per day will impact their operations. Ms. Smith stated the current recommendation is 12 children per day maximum; from staff's standpoint, a maximum per day is more appropriate than dictating the number of children allowed in multiple time blocks. Council Member Smith stated that daycares operate longer than preschools and preschools typically offer two sessions per day. Ms. Smith stated that daycares are separate from preschools and other in-home instruction and the Council can determine different child maximums for each use if they deem doing so appropriate.

Mayor Ostler stated that the Planning Commission has recommended that daycare applicants provide a traffic flow plan and parking plan for their operation; the maximum number of children allowed in a residential daycare would be reduced to 12. Additionally, the regulation that the number of caregivers limited to the minimum required by the State would be removed if the Planning Commission recommendation is accepted. Ms. Smith stated that the reason that regulation would be removed is that applicants are required to comply with State regulations and the City should not need to deal with the regulation of the number of employees at a daycare. Mayor Ostler stated that if the Council wants to adjust the maximum number of students per day at a daycare or per block at a preschool, they need to include that change in their motion. He also noted that during the November meeting, there was a discussion about adjusting the distance requirements for like uses and the Council should deal with that issue when making a motion.

Council Member Smith asked if staff would work with an applicant to develop a traffic plan. Ms. Smith answered yes; staff and the LPPSD can help them develop and review a traffic flow and parking plan. The applicant would be required to encourage their customers to follow the approved plans.

Mayor Ostler invited public input.

Molly Dean stated she sent an email to the Mayor and Council earlier today and she read the email for the record of the meeting:

"My name is Molly Dean. I have had a pre-school (Bear Hollow Pre-School) in my Highland home for the past 23 years. In those 23 years I have had the opportunity to teach over a 1000 of 3-5-year-olds. To be a child's first teacher and instill a love of reading and learning is a precious gift. I have had classes with 14-16 students and have had an AM and a PM session. It has been the perfect number of students to run a quality program. I have always had my classes filled to capacity and have to turn away parents to look elsewhere for another school for their child. When they ask me where, I tell them to check with Highland City, to see other preschools in the area. I have parents come to Bear Hollow, not only from Highland, but from Alpine, Lehi, Cedar Hills, American Fork, Pleasant Grove and Draper.

When a quality program is known, word of mouth takes place. I have never had to advertise.

I hire (and pay well) an additional teacher each year to help in the classroom and make sure that I have all the children's needs met. When children leave Bear Hollow, they are reading and are very prepared to start school. Parents volunteer in the classroom and are involved in many ways. I have been made aware that Highland City is looking to change the ability of an in-home teacher to have/teach a preschool, by limiting the number of children to 6, with a maximum of 12 students per day. Not only would this make it impossible to be cost effective for that teacher, it would limit the ability to hire an additional teacher, to run a quality program. To run a preschool with only 6 children in class..the effort would not be worth it. And it requires a lot of effort! Basically, you would be eliminating in home pre-schools. Is that what you are trying to do? Having public pre-schools be the only option for parents? How very sad. Having an in-home pre-school is the best for children to feel the comfort of being in a home but having structured learning activities. They also need to have classmates to socially interact with. During the last few weeks there has been a lot of sickness, and one day I had 8 students in a class. The kids were looking around not

quite sure what to do with it being so empty! You would think it would make it easier, but it was the opposite. The "herd mentality" is a good thing when children are all structured into a routine. They feed off each other in a positive way. With playtime, art, music and tablework and reading...having the group working together is a very positive thing. Before making such a policy, I would suggest that you as city council members need to understand and truly know what you are implementing. Any of you are welcome to visit Bear Hollow, if you so desire! My door is always open. Please don't close that door for the other good teachers who may want to bless the lives of children in our community! Early childhood education is vital! Making it easier and more accessible is what you should be looking at! Thank you! Molly Dean."

Ms. Dean stated it is her understanding that the proposed ordinance amendments will not apply to her because her business will be grandfathered, but she will be retiring within the next year or two and she feels it necessary to advocate for other in-home preschool programs.

Council Member Smith asked Ms. Dean if she is advocating for 14-16 students per preschool session, to which Ms. Dean answered yes. Council Member Smith inquired as to the number of sessions she teaches per day and the number of days per week she operates. Ms. Dean stated she holds two sessions, five days per week. Each session is two to 2.5 hours per day. She has created her schedule to ensure that traffic associated with the preschool is only present before or after school buses have left the area. She is not opposed to the requirement for an applicant to create a traffic or parking plan, or to require applicants to undergo a background check. She just would hate to see the City pass an ordinance that would restrict someone's ability to positively impact children's lives like she has been able to do. Including a maximum of 12 children per day would definitely hinder a preschool.

Council Member Ball inquired as to the alternatives to in-home preschool, to which Ms. Dean answered public pre-school. Council Member Ball inquired as to the number of public preschool venues in the area, to which Ms. Dean answered three or four. She does not necessarily think public preschool is bad, but they are very different than in-home preschool in that they do not have the same personal feeling, do not offer field trips, and they do not encourage parent participation when possible. Council Member Ball stated that his family had an interesting experience trying to get his kids into preschool; at Ridgeline Elementary School there were a limited number of spots, and the demand is high, and he was placed on the waiting list just one minute after the enrollment period was open. He understands the need for in-home preschool. Ms. Dean stated there truly is a need for in-home preschool; many parents would prefer that their children be in a home rather than a facility and if a child is not able to attend preschool before starting kindergarten, they are behind other students.

Council Member Smith asked Ms. Dean's opinion on allowing multiple daycares within a quarter mile of each other. Ms. Dean stated that she can see that there would be a traffic impact associated with multiple similar uses so close to each other, but parents typically drop their children off before they go to work, so the traffic is occurring earlier than common commute times. She stated that daycares are very different from what she does as her sessions are staggered. She is not opposed to the quarter-mile restriction. However, she has heard from many residents who cannot find in-home daycares in Highland City; working mothers need to have a safe and nearby place for their children.

Amber Knecht stated she operates Kid Fit Preschool near Freedom Elementary School. She agrees with Ms. Dean's comments about in-home preschool and added that she feels the maximum number of 12 kids is too restrictive. She holds two sessions, and each session has 10 kids. Before she secured a license, she sent letters to all of her neighbors to inform them of the proposed use and they were comfortable. She feels that requiring a traffic and parking plan is appropriate. She emphasized that reducing the number of children to 12 would negatively impact operators and will reduce the income of those operating the business.

There were no additional persons appearing to be heard.

Council Member Rodela stated that her children attended Ms. Dean's preschool and she agreed that the demand for quality preschool is high. She wondered the motivation for trying to restrict in-home daycares and preschools; she feels the restrictions will limit choices for parents and limit educational opportunities for very young children. She stated that the proposed ordinance is not what is best for Highland City. She suggested a maximum number of kids per day of 32, which could be split into two sessions for pre-schools. Instead of tightly regulating the use, the City should look for opportunities to embrace and help them. She stated that drop-off and pick-up takes no more than five minutes, and she does not feel there is a true traffic/parking issue associated with the use. She has had a pre-school just five houses from hers and she did not even know it was there for the first five years. She stated that some Planning Commissioners indicated they do not see a need for in-home daycares or preschools in Highland and that indicates to her that they do not have a pulse on what the community needs; she stated there is a huge need for the uses and restricting operators to 12 children is inappropriate. Council Member Bills agreed with Council Member Rodela's points and stated she supports increasing the number of students per pre-school session to 16, or 32 per day. She stated Ms. Dean's idea of staggering drop-offs around school bus traffic is great and other providers should be encouraged to consider that. She asked if the City requires all home occupation applicants to send letters to their neighbors. Ms. Smith stated that it is required for all home occupations that will have customer traffic coming to their home. Mayor Ostler stated that the proposed text amendment will not impact that regulation.

Council discussion centered on the appropriate number for the maximum number of children that will be in a home per day or per session for pre-school; they acknowledged that the number 16 will conform with State regulations, and they agreed that preschools should be allowed 16 per session for a maximum of 32 per day. Ms. Smith stated that pre-schools will need to be identified separate from daycares and other in-home instruction; currently all uses are lumped together and if the Council wants different regulations for in-home preschool, they need to identify it separately in the ordinance. Council Member Rodela suggested that there be no limitation per session for pre-schools. The Council debated this concept and concluded to distinguish between the two uses and provide a maximum of 16 per day for daycares and 32 per day for pre-schools. Council Member Peterson stated she feels the City should adhere to State regulations for daycares as they do a good job of enforcing those businesses; if the City has not identified a problem associated with these types of home occupations, there should be no reason to try to regulate it. Mayor Ostler stated that the City has heard complaints from residents about the impacts of these types of in-home occupations. Ms. Smith added that the uses are not presently allowed according to Highland City Code, and it is necessary to amend the ordinance to include them as a permitted use. Council Member Peterson stated she likes the idea of requiring a traffic/parking plan and requiring applicants to notify their neighbors, and to provide a minimum distance between like uses, but beyond that the proposed regulations seem too restrictive. Debate regarding appropriate regulations continued; Mayor Ostler solicited feedback regarding a requirement for a background check, the number of employees who should be allowed in an in-home instructional use, a minimum distance between like uses, and maximum number of students for daycares and pre-schools. The Council agreed that some sort of regulations are needed and it is important to ensure that the benefits of the ordinance outweigh the disadvantages. Ms. Smith agreed and stated that if the City receives complaints about the new ordinance, it can be revisited and adjusted.

Council Member Kim Rodela MOVED that the City Council APPROVE the proposed amendment to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following changes:

- Remove Type 1 and Type 2 for Daycares.
- Allow employees for in-home instruction that do not live in the home.
- One (1) off-street parking stall is required for each employee that does not live in the home
- Require a traffic plan for daycares, preschools, and in-home instruction
- Require background checks for preschools (name check)

Council Member Sarah D. Petersen SECONDED the motion.

*Council Member Scott L. Smith proposed an ALTERNATE motion that the City Council **APPROVE** the proposed amendment to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following changes:*

- Remove Type 1 and Type 2 for Daycares.
- Allow employees for in-home instruction that do not live in the home.
- One (1) off-street parking stall is required for each employee that does not live in the home
- Require a traffic plan for daycares, preschools, and in-home instruction
- Require background checks for preschools
- 16 max per day for daycare
- 16 per session/32 per day for preschools and in-home instruction

Council Member Brittney P. Bills SECONDED the motion.

The vote was recorded as follows:

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

The motion failed 3:2.

Vote on the original 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>No</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 3:2.

**Scott L. Smith originally abstained, and later changed his vote to “No”.*

Mayor Ostler then moved to item nine on the agenda.

9. ACTION/RESOLUTION: INTERLOCAL COOPERATION AGREEMENT

WITH UTOPIA General City Management - Andy Spencer, City Engineer/Public Works Director

The City Council will consider an Interlocal Cooperation Agreement with UTOPIA for the installation of fiber optic cable and other associated facilities within Highland City streets and other rights-of-way. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained Utah Telecommunication Open Infrastructure Agency (UTOPIA) has approached the City regarding the installation of fiber utilities to serve the Ridgeview development. Ridgeview has installed conduits in anticipation of UTOPIA installing facilities to serve the Highland City residents in Ridgeview. The City typically signs utility franchise agreements with similar

communication providers to allow them to place their facilities within the rights-of-way and provide services to Highland residents and businesses. As UTOPIA is a government agency, the agreement is in the form of an Interlocal Cooperation Agreement. The approval of the agreement is necessary for UTOPIA to place the utility within public right-of-way. Without this agreement in place, UTOPIA will not be able to serve Ridgeview. Prior meetings have been held with City Council to discuss a potential agreement with UTOPIA to serve the entirety of Highland City. Should the Council so desire, this agreement certainly will help to further those discussions; however, this agreement is not intended for that process or purpose. This agreement does not bind Highland City to any type of financial guarantee, nor does it bind UTOPIA to any type of guaranteed service. This agreement is intended solely to facilitate the placement of the facilities within the City rights-of-way. While the need for the agreement is being prompted by the Ridgeview development, the agreement does apply to all streets and rights-of-way within the City. Mr. Spencer concluded staff recommends approval of the Interlocal Cooperation Agreement with UTOPIA for the installation of their facilities within Highland City rights-of-way.

Mayor Ostler stated it is important to understand that this agreement will not apply to just the Boyer property; rather, it will apply to the entire City. Ms. Spencer stated that is correct. Council Member Bills asked if this means that UTOPIA currently does not have any fiber infrastructure located in the City. Mr. Spencer stated that to his knowledge, there is no UTOPIA fiber in the City, but he deferred to the UTOPIA representative to address that issue.

Council Member Smith stated that through an agreement between UTOPIA and The Boyer Company, conduit has been installed; he asked if that conduit can be used by other service providers. Mr. Spencer answered yes, conduit can technically be used for many different purposes. Council Member Smith stated that the issue before the Council tonight should have been settled long before The Boyer Company entered into a contract with UTOPIA.

Aaron Leech, UTOPIA representative, stated Richard and Spencer Moffett of The Boyer Company approached UTOPIA in May of 2021 about installing UTOPIA infrastructure in their project area; they opened a trench in their right of way and UTOPIA placed its conduit in the open trench. It is not conduit owned by the developer but is owned by UTOPIA and only UTOPIA fiber should be placed in it. The developer is moving forward with recordation of their project, and it has become necessary for UTOPIA to ensure its practices are compliant with City Code.

Mayor Ostler asked if there is currently any fiber in the conduit in the Ridgeview area. Mr. Leech stated it is his understanding there is no fiber in the conduit; he was in the process of working towards installing fiber. Council Member Smith stated he is surprised that UTOPIA did not approach the City before installing its conduit in the right of way in the Boyer project. He stated the City has talked about UTOPIA in the past and he has always been concerned about the financial obligations the City would assume if it contracted with UTOPIA. He stated UTOPIA should have known it needed an interlocal agreement to operate within the City and he is surprised that they did not approach the City when The Boyer Company approached them. Mr. Leech stated that UTOPIA is not pursuing a partnership with the City and only desires to be treated like any other service provider performing work in the City. There are three 'flavors' of UTOPIA: first is a full-blown City partnership, which does require financial participation from the City; second is working with the City to simply connect City infrastructure; and third is granting of a franchise agreement that will allow UTOPIA to provide service to customers in the City. He stated the third if what is being requested by UTOPIA at this point. Council Member Smith asked if UTOPIA is a public or private entity. Mr. Leech stated that it is a government entity from the standpoint that it is managing infrastructure, but it has private companies that use the fiber it provides.

Mayor Ostler stated that Ridgeview is one of the more densely populated areas of the City; if this franchise agreement is granted and UTOPIA is the service provider for residents in that area, it takes away the City's ability to maximize its service coverage if the decision is made in the future for the City to provide fiber. He asked if Mr. Leech to cite the other cities in which UTOPIA has done something similar to this. Mr. Leech stated that UTOPIA has interlocal agreements with all the cities they are operating in; there are only 11 partner cities that have accepted financial responsibility for the service. The Boyer Company approached UTOPIA because they wanted their service to be available to their residents. Mayor Ostler stated it seems as if UTOPIA is willing to

install its infrastructure at its own cost in the areas where the profit will be greater, but for the remainder of the City, UTOPIA would require some kind of financial participation from the City.

Mayor Ostler stated it is his understanding that a prior elected official in the City was aware of this arrangement between The Boyer Company and UTOPIA and gave UTOPIA some kind of indication that the project they were completing would be supported by the City.

Council Member Bills stated that she would like confirmation that there is no UTOPIA fiber in the conduit at this time. She stated it is not as if UTOPIA couldn't have physically installed fiber without a franchise agreement. Mr. Leech stated that UTOPIA does have some fiber within the City along the Utah Department of Transportation (UDOT) right of way as that is how the infrastructure will be extended to the Ridgeview area. Council Member Bills asked if approval of the franchise agreement would give UTOPIA the authority to install fiber anywhere in the City; she also asked if UTOPIA should have sought a franchise agreement before installing fiber along the UDOT right of way. Mr. Leech answered no to the second question and indicated that UDOT has authority over their own right of way. He reiterated that UTOPIA is not 'cherry -picking' prime spots in the City; UTOPIA was approached by a private developer who is building the Ridgeview area. UTOPIA has indicated that Ridgeview can be included in the City's service area if the City chooses to contract with UTOPIA in the future.

Council Member Rodela asked how the proposed project will impact the City if it chooses to contract with another service provider for City-wide fiber service. Mr. Leech stated that UTOPIA will not have exclusivity in the Ridgeview area and other service providers could market to customers in that area. He is sure that other providers installed their conduit in the right of way. Mayor Ostler asked if that is correct. Mr. Spencer stated he is aware that Century Link has installed their infrastructure in the area, but he is not sure if it is available to the entire Ridgeview area.

High level discussion among the Mayor, Council, and staff centered upon the difference between this proposed franchise agreement and the City-wide operating agreement that the City would execute with UTOPIA should the Mayor and Council choose to select UTOPIA as the City-wide fiber provider. Council Member Smith emphasized he is concerned that UTOPIA has circumvented defined processes that should be followed for UTOPIA to operate in the community. Mr. Spencer stated that UTOPIA is requesting an interlocal agreement because they are a government entity, but the proposed agreement could be viewed as being the same as franchise agreements that are commonly requested by other utility providers. Mr. Leech agreed and added that in this case, UTOPIA only wants to be treated like other providers, such as Comcast or Century Link, in order to provide service responsive to a request from a private developer.

Council Member Bills asked City Attorney Patterson to provide his input on the matter; she asked if the distinction between an interlocal agreement and franchise agreement is important in this matter. Mr. Patterson stated that there is not much legal significance associated with the agreement type; interlocal agreements are simply required when government entities are contracting with one another. What is more important are the terms of the agreement. Council Member Smith stated that other government entities should know that they should seek approval prior to performing work in another government's jurisdiction.

Mayor Ostler invited public input at 9:24 p.m.

Davis Bunker stated that he and his wife have lived in the City for 25 years and they love the City; he thanked the Mayor and Council for the work they do on behalf of the residents of the City. He stated he appreciates the staff report and the fact that it identifies UTOPIA as a government entity; it is important to understand they are not quasi-governmental, but fully governmental and that is why an interlocal agreement is required rather than a franchise agreement. UTOPIA does not pay franchise fees as they are not subject to the State's franchise law. The staff report indicates that if UTOPIA is granted the agreement, they can extend their service anywhere in the City without securing additional agreements to do so. They have done this in other cities and that is an important factor to consider. He stated that Mr. Leech has indicated there will be no cost to the City, but sometimes there are consequences associated with this type of decision, and in this case one of the consequences may be that UTOPIA can go anywhere it wants in the City and hinder the City's ability to provide public fiber service to the community.

One of the terms in the agreement is that it can be terminated for cause, and he would be very careful with that language as it can limit the City; the agreement will automatically renew after the initial 15-year term for up to an additional 50 years. He recommended the Council consider this issue carefully as he believes it has long term ramifications. He then concluded that his home was broken into last week; he contacted the non-emergency dispatch number, and someone was sent to his home immediately. He stated the City has a great Police Chief with a great Department and he is grateful for the service they provide.

There were no additional persons appearing to be heard.

Council Member Smith stated that he is uncomfortable entering into an agreement with UTOPIA until the Council can receive further details about the long-term ramifications of the agreement. He would like clarification on some of the issues raised by Mr. Bunker.

Council Member Scott L. Smith MOVED to CONTINUE this agreement with UTOPIA to get more information about long-term costs/implications.

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>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion passed 4:1.

4. PUBLIC HEARING/RESOLUTION: GARBAGE RATE UPDATES *General City Management – Erin Wells, City Administrator*

The City Council will hold a public hearing and consider whether to raise the rates for garbage cans. The Council will take appropriate action.

City Administrator Wells explained 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. The garbage rates adopted by Council in June of this year were designed to create a “break-even” scenario for garbage services where the revenue collected came as close as possible to matching the expenses related to garbage services. As such any unexpected increases in garbage expenses (such as an increase from North Pointe) will result in a situation where either the General Fund will have to subsidize garbage services as revenues will not cover expenses or garbage fees need to be raised. In late October of this year, the City was informed that North Pointe was considering a tonnage fee increase as a result of fee increases they were receiving from their hauler. On November 14, the North Pointe Board approved the fee increase to \$34 per ton. Based on the estimates of garbage tonnage our City produces, this will equate to approximately a \$21,000 per year increase. To spread the increased cost out over all of the garbage cans serviced in our City (7,733) equates to \$0.23 per month per can. She presented a chart illustrating the proposed changes:

	Monthly			
	Current Rate	Proposed Rate	Difference	Percent Change
First Garbage	\$10.75	\$10.98	\$0.23	2%
Second Garbage	\$7.49	\$7.72	\$0.23	3%
Recycling	\$7.18	\$7.18	\$--	0%
Monthly Difference			\$0.46	
6-Month Difference			\$2.76	
Annual Difference			\$5.52	

The increased cost of garbage tonnage deposited at the North Pointe transfer station is \$21,000 per year. Funding for this expense was not included in the FY23 budget. As this increased expenditure was not included in the budget, staff recommends it be funded by a requisite increase to garbage rates and will be included as part of the mid-year budget adjustments unless otherwise directed by the Council. Ms. Wells concluded staff recommends Council approving the increased garbage rates as a result of the increased charges from North Pointe Transfer Station beginning January 1. Rates will again be calculated as a part of the Fiscal Year (FY) 24 budget.

Mayor Ostler reiterated the garbage rates were increased in June of this year. Ms. Wells stated that is correct, the fees paid to Waste Management were increased to create a ‘break-even’ scenario. This rate increase is a result of an increase passed on by the North Pointe transfer station. Council Member Smith stated he is a member of the North Pointe Solid Waste Special Service District Board, that deals with waste hauling; he provided an overview of how garbage is processed and the reason that costs are increasing. This increase is largely related to fuel costs for garbage hauling performed by a company called MBI. He stated that it is an unfortunate increase, but one that is out of the City’s control. He noted that he actually voted against the increase when the Board took action on the matter.

Mayor Oster opened the public hearing at 9:36 p.m.

There were no persons appearing to be heard.

Mayor Ostler closed the public hearing at 9:36 p.m.

Council Member Ball stated there is a stipulation in the waste hauling contract that allows for a fuel surcharge fee to be charged for waste hauling; he asked if the Board has required MBI to prove that their costs have increased. Council Member Smith stated that relates to the City’s contract with Waste Management, but this is a separate issue. Council Member Ball stated that he does not mean to sound harsh, but he wondered why the contracts are executed with the other party can simply unilaterally raise rates. Mayor Ostler stated that this is an action that was passed on to the City by the Special Service District; the City has no ability to tell the contractor that they cannot charge a fuel surplus fee. Council Member Ball asked if the City could make a request that the Board reduce fees if, at some point in the future, fuel rates decrease. Council Member Smith stated he is happy to pass that request on to the Board and he suggested a stipulation for such be included in the motion.

Council Member Timothy A. Ball MOVED that the Highland City Council approve the Resolution Fee Schedule Amendments for Garbage Can Fees, with the stipulation that it will reevaluate fuel costs and other ancillary costs based upon economic factors.

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.

5. PUBLIC HEARING/ORDINANCE: PROTECTION OF PUBLIC PROPERTY

Municipal Code Amendment - Rob Patterson, City Attorney

The City Council will hold a public hearing and consider adopting an ordinance to prevent and punish damage to public property. The Council will take appropriate action.

City Attorney Patterson explained the City Council previously directed staff to prepare an ordinance that impose penalties for individuals who damage public property, as the City's current ordinances do not directly address such situations. The proposed ordinance amends the existing municipal code dealing with trespassing to also include other types of damage to public property. The proposed ordinance provides for criminal or civil penalties for anyone who damages any public property, including damage to public buildings, planting, parks, and landscaping. Damaging public property also includes individuals who construct buildings or other structures on public property. There is an exception built into the ordinance for work, construction, and changes to public property that are made pursuant to a proper permit or license. The proposed penalty would be a class C misdemeanor (or civil equivalent) for damage to property of less than \$500, and a class B misdemeanor (or civil equivalent) for damage exceeding \$500. Class C misdemeanors involve fines up to \$750, whereas class B misdemeanors involve finds up to \$1,000. The Council could adjust and increase or decrease the penalty as the Council determines is appropriate. Staff recommends that the City Council consider and adopt the proposed ordinance. Mr. Patterson facilitated a review of the proposed text in the ordinance to specify the definitions of types of damages to public property that will result in a penalty for such damage.

Council Member Ball asked if there is any kind of financial liability for the person or persons who commit these types of crimes; and, if the person is a minor, will that financial liability be passed on to the parents of the minor. Mr. Patterson stated that there are restitution provisions in the criminal code but restitution is hard to manage. The ordinance provides a criminal penalty, but if the City were to choose to pursue the matter through a civil action, that is an option as well. Council Member Smith stated he feels the penalty is appropriate, but he is concerned about the action of picking flowers being a violation. The Council discussed the ordinance text and suggested to change the term 'picking' to 'removing' to address situations where someone may dig up an entire bed of flowers planted at a City park in order to relocate them to their own private property.

There was brief discussion among the Council and Mr. Patterson regarding the manner in which the ordinance will be enforced.

Mayor Ostler opened the public hearing at 9:47 p.m.

There were no persons appearing to be heard.

Mayor Ostler closed the public hearing at 9:48 p.m.

Council Member Kim Rodela MOVED that City Council approve and adopt the ordinance related to protecting public property and providing penalties for the violation thereof, with the change in language from picking flowers to removal of plants.

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.

6. ACTION: AMENDMENT OF ENCROACHMENT POLICY *General City Management - Rob Patterson, City Attorney*

The City Council will consider an amendment and update to the City's existing Encroachment Policy in order to clarify that remediating an encroachment may involve actions other than just removing everything, and to allow grandfathering of improvements based on prior maintenance agreements. The Council will take appropriate action.

City Attorney Patterson explained the City Council has discussed private encroachments on City property, and the City's response and handling of the same, on numerous occasions. On July 19, 2022, the Council voted unanimously to adopt a policy regarding enforcement and directed City staff to bring information back to Council in order for the Council to give direction on which areas to begin enforcing the new policy. On August 2, 2022, the Council directed that enforcement begin with the Highland Hollows Subdivision. Since then, City Staff and the Mayor have prepared and sent out notices of encroachment per the policy and Council direction. An amendment was made on October 18 to not require the entire policy be mailed. As part of that approval, Council directed staff to propose an amendment to the policy to allow grandfathering of improvements that were allowed under prior maintenance agreements. In dealing with proposed resident plans to remediate and remove encroachments, staff has found the current language of the policy to be somewhat restrictive, as it requires the resident to "remove all encroachments and restore property to its original or natural state." There are times where removal is not the best solution; where encroachments can be altered and adjusted such that the improvements are no longer a private yard or private improvement and instead becomes a public benefit. This includes improvements to trails and other natural features. Accordingly, staff recommends Council consider changing the policy to give staff more flexibility on remediation plans other than just removal.

Staff also recommends Council adopt a requirement that, as part of any remediation plan, the resident agrees to indemnify and release the city from liability arising out of the resident's work to remediate their encroachment on city property. This way, the improvement plan authorizes residents to work on city property (as required by the new public property damage/trespass ordinance) but protects the city from liability if a resident hurts themselves or others while on city property. Finally, staff has prepared language to allow for grandfathering of encroaching improvements that were previously authorized under prior maintenance agreements, even if those improvements would not now be allowed. This is pursuant to a request by Council. He concluded staff recommends adoption of the proposed amendments to the encroachment policy.

Council Member Peterson asked what will happen if a resident refuses to sign the proposed waiver. Mr. Patterson stated in that scenario, the City would deem the resident as being unwilling to agree to remediation plan and the City will then simply follow the enforcement process in the policy. Many residents hire contractors who have

their own insurance to cover their work, but the concern is when a resident tries to perform the work on their own and in that type of situation, they would not have the ability to pursue legal action against the City because they performed the work.

Council Member Ball asked who will make the determination that remediation is necessary. Mr. Patterson stated that will be a staff decision, but if there is any uncertainty or a dispute between the resident and staff, staff will present the issue to the Council for a decision.

Council Member Smith stated that he feels the policy provides some level of flexibility for staff and residents. Council Member Rodela agreed. Planner and GIS Analyst Smith stated that when attempting to determine what improvements will be allowed to remain on a property, staff will evaluate whether the improvements can be maintained by the City.

Council Member Peterson stated that she appreciates the efforts to improve the policy, but she does not want the policy to be used as an excuse to leave improvements on public property based upon a determination that the improvements do not harm the property. Mr. Patterson agreed; staff will work to remove everything that makes the property look private in nature but leave those improvements that benefit the property and can be maintained by the City.

Council Member Kim Rodela MOVED that City Council approve the amendment to the Encroachment Policy as presented in the staff report.

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.

Council Member Scott L. Smith MOVED to continue the meeting to 10:30 pm.

Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Absent</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 then moved to agenda item 13 on the agenda.

13. 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. Phyllis Smith Annexation Proposal – Kellie Smith, Planner & GIS Analyst

Planner and GIS Analyst Smith explained on April 13, 1988, the City Council reviewed an annexation request by Mark and Darcie Miner. The Miners requested have the public improvement requirements be waived, as they were only annexing one (1) lot. The Planning Commission recommended to the City Council “that a variance be given to the Miners to use the roadway, and have it deeded to the City, that the roadway be graveled with road base, a cul-de-sac set with gravel, improvements be waived for the one lot, and lien be put on the property noting if it is subdivided that improvements will be put in.” The City Council approved the annexation with allowing “access to the property through a private lane to be dedicated and approved at the time it is subdivided.” She presented an aerial map to identify the subject property, which is included in the Highland City Annexation Policy Expansion Plan. The planned zoning for the southwest area is R-1-20. If the City Council allowed the property to be annexed and zoned R-1-20, the subject property would have enough square footage to be subdivided into two (2) lots. She identified an additional highlighted property, which was deeded to Highland City with the Miner’s annexation approval; however, it was not deeded as right-of-way. In order for the southern portion of Phyllis Smith’s property to have enough frontage for a second lot (minimum 115 feet required), the Highland City property would need to be included in the subdivision plat to be designated as public right-of-way. These details would be included in the annexation agreement. She then summarized the City Code references dealing with required improvements and concluded that based upon City Code, the City would require Phyllis Smith to complete half of the road width (sidewalk, curb, gutter, and asphalt) plus 10 feet of asphalt on the opposite side of the centerline. None of Phyllis Smith’s property would need to be dedicated as right-of-way as the necessary property was dedicated by the Miners. Phyllis Smith is seeking to waive the requirement to complete the half-street public improvements plus 10 feet of asphalt; she has detailed her reasons for the requested waiver in a formal written request. The decision to annex and under what circumstances are legislative decisions. The Council has complete discretion in making these decisions. Staff requests that the City Council provide direction to Phyllis Smith on their opinion of her waiver request to help her decide whether to move forward with a formal annexation request.

Council Member Smith stated that he was a bit confused about the request when reading through the materials relative to the proposed access to the property. Ms. Smith stated that Phyllis Smith would like to maintain the private lane situation, but still pay for the cost of extending the utilities. Council Member Smith asked if the road would become a City street if the Miners eventually subdivided their property. Ms. Smith answered yes. Mayor Ostler stated he thought that the property is already owned by the City. Ms. Smith stated that is correct; the City required them to dedicate the property for the roadway. Mayor Ostler asked who currently maintains it. Ms. Smith stated that the road is not being maintained; the majority of City staff members did not know the road is City property until this issue was raised. It has been treated like a private lane until this point. Mayor Ostler inquired as to the difference between this proposal and a proposal to approve a flag lot. Ms. Smith stated that the only unique difference is that there is City property next to the subject property; the drive access would not necessarily be from inside the lot, but through public property.

Discussion among the Council and staff centered on the required improvements if the City were to enforce the City Code language regarding public improvements; they also discussed the precedent that may be set if Phyllis Smith’s request is approved. City Attorney Patterson stated that annexation issues are legislative in nature and the Council has broad discretion in approving these types of requests without setting a legal precedent for future applications. However, approval of this request would essentially result in the creation of a flag lot and others could argue for similar approvals in the future. The Council would not be required to approve a flag lot, but the Council may still hear such requests.

Ms. Smith reiterated that the applicant is seeking feedback from the Mayor and Council to help the applicant to decide whether to move forward with a formal annexation request. Council Member Smith stated he feels this is a unique situation and he supports Phyllis Smith in her request. Council Member Rodela stated she is not prepared to provide feedback at this time as she needs more time to consider the request and whether approval of it will create a problematic precedent for the City. Council Member Peterson agreed. Council Member Ball stated that if the action can be created in a way to ensure that no legal precedent will be set, he would be willing to consider the request; he is comfortable with performing additional research, but he would like to work with Phyllis Smith on her request.

City Administrator Wells inquired as to the additional information the Council needs in order to provide direction to staff and the potential applicant. This led to brief discussion about whether the applicant has the ability to pursue annexation into another city in order to avoid complying with Highland's code requirements; Mr. Patterson stated that he does not believe that annexation into any other community is a viable option at this time.

Council Member Bills stated that she is leaning towards agreement with Council Member Smith, but she is not opposed to receiving additional information about the possible ramifications of the action. The Council indicated they are comfortable with the applicant proceeding with the annexation and they communicated a willingness to formally consider Phyllis Smith's requested exception.

8. ACTION: DEVELOPMENT AGREEMENT AMENDMENT - HIGHLAND MARKETPLACE *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public meeting to consider an amendment requested by MNG Highland Development, LLC to the development agreement for the property known as Highland Marketplace located at the intersection of S.R. 92 and S.R. 74. The Council will take appropriate action.

Planner and GIS Analyst Smith explained on November 1, 2022, Joe Ham, representing MNG Highland Development, LLC, presented to the Council a new site plan and architectural standards for the undeveloped property in the Highland Marketplace commercial project. Councilmembers shared support for the new architectural themes. There was discussion regarding the ownership of the existing buildings, and if there were plans to update the old buildings to match the new architectural theme. Mr. Ham shared that the intent would be that when buildings were renovated that they would match the new theme. Ms. Smith summarized the proposed development agreement amendments relating to completed improvements; masonry wall; landscape, signage, and lighting; architecture; and the site plan. There are two options presented for the site plan; option one includes seven buildings with a 142,418 square foot building footprint, and two-story building heights. Option two include eight buildings with a 129,762 square foot building footprint, and one-story building heights. She also presented images to provide a clearer understanding of the implications of the proposed amendments. She concluded staff recommends the City Council approve the amendments to the Highland Marketplace Development Agreement.

Council Member Smith asked why the building height will be reduced to one-story. Mayor Ostler stated the renderings indicate that it will be more of a strip-mall type of development housing individual retailers. Ms. Smith stated that it will actually house office uses but retain will be a permitted use. Mr. Ham stated that when marketing the project area, there was quite a bit of interest from home improvement businesses and furniture retailers, and they did not want to be in a two-story building. However, he has been approached by someone who would like to occupy the entire two-story building. It is likely that he will pursue option one, but flexibility is important and that is why he has requested approval of both options.

Mayor Ostler inquired as to the total square footage increase in the proposed site plan options when compared to the original site plan. Mr. Ham stated he is unsure of the exact increase, but there is an increase. Mayor Ostler asked if the proposed site plan has increased the marketability of the project. Ms. Ham answered yes; the broker

for the project has been able to approach many different restaurants and retailers that would be appropriate for the project area. Mayor Ostler referred to the signage and stated it will be necessary that the signage is installed in a manner that ensures safety of motorists and pedestrians in the area.

Council Member Smith stated there has been some discussion about setbacks for the project and he believes a 100-foot setback is excessive. Ms. Smith clarified that the 100-foot setback does not apply to property lines; rather it would be measured from the wall of any adjacent home or residence abutting the commercial property and only impacts one drive-through building in the project. Council Member Smith stated he supports the proposed amendments but communicated that he would prefer retailers over office-space users.

Mayor Ostler concluded that the Costa Vida location in Highland is the top performer in the company's chain.

Council Member Kim Rodela MOVED that the City Council APPROVE the amendment to the Development Agreement between MNG Highland Development, LLC, SBP Holdings Reverse, LLC, successors to Thomas Fox Properties, LLC, and Highland City and AUTHORIZE the Mayor to execute the document.

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.

10. ACTION: PLAT AMENDMENT - BEACON HILL THE HIGHLANDS PLAT G-

4 Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst

The City Council will consider a request by Merlin Huff with Perry Development, representing Christopher and Lauren Jepsen for approval to adjust the lot line between lots 543 and 544 in the Beacon Hill the Highlands Plat G-4 Subdivision. Council will take appropriate action.

Council Member Scott L. Smith MOVED that the City Council accept the findings and APPROVE Beacon Hill the Highlands Plat G-4 Lots 543 & 544 Amended subject to the following two (2) stipulations recommended by Staff.

1. *The recorded plat shall be in substantial conformance with the final plat received November 21, 2022.*
2. *Prior to recording, the recorded plat shall be reviewed and revised as required by the City Engineer.*

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.

11. ORDINANCE: ELECTRONIC MEETING ORDINANCE AMENDMENTS

Municipal Code Update (Legislative) - Rob Patterson, City Attorney

The City Council will hold a public meeting to consider amending municipal code section 2.12.095 regarding electronic meetings to comply with H.B. 22 and other amendments to the Utah Open and Public Meetings Act. The Council will take appropriate action.

Council Member Kim Rodela MOVED that City Council approve and adopt the amendments to Municipal Code section 2.12.095.

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>Yes</i>

The motion passed 5:0.

Council Member Kim Rodela MOVED to continue the meeting to 10:40 pm.

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.

12. EXPEDITED ITEMS

a. Library Strategic Plan *General City Management - Donna Cardon, Library Director*
The City Council will consider approving the Library's Long Range Strategic Plan.

Council Member Kim Rodela MOVED that City Council approve the Highland City Library Long-Range Strategic Plan.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Timothy A. Ball	Yes
Council Member Brittney P. Bills	Yes
Council Member Sarah D. Petersen	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion passed 5:0.

b. ACTION: Agreement – Pressurized Irrigation Meter Grant with the State of Utah

General City Management – Andy Spencer, City Engineer/Public Works Director

The City Council will consider an agreement accepting grant funding from the Utah State Department of Natural Resources, Board of Water Resources, in the amount of \$5M for the installation of pressurized irrigation meters and the associated installation program expenses. The Council will take appropriate action.

Public Works Director/City Engineer Spencer explained the proposed agreement provides the City \$5 million in funding to assist in the Pressurized Irrigation (PI) meter program. Funding for the PI meter project expenses will be taken from General Ledger (GL) account 53-40-50, PI Meter Grant within the Fiscal Year (FY) 2023 budget. Funds will be transferred to this account as they are received from the grant sources with the commensurate local match being transferred from the capital account 53-40-60. The State of Utah grant is a reimbursement program, the City will have to pay the initial expenses and be reimbursed. The State representatives have assured that the reimbursements will occur within a short time following the City reimbursement request.

Mayor Ostler stated it is important to recognize the significant grant awards that Mr. Spencer has been instrumental in securing; they total over \$16 million. Council Member Smith commented that is more than the City's total General Fund budget.

Council Member Smith stated the grant agreement indicates the City is bound by non-discrimination laws in hiring contractors to perform the project. He asked if this means the City must meet a specific quota in terms of hiring minority contractors or if decisions cannot be based upon race, sex, or other matters. City Attorney Patterson answered the latter is the case.

Council Member Scott L. Smith MOVED that City Council authorize the Mayor to sign the agreement with the State of Utah to receive grant funding for the pressurized irrigation meter project in the amount of \$5,000,000 dollars.

Council Member Sarah D. Petersen 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	Yes

The motion passed 5:0.

13. 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. Phyllis Smith Annexation Proposal – *Kellie Smith, Planner & GIS Analyst*

This item was discussed earlier in the meeting.

b. Moderate Income Housing – *Kellie Smith, Planner & GIS Analyst*

Planner and GIS Analyst Smith stated she has listening to two training sessions from the State of Utah and the Utah League of Cities and Towns (ULCT) and has learned that moderate income housing strategies included in the City's General Plan must match what is included in State Code verbatim. Cities that have tried to alter the language have been notified that their moderate-income housing elements of their General Plan have been rejected by the State. Timelines must be specific, and benchmarks must be included. She stated she is working on the four implementation measures supported by the Council and is currently drafting benchmarks to ensure compliance with State Code. The Planning Commission will consider the matter during their January meeting and make a recommendation to the Council, which can be heard in February.

There was brief discussion about the consequences of the City's failure to comply with Moderate Income Housing legislation; Council Member Smith stressed that he feels the legislation is heavy handed and is being pushed by developer lobby groups. Ms. Smith stated that it is possible that the Legislature may implement additional penalties beyond those already included in the law; the majority of cities are trying to comply but are also expressing their opposition to the legislation.

c. Financial Report – *Tyler Bahr, Finance Director*

Finance Director Bahr distributed the hard copy of his financial report to the Mayor and Council. City Administrator Wells stated that the report has been updated to include comparisons with financial data for the same time last year.

d. Update On Wimbleton Sales – *Kellie Smith, Planner & GIS Analyst*

This item was not discussed.

e. Sign Code Updates – *Kellie Smith, Planner & GIS Analyst*

This item was not discussed.

f. Council Rules and Procedures – *Rob Patterson, City Attorney*

City Attorney Patterson briefly addressed the proposed changes to the Council Rules and Procedures document; they relate mostly to title changes and job duties as well as appointment requirements. The removal of officers provisions are also adjusted. There is some clarification of the manner in which an agenda is set and the Council's ability to adjust the agenda.

g. Ridgeview Commercial Area Traffic Flow – *Andy Spencer, City Engineer/Public Works Director*

City Engineer/Public Works Director Spencer presented an illustration of the road configuration and access points for the Ridgeview commercial area; directional signage will be installed to inform motorists of how to use the roundabout and get into the Costa Vida location when heading west. If the signage is ineffective, the next step would be to install a raised island to prevent left hand turns.

Council Member Smith asked if the roundabout is finished. Mr. Patterson answered yes; the landscaping is still being installed, but the roundabout is functional for traffic.

Mayor Ostler asked if the City is paying for the signs. Mr. Patterson answered yes; the City does not have the ability to require the developer to install the signs.

g. Future Meetings

- December 6, Lone Peak Public Safety District Work Session, 7:30 am, City Hall
- December 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- January 3, City Council Meeting, 6:00 pm, City Hall
- January 5, City Council Budget Work Session, 6:00 pm, City Hall
- January 11, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- January 17, City Council Meeting, 7:00 pm, City Hall

14. CLOSED SESSION

The City Council may recess to convene in a closed session to discuss items, as provided by Utah Code Annotated §52-4-205.

At 10:44 pm Council Member Brittney P. Bills MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

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 unanimously.

Council Member Sarah D. Petersen MOVED to adjourn the CLOSED SESSION and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 11:16 pm.

ADJOURNMENT

Council Member Kim Rodela 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 11:16 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on December 6, 2022. This document constitutes the official minutes for the Highland City Council Meeting.



Stephannie Cottle, CMC
City Recorder



6:00 PM WORK SESSION

CEMETERY CODE UPDATE

Call to Order - Mayor Kurt Ostler

1

HIGHLAND CITY CEMETERY

- Land for cemetery purchased from Mark Thompson
- Established in 1999 - officially opened on 7/10/1999
- First burial was Gregory M. Larsen on 7/15/1998
- 17.25 acres
- Over 10,000 burial plots, with room for over 20,000+ burials with the stacked option, cremains, and infant/parent burials
- Approximately 1/3 of plots have been sold



2

CEMETERY HIGHLIGHTS

- Veteran's Day flags placed by Mrs. Louw's Highland Elementary Class
- Wreaths Across America since 2020
- Plaque for the Unknown Soldier (Never Forget Garden Marker) placed December, 2021
- We are becoming very popular as other city cemeteries fill up





3

PROPOSED AMENDMENTS

GOALS:

- Ensure that policy and practice are consistent
- Preserve the long-term quality of the cemetery

MAIN TOPICS OF DISCUSSION:

- Removing Operating Procedures from Code
- Headstones - Size, Setting Fee, Time Frame
- Dates Closed for Burials
- Plot Reservations

4

PROPOSED HEADSTONE HEIGHT REQUIREMENTS

36" maximum height

- Safety - natural deterioration with age
- Interferes with sprinklers - brown spots on grass
- Damage to the headstones due to water from sprinklers
- Difficult to work around tall stones

5

HEADSTONE HEIGHT IN OTHER CITIES

City	Headstone Height
Alpine	36"
Lehi	48"
American Fork	36"
Orem	Flat stones only
Spanish Fork	74"
Draper	36"
Eagle Mountain	48"
Pleasant Grove	No height restrictions

6

PROPOSED HEADSTONE SETTING TIME FRAME

April 1st – October 31st

- Headstone sets not allowed after October 31st
- Headstone sets after April 1st will be allowed with the Sexton's discretion, based on the condition of the ground.

7

PROPOSED HEADSTONE SETTING FEE

\$50.00 per headstone

- Covers cost of record keeping and marking grave
- Fee charged for each stone
- Fee charged for each time requested

8

PROPOSED DATES CLOSED FOR BURIALS (These are the days Highland City is closed)

New Year's Day
 Human Right's Day
 Presidents' Day
 Memorial Day (Thursday – Monday)
 Juneteenth
 Independence Day
 Pioneer Day
 Labor Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day

*or the day these holidays are observed
 *Sundays

9

CLOSURE DATES IN OTHER CITIES

City	Closed Dates
Alpine	Closed on all National Holidays and observed Holidays
Lehi	New Year's Day, 7/4, 7/24, Labor Day, Memorial Day, Thanksgiving, Christmas
American Fork	New Year's Day, Human Right's Day, Presidents' Day, Memorial Day (including the weekend before), 7/4, 7/24, Labor Day, Thanksgiving, Christmas Day, and Christmas Eve
Orem	New Year's Day, Human Right's Day, Presidents' Day, Memorial Day (Saturday-Monday), 7/4, 7/24, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day
Spanish Fork	New Year's Day, Human Right's Day, Presidents' Day, Memorial Day (Saturday-Monday), 7/4, 7/24, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day
Pleasant Grove	New Year's Day, Memorial Day Weekend, Thanksgiving Day, Christmas Eve, Christmas Day

10

PLOT RESERVATIONS

Current Data

- 10 customers with reservations
- 16 plots reserved

Pros	Cons
Nice option for families who can't pay the price of a burial plot(s) with a one-time payment	City is acting as the bank as we reserve plots with no interest charged to the family
	Potential for lost revenue as the family gets the rate at the time the reservation is made
	Billing/receiving multiple payments is a manual process requiring more time than a traditional sale

11

Welcome to the Highland City Council Meeting

December 6, 2022



12

Please sign the
attendance sheet



13

7:00 PM REGULAR SESSION

Call to Order - Mayor Kurt Ostler
Invocation - Council Member Sarah D. Petersen
Pledge of Allegiance - Council Member Timothy A. Ball



14

UNSCHEDULED PUBLIC APPEARANCES



Time set aside for the public to express their ideas and comments on non-agenda items.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

15

PRESENTATIONS

a. Youth Council Report - *Youth Council Representative*



16

CONSENT ITEMS *(5 minutes)*

3a. Approval of Meeting Minutes: September 20, 2022, October 4, 2022, October 18, 2022, November 29, 2022 *General City Management*

3b. ORDINANCE: 2023 City Council Regular Meeting Schedule *General City Management*



GARBAGE RATE UPDATES *General City Management*

Item 4 - Public Hearing/Resolution
Presented by - Erin Wells
City Administrator

17

18

Prior Council Direction

- In June 2022, Council set new garbage rates for FY23.
- Per Council direction, rates are designed to “break-even” cover costs of garbage services
 - Hauling costs, tipping fees, salaries, billing, etc.
 - Unexpected increases either mean
 - General fun subsidy OR
 - Rates need to be raised

19

Additional Information

- On November 14, the North Pointe Board increased the cost paid by the cities to \$34 per ton
- Based on our tonnage estimates, this will increase costs to Highland City \$21,000 per year
- Highland City currently has 7,733 garbage cans
- Spreading out the increased cost to each can would mean a \$0.23 increase per month per can.
- Rates will be recalculated for FY24

20

Rate Comparison

	Monthly			
	Current Rate	Proposed Rate	Difference	Percent Change
First Garbage	\$10.75	\$10.98	\$0.23	2%
Second Garbage	\$7.49	\$7.72	\$0.23	3%
Recycling	\$7.18	\$7.18	\$--	0%
Monthly Difference			\$0.46	
6-Month Difference			\$2.76	
Annual Difference			\$5.52	

21

Motion to Approve

I move that the Highland City Council approve the Resolution Fee Schedule Amendments for Garbage Can Fees.

22

PROTECTION OF PUBLIC PROPERTY

Municipal Code Amendment



Item 5 - Public Hearing/Ordinance
Presented by - Rob Patterson
City Attorney

23

Background

- Currently, no specific ordinances that prevent and penalize damage to public property generally
- HMC 12.24.030
 - A. Prohibits “unlawful acts upon public parks, public trails, or public open space”
 - B. Prohibits “plac[ing] private property on public open space or trails”
- City Council recently directed staff to draft a new ordinance to deter and penalize vandalism and provide criminal and civil enforcement for encroachments

24

Proposed Amendment Summary

- Minor changes to 9.13.010 to make it clear that trespass rules apply to all private and public property
- Made “exception” list generally applicable and added exception for permits/contracts
- Prohibit damage to public property, including private buildings/construction/landscaping
- Class C misdemeanor for damage \$500 or less, Class B for damage over \$500

25

Proposed Code Amendments

- 9.13.020 Damage to Public Property
 - A. For the purpose of this chapter, “public property” means any property, real or personal, owned by the city, the state, a public utility, or other political subdivision of the state of Utah, and includes all easements, leases, rights of way, and other property interests owned or used by the same.
 - B. On any public property it is unlawful for any person to recklessly, knowingly, or intentionally:
 - 1. Mark, deface, disfigure, injure, break, cut, carve, burn, tamper with, displace, or remove any building, structure, railing, wall, fence, tree, shrub, vegetation, landscaping, bench, sign, notice, placard, paving, paving material, utility line, cable, or facility, whether temporary or permanent.

26

Proposed Code Amendments

- 2. Dig and remove any sand, soil, rock, stones, trees, shrubs, sod or plants, or make any excavation by tool, equipment, blasting, or other means.
- 3. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run, install, or string any rope, cord, line, pipe, or wire into, upon, through, under, or across any public property.
- 4. Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb or in any other way injure or impair the natural beauty or usefulness of any park area.

27

Proposed Code Amendments

- 19.13.030 Penalty for Damage to Public Property
 - A. Violations of section 19.13.020 may be penalized by criminal or civil remedies. Any civil citation or enforcement shall impose a fine commensurate with the applicable criminal penalty.
 - B. The criminal penalty for a violation of section 19.13.020 shall be as follows:
 - 1. Violations resulting in damage to property equal to or exceeding \$500 in value shall be a class B misdemeanor.
 - 2. Violations resulting in damage to property less than \$500 in value shall be a class C misdemeanor.

[Damage calculated by replacement/restoration/remediation cost]

28

Proposed Code Amendments

- 19.13.040 Exceptions
 - 2. Vehicles of commerce in the course of normal business operations upon authorized, designated, and improved rights-of-way, driveways, and other areas.
 - ...
 - 6. Persons that are expressly authorized to conduct or carry out activities on public property by the applicable public entity in writing by permit, contract, easement, or license, provided that such person complies with all terms and conditions of said writing.

29

Motion to Approve

I move that City Council approve and adopt the ordinance related to protecting public property and providing penalties for the violation thereof.

30



**AMENDMENT OF ENCROACHMENT
POLICY** *General City Management*

Item 6 – Action
Presented by – Rob Patterson
City Attorney

31

Background

- Long history of responding to and determining best approaches to encroachments on City property
- Notices of encroachment sent to Highland Hollows Subdivision
- Staff has been working with the residents who have responded to the notices on the encroachment and the remediation plans

32

Background

• October 18, 2022, City Council amends policy to remove requirement to provide entire policy with notice of encroachment

• During meeting, Council gives direction to staff to allow for grandfathering of encroaching improvements that were permitted under prior policies/agreements, and allow the grandfathered encroachments to continue

33

Proposed Policy Amendments

- Staff Discretion on Remediation Plans
 - Current policy requires resident to “remove all encroachments and restore property”
 - Proposed change would allow for remediation that changes the encroachment, but does not necessarily require complete removal if the encroachment can be modified in order to serve and benefit the public
- Example: landscaping trail, armoring creek per state permit, erosion control, damage to trees

34

Proposed Policy Amendments

• Resident shall be required to remediate the encroached-upon property to ensure the encroachment no longer interferes with the intended public use of the property. This required remediation may include removing or altering encroachments; restoring grades, natural landscapes, and vegetation; and taking other actions approved by City staff, remove all encroachments and restore property to its original or natural state unless otherwise authorized by the City Council.

35

Proposed Policy Amendments

- Resident Waiver of Liability
 - Current policy does not address liability issues with residents or their contractors performing work pursuant to a city-approved remediation plan on city property
 - Proposed change would require resident, as part of approved remediation plan, to indemnify the City and waive claims against the City for damage/harm to resident or resident's contractor in performing work on City property

36

Proposed Policy Amendments

- 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. Approval of such plan shall also require the resident, and any contractor or representative thereof, to agree to waive, indemnify, and release the City from liability in connection with the remediation efforts.

37

Proposed Policy Amendments

- Grandfathering Improvements
 - Current policy requires residents to apply for and comply with new maintenance agreement to continue encroachments, even where prior maintenance agreement allowed different/expanded encroachments
 - Proposed change grandfathers in encroachments if the encroachments were previously approved as part of a prior maintenance agreement

38

Proposed Policy Amendments

- After the Agreement expires, Resident shall be required to remove the encroachment and remediate the property or apply for a new Maintenance Agreement. The new Maintenance Agreement shall "grandfather" and allow for the continuation of previously approved improvements, even if those improvements would not otherwise be permitted under the new Maintenance Agreement.

39

Motion to Approve

I move that City Council approve the amendment to the Encroachment Policy as presented in the staff report.

40

DAYCARES, PRESCHOOLS, AND IN-HOME INSTRUCTION Development Code Update (Legislative)

Item 7 - Ordinance
Presented by - Kellie Smith
Planner & GIS Analyst

41

Prior Council Direction

- October 4, 2022
 - 1 resident spoke during unscheduled public appearances; shared concern of the need for affordable childcare
 - Mayor and Councilmembers directed staff to move forward with drafting an ordinance based on Lehi City's Code
- November 1, 2022
 - The City Council discussed the following:
 - Maximum # of children
 - Removing Type 1 and Type 2 for daycares
 - Whether or not to require background checks
 - Requiring 1 parking stall per employee
 - The City Council CONTINUED the item and directed staff to do more research

42

Background

- August 2022 - Home occupation application submitted for a daycare with 8-16 children and one caregiver that did not live in the home
- Staff concluded that it was necessary to update code to clarify what level of impact is allowed for daycares and preschools

43

Proposed Amendment

- The Ordinance is presented as recommended by the Planning Commission
- Daycares
 - All home occupation regulations except caregivers are not required to live in the home
 - Utah Department of Health and Human Services Licensing
 - Traffic flow and parking plan
 - **Type 1 - 8 children or less**
 - **Type 2 - 9-12 children**
 - Commercial - 12+ children

44

Proposed Amendment cont.

Type 2 Daycares

- $\frac{1}{4}$ mile radius from another daycare or preschool with 9-12 children
- 1 off street parking space per caregiver required

45

Proposed Amendment cont.

In-home Instruction (includes preschools)

- All home occupation regulations
- Max 12 students per day provided that no student attend for longer than 4 hours.
- Teacher/instructor must live in the home
- Background check for instructors that have students under 18 yrs old
- 12+ students only in commercial zones

46

Proposed Amendment cont.

Commercial Zones

- Residential Professional - already permitted
- Professional Office - add "daycares" (preschools is already a permitted conditional use)

47

Daycares, Preschools, In-home instruction with a Business License in Highland

Type of Home Occupation	Blocks Per Day	Max # of Children at any one time	Total # of Children Per Day	# of Employees (not including homeowner)	Days per Week
Fitness/Preschool	2	10	20	1	4
Preschool	2	8	16	0	3
Daycare	1	10	10	1	5
Childcare w/ curriculum	1	8	8	1	5
Preschool	2	15	30	2	5
Preschool	2	16	32	2	5
Dance Lessons	2	10	20	3	3
Music Lessons (no longer operating)	Unknown	Unknown	8	0	5

48

Daycares, Preschools, In-home Instruction without a Business License in Highland					
Type of Home Occupation	Blocks Per Day	Max # of Children at any one time	Total # of Children Per Day	# of Employees (not including homeowner)	Days per Week
Dance Lessons	2	13	26	1	3
Preschool	1	12	12	0	4
Preschool	Unknown	16	16	Unknown	Unknown

49

Averages

- Average maximum # of children at one time: 11.33
- Average total # of children per day: 18

50

Background Checks			
City	Estimated Licensed Businesses Applicable to Discussion	Type of Background Check	Cost?
Alpine	2	None	NA
American Fork	10	None; PD looks at applications that involve children	NA
Cedar Hills	10	BCI Only; Name Check;	Cost is not assessed by city - the individual must pay for it through BCI
Draper	10	BCI Only; Name Check; requires Planning Commission Approval for childcare services or personal instruction	Cost is not assessed by city - the individual must pay for it through BCI
Eagle Mountain	100s	BCI Only; Name Check; any business license involving minors	Eagle Mountain has a form that they will run. Part of application fee.
Lehi	500	None	NA
Saratoga Springs	18 known	BCI Only; Name Check	Cost is not assessed by city - the individual must pay for it through BCI
Vineyard	5	None	NA

51

Background Checks

- The cities that staff reached out to only required name check background checks (no fingerprinting)
- Lone Peak Police can take fingerprints and upload them directly to BCI for \$10.25 per card.
- Fingerprinting through BCI costs \$15 for up to 3 cards.
 - Staff called BCI to find out the cost if no fingerprint is required; they said they always require a fingerprint

52

Motion to Approve			
I move that the City Council APPROVE the text amendment as recommended by the Planning Commission to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction.			
<i>If the City Council would like to include the preference that the Planning Commission expressed regarding allowing additional teachers for in-home instruction, the following motion can be used:</i>			
I move that the City Council APPROVE the text amendment as recommended by the Planning Commission to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following change:			
<ul style="list-style-type: none"> In-home instruction will allow for additional teachers or instructors that are not bona fide residents of the home. At least one teacher or instructor associated with the in-home instruction is required to be a bona fide resident of the home. 			

53

Alternative Motion to Approve

I move that the City Council **APPROVE** the proposed amendment to amend several sections of the Development Code to add regulations for daycares, preschools, and in-home instruction with the following changes: (the City Council will need to outline the changes they would like to see).

The following are items that the Council discussed changing or removing during the November 1st, 2022 discussion:

- Remove Type 1 and Type 2 for Daycares.
- Allow employees for in-home instruction that do not live in the home.
- One (1) off-street parking stall is required for each employee that does not live in the home.

54



55



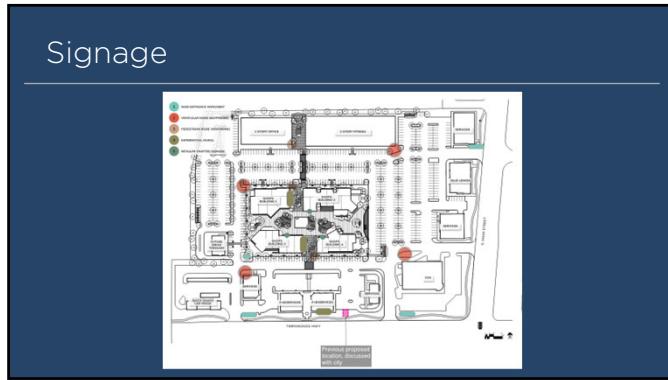
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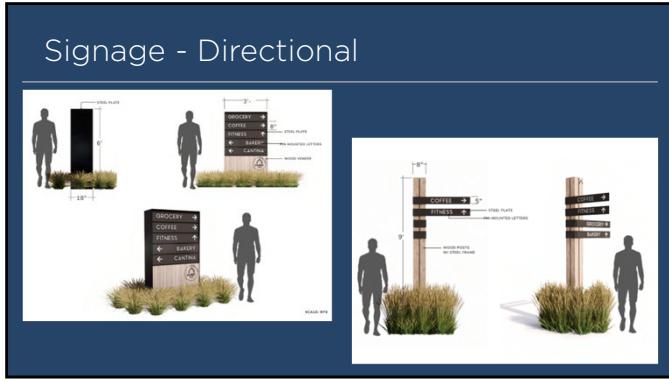
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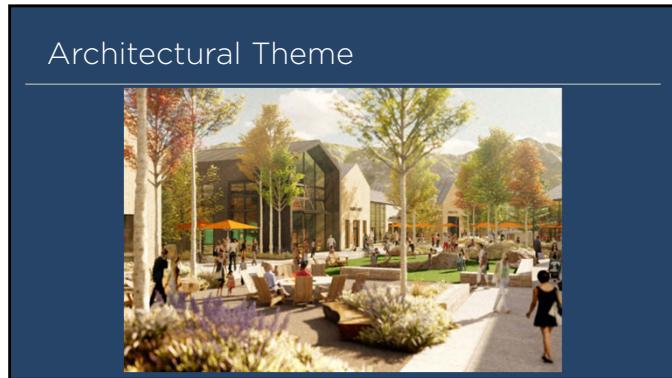
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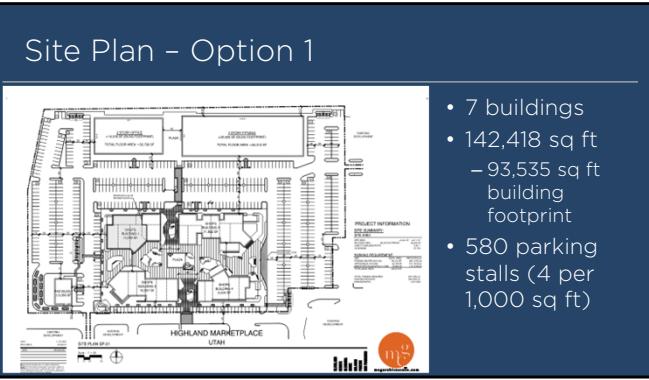
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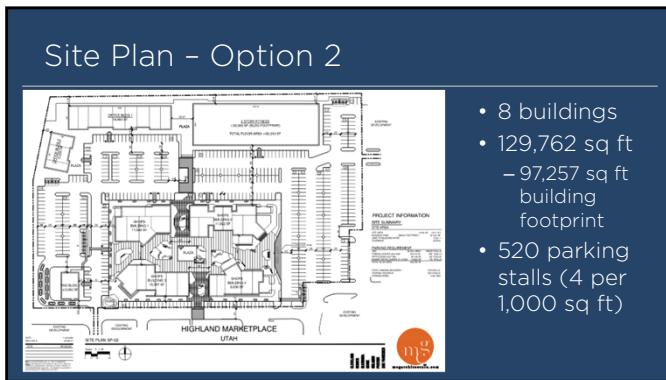
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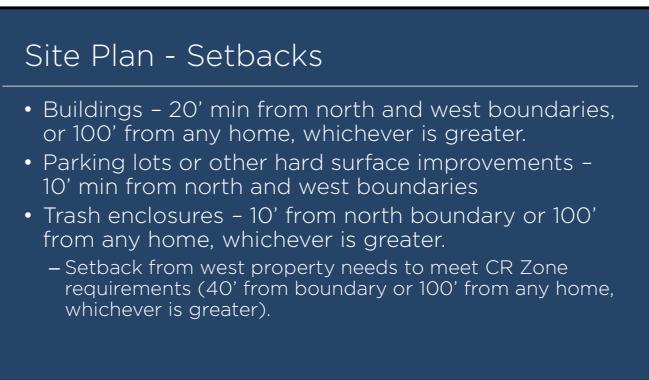
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69



70



71

Motion to Approve

I move that the City Council APPROVE the amendment to the Development Agreement between MNG Highland Development, LLC, SBP Holdings Reverse, LLC, successors to Thomas Fox Properties, LLC, and Highland City and AUTHORIZE the Mayor to execute the document.

72



**INTERLOCAL COOPERATION
AGREEMENT WITH UTOPIA** *General City
Management*

Item 9 - Action/Resolution
Presented by - Andy Spencer
City Engineer/Public Works Director

73

Prior Council Direction

- There has been no prior direction from the Council regarding this item.

Interlocal Agreement

• The agreement allows UTOPIA to install facilities in the City public street rights-of-way. They will commence in the Ridgeview development area.

• Agreement applies to the entire City.

• There is no cost to the City.

• There is no financial guarantee by the City.

75

74

Motion to Approve

I move that City Council approve the Resolution for the Interlocal Cooperation Agreement with UTOPIA for the installation of their facilities within Highland City rights-of-way and authorize the Mayor to sign the resolution and agreement.

76



**PLAT AMENDMENT - BEACON HILL
THE HIGHLAND, PLAT G-4** *Land Use
(Administrative)*

Item 10 - Action
Presented by - Kellie Smith
Planner & GIS Analyst

77

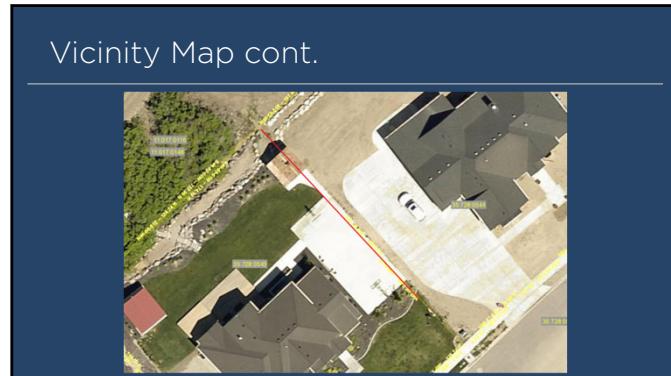
Prior Council Direction

• August 1, 2017
– Beacon Hill the Highlands Plat G phases 3 and 4 was approved by the City Council

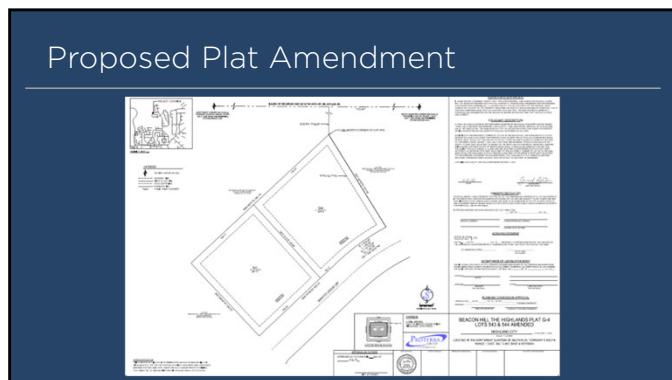
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80



81



82



83



84

Background – Code

- State law permits (but does not require) “electronic meetings,” where one or more members of a public body participates in a public meeting remotely through electronic/telecommunication means.
- Highland adopted an ordinance in June 2006, City Municipal Code 2.12.095, to govern and permit electronic meetings
- Allows a quorum to include a remote member

85

Background – H.B. 22

- H.B. 22 – Amended OPMA to require cities to “establish the conditions under which a remote member is included in calculating a quorum,” requires roll call votes for all non-unanimous votes, and requires public bodies to update electronic meeting rules by end of year

86

Background – H.B. 439

- H.B. 439 – Amended OPMA to require cities to give notice to the public and to members of the public bodies of the electronic meeting at least 24 hours in advance, and to provide to members a description on how to connect

87

Proposed Amendment Summary

- Technical clarifications in order to make ordinance cover all city public bodies
- Clarifies notice requirements (24 hours in advance to public and members)
- Requires chair to state who is participating remotely and allows the chair to proceed without the remote member if disconnected

88

Proposed Amendment Summary

- Requires votes to be made by roll call if the vote is not unanimous or if the vote of the remote members is unclear
- Clarifies anchor location and requires public to participate at the anchor location
- Allows the council to limit public participation at the anchor location for health and safety reasons, and provides that the city will attempt to provide alternative participation methods

89

Motion to Approve

I move that City Council approve and adopt the amendments to Municipal Code section 2.12.095.

90



LIBRARY STRATEGIC PLAN *General City Management*

Item 12a - Expedited Item
Presented by - Donna Cardon
Library Director

91

Library Strategic Plan: Completed Items

- **Improve displays in the children's room:** We added shelf top displays and an additional bank of shelves to the children's room.
- **Acquire security gates:** Security gates were installed in February 2022, resulting in a nearly 50% drop in the number of "missing" books each month.
- **Investigate eliminating fines:** We discussed eliminating fines during two Library Board meeting last spring and decided it was not financially viable at this time.

92

Library Strategic Plan: New Items

- **Create an additional reading nook in the Children's Department:** The Library plans to use a space where room dividers used to be stored to create a reading nook in the Children's Department.
- **Create science kits for circulation:** We received a grant to add 20 new circulating science kits for children.
- **Update the Juvenile Nonfiction section:** We have discovered that about 2,000 of the 2,866 JNF books are at least 10 years old. We plan to gradually replace the old books with newer, up-to-date titles.
- **Hold one major fundraiser each year with the Library Foundation:** For the last two years the Library has depended heavily on COVID and ARPA grants to fund basic operation. When that income is no longer available, the Library will need to do fundraising to help support our services.

93

Motion to Approve

I move that City Council approve the Highland City Library Long-Range Strategic Plan.

94



AGREEMENT - PRESSURIZED IRRIGATION METER GRANT WITH THE STATE OF UTAH *General City Management*

Item 12b - Expedited Item
Presented by - Andy Spencer
City Engineer/Public Work Director

95

Prior Council Direction

- The Council has directed the implementation of pressurized irrigation meters and funded a portion of the project through the 2022 utility rate study in the amount of +/- \$1M per year.
- On November 1, 2022 the Council authorized purchase of meters in the amount of \$3,263,424 and associated parts in the amount of \$2,197,555. The grant funding was known at that juncture and was relied upon as a part of the decision process.

96

Grant Requirements

- \$5,000,000 grant, requires 30% local match minimum (\$2.14M)
- Binds the City to non-discrimination in our hiring practices.

97

Motion to Approve

I move that City Council authorize the Mayor to sign the agreement with the State of Utah to receive grant funding for the pressurized irrigation meter project in the amount of \$5,000,000 dollars.

98

WAIVER REQUEST FOR POTENTIAL ANNEXATION AGREEMENT *Land Use (Legislative)*

Item 13a - Communication
Presented by - Kellie Smith
Planner & GIS Analyst

99



100

MODERATE INCOME HOUSING

Item 13b - Communication
Presented by - Kellie Smith
Planner & GIS Analyst

101

General Plan Update

- Strategies must match what is in State Code (verbatim)
- Timeline for the next **5 years** with *specific* benchmarks
 - Ex. Issue an RFP to identify a public private partnership to rezone a portion of the City-owned Aspen Street parcel to provide higher density for the development of affordable/employee housing. Project to be completed by August 2023.

102

Implementation Measures

- Senior Housing
- Higher density housing in mixed-use zones or near commercial centers
- Partner with MAG
- ADUs

103

FINANCIAL REPORT



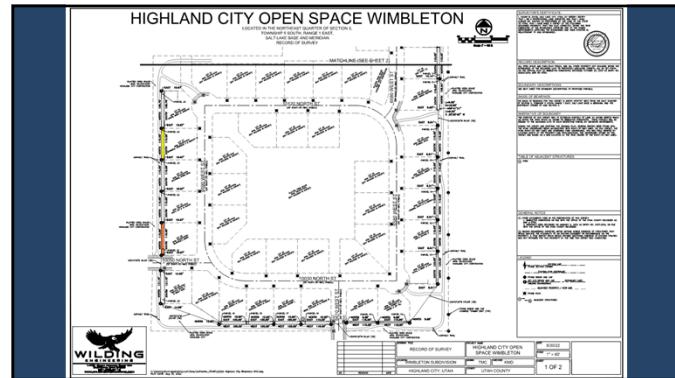
Item 13c - Communication
Presented by - Tyler Bahr
Finance Director

104

UPDATE ON WIMBLEDON SALES

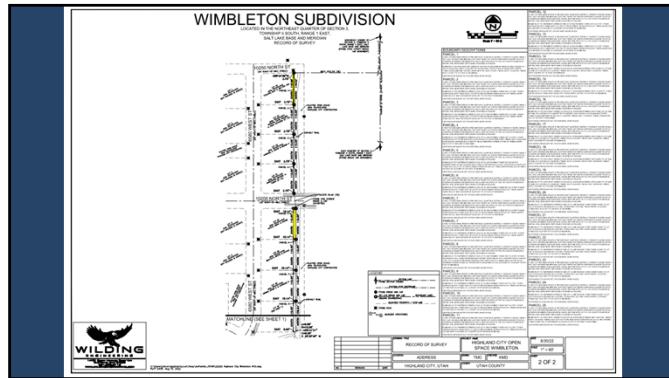
Item 13c - Communication
Presented by - Kellie Smith
Planner & GIS Analyst

105



106

WIMBLETON SUBDIVISION



107

SIGN CODE UPDATES



Item 13e - Communication
Presented by - Kellie Smith
Planner & GIS Analyst

108

Background

- 1 development promotional sign per subdivision
 - Ridgeview
 - Can't meet the setbacks (30' from ROW)
 - Overall development vs individual subdivision plat
- Temporary Signs
 - Different setbacks/size allowance for signs based on what their advertising (grand opening, promotional, model home, garage sale, etc.)
 - Reed v Town of Gilbert
 - Austin v Reagan National Advertising

109

Feedback

- Allow more signage based on number of lots in the subdivision?
- Directional signage?
- Types
 - A-frame
 - Banner
 - Freestanding
 - Flags
 - Balloons (prohibited)
 - Chalkboards/balckboards (prohibited)
 - Off-premise signs (prohibited)

110

COUNCIL POLICIES AND PROCEDURES DRAFT UPDATE

Item 13f – Communication
Presented by – Rob Patterson
City Attorney

111

RIDGEVIEW COMMERCIAL AREA TRAFFIC FLOW

Item 13g – Communication
Presented by – Andy Spencer
City Engineer/Public Works Director

112



113

FUTURE MEETINGS

- December 6, Lone Peak Public Safety District Work Session, 7:30 am, City Hall
- December 14, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- December 22, Arby's Grand Opening, 10:00 am
- January 3, City Council Meeting, 6:00 pm, City Hall
- January 5, City Council Budget Work Session, 6:00 pm, City Hall
- January 11, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- January 17, City Council Meeting, 7:00 pm, City Hall

Item 10f - Communication

114



**CLOSED SESSION**

The Highland City Council has recessed the regular City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, as provided by Utah Code Annotated §52-4-205.

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

Highland City Council: Request for Speed & Sound Mitigation Efforts between 6000 W. and 6800 W. on Canal Blvd. and Madison Ave.
6DEC22

Pam & John Redman
9847 N. 6130 W., Highland, UT 84003
208-841-6884 / redman.djohn@gmail.com

Common Noise Levels

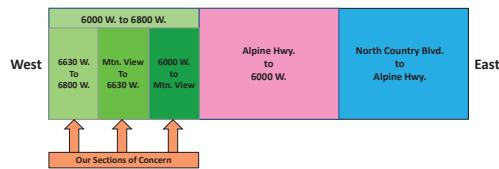
dB(A) Example Noise
80 Garbage Disposal, Food Blender
78 Average Vehicle Noise @ Redman's
Note: Ambient w/o cars is 45/35 dBA
75 Vacuum Cleaner
70 Normal Conversation
65 Office Noise
60 Highland City Noise Ordinance (day)
60 Quiet Street
50 Highland City Noise Ordinance (night)
50 Quiet Home
45 Neighborhood Ambient (Day)
40 Library
35 Neighborhood Ambient (Night)
30 Whisper, Rustling Leaves

North Country Blvd to Alpine Highway



- Noise reduction panels
- Speed limit = 30 mph
- Length = 0.9 miles
- Smooth asphalt
- 0 (zero) homes directly exposed to Canal Blvd
- Initially heavily patrolled

SECTIONS OF CANAL/MADISON



REQUESTS FOR CANAL/MADISON between 6000 W. and 6800 W.

- Improve Safety
 - Decrease SPEED LIMIT TO 25 mph.
 - Add active speed signs going both ways in new subdivision/Mitchell Hollow.
 - Add raised pedestrian crossings across Canal/Madison at 6110 W., Mtn. View, and 6630 W. (Note: bus stop at 6000 W and Canal; heavy use crossings at 6630 W. and Mtn. View)
 - NOTE: Stop signs increase noise and air pollution from vehicle acceleration.
 - Greatly increase patrolling.
- Reduce Noise
 - Decrease SPEED LIMIT TO 25 mph.
 - Overcoat rough chip seal with smooth asphalt or much smaller aggregate chip seal between 6000 W and 6210 W.
 - Pay for reasonable noise mitigation for homes between 6000 W and Mtn. View and for homes between 6630 W and 6800 W. by request.
 - Apply Highland's City Ordinance on Noise to traffic.
 - Greatly increase patrolling.

Alpine Highway to 6000 W.



- No noise reduction panels
- Speed limit = 30 mph
- Length = 0.7 mi
- Rough chip seal
- 15 homes exposed to Canal Blvd (6 have concrete fences); greater average setback
- Heavily patrolled

SUMMARY DATA FOR CANAL/MADISON between 6000 W. and 6800 W.

- SPEED
 - Average speed is about 33 mph
 - About 40% of drivers drive at 35 mph or faster (increases at night)
 - About 10% of drivers drive faster than 40 mph (increases at night)
 - The increased time between 6000W & 6800W as a result of decreasing speed limit from 30 mph to 25 mph is **20 sec**
- NOISE
 - Daytime ambient noise without traffic is about 45 dBA; night-time is 35 dBA
 - The average noise level at the sidewalk at 6130 W. is **78 dBA**
 - Decreasing the speed limit to 25 mph reduces noise about 4 dBA
 - Over-paving the chip seal with smooth asphalt reduces noise by another 4 dBA
 - An 8 dBA noise reduction corresponds to a 44% reduction in perceived noise

6000 W. to 6800 W.



6000 W. to 6800 W.



- Noise reduction panels for new subdivision only
- Speed limit = 30 mph
- Length = 1.1 mi
- Rough chip seal & smooth asphalt
- 26 homes exposed to Canal Blvd; smallest setback to road
- East section RARELY patrolled

REFERENCES & ADDITIONAL INFORMATION

- http://file.utah.gov/word/Title1/chapter6/41_da-5601.html
- <http://www.threepview.com/science/tire-noise/>
- <http://www.noiselive.org/resource/trans/highway/psnoise.html#:~:text=Raising%20the%20speed%20in%20canal,10%20mph%20increases%20%25%20speed>
- <https://www.cematechnology.com/articles/noisy-speeding-impact-of-speed-on-noise-level/>
- <https://www.cesa-europe.eu/themes/human/noise>
- https://ctr.utah.edu/wp-content/uploads/pubs/2957_2.pdf
- <https://asphaltmagazine.com/noise-reducing-pavements-get-loud-acclaim-in-us-and-europe-understanding-the-issue/>
- https://www.researchgate.net/publication/278730969_PAVEMENT_SURFACES_AND_ROADSIDE_NOISE
- <https://autotrails.com.au/publications/awement/aw0048-selection-of-treatments/selection-of-aggregate/aggregate-size>
- <https://www.sltrib.com/news/2022/08/15/salt-lake-city-heres-what-kind-of-speed-signs-the-city-has/>
- <https://soundsoftly.com/difference-between-db-dba/#:~:text=You'll hear a noise that's 20dB louder than a different noise at 20 different frequencies%20of%20sound>

6000 W to Mtn View

East End



Active speed sign;
behind a tree

West End



Potential problem
intersection;
raised crosswalk?



Good placement of
active speed sign

American Fork 1120 N; wider than Canal; 25 mph



East End

Width (feet)	1	2	3	4	5	6	7	8	9	10	11	12
1120 N. (Ave)	6.0 ft - High to Curb											
Canal & 1120 N. (Ave)		25 mph										
Canal & 1120 W. (Ave)			25 mph									
Canal & 1120 W. (near Ogden)				25 mph								
Canal & Mitchell Hollow Bridge					25 mph							

West End

Radar Gun and dBA Meter (iPhone)



Mtn View/ Mitchell Hollow to 6630 W

This section
through the
sound
barriers is a
real
RACETRACK!
NO/ZERO
speed signs.



INDOW NOISE-REDUCING WINDOW INSERT FOR BEDROOM WINDOW FACING CANAL BLVD.

Indow Estimate Package												
Dealer	Job Site	Customer	Indow Estimate Package									
Address	Address	Customer	Indow Estimate Package									
Indow West Valley 1000 S 100 W West Valley, UT 84013 800-227-4333 info@indow.com http://www.indow.com	American Fork, UT 84003 Type: Residential jim@indow.com American Fork, UT 84003 http://www.indow.com	Indow Prepared On: 11/10/2020 8:46am	Indow Estimate Package									
Indow West Valley 1000 S 100 W West Valley, UT 84013 800-227-4333 info@indow.com http://www.indow.com	American Fork, UT 84003 Type: Residential jim@indow.com American Fork, UT 84003 http://www.indow.com	Indow Prepared On: 11/10/2020 8:46am	Indow Estimate Package									
Indow West Valley 1000 S 100 W West Valley, UT 84013 800-227-4333 info@indow.com http://www.indow.com	American Fork, UT 84003 Type: Residential jim@indow.com American Fork, UT 84003 http://www.indow.com	Indow Prepared On: 11/10/2020 8:46am	Indow Estimate Package									
Indow West Valley 1000 S 100 W West Valley, UT 84013 800-227-4333 info@indow.com http://www.indow.com	American Fork, UT 84003 Type: Residential jim@indow.com American Fork, UT 84003 http://www.indow.com	Indow Prepared On: 11/10/2020 8:46am	Indow Estimate Package									

VIDEO: <https://youtu.be/sd870j1Ayv4>



Chip Seal vs. Smooth Asphalt at 6210 W



Chip
Seal
(+ Texture);
Request
smaller
aggregate
overcoat.

Smooth
Asphalt
(- Texture)

6630 W to 6800 W

East End



Flashing red stop signs on
No. & So. street or
raised crosswalks?



Only passive speed sign
going East in the entire
section.

West End



Skid marks of car going
So. running the stop sign
turning E and Madison.

Report Criteria:

Report type: Summary

Check.Type = {<>} "Adjustment"

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount	Invoice GL Account
10/22	10/06/2022	3291	1531	Home Depot Credit Services	376.09	M 55-40-37
10/22	10/06/2022	3292	1300	OptumHealthBank	1,098.42	M 10-2228
10/22	10/06/2022	3293	1300	OptumHealthBank	10,500.00	M 10-2228
10/22	10/06/2022	3294	600	Rocky Mountain Power	14,842.26	M 55-40-27
10/22	10/06/2022	3295	626	Utah Retirement Systems	27,285.36	M 10-2227
10/22	10/06/2022	3296	226	EFTPS/Withholding Payments	10,042.98	M 10-2222
10/22	10/13/2022	3297	5314	United HealthCare	34,511.41	M 10-2229
10/22	10/13/2022	3298	626	Utah Retirement Systems	27,383.40	M 10-2227
10/22	10/13/2022	3299	625	Utah State Tax Commission	8,631.18	M 10-2223
10/22	10/13/2022	3300	226	EFTPS/Withholding Payments	9,999.70	M 10-2222
10/22	10/20/2022	3301	1300	OptumHealthBank	1,000.00	M 10-2228
10/22	10/20/2022	3302	600	Rocky Mountain Power	5,449.53	M 10-60-27
10/22	10/20/2022	3303	600	Rocky Mountain Power	985.97	M 52-40-27
10/22	10/27/2022	3304	9692	Wells Fargo CC	71,709.26	M 10-57-11
10/22	10/27/2022	3305	2128	LegalShield	147.05	M 10-2229
10/22	10/27/2022	3306	1300	OptumHealthBank	1,216.92	M 10-2228
10/22	10/27/2022	3307	226	EFTPS/Withholding Payments	9,462.05	M 10-2222
10/22	10/06/2022	31078	50	Alpine City	4,294.36	10-42-30
10/22	10/06/2022	31079	1622	Aramark	79.85	52-40-29
10/22	10/06/2022	31080	11370	Arin Adcox	340.00	10-35-14
10/22	10/06/2022	31081	1019	BISCO	211.60	20-43-24
10/22	10/06/2022	31082	1542	Candice Linford	1,133.07	10-48-33
10/22	10/06/2022	31083	450	Caselle, Inc.	4,787.80	10-46-11
10/22	10/06/2022	31084	10096	CentraCom	1,119.45	10-43-28
10/22	10/06/2022	31085	1513	CivicPlus	1,500.00	10-47-31
10/22	10/06/2022	31086	5374	Codale Electric Supply	42.51	10-43-34
10/22	10/06/2022	31087	10132	Colleen Madsen	5,450.00	70-2304
10/22	10/06/2022	31088	1383	Colonial Fire & Safety	61.88	10-60-47
10/22	10/06/2022	31089	1606	Colonial Flag Company	18.00	10-72-60
10/22	10/06/2022	31090	1909	Comcast Cable	365.78	10-43-28
10/22	10/06/2022	31091	9909	De Lage Landen Financial Services Inc	162.97	10-43-24
10/22	10/06/2022	31092	10341	DESSCO	88.80	10-70-33
10/22	10/06/2022	31093	241	Dominion Energy	56.07	52-40-19
10/22	10/06/2022	31094	9412	Double D Bolt	54.32	55-40-41
10/22	10/06/2022	31095	5167	Ewing	1,349.25	10-70-29
10/22	10/06/2022	31096	10458	Ferguson Waterworks #1616	5,698.80	55-40-41
10/22	10/06/2022	31097	9134	Freedom Mailing Service	2,127.10	10-43-27
10/22	10/06/2022	31098	1776	Generator Exchange	370.00	10-60-56
10/22	10/06/2022	31099	9743	Great America Financial Svcs	112.00	10-43-24
10/22	10/06/2022	31100	1184	HADCO Construction, Inc.	1,476.20	10-38-91
10/22	10/06/2022	31101	2165	Holophane/Acuity Brands Lighting	26,920.00	41-40-79
10/22	10/06/2022	31102	5377	Humphries	11.10	10-60-47
10/22	10/06/2022	31103	11371	Ian Battaglia	100.00	10-35-14
10/22	10/06/2022	31104	222	Ingram Library Services	1,023.60	22-43-50
10/22	10/06/2022	31105	5309	JackMorris	1,359.12	10-70-48
10/22	10/06/2022	31106	9214	Jones Paint & Glass	6.60	10-43-34
10/22	10/06/2022	31107	9506	J-U-B Engineers, Inc.	2,219.40	10-66-31
10/22	10/06/2022	31108	11354	LGL Construction	3,850.00	10-70-44
10/22	10/06/2022	31109	11372	Lisa Tanuvasa	1,840.00	10-60-37
10/22	10/06/2022	31110	56	Lone Peak Public Safety Dist.	411,637.79	10-54-31
10/22	10/06/2022	31111	9206	Mountainland Supply, LLC	21,474.69	53-40-41
10/22	10/06/2022	31112	10737	Mystic Peak LLC	7,100.00	54-40-46
10/22	10/06/2022	31113	588	North Pointe Solid Waste Dist.	53,143.66	10-73-49

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount	Invoice GL Account
10/22	10/20/2022	31171	1601	Child Support Services	364.15	10-2230
10/22	10/20/2022	31172	1383	Colonial Fire & Safety	123.22	10-60-47
10/22	10/20/2022	31173	10935	Consolidated Electrical Distributors	70.85	10-60-28
10/22	10/20/2022	31174	1205	D & L Supply	276.00	10-60-31
10/22	10/20/2022	31175	10160	Donna Cardon	48.02	10-43-34
10/22	10/20/2022	31176	1293	Eckles Paving	2,400.00	10-60-31
10/22	10/20/2022	31177	11377	EDG Engineering	3,000.00	42-40-67
10/22	10/20/2022	31178	11374	Elyse Larsen	125.00	10-35-14
10/22	10/20/2022	31179	5167	Ewing	274.79	40-40-78
10/22	10/20/2022	31180	8180	First Digital	337.00	10-43-28
10/22	10/20/2022	31181	192	Geneva Rock Products Co.	151,899.10	41-40-79
10/22	10/20/2022	31182	1630	Hansen Law	2,140.75	10-42-22
10/22	10/20/2022	31183	1126	Holbrook Asphalt Co.	189,435.18	41-40-71
10/22	10/20/2022	31184	1207	Honey Bucket	145.00	10-70-50
10/22	10/20/2022	31185	222	Ingram Library Services	600.02	22-43-50
10/22	10/20/2022	31186	11378	JTB Hvac & Plumbing Engineering Inc	2,550.00	42-40-67
10/22	10/20/2022	31187	2136	Judge Scott Mickelsen	187.50	10-42-11
10/22	10/20/2022	31188	240	McGee's Stamp & Trophy Co.	11.00	10-43-24
10/22	10/20/2022	31189	1741	Millhaven Construction	5,719.83	55-37-21
10/22	10/20/2022	31190	9206	Mountainland Supply, LLC	11,041.80	53-40-41
10/22	10/20/2022	31191	10019	Printworks	122.96	10-43-24
10/22	10/20/2022	31192	9870	Rainbow Book Company	30.50	22-43-23
10/22	10/20/2022	31193	1058	Randy B. Birch, P.C.	30.00	10-42-11
10/22	10/20/2022	31194	5301	RMT Equipment	141,593.60	10-70-74
10/22	10/20/2022	31195	1745	Royal Wholesale Distributors	62.43	10-60-56
10/22	10/20/2022	31196	9359	RPM Auto Parts	173.23	10-70-33
10/22	10/20/2022	31197	9752	Smith Steelworks, LLC	4,000.00	40-40-78
10/22	10/20/2022	31198	500	Timpanogos Special Service District	70,761.02	52-40-42
10/22	10/20/2022	31199	1248	Upper Case	5,924.65	56-40-36
10/22	10/20/2022	31200	590	Utah Local Governments Trust	6,137.66	10-2243
10/22	10/20/2022	31201	11224	West Coast Code Consultants	317.50	10-58-31
10/22	10/27/2022	31202	11384	Alex & Whitney Murray	173.77	01-1175
10/22	10/27/2022	31203	1461	Blu Line Designs	16,376.25	40-40-78
10/22	10/27/2022	31204	10985	Cascade Water Resources	2,050.00	55-40-50
10/22	10/27/2022	31205	11312	David Weekley Homes	145.23	01-1175
10/22	10/27/2022	31206	241	Dominion Energy	97.20	10-43-35
10/22	10/27/2022	31207	1293	Eckles Paving	21,662.40	55-40-41
10/22	10/27/2022	31208	11385	Estat Construction	138.60	01-1175
10/22	10/27/2022	31209	1775	First American Title	72,113.78	41-40-79
10/22	10/27/2022	31210	201	Highland Conservation District	222,941.85	53-40-74
10/22	10/27/2022	31211	11125	Intermountain Health Care	1,678.50	10-2229
10/22	10/27/2022	31212	225	Ivory Homes	439.97	01-1175
10/22	10/27/2022	31213	11386	Landon Allred	186.36	01-1175
10/22	10/27/2022	31214	11387	Lee C Snell	376.32	01-1175
10/22	10/27/2022	31215	11388	Marino Martin	4.52	01-1175
10/22	10/27/2022	31216	11389	Monty & Sherri Hedin	357.70	01-1175
10/22	10/27/2022	31217	2078	ODP Business Solutions LLC	271.43	10-43-24
10/22	10/27/2022	31218	10019	Printworks	227.67	10-42-24
10/22	10/27/2022	31219	1860	Project Engineering Consultant, LTD	741.00	10-66-31
10/22	10/27/2022	31220	9307	Public Employees Health Program	1,969.37	10-2229
10/22	10/27/2022	31221	11390	Ricky Roos	55.82	01-1175
10/22	10/27/2022	31222	9957	Rock Mountain Technology LLC	14,529.18	57-40-25
10/22	10/27/2022	31223	11381	Rugged Container, LLC	5,498.14	10-72-63
10/22	10/27/2022	31224	2133	Safety Supply & Sign Co. Inc.	2,572.40	10-60-48
10/22	10/27/2022	31225	11391	Shane & Layna Flynn	219.88	01-1175
10/22	10/27/2022	31226	11353	Sherrie Nielsen	39.57	10-43-24
10/22	10/27/2022	31227	9752	Smith Steelworks, LLC	171,221.00	40-40-78

GL Account	Debit	Credit	Proof
10-58-31	12,234.50	.00	12,234.50
10-58-33	130.00	.00	130.00
10-60-17	90.00	.00	90.00
10-60-27	5,449.53	.00	5,449.53
10-60-28	70.85	.00	70.85
10-60-30	178.17	.00	178.17
10-60-31	14,950.00	.00	14,950.00
10-60-37	1,840.00	.00	1,840.00
10-60-38	96.22	.00	96.22
10-60-47	459.34	.00	459.34
10-60-48	13,752.16	.00	13,752.16
10-60-50	62.46	.00	62.46
10-60-51	1,366.21	.00	1,366.21
10-60-56	450.42	.00	450.42
10-60-57	13.14	.00	13.14
10-60-61	120.00	.00	120.00
10-60-74	40,000.00	.00	40,000.00
10-66-31	11,765.76	.00	11,765.76
10-66-33	130.49	.00	130.49
10-70-14	1,000.00	.00	1,000.00
10-70-16	209.39	.00	209.39
10-70-17	178.16	.00	178.16
10-70-24	43.85	.00	43.85
10-70-25	1,034.71	.00	1,034.71
10-70-29	264.97	.00	264.97
10-70-33	313.34	.00	313.34
10-70-34	1,321.14	.00	1,321.14
10-70-37	97.02	.00	97.02
10-70-44	5,196.02	.00	5,196.02
10-70-48	1,948.56	.00	1,948.56
10-70-50	145.00	.00	145.00
10-70-74	6,593.60	.00	6,593.60
10-70-75	80,000.00	.00	80,000.00
10-72-35	11.31	.00	11.31
10-72-36	365.00	.00	365.00
10-72-60	18.00	.00	18.00
10-72-63	6,897.78	.00	6,897.78
10-73-26	1,244.95	.00	1,244.95
10-73-49	53,143.66	.00	53,143.66
10-73-50	65,455.42	.00	65,455.42
20-2131	.00	52,476.50-	52,476.50-
20-43-14	1,000.00	.00	1,000.00
20-43-17	178.15	.00	178.15
20-43-24	211.60	.00	211.60
20-43-31	26,500.00	.00	26,500.00
20-43-36	1,244.93	.00	1,244.93
20-43-61	3,231.01	.00	3,231.01
20-43-63	1,149.00	.00	1,149.00
20-43-64	2,105.14	.00	2,105.14
20-43-73	15,000.00	.00	15,000.00
20-43-81	1,856.67	.00	1,856.67
21-2131	.00	2,201.74-	2,201.74-
21-43-17	33.65	.00	33.65
21-43-20	152.81	.00	152.81
21-43-25	878.77	.00	878.77
21-43-26	60.00	.00	60.00
21-43-81	1,076.51	.00	1,076.51

GL Account	Debit	Credit	Proof
54-40-46	7,100.00	.00	7,100.00
55-2131	.00	76,131.48-	76,131.48-
55-37-20	3,220.86	.00	3,220.86
55-37-21	603.00	.00	603.00
55-40-17	8.08	.00	8.08
55-40-19	33.66	.00	33.66
55-40-27	14,882.24	.00	14,882.24
55-40-28	1,384.11	.00	1,384.11
55-40-29	272.29	.00	272.29
55-40-30	800.00	.00	800.00
55-40-33	11,123.92	.00	11,123.92
55-40-35	170.16	.00	170.16
55-40-36	1,244.92	.00	1,244.92
55-40-37	268.34	.00	268.34
55-40-41	14,254.23	.00	14,254.23
55-40-50	15,863.66	.00	15,863.66
55-40-55	12,002.01	.00	12,002.01
56-2131	.00	362,679.49-	362,679.49-
56-40-36	1,244.92	.00	1,244.92
56-40-70	361,434.57	.00	361,434.57
57-2131	.00	11,581.68-	11,581.68-
57-40-25	11,581.68	.00	11,581.68
70-2131	.00	9,450.00-	9,450.00-
70-2302	4,000.00	.00	4,000.00
70-2304	5,450.00	.00	5,450.00
Grand Totals:	3,303,345.78	3,303,345.78-	.00

Dated: _____

Mayor: _____

City Council: _____

_____City Recorder: _____

Report Criteria:

Report type: Summary

Check.Type = {<>} "Adjustment"

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

GENERAL FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
REVENUE-TRANSFERS	.00	.00	360,044.00	360,044.00	.0
TAXES	1,633,482.50	1,761,067.44	6,797,800.00	5,036,532.56	25.9
LICENSES AND PERMITS	471,285.29	416,510.55	919,200.00	502,689.45	45.3
INTERGOVERNMENTAL REVENUE	1,712,978.88	1,554,869.44	2,264,656.50	709,787.06	68.7
FEES AND SERVICES	245,542.62	356,012.19	913,600.00	557,587.81	39.0
COURT FINES	57,575.85	64,830.58	146,500.00	81,669.42	44.3
OTHER REVENUE	38,072.29	36,724.10	50,000.00	13,275.90	73.5
MISCELLANEOUS REVENUE	119,178.42	144,389.80	396,100.00	251,710.20	36.5
REVENUE-GARBAGE & OTHER	336,312.98	391,352.26	1,505,796.85	1,114,444.59	26.0
REVENUES	4,614,428.83	4,725,756.36	13,353,497.35	8,627,740.99	35.4
EXPENDITURES					
COUNCIL	30,657.09	(11,549.97)	93,770.91	105,320.88	(12.3)
COURT	67,165.00	63,814.78	277,390.58	213,575.80	23.0
ADMINISTRATIVE	188,993.81	242,780.26	583,345.90	340,565.64	41.6
AUDITOR	8,334.00	.00	20,000.00	20,000.00	.0
FINANCE DEPT	56,510.74	63,511.74	174,428.52	110,916.78	36.4
RECORDER	36,676.73	34,542.41	140,558.87	106,016.46	24.6
TREASURER	18,364.30	21,614.40	58,997.08	37,382.68	36.6
ATTORNEY	7,445.00	23,312.50	60,000.00	36,687.50	38.9
APPEAL AUTHORITY	(500.00)	1,046.20	1,500.00	453.80	69.8
PLANNING & ZONING	34,075.54	45,330.68	125,381.86	80,051.18	36.2
EDUCATION AND PROMOTION	283.69	.00	4,120.37	4,120.37	.0
POLICE DEPARTMENT	755,613.00	896,352.84	2,689,059.00	1,792,706.16	33.3
EMERGENCY SERVICES	667,173.00	750,499.82	2,250,595.00	1,500,095.18	33.4
BUILDING INSPECTION	57,866.46	122,601.81	351,690.87	229,089.06	34.9
STREETS AND ROADS	168,361.71	205,772.70	801,915.48	596,142.78	25.7
ENGINEER	75,036.07	92,059.81	269,570.00	177,510.19	34.2
PARKS & RECREATION	152,260.46	273,013.28	793,349.38	520,336.10	34.4
COMMUNITY EVENTS	75,303.87	66,734.10	152,982.45	86,248.35	43.6
GARBAGE	259,981.08	284,023.73	1,179,441.16	895,417.43	24.1
TRANSFERS	.00	1,894,686.50	2,541,875.50	647,189.00	74.5
EXPENDITURES	2,659,601.55	5,070,147.59	12,569,972.93	7,499,825.34	40.3
REVENUE OVER EXPENDITURES	1,954,827.28	(344,391.23)	783,524.42		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

HIGHLAND OPEN SPACE SSD

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TRANSFERS	.00	.00	270,941.00	270,941.00	.0
FEES	98,968.79	99,253.80	295,200.00	195,946.20	33.6
PROPERTY SALES	11,428.03	15,011.98	10,000.00	(5,011.98)	150.1
OTHER REVENUE	513.93	2,722.18	1,500.00	(1,222.18)	181.5
PY CARRYOVER	.00	.00	25,000.00	25,000.00	.0
REVENUES	110,910.75	116,987.96	602,641.00	485,653.04	19.4
EXPENDITURES					
EXPENDITURE-OPEN SPACE	129,640.14	232,517.53	602,640.99	370,123.46	38.6
EXPENDITURES	129,640.14	232,517.53	602,640.99	370,123.46	38.6
REVENUE OVER EXPENDITURES	(18,729.39)	(115,529.57)	.01		

HIGHLAND CITY CORPORATION
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

CEMETERY PERPETUAL FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
SALES & OPERATING	178,439.70	101,822.00	400,000.00	298,178.00	25.5
OTHER INCOME	266.08	1,541.56	500.00	(1,041.56)	308.3
PY CARRYOVER	.00	.00	122,954.00	122,954.00	.0
REVENUES	178,705.78	103,363.56	523,454.00	420,090.44	19.8
EXPENDITURES					
OPERATING EXPENSE	58,848.23	56,818.98	271,410.00	214,591.02	20.9
TRANSFERS	.00	.00	252,044.00	252,044.00	.0
EXPENDITURES	58,848.23	56,818.98	523,454.00	466,635.02	10.9
REVENUE OVER EXPENDITURES	119,857.55	46,544.58	.00		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

LIBRARY FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TAX REVENUE	16,817.22	13,848.86	330,000.00	316,151.14	4.2
FEES & FINES	17,703.32	17,218.25	39,200.00	21,981.75	43.9
OTHER INCOME	3,689.22	448.61	5,200.00	4,751.39	8.6
REVENUES	38,209.76	31,515.72	374,400.00	342,884.28	8.4
EXPENDITURES					
OPERATING EXPENSES	139,641.04	126,389.79	371,044.03	244,654.24	34.1
EXPENDITURES	139,641.04	126,389.79	371,044.03	244,654.24	34.1
REVENUE OVER EXPENDITURES	(101,431.28)	(94,874.07)	3,355.97		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

PARKS TAX

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
SOURCE 31	.00	52,472.05	135,000.00	82,527.95	38.9
OTHER INCOME	.00	151.03	.00	(151.03)	.0
REVENUES	.00	52,623.08	135,000.00	82,376.92	39.0
EXPENDITURES					
EXPENDITURES	.00	.00	.00	.00	.0
REVENUE OVER EXPENDITURES	.00	52,623.08	135,000.00		

HIGHLAND CITY CORPORATION
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

DEBT SERVICE FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TRANSFERS	.00	.00	948,748.00	948,748.00	.0
REVENUES	.00	.00	948,748.00	948,748.00	.0
EXPENDITURES					
DEBT SERVICE & FINANCING	1,318,933.20	909,842.81	948,748.00	38,905.19	95.9
EXPENDITURES	1,318,933.20	909,842.81	948,748.00	38,905.19	95.9
REVENUE OVER EXPENDITURES	(1,318,933.20)	(909,842.81)	.00		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

CAPITAL IMPROVEMENT FUND-PARKS

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TRANSFERS	.00	2,094,944.50	1,134,657.00	(960,287.50)	184.6
FEES AND SERVICES	556,316.00	229,514.00	1,463,500.00	1,233,986.00	15.7
OTHER REVENUE	6,593.45	34,835.98	14,000.00	(20,835.98)	248.8
PY CARRYOVER	.00	.00	1,842,593.00	1,842,593.00	.0
REVENUES	562,909.45	2,359,294.48	4,454,750.00	2,095,455.52	53.0
EXPENDITURES					
PARK CAPITAL	24,734.25	514,790.80	3,858,000.00	3,343,209.20	13.3
TRANSFERS	.00	.00	731,750.00	731,750.00	.0
EXPENDITURES	24,734.25	514,790.80	4,589,750.00	4,074,959.20	11.2
REVENUE OVER EXPENDITURES	538,175.20	1,844,503.68	(135,000.00)		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

CAP IMP FUND ROAD PROJECTS

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TRANSFERS	.00	.00	412,010.00	412,010.00	.0
INTERGOVERNMENTAL REVENUE	6,812.00	.00	.00	.00	.0
FEES AND SERVICES	53,328.40	22,088.00	134,500.00	112,412.00	16.4
OTHER REVENUE	1,807.76	3,587.67	5,000.00	1,412.33	71.8
PY CARRYOVER	.00	.00	48,490.00	48,490.00	.0
REVENUES	61,948.16	25,675.67	600,000.00	574,324.33	4.3
EXPENDITURES					
ROAD CAPITAL EXPENDITURES	631,950.52	441,686.43	600,000.00	158,313.57	73.6
EXPENDITURES	631,950.52	441,686.43	600,000.00	158,313.57	73.6
REVENUE OVER EXPENDITURES	(570,002.36)	(416,010.76)	.00		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

CAP IMP FUND BUILDING

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
TRANSFERS	.00	.00	537,895.00	537,895.00	.0
FEES & INTEREST	72,746.28	36,422.32	64,250.00	27,827.68	56.7
OTHER REVENUE	.00	.00	868,475.00	868,475.00	.0
REVENUES	72,746.28	36,422.32	1,470,620.00	1,434,197.68	2.5
EXPENDITURES					
BUILDING CAPITAL EXPENDITURES	2,650.00	9,600.00	902,100.00	892,500.00	1.1
TRANSFERS OUT	.00	.00	30,625.00	30,625.00	.0
EXPENDITURES	2,650.00	9,600.00	932,725.00	923,125.00	1.0
REVENUE OVER EXPENDITURES	70,096.28	26,822.32	537,895.00		

HIGHLAND CITY CORPORATION
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

NW ANNEXATION CAP PROJECT

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
INTEREST	118.88	569.13	.00	(569.13)	.0
REVENUES	118.88	569.13	.00	(569.13)	.0
EXPENDITURES					
EXPENDITURES	.00	.00	.00	.00	.0
REVENUE OVER EXPENDITURES	118.88	569.13	.00		

HIGHLAND CITY CORPORATION
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

TOWN CENTER EXACTION FEE CAP

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
INTEREST & EXACTION FEE	375.01	1,487.62	1,000.00	(487.62)	148.8
REVENUES	375.01	1,487.62	1,000.00	(487.62)	148.8
EXPENDITURES					
EXPENDITURES-TOWN CENTER	62,141.10	.00	.00	.00	.0
EXPENDITURES	62,141.10	.00	.00	.00	.0
REVENUE OVER EXPENDITURES	(61,766.09)	1,487.62	1,000.00		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

SEWER FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
SERVICE & IMPACT FEES	930,212.62	859,161.37	2,560,000.00	1,700,838.63	33.6
INTEREST & OTHER INCOME	4,749.56	22,937.75	2,737,680.00	2,714,742.25	.8
REVENUES	934,962.18	882,099.12	5,297,680.00	4,415,580.88	16.7
EXPENDITURES					
EXPENDITURES-SEWER FUND	599,222.57	1,456,686.56	5,297,680.20	3,840,993.64	27.5
EXPENDITURES	599,222.57	1,456,686.56	5,297,680.20	3,840,993.64	27.5
REVENUE OVER EXPENDITURES	335,739.61	(574,587.44)	(.20)		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

PRESSURIZED IRRIGATION FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
SERVICE & IMPACT FEES	947,035.65	1,111,802.83	2,891,500.00	1,779,697.17	38.5
INTEREST & DEV. CONTRIBUTIONS	5,623.92	28,862.64	2,925,671.00	2,896,808.36	1.0
REVENUES	952,659.57	1,140,665.47	5,817,171.00	4,676,505.53	19.6
EXPENDITURES					
EXPENDITURES-PI FUND	659,275.37	830,109.78	5,817,170.51	4,987,060.73	14.3
EXPENDITURES	659,275.37	830,109.78	5,817,170.51	4,987,060.73	14.3
REVENUE OVER EXPENDITURES	293,384.20	310,555.69	.49		

HIGHLAND CITY CORPORATION
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

STORM SEWER FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
COLLECTION, IMPACT & PERMITS	215,311.12	302,732.83	698,000.00	395,267.17	43.4
INTEREST & OTHER	1,600.77	13,499.78	471,654.00	458,154.22	2.9
REVENUES	216,911.89	316,232.61	1,169,654.00	853,421.39	27.0
EXPENDITURES					
EXPENDITURES-STORM SEWER	100,422.03	369,542.48	1,169,653.64	800,111.16	31.6
EXPENDITURES	100,422.03	369,542.48	1,169,653.64	800,111.16	31.6
REVENUE OVER EXPENDITURES	116,489.86	(53,309.87)	.36		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

CULINARY WATER FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
SERVICE & IMPACT FEES	512,515.09	618,159.88	1,164,750.00	546,590.12	53.1
INTEREST, DEVELOPER & GRANTS	2,187.01	4,505.51	117,463.00	112,957.49	3.8
REVENUES	514,702.10	622,665.39	1,282,213.00	659,547.61	48.6
EXPENDITURES					
EXPENDITURES-CULINARY WATER	298,915.30	332,806.04	1,282,213.22	949,407.18	26.0
EXPENDITURES	298,915.30	332,806.04	1,282,213.22	949,407.18	26.0
REVENUE OVER EXPENDITURES	215,786.80	289,859.35	(.22)		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

UTILITY TRANSPORTATION

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
FEES	358,548.95	370,514.28	1,089,000.00	718,485.72	34.0
INTEREST & OTHER	1,163.54	5,513.58	4,000.00	(1,513.58)	137.8
REVENUES	359,712.49	376,027.86	1,093,000.00	716,972.14	34.4
EXPENDITURES					
EXPENDITURES-ROAD FEE	642,794.29	765,682.65	1,091,178.07	325,495.42	70.2
EXPENDITURES	642,794.29	765,682.65	1,091,178.07	325,495.42	70.2
REVENUE OVER EXPENDITURES	(283,081.80)	(389,654.79)	1,821.93		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

INTERNAL SERVICE IT FUND

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
INTERNAL SERVICE CHARGES	.00	.00	48,750.00	48,750.00	.0
REVENUES	.00	.00	48,750.00	48,750.00	.0
<u>EXPENDITURES</u>					
EXPENDITURES-INTERNAL SVC IT	14,482.03	14,530.44	48,750.00	34,219.56	29.8
EXPENDITURES	14,482.03	14,530.44	48,750.00	34,219.56	29.8
REVENUE OVER EXPENDITURES	(14,482.03)	(14,530.44)	.00		

HIGHLAND CITY CORPORATION
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2022

GENERAL FIXED ASSETS

	PRIOR YTD	YTD ACTUAL	BUDGET	VARIANCE	PCNT
REVENUE					
REVENUES					
EXPENDITURES					
DEPARTMENT 40	.00	.00	116,322.00	116,322.00	.0
EXPENDITURES	.00	.00	116,322.00	116,322.00	.0
REVENUE OVER EXPENDITURES	.00	.00	(116,322.00)		