



# HIGHLAND CITY COUNCIL AGENDA

## Tuesday, April 18, 2023

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

### VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: [council@highlandcity.org](mailto:council@highlandcity.org)

### 7:00 PM REGULAR SESSION

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Council Member Brittney P. Bills

### 1. UNSCHEDULED PUBLIC APPEARANCES

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

### 2. PRESENTATIONS

a. **Highland City Youth Council Presentation** – *Youth Council Representative (7:10 pm - 5 min)*

A member of the Youth Council will give a report on the recent Easter Egg Hunt activity and any upcoming events.

b. **Donation to Mountain Ridge Park** – *Paul & Rachel Adams, Highland City Residents (7:15 pm - 5 min)*

Paul and Rachel Adams will present a check to Highland City as a donation towards the playground at Mountain Ridge Park.

### 3. CONSENT ITEMS (7:20 pm - 5 min)

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. **Approval of Meeting Minutes** *General City Management - Stephannie Cottle, City Recorder*

Regular City Council Meeting – March 7, 2023

b. **ACTION: Plat Amendment - The Hollow Subdivision Plat B Land Use (Administrative)** - *Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public meeting to consider a request petitioned by Millhaven Development, representing Timothy and Wendi Oyler, to combine 3 residential lots into 1 residential lot. The Council will take appropriate action.

4. **ACTION: CONTRACT WITH GENEVA ROCK FOR ROADWAY TREATMENTS** General City Management - Andy Spencer, City Engineer/Public Works Director (7:25 pm - 10 min)  
The City Council will consider award of a contract to Geneva Rock Products, Inc. for micro-surfacing maintenance treatments. The Council will take appropriate action.

5. **ACTION: CONTRACT WITH RC ENTERPRISE PAVING & CONSTRUCTION FOR STREET SWEEPING** General City Management - Andy Spencer, City Engineer/Public Works Director (7:35 pm - 10 min)  
The City Council will consider approving a contract with RC Enterprise Paving & Construction for the sweeping of Highland City streets. The Council will take appropriate action.

6. **EXPEDITED**

a. **ACTION: Plat Amendment – Mid-Town Highland Marketplace Subdivision Land Use (Administrative)** - Kellie Smith, Planner & GIS Analyst (7:45 pm - 5 min)  
The City Council will hold a public meeting to consider a request petitioned by Joe Ham, representing MNG Highland Development LLC, and Paul Kroff, representing SBP Holdings Reverse, LLC, to adjust internal property boundaries. The Council will take appropriate action.

7. **DISCUSSION: CANTERBURY NORTH AND HIGHLAND HOLLOW ENCROACHMENT** Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst (7:50 pm - 15 min)  
The City Council will consider possible maintenance agreements, encroachment enforcement, or the sale of public property in the Canterbury North and Highland Hollow subdivisions. This item is for discussion only.

8. **MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS**  
The City Council may discuss and receive updates on City events, projects, and issues from the Mayor, City Council members, and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. **Flood Prevention Update** - Andy Spencer, City Engineer/Public Works Director (8:05 pm - 10 min)

b. **Alpine Hwy Fence** - Kellie Smith, Planner & GIS Analyst (8:15 pm - 10 min)

c. **Trail Corridor & Chain Link Fencing for Municipal Facilities** - Kellie Smith, Planner & GIS Analyst (8:25 pm - 10 min)

d. **Storm Drainage, Fence Height, and Parkway Detail** - Kellie Smith, Planner & GIS Analyst (8:35 pm - 10 min)

e. **GRAMA and Retention Schedule** - Rob Patterson, City Attorney (8:45 pm - 10 min)

f. **February Financial Report** - Tyler Bahr, Finance Director (8:55 pm - 10 min)

g. **Alpine Food Storage Update** - Kurt Ostler, Mayor (9:05 pm - 5 min)

#### **h. Future Meetings**

- April 24, Budget Work Session, 7:00 pm, City Hall
- May 2, City Council Work Session & Regular Meeting, 6:00 pm, City Hall
- May 10, Lone Peak Public Safety District Board Meeting, 7:30 am, City Hall
- May 16, City Council Work Session & Regular Meeting, 6:00 pm, City Hall
- May 23, Planning Commission Meeting, 7:00 pm, City Hall

### **9. CLOSED SESSION**

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

### **ADJOURNMENT**

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

#### **ELECTRONIC PARTICIPATION**

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

#### **CERTIFICATE OF POSTING**

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

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

**Posted and dated this agenda on the 13<sup>th</sup> day of April, 2023**

**Stephannie Cottle, CMC, City Recorder**

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



**HIGHLAND CITY**

# **HIGHLAND CITY COUNCIL MINUTES**

**Tuesday, March 7, 2023**

**Waiting Formal Approval**

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

## **VIRTUAL PARTICIPATION**

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

 Email comments prior to meeting: [council@highlandcity.org](mailto:council@highlandcity.org)

## **7:00 PM REGULAR SESSION**

Call to Order – Mayor Kurt Ostler

Invocation – Council Member Kim Rodela

Pledge of Allegiance – Mayor Kurt Ostler

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

**PRESIDING:** Mayor Kurt Ostler

### **COUNCIL MEMBERS**

**PRESENT:**

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

**CITY STAFF PRESENT:** City Administrator Erin Wells, City Attorney Rob Patterson, City Recorder Stephannie Cottle, Finance Director Tyler Bahr, Planner and GIS Analyst Kellie Smith, City Engineer/Public Works Director Andy Spencer, Police Chief Brian Gwilliam, HR Generalist Jess Andra

**OTHERS PRESENT:**

Jon Hart, Jane Nielsen, Sherrie Nielsen, Lillien Andra, Jessica Andra, Brem White, Violet Taylor, Charlotte Justis, Maren England, Evie Gerulat, Wendell Jung, Daniel England, Gwen Andra, Conen Andra, Mike Kennedy, Brady Brammer

## **1. UNSCHEDULED PUBLIC APPEARANCES**

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

There were no public comments.

## 2. PRESENTATIONS

### a. Department Presentation: Human Resources - Jess Andra, Pam Stagg, and Sherrie Nielsen

City Council will hear a report from the Human Resources Department. Jess Andra will introduce herself as the new HR Generalist.

Finance Director Bahr introduced the City's new Human Resources Generalist, Jess Andra; he spoke to her qualifications and experience in the Human Resources (HR) field, after which she was invited to provide the Council with a brief overview of her professional and personal backgrounds. The Council engaged in conversation with Ms. Andra regarding her understanding of her job descriptions and her experience in policy enforcement and conflict resolution.

Mayor Ostler then discussed the HR and payroll roles that Pam Stagg, Sherrie Nielsen, and Ms. Andra have played for both Highland City and the Lone Peak Public Safety District (LPPSD); the greatest payroll burden comes from the LPPSD. He noted that last year, Ms. Stagg was making a transition from Highland City to other employment and during that time there was a gap in coverage and Ms. Nielsen was hired on a part-time basis. The City later received notices from the State of Utah that it had not been paying the required retirement contributions for employees and was being penalized for that violation. Ms. Stagg and Ms. Nielsen worked together to correct the problem and he appreciates their efforts, as well as the efforts of City Administrator Wells, who was also new to her position. He stated that all three have been a great asset and he welcomed Ms. Andra to her position and indicated he feels she will do a great job for the City. Mr. Bahr echoed Mayor Ostler's gratitude; he added that employees are the greatest asset of both the City and the District and he presented Ms. Stagg, Ms. Nielsen, and Ms. Andra with a token of the City's appreciation.

Council Member Smith stated that the Council also deeply appreciates the work that Ms. Stagg and Ms. Nielsen have done for the City.

Ms. Wells added that an employee in the Public Works Department will be gone from her position on an extended medical leave and Ms. Nielsen has been willing to step in and cover for that employee; she is truly an asset to Highland City.

### b. Legislative Updates

Highland City Legislators will present an update highlighting recently passed legislation which may affect Highland City.

Senator Mike Kennedy thanked the Mayor and City Council for the opportunity to address them and for their communication throughout the 2023 Legislative Session; he stated it was great to watch Representative Brammer work as the Majority Leader of the House of Representatives. He turned the time over to Representative Brammer to provide a presentation regarding the Session and noted that both he and Representative Brammer are willing to answer questions at the end of that presentation.

Representative Brammer used the aid of a PowerPoint presentation to discuss 2023 Legislative Session accomplishments; he provided a high-level overview of legislation that impacts the entire State of Utah, including water conservation legislation; energy planning; land management; education and school safety; and tax adjustments addressing income tax, social security tax, double dependent exemption, earned income tax credit, and sales tax on food. Legislation that will directly impact Utah County and Highland City include several housing bills and legislation funding bills. He concluded by summarizing the bills that he was a direct sponsor of:

- House Bill (HB) 216 – Chancery Court.
- HB 99 – Sex Offender Restrictions Amendments.

- HB 432 – Probate Modifications.
- HB 488 – Utah Lake Authority Amendments.
- HB 328 – Asbestos Litigation Amendments.
- HB 54 – Largest Tax Cut in History.

Council Member Smith asked for more information regarding what a Chancery Court is. Representative Brammer stated it will create a new court entity that will start with one judge, with possible growth depending upon caseload. Staff will deal with emergency proceedings on business disputes, which currently clog up lower-level courts and are very difficult for judges to handle given they do not deal with such issues on a regular basis. The intent of the court is to handle certain business disputes in a more expeditious manner. He noted that just five other states have a Chancery Court; his goal was not to create a court that will increase revenue generation for the State, but his goal was to create opportunities for success for Utah businesses.

Council Member Smith expressed concern about the bills aimed at addressing housing affordability; he noted that he is not aware of the final vote on a few of those bills and asked for an update from Senator Kennedy and Representative Brammer. Senator Kennedy stated that he is concerned about government getting involved in trying to solve issues that are impacting housing affordability, such as inflation and other market trends, because such involvement typically makes things worse. He stated that when the President of the Senate and the Speaker of the House run a bill together, it is difficult for a Senator or Representative to vote against it; one such piece of legislation this year was a \$50 million fund that would provide first time homebuyers \$20,000 in down payment assistance. He stated that the policy question is whether the State wants to encourage home ownership or renting activities. Council Member Smith asked how residents will access those funds. Representative Brammer stated that individuals can apply for the \$20,000 and a note will be placed on the title of their home to provide for the State to be refunded the \$20,000 when the home is refinanced or sold. If the entire term of the loan is satisfied, the \$20,000 is forgiven. Mayor Ostler stated he actually felt this was a good bill and he is not as concerned about it as he was other housing bills. Representative Brammer stated that the latest housing legislation has been aimed at increasing supply because of the recognition that new housing cannot be classified as affordable without placing government mandated price controls and the Legislature is not willing to do that. If supply of new housing is increased, there will be more older homes available that can be purchased at a lower amount. Council Member Ball agreed; he indicated he is aware of a rider that was attached to the legislation that will require developers to advertise that entry level homes are those that are \$450,000 or less. He asked if the Legislature truly feels that will be effective or if that rider is a ‘gimmick’. Representative Brammer stated that it is gimmicky; however, he feels that some of the procedural changes included in the bill aimed at changing how cities and developers interact will be helpful. He feels that the Utah League of Cities and Towns (ULCT) did a good job of pushing back and lobbying for local municipalities. This led to high level discussion of the procedural changes included in the housing legislation, with a focus on the shift in approval authority from the City Council to the Planning Commission for certain land use applications and the reduced level of public input. Council Member Smith stated he feels that it is a flaw in the legislation; Planning Commissioners are not elected to represent the public and the City Council has been cut out of some decisions. He feels that the goal of the legislation was to make the development process easier for developers.

Discussion among the group then centered on the influence the ULCT and local elected officials have on representatives during the legislative session; Senator Kennedy stated that he and Representative Brammer are very much in favor of local control rather than State control; the ULCT is typically focused on protecting all of their subscribing cities and that can be difficult and unfair to some entities. Ongoing discussion centered on bills relating to homelessness services funding, the gravel pit bill, and election amendments. In conclusion, the Council and Mayor thanked Senator Kennedy and Representative Brammer for their efforts to represent their constituents. Representative Brammer, in turn, thanked the Mayor and Council for the self-sufficient manner in which they manage Highland City and for their meaningful communication to the State Legislature. Mayor Ostler stated there are many projects on the horizon for Utah County, namely school district adjustments and transportation

improvements, and he looks forward to effective representation in the Utah Legislature to ensure that the needs of Highland City are represented.

### **3. CONSENT ITEMS**

Items on the consent agenda are of a routine nature or have been previously studied by the City Council. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

**a. Approval of Meeting Minutes** *General City Management - Stephannie Cottle, City Recorder*

Regular City Council Meeting – January 17, 2023

*Council Member Scott L. Smith MOVED that the City Council approve consent item 3a Meeting Minutes from January 17, 2023.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

<i>Council Member Timothy A. Ball</i>	<i>Yes</i>
<i>Council Member Brittney P. Bills</i>	<i>Absent</i>
<i>Council Member Sarah D. Petersen</i>	<i>Yes</i>
<i>Council Member Kim Rodela</i>	<i>Yes</i>
<i>Council Member Scott L. Smith</i>	<i>Yes</i>

*The motion passed 4:0.*

The meeting briefly recessed until 8:18 pm due to technical difficulties.

### **4. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - SIGNS** *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Article 7 Signs in the Development Code to update several regulations regarding temporary signage in residential and commercial zones. The City Council will take appropriate action.

Planner & GIS Analyst Smith explained on January 3, 2023, staff communicated the need to update temporary sign regulations in the Development Code. Setbacks in the Ridgeview project have made it impossible to have development promotional signage that meets the Development Code requirements. The Council provided feedback about the need to consider regulations that are appropriate, but still provide business support. The Council further directed staff to look into options to require businesses to be truthful in their advertisements.

Council Member Smith stated that the proposed text amendments that signs shall not be located any closer to any right of way (ROW) than its height from grade ratio; he asked Ms. Smith to explain what that means and provide examples of how that measurement would be performed. Ms. Smith indicated she will provide illustrations to explain how the location of a sign shall be determined. She then provided background information regarding the matter; complaints have been submitted to the City's Code Compliance Officer regarding the excessive development promotional signage throughout the Ridgeview development. To address the complaint, staff worked with each of the builders in Ridgeview to bring their temporary signage into compliance. While working with them, staff came to the conclusion that with the setbacks and fence locations throughout the development, it

would not be possible to fully comply. Staff determined it was necessary to amend the code to update the sign regulations. In researching temporary sign regulations, staff found that the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* on June 18, 2015 established that municipal sign regulations cannot be "content based". The City's temporary sign code is content based.

Ms. Smith concluded staff recommends the City Council hold a public hearing, accept the findings, make any amendments the Council feels necessary, and approve the proposed amendment to Article 7 Signs in the Development Code.

Council Member Ball asked what it means that sign regulations cannot be content based. Ms. Smith stated that the City's current code defines sign types by the content they are advertising and that is not allowed. Council Member Ball asked if there is a difference between content-based regulations and a truth in advertising requirement. Ms. Smith answered yes; the proposed text amendment includes a requirement that any advertisement sign placed on a property must be directly related to that property. Mayor Ostler referenced the content-based matter; he noted that the City cannot regulate signs based upon the message on the sign. City Attorney Patterson agreed; people have the right to free speech and the City cannot regulate a sign if it has an offensive message. Federal Law prohibits signage that is obscene, but content that would meet the definition of being obscene is very narrow. Ms. Smith stated that the City can only regulate size and location of signs. Mayor Ostler asked if those regulations also apply to political signs. Ms. Smith stated that political signs are different from typical temporary signs and there are different regulations for them.

Council Member Smith asked how the proposed sign sizes was determined. Ms. Smith stated that the proposal was staff's attempt to allow for larger development promotional signs for larger projects. A property that is larger than five acres can have a 32 square foot sign as long as it is meeting required setbacks.

Ms. Smith then explained the City Code requires different sizes and setbacks for promotional signs, grand opening signs, agricultural signs, model home signs, and garage/yard sale signs. Based on the Supreme Court decision, staff has drafted a proposed amendment that shifts the sign regulations from being content based to being based on what type of property the sign is located on. She summarized the proposed text amendments relating to home occupation signage, truth in advertising, permitted sign types, prohibited sign types, regulations for permanent and temporary signs in residential and commercial zones, and amendments to sign definitions.

Council Member Smith referenced Canal Boulevard, where there are walls that are less than six feet from the sidewalk; after directional signs are erected by developers in that area, no other use could ever install a sign on that corridor based upon the proposed text amendments. Ms. Smith stated that the setbacks do not apply to directional signs, but no other advertising signs could be installed along the corridor or on the wall. Council Member Smith asked if the setback requirement would ensure that a 12-foot sign is set back 12 feet from the ROW. Ms. Smith answered yes. Council Member Smith asked who will enforce the new sign regulations. Ms. Smith stated that she has worked extensively with the City's Code Compliance Officer and she actually drafted several code violation notice letters to ensure that she was able to clearly explain instances that would be considered a violation of the ordinance. She noted that most code enforcement actions related to signs are complaint driven.

Ms. Smith then noted the exemptions to the requirements to obtain a sign permit and pay a fee for a sign for temporary on-premise signs and temporary agricultural signs; there are just two parcels in the City for which the exemption would apply. She then concluded the Planning Commission held a public hearing on February 28, 2023. One resident participated in the public hearing. The resident asked questions and raised concerns regarding signage for temporary uses in residential zones, as well as political signage. Commissioners also discussed political signage, community event signage, as well as temporary signage for private celebrations (birthdays, homecomings, etc.). Staff explained that any signage smaller than six (6) square feet would not require a temporary sign permit nor fee but would still be expected to meet the signage regulations. Staff also clarified that political signage is regulated separately from other temporary signage. The Planning Commission voted four to

zero to recommend approval of the amendment as proposed by staff. Staff finds that the proposed amendment meets the following findings:

1. It addresses permanent and temporary signage in all residential zones, including Planned Developments.
2. It is consistent with the intent of the existing regulations for signs.
3. It addresses the issue of content-based regulations identified in the Supreme Court decision in *Reed v. Town of Gilbert*.

Mayor Ostler opened the public hearing at 8:48 p.m.

There were no persons appearing to be heard.

Mayor Ostler closed the public hearing at 8:48 p.m.

Council Member Smith summarized the intent of the proposed ordinance; it will clarify sign requirements for various developments in the City, correct legal issues in the Code relating to regulating signs based upon content, and the City is able to enforce the sign ordinance. Ms. Smith agreed. She noted that the City's Code Compliance Officer works very well with property owners in the community; she was well trained by the City's prior Officer.

*Council Member Timothy A. Ball MOVED that the City Council APPROVE the proposed amendment to Article 7 Signs in the Development Code updating several regulations relating to temporary signage in residential and commercial zones.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **5. PUBLIC HEARING/ORDINANCE: PERFORMANCE ASSURANCE CODE UPDATES** *General City Management - Rob Patterson, City Attorney*

The City Council will hold a public hearing to consider a proposal by Highland City Staff to amend Chapter 6 Guarantee of Performance to establish a minimum term length for performance guarantees, require warranty assurances to be cash deposits, and clarify and update related regulations. The City Council will take appropriate action.

City Attorney Patterson explained on February 7, 2023, City Council discussed staff's proposal to update the Highland Development Code regarding development assurances to ensure that the development assurance that covers the cost of completing public improvements remains in place for a minimum term of two years while the development is ongoing. The Council supported amendments to this effect.

Council Member Smith asked if the assurances must be in the form of cash. Mr. Patterson stated there are two types of assurances: guarantee assurances and warranty assurances. Guarantee assurances provide for 100 percent of a development being completed and if that is not done, the City can use the guarantee to complete the work.

The warranty assurance provides a one-year period for which improvements will be free of defects and if a defect does arise, the City can use the assurance to correct it. The warranty assurance will be in the form of cash. The guarantee assurance will be in the form of cash or a letter of credit. He then noted the proposed amendments do the following:

1. Clarify language by removing varying usage of “bond,” “guarantee,” “retainage,” etc., and use consistent language: “Performance Guarantee” = the completion assurance; “Warranty Assurance” = the warranty assurance; “Assurances” = collectively referring to both assurances
2. Minimum two-year term for performance guarantees.
3. Replacement performance guarantee required if the original one expires and project remains incomplete.
4. Clarifies that the warranty assurance is not subject to partial release and begins after the improvements are completed by the developer and approved by the city and the developer provides all “as-built” record drawings regarding such improvements.
5. Require the warranty assurance—the 10% amount held for at least 1 year—to be a cash deposit.

Mr. Patterson noted staff finds that the proposed amendment meets the following findings:

1. It is consistent with the desires of the Engineering Department and city practices.
2. It clarifies requirements for the benefit of developers and City Staff
3. It conforms to the requirements of the Municipal Land Use, Development, and Management Act.

The Planning Commission held a public hearing on February 28, 2023. No resident comment was made or submitted. The Planning Commission discussed the various changes in the proposed ordinance and wanted to ensure that developers provide assurances that limit the burden on residents to cover the costs of improvements that serve new development to the fullest extent possible. The Planning Commission voted four to zero to recommend approval of the proposed amendment as presented. Mr. Patterson concluded staff recommends City Council hold a public hearing, accept the findings, and approve the ordinance amending Chapter 6 Highland City Development Code Guarantee of Performance.

Council Member Smith asked how the City will determine the dollar amount for a warranty assurance. City Engineer/Public Works Director Spencer explained the City will require estimates based upon construction bids and he will determine the required assurance amount.

Mayor Ostler opened the public hearing at 9:01 p.m.

There were no persons appearing to be heard.

Mayor Ostler closed the public hearing at 9:01 p.m.

*Council Member Kim Rodela MOVED that City Council APPROVE the ordinance amending the Chapter 6 of the Highland City Development Code Regulating Development Assurances.*

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

Council Member Smith asked where the word ‘assurance’ comes from and why it is used in the place of the word ‘bond’, which has commonly been used in the past. Mr. Patterson stated he was trying to find a legal term that encompasses the intent of the requirement that is being placed upon developers; it comes from State Law, which also cites completion and warranty assurances. The City’s Code previously used the term ‘performance guarantee’ and that will be left in the Code but will be accompanied by the term ‘assurances’.

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **6. ORDINANCE: CEMETERY CODE UPDATE** *General City Management - Stephannie Cottle, City Recorder*

The City Council will consider an amendment to the Highland City Municipal Code Chapter 13.48 City Cemetery Policies and Regulations. The Council will take appropriate action.

City Recorder Cottle explained on December 6, 2022, City Council met in a work session to discuss proposed code updates to the Municipal Code as it relates to the Highland City cemetery. On February 21, 2023 Council provided staff with additional direction concerning their preferences regarding headstone height as well as regulations as they relate to transfer of graves. The items discussed in the work session and council meeting are incorporated into the proposed ordinance. She noted Municipal Code 13.48 City Cemetery Policies and Regulations was originally adopted in 1998 and has seen only minor revisions since its initial adoption. The proposed update is to ensure that policy and practice are consistent with code and to preserve the long-term quality of the cemetery. The following items represent the significant changes in the proposed code update:

- Headstone height: 36" from ground. This recommended change will help alleviate some concerns with safety and allow easier access for cemetery staff to maintain the grounds and perform burials. The 36" height will also reduce the number of headstones which block sprinklers causing dry spots in the grass.
- Headstone setting fee: \$50.00. This proposed fee will be charged to the monument company at the time they submit a headstone placement request. A fee will be charged for each stone and each request. If a monument company fails to keep their setting appointment, they will be required to submit a new request and pay another fee. Revenue collected from this fee will be used to help repair any damage to the grounds due to trucks and equipment used to set headstones.
- Headstone setting time: April 1st – October 31st. The Sexton has discretion to allow, or not allow, headstone sets after April 1st, depending on ground conditions. This proposed change will set a policy that will help cemetery staff work with monument companies to ensure that stones are set during times that will cause the least amount of damage to the grounds.
- Holidays the cemetery is closed for burials: New Year's Day, Independence Day, Pioneer Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, and the day Highland City observes these holidays. Memorial Day weekend from Thursday through Monday.
- Grave Transfers: Graves may be transferred to any family member while the owner of the grave is alive, or to any person designated in an appropriate testamentary document (will, trust, etc.). Transfers may be done by the living grave owner, or by an individual showing legal documentation that they are the trustee, legal representative, or heir for or of the deceased grave owner. Owners can always direct that the City allow a person of the owner's choosing to be buried in a grave owned by the owner, with or without an official transfer of ownership. This is not a change to our current practice, just an update to the language of the code to clarify our current policy.
- Removal of Operating Procedures from Code: The current code has an entire section devoted to the Duties of the Sexton and Duties of the City. Many of those duties involve the day-to-day operations of the cemetery and some were duplicated. These duties are now included in the Cemetery Standard Operating Procedures, which is attached to this report.

- Update to Definitions: Several definitions were added or clarified, including the rules to determine residency for the purpose of receiving the resident rate on their grave purchase.

Ms. Cottle concluded staff recommends City Council approve the ordinance amending the Highland City Municipal Code Chapter 13.48 City Cemetery Policies and Regulations.

Council Member Smith inquired as to who is the official Cemetery Sexton for the City. Ms. Cottle stated that Trevor Aston is the Sexton, and he oversees all burials and headstone placement in the cemetery.

There was brief discussion among the Mayor, Council, and staff regarding the observance of holidays and the days upon which burials will not be allowed; City Administrator Wells assured the Mayor and Council that staff will be flexible in working with residents when a death occurs near a holiday; the only time that the cemetery will be closed for an entire weekend, including a holiday, is the weekend before Memorial Day up to and including Memorial Day.

Ms. Cottle briefly discussed the removal of the section of the code providing for reservation of the portion of the cemetery for the burial of infants; staff has proposed removing this section and selling graves in that area of the cemetery as regular burial graves, but allowing parent/infant combination burials under current options provided in the Code. Mayor Ostler stated he feels that is a good change; having experienced the death of an infant in his own family, he is familiar with the decisions made by parents regarding the burial of an infant. His own wife has decided that when she passes and is buried, she will be buried with her infant who preceded her in death. The Council supported the change recommended by Ms. Cottle.

Council Member Smith asked if changes have been made to the burial plot purchase prices to differentiate between residents and non-residents. Ms. Cottle stated that the resident and non-resident burial right costs will remain the same; the only fee that will change is for the placement of a cemetery marker and that will be considered under the next agenda item.

Council Member Ball asked if the City could encounter any legal challenges dealing with the definition of assignee or assigns as someone who is related by blood, marriage, or adoption to the burial right owner. City Attorney Patterson answered yes; he is comfortable defending the definition, but the Council could broaden the definition if they so choose. Ms. Cottle added that the definition of resident is a person who is domiciled within Highland City boundaries at the time of death or moved from the City for the purpose of receiving medical treatment or for the purpose of living in a residential care facility regardless of the actual place of death. She stated that the reason to define a resident is to determine where they lived when they purchased the burial right, not where they lived at the time of death. For that reason, staff recommends that the definition be changed to “a person who is domiciled within Highland City boundaries at the time of purchase of the grave”. The Council briefly discussed the recommendation and supported the proposed definition adjustment.

*Council Member Scott L. Smith MOVED that City Council approve the ordinance amending the Highland City Municipal Code Chapter 13.48 City Cemetery Policies and Regulations, as presented, with the following changes:*

1. *“Resident” means any person who is domiciled within Highland City boundaries at the time of purchase of the Grave.*
2. *The December cemetery clean-up will be held on the first Monday in December.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

*Council Member Timothy A. Ball                    Yes*

<i>Council Member Brittney P. Bills</i>	Yes
<i>Council Member Sarah D. Petersen</i>	Yes
<i>Council Member Kim Rodela</i>	Yes
<i>Council Member Scott L. Smith</i>	Yes

*The motion passed 5:0.*

## **7. PUBLIC HEARING/RESOLUTION: FEE SCHEDULE UPDATE - HEADSTONE SETTING FEE** *General City Management - Stephannie Cottle, City Recorder*

The City Council will hold a public hearing to consider an amendment to the Highland City Fee Schedule to include a headstone setting fee in the Highland City cemetery. The Council will take appropriate action.

City Recorder Cottle explained on December 6, 2022, City Council met in a work session to discuss proposed code updates to the Municipal Code as it relates to the Highland City cemetery. One of the proposed changes was to charge a headstone setting fee. City Council was agreeable to the proposed fee. As other cemeteries in the area reach their capacity, or are limiting their plot sales, Highland City cemetery is becoming a popular choice not only for Highland residents, but residents from surrounding cities as well. With increased use of the cemetery comes increased damage to the grounds and increased staff time to perform those repairs and mark graves for headstone sets. Approximately 1 hour and 15 minutes of staff time are spent in preparation for headstone setting including the clerical and scheduling work, finding, and marking the headstone location, and being on site to supervise headstone companies. Staff is proposing a fee that can be used to help offset staff's time as well as some of the costs for repairs to the grounds. These repairs include sod replacement, rut repairs, and sprinkler replacement. This fee will also encourage monument companies to keep their appointment times at the cemetery, which will save staff time re-marking graves prior to the headstone set. The proposed fee is \$50.00 per headstone and will be paid at the time the headstone placement request is received; prior to the cemetery staff marking the grave. Monument companies will be charged for each request, including missed appointments or if only part of the stone is set. A headstone setting fee is not uncommon among cemeteries. Pleasant Grove (\$100), Orem (\$80), and Lehi (\$50) also charge a headstone setting fee. Based upon the average number of 63 headstones set per year, the fee adjustment would generate approximately \$3,150/year in revenue that would be part of the Cemetery Perpetual Care Fund. Ms. Cottle concluded staff recommends the City Council hold a public hearing and approve and adopt the resolution to amend the Highland City Fee Schedule to include a \$50.00 headstone setting fee for the Highland City cemetery.

Mayor Ostler opened the public hearing at 9:38 p.m.

There was no public comment.

Mayor Ostler closed the public hearing at 9:38 p.m.

*Council Member Scott L. Smith MOVED that City Council approve the resolution to amend the Highland City Fee Schedule to include a \$50.00 headstone setting fee.*

*Council Member Kim Rodela SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **8. ACTION: HIGHLAND CITY TRAIL MAINTENANCE 2023** *General City Management – Andy Spencer, City Engineer/Public Work Director*

The City Council will consider approving a contract with Kilgore Contracting for the asphalt Trail Maintenance 2023 project. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained that as part of the City annual trail maintenance program, several trail sections in the City need treatment to maintain the trail system. In deciding which trails are prioritized for treatment, staff accounts for pavement condition, trail usage, and cost. These treatments include crack seal, seal coat, overlay, and reconstruction. He referenced a design document that identifies treatments for different sections of the trail; the estimated square feet (SF) of trail to be crack sealed is 127,103 SF, estimated seal coat is 84,006 SF, estimated asphalt overlay is 8,097 SF, estimated reconstruction is 20,149 SF, and the estimated new trail addition is 10,170 SF. The Highland Hills Trail addition is on the City's current Trail Master Plan. Staff does receive complaints about the trail not being fully connected. It is an inconvenience for people using the trail and in addition, some homeowners along the non-constructed section have at times used city property as a rear access to their home. As such, staff feels like it makes sense to construct the continuation of that trail. However, due to the costs of the maintenance project, a portion of the trail construction would need to come from the Major Road Maintenance Fund. As trails are part of our overall transportation network, it is an appropriate use of the funds, but would mean there would be less money available for various road projects. Work on this project will occur Spring 2023. Substantial completion is on or before June 1st, 2023 and full completion is on or before June 11th, 2023. The bidding for this project closed on February 28th, 2023. Staff received 4 bids. Staff recommends the bid from Advanced Paving and Construction be deemed nonresponsive due to the fact that they did not acknowledge the addendum which included a clarification on additional work to be performed. As such, they did not provide a bid for the full project. The cost of this project without the alternate is \$199,676.75; if the alternate bid is approved, the cost of the project is \$255,514.14. Mr. Spencer concluded staff recommends City Council approve the contract with Kilgore Contracting for the Highland City Trail Maintenance 2023 project for FY23 for \$181,524.32 allocating a 10% contingency of \$18,152.43 to be administered by staff, for a total authorized project amount of \$199,676.75. The City Council could also approve the project including the Bid Alternate 1 for the Highland Hills Trail Addition for FY23 for \$232,285.58 allocating a 10% contingency of \$23,228.56 to be administered by staff, for a total authorized project amount of \$255,514.14.

Council Member Rodela stated she is supportive of the alternate bid.

Council Member Smith asked if the area identified in red on the trail map will be new trail construction. Mr. Spencer answered yes. Council Member Smith referenced another section of the trail that is in awful shape, and he asked if it will be improved as part of this project. Mr. Spencer stated the proposed bid does give some attention to that portion of the trail, but it will not be complete replacement and, instead, will include sealing of the really bad spots to increase the trail's life. He added there are missing sections of trail and the City receives quite a bit of outreach about that issue; this project will include the completion of those sections of trail and to discourage use of the trail right of way as parking for residents who live along the trail.

Mayor Ostler stated that the City's utility bill includes an \$18.50 monthly road fee; the revenues of that fee are not being used for this trail improvement project and, rather, it will be funded using B&C Road monies allocated by the State of Utah.

*Council Member Kim Rodela MOVED that City Council approve the contract with Kilgore Contracting and authorize a contract amount up to \$255,514 for the Highland City Trail Maintenance 2023 project including the Bid Alternate 1 and authorize the City Administrator to sign the necessary contract documents.*

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

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **9. ACTION: AWARDING OF ARCHITECTURAL CONTRACT FOR THE NEW PARKS BUILDING** *General City Management - Andy Spencer, City Engineer/Public Works Director*

The City Council will consider awarding a bid for the Architectural design of the new Parks Maintenance Building to Pontis Architectural Group. The Council will take appropriate action.

City Engineer/Public Works Director Spencer explained on February 7, 2023, Council discussed the different options presented for the orientation of the Parks Maintenance Building and parking scenarios. Direction was given to proceed with Option #9 with the building at the Community Center as presented. Council also discussed the exterior aesthetics of the building. Matching the architecture of the Community Center was the preferred option rather than having a metal siding exterior. Staff was given direction to solicit bids from Engineering Design firms to proceed with the project. With the direction of City Council, Staff has solicited bids from three separate architectural firms for the architecture/design of the building. The bids were as follows:

- Archiplex - \$32,340
- Jarrett - \$55,000
- Pontis - \$27,400

The low bid was from Pontis Architectural Group with a bid of \$27,400. None of the bids include all the various engineering consultants (mechanical, electrical, structural, civil) that the design firm will work with as a part of the project. Staff estimates a total cost of \$60,000 including contingency for the architecture and engineering for the building design. Funding for this expense is included in GL 42-40-67 New Parks Maintenance Building within the FY23 budget. Staff recommends accepting the bid from Pontis Architectural Group for the architectural design portion of the new Parks Building.

Council Member Rodela stated the existing building is outdated and she is unsure whether it is appropriate to match the existing building. Mr. Spencer agreed; he noted that rather than 'matching' the existing building, the

design is intended to complement the existing building. Council Member Rodela stated she is more comfortable with that direction.

Council Member Smith stated he is supportive of moving forward with the design work. He then asked if the City could recarpet and repaint the Community Center. City Administrator Wells stated that Administration is working on getting bids for those improvements and she agreed the work needs to be performed soon.

*Council Member Kim Rodela MOVED that City Council approve the bid from Pontis Architectural Group for the Architectural design and engineering of the new Parks Building and allow the City Administrator to sign the necessary contracts.*

*Council Member Timothy A. Ball SECONDED the motion.*

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

## **10. EXPEDITED**

### **a. ACTION: Approval of Special Recognition and Naming Rights Agreement**

*General City Management - Erin Wells, City Administrator*

The City Council will hold a public meeting to consider approving the Special Recognition and Naming Rights Agreement with Kurt and VaLayne Ostler for the large pavilion at Mountain Ridge Park. The Council will take appropriate action.

Mayor Ostler declared a conflict of interest and indicated he will not participate in discussion of this agenda item.

On January 3, 2022, Council approved the Special Recognition and Naming Agreement document subject to Council approving the dollar amount threshold for use of naming rights. The Council previously approved an agreement with another family for a donation towards the playground. Resident Kurt Ostler is seeking to donate \$100,000 towards the large pavilion at Mountain Ridge Park; the pavilion would be named “Veteran’s Pavilion”. A placard with the pavilion name and recognition of the Kurt and VaLayne Oster Family would be placed on the pavilion to honor their donation.

Council Member Rodela and Ball thanked Mayor Ostler for his generosity and indicated they are supportive of the proposed pavilion name.

*Council Member Timothy A. Ball MOVED that the City Council approve the Special Recognition and Naming Rights Agreement with Kurt and VaLayne Ostler for a donation of \$100,000 for the large pavilion at Mountain Ridge Park and authorize the Mayor Pro Tem to sign the agreement.*

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

*The vote was recorded as follows:*

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

*The motion passed 5:0.*

*Council Member Scott L. Smith MOVED to extend the meeting to 10:15 pm*

*Council Member Kim Rodela SECONDED the motion.*

*All voted in favor and the motion carried.*

## **11. MAYOR/COUNCIL AND STAFF COMMUNICATION ITEMS**

The City Council may discuss and receive updates on City events, projects, and issues from the Mayor, City Council members, and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

### **a. Fees: Pleasant Grove Court Decision – *Erin Wells, City Administrator***

City Attorney Patterson reported the Utah Supreme Court ruled in Pleasant Grove's favor on the case of whether the city's transportation utility fee was legal. The case was remanded back to District Court to handle outstanding issues, such as whether the fee is reasonable. Now that a decision has been rendered, the Council can consider the following: 1.) Cities can charge fees for services for general welfare, including a transportation fee; 2.) Cities have broad discretion when determining how to finance infrastructure projects or improvements; and 3.) People besides residents benefit from the roads that are funded by a resident fee and that is not an issue so long as the residents who pay the fee see a benefit. He discussed the manner in which Pleasant Grove determined what their fee would be and noted the Supreme Court felt their formula is valid. He stated that Highland City charges a few similar fees: the road fee, open space fee, and public safety fee. He stated that based upon this case law, the City has broad authority to impose these fees as long as they are reasonable and tied to the cost of providing service. The City could commission another study to determine if the current fees are reasonable and appropriate, but at present he feels the fees are appropriate. City Administrator Wells added that the tentative Fiscal Year (FY0 2023-2024 budget will be presented to the Council in the coming weeks and it includes removal of the open space fee; however, the public safety fee and road fee will be maintained. At this time, Administration is not proposing any kind of tax increase. The Council indicated they are comfortable maintaining the road and public safety fee.

### **b. Open Space Update – *Kellie Smith, Planner & GIS Analyst***

City Administrator Wells provided an update regarding open space agreements with residents; in Highland Hollows, there are two sites left to visit and staff will bring the rest of the lots in Highland Hollows to the Council for direction to either to sell, allow maintenance agreements, or simply remove encroachment. In the Wimbledon project, the City hired a surveyor last week and they are working on getting descriptions for all City utilities in the open space; staff will bring recommendations to the Council based on the survey results. In the Canterbury North development, there are 20 encroachments, though they are minor in nature. There are five remaining developments that have a few encroachments each, all of which are also minor in nature. Staff will consider lessons learned in the Highland Hollows and Wimbledon subdivisions when considering how to deal with the outstanding properties.

Council Member Rodela asked if the issues surrounding Wimbleton will be brought back to the Council. Ms. Wells answered yes; once the surveyor identifies utility easements, the matter will be brought back to the Council to determine if they want to sell properties upon which encroachment has occurred.

Council Member Smith stated that he would like staff to consider requirements for trail corridor widths and when a resident would be allowed to install a solid fence along the corridor. Ms. Wells stated he will ask Planner & GIS Analyst Smith to look into that issue and bring it back to the Council for a recommendation.

**c. Alpine Food Storage Update – Kurt Ostler, Mayor**

Mayor Ostler stated he met with Dave Wadsworth at the new American Form location for Alpine Food Storage; he performed a walkthrough with Mr. Wadsworth to understand the status of the buildout of the space. He also received an email from Chirine Wadsworth indicating that a fire inspection has been performed and a few issues were found that need to be addressed. Additionally, they have hired a team of designers and an architect that will work on future buildout. They have also started transferring inventory to the new location and the Mayor indicated he personally observed 16 pallets that have been moved to the new location. He was surprised that the work was not further along at this point. It is his opinion that there is still a great deal of work to be done, but Mr. Wadsworth has indicated they are still shooting for the April 15th goal because that is when they will begin paying rent.

Council Member Smith stated that the current license will expire on June 30, which means that no home occupation will be permitted on the Wadsworth property. Mayor Ostler stated that it may be appropriate to have a discussion and another report on the issue in May to be sure that they will not be requesting an additional extension of their business license.

On another note, Council Member Smith then stated that this is a wetter than normal spring and it is likely there will be flooding in Highland this year; efforts are underway with other communities and partners to fill sandbags to prepare for flooding. Mayor Ostler stated that the City's Public Works Department has also ordered sandbags to begin filling in preparation for flooding.

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

Finance Director Bahr indicated that as of January 31, 2023, 59 percent of Fiscal Year (FY) 23 has lapsed; he noted his observations of the status of the budget include:

- General Fund
  - Tax revenue at 64.6% includes property taxes that comes mainly in December and January; sales tax is on target with projections.
  - Licenses and permits revenue is at 63.7%, slightly higher than projection due to building permits.
  - Intergovernmental revenue includes the City's ARPA distribution from July as well as B&C and County Option sales tax.
- Open Space
  - Property sales revenue YTD = \$146K
- Library
  - Majority of property tax received in Dec & Jan
- Park Tax
  - Trending slightly higher than anticipated.
- Road Capital
  - Includes 6800 West project to be reimbursed (\$1.4MM reimbursement received in February); work is ongoing.
- Impact Fees (Capital and Enterprise Funds)
  - Shifts in development activity – staff monitoring.

- Sales Tax
  - FY2023 Budget = \$3.6MM
  - January = \$359,879 / YTD = \$1,611,832
    - First five months that counts towards FY2023.
    - Was \$1,432,393 same months last year (12.5% increase)
  - Rolling 12-month (thru January) = \$3,841,900

**e. Future Meetings**

- March 14, City Council Work Session, 7:00 pm, City Hall
- March 15, Lone Peak Public Safety District Meeting, 7:30 am, City Hall
- March 21, City Council Meeting, 7:00 pm, City Hall
- March 28, Planning Commission Meeting, 7:00 pm, City Hall
- March 30, City Council Work Session, 6:00 pm, City Hall

**12. CLOSED SESSION**

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

There was no closed session.

**ADJOURNMENT**

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

*The meeting adjourned at 10:16 pm.*

I, Stephannie Cottle, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 7, 2023. This document constitutes the official minutes for the Highland City Council Meeting.

Stephannie Cottle, CMC  
City Recorder



# CITY COUNCIL AGENDA REPORT

## ITEM #3b

**DATE:** April 18, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Kellie Smith, Planner & GIS Analyst

**SUBJECT: ACTION:** Plat Amendment – The Hollow Subdivision Plat B

**TYPE:** **LAND USE (ADMINISTRATIVE)**

### **PURPOSE:**

The City Council will hold a public meeting to consider a request petitioned by Millhaven Development, representing Timothy and Wendi Oyler, to combine 3 residential lots into 1 residential lot. The Council will take appropriate action.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council accept the findings and **APPROVE** the final plat amendment subject to the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received March 30, 2023.
2. Prior to recording, the recorded plat shall be revised as required by the City Engineer.

### **PRIOR COUNCIL DIRECTION:**

The City Council approved the final plat for The Hollow Subdivision on February 16, 2021.

### **BACKGROUND:**

The proposed plat amendment is in the R-1-40 Zone and meets all applicable R-1-40 requirements. The public utility companies were notified of the changes to the public utility easements as part of the lot combination. 10' public utility easements will remain along all outer borders of the combined lot.

### **CITIZEN PARTICIPATION:**

Notice of the plat amendment request was mailed to all property owners within 500 feet on April 6, 2023. No comments have been received.

### **ANALYSIS/FINDINGS:**

- The adjustment of property lines will not impact or require any changes to the approved infrastructure and public improvements that the developer is required to provide in connection with the approved subdivision.

### **FISCAL IMPACT:**

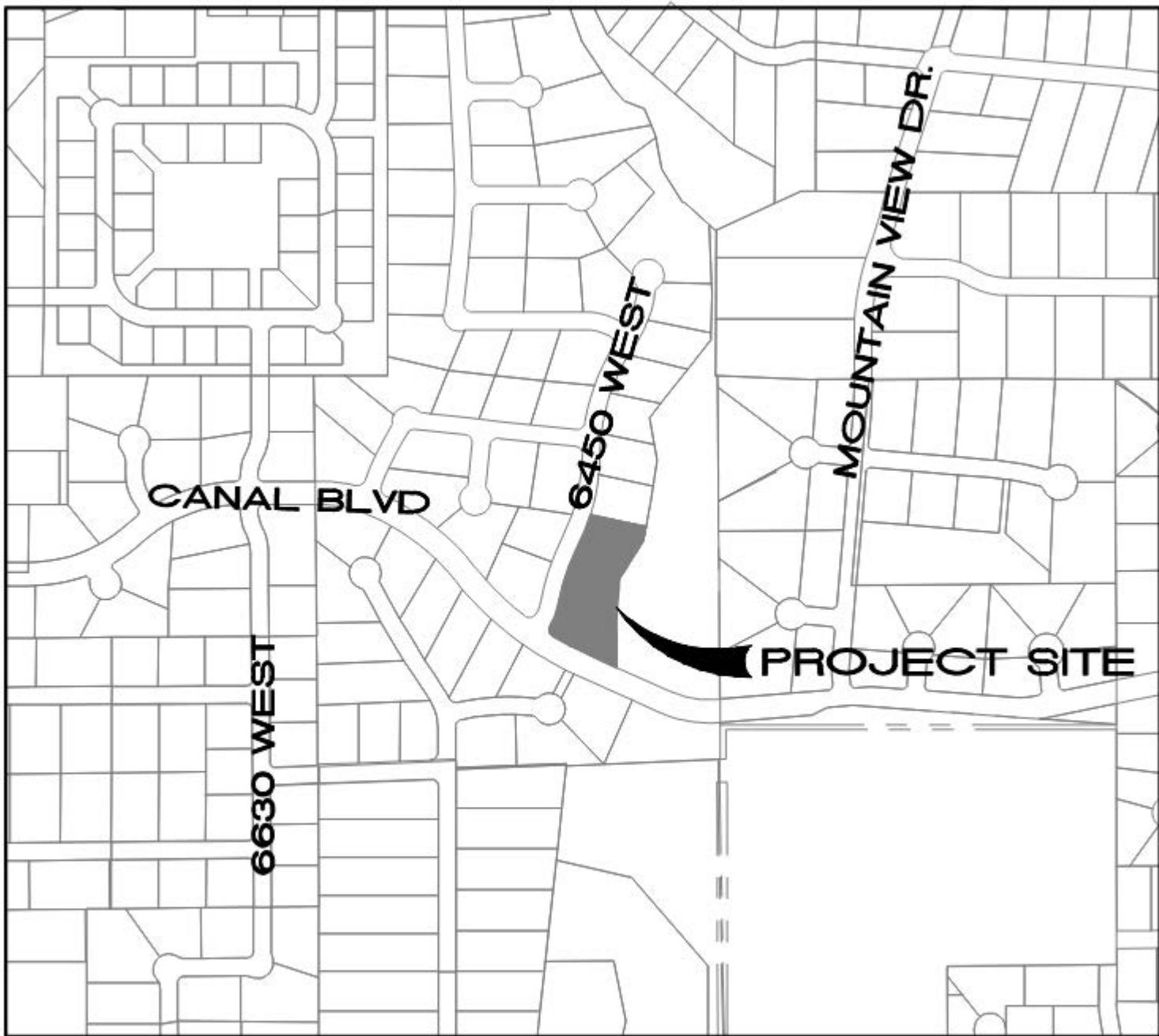
This action will not have a financial impact on this fiscal year's budget expenditures.

**MOTION TO APPROVE:**

I move that the City Council accept the findings and **APPROVE** The Hollow Subdivision Plat B subject to the two (2) stipulations recommended by Staff.

**ATTACHMENTS:**

1. Vicinity Map
2. The Hollow Subdivision
3. Project Narrative
4. Proposed Plat Amendment



**VICINITY MAP**

# THE HOLLOW SUBDIVISION - PLAT

## CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	25.00'	41.23'	94°29'40"	36.72'	N 24°53' E
C2	25.00'	38.43'	88933'49"	34.75'	N 46°02'06" W
C3	25.00'	38.43'	88933'49"	34.75'	N 46°02'06" W
C4	1828.00'	35.69'	10°07'08"	35.69'	N 02°33'46" W
C5	2000.00'	43.93'	11°30'30"	43.92'	N 02°29'34" W
C6	2000.00'	14.64'	4083'34"	144.61'	N 00°12'30" E
C7	2000.00'	14.64'	4083'34"	144.61'	N 00°12'30" E
C8	25.00'	38.43'	2192'07"	5.48'	N 16°50'33" E
C9	50.00'	24.22'	2745'02"	23.98'	N 13°29'17" E
C10	50.00'	9.61'	110'24"	82.77'	N 55°44'34" W
C11	15.00'	10.50'	4097'30"	10.29'	N 63°39'28" E
C12	50.00'	9.61'	10748'43"	80.81'	N 29°55' E
C13	50.00'	10.50'	2305'05"	25.65'	N 12°44' E
C14	15.00'	9.61'	3539'25"	9.19'	N 13°28'25" E
C15	1045.90'	543'03"	104.32'	328'26'49"	N 28°26'49" E
C16	1045.90'	86.33'	443'46"	86.31'	N 23°13'25" E
C17	25.00'	36.48'	83'86'10"	33.33'	N 62°39'37" E
C18	41.00'	105.25'	142'47'42"	104.47'	N 30°03'56" E
C19	25.00'	36.48'	83'86'10"	33.33'	N 62°39'37" E
C20	25.00'	36.48'	2803'12"	107.61'	N 72°20'27" W
C21	336.00'	183.86'	3121'08"	181.57'	N 74°19'26" W
C22	1772.00'	281.3'	212'43"	68.40'	N 24°02'02" E
C23	1772.00'	281.3'	054'34"	28.13'	N 24°02'02" E
C24	50.00'	25.88'	50.54'	25.85'	N 30°03'29" W
C25	15.00'	9.61'	483'43"	13.34'	N 65°48'31" E
C26	728.00'	19.47'	131'56"	19.47'	N 89°41'02" E
C27	25.00'	36.58'	88'24'36"	34.86'	S 47°19'37" E
C28	50.00'	88.99'	10158'32"	77.70'	S 56'47'48" E
C29	50.00'	77.76'	6936'37"	70.16'	S 56'47'48" E
C30	25.00'	48.68'	33'42"	32.42'	S 42°49'12" E
C31	15.00'	11.67'	11'67"	14.91'	S 89°21'51" W
C32	15.00'	12.72'	48'54'58"	12.34'	N 65°42'31" W
C33	50.00'	48.24'	55'16'53"	46.39'	N 69°03'29" W
C34	25.00'	35.00'	88'55'01"	35.02'	S 45°32'30" E
C35	2056.00'	73.16'	202'0	73.16'	N 23°13'25" E
C36	25.00'	65.50'	65'03'56"	55'02'56"	S 89'31'20" E
C37	15.00'	12.72'	48'34'58"	12.34'	N 65°42'31" W
C38	50.00'	98.24'	11234'20"	83.18'	S 15'49'28" W
C39	15.00'	12.72'	48'34'58"	12.34'	N 65°42'31" W
C40	50.00'	58.01'	66'28'20"	54.81'	N 74°39'12" W
C41	2056.00'	145.61'	41'32"	34.50'	S 01°06'24" E
C42	25.00'	35.27'	45'55'04"	32.78'	S 45'55'04" E
C43	25.00'	42.05'	96'22'31"	37.77'	S 41'51'57" E
C44	2056.00'	15.37'	025'42"	15.37'	S 06'06'28" E
C45	327.00'	89.02'	153'55'	88.74'	N 14'59'11" E
C46	25.00'	41.78'	95'44'53"	37.65'	S 06'06'28" E
C47	25.00'	116.75'	28'12"	115.54'	S 06'06'28" E
C48	50.00'	88.01'	43'09'30"	36.78'	N 19'48'58" W
C49	15.00'	12.72'	48'34'58"	12.34'	N 17'06'14" W
C50	50.00'	179.60'	205'48'20"	97.48'	S 75'20'03" E
C51	66.00'	113.84'	138'14"	134.81'	S 01'06'24" E
C52	178.00'	84.78'	71'02"	63.63'	N 76'20'03" E
C53	25.00'	42.05'	62'46'16"	35.55'	N 52'45'25" W
C54	25.00'	5.51'	2102'42"	5.48'	S 79'25'27" E
C55	149.72'00"	14.15'	003'05"	14.15'	S 83'44'51" E
C56	149.72'00"	14.15'	016'38"	72.47'	S 83'54'47" E
C57	66.00'00"	102'05'4	102'05'4	102'05'4	N 14'45'59" E
C58	25.00'	45.00'	86'52'51"	45.00'	N 30'03'29" W
C59	96.00'00"	126'37"	718'51"	28'03'47"	S 28'03'47" E
C60	15.00'	39.26'	64'33'35"	26'70'	S 64'00'00" W
C61	25.00'	39.14'	89'42'40"	35.27'	N 38'56'51" W
C62	50.00'	73.31'	84'00'11"	66.92'	N 12'34'19" E
C63	676.77'00"	192.00'	34'10'	55'50'	S 57'45'25" W
C64	25.00'	36.58'	88'55'01"	35.02'	S 45'32'30" E
C65	98.00'00"	60.57'	3'30'21"	60.56'	S 22'39'11" W
C66	15.00'	12.72'	48'34'58"	12.34'	N 30'16'58" W
C67	96.00'00"	59.89'	3'33'47"	59.88'	S 40'16'56" E
C68	767.00'	126'00'	126'00'	126'00'	S 44'38'04" E
C69	50.00'	120.98'	138'31'15"	135'90'	S 81'03'24" E
C70	15.00'	12.72'	48'34'58"	12.34'	S 19'48'48" E
C71	25.00'	39.26'	89'58'39"	35.35'	S 50'58'47" W
C72	25.00'	39.26'	89'58'39"	35.35'	S 50'58'47" W
C73	152.00'00"	5.32'	00'13"	5.32'	N 84'02'30" E
C74	61.00'00"	193.27'	180'54'01"	192.47'	N 05'51'12" E
C75	25.00'	36.48'	84'02'30"	34.10'	S 01'06'24" E
C76	61.00'00"	83.42'	74'54"	83.35'	S 22'48'19" E
C77	72.42'00"	79.29'	61'62"	79.25'	S 23'34'28" E
C78	72.42'00"	129.98'	10'16'55"	129.80'	N 15'17'48" E
C79	12.00'00"	40.42'	185'58'22"	40.23'	N 19'38'47" E
C80	25.00'	43.93'	88'48'28"	43.93'	S 18'30'24" E
C81	96.00'00"	12.72'	48'34'58"	12.34'	S 18'30'24" E
C82	323.00'00"	91'21"	133'84'33"	91'00"	S 14'00'00" W
C83	15.00'	12.72'	48'34'58"	12.34'	N 21'51'56" W
C84	50.00'	24.61'	28'12'05"	24.36'	S 41'40'10" W
C85	61.00'00"	34.52'	31'35'55"	33.00'	S 33'05'54" W
C86	363.00'00"	134.27'	134'34"	92'11'	S 01'06'24" E
C87	61.00'00"	33'21'	12'28'18"	13'29'55"	S 25'59'49" W
C88	61.00'00"	130.00'	12'10'41"	128.76'	S 12'50'33" W
C89	66.00'00"	63.52'	52'56'24"	63.50'	S 03'15'25" W
C90	612.00'	66.49'	6'13'28"	66.45'	S 03'38'42" W
C91	66.00'00"	130.01'	11'03'09"	118'80'	S 13'33'24" W
C92	66.00'00"	13.54'	10'24'11"	10'24'11"	S 13'33'24" W
C93	66.00'00"	13.67'	9'24'41"	11'54'	S 21'51'56" W
C94	66.00'00"	130.00'	110'84'55"	128'80'	S 19'33'54" W
C95	96.33'00"	122.56'	71'73'31"	122.48'	S 6'21'38" E
C96	25.00'	39.53'	90'35'32"	35.54'	S 13'15'07" E
C97	178.00'	68.00'	21'53'19"	67'95'	S 23'02'26" E
C98	66.00'00"	12.25'	46'47'49"	11.91'	N 7'23'09" W
C99	12.00'00"	34.05'	78'02'13"	31'48'	S 39'21'16" W
C100	722.00'	163.17'	13'25'30"	168.79'	S 84'45'18" W
C101	722.00'	55.06'	4'22'10"	55.05'	N 86'20'52" W
C102	15.00'	13.23'	50'31'45"	12.80'	N 58'53'55" W
C103	50.00'	91.40'	10'04'55"	79.38'	S 14'21'11" W
C104	15.00'	6.67'	8'37'10"	6.64'	S 03'09'04" E</



**The Hollow Subdivision Plat "B" Project Narrative**

Timothy and Wendi Oyler are the owners of Lots 51, 52, and 53 in the Hollow Subdivision. They would like to build a single family home with a detached garage on the three lots. They are proposing to combine the three lots into one, which will now be call The Hollow Subdivision Plat "B". The purpose of this submittal, with all the attached documents, is to vacate lots 51, 52, and 53 in the original subdivision and create a single lot to submit the proposed building permits.

## ATTACHMENT #4:

## SURVEYOR'S CERTIFICATE

RAVIS TRANE, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 5152741, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and parcels, together with easements, hereafter to be known as THE HOLLOW SUBDIVISION PLAT "B" and that the same has been correctly surveyed and monumented on the ground shown on this plat.

## UNDARY DESCRIPTION

inning at a point which is West 218.25 feet and South 3125.69 feet from the northeast corner of Section 3, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 11°06'44" West 46.78 feet; thence South 32°08'45" West 44.41 feet; thence South 03°47'11" West 140.10 feet; thence South 00°42'51" East 0.03 feet; thence North 65°50'24" West 101.22 feet; thence Northwesterly 122.56 feet along the arc of a 963.00 foot radius curve to the right through a central angle of 07°17'31", the chord of which bears North 62°11'38" West 122.48 feet; thence Northerly 39.53 feet along the arc of a 25.00 foot radius curve to the right through a central angle of 90°35'32", the chord of which bears North 13°15'07" West 54 feet; thence Northeastery 68.00 feet along the arc of a 178.00 foot radius curve to the left through a central angle of 253°15'19", the chord of which bears North 21°06'00" West 67.59 feet; thence Northeasterly 193.09 feet along the arc of a 668.28 foot radius curve to the right through a central angle of 16°33'16", the chord of which bears North 18°25'58" East 192.42 feet; thence Northeastery 111.67 feet along the arc of a 668.00 foot radius curve to the left through a central angle of 09°34'40", the chord of which bears North 21°55'16" East 111.54 feet; thence North 77°43'38" East 178.45 feet to the point of beginning.

Parcel contains: 1.82 acres

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— 1 —

NER'S DEDICATION  
that the undersigned are the owners of the above described  
the same to be divided into lots, together with easements  
known as THE HOLLOW SUBDIVISION PLAT "B" and do hereby  
convey the public all areas shown on this plat as intended for  
use. The undersigned also hereby convey to any and all public utility companies  
the right over the public utility easements shown on this plat, the  
use, maintenance, and operation, of utility lines and facilities.

WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_  
\_\_\_\_\_, A.D. 20 \_\_\_\_

THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_ PERSONALLY APPEARED BEFORE  
THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT  
I DID EXECUTE THE SAME.

Y \_\_\_\_\_ NOTARY PUBLIC SIGNATURE \_\_\_\_\_  
SSION # \_\_\_\_\_  
MISSION EXPIRES \_\_\_\_\_

## ACCEPTANCE BY LEGISLATIVE BODY

ACCEPTANCE BY LEGISLATIVE BODY  
CITY OF HIGHLAND, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE  
CONDITIONS AND RESTRICTION STATED HEREON AND HEREBY ACCEPTS THE DEDICATION OF  
EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSE OF THE  
FINAL USE OF THE PUBLIC HIGHWAY, PAYMENT OF THE AMOUNT OF \$200.00.

### *PLAT "B"*

## THE HOLLOW SUBDIVISION

INCLUDING A VACATION OF LOTS 51, 52  
AND 53 OF THE HOLLOW SUBDIVISION

HIGHLAND

NOTARY PUBLIC SEAL CITY-COUNTY ENGINEER SEAL CLERK-RECORDED SEAL

11. *What is the primary purpose of the following statement?*

A site plan map of a residential neighborhood. The map shows a grid of streets with house numbers. Key labeled streets include CANAL BLVD, 6630 WEST, 6450 WEST, and MOUNTAIN VIEW DR. A large, dark gray shaded area, representing the 'PROJECT SITE', is located at the intersection of 6450 WEST and MOUNTAIN VIEW DR. The map also features several smaller, lighter gray shaded areas representing other undeveloped lots.

## VICINITY MAP

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	122.56	963.00	7°17'31"	122.48	N62°11'38"W
C2	39.53	25.00	90°35'32"	35.54	N131°05'07"W
C3	68.00	178.00	21°53'19"	67.59	N21°06'00"E
C4	193.09	668.28	16°33'16"	192.42	N18°25'58"E
C5	111.67	668.00	9°34'40"	111.54	N21°55'16"E

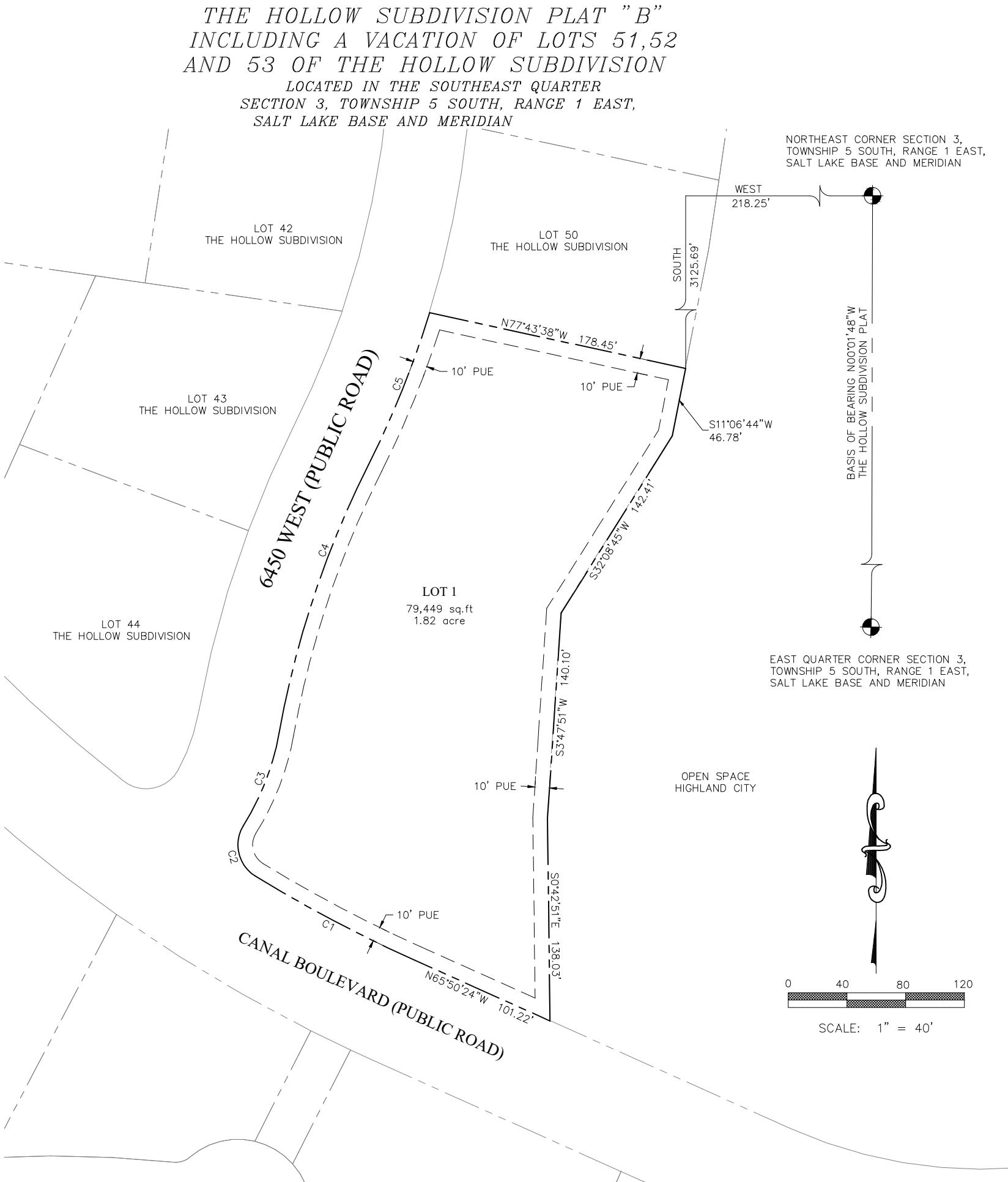
## NOTES

THE PURPOSE OF THIS PLAT IS TO COMBINE LOTS 51,52 AND 53 OF THE HOLLOW SUBDIVISION INTO ONE LOT.

#### NOTES: THE HOLLOW SUBDIVISION

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 THE LEGALLY BINDING ZONING 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. SOME OF THE SIGNIFICANT ORDINANCES AND CONDITIONS OF APPROVAL CONVEYED ON THIS PROPERTY BY THE LEGISLATIVE BODY OF HIGHLAND CITY 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 AND GUTTER, OR SIDEWALK (STREET RIGHT-OF-WAY) WITH THE EXCEPTION OF THE PARKSTRIP WHICH REQUIRES 75% TO BE LANDSCAPED.
3. A RETAINING WALL IS SPAN, OR TRAIL, OR ADDITIONAL RESTRICTIONS OF SIZE AND OPACITY. FENCES ALONG OPEN SPACE, OR A TRAIL, MUST COMPLY WITH HIGHLAND CITY ORDINANCES. ALL FENCES REQUIRE A FENCE PERMIT PRIOR TO INSTALLATION. IN ADDITION, RETAINING WALLS ARE REGULATED BY ORDINANCE AND REQUIRE A RETAINING WALL PERMIT PRIOR TO CONSTRUCTION.
4. HIGHLAND CITY ORDINANCES RESTRICT HEIGHT OF FOUNDATION ABOVE CURB. IT IS THE RESPONSIBILITY OF THE BUYER TO CONTACT THE CITY PRIOR TO PURCHASING ANY LOT. THIS RESTRICTION APPLIED TO ALL LOTS IN THIS SUBDIVISION.
5. ALL ROADS AND OPEN SPACES TO BE DEDICATED TO HIGHLAND CITY.





# CITY COUNCIL AGENDA REPORT

## ITEM #4

**DATE:** April 18, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Andy Spencer, City Engineer/Public Works Director

**SUBJECT: ACTION:** Contract with Geneva Rock for Roadway Treatments

**TYPE:** GENERAL CITY MANAGEMENT

### **PURPOSE:**

The City Council will consider award of a contract to Geneva Rock Products, Inc. for micro-surfacing maintenance treatments. The Council will take appropriate action.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the contract with Geneva Rock for micro-surfacing.

### **PRIOR COUNCIL DIRECTION:**

Council has previously authorized construction contracts for Canal Boulevard construction, Country Club Sewer upgrade, and 6800 West reconstruction. In addition, Council has allocated budget funds for road surfacing treatments to properly maintain roads and extend the pavement life cycle.

### **BACKGROUND:**

There are three recent roadway construction areas that staff is recommending be micro-surfaced to extend the pavement lifecycle: Canal Boulevard, SR-74 (Country Club Sewer construction), and 6800 West. It is economical to add all of these projects together to be one large project for a contractor. In addition, Geneva Rock has been awarded a large pavement treatment contract by UDOT in the northeast corner of Utah County. Because of their project proximity, they have provided competitive pricing for the micro-surfacing treatments for the City.

#### *Canal Boulevard*

Staff have received requests to restripe the new portion of Canal Boulevard in the area of Ridgeview to provide a travel lane each direction and a consistent two-way left turn lane from the American Fork River crossing to North County Boulevard. The best way to achieve this condition will be to place a surface treatment to cover all existing roadway markings and then restripe. In addition to the three-lane configuration, it is anticipated that Canal Boulevard will be repainted with optical speed bars along the lane lines to discourage speeding.

#### *SR 74/ Country Club Sewer*

The City has an obligation to micro-surface a small portion of SR-74 (a UDOT road) where the sewer project recently cut the road.

*6800 West*

Staff recommends following pavement preservation best practice and that the newly placed 6800 West asphalt be micro-surfaced to extend the pavement lifecycle. The micro-surfacing will seal the pavement surface and preserve the new pavement.

**FISCAL IMPACT:**

These projects are contemplated for construction during July/August 2023 and as such will be part of the Fiscal Year 2024 budget.

Geneva's bid for the cost of the micro-surface project for all roadways is \$170,122. This amount does not provide for painting the speed bars on Canal Boulevard. Staff has requested an additional 10% contingency to allow for this painting to be added to the project. This contingency would be in addition to the 10% contingency normally allowed for unforeseen costs.

The total cost of this project with contingency is \$204,146. Funding for this expense is anticipated in GL 41-40-71, Major Roads Maintenance within the FY24 budget.

It is anticipated that Lehi City and Utah County will pay their appropriate portions of the 6800 West corridor which will ultimately decrease the total net amount Highland City will be paying on this contract.

**MOTION TO APPROVE:**

I move that City Council APPROVE the contract with Geneva Rock Products, Inc. in an amount up to \$204,146 and AUTHORIZE the City Administrator to sign the contract documents.

**ATTACHMENTS:**

1. Micro-Surfacing Bid



# GENEVA ROCK PRODUCTS, INC.

READY MIX CONCRETE • SAND & GRAVEL • ASPHALT & CONCRETE PAVING • CONSTRUCTION  
PO Box 571618, Salt Lake City, UT 84157  
(801) 281-7900

PROPOSAL DATE: 1/25/2023

## CONTRACT PROPOSAL / AGREEMENT

SUBMITTED TO: Highland City  
(PURCHASER)

PROJECT NAME: Highland City Micro-Surfacing 2023

LOCATION: Utah County

ESTIMATE NUMBER: M23RB020

ESTIMATED START: 2023

PROJECT #: \_\_\_\_\_

CONTACT: Andy Spencer

PHONE: \_\_\_\_\_

EMAIL: [aspencer@highlandcity.org](mailto:aspencer@highlandcity.org)

Geneva Rock Products, Inc. ("GENEVA ROCK") hereby agrees to perform the work described below. This Contract Proposal/Agreement does not include design services. Design services, if desired, shall be contracted for and paid for by the Purchaser prior to entering into this Contract Proposal/Agreement.

ITEM	DESCRIPTION	EST. QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization		1 LS	\$15,000.00	\$ 15,000.00
2	Traffic Control (Canal Road)		1.5 DAY	\$2,850.00	\$ 4,275.00
3	Micro-Surfacing (Canal Road)	22,709	SY	\$3.55	\$ 80,616.95
4	Traffic Control (SR-74 Patch)	0.5	DAY	\$2,850.00	\$ 1,425.00
5	Micro-Surfacing (SR-74 Patch)	1775	SY	\$3.55	\$ 6,301.25
6	Traffic Control (6800 W)	1	DAY	\$2,850.00	\$ 2,850.00
7	Micro-Surfacing (6800 W)	16,804	SY	\$3.55	\$ 59,654.20
Mobilization included supervision, mix design, marking tabs, and other non-variable job costs.					
					Total \$ <u>170,122.40</u>

**UNIT PRICE** (actual quantities to be measured and invoiced)

**LUMP SUM**

**NOTES:** Excludes, traffic control (unless specifically quoted), survey, testing, permits, fees, asphalt patching, soft spot repair, tree trimming, striping, temporary striping, removal of pavement markings, payment and performance bonds, survey, SWPPP installation, crack seal, crack cleaning, utility adjustments/risers/collars. Mobilizations will be billed per occurrence unless otherwise noted. Pricing is based on estimated quantity prepared by others. Significant changes in quantity may be subject to price change. Annual price increase of 7% will apply on all items that are delayed beyond the estimated start.

**RELEASE:** GENEVA ROCK may, at its sole discretion, require a warranty release for all paving projects that will be done after October 15th or during cold/wet weather.

**PRICE:** \$ \$ **170,122.40** Price may be subject to change if Contract Proposal/Agreement is not accepted within 30 calendar days of the Proposal Date.

**PAYMENT TERMS:** Purchaser shall pay GENEVA ROCK according to GENEVA ROCK's Credit Application and Conditions of Material Sales and Contract Services with Purchaser, including payment of accrued finance charges.

PROPOSAL DATE: 1/25/2023

PREPARED BY: Russell Boyce

**ACCEPTANCE:** For valuable consideration, the legal sufficiency of which is hereby acknowledged, this Proposal is accepted and is a binding contract (the "Contract Proposal/Agreement"). GENEVA ROCK is authorized to perform the work described herein. Scheduling and construction of this work will not occur until a signed copy of this Contract Proposal/Agreement is received and upon credit approval. All terms and conditions of the signed GENEVA ROCK Credit Application and Conditions of Materials Sales and Contract Services along with any and all associated guarantees, including personal guarantees, shall apply to this Contract Proposal/Agreement and are fully incorporated herein. Purchaser acknowledges receipt of the Terms and Conditions on the reverse or following page of this document, all of which are incorporated herein and made a part hereof.

PURCHASER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ACCEPTANCE DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

## TERMS AND CONDITIONS

1. Purchaser represents to be the record owner or authorized agent of the record owner of the real property that shall be improved pursuant to this Contract Proposal/Agreement (the "Property") with authority to enter into contractual agreements and to grant GENEVA ROCK authority to perform the work identified herein. The Purchaser agrees that all materials in this Contract Proposal/Agreement will be used in the improvement of the Property. Purchaser shall not use this document to acquire financing.
2. This Contract Proposal/Agreement shall only be modified by written change order signed by GENEVA ROCK and Purchaser. Oral requests for change shall not be binding on GENEVA ROCK unless reduced to writing by change order.
3. Purchaser shall assume full responsibility for the accuracy of all lines, levels, quantities, locations and measurements and their relation to the work to be performed by GENEVA ROCK. No representation or warranty, express or implied, is made as to the quantities, sizes, grades, specifications, or other matters relating to the needs of the Project. In all cases where dimensions are governed by conditions, already established or otherwise, the responsibility for coordination of such conditions as it relates to GENEVA ROCK's work shall rest entirely on the Purchaser. It is the Purchaser's sole responsibility to compare the items on this Contract Proposal/Agreement with plans and specifications for accuracy and completeness. Any variations or modifications from specified lines, grades or dimensions required shall be the responsibility of the Purchaser and subject to a change order should additional work be required of GENEVA ROCK.
4. In the event the record owner of the Property sells, mortgages, or otherwise transfers or encumbers the Property, the total amount herein provided shall become immediately due and payable as to any and all amounts then unpaid.
5. In the event of defective work, GENEVA ROCK's sole and exclusive liability shall be to repair or replace defective work at its discretion. In no event shall GENEVA ROCK be liable for special, incidental, or consequential damages, including but not limited to, loss of good will, loss of profits, or loss of use.
6. In the event that material costs (other than asphalt which shall be subject to the surcharge discussed above) on which this Contract Proposal/Agreement is based rise in excess of fifteen percent (15%) during the course of the work, Purchaser agrees that these increased costs, in their entirety, shall be billed to Purchaser as an automatic adjustment to the Contract Proposal/Agreement.
7. To the extent that the contracted price is based on a specific unit or square foot price, Purchaser agrees that the number of units or square feet indicated is an approximation, and that GENEVA ROCK shall be paid in full for the actual units or square feet completed as determined by field measurement by GENEVA ROCK.
8. GENEVA ROCK shall not be liable for failure of performance or failure of delay in delivery by reason of any event beyond the control of GENEVA ROCK, including, but not limited to, strikes; labor disputes; fire; flood; weather; embargo; war or other hostilities; government authority or regulation; acts of God; shortage of material or fuel; as a result of actions of Purchaser, record owner, or any other person; or as a result of the extension of time granted by Purchaser. Upon the occurrence of such delay, GENEVA ROCK shall receive an equitable extension of time for the completion of the Contract Proposal/Agreement. GENEVA ROCK shall not be entitled to any damages or compensation as a result of said delay except to the extent that said delay was caused by the Purchaser, record owner, or persons employed by the Purchaser or record owner.
9. GENEVA ROCK assumes no risk of non-disclosed or unforeseen conditions of the Property, including, but not limited to, hazardous substances (as defined by applicable law). In the event that hazardous substances are present on the Property (other than hazardous substances introduced by GENEVA ROCK), Purchaser agrees to indemnify GENEVA ROCK and its officers, directors, employees, agents, representatives, and subcontractors from and against any and all losses, claims, damages, fines, penalties, liabilities, injuries, costs and expenses (including all attorney fees and costs incurred in any civil, criminal, or administrative proceeding) arising from such hazardous substances, including, but not limited to, the presence or use, generation, storage, treatment, containment, release, threatened release, disposal of, exposure, or threatened exposure.
10. Unless otherwise noted, all federal, state, and other taxes of any nature related to this Contract Proposal/Agreement shall be borne by Purchaser.
11. GENEVA ROCK warrants that all materials covered by this Contract Proposal/Agreement shall conform to industry standards. No implied warranties of fitness or merchantability are given and are expressly disclaimed by GENEVA ROCK.
12. This Contract Proposal/Agreement combined with the Credit Application and Conditions of Material Sales and Contract Services comprise the total agreement and supersede all negotiations, representations, prior discussions, and preliminary agreements between the Parties hereto, whether oral or written. This Contract Proposal/Agreement shall be construed and interpreted as if drafted equally by all Parties hereto.
13. This Contract Proposal/Agreement shall be governed by the laws of the State of Utah, without regard to its choice of law provisions. Purchaser agrees that any legal action brought hereunder may be brought in Salt Lake County, Utah or Utah County, Utah at the sole option of GENEVA ROCK.



# CITY COUNCIL AGENDA REPORT

## ITEM #5

**DATE:** April 18, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Andy Spencer, City Engineer/Public Works Director

**SUBJECT: ACTION:** Contract with RC Enterprise Paving & Construction for Street Sweeping

**TYPE:** GENERAL CITY MANAGEMENT

### **PURPOSE:**

The City Council will consider approving a contract with RC Enterprise Paving & Construction for the sweeping of Highland City streets. The Council will take appropriate action.

### **STAFF RECOMMENDATION:**

Staff recommends approving the contract with RC Enterprise Paving & Construction to provide street sweeping services twice per year.

### **PRIOR COUNCIL DIRECTION:**

As a part of the approved FY 2023 budget, the Council approved street sweeping as a budgeted expense in the Storm Sewer Enterprise Fund.

### **BACKGROUND:**

In 2021, Highland City adopted the most recent Storm Water Management Plan and maintains a Utah Pollutant Discharge Elimination System (UPDES) permit with the State of Utah. The UPDES permitting program addresses the control of pollutants that find their way into waterways. Part of the requirements under this permit is the regular sweeping of streets within Highland City. The street sweeping service is contracted to a provider that sweeps in the spring and fall.

This year we placed a bid for sweeping services on the Utah State Procurement website with a 2-week advertisement window starting on March 8, 2023. The bid was for 1 year with an option for up to 3 years with a fixed percent increase. The bidding window closed on March 28, 2023, with no bids being received.

During the past 3 years, the City contracted with RC Enterprise Paving & Construction for street sweeping services and have been pleased with their work. Staff reached out to Riley Cherrington, owner of RC Enterprise Paving & Construction and he provided a bid of \$31,200 for the year 2023 with a 7% increase over the years 2024 and 2025. In 2022,

Highland City paid \$30,382 for these services. As such, RC Enterprises proposal was consistent with past contracts.

**FISCAL IMPACT:**

The cost of this service is \$31,200 for the year 2023 and will increase by 7% per year for the next 2 years. Funding for this expense was included in the FY23 budget under GL 54-40-27, Storm Sewer Street Sweeping at \$20,000. As the full cost was not included in the budget, it will need to be funded by Fund Balance within the Storm Sewer Fund and will be included as part of the final budget adjustments unless otherwise directed by the Council. There is sufficient fund balance available for the budget adjustment.

**MOTION TO APPROVE:**

I move that City Council APPROVE a contract with RC Enterprise Paving & Construction for street sweeping at a cost of \$31,200 for the first year, with an increase of 7% for each subsequent year for a total contract period of three years and authorize the City Administrator to sign the contract documents.

**ATTACHMENTS:**

1. RC Enterprise Paving & Construction Bid



**HIGHLAND CITY**

5400 Civic Center Drive, Suite 1  
Highland, UT 84003  
801-772-4515

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## **Highland City Street Sweeping Bid**

### **Bid Schedule**

Company Name: R Cherrington Enterprises, LLC / DBA - RC Enterprise Paving & Construction

Address: 1700 S. State Street, Springville, UT 84663

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Representative: Riley Cherrington

Title: Owner / President

Phone: (801) 420-1233 Fax: (801) 841-4728

Email address: riley@rcecon.com

Signature: 

Date: 3/13/2023

Item No.	Description	Unit	Quantity Per Sweep	Annual Quantity	Unit Price Per LM	Annual Total
1	Street Sweeping	LM (Line Mile)	125 LM	240 LM	\$ 130.00	\$ 31,200.00

Optional additional 1-year contract extension \$15,600.00 per each sweep

Item No.	Description		
1	Street Sweeping	% increase over years 1 & 2	7% per year %



5400 Civic Center Drive, Suite 1  
Highland, UT 84003  
801-772-4515

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## Highland City Street Sweeping Bid

### E-Verify Certification

WHEREAS, the undersigned proposes to furnish labor and materials under a contract to provide Street Sweeping Services for Highland City, in the city of Highland, County of Utah, in which Highland City is the Owner.

NOW THEREFOR, this 13th day of March, 2023, the undersigned firm verifies its compliance with Utah Code Ann. § G63-11-103 and 13-47-201, stating affirmatively that the individual, firm, or corporation which is contracting with Highland City has registered with and is participating in a federal work authorization program in accordance with the applicability provisions and deadlines established in Utah Code Ann. § G63-11-103 and 13-47-201.

The undersigned contractor/firm further agrees that should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to the contract with Highland City, of which this certification is a part, the undersigned contractor/firm will secure from such subcontractor(s) similar verification of compliance with Utah Code Ann. G63-11-103 and 13-47-201. The undersigned contractor further agrees to maintain records of such compliance and provide a copy of each such verification to Highland City at the time the subcontractor(s) is retained to perform such services

E-Verify Number #1133374

---

R Cherrington Enterprises, LLC  
DBA - RC Enterprise Paving & Construction

---

Contractor

(Name of sole ownership, corporation or partnership)

---



(Signature of Authorized Representative)

{AFFIX CORPORATE SEAL HERE}

---

Owner / President

Title



5400 Civic Center Drive, Suite 1  
Highland, UT 84003  
801-772-4515

---

**Highland City  
Street Sweeping Bid**

**Non-Collusion Affidavit**

Riley Cherrington, being the first duly sworn, deposes and says that:

He/she is Riley Cherrington  
(Owner, partner, etc.) of RC Enterprise Sweeping  
(Company)  
the BIDDER that has submitted the attached BID;

He/she is fully informed respecting the preparation and contents of the attached BID and of all pertinent circumstances respecting such BID;

Such BID is genuine and is not a collusive or sham BID;

Neither the said BID nor any of its officers, partners, owners, subcontractors, agents, representatives, employees or parties in interest including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other BIDDER, firm or person to submit a sham BID in connection with the Contract for which the attached BID has been submitted or to refrain from BIDDER in connection with such Contract, or has in any manner, directly or indirectly sought by agreement or collusion or communication or conference with any other BIDDER, firm or person to fix price or prices in the attached BID or of any other BIDDER or to fix overhead, profit or cost element of the BID price or the BID price of any other BIDDER, or to secure through any collusion, conspiracy, connivance or unlawful agreement, and advantage against the City of Highland;

No member of the City Council, other Officers of the City of Highland, or any person in the employ of the City is directly or indirectly interested in the BID, or the work to which it relates, or in any portion of the profits thereof; and,

The prices quoted in the attached BID are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the BIDDER or any of its agents, representatives, owners, employees or parties in interest including this affiant;

I am/the BIDDER is not indebted to the City of Highland in any form or manner.

Signature: 

Date: 3/28/23

Title: Owner / President

Witness: Courtney L. Cherrington - Digital Signature



**HIGHLAND CITY**

5400 Civic Center Drive, Suite 1  
Highland, UT 84003  
801-772-4515

---

**Highland City  
Street Sweeping Bid  
Statement of Bidder Qualifications**

1. Company name, bidder's email, mail address, and all branch office addresses.

R Cherrington Enterprises, LLC / DBA - RC Enterprise Paving & Construction

riley@rcecon.com

---

---

2. Type of business entity (corporation, not-for-profit, proprietorship, etc.).

LLC

---

---

3. If a company is a corporation, state the date and place of incorporation and give a brief history of the company's operations.

4. List directors, officers, owners, managerial employees, or partners.

Riley Cherrington

---

---

---

5. Identify employees that will be assigned to perform work under this contract and include information pertaining to the professional licensing (CDL) of those individuals.

Steven Peach, James Peach

---

---

---

6. List any special qualifications your company has for this project.

## Previous work for Highland City

7. Please provide two references for work done by your company of a similar nature.

## Highland City

Firm Name

JoAnn Scott

---

## Contact

CEO

joann@highlandcity.org

---

**Title**

---

E-mail

## Highland City

Mailing Address

(801) 772-4515

## Phone

Phone  Fax

## References continued:

Staker Parson Companies

Firm Name

Jordan Neerings

## Contact

## Project Manager

## Title

E-mail

Draper, UT

### Mailing Address

(385) 267-0691

Phone

Fax

8. Equipment specification for those being used as a part of this BID. Please include pictures as appropriate.

## (7) Elgin Eagle Mechanical Street Sweepers



# CITY COUNCIL AGENDA REPORT

## ITEM #6a

**DATE:** April 18, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Kellie Smith, Planner & GIS Analyst

**SUBJECT: ACTION:** Plat Amendment – Mid-Town Highland Marketplace Subdivision

**TYPE:** **LAND USE (ADMINISTRATIVE)**

### **PURPOSE:**

The City Council will hold a public meeting to consider a request petitioned by Joe Ham, representing MNG Highland Development LLC, and Paul Kroff, representing SBP Holdings Reverse, LLC, to adjust internal property boundaries. The Council will take appropriate action.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council accept the findings and **APPROVE** the final plat amendment subject to the following stipulations:

1. The recorded plat shall be in substantial conformance with the final plat received March 15, 2023.
2. Prior to recording, the recorded plat shall be revised as required by the City Engineer.

### **PRIOR COUNCIL DIRECTION:**

The City Council approved the final plat for Mid-Town Highland Marketplace Subdivision – Amended on July 5, 2022. On December 6, 2022, the City Council approved an amendment to the existing development agreement associated with this property. The amendment updated several improvements such as landscaping, signage, lighting, architecture, and the overall site plan.

### **BACKGROUND:**

The proposed plat amendment is in the CR Zone and is designated as Commercial in the General Plan. The amendment only adjusts internal property boundaries.

### **CITIZEN PARTICIPATION:**

Notice of the plat amendment request was mailed to all property owners within 500 feet on April 6, 2023. No comments have been received.

### **ANALYSIS/FINDINGS:**

- The proposed plat amendment is consistent with CR Zone requirements and the Development Agreement entered into on December 15, 2022.

- The adjustment of property lines and easements will not impact or require any public improvements.

**FISCAL IMPACT:**

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

**MOTION TO APPROVE:**

I move that the City Council accept the findings and **APPROVE** the amended plat for the Mid-Town Highland Marketplace Subdivision subject to the two (2) stipulations recommended by Staff.

**ATTACHMENTS:**

1. Vicinity Map
2. Proposed Plat Amendment



**VICINITY MAP**

NTS

# ATTACHMENT #2:

## SURVEYOR'S CERTIFICATE

I, JON BEHR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 290669 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY BY AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE PROVIDED ALL MEASUREMENTS, 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. I HAVE PLACED MONUMENTS AS PRESENTED ON THE PLAT.

DATE OF PLAT OR MAP:

## BOUNDARY DESCRIPTION

COMBINED PARCELS DESCRIPTION: COMMENCING AT A RIGHT-OF-WAY MONUMENT ON THE NORTHERLY LINE OF STATE ROUTE 92 (HIGHLAND HIGHWAY) WHICH LIES N 89°49'32" E, 1039.46 FEET AND S 00°00'18" E, 1271.04' FROM THE NORTHWEST CORNER OF SECTION 36, T4S, R1E, SLB&M, THENCE RUNNING S 89°39'42" W, A DISTANCE OF 63.54 FEET TO A POINT; THENCE N 00°06'02" E, A DISTANCE OF 208.06 FEET TO A POINT; THENCE N 89°54'02" E, A DISTANCE OF 69.66 FEET; THENCE N 00°07'58" W, A DISTANCE OF 0.70 FEET TO THE POINT OF BEGINNING; THENCE N 00°07'58" W, A DISTANCE OF 314.36 FEET TO A ROD FOUND; THENCE N 11°30'59" E, A DISTANCE OF 769.23 FEET TO A ROD FOUND; THENCE S 00°10'18" E, A DISTANCE OF 150.77 FEET TO A NAIL/WASHER FOUND; THENCE N 89°39'42" E, A DISTANCE OF 188.09 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 74 (MAIN STREET); THENCE ALONG SAID RIGHT-OF-WAY S 05°06'41" W, A DISTANCE OF 10.05 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY S 09°39'42" W, A DISTANCE OF 187.05 FEET TO A NAIL/WASHER SET; THENCE S 00°10'18" E, A DISTANCE OF 175.69 FEET TO AN NAIL/WASHER SET; THENCE S 89°39'42" W, A DISTANCE OF 32.50 FEET TO A NAIL/WASHER FOUND; THENCE S 00°20'18" E, A DISTANCE OF 128.46 FEET TO AN ETCHED X IN CURB FOUND; THENCE S 89°39'42" W, A DISTANCE OF 14.99 FEET TO A NAIL/WASHER FOUND; THENCE S 00°20'18" E, A DISTANCE OF 59.73 FEET TO A NAIL/WASHER FOUND; THENCE S 89°40'42" W, A DISTANCE OF 507.04 FEET TO A ROD AND CAP SET; THENCE S 00°20'18" E, A DISTANCE OF 198.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SR-92 (HIGHLAND HIGHWAY); THENCE ALONG SAID RIGHT-OF-WAY LINE S 89°39'42" W, A DISTANCE OF 10.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 00°20'18" W, A DISTANCE OF 198.42 FEET TO A ROD AND CAP SET; THENCE S 89°40'42" W, A DISTANCE OF 148.99 FEET TO THE POINT OF BEGINNING. SAID COMBINED PARCELS CONTAINING 9.436 ACRES OF LAND, MORE OR LESS.

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 AND INDICATED HERON 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 WHEREOF WE HAVE SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20

MNG HIGHLAND DEVELOPMENT, LLC  
A CALIFORNIA LIMITED LIABILITY COMPANY  
BY: MNG MANAGEMENT LLC,  
A CALIFORNIA LIMITED LIABILITY COMPANY

ITS: MANAGER

BY: DARON YOUNG  
ITS: MANAGER

SBP HOLDINGS RESERVE, LLC  
A UTAH LIMITED LIABILITY COMPANY  
BY: SBP HOLDINGS RESERVE, LLC,  
A UTAH LIMITED LIABILITY COMPANY

ITS: MANAGER

BY: PAUL KROFF  
ITS: MANAGER

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF  
SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO  
ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON  
THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND  
CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

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)

## HIGHLAND CITY ATTORNEY

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 HIGHLAND CITY ATTORNEY

## 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 THE 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 BINDING DEVELOPMENT CODE. IT IS THE RESPONSIBILITY OF THE BUYER TO DO THEIR DUE DILIGENCE IN OBTAINING ALL ACCURATE INFORMATION AND/OR REGULATIONS THAT MAY DIRECTLY OR INDIRECTLY AFFECT THE USE OF PROPERTY PRIOR TO PURCHASING OR CONTRACTING TO PURCHASE ANY PROPERTY ANYWHERE. CONDITIONS OF APPROVAL CONVEYED ON THIS PROPERTY BY THE LEGISLATIVE BODY OF HIGHLAND CITY, WHICH ARE IN ADDITION TO THE DEVELOPMENT CODE, ARE AS FOLLOWS:

- 1) LANDSCAPING AND CONSTRUCTION MATERIALS OF ANY TYPE ARE NOT PERMITTED UPON OR WITHIN THE STREET, CURB & GUTTER, PARK STRIP OR SIDEWALK (STREET RIGHT-OF-WAY) WITH THE EXCEPTION OF THE PARK STRIP WHICH REQUIRES 75% TO BE LANDSCAPED.
- 2) 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.

## MID-TOWN HIGHLAND MARKETPLACE

### SUBDIVISION - AMENDED

A VACATION OF LOTS 1 AND 2 OF HIGHLAND MARKETPLACE

FINAL PLAT

LOCATED IN THE NW QUARTER OF SECTION 36

TOWNSHIP 4 SOUTH, RANGE 1 EAST

SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 60 FEET

CLERK-RECORDER SEAL CITY ENGINEER SEAL UTAH COUNTY RECORDER SEAL

SURVEYOR'S SEAL NOTARY PUBLIC SEAL

## MID-TOWN HIGHLAND MARKETPLACE SUBDIVISION - AMENDED

A VACATION OF LOTS 1 AND 2 OF HIGHLAND MARKETPLACE

LOCATED IN THE NW QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

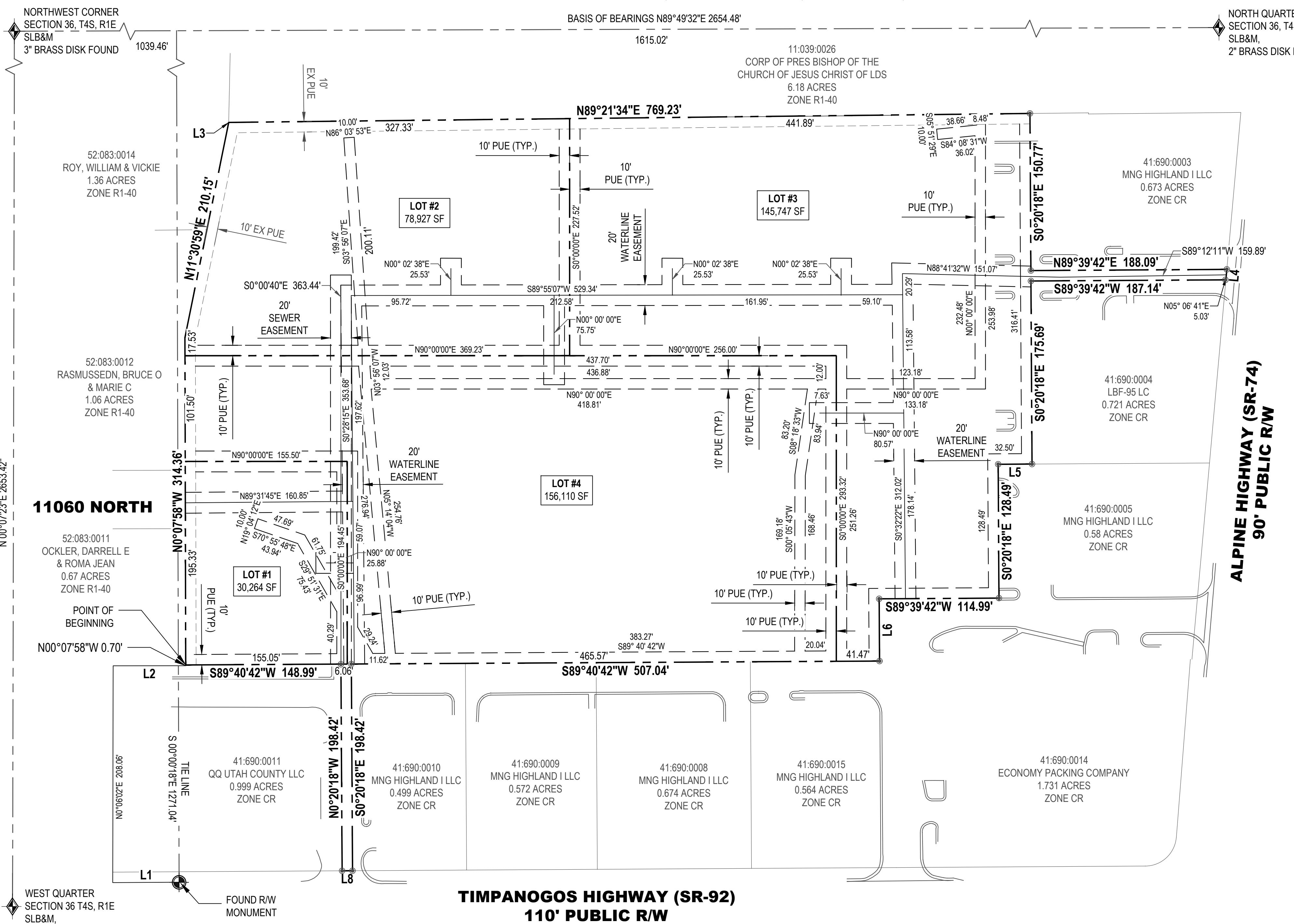
BASIS OF BEARINGS N89°49'32"E 2654.48'

1615.02'

NORTH QUARTER SECTION 36, T4S, R1E

SLB&M, 2" BRASS DISK FOUND

1039.46'

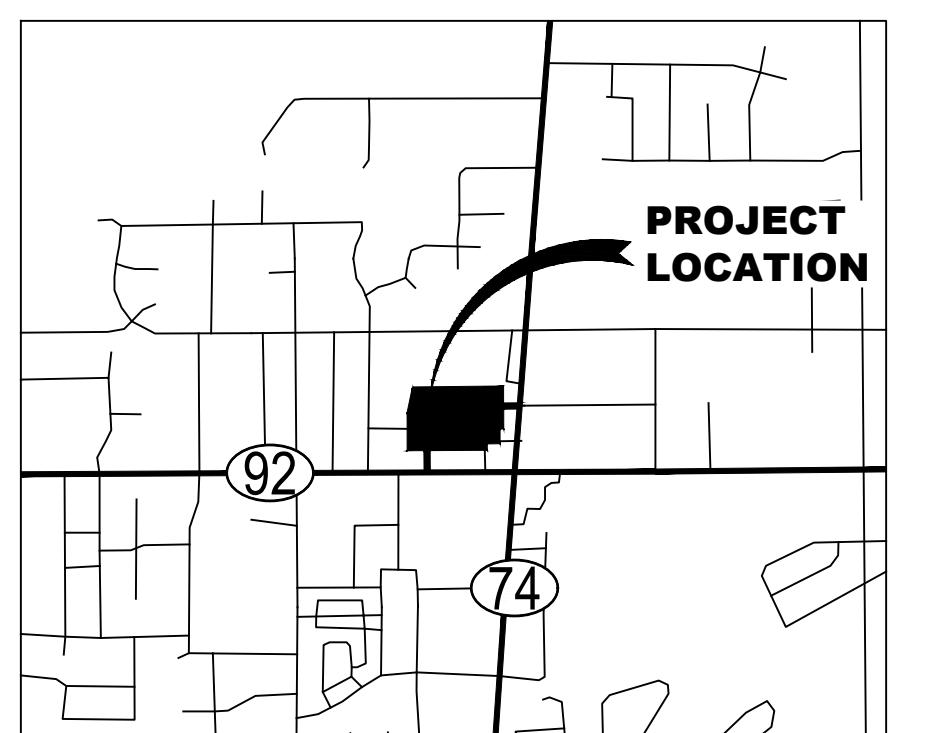


### LOT INFORMATION

	ADDRESS	SIZE
LOT #1		30,264 SF
LOT #2		78,927 SF
LOT #3		145,747 SF
LOT #4		156,110 SF

### LINE TABLE

LINE #	LENGTH	DIRECTION
L1	63.54	S89° 39' 42" W
L2	69.66	N89° 54' 02" E
L3	0.41	N00° 42' 32" E
L4	10.05	S05° 06' 41" W
L5	32.50	S89° 39' 42" W
L6	59.73	S00° 20' 18" E
L8	10.00	S89° 39' 42" W



### EXISTING SITE DATA

EXISTING ZONING	CR
TOTAL ACREAGE	9.436 ACRES

### TWENTY (20) FOOT WATERLINE EASEMENT

DESCRIPTION OF THE EASEMENTS: THE INTENT OF THE TWENTY (20) FOOT WATERLINE EASEMENT SHOWN HEREON IS TO PROVIDE EASEMENT FOR THE LOCATION(S) OF THE WATER LINE(S), VALVES AND HYDRANTS UPON INSTALLATION. THE PHYSICAL LOCATION(S) OF INSTALLED WATERLINES, VALVES AND HYDRANTS SHALL SERVE AS THE CENTERLINE OF THE EASEMENT.

OWNER: MID-TOWN NATIONAL GROUP  
415 S CEDROS AVENUE  
SOLANA BEACH, CA 92075  
PHONE: (858) 546-0033  
CONTACT: JOE HAM

### LEGEND

- SECTION MONUMENT
- EX STREET MONUMENT
- CONTROL POINT
- EX REBAR & CAP OR NAIL/WASHER
- EX PROPERTY BOUNDARY
- PROP PROPERTY BOUNDARY
- EX PUBLIC UTILITY EASEMENT
- PROP PUBLIC UTILITY EASEMENT

20 FT WATERLINE EASEMENT - CITY IS  
RESPONSIBLE FOR REPLACEMENT OF  
IMPROVEMENTS IN ASPHALT AREAS ONLY (CITY  
WILL NOT BE RESPONSIBLE FOR REPLACEMENT OF  
CURBS, LANDSCAPE, AND OTHER IMPROVEMENTS  
THAT ARE AFFECTED BECAUSE THE WATERLINE  
DEVIATES FROM ASPHALT PARKING/ROADWAY)

THE PROPERTY(S) SHOWN HEREON THIS PLAT ARE  
SUBJECT TO A BLANKET EASEMENT IN FAVOR OF  
THE CITY OF HIGHLAND, UT FOR THE CITY TO BE  
ABLE TO INSPECT THE STORMWATER FACILITIES  
EVERY 5 YEARS, ALLOWING ACCESS TO PRIVATE  
ROADS AND STORMWATER FACILITIES FOR  
INSPECTION AND MAINTENANCE.



# CITY COUNCIL AGENDA REPORT

## ITEM #7

**DATE:** April 18, 2023

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Kellie Smith, Planner & GIS Analyst

**SUBJECT: DISCUSSION:** Canterbury North and Highland Hollow Encroachment

**TYPE:** LAND USE (LEGISLATIVE)

### **PURPOSE:**

The City Council will consider possible maintenance agreements, encroachment enforcement, or the sale of public property in the Canterbury North and Highland Hollow subdivisions. This item is for discussion only.

### **STAFF RECOMMENDATION:**

Staff recommends the City Council give staff direction regarding whether or not to allow maintenance agreements, enforce encroachment, or bring back a resolution to the Council to allow for sale of property in the Canterbury North and Highland Hollow subdivisions. If the Council would like staff to prepare a resolution, staff recommends the Council determine which properties should be sold.

### **PRIOR COUNCIL DIRECTION:**

On August 2, 2022, the City Council directed staff to prioritize the Highland Hollow subdivision and then to continue with Council Member Bills providing a prioritization list to staff.

### **BACKGROUND:**

Staff has worked with Council Member Bills to determine the next subdivisions for staff to enforce encroachment. On March 7, 2023, staff provided an update to the Council regarding what has been completed so far and next steps:

#### *Highland Hollow Conservation Easement Encroachments*

Staff continues to work with the residents in Highland Hollow that have encroached next to Dry Creek. Four (4) site visits have been held, one (1) remediation plan has been approved, and two (2) more residents will be met with this spring.

#### *Wimbleton*

Staff has recently received the surveyed locations of the utilities running throughout the Wimbleton open space. The City Engineer and Public Works Superintendents are working together to come up with a recommendation regarding how much property should be kept around these utility lines for the benefit of Highland City. This recommendation will be brought to the Council in an upcoming meeting.

The next subdivision to be reviewed by the City Council is Canterbury North and the remaining properties in Highland Hollow. Following these subdivisions will be several subdivisions throughout the City that have two to three encroachments per subdivisions (Quail Hollow, Hidden Oaks, Meadow Lark Dr, Mercer Hollow, and Highland Town Center Meadows)

#### **STAFF REVIEW:**

See Attachment #1 for a map of the types of encroachments in Canterbury North and Highland Hollow. See Attachment #2 for a map of staff's recommendations to the Council for each encroachment. See staff's written summary of recommendations below.

#### *Maintenance Agreements*

For the encroachments on property involving an existing or future trail, staff recommends the Council allow the residents to enter into maintenance agreements that meet the current maintenance agreement requirements. Part of the agreement would be for the resident to understand that the City is not liable for any removal or damage of their improvements due to trail maintenance (crack sealing, snow removal, etc.) or future trail construction. Staff also recommends the maintenance agreements adjacent to the future trail only be permitted up to the existing dirt trail.

There is one (1) City owned parcel off of 10400 N that staff recommends the City Council allow for maintenance agreements. This parcel is part of the Highland Hollow subdivision. It is not related to nor adjacent to a park or trail. The Public Works department determined that there was a need for this parcel for drainage at the time the subdivision was developed.

#### *Removal of Encroachment*

Staff recommends that all encroachments onto City property involving the future park by Dry Creek be removed, and no sale of property nor maintenance agreements be allowed.

There were several properties along the Murdock Canal Trail that the Council approved for sale in 2021. All but three (3) property owners have purchased. Two (2) of the three (3) property owners are encroaching onto the City property that they did not purchase. Staff recommends the Council give them the option to either purchase, or remove the encroachment.

#### *Disposal of Public Property*

Staff does *not* recommend that the City Council sell any of the Highland City property in the Canterbury North nor Highland Hollow subdivisions.

#### **FISCAL IMPACT:**

Dependent on Council's decision of encroachment enforcement, the City may see

additional proceeds for maintenance agreements and/or property sales.

**ATTACHMENTS:**

1. Map of Types of Encroachment in Canterbury North and Highland Hollow Subdivisions
2. Map with Staff Recommendations

# ATTACHMENT #1:

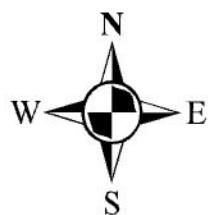


## HIGHLAND CITY

### Open\_Space\_Encroachment

#### EncroachmentType

- <Null>
- Concrete, Retaining, & Trees
- Curbing, Trees, & Mulch
- Current Maintenance Agreement
- Playset, Trees, & Sod
- Retaining, Gravel, & Sod
- Rock
- Sod, Curbing, & Trees
- Sod, Play Structure, Shed, & Curbing
- Sod, Trees, & Trampoline
- Sports Court, Curbing, Trees, Sod, & Trampoline
- Trees
- Trees & Irrigation
- Trees & Shrubs
- Trees & Sod
- Trees & Weed Barrier
- Trees, Shrubs, & Sod
- Trees, Sod, & Fence
- Trees, Sod, Fire Pit, & Path
- Weed Barrier & Cinder



## ATTACHMENT #2:

### HIGHLAND CITY

#### Open\_Space\_Encroachment

##### Recommendation

- <Null>
- MA (20' Corridor)
- MA (30' Corridor)
- MA (Current)
- MA (Future Trail)
- MA (Potential City Use)
- Remove (Approved for Sale)
- Remove (Future Park)

MA - Maintenance Agreement

Remove - Remove Encroachment

(no option for maintenance agreement or purchase)

