



HIGHLAND CITY COUNCIL AGENDA

TUESDAY, OCTOBER 15, 2024

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

VIRTUAL PARTICIPATION

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

Email comments prior to meeting: council@highlandcity.org

6:00 PM WORK SESSION

2025 Sewer Rate Fees Study - Consultant Fred Philpot; Lewis, Robertson, & Birmingham

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Ron Campbell

Pledge of Allegiance: Council Member Doug Cortney

1. UNSCHEDULED PUBLIC APPEARANCES

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

2. PRESENTATIONS

a. **Library Board Annual Report** *Donna Cardon, Library Director*

b. **Recent Employee Certifications and Anniversaries** *Erin Wells, City Administrator*

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

a. **Approval of Meeting Minutes** *General City Management*

Stephannie Cottle, City Recorder

September 3, 2024

b. **Approval of Meeting Minutes** *General City Management*

Stephannie Cottle, City Recorder

September 17, 2024

4. ACTION ITEMS

a. **ACTION: Plat Amendment: Lot 312 Dry Creek - Vanlengeveld Land Use (Administrative)**

Jay Baughman, Assistant City Administrator/Community Development Director

The City Council will consider a request to amend plat note 1 of the Dry Creek Highlands Phase 3 plat

to allow for a 14-foot street-side setback on lot 312 instead of the currently required 30-foot street-side setback.

- b. ACTION: Plat Amendment: Lots 4-6 Hidden Oaks Plat B - Berry Land Use (Administrative)**
Jeff Murdoch, Assistant Public Works Director
The City Council will consider a request from Robert Berry to combine lots 4 and 5 of Hidden Oaks Plat B and to adjust the boundary line between lots 5 and 6 of Hidden Oaks Plat B.
- c. ACTION: Plat Amendment: Sunrise Farms-Dry Creek Lot Line Adjustment and Conservation Easement Vacation Land Use (Administrative)**
Jay Baughman, Assistant City Administrator/Community Development Director
The City Council will consider a request to amend lot 105 of Sunrise Farms and lot 6 of Dry Creek Phase 1 to adjust their mutual boundary line and to vacate a portion of a private conservation easement.

5. EXPEDITED ITEMS

Items in this section are to be acted upon by City Council. These items have been brought before Council previously. The report and presentation may be abbreviated.

- a. ACTION: Hogs Hollow Drainage Project General City Management**
Jeff Murdoch, Assistant Public Works Director
The City Council will consider awarding Baker Construction the 2024 Hogs Hollow Drainage Project.
- b. ACTION: Culinary Pressure Reducing Valve (PRV) Installations General City Management**
Jeff Murdoch, Assistant Public Works Director
The City Council will consider awarding Noland and Son Construction Co Inc. the 2024 PRV Vaults installation project.

6. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. No final action will be taken.

- a. Timpanogos Library Consortium General City Management**
Donna Cardon, Library Director
The City Council will consider the Library's future participation in the Timpanogos Library Consortium.

7. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

- a. Removing Commercial Requirement in Planned Developments**
Jay Baughman, Assistant City Administrator/Community Development Director
- b. Political Activities**
Erin Wells, City Administrator

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 (<http://pmn.utah.gov>), and on Highland City's website (www.highlandcity.org).

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

Posted and dated this agenda on the 10th day of October, 2024

Stephannie Cottle, CMC, UCC, City Recorder

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



HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 3, 2024

Waiting Formal Approval

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Mayor Kurt Ostler

Pledge of Allegiance: Council Member Kim Rodela

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:01 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Mayor Kurt Ostler and those in attendance were led in the Pledge of Allegiance by Council Member Kim Rodela.

PRESIDING:

Mayor Kurt Ostler

COUNCIL MEMBERS:

Brittney P. Bills	Present
Ron Campbell	Present
Doug Cortney	Present
Kim Rodela	Present
Scott L. Smith	Present

CITY STAFF PRESENT: Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, Assistant Public Works Director Jeff Murdoch, Police Chief Brian Gwilliam, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Nate Woodbury, Liz Rice

1. UNSCHEDULED PUBLIC APPEARANCES

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

Nate Woodbury stated that he would like for the City Council to vote in the affirmative to allow Olympus precast concrete as the fencing material for the Alpine Highway Fence replacement project.

Council Member Campbell asked Mr. Woodbury how the residents along Alpine Highway feel about the concrete block fencing material that was discussed during the Council's last meeting. Mr. Woodbury stated that none of the residents he has spoken to like that option. Council Member Campbell asked Council Member Cortney if he included

the concrete block option in his survey regarding the matter, to which Council Member Cortney answered yes; his findings were that only one or two residents were not supportive of that option.

Mayor Ostler stated that the Council cannot vote on the matter tonight because it was not listed on the agenda. Council Member Cortney stated that he would like an action item on the next business meeting agenda to allow the Council to vote on the fencing material.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

a. Approval of Meeting Minutes *General City Management*

Stephannie Cottle, City Recorder

August 6, 2024

b. Approval of Meeting Minutes *General City Management*

Stephannie Cottle, City Recorder

August 22, 2024

c. Personnel Policy Amendment - Definition of Alcohol *General City Management*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider amending the definition of "alcohol" in the City's personnel policies to not prohibit the appropriate use of non-consumable alcohol.

d. City Engineer Appointment *General City Management*

Erin Wells, City Administrator, Kurt Ostler, Mayor

The City Council will consider appointing Chris Trusty as the City Engineer beginning October 7, 2024.

Council Member Doug Cortney requested to pull item 2a from the consent agenda.

Council Member Scott L. Smith MOVED that the City Council approve consent item 2b, meeting minutes from August 22, 2024; 2c, Personnel Policy Amendment – Definition of Alcohol; and 2d, Appointment of Chris Trusty as the City Engineer.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills

Yes

Council Member Ron Campbell

Yes

Council Member Doug Cortney

Yes

Council Member Kim Rodela

Yes

Council Member Scott L. Smith

Yes

The motion carried 5:0

Regarding consent item 2a, Council Member Cortney indicated Assistant Public Works Director Murdoch was not listed in the list of City employees that were present at the meeting, though he did address the Council during the meeting. He suggested the minutes be amended to add him to the list of attendees.

Council Member Doug Cortney MOVED to approve 2a, the meeting minutes from August 6th with the addition of Assistant Public Works Director Jeff Murdoch to list of city staff that was present.

Council Member Scott L. Smith **SECONDED** the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills	Yes
Council Member Ron Campbell	Yes
Council Member Doug Courtney	Yes
Council Member Kim Rodela	Yes
Council Member Scott L. Smith	Yes

The motion carried 5:0

3. ACTION ITEMS

a. **PUBLIC HEARING/ORDINANCE: Text Amendment: HB476 (Water-Wise Notice, Subdivision Process, Sidewalk Assurances) Development Code Update (Legislative)**

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will hold a public hearing to consider amendments to the Highland City Development Code related to state law amendments found in HB 476 passed in the 2024 legislative session.

City Attorney/Planning & Zoning Administrator Patterson explained the State Legislature adopted House Bill (HB) 476 was passed in the 2024 general legislative session, and it will go into effect on November 1, 2024. HB 476 amended several provisions of Utah State Law related to municipal land use regulations; some of the amendments from HB 476 require the City to amend its development code to conform, while some amendments are either optional for the City or do not need to be implemented directly by the City. The amendments proposed by staff related to HB 476 address three items: water wise landscaping notice requirements, subdivision review procedures, and bonding for sidewalks. In addition, HB 476 allows for window wells to encroach into rear setbacks and allows a 32 square foot encroachment into a rear setback to allow for stairs, landings, and walkout porches that provide access to/from a home. Staff has not proposed amendments to the Development Code to incorporate this change (1) to avoid additive setback encroachment allowances and (2) to avoid needing to amend setback/zoning regulations for every zone and planned development in the City (as each zone has separate rear setback regulations). The City already permits (for most zones) a 5-foot encroachment into rear setbacks for up 50 percent of the length of a home. This additional 32 square foot/window well encroachment will apply in addition to that 50 percent 5-foot encroachment allowance. The building and planning departments are knowledgeable of the 32 square foot allowance and will apply it regardless of whether it is incorporated into City code. However, if the Council would like to address the 32 square foot encroachment in City Code for reference purposes, staff would recommend adding the following provision as a supplemental regulation under Chapter 3, Article 6: **"Allowable Features in Rear Setback:** Allowable features shall be permitted within the rear setback of a property pursuant to section 10-9a-538, Utah Code Ann., as amended."

Mr. Patterson facilitated discussion among the Mayor and Council regarding the implications of the proposed code changes for home builders and buyers in the community; he also summarized the application process developers or landowners will be required to follow if the proposed ordinance is adopted.

Mayor Kurt Ostler opened the public hearing at 7:24 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 7:24 p.m.

Council Member Smith asked if the City would withhold a certificate of occupancy if sidewalk improvements

were not completed as required. Mr. Patterson indicated the proposed ordinance does include a provision that allows the City to withhold the certificate of occupancy.

Council Member Doug Cortney MOVED that City Council ADOPT and APPROVE the proposed amendments to the Highland City Development Code.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</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 carried 5:0

b. PUBLIC HEARING/ORDINANCE: Text Amendment: Building Permit Public Improvements Development Code Update (Legislative)
Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will hold a public hearing to consider amendments to the Highland City Development Code clarifying public improvement requirements for undeveloped lots.

City Attorney/Planning & Zoning Administrator Patterson explained the amendments being proposed by staff are to help clean up and clarify requirements for undeveloped lots and nonconforming lots of record. These amendments arise out of questions staff have received regarding certain undeveloped or unique parcels of record that are not traditional lots created by a subdivision. These amendments do the following:

1. Clean up the language of "zoning lot" to remove the requirement that the public street be in use by the public and to add the requirement that the plat creating the lot must be recorded.
2. Clean up the language of "nonconforming lot of record" to limit such lots to those that were legally created and developed in accordance with applicable subdivision regulations (or were exempted from such regulations) at the time of creation.
3. Amend the definition of "zoning lot" and "nonconforming lot of record" to ensure that parcels that were created or designated to be non-buildable parcels, such as open space areas, common areas, or conservation areas, cannot be developed without subdivision amendments or other similar approvals.
4. Clarify building permit regulations to ensure that building permits cannot be issued for undeveloped, nonconforming lots of record unless they are improved with all required street, curb, sidewalk, and utility improvements.

Council Member Smith asked if City staff has encountered many instances where it has been necessary to provide clarification regarding requirements for undeveloped lots. Mr. Patterson answered yes; the City has been contacted by landowners with questions regarding the buildability of a non-conforming lot and the proposed text amendment will help the City communicate requirements for such lots.

Council Member Cortney asked if a property must be developed in order for it to be a non-conforming lot of record. Mr. Patterson stated that the lot does not necessarily need to be built upon but improved in some fashion.

Mayor Kurt Ostler opened the public hearing at 7:30 p.m.

Elizabeth Rice stated that she is concerned about the concept of allowing flag lots; she has a son who is a Police Officer and when he is called to respond to a flag lot, they do not know what they are going into. The same would be true for fire fighters and other first responders. She asked if flag lots will be permitted if the proposed ordinance is adopted.

Mr. Patterson stated that the ordinance will not allow flag lots; the City may eventually change City standards to allow flag lots, but that is not happening at this time.

Mayor Kurt Ostler closed the public hearing at 7:31 p.m.

Council Member Scott L. Smith MOVED that City Council ADOPT and APPROVE the proposed amendments to Chapters 10 and 11 in the Highland City Development Code as delineated in the staff report.

Council Member Kim Rodela SECONDED the motion.

Council Member Cortney clarified that the staff report included the incorrect ordinance number. Mr. Patterson stated that is correct, but Administration emailed the correct ordinance to the Council.

Council Member Smith clarified that his motion is to ADOPT and APPROVE the proposed amendments to Chapters 10 and 11 in the Highland City Development Code as provided by Administration via email.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</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 carried 5:0

c. RESOLUTION: Site Plan Engineering and Civil Plan Fees General City Management

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider adopting a \$2,250 fee to cover the City's cost of providing engineering and civil plan review of site plans.

City Attorney/Planning & Zoning Administrator Patterson explained the City currently charges a \$725 fee for site plan applications. Site plans are generally required for commercial-type development, such as the Highland Mains development, in addition to subdivision and building permit approvals. Site plans involve traffic, access, and road designs, landscaping plans, and utility designs and plans. This means that staff review of a site plan involves both planning review (zoning requirements, setback issues, architectural and design considerations) and engineering and civil plan review (roads, utilities, drainage, etc.). Often, site plans go through at least 2 review cycles, with City staff providing comments and corrections to the applicant to incorporate into the plans.

The current \$725 fee does not cover the City's cost of reviewing engineering and civil plans. Accordingly, staff recommends that an additional \$2,250 fee be adopted for site plan engineering and civil plan review. This fee is the same fee the City charges for engineering review of preliminary plats and is the lowest engineering plan review fee charged by the City. For comparison, the City charges the following fees for subdivision plans:

- Preliminary plat (1-10 lots): Staff (2 reviews) - \$795, Engineering (2 reviews) - \$2,250
- Final plat: Staff (2 reviews) - \$779, Engineering (2 reviews) - \$450 (most of the engineering with final plats is part of civil plan review)

- Civil Plan Review (1-10 lots): Staff (2 reviews) - \$1,156, Engineer (2 reviews) \$2,938

Engineering costs increase as the number of lots within a plat increase. Staff has recommended adopting the same fee as engineering for a 1-10 lot preliminary plat as the baseline fee. This fee will cover two reviews of engineering plans for a site plan, after which additional fees would be required.

Council Member Smith stated the current fee is \$725 and the new proposed fee would be \$2,775, but he wondered why the fee wouldn't be rounded to \$3,000. Mr. Patterson stated that he was basing the fee off of the lowest engineering fee currently in place in the City.

Council Member Kim Rodela MOVED that City Council APPROVE and ADOPT the resolution imposing a \$2,250 fee for site plan engineering and civil plan review.

Council Member Doug Cortney SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</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 carried 5:0

4. EXPEDITED ITEMS

Items in this section are to be acted upon by City Council. These items have been brought before Council previously. The report and presentation may be abbreviated.

a. ACTION: Sewer Bypass Pump and Camera Purchase General City Management

Jeff Murdoch, Assistant Public Works Director

The City Council will consider approving the purchase of a sewer camera and bypass pump.

Assistant Public Works Director Murdoch explained staff recommends the approval of the purchase of a Sewer Inspection Camera from Dawson Infrastructure Solutions and a Xylem (Dri-prime SD150M Diesel Pump) Bypass Pump for use in our Sewer and Storm Drain systems. He expounded on the purpose of the two pieces of equipment, both of which will reduce the City's dependency on other services/entities and increase efficiency.

Council Member Cortney inquired as to the cost to rent a camera rather than purchase one. Mr. Murdoch stated he does not have that information.

Council Member Smith asked why the sewer lines need to be run more frequently than once per month; with the recent fee increases from the TSSD, he would expect they would be more responsible for keeping the sewer system clear and functional. He asked if a \$92,000 camera system is truly needed. Mr. Murdoch stated that use of a camera system is needed to discover maintenance issues or failures in the system. TSSD has provided the camera service in the past, but they have had equipment failures and only have two camera trucks to service the entire District, meaning the City is not receiving the appropriate level of service at present. Mr. Murdoch stated that increased inspection performed in-house will make it possible to locate problems when they first occur. The camera system can also be used in the City's storm drain system.

Mayor Ostler asked if staff has found that more frequent inspections are necessary or if this is a matter of

convenience. Mr. Murdoch stated more frequent inspections are needed; there are some sections of sewer infrastructure in the City that have not been inspected for years and there may be issues present that the City is not aware of. The camera will make it possible for the City to be more proactive in terms of maintenance and repair of sewer lines.

Discussion among the Council and staff then centered on the specifications of the camera and the expected lifespan of the equipment. There was also a brief discussion regarding the most common causes of sewer infrastructure damage.

Council Member Kim Rodela MOVED that City Council approve the purchases of a Bypass Pump in the amount of \$31,347.00, and a Sewer Inspection Camera in the amount of \$92,632.87 and Authorize the City Administrator to sign the purchase contracts.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Courtney</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 carried 5:0

5. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

a. Naming of the New Park Kurt Ostler, Mayor

Mayor Ostler summarized conversations that have occurred over the past couple of years regarding the naming of a new City Park; he polled the Council to determine what questions the City should be asking when approached by a donor interested in making a donation of a certain level that would secure naming rights. He presented a chart illustrating donation levels that would cover certain improvements. Council Member Smith stated the City has delineated 27 different donors, with donations ranging from \$500,000 to \$25. Mayor Ostler stated that the naming rights amount was listed as 'to be determined' and he sought feedback from the Council regarding the appropriate amount. Council discussion of the matter centered on factors that could contribute to a name change for the park in the future; whether a donation must be on-going or one-time; and the manner in which the donations that have been for the park should be commemorated and publicly posted at the park. The Council concluded to schedule a work session and possible site visit to the park to continue to discuss the outstanding issues related to fundraising for the park and naming rights.

b. Community Development Update Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator

Assistant City Administrator/Community Development Director Baughman provided the Mayor and Council with a community development update, with a focus on scheduled events related to community outreach for the General Plan update project.

Council Member Campbell stated that he has been approached by residents and businesses in Highland regarding the lack of representation they receive from the American Fork Chamber of Commerce. He wondered what can

be done to create a Chamber of Commerce that provides greater service to Highland businesses. Mayor Ostler stated that he has heard concerns from business owners as well and it may be the time to discuss a Chamber of Commerce in Highland, but it will be necessary to receive support from business owners in the area. He stated that a new chamber was recently created in Eagle Mountain, and it may be helpful to reach out to the individual who created that entity to learn of their experience.

Mayor Ostler then reviewed a calendar of upcoming meetings and events in the community.

6. CLOSED MEETING

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

At 8:21 pm Council Member Doug Cortney MOVED that the City Council recess the regular meeting to convene in a closed meeting in the Executive Conference Room to discuss the purchase, exchange, or lease of real property.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

*Council Member Brittney P. Bills
Council Member Ron Campbell
Council Member Doug Cortney
Council Member Kim Rodela
Council Member Scott L. Smith*

*Yes
Yes
Yes
Yes
Yes*

The motion carried 5:0

Council Member Ron Campbell MOVED to adjourn the CLOSED MEETING and Council Member Kim Rodela SECONDED the motion. All voted in favor and the motion passed unanimously.

The CLOSED MEETING adjourned at 8:38 pm.

ADJOURNMENT

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

The meeting adjourned at 8:39 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 3, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC, UCC
City Recorder



HIGHLAND CITY COUNCIL MINUTES

Tuesday, September 17, 2024

Waiting Formal Approval

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

7:00 PM REGULAR SESSION

Call to Order: Mayor Kurt Ostler

Invocation: Council Member Doug Cortney

Pledge of Allegiance: Council Member Scott L. Smith

The meeting was called to order by Mayor Kurt Ostler as a regular session at 7:00 pm. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting. The prayer was offered by Council Member Doug Cortney and those in attendance were led in the Pledge of Allegiance by Council Member Scott L. Smith.

Council Member Doug Cortney read the preamble to the Constitution of the United States, prior to offering the prayer.

PRESIDING:

Mayor Kurt Ostler

COUNCIL MEMBERS:

Brittney P. Bills

Present

Ron Campbell

Present

Doug Cortney

Present

Kim Rodela

Present

Scott L. Smith

Present - arrived at 7:05 pm

CITY STAFF PRESENT: City Administrator Erin Wells, Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Administrator Rob Patterson, City Recorder Stephannie Cottle, Finance Director David Mortensen, Fire Chief Brian Patten, Communications Specialist Brooklyn Wild

OTHERS PRESENT: Jon Hart, Nate Woodbury, Liz Rice, Mike Martin, Amy Brinton, Richard Trowbridge, Wesley Warren, Shalynn Larson, Todd Trane

1. UNSCHEDULED PUBLIC APPEARANCES

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

Nate Woodbury referred to agenda item 3c, the Alpine Highway Fence replacement program, and noted he looks forward to a final decision on the matter. He suggested the Council approve the Olympus precast concrete material as the preferred fencing material. He noted he has spoken with all 31 homeowners along the Alpine

Highway and only a few have dissented because they are concerned that the contract does not address liability; however, the remaining neighbors are in favor of the agreement and moving forward. He provided a list of neighbors who have signed to indicate the following: they do not want the CMU fencing material, they prefer the Olympus precast concrete material, they accept responsibility for any damage caused to City property, and they will cover the cost of demolition and removal of the old fence. He has also prepared a list of different options that Olympus offers and indicated his favorite style is called 'Durango'; his least favorite style is 'Cobblestone'.

Council Member Scott L. Smith arrived at 7:05 p.m.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

a. Approval of Meeting Minutes *General City Management*

Stephannie Cottle, City Recorder
August 20, 2024

b. Approval of Meeting Minutes *General City Management*

Stephannie Cottle, City Recorder
September 10, 2024

Council Member Doug Courtney MOVED to adopt the consent agenda.

Council Member Kim Rodela SECONDED the motion.

The vote was recorded as follows:

Council Member Brittney P. Bills
Council Member Ron Campbell
Council Member Doug Courtney
Council Member Kim Rodela
Council Member Scott L. Smith

Yes
Yes
Yes
Yes
Yes

The motion carried 5:0

3. ACTION ITEMS

a. PUBLIC HEARING/ORDINANCE: Trent Smith Annexation *Land Use (Legislative)*

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will hold a public hearing to consider a request from Shalynn Larson, representing Trent Smith, to annex approximately 1.125 acres of property located at 7015 West 9600 North. The purpose of this item is for the Council to make a final decision whether to allow the annexation and to establish the conditions of annexation, if approved.

City Attorney/Planning & Zoning Administrator Patterson explained that on June 6, 2023 the City Council approved annexation of this property subject to annexation agreement; the annexation petition expired as the owner did not execute the annexation agreement within one-year. A new petition was filed July 23, 2024 and on August 6, 2024 the Council adopted a resolution accepting the petition for further consideration, indicating support for annexing the property on the same terms as 2023 annexation.

Council Member Smith asked Mr. Patterson to discuss culinary water service to the property and how that matter

is addressed in the annexation agreement. Mr. Patterson explained that the subject property was included in the Highland Water District and no culinary water dedication was required. However, the annexation agreement anticipates culinary water service to the existing home and any development of the future home. He summarized section 2.2 of the annexation agreement, which identifies the petitioner's obligations to connect to the culinary water system upon subdivision of the property. Council Member Smith inquired as to the existing homes current access to culinary water, to which Mr. Patterson responded that the home is served by a well.

Mayor Ostler asked if the petitioner would pay the impact fee to connect to culinary water at this time or if that will be required in the future. Mr. Patterson stated that one of the conditions of the annexation is recordation of the annexation agreement and payment of impact fees for the existing home as if it were being built now. Mayor Ostler clarified that for the existing home, the petitioner is paying the culinary water impact fee, even though they may continue to rely upon their well and not connect to the system until some point in the future. Mr. Patterson stated that is correct; they will not be charged another impact fee when they connect to the system in the future.

Council Member Smith referenced the term of the agreement relating to right-of-way improvements and noted that there will be just 20 feet of asphalt rather than the standard of 26 feet. He asked Fire Chief Patten if he is comfortable with that. Chief Patten answered yes. Council Member Cortney asked if the curb on the right-of-way will be painted red to preserve the entire width for emergency access vehicles. Mr. Patterson stated that is a recommendation and will be handled as part of the subdivision development.

Council Member Cortney referenced a small triangle piece of property included on the plat for the petition and asked if that property is part of the annexation and subject to the agreement. Mr. Patterson answered yes and noted that it will be tied into 9600 North in an appropriate way.

Council Member Smith asked if the applicant has accepted the terms of the annexation agreement. Mayor Ostler invited input from the petitioner. Shalynn Larson, representing Trent Smith, stated that they agree to the terms of the annexation agreement.

Mayor Kurt Ostler opened the public hearing at 7:12 p.m.

There were no public comments.

Mayor Kurt Ostler closed the public hearing at 7:12 p.m.

Council Member Kim Rodela MOVED that City Council APPROVE the annexation agreement and ADOPT the ordinance approving the Smith annexation subject to the conditions set forth therein.

Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</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 carried 5:0

b. ACTION: Plat Amendment: Millhaven - Foxwood Estates Lots 13-16 Land Use (Administrative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The City Council will consider a request from Millhaven Development to amend the Foxwood Estates subdivision to reconfigure four lots into three larger lots.

City Attorney/Planning and Zoning Administrator Patterson explained the Foxwood Estates subdivision by Millhaven was approved on April 11, 2024, as a 20-lot R-1-40 subdivision. The City Council approved a plat amendment on April 16, 2024, reconfiguring three of the larger lots (19, 18, and 17) into two lots (17 and 18), reducing density by one. Millhaven is requesting a new plat amendment to reconfigure four of the larger lots (13, 14, 15, 16) into three lots, again reducing density by one. He presented images of the current plat and proposed plat and identified the differences between the two if the plat amendment is approved. He noted that according to City and State Code, the Council can amend a plat if:

- Neither the public interest nor any person will be materially injured;
- There is good cause for the amendment;
- All easements for water and sewer facilities are preserved;
- No public right of way is being vacated; and
- The amendment meets all requirements of the Development Code.

Staff believes these conditions are met, with just one area of concern:

- The “knuckle” of the corner of 10675 North was graded to provide overflow drainage through a drainage easement between lots 13 and 14 into the hollow;
- The amended plat moves the lot line and drainage easement, which now no longer corresponds to low point in road.
 - Option 1: regrade road to align low point with easement
 - Option 2 (developer preferred): add drainage easement and swale along lot frontage to channel drainage into new easement/channel

Mayor Ostler invited input from the applicant.

Todd Trane, Millhaven Development, stated that he has been working with staff to address the drainage issue and he has actually identified a better solution that is different than the options presented by Mr. Patterson. A storm drain will be installed to the property line behind the sidewalk, with a box placed at the level of the curb to capture drainage in that area. There will still be a storm drain easement, but the channel will be piped, and the future property owner could install a driveway over it. He noted lot 13 has been purchased by an individual who wants more property; he accommodated them by removing a lot and making three larger lots versus four. He feels the solution he has presented is viable, but he is committed to continuing to work with staff to ensure that the final solution is appropriate, and that the City still has an easement.

Mayor Ostler inquired as to the timing of the improvements in the subdivision. Mr. Trane stated that asphalt will be laid the first week of October. Mayor Ostler stated he has heard from a constituent in the vicinity of the project who has been concerned about heavy truck traffic going through their neighborhood. Mr. Trane stated that he has built a berm to the north to keep truck traffic from going through existing neighborhoods. He has directed the excavation contractor to use 6400 West to access the site.

Mayor Ostler and Mr. Patterson facilitated discussion of the proposed plat amendment among the Council, with a focus on whether the project will still comply with R-1-40 zoning standards if the amendment is approved. Mr. Patterson noted that the project may be non-conforming, but the density is lower than what it could have been according to the zoning. Council Member Cortney stated he is concerned about non-conformity, but he feels that the change is good for the developer, good for the individuals purchasing lots, and good for the City because the changes are being made now rather than after improvements are installed. Council Member Cambell agreed and stated he feels the plat still meets the spirit of the law. Mr. Trane stated that he was entitled to 23 lots, but he has now reduced the density to 18 lots, which is different from what other developers are doing.

Mayor Ostler then addressed another project under the control of Millhaven Development in which there was a missing water line connection. He asked Mr. Trane to address that issue. Mr. Trane stated that the connection has been completed; the City maps identified a water line on the north section of 6400 West across his subdivision. Multiple developers should have installed the water line as they were working in the area, but they did not, and he has worked with the City to install and connect it. The entire area is functioning better from a culinary water perspective. Mayor Ostler also asked if trail improvements in that area are underway. Mr. Trane stated that the trail improvements were above and beyond the requirements that have been placed on him, but he wants to be a good neighbor and improve the area. He anticipates paving the trail in the middle of October so long as he is able to secure easements from the water companies who own the property in the area.

Council Member Smith stated this is the second amendment of the Foxwood plat and he asked Mr. Trane if he anticipates future amendments. Mr. Trane answered no; once he installs curb, gutter, and asphalt, he does not want to cut it.

Council Member Cortney asked Mr. Patterson if he is comfortable with the drainage suggestions provided by Mr. Trane. Mr. Patterson stated that the suggestion still meets the drainage needs of the utility plan. Mr. Trane stated there will still be a swale between the lots, but piping will get the water to the front of the property line past the sidewalk. The swale is required to handle a 100-year storm, so it may be the case that the swale is never utilized.

Council Member Doug Cortney MOVED that City Council accept the findings and APPROVE the proposed amended plat for lots 13 through 16 of Foxwood Estates, subject to the following two (2) stipulations recommended by staff.

1. *Amended plat include a drainage easement along amended lot 13's frontage to capture and channel drainage from the previous drainage channel to the new channel, and the amended plat include a note describing the drainage easement and restricting lot owners from relocating, obstructing, altering, or building any fence, improvement, or structure on/over the drainage channel without City approval.*
2. *Development of the Foxwood Estates subdivision conform to the revised grading, drainage, and utility plans dated August 28, 2024.*

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	Yes
<i>Council Member Ron Campbell</i>	Yes
<i>Council Member Doug Cortney</i>	Yes
<i>Council Member Kim Rodela</i>	Yes
<i>Council Member Scott L. Smith</i>	Yes

The motion carried 5:0

c. **ACTION: Alpine Highway Fence - Program Terms and Fence Material General City Management**
Erin Wells, City Administrator, Rob Patterson, City Attorney/Planning & Zoning Administrator
The City Council will consider modifying the approved Alpine Highway Fence Reimbursement Program and selecting a fence material.

City Administrator Wells summarized the terms of the Alpine Highway Fence replacement program, which has been approved by the Council:

- \$240,000 reimbursement grant over 3 fiscal years (FY25, FY26, FY27)
 - \$80,000 available each fiscal year
- \$50 per linear foot reimbursement
- No property clustering required
- Resident required to repair damage to city/UDOT property
- Last decision point is fencing material
 - Currently set up that to get reimbursement residents have to upgrade to new fence material

Fencing material considerations include:

- Replace wood paneling and repair brick pillars
 - Previously rejected due to long-term durability concerns
 - Doesn't meet code current for theme walls, but could be allowed as it is the existing material
- Vinyl and foam-core
 - Previously rejected due to durability concerns
 - Doesn't meet code for theme walls
- Precast concrete
 - \$186 per linear foot estimated base cost including demolition, restoration, and installation
 - Concerns regarding extensive damage to parkway detail
 - Meets code for theme walls
- CMU/ Cinderblock
 - Still waiting on bid. One planning on bidding but waiting for information from supplies.
 - Meets code for theme walls

Staff believes the options available to the Council include:

- Wait for CMU/cinderblock bid;
- Reassess selecting precast concrete;
- Obtain a bid and then consider a development code amendment to allow a different material type: trex aluminum, etc.;
- Consider expanding the program to allow for repair/replacement of the existing materials
 - Could be the only option or an alternative to a different material; and
- Survey all impacted residents on their preferences.

Mayor Ostler polled the Council to determine if they are ready to proceed with approval of the preferred fencing material; the Council debated the appropriate reimbursement amount for the City to offer to residents and whether some homeowners will choose not to proceed with the replacement if a more costly material is approved as the preferred option. Council Member Campbell stated that given the fact that the City has been unable to obtain a bid for the CMU/cinderblock options, he would support selecting the precast concrete material as the preferred material. Council Member Smith stated the City has heard from the same 10 residents about the project, but he would like to hear from the other 21 residents regarding whether they would proceed with replacement of the fence if the Council selects a more expensive fencing material. Council Member Rodela agreed. Council Member Courtney stated he agrees with Council Member Campbell that it is problematic that the City has been unable to obtain bids for the CMU options; however, he also agrees with Council Member Smith that a less expensive material may make it possible for more residents to replace their fence.

The Mayor and Council continued to debate the appropriate fencing material to be selected as the preferred material, after which Mayor Ostler invited public input and he asked each speaker to identify the subdivision they live in.

Nate Woodbury stated the quotes he has obtained are about \$104 per linear foot, but that was based upon four homeowners combining together to install the fence at the same time. If the number of homes were greater, the cost would actually be lower. This quote includes the property owners performing the demolition and removal

of the old fence. He has found the pillars are hollow and he believes that someone will buy the old wood portion of the fence. He stated that he and Steve Hoggan have used Olympus for the rest of the fencing on their properties and the only damage they caused was to the existing grass. He does not believe there will be significant damage to the City property. He then noted that a \$50 per linear foot reimbursement from the City should cover nearly 50 percent of the cost of the project, which he feels is a huge incentive. He has obtained other bids for products such as Trex and they are not much less expensive, but the material is not nearly as durable. He looked into CMU last fall and could not get a good quote for the product; he considered installing the fencing himself, and the CMU materials alone were just as much as if he would have hired Olympus to install the precast concrete fence.

Steve Hoggan stated that the average homeowner cannot install a CMU fence on their own; the bottom block must sit on a footing, and this will cause much more property damage than other options. He suspects that the reason that the CMU fencing contractors are not responding to the City's request for a bid is that they are too busy and do not need this project.

Mike Martin stated that he is opposed to the Olympus plan because the fencing panels are very heavy, and the contractor will charge \$300 per hour for a crane to come to the site. If they discover that work in excess of that identified in the contract is needed, they will charge an additional \$250 per hour. The \$186 is much higher than \$100 per foot that was previously discussed, and it does not take into account any additional fees that will be charged for additional work needed on the site. He feels the City needs to have costs for different options in order to perform a responsible comparison of fencing materials.

Richard Trowbridge stated he knows the precast concrete material is expensive, but it would be good fence, and he is supportive of proceeding with that option. He indicated he is troubled by the same matters as Mr. Martin in terms of unknown costs of repairing damage caused by the fencing project. There are overhead powerlines in the area and a crane will not be an option for all properties along the corridor. He stated the cost will likely keep some people from replacing their fence, but he is supportive of the precast concrete material.

Amy Brinton stated she appreciates all the work the Mayor and Council have done, but everyone just wants to be finished with this issue. She wants the fence to look nice and match the value of the homes in the area. The precast concrete looks beautiful. She is a small business owner and has found that it is difficult to get contractors to come in and do work, especially small jobs. Since Olympus is already in the area and ready to do the work, she is compelled to support them and their product.

Mr. Woodbury reapproached and addressed Mr. Martin's comments about using a crane; it is true that there will be an additional cost associated with using the crane, but it will be an option to use a forklift on some properties rather than a crane. Council Member Smith asked if the forklift caused damage, to which Mr. Woodbury answered yes, it left track marks in the grass and it may be that residents need to replace damaged sod with new sod.

Mayor Ostler addressed Mr. Patterson and asked if residents will be required to provide the City with a bond that can be used to repair damage, if necessary. Mr. Patterson answered no; rather, the resident will be required to obtain approval from the Utah Department of Transportation (UDOT) before proceeding and they will not be eligible to receive any money from the City until any damage to City property is cured. Ms. Wells stated that Olympus has indicated plans to use cranes for a portion of the fence, but not the entire length. She added that sidewalk damage is also likely, in addition to damage to sod/landscaping. Council Member Cortney agreed. It is a certainty that sidewalk will be destroyed and that there will be significant damage to sod and trees. There has been discussion about employing an arborist to prune the trees in the area to help control the extent of the damage.

Mr. Hoggan re-approached and asked the Council to consider the damage component of the agreement; if residents are not going to be reimbursed until all damages are repaired, there will be a stalemate and significant

portions of the fence will never be replaced. There are several factors that will contribute to damage of the sidewalk and landscaping in the area, and he does not believe many residents will commit to repairing the damage without knowledge of the potential costs to do so. Mayor Ostler stated that the City cannot be expected to accept responsibility for any damages caused.

Mr. Martin re-approached and addressed the liability factor of the contract; the residents are the only party signing the contract with Olympus and the City is not being asked to sign. All liability factors are on the residents, and this could be a nightmare. Tonight is the first time he has heard there is a high likelihood that the sidewalk will be damaged or destroyed and that will only result in higher costs. The City should be a party to the contract as well.

Mayor Ostler ended the public input period; he then facilitated discussion among the Council to determine how they wish to proceed at this time. Council Member Cortney stated he has a strong desire to make a final decision on this matter given that it has been a topic of discussion for the past several months; however, tonight the Council heard from just five residents and two of them indicated they will not replace their fence if the precast concrete material is the only fencing option.

Mr. Trowbridge re-approached and stated that he is ready to proceed with the precast fencing, but he is very concerned about the costs for repairing damages and any other unknown factors of the project.

Council Member Smith stated that the Council has been talking about this for three years and at this point he is leaning towards agreeing with Council Member Campbell that the precast concrete is the best option in terms of durability. He is going to switch his vote in favor of moving forward with precast concrete because he does not believe it will ever be possible to get all residents to agree on the best solution.

Council Member Campbell then stated that he would like to allow staff to pick the colors of the precast concrete. Council Member Campbell stated that he is comfortable allowing staff to pick the color, but the Council has indicated in the past a desire for uniformity to make the fence easier to repair in the future if vandalism occurs. Mr. Patterson stated that the base coat of the fence must be the same on both sides, but a different color could be chosen for the interior of the fence if a resident desires a different color.

Discussion then centered briefly on the process a resident must follow to apply for reimbursement of a portion of the fence replacement costs; the group also discussed whether the resident must first complete the project before applying for reimbursement, with the conclusion being that the City will not release any reimbursement funding until the replacement project is completed, and damages are cured.

Council Member Ron Campbell MOVED that City Council direct staff to select the option of Ashlar Sandstone precast concrete with Olympus Precast for the Alpine Highway fence reimbursement program and to unapprove the previous approval of foam core fence.

Council Member Scott L. Smith SECONDED the motion.

Council Member Cortney then stated he is concerned about costs; the higher the cost, the more likely the fence will only be replaced on the southern end and not on the northern end. A couple of residents have indicated they cannot afford to replace the fence if precast concrete is the only option.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Cortney</i>	<i>No</i>

<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 4:1

d. ACTION: Naming of the New Park *General City Management*

Erin Wells, City Administrator

The City Council will consider and decide on what name to select for the new park located at the corner of 5600 West 10400 North.

City Administrator Wells used the aid of a PowerPoint presentation to provide a brief history of the construction of the City's newest park, concluding phase one opened in November of 2023 and phase two will be open in late 2024. The name of the park must be decided in order to erect signage. Ms. Wells and Mayor Ostler facilitated discussion among the Council to determine their preferred name of the park. Optional names included:

- Mountain Ridge Park
- Highland Community Park
- Highland Family Park – with subtext “at Mountain Ridge”

Council Members Bills and Rodela expressed a desire to receive input from Wesley Warren. Mr. Warren asked why there is a rush to get the sign installed at this time. Ms. Wells stated that Administration wants to install the sign before the grand opening of the park. Mr. Warren asked if everyone is satisfied with the fundraising efforts for the park thus far and if there is any potential for the City to receive a large donation for naming rights for the park. Mayor Ostler answered yes; he has spoken with representatives of Lehi City, who also recently built a large park and had difficulty getting large donors. Mr. Warren stated he likes the name “Highland Family Park”, but wondered if lowering the naming rights donation threshold to \$600,000 in order to possibly secure such a donation. Mayor Ostler stated that he feels the Council should make a decision on the name; he does not believe the City will receive a large enough donation for the naming rights.

Council Member Cambell expressed a desire to hear from Elizabeth Rice. Ms. Rice stated that she also likes the name “Highland Family Park”, but she would not include “Mountain Ridge” on the sign. She stated she taught at Mountain Ridge and there are already some concerns about students thinking they can go and hang out at the park during the school day. She stated that she has found the park to be a lovely place. She then offered her services to knock doors in Mystic Cove to solicit feedback regarding the replacement of the Alpine Highway Fence.

Mayor Ostler invited input from Jon Hart. Mr. Hart suggested the park be named “Slidapalooza”.

Mayor Ostler stated he believes there is consensus for the name “Highland Family Park”, but requested that on the reservation system that the park be listed as “Highland Family Park at Mountain Ridge” just so people know where the park is located.

Council Member Scott L. Smith MOVED that City Council direct staff to finalize the name of the new park located at 5600 West 10400 North as Highland Family Park.

Council Member Ron Campbell SECONDED the motion.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>Yes</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Courtney</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 carried 5:0

e. ACTION: Contract Authorization with DLS Consulting, Inc. General City Management

Erin Wells, City Administrator

The City Council will consider a contract with DLS Consulting, Inc. for consultant services focused on grant and legislative support for a one (1) year term.

City Administrator Wells explained in September 2022 and again in September 2023, City Council authorized an annual contract with David Stewart's consulting firm. The Fiscal Year (FY) 2025 budget previously approved by Council funds a continuation of this contract. Ms. Wells stated in FY2023, Mr. Stewart secured a \$1 million grant for culinary well rehabilitation projects and in FY2024 he secured another \$1 million grant for pressure regulating valves (PRVs) and chlorination of two wells in the City's culinary water system. In discussing additional needs and grant possibilities throughout the City, staff and the Mayor have asked Mr. Stewart to target obtaining grant funding to help with the City's portion of the costs for the roundabout addition at the corner of 11800 North and Highland Boulevard with the impending DR Horton development in Lehi. Initial estimates for Highland's cost for this project are \$900,000. The current year budget has half (\$450,000) budgeted towards that expense in Roads Capital Fund, 41-40-79, Road Project Matching. The rest has not yet been funded based on the uncertainty of the timing of the project and wanting to seek grants for the project. If the City were not able to obtain grants and all the costs were to be incurred this fiscal year, the City would need to plan for a budget adjustment and consider using fund balance as this is a one-time major expense.

Mayor Ostler stated that he has also visited with Mr. Stewart about legislative issues that he would like him to work on this year; he will work with the Utah League of Cities and Towns (ULCT) and legislators that he has access to in order to advocate for the City's position on certain matters.

Council Member Smith stated in the past, when City funding was tight, the City Council terminated the lobbyist contract to save money; however, it is hard to argue against the success Mr. Stewart has had in securing grant funding for important projects in the City. He feels that the roundabout project is a good project for Mr. Stewart to seek grant funding for. Mayor Ostler agreed; there are differences between grant writers and lobbyist; a lobbyist helps to keep the City 'in the know' relative to access to various funding sources and legislation. The money he is pursuing is State funding and Mr. Stewart is using his contacts to help the City gain access to that money.

Council Member Cortney stated that he has opinions about lobbyists as well, but unilaterally terminating the City's lobbyist contract would not change the system and if Mr. Stewart continues to be successful in securing grant funding for City projects, he will support the arrangement.

Council Member Ron Campbell MOVED that City Council approve a contract with DLS Consulting, Inc. in the amount of \$100,000 and authorize the Mayor to sign the contract.

Council Member Doug Cortney SECONDED the motion.

Council Member Cortney stated that he noticed the name of the party mentioned in the contract has changed when compared to last year; he asked if it is still Mr. Stewart but working under a different company name. Ms. Wells answered yes; Mr. Stewart has switched his contracts into his LLC name, but she is unsure the reason for that shift.

The vote was recorded as follows:

<i>Council Member Brittney P. Bills</i>	<i>No</i>
<i>Council Member Ron Campbell</i>	<i>Yes</i>
<i>Council Member Doug Courtney</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>No</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

The motion carried 3:2

4. DISCUSSION ITEMS

Items in this section are for discussion and direction to staff only. No final action will be taken.

a. Resident Survey General City Management

Jay Baughman, Assistant City Administrator/Community Development Director

The City Council will review and give feedback on the draft questions to be asked in the 2024 Resident Survey.

Assistant City Administrator/Community Development Director Baughman explained that since 2016 (skipping 2023), Highland City has distributed an annual Resident Survey to receive feedback from residents on a number of topics. This information helps City elected officials and staff in their decision-making regarding important projects such as the upcoming budget and general plan update. The 2024 survey will be distributed in a physical version through the mail and electronically through our various communication channels. Staff will strongly encourage responses online as the coding and analysis is a much quicker and an easier process. Each Highland adult will be encouraged to fill out a survey. The survey will ask for addresses to allow for staff to confirm that respondents are Highland residents. The electronic version will have a mechanism in place to try to prevent an individual from filling out the survey multiple times. The intent is to send the survey out as quickly as possible with a due date no later than the end of October. Mr. Baughman then facilitated a review of the draft survey questions. There was high level discussion among the Mayor and Council regarding the helpfulness of the answers to various questions on the survey; the need to include potential costs for projects named in the survey for which the City is seeking the residents' level of support (a recreation center, for example); the potential use of additional revenue if the Public Safety Fee were to be increased; the need to simplify the answer options for questions number five and six to gain meaningful feedback regarding the desired use of the property at the northwest corner of SR92 and 6000 West; and whether questions about flag lots are appropriate to include on a citizen survey;

Mr. Baughman indicated that staff would utilize the feedback provided by the Mayor and Council to adjust the draft survey before presenting it to the Council again in the future.

5. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

a. Central School District Erin Wells, City Administrator

City Administrator Wells provided the Mayor and Council with an update regarding the Central School District ballot question. Development of the voter information pamphlet (VIP) is underway, and it will be distributed to all eligible voters starting Monday, October 21. Administration is working to negotiate an interlocal agreement that addresses election administration and the method for providing the VIP to voters; the election code allows for the election official to simply mail a postcard to all voters to give them instructions on how to access the VIP, or the City can pay for printing and a mailing of the full VIP to all eligible voters. The Council indicated they want to print the VIP in full and make sure it is delivered to all households that have eligible voters on this issue.

Ms. Wells then discussed the Political Activities of Public Entities Act (PAPEA) as it relates to the ballot question:

- PAPEA prohibits public entities and public officials from using public funds to influence ballot propositions
- Strict guideline - only use City resources to do what the law requires us to do.
- When using City resources, keep it neutral & factual and provide equal access to both sides
 - Email, staff time, logo or letterhead, city sponsored meetings, website, social media, etc.
- Can exercise your personal first amendment rights in speech: (verbal, website, social media, etc.), financial contributions, attend or host meetings, etc.
- Can use your title, but please make it clear you're not representing the City
- Utah Code 20A-11-1203
- Penalties
 - Class B misdemeanor: up to \$1,000 and 6 months in jail
 - Email offense: \$250 first violation, \$1,000 for subsequent violations

Council Member Campbell stated that he has a LinkedIn account that identifies him as an elected official; his Facebook page links to that account, and he wondered if he can make personal statements on Facebook. Ms. Wells stated that each individual has the right to free speech and can use their own personal time to express their views on any issue; however, she would encourage them to state that they are not representing the City when making those statements.

Mayor Ostler stated there was a cottage meeting organized by a Political Action Committee (PAC) held at the Community Center recently; the perception was that it was a City sponsored event because it was at a City facility and attended by some Council Members, but that is not correct. Mr. Patterson agreed; the PAC has the right to rent a City facility for an event, and even if all elected officials of the City had attended, it is not a City meeting because it was not called by the Mayor and City business was not discussed.

Council Member Campbell asked who enforces the PAPEA. Mr. Patterson stated it would be the Attorney General's Office for the State of Utah.

b. 6000 West Sidewalk Agreement *Rob Patterson, City Attorney/Planning & Zoning Administrator*

City Attorney/Planning and Zoning Administrator Patterson discussed a proposed sidewalk agreement for the Howden property on 6000 West, north of 11200 North. There is no sidewalk along the Howden property between the new Williams View subdivision and Quail Creek. The proposal is for Mr. Howden to install a 4-foot, curb-adjacent sidewalk instead of 5' sidewalk with park strip, aligning the sidewalk with Quail Creek and Williams View. The theme wall from Williams View will continue where current rail fence is, instead of 14' setback from curb. When the property is subdivided, the developer will be required to install sidewalk, park strip, and fence to City standard. He presented photographs to orient the Council to the current condition of the area where the sidewalk would be installed and noted that if the Council is agreeable, he will present the matter to the Planning Commission for a formal recommendation to the Council.

Council Member Smith stated he likes the proposal but wondered if there is a problem with the City granting exceptions to sidewalk and fencing standards for an individual who is a member of the Planning Commission. Mr. Patterson stated he would recommend Mr. Howden recuse himself from voting on the decision, but it is important to note that Mr. Howden is not receiving any benefit as a result of donating the public improvements to the City. When the area develops, the improvements will need to be brought up to standards.

Council Member Courtney stated that locating a sidewalk directly adjacent to the curb and concrete wall is relatively dangerous for pedestrians or bicyclist and he asked if there is any risk to the City for allowing the improvements that do not comply with City ordinances. Mr. Patterson answered no but acknowledged that the sidewalk will be narrow, and the lack of a park strip will essentially eliminate the sidewalk during winter months when snow is plowed onto the sidewalk.

c. Finance Report *David Mortensen, Finance Director*

Finance Director Mortensen presented the Highland City financial report for quarter four of Fiscal Year (FY) 2024; he noted that the numbers are unaudited at this time, but the report is intended to express the percentage of the budget that is spent to date and the percentage of revenues received to date.

There was brief discussion among Mr. Mortensen and the Council regarding various figures in the financial report, with Mr. Mortensen indicating that he will provide the audit report to the Council in October.

d. Community Development Update *Jay Baughman, Assistant City Administrator/Community Development Director, Rob Patterson, City Attorney/Planning & Zoning Administrator*

Assistant City Administrator/Community Development Director Baughman stated that tomorrow is the first open house planned for the General Plan update project; the Youth Council will participate in the event and help to answer questions from participants.

Mr. Patterson then reported on efforts to propose amendments to the City's land use code specific to the use table and approval authorities; the matter will be discussed and acted upon by the Planning Commission and their recommendations will be forwarded to the City Council for action.

City Administrator Wells briefly reported that during the meeting, she received a bid for CMU fencing material for the Alpine Highway fence replacement project; the cost per linear foot is approximately \$100 more than the Olympus precast material that the Council approved earlier in the meeting.

6. CLOSED MEETING

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

There was no closed meeting.

ADJOURNMENT

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

The meeting adjourned at 9:56 pm.

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on September 17, 2024. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC, UCC
City Recorder



CITY COUNCIL AGENDA REPORT

ITEM #4a

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: Plat Amendment: Lot 312 Dry Creek - Vanlengeveld
TYPE: Land Use (Administrative)

PURPOSE:

The City Council will consider a request to amend plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a 14-foot street-side setback on lot 312 instead of the currently required 30-foot street-side setback.

STAFF RECOMMENDATION:

Staff recommends that the City Council APPROVE the proposed plat amendment to plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a typical fence setbacks on lot 312 instead of the currently required 30-foot street-side setback.

PRIOR COUNCIL DIRECTION:

No prior Council review of the proposed amendment. The Council approved the Dry Creek Phase 3 Plat in October 2004.

BACKGROUND:

The Dry Creek Highlands Phase 3 Plat contains the following plat note: "1. Fencing for lots 312 & 315 to be installed @ 30' setback from Sunset Hills Dr. & Sunset Hills Ct. ROW's." The effect of this note is to restrict street side lot fencing for two lots beyond what is normally required. Current City fencing regulations require a 30-foot front setback, but not a 30-foot side setback. Side lot fencing along streets are permitted to be on property line if the fence is open style. Privacy fencing for side lot lines along streets must be located 14 feet from back of curb. The plat note for Dry Creek Phase 3 is more restrictive than City code.

The applicant, owner of lot 312, desires to install a fence and other improvements on the property, and the 30-foot setback requirement is hindering her ability to use her property as she would like. Staff is uncertain as to why lot 312 is restricted more than other, similarly situated corner lots. The minutes from the approval of the Dry Creek Phase 3 Plat, on October 5, 2004, reflect the following:

Kathryn Schramm inquired on lot 312 as it is basically on two cul-de-sacs and wondered where the lot would be entered. Brad Mackay [the developer] indicated the developer could provide a side entry garage and front it in either direction. He indicated he would be willing to hold the fence back 30' on both frontages.

The Council then approved the plat with several conditions, one of which was, "lot 312 be required to

have a 30' fence setback on both street sides."

There is no further discussion of why lot 312 and 315 were singled out for unique fence setbacks. Based on staff's review, there does not appear to be a need to continue to impose a 30' street-side setback on fences for this property. However, because the restriction is in the form of a plat note, the only way to remove the restriction is to amend the plat for lot 312. Highland City Development Code 5-7-101(3) provides, "A 'plat amendment' means any change or alteration to a recorded plat. The change may be ... a change or removal of a condition, note, or other restriction described on the plat...."

SUMMARY OF THE REQUEST:

The applicant is requesting that the Council approve the proposed amendment adjusting plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a 14-foot street-side setback on lot 312 instead of the currently required 30-foot street-side setback.

ANALYSIS:

Under Highland Development Code 5-10-103(4), the City Council can amend a plat if it finds:

1. Neither the public interest nor any person will be materially injured by the proposed amendment;
2. There is good cause for the amendment;
3. All easements for water and sewer facilities are preserved;
4. No public right of way is being vacated; and
5. The proposed amendment meets all requirements of the Development Code.

- Notice of the proposed amended plat was mailed to property owners within 500 feet on October 3, 2024. As of the writing of this report, no comments or objections have been filed.
- No public hearing is required because the application and procedures satisfy all applicable aspects of Highland City Development Code 5-7-103 Lot Line Adjustments And Plat Amendments, all owners are signing, and no objections have been filed.

PROPOSED FINDINGS:

1. Neither the public interest nor any person will be injured by the proposed plat amendment. The only parties even potentially affected are the applicant and the adjacent 6 or so lots that front onto the two cul-de-sacs that may see the fence being located as permitted by the City's Development Code. There is no harm in the amendment.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop and fence their property as desired in accordance with generally applicable fencing regulations. It will allow the applicant to fence her yard in the same way as other corner lots in Highland.
3. All easements are maintained without alteration.
4. No public right of way needs vacating for this amendment.
5. The proposed fence setbacks conform to the City's fencing regulations, which generally permit privacy fences along streets to be located 14 feet from back of curb. The additional recommended stipulation from staff would allow greater flexibility in fencing, while still conforming to City code.

PROPOSED STIPULATIONS:

1. The amended plat note be adjusted to read, "Fencing for amended lot 312 to be installed at a 14' setback from Sunset Hills Drive and at a 30' setback from Sunset Hills Court Right-of-Ways, or

as otherwise permitted by Highland City ordinances."

Staff recommends this adjustment (as opposed either to the applicant's proposed language or to just removing the fence plat note altogether) so that the amended plat addresses the fence setbacks, making it clear that the original plat note has been amended, but with the addition of allowing future fencing to conform to generally applicable city ordinances, if those are less stringent than the plat note.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council adopt the findings and APPROVE the proposed plat amendment to plat note 1 of the Dry Creek Highlands Phase 3 plat to allow for a typical fence setbacks on lot 312 instead of the currently required 30-foot street-side setback with the ONE stipulation recommended by staff.

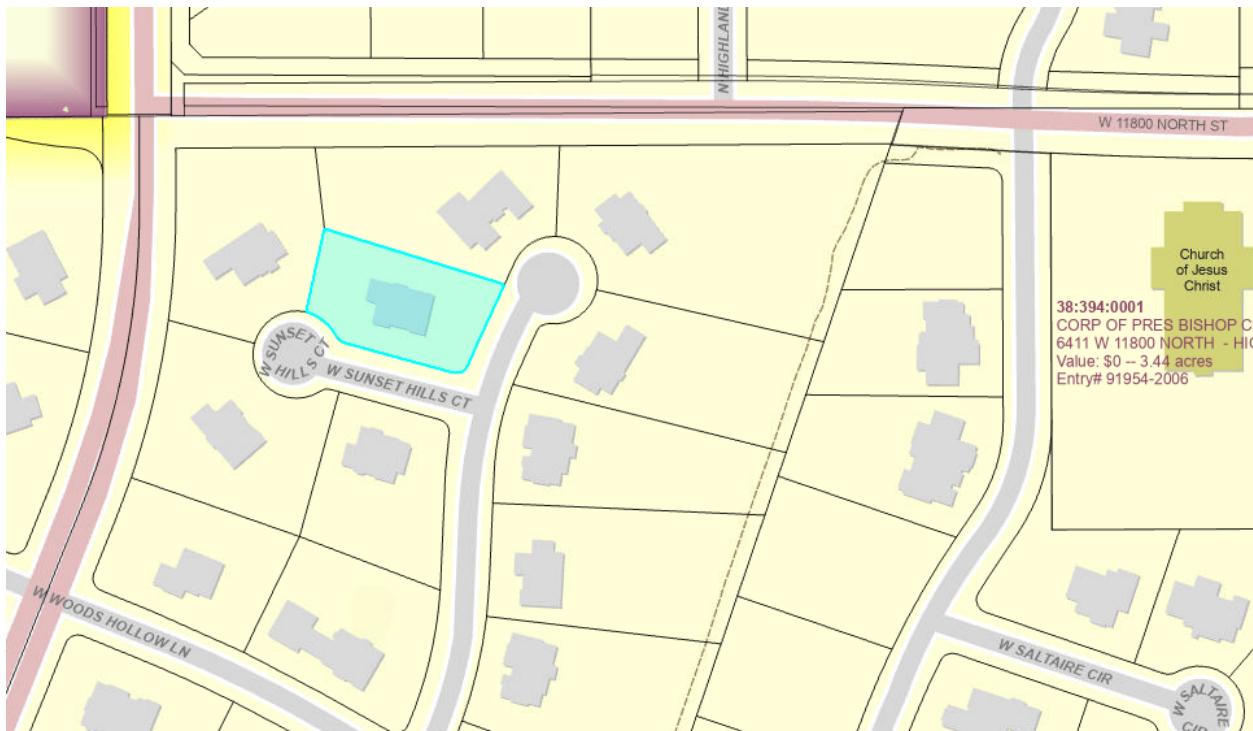
ATTACHMENTS:

1. Vicinity Map
2. Dry Creek Plat - Original
3. Proposed Amended Plat - Dry Creek Lot 312

Vicinity Map

Address: 6640 W Sunset Hills Ct

Parcel: 37:220:0312



VANLANGEVELD AMENDED LOT 312 SUBDIVISION

BEING A VACATION OF LOT 312, DRY CREEK HIGHLANDS PHASE 3 SUBDIVISION
BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, CITY OF HIGHLAND, UTAH COUNTY, UTAH
SEPTEMBER - 2024

LOT 311
DRY CREEK HIGHLANDS
PHASE 3 SUBDIVISION
PARCEL NO. 37-220-0311

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	18.79'	373.00'	18.79'	S23°25'02"W	2°53'11"
C2	21.90'	15.00'	20.00'	S63°47'34"W	83°38'14"
C3	12.72'	15.00'	12.34'	N50°05'51"W	48°34'58"
C4	44.86'	50.00'	43.37'	N51°30'37"W	51°24'29"
C5	55.69'	345.00'	55.63'	S20°14'09"W	9°14'57"

LOT 313
DRY CREEK HIGHLANDS
PHASE 3 SUBDIVISION
PARCEL NO. 37-220-0313

MARK C. VANLANGEVELD AND
ELIZABETH VANLANGEVELD
ENTRY NO. 116402:2022
PARCEL NO. 37-220-0312

AMENDED LOT 312

0.531 AC.
(23,112 SQ. FT.)
(SUBJECT)

LOT 314
DRY CREEK HIGHLANDS
PHASE 3 SUBDIVISION
PARCEL NO. 37-220-0314

CONDITIONS OF APPROVAL

THESE CONDITIONS OF APPROVAL ATTACHED TO THIS SUBDIVISION WHICH ARE INDICATED ON THIS PLAT. THESE CONDITIONS ARE THE CONDITIONS OF APPROVAL FOR THIS SUBDIVISION. BUYER IS REQUIRED TO READ THESE CONDITIONS CAREFULLY AND OBTAIN A COPY OF THESE CONDITIONS AND RESTRICTIONS PRIOR TO PURCHASING OR CONTRACTING TO PURCHASE ANY LOTS WITHIN THIS SUBDIVISION. THESE CONDITIONS ARE BINDING AND HAVE BEEN IMPOSED BY THE HIGHLAND CITY PLANNING COMMISSION, CITY OF HIGHLAND, UTAH, OR THE HIGHLAND CITY RECORDER'S OFFICE OR THE HIGHLAND CITY RECORDER'S OFFICE. IN ADDITION, HIGHLAND CITY HAS APPROVED BINDING ZONING LAWS THROUGH A LEGALLY BINDING DEVELOPMENT CODE. IT IS THE RESPONSIBILITY OF THE BUYER TO DO THEIR DUE DILIGENCE IN OBTAINING ALL ACCURATE INFORMATION AND/OR REGULATIONS THAT MAY DIRECTLY OR INDIRECTLY AFFECT THE PURCHASE OF THIS PROPERTY. CONTRACTING TO PURCHASE ANY PROPERTY ANYWHERE.

CONDITIONS OF APPROVAL CONVEYED ON THIS PROPERTY BY THE LEGISLATIVE BODY OF HIGHLAND CITY, WHICH ARE IN ADDITION TO THE DEVELOPMENT CODE, ARE AS FOLLOWS:

- 1) FENCING FOR AMENDED LOT 312 TO BE INSTALLED AT A 14' SETBACK FROM SUNSET HILLS DRIVE AND AT A 30' SETBACK FROM SUNSET HILLS COURT RIGHT-OF-WAY'S.
- 2) EACH HOMEOWNER IS ENTITLED TO ONE TREE PER LOT WHICH MAY BE OBTAINED THROUGH THE CITY AFTER RECEIVING A CERTIFICATE OF OCCUPANCY. THE TREE SHALL BE PLANTED WITHIN ONE YEAR FROM THE DATE THE CERTIFICATE OF OCCUPANCY IS GRANTED.
- 3) FENCES ALONG OPEN SPACE SHALL BE SIXTY-SIX PERCENT (66%) OPEN IF SIX (6) FEET TALL OR FOUR (4) FEET TALL. A FENCE PERMIT IS REQUIRED PRIOR TO INSTALLING ANY FENCE.
- 4) 70% OF THE FRONT YARD LANDSCAPING SHALL BE INSTALLED BY THE HOMEOWNER WITHIN ONE YEAR AFTER RECEIVING A CERTIFICATE OF OCCUPANCY.
- 5) LANDSCAPING AND CONSTRUCTION MATERIALS OF ANY TYPE ARE NOT PERMITTED ON OR WITHIN THE STREET, CURB & GUTTER, PARK STRIP OR SIDEWALK.
- 6) NO BUILDINGS ARE ALLOWED TO BE BUILT EAST OF THE STORM DRAIN EASEMENT LINE.
- 7) THE MAIN FLOOR ELEVATION OF THE RESIDENCE SHALL NOT EXCEED 48 INCHES ABOVE THE TOP BACK OF CURB ON UPSLOPE LOTS.
- 8) NO STRUCTURES OR CONSTRUCTION ACTIVITIES ARE ALLOWED ON THE CONSERVATION AREA INDICATED IN THIS PLAT. PUBLIC ACCESS IS ALLOWED WITHIN THE EASEMENT. FENCING IS ONLY ALLOWED ALONG THE EASEMENT BOUNDARY BETWEEN THE BUILDABLE AREA OF THE LOT AND THE CONSERVATION AREA.

LOT 315
DRY CREEK HIGHLANDS
PHASE 3 SUBDIVISION
PARCEL NO. 37-220-0315

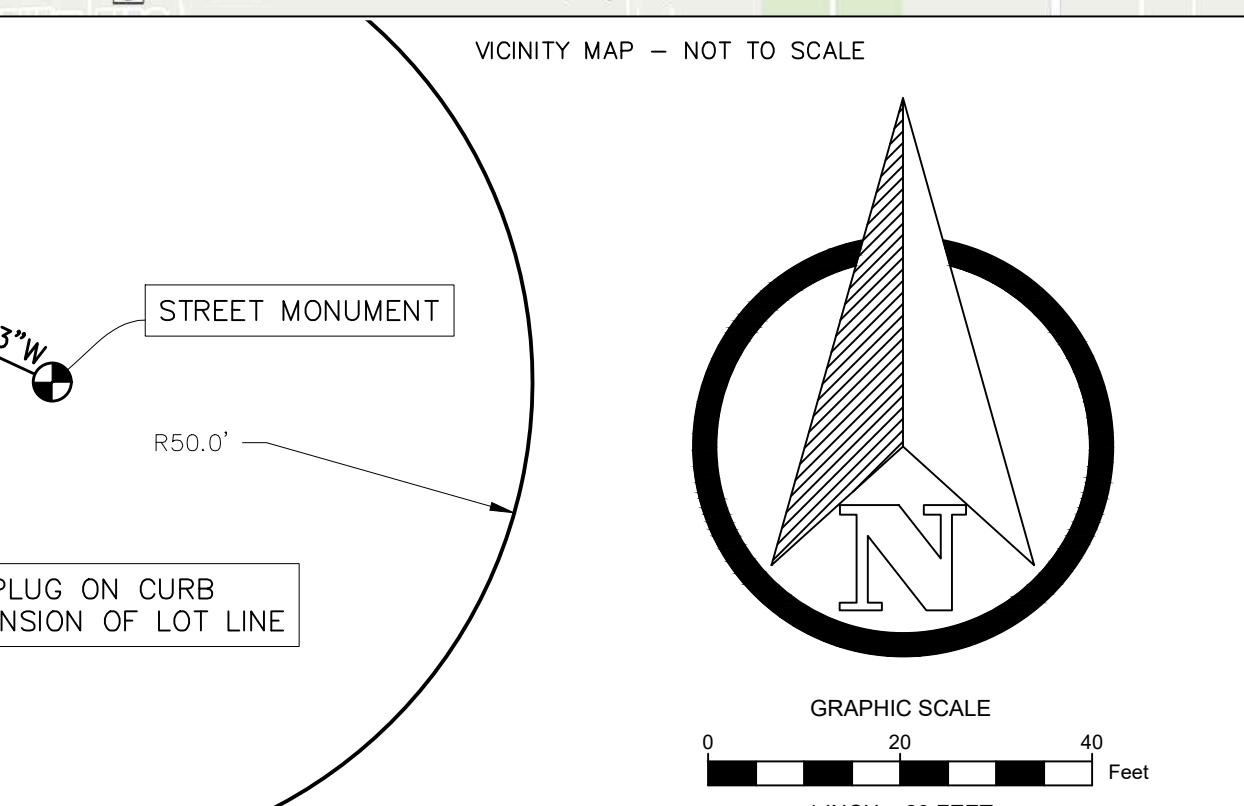
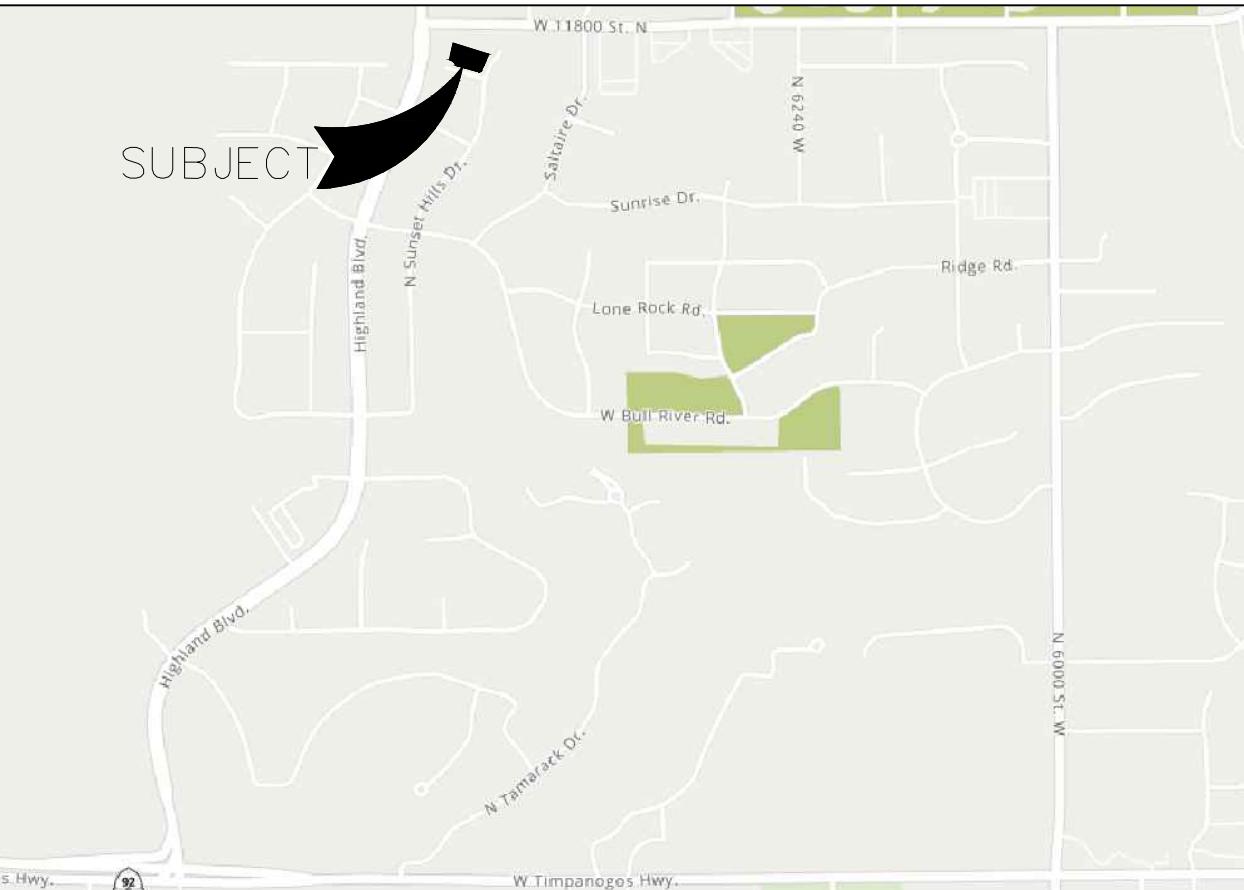
LEGEND:

- SECTION CORNER/STREET MONUMENT - FOUND BRASS CAP
- PROPERTY CORNER - SET 5/8" X 24" BAR & CAP (PLASTIC CAP STAMPED ALS, INC. PLS # 376079) (OR AS NOTED AND SHOWN HEREON)
- △ CALCULATED POINT - NOT SET/NOT FOUND
- RECORD DATA
- SUBJECT PROPERTY BOUNDARY
- SECTION LINE/MONUMENT LINE/CENTERLINE
- RIGHT-OF-WAY LINE
- INTERIOR LOT LINE
- EASEMENT LINE
- DEED LINE/PLATTED LOT LINE (R/M)
- RECORD/MEASURED

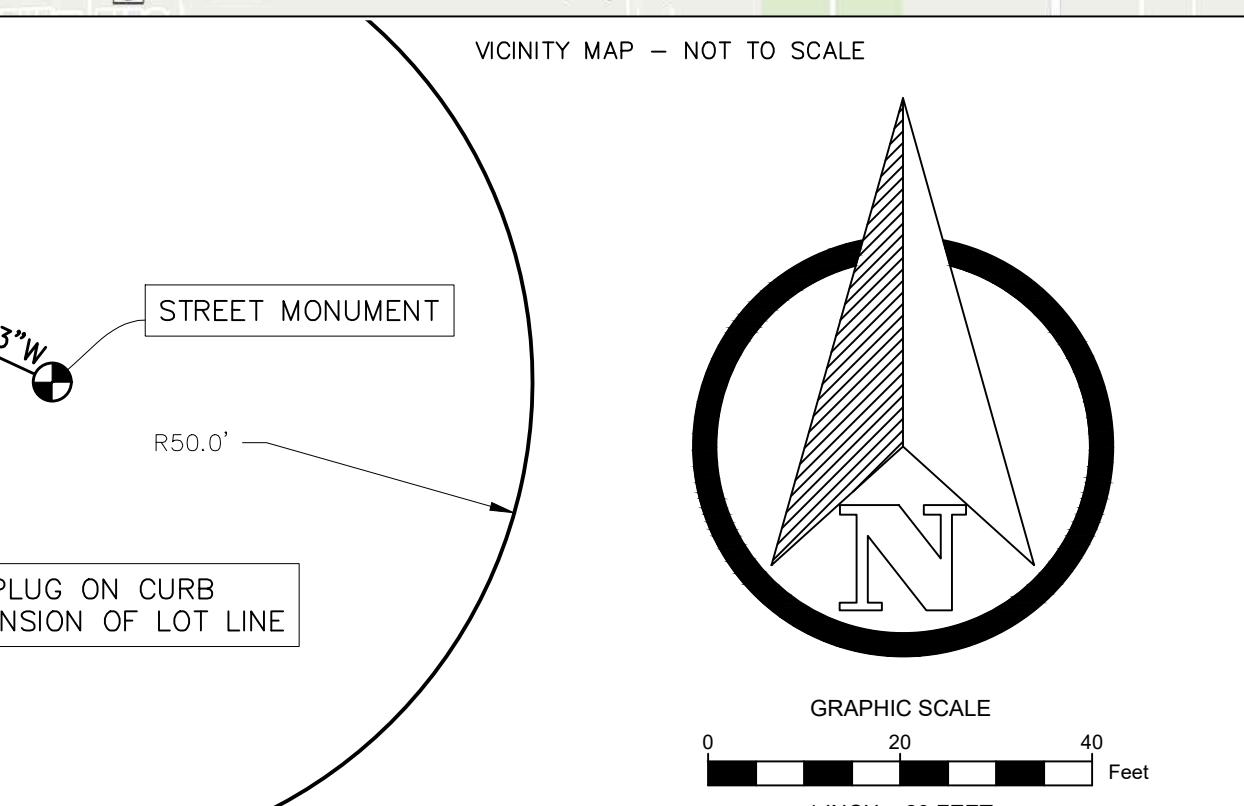
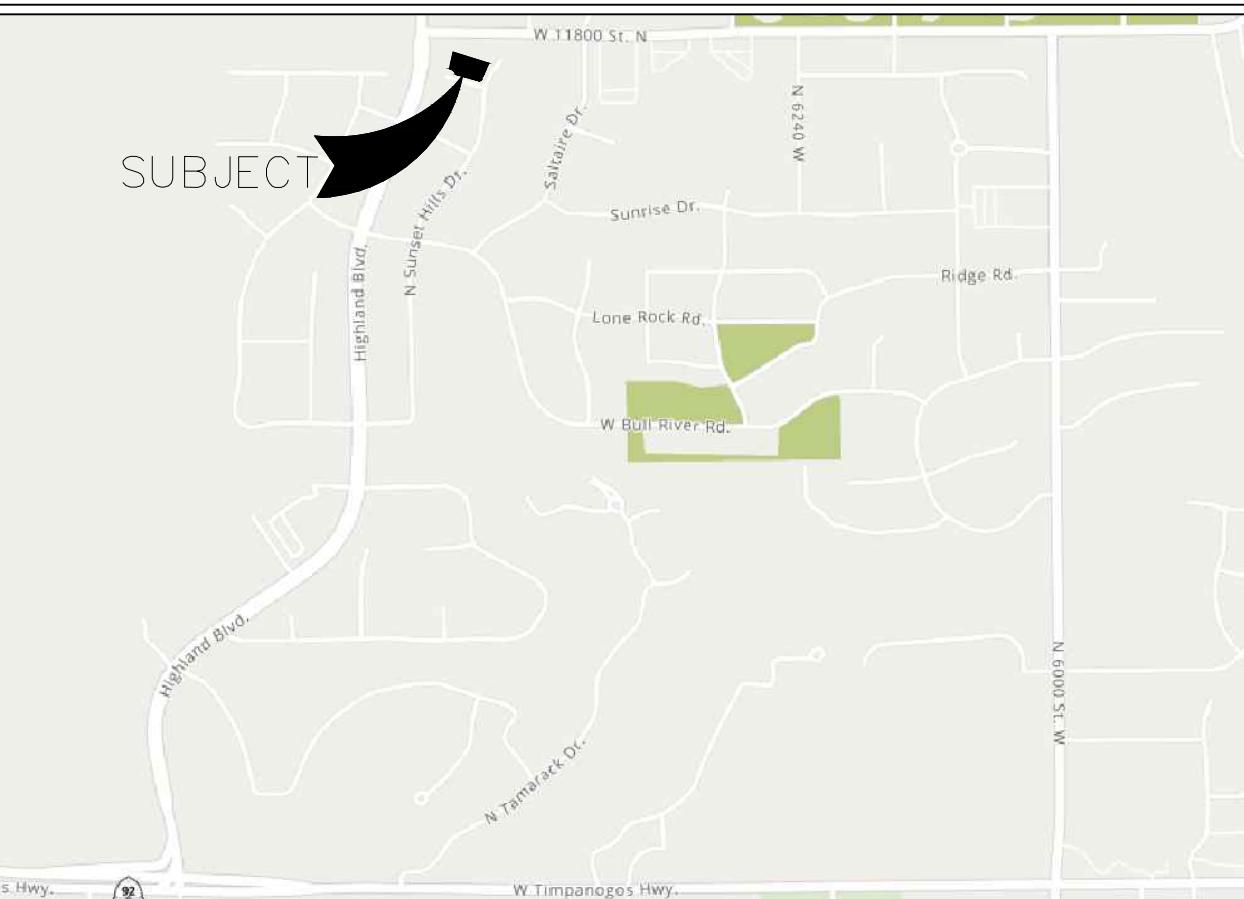
UTAH COUNTY MONUMENT
EAST ONE-QUARTER CORNER OF
SECTION 27, T.4S., R.1E., SLB&M.
(FOUND BRASS CAP)

SECTION LINE
2662.32' (MEASURED)
2662.18' (R/M)
S001°34'E (R/M)

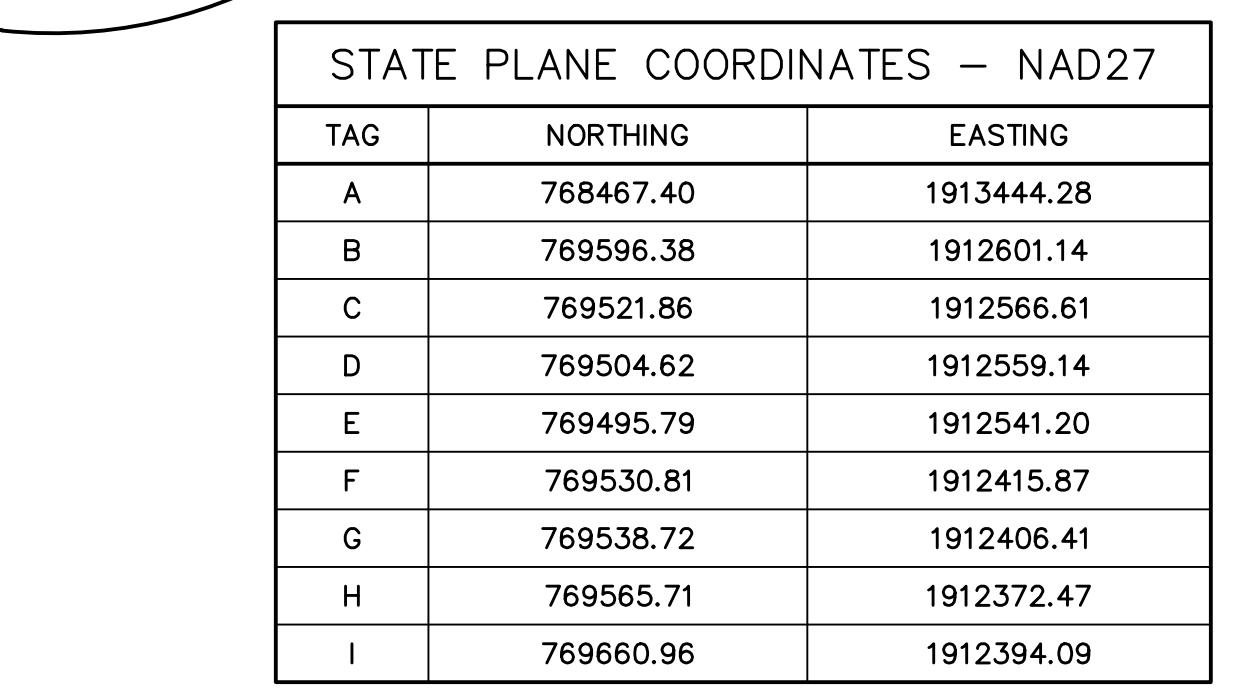
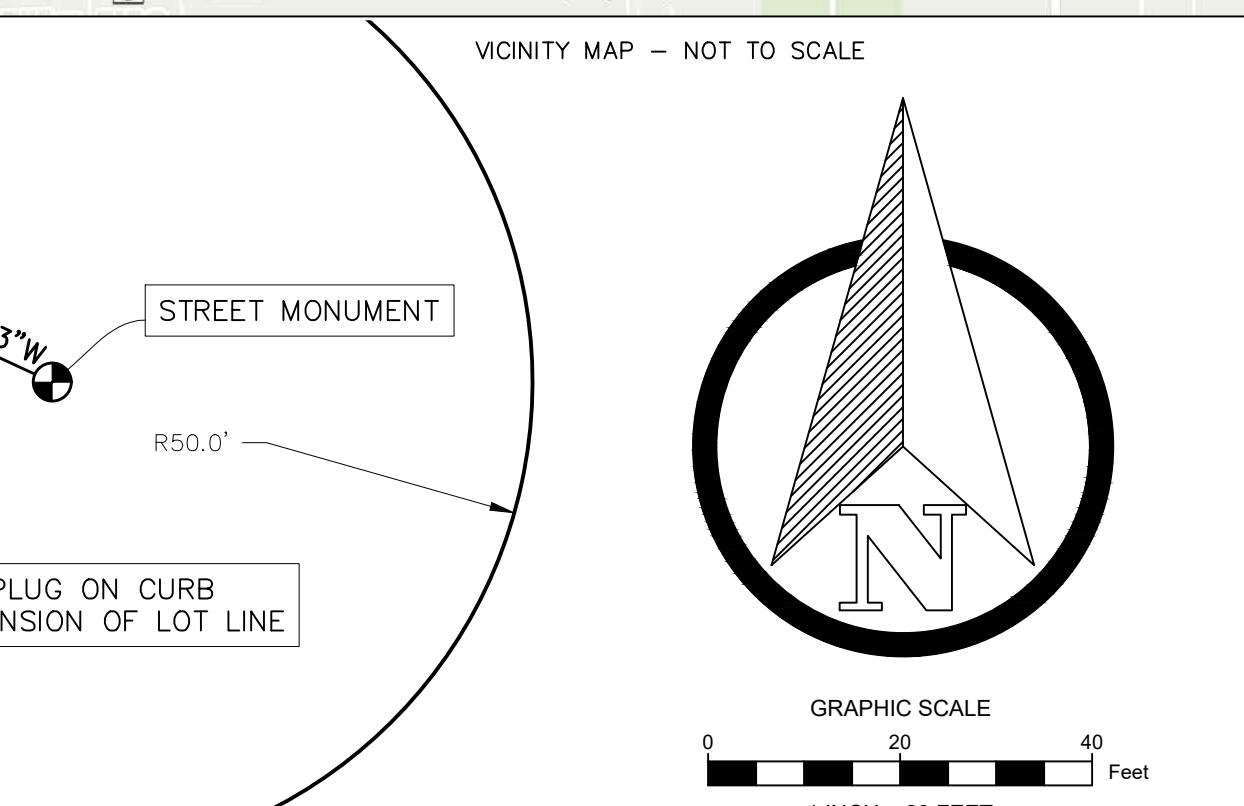
UTAH COUNTY MONUMENT
SOUTHEAST CORNER OF
SECTION 27, T.4S., R.1E., SLB&M.
(FOUND BRASS CAP)



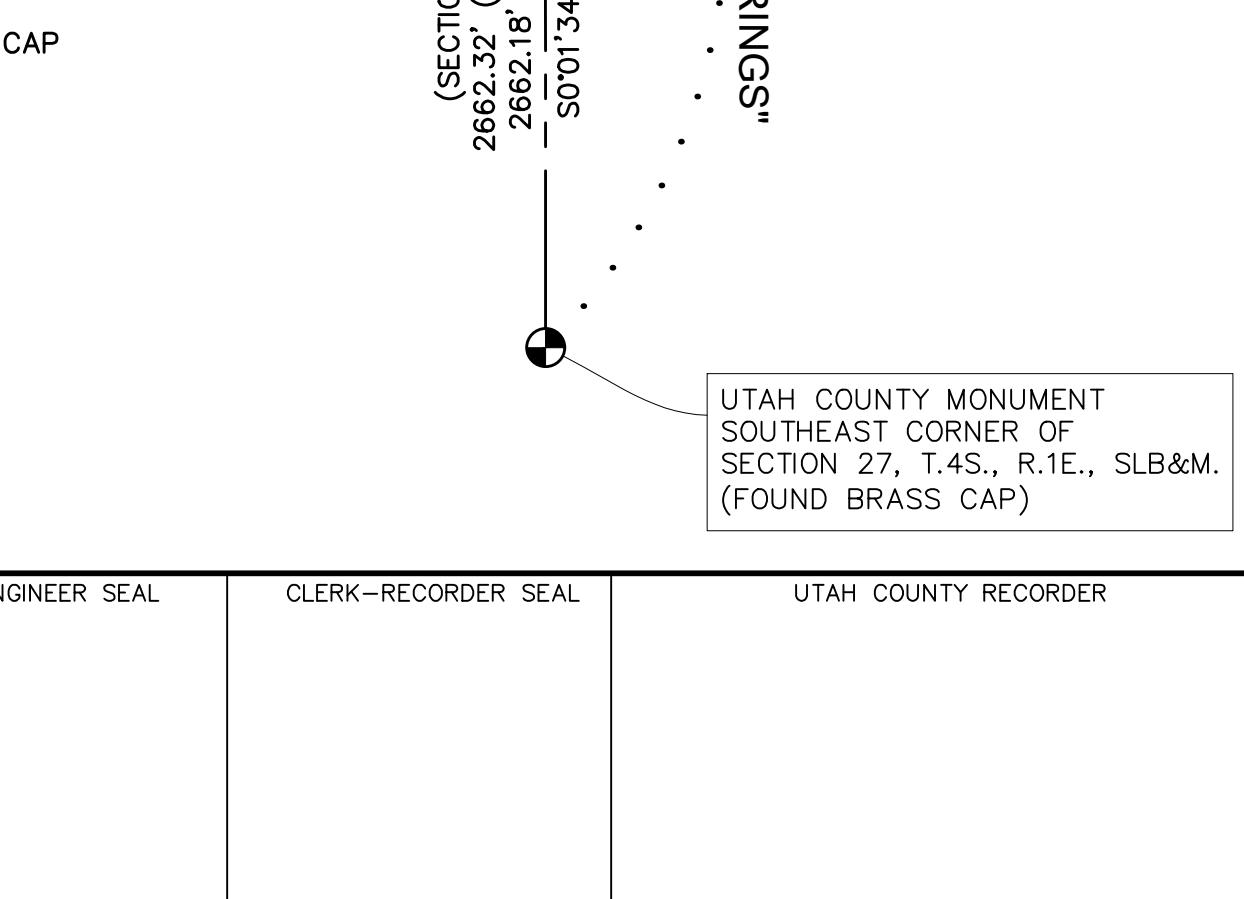
STATE PLANE COORDINATES - NAD27		
TAG	NORTHING	EASTING
A	768467.40	1913444.28
B	769596.38	1912601.14
C	769521.86	1912566.61
D	769504.62	1912559.14
E	769495.79	1912541.20
F	769530.81	1912415.87
G	769538.72	1912406.41
H	769565.71	1912372.47
I	769660.96	1912394.09



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F	769530.81	1912415.87
G	769538.72	1912406.41
H	769565.71	1912372.47
I	769660.96	1912394.09



SURVEYOR'S CERTIFICATE

I, JAMES PATRICK FRONK, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD A LICENSE NO. 376079, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, FOUND IN TITLE 58, CHAPTER 22 OF THE UTAH CODE. I FURTHER CERTIFY THAT THE PROPERTY DESCRIBED ON THIS PLAT IS LOCATED ON THE LAND OWNED BY THE LAND OWNER ON THIS PLAT AND DESCRIBED BELOW, HEREAFTER TO BE KNOWN AS "VANLANGEVELD AMENDED LOT 312 SUBDIVISION", AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

9-25-24
DATE

JAMES PATRICK FRONK, PLS
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CITY OF HIGHLAND, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE NORTHEAST CORNER OF LOT 312, DRY CREEK HIGHLANDS PHASE 3 SUBDIVISION, A RECORDED SUBDIVISION, SAID POINT BEING 843.42 FEET WEST AND 1129.35 FEET NORTH FROM A FOUND BRASS CAP MONUMENT MARKING THE EAST ONE-QUARTER CORNER OF SAID SECTION 27, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE FOLLOWING EIGHT (8) COURSES AND DISTANCES ALONG THE BOUNDARIES OF SAID LOT 312, DRY CREEK HIGHLANDS PHASE 3 SUBDIVISION; (1) THENCE S24°51'37"W 82.16 FEET; (2) THENCE 18.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 373.00 FEET, SUBENDED BY A CHORD BEARING S23°25'02"W 18.79 FEET; (3) THENCE 21.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S63°47'34"W 21.90 FEET; (4) THENCE 44.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBENDED BY A CHORD BEARING N50°05'51"W 44.86 FEET; (5) THENCE 55.69 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, SUBENDED BY A CHORD BEARING S20°14'09"W 55.69 FEET; (6) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING N24°70'09"E 9.77 FEET; (7) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°57'37"W 10.00 FEET; (8) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING N74°23'20"W 10.00 FEET; (9) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S64°11'38"W 10.00 FEET; (10) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING N74°23'20"W 10.00 FEET; (11) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (12) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (13) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (14) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (15) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (16) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (17) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (18) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (19) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (20) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (21) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (22) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (23) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (24) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (25) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING S24°51'37"W 10.00 FEET; (26) THENCE 10.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, SUBENDED BY A CHORD BEARING



CITY COUNCIL AGENDA REPORT

ITEM #4b

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jeff Murdoch, Assistant Public Works Director
SUBJECT: Plat Amendment: Lots 4-6 Hidden Oaks Plat B - Berry
TYPE: Land Use (Administrative)

PURPOSE:

The City Council will consider a request from Robert Berry to combine lots 4 and 5 of Hidden Oaks Plat B and to adjust the boundary line between lots 5 and 6 of Hidden Oaks Plat B.

STAFF RECOMMENDATION:

Staff recommends that the City Council APPROVE the proposed plat amendment.

PRIOR COUNCIL DIRECTION:

No prior Council review of the proposed amendment. The Hidden Oaks PUD and Plat B subdivision was approved in 1979.

BACKGROUND:

The Berrys own lots 4, 5, and 6 of Hidden Oaks Plat B. They would like to combine lots 4 and 5 into a single lot and adjust the boundary of lot 5 and lot 6 to align with the long-standing fence-line that has marked the boundary between the two lots. This would reduce the overall density in the area by one lot. It would also reduce the size of lot 6 by approximately 1,500 square feet, making lot 6 27,178 square feet (0.624 acres).

While this property is currently zoned R-1-40, the Hidden Oaks development is a PUD - Planned Unit Development (what the City now calls PD's or Planned Developments). It was specifically approved as a master-planned development, like Ridgeview or Skye Estates. Accordingly, staff believes that it is appropriate to evaluate this plat amendment under the standards of the PUD, rather than the R-1-40 zone, as we would do for a plat amendment for an open space subdivision.

The Hidden Oaks PUD was approved March 14, 1979. While the exact details and terms of the PUD are not fully clear from City records, it is clear that the PUD is similar to the City's open space subdivision concept, in that the PUD allows density to be calculated based on a 1 unit per acre basis (for a maximum of 70 lots over 69.9 acres), but does not require lots to meet normal R-1-40 size standards, and the developer was required to improve common areas and park spaces to offset the smaller lot sizes. The original PUD ordinance adopted by the City Council on March 14, 1979, immediately prior to the approval of the Hidden Oaks PUD, provides that the minimum lot size for lots in a PUD was "to be approved by Planning Commission and City Council." The Hidden Oaks PUD allows for a variety of lot sizes, ranging from 18,000 square feet (0.414 acres) to 60,800 square feet (1.397 acres), so long as the total number of lots in the PUD do not exceed 70. Accordingly, the approved minimum lot size is

18,000 square feet, though most lots are in the 20,000 to 30,000 square foot range.

There was a prior, somewhat similar plat amendment in 1994 to four lots within the PUD (lots 9-12 of Plat C), wherein the property owner shifted lot lines between the lots to reduce three of the lots down to 20,000 square feet and increase the size of the fourth lot to 21,500 square feet. The Council in 1994 approved the amendment, finding that the applicant was "not changing the number of lots, and none of the lots are less than 20,000 sq. ft." Staff believes that a similar approach is appropriate with the present plat amendment. The proposed plat amendment will reduce the size of lot 6 slightly, but it will remain over 27,000 square feet, which is well over the minimum of either 18,000 or 20,000 square feet allowed in the Hidden Oaks PUD, and the amendment will actually decrease density, rather than increasing it.

In addition, at the request of staff, the Berrys are dedicating a 20' wide pressurized irrigation easement along the southwest boundary of lot 6. The City has an existing PI main that runs through this lot that was installed with the buildup of the PI system, and this easement will allow the City to have a property right to protect, maintain, and access that main.

SUMMARY OF THE REQUEST:

The applicant is requesting that the Council approve the proposed amendment combining lots 4 and 5 of the Hidden Oaks Plat B subdivision and adjusting the boundary of lots 5 and 6.

ANALYSIS:

Under Highland Development Code 5-10-103(4), the City Council can amend a plat if it finds:

1. Neither the public interest nor any person will be materially injured by the proposed amendment;
2. There is good cause for the amendment;
3. All easements for water and sewer facilities are preserved;
4. No public right of way is being vacated; and
5. The proposed amendment meets all requirements of the Development Code.

- Notice of the proposed amended plat was mailed to property owners within 500 feet on October 3, 2024. As of the writing of this report, no comments or objections have been filed.
- No public hearing is required because the application and procedures satisfy all applicable aspects of Highland City Development Code 5-7-103 Lot Line Adjustments And Plat Amendments, all owners are signing, and no objections have been filed.

PROPOSED FINDINGS:

1. Neither the public interest nor any person will be injured by the proposed plat amendment. The Berrys own the affected properties and support the amendments.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop and use their property as desired and as they have historically used their properties, per the existing fence-line boundary.
3. All easements are maintained without alteration. The Berrys are also granting the City a new, 20-foot wide PI easement, protecting an existing water facility.
4. No public right of way needs vacating for this amendment.
5. Because these lots are part of the Hidden Oaks PUD, which primarily regulates lots based on total number and density, rather than particular size, the adjustment to the lots will not cause the lots to become nonconforming under the PUD. While lot 6's size will be decreased, it will remain at least 20,000 square feet, the minimum size allowed by R-1-40 and the general lower limit of the Hidden Oaks PUD. This amendment will not substantially alter the use or status of lot 6. The

proposed plat amendment will not increase the number of lots within Hidden Oaks, but rather reduce overall density below the maximum approved by the Council.

PROPOSED STIPULATIONS:

Staff does not propose any stipulations on approval.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council adopt the findings and APPROVE the plat amendment combining lots 4 and 5 of Hidden Oaks Plat B and adjusting the boundary line between lots 5 and 6 of Hidden Oaks Plat B.

ATTACHMENTS:

1. Narrative
2. Vicinity Map
3. Hidden Oaks Plat - Original
4. Proposed Amended Plat - Hidden Oaks 4-6
5. Hidden Oaks PUD Documents

Hidden Oaks Inc Plat 'B' Phase II

Highland, Utah

NARRATIVE:

The property owned by Robert and Gail Berry located at 10252 N Hidden Oaks Drive is proposing to amend Lots 4, 5 & 6 of the Hidden Oaks Inc Plat 'B' Phase II. The proposal is to combine lot 4 and 5 and adjust the lot line between 5 and 6.

A new plat has been created called Hidden Oaks Drive Plat 'A' which when recorded will make the adjustments. There is a current home that has been built over the original lots 4 and 5 so this plat will clean up the current conditions and define the lot line between the 2 parcels.

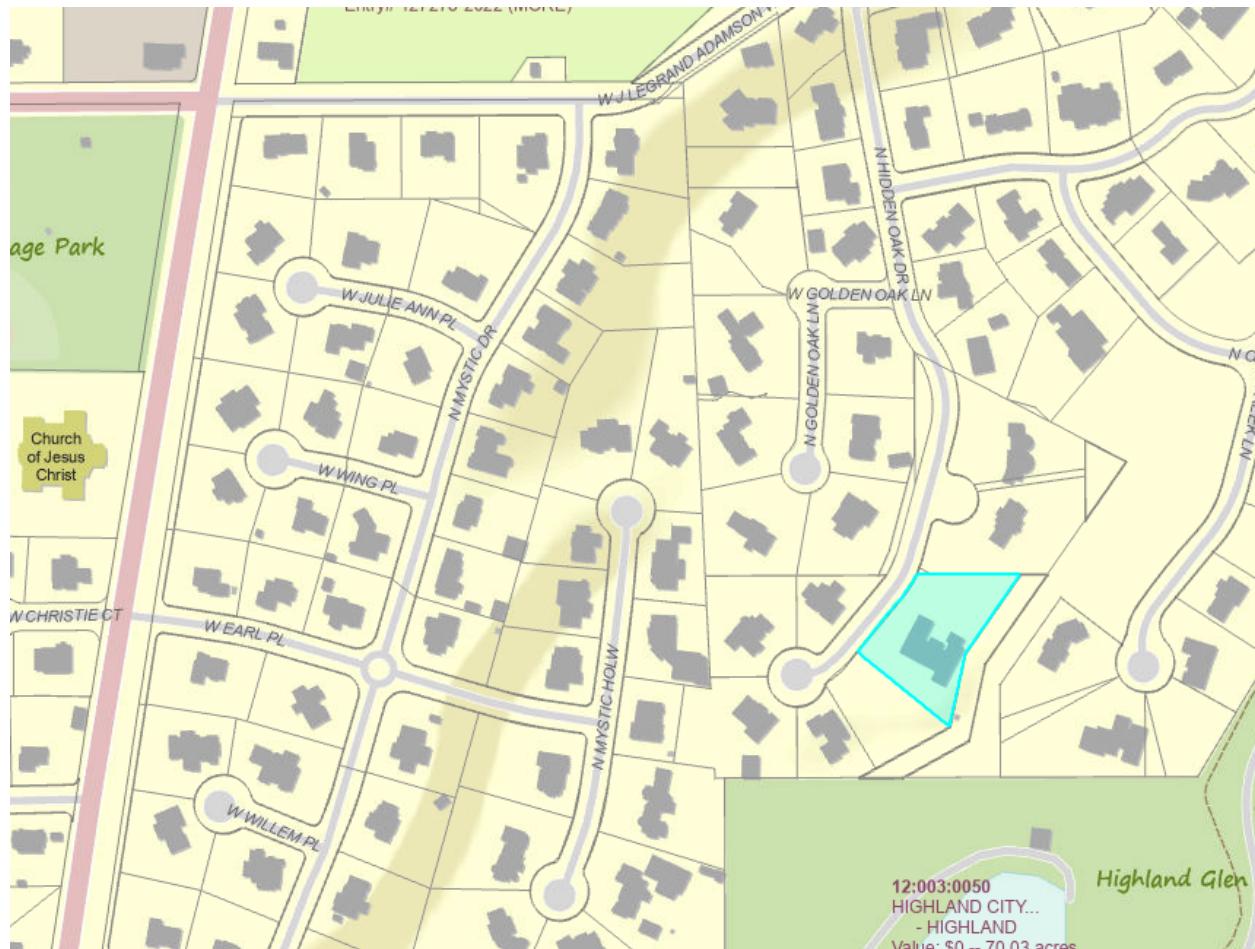
In Summary, the purpose of this plat is to amend the original 3 lots to define the current 2 lot plat.

Thankyou.

Vicinity Map

Address: 10252 N Hidden Oaks Dr.

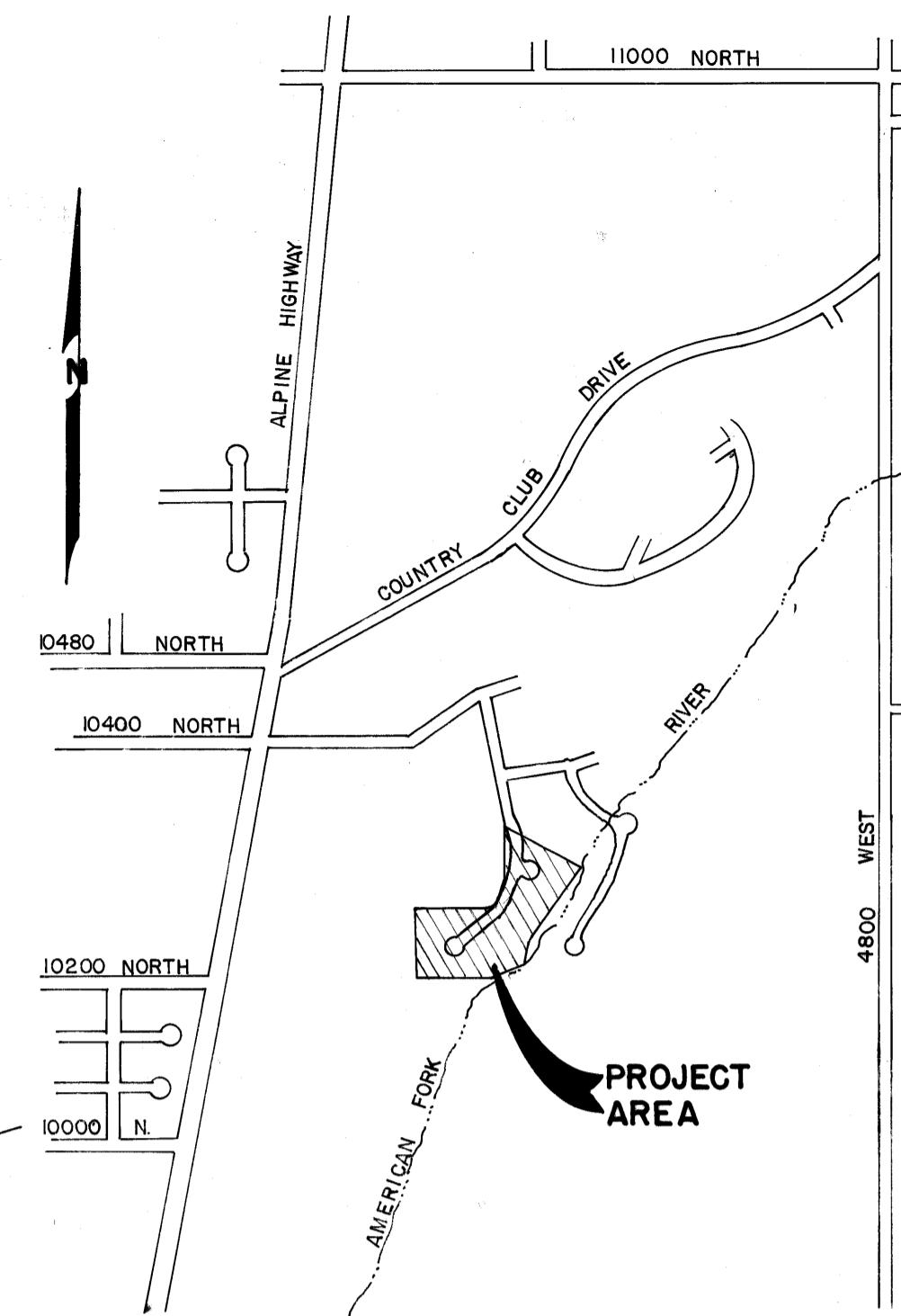
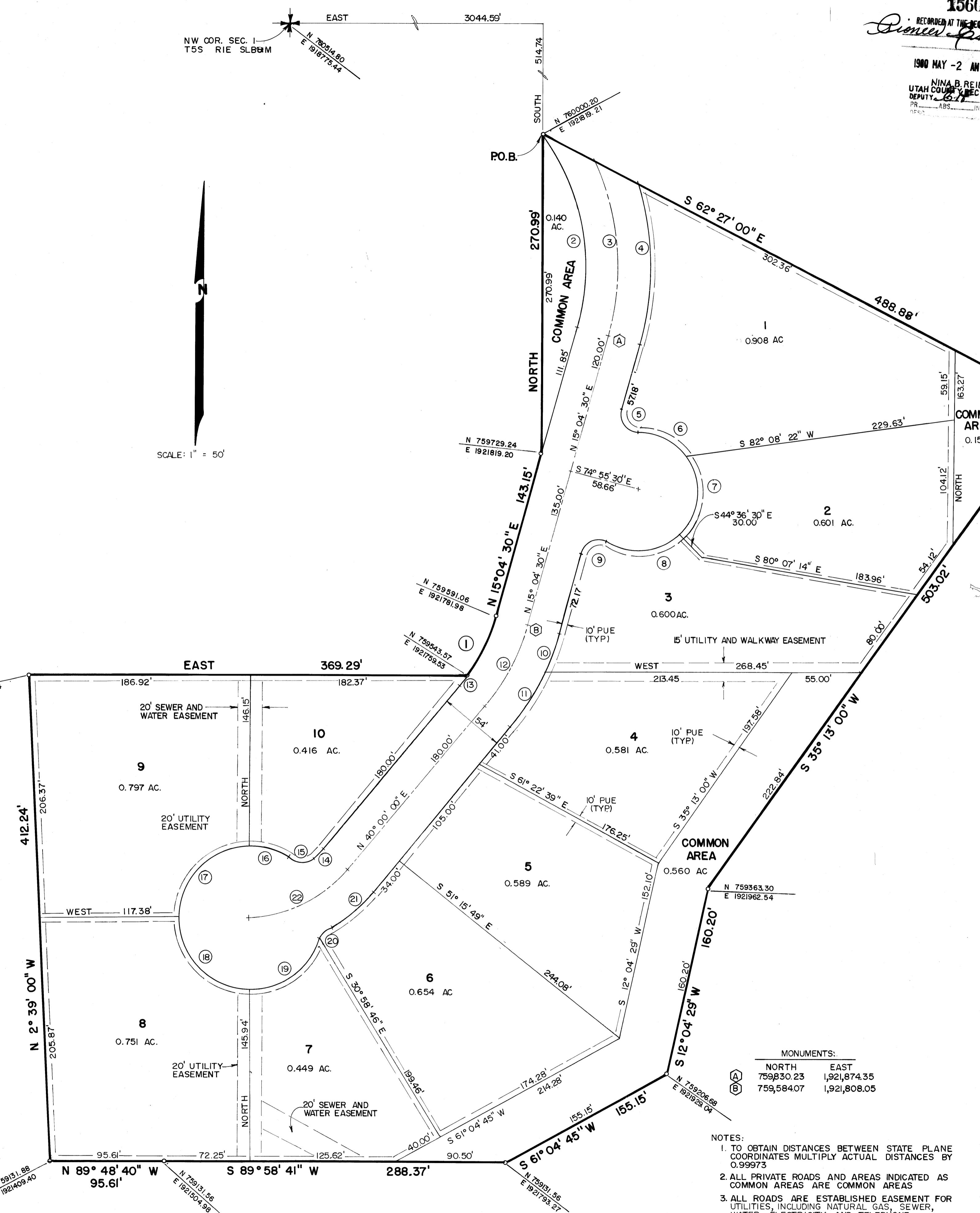
Parcel: 41:124:0004



15603

RECORDED AT THE REQUEST OF
Disney Engineering

1980 MAY -2 AM 10:46

NINA B. REID
UTAH COUNTY RECORDER
DEPUTY RECORDER
PR. ABS. NO. 1000

VICINITY MAP

SURVEYOR'S CERTIFICATE

I, DODD M. GREER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 4494, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

COMMENCING EAST 3044.59' AND SOUTH 514.74' FROM THE NW COR. SEC. I, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, THENCE AS FOLLOWS:

COURSE	DISTANCE	REMARKS
S 62° 27' 00" E	488.88'	THENCE
S 35° 13' 00" W	503.02'	THENCE
S 12° 04' 29" W	160.20'	THENCE
S 61° 04' 45" W	155.15'	THENCE
S 89° 58' 41" W	288.37'	THENCE
N 89° 48' 40" W	95.61'	THENCE
N 2° 39' 00" W	412.24'	THENCE
EAST	369.29'	THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 148.00', DELTA = 20° 26' 51", LENGTH = 52.82', CHORD = 52.54, CHORD BEARING = N 25° 17' 49" E
N 15° 04' 30" E	143.15'	THENCE
NORTH	270.99'	TO POINT OF BEGINNING.

CONTAINS 8.455 ACRES

BASIS OF BEARING = UTAH STATE COORDINATE SYSTEM UTAH CENTRAL ZONE 1975

AUG 29, 1979
DATEDodd M. Greer
SURVEYOR

(See Seal Below)

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HERON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, AND EASEMENTS AS INDICATED ON THIS MAP, AND WE DO HEREBY DEDICATE THE PRIVATE STREET AND UTILITY EASEMENTS TO HOME OWNERS ASSOC. OF HIDDEN OAKS AND DO GRANT ALL EASEMENTS OVER SAID PRIVATE ROAD EASEMENTS FOR THE INSTALLATION, MAINTENANCE, REPAIR ETC. IN WITNESS WHEREOF WE HAVE HERETOFORE SET OUR HANDS THIS 30th

DAY OF JANUARY A.D. 1980

J. LeGrand Adams, Muriel Adams, M. LeGrand Adams, Stephen L. Adams, Edna B. Adams, Mac J. Adams, Ralph C. Emery, Ralph C. Emery, Calvin C. Powell, Edna K. Latimer, Vivian Powell, Lawrence K. Latimer, Mella W. Latimer, Mels W. Latimer, Annette J. Emery

ACKNOWLEDGEMENT

STATE OF UTAH

COUNTY OF UTAH

ON THE 30th DAY OF JANUARY A.D. 1980 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES 11-30-82

Boyd J. Wilson
NOTARY PUBLIC

(See Seal Below)

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF HIGHLAND CITY
COUNTY OF UTAH, APPROVES THIS PLANNED UNIT DEVELOPMENT AND HEREBY ACCEPTS THE
DEDICATION OF ALL EASEMENT, THIS 12 DAY OF SEPTEMBER A.D. 1979

John Dennis Hansen, Boyd J. Wilson, APPROVED
John Dennis Hansen, Boyd J. Wilson, ATTEST
John Dennis Hansen, Boyd J. Wilson, CLERK-RECORDER
(See Seal Below)

BOARD OF HEALTH

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS

CITY-COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION APPROVAL
APPROVED THIS 5th DAY OF SEPTEMBER A.D. 1979, BY THE PLANNING COMMISSION
DIRECTOR-SECRETARY William H. Domagot, CHAIRMAN, PLANNING COMMISSION

PLAT "B"

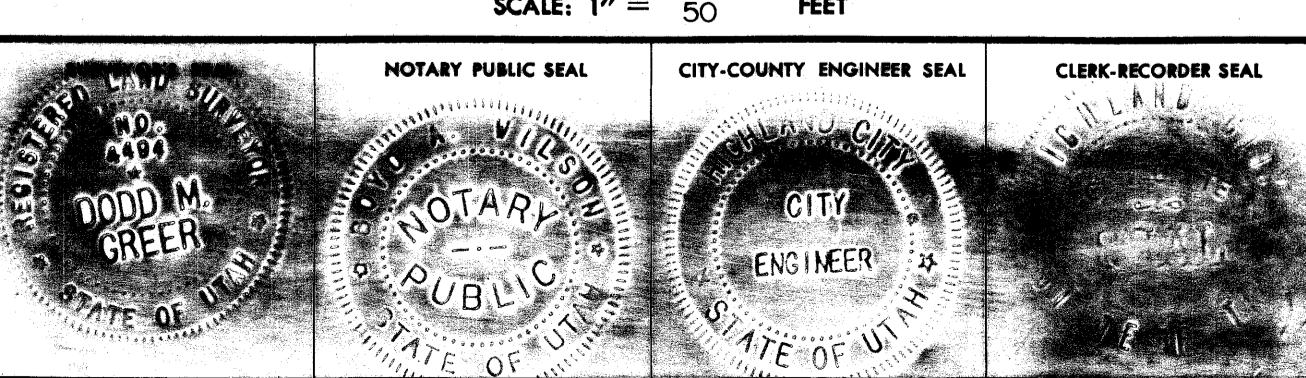
HIDDEN OAKS INC.

PHASE II

PLANNED UNIT DEVELOPMENT

HIGHLAND UTAH COUNTY, UTAH

SCALE: 1" = 50 FEET



2545-20

HIDDEN OAKS
PLANNED COMMUNITY DEVELOPMENT
HIGHLAND, UTAH

Blue Plot B
Paul 4 & 5
amended, lot
Plot 2 + 3 - lot

Plot C
 $2^3 + 2^4 = 16$ lots
Plot E will
become 3 lots



Agency, and noted the application must be completed by July 1, 1979. The need to appoint a Parks Committee was discussed. Mayor LeBaron reported that Richard Mathis had been asked to chairman the committee. The names of Harold Speers and Ron Stutz were discussed as possible candidates to serve on the committee.

3. LaMond Tullis moved the adoption of Ordinance 1979-3 "AN ORDINANCE CREATING A NEW CHAPTER, CHAPTER 14, OF THE CITY OF HIGHLAND ZONING ORDINANCE ENTITLED PLANNED UNIT DEVELOPMENTS".

Eric Adamson seconded the motion. Motion passed by unanimous vote.

P.U.D.
ordinance

4. Mac and Stephen Adamson met with the Council for purpose of receiving final approval on the Hidden Oaks planned unit development. Dennis Horan moved that the Council approve the Hidden Oaks P.U.D. Phase I. LaMond Tullis seconded the motion. Motion passed unanimously. Eric Adamson abstained from voting for reasons of conflict of interest.

5. The Council reviewed a proposed animal control ordinance. John Olsen, the dog catcher in Alpine, met with the Council and answered questions as to procedure used in Alpine, and was asked if he would be interested in handling animals for Highland. He noted his concerns and indicated he would give it further consideration, but did leave question concerning his availability.

Nancy Tracy met with the Council and made a report on licensing procedures used in the immediate vicinity of Highland. She reported that license tags could only be purchased in June and July. Nancy suggested an effort to go door to door when the animal control ordinance is passed and alert residents of the ordinance.

6. LaMond Tullis presented Nancy Tracy as the candidate for the position of Director of Licenses, which would include licensing of animals and businesses. This position would require the research

and uncrowded environment. Landscaped area, rather than offstreet parking area shall be the dominant feature of the development.

C. Standards and Requirements

1. The area proposed shall be in one ownership, or if in several ownerships, the application for approval shall be filed jointly by all of the owners of the property included in the plan.

2. The plan must be prepared by a licensed Civil Engineer as required by the laws of the State of Utah.

3. Within R-1-20 and R-1-40 Residential Zone, the minimum initial site size for a planned unit development shall be five (5) acres and the overall density shall not exceed two (2) dwelling units per acre. The minimum lot size to be approved by Planning Commission and City Council.

4. In the event that the land contained within the planned unit development is traversed by a proposed collector or arterial street as designated by the Planning Commission, the planned unit development shall then be designed in accordance therewith, and the right-of-way across the development for said collector and arterial street shall become the property of the city.

5. Not less than ten percent (10 percent) of the gross area of the project shall be set aside for the use of the occupants for parks and playgrounds. Land covered by vehicular roads, by offstreet parking, and by yards surrounding buildings, which land constitutes open space pertinent to individual dwelling units, and which are not generally recognized as parks and playgrounds for the common use of the occupants of the development, shall not be included in computing the required

HIGHLAND CITY PLANNING COMMISSION MEETING

DECEMBER 7, 1993

PRESENT:

Commission Chairman:	Ted Stillman	Jeffrey A. Dana
Commission Member:	Jess Adamson	Chris Tombasco
Commission Member:	Al Schellenberg	Mrs. Chris Tombasco
Commission Member:	Nancy Sechrest	Day Christensen
1st Alternate:	Art Chidester	Joe Oliphant
City Engineer:	Boyd Wilson	Dave Houston
Secretary:	VaLois Paxman	Kelly Eastman
	Mark Thompson	Nathan Sechrest
	George Wilson	Sher Hassard
	Jeanne Hodges	Alan Wade

The meeting commenced at 7:07 P.M.

An opening prayer was offered by Boyd Wilson.

Council Member Glen Thurgood and Commissioners Merlin Larson and Grant Bangerter were excused from this meeting.

Ted welcomed Art Chidester as an Alternate Member of the Planning Commission.

1. AMEND HIDDEN OAKS 3 C PLAT

Boyd stated Rulon Nixon, who owns 4 lots in Plat C had erected a fence in the wrong location north of the correct property line of Lot 9. Therefore, Rulon is requesting a small adjustment to the 3 lots to correct this error. He is willing to follow the statute of the State Code which requires the City hold a Public Hearing, and notify all of the property owners of this Plat change. He is requesting the Planning Commission accept the amendment of this Plat as outlined.

Boyd did make the query as to what fees should be assessed as there will be filing fees, etc.

Al made a motion we recommend to the City Council they approve the revision of the Hidden Oaks subdivision and Rulon be charged the actual cost incurred by the City, seconded by Jess. All voted in favor of this motion.

2. SKETCH PLAN APPROVAL FOR HACIENDA HEIGHTS SUBDIVISION AND FOR CHRIS TOMBASCO (SAME PIECE OF PROPERTY)

Ted explained we had two sketch plans submitted tonight for the same piece of property located at approximately 9650 North and

discussing plans for the centennial, which will be in two years. She distributed an information sheet noting the focus to be as follows: (1) Community service projects, (2) Workshops, sports events, and theatrical presentations, and (3) Historical projects. She recommended having schools and school organizations, church groups, and community groups and organizations co-sponsor various centennial activities. She asked if there are projects the City would like the centennial committee to do, and solicited response for recommendations, city budget, and suggestions for members to serve on the Centennial Committee and Project Directors.

Richard Sudweeks indicated a desire to see an emphasis on Highland history projects.

Following discussion, Glen Thurgood moved the Council recommend approval of Mrs. Macdonald's centennial proposal, and instruct her to prepare a proposed budget to further the community activities with a time frame being in April for the budgeting process. Motion was seconded by Marlin McKinney. Motion passed by unanimous vote.

12. Public Hearing on Revision to Hidden Oaks Subdivision Plat "C"

Background: Rulon Nixon, owner of four lots in Hidden Oaks, would like to make minor lot line adjustments to his lots before selling them. He is not changing the number of lots, and none of the lots are less than 20,000 sq. ft. Proper notice has been given to the property owners and official notice has been published in the Citizen.

Recommendation: The Planning Commission in its December 7, 1993, meeting recommended the City Council approve the revision to Hidden Oaks Subdivision Plat "C", and Mr. Nixon be charged the actual cost incurred by the City.

Discussion: Mayor Scott opened the public hearing and asked for public input. There being no public input, but a brief discussion by the Council, Mayor Scott closed the public hearing. Glen Thurgood moved the Council approve the proposed amendments to Hidden Oaks Subdivision Plat "C". Motion was seconded by Gary Gray. Motion passed by unanimous vote.

13. Report on Meeting with State Engineer

City Engineer, Boyd Wilson, reported on a meeting he attended along with Mayor James Hewlett, representatives of the local irrigation companies, and the State Engineer addressing safety and liability issues with the open ditches and, in particular, the culvert on the Alpine Highway where the drownings occurred this past summer. He noted the irrigation companies are concerned about safety on the ditches, but also about liabilities where a grate is installed and the fear of a grate plugging up causing further



CITY COUNCIL AGENDA REPORT

ITEM #4c

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jay Baughman, Assistant City Administrator/Community Development Director
SUBJECT: Plat Amendment: Sunrise Farms-Dry Creek Lot Line Adjustment and Conservation Easement Vacation
TYPE: Land Use (Administrative)

PURPOSE:

The City Council will consider a request to amend lot 105 of Sunrise Farms and lot 6 of Dry Creek Phase 1 to adjust their mutual boundary line and to vacate a portion of a private conservation easement.

STAFF RECOMMENDATION:

Staff recommends that the City Council either DENY the proposed plat amendment or APPROVE the proposed plat amendment subject to the applicant submitting documentation, to the City Attorney's satisfaction, that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs and the utility companies have approved the adjustment to the PUEs.

PRIOR COUNCIL DIRECTION:

The Council has not previously considered this amendment. The Sunrise Farms subdivision was approved by the Council on August 17, 2021. The Dry Creek Phase 1 subdivision was approved by the Council in 1997.

BACKGROUND:

Israel Patterson seeks to amend the corner property lines between his property (lot 105 Sunrise Farms - new lot 202) and his neighbor's property (lot 6 Dry Creek - new lot 203). The proposed amendment will shift approximately 1,700 square feet of property from Dry Creek lot 6 to Sunrise Farms lot 105. It will also adjust the existing public utility easements to follow the new lot lines.

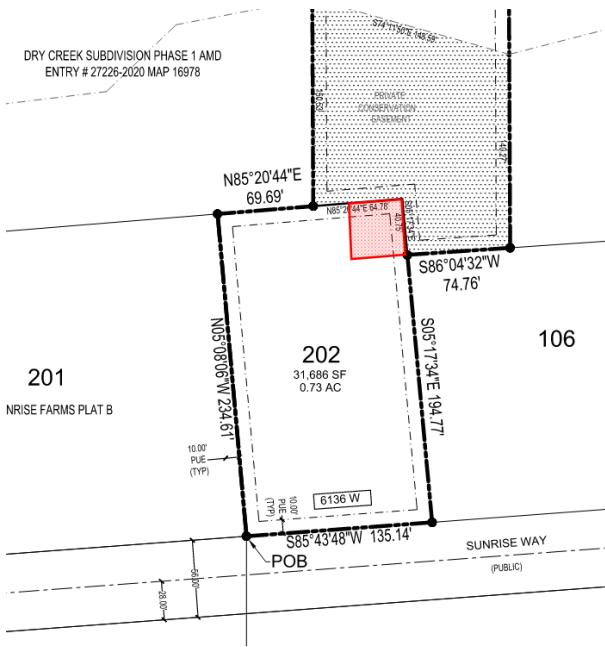
The area proposed to be shifted out of the Dry Creek subdivision is encumbered with a "private conservation easement." This private conservation easement is defined on the Dry Creek plat as follows:

These areas have been deemed to include land features which are either environmentally or historically unique, and which if modified or altered, would alter the nature and character of the community in an adverse manner. These conservation areas include natural water courses, old growth wooded areas, and topographically unique land features, which should be preserved for their inherent beauty and value. The conservation areas are to remain in their natural state. Vegetation in these areas cannot be removed or modified except to remove dead fall of diseased or dying plants.

Additional planting of indigenous plants which will enhance the conservation areas shall be allowed. No permanent structures may be constructed in the Conservation Areas.

Owners of Lots encumbered by the Private Conservation Areas shall take title to their Lots subject to these the Private Conservation Area restrictions. The area in the Private Conservation Areas shall not be subject to public access and shall be owned in fee simple by the Lot Owner.

Shown below is the proposed amended boundary, with the area being shifted and cleared from the conservation easement highlighted in red:



Staff's primary concern with the proposed amendment is that it vacates a private conservation easement. This easement was established by the developer of the Dry Creek subdivision with the approval of the City to protect the natural landscape, vegetation, and slopes of those areas. Because this is a private, rather than a public, conservation easement, it is regulated and enforced through the private CC&Rs of Dry Creek subdivision. Because of this, staff is comfortable approving the plat amendment and vacating a portion of the private conservation easement, so long as the applicant obtains the approval of the other affected lot owners within Dry Creek in accordance with their CC&Rs.

Staff would not recommend splitting the conservation easement between the lots, because it would make a portion of lot 105 in Sunrise Farms be subject to the CC&Rs of a different subdivision. Staff would support either denying the plat amendment request, if Mr. Patterson cannot get the support of Dry Creek to vacate the conservation easement, or approving the plat amendment request subject to the approval of the affected Dry Creek lot owners. At the time of writing this report, the applicant has not yet been able to provide documentation that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs. Because the next City Council meeting is approximately one month away, staff felt it appropriate to still put this item on the agenda and provide this recommendation as a stipulation of approval. If the approval cannot be obtained, the proposed amended plat will not be recorded, effectively resulting in the denial of the application.

The final concern that staff has with this request is that staff has not received the approval of the utility companies for the relocation of the public utility easements. However, this is a relatively minor issue

that can be resolved prior to plat recordation. If the conservation easement is vacated, staff does not have concerns with the Council approving the plat subject to the utility companies approving the PUE adjustments.

SUMMARY OF THE REQUEST:

The applicant is requesting that the Council approve the amendment of lot 105 of Sunrise Farms and lot 6 of Dry Creek Phase 1 to adjust their mutual boundary line and to vacate a portion of a private conservation easement.

ANALYSIS:

Under Highland Development Code 5-10-103(4), the City Council can amend a plat if it finds:

1. Neither the public interest nor any person will be materially injured by the proposed amendment;
2. There is good cause for the amendment;
3. All easements for water and sewer facilities are preserved;
4. No public right of way is being vacated; and
5. The proposed amendment meets all requirements of the Development Code.

- Notice of the proposed amended plat was mailed to property owners within 500 feet on October 3, 2024. As of the writing of this report, no comments or objections have been filed.
- As of the writing of this report, no public hearing is required because the application and procedures satisfy all applicable aspects of Highland City Development Code 5-7-103 Lot Line Adjustments And Plat Amendments, all owners are signing, and no objections have been filed.

PROPOSED FINDINGS:

1. Neither the public interest nor any person will be injured by the proposed plat amendment, provided that the other owners of lots within the Dry Creek who may have an interest in the enforcement and preservation of the private conservation easement agree to the partial vacation of that conservation easement. If the approval of the other lot owners cannot be obtained, this amendment does harm the public interest and those other lot owners--who share in the conservation easement's benefits and burdens--by allowing a portion of property that was meant to remain in a natural, undisturbed state to have its protection and conservation status removed.
2. There is good cause for the amendment, because all requirements of the Development Code related to plat amendments are satisfied and the amendment will allow the applicant to develop their property as desired, provided that the other owners of lots within the Dry Creek who may have an interest in the enforcement and preservation of the private conservation easement agree to the partial vacation of that conservation easement. If this approval is not obtained, however, there is not good cause for this amendment, because (a) granting the amendment would negatively impact adjacent property owners, (b) amendment is a matter of preference by the property owners, not a matter of need, and (c) each lot remains a legal, developable, and beneficial zoning lot without the amendment.
3. The proposed amendment adjusts public utility easements. Approval of the utility companies is required prior to plat recordation to ensure that desired public easements are preserved.
4. No public right of way needs vacating for this amendment.
5. The two lots, as amended, will meet size, frontage, and other zoning requirements set forth in the Development Code.

PROPOSED STIPULATIONS:

1. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the vacation of the private conservation easement has been approved by adjacent property owners pursuant to applicable Dry Creek CC&Rs.
2. Prior to recordation, the applicant must submit documentation, to the City Attorney's satisfaction, that the utility companies have approved the adjustment to the public utility easements.

Staff recommends these stipulations, because they require the applicant to complete the final steps to obtain third party approval of the adjustments to the conservation and public utility easements before recording the plat. Again, if those third party approvals cannot be obtained, then the proposed amended plat will not be recorded, effectively resulting in the denial of the application.

FISCAL IMPACT:

No anticipated fiscal impact.

MOTION:

I move that City Council accept the findings and APPROVE the proposed subdivision plat amendment subject to the TWO stipulations recommended by staff.

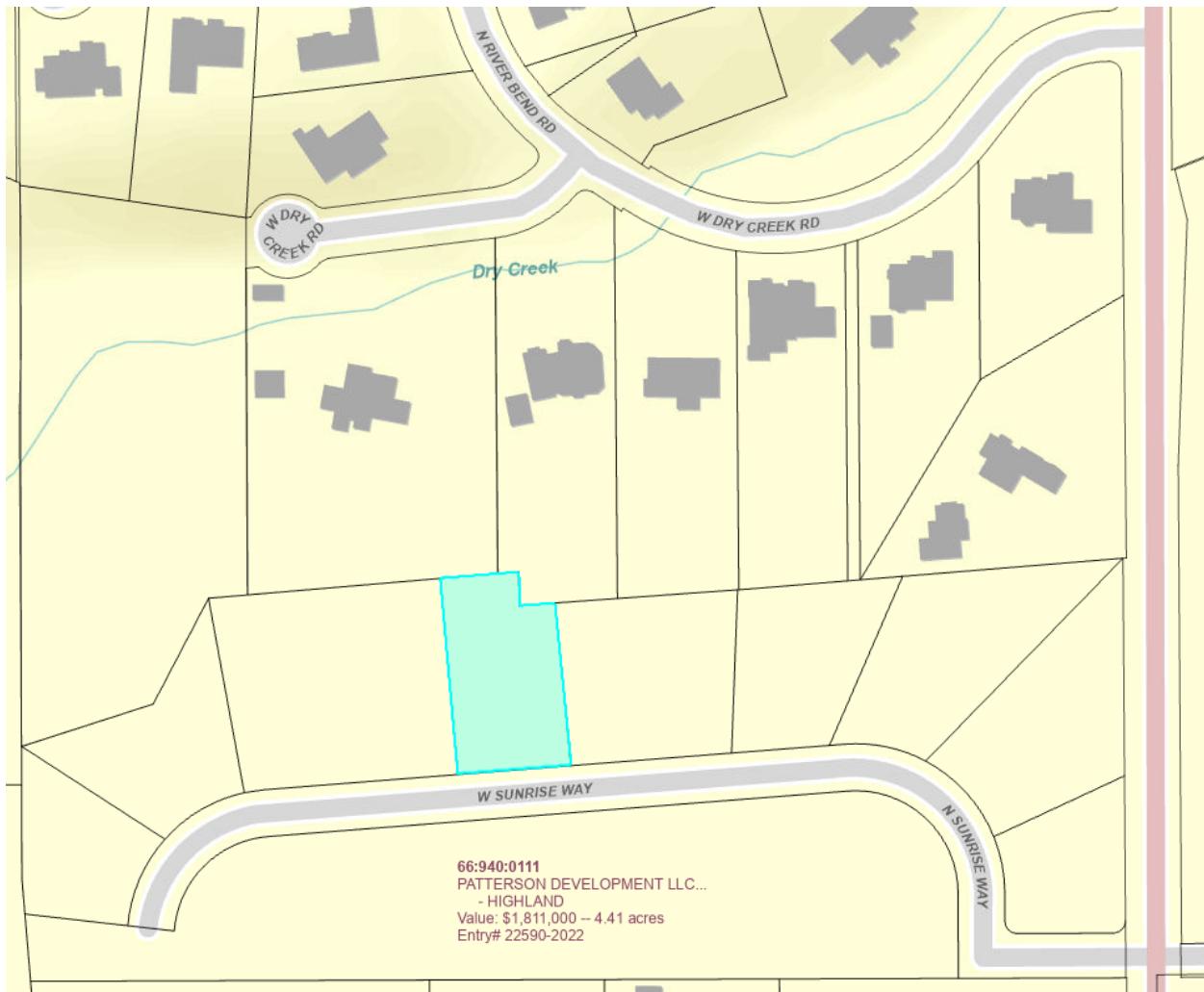
ATTACHMENTS:

1. Vicinity Map
2. Sunrise Farms Plat - Original
3. Dry Creek Plat - Original
4. Proposed Amended Plat - Sunrise Farms

Vicinity Map

Address: 6112 W Hawkstone Way

Parcel: 66:940:0105



SURVEYOR'S CERTIFICATE

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6418780 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, OPEN SPACE AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

Oct. 20, 2022
DATE

[Signature]
SURVEYOR
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS N 89°59'04" W 37.34 FEET ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 26 TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN.

RUNNING THENCE N 89°59'04" W 1311.65 FEET; THENCE N 04°39'00" W 123.61 FEET; THENCE N 00°03'00" E 111.00 FEET; THENCE N 00°03'09" E 45.84 FEET; THENCE N 27°53'54" E 142.40 FEET; THENCE N 85°19'32" E 47.20 FEET; THENCE N 85°30'56" E 447.79' FEET; THENCE S 01°49'36" E 40.25 FEET; THENCE N 86°04'32" E 277.12 FEET; THENCE N 85°30'58" E 447.79' FEET; THENCE S 00°11'55" E 500.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 590.938 SF OR 13.57 AC

ENT 17170-2023 Map 15487
UTAH COUNTY RECORDER
2023 Oct 21 9:55 am FEE 72.00 \$4.00
RECORDED FOR HIGHLAND CITY

OWNERS' DEDICATION

WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PRACTICAL USE OF THE PUBLIC, THE PUBLIC UTILITY EASEMENTS AND ALL PROVIDERS, PUBLIC OR PRIVATE, AND THE IRRIGATION EASEMENTS TO ALL LOT OWNERS, AND THEIR SUCCESSORS AND ASSIGNS IN PERPETUITY.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS 20 DAY OF October A.D. 2022

[Signatures]
BY: ISRAEL PATTERSON, MANAGER
PATTERSON DEVELOPMENT, LLC

[Signatures]
BY: ANDREW PATTERSON, MANAGER
PATTERSON DEVELOPMENT, LLC

ACKNOWLEDGEMENT

STATE OF UTAH) S.S.
COUNTY OF UTAH)
ON THE 20 DAY OF October A.D. 2022 PERSONALLY APPEARED BEFORE ME THE SIGNERS
OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

NOTARY PUBLIC *[Signature]*

NOTARY FULL NAME *[Signature]* A NOTARY COMMISSIONED IN UTAH.

COMMISSION NUMBER 7097697 MY COMMISSION EXPIRES 1/12/2024

ACCEPTANCE BY LEGISLATIVE BODY

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 12 DAY OF AUGUST A.D. 2021

APPROVED BY MAYOR *[Signature]*

APPROVED *[Signature]* CIVIL ENGINEER (SEE SEAL BELOW) ATTEST *[Signature]* CLERK-RECORDER

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS 14th DAY OF March, 2023 HIGHLAND CITY ATTORNEY

APPROVED THIS 11th DAY OF April, 2021 PLANNING COMMISSION APPROVAL

APPROVED AS TO FORM THIS 14th DAY OF March, 2023 PLANNING COMMISSION CHAIR

CONDITIONS OF APPROVAL

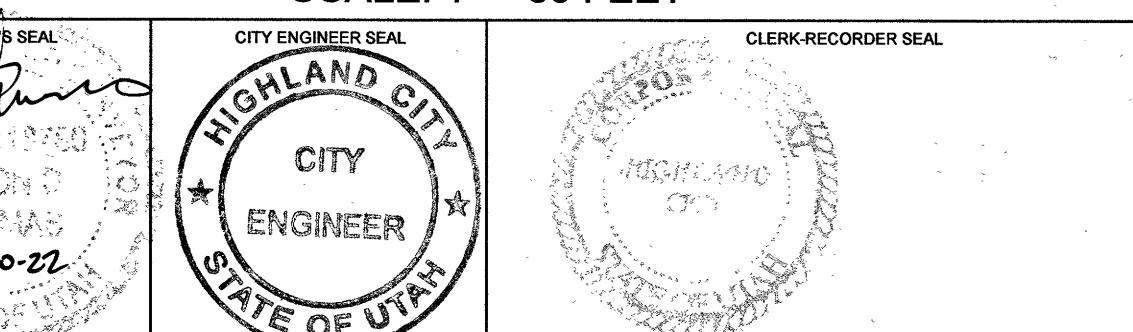
There are conditions of approval attached to this subdivision which are indicated on this plat. These conditions have also been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and restrictions prior to purchasing or contracting to purchase any lots in this subdivision. These conditions are binding and have been imposed by the legislative body of Highland City. A copy of these conditions may be obtained through the Utah County Recorder's office or the Highland City Recorder's office. In addition, Highland City has approved binding zoning laws through a legally binding Development Code. It is the responsibility of the buyer to do their due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase any property anywhere. Conditions of approval conveyed on this property by the legislative body of Highland City, which are in addition to the Development Code, are as follows:

1. 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certificate of occupancy.
2. Landscaping and construction materials of any type are not permitted upon or within the street, curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which requires 75' to be landscaped.
3. A fence that abuts open space or has a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinance. A fence permit is required for all fences.
4. Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in this subdivision.
5. Future development: Parcel A was not included in drainage calculations. Runoff from this Parcel A may not be allowed to flow North to roadway.
6. Any future development will require looping of the 10" water line within the project.
7. Any future development on the south side of sunrise way will require a mill and overfly after the installation of laterals and service lines to future lots.

SUNRISE FARMS PLAT "A"

LOCATED IN THE SW 1/4 OF SECTION 26, T4S, R1E, SLB&M

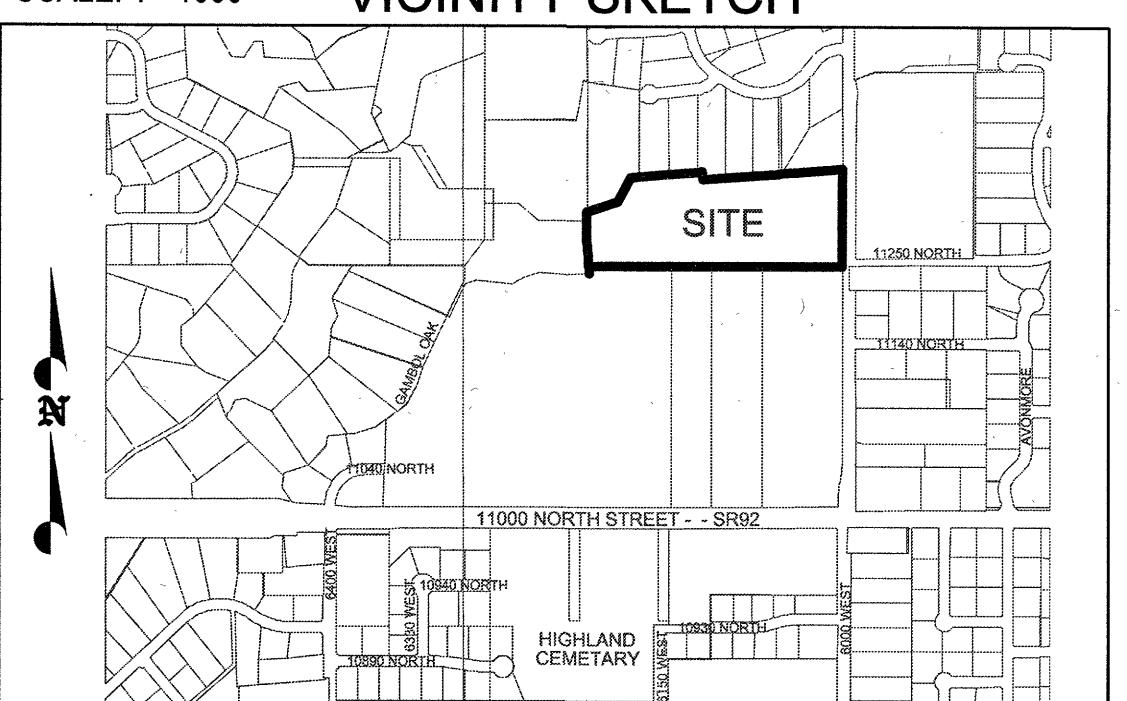
SCALE: 1" = 60 FEET



CURVE TABLE

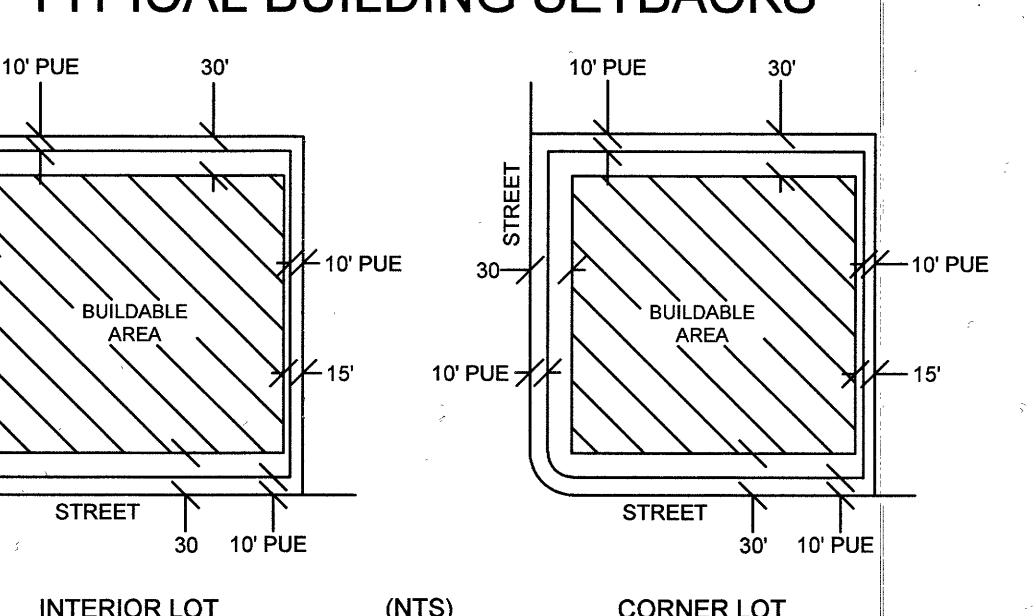
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	122.00	200.73	94°16'12"	178.84	N 47°08'06" W
C2	122.00	172.97	81°13'57"	158.84	S 45°06'49" W
C3	178.00	114.21	36°45'46"	112.26	N 23°33'04" E
C4	178.00	111.82	35°59'36"	109.99	N 59°55'45" E
C5	178.00	24.25	07°48'15"	24.22	N 81°49'40" E
C6	122.00	172.97	81°13'57"	158.84	S 45°06'49" E
C7	122.00	200.73	94°16'12"	178.84	S 47°08'06" E
C8	178.00	100.45	32°19'59"	99.12	S 78°06'13" E
C9	178.00	124.07	39°56'16"	121.58	S 41°58'06" E
C10	178.00	68.35	21°59'58"	67.93	S 10°59'59" E
C11	15.00	23.56	90°00'00"	21.21	S 45°00'00" E
C12	15.00	23.61	90°11'55"	21.25	N 44°54'02" E
C13	178.00	250.28	80°33'37"	230.16	N 45°26'59" E
C14	178.00	292.87	94°16'12"	260.93	S 47°08'06" E

VICINITY SKETCH



SCALE: 1"=1000'

TYPICAL BUILDING SETBACKS



TABULATIONS

EXISTING ZONING R-1-40,000
LAND USE: RESIDENTIAL LOW DENSITY
FLOOD ZONE DESIGNATION: X
FIRM MAP PANEL #: 49049C0166F
EFFECTIVE DATE: JUNE 19, 2020

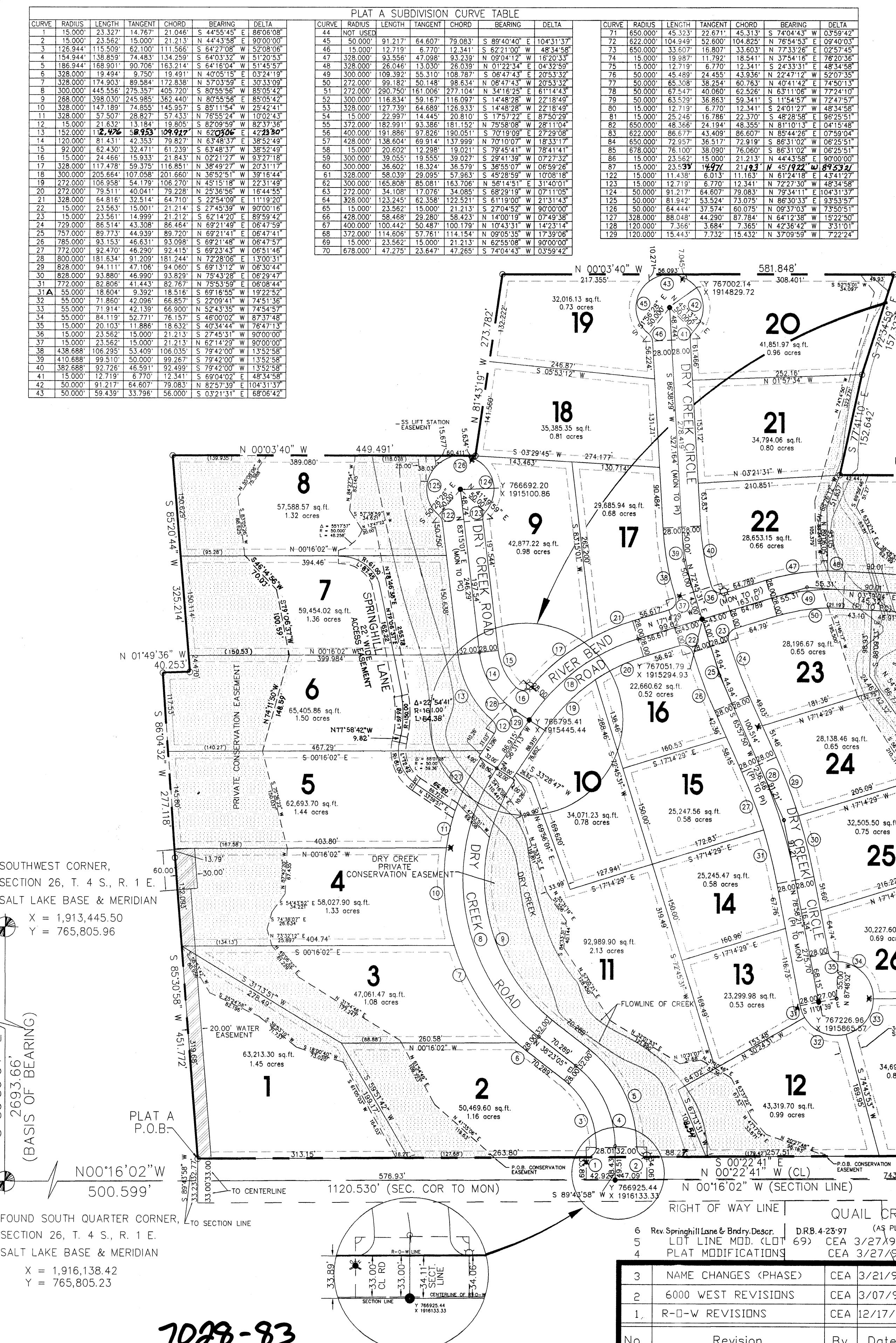
OWNER
MEADOWBROOK PROPERTIES, LP

11038 N HIGHLAND BLVD
HIGHLAND, UT 84003
(801) 492-3400

ENGINEER

BERG
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland, UT 84003
Office: (801) 492-2277
Cell: (801) 616-1677

18687



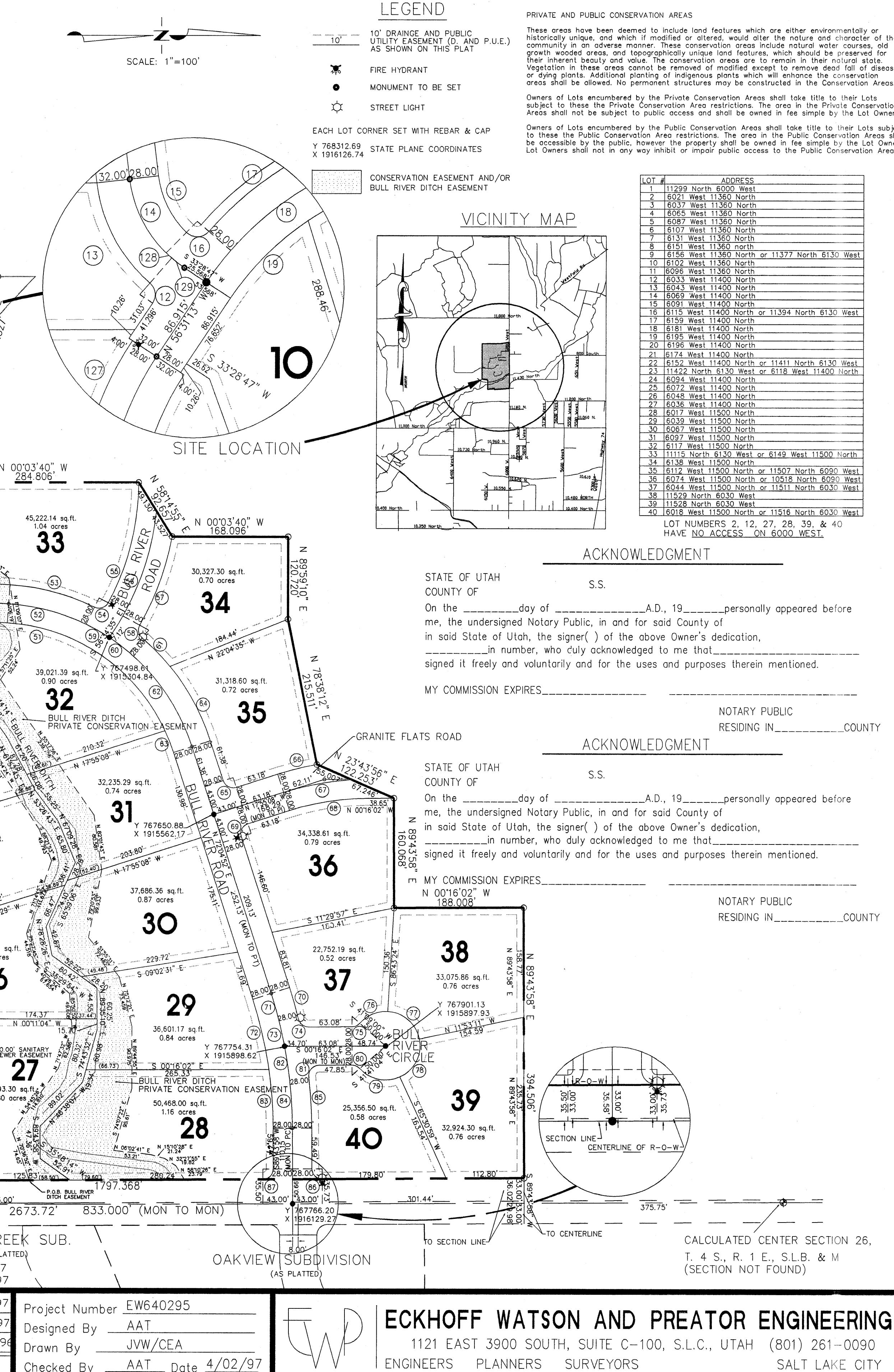
PLANNING COMMISSION
APPROVED THIS 1/24 DAY OF January
A.D. 19 97 BY HIGHLAND CITY
PLANNING AND ZONING COMMISSION
Jesse R. Adamson
CHAIRMAN, HIGHLAND CITY PLANNING AND ZONING

BOARD OF HEALTH
APPROVED THIS 1/24 DAY OF January
A.D. 19 97 BY HIGHLAND CITY
BOARD OF HEALTH
Boyd Wilson
DIRECTOR UTAH COUNTY BOARD OF HEALTH

HIGHLAND CITY ENGINEER
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS
PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION
ON FILE IN THIS OFFICE.
Boyd Wilson
DATE CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 1/24 DAY OF January
A.D. 19 97 BY HIGHLAND CITY COUNCIL
PRESENTED TO THE HIGHLAND CITY COUNCIL
THIS 1/24 DAY OF January
A.D. 19 97, AT WHICH TIME THIS SUBMISSION WAS
APPROVED AND ACCEPTED.
Ed Scott
ATTEST: *Ed Scott*
CORPORATE SEAL
HIGHLAND CITY ATTORNEY

RECORDING # 33274
STATE OF UTAH, COUNTY OF UTAH, RECORDED AND FILED AT
THE REQUEST OF
DATE 1/24/97 TIME 10:00 AM BOOK 1200 PAGE 1
FEE \$ 100
UTAH COUNTY RECORDER





CITY COUNCIL AGENDA REPORT

ITEM #5a

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jeff Murdoch, Assistant Public Works Director
SUBJECT: Hogs Hollow Drainage Project
TYPE: General City Management

PURPOSE:

The City Council will consider awarding Baker Construction the 2024 Hogs Hollow Drainage Project.

STAFF RECOMMENDATION:

Staff recommends that Baker Construction be awarded the 2024 Drainage Improvement Project.

PRIOR COUNCIL DIRECTION:

The previously approved FY2025 budget included funding for this project.

BACKGROUND:

This project aims to assist with flood mitigation efforts following the 2023 improvements made to the city-owned property directly south of the Hoggs Hollow PI pond. After an intense spring runoff event, staff built a swell to divert drainage away from the downhill residents. Currently, overflow water from the hillside now flows down Angels Gate in the street. This project will redirect the water to empty into the Hogs Hollow drainage.

The City received a total of 2 bids for this project, although 4 contractors were invited to bid. Baker Construction possesses the required Utah Contractors License to perform this type of work and was the lowest bid. The City has worked with Baker construction on previous projects and has been pleased with their work.

FISCAL IMPACT:

The cost of this project is \$36,792.80, which includes a 10% contingency. Funding for this expense is included in GL 54-40-41, Systems Repairs & Maintenance within the FY 2024/2025 budget.

MOTION:


I move that City Council APPROVE the 2024 Hogs Hollow Drainage Project to Baker Construction in an amount up to \$36,792.80

ATTACHMENTS:

1. Hogs Hollow Storm Drain Project 2024
2. Hog Hollow Drainage Plans
3. Recommendation of Award

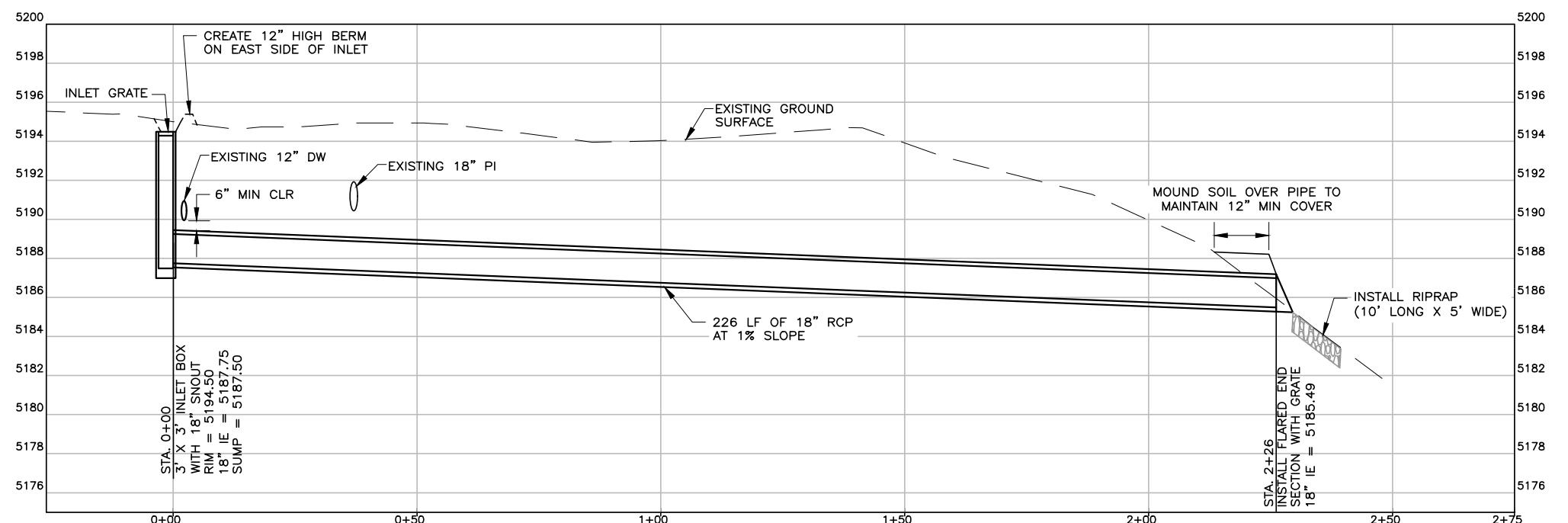
4. Bid Tabulation - Hog Hollow Drainage

Highland City





HOG HOLLOW DRAINAGE – PLAN VIEW



HOG HOLLOW DRAINAGE – PROFILE VIEW

BT ENGINEERING

2024 HOG HOLLOW DRAINAGE IMPROVEMENTS PLAN AND PROFILE



DATE	REVISION	B

OBJECT NO.: DATE:
SEPT 2024

AWN BY:	CHECKED BY:
	TT

OBJECT MANAGER:
TIMOTHY

BT Engineering

Highland City
Attn: Jeff Murdoch, Public Works Director
5400 W. Civic Center Drive, Suite 1
Highland, UT 84003

October 1, 2024

RE: 2024 Hog Hollow Drainage
Recommendation for Contract Award

Dear Jeff:

We have reviewed the bids for the 2024 Hog Hollow Drainage project. Baker Construction is the lowest responsible bidder. Their total bid cost is \$33,448.00. We recommend that Baker Construction be awarded the project.

Baker Construction possess the required Utah Contractors License to perform this type of work.

The City received a total of 2 bids, although 4 contractors were invited to bid the project. For your reference we have attached a copy of the Bid Results along with the Drawings for the project.

Please call if we can answer any questions or be of further assistance.

Respectfully,



Jason Bradford, PE
Design Engineer

Highland City - 2024 Hog Hollow Drainage**Bid Tabulation****Bid Opening:September 24, 2024**

UNIT PRICE SCHEDULE - BASE BID			BAKER CONSTRUCTION			KW ROBINSON	
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	L.S.	\$ 2,211.00	\$ 2,211.00	\$ 6,610.03	\$ 6,610.03
2	Traffic Control	1	L.S.	\$ 690.00	\$ 690.00	\$ 2,183.29	\$ 2,183.29
3	18" RCP Pipe	226	L.F.	\$ 77.00	\$ 17,402.00	\$ 113.02	\$ 25,542.52
4	3' x 3' Inlet Box with 18" Snout	1	L.S.	\$ 7,597.00	\$ 7,597.00	\$ 7,992.74	\$ 7,992.74
5	18" Flared End Section and Riprap	1	L.S.	\$ 2,443.00	\$ 2,443.00	\$ 4,884.96	\$ 4,884.96
6	Remove and Replace Asphalt (3.5" Min Thick)	200	S.F.	\$ 15.53	\$ 3,105.00	\$ 24.96	\$ 4,992.00
				TOTAL	\$ 33,448.00		\$ 52,205.54



CITY COUNCIL AGENDA REPORT

ITEM #5b

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Jeff Murdoch, Assistant Public Works Director
SUBJECT: Culinary Pressure Reducing Valve (PRV) Installations
TYPE: General City Management

PURPOSE:

The City Council will consider awarding Noland and Son Construction Co Inc. the 2024 PRV Vaults installation project.

STAFF RECOMMENDATION:

Staff recommends Noland and Son Construction Co Inc. be awarded the 2024 PRV Vault project.

PRIOR COUNCIL DIRECTION:

Council and staff have discussed the needs for PRVs in the City's culinary system in recent months. Further, in 2024, the City's legislative consultant was asked to focus on obtaining a grant for various culinary water projects, including PRV installation. He was ultimately successful in assisting the City in obtaining that grant.

BACKGROUND:

The PRV project is a continuing component of the water resource grant initiative that has been in progress since 2013. Highland City has considered this upgrade to our culinary system for many years and included it in our capital facilities plans, knowing the water pressures in the south and western portions of Highland are extremely high. This project will not only prolong the life of our system in these areas, but also increase the safety of our crews by reducing the line pressure in the event of a leak. High pressures also cause increased stress on homeowners' systems.

Noland and Son Construction Co Inc. possess the required Utah Contractors License to perform this type of work and were the low bid on the project. They are known as reputable contractors who provide high quality work.

FISCAL IMPACT:

The cost of this project is \$190,850 with a 10% contingency. Funding for this expense is included in GL 55-40-78, Culinary Water Grants Capital Outlay, within the FY 2024/2025 budget.

MOTION:

I move that City Council APPROVE the 2024 PRV vault project and award the contract to Noland and Son Construction Co Inc in the amount up to \$190,850 and AUTHORIZE the City Administrator to sign the contract documents.

ATTACHMENTS:

1. PRV Recommendation of Award.
2. PRV Bid Tabulation
3. Noland and Son Construction Co Bid

BT Engineering

Highland City
Attn: Jeff Murdoch, Public Works Director
5400 W. Civic Center Drive, Suite 1
Highland, UT 84003

October 7, 2024

RE: 2024 PRV Vaults
Recommendation for Contract Award

Dear Jeff:

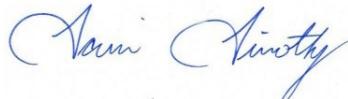
We have reviewed the bids for the 2024 PRV Vaults project. Noland and Son Construction Co Inc is the lowest responsible bidder. Their total bid is \$173,500.00. We recommend that Noland and Son Construction Co Inc be awarded the project. The bid is less than the cost estimate provided for the Water Resources Grant.

Noland and Son Construction Co Inc possess the required Utah Contractors License to perform this type of work. We have personally worked with this contractor on a number of utility lines over the last 25 years. They are known as a reputable contractor who provide high quality work.

The City received a total of 3 bids, although 7 contractors were invited to bid the project. For your reference we have attached a copy of the Bid Results and the Noland's Bid.

Please call if we can answer any questions or be of further assistance.

Respectfully,



Tavis Timothy, PE
Project Manager

Highland City - 2024 PRV Vaults**Bid Tabulation****Bid Opening:October 3, 2024**

UNIT PRICE SCHEDULE - BASE BID			NOLAND CONSTRUCTION			BD BUSH		S&L INC	
Item #	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	L.S.	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 35,000.00	\$ 35,000.00
2	Well 3 PRV	1	L.S.	\$ 112,500.00	\$ 112,500.00	\$ 138,500.00	\$ 138,500.00	\$ 180,000.00	\$ 180,000.00
3	SCADA for Well 3 PRV	1	L.S.	\$ 24,000.00	\$ 24,000.00	\$ 16,200.00	\$ 16,200.00	\$ 15,000.00	\$ 15,000.00
4	Pheasant Drive PRV	1	L.S.	\$ 33,000.00	\$ 33,000.00	\$ 36,900.00	\$ 36,900.00	\$ 90,000.00	\$ 90,000.00
	TOTAL			\$ 173,500.00		\$ 196,600.00		\$ 320,000.00	



NOLAND & SON CONSTRUCTION

To: Highland City	Contact:				
Address: 5400 West Civic Center Drive Highland, UT	Phone: Fax:				
Project Name: Highland City - 2024 PRV Vaults	Bid Number: 1				
Project Location: Various, Highland, UT	Bid Date: 10/3/2024				
Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Mobilization	1.00	LS	\$4,000.00	\$4,000.00
2	Well #3 PRV	1.00	LS	\$112,500.00	\$112,500.00
3	Scada For Well #3 PRV	1.00	LS	\$24,000.00	\$24,000.00
4	Pheasant Drive PRV	1.00	LS	\$33,000.00	\$33,000.00
Total Bid Price:		<u>\$173,500.00</u>			

Notes:

- Exclusions:
1) Engineering & Survey

Payment Terms:

This is an estimate only - billing will reflect actual quantities installed at unit prices quoted.

Written proof of funding for the project must be provided prior to any work commencing.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted.	CONFIRMED: Noland & Son Construction Co., Inc.
Buyer: _____	
Signature: _____	Authorized Signature: <u>Daniel Hill</u> 10/3/2024
Date of Acceptance: _____	Estimator: Daniel Hill 801-718-7984 daniel@nolandconstruction.com

BID SCHEDULE

PART 1 GENERAL

1.01 CONSTRUCTION CONTRACT

A. Name of Project: Highland City – 2024 PRV Vaults

1.02 SCHEDULES OF PRICES

A. Base Bid:

Item No.	Description	Quantity	Units	Unit Price	Amount
1	Mobilization	1	LS		\$ 4,000.00
2	Well 3 PRV	1	LS		\$ 112,500.00
3	SCADA for Well 3 PRV	1	LS		\$ 24,000.00
4	Pheasant Drive PRV	1	LS		\$ 33,000.00

Bid Total = \$ 173,500.00

1.03 MEASUREMENT AND PAYMENT

A. Unless indicated otherwise within individual bid item descriptions, measurement and payment for bid items shall include only the WORK, which is associated with the Bid Schedule.

1. Mobilization

- a. Measurement: Lump Sum
- b. Payment Covers: Includes all preparatory work and operations, including, but not limited to, those necessary for movement of personnel, equipment, supplies and incidental items to the project site; for establishment of all offices, buildings and other facilities necessary for work on the project; for cleanup and demobilization as required; and for all other work and operations which must be performed, or costs incurred, not otherwise paid for prior to beginning work on various items on the project site.

2. Well 3 PRV

4. Pheasant Drive PRV

- a. Measurement: Lump Sum
- b. Payment Covers: All labor, equipment, and materials, including but not limited to excavation, dewatering, shoring; furnishing and installation of required fittings and sections of drinking water line, the precast concrete vault or manhole, manhole ring and covers, steel ladder or polypropylene steps, tracer wire, pipe supports, pressure gauges, piping and all other associated materials shown on the Drawings, including Cla-vals, gate valves, fittings, etc. Payment also includes polywrapping of all associated buried ductile iron pipe and fittings; thrust blocks and restraints; protection of existing utilities; washed rock bedding material, native backfill, compaction, removal and disposal of excavation materials; commissioning of pipeline and PRV vault (including cleaning and flushing, disinfection and pressure testing); untreated base course, removal and restoration of all surface improvements including but not limited to removal of asphalt, asphalt saw cutting, curb, gutter, or sidewalk removal and restoration, asphalt patch restoration, and all other incidentals and materials as herein described and as shown on the drawings.

3. SCADA for Well 3 PRV

- a. Measurement: Lump Sum
- b. Payment Covers: All electrical/SCADA work as shown on the drawings. Payment shall include furnishing and installing all SCADA equipment, including but not limited to wire and conduit, instrumentation, pressure switches and transmitters, and all other related items as shown on the drawings not paid elsewhere.

STATE OF UTAH DEPARTMENT OF COMMERCE ACTIVE LICENSE		REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)	
Noland And Son Construction Co Inc 1350 W 7900 S WEST JORDAN UT 84088		231300-5501 Contractor With LRF	
EFFECTIVE 06/22/1999		EXPIRATION 11/30/2025	
		E100	
		DBAs: None Associated	

IMPORTANT LICENSURE REMINDERS:

- Your license is valid until the expiration date listed on this form.
- Please note the address listed below. This is your public address of record for the division, and all future correspondence from the division will be mailed to this address. If you move, it is your responsibility to notify us directly of the change. Maintaining your current address with us is the easiest way to ensure continuous licensure.
- This license has been issued to the business entity. Any change in the license's original entity structure requires a new license (i.e. DBA to a Corporation, etc.). Please contact the division before you make such changes.

NOLAND AND SON CONSTRUCTION CO INC
1350 W 7900 S
WEST JORDAN UT 84088

Please visit our web site at
www.dopl.utah.gov should you have any
questions in the future.

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF PROFESSIONAL LICENSING
ACTIVE LICENSE

EFFECTIVE DATE: 06/22/1999

EXPIRATION DATE: 11/30/2025

ISSUED TO: Noland And Son Construction Co Inc
1350 W 7900 S
WEST JORDAN UT 84088



REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

231300-5501

Contractor With LRF

DBAs: None Associated

E100



CITY COUNCIL AGENDA REPORT

ITEM #6a

DATE: October 15, 2024
TO: Honorable Mayor and Members of the City Council
FROM: Donna Cardon, Library Director
SUBJECT: Timpanogos Library Consortium
TYPE: General City Management

PURPOSE:

The City Council will consider the Library's future participation in the Timpanogos Library Consortium.

STAFF RECOMMENDATION:

Staff recommends the Council consider the information provided by staff about potentially joining the Timpanogos Library Consortium and give their initial feedback.

PRIOR COUNCIL DIRECTION:

N/A

BACKGROUND:

Overview

In April 2024, the directors of the American Fork and Pleasant Grove libraries approached the Highland Library Director about a proposed collaboration they were considering. The collaboration (which has tentatively been named the Timpanogos Library Consortium, or TLC) would involve these key points:

- Our three libraries would establish a courier system to deliver materials between the libraries weekly.

- The three libraries would establish a common catalog.
- Patrons from each library would be able to request items from one of the other libraries and have them delivered to their home library for checkout. Likewise, patrons could return materials from other libraries to their home library, which would then deliver them to their library of origin.

Instituting the consortium would require making some changes to the Highland circulation policy. Highland would have to charge the same nonresident fee of \$90 as the Pleasant Grove and American Fork libraries, and Highland would be required to eliminate overdue fines to match the policies of the other two libraries. The Library would still be able to charge fees for lost or damaged items.

Need

Joining the TLC would be an economical way of meeting a growing need in the Library. Since 2018, when the Library reached its current physical size, Library usage has increased due to the increase in the population of Highland and the increased popularity of the Library. Circulation of physical materials increased from 159,000 in 2018 to 195,00 in 2024. During that same time, however, the number of physical items in the collection decreased from 45,668 to 43,430. This decrease has been due to budget constraints, physical space constraints, and a renewed effort to weed books to provide space for quality

and in-demand books. The amount spent on print materials has decreased from \$41,600 to \$36,900 because the demand for eBooks has caused the Library to spend more money on electronic materials.

Ideally, the Library would increase its collections to try to meet demand. The Library's physical capacity is about 50,000 books. If the library were to purchase 6,570 more books to reach capacity, the cost would be about \$125,000. By joining the TLC, Highland patrons would gain access to 141,600 additional physical items that they could check out from our location.

Of course, there would be costs to joining the TLC. The organization would potentially eventually acquire a vehicle to transport library items depending on demand. In the interim, staff members would drive their own vehicles and be reimbursed for mileage based on standard rates. There would also be a loss of income from overdue fines/fees. Finally, there would also be a cost of staff time to manage the holds and transport library items. Despite these costs, participation in the TLC would be much less expensive than expanding the collection to meet the growing demand. See a detailed analysis below.

FISCAL IMPACT:

Acquiring and Maintaining a Vehicle: The directors of the three TLC libraries are confident they will be able to obtain grant money to purchase a vehicle for transporting library materials if the demand justifies it. The libraries would then share the cost of gas, insurance, and vehicle maintenance. If demand grows to a point where a dedicated vehicle is warranted, staff will examine the costs and make the best financial decision for the TLC.

In the interim and foreseeable timeframe, the expenses would be to reimburse staff for the mileage on their personal vehicles. Using the Utah standard estimated cost for mileage, the cost of using the vehicle would be about \$1,500/year, but Highland's part would be 1/3 of that, or \$500/year.

Eliminating Overdue Fines: Last year, the Library collected about \$10,000 in overdue fines. Eliminating overdue fines would cause a loss of revenue for the library.

Increased non-resident fees: The Library currently charges \$70/year for nonresidents to obtain library privileges. Raising non-resident fees could potentially offset the loss of revenue from overdue fines. If all the 534 people who paid for non-resident cards last year paid the higher rate, the revenue increase would be over \$10,000. It is possible the higher rate would cause some people to decide not to pay the fee or to purchase a non-resident card in American Fork or Pleasant Grove. If 30% fewer people decided not to purchase non-resident cards with Highland, there would still be a revenue increase, but it would only be about \$7,500. Either way, the increase in revenue from higher non-resident fees will largely compensate for the loss of revenue from overdue fines.

Staff Time

Setting up and maintaining the TLC will take staff time. Donna, the Library director, will primarily be involved with setting up the TLC. Then staff will undergo some training on procedures for handling materials. It is anticipated these could be accomplished without adding staff hours to the budget. After the TLC begins, it will take about two hours of staff time a week to physically transport items. Estimating two hrs/week to make the 14-mile round trip including stops at each library, the cost would be about \$1,700/year.

Total estimated annual cost for the first full year of participation

Vehicle=\$500

Increase in non-resident fees minus loss in overdue fines= \$0-\$2,500

Staff time=\$1,700

Total= \$2,200-\$5,700

MOTION:

Not applicable as this item is for discussion purposes only. If Council is amenable to joining the TLC, final plans will be made and an interlocal agreement will eventually come to Council for approval.

ATTACHMENTS: