HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

April 5, 2016

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

7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS

Call to Order – Mayor Mark Thompson
Invocation – Mayor Mark Thompson
Pledge of Allegiance – Council Member Ed Dennis

APPEARANCES *(10 min.)*

Time has been set aside for the public to express their ideas, concerns, and comments.

(Please limit your comments to three minutes each.)

PRESENTATION *(15 min.)*

1. **MOTION: Room for Everyone, Highland City Library Renovation Plan** – Janae Wahnschaffe, Library Director and Carol Rice, Outreach Director.

CONSENT *(5 min.)*

2. **MOTION: Approval of Meeting Minutes for the City Council Work Session** – March 8, 2016

3. **MOTION: Approval of Meeting Minutes for the City Council Regular Session** – March 15, 2016

4. **MOTION: Final Plat Approval** – Pincock Estates located at 10215 Alpine Hwy.

5. **MOTION: Lifting of the Temporary Land Use Regulation** – Application and Approval of Final Plats North of 11800 North

6. **MOTION: Ratification of the Settlement Agreement with HIWO Investments -** DAE/Westbrook Development Agreement

7. **MOTION: Approval of a Contract for the 10770 North Storm Water Overflow Project -** Cole Peck Co.

ACTION ITEMS *(40 min.)*

8. PUBLIC HEARING / ORDINANCE – Property Rezone – 11550 North 6000 West

9. MOTION: Provo River Aqueduct Construction Financing – Murdock Canal

MAYOR/ CITY COUNCIL & STAFF COMMUNICATION ITEMS *(45 min.)*

10. Utility Rate Study – Matt Millis, Zions Bank

11. Speed Sign Information – Justin Parduhn, Public Work Operations & Maintenance Director

CLOSED EXECUTIVE SESSION

The City Council will hold a closed executive session for the purpose of discussing:

- The purchase, exchange, or lease of real property and reasonably imminent litigation;
- The sale of real property; including any form of water right or water shares;
- The character, professional competence, or physical or mental health of an individual.

Pursuant to Section 52-4-205(1) of the Utah State Code Annotated.

ADJOURNMENT

(These items are for information purposes only.)

Description	Requested/Owner	Due Date	Status
Salt Storage Bldg.	Council Justin	April 19	Engineer Reviewing
Road Capital Improvement Plan for FY 15-16 *Prioritize and Communicate to Residents*	City Council	Estimated June 2016	Study Underway
Election Policy	City Council Jody	August 2016	In Progress
Council Policy and Procedures	City Council Jody	August 2016	In Progress
Determine Park Use for Recreation	City Council Parks Staff	2016	In Progress
HW Bldg. – PW Storage Status	City Council Mayor/PW	2016	In Progress

ELECTRONIC PARICIPATION
Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.
CERTIFICATE OF POSTING
The undersigned duly appointed City Recorder does hereby certify that on this **31st day of March, 2016,** the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (http://pmn.utah.gov) and City websites (www.highlandcity.org).

JOD'ANN BATES, City Recorder

- In accordance with the 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 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.

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

CITY COUNCIL AGENDA REPORT
ITEM #1

DATE: April 5, 2016
TO: Honorable Mayor and Members of the City Council
FROM: Janae Wahnschaffe, Library Director and Carol Rice, Outreach Director
SUBJECT: Motion: Approval of the Library Renovation Plan

STAFF RECOMMENDATION:
The Council approve the Library renovation plan.

BACKGROUND:
The Library Staff have been working on plans to renovate the library. The project is called "Room for Everyone". The goal of the renovation is to better meet the needs the community by creating more inviting spaces and increasing collections without the need to expand into the multi-purpose room or build a new building. Through this renovation the Library can achieve full membership in NUCLIC. The renovations will be paid for through private donations.

The Library Board approved the renovation plan at their March 23, 2016 meeting. They are enthusiastic about the project.

The Library Staff has identified costs and reached out to potential donors. The response has been very positive. In fact we received a $2,000 dollar donation last week and a commitment for $5,000. In addition, the Arts Council is very enthusiastic about the project and will be providing assistance.

The first phase includes painting the wall across from the circulation desk and then installing shelving along this wall. Our goal is to complete the first phase prior to the May 12 Open House to showcase the project. We are receiving bids from contractors for the shelving. As part of these efforts we have reached out to Ace Hardware. They are willing to provide the paint at cost. The labor to paint will be provided by volunteers and staff. The wall was painted April 1, 2016.

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

ATTACHMENTS:

1. Room for Everyone Project Cover Letter
2. Room for Everyone Project Brochure

Highland Library Re-Write

ROOM FOR EVERYONE

"History will be kind to me, for I intend to write it."

Winston Churchill said those words, but we have the opportunity to live them.

The Highland City Library has served thousands of patrons since we opened our doors in October 2008. We have been honored to play an invaluable role as part of the community, but we are committed to do more. We know our community library should be a proud reflection of the citizens it serves.

So, under the leadership of a new Director, Janae Wahnschaffe, Highland City Library is excited to announce a re-write, a makeover, a new start!

Within the walls of our existing space, we are working hard to create **ROOM FOR EVERYONE**.

Watch our progress as we create room for a:

- Teen Zone
- Teen Media Café
- Children's Reading Room
- Children's Literacy Adventure Center
- Parent News and Media Lounge

Among these and many other improvements, we also look forward to becoming a full member of NUCLC (North Utah County Library Co-Operative). This means your Highland City Library card will work for you at any other NUCLC library in the county. Talk about our worlds expanding!

We are incredibly grateful for your support of your library. We need everyone to help make this happen! Come see the plans at the City Budget Open House, May 12. There will be fun, treats and activities for all. If you can't make it that night, please feel free to drop in anytime, give us a call, watch Facebook, our website and newsletters for ways you can be a part of all that is happening.

We look forward to writing history together!
Your Library Team

HIGHLAND CITY
LIBRARY

ROOM FOR EVERYONE

Highland City Library Re-Write

Ways to Help?

Donate a Book

Bring in a book you aren't using anymore, in good condition, and we'll happily add it to our collection or book sale.

Buy a Book

Select and purchase a title from the Library Wish List. We'll add it to our collection, with a commemorative name plate in the cover of the book, honoring your contribution.

Library Families

$50-100 Donation

Become part of the Library family with your donation and receive a certificate and special gift bag awarded at our re-Opening Night Celebration.

Contributor

$100-500 Donation

Receive a special spot on the Library Honor Wall and an invitation to the re-Opening Night Gala. (held prior to the Celebration)

Investor

$500-1,000

Each new room in the library will feature a mural book shelf. The "spine" of each of the painted books will be named after our Investors. Also receive an invitation to the re-Opening Night Gala.

Please name the room of the library where you would like your "book" displayed:

_____

Partner

$1,000+

For all Partners, a recognition plaque will be displayed in the room of the library you have sponsored. Also receive an invitation to the re-Opening Night Gala.

Please name the room of the library you are sponsoring:

_____

re-write budget

Custom cabinetry	$11,000
Additional Shelves	$9,781
Labor (moving)	TBD
Art Materials	TBD (not to exceed $5,000)
Total	**$20,781**

Room for everyone

highland library re-write

before pics

Thank you for helping us re-write our dream

Future Teen Zone

Future Children's Area

Entrance/Lobby

Future Children's Area

our re-write will...

Create a room for everyone:

- Parent/News Center
- Children's Library
- Children's Reading/Literacy Room
- Teen Zone
- Teen Media Café/Gaming Area
- Study space
- Additional Staff Work area

Create room for 12,000+ additional books which brings us in line with NUCLC criteria

And in addition to that:

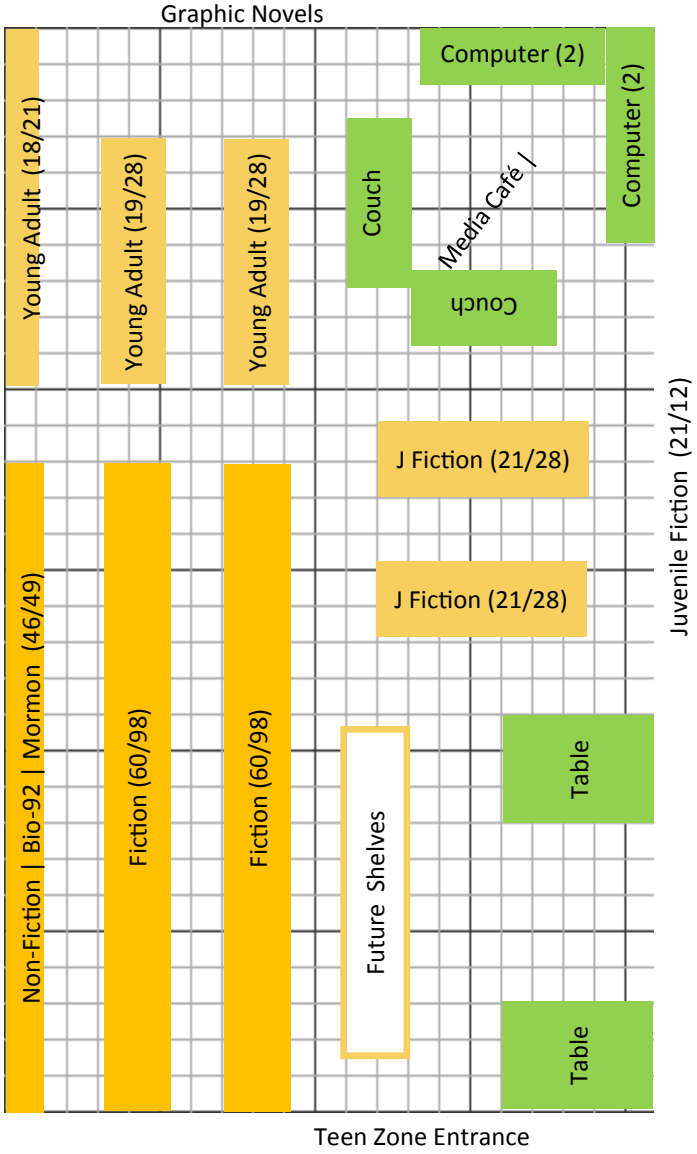
- Makes use of Entrance for improved and increased New books, Lucky Day, Displays and Book Sales
- More inviting and attractive
- Collaborative efforts with Arts Council
- Increases attendance at library during low traffic hours
- Display area to include City events and news

Entrance: New, Displays, Lucky Day, Sale

word cloud on overhead beam

teen zone

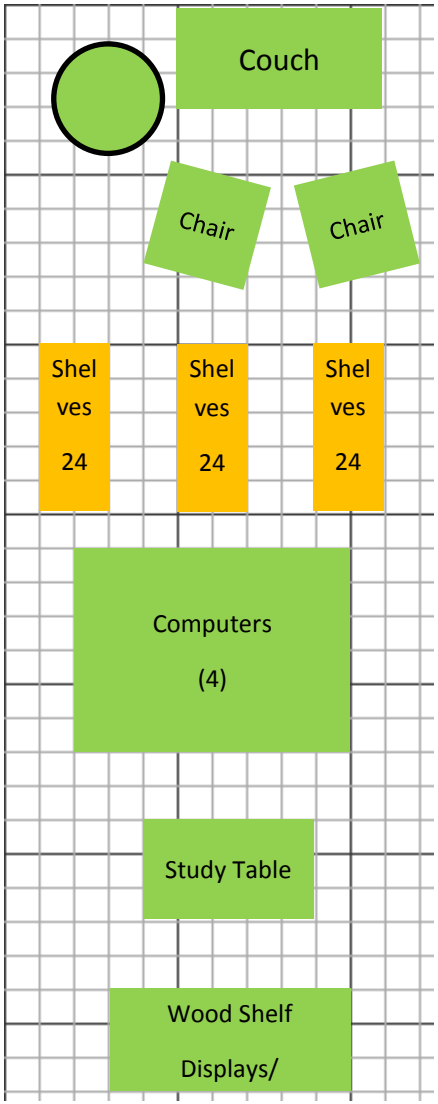
media café/gaming room



Entrance between columns

entrance

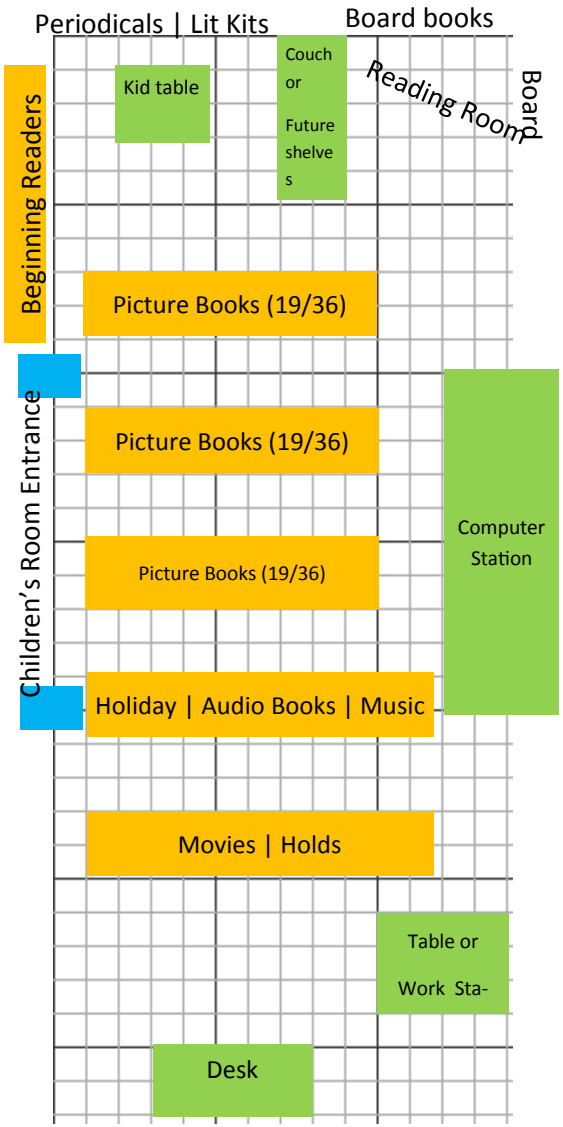
lobby/parent news room



Entrance between columns

children's library

children's literacy/reading room



MINUTES
HIGHLAND CITY COUNCIL WORK SESSION
Tuesday, March 8, 2016
Highland City Multi-Purpose Room,
5400 West Civic Center Drive, Highland, Utah 84003

PRESENT: Mayor Mark S. Thompson
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Ed Dennis
Councilmember Rod Mann

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD'Ann Bates, City Recorder
Justin Parduhn, Public Works O &M Director

OTHERS: Seth Otesnson, Ethan Clark, Apollo Oaks, Brian Oaks, Devirl Barfuss, Matt Millis, Chad Christofferson, Bart Brockbank, Dan Gazaway, and Clarke Endrizzi.

The meeting was called to order by Mayor Mark Thompson as a work session at 6:32 pm. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

<u>Utility Rate Study – Zions Public Finance</u>

Nathan Crane introduced Matt Millis with Zions Public Finance. After the last meeting, Mr. Millis had taken the direction from the Council and adjusted his report. Mr. Crane asked that the Council consider moving forward with the plan, as staff needed the information to prepare the budget the upcoming year.

Mr. Millis began his presentation by thanking the Council for their feedback during the previous meeting. He was able to take those suggestions and incorporate them into the analysis, and now they will be better able to address the long-term cash balances and find opportunities for the rates to come back down after the initial increases.

Mr. Millis first addressed the pros and cons of cash funding, stating that one of the major benefits is that there is no interest costs involved. However, cash funding requires that the user rates would have to increase significantly over a very short period of time to accumulate the cash needed to fund all of the necessary capital projects. Mr. Millis explained that the City may experience some push back from some of the older residents who may have helped to fund the

infrastructure originally. They would now be asked to fund repairs on that infrastructure to benefit future users.

Mr. Millis continued by presenting the list of capital projects, which has been refined several times throughout this process. He stated that there was not a lot of latitude to spread the capital projects out more evenly. From 2017 to 2030 the City would need approximately $18.7 million in capital projects across all four utilities. The pressurized irrigation system requires the most money for capital projects, as the report now includes the installation of meters on all connections. Mr. Millis stated that the meters would bring consumption down dramatically, but it is an expensive installation. The Council questioned the monetary savings associated with the meters, and Mr. Millis explained that they had not done an analysis on this but they could research what has happened in other cities that have installed meters. Mayor Thompson asked what would be achieved by this installation. The City already has a conservation plan in place, and the resident have already paid for the water. He stated that they have to be cautious with this situation. The Council deliberated on the necessity of the meters, and how that would have an effect on enforcement of the conservation plan. They also discussed the possibility of residents being incentivized into paying for their own meters. Mayor Thompson believed that the only way that they would see a financial benefit is if they sold the water shares.

In response to a question regarding capital projects for sewer, Mr. Millis explained that those projects included pipe rehabilitation and replacement within the central and southeast service areas. Councilmember Brian Braithwaite asked how much of the cost could be offset by impact fees, and Mr. Millis responded that only about 35% of the projects could be funded by impact fees. Councilmember Braithwaite felt that this may be a situation in which some partial bonding could be done.

Mr. Millis then presented the pros and cons of a bonding situation, explaining that a 20 year bond would likely have a 4% interest rate. With this interest rate, the City could expect to pay $427 of interest per $1000 in capital projects. The greatest benefit is the length of the bond which would allow them to smooth out the project cost rather than having to react to spikes in capital projects year after year. Mr. Millis added that bonds can be partially repaid with impact fees, based on the type of project funded by the bond money. The biggest drawback to bonding is the interest.

There was a discussion about bonding, and the majority of the Council was against it. Councilmember Braithwaite argued that bonding would allow them to slowly increase rates rather than doing it in large jumps now. There was also the question of raising the money now; however, because the build-out wouldn't come in the next five or ten years, it would cause people to question the City's motives for collecting the money. It was suggested that they raise the rates a little now to start collecting funds, and then bond for the remaining amount when development begins.

Councilmember Rod Mann brought up a concern about raising the money and having it remain untouched over various administrations until that money is ready to be used. Even putting it

aside in a specific fund does not guarantee that it won't be used for some other purpose. Councilmember Braithwaite suggested that the capital projects would have to be clearly outlined with proper deadlines and descriptions in order for that type of funding to work. Everything would need to be perfectly transparent.

Mr. Millis stated that he did not assume that the City would bond for all of the cost, and that was reflected in the bonding scenarios presented. The $10.6 million in bonds shown in the presentation would only be for 56% of the capital projects, the rest could be cash funded. Mr. Millis commented that if the projects were spread out further they would not even consider bonding, but he and staff have researched and found the presented timeline to be accurate. Mr. Millis confirmed that the removal of the meter project would lower the amount they would have to bond.

The Council informed Mr. Millis that bonds can only happen once a year around election time, as they have a local ordinance that requires public vote for all bonds.

Mr. Millis continued his presentation by talking about the pumping costs and what elevations surcharges would do to the water rates. During the last meeting he was advised to research the impact to utility bills in the lower zones if a surcharge were added to the upper elevation utility bills. He explained that the impact was quite low, with a reduction of only $0.50 on culinary water and $0.10 on pressurized irrigation. Mayor Thompson was concerned that the demand would increase significantly as the population in those higher elevations grew. The Council considered adding the pumping surcharge to new residents as they move into the area. For the time being, Mr. Millis was advised not to include the pumping surcharge as a rate increase.

In regards to the Provo River Water Users Association, Mr. Millis explained that they had researched the issue and found that there would be a cost of approximately $150,000 associated with this water. With that cost estimated, the question then became whether that amount should be funded through the enterprise fund, through increased rates, or through the general fund. Mayor Thompson again expressed his opinion that the water shares should be sold, even though they may not be able to sell them for the amount the City originally paid for them. He felt this would solve many of the issues surrounding the pressurized irrigation system. The Council deliberated and agreed to put this item on a future City Council meeting agenda for further discussion. Mr. Millis stated that they would keep the money in the enterprise fund until they heard anything differently from the Council. He also confirmed that the Council wanted to take the meters out of the calculations for the time being.

Mr. Millis moved on to storm water, which has so few capital projects that the City could easily fund those without bonding. The total rate increase for storm water would only be $2.28. He then presented the cash funded and bonding scenarios for sewer, noting that this slide did not include the Timpanogos fee. There was no further discussion regarding sewer or storm water.

Mr. Millis then presented a graph of the combined utility, which was increased for the purposes of both cash funded and bonding scenarios, noting that the total amount would increase

approximately $108 with the exclusion of the meter project. His final slide was a comparison of the utility rates of the surrounding communities. With the exclusion of the meter project, Highland City's utility bills would be about average.

The Council debated on whether cash funding or bonding were a better situation for Highland City. A few of the Councilmembers felt that some bonding would be acceptable if the majority of the capital projects were cash funded, but others felt that the citizens would not vote for a bond at all. Councilmember Ed Dennis believed that the best solution would be to increase the rates while letting the citizens know that their bills would not be above the local average. This would keep the City fiscally sound.

The Councilmembers then had two different discussions simultaneously. After several minutes, Councilmember Braithwaite commented that these costs are connected to services that the City is required to provide, and it is the City's responsibility to keep those utilities in good repair. Mayor Thompson added that the rates would naturally inflate over time with or without the City increasing the rates. He then asked Mr. Millis if they had factored State and Federal regulations into their analysis, to which he responded that they had not. There was further crosstalk, but a decision on whether to bond or cash fund was not made. Mr. Millis agreed to take out the meter project and await a decision from the Council regarding the sale of water shares.

Water Conservation – Chad Christofferson

Chad Christofferson began his presentation by giving a brief background of the company and presented a three minute video explaining the Skydrop devices. After the video, Councilmember Braithwaite asked if the devices work using sensors, and Mr. Christofferson explained that sensors are not necessary. The Skydrop devices check all of the local weather stations and weather underground every hour, giving them the most up-to-date information.

Mr. Christofferson explained that the units consider factors such as soil types, slope, the amount of shade on the area, and foliage when determining when watering needs to occur. All of this information, and much more, can be accessed online or through the mobile application. Mr. Christofferson then explained that the City can opt to have access to this information, and this would help in their water conservation efforts. For instance, the City would be able to monitor who is over-using water and then choose to take enforcement action. They can also send messages to the users regarding conservation tips or changes in policy. The City could have more control if they felt it was necessary.

Mayor Thompson asked Mr. Christofferson what his intention was in bringing this to the City Council, and he responded that their business would be moving to Highland City in the near future, and they wanted to have good stronghold here. There is a discount offered through Utah Central Water which would cover about $100 per device, which is the production cost. He would offer the devices to the City at that cost, which would be entirely covered by the Utah Central Water, and only charge for installation costs. This could be covered by the residents as either a one-time fee, or a small monthly fee. Mr. Christofferson stated that their main goal was

water conservation, and he understood that there would be little financial benefit for their company from Highland City under these circumstances.

Councilmember Dennis commented that he would find the Skydrop unit very helpful to him as a consumer, but he worries that the citizens of Highland would not respond well to the government having more control over their water consumption. Mayor Thompson asked what the incentive would be to the citizens. Currently, the City charges a flat fee for water rather than by actual usage, so there would be no financial savings for the resident. These units would be more attractive to people who just care about the environment. During the discussion it was noted that this option would be a third of the cost of installing meters, and it would be more effective. Someone also felt that this would be a great addition to the City parks.

There was a discussion regarding a possible pilot area of the City, and Mr. Christofferson commented that they had already considered this for the Viewpoint subdivision. Clarke Endrizzi confirmed that they would do these units at cost, which would be covered by Utah Central Water, and only charge the installation fee. In addition to the feature previously explained, Mr. Endrizzi stated that the user or others with access would be able to see how much they have saved over time, as all of the information is stored on the device. This could be very helpful to the conservation effort.

In response to a question from the Council, Mr. Christofferson explained that the Skydrop units don't pull weather information like cellphones do, but they get information directly from local weather stations which is much more accurate. He also stated that there is more than one station in a city or area from which the unit will gather information.

The Council agreed that the citizens should be informed about the Skydrop devices, but they worried about the residents responding well to having the City involved in their water conservation. Currently, the City only enforces the conservation plan when a complaint is received. Mr. Christofferson explained that they would offer Highland residents a lifetime warranty and other incentives, as the residents would not be seeing a savings on their personal utility bills. He reiterated that their motivation for offering this to Highland City is because of their business location rather than financial gain.

The meeting adjourned at 9:14 p.m.

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JoD'Ann Bates, City Recorder

Date Approved: March 1, 2016

MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, March 15, 2016

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

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Ed Dennis
Councilmember Rod Mann

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD'Ann Bates, City Recorder
Justin Parduhn, Public Works O&M Director
Brian Gwilliam, Chief of Police
Brad Freeman, Fire Chief
Tim Merrill, City Attorney

OTHERS: Janae Wahnschaffe, Michelle DeKorver, Robert Udall, Bobbie Udall, James Russon, Nathan Jorgensen, Mike Jorgensen, Porter Rockwell, Jennifer Moulder, Scott Madigan, Devirl Barfuss, Tom Holdman, McKay Christensen and Stephen Christensen.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:01 p.m. 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 Tim Irwin and those assembled were led in the Pledge of Allegiance by Mayor Mark Thompson.

APPEARANCES:

Robert Udall gave his address as 5116 Parkway West, and explained that he lived in the townhome development there. He explained that he has witnessed many drivers speeding on Parkway West, and that he has informed the police department and the City administrative office about the issue. Mr. Udall had brought this issue before the City Council approximately a year ago and recommended the installation of speed bumps along Parkway West. At the time, there had been a negative reaction to the suggestion, with arguments such as budget, emergency response impediment, and snow plows. Mr. Udall explained that rubber speed humps are removable, so they could be taken out in the winter months, and they are inexpensive. Parkway

West would require two 12-foot rubber humps, each costing $100. Mr. Udall stated that he would be willing to donate $200 to the City to have these humps installed. To address the issue of emergency vehicles, Mr. Udall had spoken with the fire department and he received the impression that they would not use Parkway West as a normal emergency route. He then presented the Council with statistical information regarding the increased safety associated with speed humps.

Councilman Tim Irwin addressed a phrase that Mr. Udall said during his comments, which the Council had heard before. It seems the some people feel the Council will not take action until something happens, such as a tragic accident. He wanted to be clear that the Council did not work this way. Also, City staff does not have the authority to speak for the Council, and he asked Mr. Crane to make sure that all staff members were reminded of that.

Councilman Brian Braithwaite commented that there are many areas in the City that are experiencing similar problems, and the Council prioritizes those issues for funding purposes. However, Councilman Braithwaite could see unique circumstances in this instance that would call for attention. The area did have higher density housing with many children, and those unit facing Parkway West do not have front yards, so the children are playing very close to the street.

Mr. Udall was encouraged to take down license plate numbers of future offenders so that the police department could enforce the speed limit on an individual basis. Mayor Thompson stated that the City would conduct some research on this issue and see what solution could be found.

PRESENTATIONS:

1. Annual Report for 2015 – Erin Wells, Assistant to the City Administrator

Ms. Wells gave the Councilmembers a copy of the Annual Report, and stated that she would be sending a digital copy to them shortly. She stated that this was a strong draft, but there were still a few items that needed to be added to the report before finalization. She confirmed that the public would have access to the finalized report. Ms. Wells asked the Council to review the document and contact her with any questions or concerns.

Mr. Crane took a moment to thank Ms. Wells and the department heads for working together on this report. He then highlighted a few items of the report, including bonding summaries, general fund comparisons, and other financial information. He stated that this is the first time that Highland City has done a report like this, and one of the purposes is to have greater transparency with the community.

Councilman Brian Braithwaite commented that this report was a good step in the right direction. He asked if something could be included in the report outlining property taxes. Many times a property tax increase comes from the school district or county rather than from the City, and he felt that the residents should see where the property tax monies were going.

Councilman Rodd Mann recommended that definitions and notes be included to explain some of the terminology in the document. He wanted to be sure that the document was easy for the residents to understand. Mr. Crane thanked the Council for their input, and stated that they are open to further suggestion as the Council reviews the report.

2. Resident Survey Results – Erin Wells, Assistant to the City Administrator

Ms. Wells presented the Councilmembers with copies of the survey results and stated that she was pleased with the overall response received. She explained that they received 1,094 responses, and half of the responses were done online and half via paper mail. With the responses received, staff is at a 97% confidence level with the information they have to present.

Based on the survey responses, the number one reason for living in Highland City is the large lot sizes. Previously the Council had discussed the possible definition of a "large lot", but a definition was not included on the survey. Ms. Wells stated that the next reason for living in Highland is that it's a family-focused City, and there is low congestion. The survey also shows that the citizens' believe the City's top priority should be road improvements by 70%. Other important issues were debt reduction and the recreation center.

Councilman Ed Dennis commented that public safety did not seem to be a priority of the residents, and Ms. Wells responded that another part of the survey indicated that the residents were satisfied with public safety. She feels that this may be why the residents didn't put it as a priority for improvement.

Councilman Rodd Mann asked if staff was considering a follow-up survey, and Ms. Wells confirmed that they were. As a final note, Ms. Wells pointed out that the preference on communication was the newsletter. This was a surprise to staff, but they will now focus on updating the newsletter. Councilman Tim Irwin commented that educating the citizens on important issues is a large part of their role as Councilmembers, and he specifically referenced the potential utility rate increase. It was suggested that the digital newsletter contain links to important information on upcoming discussions.

The Council then discussed the different precinct and age groups that responded to the survey. Ms. Wells stated that she could further study popular answers from these different groups and other cross-tabs. She also explained that there was a section for free responses, which have not yet been categorized. Those responses would be included in the final results to be available to the public.

<u>CONSENT ITEMS:</u>

3. Approval of Meeting Minutes for the City Council Regular Session – March 1, 2016

4. Final Plat Approval – Dry Creek Highlands Phase 7

5. Waiver of Final Plat and Civic Plan Review Fees – Pincock Property
Pulled by Mayor Thompson

6. Authorization to Proceed with Road Reconstruction – 6000 West from 10400 North, south to the north side of the Murdock Canal Trail

MOTION: Councilman Tim Irwin moved that the City Council approve the consent items on the agenda.

Councilman Rod Mann seconded the motion.
Unanimous vote, motion carried.

CONSENT ITEMS PULLED:

Waiver of Final Plat and Civic Plan Review Fees – Pincock Property

Mr. Crane stated that the Pincocks have asked the City Council to waive the fees normally charged for final plat and civil plan review. The charges are $1,200 for final plat review, and just over $4,000 for review of the civil construction plans. The Pincocks did pay for the final plat fees, but their approval has expired. Now that they want to continue the project, the fees are being charged again. Mayor Thompson confirmed that the approval had expired, but there was also a change to the drainage from the last final plat, but that drainage issue is something the City should have caught during the first review. Mayor Thompson suggested that they apply the $1,200 that has already been paid to the civil plan review fee.

The Council discussed the Pincock property, which the City had considered purchasing at one point. The Pincocks may still choose to sell the project, but they would need final plat approval in order to do that. They deliberated on how to make an agreement with the property owner that would allow them to pay the fees at a specific future date while they continue to move forward with the project now. The Council decided to follow the Mayor's suggestion and waive the final plat review fee, but not the civil plan review fee.

MOTION: Councilman Brian Braithwaite moved that the City Council waive the Final Plat Fees for the Pincock Property based upon the resident having paid the initial fee and this is a continuation. The Civil Construction Fee will not be waived, but the money that has already been paid for the Final Plat will be applied to Civil Construction Fees of $4,093.

Councilman Dennis LeBaron seconded the motion.

Unanimous vote.
Motion carried.

ACTION ITEMS:

7. Amending Section 10.09.030 of the Highland City Municipal Code – Parking of Vehicles over 10,000 Gross Vehicle Weight

BACKGROUND: James Russon is requesting to amend Section 10.09.030 of the Highland City Code to allow vehicles over 10,000 gross vehicle weight to be parked on a residential lot if the vehicle is located in the rear yard and screened by a six foot fence. The applicable sections of the Municipal Code are as follows:
10.09.010 - Definitions.
"Commercial vehicle" for purposes of this chapter shall mean any vehicle, trailer or construction equipment which is primarily used in a trade or business, which bears any logo or other advertisement of a trade or business, or which is actually being used in a trade or business.

Section 10.09.030 - Limited Parking of Commercial Vehicles
Parking of commercial vehicles in residential zones shall be limited to one commercial vehicle not to exceed a one-ton chassis per lot.

Mr. Russon owns a material hauling (rocks, dirt, etc.) business that he runs out of his home. As part of the business he owns 1990 BMY M923A2 dump truck. This is a truck typically used by the military as a heavy cargo truck. The weight of the chassis and cab is 21,550 pounds. The gross vehicle weight is 31,550 or 16.5 tons. The dump bed adds additional weight. Currently the Municipal Code prohibits the parking of vehicles over one ton chassis. The chassis is the internal frame of the vehicle. It is not the gross vehicle rate. The gross vehicle weight of a one ton chassis vehicle can vary. An easier way to understand the type of vehicle is by class. Mr. Russon's truck is a class eight vehicle weighing more than 33,000 pounds.

Mr. Crane explained that the recent review of a business license brought this issue to staff's attention. Currently the City doesn't allow large commercial vehicles in residential areas because it disrupts the character of the neighborhood and it has a negative impact on roads. The vehicles are listed by class rather than actual weight, which Mr. Crane pointed out in the staff report. Highland City prohibits all vehicles of class three or higher, but the applicant is proposing that vehicles up to class eight be allowed. Mr. Crane presented photographs of the applicant's vehicle, which would be parked behind a fence when not in use. When researching the regulations of the surrounding cities, staff found the current ordinance to be consistent with the others. Mr. Crane reminded the Council that an amendment to this ordinance would affect the entire City.

Councilman Brian Braithwaite was not in favor of changing the ordinance because this is not a residential use or a home occupation. He felt that allowing these large vehicles in residential areas was inappropriate.

James Russon, one of the owners of Nordic Services, LLC, stated that the neighbors were supportive of this change and did not have any concerns with having a truck parked on the property. Mr. Russon has owned the property for three years.

Councilman Brian Braithwaite appreciated that Mr. Russon has spoken with his neighbors already, but there would likely be other residents in the City that would not be as accepting of this ordinance change. The Council discussed limiting the ordinance change to a certain location or to lots of a specific size to mitigate the effect on the City. They also briefly discussed the possibility of creating an overlay allowing large vehicles.

Porter Rockwell, a neighbor of Mr. Russon, expressed his belief that the property owner should have a right to use his land in the way that he wants to. He explained that he has seen other large trucks on large lots in the City, and he does not have an issue with it. Mr. Rockwell supports the applicants' request.

Councilman Ed Dennis commented that parking a truck on the applicant's property would not cause problems for his neighbors, but he was uncomfortable allowing this throughout the entire City. Councilman Tim Irwin expressed his disapproval of the government interfering with property rights.

Scott Madigan, the other owner of Nordic Services, LLC, stated that he understood the Council's hesitation. However, he assured them that if the company expanded they would be moving their location to a more commercial area. Mr. Madigan explained that the cost for a small commercial lot was more than they wanted to pay for at this stage of the business.

Mayor Thompson called for a motion, but suggested that this item be revisited at a later date to see if the ordinance amendment could be limited geographically or by some other restriction. Mr. Russon commented that the ordinance could include a restriction on hours of operation to reduce noise.

No motion was made.

8. Resolution – Intent to Adjust Property Boundaries with Alpine City

BACKGROUND: Paul and Courtney Belcher own 0.72 acres located on the Highland/Alpine border. The boundary between Highland and Alpine runs along the north border of the Belcher property. Shauna Miller of Alpine owns 2 acres to the north that is in an L shape parcel. The Belchers would like to adjust the boundary to allow the purchase of .05 acres, which is the bottom part of the L shape parcel to connect with their existing Highland property. The Belchers have approached Alpine and Highland to adjust the boundary to have all the property within the city limits of Highland. The proposed adjustment affects approximately 1.22 acres. The Alpine City Council adopted an Ordinance at their February 23, 2016 meeting. Upon adoption of the resolution indicating its intent to adjust the boundary between Highland and Alpine, the next step, after a considerable notification process, is to hold a public hearing. The public hearing

and adopting of an Ordinance is required to be held at no sooner than 30 days after the adoption of the resolution.

Councilman Brian Braithwaite asked if this boarder adjustment would have a fiscal impact on Highland City. Mr. Crane explained that this information was not given in the staff report because he preferred to leave that amount as "unknown" than have an inaccurate number.

MOTION: Councilman Ed Dennis moved that the City Council approve a Resolution for the Intent to Adjust Property Boundaries with Alpine City.

Councilman Dennis LeBaron seconded the motion.

Those voting aye: Council Members Brian Braithwaite, Dennis LeBaron, Tim Irwin, Ed Dennis and Rod Mann.

Motion carried.

9. Resolution – Intent to Annex 7.25 acres or Real Property

BACKGROUND: Tom Holdman has submitted an application for the annexation of approximately 7.25 acres of land located at 11530 North 6000 West. This property currently is an unincorporated parcel island with incorporated parcels on all sides. An annexation of an island or peninsula does not require a petition of surrounding property owners. The Council adopts a resolution of indicating intent to annex property. Approval of the Resolution does not approve or deny the annexation petition. It allows the applicant and staff to complete the notification and review requirements outlined in State Code. After adoption of the resolution, the City Recorder follows the notification process pursuant Utah Code 10-2-425. Future City Council approval and action on an Ordinance will need to be done in order to officially accept the annexation.

MOTION: Councilman Tim Irwin moved the City council to approve a Resolution for the Intent to Annex 7.25 acres of Real Property.

Councilman Ed Dennis seconded the motion.

Those voting aye: Council Members Dennis LeBaron, Tim Irwin, Ed Dennis, Rod Mann and Brian Braithwaite.

Motion carried.

10. Authorization for staff to begin with disposal process of Spring Creek Park

BACKGROUND: Over the past several weeks, the City Council has discussed different options as it relates to the Spring Creek property. The Spring Creek property is 12 acres in size and is

located north of the northeast corner of Mountain View Drive and 9860 North. This property was purchased in October of 2007. The property is identified as a future Athletic Complex on the General Plan. Athletic complexes are facilities with the primary purpose of sporting activities. The purchase of the park was funded by the park bond. Funds have not been identified for the construction of the park. If the proceeds are used for the construction of park facilities the park impact fees would not have to be adjusted. The option that the Council has been considering is sell this property and use the proceeds to begin construction of the Mountain Ridge Park. The average cost to develop a park is $5.00 a square feet depending on the amenities. Mountain Ridge Park would need to be developed in phases similar to Beacon Hills Park. The disposal of property requires several steps. These include; declaring the property as surplus by resolution; the Council holds a public hearing; and publication of the public hearing in a newspaper and in the utility bill. Council is requesting direction on whether or not to begin the disposal process.

Mr. Crane explained the lengthy disposal process, and reminded the Council that this authorization would only begin that process. In response to a question from the Council, Mr. Crane stated that the park had an estimated value of $1.9 to $2.1 million, while the park property was purchased for $3 million.

Councilman Brian Braithwaite asked that the motion clearly indicate that the City is not yet obligated to sell the property, but that this is just the beginning of the process.

MOTION: Councilman Dennis LeBaron moved the City Council authorize staff to begin with disposal process of the Spring Creek Property with the finding of fact that this does not obligate Highland City to sale this property only to move forward with the process and open the discussion regarding the possible sale of the property.

Councilman Ed Dennis seconded the motion.

Unanimous vote.
Motion carried.

MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS

(These items are for information purposes only and do not require action or discussion by the City Council)

11. Apple Creek Development – McKay Christensen

McKay Christensen presented the plans for the Apple Creek Development to the City Council. He stated that he had made a similar presentation last year, but it was not received well by the residents. After a neighborhood meeting, Mr. Christensen took the neighbors' comments and revised the development plan. The main concern was for the height of the project, so the building has been reduced to three stories, which meant the loss of some of the units.

Mr. Christensen reminded the Council that this would be a senior housing project, which means the residents need to be 55 or older. There would be 219 residential units, 317 parking stalls at ground level and in the underground parking structure, retail units on the east, and a library and arts center on the west. He stated that the original plan included a pool, but one of his market studies showed that the senior community would rather have a large green area, which is why the grand lawn was included in this plan. Mr. Christensen presented the site plan, renderings, and the elevations of the project.

Mr. Christensen commented that the neighbors had not seen the new plans yet, but that they would be presented to them after this meeting with the City Council.

Councilman Brian Braithwaite asked if they had inquired about the small strip of property between this and the credit union that was for sale. He suggested that this could be incorporated into the development and allow for more open retail front. Mr. Christensen was not aware that this property was for sale, and stated that he would research that option.

The Council was concerned with the parking, feeling that 1.25 stalls per unit would not be enough for the residents and the retail units. Mr. Christensen stated that this ratio was normal for senior housing and offered to bring information on this back to the City Council. They agreed that this could be further studied and discussed.

Prior to adjournment, Mr. Crane reminded the Council to complete their survey regarding road priorities, and asked them to contact him with any questions.

ADJOURNMENT

MOTION: Councilman Ed Dennis moved the City Council adjourn.

Councilman Brian Braithwaite seconded the motion.
Unanimous vote. Motion carried.

Meeting adjourned at 9:36 p.m.

_____
JoD'Ann Bates, City Recorder

Date Approved: April 5, 2016

CITY COUNCIL AGENDA REPORT
ITEM #4

DATE: April 5, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

SUBJECT: Motion: Final Plat approval for Pincock Estates a five lot subdivision located at 10215 North Alpine Highway.

STAFF RECOMMENDATION:

The City Council review a request for final plat approval for Pincock Estates, a five lot subdivision located at 10215 North Alpine Highway.

BACKGROUND:

Larry and Vicki Pincock are requesting final plat approval for Pincock Estates a five lot subdivision located at 10215 north alpine highway.

The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-20 (Single Family Residential). The R-1-20 District allows one lot per 20,000 square feet. The minimum lot size is 20,000 square feet.

The final plat was originally approved by the City Council on April 1, 2014. The approval has since expired.

Subdivision review is an administrative decision.

SUMMARY OF THE REQUEST:

1. The applicant is requesting final plat approval for a five lot residential subdivision at a density of 1.62 units per acre. The lot sizes are as follows:

Lot	Square Feet
1	22,450
2	23,385
3	25,495
4	22,375
5	22,629

2. Access to the site is provided from Alpine Highway via Pincock Circle (10220 North).

ANALYSIS:

- The property is designated as low density residential on the General Plan Land Use Map. The proposed subdivision density of 1.62 units per acre is consistent with the General Plan.

- The proposed subdivision is compatible with the existing surrounding uses.

- Utilities will be extended to the site through existing culinary water and pressurized irrigation lines in Alpine Highway. A sewer line will need to be extended through lot 4, across the south side of Mountain Ridge Junior High to 5480 West. This will require an agreement between the applicant, the City and Alpine School District. A stipulation has been included requiring the recording of the agreement prior to final plat recordation. An easement for the parkway detail has also been included. Landscape plans will need to be approved prior to final plat recordation.

- Water shares are required to be dedicated prior to final plat recordation.

FINDINGS:

The proposed plat meets the following finding with stipulations:

- It is in conformance with the General Plan, the R-1-20 District, and the Highland City Development Code.

RECOMMENDATION AND PROPOSED MOTION:

The City Council should hold a public meeting and **APPROVE** the proposed final plat subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped March 20, 2014 except as modified by these stipulations.
2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to recordation of the final plat as required by the Development Code.
3. All required public improvements shall be installed as required the City Engineer.
4. The civil construction plans shall meet all requirements as determined by the City Engineer prior to construction or recordation of the final plat.
5. Prior to final plat recordation or issuance of a permit for site construction, the sewer agreement shall be recorded.

6. The owner shall provide a letter from UDOT approving the location of Pincock Circle.
7. Landscape plans shall be approved prior to final approval of the civil construction plans.
8. A theme wall shall be installed along the Alpine Highway as required by Section 3-612 of the Highland City Development Code. Further, the design of the wall shall meet the requirements of Section 3-612 of the Development Code.

I move that the City Council accept the findings and **APPROVE** case FP-14-01 a request for final plat approval for Pincock Estates, a five lot residential subdivision subject to the eight stipulations recommended by staff.

ALTERNATIVE MOTION:

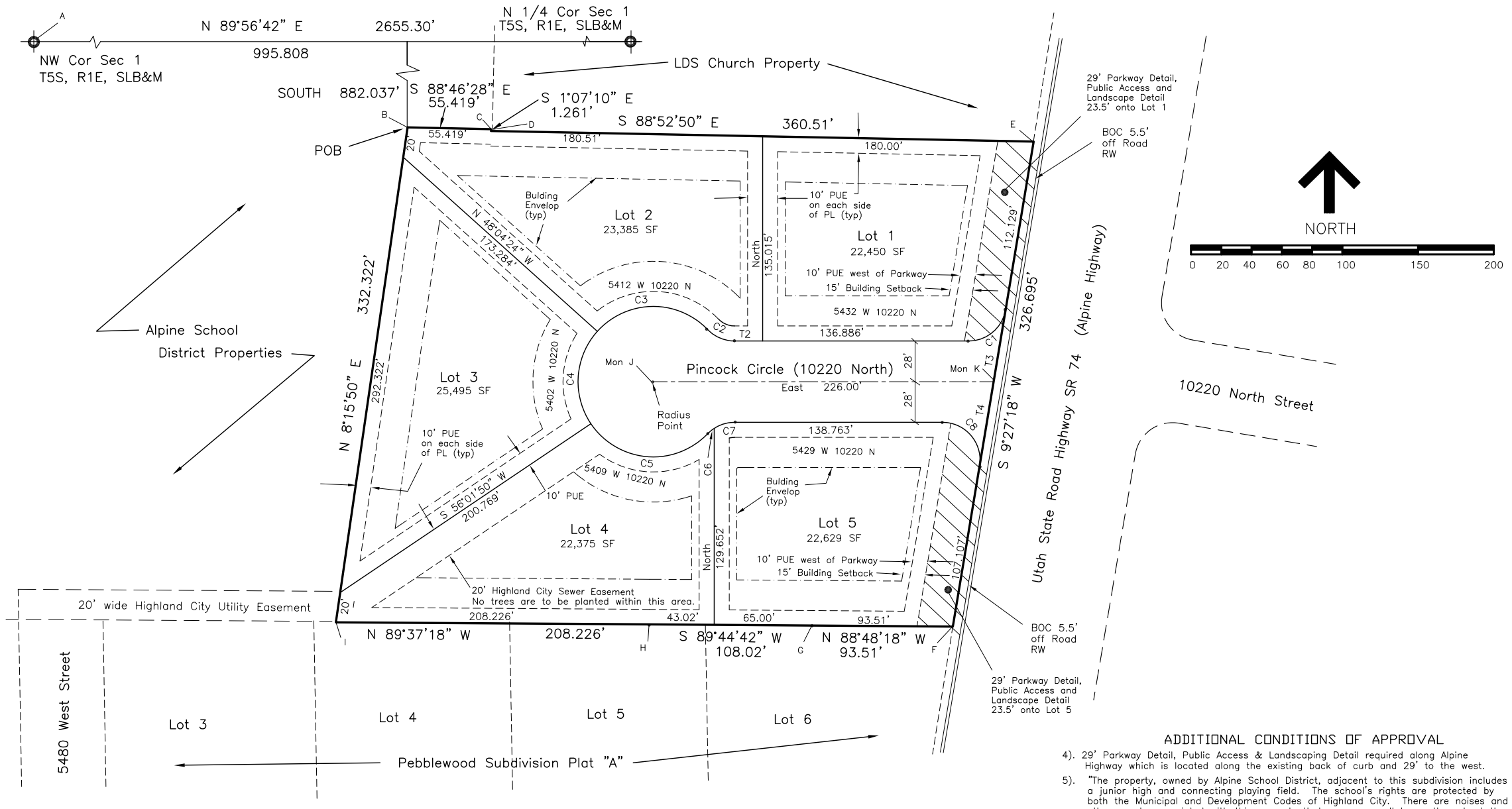
I move that the City Council **DENY** case FP-14-01 based on the following findings: (The Council should draft appropriate findings.)

FISCAL IMPACT:

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

ATTACHMENTS:

1. Proposed Final Plat



SURVEYOR'S CERTIFICATE

I, K. EDWARD GIFFORD, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 162675 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 at a point located South 881.08 feet and East 995.807 feet from the Northwest Corner of Section 1, Township 5 South, Range 1 East, Salt Lake Base and Meridian (basis of bearing is North 89°56'42" East along the section from said section corner); thence S 88°46'28" East 55.419 feet along an existing chain link fence line; thence South 1°07'10" West 1.261 feet along an existing fence line; thence South 88°52'50" East 360.51 feet along the title of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints per WD Entry 26803-79 which is more or less along an existing chain link fence line; thence South 9°27'18" West 326.695 feet along the west boundary of State of Utah roadway boundary SR 74; thence along the north boundary of Pebbelwood Plat "A" subdivision as follows: North 88°48'18" West 93.51 feet, South 89°44'42" West 108.02 feet, North 89°37'18" West 208.226 feet; thence North 8°13'50" East 332.322 feet along an existing chain link fence line to the point of beginning. Area = 3.0842 acres

DATE _____ SURVEYOR (SEE SEAL BELOW) _____

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 PERPETUAL USE OF THE PUBLIC, THE PUBLIC UTILITY EASEMENTS TO ALL PROVIDERS, PUBLIC OR PRIVATE, AND THE IRRIGATION EASEMENTS TO ALL LOT OWNERS, AND THEIR SUCCESSORS AND ASSIGNS IN PERPETUITY.
IN WITNESS HEREOF WE HAVE SET OUR HANDS THIS _____ DAY OF _____, A.D. 20___

ACKNOWLEDGEMENT

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

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL BELOW)

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 _____ DAY OF _____, A.D. 20_____

APPROVED BY MAYOR _____

APPROVED _____ CITY ENGINEER (SEE SEAL BELOW) ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)

LEIN HOLDER CONSENT

THE UNDERSIGNED BENEFICIARY HEREBY CONSENTS TO THE RECORDING OF THIS PLAT FOR THE HEREIN DESCRIBED PROPERTY AND THE DEDICATIONS PROVIDED HEREIN.

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20___ _____ HIGHLAND CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20___ _____ PLANNING COMMISSION CHAIR

_____ COMMUNITY DEVELOPMENT DIRECTOR

ADDITIONAL CONDITIONS OF APPROVAL

4). 29' Parkway Detail, Public Access & Landscaping Detail required along Alpine Highway which is located along the existing back of curb and 29' to the west.

5). "The property, owned by Alpine School District, adjacent to this subdivision includes a junior high and connecting playing field. The school's rights are protected by both the Municipal and Development Codes of Highland City. There are noises and other events associated with this property that can occur all hours thorughout the day, and prospective buyers of property in this subdvision should be aware of this prior to purchasing property."

6). Lot 4 has an exclusive 20 foot sewer & drainage in favor of Highland City. No trees are to be planted within this area.

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 within 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 binging 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 sidewal (street right-of-way) with the exception of the park stripwhich requires 75% to be landscaped.

3) 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.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD DIST.	CHORD BRG.	DELTA
C1	25.00'	35.144'	32.321'	S 49°43'39" W	80°32'42"
C2	25.00'	19.651'	19.149'	N 67°28'56" W	45°02'08"
C3	50.00'	81.253'	72.603'	S 88°28'52" W	93°06'33"
C4	50.00'	66.232'	61.495'	S 3°58'43" W	75°53'46"
C5	50.00'	88.197'	77.199'	S 84°30'09" E	101°03'59"
C6	25.00'	6.375'	6.358'	N 52°16'12" E	14°36'40"
C7	25.00'	13..275'	13.12'	N 74°47'16" E	30°25'28"
C8	25.00'	43.395'	38.149'	S 40°16'21" E	99°27'18"

T TABLE

#	BEARING	DIST.	REMARKS
1	S 1°07'10" W	1.26'	
2	EAST	19.531'	
3	S 9°27'18" W	49.567'	
4	S 9°27'18" W	57.893'	

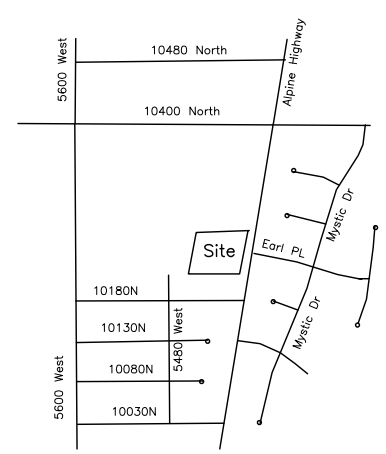
Gifford Engineering
6163 W. 9600 N.
Highland, Utah 84003

MONUMENT TABLE

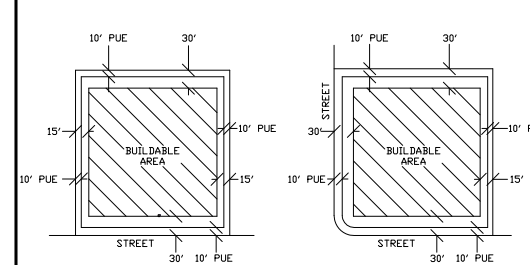
Scale Factor For SPC = 0.9997138

A	N: 760514.80	E: 1918775.44
B	N: 759515.756	E: 1919770.96
C	N: 759632.79	E: 1919826.35
D	N: 759631.53	E: 1919826.33
E	N: 759624.48	E: 1920186.67
F	N: 759302.32	E: 1920133.01
G	N: 759304.27	E: 1920039.55
H	N: 759303.79	E: 1919931.56
I	N: 759305.17	E: 1919723.40
J	N: 759465.03	E: 1919934.18
K	N: 759465.03	E: 1920160.11
L	N:	E:
M	N:	E:
N	N:	E:
O	N:	E:

VICINITY MAP



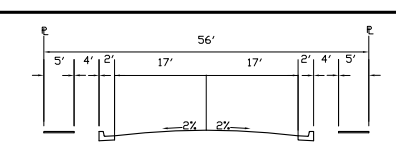
TYPICAL BUILDING SETBACKS



Note: Building Lots 1 & 5 along SR 74 have 38.5' setback as shown on the plat drawing.

0 20 40 60 80 130 180

SCALE: 1" = 40 FEET



LOCAL SUBDIVISION STREET
(NTS)

QUESTAR GAS COMPANY

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's right-of-way department.

Approved this _____ day of _____ 20____ Questar Gas Company By: _____ Title: _____

UTILITIES APPROVAL

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utilities Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove such structures at the owner's expense, or the utility may remove such structures at the owner's expense. At no time any permanent structures be placed within the PUE or any other obstructions with interferes with the use of the PUE with out the prior written approval of the utilities with facilities in the PUE.

Rocky Mtn. Power _____ Date: _____ Qwest _____ Date: _____ Comcast _____ Date: _____

PINCOCK ESTATES

PLAT "A"

NAD 27
SCALE: 1" = 40 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL

CITY COUNCIL AGENDA REPORT
ITEM #5

DATE: April 5, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director
Tim Merrill, City Attorney

SUBJECT: Motion: Lifting of the Temporary Land Use Regulation regarding the application and approval of final plats north of 11800 North

STAFF RECOMMENDATION:

Lift the temporary land use regulation prohibiting the application and approval of Final Plats north of 11800 North.

BACKGROUND:

In February 2, 2016, the City Council adopted an ordinance placing a restriction on the application and approval of final plats for subdivisions north of 11800 North. Staff has been able to resolve the public interest issue related to the restriction.

If the temporary land use regulation is approved, applicants will be able to apply for final plat approval.

FISCAL IMPACT:

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

ATTACHMENTS:

None

CITY COUNCIL AGENDA REPORT
ITEM #6

DATE: April 5, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director
Tim Merrill, City Attorney

SUBJECT: Motion: Ratification of the Settlement Agreement with HIWO Investments, Inc. as it relates to the Development Agreement DAE/Westbrook.

STAFF RECOMMENDATION:

Ratification of the Settlement Agreement with HIWO Investments, Inc. as it relates to the Development Agreement with DAE/Westbrook for reimbursement of infrastructure improvements.

BACKGROUND:

HIWO Investments, Inc. and the City have entered into a settlement agreement regarding the reimbursement infrastructure improvements installed in Highland Boulevard as outlined in the DAE/Westbrook Development Agreement. HIWO Investments, Inc. is the successor to the Development Agreement. The Development Agreement required the City to reimburse the cost of the infrastructure over time since 2002. No payments have been made. The settlement agreement requires the City to reimburse HIWO Investments, Inc. $400,000 for these improvements.

FISCAL IMPACT:

This action will require an expenditure of $200,000 from the FY15/16 Budget and additional $200,000 expenditure in the FY 16/17 Budget.

ATTACHMENTS:

1. Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into effective March 15, 2016, by and between HIWO INVESTMENTS, LLC, a Utah limited liability company, ("HIWO") and HIGHLAND CITY, a Utah municipality, (the "City").

RECITALS

A. The City entered into an Agreement with DAE/Westbrook ("Westbrook") dated August 9, 2002 (the "Agreement"). The Agreement was amended by Westbrook and the City by First Amendment to Agreement dated November 1, 2002.

B. The Agreement, as amended, provided that Westbrook would make payments and build improvements for the benefit of the City and the City would reimburse Westbrook for some of the payments and improvements from annexation and/or impact fees to be collected by the City. The City has not made the payments to Westbrook required by the Agreement.

C. Suncrest, L.L.C. ("Suncrest") succeeded to and acquired all rights and interests of Westbrook. Suncrest subsequently filed for bankruptcy protection, which bankruptcy covered all rights and interests of Suncrest and its predecessors. HIWO acquired all rights and interest of Suncrest as the successor to Westbrook under the Agreement from the Bankruptcy Estate of Suncrest.

D. HIWO submitted a notice of claim against the City for the amounts owed under the Agreement and indicated that it intended to file litigation against the City in the event the City did not agree to pay HIWO for the amounts owed under the Agreement.

E. The City and HIWO desire to settle all disputes and issues relating to the Agreement without litigation on the terms and conditions set forth herein.

AGREEMENT

In consideration of the promises and covenants herein contained, which consideration is hereby acknowledged to be adequate and legally sufficient, the parties agree as follows:

1. Payment. The City agrees to pay to HIWO as full and complete settlement of all claims under the Agreement the sum of $400,000.00, which shall be made in two payments as follows:

a. $200,000.00 shall be paid within ten days of the execution of this Settlement Agreement by both parties.

b. $200,000.00 shall be paid during the first quarter of the City's 2017 fiscal year, on or before September 30, 2016.

The above payments shall be by checks payable jointly to HIWO Investments, LLC and Richard G. Allen, Attorney, and shall be mailed or delivered to Richard G. Allen.

2. Release of Claims. Subject to the terms of this Settlement Agreement, HIWO hereby releases, discharges, cancels, waives, compromises, and forgives all rights, claims, demands, causes of action, or claims for relief or damages of any kind or nature, legal or equitable, known or unknown, which it has or may have under the Agreement, for itself and its attorneys, agents, successors, and assigns, against the City and everyone associated therewith, including but not limited to the City's attorneys, agents, elected officials, officers, employees, and assigns. Subject to the terms of this Settlement Agreement, the City hereby releases, discharges, cancels, waives, compromises, and forgives all rights, claims, demands, causes of action, or claims for relief or damages of any kind or nature, legal or equitable, known or unknown, it has or may have which relates to or arises under the Agreement, for itself and its attorneys, agents, officers, or employees against HIWO and everyone associated therewith, including but not limited to HIWO's members, attorneys, agents, and assigns.

3. No Acknowledgement of Liability. The parties acknowledge and agree that this Settlement Agreement shall not constitute an admission of liability or fault of or against any of the parties.

4. Confidentiality of Negotiations. To the extent permitted by any applicable law, and as reasonable, the parties agree to maintain confidential the fact and content of the negotiations and this Settlement Agreement.

5. Warranty of Ownership. HIWO represents and warrants that it acquired the rights of Suncrest, as successor to Westbrook, in the Agreement from the Trustee of the Bankruptcy Estate of Suncrest by the Assignment of Contract dated November 7, 2015, a copy of which has previously been provided to counsel for the City, pursuant to the Order of the Bankruptcy Judge referenced in said Assignment and HIWO represents and warrants that it has not assigned, transferred, or encumbered the rights so acquired.

6. Warranty of Approval. The City represents and warrants that it has complied with all statutory requirements for approval of this Settlement Agreement, agreement to the terms thereof, and payment of the Settlement Payments and that upon approval and signing of the Settlement Agreement the City shall all be bound by and obligated to the terms of the Settlement Agreement. The City further represents and warrants that the individuals executing this Settlement Agreement on its behalf have authority and necessary approvals to do so. HIWO represents and warrants that HIWO Investments, LLC is organized and existing in good standing under the laws of the State of Utah and that Craig Black is duly authorized to execute this Settlement Agreement on behalf of HIWO Investments, LLC with full and binding authority on behalf of HIWO Investments, LLC.

7. Incorporation of Recitals. The Recitals are incorporated and made a part of this Settlement Agreement.

8. Time is of the Essence. This Settlement Agreement shall be executed no later than 5:00 PM Mountain Time, March 22, 2016. Time is of the essence of this agreement.

9. Entire Agreement. This Settlement Agreement and any documents referred to herein constitute an integrated contract reflecting the parties' intentions and entire agreement. This Settlement Agreement supersedes all prior understandings, negotiations, and discussions between any of the parties, and no parole evidence shall be admitted to establish any terms inconsistent with this Settlement Agreement.

10. Modification. This Settlement Agreement may not be altered, modified, amended or changed, except in writing, executed by the parties.

11. Fulfillment of Terms. The Parties agree and covenant that every term and condition in this Settlement Agreement shall be fulfilled. The parties agree that a failure to fulfill a term or condition of this Settlement Agreement shall constitute a breach thereof and shall result in equivalent money damages to the adversely affected party.

12. Drafting Party. This document has been and shall be deemed to be a product of joint drafting by the parties and there shall be no presumption otherwise.

13. Attorneys' Fees. The parties agree that should any party default in any of the covenants or agreements herein contained, the defaulting party shall pay all costs and expenses, including reasonable attorney's fees, which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing suit or otherwise.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

HIWO INVESTMENTS, LLC

By: _____
Craig Black
Its: Member

HIGHLAND CITY

By: _____
Mayor

ATTEST:

_____
City Recorder

2016021.1

CORPORATE SEAL
HIGHLAND CITY
STATE OF UTAH

CITY COUNCIL AGENDA REPORT
ITEM #7

DATE: April 5, 2016
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, City Administrator
SUBJECT: Motion: Approval of a contract with Cole Peck Co. for the 10770 North Storm Water Overflow Project

STAFF RECOMMENDATION:

Staff recommends approval of the contract to award Cole Peck Co. a contract for the 10770 No. Storm Water Overflow Project.

BACKGROUND:

The 10770 North Storm Water Overflow Project consists of the restoration of a hillside that has been washed out by a large storm event. The project includes all the work to reconstruct the slope per geotechnical recommendations and armor the hillside with riprap for any future storm events. The contractor will restore all landscaping after the hillside has been reconstructed.

This work is necessary to preserve the integrity of the Victors View lift station.

There were two bids received from a solicitation advertised on March 21, 2016. Bidding contractors were:

Skip Dunn & Sons Excavating	$42,141.40
Cole Peck Company	$33,550.00

FISCAL IMPACT:

Funding for this project will come from the Storm Drain account. This will require a budget adjustment as this was a non-budgeted item.

ATTACHMENTS:

1. Advertisement for Bid
2. Bid Schedule

INVITATION TO BIDDERS

HIGHLAND CITY CORPORATION
5400 WEST CIVIC CENTER DRIVE, SUITE 1
HIGHLAND, UT 84003

Separate sealed bids for **10770 North Storm Water Overflow Project** will be received by Highland City Corporation at the **Highland City Building, 5400 West Civic Center Drive, Highland, UT 84003** until **4:00 p.m**. (local time) **Thursday, March 31st, 2016**. The bids will be opened by the Highland City Public Works Director.

The 10770 North Storm Water Overflow Project consists of the restoration of a hillside that has been washed out by a large storm event. The project includes all of the work to reconstruct the slope per geotechnical recommendations and armor the hillside with riprap for any future storm events. The contractor will restore all landscaping after the hillside has been reconstructed.

The CONTRACT DOCUMENTS will be available at a mandatory Pre-Bid Conference which will be held at the project site at 10:30 a.m., Wednesday, March 23rd, 2016 at 6675 West Kaitlyn Lane (10770 North), Highland, Utah. All interested parties must attend.

No Bid Bond will be required. It is the opinion of the J-U-B Engineers that the cost of this project will be less than the bid limit established by the Utah code. This request for bids is by invitation only.

HIGHLAND CITY CORPORATION

_____

Justin Parduhn, Highland Public Works Director

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

BID SCHEDULE			
Item #	**Description**	**Unit**	**Bid Price**
1	Slope Restoration and Storm Water Overflow	Lump Sum	$33,550.00
	Total Bid in Works: Thirty three thousand five hundred fifty		

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

6.01 Bidder agrees that the Work will be substantially complete within 15 calendar days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 14.07.B of the General Conditions within 30 calendar days after the date when the Contract Times commence to run

6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7 – ATTACHMENTS TO THIS BID

~~**7.01** The following documents are attached to and made a condition of this Bid:~~

~~A. Required Bid security in the form of a certified or bank check or a Bid Bond.~~

ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

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ARTICLE 9 – BID SUBMITTAL

9.01 This Bid submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____(SEAL)
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: Cole Peck Company (SEAL)

By: Cole Peck
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): Cole Peck

A Corporation

Corporation Name: _____(SEAL)

State of Incorporation: _____

Type (General Business, Professional, Service, Limited Liability):_____

By: _____
(Signature -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____(CORPORATE SEAL)

Attest _____

Date of Authorization to do business in the State of Utah is _____/_____/_____.

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A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____(SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____(SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address 1512 N. 1300 E.
Lehi, UT, 84043

Phone No. 801-768-8111 Fax No. 801-766-0944

SUBMITTED on March 31st, 2016.

State Contractor License No. 287858-5501.

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CITY COUNCIL AGENDA REPORT
ITEM #8

DATE: April 5, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

SUBJECT: Public Hearing and Ordinance– Ross Wolfley is requesting the rezoning of 7.25 acres from an R-1-40 to R-1-20 upon annexation. Property is located at approximately 11550 North 6000 West.

STAFF RECOMMENDATION:
The City Council should hold a public hearing and

BACKGROUND:
The property is 7.25 acres and is owned by Vitrail LLC. The site is currently located in Utah County and the applicant has applied for annexation.

The property is not included in the General Plan Land Use Map. The property is included in the Highland City Annexation Plan that was adopted in 2007.

A rezoning amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to zone 7.25 acres R-1-20 Single Family Residential upon annexation.

2. The applicant is requesting several waivers from the Development Code and Design Criteria for Public Improvements as shown in Attachment XXX.

3. The maximum density permitted in the R-1-20 District is 2.17. The minimum lot size for the R-1-20 District is 20,000 square feet. The minimum lot frontage is 115 feet except for lots on a cul-de-sac.

4. The maximum density in the R-1-40 District 1.08 units per acre. Twenty-five percent of the lots can be between 20,000-30,000 square feet. All remaining lots are required to exceed 30,000 square feet. The minimum lot width is 130 feet. There are no exceptions for lots on a cul-de-sac.

5. The applicant has prepared a concept plan. The plan shows 12 lots. The density is 1.65 units per acre. The minimum lot size is 20,000 square feet.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 10, 2016. A summary of the meeting is attached.

Notice of the Planning Commission meeting was published in the Daily Herald on January 10, 2016. Notice of the Planning Commission public hearing was also sent to all property owners within 500 feet of the proposed development. One letter of opposition has been received from Kevin Birrell, the property owner to the east (Attachment 6) for the following reasons:

- The proposed street should be stubbed to the east as required.
- All other homes in the area were built using the R-1-40 District.
- They would request R-1-20 or better zoning upon annexation.
- Conflict between small and large lots as it relates to animal rights and farming activities.

Notice of the City Council meeting was published in the Daily Herald in the March 20, 2016 edition of the Daily Herald. Notice was also mailed to all residents within 500' of the subject property on March 21, 2016. No additional comments were received.

ANALYSIS:

General Plan

- Since 1977 Highland has been a large lot rural residential community. This was reinforced in the 2008 update of the General Plan. As part of the update the community expressed strong support of low density large lot development. The intent is to have large lots with wide lots and large front and side yard setbacks.

- The first goal in the land use element of the General Plan is:

Goal: To maintain the established pattern of development in Highland City
Policy: Continue to allow low-density residential development that respects existing land use patterns
Implementation: Follow established land use patterns

R-1-40 (Single Family Residential) District

- The R-1-40 District is a density based district and not a lot size district. The number of lots permitted on property is determined by dividing the number of acres by 40,000 square feet. In other words one lot is allowed for every 40,000 square feet of land area. Subdivisions are allowed to have up to 25% of the lots between 20,000 to 30,000 square feet. All other lots are required to be greater than 30,000 square feet. As a result, there are lots in the R-1-40 District that vary from 20,000 square feet to over an acre.

- In addition, past City Councils have approved open space subdivisions. Generally, the minimum lot size is 14,000 square feet with a minimum average of 16,000 square feet for the subdivision. Thirty percent of the land area is required to be open space and densities do not exceed 1.4 units per acre. Based on a preliminary analysis done in 2013 the average density of all open space subdivisions are 1.6 units per acre. Further study would be needed to confirm these numbers.

- Because of the varying lot sizes, there is a misconception that the density in Highland is higher than what it actually is. Staff believes that justification is needed to exceed densities above the R-1-40 District.

Zoning and the R-1-20 (Single Family Residential) District

- The objective of the R-1-20 District is outlined in Section 3-4201 and summarized as follows:

    - Support medium low density residential environment within the City.
    - Create transitional areas between higher density zones in adjacent cities and development in Highland.
    - Establish transition between higher densities in Highland and lower densities where practical.
    - Better manage land use on properties not suited to lower density zones.
    - Create areas for people who do not want large animals or large lots.

- The R-1-20 District has not been used extensively within Highland. The primary areas it has been used is the south side of 9600 North, the Alpine Country Club and other non-conforming areas. Non-conforming areas are lots that do not meet the minimum lot size. Many of these lots were approved in the County prior to incorporation of the City.

R-1-40 vs. R-1-20 Comparison

- The maximum density in the R-1-40 District, excluding overlay districts, is one unit per 40,000 square feet. The maximum number of lots currently permitted is 7 lots or 0.96 units per acre. The maximum density in the R-1-20 District is one unit per 20,000 square feet. A maximum of 15 lots or 2.06 units per acre would be permitted by the R-1-20 District. The concept plan shows 12 lots.

- Lots with a minimum square footage of 30,000 square feet are allowed to have up to three large animals. One additional large animal is allowed for every 10,000 square feet above 30,000 square feet. With a minimum square footage of 20,000 square feet animals are typically not permitted in the R-1-20 District. One of the common complaints that we receive is from residents that are adjacent to lots with large animals.

Surrounding Land Uses:

- The property to the north and west is zoned R-1-40 and has been developed as single family homes. The property to the east is currently in Utah County and is currently a farm. Much of the property has been designated for annexation by Highland City. The property to the south is zoned R-1-40 and has been developed as single family homes within a Planned Unit Development. The proposed lot sizes and density are not consistent with the existing development to the north and south and the Dry Creek Estates development to the east.

Infrastructure Impact

- Staff has completed two analyses regarding the impact on infrastructure using the R-1-20 District. The following is a summary of the analysis:

    - Staff estimates that there would be an additional 1,112 lots in the City if the vacant land was developed as R-1-20 rather than R-1-40.
    - Storm drain as handled by each developer wouldn't be a problem. However, the increase to impervious areas would be more Sumps/Detention facilities for the City to maintain.
    - Limited impact on the culinary water system, the system is robust with looping to take more development.
    - There would be limited impact on the pressurized irrigation as the demand would likely decrease with less irrigated acreage overall.
    - Additional upgrades to the sewer lines and capacity may be required sooner in the northwest portion of the City than originally planned. In other areas of the City there likely wouldn't be a large impact as development is spread out

into different basins that ultimately fall to the TSSD Trunk Lines.

Waivers

- The applicant for this annexation is asking to have waived the maximum length of a street and a cul-de-sac is 600 feet. Exceeding this length creates a number of issues:

    - Circulation – Residents, school buses, emergency vehicles, moving vans, utility trucks, etc. do not have access to properties located at the end of the street/cul-de-sac. Moving vans, street repair and maintenance, utility repair and maintenance, emergencies can all limit access to properties. In addition, long straight streets have proven to increase traffic speeds that become unacceptable for residential streets. A through road is the most efficient to provide utilities for current and future development.
    - Utilities – dead end culinary water lines are subject to contamination potential because the water does not continually flow.
    - Storm water – when the street slopes toward the bulb, even with good engineering, long term maintenance of storm water systems to assure the continued drainage is questionable. Leaves, rocks, and debris may get into the system and cause backups during heavy downpours. These backups are not directed to the street and may cause damage to homes and property.
    - Emergency services – Access to lots and homes can be easily delayed when the road is obstructed nearer the intersection.
    - Neighborhood connections – are difficult and walking distances are increased by long cul-de-sacs. This can affect school stops.

- One of the arguments that the applicants has made for justification of the waivers is that these requirements were not placed on other properties in the surrounding area specifically the Oakview Subdivision to the south. While true the decision to allow the Oakview Subdivision was made in 1985. Further, the Summerfield Court Subdivision was required to provide a stub street in 2006. In 2014, the developer of the Pace Manor requested the same waiver. The Planning Commission did not approve the waiver. Under today's requirements the Oakview Subdivision would not meet the requirements.

- The subdivision could be designed to meet the requirements of the Development Code and Design Criteria for Public Improvements. It would not be as beneficial to the applicant but would be in the Cities best interest in the long term.

Conclusion

- Since 1977 Highland has been a large lot residential community based on a density

of one unit per 40,000 square feet. Using the R-1-20 District will result in a fundamental shift in policy and should be thoroughly discussed.

- The definition of "large lots" is unique to each community. There are communities where 8,000 square foot lots are considered large and there are communities where one acre lots are considered small.

- Over the last month staff has been working on a community survey. There were two questions related to this issue. Preliminary results are as follows:

    - Large lots were the second most popular reason for living in Highland (52%)
    - Only 7% supported changes to allow smaller lots

The survey did not define large lot. However, given the historic development of Highland reasonable conclusions can be made.

- Approval of the R-1-20 District will result in additional requests for R-1-20 throughout the City. Since approval of Highland Oaks we have had two formal applications and numerous informal inquiries.

- The property owner to the east has stated that if R-1-20 is approved on this location, he will also seek R-1-20.

- The R-1-20 District was not intended to be an "everyday district. It was only intended to apply to areas as outlined above.

- At the February 16, 2016 meeting the City Council directed staff to begin to prepare an R-1-30 District.

- The R-1-20 District provides for a minimum lot size of 20,000 square feet. However, R-1-20 District has been restricted to limited areas in the City. Further, the R-1-20 District was not intended to apply to new large developments or newly annexed areas. The decision to allow R-1-20 in this instance should be deliberated carefully as there may be unintended consequences in the future. Rezoning is a legislative process. The decision should be based on the following:

1) Is the R-1-20 District consistent with the goals and objectives of the General Plan?
2) Is the proposed zoning in the best short and long term interest of the City?
3) Is there an alternative district that should be considered?
4) Is the R-1-20 District the appropriate district or should the site have a different district?
5) What impact will there be on future development if R-1-20 is approved at this

location?

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on February 23, 2016 (Attachment 7). One resident spoke in favor and four residents spoke in opposition to the proposed project. The Commission voted 5-0 to recommend **DENIAL** of the proposed R-1-20 Zoning District for the following reasons:

- The amount of requested waivers from the Development Code
- Request was inconsistent with the General Plan
- Preference for R-1-40 at this location
- The potential precedent approving R-1-20 at this location

RECOMMENDATION:

Staff is supportive of the annexation since the property has been included in the Annexation Plan. However, staff believes that the decision regarding whether or not to allow R-1-20 needs to be thoroughly discussed. Staff opposes the waivers as the subdivision could be designed to meet all requirements.

The City Council should a public hearing debate the request, draft findings, and make a determination.

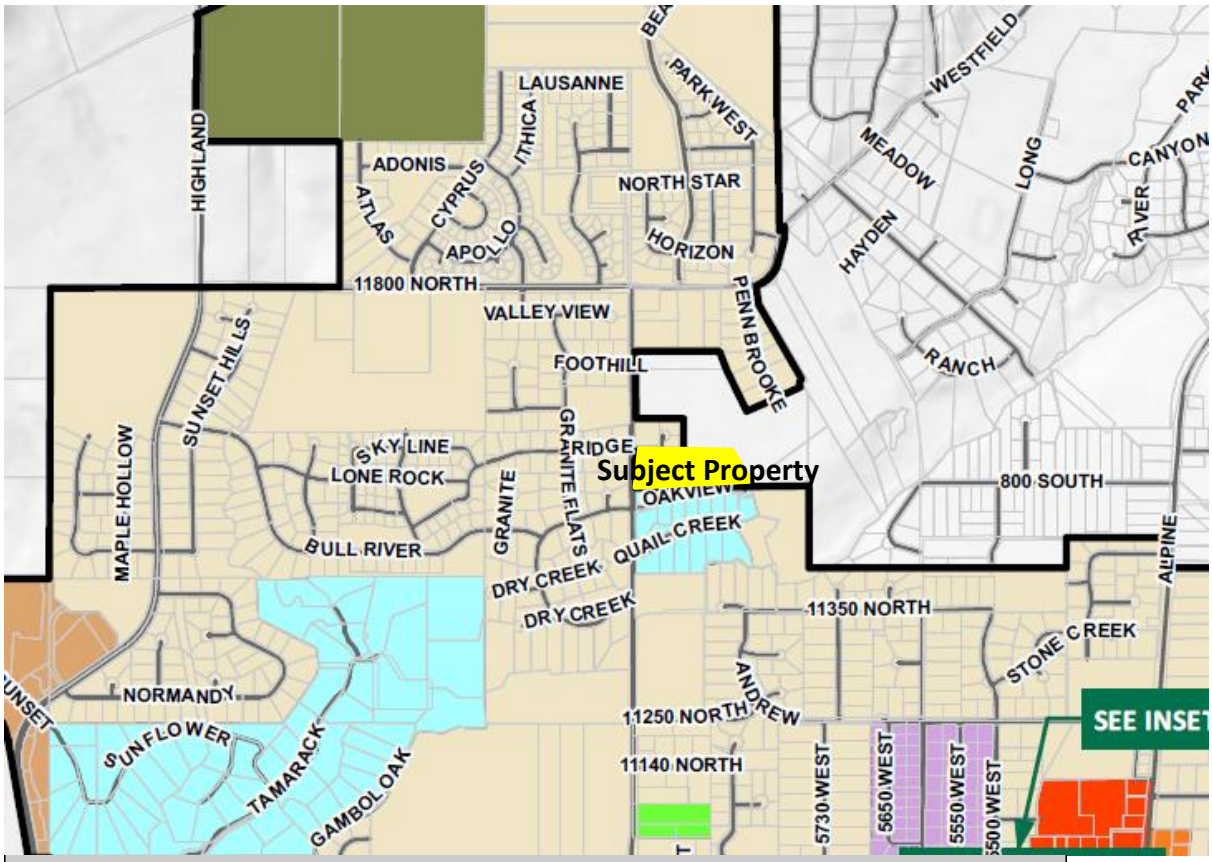
FISCAL IMPACT:

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

ATTACHMENTS:

1. Proposed Rezoning
2. Neighborhood Meeting Summary and Attendance List
3. Zoning Map
4. Applicant Narrative
5. Waiver Request Summary
6. Letter of Opposition from Kevin Birrell dated February 15, 2016
7. Excerpt of the Minutes of the February 23, 2016 Planning Commission Meeting
8. Draft Ordinance

PROPOSED REZONING – R-1-40 to R-1-20



LEGEND

Professional Office	Residential Professional
C-1	PD
CR	Public Utility
Town Center Overlay	R-1-20
R-1-20 (Non Conforming)	R-1-40
R-1-40 (Conditional Use)	Agriculture

15 February 2016

Community Development Department Staff
Highland City

Re: Gable Ridges Development Neighborhood Notification Meeting held 10 February 2016

Dear Staff:

In accordance with Neighborhood Notification Meeting / Public Participation Process requirements, the Neighborhood Notification Meeting was held for the Gable Ridges Development rezoning on 10 February 2016, in the Multi-Purpose Room at the Highland City Hall.

The following is a report summarizing the issues addressed during the meeting. Additionally, attached hereto is a copy of the list of attendees.

Issues:

1. Will the City allow the cul-de-sac to be extended to 760'?
2. The two Oakview residents in attendance preferred to see the property be zoned R-1-40 in order to keep their property value as high as possible. However, they agreed that Oakview continues to disallow the back half of the Gable Ridge property to be accessed through their private road to make this a viable option for the project.
3. Kevin Birrell, neighboring property owner, wants a road connection through Gable Ridges to the east for his property. Tom explained that he had already given a significant piece of property to Birrell in their boundary line adjustments. Birrell stated that he had given up property to other neighboring land owners as well, though not to Tom.
4. Questioned whether the owners had considered creating only eight lots instead of 12. Owners explained that economically that simply didn't make economic sense. They would lose money at that reduced amount. And, the market doesn't bear charging more for the larger lots to make up the difference.
5. Ed Gifford explained that many previous development concepts had been looked at but weren't viable because of the topography, inability to access the back property through Oakview, etc.
6. Ed also explained the water runoff issues and the need to create detention storage on Lot 1.
7. Discussion centered primarily on whether the owner could charge more for larger lots instead of less for smaller lots. Ed and the owners pointed out that because the lots are not very deep, the make larger lots the frontage would be very excessive, decreasing their perceived value. Even at 20,000 sq foot lots, the lots have more road frontage than the Oakview lots. And, the neighboring lot to the north and

those to the west, are closer in size to the proposed Gable Ridge R-1-20 lots than R-1-40 lots.

8. All in attendance expressed their appreciation for the letter that was sent out and the openness of the owners to include them in this process.

Submitted this 15th day of February 2016.

Sincerely,

Ross S. Wolfley

Name	Address	Email Address
Ross Wolfley	10908 N. Venice Dr.	Ross.wolfley@gmail.com
David Whitlock	5867 Oak View Dr.	drwhitlock2@gmail.com
Neal Westwood	5867 " "	nwestwood@integrity.com
Kevin Birrell	11706 N 6000 W Highland	kabirrell@gmail.com
Dana Burrows	11530 N 5960 W	~~Highland~~ ddbLaw2@gmail.com
Gayle Holdman	10548 N. 5900 W.	gaylemail@holdman.com
Tom Holdman	10548 N. 5900 W.	tomholdman@gmail.com
Ed Giffard	6163 W 9600 N	Kedgiffard@yahoo.com
Leena Harral	5957 W Quail Creek	lmhfrog@yahoo.com
Adam Harral	5957 Quail Creek Ln.	alhwizard@gmail.com

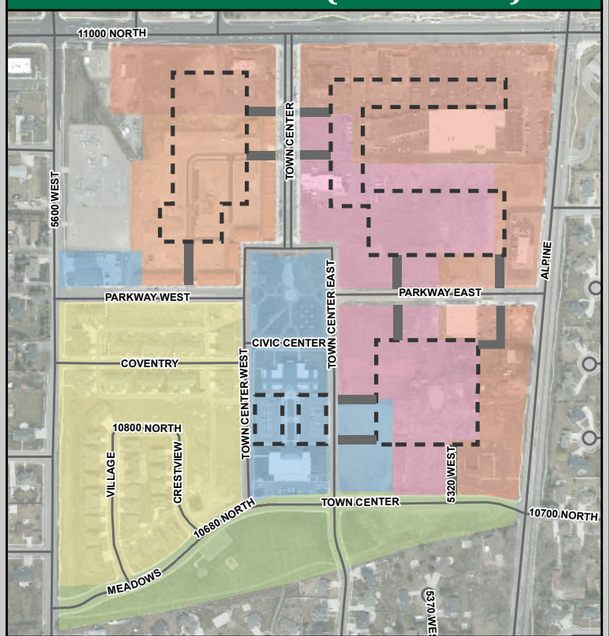
CITY OF HIGHLAND

Zoning

LEGEND

- Professional Office
- C-1
- CR
- Town Center Overlay
- R-1-20 (Non Conforming)
- R-1-40 (Conditional Use)
- Residential Professional
- PD
- Public Utility
- R-1-20
- R-1-40
- Agriculture

TOWN CENTER (INSET MAP)



- Flex-Use
- Commercial Retail
- Residential
- Parking Lot
- Mixed Use Residential
- Civic
- Open Space
- Parking Access

N

0 2,500 5,000

FEET

HIGHLAND CITY

SEE INSET MAP

GATEWAY MAPPING INC. a J-U-B Company

JUB J-U-B ENGINEERS, INC.

Date: 10/3/2013

Gable Ridge Annexation Project & Conceptual PD Narrative

for

Highland City Council

January 21, 2016

Table of Contents

- **A. Introduction, Location, Property Size and Physical Features**
- **B. Zoning Request and Type of Development Proposed**
- **C. Justifications for Zoning Request**
- **D. Requested Adjustments to R-1-20 Zone & Justifications**
- **E. Impact on City Services and Connection to Existing Services**
- **F. CC&R's of Development and Other**

A. Introduction, Location, Property Size and Physical Features

Tom and Gayle Holdman, current residents of Highland, have purchased approximately 7.25 acres of property in the northwest part of the Highland City Annexation Declaration Area, but which has yet to be annexed into Highland City. The property, previously owned by Paul and Carol Gourdin and Kim Heaton (Burkton Real Estate), is currently known as Utah County Tax Parcel Numbers 11:026:0026, 11:026:0012, 11:026:0019 and 11:026:0018. The property is currently vested in Vitrail LLC, an entity owned by Tom and Gayle Holdman.

The Holdmans initially acquired the Gourdin property with the intention of building their own family home on a portion of the property. After several months of attempting to negotiate a feasible development plan with Highland City representatives and adjoining property owners, the Holdmans acquired the Heaton property to facilitate a more conventional, efficient and timely development of the property.

The property is located east of 6000 West Street and at a street address of approximately 11540 North. The south boundary of the property borders Oakview subdivision, a planned unit subdivision, approved by Highland City in 1980. The subdivision was later amended in 1984. The west boundary borders 6000 West Street. The westerly portion of the north boundary is bordered by Summerfield Court Subdivision, approved by Highland City in 2005. The easterly portion of the north boundary and the east boundary of the property are bordered by private property owned by Dry Creek Farms, LLC, and which is also currently located within Utah County; a portion of which is located within the Highland City Annexation Declaration Area and a portion of which is located within the Alpine City Annexation Declaration Area.

The property is approximately 330 feet in the north/south direction and an average of 970 feet in the east/west direction. It has an average elevation difference from north to south varying from 14 feet in some locations to 6 feet in other locations. In the east/west direction the property is

basically level except there are two (2) prominent swales about 6 to 8 deep which will create some development challenges. The property has been mainly used for two (2) residences, horse pasture and horse riding facilities. The two (2) existing residences have been connected to existing Highland City culinary water and pressure irrigation.

B. Zoning Request and Type of Development Proposed

The Holdmans have had numerous communications with Highland City staff and elected officials, and representatives of the Oakview homeowners association in exploring options of development prior to this petition for annexation. After much analysis, the Holdmans have selected the attached 12-single-family lot residential development plan (Concept Plan) to be located in an R-1-20 zone. Additionally, the development will require a couple of adjustments to the R-1-20 zone, which adjustments will be outlined below.

C. Justifications for Zoning Request

Dry Creek Farms, LLC, which has property located in both the Highland and the Alpine Annexation Declaration Areas, has indicated their intentions to annex the entirety of their property into Alpine City. This would create an opportunity for annexation of the Holdman property into Alpine City. However, the property seems to be better suited for annexation into Highland City.

The Holdman property has been negatively impacted by the actions of Highland City, including the following:

a) The approval by Highland City of Oakview Planned Unit Development which allowed a private street along a major portion of the southern boundary of the Holdman property. The balance of the property bordering the Holdman property is designated as common area by the Oakview Home Owner's Association, preventing it from being reasonably incorporated into any future development of the Holdman property.

b) The approval by Highland City of Summerfield Court Subdivision with only a partial road (11580 North) along only a portion of the northern boundary of the Holdman property, and at an elevation of approximately 4 to 5 feet higher than the adjoining Holdman property.

c) The current layout of 11580 North Street does not accomplish a reasonable development of the Holdman property, even in an R-1-40 zone. Any stub-road off of 11580 North could not reasonably run across the northern boundary of the Holdman property as such an alignment would not meet engineering requirements and would certainly create neighborhood resistance. Such a road could not reasonably run across the southern boundary because you would have a public road adjoining a private road. City representatives have indicated that the road was intended to come off 11580 North to the south, then turn east through the middle of the Holdman property. Such a layout would result in lots with just under 300 feet

of frontage and only 135 feet of depth. These lots would not be desirable for property owners or for the City.

Additionally, the Holdmans have spent a considerable amount of time and energy attempting to reach an agreement with the Oakview Home Owners Association which would accommodate the development of an R-1-40 Subdivision by allowing a portion of the Holdman property to access Oakview Drive, currently a private street owned by the Oakview Subdivision lot owners. Unfortunately, no agreement was reached with the Homeowner Association, notwithstanding several meetings and votes.

City representatives also encouraged the Holdmans, to include the Kim Heaton property in their development so that the Heaton property would not be further impacted by the development of the Gourdin property. The Holdmans made several attempts to come to an agreement with Mr. Heaton for the joint development of their properties. But again, no successful agreement was ever reached. When the Heaton property came on the market for sale, the Holdmans acquired it so as to facilitate a more effective development of all the remaining property orphaned by the approvals of Oakview and Summerfield Court Subdivisions.

In reviewing the attached Concept Plan, please note that the lots will have frontages equal to or greater than those required in the R-1-40 zone. The lots at the end of the cul-de-sac will be much larger and may come close to complying with the requirements of the R-1-40 zone. With the same setbacks as the R-1-40 zone, this development will look like most other R-1-40 subdivisions in the City, with the sole exception of the deeper back yards. As experience has taught us, many of these deep lots either end up as weed patches and nuisance areas, or with house animals that can create an entirely separate concern for neighboring properties.

Exhibit A, attached hereto, consists of two drawings with Sheet 1 being a conceptual 12-Lot Development Plan and Sheet 2 being a conceptual Street, Sewer and Storm Plan.

D. Requested Adjustments to R-1-20 Zone & Justifications

Design variances with Highland City Design Criteria for Public Streets Improvements 2015 are being requested with this Annexation. Section 2.05 Street Design, Sub-Section D restricts cul-de-sac length to 600 feet and discourages downhill cul-de-sac streets. We are requesting a cul-de-sac length of approximately 760 feet and a downhill cul-de-sac design. Exhibit B, attached hereto, is the storm drainage calculations used to justify the downhill cul-de-sac design.

You will note that Lot 1 will be a triple fronted lot. To mitigate the triple frontage, a wall will be constructed at the property line along the entire length of 11580 North Street. Further, the homes on Lots 1 and 12 will not be allowed direct access to 6000 West, but will access 11540 North Street. Accordingly, the Holdmans request that no further improvements of 11580 North Street be required.

Further, the Holdmans request that no requirements be placed upon their property to accommodate an access or sewer easement benefiting the adjoining Dry Creek Farms property for the following reasons:

a) The Dry Creek Farms/Birrell properties currently has approximately 1000 feet of frontage along 6000 West Street and has access to the end of Penn Brooke Lane that allow for adequate development traffic circulation. Attached is Exhibit C which shows a possible street circulation concept. Noted on the drawing are Points A and B. If a street was stubbed from Holdman property to Point A or B, it does not solve street circulation issues with Dry Creek Farms/Birrell for residential development (boundary outlined in red). The acreage of the Dry Creek Farms/Birrell properties total approximately 27.6 acres. Further, this property may be an Open Space development (25 acres being the minimum) wherein a street access from Holdman would not be desirable based on the community area to be created. There is also an additional stubbed road to the east of the Dry Creek property that may allow future access.

b) Additional street drainage onto a downhill street design with additional street connection is not desirable. The downhill cul-de-sac design is needed to overcome existing topography challenges as can be seen on Sheet 2 of 2 of the attached Concept Development Plan. Because of the depth of the existing sewer and storm drain in 6000 West Street, the project proposes to take advantage of the 6000 West Street slope with the utilities and run parallel lines along the east side of 6000 West Street to the future 10540 North Street. Doing this allows the utilities for sewer and storm drain to be about 3 feet deeper. The downhill cul-de-sac at the intersection with 6000 West Street will be designed to prevent any street storm water flows from 6000 West Street going onto the cul-de-sac street. Not allowing a downhill cul-de-sac will cause finish street grade to be approximately 4 to 8 feet above existing ground elevations.

c) The Dry Creek Farms/Birrell property would be better served by the existing public sewer lines located in Oakview Drive (11500 North) and Quail Creek Drive (11430 North).

d) No such requirements were put on the adjoining properties developed in Highland City that benefited the Holdman property.

e) Much of the Dry Creek Farms property is located within the Alpine City Annexation Declaration Area.

E. Impact on City Services and Connection to Existing Services

Traffic impact for 12 lots will have minimal impact. The typical single family lot for the location and style of living in Highland should not create over 20 trips per day. The standard for this type of development is 10 to 12 trips per day based on design manuals. With 20 trips per lot

and with 12 lots this would be 240 trips per day with approximately 15 percent in the peak hour (36 trips).

The culinary water use per person is about 100 gallons per day. The average typical household size is 4 persons per connection/lot for a culinary inside water use of 400 gallons per day. Water studies by the City show that the average inside water use per connection (lot) to be under 300 gallons per day. The city has the water distribution to service this property for fire protection and for domestic purposes.

The pressure irrigation is adequate to serve this property. The developer will need to provide water rights to the City per their development code.

The sewer from the development is about 90% of the inside use of culinary as described above. The existing sewer system is capable of providing sewer service to this property.

F. CC&R's of Development and Other

The Holdman property will be burdened by new covenants, conditions and restrictions, similar to those placed upon Stoneshire Subdivision which the Holdmans had prior involvement with, and will ensure that an economically viable and desirable project will be developed which will be a great asset to the community of Highland.

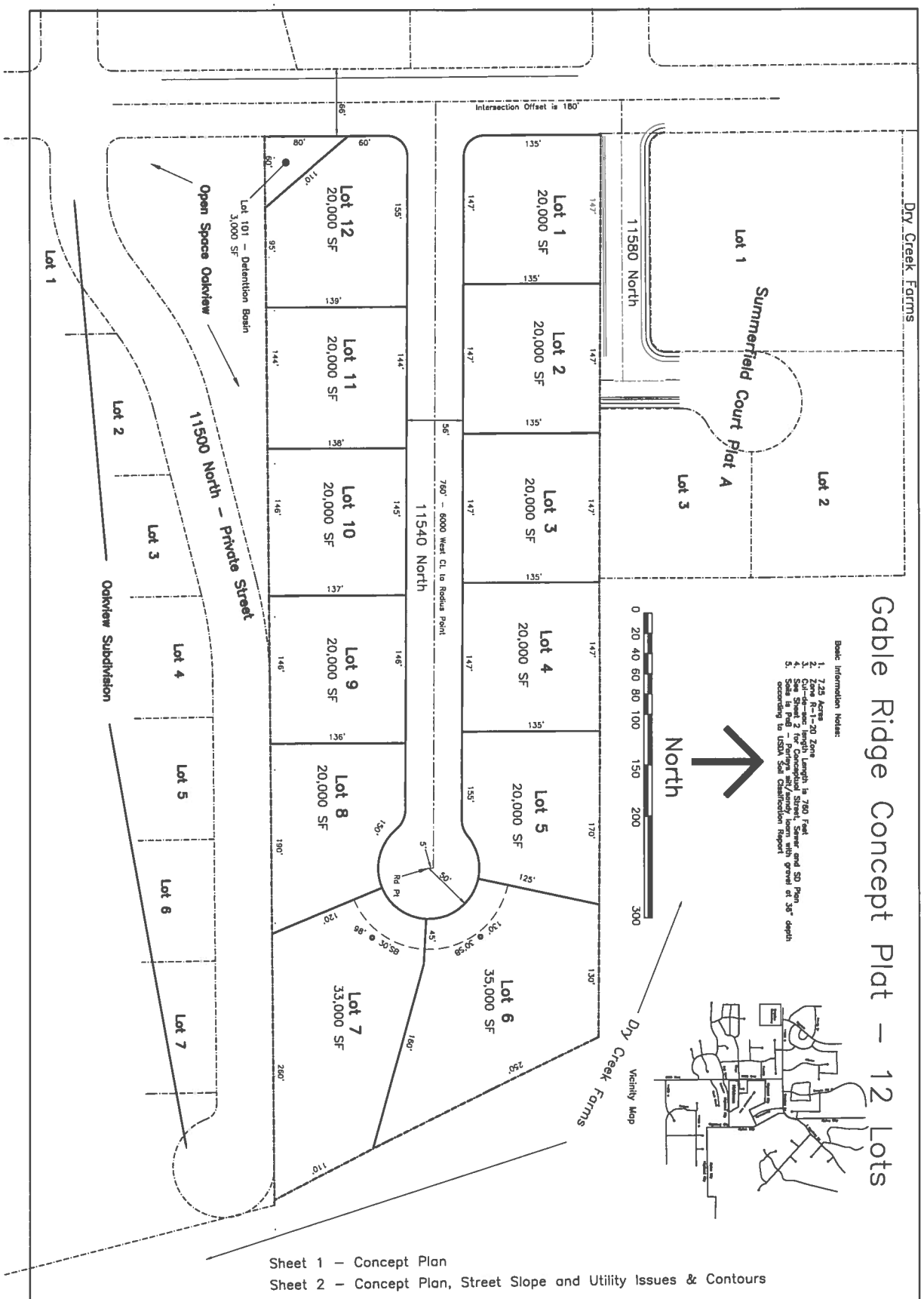
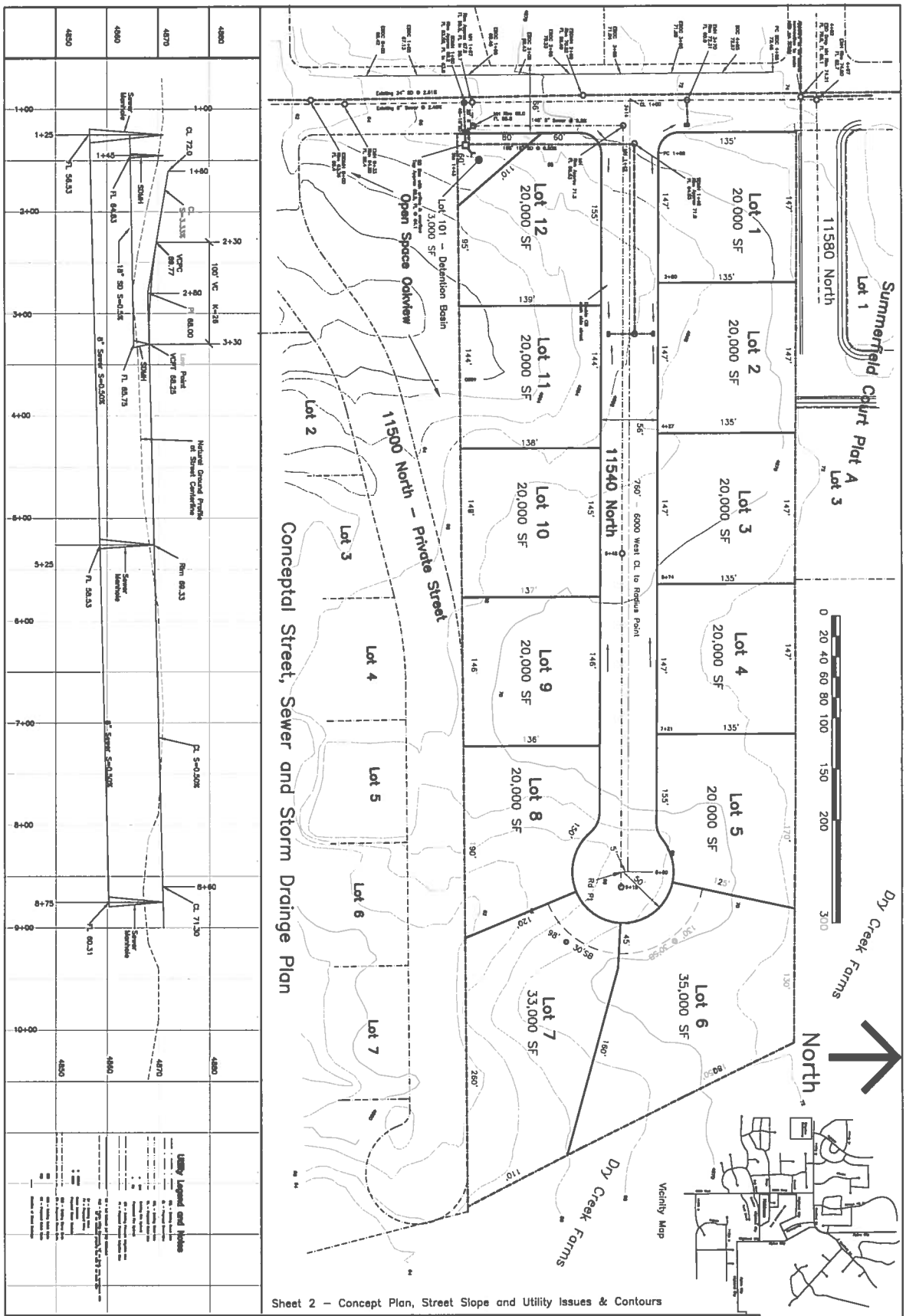


Exhibit A (1 of 2)



Concept Street, Sewer & Storm Drain Improvement Plan

Gable Ridge

Utah County Parcels 11:026: 0012, 0019, 0076

Utah County, (Highland) Utah

Surveyor:
k. Edward Gifford
6163 W 9600 N
Highland, UT 84003
801-592-4150

Owner:
Tom Holdman
10548 North 5900 West
Highland, UT 84003

Date: 12-1-2015
Scale 1"=40'
(24x36)

Sheet 2 Of 2

Exhibit A (2 of 2)

Exhibit C - Traffic Circulation Concept

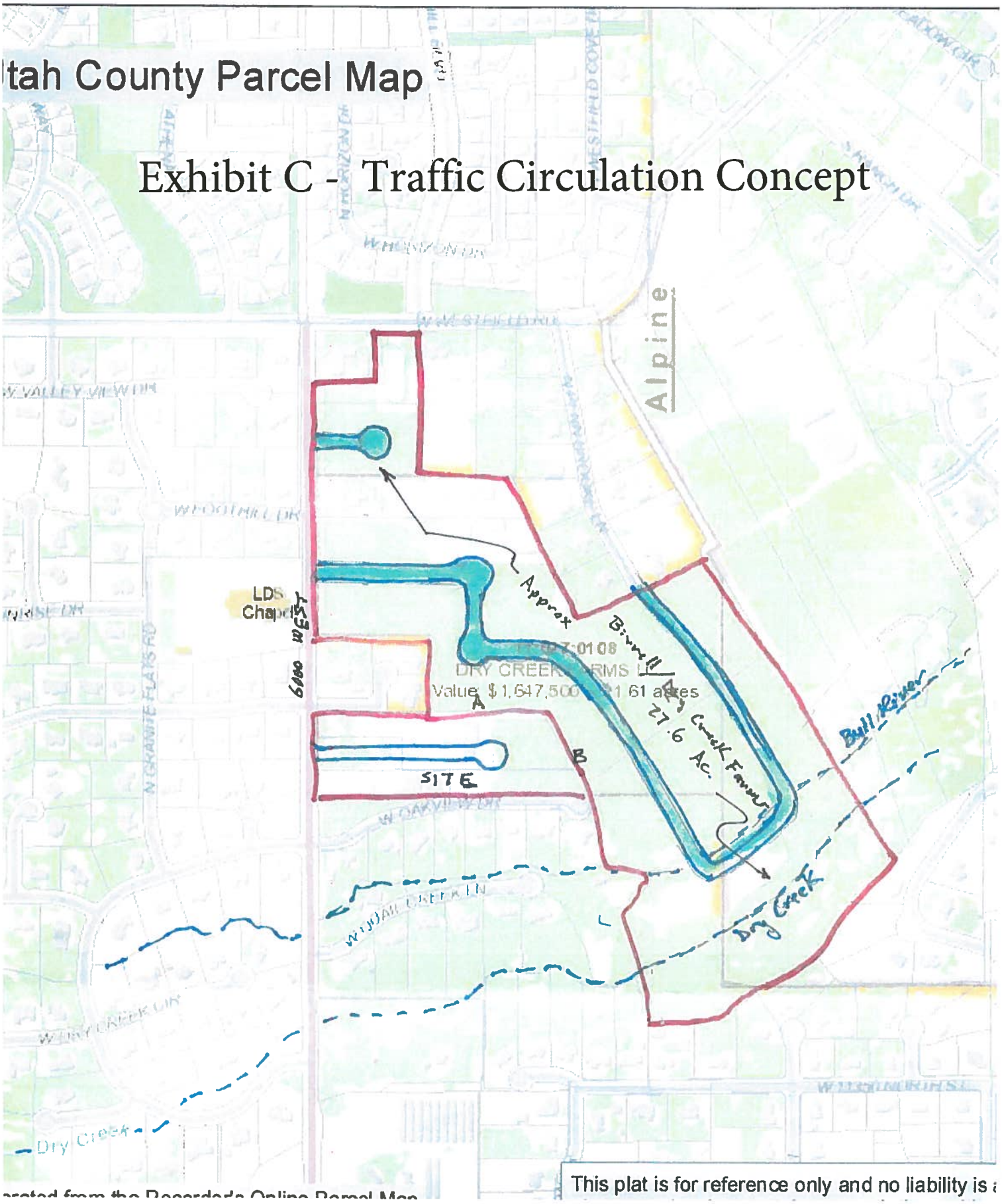


Exhibit C - Traffic Circulation Concept

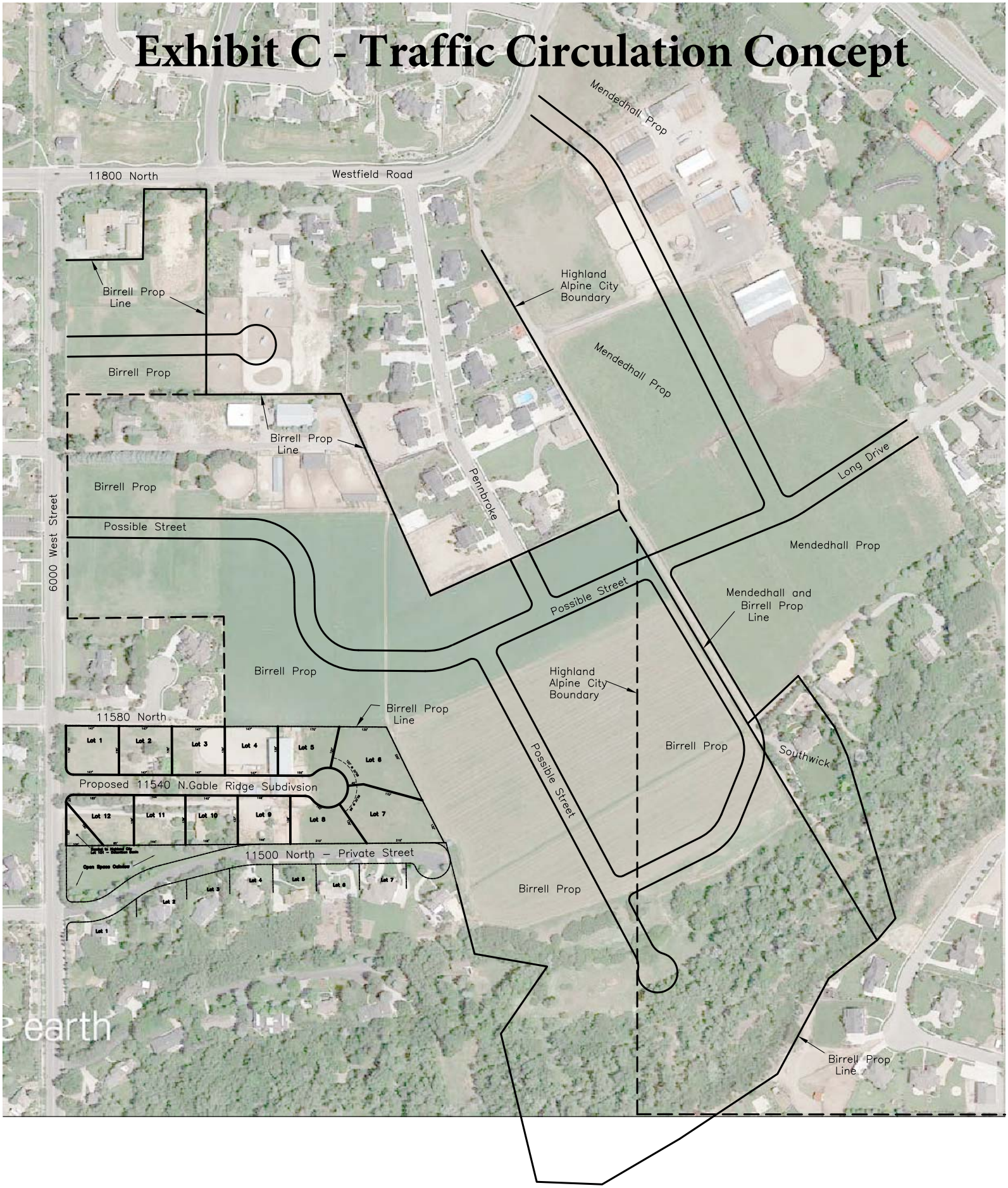


Exhibit C - Traffic Circulation Concept

with contours

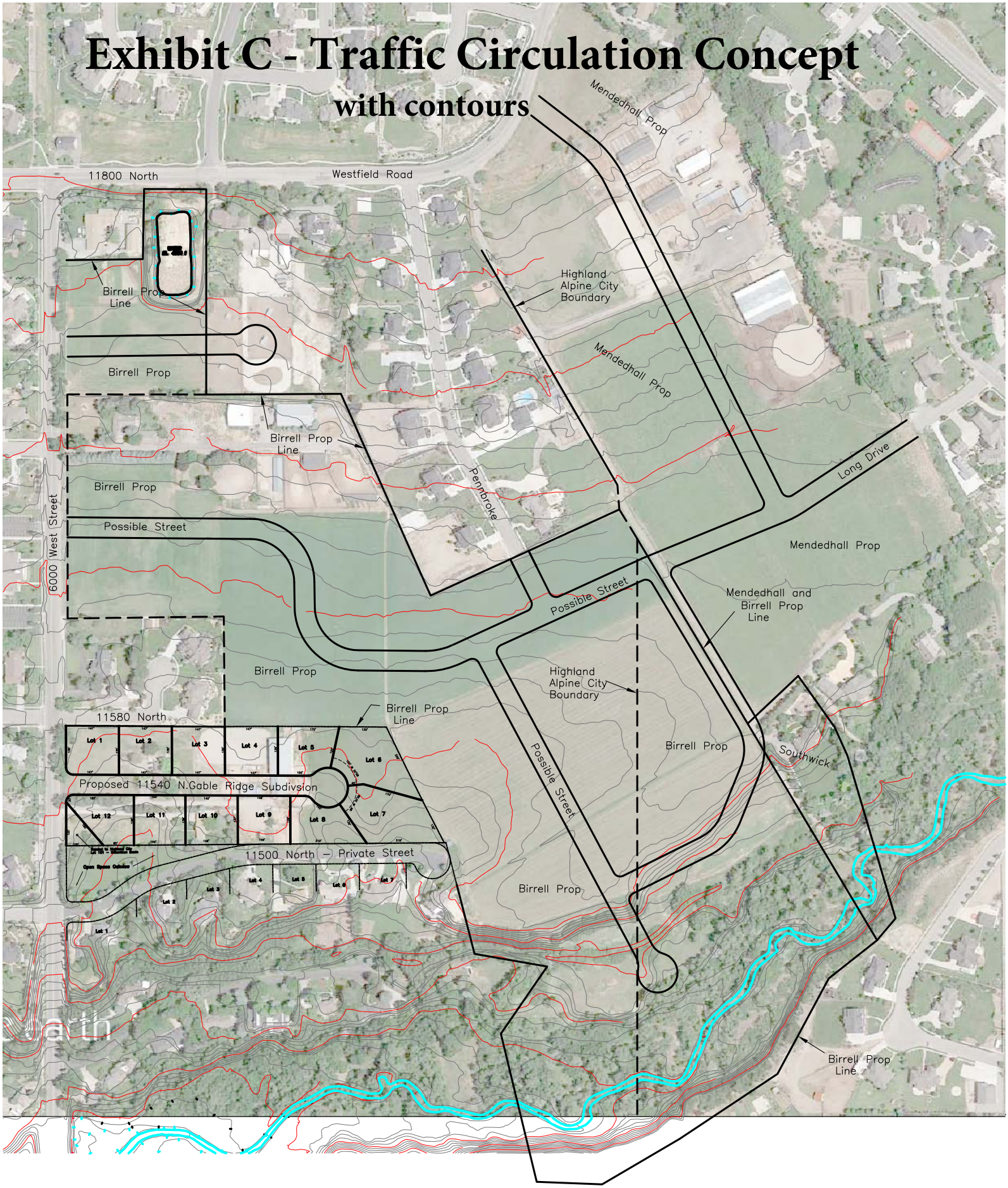
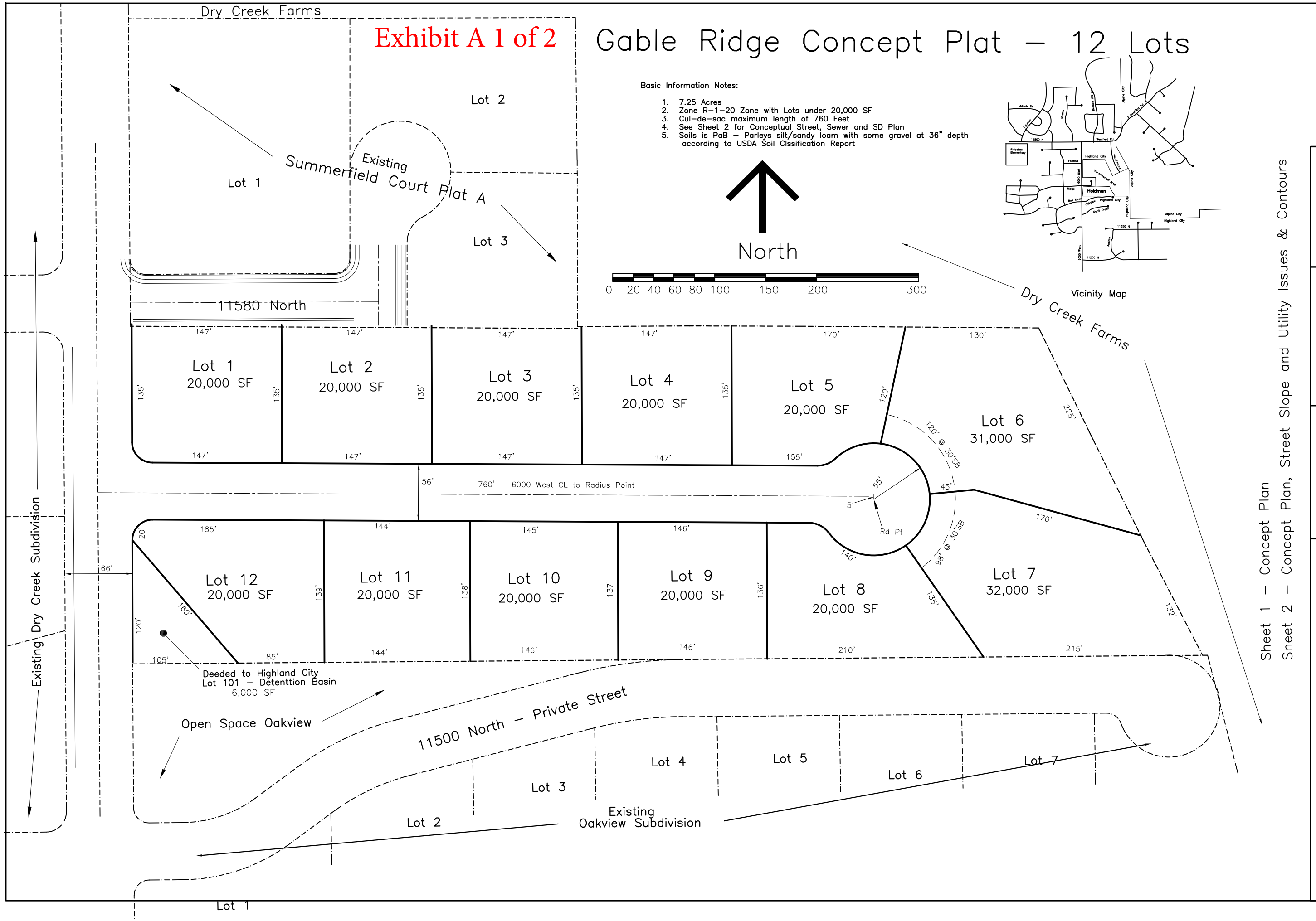


Exhibit A 1 of 2

Gable Ridge Concept Plat – 12 Lots

Basic Information Notes:

1. 7.25 Acres
2. Zone R–1–20 Zone with Lots under 20,000 SF
3. Cul–de–sac maximum length of 760 Feet
4. See Sheet 2 for Conceptual Street, Sewer and SD Plan
5. Soils is PaB – Parleys silt/sandy loam with some gravel at 36" depth according to USDA Soil Classification Report



Sheet 1 – Concept Plan
Sheet 2 – Concept Plan, Street Slope and Utility Issues & Contours

Sheet 1 Of 2

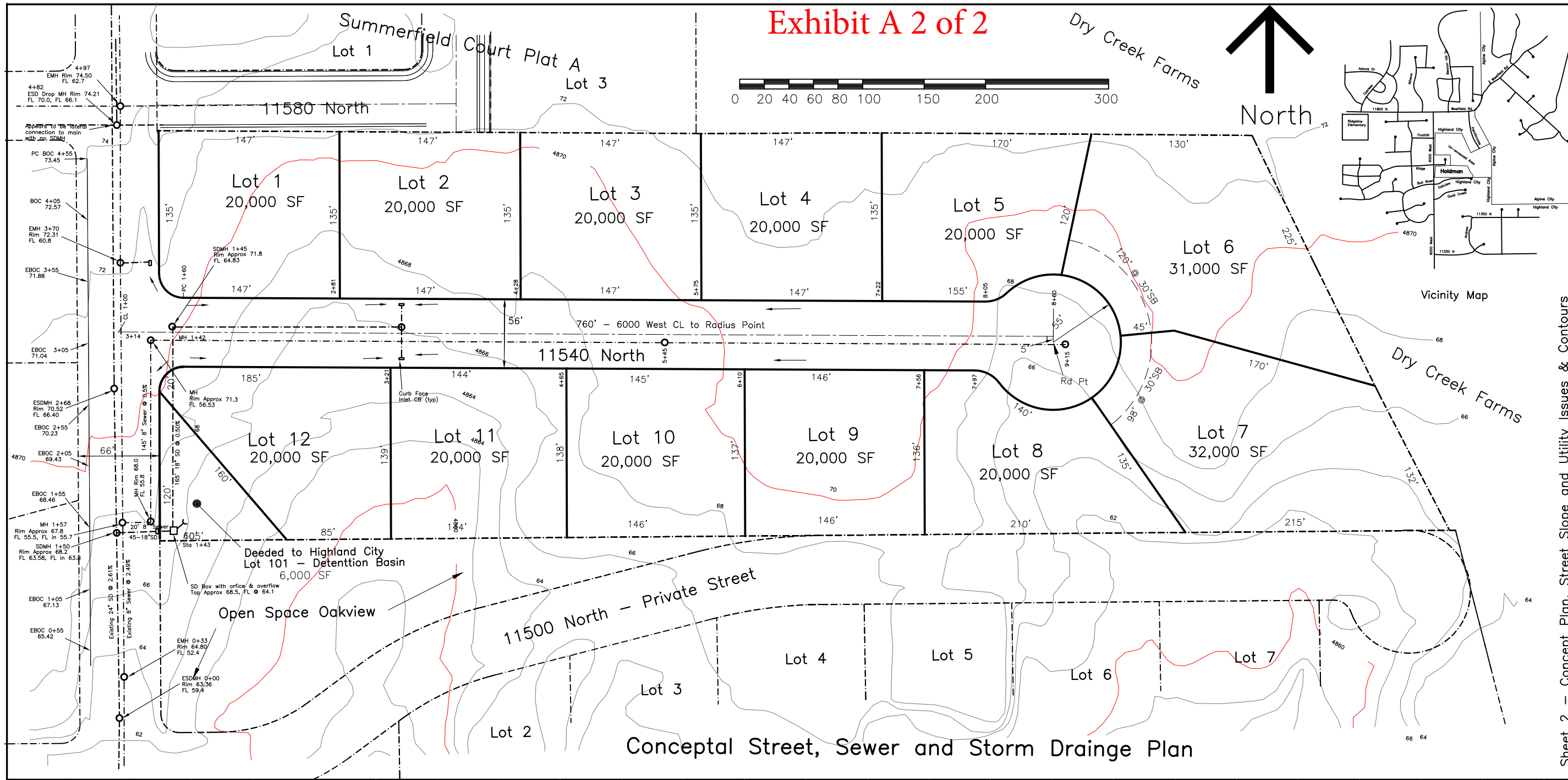
Date: 2–10–2016
Scale 1"=40'
(24x36)

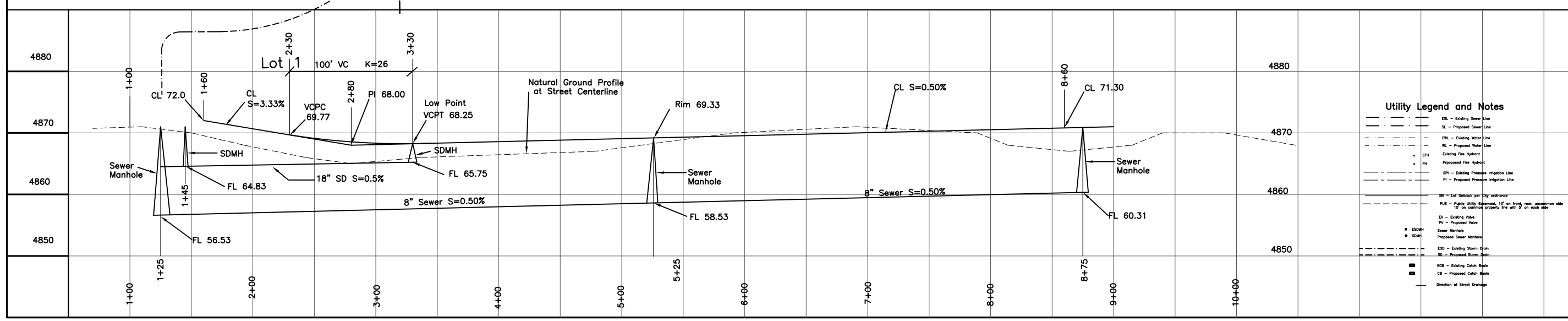
Owner:
Tom Holdman
10548 North 5900 West
Highland, UT 84003

Surveyor:
k. Edward Gifford
6163 W 9600 N
Highland, UT 84003
801–592–4150

Concept Development Plan
Gable Ridge
Utah County Parcels 11:026: 0012, 0019, 0076
Utah County, (Highland) Utah

Exhibit A 2 of 2





Sheet 2 Of 2

Date: 2–10–2016
Scale 1"=40' (24x36)

Owner:
Tom Holdman
10548 North 5900 West
Highland, UT 84003

Surveyor:
K. Edward Gifford
6163 W 9600 N
Highland, UT 84003
801–592–4150

Sheet 2 – Concept Plan, Street Slope and Utility Issues & Contours

Concept Street, Sewer & Storm Drain Improvement Plan

Gable Ridge

Utah County Parcels 11:026: 0012, 0019, 0076

Utah County, (Highland) Utah

WAIVER SUMMARY

Applicable Section	Requirement	Request
Development Code Section 5.8-105.4.b	Proposed streets, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.	Not require a stub street and not require two points of independent access for streets longer than 600'.
Development Code Section 5.8-105.4.c	Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With Planning Commission approval, any dead-end street longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed 600 feet in length. Any street exceeding 600 feet shall have at least two points of independent access.	Allow a 760' cul-de-sac and not require two points of independent access for streets longer than 600'.
Development Code Section 5.8-105.4.e	Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be prohibited according to the Planning Commission's judgment.	Allow a 760' long straight street.
Development Code Section 5.8-105.4.g	Cul-de-sacs shall not exceed 600 feet in length and shall have a minimum terminal radius of 50 feet. Driveways, mailboxes, fire hydrants, or any other obstruction to the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow.	Allow a 760' cul-de-sac.
Design Criteria for Public Improvements Section 2.05 Street Design	The cul-de-sac shall be limited to a maximum length of six hundred feet (600') as measured form the intersection centerline to the center of the cul-de-sac. Cul-de-sacs shall have a minimum radius of fifty feet (50'). Cul-de-sac returns shall have a twenty-four foot (24') radius at TBC. Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be demonstrated that surface drainage will be controlled in a manner acceptable by the City Engineer and approved by City Council.	Allow a 760' cul-de-sac and a downhill cul-de-sac.
Development Code Section 5-9-101.1	Standards for design, construction specifications, inspection of street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of storm drainage and flood control facilities shall be prepared by the City Engineer. Standards for	Waivers from the Design Standards.

	water distribution and sewage disposal facilities shall be prepared by the Water Company and City Sewer Division and similar standards for fire hydrants by the Fire Department. All such standards and amendments thereto, which are under the control of the City, shall be submitted to the Zoning Administrator and adopted by the City Council before becoming effective. All subdividers shall comply with the standards established by such departments and agencies.	
Development Code Section 5-9-102.1	The subdivider shall improve, or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not be commenced until improvement plans and profiles have been approved by the City Engineer and, if applicable, a bond agreement has been executed between the subdivider and the City.	The applicant is requesting to not have to install the park strip and sidewalk on the south portion of 11580 North.
Standard Engineering Practice – See requirements for maximum lengths of streets, etc.	Water line looping.	A 760’ dead end water line.

Kevin A. Birrell
(Dry Creek Farms & Birrell Farms)
4193 N Red Maple Court
Lehi, UT 84043

(801) 362-6465 Cellular

February 15, 2016

Nathan Crane
Community Development Director
Highland City Hall
5400 W Civic Ctr. Dr.
Highland, UT 84003

Via: In Person delivery

To Whom it may concern:

I own and operate Birrell and Dry Creek Farms, LLC's that are the adjoining property's of the entire East Boundary and a major section of the North Boundary of the property located at 11540 N 6000 W, Highland, Utah that is requesting rezoning and will request Plat approval. It is my understanding that the subject property is requesting a change to R-1-20 from R-1-40. I am surprised that I was not notified of the zoning request change by official letter from Highland City.

I feel that several items must be taken into consideration.

1. The proposed development's street needs to dead end at my property similar to the dead end access from Pennbrooke Ave. Long Drive currently has a dead end at the Mendenhall Bros Realty property for future development. This would allow future development and a connection to Long Drive and Pennbrooke Ave from 6000 W once my property develops. This is the best alternative for those connections since Oak View Drive is a PUD with no access to the east, and Ridge Road (11580 N) dead street ending at the Burrows and Swalberg homes to the North. A statement similar to the one below exists on the Katelyn's Cove and Waterford Estates subdivision approvals.

    - "That the Developer shall be responsible to install of the improvements with this development to the east property line so these improvements may be connected if and when development to the east occurs".

2. All of the other homes in the area were built using R-1-40.

3. Dry Creek Farms and Birrell Farms would want similar (R-1-20) or better zoning in the future if we choose to annex the balance of the property into Highland City. A portion of Dry Creek Farms is already in Highland City as well as Alpine City limits, with the majority in Utah County.

4. The plat needs to be stamped similarly to Waterford Estates and Katelyn Cove. **"Property Owners adjacent to this subdivision have existing large animal rights which may include horses, cows, and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property"**

   In addition, the following should be inserted into the protected rights **"Irrigation water is distributed by wheel lines (airborne), and could be distributed using a pivot system (airborne) in the future and with the prevailing winds to the South & Southeast, significant drifting will occur. All Farming and haying operations can occur all hours throughout the day and night."**

I appreciate your consideration.

,
Regards,

Kevin

Kevin A. Birrell
Dry Creek Farms, LLC
Birrell Farms, LLC
11706 N 6000 W
Highland, Utah 84003

ATTACHMENT 7

EXCERPT OF THE DRAFT MINUTES OF THE FEBRUARY 23, 2016 PLANNING COMMISSION MEETING

PRESENT:	**Commission Chair: Christopher Kemp** **Commissioner: Brady Brammer** **Commissioner: Ron Campbell** **Commissioner: Abe Day** **Commissioner: Kurt Ostler**
EXCUSED:	**Commissioner: Sherry Carruth** **Commissioner: Steve Rock**

Z-14-01 *Holdman Annexation - Ross Wolfley is requesting the rezoning of 7.25 acres from an R1-40 to R1-20 upon annexation. Property is located at approximately 11550 North 6000 West.*

Chair Kemp opened the public hearing by consent at 7:09 PM.

Mr. Crane reviewed the differences between the R-1-20 and R-1-40 districts and how lot sizes were calculated in each district. He talked about locations of each district within the city and the history of R-1-20 zoning. He said when the general plan was updated in 2008 there was strong support for low density residential. He talked about the goals and policies of the General Plan. Mr. Crane explained that the R-1-20 Zone was not used very much for new or large developments throughout the city. He mentioned that in a 2016 community survey large lots were the second most popular reason for living in Highland. He said only 7% of residents who took the survey supported changes to support smaller lots. He talked about the fiscal impact and infrastructure impact of R-1-20 and said that the city would most likely accelerate the need for capital improvements if R-1-20 became a regularly used district. Mr. Crane explained that Highland was developed as a large lot community since 1977 and that R-1-20 was not intended to be used as an everyday district. He asked the Commissioners to consider the following questions: Is the R-1-20 District consistent with the goals and objectives of the General Plan? Is the proposed zoning in the best short- and long-term interest of the city? Is there an alternative district that should be considered? Is the R-1-20 district the appropriate district for the site? What impact will there be on future development if R-1-20 is approved at this location?

Mr. Crane reviewed the details of the application and the request for several waivers from the development code and public improvements design criteria. He said there was a letter of opposition received by the city requesting a stub to the east. He explained that staff was in support of the annexation, but not the request for waivers.

Chair Kemp asked for public comment.

Property Owner Tom Holdman said he had owned the property for 2 1/2 years and had been trying to figure out the best way to handle it. He had been in Highland for 15 years and wanted to stay in Highland. He was looking for a lot that he could build a house on, but the property he found was 8 acres. He purchased the property with the intent to build his house at the end of the street. He asked his engineer to explained the details of the application.

Engineer Ed Gifford mentioned that the Zoning Map in the 2008 General Plan showed R-1-20 and R-1-40 as low density residential. He thought R-1-20 had a negative connotation and that there was not much difference between the districts. He showed R-1-20 districts in different areas and said the density was generally 1.3-1.5 lots per acre. He then showed R-1-40 districts and said the average density in the zone was 1.5-1.6 lots per acre. He explained that Mr. Holdman's property was challenging to develop, but they believed they had a quality development with R-1-20 zoning. Mr. Gifford thought the R-1-20 district was better for animal rights because it was more restrictive. He also thought 3 homes in the R-1-20 district would use less water than 2 homes in the R-1-40 district. Mr. Gifford addressed some of the engineering issues related to the requested waivers. He talked about storm water drainage, utilities, and elevation of the property. He thought they could design something that would mitigate flooding impact to the neighbors. He talked about the proposed street for the development and said a stubbed to the east would not correct the traffic circulation issues.

Additionally, Ross Wolfley discussed points the developer opposed in the staff report. He said it was implied that the General Plan supported an R-1-40 zone over an R-1-20. He thought that was not the case and referred to the Low Density Residential and High Density Residential definitions. He said both zones were defined as low density residential within the General Plan and the 1/2 - 1 acre lot residential category was the most prevalent in Highland City. He read Section 3-4201 of the Highland City Development Code about the reasons for using the R-1-20 zone. He said the R-1-20 Zone was clearly used within the city. He said any increase in density would have an impact on water and sewer lines. He disagreed with staff's conclusion that using the R-1-20 zone would be a fundamental shift in policy because there were other lots that ranged from 1/2 to 1 acre in size. He mentioned that he participated in the recent city survey and disagreed with staff's definition of "large lot". Referring to page 6-77 of the findings of the survey for the 2008 General Plan update, Mr. Wolfley said 80% preferred 1/2 acre lots. He said Map 2.3 indicated low density in the vicinity of Mr. Holdman's property and included the R-1-20 zone.

Commissioner Brammer wondered if the applicant was willing to post a bond for the storm drain issues. Mr. Holdman said he wanted to do whatever the city felt comfortable with for the development.

Commission Chair Kemp asked for public comment.

Resident Diana Pitcher represented Shauna Larson, Highland Arts Council President. She said Mr. Holdman was an owner and artist in the Holdman Studios at Thanksgiving Point. She thought Mr. Holdman would be an influence that would be wonderful for the community and that he would be of great value in bringing art to Highland. Ms. Pitcher said Ms. Larson was totally behind the development.

Kevin Birrel, adjacent property owner to the north and east of the proposed development, reviewed the history of development around him. He was against the request for the cul-de-sac. He said his annexation had yet to be determined and both cities had wanted it in the past. Mr. Birrell said he had 53 acres that needed to be considered and that drainage was a problem because part of the drainage flowed southwest to the Holdman property. He said Exhibit C - Traffic Circulation Concept showed a horribly inefficient design for his property. He talked about the inadequacy of the road. He mentioned that Mr. Holdman was already a Highland City resident. He said many of the developments referred to by Mr. Gifford had common areas and significant parks that factored into their overall density. He said if the R-1-20 was permitted he would also seek R-1-20 or higher for his property in the future. He thought Mr. Holdman should have done his research and due diligence before purchasing the property. Mr. Birrel said he did not have any input in their concept plan for the development and found the plans for himself and the Mendenhall's folly. He encouraged the city to do additional research and meet with both adjacent property owners. Based on past experience, he suggested that plats be stamped that there was an agricultural farm in the area.

Commissioner Ostler said he had problems with the proposed cul-de-sac and wondered if the Holdman's talked to Mr. Birrell about access. Mr. Birrell said he had not seen anything for over a year. He invited the Planning Commissioners to do a walk through of his property.

Resident David Whitlock said the neighborhood was concerned about property values if smaller lots were permitted. He was in favor of keeping the R-1-40 zone in order to maintain property values. He said most of the R-1-20 approvals were before the 2008 General Plan. He said they were very concerned that if approved, more R-1-20 would come to the east and the north.

Commissioner Ostler asked about the possibility of connecting to 11500 North. Mr. Whitlock explained that it was a smaller private road that was maintained by residents. He said additional traffic was a concern.

Commissioner Day wondered what the average size lot was in their subdivision. Mr. Whitlock estimated that the average lot was 3/4 acre with very deep lots.

Resident Neal Westwood agreed with Mr. Whitlock and said they were concerned with property values and additional R-1-20 coming to the area.

Resident Stephan Harlen voiced concern with traffic and where Mr. Birrell would gain future access for his property. He preferred the waiver with the cul-de-sac rather than a through street to 6000 West. He thought Mr. Holdman would be a great neighbor and talked in favor of Mr. Gifford's presentation.

Resident Steven Swalberg said he had no opposition to the proposed plan.

Chair Kemp asked for additional comments. None were given. The Planning Commission discussed the proposed plan.

Commissioner Day preferred to protect large lots in Highland. He voiced concern with future traffic. He was concerned about the precedent that might be set by approving R-1-20.

Commissioner Campbell did not see R-1-20 as a negative, but thought the intent of the R-1-20 zone was to be restrictive and have limited use. He voiced concern regarding the amount of requested waivers. He said he needed more time to review the General Plan and the application.

Commissioner Brammer voiced concern as set forth in Development Code 7-102(2)(c) relating to annexations. He talked about the annexation and said it was somewhat of a variance from the existing use surrounding the property and from the existing R-1-40 that the General Plan seemed to prefer. He said the request to rezone the property seemed inconsistent with the General Plan.

Commissioner Ostler thought the cul-de-sac was too deep. He thought there were fire and drainage issues. He thought the request was not consistent with the General Plan and was in favor of keeping the property R-1-40. He suggested working with property owners for access.

Chair Kemp said he generally agreed with the commissioners' comments. He closed the public hearing by consent at 8:25 PM and called for a motion.

MOTION: Commissioner Brammer move to disapprove the annexation as stated with the R-1-20 designation. Commissioner Ostler seconded the motion. All present were in favor. The motion carried with two absent.

ATTACHMENT 8

ORDINANCE NO. 2016-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 7.25 ACRES OF LAND GENERALLY LOCATED 11550 NORTH 6000 WEST AS SHOWN IN FILENAME (Z-15-01), ZONING SUCH PROPERTY TO R-1-20 RESIDENTIAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Highland City Council desires to amend the Official Zone Map of Highland City; and

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

WHEREAS, the Commission held public hearing on this Ordinance on February 23, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on April 5, 2016.

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

SECTION 1. That ± 7.25 acres of certain real property generally located at 11550 North 6000 West more particularly described and depicted on "Exhibit A", attached and incorporated herein by reference is hereby zoned R-1-20 Residential subject to the following conditions:

1. The maximum number of lots shall not exceed twelve.
2. The proposed subdivision shall meet all requirements of the Development Code, including but limited the length of street and two points of access.

These conditions shall run with the land, and shall apply until such time, if any, that the property is re-zoned either by failure to comply with the conditions or further zoning action by the City Council.

SECTION 2. This zone map amendment is predicated upon compliance with the conditions in Section 1. In the event any condition is violated or unfulfilled, this

Ordinance shall become null and void and the zone designation for all of the subject properties shall revert to the R-1-40 Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, April 5, 2016.

HIGHLAND CITY, UTAH

_____

Mark Thompson, Mayor

ATTEST:

_____

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	□	□
Ed Dennis	□	□
Tim Irwin	□	□
Dennis LeBaron	□	□
Rodd Mann	□	□

Exhibit A

Boundary Description

Commencing at a point located N 0°16'03" W along the 1/4 section line 2153.45' and East 33.014' from the South 1/4 Corner of Section 24, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence as follows:

N 0°16'02" W 333.307' along Highland City Boundary
S 89°42'31" E 434.777' along Highland City Boundary
N 89°42'31" E 109.709' along a fence line
S 89°50'46" E 107.671 feet along a fence line
S 89°34'30" E 234.691' along a fence line
S 25°57'23" E 118.052' along a fence line
S 26°24'56" E 118.348' along a fence line
S 24°44'34" E 119.895' along a fence line
S 89°32' W 1039.815' along Highland City Boundary to the POB
Area = 7.2483 Acres
Basis of bearing is N 0°16'03" W along the 1/4 section line

CITY COUNCIL AGENDA REPORT
ITEM # 9

DATE: April 5, 2016
TO: Honorable Mayor and Members of the City Council
FROM: Justin Parduhn, Public Works Director
SUBJECT: Motion: Provo River Aqueduct Construction Financing

STAFF RECOMMENDATION:

The City Council provides Staff with direction regarding the loan payout for the City's portion of the private loan due as part of the enclosure of the Murdock Canal.

BACKGROUND:

The majority of funding for the Provo River Aqueduct Enclosure was provided through a bond issued by the Board of Water Resources. A smaller portion of funding, required for construction, was obtained through a private loan taken out in October 2012. The term of this loan included a principal of $3,317,010, a 5-yr fixed rate loan with an APY of 4.8%, with a balloon payment of $1,896,441 due October of 2017. The original intent of was to refinance this loan and the end of the five year period.

Provo River Water Users Association (PRWUA) has begun discussion with shareholders to determine how to continue with the financing of the upcoming balloon payment. Two of the options under consideration are: 1) a total payoff and 2) refinancing of for another five years. Two other options were also reviewed but were determined to be financially unfeasible.

As of September 2015 the City owned 2,025 shares of the total 5,010 shares held by the Highland Conservation District. Highland Conservation District (District) is a shareholder within PRWUA. As the majority shareholder Highland has the right to vote with all shares to assist in the determination of how the District will proceed with financing their portion of the loan payment. The loan payment that the District is responsible for is $584,805 with the City's portion approximately 2/5ths or $234,000 which is due October 2017. Our current assessment for our portion of this loan is approximately $52,000 per year. This is paid from the Pressurized Irrigation Enterprise Fund.

To pay the loan off in October 2017 the city would owe $234,000 plus the $52,000

assessment for each year. If the loan is refinanced, the City would owe $52,000 each year however, if the loan is paid off in October 2017, the City would save $28,000 in interest over the life of the loan. Staff is recommending that the Council "sell" a portion of the "contained" water shares to meet this obligation. To meet this obligation it is estimated that 40 of the 202 "contained" water shares would need to be "sold".

FISCAL IMPACT:

Only the $52,000 assessment has been budgeted. The loan payoff due in October 2017 has not been budgeted. An additional $117,000 of new revenue in FY 16/17 and additional $65,000 of new revenue for FY 17/18 will be needed to meet this obligation. The new revenue would come from "selling" a portion of the "contained" water shares.

ATTACHMENTS:

1. PRMUA – Letter
2. PRWUA - Option 1 Handout (Shareholders payoff balloon payment)
3. PRWUA – Option 2 Handout (Shareholder payoff balloon payment through 5-year loan)

PROVO RIVER
WATER USERS
ASSOCIATION

BOARD OF DIRECTORS
MICHAEL L. WILSON, PRESIDENT
TOM GODFREY, VICE PRESIDENT
GENEVIEVE ATWOOD
MERRIL L. BINGHAM
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PATRICIA COMARELL
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DONALD Y. MILNE
JEFF NIERMEYER
SHANE E. PACE
CHRISTOPHER R. TSCHIRKI

G. KEITH DENOS, GENERAL MANAGER

March 9, 2016

Dear Provo River Aqueduct Shareholder,

The purpose of this letter is to inquire whether PRA shareholders are interested in paying in full their respective portions of the PRA construction balloon payment due October 1, 2017, or if they would prefer to refinance their portion. Please see below for a full explanation of the scenarios and available options.

History

As you know, the majority of the funds for construction of the Provo River Aqueduct (PRA) were obtained through bonds issued by the Board of Water Resources. A smaller portion of the funds required for the project were obtained through a private bank line of credit. Metropolitan Water District of Salt Lake & Sandy (MWDSLS) prepaid its portion of this private funding obligation, reducing the required private funding amount to approximately $1.4 million.

In the latter stages of the PRA construction, the Board of Water Resources notified the Association that a portion of the bond proceeds were required to be held in reserve rather than be used for construction. This necessitated an additional $1.8 million to be used from the line of credit to provide sufficient cash flow to cover construction costs. MWDSLS did not prepay its portion of this obligation and has been repaying it along with the other PRA shareholders the past three years.

In October 2012, the amount of the line of credit in use was $3,317,010.32. This amount was converted to a 5-year fixed rate loan with an APY of 4.87%, with a balloon payment of $1,896,441.22 at the end of year five. The initial plan was to refinance this balloon payment for an additional five years when it matured.

For your consideration

The balloon payment on this five-year loan will be due October 1, 2017. MWDSLS has expressed its desire to pay in full its portion of the balloon payment at loan maturation instead of refinancing.

Several payment scenarios have been formulated based on refinancing the remaining loan amount at different percentage rates.

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These options are provided for informational purposes so that shareholders can make an educated decision regarding which of the two options (pay off or refinance) they would like to pursue. A summary of these scenarios follows:

Option 1: Pay Off in Oct 2017	All shareholders **pay off** their portion of balloon payment on **October 1, 2017** (Scenario 1)
Option 2: Most or all shareholders refinance in Oct 2017	Some or most shareholders **refinance** their portion on **October 1, 2017** (Scenarios 2a, 2b, 2c)
Scenario 2a:	MWDSLS pays its portion of thwe balloon payment; all other shareholders' portions are refinanced for 5 years at 4.55%
Scenario 2b:	MWDSLS and Highland Conservation District (HCD) pay their portions of the balloon payment; all other shareholders' portions are refinanced for 5 years at 4.55%
Scenario 2c:*	All shareholders refinance for 5 years at 4.55%
Option 3:** Pay Off May 1, 2016	All shareholders **pay off** their portion of the remaining principal at May 1, 2016
Option 4:** Refinance May 1, 2016	All Shareholders **refinance** their portion of loan balance as of May 1, 2016 for 5 years at 4.55% (this rate has been confirmed by the Bank of Utah)

*Please be advised that Scenario 2c is for comparison information only and that MWDSLS is anticipating paying its portion of the balloon payment in its entirety. Also, the interest rate listed (4.55%) is an estimate obtained at current market rates. Actual rate may be higher or lower at the time of refinance.

**Options 3 and 4 reflect loan payoff or refinance as of this coming May 1, 2016. Refinancing this spring will offer greater interest savings overall.

Action Required

Please contact the Association in writing as soon as possible to confirm your selection between paying your portion of the balloon payment in full or refinancing. You may email us at one of the email addresses listed below; alternatively, we have included a self-addressed stamped envelope along with a voting card if you prefer to notify us in this manner.

Keith Denos: gkd@prwua.org
Charlene Lenkart: crl@prwua.org

Thank you for your consideration in this matter. Please do not hesitate to contact us should you have further questions or concerns.

Sincerely,

Acting for
G. Keith Denos
General Manager

enclosures
GKD/CL

Provo River Aqueduct Construction Private Funding

OPTION 1

All Shareholders Pay Balloon Payment

Original Loan Amount:	$3,317,010.32	
Private Funding required in addition to BOWR Bond Funds - (all PRA Shareholders except MWDSLS)[a]	$1,865,800.00	56%
Private Funding to cover BOWR Bond Reserve - (all PRA Shareholders)[b]	$1,451,210.30	44%
Balloon Payment Amount[c]:	**$1,896,441.22**	
Balloon Payment Date:	**10/1/2017**	

$1.4M Portion			
	44%		
Balance Remaining:	$829,703.49		
Shareholder	**Capacity**	**Percentage of capacity**	**Total Allocation**
Highland Conservation Dist.	30.0 cfs	54.545%	$452,565.54
Pleasant Grove Irrigation	7.0 cfs	12.727%	$105,598.63
American Fork MWD	6.0 cfs	10.909%	$90,513.11
Lehi City Corporation	9.0 cfs	16.364%	$135,769.66
Pleasant Grove MWD	1.8 cfs	3.273%	$27,153.93
Lindon City Corporation	1.2 cfs	2.182%	$18,102.62
Total	55.0 cfs	100%	$829,703.49

$1.8 M Portion			
	56%		
Balance Remaining:	$1,066,737.73		
Shareholder	**Capacity**	**Percentage of capacity**	**Total Allocation**
Metro Water of SL and Sandy	187.0 cfs	77.273%	$824,297.33
Highland Conservation Dist.	30.0 cfs	12.397%	$132,240.21
Pleasant Grove Irrigation	7.0 cfs	2.893%	$30,856.05
American Fork MWD	6.0 cfs	2.479%	$26,448.04
Lehi City Corporation	9.0 cfs	3.719%	$39,672.06
Pleasant Grove MWD	1.8 cfs	0.744%	$7,934.41
Lindon City Corporation	1.2 cfs	0.496%	$5,289.61
Total	242.0 cfs	100%	$1,066,737.73

Highland City has 2/5 of shares or $234,000

Shareholder	**Total Balloon Payment**
Metro Water of SL and Sandy	$824,297.33
Highland Conservation Dist.	$584,805.76
Pleasant Grove Irrigation	$136,454.68
American Fork MWD	$116,961.15
Lehi City Corporation	$175,441.73
Pleasant Grove MWD	$35,088.35
Lindon City Corporation	$23,392.23
Total	**$1,896,441.22**

[a] A majority of the funds for construction of the PRA were obtained through bonds issued by the Board of Water Resources, but a portion of the funds were obtained through a private bank loan. Metropolitan Water District of Salt Lake & Sandy prepaid its portion of this private funding obligation.

[b] The Board of Water Resources required that a portion of the bond proceeds be placed in reserve rather than be used for construction. This necessitated an additional private bank loan to provide sufficient cash flow to cover construction costs. All PRA shareholders are currently repaying this loan.

[c] In October 2012 the two private bank loans were combined into one loan with an 4.87% interest rate and a balloon payment due date of October 1, 2017.

SCENARIO 2a

MWDSLS pays its full portion of balloon payment; refinance remainder 5 years at 4.55%

Original Loan Amount:	$3,317,010.32	
Private Funding required in addition to BOWR Bond Funds - (all PRA Shareholders except MWDSLS)[a]	$1,865,800.00	56%
Private Funding to cover BOWR Bond Reserve - (all PRA Shareholders)[b]	$1,451,210.30	44%
Balloon Payment Amount[c]:	$1,896,441.22	Due 10/1/2017
MWDSLS Portion Payoff:	$824,297.33	
Total to be financed:	**$1,072,143.89**	

All amounts shown are estimates. Actual amounts may be higher or lower.

Highlands 2/5 is $28,000

		Balance Remaining:	$1,072,143.89	Assessed in 2017			Assessed in 2018			Assessed in 2019			Assessed in 2020			Assessed in 2021			Total		
Shareholder	**Capacity**	**Percentage of capacity**	**Total Allocation**	Principal	Interest	Total 2017 Payment	Principal	Interest	Total 2018 Payment	Principal	Interest	Total 2019 Payment	Principal	Interest	Total 2020 Payment	Principal	Interest	Total 2021 Payment	**Principal**	**Estimated Interest**	**Total**
Highland Conservation Dist.	30.0 cfs	54.545%	$584,805.76	$ 106,586.03	$ 24,404.12	$ 130,990.15	$ 111,538.12	$ 19,452.04	$ 130,990.15	$ 116,720.28	$ 14,269.87	$ 130,990.15	$ 122,143.22	$ 8,846.93	$ 130,990.15	$ 127,818.11	$ 3,172.04	$ 130,990.15	**$584,805.76**	**$70,145.00**	**$654,950.76**
Pleasant Grove Irrigation	7.0 cfs	12.727%	$136,454.68	$ 24,870.07	$ 5,694.30	$ 30,564.37	$ 26,025.56	$ 4,538.81	$ 30,564.37	$ 27,234.73	$ 3,329.64	$ 30,564.37	$ 28,500.08	$ 2,064.28	$ 30,564.37	$ 29,824.23	$ 740.14	$ 30,564.37	**$136,454.68**	**$16,367.17**	**$152,821.84**
American Fork MWD	6.0 cfs	10.909%	$116,961.15	$ 21,317.21	$ 4,880.82	$ 26,198.03	$ 22,307.62	$ 3,890.41	$ 26,198.03	$ 23,344.06	$ 2,853.97	$ 26,198.03	$ 24,428.64	$ 1,769.39	$ 26,198.03	$ 25,563.62	$ 634.41	$ 26,198.03	**$116,961.15**	**$14,029.00**	**$130,990.15**
Lehi City Corporation	9.0 cfs	16.364%	$175,441.73	$ 31,975.81	$ 7,321.24	$ 39,297.05	$ 33,461.43	$ 5,835.61	$ 39,297.05	$ 35,016.09	$ 4,280.96	$ 39,297.05	$ 36,642.97	$ 2,654.08	$ 39,297.05	$ 38,345.43	$ 951.61	$ 39,297.05	**$175,441.73**	**$21,043.50**	**$196,485.23**
Pleasant Grove MWD	1.8 cfs	3.273%	$35,088.35	$ 6,395.16	$ 1,464.25	$ 7,859.41	$ 6,692.29	$ 1,167.12	$ 7,859.41	$ 7,003.22	$ 856.19	$ 7,859.41	$ 7,328.59	$ 530.82	$ 7,859.41	$ 7,669.09	$ 190.32	$ 7,859.41	**$35,088.35**	**$4,208.70**	**$39,297.05**
Lindon City Corporation	1.2 cfs	2.182%	$23,392.23	$ 4,263.44	$ 976.16	$ 5,239.61	$ 4,461.52	$ 778.08	$ 5,239.61	$ 4,668.81	$ 570.79	$ 5,239.61	$ 4,885.73	$ 353.88	$ 5,239.61	$ 5,112.72	$ 126.88	$ 5,239.61	**$23,392.23**	**$2,805.80**	**$26,198.03**
Total	55.0 cfs	100%	$1,072,143.89	$ 195,407.72	$ 44,740.90	$ 240,148.61	$ 204,486.55	$ 35,662.07	$ 240,148.61	$ 213,987.19	$ 26,161.42	$ 240,148.61	$ 223,929.24	$ 16,219.37	$ 240,148.61	$ 234,333.20	$ 5,815.41	$ 240,148.61	**$1,072,143.89**	**$128,599.16**	**$1,200,743.05**

[a] A majority of the funds for construction of the PRA were obtained through bonds issued by the Board of Water Resources, but a portion of the funds were obtained through a private bank loan. Metropolitan Water District of Salt Lake & Sandy prepaid its portion of this private funding obligation.

[b] The Board of Water Resources required that a portion of the bond proceeds be placed in reserve rather than be used for construction. This necessitated an additional private bank loan to provide sufficient cash flow to cover construction costs. All PRA shareholders are currently repaying this loan.

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