



HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, September 19, 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

6:30 PM WORK SESSION – Swearing In Ceremony for Ron Campbell

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Mayor Kurt Ostler

Pledge of Allegiance – Council Member Scott L. Smith

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

- a. **Appreciation Award for Timothy A. Ball** – *Kurt Ostler, Mayor* (7:10 pm – 5 min)

Mayor Kurt Ostler will present an appreciation award to Timothy A. Ball for his service on the Highland City Council.

- b. **Fling Budget** – *Robin Wise, Civic Events Coordinator* (7:15 pm – 10 min)

Robin Wise, Civic Events Coordinator, will report on the 2023 Highland Fling budget.

3. CONSENT ITEMS (7:25 pm – 5 min)

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 – August 1, 2023

- b. **ACTION: Reimbursement Agreement with Williams View Development** *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider authorizing a reimbursement agreement associated to the Williams View development. The Council will take appropriate action.

4. **ACTION: IMPACT FEE ADJUSTMENT FOR BRANDON NEISH** *Administrative - Rob Patterson, City Attorney (7:30 pm - 15 min)*
The City Council will consider a request from Brandon Neish regarding the calculation of the pressurized irrigation impact fee requirement for his property located at 5944 West Chatham Circle. The Council will take appropriate action.
5. **ACTION: APPROVAL OF THE HIGHLAND TRAFFIC CALMING AND PEDESTRIAN SAFETY MANUAL** *General City Management - Andy Spencer, City Engineer/Public Works Director (7:45 pm - 15 min)*
The City Council will consider approving the Highland Traffic Calming and Pedestrian Safety Manual. The Council will take appropriate action.
6. **CONTRACT: AUTHORIZATION OF A CONTRACT WITH LEGISLATIVE EXECUTIVE CONSULTING, LLC** *General City Management - Andy Spencer, City Engineer/Public Works Director (8:00 pm - 15 min)*
The City Council will consider a contract with Legislative Executive Consulting, LLC for consultant services focused on grant and legislative support for a one (1) year term. The Council will take appropriate action.
7. **ACTION: POSTPONING THE ALCOHOL SALES TEXT AMENDMENT** *Development & Municipal Code Update (Legislative) - Erin Wells, City Administrator on behalf of Mayor Kurt Ostler (8:15 pm - 20 min)*
The City Council will hold a public meeting to consider tabling a request by MNG Highland Development, LLC to amend Section 3-4351 Permitted Uses and Section 3-4352 Prohibited Uses in the Development Code in the CR Zone to allow for alcohol sales. MNG Highland Development, LLC, is also requesting to amend Section 5.12.020 Beer Sales in the Municipal Code.
8. **RESOLUTION: CANCELLATION OF MUNICIPAL ELECTION** *General City Management - Rob Patterson, City Attorney (8:35 pm - 15 min)*
The City Council will hold a public meeting to consider the cancellation of the 2023 municipal general election. The Council will take appropriate action.
9. **EXPEDITED ITEMS**
 - a. **PUBLIC HEARING/RESOLUTION: Sale of Additional Wimbledon Open Space Property** *Legislative - Andy Spencer, City Engineer/Public Works Director (8:50 pm - 10 min)*
The City Council will hold a public hearing and consider the approval for disposing of additional open space owned by Highland City in the Wimbledon subdivision. The Council will take appropriate action.
10. **DISCUSSION: GENERAL PLAN UPDATE REQUEST FOR PROPOSAL DOCUMENT** *General City Management - Jay Baughman, Assistant City Administrator/Community Development Director (9:00 pm - 10 min)*
The City Council will discuss the Request for Proposals (RFP) document that will be issued to solicit bids from qualified firms to partner with Highland in updating its General Plan. The Council will take appropriate action.
11. **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. **Council Candidacy Vacancy Update - Erin Wells (9:10 pm - 20 min)**
- b. **Alpine Highway Fence - Council Members Brittney P. Bills and Scott L. Smith (9:30 pm - 20 min)**
- c. **Financial Report - Tyler Bahr, Finance Director (9:50 pm - 5 min)**
- d. **PI Long Term Financial Obligations - Tyler Bahr, Finance Director (9:55 pm - 10 min)**
- e. **Graffiti - Erin Wells, City Administrator & Andy Spencer, City Engineer/Public Works Director (10:05 pm - 15 min)**
- f. **Lehi DR Horton Agreement - Andy Spencer, City Engineer/Public Works Director (10:20 pm - 10 min)**
- g. **Building Use Policy - Jay Baughman, Assistant City Administrator/Community Development Director (10:30 pm - 5 min)**
- h. **Future Events & Meetings**
 - September 26, Planning Commission Meeting, 7:00 pm, City Hall
 - October 3, City Council Meeting, 7:00 pm, City Hall
 - October 11, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
 - October 17, City Council Meeting, 7:00 pm, City Hall
 - October 24, Planning Commission Meeting, 7:00 pm, City Hall
 - November 7, City Council Meeting, 7:00 pm, City Hall
 - December 5, City Council Meeting, 7:00 pm, City Hall

12. 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.

ADJOURNMENT

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

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically during this meeting.

CERTIFICATE OF POSTING

I, Stephannie Cottle, the duly appointed City Recorder, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<https://www.utah.gov/pmn/>), and on Highland City's website (www.highlandcity.org).

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

Posted and dated this agenda on the 15th day of September, 2023.

Stephannie Cottle, CMC, City Recorder

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



HIGHLAND CITY

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 1, 2023

Waiting Formal Approval

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

VIRTUAL PARTICIPATION



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



Email comments prior to meeting: council@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Sarah D. Petersen

Pledge of Allegiance – Council Member Brittney P. Bills

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:03pm. 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 Brittney P. Bills.

PRESIDING: Mayor Kurt Ostler

COUNCIL MEMBERS

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

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Briawna Hugh, Chris Howden, Joe Ham, Natalie Ball, Daron Young, Lance Pendleton, Chris Ellingson, Grant Ellingson, Paul Farnsworth, Rachel Farnsworth, Elizabeth Farnsworth, Carley Tall, Lynn Lonsdale, Brian Braithwaite, Jeremy Meldrum, Isabelle Dibb, Christian Mills, Delecia Mills, Allanna Mills, Leena Haral, Adam L. Haral, Elizabeth Rice, Jiovan Melendez, Anna Melendez, Ron Campbell, VaLois Paxman, Wesley Warren, David Beck, Amy Brinton, Barbara Melendez-Rapp, Claudia Stillman, Doug Cortney, David & Sarah Beck, Royce Dewey, Ryan Dewey, Ryan Albers, Steve Holland, Jesse Myrick, Rod Mann, Laura Ross, Winifred Jensen, Jess Adamson, Shelby Arrington, Ed Rusika,

1. UNSCHEDULED PUBLIC APPEARANCES

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

Elizabeth Rice stated she was recently walking her dog and it was attacked by a mastiff dog; the police were called. She asked if the fence around the neighbor's property that the mastiff came from was legal and was told that it was; however, the neighbor is an amateur breeder and has a license to perform that activity, but they have three mastiffs who are all over 200 pounds. She asked that the City Council review the City's ordinances to ensure that the ordinance that allows someone to operate a breeding operation from their home is aligned better with the fencing requirements. She provided photos of the fence in question to the Council and highlighted the fact that it is not sufficient to keep a small dog in, let alone three mastiffs. She then noted she was asked by another neighbor to address the Council's consideration of a traffic calming policy and speed tables. She stated she is not as familiar with that issue, but her neighbor would like a speed table on 900 North to deter speeding motorists.

Wini Jensen addressed a safety concern in her neighborhood; there was recently another accident at the corner where her property is located and there was a great deal of property damage, and she is traumatized by witnessing the accidents and worrying about school children that walk in that area frequently. She would like to see lit stop signs to draw a driver's attention to the intersection. The traffic is very heavy on the street and many motorists drive in excess of posted speed limits. A stronger police presence would be appreciated by the residents. She and her neighbors would like on-street parking to be prohibited on 10400 North, an additional crosswalk on Walker Lane, a curfew for the park, requirement for parents to stay at the park with their children, regular street sweeping to remove debris associated with the park. She then concluded that she missed the musical theater that was formerly part of the Highland Fling celebration.

Mayor Ostler recognized Brooklyn Wild, the City's new communications specialist, and Brenna Dobbins, assistant events coordinator. Ms. Wild provided the Council with information about her personal and professional background. Ms. Dobbins was not in attendance as she was attending the Highland Fling car show.

2. CONSENT ITEMS

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*
Work Session & Regular City Council Meeting – June 6, 2023

Council Member Scott L. Smith MOVED that the City Council approve consent item 2a, the approval of meeting minutes for June 6, 2023.

Council Member Timothy A. Ball SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member 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.

3. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT – ALCOHOL SALES *Development Code and Municipal Code Update (Legislative) – Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a request by MNG Highland Development, LLC to amend Section 3-4351 Permitted Uses and Section 3-4352 Prohibited Uses in the Development Code in the CR Zone to allow for alcohol sales. MNG Highland Development, LLC, is also requesting to amend Section 5.12.020 Beer Sales in the Municipal Code. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained MNG Highland Development, LLC—the applicant—owns the majority of the property within the CR Zone. The applicant’s development is known as Highland Mains, or formerly known as Highland Marketplace. MNG Highland Development, LLC was made aware that alcohol sales are specifically listed as a prohibited use in the CR Zone. Because it is not a prohibited use in the C-1 Zone on the other side of Timpanogos Hwy, the applicant decided to meet with the Mayor and two Councilmembers to discuss the potential of allowing on-premise alcohol sales in the CR Zone. After this meeting, the applicant decided to submit a Development Code application to apply for the change. The applicant’s request is summarized as follows:

1. The proposed amendment to the Development Code removes “Alcohol Sales” from Section 3-4352 Prohibited Uses.
2. The proposed amendment to the Development Code also removes the following sentence from Section 3-4351 Permitted Uses: Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.
3. The proposed amendment to the Municipal Code removes the prohibition of the retail sale of beer for on-premise consumption. The applicant is not requesting to allow for the retail sale of beer for off premise consumption.

Ms. Smith summarized staff’s review of the matter:

- The CR Zone and the Town Center Overlay explicitly prohibit alcohol sales, however the C-1 Zone does not (for reference, Macey’s and Harts are located in the C-1 Zone).
- Section 5.12.020 Beer Sales in the Municipal Code prohibits the retail sale of beer for both on and off premises consumption. The applicant is looking at the potential of only prohibiting off premise consumption.
- Ordinance 1977-09 that is referenced to in the Development Code states, “the public retail sale of light beer, in bottles, cans or draft is expressly prohibited within the corporate limits of the Town of Highland.”
 - If the Council chooses to allow the retail sale of alcoholic beverages, staff recommends that this reference be removed as proposed in the amendment.
- Staff recommends the reference to Utah Code 32A-10-101(1)(a) be removed and replaced with a reference to the “State Alcoholic Beverage Control Act”.

Notice of the public hearing held at the Planning Commission meeting was posted on the state and city websites, and three public places on July 13, 2023. Notice of the public hearing to be held at City Council was posted on the state and city websites and three public places on July 20, 2023. At the time of this report, eight (8) comments

have been received; seven (7) in favor of the proposed text amendment, and one (1) in opposition. See Attachment #6 for public input.

The Planning Commission held a public hearing on July 25, 2023. Three (3) residents participated in the public hearing; two (2) in favor of the amendment and one (1) spoke in opposition. The applicant was present and shared the history behind the Highland Marketplace development and the changes that were made to the site plan over the years. The property owner's goal is to have an anchor restaurant tenant in each of the four (4) buildings facing the plaza. The applicant shared that each of the restaurants they had reached out to express the interest or need to be able to sell alcohol. The Commissioners asked questions relating to where alcohol sales, other than beer sales, are permitted and not permitted in Highland. Staff clarified that alcohol sales are not prohibited in the C-1 Zone, though beer is prohibited city wide based on the Municipal Code. Two (2) Commissioners expressed that in order for an amendment to allow alcohol sales in Highland, they felt it was something that should be initiated by residents. One (1) Commissioner expressed that he felt that alcohol sales for off-premise consumption (such as a grocery store selling bottled beer) should be allowed. One (1) Commissioner moved to recommend approval of the amendment, however there was not a second. The Planning Commission voted four to one to recommend denial of the proposed amendment.

Council Member Smith asked if City staff was able to research old City Council minutes and find any instance where the Council has voted to allow alcohol sales; many residents believe the City allows alcohol sales, but not beer sales, but he asked if there is record of such a vote. Ms. Smith answered no; there have been conditional use permits that were approved with the stipulation of no alcohol sales on specific sites. Council Member Smith asked if that means staff believes the Council has voted consistently to not allow alcohol sales, with the exception of the Country Club, which was grandfathered under pre-incorporation land use ordinances. Mayor Ostler noted that in 1977 at the time the City was working on incorporating, there was a meeting held to specifically discuss alcohol sales and an ordinance was adopted banning beer sales in the entire City. In 1996, the first commercial zone was created and the grocery store that was built in that zone did not sell alcohol or beer and was closed on Sunday. Additionally, the Town Center zoning ordinance explicitly prohibits alcohol. Ms. Smith noted that all of the commercial zoning ordinances do not permit alcohol sales, but there are other zones in which certain uses could be allowed, but there is no mention of whether alcohol sales is allowed or permitted in those zones. She stated that the language in those ordinances is somewhat ambiguous, and some have made the argument that alcohol sales could be considered a permitted use because it is not explicitly prohibited.

The Mayor and Council engaged in discussion with staff about communication between City staff and applicants/developers regarding whether beer or alcohol sales would be allowed in certain developments of the City. Council Member Smith stated that he wants to be clear that the Council has not voted to allow alcohol sales in the City. City Attorney Patterson stated that is correct; the issue at hand is that the State has changed its laws regarding alcohol and beer sales and this change left a 'gap' in the City's code that was not addressed.

Council Member Ball asked if the applicant, or others, have been given the impression that they would be able to sell alcohol in the restaurant establishments they planned to build in the City and, if so, is that impression binding. Mr. Patterson stated that unless there is an official application and official approval, communication from staff is not binding. He noted there may have been discussions between the staff and developers in the past, but this is a fully legislative decision for the Council to undertake. Council Member Ball asked if the applicant has any basis for litigation even if staff is not the decision-making authority for this type of issue. Mr. Patterson stated he does not see how there would be any basis for litigation.

Daron Young, applicant, stated he does not plan to be litigious regarding this matter; his firm has made a long-term investment in the community. He discussed his personal background as a member of the community, as well as his career development in the real estate development field. Six years ago, when he was presented with the opportunity to participate in this project, he could not turn it down because he is interested in creating something

of lasting value for the community he grew up in. He discussed the evolution of the project area, which was originally approved in there early 2000's; it was originally intended to be a shopping center, but grocers located in other areas likely because of the restrictions on alcohol and beer sales. Since his firm acquired the property, they have reached out to other grocers, such as Harmons, Sprouts, and Trader Joes, but could not sign them as a tenant. Last summer, a new plan for the area was fully approved by the City and it includes six drive-through tenants. Ground was broken last summer, and the spaces were fully leased, but he became concerned about the long-term value that the project would bring to the community, and he chose to 'scrap' it and develop a new concept plan patterned after a retail center in Del Mar, California. Drive throughs have been abandoned in favor of adding more community courtyard gathering space. He presented conceptual images of the new plan and noted the goal is to increase the caliber of tenants at the site and create a community space where families will gather. He then introduced Lance Pendleton, Mountainwest Commercial, and invited him to discuss the retail development market. Mr. Pendleton stated that the energy surrounding this project is astounding; he has been talking with full-service restaurants who are interested in locating on the site, but they need the ability to offer alcohol sales in order to move to Highland. One or two full-service restaurants will truly be the anchor for the site, and they will set the tone for leasing to other tenants.

Mr. Young then expounded on the key points of his application; it does not address the City's 'Sunday closure' law or the ability for any retailer to sell alcohol for off-premise consumption. It also does not enact a blanket approval to allow alcohol sales City-wide. It does remove restrictions on the CR zone that are not in place in the C1 zone. It allows restaurants in the CR zone the same rights to determine their menu as is allowed in the C1 zone. It would also allow restaurants that can already sell wine/liquor to sell lower alcohol content beer. He is also supportive of the City restricting bars and taverns.

Council Member Ball asked if restaurant chains have definitively stated that they will not come to Highland if they cannot sell alcohol. Mr. Young stated there are some that have said that. He stated that there are many fast-food restaurants that would come to the City regardless of its liquor laws, but he has changed the concept for this project to remove the drive through fast food uses. Council Member Ball asked for an example of the type of chain restaurant that would come to Highland under the current liquor laws. Mr. Young stated that he has heard from residents that they do not want chain restaurants; he is trying to build a unique project that includes independent restaurants.

Council Member Rodela stated it is her understanding that the higher end anchor-type restaurants have indicated they will not locate in the project area if they cannot sell alcohol. Mr. Young stated that is correct.

Mayor Ostler wondered if these restaurants have looked at the demographics of the community; most restaurants that serve beer and alcohol indicate that 30 percent of their revenue come from beer and alcohol sales, but that may not be achievable in Highland. Mr. Young stated that this project will be one of the most expensive projects to develop in Utah County and that will require a higher risk for the tenants; these restaurants understand their demographics and they are asking for the freedom to sell alcohol. He added that the community has asked for this type of project.

Council Member Smith stated that the applicant has indicated that retailers in the community are allowed to sell liquor, but not beer; he asked if any of them do sell liquor. City Attorney Patterson stated that the sale of liquor is highly regulated by the State of Utah and grocery stores can only sell alcohol that is less than five percent by volume. Additionally, off-premise sales are prohibited by the City's current ordinance. Council Member Smith stated the applicant has indicated that alcohol sales are allowed in the CR-1 zone. Mr. Patterson stated that on-premise sale of higher alcohol content liquor is not explicitly prohibited, which means that it is permitted according to State Law. A restaurant in the CR-1 zone could sell higher alcohol content drinks for on-premise consumption, but they could not sell beer. City Administrator Wells stated this is the gap between the City and State Code that Ms. Smith mentioned in her report and staff is looking for direction from the Council. Council

Member Smith stated that the current allowances were not intended by the Council, and they are only the result of State law changes that were not mirrored in City Code.

Mr. Young concluded that he is grateful to be building a project in the Highland community and he is committed to building the best possible project with the best possible tenants.

Mayor Kurt Ostler opened the public hearing at 8:02 p.m.

Jess Adamson stated he is a member of the Planning Commission and a former Mayor, and he believes strongly in the need to clean up the City's historical record in order to give clear information about what has happened in the past. He discussed the past actions regarding alcohol sales in the City; it has never been the intent of the City Council to allow any type of alcohol sales. The main responsibility of the City Council is to protect the health and safety of citizens and no matter how the issue is manipulated, alcohol sales in any fashion do not and will not positively support those values. Cities have the right, privilege, and obligation to promote and encourage the local values that are held dear, and the Council should 'not give away our birthright for a mess of pottage'. He stated that the City has said no to alcohol sales for nearly 50 years and that stance has served the community well; it should not be changed now. He has always tried to protect the City from unintended consequences and a simple 'yes' to this question may open the City to things that may not be anticipated. Why would the Council invite people to drive through Highland City, park their vehicles and sit down to enjoy a meal and alcohol, and then be allowed to drive on Highland roads. He stressed that today's decisions force tomorrow's policies and it is time to say no to this proposal and yes to maintaining a safe community. He encouraged the Council to listen to both sides of this issue and weigh their decision very carefully. He concluded that in 1978 he was awakened at 10:30 p.m. by a collision outside his front door; two people were killed as a result of someone who was driving under the influence of alcohol. This was an unintended consequence, and the Council should to its best to safeguard the community from things that cannot always be predicted.

Briawna Hugh stated she supports the change to the City's ordinance to allow alcohol sales. She noted the City does not have a true city center and she sees Mr. Young's proposal as a city center. The community does not want more chain restaurants, but it does want sit-down restaurants that will make a positive contribution to the City. Highland is not any better than American Fork or Lehi; it is not morally superior to other communities because it does not allow alcohol sales. Utah already has very strict alcohol laws and this ordinance change will not place the City in danger of having inebriates all over town. Highland is the only 'dry city' with a population greater than 1,000 in the State of Utah. She concluded that it is not possible to legislate morality; people have the right to make choices for themselves. She noted she is an English teacher and has learned of the prohibition era, during which leaders attempted to legislate morality. Prohibition was eventually repealed because it led to organized crime. The City is not in great danger due to the proposed ordinance amendments.

Jiovan Melendez stated he grew up in Highland and loves this community; he also believes that it is worth considering the potential benefits of Mr. Young's proposal. He echoed Ms. Hugh's recommendations to give restaurants the ability to sell alcohol and beer; people should have choices and he believes the community can grow and progress without losing its core values. Progress and tradition are not mutually exclusive.

Shelby Arrington echoed the sentiments expressed by Ms. Hugh and Mr. Melendez about the community's desire for a gathering place; the project proposed by Mr. Young would create that for the citizens of Highland. A City center is needed, and an upscale development would 'fit the City's vibe'; Highland is one of the wealthier communities in the State and that demographic can support the type of project Mr. Young is supporting. Long term value versus short term gain should be considered carefully by the Council when making a decision on this project; many residents currently travel to other communities for a sit-down dining experience, and they are spending their money in those communities. She noted that she does not consume alcohol, but she has tried to

consider the community as a whole and would like a healthy, wholesome place for the community to meet and gather.

Gail Ruzika urged the Council to vote to deny the proposed ordinance amendment. Highland is a small community; she loves the idea of a place for families to gather, but when thinking of a place to bring her children, she does not think of a place where alcohol is sold. Restaurants only need to sell alcohol because that is where they make a large percentage of their money. If people in Highland do not drink, why would a restaurant want to locate here, and she believes the answer to that question is because people will drive from other communities to eat and drink here. She stated that there is not a great deal of room in Highland to spread out, but if this ordinance is amended, more restaurants and commercial centers will be built, and these establishments will be located near churches and neighborhoods and people who drink will be driving through those areas. She asked the Council if that is what they really want. She urged consistent laws and would like to keep all of Highland free of alcohol and beer sales. She has worked on this issue for many years at the State level and she has watched laws change drastically; each year the laws are relaxed, and beer and alcohol can now be sold in areas where it was never allowed before. She encouraged the Council to say no at this time, because a yes will lead to further changes down the road year after year.

Elizabeth Rice stated that she was a member of the Planning Commission 10 years ago and at that time, Smiths and Trader Joes were interested in coming to Highland; they would not come to the City because they could not be open on Sunday and because the City did not allow liquor sales. She stated that what Mr. Young has presented is beautiful; a new retail center just opened in Riverton with high-end shops, but she cannot picture a high-end restaurant. She then noted her husband works for the Division of Alcoholic Beverage Services (DABS) and they heavily regulate liquor and beer sales, including the control of the number of licenses that can be issued State-wide. A change to the City's alcohol laws will increase the demand on the DABS, which she is not in favor of. She stated that the DABS has sent people undercover to grocery stores to monitor illegal sales of beer and liquor and this has been very impactful for local grocers. She then asked if the City would allow beer and liquor in City parks during family nights; changing the law will just lead to a mess that the Police Department does not have the ability to patrol.

Amy Brinton stated she is the owner of a boutique hotel in Springville, and she encounters people from across the country and around the world who are staying at her establishment; the first question they ask when they arrive is where they can get dinner. The amount of money they bring to the community is significant and it would be great if Highland had sit-down restaurant options that she could refer people to. She stated that there are people in Highland who participate in gatherings here or in other cities and these gatherings include beer and/or alcohol. She stated the City needs to be supportive of its residents gathering and choosing to celebrate how they would like. It has been said that the Council is responsible for protecting the morality of the City, but she thinks the Council is actually responsible for protecting freedom and individuals are responsible for making their own moral choices. She stated that most people who drink alcohol are responsible and would not drink and drive. The same is true for most gun owners who practice safe gun ownership. She stated that health is an issue that is raised when discussing alcohol, but there are many other habits that contribute to poor health, such as fast food and soda shops that can be unhealthy for diabetics or individuals who are obese. She concluded the Country Club is allowed to serve beer, wine, and alcohol so a precedent has been set and this should be allowed in other areas of the community.

Brittney Robertson stated the City needs good restaurants and they will not come if they do not have the option to sell alcohol; she feels the arguments in opposition to the proposed amendments are fear-based, but Mr. Young has presented a beautiful concept for the property and one that is extremely respectful of the community's values. She stated the fact that they are agreeing to close on Sunday and only sell beverages for on-site consumption indicates they want to contribute to the City in a meaningful way.

Barbara Melendez Rapp stated that she attended Brigham Young University (BYU Law School and has chosen to raise her family in Highland because it is the perfect halfway point between Salt Lake and BYU; she discussed the intended and unintended consequences of changing the ordinance. She sympathized with the individual who spoke earlier about unintended consequences and having witnessed a vehicle crash related to drunk driving; however, she would like to urge the Council to consider amending the ordinance to allow for alcohol to be served at restaurants in the community so long as the City's ordinance complies with State Law. She stated she attended University of Texas and while there she was struck by a drunk driver; he was not coming from a restaurant, but from his own home and he was driving to a liquor store to buy more alcohol. The unintended consequences are that people are driving outside of Highland to other communities that have nice sit-down restaurants; they are going elsewhere to gather with their families and friends because there is not a true city center for special events. Using alcohol has a selling point for restaurants, tying it to revenues, is creating fear in the community and that fear is not valid. She noted she and her husband are empty nesters and they would like to stay in their community to enjoy a nice meal, gather with the community to celebrate holidays and events, and enjoy a wonderful development that merits the beautiful City of Highland.

Rod Mann stated that since 2008, Highland has been the number one, two, and three safest City in Utah; if someone were to buy a home in Cedar Hills, they would pay \$100,000 less than in Highland and that is because the City is doing something right. If Highland ends up being like every other community, its home values and safety will be same as every other community. He stated he observed dialogue on Facebook about taxes and fees in the community, but Highland's combined utility and tax rate was eight percent below average; a restaurant will not have an impact on the City's tax base considering the City's general fund budget is \$13 million. He stated the Council's decision should be based upon the values of the residents and what they desire. He urged the Council to take their time and make the best decision for the community. This is a reasonable request by the developer, and they are not the City's enemy; he is sure that whatever decision is made will be the right one. He noted that there may be more public attention to the matter after tonight's public hearing and he suggested that a decision be delayed to allow for more public input and for the Council to think about this issue comprehensively.

David Beck stated that anyone who says that alcohol has little effect on a person is lying and someone can get very inebriated on beer; he has seen many people's lives destroyed by alcohol. When he moved to Highland, he knew it was a 'dry city' and he loves the city and has no interest in changing the ordinance. The City Council will be held accountable for their decision and if anyone is killed by a drunk driver in Highland, it will be the Council's fault.

Nick Hagas voiced his support for the ordinance amendment; the developers have presented a very tasteful concept that would be a great addition to the community. There have been a lot of fear-based arguments presented tonight, but the Council should focus on freedom of choice and what the residents want. The project will bring value to the community and if something like is not approved, the City will be left with more chain restaurants.

Rachel Farnsworth stated she owns many properties in Highland City, she and her husband volunteer and work in the community, and they are fully invested in its future. She came tonight to support the development and she actually feels that an amendment to the C-1 ordinance should apply to the entire City. She has heard people speak about value and tradition in opposition to this proposal, but she thinks that they are using the right word and instead, it is a religious test. She is not aware of any commonly held belief that those who drink a glass of wine with their dinner are bad people who are considered criminals or dangers to the community. She is very concerned about these statements; she is only aware of one predominant religion that has fundamentalist offshoots where people who drink alcohol are deemed bad. She stated that legislating one's religion is against the Constitution of the United States and if the City wants to open themselves to liability, they can expect to be sued by someone with very deep pockets who wants to make sure their community is a very safe place for everyone and not just those who show up at church on Sunday.

Council Member Ball stated that it is false that the Council is trying to legislate morality and the City has the right to determine its fate without being concerned about its laws being unconstitutional. He noted that Ms. Farnsworth's comments were very offensive to him.

Paul Farnsworth stated he is Rachel's father-in-law, and he does not drink and never has; he was a member of BYU faculty for over 30 years. However, he is in favor of the proposed amendment. As part of his work, he attended conferences around the world and there were many dinners in good restaurants where 90 percent of the people had alcohol with their meals. These people did not overindulge and were not driving drunk after their meal, and these are the same types of people who will be enjoying a meal in Highland if this change is approved. Some of these people would go to bars and taverns and get severely drunk, but that is a separate issue. He stated that he does not drink, but he does like to enjoy a nice restaurant. He likes to gather his family together, enjoy good service, and good food and there is nothing in Highland that serves that desire. He is opposed to more chain restaurants.

Carlee Tall stated she does not envy the Council in making this decision. She stated she is the child of a Police Officer, who zipped up the body bag on her uncle who was an addict. She has questions about this proposal; she asked if the developer is from California and noted she does not want California developers trying to turn Utah into California. She loves that Highland is unique and that it is a 'dry city'. People who want different things can go to different places. She reviewed the City's value statement and noted that Highland is a bedroom community, not a shopping/commercial community. However, the presentation by Mr. Young is a great design and is beautiful, but she wondered who would maintain the gathering space five years from now. She stated she could argue either side and can see the value in all options, but her final comment is that the City Council should continue the discussion and gather more input and information. She would like to see how the project will impact traffic and the potential for increased crime or driving under the influence charges.

Robert Williams stated that yesterday he sent the Mayor and Council a text message communicating his support for this proposal, and after seeing the plans presented by Mr. Young tonight, he is even more excited. As a resident, he would like to talk to the City Administrator and City Attorney because their recommendations to the Council were so convoluted and unclear; if he were a Council Member, he would be upset by the lack of clear information. He appreciates the Council's efforts and knows what a tough job they have, but encouraged them to ask more of their Administration.

Michelle Jensen stated that she has been a Highland resident for 25 years and she did not know there was such a controversy about alcohol. She stated she will echo what is not the popular vote of those attending the meeting tonight, but what she feels is the popular vote in the community at large, which was communicated by Ms. Ruzika. She stated that she loves going to nice restaurants, but she does not mind travelling to other areas to do it and she does not think the Council should change its ordinances to allow alcohol just so that a nice restaurant will come here. She asked the Council to consider their neighbors and the people that voted for them and what their desires are for the future of the community. She would dare to say that most would agree with her that the ordinances should not be changed. The City of Highland has always been a small town with a sense of community and strong values. She stated she is not saying that people who drink alcohol are bad, but the City's property values are high because Highland is different and that is because many people do not come to Highland because it is different. She concluded by thanking the Council for their service.

Delecia Mills stated that she would also like to keep the community dry; she came to Highland because it is different than other communities. The developer has indicated that he would like to bring other high-end businesses into the shopping center, and she believes he can find tenants that would be welcome to the community and would be an asset without having to change City ordinances. She stated she lived in Highland 25 years ago when the first grocery store was being constructed and promises were made that it would be the only store and

there would not be expansion, but that promise has not been kept and she believes if the liquor laws are changed, the push will continue, and developers will seek more and more commercial development.

Natalie Ball stated that many people have tried to make this an issue of morality, but it is really about just being different. Most of Highland's residents are not clear on the City's tax system and every time a developer makes a proposal for the community, there is the same discussion about how the City needs tax revenue. Everyone needs to understand that the City also gets tax revenue when they shop in other cities because all tax revenue is pooled and divided among all cities. Highland should not be hurting for tax money, but it does not get the traffic and crime that other communities are dealing with as a result of development. When the City is forced to hire more public safety employees, that is what impacts the budget. She stated that the area is private property, and the City will not be using it for special City events; there will not be a holiday tree lighting on the site and if people think that the City will have control over it, they do not understand commercial real estate. The developer will market the space in order to make their money back; they can say that they want high end restaurants, but if those types of businesses do not come here, they will be open to allowing other types of businesses that may not be pleasing to the community.

Morgan Sharp stated he is raising his family in this community, and they will take part in this development; he feels it is awesome that a developer is willing to take a chance like this and he indicated he will move forward regardless of the Council's decision on this issue. If the Council does not change its alcohol ordinance, it will limit the types of future tenants that will come to the development and better the community. The focus should not just be on the alcohol, but the quality of the establishment. He does not think this change will have an impact on the quality of the community in general. Other areas have restrictions on their commercial development and that has had an impact on the quality of development that has occurred. Some of his most favorite places to go with his family are commercially owned and they can be great places for families. He would love to see the ordinance changed and for the tenants at the development to reflect the quality of the residents of Highland who have chosen to raise their families here.

Doug Cortney stated he has a liquor cabinet in his home, and he drinks from it from time to time; having alcohol does not make a person a bad person. Having alcohol available does not turn most people into raving lunatics. He stated that he is generally opposed to new laws, but if the Council is considering a ban on alcohol in the City, he would emphatically oppose it. He thinks the developer has put together a wonderful product. He does, however, think this is a decision based on value, not just policy. The City has had long-standing laws and he does not feel sufficient public input has been gathered to warrant a decision on the matter. He encouraged the Council to table this action and hold additional meetings to allow input. He noted that one way to get public input would be to deny the proposal and a group of voters could refer it to the City for a public vote on an upcoming ballot. He concluded that he would love to have a nice restaurant in the community, but he does not think that changing the rule at this time is the right thing to do.

Grant Ellingson stated he has been a resident of Highland for 30 years and he expressed appreciation to the Council for their service and dedication to the City. He stated that he worked as an elementary school teacher in the sixth grade and each year they were visited by a Police Officer who taught the students of the dangers of alcohol and drugs, and he asked the Council to consider the effect this change could have on children; if the City Council thinks it is ok to have alcohol, this could impact the children. He encouraged the Council to vote yes for the development, but no on the issue of whether alcohol can be served because of the message the opposite vote would send to the children of the community.

Steve Holland stated he has never heard a resident threaten the City Council with a lawsuit if she did not get her way; he was appalled by that threat because that is not how citizens are supposed to act. Instead, things should be handled in a democratic way. He stated that he is a huge proponent of Highland City being a dry city; Highland is what it is today because of its history dating back to 1977. The reason that most people have moved to Highland

is because of the atmosphere and the fact it is a better City. The citizens do not want the City to become like Lehi, Cedar Hills, American Fork, or Saratoga Springs; they are looking for Highland to remain the City it was when it was incorporated. He stated he volunteers as a member of the Utah County Sheriff's Department, and he participates in patrols of the community and has responded to many calls related to drunk driving; alcohol is an ugly thing in certain respects. In private, people are free to do what they want, but this is about what is best for the City. He stated that the Council should think about what it wants to be in the coming years. Developers often have great plans, but sometimes California values come with those plans. He stated it is possible to maintain the current culture and he urged the Council to keep Highland City dry.

Don Rusika stated he has lived in Highland for 35 years and the real question tonight is whether or not alcohol is wanted in Highland. If not, the Council needs to amend its laws to ensure they are consistent and be done discussing this issue once and for all. He stated he was born and raised in New York City and spent 17 years in southern California and he used to drink, and he has vast experience with the effects of alcohol. He resents the attack on the Council by an individual who made threats about a lawsuit, but he is confused by the comments that have been made about family values and a desire for meeting places and upscale businesses, equating those things with the sale of alcohol. He stated those types of places are already present and one is not needed for the other to occur. He stated that virtually every night there are reports of deaths on the roads and many of those are related to impaired driving. He is not against people who drink, and this is not an issue of good versus evil or right versus wrong, but it is necessary to consider true unintended consequences of selling alcohol in the City. He stated that in the 35 years he has lived here, the City has grown exponentially and there have never been alcohol sales; he is not sure what was done to incentive people and businesses to locate here, but it must have been right. He encouraged the Council to keep Highland dry.

Allanna Mills stated that as she was listening to everyone speak, she was thinking of the impact that this decision will make on the people who will be coming to the restaurants; she has noticed a difference between Meiers and Macey's, and Walmart and Smiths and that is the fact that they sell different things. When her mother needed something, she was completely willing to go into Meiers or Macey's and grab something for her by herself, but she was scared to go into Walmart and Smiths because they were a different environment that attracted a different group of people. The Walmart in Cedar Hills specifically has a different group of teenagers that hang out there. There are still good people that go to Walmart, but it is a different environment, and she would not want to live near it. She asked the Council to vote in a manner that will keep Highland safe and unique and give additional time for the public to become aware of this issue and get involved.

Justin Eaton stated there are a lot of benefits and values associated with living in Highland and the fact that businesses are closed on Sunday or if the City is dry have no bearing on those things. He supports the proposed development because it will provide things the community wants and will create a sense of community. He has a degree in history and religion, and he was also appalled and concerned about the gaps in the City's laws and State law and suggested those issues be addressed. There is a lack of consistency that is too broad and needs to be addressed. He stated that he finds many of the comments that have been made tonight to be misguided and building upon the same problems human beings continue to make; the human race does not learn from history. People should not distinguish themselves as being different and/or better than others. Looking at actual data, the National Highway and Traffic Safety Administration found that the fatality rates related to alcohol related accidents are 6.8 per 10,000 over a five-year period. In 'wet cities' the rate is actually 1.9 per 10,000. Many of the arguments that have been made tonight are not fact based and the reality is that allowing the development to include restaurants that sell beer will not damage the City's atmosphere and property values. He actually thinks another fast-food restaurant would detract from property values over the long term. He suggested the City approve the project because it is absolutely what the community needs.

David Beck stated one argument that has not been heard relates to morality; it is not that one morality is better than another, but this is a community that values certain things and in the religion he follows has taught him that

alcohol is dangerous and generally deleterious to a good society and atmosphere. The community's religion values speak to who the community is and principles matter. He is a schoolteacher, and he tries to teach his students that trading something against one's principles is against their values and beliefs matter. He stated that many arguments that have been made are compelling, but he needs to speak to his own values and ask himself what is best. Sometimes there is a religious element to decision making, even though people fear discussing religion as part of government, but that is the case in this situation and what has made Utah a very nice place to live.

Laura Ross stated she has lived in Highland for over 35 years, and she really likes the development concept that has been presented. She stated it is kind of like Gardner Village, which is a fun place for families to gather and enjoy offerings and the environment. She owns her catering company, and the restaurant business is very hard; one negative thing she heard was a dislike for a chain restaurant, but she wanted to make sure that people understand the value of chain restaurants. She stated that she will not speak negatively about chain restaurants and Olive Garden is a really nice, sit-down affordable restaurant.

Paul Adams stated he actually wanted to ask for Olive Garden. As a business owner and entrepreneur, he is a big proponent of capitalistic opportunities, and he feels good businesses should 'win out' and be given equal opportunities. He stated residents will enjoy this project if it is built and they have the right to choose if they will patronize a business that sells alcohol. If the citizens want this project, they should voice their opinion.

Wesley Warren stated that the comments he planned to make on this issue have changed throughout tonight's meeting; he came to advocate for the proposed amendment and still supports it, but he also thinks the Council should consider the voice of the City's residents. If a certain area has a predominantly cohesive value system, that is what should win. He came here thinking the amendment would be good, but he also believes it may be best for the Council to delay a decision and gather more information and input. He still thinks he is in the majority of Highland voices on this issue; he feels the need to advocate for himself as someone who does consume alcohol. He likes to think that he shares the same values and morals of other Highland residents and the fact that he consumes alcohol has nothing to do with that. It hurts to hear fellow residents say that morals, values, and standards are tied to alcohol because that means others consider him sub-standard. It is necessary to stop equating alcohol with morals and values. He provided a couple of statistics; Highland City, combined with Lehi, American Fork, Cedar Hills, and Alpine have experienced three alcohol related fatalities in the past 13 years. There have been more vehicle accidents, but three deaths.

Brian Braithwaite stated he knows the City Council is thoughtful and listens to its residents; the Mountain Ridge Park is a good example of that process. He noted that a lot of difficult words have been spoken tonight and this issue has brought out some of the worst in the community. The Council needs to listen to its residents, but it feels as if this issue has been rushed and the Council has not had the opportunity to hear all of the residents. It is important for everyone to have input. He stated he loves Mr. Warren and thinks he is one of the best people in this community and he also agrees that public input is important. It is clear the Council's original intent was that alcohol not be sold in the City; whether that is continued or not, it is important that the Council perform adequate research and get input from the residents to provide a basis for the final decision.

Sarah Sandberg-Pletch thanked the Council for their service to the community. She is a mother of six children and appreciates that Highland is a dry city. She is aware of first-hand accounts of the consequences of alcohol. She does not judge people that consume alcohol, but she knows the dangers of it and would encourage the Council to keep Highland a dry city.

There were no additional persons appearing to be heard.

Mayor Ostler then reviewed the options before the City Council; the Council could either close the public hearing, or keep it open and continue it to a future date. The Council could submit a survey to the citizens on this project

only. He added if the ordinance is denied, it could be referred to the voters, but that is a very technical and lengthy process. There are many options for gathering public input on this matter. He asked if the proposed code amendment would apply City-wide, or just to the subject property. Mr. Patterson stated that an amendment to the CR zone would only apply to the subject property, but it also addresses the prohibition of on-premise beer sales in the business license ordinance. The amendment to the business license ordinance would apply City-wide.

Council Member Bills stated she would like to keep the public hearing open and continue the item for further discussion. Mayor Ostler polled the Council on whether they would like to keep the public hearing open.

Council Member Smith stated that he would deny the application for alcohol sales; however, he does not think the process on this issue has been transparent and open and he would like to advertise the issue better and give residents additional opportunities to participate and provide input. There is nothing in the newsletter or on the website about this controversial issue and he would recommend that a flier be sent, or a survey be conducted on this issue. His only sibling died of alcohol and substance abuse and that has influenced his stance on this point; as a physician for 42 years, he has treated many people who have health issues due to alcohol. He knows there are responsible people who drink, but he knows of the negative consequences of alcohol as well.

Council Member Petersen stated she has received a lot of emails and phone calls about this issue, and she tried to tally those for and against the issue; she has concerns about the City's approach to this topic. She is also a medical professional and has personally chosen not to drink alcohol, but she is befuddled by some of the comments that have been made tonight. She and many others frequent restaurants that serve alcohol and she enjoys the atmosphere and food, and she has never felt threatened by the use of alcohol. She stated that people have spoken about the values they hold dear and if their opinions are truly based upon values and they want to prevent the City of Highland's residents from drinking alcohol, those people should never support restaurants in other cities that serve alcohol. She stated that alcohol is legal in the United States and in Utah and there is no part of her that believes that a restaurant that serves alcohol in Highland will make Highland a lesser community or will put the youth at risk. It also does not mean that the message to children is that it is ok to drink; the message should be that people who are different from them have value and everyone can coexist in the world safely and enjoy Olive Garden without having a drink. She added she is befuddled by the comments about Highland being 'dry'; Highland is not a dry city as the Country Club has served alcohol for years. Highland has not 'gone down the drain' even though the Country Club has a full-service bar. She does not think that anyone in Highland is ready to say that Highland should truly be dry as that is defined as zero tolerance for alcohol anywhere in the City.

Council Member Rodela stated she agrees with many of the points made by Council Member Petersen. She noted last night she was visiting with Mayor Ostler about their favorite restaurants; he told her she should go to Hinckley House in Colorado for a steak and ribs. She googled the restaurant, and the front page of the search results included a photo of the bar in the restaurant; she thought that could not be right because the Mayor has said this type of thing should not be allowed in Highland and there is no way he would go to the type of resident that he does not want to allow residents to partake of. She reviewed the menu for that restaurant and found that they only serve wine and beer. She agrees with Council Member Petersen in that many residents have commented that this should be allowed in Highland, but she would be willing to guarantee that every member of the Council and the Mayor support restaurants that serve alcohol. She added that the ordinance would not impact Alpine Country Club, which has a full-service bar. She contacted the manager of the Country Club and he indicated he has not had any incidents in the past six or seven years. She asked the Police Department how many incidents they have been called to at the Country Club in the last 10 years and the answer was none. She stated that her brother also died from an alcohol overdose; he had three DUI convictions and went to prison for it, yet she is 100 percent supportive of this change because her brother never once stepped into a restaurant to drink alcohol because it was heavily regulated. Instead, he got alcohol from a gas station and took it to his home to drink. He drank alcohol because he felt judged and inferior and that is what is happening tonight in this meeting. She will support the amendment because she feels it will keep the City safe and also because it will bring nice establishments to the community; she does not

want another chain restaurant. She asked if every member of the Council would be in attendance in two weeks to discuss the matter further and vote. Council Member Smith stated he feels two weeks is too soon; he would like a public survey and other community outreach efforts that take more time. He stated this is a major change for the City. Council Member Rodela argued it is not a major change; alcohol is already allowed in the City. This is an equality issue, and a developer has asked why one property is zoned to allow alcohol, but he is not entitled to those same opportunities. The answer is because the City Council decided 23 years ago to adopt this ordinance to keep Trader Joes from going to the site. Council Member Smith stated that is a misconception; the City Council has explicitly said no alcohol should be sold in the City. Mayor Ostler added that the Alpine Country Club was in existence prior to the time that the City incorporated, and they had a liquor license from the State of Utah; they were grandfathered when the City was created, and they have been allowed to continue. The Council, in 1977, recognized the difference between the Country Club and other establishments.

Council Member Ball stated that past City Councils have made decisions that helped to preserve what makes Highland special; he asked if the current City Council wants to mess with the formula. In regard to constitutional rights, impaired driving truly impinges on the constitutional rights of others. Soda shops are different than businesses that serve alcohol because consumers will not be impaired. Personal choices that impact others' safety are much different than those that do not and those that are suggesting that the predominant religion is making a judgement call are incorrect. In all of his years as a member of the predominant religion, he has never heard the statement that those who drink are lesser people. They are taught to love, accept, and reach out to those that are different.

Council Member Bills stated she disagrees with most of what has been said on both sides of this issue tonight; the group could argue back and forth about statistics, money, morals, and values but that is not helpful. The issue before the Council deals with the fact that alcohol has not been sold outside the Country Club ever and they must decide whether they want to change that or not. She does not believe anyone knows what the majority of residents think and feel about this issue and for something that has been a law and tradition for several years, the Council should not be expected to make a decision in just one week. She does not want to make a decision tonight; she supports keeping the public hearing open and would actually prefer a citizen driven initiative on the issue to give the public the opportunity to vote. The timing of the issue is unfortunate because the Highland Fling is underway; she does not want to leave the meeting with the threat of a lawsuit or with the claim that she would be responsible if even one person dies in Highland due to the ordinance change. She stated if the decision is made to continue the public hearing and invite more input, she would ask the public to refrain from making comments about someone's character, morals, values, or making threats because everyone is part of the Highland residency, and they should work together to make the best decision for the community.

Mayor Ostler stated that he likes to make decisions based upon data; if a restaurant is built in Highland, it would generate approximately \$11,000 in sales tax each year. It is true that if Highland residents shop or dine in other cities, Highland does get a portion of the sales tax generated by that activity. He would like to have more of a specialty restaurant in the City, but he does not want to 'screw up' the City. Highland is the safest City in the State of Utah and that is due to something. He feels responsible for the safety of the community and this issue comes down to safety for him. He noted that he has reviewed data and found that every person responds differently to alcohol consumption; this could depend on someone's weight, dehydration, medications, the type of food that is consumed with alcohol, and other factors. Even after one drink, someone can be impaired, and this could impact their decision making. He supports slowing down the decision-making process to allow for further public input.

Council Member Rodela stated that she wants to ensure the current City Council will be present if the public hearing is continued and a decision is delayed. Council Member Petersen announced she was laid off her job in February and she recently accepted a new job in Atlanta, Georgia; tonight will be her last meeting as a member of the City Council. Mayor Ostler discussed the process for filling a vacancy on the City Council, and there will be another person on the Council when this decision is made. Council Member Rodela stated she wants to be sure

this is not a tactic to delay a decision until there is someone other than Council Member Petersen on the Council. Council Member Bills stated that is not the case. Council Member Rodela indicated that people who care deeply about this issue may apply to fill the vacancy and she does not want to appoint someone that is a 'one-issue' Council Member.

Mayor Ostler stated that there is a greater risk associated with submitting this issue to the public; there have been 32 comments made tonight and they are fairly divided. Council Member Rodela stated the Council received 34 emails and 93 percent of those were supportive of the ordinance amendment. Mayor Ostler wondered how those emails were generated because the entire City did not know about this issue. He is most concerned about being transparent and he wants to slow this process down and gather more information and input.

Mayor Kurt Ostler closed the public hearing at 9:58 p.m.

Council Member Kim Rodela MOVED that the City Council accept the finding that the amendment is consistent with the purpose and intent of the CR Zone and APPROVE the proposed amendment to Section 3-4351 and Section 3-4352 to allow alcohol sales, and direct staff to draft language to limit the alcohol sales to:

The City Council will need to select which types of services would be permitted and/or prohibited:

- A. Limited-Service Restaurants (wine and heavy beer)*
- B. Include in the Municipal Code to allow on-premise beer sales in the CR zone*

SECONDED by Council Member Sarah D. Petersen

Council Member Ball addressed the issue of selecting a new person to fill the vacancy created by Council Member Petersen's resignation; the Council is above selecting someone that would be a single-issue member of the Council. He stated he loves the proposed development, and this discussion has nothing to do with the fact that he thinks it would be an asset to the community.

Ms. Wells noted that the municipal code change would be to allow on-premise beer sales.

There was brief discussion about the implications of a favorable vote or denial of the motion; Mayor Ostler stated that the Council can still direct staff to gather further public input if the ordinance is not adopted.

Council Member Smith stated that it is not equitable to allow beer sales in the CR zone, but not others. Mr. Patterson stated that the public hearing was not applicable to other zones and an ordinance for other zones has not been prepared. The Council can direct staff to explore other ordinance amendments if that is what they desire.

City Recorder Cottle stated her understanding of the motion to ensure she is recording it correctly; the Mayor indicated her understanding is correct.

The vote was recorded as follows:

<i>Council Member Timothy A. Ball</i>	<i>No</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 failed 3:2.

Council Member Timothy A. Ball MOVED to continue the proposed amendment for two months.

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.

The Mayor recessed the meeting at 10:06 p.m.

The meeting reconvened at 10:27 p.m.

8a. Direction on Additional Code Changes Regarding Alcohol – *Rob Patterson, City Attorney*

City Administrator Wells asked the Council what information they need from staff in order to be able to make a decision on the City's code pertaining to alcohol in the next two months. She and City Attorney Patterson facilitated discussion among the Council regarding different options for gathering input, as well as a discussion about the State's initiative and referenda laws. The Council concluded they would like to hold two public open houses and conduct a survey specific to this issue, and also utilize the newsletter and website to communicate with the public about the issue. Ms. Wells indicated staff will draft a survey and bring it back to the Mayor and Council for review and approval.

4. PUBLIC HEARING/ORDINANCE: GENERAL PLAN – ACTIVE TRANSPORTATION PLAN *General Plan Update (Legislative) – Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by City Staff to add an Active Transportation Plan to the General Plan to provide high-level recommendations that allow for an integrated regional and local network of community wide walking and biking facilities. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained at the September 6, 2022 City Council meeting, the City Council approved an interlocal cooperation agreement between Highland City, Alpine City, and Mountainland Association of Governments (MAG) to write an Active Transportation Plan. Out of the five proposals received for the project, Horrocks Engineering was hired to work on the plan. Horrocks worked with Highland City staff to form a Steering Committee to give guidance and suggestions relating to the plan. The Mayor and Councilmember Rodella were part of this Steering Committee and participated in these meetings. On June 20, 2023, a work session was held by the City Council. Horrocks gave a presentation to the Council on the draft Active Transportation Plan in order to receive input. There was discussion relating to additional grant funding sources, as well as designated equestrian trails. Horrocks has since updated the plan to include an equestrian friendly cross section, updated language and expansion on federal grant funding examples, and updated content

on partnering with local organizations/non-profits. On June 27, 2023, Horrocks presented the updated draft Active Transportation Plan to the Planning Commission in order to receive input, and give the Planning Commission sufficient time to review the plan before adoption. The Planning Commission asked questions related to how the trails were selected and whether they were viable at this time. It was explained that there were site visits completed by Horrocks and staff as well as input from the Steering Committee and the public. Some might not be feasible now, but would be in a long-range plan. The Planning Commission noted that once both Alpine and Highland have adopted the plan, there should be a joint meeting to discuss prioritization and funding for these projects. The proposed amendment adds an Active Transportation Element to the Highland City General Plan with the following sections:

1. Executive Summary
2. Public Engagement
3. Existing Conditions
4. Design Standards
5. The Network
6. Connecting Land Use and Active Transportation
7. Cross Sections
8. Funding
9. Evaluating for Success
10. Connecting Communities
11. Implementation Plan
12. Conclusion

The plan also includes the following appendices with additional information:

- A. Public Engagement
- B. Existing Conditions
- C. Planning Level Cost Estimates

The Planning Commission held a public hearing on July 25, 2023. Two (2) residents participated in the public hearing and expressed that they were in opposition to the future plan to have a trail along Dry Creek east of 6000 W. One Commissioner shared concern that the plan showed the trail along Dry Creek going through private property. It was noted during the meeting that municipalities cannot exercise eminent domain for a trail alone. A trail through private property would have to be given voluntarily by the property owner. Staff noted that this specific trail is in the existing trails master plan in the Highland City General Plan. Commissioners also shared concern that they were not included in the Steering Committee associated with the Active Transportation Plan. The Commissioners discussed the difference between a conceptual plan and a plan that would go into more detail with feasibility studies. Staff explained that this plan is meant to be conceptual, similar to the rest of the General Plan. Once the Planning Commission and City Council decide to start one of the projects outlined in the plan, staff will then do research to figure out whether the project is feasible or not. One Commissioner pointed out a clerical error that one of the elementary schools is shown on some maps and is not shown on others. Staff will work with Horrocks to fix these maps before they are adopted into the General Plan. The Planning Commission voted five to zero to recommend approval of the proposed active transportation element as a conceptual plan. The Planning Commission wanted to make the City Council aware that they have concerns with the level of practical detail and implementation even at a conceptual level for the trails and safety portions of the plan. They recommend that there be further refining before it is formally added to the General Plan. Ms. Smith concluded staff has found that the proposed amendment meets the following findings:

1. It encourages increasing the level of safety, comfort, mobility, and access to destinations for people of all ages and abilities who wish to travel on foot or on bike.
2. The plan supports the City's efforts to promote trail connectivity.

Mayor Ostler inquired as to the issues the Planning Commission were concerned about relating to the topographical detail of the plan; he asked if they are concerned those details are not accurate. Ms. Smith stated that for the Dry Creek Trail, there are concerns about practicality, the steep grades of the land, and connections across private property. If the Plan is approved and certain projects move forward, staff will analyze the feasibility and practicality of the projects.

Council Member Smith stated he has received a lot of emails about the Dry Creek trail and the fact that it will traverse private property; he asked Ms. Smith to expound on that project. Ms. Smith stated that the General Plan is complicated – similar to the City’s development code – and there are some inconsistencies and use of private property to make trail connections. She noted in 2013, the Trail Master Plan was adopted, and certain trails were eliminated from the 2008 Master Plan; the Dry Creek trail was one of those that was to be eliminated, but when the ordinance was adopted, the old trails map was not removed, and it is still part of the General Plan today. The focus of Horrocks was to join communities through trail connections and Dry Creek has been considered as a primary connection. There has been a lot of public input about that project from both Highland and Alpine cities. Council Member Smith asked if there is an alternate for that project. Ms. Smith identified trail easements on the map and different options for connections associated with future development.

Council Member Bills stated that if the trail was supposed to be removed and the City does not own the land, she would like to remove it from this document. Council Member Smith stated he would support that action.

Mayor Kurt Ostler opened the public hearing at 10:57 p.m.

Lenna Harrold referenced the chart in the draft Plan that includes project numbers/locations for the Highland Backbone Network; she is opposed to number 4AH, the Dry Creek Trail from 6000 West to 300 North in Alpine because it is located on private property and there will be an eight-foot elevation change from the creek to 6000 West. It would not be possible to build a trail that is compliant with the Americans with Disabilities Act (ADA) on the land. The area does flood regularly, and she encouraged the Council to remove it from the Plan. She stated she would actually encourage the Council to deny the entire Plan because there are ‘too many holes’, a lack of clear delineation for how to make it safer for school children to travel from home to school and parks. Further scrutiny is needed to correct the many errors and discrepancies in the document.

Roberta Harris stated there is a proposal to include a trail on her private property; she has put a great deal of work into her yard and having people come through her property is very upsetting to her. Other communities that have extensive trail systems have reported crime, drug use, vandalism, noise, and trespassing onto private property. She does not have the energy to clean up after these things. She also cannot afford the expense of repairing her fence or installing security cameras to deter illegal activity. She has already lost 12 feet of her property due to the current of the creek undercutting the bank each year. It gets worse each year and it is a dangerous area to place a trail. She understands a desire for a trail next to the creek, but it is not safe and will be very costly to maintain.

Delecia Mills agreed the trail will be very dangerous without major work; she does not believe it is right for the City to build a trail on private property. Residents need to be allowed their privacy and just installing a privacy fence will not provide adequate security for the private property and for the trail.

Mayor Kurt Ostler closed the public hearing at 11:04 p.m.

Council Member Bills reiterated she would like to remove the Dry Creek Trail from the Horrocks document and from the General Plan. Council Members Rodela and Smith agreed. Council Member Smith added that more work is needed on the Active Transportation Plan before it is adopted and made part of the General Plan.

City Administrator Wells asked Council Member Smith if he is suggesting referring the item back to the Planning Commission. Council Member Smith stated he would like to hear from Chris Howden, Planning Commissioner.

Mr. Howden stated that adopting an Active Transportation Plan helps the City to secure revenue for trails projects. For that purpose alone, he feels it would be wise for the Council to adopt the document. It is pretty obvious that the State forbids a city condemning private land for a trail and it is not practical for the City to propose a trail that is not practical. He suggested agreeing to adopt the Plan with the understanding that is a guiding document and not a binding document and as specific projects are explored or funding is being secured, certain projects can be tweaked or removed from the General Plan.

Mayor Ostler agreed that individual projects will be reviewed as implementation of the Plan moves forward; adoption of this plan does not mean that the project will necessarily come to fruition. He also agreed that the purpose of the Active Transportation Plan is to help the City gain access to other funding sources for these types of projects.

Council Member Ball asked if the City could exercise imminent domain for a trail project, to which City Attorney Patterson answered no.

Council Member Bills again suggested that the Dry Creek Trail project be removed from the Plan to address the concerns that have been raised about that specific project. Council Member Ball agreed.

Council Member Timothy A. Ball MOVED that the City Council APPROVE the proposed amendment to add an Active Transportation Element to the Highland City General Plan, with the removal of project 4AH.

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. ACTION: WELL #2 PUMP REPLACEMENT *General City Management – Andy Spencer, City Engineer/Public Works Director*

The City Council will consider funding the purchase of a new pump for well #2 from Rhino Pumps as well as the rewinding of the associated motor by Sidewinders, LLC.

City Engineer/Public Works Director Spencer explained well #2 is a valuable resource in providing drinking water to the residents of Highland City. Recently, we experienced a failure of the pump within this well resulting in it being taken out of service. The City is currently relying solely on two of our other wells to supply all the culinary needs of our residents. This places additional stress on them, making it expedient that Well #2 be repaired as soon as possible. Staff has received a bid for a new pump from Rhino Pumps for \$63,748.05. Sidewinders, LLC will also service the existing motor for \$6,000.00. Staff requests funding approval up to \$80,000 for the reconstruction work of Well #2.

Council Member Scott L. Smith MOVED that the City Council approve the repair costs associated with Well #2 including a new pump and motor service in an amount up to \$80,000.

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.

Mayor Ostler then announced that items 6, 7c, and 7d will not be heard or acted upon tonight due to the late hour of the meeting.

7. EXPEDITED ITEMS

a. PUBLIC HEARING/ACTION: Final Plat - Williams View & Vacation of Right-of-Way Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst

The City Council will consider a request by Chris Howden for final plat approval of a 14-lot subdivision in the R-1-40 Zone located at approximately 11240 N 6000 W. Staff is also requesting the City Council hold a public hearing to consider a vacation of right-of-way for approximately square feet along 6000 W associated with this final plat. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained staff recommends the City Council accept the findings, and approve the proposed final plat and right-of-way vacation along 6000 West with the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received July 26, 2023, except as modified by these stipulations.
2. The final plat and final civil engineering plans shall be reviewed and approved by the City Engineer prior to recordation.
3. All required public improvements shall be installed as required by the City Engineer and shown on the approved construction plans.
4. Staff will coordinate with the developer for a reimbursement agreement associated with the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.

Council Member Smith stated that in past discussion of this development, there was a great deal of discussion about access to 6000 South; he asked if those issues have been resolved. Ms. Smith answered yes; at the preliminary plat state, the City Council voted to keep 11200 North the standard width.

Mayor Kurt Ostler opened the public hearing at 11:18 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 11:18 p.m.

Council Member Scott L. Smith *MOVED* that the City Council accept the findings and *APPROVE* the final plat for the Williams View subdivision subject to the six (6) stipulations recommended by Staff and *APPROVE* the proposed ordinance vacating approximately 190 square feet of right-of-way along 6000 W.

1. The final plat shall be in substantial conformance with the preliminary plat received April 5, 2023.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. The developer shall coordinate with TSSD and receive approval of any reroute of the TSSD sewer line. If the reroute of the sewer line is not approved, the final plat must provide a TSSD sewer line easement over the existing line as approved by TSSD.
5. Staff will coordinate with the developer regarding the construction of the Lehi Irrigation ditch per the Lehi Irrigation Company Tail Water Agreement.
6. If the vacation of right-of-way along 6000 W is approved by the City Council, the jog in property lines behind lots 6 and 7 will be adjusted to be directly adjacent to the sidewalk. This will be adjusted prior to the plat recording.

Council Member Kim Rodela *SECONDED* the motion.

The vote was recorded as follows:

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

The motion passed 5:0.

b. ACTION: Maintenance Agreements – Canterbury North & Highland Hollow Land Use (Legislative) – Kellie Smith, Planner & GIS Analyst

The City Council will hold a public meeting to consider four (4) requests by Robert and Tracy Furness, Grant and Brenda Kimball, Richard and Rhonda Miller, and Patrick and Emily Spens to enter into open space maintenance agreements with the City for property adjacent to their lots in the Canterbury North and Highland Hollow subdivisions. The Council will take appropriate action.

Planner & GIS Analyst Smith explained staff recommends the City Council determine if the proposed maintenance plans are consistent with the intent of Council policy regarding open space maintenance agreements. The Council should also provide appropriate direction if additional restrictions are to be addressed in the Open Space Maintenance Agreements. After these items are determined, Staff recommends the City Council authorize Staff to execute open space maintenance agreements with Robert and Tracy Furness, Grant and Brenda Kimball, Richard and Rhonda Miller, and Patrick and Emily Spens subject to the following stipulation:

1. All improvements shall be consistent with the proposed maintenance plan submitted with the application.

Council Member Smith stated he has noticed a lot of people watering their trees with a hose and he asked if they are using culinary water or pressurized irrigation. Ms. Smith stated that they should be using pressurized irrigation. She then noted that four different maintenance agreements have been presented and she asked for an individual motion on each agreement.

Council Member Kim Rodela *MOVED* that City Council authorize staff to execute an open space maintenance agreement with Robert and Tracy Furness subject to the following stipulation:

1. *All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 19, 2023.*

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.

Council Member Kim Rodela *MOVED* that City Council authorize staff to execute an open space maintenance agreement with Grant and Brenda Kimball subject to the following stipulation:

1. *All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 17, 2023.*

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.

Council Member Kim Rodela *MOVED* that City Council authorize staff to execute an open space maintenance agreement with Richard and Rhonda Miller subject to the following stipulation:

1. *All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 13, 2023.*

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.

Council Member Kim Rodela MOVED that City Council authorize staff to execute an open space maintenance agreement with Patrick and Emily Spens subject to the following stipulation:

- 1. All improvements shall be consistent with the proposed maintenance plan submitted with the application dated July 16, 2023.*

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 Bills suggested the Council quickly take action on item six. Council Member Smith agreed action is appropriate this evening.

6. ACTION: AUTHORIZATION FOR PURCHASE OF TEMPORARY SPEED TABLES *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will hold a public meeting to consider the purchase of temporary speed tables. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained the Council has funded the creation of the traffic calming and pedestrian safety manual and program. The consideration regarding temporary speed tables originated from discussions regarding that program. As a part of the ongoing traffic calming and pedestrian safety discussions, the Council has indicated a desire to purchase temporary speed tables to allow neighborhoods and those driving the prospective locations to experience the speed tables before permanent installations are considered. As a specific funding allocation has not yet been set aside for traffic calming, the purchase of these speed tables will be taken from the major road maintenance account. This will reduce the funds available for roadway maintenance in FY2024. At this point, staff has only received a bid from Safety Supply & Sign Co. Staff is actively trying to obtain bids from additional manufacturers. To not cause any more delay on this item, staff is asking Council to approve an up-to amount with no specified company. Staff will ultimately select the lowest qualified bidder for the purchase. The cost of this purchase is \$35,844. Funding for this expense will be taken from GL 41-40-71, Major Road Maintenance. There are sufficient funds within the FY2024 budget.

Council Member Sarah D. Petersen MOVED that the City Council approve the purchase of temporary speed tables in the amount of \$35,844 contributing to the safety of Highland.

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>

The motion passed 5:0.

7c. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments For Open Space Special Service District *General City Management - Tyler Bahr, Finance Director*

The City Council will consider amendments to the FY 2023-2024 budget for the Highland Open Space Special Service District. The Council, acting as Highland Open Space Special Service District Board, will take appropriate action.

This item will be discussed at the August 15th City Council Meeting.

7d. PUBLIC HEARING/RESOLUTION: FY2024 Budget Amendments *General City Management - Tyler Bahr, Finance Director*

The City Council will consider amendments to the FY 2023-2024 budget. The Council will take appropriate action.

This item will be discussed at the August 15th City Council Meeting.

8. 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.

b. Mountain Ridge Park Update – *Erin Wells, City Administrator*

Council Member Smith asked when the flyer will be sent for Mountain Ridge Park. City Administrator Wells stated that staff has been working on posters and a QR code for donations that can be displayed during the Highland Fling. Council Member Scott stated he would also like a flyer with that information for the Council to hand out during the Fling.

Ms. Wells then used the aid of a PowerPoint presentation to review the updated timeline, budget, and potential funding sources for phasing of the Mountain Ridge Park project. Phase one will be completed by the end of fall 2023; this includes parking lot and sidewalk, pickleball courts, basketball court, restroom, pavilion, and playground. The estimated budget for phase one was \$8.7 million and the project is on track with the budget; there will be about \$300,000 surplus funding available when the park is completed. The estimated cost of phase two is \$1.4 million, but the bids for that part of the project are one year old. She presented a cost breakdown for the amenities to be included in phase two and suggested the Council consider different funding options for the project. The City has approximately \$130,000 in grants and donations, and \$200,000 from SURF soccer for lease of the soccer fields. The City could use parks impact fee revenues, but staff would like direction from the Council. The Council discussed use of impact fee revenue, but indicated they also believe the City can continue to fundraise to increase the funding available for the project. Mayor Ostler noted he feels it will be easier to raise fund for the park once naming rights are determined. The staff and Council agreed, and Mayor Ostler indicated that should be discussed at the next meeting.

c. PI Meter Project Update – *Andy Spencer, City Engineer/Public Works Director*

This item will be discussed at the August 15th City Council Meeting.

d. Canal Blvd Striping – Andy Spencer, City Engineer/Public Works Director

City Engineer/Public Works Director Spencer presented a map to illustrate the proposed restriping of Canal Boulevard. He discussed road widths/number of lanes; extra room for islands at intersections; bike lanes; and use of optical speed bars as a traffic calming measure.

e. Sarah Petersen announcement.

Mayor Ostler referred to the announcement Council Member Petersen made earlier in the meeting about the need to resign from the Council due to relocating out of state for her job. He presented Council Member Petersen with a gift from the City and thanked her for her valuable service.

f. Highland Fling schedule reminder.

Mayor Ostler reviewed the Highland Fling activities.

g. Future Meetings

- August 9, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- August 15, City Council Work Session & Meeting, 6:00 pm, City Hall
- August 22, Planning Commission Meeting, 7:00 pm, City Hall
- September 5, City Council Meeting, 7:00 pm, City Hall
- September 13, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- September 19, City Council Meeting, 7:00 pm, City Hall
- September 26, Planning Commission Meeting, 7:00 pm, City Hall

9. 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 11:49 pm Council Member Scott L. Smith MOVED that the City Council recess to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual and pending or reasonably imminent litigation, 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 Scott L. Smith MOVED to adjourn the CLOSED SESSION and Council Member Timothy A. Ball SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED SESSION adjourned at 12:16 am.

ADJOURNMENT

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

The meeting adjourned at 12:17 am.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 1, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC
City Recorder



CITY COUNCIL AGENDA REPORT

ITEM #3b

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: **ACTION:** Reimbursement Agreement with Williams View Development
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider authorizing a reimbursement agreement associated to the Williams View development. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the approval of a reimbursement agreement with the Williams View development located at 6000 W. 11200 N. thereby fulfilling the City portion of the agreement signed with the Sunrise Development on January 11, 2022.

PRIOR COUNCIL DIRECTION:

On January 11, 2022, Council approved an agreement between Wayne Patterson, Lehi Irrigation Company, and Highland City. The purpose of the agreement was to redirect the Irrigation ditch outfall north along 6000 W. to Dry Creek.

BACKGROUND:

The purpose of this reimbursement agreement is to fulfill Highland City's commitment to the afore-mentioned agreement between Wayne Patterson, Lehi Irrigation Company, and Highland City.

This redirection of the Lehi Irrigation Ditch is necessary for the future needs for Highland City to allow for a perpetual discharge or "pump to waste" for our newly developed Well #4. In order to properly operate a well, it is necessary to pump the well to waste upon each startup before turning the well into the water pipelines. A location is needed for all the water that is being pumped to waste to have a place to safely flow.

Chris Howden has purchased the property on the east side of 6000 W. and is in the process of commencing construction on what is now the Williams View Development. The plan for the redirection of the ditch is an impact to this development as this is the planned location for the piping is along the development frontage. However, the obligation for piping the ditch is not associated with the development requirements of the property because the ditch is not on, or along the frontage of the subdivision property. However, it is most cost effective to install at this time as the subdivision improvements are being made to this section of roadway.

FISCAL IMPACT:

The cost of the piping will be divided among the three parties to the agreement. Patterson Development has agreed to pipe the equivalent of the eastern frontage portion of the Sunrise Development which is approximately 500 feet. Highland City and Lehi Irrigation Company will each be responsible for half of the cost for the remaining portion of piping to Dry Creek. This length is approximately 900 feet. The requested cost of the reimbursement agreement is \$157,829.00 to be divided among the three parties as per the previous agreement. It is anticipated the City portion will be approximately \$50,000. The exact cost allocation will be determined upon the final installation once all final costs are known. This expense is appropriate to be paid by the culinary water fund as this improvement is necessary to allow the City to operate the water system. The expense was not foreseen at the time of the FY2024 budget preparation because the timing of the subdivision was unknown. This expense was not accounted for in the current water rate study. As such, the expense may need to be taken from the water enterprise fund balance. It is anticipated that an end of year budget adjustment may be necessary. The FY2024 budget includes \$50,000 in GL 55-40-50, Water Capital Expense Projects, these funds were budgeted for general capital needs. They may be sufficient depending on the system operation costs for the remaining fiscal year.

MOTION TO APPROVE:

I move that the City Council APPROVE the reimbursement agreement associated with the Williams View development and AUTHORIZE the City Administrator to sign the agreement.

ATTACHMENTS:

1. Reimbursement Agreement
2. Initial agreement between Patterson Development, Lehi Irrigation Company, and Highland City

DEVELOPMENT REIMBURSEMENT AGREEMENT

This Development Reimbursement Agreement (“**Agreement**”) is entered into between HIGHLAND CITY, a Utah political subdivision (“**City**”), and Christopher Howden (“**Developer**”), individually or collectively, “**Party**” or “**Parties**”.

RECITALS

- A. Developer seeks to develop certain property within Highland City located approximately at 6000 West and 11200 North Highland, containing 13.59 acres ("Property").
- B. The Property is located within the City's R1-40 zone and is part of a development known as the “Williams View Subdivision.”
- C. As a part of the Williams View Development, a 24-inch reinforced concrete pipeline was requested by Highland City staff and Lehi Irrigation Company to be placed along the 6000 West frontage of the development, hereinafter referenced as the “Irrigation Pipeline.” See Exhibit ‘A’ as attached hereto indicating the required improvements.
- D. Highland City has entered into an agreement with Lehi Irrigation Company and Patterson Development relative to the piping of an existing ditch. This agreement attached hereto as Exhibit ‘B’ details the expense allocation agreed to by the referenced entities.
- E. Highland City will coordinate with Patterson Development and Lehi Irrigation Company regarding the payment format for the Irrigation Pipeline. Payment will be processed through Highland City (“Payment Reimbursement”).
- F. The Parties wish to set forth the terms and conditions by which the Irrigation Pipeline may be improved through the collective effort of the Parties.

AGREEMENT

Now, therefore, in order to give effect to the recitals above, and for good and valuable consideration, the sufficiency and adequacy of which are hereby acknowledged, the Parties do agree, and covenant as follows:

Construction of Improvements

- A. The Developer shall design and construct the Irrigation Pipeline and associated appurtenances. All construction shall conform to Highland City and Lehi Irrigation standards and specifications.
- B. The City shall coordinate the reimbursement to the Developer for the cost of design and construction of the Irrigation Pipeline (“Reimbursement Cost”). The Reimbursement Cost is \$157,829.00.
- C. Reimbursement Calculation. The Reimbursement Cost owed to the Developer by City has been determined by a bidding process, pursuant to which the Developer has secured a minimum of three bids pursuant to which the applicable contractor provided bids to construct the Irrigation Pipeline. The bids have been reviewed and approved by the Highland City Engineer and

Developer. The Reimbursement Cost has been itemized costs directly pertaining to the Irrigation Pipeline as well as agreed upon Engineering costs.

Reimbursement

- A. **Reimbursement Timeline:** The Developer will begin construction of the Irrigation Pipeline within three (3) months following the final subdivision and approval to proceed with construction by Highland City. The Developer shall complete the Irrigation Pipeline within 1-year following commencement of the project construction.
- B. **Reimbursement Process:** The Developer will be responsible for managing and controlling the construction of the Irrigation Pipeline. The City will coordinate the Payment Reimbursement to the Developer no later than 30-days after the latter of the City's acceptance of the final and completed Irrigation Pipeline improvements and the City's receipt of project as-builts, and approval of invoices for such improvements, and proof of payment for all expenses by Developer.

Compliance with Land Use Regulations and Approvals

Developer acknowledges that the execution of this Agreement, on its own, does not constitute final plat approval, approval of building permits, or other land use approvals, and that any such approvals shall be granted only upon Developer's compliance with all applicable governing laws, ordinances, standards, and conditions of land use approval, including completion of all required improvements. Developer further acknowledges that the execution of this Agreement does not waive, modify, or limit any obligation or condition of approval related to the development of the Property pursuant to any land use regulation or land use approval related to the Property, the R1-40 zone, or the Williams View Subdivision development.

Assignment

Neither this Agreement nor any rights or obligations hereunder may be assigned either voluntarily or involuntarily, by operation of law or otherwise, by either Party without the prior written consent of the other Party, which shall not be unreasonably withheld.

No Third Parties

The rights, duties, and obligations of this Agreement are for the sole benefit of the Parties, and no third party, other than authorized assignees, transferees, and other successors in interest, has any rights hereunder to enforce the terms of this Agreement.

Amendments

This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all Parties.

Counterparts

This Agreement may be executed in counterparts, each of which will be deemed an original and together constitute the same contract whether each Party executes a separate counterpart.

Authority to Execute

The person executing this Agreement on behalf of each Party hereby represents that he or she has full authority to execute the Agreement and to bind each Party to the terms of this Agreement and that all necessary actions for him or her to enter into this Agreement have heretofore been completed.

Governing Law and Venue

This Agreement shall be governed and construed in accordance with the laws of the State of Utah. Any dispute arising out of this Agreement shall be brought and maintained in Utah State district court, Utah County.

Limitation of Liability

Neither Party shall be liable to the other Party in any action or claim for loss of profits or revenues, whether direct or indirect, or any indirect, special, consequential, or punitive damages or losses.

Enforcement of Fees

In any action or proceeding arising out of or related to this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and related costs, including fees and costs incurred before formal initiation of an action or proceeding and fees and costs incurred for collecting or attempting to collect any judgment or award.

THE UNDERSIGNED HAVE READ AND HAVE HAD THE OPPORTUNITY TO SEEK THE ADVICE OF INDEPENDENT COUNSEL WITH RESPECT TO THE FOREGOING, AND HEREBY ACKNOWLEDGE AND AGREE TO BE BOUND BY THESE TERMS.

DATED this _____ day of _____, 2023.

On Behalf of **Highland City**, Utah

ATTESTED:

Kurt Ostler, Highland City Mayor

Stephannie Cottle, City Recorder

DATED this _____ day of _____, 2023.

On Behalf of _____ (Company Name)

Name of signer

Title

DATED this _____ day of _____, 2023.

On Behalf of _____ (Company Name)

Name of signer

Title

DATED this _____ day of _____, 2023.

On Behalf of **Lehi Irrigation Company**

Name of signer

Title



LEHI IRRIGATION COMPANY

PO Box 316
Lehi, UT 84043

Gary Thomas, *President*
John Bushman, *Secretary*
Secretary tel. no.: 768-8730
fax no.: 768-0872

Lehi Irrigation Company
Subject: Patterson Development Sunrise Farms Agreement

12/10/2021

Wayne Patterson of Patterson Development is proposing the Sunrise Farms Development at 6000 West and 11200 North. The existing ditch runs along 11200 North, across 6000 West onto the Patterson Property. Historically, the ditch ran along the west side of 6000 West to the northeast corner of the property and then west along the top of the slope to water the property that is proposing development. Before the property adjusted the grading, the water would run off the hill and eventually find its way to Dry Creek.

The Irrigation Company piped a section of the northern section of this ditch in 2006 to prevent flooding off the hill due to the grading adjustments made of the properties. This piping was also to direct tail water to the western portion of the property, which could facilitate the tail water from the ditch line.

The proposed development will eliminate the ditch going to the north and Mr. Patterson and the Irrigation Company agree to this under the following terms:


1- Mr. Patterson will reinstall the culvert under 6000 West as shown in the approved plans for Sunrise Farms and accept and maintain the water from the ditch on the property south of the proposed development. The plans show to connect to the existing tailwater ditch on the property.

2- Mr. Patterson will maintain the existing tailwater until such time as the south property develops at which time an alternative solution will be required.

Option A – Mr. Patterson will install a pipe and needed structures on the east side of 6000 West that will be equivalent to the frontage of the development along 6000 West (Frontage shown on the proposed plat is 500.12'). Highland City has agreed that this location is the preferred option to the west side of the road. Once Mr. Patterson has completed his portion of the future piping, Highland City and Lehi Irrigation Company agree to install the remaining pipe and connect the outfall to Dry Creek with costs for the installation being split equally with each entity paying 50% of the costs.

Option B – If Mr. Patterson can come up with an alternative to direct and utilize the flow on site with future development, the agreement can be amended at that time.


In Summary, the Lehi Irrigation Company agrees to the abandonment of the ditch along the west side of 6000 West and Mr. Patterson agrees to a future condition of installing pipe on the East side of 6000 West when development continues on the southern portion of the property or at a time deemed necessary by both parties.


Wayne Patterson
Patterson Development

Sept 19, 2022
Date


Gary Thomas
President, Lehi Irrigation Company

Aug 11, 2022
Date


Kurt Ostler
Highland City Mayor

August 11, 2022
Date




Attest: Highland City Recorder



CITY COUNCIL AGENDA REPORT ITEM #4

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney
SUBJECT: **ACTION:** Impact Fee Adjustment for Brandon Neish
TYPE: **ADMINISTRATIVE:** Determination of appropriate impact fees per state and city code is an administrative action.

PURPOSE:

The City Council will consider a request from Brandon Neish regarding the calculation of the pressurized irrigation impact fee requirement for his property located at 5944 West Chatham Circle. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the Council review the information provided by Mr. Neish and determine whether the property and circumstances justify a deviation from the City's normal impact fee assessment. If Council approves the deviation, staff recommends that the approval be conditioned on payment of all outstanding fees and a plat amendment that restricts future landscaping of the lot.

PRIOR COUNCIL DIRECTION:

This is the first time this request is coming before the Council. The Council has previously enacted and imposed PI Impact fees by ordinance, which includes a formula by which impact fees are calculated on a per square foot basis and a mechanism by which the Council can adjust those fees to respond to individual circumstances.

BACKGROUND:

This request comes from Brandon Neish, who owns a lot within Beacon Hills located at 5944 West Chatham Circle, Lot 3 Plat L, Beacon Hill, parcel number 35:731:0003. The lot is approximately 0.63 acres in size, or 27,526 square feet and is adjacent to his home.

Over one year ago, City staff became aware that the property at issue had been landscaped with sod and that an irrigation system had been installed. It appears the landscaping was installed between May and September of 2020. The irrigation system was connected to the PI line at Mr. Neish's adjacent property and home to the southeast. No impact fees or meter/hookup fees were paid for the undeveloped lot prior to this landscaping or irrigation extension, and no approval from the City for this connection was requested or granted. City code requires each property to pay impact fees and have its own PI connection and meter.

Staff sent notices to Mr. Neish regarding the need to correctly connect the lot with its own PI meter and the need to pay the meter fee and impact fee. Staff worked with Mr. Neish

through the end of 2022 and informally agreed to resolve the meter, connection, and impact fees in the spring of 2023. That resolution did not take place. Mr. Neish has not yet paid the PI meter fee, disconnected the lot from the neighboring property's irrigation system, or paid the PI impact fee.

The meter fee is \$607.51.

Mr. Neish did begin paying the monthly charge for PI water usage of \$48.86 in October of 2022.

The standard PI impact fee that would normally be assessed for a 27,526 square foot lot is \$14,038.26 (square footage multiplied by 0.51). Mr. Neish states that he does not want to landscape the northeast corner of the property, consisting of approximately 8,750 square feet of existing scrub oak, and he asks that the impact fee be reduced accordingly. This would reduce the impact fee by approximately \$4,475.76, for a total PI impact fee of approximately \$9,562.50. The final calculation of the impact fee would depend on the square footage of irrigable/non-irrigable property as determined by a survey.

Under the City's PI impact fee enactment, "The Council may adjust either up ... or down the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system."

This is consistent with state law, which requires the City to have a mechanism by which impact fees can be adjusted in individual cases based on unique or individual circumstances. Utah Code § 11-36a-402(1)(c) - (d).

This means the Council reviews the request for an adjustment to the PI fees as follows:

1. Determine whether Mr. Neish has demonstrated unusual circumstances.
2. Determine whether Mr. Neish has submitted "studies or data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system."
3. If the request is approved, determine what conditions on approval are needed to protect the City.

This does not appear to be that unusual of a case. The lot is similar to many other lots and properties in Highland. Many lots in Highland have variations in elevation, topography, and remaining natural vegetation. Virtually all lots within Highland have paid the full impact fee when they connected to the City's PI system, which entitles them to fully use and landscape their lot. Impact fees are not based on the desires of the property owner, but the impact on the system. The City has previously approved adjustments to PI impact fees only where private bylaws or recorded restrictions on the plat or other instrument restricted the ability of the owner to landscape their property, and a private entity like an HOA would monitor the use of the property to ensure the landscaping was not expanded.

No such restriction is present here. There is no plat restriction, conservation easement, CC&R, or HOA bylaw that restricts the landscaping or irrigation of any portion of the lot. There is no private entity that would monitor the use and landscaping of the property. The entire property is permeable ground. Nothing currently prevents Mr. Neish from landscaping and expanding his irrigation system in all portions of his property, which would result in new impacts to the City's PI system not compensated by an impact fee.

If the Council determines that the adjustment to impact fees should be approved, the City Council can impose conditions on the approval, such as the following:

A. Mr. Neish apply for and pay all costs to survey the property and complete a plat amendment that records a conservation easement or other similar restriction on the lot that permanently prohibits all future development and landscaping of the portion of the lot claimed as non-irrigable. Such restriction be able to be removed only pursuant to a subsequent plat amendment, which would require City approval and payment of impact fees.

a. As a note, this would require a Mr. Neish to pay a \$550 plat amendment fee, the cost of the survey, and any additional recording fees Utah County may impose.

B. Mr. Neish pay the meter fee, and the PI impact fee for the portion of the lot being landscaped.

FISCAL IMPACT:

Approving the adjustment will result in the City collecting approximately \$4,475.76 less in PI impact fees for this property.

COUNCIL ACTION:

The City Council will consider approval or denial of the proposed contract.

MOTION TO APPROVE:

I move that City Council approve the request to adjust impact fees for Lot 3, Plat L of Beacon Hills Subdivision, subject to the conditions recommended by staff. [Council may specify additional or different conditions].

MOTION TO DENY:

I move that City Council deny the request to adjust impact fees for Lot 3, Plat L of the Beacon Hills Subdivision, finding that there are not unusual circumstances associated with this lot that justify adjusting the PI impact fee assessment and that insufficient data and studies have been submitted to justify adjusting the PI impact fee assessment. [Council may specify additional or different findings supporting the decision].

ATTACHMENTS:

1. Site Plan





CITY COUNCIL AGENDA REPORT ITEM #5

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: **ACTION:** Approval of the Highland Traffic Calming and Pedestrian Safety Manual
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider approving the Highland Traffic Calming and Pedestrian Safety Manual. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the approval and implementation of the Highland Traffic Calming and Pedestrian Safety Manual.

PRIOR COUNCIL DIRECTION:

On June 6, 2023, the Council held a work session to discuss the manual and to provide the Wall Consulting Group (WCG) with further directions and information.

On September 5, 2023, the Council held a follow-up work session to discuss the changes to the manual following direction provided on June 6 and in subsequent one-on-one meetings with the Council.

BACKGROUND:

On January 3, 2023, the Council directed City Staff to proceed with a contract with Wall Consulting Group (WCG) in preparing a Traffic Calming and Pedestrian Safety Manual. Throughout this past year, the Council and City staff have worked with WCG, with input received through public, toward the goal of adopting a manual and policy concerning traffic calming and pedestrian safety. The manual has been refined based upon this input and is now ready for implementation.

FISCAL IMPACT:

No financial obligation will result immediately upon adoption of the manual; however, the City will incur additional forthcoming expenditures as requests are processed for traffic calming and future improvements are implemented. A \$25 application fee will be assessed to applicants upon applying for a traffic calming study. This fee will be added to the City fee schedule.

MOTION TO APPROVE:

I move that City Council APPROVE the resolution adopting the Highland Traffic Calming and Pedestrian Safety Manual and the associated \$25 application fee.

ATTACHMENTS:

1. Resolution
2. Highland Traffic Calming and Pedestrian Safety Manual

Highland City, Utah

RESOLUTION NO. 2023-_____

**A RESOLUTION ADOPTING THE HIGHLAND CITY TRAFFIC CALMING AND
PEDESTRIAN SAFETY MANUAL AS HIGHLAND CITY POLICY AND
ESTABLISHING FEES RELATED THERETO**

WHEREAS, Highland City commissioned a Traffic Calming and Pedestrian Safety Manual (“Manual”) in order to provide guidance to city officers, staff, and residents to understand when, how, and whether to install new traffic calming and pedestrian safety devices;

WHEREAS, the Manual, in substantially the form attached hereto as Exhibit A, has been reviewed by the Highland City Council on multiple occasions;

WHEREAS, the Manual provides a process by which residents may apply for a study to determine the need for traffic calming and pedestrian safety devices in certain areas;

WHEREAS, the Highland City Council desires to adopt an application fee to offset the cost to the City of assisting with and performing studies requested by residents;

WHEREAS, the Highland City Council finds that the Manual will assist the City and its residents in providing appropriate and reasonable traffic calming and pedestrian safety devices.

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

1. The City Council approves of and adopts the Highland City Traffic Calming and Pedestrian Safety Manual, which Manual is attached hereto as Exhibit A. The Manual shall be Highland City policy as to new traffic calming and pedestrian safety measures.
2. The City Council directs city officers and staff to work with residents and others to implement the guidance, strategies, tools, and processes described in the Manual.
3. The City Council imposes a \$25 application fee for an application for a study to determine the need for and benefit of traffic calming or pedestrian safety devices, as outlined in the Manual, with such fee to be added to the Highland City fee schedule.
4. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

Mayor

ATTESTED:

City Recorder

HIGHLAND TRAFFIC CALMING AND PEDESTRIAN SAFETY MANUAL



SEPTEMBER 2023



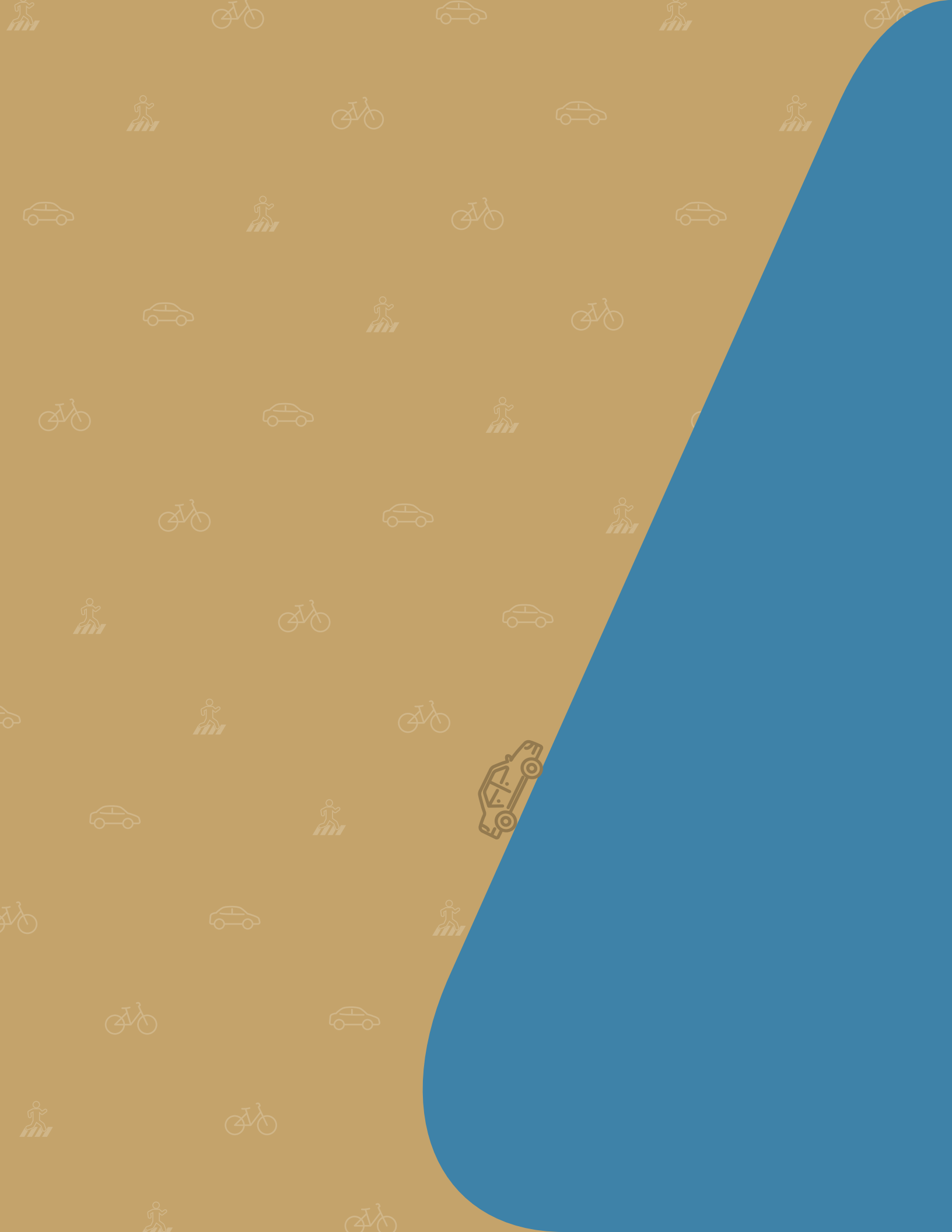
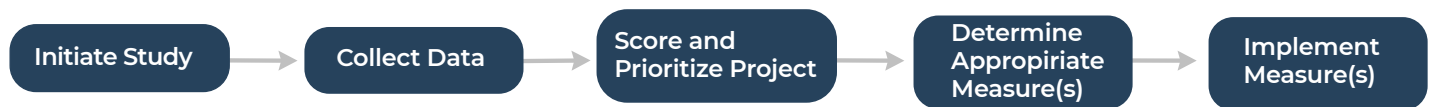


Table of Contents

2	Executive Summary
2	Introduction
3	<i>Goals for Traffic Calming Manual</i>
3	<i>Goals for Pedestrian Safety Manual</i>
4	<i>Finding the Right Solution</i>
5	<i>Roadway Classifications</i>
6	Traffic Calming Measures
7	<i>Passive Measures</i>
7	<i>Active Measures</i>
8	<i>Temporary Traffic Calming Measures</i>
9	<i>Inappropriate Measures for Highland City</i>
9	<i>Stop Signs Should Not be Used for Speed Reduction</i>
10	Pedestrian and Bicycle Safety
12	Roadway Criteria
12	<i>Emergency Routes</i>
12	<i>Roadway Jurisdiction</i>
13	Process
14	<i>Application Submittal</i>
15	<i>Data Collection and Project Scoring</i>
16	<i>Project is Green</i>
16	<i>Project is Yellow</i>
16	<i>Project is Red</i>
16	<i>Traffic Calming Measure Flow Charts</i>
17	Funding and Policy
18	Access Management
18	Sight Triangles
19	Design Standards
21	Appendices
22	<i>Appendix A: Approved Traffic Calming Measures for Highland City</i>
53	<i>Appendix B: Highland City Traffic Calming and Pedestrian Safety Request Form</i>
56	<i>Appendix C: Highland City Traffic Calming and Pedestrian Safety Prioritization Form</i>

EXECUTIVE SUMMARY

The Highland Traffic Calming and Pedestrian Safety Manual serves to define the objectives of traffic calming measures and outlines potential implementations for Highland City. Passive, active, and temporary measures are discussed. The manual covers the factors that determine the most suitable traffic calming measure, including roadway classification, sight triangles, access management, and design standards. A process for implementing traffic calming is established, as outlined below.



Initiate study

- Neighborhood residents request traffic calming
- City Identifies area where traffic calming is needed

Collect Data

- Collect data to identify, confirm, and quantify issues

Score and Prioritize Project

- Evaluate data to determine project urgency

Determine Appropriate Measure(s)

- Determine which measure or combination of measures is appropriate

Implement Measure(s)

- Install traffic calming measure(s)

“While traffic calming measures can bring many positive benefits to communities, they can also have some negative impacts such as causing inconvenience or frustration for drivers.”

INTRODUCTION

The Institute of Transportation Engineers (ITE) describes traffic calming as “the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.”¹ Traffic calming measures are designed to reduce vehicle speeds in residential and other areas where pedestrians, cyclists, and turning/parking vehicles interact.

While traffic calming measures can bring many positive benefits to communities, they can also have some negative impacts such as causing inconvenience or frustration for drivers. For example, increased delay to the driver’s journey can be a negative impact. The installation of traffic calming measures can lead to increased traffic on alternative routes, potentially causing congestion and safety problems in those areas. Some traffic calming devices can also increase noise pollution.

¹ Lockwood, Ian. ITE Traffic Calming Definition. ITE Journal, July 1997, pg. 22.



Goals for Traffic Calming Manual

The objective of the Highland City Traffic Calming is to provide guidance on when traffic calming is recommended and assist in determining which traffic calming measure should be used. This document establishes a procedure that allows for a consistent approach for traffic calming projects. The measures discussed align with both emergency response considerations and the city's long-term maintenance plan, and are consistent with American Association of Highway and Transportation Officials (AASHTO), National Association of City Transportation Officials (NACTO), and Manual on Uniform Traffic Control Device (MUTCD) standards.

Goals for Pedestrian Safety Manual

The goal of the Pedestrian Safety Manual is to provide guidance on when pedestrian safety measures are recommended and assist in determining which measure should be used. Similar to traffic calming, the objective of pedestrian safety measures is to make walking and other forms of non-motorized travel safer and more enjoyable for people of all ages and to reduce the number of pedestrian fatalities and injuries caused by crashes involving motor vehicles.

From 2018 – 2022 there were 22 pedestrian and bicycle related crashes. 3 of these crashes resulted in serious injury, and the crash in 2020 resulted in a fatality. A summary table of this data can be shown in Table 1. The measures outlined in the Pedestrian and Bicycle Safety section of this Manual aim to reduce the number of crashes by making pedestrians are more visible to drivers, reducing the length of roadway a pedestrian must cross.

Table 1: Active Transportation Crash Data Summary

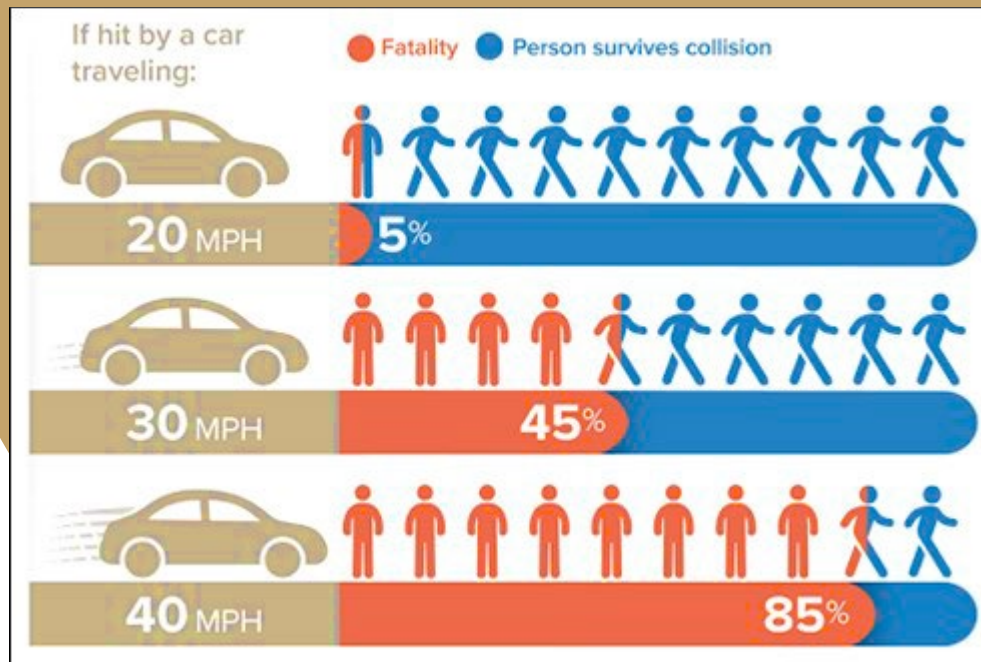
Year	Total Active Transportation Related Crashes	Severe Active Transportation Related Crashes (Fatal / Serious Injury)
2018	4	1
2019	4	1
2020	4	1
2021	4	0
2022	6	1
Total	22	4

Data via AASHTOWARE (Numetric)

In addition to this document, Highland City has an Active Transportation Plan (ATP). The ATP shows both current and proposed walking and bike paths in Highland City, as well as measures that can be used to improve the safety and walkability of those paths. The pedestrian safety measures presented in this document may be used to complement those suggested in the ATP.



Reducing Vehicle Speed Saves Lives



Reducing Speeding-Related Crashes Involving Passenger Vehicles, National Traffic Safety Board, 2017

“It’s important to carefully evaluate the location and the specific needs of the community before selecting and implementing traffic calming measures.”

Finding the Right Solution

Implementing the correct traffic calming and pedestrian safety measures is crucial because it can have a significant impact on the safety and livability of a community. The wrong measures can have unintended consequences and may even make the situation worse.

The correct measures should be implemented for the following reasons:



Safety: The primary goal of traffic calming measures is to reduce the speed of traffic, which in turn can reduce the number and severity of crashes involving pedestrians, cyclists, and motor vehicles. However, the wrong measures can create new hazards or exacerbate existing ones.



Cost-effectiveness:

Implementing the wrong traffic calming measures can be costly in terms of both money and time. Beyond just initial costs, the wrong traffic calming measure can increase long-term maintenance costs for

Highland City



the city. By selecting the right measures, it's possible to achieve the desired results while minimizing costs.



Community Acceptance: The wrong traffic calming measures can cause frustration and anger among residents, which can undermine community support for traffic calming efforts.



Environmental Impact: Some traffic calming measures can increase noise pollution and air pollution from idling vehicles. It's important to consider the environmental impact of any traffic calming measures and to select those that minimize negative effects on the environment.

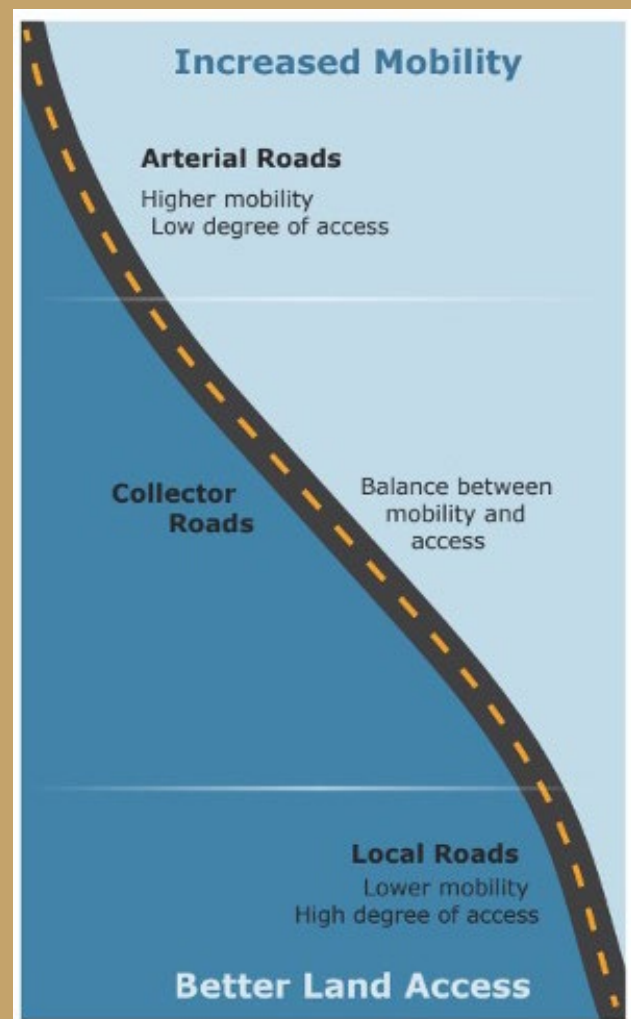
Implementing the correct traffic calming measures is essential for improving safety, cost-effectiveness, community acceptance, and minimizing negative environmental impact. It's important to carefully evaluate the location and the specific needs of the community before selecting and implementing traffic calming measures.

Roadway Classification

The roadway system is hierarchical, with different classifications based on attributes like speed, access, and mobility. Functional classification indicates a road's role within the transportation system.

The classifications of Highland City roadways used in this Manual are arterials, major collectors, minor collectors, neighborhood collectors, and local streets:

- **Arterial**—An arterial roadway has high mobility and little access. Arterials typically have between five to seven travel lanes. Arterial roadways have no on-street parking. The target speed limit for arterial roadways is 45 MPH or greater.
- **Major Collector**—A collector roadway provides both mobility and access. Major collectors connect local, minor collectors and neighborhood collectors with arterial roadways. Major Collectors typically have three lanes. Parking is discouraged on major collectors. The target speed limit for major collectors is between 35 and 40 MPH.
- **Minor Collector**—A collector roadway provides both mobility and access. Minor collectors connect local and neighborhood collector roadways with major collectors and arterial roadways.



Minor Collectors typically have two lanes with additional lanes at high capacity intersections. Parking is discouraged on minor collectors. The target speed limit for minor collectors is between 30 and 35 MPH.

- **Neighborhood Collector**—A collector roadway provides both mobility and access. Neighborhood collectors connect local roadways with major and minor collectors, as well as arterial roadways. Neighborhood Collectors typically have two lanes with parking on each side. The target speed limit for major collectors is between 25 and 30 MPH.
- **Local**—A local roadway provides full access to adjacent land uses but allows for little mobility. Local roads typically have two lanes with parking on each side. The target speed limit for local roadways is 25 MPH.

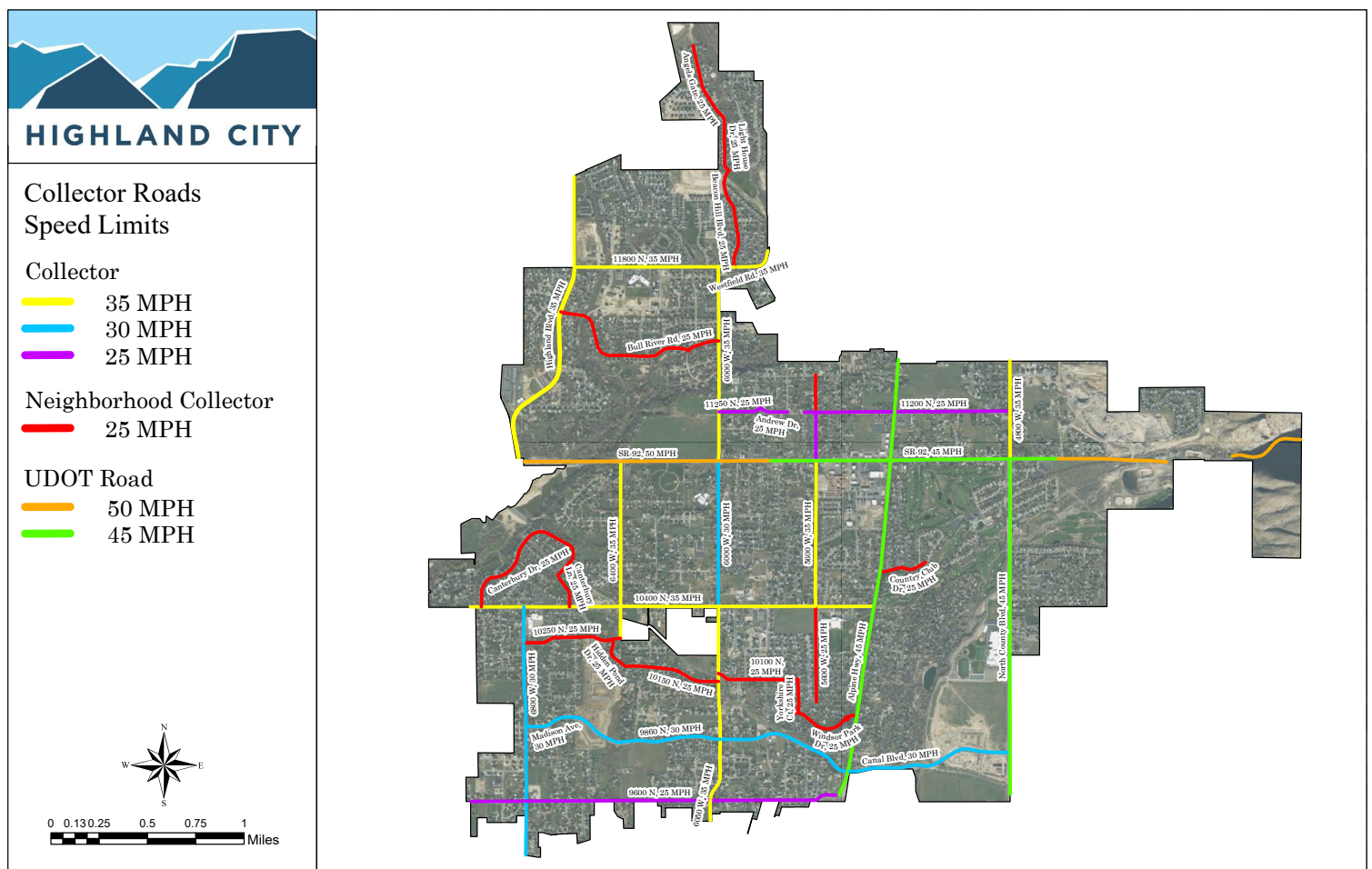


Figure 1—Map of collector speed limits in Highland City

Figure 1 shows a map of current Highland City and the speed limits of the roadways. The speed limit on unmarked local roadways within Highland is 25 MPH.

TRAFFIC CALMING MEASURES

This section outlines traffic calming measures Highland City has determined appropriate to implement within city limits. Traffic calming measures should only be implemented when recommended by an engineering study.



When implementing traffic calming measures, it is important to note that often one single measure will not result in reduced speeds. Combining multiple traffic calming measures creates a cumulative effect on speed reduction. Individual traffic calming measures may have limitations or be less effective on their own. By using multiple measures, any potential weaknesses of one measure can be compensated for by the strengths of others. This comprehensive approach increases the chances of achieving the desired speed reduction goals.

Passive Measures

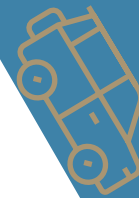
Passive traffic calming measures aim to reduce speed by changing driver behavior through visual cues such as roadway striping and signage. There are no physical changes to the roadway. Passive measures can be installed on any roadway and in combination with active measures. They are less expensive and can provide cost-effective solutions to increasing safety. Listed below are passive measures that Highland City has determined are acceptable to use. Details regarding these passive measures can be found in **Appendix A**.

- Radar Speed Sign
- Pavement speed limit marking
- Optical speed bars
- Additional speed limit signs
- Striping narrower lanes
- Landscaping
- Crosswalks
(also meets pedestrian criteria)
- Enforcement
- Education

Active Measures

Active traffic calming measures require a change in driver speed due to physical changes in the roadway. The driver must actively engage when interacting with the traffic calming measure. Active measures are more expensive to implement but can be more effective in reducing

“When implementing traffic calming measures, it is important to note that often one single measure will not result in reduced speeds. Combining multiple traffic calming measures creates a cumulative effect on speed reduction.”



vehicle speeds. Below are active calming measures Highland City has determined are acceptable to use. Details regarding these active measures can be found in **Appendix A**.

- Roadway design (curves, shoulders, side treatments)
- Curb extensions (bulb-outs)
- Medians
- Road Diet
- Raised crosswalk
- Roundabouts
- Traffic circles
- Neckdowns
- On-street parking
- Raised intersection
- Chicanes
- Speed Cushions
- Speed Tables

“Collector roads often have higher posted speed limits. While speed tables may be employed on these roads, driving over them at higher speeds can lead to passenger discomfort and potential vehicle damage.”

Temporary Traffic Calming Measures

Temporary speed reduction measures act as substitutes for permanent active traffic calming measures. These options can be more cost-effective and offer the flexibility to be moved when necessary. They require less construction time and provide a quick response to urgent issues, allowing the city to assess their effectiveness before considering permanent measures. However, they may not be as durable or effective as permanent active measures. Some temporary measures such as rubber speed tables may need to be removed in snow seasons so as to not hinder snowplows. Below are temporary traffic control measures that can be implemented in Highland City.

- Rubber speed table
- Rubber speed cushions
 - Rubber curbs
 - Traffic Circle
 - Bulb-out

Rubber speed tables provide similar results to traditional speed tables. For information regarding this traffic calming measure, see **Appendix A**.

Rubber curbs are made of durable, flexible materials such as recycled rubber or plastic. They are usually modular in design, allowing them to be easily installed or removed as needed. Rubber curbs can be shaped into several configurations, allowing them to be used to create traffic circles, bulb-outs, and chicanes. For information regarding those traffic calming measures, see **Appendix A**.



“Rubber curbs can be shaped into several configurations, allowing them to be used to create traffic circles, bulb-outs, and chicanes.”



Inappropriate Measures for Highland City

Highland City staff has determined the following traffic calming measures are inappropriate for traffic calming within the city:

- Diagonal divertors
- Rumble strips
- Speed bumps/humps

Rumble strips are inappropriate due to the damage that can be done to the vehicles and difficulties with plowing/roadway maintenance. Diagonal divertors have been deemed inappropriate due to the restricted access that occurs when they are installed. Although these measures may be suitable for implementation in other regions, they do not meet the goals for traffic calming in Highland City. Collector roads often have higher posted speed limits. While speed tables may be employed on these roads, driving over them at higher speeds can lead to passenger discomfort and potential vehicle damage.

Stop Signs Should Not be Used for Speed Reduction

In addition to the measures listed above, stop signs are inappropriate for speed control. Stop signs should never be used for traffic calming because they are designed for a specific purpose, which is to assign the right-of-way at an intersection. **The MUTCD states that “stop signs should not be used for speed control” (MUTCD 2003).** Using stop signs for traffic calming purposes can have unintended consequences. Research by the Ohio Department of Transportation² has found that installing a stop sign when it is not warranted results in decreased pedestrian safety, increased speeds between intersections, and an increased rate of collisions. ITE found similar results, as well as an increase in noise pollution and fuel consumption.³

²Intersection Safety: Myth Versus Reality, Ohio Department of Transportation, July 2013

³Chadda, H., & Carter, E., Multi-Way Stop Signs- Have We Gone Too Far? ITE Journal, May 1983, pg. 21

PEDESTRIAN AND BICYCLE SAFETY

The purpose of this section is to outline pedestrian and bicycle safety measures that Highland City has determined appropriate to implement within city limits. Pedestrian safety measures make crosswalks safer by either making pedestrians more visible to drivers, or reducing the amount of roadway a pedestrian has to cross.

Listed below are pedestrian safety measures that are appropriate to implement within Highland City.

Information on the other measures can be found in **Appendix A**. Some measures are repeated from the passive and active measures list.

- Rectangular rapid-flashing beacon (RRFB)
- Crosswalk markings (striping)
- Raised crosswalk
- Yield to pedestrians sign and stop line
- In-street pedestrian crossing sign
- Curb extension
- Pedestrian refugee island
- Road diet
- Pedestrian hybrid beacon (PHB), also known as a High-Intensity Activated Crosswalk (HAWK)
 - An RRFB and a PHB should not be installed at the same location

In addition to this Manual, the Highland City Active Transportation Plan also contains pedestrian safety measures. In conjunction with the measures presented in this document, it is advisable to also refer to the ATP and consider its recommendations.

The Federal Highway Administration (FHWA) Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations⁴ features a table titled “Application of pedestrian crash countermeasures by roadway feature,” which offers countermeasure options for a range of roadway conditions. This table is shown in Figure 2. Each matrix cell of this table suggests potential pedestrian safety measures that may be suitable for specific pedestrian crossings.

All trail crossings should include a marked crosswalk, pedestrian crossing signs, and where appropriate, higher level measures may be implemented, such as RRFBs or Pedestrian Hybrid Beacons.

⁴Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, FHWA, July 2018.



The UDOT policy on marked pedestrian crosswalks⁵ states that all trail crossings should have a marked crosswalk. At non-trail crossings, UDOT policy is to implement a crosswalk if more than 20 pedestrians are observed crossing during the peak hour. On smaller city roads, 20 pedestrians crossing in one hour is very unlikely. Therefore, Highland City has adopted a different scoring system to determine if a crosswalk should be installed. This scoring system can be found in the **Appendix C**.

In addition to this Manual, the Highland City Active Transportation Plan also contains multiple pedestrian safety measures. In conjunction with the measures presented in this document, it is advisable to also refer to the ATP and consider its recommendations.

Roadway Configuration	Posted Speed Limit and AADT								
	Vehicle AADT <9,000			Vehicle AADT 9,000–15,000			Vehicle AADT >15,000		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes (1 lane in each direction)	① 2 4 5 6 7	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6 7	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6 7 9	① 5 6 7 9	① 5 6 ⑨
3 lanes with raised median (1 lane in each direction)	① 2 3 4 5 7	① ③ 5 7 9	① ③ 5 ⑦ ⑨	① 3 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 ⑦ ⑨	① ③ 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 ⑨
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	① 2 3 4 5 6 7	① ③ 5 6 7 9	① ③ 5 6 ⑨	① 3 4 5 6 7 9	① ③ 5 6 ⑦ ⑨	① ③ 5 6 ⑨	① ③ 4 5 6 7 9	① ③ 5 6 ⑨	① ③ 5 6 ⑨
4+ lanes with raised median (2 or more lanes in each direction)	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 8 ⑨	① ③ 5 7 8 9	① ③ 5 ⑦ 8 ⑨	① ③ 5 8 ⑨	① ③ 5 ⑦ 8 ⑨	① ③ 5 8 ⑨	① ③ 5 8 ⑨
4+ lanes w/o raised median (2 or more lanes in each direction)	① ③ 5 6 7 8 9	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ ⑦ 8 ⑨	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ ⑦ 8 ⑨	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ 8 ⑨
<p>Given the set of conditions in a cell,</p> <ul style="list-style-type: none"> # Signifies that the countermeasure is a candidate treatment at a marked uncontrolled crossing location. ● Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked uncontrolled crossing location. ○ Signifies that crosswalk visibility enhancements should always occur in conjunction with other identified countermeasures.* <p>The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgment.</p>					<ul style="list-style-type: none"> 1 High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs 2 Raised crosswalk 3 Advance Yield Here To (Stop Here For) Pedestrians sign and yield (stop) line 4 In-Street Pedestrian Crossing sign 5 Curb extension 6 Pedestrian refuge island 7 Rectangular Rapid-Flashing Beacon (RRFB)** 8 Road Diet 9 Pedestrian Hybrid Beacon (PHB)** 				

Figure 2—Application of pedestrian crash countermeasures by roadway feature from FHWA
 ** a RRFB and a PHB should not be installed at the same crossing location

⁵ Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations, FHWA, July 2018.



ROADWAY CRITERIA

Emergency Routes

Speed tables and raised crosswalks or raised intersections **are not allowed** on streets designated as emergency response routes by Highland City Police and Fire Departments. This is to avoid impacting emergency vehicle operations. Faster response times are crucial for saving lives and minimizing property damage during emergencies. These measures on emergency routes can hinder response times, reducing the chances of saving lives. Figure 3 displays the specific emergency routes where these measures are not allowed.

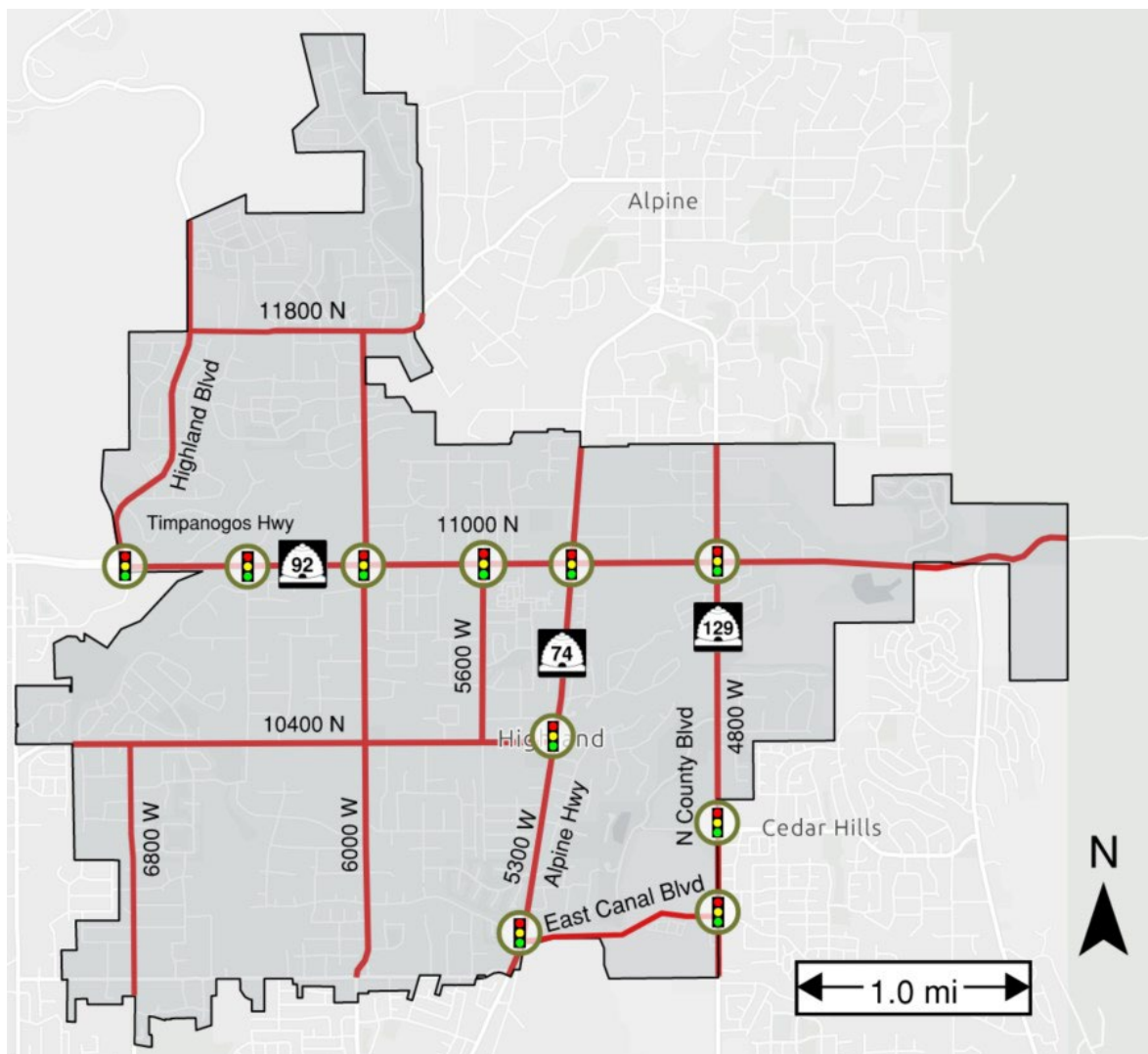


Figure 3—Emergency routes in Highland City

Roadway Jurisdiction

Highland City can only install traffic calming measures on roadways over which it has jurisdiction. The city is responsible for maintaining and managing the public streets within its boundaries. They have the authority to regulate the use of their roads and ensure the safety of all road users.



Highland City contains roads within its boundaries that fall outside their jurisdiction and are under the control of other governing bodies, such as UDOT. UDOT has jurisdiction over Timpanogos Highway (SR-92), Alpine Highway (SR-74), and North County Blvd (SR-129) within Highland. These roadways are shown in Figure 4.

UDOT has its own regulations and procedures for installing traffic calming measures, and it is not within the authority of Highland City to make decisions or changes to these roads without permission or cooperation from UDOT.

Highland has limited resources and budgets for implementing traffic calming measures, and the city prioritizes areas with the highest need. Focusing efforts and resources on areas within their jurisdiction ensures the most effective use of resources and provides the greatest benefit to Highland City neighborhoods.

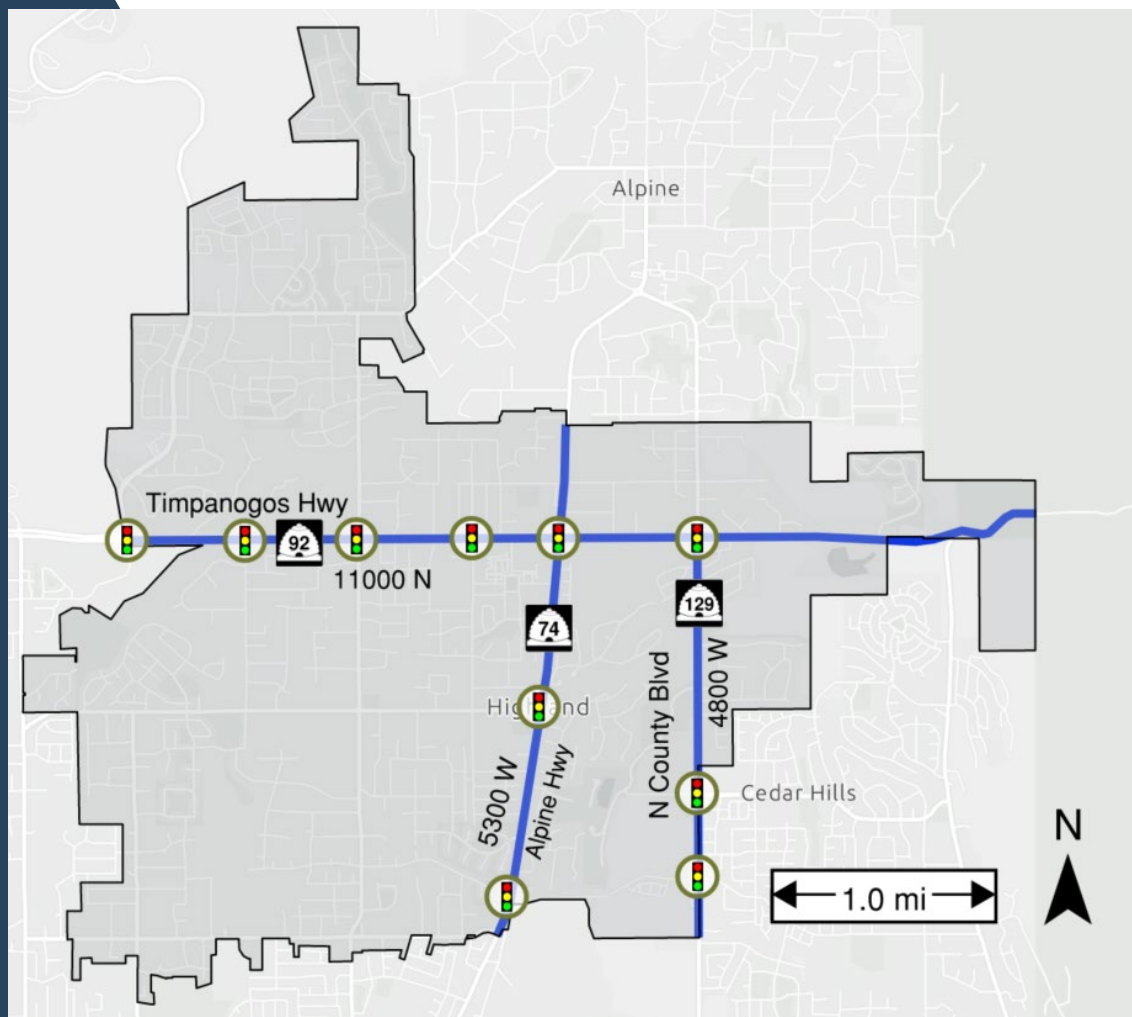


Figure 4—UDOT-owned roads in Highland City

PROCESS

The process for traffic calming and pedestrian safety projects in Highland City is outlined in Figure 5.

The aim is to establish a fair and consistent approach for all submitted projects, prioritizing urgent locations.

The process is an administrative process implemented by the Highland City staff. The Highland City council, as a legislative entity, does not participate in this process unless an appeal is submitted. In the event of an appeal, the council will determine if an exception will be made which will subsequently be executed by the city staff. Highland City staff will keep the city council informed of the progress of traffic calming requests and when measures are decided upon.

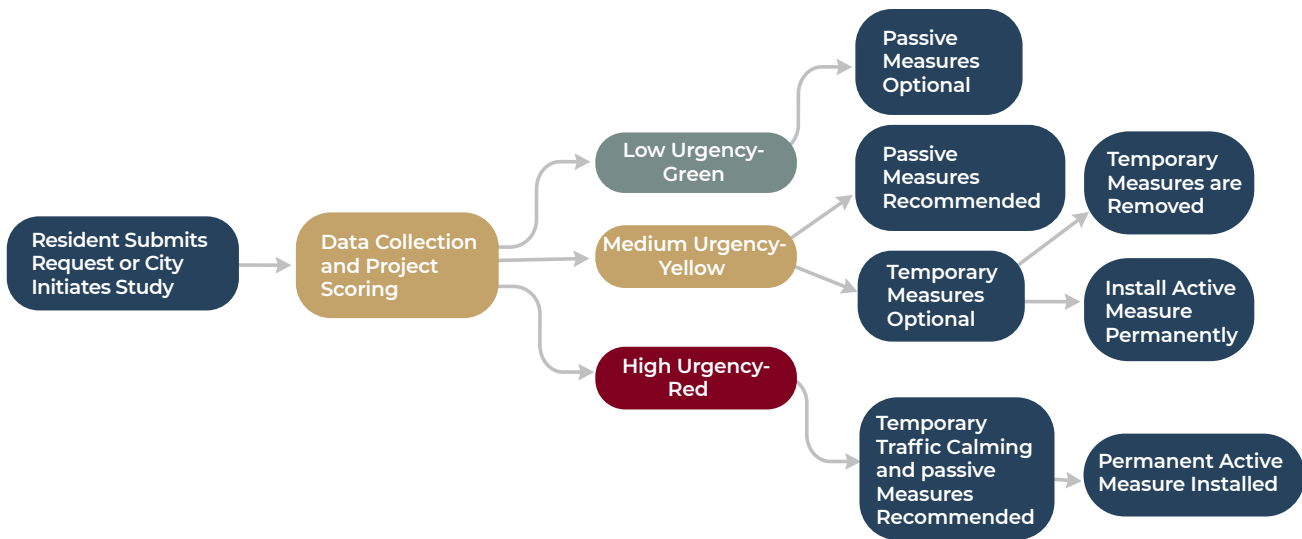


Figure 5: Process for traffic calming implementation in Highland City

Application Submittal

Any resident of Highland City may request a traffic calming study for a location on their street of residence. This should be done by completing a “Request for Traffic Calming” form included in **Appendix B**. The following information is required:

- Applicant information
- Study location
- Description of issue
 - What times the issue is most prominent
 - What is the main concern
- Names and signatures of at least five other residents who reside on the same street
- A \$25 fee

Highland City staff can also initiate traffic calming requests for suitable locations. Areas evaluated within the past two years are ineligible, except in cases of recent crashes or significant changes in development, such as new neighborhoods, roadway configurations, or speed limits. The application and signatures should be submitted to the Highland City Public Works Department for review, either online through highlandcity.org or in-person drop-off.



Data Collection and Project Scoring

After receiving a traffic calming request form, the city will collect the following data from the requested site:

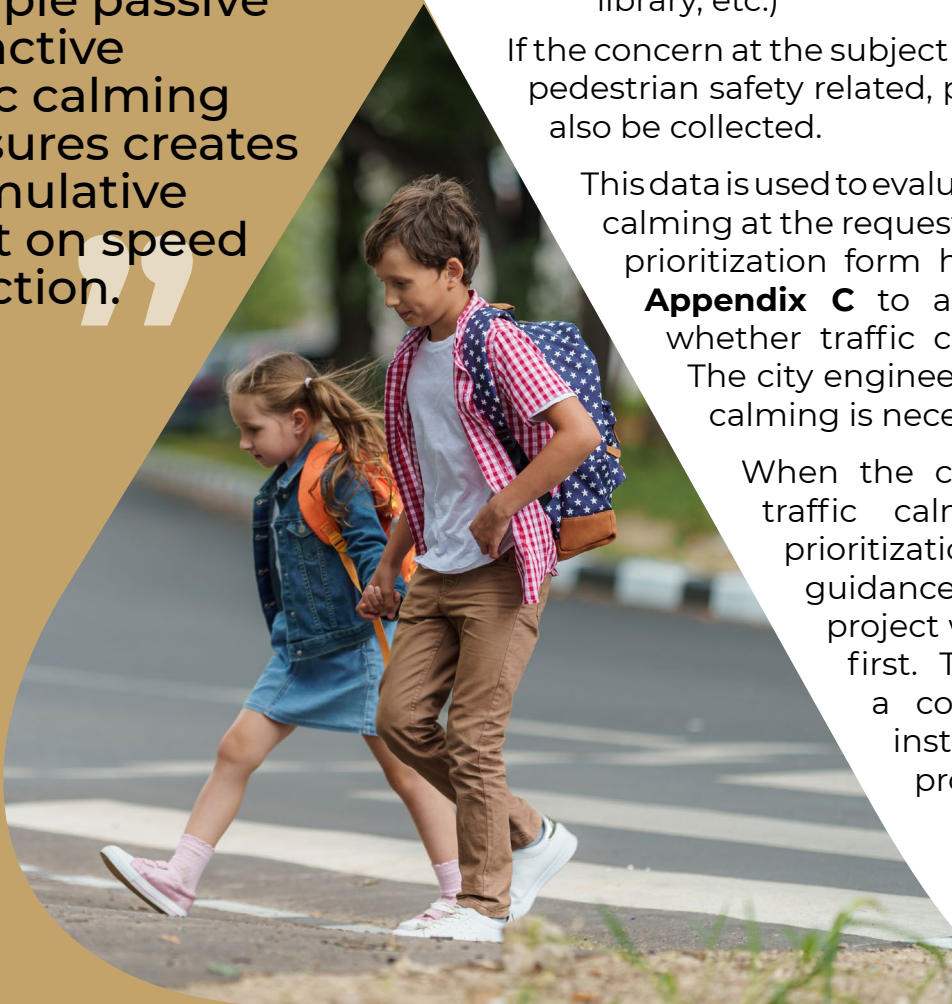
- **Speed data**—two weeks of data will be collected to obtain a representative sample.
 - 85th percentile
 - Percent of drivers driving 10 MPH over speed limit
- **Vehicle counts**—two weeks of data will be collected to obtain a representative sample.
 - 24-hour count to determine the daily traffic
- **Historic crash data**
 - Last five years
- **Sight distance**
 - Stopping sight distance at study location
- **Roadway context**
 - Bus routes
 - Bike lanes present
 - Crosswalks or trail crossings present
 - Nearby schools
 - Nearby pedestrian generators (public park, library, etc.)

If the concern at the subject location is specifically pedestrian safety related, pedestrian counts will also be collected.

This data is used to evaluate the need for traffic calming at the requested location. A project prioritization form has been included in **Appendix C** to assist in determining whether traffic calming is warranted. The city engineer determines if traffic calming is necessary.

When the city receives multiple traffic calming requests, the prioritization form provides guidance in determining which project will receive treatment first. This helps to ensure a consistent process for installing traffic calming projects.

“It is important to note that often one single measure will not result in reduced speeds. Combining multiple passive and active traffic calming measures creates a cumulative effect on speed reduction.”





Project is Low Urgency (Green)

A project that scores less than 40 points is considered “Green” (low urgency). No traffic calming measures are required at this location. Passive measures may be installed if the city engineer feels it is appropriate. If residents want a passive measure and City does not find one is required, residents can pay for the device and City will install it. Residents may only pay to install passive measures such as a radar speed sign. Residents cannot pay to install an active measure if the City finds that one is not required. This helps to ensure traffic control measures are appropriate and effective.

Project is Medium Urgency (Yellow)

A project that scores between 40 and 79 points is considered “Yellow” (medium urgency). Passive measures are recommended at this location. Temporary measures may be installed if the city engineer feels it is appropriate. If the response to the temporary measures is positive, then permanent active measures may be installed. If not, they may be removed.

Project is High Urgency (Red)

A project that scores 80 or more points is considered “Red” (high urgency). Both passive and temporary measures are recommended at this location. The temporary measures should eventually be replaced with permanent active measures if proven effective, well received by citizens, and budgets are sufficient.

Traffic Calming Measure Flowcharts

While all speed reduction measures are valuable, not all measures are suitable in every scenario. The following flowcharts provide guidance to help the community

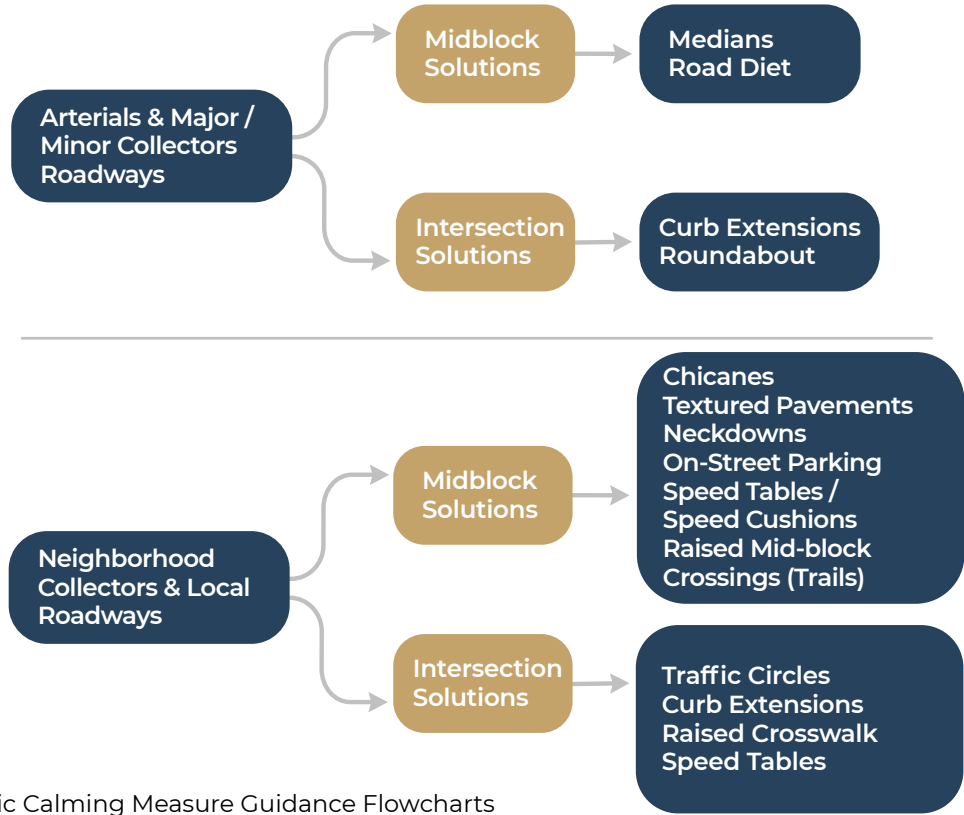


Figure 6: Traffic Calming Measure Guidance Flowcharts

implement a proper traffic calming measure based on the roadway classification outlined in earlier sections of this manual.

Passive measures can be implemented on any roadway. Rubber curbs can be used to create temporary roundabouts, bulb-outs, or chicanes on roadways where those measures are suggested. More than one measure may be required to reduce vehicle speeds.

FUNDING AND POLICY

Funding for traffic calming projects is obtained through the city budget. Other sources besides Highland City funds could be available for traffic calming projects as well, including:

- **The Utah Department of Transportation (UDOT) Safe Routes to School (SRTS) Program:** The goal of the SRTS Program is to assist and encourage students living within 1.5 to 2 miles of school to walk or bike. Funding can be used for non-infrastructure and infrastructure-type projects (i.e., physical improvements—primarily new sidewalks, but also school pavement markings, signage, bicycle parking, etc.). The deadline each year is in October.
- **UDOT Transportation Alternatives (TAP):** eligible projects include Bike facilities (on- and off-road), trails, sidewalks (off-state routes), vehicle-caused wildlife mortality reductions, and other qualifying transportation alternative projects. Region Three will consider contributing up to 60 percent of the project cost, with a maximum department-paid cost of \$300,000. The deadline each year is in March.
- **UDOT Active Transportation Investment Fund (ATIF):** To be used for the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved non-motorized trail projects that are prioritized through the Utah Transportation Commission. The use of the funds is also required to serve a regional purpose and must be part of an active transportation investment plan. The deadline each year is in March.
- **UDOT TTIF First and Last Mile:** Eligible project must be a pedestrian or nonmotorized transportation project that provides connection to a public transit system and is maintained by the local government or district. The deadline each year is in March.
- **Mountainland Association of Governments Transportation Improvement Program (MAG TIP):** MAG TIP, administered by Mountainland Association of Governments, provides funding for local governments. MAG TIP funds support bicycle and pedestrian facilities, including construction, planning, design, traffic calming, lighting, and ADA accessibility projects. The application deadline is every other year.



ACCESS MANAGEMENT

Access management is a process of controlling the location and number access to and from roadways, driveways, and other transportation facilities to improve safety, mobility, and efficiency of the transportation network. Benefits of access management include:

Improved safety: Access management can help reduce the number of crashes on roadways by limiting the number of points where vehicles can enter or exit a roadway. This can also help reduce conflicts between vehicles and pedestrians, thereby increasing safety.

Improved mobility: By managing access points to a roadway, traffic flow can be improved, reducing delays and travel times for motorists. This can also help reduce congestion and improve the overall capacity of the transportation network.

Improved aesthetics: Access management can also help improve the appearance of roadways by reducing the number of curb cuts and other access points, resulting in a more attractive and inviting environment.

Table 2 outlines the access management standards. The distances in the table are from curb to curb. When determining the appropriate access management, the highest functional classification governs (arterials, followed by collectors, then local roads).

Table 2: Access Management Standards				
Roadway Classification	Minimum signal spacing	Street spacing	Driveway spacing	Corner distance
Arterial	2,640 ft	660 ft	350 ft	350 ft
Major Collector	1,320 ft	330 ft	150 ft	150 ft
Minor Collector	1,320 ft	330 ft	150 ft	150 ft
Neighborhood Collector	1,320 ft	330 ft	150 ft	150 ft
Local	N/A	150 ft	Residential: NA Commercial: 100 ft	30 ft

Figure 7—Access management standards

SIGHT TRIANGLES

Sight triangles are clear, unobstructed areas required at intersections or driveways for drivers' visibility. They help drivers make safe decisions while navigating these areas, reducing the risk of crashes. Figure 7 is a figure from the Highland City Design Criteria⁶ that shows the sight triangles for a right-turning and left-turning vehicle. Sight distance triangles are calculated based on the stopping sight distance of the road being intersected. The following roadway classifications have the design stopping sight distance:

- Arterial – 425 feet
- Major, minor, and neighborhood collectors – 300 feet
- Local roadways – 200 feet

⁶Design Criteria for Public Improvements, Highland City, 2021

According to the Highland City Standard Drawings⁷, a sight distance of 40 feet is required and shall not be obstructed by fencing or landscaping. In design, the greater site distance value between the Highland City Standard Drawings and the Highland City Design Criteria shall be used.



Figure 7: Sight Distance Triangle

DESIGN STANDARDS

Design consistency is crucial in traffic engineering to ensure uniformity and predictability in traffic calming and pedestrian safety measures. Consistent designs meeting driver expectations enhance road safety by reducing confusion and minimizing the risk of crashes. Designs for traffic calming and pedestrian safety measures shall be consistent with the standards presented in American Association of Highway and Transportation Officials (AASHTO), the Manual on Uniform Traffic Control Devices (MUTCD), the Federal Highway Administration (FHWA), and the National Association of City Transportation Officials (NACTO). By designing according to these standards, Highland City takes measures to absolve itself from any liability associated with the utilization of these designs.

⁷ Highland City Standard Drawings, ST-05, Highland City, 2021





APPENDICES

Appendix A:

Approved Traffic Calming Measures
for Highland City

- Passive Measures
- Active Measures
- Pedestrian Safety Measures

Appendix B:

Highland City Traffic Calming and Pedestrian
Safety Request Form

Appendix C:

Highland City Traffic Calming and Pedestrian
Safety Prioritization Form

APPENDIX A:

Approved Traffic Calming Measures for Highland City

The costs presented are a general estimate and should be viewed as approximate figures. It is important to recognize that these costs can vary significantly based on various factors, including but not limited to the manufacturer, geographic location, market conditions, and inflation rates.



WHAT ARE SPEED MANAGEMENT STUDIES?

Speed Management Studies are an alternative to typical speed studies. These studies may indicate that the 85th percentile speed is much greater than the posted speed limit, but instead of raising the speed limit, speed management should be considered to instead lower the 85th percentile speed.

HOW DO I REQUEST A SPEED MANAGEMENT STUDY?

Speed Management Studies are performed through the UDOT traffic studies process in the same manner as traditional speed studies, signal warrants, left-turn studies, and many other common study types. Request are generally initiated at the regional or community level then are submitted through Workflow Manager by UDOT Region traffic engineers.

WHERE TO UTILIZE SPEED MANAGEMENT STUDIES?

Speed Management Studies should be utilized when there is a disconnect between vehicle speeds and the roadway context or when 85th percentile speeds are higher than recommended for safety. This includes situations when non-motorists are commonly present, when adjacent land uses are not consistent with roadway character, or when the roadway design does not match the traveling speed.

SPEED MANAGEMENT \neq ARTIFICIALLY LOWERING SPEED LIMITS

Speed management is a holistic approach to dealing with speed. Research has shown that artificially lowering speed limits generally does not lead to lower vehicle speeds. Speed limits should be lowered in conjunction with speed management measures.

SPEED MANAGEMENT MAY MEAN “ENGINEERING UP”

When there is a disconnect between vehicle speeds and roadway design the solution may not always be to slow traffic. Sometimes on key connectors carrying significant traffic the solution may be to design the roadway to better accommodate the speeds in which users want to travel. This could mean wider shoulders, median barrier, consolidated accesses, improved alignment, etc.

Source: UDOT Speed info management sheets, March 2022

Speed Management is considered within the framework of the **Safe System Approach**¹, which means designing a roadway in which impacts on the human body are kept at tolerable levels. Examples of this are as follows:

- 1 If a roadway has frequent pedestrian or bicycle users, then speeds should be managed so that an impact is less likely to be fatal. If speeds can't be reduced, vulnerable roadway users need to be separated from vehicular traffic.
- 2 If there is a high likelihood of centerline crossing crashes, then speeds should be managed so that a head-on crash is less likely to be fatal. If speeds can't be reduced, centerline crossing can be mitigated via median barrier.

This guide focuses specifically on measures to slow traffic. Design improvements to accommodate higher speeds could be an outcome of a speed management study, but specific recommendations would not be provided.

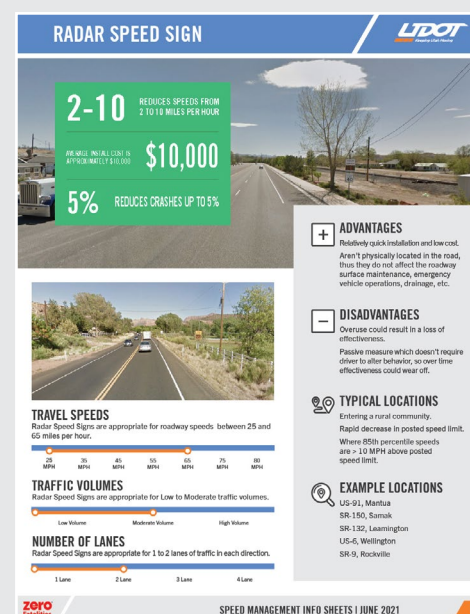
INFO SHEETS

Information sheets on a range of speed management measures are provided to help guide the study engineer when selecting appropriate treatments.

These info sheets highlight key aspects of each speed management measure including advantages, disadvantages, costs, implementation considerations, and example/typical locations.

- Radar Speed Sign
- Pavement Speed Limit Marking
- Optical Speed Bars
- Road Diet
- Median Island
- Roundabout
- Roadway Narrowing (bike lanes, lane narrowing, on-street parking, etc.)
- Curb Extensions (bulb-outs)
- Roadside Gateway Features (street trees, lighting, signage, banners, public art, etc.)

For guidance on roadway safety improvements outside of speed management please consult the Safety Countermeasure Fact Sheets.

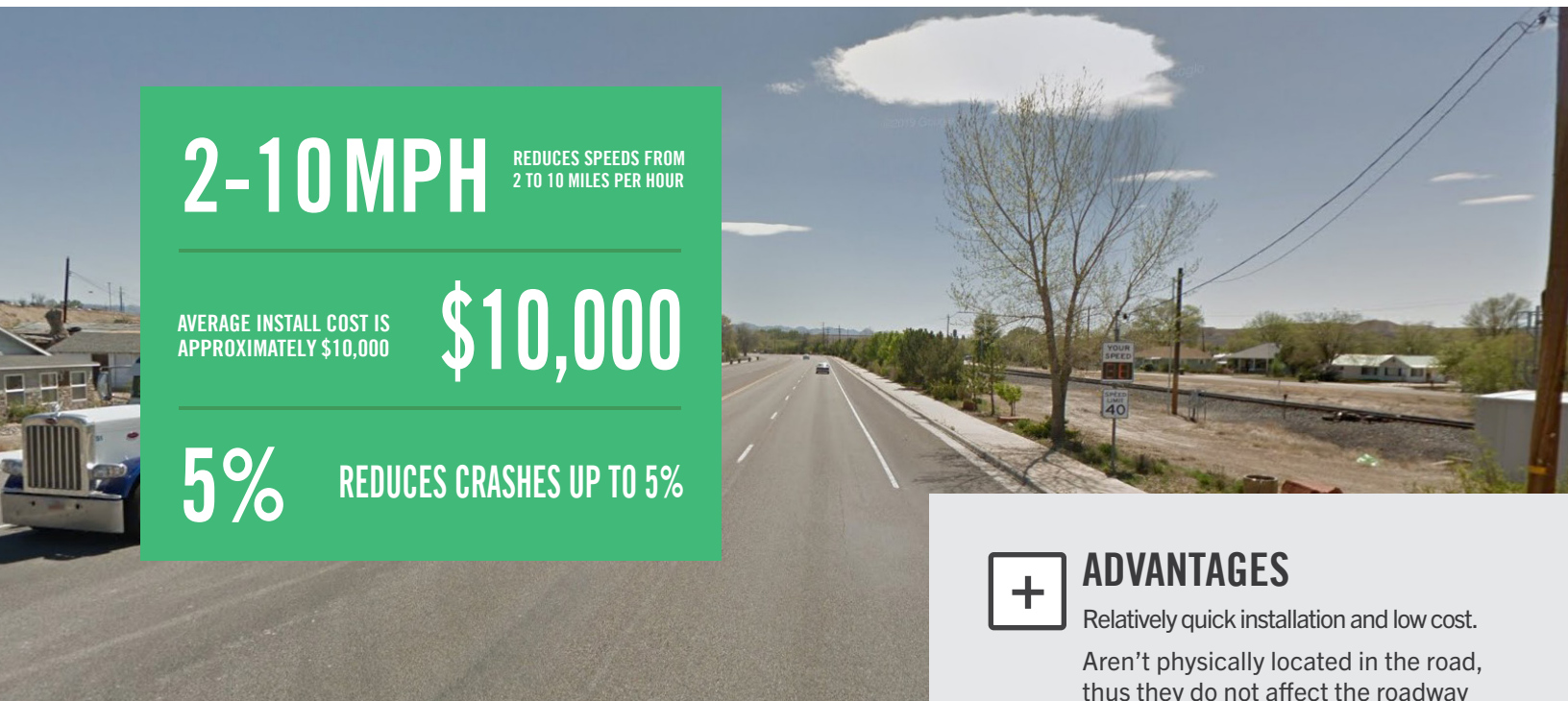


¹ https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf

Source: UDOT Speed info management sheets, March 2022



**PASSIVE
MEASURES**



2-10 MPH REDUCES SPEEDS FROM 2 TO 10 MILES PER HOUR

AVERAGE INSTALL COST IS APPROXIMATELY \$10,000

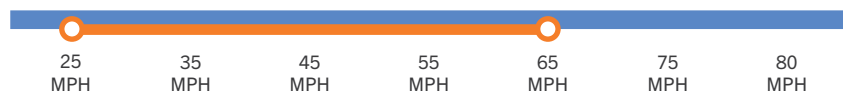
\$10,000

5% REDUCES CRASHES UP TO 5%



TRAVEL SPEEDS

Radar Speed Signs are appropriate for roadway speeds between 25 and 65 miles per hour.



TRAFFIC VOLUMES

Radar Speed Signs are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Radar Speed Signs are appropriate for 1 to 2 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Relatively quick installation and low cost.

Aren't physically located in the road, thus they do not affect the roadway surface maintenance, emergency vehicle operations, drainage, etc.



DISADVANTAGES

Overuse could result in a loss of effectiveness.

Passive measure which doesn't require driver to alter behavior, so over time effectiveness could wear off.



TYPICAL LOCATIONS

Entering a rural community.

Rapid decrease in posted speed limit.

Where 85th percentile speeds are > 10 MPH above posted speed limit.



EXAMPLE LOCATIONS

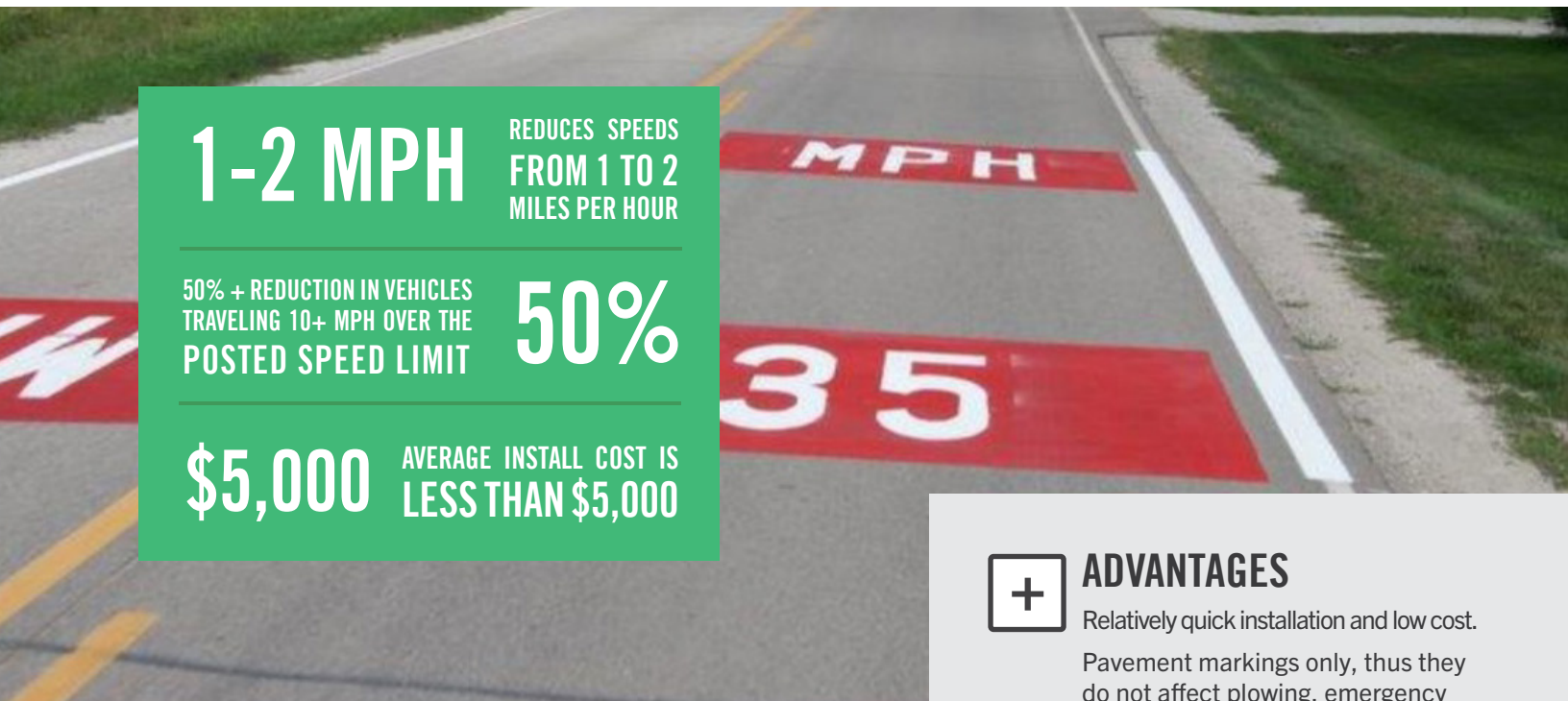
US-91, Mantua

S.R. 150, Samak

S.R. 132, Leamington

US-6, Wellington

S.R. 9, Rockville



1-2 MPH

REDUCES SPEEDS
FROM 1 TO 2
MILES PER HOUR

50% + REDUCTION IN VEHICLES
TRAVELING 10+ MPH OVER THE
POSTED SPEED LIMIT

50%

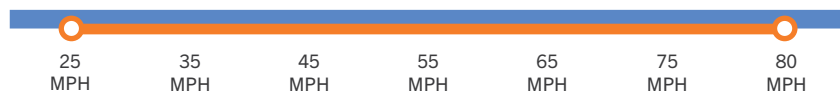
\$5,000

AVERAGE INSTALL COST IS
LESS THAN \$5,000



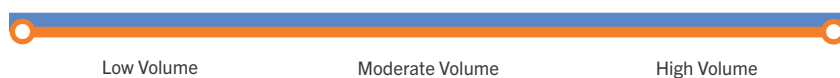
TRAVEL SPEEDS

Pavement Speed Limit Markings are appropriate for ALL roadway speeds.



TRAFFIC VOLUMES

Pavement Speed Limit Markings are appropriate for ALL traffic volumes.



NUMBER OF LANES

Pavement Speed Limit Markings are appropriate for ALL lanes of traffic.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Relatively quick installation and low cost.

Pavement markings only, thus they do not affect plowing, emergency vehicle operations, drainage, etc.



DISADVANTAGES

Passive measure which doesn't require driver to alter behavior, so over time effectiveness could wear off.

In the traveled way, thus wear off over time.



TYPICAL LOCATIONS

Any location where additional emphasis is needed. (curves, entering developed areas, reduction in posted speed limit).



EXAMPLE LOCATIONS

I-80 Eastbound at I-15, SLC

TRANSVERSE MARKINGS WITH REDUCING SPACING
TO PROVIDE THE VISUAL ILLUSION
OF INCREASING SPEEDS

REDUCES SPEEDS FROM
0 TO 3 MILES PER HOUR

0-3 MPH

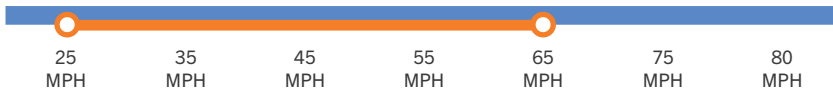
\$5,000

AVERAGE INSTALL COST
IS LESS THAN \$5,000



TRAVEL SPEEDS

Optical Speed Bars are appropriate for roadway speeds between 25 and 65 miles per hour.



TRAFFIC VOLUMES

Optical Speed Bars are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Optical Speed Bars are appropriate for 1 to 2 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Relatively quick installation and low cost.

Pavement markings only, thus they do not affect plowing, emergency vehicle operations, drainage, etc.



DISADVANTAGES

Passive measure which doesn't require driver to alter behavior, so over time effectiveness could wear off.

In the traveled way, thus wear off over time.



TYPICAL LOCATIONS

Curves and entering rural communities.



EXAMPLE LOCATIONS

None within Utah

**STARTING AT \$20,000
PER MILE (STRIPING ONLY)**

0-3 MPH MINOR (0 TO 3 MILES PER HOUR)
EFFECT ON VEHICLE SPEED
WITHOUT OTHER CHANGES

**PROVIDES SPACE FOR
BIKE LANES OR PARKING**



ADVANTAGES

Potentially improved bike facilities or increased on-street parking.

Low cost.



DISADVANTAGES

Without other changes has not been shown to drastically vehicle speeds.



TYPICAL LOCATIONS

Combined with other treatments. Where treatments are needed for bicycle activity, high demand for parking, etc. and not just lowering vehicle speeds.

Roadways with wider pavement section than needed.



EXAMPLE LOCATIONS

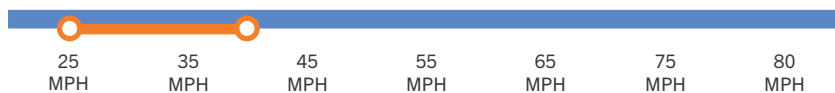
200 South @ 800 East, SLC

Daybreak Parkway, South Jordan



TRAVEL SPEEDS

Roadway Narrowing is appropriate for roadway speeds between 25 and 40 miles per hour.



TRAFFIC VOLUMES

Roadway Narrowing is appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Roadway Narrowing is appropriate for 1 to 3 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



0-4 MPH REDUCES SPEEDS
0-4 MILES PER HOUR

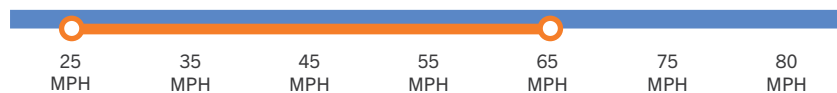
AVERAGE INSTALATION
COSTS ARE \$5,000
TO \$10,000 **\$5-10,000**

INCREASES SPEED COMPLIANCE



TRAVEL SPEEDS

Landscaping is appropriate for roadway speeds between 25 and 65 miles per hour.



TRAFFIC VOLUMES

Landscaping is appropriate for LOW to HIGH traffic volumes.



NUMBER OF LANES

Landscaping is appropriate for 1 to 4 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Mid-level treatment provides a physical change without rebuilding a road

Provides continuous narrowing of perceived width

Improves streetscape aesthetics and reduces heat-island effect

Works well in conjunction with other treatments



DISADVANTAGES

Must be designed to avoid creating sight distance triangle obstructions

Often requires maintenance

May be challenging in a dry climate



TYPICAL LOCATIONS

Along transition zones

At gateways

Within developed areas



EXAMPLE LOCATIONS

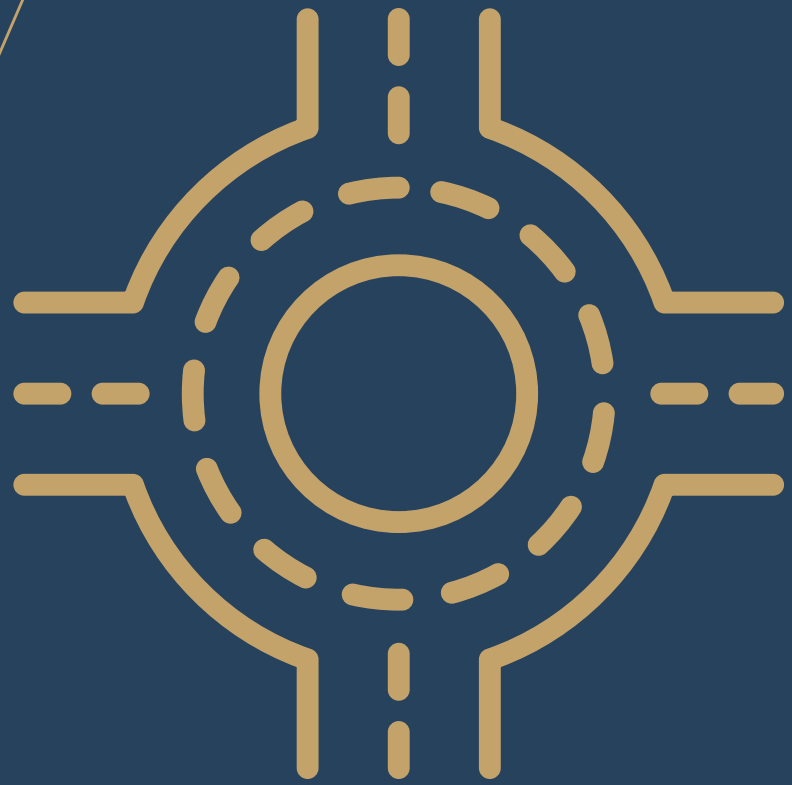
St George S.R. 34

Hurricane S.R. 9

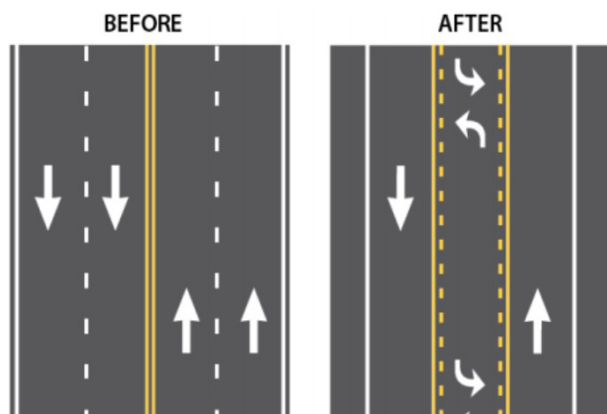
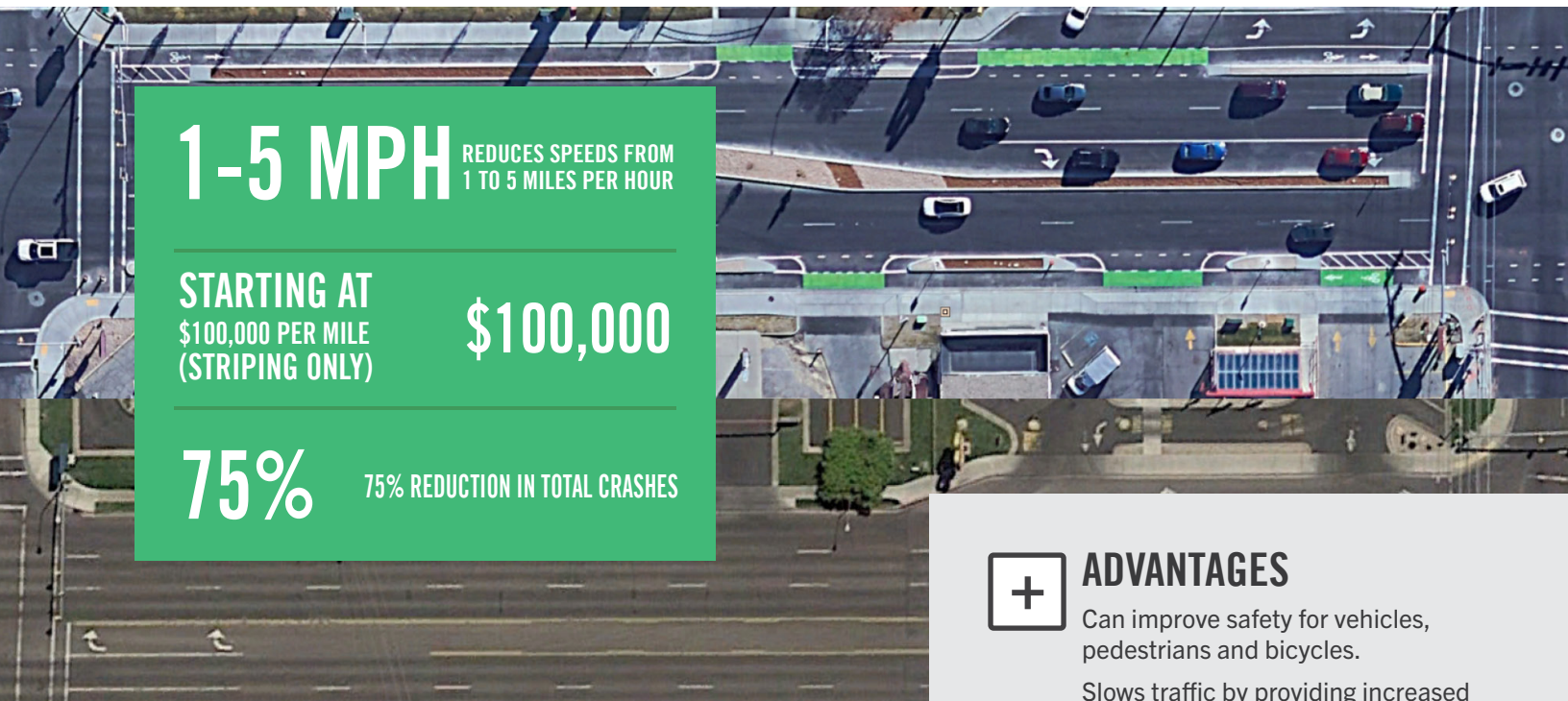
Brigham City S.R. 13

Park City S.R. 248

Farmington S.R.106

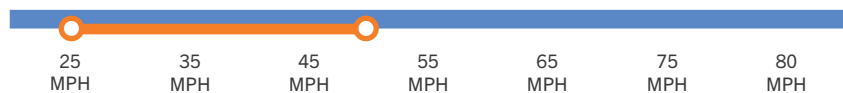


ACTIVE MEASURES



TRAVEL SPEEDS

Road Diets are appropriate for roadway speeds between 25 and 50 miles per hour.



TRAFFIC VOLUMES

Road Diets are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Road Diets are appropriate for 2 to 4 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Can improve safety for vehicles, pedestrians and bicycles.

Slows traffic by providing increased friction.



DISADVANTAGES

Could impact roadway capacity, and emergency services/evacuation times.



TYPICAL LOCATIONS

Roadways with frequent curb cuts and with traffic volumes that are lower than roadway capacity.



EXAMPLE LOCATIONS

S.R. 258, Elsinore

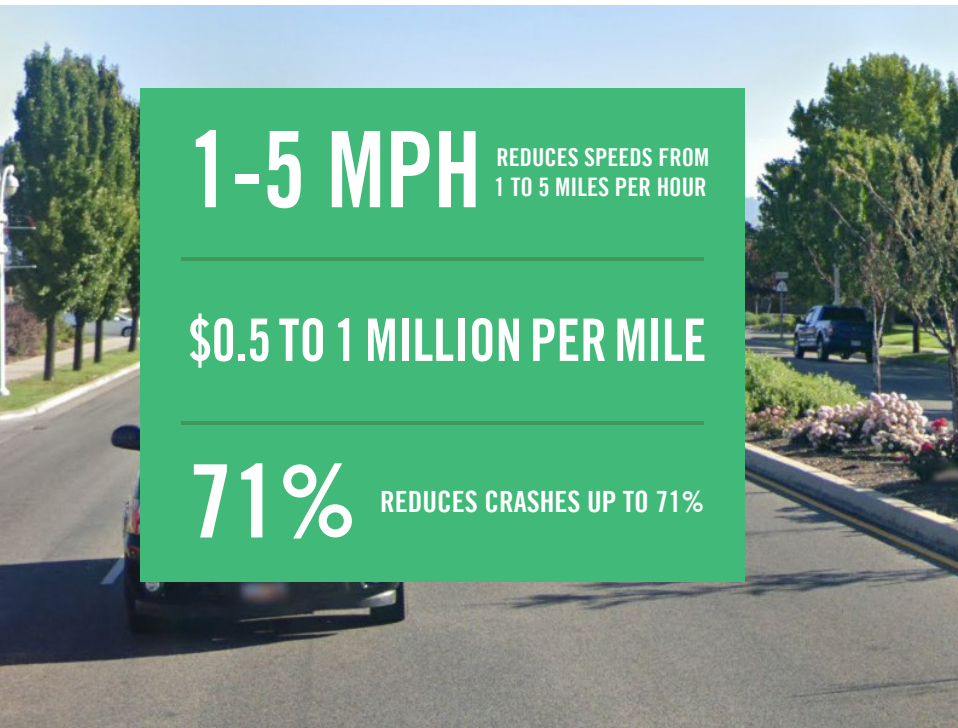
S.R. 118, Richfield

Cougar Blvd, Provo

200 West, SLC

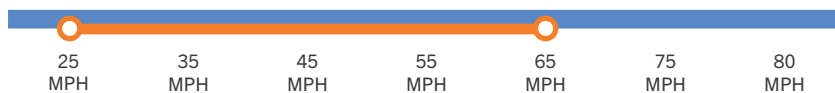
California Ave

(east of Redwood Rd), SLC



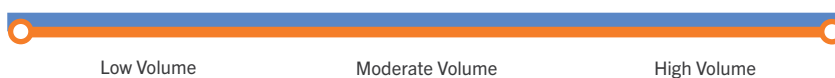
TRAVEL SPEEDS

Median Islands are appropriate for roadway speeds between 25 and 65 miles per hour.



TRAFFIC VOLUMES

Median Islands are appropriate for ALL traffic volumes.



NUMBER OF LANES

Median Islands are appropriate for All lanes of traffic.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Physical treatment so effectiveness does not wear off with time.

Provides improved pedestrian crossing.

Landscaped medians improve aesthetics as well as reduce travel speeds.



DISADVANTAGES

Increased maintenance. Could require additional right-of-way.

Back to back curb medians without landscaping have not been shown to reduce travel speeds.



TYPICAL LOCATIONS

Roadways with two-way left-turn lanes and where u-turns, alternate access, or median openings can be accommodated. Existing and potential pedestrian crossing locations.



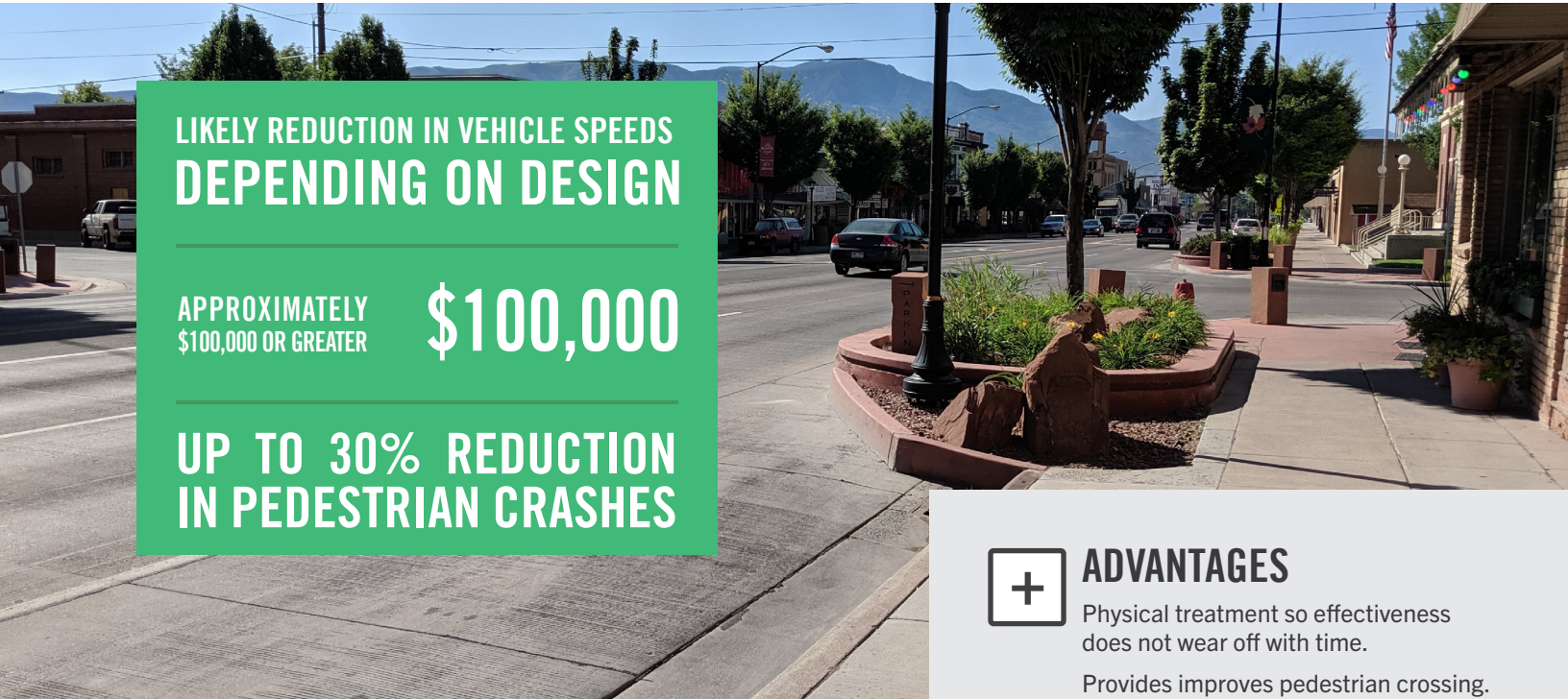
EXAMPLE LOCATIONS

US-89, downtown Ogden

US-89 @ 50 North, SLC

S.R. 68 @ 5500 South, Taylorsville

S.R. 34, St. George



LIKELY REDUCTION IN VEHICLE SPEEDS
DEPENDING ON DESIGN

APPROXIMATELY
\$100,000 OR GREATER

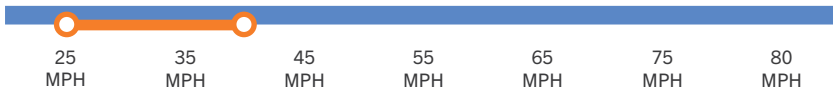
\$100,000

UP TO 30% REDUCTION
IN PEDESTRIAN CRASHES



TRAVEL SPEEDS

Curb Extensions are appropriate for roadway speeds between 25 and 40 miles per hour.



TRAFFIC VOLUMES

Curb Extensions are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Curb Extensions are appropriate for 1 to 2 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Physical treatment so effectiveness does not wear off with time.

Provides improves pedestrian crossing.



DISADVANTAGES

Increased maintenance. Could interfere with large vehicle movements.



TYPICAL LOCATIONS

Corridors with on-street parking.
Intersections with pedestrian activity and a small number of turning heavy vehicles.

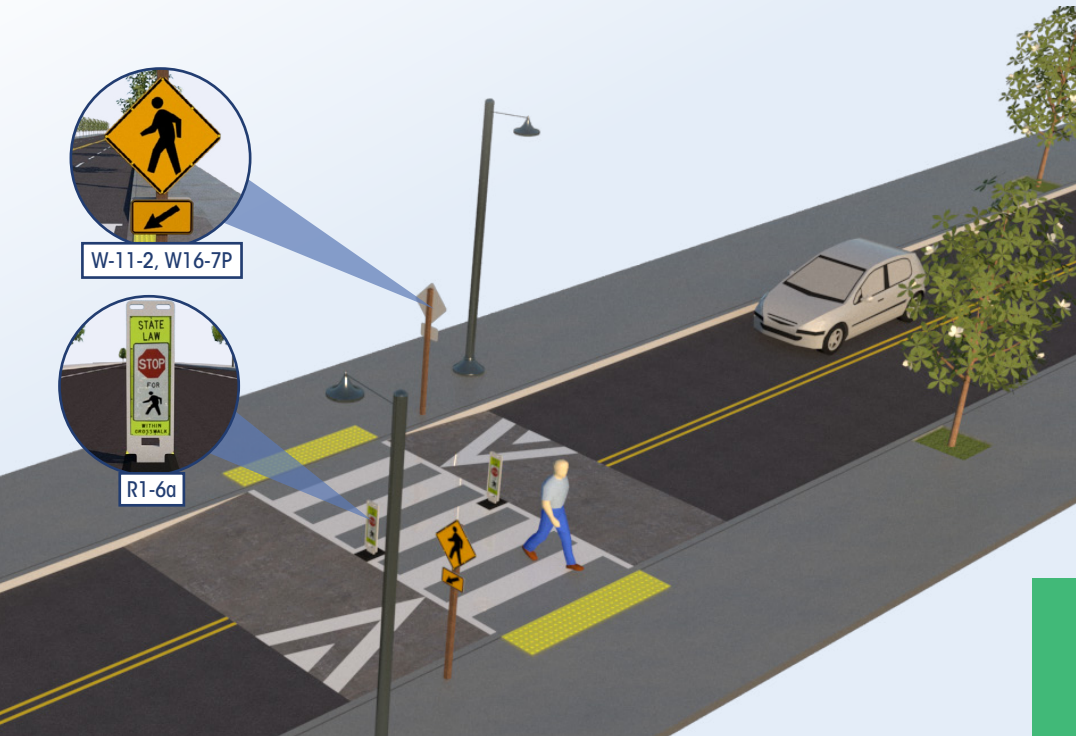


EXAMPLE LOCATIONS

US-89, downtown Ogden
US-89 & 500 N, SLC
US-40, downtown Ogden
S.R. 120, Richfield
US-89, Gunnison
S.R. 12, Triopic

Safe Transportation For Every Pedestrian

A Counter Measure Tech Sheet



Local and collector roads with high speeds pose a significant challenge for pedestrians crossing the roadway.



A raised crosswalk can reduce vehicle speeds and enhance the pedestrian crossing environment.

45% REDUCES PEDESTRIAN CRASHES BY 45%

AVERAGE INSTALLATION COSTS FROM
\$8,000 - \$32,000

Raised crosswalks are ramped speed tables spanning the entire width of the roadway, often placed at midblock crossing locations. The crosswalk is demarcated with paint and/or special paving materials. These crosswalks act as traffic-calming measures that allow the pedestrian to cross at grade with the sidewalk.

In addition to their use on local and collector streets, raised crosswalks can be installed in campus settings, shopping centers, and pick-up/drop-off zones (e.g., airports, schools, transit centers).

Raised crosswalks are flush with the height of the sidewalk. The crosswalk table is typically at least 10 feet wide and designed to allow the front and rear wheels of a passenger vehicle to be on top of the table at the same time. Detectable warnings (truncated domes) and curb ramps are installed at the street edge for pedestrians with impaired vision.

FEATURES:

- Elevated crossing makes the pedestrian more prominent in the driver's field of vision, and allows pedestrians to cross at grade with the sidewalk
- Approach ramps may reduce vehicle speeds and improve motorist yielding

OFTEN USED WITH:

- Crosswalk visibility enhancements





Boston, MA. Photo: Peter Furth / nacto.org

CONSIDERATIONS

Raised crosswalks are typically installed on 2-lane or 3-lane roads with speed limits of 30 mph or less and annual average daily traffic (AADT) below about 9,000. Raised crossings should generally be avoided on truck routes, emergency routes, and arterial streets.

Drainage can be an issue. Raised crosswalks may be installed with curb extensions where parking exists. They may also be used at intersections, particularly at the entrance of the minor street.

Since this countermeasure can cause discomfort and noise (especially with larger vehicles), it may be appropriate to get public buy-in. Raised crosswalks may not be appropriate for bus transit routes or primary emergency vehicle routes. For States that experience regular snowfall, snowplowing can be a concern.

COST

The cost associated with a raised crosswalk ranges from \$7,110 to \$30,880 each, with the average cost estimated at \$8,170.

References

- Federal Highway Administration. (2013). "Raised Pedestrian Crossings" in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System. Available: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=7
- Thomas, L., Thirsk, N. J., & Zegeer, C. (2016). NCHRP Synthesis 498: Application of Pedestrian Crossing Treatments for Streets and Highways. Transportation Research Board, Washington D.C.
- Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.
- Elvik, R., Christensen, P., and Amundsen, A. (2004). "Speed and Road Accidents An Evaluation of the Power Model." Transportøkonomisk Institutt, Oslo, Norway.

Source: <https://www.fhwa.dot.gov/innovation/everydaycounts/edc-4.cfm>

SIGNIFICANT SPEED REDUCTIONS

AVERAGE INSTALL COST
OF 1-3 MILLION

\$1-3 MILLION

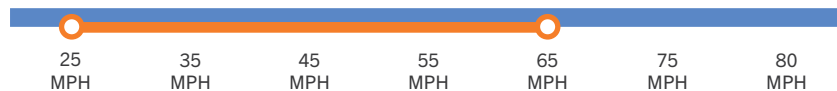
88%

REDUCE FATAL AND SERIOUS
INJURY CRASHES BY UP TO 88%



TRAVEL SPEEDS

Roundabouts are appropriate for roadway speeds between 25 and 65 miles per hour.



TRAFFIC VOLUMES

Roundabouts are appropriate for Low to Moderate traffic volumes.

**High volume roadways may be possible with additional review / design.*



NUMBER OF LANES

Roundabouts are appropriate for 1 to 2 lanes of traffic in each direction.

**3 lane roadways may be possible with additional review / design.*



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Alters vehicle path thus necessitates major reductions in speed.

Major safety improvements.

Can handle a wide range of mainline and turning traffic.

Pedestrian safety improved due to lower speeds.



DISADVANTAGES

Relatively expensive. May require additional right-of-way.



TYPICAL LOCATIONS

Intersections with available right-of-way. Where speeds, safety, and congestion are all concerns.



EXAMPLE LOCATIONS

I-80 interchange, Jeremy Ranch Park City

S.R. 63, Oljato-Monument Valley

S.R. 12 & S.R. 63, Bryce Canyon

S.R. 130, Enoch

Description:

- Two or more raised areas placed laterally across a roadway with gaps between raised areas
- Height and length similar to a speed hump; spacing of gaps allow emergency vehicles to pass through at higher speeds
- Often placed in a series (typically spaced 260 to 500 feet apart)
- Sometimes called speed lump, speed slot, and speed pillow

Applications:

- Appropriate on local and collector streets
- Appropriate at mid-block locations only
- Not appropriate on grades greater than 8 percent



(Source: James Barrera, Horrocks, New Mexico)

20-25% REDUCES SPEED
BY 20-25%

AVERAGE INSTALLATION COSTS FROM
\$3,000 - \$4,000

13% REDUCES PEDESTRIAN
CRASHES BY 13%

Design/Installation Issues:

- Two or more cushions at each location
- Typically 12 to 14 feet in length and 7 feet in width
- Cushion heights range between 3 and 4 inches, with trend toward 3 - 3 ½ inches maximum
- Speed cushion shapes include parabolic, circular, and sinusoidal
- Material can be asphalt or rubber
- Often have associated signing (advance-warning sign before first cushion at each cushion)
- Typically have pavement markings (zigzag, shark's tooth, chevron, zebra)
- Some have speed advisories

Potential Impacts:

- Limited-to-no impact on non-emergency access
- Speeds determined by height and spacing; speed reductions between cushions have been observed averaging 20 and 25 percent
- Speeds typically increase by 0.5 mph midway between cushions for each 100 feet of separation
- Studies indicate that average traffic volumes have reduced by 20 percent depending on alternative routes available
- Average collision rates have been reduced by 13 percent on treated streets

Emergency Response Issues:

- Speed cushions have minimal impact on emergency response times, with less than a 1 second delay experienced by most emergency vehicles

Typical Cost (2017 dollars):

- Cost ranges between \$3,000 and \$4,000 for a set of rubber cushions

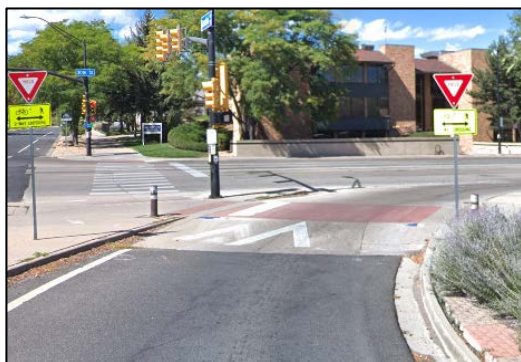
Source: ITE Traffic Calming Fact Sheets, May 2018

Description:

- Long, raised speed humps with a flat section in the middle and ramps on the ends; sometimes constructed with brick or other textured materials on the flat section
- If placed at a pedestrian crossing, it is referred to as a raised crosswalk
- If placed only in one direction on a road, it is called an offset speed table

Applications:

- Appropriate for local and collector streets; mid-block or at intersections, with/without crosswalks
- Can be used on a one-lane one-way or two-lane two-way street
- Not appropriate for roads with 85th percentile speeds of 45 mph or more
- Typically long enough for the entire wheelbase of a passenger car to rest on top or within limits of ramps
- Work well in combination with textured crosswalks, curb extensions, and curb radius reductions
- Can be applied both with and without sidewalks or dedicated bicycle facilities
- Typically installed along closed-section roads (i.e. curb and gutter) but feasible on open section



(Source: Google Maps, Boulder, Colorado)

0.5 - 1 MPH REDUCES SPEED BY 0.5-1 MPH

AVERAGE INSTALLATION COSTS FROM
\$2,500 - \$8,000

45% REDUCES PEDESTRIAN CRASHES BY 45%

Design/Installation Issues:

- ITE recommended practice – “Guidelines for the Design and Application of Speed Humps”
- Most common height is between 3 and 4 inches (reported as high as 6 inches)
- Ramps are typically 6 feet long (reported up to 10 feet long) and are either parabolic or linear
- Careful design is needed for drainage
- Posted speed typically 30 mph or less

Potential Impacts:

- No impact on non-emergency access
- Speeds reductions typically less than for speed humps (typical traversing speeds between 25 and 27 miles per hour)
- Speeds typically decline approximately 0.5 to 1 mph midway between tables for each 100 feet beyond the 200-foot approach and exit points of consecutive speed tables
- Average traffic volumes diversions of 20 percent when a series of speed tables are implemented
- Average crash rate reduction of 45 percent on treated streets
- Increase pedestrian visibility and likelihood of driver yield compliance
- Generally not appropriate for BRT bus routes

Emergency Response Issues:

- Typically preferred by fire departments over speed humps, but not appropriate for primary emergency vehicle routes; typically less than 3 seconds of delay per table for fire trucks

Typical Cost (2017 dollars):

- Cost ranges between \$2,500 and \$8,000 for asphalt tables; higher for brickwork, stamped asphalt, concrete ramps, and other enhancements sometimes used at pedestrian crossings

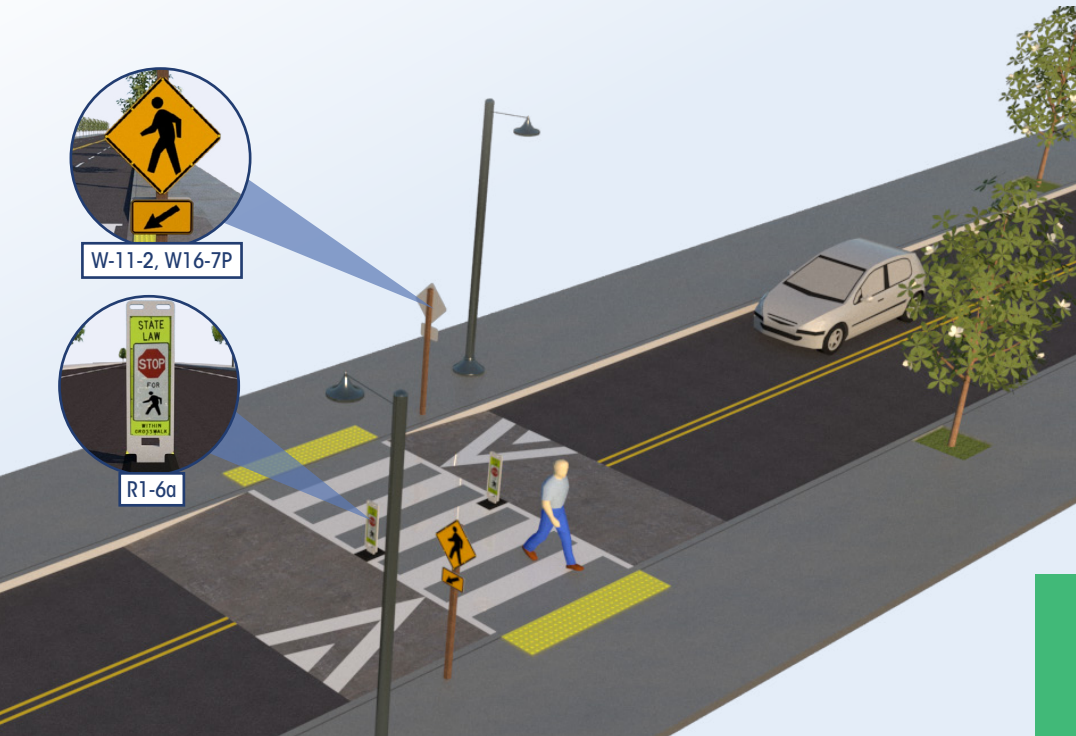
Source: ITE Traffic Calming Fact Sheets, May 2018



PEDESTRIAN SAFETY MEASURES

Safe Transportation For Every Pedestrian

A Counter Measure Tech Sheet



Local and collector roads with high speeds pose a significant challenge for pedestrians crossing the roadway.



A raised crosswalk can reduce vehicle speeds and enhance the pedestrian crossing environment.

45% REDUCES PEDESTRIAN CRASHES BY 45%

AVERAGE INSTALLATION COSTS FROM
\$8,000 - \$32,000

Raised crosswalks are ramped speed tables spanning the entire width of the roadway, often placed at midblock crossing locations. The crosswalk is demarcated with paint and/or special paving materials. These crosswalks act as traffic-calming measures that allow the pedestrian to cross at grade with the sidewalk.

In addition to their use on local and collector streets, raised crosswalks can be installed in campus settings, shopping centers, and pick-up/drop-off zones (e.g., airports, schools, transit centers).

Raised crosswalks are flush with the height of the sidewalk. The crosswalk table is typically at least 10 feet wide and designed to allow the front and rear wheels of a passenger vehicle to be on top of the table at the same time. Detectable warnings (truncated domes) and curb ramps are installed at the street edge for pedestrians with impaired vision.

FEATURES:

- Elevated crossing makes the pedestrian more prominent in the driver's field of vision, and allows pedestrians to cross at grade with the sidewalk
- Approach ramps may reduce vehicle speeds and improve motorist yielding

OFTEN USED WITH:

- Crosswalk visibility enhancements



Boston, MA. Photo: Peter Furth / nacto.org

CONSIDERATIONS

Raised crosswalks are typically installed on 2-lane or 3-lane roads with speed limits of 30 mph or less and annual average daily traffic (AADT) below about 9,000. Raised crossings should generally be avoided on truck routes, emergency routes, and arterial streets.

Drainage can be an issue. Raised crosswalks may be installed with curb extensions where parking exists. They may also be used at intersections, particularly at the entrance of the minor street.

Since this countermeasure can cause discomfort and noise (especially with larger vehicles), it may be appropriate to get public buy-in. Raised crosswalks may not be appropriate for bus transit routes or primary emergency vehicle routes. For States that experience regular snowfall, snowplowing can be a concern.

COST

The cost associated with a raised crosswalk ranges from \$7,110 to \$30,880 each, with the average cost estimated at \$8,170.

References

- Federal Highway Administration. (2013). "Raised Pedestrian Crossings" in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System. Available: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=7
- Thomas, L., Thirsk, N. J., & Zegeer, C. (2016). NCHRP Synthesis 498: Application of Pedestrian Crossing Treatments for Streets and Highways. Transportation Research Board, Washington D.C.
- Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.
- Elvik, R., Christensen, P., and Amundsen, A. (2004). "Speed and Road Accidents An Evaluation of the Power Model." Transportøkonomisk Institutt, Oslo, Norway.

Source: <https://www.fhwa.dot.gov/innovation/everydaycounts/edc-4.cfm>

This example combines curb extensions, high-visibility markings, overhead lighting, and in-street signs on a two-lane roadway.



Poor lighting conditions, obstructions such as parked cars, and horizontal or vertical roadway curvature can reduce visibility at crosswalks, contributing to higher crash rates.



Crosswalk visibility enhancements help make crosswalks and/or pedestrians more visible and can help pedestrians decide where to cross.

23-48% REDUCES PEDESTRIAN CRASHES BY 23-48%

AVERAGE INSTALLATION COSTS FROM \$300 - \$22,000

This group of countermeasures includes improved lighting, advance or in-street warning signage, pavement markings, and geometric design elements. Such features may be used in combination to indicate optimal or preferred locations for people to cross and to help reinforce the driver requirement to yield the right-of-way to pedestrians at crossing locations.

For multi-lane roadway crossings where vehicle AADTs are in excess of 10,000, a marked crosswalk alone is typically not sufficient (Zegeer, 2005). Under such conditions, more substantial crossing improvements are also needed to prevent an increase in pedestrian crash potential. Examples of more substantial treatments include the refuge island, PHB, and RRFB.

FEATURES:

- High visibility marking improves visibility of the crosswalk compared to the standard parallel lines.
- Parking restriction on the crosswalk approach improves the sightlines for motorists and pedestrians.
- Advance STOP or YIELD markings & signs reduce the risk of a multiple threat crash.
- Curb extension improves sight distance between drivers and pedestrians and narrows crossing distance.
- In street STOP or YIELD signs may improve driver yielding rates.

Source: FHWA Crosswalk Visibility Enhancements Tech Sheet June 2018
["ITE Traffic Calming Fact Sheets, May 2018"](#)

June 2018, Updated | FHWA-SA-18-061

High-visibility crosswalk marking. High-visibility crosswalks are preferred over parallel line crosswalks and should be provided at all established midblock pedestrian crossings. They should also be considered at uncontrolled intersections.

Parking restriction on the crosswalk approach. Parking restriction can include the removal of parking space markings, installation of new “parking prohibition” pavement markings or curb paint, and signs. The minimum setback is 20 feet in advance of the crosswalk where speeds are 25 mph or less, and 30 feet where speeds are between 26 and 35 mph.

Advance YIELD or STOP markings and signs.¹ The stop bar or “sharks teeth” yield markings are placed 20 to 50 feet in advance of a marked crosswalk to indicate where vehicles are required to stop or yield in compliance with the accompanying “STOP Here for Pedestrians” or “YIELD Here to Pedestrians” sign.

Curb extension. This treatment, also referred to as bulb-outs, extends the sidewalk or curb line out into the parking lane, which reduces the effective street width. Curb extensions must not extend into travel lanes and should not extend across bicycle lanes.

Improved nighttime lighting.

Consideration should be given to placing lights in advance of midblock and intersection crosswalks on both approaches to illuminate the front of the pedestrian and avoid creating a silhouette.

In-street STOP or YIELD to pedestrian sign.² These signs serve to remind road users of laws regarding right-of-way, and they may be appropriate on 2-lane or 3-lane roads where speed limits are 30 mph or less. The sign can be placed in between travel lanes or in a median.

COST

Countermeasure	Range	Average
High visibility crosswalk marking	\$600-5,700 each	\$2,540 each
Lighting	<i>Varies based on fixture type and utility service agreement</i>	
Parking restriction	<i>Varies based on the required signs and pavement markings</i>	
Curb extension	\$2,000-20,000	\$13,000 each
Advance STOP/YIELD sign	N/A	\$300 each
Advance STOP/YIELD line	N/A	\$320 each
In-street STOP/YIELD sign	N/A	\$240 each

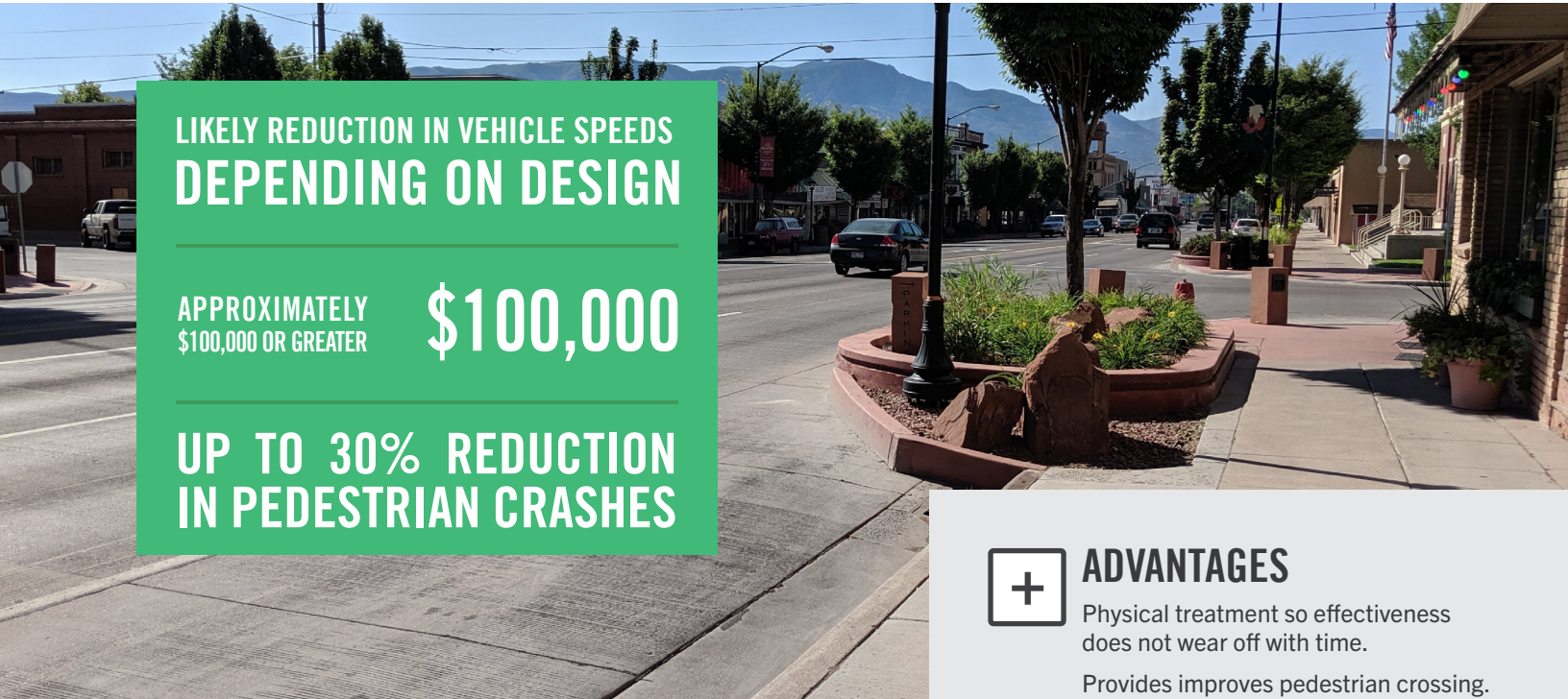
¹MUTCD section 2B.12 In-Street and Overhead Pedestrian Crossing Signs (R1-6, R1-6a, R1-9, and R1-9a)

²MUTCD reference: Section 2B.11 Yield Here To Pedestrians Signs and Stop Here For Pedestrians Signs (R1-5 Series)

References

- Harkey, D.L., R. Srinivasan, J. Baek, F. Council, K. Eccles, N. Lefler, F. Gross, B. Persaud, C. Lyon, E. Hauer, and J. Bonneson. (2008). NCHRP Report 617: Crash Reduction Factors for Traffic Engineering and ITS Improvements. Transportation Research Board, Washington, D.C.
- Zegeer, C., R. Srinivasan, B. Lan, D. Carter, S. Smith, C. Sundstrom, N.J. Thirsk, J. Zegeer, C. Lyon, E. Ferguson, and R. Van Houten. (2017). NCHRP Report 841: Development of Crash Modification Factors for Uncontrolled Pedestrian Crossing Treatments. Transportation Research Board, Washington, D.C.
- Gibbons, R. B., Edwards, C., Williams, B., & Andersen, C. K. (2008). Informational Report on Lighting Design for Midblock Crosswalks. Report No. FHWA-HRT-08-053. Federal Highway Administration.
- Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.
- Federal Highway Administration. (2013). Multiple webpages in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System:
- Marked Crosswalks and Enhancements: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=4
 - Lighting and Illumination: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=8
 - Parking Restrictions: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=9
 - Curb Extensions: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=5
 - Advance Stop/Yield Lines: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=13

Source: FHWA Crosswalk Visibility Enhancements Tech Sheet June 2018



LIKELY REDUCTION IN VEHICLE SPEEDS
DEPENDING ON DESIGN

APPROXIMATELY
\$100,000 OR GREATER

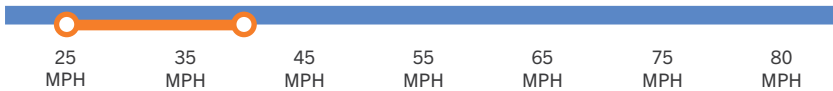
\$100,000

UP TO 30% REDUCTION
IN PEDESTRIAN CRASHES



TRAVEL SPEEDS

Curb Extensions are appropriate for roadway speeds between 25 and 40 miles per hour.



TRAFFIC VOLUMES

Curb Extensions are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Curb Extensions are appropriate for 1 to 2 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Physical treatment so effectiveness does not wear off with time.

Provides improves pedestrian crossing.



DISADVANTAGES

Increased maintenance. Could interfere with large vehicle movements.



TYPICAL LOCATIONS

Corridors with on-street parking.
Intersections with pedestrian activity and a small number of turning heavy vehicles.



EXAMPLE LOCATIONS

US-89, downtown Ogden
US-89 & 500 N, SLC
US-40, downtown Ogden
S.R. 120, Richfield
US-89, Gunnison
S.R. 12, Triopic

Safe Transportation For Every Pedestrian

A Counter Measure Tech Sheet



The combination of a long crossing distance and multiple lanes of oncoming traffic can create an unsafe pedestrian environment.



A pedestrian refuge island can improve safety and comfort by providing pedestrians with the option of waiting in the median area before beginning the next stage of the crossing.

A pedestrian refuge island is a median with a refuge area that is intended to help protect pedestrians who are crossing a multilane road. This countermeasure is sometimes referred to as a crossing island, refuge island, or pedestrian island. The presence of a pedestrian refuge island at a midblock location or intersection allows pedestrians to focus on one direction of traffic at a time as they cross, and gives them a place to wait for an adequate gap in oncoming traffic before finishing the second phase of a crossing.

Refuge islands are highly desirable for midblock pedestrian crossings on roads with four or more travel lanes, especially where speed limits are 35 mph or greater and/or where annual average daily traffic (AADT) is 9,000 or higher. They are also a candidate treatment option for uncontrolled pedestrian crossings on 3-lane or 2-lane roads that have high vehicle speeds or volumes. When installed at a midblock crossing, the island should be supplemented with a marked high-visibility crosswalk.

32% REDUCES PEDESTRIAN CRASHES BY 32%

AVERAGE INSTALLATION COSTS FROM
\$5,000 - \$45,000

FEATURES:

- Median can enhance visibility of the crossing and reduce speed of approaching vehicles.
- Refuge area provides a place to rest and reduces the amount of time a pedestrian is in the roadway

OFTEN USED WITH:

- Crosswalk visibility enhancements
- Curb extensions (where road width allows)



Asheville, NC. Photo: Lyubov Zuyeva, pedbikeimages.org

CONSIDERATIONS

The design must accommodate pedestrians with disabilities. Islands should be at least 4 feet wide (preferably 8 feet) and of adequate length to allow the anticipated number of pedestrians to stand and wait for gaps in traffic before crossing. The cut-through must include detectable warnings if island width is at least 6 feet.

Islands should be illuminated or highlighted with street lights, signs, and/or reflectors to ensure that they are visible to motorists. They can be constructed so that crossing pedestrians are directed to the right, so they can more easily view oncoming traffic after they are halfway through the crossing. If applicable, evaluate the impact of the island on bicycle facility design.

COST

The cost of a median island depends on its size and construction materials. The costs range from \$2,140 to \$41,170 per island, depending on the length of the island, with an average cost of \$13,520. The average cost per square foot is approximately \$10. Costs will be higher for concrete islands versus asphalt islands, though the lifespan of concrete is longer compared to the lifespan of asphalt. Cost reductions may be realized if the refuge island can be incorporated into planned roadway improvements or utility work.

References

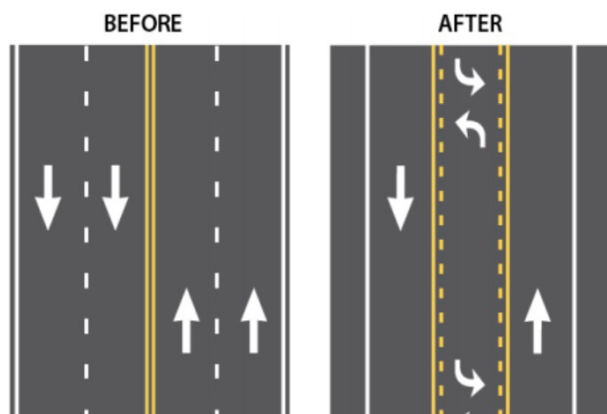
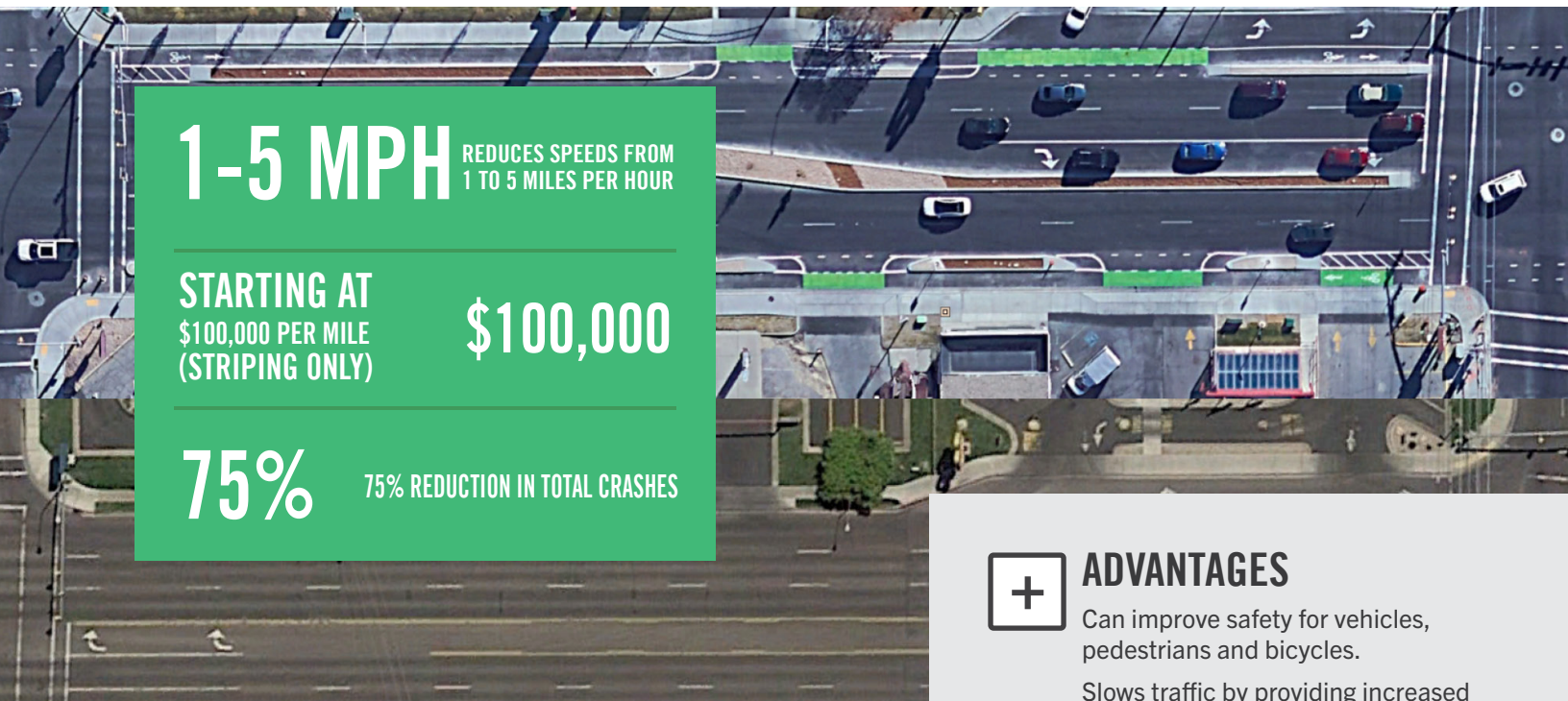
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Federal Highway Administration. (2013). "Crossing Islands" in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System. Available: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=6

Federal Highway Administration. "Medians and Pedestrian Crossing Islands in Urban and Suburban Areas." Proven Safety Countermeasures. Available: https://safety.fhwa.dot.gov/provencountermeasures/fhwa_sa_12_011.cfm

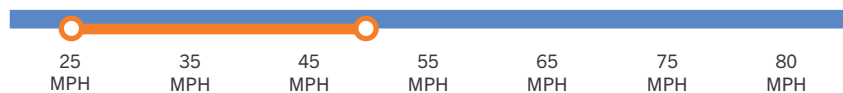
Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.

Source: FHWA Crosswalk Visibility Enhancements Tech Sheet June 2018
<https://www.fhwa.dot.gov/innovation/everydaycounts/edc-4.cfm>



TRAVEL SPEEDS

Road Diets are appropriate for roadway speeds between 25 and 50 miles per hour.



TRAFFIC VOLUMES

Road Diets are appropriate for Low to Moderate traffic volumes.



NUMBER OF LANES

Road Diets are appropriate for 2 to 4 lanes of traffic in each direction.



Source: UDOT Speed Info Management Sheets, March 2022



ADVANTAGES

Can improve safety for vehicles, pedestrians and bicycles.

Slows traffic by providing increased friction.



DISADVANTAGES

Could impact roadway capacity, and emergency services/evacuation times.



TYPICAL LOCATIONS

Roadways with frequent curb cuts and with traffic volumes that are lower than roadway capacity.



EXAMPLE LOCATIONS

S.R. 258, Elsinore

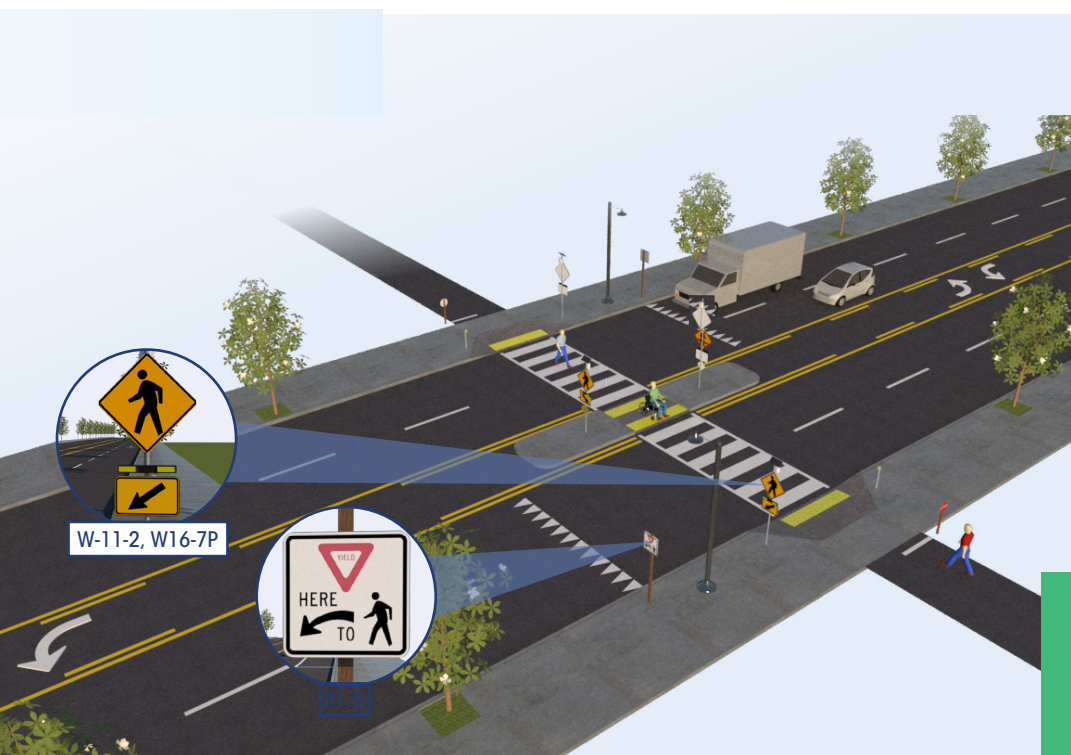
S.R. 118, Richfield

Cougar Blvd, Provo

200 West, SLC

California Ave

(east of Redwood Rd), SLC



RRFBs are pedestrian-actuated conspicuity enhancements used in combination with a pedestrian, school, or trail crossing warning sign to improve safety at uncontrolled, marked crosswalks. The device includes two rectangular-shaped yellow indications, each with an LED-array-based light source, that flash with high frequency when activated.

The RRFB is a treatment option at many types of established pedestrian crossings. Research indicates RRFBs can result in motorist yielding rates as high as 98 percent at marked crosswalks. However, yielding rates as low as 19 percent have also been noted. Compliance rates varied most per the city location, posted speed limit, crossing distance, and whether the road was one- or two-way. RRFBs are particularly effective at multilane crossings with speed limits less than 40 mph. Consider the Pedestrian Hybrid Beacon (PHB) instead for roadways with higher speeds. FHWA's *Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations* (HSA-17-072) provides specific conditions where practitioners should strongly consider the PHB instead of the RRFB.



Multiple lanes of traffic create challenges for pedestrians crossing at unsignalized locations.



RRFBs can make crosswalks and/or pedestrians more visible at a marked crosswalk.

47% REDUCES PEDESTRIAN CRASHES BY 47%

AVERAGE INSTALLATION COSTS FROM
\$5,000 - \$55,000

FEATURES:

- Enhanced warning improves motorist yielding

OFTEN USED WITH:

- Crosswalk visibility enhancements
- Pedestrian refuge island
- Advance STOP or YIELD markings and signs



Princeton, NJ. Photo: VHB

CONSIDERATIONS

FHWA has issued interim approval for the use of the RRFB (IA-21). State and local agencies must request and receive permission to use this interim approval before they can use the RRFB. IA-21 does not provide guidance or criteria based on number of lanes, speed, or traffic volumes.

RRFBs are placed on both ends of a crosswalk. If the crosswalk contains a pedestrian refuge island or other type of median, an RRFB should be placed to the right of the crosswalk and on the median (instead of the left side of the crosswalk).

RRFBs typically draw power from standalone solar panel units, but may also be wired to a traditional power source. IA-21 provides conditions for the use of accessible pedestrian features with the RRFB assembly. When RRFBs are not in common use in a community, consider conducting an outreach effort to educate the public and law enforcement officers on their purpose and use.

COST

The cost associated with RRFB installation ranges from \$4,500 to \$52,000 each, with the average cost estimated at \$22,250. These costs include the complete system installation with labor and materials.

References

MUTCD section 2B.12 In-Street and Overhead Pedestrian Crossing Signs (R1-6, R1-6a, R1-9, and R1-9a).

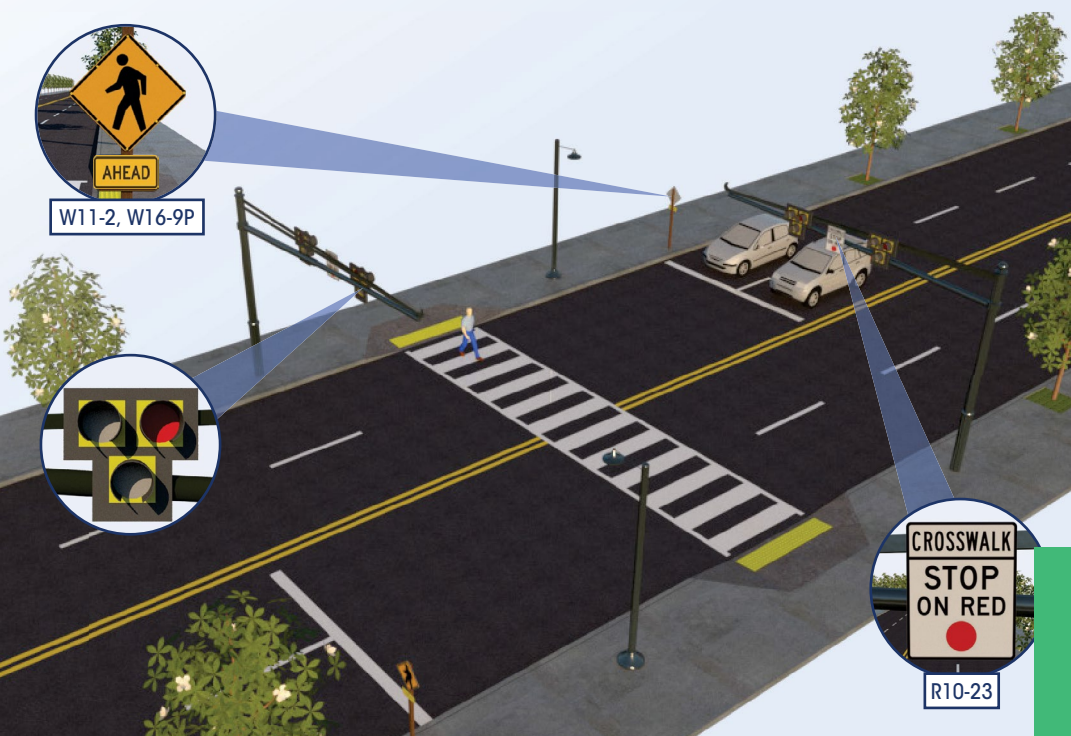
Fitzpatrick, K., M. Brewer, R. Avelar, and T. Lindheimer. "Will You Stop for Me? Roadway Design and Traffic Control Device Influences on Drivers Yielding to Pedestrians in a Crosswalk with a Rectangular Rapid-Flashing Beacon." Report No. TTI-CTS-0010. Texas A&M Transportation Institute, College Station, Texas. June 2016. <https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-CTS-0010.pdf>

Federal Highway Administration. (2018). MUTCD – Interim Approval for Optional Use of Pedestrian-Actuated Rectangular Rapid-Flashing Beacons at Uncontrolled Marked Crosswalks (IA-21). U.S. Department of Transportation, Washington, DC.

Federal Highway Administration. (2013). "Rectangular Rapid Flash Beacon" in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System. Available: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=54

Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.

Source: FHWA Rectangular-Rapid Flashing Beacon (RRFB) Tech Sheet June 2018
<https://www.fhwa.dot.gov/innovation/everydaycounts/edc-4.cfm>




PHB or High-Intensity Activated Crosswalk (HAWK)

A Pedestrian Hybrid Beacon head consists of two red lenses above a single yellow lens. Unlike a traffic signal, the PHB rests in dark until a pedestrian activates it via pushbutton or other form of detection. When activated, the beacon displays a sequence of flashing and solid lights that indicate the pedestrian walk interval and when it is safe for drivers to proceed (see figure on back page).

The PHB is often considered for installation at locations where pedestrians need to cross and vehicle speeds or volumes are high, but traffic signal warrants are not met. These devices have been successfully used at school crossings, parks, senior centers, and other pedestrian crossings on multilane streets. PHBs are typically installed at the side of the road or on mast arms over midblock pedestrian crossings.

 High speeds and multiple lanes of traffic create challenges for pedestrians crossing at unsignalized locations.

 PHBs can warn and control traffic at unsignalized locations and assist pedestrians in crossing a street or highway at a marked crosswalk.

55% REDUCES PEDESTRIAN CRASHES BY 55%

AVERAGE INSTALLATION COSTS FROM
\$25,000 - \$130,000

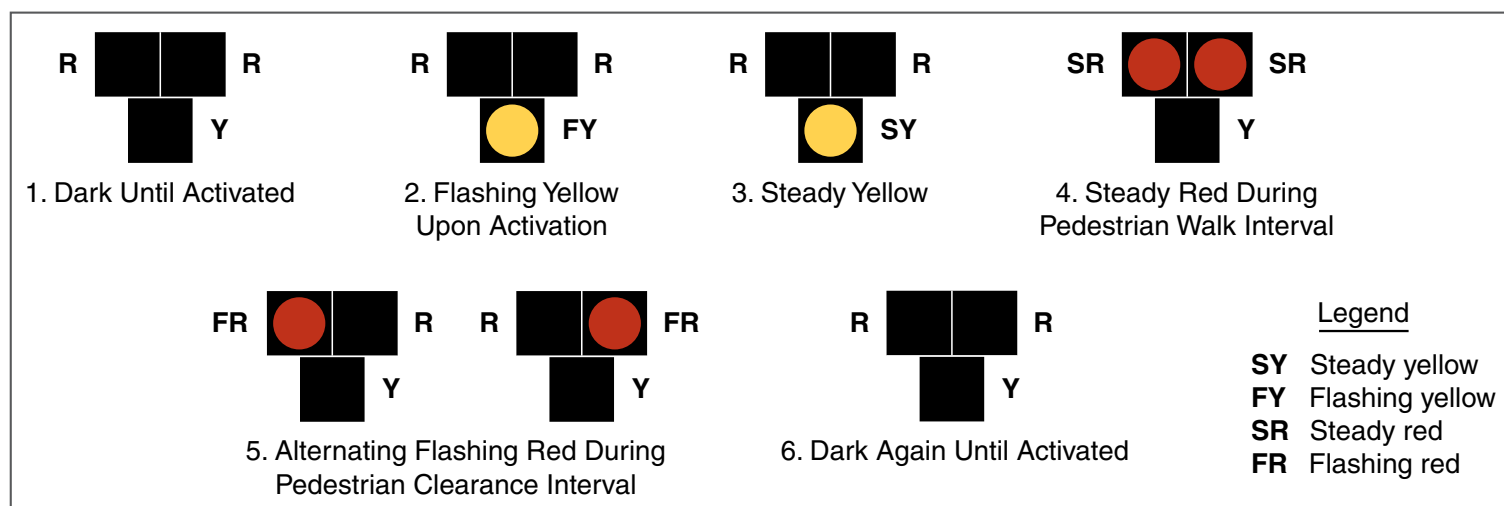
FEATURES:

- Beacons stop all lanes of traffic, which can reduce pedestrian crashes.

OFTEN USED WITH:

- High-visibility crosswalk markings
- Raised islands
- Advance STOP or YIELD signs and markings

Figure 4F-3. Sequence for a Pedestrian Hybrid Beacon from FHWA's *Manual on Uniform Traffic Control Devices*, 2009 Edition, p. 511



When a pedestrian activates a PHB, a flashing yellow light is followed by a solid yellow light, alerting drivers to slow. A solid red light requires drivers to stop while pedestrians have the right-of-way to cross the street. When the pedestrian signals display a flashing DON'T WALK indication, the overhead beacon flashes red, and drivers may proceed if the crosswalk is clear.

CONSIDERATIONS

PHBs are a candidate treatment for roads with three or more lanes that generally have annual average daily traffic (AADT) above 9,000. PHBs should be strongly considered for all midblock and intersection crossings where the roadway speed limits are equal to or greater than 40 miles per hour (mph). The PHB should meet the application guidelines provided in the *Manual on Uniform Traffic Control Devices* for existing or projected pedestrian volumes.

PHBs are intended for installation at midblock locations, but can be installed at intersections. They should only be installed

in conjunction with marked crosswalks and pedestrian countdown signals.

When PHBs are not in common use in a community, consider conducting an outreach effort to educate the public and law enforcement officers on the PHBs' purpose and use.

COST

The PHB is often less expensive than a full traffic signal installation. The costs range from \$21,000 to \$128,000, with an average per unit cost of \$57,680.

References

Zegeer, C., R. Srinivasan, B. Lan, D. Carter, S. Smith, C. Sundstrom, N.J. Thirsk, J. Zegeer, C. Lyon, E. Ferguson, and R. Van Houten. (2017). NCHRP Report 841: Development of Crash Modification Factors for Uncontrolled Pedestrian Crossing Treatments. Transportation Research Board, Washington, D.C.

Federal Highway Administration. (2013). "Pedestrian Hybrid Beacon" in PEDSAFE: Pedestrian Safety Guide and Countermeasure Selection System. Available: http://www.pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=53

Bushell, M., Poole, B., Zegeer, C., & Rodriguez, D. (2013). Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public. Pedestrian and Bicycle Information Center.

Source: FHWA Pedestrian Hybrid Beacon (PHB) Tech Sheet June 2018

APPENDIX B:

**Highland City Traffic Calming and
Pedestrian Safety Request Form**

Highland City Traffic Calming & Pedestrian Safety Request Form

Applicant Information

Applicant Name: _____

Applicant Address: _____

Applicant Phone Number: _____

Applicant Email: _____

Study Location Information

Street Name: _____

Beginning address or cross street: _____

Ending address or cross street: _____

Locations that have been evaluated less than 2 years ago are not viable for consideration **UNLESS** a recent crash has happened, or development has changed (new neighborhood, roadway lane configuration, change in speed limit).

Description of Issue

What is the concern at this location? When is the issue the worst (dates, times)? Is this a speed, pedestrian safety, or volume concern?

Supporting Signatures

Supporting signatures must be residents on the same street as the request for traffic calming. Only one signature is allowed per household.

	Name	Address	Signature	Phone Number
1				
2				
3				
4				
5				

Fee

The required application fee is \$25.

Please attach any relevant documents or photographs to this request form.

APPENDIX C:

**Highland City Traffic Calming and
Pedestrian Safety Prioritization
Form**

Highland City Traffic Calming Prioritization Form

Project information

Project Location: _____

Project Number: _____

Date of Evaluation: _____

Date of Data collection: _____

History

Locations that have been evaluated less than 2 years ago are not viable for consideration **UNLESS** a recent crash has happened, or development has changed (new neighborhood, roadway lane configuration, change in speed limit).

Date of Previous Evaluation (if applicable): _____

85th Percentile speed

Posted speed limit _____

Recorded 85th Percentile speed _____

85th percentile speed less than 5 mph over the speed limit?		0 points
85th percentile speed 5-10 mph over the speed limit?		5 points
85th percentile speed 11-15 mph over the speed limit?		10 points
85th percentile speed 16+ mph over the speed limit?		15 points

Points from 85th percentile speed: _____

Percent Drivers 10 mph over limit

Posted speed limit _____

Percent of drivers that are 10 mph over posted speed limit _____

Less than 10% drivers 10 mph over speed limit?		0 points
10%-15% drivers 10 mph over speed limit?		5 points
16%-20% drivers 10 mph over speed limit?		10 points
20% or more drivers 10 mph over speed limit?		15 points

Points from percent speeders: _____

If any of the above factors receive a score of 15 points individually, then traffic calming should be considered at this location.

Daily Traffic Volumes

Two directional daily vehicle volume _____

Less than 500 vehicles		0 points
Between 500 and 749 vehicles		5 points
Between 750 and 999 vehicles		10 points
Between 999 and 1,249 vehicles		15 points
Greater than 1,250 vehicles		20 points

Points from volume: _____

Stopping Sight Distance

85th Percentile speed: _____

Required stopping sight distance for 85th Percentile speed: _____

Available sight distance: _____

Adequate stopping sight distance?		0 points
Inadequate stopping sight distance?		15 points

Points from stopping sight distance: _____

Crash History (5-year Period)

Number of crashes: _____

Are there any speed related crashes?		15 points
Are there any severe (fatal/suspected serious injury) crashes?		30 points
Do any of the crashes involve ped/bike?		30 points

Points from crash history: _____

Roadway Context

Shared Roadway

If more than 1 of the following applies, choose the value with the most points.

Bus route		10 points
Bike lanes		15 points
Pedestrian crossing		15 points
Trail crossing		20 points
School crossing		25 points

Points from Shared Roadway: _____

Schools

If more than 1 of the following applies, choose the value with the most points.

School within ½ mile of study location		
Elementary		20 points
Middle School		15 points
High school		10 points

Points from Schools: _____

Pedestrian Generator

Pedestrian generator includes facilities with high pedestrian volumes (public park, library, splash pad, etc.)

Pedestrian generator within ¼ mile		15 points
------------------------------------	--	-----------

Points from Pedestrian Generator: _____

Active Transportation (bike, pedestrian, scooter, etc.) Volumes

(ONLY FOR PEDESTRIAN SAFETY STUDY)

Peak hour pedestrian crossing volume _____

Less than 5 pedestrian per hour		0 points
Between 5 and 10		10 points
Greater than 10		20 points
Greater than 20		40 points

Points from volume: _____

Total points _____

If the 85th Percentile speed or percentage drivers 10 mph over speed limit reaches 15 points independently, traffic calming should be considered at this location.

**GREEN-
LOW URGENCY**
Projects scoring under
40 points

Traffic Calming not
required, passive
measures may be
installed.

**YELLOW-
MEDIUM URGENCY**
Projects scoring
between
40 and 79 points

Passive measures
recommended at this
location. Temporary
measures may be
installed.

RED-HIGH URGENCY
Projects scoring
80 or more points

Both passive and tem-
porary measures rec-
ommended at this
location. Temporary
measures should even-
tually be replaced
with permanent active
measures.



CITY COUNCIL AGENDA REPORT

ITEM #6

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, Public Works Director/City Engineer
SUBJECT: **CONTRACT:** Authorization of a contract with Legislative Executive Consulting, LLC
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will consider a contract with Legislative Executive Consulting, LLC for consultant services focused on grant and legislative support for a one (1) year term. The Council will take appropriate action.

PRIOR COUNCIL DIRECTION:

On September 5, 2023, Council discussed authorizing another year of contract with Legislative Executive Consulting, LLC. No final decision was made, but staff was directed to bring the contract back for discussion and vote.

BACKGROUND:

In September 2022, the City hired David Stewart of Legislative Executive Consulting, LLC to represent the City in State legislative matters and assist with grant applications. Mr. Stewart was successful in assisting the City in obtaining a \$1,000,000 grant that assisted in well rehabilitation in our culinary water system. He was also successful in helping the City thwart pending property access legislation. The contract renewal is for one-year.

The City has learned through Mr. Stewart of additional grant opportunities from the State of Utah, through which the City has the opportunity to receive a second one-million dollars (\$1,000,000) of assistance towards pending water projects. Mr. Stewart has assisted us in applying for one of those opportunities in the last month.

Some likely legislative issues Mr. Stewart could assist the City on in the 2024 Legislative Session include: state land-use control, excessive development revenue restriction, and parameters around Transportation Utility Fees.

FISCAL IMPACT:

The cost of this service is \$100,000 for a year's contract. Funding for this expense was included in the FY24 budget under GL 55-40-31, Water Engineering and Professional Services.

STAFF RECOMMENDATION:

Staff recommends approval of the contract.

MOTION TO APPROVE:

I move that City Council APPROVE a contract with Legislative Executive Consulting, LLC in the amount of \$100,000 and AUTHORIZE the Mayor to sign the contract.

MOTION TO DENY:

I move that City Council DENY a contract with Legislative Executive Consulting, LLC.

ATTACHMENTS:

1. Contract

CONSULTING AGREEMENT

This Consulting Agreement (this “*Agreement*”) is entered and effective this 1st day of October 2023, by and between _____ (“*Client*”) with principle offices located at _____, and Legislative Executive Consulting, LLC with principle offices located at 11671 Granite Flats Rd., Highland, UT 84003 (“*Consultant*”).

(1) SCOPE OF WORK. Consultant is knowledgeable in work to be performed by Consultant. The Scope of Work to be performed by Consultant is set forth in *Exhibit A* to this Agreement incorporated herein by this reference. This Agreement may be amended only by written instrument signed by both the authorized representatives for Client and the Consultant. Consultant is an independent contractor with respect to the work provided to Client.

(2) AUTHORIZATION TO PROCEED. Execution of this Agreement by the authorized representatives of Client and Consultant will serve as authorization for the Consultant to proceed with the services called for in this Agreement.

(3) PAYMENT OF FEES. Consultant shall invoice Client for services performed for Client under this Consulting Agreement at the rates specified in *Exhibit A*. Each invoice shall be itemized and have an invoice number. Consultant will make all appropriate tax, social security, Medicare and other withholding deductions and payments; will provide worker’s compensation insurance coverage; and will make all appropriate unemployment tax payments. All payments due to Consultant are due 15 days from date of Client’s receipt of invoice. Consultant shall not invoice more frequently than once per month.

(4) OWNERSHIP OF DOCUMENTS. All documents including notes, drawings, and reports generated by the Consultant under this Agreement are the property of Client. Any reuse by Client without written authorization from the Consultant will be at Client’s sole risk and without legal or liability exposure to the Consultant. Consultant may not use the work product for any other client or purpose without the express written consent of Client.

(5) CONFIDENTIALITY Consultant acknowledges that it will have access to Client information that is confidential and proprietary including, without limitation, the existence and terms of this Agreement and any trade secrets, technology, information pertaining to business operations and strategies, customers, pricing, marketing, finances, sourcing, personnel, or operations of Client, its Affiliates, or their suppliers or customers, in each case whether spoken, printed, electronic, or in any other form or medium (collectively, the “***Confidential Information***”). Consultant agrees to treat all Confidential Information as strictly confidential, not to disclose Confidential Information or permit it to be disclosed, in whole or part, to any third party without the prior written consent of Client in each instance, and not to use any Confidential Information for any purpose except as required in the performance of the services Consultant is required to perform hereunder. Consultant shall notify Client immediately in the event it becomes aware of any loss or disclosure of any Confidential Information. If Consultant makes a disclosure contrary to the provisions of this Section, Client shall have the right, without prejudice to any other rights or remedies it may have hereunder or otherwise, to terminate this Agreement effective immediately upon notice to Consultant. This obligation shall be of a continuing nature

and shall survive the expiration, suspension or termination of the Agreement. In the event Consultant is compelled by law or judicial or administrative process to disclose any such Confidential Information, it shall give prior notice of such disclosure to Client and shall cooperate with Client's efforts to avoid or minimize the extent of the required disclosures. Client shall be entitled to seek injunctive relief for any violation of this Section. Confidential Information shall not include information that: is or becomes generally available to the public other than through Consultant's breach of this Agreement; or is communicated to Consultant by a third party that had no confidentiality obligations with respect to such information.

(6) CONFLICT OF INTEREST. Consultant agrees to advise Client prior to undertaking services for any other company whose interests are known, or could reasonably be believed to be, adverse to the interests of Client.

(7) INDEMNITY. Consultant will indemnify, defend and hold harmless Client and its agents, directors, officers and employees from and against all suits, losses, damages, causes of action or claims (including attorneys' fees and costs) arising from Consultant's breach of any obligation in this Agreement or any error, omission or negligent act of Consultant or any person employed by Consultant or acting on Consultant's behalf. Client may satisfy such indemnity (in whole or in part) by way of deduction from any payment due to Consultant.

(8) TERM. The term of this Consulting Agreement shall be for the base period stated in *Exhibit A*. This Agreement shall terminate at the end of the base period unless Client extends the term of the Agreement in writing.

(9) NOTICES/APPROVALS. All notices and approvals required under or because of this Consulting Agreement shall be in writing and shall be deemed given when sent to each party's authorized representative as follows:

Client

Consultant

Legislative Executive Consulting, LLC
David Stewart, President
11671 Granite Flats Rd.
Highland, UT 84003

Telephone:
Email:

Telephone: (801) 910-3936
Facsimile: (801) 763-8160

(10) CHOICE OF LAW AND REMEDIES. This Consulting agreement is made and shall be enforced pursuant to the laws of the State of Utah. The parties agree that monetary damages alone would not be sufficient remedy for any breach of this Agreement and each party, in addition to monetary damages, shall be entitled to specific performance and injunctive relief as remedies for any such breach. Additionally, the prevailing party in any judicial proceeding shall be entitled to recover from the other its/his/her reasonable costs and expenses, including attorney's fees. Such remedies shall not be deemed to be the exclusive remedies for a breach of this Agreement but shall be in addition to all other remedies available at law or in equity.

(11) EQUAL OPPORTUNITY. Consultant shall comply with Equal Employment Opportunity as provided by Executive Order 11246.

(12) SEVERABILITY AND SURVIVAL. Should any part of this Consulting Agreement be found to be void, voidable or unenforceable, such void, voidable or unenforceable provision shall be deemed severed from this Agreement and shall not affect the remainder of this Agreement. The provisions of Sections 4, 5, 6, 7, 10, and 12 shall survive the termination of this Agreement for a period of one (1) year from any such termination.

(13) ASSIGNMENT. Client shall have the right to assign this Consulting Agreement to its successors or assigns and all covenants and agreements hereunder will inure to the benefit of and be enforceable by or against its successors or assigns. The rights and obligations of Consultant under this Agreement are personal to Consultant, and no such rights, benefits, or obligations shall be subject to voluntary or involuntary alienation, assignment or transfer.

This Agreement entered as of the date written above.

Client

Consultant

Legislative Executive Consulting

Print Name: _____
Title : _____

Print Name: _____
Title: _____

Exhibit A

Scope of Work to Be Performed

1. Scope of Work. Consultant shall perform the following services as requested by Client:

- A. Consultant will work with the client to develop an application for the Governor's Office of Economic Opportunity grant program.
- B. Consultant will work with the Governor's Office of Economic Opportunity to see the grant through the funding process.
- C. Consultant will monitor other grant programs and make client aware and then assist in the navigation of the additional grants.
- D. Consultant will work during the 2024 legislative session on policy issues the city and consultant agree are a priority.
- E. Consultant will assist client in identifying and developing applications for additional grants as identified during the work term.
- F. Consultant shall consult and advise client on potential legislative issues.

2. FEES

A retainer of \$100,000 will be paid monthly at a rate of \$8,333.333 upon the receipt of invoices.

3. TERM

This Agreement shall be effective from October 1, 2023 through September 30, 2024. The length or terms of the contract can be extended or amended with agreement from both parties.



CITY COUNCIL AGENDA REPORT ITEM #7

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Erin Wells, City Administrator on behalf of Mayor Kurt Ostler
SUBJECT: **ACTION:** Postponing the Alcohol Sales Text Amendment
TYPE: **DEVELOPMENT & MUNICIPAL CODE UPDATE (LEGISLATIVE)**

PURPOSE:

The City Council will hold a public meeting to consider tabling a request by MNG Highland Development, LLC to amend Section 3-4351 Permitted Uses and Section 3-4352 Prohibited Uses in the Development Code in the CR Zone to allow for alcohol sales. MNG Highland Development, LLC, is also requesting to amend Section 5.12.020 Beer Sales in the Municipal Code.

STAFF RECOMMENDATION:

Staff recommends Council weigh the options, current circumstances, public perception, currently publicized plans, and applicant process expectations when deciding whether or not to continue this item until January 2023 when the municipal election changes will be finalized.

If Council chooses to postpone the item, staff requests direction on changes to the City's communications plans including the survey.

PRIOR COUNCIL DIRECTION:

On August 1, 2023, Council approved continuing this item for two months in order to garner public feedback.

On August 15, 2023, staff and Council discussed a communications plan for this topic including an information session September 18, survey due date of September 30, and the item coming back to Council on October 17.

On September 5, 2023, staff presented draft communications pieces to Council for feedback. These pieces also articulated the dates listed above.

BACKGROUND:

The August 1 staff report and attachments are attached outlining the issue itself.

Since the August 1 meeting, the Mayor, Council, and staff have worked on communication strategies, tools, and content to gather the resident feedback Council requested staff gather.

Due to the recently vacated seats on City Council, staff understands that some Councilmembers are considering postponing this item until January 2023 following the municipal election.

With the uncertainty of final timing on the item, staff and the Mayor have decided to wait on printing the mailer and survey until after the decision on this item. As such, the soonest the item could now come back to Council is November 7.

FISCAL IMPACT:

The approximate hard costs the City has spent on the communications campaign for this item to date is \$3,500. This does not include the mailer and postcard yet to be printed.

MOTION TO APPROVE:

I move that City Council table the alcohol sales text amendment until January 2024.

Council should also give direction regarding changes to the communications plan including the survey.

ALTERNATE MOTION:

I move that City Council table the alcohol sales text amendment until the November 7, 2023 City Council meeting.

ATTACHMENTS:

1. August 1, 2023 staff report and attachments



CITY COUNCIL AGENDA REPORT

ITEM #3

DATE: August 1, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Kellie Smith, Planner & GIS Analyst
SUBJECT: **PUBLIC HEARING/ORDINANCE:** Text Amendment – Alcohol Sales
TYPE: **DEVELOPMENT CODE AND MUNICIPAL CODE UPDATE (LEGISLATIVE)**

PURPOSE:

The City Council will hold a public hearing to consider a request by MNG Highland Development, LLC to amend Section 3-4351 Permitted Uses and Section 3-4352 Prohibited Uses in the Development Code in the CR Zone to allow for alcohol sales. MNG Highland Development, LLC, is also requesting to amend Section 5.12.020 Beer Sales in the Municipal Code. The City Council will take appropriate action.

STAFF RECOMMENDATION:

Based on staff's understanding, Council may wish to consider this item over two meetings. If that is the case, staff recommends the City Council hear the staff presentation, hear from the applicant, hold the public hearing, and give staff direction on any additional research the Council feels it needs to act on the application. The Council should also choose to either continue or close the public hearing.

If the Council feels prepared to act on this item in one meeting, staff recommends the City Council hold a public hearing, consider the applicant's proposed amendment and narrative, and decide whether or not to allow alcohol sales in the CR Zone.

If the City Council decides to approve of the proposed amendment, staff recommends the City Council direct staff to draft wording to limit alcohol sales to full-service and/or limited-service restaurants, and prohibit bars, taverns, and similar establishments.

See attachments #3-5 for Utah Code operational requirements for full-service, limited service, and bar establishment licenses. To summarize, a limited-service restaurant license allows for sales of wine and beer in a restaurant setting, a full-service restaurant license allows for liquor, wine and beer sales in a restaurant setting, a bar establishment allows for liquor, wine, and beer sales and must have some food available, and a tavern allows for liquor, wine, and beer sales with no food requirements.

A separate communication item is scheduled where staff will ask for Council direction on any additional changes they would like to see in other areas of the code based on the Council's decision on this item.

PRIOR COUNCIL DIRECTION:

Not applicable.

BACKGROUND:

MNG Highland Development, LLC—the applicant—owns the majority of the property within the CR Zone. The applicant’s development is known as Highland Mains, or formerly known as Highland Marketplace.

MNG Highland Development, LLC was made aware that alcohol sales are specifically listed as a prohibited use in the CR Zone. Because it is not a prohibited use in the C-1 Zone on the other side of Timpanogos Hwy, the applicant decided to meet with the Mayor and two Councilmembers to discuss the potential of allowing on-premise alcohol sales in the CR Zone. After this meeting, the applicant decided to submit a Development Code application to apply for the change.

SUMMARY OF THE REQUEST:

1. The proposed amendment to the Development Code removes “Alcohol Sales” from Section 3-4352 Prohibited Uses.
2. The proposed amendment to the Development Code also removes the following sentence from Section 3-4351 Permitted Uses: *Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.*
3. The proposed amendment to the Municipal Code removes the prohibition of the retail sale of beer for on-premise consumption. The applicant is not requesting to allow for the retail sale of beer for off premise consumption.

CITIZEN PARTICIPATION:

Notice of the public hearing held at the Planning Commission meeting was posted on the state and city websites, and three public places on July 13, 2023. Notice of the public hearing to be held at City Council was posted on the state and city websites and three public places on July 20, 2023. At the time of this report, eight (8) comments have been received; seven (7) in favor of the proposed text amendment, and one (1) in opposition. See Attachment #6 for the public input.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on July 25, 2023. Three (3) residents participated in the public hearing; two (2) in favor of the amendment and one (1) spoke in opposition. The applicant was present and shared the history behind the Highland Marketplace development and the changes that were made to the site plan over the years. The property owner’s goal is to have an anchor restaurant tenant in each of the four (4) buildings facing the plaza. The applicant shared that each of the restaurants they had reached out to expressed the interest or need to be able to sell alcohol.

The Commissioners asked questions relating to where alcohol sales, other than beer sales, are permitted and not permitted in Highland. Staff clarified that alcohol sales are not prohibited in the C-1 Zone, though beer is prohibited city wide based on the Municipal Code. Two (2) Commissioners expressed that in order for an amendment to allow alcohol sales in Highland, they felt it was something that should be initiated by residents. One (1) Commissioner expressed that he felt that alcohol sales for off-premise consumption (such as a grocery store selling bottled beer) should be allowed.

One (1) Commissioner moved to recommend approval of the amendment, however there was not a second. The Planning Commission voted 4:1 to recommend DENIAL of the proposed amendment.

STAFF REVIEW:

- The CR Zone and the Town Center Overlay explicitly prohibit alcohol sales, however the C-1 Zone does not (for reference, Macey's and Harts are located in the C-1 Zone).
- Section 5.12.020 Beer Sales in the Municipal Code prohibits the retail sale of beer for both on and off premises consumption. The applicant is looking at the potential of only prohibiting off premise consumption.
- Ordinance 1977-09 that is referenced to in the Development Code states, "the public retail sale of light beer, in bottles, cans or draft is expressly prohibited within the corporate limits of the Town of Highland."
 - If the Council chooses to allow the retail sale of alcoholic beverages, staff recommends that this reference be removed as proposed in the amendment.
- Staff recommends the reference to Utah Code 32A-10-101(1)(a) be removed and replaced with a reference to the "State Alcoholic Beverage Control Act".

FINDINGS:

If the City Council decides to APPROVE of the proposed amendment, the following findings may be used:

- The amendment is consistent with the purpose and intent of the CR Zone as the proposed amendment "promotes the ability of the commercial entities to succeed", and "promotes the successful completion of the project".

If the City Council decides to DENY the proposed amendment, the following findings may be used:

- The amendment is not consistent with the purpose and intent of the CR Zone as the proposed amendment does not "promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City".

FISCAL IMPACT:

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

MOTION TO APPROVE:

I move that the City Council accept the finding that the amendment is consistent with the purpose and intent of the CR Zone and **APPROVE** the proposed amendment to Section 3-4351 and Section 3-4352 to allow alcohol sales, and direct staff to draft language to limit the alcohol sales to:

The City Council will need to select which types of services would be permitted and/or prohibited:

- A. Limited-Service Restaurants (wine and heavy beer)
- B. Full-Service Restaurants (liquor, wine, and beer sales)
- C. Bar Establishments (liquor, wine, and beer sales with limited food requirements)

- D. Taverns (liquor, wine, and beer sales with no food requirements)
- E. Prohibit bars, taverns, and similar establishments.

MOTION TO DENY:

I move that the City Council accept the finding that the amendment is *not* consistent with the purpose and intent of the CR Zone and **DENY** of the proposed amendment.

ATTACHMENTS:

- 1. Ordinance
- 2. Narrative
- 3. Utah Code Title 32B-6-205.2 – Specific operational requirements for a **full-service** restaurant license
- 4. Utah Code Title 32B-6-305.2 – Specific operational requirements for a **limited-service** restaurant license
- 5. Utah Code Title 32B-6-406 – Specific operational requirements for a **bar establishment** license
- 6. Email Correspondence

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-4351 PERMITTED USES AND SECTION 3-4352 PROHIBITED USES IN THE CR ZONE OF THE HIGHLAND CITY DEVELOPMENT CODE TO ALLOW FOR ALCOHOL SALES AND SECTION 5.12.020 BEER SALES IN THE MUNICIPAL CODE TO ALLOW FOR ON-PREMISE BEER SALES AS SHOWN IN FILENAME TA-23-09.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 25, 2023 and

WHEREAS, the City Council held a public hearing on this Ordinance on August 1, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on “Exhibit A” attached hereto and incorporated herein.

SECTION 2: **ADOPTION** Section 5.12.020 of the Municipal Code is hereby amended as shown on “Exhibit B” attached hereto and incorporated herein.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from August 1, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, August 1, 2023

HIGHLAND CITY, UTAH

Kurt Ostler
Highland City Mayor

ATTEST:

Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

Article 4.35 CR Zone

3-4351 Permitted Uses

As noted in the following sections, the only uses allowed within the C-R Zone are as follows:

1. Retail food stores, grocery and meat markets, bakeries, organic food stores, and other similar food and beverage sales facilities. ~~Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.~~

...

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

1. Slaughtering of animals or live animal processing
2. Sexually Oriented Businesses
3. Call centers
- ~~4. Alcohol sales~~
- ~~5.4.~~ Thrift Stores or Pawn Shops
- ~~6.5.~~ Tattoo parlors, non-medically prescribed body massages, or body piercing shops, parlors or facilities
- ~~7.6.~~ The following Ground Floor Uses shall not be located on a corner lot within the CR Zone:
 - a. Office buildings for Professional Services which may include but not limited to:
 - i. Financial Lending Institutions; such as banks, credit unions, cash lending institutions, or similar; or
 - ii. Insurance institutions such as Insurance agencies, insurance brokers, or similar; or
 - iii. Professional services; such as Architects, Engineers, Law offices, Medical Offices or Medical Uses, or similar; or
 - iv. Real Estate Institutions; such as Mortgage Companies, Title Companies, Real Estate Brokers or agents, or similar; or
 - b. Service oriented businesses; such as dry cleaners, hair or nail salons, gasoline islands, tax preparation services, or similar.

EXHIBIT B

5.12.020 Beer Sales

Pursuant to ~~the State Alcoholic Beverage Control Act Utah Code 32A-10-101(1)(a)~~ the city does prohibit the retail sale of beer for ~~both on and~~ off premises consumption.

HMC (Ord. 2000-9 § 2)

Proposed Code Text Amendments

Municipal Code Section 5.12.020

Current Code Text

5.12.020 Beer Sales

Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for both on and off premises consumption.

Proposed Text Amendment

5.12.020 Beer Sales

*Pursuant to Utah Code 32A-10-101(1)(a) the city does prohibit the retail sale of beer for **both on and** off premises consumption.*

Development Code Section 3-4351 & Section 3-4352

Current Code Text

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

4. Alcohol sales

Proposed Text Amendment

3-4352 Prohibited Uses

In the C-R Zone, any use not expressly listed as a permitted use shall be deemed specifically prohibited including but not limited to the following:

4. Alcohol sales

Narrative

This amendment will allow all restaurants within the City of Highland to open and operate on an equal playing field across the commercial zones. Presently, a restaurateur in a C-1 zone in one shopping center could open a restaurant that sells wine, whiskey, and tequila for on-premise consumption, and a grocery in that same shopping center could sell those same beverages for off-premise consumption, however, a restaurant across the street in a CR zone is prohibited from selling any alcohol to its patrons. This policy places a burden and restriction on one set of property owners and restaurant operators and while favoring others, for no apparent reason.

Additionally, this amendment will allow restaurants to sell beer (for on-premise consumption only) alongside higher-content alcoholic beverages presently permitted to be sold in the City of Highland. Offering a lower alcohol content beverage, although broadening the choices, offers an alternative to the higher-content alcohol currently allowed - an alternative that is likely more acceptable to the community as a whole. This amendment allows all restaurants in the limited number of commercial zones the freedom to manage their food and beverage menu within equal parameters and allows alcohol-drinking patrons of those restaurants to choose to drink beer on premises rather than defaulting to the higher alcohol content options.

BEVERAGE	ALCOHOL BY VOLUME (ABV)
Beer	4-6%
Cider	4-6%
Wine	10-12%
Mead	10-14%
Sake	16%
Fortified Wine	15-22%
Tequila	38-40%
Rum	40%
Vodka	40%
Whiskey	40-50%

Source: [Nutrients Review \(2016\)](#)

The City code also presently allows a grocer, market or gas station in the C-1 zones to sell higher-content alcoholic beverages (such as wine, whiskey, tequila, rum, vodka) for on or off premise consumption (subject to State law and regulation), while prohibiting the sale of beer (for on-premise consumption only) at a restaurant. It is also noteworthy that the Alpine Country Club within Highland City is permitted to sell beer alongside the broader spectrum of alcoholic beverages.

Our understanding is that the ordinance restricting beer sales was put in place in September 2000. The context was that a grocer was considering development at the Highland Marketplace site. There were concerns at the time that the sale of beer for off premise consumption by a grocer at this location would lead to unfavorable consequences up the canyon and elsewhere, and the sections of the code addressing alcohol at Highland Marketplace and in the City generally were put in place with that concern in mind. Ultimately, grocers selling a full spectrum of alcohol ended up locating in neighboring cities immediately East and West of Highland's municipal boundary.

The motive for the original ordinance in the year 2000 was and is valid, which is why the text amendment proposed herein only seeks to allow the sale of beer for on premises consumption alongside the spectrum of alcoholic beverages presently allowed, and simply applies alcohol regulation equally across Highland's commercial/restaurant zones.

As a part of State law, patrons must have the “intent to dine” in order to be sold alcohol. This means that customers must be sitting down at a table with the intent to order food in order to be served any alcoholic beverage. Further, patrons are not allowed to stand up and move from table to table, or bar to table with their alcoholic beverage in hand. If a patron wishes to move to a different table, a server must move the beverage for them. These procedures and protocols limit any possibility of alcohol outside the restaurant’s premises. This amendment will not change how alcohol generally can be sold or consumed in any restaurant within Highland; it will only allow each restaurant the freedom to make the decision for themselves whether or not they want to sell alcohol and allow patrons the option to choose to consume lower alcohol content beer alongside the broader spectrum of higher alcoholic content beverages restaurants are already permitted to sell.

Thank you for your consideration.

Effective 5/3/2023**32B-6-205.2 Specific operational requirements for a full-service restaurant license -- On and after July 1, 2018, or July 1, 2022.**

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee shall comply with this section.
 - (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a full-service restaurant licensee;
 - (ii) individual staff of a full-service restaurant licensee; or
 - (iii) both a full-service restaurant licensee and staff of the full-service restaurant licensee.
- (2)
 - (a) An individual who serves an alcoholic product in a full-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.
- (3) A full-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a full-service restaurant licensee.
- (4)
 - (a) A full-service restaurant licensee may sell, offer for sale, or furnish liquor at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
 - (b) A full-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
- (5)
 - (a) A full-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
 - (i) the patron to whom the full-service restaurant licensee furnishes the alcoholic product is seated at:
 - (A) a table that is located in a dining area or a dispensing area;
 - (B) a counter that is located in a dining area or a dispensing area; or
 - (C) a dispensing structure that is located in a dispensing area; and
 - (ii) the full-service restaurant licensee confirms that the patron intends to:
 - (A) order food prepared, sold, and furnished at the licensed premises; and
 - (B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.
 - (b)
 - (i) While a patron waits for a seat at a table or counter in the dining area of a full-service restaurant licensee, the full-service restaurant licensee may sell, offer for sale, or furnish to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:

- (A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure;
and
 - (B) the full-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
- (ii)
- (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (B) An employee of the full-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
- (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is five ounces or less.
- (c) Notwithstanding Section 32B-5-307, a full-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.
- (d) A full-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (6) A patron may consume an alcoholic product on the full-service restaurant licensee's licensed premises only if the patron is seated at:
- (a) a table that is located in a dining area or dispensing area;
 - (b) a counter that is located in a dining area or dispensing area; or
 - (c) a dispensing structure located in a dispensing area.
- (7)
- (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) A patron may not have more than one spirituous liquor drink at a time before the patron.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (7) (a).
- (8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.
- (9)
- (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.
 - (b)
 - (i) A minor may be in a dispensing area if the minor is:
 - (A) at least 16 years old and working as an employee of the full-service restaurant licensee;
or
 - (B) performing maintenance and cleaning services as an employee of the full-service restaurant licensee when the full-service restaurant licensee is not open for business.
 - (ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the full-service restaurant licensee's premises in which the minor is permitted to be.
- (10) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee may dispense an alcoholic product only if:
- (a) the alcoholic product is dispensed from:
 - (i) a dispensing structure that is located in a dispensing area;
 - (ii) an area that is:

- (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and
 - (B) apart from an area used for dining, for staging, or as a waiting area; or
 - (iii) the premises of a bar licensee that is:
 - (A) owned by the same person or persons as the full-service restaurant licensee; and
 - (B) located immediately adjacent to the premises of the full-service restaurant licensee; and
 - (b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).
- (11)
- (a) A full-service restaurant licensee may have more than one dispensing area in the licensed premises.
 - (b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- (12) A full-service restaurant licensee may not:
- (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
 - (b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.
- (13) A full-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of liquor, including:
- (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (14)
- (a) In addition to the requirements described in Section 32B-5-302, a full-service restaurant licensee shall maintain each of the following records for at least three years:
 - (i) a record required by Subsection 32B-5-302(1); and
 - (ii) a record that the commission requires a full-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The department shall audit the records of a full-service restaurant licensee at least once annually.
- (15) A full-service restaurant licensee may lease to a patron of the full-service restaurant licensee a locked storage space:
- (a) that the commission considers proper for the storage of wine; and
 - (b) for the storage of wine that:
 - (i) the patron purchases from the full-service restaurant licensee; and
 - (ii) only the full-service restaurant licensee or staff of the full-service restaurant licensee may remove from the locker for the patron's use in accordance with this title, including:
 - (A) service and consumption on licensed premises as described in Section 32B-5-306; or
 - (B) removal from the full-service retail licensee's licensed premises in accordance with Section 32B-5-307.

Amended by Chapter 371, 2023 General Session
Amended by Chapter 400, 2023 General Session

Effective 5/3/2023**32B-6-305.2 Specific operational requirements for a limited-service restaurant license -- On and after July 1, 2018, or July 1, 2022.**

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant licensee shall comply with this section.
 - (b) Failure to comply with Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a limited-service restaurant licensee;
 - (ii) individual staff of a limited-service restaurant licensee; or
 - (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant licensee.
- (2)
 - (a) An individual who serves an alcoholic product in a limited-service restaurant licensee's premises shall make a beverage tab for each table or group that orders or consumes an alcoholic product on the premises.
 - (b) A beverage tab described in this Subsection (2) shall state the type and amount of each alcoholic product ordered or consumed.
- (3) A limited-service restaurant licensee may not make an individual's willingness to serve an alcoholic product a condition of employment with a limited-service restaurant licensee.
- (4)
 - (a) A limited-service restaurant licensee may sell, offer for sale, or furnish wine or heavy beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 11:59 p.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 11:59 p.m.
 - (b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer at the licensed premises during the following time periods only:
 - (i) on a weekday, during the period that begins at 11:30 a.m. and ends at 12:59 a.m.; or
 - (ii) on a weekend or a state or federal legal holiday or for a private event, during the period that begins at 10:30 a.m. and ends at 12:59 a.m.
- (5)
 - (a) A limited-service restaurant licensee may not furnish an alcoholic product for on-premise consumption except after:
 - (i) the patron to whom the limited-service restaurant licensee furnishes the alcoholic product is seated at:
 - (A) a table that is located in a dining area or a dispensing area;
 - (B) a counter that is located in a dining area or a dispensing area; or
 - (C) a dispensing structure that is located in a dispensing area; and
 - (ii) the limited-service restaurant licensee confirms that the patron intends to:
 - (A) order food prepared, sold, and furnished at the licensed premises; and
 - (B) except as provided in Subsection (5)(b), consume the food at the same location where the patron is seated and furnished the alcoholic product.
 - (b)
 - (i) While a patron waits for a seat at a table or counter in the dining area of a limited-service restaurant licensee, the limited-service restaurant licensee may sell, offer for sale, or furnish

to the patron one drink that contains a single portion of an alcoholic product as described in Section 32B-5-304 if:

- (A) the patron is in a dispensing area and seated at a table, counter, or dispensing structure; and
 - (B) the limited-service restaurant licensee first confirms that after the patron is seated in the dining area, the patron intends to order food prepared, sold, and furnished at the licensed premises.
- (ii)
- (A) Subject to Subsection (5)(b)(ii)(B), if the patron does not finish the patron's alcoholic product before moving to a seat in the dining area, the patron may transport any unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
 - (B) An employee of the limited-service restaurant licensee shall escort a patron who transports an unfinished portion of the patron's alcoholic product to the patron's seat in the dining area.
- (iii) For purposes of Subsection (5)(b)(i) a single portion of wine is 5 ounces or less.
- (c) Notwithstanding Section 32B-5-307, a limited-service restaurant licensee may not furnish beer for off-premise consumption except after the patron consumes on the licensed premises food prepared, sold, and furnished at the licensed premises.
- (d) A limited-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.
- (6) A patron may consume an alcoholic product on the limited-service restaurant licensee's licensed premises only if the patron is seated at:
- (a) a table that is located in a dining area or a dispensing area;
 - (b) a counter that is located in a dining area or a dispensing area; or
 - (c) a dispensing structure located in a dispensing area.
- (7)
- (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).
- (8) In accordance with the provisions of this section, an individual who is at least 21 years old may consume food and beverages in a dispensing area.
- (9)
- (a) Except as provided in Subsection (9)(b), a minor may not sit, remain, or consume food or beverages in a dispensing area.
 - (b)
 - (i) A minor may be in a dispensing area if the minor is:
 - (A) at least 16 years old and working as an employee of the limited-service restaurant licensee; or
 - (B) performing maintenance and cleaning services as an employee of the limited-service restaurant licensee when the limited-service restaurant licensee is not open for business.
 - (ii) If there is no alternative route available, a minor may momentarily pass through a dispensing area without remaining or sitting in the dispensing area en route to an area of the limited-service restaurant licensee's premises in which the minor is permitted to be.
- (10) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant licensee may dispense an alcoholic product only if:
- (a) the alcoholic product is dispensed from:
 - (i) a dispensing structure that is located in a dispensing area;

- (ii) an area that is:
 - (A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the dispensing of an alcoholic product are not readily visible to a patron and not accessible by a patron; and
 - (B) apart from an area used for dining, for staging, or as a waiting area; or
 - (iii) the premises of a bar licensee that is:
 - (A) owned by the same person or persons as the limited-service restaurant licensee; and
 - (B) located immediately adjacent to the premises of the limited-service restaurant licensee; and
 - (b) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (10)(a).
- (11)
- (a) A limited-service restaurant licensee may have more than one dispensing area in the licensed premises.
 - (b) Each dispensing area in a licensed premises may satisfy the requirements for a dispensing area under Subsection 32B-6-202(2)(a)(i), (ii), or (iii), regardless of how any other dispensing area in the licensed premises satisfies the requirements for a dispensing area.
- (12) A limited-service restaurant licensee may not:
- (a) transfer, dispense, or serve an alcoholic product on or from a movable cart; or
 - (b) display an alcoholic product or a product intended to appear like an alcoholic product by moving a cart or similar device around the licensed premises.
- (13) A limited-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of wine or heavy beer, including:
- (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (14)
- (a) In addition to the requirements described in Section 32B-5-302, a limited-service restaurant licensee shall maintain each of the following records for at least three years:
 - (i) a record required by Subsection 32B-5-302(1); and
 - (ii) a record that the commission requires a limited-service restaurant licensee to use or maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The department shall audit the records of a limited-service restaurant licensee at least once each calendar year.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session

Effective 5/3/2023**32B-6-406 Specific operational requirements for a bar establishment license.**

- (1)
 - (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a bar establishment licensee and staff of the bar establishment licensee shall comply with this section.
 - (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (i) a bar establishment licensee;
 - (ii) individual staff of a bar establishment licensee; or
 - (iii) both a bar establishment licensee and staff of the bar establishment licensee.
- (2) In addition to complying with Subsection 32B-5-301(3), a bar licensee shall display in a conspicuous place at the entrance to the licensed premises a sign that:
 - (a) measures at least 8-1/2 inches long and 11 inches wide; and
 - (b) clearly states that the bar licensee is a bar and that no one under 21 years old is allowed.
- (3)
 - (a) In addition to complying with Section 32B-5-302, a bar establishment licensee shall maintain for a minimum of three years:
 - (i) a record required by Subsection 32B-5-302(1); and
 - (ii) a record maintained or used by the bar establishment licensee, as the department requires.
 - (b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).
 - (c) The department shall audit the records of a bar establishment licensee at least once annually.
- (4)
 - (a) A bar establishment licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:
 - (i) begins at 1 a.m.; and
 - (ii) ends at 9:59 a.m.
 - (b) A bar establishment licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-Premise Beer Retailer License, for an on-premise beer retailer license.
- (c)
 - (i) Notwithstanding Subsections (4)(a) and (b), a bar establishment licensee shall keep its licensed premises open for one hour after the bar establishment licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the bar establishment licensee may finish consuming:
 - (A) a single drink containing spirituous liquor;
 - (B) except as provided in Subsection (4)(c)(i)(C), a single serving of wine not exceeding five ounces;
 - (C) a single serving not exceeding 16 ounces of hard cider that is furnished in a sealed container and contains no more than 5% of alcohol by volume;
 - (D) a single serving of heavy beer;
 - (E) a single serving not exceeding 26 ounces of beer; or
 - (F) a single serving of a flavored malt beverage.
 - (ii) A bar establishment licensee is not required to remain open:
 - (A) after all patrons have vacated the premises; or
 - (B) during an emergency.
- (5)
 - (a) A minor:

- (i) may not be admitted into, use, or be in the licensed premises of:
 - (A) a dining club licensee unless accompanied by an individual who is 21 years old or older;
or
 - (B) a bar licensee, except to the extent provided for under Section 32B-6-406.1;
- (ii) may only be admitted into, use, or be in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises:
 - (A) when accompanied by an individual who is 21 years old or older; and
 - (B) momentarily while en route to another area of the licensee's premises; and
- (iii) may not remain or sit in the lounge or bar area of an equity licensee's or fraternal licensee's licensed premises.
- (b) Notwithstanding Section 32B-5-308, a bar establishment licensee may not employ a minor to:
 - (i) work in a lounge or bar area of an equity licensee, fraternal licensee, or dining club licensee;
or
 - (ii) handle an alcoholic product.
- (c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a bar licensee.
- (d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a bar establishment licensee.
- (6) A bar establishment licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.
- (7)
 - (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.
 - (b) A patron may not have two spirituous liquor drinks before the bar establishment licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.
 - (c) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).
- (8) A bar establishment licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the bar establishment licensee including:
 - (a) a set-up charge;
 - (b) a service charge; or
 - (c) a chilling fee.
- (9) Subject to Section 32B-5-309, a bar establishment licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:
 - (a) the person to whom the bar establishment licensee rents or leases the premises agrees in writing to comply with this title as if the person is the bar establishment licensee, except for a requirement related to making or maintaining a record; and
 - (b) the bar establishment licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).
- (10) If a bar establishment licensee is an equity licensee or fraternal licensee, the bar establishment licensee shall comply with Section 32B-6-407.
- (11) If a bar establishment licensee is a dining club licensee or bar licensee, the bar establishment licensee shall comply with Section 32B-1-407.
- (12)

- (a) A bar establishment licensee shall own or lease premises suitable for the bar establishment licensee's activities.
- (b) A bar establishment licensee may not maintain licensed premises in a manner that barricades or conceals the bar establishment licensee's operation.

Amended by Chapter 371, 2023 General Session

Amended by Chapter 400, 2023 General Session



HIGHLAND CITY

EMAIL CORRESPONDENCE

DATE: August 1, 2023

SUBJECT: Email Correspondence for TA-23-09 Alcohol Sales

Email received from Branden Neish on July 25th, 2023:

My name is Branden Neish, and I have been a Highland resident since 2011. I'm writing to the planning commission and city council to urge you to deny the application to sell alcohol in Highland city.

This is a health and safety issue, and it is all but certain that eventually something tragic will result from alcohol that is consumed at this location in our city. Let's not let that happen.

Having stores closed on Sunday and being alcohol-free are unique characteristics that differentiate our city and make it a place that I want to live and raise my children. Please stay true to the norms that we citizens embraced when we decided to live here. To do otherwise would be a betrayal of our trust.

Email received from Ashley Sorensen on July 25th, 2023:

Hi!! I've been told that we can't get certain restaurants in Highland because of the limitations on alcohol sales in Highland! Our restaurants/fast food that we do have here have terrible service (Wendy's and Article Circle) and I would love to see some decent food come to our city! I do not drink or plan to drink and having a restaurant that sells alcohol will not make me drink but if it helps get us quality food here in Highland I am all for it! Thanks so much! Really hoping we can make the change!

Email received from Hilary Bonn on July 25th, 2023:

Hello City Council of Highland,

I wanted to publicly express my opinion that we need to allow alcohol/beer to be sold in restaurants in order for us to be able to allow nicer restaurants in the city of Highland. Right now we are very limited in the niceness/quality of restaurants in this area and this is the biggest factor contributing to the small number of options available. People have to drive further and leave in order to find better dining

options. I think highland would significantly benefit by chancing this and allowing better restaurants to come to this area.

I'd like for this to be put on a public record. Thank you and I'm hopeful to see this change come to light.

Email received from Carisa Karren on July 25th, 2023:

Planning commission,

We need better options in highland to eat out. I am sick of Taco Bell, cafe Rio, and costa vida. We need variety and quality. It is my desire to bring quality restaurants to Highland and amend the alcohol sales ordinance. I would like it be part of public record. I also don't drink alcohol and don't endorse it but believe in not discriminating against those who think differently. Thank you for your attention on this matter! We want more!

Thank you!

Email received from Dyami Sorensen on July 25th, 2023:

Hello,

I just wanted to voice my support towards changing the limitation on alcohol sales in Highland. We really need to bring quality restaurants to Highland and amend the alcohol sales ordinance.

I understand that there is a part of our community that doesn't consume alcohol, but in not allowing it, we are losing the opportunity for better quality revenue that support our community and that affects everyone.

Businesses are choosing to not come to Highland because of these limits, but are then building on the bordering cities, resulting in Highland residents spending money in other cities and customers outside of Highland not coming into our city to support our economy. With these current limits, myself and many others aren't impressed with the restaurants we have now and often choose to go outside of Highland for better options.

Please make the changes needed that will allow better businesses and restaurants into our community and better Highland for the long run. Please don't keep the limits based on prioritizing the personal beliefs of only those on the council and a portion of the community. Consider what's fair and best for all of our community as a whole.

Thank you,

Email received from Kelli Shwarz on July 25th, 2023:

Highland City,

Please document my request to allow alcohol sales in restaurants only. We want quality restaurants in Highland! Please amend the alcohol ordinance. I don't drink alcohol nor do I endorse it, but I also don't think it's right to discriminate against those who think differently. I would like this comment to be part of the public record.

Thank you,

Email received from Katherine Pendleton on July 25th, 2023:

Good evening Highland City,

I am excited to know that by emailing you and requesting alcoholic beverages be served in Highland restaurants that it might help bring better quality dining options to this city! As a family who eats out frequently, we would enjoy a more broad selection of higher quality restaurants. Please consider our request!

Email received from Mckay Christensen on July 25th, 2023:

I'm writing to inform that Planning Commission and City council that we have a retail tenant that is highly interested in coming in on the ground floor of our office building in Ten700. It's a French Bakery and restaurant that generates roughly \$4mm in sales annually. We are currently in negotiation to partner with this tenant in an effort to help them expand to highland and other locations. Critical to their business plan is the sale of alcohol - and being open on Sundays. We hope the planning commission and city council are open to changes in these policies as we court them to open in highland. They would be an incredible asset to the community. We are unable to attend planning commission tonight, but would be willing to discuss this in more detail at the next planning commission or city council.

Warm regards,



CITY COUNCIL AGENDA REPORT ITEM #8

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Rob Patterson, City Attorney
SUBJECT: **RESOLUTION:** Cancellation of Municipal Election
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will hold a public meeting to consider the cancellation of the 2023 municipal general election. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends Council adopt the resolution cancelling the 2023 municipal general election if no person files as a write-in candidate by 5:00 PM on September 18, 2023.

PRIOR COUNCIL DIRECTION:

None.

BACKGROUND:

The City has three city council offices up for election. Four candidates filed within the appropriate candidacy filing and declaration period in June. Since that time, one of those candidates has been required to withdraw due to a lack of residency within Highland City, which disqualifies the candidate from election. This means that the City has three candidates for three offices.

The period to file as a write-in candidate expired September 18, at 5:00 PM. As of the writing of this report on September 14, no person has filed as a write-in candidate.

If no person files as a write-in candidate, the City has no contested races. There would be an equal number of candidates as open offices, and there are no ballot propositions (referenda or initiatives) to be voted on. If no person files as a write-in candidate, the City can cancel the election and deem the three qualified candidates—Brittney Bills, Doug Cortney, and Kim Rodela—as elected.

To cancel an election, the City Council (1) adopts a resolution certifying that there are no contested issues for election and certifying the election of the candidates to office and (2) provides notice of the cancellation to the lieutenant governor's office and to the public. Utah County is preparing to print ballots beginning September 21, and cancelling the election now will result in cost savings to the City by avoiding unnecessary ballots.

FISCAL IMPACT:

Cancelling the election will result in savings to the City of approximately \$31,000, because the City will not pay previously budgeted costs for the general election (\$28,500 to the County for ballot and other election management and \$2,500 for an in-person voting center). This is in addition to the previous savings of approximately \$28,500 from not having a primary election. Overall, the City will have saved approximately \$60,000 due to not holding any elections this year. These amounts were budgeted to be used for the election, and cancelling the election will allow the City to use those funds elsewhere.

MOTION TO APPROVE:

I move that City Council ADOPT the Resolution Cancelling the 2023 General Municipal Election for Highland City.

ATTACHMENTS:

1. Resolution
2. ILA With County for Election

Highland City, Utah

RESOLUTION NO. 2023-_____

**A RESOLUTION CANCELLING THE 2023 GENERAL MUNICIPAL ELECTION FOR
HIGHLAND CITY**

WHEREAS, Highland City had scheduled a municipal general election for November 21, 2023, to fill three city council offices, each with a four-year term;

WHEREAS, the filing period for candidacy and the declaration period for write-in candidates has expired;

WHEREAS, because one of the individuals who filed for candidacy is no longer eligible or qualified as a candidate, the number of candidates that filed for the available municipal offices does not exceed the number of offices open;

WHEREAS, Highland City is authorized pursuant to Utah Code § 20A-1-206 to cancel a local election if the ballot for the local election will not include any contested races or ballot propositions and the City Council adopts a resolution at least twenty days before the date of the scheduled election cancelling the election in accordance with law;

WHEREAS, the Highland City Council has reviewed the requirements of state law and has determined that all requirements and qualifications set forth in Utah Code § 20A-1-206 to cancel a local election have been satisfied;

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

1. The City Council certifies each of the following:
 - a. There are three qualified candidates running for election to three city council offices;
 - b. There are no contested races for the 2023 Highland municipal general election, because the number of candidates, including any eligible write-in candidates, does not exceed the number of offices to be filled;
 - c. There are no ballot propositions for the 2023 Highland municipal general election; and
 - d. This Resolution is adopted more than twenty days before November 21, 2023, the date of the scheduled election.
2. The City Council certifies that the candidates who qualified for the ballot are each considered elected to municipal office, as follows:
 - a. Brittney P. Bills, at-large city council member, four-year term beginning January 2024;

- b. Doug Cortney, at-large city council member, four-year term beginning January 2024; and
 - c. Kim Rodela, at-large city council member, four-year term beginning January 2024;
- 3. The City Council directs staff to provide notice of this Resolution and of the cancellation of the 2023 general municipal election for Highland City to the lieutenant governor's office and to the public, as required by Utah Code § 20A-1-206.
 - 4. This resolution shall take effect immediately upon adoption.

RESOLVED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

Mayor

ATTESTED:

City Recorder

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN UTAH COUNTY AND HIGHLAND CITY FOR THE ADMINISTRATION OF THE 2023 MUNICIPAL ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative actions; and

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

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

WHEREAS, Utah County and Highland City desire to successfully conduct the 2023 Highland Municipal Primary (August 15, 2023) and General (November 7, 2023) Elections; and

WHEREAS, it is to the mutual benefit of both Utah County and Highland City to enter into an agreement providing for the parties' joint efforts to administer the 2023 Highland City Municipal Elections.

WHEREAS, after considering the Agreement, the Council finds the Agreement attached hereto as Exhibit "A" reasonably furthers the health, safety, and general welfare of the citizens of Highland City.

NOW, THEREFORE, be it resolved by the Highland City Council as follows:

SECTION 1

1. The Mayor of Highland City is hereby authorized to sign the Interlocal Cooperative Agreement between Utah County and Highland City for the administration of the 2023 Municipal Elections which is attached hereto as Exhibit A.

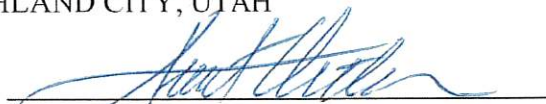
SECTION 2

1. This resolution is effective immediately.


THIS RESOLUTION APPROVED AND ADOPTED this 21st day of March by the City Council of Highland, Utah.

HIGHLAND CITY, UTAH




 Kurt Ostler
 Mayor

ATTEST:


 Stephanie Cottle
 City Recorder

COUNCILMEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agreement No. 2023 - 471

**INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY
AND HIGHLAND CITY
FOR THE ADMINISTRATION OF THE 2023 MUNICIPAL ELECTIONS**

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

WITNESSETH:

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

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

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

WHEREAS, Utah County and CITY desire to successfully conduct the 2023 CITY Municipal Primary (August 15) and General (November 7) Elections (collectively “2023 CITY Municipal Elections”); and

WHEREAS, it is to the mutual benefit of both Utah County and CITY to enter into an agreement providing for the parties’ joint efforts to administer the 2023 CITY Municipal Elections.

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

Section 1. EFFECTIVE DATE; DURATION

This Agreement shall become effective and shall enter into force, within the meaning of the Act, upon the submission of this Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this Agreement. The term of this Agreement shall be from the effective date hereof until the completion of the parties' responsibilities associated with the 2023 CITY Municipal Elections or until terminated but is no longer than 1 year from the date of this Agreement. This Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney and the attorney for CITY. Prior to becoming effective, this Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 2. ADMINISTRATION OF AGREEMENT

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

Section 3. PURPOSES

This Agreement has been established and entered into between the parties for the purpose of administering the 2023 CITY Municipal Elections. This Agreement contemplates basic,

traditional primary and general elections (including ranked-choice voting, if applicable) for the 2023 CITY Municipal Elections. All other election-related services, including but not limited to services for special elections or elections for subsequent years, will need to be agreed to in a separate writing signed by both parties.

Section 4. RESPONSIBILITIES

The parties agree to fulfill the responsibilities and duties as contained in Exhibit A which is attached hereto and by this reference is incorporated herein for the 2023 CITY Municipal Elections.

CITY agrees to pay to Utah County the actual cost of County's administration of the 2023 CITY Municipal Elections which cost shall not exceed the estimated costs as contained in Exhibit B which is attached hereto and by this reference is incorporated herein. CITY agrees to pay to County the cost as contemplated herein within 30 days of receiving an invoice from County.

Section 5. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate the Agreement sixty days after providing written notice of termination to the other parties. Should the Agreement be terminated prior to the end of the stated term, CITY will be responsible for any costs incurred, including costs not then incurred but which are contemplated herein and irreversible at the time of termination such as return mailing costs, through the time of termination. The Parties to this Agreement agree to bring current, prior to termination, any financial obligation contained herein.

Section 6. INDEMNIFICATION

The parties to this Agreement are political subdivisions of the State of Utah. The parties

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

Section 7. FILING OF INTERLOCAL COOPERATION AGREEMENT

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

Section 8. ADOPTION REQUIREMENTS

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

Section 9. AMENDMENTS

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

Section 10. SEVERABILITY

If any term or provision of the Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable,

shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 11. NO PRESUMPTION

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

Section 12. HEADINGS

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

Section 13. BINDING AGREEMENT

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

Section 14. NOTICES

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

Section 15. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without

the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 16. GOVERNING LAW

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

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

UTAH COUNTY

Authorized by Resolution No. 2023 - 470 authorized and passed on the 10th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH


By: 
DocuSigned by: AMELIA POWERS GARDNER, Chair



ATTEST: AARON R. DAVIDSON
Utah County Clerk

By: 
DocuSigned by: Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
JEFFREY S. GRAY, Utah County Attorney

By: 
DocuSigned by: Deputy County Attorney

CITY

Authorized by Resolution No. ²⁰²³⁻¹⁰_____, authorized and passed on the 21 day of
MARCH 2023.



Mayor, CITY Kurt Ostler

ATTEST:



NAME Stephanie B. Cottle
CITY Recorder

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

By: 

Rob Patterson

Exhibit A
2023 Municipal Elections
Scope of Work for Election Services
Revised 27 February 2023

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

- All administrative functions related to candidate filing.
- All administrative functions related to financial disclosure requirements by state code and/or city code.
- Publish Public Notices as required by law. The City may work with the County to publish notices jointly with other jurisdictions.
- Accept responsibility to keep candidates and the public up-to-date and informed on all legal requirements governing candidates, campaigns, deadlines, and recounts.
- Thoroughly examine and proof all election ballots and provide final approval.
- Host on the City website a link to or copy of the unofficial reported results as hosted on the County Elections webpage prior to certification, the official reported results as hosted on the County Elections webpage after certification, the location of the county-owned ballot drop boxes, and a link to the website for voters to opt-in to receive ballot alert texts.
- City will not change the format or otherwise alter the unofficial or official reported results, only displaying them in the form and format as provided by the County.
- City will canvass the final election results 7 days after Election Day, or a date prescribed by the County Clerk.

Annexations or other boundary changes impacting the administration of the municipal elections need to be submitted to the County prior to June 1, 2023. Annexation changes submitted on or after June 1, 2023, will not be incorporated into this election.

The City acknowledges that this Interlocal Agreement relates to a municipal ballot and election and as required by state statute, the City Clerk/Recorder is the Election Officer.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner. The City agrees to consolidate all elections administration functions and decisions in the office of the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections.

In a consolidated election, decisions made by the County regarding resources, procedures, and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot printing
- Ballot mailings
- Ballot retention and storage
- Outgoing / Return postage
- Ballot processing
- Printing optical scan ballots
- Program and test voting equipment
- Program electronic voter register
- Poll Worker recruitment, training, and supervision
- Compensate vote center poll workers
- Delivery of supplies and equipment
- Tabulate and report election results on county website
- Provisional ballot verification
- Update voter history database
- Conduct audits as required by state statute and/or administrative rule
- Conduct recounts as required by state statute and/or administrative rule
- Election Day administrative support
- Operation of countywide vote centers
- Provide final canvass report of Official Election Results. The City is responsible to canvass their municipal election on the date designated by the County Clerk. Such results will constitute the final Official Results of the Election.
- Ballot drop box services – maintain, unlock and lock boxes, collect ballots, and maintain security camera footage.
- County will operate a vote center at Highland City Hall for the General Election, held on November 7, 2023, at the City's expense of \$2,500.

The County will provide a good faith estimate for budgeting purposes. Election costs are calculated upon the offices scheduled for election, the volume of voters, and the number of jurisdictions participating. The City will be invoiced for its share of the actual costs of the election(s) which will not exceed the estimated rate in Exhibit B.

In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, may be changed.

The City acknowledges that this Interlocal Agreement relates to a municipal ballot and election as required by state statute, the City Clerk/Recorder is the Election Officer.

Exhibit B

2023 Municipal Elections

Active voters for billing purposes will be calculated 11 days before each Election Day.

Highland

Election	1/4/2023	Not to exceed \$2.25 per voter per election
Primary	12,730	\$28,642.50
General	12,730	\$28,642.50
Estimated Cost as of 3/6/2023		\$57,285.00

**RESOLUTION AUTHORIZING THE SIGNING OF AN INTERLOCAL
COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND HIGHLAND
REGARDING THE ADMINISTRATION OF THE 2023 MUNICIPAL ELECTIONS**

WHEREAS, pursuant to the Utah Interlocal Cooperation Act, Utah Code Annotated, Section 11-13-101, et seq., any two or more public agencies, as defined therein, may enter into agreements with one another for joint or cooperative action and may also contract with each other to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform; and

WHEREAS, the Board of County Commissioners of Utah County, Utah has determined that it is in the public interest and welfare of the residents of Utah County to engage in a cooperative effort with HIGHLAND regarding the administration of the 2023 municipal elections; and

WHEREAS, the Interlocal Cooperation Agreement has been prepared for approval and signature by and between all parties,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Utah County, Utah, that the Interlocal Cooperation Agreement Between Utah County and HIGHLAND as attached hereto, is hereby accepted and approved by the Board of County Commissioners of Utah County, Utah and the Board of County Commissioners of Utah County, Utah, is authorized to sign and the County Clerk to attest to the signature of said Interlocal Cooperation Agreement for and on behalf of Utah County.

This Resolution shall take effect immediately upon its approval and adoption by the Board of County Commissioners of Utah County, Utah.

APPROVED AND ADOPTED this 10th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

DocuSigned by:



AMELIA POWERS GARDNER, Chair

ATTEST:

AARON R. DAVIDSON

Utah County Clerk

DocuSigned by:

By:



2937075D91C74DB...
Deputy Clerk

APPROVED AS TO FORM AND LEGALITY:

JEFFREY S. GRAY

Utah County Attorney

DocuSigned by:

By:



D44AEF6893704DE
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

VOTE

YEA

NAY

AMELIA POWERS GARDNER, CHAIR

X

BRANDON GORDON, COMMISSIONER

X

THOMAS V. SAKIEVICH, COMMISSIONER

X



CITY COUNCIL AGENDA REPORT

ITEM #9a

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Andy Spencer, City Engineer/Public Works Director
SUBJECT: **PUBLIC HEARING/RESOLUTION:** Sale of Additional Wimbleton Open Space Property
TYPE: **LEGISLATIVE**

PURPOSE:

The City Council will hold a public hearing and consider the approval for disposing of additional open space owned by Highland City in the Wimbleton subdivision. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends the approval of land disposal in the Wimbleton subdivision based upon Council direction provided on July 18, 2023.

PRIOR COUNCIL DIRECTION:

On June 21, 2022, Council adopted a resolution designating specific parcels of real public property as orphan parcels that may be disposed of in the Wimbleton Subdivision.

On July 18, 2023 four additional parcels were presented to City Council as a discussion item in which the Council provided direction to proceed with the disposal of these additional orphaned properties.

BACKGROUND:

Following the Council direction on July 18, 2023, the City hired a surveyor to survey all utilities that run through the open space throughout the Wimbleton subdivision. Based on these surveys, the public works, engineering, and planning departments have come up with recommendations for what the Council should not sell if the Council decides to dispose of additional open space. Staff's recommendations are based on the policy criteria that states, "property should not be disposed of if there are potential future City needs for the property" and "if property adjacent to a trail is disposed of, the City must be able to maintain ownership of the trail with a five foot buffer on both sides of the trail". These final recommendations are largely consistent with the direction given by Council in the July meeting and the City staff understands the individuals purchasing the property are satisfied with the options presented.

FISCAL IMPACT:

The sale of property will have a minor positive impact to the City's revenues for the current fiscal year. The sale price will be per the Council's established square foot purchase price.

MOTION TO APPROVE:

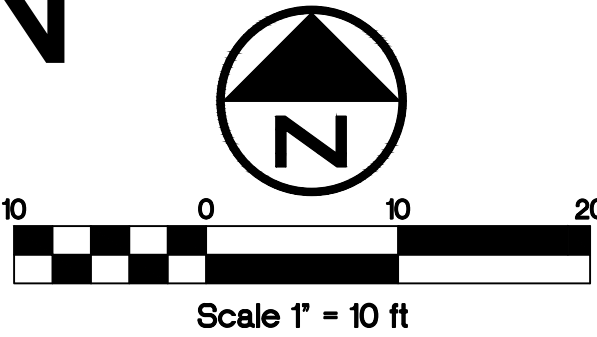
I move that City Council APPROVE the resolution designating the specified parcels as orphaned properties within the Wimbleton subdivision thereby allowing for the sale of the properties to the adjacent property owners, noting that as it pertains to Parcel 4, the City will retain the sewer easement shown on the survey as an encumbrance to the land as a condition of the property sale.

ATTACHMENTS:

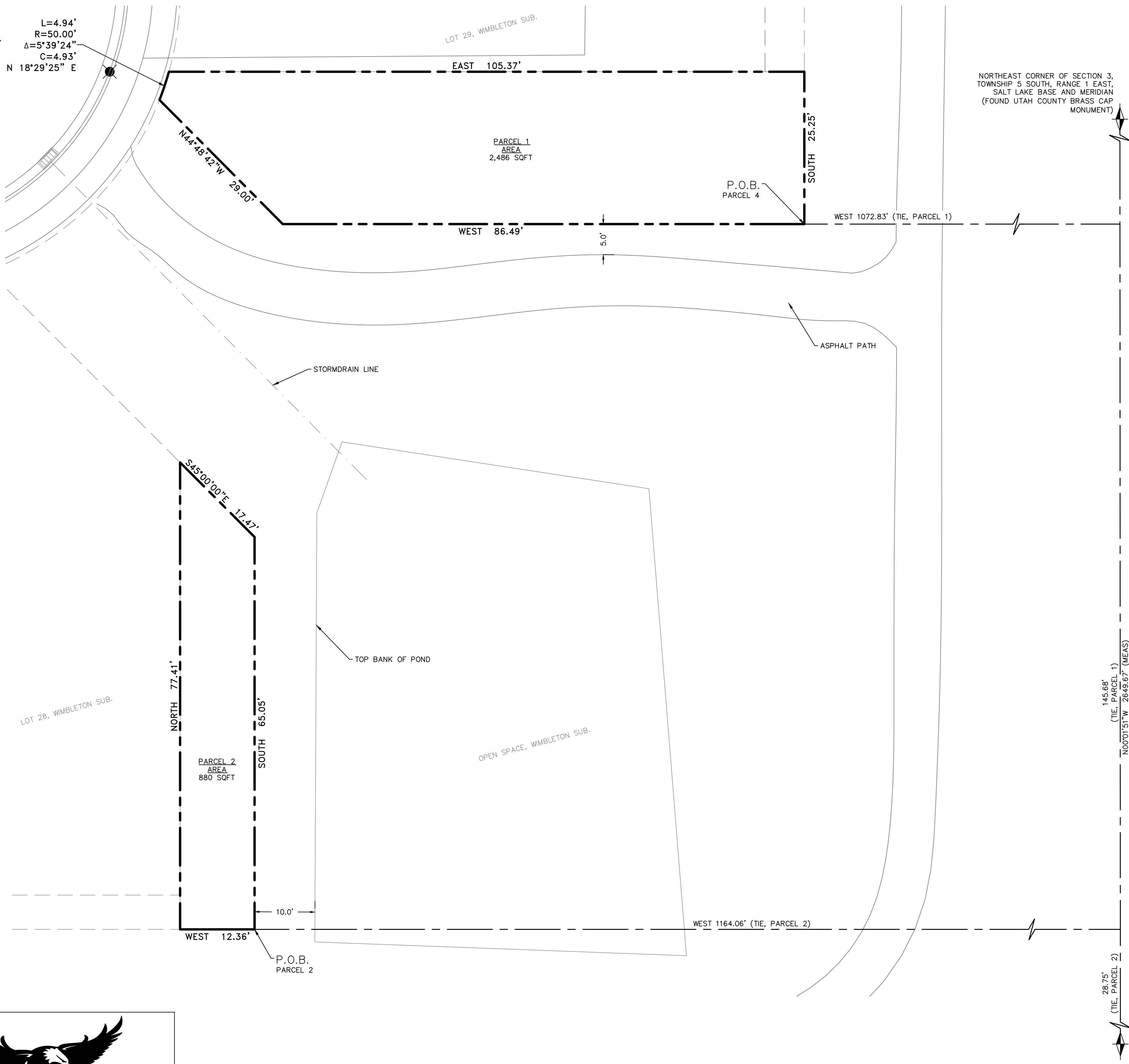
1. Orphan Parcel Survey Wimbleton Subdivision
2. Resolution

HIGHLAND CITY OPEN SPACE WIMBLETON

LOCATED IN THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY



6580 WEST
(PUBLIC WAY)



BOUNDARY DESCRIPTIONS

PARCEL 1 (SEE SHEET 1)
A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 145.68 FEET AND WEST 1072.83 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, AND RUNNING THENCE WEST 86.49 FEET; THENCE NORTH 44°48'42" WEST 29.00 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF 6580 WEST AND POINT OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID RIGHT-OF-WAY LINE AND CURVE A DISTANCE OF 4.94 FEET THROUGH A CENTRAL ANGLE OF 05°39'24" (CHORD BEARS NORTH 18°29'25" EAST 4.93 FEET) TO THE SOUTHWEST CORNER OF LOT 29 OF SAID WIMBLETON SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT; AND A PROLONGATION THEREOF A DISTANCE OF 105.37 FEET; THENCE SOUTH 25.25 FEET TO THE POINT OF BEGINNING. CONTAINS 2,486 SQUARE FEET OR 0.057 ACRES, MORE OR LESS.

PARCEL 2 (SEE SHEET 1)
A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 28.75 FEET AND WEST 1,164.06 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, AND RUNNING THENCE WEST 12.36 FEET TO A POINT ON THE PROLONGATION OF LOT 28 OF SAID SUBDIVISION; THENCE NORTH ALONG SAID LINE AND A PROLONGATION THEREOF A DISTANCE OF 77.41 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 28; THENCE SOUTH 45°00'00" EAST 17.47 FEET; THENCE SOUTH 65.05 FEET TO THE POINT OF BEGINNING.

CONTAINS 880 SQUARE FEET OR 0.020 ACRES, MORE OR LESS.

PARCEL 3 (SEE SHEET 2)
A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 99.44 FEET AND THENCE WEST 1974.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 21 OF SAID WIMBLETON SUBDIVISION, AND RUNNING THENCE SOUTH 10.74 FEET; THENCE WEST 100.00 FEET; THENCE NORTH 10.74 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 21 A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,074 SQUARE FEET OR 0.025 ACRES, MORE OR LESS.

PARCEL 4 (SEE SHEET 3)
A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 843.94 FEET AND THENCE WEST 1969.65 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 16 OF SAID WIMBLETON SUBDIVISION, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 16 THE FOLLOWING THREE (3) COURSES, 1) NORTH 44°59'47" WEST 47.03 FEET, 2) WEST 71.72 FEET, 3) SOUTH 136.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT; THENCE WEST 10.67 FEET; THENCE NORTH 175.52 FEET TO THE POINT OF A 45.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE A DISTANCE OF 7.13 FEET THROUGH A CENTRAL ANGLE OF 09°04'39" (CHORD BEARS NORTH 04°32'20" EAST 7.12 FEET); THENCE SOUTH 63°22'53" EAST 118.04 FEET; THENCE SOUTH 45°10'25" EAST 22.73 FEET TO THE WEST RIGHT-OF-WAY LINE OF 6690 WEST STREET AND POINT OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID RIGHT-OF-WAY LINE AND CURVE A DISTANCE OF 12.16 FEET THROUGH A CENTRAL ANGLE OF 13°56'13" (CHORD BEARS SOUTH 32°44'34" WEST 12.13 FEET) TO THE POINT OF BEGINNING.

CONTAINS 4,025 SQUARE FEET OR 0.092 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, KAGAN M. DIXON, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 9061091 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES.

RECORD DESCRIPTION

ALL OPEN SPACE AND PARK/PLAY FIELDS, AND ALL OTHER PROPERTY NOT INCLUDED WITHIN THE BOUNDARIES OF THE RECORDED LOTS OR PREVIOUSLY DEDICATED STREETS, ALL AS SET FORTH ON THE OFFICIAL PLAT OF WIMBLETON SUBDIVISION, RECORDED OCTOBER 20, 2000 AS ENTRY NO. 82820:2000, MAP NO. 8785.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°01'51" WEST FROM THE EAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN; AND THE NORTHEAST CORNER OF SAID SECTION 3.

NARRATIVE OF BOUNDARY

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH PARCELS OF LAND AS SHOWN HEREON WHICH LIE WITHIN THE OPEN SPACE AS SHOWN ON WIMBLETON SUBDIVISION. THESE PARCELS WILL BE DEED TO THE ADJOINING LOTS OF EACH RESPECTIVE PARCEL BY SEPARATE INSTRUMENTS.

DURING THE SURVEY AND DRAFTING THE ORIGINAL PLAT, SEVERAL ERRORS WERE FOUND WITH THE ROAD CENTERLINES BEING INCONSISTENT WITH RIGHT-OF-WAY LINES. ON THIS SURVEY, THE ROAD RIGHT-OF-WAY LINES ARE GOVERNING OVER CENTERLINES. THIS WAS FIELD VERIFIED BY LOCATING RIVETS AT THE PROPERTY LINE PROLONGATIONS. THE CENTERLINES SHOWN ON THIS SURVEY ARE BASED ON A NEW LOCATION AT THE TRUE CENTER OF THE RIGHT-OF-WAY LINES.

GENERAL NOTES

- OTHER DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY:
 - WIMBLETON SUBDIVISION ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP # 8785,
 - WARRANTY DEED RECORDED ON JANUARY 9, 2002 AS ENTRY NO. 3157:2002, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER.
- WILDLING ENGINEERING SURVEYED ABOVE GROUND VISIBLE EVIDENCE OF STRUCTURES THAT WOULD INDICATE THE POSSIBILITY OF AN EXISTING EASEMENT OR ENCUMBRANCE ON THE PROPERTY. A TITLE REPORT WHICH WOULD PROVIDE ADDITIONAL EVIDENCE OF EXISTING UTILITIES WAS NOT PROVIDED FOR THIS PROPERTY AT THE TIME THIS SURVEY WAS CONDUCTED.

LEGEND

- SECTION LINE
- FOUND SECTION CORNER
- EXISTING ROW CENTERLINE
- FOUND REBAR AND CAP
- SET 5/8 REBAR AND CAP (WILDLING ENGINEERING)
- BOUNDARY LINE
- ADJACENT PROPERTY / ROW LINE
- FOUND PLUG



PLOT DATE: Sep 13, 2023

NO.	REVISION	DATE

DRAWING TITLE

RECORD OF SURVEY

LOCATION

WIMBLETON SUBDIVISION

HIGHLAND CITY, UTAH

PROJECT NAME

HIGHLAND CITY OPEN
SPACE WIMBLETON

DRAWN

TMC

CHECKED

KMD

COUNTY

UTAH COUNTY

DATE

9/13/2023

SCALE

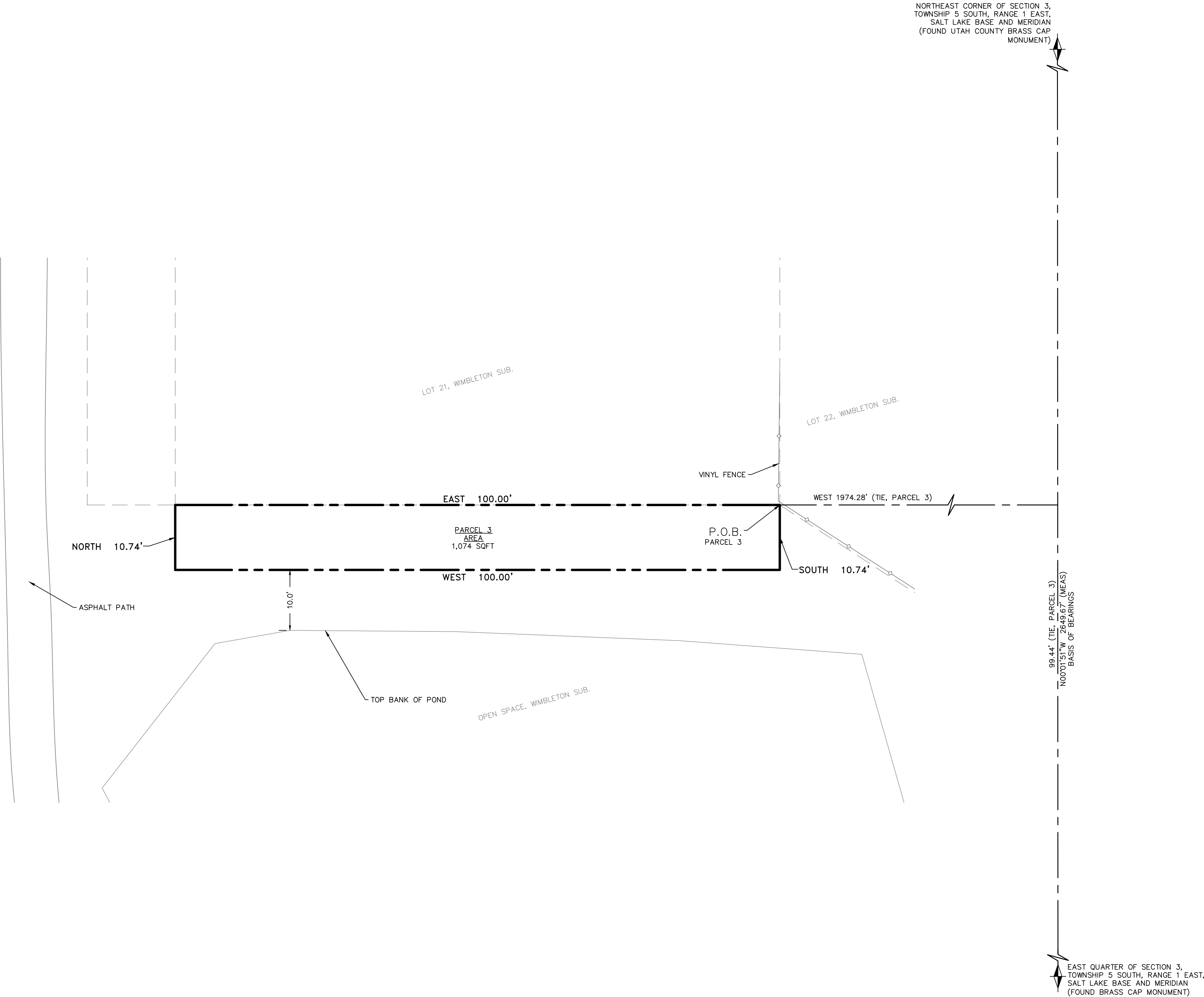
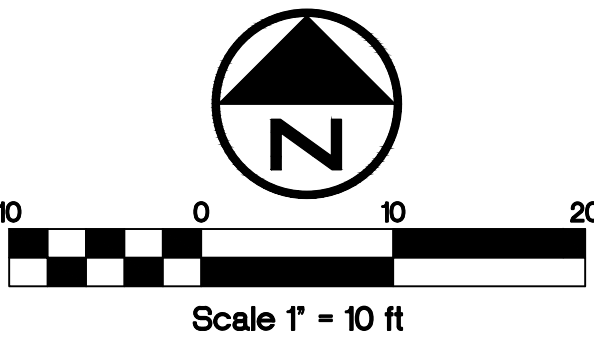
1" = 10'

SHEET

1 OF 3

WIMBLETON SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY



LEGEND	
	SECTION LINE
	FOUND SECTION CORNER
	EXISTING ROW CENTERLINE
	FOUND REBAR AND CAP
	SET 5/8 REBAR AND CAP (WILDING ENGINEERING)
	(BOUNDARY LINE)
	ADJACENT PROPERTY / ROW LINE
	FOUND PLUG

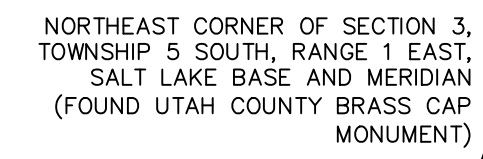
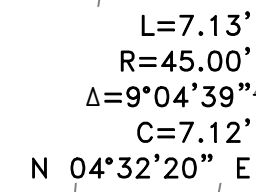


PLOT DATE: Sep 13, 2023

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DATE	9/13/2023	
SCALE	1" = 10'	
SHEET	2 OF 3	

LOCATED IN THE NORTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY



6690 WEST
(PUBLIC WAY)

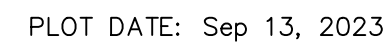
843.94' (TIE, PARCEL 4)
000°01'51"W 2649.67' (MEAS)
 BASIS OF BEARINGS

EAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND BRASS CAP MONUMENT)

DATE
9/13/2023

SCALE
1" = 10'

SHEET
3 OF 3



			DRAWING TITLE	PROJECT NAME	
			RECORD OF SURVEY	HIGHLAND CITY OPEN SPACE WIMBLETON	
			LOCATION	ADDRESS	DRAWN
					TMC
					CHECKED
					KMD
NO.	REVISION	DATE	HIGHLAND CITY, UTAH	COUNTY	UTAH COUNTY

Highland City, Utah

RESOLUTION NO. 2023-__

A RESOLUTION DESIGNATING SURPLUS PUBLIC REAL PROPERTY

WHEREAS, the Highland City Council is authorized under State law, Highland City Code 2.44.030, and Highland City resolutions and policies to designate real public property as surplus orphan parcel property that is eligible to be sold, leased, conveyed, and/or otherwise disposed of without the procedures required for significant parcels of real public property;

WHEREAS, the Highland City Council has previously adopted a resolution and policy regarding the designation of property as surplus orphan parcels and now desires to designate certain property as surplus orphan parcels.

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

1. The City Council hereby designates the following parcels or portions of property as orphan parcels that may be disposed of in accordance with Highland City code, resolution, and policy:
 - a. Parcels 1, 2, 3,4 as described in the attached Exhibit A
2. This Resolution shall take effect immediately upon its adoption.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH, this _____ day of _____, 2023.

Mayor

ATTESTED:

City Recorder

Exhibit A

Parcel Descriptions for Surplus Orphan Parcels of Real Property

PARCEL 1

A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 145.68 FEET AND WEST 1072.83 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, AND RUNNING THENCE WEST 86.49 FEET; THENCE NORTH 44°48'42" WEST 29.00 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF 6580 WEST AND POINT OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID RIGHT-OF-WAY LINE AND CURVE A DISTANCE OF 4.94 FEET THROUGH A CENTRAL ANGLE OF 05°39'24" (CHORD BEARS NORTH 18°29'25" EAST 4.93 FEET) TO THE SOUTHWEST CORNER OF LOT 29 OF SAID WIMBLETON SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, AND A PROLONGATION THEREOF A DISTANCE OF 105.37 FEET; THENCE SOUTH 25.25 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,486 SQUARE FEET OR 0.057 ACRES, MORE OR LESS.

PARCEL 2

A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 28.75 FEET AND WEST 1,164.06 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, AND RUNNING THENCE WEST 12.36 FEET TO A POINT ON THE PROLONGATION OF LOT 28 OF SAID SUBDIVISION; THENCE NORTH ALONG SAID LINE AND A PROLONGATION THEREOF A DISTANCE OF 77.41 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 28; THENCE SOUTH 45°00'00" EAST 17.47 FEET; THENCE SOUTH 65.05 FEET TO THE POINT OF BEGINNING.

CONTAINS 880 SQUARE FEET OR 0.020 ACRES, MORE OR LESS.

PARCEL 3

A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 99.44 FEET AND THENCE WEST 1974.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 21 OF SAID WIMBLETON SUBDIVISION, AND RUNNING THENCE SOUTH 10.74 FEET; THENCE WEST 100.00 FEET; THENCE NORTH 10.74 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 21 A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,074 SQUARE FEET OR 0.025 ACRES, MORE OR LESS.

PARCEL 4

A TRACT OF LAND BEING SITUATE IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HAVING A BASIS OF BEARINGS OF NORTH 00°01'51" WEST BETWEEN THE EAST QUARTER CORNER AND THE NORTHEAST CORNER OF SAID SECTION 3, SAID TRACT ALSO BEING LOCATED WITHIN WIMBLETON SUBDIVISION, ON FILE WITH THE OFFICE OF THE UTAH COUNTY RECORDER AS MAP NO. 8785, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°01'51" WEST ALONG THE SECTION LINE A DISTANCE OF 843.94 FEET AND THENCE WEST 1969.65 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 16 OF SAID WIMBLETON SUBDIVISION, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID LOT 16 THE FOLLOWING THREE (3) COURSES, 1) NORTH 44°59'47" WEST 47.03 FEET, 2) WEST 71.72 FEET, 3) SOUTH 136.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT; THENCE WEST 10.67 FEET; THENCE NORTH 175.52 FEET TO THE POINT OF A 45.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE A DISTANCE OF 7.13 FEET THROUGH A CENTRAL ANGLE OF 09°04'39" (CHORD BEARS NORTH 04°32'20" EAST 7.12 FEET); THENCE SOUTH 63°22'53" EAST 118.04 FEET; THENCE SOUTH 45°10'25" EAST 22.73 FEET TO THE WEST RIGHT-OF-WAY LINE OF 6690 WEST STREET AND POINT OF A 50.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID RIGHT-OF-WAY LINE AND CURVE A DISTANCE OF 12.16 FEET THROUGH A CENTRAL ANGLE OF 13°56'13" (CHORD BEARS SOUTH 32°44'34" WEST 12.13 FEET) TO THE POINT OF BEGINNING.

CONTAINS 4,025 SQUARE FEET OR 0.092 ACRES, MORE OR LESS.



CITY COUNCIL AGENDA REPORT

ITEM #10

DATE: September 19, 2023
TO: Honorable Mayor and Members of the City Council
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: **DISCUSSION:** General Plan Update Request for Proposal Document
TYPE: **GENERAL CITY MANAGEMENT**

PURPOSE:

The City Council will discuss the Request for Proposals (RFP) document that will be issued to solicit bids from qualified firms to partner with Highland in updating its General Plan. The Council will take appropriate action.

STAFF RECOMMENDATION:

Staff recommends that Council review the draft RFP document and give feedback to staff by September 26.

PRIOR COUNCIL DIRECTION:

On August 15, 2023, staff informed Council that a draft RFP had been prepared by Community Development staff and would be reviewed by the Planning Commission prior to the Council receiving it. At that meeting, Mayor Ostler, and Commissioners Bills and Rodela expressed interest in reviewing the RFP prior to issuance. Because of the recent turnover in Council seats, staff are bringing the issue before Council once more to give them all an opportunity to review the RFP document.

BACKGROUND:

A General Plan (sometimes called the comprehensive, or master plan) is an advisory policy document that outlines a city's vision for its future. It is a collection of maps, information, and policies that describe the current state of the city, what the citizens desire it to be in the future, and how it will get there. The General Plan indicates a city's priorities and intentions for the future. The State of Utah requires every municipality to have a General Plan. Highland's last General Plan update was in February of 2008. Since that time, various elements have been updated and tweaked, but there has not been a comprehensive update such as being undertaken this fiscal year. Staff intends to post the RFP document on September 28. Council is welcome to give feedback in the meeting and/or via email before September 26.

FISCAL IMPACT:

Funding for this expense is included in GL 24-52-25, Special Projects, within the FY 2024 budget.

ATTACHMENTS:

1. Highland City General Plan Update Request for Proposals – draft document



GENERAL PLAN UPDATE

REQUEST FOR PROPOSALS

Highland City, Utah is soliciting the services of qualified teams/individuals (“Team”) to perform consulting services for an updated general plan. Specific requirements and components are outlined in this Request for Proposals (RFP).

**Responses due Wednesday, October 4th, 2023
at 4:00 PM MST**

Contact Information

The primary contact for questions regarding this RFP is:

Jay Baughman, Assistant City Administrator / Community Development Director

jbaughman@highlandcity.org

801-756-5751

Any communication regarding this RFP to any elected or appointed official of the City or any other City staff, unless said communication is required by the primary contact, shall result in the disqualification of the proposal.

1. Background and Introduction

Situated at the mouth of American Fork Canyon in Utah County, Highland City was incorporated in 1977, though the Highland area was settled as early as 1869. In 1900, the population was 195 and has since grown to nearly 20,000 in the 2020 U.S. Census.

Necessitated by State law changes and development, Highland has done minor updates and additions to the General Plan in recent years, however, the last time the City did a comprehensive plan update was February 2008. The growth of Highland in the intervening years since the last full Plan and the anticipated growth in the future necessitates updates to the City's vision and goals related to land use, transportation, parks, bicycle and pedestrian facilities, open space, and more. Although the current plan contains much that continues to be relevant, there is a need to remain proactive in a comprehensive plan that will guide development in accordance with an updated City vision.

Highland is getting close to build-out, with most of the remaining development being in-fill type development. Insight into how to help manage and facilitate in-fill development and potential redevelopment of existing areas, without the redevelopment changing the character and feel of Highland will be important to this update process. The City needs a plan that helps maintain Highland and its infrastructure and facilities as development slows.

2. Scope of Work

The General Plan is an advisory policy document that outlines a city's vision for its future. It is the framework for land development codes and development standards, and that guides and informs decision making throughout the organization. As such, the final product must be:

- Easy and intuitive for the public to access, understand, and use.
- Concise, illustrative, consistent with itself, and strategy-based.
- Designed to be integrated with the City's website and GIS mapping programs.
- In compliance with Utah's Land Use, Development, and Management Act.

The General Plan must contain:

- An executive summary.
- A community vision statement that accurately captures the desired future of the City.
- A historic summary and current demographic snapshot of the community.
- All elements, sections, and information required by Utah State Code.
- A transportation master plan.
- A land use section capable of guiding the growth of Highland including:
 - An updated Future Land Use Map that includes and respects existing plans (such as active transportation) transportation corridors from MAG and WFRC studies and reports and other long-range planning tools as appropriate.
 - Land Use Goals and Strategies.
 - Community Design strategies for residential, commercial, central business district, and other uses as determined through the public input processes.
 - Housing strategies that will lead to achieving the community vision established by the public and elected officials.

- Affordable housing plan & strategies to include the State required Moderate Income Housing Plan and Water Use and Preservation.
- Walkability strategies that integrate with the City’s Active Transportation Plan (2023).
- Analysis, maps, goals, and strategies to address the connection of Land Use with Transportation, Economic Development, Parks and Recreation, Open Space, Health, Water Sustainability, Funding & Financing Methods, and Public Services and Facilities.
- Future growth illustrations/renderings.
- Clear implementation strategies with specific recommended actions or next steps.
- Fiscal Analysis and sustainability of the Land Use Plan.
- A citizen’s guide to the plan.
- A developer’s guide to the plan.
- Incorporation of relevant existing master plans.
- Other components as proposed or deemed critical by the City during the review process.
- Identification of and recommendations for potential Land Development Code amendments to increase effectiveness and consistency with the updated General Plan and City goals.

In addition to the requirements listed above, the City is seeking a firm that is committed to the following:

- Inclusive outreach: The General Plan must be inclusive of all residents and stakeholders in Highland City. The firm selected must have a proven track record of doing comprehensive outreach to ensure that all voices are heard.
- Sustainability: The General Plan must be sustainable and meet the needs of future generations. The firm selected must have a strong understanding of sustainability principles and be able to incorporate them into the updated general plan.
- Innovation: The General Plan must be innovative and forward-thinking. The firm selected must be able to think outside the box and come up with new ideas to help Highland City grow and thrive in the years to come.
- The General Plan is an important project for the future of Highland City. We are confident that the firm selected to conduct the update will be a valuable partner in helping us create a plan that meets the needs of our community for years to come.

3. Qualifications and Proposal Submission

Proposals must be submitted to Highland City by 4:00 PM MST on October 4, 2023.

The RFP proposal shall be limited to no more than 10 pages, excluding examples of prior work, and shall include the following information:

- A cover letter that succinctly summarizes the RFP, including the Team’s qualifications and interest, approach, deliverables, and contact information for the principal contact person.
- Name, title, and responsibility of each individual or Team member working on the project, along with a statement of their availability and level of responsibility for the project.
- The Team’s expertise in creating workable and comprehensive transportation master plans.

- Experience and expertise of Team members, including the use of outside consultants. Describe the talents the Team brings to the project, how their knowledge of the subject will benefit the process, how the Team has been successful in the past (previously completed comprehensive General Plan projects), and how that relates to this project. Include contact information for at least three previous clients for whom project Team members have completed similar projects.
- Strategy and implementation, including:
 - A public outreach plan to generate input and buy-in from the public, along with meetings with city staff, stakeholders, and the Planning Commission and City Council.
 - Specific methodology, tools, theories, and resources that will be applied to the project.
 - The proposed project process, project management plan, schedule (including critical dates, planned meetings, etc.), mitigation of risks, and proposed costs.
 - Proposed format, content, and deliverables for the final product.
 - Identification of and proposed coordination with adjacent jurisdictions, State and federal departments as appropriate, and affected entities.
- Examples of prior work (this is the only item that may be in excess of the 10-page limit)

4. Project Budget

The Team must submit a fee proposal for the project, including:

- An estimate of time to be spent by respective positions for each phase of the work.
- The hourly billing rate for each position.
- A cost breakdown for each phase and for each deliverable.
- An estimate of reimbursable expenses to be included in the project.

The proposed fee will serve as a not-to-exceed amount.

Upon execution of the agreement by both parties, the Team will receive authorization to proceed with only those services identified in the agreement. The Team must receive prior written authorization before performing any services outside the scope and fee amount identified in the agreement, or the additional services will not be reimbursable by the City.

5. Selection Process

All proposals received shall be evaluated by a City selection committee. Teams may be contacted for interviews, if determined necessary by the selection committee. The purpose of any interview is to allow the Team to present its understanding of the project, qualifications, expertise, past performance, management plan, schedule, and plan for accomplishing the project. It will also provide an opportunity for the selection committee to seek clarifications from the Team.

The Team will be selected based upon the following:

Strength and Experience of Team

Based on the Proposal and any interviews, the selection team shall evaluate the expertise and experience of the Team and the project manager as it relates to this project in size, complexity,

quality, duration, etc. Consideration will also be given to the success the Team has had in the past with similar projects.

Project Management Approach

Based on the information provided in the Proposal and information presented in the interview, each Team will be evaluated as to their plan to manage the project. The selection Team will also evaluate the degree to which risks to the success of the project have been identified and a reasonable solution has been presented.

Schedule

The Team's schedule will be evaluated as to how well it meets the objectives of the project. The Team shall identify in the RFP the project schedule identifying major work items with start and stop dates that are realistic and critical for the success of the project.

Total Budget

While total cost will be a consideration in the decision, a Team will be chosen mainly based upon the strength and experience of the Team, past project examples, and the planned approach to meeting the project objectives. City will procure a Team to achieve the best project possible within the City's budget.

Past Performance / Project References

Past involvement with similarly situated jurisdictions and experience preparing comprehensive general plans that are concise, illustrative, and action-oriented.

6. Question and Answer Period

Questions can be asked via email of the primary contact until 5:00 PM MST on Thursday, September 28, 2023. All question responses will be posted on the State of Utah's procurement website [Home - State of Utah Division of Purchasing and General Services](#) for all interested parties.

7. Deadline

Proposals must be submitted by 4:00 PM MST on Wednesday, October 4th, 2023.

8. Contact Information

For proposal submittals and more information, please contact:

Jay Baughman, Assistant City Administrator / Community Development Director

jbaughman@highlandcity.org

801-756-5751